



*Burien*  
WASHINGTON

**PLANNING COMMISSION AGENDA**

January 12, 2010, 7:00 p.m.

Burien City Hall, **Miller Creek Room**  
400 SW 152<sup>nd</sup> Street, **3<sup>rd</sup> Floor**  
Burien, Washington 98166

**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 24, 2009  
December 8, 2009  
December 15, 2009

**V. PUBLIC HEARING** a. Shoreline Master Program Updates

**VI. OLD BUSINESS** a. Discussion: Shoreline Master Program Updates

**VII. NEW BUSINESS** a. None

**VIII. PLANNING  
COMMISSION  
COMMUNICATIONS**

**IX. DIRECTOR'S REPORT**

**X. ADJOURNMENT**

**Future Agendas (Tentative)** January 26  
- Discussion: Shoreline Master Program Updates  
  
February 9  
- Discussion and Possible Recommendation: Shoreline Master Program Updates

Planning Commissioners

Jim Clingan (Vice Chair)  
Rebecca McInteer

Joe Fitzgibbon (Chair)  
Rachel Pizarro

Stacie Grage  
Janet Shull

*City of Burien*

BURIEN PLANNING COMMISSION MEETING

November 24, 2009

7:00 p.m.

Miller Creek Room, Burien City Hall

MINUTES

**Planning Commission Members Present:**

Joe Fitzgibbon, Rebecca McInteer, Stacie Grage, Rachel Pizarro, Jim Clingan

**Absent:** Janet Shull, Brian Bennett

**Others Present:**

Chip Davis, planner

---

Vice Chair Clingan called the meeting to order at 7:13 p.m. At the call of the roll all commissioners were present except Commissioners Shull, Bennett and Fitzgibbon.

**Agenda Confirmation**

Motion to approve the agenda as presented was made by Commissioner Grage. Second was by Commissioner Pizarro and the motion carried unanimously.

**Public Comment**

None

**Approval of Minutes**

Commissioner Grage moved to approve the minutes of October 20, 2009, and October 27, 2009, as presented. Second was by Commissioner Pizarro and the motion carried unanimously.

Chair Fitzgibbon arrived at 7:15 p.m. and Vice Chair Clingan turned the meeting over to him.

**Public Hearing**

Chair Fitzgibbon opened the public hearing.

**Gerald Robison**, 1228 SW 119<sup>th</sup> St., stated he is generally satisfied with the staff recommendation regarding the conversion of the county's special overlay zoning near Salmon Creek. His only criticism, he said, is that the staff recommendation does not include the density incentives – reduced parking requirements, reduced setbacks, and others – that the county offered.

**Neil Nyyssela**, speaking in reference to his property at 11441 16<sup>th</sup> Ave SW, said Burien's zoning is not always conducive to industrial uses. He's concerned about the affect of the converted zoning on his various properties in the North Highline Annexation Area, but said for the most part he came to the hearing to see what's going on.

**Ed Dacy**, 2016 SW 146<sup>th</sup> St., said he is chairman of the Pastoral Council at St. Bernadette's Catholic Church. He said he didn't know until just then that the church property is divided between two zones. The long-range plan for the portion located in the second zone is a church. He'd like to see the entire church property in one zone.

Chip Davis, planner, noted that religious institutions are allowed in all zones, so it doesn't really matter, unless the archdiocese wants to use that portion for something unrelated.

**Martin Taylor**, 12716 6<sup>th</sup> Ave SW, recalling earlier competition between Seattle and Burien, asked if Burien got any money from the state for annexation.

Mr. Davis replied that he didn't think that any of the proposals pertaining to funding for annexation that were in the Legislature made it out of committee. Chair Fitzgibbon added that there is a pre-existing law, applying to all cities doing annexations in urban unincorporated areas, that will provide money from the state, but it's a relatively small amount.

Councilmember Keene, in the audience, said the amount is \$600,000. She said there possibly will some money for annexing the northern portion of North Highline at a later date.

There being no other testimony, Chair Fitzgibbon closed the public hearing at 7:23 p.m.

### **Old Business**

*a. Discussion and recommendation on conversion of King County zoning classifications to Burien zoning classifications in the North Highline Annexation Area*

Mr. Davis did a short presentation to bring the commissioners up to date. He noted that questions were raised at the commissioners' last meeting concerning the conversion of the King County R-48 multi-family residential and CB special district overlay zoning designations. He said staff has further refined the Burien zoning designations to reflect those comments and concerns. Mr. Davis called the commissioners' attention to two comment letters and a King County rezone public hearing notice that had been entered into the hearing record and provided to the commissioners.

