

City of Burien

BURIEN PLANNING COMMISSION MEETING

February 23, 2010

7:00 p.m.

City Council Chambers

MINUTES

Planning Commission Members Present:

Joe Fitzgibbon, Janet Shull, Jim Clingan, Stacie Grage, Rebecca McInteer

Absent:

Rachel Pizarro

Others Present:

David Johanson, senior planner; Scott Greenburg, planning director; Nicole Faghin and Karen Stewart, Reed Middleton, Inc.

Roll Call

Chair Fitzgibbon called the meeting to order at 7:02 p.m. Upon the call of the roll all commissioners were present.

Agenda Confirmation

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

Public Comment

Mr. John Upthegrove, 1808 SW 156th Street, reported that the legislation aimed at extending the deadline for the Shoreline Master Program died in committee. He provided the commission with written information regarding the selection and makeup of the Shoreline Advisory Committee and asked that document be included as an addendum to the draft plan. The process undertaken is more or less the same as taxation without representation as far as shoreline property owners are concerned. The documentation from the consultants talk about studies done on Lake Burien and drawing materials from local newsletters, but the Lake Burien residents have never had a newsletter, and no study has ever been done on Lake Burien. He asked if an Environmental Impact Statement would be done before the plan is sent to the City Council.

Ms. Linda Plein Boscarine, 1600 SW 156th Street, said the Shoreline Management Act has as its highest priority protection of water quality and the natural environment. Calling attention item 63 of the matrix, she noted that the City's response says the Lake Burien Shore Club online inventories and descriptions of fish, birds and wildlife using the lake was researched and evaluated, and that a representative of the club was a regularly

attending member of the Shoreline Advisory Committee. That is not an accurate statement because only a single Lake Burien resident was appointed to serve on the committee, and the other members often criticized and voted down his input. The committee included three Free Lake Burien members and four known environmental activists who did not even live in Burien. She asked why non-Burien residents were even allowed to be on the committee. She also asked if a completed Environmental Impact Statement will be required before allowing public access to Lake Burien or additional public access to the shoreline or Three Tree Point area.

Mr. William Clogston, 15227 28th Avenue SW on Seahurst Beach, said opening the beach to outsiders will generate concerns about people crawling on bulkheads and presenting a liability issue. He asked if the City will cover all such liabilities. The container ships that travel to and from Tacoma at times are going too fast and create wakes that cause erosion of the beach. He asked if instructions will be posted about the digging of clams and what to do with the holes that are dug.

Mr. Len Boscarine, 1600 SW 156th Street, referred to policy PA-5 of the Shoreline Advisory Committee draft, which states that the highest priority should be placed on reaches without existing public access. City Hall shares space with the library, but it is necessary to have staff monitoring the elevator at times to keep people from urinating in it and having sex in it; with all of that happening in a public building, it is not hard to imagine what would happen if public access were to be granted to relatively isolated Lake Burien. The lake is fully surrounded by families who should not have to be exposed to such behaviors.

Ms. Kathi Skarbo, 1621 SW 152nd Street, called attention to item 31-A of the matrix. She said staff has claimed the wording of 20.30.035[2.d] was changed to make it clearer, but when the language was changed so was the meaning and intent of what the Shoreline Advisory Committee had recommended. The language does not reflect the WAC relative to sites with more than four parcels. She said she currently owns two adjoining lots on Lake Burien and will be selling one of them in the near future, and that lot is large enough to accommodate four parcels. In a couple of years there could be a builder owning the property that does not care about public access and intends only to build to the maximum. A loss of ecologic function would follow allowing public access to the lake.

