McCULLOUGH HILL LEARY, PS

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OCT 09 2012
CITY OF BURIEN

October 9, 2012

VIA HAND DELIVERY

Mr. Jim Clingan
Chair, Planning Commission
City of Burien
400 SW 152nd Street, Suite 300
Burien, Washington 98166

Re: Comprehensive Plan Update: Commercial Node Concept

Dear Chair Clingan:

Seven Hills Properties ("Seven Hills") appreciates the opportunity to comment on the City's Comprehensive Plan update. In light of the Planning Commission's pending recommendation, we wish to clarify some potential misconceptions regarding our request to amend the City's Comprehensive Plan's Business and Industrial Goals and Policies to improve consistency.

We agree with the City Attorney's Memo regarding the need for consistency within the Comprehensive Plan and land use regulations. However, it is the City's current draft, not Seven Hills' proposed amendment that contributes to the inconsistency at the 128th Street and 1st Avenue Node ("128th Street Node"). Seven Hills wants to see the Commercial Node concept succeed at every Node. We encourage the Planning Commission's approval of the "Option A" amendment.

I. The Proposal Improves the Internal Consistency of the City's Comprehensive Plan

The City Attorney correctly notes that inconsistency between the Comprehensive Plan and the development regulations is not allowed under the Growth Management Act ("GMA"). Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan. RCW 36.70A.130(1)(d). State regulations illustrate what GMA "consistency" requires, namely "that differing parts of the comprehensive plan must **fit together so that no one feature precludes the achievement of any other**." WAC 365-196-500(1) (emphasis added).

The Commercial Node concept, as currently drafted, does not "fit together" at the 128th Street Node. The Commercial Node designation draws a tight 1/8 mile radius around locations where low to moderate intensity commercial uses should be focused. Essentially, the Commercial Node designation acts as a de facto map overlay identifying where the City wishes to target commercial development within the City. *See* Draft Figure 2LU-3, Commercial Nodes.

Inherent in this designation is the fact that sufficient commercially zoned land exists at each designated Node to implement the concept. As we have noted, the 128th Street Node is unique as it lacks sufficient existing commercially zoned land to support potential commercial development.

There is an inconsistency between the identified Node and the City's land use regulations. The draft Business and Industrial Goals and Policies seems to hint, with no clear policy statement, that lands within the Nodes are suitable for commercial designations in accordance with the criteria. Thus, 128th Street Note development is unlikely to occur due to entitlement process uncertainty.

Without amendment, the Comprehensive Plan will preclude the achievement of the Commercial Node concept at the 128th Street Node. This is the type of inconsistency the GMA seeks to avoid. The proposed Option A amendment seeks to rectify this unique inconsistency.

II. If Approved as Proposed, the City's Comprehensive Plan Map <u>Will be Consistent</u> with the City's Zoning Map even if there is a Successful Rezone Application

The City Attorney's Memo raises concerns regarding potential inconsistencies between the updated Comprehensive Plan map and the land use map if a rezone occurs at the 128th Street Node. The Burien City Code ("BCC") addresses this concern. Upon approval of the Comprehensive Plan amendment, the City "shall amend the Comprehensive plan and map, as applicable, to reflect the change in text or plan designation." BCC 19.65.095.7. **The City's procedures will remove any potential inconsistency between the updated Comprehensive Plan map and the zoning map.**

When adopted, the Comprehensive Plan map will be amended to reflect the incorporated policy changes. If the Option A proposal is adopted, it would be included in those amendments to the maps. One simple solution would be a Figure 2LU-3 footnote identifying that lands within a Commercial Node containing both Intersection Commercial and Neighborhood Commercial designations are suitable for a rezone to commercial designations under the criteria.

III. Seven Hills is Attempting to Engage in the City's Ongoing Public Process

Finally, the City Attorney's Memo raises concerns that the Seven Hills' proposal is too late in the public process. **This is at odds with the GMA's mandate for "early and continuous" public participation in the amendment of a Comprehensive Plan. RCW 36.70A.140.**

The City proposed the Commercial Node concept in its Comprehensive Plan update. We are not seeking a standalone Comprehensive Plan amendment; instead, we are responding with comments to the City's proposals. We would not be commenting absent the City's proposed Commercial Node concept. Requiring parties to submit formal Comprehensive Plan amendment requests in response to the City's own Comprehensive plan is both impractical and burdensome. Furthermore, such a policy is contrary to the GMA's mandate for continuous public participation.

