

To-The Burien City Council
Re-Suggested Revisions to the March 2010 Shoreline Master Plan (SMP) Draft, - Citizen
Comments
June 28, 2010

This is a request that the list of items discussed here be amended, edited or corrected in the SMP Draft, March 2010 version. The items are documented by page and the requested changes are shown on each included page.

1. **Page 3. Add Appendix 8-C to the Table of Contents, Appendices.** This appendix is referenced in the document on page IV-6 and is to be used in coordination with the SMP.
2. **Page I-1. Add items 1-7 from the RCW 90.58** to this section.
3. **Page I-4. Correct Figure 2** to show the relationship between the Technical Documents and the SMP.
4. **Page II-3.** State that this refers to **publicly owned street ends and publicly owned tax titled properties.**
5. **PageII-4.** State that coordinated walking systems are to be developed on **publicly owned lands.**
6. **Page II-14. Pol. CON 27 b.** State that the **Adopted King County Comprehensive Plan, October 2008** will be used. This correction is in keeping with Current Science/Best Available Science.
7. **Page IV-1. In the Figure 4 Matrix:** **a. Wireless Facilities should be removed from the residential shoreline** or a discussion on what protections residents would have if these facilities were allowed. A presentation/discussion about this was promised at the Planning Commission level, but did not happen and was left in the chart. **b. Government Facility and Recreation Facility in the residential shoreline were never discussed at any level** but simply got put in the matrix of the March 2010 draft. They do not belong in the residential shoreline. **c. Schools do not belong in the residential shoreline.** There are currently none there.
8. **Page IV-6. Regulations. Keep these regulations** as these were added to correct areas not adequately addressed in the CAO. **Their addition brings the SMP in line with Current Science/Best Available Science.**
9. **Page IV-7. Flooding Hazard Reduction, 1.f. Remove this item as Lake Burien has no flooding.**
10. **Page IV-8-1. a.** Insert the terms **publicly owned** and add **protect private property and public health and safety** per the intent of WAC 173-26-221.

CATR 07/19/10

11. **Page IV-14. Figure 5.** A reference needs to be made to **Lake Burien, Appendix 8-C and how they will work together in the SMP.**

12. **Page IV-18. Bulkheads (1e).** Remove the terms **unnecessary** and **ineffective**. As long as the structures are not harmful, failing or not causing net loss to the environment, to work in the shoreline removing them is more damaging than just leaving them alone.

13. **Page IV-²⁵~~23~~. Recreational Development (2.h.).** Remove this portion completely. Research shows that hand-carried craft carry diseases and invasive species from shoreline to shoreline. Boat washes are not effective in preventing the hazards these craft introduce to clean lakes.

14. **Page IV-33. State that 2.c. does not belong in the residential shoreline.**

15. **Definitions Section.** There were revisions made to this section in the SMP March 2010 Draft. **That revision date should ^{be} ~~all~~ of the pages in this section-3/30/10.**

Additionally, there are corrections that need to be made to the Technical Documents that were prepared by city's consultants. This is something that the City Staff should attend to. The corrections drafted by this citizen/writer will be forwarded to them for their consideration in a separate document.

Thank you for taking the time to read, review and consider these items for change to the DRAFT SMP.

Sincerely,
Chestine Edgar

#1

APPENDICES

- Appendix 1: City of Burien Shoreline Inventory
- Appendix 2: City of Burien Shoreline Analysis and Characterization
- Appendix 3: City of Burien Shoreline Restoration Plan
- Appendix 4: City of Burien Shoreline Cumulative Impacts Analysis

Appendix 8-C -

This was to be added per agreement with the Dept. of Ecology and the City Planning Staff - discussed at Planning Commission Meeting and noted on page IV-6(2)(b) of the draft SMP.

#2

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.

Include list of 7 here. See attached RCW 90.58.020

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.

