



PLANNING COMMISSION AGENDA
July 13, 2016, 7:00 p.m.
 Multipurpose Room/Council Chamber
 Burien City Hall, 400 SW 152nd Street
 Burien, Washington 98166

This meeting can be watched live on Burien Cable Channel 21 or on www.burienmedia.org

- 1. ROLL CALL**
- 2. AGENDA CONFIRMATION**
- 3. APPROVAL OF MINUTES**
 - A. June 22, 2016
- 4. PUBLIC COMMENT**
 - Public comment will be accepted on topics not scheduled for a public hearing.
- 5. PUBLIC HEARING**
 - A. Significant Tree Retention Zoning Code Amendments
- 6. NEW BUSINESS**
 - A. Highline School District Impact Fee Zoning Code Amendments – Introduction
- 7. OLD BUSINESS**
 - A. Significant Tree Retention Zoning Code Amendments - Discussion
- 8. ELECTION OF OFFICERS**
 - A. Election of Planning Commission Chair and Vice Chair
- 9. PLANNING COMMISSION COMMUNICATIONS**
- 10. DIRECTOR’S REPORT**
- 11. ADJOURNMENT**
- Future Agendas (Tentative)**
 - July 27, 2016
 - Highline School District School Impact Fees – PUBLIC HEARING
 - Burien Strategic Plan - Presentation
 - Significant Tree Zoning Code Amendments – Discussion and Recommendation

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Planning Commissioners
 Curtis Olsen (Chair)

Kim Davis Anna Markee	Amy Rosenfield (Vice-Chair) Kaelene Nobis	Butch Henderson Douglas Weber
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City of Burien

BURIEN PLANNING COMMISSION
June 22, 2016
7:00 p.m.
Multipurpose Room/Council Chambers
MINUTES

To hear the Planning Commission's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

CALL TO ORDER

Chair Curtis Olsen called the June 22, 2016, meeting of the Burien Planning Commission to order at 7:03 p.m.

ROLL CALL

Present: Kim Davis, Butch Henderson, Anna Markee, Kaelene Nobis, Curtis Olsen, and Amy Rosenfield

Absent: Douglas Weber, excused

Administrative staff present: Chip Davis, Community Development Department director, and Brandi Eyerly, planner

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Henderson and seconded by Vice Chair Rosenfield to confirm the agenda. Motion passed 6-0.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Henderson, seconded by Commissioner Rosenfield, and passed 6-0 to approve the minutes of the June 8, 2016, meeting.

PUBLIC COMMENT

None.

PUBLIC HEARING

A. Transportation Impact Fee Deferral Zoning Code Amendments

Chair Olsen opened the public hearing at 7:05 p.m. Chip Davis gave a brief introduction on the hearing topic. There being no one wishing to testify, Chair Olsen closed the hearing at 7:15 p.m.

OLD BUSINESS

A. Transportation Impact Fee Deferral Zoning Code Amendments – Recommendation

Chair Olsen asked for clarification of when the amount of the impact fee is determined; Mr. Davis responded that it is determined at the time of building permit application and will stay fixed for the 18-month deferral period.

Commissioner Nobis asked for clarification about the timing of the fee payment; Mr. Davis explained that it's a matter of whatever comes first: final inspection, issuance of a Certificate of Occupancy, or closing of first sale of the property, although the Certificate of Occupancy will be the most likely trigger.

Chair Olsen asked if this would be punitive to a homeowner building his or her own house. Mr. Davis replied that a homeowner can apply for the deferral and may actually benefit from it as it postpones for 18 months one of the costs of building the house.

Chair Olsen moved that the Planning Commission recommend to the City Council approval of amendments to BMC 19.35 Transportation Impact Fee to allow deferred payment of impact fees and establish a reasonable administrative fee as set forth in the June 15, 2016, staff memo and associated attachments. Commissioner Nobis seconded. Motion carried 6-0.

B. Significant Tree Retention Discussion

Brandi Eyerly, planner, reviewed the changes made to the proposed language as requested by the commissioners at their last meeting.

Commissioner Nobis noted that there are four types of certifications available to arborists and asked if Burien specifies in its code what certifications are necessary. Ms. Eyerly said the code only says "certified arborist" or an arborist licensed by the State of Washington.

Commissioner Markee asked for clarification that there is no stipulation that all properties have a minimum number of trees; Ms. Eyerly confirmed that the proposed language only applies to properties that currently have trees. Mr. Davis conceded that at some point in the future the City may work to expand the tree canopy by encouraging owners of treeless properties to plant a minimum number of trees.

Commissioner Henderson asked if there are penalties for failing to meet the proposed requirements. Ms. Eyerly said enforcement has not been established yet. Mr. Davis said it would probably involve planting and maintaining replacement trees for a certain number of years.

Chair Olsen asked for clarification of the replacement tree ratio calculation. Mr. Davis said the simple explanation is that the larger the diameter of the replacement trees, the fewer of them that need to be planted.

Commissioner Nobis voiced concern that the proposed language didn't specifically address trees that aren't dead, diseased or deemed a safety risk, for instance, a tree pushing up a driveway or foundation, particularly when there are only a few trees on the property. Mr. Davis said that roots pushing up a driveway, sidewalk or foundation is a justification for removing a tree. As for the requirement that a certified arborist attest that a tree is dead, diseased, a safety risk or a hazard, most tree services have an arborist on staff that works with the crews removing trees, so it shouldn't be much of a hardship or added expense to the property owner. He added that particularly in critical areas how the tree is going to be removed is also very important.

Mr. Davis noted that there will be a public hearing on the proposed language at the next Planning Commission meeting.

Chair Olsen requested that language regarding tree banking be presented at the commission's next meeting, as well as the Port of Seattle list of moderate-height tree species.

The discussion then turned to heritage trees. Ms. Eyerly reviewed the five goals for creating the heritage tree portion of the code. She noted that the meeting packet included a heritage tree program study and examples of what other local jurisdictions have done. Ms. Eyerly pointed out that the programs cited had similar methods of defining heritage trees. Most of the cities do not include language addressing heritage trees in their codes, she added, but rather each has a heritage tree program with an independent board or group to administer it.

The commission discussed whether the public has an interest in designating as “heritage” trees that may be on private property and to what extent such a designation to protect a tree would infringe on private property rights. Many of the programs require the property owner’s agreement to the designation, and with that agreement, the designation and protection run with the land rather than with the ownership at designation. Mr. Davis said the commissioners should be thinking about what types of incentives could be offered to property owners to participate in a heritage tree program. Chair Olsen asked Ms. Eyerly to bring proposed heritage tree definition language to the next meeting.

NEW BUSINESS

None.

PLANNING COMMISSION COMMUNICATIONS

None.

DIRECTOR’S REPORT

Mr. Davis reminded the commissioners of the upcoming Washington state short course in local planning at the commission’s Sept. 25th meeting.

He said the July 13th meeting of the commission will include an introduction to the Highline School District’s school impact fee proposal, the public hearing on the proposed significant tree retention code amendments, and election of the commission chair and vice chair for the coming year.

ADJOURNMENT

Direction/Action

Commissioner Henderson moved for adjournment; Commissioner Davis seconded. Motion carried unanimously. The meeting adjourned at 8:35 p.m.

APPROVED: _____

Curtis Olsen, chair
Planning Commission

**CITY OF BURIEN, WASHINGTON
MEMORANDUM**

DATE: July 7, 2016

TO: Burien Planning Commission

FROM: Charles W. “Chip” Davis, AICP, Community Development Director

SUBJECT: Proposed New Chapter BMC 19.37, School Impact Fees, Establishing a School Impact Fee Program for the Highline School District No. 401

PURPOSE

At this meeting the Commission will receive a presentation on the proposed amendment for a new Chapter BMC 19.37, School Impact Fees to establish a school impact fee program for the Highline School District No. 401 which is consistent with the Burien Comprehensive Plan and the Highline School District Capital Facilities Plan. The Planning Commission is scheduled to conduct a public hearing on the proposed amendments at their July 27, 2016 meeting.

BACKGROUND

The Growth Management Act (GMA), as codified at Chapter 36.70A RCW and RCW 82.02, authorizes cities planning under GMA to assess, collect, and use impact fees to pay for capital projects related to public facilities needed to accommodate growth. School impact fees are one mechanism to charge and collect fees to ensure that all new residential development bears its proportionate share of the capital costs of school facilities reasonably related to new development and ensure the availability of adequate school facilities at the time that new development occurs.

School impact fees must be based on a capital facilities plan, which is developed by the school district, approved by the school board, and adopted by reference as a part of the Burien’s capital facilities element of the Comprehensive Plan. The Highline School District Board adopted their latest Six-Year Capital Facilities Plan, 2016 – 2021, on June 22, 2016.

At the July 13th Commission meeting, school district representatives will be making a presentation on the HSD Capital Facilities Plan (Attachment 1), which forms the basis for the proposed school impact fee and why a districtwide need exists for school impact fees on new residential development. Attachment 2 is a copy of the proposed new BMC Chapter 19.37, School Impact Fees.

ACTION

Staff is requesting that the Planning Commission review proposed amendments to BMC 19.35 Transportation Impact Fees in preparation for the June 22nd Public Hearing.

Attachments:

1. Adopted Highline School District Capital Facilities Plan, 2016 - 2021
2. Proposed BMC 19.37, School Impact Fees

HIGHLINE SCHOOL DISTRICT NO. 401

CAPITAL FACILITIES PLAN

2016-2021

May 27, 2016



Adopted: June 22, 2016.

HIGHLINE SCHOOL DISTRICT NO. 401

CAPITAL FACILITIES PLAN

2016-2021



BOARD OF DIRECTORS

Michael D. Spear, President
Bernie Dorsey, Vice President
Angelica Alvarez
Tyrone Curry, Sr.
Joe Van

SUPERINTENDENT

Dr. Susan Enfield

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For information regarding the Highline School District's 2016-2021 Capital Facilities Plan, contact G. Scott Hodgins, Executive Director, Capital Planning and Construction, Highline School District No. 401, 17810 8th Avenue South, Building A, Burien, Washington 98148. Telephone: (206) 631-7500

SECTION ONE: INTRODUCTION

Purpose of the Capital Facilities Plan

This Six-Year Capital Facilities Plan has been prepared by the Highline School District (the “District”) as the District’s primary facility planning document, in compliance with the requirements of Washington’s Growth Management Act (the “GMA”) and King County Council Code Title 21A. The Plan was prepared using data available in May 2016. The GMA outlines 13 broad goals including adequate provision of necessary public facilities and services. Schools are among these necessary facilities and services. School districts have adopted capital facilities plans to satisfy the requirements of RCW 36.70A.070 and to identify additional school facilities necessary to meet the educational needs of the growing student populations anticipated in their districts.

The Highline School District (the “District”) has prepared this Capital Facilities Plan (the “CFP”) to provide King County (the “County”) and the cities of Burien, Des Moines, Kent, Normandy Park, SeaTac, and Seattle with a schedule and financing program for capital improvements over the next six years (2016-2021).

This Plan will be updated annually with any changes to the impact fee schedule adjusted accordingly.

Executive Summary

After a period of low enrollment growth, the District has experienced steady and significant enrollment increases since 2010. The District currently serves an approximate student population of 19,058 (October 1, 2015 enrollment) with 18 elementary schools (grades K-6), five middle level schools (grades 7-8), and five high schools (grades 9-12). In addition, the District has alternative programs: Big Picture (MS and HS) at the Manhattan site; CHOICE Academy (MS and HS) at the Woodside site; New Start at the Salmon Creek Site; and Puget Sound Skills Center (“PSSC”).

Over the last 14 years the District has embarked on a major capital improvement effort to enhance its facilities to meet current educational and life-safety standards. Since 2002 the District has passed two major capital bonds: one in 2002 for approximately \$189,000,000 and one in 2006 for approximately \$148,000,000. The schools which were built for replacement of existing facilities and not to accommodate increased enrollment.

