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PLANNING COMMISSION AGENDA

February 9, 2010, 7:00 p.m.
Burien City Hall, Miller Creek Room
400 SW 152nd Street, 3rd Floor
Burien, Washington 98166

I. ROLL CALL

II. AGENDA
CONFIRMATION

III. PUBLIC COMMENT Public comments allowed on items not scheduled for a public hearing on tonight's agenda.

IV. APPROVAL OF
MINUTES January 26, 2010

V. OLD BUSINESS a. Discussion: Shoreline Master Program Updates

VI. NEW BUSINESS a. None

VII. PLANNING
COMMISSION
COMMUNICATIONS

VIII. DIRECTOR'S REPORT

IX. ADJOURNMENT

Future Agendas (Tentative)

February 23

- Discussion and Possible Recommendation: Shoreline Master Program Updates

March 9

- Discussion and Possible Recommendation: Shoreline Master Program Updates

Jim Clingan (Vice Chair)
Rebecca McInteer

Planning Commissioners
Joe Fitzgibbon (Chair)
Rachel Pizarro

Stacie Grage
Janet Shull



City of Burien

BURIEN PLANNING COMMISSION MEETING

January 26, 2010

7:00 p.m.

Miller Creek Room, Burien City Hall

MINUTES

Planning Commission Members Present:

Joe Fitzgibbon, Jim Clingan, Janet Shull, Stacie Grage, Rebecca McInteer, Rachel Pizarro

Absent:

None

Others Present:

David Johanson, AICP, senior planner; Karen Stewart, AICP, senior planner, Reid Middleton, Inc.

Chair Fitzgibbon called the meeting to order at 7 p.m. At the call of the roll all commissioners were present.

Agenda Confirmation

Commissioner Shull moved to accept the agenda as presented; second was by Commissioner McInteer. Motion carried.

Public Comment

Tanya Engeset, 1449 SW 152nd St., said she didn't feel she should have to pay to receive a CD copy of the audio recording of the Jan. 12th Planning Commission meeting. She said she could not bring a CD player to City Hall to listen to it because a CD isn't made unless a person asks for one. She said the recording should be available for checkout in the Burien Library the way the City Council meeting DVDs are available. She concluded by saying that everyone on the waterfront has water rights.

Kathi Skarbo, 1621 SW 152nd St., stated that she has many concerns about the Shoreline Master Program update, ranging from public access issues to problems with rebuilding after a disaster to parking to following the state guidelines with regard to protecting private property rights and public safety. But because of the three-minute time limit for comments, she chose to speak only to her concerns about public access. She then handed the commissioners a sheet of paper with her comments on one side and a comparison of a paragraph from a Sept. 1, 2009, draft of the program and the same paragraph from the draft forwarded to the Planning Commission, noting that it was changed somewhere along the way. She pointed out that the Sept. 1 draft stated "Public access shall be required for all new shoreline development and uses, except for...individual single family residences not part of a development planned for more than four parcels," whereas the Nov. 17 final draft states "Public access shall be required for all new shoreline development and uses, except for...individual single family residences and subdivisions of less than four parcels." She said that's a significant change from the Sept. 1 draft, which she took to mean five or more parcels, instead of the four or more parcels in the final draft. She said the final draft document is confusing and not readable. She checked the minutes of the Shoreline Advisory Committee meetings and did not find any mention of the committee changing the wording. She said she has three questions about the paragraph: How, when and why was the paragraph changed from "more than four parcels" to "less than four parcels? Did the Advisory Committee have an opportunity to review the final document and

approve it? Does the final document accurately represent the recommendations of the Advisory Committee? She encouraged the Planning Commission to find out the answers to those questions and to let her know what they are, and she strongly encouraged the commission to change the language back to the Sept. 1 draft.

Chestine Edgar, 1811 SW 152nd St., said she believes the Shoreline Master Program document was not analyzed correctly. She said that when Reid Middleton did the study on the Cumulative Impacts Analysis, it presumed there would be a 100-foot buffer; as a result, it stated there is very little opportunity for development or redevelopment on Lake Burien. After the study was completed, the City negotiated a reduced buffer with the Department of Ecology, but didn't have Reid Middleton revise its analysis. Therefore, she said, the conclusions drawn in the Cumulative Impacts Analysis, the Shoreline Inventory and the draft master program are incorrect about the impacts of development and redevelopment on the lakeshore. She said further development and redevelopment will cause net loss to the lake, yet the number one priority of the Shoreline Master Program is that there shall be no net loss to the environment. She said she supported what Ms. Skarbo said about undocumented changes in the draft program document, in both business/commercial and public access. She distributed to the commissioners six pages of comments, five pages from the Cumulative Impacts Analysis that she said are in error, and a photograph of a bald eagle at the lake, refuting the state's claim that no priority species use the lake, and encouraged the commissioners to read the documents she submitted.

Kathy Anderson, 17120 Maplewild Ave. SW., said she and her neighbors want more time to address the draft Shoreline Master Program and the policies within it. She said mostly what she is concerned about is public access that may abut many of their properties. Her house is adjacent to a trail that she said was created for utility and private property access and she said she is concerned about public access to that trail. She said the draft Shoreline Master Program is very confusing. Ms. Anderson said her family has lived in the neighborhood for three generations; there have been times when the public has disrupted, damaged, and burglarized homes in the neighborhood. She said she doesn't think improved public access will be handled in a way that benefits the shoreline or the property owners. She said she has the same concern for Lake Burien, adding that it seems the document is stepping into very dangerous territory for many shoreline neighborhood properties and people. She said there is a lot of scientific data that was not addressed correctly or was left out of the document that will affect both the saltwater and freshwater shorelines. She said it feels like more weight has been given to public access than to preserving the shorelines.

Todd Anderson, 17120 Maplewild Ave. SW., said he shares the same concerns his wife just stated. He said he is concerned about proposed shared street parking along SW 172nd St. and said he's concerned public access to the trail system would result in more crimes. He said a walking trail through private properties around Lake Burien is a very poor idea. He also said more consideration needs to be given to the regulations for installing mooring buoys and how that would be policed. He concluded by saying the draft Shoreline Master Program is very hard to understand.

Bob Edgar, 12674 Shorewood Dr. SW, said he is concerned with the methodology and thoroughness of the appendices to the Draft Shoreline Management Program and their ability to be used as a baseline in protecting the current ecological functions of Lake Burien. He said he is concerned that no study was conducted to determine a current inventory of the freshwater habitat and no study was done of how the Shoreline Master Program potentially would affect the lake over the next 10-15 years if the program was implemented as currently written. He said evidence of using best available science is lacking and therefore any legal challenge to degradation of critical freshwater or saltwater habitat would be based on circumstantial evidence. He also expressed concern about the reduction of the shoreline buffer from 100 feet to 45 feet, stating that it would allow additional development around the lake and would increase the amount of impervious surface covering the freshwater wetland and aquifer recharge area. In conclusion, he stated that best available science needs to be used in a longitudinal study of the freshwater shoreline habitats and the Cumulative Impact Analysis needs to examine the impact of reducing the buffer from 100

feet to 45 feet. He said these studies should be included in the Shoreline Master Program before it is adopted by the City.

Carol Jacobson, 3324 SW 172nd St., stated her primary concern is with potential public access. She said she and her neighbors moved to the Three Tree Point area for the peace, quiet and beauty of the area and they are opposed to anything that would impact that. She said they don't want to see their neighborhood turned into anything resembling Alki or Redondo or Green Lake. She does not want to see increased public access. Already, she said, people park on her lot, eat their lunches and change their baby's diapers on her picnic table, and leave their garbage. Not long ago, she said, a man slept overnight there in his car, publicly relieving himself on her property in the morning, and did it again a few nights later. People park along the water with their car doors open and music blaring, primarily in the summer, she added. She pointed out that according to a figure within the draft Shoreline Management Program there already are four public access points in the Three Tree Point area, plus Seahurst and Eagle Landing parks, so she doesn't understand why any additional public access is needed, nor how the shoreline would benefit from having large numbers of people accessing it. She said items a-c in Chapter IV, page 8, were vague but she can imagine the impact of them would not be good for her neighborhood. Finally, she said she'd like to see assurance that all existing homes and structures on the shoreline before the Shoreline Master Program is adopted may be rebuilt as they are now.

John Upthegrove, 1808 SW 156th St., asked the Planning Commissioners how many of them had read the entire plan; all commissioners indicated that they had. He said he's been following the process to update the Shoreline Master Program since the first open house, in November 2008. He said an amendment was made to the plan putting the highest priority on public access, and that should be removed as he sees no reason for it. Also, he said, there was a sentence in the flood section of the plan that stated the City would maintain the weir on Lake Burien. No one on the Shoreline Advisory Committee, except Don Warren, the lake steward, knew what the weir is, where it is, and he said no one can tell him who put that sentence in. Mr. Upthegrove said Mr. Warren tried to have it removed from the draft program but it was not. He added that the people living on the lake have taken care of the weir for 70 years and there's never been a problem. He said that sentence and others were put into the draft program by people with a narrow agenda toward public access instead of protecting the environment. He urged the Planning Commission to analyze the draft program to determine how much of it was written to protect the environment. He said he opposes public access to Lake Burien for fishing or bird watching and predicted a milfoil problem if access is granted. He said he would hate to take his issues to the Department of Ecology.

John Ester, 16931 Maplewild Ave SW, said he also is concerned about public access. He said there are two public access points within two blocks of his house, a great deal of traffic, and no parking. He said if Lake Burien is opened to the public it will attract not only the residents of Burien but the public in general. He said the lake would be loved to death, as would the Puget Sound shoreline if it is opened to the public. He said he doesn't understand how the ecology can be preserved by adding 10s of thousands of people. He said there is enough public access to the shoreline in Burien already. He emphasized that the people who own property on the shorelines paid for it and take care of it. He said he is concerned that the proposed setbacks would make many of their lots unbuildable and said that is literally stealing from the property owners. He said many people, if their house was irreparably damaged by fire, earthquake, landslide or storm, would never be able to rebuild their house under the proposed regulations. He told the Planning Commission that it doesn't have to accept the proposed regulations and can grandfather everything that currently is on the shorelines, and that would satisfy half the people in the audience.