The goal of the Shoreline Management Act (SMA) is to "prevent the inherent harm in uncoordinated and piecemeal development of the state's shorelines." It establishes statewide policy to provide for management of the shorelines by planning for and fostering all reasonable and appropriate uses in an environmentally responsible manner. The state conceived the concept of preferred uses in an effort to protect shoreline functions and values and foster reasonable use and economic development of shoreline areas. Towards this end, the SMA establishes a broad policy directive giving

RCW 90.58.020

Legislative findings — State policy enunciated — Use preference.

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.

The ^{state} 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.

[1995 c 347 § 301; 1992 c 105 § 1; 1982 1st ex.s. c 13 § 1; 1971 ex.s. c 286 § 2.]

Notes:

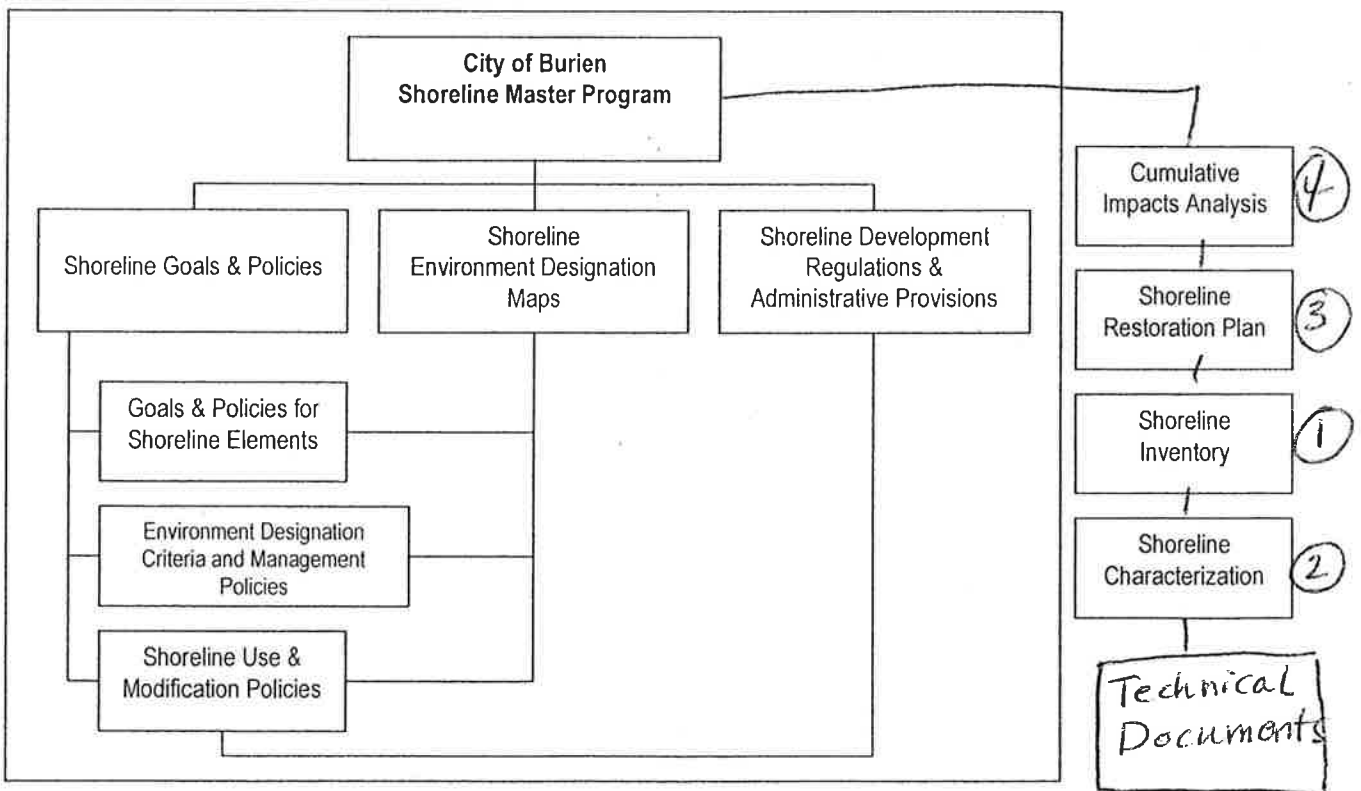
Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347: See notes following RCW 36.70A.470.

well as any associated wetlands (RCW 90.5 8.030). 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



Label and put these documents in the order they were developed. Attach them to the SMP.

