



## PLANNING COMMISSION AGENDA

February 10, 2009, 7:00 p.m.

Burien City Hall

15811 Ambaum Blvd. SW (Suite C)

Burien, Washington 98166-3066

### I. ROLL CALL

### II. AGENDA CONFIRMATION

**III. PUBLIC COMMENT** Public comments allowed on items not scheduled for a public hearing on tonight's agenda.

**IV. APPROVAL OF MINUTES** November 19, 2008

**V. OLD BUSINESS** Discussion on sustainability

### VI. NEW BUSINESS

### VII. PLANNING COMMISSION COMMUNICATIONS

### VIII. DIRECTOR'S REPORT

### IX. ADJOURNMENT

**Future Agendas (Tentative)** February 24, 2009: Discussion on sustainability  
March 10, 2009: Discussion on sustainability

#### Planning Commissioners

Brian Bennett  
Stacie Grage (Vice Chair)

Jim Clingan  
Rebecca McInteer

Joe Fitzgibbon  
Janet Shull (Chair)

*City of Burien*

BURIEN PLANNING COMMISSION MEETING

November 19, 2008

7:00 p.m.

Board Room, ERAC

MINUTES

**Planning Commission Members Present:**

Stacie Grage, Joe Fitzgibbon, Rebecca McInteer, Brian Bennett, Jim Clingan

**Absent:** Janet Shull

**Others Present:**

David Johanson, senior planner; Susan Coles, Community Development Department assistant

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**Roll Call**

Vice-chair Grage called the meeting to order at 7:01 p.m. At the call of the roll, all commissioners were present except Janet Shull and Brian Bennett. Commissioner Bennett arrived at 7:04 p.m.

**Agenda Confirmation**

Motion to approve the agenda as printed was made by Commissioner Clingan. Second was by Commissioner Fitzgibbon and the motion carried unanimously.

**Public Comment**

None

**Approval of Minutes**

A. October 28, 2008

Commissioner Fitzgibbon moved to approve the minutes as presented; Commissioner McInteer seconded and the motion carried unanimously.

**New Business**

None

**Public Hearing**

David Johanson, senior planner, briefly summarized the work done to date on proposed Comprehensive Plan map amendment and rezone request 2008-7, Ruth Dykeman Children's Center. He noted that staff, after reviewing the record and the modified application package submitted by the owner and the applicant, is recommending approval of the request based on the criteria in the Burien Municipal Code.

Vice-chair Grage opened the public hearing at 7:10 p.m. and reviewed the rules of procedure for the hearing.

**Tom Rembiesa**, CEO of Ruth Dykeman Children's Center (RDCC), reminded the commission that in response to community feedback the RDCC submitted a revised rezone and map amendment application that eliminated the multi-family portion in the original application. He noted that the revised request is for single-family zoning designation only and would not include public lake access. Mr. Rembiesa explained that throughout King County organizations providing critical services to children and youth are struggling to survive due to a variety of social, economic and market circumstances. He cited three organizations that in the last three weeks either have ceased operations or closed their primary programs, and more are teetering on the edge. Mr. Rembiesa listed the many ways over the past seven decades the RDCC has used its land to sustain itself during hard times.

**Stuart Case**, 9443 NE Valley Road, Bainbridge Island, the current chair of the board of governors for the RDCC and former Clyde Hill city councilman, said the board of governors must seek all opportunities to use its assets, including surplus land assets, to meet the current and future economic needs of the center as it continues its mission of service to children, families and communities. He said the parcel of land proposed for rezone is inappropriate for program expansion and is truly excess; sale of the property will help the RDCC continue its work. He noted that the RDCC will tie a legal prohibition of public access to the lake to the title of the excess property prior to sale.