Mr. Davis noted that the issues raised in citizen comments have been addressed in the amended staff-recommended zoning proposals. Regarding the county's R-48 multi-family designation, the staff is recommending creation of an RM-48 interim zoning designation in the Burien Zoning Code, with modified density and development standards applying only to the North Highline annexation area. Mr. Davis pointed out that a significant number of the development standards are the same as those in place under King County; in fact, the proposed language allowing a height increase in return for increased setbacks mirrors the King County language. He explained that staff is not recommending adoption of the density incentive and transfer of development rights components at this time, the reasons being that the public benefits to be provided in exchange for increased density currently are not outlined in policy in the Burien Comprehensive Plan; none of the public benefit programs used by King County to award density bonuses are in place and operating in Burien; and Burien does not participate in the King County transfer of development rights program at this time. The question of increasing density in the RM-48 zone should be addressed as part of a community-wide update of the City's Comprehensive Plan, which should be completed in 2011.

Moving on to the county's CB Special District Overlay – Commercial/Industrial designation, Mr. Davis said staff is recommending a special regulation be placed on the Community Commercial zone use chart to allow those uses currently part of the county's overlay designation as allowed by King County Code 21A.38.100. The continuation or expansion of the existing commercial/industrial land uses in the zone that are not allowed in either the CB Overlay District or the CC zone will be governed by the continuing uses provision in Burien Municipal Code 19.55.025 for the interim zoning designation. Only the uses considered nonconforming under King County will be considered "continuing uses" under the Burien code.

Mr. Davis went on to say that, at this time, the staff is not recommending adoption of other provisions of the CB Special District Overlay designation relating to waiving of development standards including parking, landscaping, setbacks, building height limits, street improvements, pedestrian circulation and

impervious surface coverage. Staff recommends the development standards issue be revisited as part of the community-wide update of the City's Comprehensive Plan, to be completed in 2011.

Mr. Davis noted that since distribution of the interim zoning map, staff has discovered two other items needing clarification. There are two Community Commercial zoning designations in the City of Burien – CC-1 and CC-2. The second one, CC-2, allows greater density in the residential portion of mixed use developments and has no limits in the size of retail uses in that zone; therefore staff is recommending that CC-2 be applied in the annexation area.

Also, Mr. Davis said, staff has become aware of a pending King County rezone of 11228 8<sup>th</sup> Ave S. from R-48 (Multi-family 48 units per acre) to NB (Neighborhood Business) with the intention of using the parcel as additional parking for the adjacent fruit and vegetable store. To avoid a potential zoning conflict at the date of annexation, staff is recommending the parcel be designated CN (Neighborhood Center) on the Burien interim zoning map, to match the adjacent properties.

Mr. Davis added that as of Monday night, the City Council had not set an effective date for annexation and is still in discussions with King County to resolve the Puget Sound Park dispute. At this point, staff is operating under the assumption that the annexation effective date will be March 2, 2010, as originally intended by the City Council.

Commissioner Clingan asked why on Attachment 3 King County's maximum height allowance is 80 feet, but Burien's is only 75. Mr. Davis replied that the 75-foot figure is in King County code; it appears the only way they can get to 80 feet is with density bonuses or transfer of development rights, and since Burien doesn't have either of those programs, staff capped it at 75 feet. Commissioner Clingan then asked about the parking requirements – 1.2 spaces/unit in King County versus 1.8 spaces per unit in Burien. Mr. Davis said it probably is a similar situation. Commissioner Clingan then asked when King County would make the decision on the rezone request; Mr. Davis said he doesn't know, but the applicant has been working toward the rezone for three years and has spent \$6,000 so far, and so is most anxious to resolve the issue as soon as possible.

Commissioner Grage moved that the Planning Commission recommend to the City Council approval of proposed interim zoning designations for the North Highline Annexation Area as outlined in the proposed Burien zoning code text amendments and with the inclusion of the CC-2 designation for the Community Commercial zone and the designation of the property located at 11225 8<sup>th</sup> Ave. S. as CN, Neighborhood Center, on the proposed North Highline Annexation Area applied zoning map. Commissioner Pizarro seconded the motion. The motion passed unanimously.

### **New Business**

None

### **Planning Commission Communications**

None

### **Director's Report**

The next meeting of the Planning Commission will be dedicated in its entirety to the fee-in-lieu of parking program, said Mr. Davis.