Pol. PA 4 Public access should be provided as close as possible to the water's edge with no net loss of shoreline ecological function without adversely affecting a sensitive environment and should be designed for handicapped and physically impaired persons.

Pol. PA 5 The City should seek opportunities to develop new public access areas in locations dispersed throughout the shoreline. Highest priority should be placed on reaches without existing public access. Mechanisms to obtain access to the shoreline include:

- a. Tax title properties;
- b. Donations of land and waterfront areas; and
- c. Acquisition using grants and bonds.

Pol. PA 6 The vacation or sale of ^{publicly owned} street ends, other public right of ways and ^{publicly owned} tax title properties that abut shoreline areas shall be prohibited. The City should protect these areas for public access and public viewpoints.

Pol. PA 7 ^{publicly owned} Waterfront street ends should be recognized as:

- a. An important community resource that provides visual and physical access to the Puget Sound;
- b. Special use parks which serve the community, yet fit and support the character of the surrounding neighborhoods;
- c. A destination resource, where limited facilities and enhancements are provided.

Pol. PA 8 The City should manage and develop ^{publicly owned} waterfront street ends by:

- a. Supporting their use by residents city-wide, yet ensuring that the street ends and their supporting facilities are developed at a level or capacity which are appropriate to the neighborhood character, promotes safety, protects private property rights and individual privacy, and is consistent with City risk management practices;
- b. Ensuring that public parking is available and limited to a level appropriate to the capacity of the public access site, and ~~that any new parking that is developed would be~~ is harmonious with the surrounding neighborhood;
- c. Ensuring that the waterfront street ends are preserved and maintained with limited enhancements, such as places to sit or rest which fit in with the natural environment of the area; ^{limits and}
- d. Installing signs that indicate the public's right of access, the rules of use, and penalties for misuse and encourage appropriate use;
- e. Installing limited trail improvements and enhancements to allow access to the water;
- f. Protecting adjacent private property including but not limited to protecting individual privacy and ensuring public safety ~~Minimizing the potential impacts associated with their use on adjacent private property;~~ and

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g. Developing a street ends plan that promotes waterfront access and public safety. ^{publicly owned}

- Pol. PA 9 Waterfront street ends or other shoreline access should be planned in conjunction with the affected neighborhoods. However, the broader community should be notified during the public notification process.
- Pol. PA 10 The City should disseminate information that identifies all locations for public access to the shorelines.
- Pol. PA 11 The public's visual access to the City's shorelines from streets, paths, trails and designated viewing areas should be conserved and enhanced.
- Pol. PA 12 Public views from the shoreline upland areas should be enhanced and conserved, while recognizing that enhancement of views should not be necessarily construed to mean removal of vegetation.

Pol. PA 13 Promote a coordinated system of connected pathways, sidewalks, passageways, between buildings, beach walks, and shoreline access points that increase the amount and diversity of opportunities for walking and chances for personal discoveries. ^{publicly owned}

on publicly owned lands

20.20.020 Recreation Element

Goal REC

Develop a well-maintained, interconnected system of multi-functional parks, recreation facilities, and open spaces that: is attractive, safe, and accessible for all geographic regions and population segments within the City; supports the community's well-established neighborhoods and small town atmosphere; protects private property rights and results in and does not adversely impact no net loss of shoreline ecological functions and processes.

