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To- The Burien City Council
To- The Burien Planning Commission
Re- Shoreline Master Plan
From-Chestine Edgar
February 27, 2010

CITY OF BURIEN

This Letter is in response to the February 9, 2010 meeting of the Planning Commission and to the topics identified on the "Public Comment Summary Charts" dated 2/4/2010 and 2/18/10.

Topic #0.01-In the draft response noted on the chart, you state that you are not going to make the change that I requested because it is not inconsistent with RCW 90.58.010. That section of the RCW that you refer to is simply the title of the document and sets no priorities. However, in WAC 173-26-020 and WAC 173-26-221, (6) (b)(i)(ii) which set the principles that the SMP must encompass in reference to RCW 90.58.20; it states" (i)Prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological function, or significant impact to aesthetic qualities, or recreational opportunities. It is important to note that while RCW 90.58 was passed in 1971, how that document translates into application is fleshed out in the WACs at a later date. In writing and developing a SMP the RCW as well as the WACs must be used concurrently. Therefore I am requesting that the first pointer reflect the above guiding principle cited, Protect the quality of the water and result in no net loss to the natural environment.

Topic#?-I addressed this on page 5(4.) of my February 9th comments and it did not get put onto the Comment Summary Chart; it refers to User's Guide 20.10.010, Components, Figure2. Figure 2 makes no sense to the reader. Some of the lines are missing on the chart or not connected correctly.

The four appendices boxes should be connected to each other because they build on the data and statements from each other and draw conclusions from each other. They are in an incorrect order from when they were created. So the Shoreline Inventory should be the top or the bottom box depending on how you read the sequence of development. It was the first document created in the group. The last document that was created was the Cumulative Impacts Analysis and again it should either be the top or bottom box depending on how you are ordering the creation of the documents. These four boxes should be labeled baseline data for the SMP/Appendices. Then they should have a connecting line over to the City Of Burien Shoreline Program sequence of boxes as they provided the baseline data for the creation of the Burien Program. If you cannot figure out how to do this then remove Figure 2 because it is incorrect and makes no sense to the reader. Also most readers miss these important Appendices because they appear to have no relationship to the SMP or to each other.

Topic16,17,17A,75 -All of this discussion relates to the fact that Burien is not using the best available science for the rating of wetlands. In 2003, The City of Burien hired Adolfson to work on the Critical Areas Ordinance; the wetlands scientist at that time recommended that the City of Burien adopt the *Washington State Wetland Rating System for Western Washington -Revised* because it was the best available science method for rating wetlands. While the city made a few changes to its own rating scale it never

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followed the recommendation of that scientist. It continued it use its own scale. The SMP process allows cities to use their own scales for the Shoreline Inventory to establish just the Inventory but it does not grandfather in old rating scales that do not meet the test of best science. Burien's scale does not meet that test. Again in 2010 when a wetlands scientist from Futurewise reviewed the SMP draft document, he recommended that Burien adopt the *Washington State Wetland Rating System for Western Washington-Revised* and I recommended this change also. The response from the City of Burien has continued to be that they are going to keep their old scale no matter what because they have always used it. The flaws in the rating system are that it does not have the scientific detail necessary for the rating of Burien's wetlands. For example, Lake Burien is a category 4 wetland just because they say it is-there are no scientific descriptors. Small wetlands under a certain size get no protections just because they say they do not-while these wetlands in other cities around Burien are protected on *the WSWRSWW-Revised* those cities use. The *Washington State Wetland Rating System for Western Washington-Revised* is not just a "fly by night system"; it is the one endorsed by the Dept. of Ecology. Burien needs to adopt the *Washington State Wetland Rating System for Western Washington-Revised* for its SMP, use the best available science and step into the 21st century on how it rates its wetlands. The Planning Commission needs to insist that the SMP incorporate the *Washington State Wetland Rating System for Western Washington-Revised* in spite of what the Burien Planning Department says that it is not going to do. Not using the rating system is in direct conflict to the policy statement in the SMP that states Burien will use the best available science. P.S.-I encourage any Planning Commissioner to call the Dept. Of Ecology and have a discussion about this rating system issue.