Also, there has been a slight modification to the NERA zoning designations being proposed to the City Council. There are two AI – Airport Industrial zones, one including an auto mall and one without an auto mall, so staff is proposing to differentiate them by calling one AI-1 (with an auto mall) and the other AI-2 (the remainder of the AI area).

**Adjournment**

Motion to adjourn was made by Commissioner Pizarro. Commissioner Grage seconded the motion. The meeting was adjourned at 7:45 p.m.

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

\_\_\_\_\_  
Joe Fitzgibbon, chair  
Planning Commission

DRAFT

*City of Burien*

BURIEN PLANNING COMMISSION MEETING

December 08, 2009

7:00 p.m.

Miller Creek Room, Burien City Hall

MINUTES

**Planning Commission Members Present:**

Jim Clingan, Joe Fitzgibbon, Janet Shull

**Absent:** Brian Bennett, Stacie Grage, Rebecca McInteer, Rachel Pizarro

**Others Present:**

Chip Davis, planner

---

Chair Fitzgibbon called the meeting to order at 7:02 p.m. At the call of the roll all commissioners were present except Commissioners Bennett, Grage, McInteer and Pizarro.

**Agenda Confirmation**

No motion was made due to lack of a quorum.

**Public Comment**

None

**Approval of Minutes**

None

**Old Business**

None

**New Business**

- a. *Presentation and Discussion: Proposed Ordinance and Burien Zoning Code Amendment Relating to Downtown Fee-in-Lieu of Parking*

Chip Davis, planner, presented a brief overview of the work done to date on downtown parking, beginning with a study of downtown parking capacity and demand in 2005. The resulting stakeholder group report, issued in 2007, included a recommendation to establish a fee-in-lieu-of-parking (FILOP) program to eliminate a possible barrier to downtown development and provide another tool to encourage redevelopment of existing properties in the downtown. This year, the City's consultant, Transportation Solutions, Inc., completed a preliminary study of a fee-in-lieu-of-parking program that would serve as an alternative to minimum onsite parking requirements in the zoning code for nonresidential development in downtown Burien. The study serves as the basis for the proposed ordinance and zoning code amendments now being presented to the commissioners. Mr. Davis noted that Burien Comprehensive Plan goal TR 9, Parking, provides specific policy guidance regarding parking in downtown Burien.

Mr. Davis continued, saying that construction of onsite parking improvements is preferred to payments in lieu of construction of parking spaces, but in light of existing low-density development of the downtown,

it may be in the best interest of the community to accept payments in lieu of construction to assist in the redevelopment of the downtown area. Establishment of an optional fee-in-lieu-of-parking program would support redevelopment of the downtown into a more vibrant, pedestrian-friendly, transit-supportive urban form, he explained, while avoiding the negative impacts associated with development of onsite parking.

He stated that staff is recommending the fee-in-lieu program have a fixed fee per parking stall of approximately 70 percent of the cost of developing a downtown Burien parking stall. That figure is initially set in the ordinance at \$7,000 per stall. This proportional approach has been successful in other cities, Mr. Davis reported. The fee would be paid into a fund to provide publicly accessible parking spaces in the DC and SPA-1 zones or for other uses the City Council determines would reduce the demand for parking in downtown Burien. This, he continued, provides some flexibility as other uses could include pedestrian improvements, alternative transportation improvements such as bicycling and trails in the downtown, and multi-modal transportation projects, as long as it can be shown that the project would reduce the demand for parking.

Mr. Davis called the commission's attention to a handout, a revision to the meeting packet, Table 19.20-2 the parking rate demand schedule. He explained that this schedule takes into account the current Puget Sound economic environment and has been set at 90 percent of the typical transportation planning parking rates to serve as an incentive to developers to use the fee-in-lieu program. The program will be established through amendments to Burien Municipal Code 19.20, the Parking and Circulation chapter of the zoning code. Applicants will be allowed to meet all or a portion of their parking requirement through participation in the fee-in-lieu program. However, if the applicant uses a parking demand study to argue against the parking rate demand schedule in the fee-in-lieu program, the program will not be available to the applicant. Consideration will be given to applicants with special circumstances, such as being adjacent to the transit center, in which case a parking demand study may be their best choice.

Commissioner Shull asked if a developer could do a parking study to evaluate the cost-effectiveness of participating in the fee-in-lieu program; Mr. Davis responded yes, in fact, many large developments these days are required to do a parking study by their lenders. Commissioner Shull then asked if the table that the handout was replacing was *not* figured at the 90 percent of the typical transportation planning parking rates; Mr. Davis replied that was correct. He said the City's consultant revised the table based on two assumptions: that someday the economy would recover and empty storefronts would be filled and there would be a renewed demand for parking, and in reviewing the original rates, the consultant realized using ITE manual's parking demand rates for uses would provide a surplus of parking for some of the uses in Burien.