With the approved capital bond funds and reimbursements from the Office of the Superintendent of Public Instruction, the State of Washington, the Port of Seattle, the Federal Aviation Administration and private donations for a new Raisbeck Aviation High School the District has designed, permitted and constructed 13 new elementary schools, 1 new high school, renovated 3 schools as interim facilities, and renovated portions of Memorial Field and Camp Waskowitz. All of this work has been done since March 2002.

The District proposed in November 2014 and February 2015, but did not receive the 60 percent voter approval required for passage, of a bond measure to fund capacity and infrastructure needs. In response to the District's failure to successfully pass a capital bond, the District formed a Capital Facilities Advisory Committee ("CFAC") to develop recommendations for long term capital facilities, including a scope for future bond measures.

As the District looks ahead it recognizes that anticipated enrollment growth, some of which will be caused by new development, and implementation of recent legislation will require the District to either add new facilities, add additions to existing facilities, renovate existing facilities, or add portables to existing facilities.

This CFP identifies the current enrollment, the current capacity of each educational facility, the projected enrollment over the six-year planning period and how the District plans to accommodate this growth. It also includes a schedule of impact fees that should be charged to new development.

Based on current projections, the District needs to add capacity at the elementary and middle school levels to accommodate projected enrollment and implementation of recent legislation. To address these needs, the District plans to replace Des Moines Elementary School to increase its student capacity, add classrooms at existing elementary schools, and build one new middle school. In addition, new modular or portables may need to be added at individual elementary schools and middle schools to accommodate future enrollment. At this time it has been assumed that additional land will not be needed to accommodate the new schools; however, land will be necessary in the future to support the District's long range facilities plan and its Educational Strategic Plan.

The District's current planning as stated in this Capital Facilities Plan is subject to the Board's adoption of the Capital Facilities Advisory Committee's final recommendations (scheduled for July 2016). Future updates to this Capital Facilities Plan will provide final adoption information and any other relevant information.

SECTION 2 – STANDARD OF SERVICE

King County Code 21A.06 refers to a “Standard of Service” that each school district must establish in order to ascertain its overall capacity. School facility and student capacity needs are dictated by the types and amounts of space required to accommodate the District’s adopted educational program. The educational program standards which typically drive facility space needs include grade configuration, optimum facility size, class size, educational program offerings, classroom utilization and scheduling requirements, and use of relocatable classrooms (portables).

District educational program standards may change in the future as a result of changes in the program year, special programs class sizes, grade span configurations, and use of new technology, as well as other physical aspects of the school facilities. In addition, the State Legislature’s implementation of requirements for reduced K-3 class size will also impact school capacity and educational program standards. (The District currently offers full-day kindergarten.) The school capacity inventory will be reviewed periodically and adjusted for any changes to the educational program standards. These changes will also be reflected in future updates of this CFP.

The Standard of Service outlined below reflects only those programs and educational opportunities provided to students that directly affect the capacity of school buildings. The special programs listed below require classroom space, thus the permanent capacity of some buildings housing these programs has been reduced.

Table 1
Class Size – Standard of Service

<i>Grade Level</i>	<i>Average Class Size Based on Standard of Service</i>
Kindergarten	24*
Grades 1 – 3	25*
Grades 4 – 6	27
Grades 7 – 8	30
Grades 9 – 12	32

*The District standard for K-3 will change to 17:1 in 2019 (see Table 7).

It is not possible to achieve 100% utilization of all regular teaching stations throughout the day. Therefore, classroom capacity is adjusted using a utilization factor of available teaching stations depending on the physical characteristics of the facility and educational program needs.

Elementary School Standard of Service Models

- Special education for students with disabilities may be provided in self-contained classrooms.
- All students are provided music instruction in a separate classroom.
- All students will have scheduled time in a special classroom.
- Identified students will also be provided other educational opportunities in classrooms designated as follows:
 - Resource Rooms
 - English Language Learners (ELL)
 - Education for Disadvantaged Students (Title I)
 - Gifted Education
 - Learning Assisted Programs
 - Severely Behavior Disorder
 - Transition Rooms
 - Mild, Moderate, and Severe Disabilities
 - Developmental Kindergarten
 - Extended Daycare Programs and Preschool Programs

Secondary School Standard of Service Models

- Identified students will also be provided other educational opportunities in classrooms designated as follows:
 - Resource Rooms
 - English Language Learners (ELL)
 - Computer Labs
 - Science Labs
 - Career and Vocational Rooms
 - Daycare Programs
 - Alternative Program Spaces

SECTION THREE: CAPITAL FACILITIES INVENTORY

This section provides an inventory of capital facilities owned and operated by the District including schools and relocatable classrooms (modulars or portables). School facility capacity was inventoried based on the space required to accommodate the District's adopted educational program standards. *See Section Two: Standard of Service.* A map showing locations of District facilities is provided in Appendix A.

Schools

See *Section One* for a description of the District's schools and programs.

School capacity was determined based on the number of teaching stations (or general classrooms) within each building and the space requirements of the District's currently adopted current educational program and internal targets as reported in ICOS with the Office of the Superintendent of Public Instruction. It is this capacity calculation that is used to establish the District's baseline capacity, and to determine future capacity needs based on projected student enrollment. The school capacity inventory is summarized in Tables 2, 3, and 4.

As the District implements reduced K-3 class size requirements and grade reconfiguration, the inventory will reflect adjustments in the Standard of Service (see Tables 7-B and 7-C).

Relocatable Classrooms (Portables)

Relocatable classrooms (portables) are used as interim classroom space to house students until funding can be secured to construct permanent classrooms. The District currently uses 27 relocatable classrooms at various school sites throughout the District to provide additional interim general classroom capacity. A typical relocatable classroom can provide capacity for a full-size class of students. Current use of relocatable classrooms throughout the District is summarized in Table 5.

Table 2
Elementary School Level Inventory

<i>Elementary School</i>	<i>Building Area (sq. ft.)</i>	<i>Teaching Stations*</i>	<i>Permanent Capacity**</i>
Beverly Park at Glendale ES	58,145	22	514
Bow Lake ES	76,108	30	666
Cedarhurst ES	68,916	26	619
Des Moines ES	41,766	19	471
Gregory Heights ES	65,978	27	585
Hazel Valley ES	65,346	26	452
Hilltop ES	51,532	24	594
Madrona ES	69,240	25	598
Marvista ES	68,462	27	621
McMicken Heights ES	69,979	25	582
Midway ES	66,096	25	610
Mount View ES	67,783	26	628
North Hill ES	65,665	27	636
Parkside ES	68,857	26	622
Seahurst ES	59,967	27	585
Shorewood ES	60,326	22	483
Southern Heights ES	32,942	15	336
White Center ES	65,654	26	622
TOTAL	1,122,762	445	10,231

* Teaching Station definition: A space designated as a classroom. Other stations include spaces designated for special education and pull-out programs.

** General classrooms

Table 3
Middle School Level Inventory***

<i>Middle School</i>	<i>Building Area (sq. ft.)</i>	<i>Teaching Stations*</i>	<i>Permanent Capacity**</i>
Cascade MS	90,582	34	986
Chinook MS	87,476	27	783
Pacific MS	73,941	24	696
Sylvester MS	92,617	30	870
Big Picture MS (at Manhattan)^		2	58
Choice (at Woodside) ^		2	58
TOTAL	344,616	119	3,451

* Teaching Station Definition: A space designated as a general classroom. Other stations include spaces designated for special education and pull-out programs.

** General classrooms.

***Does not include alternative programs: CHOICE Academy MS/HS at Woodside site.

^The District anticipates that the Big Picture and Choice programs will be relocated to another District facility or leased space in 2017. Inventory adjustments will be reflected in future updates to this Capital Facilities Plan.

Table 4
High School Level Inventory***

<i>High School</i>	<i>Building Area (sq. ft.)</i>	<i>Teaching Stations*</i>	<i>Permanent Capacity**</i>
Raisbeck Aviation HS	87,934	14	448
Big Picture HS (at Manhattan)^	29,141	10	320
Evergreen HS	161,456	48	1,536
Highline HS	214,919	70	2,240
Mount Rainier HS	205,159	47	1,504
Tyee HS	143,101	38	1,216
TOTALS	841,710	227	7,264^^

* Teaching Station definition: A space designated as a general classroom. Other stations include spaces designated for special education and pull-out programs.

** Regular classrooms.

***Does not include alternative programs: CHOICE Academy MS/HS at Woodside site; New Start HS at Salmon Creek site; and Puget Sound Skills Center.

^ The District anticipates that the Big Picture program will be relocated to another District facility or leased space in 2017. Inventory adjustments will be reflected in future updates to this Capital Facilities Plan.

^^Total capacity at the high school level may be affected as the District makes programmatic changes in its small school high schools: Tyee HS and Evergreen HS. For example, spaces currently identified as teaching stations may be needed to serve special programs.

Table 5
Relocatable Classrooms (Portable) Inventory

<i>Elementary School</i>	<i>Relocatables**</i>	<i>Other***</i>	<i>Interim Capacity</i>
Beverly Park at Glendale	0	2	0
Bow Lake	0	4	0
Cedarhurst	1	3	25
Des Moines	0	1	0
Gregory Heights	0	0	0
Hazel Valley	3	1	75
Hilltop	5	1	125
Madrona	2	0	50
Marvista	2	0	50
McMicken Heights	0	0	0
Midway	4	0	100
Mount View	4	0	100
North Hill	0	0	0
Parkside	0	0	0
Seahurst	2	2	50
Shorewood	1	3	25
Southern Heights	2	1	50
White Center	1	3	25
TOTAL	27	21	675

<i>Middle School</i>	<i>Relocatables**</i>	<i>Other ***</i>	<i>Interim Capacity</i>
Cascade	0	3	0
Chinook	5	1	145
Pacific	4	0	116
Sylvester	2	2	58
Big Picture MS	4	7	116
TOTAL	15	13	435

<i>High School</i>	<i>Relocatable**</i>	<i>Other***</i>	<i>Interim Capacity</i>
Raisbeck Aviation HS	0	0	0
Big Picture HS	0	0	0
Evergreen HS	3	2	96
Highline HS	0	0	0
Mount Rainier HS	0	0	0
Tyee HS	0	1	0
TOTALS	3	3	96

**Used for regular classroom capacity.

***The relocatables referenced under "other relocatables" are used for special pull-out programs, storage, community use, etc.

SECTION FOUR: STUDENT ENROLLMENT TRENDS AND PROJECTIONS

Generally, enrollment projections using historical calculations are most accurate for the initial years of the forecast period. Moving further into the future, more assumptions about economic conditions, land use, and demographic trends in the area affect the projection. Monitoring birth rates in the County and population growth for the area are essential yearly activities in the ongoing management of the CFP. In the event that enrollment growth slows, plans for new facilities can be delayed. It is much more difficult, however, to initiate new projects or expedite projects in the event enrollment growth exceeds the projections.

With the assistance of a professional demographer, the District has developed its own methodology for forecasting future enrollments. This methodology, a modified cohort survival method, considers a variety of factors to evaluate the potential student population growth for the years 2016 through 2021. These factors include: projected births, projected growth in the K-12 population, and a model which considers growth in population and housing within the District's boundaries. The methodology also considers the potential impacts on enrollment due to the recent opening of a charter school within the District's boundaries. Certain assumptions are made regarding the continued enrolment at the charter school. Therefore, the methodology and the resulting projections should be considered conservative.

District enrollment has increased in recent years, including a 6.4% increase since 2009. Using the modified cohort survival projections, a total enrollment of 20,423 students is expected in 2021. In other words, the District projects an increase of 7.1% in student enrollment (or 1,365 students) between 2015 and 2021. See Appendix B (Enrollment projections from Les Kendrick, December 2015.)