**Robert Thorpe**, RW Thorpe & Associates, 705 Second Ave., Seattle, representing RDCC, said his firm had recommended the RDCC apply for both the single-family and multi-family rezones at once to save on the application processing costs, but in response to the Lake Burien Shore Club's concerns, he agreed that taking the multi-family rezone out is appropriate at this time. He said the single-family rezone is essential to the RDCC's mission, given the current financial downturn experienced by it and all nonprofits. He said at this time there is no plan, no design, and no developer waiting for the rezone to be approved. He said that when asked, the Community Development director told him the city manager and parks director do not see the land as future city park space. He encouraged the Planning Commissioners to look at the rezone request based on current regulations, not on speculation about what might happen sometime in the future.

**Lee Moyer**, 11917 8<sup>th</sup> Ave. SW, encouraged the commissioners to create a lakefront park on the land in question. He said he believed the Comprehensive Plan requires the City consider buying the land for a park. He also quoted a 1930 court case cited by opponents to public access to the lake in testimony at the previous Planning Commission public hearing, stating that the issue was not about public access but rather the effect that a proposed large-scale public bathing resort and picnic grounds would have had on the lake.

**Emilie McNett**, 13637 3<sup>rd</sup> Ave S., introduced herself as a 35-year Burien resident, a native plant steward, a watershed steward, former parks board member and a current member of the Shoreline Advisory Committee. She stated that the Comprehensive Plan and Shoreline Master Program support the development of a park on the Lake Burien shore and that rezoning of the surplus RDCC land provides the perfect opportunity. She said she envisioned a pocket park, allowing shoreline access to the low- and middle-class people who have limited access to shorelines because of private property ownership. She added that the park would educate users about proper lake stewardship and the lake's importance to the community at large, would give those who cannot live on the lake a sense of ownership, and would be an amenity to people dwelling walking-distance away in the downtown core. She said the decision about the RDCC property should involve the entire community, not just the privileged few who have the good fortune of being able to live on the shores of the lake. She said she would love to see statistics that support the view that public access to the lake would be an ecological threat.

**Don Warren** responded with “Green Lake.” Warren, 15702 13<sup>th</sup> Ave SW, stated his support for the RDCC in general and for the amended rezone request as long as the City does not allow public access to the lake. He stated there is no City policy encouraging public access to the lake and that there are plenty of Puget Sound shoreline parks for the public to use. He further stated that the citation of the 1930 court case was erroneous, saying the judge who wrote the decision in that case wrote that public access to the lake would cause a decline in lakefront property values by 10-25 percent, a degradation of the environment, and a danger to public health because the lake, having no outlet, cannot support a large number of users.

**Bob Edgar**, 1811 SW 152<sup>nd</sup> St., voiced his opposition to the rezone, saying the timing is suspicious. He questioned how selling the land in a depressed real estate market would help the RDCC in the long term and intimated that the City is pushing the rezone in order to gain property tax revenue from a quick sale of the land to a developer, despite the RDCC’s assurance that no developer is waiting to quickly purchase the land once it is rezoned. He also questioned why the rezone is being requested before the completion of the Shoreline Management Program update, saying the updated program will be more restrictive in its environmental protections. He noted that the City also is working on a low-impact development implementation framework. He questioned if someone isn’t trying to become vested for development before new restrictions are in place.

**Chestine Edgar**, 1811 SW 152<sup>nd</sup> St., voiced her opposition to the rezone, saying there are more than enough single-family properties currently for sale and there is no market need for the rezone and development of the RDCC surplus property. She said she is concerned that the proposed rezone is being pushed on the lake residents with a false sense of urgency. She questioned the appropriateness of members of the Shoreline Advisory Committee advocating for a park on the lake, calling it a conflict of interest. She noted the lake was opened to the public briefly during the 1950s and said there were serious problems as a result – robberies, vandalism, water pollution, and two drownings. She vehemently stated her opposition to public access. She accused the City of pressuring the RDCC and the lakefront property owners to achieve a quick rezone.

Having completed testimony by those who had signed up to testify, Vice-Chair Grage asked if there were others in the audience who wished to testify.

Mr. Johanson stated that written comments received that day from Robert and Robbie Howell and Douglas and Donna Lynch had been provided to the commissioners.