Randy Copen, 16713 Maplewild Ave SW, said his house was designed by Ralph Anderson and was built using recycled materials from demolished old buildings in downtown Seattle, including stained glass windows from Seattle's opera house. He said he must go to Lloyd's of London to insure it. The house is built with poles at the water's edge; the foundation is at the back of the house. He says his understanding of the draft Shoreline Management Program is that if his house is irreparably damaged he won't be able to

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rebuild it, and if he can't rebuild it, then he can't get insurance and that is a tragedy. Regarding public access, he lives near a current public access point used by scuba divers and fishermen, but there are no public facilities there so there is garbage and human waste left by the people who use the access and the neighbors have to clean it up. He said there isn't enough room to open it up more, especially at high tide.

Dane Johnson, 16705 Maplewild Ave SW, said his house sits closer to the water than his neighbors' and well outside of the setback and it does not conform to the draft Shoreline Master Program in terms of rebuilding. His wife talked to someone at the Department of Ecology earlier in the day and found out their property would fall under the nonconforming category and that they probably would be able to rebuild. However, he said, reading through the regulations covering nonconformance he found some pretty serious limitations that he doesn't understand why they are included. He said one of the differences between the state and the City is the trigger for making a structure conforming: the City says 50 percent of the assessed value whereas the state recommends 75 percent. He said that because the assessed value changes year to year, there's no knowing if they qualify. He said it's so expensive to build on the beach that the draft Shoreline Management Program as it currently reads would say "I'm sorry, you've lost your property," and that's not right. He recommended the Planning Commission re-examine the 50 percent of assessed value clause because it's too easy to pass that mark with the cost of construction these days. He said the other problem he has with the rules about nonconforming properties is the definition of building into the buffer zone; he could not find a definition of what that means. He said his house is only 1,000 square feet in two stories and someday he would like to build an addition on the landward side; does this mean he can't do that because it's in a buffer? He said he thinks the plan is very weak because it is vague in the areas of development, rebuilding, the chance of losing one's property because of where the house is situated, and a lack of a clear grandfather clause. If adopted, he predicted the program would seriously devalue shoreline properties, the City's tax base and ultimately hurt the City.

Don Warren, 15702 13th Ave SW, called the commissioners' attention to a legal opinion from an attorney retained by the Lake Burien homeowners stating that the draft Shoreline Management Program contains no science providing a well-documented baseline from which to measure future impacts to the shoreline and that it should be included before the draft program is adopted. Mr. Warren said he was speaking on behalf of the Lake Burien Shore Club this evening, so he's entitled to speak for five minutes. He noted that he's been the steward of Lake Burien for seven years, there has been a lake steward for about 30 years, the shore club has been in existence more than 50 years, and the community has been very tight in the 100 years that the shoreline has been privately owned. He said he wanted to discuss deficiencies in the draft Shoreline Master Program. He asked the commissioners to refer to the Shoreline Inventory document prepared by Grette Associates. Directing their attention first to Section 1.2 Methodology, he said there is a lack of a baseline for both the lake and Puget Sound against which changes can be assessed. In Section 1.4 Inventory Reaches, he said, there is a typographical error for perimeter measurement of the lake. In Section 2.1, Historic Land Use and Watershed Conditions, Mr. Warren challenged the study cited and said it is not useful as a baseline. Finally, he wants reference to the Lake Burien outlet weir removed from the Shoreline Master Program as he believes it leads to risk for the Ruth Dykeman Children's Center if the public misinterprets who is responsible for maintaining the weir.

Len Boscarine, 1600 SW 156th St., stated at the proposed Shoreline Master Program is too broad in scope to be enacted within a two- or three-month timeline. He said there's a conflict between two of the state's broad directives - the first, to protect the quality of water and the natural environment, and the other, to preserve and enhance public access. He said the Lake Burien Shore Club has been monitoring and improving the water quality in the lake for more than 30 years. He said he wants a scientific water quality study, a native plant inventory, and a bird and wildlife population inventory done before the Planning Commission considers giving the public access to the lake, in order to be able to monitor the effect of additional human encroachment on the lake.

Clark Mounsey, 3721 SW 171st St., said the situation with the draft Shoreline Master Program and the comments he has heard reminds him of where the country is with health care reform and he thinks there is

a need to step back and ask if the constituents are being listened to and their comments adhered to as much as possible. He asked if the program is highly regulatory then who will enforce it; he said calling the police doesn't do any good. He also asked what are the best practices of doing shoreline regulations, perhaps Des Moines or Normandy Park already have something in place that's better than Burien's draft program. He said he believes Burien's draft program is highly regulatory but it can't be done. He added that in his view the people living on the shorelines are more environmentally concerned than anyone else he's seen in the city of Burien. He concluded by saying he doesn't see a big difference between the Shoreline Master Program and the path health care reform went down.

Nancy Tosta, 15931 Maplewild Ave SW, said that to her plans and programs are more processes than products and the only way to implement the program is with the partnership of the shoreline landowners. She encouraged the commissioners to think of the program as a partnership process. She said she is a scientist, owns an environmental consulting company and works with state and federal agencies interested in protecting Puget Sound resources. She said she finds herself struggling to understand some of what is in the draft Shoreline Master Program, and she encouraged the commissioners to work on the science.

Greg Anderson, PO Box 917, Seahurst, asked if the Planning Commissioners have WAC 173-26 and 27 and the Shoreline Management Act, RCW 90.58, in front of them. He said without having those documents the draft Shoreline Master Program is worthless because of all the references to them and he doesn't know how the commissioners can understand the draft program without those documents. He said he doesn't understand why the program puts a 65-foot setback on SW 172nd Street that is further back than the houses are, making them nonconforming. He said it will cost those homeowners a lot of work and money to get a variance every time they want to do some work. He also said he doesn't understand what "no net loss" means or how "view" will be implemented. He said he doesn't understand why Burien is deviating from the WAC when it comes to public access. He said there is too much open to interpretation in the draft program.

Mike Hart, 2660 SW 172nd St., said he has read the entire draft program and said he was struck by the lack of understanding of some of the wording. He wants 20.30.035-2(a) regarding "shoreline street ends, rights-of-way and other public lands...in accordance with RCW 35.79.035" stricken from the draft program because he says the RCW only addresses "limitations on vacations of streets abutting bodies of water," or it should be modified to read "shall comply" with the RCW cited. He said item a has nothing to do with what the RCW said and suggested that someone wanted to quote the RCW and hope that no one would look at the actual RCW.

Lori Marshall, 16925 Maplewild Ave. SW, said her family really supports the concept of the Shoreline Master Plan and said the plan strikes a nice balance between protecting the environment and development and public access and the rights of the property owners, but when she read Burien's draft Shoreline Master Program she was struck by several issues that she feels are not consistent with the mission of the Shoreline Master Program. She said it is very heavily weighted toward increasing public access to the shorelines; she reviewed the draft program with an environmental engineer who is not from this area who raised very strong concerns that increased public access in other areas has been very detrimental to the health of the shorelines. She quoted him as saying "What is it with this group that they are so focused on public access at the expense of environmental protection?" She suggested the Planning Commission change two things in the draft master program: any plan for increased public access must include a plan and budget for greater security for the nearby properties; and she wants the document to give explicit reassurance that shoreline property owners can rebuild their houses on the same footprint. She thinks Burien's regulations are stricter than the rest of the state, citing a conversation she had with someone in the state Department of Ecology regarding "grandfathered" structures being able to be rebuilt. She said the draft program would deny her and other property owners reasonable use of their properties and she thinks it violates the U.S. Constitution. She thinks Burien's plan is arbitrary and capricious and needs a lot more work done on it.

Dawn Lemmel, 3138 SW 172nd St., said she and her neighbors are a high tax base for the City of Burien and if the idea of the plan is to allow "traipsing through the wetlands of Lake Burien" or "bulldozing down the eclectic beach dwellings at Three Tree Point" the City will be destroy entire communities and "biting the ... very hands that have worked hard to feed Burien's coffers..." and destroying the shoreline neighborhoods' unique beauty. If the City allows people who have no personal investment in preserving the shorelines to have access to them, she said, she believes the property owners will leave for neighborhoods where they can preserve their peaceful, community-oriented environment. She said she sees 172nd becoming like Alki, with run-down rental housing and huge numbers of people creating havoc in the area night and day, significantly increasing the need for police, and questioned where the money would come from to pay for additional police services. She said the existing public access points at Three Tree Point are enough, and said they are maintained by the neighborhood. She said the public in its use of those access points has left garbage that the neighbors clean up. She doesn't think the idea is to open them up completely to let people access the shoreline whenever they want. She reminded the commissioners that they are not just talking about shorelines but about communities.

Dennis Reed, 3741 SW 171 St., said he is very concerned by a sentence on page V-1 of the draft plan stating "...the Shoreline Management Act (SMA) is exempted from the rule of strict construction." He said that means you have to follow the intent, not necessarily the written word. So he recommended that the Planning Commission add the word "prioritize," that the goals and policies are prioritized. He asked why, if the City is trying to protect the environment, doesn't it follow the federal example by limiting public access. He said if the master program is about protecting the environment, they "don't need to bring in busloads of people to trample the all over the edges of Lake Burien or Three Tree Point." He said the program should be based on real science, not "voodoo" science. He added that he is not in favor of the City managing the shorelines. Referring to Pol. ALL 4, saying changes will be made to ensure continued effectiveness, he said the effectiveness can only be in regard to protecting the environment. He said his beach is private and he has no reason to allow the public to trespass on his property. He concluded by saying that if the draft Shoreline Master Program is adopted, the City will be trying to enforce changes retroactively since the original Shoreline Management Act, and even the federal government doesn't have the nerve to do something like that.