**Table 6
Projected Student Enrollment
2016-2021**

<i>Projection</i>	<i>2015*</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>Actual Change</i>	<i>Percent Change</i>
	19,058	19,233	19,459	19,622	19,872	20,118	20,423	1,365	7.1%

*Actual October 2015 FTE enrollment.

SECTION FIVE: CAPITAL FACILITIES PROJECTIONS FOR FUTURE NEEDS

Projected future capacity needs, shown in Tables 7-A through 7-C, are derived by applying the projected number of students to the projected permanent capacity. It is not the District's policy to include relocatable classrooms when determining future capital facility needs; therefore, interim capacity provided by relocatable classrooms is not included in this analysis. The District will utilize relocatables as necessary to address interim capacity needs. Information on relocatable classrooms by grade level and interim capacity can be found in Table 5. Information on planned construction projects can be found in the Financing Plan, Table 8.

Recent state-level policy decisions impact the District's capacity analysis. Engrossed Senate House Bill 2261, adopted in 2009, requires school districts to implement full-day kindergarten by 2018. SHB 2776, passed in 2010, requires school districts to reduce K-3 class sizes to 17 students per teacher. Finally, in November 2015, the voters passed Initiative 1351, which requires reduced class sizes across all grades (K-12). The District has proactively implemented full day kindergarten, which reduced the number of available regular classrooms in elementary schools districtwide. The District anticipates that the Legislature will only partially fund implementation of K-3 class size reduction, and therefore the capacity projects needed to address implementation will require successful passage of a capital bond. Future updates to this Plan will incorporate any funded implementation of Initiative 1351.

Table 7 assumes that K-3 class size reduction is implemented by 2019 and that grade levels are reconfigured to K-5, 6-8, and 9-12 in 2020. All scenarios include the capacity related projects the District is planning during the six-year planning period.

**Table 7
Projected Student Capacity – 2016 through 2021**

Elementary School Level – Surplus/Deficiency

	2015*	2016	2017	2018	2019^	2020^^	2021
Existing Permanent Capacity	10,231	10,231	10,231	10,231	9,034	9,544	9,849
Added Permanent Capacity	0	0	0		510'	305''	0
Total Permanent Capacity**	10,231	10,231	10,231	10,231	9,544	9,849	9,849
Enrollment	10,580	10,744	11,026	11,210	11,302	9,725	9,788
Surplus (Deficiency)** Permanent Capacity	(349)	(513)	(795)	(979)	(1,758)	124	61

*Actual October 2015 FTE enrollment

**Does not include portable capacity

^Implementation of reduced K-3 class size and adjusted Standard of Service

^^Movement of 6th grade to middle school level and adjusted Standard of Service

'Addition of new classrooms at existing elementary schools

''New Des Moines Elementary School opens with added capacity

Middle School Level – Surplus/Deficiency

	2015*	2016	2017	2018	2019	2020^^	2021
Existing Permanent Capacity	3,451	3,451	3,451	3,451	3,451	3,451	4,451
Added Permanent Capacity	0	0	0	0		1,000'	0
Total Permanent Capacity**	3,451	3,451	3,451	3,451	3,451	4,451	4,451
Enrollment	2,648	2,490	2,405	2,533	2,761	4,562	4,584
Surplus (Deficiency)** Permanent Capacity	803	961	1,046	918	690	(111)	(133)

*Actual October 2015 FTE enrollment

**Does not include portable capacity

^^Movement of 6th grade to middle school level and adjusted Standard of Service

'New middle school capacity added

High School Level – Surplus/Deficiency

	2015*	2016	2017	2018	2019	2020	2021
Existing Permanent Capacity	7,264	7,264	7,264	7,264	7,264	7,264	7,264
Added Permanent Capacity	0	0	0	0	0	0	0
Total Permanent Capacity**	7,264	7,264	7,264	7,264	7,264	7,264	7,264
Enrollment	5,830	5,998	6,028	5,878	5,809	5,831	6,051
Surplus (Deficiency)** Permanent Capacity	1,434	1,266	1,236	1,386	1,455	1,433	1,213

*Actual October 2015 FTE enrollment

**Does not include portable capacity.

SECTION SIX: FINANCING PLAN

Planned Improvements

The Finance Plan focuses on capacity related projects needed to accommodate recent and projected growth in the District.

Based upon the scenario presented in Table 3, the District will need to add permanent classroom capacity at both the elementary school and middle school grade levels. Subject to Board approval of the Capital Facilities Advisory Committee's final recommendations, anticipated in July 2016, the District anticipates that the additional capacity will be accomplished by (1) adding space to the new Des Moines Elementary School (replacement school), (2) the construction of new elementary school classrooms at various sites, and (3) constructing a new middle school. All new schools will be located on land currently owned by the District.

In addition, new relocatable classrooms (portables) may need to be added at individual elementary schools and middle schools to accommodate future enrollment or to provide interim classrooms until permanent classroom capacity is built.

The District has identified "non-capacity" capital needs at existing schools. The non-capacity projects are identified in the District's 2016 Long Range Facility Plan (scheduled to be adopted in July 2016). Funding for the non-capacity related projects may be proposed as a part of a future capital bond measure. The School Board of Directors will continue annual review of its school and support facility needs, and any decisions will be reflected in future updates to this Capital Facilities Plan (CFP).

Financing for Planned Improvements

Funding for planned improvements is typically secured from a number of sources including voter-approved bonds, State match funds, and impact fees.

General Obligation Bonds: Bonds are typically used to fund construction of new schools and other capital improvement projects, and require a 60% voter approval. The District's voters will need to approve a school construction bond to fund the projects identified in this Plan.

State School Construction Assistance Funds: State School Construction Assistance Funds come from the Common School Construction Fund, which is composed of revenues accruing predominantly from the sale of renewable resources (i.e., timber) from State school lands set aside by the Enabling Act of 1889. If these sources are insufficient to meet needs, the Legislature can appropriate funds or the State Board of Education can establish a moratorium on certain projects. School districts may qualify for State School Construction Assistance Funds for specific capital projects based on a prioritization system.

The District anticipates receiving funding from Senate Bill 6080 to address a portion of the classrooms needed for implementation of reduced K-3 class sizes.

Impact Fees: Impact fees are a means of supplementing traditional funding sources for construction of public facilities needed to accommodate new development. See Section 7 School Impact Fees.

The Six-Year Financing Plan shown on Table 8 demonstrates how the District intends to fund new construction and improvements to school facilities for the years 2016-2021. The financing components include bonds, State match funds, and impact fees. The Financing Plan separates projects and portions of projects which add capacity from those which do not, since the latter are generally not appropriate for impact fee funding.

Table 8
Capital Facilities Financing Plan

Improvements Adding Permanent Capacity Costs (in Millions)**

Project	2016	2017	2018	2019	2020	2021	Total Cost	Bonds/Local Funds	State Funding	Impact Fees
Elementary Schools										
Des Moines Elementary Replacement and Addition			30.000	31.674			\$61,674	X	X	X
Elementary School Classrooms – various sites		10.00	10.00				\$20.000	X	SB 6080 Funds (in excess of \$20M)	X
Middle Schools										
New Middle School (1,000 capacity)		14.000	39.650	39.650			\$93.300	X	X	X
								X	X	X
Portables										
Portables at Various Sites		.200	.200	.200				X		X
High Schools										
Land Purchase (elementary site for future growth)						\$20.000	\$20.000	X		X

**All projects are growth-related.

SECTION SEVEN: SCHOOL IMPACT FEES

The GMA authorizes jurisdictions to collect impact fees to supplement funding of additional public facilities needed to accommodate new development. Impact fees cannot be used for the operation, maintenance, repair, alteration, or replacement of existing capital facilities used to meet existing service demands.

Impact fees in Appendix C have been calculated utilizing the formula in the King County Code. The resulting figures are based on the District's cost per dwelling unit to purchase land for school sites, make site improvements, construct schools, and purchase/install relocatable classrooms (portables). As required under the GMA, credits have also been applied in the formula to account for State Match Funds to be reimbursed to the District and projected future property taxes to be paid by the dwelling unit.

The District's cost per dwelling unit is derived by multiplying the cost per student by the applicable student generation rate per dwelling unit. The student generation rate is the average number of students generated by each housing type; in this case, single family dwellings and multi-family dwellings. Multi-family dwellings were broken out into one-bedroom and two-plus bedroom units. The District has developed its own student generation rate data based on actual permit data from local jurisdictions. *See Appendix D.*

Using the variables and formula described, and applying the 50% discount rate required by the King County School Impact Fee Ordinance, impact fees proposed as a part of this CFP, are summarized in Table 9 below. *See also Appendix C.*

King County and the City of Kent currently have adopted school impact fee ordinances and collect school impact fees on behalf of the District. The District is requesting that the other cities that it serves consider adoption of a school impact fee ordinance.

**Table 9
School Impact Fees
2016**

<i>Housing Type</i>	<i>Impact Fee Per Dwelling Unit</i>
Single Family	\$7,528
Multi-Family	\$6,691

APPENDIX A
DISTRICT MAP

APPENDIX B

POPULATION AND ENROLLMENT DATA

Highline Enrollment Projection

Medium Range Forecast (With Charter Schools Continuing)

Births	Projected Births																						
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	
King County	22,874	22,860	24,244	24,899	25,190	25,057	24,514	24,630	25,032	24,910	25,028	25,433	25,406	25,391	25,386	25,393	25,492						
K Enrollas %	5.79%	6.24%	5.96%	6.20%	6.72%	6.46%	6.34%	6.35%	6.35%	6.41%	6.45%	6.41%	6.36%	6.36%	6.36%	6.36%	6.36%						
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025						
K	1324	1427	1445	1543	1694	1618	1553	1564	1590	1598	1613	1631	1617	1616	1616	1616	1622						
1	1337	1392	1456	1475	1564	1723	1643	1577	1593	1619	1627	1642	1661	1646	1645	1645	1645						
2	1363	1332	1374	1430	1491	1594	1693	1637	1575	1593	1619	1627	1640	1658	1643	1642	1642						
3	1346	1409	1362	1368	1429	1498	1580	1678	1655	1595	1614	1640	1645	1657	1676	1661	1660						
4	1354	1335	1393	1323	1385	1436	1490	1582	1673	1653	1593	1612	1635	1640	1652	1671	1656						
5	1282	1387	1323	1408	1319	1391	1369	1435	1553	1643	1632	1572	1591	1613	1618	1631	1649						
6	1273	1312	1381	1316	1420	1307	1262	1271	1387	1509	1805	1594	1536	1554	1576	1581	1593						
7	1238	1218	1253	1317	1241	1369	1271	1205	1211	1322	1438	1529	1519	1463	1480	1502	1506						
8	1252	1227	1220	1267	1319	1270	1377	1285	1194	1212	1323	1439	1530	1520	1465	1482	1503						
9	1814	1832	1589	1585	1665	1643	1604	1743	1688	1568	1591	1737	1896	2015	2002	1929	1952						
10	1414	1462	1498	1424	1456	1510	1510	1468	1529	1481	1376	1396	1529	1668	1774	1762	1698						
11	1353	1274	1482	1442	1408	1448	1356	1427	1387	1445	1399	1300	1323	1449	1581	1681	1670						
12	1561	1494	1450	1586	1506	1517	1360	1361	1425	1384	1443	1397	1303	1326	1453	1565	1685						
Total	17,911	18,101	18,226	18,484	18,897	19,322	19,058	19,233	19,459	19,622	19,872	20,118	20,423	20,827	21,181	21,387	21,481						

* HS Enrollment Does Not Include Open Doors

Learning Center Students or Career

Link Students Beginning with the 2014 Enrollment

Change	198	190	125	258	413	425	-264	175	226	163	250	245	306	403	354	206	94
% Change	1.1%	1.1%	0.7%	1.4%	2.2%	2.2%	-1.4%	0.9%	1.2%	0.8%	1.3%	1.2%	1.5%	2.0%	1.7%	1.0%	0.4%

