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Burien
WASHINGTON

PLANNING COMMISSION AGENDA
December 15, 2009, 7:00 p.m.
Burien City Hall, Miller Creek Room
400 SW 152nd Street, 3rd 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 10, 2009
V. PUBLIC HEARING	a. Fee-in-lieu of parking, zoning code amendments
VI. OLD BUSINESS	a. Discussion and possible recommendation: Fee-in-lieu of parking, zoning code amendments.
VII. NEW BUSINESS	a. Introduction to Shoreline Master Program Update
VIII. PLANNING COMMISSION COMMUNICATIONS	
IX. DIRECTOR'S REPORT	
X. ADJOURNMENT	

Future Agendas (Tentative)

January 12
- Public Hearing: Shoreline Master Program update.
- Discussion and recommendation: Fee-in-lieu of parking zoning code amendments (if needed)

January 26
- Discussion: Shoreline Master Program update

Planning Commissioners

Brian Bennett
Stacie Grage
Jim Clingan (Vice Chair)
Rebecca McInteer
Joe Fitzgibbon (Chair)
Rachel Pizarro
Janet Shull

CITY OF BURIEN, WASHINGTON
MEMORANDUM

DATE: December 8, 2009

TO: Planning Commission

FROM: David Johanson, AICP, Senior Planner

SUBJECT: Introduction and presentation regarding Shoreline Master Program update.

PURPOSE/ACTION

The purpose of this agenda item is for staff, the Department of Ecology and our consultants to present an introduction to the shoreline master program update process. The presentation will include a summary of the Shoreline Advisory Committee recommendation to the Planning Commission in preparation for a public hearing scheduled for January 12, 2010. In addition, we are interested in what information or questions the Planning Commission may have on the proposed shoreline master program. This will help us prepare for future meetings and ensure the Commission has all the information that is needed.

No action is requested nor required at this time.

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.

The shoreline management act (SMA) was adopted by the public in a 1972 referendum *"to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."* The SMA has three broad policies:

1) **Encourage water-dependent uses:** "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines..."

2) **Protect shoreline natural resources**, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..."

3) **Promote public access:** "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

Shoreline master programs are important because there is a need to restore and protect shorelines areas but at the same time allow appropriate new development. Whenever construction occurs in shoreline areas, that area is transformed resulting in a loss of unique and precious aspects of our natural environment. Native vegetation is cleared, driveways installed, roads constructed, roofs and other impervious surfaces are also added and this development often has negative effects on our environment. Shoreline master programs are critical because they establish each community's goals for its shoreline areas and implement policies and regulations to:

October 28, 2009 Shoreline Advisory Committee Meeting #9, Discussion and review of Administration and Shoreline Permit Procedures.

November 30, 2009 OPEN HOUSE – Approximately 70 community members circulated between stations that offered information about a variety of shoreline-related topics, picking up handouts and asking individualized questions of the staff and consultant team.

SUPPORTING INFORMATION

We have compiled a notebook for the Planning Commission which includes a significant amount of information including the draft Shoreline Master Program. The notebook contains the following:

- Shoreline Master Program Chapter's I-VI
- Appendices 1- 4 (Inventory, Analysis & Characterization, Restoration Plan, Cumulative Impacts Analysis)
- Meeting Summaries
  - Open House, May 2008
  - Shoreline Advisory Committee Meetings (nine)
- Goal/Policy to Regulation Matrix (September 23, 2009)

PLANNING COMMISSION NEXT STEPS

The following is the anticipated schedule for the Planning Commission.

January 12, 2010 – Public Hearing on proposed shoreline master program
January 26, 2010 – Discussion on proposed shoreline master program
February 9, 2010 – Discussion and possible recommendation to City Council on proposed shoreline master program
February 23, 2010 – Continued discussion and recommendation on proposed shoreline master program (if needed)

Attachments

Provided in a notebook for Planning Commissioners on December 8, 2009.
Note: Notebook is available for viewing at City Hall and the King County Library