That concluded public comments.

Approval of Minutes

Commissioner Shull moved to approve the minutes of the January 12, 2010, meeting. Commissioner Pizarro seconded; motion carried unanimously.

Old Business

a. Discussion about Shoreline Master Program Update

David Johanson, senior planner, gave a brief summary of the Planning Commission's progress to date on the Shoreline Master Program, including having conducted a public hearing on Jan. 12th. He said the Planning Commission now will begin its deliberations about the draft program that was forwarded to the commission by the Shoreline Advisory Committee. He explained that the Planning Commission will provide a recommendation to the City Council, which then will conduct a public hearing and review the draft that the Planning Commission recommends. Mr. Johanson said that he and the consultants are now sifting through the comments received at the public hearing and are beginning to put them into a document that the commissioners can use while they work through them. The comments received this evening will be added to that document, which will be brought to the commission in future meetings. This evening, he said, the intent is to provide clarification and information the commissioners requested at the Jan. 12th meeting while respecting the comments received. He noted that all written comments received

will be provided to the commissioners. He said tonight is an opportunity for the commissioners to do some work and discuss the draft program among themselves.

Mr. Johanson said that one of the requests from commissioners was "What is the existing nonconforming language today, in our current effective Shoreline Master Program, and what is proposed?" He then distributed to the commissioners a matrix showing what is current and what is proposed. He said the City adopted King County's Shoreline Master Program after the City incorporated; this is the first time the City has done its own work on a Shoreline Master Program so there is opportunity to make it truly Burien's own. He said the current program states that "a use or development nonconforming to existing regulations which is destroyed, deteriorated or damaged more than 50 percent of its fair market value at the present time or at the time of its destruction by fire, explosion, etc., may be reconstructed only in so far as it is consistent with the existing regulations." He said it's fair to say the existing program has smaller setbacks than what is being proposed, but some of the language in the draft has been brought forward from the existing program.

He then defined a nonconformance as something that was lawfully constructed that does not conform to the current adopted regulations. He said in the Limitations section it says that "structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers, area, density, bulk, or height may be maintained, repaired, enlarged or expanded provided these actions do not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses. Nonconforming single-family residences may be expanded subject to certain provisions."

He noted that a lot of comments received were in regards to reconstruction. He then read the current regulation regarding reconstruction: "A nonconforming structure which is destroyed, deteriorated or damaged more than 50 percent of the assessed value of the nonconforming structure as established by the most current county assessor's tax roll at the present time or of its destruction by fire, explosion or other casualty or act of God, may be reconstructed insofar as it is consistent with existing regulations and the following...". He said the intent is to allow for the reconstruction subject to the five specific conditions following that statement in the master program section 20.35.04.5 Subsection 4 Reconstruction. Basing it on the assessed value is consistent with the nonconforming section in the Zoning Code; the percentage was not arbitrarily selected. He said with some adjustments to the wording in the master program, the intent - to allow rebuilding - will be clearer.

Mr. Johanson stated that Burien is required by the state to update the Shoreline Master Program. The state provides a set of guidelines that the City must comply with; the state guidelines do not have a nonconformance section, so it is true that there is local latitude in how to address nonconformance. The section of the Washington Administrative Code dealing with shoreline management says "When nonconforming use and development standards do not exist in the applicable master program, the following definitions and standards apply...". Therefore, he said, if Burien was silent in the Shoreline Master Program then some of the language in the WAC would apply, like the 75 percent of value statement referred to by one commenter.

A member of the audience asked a question that was not picked up by the recorder; Chair Fitzgibbon stated that further comment from the public would not be taken tonight and Mr. Johanson would be allowed to complete his presentation.

Mr. Johanson noted that staff will be receiving direction from the Planning Commission on how to proceed, but for this evening he wanted to touch on the basic ideas related to nonconformance and to express the intent.

Continuing, he said there are some different scenarios of what can happen when you replace or modify a structure, and those are written in the code. There is, he said, a section that talks about voluntary replacement of a residence, with the rule that if a person voluntary replaces greater than 50 percent of the

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value of the residence the person has to comply, with the idea of moving toward meeting the regulations and the intent. One of the notions built into the draft master program is "common line setback," which offers some flexibility. He noted that a buffer and a building setback are two different items. In some circumstances, conceivably a structure could move forward, based on the common line setback, depending upon what is on either side of the structure.

Mr. Johanson said that if reconstruction does occur, certain requirements will need to be met including revegetating with the appropriate native planting materials.

Another person in the audience asked a question; Chair Fitzgibbon repeated that the commission will let Mr. Johanson complete his presentation instead of answering questions.

Mr. Johanson gave examples of various rebuilding scenarios that might occur on the Puget Sound, and noted that they are similar to scenarios that might occur on Lake Burien. He noted that variances will have to be approved by the state Department of Ecology. He explained the concept of "no net loss" as meaning that whatever expansion occurs on the property needs to be offset to mitigate the impact to the environment, such as minimizing impervious surfaces, using native plants, and other things that people might already be doing on their property.

If a structure is damaged less than 50 percent, he noted, the regulations say it can be replaced as is.

Chair Fitzgibbon said perhaps the language dealing with nonconforming structures can be made clearer.

Mr. Johanson read the five stipulations related to rebuilding of a nonconforming structure: 1) the structure must be located landward of the ordinary high water mark; 2) the area between the nonconforming structure and the ordinary high water mark shall meet the vegetation conservation standards; 3) the remodel or expansion shall not cause adverse impacts to the ecological functions or processes; 4) the action shall not extend either further waterward than the existing primary residential structure (not appurtenance), further into the minimum side yard setback, or further into the riparian buffer than the existing structure. Encroachments that extend waterward of the existing residential foundation walls or further into the riparian buffer or the minimum required side yard setback require a variance; 5) an application is filed to reconstruct the structure within 18 months of the date of damage.

Next, Mr. Johanson gave the commissioners a comparison of buffers, what is existing and what is being proposed, as they requested at their last meeting. He noted that what exists today in the urban environment, the majority of the city, is a setback of 20 feet. Currently, accessory structures are allowed in the setback. The other designation in effect today is the conservancy environment, which is generally in the area of Seahurst Park and extending south to the vicinity of Eagle Landing Park.

What is being proposed, he said, is a 50-foot buffer and 15-foot setback on the marine shoreline, acknowledging that a lot of structures are currently within that buffer. The conservancy area buffer also is 50 feet. On Lake Burien, the buffer is 30 feet with a 15-foot building setback; most of the houses on the lake are not within the buffer.

Another request from the commission related to other buffers that may apply. Mr. Johanson said other buffers that apply today include steep slope critical areas, seismic hazard areas, wetlands and flood zones, and will still be in effect in the Shoreline Master Program. Lake Burien is identified in the Burien Municipal Code as a Category 4 wetland, with a 30-foot buffer, which is consistent with the proposed master program. Mr. Johanson said he will have to check whether it is consistent with the draft Shoreline Master Program. Flood hazard areas are mostly on the Puget Sound shoreline and are related to elevation.

A member of the audience asked who has the right to change the draft document; Chair Fitzgibbon said the Planning Commission can make changes and changes can be made by the City Council, too.

Chair Fitzgibbon said the earliest the commission would make a recommendation to the City Council on the draft Shoreline Master Program is Feb. 23rd. Mr. Johanson encouraged people to watch the City's website for updates.

New Business

None

Planning Commission Communications

Commissioner Pizarro said she will be out of town for the next meeting.

Director's Report

None

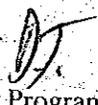
Adjournment

Commissioner Shull moved to adjourn; the meeting was adjourned at 9:13 p.m.

Approved: _____

Joe Fitzgibbon, chair
Planning Commission

CITY OF BURIEN, WASHINGTON
MEMORANDUM

DATE: February 4, 2010
TO: Planning Commission
FROM: David Johanson, AICP, Senior Planner 
SUBJECT: Discussion regarding Shoreline Master Program Updates.

PURPOSE/REQUIRED ACTION:

The purpose of this agenda item is to facilitate Planning Commission discussions of the proposed updates to Burien's Shoreline Master Program.

The SMP update team has prepared the beginnings of a comment response table. The draft table is intended to be a tool that the Planning Commission can use to facilitate discussions of the issues raised during the public hearing and subsequent public comment. Please note this is a DRAFT and we will continue to research and prepare responses to comments received.

Staff and the consultant recommend that we proceed through the comment summary in order. However we are open to other methods of review that meet the needs of the Planning Commission.

BACKGROUND:

At the Planning Commission meeting on Jan. 12, 2010, the commission conducted a public hearing to receive input on the Shoreline Advisory Committee draft. For your reference staff has attached copies of all written comments that were received. Please note that the City received one additional written comment following your public hearing on Jan. 12th, which has been included as an attachment. Following the public hearing, the Planning Commission had a number of requests for more information, further analysis and presentations on specific topics of interest. Staff and the consultants are in the process of creating a comment matrix so we can efficiently respond to all comments and informational requests received.

At your January 26, 2010 meeting a majority of the time was devoted to receiving additional public comments. Following the public comment, staff presented information requested by the Planning Commission regarding non-conformances, a comparison of existing and proposed buffers and setbacks, and an overview of existing critical area buffers and setbacks that also apply in shoreline areas.

PLANNING COMMISSION ACTION

No action is required; however, we encourage the commissioners to be prepared to have a thorough discussion and provide direction on specific language in preparation for a recommendation to the City Council.

NEXT STEPS

The Planning Commission is scheduled to discuss the updates at your next two meetings and depending on the progress of the Commission a date of possible action will be scheduled. Originally the date for possible action was February 23rd; this date will remain on the agenda however final action will most likely occur in March.

