

Chapter I. User's Guide

20.10.001 Overview of State Shoreline Management Act

The State of Washington's Shoreline Management Act (RCW 90.58) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The following is an excerpt from the Shoreline Management Act stating Washington State's policy regarding shorelines.

~~RCW 90.58.020—The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefor, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.~~

~~It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.~~

~~Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. (Complete text of RCW 90.58.020)~~

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The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline;

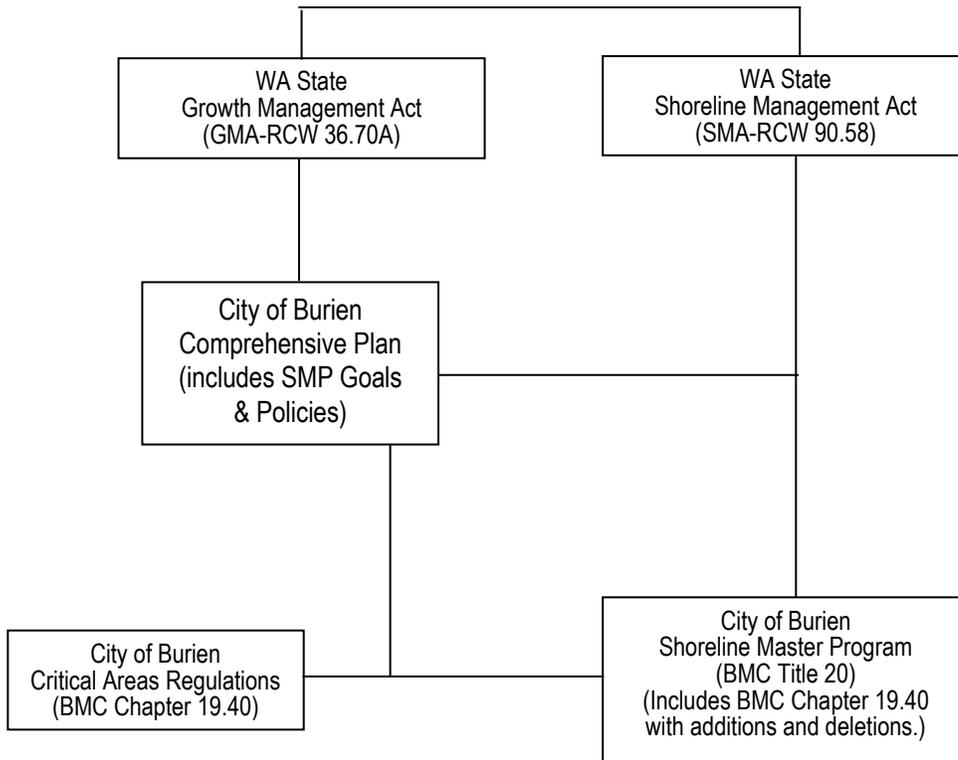
(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy 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. To this end 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 state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

In 1995, the Legislature amended the Growth Management Act (GMA) and the Shoreline Management Act (SMA) to partially integrate the two statutes. The amendments incorporated the goals and policies of the SMA as the 14th goal of the GMA, specifically designating the goals and policies of a local shoreline master program as a segment of the jurisdiction's comprehensive plan. All other portions of the SMP shall be considered a part of the jurisdiction's development regulations (RCW 36.70A.480). The diagram below indicates the relationship.

Figure 1: Relationship of Shoreline Master Program to GMA



The SMA is administered through a cooperative program between local governments and the Department of Ecology (Ecology), whereby local communities prepare a Shoreline Master Program (SMP) that is adopted under guidelines established by Ecology. The SMP serves to regulate development along shorelines of the state and establish a comprehensive vision of how the shoreline areas will be used and developed over time.

The SMP is a comprehensive use plan for local shoreline areas that includes desired goals and policies consistent with SMA policy (RCW 90.58.020); maps, diagrams and charts or other descriptive material and text; use and development regulations; and administrative procedures for the shoreline permitting process. The Ecology SMP guidelines (WAC 173-26) establish general goals and policies, and standards and criteria for regulations. The SMP is based on state guidelines, but tailored to the specific conditions and needs of individual communities. The SMP is also meant to be a comprehensive vision of how the shoreline area will be used and developed over time.

Under the SMA, ~~the~~ shoreline jurisdiction generally includes ~~all~~ water areas of the state, the lands underlying them, and areas that are 200 feet landward of the ordinary high water mark (OHWM) of said waters that have been designated as “shorelines of statewide significance” or “shorelines of the state.” These designations were established in 1971, and are described in RCW 90.58.030 (Definitions and Concepts). Generally, “shorelines of statewide significance” include marine waters below extreme low water, rivers west of the Cascade Range that have a mean annual flow of 1,000 cubic feet per second (cfs) or greater, rivers east of the Cascade Range that have a mean annual flow of 200 cfs or greater, and freshwater lakes with a surface area of 1,000 acres or more. “Shorelines of the state” are generally described as all marine shorelines and shorelines of all other streams or rivers having a mean annual flow of 20 cfs or greater and lakes with a surface area greater than 20 acres.