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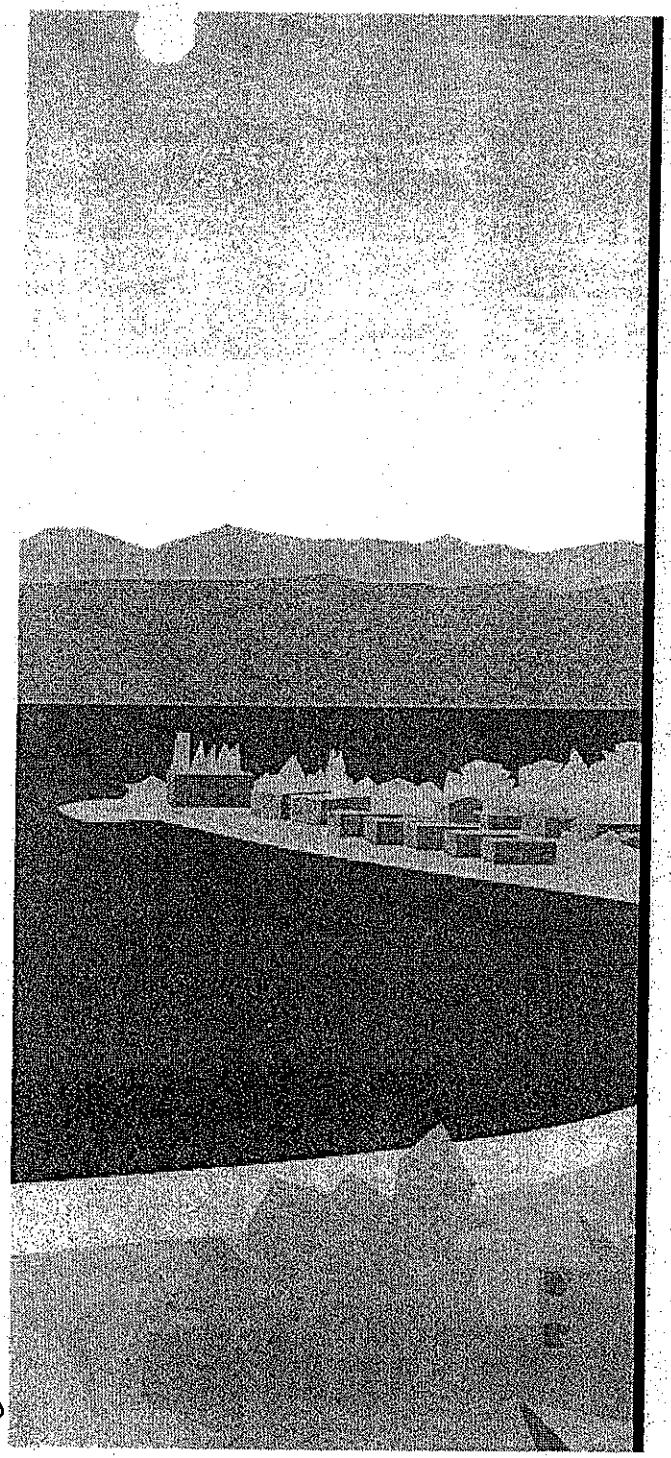

~Planning Commission~

City of Burien Shoreline Master Program Update

Introduction and Background

December 15, 2009

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Presentation Topics

- City of Burien's Shoreline Master Program Update
  - Burien Incorporates (February 1993)
  - Burien Adopts County Shoreline Master Program (by reference)
  - Opportunity to create a uniquely Burien Shoreline Master Program
- Introduction to Washington State Shoreline Management Act
- Master program components
- Public process
- Questions/Requests for more information

State Shorelines

<u>1972</u>: The Shoreline Management Act (SMA) was passed by the Washington State Legislature:

"to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

State Shorelines

Overall Goals of State Program:

- To preserve water dependent uses that cannot exist in any other location
- To protect water quality and the natural environment
- To preserve and enhance public access and recreational opportunities along the shorelines.

Shoreline Master Program Guidelines updated in 2003—242 local jurisdictions required to update programs

Major SMA Policy Provisions

- protecting against adverse effects to the public health; the land, its vegetation & wildlife; the waters of the state, their aquatic life
- planning for & fostering all reasonable & appropriate uses of the shoreline
- protecting public rights of navigation & public access to the shoreline & enhancing the public interest

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Why did we need new guidelines?

- there are many old, outdated SMPs
- we have new knowledge of shoreline processes, the effects of development, water quality impacts & the importance of nearshore habitat
- we also have ESA listings plus almost 30 years of SMA experience
- there are many changed shoreline circumstances (e.g., cabins to castles)
- there is more development on problematic lots

Highlights of the shoreline management act

- establishes a local/state shoreline administration partnership:
- requires counties & cities to adopt a shoreline master program
- ecology reviews master programs & determines their compliance with the SMA
- local government administers the master program
- ecology provides oversight & support

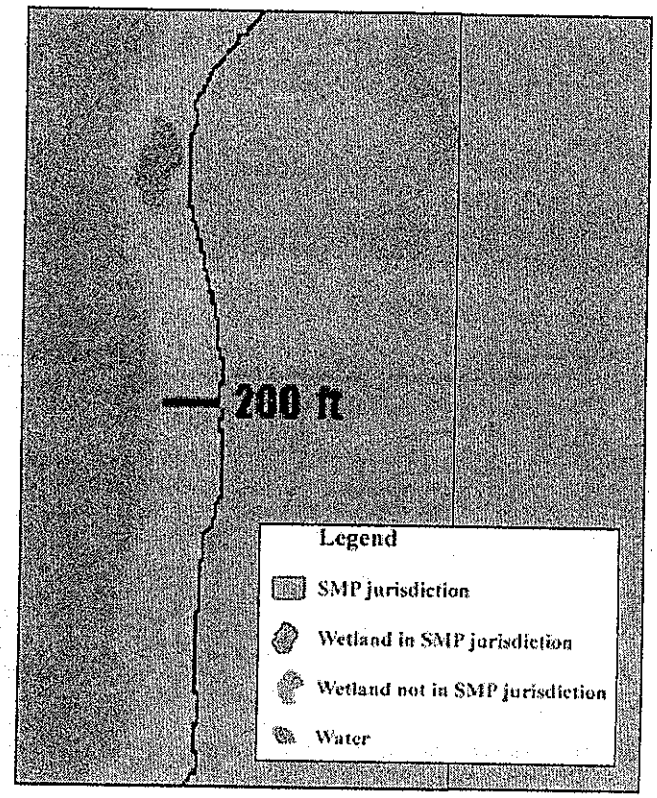
Shoreline jurisdiction – the area in which the SMA applies:

- begins at the *ordinary high water mark*
- continues 200 feet landward in all directions & includes *associated wetlands*
- extends waterward to the outer limits of the local government (usually, its boundary with another jurisdiction)

Burien Shoreline Jurisdiction

Land extending 200 ft. landward from the ordinary high water mark and associated wetlands.