Commissioner Shull asked how the required parking would be determined if a developer didn't do a parking study or participate in the fee-in-lieu program. Mr. Davis said the parking requirement would be determined by using the updated Table 19.20-2. He explained that previously in the zoning code everyone was required to do a parking demand study, which didn't always make sense for small businesses.

Chair Fitzgibbon asked if the developer could provide no parking and just pay the fee, or provide some parking and pay a fee for the remainder of the required parking. Mr. Davis confirmed that was true, and noted that the City will be tracking the number of parking spaces that have been purchased through the fee-in-lieu program for each property to ensure that future tenants aren't charged again for those spaces.

Commissioner Clingan asked what happens if, for instance, a restaurant pays into the program, leaves its location, and a business with a lesser parking requirement moves in. Mr. Davis said the consultant, when asked that same question, said the new business would be "overparked." He said because it is a capital construction program, there are no provisions for providing refunds.

Commissioner Clingan then asked if there is a potential for conflict if the City Council chooses to use the money for something like pedestrian improvements or bicycle racks and the developer who paid in the money says the money isn't being spent the way he thought it would be spent. Mr. Davis said it will have

to be made very clear to participants that the program does not entitle them to specific, assigned parking spaces in the city; the money is paid into a general program for future construction of parking spaces.

Commissioner Clingan inquired as to whether there is a time limit for the City to use the funds to provide parking spaces. Mr. Davis responded that there is no statutory timeframe for use of the funds, but there is some flexibility in how the funds can be used and it is hoped that they will be used to construct additional parking spaces or for other projects that reduce the demand for parking relatively quickly.

Mr. Davis noted that in working with the parking rate demand schedule, most businesses don't easily fall into one use description or another and some interpretation and negotiation is required to find the best match for each proposed use.

The next steps in the schedule for consideration of the proposed ordinance and associated zoning code amendments, Mr. Davis explained, are as follows:

Dec. 15, 2009 – Public hearing before the Planning Commission

Jan. 12, 2010 – Discussion and possible recommendation by the Planning Commission to the City Council (if not done on Dec. 15th)

February 2010 – Consideration and possible adoption by City Council.

Commissioner Shull asked if there had been much input from the public regarding the potential fee-in-lieu program. Mr. Davis responded that there has been very little public participation but noted that presentations have been made to the Burien Business and Economic Development Partnership (BEDP) and its members are supportive of the program.

Commissioner Clingan asked how this program would work with the potential theater. Mr. Davis replied that being a large corporation, the theater company probably has a very good idea of how many people it is going to draw and how many parking spaces it will require. They will probably conduct a parking demand study as part of their effort to secure funding for the project. He added that the theater company is quite interested in the transit-oriented development (TOD) parking garage planned at the Burien Transit Center; the company sees that as a potential addition of 500 available parking spaces in the downtown that it can use during its peak time, which would be off-peak time for transit. There was discussion about the potential theater and the potential TOD.

Chair Fitzgibbon said he hopes the program is a tool that eventually can be used in other areas of the city. Mr. Davis confirmed that that is the intention.

**Planning Commission Communications**

None

**Director's Report**

None

**Adjournment**

The meeting was adjourned at 7:40 p.m.

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

\_\_\_\_\_  
Joe Fitzgibbon, chair  
Planning Commission

*City of Burien*

BURIEN PLANNING COMMISSION MEETING

December 15, 2009

7:00 p.m.

Miller Creek Room, Burien City Hall

MINUTES

**Planning Commission Members Present:**

Joe Fitzgibbon, Jim Clingan, Janet Shull, Brian Bennett, Stacie Grage, Rebecca McInteer, Rachel Pizarro

**Absent:**

None

**Others Present:**

David Johanson, senior planner; Chip Davis, planner

---

Chair Fitzgibbon called the meeting to order at 7:06 p.m. At the call of the roll all commissioners were present.

**Agenda Confirmation**

Commissioner Grage moved to accept the agenda as presented; second was by Commissioner Shull. Motion carried 7-0.

**Public Comment**

**John Upthegrove**, 1808 SW 156<sup>th</sup> St., stated his opposition to any public access to Lake Burien and any involvement by the City in the care of the lake. He asked that the Planning Commission remove a line in the draft Shoreline Management Program update stating that the highest priority for developing new public access to shorelines be placed on areas without existing public access, stating he believes that refers primarily to Lake Burien. He would prefer public access to shorelines not be an elevated priority.