Ms. Chestine Edgar, 1811 SW 152nd Street, referred to items 16, 17, 17-A and 75 and noted that currently the City is using a wetland inventory rating system that is not in line with the best available science. She said in 2003 the City developed a critical areas ordinance by working with the consulting firm Adolfson and a wetland specialist named Teresa Vanderburg. Ms. Vanderburg recommended that the City adopt the Washington State Wetland Rating System for Western Washington, but the City created its own rating scale instead. While one of the provisions of the Shoreline Master Program allows for the use of an old ratings system for the shoreline inventory, that does not mean the old system can continue to be used if it is not in line with the best available science. The rating scale endorsed by the Department of Ecology should be adopted and used. The

response of the City, according to the matrix, is that the City intends to keep its old rating system. The commission should recommend adopting the approved rating system. According to the Department of Ecology, if the City intends to keep its old system it will need to submit scientific justification. The old scale has issues of serious scientific concern; it has no descriptors for Category 4 and no explanation for why Lake Burien was put into that category. The Shoreline Master Program is not optional. Under the law, mandated programs must be given first priority in the budget, but to requests to include issues in the matrix, to flesh out some administrative details, to include a monitoring system for no net loss, to have a procedure in place for public safety and the protection of private property, the response of the City has been that it has no money. That response will not hold up in court.

Ms. Ann Stout, 16425 Maplewild Avenue SW, asked the commission if they had conducted any field trips to Maplewild and 172nd areas to look at the plausibility of the proposed plan. On the north shore of Maplewild, there is no parking and the properties are extremely steep, making public access infeasible.

Mr. Bob Edgar, 12674 Shorewood Drive SW, suggested the commission should see the concerned public as extra sets of eyes, ears and minds that can help to prepare a rational and usable Shoreline Master Program. It takes more than one reading of the document to understand how the various elements relate to each other or do not relate to each other. The WAC states that the Shoreline Master Program should provide standards for the dedication and improvement of public access and developments for water enjoyment, water-related, and non water-dependent uses, and for the subdivision of land into more than four parcels. That would seem to imply that a shoreline property must be subdivided into at least five parcels before public access can be required. The draft plan presented to the advisory committee included the statement that public access shall be required for all shoreline development and uses, except for water-dependent uses and individual single family residences not part of a development plan for more than four parcels. From that language, it would appear that a shoreline property must be subdivided into at least five parcels before access is required. At the sixth meeting of the Shoreline Advisory Committee, one of the members asked that the threshold language be reworded, changing four lots to five lots, but the consensus of the committee was to keep the language as it was. The November draft sent to the Planning Commission included language requiring public access for all new shoreline development and uses, except for water-dependent uses, individual family residences, and subdivisions of less than four parcels, which seems to imply that a shoreline property must be subdivided into at least four parcels before public access is required. That lowers the trigger from five to four and has caused a lot of concern. Those are the kinds of issues the public can help the commission sort out.

Mr. Robert Howell, 15240 20th Avenue SW, drew attention to the public comment regarding item 75-A, which called for the City to use the best available science in determining policies, priority species and habitats. The Burien plan uses data from the King County Comprehensive Plan of November 1994, data that was subsequently revised in the Comprehensive Plan of 2008. The updated information should be used. The draft

response was that the language was taken verbatim from existing Comprehensive Plan policy EV4.3, page 2-31. That response seems to indicate that the City has no intent or desire to use current data even when it is pointed out. The commission should insist on producing an up-to-date Shoreline Master Program.

Ms. Carol Jacobson, 3324 SW 172nd Street, pointed out that two of her comments were misquoted in the matrix. She referred to item 21-K and said it should read “Public views from the shoreline upland areas should be preserved while recognizing that preservation of views should not be necessarily construed to mean the removal of vegetation or existing structures.” With regard to item 31-B, she said her comment should read “Public access on public lands....” Item 31-C.d comment indicates that the proposed language is very clear and should be used, but is not clear about whether the reference is to the original language, which sets the threshold at four parcels, or the suggested language, which sets the threshold at five parcels.