Mr. Warren asked if the testimony provided at the previous hearing remains in the record; Vice-Chair Grage responded that it does.

**David Brown**, 15423 11<sup>th</sup> Ave SW, said he supports the RDCC and doesn’t have any problem with the proposed rezone now that the multi-family portion has been removed. Looking at a map, he questioned a notation that said “Potential emergency access only to loop road” that comes off of 10<sup>th</sup> Avenue SW. He is supportive of access to the proposed single-family rezone area off 10<sup>th</sup> Avenue SW, but not if the access is off 154<sup>th</sup>. He took exception with earlier testimony that referred to people living on the lake as privileged and stated he was surprised at the testimonies endorsing a park on the lake as it was his understanding that that is not the issue under consideration at the hearing.

Bob Thorpe clarified the access issue, explaining the notation quoted by Mr. Brown was for emergency access for the multi-family rezone request that has since been withdrawn. Mr. Johanson noted that attachment 3 to the staff recommendation shows the area more clearly than the aerial photo.

**Greg Anderson**, 15451 11<sup>th</sup> Ave SW, testified that he is in favor of the proposed rezone.

**Dick Franks**, 15705 14<sup>th</sup> Ave SW, said he and his wife, Judy Perry, strongly support the RDCC's proposed rezone.

**Kate Richardson**, 16414 12<sup>th</sup> Ave SW, said she is disappointed at the lack of open space in the city for citizens to enjoy. She said as a bird watcher she enjoys watching the birds that spend winter at the lake, but with more and more development it is increasingly difficult to even see the lake. She said she feels the area is losing the essence of the Pacific Northwest and the proposed rezone offers an opportunity to provide an open area with some access to the lake for citizens to sit and enjoy the day.

**Durwood Smith**, 1201 SW 152<sup>nd</sup> St, testified that he is opposed to park/open space because although in his estimation the people who own lakefront property are not privileged, it is a privilege to live there and he would hate to see that privilege diminished by public access. He asked if there is any way that the City, after a rezone, could condemn the property and turn it into a park. Mr. Johanson said that is a City Council-level decision, then clarified that the Planning Commission is considering only the proposed rezone to RS-7200, which must meet certain criteria, and cannot take into consideration something that may or may not happen sometime in the future. Mr. Smith then continued, stating that he doesn't mind the rezone as long as there are assurances that there will be no public access to the lake in perpetuity. He said he understands that Burien is made up of low- and middle-income residents, and Section 8-assisted residents, and to see a piece of lakefront property taken by the City for a public park is objectionable to him. He noted that in the year and a half he has lived on the lake he has received four notices about sex offenders residing within an eight-block area from his house and he is concerned that sex offenders would use a park for their criminal acts. He finished by saying he is in favor of the rezone only if the land will stay single-family residential in perpetuity.

**Cyndi Upthegrove**, 1808 SW 156<sup>th</sup> St, said she and her husband support the RDCC and the proposed rezone.

A member of the audience asked if there are conditions on the rezone to keep the land residential. Mr. Johanson replied there are no conditions on the rezone and staff is not recommending any at this time. Ms. Edgar asked what that means; Mr. Johanson explained that staff is not recommending conditions be applied to the proposed rezone. Ms. Edgar then asked if they are discussing a rezone that can immediately come up for another rezone. Mr. Johanson replied that the Planning Commission is considering the specific application for a Comprehensive Plan map amendment from Special Planning Area 2 to Moderate-Density Residential Neighborhood, and a rezone request from Special Planning Area 2 to RS-7,200. Ms. Edgar then asked if she will receive a notice in her mailbox in six months that the City is condemning the land for use as another purpose. Mr. Johanson replied that he cannot answer that. Mr. Smith then asked who can answer that. Mr. Johanson replied that the RDCC owns the property, and as a private property owner can decide what to do with its property. He noted that the RDCC has stated its intentions on the record.

