

**CITY OF BURIEN**  
**ORDINANCE NO. 581**

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, APPROVING THE PROPOSED BURIEN SHORELINE MASTER PROGRAM AND THE ACCOMPANYING GOALS AND POLICIES, ENVIRONMENTAL DESIGNATIONS, REGULATIONS, RESTORATION PLAN AND CUMULATIVE IMPACTS ANALYSIS AND DIRECTING THAT THE SHORELINE MASTER PROGRAM AND ITS SUPPORTING DOCUMENTS BE PROVIDED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR APPROVAL.**

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WHEREAS, the State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW), recognizes that the shorelines are among the most valuable and fragile resources of the state and that the state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, the City of Burien is required to update its Shoreline Master Program (SMP) pursuant to the Shoreline Management Act and the Washington Administrative Code Chapter 173-26; and

WHEREAS, the City Shoreline Advisory Committee met nine (9) times to prepare a draft Shoreline Master Program for consideration by the Planning Commission; and

WHEREAS, the City of Burien conducted two (2) public open houses on 5/14/08 and 11/30/09 to have a dialog with citizens and shoreline experts; and

WHEREAS, the Planning Commission held eight (8) public meetings and one (1) public hearing soliciting comment on the proposed Shoreline Master Program amendments on the following dates: 12/15/2009, 1/12/2010, 1/26/2010, 2/9/2010, 2/23/2010, 3/9/2010, 3/16/2010, 3/23/2010 and 3/30/2010; and

WHEREAS, the Burien City Council held seven (7) public meetings on the proposed Shoreline Master Program on the following dates: 5/3/2010, 5/10/2010, 7/19/2010, 8/2/2010, 8/23/2010, 8/30/2010 and 9/13/2010; and

WHEREAS, the Burien City Council conducted two (2) public forums on 6/14/2010 and 6/21/2010 and a held a public hearing on 8/30/2010 regarding the proposed Shoreline Master Program; and

WHEREAS, comments were solicited from federal, state, local, regional and tribal interests in accordance with RCW 90.58.130; and

WHEREAS, the proposed City of Burien Shoreline Master Program addresses the key requirement of WAC 173-26 (Shoreline Master Program Guidelines) that the SMP result in “no net loss” of ecological functions relative to the baseline conditions due to its implementation; and

WHEREAS, on April 9, 2010, the City's State Environmental Policy Act responsible official conducted SEPA review of the proposed Shoreline Master Program by issuing an Environmental Impact Statement Addendum to the 1997 Environmental Impact Statement for the City of Burien Comprehensive Plan; and

WHEREAS, on September 27, 2010, the City approved Resolution No. 317 approving the proposed City of Burien Shoreline Master Program and directed City staff to forward the appropriate Shoreline Master Program update documents to the State Department of Ecology for formal review and approval; and

WHEREAS, on April 22, 2011, the Department of Ecology completed its review and determined there were required changes in order to comply with Chapter 90.58 RCW, the Shoreline Management Act of 1971, and the Shoreline Master Program Guidelines (WAC 173-26, Part III); and

WHEREAS, the Burien City Council held a study session on April 22, 2013, to review recommendations of a shoreline working group and staff to resolve points of disagreement with the Department of Ecology, and on May 6, 2013, a public hearing was conducted allowing the public to comment on a revised Shoreline Master Program(SMP) draft; and

WHEREAS, on May 22, 2013 the City of Burien sent letters to property owners on Lake Burien where the proposed 45 foot buffer would be in close proximity to an existing single-family residence, informing them that they have an opportunity to comment at the June 3, 2013 City Council meeting; and

WHEREAS, the shoreline working group and staff have further revised the draft SMP based on City Council direction, and all of Council approved revisions are set forth in the attached Exhibit A; and

WHEREAS, the Burien City Council finds that the policies and regulations set forth in Exhibit A are consistent with the Shoreline Management Act and its implementing regulations (WAC 173-26), the Growth Management Act, the City's Comprehensive Plan, the City's Zoning Code, and other applicable law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Burien City Council hereby approves the proposed City of Burien Shoreline Master Program as set forth in Exhibit A, which is attached hereto and incorporated herein by reference and directs City staff to forward the appropriate Shoreline Master Program update documents to the State Department of Ecology for formal review and approval.

Section 2. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 4. Effective Date. This ordinance shall take effect upon approval of the proposed City of Burien Shoreline Master Program as set forth in Exhibit A by the Washington State Department of Ecology pursuant to RCW 90.58.090 and WAC 173-26-120, and the date of such approval shall be inserted in Exhibit A at BMC 20.30.007.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 3<sup>RD</sup> DAY OF JUNE 2013.

CITY OF BURIEN

/s/ Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Craig D. Knutson, City Attorney

Filed with the City Clerk: May 30, 2013

Passed by the City Council: June 3, 2013

Ordinance No.: 581

Date of Publication: June 6, 2013