Mr. Greg Anderson, 15451 11th Avenue SW, said the commission is supposed to be representing the people of Burien, not the Department of Ecology. The state has mandated 173.26, not the Department of Ecology. The Shoreline Master Program will have to be approved by the City Council and submitted to the Department of Ecology by December 1, but some cities are far behind their deadlines and the Department of Ecology seems to have no issue with that. One county in Eastern Washington has simply handed the issue over to the Department of Ecology to figure out. It would appear that there is no big timeline by which the matter must be pushed through. With regard to the size of buffers, the Department of Ecology has not requested a 65-foot buffer, nor is there any requirement for Lake Burien to have public access. If public access were deemed to be ecologically hazardous for Lake Burien, it could even be prohibited. There is no reason to draft a plan that is overly restrictive. The plan is supposed to focus on no net loss and it should be the least restrictive possible to protect shoreline property owners.

Ms. Sue Love, 15812 9th Avenue SW, voiced her opposition to the idea of opening Lake Burien to public access. She said she does not live on the lake but has relatives and friends living on the lake. All of the properties fronting the lake are private, and the lake in fact serves as their front yard. Property owners should have their rights preserved. Public access could trash the lake and the fish and bird habitat. At the very least, an environmental impact study should be done before the plan is completed.

Mr. Ron Franz, 2821 SW 172nd Street, said he could fault the City for the notice he received regarding the proceedings, but the City could argue that residents should be paying more attention. He said that issue should be put aside. He asked the Commission to allow for more time to get the plan right before sending it on to the City Council. He said that virtually all of the saltwater property owners he has talked to have said they have not had enough time to study the plan. The plan has flaws that are contrary to the Shoreline Management Act and the state implementing regulations, and another six months should be sufficient to sort out those details.

Ms. Kathleen Korpela, 2685 SW 172nd Street, expressed her ambivalence about item 21-H. She said she did not understand what it would mean for the City to manage and develop publicly owned shoreline street ends. While everyone should be able to enjoy the shoreline, there are public parks that allow for such opportunities. An elderly neighbor recently was confronted by people who were on her property digging for goeducks. She said she has also had people pass through her yard in an attempt to get up to SW 172nd Street. Safety is a very real concern.

Approval of Minutes

- A. January 26, 2010
- B. February 9, 2010

Commissioner Clingan called attention to the testimony of Ms. Chestine Edgar in the February 9, 2010 minutes, specifically the sentence “Behind closed doors, however, a Commissioner and a Councilmember met with the City Manager and requested him to contact the Ruth Dykeman Center to talk about the City purchasing the property.” He said the word “Commissioner” should be deleted from that sentence.

Motion to approve the January 26, 2010, minutes as submitted, and the February 9, 2010, minutes as amended, was made by Commissioner McInteer. Second was by Commissioner Grage and the motion carried unanimously.

Old Business

- A. Discussion and Possible Recommendation: Shoreline Master Program Update

Senior Planner David Johanson said one of the first steps taken in 2008 when the process to update the Shoreline Master Program was kicked off was to form the Shoreline Advisory Committee. The group hosted an open house and conducted a number of meetings. Notice of the open house was sent to all property owners within the shoreline jurisdiction as determined by the county assessor’s records. The committee took the comments offered by the public and worked with them in developing goals and policies, and ultimately the regulations, that make up the main body of the proposed Shoreline Master Program. The committee originally planned on holding six meetings but ended up holding nine. In November 2009 another notice of a public meeting was mailed to all property owners within the shoreline jurisdiction. At that meeting information was provided on the process.

In December 2009 the issue was brought before the commission. A representative from the Department of Ecology was present to talk about the plan and the issues. On January 12 the Commission conducted an official public hearing and has held a number of meetings since to discuss the proposal.

The schedule calls for the Commission to wrap up its work by the end of March. The Commission will then forward the matter to the City Council which will schedule its own public hearing on the Commission's draft. The anticipation is that the Department of Ecology review and public hearing will occur in June.

Commissioner Clingan asked if the matrix dated February 18, 2010, and provided to the Commissioners contained all of the public comments received through the most recent Commission meeting. Mr. Johanson said it did but allowed that additional comments may have been received since the matrix was published.