Marine – Puget Sound
Fresh water – Lake Burien



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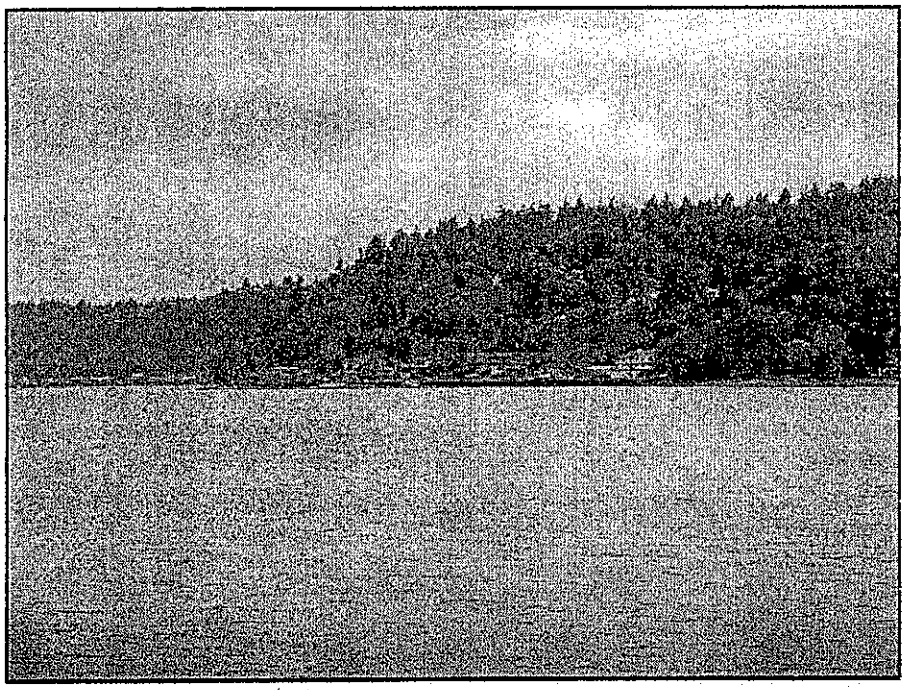
Burien Shoreline Jurisdiction

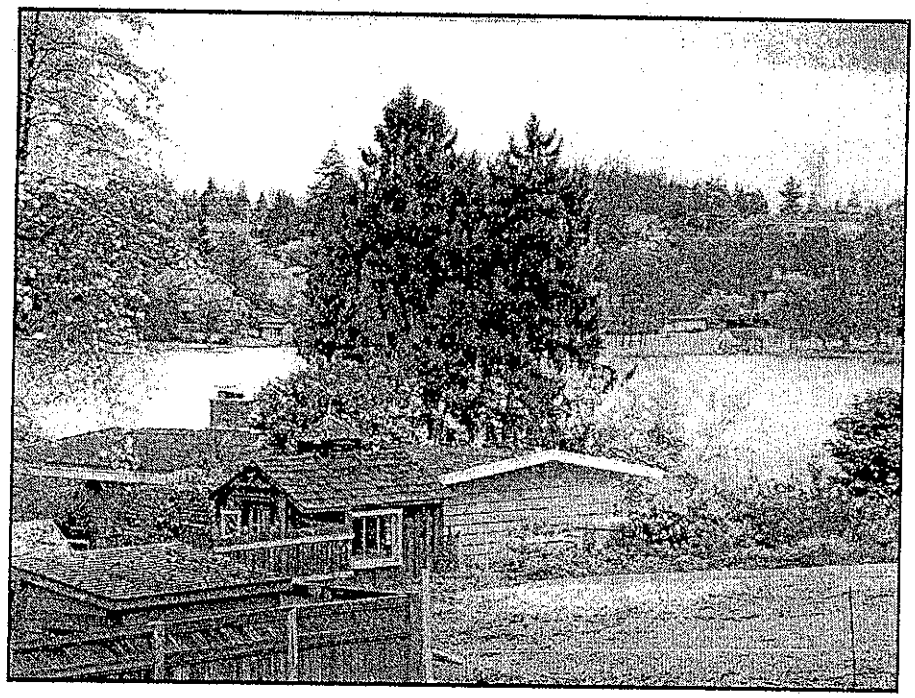
Marine waters and the land beneath them—

