

To Councilman Robison
To the Burien City Council
To the Burien Planning Commission
July 12, 2011

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CITY OF BURIEN

Subject: The three attached letters that specifically state that the Lake Burien Neighborhood has requested that Land Use for this neighborhood be put on the docket for the Comprehensive Plan update for 2011.

To the City Council and the Planning Commission:

The Lake Burien Neighborhood has written to you three times in the last two months and has provided oral testimony to you requesting that the Lake Burien Neighborhood be put on the work docket for the update to the Comprehensive Plan-2011.

The 1997 Environmental Impact Statement which the city is currently operating under clearly states that the Lake Burien Neighborhood should remain under the Preferred Model (Low Density) for land use. This was the mitigation that was used to get the 1997 and 2003 Burien Comprehensive Plans approved. In 2005 the Puget Sound Regional Council challenged how the City of Burien was designating the neighborhoods west of Ambaum as low density residential. The City justified the land use for these areas to the Puget Sound Regional Council by stating that the designation was justified to protect critical areas. The Lake Burien Neighborhood fits that designation and, as such, should be low density.

At the City Council meeting of July 11, 2011, when Councilmember Robison (tape time 1:05:58) requested further information about citizen requests for the Comprehensive Plan Update, Mr. Greenberg/city staff member completely ignored and failed to mention the Lake Burien Neighborhood request for land use update. Mr. Greenberg evaded this clear and obvious request from the Lake Burien Neighborhood by implying, in his response to the City Council, that it was the "same issues as far as doing a neighborhood plan". Evasion is the worst form of lying for government as it is a premeditated subterfuge against the citizenry.

e·va·sion—noun—dictionary.com definition

1. an act or instance of escaping, avoiding, or shirking something.
2. the avoiding of an argument, accusation, question, or the like, as by a subterfuge,
3. a means of evading; subterfuge; an excuse or trick to avoid or get around something.

Mr. Greenberg further implied in his response to the City Council that the Lake Burien Neighborhood request had only gone to the Planning Commission. Attached are the three letters that the Lake Burien Neighborhood sent to the City of Burien. Please note that all three letters were sent to both the City Council as well as the Planning Commission. The City Council has always been involved in this request.

The Lake Burien Neighborhood has clearly and emphatically stated on repeated occasions that it is requesting the land use for this neighborhood be examined in this Comprehensive Plan update-2011. The Lake Burien Neighborhood (we) submitted its request in within the appropriate timelines. We have been specifically told by the city staff that this is the appropriate time that requests on land use are addressed. The Puget Sound Regional Council has told us that this is the appropriate time under the Growth Management Act (GMA) that citizen requests about land use should be submitted to a city. In spite of following the rules set out by the GMA, our request has been ignored. Not only has it been ignored but based on the statements from Mr. Greenberg at the July 11, 2011 City Council Meeting, he makes it appears as if we never even made this request for land use to be placed on the work docket.

The Lake Burien Neighborhood (162 Petitioners) have requested that the land use for the Lake Burien Neighborhood be placed on the Comprehensive Plan Update docket that will be occurring during the next year 2011. This is the appropriate time that neighborhoods and citizens have the right to request that land use in the city be reviewed per the GMA. If it is not placed on the work docket, we are requesting that the city provide an explanation as to why this citizen request can not be granted. This request is not capricious in nature as it involves the appropriate protection to critical areas per the GMA as well as the protection of water quality which constitutes a public health and safety issue. The city has not been following the EIS (Best Available Science) which it commissioned and paid for in 1997. The evasion of this specific citizen request on land use at a City Council Meeting or the statement that this is really a request for a neighborhood plan-which is clearly untrue-at a City Council Meeting are not acceptable excuses to ignore a valid citizen request for land use examination during an update to a Comprehensive Plan. This is not the way an honest, transparent, democratic government operates. Something is very seriously wrong with the way this city ignores citizen input to the Comprehensive Plan process.