Mr. Johanson said the overview section is intended to serve as a summary of the Shoreline Management Act. He noted that staff had received comments from the public about the adequacy of the overview and had reached the conclusion that the language of RCW 90.58.020 should be included because it clearly outlines state policy regarding shoreline management.

Answering a question asked by Commissioner McInteer, Mr. Johanson said in the opinion of staff the language of 90.58.020 clearly summarizes the policy direction handed down from the state. Adding the language is not necessary to prove consistency, but will be valuable in providing additional background information.

Chair Fitzgibbon agreed with the suggestion, adding that including the RCW language would discredit the notion that the city is creating its own policy.

There was consensus in favor of the staff proposal.

Turning next to the issue of nonconformance, Mr. Johanson referenced item 50 and said the proposal of staff was to add the requested language "The need for replacement resulting from a neglect of maintenance and repair is not considered a common method of repair."

Commissioner Clingan asked how the proposed language would change the paragraph. Mr. Johanson said it would close a loophole.

Planning director Scott Greenburg said the language would address situations in which a property owner could allow an outbuilding or something relatively small to deliberately deteriorate and then argue that they should be allowed to rebuild it.

There was consensus in favor of adding the language as proposed.

With regard to item 52, Mr. Johanson clarified that the issue is focused on repairing or replacing single family homes if they are damaged or destroyed beyond 50 percent of their assessed value. He said the proposed language mirrors the language used in BMC 19.55, nonconformance. The intent is to clarify that existing single family homes can be replaced if they are damaged or destroyed.

Chair Fitzgibbon called attention to proposed revision 4-a and asked if there are any existing structures that are not landward of the ordinary high water mark. Mr. Johanson said docks and piers are structures that are located on the water side of the ordinary high water mark, but there are no single family residences constructed over the water.

Chair Fitzgibbon noted the comments received from the public regarding item 52-A and the concern that if the proposed language is used residents could have difficulty obtaining financing for homes located inside the 65-foot setback. He asked if similar language is used by other jurisdictions and if it has had any impact on obtaining financing. Mr. Johanson said additional research would be needed before definitively answering the question. He pointed out that the proposed language is close to language used in the zoning code.

Commissioner Clingan said at a recent commission meeting reference was made to the fact that the threshold could go as high as 75 percent. He asked if an argument could be made for going in that direction. Mr. Johanson said the 75 percent figure came from the state and refers to cities that do not have their own nonconforming standards. Commissioner Clingan suggested that a little more research should be done before reaching a conclusion.

Chair Fitzgibbon concurred. He asked staff to lay out the scenarios under which the provision would come into play. Mr. Johanson first the structure must lie landward of the ordinary high water mark. Second, where structures are damaged to 50 percent or more of the assessed value, reconstruction will trigger a requirement to meet the vegetation conservation standards of the Shoreline Master Program in the area between the nonconforming structure and the ordinary high water mark must. Third, reconstruction cannot cause adverse impacts to shoreline ecological functions or processes. Fourth, the reconstruction cannot occur further waterward than the existing primary residential structure, further into the minimum side yard setback, or further into the riparian buffer than the existing structure, unless a variance is obtained. Finally, application to reconstruct a damaged or destroyed structure must be filed within 18 months of the date of the damage.

Mr. Johanson clarified that structures that suffer damage totaling less than 50 percent of their assessed value are simply allowed to be rebuilt. Under the proposal, the only additional requirement for instances where damage exceeds the 50 percent threshold is the vegetation standard.

Chair Fitzgibbon asked under what scenario the proposed revision 4.c under item 52 would come into play. Mr. Johanson said the paragraph could be interpreted to mean that neither the reconstruction process nor the resulting structure can be allowed to cause adverse impacts to ecological functions, which could include habitat and hydrology.