- Pol. REC 1 Recreation facilities in the shoreline area should be restricted to those dependent upon a shoreline location, or those benefiting from a shoreline or in-water location that are in the public interest.
- Pol. REC 2 Recreational developments should be located, designed and operated to be compatible with, and minimize adverse impacts on, environmental quality and valuable natural features as well as on adjacent surrounding land and water uses. Favorable consideration should be given to proposals which complement their environment and surrounding land and water uses, and result in no net loss of ecological functions. which leave natural areas undisturbed and protected.
- Pol. REC 3 Public information and education programs should be developed and implemented to help ensure that the public is aware of park regulations

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Pol. CON 24 Enhance riparian vegetation to improve shoreline ecological functions and processes where possible.

Pol. CON 25 The City should maintain and enhance existing species and habitat diversity including fish and wildlife habitat that supports the greatest diversity of native species.

Pol. CON 26 All development activities shall be located, designed, constructed and managed to avoid disturbance of adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.

Pol. CON 27 Fish and wildlife habitat should be protected, conserved and enhanced, including:

- a. Habitats for species which have been identified as endangered, threatened, or sensitive by the state or federal government;
- b. Priority species and habitats listed in the Adopted King County Comprehensive Plan, ~~November 1994~~ *October 2008*;
- c. Shellfish areas;
- d. Kelp and eel-grass beds;
- e. Herring and smelt spawning areas; and
- f. Wildlife habitat networks designated by the City.

Pol. CON 28 Fish and wildlife should be maintained through conservation and enhancement of terrestrial, air and aquatic habitats.

Pol. CON 29 The City should ensure that habitat networks throughout the City are designated and mapped. The network should be of sufficient width to protect habitat and dispersal zones for small mammals, amphibians, reptiles, and birds. These networks should be protected through incentives, regulation and other appropriate mechanisms. Site planning should be coordinated during development review to ensure that connections are made or maintained amongst segments of the network.

Pol. CON 30 Native plant communities and wildlife habitats shall be integrated with other land uses where possible. Development shall protect wildlife habitat through site design and landscaping. Landscaping, screening, or vegetated buffers required during development review shall retain, salvage and/or reestablish native vegetation whenever feasible. Development within or adjacent to wildlife habitat networks shall incorporate design techniques that protect and enhance wildlife habitat values.

Pol. CON 31 In order to minimize adverse impacts related to noise, unless prohibited by federal or state law, fish and wildlife habitat conservation areas within the City should be protected from exterior noise levels which exceed 55 dBA Ldn.

General Provisions

20.30.001 Figure 4 Shoreline Permit Matrix

#7 Not adequately explained at the Planning Commission to provide protection to residents

Type of Shoreline Permit Required for Shoreline Uses and Modifications*

	Shoreline Residential	Aquatic	Urban Conservancy
Aquaculture	X	CU ¹	X
Boat Mooring Buoy	N/A	CUP ³	N/A
Boat Ramp	X	X	X
Boat House (covered moorage)	X	X	X
Breakwater & other in-water structures	N/A	X	N/A
Bulkheads	CU	CU	CU
Cell towers/Personel Wireless Service Facility	X CU ?	N/A	X
Community Beach	CU	CU	X
Community residential facility <i>RDCC</i>	CU	X	X
Docks, Piers and Floats	CU	CU	CU
Dredging	N/A	X	N/A
Fill ²	X	X	X
Floating home	N/A	X	N/A
Flood protection	SDP	SDP	SDP
Forestry (clearing)	CU	N/A	CU
Grading	CU	N/A	CU
Government facility	X SDP	X	SDP
Habitat Enhancement or Restoration	SDP	SDP	SDP
Industrial & Ports	X	X	X
Jetty	X	X	X
Mining	X	X	X
Office	X	X	X
Public park and recreation facilities	X SDP	X	SDP
Recreation	SDP	SDP	SDP
Residential - Single family**	SDP	N/A	SDP
Residential - Multi family	SDP	N/A	CU
Retail	X	X	X
Schools <i>Schools</i>	X CU	N/A	CU
Transportation Facilities & Parking	SDP	X	SDP
Utilities	SDP	CU	SDP

Not discuss at Plan Comm.

Not discuss at Plan Comm.