	9,279	9,594	9,734	9,863	10,302	10,567	10,580	10,744	11,026	11,210	11,302	11,319	11,324	11,365	11,427	11,447	11,468
	2,430	2,445	2,473	2,584	2,560	2,639	2,648	2,490	2,405	2,533	2,761	2,968	3,048	2,983	2,545	2,983	3,009
	6,142	6,062	6,019	6,037	6,035	6,116	5,830	5,998	6,026	5,878	5,809	5,831	6,051	6,459	6,809	6,957	7,004

APPENDIX C

SCHOOL IMPACT FEE CALCULATIONS

HIGHLINE SCHOOL DISTRICT No. 401
IMPACT FEE CALCULATION
Jun-16

School Site Acquisition Cost:		Facility	Cost/	Facility	Student	Student		
	Scope	Acreage	Acre	Capacity	Factor	Factor	Cost/SFR	Cost/MFR
Elementary Schools			\$0	0	0.210	0.134	\$0	\$0
Middle Schools					0.045	0.059	\$0	\$0
High Schools					0.099	0.089	\$0	\$0
TOTALS							\$0	\$0

School Construction Cost:			Facility	Facility	Student	Student		
	Scope	% Perm Fac.	Cost	Capacity	Factor	Factor	Cost/SFR	Cost/MFR
Elementary Schools (38.33%)	1 site	97.36%	\$62,674	717	0.210	0.134	\$17,872	\$11,404
Middle Schools	1 site	97.36%	\$93,300	1000	0.045	0.059	\$4,088	\$5,359
High Schools					0.099	0.089	\$0	\$0
TOTALS							\$21,959	\$16,763

Temporary Facilities Cost:			Facility	Facility	Student	Student		
	Scope	% Perm Fac.	Cost	Capacity	Factor	Factor	Cost/SFR	Cost/MFR
Elementary Schools		2.64%	0	0	0.210	0.134	\$0	\$0
Middle Schools		2.64	0	0	0.045	0.059	\$0	\$0
High Schools			0	0	0.099	0.089	\$0	\$0
TOTALS							\$0	\$0

State Match Credit Calculation:		Const. Cost	SF/	State	Student	Student		
	Scope	Allocation/SF	Student	Match	Factor	Factor	Cost/SFR	Cost/MFR
Elementary Schools		213.23	90	0.5613	0.210	0.134	\$2,262	\$1,792
Middle Schools		213.23	108	0.5613	0.045	0.059	\$582	\$388
High Schools		0	0	0	0.099	0.089	\$0	\$0
TOTALS							\$2,844	\$2,180

Tax Payment Credit:							Credit/SFR	Credit/MFR
Average Assessed Value							\$294,206	\$87,018
Capital Bond Interest Rate							3.27%	3.27%
Net Present Value of Average Dwelling							\$2,475,408	\$732,157
Years Amortized							10	10
Property Tax Levy Rate							\$1,640	\$1,640
Tax Payment Credit							\$4,060	\$1,201

Fee Summary		Cost/SFR	Cost/MFR
School Site Acquisition Cost		\$0	\$0
School Construction Cost		\$21,959	\$16,763
Temporary Facilities Cost		\$0	\$0
State Matching Credit Calculation		\$2,844	\$2,180
Tax Payment Credit Calculation		\$4,060	\$1,201
SUBTOTAL		\$15,056	\$13,383
50% Local Share		-\$7,528	-\$6,691
CALCULATED IMPACT FEE		\$7,528	\$6,691
2016 IMPACT FEE		\$7,528	\$6,691

APPENDIX D

STUDENT GENERATION RATE DATA

**Highline School District
Student Generation Rates**

In 2015, the District developed student generation rates based upon new residential development occurring within the District's boundaries within the preceding five year period. The District compared student enrollment addresses to the addresses on permits for new dwelling units. The District is using the 2015 study for purposes of this Capital Facilities Plan update. Future updates to the Capital Facilities Plan will include updated information.

Single Family Occupancy Permits for the last 5 years = 401
Elementary Students occupying Single Family Residences = 84
Elementary Students Single Family Student Generation Rate = 0.21

Single Family Occupancy Permits for the last 5 years = 401
Junior High School Students occupying Single Family Residences = 18
Junior High School Students Single Family Student Generation Rate = 0.045

Single Family Occupancy Permits for the last 5 years = 401
High School Students occupying Single Family Residences = 40
High School Students Single Family Student Generation Rate = 0.099

Multi-Family Occupancy Permits for the last 5 years = 67
Elementary Students occupying Multi-Family Residences = 9
Elementary Students Single Family Student Generation Rate = 0.134

Multi-Family Occupancy Permits for the last 5 years = 67
Junior High School Students occupying Multi-Family Residences = 4
Junior High School Students Single Family Student Generation Rate = 0.059

Multi-Family Occupancy Permits for the last 5 years = 67
High School Students occupying Multi-Family Residences = 6
High School Students Single Family Student Generation Rate = 0.089

19.37 School Impact Fees

19.37.010	Authority
19.37.020	Purpose
19.37.030	Definitions
19.37.040	Interlocal agreement between city and district
19.37.050	Impact fee program elements
19.37.060	Assessment of impact fees
19.37.070	Option for deferred payment of impact fees
19.37.080	Exemptions
19.37.090	Determination of the fee, adjustments, exceptions and appeals
19.37.100	Impact fee accounts and refunds
19.37.110	Use of fees

19.37.010 Authority

This chapter is enacted pursuant to the City’s police powers, the Growth Management Act as codified in Chapter 36.70A RCW (the “Act”), the impact fee statutes as codified in RCW 82.02.050 through 82.02.100, Chapter 58.17 RCW relating to platting and subdivisions, and the State Environmental Policy Act (SEPA), Chapter 43.21C RCW.

19.37.020 Purpose

The purpose of this chapter is to:

1. Develop a school impact fee program consistent with the Burien Comprehensive Plan for joint public and private financing of school facilities consistent with the capital facilities plan of the Highline School District No. 401 (“the District”), as such public facilities are necessitated in whole or in part by residential development in the city;
2. Ensure adequate levels of service in school facilities;
3. Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of school facilities reasonably related to new development, in order to ensure the availability of adequate school facilities at the time new development occurs; and
4. Ensure fair collection and administration of such impact fees.

The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety and welfare.

19.37.030 Definitions

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms or words not defined herein shall be defined pursuant to RCW 82.02.090 or given their usual and customary meaning.

“Act” means the Growth Management Act, Chapter 17, Laws of 1990, First Extraordinary Session, Chapter 36.70A RCW et seq., and Chapter 32, Laws of 1991, First Special Session, as now in existence or hereinafter amended.

“Adult” means a person aged 55 or older.

“Applicant” shall mean the person or entity that owns or holds purchase options or other development control over property for which development activity is proposed, and shall include any entity that controls, is controlled by, or is under common control with the applicant.

“Building permit” means the official document or certification of the city of Burien that is issued by the building official which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, tenant improvement, demolition, moving or repair of a building or structure or other construction permits in those instances where a building permit is not required.

“Capital facilities plan” means the district’s facilities plan as adopted by the district’s board of directors and such plans as amended, and such plan as amended.

“City” means the city of Burien.

“Code” means the municipal code of the city of Burien.

“County” means King County.

“Development activity” means any construction or expansion of a residential building, structure, or use, any change in use of a residential building or structure, or any changes in the use of residential land, that creates additional demand for school facilities,

“Development approval” means any written authorization from the city, which authorizes the commencement of the “development activity”.

“District” means the Highline School District No. 401.

“Dwelling Unit” means a dwelling unit as defined in BMC 19.10.115.

“Dwelling Unit, Multi-Family” means an apartment dwelling unit as defined in BMC 19.10.123.

“Dwelling Unit, Single-Family” means a single detached dwelling unit as defined in BMC 19.10.135.

“Encumbered” means impact fees identified by the district as being committed as part of the funding for a school facility for which the publically funded share has been assured or building permits sought or construction contracts let or other contractual obligations incurred.

“Impact fee” means a payment of money imposed upon development as a condition of development approval to pay for school facilities needed to serve new growth and development, that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. “Impact Fee” does not include a reasonable permit or application fee.

“Impact fee account” or **“account”** means the account established for the system improvements for which impact fees are collected. The account shall be established pursuant to this chapter, and shall comply with the requirements of RCW 82.02.070.

“Impact fee schedule” means the table of impact fees to be charged per unit of development, computed by the formula contained in the district’s capital facilities plan, indicating the standard fee amount per dwelling unit that shall be paid as a condition of residential development within the city.

“Interlocal agreement” means the agreement between the District and the city, governing the operation of the school impact fee program and describing the relationship, duties and liabilities of the parties.

19.37.040 Interlocal agreement between the city and district

As a condition of the city’s authorization and adoption of a school impact fee ordinance, the city and District shall enter into an interlocal agreement governing the operation of the school impact fee program, and describing the relationship and liabilities of the parties thereunder.

19.37.050 Impact fee program elements

1. Any impact fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development. The impact fee formula shall account in the fee calculation for past and future revenues the District shall receive from the development which are proratable to the same system improvements that will serve the development and for the availability of other means of public funding.
2. The impact fee shall be based on the capital facilities plan developed by the District and approved by the school board, and adopted by reference by the city as part of the capital facilities element of the Burien’s Comprehensive Plan for the purpose of establishing the fee program.
3. The district shall annually submit to the city a six-year capital facilities plan or an update of a previously adopted plan, which meets the requirements of the Act. The materials submitted annually by the District shall include proposed impact fee amounts for single-family residential units and multi-family residential units. The city may adopt by resolution an amended permit and impact fee schedule to reflect changes to the capital facilities plan.
4. For the purposes of the impact fee calculation, the service area shall be the entire District and, for the purposes of the imposition of the fee under this Chapter, the service area is the entire city.

19.37.060 Assessment of impact fees

1. The city shall collect impact fees from any applicant seeking a residential building permit, or other construction permit if a building permit is not required, as set forth in the city’s adopted Permit Fees and Engineering Review Deposit Schedule.
2. Except as provided in BMC 19.37.070, all impact fees shall be collected from the applicant prior to issuance of the building permit. Unless the use of an independent fee calculation has been approved, the fee shall be calculated based on the impact fee schedule in effect at the time of building permit issuance.
3. For building permits for mixed use developments, impact fees shall be imposed on the residential portion of the development found on the impact fee schedule.
4. Separate fees shall be calculated for single-family and multi-family types of dwelling units, and separate student generation rates must be determined by the District for each type of dwelling

unit. For the purpose of this chapter, mobile homes shall be treated as single-family dwellings and duplexes shall be treated as multi-family dwellings.

5. For building permits within new subdivisions approved under Title 17, Subdivisions, a credit will be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of the approval of the subdivision.
6. Unless payment has been deferred under BMC 19.37.070, the city shall not issue any building permit unless and until the impact fee has been paid.
7. The city may impose an application fee, as provided for in the city's adopted Permit Fees and Engineering Review Deposit Schedule, to cover the reasonable cost of administration of the impact fee program. The fee is not refundable and is collected from the applicant of the development activity permit at time of permit issuance.