If you have any questions before the meeting, please contact me at 206-248-5522 or by e-mail at DavidJ@burienwa.gov.

Attachments:

Written Public Comments
Shoreline Master Program Public Comment Summary, working Draft 2/4/2010

As always, please also refer to the Shoreline Master Program notebook that was provided at your December 15, 2009 meeting.

**SHORELINE MASTER PROGRAM
PUBLIC COMMENT SUMMARRY
Planning Commission WORKING DRAFT 2/4/2010**

#	TOPIC	SUMMARY of COMMENT	DRAFT RESPONSE	WAC
1	Conservation Element 20.20.035	Request that the over-lying principle of no net loss of ecological functions be implemented and if there is a possibility of net loss then the steps of WAC 173-26-201(2.e) be followed.	BMC 20.30.010 addresses no net loss in Policy 1a and Regulation 2.c outlines the mitigation sequence consistent with WAC 173-26-201(2.e).	173-26-201[2.e]
2	Urban Conservancy 20.25.015 & Shoreline Residential 20.25.020	<p>There are some areas designated as Residential that have much intact riparian vegetation. These areas have low intensity residential uses (spaced with riparian vegetation between sites) or residences set back well away from the water. These areas need to be protected better than just using the small buffer. We recommend that they be designated as Urban Conservancy, because they meet the criteria for that environment, as noted above. Three stretches of Residential environment have low density segments in them:</p> <ul style="list-style-type: none"> - Along the area where Maplewild Avenue's NE to SW segment lies closest to the sound. - Along the area of Maplewild Avenue's north-south segment and continuing north to 152nd Place - A segment of shore near the intersection of Shorewood Dr. and 30th Ave. <p>These areas need to be re-evaluated and appropriate areas re-designated as Urban Conservancy.</p>	<p>These areas have significant residential development. It may appear highly vegetated on the aerial photos however there is a significant amount of residential development.</p> <p>It appears they are referencing the Shorewood Community Club property which in all likelihood would not be developed. It should be noted that this property does meet some of the designation criteria for "urban conservancy", however the area does also match the purpose of the "shoreline residential" environment. The shoreline permit matrix (20.30.001) allows community beaches and a conditional use in the Residential designation, while in the Conservancy designation it is listed as a prohibited use.</p>	173-26-221 [S. E] and [5.f]
3	Shoreline Permit Matrix 20.30.001, Figure 4	Commercial and Office have been deleted from Figure 4 by the SAC and section 20.30.075 Commercial, Institutional and Office was removed. These uses should be included in the table and specifically listed as prohibited uses to accurately reflect the consensus of the SAC.	This is an accurate comment and the table should be amended to include commercial and office as strictly prohibited uses.	173-26-241
4	Shoreline Permit Matrix 20.30.001	<p>We recommend including Community Services, such as government buildings/uses, schools, churches, hospitals, etc., with commercial uses, such that the category becomes Commercial Uses and Community Services.</p> <p>The definition of Commercial should be expanded to include Community Services, or a separate definition should be added.</p> <p>Regulations in several locations and also the tables include provisions for Schools, which would be similar to community services and should be treated as such.</p> <p>Community services should be limited the same as commercial uses in</p>	Allowing these uses does not fit local circumstances. Other than the existing Ruth Dykeman facility, these types of uses are not planned for shoreline areas.	173-26-241

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		their location in shoreline areas and their placement within buffers/setbacks.		
5	Shoreline Permit Matrix 20.30.001	The SMP needs to include Commercial Uses and Community Services in the development standards, which in turn need to address the SMP Guideline requirements – especially the limits on non-water-dependent uses and limits on over-water construction.	Commercial use was specifically removed at the SAC level. These uses are not allowed by the existing zoning or comprehensive planning designations. Please also see #3 above.	173-26-241
6	Shoreline Permit Matrix 20.30.001	The SMP Guidelines have specific requirements for parking. These need to be added to the table and the development standards.	It may need to be added to the table but please note there is a parking section with standards, see 20.30.100.	173-26-241 [3.k]
7	Shoreline Permit Matrix 20.30.001	Cell Towers are listed in the table, but there is no indication that they are subject to the utility standards. This needs to be clarified.	We believe this code section can be clarified.	173-26-241 [3.l]
8	Shoreline Permit Matrix 20.30.001	We also recommend that boating facilities have to be added to the use table, and development standards need to be established. The SMP Guidelines require local SMPs to deal with recreational Boating Facilities as a specific use category. These facilities (excluding docks serving four single-family residences or less) are intensely used and need special provisions for dealing with such use.	The relevant types of boating facilities for Burien shorelines are included in the permit matrix (e.g., buoys, ramps, covered moorage, docks, piers and floats).	173-26-241
9	Shoreline Permit Matrix 20.30.001	Concern is that the proposed table doesn't cover all the different land use possibilities nor all the uses and modifications listed in the SMP Guidelines – leaving gaps. - The following are uses and modifications that are missing in the use table, and also do not have development regulations: Commercial, Agriculture, Boating Facilities and Marinas, Parking Areas. - The following is missing from the table, even though they are covered in the development regulations: Shore stabilization measures other than bulkheads. - The following is allowed in the table, but has no development regulations: Forestry.	It is suggested that the following uses are added to the table and specifically listed as "prohibited". 1) Commercial 2) Agricultural 3) Forestry. It is recommended that shoreline stabilization measures other than bulkheads should be added to the table. The shoreline permit matrix table should be modified to include "Transportation Facilities <i>and</i> Parking" to be consistent with the development regulation section BMC 20.30.100.	173-26-241
10	Impact Mitigation 20.30.010	Section 20.30.010 Impact Mitigation. Regulation A states that "development and uses shall occur in a manner that results in no-net-loss of ecological functions" as required by the SMP Guidelines. However, it goes on to add that doing so is only required "to the greatest extent feasible," which implies that some loss of functions is acceptable. Such an exception to the no-net-loss standards is not found in the Guidelines, and is contrary to the concept of mitigation sequencing - which requires avoidance of impacts first, then mitigation of impacts, then replacement or compensation for any lost impacts. If ecological functions are lost, they must be replaced in full, not "to the greatest extent feasible." This phrase needs to be removed from the regulation. In the context of mitigation in the Guidelines, the term "to the extent feasible" is only used as it relates to the first two sequencing steps. Projects have to avoid and minimize	The proposed changes are recommended to be included.	173-26-201[2.e]

		"to the extent feasible." All impacts still have to be mitigated.		
11	Impact Mitigation 20.30.010	A policy link between conservation and restoration is needed. Suggested Language: <i>Policy (a) – Impacts to the ecological functions and values shall be mitigated to result in not net loss of shoreline ecological functions and process. Mitigation for impacts of new development projects should use enhancement of degraded conditions to offset the impacts of the new development near shoreline resources.</i>	Staff/consultant support the proposed change.	
12	Land Use 20.30.015	The regulations do not implement the water dependency preference. Simply restating the water dependency preferences from the SMP Guidelines does not result in preferences being implemented. The regulations need to actually do something to make that preference real. This can be accomplished in several ways: - Not allowing uses or modifications based on their lack of water-dependency in different environments. This can be done in the use table by making distinctions in different uses for water-dependency. For example, water-dependent or water related uses commercial uses could be allowed while commercial uses that do not depend on a waterfront location can be prohibited or only allowed as a conditional use. - When non-water-oriented uses and modifications are allowed, they can be required to obtain a Conditional Use Permit. This can be done in the table by using the CU entry for some environments. - More stringent development standards can be applied based on lack of water dependency.	This comment does not relate or fit local circumstances. Water dependent and commercial uses do not exist and not are planned for the shoreline areas.	173-26-176[3.a]
13	Land Use (20.30.015) or in the use table notes:	We support the idea of "Shoreline uses and modifications should be compatible with the adjoining shoreline environment and designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions." But there is no implementing regulation Suggested language: <u>"Where a use or modification may occur in the Aquatic environment as indicated in Figure 4 and in the corresponding regulations for that use, it shall also be subject to any more restrictive permit processes or prohibitions on that use or modification as indicated for the adjacent shoreland environment."</u>	This appears to make sense and should be added.	
14	Critical Areas BMC 19.40 20.30.025 [2.a]	Exemptions for stormwater, utilities and trails allowed in the CAO (BMC 19.40) should not be allowed in the shoreline jurisdiction. Exemptions for water dependent uses should however remain.	Trails provide public access and should be allowed in shoreline jurisdiction. Policy CI 9, 10 and 11 state that utility crossings in shoreline areas should preserve shoreline ecology and water quality.	
15	Critical Areas 20.30.025 (2.c)	Requests that Critical Freshwater Habitats be section be added to 20.30.025 (2.c) pursuant to WAC 173-26-221(iv) and be given equal	The guidelines do not define critical freshwater habitat for lakes. To the best of our knowledge the term "critical freshwater habitat" is not a	173-27-030