Seven Hills has been in a dialogue with the City regarding the Commercial Node concept since last June. We raised comments regarding Commercial Node implementation concept in an attempt to assist the City in developing a successful policy outcome. Seven Hills responded with specific draft language only at the Planning Commission's request. Inclusion in the Planning Commission's recommendation provides the best avenue for further public comments and staff analysis.[1] The City Council plans to hold a properly noticed public meeting to consider the Planning Commission's recommendations prior to final action on Comprehensive Plan. Accordingly, there will be ample additional opportunity for further discussion regarding Option A. If the Planning Commission accepts staff's recommendation, that opportunity for additional discussion will be lost.

IV. Conclusion

We appreciate the opportunity to provide comments on the draft Goals and Policies and Commercial Node concept. We encourage the Planning Commission's support of the attached Option A, which was discussed in our September 25, 2012 letter. Option A aims to ensure that potential future development are consistent with the Comprehensive Plan's Commercial Node concept and will be able to proceed with clarity if and when a rezone application is necessary.

We look forward to continuing a dialogue with the City on this issue.

Sincerely,

John C. McCullough

cc: Burien Planning Commission
Scott Greenberg, Burien Community Development Services

Enclosures: Option A amendment language

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[1] As the Comprehensive Plan's Commercial Node concept involves a legislative area-wide change; individualized public notice is not required. BCC 19.65.080. The GMA does not require individualized notice to affected landowners. *Chevron, U.S.A., Inc. v. CPSGMHB*, 156 Wn.2d 131, 137, 124 P.3d 640 (2005). The City Attorney's Memo appears to conflate the standards for Comprehensive Plan amendments and rezone applications. Any potential rezone applications would require individual notice to affected property owners. BCC 19.65.090; 19.65.075 (Type III process). This provides ample opportunity for evaluation of any specific rezone application in accordance with the City's criteria.

Burien Comprehensive Plan – DRAFT Business and Industrial Goals and Policies
Proposed Commercial Node Amendment – OPTION A

October 9, 2012

Reference No.	Current Goal/Policy Language	Planning Commission Proposed Goal/Policy Language (As adopted 9/11/12)	Proposed Amendment Goal/Policy Language (New language in red)
Pol. BU 1.4	The *Intersection Commercial* category provides for a variety of commercial uses of low to moderate density or intensity, located a major roadway intersections in close proximity to higher density uses, such as multifamily developments. Customers are anticipated to either drive or walk to these establishments. ***Allowed Uses and Description:*** *Intersection Commercial* land uses serve multiple residential areas, with a diverse mix of uses. These uses will typically be grouped around a shared parking facility, with primary access on an arterial. Uses include commercial, retail, services, professional offices, recreation and community facilities. The edges of these areas need to be well-defined to contain development and limit encroachment into single family areas. ***Designation Criteria:*** Properties designated for *Intersection Commercial* uses should reflect the following: 1. The intersection of two arterials should be the preferred location for the designation. 2. The design and capacity of the intersection are able to support the planned uses.	The *Intersection Commercial* ~~category provides~~ designation allows for a variety of commercial uses of low to moderate density or intensity, located at major roadway intersections in close proximity to higher density uses, such as multifamily developments. Multifamily development in these areas may only be approved as part of a mixed use development with the appropriate unit density being based on the adjacent comprehensive plan land use designations. Customers are anticipated to either drive or walk to these establishments. This Comprehensive Plan land use designation is implemented by the Intersection Commercial zoning designation. ~~***Allowed Uses and Description:*** *Intersection Commercial* land uses serve multiple residential areas, with a diverse mix of uses. These uses will typically be grouped around a shared parking facility, with primary access on an arterial. Uses include commercial, retail, services, professional offices, recreation and community facilities. The edges of these areas need to be well-defined to contain development and limit encroachment into single family areas.~~ ***Designation Criteria:*** Properties designated for *Intersection Commercial* uses should reflect the following: ~~1. The intersection of two arterials should be the preferred location for the designation.~~ ~~2. The design and capacity of the intersection are able to support the planned uses.~~	The *Intersection Commercial* ~~category provides~~ designation allows for a variety of commercial uses of low to moderate density or intensity, located at major roadway intersections in close proximity to higher density uses, such as multifamily developments. Multifamily development in these areas may only be approved as part of a mixed use development with the appropriate unit density being based on the adjacent comprehensive plan land use designations. Customers are anticipated to either drive or walk to these establishments. Lands located within a low intensity Commercial Node which contains *Intersection Commercial* and *Neighborhood Center* land use designations shall be suitable for rezone to *Intersection Commercial* land use designation where in accordance with the Growth Management Act, Comprehensive Plan and land use designation criteria. This Comprehensive Plan land use designation is implemented by the Intersection Commercial zoning designation. ~~***Allowed Uses and Description:*** *Intersection Commercial* land uses serve multiple residential areas, with a diverse mix of uses. These uses will typically be grouped around a shared parking facility, with primary access on an arterial. Uses include commercial, retail, services, professional offices, recreation and community facilities. The edges of these areas need to be well-defined to~~