Commissioner McInteer said she has heard from the public testimony that there is a high awareness of ecological functions and what they mean, and that they do want to protect the shorelines. No one has stood up to say that they do not want some sort of vegetative

buffer to reinforce the ecological functions which in fact make their beach properties more valuable. Certainly property owners want the right to rebuild their homes if something untoward should happen; they want to protect their emotional and financial investments. The elements of proposed revision language under item 52 are acceptable on their face.

Commissioner Grage pointed out that every Burien citizen wants to see the City do the Shoreline Master Program right. They all have a vested interest in making sure the environment is protected. Most enjoy going to places like Seahurst Park and Angle Lake; they notice when things are not done right and they want to see the city take steps to make things better. She said the changes being proposed will move the City in the right direction.

There was consensus in favor of having staff double check the percentage figure and gather additional information around home financing and whether or not there has been a negative impact in jurisdictions that adopted similar language.

Mr. Johanson called attention to item 52-B and noted that the section talks about expansions to single family homes. He explained that as proposed, structures within the 50-foot buffer and the additional 15-foot building setback can be expanded by up to 500 square feet, provided the expansion is not toward the water. The original text included the term “roof coverage” but that was thought to be too vague. That term has been replaced with “building coverage” which for all intents and purposes refers to the building footprint. “Building coverage” is the same term used in the zoning code. The section allows for less process for small expansions away from the water but in the buffer or the setback. Expansions of more than 500 square feet are also allowed, but more process is required.

There was consensus in favor of the proposed language revision.

Consultant Karen Stewart called attention to the shoreline permit matrix, noting that the table is not included in the current shoreline master program. She explained that the table is required by the state for all jurisdictions updating their shoreline master programs. The table is user-friendly for anyone wanting to know about a particular use or shoreline modification. The table includes a full listing of possible uses and modifications. A marina is an example of a shoreline use, but the dredging required to make the marina viable is an example of a shoreline modification.

Ms. Stewart noted that some comments from the public have been received since the table was first published. Some of the comments seek the reinstatement of items removed from the original table, including commercial uses. If commercial uses are not included in the table, someone applying for a shoreline permit to develop a commercial use would also need to obtain a shoreline conditional use permit. Staff would also look at the existing zoning for the area in question to determine if commercial uses are allowed there under the zoning code. The fact is there are no commercial uses allowed along any Burien shoreline, which is why commercial uses were removed from the table. In

revising the table, the commission may want to make it more extensive, or it may want to make just a few changes, such as adding back in commercial and office uses and prohibiting them outright to be consistent with the zoning code. The only existing non-recreational community facility located in a shoreline jurisdiction is the Ruth Dykeman Center. If the use is not listed in the table as prohibited, subject to the shoreline substantial development permit, or subject to a shoreline conditional use permit, state law says the use must be viewed in terms of a conditional use permit.

Ms. Stewart called attention to the second category from the bottom of the table and noted that “transportation facilities” should be revised to read “transportation facilities and parking” in order to be consistent with the rest of the document.

Answering a question asked by Chair Fitzgibbon, Ms. Stewart clarified that regardless of whether or not commercial and office uses are listed in the table, they would not be allowed because Burien zoning does not permit those uses in its shoreline areas.

Chair Fitzgibbon suggested the uses should be shown in the table because the zoning could be changed.

Commissioner McInteer asked if commercial and office are terms that are defined in the zoning code. Mr. Johanson said office is defined in the zoning code but the specific term “commercial” is not defined in either the zoning code or the comprehensive plan. He agreed it would be better to use the terms that are used in the zoning code.

Mr. Greenburg said if directed by the commission to have non-residential uses listed as prohibited, staff would do the research and come back with the appropriate language. There was consensus in favor of prohibiting non-residential uses in the Shoreline Master Program.

Ms. Stewart referred to item 4 in the matrix and said the proposal is to not allow community facilities such as schools, churches and hospitals in the shoreline district.

