CITY COUNCIL MEETING AGENDA

December 7, 2009

Council Meeting, 1st Floor

7:00 p.m.

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

PAGE NO.

1. CALL TO ORDER

2. EXECUTIVE SESSION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. AGENDA CONFIRMATION

6. 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.

7. CORRESPONDENCE FOR THE RECORD

a. Response from Lisa Clausen, Government Relations Specialist, to Email Dated November 19, 2009 from Eric Dickman, Artistic Director for Burien Little Theatre, Regarding Use of City's Television and Radio to Promote Arts Events. 3.

b. Email Dated November 29, 2009, from Nathan Brandal Regarding King County Animal Control Services. 5.

8. PRESENTATIONS

a. Introduction of Steve Gilbert, Executive Director of Discover Burien.

b. Presentation by Hiller West, American Planning Association Washington Chapter, of Award for Implementation of Burien Town Square.

9. CONSENT AGENDA

a. Approval of Vouchers: None.

b. Approval of Minutes: Council Meeting, November 23, 2009. 7.

COUNCILMEMBERS

Joan McGilton, Mayor **Sue Blazak, Deputy Mayor** **Rose Clark**
Kathy Keene **Lucy Krakowiak** **Sally Nelson** **Gordon Shaw**

10. BUSINESS AGENDA	a. Presentation by King County Representative and Discussion Regarding Puget Sound Park.	11.
	b. City Manager's Report.	13.
	c. Motion to Adopt Ordinance 527, Establishing March 2, 2010, as the Effective Date of the North Highline South Annexation.	31.
	d. Adoption of Ordinance No. 526, Amending the 2009-2010 Biennial Budget.	41.
	e. Discussion of Draft Ordinance 528, Related to 2009 Comprehensive Plan Text and Map Amendments.	61.
	f. Discussion of Proposed Northeast Redevelopment Area (NERA) Zoning Code Amendments.	175.
	g. Discussion of Amendment to BMC 14.10.050, Modifying Existing SEPA Planned Action Provisions for the Northeast Redevelopment Area.	209.
	h. Discussion on Proposed Amendment 4 to the Waste Management Contract Dated June 1, 2004.	215.
11. COUNCIL REPORTS		
12. ADJOURNMENT		

From: Council
Sent: Wednesday, November 25, 2009 1:40 PM
To: eric@edickman.com; Council
Cc: Joan McGilton
Subject: RE: Use of the City's Television and Radio to Promote Arts Events

Dear Mr. Dickman:

I have been asked to respond to your email correspondence of November 19, 2009. Your email and this reply will be included in the Correspondence for the Record for the next City Council meeting.

While your desire to publicize the Burien Little Theater is understandable, a staff committee responsible for the City's external communications has concluded that if a City radio, TV or website promotional opportunity is provided to one entity it must be provided to all who ask, whether or not it is an organization that the City might wish to support or promote. Therefore the staff committee has determined that the City should exercise caution and not provide such an opportunity to any outside organizations.

Thank you-

Lisa Clausen
Burien City Manager's Office

-----Original Message-----
From: Eric Dickman [mailto:eric@edickman.com]
Sent: Thursday, November 19, 2009 6:29 PM
To: Council
Cc: Joan McGilton
Subject: Re: Use of the City's Television and Radio to Promote Arts Events

Dear Council,

As you know the City of Burien operates a radio station and a cable television station. Burien Little Theatre has wanted to promote its performances through these outlets, but has been told that the City does not want this.

Before the beginning of Burien Little Theatre's 29th season, BLT contacted Dean Tatham about promoting BLT's productions, including its free play readings on the City's radio station. BLT offered to record the message (BLT has people with voice-over experience). Of course, the message quality and content would have to be approved before it could be broadcast. At that time, BLT was told that because the radio station was, in the most part, for emergency messages, the City did not want non-City events promoted on the City's radio station.

Since that time, Burien Little Theatre has been working with a professional videographer to produce a short 1 to 2 minute promotional video for each of BLT's productions. The upcoming "Christmas with the Crawfords" (opening November 27 and running through December 20 / http://www.burienlittletheatre.com/page2.html) is the first show where this has worked out. BLT will have its promotional video ready during the first week of December.

Burien Little Theatre contacted Mr. Tatham about airing this short video on the City's cable television station. BLT had heard that the City's cable television station was often looking for content. While confirming that the City's cable television station is looking for content

CFTR: 12/7/09

BLT was told the City rejected the idea of showing a Burien Little Theatre's promotional video on the City's cable television station.

BLT does not know why BLT's request was denied. However, because the City operates this cable television station and the station appears to be looking for content, BLT would like to see if the Council would look at this decision.

As the Council knows, there are a number of non-profit arts organizations in Burien. They are always looking for a way to get the word out about their programming. Many local merchants have postcards and posters up about events. In Burien Little Theatre's case, this is true. It is also true that Burien Parks, Recreation and Cultural Affairs will sometimes put BLT posters in the kiosks in and around downtown.
However, a very powerful marketing tool is going unused. It seems very logical that the City would want to promote cultural events being produced by local non-profit organizations. The City could support its local non-profits at no or next to no cost if the City allowed the broadcast of information about these events on either the City's radio station or cable television station.

Once again, the City should have the right to review material and make sure the quality of the promotional material is of high enough quality to justify broadcast, and it is understandable to limit broadcast to local non-profit arts organizations that are holding events open to the general public. However, a blanket refusal to use the City's mass media outlets to support local non-profit arts organizations seems counterproductive and not in the spirit of support for the arts.

As the Council has seen, whenever possible, I come before the Council ahead of BLT's productions to tell the Council what BLT is up to. I have seen the ticket sales and number of hits to BLT's website
(http://www.burienlittletheatre.com) rise after I appear before the council. I can only guess at the positive impact of playing a short clip of Burien Little Theatre's productions would have on spreading the word about these productions. Broadcast of the promotional video on the City's cabled television station would also allow those who have not yet made it to one of BLT's productions to get a sense of the high quality of those productions.

I request that the Council consider allowing local non-profit organizations to have access to the City's radio station and or cable television station to promote local events open to the general public, provided the local non-profit produces the material to be broadcast and those promotional materials are of a high enough quality to justify broadcast.

Thank you.

Eric Dickman
Artistic Director for Burien Little Theatre

Lisa Clausen

5

From: Council
Sent: Monday, November 30, 2009 9:57 AM
To: 'Nathan Brandal'
Subject: RE: King County Animal Control Services

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

L. Clausen
Burien City Manager's Office

From: Nathan Brandal [mailto:nbrandal@gmail.com]
Sent: Sunday, November 29, 2009 9:23 PM
To: Monica Lusk; Council; Sue Blažak; Rose Clark; Kathy Keene; Lucy Krakowiak; Joan McGilton; Sally Nelson; Gordon Shaw; Steve Botkin; Adriene Buckley; Lisa Clausen; Mike Martin; Janet Stallman; Kathy Wetherbee; Dick Loman; Karen Ferreira; Angie Chaufty
Subject: King County Animal Control Services

To:
Mayor and City Council Members of
Burien,Wa,

My name is Nathan Brandal, a citizen of Kirkland,Wa and a volunteer with King County Animal Care & Control as a morning dog walker. I saw recently in the Kent Reporter that there is being discussed within the Suburban Cities Association a proposed regional agency for animal control. I want to greatly encourage you to support this model, as it would be the most cost-effective model during a time of recession. I believe the current officers in animal control are best suited to continue this vital service. It would be a greater resource and financial burden for all the current contracting cities to establish their own separate animal control models.

I would like you to watch this video put out by King County TV showing the daily workload of an animal control officer. As you can tell by this video this is a burden of public

CFTR: 12/7/09

safety and health that cannot solely be pushed onto our police officers. The police, though highly qualified peace officers, cannot be stretched further when we have men and woman who specialize in the animal care and control field.

King County TV YouTube Video - King County Animal Control Officer

I ask you to consider supporting a regional sheltering model that will keep the animal control shelters as public open admission shelters. Please continue to work with all contract cities' leadership and King County Animal Control to provide a nice transfer of service. Please contact shelter Sgt. John Diel with your questions at acoguild@comcast.net.

Respectfully,

Nathan Brandal
nbrandal@gmail.com
206-779-7501

CITY COUNCIL MEETING MINUTES

November 23, 2009

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor

For the purpose of holding an Executive Session to discuss litigation and real estate per RCW 42.30.110(1i&b)

6:30 p.m.

and

Council Meeting, 1st Floor

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 a DVD of the meeting from the City Clerk, (206) 241-4647*

SPECIAL MEETING

Mayor McGilton called the Special Meeting of the Burien City Council to order at 6:30 p.m. for the purpose of holding an Executive Session to discuss litigation and real estate per RCW 42.30.110(1i&b).

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; and Christopher Bacha, Interim City Attorney.

No action was taken.

The Executive Session was adjourned at 6:55 p.m.

CALL TO ORDER

Mayor McGilton called the meeting of the Burien City Council to order at 7:02 p.m.

EXECUTIVE SESSION

An Executive Session was held prior to the meeting as noted above.

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; Richard Loman, Economic Development Manager; Tabatha Miller, Finance Director; Gary Coleman, Accounting Manager; Scott Greenberg, Community Development Director; 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 November 23, 2009, Agenda.

PUBLIC COMMENT

Eric Dickman, Burien Little Theatre, P.O. Box 48121, Burien
Mr. Dickman announced the upcoming performance at the Burien Little Theatre, *Christmas with the Crawfords* and the free readings of *The Christmas Story*.

Councilmember Nelson left the dais at 7:05 p.m.

CORRESPONDENCE FOR THE RECORD

a. Response from Doug Lamothe, Project Manager, to Email Dated October 7, 2009, from Chris Reed Regarding 1st Avenue South Project—Phase 1.
b. Response from Tabatha Miller, Finance Director, to Email Dated November 2, 2009 from Brent Volle Regarding Property Tax Increase!
c. Email Dated November 4, 2009, from Nate Galbreath Regarding Approve the Galaxy Theater for Burien!!!!
d. Email Dated November 6, 2009, from Eric Dickman Regarding Burien Little Theatre as Part of Movie Complex.
e. Response from Lisa Clausen, Burien City Manager's Office, to Email Dated November 7, 2009, from Paul Hood Regarding Seattle to Burien.
f. Email Dated November 12, 2009, from Jordan Pomeroy Regarding Recent Murder.
g. Email Dated November 16, 2009, from Jan Rasmussen Regarding Movie Theatre/Hotel.

PRESENTATIONS

Presentation by Kris Mason, Interim Director, on Puget Sound Welcome Back Center

Kris Mason stated that the Center's goal is to help internationally trained health care professionals living in Washington re-enter the health care field. The Center's sponsors are Highline Community College, BuRRST for Prosperity and the State Board for Community and Technical Colleges. The services and benefits were noted.

Ms. Mason introduced Jorgo Birri, a participant in the Center. Mr. Birri spoke to his previous health care career in Ethiopia and the challenges of entering the health care profession in Washington.

Councilmember Nelson returned to the dais at 7:18 p.m.

CONSENT AGENDA

a. Approval of Vouchers: Numbers 23526 - 23664 in the Amount of $1,367,458.14 with Voided Check No. 23646.
b. Approval of Council Meeting Minutes: November 2, 2009; November 9, 2009.

Follow-up
Staff will provide the number and current condition of the fire hydrants in the City.
Direction/Action
Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson, and passed unanimously to approve the November 23, 2009, Consent Agenda.

BUSINESS AGENDA
City Manager's Report

Follow-up
Staff will place the King County Metro brochure entitled *Metro & Snow: 3 Things You Should Know* on the City's website and TBC21.

Motion to Authorize City Manager to Execute a Loan Guaranty in Substantially the Form Attached for the Environmental Science Center (ESC) and Approve Amendments to Operations, Maintenance and Management Agreement for the Future ESC Facility

Direction/Action
Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson to authorize the City Manager to execute the Commercial Guaranty and approve the amendments to the Operations, Maintenance and Management Agreement of the ESC. **Motion** rescinded by Deputy Mayor Blazak and Councilmember Nelson.
Follow-up
Staff will continue to work with ESC on agreeable language for future loans applications.

Second Public Hearing on Revenue Sources and Expenditures for 2009-2010 Mid-Biennial Budget Review and Update

Mayor McGilton opened the public hearing at 7:56 p.m.

Roger DeLorm, 13254 2nd Avenue SW
Mr. DeLorm suggested reducing staff in the Code Enforcement Office.

There being no further comments, Mayor McGilton closed the public hearing at 7:59 p.m.

Establishing Substantive Need for Increasing the Property Tax Levy Up To 1% and Adopting the 2010 Property Tax Levy

Direction/Action
Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson, and passed unanimously to adopt Resolution No. 306, making a declaration of substantial need for purposes of the setting the limit factor for the property tax levy for 2010.
Direction/Action
Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson, to adopt Ordinance No. 524, setting the 2010 property tax levy. **Motion** passed 5-2. Opposed, Councilmembers Krakowiak and Shaw.

Adoption of Ordinance No. 526, Amending the 2009-2010 Biennial Budget

Follow-up
Staff will schedule consideration of proposed Ordinance No. 526 when matters regarding annexation are in order.

Motion to Adopt Proposed Resolution No. 307, Adopting the 2010 through 2015 Six-Year Transportation Improvement Program

Direction/Action

Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson, and passed unanimously to approve Resolution No. 307, adopting the 2010 through 2015 Six-Year Transportation Improvement Program.

Motion to Adopt Ordinance 527, Establishing March 2, 2010, as the Effective Date of the North Highline South Annexation

Direction/Action

Motion was made by Deputy Mayor Blazak, seconded by Councilmember Nelson, to adopt Ordinance 527, establishing March 2, 2010 as the effective date of the North Highline South Annexation. **Motion** rescinded by Deputy Mayor Blazak and Councilmember Nelson.

Follow-up

Staff will schedule consideration of proposed Ordinance No. 527 when the status of the park located at 1st Avenue South and SW 128th Street is known.

Discussion of Proposed Northeast Redevelopment Area (NERA) Comprehensive Plan and Zoning Amendments

Follow-up

Relating to the proposed repealing of Burien Municipal Code 18.130, staff will provide information on the amount, ownership, zoning, and potential use of publicly owned property in the City, and the previous list of identified potential uses. Staff will also provide information on possible liability issues regarding the zoning in the proposed Professional/Residential area.

Deputy Mayor Blazak left the dais at 9:00 p.m.

COUNCIL REPORTS

Councilmember Keene reported on the Association of Washington's Legislative Committee meeting she attended on November 20.

ADJOURNMENT

Direction/Action

MOTION was made by Councilmember Nelson, seconded by Councilmember Krakowiak, and passed unanimously to adjourn the meeting at 9:20 p.m.

_____
Joan McGilton, Mayor

_____
Monica Lusk, City Clerk

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Presentation by King County Representative and Discussion Regarding Puget Sound Park		**Meeting Date:** December 7, 2009
Department: City Manager	**Attachments:**	**Fund Source:** **Activity Cost:** **Amount Budgeted:** **Unencumbered Budget Authority:**
Contact: Mike Martin		
Telephone: (206) 248-5503		
Adopted Initiative: Yes No X	**Initiative Description:**	

PURPOSE/REQUIRED ACTION:
The purpose of this agenda item is for Council to receive and discuss a presentation made by a King County Representative regarding Puget Sound Park.

BACKGROUND (*Include prior Council action & discussion*):

OPTIONS (*Including fiscal impacts*):

n/a

Administrative Recommendation: n/a

Committee Recommendation: n/a

Advisory Board Recommendation: n/a

Suggested Motion:
n/a

Submitted by:
Administration _____ **City Manager** _____

Today's Date: December 2, 2009	**File Code:**

Burien

Washington, USA

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

MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Mike Martin, City Manager
DATE: December 7, 2009
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. Burien Transit Center wins "Best Small Project" – *Northwest Construction* Best of 2009 Awards

Northwest Construction recently completed the judging process for its Best of 2009 awards competition. The annual contest recognizes construction and design excellence in Oregon, Washington and Alaska. This year's competition received a record-breaking number of entries. Eighty-five projects vied for honors, the most ever received.

The winning projects will be honored at an awards breakfast December 11 at 7:30 a.m. at the Seattle Waterfront Marriott. The project team includes: INCA Engineers, VIA Architecture, Tres West Engineers, AKB, Karen Kiest Landscape Architects, Julie Berger (public artist), and Pellco Construction.

B. Southwest King County Economic Initiative (SKCEDI) Retail Roundtable – November 18, 2009

Councilmember Gordon Shaw and Economic Development Manager Dick Loman represented Burien at the Retail Roundtable organized by Allison Clark, SKCEDI Economic Development Specialist. The event took place at the Foster Golf Links and Tukwila Mayor Jim Haggerton provided the welcome address to this group of about twenty local property owners and commercial brokers. Tom Sroufe attended from Burien, representing the Redwood Center owner, Wesbild Shopping Centers. Burien commercial leasing brokers included Steve Cook, Larry Hoff and Craig Roberts.

C. Meeting with Representative Orwall – November 20, 2009

Economic Development staff attended a meeting here at City Hall with David Johnson, CEO of Navos, Teresa Trillo, from the Nursing Faculty at Highline Community College and State Representative Tina Orwall. Representative Orwall is considering the possibility of introducing a bill that would help remove barriers for students interested in pursuing a career in nursing. Our Wellness Cluster initiative had been brought to her attention and she asked for the meeting. The conversation revolved around the many challenges facing the health care industry at this time and the problems in our educational system state wide, that limit the opportunities for nursing careers.

D. Meetings Regarding Improvement of State Route 518

The City's Government Relations staff has assisted the City Manager with recent meetings related to the City's ongoing effort to redevelop the Northeast Redevelopment Area (NERA). The major topic of discussion with other cities on the SR 518 corridor, and the Port of Seattle and Washington State Department of Transportation (WSDOT), concerns the potential for improving the interchange at SR 518 and Des Moines Memorial Drive. The goal would be to improve access to the NERA and encourage commercial development that would be more "airport-compatible."

E. Commercial Recycling Program Continues Expanding

For the past several years, the City has contracted with Samantha Wilder and Wilder Environmental to educate and encourage our businesses to recycle. Ms. Wilder has just finished working with the owner of the Binyon Vision Building to set their tenants up with Waste Management's Commercial Recycling Program. Burien's commercial recycling program continues to expand.

F. Burien's Shorelines Discussed at Community Open House

The Shoreline Advisory Committee's draft Shoreline Master Program was introduced to the community on the evening of November 30th at an open house in the Council Chamber hosted by the Department of Community Development.

More than 70 community members circulated between stations that offered information about a variety of shoreline-related topics, picking up handouts and asking individualized questions of the staff and consultant team. The open house was staffed by David Johanson, Chip Davis, Elizabeth Ockwell, Susan Coles and our consultants. Members of the Shoreline Advisory Committee also were present and helped disseminate information about the draft program.

The open house provided an excellent opportunity to share information about the draft Shoreline Master Program and the next steps in the process. Soon the draft program will be presented to the Planning Commission, which will conduct a hearing and formulate a recommendation to the City Council. The Shoreline Advisory Committee's draft Shoreline Master Program is available on the City's website; printed copies are available at City Hall.

G. Employee Benefit Fair

On November 30th, five of our employee benefit providers visited the City of Burien to participate in an Employee Benefit Fair. The purpose of the Fair was to provide employees with in-depth information about their benefit plan features and their available tools, provide one-on-one access to the vendors in order to receive information about specific situations, and to kick-off our annual Open Enrollment period. The day included four benefit-related workshops, private consultations with the benefit providers, and a benefit fair. Each event was well attended and appreciated by the employees.

H. 2009 Wellness Program Activity Report (Pg. 19)

Attached is the 2009 Wellness Program Activity Report for the City. The 2009 program was designed to provide a variety of activities and interventions that target the primary health risks and interests of our employees, specifically nutrition, stress, and/or fitness. To this end, a combination of awareness activities, health education, motivational activities, behavior change programs, and cultural support activities were offered.

Here is a brief overview of the 2009 program:

- 3 Health screenings offered (On-site hearing tests, ergonomic reviews, and an on-line health questionnaire),
- 3 General trainings conducted (CPR; Financial Management; and A Better Night's Sleep),
- 13 Events/programs which included stress reduction components,
- 7 Events/programs focused on increasing physical activity,
- 4 Events/programs focused on improved nutritional habits, and
- 2 Community outreach programs (Relay for Life & Blood Drive).

All but two of the above-listed events (the Financial Management Seminar and CPR Training) were conducted during employee non-work hours.

The year-to-date Wellness expenditures total $845.78. Of that, the City paid $428 while $418 (49%) was funded through grants. An average of $14.83 per employee was spent. Thanks to the grants, the actual cost to the city, per employee, was only $7.50.

I. Community Oriented Policing Services (COPS) Grants Projects

The IT Division is gearing up to begin work on two projects that are being funded through the COPS Communications Technology Grant that we recently received. This grant is from the Federal Office of Community Oriented Policing Services (COPS) and is to be used to enhance our emergency communications abilities.

The first project is a reverse 911 system. This valuable tool allows emergency personnel to rapidly notify citizens in a specific geographical area by telephone. The capability to disseminate critical information in a very rapid manner with minimal staff means safety to residents and businesses alike. Personnel who would be pulled away from assignments to conduct door-to-door notification may remain at strategic posts or to respond as needs arise during a crisis. Citizens are alerted in a more timely fashion about critical events allowing them additional and sometimes crucial time to take action, such as evacuating in the case of eminent natural disasters.

The second project will replace our nearly obsolete 800Mhz radios with newer 700Mhz technology radios. Our existing radios were purchased prior to 2004 and cannot be updated to achieve interoperability with other jurisdictions.

These projects are scheduled to be completed by July 2010 and May 2011, respectively.

J. PaRCS Department Co-Hosts South King County (SoCo) Cultural Coalition Gathering

Staff from the Parks, Recreation & Cultural Services (PaRCS) Department recently co-hosted the bi-monthly SoCo Culture meeting with the Highline Historical Society in the City Hall Council Chambers on November 19. SoCo Culture is comprised of more than 60 cultural organizations (including cities) that co-promote and preserve arts and heritage in south suburban King County. PaRCS staff presented information concerning Burien's Arts Summits and the exciting collaborations that have resulted from this effort. The recently-produced video "Burien: Where We Live Now" was also shown and meeting attendees were given a tour of the B/IAS site. Representatives from neighboring cities were impressed by Burien's successful revitalization efforts and were equally impressed with new City Hall/Library facility.

K. New Gender Equity Law Being Implemented in PaRCS Department

Washington State recently passed a "Fair Play in Community Sports Act" that prohibits discrimination against any person on the basis of sex in the operation, conduct or administration of community athletic programs. Currently the PaRCS Department only directly administers one adult co-recreational athletic league and has always adhered to equal access in all its programs. The new law however requires the Department to document its practices differently; it also requires groups who rent municipal or public athletic facilities to also adhere to the new law for their own league and programs. PaRCS staff is currently notifying all community sports groups of this requirement so that they clearly understand how non-compliance would affect their field scheduling. The new law also affects how school districts manage community use of their facilities.

L. Seniors and Adults benefitting from Computer Instruction

Registration for the PaRCS Department's one-on-one computer tutoring sessions have significantly increased. The program started with two sessions last Spring and currently has eleven sessions scheduled; staff feel it must definitely be meeting a community need.

M. King County Funds for Senior Program

The Senior Program will receive $21,000 from King County in 2010. Although the City had received annual allocations of approximately $45,000 in previous years, County funds for many other cities' senior centers and/or programs were completely eliminated.

N. Moshier Arts Center Going Green

Over the last year, staff and studio rental artists have brainstormed how the facility could use fossil fuels, water, and electricity more efficiently. The dual goal was to reduce landfill waste and save money. As a result, the following measures are being pursued:

- Replacing all lighting with brighter, energy efficient bulbs under a free trial project from Seattle City Light.
- Installing recycled paper towel dispensers.
- Resetting thermostats to 50 degrees overnight to reduce boiler usage.
- Installing two yard-waste bins to recycle paper towels and newspaper, which produce the largest volume of facility waste.

- Replacing paper plates with pottery dishes and plastic ware with silverware.
- Replacing 30-year-old refrigerator with a more energy-efficient used refrigerator.
- Beginning an analysis to save propane consumption that's needed to fire gas kilns.

O. Recreation Program Accommodates School Early Dismissals

To date, the Highline School District has had six more "Early Dismissal" dates this year than at the same time last year. As a result, PaRCS staff have opened up the After School Teen Program on these dates so that students have a safe destination and supervised environment during these non-school times. One free-of-charge recreational trip per month has also been scheduled when this occurs. Approximately 30 middle and high school students have been dropping in each weekday during this school year.

II. COUNCIL UPDATES/REPORTS

A. Councilmember Nelson Honored by Suburban Cities Association

City Councilmember Sally Nelson received special recognition at the annual meeting of the Suburban Cities Association (SCA) of King County on November 18, 2009. Mayor McGilton, Councilmembers Keene and Krakowiak, and the City Manager and Government Relations Specialist joined representatives from more than 30 suburban cities to honor Councilmember Nelson and two other retiring members of other city councils for their years of service on behalf of the SCA. Also at the annual meeting Councilmember Keene and other voting delegates approved the 2010 SCA budget and annual dues for member cities.

B. Disappointing News for Cities' Legislative Committee

Councilmember Keene and other members of the Association of Washington Cities (AWC) Legislative Committee heard discouraging reports at the Committee's final meeting prior to the 2010 legislative session. The Governor's Legislative Director, Marty Brown, presented the most recent revenue figures showing a $2.6 billion projected hole in the current budget, due to declining sales tax and other revenues. He said this amount must be cut from the part of the budget that is not required by law to be funded, so nearly half of that unprotected budget for the last year of the biennium is at risk. This could include the State's Basic Health program, nursing home care for low-income elderly residents, and higher education, and many other programs facing deep reductions or elimination. State Rep. Sharon Nelson (34th District) also provided the Committee an update on potential legislation to help local communities deal with stormwater clean-up costs.

C. Sales Tax Statistics for September 2009 (Pg. 25)

Attached is the September 2009 Sales Tax Report and Revenue Comparison by Category.

D. Advisory Board Meeting Minutes (Pg. 27)

The following approved Advisory Board minutes are attached:

- October 14, 2009 Parks and Recreation Advisory Board

E. Notices (Pg. 29)

The following Notices have been published since the last City Manager Report:

- The City of Burien Hearing Examiner will hold a public hearing on December 10, 2009 at 10:00 a.m. at Burien City Hall, 400 SW 152nd Street, Suite 300, to receive public comments on construction of a ¾ acre asphalt vehicle storage yard for Airport Towing Company at 811 S. 176th St.
- The City of Burien Planning Commission will hold a public hearing on December 15, 2009 at 7:00 p.m. at Burien City Hall, 400 SW 152nd Street, Suite 300, to receive public comments on proposed amendments to the Burien Zoning Code concerning establishing an optional fee-in-lieu of parking program for parking-related improvements in the DC-Downtown Commercial and SPA-1 Old Burien zones.

Wellness Program Activity Report

AWC EMPLOYEE BENEFIT TRUST

Name: Angie Chaufty City: Burien

Reporting Period: __ January – June Return by July 15 __ July – December Return by January 15 X Other: January 1st – December 31, 2009

Keep one copy for your files, send one copy to AWC, and send one copy to your mayor and/or manager.
Return completed form to Jessica Galuska, Health Promotion Specialist, by email at jessicag@awcnet.org, by fax at (360) 753-0148.

Program Type Key:

A = Awareness – Informational handouts, postings, program promotion

M = Motivation – Learn skills, experience success, support of others, personalized information (i.e., videos, speakers, screenings, assessments.)

CS = Cultural Support – Policies and environment that supports health

BC = Behavior Change – Ongoing support for maintaining new behaviors (i.e., multiple session classes, multiple week campaigns, support groups, personal counseling sessions.)

	Program Name & Description	Type (See Key above)	Dates	# of Potential Participants	# of Actual Participants	% of Participation (actual÷potential)	City's Cost	Participant's Cost	Amount of Staff Time	Results Comment on objectives met, participant satisfaction, incentives used & program success.
Communication	Bulletin Boards at all Worksites	A, M,CS	On-going	n/a	n/a	n/a	$0	$0	12 hrs	To improve effectiveness, Bulletin Boards have been moved to more prominent place. They have been an effective means of communication.
	Presentations at Monthly All-Staff Meetings	A,M,CS	Monthly	n/a	n/a	n/a	$0	$0	1	Very effective means of communication as it allows for 2-way interaction. Has been positive marketing tool for future activities. We try to schedule award ceremonies during the all-staff mtg for marketing purposes.
	Wellness Reports at Bi-weekly Departmental Meetings	A,M,CS	Every other week	n/a	n/a	n/a	$0	$0	1	Very effective means of communication as it allows for 2-way interaction.
	Wellness Tips via Email	A,M,CS	Weekly	57	22	38%	$0	$0	1	Effective. Gained two new participants this year. Have heard some discussion of tips amongst employees.
	Worksite Stretching Poster	A,M,CS	5/5	43	43	100%	$0	$0	0.25	Goal to encourage employees to stretch before packing and moving office equipment was accomplished. Saw employees stretching.

	Program Name & Description	Type (See Key above)	Dates	# of Potential Participants	# of Actual Participants	% of Participation (actual÷potential)	City's Cost	Participant's Cost	Amount of Staff Time	Results Comment on objectives met, participant satisfaction, incentives used & program success.
	50 Days In (our new) Office Celebration (DVD of TV Classics & Popcorn)	A,,M,CS	7/6	43	9	20%	$14	$0	1	Very successful, stress relieving program. Stress related handouts distributed. Employees have requested that we run the program monthly through the winter months.
	Wellness Welcome Packets	A,CS	On-going	2	2	100%	$6.36	$0	1	Objective is to inform new employees of Wellness programs. Results still untried as we have only had two new employees.
Health Screenings	On-line health Questionnaire	A,M	Aug – Sept	82 (includes spouses)	45	55%	$0	$0	1	People were at first surprised personal data was not in HQ. Needed to explain where prior personal medical data was stored. Stressed $35 incentive to motivate participation with payroll stuffer reminder.
	On-site Hearing Tests	A,M,CS	2/11	55	25	45%	$0	$0	0.5	Excellent feedback received. Will conduct hearing tests every three years.
	Ergonomic Reviews	A,M,CS, BC	6/1 – 12	43	43	100%	$0	$0	15	Wellness Reps were trained to perform ergonomic reviews. Conducted reviews on all staff in new worksite. Program very successful. Much education occurred. Employees happy with results.
	Blood Drive	A,M,CS	8/24	57	15	26%	$0	$0	1	Nine participants first time donors. Employees expressed desire to continue program. Will conduct 3 blood drives annually, during work hours.
Physical Activity	Snow Shoeing	M,CS	1/24	55	15 (Includes family)	27%	$0	$10	0.5	Very successful, morale-bldg experience. Built camaraderie. Will likely do again.
	National Wear Red Day Walk	A,M,CS	2/6	55	12	49%	$0	$0	1	Distributed recipes, info, and hosted a walk. Very good participation despite the rain.

	Program Name & Description	Type (See Key above)	Dates	# of Potential Participants	# of Actual Participants	% of Participation (actual÷potential)	City's Cost	Participant's Cost	Amount of Staff Time	Results Comment on objectives met, participant satisfaction, incentives used & program success.
	Wii Bowling Tournament	A,M,CS, BC	3/17 – 4/8	55	24	43%	$0	$0	2	Great stress reliever. Promoted taking of breaks, fun culture, and morale building.
	Destination Walk	A,M,CS, BC	6/10	54	3	5%	$0	$0	0.5	Event on a Monday. Many forgot shoes or event. Perception that Indian Trail route was too strenuous. Next time, will choose easier and flatter route.
	Relay for Life	A,M,CS	6/18	56	18 (Includes family)	31%	$0	$0	10	Participants enjoyed event. Experienced considerable support with staff fundraising efforts.
	Unwrapped – Destination Walk	M,CS, BC	7/23	56	8	14%	$21	$0	0.5	Participation acceptable. People wanted organized walks but often forgot the day of the walk or their proper walking shoes.
	"Walk Across America" Self-Walking Program	M,CS, BC	8/17 – 9/13	56	21	37`%	$165	$0	4	Program went very well. Per evaluation, employees more motivated by work on common goal than by incentive prizes. Gained participation by some employees who usually do not participate in the team-environment activities.
	Wii Golf Tournament	A,M,CS, BC	9/28 - 10/23	57	13	22%	$5	$0	1	Great stress reliever. Promoted taking of breaks, fun culture, and morale building.
Health Promotion Education	Financial Management Workshop	A,M,CS	1/12	54	14	25%	$0	$0	1	People very pleased with speaker and information presented. Lots of tidbits shared.
	National Wear Red Day	A,M,CS	2/6	54	38	70%	$0	$0	1	Strong support for this event. Recipes and heart health information distributed.
	Secret Pal Week	CS	2/9-13	54	12	22%	$0	$20	0.5	Need to re-do program if we offer it again. Program rules need updated and clarified. Meant to build camaraderie. Program's current structure does not allow for measuring

Program Name & Description	Type (See Key above)	Dates	# of Potential Participants	# of Actual Participants	% of Participation (actual÷potential)	City's Cost	Participant's Cost	Amount of Staff Time	Results Comment on objectives met, participant satisfaction, incentives used & program success.
									success.
Feelin' Fine in '09	A,M,CS, BC	1/29 – 3/9	54	16	29%	$85	$0	2	Difficult to motivate employees due to on-line tracking of participation. We were not really sure who was participating. 16 started the program but only 11 completed it.
Moovers Survival Kits	A,M,CS	5/18	43	43	100%	$196.44	$0	4	Great stress reliever. Set stress-free and relaxed tone for moving day.
Unwrapped	A,M,CS, BC	7/6 – 31	56	17-Started 8-Finished	30%	$59.09 Lunch & Learns' costs listed below	$0	8	Weekly programs well received. Need to find new method of motivation due to individual nature of program. Almost half of participants dropped out of program after two weeks.
Unwrapped – Produce Paradise & Exotic Treasures (Field Trip to Fred Meyer's Produce Section)	A,M,CS, BC	7/16	55	8	14%	$15	$0	Incl. Above	Employees pleased with information gained. Learned to pick ripe fruit and veggies. Raffled a $15 produce basket.
Unwrapped – Incorporating Veggies into Recipes (Cooking Demonstration)	A,M,CS, BC	7/30	55	15	27%	$37.37	$0	Incl. Above	Employees liked recipes and food. Several have made the recipes for their families.
Unwrapped – Organic or Not? (Lunch and Learn)	A,M,CS, BC	8/6	55	12	21%	$10	$0	Incl Above	Good information but speaker not as prepared as could be. Raffled a $10 produce basket.
Get a Better Night's Sleep Sleep Problems: The Basics	A,M,CS	9/17	55	11	20%	$40	$0	0.5	Excellent rating by participants. Incentive was Bed, Bath& Beyond items.
Massage & Reflexology	A,M, CS	Monthly	57	9	15%	$0	$1/minute	2	Excellent rating by participants.

Other Wellness

Program Activity

	Program Name & Description	Type	Dates	# of Potential Participants	# of Actual Participants	% of Participation (actual÷potential)	City's Cost	Participant's Cost	Amount of Staff Time	Results Comment on objectives met, participant satisfaction, incentives used, & program success.
Health Care Consumer Education	Adult & Pediatric CPR Training	A,M	1/27	54	14	25%	$0	$0	0.5	Excellent rating by participants. Offer at least every two years.
	H1N1 Flu Information	A,M	4/27	57	57	100%	$0	$0	0.5	Sent email to inform employees of tips to avoid swine flu. Met objective.

Revised 07/08
Updated 11/16/09

September 2009 Sales Tax Detail

- Year-to-Date 2008 to 2009 ↓ 16.6%
- September 2008 to September 2009 ↓ 18.0%
  - Retail Trade (53.2%) ↓ 5.9%
    - Motor Vehicle & Parts Dealers (20.6% of total) ↓ 22.2
      - » New Car Dealers (16.4% of total) ↓ 29.8%
    - General Merchandise Stores (7.7% of total) ↓ 3.9%
    - Food & Beverage Stores (6.3% of total) ↑ 12.4%
    - Building Material & Garden (4% of total) ↑ 273.4%
    - Electronics and Appliances (1% of total) ↑ 12.6%
  - Construction (14%) ↓ 51.0%
  - Accommodations & Food Service (10.2 %) ↓ 18.0%

City of Burien
September 2009 Sales Tax Revenue Comparison by Category

	September-09	% of Total Revenue	September-08	Difference 2008 to 2009	% Change
Unknown	$ 764	0.2%	$ 757	$ 7	0.9%
Agriculture, Forestry, Fishing	$ 19	0.0%	$ 727	$ (708)	-97.4%
Mining	$ 145	0.0%	$ 220	$ (75)	-34.1%
Construction	$ 48,572	14.0%	$ 99,340	$ (50,768)	-51.1%
Manufacturing	$ 4,655	1.3%	$ 3,340	$ 1,315	39.4%
Wholesale Trade	$ 8,401	2.4%	$ 13,123	$ (4,722)	-36.0%
Retail Trade	$ 185,159	53.2%	$ 200,396	$ (15,237)	-7.6%
Transportation and Warehousing	$ 3,104	0.9%	$ 1,102	$ 2,002	181.7%
Information	$ 13,458	3.9%	$ 13,572	$ (114)	-0.8%
Finance & Insurance	$ 974	0.3%	$ 790	$ 184	23.3%
Real Estate, Rental, Leasing	$ 5,964	1.7%	$ 6,879	$ (915)	-13.3%
Prof, Sci, Technical Services	$ 3,792	1.1%	$ 4,247	$ (455)	-10.7%
Admin, Support, Remedy Services	$ 4,255	1.2%	$ 5,328	$ (1,073)	-20.1%
Educational Services	$ 2,385	0.7%	$ 1,963	$ 422	21.5%
Health Care Social Assistance	$ 4,263	1.2%	$ 3,811	$ 452	11.9%
Arts, Entertainment, Recreation	$ 2,174	0.6%	$ 2,144	$ 30	1.4%
Accomodation and Food Services	$ 35,552	10.2%	$ 42,916	$ (7,364)	-17.2%
Other Services	$ 24,480	7.0%	$ 23,772	$ 708	3.0%
	$ 348,116		$ 424,427	$ (76,311)	-18.0%

CITY OF BURIEN, WASHINGTON
Parks and Recreation Advisory Board
MEETING MINUTES
Date – October 14, 2009
Time - 7:00 PM

BOARD MEMBERS PRESENT

Chris Ndifon	Jean Spohn	Larry Moormeier
Ted Fosberg	Ed Dacy	Sheryl Knowles

BOARD MEMBERS ABSENT
None

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

GUESTS PRESENT
None

Chris Ndifon called the meeting to order at approximately 7:05 PM.

CITIZEN COMMENT
None

ADDITIONS TO AGENDA & AGENDA REVIEW
No changes.

MEETING MINUTES
The minutes from the September 9, 2009 meeting were approved 5/0/0.

AGENDA AND ACTION ITEMS

PRESENTATION

- Debbie Zemke provided an overview of the Department's Recreation Division including Cultural Services, Youth and Family Services and Adult and Senior Services.
    - ✓ Cultural Services includes Moshier Arts Center, City-wide Arts Special Events, Arts Commission and Economic Development role.
    - ✓ Youth and Family Services includes Programs and Classes for youth and teens, Family Events and Programs, Facility Scheduling and Department Promotions.

- ✓ Adult and Senior Services includes Adult Exercise classes, Dance, Enrichment classes and Sports activities. Senior Enrichment classes and Day Trips, Drop In Clinics and Activities, Support Services, and Volunteer Opportunities.

Board member Ted Fosberg asked about the elimination of funding for the SCORE, after school enrichment program for youth. This Seattle based program lost its regional funding and would no longer be able to operate, and in response Burien ended its contribution of funding for this eliminated program.

- Steve Roemer provided an overview of the Parks Division Budget Reductions for 2010.
  - ✓ The Division reduced the budget $73,068 with the largest portion coming from the Landscape maintenance services ($53,970).
  - ✓ The reduction strategy attempts to insulate the impacts directly to the public as much as possible.
  - ✓ The most visible impacts will be the closure of restrooms during the winter months of November through February, and the elimination of the flower pot beautification program at 40 locations within Burien.

Board members suggested greater use of volunteers, especially for tasks such as litter and graffiti removal, and increased park adoptions by local businesses.

POLICY DISCUSSION

- Community Gardens: The Board and staff discussed community garden program development focusing on the topics of fees, support services such as garbage or porta-potties, basic irrigation installations, and the provision of tools.

FUTURE AGENDA ITEMS AND/OR QUESTIONS

- Community Garden topics
- Seahurst Park North Shore restoration project update
- 2010 Parks budget reductions
- Annexation as related to the parks
- Update on the Department's move to the old Library
- Recreation program updates
- Potential for future recreational opportunities in parks, ie. frisbee golf, bocce ball.
- Impact of annexation on recreation staff.

FOR THE GOOD OF THE ORDER

- The Board requested that the November Park Board meeting be rescheduled to the 18th, since the second Wednesday falls on the Veteran's Day Holiday.
- The meeting was adjourned at 9:20PM.

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

Public Hearing Notice

City of Burien 400 SW 152nd St. (Suite 300) Burien, Washington 98166-3066

Hearing Information	The City of Burien Hearing Examiner will hold a public hearing on **December 10, 2009** at **10:00 AM** at **Burien City Hall 400 SW 152nd St., Suite 300** to receive public comments on the following application:
Applicant	Barghausen Engineers for Marlyn Properties, LLC
Proposal	Construction of a ¾ acre asphalt vehicle storage yard for Airport Towing Company
File No.	PLA 09-0705 File is available for viewing at Burien City Hall during regular business hours.
Location	811 South 176th Street, Burien, WA
Tax Parcel No.	3223049045
Current Zoning	I (Industrial)
How to Comment	Any person may submit written or oral comments or testimony at the public hearing, or may submit written comments prior to the hearing. Written comments may be submitted in person, via mail, e-mail or by facsimile. Only persons who submit written or oral comments prior to the close of the hearing may appeal the decision. All documents submitted or requested as part of this application, including the City staff report are available for review at City Hall during regular business hours.
Project Planner (for submittal of written comments or for more information)	Stephanie Jewett, Project Planner Department of Community Development City of Burien 400 SW 152nd St., Suite 300 Burien, WA 98166 Phone: (206) 439-3152 E-Mail: Stephaniej@burienwa.gov
Published in the Seattle Times	Date of Notice: November 25, 2009

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

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Public Hearing Notice

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

Hearing Information

The City of Burien Planning Commission will hold a public hearing on **Tuesday December 15, 2009,** at **7:00 p.m.** at Burien City Hall, 400 SW 152nd Street, Suite 300 to receive public comments on proposed amendments to the Burien Zoning Code concerning establishing an optional fee-in-lieu of parking program for parking-related improvements in the DC-Downtown Commercial and SPA-1 Old Burien zones.

Applicant

City of Burien

Proposal

Amendments to the Burien Zoning Code to establish an optional fee-in-lieu of parking program in the Downtown Commercial and Old Burien zones to fund parking improvements in Downtown Burien.

File No.

Parking Fee-In-Lieu Program
File is available for viewing at Burien City Hall during regular business hours.

How to Comment

Any person may submit written or oral comments or testimony at the public hearing, or may submit written comments prior to the hearing. Written comments may be submitted in person, via mail, e-mail or by facsimile. All documents submitted or requested as part of this application, including the draft amendment are available for review at City Hall during regular business hours.

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

Charles W. "Chip" Davis
Planner
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166

Phone: (206) 248-5501
E-Mail: chipd@burienwa.gov

Published in the Seattle Times

Date of Notice: December 1, 2009

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

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CITY OF BURIEN
AGENDA BILL

Agenda Subject: Motion to Adopt Ordinance 527, Establishing March 2, 2010, as the Effective Date of the North Highline South Annexation		**Meeting Date:** December 7, 2009
Department: City Manager **Contact:** Mike Martin Telephone: 206/248-5503	Attachments: Ordinance 527	**Fund Source:** **Activity Cost:** **Amount Budgeted:** **Unencumbered Budget Authority:**
Adopted Initiative: Yes X No	**Initiative Description:** North Highline Annexation	

PURPOSE/REQUIRED ACTION:
The purpose of this agenda item is for Council to consider an ordinance establishing an effective date of March 2, 2010, for the North Highline South annexation.

BACKGROUND (*Include prior Council action & discussion*):
On February 2, 2009, the City Council adopted Resolution No. 288 which directed the City Clerk to file with the King County Boundary Review Board a notice of intent to annex the North Highline South Annexation Area. The Boundary Review Board held a public hearing on the proposed annexation on March 30, 2009, and approved the annexation with a modified legal description on April 16, 2009.

On April 27, 2009 the City Council passed Resolution No. 292 calling for a special election to be held in conjunction with the primary election on August 18, 2009 and to submit the question of annexation as a ballot question as authorized by RCW 35A.14.085. The qualified voters within the North Highline South Annexation Area boundaries voted at the primary election to approve the proposed annexation.

The next step in the annexation process is for the City Council to establish an effective date for the annexation. We are recommending an effective date of March 2, 2010. This date allows the maximum amount of revenue to be provided to the City from King County. City Council previously discussed this item at your November 9th and November 23rd meetings.

OPTIONS (*Including fiscal impacts*):
Select a different effective date for the annexation.

Administrative Recommendation: Adopt Ordinance 527

Committee Recommendation: N/A

Advisory Board Recommendation: N/A

Suggested Motion: I move adoption of Ordinance 527 establishing March 2, 2010 as the effective date of the North Highline South Annexation

Submitted by: Mike Martin
Administration _____ **City Manager** _____

Today's Date: December 1, 2009	**File Code:** R:\CC\Agenda Bill 2009\120709cm-1 N Highline Annexation Date.docx

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 527

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, PROVIDING FOR ANNEXATION OF THE NORTH HIGHLINE SOUTH ANNEXATION AREA; PROVIDING FOR SEVERABILITY; AND, ESTABLISHING THE DATE THAT THE ANNEXATION SHALL BECOME EFFECTIVE

WHEREAS, the City Council of the City of Burien, Washington, has determined that it would be in the best interest and general welfare of the City of Burien and the North Highline Potential Annexation Area to annex certain property lying in an area north of existing City of Burien corporate boundary, referenced as the North Highline South Annexation Area; and

WHEREAS, the Growth Management Act and the King County Countywide Planning Policies encourage transition of unincorporated urban and urbanizing areas within Potential Annexation Areas from county governance to city governance; and

WHEREAS, the North Highline South Annexation Area is within the City of Burien's Potential Annexation Area adopted pursuant to Burien City Council Ordinance No. 455; and

WHEREAS, on February 2, 2009, the City Council of the City of Burien adopted Resolution No. 288 which directed the City Clerk to file with the King County Boundary Review Board a notice of intent to annex the North Highline South Annexation Area, and

WHEREAS, the Boundary Review Board held a public hearing on the proposed annexation on March 30, 2009, and

WHEREAS, the Boundary Review Board approved the annexation on April 16, 2009 within a modified legal description of the North Highline South Annexation Area boundaries, which boundaries are legally described in Exhibit "A" attached hereto and incorporated by the reference as though fully set forth herein, and

WHEREAS, the City Council on April 27, 2009 passed Resolution No. 292 calling for a special election to be held in conjunction with the primary election on August 18, 2009 and to submit the question of annexation as a ballot question as authorized by RCW 35A.14.085, and

WHEREAS, the qualified voters within the North Highline South Annexation Area boundaries voted at the primary election to approve annexation as presented in the ballot question, and

WHEREAS, the City intends to adopt an ordinance or ordinances providing for implementation of interim zoning regulations applicable to the North Highline South Annexation Area upon the effective date of annexation as set forth herein,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Annexation. That the City Council of the City of Burien does hereby determine that the annexation approved by the qualified voters within the North Highline South Annexation Area boundaries at the August 18, 2009 primary election, shall be made; and that, pursuant to this determination, the territory described in Exhibit "A", attached hereto an incorporated herein by this reference, is hereby annexed to and made a part of the City as of the effective date herein set forth.

Section 2. Application of Laws. That upon the effective date of annexation the territory described in Exhibit "A" shall on that date become subject to all the laws and ordinances of the City now in force or which may hereafter be enacted.

Section 3. Taxation. That, upon the effective date of annexation, the territory herein annexed shall assume and be assessed and taxed at the same rate and on the same basis as other property within the City as of the effective date of annexation; provided that, the territory annexed shall not assume any voter-approved, bonded indebtedness that existed as of that date.

Section 4. Solid Waste Collection Franchise. That, upon the effective date of annexation, the proper officers of the City shall promptly proceed with such procedures as are proper: (1) to issue the holder of any franchise providing solid waste collection services in the territory annexed herein, and canceled as a result of this annexation, a franchise authorizing continued solid waste collection activities, all in accordance with RCW 35A.14.900; and (2) the proper officers of the City are further authorized to negotiate an alternative agreement with the holder of any such canceled franchise as may be in the best interests of the City, subject to final action by the City Council.

Section 5. Filing. That, pursuant to RCW 35A.14.700, proper certification shall be given to the State Office of Financial Management.

Section 6. Effective Date. That the annexation of the territory described herein shall become effective on March 2, 2010.