19.37.070 Option for deferred payment of impact fees

1. An applicant may request, at any time prior to building permit issuance, and consistent with the requirements of this section, to defer to the final inspection the payment of an impact fee for a residential development unit. The following shall apply to any request to defer payment of an impact fee:
 - A. The applicant shall submit to the city a written request to defer the payment of an impact fee for a specifically identified building permit. The applicant's request shall identify, as applicable, the applicant's corporate identity and contractor registration number, the full names of all legal owners of the property upon which the development activity allowed by the building permit is to occur, the legal description of the property upon which the development activity allowed by the building permit is to occur, the tax parcel identification number of the property upon which the development activity allowed by the building permit is to occur, and the address of the property upon which the development activity allowed by the building permit is to occur. All applications shall be accompanied by an administrative fee as provided for in the city's adopted Permit Fees and Engineering Deposit Schedule.
 - B. The impact fee amount due under any request to defer payment of impact fees shall be based on the schedule in effect at the time the applicant provides the city with the information required in subsection A of this section.
 - C. Prior to the issuance of a building permit that is the subject of a request for a deferred payment of impact fee, all applicants and/or legal owners of the property upon which the development activity allowed by the building permit is to occur must sign a deferred impact fee payment lien in a form acceptable to the city attorney. The deferred impact fee payment lien shall be recorded against the property subject to the building permit and be granted in favor of the city in the amount of the deferred impact fee. Any such lien shall be junior and subordinate only to one mortgage for the purpose of construction upon the same real property subject to the building permit. In addition to the administrative fee required in subsection A of this section, the applicant shall pay to the city the fees necessary for recording the lien agreement with the King County recorder.
 - D. The city shall not approve a final inspection until the transportation impact fees identified in the deferred impact fee payment lien are paid in full.

- E. In no case shall payment of the impact fee be deferred for a period of more than 18 months from the date of building permit issuance.
- F. Upon receipt of final payment of the deferred impact fee as identified in the deferred impact fee payment lien, the city shall execute a release of lien for the property. The property owner may, at his or her own expense, record the lien release.
- G. In the event that the deferred impact fee is not paid within the time provided in this subsection, the city shall institute foreclosure proceedings under the process set forth in Chapter 61.12 RCW.
- H. An applicant is entitled to defer impact fees pursuant to this section for no more than 20 single-family dwelling unit building permits per year in the city. For the purposes of this section, an “applicant” includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

19.37.080 Exemptions

- 1. The following development activities do not create any additional school impacts and are exempt from the requirements of this ordinance:
 - A. Construction, reconstruction, or remodeling of the following facilities, subject to the recording of a covenant or recorded declaration of restrictions precluding the use of the property for other than the exempt purpose. Provided, that if the property is used for a non-exempt purpose, then the school impact fees then in effect shall be paid.
 - i. Shelters or dwelling units for temporary placement, which provide housing to persons on a temporary basis for not more than four weeks;
 - ii. Construction or remodeling of transitional housing facilities or dwelling units that provide housing to persons on a temporary basis for not more than twenty-four (24) months, in connection with job training, self-sufficiency training and human services counseling, the purpose of which is to help persons make the transition from homelessness to placement in permanent housing; and
 - iii. Any form of housing exclusively for Adults, which have recorded covenants or recorded declarations of restrictions precluding school-aged children as residents in those units.
 - B. Rebuilding of legally established dwelling unit(s) destroyed or damaged by fire, flood, explosion, act of God or other accident or catastrophe, or remodeling of existing legally established dwelling unit(s), provided that such rebuilding takes place within a period of one (1) year after destruction, and so long as no additional dwelling units are created.
 - C. Miscellaneous improvements to an existing dwelling unit, including but not limited to fences, walls, and mechanical units, so long as no additional dwelling units are created.
 - D. Condominium projects in which existing dwelling units are converted into condominium ownership and where no new dwelling units are created.
 - E. Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act.
 - F. Any development activity for which school impacts have been mitigated pursuant to a condition of plat approval to pay fees, dedicate land or construct or improve school facilities,

unless the condition of plat approval provides otherwise; provided that the condition of the plat approval predates the effective date of fee imposition.

G. Any development activity for which school impacts have been mitigated pursuant to a voluntary agreement entered into with the District to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise; provided that the agreement predates the effective date of the fee imposition.

H. Any building permit for a legal accessory dwelling unit approved under BMC 19.17.070.

19.37.090 Determination of the fee, adjustments, exceptions and appeals

1. The city shall determine an applicant's impact fee, according to the adopted Permit Fees and Engineering Review Deposit Schedule.
2. The fee amount established in the schedule shall be reduced by the amount of any payment previously made for the lot or development activity in question, either as a condition of approval or pursuant to a voluntary agreement.
3. Whenever an applicant is granted approval subject to a condition that the applicant actually provide a school facility acceptable to the District, the applicant shall be entitled to a credit for the actual cost of providing the facility, against the fee that would be chargeable under the formula provided by this ordinance. The cost of construction shall be estimated at the time of approval, but must be documented, and the documentation confirmed after the construction is completed to ensure that an accurate credit amount is provided. If construction costs are less than the calculated amount, the difference remaining shall be chargeable as a school impact fee.
4. The fee amount established in the schedule may be adjusted, if one of the following circumstances exist, provided that any discount set forth in the fee formula fails to adjust for the error in calculation or fails to ameliorate for the unfairness of the fee:
 - A. The applicant demonstrates that an impact fee assessment was improperly calculated; or
 - B. Unusual circumstances identified by the applicant demonstrate that if the standard impact fee amount is applied to the development, it would be unfair or unjust.
5. In cases where an applicant requests an independent fee calculation, adjustment, exception or a credit pursuant to RCW 82.02.060(3), the city shall consult with the District and the District shall advise the city prior to the city making the final impact fee determination.
6. An applicant may provide studies and data to demonstrate that any particular factor used by the District may not have been appropriately applied to the development proposal.
7. The applicant or the District may appeal any decision of the city with regard to the impact fee as provided in BMC 19.65.065 Type 1 Decision Appeal Provisions.
8. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

19.37.100 Impact fee accounts and refunds

1. Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by the District solely for the District's school impact fees. All interest shall be retained in the account and expended for the purpose for which the impact fees were

imposed. Annually, the District shall prepare a report on the impact fee account showing the source and amount of the moneys collected, earned or received, and the capital or system improvements that were financed in whole or in part by impact fees. The District shall submit a copy of this report to the city.

2. Impact fees for the District's system improvements shall be expended by the District only in conformance with the capital facilities element of the Burien Comprehensive Plan.
3. Impact fees shall be expended or encumbered by the District for a permissible use within ten (10) years of receipt by the District, unless there exists an extraordinary or compelling reason for the fees to be held longer than ten (10) years. Such extraordinary or compelling reasons shall be identified by the District in a written report. The City Council shall identify the District's extraordinary and compelling reasons for the fees to be held longer than ten (10) years in the council's own written findings.
4. The current owner of the property on which an impact fee has been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within ten (10) years of the receipt of the funds by the District on school facilities intended to benefit the development activity for which the impact fees were paid. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The District shall notify potential claimants by first-class mail deposited with the United States postal service addressed to the owner of the property as shown on the county tax records.
5. An owner's request for a refund must be submitted to the District in writing within one (1) year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any impact fees that are not expended or encumbered by the District in conformance with the capital facilities plan within these time limitations, and for which no application for a refund has been made within one (1) year period, shall be retained and expended consistent with the provisions of this section. Refunds of impact fees shall include any interest earned on the impact fees.
6. Should the city seek to terminate any or all school impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which the school impact fee was paid. Upon the finding that any or all fee requirements are terminated, the city shall place notice of such termination and the availability of the refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail addressed to the owner of the property as shown in the county tax records. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by the District, but must be expended by the District, consistent with the provisions of this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts have been terminated.
7. An applicant may request and shall receive a refund, including interest earned on the impact fees, when:
 - A. The applicant has not received final plat approval, the building permit, the mobile home permit, the site plan approval, nor final approval for the development activity as required by statute or city code including the International Building Code; and
 - B. No impact on the District has resulted. "Impact" shall be deemed to include cases where the District has expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the District has expended or encumbered the fees

in good faith, no refund shall be forthcoming. However, if within a period of three (3) years, the same or a subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the District and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The District shall determine whether to grant a credit, and such determination may be appealed by the procedures set forth in section 19.37.090(7) above.

8. Interest due upon the refund of impact fees required by this section shall be calculated according to the average rate received by the District on invested funds throughout the period during which the fees were retained.

19.37.110 Use of fees

1. Impact fees may be spent for system improvements, including but not limited to architectural and/or engineering design studies, land surveys, land acquisition, engineering, permitting, financing, administrative expenses, relocatable facilities, capital equipment pertaining to educational facilities, construction, site improvements, necessary off-site improvements, applicable impact fees or mitigation costs and other expenses which could be capitalized, and which are consistent with the District's capital facilities plan.
2. Impact fees shall be expended or encumbered on a first-in, first-out basis.
3. Impact fees may be used to recoup costs for system improvements previously incurred by the district to the extent that new growth and development will be served by the previously constructed system improvements.
4. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of system improvements, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that system improvements provided are consistent with the requirements of this chapter and are used to serve the new development.

**CITY OF BURIEN, WASHINGTON
MEMORANDUM**

DATE: July 13, 2016

TO: Planning Commission

FROM: Niomi Zinn, Planner & Brandi Eyerly, AICP, Planner

SUBJECT: Public hearing for the proposed Significant Tree Retention amendments to BMC 19.25.120 through 19.25.180.

PURPOSE/REQUIRED ACTION:

At this meeting the Commission will conduct a Public Hearing on proposed amendments to BMC 19.10 Definitions, 19.25 Tree Retention and Landscaping, and 19.85 Protection and Preservation of Landmarks that will extend tree retention and replacement to single-family properties, allow off-site tree replacement, create a city tree account, and establish a Heritage tree program. Following the Public Hearing the Planning Commission will discuss the proposed amendments in anticipation of making a recommendation to the City Council at the July 27th Commission meeting.

BACKGROUND:

The following is a chronological history of actions taken to arrive to our present stage in the amendment process. Presently, of the four (4) priorities set for by city council in 2014, two (2) will be brought before the commission and the public comment and review this evening.

June 16, 2014 – City Council Meeting

- Public comment regarding concerns over tree preservation policy
- Council and staff discussion
- Staff directed to conduct research on existing policy

August 4, 2014 – City Council Meeting

- Public comment regarding tree preservation policy
- Staff presentation on preliminary research findings and conclusions
- Mayor and Council provide further refined directive to staff

April 15, 2015 – Intradepartmental Communication

- Staff provides a memo to Community Development Director, regarding significant tree retention update
- The four (4) tree retention items as determined by council are addressed

April 27, 2016 – Planning Commission Regular Meeting

- Staff presents four (4) directives from council
- Commission prioritizes the directives. Those directives in order of priority are:
 - ✓ Item 1: Existing Significant Tree Retention Regulations
 - ✓ Item 2: Heritage/Exceptional Tree Preservation
 - ✓ Item 3: Incentives for Tree Retention
 - ✓ Item 4: Tree Canopy Inventory

May 11, 2016 – Planning Commission Regular Meeting

- Staff presents summary of previous meeting
- Staff presents research and questions focused on Item 1 (Existing Significant Tree Retention Regulations)
- Commission requires additional time for reading and discussion. Topic is moved to following meeting

May 25, 2016 – Planning Commission Regular Meeting

- Discussion that began during the May 11th meeting continues
- Planning Commission discusses Item 1 on the significant tree priority list “Existing Significant Tree Retention Regulations”
- Commission reaches a consensus on ten (10) amendment recommendations
- Planning staff are directed to draft language that incorporates these ten (10) amendment recommendations into BMC 19.25.120

June 22, 2016 – Planning Commission Regular Meeting

- Staff presents draft amendments pertaining to six (6) of the ten (10) recommendations made by the planning commission
- The remaining four (4) recommended amendments do not specifically require changes to the BMC and need further inquiry
- Staff addresses two of the four remaining recommendations below. Item 3. Incentives for Tree Retention will be discussed at a future date. Coordinating these zoning code amendments with Public Works updated stormwater and low impact development manual is needed. More information on the low impact development program will be received once consultant work is completed. Item 4: Tree Canopy Inventory is waiting on determining how extensive the inventory will be and funding.