SDP Shoreline substantial development permit

CU Shoreline conditional use permit

X Prohibited

N/A Not applicable

1 Prohibited in critical saltwater habitats and Lake Burien

2 Allowed if necessary to construct a permitted use

3 Private mooring buoys are exempt from the shoreline substantial development permit process but shall comply with BMC 20.30.090

* Shoreline uses not listed in the matrix above are subject to a shoreline conditional use permit.

** Exempt from shoreline substantial development permit requirements if this is for construction of only one detached unit built by an owner, lessee, or contract purchaser who will be occupying the residence, in accordance with WAC 173-27-040(g), as amended.

Not needed as RDCC is not a school but a comm. residential facility

Government and Recreation facilities were never discussed as being allowed in the residential shoreline.

They are not appropriate for these areas.

Nov 2009 Draft
 from the Shoreline Advisory
 Committee

General Provisions

20.30.001 Figure 4 Shoreline Permit Matrix

Type of Shoreline Permit Required for Shoreline Uses and Modifications*			
	Shoreline Residential	Aquatic	Urban Conservancy
Aquaculture	X	CU ¹	X
Boat Mooring Buoy	N/A	CU	N/A
Boat Ramp	X	X	X
Boat House (covered moorage)	X	X	X
Breakwater & other in-water structures	N/A	X	N/A
Bulkheads	CU	CU	CU
Cell towers	CU	N/A	X
Community Beach	CU	CU	X
Docks, Piers and Floats	CU	CU	CU
Dredging	N/A	X	N/A
Fill ²	X	X	X
Floating home	N/A	X	N/A
Flood protection	SDP	SDP	SDP
Forestry (clearing)	CU	N/A	CU
Grading	CU	N/A	CU
Habitat Enhancement or Restoration	SDP	SDP	SDP
Industrial & Ports	X	X	X
Jetty	X	X	X
Mining	X	X	X
Recreation	SDP	SDP	SDP
Residential Single family**	SDP	N/A	SDP
Residential Multi family	SDP	N/A	CU
Schools <i>This was for RDCC</i>	CU	N/A	CU
Transportation Facilities	SDP	X	SDP
Utilities	SDP	CU	SDP

- SDP Shoreline substantial development permit
- CU Shoreline conditional use permit
- X Prohibited
- N/A Not applicable
- 1 Prohibited in critical saltwater habitats and Lake Burien
- 2 Allowed if necessary to construct a permitted use
- * Shoreline uses not listed in the matrix above are subject to a shoreline conditional use permit.
- ** Exempt from shoreline substantial development permit requirements if this is for construction of only one detached unit built by an owner, lessee, or contract purchaser who will be occupying the residence, in accordance with WAC 173-27-040(g), as amended.

11/17/2009

It is important that this section be completely retained, as the Burien Critical Areas Ordinance does not contain the Best Available Science / Current Science for rating or protecting Lake Burien and small wetlands. This was added with advice from the DOE.

(For additional policy guidance please refer to Chapter II General Goals and Policies, pgs. 12-15 and Chapter III Management Policies, pgs. 2-4.)

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2. Regulations

- a. BMC 19.40—Critical areas (City of Burien Ordinance 394, adopted October 20, 2003) shall apply to the shoreline jurisdiction with the following exceptions:
- i. ~~of~~ The reasonable use provisions contained in BMC 19.40.070 (4) do not apply.
 - ii. The following types of wetlands are regulated by the SMP:
 - (a). Small wetlands less than 1,000 square feet and hydrologically isolated;
 - (b). Man-made ponds smaller than one acre and excavated from uplands without a surface water connection to streams, lakes, or other wetlands.
- b. Wetland delineation. Wetlands are those areas in the City of Burien, designated in accordance with the Washington State Wetland Identification and Delineation Manual, as required by RCW 36.70A.175 (Ecology Publication #96-94).
- c. Wetland rating system. Wetlands for the purposes of the SMP shall be categorized in accordance with the Washington State Wetland Rating System for Western Washington – Revised (Ecology Publication #04-06-025).
- d. Wetland buffers. Wetland buffers for the purposes of this SMP shall be determined based upon Appendix 8-C of “Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands FINAL April 2005 Ecology Publication #05-06-0088” based on information provided as part of a critical area study.
- e. Development proposals shall adhere to the applicable submittal requirements (a critical area report specific to the critical area) as specified in the Critical Areas Ordinance.
- f. Development shall not intrude into, over, or within 10 feet from *critical saltwater habitats* (e.g., eelgrass) except when an alternative alignment or location is not *feasible* and the development would result in no net loss of *critical saltwater habitat*.
- g. When this Master Program requires mitigation, the mitigation sequence described in section BMC 20.30.010 shall be followed.