**Bob Edgar**, 12674 Shorewood Dr. SW, stated his belief that that the saltwater shoreline receives greater protection than the freshwater shoreline, citing the difference in zoning designations (RS-12,000 vs. RS-7,200), a definition of critical saltwater habitat but not one of critical freshwater habitat, a difference in the protections of shorelands of the second class vs. secondary tidelands and no mention of gates, security guards or a park ranger if public access to Lake Burien is developed. He told the commissioners that it is their obligation to address these perceived discrepancies before forwarding any recommendations about the update to the City Council.

**Jennifer Kropak**, 2681 SW 151<sup>st</sup> Place, said that in reference to the “no net loss” policy contained in the Shoreline Master Program update, she wants the master program to include a policy of no unintended gain at the expense of the existing Lake Burien property owners. She wants property owners to have the right to rebuild in the existing footprint of their houses in the event of a fire or other damage to the structure greater than 50 percent. She said she thinks Pierce County’s Shoreline Master Program is less restrictive than King County’s, so she wants the commission to look at the Pierce County model instead.

## **Approval of Minutes**

Chair Fitzgibbon noted one change to the minutes of the November 10, 2009, meeting as presented, a correction to the time the meeting was called to order. Commissioner Grage moved to approve the minutes. Commissioner Pizarro seconded the motion. Motion carried 7-0.

## **Public Hearing**

### *a. Fee in lieu of parking and related zoning code amendments*

Chair Fitzgibbon opened the public hearing at 7:18 p.m. There being no public testimony, Chair Fitzgibbon closed the hearing at 7:19 p.m.

## **Old Business**

### *a. Discussion and possible recommendation on fee in lieu of parking and related zoning code amendments*

Chip Davis, planner, reviewed his presentation to the commission at its last meeting and the discussion that ensued. The optional fee-in-lieu-of-parking program would eliminate one possible barrier to downtown development and would provide another tool to encourage redevelopment of existing properties in downtown and Old Burien. He said staff is recommending the fee-in-lieu program have a fixed fee per parking stall of approximately 70 percent of the cost of developing a downtown Burien parking stall. That figure is initially set in the proposed ordinance at \$7,000 per stall. This proportional approach has been successful in other cities, he added. The fund established by the payments will be reserved for provision of publically accessible parking spaces in the Downtown Commercial (DC) and SPA-1 (Old Burien) zones, or for other uses the City Council determines would reduce the demand for parking in downtown Burien.

Mr. Davis directed the commissioners' attention to Table 19.20-2, the parking rate demand schedule for commercial and mixed-use developments. He explained that the schedule takes into account the current Puget Sound economic environment and has been set at 90 percent of the typical parking rates to serve the proposed uses. The schedule provides an additional incentive to developers to use the fee-in-lieu program.

Mr. Davis noted that the related zoning code amendments would establish the optional fee-in-lieu program, establish the annual review and adjustment of the per-parking-space fee, establish payment of the fee in lieu at the time of building permit issuance, and establish a biennial review of the fee-in-lieu program with a report to the City Council.

Continuing, Mr. Davis explained that applicants will be allowed to meet all or a portion of their parking requirement through participation in the fee-in-lieu program. However, if the applicant uses a parking demand study to establish the number of required parking spaces then they will not be able to use the fee-in-lieu-of-parking program to further reduce the number of spaces. Staff will be tracking the number of parking spaces that have been purchased through the fee-in-lieu program for each property to ensure that future tenants aren't charged again for those spaces.

Commissioner Pizarro asked why a developer doing a parking study would result in the fee-in-lieu program not being available to them. Mr. Davis responded that it is an effort to keep people from "playing the system" by trying to argue for a further reduction in the required parking spaces while participating in the program that already has a 10 percent reduction built in. He reiterated that it is an optional program; a developer can either provide the required number of parking spaces, conduct a parking demand study, or participate in the fee-in-lieu program for some or all of the required parking.

Chair Fitzgibbon complimented staff on the work done on the proposed program and said he feels it would give a lot of flexibility to businesses in the downtown to grow and for new businesses to come in.

Commissioner Shull moved the Planning Commission recommend to the City Council approval of proposed ordinance and Burien Zoning Code amendments related to implementation of a downtown fee-in-lieu-of-parking program as outlined in the staff recommendations. Commissioner Pizarro seconded the motion. Motion carried 7-0.