JULY 13, 2016 DRAFT CODE AMMENDMENTS

Item 1: Existing Significant Tree Retention Regulations

Item 2: Heritage/Exceptional Tree Preservation

Fees in Lieu of Tree Planting, Off Site Planting, Enforcement Regulations and Heritage Tree Definition

The Planning Commission directed staff to bring back language for alternatives to tree replacement that Burien currently offers. Presently the BMC 19.25.160 “Significant trees – Replacement” provides a replacement ratio for applicants who have removed trees without permits or that removed all the existing trees on a project site and then the site is too small to plant the number of replacement trees required. For the Planning Commission’s information and discussion Attachment 2 shows other options such as fees in lieu of tree planting on-site and off-site planting locations from neighboring jurisdictions Federal Way, Olympia, Seattle, Beau Arts Village, Lake Forest Park, and Renton.

Enforcement information was also requested by the Planning Commission and Planning staff has included this information in Attachment 2 as well. Currently the Burien Planning staff works with the violator to bring the project or property into compliance with specific code mitigation requirements. If the violator does not perform the mitigation the violation is then turned over to the City’s Code Enforcement officer who can issue citations and fines.

Per the Planning Commission’s direction at the June 22, 2016 meeting, planning staff has added language to BMC 19.10 Definitions, 19.25.080 Landscaping, 19.25.120 Significant trees - Retention required, and 19.85 Protection and Preservation of Landmarks. The complete set of code amendments can be found on Attachment 1 along with Planning Commission recommendations and staff comments.

The Planning Commission mentioned that a “purpose” statement was needed for the tree code. Planning staff has compiled municipal code “purpose” statements from Olympia, Lake Forest Park, and Renton (Attachment 3) for ideas for Burien’s own tree preservation statement.

Proposed Code Amendments:

- BMC 19.10.xxx Prohibited tree definition (new)
- BMC 19.10.493 revised definition of Significant Tree (amendment)
- BMC 19.10xxx Heritage tree definition (new)
- BMC 19.25.080.7 addition of Certified Arborist recommendation for exception to prohibited tree planting (amendment)
- BMC 19.85.010 addition of “tree” to the historic resource list (amendment)
- BMC 19.85.020.1.C addition of “tree” to historic resource definition (amendment)
- BMC 19.25.120.1 additional statement prohibiting clearing of property in preparation of future land development (amendment)
- BMC 19.25.120.7 addition of written evaluation by a Certified Arborist (amendment)
- BMC 19.25.130.1.C addition to protect Heritage Tree removal (new)
- BMC 19.25.160 adds new section “Minor Tree Removal Activities” section (new)
- BMC 19.25.170.2 & 3 identifies the “largest caliper” tree to use when calculating number of replacement trees (amendment)
- BMC 19.25.170.4 adds prohibited tree shall not be planted (amendment)
- BMC 19.25.180 adds new section “Off-site mitigation and fees paid in lieu”(new)
- BMC 19.25.200 adds new section “Enforcement” but no language has been provided (new, incomplete)

PLANNING COMMISSION ACTION

Staff is requesting that the Planning Commission conduct a Public Hearing on the proposed amendments to BMC 19.10 Definitions, 19.25 Tree Retention and Landscaping, and 19.85 Protection and Preservation of Landmarks and following the hearing discuss the proposed amendments. No action is required at this meeting.

If you have any questions before the meeting, please contact Niomi Zinn at (206) 439-3152 or by email at niomiz@burienwa.gov and Brandi Eyerly at (206) 248-5519, BrandiE@burienwa.gov .

ATTACHMENTS:

1. Draft Amendments to BMC 19.10 Definitions, 19.25.080 Landscaping, 19.25.120 Significant trees – Retention required, and 19.85 Protection and Preservation of Landmarks
2. Other Jurisdictions’ Fee in Lieu Programs, Off-site Planting, and Enforcement Regulations
3. “Purpose” of Tree Retention & Protection, Other Jurisdictions
4. June 27, 2016 email from Kathy Parker, Masters of Forest Resources, UW

5. Appendix A Approved Vegetation List, Port of Seattle Implementation Plan, Flight Corridor Safety Obstruction Management Program
6. Public Hearing Notice for July 13, 2016 Planning Commission Meeting

<p>Draft Amendments to BMC 19.10 Definitions, 19.25.080 Landscaping, 19.25.120 Significant trees – Retention required, and 19.85 Protection and Preservation of Landmarks</p>	<p>May 25, 2016 Planning Commission Recommendations & Staff Comments</p>
<p>DEFINITIONS</p> <p><u>19.10.xxx Prohibited tree¹</u></p> <p><u>- Black locust, cottonwood, native alder, native willow, Lombardy poplar, and European ash are prohibited in new land development landscaping or planted as a required replacement tree on private and public property. However, these prohibited trees when existing on a lot shall be included on tree retention plans and counted as a significant tree if meeting the definition in BMC 19.10.493.</u></p> <p><u>19.10.493 Significant tree</u></p> <p>– An existing healthy tree which, when measured four feet above grade, has a minimum diameter of <u>six (6) inches². Exceptional and Heritage trees are significant trees.</u></p> <p>1. <u>Eight inches for evergreen trees, or</u></p> <p>2. <u>Twelve inches for deciduous trees.</u> [Ord. 293 § 1, 2000]</p> <p><u>19.10.xxx Heritage tree^{2a}</u></p> <p><u>A tree that has been designated a City of Burien Community landmark and is protected and preserved pursuant to BMC 19.85 Protection and Preservation of Landmarks. Any person, group or the City may nominate a tree, but it is required the property owner consent in writing before the nomination may be considered. To be eligible for heritage designation the tree must be more than 40 years old, have State or local cultural/historic importance and meet one of the following criteria:</u></p> <p><u>Rare or exceptional by virtue of its size, species, condition, and or contribution as part of a grove of trees which is determined to be of historical value.</u></p>	<p>¹Prohibit the planting of black locust, cottonwood, native alder, native willow, Lombardy poplar, and European ash; existing will be considered the same as other trees and will count towards significant tree total.</p> <p>²Refine definition of significant tree as 6 inch caliper for both deciduous and evergreen trees.</p> <p>^{2a}See 3a below.</p>

13219.25.080 Landscaping – General requirements.

7. Unless recommended by a Certified Arborist, no tree defined as a prohibited tree in BMC 19.10.142 shall be planted³.

19.85 Protection and Preservation of Landmarks^{3a}

19.85.010 Purpose.

The purposes of this chapter are to:

1. Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures, **trees**, and objects which reflect significant elements of the city of Burien’s, the county’s, the state’s, and the nation’s cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic, and other heritage;
2. Foster civic pride in the beauty and accomplishments of the past;
3. Stabilize and improve the economic values and vitality of landmarks;
4. Encourage, protect and enhance the city of Burien’s tourist industry by promoting heritage-related tourism;
5. Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, **trees**, and objects for the education, inspiration, and welfare of the people of the city of Burien;
6. Promote and continue incentives for ownership and utilization of landmarks;
7. Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation, and use of landmark buildings, sites, districts, structures, **trees**, and objects;
8. Work cooperatively with other jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. [Ord. 567 § 1 (Exh. A), 2012, Ord. 545 § 1, 2010, Ord. 130 § 1, 1995]

19.85.020 King County Code Chapter 20.62 Adopted.

The following sections of Chapter 20.62 King County Code (KCC) are incorporated by reference herein and made a part of this chapter:

1. KCC 20.62.020 – Definitions, except as follows:
 - A. Paragraph H. is changed to read: ““Director” is the director of the city of Burien department of community development or his/her designee.”

³Prohibited trees cannot be planted. In response to Ms. Hart’s comments the recommendation by a certified arborist was added.

^{3a}Tree has been added as a historic resource. Nomination of a tree to the Community Landmark list will follow the criteria that any historic resource nomination would be required. Once designated it will be a “heritage tree” protected in BMC 19.25 Tree Retention and Landscaping.

B. Add paragraph Z: ““Council” is the city of Burien city council.”

C. Paragraph L. is changed to read “...district, site, building, district, structure, tree, and objects...”

19.25.120 Significant trees – Retention required.

Significant trees shall be retained as follows:

1. All significant trees on an undeveloped lot shall be retained. There shall be no tree removal or land clearing on any site for preparing that site for future development unless a Land Use Permit has been approved by the City⁴.

2. Landscape category A: Thirty percent (30%) of the significant trees located on the site, excluding critical areas or their buffers.

3. Landscape category B: Ten percent of the significant trees located on the site, excluding critical areas or their buffers.

4. Landscape categories C, D and F: Five percent of the significant trees located on the site, excluding critical areas or their buffers.

5. If significant trees were previously located in a closed, forested situation, an adequate area of smaller trees shall be retained or replaced on the fringe of such significant trees;

6. A grouping of three or more existing trees with canopies that touch or overlap, may be substituted for each required significant tree, provided each tree has a diameter of at least three inches when measured four feet above grade;

7. Except as provided in BMC 19.25.120.8, significant trees to be retained shall not include significant trees that, according to a written evaluation prepared by a Certified Arborist⁵, are:

A. Damaged or diseased; or

⁴New language added by Planning staff prohibiting clearing in preparation of development before land use permit approved.

⁵Determination by professional added by Planning staff to verify condition of tree and appropriate action.

B. Safety hazards due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation.

8. At the discretion of the Director, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement if demonstrated that such trees will provide important wildlife habitat and is not classified as a dangerous tree. [Ord. 293 § 1, 2000]

9. If the formula for determining the number of significant trees to be retained results in a fraction, the number of significant trees to be retained shall be rounded up to the nearest whole number. [Ord. 620 § 1, 2016; Ord. 484 § 1, 2008]

19.25.130 Significant trees – Retention plan.

The applicant shall submit a tree retention plan concurrent with a land use review application, grading permit application, building permit application, preliminary subdivision application or short subdivision application, whichever is reviewed and approved first. The Director shall compile and maintain a database of significant trees based upon the submitted and approved tree retention plans. The tree retention plan shall consist of:

1. A tree survey that identifies the location, size and species of all significant trees on a site. The tree survey may be conducted by a method that locates individual significant trees or by using standard timber cruising methods to reflect general locations, numbers and grouping of significant trees provided that, when using either method, the survey:

A. Shall also show the location and species of each significant tree that is intended to qualify for additional credit pursuant to BMC 19.25.140; and

B. Any tree 18 inches or greater diameter for the purpose of establishing wildlife habitat value; and

⁶added "Heritage Tree".

C. Any tree designated a Heritage Tree⁶.

2. A development plan identifying the significant trees that are proposed to be retained, transplanted or restored. [Ord. 293 § 1, 2000]

19.25.140 Significant trees – Incentives for retention^{6a}.

Each significant tree that is retained may be credited as two trees for complying with the retention requirements of BMC 19.25.120, provided it meets one or more of the following criteria:

1. The tree exceeds 60 feet in height, or 24 inches in diameter for evergreen trees or 30 inches for deciduous trees;
2. The tree is located in a grouping of at least five trees with canopies that touch or overlap;
3. The tree provides energy savings through winter wind protection or summer shading as a result of its location relative to buildings;
4. The tree belongs to a unique or unusual species;
5. The tree is located within 25 feet of any critical area or required critical area buffer; and
6. The tree is 18 inches or greater and is identified as providing valuable wildlife habitat. [Ord. 293 § 1, 2000]

19.25.150 Significant trees – Protection.

To provide the best protection for significant trees:

1. No clearing shall be allowed on a site until approval of tree retention and landscape plans;
2. An area of prohibited disturbance, generally corresponding to the dripline of the significant tree shall be protected during construction with a temporary five-

^{6a}Commission may want to add other incentives.

foot-high chain link or plastic net fence. The fencing shall be installed prior to issuance of development permits for the site;

3. No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing;

4. A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline of the tree;

5. The grade level shall not be lowered within the larger of the two areas defined as follows:

A. The dripline of the tree(s); or

B. An area around the tree equal to one foot diameter for each inch of tree trunk diameter measured four feet above the ground;
and

6. Alternative protection methods may be used if determined by the Director to provide equal or greater tree protection. [Ord. 293 § 1, 2000]

19.25.160 Minor Tree Removal Activities⁷.

Except as provided in BMC 19.40 Critical Areas, removal of trees and associated use of mechanical equipment is permitted on developed lots subject to Landscape Category A requirements at the rates specified within the table below, provided subsections 1 through 3 of this Section are satisfied.