	<p>And Definitions 20.40 Fresh Water</p>	<p>protection similar to Critical Fresh Water Habitats.</p> <p>Lake Burien is considered a critical area, but there is no definition in the draft SMA of fresh-water habitat. Fresh-water habitat should be added to the SMP. Freshwater habitat needs to be defined and practiced in the SMP so there is no net loss. This can be done by identifying the habitat of birds and fish.</p> <p>The protection of freshwater habitat is not mentioned in the SMP. According to the consultant, it was not included because they do not know how to define it. Research has been done and scientists consider freshwater habitat definable by threatened species that use the area as well as by what were and are the continued native species that currently use the area.</p> <p>The overall goal of the SMP is to protect the ecological function of the shorelines of the State that are located within the boundaries of the City of Burien. Small, fresh water habitats are in far shorter supply on this planet compared to saltwater habitats and should be afforded greater, if not, equal protection. Critical freshwater habitat of Lake Burien is recognized in the SMP, but no definition is provided. However, it does define a critical saltwater habitat. This suggests that protecting the freshwater habitat is of less importance than protecting saltwater habitat.</p>	<p>term that is used by the scientific community or Department of Ecology. However it should be noted that fresh water is partially protected through the existing Critical Areas Ordinance (BMC 19.40), primarily in the wetlands and streams sections. Note that Lake Burien has been identified as a Category 4 wetland (BMC 19.40.300[4.A.iv]). The Critical Areas Ordinance has been adopted by reference in the proposed Shoreline Master Program regulations section.</p> <p>The Shoreline Advisory Committee acknowledged the protections needed for fresh water by including provisions to protect freshwater habitats through the SMP, including but not limited to: dock materials, vegetation conservation, setbacks, and buffers.</p>	
16	<p>Critical Areas 19.40.300 20.30.025 [2.a]</p>	<p>BMC 19.40.300 excludes small wetlands from protection. This provision needs to be excluded from the parts of the CAO incorporated into the SMP.</p>	<p>Comment noted. Wetlands within shoreline jurisdiction will be protected or mitigated consistent with provisions in Title 19.40.</p>	173-26-221[2.c.i]
17	<p>Critical Areas 19.40.300[3,4] 20.30.025 [2.a]</p>	<p>The wetland rating system needs to be changed to use the current science for wetland protection. We recommend the use of Ecology's <i>Washington State Wetland Rating System for Western Washington – Revised</i>.</p>	<p>The SMP inventory on pg. 9 discusses the sources used for wetland identification that included the City of Burien CAO, King County GIS data, National Wetland Inventory, Ecology's Digital Coastal Atlas, WDFW Priority Habitat, and a 2005 report for Seahurst Park.</p>	173-26-221[2.c.i]
18	<p>Critical Areas BMC 19.40 20.30.025 [2.a]</p>	<p>Storm water and utility alterations to streams, wetlands and their buffers should be required to mitigate or impacts – currently facilities only have to repair damage to the pre-damage condition, not compensate for the new impacts from corridors or facilities....</p>	<p>BMC 20.30.105 (2.k) requires reclamation and maintenance to ensure success of newly planted vegetation.</p>	173-26-221[2.c.i]
19	<p>Critical Areas 19.40.310 – 350 20.30.025 [2.a]</p>	<p>Stream and Wetland buffer reductions should require that the option of buffer averaging be tried first. To implement the mitigation sequencing concept.</p>	<p>Comment noted. Wetlands within shoreline jurisdiction will be protected or mitigated consistent with provisions in Title 19.40.</p>	173-26-221[2.c.i]

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20	Shoreline Public Access Element 20.20.015	Increasing the amount of public access will not achieve the "no net loss standard"; improve the ecology of the Lake or Puget Sound. If access is granted things such as milfoil will be introduced to the lake. There are no data or analysis of the lake, its water quality, and carrying capacity to support the assumption that public access will do no harm and cause no net environmental loss. (See Turtle v. Fitchett upholding objections to public use on Lake Burien, 1930).	<p>The issue of access was discussed during the Shoreline Advisory Committee meetings. There was a specific policy decision to address access as shown in the Shoreline Advisory Committee Shoreline Master Program draft. There is specific policy that addresses how access is to be provided. Please see SMP policies: PA 3 and PA 4.</p> <p>Public access to shorelines of the state is generally required by the SMA. The Shoreline Master Program Guidelines state....</p> <p><i>173-26-176 (2) General Policy Goals of the Act and Guidelines for Shorelines of the State. "The policy goals for the management of shorelines harbor potential for conflict. The Act recognizes that the shorelines and water they encompass are "among the most valuable and fragile" of the state's natural resources. They are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research and education. Thus, the policy goals of the Act relate both to utilization and protection of the extremely valuable and vulnerable shoreline resources of the state. The Act call for the accommodation of "all reasonable and appropriate uses" consistent with "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life and consistent with "public rights of navigation." The Act's policy of achieving both shoreline utilization and protection is reflected in the provision that "permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water." RCW 90.58.020</i></p> <p>An existing policy statement (PA 9) addresses the concern regarding the process by which public access points are designed improved or created. This provides guidance on the public process to ensure that it is designed consistent with the policy intent and address neighborhood concerns.</p>	RCW 90.58.020 173-26-176 [2] 173-26-221[4]
21	Shoreline Public Access Element 20.20.015	<p>Access will increase littering, vandalism, property destruction. There are already access points available to the public and it would be expensive to fund and maintain that which is proposed in the plan. The plan should include language to assure that before any changes are made the residents of those areas be given:</p> <ol style="list-style-type: none"> 1) Notice of any specific plans that the City may already have and adequate opportunities to respond and express concerns about impacts of those plans on the community. 2) Opportunity to be involved in decisions affecting our communities BEFORE specific plans are made. 	<p>The issue of access was discussed during the Shoreline Advisory Committee meetings. There was a specific policy decision to address access as shown in the Shoreline Advisory Committee Shoreline Master Program draft. There is specific policy that addresses how access is to be provided. Please see SMP policies: PA 3 and PA 4.</p> <p>Policy language exists (PA 9) that provides direction on public involvement when shoreline projects are being planned.</p>	173-26-241

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		3) Opportunity to offer alternative ideas or suggestions to reduce the impact o any such plans on the residents of affected communities, their private property, and their safety and well-being.		
22	Shoreline Public Access Element 20.20.015 & Public Access 20.30.035	Determinations of adequacy of public access should be based on individualized analysis of the water body to determine if a policy can be appropriately applied.	Please see #'s 20 and 21 above.	
23	Public Access 20.30.035.2.e (pg IV-8)	The words 'historically significant community' should be to the added to the regulation. Comment was related to (SW 172 nd Street)	It is unclear what is intended by the comment and how it would affect the implementation of the regulation.	
24	Public Access 20.30.035.2.e (pg IV-8)	No net good will flow to the City through public access to Lake Burien. No net good will come to the Lake from providing public access. Harm will occur to Lake Burien through public access. Therefore, there is no rational reason the City could have to provide public access to Lake Burien. Including Lake Burien in the reaches that the City should attempt to provide public access is very problematic and jeopardizes the Lake and the City.	Please see # 20 above and # 25 below.	
25	Public Access 20.30.035.2.e (pg IV-8)	A major factor to Lake Burien's health and freshwater habitats is the low impact of human use. Opening up Lake Burien to unrestricted access threatens to impact the water quality of the lake as well as any unintended consequences downstream such as Miller Creek in Normandy Park. The Shoreline Master Program must play a key role in protecting the critical freshwater habitat of Lake Burien by not allowing unfettered, unregulated public access.	No new public access is being proposed. Public access is described in Policy section 20.30.035 as "Public access includes physical access or the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Access with improvements that provide only a view of the shoreline or water, but do not allow physical access to the shoreline is considered visual access." In addition, any access that may occur in the future should follow the policy direction contained in the shoreline master program.	
26	Public Access 20.30.035.2.e (pg IV-8)	There was a drive to provide public access to all reaches of Burien shorelines without regard to impacts.	The issue of access was discussed during the Shoreline Advisory Committee meetings. There was a specific policy decision to address access as shown in the Shoreline Advisory Committee Shoreline Master Program draft. Many of the policies provided in the SMP are taken from the existing comprehensive plan. Eight (8) of the 14 goals and policies in the SMP are taken directly from the comprehensive plan and one (PA 5) was a comprehensive plan that was modified by the SAC.	
27	Public Access 20.20.015 20.30.035	Public access can be defined as physical or visual. Why is physical access being the only one discussed for Lake Burien?	Public access is described in section 20.30.035 as " <i>Public access includes physical access or the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Access with improvements that provide only a view of the shoreline or water, but do not allow physical access to the shoreline is considered visual access.</i> "	

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			Sections regulating access do not specifically state that access must be "physical".	
28	Public Access 20.35.035	Items a, b, and c need to be clarified that existing property along SW 172 nd Street is not impacted or disturbed in any way in order to provide physical or visual access to the water. Reference to "unused right-of-way" in item c should be removed from the document.	Comment noted but no changes are recommended.	
29	Public Access 20.20.015	Parking is limited at some access points and infringes on parking of existing residents.	There are existing policies in the comprehensive plan as well as the SMP that address provision of parking and the design of access areas as well as impacts to adjoining properties. See PA 3, PA 4 and PA 8.	
30	Public Access 20.20.015	This is not a plan, it serves as guidelines for any plans that are made. There needs to be assurance in the SMP that residents of affected communities are involved in the development of any plans and there needs to be assurances that there is sufficient funding for such plans.	Please see # 20 above.	
31	Public Access 20.30.035[2.a]	This section references RCW 35.79.035 but this only concerns limitations on vacations of streets abutting bodies of water.	The RCW sets forth limitations on Cities with regard to vacations of rights-of-way abutting bodies of water. The emphasis of including the reference is on the phrase "maintain, enhance and preserve...access". It provides a connection to the state law regarding any consideration of vacating the public rights-of-ways abutting bodies of water.	
32	Inventory, Flood Hazard Reduction 20.30.030	Section 10.5 Lake Burien in on in the 100-year flood plain and there are no landslide or seismic hazards associated with the lake therefore there is no reason to reference the weir at the lake outlet. Item F in 20.30.030 should be removed.	The weir exists within shoreline jurisdiction and must be periodically maintained. It is appropriate to include this in the SMP. The proposed language removed the notion of the City having an obligation to maintain the weir. The change from the SAC draft to the current version was following discussion with the city legal department. The Lake residents have stated that it is their desire to maintain the weir and this policy change would remove any reference to city having an obligation to do so, it also removes the notion that the City will use this as a method to gain access to the lake.	
33	Shoreline Vegetation Conservation 20.30.040	There is no general statement that vegetation removal in the buffer is not allowed without shoreline review. More language is needed to cover different vegetation alteration situations. Suggested Language: <i>b. Alterations to vegetation within shoreline jurisdiction (except for the maintenance of existing or approved conditions) are not allowed without shoreline review. When allowed, alterations to the vegetation shall result in no net loss of shoreline ecological value or function.</i> <i>c. Alterations within the shoreline vegetation conservation buffer shall provide mitigation for new impacts of the development, and shall only be allowed through approval of a vegetation management plan. Mitigation should take the form of vegetation enhancement and</i>	Vegetation alterations require review pursuant to 20.30.040(2.b). There appears to be a mistake in the outline numbering used in the comment letter. b is a, c is b. The correct nomenclature is used below a. Staff/consultant can support this clarification. b. Staff/consultant are not sure the term "enhancement" can be used. OK it focuses the re-vegetation in the area that is the most beneficial to the functions and values.	