Reference No.	Current Goal/Policy Language	Planning Commission Proposed Goal/Policy Language (As adopted 9/11/12)	Proposed Amendment Goal/Policy Language (New language in red)
Pol. BU 1.4 (continued)	3. The existing or planned public facilities are adequate to support the proposed development. 4. The area is served or planned to be served by transit.	~~3. The existing or planned public facilities are adequate to support the proposed development.~~ ~~4. The area is served or planned to be served by transit.~~ 1. Areas are located within 1/8 mile of Multi-Family Neighborhood or Neighborhood Commercial land use designations as measured along an arterial. Generally the designation is located outside of the urban center boundary and at low intensity commercial nodes (shown in Figure 2LU-3, Commercial Nodes). 2. Areas shall be located at or within 1/8th mile of the intersection of arterials. 3. Areas are located within 1/8 mile of a transit route with a peak transit frequency of at least 21-30 minutes. 4. The area does not have critical areas, except critical aquifer recharge areas. 5. Areas are located adjacent to or have adequate access to a primary or minor arterial.	~~contain development and limit encroachment into single family areas.~~ ***Designation Criteria:*** Properties designated for *Intersection Commercial* uses should reflect the following: ~~1. The intersection of two arterials should be the preferred location for the designation.~~ ~~2. The design and capacity of the intersection are able to support the planned uses.~~ ~~3. The existing or planned public facilities are adequate to support the proposed development.~~ ~~4. The area is served or planned to be served by transit.~~ 1. Areas are located within 1/8 mile of Multi-Family Neighborhood or Neighborhood Commercial land use designations as measured along an arterial. Generally the designation is located outside of the urban center boundary and at low intensity commercial nodes (shown in Figure 2LU-3). 2. Areas shall be located at or within 1/8th mile of the intersection of arterials. 3. Areas are located within 1/8 mile of a transit route with a peak transit frequency of at least 21-30 minutes. 4. The area does not have critical areas, except critical aquifer recharge areas. 5. Areas are located adjacent to or have adequate access to a primary or minor arterial.

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From: "Clingman, Tom (ECY)" <TCLI461@ECY.WA.GOV>
Date: Tue, 9 Oct 2012 20:27:01 +0000
To: Cyndi Upthegrove <cyndiu@comcast.net>
Subject: RE: contents of Comp Plans for cities

Thank you for your inquiry.

Local government Comprehensive Plans are not approved by Ecology or any other state agency. Guidance related to such planning is provided by the Department of Commerce Growth Management Services staff. Their home page which includes staff contact information is http://www.commerce.wa.gov/portal/alias__CTED/lang__en/tabID__375/DesktopDefault.aspx

Ecology does provide formal approval of city and county Shoreline Master Programs. I am aware of the issue at Lake Burien regarding a specific non-single family lakeshore parcel. My understanding is that this issue has been resolved in the locally-adopted Shoreline Master Program.

Conceptually, SMPs are included under the Comp Plan "umbrella" as one of several local land use, utility and other planning documents. It is the responsibility of the local government to ensure internal consistency among all the elements of the Comp Plan. Staff at the Department of Commerce can provide additional background on the internal consistency process.

Please let me know if you have additional questions regarding planning under the Shoreline Management Act. Thanks you for your interest.

Tom Clingman | Policy and Legislative Lead | Ecology Shorelands & Environmental Assistance Program | 360 407 7448

From: Pfundheller, Kelly **Sent:** Tuesday, June 26, 2012 9:35 AM **To:** Dave Upthegrove; Moreno, Ethan **Cc:** Smith, Rachel **Subject:** RE: Upthegrove SMA/GMA information request.