Section 7. 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.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 7th DAY OF DECEMBER, 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, Interim City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: November 4, 2009
Passed by the City Council:
Ordinance No.: 527
Date of Publication:

EXHIBIT A

BOUNDARIES OF THE PROPOSED NORTH HIGHLINE ANNEXATION AREA

The legal description of the boundaries of the proposed North Highline Annexation Area, located in Section 12, Township 23 North, Range 3 East, W.M. and in Sections 4, 5, 7, 8 and 9, Township 23 North, Range 4 East, W.M. and, all in King County, Washington, more particularly described as follows:

Beginning at the northeast corner of existing City of Burien as established by King County Ordinance 10236, said corner also being the intersection of the west margin of Des Moines Memorial Drive South (Des Moines Way South) with the north margin of South 128th Street said point being also on the city limits of SeaTac as established by King County Ordinance 8820 and situated in the Southwest quarter of Section 9, Township 23 North, Range 4 East, W.M., King County, Washington;

Thence easterly along said north margin of South 128th Street and said city limits of SeaTac to the east margin of Military Road South and an angle point in said north margin of South 128th Street and the city limits of Tukwila as established by City of Tukwila Ordinance 1574;

Thence continuing along said north margin of South 128th Street and said city limits of Tukwila to the intersection with the south line of Section 9, Township 23 North, Range 4 East, W.M.;

Thence east along the south line of said Section 9 to the intersection with a line lying 250 feet (measured perpendicular to) westerly of and parallel with the centerline of Pacific Highway South;

Thence northerly along said parallel line to the south line of the north 34 feet of the North half of the South half of the South half of the Southeast quarter of the Southeast quarter of said Section 9;

Thence continuing northerly along said parallel line which lies 250 feet westerly of and parallel with the centerline of Pacific Highway South a distance of 5 feet more or less to a point located opposite Highway Engineers Station PT 527 + 88.4 on said centerline;

Thence continuing northerly along said line, North 12°21'28" West a distance of 200.30 feet to the south line of the north half of the north half of the south half of the southeast quarter of the southeast quarter of said Section 9;

Thence along said south line, South 88°56'52" West to a point which lies 564.93 feet westerly of the west margin of Pacific Highway South when measured along said line;

Thence North 00°05'43" East to a point on the north line of the south half of the north half of the southeast quarter of the southeast quarter, said point being 453.07 feet westerly from the west margin of Pacific Highway South when measured along said line;

Thence westerly along said north line to a point which lies 609.72 feet east of the west line of the Southeast quarter of the Southeast quarter of said Section 9, said point also being the southwest corner of Lot "A" of City of Tukwila Boundary Line Adjustment No. L98-0033 recorded under Recorder's Number 9810059013, records of King County, Washington;

Thence northerly along the west line of said Lot "A" to a point on the north line of the southeast quarter of the southeast quarter of said Section 9 which is located 614.26 feet east of the northwest corner thereof, said point also being an angle point on the westerly line of said Lot "A";

Thence easterly along said north line to a point located 300 feet westerly of the west margin of Pacific Highway South when measured along said north line, said point also being an angle point in the westerly line of said Lot "A";

Thence northwesterly along the westerly line of Lots "A", "B", "C", and "D" of said City of Tukwila Boundary Line Adjustment to a point on the north line of the northeast quarter of the southeast quarter of Section 9 which is located 100 feet east of the northwest corner thereof, said point also being the northwest corner of said Lot "D";

Thence easterly along said north line to the westerly limited access line of PSH No. 1 (SR-99);

Thence generally northerly along said westerly limited access line to its intersection with the north margin of South 116th Way (South 116th Place);

Thence northwesterly along said north margin of South 116th Way to the new westerly right-of-way line and limited access line for Primary State Highway No. 1 (S.R. 99) as approved 7-23-57 and shown on Sheets 1 & 2 of 7;

Thence northerly along said new westerly right-of-way line to the intersection with the south margin of South 108th Street;

Thence departing from said city limits of Tukwila westerly along said south margin of South 108th Street to the intersection with the east line of the Southwest quarter of the Southwest quarter of Section 4, Township 23 North, Range 4 East, W.M.;

Thence north 30 feet along said east line to the southeast corner of the Northwest quarter of the Southwest quarter of said Section 4;

Thence west 30 feet along the south line of the Northwest quarter of the Southwest quarter of said Section 4 to the west margin of 20th Avenue South;

Thence northerly along said west margin of 20th Avenue South to the north line of the south 136 feet of the Northwest quarter of the Southwest quarter of said Section 4;

Thence westerly along the north line of the south 136 feet of the Northwest quarter of the Southwest quarter of said Section 4 to the intersection with the west line of said Section 4;

Thence southerly along the west line of said Section 4 to the north margin of South 112th Street;

Thence westerly along said north margin of South 112th Street to intersection with the north line of said Section 8;

Thence westerly along said north line to the intersection with the east margin of State Route 509;

Thence southerly along said east margin of State Route 509 to the north margin of South 116th Street;

Thence westerly along said north margin of South 116th Street and Southwest 116th Street to the west margin of 10th Avenue Southwest;

Thence northerly along said west margin of 10th Avenue Southwest to the north margin of Southwest 114th Street;

Thence westerly along said north margin of Southwest 114th Street to the east margin of 15th Avenue Southwest;

Thence northerly along said east margin of 15th Avenue Southwest to the south margin of Southwest 112th Street.

Thence westerly along said south margin of Southwest 112th Street to the
east margin of Seola Beach Drive Southwest;

Thence southerly along said east margin of Seola Beach Drive Southwest to the intersection with the north line of Government Lot 3, Section 12, Township 23 North, Range 3 East, W.M. said point being the northwest corner of the existing City of Burien;

Thence easterly along said north line and the boundary of said existing City of Burien as established by King County Ordinance 10236 to the west margin of 30th Avenue Southwest;

Thence north 30 feet to the north margin of Southwest 116th Street;

Thence easterly along the north margin of Southwest 116th Street to the intersection with the east margin of 12th Avenue Southwest;

Thence southerly along said east margin of 12th Avenue Southwest to the east margin of Ambaum Boulevard Southwest;

Thence southerly along said east margin of Ambaum Boulevard Southwest to the intersection with the north margin of Southwest 128th Street;

Thence easterly along said north margin of Southwest 128th Street and South 128th Street, also being the Burien City Limits as established by King County Ordinance 10236, to the intersection with the west margin of Des Moines Memorial Drive South (Des Moines Way South) and the Point of Beginning.

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Adoption of Ordinance No. 526 amending the 2009-2010 Biennial Budget		**Meeting Date:** December 7, 2009
Department: Finance Department	**Attachments:** 1. Ordinance No. 526 2. 2009-2010 Budget Summary	**Fund Source:** **Activity Cost:** **Amount Budgeted:** **Unencumbered Budget Authority:**
Contact: Tabatha Miller, Finance Director		
Telephone: (206) 439-3150		
Adopted Work Plan Priority: Yes No X	**Description:** N/A	

PURPOSE/REQUIRED ACTION:
The purpose of this agenda item is to discuss and potentially adopt the amendments to the 2009-2010 Biennial Budget.

BACKGROUND (*Include prior Council action & discussion*):
On November 17, 2008 the Council adopted the City's first biennial budget (Ordinance #500). In response to the ongoing recession, on June 15, 2009 the Council amended the 2009-2010 biennial budget by (Ordinance #513):

- revising revenue projections for both 2009 and 2010 downward;
- reducing expenditures for 2009 and 2010;
- reallocating revenue;
- and agreeing to bridge the remaining gap with discretionary fund balance.

By law, the Council must review and make applicable adjustments to the biennial budget, between the eighth month and the end of the first year. The mid-biennium review only addresses items that need budgetary changes. The Council conducted a public hearing and discussed these changes on November 9, 2009. A second public hearing was held on November 23, 2009.

The changes to the 2010 Budget fall into two categories; those associated with the pending annexation proposed for March 2010 and refinements to the already adopted budget. The increases to revenues and expenditures associated with the annexation are listed in detail in attachment 1 and 2, as are the refinements to the 2010 expenditure and revenue budgets.

If Council decides to continue discussion of the 2009-2010 Mid-Biennial Budget Review and Update, action on this matter may be extended (to any date prior to January 1, 2010). Likewise, the budget may be amended during 2010 to accommodate additional modifications to the two-year budget.

Administrative Recommendation: Adopt Ordinance # 526, amending the 2009-2010 Biennial Budget.

Committee Recommendation: N/A

Advisory Board Recommendation: N/A

Suggested Motion: Move to adopt Ordinance # 526 amending the 2009-2010 Biennial Budget.

Submitted by: Tabatha Miller, Finance Director
Administration TM

Mike Martin
City Manager MM

Today's Date: December 1, 2009	**File Code:** \\R\CC\Agenda Bill 2009\120709ad-2 Budget Update.docx

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 526

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING THE 2009-2010 BIENNIAL BUDGET OF THE CITY OF BURIEN, WASHINGTON TO ADJUST REVENUES AND APPROPRIATE EXPENDITURES TO THE CITY FUNDS FOR 2009 AND 2010

WHEREAS, the City of Burien adopted the 2009-2010 Budget by Ordinance No. 500; and

WHEREAS, the economic climate of the Puget Sound and the economic outlook for Burien changed subsequent to the Council's adoption of the 2009-2010 Budget and prudent financial policy required downward adjustment of formal appropriations, which were adopted on June 15, 2009 by Ordinance No. 513;and

WHEREAS, the Burien Municipal Code (BMC) requires that City Council provide a mid-biennial review and modification no sooner than eight months after the start of the first year of the fiscal biennium and effective as of January 1st the following year.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The 2009-2010 Adopted Budget for the City of Burien for the period January 1, 2009 through December 31, 2010 is hereby amended as shown in Exhibit A, B, C and D.

Section 2. 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 3. 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:

44

_____

Christopher Bacha, Interim, City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: October 28, 2009
Passed by the City Council:
Ordinance No. 526
Date of Publication:

Exhibit A

The following exhibits illustrate the revised revenue and expenditure totals for all funds and brings current the totals for each fund previously reported in Ordinance 500 and Ordinance 513:

Fund Name	Beginning Fund Balance	Revenues	Transfers In	Total Resources
General	$ 3,768,613	$ 33,920,498	$ 319,000	$ 38,008,111
Street	$ 306,291	$ 5,273,047	$ -	$ 5,579,338
Surface Water Management	$ 305,463	$ 3,910,250	$ -	$ 4,215,713
Public Works Reserve	$ 6,424	$ 973,700	$ -	$ 980,124
Equipment Reserve	$ 302,302	$ 7,500	$ 390,000	$ 699,802
Art in Public Places	$ 46,973	$ 1,040	$ 15,000	$ 63,013
Capital Projects Reserve	$ 489,412	$ 2,377,448	$ -	$ 2,866,860
Debt Service	$ (61,084)	$ 232,000	$ 2,370,950	$ 2,541,866
Town Square Capital Projects	$ 6,998,477	$ 2,145,894	$ 335,105	$ 9,479,476
Parks and General Fund Capital Projects	$ 2,596,454	$ 6,991,921	$ -	$ 9,588,375
Transportation Capital Projects	$ 35,713	$ 9,652,954	$ 1,824,000	$ 11,512,667
Surface Water Management Projects	$ 947,160	$ -	$ 1,207,761	$ 2,154,921
Total	$ 15,742,198	$ 65,486,252	$ 6,461,816	$ 87,690,266

Fund Name	Expenditures	Transfers Out	Ending Fund Balance	Total Uses
General	$ 35,568,020	$ 390,000	$ 2,050,091	$ 38,008,111
Street	$ 3,328,174	$ 2,233,500	$ 17,664	$ 5,579,338
Surface Water Management	$ 2,535,843	$ 1,559,261	$ 120,609	$ 4,215,713
Public Works Reserve	$ -	$ 935,105	$ 45,019	$ 980,124
Equipment Reserve	$ 262,800	$ -	$ 437,002	$ 699,802
Art in Public Places	$ 10,000	$ -	$ 53,013	$ 63,013
Capital Projects Reserve	$ -	$ 1,855,950	$ 1,010,910	$ 2,866,860
Debt Service	$ 2,541,422	$ -	$ 444	$ 2,541,866
Town Square Capital Projects	$ 9,132,538		$ 346,938	$ 9,479,476
Parks and General Fund Capital Projects	$ 9,297,591	$ 15,000	$ 275,784	$ 9,588,375
Transportation Capital Projects	$ 9,863,241		$ 1,649,426	$ 11,512,667
Surface Water Management Projects	$ 866,439	$ 1,100,000	$ 188,482	$ 2,154,921
Total	$ 73,406,068	$ 8,088,816	$ 6,195,382	$ 87,690,266

Exhibit B

Ordinance No. 526 amends the 2009-2010 Adopted Budget in the following funds:

GENERAL FUND 001

Revenues: An increase of $2,633,448. This increase in revenue is attributed to a change in accounting for revenues collected by District Court ($100,000), there is a corresponding increase in expenditures, and an increase in revenues ($2,533,448) associated with the planned annexation, effective March 2, 2010.

Transfers In: An increase of $20,000. This increase is attributable to increased services provided as a result of annexation to the SWM Fund ($10,000) and the Street Fund ($10,000).

Expenditures: A net increase of $2,750,501. The increase is attributable to a change in accounting for expenditures related to District Court ($100,000), net reductions to benefits and salaries and other purchased supplies and services ($173,749), and expenditures associated with providing services to the new annexation area ($2,824,250).

Transfer Out: An increase of $20,000. This increase is to account for the additional need for equipment replacement associated with the annexation.

Ending Fund Balance: A decrease of $117,003 to reflect the net effect of the adjustments noted above.

STREET FUND 101

Revenues: A net increase of $1,559,047. This increase in revenue is attributed to additional revenues from the annexation area and includes reallocating revenue received from Seattle City Light in lieu of franchise fees to the General Fund to help fund general services in the first two years of annexation when the dedicated King County road levy is collected.

Expenditures:. A net increase of $351,951. This increase is attributable to recognizing the expenditures associated with the red light camera contract with Redflex ($178,800), a reduction in salaries and benefits ($16,849) and the increase in expenditures associated with the annexation ($190,000).

Transfers Out: A net increase of $1,285,000. This increase is attributed to the additional road tax levy funds and will be transferred to the Transportation Improvement Plan (TIP) ($1,350,000),to the General Fund ($10,000) for additional services as the result of the annexation , and a reduction in non-annexation revenues available for the TIP ($75,000).

Ending Fund Balance: A decrease of $77,904 to reflect the net changes noted above.

SURFACE WATER MANAGEMENT FUND 104

Revenues: A net increase of $332,000. This increase is attributable to the increase in Surface Water Management Fees collected in the annexation area..

Expenditures: A net increase of $211,868. This increase is attributable to the increase in services provided to the annexation area ($140,000), a decrease of ($3,132) in benefits costs, and an increase in NPDES compliance ($75,000).

Transfers Out: An increase of $202,000. This increase is attributable to additional funds available because of annexation for funding SWM capital projects ($196,000) and to the General Fund ($10,000) for additional services.

Ending Fund Balance: A decrease of $81,868 to reflect the net changes noted above.

PUBLIC WORKS RESERVE FUND 106

Revenues: An increase of $173,770. This increase is attributed to increased real estate excise tax revenue ($98,570) and additional real estate excise tax associated with the annexation area ($75,200).

Transfers Out: An increase of $129,840. This increase is attributed to additional funds available to transfer to the Debt Service Fund.

Ending Fund Balance: An increase of $43,930 to reflect the net changes noted above.

EQUIPMENT RESERVE FUND 107

Revenue: A decrease of $7,500. This decrease is attributed to the decrease in interest revenue ($7,500).

Transfers In: An increase of $20,000. This increase is attributed to the increase in future equipment needs associated with the annexation.

Expenditures: An increase of $100,000. This increase is attributed to need for equipment to support new services in the annexation area.

Ending Fund Balance: A decrease of $87,500 to reflect the net changes noted above.

CAPITAL PROJECTS RESERVE FUND 115

Transfers Out: A decrease of $515,000 in transfers to the Debt Service Fund.

Ending Fund Balance: An increase of $515,000 to reflect the net changes noted above.

ART IN PUBLIC PLACES FUND 113

Revenues: A decrease of $830. Attributed to a decrease in interest revenue.

Ending Fund Balance: An increase of $830 to reflect the net changes noted above.

Exhibit C

48 The following illustrates the changes made in each fund, not the totals per fund.

Mid-Biennial Update to the 2009-2010 Budget -- All Funds

Fund Name	Changes to Beginning Fund Balance	Changes to Revenues	Changes to Transfers In	Changes to Total Resources
General	-	2,633,498	20,000	2,653,498
Street	-	1,559,047	-	1,559,047
Surface Water Management	-	332,000	-	332,000
Public Works Reserve	-	173,770	-	173,770
Equipment Reserve	-	(7,500)	20,000	12,500
Art in Public Places	-	(830)	-	(830)
Capital Projects Reserve	-	87,448	-	87,448
Debt Service	-	-	-	-

Fund Name	Changes to Expenditures	Changes to Transfers Out	Changes to Ending Fund Balance	Changes to Total Uses
General	2,750,501	20,000	(117,003)	2,653,498
Street	351,951	1,285,000	(77,904)	1,559,047
Surface Water Management	211,868	202,000	(81,868)	332,000
Public Works Reserve	-	129,840	43,930	173,770
Equipment Reserve	100,000	-	(87,500)	12,500
Art In Public Places	-	-	(830)	(830)
Capital Projects Reserve	-	(515,000)	602,448	87,448
Debt Service	-	-	-	-
Total	16,792,206	1,121,840	2,199,996	20,114,042

Exhibit D
2009-2010 Capital Improvement Program Appropriations

		Total Project Cost	Pre-2009 Expenditures per 2010 Budget	2009	2010
PARKS & GENERAL					
Burien Community Rec. Center - Library Remodel*		$ 1,500,000	$ -	$ 1,500,000	$ -
	Appropriation	$ *1,500,000*		$ *1,000,000*	$ *500,000*
Jacob Ambaum Park		1,887,631	1,752,936	134,695	-
	Appropriation	*1,887,631*			
Mathison Park Expansion		550,000	829	549,171	-
	Appropriation	*550,000*			
Playground Equipment Renovation		120,000	-	-	60,000
	Appropriation	*97,923*			*60,000*
Seahurst Park - No. Shoreline*		9,385,899	168,195	406,805	6,184,899
	Appropriation	*6,759,899*		*25,000*	*6,184,899*
Seahurst Park - Service Road Slide		100,000	-	100,000	-
	Appropriation	*100,000*		*100,000*	
Seahurst Park-Upland Rehab.		1,654,485	1,559,364	95,121	-
	Appropriation	*1,654,485*			
Strategic Information Systems		1,148,281	386,381	161,900	100,000
	Appropriation	*648,281*		*100,000*	*100,000*
TOTAL PARKS & GENERAL					
	Total 2010 Appropriation				$ ***6,844,899***
TOWN SQUARE					
Town Square Acquisition & Predevelopment		$ 8,265,568	$ 8,261,568	$ 4,000	$ -
	Appropriation	$ *8,266,336*		$ *(90,000)*	
Town Square Open Space		3,920,308	3,920,308	-	-
	Appropriation	*3,920,308*		*(201,498)*	
Town Square Streets - 4th Ave SW		2,223,616	1,841,645	381,971	-
	Appropriation	*2,223,616*		*(308,648)*	
Town Square Streets - 5th, 6th, 150th, 151st		8,947,665	7,183,742	1,763,923	-
	Appropriation	*8,947,665*		*(891,352)*	
City Hall		13,145,667	12,607,052	538,615	-
	Appropriation	*13,145,667*		*210,419*	
TOTAL TOWN SQUARE					
	Total 2010 Appropriation				$ -
TRANSPORTATION (TIP)					
1st Ave S., Phase 1 (SW 146th St. to SW 163rd Place)		$ 27,480,610	$ *26,573,127*	$ *907,483*	$ -
	Appropriation	$ *27,480,610*			
1st Ave S., Phase 2 (SW 140th St. to SW146th St.)		8,202,582	199,847	835,734	7,167,001
	Appropriation	*8,202,582*		*313,656*	*7,167,001*
4th Ave SW Pedestrian Safety Project - Phase 2		849,000	16,656	832,344	-
	Appropriation	*849,000*		*536,298*	
4th Ave SW/SW 148th St. Intersection		254,400	-	-	*254,400*
	Appropriation	*254,400*			
8th Avenue South Facility		500,000	-	-	500,000
	Appropriation	TBD			
Ambaum Blvd SW & SW/S 156th St. Corridor Safety Improvements		1,280,050	1,237,027	43,023	-
	Appropriation	*1,280,050*			
Hazel Valley Safe Sidewalk Improvements		500,000	-	65,000	435,000
	Appropriation	*500,000*		*200,000*	*300,000*
South 136th Street Sidewalk Improvements		996,000	-	92,000	658,000
	Appropriation	TBD			
Street Overlay Program		643,370	443,370	200,000	-
	Appropriation	*643,370*		*200,000*	
Traffic Signal Synchronization		918,000	-	-	118,000
	Appropriation	*118,000*			*118,000*
TOTAL TIP					
	Total 2010 Appropriation				$ 7,585,001
Ambaum Sub-Basin (M-11) Drainage Improvement		$ 2,866,200	$ 2,665,954	$ 200,246	$ -
	Appropriation	$ *2,876,200*			
Res. Drainage Imp. Program		2,125,874	391,112	458,785	207,408
	Appropriation	1,012,155		355,626	207,408
Total SWM					
	Total 2010 Appropriation				$ 207,408

CITY OF BURIEN
FUND/DEPARTMENT EXPENDITURES
BUDGET SCENARIO SUMMARY

General Fund Department	Original 2010 Budget	Updated 2010 Budget	% Change	2010 Annexation Budget Increase	% Change
City Council	$ 208,285	$ 188,091	-9.7%	$ 7,700	4.1%
City Manager	1,233,026	1,109,322	-10.0%	449,000	40.5%
Economic Development	223,928	173,299	-22.6%	5,550	3.2%
Human Resources	179,391	158,691	-11.5%	7,700	4.9%
Finance	1,487,407	1,315,004	-11.6%	88,000	6.7%
Legal*	1,461,402	1,731,241	18.5%	180,500	10.4%
Police	7,520,416	7,183,375	-4.5%	1,520,000	21.2%
Public Works	527,962	467,640	-11.4%	142,000	30.4%
CD - Planning	722,861	638,654	-11.6%	108,000	16.9%
CD - Building	822,392	767,952	-6.6%	113,000	14.7%
Parks	2,571,245	2,396,732	-6.8%	202,800	8.5%
Transfer Out	195,000	195,000	0.0%	20,000	10.3%
Total General Fund	$ 17,153,315	$ 16,325,000	-4.8%	$ 2,844,250	17.4%
Other Funds					
Street Fund	2,685,970	2,074,245	-22.8%	1,550,000	74.7%
Surface Water Management	1,836,520	1,839,638	0.2%	342,000	18.6%
Public Works Reserve	1,140,000	600,000	-47.4%	-	0.0%
Equipment Reserve	82,800	82,800	0.0%	100,000	120.8%
Art in Public Places	$ -	-	N/A	-	N/A
Capital Projects Reserve	362,170	639,950	76.7%	-	0.0%
Debt Service	1,295,180	1,271,153	-1.9%	-	0.0%
Total Other Funds	$ 7,402,640	$ 6,507,787	-12.1%	$ 1,992,000	30.6%

** 2010 Budget Increases due to one-time litigation expenses.*

ATTACHMENT 2

ANNEXATION REVENUE SUMMARY

GENERAL FUND REVENUE	Original 2010 Budget	Updated 2010 Budget	% Change	2010 Annexation Budget Increase	% Change
Property Tax - General Govt.	$ 4,330,000	$ 4,307,350	-0.5%	$ -	0.0%
Sales Taxes	5,899,110	5,275,000	-10.6%	449,000	8.5%
Business and Occupation Tax	561,000	500,000	-10.9%	33,000	6.6%
Utility Taxes	2,500,000	2,715,000	8.6%	1,393,000	51.3%
Gambling Excise Tax	415,000	165,000	-60.2%	15,000	9.1%
Tax Total	13,705,110	12,962,350	-5.4%	1,890,000	14.6%
Permits	742,340	443,000	-40.3%	113,000	25.5%
Franchise Fees	-	425,000	N/A	114,000	26.8%
Licenses and Permits Total	742,340	868,000	16.9%	227,000	26.2%
Grants - State & Federal	52,500	50,000	-4.8%	92,000	184.0%
State - Criminal Justice	168,300	167,000	-0.8%	29,500	17.7%
DUI Programs	6,120	7,000	14.4%	3,150	45.0%
Liquor Tax & Profit	372,300	410,000	10.1%	88,900	21.7%
Intergovernmental Services	490,000	229,500	-53.2%	-	0.0%
Intergovernmental Total	1,089,220	863,500	-20.7%	213,550	24.7%
Planning & Building Fees	588,000	375,000	-36.2%	72,000	19.2%
Parks & Recreation Charges	513,632	547,000	6.5%	108,000	19.7%
Charges for Services Total	1,101,632	922,000	-16.3%	180,000	19.5%
Fines, Forfeitures & Misc. Total	202,000	250,000	23.8%	23,000	9.2%
CURRENT REVENUES TOTAL	16,840,302	15,865,850	-5.8%	2,533,550	16.0%
TRANSFERS IN	152,000	152,000	0.0%	20,000	13.2%
TOTAL REVENUES & TRANSFERS	$ 16,992,302	$ 16,017,850	-5.7%	$ 2,553,550	15.9%
OTHER FUNDS REVENUES					
STREET FUND					
KC Road Tax Levy	$ -	$ -	N/A	$ 1,968,280	N/A
Motor Vehicle Fuel Tax	776,250	755,000	-2.7%	167,967	22%
Business Licenses	258,750	245,000	-5.3%	22,800	9%
Red Light Enforcement	240,000	240,000	0.0%	-	0%
Utility Taxes	1,366,200	600,000	-56.1%	(600,000)	-100%
Misc. Revenues	51,400	34,000	-33.9%	-	0%
TOTAL STREET FUND	$ 2,692,600	$ 1,874,000	-30.4%	$ 1,559,047	83%
SURFACE WATER MANAGEMENT					
SWM Drainage Fees & Interest	$ 1,837,125	$ 1,788,250	-2.7%	$ 332,000	18.6%
TOTAL SWM FUND	$ 1,837,125	$ 1,788,250	-2.7%	$ 332,000	18.6%
PUBLIC WORKS RESERVE FUND					
Real Estate Excise Tax	$ 1,100,000	$ 500,000	-54.5%	$ 75,200	15%
Other Revenue	42,000	16,500	-60.7%	-	0%
TOTAL PUBLIC WORKS RESERVE	$ 1,142,000	$ 516,500	-54.8%	$ 75,200	14.6%
OTHER POTENTIAL REVENUE					
Sales Tax Credit RCW 82.14.415				$ 291,905	

CITY OF BURIEN
FUND BALANCE SUMMARY
(INCLUDING ANNEXATION IMPACT)

Fund Name	2010 Beginning Fund Balance	2010 Revenues	2010 Expenditures	2010 Ending Fund Balance
GENERAL FUND REVENUE				
General Fund	$ 2,647,941	$ 18,571,400	$ 19,169,250	$ 2,050,091
Street Fund	208,862	3,433,047	3,624,245	17,664
Surface Water Management Fund	181,997	2,120,250	2,181,638	120,609
Public Works Reserve Fund	53,319	591,700	600,000	45,019
Equipment Reserve Fund	402,302	217,500	182,800	437,002
Arts in Public Places Fund	47,663	5,350	-	53,013
Capital Projects Reserve Fund	404,412	1,202,724	639,950	967,186
Debt Services Funds	647	1,270,950	1,271,153	444
Total Funds	$ 3,947,143	$ 27,412,921	$ 27,669,036	$ 3,691,028
Capital Projects				
Town Square	346,938	-	-	346,938
Parks & General Gov't	548,255	6,082,428	6,354,899	275,784
Transportation	380,781	8,988,646	7,720,001	1,649,426
Surface Water	890,644	605,246	1,307,408	188,482
Total Capital Project Funds	$ 2,166,618	$ 15,676,320	$ 15,382,308	$ 2,460,630

GENERAL FUND REVENUE

General Fund Revenues	2008 Actual	2009 Estimated	2009 Revised Budget	2010 Budget Update	2010 w/Annexation Budget
BEGINNING FUND BALANCE	**$ 2,168,985**	**$ 3,768,613**	**$ 3,768,613**	**$ 2,647,941**	**$ 2,647,941**
Property Tax - General Govt.	4,322,763	4,300,000	4,250,000	4,307,350	4,307,350
Sales Tax	4,928,607	4,238,602	4,435,000	4,600,000	4,864,000
Sales Tax-Criminal Justice	724,267	608,384	650,000	675,000	860,000
Business and Occupation Tax	526,249	450,000	450,000	500,000	533,000
Utility Taxes	2,277,157	2,599,962	2,550,000	2,715,000	4,108,000
Gambling Excise Tax	280,105	192,500	150,000	165,000	180,000
Tax Total	**$ 13,059,148**	**$ 12,389,449**	**$ 12,485,000**	**$ 12,962,350**	**$ 14,852,350**
Miscellaneous Permits	17,633	18,348	17,000	18,000	18,000
Franchise Fees	-	466,600	426,600	425,000	539,000
Permits - Building Related	733,667	313,070	325,000	350,000	463,000
Permits - Planning	-	-	-	-	-
Permits - Right of Way	94,638	75,000	75,000	75,000	75,000
Licenses and Permits Total	**$ 845,938**	**$ 873,018**	**$ 843,600**	**$ 868,000**	**$ 1,095,000**
Federal Grants	383	25,000	25,000	-	-
State Grants	110,118	90,473	87,498	50,000	142,000
State - Criminal Justice	169,264	130,497	165,000	167,000	196,500
DUI Programs	5,675	7,000	6,000	7,000	10,150
Liquor Tax & Profit	363,475	390,000	365,000	410,000	498,900
County Grants	-	-	-	-	-
Intergovernmental Services	634,997	515,000	524,000	229,500	229,500
Intergovernmental Total	**$ 1,283,912**	**$ 1,157,969**	**$ 1,172,498**	**$ 863,500**	**$ 1,077,050**
Planning Fees	311,300	130,000	140,000	165,000	237,000
Building Plan Review Fees	371,222	187,006	125,000	210,000	210,000
Other Miscellaneous Charges	5,076	11,071	3,000	-	-
Parks & Recreation Charges	467,555	494,104	500,000	547,000	655,000
Charges for Services Total	**$ 1,155,153**	**$ 822,181**	**$ 768,000**	**$ 922,000**	**$ 1,102,000**
Fines and Forfeitures Total	50,842	84,916	120,000	187,000	187,000
Miscellaneous Total	124,212	78,636	132,000	63,000	86,000
CURRENT REVENUES TOTAL	**$ 16,519,204**	**$ 15,406,169**	**$ 15,521,098**	**$ 15,865,850**	**$ 18,399,400**
TRANSFERS IN	1,343,915	147,000	147,000	152,000	172,000
TOTAL REVENUES & TRANSFERS	**$ 17,863,119**	**$ 15,553,169**	**$ 15,668,098**	**$ 16,017,850**	**$ 18,571,400**
TOTAL ALL RESOURCES	**$ 20,032,105**	**$ 19,321,782**	**$ 19,436,711**	**$ 18,665,791**	**$ 21,219,341**

CITY OF BURIEN
GENERAL FUND EXPENDITURE HISTORY - BY LINE ITEM

	2008 Actuals	2009 Estimated	2009 Revised Budget	2010 Updated Budget	2010 w/Annexation Budget
EXPENDITURE					
Salaries	$ 3,298,336	$ 3,338,839	$ 3,393,384	$ 3,724,484	$ 3,724,484
Personnel Benefits	1,070,158	1,082,644	1,231,675	1,180,930	1,180,930
Total Salaries and Benefits	$ 4,368,494	$ 4,421,483	$ 4,625,059	$ 4,905,414	$ 4,905,414
Total Supplies	$ 163,566	$ 128,242	$ 138,299	$ 123,535	$ 123,535
Professional Contract Services	2,659,432	2,520,846	2,927,971	2,045,128	3,216,678
Communications	88,562	99,624	102,432	112,670	112,670
Travel, Meals, Mileage	50,314	31,143	42,490	35,952	35,952
Advertising	24,527	12,426	32,530	33,669	33,669
Operating Rents and Leases	45,441	39,659	50,343	48,300	48,300
Insurance	159,793	180,000	200,000	200,000	225,000
Utility Services	104,773	360,767	239,300	195,126	195,126
Repairs and Maintenance	80,535	66,259	77,800	85,742	85,742
Dues, Memberships	76,550	81,211	98,151	104,368	112,068
Printing and Binding	75,329	61,783	82,138	85,495	85,495
Registrations and Training	45,992	27,289	42,400	43,006	43,006
Subscriptions and Publications	28,825	32,493	19,215	23,982	23,982
Other Miscellaneous	574,982	55,613	56,854	62,819	62,819
Total Other Services and Charges	$ 4,015,055	$ 3,569,113	$ 3,971,624	$ 3,076,257	$ 4,280,507
Total Intergovernmental Services	7,450,953	7,757,300	7,834,248	8,001,179	9,621,179
Total Capital Outlays	$ 68,192	$ 73,867	44,540	$ 23,615	23,615
EXPENDITURE TOTAL	$ 16,066,259	$ 15,950,005	$ 16,613,770	$ 16,130,000	$ 18,954,250
Transfers Out	208,500	175,000	175,000	195,000	215,000
TOTAL EXPENDITURES & TRANSFERS	**$ 16,274,759**	**$ 16,125,005**	**$ 16,788,770**	**$ 16,325,000**	**$ 19,169,250**

CITY OF BURIEN
GENERAL FUND EXPENDITURES BY DEPARTMENT

	2008 Actuals	2009 Estimated	2009 Revised Budget	2010 Updated Budget	2010 w/Annexation Budget
GENERAL FUND REVENUE					
City Council	$ 192,609	$ 197,654	$ 197,899	$ 188,091	$ 195,791
City Manager	1,375,695	1,083,724	1,117,884	1,109,322	1,558,322
Economic Development	189,596	183,151	215,912	173,299	178,849
Human Resources	158,602	129,181	156,655	158,691	166,391
Finance	1,339,137	1,275,437	1,360,109	1,315,004	1,403,004
Legal Services	1,880,745	1,436,217	1,982,320	1,731,241	1,911,741
Police	6,748,263	7,109,625	7,106,248	7,183,375	8,703,375
Public Works	380,815	625,757	510,632	467,640	609,640
Community Development	1,504,081	1,610,421	1,538,464	1,406,606	1,627,606
Parks, Recreation & Cultural Svcs	2,296,717	2,298,837	2,427,647	2,396,732	2,599,532
Total Expenditures	$ 16,066,259	$ 15,950,005	$ 16,613,770	$ 16,130,000	$ 18,954,250
Transfers Out	208,500	175,000	175,000	195,000	215,000
Total Expenditures & Transfers	$ 16,274,759	$ 16,125,005	$ 16,788,770	$ 16,325,000	$ 19,169,250

CITY OF BURIEN
2010 DEPARTMENT BUDGET SUMMARY

	City Council	City Manager Services	City Manager Economic Development	Human Resources	Finance & Information Services	Legal Services	Police Services	Public Works	Com Dev Planning	Com Dev Building	Parks	Grand Total
Salaries and Wages	52,200	$ 557,969	$ 99,732	$ 92,808	$ 611,240	$ 208,832	$ -	$ 242,652	$ 373,994	$ 538,656	$ 946,401	$ 3,724,484
Personnel Benefits	37,677	178,692	27,743	25,884	189,543	52,492	-	58,371	116,673	168,444	325,413	1,180,930
Subtotal Salaries, Wages, Benefits	89,877	736,661	127,475	$ 118,692	$ 800,783	$ 261,324	$ -	$ 301,022	$ 490,667	$ 707,100	$ 1,271,814	$ 4,905,414
Subtotal Supplies	828	5,651	414	2,000	5,494	1,864	1,456	5,051	4,285	8,280	88,212	123,535
Professional Services	8,280	206,101	42,000	10,000	397,617	485,970	-	117,375	117,337	20,700	639,748	2,045,128
Communications	2,600	23,081	300	3,105	15,000	2,518	20,700	5,175	3,428	4,761	32,002	112,670
Travel	15,000	6,000	650	1,125	2,850	1,104	-	2,323	2,025	2,625	2,250	35,952
Advertising	-	5,175	-	14,076	1,553	-	-	414	7,866	-	4,585	33,669
Operating Rents and Leases	-	-	-	-	20,000	-	-	-	-	-	28,300	48,300
Insurance	-	-	-	-	-	200,000	-	-	-	-	-	200,000
Utility Services	-	-	-	-	-	-	-	30,000	-	-	165,126	195,126
Repairs and Maintenance	250	-	-	-	7,763	-	12,420	1,863	-	5,175	58,271	85,742
Dues, Memberships	54,600	1,553	828	518	36,225	2,518	518	1,656	2,898	1,035	2,019	104,368
Printing and Binding	550	3,752	600	1,656	4,140	811	518	725	4,821	2,070	65,852	85,495
Registrations and Training	8,000	2,000	500	1,000	5,500	2,518	2,588	1,000	3,050	4,550	12,300	43,006
Subscriptions & Publications	236	2,795	325	207	5,350	8,244	-	518	207	6,000	100	23,982
Other Miscellaneous	7,870	1,553	207	6,312	5,350	10,570	15,000	518	2,070	1,656	11,713	62,819
Subtotal Other Services & Charges	98,214	257,661	45,824	$ 39,999	$ 506,842	$ 716,117	$ 53,200	$ 166,618	$ 147,987	$ 56,852	$ 1,110,478	$ 3,199,792
Labor & Services Subtotal	$ 188,091	$ 994,322	173,299	$ 158,691	$ 1,307,625	$ 977,441	$ 53,200	$ 467,640	$ 638,654	$ 763,952	$ 2,382,292	$ 8,105,206
Annexation	7,700	449,000	5,550	7,700	108,000	180,500	1,520,000	142,000	108,000	113,000	202,800	2,844,250
Intergovernmental Services	-	115,000	-	-	7,379	753,800	7,125,000	-	-	-	-	8,001,179
Transfers Out	-	-	-	-	195,000	-	-	-	-	-	-	195,000
Capital Outlays	-	-	-	-	-	-	5,175	-	-	4,000	14,440	23,615
TOTAL 2010 GENERAL FUND	$ 195,791	$ 1,558,322	$ 178,849	$ 166,391	$ 1,618,004	$ 1,911,741	$ 8,703,375	$ 609,640	$ 746,654	$ 880,952	$ 2,599,532	$ 19,169,250

CITY OF BURIEN
PROPOSED ANNEXATION FULL-TIME EQUIVALENTS

Department*	Position	Full-Time Equivalent Adds	Estimated Annual Salary	Estimated Costs of Benefits
Parks	Maintenance Worker	0.50	$ 24,024	$ 8,408
Community Development	Plans Examiner (BD)	1.00	$ 59,652	$ 20,878
	Office Assistant (BD)	1.00	$ 49,056	$ 17,170
	Senior Planner (PL)	1.00	$ 68,940	$ 24,129
	Planner (PL)	1.00	$ 63,336	$ 22,168
City Manager	Department Assistant/Deputy Clerk	1.00	$ 49,056	$ 17,170
Public Works	Right-of-Way Inspector	1.00	$ 54,348	$ 19,022
	Sight Development Inspector	1.00	$ 57,936	$ 20,278
	Engineering Technician (Streets)	1.00	$ 56,088	$ 19,631
	Maintenance Worker	0.50	$ 24,024	$ 8,408
Finance	I.T./GIS Technician	0.50	$ 27,858	$ 9,750
	Increase Accountant to Full-time	0.15	$ 8,807	$ 3,083
	Total	9.65	$ 543,125	$ 190,094

*FTEs will be phased in as needed during the first two years after annexation. City Manager will review and approve all additions.

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Discussion of Draft Ordinance 528 Related to 2009 Comprehensive Plan Text and Map Amendments.		**Meeting Date:** December 7, 2009
Department: Community Development **Contact:** Scott Greenberg, Community Development Director **Telephone:** (206) 248-5519	**Attachments:** 1) Draft Ordinance 528 2) Planning Commission and Staff recommendation reports (6) 3) Planning Commission Meeting Minutes	**Fund Source:** N/A **Activity Cost:** N/A **Amount Budgeted:** N/A
Adopted Work Plan Priority: Yes X No __	**Work Plan Item Description:** Processing and adoption of annual comprehensive plan amendments.	

PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for City Council to continue discussion on draft Ordinance 528 incorporating Planning Commission recommendations for the package of 2009 Comprehensive Plan amendments. Staff is requesting direction on the proposed amendments so that a final ordinance can be prepared for Council consideration and possible adoption on December 14, 2009.

BACKGROUND (*Include prior Council action & discussion*):
Annual amendments to the Comprehensive Plan must be approved in a single ordinance per state law. Draft Ordinance 528 (Attachment 1) includes text and maps in accordance with the Planning Commission's recommendations on all six amendments.

Findings supporting each of the Commission's recommendations are included in Attachment 2. These individual reports also include additional background information on each proposed amendment. Available Planning Commission meeting minutes are on Attachment 3.

City Council previously reviewed the proposed amendments on November 9 and 23. Council requested additional information related to the NERA proposal. Please see the agenda bill for the NERA Zoning Code amendments for the requested information.

Because State law allows Comprehensive Plans to be amended only one time per calendar year, Council is scheduled to take action on draft Ordinance 528 on December 14, 2009.

OPTIONS (*Including fiscal impacts*):
1. Modify proposed Ordinance, including new supportive findings.

Administrative Recommendation: Provide direction to staff regarding content of draft Ordinance 528.

Committee Recommendation: N/A

Advisory Board Recommendation: The Planning Commission unanimously recommended approval of all proposed amendments with the exception of 2009-6 (Orht Rezone). Their recommendations can be found as part of Attachment 3.

Suggested Motion: None required.

Submitted by: Scott Greenberg, AICP **Administration** SG	Mike Martin **City Manager** MM
Today's Date: December 1, 2009	**File Code**: R:\CC\Agenda Bill 2009\120709cd-3 CompPlanAmend.doc

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 528

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO 2009 COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS, AMENDING THE COMPREHENSIVE PLAN MAP AND TEXT, AND AMENDING THE ZONING MAP AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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 City Council adopted Resolution No. 295 on July 20, 2009, which established the docket of possible Comprehensive Plan amendments to be considered as part of the City's annual amendment package; and

WHEREAS, public notice was provided and the City of Burien Planning Commission held public hearings on October 13, 2009 and October 20, 2009 on the proposed amendments to the zoning map, comprehensive plan map and comprehensive plan text; and

WHEREAS, the City Council has received recommendations from the Planning Commission regarding the proposed amendments; and

WHEREAS, the City Council held public meetings on November 9, 2009, November 23, 2009, December 7, 2009 and December 14, 2009 to discuss the proposed amendments; and

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

WHEREAS, the City of Burien provided the proposed comprehensive plan amendments to the Washington State Department of Commerce on September 22, 2009 and did not receive any comments by the 60-day comment deadline of November 22, 2009; and

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

- September 22, 2009, October 13, 2009, October 20, 2009, October 27, 2009, and November

ATTACHMENT 1

10, 2009 Planning Commission meeting minutes;

- Planning Commission and staff recommendation reports
  - 2009-1, Economic Development Element Text Amendments;
  - 2009-2, Sustainability Related Text Amendments;
  - 2009-3, Northeast Redevelopment Area Text and Map Amendments;
  - 2009-4, Capital Facilities Element Text Amendments;
  - 2009-5, Ambaum Partners Comprehensive Plan Map Amendment and Rezone Request;
  - 2009-6, Larry and Carla Orht Comprehensive Plan Map Amendment and Rezone Request;

the City Council finds that amendments to the City of Burien Comprehensive Plan attached hereto comply with the Washington State Growth Management Act under RCW 36.70A.130:

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

Section 1: Amendments to the Comprehensive Plan Text. The City Council hereby adopts the changes to the Burien Comprehensive Plan Text, attached as Exhibit A and incorporated by this reference as if fully set forth herein.

Section 2: Amendments to Comprehensive Plan Maps. The City Council hereby amends the Burien Comprehensive Plan Map as shown on Exhibit B and incorporated by this reference as if fully set forth herein and adopts the official Comprehensive Plan Map LU-1 as shown on Exhibit D.

Section 3: Amendments to Zoning Map. The City Council hereby amends the Burien Zoning Map as shown on Exhibit C and incorporated by this reference as if fully set forth herein and adopts the official zoning map as shown on Exhibit E.

Section 4: Denial of Amendment Request 2009-6. The City Council hereby denies the Comprehensive Plan Map Amendment and Rezone request 2009-6 filed by Larry and Carla Ohrt.

Section 5: 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 6: 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 DECEMBER, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS _____ DAY OF DECEMBER, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher D. Bacha, Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. 528
Date of Publication:

Ordinance 528
Exhibit A

Comprehensive Plan Text Amendments

Comprehensive Plan Text Amendments Regarding the Capital Facilities Element.

Pol. CF 3.2 The city shall maintain a Capital Improvement Program list that includes all projects needed to implement the comprehensive plan during the planning period. This list shall include a six-year CIP list, which should include projects that can be planned, financed and implemented during the next six years. The ~~annual~~ biennial budget should include a CIP list of those projects authorized for funding during the next fiscal year.

Pol. CF 3.4 Projects shall be considered funded only when incorporated into the ~~annual~~ biennial City budget, as adopted by the City Council.

Pol. CF 3.5 The entire CIP list shall be updated ~~annually~~ biennially along with anticipated funding capacities as part of the ~~annual~~ biennial budget process. While the first six-year Capital Improvements Program list is adopted by reference in this plan, future revisions to the six-year list shall be made as part of the ~~annual~~ biennial budget process. New additions to the six year project list, which are not identified as part of the long range Capital Improvement Program list, shall be evaluated for their consistency with the comprehensive plan prior to their incorporation into the six year project list.

Pol. CF 3.6 Capital projects that are not included in the six-year Capital Facilities Plan shall be evaluated for consistency with the comprehensive plan prior to their inclusion into the City's ~~annual~~ biennial budget.

Pol. CF 3.7 City shall ~~annually~~ biennially review the capital facility project list to ensure that the proposed capital program reflects an equitable geographic distribution of projects and that the needs of the city's neighborhoods are addressed along with city wide needs.

2.11 ECONOMIC DEVELOPMENT ELEMENT
(replace entire section 2.11 with the following text)

Overall Mission Statement: ***Ensure Burien is the best place to work, live, learn, shop and visit.***

Discussion: Burien City government has focused on the need to attract business and economic growth since incorporation in 1993. Working closely with the private sector, other public agencies and Burien residents, the City has participated in developing the Town Square complex, refurbishing SW 152nd Street, 4th Avenue SW, 1st Avenue South, and expanding the Transit Center. This leadership role must continue and expand to other parts of the city. Important economic development considerations are to

capitalize on Burien's proximity to Sea-Tac airport, ensure the Northeast Redevelopment Area redevelops, support redevelopment along the Ambaum Boulevard corridor and SW 153rd Street, and promote wellness cluster investments centered on Highline Medical Center and other institutions. Most importantly, the City must continue to manage growth in a special way by celebrating diversity, protecting the natural environment, encouraging sustainable practices, recognizing partnerships and furthering Burien's "unique livability."

Goal ED. 1
Adopt and maintain a forward looking economic development strategy.

Pol. ED 1.1 Sponsor an ongoing community dialogue that focuses on the future of Burien's economic and business vitality.

Pol. ED 1.2 Adopt an ambitious and courageous vision and pursue it to completion.

Pol. ED 1.3 Establish a capital fund to stimulate and match private investment in key economic development projects. The City should explore use of a real estate excise tax as a financing mechanism for the fund.

Pol. ED 1.4 Set a goal to become a 'transformational city'.

Discussion: A transformational city maintains on-going dialogue with its citizens to ensure a shared responsibility for attaining the city's vision and the city's place in the broader region.

Goal ED. 2
Embrace Burien's unique "livability".

Pol. ED 2.1 Favor development projects that build and sustain a livable community with plenty of amenities.

Pol. ED 2.2 Support a high quality transportation system by making it convenient to travel from, to and through the City of Burien pursuant to objectives TR 1.1 – TR 9.2, MM 3.1 – MM 3.13 and TL 3.1 – TL 3.3.

Pol. ED 2.3 Engage, and plan for, a diverse ethnic, generational and lifestyle mix of people and activities.

Goal ED. 3
Diversify the economy and promote economic vitality and employment throughout the city.

Pol. ED 3.1 Continue to promote the development of downtown Burien as a dynamic commercial core for the Highline area pursuant to policies DB 1.1 – DB 2.11 and other downtown related policies.

Pol. ED 3.2 Develop the Northeast Redevelopment Area as an industrial and retail area. Place a high priority on the relocation of car dealerships, airport-related industries and other uses into the area.

Pol. ED. 3.3 A high priority should be placed on business retention and new business recruitment.

Pol. ED 3.4 Promote Mercado/plaza development zones.

Pol. ED 3.5 Encourage and support locally-owned, right-sized businesses.

Pol. ED 3.6 Support tourism, hotel, bed and breakfast businesses, and cultural events to attract visitors to all parts of Burien.

Goal ED. 4
Use Economic Clusters as a strategy for focused economic growth.

Pol. ED 4.1 Continue to promote Burien as a medical service and wellness center.

Pol. ED 4.2 Work with the private sector and educational system to identify the educational skills needed to fill locally created well paying jobs in health care.

Pol. ED 4.3 Identify and work with other economic clusters to attract well paying jobs to Burien.

Discussion: Burien is fortunate to historically have attracted several economic clusters that act as drivers of the City's future economic well being. These include a large number of eclectic restaurants, boutique retail stores, and auto dealerships. The development of a higher education cluster emphasizing visual and performing arts should be identified as a future economic cluster opportunity in Burien. Other possible economic clusters include airport related, "green collar" jobs and non-profit organizations.

Goal ED. 5
Promote clean, sustainable, environmentally-friendly businesses and jobs.

Pol. ED 5.1 Adopt a sustainability standard to guide development policy.

Pol. ED 5.2 Capitalize on the City's support of sustainability and a healthy environment for branding, marketing and communication value.

Goal ED. 6
View art, aesthetic design and cultural events as central to businesses and job retention and creation.

Pol. ED 6.1 Recognize the economic benefit of embracing arts and culture as a signature Burien identity.

Pol. ED 6.2 Establish a "culture/art district" near the City's downtown core and pursue establishment of a small performing arts venue.

Goal ED. 7
Balance regulatory and service programs to ensure economic growth and a high quality of life.

Pol. ED 7.1 Provide high quality customer service and an equitable and efficient development review/land use permitting process.