20.10.005 City of Burien Shoreline Jurisdiction

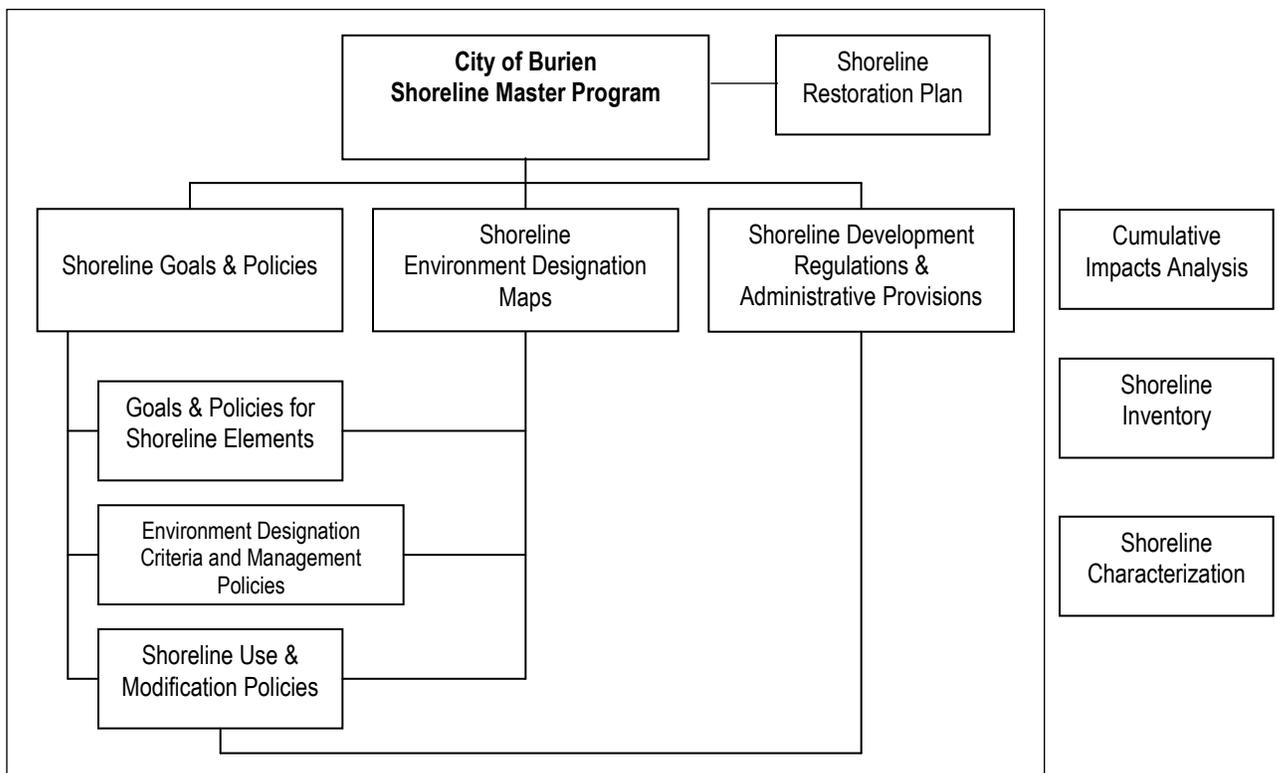
Although there are a number of waterbodies, including streams, lakes and marine shorelines, within the City of Burien, only two are regulated under the SMA. The shoreline jurisdiction within the city limits of the City of Burien includes approximately five miles of marine shoreline along Puget Sound and Lake Burien. There are no “shorelines of the state” associated with rivers or streams in the city. The portions of Puget Sound within the city limits are defined as “shorelines of statewide significance” waterward of the line of extreme low tide (RCW 90.58.030(2)(e)(iii)-Shorelines of Statewide Significance). The marine shoreline has been given a special status because they are considered a major resource from which all people in the state derive benefit.

Under the SMA, the shoreline area to be regulated under the City’s SMP must include marine waters and shorelands, defined as the upland area within 200 feet of the OHWM, as well as any associated wetlands (RCW 90.58.030-Definitions and Concepts). All proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act, and this Shoreline Master Program.

20.10.010 Components of Burien Shoreline Master Program

The City of Burien Shoreline Master Program was originally adopted at the time of the City’s incorporation in 1993. Under new shoreline master program guidelines adopted by Ecology in 2004, cities within King County are required to update their local shoreline master programs.

Figure 2: Structure of City of Burien Shoreline Master Program



20.10.015 Amendments and State Role

The City of Burien Shoreline Master Program may be amended when new information is obtained, local circumstances change, or shoreline management approaches are improved. The city will follow procedures identified in BMC 19.65.080 (Type 4 Decisions) for Type 4 Legislative Decision which allow for public notice and hearing, review and recommendation by the Shoreline Administrator and the City Planning Commission with formal approval given by the City Council. After local adoption, all amendments to the City of Burien Shoreline Master Program must be approved by the Washington State Department of Ecology before they can be locally in effect.

Appeals of approved amendments to the Burien Shoreline Master Program are under the jurisdiction of the Central Puget Sound Growth Management Hearings Board. Appeals involving a shoreline permit are under the jurisdiction of the State of Washington Shorelines Hearings Board.