Topic# 20,25A,78A,82- All of these topics relate to the concept of "no net loss" to the functioning shoreline environment. At the meetings of the Shoreline Advisory Committee as well as throughout this comment period to the Planning Commission, citizens have asked that the SMP have in the Administration Section-Chapter procedures for the on going monitoring of the shorelines for "no Net Loss". Each time the city has responded that; 1.it has no money for this, 2. they are not sure who will do this, 3. they do not know how to do and,4. this process will come later once the SMP is in place. In reality, if a procedure/plan is not written into the SMP document right now there will be not on going monitoring for "no net loss". Currently there is a documented loss of beach area over in the Shorewood area. It has been occurring over the last 12 years. Citizens have reported what is happening there with written comments, photos and verbal comments to the city. The CAO is supposed to take care of "no net loss" issues like this one. However, the city has still not proposed any study or monitoring to address this citizen documented issue of "net loss". Additionally, the city has just issued a statement of non-significance on a new project to a citizen who is proposing even more work in this beach area without insisting on an Environmental Impact Statement to determine whether his property and structures are responsible for the "net loss" to his neighbors. Permits and Regulations do not address these long term issues that result. Even if someone cheats on their permit or in following the regulation, there is a 3 years window in which-if they do not get caught-the rest of us have to live with and pay for the damages. An on going monitoring program would help to prevent such problems. Therefore, I am requesting that the Administration Section of the SMP contain wording to the effect based on these policies in the draft SMP (Pol. RES 10,Pol ALL 1, Pol ALL2, Pol ALL 3, Pol ALL 4, Pol ALL7), The *City of Burien will*

conduct on going sampling studies annually to monitor for "no net loss" of its protected shorelines. This will be accomplished by the listed possible means and with authorization from The Shoreline Administrator and the WDFW.

a. Interagency agreements and partnerships with local environmental groups, city, state agencies, county agencies or tribes.

b. Interagency agreements with universities, colleges, vocational-technical training institutions, schools districts or The Seahurst Park Environmental Center.

c. Data can be collected and submitted by Citizen Scientists for review by the city or the group organizing the monitoring or study.

d. Data from these studies shall be made available to public on an annual basis. The argument by the city that it has no money for monitoring is a mute point. The SMP is a mandated program. The city has an obligation to prioritize its budget to fund mandated items first in the budget.

Topic 12, 21L,30A,30D, 30F, 30J,30K-All of these topics refer to one of the core principles of the in the SMP of protect of private property and public safety. At the Shoreline Advisory Committee Meetings, a number of members of the committee asked that in the Administrative Section-Chapter 5 that there be some kind of provisions or regulations that addressed the need for protection and enforcement to attend to the issues of protection of private property, public property and public safety. The city representative on the committee responded that this could not be put into the document because the city had no money for this. In a letter to the City Council and in an open letter to the B-Town Blog, Jim Branson requested information on how many citations, warnings of fines had been issues to citizens or park users who had violated posted rules or park policies. The answer appears to be none. Additionally, when park incidents have been reported to the police or city there seems to be an indecision on the part of both agencies about who should go and check on it, who is responsible to follow up and who takes action on it. I am reminded of a recent incident in Seahurst Park where a vagrant was living in the Park and threatening citizens trying to use the hiking trails. The police were called and they said that they would not go into the park. As the City has no Park Ranger System, there was no one from the city who had law enforcement authority to check out the situation. Additionally, the city offices are no open on the weekend for monitoring threats to public health and safety in the parks. Therefore, I am requesting the Administration Section of the SMP contain wording to the effect based on these policies in the SMP draft Pol PA 3, The City will establish a working network of processes and procedures for the protection of private property, public property and public safety in the shoreline areas. This will be accomplished by the listed possible means and with authorization of the Shoreline Administrator, Burien Police (King County Police) and, Burien Department of Parks and Recreation.