Chair Fitzgibbon asked if taking that approach would have an impact on the already existing Ruth Dykeman facility. Ms. Stewart said if the Ruth Dykeman facility were to close for some reason and then at a later time seek to start up again in its current location, having language that prohibits community facilities would in fact preclude the Ruth Dykeman use.

Commissioner Grage asked if the prohibitive language would also include the Highline School District learning center at Seahurst Park. Mr. Johanson allowed that a majority of Ruth Dykeman’s buildings are within 200 feet of the ordinary high water mark. He said the Ruth Dykeman facility is currently defined by the zoning code as a community residential facility, and one potential resolution would be to add community residential facilities to the table as allowed through conditional use.

Ms. Stewart pointed out that uses not specifically called out in the table are automatically subject to a shoreline conditional use. She said the table is particularly useful as a way jurisdictions can specifically highlight uses they do not want to have occur in shoreline areas.

Chair Fitzgibbon said he would prefer to see a category developed that would allow the Ruth Dykeman facility, the Environmental Learning Center, and other similar possible uses. He said his inclination would be to allow the uses under a substantial development permit in shoreline residential, under a conditional use permit in urban conservancy, and not allow the uses at all in the aquatic district. That would put the use on a par with multifamily residential.

Commissioner Shull said she could support the suggestion of the chair, though she said she could support requiring a conditional use permit in shoreline residential as well. She allowed, however, that community residential is tantamount to multifamily residential, which under the proposal would require a substantial development permit.

Commissioner Grage favored requiring a conditional use permit for the uses in both shoreline residential and urban conservancy.

Mr. Johanson said the term “school” as it applies to both the Ruth Dykeman facility and the Environmental Learning Center may not be the right term.

It was agreed that additional research and discussion would be needed before reaching a final conclusion.

Ms. Stewart noted that items 5 and 6 on the matrix had already been addressed.

With regard to item 7, Ms. Stewart said cell towers are listed as prohibited in urban conservancy and subject to a shoreline conditional use permit for shoreline residential areas. She asked if a development standard is needed specifically for cell towers in the Shoreline Master Program or if they are already addressed elsewhere in the municipal code. Mr. Johanson allowed that there are standards in place in the code for cell towers.

Chair Fitzgibbon said he would prefer to have the use included in the table to clarify that they are prohibited in urban conservancy.

Commissioner Shull said she needed comment from staff with regard to whether or not the cell tower section of the code covers all applications, whether in the shoreline districts or not. Mr. Greenburg said the question is whether or not cell towers should be allowed at all in the shoreline environment under some permit process. He said staff would research the current code provisions to see if they provide adequate protections for the shoreline environment, and the regulations as they relate to cell towers in residential zones and Special Planning Area 2, which is the Ruth Dykeman site. He said staff would offer some options at the next Commission meeting.

Ms. Stewart noted that item 8 in the matrix related to boating facilities in general. She said there are several different categories listed in the permit matrix, including buoys, ramps, covered moorage, docks, piers and floats.

The commissioners agreed that no additional changes to the section were needed.

Ms. Stewart said item 9 relates to the fact that the table does not cover all of the different land uses. She suggested commercial, agricultural and forestry as uses that could be specifically listed in the table as prohibited. She allowed that forestry in terms of clearing for the purpose of construction is listed in the table as prohibited.

Chair Fitzgibbon asked how a marina would be treated, and Ms. Stewart replied that because the use is not specifically listed it would be subject to a shoreline conditional use permit. Chair Fitzgibbon suggested that agriculture, forestry and marinas are uses that probably would not successfully make it through the conditional use permitting process, and as such should not be included in the table.

The commissioners concurred with Chair Fitzgibbon.

Consultant Nicole Faghin took a moment to clarify that the Growth Management Act and the Shoreline Management Act use different terminologies. The term “best available science” flows from the Growth Management Act and applies to critical areas ordinances, but does not flow from the Shoreline Management Act. The Shoreline Management Act calls for the use of the most current, accurate and complete scientific and technical information. The term “best available science” does not apply to the Shoreline Master Program.