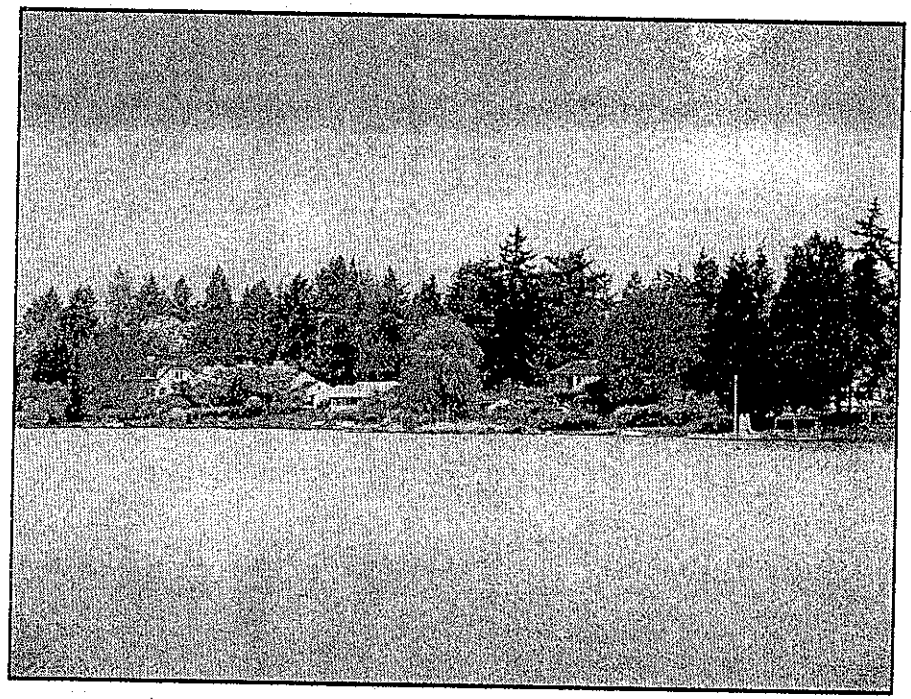
Puget Sound



Burien Shoreline Jurisdiction

Lakes greater than 20 acres and the lands beneath them—Lake Burien





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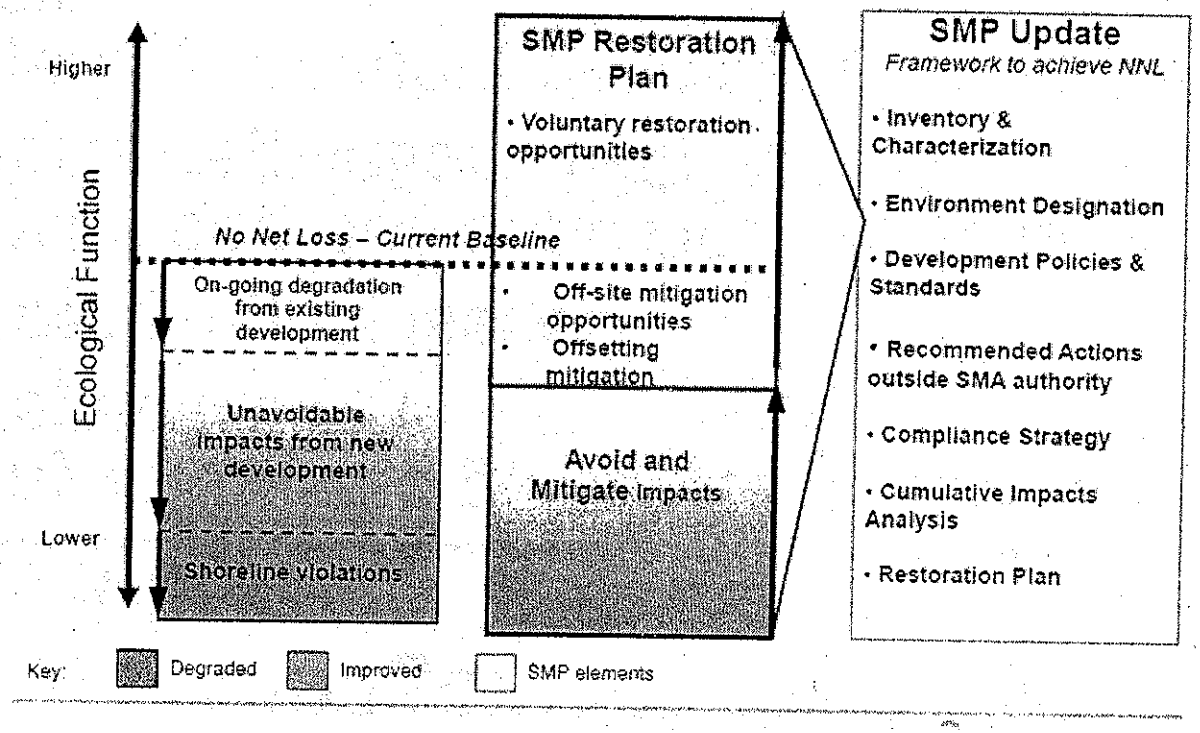
What is an SMP?

- the vehicle through which the SMA is administered
- based on a shoreline characterization (inventory & analysis)
- shoreline segments are given environment designations, similar to zoning
- policies – provide a comprehensive foundation for SMP regulations
- use regulations – specific standards for evaluating shoreline development proposals

No Net Loss

- the SMP must assure, at a minimum, *no net loss of ecological functions* necessary to sustain shoreline natural resources and plan for the restoration of ecological functions where they have been impaired.