A. an interdepartmental and interagency plan will be developed to address the issues of protect of private property, public property and public safety in shoreline areas...

b. The interdepartmental and interagency plan will address violations of city laws and shoreline violations-such as who can write tickets, issue fines, etc.

c. A method for collection data on incidents in the reported in these areas will be established and will reflect which department or agency handled the issue. This data shall be available for public review.

d. Should the city develop a Park Ranger Program the plan will address the authority that these individuals have to enforce laws and rules. Again, these are components of the mandated SMP.

Topic 31A, 83-These two topics address the fact that the wording on how many homes being developed in an area will develop a public access. I am not sure why this discussion seems to be an unable to be resolved. Here is the history of what occurred-this can be verified by reviewing the Summary Notes from the SAC meetings.-

1. The SAC voted to keep the State wording-d. Public access shall be required for all new shoreline development and uses, except for; water dependent uses and individual single family residences not part of a development planned, for more than four parcels.
2. The SAC met the next meeting and approved the minutes stating that they would stick with the state wording of more than four parcels-which was what was in their working draft at that time.
3. The editors of the Nov. 2009 SMP Draft then took the license to change the wording because they said they wanted to make it clearer. In the process they changed the wording to state less than rather than more than. I'm not sure how that can be construed to clarify anything. Citizens have appeared before the Planning Commission to complain about this change 2 times.
4. In the most recent issuing of the Shoreline Master Program Public Comment Summary, this still appears to be unresolved.

The statement in the SMP should base on WAC 173-26-221(4. Public Access)(c. Planning process to address public access)(iii) page 11; Which addresses that a public access should be required when there is a subdivision of land into more than 4 parcels with the other above stated exceptions. Please make this correction based on what the committee decided at its meeting, state SMP provisions recommended and on citizen input. Essentially keep the wording that was approved by the SAC in the meeting and minutes.
Please make this correction.

Topic 83-This refers to public access and again raises the issue of when a public access has to be created but also raises the issue of how many public access points should be created an a given shoreline area before there is real danger to the environment. As a specific example, should the Ruth Dykeman Children's Center ever be sold; the zoning formula would allow 43 new homes on Lake Burien. How many public access points would this create? Just several houses down the road, there are lots large enough so that they could be sub-divided into more than 4 parcels. Again according to the formula that would create another public access point on the lake. There are at least 5 points that this could happen to on the lake. Just how many public access points can a small lake like this sustain? Again this is why I believe that you need to create an Appendix titled Plan for Public Access to address how these issues will be handled. This kind of analysis does not typically happen in the typical permitting process that they say will take care of these future issues.

Topic 75A-In the draft response, you do not refer which comprehensive plan you are referring to. Again I request that you use the best available science and reference the King County Comp. plan for the protection the listed species in your SMP.

Topic 74, 74A- The cumulative impacts analysis is still incorrect as it does not take into account the amount of development that can occur on Lake Burien as well as the amount of impervious surface and non point pollution this will create. I request that this section of the analysis be reworked to reflect what could happen with future development.

Topic 31e- This area of the Shoreline Inventory is incomplete as it does not address visual access, street ends and utility access points. I m requesting that this section be reworked or that at a table be created in an Appendix to address a Plan for Public Access.

Topic 87- As this is the first time that this administrative position is included in the city documents and this position holds considerable power and demands a wealth of knowledge about shorelines, permitting and regulation of the city, is seems only intellectually correct to include a better description in the document of this administrator. This can be put into the Definitions or the Administrative Section. The public needs to be assured that this person has more qualifications than Brownie did in order to get his job running FEMA. I am requesting that a change be made to flesh out who this administrator is and what are the limits of the position.

There is nothing in the Administrative Section that speaks to the issue of Public Safety on shorelines which is a mandate of the SMP. Burien has no education programs or provisions for the education of the public on water safety or the use of the shorelines. Additionally, the city has very limited signage about how to use the shorelines. Some of the current signage is on the wrong locations, missing or a posted on private property which the public has to cross just to read. I am requesting that a section be developed and added to the Administrative Section-Chapter5 to address the issue of Public Safety on the Shorelines.