Goal ED. 8
Maintain a strong partnership with the business community.

Pol. ED 8.1 Maintain an open dialogue with the business community.

Pol. ED 8.2 Maintain the Burien Business and Economic Development Partnership.

Goal ED. 9
Communicate openly and often with the public on economic issues.

Pol. ED 9.1 Provide periodic reports to Council on economic development progress.

Pol. ED 9.2 Make timely press releases, newsletters and posting on City television channel.

Pol. ED 9.3 Keep economic development information current on City website.

Goal ED. 10
Monitor and report business and economic performance.

Pol. ED 10.1 Annually report to the Council on the following key economic development indicators;

- Unemployment
- retail sales
- new business licenses
- graduation rates
- infrastructure investments

2.13 SUSTAINABILITY ELEMENT (A new element of the Comprehensive Plan)

Sustainability and decision making

Goal SU .1

Decision makers should have the knowledge and tools necessary to assess sustainability in their plans and decisions.

Pol. SU 1.1 The city should consider sustainability in all decisions.

Pol. SU 1.2 Decision makers should set an example for the rest of the city in its sustainability efforts.

Community participation

Goal SU .2

An informed and active community will be a cornerstone of the city's sustainability efforts.

Pol. SU 2.1 The community and community groups should assist in both the creation and implementation of the City's sustainability strategy.

Pol. SU 2.2 The city should promote community awareness, responsibility and participation in its sustainability efforts.

Reduce carbon emissions

Goal SU .3

Conserve energy and reduce the amount of carbon dioxide released into the atmosphere.

Pol. SU 3.1 The City should evaluate energy use and carbon emissions and develop targets for conservation.

Pol. SU 3.2 The community should work to become more efficient in our daily lives and our usage of resources.

Protection of Ecosystems

Goal SU .4

Prevent the loss and damage of currently functioning or distressed habitats

Pol. SU 4.1 Emphasis should be put on both the protection of current ecosystems, and the

restoration of distressed or suffering ecosystems.

Pol. SU 4.2 Maintain and care for the land and resources which we currently have, and preserve them for the benefit of both the environment and the community in the present, and in the future.

Improved quality of life and Sustainable development

Goal SU .5

Work towards creating an attractive, vibrant, and livable community

Pol. SU 5.1 The City and Community should work towards creating an attractive, vibrant, and livable community.

Pol. SU 5.2 The city should continue supporting compact urban development in the downtown as a way to most efficiently use the land we have.

Ordinance 528
Exhibit B

Table of Comprehensive Plan Map Amendments

Map Ref. No.	Description of Map Change	Reason for change	Parcel No.
Figure 2-SE1 and Map LU-1	Northeast Redevelopment Area changes	City of Burien initiated (see Docket Reference No. 2009-3)	Planning Subarea
1	One parcel change from Office to High Density Multi-Family Neighborhood.	Citizen initiated (see Docket Reference No. 2009-5)	4331400125

Figure 2-SE1 Special Planning Areas

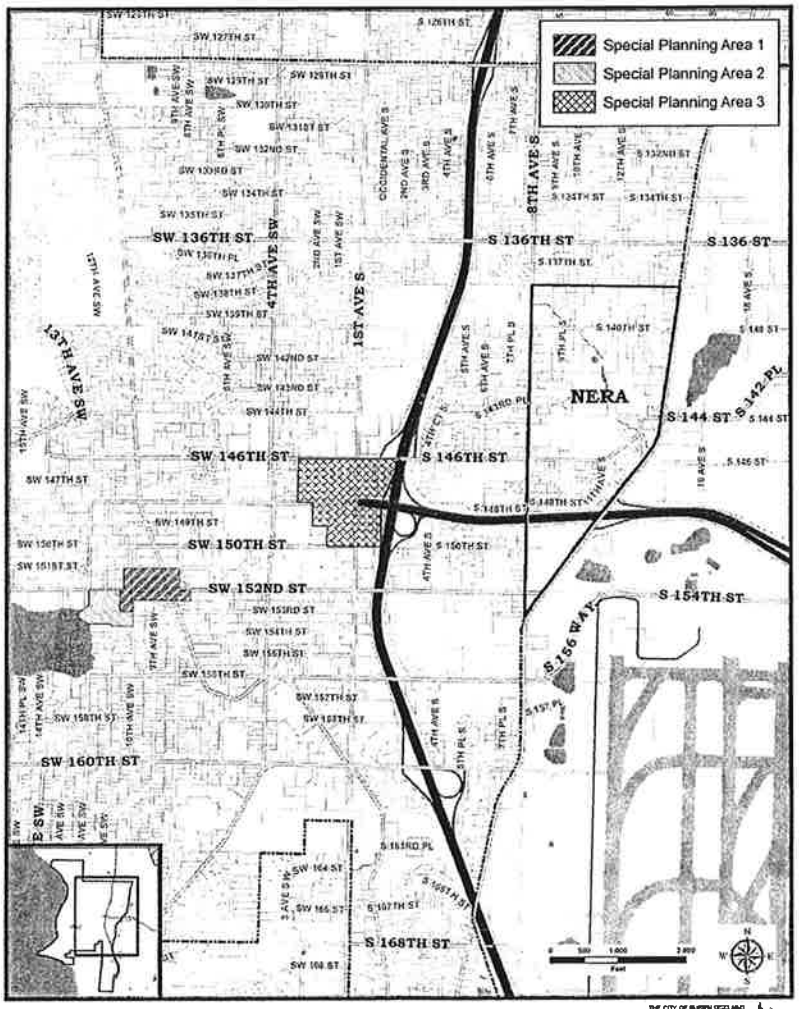
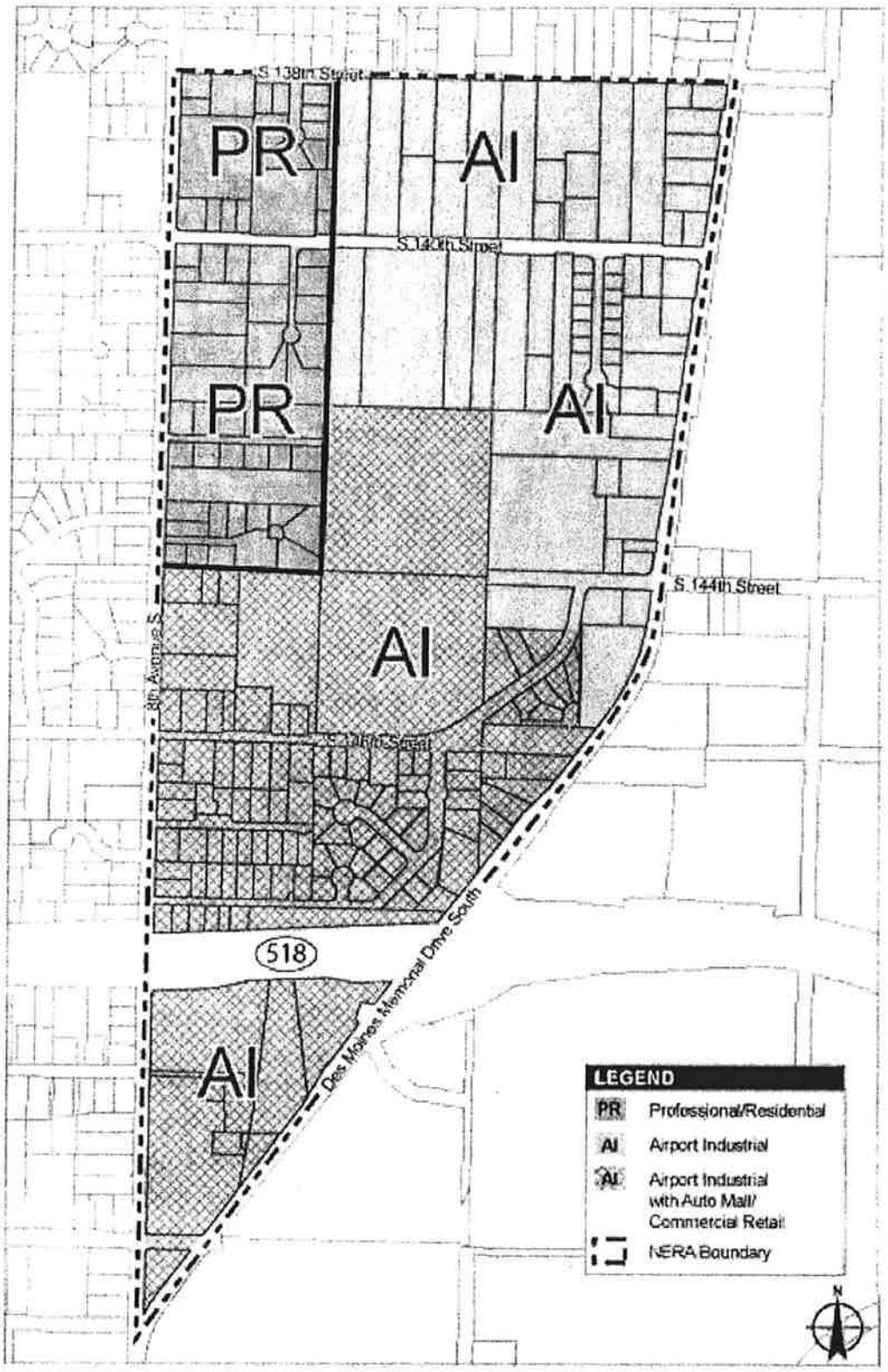


Figure 2-SE1 - Special Planning Areas

December 2009

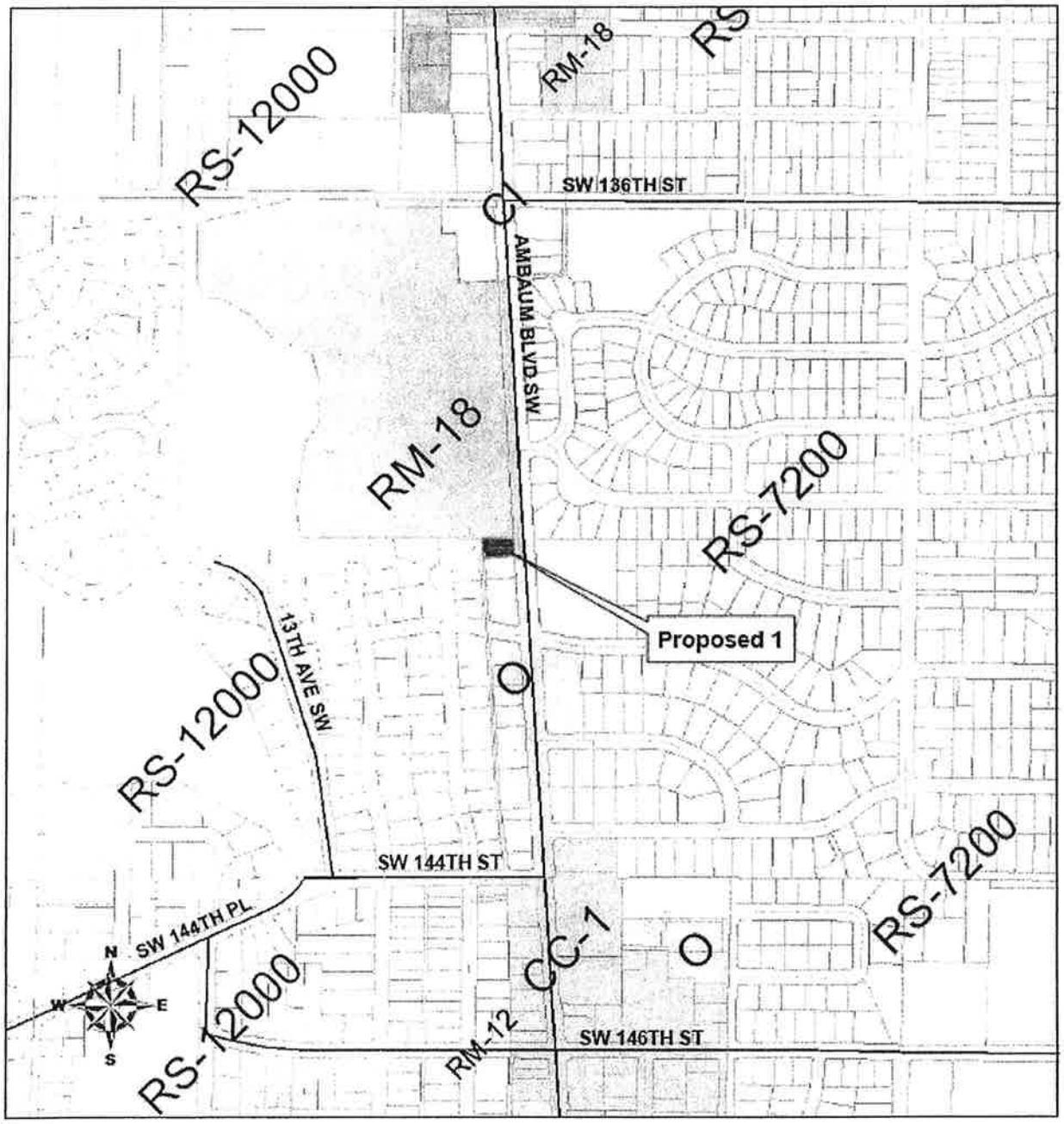
Map LU-1 Northeast Redevelopment Area, Land Use Designations



Burien
Washington, USA

Comprehensive Plan Map Amendments

Area of Detail

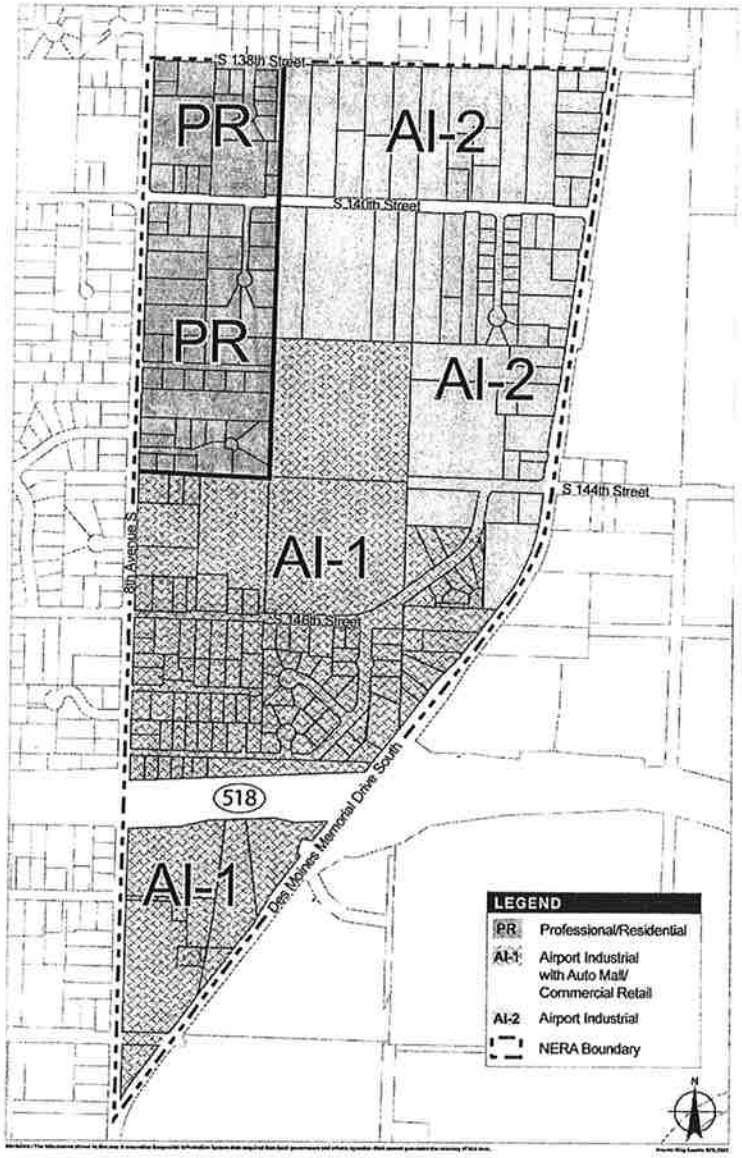


Ordinance 528
Exhibit C

Table of Zoning Map Amendments

Map Ref. No.	Description of Map Change	Reason for change	Parcel No.
NERA Zoning	Northeast Redevelopment Area changes	City of Burien initiated (see Docket Reference No. 2009-3)	Planning subarea
1	A single parcel change from 'O' to RM-18.	Citizen initiated (see Docket Reference No. 2009-5)	4331400125

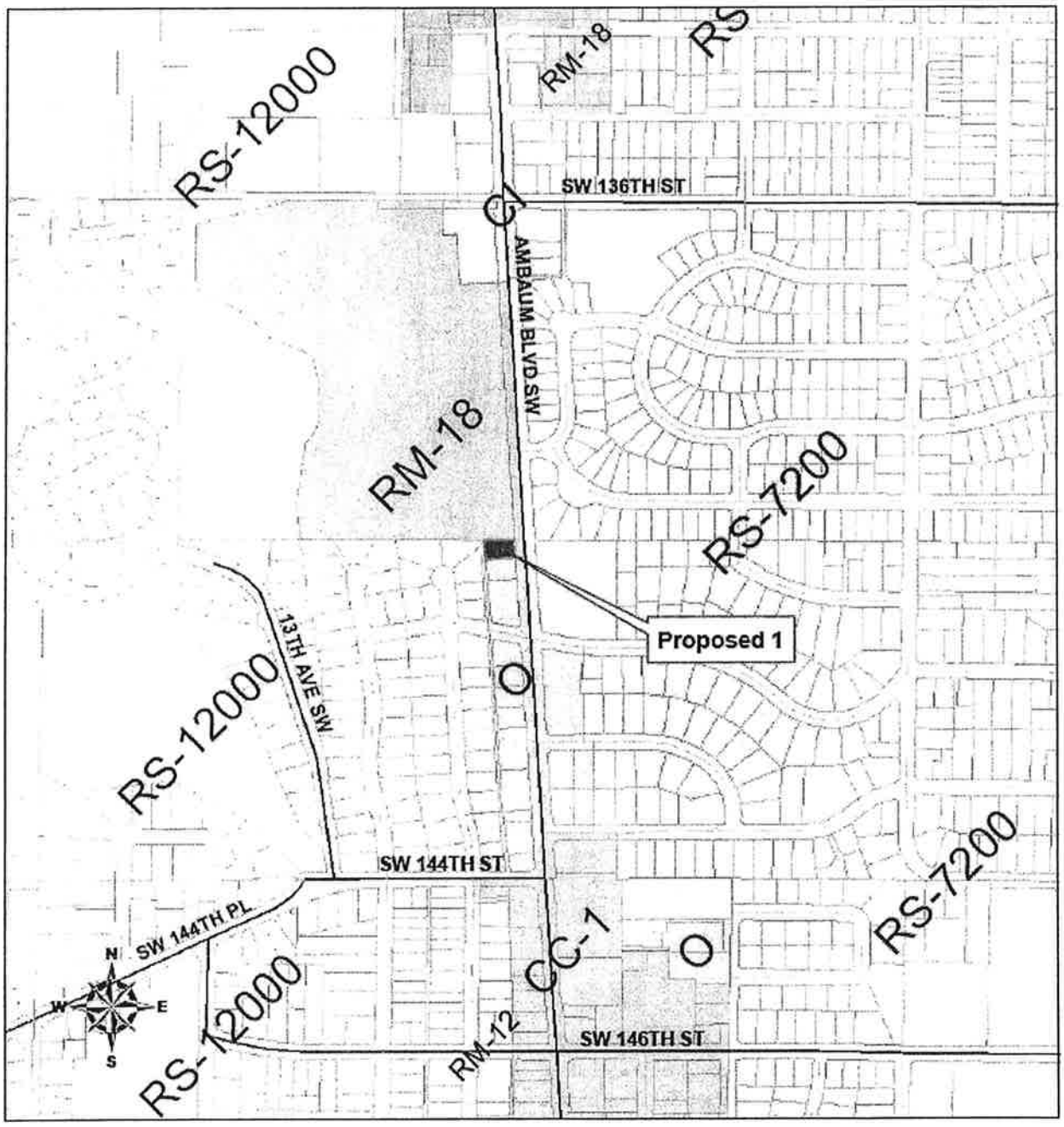
NERA ZONING



Burien
Washington, USA

Zoning Map Amendments

Area of Detail

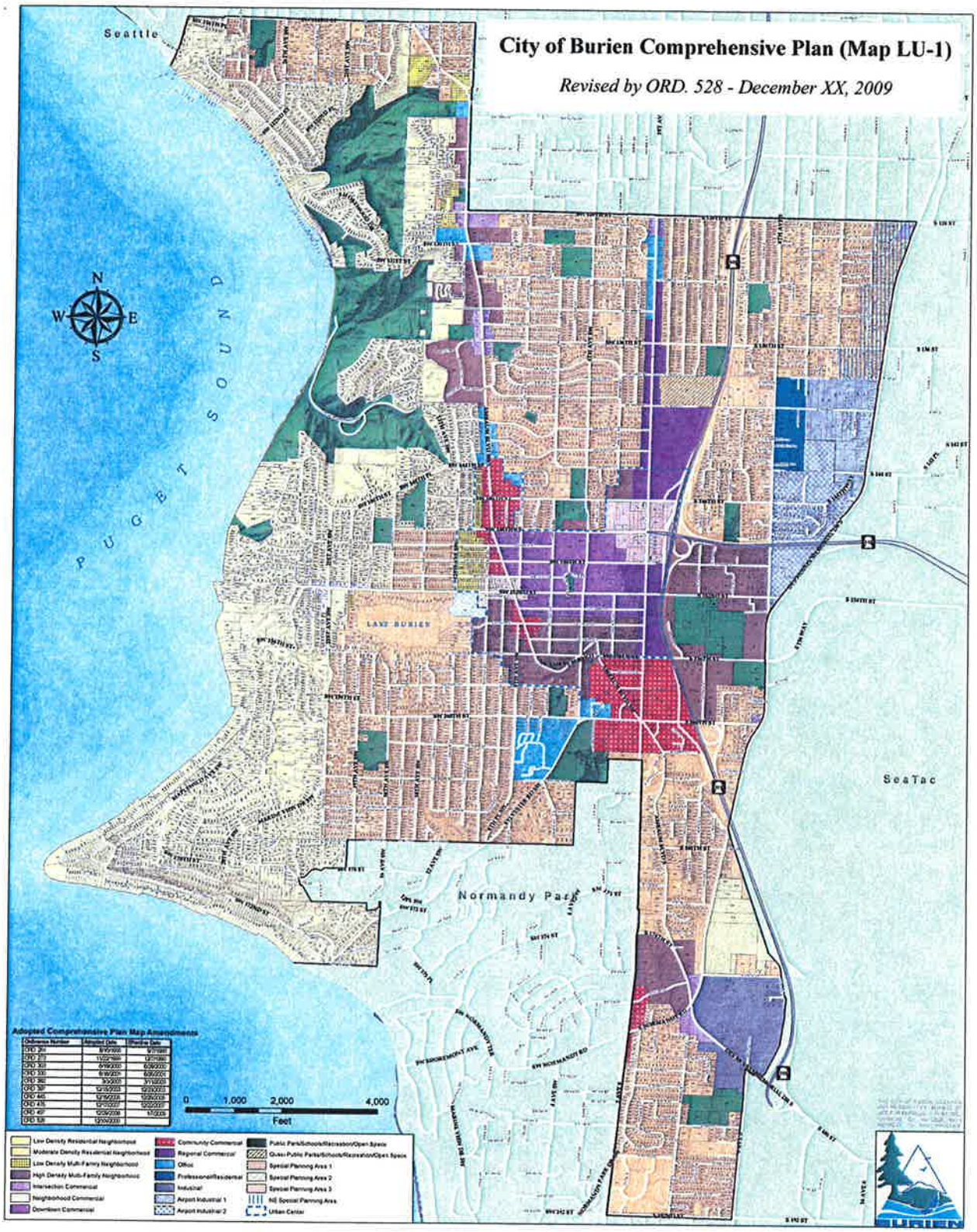


Ordinance 528
Exhibit D

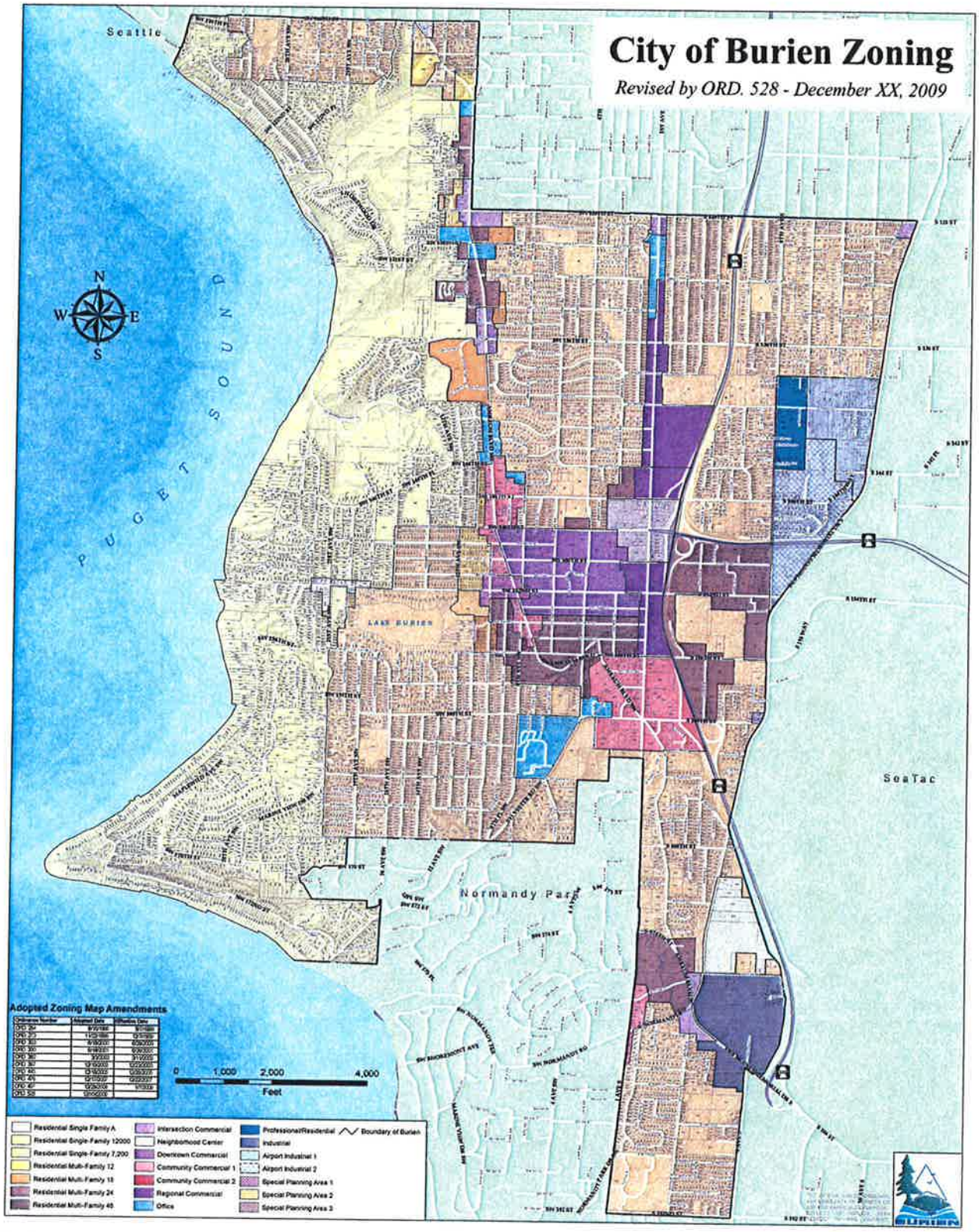
See attached City of Burien Comprehensive Plan Map (LU-1)

Ordinance 528
Exhibit E

See attached City of Burien Zoning Map



ORD. 528
EXHIBIT D



ORD. 528
EXHIBIT E

2009 COMPREHENSIVE PLAN AMENDMENTS SUMMARY
November 30, 2009

Ref. No.	PROPOSED AMENDMENT	PROPOSED BY	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION*
2009-1	Economic Development Element comprehensive plan amendments	BEDP	Approval	Approval October 27, 2009
2009-2	Sustainability Element goal and policy amendments	City of Burien	Approval	Approval October 27, 2009
2009-3	Northeast Redevelopment Area comprehensive plan text and map amendments	City of Burien	Approval of Alt. 1	Approval of Alt. 1 November 10, 2009
2009-4	Capital Facility Element policy amendments	City of Burien	Approval	Approval October 27, 2009
2009-5	Broderick Architects for Ambaum Partners, LLC Comprehensive Plan Map Amendment and Rezone Request Parcel No. 433140-0125 14001 Ambaum Blvd. SW Comprehensive plan map change from Office to High Density Multi-Family Residential Neighborhood. and Rezone from O (Office) to RM-18(Residential Multi-Family)	Ambaum Partners, LLC	Approval	Approval October 13, 2009
2009-6	Cramer Northwest Inc. for Larry and Karla Orht Comprehensive Plan Map Amendment and Rezone Request Parcel No. 202304-9139 640 SW 160th Street Comprehensive plan map change from Moderate Density Single-Family Neighborhood to Intersection Commercial (CI) and Rezone from RS-7,200 to CI	Larry and Karla Orht	Approval	Denial October 27, 2009

ATTACHMENT 2

CITY OF BURIEN
Dept. of Community Development
400 SW 152nd Street, Suite 300
Burien, WA 98166
(206) 248-5510

2009 Comprehensive Plan Amendment Request

AMENDMENT REFERENCE NUMBER: 2009-1

APPLICANT(S): City of Burien Business and Economic Development Partnership (BEDP)

LOCATION: Not applicable

REQUEST:

1. Amend Economic Development Element, Chapter 2, Section 2.11.

TAX PARCELNUMBER(S): Not applicable

BEDP/Planning Commission and Staff RECOMMENDATION:

1. Amend Economic Development Element, Chapter 2, Section 2.11 as set forth in Attachment 1.

FINDINGS

HISTORY:

The City Council has established long-term economic growth and development as high priority within the City and its surrounding areas. In 1995, the council created a citizen advisory board, the Burien Business and Economic Development Partnership (BEDP), consisting of 14 appointed members and one ex-officio, non-voting member, the City Manager.

The BEDP was tasked to provide advice to the City Council on Burien's economic development through review of the City's Comprehensive Plan, and to make recommendations to the City Council on other economic development programs and priorities.

REVIEW OF CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT

Zoning Code section 19.65.095.4 contains the criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment must meet all of the following criteria (in italics, followed by Planning Commission and staff response):

A. The request has been filed in a timely manner.

The request to amend the economic development element was made prior to June 1, 2009, as required in BMC 19.65.095.

B. There is a public need for the proposed amendment.

The public need for the amendment is to update Burien's Comprehensive Plan to accurately reflect the direction that is envisioned by the Business and Economic Development Partnership. The result will formalize policy that has been under development and community consideration for the past 2 years.

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

The comprehensive plan should be periodically checked to ensure it is consistent with current economic direction in which the city is interested in pursuing. Since the original element was created in 2003. There has not been a significant change in direction. Over the past few years the city has been exploring economic strategies in an effort to find its niche in the Puget Sound regional market place. That work has formulated an approach and direction that should be reflected in the city policy statements that will assist and guide future decisions. Capturing this direction in updated policies in Burien's comprehensive plan is the best means to meet the need for policy direction.

D. The proposed amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act and Countywide Planning Policies; and

RCW section 36.70A.070 (7), Comprehensive Plan Mandatory Elements, states that all comprehensive plans shall have;

"An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection."

The proposed amendments are in compliance with the state law for mandatory elements of a comprehensive plan.

Listed below are the applicable policies in the King County Countywide Planning Policies.

LU-49 In support of Centers, additional local action should include:

a. Strategies for land assembly within the Center, if applicable;
b. Infrastructure and service financing strategies and economic development strategies for the Centers;
c. Establishing expected permit processing flow commitments consistent with the PEIS; and
d. Establishing a streamlined and simplified administrative appeal process with fixed and certain timelines.

FW-32 Public capital facilities of a Countywide or statewide nature shall be sited to support the Countywide land use pattern, support economic activities, mitigate environmental impacts, provide amenities or incentives, and minimize public costs. Amenities or incentives shall be provided to neighborhoods/jurisdictions in which facilities are sited. Facilities must be prioritized, coordinated, planned, and sited through an interjurisdictional process established by the Growth Management Planning Council or its successor.

IX. Economic Development

Jurisdictions should cooperatively create an environment which sustains the economic vitality of the region and which contributes to manageable economic growth. Jurisdictions shall recognize that King County is part of a larger regional economy, which is strongly linked by trade to the national and international economies. Infrastructure investments should

be focused into Urban Centers and Manufacturing/Industrial Centers which are supported by transit. Countywide Policies shall be integrated with economic development.

FW-33 All jurisdictions shall contribute to the economic sustainability of the County in a manner which supports the Countywide land use pattern. This is to be accomplished by providing cost-efficient quality infrastructure and public services at an adopted level-of-service specific to the local situation, providing affordable housing, promoting excellence in education, and protecting the environment.

FW-34 All jurisdictions shall act to increase work training and job opportunities for all residents and communities.

FW-35 All jurisdictions shall support the development of a regional economic development strategy consistent with the Countywide land use pattern.

Definition of Economic Development

Economic Development is growth and change in the economy whereby the economic health of the region—its people, its business, its governments—is enhanced. An important component of achieving economic development is through the purposeful undertaking of public and private actions designed to achieve:

- the maintenance of a strong economic base;
- a diversification of the economy;
- improved job training and educational opportunities;
- the protection of the natural environment;
- the empowerment of economically disadvantaged citizens and neighborhoods,
- a partnership between the private and public sectors; and
- the maintenance and creation of higher (family) wage jobs.

This element of the Countywide Planning Policies is intended to provide a vision and policy direction for King County jurisdictions.

ED-1 The Growth Management Planning Council has adopted economic development policies which:

a. Establish the County's role in the regional economy;
b. Maintain a strong economic base within King County;
c. Encourage diversification of the economy;
d. Maintain an adequate supply of land to support future economic development;
e. Identify geographic areas to target public resources promoting economic development;
f. Foster job training opportunities to maintain a highly educated work force;
g. Protect the natural environment as a key economic value in this region;
h. Consider the special needs of economically disadvantaged citizens and neighborhoods; and
i. Include the assistance of private sector.

ED-3 Jurisdictions' comprehensive plans shall include economic development policies. These policies shall address the local economic concerns of each jurisdiction within the context of a regional economic development strategy.

ED-4 Each jurisdiction's comprehensive plan shall include an economic development element which will include an estimate of the type and number of jobs to be accommodated in the jurisdiction during the next 20 years.

ED-6 Local jurisdictions' plans shall include policies that actively support the retention and expansion of the economic base of the multi-County region. Local jurisdictions and the County shall work cooperatively on a regional basis and invite private sector participation to evaluate the trends, opportunities and weaknesses of the existing economy and to analyze the economic needs of key industries. Local jurisdictions' comprehensive plans shall include policies intended to foster:

a. The development and retention of those businesses and industries which export their goods and services outside the region. These businesses and industries are critical to the economic strength and diversification of the economy; and
b. A business climate which is supportive of business formation, expansion, and retention and recognizes the importance of small businesses in creating new jobs.

ED-7 Jurisdictions shall cooperate to establish economic diversification and development goals for the multi-County region. Jurisdictions shall, in process of comprehensive planning, identify the contribution they will make to the regional diversification and development goals.

ED-8 Where appropriate, jurisdictions' plans shall include policies intended to attract and retain industries, firms and jobs, within their locally determined or zoned manufacturing and industrial areas.

ED-9 Jurisdictions shall recognize businesses, facilities, and institutions within their boundaries that provide opportunities to maintain economic stability and realize economic growth for the entire region. These include major educational facilities, research institutions, health care facilities, high value added manufacturing facilities and port facilities among others. The County and local jurisdictions shall encourage these institutions, businesses and facilities to thrive while maintaining the environmental and other goals of the local comprehensive plans.

ED-10 Jurisdictions shall adopt economic development and other policies which will recognize and help protect the environment as a key economic value in the region. Local policies shall seek to achieve an appropriate balance between the needs for economic growth and the need for protecting the environment. Local governments are encouraged to look for ways to work cooperatively with businesses to help them comply with environmental regulations and to develop policies that result in environmental protection through regulatory processes that are understandable and efficient.

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

The community will benefit in that the planning documents will incorporate the economic vision of the community as formulated by the Business and Economic Development Partnership (BEDP). The revised economic development element will provide a framework that will communicate and guide the economic decisions and will be a tool that communicates to the public and business community how the city grows economically. Knowing the economic goals, as identified in the amended economic development element, will greatly assist city staff in determining work priorities and directing time and resources.

F. The revised Comprehensive Plan will be internally consistent.

The proposed amendments will improve the Comprehensive Plan and will ensure that the document is more internally and externally consistent by accurately reflecting the desired direction and focus for economic recovery and development into the future.

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

Not applicable to this text amendment.

H. Adequate public facility capacity to support the projected land use exists or can be provided by the property owner(s) requesting the amendment, or can be cost-effectively provided by the City or other public agency.

Not applicable to this text amendment.

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

Not applicable to this text amendment.

J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing.

Not applicable to this text amendment.

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate;

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

Not applicable. The Comprehensive Plan Land Use map is not being changed.

ATTACHMENTS
1—Proposed Comprehensive Plan text amendments

Attachment 1

2009-1 Comprehensive Plan Text Amendments.

(Replace entire Economic Development Element, Chapter 2, Section 2.11 with the following language.)

2.11 ECONOMIC DEVELOPMENT ELEMENT

Overall Mission Statement: ***Ensure Burien is the best place to work, live, learn, shop and visit."***

Discussion: Burien City government has focused on the need to attract business and economic growth since incorporation in 1993. Working closely with the private sector, other public agencies and Burien residents, the City has participated in developing the Town Square complex, refurbishing SW 152nd Street, 4th Avenue SW, 1st Avenue South, and expanding the Transit Center. This leadership role must continue and expand to other parts of the city. Important economic development considerations are to capitalize on Burien's proximity to Sea-Tac airport, ensure the Northeast Redevelopment Area redevelops, support redevelopment along the Ambaum Boulevard corridor and SW 153rd Street, and promote wellness cluster investments centered on Highline Medical Center and other institutions. Most importantly, the City must continue to manage growth in a special way by celebrating diversity, protecting the natural environment, encouraging sustainable practices, recognizing partnerships and furthering Burien's "unique livability."

Goal ED. 1
Adopt and maintain a forward looking economic development strategy.

Pol. ED 1.1 Sponsor an ongoing community dialogue that focuses on the future of Burien's economic and business vitality.

Pol. ED 1.2 Adopt an ambitious and courageous vision and pursue it to completion.

Pol. ED 1.3 Establish a capital fund to stimulate and match private investment in key economic development projects. The City should explore use of a real estate excise tax as a financing mechanism for the fund.

Pol. ED 1.4 Set a goal to become a 'transformational city'.

Discussion: A transformational city maintains on-going dialogue with its citizens to ensure a shared responsibility for attaining the city's vision and the city's place in the broader region.

Goal ED. 2

Embrace Burien's unique "livability".

Pol. ED 2.1 Favor development projects that build and sustain a livable community with plenty of amenities.

Pol. ED 2.2 Support a high quality transportation system by making it convenient to travel from, to and through the City of Burien pursuant to objectives TR 1.1 – TR 9.2, MM 3.1 – MM 3.13 and TL 3.1 – TL 3.3.

Pol. ED 2.3 Engage, and plan for, a diverse ethnic, generational and lifestyle mix of people and activities.

Goal ED. 3

Diversify the economy and promote economic vitality and employment throughout the city.

Pol. ED 3.1 Continue to promote the development of downtown Burien as a dynamic commercial core for the Highline area pursuant to policies DB 1.1 – DB 2.11 and other downtown related policies.

Pol. ED 3.2 Develop the Northeast Redevelopment Area as an industrial and retail area. Place a high priority on the relocation of car dealerships, airport-related industries and other uses into the area.

Pol. ED. 3.3 A high priority should be placed on business retention and new business recruitment.

Pol. ED 3.4 Promote Mercado/plaza development zones.

Pol. ED 3.5 Encourage and support locally-owned, right-sized businesses.

Pol. ED 3.6 Support tourism, hotel, bed and breakfast businesses, and cultural events to attract visitors to all parts of Burien.

Goal ED. 4

Use Economic Clusters as a strategy for focused economic growth.

Pol. ED 4.1 Continue to promote Burien as a medical service and wellness center.

Pol. ED 4.2 Work with the private sector and educational system to identify the educational skills needed to fill locally created well paying jobs in health care.

Pol. ED 4.3 Identify and work with other economic clusters to attract well paying jobs to Burien.

Discussion: Burien is fortunate to historically have attracted several economic clusters that act as drivers of the City's future economic well being. These include a large number of eclectic restaurants, boutique retail stores, and auto dealerships. The development of a higher education cluster emphasizing visual and performing arts should be identified as a future economic cluster opportunity

in Burien. Other possible economic clusters include "green collar" jobs, airport related jobs and non-profit organizations.

Goal ED. 5

Promote clean, sustainable, environmentally-friendly businesses and jobs.

Pol. ED 5.1 Adopt a sustainability standard to guide development policy.

Pol. ED 5.2 Capitalize on the City's support of sustainability and a healthy environment for branding, marketing and communication value.

Goal ED. 6

View art, aesthetic design and cultural events as central to businesses and job retention and creation.

Pol. ED 6.1 Recognize the economic benefit of embracing arts and culture as a signature Burien identity.

Pol. ED 6.2 Establish a "culture/art district" near the City's downtown core and pursue establishment of a small performing arts venue.

Goal ED. 7

Balance regulatory and service programs to ensure economic growth and a high quality of life.

Pol. ED 7.1 Provide high quality customer service and an equitable and efficient development review/land use permitting process.

Goal ED. 8

Maintain a strong partnership with the business community.

Pol. ED 8.1 Maintain an open dialogue with the business community.

Pol. ED 8.2 Maintain the Burien Business and Economic Development Partnership.

Goal ED. 9

Communicate openly and often with the public on economic issues.

Pol. ED 9.1 Provide periodic reports to Council on economic development progress.

Pol. ED 9.2 Make timely press releases, newsletters and posting on City television channel.

Pol. ED 9.3 Keep economic development information current on City website.

Goal ED. 10

Monitor and report business and economic performance.

Pol. ED 10.1 Annually report to the Council on the following key economic development indicators;

- unemployment
- retail sales
- new business licenses
- graduation rates
- infrastructure investments

CITY OF BURIEN
Dept. of Community Development
400 SW 152nd St., Suite 300
Burien, WA 98166
(206) 248-5510

2009 Comprehensive Plan Amendment Request
Sustainability Goal and Policy Amendments

AMENDMENT REFERENCE NUMBER: 2009-2

APPLICANT(S): City of Burien

LOCATION: City wide.

REQUEST(S):
1. Amend Comprehensive Plan policies relating to Sustainability

TAX PARCELNUMBER(S): Not applicable

PLANNING COMMISSION AND STAFF RECOMMENDATION:

1. Amend Comprehensive Plan policies relating to Sustainability as shown on Attachment 1.

FINDINGS

HISTORY:
The following is a brief background for sustainability.
The U.S. National Environmental Policy Act of 1969 declared as its goal a national policy to "create and maintain conditions under which [humans] and nature can exist in productive harmony, and fulfill the social, economic and other requirements of present and future generations of Americans." Sustainability is listed as a key objective in the introduction of Burien's Comprehensive plan, but gets no mention elsewhere in the document.

DISCUSSION:
A standard definition of sustainability is meeting the needs of the present without compromising the ability of future generations to meet their needs. The intention of these amendments is to improve the quality of life for those in the city, and provide direction and structure to future sustainability efforts in the city.

REVIEW OF CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT
Zoning Code section 19.65.095.4 contains the criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment must meet all of the following criteria (in italics, followed by Planning Commission and staff response):

A. The request has been filed in a timely manner.

The request was placed on the docket by City staff prior to June 1, 2009, as required in BMC 19.65.095.

B. There is a public need for the proposed amendment.
The public need for the amendment is to provide a policy basis to direct and encourage future actions of the city with regard to sustainability. Establishing guidelines for sustainable growth and operations in the city

will benefit the community. The focus of this amendment is greatly on the health and wellbeing of those who live and/or work in the city, and those who will do so in the future.

C. The proposed amendment is the best means for meeting the identified public need.
The proposed amendment sets a foundation for future sustainability efforts. The amendments will give direction and structure to meet the public need for a more sustainable community.

D. The proposed amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act and Countywide Planning Policies; and

Growth Management Act
RCW 36.70A.020
(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

Countywide Planning Policies

LU-28 Within the Urban Growth Area, growth should be directed as follows: a) first, to Centers and urbanized areas with existing infrastructure capacity; b) second, to areas which are already urbanized such that infrastructure improvements can be easily extended; and c) last, to areas requiring major infrastructure improvements.

LU-42 Jurisdictions which contain Urban Centers, in conjunction with METRO, shall identify transit station areas and rights-of-way in their comprehensive plan. Station areas shall be sited so that all portions of the Urban Center are within walking distance (one-half mile) of a station.

LU-44 To encourage transit use, jurisdictions should establish mechanisms to limit the use of single-occupancy vehicles for commuting purposes. Such mechanisms could include charging for long-term single-occupancy vehicle parking and/or limiting the number of off-street parking spaces for each Urban Center; establishing minimum and maximum parking requirements that limit the use of the single-occupant vehicle; and developing coordinated plans that incorporate Commuter Trip Reduction guidelines. All plans for Urban Centers shall encourage bicycle travel and pedestrian movement.

T-7 The transportation element of Comprehensive Plans shall include pedestrian and bicycle travel as part of the transportation system and be developed on a coordinated,

regional basis. The bicycle and pedestrian element shall be a part of the funding component of the capital improvement program.

FW-27 All jurisdictions shall cooperatively identify, establish, protect and steward urban and rural open space corridors of regional significance.

FW-28 All jurisdictions shall provide for a diversity of housing types to meet a variety of needs and provide for housing opportunities for all economic segments of the population. All jurisdictions shall cooperatively establish a process to ensure an equitable and rational distribution of low-income and affordable housing throughout the County in accordance with land use policies, transportation, and employment locations.

FW-31 Protection of public health and safety and the environment shall be given high priority in decision-making about infrastructure improvements. County residents in both Urban and Rural Areas shall have reasonable access to a high-quality drinking water source meeting all Federal and State drinking water requirements. Management and operation of existing on-site septic systems shall not result in adverse impacts to public health or the environment.

FW-33 All jurisdictions shall contribute to the economic sustainability of the County in a manner which supports the Countywide land use pattern. This is to be accomplished by providing cost-efficient quality infrastructure and public services at an adopted level-of-service specific to the local situation, providing affordable housing, promoting excellence in education, and protecting the environment.

The proposed new and recommended amendments are consistent with the overall intent of the goals of the Growth Management Act, Countywide Planning Policies and Burien's Comprehensive Plan.

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

The proposed amendments will result in a net benefit to the community by establishing and reinforcing goals and policy pertaining to sustainability. The overarching theme of these goals and policies are to improve the quality of life for those who live, visit, and work in the City of Burien.

F. The revised Comprehensive Plan will be internally consistent.

The proposed amendments will improve the Comprehensive Plan and will ensure that the document is more internally and externally consistent by building on objectives stated in the introduction of the Comprehensive Plan

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

Land uses are not proposed to be altered by the amendments therefore the amendments do not affect the capability of the land to support the projected land uses.

H. Adequate public facility capacity to support the projected land use exists or can be provided by the property owner(s) requesting the amendment, or can be cost-effectively provided by the City or other public agency.

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

The proposed amendments do not affect compatibility with nearby uses.

J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing.

The proposed amendments will not result in the loss of capacity to meet other needed land use such as housing.

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate;

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

Not applicable. The Comprehensive Plan Land Use map will not be changed.

ATTACHMENTS

1 - Proposed Comprehensive Plan text amendments

Attachment 1

Comprehensive Plan policies relating to Sustainability

Sustainability and decision making

Goal SU .1

Decision makers will have the knowledge and tools necessary to assess sustainability in their plans and decisions.

Pol. SU 1.1 The city should consider sustainability in all decisions made

Pol. SU 1.2 Decision makers should set an example for the rest of the city in its sustainability efforts.

Community participation

Goal SU .2

An informed and active community will be a cornerstone of the city's sustainability efforts.

Pol. SU 2.1 The community and community groups should assist in both the creation and implementation of the City's sustainability strategy.

Pol. SU 2.2 The city should promote community awareness, responsibility and participation in its sustainability efforts.

Reduce carbon emissions

Goal SU .3

Conserve energy and reduce the amount of carbon dioxide released into the atmosphere.

Pol. SU 3.1 The City should evaluate energy use and carbon emissions and develop targets for conservation.

Pol. SU 3.2 The community should work to become more efficient in our usage of resources

Protection of Ecosystems

Goal SU .4

Prevent the loss and damage of currently functioning or distressed habitats

Pol. SU 4.1 Emphasis should be put on both the protection of healthy ecosystems, and the restoration of distressed or suffering ecosystems.

Pol. SU 4.2 Maintain and care for the land and resources which we currently have, and preserve them for the benefit of both the environment and the community in the present, and in the future.

Improved quality of life and Sustainable development

Goal SU .5

Work towards creating an attractive, vibrant, and livable community

Pol. SU 5.1 The City and Community should work together towards creating an attractive, vibrant, and livable community.

Pol. SU 5.2 The city should continue supporting compact urban development in the downtown as a way to most efficiently use the land available.