Sincerely,
Chestine Edgar and the
Lake Burien Neighborhood

Attachments:

- May 24, 2011, Items for the Comprehensive Plan
- June 15, 2011, Comprehensive Plan Update
- July 6, 2011, Item for the Comprehensive Plan Update-Land Use in the Lake Burien Neighborhood

To: Burien Planning Commission
Burien City Council
RE: Items for the Comprehensive Plan
Date: May 24, 2010

To the Planning Commission and the City Council:

The Lake Burien Neighborhood-which is a real neighborhood as documented in your historical documents- is requesting that the following items be included in the Burien Comprehensive Plan which is now open for update and revision:

1. The Lake Burien Neighborhood be made low density residential on the land use map to protect the critical areas of Lake Burien, water quality of Lake Burien-Lake Burien Creek-Miller Creek and Puget Sound, to protect the wildlife that use these habitats, to protect the health and safety of the general public, to protect the environment of the Miller Creek drainage basin and to preserve the character of the neighborhood. The 1997 FEIS and the City's case to the 2005 Puget Sound Regional Council support that the Lake Burien Neighborhood should be low density residential in designation on the land use map.
2. The Lake Burien Neighborhood be given the opportunity to develop a neighborhood plan as referenced in the current Comprehensive Plan. While neighborhood plans are allowed in the Comprehensive Plan and in the application process for an amendment to the Comprehensive Plan, no one seems to know what the process is to get the City Council to approve a work plan to begin a neighborhood plan or to identify staff members to interface with. This needs to be hammered out in the Comprehensive Plan review.
3. The City continue its commitment to significant tree preservation in the city and that the significant trees surrounding Lake Burien-including those on 152^{nd SW} be retained to preserve water quality, soil stability, reduce the installation of new amounts of impervious surface, control erosion, maintain habitat for wildlife and maintain the character of the neighborhood.
4. The City include Lake Burien and the Lake Burien Neighborhood in the Storm Drainage Master Plan and the Comprehensive Plan in their text, discussions and funding projects-as an area that exists and that has critical areas warranting protection.
5. The Comprehensive Plan include a commitment to preserving the shorelines of the City by creating and funding a process for monitoring and protecting the shorelines of the City from net loss as mandated by the SMP.
6. The Comprehensive Plan include a model for the term Significant Amounts of Critical Areas and a scientifically based methodology for this term and a definition for it, or, remove the term from the Comprehensive Plan.
7. The Comprehensive Plan include some additional commitment to maintaining water quality-surface waters, lakes and streams, wetlands through a Storm Drainage Plan that addresses better

data collection on storm water and non point pollution, a work program with citizens and adequate funding of needed improvements.

8. The Comprehensive Plan develop a component for the protection and preservation of lakes in the plan.

9. A component for encouraging and ongoing citizen participation in Comprehensive Plan process be added to the policy section of the Plan

10. Addendums to the FEIS at least be made available to parties of interest in the as suggested by the WACS during the process those parties are involved with by the City.

11.. These correction in the current errors in both the Plan and its supporting maps be done;
-2LU-2map needs to be corrected. Is it a density map or and intensity map? It is not both and that the 3 new subareas that were created by the new NERA planning be put onto that map and into the text of the Comp Plan

-Correct the land use map. This map was first amended by Ordinance 255, June, 1999-it needs to show on the legend

-Correct the document for Application for an amendment to the Comp Plan to show the correct BMCs

-Correct Chapter 5 index of all of the Addendums to the FEIS to show that there was an addendum done in July, 1999 and not 2 done in January, 1999

-Correct the text of the Comp Plan text to what is the correct application and text of the 2LU-2 map

-Put the shorelines goals and policies after the Parks and Recreation section rather than imbedded in that section. Where it is makes it next to impossible for the average citizen to finds it.

-any maps that rely on identifying critical areas be corrected for accuracy, scale, and format.

Further, we are requesting that any future decisions on amendments to the Comp Plan be based on fact supported by BAS, the no net loss standard for shorelines and the criteria shown in the application form. Also that no future references to the Inness Case decision from the GMHB-as to why the city had to amend its Comp Plan in 1999 be made as the driving or decision criteria for any future Comp Plan decision. As you will recall the Inness Case was dismissed by the GMHB and there was no mandate in 1999 to amend the Comp Plan from the GMHB.

Thank you for your attention to these issues.

