

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Adopt Ordinance No. 505, Relating to SEPA Exemption for Burien's Urban Center.		Meeting Date: February 9, 2009
Department: Community Development	Attachments: 1. Ordinance No. 505 2. Burien Comprehensive Plan Figure 2LU-1.11 Urban Center Boundary	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Charles W. "Chip" Davis, Planner		
Telephone: (206) 248-5501		
Adopted Work Plan Priority: Yes X No	Work Plan Item Description: Review Development Codes	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to consider the expansion of a SEPA categorical exemption under RCW 43.21C.229 from the Town Square project to all of Burien's Urban Center as recognized in the Burien Comprehensive Plan.</p> <p>BACKGROUND (Include prior Council action & discussion): On February 2, 2004, the Burien City Council adopted Ordinance No. 405 amending BMC Title 14 to establish a categorical exemption for new residential or mixed-use projects proposed to fill in an urban growth area, where current density and intensity of land use are lower than called for in the Burien Comprehensive Plan. The ordinance was limited to the Burien Town Square property, which was a residential and mixed-use infill project consistent with the goals, policies, density and intensity of use of the Burien Comprehensive Plan thereby qualifying for a categorical exemption under RCW 43.21C.229. Adoption of the ordinance has facilitated development of the Town Square project and has eliminated a layer of regulation and review that was duplicating local development regulations.</p> <p>Within the urban center, the major concern for residential and mixed-use development in particular is transportation impacts. Passage of the transportation impact fee ordinance in October, 2008 addressed this concern. There is an opportunity to encourage further infill residential and mixed use in the urban center and reduce the regulatory burden on developers by expanding the existing categorical exemption from SEPA review to include the entire urban center. Adoption of Ordinance No. 505, Attachment 1, would expand the SEPA exemption currently applied to the Town Square project to include all properties located within the Burien Urban Center as shown on Attachment 2.</p> <p>After discussion at the February 2, 2009 regular meeting the City Council requested the item be placed on the consent agenda for the February 9, 2009 meeting.</p> <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Modify Ordinance No. 505. 2. Do not adopt Ordinance No. 505 		
Administrative Recommendation: Adoption of Ordinance No. 505.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Action to approve the Consent Agenda will approve this item.		
Submitted by: Chip Davis Administration _____		City Manager _____
Today's Date: February 3, 2009	File Code: \\File01\records\CC\Agenda Bill 2009\020909cd-2 SEPA Infill Exempt.docx	

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 505

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,
AMENDING BURIEN MUNICIPAL CODE TITLE 14 RELATED TO
A STATE ENVIRONMENTAL POLICY ACT EXEMPTION FOR
BURIEN'S URBAN CENTER, PROVIDING FOR SEVERABILITY
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Burien is planning for its growth under RCW 36.70A.040; and,

WHEREAS, the Burien Comprehensive Plan was previously subjected to environmental analysis through an environmental impact statement pursuant to RCW 43.21C prior to its adoption; and,

WHEREAS, RCW 43.21C.229 authorizes cities planning under RCW 36.70A.040 to establish categorical exemptions from RCW 42.21C (the State Environmental Policy Act) that differ from the exemptions in RCW 43.21C.110(1)(a); and,

WHEREAS, RCW 43.21C.229 allows establishing a categorical exemption for new residential or mixed-use projects proposed to fill in an urban growth area, where current density and intensity of use in the area is lower than called for in the city's Comprehensive Plan; and,

WHEREAS, the Burien City Council adopted Ordinance No. 405 on February 2, 2004 establishing a categorical exemption for new residential and mixed-use projects located on the Town Center site; and,

WHEREAS, the Burien City Council adopted Ordinance No. 493 on October 6, 2008 establishing a Transportation Impact Fee affecting all new development within the City of Burien; and,

WHEREAS, current development within the Burien Urban Center consists of approximately 1.8 million square feet of non-residential floor area and 460 residential units, which is lower than the density and intensity of development projected by the Comprehensive Plan; and

WHEREAS, it is the desire of the Burien City Council to expand the boundary of the current categorical exemption for new residential or mixed-use projects to include all properties located within the Burien Urban Center as defined by the Burien Comprehensive Plan;

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

Section 1: Amendment. Burien Municipal Code Section 14.05.040 is hereby amended to read as follows:

“Unless the context requires otherwise, the King County environmental procedures, as adopted in BMC 14.05.010, shall be modified as follows:

- (1) Any reference to the “county” or to “King County” shall refer to the city of Burien; any reference to the county council shall refer to the city council; and any reference to the county executive or other county staff position shall refer to the city manager; and
- (2) The city of Burien director of community development ~~services~~ shall serve as the SEPA responsible official unless otherwise designated by the city manager; and
- (3) All costs of preparing environmental documents shall be borne by the applicant in accordance with the city of Burien fee schedule; and
- (4) ~~Redevelopment of the Burien Town Square property as a mixed use infill project,~~ New residential or mixed use development within the urban center designated in the Burien Comprehensive Plan that is consistent with the goals, policies, density and intensity of use called for in the Burien Comprehensive Plan, is categorically exempt from RCW 43.21C pursuant to RCW 43.21C.229. For the purposes of this section, the “Burien Town Square” property is defined as land between SW 150th Street, SW 152nd Street, 4th Avenue SW and 6th Avenue SW (if extended), including any portion of a parcel of land lying both within and outside of this boundary.”