CITY OF BURIEN
Dept. of Community Development
400 SW 152nd Street, Suite 300
Burien, WA 98166
(206) 248-5510

2009 Comprehensive Plan Amendment and Rezone Request

AMENDMENT REFERENCE NUMBER: 2009-3

APPLICANT(S): City of Burien

LOCATION: NE Redevelopment Area (NERA)

REQUEST:

1. Amend Policy SE-1.5
2. Amend Land Use Map LU-1
3. Rezone the NERA to AI and PR Zones

TAX PARCELNUMBER(S): Not applicable

PLANNING COMMISSION AND STAFF RECOMMENDATION:

Amend Policy SE-1.5, Land Use Map LU-1 and the Burien Zoning Map as set forth in Alternative 1 on Attachment 1.

FINDINGS

HISTORY:

In 1997, the City's initial Comprehensive Plan recognized the impact of airport operations on the northeast portion of Burien. The Plan created the "Northeast Special Planning Area" to provide policy guidance for future redevelopment to airport-compatible uses.

In 2001-2003, the City created a "Joint Advisory Committee" of interested area residents, property owners, Port of Seattle and business interests to create a more specific plan for facilitating such redevelopment in the newly named "Northeast Redevelopment Area (NERA). Following preparation of a Supplemental Environmental Impact Statement (SEIS), the City Council adopted new Comprehensive Plan policies and zoning regulations for "Special Planning Area 4" (SPA-4). The new SPA-4 was designed to encourage redevelopment of the entire NERA with business park uses. The Council established a 2 acre minimum parcel size for redevelopment and prohibited new residential uses.

Since 2003, SeaTac Airport's third runway opened, and the economy entered a recession. With little redevelopment over the past 6 years, the City Council authorized a new effort to redefine the NERA. The proposed Comprehensive Plan policy and map changes, and associated zoning map and code changes are shown in Attachments 1 and 2.

Two alternatives are shown. Both would encourage creation of an airport-compatible business park in a new "Airport Industrial" (AI) plan and zoning category, with new residential uses and small businesses allowed in a new "Professional-Residential" (PR) plan and zoning category in part of the area along 8th Avenue S. Both alternatives would also eliminate the 2 acre minimum required for redevelopment. The difference between the two alternatives is that auto sales and retail uses would be allowed in the southern portion of the AI area in Alternative 1 but not allowed in Alternative 2. A third alternative (maintaining existing plan and zoning provisions

for SPA-4) is analyzed in the Draft SEIS issued October 5, 2009 for this new effort, but is not analyzed in this staff report.

REVIEW OF CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT

Zoning Code section 19.65.095.4 contains the criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment must meet all of the following criteria (in italics, followed by Planning Commission and staff response):

A. The request has been filed in a timely manner.

The request to amend the Comprehensive Plan for new NERA policies and land use designations was made prior to June 1, 2009, as required in BMC 19.65.095.

B. There is a public need for the proposed amendment.

The public need for the amendment is to update existing policies and mapping to reflect changed conditions in the area—opening of the third runway, a significant economic downturn, desire on the part of the city for increased and diversified revenues and the fact that little redevelopment has occurred under current policies and regulations.

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

The proposed alternatives are based on a market analysis, critical area mapping and delineation, and coordination with the major property owner in the area (the Port of Seattle). The alternatives will provide for flexibility in land use in both the AI and PR areas. Alternative 1 will provide the expansion area needed by Burien's new car auto dealers, which is not available along 1st Avenue So. This in turn would open former auto dealer sites on 1st Avenue So. to other uses such as retail, lodging or other uses to compliment the downtown area.

D. The proposed amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act and Countywide Planning Policies; and

Goal IN.1 supports the proposed amendments: *Provide opportunities for the development of attractive Business Park, Warehouse, Manufacturing and Airport-Related uses in the northeast part of the City where impacts on the surrounding environment can be minimized.*

The proposed PR designation is a new concept, and as such the Comprehensive Plan is silent on the concept. There are goals and policies that support maintaining residential neighborhoods, and other goals and policies that support business growth and a mix of uses.

There are no applicable policies in the King County Countywide Planning Policies or Growth Management Act applicable to the proposed amendments. However, PSRC's Vision 2040 and other sections of State Law encourage the establishment of land uses that are compatible with airport operations when an airport is in the vicinity:

(Vision 2040) MPP-DP-51 Protect the continued operation of general aviation airports from encroachment by incompatible uses and development on adjacent land.

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

The proposed amendments will facilitate redevelopment of land impacted by airport operations, providing additional revenues to the community and more flexibility for property owners in the area.

F. The revised Comprehensive Plan will be internally consistent.

The proposed amendments will be consistent with the remaining portions of the Comprehensive Plan.

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

The projected land use is similar to the current land use allowed. The major constraint to land capability is Miller Creek and associated wetlands. Required buffers have already been accounted for in the projections of ultimate build-out under the proposed alternatives.

H. Adequate public facility capacity to support the projected land use exists or can be provided by the property owner(s) requesting the amendment, or can be cost-effectively provided by the City or other public agency.

The projected levels of redevelopment will need some infrastructure upgrades, but otherwise can be accommodated. Upgrades would be funded by developers and/or public funders if grants or other revenues were made available.

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

Existing and proposed NERA development standards based on the proposed amendments would result in adequate protections.

J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing.

Land in the NERA is not being counted on to provide capacity for housing or other land uses. It is currently planned for retail and industrial-type uses, which would change little under the proposed amendments.

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate;

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

Either of these criteria could be met. The third runway is now in operation and the recent economic downturn has caused the City to re-evaluate its goals for the NERA.

REVIEW OF CRITERIA FOR REZONE

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

A. The rezone is consistent with the Comprehensive Plan.

The proposed rezone to PR and AI would be consistent with the proposed Comprehensive Plan if the Comprehensive Plan designation is changed (see criteria and discussion above). Staff is recommending that the Comprehensive Plan change be approved.

B. The rezone bears a substantial relation to the public health, safety or welfare.

The proposed rezones would provide additional flexibility for property owners in the NERA. For those in the proposed AI zone, the rezone would continue to allow for business parks and offices, and in a portion, auto sales and retail uses. The area where auto sales and retail uses would be allowed would be shifted south

from SPA 4C to other Port and privately owned lands closer to SR-518. This would open up other Port-owned and private land to business park development.

The PR zone would allow flexibility for owners to either convert their properties into small businesses or continue to have residential uses. The PR area is impacted by airport noise, but has many smaller lots insufficient for larger business park or warehouse uses. Allowing optional business use of these properties as well as the ability to build new homes that would be noise-insulated allows owners to make market choices in accordance with overall city objectives for the area.

C. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the property.

The proposed rezone fits with the character of the surrounding land uses and would not be materially detrimental to uses or property in the immediate vicinity (see discussion under Comprehensive Plan amendment criteria section I).

D. The rezone has merit and value for the community as a whole.

The rezone has merit and value for the community as a whole (see discussion under Comprehensive Plan amendment criteria).

ATTACHMENTS

1—Proposed Comprehensive Plan amendments—Alternative 1
2—Proposed Comprehensive Plan amendments—Alternative 2

ALTERNATIVE 1: Proposed Comprehensive Plan Amendments

Replace existing Policy SE 1.5 with the following:

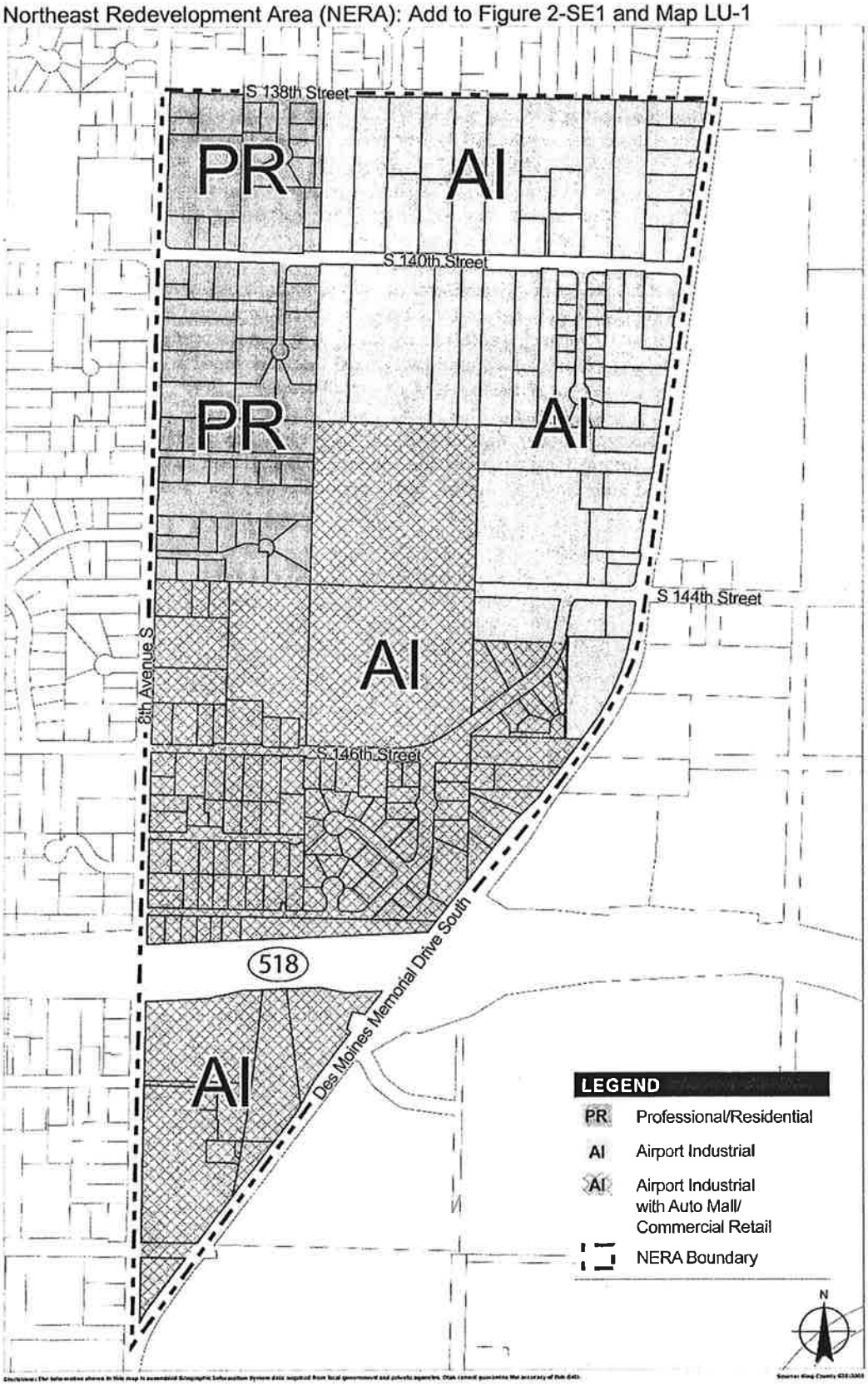
Comprehensive Plan Policy SE 1.5
The Northeast Redevelopment Area (NERA) is an approximately 158 acre area located in the northeastern part of Burien that has been affected by SeaTac International Airport operations (see Figure 2-SE1). The NERA provides near and long term opportunities for economic development.

Allowed Uses and Description: The NERA has been divided into two land use designations: Airport Industrial (AI) and Professional Residential (PR).

Airport Industrial: The purpose of this designation is to facilitate economic development and provide flexibility for airport-compatible uses in a campus-like setting with internal circulation to minimize the number of access points to Des Moines Memorial Drive. Allowed uses include, but are not limited to flex-tech, professional offices, light manufacturing, production, processing and distribution-related businesses; warehousing, utilities, retail, and new car auto sales developed in an auto mall configuration in designated locations as shown on Map LU-1. New residential uses are not allowed.

Professional Residential: The purpose of this designation is to provide flexibility by allowing both single-family homes and small businesses in an area near but not directly under SeaTac International Airport's third runway. Allowed uses include, but are not limited to moderate density residential, small office, small scale retail, art studios, and other similar uses that would be compatible with single-family homes.

Northeast Redevelopment Area (NERA): Add to Figure 2-SE1 and Map LU-1



ALTERNATIVE 2: Proposed Comprehensive Plan Amendments

Replace existing Policy SE 1.5 with the following:

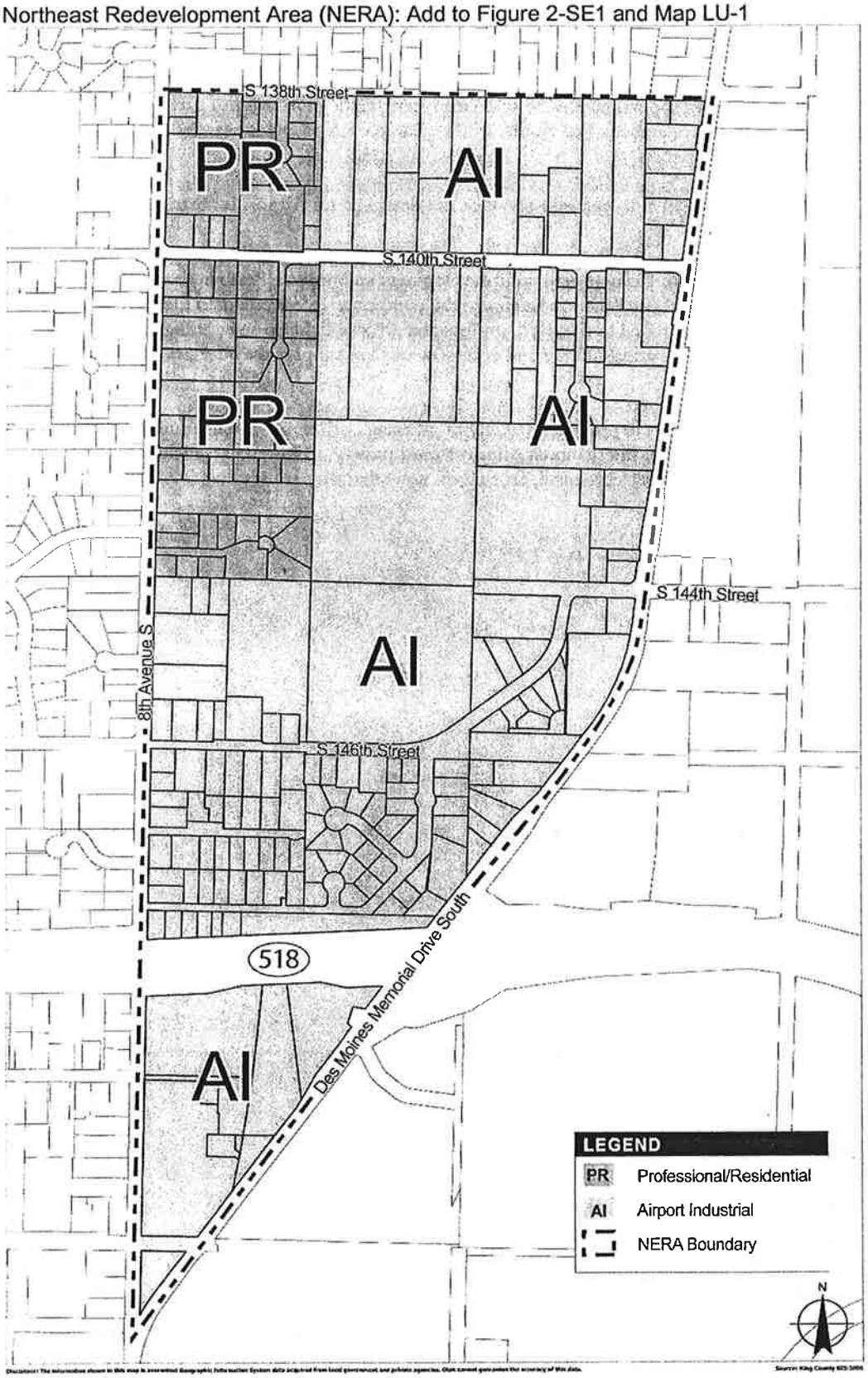
Comprehensive Plan Policy SE 1.5
The Northeast Redevelopment Area (NERA) is an approximately 158 acre area located in the northeastern part of Burien that has been affected by SeaTac International Airport operations (see Figure 2-SE1). The NERA provides near and long term opportunities for economic development.

Allowed Uses and Description: The NERA has been divided into two land use designations: Airport Industrial (AI) and Professional Residential (PR).

Airport Industrial: The purpose of this designation is to facilitate economic development and provide flexibility for airport-compatible uses in a campus-like setting with internal circulation to minimize the number of access points to Des Moines Memorial Drive. Allowed uses include, but are not limited to flex-tech, professional offices, light manufacturing, production, processing and distribution-related businesses; warehousing, utilities and accessory retail to support the business park uses. New residential uses are not allowed.

Professional Residential: The purpose of this designation is to provide flexibility by allowing both single-family homes and small businesses in an area near but not directly under SeaTac International Airport's third runway. Allowed uses include, but are not limited to moderate density residential; small office, small scale retail, art studios, and other similar uses that would be compatible with single-family homes.

Northeast Redevelopment Area (NERA): Add to Figure 2-SE1 and Map LU-1



CITY OF BURIEN
Dept. of Community Development
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(206) 248-5510

2009 Comprehensive Plan Amendment Request
Capital Facilities Element Text Amendments

AMENDMENT REFERENCE NUMBER: 2009-4

APPLICANT(S): City of Burien

LOCATION: Not applicable

REQUEST(S):

1. Amend policies CF 3.2, CF 3.4, C F3.5, CF3.6 and CF 3.7 to reflect the city implementing a biennial budget process.

TAX PARCELNUMBER(S): Not applicable

Planning Commission and Staff Recommendation:

1. Amend policies CF 3.2, CF 3.4, CF3.5, CF 3.6 and CF 3.7 as proposed in attachment 1.

FINDINGS

HISTORY:

The following is a brief background of the adoption process for the biennium budget. There is a capital facilities planning component included in the current budget process.

June 16, 2008 – City Council adopts Ordinance No. 485, establishing a biennium budget process.
November 17, 2009 – City Council adopts Ordinance No. 500 adopting the 2009-2010 biennial budget for the City of Burien for the period January 1, 2009 through December 31, 2010. The budget contains the most recently adopted 6 year capital facilities project list.
June 15, 2009 - City Council adopts Ordinance No. 513 adopting amendments to the 2009-2010 biennial budget.

DISCUSSION:

In June of 2009 the City Council adopted Ordinance 500, which formally adopted the biennial budget for the City of Burien for the period January 1, 2009 through December 31, 2010. The proposed comprehensive plan policy amendments ensure that the capital improvement program process and comprehensive plan are in harmony.

ATTACHMENT 2.4

REVIEW OF CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT
Zoning Code section 19.65.095.4 contains the criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment must meet all of the following criteria (in italics, followed by Planning Commission and staff response):

A. The request has been filed in a timely manner.

The request was placed on the docket by City staff prior to June 1, 2009, as required in BMC 19.65.095.

B. There is a public need for the proposed amendment.

The public need for the amendment is to update Burien's Comprehensive Plan to accurately reflect the budget process and related capital facility planning.

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

The comprehensive plan should be periodically checked to ensure it is consistent with current implementation tools such as the budget and capital facilities planning process. It is in the best interest of the City to have a planning document, such as the comprehensive plan, that accurately reflects the goals and objectives of the City. Because the budget process has been amended along with a recent update to the 6 year capital facility plan, the comprehensive plan should accurately reflect the current city budgetary process in its goals, policies. The proposed comprehensive plan text amendments accurately reflect the current adopted capital facility budget process and is the best means for meeting the identified public need.

Amendments to the project lists occur as a part of the city budget process consistent with the policy statements and the text in Chapter 3, Capital Improvement Plan (page 3-23).

D. The proposed amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act and Countywide Planning Policies; and

Amendments to CF 3.2, CF 3.4, CF 3.5, CF 3.6 and CF 3.7 will accurately reflect the city use of the biennial budget process.

Growth Management Act
RCW section 36.70A.070, Comprehensive Plan Mandatory Elements, sates the all comprehensive plans shall have a capital facilities element that at least has a six-year plan that will finance such capital facilities within projected funding capacities and clearly indentifies sources of public money for such purposes.

The proposed amendments are in compliance with the state law for mandatory elements of a comprehensive plan.

King County Countywide Planning Policies.

LU-29 All jurisdictions shall develop growth phasing plans consistent with applicable capital facilities plans to maintain an Urban Area served with adequate public facilities and services to meet at least the six-year intermediate household and employment target ranges consistent with LU-67 and LU-68. These growth phasing plans shall be based on locally adopted definitions, service levels, and financing commitments, consistent with State Growth Management Act requirements. The phasing plans for cities shall not extend beyond their potential annexation areas. Interlocal agreements shall be developed that specify the applicable minimum zoning, development standards, impact mitigation and future annexation for the potential annexation areas. *(page 28)*

LU-45 Jurisdictions' comprehensive plans for Urban Centers shall demonstrate compliance with the Urban Centers criteria. In order to promote urban growth within Centers, the Urban Center plan shall establish strategies which:

a. Support pedestrian mobility, bicycle use and transit use;
b. Achieve a target housing density and mix of use;
c. Provide a wide range of capital improvement projects, such as street improvements, schools, parks and open space, public art and community facilities;
d. Emphasize superior urban design;
e. Emphasize historic preservation and adaptive reuse of historic places;
f. Include other local characteristics necessary to achieve a vital Urban Center; and
g. Include facilities to meet human service needs. *(page 34)*

T-7 The transportation element of Comprehensive Plans shall include pedestrian and bicycle travel as part of the transportation system and be developed on a coordinated, regional basis. The bicycle and pedestrian element shall be a part of the funding component of the capital improvement program. *(page 44)*

T-22 The State and local governments shall use the same capital programming and budgeting time frame that all local governments and the County use, a minimum of six years, for making capital decisions and for concurrency management. *(page 47)*

CC-5 All jurisdictions shall identify essential community and human services and include them in land use, capital improvement, and transportation plans. *(page 48)*

CO-4 All jurisdictions acknowledge the need to develop a regional surface water management system which crosses jurisdictions' boundaries and identifies and prioritizes program elements and capital improvements necessary to accommodate growth and protect the natural and built environment. The Growth Management Planning Council shall develop and recommend a financing and implementation strategy to meet this need. *(page 55)*

The proposed text amendments to Burien's Comprehensive Plan are consistent with the Countywide Planning Policies.

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

The community will benefit in that the planning documents will match adopted city procedures. In addition the documents will be coordinated, thereby ensuring consistency between city policy and business procedures.

F. The revised Comprehensive Plan will be internally consistent.

The proposed amendments will improve the Comprehensive Plan and will ensure that the document is more internally and externally consistent by accurately reflecting the adoption of a biennium budget process.

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

Not applicable to this text amendment.

H. Adequate public facility capacity to support the projected land use exists or can be provided by the property owner(s) requesting the amendment, or can be cost-effectively provided by the City or other public agency.

Not applicable to this text amendment.

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

Not applicable to this text amendment.

J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing.

Not applicable to this text amendment.

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate;

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

Not applicable. The Comprehensive Plan Land Use map is not being changed.

ATTACHMENTS
1—2009-4 Proposed Comprehensive Plan text amendments

Attachment 1
2009-4 Comprehensive Plan Text Amendments

PROPOSED POLICY LANGUAGE

The following is the existing policy language along with the proposed text amendments shown in strikethrough and underline format.

Pol. CF 3.2 The city shall maintain a Capital Improvement Program list that includes all projects needed to implement the comprehensive plan during the planning period. This list shall include a six-year CIP list, which should include projects that can be planned, financed and implemented during the next six years. The ~~annual~~ biennial budget should include a CIP list of those projects authorized for funding during the next fiscal year.

Pol. CF 3.4 Projects shall be considered funded only when incorporated into the ~~annual~~ biennial City budget, as adopted by the City Council.

Pol. CF 3.5 The entire CIP list shall be updated ~~annually~~ biennially along with anticipated funding capacities as part of the ~~annual~~ biennial budget process. While the first six-year Capital Improvements Program list is adopted by reference in this plan, future revisions to the six-year list shall be made as part of the ~~annual~~ biennial budget process. New additions to the six year project list, which are not identified as part of the long range Capital Improvement Program list, shall be evaluated for their consistency with the comprehensive plan prior to their incorporation into the six year project list.

Pol. CF 3.6 Capital projects that are not included in the six-year Capital Facilities Plan shall be evaluated for consistency with the comprehensive plan prior to their inclusion into the City's ~~annual~~ biennial budget.

Pol. CF 3.7 City shall ~~annually~~ biennially review the capital facility project list to ensure that the proposed capital program reflects an equitable geographic distribution of projects and that the needs of the city's neighborhoods are addressed along with city wide needs.

CITY OF BURIEN
Department of Community Development
400 SW 152nd Street, Suite 300
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(206) 248-5510

2009 Comprehensive Plan Amendment and Rezone Request

AMENDMENT REFERENCE NUMBER

2009-5

APPLICANT

Genevieve Theriault, Broderick Architects for Ambaum Partners, LLC (property owner)

TAX PARCELNUMBER

433140-0125

REQUESTS

1. Change Comprehensive Plan designation of 14001 Ambaum Boulevard SW from Office to High Density Multi-family Neighborhood.
2. Rezone 14001 Ambaum Boulevard SW from O (Office) to RM-18 (Residential Multi-family).

SUMMARY OF RECOMMENDATIONS

Staff Recommendation: Approve Requests

Planning Commission Recommendation: Approve Requests

FINDINGS

HISTORY

Comprehensive Plan Land Use Designations:

1993: The City of Burien Interim Land Use plan Ordinance 27 designated the property as Office.

1997: The City of Burien Comprehensive Plan designated the subject property as Office.

1999: The Burien Comprehensive Plan map designated the subject property as Office.

Zoning Designations:

1994 - Ordinance 87 map attachment shows the parcel zoned Single-family Residential (RS-6)

1999 - Ordinance 264 map attachment shows the parcel zoned Office (0)

CURRENT LAND USE: Vacant (Former Hair Salon Building)

ATTACHMENT 2.5

ADJACENT COMPREHENSIVE PLAN/ZONING DESIGNATIONS

Direction	Comp. Plan Designation	Zone	Current Uses
North	High Density Multi-Family	RM-18 (Multi-Family Residential)	Multi-Family (the Heights at Burien Apartment Complex)
South	Office	O (Office)	Bamboo Suana Massage
East	Moderate Density Residential	RS-7,200 (Single-Family Residential)	Church (located across Ambaum Blvd SW)
West	Low Density Residential	RS-12,000 (Single-Family Residential)	Single-Family

DISCUSSION

The Applicant intends to construct a leasing center for the adjacent apartment complex (the "Heights at Burien") on the site. The existing leasing center offices for the Heights at Burien are currently located in the daylight basement of building 17 on the Heights at Burien property. Once the new leasing center is constructed, the old leasing offices are planned to be used for the "New Futures" program, which provides educational programs and support services for low-income families at the Heights at Burien complex.

The new leasing center is considered an office use and is therefore allowed under the current Office (O) zoning and Comprehensive Plan Land Use designation of the site. On May 5, 2009, the leasing center project received an approved Land Use Review (PLA 09-0127). However, the Applicant would like to also locate a fitness center room in the leasing center site for use by the Heights at Burien apartment complex and allow the leasing center to occasionally be used by the "New Futures" program for special events such as meetings and group parties. These are not considered allowed uses in the Office (O) zone. If the site were to be rezoned to RM-18, the current zoning for the Heights at Burien site, both the leasing center and the fitness center and other uses accessory to the apartment complex would be considered allowed uses.

In addition, the Applicant would like to combine the property with the Heights at Burien property to the north. Since land use designations and zoning districts follow property lines, in order to combine the properties the Comprehensive Plan land use designations and zoning districts are required to be the same. The approval of this amendment and rezone request would allow the proposed Leasing Center property to be combined with the Heights at Burien property to the north.

PUBLIC HEARING

Hearing Comments: The following is a summary of the comments offered at the public hearing. A verbatim recording of the hearing is available in the Community Development Department.

From the City:

Stephanie Jewett, Planner

Provided a brief description of the application request and reviewed the Staff Recommendation.

From the Community:

None in attendance.

From the Applicant:

Genevieve Theriault, Broderick Architects, 55 South Atlantic Street, # 301, Seattle, WA 98134

Explained that the planned two-story building will house the leasing center. If the Comprehensive Plan amendment and request is approved, then the building's amenities would include a fitness room for the Heights at Burien residents and a common "party room". She noted that the building was designed with the more restrictive multi-family zoning regulations regarding things such as height and setbacks rather than the office zone regulations, in the hope that the rezone will be approved.

REVIEW OF CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT

Zoning Code section 19.65.095.4 contains the criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment must meet all of the following criteria (shown in italics, followed by staff response):

A. The request has been filed in a timely manner.

The request was made by the property owner and received by the City of Burien on May 28, 2009, before the June 1, 2009 deadline, as required in BMC 19.65.095.

B. There is a public need for the proposed amendment.

The Heights at Burien Apartments, a complex of 543 apartments, located on the property immediately to the north of the subject parcel would like to provide a fitness facility within close proximity to the complex as an amenity for their residents. The proposed Comprehensive Plan amendment would allow for the development of a fitness facility to proceed as an allowed use. Given there are no fitness facilities within walking distance of the complex and private gyms charge a fee for membership, it can be concluded that there is a public need for the amendment.

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

Given there is no room on the Heights at Burien's current site to develop a fitness center, the proposed Comprehensive Plan amendment from Office to RM-18 (residential multi-family) for the site immediately to the south best meets the public need identified above by allowing for development of a fitness center as an allowed use.

D. The proposed amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act and Countywide Planning Policies.

As stated in the Burien Comprehensive Plan (policy RE 1.7), the intent of the High Density Residential Neighborhood designation is to provide for the location of stable and attractive multi-family development near transit, employment, shopping and recreation facilities. The High Density Multi-family Neighborhood designation permits multi-family housing, accessory uses associated with residences, and public and semi-public uses. Properties designated High Density Multi-family Neighborhood should reflect all of the following criteria (shown in italics, followed by staff response):

1. *The area is already primarily characterized by multi-family residential uses at 12 to 24, or more units per acre.*

   The area immediately to the north of the site is zoned RM-18 (residential multi-family) and is developed as multi-family residential apartments. With 543 apartments on 25 acres, this area has an existing density of approximately 22 units per acre.

2. *The multifamily development is designed for compatibility with the surrounding development in a manner that is consistent with the City's design guidelines.*

   The land use application for the proposed Leasing Center on the site was approved with conditions by the City on May 5, 2009. As noted in this approval, any future development on the site is required to comply with the City's design guidelines, including the provision of a dense landscape buffer along the property line between the site and the adjacent single-family neighborhood to the west. The proposed on-site landscaping will consist of cedar and maple trees, spaced a maximum of five feet apart, and other native vegetation including Oregon grape shrubs.

3. *The existing or planned public facilities are adequate to support residential development at this density.*

   Based on Fire Availability documents submitted by the Applicant from Fire District #2, Southwest Suburban Sewer District and King County Water District No. 20, existing public facilities are available.

4. *The area does not have significant amounts of critical areas.*

   According to the City's Critical Areas Map, no environmentally sensitive areas are located in the immediate area.

5. *The area was designated for multifamily development in the City's interim comprehensive plan.*

   The City's interim Comprehensive Plan map was adopted by Ordinance 27 in 1993. In this plan, the site was designated for future Office use. However, the property immediately adjacent to the northern property line of the site was designated for multi-family development. The Applicant argues that as this request demonstrates, a multi-family designation is more conducive to providing support to the adjacent apartment complex and, therefore, is a more suitable designation for the site. Staff concurs with this rationale supporting the proposed change.

6. *The area is served by adequate recreational facilities.*

   There are many nearby parks and recreational facilities, including as noted in the application, Chelsea Park (0.3 miles), Lake Burien School Park (0.8 miles) and Seahurst Park (1.2 miles). The Burien Community Center is located 0.6 miles from the site and provides a basketball court, skate park, and many other activities.

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

The proposed amendment would change the site designation from Office to High Density Multi-Family Neighborhood. The Applicant notes that this change would allow more uses accessory to the Heights at Burien Apartment complex to be included in the planned Leasing Center, such as a fitness facility. A fitness facility would benefit the community at the Heights at Burien. Additionally, the City and the community as a whole will benefit from the increase in tax revenue generated from the development of this currently vacant building.

F. The revised Comprehensive Plan will be internally consistent.

The proposed amendment will not create any internal inconsistencies of the City of Burien's Comprehensive Plan.

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

The projected land use is a 3,792 square foot 2-story Leasing Center for The Heights at Burien apartment complex. Since there are no environmentally critical areas identified on the City's Critical Area Map in the immediate area, the land is projected to be able to support this use.

H. Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City or other public agency.

Based on Fire Availability documents submitted by the Applicant from Fire District #2, Southwest Suburban Sewer District and King County Water District No. 20, adequate public facilities appear to be available to support the projected land use.

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

The proposed amendment will be compatible with the properties located directly to the north, south and east of the site. The property located to the north of the site is currently designated for High Density Residential use in the Comprehensive Plan, is zoned RM-18 Residential Multi-family, and is currently developed as a multi-family apartment complex. The property to the south of the site is currently designated Office, is zoned Office and is currently occupied by "Bamboo Suana" massage. The property to the east of the site across Ambaum Blvd. SW is designated for Moderate-Density Residential Neighborhood, is zoned RS-7,200 Single-family Residential and is developed as a Church.

The property to the West of the site is designated Low Density Residential Neighborhood, is zoned RS-12,000 Residential Single-Family, and is developed with single family homes. There may be some minor impacts to these properties given the planned redevelopment of the site following approval of the proposed amendment to the Comprehensive Plan such as increased noise and visual impacts. However, the land use approval for the proposed Leasing Center on the site (approved with conditions by the City on May 5, 2009 File No. PLA 09-0127) requires any future development of a Leasing Center on the site to comply with the City's design guidelines, including the provision of a dense landscape buffer along the property line between the site and the adjacent single-family neighborhood to the west. Given this requirement, the proposed amendment will be compatible with the nearby residential uses located to the west of the site.

J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing.

The proposed amendment would change the Comprehensive Plan Land Use designation from Office use to High Density Multi-family Neighborhood. However, it's important to note that the primary planned use for the site, a Leasing Center, is an office use. Therefore the proposed amendment would not result in the loss of office capacity.

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate; or,

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

Conditions have markedly changed since the property was given its present Comprehensive Plan designation of Office so that the current designation is no longer appropriate. In 2006 the Laramar Group purchased the Heights at Burien Apartment Complex and began making improvements to the property. As part of their improvement plan they also purchased the site immediately to the south of the apartments in late 2008 to accommodate their Leasing Center and to provide for other amenities to the apartment complex, such as a fitness center.

See section D above for a discussion of how the proposal meets the City's designation criteria.

REVIEW OF CRITERIA FOR REZONE

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

A. The rezone is consistent with the Comprehensive Plan.

The proposed rezone to RM-18 Residential Multi-family would be consistent with the proposed Comprehensive Plan if the Comprehensive Plan designation is changed (see criteria and discussion above). Staff is recommending that the Comprehensive Plan change be approved.

B. The rezone bears a substantial relation to the public health, safety or welfare.

The planned Leasing Center is considered an office use and is therefore allowed under the current Office (O) zoning and Comprehensive Plan Land Use designation of the site. The Applicant would like to also locate a fitness center room in the Leasing Center site for use by the Heights at Burien apartment complex; however, this is not considered an allowed use in the Office zone. If the site were to be rezoned to RM-18, which is the zoning for the Heights at Burien site, both the leasing center and the fitness center could be considered allowed uses that are accessory to the apartments. As the Applicant notes, exercising regularly can impact a person's health in a positive manner. By providing a free and convenient location to exercise, the health of the apartment residents could be improved. Additionally, the rezoning of the site from Office to RM-18 would allow the Leasing Center to occasionally be used by the "New Futures" program for special events such as meetings and group parties, which would contribute to the public health safety and welfare.

C. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the property.

The proposed rezone fits with the character of the surrounding land uses and would not be materially detrimental to uses or property in the immediate vicinity (see discussion under Comprehensive Plan amendment criteria section I).

D. The rezone has merit and value for the community as a whole.

The rezone has merit and value for the community as a whole (see discussion under Comprehensive Plan amendment criteria).

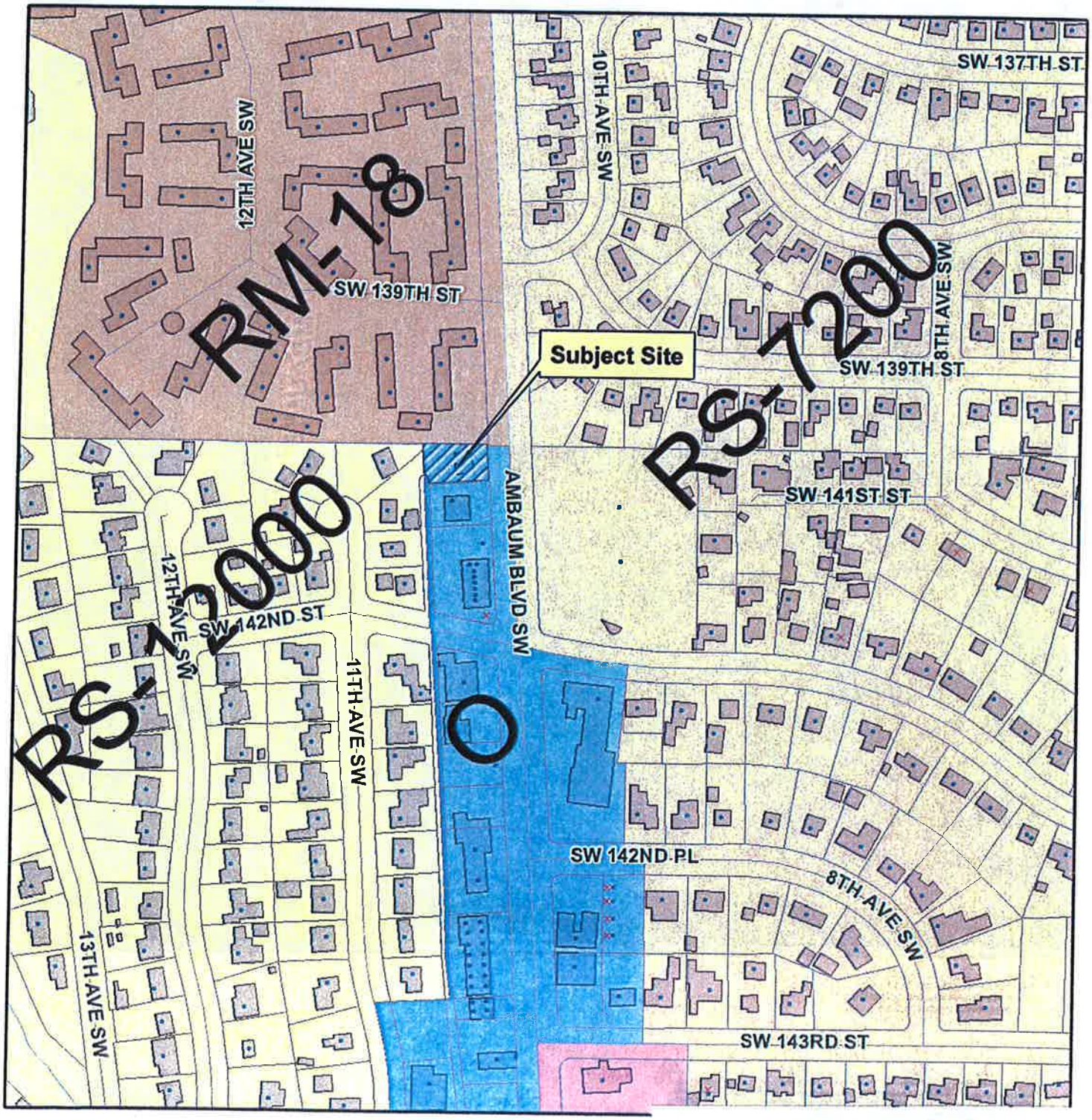
ATTACHMENTS

1- Vicinity Map
2- Aerial Photo
3- Comprehensive Plan Amendment Request, May 28, 2009

Burien
Washington, USA

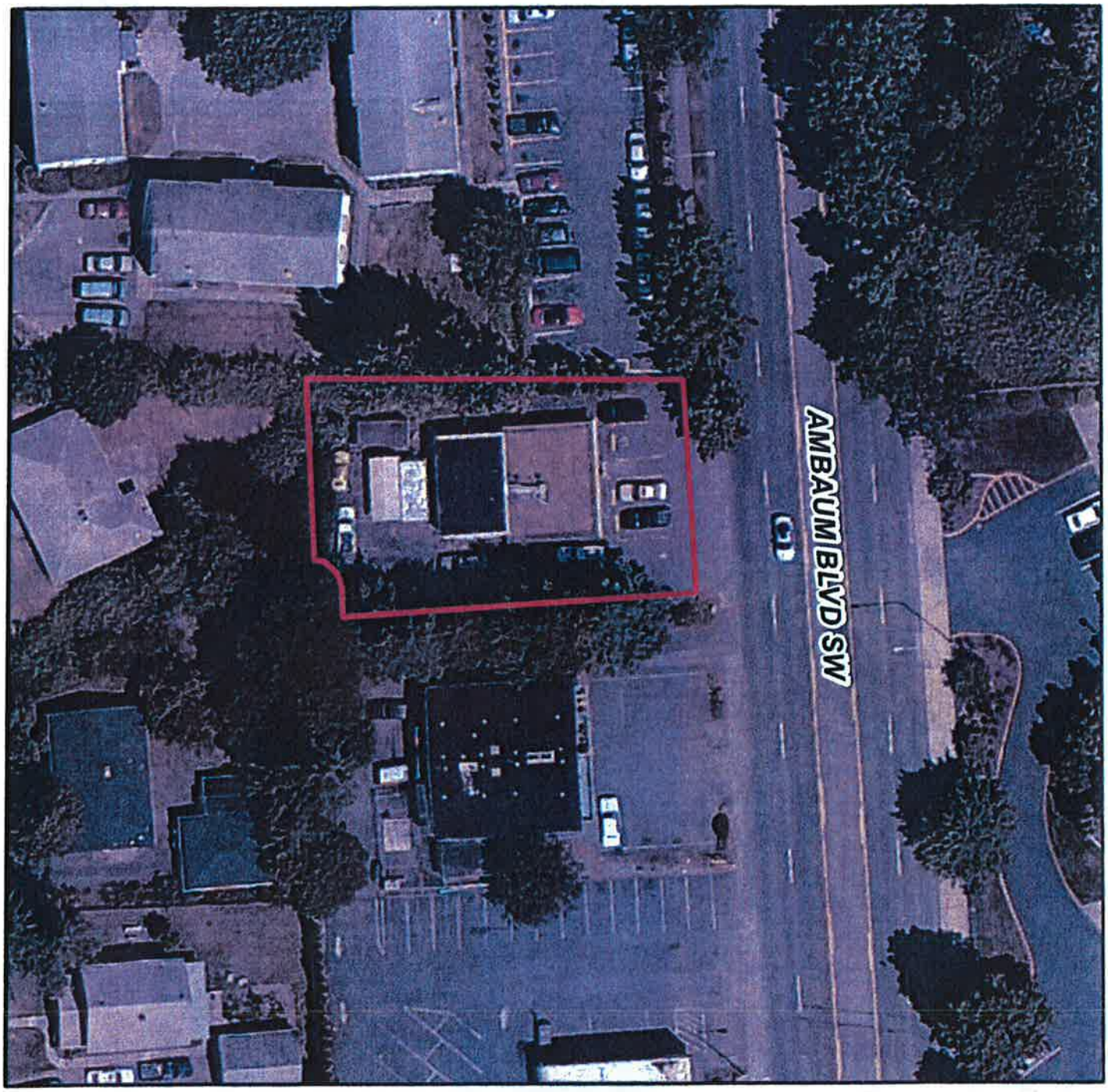
Vicinity Map

Ref. No. 2009-5
Ambaum Partners, LLC
Rezone Request
From O to RM-18



ATTACHMENT 1

Ref. No. 2009-5
Ambaum Partners
Comp Plan Amendment/Rezone Request



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

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W E

ATTACHMENT 2

Burien
Washington, USA

Comprehensive Plan Amendment Request (Includes rezones)

15811 Ambaum Blvd. SW Suite C, Burien, WA 98166
Phone: (206) 241-4647 • FAX: (206) 248-5539
www.burienwa.gov

Amendment Type	Reference Number (staff will assign)
X Map amendment __ Text amendment X Quasi-Judicial Rezone	PLA09-0720

APPLICANT INFORMATION		
Name: Geneviève Theriault	Company: Broderick Architects	Daytime Phone: 206.682.7525
Mailing Address: 55 S. Atlantic St. #301 Seattle, WA 98134		Fax Number: 206.682.7529
Contact person (if different):		Daytime Phone:
Property owner (if different): Ambaum Partners, LLC		Daytime Phone: 206.228.9708
Mailing Address: 1101 SW 139th St. Burien, WA 98166		Fax Number: (Sam Spencer)

SITE INFORMATION (if applicable)		
Site Address: 14001 Ambaum Blvd. SW		Parcel Number: 4331400215
Existing Zoning District: Office		Existing Comprehensive Plan designation: office
Requested Zoning RM-18		Requested Plan designation: high density multi-family neighborhood
Number of Acres: 0.21	Current Land Use: hair salon	
Critical areas present: ☐ Wetlands ☐ Streams ☐ Critical Aquifer ☐ Landslide Hazard Area ☐ Fish & Wildlife		

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

See attached letter.

RECEIVED
MAY 28 2009
CITY OF BURIEN

SIGNATURE

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

Dated: 5-28-09

Signature: I. Sam Spencer
(Owner's Representative)

ATTACHMENT 3

BRODERICK
ARCHITECTS

28 May 2009

Stephanie Jewett, Planner
City of Burien - Community Development Department
400 SW 152nd Street, Suite 300
Burien, WA 98166

RE: **Request for a Comprehensive Plan Amendment and Rezone of a site from Office to High Density Multi-Family Neighborhood / RM-18**
Address: **14001 Ambaum Blvd SW Burien, WA 98166**
Parcel #: **4331400215**
Owner: **Ambaum Partners, LLC**

Dear Stephanie,

I am writing to request a Comprehensive Plan Amendment and Rezone, as outlined in the Burien Municipal Code section 19.65 "Procedures". The site is located at 14001 Ambaum Boulevard SW and is 9,359 square feet. The zone (and Comprehensive Plan designation) for the site is Office and currently there is a 1,471 sq ft hair salon on the site. To the north of the site is a lot zoned RM-18, to the east is a lot zoned RS-7,200, to the south is a lot zoned Office, and to the west is a lot zoned RS-12,000. We have submitted plans for permit review to construct a 3,792 sq ft Leasing Center (1,896 sq ft on each of the 2 levels) at 14001 Ambaum Boulevard SW. The Leasing Center is for the adjacent The Heights at Burien apartment complex, which is owned and operated by Laramar Group, LLC. The Leasing Center is considered an office use and is therefore allowed in the Office zone. However, there are some amenities we would like to locate in the Leasing Center, which are not currently allowed uses in the Office zone (ie: fitness room). We would like to rezone the site to RM-18 to match the zoning of The Heights at Burien apartment complex. If the rezone were approved, the Leasing Center could become an accessory use to The Heights at Burien apartment complex. The rezone would also give the site the same development regulations as the apartment complex.

[Note: Parcel 4331400215 at 14001 Ambaum Boulevard SW will herein be referred to as "the site".]

The requirements for a Comprehensive Plan amendment are outlined in the Burien Municipal Code, section 19.65.095.4. They are listed below along with an explanation as to why the proposed Comprehensive Plan amendment fulfills the requirement.

A. The request has been filed in a timely manner.

This request is being filed on May 28, 2009, before the June 1, 2009 deadline, as required in BMC 19.65.095.

55 S. Atlantic Street • Suite 301 • Seattle, WA 98134 • **206.682.7525** / Fax. 206.682.7529

B. There is a public need for the proposed amendment.

The proposed amenities for the Leasing Center include a 165 sq ft fitness room, which is currently not allowed in an Office designation. Currently, there is not an easily accessible fitness facility for The Heights at Burien residents to use. The closest fitness facility is not within walking distance, which requires driving (some residents do not own cars) or taking the bus. This gym also charges a membership fee, whereas the Leasing Center would not charge a fee. With 543 apartments at The Heights at Burien, there is a definitely a need for the proposed amendment.

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

Laramar Group feels that it is very important to provide amenities and services to their residents at The Heights at Burien. One of their standard amenities is a fitness room. At this time, there are no variances for allowing uses not outright allowed in a specific designation. Therefore a Comprehensive Plan amendment / rezone is the best course of action for allowing the proposed amenities in the Leasing Center. This process was recommended by David Johanson during a September 9, 2008 meeting and in a letter dated September 29, 2008 (attached).

D. The proposed amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act and Countywide Planning Policies.

The Growth Management Act addresses the issue of "uncoordinated and unplanned growth" and its effect on the "environment, economic development, and the health, safety and quality of life in Washington State". The Growth Management Act requires the City's Comprehensive Plan to specifically plan "for the additional needs of future populations without incurring heavy costs for public services and facilities, or destroying the state's agricultural, forest, and open space resources". The Countywide Planning Policies address similar issues as the Growth Management Act, but are specific to [King] County. The amendment will not deter from the City's plans for future growth, nor will it destroy the state's forests or parks. However, the amendment will allow a residential community to engage in safe and productive activities that will benefit their well-being. The amendment will provide a public service and facility, without a cost to the City. The change of the site from Office to High Density Multi-Family Neighborhood is fully consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, the Growth Management Act, and the Countywide Planning Policies.

As stated in the Burien Comprehensive Plan, the intent of the High Density Multi-Family Neighborhood designation is to "provide for the location of stable and attractive multi-family development near transit, employment, shopping, and recreation facilities". The Leasing Center will provide an attractive facility accessory to the adjacent multi-family apartment complex and is located close to employment (many adjacent businesses), shopping (many nearby stores along Ambaum Boulevard SW), and recreation facilities (many nearby parks).