Ms. Faghin also clarified that under state law critical areas ordinances adopted by local jurisdictions serve as the baseline. The Shoreline Master Program can use information from the critical areas ordinance and can be as restrictive or more restrictive. Burien has an adopted critical areas ordinance and therefore can rely on it. The critical areas ordinance came into being in the 90s; up until that time, the shoreline had no environmental documentation and no coverage. The idea behind the Shoreline Master Program update is to make sure the gap is covered.

Chair Fitzgibbon asked if through the Shoreline Master Program update process, the City could act to redesignate a specific area as a different category of wetland than it is currently designated through the critical areas ordinance. He noted that there are certain designated wetlands that are also covered by the Shoreline Master Program, specifically Lake Burien, which the critical areas ordinance says is a Level 4 wetland. Ms. Faghin said changing the critical areas ordinance would open up an entirely different and separate process from the Shoreline Master Program.

Ms. Faghin said the issue of impact mitigation includes the issues of no net loss and inventory. The whole Shoreline Master Program update process is predicated around the notion of no net loss of shoreline ecological functions. The first step is to identify the

baseline. Assuming that building will not be halted and that there will be continued impacts, the focus must be on making sure there is no deterioration from where things currently stand, and if possible what can be done to make things better than they are currently. That is the basic idea behind the concept of no net loss.

The inventory is the mechanism by which the baseline is determined. The state guidelines are intended to serve as the roadmap for developing the inventory. The inventory developed for Burien was created using the state guidelines and was submitted to the Department of Ecology. The Department of Ecology has provided comments on the inventory, and the document has been revised accordingly. The inventory provides the supporting information for creating the designations, and becomes the basis for the goals, policies, regulations, serves as the baseline against which cumulative impacts are measured, and ultimately will be used to develop restoration plans.

Ms. Faghin said items 10 and 11 on the matrix deal with impact mitigation. She said the language of 20.30.010.2.a that reads “All shoreline development and uses shall occur in a manner that results in no net loss of ecological functions to the greatest extent feasible...” would seem to imply that some net loss is acceptable. She recommended removing the phrase “to the greatest extent feasible.” There was consensus in favor of removing the phrase.

Ms. Faghin also suggested revising policy (a) of 20.30.010.2 to add at the end “Mitigation for impacts of new development projects should use enhancement of degraded conditions to offset the impacts of the new development near shoreline resources.” She said the intent is to keep the mitigation focus on the environment that is in need of restoration.

Commissioner Shull asked what approach would be taken in the event that no degraded areas can be found nearby or even in the community. She suggested that a qualifier should be added that would permit restoration to be done in less than degraded areas as a second priority.

Mr. Greenburg voiced concern that the recommended language reads more like a regulation than a policy. He said if the commission approves the concept, staff would go back and talk more about whether it is policy or should be part of the regulations that describe how mitigation should be done. There was general agreement in favor of the concept and in favor of having staff return with a proposal.

Mr. Greenburg took a moment to thank the members of the public who chose to attend the commission meeting and be involved in the process. He said all future Commission meetings on the Shoreline Master Program topic would be held in the Council chamber and televised on Channel 21 and streamed live over burienmedia.org.

New Business – None

Planning Commission Communications

Chair Fitzgibbon thanked the audience for their comments. He said comments from the public will be used to improve the overall document.

Commissioner Clingan reported that he participated in a shoreline-related meeting on February 20 at Mick Kelly's.

Director's Report

Mr. Greenburg announced that the city has started accepting permit applications for the annexation area. He noted that permits will not be issued for projects in that area until after April 1.

Adjournment

Motion to adjourn was made by Commissioner Shull. Second was by Commissioner McInteer and the motion carried unanimously.

Chair Fitzgibbon adjourned the meeting at 9:23 p.m.

Approved: March 9, 2010

/s/ Joe Fitzgibbon, chair