Sincerely,

The Lake Burien Neighborhood/ The 162 Lake Burien Neighborhood Petitioners

To the Burien Planning Commission
To the Burien City Council
Re-Comprehensive Plan Update
June 15, 2011

To the Planning Commissioners and City Council Members;

Robert Howell of the Lake Burien Neighborhood met the timelines for submitting requests for things to be put on the Comp Plan update on May 23, 2011. He turned a written copy of those requests to you and the City Council. However, that letter was never gotten to the City Council for their last meeting. Also, the table of work for the next two years put forth by the City Staff completely ignores the requests made by our neighborhood. We are requesting that the table include an update for the land use map for the Lake Burien Neighborhood and updated information on the Lake Burien Neighborhood be added to the Comprehensive Plan.

1. The 1997 EIS mitigation for the approval of the Comp Plan required that the Lake Burien Neighborhood be low density-Preferred Model. While there have been Addendums to the EIS there has never been an analysis or change in mitigation for wetlands or streams and lakes.
2. The response by the City of Burien to the Puget Sound Regional Council in 2005, stated that because of the critical areas west of Ambaum, the City was going to keep those areas low density to protect the critical areas. However, major portions of Seahurst have no critical areas and are being protected at low density while the Lake Burien Neighborhood which is on the critical areas map is not being protected at low density. This is not applying the intent of the GMA correctly. this land use needs to be examined. We are requesting that the Burien Land Use Map and policies be re-analyzed during this Comp Plan update.
3. Lake Burien is not noted as a shoreline of the city in the Comp Plan. Lake Burien is not noted as being in any drainage basin in the city in the Comp Plan. We are asking that these items be corrected in the Comp Plan documentation.

The City Staff made findings on our Comp Plan Request last year that were incorrect to avoid approving our request.

1. There never was a Keith Inness case that went before the Growth Management Hearings Board that forced the City to make the Lake Burien Neighborhood moderate density.
2. The Lake Burien Neighborhood is a distinct neighborhood and has historically documented as a neighborhood in the City's documents-it is not part of the larger Gregory Heights neighborhood.
3. The Lake Burien Neighborhood is currently low density in character and always has been. The City Staff has created models that are not supported by the PSRC and other cities on this issue.
4. The City claimed that the PSRC would not allow this neighborhood to be low density because the PSRC would not allow it. the PSRC denies that statement and says Burien can move and puts its GMA numbers anywhere it wants to. The PRSC actually supports low density as a land use model to protect critical areas like Lake Burien.
5. The City Staff claimed that Lake Burien was not a critical area and then it claimed that there were not significant amounts of critical areas in the neighborhood. Both of these claims are

untrue. Then when the Case was referred to the Growth Management Hearings Board, the City's attorney claimed that significant amounts of critical areas were not even considered in the denial of our request to be low density. Hum, very different than the discussions that were taped for both the Planning Commission as well as the City Council.

6. The City Staff claimed that there were adequate facilities and ordinances in the city to protect the critical areas of Lake Burien without changing the land use. We know that is not true as Lake Burien has not even been put into the Storm Drainage Plan as being in any drainage basin. Also there has been not major funding or planning done for Lake Burien since 1996. We have had flooding in this area-the storm outlets are not adequate or functioning correctly. The City Staff openly admit this. There is no required low impact development required in this area or the entire City to protect this drainage basin. The Critical Areas ordinance has been inadequate to protect the area-not based on Best Available Science or the no net loss standard. As a result the water quality in the lake has been degrading. Clearly there are not adequate facilities or regulations to protect this water source and its critical areas.

7. The City Staff claimed that the protect of water quality is not a public good to warrant a change to land use. No other agency in the Puget Sound region supports that position.

Our neighborhood-162-petitioners-are requesting that the land use policies and map be examined for the Lake Burien Neighborhood based on the findings of the 1997 EIS, Burien's 2005 response to the PSRC, lack of adequate planning and funding for facilities for the area and based on its status as a shoreline with critical areas.