The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

Land Use Element:

Pol. RE 1.7 The High Density Multi-Family Neighborhood designation permits multiple family housing, accessory uses associated with residences, and public and semi-public uses. Such areas may also function as a transition between higher intensity business uses and lower density multi-family housing and single-family residential neighborhoods. Properties designated for High Density Multi-Family Neighborhood uses shall reflect all of the following criteria [designation criteria]:

1. The area is already primarily characterized by multi-family residential uses at 12 to 24, or more units per acre.

The property to the north has a High Density Multi-Family Neighborhood designation. There are 543 dwelling units on the 25 acres, which give a density of 22 units per acre. The other immediately adjacent properties are not multi-family, but there are quite a few multi-family developments in the area.

2. The multi-family development is designed for compatibility with the surrounding development in a manner that is consistent with the City's design guidelines.

The proposed Leasing Center was submitted for permit review on May 7, 2009. Since the Leasing Center is an allowed use in the Office zone, the drawings were submitted for permit while the site was still zoned Office. However, the building was designed using the more restrictive RM-18 development regulations in the Burien Municipal Code (rather than using the Office regulations) in preparation for applying for a Comprehensive Plan amendment / rezone. The landscaping was also designed to provide a dense landscape buffer for the adjacent Low Density Residential Neighborhood. (Note: The reduced landscape buffer was approved in a Type 1 Land Use Review on May 5, 2009.) Regardless of the rezone approval, the Leasing Center will be constructed on the site, but will not include many of the amenities important to Laramar Group, nor will it be able to be connected to The Heights at Burien site (in a legal manner).

3. The existing or planned public facilities are adequate to support residential development at this density.

There are currently adequate public facilities (sewer, water, power) at the site. This was confirmed during the Type 1 Land Use Review process when sewer, water, and fire hydrant availability documents were obtained. The power requirement was confirmed by the owner's representative, Sam Spencer, during the design development phase of the project.

4. The area does not have significant amounts of critical areas.

According the to City's Critical Areas Map, there are no critical areas on the site.

5. The area was designated for multi-family development in the City's interim comprehensive plan.

The site was designated Office on the City's interim Comprehensive Plan. However, as this request demonstrates, a multi-family designation is more conducive for providing support to the adjacent apartment complex and, therefore, is a more suitable designation for the site.

6. The area is being served by adequate recreational facilities.

There are many nearby parks and recreational facilities, including Chelsea Park (0.3 miles), Lake Burien School Park (0.8 miles), and Seahurst Park (1.2 miles). The Burien Community Center is located 0.6 miles from the site and provides a basketball court, skate park, and many other activities.

130 *Community Character Element:*

Pol. NQ 1.5 Pedestrian movement in neighborhoods should be enhanced by encouraging the development of a system of paths and trails linking neighborhoods with each other's open spaces, parks, activity centers, shopping and employment centers.

The Leasing Center will be connected to the adjacent The Heights at Burien apartment complex by a 10 ft walkway into a new courtyard. The Leasing Center will provide many activities, within walking distance, for the residents of The Heights at Burien.

Housing Element:

Pol. HS 1.6 Neighborhood design considerations should be included in City land use policies and regulations, such as site standards, landscaping requirements and building design guidelines.

In preparation for this Comprehensive Plan amendment / rezone request, the proposed Leasing Center was designed using the more restrictive High Density Multi-Family Neighborhood / RM-18 development regulations in the Burien Municipal Code.

Transportation Element:

Pol. TR 9.1.1 The City should require that property owners be responsible for providing adequate parking and for managing parking demand on-site to avoid spillover parking on neighboring properties or streets.

The proposed development allows for eight on-site parking spaces, as well as providing a pedestrian connection to the adjacent multi-family apartment complex via a walkway and courtyard. Visitors can also arrive at the site via the nearby bus stop.

Economic Development Element:

Pol. ED 7.4 Develop and promote pre- and after-school programs for children and working parents.

The existing leasing offices for The Heights at Burien are located in the daylight basement of building 17 on The Heights at Burien property. Once the new Leasing Center is constructed, the old leasing offices will be used for the New Futures program, which provides educational programs and support services for low-income families at The Heights at Burien apartment complex. Conceivably these programs could be expanded once the existing leasing offices are vacated. The new Leasing Center (with or without the fitness room) will be available, on a limited basis, for the New Futures program to use.

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

The proposed amendment would change the site designation from Office to High Density Multi-Family Neighborhood. This change would allow more uses in the Leasing Center. For example, a fitness room is not an allowed use in the Office designation, but it is an allowed use in the High Density Multi-Family Neighborhood designation. A fitness room and other amenities would be great benefits to the community at The Heights at Burien. Also, there would be a substantial increase in tax revenue from the development of this property (from the increase of property value), which will benefit the City and the community.

F. The revised Comprehensive Plan will be internally consistent.

We are proposing a Comprehensive Plan amendment of the site from Office to High Density Multi-Family Neighborhood. This will affect the Comprehensive Plan Land Use Map and the Zoning Map. The written content of the Comprehensive Plan will not be revised; therefore the Comprehensive Plan will still be internally consistent. The revised Comprehensive Plan Land Use Map will be internally consistent because it will be allowing a use that is consistent and compatible with adjacent uses, both residential and commercial. Also, designating the site High Density Multi-Family Neighborhood is consistent with the high intensity area shown on the Planned Land Use Intensity map from the Comprehensive Plan (Figure 2LU-2, attached).

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

The projected land use is a 3,792 sq ft Leasing Center for The Heights at Burien apartment complex. This type of office use is allowed in both the Office designation and the High Density Multi-Family Neighborhood designation. The site is capable of supporting this use, regardless of the site's Office designation or High Density Multi-Family Neighborhood designation.

H. Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City of other public agency.

There is currently adequate public facility capacity to support the projected land use (ie: water, sewer, power) at the site. The proposed Comprehensive Plan amendment from an Office designation to a High Density Multi-Family Neighborhood designation will allow a 165 sq ft fitness room to be located in the Leasing Center. The conversion of interior space into a fitness room will not create an increase in the need for public facilities. The Leasing Center and proposed amenities will be used by the residents of the Heights at Burien apartment complex, so there will be primarily foot traffic to the site. Street parking will not be required, since there are eight on-site parking spaces.

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

The proposed amendment would change the designation of the site from Office to High Density Multi-Family Neighborhood. The property to the north has a High Density Multi-Family Neighborhood designation and is currently being occupied by a multi-family apartment complex. The two properties to the west have a Low Density Residential Neighborhood designation and are being occupied by single-family residences. The property to the east has a Moderate Density Residential Neighborhood designation and is being occupied by a 24,542 sq ft church. The Comprehensive Plan amendment of the site from Office to High Density Multi-Family Neighborhood would actually make the site more compatible with four out of 5 of the adjacent properties, because the Neighborhood designations (Low Density Residential, Moderate Density Residential, and High Density Multi-Family) have similar designation criteria (in the Comprehensive Plan) and similar development regulations (in the Burien Municipal Code) [than the Office designation]. If the Comprehensive Plan amendment was approved, the only adjacent property to not have a Neighborhood designation is the site to the south, which has an Office designation.

The High Density Multi-Family Neighborhood designation is also more suitable for the site, because the development regulations (in the Burien Municipal Code) are more restrictive for the High Density Multi-Family Neighborhood designation than they are for the Office designation. Therefore, development on the site [as High Density Multi-Family Neighborhood] would be more compatible with the adjacent Low Density Residential Neighborhood than development of the site using the Office development regulations. Designating the site as High Density Multi-Family Neighborhood would also make the site more compatible

132 with the property to the north in regards to the services that will be provided at the site. An increased landscape density and existing topographical conditions will provide adequate separation between the site and the adjacent Low Density Residential Neighborhood properties to the west.

J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing.

The proposed amendment would not result in a loss of housing capacity, because housing uses are not allowed in the current Office designation. The site currently has an Office designation, which allows office, funeral home, and hospital uses, which the High Density Multi-Family Neighborhood designation does not (per BMC 19.15). If the Comprehensive Plan amendment was approved, it would allow townhouse dwelling units, apartment dwelling units, single detached dwelling units, and essential public facility uses, which an Office designation does not (per BMC 19.15). The proposed amendment would not result in the loss of capacity to meet needed land uses, such as housing, since the amendment would actually allow housing uses at the site. (However, it is the intent of the owner to use the site for a Leasing Center for The Heights at Burien apartment complex.)

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met: i. Conditions have been so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate OR ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.

i. When the site was given its current Comprehensive Plan designation, the site was being used for a retail store (ie: hair salon). This use is not outright allowed in the Office designation, but may have been "grandfathered" because it has been on the site since 1953. However, the site will now be used for a Leasing Center for The Heights at Burien apartment complex. In order for all of the uses associated with the Leasing Center to be allowed, a Comprehensive Plan amendment would need to be approved. Therefore, the condition of the site has changed quite drastically since it was given its current Comprehensive Plan designation and should be modified accordingly.

Furthermore, there is no chance that [in the future] the Leasing Center would be converted to a traditional office building, making it more appropriate for an Office designation. If the Comprehensive Plan amendment is approved, the owner would like to follow the lot line adjustment procedures to combine the site with The Heights at Burien property to the north. If the property is sold in the future, it will be as a Leasing Center accessory to the apartment complex and as part of the same property.

The requirements for a rezone are outlined in the Burien Municipal Code, section 19.65.090.3. They are listed below along with an explanation as to why the proposed rezone fulfills the requirement.

A. The rezone is consistent with the Comprehensive Plan.

We are proposing a rezone of the site from an Office zone to a RM-18 zone. The Land Use policy of the Comprehensive Plan establishes the type of land use and development standards for different Comprehensive Plan designations. For example, a site designated by the Comprehensive Plan as Low Density Residential Neighborhood is going to have very different allowed uses and development standards than a Downtown Commercial designation. However, the Office and the High Density Multi-Family Neighborhood (RM-18) designations have similar allowed uses and development regulations. The Leasing Center that will be constructed on the site is an allowed use in both the Office zone and the RM-18 zone (as well as the Office and High Density Multi-Family Neighborhood designations of the Comprehensive Plan). The land use zone charts of the Burien Municipal Code (section 19.15) outline similar development

regulations of a Leasing Center in the Office and RM-18 zones. Given the residential nature of the RM-18 zone, some of the development standards are more restrictive than the Office zone. However, the Leasing Center was designed on the site with the intent to pursue a rezone; the stricter RM-18 development standards were followed so that the design could adhere to both the RM-18 and Office design standards (ie: building coverage, impervious surface coverage, building height, landscape category, etc.).

The rezone of the site to RM-18 is consistent with the Comprehensive Plan, which assigns specific designations so that a site "is compatible with the character of the surrounding development." Changing the zone of the site to RM-18 is consistent with this idea because the site to the north is zoned RM-18 and is similarly surrounded by single-family residential zones. Therefore, the site will be similarly compatible with the surrounding developments as the RM-18 property to the north.

The Comprehensive Plan outlines the allowed uses within the High Density Multi-Family Neighborhood designation (Pol RE 1.7). One of these uses is "accessory uses associated with residences". The Leasing Center is an accessory use for The Heights at Burien apartment complex. Therefore, the High Density Multi-Family Neighborhood designation is more suitable for the site than the Office designation.

The Leasing Center will be located between The Heights at Burien apartment complex to the north and an Office designation to the south. The Comprehensive Plan states that the High Density Multi-Family Neighborhood designation can serve "as a transition between higher intensity business uses and lower density multi-family housing". The Leasing Center will serve as a good transition between the two zones because it is both an office and an apartment accessory use. The site also fulfills the minimum required size for an "apartment dwelling unit" lot in a RM-18 zone; the site is 9,359 sq ft (5,000 sq ft minimum).

B. The rezone bears a substantial relation to the public health, safety, or welfare.

The rezone would allow a 165 sq ft fitness room to occupy a portion of the Leasing Center. Studies show that exercising regularly can impact a person's health in a positive manner. By providing a free and convenient location to exercise, the health of the apartment residents could be greatly improved. Also, rezoning the site from Office to RM-18 would allow the Leasing Center to occasionally be used by the New Futures program for special events. (They are currently using 5 apartments at The Heights at Burien apartment complex.) Their existing space is not ideal, and having an alternate location for meetings and group parties would be very beneficial to the program. For these reasons, the rezone would contribute to the City's public health, safety, and welfare.

By approving the rezone, the City would be encouraging a use that is more suitable for the site. Also, the increased tax revenue (from the increase in property value) will allow the City to continue their efforts in providing needed services to the community.

C. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the property.

The proposed amendment would change the zone of the site from Office to RM-18. The property to the north is zoned RM-18 and is currently being occupied by The Heights at Burien apartment complex. The two properties to the west are zoned RS-12,000 and are being occupied by single-family residences. The property to the east is zoned RS-7,200 and is being occupied by a 24,542 sq ft church. The property to the south is zoned Office. The rezone will not be detrimental to the adjacent properties or uses. The proposed Leasing Center is allowed is both the Office zone (existing) and the RM-18 zone (proposed). The rezone would allow uses that are currently not allowed in the Office zone (ie: a fitness room), but would be not have a substantial impact on the adjacent properties or uses. For example, the traffic level would not increase, the occupant level would not increase, and the hours of operation would not increase.

D. The rezone has merit and value for the community as a whole.

While the Leasing Center and proposed amenities will be used primarily by residents of The Heights at Burien apartment complex, the rezone will benefit the Burien community as a whole. By providing the residents with a space to do productive and healthy activities, they are less likely to engage in activities that are considered a public nuisance (ie: loitering, gang activity, etc). Having residents use their free time to engage in activities at the Leasing Center will benefit the Burien community as a whole, as well as the residential community of The Heights at Burien.

I believe the above information has adequately shown that the Comprehensive Plan Amendment and Rezone of the site is consistent with the purpose and intent of the Comprehensive Plan and the Burien Municipal Code.

Thank you for your time in addressing this matter. Please let me know if there is any additional information you require at this time.

Sincerely,

G. Th 5.28.2009

Genevieve Theriault,

Broderick Architects

Attachments:
1) *Comprehensive Plan Amendment and Rezone Application*
2) *Letter - Allowed Uses Clarification dated September 29, 2008*
3) *Figure 2LU-2: Planned Land Use Intensity*
4) *Recreation Map*
5) *Vicinity Map*
6) *Site Plan*
7) *ALTA Survey dated October 15, 2008*
8) *Development Survey dated April 30, 2009*

Burien
Washington, USA
15811 Ambaum Blvd SW, Suite C • Burien, WA 98166
Phone: (206) 241-4647 • FAX (206) 248-5539
www.burienwa.gov

September 29, 2008

Steve Boyack
The Laramar Group, LLC
30 S Wacker Drive, Suite 2750
Chicago, IL 60606

RE: Allowed Uses Clarification
14001 Ambaum Boulevard SW
Parcel # 433140-0215

Mr. Boyack:

Thank you for your request for clarification regarding a fitness center as an allowed use in the office zone at a site adjacent to the Heights of Burien Apartments. Your letter dated September 12, 2008 states the Burien zoning code allows a *recreation facility* in the office zone and that the code does not make any distinction between a private or public recreational facility.

The City has carefully reviewed your letter and the Burien Municipal Code, and has concluded that a *recreational facility* is not an allowed use in the office zone as it is not called out as a separate permitted use in the Office zone use chart. The use proposed is defined as a *Recreational Facility* defined by BMC 19.10.440. *Public Park and Recreational Facilities* are defined by BMC 19.10.420 and are in fact allowed in the office zone. We understand how you may have come to your conclusion; however, these uses are distinctively different by definition. It is clear that this is the intent looking at how the uses are listed in other zones. For example, *Recreational facilities*, and *Public park and recreational facility* are both listed as separate uses In the CR (Regional Commercial zone). *Public Park and Recreational Facility* (BMC 19.10.420) is defined as "a natural or landscaped area, buildings or structures, provided by a unit of government, to meet the active or passive recreations needs of people", where as a *Recreational Facility* (BMC 19.10.440) is defined as "a place designed and equipped for the

conduct of sports, leisure time activities, and other customary and usual recreational activities. Includes, but is not limited to: health club, sports instruction, and bowling alley".

The request to locate a leasing office is allowed in the office zone, but cannot contain a fitness center. Although the fitness center would not be allowed at 14001 Ambaum Blvd SW at this time, you may consider the option to pursue a rezone for the property next year. This process is conducted once a year and begins again on June 1, 2009. Another option is to locate the fitness center on the same site as the apartments. The fitness center would be considered accessory to the main use on the site.

Thank you for your time and feel free to call with any questions or concerns. I can be reached at (206) 812-7575.

Sincerely,

David Johanson, AICP
Senior Planner

Attachments:
BMC 19.10.420 Public park and recreation facilities
BMC 19.10.440 Recreational facility
BMC 19.15.040 Regional Commercial Zone
BMC 19.15.045 Office Zone

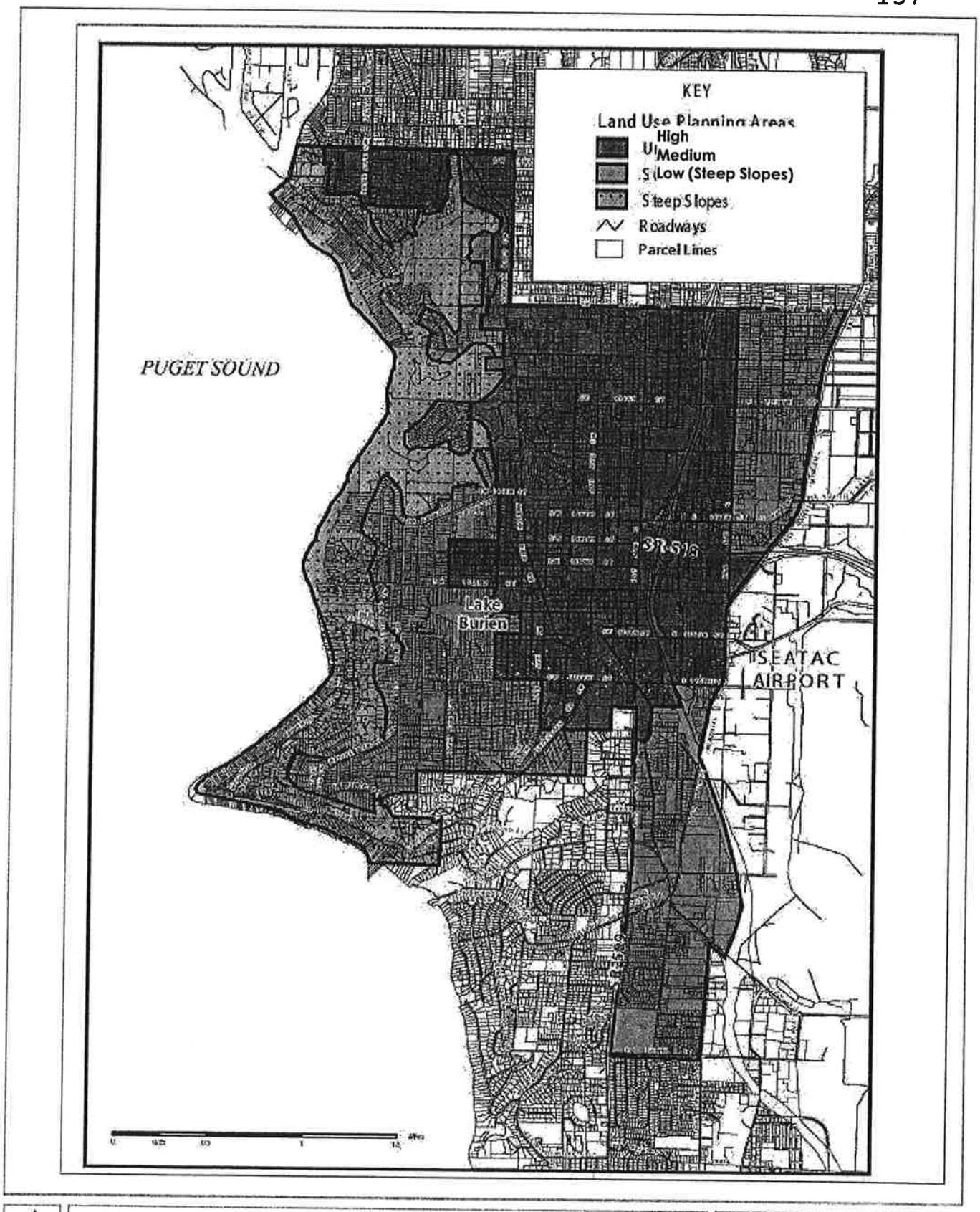
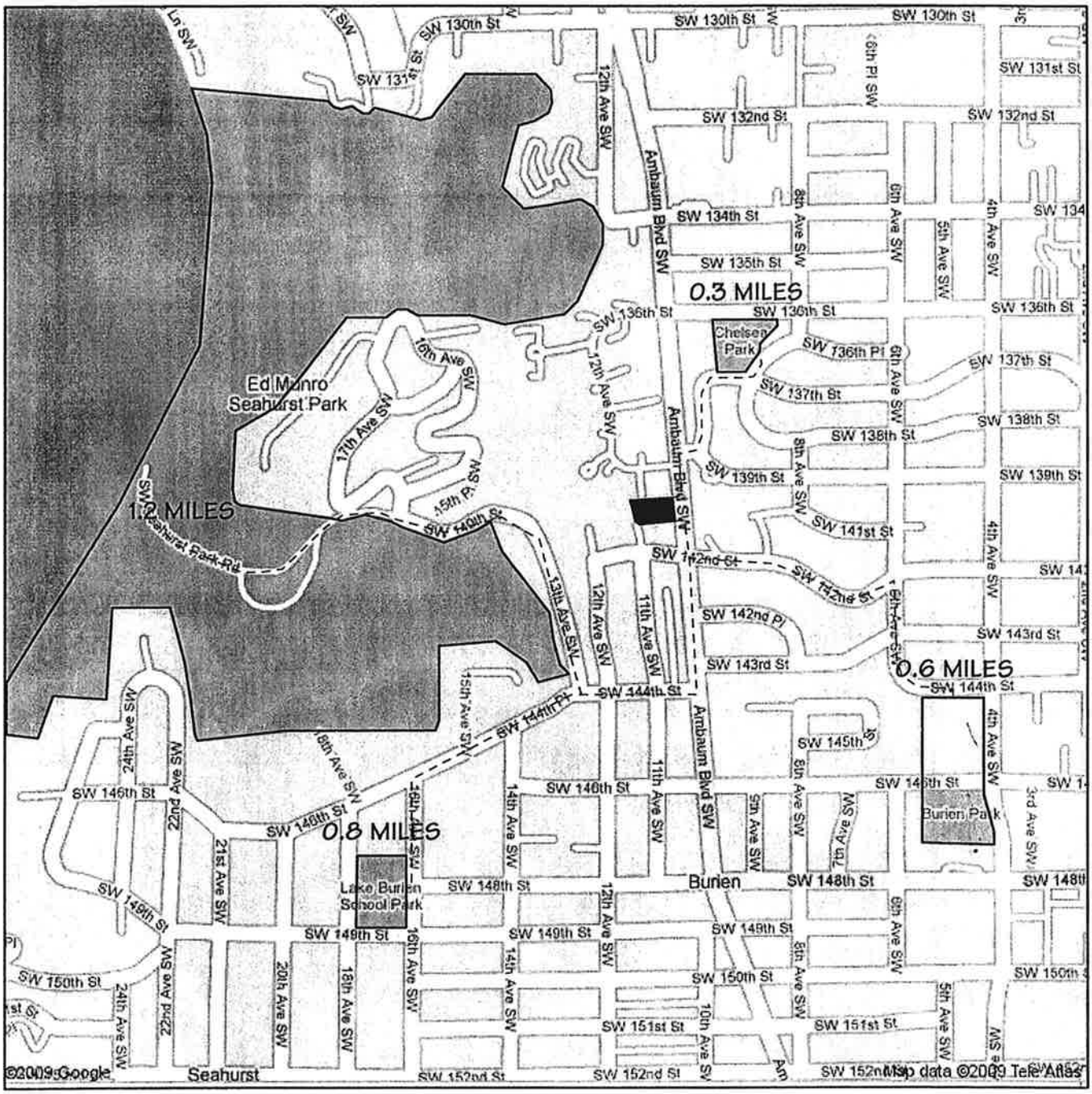


Figure 2LU-2 - Planned Land Use Intensity

December 2005

Source: King County GIS 2003
p:\1e366.01 Burien Crit_Comp\Graphics\Figures\Final PDFs\Figure2LU2.pdf



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A1

RECREATION MAP

1' = 1'-0"

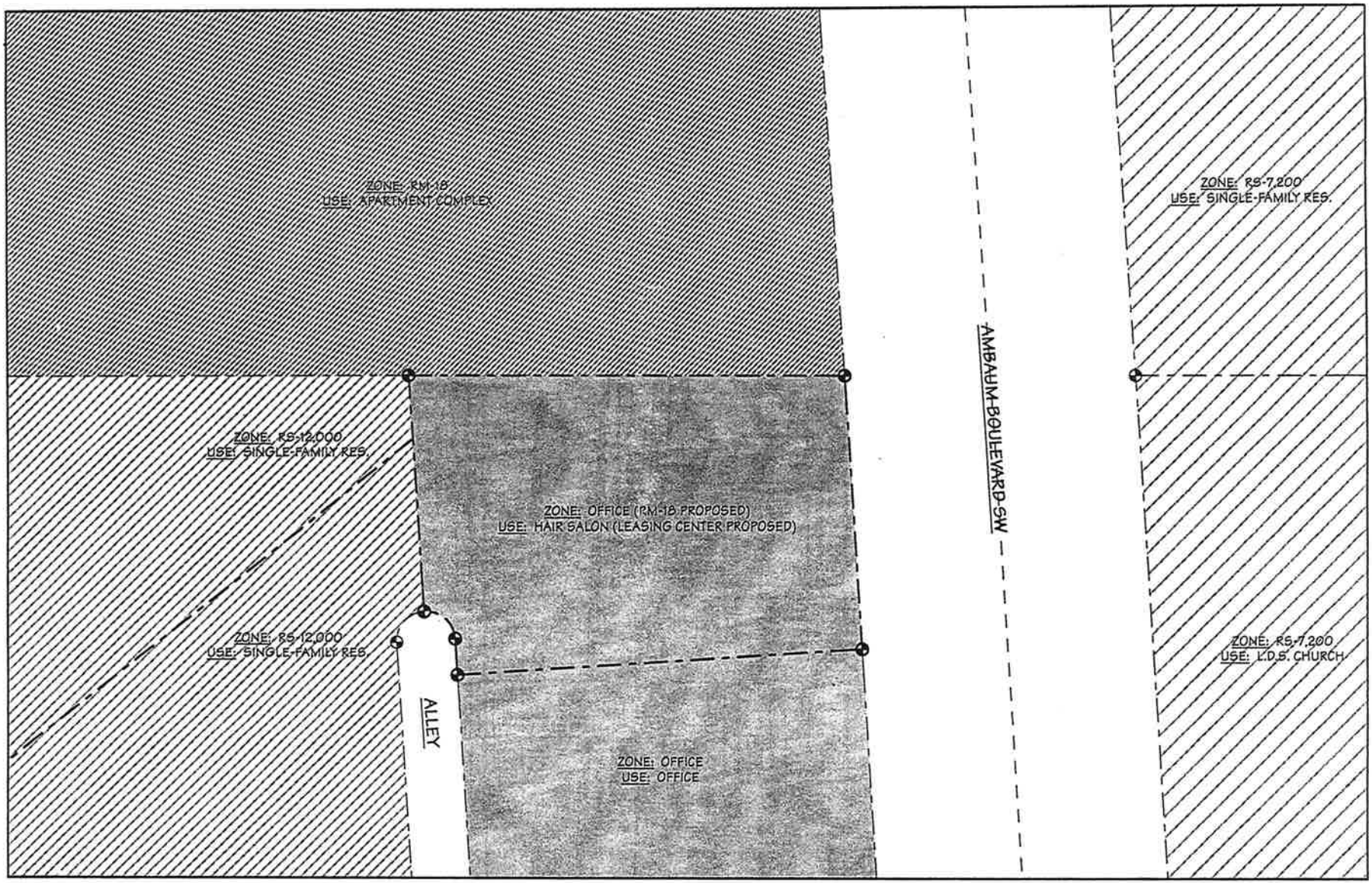
08-065

BRODERICK ARCHITECTS
55 SOUTH ATLANTIC STREET, SUITE 301
SEATTLE, WASHINGTON 98134 (206) 682-7525

THE HEIGHTS AT BURIEN:
LEASING CENTER
14001 AMBAUM BOULEVARD SW • BURIEN, WA 98166

A1

5/28/09



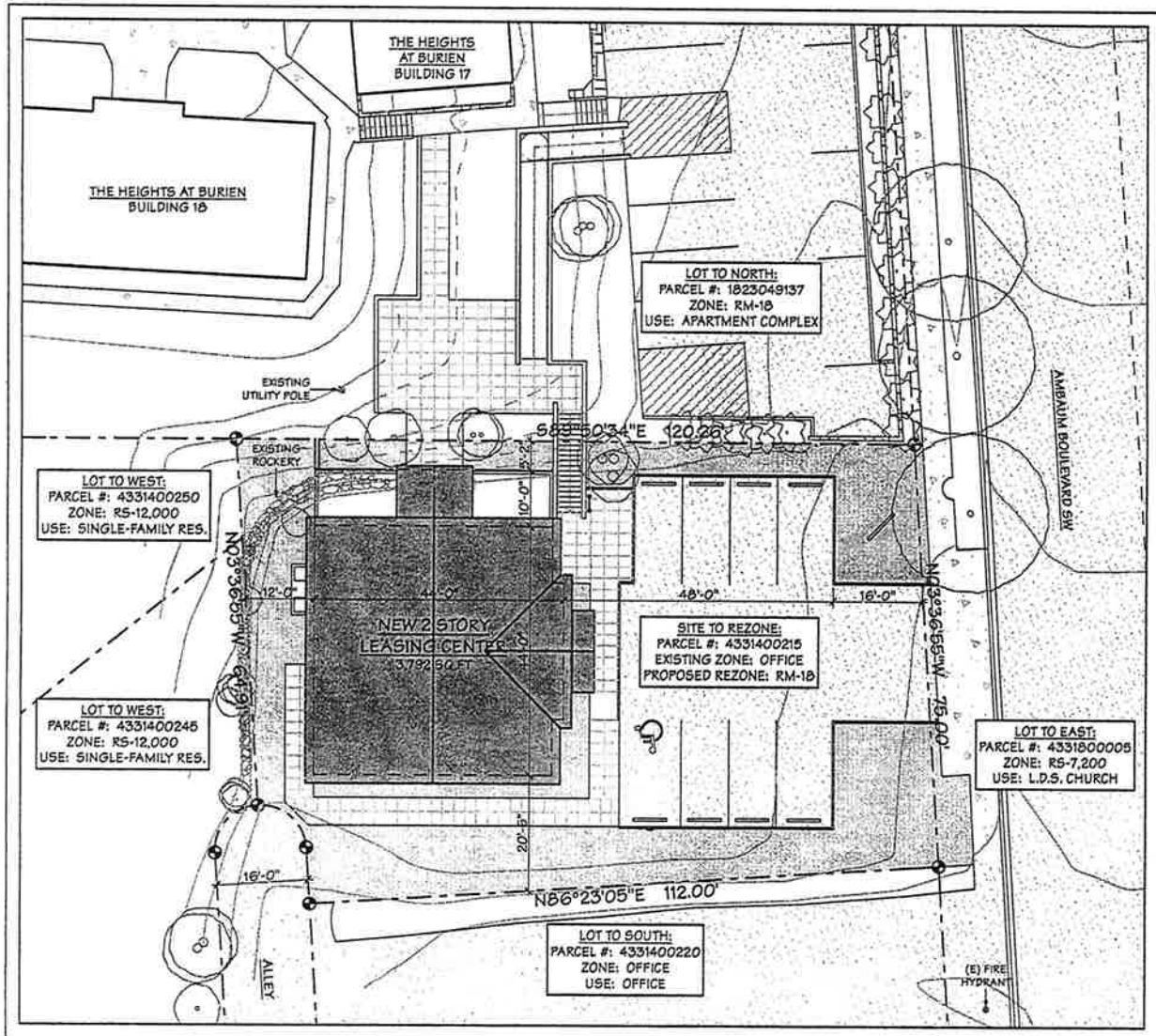
1 / A2

VICINITY MAP

1" = 40'

08-065

BRODERICK ARCHITECTS 55 SOUTH ATLANTIC STREET, SUITE 301 SEATTLE, WASHINGTON 98134 (206) 682-7525	THE HEIGHTS AT BURIEN: LEASING CENTER 14001 AMBAUM BOULEVARD SW • BURIEN, WA 98166	A2 5/28/09



1 A3 **BASIC SITE PLAN**
1" = 20'

ADDRESS:	14001 AMBAUM BOULEVARD SW BURIEN, WA 98166
OWNER:	AMBAUM PARTNERS, LLC 1101 SW 139TH STREET SW BURIEN, WA 98166
OWNER'S CONTACT:	SAM SPENCER 206-228-8708
PARCEL NUMBER:	4331400215
LEGAL DESCRIPT:	LINDE & HILL PARK # 3, BLOCK 16, LOT 1
TOTAL SITE AREA:	9,358 SQUARE FEET
EXISTING ZONING:	OFFICE
PROPOSED REZONE:	RM-18
EXISTING USE:	VACANT (FORMER HAIR SALON BUILDING ON-SITE)
PROPOSED USE:	LEASING CENTER (FOR THE HEIGHTS AT BURIEN)
EXISTING IMPERV. SURFACE COVERAGE:	7,928 SQUARE FEET (85%)
PROPOSED IMPERV. SURFACE COVERAGE:	6,122 SQUARE FEET (65%) (85% ALLOWED IN RM-18)
PROPOSED BUILDING COVERAGE:	2,593 SQUARE FEET (28%) (60% ALLOWED IN RM-18)
PROPOSED BUILDING HEIGHT:	28'-4" (35'-0" ALLOWED IN RM-18)
BUILDING SUMMARY:	3,792 SQ FT (1,896 SQ FT ON EACH FLOOR)

THE HEIGHTS AT BURIEN:
LEASING CENTER
14001 AMBAUM BOULEVARD SW • BURIEN, WA 98166

BRODERICK ARCHITECTS
55 SOUTH ATLANTIC STREET, SUITE 301
SEATTLE, WASHINGTON 98134 (206) 682-7525

PRINT DATE: 5/28/09

A3

5/28/09

TOPOGRAPHIC & BOUNDARY SURVEY

SE 1/4 OF THE SW 1/4 OF SEC. 18, TWP. 23N., RGE. 4E., W.M.
CITY OF BURIEN, KING COUNTY, WA.

GRAPHIC SCALE 1"=20'
0 20 40 60

LEGAL DESCRIPTION:

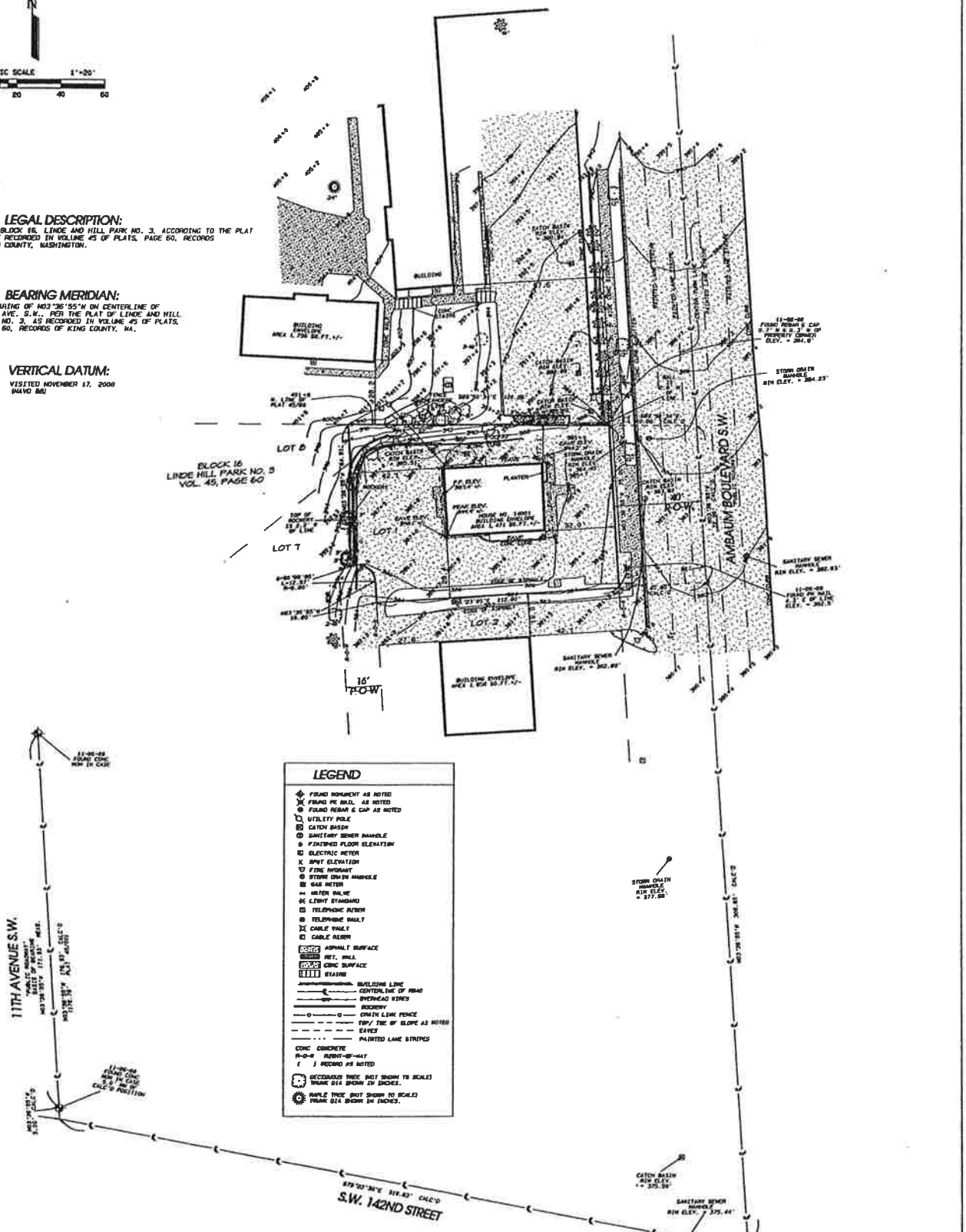
LOT 1, BLOCK 16, LINDE AND HILL PARK NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 45 OF PLATS, PAGE 60, RECORDS OF KING COUNTY, WASHINGTON.

BEARING MERIDIAN:

A BEARING OF N03°36'55"W ON CENTERLINE OF 11TH AVE. S.W., PER THE PLAT OF LINDE AND HILL PARK NO. 3, AS RECORDED IN VOLUME 45 OF PLATS, PAGE 60, RECORDS OF KING COUNTY, WA.

VERTICAL DATUM:

VISITED NOVEMBER 17, 2008
(NAVD 88)



METHOD OF SURVEY:

INSTRUMENTATION FOR THIS SURVEY WAS A LEICA ELECTRONIC DISTANCE MEASURING UNIT. PROCEDURES USED IN THIS SURVEY WERE DIRECT AND REVERSE ANGLES. NO CORRECTION NECESSARY. MEETS. KING COUNTY AND STATE STANDARDS SET BY WAC 332-130-090.

SURVEYOR'S NOTES:

1) THE TOPOGRAPHIC SURVEY SHOWN HEREON WAS PERFORMED IN NOVEMBER OF 2008. THE FIELD DATA WAS COLLECTED AND RECORDED ON MAGNETIC MEDIA THROUGH AN ELECTRIC THEODOLITE. THE DATA FILE IS ARCHIVED ON DISC OR CD. WRITTEN FIELD NOTES MAY NOT EXIST. CONTOURS ARE SHOWN FOR CONVENIENCE ONLY. DESIGN SHOULD RELY ON SPOT ELEVATIONS.

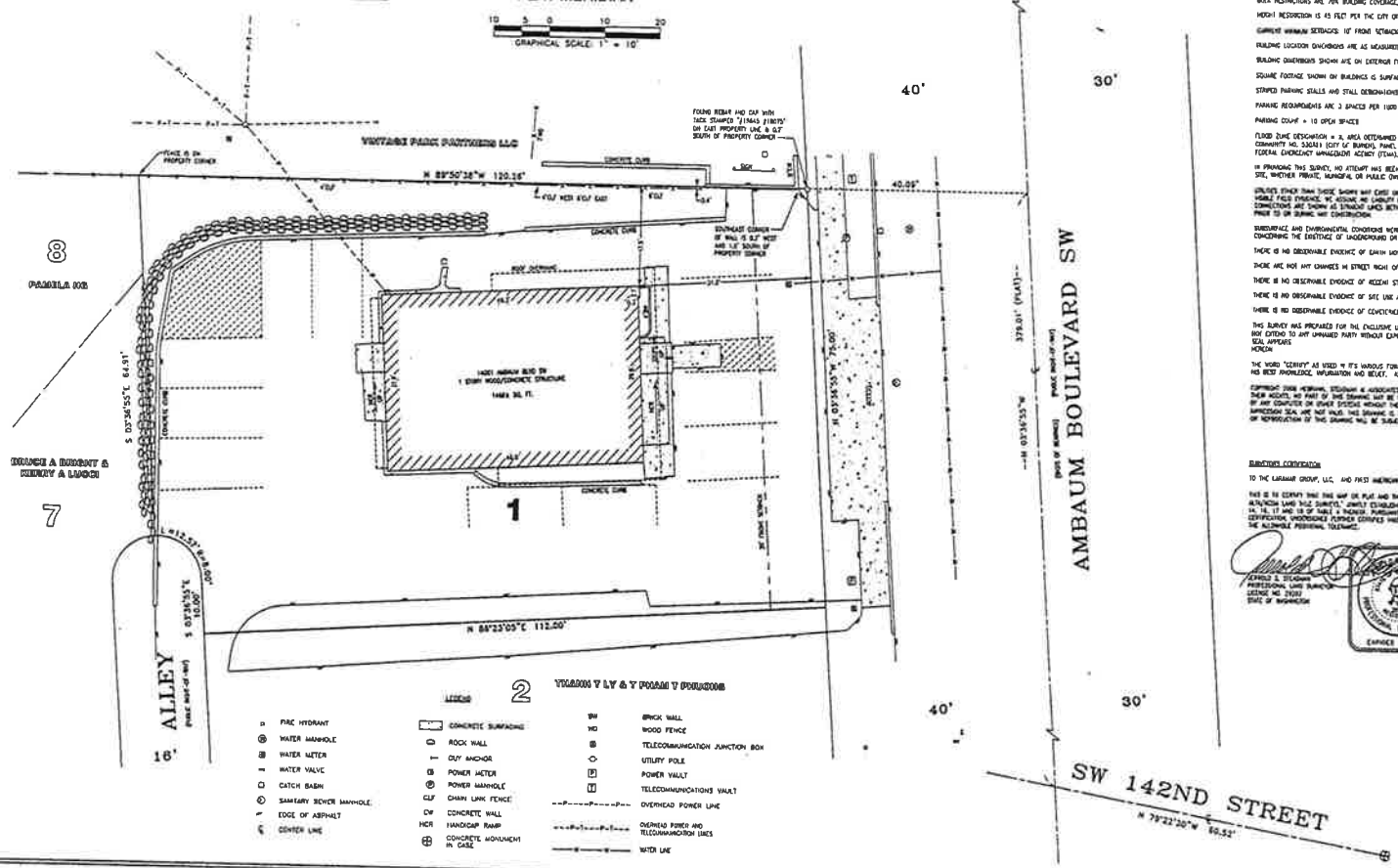
2) SUBJECT PROPERTY TAX PARCEL NO. 433140-0215.

3) SUBJECT PROPERTY AREA PER THIS SURVEY IS 9,344 SQ.FT.+/-.

4) A TITLE REPORT WAS NOT FURNISHED AND THEREFOR, EASEMENTS IF ANY, NOT SHOWN ON THIS MAP.

TOPOGRAPHIC & BOUNDARY SURVEY		
BRODERICK 14001 AMBAUM BLVD. S.W. BURIEN, WA. 98166		REV. 12/18/2008 REV. 03/03/2009 REV. 04/30/2009
DWN. BY V.L.J.	DATE 11/12/2008	JOB NO. 8311
REV. BY V.L.J.	REV. 11/18/2008	
CHKD. BY E.J.G.	SCALE 1"=20'	SHEET 1 OF 1

GeoDimensions
35402 SE CENTER STREET
SNOQUALMIE, WA. 98065
PHONE (425) 396-7646
support@geodimensions.net



LEGEND

FIRE HYDRANT	CONCRETE SURFACING	BW	BRICK WALL
WATER MANHOLE	ROCK WALL	WO	WOOD FENCE
WATER METER	GUY ANCHOR		TELECOMMUNICATION JUNCTION BOX
WATER VALVE	POWER METER		UTILITY POLE
CATCH BASIN	POWER MANHOLE	P	POWER VAULT
SANITARY SEWER MANHOLE	CLF CHAIN LINK FENCE	T	TELECOMMUNICATIONS VAULT
EDGE OF ASPHALT	CW CONCRETE WALL		OVERHEAD POWER LINE
CENTER LINE	HCR HANDICAP RAMP		OVERHEAD POWER AND TELECOMMUNICATION LINES
	CONCRETE MONUMENT IN CASE		WATER LINE

LEGAL DESCRIPTION

LOT 1, BLOCK 16, LINCE AND HILL PARK NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 45 OF PLATS, PAGE 60, RECORDS OF KING COUNTY, WASHINGTON.

SURVEY NOTES

THIS "ALTA/ACSM LAND TITLE SURVEY" IS MADE IN ACCORDANCE WITH THE "CLASSIFICATION AND SPECIFICATIONS FOR CADASTRAL SURVEYS" AS ADOPTED BY THE AMERICAN LAND TITLE ASSOCIATION, THE AMERICAN CONGRESS ON SURVEYING AND MAPPING AND THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, IN 1998.

FULL RELIANCE WAS NOT PLACED ON FIRST AMERICAN TITLE INSURANCE COMPANY THIRD REPORT UNDER ORDER NO. NCS-367687-WA1, DATED SEPTEMBER 16, 2008 FOR LEGAL DESCRIPTION AND REVELATION OF EASEMENTS. NO FURTHER SEARCH OF THE RECORD WAS BEEN MADE.

THIS PROPERTY IS SUBJECT TO RESTRICTIONS, CONDITIONS, DEDICATIONS, NOTES, EASEMENTS AND PROVISIONS, IF ANY, AS CONTAINED AND/ON DELINEATED ON THE FACE OF THE LINCE AND HILL PARK NO. 3 RECORDED IN VOLUME 45 OF PLATS, PAGE 60, IN KING COUNTY, WASHINGTON. (NOT SHOWN - BLANKET EXCEPTION)

THE MONUMENTS SHOWN HEREON WERE VISITED IN THE FIELD DURING THE COURSE OF THIS SURVEY. ANGULAR AND LINEAR MEASUREMENTS WERE MADE WITH A TOPCON GTS 229 TOTAL STATION CALIBRATED AT AN NGS BASELINE WITHIN THE LAST YEAR.

THE PROPERTY DEPICTED AND DESCRIBED HEREON ENCLOSES AN AREA OF APPROXIMATELY 8,244 SQUARE FEET OR APPROXIMATELY 0.2143 ACRE.

THIS PROPERTY HAS LEGAL ACCESS TO AMBAUM BOULEVARD SW SHOWN HEREON AS PUBLIC RIGHT-OF-WAY. PHYSICAL ACCESS MAY BE LIMITED BY IMPROVEMENTS, OR LACK THEREOF, AS SHOWN ON THE SURVEY.

RIGHT OF WAY WIDTHS ARE PER THE ASSESSOR'S MAP.

ZONING: B (OFFICE), PER THE CITY OF BURIEN DEPARTMENT OF COMMUNITY DEVELOPMENT.

BULK RESTRICTIONS ARE 70% BUILDING COVERAGE, ALL IMPERVIOUS SURFACE COVERAGE PER THE CITY OF BURIEN DEPARTMENT OF COMMUNITY DEVELOPMENT.

HEIGHT RESTRICTION IS 45 FEET PER THE CITY OF BURIEN DEPARTMENT OF COMMUNITY DEVELOPMENT.

CURRENT MINIMUM SETBACKS: 10' FROM SETBACK PER THE CITY OF BURIEN DEPARTMENT OF COMMUNITY DEVELOPMENT.

BUILDING LOCATION DIMENSIONS ARE AS MEASURED AT RIGHT ANGLES FROM THE PROPERTY LINE AT POSITIONS INDICATED.

BUILDING DIMENSIONS SHOWN ARE ON EXTERIOR FOUNDATION WALLS.

SQUARE FOOTAGE SHOWN ON BUILDINGS IS SURFACE AREA COVERED BY STRUCTURE, I.E. "FOOTPRINT" AREA WITHIN FOUNDATION WALLS.

STRIPED PARKING STALLS AND STALL DIMENSIONS SHOWN HEREON ARE AS THEY ARE MARKED ON THE GROUND.

PARKING REQUIREMENTS ARE 3 SPACES PER 1000 SQUARE FEET OF NET FLOOR AREA PER THE CITY OF BURIEN DEPARTMENT OF COMMUNITY DEVELOPMENT.

PARKING COUNT = 10 OPEN SPACES

FLOOD ZONE DESIGNATION = X, AREA DETERMINED TO BE OUTSIDE OF 500-YEAR FLOOD PLAIN, ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) NO. 53033C0291F, COMMUNITY NO. 530341 (CITY OF BURIEN), PANEL NO. 0291, SUFFIX F, PANEL WAS OF 1725, REVISED MAY 16, 1995, KING COUNTY, WASHINGTON, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

IN PREPARING THIS SURVEY, NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING SIZE, DEPTH, CONDITION, OR CAPACITY OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL OR PUBLIC OWNED.