Hi Rep. Upthegrove –

First off, I want to apologize for contributing to the confusion on this issue. I talked with Tom Clingman again, and I apparently misinterpreted the DOE's position on the public access issue. The DOE has *not* taken the position that there must be public access at any particular site (i.e. the Ruth Dykeman Children's Center). The DOE's position is the shoreline master should not prohibit all watercraft in all public access areas for the entire lake. The city's current proposed master program includes a provision that prohibits all watercraft at public access areas, and this is the sticking point for DOE. DOE wants the master program to contain the flexibility to allow for increased public access *in the future,* which the current proposal would not allow.

My understanding is that the Ruth Dykeman Children's Center is considered by some to be a potential location for redevelopment in the future, and that there are concerns that the lot may be turned into a park where excessive use of watercraft could increase the presence of invasive species, like milfoil. However, this is a concern for all public access areas, not just the Children's Center. DOE wants the city to reconsider an outright ban on all watercraft.

Again, Tom informed me that DOE is *not* insisting that the Ruth Dykeman Children's Center contain public access at this point in time. But, the DOE does believe that the master program should contain some general flexibility to allow limited public access for smaller watercraft in the future. In the case of the Children's center, if the lot is subsequently redeveloped for public access, then the master program and the comprehensive plan would be in conflict, which would require some resolution by the city (as I had discussed in my previous email).

I apologize for creating and/or contributing to any confusion on this matter. Tom would be happy to speak with you directly on this issue (he can be reached at (360) 407-7448). I would gladly set up a conference call if you would like me to participate in this conversation. Also, I attached a document that Tom emailed to me that includes an excerpt of the city's current master program update proposal and DOE's findings on the issue. Please let me know if I can provide any additional assistance.

Kelly

Kelly Pfundheller, Counsel
Local Government Committee
Washington State House of Representatives
Office of Program Research/Office 265 John L. O'Brien Building
(: (360) 786-7289
*: kelly.pfundheller@leg.wa.gov

RCW 90.58.020
Legislative findings — State policy enunciated — Use preference.

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefor, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates 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, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline;

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

[1995 c 347 § 301; 1992 c 105 § 1; 1982 1st ex.s. c 13 § 1; 1971 ex.s. c 286 § 2.]

Notes:

Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347: See notes following RCW 36.70A.470.

Chapter 5 – EIS

Mitigating Measures

The Preferred Alternative will include and enhance the current regulations and policies managing the City's flood plains.

Shorelines

Impacts of the Alternatives
Local ordinance, adopted by King County under the State Shoreline Management Act, manages the Shorelines of the city. While none of the alternatives would change directly this program, it is envisioned that the program will be updated some time in the future.

Since most of the privately owned shoreline is already developed, the planning alternatives will not substantially alter current shoreline use patterns. In the few remaining vacant areas, the Distinctive Alternative would substantially reduce the amount of development that may occur along the shoreline. All of the alternatives (probably including the No Action alternative) would continue to retain any existing open space areas in public ownership.

The Distinctive Alternative would reduce development pressure near the shoreline areas by reducing the amount of single family dwellings allowed in adjacent steep-sloped areas (from the current four units per acre to two units). The Thriving and No Action Alternatives would continue to allow development at the current zoning pattern of four units per acre. This difference would also result in less adverse impacts on environmentally sensitive areas and water quality.

If the Ruth Dykman Center ever discontinued its use of its site, the Distinctive Alternative encourages the development of a water related commercial use with controlled public access to Lake Burien. Such access would be limited primarily to views and passive recreation, since active recreation could adversely affect water quality. Since the No Action Alternative (and potentially the Thriving Alternative) could allow up to 170 units of multifamily development on the site, significant adverse impacts on both the water quality and the adjacent shoreline could result, and visual amenities currently associated with the Lake reduced.

Mitigating Measures
The Preferred Alternative would continue to reserve important shoreline areas in public ownership. It also continues to support and, to the extent appropriate, enhance public access. The plan will also include appropriate policies to consider views and other shoreline environmental assets in reviewing new development proposals.

Low Density Develop-ment was The Preferred Alternative

In regards to Lake Burien, the Preferred Alternative is similar to the Distinctive Alternative, but more oriented to reviewing potential reuse of this area to fit into and enhance the site's location on the Lake and its close proximity to Old Burien.