## **New Business**

### *a. Introduction of the Shoreline Master Program Update*

David Johanson, senior planner, gave a brief overview of the purpose of the Shoreline Master Program update agenda item, noting the commission will conduct a public hearing on the topic on January 12, 2010, and introduced Karen Stewart, with the consulting firm Reid Middleton, and Bob Fritzen, shoreline planner with the state Department of Ecology.

Mr. Johanson noted that when Burien incorporated in 1993, it simply adopted the shoreline regulations King County had in place at the time and those are fairly outdated. The draft update is Burien's first Shoreline Master Program generated by the citizens and the members of the Shoreline Advisory Committee. Mr. Johanson then turned the presentation over to Mr. Fritzen.

Mr. Fritzen summarized the purpose of the state Shoreline Management Act, passed in the early '70s, as a means to prevent piecemeal development along the shorelines. He said often the act is characterized as a chair with three legs, one of which is to protect the environment, one to provide public access to waters of the state, and the third to recognize water-dependent uses. Guidelines were developed to help administer the act; the guidelines are standards used to help write shoreline master programs. The Revised Code of Washington (RCW) mandates periodic updates of the guidelines to incorporate up-to-date best available science and current Endangered Species Act listings, among other things.

Mr. Fritzen explained that the jurisdictional area of the Shoreline Management Act for Burien is measured 200 feet landward from the ordinary high water mark and waterward generally out to mid-channel. He said a shoreline master program is a set of policies and the implementing regulations, with the addition of goals as an option. It is based on an inventory and analysis, he added, with the analysis resulting in shoreline designations similar to zoning. The analysis drives policies and regulations based on habitat, existing development pattern and the wants and goals of the local citizenry as reflected in a city's comprehensive plan.

One of the principles of the guidelines, Mr. Fritzen said, is to achieve no net loss of environmental functions, such as long shore drift of sediment or protecting habitat for priority species. In theory, he continued, with no regulations there would be net loss, so the target of the master program is to remove impacts to the environment through mitigation when development and redevelopment occurs. Mr. Johanson agreed, noting that the shoreline inventory establishes the baseline against which no net loss is measured. The challenge for Burien, he continued, is how to achieve no net loss in Burien's highly developed urban environment.

Ms. Stewart reiterated that the Shoreline Management Act is a state program that is implemented locally. She explained the role of Reid Middleton in developing the update to Burien's Shoreline Master Program, starting with determining what Burien has in its current Shoreline Master Program that is relevant to Burien. Because Burien simply adopted King County's Shoreline Master Program upon incorporation, she said, there are categories that don't even apply to Burien's shoreline jurisdiction. She explained the integrating principles between the Growth Management Act (GMA) and the Shoreline Management Act (SMA), starting with the 14<sup>th</sup> goal of the GMA, "Manage shorelines wisely." The consultants began by looking at Burien's existing comprehensive plan, the zoning, critical area regulations, the current master program and the state guidelines.

Ms. Stewart noted that the key components of the Shoreline Master Program that must meet the approval of the state Department of Ecology are the goals and policies, the shoreline environment designations, a

map showing the shoreline environment designations and the criteria for applying those designations, management policies, and shoreline development regulations that will guide permitting and administrative provisions that will guide procedures.

Explaining the process of updating a shoreline master program, Ms. Stewart said it begins with establishing the shoreline jurisdiction based on state guidelines. This is the opportunity, she noted, to ensure local needs and priorities are reflected in the plan, making sure it meets the citizens of Burien's vision of what the shoreline areas should be like while creating a program that will meet the state Department of Ecology's approval.

The consultants worked with biologists to conduct the shoreline inventory. The division of the marine shoreline into "reaches" was based on physical characteristics and the extent of development. The Lake Burien shoreline is its own reach. Ms. Stewart said three shoreline environment designations are being proposed for Burien: aquatic, applying to lands that are covered by water that are within the shoreline jurisdiction; shoreline residential, encompassing Shorewood, Three Tree Point and Lake Burien; and urban conservancy, which is generally the Seahurst Park shoreline.