- 1. Percentage of trees required in BMC 19.25.120 shall be retained;**
- 2. There is not an active land development application for the site; and**
- 3. The tree is not a Heritage tree.**

No trees may be removed from a vacant lot. A Vegetation Management Plan prepared by a Certified Arborist is required for removal of trees in excess of the rates listed in Table 19.25.160.1 Tree Removal Schedule⁸.

⁷“Stagger tree removal over time on private and public properties.”
and
“Create charts/tables showing requirements for minor tree removal.”

⁸Staff added requirement for a vegetation management plan prepared by a Certified arborist if more trees than maximum stated are to be removed. Having this requirement will help staff make an informed decision when reviewing a tree removal permit.

<u>Lot Size</u>	<u>Maximum number of significant trees* allowed to be removed in any twelve (12) month period</u>	<u>Maximum number of significant trees* allowed to be removed in five (5) years</u>
<u>Lots up to 7,200 sq. ft.</u>	<u>1</u>	<u>2</u>
<u>Lots 7,201 to 12,000 sq. ft.</u>	<u>3</u>	<u>6</u>
<u>Lots 12,001 to 20,000 sq. ft.</u>	<u>4</u>	<u>8</u>
<u>Lots 20,001 sq. ft. or greater</u>	<u>6</u>	<u>12</u>

*Except Heritage and Exceptional trees shall not be removed without a Vegetation Management Plan prepared by a Certified Arborist as required in 19.25..

Table 19.25.160 1 Tree Removal Schedule

19.25.160 170 Significant trees – Replacement.

When the required number of significant trees pursuant to BMC 19.25.120 cannot be retained, the required number of significant trees that are removed shall be replaced with: [Ord. 484 § 1, 2008]

1. Transplanted significant trees; or
2. New trees measuring three-inch caliper or more, at a replacement rate of one and one-half (1.5) inches diameter for every one inch diameter of the largest caliper⁹ removed significant tree; or
3. New trees measuring less than three-inch caliper at a replacement rate of two inches diameter for every one inch diameter of the largest caliper⁹

⁹“Use the largest caliper significant tree to be removed for basis of replacement ratio”.

removed significant tree on a space available basis in conjunction with the site plan. [Ord. 293 § 1, 2000]

4. No tree defined as a prohibited tree in BMC 19.10.142 shall be planted¹⁰.

19.25.180 Off-site mitigation and fees paid in lieu¹¹.

Where an applicant cannot provide for the minimum required replacement trees in 19.25.170 on site, off-site mitigation or a fee-in-lieu payment into the city's urban forestry account may be approved by the director.

(1) Where off-site mitigation is utilized, the remaining balance of required trees must be planted at an off-site location approved by the director. Where the site is city-owned property, the public works and/or parks department must also approve the tree planting. Acceptable off-site locations, in order of priority, are as follows:

(a) Publicly owned land in the city of Burien including but not limited to: environmentally sensitive areas; regional stormwater facilities; or wildlife corridors. Similar lands owned by nonprofit entities that are reserved in open space also qualify.

(b) Publicly owned parks or recreational facilities within the city of Burien.

(c) Other mitigation or restoration sites managed by other public entities or private conservation groups.

(d) Public school sites within the city of Burien.

(e) Other sites proposed by the applicant, when it is documented that higher priority sites are not available or viable.

(2) Where a tree replacement fee is utilized, a tree replacement fee paid into the city's urban forestry account may be approved by the director. The fee shall be established based on the number of trees being satisfied as follows:

¹⁰Prohibits planting trees defined as prohibited.

¹¹Establishes alternatives to on site replacement trees.

(a) Each tree shall represent one replacement tree. The fee for each replacement tree shall cover the cost of a tree, installation (labor and equipment), maintenance for two years, and fund administration¹².

(b) A separate urban forestry account shall be established by the city for fees collected. Tree replacement fee receipts shall be earmarked specifically for this account and shall be expended only for the planting of new trees in city-owned parks, open spaces, or rights-of-way.

¹²Staff has not calculated the cost yet, but once done the total will be a uniform fee charged for all deposits. Staff will consult other jurisdictions, arborists and other landscape professionals for a fair market fee amount.

19.25.170 190 Maintenance.

1. All landscaping and significant trees shall be maintained for the life of the project.
2. All landscape materials and significant trees shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;
3. With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat, other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and
4. Landscape areas shall be kept free of trash. [Ord. 293 § 1, 2000]

19.25.180 190 Bonds/security.

Performance bonds or other appropriate security (including letters of credit and set-aside letters) shall be required for a period of two years after the planting or transplanting of vegetation to insure proper installation, establishment and maintenance. [Ord. 293 § 1, 2000]

¹³The Commission has not discussed penalties. Please refer to Attachment 2 for other jurisdictions' enforcement procedures and fines. Staff recommends that any fines be deposited to the city's urban forestry account, if established.

19.25.200 Enforcement¹³

OTHER JURISDICTIONS' FEE IN LIEU PROGRAMS, OFF-SITE PLANTING, AND ENFORCEMENT REGULATIONS

CITY	FEES IN LIEU	OFF-SITE PLANTING	ENFORCEMENT	MISCELLANEOUS INFORMATION
Burien	None	None	If in a critical area requires mitigation plan, bonding and 5 year monitoring. Same holds true for subdivisions and plats. If this is not complied with then Code Enforcement will issue an enforcement letter which if ignored a citation for a civil infraction is issued with a \$125 fine, doubled if that is ignored.	Incentives - Significant tree may be credited as 2 trees if 1 or more of 6 criteria are met i.e. an unusual species or is 18 inches in diameter and serves as a wildlife habitat. Revocation, suspension or modification of the permit by the approval authority (Hearings Examiner, City Council or Community Development Director) is an option.
Federal Way	1 tree replacement fee =cost of 1 tree, installation (labor & equipment), 2-yr maintenance, & fund administration. Fees are deposited into the Urban Forestry Account which is specifically earmarked for planting of new trees in city-owned parks, open spaces, or rights-of-way.	The remaining balance of required tree units must be planted at off-site location approved by the Director. If it is a public site the public works and/or parks departments must also approve. Order of priority: Publicly owned parks & rec facilities, stormwater facilities, wildlife corridors, public schools. Similar lands owned by nonprofit entities that are reserved in open space also qualify. or if the higher priority sites are not available the applicant may propose a site.	Fines are charged -1) Removal of tree(s) approved to be removed, but prior to final tree retention plan approval - \$100 per tree 2) Removal or damage of tree(s) that are or would be shown to be retained on an approved tree plan or any other violation of approved tree retention plan - \$1,000 per tree or marketable value of each tree. 3) Removal of tree(s) without applying for or obtaining required city approval - \$1,000 per tree or marketable value of each tree	
Olympia	Penalties, sales of trees & wood off City properties, donations and grants, sale of seedlings by the city are deposited to the City Tree Account. The funds are used for acquiring & maintaining wooded areas, planting & maintaining trees, ID & maintenance of landmark trees, propagation of seedling trees, urban forestry education, other purposed by Council.	If project area is too small for required # of trees then those trees can be planted off site at a location approved by the City. When both on-site & off-site are unavailable pay into the account the amount = to the current market rate of the replacement trees	Anyone who knowingly violates any term or provision is deemed to have committed a misdemeanor, and if found guilty, is subject to a fine not to exceed \$1,000, and/or to imprisonment not to exceed 90 days or both. Each day is a separate offense. In the event of a continuing violation or failure to comply, the 2nd and subsequent days are constituted as a gross misdemeanor punishable by a fine not to exceed \$5,000 and/or imprisonment not to exceed 365 days or both. Continuing violation means the same type of violation which is committed within a year of the initial violation. These penalties are deposited to the City Tree Account. 2. As an additional concurrent penalty, is a Class I civil infraction Each day is a separate infraction & a monetary penalty of \$250 is charged, not including statutory assessments. G. Public Nuisance. Violation of a permit declared to be a public nuisance and may be abated through proceeding for injunctive or similar relief in Superior Court or other court of competent jurisdiction.	Administered by a Urban Forester who is a City employee
Seattle	None	Street trees	\$500 fine for removing or pruning a street tree without a permit	To save "exceptional" trees, Seattle offers "recovery of development potential" for trees that infringe on the proposed development area, by reduction of parking spaces, increasing building height from 3 stories to 4, allowing encroachment into front and rear setbacks and adjustments to other development standards through a streamlined design review. The "Trees for Neighborhoods" program offers up to 4 free trees per household (8 lifetime limit), with a water bag & mulch for each tree, planting & care training, permit assistance and ongoing care reminders.
Beau Arts Village	Fines levied under this code shall be deposited into a tree mitigation account and shall be used by the town for acquiring, maintaining, and preserving wooded areas, and for the planting and maintaining of trees within the town. [Ord. 361 § 16, 2008]		A violation is a civil infraction with fines. (1) Any person removing or intentionally destroying a significant tree that would have otherwise been approved for removal had the proper procedures been followed is fined \$1,000 per tree. (2) removing or intentionally destroying a significant tree that would have otherwise been prohibited from removal is fined \$10,000 per tree. (3) removing or intentionally destroying a landmark tree without a permit is fined \$25,000 per tree. (4) removing or intentionally destroying a mitigation tree without a permit is required to submit a mitigation plan per BAVMC 16.25.120.	Contract with an arborist to be "Town Arborist". The Town Arborist, when called to do so, supervises and administers the code, reviews and approves/disapprove all tree permits.
Lake Forest Park	All fees, fines, and other money allocated by the City Council are paid into a city tree account held in the general fund. The city uses the funds for 1. Acquiring, maintaining, and preserving forested areas within the city; 2. Planting and maintaining trees within the city; or 3. Other purposes relating to trees as determined by the city council.	The administrator may waive the on-site tree replacement requirement; provided, the applicant pays an amount determined by a qualified tree professional into the city tree account that is equivalent to the total cost for purchase and installation of each replacement tree and three years of maintenance for each replacement tree.	Tree replacement or tree replacement costs paid into the city tree account; triple permit fees; suspension of all work; fines up to \$5,000 per tree illegally removed may be imposed by the administrator.	The City's "Qualified tree professional" is an individual who is a certified professional with academic and field experience that makes them a recognized expert in urban forestry and tree protection during development. To encourage higher level of tree retention the Director may authorize adjustments to other site development standards on a case by case basis. 1. Reductions or variations of the area or width of required open space, tree tract requirement, and/or landscaping; 2. Variations in parking lot design and/or access requirements; or 3. Reduction in the width of certain easements.
Renton	Fee in Lieu: When the Administrator determines that it is infeasible to replace trees on the site, payment into the City's Urban Forestry Program fund may be approved in an amount of money approximating the current market value of the replacement trees and the labor to install them. The City shall determine the value of replacement trees.	None	Restoration of land, replacement of trees and all permits stopped until compliance with mitigation plan and penalties are paid. Each tree removed is a separate violation & each day is a separate violation. 1st citation \$100, 2nd \$200, 3rd \$300 4th violation is a gross misdemeanor.	