UTILITIES OTHER THAN THOSE SHOWN MAY EXIST ON THE SITE. UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE TAKEN FROM A COMPILATION OF PUBLIC RECORDS AND VISIBLE FIELD EVIDENCE. WE ASSUME NO LIABILITY FOR THE ACCURACY OF THE PUBLIC RECORDS. UNDERGROUND UTILITY LOCATIONS ARE ONLY APPROXIMATE. UNDERGROUND CONDITIONS ARE SHOWN AS STRAIGHT LINES BETWEEN VISIBLE SURFACE LOCATIONS BUT MAY CONTAIN BENDS OR CURVES NOT SHOWN. FIELD VERIFICATION IS NECESSARY PRIOR TO OR DURING ANY CONSTRUCTION.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OF FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

THERE ARE NOT ANY CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION.

THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.

THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES OR BURIAL GROUNDS EXISTING ON THE PROPERTY.

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES NAMED HEREIN, THEIR AGENTS AND/OR DANGLIANTS. RIGHTS TO RELY ON OR USE THIS SURVEY DO NOT EXTEND TO ANY UNNAMED PARTY WITHOUT EXPRESS RECERTIFICATION BY HEBRANK, STEADMAN, AND ASSOCIATES AND/OR THE PROFESSIONAL LAND SURVEYOR WHOSE SEAL APPEARS HEREON.

THE WORD "SURVEY" AS USED IN IT'S VARIOUS FORMS HEREIN, IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE SURVEYOR WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF. AS SUCH, IT CONSTITUTES NEITHER A GUARANTEE NOR A WARRANTY, EXPRESSED OR IMPLIED.

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SURVEYOR'S CERTIFICATION

TO THE LARAMAR GROUP, LLC, AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 2005, AND INCLUDES ITEMS 2, 3, 4, 6, 7a, 7b1, 7c, 8, 9, 10, 11a, 13, 14, 16, 17 AND 18 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT THE PROFESSIONAL UNCERTAINTIES RESULTING FROM THE SURVEY ASSUREMENTS MADE ON THE SURVEY DO NOT EXCEED THE ALLOWABLE PROFESSIONAL TOLERANCE.

15 OCT '08
DATE

ARNOLD L. STEADMAN
PROFESSIONAL LAND SURVEYOR
LICENSE NO. 29202
STATE OF WASHINGTON

EXPIRES 8/21/09

HEBRANK, STEADMAN & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
8456 NINTH AVENUE SOUTHWEST, SEATTLE, WASHINGTON 98106 (206) 762-4582

ALTA/ACSM LAND TITLE SURVEY
of
14001 AMBAUM BLVD SW

CITY OF BURIEN, COUNTY OF KING, STATE OF WASHINGTON

LINCE AND HILL PARK NO.3, VOL. 45, PG. 60, BLOCK 16, LOT 1

SE1/4, SW1/4, SEC. 16, TWP. 23 N., RGE. 04 E., W.M.
KING COUNTY, WASHINGTON

INDEX

	2008-073.00
DATE:	15 OCTOBER 2008
REVISED:	
DRAWN BY:	JCL
MAP CHECK:	MAM
FINAL CHECK:	JGS
SHEET	1 OF 1

CITY OF BURIEN
Department of Community Development
400 SW 152nd Street, Suite 300
Burien, WA 98166
(206) 248-5510

2009 Comprehensive Plan Amendment and Rezone Request

AMENDMENT REFERENCE NUMBER

2009-6

APPLICANT

Terry Wilson, Cramer NW for Larry and Karla Ohrt (property owners)

TAX PARCELNUMBER

2023049139

REQUESTS

1. Change Comprehensive Plan designation of 640 South 160th Street from Moderate Density Single-family to Intersection Commercial.
2. Rezone 640 South 160th Street from RS-7,200 (Residential Single Family) to CI (Intersection Commercial).

SUMMARY OF RECOMMENDATIONS

Staff Recommendation: Approve Requests

Planning Commission Recommendation: Deny Requests

FINDINGS

HISTORY

Comprehensive Plan Land Use Designations:

1993: the City of Burien Interim Land Use Plan Ordinance 27 designated the subject property as Single Family (RS-7,200).

1997: The City of Burien Comprehensive Plan designated the subject property as Single Family (6 units per acre).

1999: The Burien Comprehensive Plan map designated the subject property as Single family (Moderate Density).

Zoning Designations:

1981: The King County Zoning Map designated the subject parcel RS-7,200 Single Family Residential

1994: Ordinance 87 map attachment shows the parcel zoned Single-family Residential (Six units per acre)

1999: Ordinance 264 map attachment shows the parcel zoned RS-7,200 Residential Single Family

ATTACHMENT 2.6

CURRENT LAND USE: Single-family home (480 square feet)

ADJACENT COMPREHENSIVE PLAN/ZONING DESIGNATIONS

Direction	Comp. Plan Designation	Zone	Current Uses
North	Moderate Density Residential Neighborhood	RS-7,200 (Single-Family Residential)	Single Family Residences
South	Intersection Commercial	Intersection Commercial	Commercial & Residential (auto detail shop, associated garages and single family house)
West	Moderate Density Residential Neighborhood	RS-7,200 (Single-Family Residential)	Single Family house with large accessory garage/shop building
East (City of SeaTac)	Airport	Aviation Commercial	Vacant

DISCUSSION

The current Comprehensive Plan and Zoning designations for the site allow for single-family uses with minimum lot sizes of 7,200 square feet. Since the site is 18,975 square feet, under current land use regulations it is possible the site could be subdivided; however, the Applicant indicates that this is an unlikely site to develop additional single-family housing or even redevelop the existing 480 square foot single-family residence given the impacts of the 3rd runway addition to SeaTac Airport just east of the site.

The requested Comprehensive Plan amendment and rezone request from Residential to Intersection Commercial would allow for the development of a variety of commercial uses such as convenience retail and auto service.

PUBLIC HEARING

Hearing Comments: The following is a summary of the comments offered at the public hearing. A verbatim recording of the hearing is available in the Community Development Department.

From the City:

Stephanie Jewett, Planner

Provided a brief description of the application request and reviewed the Staff Recommendation.

From the Community:

Shelley Gaines, 627 South 159th Street
Rita Anthony, 641 South 159th Street

Opposed the Comprehensive Plan Amendment and Rezone requests.

Shelley Gaines specifically noted the following:

- The site is located adjacent to an existing single-family neighborhood to the North and West of the site, and the neighbors would like to keep this existing single-family neighborhood intact.
- Land is currently available for commercial uses close by on 1st Avenue South and Des Moines Memorial Drive, indicating there is not a need for additional commercially zoned property in the area.
- Single-family Housing has been recently built in the area, including her home which was built in 2007, indicating that the area has potential for future single-family development.
- The aura of the neighborhood would be destroyed by commercial development, noting the presence of wetlands located on the parcel of land located to the east of the site across Des Moines Memorial Drive.
- Concern that the request for the Rezone and Comprehensive Plan Amendment did not include information on a specific development proposal for the site.
- Concern for how future commercial redevelopment of the site might affect the property value of her home.

Rita Anthony specifically commented that the site should remain single-family residential and expressed concern that it was not known exactly what type of development might occur on the site if the Comprehensive Plan Amendment and Rezone request was granted.

From the Applicant:

Terry Wilson, Cramer Northwest, 945 N. Central Avenue, Kent, WA 98162 representing Karla and Larry Ohrt (property owners).

Noted that the property owners had looked at the potential of developing additional single-family homes on the parcel but found it undesirable due to impacts from the third runway and the difficulty of meeting site distance requirements for access from the parcel to and from Des Moines Memorial Drive. At this time, the owners do not have a specific development proposal in mind in requesting the Comprehensive Plan Amendment and Rezone; however, any future commercial development on the site should serve and be incidental to the surrounding neighborhood as intended by the allowed uses listed in the Intersection Commercial zone. Additionally, a 20 ft. landscape buffer would also be required along all property lines adjoining existing single-family zoned property at the time of any commercial redevelopment of the site which would mitigate any issues relating to future commercial activity on the subject property.

REVIEW OF CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT

Zoning Code section 19.65.095.4 contains the criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment **must meet all of the criteria**. Following the public testimony and deliberations, the Planning Commission found that three out of the eleven required criteria for granting a Comprehensive Plan Amendment had not been adequately met. Each criteria is shown below in bold italics followed by staff response prior to the public hearing and the Planning Commission's updated response after the hearing (for criteria B, E and I).

A. The request has been filed in a timely manner.

Staff & Planning Commission Response: The request was made by the property owner's agent and received by the City of Burien on June 1, 2009 consistent with the June 1, 2009 deadline date, as required in BMC 19.65.095.

B. There is a public need for the proposed amendment.

Staff Response: There is a public need for the proposed amendment given the assumption that the site is unlikely to develop additional single-family housing due to the impacts of the 3rd runway addition to SeaTac Airport just east of the site. The proposed amendment would allow for development of low to moderate intensity convenience commercial uses, a more likely use of the site, and one which with the application of Transition Area Standards can be compatible with adjacent properties and uses.

Planning Commission Response: It has not been adequately demonstrated that the site would be unlikely to develop with additional single-family housing due to the impacts of the 3rd runway addition to SeaTac Airport located to the east of the site. Additionally, it has not been demonstrated that there is a public need for additional Intersection Commercial (CI) zoned property in the area given the proximity of the site to existing commercially zoned property in the Cities of Burien and SeaTac. Within Burien, these areas include Community Commercial (CC-2) zoned property to the west of 509 along South 160th Street and 1st Avenue South and Intersection Commercial (CI) zoned property located along Des Moines Memorial Drive at South 152nd Street. Within the City of SeaTac, these areas include Aviation Commercial (AVC) zoned property to the east of the site across Des Moines Memorial Drive and Community Business (CB) zoned property located to the north of the site along Des Moines Memorial Drive South at South 157th Place. It was observed that the existing Commercial Intersection (CI) zoned property located to the south of the site and under the same ownership is currently underutilized and that there are existing vacancies in the commercially zoned properties mentioned above. Also, the residential neighbors who testified were against the proposed Comprehensive Plan amendment and rezone stating that there is not a public need.

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

Staff & Planning Commission Response: The proposed amendment best meets the public need identified above by allowing for low to moderate intensity convenience commercial uses to serve customers traveling to and from their nearby homes consistent with the land use designation of the three properties located immediately to the south of the site at the intersection of Des Moines Memorial Drive and South 160th Street.

D. The proposed amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act and Countywide Planning Policies.

Staff & Planning Commission Response: As stated in the Burien Comprehensive Plan (policy BU 1.4), the intent of the Intersection Commercial land use designation is to provide for a variety of commercial uses of low to moderate density or intensity, located at major roadway intersections in close proximity to higher density uses, such as multifamily developments. Customers are anticipated to either drive or walk to these establishments.

Properties designated Intersection Commercial uses should reflect the following criteria (shown in italics, followed by staff response):

1. *The intersection of two arterials should be the preferred location for the designation.*

   The subject parcel is accessible to Des Moines Memorial Drive South and South 160th Street, both of which are classified as minor arterial roadways in the City of Burien's Comprehensive Plan (Policy TR 1.4.1). While the parcel is situated about 195 feet north of the actual intersection of Des Moines Memorial Drive South and South 160th Street, it should be noted that the zoning/comprehensive plan designations for Intersection Commercial parcels in other areas of the City extend to parcels beyond the actual intersections.

2. *The design and capacity of the intersection are able to support the planned uses.*

   A specific use has not been proposed for the site; however, any future redevelopment of the site from a residential use to a commercial use would be required to comply with the City's access and road standards.

3. *The existing or planned public facilities are adequate to support the proposed development.*

   Any future redevelopment of this site from a residential use would be required to meet the City's development standards for providing adequate public facilities.

4. *The area is served or planned to be served by transit.*

   A Metro bus stop serving routes 122 and 132 is located at South 160th Street and Des Moines Memorial Drive South.

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

Staff Response: It's unlikely that additional single-family development or redevelopment of the existing 480 square foot house will occur on the site given the proximity to the third runway. Consequently, it's possible to conclude that residential capacity will not be lost under this proposal, while commercial capacity will be gained, which results in a net benefit to the community.

Additionally, new commercial development would increase the property value of the subject parcel and therefore increase the property taxes generated and should commercial space be successful at that location additional sales tax revenue would also be generated.

Planning Commission Response: It has not been adequately demonstrated that single family development or redevelopment of the existing 480 square foot house will not occur on the site given the proximity to the third runway. Additionally, the impact that any future commercial redevelopment of the site might have on the surrounding single-family land values and related property taxes has not been considered. Therefore, it's not possible to conclude that the increase in property taxes generated from commercial redevelopment of the site will result in a net benefit to the community.

F. The revised Comprehensive Plan will be internally consistent.

Staff & Planning Commission Response: The proposed amendment will not create any internal inconsistencies.

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

Staff & Planning Commission Response: The site appears to be able to support Intersection Commercial land uses. There are no environmentally critical areas identified on the City's Critical Area Map in the immediate area. Additionally, the site is large enough to be able to be developed as a stand alone parcel or it could be combined with the parcels immediately adjacent to the south that are under the same ownership and already designated as Intersection Commercial in the City's Comprehensive Plan and Zoning Code.

H. Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City or other public agency.

Staff & Planning Commission Response: The developer or owner of the property would be required to meet the City's development standards for providing adequate public facilities such as water and sewer at the time of development of the property.

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

Staff Response: The proposed amendment will be compatible with the properties located directly to the south and east of the site. The properties to the south of the site are currently designated for Intersection Commercial use in the Comprehensive Plan, are zoned Intersection Commercial, and the current uses include an auto detail shop, associated garage/storage space and a single-family home. The property located to the east of the site across Des Moines Memorial Drive South is located in the City of SeaTac and is designated as "Airport Use" in SeaTac's Comprehensive Plan and is zoned "Aviation Commercial". The proposed amendment may have some impact to the existing residential uses to the north and west of the site, such as increased visual impacts and noise. Although, at the time of any redevelopment of the site to a commercial use, these types of impacts could likely be mitigated through the application of the City's Transition Area Standards which require a landscape buffer be planted between Commercial and Residential zones.

Planning Commission Response: The proposal would add 18,945 square feet of Intersection Commercial (CI) zoned land area to 31,222 square feet of land currently under the same ownership and also zoned Intersection Commercial (CI). It has not been demonstrated that all of the impacts from future development, including noise, visual impacts and traffic would be adequately mitigated by the City's requirement for the installation of a landscape buffer between Commercial and Residential zones at the time of any commercial redevelopment of the site. Therefore, there is insufficient factual information to find that the proposed amendment would be compatible with nearby uses. Given a specific redevelopment plan was not included as part of the proposal the Commission was unable to find that the proposed amendment would be compatible with nearby uses and could only assume the most intensive use of the land allowed in the CI zone in making this conclusion.

J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing.

Staff & Planning Commission Response: The proposed amendment would allow conversion of about .44 acres of single-family residential land to commercial use. The City's housing unit capacity would be marginally decreased under this proposal if the existing 480 square foot single-family home is redeveloped to a commercial use; however, as noted by the Applicant, since the site would not likely support additional residential development or redevelopment given the visual and noise impacts from the 3rd runway, it's possible to conclude that additional residential capacity does not currently exist on site and therefore, additional residential capacity will not be lost under this proposal.

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate; or,

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

Staff & Planning Commission Response: There have been two significant changes to surrounding neighborhood conditions since the subject property was given its present Moderate Density Single-family Residential Comprehensive Plan designation. The zoning on the property to the east of the site, across Des Moines Memorial Drive, and within the City of SeaTac, changed from "single-family residential" with a minimum 7,200 square foot lot size to "Aviation Commercial" sometime between 2000 and 2001 and the third Runway was constructed. Due to these changes the current designation is no longer appropriate.

See section D above for a discussion of how the proposal meets the City's designation criteria for Intersection Commercial.

REVIEW OF CRITERIA FOR REZONE

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

A. The rezone is consistent with the Comprehensive Plan.

Staff Response: The proposed rezone to CI Intersection Commercial would be consistent with the proposed Comprehensive Plan if the Comprehensive Plan designation is changed. Staff is recommending that the Comprehensive Plan change be approved (see discussion above).

B. The rezone bears a substantial relation to the public health, safety or welfare.

Staff Response: The rezone would allow for development of low intensity Intersection Commercial uses which would be consistent with the existing Intersection Commercial designation of the parcels directly to the south of the site, which are under the same ownership. This type of low intensity convenience commercial development could provide services to the surrounding residential homes and to possible aviation uses across Des Moines Memorial Drive. Consequently, the rezone will contribute to the public's health, safety and welfare.

C. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the property.

Staff Response: There is no evidence to support that a rezone would be materially detrimental to uses in the immediate vicinity of the property. Surrounding land uses to the south of the site consist of commercial uses; consequently, the proposed rezone fits with the character of the surrounding land uses and would not be materially detrimental to uses or property in the immediate vicinity.

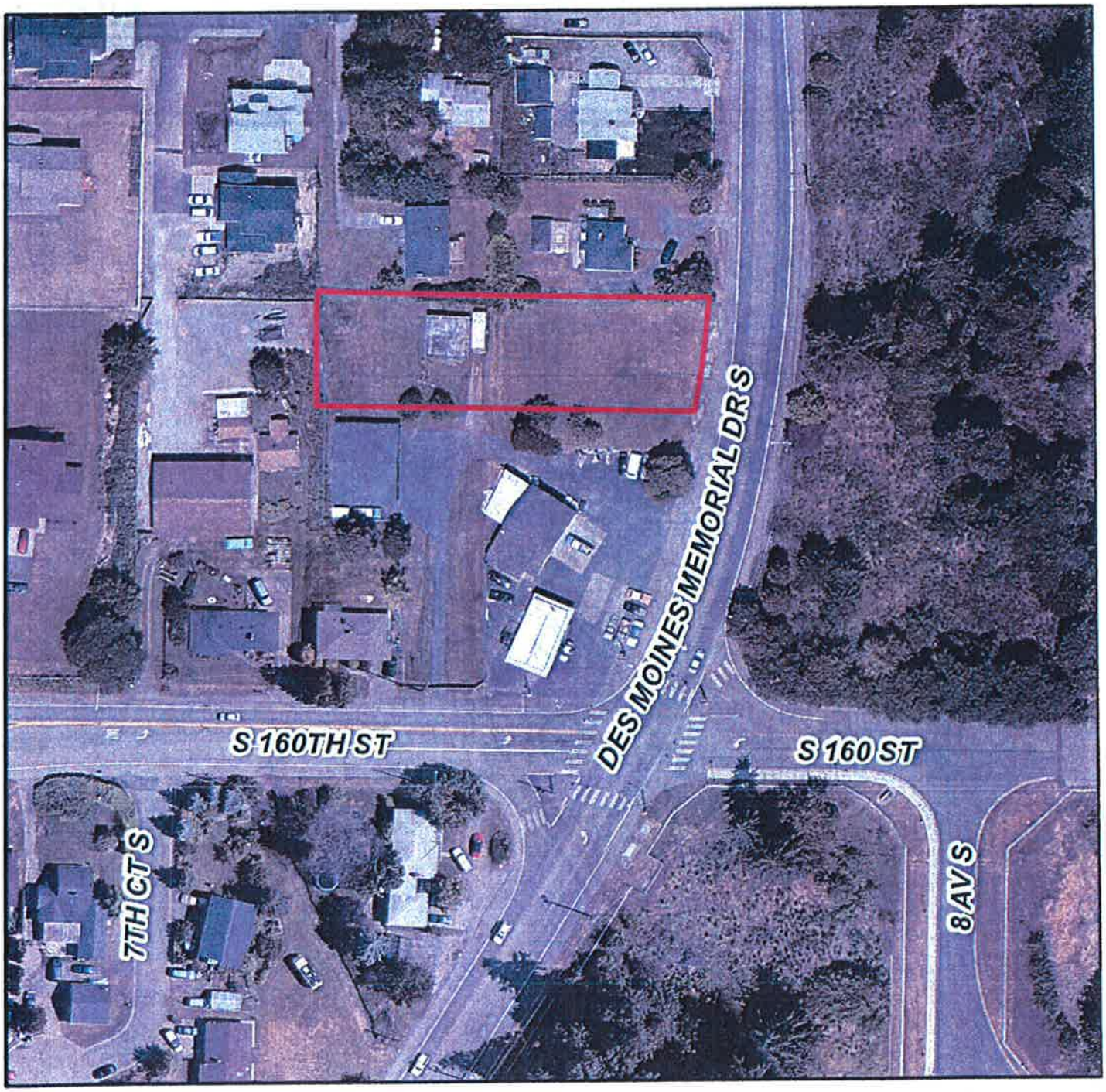
D. The rezone has merit and value for the community as a whole.

Staff Response: The rezone has merit and value for the community as a whole (see discussion of public need under Comprehensive Plan amendment criteria).

ATTACHMENTS

1- Vicinity Map
2- Aerial Photo
3- Comprehensive Plan Amendment Request, June 1, 2009

Ohrt Rezone/ Comp Plan Amend Request ref. No. 2009-6



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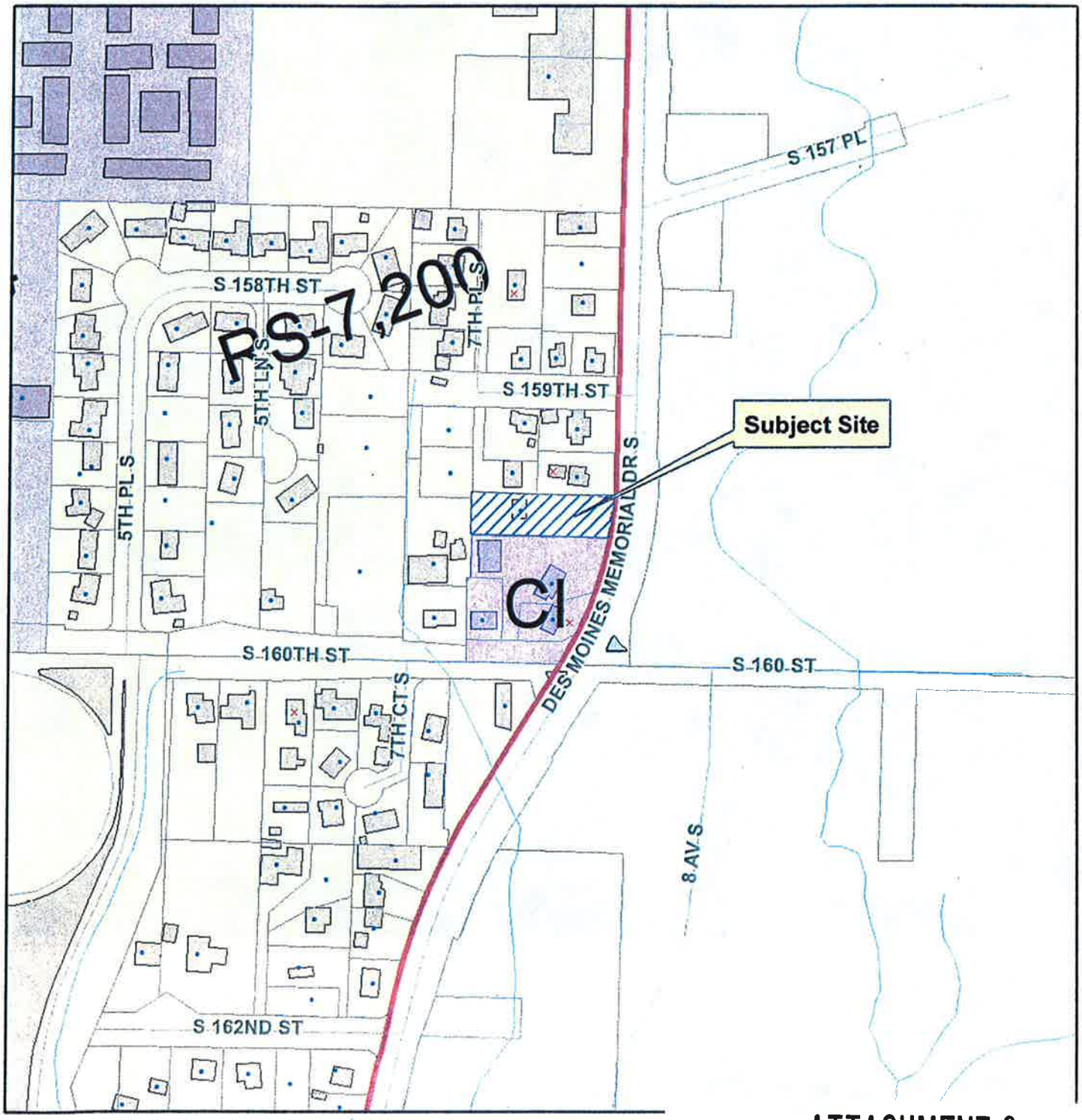
ATTACHMENT 1

Burien
Washington, USA

Vicinity Map

Ref. No. 2009-6
Larry Ort
Rezone Request
From RS-7,200 to CI



ATTACHMENT 2

R-13052

Burien
Washington, USA

Comprehensive Plan Amendment Request (Includes rezones)

15811 Ambaum Blvd. SW Suite C, Burien, WA 98166
Phone: (206) 241-4647 • FAX: (206) 248-5539
www.burienwa.gov

Amendment Type	Reference Number (staff will assign)
X Map amendment Text amendment X Quasi-Judicial Rezone	PLA09-0763

terry@cramernw.com

APPLICANT INFORMATION

Name: TERRY WILSON	Company: CRAMER, NW	Daytime Phone: 253-852-4880
Mailing Address: 945 N CENTRAL AVE KENT 98032		Fax Number: 253-852-4955
Contact person (if different):		Daytime Phone:
Property owner (if different): LARRY OHRT		Daytime Phone: 206-261-0785
Mailing Address: PO BOX 437 SEAHURST, WA. 98062		Fax Number:

SITE INFORMATION (if applicable)

Site Address: 640 S 160	Parcel Number: 202304-9139
Existing Zoning District: RS 7,200	Existing Comprehensive Plan designation: MOD DENS. RESIDENTIAL
Requested Zoning C1	Requested Plan designation: INTERSECTION COMMERCIAL
Number of Acres: .44	Current Land Use: SING. FAM. RES.

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

Brief description of proposal (attach additional sheets if necessary): PROPOSAL OF A REZONE FOR THE ABOVE LISTED PARCEL FROM MODERATE DENSITY RES. TO INTERSECTION COMMERCIAL, AS ARE THE 3 PARCELS TO THE SOUTH OF SUBJECT SITE. AS WELL AS A COMP. PLAN AMENDMENT CHANGE.

RECEIVED
JUN 01 2009 BY
CITY OF BURIEN

SIGNATURE

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

Dated: May 28-2009 Signature: [signature]

ATTACHMENT 3

Cramer Northwest, Inc.
• Surveyors •Planners •Engineers

June 1, 2009

City of Burien
Department of Community Development
400 SW 152nd Street Suite 300
Burien, Washington 98166

RE: 640 South 160th Street
Comprehensive Plan Amendment from Moderate Density Residential to Intersection Commercial; and,
Rezone from RS 7200 (Residential Single Family) to Intersection Commercial (CI)

Dear Planning Staff:

On behalf of the property owners, Larry and Karla Ohrt, we hereby request your consideration of our proposal for a Comprehensive Plan Amendment and Rezone of the property located at 640 South 160th Street. The property consists of 18,954 square feet and its Assessor's Tax Parcel Number is 202304-9139. Currently, the Comprehensive Plan designation for the property is Moderate Density Residential and the current Zoning is Residential Single Family, RS 7200. Based upon the City of Burien Municipal Code (BMC) Criteria for Comprehensive Plan Amendments and Rezones, we believe the City's Amendment and Rezone of the property to Intersection Commercial satisfies the goals and policies in the Comprehensive Plan and meets the requirements in the BMC. The following discussion outlines the necessary details to aid you with your consideration of our request.

Section 19.65.095(4) of the BMC sets forth the criteria that must be met for review of a Comprehensive Plan Amendment. The proceeding responses are provided in an effort to address each of the criteria.

A. ***The request has been filed in a timely manner.***

The request is hereby timely submitted prior to the close of business on June 1, 2009.

B. ***There is a public need for the proposed Amendment.***

The stated purpose and intent under the BMC section 19.15.020 for the Intersection Commercial Zone is to establish areas, in otherwise residential areas, for low to moderate intensity convenience commercial uses to serve customers traveling to and from their nearby homes. The property is located immediately adjacent to the north of a parcel under the same ownership

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which is already currently zoned Intersection Commercial. The site also sits directly across the street from an area under the jurisdiction of the City of SeaTac which is zoned Aviation Commercial and Community Business. It is unlikely that the property could be reasonably developed as single family residential in light of the deterrent results of the 3rd Runway addition to the SeaTac Airport just east of the site and the surrounding Aviation Commercial and Business and Commercial Zones to the south, east, and northeast of the property. The public need would therefore better be met by the change in the Comprehensive Plan and Zoning to allow the development of the site for any number of the convenience commercial uses outlined in the BMC.

C. ***The proposed Amendment is the best means for meeting the identified public need.***

The proposed Amendment is the best means to meet the needs of the public to allow for the low to moderate intensity convenience commercial uses to serve customers traveling to and from their nearby homes.

D. ***The proposed Amendment is consistent with the overall intent of the goals and policies of the Burien Comprehensive Plan, Growth Management Act, and Countywide Planning Policies.***

As stated in the Burien Comprehensive Plan, Policy BU 1.4, the Intersection Commercial Category provides for a variety of commercial uses of low to moderate density or intensity, located at major roadway intersections in close proximity to higher density uses, such as multifamily developments. The land uses under this category serve multiple residential areas with a diverse mix of uses, including commercial, retail, services, professional offices, recreational and community facilities. The Intersection Commercial land use should reflect the following criteria:

1) *The intersection of two arterials should be the preferred location for the designation.*

   The subject property abuts Des Moines Memorial Drive to the east, a Minor Arterial under the jurisdiction of the City of Sea Tac, and the primary perimeter arterial west of the Sea Tac Airport. It also is situated only 185 approximate feet north of the intersection of Des Moines Memorial Drive and South 160th Street, which is also classified as a Minor Arterial by the City of Burien. Should the site be developed in conjunction with the parcel under the same ownership to the south, access could be provided by either or both of the Minor Arterials and therefore clearly meets the preference under this section.

2) *The design and capacity of the intersection are able to support the planned uses.*

The intersection already satisfactorily serves the parcels immediately to the south of the subject parcel which are already designated and zoned as Intersection Commercial. The design and capacity of the intersection would continue to more than adequately support the planned uses.

3) *The existing or planned public facilities are adequate to support the proposed development.*

The existing public facilities are adequate to support the various development uses that would be allowed for the property. Additionally, the development of the site would require full compliance with the City of Burien's applicable Codes and Conditions that would be imposed upon any application for the various permitted uses.

4) *The area is served or planned to be served by transit.*

The area is currently served by transit.

E. ***The proposed Amendment will result in a net benefit to the community.***

Commercial Development of the parcel would result in the generation of additional tax revenue for the City for the use and benefit of the community. Additionally, due to the improbability of development of the site as Single Family Residential, the proposed Amendment increases the likelihood that the property would be able to be developed into a use convenient for the area. For these reasons, the Amendment serves to benefit not only the residential properties in the immediate vicinity, but also the community as a whole.

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

The revised Comprehensive Plan will be internally consistent and compatible with the already existing balance of Intersection Commercial and Moderate Density Residential designations for the area.

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

The land is capable of supporting the projected land use. It could be developed as a stand alone parcel or it could be combined with the parcel immediately adjacent to the south which is under the same ownership and is already designated and zoned as Intersection Commercial in the current Comprehensive Plan and Zoning Code.

H. ***Adequate public facility capacity to support the projected land use exists or can be provided by the property owner(s) requesting the Amendment, or can be cost-effectively provided by the city or other public agency.***

All public facility capacity issues to support the projected land use already exist. As detailed previously, the site immediately adjacent to the south is already designated and used as Intersection Commercial. There are no known sensitive areas on or adjacent to the site, and all utilities and access infrastructure are already provided to the site. Public facility capacity is satisfied whether the site is developed as a stand alone parcel or if it is combined with the property immediately adjacent to the south under the same ownership and already designated and zoned as Intersection Commercial in the current Comprehensive Plan and Zoning Code.

I. ***The proposed Amendment will be compatible with nearby uses.***

The proposal will be compatible with nearby uses. The parcels immediately abutting to the south are already designated and zoned Intersection Commercial. All parcels on the east side of Des Moines Memorial Drive are zoned Aviation Commercial and Community Business. The various permitted uses that would be allowed under the proposed designation and zone would provide a convenient and compatible accessory to the nearby residential land uses as is the stated preference under the City of Burien's Land Use Policies enumerated under the Comprehensive Plan.

J. ***The proposed Amendment would not result in the loss of capacity to meet other needed land uses, such as housing.***

As stated above under Section B, the building and increased usage of the 3rd runway to the east of the property at SeaTac Airport, together with the City of SeaTac's Commercial Zoning across the street along Des Moines Memorial Drive, deters the property from being developed as Residential. Therefore, it is unlikely the Amendment would result in any loss of capacity to meet other needed land uses.

K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate; or,

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

Either subsection under this criteria is satisfied. The conditions as enumerated above in Sections B and J demonstrate that the present Comprehensive Plan designation is no longer appropriate or was inappropriate when established. The site abuts property to the south under the same ownership already designated and zoned Intersection Commercial and in fact currently gains its access through said adjacent Commercial property. The City of SeaTac's Aviation Commercial and Community Business Zoning directly across the street, together with the addition of the 3rd runway to the east, result in the unlikely development of the property under its current Residential designation and zone. For these reasons, along with the site's proximity to the corner of two arterials, Des Moines Memorial Drive, and South 160th Street, the evidence suggests that the current designation is no longer applicable or was inappropriate when established.

Upon successful adoption of the proposed Comprehensive Plan Amendment, we additionally request the City to consider the concomitant Rezone of the property to Intersection Commercial. BMC section 19.65.100(4) establishes the criteria for amending the Zoning Code. The following responses address the criteria provided therein.

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

The proposal shall be consistent with the Comprehensive Plan once the proposed Comprehensive Plan Amendment has been approved.

B. The Amendment bears a substantial relation to the public health, safety, or welfare.

The proposal and subsequent development of the property under the various permitted uses under the Zone will result in additional employment opportunities, added tax revenue to the City, and provide convenient commercial uses to serve customers traveling to and from their nearby homes. The proposal also allows for a more compatible and appropriate use for the property than its current Zone.

Cramer Northwest, Inc.
• Surveyors •Planners •Engineers

C. The Amendment is in the best interest of the community as a whole.

As stated above in Section B, the proposal will encourage development of the parcel that would result in the generation of employment opportunities as well as additional tax revenue for the City for the use and benefit of the community. Additionally, due to the improbability of development of the site as Single Family Residential, the proposed Amendment increases the likelihood that the property would be able to be developed into a use convenient for the area. For these reasons, the Amendment serves to benefit not only the residential properties in the immediate vicinity, but also the community as a whole.

Thank you for your consideration of these matters. Please contact our office with any questions or if you need any further clarification.

Best regards,

Terry Wilson
Owner/Operations Manager

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City of Burien

BURIEN PLANNING COMMISSION MEETING
September 22, 2009
7:00 p.m.
Miller Creek Room, Burien City Hall
MINUTES

Planning Commission Members Present:
Jim Clingan, Janet Shull, Stacie Grage, Rebecca McInteer

Absent:
Brian Bennett, Joe Fitzgibbon, Rachel Pizarro

Others Present:
David Johanson, senior planner; Elizabeth Ockwell, assistant planner; Dick Loman, economic development manager

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Roll Call

Vice Chair Clingan called the meeting to order at 7:00 p.m. At the call of the roll all commissioners were present except Commissioners Bennett, Fitzgibbon and Pizarro.

Agenda Confirmation

Motion to approve the agenda as presented was made by Commissioner Grage. Second was by Commissioner Shull and the motion carried unanimously.

Public Comment

None

Approval of Minutes

Motion to approve the minutes as presented was made by Commissioner Grage; second was by Commissioner Shull. The motion carried unanimously.

Public Hearing

Vice Chair Clingan opened the public hearing regarding the proposed Zoning Code amendments. Liz Ockwell, assistant planner, reminded commissioners that staff is proposing 15 Zoning Code amendments, 11 of which are corrections of typographical errors and additional definitions, and the remaining four proposed amendments are more substantive and clarify sections of the Zoning Code. If the commissioners are ready following the evening's public hearing, they may make a recommendation on the proposed amendments to the City Council. Ms. Ockwell then reviewed the proposed amendments.

Vice Chair Clingan, seeing no public comments on the proposed amendments, closed the hearing.

Old Business

A motion was made by Commissioner Grage to recommend to the City Council approval of Zoning Code amendment numbers 19.10.185 through 19.17.060, based on attachment 1 of the staff memo dated

ATTACHMENT 3.1

September 22, 2008 [sic] and the testimony from the public hearing on September 22, 2009. Commissioner Shull seconded the motion. Motion carried unanimously.

New Business

David Johanson, senior planner, introduced the proposed Comprehensive Plan policy amendments, which are in three areas: the Economic Development Element, Sustainability policies, and Capital Improvement Program (CIP) policies. He noted that several members of the Burien Business and Economic Development Partnership (BEDP) were in attendance to present the proposed Economic Development Element amendments to the commissioners. He then introduced Bob Ewing and Nancy Hinthorne, members of the BEDP.

Mr. Ewing gave a brief introduction about the proposed amendments and the BEDP subcommittee that developed them. He said the overarching theme is Burien's livability. He recognized the efforts the City has put forth thus far to attract business and economic development, and said the proposed amendments would allow the community to build on that work to take Burien into the future.

Drawing the commissioners' attention to proposed policy amendment ED 1.3, Mr. Ewing said one of the reasons there has been progress, particularly in the city's core, is that the City had funds available for public-private partnership. The fund apparently has been depleted and Mr. Ewing said he hopes the City Council's advisory groups push for the fund to be re-established as a tool to spur more development.

Next, he noted that Goal ED 2, "Embrace Burien's unique 'livability', is the centerpiece of comments the subcommittee collected from the community when it began its work. He said that goal should be the focus of any development projects in the future. Continuing, Mr. Ewing explained Policy ED3.4, "Promote mercado/plaza development zones," envisions an area of small shops, perhaps on Southwest 153rd Street, developed as part of a City project and populated by diverse ethnic retailers.

Another goal embraces economic "clusters" as a way to focus economic growth and one focuses on sustainability. Working with the Arts Commission, the subcommittee developed a goal of valuing art, aesthetic design and culture events as a central element of economic development. Other goals include communicating with the public on economic issues, balancing regulatory and service programs to ensure economic growth, maintaining partnership with community businesses, and monitoring the economic health and development of the community.

Mr. Johanson said he believes this is the first major update to the Economic Development Element of the Comprehensive Plan since it was written in 2003. Commissioner Shull said the proposed amendment looks like a replacement of what's currently in the Comprehensive Plan; Mr. Johanson confirmed that it is and will be so designated when it goes to the City Council for adoption. She then asked what kinds of businesses are envisioned in Policy ED 3.2 regarding development in the Northeast Redevelopment Area and whether the distinction should be made in the policy. Mr. Johanson answered that the NERA work being done right now will result in language that is more specific in other parts of the Comprehensive Plan.

Commissioner Shull then asked if a higher education cluster was considered. Mr. Loman answered that more thinking is needed on that subject. Mr. Ewing said the committee also discussed taking advantage of Burien's proximity to the airport and friendly atmosphere to attract businesses, nonprofits and organizations. Mr. Johanson suggested adding a "discussion" that clarifies the goal. Commissioner Shull said she would like to see an arts-related higher education cluster, perhaps including something like an Arts Institute of Seattle south branch.

Mr. Johanson, substituting for planning intern Jeremy Hammar, introduced the proposed language for the sustainability policies. He acknowledged the work the commissioners have done already on sustainability, and noted that two of the five areas of focus – protection of ecosystems and improved quality of life and sustainable development – already are addressed in the Comprehensive Plan. The remaining three, to be

added to the Comprehensive Plan, are sustainability and decision making, community participation, and reduce carbon emissions. The two options available are to either place the new language in existing chapters of the Comprehensive Plan wherever it is most appropriate or create a sustainability element, new Chapter 2.13. Commissioner Shull asked how the proposed amendment relates to any potential work the commission will be doing on the sustainability strategy framework; Mr. Johanson said he does not know. The commissioners discussed how the proposed amendments could become a Sustainability Element with goals and policies, and including the two areas of focus that already are addressed in the Comprehensive Plan.

For clarity, Mr. Johanson repeated what he said he understood the commissioners to say: that there be a framework of the five areas of focus, there be a separate element, somehow separating out policy language. He asked if a basic goal is needed for each of the five areas; the consensus was yes.
Mr. Johanson then moved to the capital improvement program policies proposed amendment. He explained that because the City moved to two-year budget cycle, the Comprehensive Plan policies need to be brought up to date to ensure consistency with the capital improvement program. Originally the proposed amendments included updating the project lists in Chapter 3 of the Comprehensive Plan, the Capital Facilities Plan but, upon further review, he said, staff determined those updates were best postponed until the major Comprehensive Plan update occurs in 2011. Therefore, the proposed amendments simply change "annual" to "biennial" in policy language.

Planning Commission Communications

None

Director's Report

Adjournment

Motion to adjourn was made by Commissioner Grage; second by Commissioner Shull. The meeting was adjourned at 8:02 p.m.

Approved: Oct. 13, 2009

Jim Clingan

Jim Clingan, vice chair
Planning Commission

City of Burien

BURIEN PLANNING COMMISSION MEETING
October 13, 2009
7:00 p.m.
Miller Creek Room, Burien City Hall
MINUTES

Planning Commission Members Present:
Joe Fitzgibbon, Brian Bennett, Stacie Grage, Janet Shull, Rebecca McInteer, Rachel Pizarro

Absent:
Jim Clingan

Others Present:
Scott Greenberg, Community Development Department director; David Johanson, senior planner; Stephanie Jewett, planner; Jeremy Hammar, planning intern

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Chair Fitzgibbon called the meeting to order at 7:02 p.m. At the call of the roll all commissioners were present except commissioners Clingan, Bennett and Pizarro.

Agenda Confirmation

Motion to approve the agenda as presented was made by Commissioner Grage. Second was by Commissioner Shull and the motion carried unanimously.

Commissioner Pizarro arrived at 7:05 p.m.

Public Comment

None

Approval of Minutes

It was noted that the minutes of September 22, 2009, incorrectly state that Chair Fitzgibbon opened the meeting when, in fact, he was absent and Vice Chair Clingan presided. Motion to approve the minutes as corrected was made by Commissioner Grage; second was by Commissioner Shull. The motion carried unanimously.

Public Hearing

David Johanson, senior planner, introduced the proposed map amendments and rezone requests. He noted there are two proposed map amendments – one to the Comprehensive Plan map, which has a set of criteria to meet, and the other, a rezone request, which is quasi-judicial and has a different set of criteria to meet.

Chair Fitzgibbon opened the public hearing on Comprehensive Plan amendment docket item 2009-5, a Comprehensive Plan and rezone request submitted by Ambaum Partners, LLC, at 7:08 p.m. He then stated the rules of testimony for the hearing.

Stephanie Jewett, planner, explained the proposed amendment and rezone request. The applicant, represented by Broderick Architects, is requesting a change in the Comprehensive Plan designation for

ATTACHMENT 3.2

the parcel at 14001 Ambaum Blvd. SW from Office to High Density Multi-family Neighborhood and a rezone from Office to RM-18, residential multi-family. Currently, the property contains a vacant office building. It is adjacent to the Heights at Burien apartment complex and the applicant intends to combine the parcel with the Heights at Burien parcel and develop a leasing center and recreation center, including use for special events by the social service agency New Futures. She showed a site plan indicating the size and location of the proposed leasing center and the related landscape buffer.

Ms. Jewett stated that after reviewing the criteria for both the Comprehensive Plan amendment and the rezone request, staff is recommending that both be granted.

Commissioner Bennett arrived at 7:15 p.m.

Commissioner McInteer asked for clarification about the proposed fitness center. Genevieve Theriault, with Broderick Architects, explained that the planned two-story building will house the leasing center. If the Comprehensive Plan amendment and rezone request is approved, then the building's amenities would include a fitness room for the Heights at Burien residents and a common "party" room. She noted that the building was designed with the more restrictive multifamily zoning regulations regarding things such as height and setbacks rather than the office regulations, in the hope that the rezone will be approved.

There being no further testimony, Chair Fitzgibbon closed the hearing at 7:18 p.m.

At 7:19 p.m., Chair Fitzgibbon opened the hearing on Comprehensive Plan amendment docket item 2009-6, a Comprehensive Plan map amendment and rezone request submitted by Terry Wilson of Cramer NW on behalf of property owners Larry and Karla Ohrt.

Ms. Jewett explained that the requested amendments, both relating to a parcel at 640 S. 160th Street, are to change the Comprehensive Plan designation from Moderate Density Single-Family to Intersection Commercial and to change the zoning designation from RS-7,200 (Residential Single-Family) to CI (Intersection Commercial). She went on to describe current conditions on and adjacent to the site. She noted that any commercial development adjacent to a single-family zone is required to install a 20-foot landscape buffer to mitigate the impact. Ms. Jewett said that based on review of the criteria for the requested amendments and rezone, staff is recommending approval of the requests.

Commissioner Pizarro asked if the Ohrts own any other property in the vicinity of the parcel in question; Ms. Jewett indicated on a map the Ohrts' ownership of the subject parcel and two parcels immediately south of it.

Commissioner McInteer asked when the City of Seatac changed its zoning on parcels across the street from the subject parcel from single-family residential to Aviation Commercial; Ms. Jewett replied that it occurred around the year 2000. Commissioner McInteer then asked if the Seatac zoning is similar to the requested zoning; Ms. Jewett replied that Seatac's Aviation Commercial zone requires that the businesses be airport-related, whereas Burien's Intersection Commercial zone requires smaller-scale uses supporting the surrounding neighborhood.

Chair Fitzgibbon asked if someone is living on the parcel currently; the answer was yes. He then asked if single-family residential is an allowable use in the Intersection Commercial zone; the answer was the existing house would be legal non-conforming, but a new single-family home could not be built there.

Commissioner Bennett asked what kind of notice was sent to the surrounding property owners. Ms. Jewett explained that notices were sent to neighbors within a 500-foot radius of the subject parcel. She said she received a few phone calls from neighbors wondering what potentially could be developed on the site.

Chair Fitzgibbon then called for public testimony.

Shelley Gaines, 627 S. 159th Street, asked what would be developed on the site if the rezone is approved. Ms. Jewett said the applicant had not stated any specific use. She then asked if the applicants live in the

house on the property; Mrs. Ohrt stated that she grew up near the property but the airport noise became too loud and she moved. Ms. Gaines then stated the following concerns:

- The site is located adjacent to an existing single-family neighborhood to the north and west, and the neighbors would like to keep this existing single-family neighborhood intact at a time when many neighborhoods have been destroyed by construction of the third SeaTac Airport runway.
- Land currently is available for commercial uses close by on 1st Avenue South and on Des Moines Memorial Drive, indicating there is not a need for additional commercially zoned property in the area.
- Single-family housing recently has been built in the area, including her home, built in 2007, indicating that the area has potential for future single-family development.
- The "aura" of the neighborhood would be destroyed by commercial development, noting the presence of wetlands and associated wildlife on the parcel of land east of the site, across Des Moines Memorial Drive.
- How future commercial redevelopment of the site might affect the value of her home and land.

Rita Anthony, 641 S. 159th Street, said her property is adjacent to the subject property. She asked what development is planned for the property if the rezone is approved and asked if there was a possibility of apartments being built there.

David Johanson, senior planner, stated that apartments are not included in the range of uses listed for the Intersection Commercial zone in the Zoning Code. Ms. Jewett read a list of some of the uses that would be allowed, including convenience retail, office, eating and drinking establishment, auto service, daycare centers and mixed use, which could include residential units atop a ground floor of retail or office space.

Ms. Anthony said the proposed rezoned property added to the adjacent commercial property also owned by the Ohrts would allow for a large development. She said the subject property should stay single-family residential.

Terry Wilson, Cramer Northwest, 945 N. Central, Suite 104, Kent, spoke representing the Ohrts. He stated the owners do not have a specific use or development planned for the property at this time. He said the changes in the area because of the third runway have resulted in an inability to short plat and develop the parcel as single-family property. He noted that his understanding of the intention of the Intersection Commercial zone is to serve the neighborhood while not making a detrimental impact to it. Although the applicants do not have a specific use in mind, they would like to have the flexibility that the rezone would provide in seeking a development opportunity for the parcel.

Commissioner McInteer asked what would be the total size of the Ohrts' parcels combined. Mr. Wilson estimated approximately 1.2 acres total. Commissioner Bennett asked how many lots could be created from the parcel in question at the current single-family residential zoning; the answer was two.

Commissioner Shull asked staff if there are plans to do any comprehensive review of that general area in the major Comprehensive Plan update scheduled in 2011, since the area has undergone a great deal of change since the last major update. Mr. Johanson replied that there has not been any discussion to date of what that update will entail.

Mr. Wilson noted that there is difficulty in providing safe vehicular access from the property to Des Moines Memorial Dr. S., but if the property were to be developed with the adjacent properties, that difficulty would lessen considerably.

Commissioner McInteer asked if it is true that the land across the street, in the city of Seatac, is undevelopable because it's a wetland. Mr. Wilson and Ms. Jewett stated that in conversations they both had with City of Seatac staff they were not told that.

Commissioner Bennett asked the neighbors who had testified if their views have changed at all after hearing the testimony of the applicants. Ms. Gaines said she believes it is, in fact, possible to build a single-family home on the Ohrts' parcel since other new homes are being built further south on Des Moines Memorial Drive, and she requested the City install sidewalks for the children to walk to Sunnydale Elementary School or wait for a bus. She said that no one would ever want to buy her house for what it's worth with a commercial building looming over her small backyard.

There being no further testimony, Chair Fitzgibbon closed the hearing at 7:56 p.m.

Chair Fitzgibbon opened the public hearing on the 2009 policy amendments, items 2009-1, 2009-2 and 2009-4, at 7:58 p.m.