A permit matrix was created to clearly identify the type of shoreline permit required for specific shoreline uses and modifications. If something is not listed on the matrix, it would be subject to a conditional use permit. Some uses, such as mining, are listed as prohibited. Ms. Stewart noted that the types of permits are the shoreline substantial development permit and the shoreline conditional use permit. She then called the commissioners' attention to another crucial table in the master program, "Dimensional Standards for Shoreline Developments." The table lists marine and Lake Burien riparian buffers, a proposed vegetation conservation buffer, building setbacks from the riparian buffers, lot size, and maximum building height and coverage. The vegetation conservation buffer, Mr. Johanson noted, is one of the newer approaches for achieving no net loss in the shoreline jurisdictional area. This is similar to the vegetation management that already is required in steep slope areas. Ms. Stewart said the Department of Ecology is asking some jurisdictions to adopt a 150-foot riparian buffer for the marine shoreline, thinking that that is the most ecologically sound approach. Since that is not very workable for Burien's developed marine shoreline, staff and the consultants have been negotiating with Ecology in working out the 50-foot buffer combined with the vegetation conservation buffer as a compromise.

Ms. Stewart explained that once the Shoreline Master Program update is adopted, the goals and policies become an element of the Burien Comprehensive Plan and the dimensional standards and other regulations become part of the Burien Municipal Code. The City has the choice of integrating them into those documents or having a stand-alone Shoreline Master Program document. Also, she noted, once the Shoreline Master Program update has been approved by the state and adopted by the City, critical areas within shoreline jurisdiction are protected by the Shoreline Master Program, not the City's critical areas regulations. Mr. Johanson noted that a regulation within the Shoreline Master Program adopts the City's critical areas regulations.

Next, Ms. Stewart explained the principle of common line setback, which allows the 50-foot buffer and 15-foot setback from the ordinary high water line to be reduced to a minimum 20-foot setback under the common line setback approach. This is similar to the reasonable use provisions of the zoning code. The common line setback approach allows equity between adjacent lots. The actual common line depends on the setbacks of structures on the adjacent lots, with 20 feet being the minimum allowed. Requests for common line setbacks are reviewed using the conditional use permit process.

Moving to the next topic, bulkheads and mooring buoys, Ms. Stewart said new bulkheads are allowed to protect primary structures under the shoreline conditional use permit process. She added that regulations about mooring buoys have been added to the draft Shoreline Management Program. Mr. Johanson explained that one mooring buoy is allowed per waterfront lot for that waterfront owner. No buoys are allowed on Lake Burien.

On the topic of public access, Ms. Stewart noted that there is public access to marine shoreline at Seahurst Park, Eagle Landing Park and from some trails and street ends. There currently is no public access to Lake Burien.

Ms. Stewart addressed the issue of structures potentially becoming nonconforming under the Shoreline Master Program's regulations, noting it is in Chapter V of the document with wording consistent with the state guidelines.

Finally, Mr. Johanson reviewed the process used in developing the draft Shoreline Management Program, starting with the establishment of a shoreline advisory committee made up of citizens and technical professionals. Following an outreach effort to ensure a broad representation of all geographic areas of the city, the City Council decided on an inclusive approach, accepting all applications. Ultimately, the committee was made up of 10 Burien residents, four at-large representatives and six technical professionals.

Continuing, Mr. Johanson recounted the nine Shoreline Advisory Committee meetings and the two public open houses since spring 2008 making up the public involvement. The Shoreline Advisory Committee worked with the public input gathered at the first open house to devise the draft goals and policies and meld them with the state guidelines to create the regulations.

Looking forward, Mr. Johanson said the Planning Commission will conduct a public hearing on the draft master program on January 12, 2010. There still are opportunities to refine the Shoreline Master Program to ensure it is a workable document for Burien. Following the hearing the commission will deliberate and make any adjustments to the master program before making a recommendation to the City Council.

Commissioner Bennett, who chaired the Shoreline Advisory Committee, said the committee had to work through a great deal of information, and encouraged the commissioners to review the draft master program very carefully and use their expertise to make any necessary adjustments. Also, he said he believed the expectation was that public comments would be taken and considered at the Planning Commission and City Council levels. On the public access issue, Mr. Bennett said it wasn't part of the original document but was raised by citizens, not staff, during the process. It was a heated topic, and the issues, as he recalls them, he said, were environmental impacts, in particular on Lake Burien as a closed ecosystem; crime and safety issues and intrusions on private property; and the effect on waterfront property values on the negative side; and on the pro side, general community development and raised property values on the neighborhood level; bird watching and similar activities that currently are closed to people by lack of public access; "waters of the state" being closed to taxpayers; and whether a policy of exclusivity something Burien residents wish to endorse.

Referring to the language in Policy PA 5, "The City should seek opportunities to develop new public access in areas throughout the shoreline. Highest priority should be placed on reaches without existing public access" Mr. Bennett said the thinking behind that, to his recollection, was that if a choice came down to whether to add to Seahurst Park, which already has significant public access to the shoreline, or creating public access on a reach that doesn't have public access, that would allow neighborhoods to have public access, resources should be used to create new access. The language about highest priority was adopted by a vote of 9-4.