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CITY OF BURIEN

To the Burien Planning Commission
October 9, 2012

Planning Commissions and City Planning Staff;

One of the issues that you have before you tonight is whether to change the land use policy for Special Planning Area 2/RDCC-Policy SE 1.3, page 2-23 of the current Comprehensive Plan. There are specific reasons for why this policy should not be changed to the language-proposed by Scott Greenberg and David Johanson/City Planners. They are;

1. This policy was written in support of the mitigation that was required by the Environmental Impact Statement (EIS) for the adoption of this Comprehensive Plan under the Growth Management Act (GMA). See page 5-32 of the current Comprehensive Plan. **This mitigation states that the Lake Burien Shoreline should have a land use of low density/the Preferred Alternative and that only views and passive recreation be allowed to the area. The specific rationale given for this mitigation is to reduce adverse impacts on environmentally sensitive areas/critical areas and to protect water quality.**

2. The Comprehensive Plan is controlled under the GMA. And it was this EIS from the current Comp Plan that the Shoreline Master Plan (SMP) was drafted. Therefore if anything was put into the still unapproved SMP that is in conflict/ a perceived inconsistency with the Burien Comprehensive Plan or its EIS**, the SMP needs to be changed to correct the perceived inconsistency. Master Plans cannot be written to be inconsistent with the Comp Plan.** It is not legally within the power of the Burien Planning Dept. or the Planning Commission to alter an EIS because of a personal desire of some planners, for political gain or at whim.

3. This happened previously to Lake Burien when some city politicians pressed the Planning Department to change the Comp Plan Land Use Map designation for the Lake Burien Neighborhood in violation of the EIS. This **was a violation of the EIS under the Growth Management Act (GMA).**

As residents of the Lake Burien Neighborhood, we are requesting that the Planning Staff and Planning Commission respect and comply with the Environment Impact Statement that was used to develop both documents. **The document that clearly needs correction is the unapproved SMP** and as it has still not been accepted by the Department of Ecology (DOE) it can be changed. The Burien Planning Department is well aware of that the SMP can still be changed.

Futhermore any change to the land use policy for Special Planning Area 2 should reflect that **no physical public access through the RDCC site is allowed.** This policy is supported by the EIS page 5-32. As this EIS is still in effect and this section has not been amended, it remains the controlling document on land use for Special Planning Area 2. To not follow the guidance of this document would be in violation of the GMA.

Lastly, we would encourage all of the Planning Commissoners to read the Comp Plan and take the time to learn about what is allowed and not allowed under the Comp Plan and the GMA.
Respectfully, C.Edgar and the Lake Burien Neighborhood

Mitigating Measures

The Preferred Alternative will include and enhance the current regulations and policies managing the City's flood plains.

Shorelines

Impacts of the Alternatives
Local ordinance, adopted by King County under the State Shoreline Management Act, manages the Shorelines of the city. While none of the alternatives would change directly this program, it is envisioned that the program will be updated some time in the future.

Since most of the privately owned shoreline is already developed, the planning alternatives will not substantially alter current shoreline use patterns. In the few remaining vacant areas, the Distinctive Alternative would substantially reduce the amount of development that may occur along the shoreline. All of the alternatives (probably including the No Action alternative) would continue to retain any existing open space areas in public ownership.

The Distinctive Alternative would reduce development pressure near the shoreline areas by reducing the amount of single family dwellings allowed in adjacent steep-sloped areas (from the current four units per acre to two units). The Thriving and No Action Alternatives would continue to allow development at the current zoning pattern of four units per acre. This difference would also result in less adverse impacts on environmentally sensitive areas and water quality.

If the Ruth Dykman Center ever discontinued its use of its site, the Distinctive Alternative encourages the development of a water related commercial use with controlled public access to Lake Burien. Such access would be limited primarily to views and passive recreation, since active recreation could adversely affect water quality. Since the No Action Alternative (and potentially the Thriving Alternative) could allow up to 170 units of multifamily development on the site, significant adverse impacts on both the water quality and the adjacent shoreline could result, and visual amenities currently associated with the Lake reduced.

Mitigating Measures
The Preferred Alternative would continue to reserve important shoreline areas in public ownership. It also continues to support and, to the extent appropriate, enhance public access. The plan will also include appropriate policies to consider views and other shoreline environmental assets in reviewing new development proposals.

In regards to Lake Burien, the Preferred Alternative is similar to the Distinctive Alternative, but more oriented to reviewing potential reuse of this area to fit into and enhance the site's location on the Lake and its close proximity to Old Burien.