Mr. Johanson introduced the three proposed text amendments, relating to economic development, sustainability and capital facilities. The first, he said, an updating of the Economic Development Element by the Burien Business and Economic Development Partnership (BEDP), is for the most part a replacement of the current Economic Development Element. He noted that the overall objective of the Economic Development Element – to "ensure Burien is the best place to live, work, shop and visit" – did not change. He added that the key focus of the element is livability. One component of that is clustering, such the current wellness cluster and possible future performing arts, higher education, green-collar jobs and nonprofit organizations clusters. The element also embraces sustainability as a possible marketing tool for the City and arts and culture as complementary to the business environment. Also included in the element is the monitoring and reporting of unemployment, retail sales, new business license and graduation rates, and infrastructure investments.

Jeremy Hammar described the second item, Sustainability Goal and Policy Amendments, which was selected to be included in the Comprehensive Plan because sustainability is mentioned in the introduction to the Comprehensive Plan as a key objective, but is not otherwise mentioned in the document. The proposed amendments will help tie together all mention of sustainability in the plan. The high-level goals being incorporated into the amendments address sustainability and decision-making, community participation, reduction of carbon emissions, protection of ecosystems, improved quality of life and sustainable development.

Mr. Johanson described the third and final item, the Capital Facilities Element test amendments, a change that would make the Comprehensive Plan reflective of the City's move to a biennial budget process. A more detailed update of the element will take place during the major plan update in 2011.

Commissioner Shull expressed concern that not all readers of the proposed Economic Development Element amendment would understand Policy ED 3.4 "Promote mercado/plaza development zones." Also, she said the phrase "...clusters include airport related, 'green collar' jobs and non-profit organizations" sounds as if it is saying the "green-collar" jobs have to be airport-related, which she doesn't think is the intent. She said Policy ED 9.3 should say have "the" inserted between "on" and "City." Mr. Johanson recommended that because the public hearing was still open those observations should be tabled until the hearing is closed.

There being no public testimony, Chair Fitzgibbon closed the hearing at 8:11 p.m.

Old Business

a. *Recommendation on 2009 Comprehensive Plan map amendments and rezone requests.*

The commissioners expressed their readiness to forward a recommendation to the City Council regarding item 2009-5, Ambaum Partners, LLC. Ms. Jewett read an appearance of fairness statement and asked the commissioners to answer several questions; each commissioner answered no to all the questions.

Commissioner Shull moved the Planning Commission recommend to the City Council approval of Comprehensive Plan amendment reference number 2009-5 and adopt the findings and conclusions of the staff recommendation. Commissioner Pizarro seconded the motion. The motion carried 6-0.

The commissioners expressed their readiness to forward a recommendation to the City Council regarding item 2009-6, Terry Wilson, Cramer NW for Larry and Karla Ohrt. Ms. Jewett read an appearance of fairness statement and asked the commissioners to answer several questions; each commissioner answered no to all the questions.

Commissioner Grage moved the Planning Commission recommend to the City Council approval of Comprehensive Plan amendment reference number 2009-6 and adopt the findings and conclusions of the staff recommendation. Commissioner Shull seconded the motion.

Commissioner Shull said she had conflicting feelings about the proposed rezone and Comprehensive Plan amendment. She said she felt it met some, but not all, of the criteria for a Comprehensive Plan amendment, for example, the requirement for public need and whether it will result in a net benefit to the community. She said one of her concerns is not knowing what would be built there, and that makes it difficult for her to vote in favor of the proposal.

Commissioner Pizarro concurred with Commissioner Shull's comments.

Chair Fitzgibbon said he believed the applicants had made their case for the rezone. He said the required 20-foot landscape buffer would be a benefit to the community if a new use was developed on the Ohrts' property.

Commissioner McInteer said she also concurred with Commissioner Shull's comments. She said she needed better definition about potential impacts of commercial development on the parcel.

Commissioner Grage said she has worked as a school nurse with families who have lost their homes to the airport and she appreciates hearing how families feel about the impacts to their neighborhoods from the airport and commercial development. She said she cannot support the request as presented.

Commissioner Bennett said it would be difficult to satisfy both the property owners and the neighbors, but he is concerned for the neighbors, not knowing what the development would be, and cannot support the proposal as presented.

Before the vote, Mr. Johanson said that he was hearing the commission choose the third option presented in the staff memo – to deny the requests and outline the findings and conclusions in support of the decision and direct staff to prepare a Planning Commission recommendation that would then be presented to the commission for action at its next meeting.

The motion to recommend approval of Comprehensive Plan amendment reference number 2009-6 failed by a 1-5 vote. The commissioners instructed staff to cite the proposal's inability to fully meet Comprehensive Plan amendment criteria B, E and I in the written recommendation to the City Council to deny the request. Commissioner McInteer asked that Ms. Jewett speak again with a planner from the City of Seatac to determine if the land across the street is, in fact, a wetland and if it is developable. She also said she would like better information on the impact of increased traffic in the area resulting from a commercial development.

Scott Greenberg, Community Development director, said he was confused as to the commission's intentions – in the vote rejecting approval, was the commission recommending denial or was it asking staff for more information? He explained that staff is there to write the commission's decision on its behalf in a way that reflects the commission's reasoning.

Commissioners agreed they wished to deny the request.

Commissioner Pizarro noted that while in reading the applicants' response to criteria B and J regarding additional residential development it seemed reasonable, but hearing the testimony of the neighbors regarding new residential development that has occurred in the neighborhood has made her question the assumption that no further residential development is possible.

Mr. Johanson said staff would bring the findings and conclusions in support of the commissioners' decision to deny to the commission at its Oct. 27 meeting.

b. Recommendation of 2009 Comprehensive Plan policy amendments.

The commission agreed table the agenda item until the Oct. 27th meeting.

c. *Introduction of proposed NERA Comprehensive Plan amendments, zoning map and code amendments*

Mr. Greenberg presented a brief presentation on the proposed Comprehensive Plan and zoning amendments for the Northeast Redevelopment Area (NERA). He reminded the commissioners that they will be conducting a public hearing on the NERA on the evening of Tuesday, Oct. 20th.

Commissioner Bennett asked if Burien businesses moved to Port-owned land in the NERA, would it effect Burien's tax base. Mr. Greenberg replied that the City would still collect sales tax, and if the land is leased from the Port, the City would receive a leasehold tax.

New Business

None

Planning Commission Communications

Commissioner Grage reported that Seattle/King County Public Health and some other entities are going to be at the Highline School District headquarters on Oct. 24 and a few other days to administer immunizations to the community free of charge. Further information should be available on the school district's website.

Director's Report

None

Adjournment

Motion to adjourn was made by Commissioner Shull; second by Commissioner Grage. The meeting was adjourned at 8:56 p.m.

Approved: October 27, 2009

Joe Fitzgibbon, chair
Planning Commission

City of Burien

BURIEN PLANNING COMMISSION MEETING
October 27, 2009
7:00 p.m.
Miller Creek Room, Burien City Hall
MINUTES

Planning Commission Members Present:
Joe Fitzgibbon, Brian Bennett, Stacie Grage, Janet Shull, Rebecca McInteer, Rachel Pizarro, Jim Clingan

Absent:
None

Others Present:
Scott Greenberg, Community Development Department director; David Johanson, senior planner; Stephanie Jewett, planner; Jeremy Hammar, planning intern

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Chair Fitzgibbon called the meeting to order at 7:06 p.m. At the call of the roll all commissioners were present.

Agenda Confirmation

Motion to approve the agenda as presented was made by Commissioner Shull. Second was by Commissioner Pizarro and the motion carried unanimously.

Public Comment

None

Approval of Minutes

Motion to approve the minutes of the October 13, 2009, meeting as presented was made by Commissioner Pizarro; second was by Commissioner Shull. The motion carried unanimously.

Old Business

a. *Discussion and possible recommendation of findings of fact and conclusions supporting denial of Comprehensive Plan map amendment and rezone request No. 2009-6, Ohrt.*

Stephanie Jewett, planner, introduced a draft of the Planning Commission's findings supporting denial of the Larry and Karla Ohrt's request for a Comprehensive Plan amendment and rezone. The draft focuses, she said, on the inability of the proposal to meet Comprehensive Plan amendment criteria B, E and I, based on the commission's deliberations following the public hearing on Oct. 13th.

Ms. Jewett recited the appearance of fairness questions and asked the commissioners to reply verbally to each one. She noted that the draft findings and recommendation includes both the staff recommendation and the Planning Commissioners' recommendation; anything added to the draft findings is underlined, anything eliminated has been struck through. She said staff is bringing this draft before the commissioners to be sure it accurately reflects what the commissioners said in their Oct. 13th deliberations.

Commissioner McInteer thanked Ms. Jewett for her work on the proposed amendment.

Commissioner Bennett said he wanted the recommendation to adequately reflect that the residential neighbors who testified in the public hearing all were opposed to commercial development of the Orhts' property. Ms. Jewett referred the commissioners to page 3 of the draft recommendation where the neighbors' comments are summarized. Commissioner Bennett said he also would like to see that reflected under the "public need" criterion so that it is readily apparent to anyone reading the recommendation.

Commissioner Bennett moved that the Planning Commission adopt the findings and conclusions contained in Attachment 1 recommending denial of Comprehensive Plan amendment reference number 2009-6, with the following insertion in section B: "The residential neighbors who testified were against the proposed rezone, stating that there is not a public need." Commissioner Grage seconded the motion, which passed by a unanimous vote.

b. Discussion and possible recommendation of 2009 Comprehensive Plan policy amendments No. 2009-1, 2009-2 and 2009-4.

Mr. Johanson reviewed the work the commission has done to date on the three proposed Comprehensive Plan policy amendments.

Regarding 2009-1, the proposed Economic Development Element amendment, Commissioner Shull said the phrase "...clusters include airport related, 'green collar' jobs and non-profit organizations" sounds as if it is saying the "green-collar" jobs have to be airport-related, which she doesn't think is the intent.

Commissioner Shull moved the Planning Commission recommend to the City Council approval of comprehensive plan amendment reference number 2009-1 and adopt the findings and conclusions of the staff recommendation report, with the amending of the sentence on the top of page 8 to read "Other possible economic clusters include green-collar jobs, airport-related jobs and nonprofit organizations." Commissioner Pizarro seconded the motion; motion carried unanimously.

Next, Jeremy Hammar, planning intern, presented the revised comprehensive plan amendment reference number 2009-2, sustainability.

The commissioners discussed at length the language of policies SU 3.2 and SU 4.1.

Commissioner Shull moved the Planning Commission recommend to the City Council approval of comprehensive plan amendment reference number 2009-2 and adopt the findings and conclusions of the staff recommendation report, as amended by Attachment 1 dated October 27, 2009. Commissioner Pizarro seconded the motion.

Commissioner Pizarro then moved that the language of Policy SU 3.2 in Attachment 1 dated October 27, 2009, be amended to read "The community should work to become more efficient in our usage of resources." Commissioner Grage seconded the motion. Motion carried unanimously.

Commissioner Pizarro then moved that the language of Policy SU 4.1 in Attachment 1 dated October 27, 2009, be amended to read "Emphasis should be put on both the protection of healthy ecosystems and the restoration of distressed or suffering ecosystems." Commissioner Grage seconded. Motion carried unanimously.

Chair Fitzgibbon called for the vote on the original motion as amended. Motion carried unanimously.

The commissioners moved on to the final text amendment package, 2009-4 Capital Facilities Element text amendments. Mr. Johanson gave a brief overview of the package, reminding the commissioners that the proposed amendments recognize the City's change in business practice from an annual budget to a biennial budget.

Commissioner Shull moved the Planning Commission recommend to the City Council approval of comprehensive plan amendment reference number 2009-4 and adopt the findings and conclusions of the staff recommendation report. Commissioner Pizarro seconded. Motion carried unanimously.

c. *Discussion and possible recommendation of proposed NERA Comprehensive Plan and zoning code/map amendments.*

Scott Greenberg, Community Development director, introduced Mandi Roberts, project manager from Otak, the consulting firm working with the City on the NERA. Mr. Greenberg noted that since the commission's public hearing the previous week, no other public comments have been received by the City with the exception of e-mails from two auto dealers – Dean Anderson, representing Burien Toyota and Burien Chevrolet, and Mark Minium, representing Burien Honda – both expressing support for Alternative 1. He noted there are a couple of other comments that he will forward to the commissioners.

Commissioner Pizarro asked if staff has a preference among the three alternatives. Mr. Greenberg responded that staff prefers Alternative 1, because it is more flexible and allows auto dealers and retail uses in the southern portion of NERA. He said staff believes that is a direction the City should be pursuing. He noted that even if auto dealer and retail development does not occur there under Alternative 1, the flex-tech use is still an option. Alternative 2, he explained, does not allow for auto dealer or stand-alone retail uses at all.

Commissioner Pizarro then asked what staff envisions would happen to the auto dealership properties on First Avenue if the dealers move to the NERA. Mr. Greenberg responded that the City would probably do a "corridor plan" for the private land along First Avenue, in terms of what First Avenue should be in the future. He said it could be hotels and conference centers – close to the downtown but with great freeway access – or it could be additional retail uses looking for larger properties, or it could be mixed use, but it hasn't been planned out yet. He noted that hotels already are allowed in that area of First Avenue.

Commissioner Shull observed that sub-area plans would be important if Alternative 1 goes forward, to ensure that large-scale retail doesn't develop in the area best suited for the "auto mall." Mr. Greenberg noted that there is much still to be done before an auto mall is created, but three auto dealers have expressed interest. The area where the mall most likely would be is owned by the Port of Seattle, so there is much work to be done with the port. Commissioner Shull said she has been impressed with the planning process that has been done to get to this point.

Commissioner Bennett asked to be reminded of the public comment process and how the Planning Commission will consider those. Mr. Greenberg explained that there are several options – the comments for the Draft Supplemental Environmental Impact Statement (DSEIS) are due Nov. 4. The commission can choose to take action at this meeting, before Nov. 4, because the commission has all the information and does not need to wait for the Final Supplemental Environmental Impact Statement (FSEIS) to be published. He said it does not appear, based on comments received so far, that there will be a major shift in the direction NERA redevelopment is going. Throughout the process the City has tried to involve the neighborhood – there have been several public meetings – and has listened to the neighborhood's desires and tried to incorporate that into the SEIS. He noted that while the Planning Commission can take action before the FSEIS is published, the City Council cannot.

The commissioners agreed not to forward a recommendation to the City Council until after the Nov. 4 DSEIS public comment deadline.

New Business

None

Planning Commission Communications

Commissioner Shull said she will be unable to attend Planning Commission meetings on Nov. 10 and 24. Commissioner McInteer said she won't be able to attend on the 10th either.

Director's Report

None

Adjournment

Motion to adjourn was made by Commissioner Shull. Commissioner Pizarro seconded the motion. The meeting was adjourned at 8:15 p.m.

Approved: Nov. 24, 2009

Joe Fitzgibbon, Chair
Planning Commission

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Discussion of Proposed Northeast Redevelopment Area (NERA) Zoning Code Amendments		**Meeting Date:** December 7, 2009
Department: Community Development **Contact:** Scott Greenberg, Community Development Director **Telephone:** (206) 248-5519	**Attachments:** 1-Information requested by Councilmembers 2-Draft Ordinance	**Fund Source:** N/A **Activity Cost:** N/A **Amount Budgeted:** N/A **Unencumbered Budget Authority:** N/A
Adopted Initiative: Yes No	**Initiative Description:** NE Redevelopment Area	

PURPOSE/REQUIRED ACTION: The purpose of this item is for City Council to discuss the Planning Commission's recommendations for amendments to the City's Zoning Code relating to the Northeast Redevelopment Area (NERA). No action is required at this meeting.

BACKGROUND (*Include prior Council action & discussion*):

The City has been working with the Port of Seattle on a Redevelopment Strategy and Implementation Plan for our NE Redevelopment Area since mid-2008. Since then, we have produced a detailed critical areas study, market analyses, land use options and preliminary strategy and implementation plans. A Draft Supplemental Environmental Impact Statement (SEIS) analyzing the impacts of proposed Comprehensive Plan and zoning amendments was issued on October 5, 2009. The Final SEIS was issued Nov. 23, 2009.

The Planning Commission held several meetings including a joint public hearing with the Hearing Examiner on the Draft SEIS and proposed amendments on Oct. 20, 2009. The Commission recommended approval of Alternative 1 at their Nov. 10, 2009 meeting. Alternative 1 is reflected in the draft Ordinance.

Council discussed the proposed amendments at your November 23rd meeting. Responses to Councilmembers questions and requests for information are included on Attachment 1.

Staff is requesting Council direction on the proposed amendments and adoption schedule. The attached zoning code amendments (Attachment 2) must be adopted after adoption of related Comprehensive Plan and zoning map changes addressed in the previous agenda item. We are recommending adoption of the attached amendments at your Dec. 14th meeting.

OPTIONS (*Including fiscal impacts*):
The attached amendments could be delayed until early 2010 if Council needs more time for discussion. However, if the Comprehensive Plan and zoning map are changed on Dec. 14 to adopt the AI and PR zones, and the attached amendments are delayed, there would be no zoning regulations in place for the new zones. Council would need to consider adopting a temporary moratorium or delaying the effective date of the Comprehensive Plan and zoning map amednemnts until these regulations have been adopted.

Administrative Recommendation: Receive staff presentation and provide direction to staff.

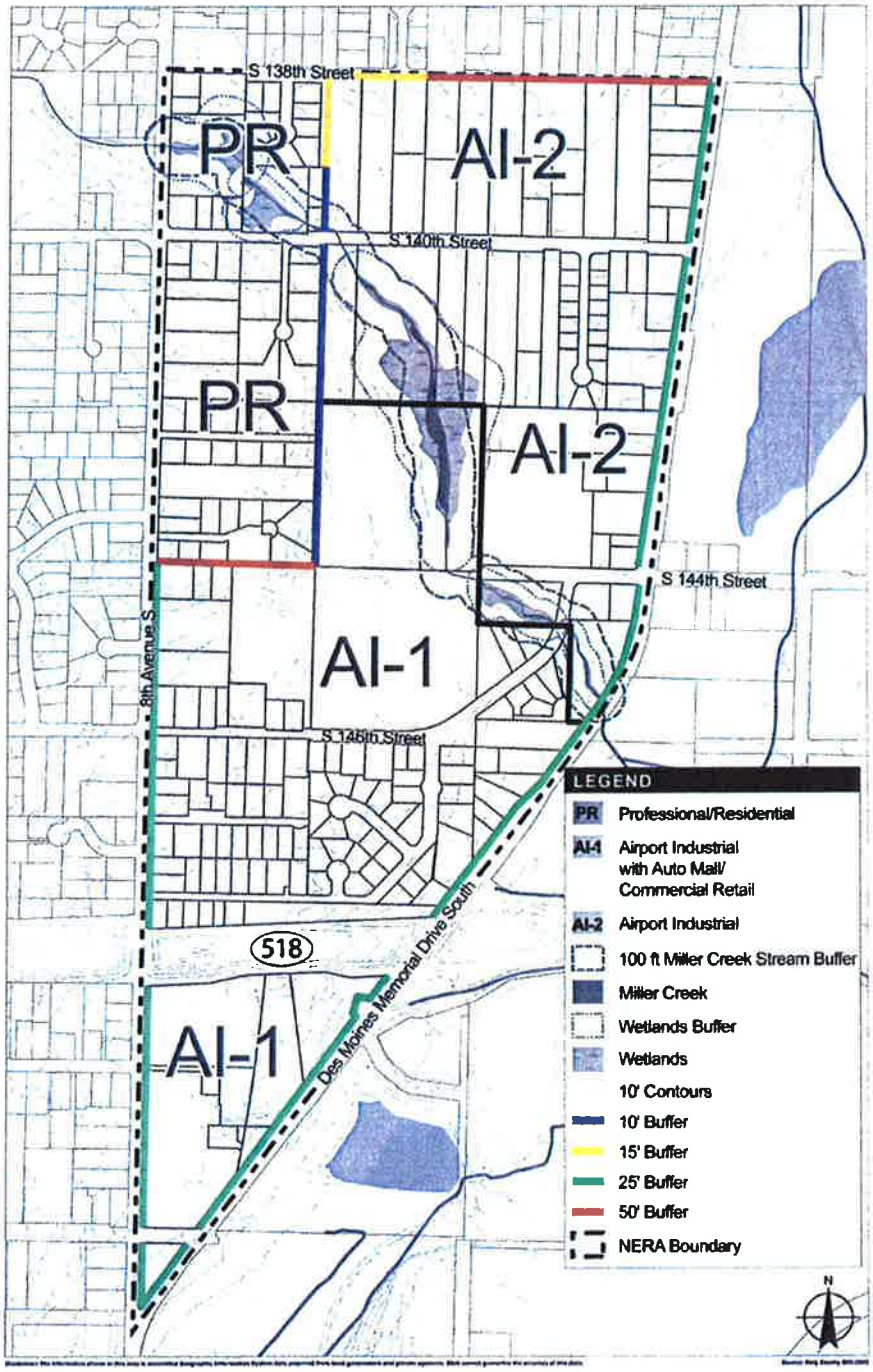
Committee Recommendation: N/A

Advisory Board Recommendation: Adopt Alternative 1 (Planning Commission)

Suggested Motion: N/A

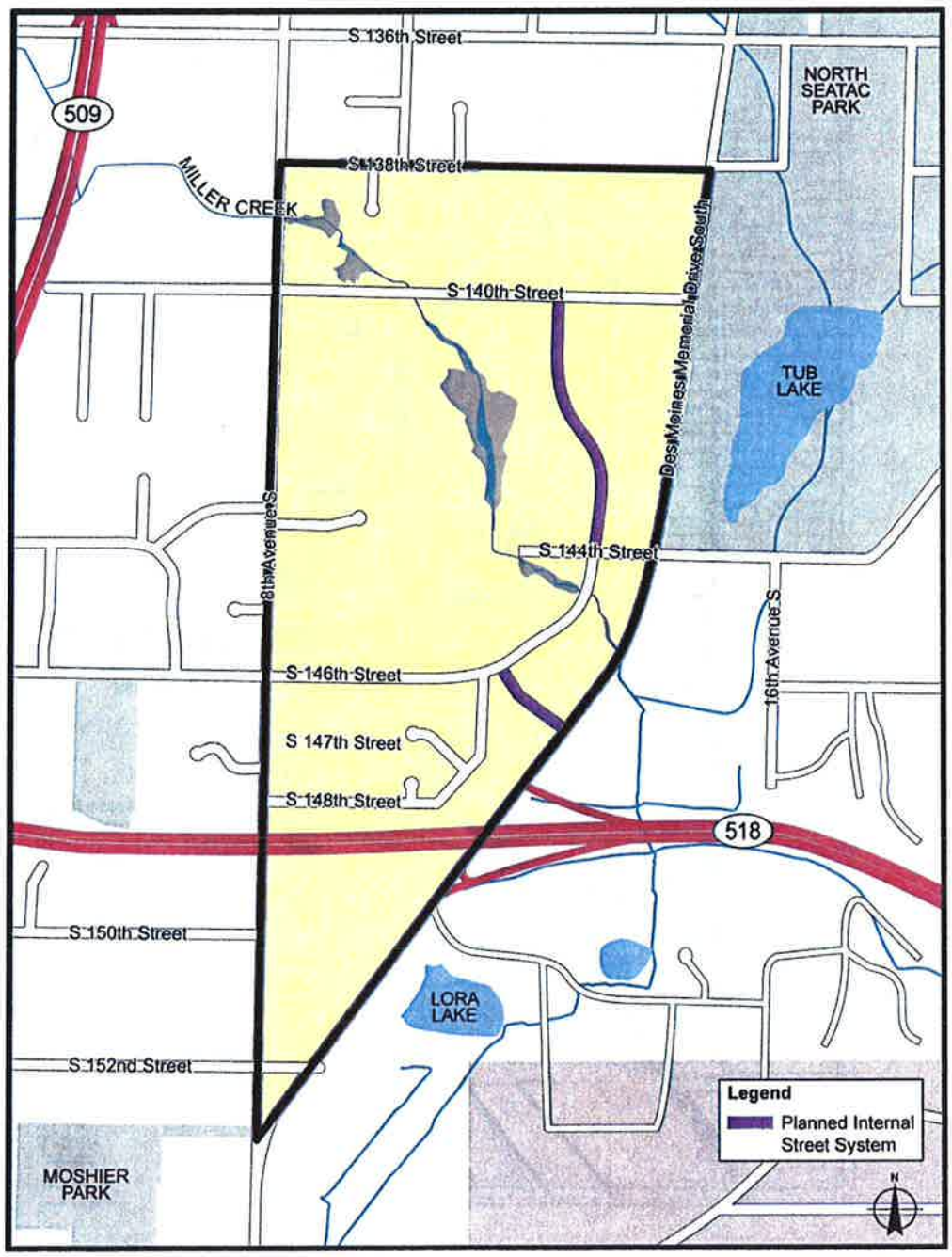
Submitted by: Scott Greenberg **Administration** SG	Mike Martin **City Manager**
Today's Date: December 1, 2009	**File Code:** R:\CC\Agenda Bill 2009\120709cd-2 NERA Zoning Code Amendments.docx

1. <u>Buffers adjacent to proposed PR zone.</u>
   Below is a color-coded map showing the landscape buffers that would be required within the proposed AI-1 and AI-2 zones under current and proposed development regulations. The buffers would be 10', 15', 25' or 50' depending on location. This graphic also shows critical area buffers and contour lines, including the hillside that generally follows the boundary between the proposed PR and AI zones.



ATTACHMENT 1

2. <u>Can proposed internal road system make better use of FAA-restricted land?</u>
This comment was made in reference to our currently adopted map showing an internal roadways system in NERA that was developed prior to knowledge about FAA restrictions on certain Port-owned properties. The following map is proposed to replace the current map at the end of BMC 19.48. It is meant to be conceptual. The "jog" near So. 140th St. at the north and the short connector from des Moines Memorial Dr. on the south are both intended to be in restricted properties. The rest of the internal road would be designed as part of the regular circulation within a business park, so it would not use any more land than needed.



3. Residential use in proposed PR-zoned area

Several Councilmembers were concerned about allowing new residential development to occur in the proposed PR zoned area. Staff estimates that if allowed with a minimum 7,200 square foot lot area, there could be between 7 and 24 new homes built in the proposed PR-zoned area, depending on which parcels are actually divided (7 parcels are currently vacant and would not require subdividing). This area is in roughly the same airport noise contour (60-65 DNL) as the west half of the former Lora Lake Apartments. The PR area is about 1400 feet farther north.

Councilmembers also asked about the City's liability if we allow homes to built in this area. We will have a response from the City Attorney at your meeting on Dec. 7.

We can add a permit condition for any new houses or land divisions requiring recording of an "aircraft noise" statement on property title. This approach is already used as part of any permit affected by a critical area. We would add a reference to the following language as part of the "single detached dwelling unit" row in the PR use zone chart. The following language would be added to the PR use zone chart as part of "19.15.030.1 SPECIAL REGULATIONS":

D. AIRCRAFT NOISE NOTICE:

i. As a condition of approval for any subdivision, short plat or new *single detached dwelling unit*, the property owner shall record a notice approved by the *Director* with the King County Records and Elections Division. The notice shall inform the public of the presence of aircraft noise in the vicinity and of the requirement for aircraft noise reduction measures as specified in BMC Title 15. The notice shall run with the land.

ii. The *applicant* shall submit proof that the notice has been filed for public record before the *Director* shall approve any permits or *alteration* for the *site*, or in the case of subdivisions, short subdivisions and binding site plans, at or before recording.

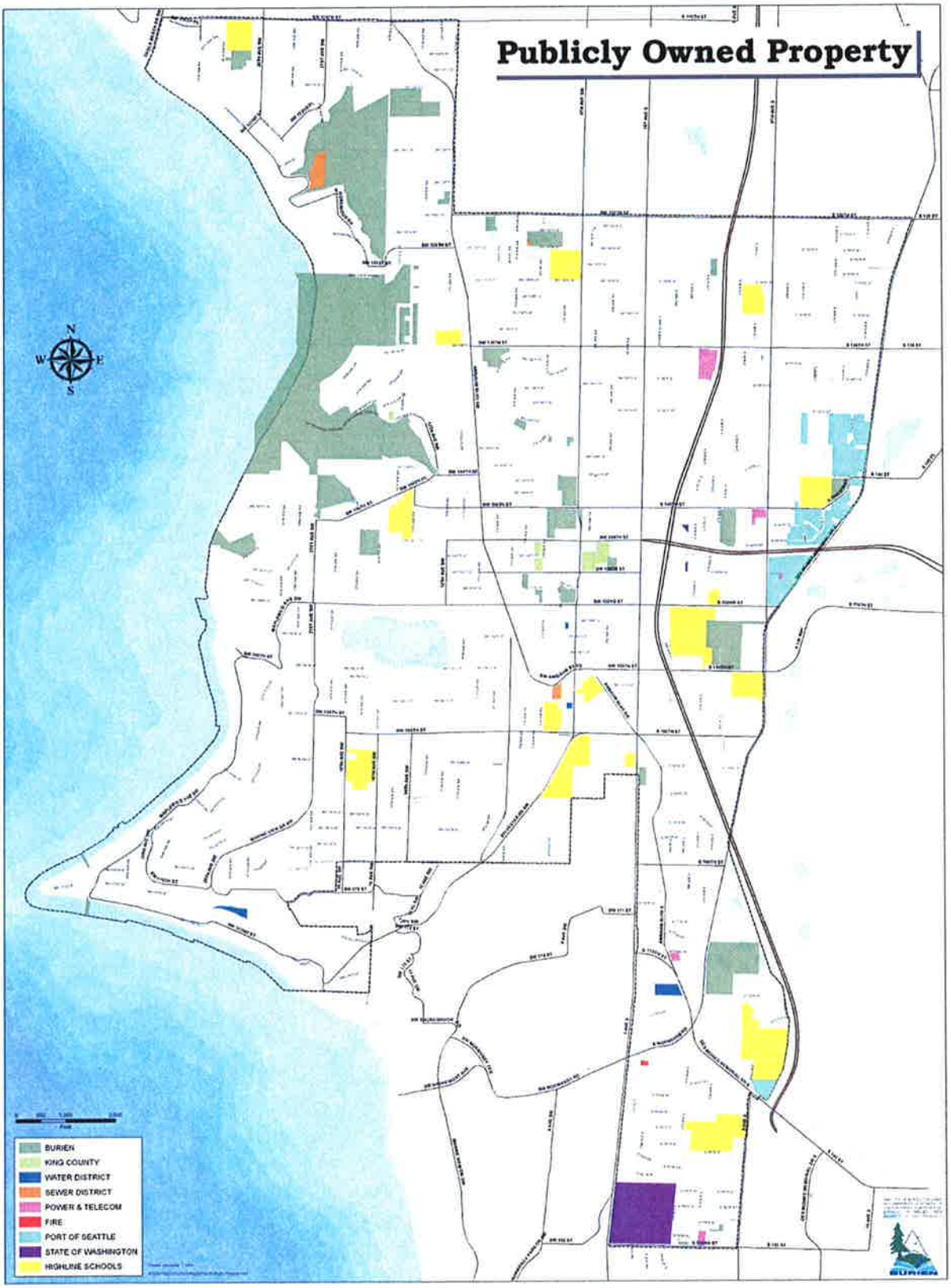
4. Location, ownership, zoning and potential uses of publicly-owned land in Burien.

This request was related to the recommendation to repeal BMC 18.130, which limits use of publicly-owned land to "parks and recreation land for community facilities designed to benefit the city and its residents (e.g., fire station, school building)." New commercial uses of such land would be allowed if the City finds that "such land uses are of value to the city and should be permitted." A copy of BMC 18.130 is attached.

The attached map shows the location and ownership of all publicly-owned land in Burien. These parcels are in many different zones, and would allow many different uses subject to the City's regular zoning and permit processes.

If BMC 18.130 remains in our code, we would need to establish a formal review process for City Council to act in a quasi-judicial manner to adopt the findings required to allow commercial use

180 of publicly-owned land. This would create a barrier to redevelopment in the NERA. In addition, the City Attorney has opined that the restrictions on use of publicly-owned land are unenforceable.


Publicly Owned Property
N
W
E
S
BURIEN
KING COUNTY
WATER DISTRICT
SEWER DISTRICT
POWER & TELECOM
FIRE
PORT OF SEATTLE
STATE OF WASHINGTON
HIGHLINE SCHOOLS

Chapter 18.130
PROPERTY ACQUISITION BY PUBLIC ENTITIES

Sections:

18.130.010 Planning and zoning jurisdiction on lands acquired by public entities.

18.130.020 Limits on use of land acquired by public entities.

18.130.030 Requirements for development on lands acquired by public entities.

18.130.040 Management of streets and street rights-of-way within and adjacent to land acquired by public entities.

18.130.010 Planning and zoning jurisdiction on lands acquired by public entities.

(1) All land acquired within the city of Burien for public purposes by public entities is subject to the city's zoning and planning jurisdiction.

(2) All land acquired within the city of Burien for public purposes by public entities shall be developed in a manner consistent with city planning, zoning, development, health, and safety requirements. [Ord. 133 § 1, 1995]

18.130.020 Limits on use of land acquired by public entities.

(1) Except to the extent otherwise provided in state law, all land acquired within the city of Burien for public purposes by public entities shall be designated for use as parks and recreation land or for community facilities designed to benefit the city and its residents (e.g. fire station, school building) and shall be subject to the zoning requirements applicable to parks and recreation and/or public facilities. The open space land use and open space zoning designation shall allow only parks, recreational areas, or other public land uses.

(2) Except to the extent otherwise provided in state law, property within the city of Burien acquired for public purposes by public entities may not be used for new commercial activities, unless the city makes a finding that such land uses are of value to the city and should be permitted. All commercial land uses of property shall be subject to city land use regulations and shall be restricted in accordance with the city's land use plans, zoning ordinances and development regulations.

(3) Modification, demolition, and relocation of buildings and structures on land acquired within the city of Burien for public purposes by public entities shall require city approval and permits.

(4) The city of Burien shall adopt and implement permitting procedures for building, health, and safety regulations. [Ord. 133 § 1, 1995]

18.130.030 Requirements for development on lands acquired by public entities.

(1) Public entities acquiring areas within the city of Burien for public purposes shall perform a SEPA environmental checklist and an environmental survey to investigate soil and site contamination before the city of Burien will allow site preparation, construction or demolition activities. All identified soil and site contamination shall be remediated as a condition of site modification.

(2) Any site development activity on land acquired within the city of Burien for public purposes by public entities shall meet city of Burien zoning regulations. [Ord. 133 § 1, 1995]

18.130.040 Management of streets and street rights-of-way within and adjacent to land acquired by public entities.

The city shall retain full authority over the management, operation, and maintenance of streets and street rights-of-way in land acquired within the city of Burien for public purposes by public entities. [Ord. 133 § 1, 1995]

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. xxx

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING TITLES 18 AND 19 OF THE BURIEN MUNICIPAL CODE RELATING TO ZONING AND DESIGN STANDARDS FOR THE NORTHEAST REDEVELOPMENT AREA, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance 528 on December 14, 2009 to create new zoning designations for the Northeast Redevelopment Area; and

WHEREAS, zoning and design standards are required to implement Ordinance 528 and provide for the desired orderly transition of land use in the Northeast Redevelopment Area to business park and auto mall/retail uses; and

WHEREAS, public notice was provided and the City of Burien Planning Commission held a public hearing on October 20, 2009 on the proposed amendments to the zoning and design standards; and

WHEREAS, the City Council has received a recommendations from the Planning Commission regarding the proposed zoning and design standards; and

WHEREAS, the City Council held public meetings on November 23, 2009, and December 7, 2009 to discuss the proposed amendments; and

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

WHEREAS, the City of Burien provided the proposed zoning and design standards to the Washington State Department of Commerce on October 6, 2009 and did not receive any comments by the 60-day comment deadline of December 5, 2009

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Amendments to Burien Municipal Code Titles 18 and 19: The City Council of the City of Burien hereby amends Burien Municipal Code Titles 18 and 19 as shown on Exhibit A and incorporated by this reference as if fully set forth herein.

Section 2: Severability. Should any section, subsection, paragraph, sentence, clause or phrase

ATTACHMENT 2

of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3: Effective Date. This ordinance 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 DECEMBER, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS _____ DAY OF DECEMBER, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher D. Bacha, Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. xxx
Date of Publication:

Ordinance xxx
Exhibit A

19.48 ~~Special Planning Area 4~~ Airport Industrial Design Standards (ALTERNATIVES 1 AND 2)

19.48.010 User Guide
19.48.020 General
19.48.030 Site Planning and Design.
19.48.040 Pedestrian and Non-Motorized Circulation.
19.48.050 Vehicular Access and Parking.
19.48.060 Building Design.
19.48.070 Surface Water.

19.48.010 User Guide

This chapter establishes design standards for ~~Special Planning Area 4 (SPA-4).)~~ properties zoned Airport Industrial (AI). If you are interested in developing or making changes to property ~~within SPA-4~~ with an AI zone designation, you should read this chapter. Also, ~~you should read~~ refer to BMC 19.15.070 which contains additional regulations relating to uses and other standards for AI zoned properties. ~~SPA-4, BMC 19.65.090 relating to the rezone process for SPA-4.~~ [Ord. 479 § 1, 2007, Ord. 396 § 1, 2003]

19.48.020 General

1. Purpose and Intent. These standards are intended to direct the design of *buildings* and *sites* within the ~~SPA-4~~Airport Industrial (AI) zone, in compliance with the City's Zoning Code and Comprehensive Plan. The standards will promote quality development and reinforce the opportunity for economic development in areas affected by aircraft noise from SeaTac International Airport. ~~SPA-4 is~~Allowed uses within the AI zone are intended to develop as a coordinated, well-landscaped business park, with substantial buffers along the perimeter ~~of the area.~~ where residential uses will continue to be allowed. The standards are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.

2. Compliance ~~With~~with Design Standards. There are two types of design standards below. Mandatory standards contain the word "shall~~.".~~." All other standards must be complied with, unless the project design demonstrates a better means for achieving the standard. [Ord. 479 § 1, 2007, Ord. 396 § 1, 2003]

19.48.030 Site Planning and Design.

1. Coordinate proposed *site* development with planned development on adjacent properties.

2. *Screen* activities that produce glare ~~(such as arc welding)~~ from adjacent rights-of-way and residential uses.

3. Landscaping.

   A. *Landscaping* should comply with BMC 19.25.

B. ~~Encourage use~~Landscaping along the Miller Creek Corridor shall include native plants that contribute to the overall health of ~~indigenous plant material with~~the creek. There shall be an emphasis on trees and shade cover for *landscaping* along Miller Creek~~.~~.

C. Encourage use of drought-tolerant or indigenous plants to minimize the amount of water required for irrigation.

D. Encourage use of "gray water" for irrigation.

4 Mechanical equipment. *Screen* mechanical equipment with *landscaping* or attractive architectural features integrated into the *structure* itself.

5. Fencing. *Screen* chain link *fences* by a Type I landscape "full screen" as described in BMC 19.25, or a dark colored coating approved by the *Director*.

6. Outdoor service, storage and loading areas.

A. Loading areas shall not be oriented towards or be visible from *rights-of-way*.

B. Locate service areas, incidental outside storage, construction storage and other areas which tend to be unsightly away from residential uses, rights-of-way and vehicular tracts and easements.

C. *Screen* such areas from view by either:

i. Use of *building* design and layout to provide the required *screening*, or

ii. Installation of a minimum six foot high solid *fence* or enclosure using materials (such as wood or concrete) in the same architectural style of the *building* on the property, or

iii. Installation of a minimum ten foot wide Type I landscape buffer.

7. Biofiltration swales. Integrate bio-filtration swales into the *site* landscape concept. The *Director* may waive or modify required *landscaping* widths, types or materials to accommodate an integrated bio-filtration swale.

8. Site lighting.

A. Provide adequate lighting levels in all areas used by pedestrians and vehicles, especially at *building* entrances and walkways.

B. Use light sources, lighting levels and fixture designs that minimize spillage of light off-*site*.

C. Direct lighting toward the interior of the project and away from rights-of-way and existing or planned residential uses. [Ord. 396 § 1, 2003]

19.48.040 Pedestrian and Non-Motorized Circulation.

1. Pedestrian and non-motorized access should comply with BMC 19.20.090.

2. Provide facilities for pedestrian and non-motorized access in accordance with the Comprehensive Plan and when adopted, the non-motorized pedestrian and bicycle facilities plan. Special consideration shall be given to developing a complete non-motorized network, including development of a trail system along Miller Creek and connections to such system.

3. Provide a ~~minimum 6' wide pedestrian and non-motorized~~ trail along Miller Creek. The exact location, width and design of the trail should ~~be determined through a master trails plan for SPA-4. The trail should be located within a minimum 25 foot wide easement/tract~~comply with the Burien Pedestrian and Bicycle Facilities Plan.

4. Develop an internal circulation plan to facilitate pedestrian and non-motorized access between major project phases and adjacent developments. The City may require recording of cross-easements and/or *right-of-way* dedication to achieve the objective of a coordinated, internal access system within ~~SPA-4.~~the AI zone. [Ord. 396 § 1, 2003]

19.48.050 Vehicular Access and Parking.

1. Vehicular access and parking should comply with BMC 19.20 and the City of Burien's adopted road standards (BMC 12.05).

2. Street system. Developments shall be designed to accommodate the planned internal *street* system shown conceptually on Figure 19.48-1.

3. Vehicle entrances and driveways.

   A. Encourage shared vehicular access to reduce *impervious surfaces* and minimize the number of access points.

   B. Limit vehicular access from the *right-of-way* to each property to no more than two locations. The City may allow additional access points upon review of *site* and traffic conditions, and on-*site* traffic patterns.

   C. Design access points to direct traffic ~~within SPA-4~~ to a limited number of access points onto Des Moines Memorial Drive, So. 140th St. or So. 144th/So. 146th St., as shown conceptually on Figure 19.48-1.

   D. Prohibit truck access onto 8th Avenue So. except for deliveries to properties accessed solely from 8th Avenue So. The City may allow truck access where necessary due to natural constraints (such as topography), or for required emergency access. [Ord. 396 § 1, 2003]

19.48.060 Building Design.

1. General.

A. Design *buildings* to provide a sense of quality and permanence.

B. Multiple *structures* within a development should share common design elements.

C. Design or *screen* rear *building* elevations to avoid or substantially minimize negative visual impacts facing Des Moines Memorial Drive or 8th Ave. South.

D. Photo-simulations of the completed development as viewed from adjacent hillsides, roadways and residential areas may be required.

2. Building facade. A *building façade* that exceeds 100 feet in length that is visible from a *right-of-way* or the shared internal *street* system shown conceptually on Figure 19.48-1 should be treated by one or more of the following methods:

A. Façade offset or modulation. The minimum offset or *modulation* depth should be 3 feet; minimum length should be 8 feet, minimum *height* should be 8 feet. The maximum wall length without offset or *modulation* should be 30 feet.

B. Material, color and texture variation. Use variation in *building* materials, colors and/or textures to minimize the visual effect of *building* scale.

3. Building colors. Use natural and earth tones on the major portions of the *building* façade. Accent colors are permitted on the minor portions of the *facade.*

4. Building materials.

A. Limit the percentage of wall area covered by reflective glass. The *applicant* may be required to provide documentation verifying reflective characteristics of glass proposed for *structures.* Provide awnings or other solar shading devices as needed to minimize sunlight reflection off of the glass.

B. The following materials shall not be used in visible locations unless an exception is granted by the City based on the integration of the material into the overall design of the *structure.*

i. Corrugated or beveled metal siding.
ii. Vinyl or plywood siding.
iii. Corrugated fiberglass.
iv. Crushed colored rock or crushed tumbled glass.

5. Building roof treatment.

A. Design and/or *screen* rooftop vents, air conditioning units, mechanical, electrical and other rooftop

equipment to avoid unsightly appearance as viewed from surrounding properties. The *building* roof design and covering/*screening* materials shall be described in detail, and it shall be demonstrated how these items will mitigate the visual impact of the equipment.

B. Use non-reflective roofing materials in black, natural or earth tones.

C. Encourage the use of green roof technology to minimize the need for engineered storm water controls.

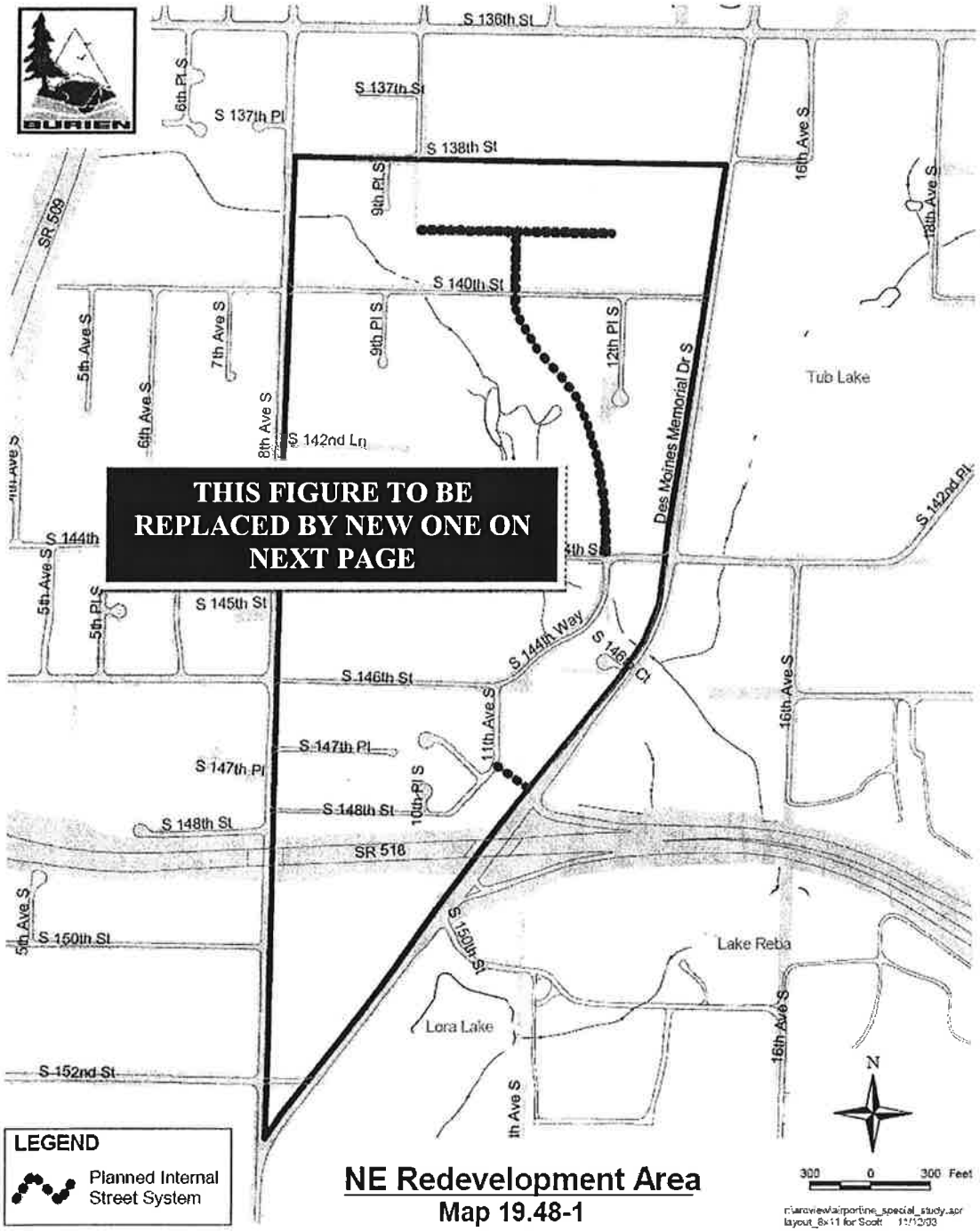
6. Water conservation. Encourage use of water conserving plumbing fixtures and other *building* conservation measures to minimize water consumption. [Ord. 396 § 1, 2003]

19.48.070 Surface Water.

1. Review proposed developments to ensure installation of proper drainage controls to prevent significant impacts to the storm drainage system, including Miller Creek.