SMP Updates: Achieving No Net Loss of Ecological Function



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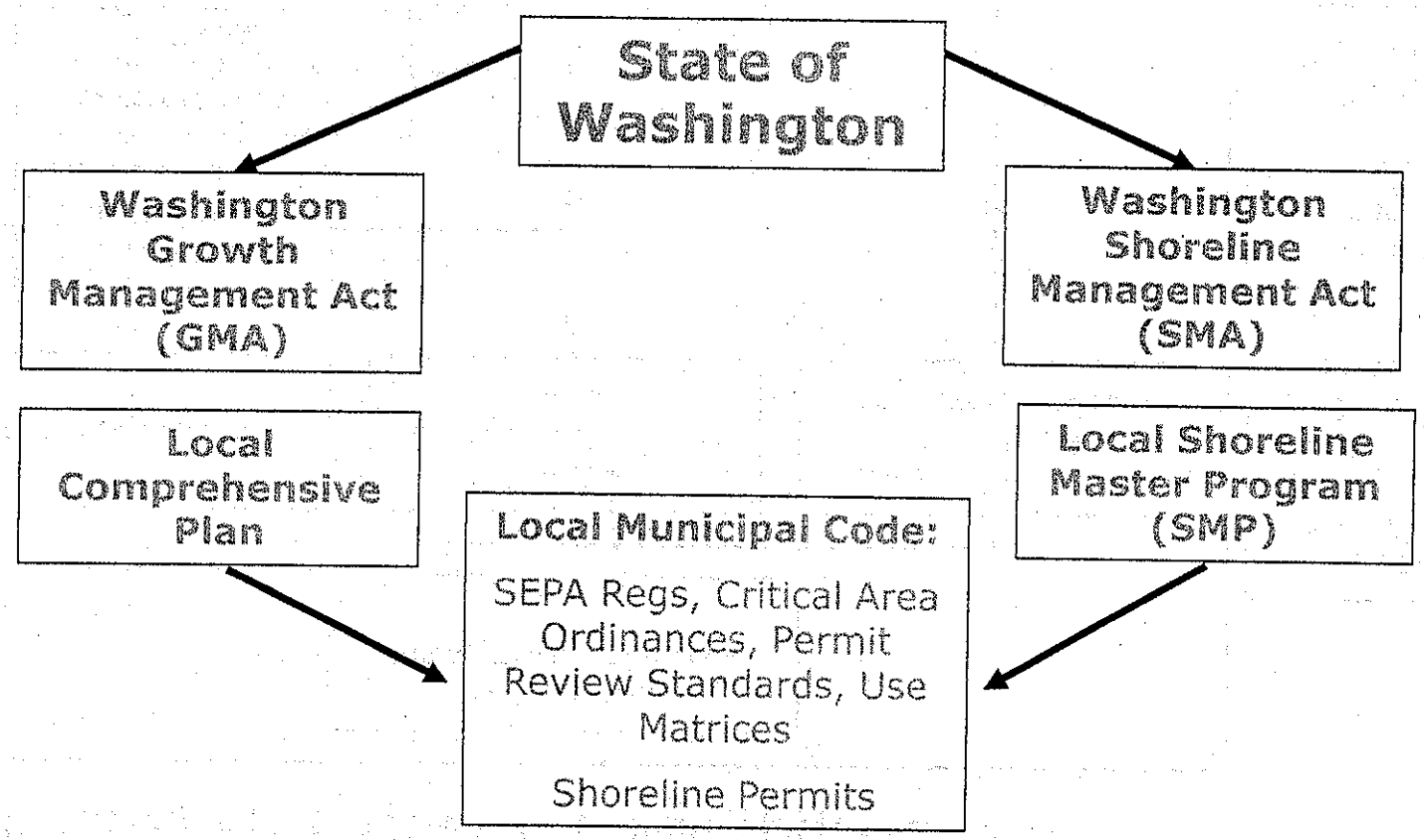
Shoreline management challenges to keep in mind:

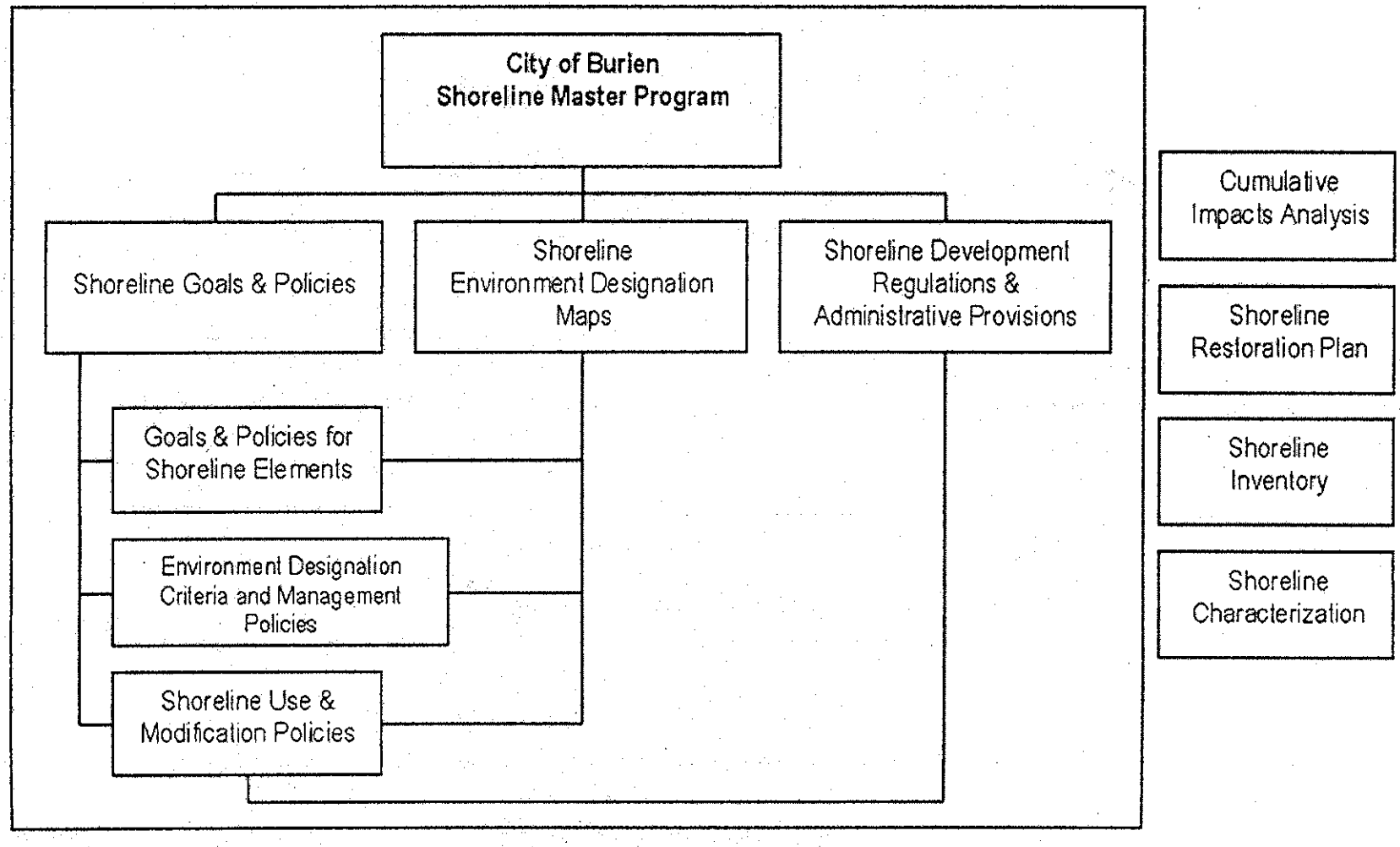
- many interested parties often have conflicting perspectives
- property rights issues
- varying degrees of political will to adopt & enforce regulations with "teeth"
- lingering consequences of old zoning & vested rights
- agencies administer different local, state or federal laws & administrative rules & have different emphases, areas of interest, missions
- agency roles & jurisdictions often "under"-or overlap, making inter-agency cooperation essential!

State Program Implemented Locally



Components of Shoreline Master Program

SMP Chapter I, User's Guide, pg. I-3



Key Steps to Prepare a Shoreline Master Program

1. Establish shoreline jurisdiction.
2. Conduct shoreline inventory, analysis and characterization.
3. Identify shoreline issues and vision.
4. Update goals, policies & regulations.
5. Determine shoreline environment designations.
6. Update permit administration provisions.
7. Prepare shoreline restoration plan & cumulative impacts analysis.
8. **Compile updated shoreline master program for local adoption and state approval.**