Sincerely,

The Lake Burien Neighborhood

C. Edgar

To the Burien Planning Commission

To the Burien City Council

July 6, 2011

RE Item for the Comprehensive Plan Update-Land Use in the Lake Burien Neighborhood

To the Planning Commissioners and the City Council Members;

The Lake Burien Neighborhood(162³ petitioners) have requested that the land use for the Lake Burien Neighborhood be placed on the Comprehensive Plan Update docket that will be occurring during the next year-2011. This is the appropriate time that neighborhoods and citizens have the right to request that land use in the city be reviewed. We asked for this

at the last Planning Commission Meeting and were turned down based on an argument put forth by Mr. Helms-Planning Commissioner. Mr. Helms's position was that all critical areas in all neighborhoods should be treated equally and therefore should be reviewed when the Critical Areas Ordinance comes up for review-2014. Therefore the Lake Burien Neighborhood should be looked at only when the Critical Areas Ordinance comes up for review-2014. Strangely the City Staff did not clearly explain the flaw of this argument to Mr. Helms and the other Planning Commissioners. **These are the flaws** in that argument;

1. The Comprehensive Plan is the guiding document for Land Use in the city. The Critical Areas Ordinance does not set the policy for land use. Therefore land use issues and policies should be reviewed when the Comprehensive Plan comes up for review-right now.

2. Once the new Shoreline Master Plan (SMP) goes into effect, the Lake Burien and the shorelines around it will no longer be regulated by the Critical Areas Ordinance. It will be controlled by the Shoreline Master Plan and the Critical Areas Ordinance embedded in that plan. Therefore any review of the Critical Areas Ordinance in 2014 will not include the Lake Burien or a major portion of the surrounding neighborhood. And any Best Available Science Studies done for critical areas, 2014-in the city will not include Lake Burien.

3. We have requested that the city include a land use study in the new SMP and the city has flatly refused to do that claiming that the appropriate time for that is during a review of the Comprehensive Plan 2011-which is now.

4. Under the Growth Management Act, this is the appropriate time to ask for a land use study of the area and the Planning Commission is now claiming that this should happen during the Critical Areas Ordinance. The City Staff has clearly not communicated to the Planning Commissioners when land use policies should be examined and evaluated per citizen request during the Comprehensive Plan update.

5. Lake Burien and the surrounding shorelines are a one of a kind item in this city. Flatly there are no other freshwater lake shorelines in the City of Burien that have the kinds of critical areas that Lake Burien has. It cannot be looked at by Mr. Helms's invented standard of fairness that all neighborhoods that have critical areas be treated equally-as all of the critical areas in the city are not all equal and how these critical areas impact the neighborhood are not equal. That is not the standard set for critical area protection by the Growth Management Act.

6. To suggest per the last vote of the Planning Commission, that the next available time that land use in the Lake Burien Neighborhood can be examined is in the year 2019 or 2020 is lunacy. The SMP and the Critical Areas Ordinances cannot be used as excuses for why land use is not being examined during the Comprehensive Plan. Also, they cannot be used as excuses for why the Best Available Science standard is not being employed for the protection of a shoreline with critical areas under land use policies.

Lake Burien is a shoreline with critical areas and as such warrants protection under the Growth Management Act. The 1997 Environmental Impact Statement (EIS)-which the city is still using for this Comp Plan Update-clearly states that the land use around Lake Burien is to be low density land use-the Preferred Model. None of the Addendums to this EIS have provided any studies, mitigations, significant changes in regulations or funding plan changes that have altered the 1997 EIS for the Lake Burien Neighborhood.

Also, we-the neighbors of the Lake Burien Neighborhood- believe that the City Staff has the responsibility to educate the City Council as well as the Planning Commissioners on the purposes, contents and roles of the respective plans that drive the City's policies and regulations. It is clear that not all of the Planning Commissioners or City Council members understand the how these documents are to be used and applied. Of course it remains the responsibility of the City Council and Planning Commissioners to at least read these documents and ask the appropriate questions of the staff. Staff has the responsibility to give honest, clear responses to questions. Under the Growth Management Act, responses should be given so that a citizen of normal intelligence is able to understand the answer or the written response. That is not the way that answers are currently being provided to the public in Burien. Frequently citizen requests are not even given the courtesy of a response by the staff, Council or Planning Commission.

In a response to the Puget Sound Regional Council-2005, the City of Burien argued that the neighborhoods west of Ambaum would remain low density due to their critical areas. The same land use standard should be applied to the Lake Burien Neighborhood following that logic.

Therefore, the Lake Burien Neighbors are requesting that the land use be examined for the Lake Burien Neighborhood-per its status as a shoreline with critical areas- and be included in this update to the Comp Plan and that this land use item be put on the work docket for the Comp Plan.

Sincerely,

Chestine Edgar and

The Lake Burien Neighborhood