**“Purpose” of Tree Retention & Protection
Other Jurisdictions**

City of Olympia

16.60.010 Purpose

Whereas rapid growth, the spread of development, and increasing demands upon natural resources have the effect of encroaching upon, despoiling or eliminating many of the trees and other forms of vegetation and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to existing and future residents of the city; and whereas the city council finds (1) that trees and woodland growth protect public health through the absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, through their cooling effect in the summer months and insulating effects in winter, through their positive impact on global climate change; (2) that trees and woodlands provide for public safety through the prevention of soil erosion, siltation and flooding; (3) that trees and woodlands are essential to the general welfare of the city by maintaining the natural beauty and the irreplaceable heritage for existing and future city residents; and (4) that Olympia can promote urban forestry practices which will preserve or enhance trees on public and private lands as they transition from natural areas into an urban environment. Therefore, the purposes of this chapter are:

- A. To provide for the protection, preservation, replacement, proper maintenance and use of trees and woodlands located in this city in order to preserve and enhance the city’s physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees;
- B. To protect trees and woodlands of this city for their economic support of local property values and to preserve and enhance the Pacific Northwest’s natural beauty;
- C. To minimize the adverse impacts of land disturbing activities on surface drainage, soil erosion, air quality, sedimentation and pollution of natural waterways, in order to minimize the public and private costs for stormwater control and treatment, utility maintenance and removal of pollution from our natural waterways;
- D. To promote site planning, construction practices and horticultural practices that are consistent with the reasonable use of property;
- E. To provide for the paramount public concern for these natural resources in the interest of a healthier and safer place in which to live and to promote the general welfare of the residents of this city;
- F. To implement the goals and objectives of the Washington State Environmental Policy Act; and
- G. To implement the goals and objectives of the city’s comprehensive plan.

City of Lake Forest Park

16.14.010 Findings.

The city council makes the following findings:

A. The trees of Lake Forest Park, a reminder of the city's namesake, offer historic, aesthetic, ecological, economic, health, safety and welfare values to the community. Trees in the city of Lake Forest Park:

1. Improve the value of properties;
2. Reduce runoff via canopy interception, uptake of water from the soil and evapotranspiration back into the atmosphere;
3. Reduce runoff which results in less soil erosion and stormwater which aids in protecting surface waters from sedimentation and pollution;
4. Reduce the risk of flooding and infrastructure costs;
5. Improve air quality by removing dust and particulates from the air, and remove carbon dioxide while creating oxygen;
6. Provide cooling shade for homes, buildings, and asphalt/concrete surfaces, reducing heating and cooling costs for residences and other buildings;
7. Provide screening between different land uses or other objectionable views while buffering traffic and other noise;
8. Provide food and habitat for a variety of wildlife;
9. Provide visual relief from hard lines of concrete structures and other buildings;
10. Increase consumer patronage for commercial properties and boost occupancy rates for well-treed shopping areas;
11. Store carbon;
12. Contribute to human health improvement by lowering levels of fear of residents, and less violent and aggressive behavior by its citizens;
13. Encourage better neighbor relations and better coping skills for its residents; and
14. Provide a valuable asset to the community as a whole.

B. Removal of trees from urban areas such as Lake Forest Park has resulted in the loss to the public of these and many more beneficial functions of trees. (Ord. 1015 § 2, 2010)

16.14.020 Purpose and intent.

The purpose and intent of this chapter is to:

A. Implement certain strategies for the management and protection of Lake Forest Park's urban forest resources described in those goals and policies of the Lake Forest Park community forest management plan that were accepted by the city council;

B. Preserve and enhance the tree canopy of Lake Forest Park by encouraging the protection of existing trees and stands of trees, and the replanting of new trees to replace those lost to old age, storms, development and other maladies;

C. Mitigate the economic, environmental, and aesthetic consequences of tree loss through protection and tree planting on public and private lands;

D. Provide guidelines to protect trees from adverse impacts during construction;

E. Encourage project designs that utilize existing trees in the landscape, or allow replacement of select native tree species to maintain the forested feel of Lake Forest Park;

F. To protect private property rights and allow property owners to make reasonable use of their property while protecting suitable and appropriate trees for that site; and

G. Maintain and protect the public health, safety, and general welfare. (Ord. 1015 § 2, 2010)

City of Renton

A. PURPOSE:

This Section provides regulations for the clearing of land and the protection and preservation of trees, shrubs, and ground cover plants. The purposes of these regulations are to:

1. Preserve and enhance the City's physical and aesthetic character by minimizing indiscriminate removal or destruction of trees, shrubs and ground cover;

2. Implement and further the goals and policies of the City's Comprehensive Plan for the environment, open space, wildlife habitat, vegetation, resources, surface drainage, watersheds, and economics;

3. Promote land development practices that result in minimal adverse disturbance to existing vegetation and soils within the City while at the same time recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover;

4. Minimize surface water and groundwater runoff and diversion, and aid in the stabilization of soil, and minimize erosion and sedimentation, and minimize the need for additional storm drainage facilities caused by the destabilization of soils;
5. Retain clusters of trees for the abatement of noise and for wind protection, and reduce air pollution by producing pure oxygen from carbon dioxide;
6. Protect trees during construction activities from damage to tree roots, trunks, and branches; and
7. Recognize that trees increase real estate values.

Susan Coles

From: kathy parker <talltrees4@hotmail.com>
Sent: Monday, June 27, 2016 9:36 AM
To: Susan Coles
Cc: Lucy Krakowiak
Subject: Tree Revisions

Hi Susan, please make sure this email goes to each Planning Commissioner and please let me know if you receive this email. Thank you!

Dear Planning Commissioners, having been a municipal arborist for 15 years and having just read the minutes of your meetings, I have a few suggestions you might consider:

1. Since public right of way trees are a public asset, don't allow adjacent private property owners to prune them. The city should hire trained arborists to use best practices when pruning. I continue to see our public trees improperly pruned and ruined. There is credible research from the University of Washington that a healthy tree canopy in the business district increases revenue to those businesses. Our goal should be a healthy, well formed and mature canopy enhancing our down town business corridor.
2. Be careful listing nuisance trees and excluding them from city oversight. Many of those "weedy" trees perform critical functions for wildlife, slope preservation and restoration. Example: alders are one of the few trees that can successfully recolonize a slide area.
3. Not only require protection on all residential and commercial construction sites, but monitor and enforce state of the art protection practices. I often drive by new construction and see tree fences at the trunk of a tree instead of the dripline which will not protect the roots of that tree.
4. Carefully consider "fee in lieu" on construction sites. I have found developers often would rather write a check than protect or plant trees. The city in turn then often has trouble figuring out where to plant these "replacements" on public property. The neighbors of these projects are often left with a treeless site adjacent to their own properties.
5. Revitalize Burien's Tree City designation. As a citizen, I see no evidence that there is a Tree Board, tree planting or tree education for our citizens.
6. Finally, consider hiring a part time arborist to oversee the Tree Ordinance. Staff from public works is not trained regarding hazard tree assessment, plant selection for commercial landscapes and slope protection or proper pruning.

Thank you for your consideration,
Kathy Parker
Masters of Forest Resources, UW

ATTACHMENT 4

**Appendix A
Approved Vegetation List**

Common Name	Scientific Name	Max. Height	Canopy Width	Preferred Site Conditions
Moderately Tall Conifer Trees				
Northern Japanese Hemlock	<i>Tsuga diversifolia</i>	35-60'	25'	Moist but well drained soils, shade to part shade (not in sun)
Weeping Giant Sequoia	<i>Sequoiadendron giganteum</i> 'Pendulum'	45-60'	4'	Sun, well-drained soil
Korean Fir	<i>Abies koreana</i>	30-50'	5'	Full sun, well drained soil, slower growing
Golden Japanese Cedar	<i>Cryptomeria japonica</i> 'Sekkan-sugi'	25-40'	10'	Full sun to dappled shade, prefers well-drained soils but will tolerate clay
Serbian Spruce	<i>Picea omorika</i>	45-60'	10'	Grows best in full sun, prefers well-drained soils but will tolerate clay
Limber Pine	<i>Pinus flexilis</i> 'Vanderwolf's Pyramid'	25-40'	10'	Grows best in full sun, prefers well-drained soils, tolerates restricted root zones (good near patios)
Shore Pine	<i>Pinus contorta</i> var. <i>contorta</i>	40-50'	25'	Grows best in full sun, prefers well-drained soils, tolerates restricted root zones (good near patios)
Irish Yew	<i>Taxus baccata</i> 'Fastigiata'	30-50'	4'	Full sun or shade, prefers well-drained soils, works well as a hedge
Moderately Tall Deciduous Trees				
Trident Maple	<i>Acer buergerianum</i>	30-50'	30'	Full sun to open shade in well-drained soil
Japanese Maple	<i>Acer palmatum</i>	30-40'	30'	Full sun to open shade, tolerant of many soil conditions
Pagoda Dogwood	<i>Cornus alternifolia</i>	30-40'	30'	Prefers light or open shade sites with moist or well-drained soils
Kobus Magnolia	<i>Magnolia kobus</i>	30-50'	15'	Easy to grow, plant in sheltered areas to protect flowers
Hybrid White Dogwood	<i>Cornus</i> 'Eddie's White Wonder'	40-50'	20'	Prefers rich well-drained soil but tolerant of clay, prefers full sun to light shade and good circulation
Sweet Bay Magnolia	<i>Magnolia virginiana</i>	30-40'	18'	Easy to grow, plant in sheltered areas to protect flowers
Persian Ironwood	<i>Parrotia persica</i> 'Vanessa'	40-50'	20'	Grows in full sun to dappled shade, fall color is best in sun, grows best in well-drained soils but will tolerate moisture/clay
Orangebark Stewartia	<i>Stewartia monadelpha</i>	50-60'	15'	Grows best in light to open shade, in rich well-drained or sandy soils, prefers irrigation in summer
Japanese Stewartia	<i>Stewartia pseudocamellia</i>	50-60'	12'	Grows best in light to open shade, in rich well-drained or sandy soils, prefers irrigation in summer
Hybrid Serviceberry	<i>Amelanchier</i> x <i>grandiflora</i> 'Autumn Brilliance'	30-40'	25'	Prefers full sun but tolerates light shade, prefers well-drained soils but tolerates clay
Goldenrain Tree	<i>Koelreuteria paniculata</i>	30-40'	25'	Prefers full sun and well-drained soils but tolerant of clay
Black Gum	<i>Nyssa sylvatica</i>	50-60'	20'	Prefers full sun to light or open shade, adaptable to many soil conditions from wet to well-drained



Public Hearing Notice

City of Burien

400 SW 152nd St, Suite 300

Burien, Washington 98166

Hearing Information

The City of Burien Planning Commission will hold a public hearing on **July 13, 2016, at 7:00 p.m.** at Burien City Hall, 400 SW 152nd St, to receive public comments on proposed amendments to zoning code regulations pertaining to tree protection and regulations. The proposed amendments will revise existing Significant Tree Retention Regulations. Heritage/Exceptional Tree Preservation Programs will also be discussed.

Applicant

City of Burien

Proposal

Existing Significant Tree Retention Regulations and Heritage/Exceptional Tree Preservation. Draft Amendments to BMC 19.10 Definitions, 19.25.080 Landscaping, and 19.25.120 Significant trees will specifically be discussed.

File No.

A summary of the proposed zoning regulations and the project file are available for viewing at Burien City Hall during regular business hours.

How to Comment

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

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

Niomi T. Zinn & Brandi Eyerly
Planners, Community Development
City of Burien
400 SW 152nd St, Suite 300
Burien, WA 98166

Phone: (206) 439-3152
E-Mail: niomiz@burienwa.gov

Date of Notice: June 29, 2016

Published in the Seattle Times

June 29, 2016

cc: Burien City Council
Burien City Staff
Burien Library

Westside Weekly
Seahurst Post Office
Web site: www.burienwa.gov

B-Town Blog
Discover Burien
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