

**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** May 19, 2010  
**TO:** Planning Commission  
**FROM:** Scott Greenberg, AICP, Community Development Director  
**SUBJECT:** Merger of Burien Municipal Code (BMC) Title 18 into BMC Title 19

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**PURPOSE**

Since 1999, Burien has operated with two Zoning Codes. BMC Title 18 (the “Interim Zoning Code” was adopted in 1993 at city incorporation. BMC Title 19 (the “New Zoning Code”) was created in 1999. While many sections of BMC 18 have been modified and moved into BMC 19, several sections remain in BMC 18. The purpose of this project is to finally merge the two Zoning Codes together.

The Planning Commission reviewed the proposed changes at your May 11<sup>th</sup> meeting. Following your public hearing on May 25<sup>th</sup>, we are asking for either a recommendation to the City Council (see recommended motion below) or additional direction or informational needs for a future recommendation.

**Recommended motion:** *I move to recommend to the City Council approval of the Zoning Code amendments dated April 21, 2010.*

**BACKGROUND**

The original BMC 18 was adopted by Ordinance 28 on February 22, 1993. This “Interim Zoning Code” was mostly based on the “new” King County Zoning Code—KCC Title 21A. The interim code was to be in effect until the City’s Comprehensive Plan was adopted. The new Comprehensive Plan would then form the basis for a new Burien-specific code. The Comprehensive Plan was adopted in November, 1997 and the first sections of the new Burien Zoning Code (BMC 19) were adopted in June, 1999.

Over the past 11 years, we have slowly moved sections from BMC 18 into BMC 19. Simply from an administrative perspective, staff would like to repeal the remaining portions of BMC 18 and bring those sections that are still applicable into BMC 19.

With one exception, we are not proposing substantive changes since the objective is to simply combine codes and eliminate unnecessary language. The exception is the repeal of language relating to school impact fees. This language has never been used in Burien and is not supported by the Comprehensive Plan. If and when there is a need and desire to charge school impact fees, we will need to adopt supportive policies and

work with the Highline School District to fund the studies needed to support the program and establish fee amounts.

## **DECISION CRITERIA**

BMC 19.65.100.4 contains the following criteria for amending the zoning code. Staff responses follow each one:

*A. The amendment is consistent with the Comprehensive Plan.*

Staff response: Comprehensive Plan Policy PI 1.2 states:

“The City’s development regulations should be consistent with other City plans and activities, including other development requirements. Development regulations shall be clearly written and absent duplicative, uncoordinated or unclear requirements.”

Merging the remaining applicable portions of BMC 18 into BMC 19 will eliminate two separate zoning codes, meeting the intent of Policy PI 1.2.

*B. The amendment bears a substantial relation to the public health, safety and welfare.*

*C. The amendment is in the best interest of the community as a whole.*

Staff response: The proposed merger of BMC 18 and BMC 19 is mostly administrative. The merged zoning code will make it easier for applicants to find and use the city’s zoning regulations, which is an overall benefit to the public and the community as a whole.