2. Retain or slow release *site*-generated runoff using detention ponds, vegetated drainage swales, etc.

3. Encourage "zero" off-*site* release of on-*site* storm drainage runoff. [Ord. 396 § 1, 2003]



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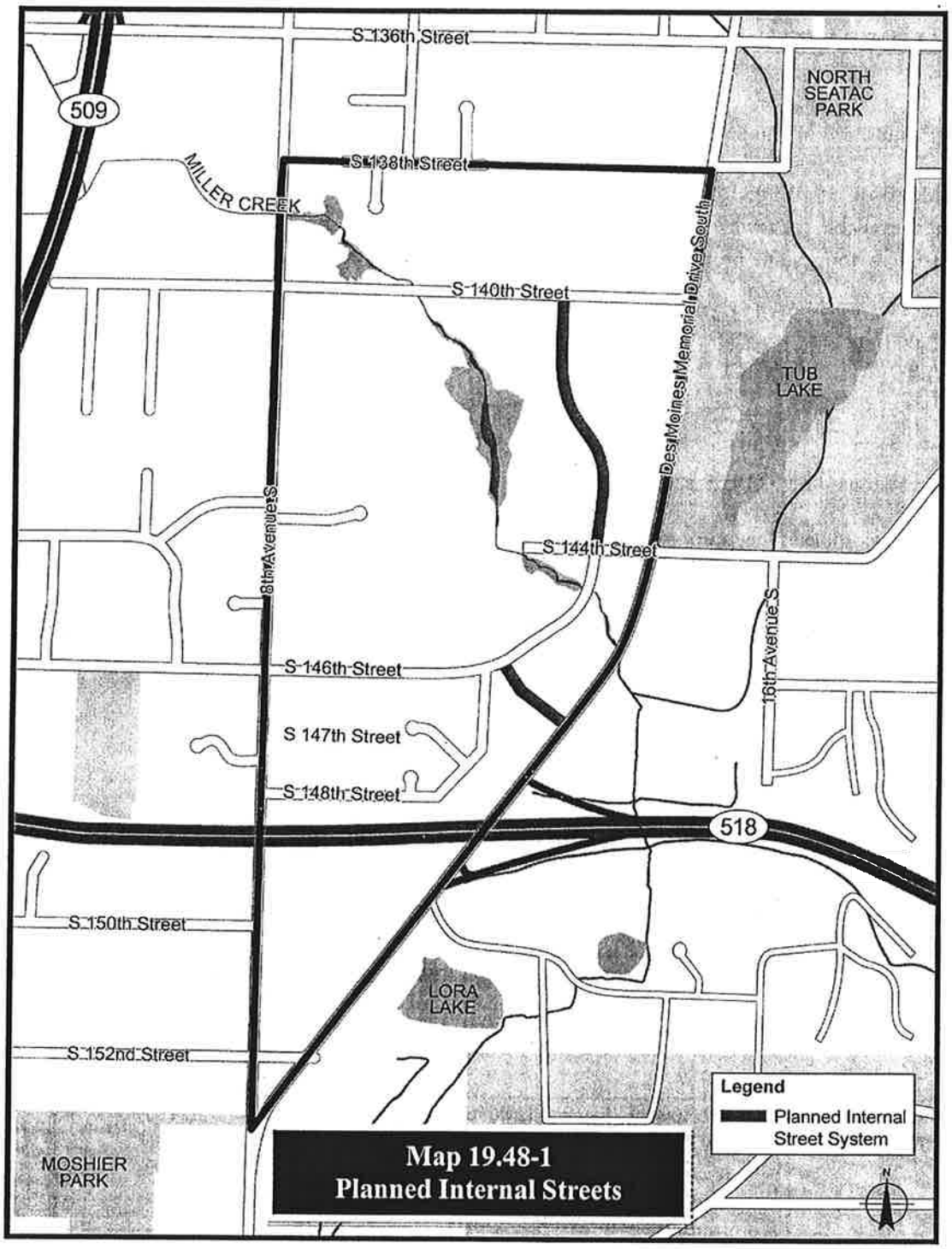
NE Redevelopment Area
Map 19.48-1



Map 19.48-1
Planned Internal Streets

ADDITIONAL NERA-RELATED ZONING AMENDMENTS (ALTERNATIVES 1 AND 2)
(proposed changes highlighted)

1. Property Acquisition by Public Entities--BMC 18.130: Repeal entire section

2. User Guide--BMC 19.01.005.1. Find your property on the Zoning Map. This map is not included with this Code, but is available for review at the City of Burien Department of Community Development during regular business hours. The property will have one of the following zoning designations:

RS-A	RM-24	CR	SPA-2	PR
RS-12,000	CN	O	SPA-3	
RS-7,200	CI	I	~~SPA-4~~	
RM-12	CC1	DC	AI-1	
RM-18	CC2	SPA-1	AI-2	

3. General provisions—BMC 19.05.120-Zones and map designations established.

   In order to accomplish the purposes of this Code the following zoning designations and zoning map symbols are established:

ZONING DESIGNATION	MAP SYMBOL	ZONING DESIGNATION	MAP SYMBOL
Residential, Single-Family	RS (followed by a designation indicating minimum *lot area* in square feet)	Regional Commercial	CR
Residential, Multi-Family	RM (followed by a designation indicating base density in *dwelling units* per acres)	Office	O
Professional Residential	PR	Downtown Commercial	DC
Neighborhood Center	CN	Airport Industrial	AI (followed by a designation indicating which sub-zone within the Airport Industrial Zone)
Community Commercial	CC (followed by a designation indicating which sub-zone within the Community Commercial Zone)	Industrial	I
Intersection Commercial	CI	Special Planning Area	SPA (followed by a designation indicating which Special Planning Area)

4. Definitions.

19.10.369 Non-Residential Zone – The following zones: CN, CI, CC-1, CC-2, DC, CR, PR, O, AI-1, AI-2, I, SPA-1, SPA-2, and SPA-3. ~~and SPA-4.~~

5. Use Zone Charts.

Repeal the following sections that require a rezone to SPA-4 for any new use or development:

- BMC 19.15.005.1.A
- BMC 19.15.010.1.A
- BMC 19.15.020.1.C
- BMC 19.15.050.1.E

6. Adult entertainment facilities.

BMC 19.17.030.4. Location and separation requirements.

A. An *adult entertainment facility* shall only be located in the I (Industrial) and ~~Special Planning Area 4C~~ Airport Industrial (AI) zones.

7. Cargo containers.

BMC 19.17.040.3. *Cargo containers* are not allowed in the Downtown Commercial (DC), Office (O), Neighborhood Center (CN), Professional Residential (PR) and Special Planning Area 1 (SPA-1) zones, except as permitted in BMC 19.17.040.2.

BMC 19.17.040.5. *Cargo containers* are permitted as *accessory uses* in the Industrial (I), Intersection Commercial (CI), Community Commercial (CC-1 and CC-2), Regional Commercial (CR), Special Planning Area 3 (SPA-3), ~~Special Planning Area 4 (SPA-4)~~ Airport Industrial (AI) zones and in the SPA-2 zone as part of the master plan review (pursuant to BMC 19.15.060.1). *Cargo containers* in these zones are subject to the requirements below. *Airplane unit load devices* located in the I and ~~SPA-4~~ AI zones are not regulated as *cargo containers*.

8. Bed and Breakfast establishments.

BMC 19.17.080.2 Applicability. The regulations of section 19.17.080 apply to *bed and breakfast establishments* in residential zones (RS and RM), Professional Residential (PR) and the Neighborhood Center (CN) zone. *Bed and breakfast establishments* in zones that allow *lodging facilities* are subject to those regulations.

BMC 19.17.080.3.I Signs. *Signs* for *bed and breakfasts* are subject to the standards in BMC ~~Chapter 18.50 Signs~~19.30, as now in affect, and as may be subsequently ~~be~~ amended.

9. Secure Community Transition Facilities.

BMC 19.17.110.4. Siting Criteria:
A. *SCTFs* shall locate in ~~an~~ the Industrial zone, ~~Special Planning Area 4A (SPA-4A) zone, or the portion of the Special Planning Area 4B (SPA-4B) zone north of South 140th St.~~ or Airport Industrial (AI) zone.

10. Lot area -- Minimum lot area for construction.

BMC 19.17.170 Except as provided for *nonconformances* by Chapter 19.55 BMC:
In the R or PR zones construction may be permitted on:

1. Any legally subdivided *lot* of record created by the City of Burien; or

2. Any legally subdivided *lot* of record created prior to February 28, 1993, or created prior to any annexation into the City; or

3. Any *lot* created prior to the enactment of any applicable state subdivision statute, provided the size of the lot was not reduced by more than 50 percent through acquisition for public purposes. On such lots new homes may be built and existing houses may be expanded and remodeled. {Applicable setbacks, lot coverage, critical area restrictions, design review requirements (if any), height limits and other applicable regulations in the zoning code shall be met.}

11. Landscaping.

BMC 19.25.010.1 User Guide: Chapter 19.15 of this Code containing the use zone charts assign a *landscaping* category to each *use* in each zone. This category is either "A", "B", "C", "D" ~~or~~ "E" or "F". This Chapter contains the specific requirements that pertain to each category. This Chapter also establishes certain minimum requirements for all *uses*, and minimum requirements for *landscaping* of parking lots and retention of existing trees.

Table 19.25.040-1

Landscape Category	**Along *Property Line* Abutting a Public *Right-of-Way* (Except a Freeway or *Alley*)**	**Along *Property Line* Abutting a Freeway***	**Along All Other *Property Lines* (Except Along an *Alley*)**	**Along *Building Façade* Greater Than 35' High or 50' Wide**	**Surface Parking Area *Landscaping* Required? (see BMC 19.25.070)**
A	None	None	None	None	No
B	10' wide Type III	10' wide Type II	None, except in a transition area (see BMC 19.17.015)	5' wide Type IV	Yes
C	10' wide Type III	10' wide Type II	None, except in a transition area (see BMC 19.17.015)	5' wide Type IV	Yes
D	15' wide Type I	10' wide Type I	10' wide Type II, except when abutting an I zone, then	5' wide Type IV	Yes

			none		
E	See BMC 19.47 and 19.49 for *landscaping* requirements in the DC and SPA-1 zones. The only sections of BMC 19.25 that apply to the DC and SPA-1 zones are: BMC 19.25.080, 19.25.100, 19.25.110, 19.25.170 and 19.25.180.				
F**	25' wide, Type II (along 8th Ave. So. or Des Moines Memorial Dr.); otherwise, 15' wide, Type III	None	50' wide Type I (along northern perimeter of the ~~SPA-4 Comp. Plan designation~~AI zone); otherwise, 10' wide Type III	5' wide Type IV	Yes

12. Freestanding Signs.

BMC 19.30.060.4 Freestanding signs: Certain permitted *signs* in Table 19.30-1 are included in total *sign area* allowed for a *freestanding sign*. The following standards apply to *freestanding signs*:

A. Freestanding sign area allowed: The maximum *freestanding sign area* allowed is 1 s.f. of *sign area* for each linear foot of *street frontage* per *site*, subject to the limitations below. The property owner shall allocate the amount of *sign area* allowed in this section to his or her tenants. This allocation shall be made in writing as part of the tenant's sign permit application. Minimum letter height for signs identifying more than one business or tenant shall be 10 inches.

i. DC, CN, PR and SPA-1 zones: Maximum 32 s.f.

ii. CI, CC-1, O and I zones: Maximum 48 s.f.

iii. AI, CC-2, CR and SPA-3 zones: 50 s.f. plus 1 additional square foot of signage for each three (3) linear feet of *street frontage* (or portion thereof) up to a maximum total of 200 s.f.

B. Maximum height allowed: The maximum allowable *height* for a *freestanding sign* is as follows:

i. DC, CN, PR and SPA-1 zones: 5 feet.

ii. CI, CC-1, O and I zones: 8 feet.

iii. AI, CC-2, CR and SPA-3 zones: 20 feet plus 1 additional foot of *height* for each 25 linear feet (or portion thereof) of *street frontage*, up to a maximum total *height* of 35 feet.

C. Number of freestanding signs allowed: One (1) *freestanding sign* per *site* per *street frontage*. An additional *monument sign* is allowed on a *site's street frontage* of 400 feet or greater. On a *site* with multiple *street frontages*, each *street frontage* shall be considered independent of the other *street frontages*. Multiple *freestanding signs* shall be separated by at least 150 feet, drawn in a straight line between the closest edges of the *signs*. The additional *monument sign* shall comply with the following standards:

i. DC, CN, PR and SPA-1 zones: Maximum 32 s.f. and 5 foot height.

ii. CI, CC-1, O and I zones: Maximum 48 s.f. and 8 foot height.

iii. AI, CC-2, CR and SPA-3 zones: Maximum 64 s.f. and 12 foot height.

13. Personal Wireless Service Facilities.

BMC 19.50.020.1 Personal Wireless Service Facility Locations and Permit Process. The following table indicates the hierarchy of locations to be used in reviewing an application for a *PWSF*. The *applicant* bears the burden to show that location in a higher priority is not technically feasible. Pursuant to WAC 197-11-800(27), some *PWSF* may require a SEPA Review as part of the review processes outlined below.

Priority (highest to lowest)	**Special Review Process (See Chapter 19.65)**	**Type of PWSF and Location**
1	None	A. *Collocation* of *antennas* on an existing *support structure* in a *non-residential zone.* B. Attachment of *antennas* to existing *structures* in the I, CR, CC-1, CC-2, and ~~SPA-4~~ AI zones. C. *Antennas* attached to existing or replacement ball field light standards, electrical transmission towers, water tanks or existing utility poles in any zone.
2	Type 1	Attachment of *antennas* to existing *structures* (except *single detached dwelling units* and their *accessory structures*) in the O, SPA-1, SPA-2, SPA-3, DC, CI, PR, RM and RS zones.
3	Type 2	Any *PWSF* not listed above, except for the following which are prohibited: lattice towers in all zones, new *monopoles* in the DC zone and new *monopoles* in *residential zones.*

PR Zone

Section 19.15.030—PROFESSIONAL RESIDENTIAL ZONE

PURPOSE AND INTENT: The Professional Residential zone implements the Professional Residential Comprehensive Plan designation within the Northeast Redevelopment Area. The purpose and intent of this zone is to provide land use flexibility by allowing both single-family homes and small businesses in an area near but not directly under SeaTac International Airport's third runway.

ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN THE PR ZONE, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN THE PR ZONE. BE SURE TO CHECK THE APPLICABLE USE ZONE CHART FOR ADDITIONAL REQUIREMENTS THAT PERTAIN TO SPECIFIC USES. WHERE A SPECIAL REGULATION BELOW CONFLICTS WITH A SPECIAL REGULATION IN A USE ZONE CHART FOR A SPECIFIC USE, THE USE ZONE CHART SHALL APPLY.

19.15.030.1: SPECIAL REGULATIONS:

A. GENERAL.

i. Hours of trash pickup should be restricted to reduce potential disturbance from noise.

ii. New and conversion of existing residential structures shall be architecturally consistent with the surrounding character of the neighborhood and include similarities in materials, color, roof pitch and detailing. The intent of this provision is for businesses to look like residential structures.

B. TRANSPORTATION MITIGATION. In addition to providing *street* improvements on adjacent *streets* pursuant to BMC 12.05, the City may require off-*site improvements* necessary to mitigate transportation impacts of the proposal as part of the Final Supplemental Environmental Impact Statement for the Northeast Redevelopment Area dated November 23, 2009, SEPA planned action or other SEPA review under BMC Title 14. Transportation impact fees may also apply pursuant to BMC 19.35.

C. CONVERSION OF RESIDENTIAL STRUCTURES TO NON-RESIDENTIAL USES. In order to facilitate and encourage non-residential uses to reuse existing residential structures, the *Director* may modify landscaping and parking design requirements. The intent of this provision is to maintain the residential character of properties, reduce the amount of new paving and storm runoff, and provide landscaping and screening where it is most beneficial to buffer adjacent residential uses.

PR Zone USE ⇩ ⇨ REGULATIONS	DIRECTIONS: FIRST, read down to find use…THEN, across for REGULATIONS									
	Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.030.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
		Lot Area	*SETBACKS*		Lot Coverage		*Building Height*			
			Front Setback	*Interior Setback*	*Building Coverage*	*Impervious Surface Coverage*				
19.15.030.1 *Single Detached Dwelling Unit*	None	7,200 s.f.	20'	5'	35%	70%	35'	A	2 spaces per unit	1. One *single detached dwelling unit* may be built on a *lot* that has less than the stated minimum *lot area*. 2. No *lot* shall be created less than the minimum *lot area* except through the application of lot averaging. *Lot* averaging is permitted through a short plat, subdivision or *lot* line adjustment. However, no *lot* shall be created with an area less than 90 percent of the stated minimum *lot area*. 3. Chapter 19.17 contains regulations regarding home occupations, and other *accessory uses*, facilities and activities associated with this use.
19.15.030.2 *Professional Office*	None	7,200 s.f.	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2	
19.15.030.3 *Art Studio*	None	7,200 s.f.	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2	1. May include artists' lofts at a maximum density of one dwelling unit per 7,200 s.f. of lot area.
19.15.030.4 *Convenience Retail* *Eating and Drinking Establishments*	None	7,200 s.f.	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2	1. *Convenience auto service* uses are not permitted. 2. Outdoor activities related to *eating and drinking establishments* are only permitted between the hours of 7:00AM and 9:00PM. 3. Outdoor retail sales or storage are not permitted.
19.15.030.5 *Day Care Center*	None	None	20'	10'	70%	85%	35'	B	See Sec. 19.20.030.2	1. *Day Care Center:* Must provide State certification of safe passenger loading area.

PR Zone USE ⇩ ⇨ REGULATIONS	Special Review Process (See Ch. 19.65)	MINIMUMS Lot Area	MINIMUMS SETBACKS Front Setback	MINIMUMS SETBACKS Interior Setback	MAXIMUMS Lot Coverage Building Coverage	MAXIMUMS Lot Coverage Impervious Surface Coverage	MAXIMUMS Building Height	Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.030.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
19.15.030.6 *Family Day Care Home I and II*	None	See Special Regulation 1								1. Must comply with requirements of the *primary use*. 2. Must provide State certification of safe passenger loading area.
19.15.030.7 *Public Park and Recreation Facilities*	None	None.	20'	10'	70%	85%	35'	A	See Sec. 19.20.030.2	1. Lighting for *structures* and fields shall be directed away from *dwelling units*.
19.15.030.8 *Religious Facility*	Type 2	7,200 s.f.	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2	1. *Accessory use* shall comply with the requirements for that *use* listed in this use zone chart (BMC 19.15.030).
19.15.030.9 *Community Residential Facility*	Type 2	7,200 s.f.	20'	10'	70%	85%	35'	B	1 space for every 2 bedrooms	
19.15.030.10 School	Type 2	7,200 s.f.	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2	
19.15.030.11 Senior Citizen Assisted Dwelling Unit	Type 2	7,200 s.f.	20'	10'	70%	85%	35'	B	0.5 spaces per unit	1. Minimum lot area per dwelling unit is 7,200 s.f. 1. Conversion to another use is allowed, provided that all requirements for the new use are met, including density limitations.
19.15.030.12 *Essential Public Facility*	Type 2	Development standards shall be determined on a case-by-case basis through the Type 2 review process.								1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts. 2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.

PR Zone USE ⇩ ⇨ REGULATIONS	DIRECTIONS: FIRST, read down to find use…THEN, across for REGULATIONS									
	Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.030.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
		Lot Area	*SETBACKS*		Lot Coverage		*Building Height*			
			Front Setback	*Interior Setback*	*Building Coverage*	*Impervious Surface Coverage*				
19.15.030.13 *Community, Cultural or Government Facility*	Type 2	None	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2	
19.15.030.14 Public Utility	Type 2	None	30'	30'	35%	70%	20' See Spec. Reg. 1	D	See Sec. 19.20.030.2	1. The Hearing Examiner may approve height no greater than 35 feet if the applicant shows that no feasible alternative is available. 2. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts.
19.15.030.15 *Personal Wireless Service Facility*	See Chapter 19.50									

AI Zone

Section 19.15.070—AIRPORT INDUSTRIAL ZONES

PURPOSE AND INTENT: The Airport Industrial (AI) zone implements the Airport Industrial Comprehensive Plan designation within the Northeast Redevelopment Area. The purpose and intent of this designation is to facilitate economic development and provide flexibility for airport-compatible uses in a campus-like setting with internal circulation to minimize the number of access points to Des Moines Memorial Drive.

ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN THE AI ZONE, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN THE AI ZONE. BE SURE TO CHECK THE APPLICABLE USE ZONE CHART FOR ADDITIONAL REQUIREMENTS THAT PERTAIN TO SPECIFIC USES. WHERE A SPECIAL REGULATION BELOW CONFLICTS WITH A SPECIAL REGULATION IN A USE ZONE CHART FOR A SPECIFIC USE, THE USE ZONE CHART SHALL APPLY.

19.15.070.1: SPECIAL REGULATIONS:

A. GENERAL.

i Use and development within this zone may be affected by *FAA* regulations associated with SeaTac Airport operations.

ii. Uses shall conform with the following requirements (excluding reasonable construction activity):

a. Does not emit significant quantities of dust, dirt, cinders, smoke, gases, fumes, odors or vapors into the atmosphere.

b. Does not emit any liquid or solid wastes or other matter into any stream, wetland, or other waterway.

c. Does not emit radiation or discharges glare or heat, or emits electromagnetic, microwave, ultrasonic, laser or other radiation levels over what is considered safe by the *FCC*.

d. Does not emit radiation or discharges glare or heat, or emits electromagnetic, microwave, ultrasonic, laser or other radiation levels that would adversely impact electronic equipment of residences or businesses outside of the boundaries of the property the business is located.

e. Does not use heavy trucking as a principal use, such as truck terminals or heavy truck repair.

f. Does not produce excessive noise or ground vibration perceptible without instruments at any point exterior to any *lot*.

g. Is not considered an aviation hazard as defined in State and Federal law.

h. Does not use high intensity lighting or make it difficult for pilots to distinguish between airport lights and others; create electrical interference with navigational signals or radio communication between the airport and aircraft; result in glare in the eyes of pilots using the airport; create reflectivity that interferes with airport radar function; create smoke, dust or other particulates that would impair visibility for aircraft; allow the storage of highly flammable or explosive materials, create bird-strike hazards; or otherwise create a hazard which may in any way endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

B. DESIGN STANDARDS. Development within the AI zone is subject to compliance with the design standards in BMC 19.48.

C. BUILDING HEIGHT. No *structure* shall be permitted to be erected, altered or maintained that would constitute a hazard to air navigation, encroach into the limits of the *FAA* Part 77 imaginary surfaces, or cause an increase in minimum flight or approach procedure altitudes as determined by the *FAA*. An additional 12 feet of *height* is allowed for under-*building* or underground parking. A written certification of *height* compliance from the *FAA* may be required.

D. TRANSPORTATION IMPACT MITIGATION. In addition to providing *street* improvements on adjacent *streets* pursuant to BMC 12.05, the City may require off-*site improvements* necessary to mitigate transportation impacts of the proposal as part of the Final Supplemental Environmental Impact Statement for the Northeast Redevelopment Area dated November 23, 2009, SEPA planned action or other SEPA review under BMC Title 14. Transportation impact fees also apply pursuant to BMC 19.35.

E. IMPERVIOUS SURFACE COVERAGE.

i. The maximum allowable impervious surface coverage is 95%.

ii. Public pedestrian and non-motorized facilities are excluded from *impervious surface* coverage.

iii. The City will give credit for low impact development techniques such as but not limited to pervious pavement and green roofs. The amount of credit shall be determined by the Public Works Director.

F. RESIDENTIAL USES. Existing residential uses may continue to exist pursuant to the standards located in BMC 19.55. New residential uses are prohibited.

AI Zone USE ⇩ ⇩ REGULATIONS	DIRECTIONS: FIRST, read down to find use…THEN, across for REGULATIONS									
	Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.070.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
		Lot Area	*SETBACKS*		Lot Coverage		*Building Height*			
			Front Setback	*Interior Setback*	*Building Coverage*	*Impervious Surface Coverage*				
19.15.070.2 Air Cargo Facility Distribution *Eating and Drinking Establishment* *Flex-Industrial* *Flex-Tech* Flight Kitchen *Light Industry* *Office* *Off-Site Commercial Parking* Plant Nursery *Retail* *Warehousing and Wholesale Trade*	None	None	10'	10'	None	See BMC 19.15.070.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	1. In the AI-1 zone, *retail* uses are allowed as *primary* or *accessory* uses. In the AI-2 zone, *retail* uses are allowed only as *accessory* uses related to or supporting the *primary use* of the *site*.
19.15.070.3 New Car Auto Dealer Auto Rental	None	None	10'	10'	None	See BMC 19.15.070.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	1 Sales of used vehicles and service facilities are only allowed as an *accessory* use.

AI Zone USE ⇩ / REGULATIONS ⇨	Special Review Process (See Ch. 19.65)	MINIMUMS Lot Area	MINIMUMS SETBACKS Front Setback	MINIMUMS SETBACKS Interior Setback	MAXIMUMS Lot Coverage Building Coverage	MAXIMUMS Lot Coverage Impervious Surface Coverage	MAXIMUMS Building Height	Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.070.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
	DIRECTIONS: FIRST, read down to find use…THEN, across for REGULATIONS									
19.15.070.4 *Community Facility* *Government Facility* *Public Park and Recreation Facilities* *Recreational Facility* *Religious Facility*	None	None	10'	10'	None	See BMC 19.15.070.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	
19.15.070.5 *Public Utility*	Type 1	None	10'	10'	None	See BMC 19.15.070.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts.
19.15.070.6 On-site hazardous waste treatment and storage facility Off-site hazardous waste treatment and storage facility	Type 2	None	10'	10'	None	See BMC 19.15.070.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	1. These uses are required to conduct an environmental review and mitigate all impacts. 2. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210.
19.15.070.7 Essential Public Facility	Type 1	None	10'	10'	None	See BMC 19.15.070.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts. 2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.

AI Zone USE ⇩ ⇨ REGULATIONS	Special Review Process (See Ch. 19.65)	MINIMUMS Lot Area	MINIMUMS SETBACKS Front Setback	MINIMUMS SETBACKS Interior Setback	MAXIMUMS Lot Coverage Building Coverage	MAXIMUMS Lot Coverage Impervious Surface Coverage	MAXIMUMS Building Height	Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.070.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
19.15.070.8 Any *use* not listed in the use column of any use zone chart	Type 2	Development standards shall be determined on a case-by-case basis through the Type 2 review process.								1. The proposed *use* shall be compatible with *adjoining uses.* 2. The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate all adverse impacts on *adjoining* properties and the community. Special attention shall be given to minimizing noise, light, and glare impacts.
19.15.070.9 *Adult Entertainment Facility*	Type 2	None	10'	10'	None	See BMC 19.15.070.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	1. See Sec. 19.17.030 for additional requirements.
19.15.070.10 *Secure Community Transition Facility*	Type 2	See Section 19.17.110								
19.15.070.11 *Personal Wireless Service Facility*	See BMC 19.50 for specific requirements.									

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Discussion of Amendment to BMC 14.10.050 Modifying Existing SEPA Planned Action Provisions for the Northeast Redevelopment Area	**Meeting Date:** December 7, 2009

Department: Community Development	**Attachments:** Draft Ordinance	**Fund Source:** N/A **Activity Cost:** N/A **Amount Budgeted:** N/A **Unencumbered Budget Authority:** N/A
Contact: Scott Greenberg, Community Development Director		
Telephone: (206) 248-5519		
Adopted Initiative: Yes No	**Initiative Description:** NE Redevelopment Area	

PURPOSE/REQUIRED ACTION: The purpose of this item is for City Council to discuss a proposed modification to Burien Municipal Code (BMC) Section 14.10.050 relating to State Environmental Policy Act (SEPA) planned actions within the Northeast Redevelopment Area (NERA). No action is required at this meeting.

BACKGROUND (*Include prior Council action & discussion*):
The proposed "housekeeping" amendments would change the names of several existing Comprehensive Plan and zoning designations referenced in BMC 14.10.050 to reflect the proposed designations for the NERA and replace an old FEIS reference. The proposed changes are:

ITEM BEING CHANGED	CURRENT	PROPOSED
Comprehensive Plan Designation	Special Planning Area 4	Northeast Redevelopment Area
Zoning Designation	Special Planning Area 4	Airport Industrial and Professional Residential
Date of Referenced Final SEIS	Nov. 12, 2003	Nov. 23, 2009

The adoption of the proposed ordinance should occur after the adoption of the proposed NERA-related Comprehensive Plan text and map amendments, and the proposed zoning text and map amendments. If Council is ready on December 14th, we propose that the Comprehensive Plan, zoning and planned action amendments all be adopted at the same meeting. Otherwise, action can be rescheduled for a later date.

OPTIONS (*Including fiscal impacts*):
N/A

Administrative Recommendation: Receive staff presentation and provide direction to staff.

Committee Recommendation: N/A

Advisory Board Recommendation: N/A)

Suggested Motion: N/A

Submitted by: Scott Greenberg **Administration** SG	Mike Martin **City Manager**
Today's Date: November 30, 2009	**File Code:** R:\CC\Agenda Bill 2009\120709cd-1 NERA Planned Action.docx

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. xxx

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON AMENDING BURIEN MUNICIPAL CODE SECTION 14.10.050 RELATING TO PLANNED ACTIONS, DESIGNATING THE NORTHEAST REDEVELOPMENT AREA AS A PLANNED ACTION AREA, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State Environmental Policy Act, at RCW 43.21C.031, authorizes cities to review certain development proposals as "Planned Actions", subject to compliance with legislation and regulations guiding review of such projects; and

WHEREAS, RCW 43.21.C.031 expressly provides that the term "Planned Action" means one or more types of project action that have had the significant environmental impacts related to the project adequately addressed in an environmental impact statement prepared in conjunction with a comprehensive plan or subarea plan adopted under RCW 36.70A, among other requirements; and

WHEREAS, on April 18, 2005, the Burien City Council adopted Ordinance 432 establishing a Planned Action for the "Northeast Special Planning Area" (now known as the Northeast Redevelopment Area); and

WHEREAS, on November 23, 2009, the City of Burien issued a Final Supplemental Environmental Impact Statement (SEIS) under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW that considered the impacts of anticipated development within the Northeast Redevelopment Area (NERA), provided for mitigation measures, and other conditions to ensure that future development will not create adverse environmental impacts; and

WHEREAS, on December 14, 2009 the Burien City Council adopted comprehensive plan policies and environmental mitigating measures for the NERA; and

WHEREAS, on December 14, 2009 the Burien City Council adopted development regulations and design guidelines for two new zones within the NERA: Airport Industrial (AI) and Professional Residential (PR); and

WHEREAS, the City of Burien conducted an extensive public participation and review process for preparation of the SEIS and related Comprehensive Plan amendments, development regulations and design guidelines;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Findings. The City Council finds that:

1. Environmental impacts of the planned action have been identified and adequately addressed in the Final Supplemental Environmental Impact Statement for the Northeast Redevelopment Area (NERA) issued November 23, 2009 (hereafter "SEIS") that was prepared and issued pursuant to Chapter 43.21C RCW in conjunction with the adoption of Comprehensive Plan policies and development regulations related to the Northeast Redevelopment Area.
2. The Comprehensive Plan policies, development regulations, SEIS and adopted mitigation measures have addressed all significant environmental impacts associated with planned actions within the NERA.

Section 2: Amendments to BMC 14.10.050 (Planned Actions). The City Council of the City of Burien hereby amends BMC 14.10.050 as shown on attached Exhibit A and incorporated by this reference as if fully set forth herein.

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: 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 5: 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 DECEMBER, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS _____ DAY OF DECEMBER, 2009.

CITY OF BURIEN
/s/ Joan McGilton, Mayor

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

Approved as to form:
/s/ Christopher Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication:

ORDINANCE XXX
EXHIBIT A

14.10.050 Planned actions.

(1) The purpose of this section is to streamline and expedite the permit review process for projects that qualify as planned actions.

(2) Development proposals within ~~Special Planning Area 4~~the Northeast Redevelopment Area as designated in the Burien Comprehensive Plan are designated to be planned actions if:

a. The significant environmental impacts of the proposal have been adequately addressed in the Final Supplemental Environmental Impact Statement (hereafter "SEIS") prepared for the Northeast ~~Special Planning~~Redevelopment Area issued November ~~12, 2002~~23, 2009; and

b. The proposed project includes appropriate mitigating measures included in the SEIS; and

c. The development proposal implements the Comprehensive Plan policies relating to ~~Special Planning Area 4~~the Northeast Redevelopment Area; and

d. The development proposal is for uses allowed in BMC 19.15.070, ~~Special Planning Area 4~~ Airport Industrial zone or BMC 19.15.030 Professional Residential zone; and

e. The project is not an essential public facility as defined in RCW 36.70A.200; and

f. The thresholds for total development analyzed in the SEIS would not be exceeded; and

g. The requirements of RCW 43.21C.031 and WAC 197-11-164 through 197-11-172 are met.

(3) Planned action determination.

a. Application. To assist the director in making his/her determination, the applicant shall submit a planned action environmental checklist and supporting information. The director shall specify the submittal requirements on a submittal checklist. Within 28 calendar days after a complete submittal, the director shall issue a written determination on whether the proposed development qualifies as a planned action pursuant to subsection (2) of this section. A request for a planned action determination shall not require the issuance of a threshold determination under SEPA, as provided by RCW 43.21C.031, WAC 197-11-172(2)(a) and this chapter.

b. Positive Determination. If the director determines that the proposed project qualifies as a planned action, no further environmental review is required under this chapter.

c. Negative Determination. If the director determines that the proposed project does not qualify as a planned action, the proposed project shall require additional environmental review and appropriate mitigation.

d. Appeals. There is no administrative appeal of the director's determination to approve, conditionally approve, or deny the request to have the development processed as a planned action.

(4) Nothing in this section limits the city from using this chapter or other applicable law to place conditions on the project in order to mitigate nonsignificant impacts through the normal project review and permitting process.

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Discussion on Proposed Amendment 4 to the Waste Management Contract dated June 1, 2004		**Meeting Date:** December 7, 2009
Department: City Manager **Contact:** Tabatha Miller, Finance Director **Telephone:** (206) 439-3150	**Attachments:** 1. Proposed Amendment #4 to Comprehensive Garbage, Recyclables and Yard Debris Collection Contract	**Fund Source:** N/A **Activity Cost:** N/A **Amount Budgeted:** N/A **Unencumbered Budget Authority:** N/A
Adopted Initiative: **Yes No X**	**Initiative Description:** N/A	

PURPOSE/REQUIRED ACTION:

The purpose of this agenda item is for Council to discuss a proposed amendment to the Waste Management contract.

BACKGROUND (*Include prior Council action & discussion*):

In March 2004, the current Waste Management Collection Contract was executed. Subsequently, three amendments were approved. This fourth amendment, initiated by Waste Management, would correct omissions contained in the third amendment. Amendment No. 4 makes the following corrections:

1. Provides clarity that the effective date of the third amendment is February 1, 2009 and further clarifies that the new rates set forth in Attachment B became effective February 1, 2009;

2. Changes the First CPI Adjustment date to June 1, 2010 instead of June 1, 2009 as stated in the third Amendment;

3. Incorporates Attachment B which contains the new rates that became effective February 1, 2009.

OPTIONS (*Including fiscal impacts*):

1. Authorize City Manager to finalize amendment 4 and execute.
2. Do not authorize City Manager to finalize amendment and hold for further action or discussion.

Administrative Recommendation: Hold discussion and consider placing on the December 13, 2009, Consent Agenda for approval.

Committee Recommendation: N/A

Advisory Board Recommendation: N/A

Suggested Motion: None required.

Submitted by: Tabatha Miller
Administration _____ **City Manager** _____

Today's Date: November 30, 2009	**File Code:** R:\CC\Agenda Bill 2009\120709ad-5 Waste Mgmt Amend.docx

AMENDMENT NO. 4 TO THE COMPREHENSIVE GARBAGE, RECYCLABLES AND YARD DEBRIS COLLECTION CONTRACT BETWEEN THE CITY OF BURIEN AND WASTE MANAGEMENT OF WASHINGTON, INC.

THIS AMENDMENT NO. 4 TO THE COMPREHENSIVE GARBAGE, RECYCLABLES AND YARD DEBRIS COLLECTION CONTRACT BETWEEN THE CITY OF BURIEN AND WASTE MANAGEMENT OF WASHINGTON, INC. (this "Amendment") is dated November 1, 2009 by and between Waste Management of Washington, Inc. ("Contractor") and the City of Burien, a municipal corporation of the State of Washington ("City"). Each of the City and Contractor is sometimes referred to herein as a "Party" and together as the "Parties". Capitalized terms used in this Amendment and not otherwise defined shall have the meanings ascribed to such terms in the Agreement.

RECITALS

A. The City and Contractor are parties to that certain Comprehensive Garbage, Recyclables and Yard Debris Collection Contract, effective as of June 1, 2004, as amended (the "Agreement").

B. Amendment No. 3 to the Agreement contained certain omissions and other dating inaccuracies that the parties now wish to correct, as set forth below.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties mutually agree as follows:

1. Effective Date of Amendment No. 3. As the date in the first paragraph of Amendment No. 3 was inadvertently left blank, the Parties now wish to clarify that the effective date of Amendment No. 3 is February 1, 2009, and that the new rates set forth in Attachment B became effective as of February 1, 2009.

2. First CPI Adjustment Date. Amendment No. 3 provided new language to replace the Inflation Adjustment provision in Section 3.3.1 of the Agreement. The third and sixth paragraphs of amended Section 3.3.1 state that the first inflation adjustment under the amended Agreement was to occur on June 1, 2009, however, it was the Parties' intent that the first inflation adjustment date actually occur on June 1, 2010. As such, the Parties now wish to delete the two references to "June 1, 2009" in the third and sixth paragraphs of Section 3.3.1 and replace them with the date "June 1, 2010."

3. Attachment and Incorporation of Attachment B. The executed version of Amendment No. 3 failed to include the new rate sheet which was to be incorporated as a new Attachment B to the Agreement. Attached to this Amendment is Attachment B, which sets forth the new rates that became effective as of February 1, 2009.

4. Full Force and Effect. Except as otherwise provided in this Amendment, all other terms and provisions of the Agreement shall remain in full force and effect.

CITY OF BURIEN	**WASTE MANAGEMENT OF WASHINGTON, INC.**
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____

ATTACHMENT B

CITY OF BURIEN Garbage and Yard Debris Service Fees		Rates Effective 2/1/2009		
SERVICE CLASS	Pounds Per Unit	(Monthly) Collection Fee	(Monthly) Disposal Fee	(Monthly) Total Fee
Residential Services				
MSW Monthly Service:				
Monthly Service 20 Gal. Cart		$12.27	$0.80	$13.07
Monthly Service 35 Gal. Cart		$12.30	$1.27	$13.57
MSW Weekly Service:				
1-10 Gal. Micro-can		$12.27	$2.00	$14.27
1-20 Gal. Cart		$12.42	$2.75	$15.17
1-35 Gal. Cart		$15.56	$4.81	$20.37
2-35 Gal. Carts + 1 Recycle Cart		$17.55	$9.62	$27.17
3-35 Gal. Carts + 1 Recycle Cart		$19.54	$14.43	$33.97
4-35 Gal. Carts + 1 Recycle Cart		$21.53	$19.24	$40.77
1-64 Gal. Cart		$19.58	$8.79	$28.37
2-64 Gal. Carts + 1 Recycle Cart		$31.79	$17.58	$49.37
3-64 Gal. Carts + 1 Recycle Cart		$44.00	$26.37	$70.37
4-64 Gal. Carts + 1 Recycle Cart		$56.21	$35.16	$91.37
1-96 Gal. Cart		$22.99	$13.18	$36.17
2-96 Gal. Carts + 1 Recycle Cart		$38.61	$26.36	$64.97
3-96 Gal. Carts + 1 Recycle Cart		$54.23	$39.54	$93.77
4-96 Gal. Carts + 1 Recycle Cart		$69.85	$52.72	$122.57
1-32 gallon equivalent "extra"		$3.91	$1.01	$4.92
Recycle Service (bundled) EOW service:				
1-35 Gal. Cart		$0.00		$0.00
1-64 Gal. Cart		$0.00		$0.00
1-96 Gal. Cart		$0.00		$0.00
Residential Recycling Rebate set rate		$0.00		($0.97)
1-Recycling Cart EOW service for non-subscribing garbage customers		$8.47		$8.47
Yard Debris Service (Weekly Service)				
1-35 Gal. Cart YDW		$8.40		$8.40
1-64 Gal. Cart YDW		$9.30		$9.30
1-96 Gal. Cart YDW		$10.20		$10.20
32 Gal. Can YDW - Non scheduled collection for non-subscribing customers		$5.30		$5.30
64 Gal. Cart YDW - Non scheduled collection for non-subscribing customers		$6.40		$6.40
96 Gal. Cart YDW - Non scheduled collection for non-subscribing customers		$8.50		$8.50
Additional 96 Gal. YDW Carts		$2.90		$2.90
1-32 gallon equivalent "extra" YDW		$3.20		$3.20
1-64 gallon equivalent "extra" YDW		$4.25		$4.25
1-96 gallon equivalent "extra" YDW		$6.40		$6.40
1-35 Gal. Cart YDW weekly service for non-subscribing garbage customers		$9.50		$9.50
1-64 Gal. Cart YDW weekly service for non-subscribing garbage customers		$10.40		$10.40
1-96 Gal. Cart YDW weekly service for non-subscribing garbage customers		$11.30		$11.30
Miscellaneous Fees:				
Return Trip Cans & Carts, per pick-up		$5.60		$5.60
Carry-out service per unit, per pick-up, over 5 feet but not over 25 feet		$0.22		$0.22
Carry-out service per unit, per pick-up, for ea addl. 25 feet or fraction of 25 feet add		$0.14		$0.14
Drive-in Charge - Weekly service, Monthly Rate		$4.38		$4.38
Redelivery Fee (Carts)		$14.85		$14.85

Over loaded/filled cart/container		$4.50		$4.50
Cart Roll-out requested by customer. Per Cart, per month.>5'		$3.50		$3.50
On-Call Bulky Waste Collection:				
White Goods/Appliances (non-refrigerant)		$51.18	$7.13	$58.31
Refrigerator/Freezer		$46.43	$11.88	$58.31
Sofas, Chairs		$48.81	$9.50	$58.31
Mattress or Box Springs		$53.56	$4.75	$58.31
Temporary Container Service:				
Temp. 1 Yard Container		$20.98	$5.52	$26.50
Daily Rent		$1.10		$1.10
Temp. 1.5 Yard Container		$23.43	$8.27	$31.70
Daily Rent		$1.10		$1.10
Temp. 2 Yard Container		$25.27	$11.03	$36.30
Daily Rent		$1.15		$1.15
Temp. 3 Yard Container		$31.15	$16.55	$47.70
Daily Rent		$1.20		$1.20
Temp. 4 Yard Container		$33.44	$22.06	$55.50
Daily Rent		$1.25		$1.25
Temp. 6 Yard Container		$39.01	$33.09	$72.10
Daily Rent		$1.55		$1.55
Delivery Fee all Front Load Temp. containers		$55.00		$55.00

CITY OF BURIEN

Garbage Service Fees

Rates Effective 2/1/2009

SERVICE CLASS	Pounds Per Unit	(Monthly) Collection Fee	(Monthly) Disposal Fee	Total Service Fee
Commercial / Multifamily Cans & Carts:				
Weekly Service				
1 20 Gal. Cart		$11.39	$2.01	$13.40
1 35 Gal. Cart		$12.97	$3.52	$16.49
1 64 Gal. Cart		$20.01	$7.06	$27.07
1 96 Gal. Cart		$24.52	$10.57	$35.09
35 Gal. Cart Special Pick-up (on unscheduled day)		$88.35	$0.81	$89.16
64 Gal. Cart Special Pick-up (on unscheduled day)		$89.84	$1.63	$91.47
96 Gal. Cart Special Pick-up (on unscheduled day)		$90.95	$2.44	$93.39
1-32 gallon equivalent "extra"		$3.91	$1.01	$4.92
Miscellaneous Services (per event):				
Return Trip		$13.75		$13.75
Carry-Out Service >5' & <25' (per unit, per pick-up)		$0.22		$0.22
Carry-Out Service each 25', >25', (per unit, per pick-up)		$0.14		$0.14
Drive-ins on driveways >125' & <250' (per service)		$0.76		$0.76
Drive-ins on driveways >250' & <1/10 mile (per service)		$1.45		$1.45
Drive-ins on driveways >1/10 mile each 1/10 mile (per service)		$2.90		$2.90
Connect/Disconnect Compactor (per pickup)		$15.35		$15.35
Roll-Out Container		$12.13		$12.13
Unlock Container		$2.90		$2.90
Gate Opening		$2.90		$2.90
Re-Delivery		$14.85		$14.85
Steam Cleaning per yard		$2.60		$2.60
Steam Cleaning minimum charge		$12.00		$12.00
Pickup and re-delivery for container cleaning customer requested		$27.95		$27.95
Commercial / Multifamily Uncompacted Containers:				
1 Cubic Yard Uncompacted				

1 Pickup/Week/Container		$47.83	$23.92	$71.75
2 Pickups/Week/Container		$87.27	$47.84	$135.11
3 Pickups/Week/Container		$126.69	$71.76	$198.45
4 Pickups/Week/Container		$166.12	$95.68	$261.80
5 Pickups/Week/Container		$205.55	$119.60	$325.15
Extra Pick-up on scheduled collection day		$9.10	$5.52	$14.62
Special Pick-up unscheduled collection day		$94.70	$5.52	$100.22
1.5 Cubic Yard Uncompacted				
1 Pickup/Week/Container		$62.57	$35.83	$98.40
2 Pickups/Week/Container		$116.13	$71.66	$187.79
3 Pickups/Week/Container		$169.70	$107.49	$277.19
4 Pickups/Week/Container		$223.08	$143.32	$366.40
5 Pickups/Week/Container		$276.60	$179:15	$455.75
Extra Pick-up on scheduled collection day		$12.35	$8.27	$20.62
Special Pick-up unscheduled collection day		$97.95	$8.27	$106.22
2 Cubic Yard Uncompacted				
1 Pickup/Week/Container		$76.10	$47.84	$123.94
2 Pickups/Week/Container		$141.10	$95.68	$236.78
3 Pickups/Week/Container		$206.10	$143.52	$349.62
4 Pickups/Week/Container		$270.03	$191.36	$461.39
5 Pickups/Week/Container		$334.76	$239.20	$573.96
Extra Pick-up on scheduled collection day		$14.94	$11.04	$25.98
Special Pick-up unscheduled collection day		$100.54	$11.04	$111.58
3 Cubic Yard Uncompacted				
1 Pickup/Week/Container		$110.31	$71.75	$182.06
2 Pickups/Week/Container		$207.82	$143.50	$351.32
3 Pickups/Week/Container		$305.33	$215.25	$520.58
4 Pickups/Week/Container		$400.19	$287.00	$687.19
5 Pickups/Week/Container		$497.04	$358.75	$855.79
Extra Pick-up on scheduled collection day		$22.35	$16.56	$38.91
Special Pick-up unscheduled collection day		$107.95	$16.56	$124.51

CITY OF BURIEN

Garbage Service Fees — **Rates Effective 2/1/2009**

SERVICE CLASS	Pounds Per Unit	(Monthly) Collection Fee	(Monthly) Disposal Fee	Total Service Fee
Commercial / Multifamily Uncompacted Containers:				
4 Cubic Yard Uncompacted				
1 Pickup/Week/Container		$129.31	$95.67	$224.98
2 Pickups/Week/Container		$243.72	$191.34	$435.06
3 Pickups/Week/Container		$358.10	$287.01	$645.11
4 Pickups/Week/Container		$469.00	$382.68	$851.68
5 Pickups/Week/Container		$586.95	$478.35	$1,065.30
Extra Pick-up on scheduled collection day		$26.20	$22.08	$48.28
Special Pick-up unscheduled collection day		$111.80	$22.08	$133.88
6 Cubic Yard Uncompacted				
1 Pickup/Week/Container		$169.64	$143.51	$313.15
2 Pickups/Week/Container		$322.19	$287.02	$609.21
3 Pickups/Week/Container		$474.73	$430.53	$905.26
4 Pickups/Week/Container		$622.00	$574.04	$1,196.04
5 Pickups/Week/Container		$773.22	$717.55	$1,490.77
Extra Pick-up on scheduled collection day		$34.90	$33.12	$68.02
Special Pick-up unscheduled collection day		$120.50	$33.12	$153.62
8 Cubic Yard Uncompacted				
1 Pickup/Week/Container		$206.04	$191.35	$397.39
2 Pickups/Week/Container		$392.39	$382.70	$775.09

3 Pickups/Week/Container		$578.73	$574.05	$1,152.78
4 Pickups/Week/Container		$765.07	$765.40	$1,530.47
5 Pickups/Week/Container		$942.59	$956.75	$1,899.34
Extra Pick-up on scheduled collection day		$42.60	$44.16	$86.76
Special Pick-up unscheduled collection day		$128.20	$44.16	$172.36
Commercial / Multifamily FL Compacted Containers:				
3 Cubic Yard Compactor weekly		$190.07	$358.75	$548.82
3 yard Special Pick-up		$130.87	$82.79	$213.66
4 Cubic Yard Compactor weekly		$243.88	$478.35	$722.23
4 yard Special Pick-up		$143.28	$110.40	$253.68
5 Cubic Yard Compactor weekly		$331.03	$575.00	$906.03
5 yard Special Pick-up		$163.40	$132.70	$296.10
6 Cubic Yard Compactor weekly		$351.92	$717.55	$1,069.47
6 yard Special Pick-up		$168.22	$165.60	$333.82
"Extra" Uncompacted Cubic Yard		$13.23	$5.52	$18.75

CITY OF BURIEN

Garbage Service Fees

SERVICE CLASS	Rates Effective 2/1/2009		
Drop-box Collection	**Daily Rental**	**Monthly Container Rental**	**Charge per Haul**
Noncompacted Service			
1 10 Cu. Yd. Container		$34.00	$142.20
1 15 Cu. Yd. Container		$40.00	$142.20
1 20 Cu. Yd. Container		$46.00	$142.20
1 25 Cu. Yd. Container		$51.00	$142.20
1 30 Cu. Yd. Container		$56.00	$142.20
1 40 Cu. Yd. Container		$67.00	$142.20
Compacted Service			
1 10 Cu. Yd. Container			$169.40
1 15 Cu. Yd. Container			$169.40
1 20 Cu. Yd. Container			$169.40
1 25 Cu. Yd. Container			$169.40
1 30 Cu. Yd. Container			$169.40
1 40 Cu. Yd. Container			$169.40
Drop-box (Temporary)			
1 10 Cu. Yd. Container	$2.00		$153.00
1 15 Cu. Yd. Container	$2.00		$153.00
1 20 Cu. Yd. Container	$2.25		$153.00
1 25 Cu. Yd. Container	$2.50		$153.00
1 30 Cu. Yd. Container	$2.75		$153.00
1 40 Cu. Yd. Container	$3.25		$153.00

CITY OF BURIEN

Garbage Service Fees

SERVICE CLASS	Total Service Fee Effective 2/1/09
Additional Services	
Mileage Charge for all hauls over 5 miles one way, per mile.	$3.00
Connect/Disconnect Compactors	$15.35
Return Trip	$36.40

Solid Drop-box Lid Charge (per month)	$23.75
Position Drop-box Lids open after returning empty container to site	$16.30
Pressure Washing (per yd.)	$2.60
Pickup and re-delivery for container cleaning customer requested	$27.95
Stand-By Time (per minute)	$1.38
Delivery Fee Permanent & Temporary	$55.00
Disposal Surcharge per ton	$7.50
Hourly Rates	
Rear/Side Load Packer & Driver	$82.80
Front Load Packer & Driver	$82.80
Drop Box Truck & Driver	$82.80
Additional Labor (per person)	$30.00