

*City of Burien*

BURIEN PLANNING COMMISSION  
July 13, 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](http://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 July 13, 2016, meeting of the Burien Planning Commission to order at 7:05 p.m.

**ROLL CALL**

Present: Kim Davis, Anna Markee, Kaelene Nobis, and Curtis Olsen

Absent: Amy Rosenfield and Douglas Weber, excused; Butch Henderson, unexcused

Administrative staff present: Chip Davis, Community Development Department director, and Niomi Zinn, planner

**AGENDA CONFIRMATION**

**Direction/Action**

**Motion** was made by Commissioner Nobis and seconded by Commissioner Davis to confirm the agenda. Motion passed 4-0.

**APPROVAL OF MINUTES**

**Direction/Action**

**Motion** was made by Commissioner Nobis, seconded by Commissioner Markee, and passed 4-0 to approve the minutes of the June 22, 2016, meeting.

**PUBLIC COMMENT**

None.

**PUBLIC HEARING**

A. Significant Tree Retention Zoning Code Amendments

Chair Olsen opened the public hearing at 7:07 p.m. Niomi Zinn, planner, gave a brief introduction on the hearing topic.

**Rochelle Snee, 16434 9<sup>th</sup> Ave SW**, said she doesn't see the point in any of the proposed tree regulations as she feels they are an infringement on private property rights. She also said view protection and safety are very important to her.

**Mary Oldfield, 16430 9<sup>th</sup> Ave SW**, said she wants her view protected by having her neighbors top their trees.

**Chestine Edgar, 1811 SW 152<sup>nd</sup> St.**, said she believes in the protection of trees, but some trees are planted in areas they shouldn't be and not all trees should be saved. She provided the commissioners with written copies of her comments and examples of tree regulations from the cities of Bellevue, Medina, Redmond and Lynnwood. She said some of the proposed regulations infringe on private property rights and she also was concerned about brush fires jumping from public property to private homes.

**Carol Lumb, 1958 SW 164<sup>th</sup> St.**, encouraged the commissioners to stay with the staff-suggested minimum diameter of 6 inches when designating significant trees. She said tree canopy is cumulative, and while on a lot by lot basis it may not seem like it's significant to take out one or two trees, if everybody does it the tree canopy is significantly diminished.

There being no further testimony, Chair Olsen closed the hearing at 7:38 p.m.

## **NEW BUSINESS**

### **A. Highline School District Impact Fee Zoning Code Amendments – Introduction**

Chip Davis explained that, as part of the Growth Management Act, the City is entitled to collect impact fees to pay for capital projects related to other public facilities, including schools, which are needed to accommodate growth. School impact fees, he continued, ensure that all new residential development bears a proportionate share of the capital cost of school facilities reasonably related to new development, and ensure the availability of adequate school facilities at the time development occurs. It must be based on a capital facilities plan developed by the school district, approved by the school board, and adopted by reference as part of Burien's Capital Facilities element of its Comprehensive Plan. He introduced Scott Hodgins, executive director for capital planning and construction for the Highline School District, who made some introductory remarks about the proposed school impact fee. The proposed fee will impact only new single- and multi-family development.

Mr. Hodgins said a school district's capital facilities plan typically looks at the district's needs within the next 6 to 10 years. He noted that the school district doesn't have the independent statutory authority to impose impact fees without the cooperation of the City of Burien and the other cities within the school district boundaries, so the district is working with each of the jurisdictions to establish an impact fee. Currently only King County, for the unincorporated portions of the district, and the City of Kent are collecting fees for the district. The Highline district's plan is the product of a 10-month citizen advisory process that included participation by 40 citizens meeting several times a month to study the district's demographics, student generation, and the physical and programmatic condition of the facilities, identifying and prioritizing a number of projects that need to be completed within the next 20 years. The capital facilities plan looks at the most immediate projects that have to do with growth.

Mr. Hodgins said two fee rates have been established, one for single-family and one for multi-family. He said the single-family rate is \$7,528 and the multi-family rate is \$6,691 per unit. He noted that multi-family housing is generating many more students in cities like Burien and Federal Way than in previous years. The school district has not yet decided whether Burien will collect the full rate or a discounted rate.

Mr. Hodgins said that school impact fees help pay for portable classrooms until the school district passes a bond to build a more permanent structure, such as a larger school or classrooms added on to an existing school building. He said each of the cities the district has been working with to impose an impact fee – Burien, Normandy Park, Des Moines and SeaTac – has been encouraging. He said he and the school district's attorney will appear before the Planning Commission again at the July 27<sup>th</sup> meeting to continue the discussion.

Mr. Davis drew the commissioners' attention to the revised School Impact Fee code language distributed to them this evening and noted they will be conducting a public hearing on the proposed code language at their July 27<sup>th</sup> meeting.

## **OLD BUSINESS**

### **A. Significant Tree Retention Zoning Code Amendments - Discussion**

Commissioner Nobis asked what the City's current regulations are concerning tree topping and view protection. Mr. Davis responded that tree topping in critical areas is not allowed as it weakens the health of conifers and eventually kills them. He said the commission may wish to address topping in areas other than critical areas as they update the Significant Tree regulations. He said that there is nothing in Burien's codes or any other jurisdiction's codes that would impose upon any property owner the requirement to trim trees to protect someone else's view. He allowed that a planned housing community may have adopted such requirements at the time it was created. He noted that certified arborists do have ways to trim trees for view by thinning the limbs, resulting in a "peek-a-boo" view. He emphasized that education is a huge component of preserving the City's tree canopy.

Commissioner Markee said she has concerns about how offsite mitigation and "in lieu" fees are implemented on new construction, agreeing with e-mail testimony submitted by a resident and certified arborist stating that often developers would rather write a check than protect or plant trees. Mr. Davis said code language can be written to make offsite mitigation a last resort, after all other options have been eliminated.

Ms. Zinn showed the commissioners an interactive Urban Forest Map used by San Francisco to identify the locations of significant trees in an area and the yearly ecological benefits of those trees. She noted this could be a future program that grows out of the policy that the commissioners are working on at this time.

## **ELECTION OF OFFICERS**

Tabled until July 27<sup>th</sup> meeting because three commissioners are absent.

## **PLANNING COMMISSION COMMUNICATIONS**

None.

## **DIRECTOR'S REPORT**

Mr. Davis said he will be absent for the next Planning Commission meeting and David Johanson, senior planner, will be present. The next meeting will be the public hearing on the school impact fees, a presentation by city manager Kamuron Gurol on Burien's Strategic Plan, and further discussion and a recommendation to City Council on the proposed Significant Tree Zoning Code amendments.

## **ADJOURNMENT**

### **Direction/Action**

Commissioner Davis moved for adjournment; Commissioner Markee seconded. Motion carried unanimously. The meeting adjourned at 8:54 p.m.

**APPROVED:** July 27, 2016

/s/ Curtis Olsen, chair  
Planning Commission