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		<p><u>improvements to ecological functions. The plan shall be prepared by qualified professional and shall be consistent with the provisions of this chapter and BMC Chapter 19.40. At a minimum, mitigation shall include:</u></p> <p><u>i. Revegetation of degraded buffer areas within 20 feet of the ordinary highwater mark (or top of shore armoring if applicable) or wetland edge with dense native vegetation meeting the standards of paragraph (b)(iii-iv), below. The Administrator may require wider widths or other improvements to mitigate greater impacts.</u></p> <p><u>ii. The above revegetation area may be modified using area averaging when existing structures encroach into the 20 foot width, when access through the area to waterfront facilities is needed, or when water-dependent activities need to take place in the area.</u></p> <p><u>d. Within a shoreline riparian buffer as set forth in BMC 20.30.050 alterations shall comply with the following;</u></p> <p><u>i. The applicant shall provide a vegetation management plan prepared by a qualified professional; and</u></p> <p><u>ii. At least 75% of the buffer area shall be <u>revegetated, where it is degraded;</u></u></p> <p><u>and</u></p> <p><u>iii. Where vegetation is proposed within the buffer it shall be provided at a density to mimic natural conditions rather than a landscaped yard; and</u></p> <p><u>iv. Vegetation planting areas shall consist of a mix of native trees, shrubs and ground cover – <u>lawn is not an acceptable groundcover;</u></u></p> <p><u>and</u></p> <p><u>v. When alterations are proposed within a buffer, the end result shall be no loss of vegetated areas; and</u></p>		
34	Conservancy Park/Restoration Pol. REC 9 (pg II-7)	Seahurst Park North Seawall Removal – could debris be place at 60-80' depth off park as an artificial reef? Ex: reef of Des Moines Marina/Pier was enhanced as a marine life environment	Seahurst Park has an approved Master Plan. The plan does not include an artificial reef and a component however when the plan is updated or reconsidered this project could be considered.	
35	Dimensional Standards 20.30.050 (Fig. 5) (pg IV-12)	Lots adjacent to Lake Burien should be rezoned back to 12,000 square foot minimum lot size to protect the health of the lake or a method should be created to limit development based on shoreline footage.	Pursuant to WAC 17-26-211 (3) "local comprehensive plans constitute the underlying framework within which master program provisions should fit." Therefore zoning and comprehensive plan changes were not included in the scope of the update process.	WAC 17-26-211 (3)
36	Dimensional Standards 20.30.050 (Figure 5)	The buffer width for the Urban Conservancy area should be a science based buffer which is at least 100 feet wide (150 feet preferred).	We could support this change; however future developments in Seahurst Park will be the most affected. It appears only one SFR would be impacted, which is	

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	Shoreline Buffers 20.30.055 (1)		located south of the Park.	
37	Restoration	There needs to be a funded monitoring program to watch the water quality/fresh-water habitat on Lake Burien. None is currently written into the SMP.	Suggested that this could be included, but need to identify the specifics of what should be monitored, by whom and if there is a funding source.	
38	Shoreline Buffers 20.30.055	There doesn't appear to be a policy for how vegetation is to be protected. A policy needs to be provided or supplemented the provides a foundation for the vegetation and setback regulations, and describes the SMP's strategy for riparian vegetation	A policy could be added to clarify the relationship between vegetation protection and the associated strategy.	
39	Bulkheads and Other Shoreline Stabilization Structures 20.30.070	Shore stabilization standards should be in the general standards section with other environmental protection standards. A project proponent, and perhaps even staff, may not normally go the shore stabilization section for find standards about avoiding shore stabilization.	Comment noted but no changes are recommended.	
40	Docks, Piers and Floats 20.30.075	The policies and regulations in Section 20.30.075 do not refer to docks and piers together consistently... These facilities need to be treated the same, especially for standards that allow or don't allow them.	The code should be amended to include both facilities having similar regulations.	
41	Docks, Piers and Floats 20.30.075 Alteration or Reconstruction of Nonconforming Structures or Uses 20.35.045 (FW)	The issue of repair and replacement is not addressed as it relates to bringing piers and docks into conformance with the code as substantial parts are replaced over time. We recommend that you supplement the materials to fully address the issues. The City of Kirkland and City of Kent have thorough piers/docks provisions that we recommend you use as templates.	We could research additional guidance if requested by the Planning Commission. The Shoreline Advisory Committee did not discuss this.	
42	Dimensional Standards for Shoreline Development 20.30.050 & Shoreline Buffers 20.30.055	Saltwater reaches have been treated similar to fresh water reaches.	Saltwater reaches were treated differently than freshwater reaches. Saltwater and freshwater reaches have different buffer widths, 50 feet for saltwater and 30 feet for fresh water.	
43	Dimensional Standards for Shoreline Development 20.30.050 & Shoreline Buffers 20.30.055	Requesting that the issue of reduced lot size and buffers around the lake need to be analyzed to ensure there is no net loss of ecological functions pursuant to WAC 173-26-221 (2.b.iv), and c, I and A, B, C, D and WAC 173-26-201 (2.e). Request that this issue be addressed in 20.30.050 and 20.30.055 or as a zoning issue.	See # 35 above, responding to zoning and comprehensive plan land use related comment. In addition see response to potential conflicting policy goals of the SMA and uses adjacent to shorelines (173-26-176[2]). The Act's policy objective is to achieve both shoreline utilization and protection.	
44	Docks, Piers and Floats 20.30.075	The piers/docks section needs to address the problem of the proliferation of boating structures, as required by the SMP Guidelines; 8 and we recommend adding specifics to better guide how it's done. This is a primary issue for us, as it is needed to protect the shoreline	<ol style="list-style-type: none"> 1. Staff and consultant do not object to including this language. 2. Staff and consultant support the inclusion of this language. 3. Staff and consultant support the inclusion of this language. 	

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		<p>functions. We recommend the following new regulation to reduce proliferation through a comprehensive strategy that addresses all aspects of piers and docks. Avoid the proliferation of pier/dock & boating structures through the use of mitigation sequencing, using the following preference criteria:</p> <ol style="list-style-type: none"> 1. New single family residential subdivisions may only use shared or community facilities. Such facilities should have limits on their size, and single-user structures are not allowed. 2. For existing single family residential lots: <ul style="list-style-type: none"> - Non-waterfront lots may not have boating structures, but rather must use a marina, community, or public facility. - Waterfront lots first should try to share nearby existing facilities or use nearby public facilities. When that is not possible, new facilities shall be shared with adjacent or nearby lots that do not have facilities, if there are any present. Cost sharing or late-comer agreements, similar to those used for shared roads, driveways, and utilities shall be established as necessary. 3. Multi-family development is not water-dependant, and may not have such structures, unless permitted as a Boating Facility use. 		
45	Residential Development 20.30.095	<p>The residential standards need to be supplemented to address accessory uses and facilities, such as utilities, transportation, recreation, etc. Mitigation sequencing needs to be built into these provisions: avoid first, then minimize, then compensate. We recommend that:</p> <ul style="list-style-type: none"> • -Non-water-dependent facilities (storage sheds, decks, driveways, utility lines, entertainment decks/patios) should meet the buffer/setback. • -Only water dependent facilities (crossings, boat facilities, etc.) should be within the setback/buffer. • -Waterfront facilities should be co-located with each other to reduce the footprint of the facilities. • -Water-dependent facilities should be minimized, rather than maximized (smaller dock rather than larger dock, boat slip rather than boat garage, pocket swim area rather than frontage-wide swim area) 	These appear to be good clarifications and should be included in the document.	
46	Residential Development 20.30.095(c)	<p>The Common Line Setback and buffer reduction process (Regulation (c)) allows buffers smaller than those in the buffer table. However, this provision needs to be clear in reminding the reader that they still must meet the vegetation conservation and mitigation standards.</p>	Clarification could be added but it may not be needed, the development regulations apply and require vegetation management and that development comply with the no net loss standard.	
47	Residential Development	<p>The common line setback provision needs to be limited to only the</p>	The code section specifically references "residential development". It however	