Commissioner McInteer asked for a copy of the letters Bob and Chestine Edgar read from during their testimony. Mr. Johanson requested that anyone with written testimony submit it to him before the hearing is closed so it can be placed in the record. Commissioner McInteer then asked Bob Thorpe if he has done other projects in Burien. Mr. Thorpe replied that he didn't see the relevance of the question; Commissioner McInteer said she doesn't need to state the relevance, she needed to know if he's done other projects in Burien so she can get a sense of what he knows about Burien and its small-town character.

Mr. Thorpe replied that he moved here in 1966 and lived in Burien Gardens for a year and a half. He said he did pro bono work for a church here, and has worked with Starbucks in similar communities, and on open space taxation, plats, single-family and commercial projects. He stated he has a long history of understanding this community and others like it. He noted that he is a consultant, not a developer.

Commissioner McInteer asked Mr. Thorpe about his statement that there could be two to four single-family homes on the property, if rezoned. He replied that because the land is waterfront a developer could decide to do anything from putting one high-end home on the entire lot to platting it for up to four homes, two on the lake and two behind. He said the important point is that there would be no public access to the lake. He noted that the land currently is part of the larger RDCC parcel and would have to be segregated before anything can be done – a sale, borrowing money against it for financing, or letting it sit until the real estate market improves – and the proposed rezone is only the first step. He reiterated that there is no developer waiting for the rezone; the RDCC is just preparing for the best use of its resources.

Commissioner McInteer then asked Mr. Case the relevance of his statement that the RDCC had purchased the Big Brothers Bingo and moved the operation to a casino in Renton. Mr. Case explained that the RDCC has long relied on state DSHS funding, the United Way of King County and private and corporate contributions, and that funding is diminishing. He said the RDCC board made a decision about 15 or 16 years ago to seek sustainable funding – independent, outside the realm of contributions – to continue its services to children and communities. So the board purchased the bingo operation for cash flow. Selling surplus property is along the same lines, getting away from depending solely on public funding and contributions.

The next question from Commissioner McInteer was to Mr. Moyer, asking whether there currently is any public access to the lake. Mr. Moyer answered that there is not, noting that the lake is surrounded by residences and the RDCC.

A member of the audience asked if there will be a straight up-or-down vote and if there is no flexibility, no opportunity for negotiating or altering the proposal in the community's interest. Vice-Chair Grage reiterated that the commissioners must consider the proposal based on the criteria set forth in the Burien Municipal Code. She noted that this is the second public hearing and the commission is hearing the comments of the community. Mr. Johanson added the clarification that the Planning Commission is an advisory board to the City Council; the City Council ultimately will make the decision on the requested rezone.

Chestine Edgar advised the commissioners to research all the ways of looking at public access in the Shoreline Management Act before making a recommendation to the City Council.

Mr. Smith asked if there is time for the RDCC to amend its amended application. He said he would like to see the RDCC write codes, covenants and restrictions (CC & Rs) on the property. Mr. Johanson explained that CC & Rs typically are not part of a rezone request and are not part of the application currently under consideration by the commissioners.

Mr. Smith then said if CC & Rs were written into the rezone request it would have his full approval.

There be no further testimony, Vice-Chair Grage closed the hearing at 8:15 p.m.

## Old Business

### A. 2008 Comprehensive Plan Map Amendments, Deliberation and Recommendation Ruth Dykeman Children's Center

Mr. Johanson introduced the item, stating that it was on the agenda in the event the commissioners chose to make a recommendation to the City Council this evening. Written testimony received at the hearing was photocopied and distributed to the commissioners as he spoke.

The commissioners decided they were ready to consider a recommendation tonight.

Commissioner Clingan moved that the Planning Commission recommend to the City Council approval of Comprehensive Plan amendment reference number 2008-7 and adopt the findings and conclusions of the staff recommendation report. Second was by Joe Fitzgibbon.

Commissioner Bennett asked for clarification of the critical areas on the property and their impact on future development. Mr. Johanson said the staff recommendation includes recognition that the property is on the lake and that wetlands may be associated with it. He noted that the requested rezone area is approximately one acre. At this point there is no wetlands delineation to determine precisely how much of the site is encumbered, but considering that the property in question is nearly an acre and that it is relatively narrow at the lakefront, the development review process would ensure the critical areas and their functions would be protected while allowing some development.