Section 2: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3: Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk: January 28, 2009

Passed by the City Council:

Ordinance No. 505

Date of Publication:

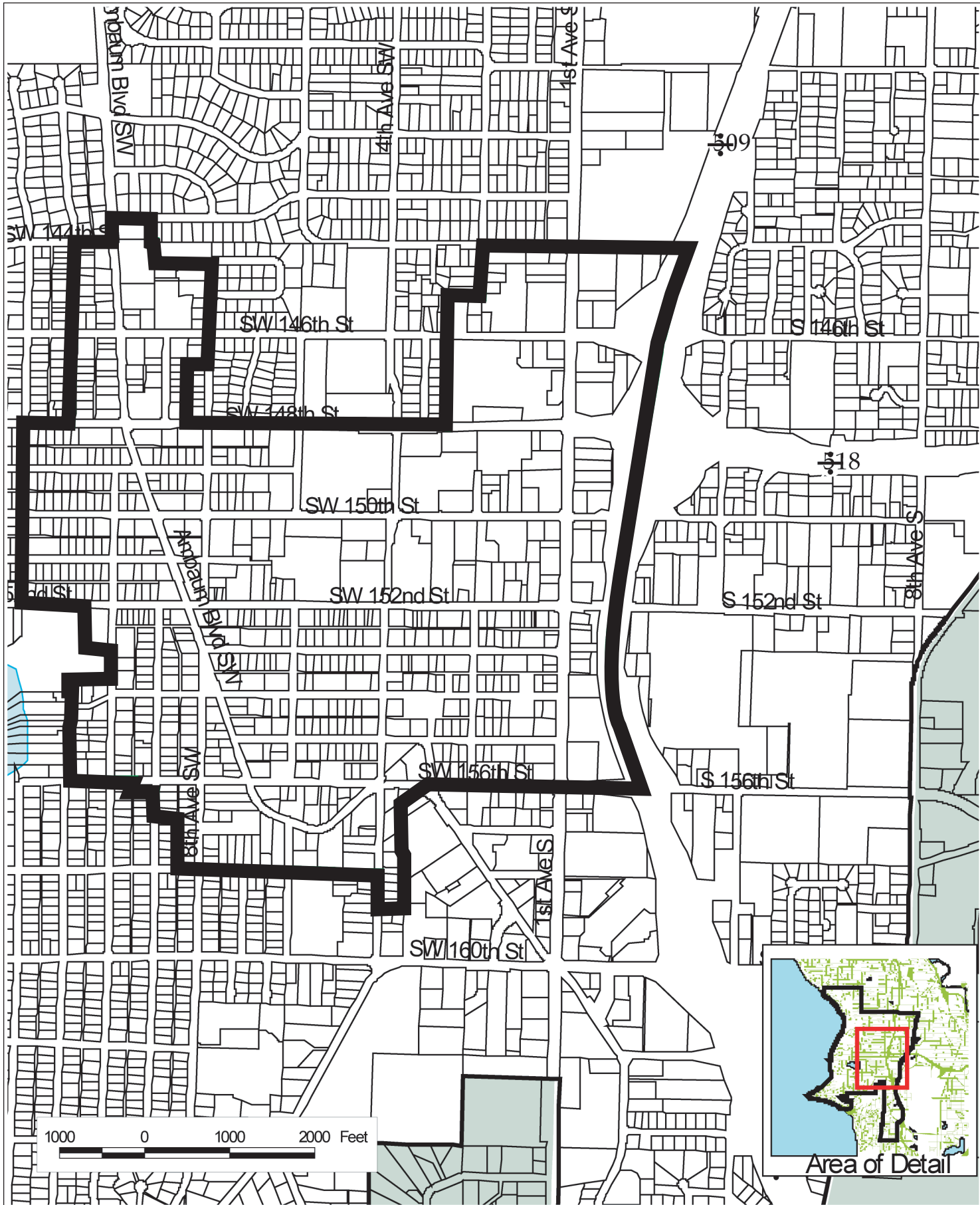


Figure 2LU-1.11 - Urban Center Boundary

November 2003 

Source: City of Burien 2003
 Crit_Comp/Graphics/Figures/FinalPDFs/Figure2LU1.11.pdf