Flag this message

RE: Questions on Comprehensive Plans and BAS reviews relating to the GMA and SMP

Tuesday, October 9, 2012 8:15 AM
From:
"Fritzen, Bob (ECY)" <BFRI461@ECY.WA.GOV>
View contact details
To:
"Chestine Edgar" <c_edgar2@yahoo.com>
Cc:
"Tallent, Geoff (ECY)" <gtal461@ECY.WA.GOV>, "David Johanson" <DAVIDJ@burienwa.gov>

I don't read anything that contradicts the policies of SMA. In fact, the controlled public access is more consistent with the SMA than the prohibition in the Comp Plan. I just don't know how binding the document is or all the other factors that might be involved.

From: Chestine Edgar [mailto:c_edgar2@yahoo.com]
Sent: Tuesday, October 09, 2012 7:59 AM
To: Fritzen, Bob (ECY)
Subject: RE: Questions on Comprehensive Plans and BAS reviews relating to the GMA and SMP

Hello All;

Bob,

Thank you again for your quick response. I am attaching the portion of the Burien Comp Plan and the EIS we are referring to. It appears that nothing in this mitigation is in violation of any RCW or WAC. It also appears to be an appropriate EIS that should not cause DOE any difficulties. It provides a rationale for the decisions made.

Burien Plan 5 - 32 December 15, 2003 and currently in the 2012 Plan., page 5-32
Mitigating Measures
The Preferred Alternative will include and enhance the current regulations and policies managing the City's flood plains.
Shorelines
Impacts of the Alternatives
Local ordinance, adopted by King County under the State Shoreline Management Act, manages the Shorelines of the city. While none of the alternatives would change directly

this program, it is envisioned that the program will be updated some time in the future. Since most of the privately owned shoreline is already developed, the planning alternatives will not substantially alter current shoreline use patterns. In the few remaining vacant areas, the Distinctive Alternative would substantially reduce the amount of development that may occur along the shoreline. All of the alternatives (probably including the No Action alternative) would continue to retain any existing open space areas in public ownership.

The Distinctive Alternative would reduce development pressure near the shoreline areas by reducing the amount of single family dwellings allowed in adjacent steep-sloped areas (from the current four units per acre to two units). The Thriving and No Action Alternatives would continue to allow development at the current zoning pattern of four units per acre. This difference would also result in less adverse impacts on environmentally sensitive areas and water quality.

If the Ruth Dykman Center ever discontinued its use of its site, the Distinctive Alternative encourages the development of a water related commercial use with controlled public access to Lake Burien. Such access would be limited primarily to views and passive recreation, since active recreation could adversely affect water quality. Since the No Action Alternative (and potentially the Thriving Alternative) could allow up to 170 units of multifamily development on the site, significant adverse impacts on both the water quality and the adjacent shoreline could result, and visual amenities currently associated with the Lake reduced.

MitigatingMeasures

The Preferred Alternative would continue to reserve important shoreline areas in public ownership. It also continues to support and, to the extent appropriate, enhance public access. The plan will also include appropriate policies to consider views and other shoreline environmental assets in reviewing new development proposals.

In regards to Lake Burien, the Preferred Alternative is similar to the Distinctive Alternative, but more oriented to reviewing potential reuse of this area to fit into and enhance the site's location on the Lake and its close proximity to Old Burien.

C. Edgar

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To the Burien Planning Commission
October 9, 2012

To the Planning Commission and the Burien City Staff:

This is the language that we/The Lake Burien Neighborhood are requesting be put into the land use policy for Special Planning Area 2-in place of the proposed language by the City Staff. This language is taken from the Environmental Impact Statement for both Comp Plan and the Shoreline Master Plan and meets the criteria for the SMA.

While the City encourages and supports the continued operation of the Center, any proposed change in use in the future should be reviewed to ensure there is ***only controlled visual public access and no physical public access to the lake and its wetlands*** *and that the proposed development supports the historical link with Old Burien.*

We are also requesting that this change be made to the SMP document, if there appears to be an inconsistency between the two documents.