Commissioner Bennett then asked if the lakefront residents would receive notice of any proposed development and have an opportunity to comment on it at that time. Mr. Johanson replied that it depends on the type of development – there is no public hearing with a short plat, but typically there is public notice and an opportunity to submit written comments with any division of land.

Commissioner Clingan said he believes the RDCC has the right as a private property owner to sell that portion of the property if it wants to; it is not up to the Planning Commission to tell the RDCC if the market is right. As to the suggestion that the decision be put off until the Shoreline Master Program update is completed at the end of 2009 or 2010, he said he believes that when the update is completed opponents will come up with another reason why the commission shouldn't recommend approval. He said he believed the commission's only job is to consider the validity of the request in relation to the Comprehensive Plan. He said there are no guarantees that there will never be a park or open space there and he suspects the City would have no power to enforce CC & Rs even if they are placed on the land. He further said that he doesn't think the lake could support much public access anyway, and expert consultants would be called upon to determine the impacts should such a proposal be brought forward. But all of that, he continued, is speculation and right now the question is simply the rezoning of a portion of the RDCC's property from SPA-2 to RS-7,200, which he feels is consistent with the Comprehensive Plan. The timing of any sale of the land is the RDCC's business. He is favor of the rezone.

Commissioner Fitzgibbon said he still has concerns about the Shoreline Master Program update and any future development, but he has concluded that it is not the commission's charge to take that into consideration. He said he feels the proposed rezone fits in with the City's goal of infill near the center of town; in fact, he noted, the multi-family development was not a major concern for him and he hoped the applicant would not consider that option totally off the table for the future, should the need arise.

The motion carried 6-0.

**New Business**

None

**Planning Commission Communications**

None

**Director's Report**

None

**Adjournment**

Motion to adjourn was made by Commissioner Clingan. Second was by Commissioner McInteer and the motion carried unanimously. Vice-chair Grage adjourned the meeting at 8:34 p.m.

Approved: \_\_\_\_\_

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Janet Shull, chair  
Planning Commission

**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** February 4, 2009

**TO:** Planning Commission

**FROM:** Scott Greenberg, AICP, Community Development Director  
Jeremy Hammar, Planning Intern

**SUBJECT:** February 10<sup>th</sup> Meeting

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Welcome to 2009! For the first part of the year, we are asking the Planning Commission to focus on sustainability. Based on discussions with the Commission last year, we believe there is a desire to be more focused on this large topic. To help the Commission, Julia Walton from AHBL, Inc. will be at your meeting to discuss their work with the City of Shoreline.

Jeremy has been researching possible frameworks for your consideration and discussion, outlined below: Shoreline's model, ICLEI's greenhouse gas emissions model, and using our traditional Comprehensive Plan amendment model. Shoreline's approach is the most comprehensive of the three, while ICLEI's focuses primarily on climate change. Simply writing new policies into our Comprehensive Plan is potentially the easiest, and would involve the fewest of resources. These three approaches are not mutually exclusive—they can be combined together moving from broadest to narrowest in focus. Or, we can work on one of these and then decide appropriate next steps.

**Sustainability Strategy Modeled after Shoreline**

- Create a list of positive things which are currently happening in the city and how those positives can be built upon in the future.
- List priorities
- List goals relating to those priorities
- Establish a plan for reaching the goals
- Establish indicators for reporting the progress towards the goals
- Sustain the sustainability

This method allows a municipality to start either small or large with its sustainability efforts based on the available resources of the city. Ideally, it builds upon a city's existing sustainability efforts and establishes additional priorities and goals. The goals and priorities can and should span across a number of issues pertaining to sustainability such as social and economic issues in addition to climate issues. A city can attain early success with this plan by "identifying quick wins" goals which can be met with relative ease and in a short amount of time.

Public involvement should play a strong role in the establishment of goals and priorities as it can help to garner public support if the interests of the public are properly addressed.