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	20.30.095[c]	Residential environment, where the situations it is designed for are prevalent.	could be expressed more clearly and directly.	
48	Residential Development 20.30.095(2.C.ii)	This section should not make a difference if the shoreline resident lives next to a vacant lot. The proposed restrictions for reconstruction next to an empty lot would leave little or no property upon which to rebuild for many property owners. Undeveloped green space should not be a punishment to current adjacent homeowners. They should be allowed to rebuild after a disaster within their current existing footprint, including deck overhangs beyond existing foundation or pilings supporting decks.	The City proposed code allows the reconstruction of non-conforming structures in their legally established location (see # 52 below). The common line setback line scenario that is provided would only apply when a structure is proposed to constructed or expanded. In addition, there always is an opportunity to apply for a shoreline variance, however the project must meet the applicable criteria.	
49	Residential Development 20.30.095[2.i & j]	This section needs to strengthen the proposed requirements for sharing facilities, otherwise it will not happen. This is part of the first and second steps in mitigation sequencing – avoidance and minimization of shoreline development. Suggested Language: <i>Stairs and trams to the beach are allowed, except on feeder bluffs, provided the project proponent demonstrates that existing shared, public or community facilities are not adequate or available for use and the possibility of a multiple-owner or multiple-user facility has been thoroughly investigated and is not feasible. New facilities shall be shared with adjacent properties that do not already have such facilities, and shall include shared maintenance easements and agreements as necessary. Only one stair or tram system is allowed – duplicate facilities are not allowed.</i>	The City could support this language, although it is very unlikely that adjacent property owners will share a beach tram or stairs (too many legal issues could be involved)	
50	Exemptions from Shoreline Substantial Development Permits 20.35.025[4.B]	The exemption for Repair and Maintenance includes provisions for when replacement is an acceptable means of repair. A statement should be included: <u>“The need for replacement resulting from a neglect of maintenance and repair is not considered a common method of repair.”</u>	Staff and the consultant have no objections to the proposed language.	173-27-040(2)(b)
51	Letter of Exemption 20.35.030.1	Section 20.35.030.1 Letter of Exemption, General states: “Applicants for other permits or approvals must obtain a written letter of exemption.” We recommend that for ANY development project subject to the SMA that might qualify for an exemption, the city should document what is being authorized in a Letter of Exemption. This provides documentation of compliance to the applicant. It also helps the city track the development occurring on its shorelines. So we recommend that “Applicants for other permits or approvals” be deleted and “Persons requesting an exemption” be substituted in Section 20.35.030.1.	The City has no objection to the proposed change in language.	173-27-050(1)

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52	<p>Alteration or Reconstruction of Nonconforming Structures or Uses 20.35.045(3) 20.35.045(4)</p>	<p>Foundation walls should include allowing existing homes and their deck structures to be rebuilt to set overhang beyond the existing deck piers. If damage occurs to the residence, property owner should be allowed to rebuild exactly as structure was before damage. A policy should be added to SMP that Burien will not see a re-build as a 'take-away' & that reconstruction is not viewed as a harm to the community's 'no net loss' goal.</p>	<p>The existing language of 20.35.045 could be improved to clarify the intent of the regulations, which is to allow reconstruction of legally established structures in the same location so long as there is no net loss of ecological functions.</p> <p>Non-conformance thresholds were taken from the existing non-conforming chapter in the Burien zoning code. The decision to use the language in the draft SMP was to treat non-conformances citywide the same. Consistency with other local regulations was the approach. Consistency avoids confusion on the issue on nonconformance. Please see BMC 19.55.030[3.B], for the source used as a basis for determining the non-conformance threshold. It contains the 50% threshold. It should also be noted that the existing SMP contains the same 50% threshold; however it is based on market value.</p> <p>Proposed Revision</p> <p>4. Reconstruction. A nonconforming structure which is destroyed, deteriorated, or damaged more than 50% of the assessed value of the <i>nonconforming structure</i> as established by the most current county assessor's tax roll at present or at the time of its destruction by fire, explosion, or other casualty or act of God, may be reconstructed only insofar as it is consistent with existing regulations and the following:</p> <ol style="list-style-type: none"> a. The structure must be located landward of the ordinary high water mark. b. The area between the nonconforming structure and the OHWM shall meet the vegetation conservation standards of this Master Program. c. The remodel or expansion shall not cause adverse impacts to shoreline ecological functions or processes. d. The action shall not extend either further waterward than the existing primary residential structure (not appurtenance), further into the minimum side yard setback, or further into the riparian buffer than the existing structure. Encroachments that extend waterward of the existing residential foundation walls or further into the riparian buffer, or the minimum required side yard setbacks require a variance. e. An application is filed to reconstruct the structure within 18 months of the date of the damage. <p>Policy question: Should the reconstruction of non-conformances only apply to dwelling units and not accessory structures such as sheds and garages?</p>	173-27-080
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52 A	Alteration or Reconstruction of Nonconforming Structures or Uses 20.35.045(3) 20.35.045(4)	Concern was expressed regarding the language relating to expansions and the language was unclear.	<p>The suggested language should add further clarity and align with terminology used in the zoning code.</p> <p>20.35.045 Alteration or Reconstruction of Nonconforming Structures or Uses</p> <p>4. Expansion. Enlargement or expansion of single family residences less than 500 square feet of roof area building <i>coverage</i> may be approved by a shoreline substantial development permit subject to the criteria listed in this section. Enlargement or expansions of a single family residence greater than 500 square feet of roof area <i>building coverage</i> by the addition of space to the primary structure or by the addition of normal appurtenances as defined in <u>Section 20.40 20.40.000</u> that would increase the nonconformity and/or encroach further into areas where new structures or developments would not be allowed under this Master Program may be approved by a shoreline conditional use permit if all of the following criteria are met:</p> <p>The existing definition of building coverage in the zoning code is as follows;</p> <p>BMC 19.10.050 <i>Building coverage</i> – The percentage of the area of a lot that is covered by the total horizontal surface area of the roof of a <i>building</i>.</p>	
53	Stormwater	Burien should make a policy to regulate grass and lawns for all Burien property owners, not just property owners on the shoreline. Most stormwater run-off flows to the Puget Sound and all property owners should be treated equally.	The jurisdiction of the Shoreline Master Program is the upland area within 200' of the ordinary high water mark as well as any associated wetlands and therefore this document can not regulate all other properties in Burien.	
54	Shoreline Advisory Committee	The Citizen's Advisory Council (CAC) composition and affiliations were not documented in the SMP nor the notes. There was a lack of proper notion of consensus of people who live in Burien.	The comment has been noted and an acknowledgements section was always envisioned and will be added to the Shoreline Master Program in future drafts.	
55	Process	Public participation promised was not delivered by City planner et al. Lack of promised public participations during the early stage of the process.	There were several opportunities and more opportunities to come for public participation. There were two open houses, nine (9) Shoreline Advisory Committee meetings and a public hearing with the Planning Commission. There will be additional public hearings with the City Council, as well as a public hearing with the Washington State Department of Ecology.	
56	Process	Poor method of documenting what was said in the meetings to the point that much of the important stuff was lost and much was misquoted.	Meeting summaries were compiled at each Shoreline Advisory Committee. After the meeting, the summaries were prepared and included in the next meeting's packet for the Shoreline Advisory Committee to review, comment on, and approve/disapprove. All meeting summaries were approved by the Committee.	
57	Technical documents	All decisions about the use of critical areas are not required to be based on the Best Available Science about the critical area. Not once during the process of preparing the SMP Update has the Lake Steward	There were presentations to the Shoreline Advisory Committee on the shoreline inventory to specifically ensure that it accurately captured the best information available. The inventory and shoreline characterization were	

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		for Lake Burien been contacted by the City of information about the lake with regard to: water quality practices, noxious weed control, studies on the lake residents have been involved in, flood issues, operational aspects of the weir, threatened species that use the lake, habitat areas used by threatened species, rules that neighbors follow that protects the lake, historical data about the lake, or a basic tour of the lake.	vetted during that process. In addition other attendees that had opportunities to review the inventory and characterization reports to pursue accuracy and thoroughness of the documents. The Lake Steward was a member of the Shoreline Advisory Committee.	
58	Land use	The saltwater waterfront lot size on the shorelines of Puget Sound is zoned RS-12,000. The freshwater waterfront lot size on the shorelines of Lake Burien is zoned as RS-7,200. As a result, the city is allowing that the land around Lake Burien develop to a higher density that it is requiring for land development on the Puget Sound. Since small, freshwater habitats should be afforded greater, if not equal protection. This seems to be just the opposite and contrary to the intent of the SMP to protect the ecological function of Lake Burien's shoreline.	Whether the zone is RS-12,000 or RS 7,200, the Shoreline Master Program requires all development to obtain no net loss. In requiring no net loss associated with development, the ecological functions of all shorelines are being protected. Please also see # 35 above.	
59	Inventory 1.2	Section 1.2 of the inventory refers to supporting sources in the Bibliography, Section 7, Appendix A. There is a stated lack of reference for Lake Burien reach. Lacking evidence of any and every kind is not a scientific baseline as required by law, practice, and precedence.	The SMP inventory was accepted by Ecology as adequate to establish the baseline conditions. The inventory research also included King County lake information for the Lake Burien, as well as, the Lake Burien Shore Club online inventories and description of fish, birds and wildlife using the lake.	
60	Inventory 1.4	Section 1.4 of the inventory contains a typographical error for perimeter measurement of the lake. Source of the measurement is not cited.	Comment noted. The inventory table will be corrected.	
61	Inventory 2.1	Section 2.1 a statement challenging the studies and methods that resulted in the assessment for Lake Burien an all reaches of Burien. The studies referenced are too general and is not use full as a base line for impact assessment.	The SMP inventory was accepted by Ecology as adequate to establish the baseline conditions.	
62	Inventory 10.5	Section 10.5 there are no document at all on the wildlife, resident or migratory of Lake Burien, there are no documents for flora or fauna noted in this or any document associated with the SMP of are of any detail that would allow for baseline adjudication against future status and conditions.	King County lake information for the Lake Burien watershed was studied, including water quality data and aquatic plants and fish. In addition, the Lake Burien Shore Club online inventories and description of fish, birds and wildlife using the lake was researched and evaluated.	
63	Inventory	The shoreline inventory is incomplete because WAC 173-26-201 (2) a., states that relevant parties should be contacted for available information. The Lake Steward was not contacted for any information about the lake.	The Lake Burien Shore Club online inventories and description of fish, birds and wildlife using the lake was researched and evaluated. A representative of the club was a regularly attending member of the Shoreline Advisory Committee.	
64	Inventory	There were also no site visits to confirm the conditions and the inventory is inaccurate and incomplete with regard to fish and wildlife habitat, migratory species and vegetation.	The consultant team visited the site several times in 2007 and 2008 to confirm site conditions.	