Sincerely,

Robert Howell
The Lake Burien Neighborhood

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David Johanson

From: Paul [pablo98166@yahoo.com]
Sent: Tuesday, October 09, 2012 11:30 AM
To: Public Council Inbox
Cc: David Johanson
Subject: Lake Burien

To the Burien City Council and The Burien Planning Commission;

I am requesting that the City of Burien follow the mitigations required in its Comprehensive Plan EIS and in the EIS used for the Shoreline Master Plan. The mitigations require that there be no physical public access to the lake through the RDCC/Special Planning Area 2 site. Only visual access should be considered in future redevelopment plans. If the Shoreline Master Plan(SMP) was developed with an inconsistency to the EIS, then the SMP needs to be corrected before it is sent into DOE for final approval, again.

Sincerely,

Paul S McCarroll

David Johanson

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From: marcy rivas [tadpoltx@gmail.com]
Sent: Tuesday, October 09, 2012 11:10 AM
To: David Johanson
Subject: shoreline master plan

To the Burien City Council and The Burien Planning Commission;

I have been a resident of Burien most of my life. My parents bought a one room cabin on Lake Burien in the 50's and I am still living on that land. As a resident of Burien, I am counting on you to represent the best interests of Lake Burien. **I am requesting that the City of Burien follow the mitigations required in its Comprehensive Plan EIS and in the EIS used for the Shoreline Master Plan. The mitigations require that there be no physical public access to the lake through the RDCC/Special Planning Area 2 site. Only visual access should be considered in future redevelopment plans. If the Shoreline Master Plan(SMP) was developed with an inconsistency to the EIS, then the SMP needs to be corrected before it is sent into DOE for final approval, again.**

Sincerely,
Marcy A. Rivas
15711 14th Ave SW
Burien WA 98166

Carol Allread

From: Public Council Inbox
Sent: Wednesday, October 10, 2012 4:13 PM
To: 'Jeff Abolofia'
Subject: RE: Lake Burien Access

Dear Mr. Abolofia,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

From: Jeff Abolofia [mailto:abolofia@u.washington.edu]
Sent: Tuesday, October 09, 2012 8:17 PM
To: Public Council Inbox
Subject: Lake Burien Access

To the Burien City Council and The Burien Planning Commission;

I am requesting that the City of Burien follow the mitigations required in its Comprehensive Plan EIS and in the EIS used for the Shoreline Master Plan. The mitigations require that there be no physical public access to the lake through the RDCC/Special Planning Area 2 site. Only visual access should be considered in future redevelopment plans. If the Shoreline Master Plan (SMP) was developed with an inconsistency to the EIS, then the SMP needs to be corrected before it is sent into DOE for final approval, again.

Sincerely

Jeff Abolofia
1239 Southwest 152nd
Burien, Washington 98166
206 246 1019

CFTR: 10/15/12

cc: David Johanson, Interim Community Development Director

Carol Allread

From: Public Council Inbox
Sent: Wednesday, October 10, 2012 4:12 PM
To: 'Stan and Nancy Milkowski'
Subject: RE: deny public access to Lake Burien

Dear Mr. and Mrs. Milkowski,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

From: Stan and Nancy Milkowski [mailto:snoopyonlakeburien@comcast.net]
Sent: Tuesday, October 09, 2012 12:00 PM
To: Public Council Inbox
Subject: deny public access to Lake Burien

Hello Lake Burien Neighborhood neighbors;

Tonight the Planning Commission is meeting and again the City Staff is trying to remove the protection of No Public Access from the RDCC/Special Planning Area 2.

Burien has an Environmental Impact Statement that clearly states that there is to be **no physical public access** through the RDCC lands **in order to protect the sensitive/critical areas and to protect water quality.**

John Upthegrove has done an excellent job of trying to fight this change that the staff is pushing for. We need to show up and make comments to support him and our lake or we need you to send an email to the City Council and the Planning Commission, ASAP.

Your statement should be simple-

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Sign your name

_____

Send this message to-

City Council Burien <council@burienwa.gov>;
David Johanson <DAVIDJ@burienwa.gov>;

CFTR: 10/15/12
cc: David Johanson, Interim Community Development Director

To the Burien City Council and The Burien Planning Commission;

We are requesting that the City of Burien follow the mitigations required in its Comprehensive Plan EIS and in the EIS used for the Shoreline Master Plan. The mitigations require that there be no physical public access to the lake through the RDCC/Special Planning Area 2 site. Only visual access should be considered in future redevelopment plans. If the Shoreline Master Plan(SMP) was developed with an inconsistency to the EIS, then the SMP needs to be corrected before it is sent into DOE for final approval, again.

Stan and Nancy Milkowski