**Considerations for priorities and goals**

**Impact** – greatest opportunity to benefit the city

**Influence** – influence or support others in the community

**Investment** – projects which contribute to the city, improve worker morale, safety, or customer relations.

### **Key questions for indicators**

- is it informative? Does it tell us what we need to know? How easy is it to analyze and track?
- Does it rely on existing or readily available data?
- does it require new resources for measurement?
- is there a better option? Is it redundant?
- How important/useful is the information?
- How can the city influence this indicator and in what kind of timeframe?
- Is it understandable to the public/city?
- Does the public want to know? Is it interesting/compelling?
- Will it be suitable for long term measurement of progress?

### **ICLEI Emissions Inventory Plan**

- Conduct an emissions inventory of all municipal operations and community related activity
- Use data to help determine which areas need to be addressed
- Create a plan of action to reduce emissions
- Use data as a baseline for all future targets and inventories
- ICLEI provides software which can predict the effects of various emissions reducing measures

### **ICLEI's 5 milestones**

1. Conduct a baseline emissions inventory and forecast
2. Adopt an emissions reductions target
3. Develop a local climate action plan
4. Implement policies and measure
5. Monitor and verify results

Conducting an emissions inventory sets an excellent base for sustainability programs; a city can see which areas it is doing well in, which areas need to be improved, and what are the primary sources of the harmful emissions. By having the emissions data at hand, a city can identify which areas could potentially be easiest to fix a plan can be established to meet the specific needs which need to be addressed.

This is the method which is promoted by ICLEI – Local Governments for Sustainability; which offers assistance and information throughout the process of conducting the inventory, and also implementing action plans and policies which follow the inventory.

Conducting the inventory is time and labor consuming, but it provides a great deal of information which can be utilized by the city for implementation and tracking of sustainability efforts, and is ultimately greatly beneficial to a city wishing to become more sustainable.

**Benefits of Developing a Greenhouse Gas (GHG) Inventory** (From ICLEI Local Governments Operations Protocol)

**Risk Management** - Voluntarily reporting GHG emissions may help local governments manage climate risk by documenting early actions to reduce GHG emissions. Such information may be accepted by future state, federal or international regulatory GHG programs.

**Addressing Inefficiencies** - Accounting for emissions has helped many organizations gain better insights into the relationship between improving efficiency and reducing emissions. As a result, organizations have redesigned business operations and processes, implemented technological innovations, improved products and services, and ultimately saved money and resources.

**Readiness for a Carbon Constrained Future** - Identifying emissions sources to develop a GHG profile and management strategies may help local governments prepare for and respond to the potential impact of new regulations.

**Recognition as an environmental leader** - Voluntarily reporting GHG emissions provides local governments with a pathway to recognize, publicize, and promote their environmental stewardship.

**Stakeholder Education** - Assembling an annual GHG emissions inventory can help inform management, constituents, employees, and public about a local government's GHG emissions profile.

### **Comprehensive Plan Modification**

Incorporate sustainability into the comprehensive plan  
Starts small, works sustainability into the city's daily operations  
Creates a foundation for the rest of the city's sustainability operations

Incorporating sustainability into the comprehensive plan creates a base for which decisions and plans will be made in the city. This first step directs the city in the proper directions and firmly places goals for sustainability into the decision making process of the city.

### **Important details to consider with any plan**

**Bring sustainability down to Earth** - Sustainability is a concept that challenges people to think big picture and long-term which makes it hard to translate into tangible day-to-day actions. It is therefore easy to ignore it because sustainability doesn't apply to the job, or to resist it because it makes the job harder.

**Work with the public to better help address their needs** - A sustainable community relies on an active citizenry who is motivated to come together and do their part.

**Coordinate with other municipalities** - Utilize ideas and practices which have been beneficial in other cities, and work together with cities which are working towards the same goals.

**Sustainable decision making** - Sustainability should be a consideration in all decisions made. Decision makers need to have the tools to assess sustainability in their plans and decisions.