City of Burien's Shoreline Inventory

Shoreline Reaches in the City of Burien

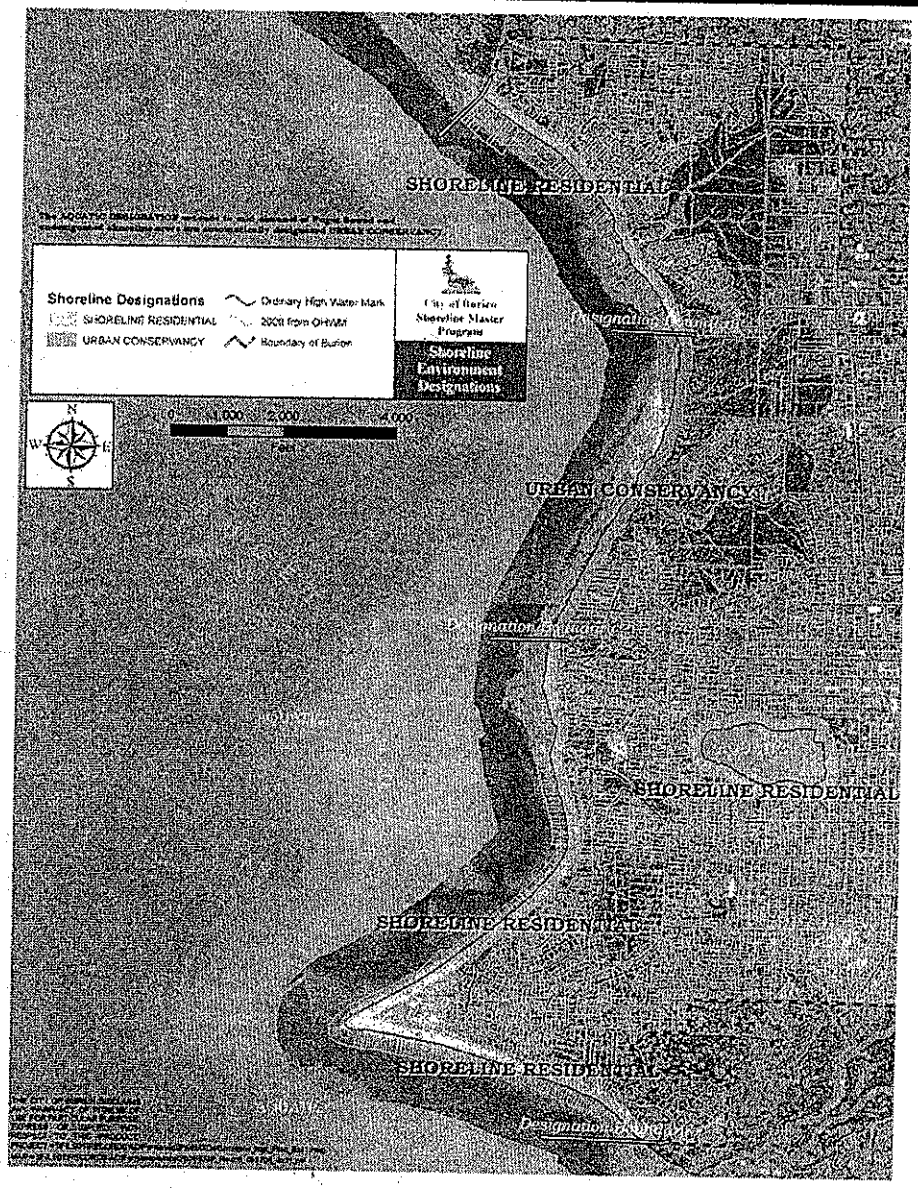
Location	Reach	Description	Approximate Length (ft)	Approximate Length (mi)
Marine	M1	Primarily residential marine shoreline extending south from City limit to the north edge of Seahurst Park.	6,001	1.14
Marine	M2	Seahurst Park and primarily undeveloped shoreline south to the point at which consistent shoreline residential development begins again. Corresponds to a line projected west from SW 149th Street to intersection with the shoreline.	6,382	1.21
Marine	M3	Consistent residential development extending south to the tip of Three Tree Point.	9,246	1.75
Marine	M4	Consistent residential development from the tip of Three Tree Point to the southern City limit.	7,597	1.44
		Marine Subtotal	*29,226*	*5.54*
Lake Burien	LB	Entire perimeter of Lake Burien	6,172	1.67
		Total Jurisdictional Shoreline	**35,399**	**7.21**

Shoreline Environment Designations

Aquatic *(new)*

Shoreline Residential *(formerly Urban)*

Urban Conservancy *(formerly Conservancy)*



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Shoreline Permit Matrix

SMP Chapter IV, Figure 4 (pg. IV-1)

Type of Shoreline Permit Required for Shoreline Uses and Modifications

- Shoreline Residential
- Aquatic
- Urban Conservancy

Dimensional Standards

SMP Chapter IV, Figure 5 (pg. IV-12)

Riparian buffer

Marine 50 ft.
Lake Burien 30 ft.

Vegetation conservation buffer

Shoreline residential 150 ft.
Urban conservancy 200 ft.

Building coverage

Shoreline residential 35%
Urban conservancy 30 %

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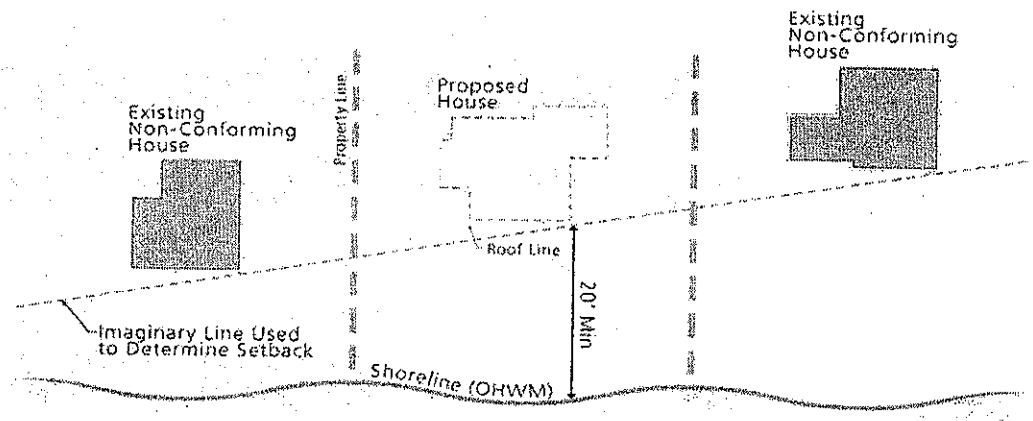
Integration with Municipal Code