65	Inventory	The section on Wetlands shows Lake Burien as Category 2 with a 100 foot buffer and the SMP has a 30 foot setback with a 15 foot buffer.	This was a typographical error in the inventory. The Cumulative Impacts Analysis evaluated the lake as a category 4 wetland and utilized the 30 foot buffer in the evaluation.	
66	Inventory	There is no connection made between the lake outlet waters and the Miller/Walker stream basin. Request that additional scientific information and management recommendations be added to the Shoreline Inventory per WAC 173-26-201, (2)(a)(i-iii).	The consultant team did evaluate the Miller/Walker stream basin and Figure 2 in the shoreline inventory depicts the hydrologic connection.	
67	Public Access Policies ALL 5 and PA 3	Request that wording the Policies ALL 5 and PA 3 be amended to correctly define public access and include the requirement to protect private property and public safety.	Comment noted these policies are the consensus of the SAC and the Planning Commission may consider amendments to address the comment. There is an existing goal and policy that addresses the topics of protection of private property and public safety (Goal PA, Policies PA 3, REC 6)	
68	Recreation Policy REC 3	SMP policy REC 3 should have the word "public" inserted to reflect the correct area being discussed.	Comment noted however the policy currently refers to both private and public lands. The Planning Commission may consider amendments to address the comment.	
69	Recreation Policy REC 2	SMP policy REC 2 should be changed to read "Favorable consideration should be given to proposals which complement their environment and surrounding land and water uses, and which leave the natural areas undisturbed and protected with no net loss of ecological functions."	Staff and the consultant have no objection to the proposed language.	
70	Policy USE 8	Request that this policy be re-examined with regard to Lake Burien.	Comment noted this policy reflects the consensus of the SAC and could be considered by the Planning Commission.	
71	Policy USE 17	Request that the term "joint-use activities" be better defined.	Comment noted, no changes recommended.	
72	Stormwater	There are claims that there are holding tanks that protect the lake form impervious surface runoff and non point pollution and the diagrams in the SMP do not match these claims.	The diagrams in the appendix are based on the best available information in the city data base. Private stormwater detention tanks, if they exist, may not be captured at this time in the city stormwater system inventory.	
73	Inventory and Cumulative Impact Analysis	There is a high level of re-development potential around the lake due to its current zoning. This development potential was not adequately captured in the inventory or cumulative impacts analysis.	See # 35 above	
74	Cumulative Impact Study	The Cumulative Impacts Analysis is incomplete in does not examine the impact of redevelopment in the Lake Burien area based on zoning and a 30 foot rather than a 100 foot buffer. An improved study is needed to reflect the impact of new development, increased access.	See # 35 above	
75	Best available science. 19.40.060 (pg 40-4)	Best available science pursuant to 19.40.060 (pg 40-4) appears to be lacking.	Best available science is described in WAC 173-26-201 (2) (a) as: "Base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available.	
76	Existing Structures	Nothing in the document should be allowed to negatively impact property or existing structures that were present before this act is approved.	Comment noted.	
77		The City must also follow its own rules in shorelines.	Comment noted.	
78		What date is 'no net loss' measured from?	Generally, 'no net loss' is measured using the shoreline inventory document,	

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79	Land Use/Zoning	Fresh water is a very scarce and valuable resource. Freshwater, wetlands, and aquifer recharge areas need protection from over-development if they are to remain clean and useable for things. At some point in time in order to satisfy King County's density requirements, the City of Burien rezoned the land surrounding Lake Burien to the lot size of 7,200 square feet without thoroughly analyzing the impact it would have to this critical area.	which was completed in March 2008. Past Comprehensive Plan land-use decisions are not part of the scope of this Shoreline Master Program update. See #35 above.	
80	Lake Burien	The City should remove all language associated to Lake Burien, relying instead on the rest of the regulations of the City, such as the Critical Areas Ordinance and building codes. All notion of controlling Lake Burien through the Shoreline Master program should be removed. The private property owners on the lake will always take action in the best possible health of the lake, its shorelines, and the flora and fauna in and around it.	The Shoreline Management Act and associated update guidelines require the City to apply the provisions within the shoreline jurisdiction which includes Lake Burien. Therefore removing any reference to the Lake Burien would not be consistent with the Washington State Shoreline Management Act or the Shoreline Master Program Update Guidelines.	
81	Restoration	What are the restoration projects beyond Eagle Landing and Seahurst Park? What is the process of adding new projects? What is the process for clarifying the intent of the overly generalized verbiage used in the direction statements which appear throughout the document?	Please see the restoration appendix. Typically city projects are evaluated and prioritized through the Capital Improvement Program process which is done in coordination with adoption of the city budget.	



CITY OF BURIEN

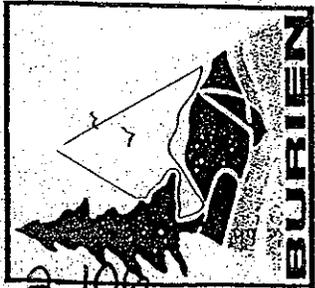
Planning Commission Public Comments*

Please limit your comments to 3 minutes.
Total Public Comment period shall not exceed 30 minutes.

Date: Feb. 9, 2010

SUBJECT	YOUR NAME	YOUR RESIDENCE ADDRESS	CITY/STATE/ZIP	PHONE
The Blvd	Maryj Brendsten	3160 SW 172nd	Burien, WA 98146	206 444 4613
The Blvd	Larry Brendsten	3100 SW 172nd	Burien WA 98146	206 444 4613
	William Cogger	15227 28 SW		206-246-0100
Beach access	Denise Burdette	15631 Maplewild	Burien 98166	206 660 6323
SMP	Nancy Tosta	15931 Maplewild Ave SW	Burien, 98166	206 246 4688
SMP	Darwood Smith	1201 SW 152nd St	Burien 98166	206-218-5673
Shoreland	Robert Howell	15240 20th Ave SW	Burien 98166	206 948-1311
AVA Road	Randy Howell			
Shoreline	CAROL JOHNSON	3324 SW 170th	Burien	246 8700
Shoreline	Steve Lemons	16215 Maplewild Ave	"	241-9825
Shoreline	Keith Robinson	15219 28th	Burien	206 246 5962
RECREATION	RANDY COPPEN	16213 MAPLEWILD AVE SW	BURDEN 98166	206 246 5727
SHORELINE		16425 Maplewild Ave SW	Burien	206 244-0282
Ann and Stuart	Ed Hoyle & Terry Hoyle	15217 25th		

Names and addresses can be made available to the public upon request.



CITY OF BURIED

Planning Commission Public Comments*

Please limit your comments to 3 minutes.
Total Public Comment period shall not exceed 30 minutes.

Date: Feb 9, 2010

SUBJECT	YOUR NAME	YOUR RESIDENCE ADDRESS	CITY/STATE/ZIP	PHONE
Barbara Trenary	BARBARA TRENARY	16215 MAPLE WILD AVE SW	BURIED, WA 98146	206-248-9645
Dave & Bob Cobbia	DAVE & BOB COBBIA	2613 So 172nd St	BURIED WA	248-2741
	AUDREY MILD + PETERSON	16747 Maplewild SW	Burien, WA	206-244-1697
Lance Pedery	LANCE PEDERY	13819 Maplewild SW	BOILER	206-243-5603
Shoreline Planning	LARRY MOORMIER	12915 STD LAKE SW	BURIED	206-244-7346
Shoreline	JASON PACHES	2323 SW 172nd	BURIED WA	503-756-8439
SMP	Kathy Skarbo	1621 SW 152nd St	Burien, WA 98146	206-242-9874
	SCOTT DAVIS	12265 Shorewood Ave SW	BURIED 98148	206-246-3412
	Jon Hatley	12267 Shorewood Ave SW	"	206-600
	Fred Hartzell	12909 Starbuck Ln SW	Burien	
SM SMP	Brian O'Meara	1808 SW 15th St	Burien	206-206-2663
SMP	Linda Klein	1600 SW 15th St, Burien	"	206-248-0722

* Name and addresses can be made available to the public upon request.



CITY OF BURIEN

Planning Commission Public Comments*

PLEASE INFORMATIVE

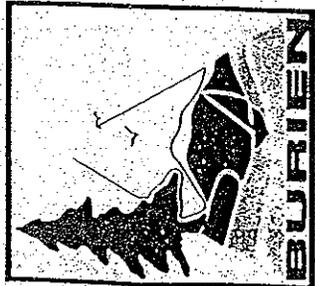
Please limit your comments to 3 minutes.

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Date: Feb. 9, 2010

SUBJECT	YOUR NAME	YOUR RESIDENCE ADDRESS	CITY/STATE/ZIP	PHONE
	Steven P. Korman Res	16611 Madison Rd	98662-2118	509-835-1111
	Ron + Kathy Harmon	3316 SW 172nd Burien 98146		
	Allyson Terry Tennant	3143 SW 172nd		
	KATHY KORBACH	2685 SW 172nd Burien	98146	248-8707
REPRODUCTION SYGWHO.COM	ROSIE PROBECH	16047 MARLENE DR	98146	8701
SMP	Douglas Sykos	15221 28th Ave SW (888-333)	98062	206-248-2017

* Name and addresses can be made available to the public upon request



CITY OF BURRIEN

Planning Commission Public Comments*

Please limit your comments to 3 minutes.
Total Public Comment period shall not exceed 30 minutes.

Date: Feb 9, 2010

SUBJECT	YOUR NAME	YOUR RESIDENCE ADDRESS	CITY/STATE/ZIP	PHONE
	Marge Boyle	2085 SW 172nd St	Burien 98146	206-241-8701
	MJ Demack			
	Marge Boyle			
Winter Shoreline Beach	MJ Demack	1603 SW 152 St	Burien WA	98146
	Marge Boyle	3108 SW 172nd	SAWA 98166	206 243-5805
	Mike Canon	PO Box 883 Seahurst 98067	mcannon@comcast.com	

Names and addresses can be made available to the public upon request
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