Commissioner Clingan asked how many voting members there were on the committee. Mr. Johanson responded that there were 20 committee members, but not all members attended at all times and the six technical professionals on the committee did not vote.

Commissioner McInteer, who served on the committee, said it was very helpful to have committee members with technical expertise. She said while committee members had some philosophical differences, they agreed to keep the program flexible so that it would be workable both now and in the future. She said she came to appreciate that Burien has a number of citizens who are interested in what

happens to the community, and therefore felt comfortable that the things the committee agreed upon by consensus or by vote are solid.

Chair Fitzgibbon expressed his appreciation for the extensive public involvement that has gone into the program so far, both by members of the committee and by residents who attended the open houses and provided comments. He thanked staff for amount of work put into the draft master program and said he felt the staff has done a good job of balancing public needs for protection and restoration of ecological function with the needs of the residents of the shoreline areas. He said there is still a lot of work to do to ensure those needs are being met adequately, but felt a good start has been made.

Commissioner Grage said she is concerned about comments she heard tonight about inequity in protecting the lake as opposed to the marine shoreline.

Mr. Johanson noted that several topics were not sufficiently vetted at the committee level that should be addressed at the Planning Commission level: accessory dwelling units, home occupations, the process for placing buoys, the Lake Burien weir, and motorcraft on Lake Burien. The Shoreline Master Program must be adopted by the City Council and accepted by the Department of Ecology by December 2010.

**Planning Commission Communications**

Commissioner Bennett acknowledged that this was his last meeting as a Planning Commissioner before joining the City Council. He thanked the commissioners for their work.

Chair Fitzgibbon presented Commissioner Bennett with a certificate of appreciation for his work on the commission.

**Director's Report**

Mr. Johanson announced that the night before, the City Council approved the Comprehensive Plan amendments as recommended by the commission, as well as the NERA zoning and the planned action ordinance.

**Adjournment**

The meeting was adjourned at 8:48 p.m.

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

\_\_\_\_\_  
Joe Fitzgibbon, chair  
Planning Commission

**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** January 5, 2010  
**TO:** Planning Commission  
**FROM:** David Johanson, AICP, Senior Planner  
**SUBJECT:** Public Hearing regarding Shoreline Master Program Update.

---

---

**PURPOSE/REQUIRED ACTION:**

The purpose of this agenda item is conduct a public hearing regarding the proposed shoreline master program updates.

Staff and our consultants will provide a brief presentation and responses to the Planning Commission questions that were raised at your December 15, 2009 meeting. At your December 15<sup>th</sup> meeting, the Planning Commission was provided a notebook containing the Shoreline Advisory Committee's recommendations for a substantially revised shoreline master program. Specifically the Planning Commission will be making recommendations on Chapters I through VI.

**BACKGROUND:**

Under the Shoreline Management Act (SMA) each city and county with "shorelines of the state" must adopt a Shoreline Master Program (SMP) that is based on state laws and rules but tailored to the specific geographic, economic and environmental needs of the community. The SMP is essentially a shoreline comprehensive plan and zoning ordinance with a distinct environmental orientation applicable to shoreline areas and customized to local circumstances.

Over the past year the Shoreline Advisory Committee met nine times to discuss shoreline related issues. The end product was goals, policies and regulations that establish Burien's first shoreline master program. These meetings were supplemented with two community open houses. The first open house was held early in the process and was well attended. The purpose of the first open house was to identify shoreline related issues that should be considered during the SMP update process as well as establish a long term vision for Burien's shorelines. The second open house was following the work of the shoreline advisory committee and provided citizens an opportunity to ask staff questions about the new SMP and how it may affect them. It also provided an opportunity for staff and SAC members to hear specific concerns and obtain feedback from the public.

**PLANNING COMMISSION ACTION**

No action is required, however following your public hearing we encourage the commission to request any additional information or request staff responses to concerns or questions raised during the public hearing. These responses will be provided at your next meeting.

**NEXT STEPS**

At this time the preliminary schedule is for the Planning Commission to discuss the updates at your next two meetings will possible action on February 23<sup>rd</sup>.

If you have any questions before the meeting, please contact me at 206-248-5522 or by e-mail at [DavidJ@burienwa.gov](mailto:DavidJ@burienwa.gov).

**Attachments:**

**Please refer to the Shoreline Master Program notebook that was provided at your December 15, 2009 meeting.**