- Replaces Title 25 Shoreline Management
- Implements Burien comprehensive plan and zoning
- Coordination with BMC 19.40 Critical areas (pg. IV-5&6) and

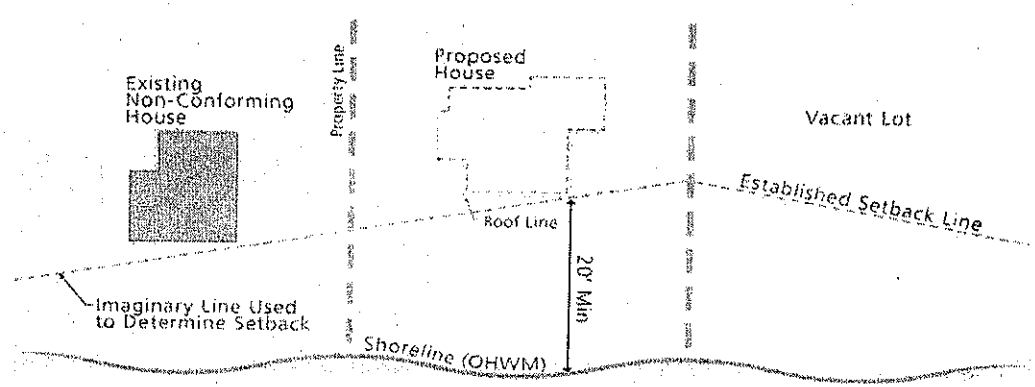
  BMC 15.55 Flood Damage Prevention.

Waterfront Residential

Common line
Riparian buffer &
Building setback



OHWM = Ordinary High Water Mark



OHWM = Ordinary High Water Mark

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Bulkheads and Mooring Buoys

- Shoreline Conditional Uses
- Bulkheads to protect primary structures
- Protect critical saltwater habitat
- Mooring Buoys subject to Department of Natural Resources registration and guidelines(one per waterfront lot)

Other Issues

Public access

- Seahurst Park
- Eagle Landing Park
- Lake Burien
- Street Ends

Non conforming structures (pgs. V-12-14)

- Reconstruction
- Additions

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Shoreline Advisory Committee

- Membership - mix of both citizens and technical persons.
- Membership solicitation - A notice released and mailed soliciting volunteers. Membership to encompass a broad representation of all geographic areas of the city.
- Application Review - On January 28, 2008 City Council reviewed applications and reached consensus on Committee appointments.
- Committee Appointed - Inclusive approach accepting all applications.
- Membership - 10 Burien residents
  4 at large citizens
  6 technical positions

Public Involvement

- **March 12, 2008** S A C Meeting #1, Shoreline Management introduction, review of shoreline inventory and issue identification.
- **May 14, 2008** OPEN HOUSE - More than 70 citizens listened to presentations on the Shoreline Master Program update process and provide initial vision and issue identification.
- **June 11, 2008** S A C Meeting #2, review of open house meeting summary, discussion and formulation of shoreline goals and policies.
- **July 9, 2008** S A C Meeting #3, continued discussion and formulation of shoreline goals and policies.
- **September 10, 2008** S A C Meeting #4, continued discussion and formulation of shoreline goals and policies.
- **February 11, 2009** S A C Meeting #5, discussion and review of restoration plan, cumulative impacts analysis, shoreline environment designations and use regulations.
- **September 23, 2009** S A C Meeting #6, discussion and review of use and modification policies and regulations.
- **October 7, 2009** S A C Meeting #7, continued discussion and review of use and modification policies and regulations.
- **October 21, 2009** S A C Meeting #8, continued discussion and review of use and modification policies and regulations.
- **October 28, 2009** S A C Meeting #9, Discussion and review of Administration and Shoreline Permit Procedures.
- **November 30, 2009** OPEN HOUSE, More than 70 participants gathered to ask questions of the staff and consultant team to better understand the proposed SAC draft SMP

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Next Steps & Key Dates

- **December 2008** – Introduction to Planning Commission.
- **January 12, 2010** – Planning Commission Public Hearing to receive comments on SAC DRAFT shoreline master program.
- **January – February** – Planning Commission discusses and make a recommendation on SMP to City Council.
- **February – April** – City Council public hearing and deliberates on SMP resulting in a locally approved Shoreline Master Program.
- **April – June –** Department of Ecology review and public hearing process.

Planning Commission Comments

Questions and requests for more information

CITY OF BURIEN

Planning Commission Attendance

Meeting Date: Dec. 15, 2009

Commissioner Name	Signature
Brian Bennett	
Jim Clingan	
Joe Fitzgibbon	
Stacie Grage	
Rebecca McInteer	
Rachel Pizarro	
Janet Shull	

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CITY OF BURIEN

Planning Commission Public Comments*

Please limit your comments to 3 minutes.
Total Public Comment period shall not exceed 30 minutes.

Date: Dec. 15, 2009

SUBJECT	YOUR NAME	YOUR RESIDENCE ADDRESS	CITY/STATE/ZIP	PHONE
Lake Burien	John Upthegrove	1808 SW 156th	BURIEN/WA/98166	206-246-6354
Shoreline Master	Program Bob Edgar	12674 Shorewood Dr SW	Burien	—

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* Names and addresses can be made available to the public upon request

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