20.30.030 Flood Hazard Reduction

The following provisions apply to actions taken to reduce flood damage or hazard, as well as to uses, development and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures such as setbacks, land use controls, wetland restoration, biotechnical measures, and storm water

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management. Flood hazard reduction measures may also include structural measures such as the weir at Lake Burien, floodwalls, dikes and elevation of structures consistent with the National Flood Insurance Program.

1. Policies

- a. All new shoreline development and uses shall be located and designed to prevent the need for shoreline stabilization and structural flood hazard reduction measures for the life of the development.
- b. Flood protection structures may be allowed in shoreline jurisdiction if a shoreline substantial development permit is obtained.
- c. New and expanded public flood protection measures may be permitted subject to City of Burien review and approval of a critical area study and the approval of a Federal Biological Assessment by the federal agency responsible for reviewing actions related to a federally listed species.
- d. New structural flood protection measures should only be allowed when necessary to protect existing development or to facilitate restoration projects.
- e. When emergency repair of flood protection structures are necessary, permits for the work including mitigation, should be obtained upon abatement of the emergency or the structure must be removed.
- f. Maintain the outlet weir at Lake Burien to provide a relatively constant lake level to minimize the potential for flooding.

Remove -
Lake Burien
has no
flooding

(For additional policies refer to Chapter II General Goals and Policies, pg. 16.)

2. Regulations

- a. Non-structural flood protection measures shall be used instead of structural solutions unless the project proponent demonstrates that a non-structural solution is not feasible and there would be no net loss of shoreline ecological functions.
- b. All flood protection measures, including repair and maintenance, shall conform to standards set forth in approved floodplain management plans, when available.
- c. Flood protection shall not have adverse impacts on the property of others.
- d. Flood control methods must be consistent with BMC 15.55-Flood Damage Prevention and BMC 19.40-Critical Areas.

WAC 173-26-221, page 10, (4)Public access (b) (i) Principles states-Local master programs shall: Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.

- e. Subdivision proposals shall be consistent with the need to minimize flood damage by conforming to the adopted Base Flood Elevation regulations.

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20.30.035 Public Access

Public access includes *physical access* or the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Access with improvements that provide only a view of the shoreline or water, but do not allow physical access to the shoreline is considered *visual access*.

1. Policies

- a. Public access to ^{publicly owned} shoreline areas should be designed to ^{protect private property} provide for public safety and to minimize ^{and public health and safety} potential impacts to private property and individual privacy. ~~and~~
- b. Public access should be provided as close as possible to the water's edge with no net loss of shoreline ecological function without adversely affecting a critical area such as a wetland.
- c. Private views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property or seek other similar private means of minimizing view obstruction.

(For additional policies refer to Chapter II General Goals and Policies, pg. 2-4 and Chapter III Management Policies, pg. 2-4.)

2. Regulations

- a. Public access provided by ^{publicly owned} shoreline street ends, rights-of-way, and other public lands shall provide, maintain, enhance and preserve visual access to the water and shoreline in accordance with RCW 35.79.035.
- b. Visual access to outstanding scenic areas shall be provided with the provision of roadway design features that allow for visual access opportunities and are sensitive to adjacent land uses and neighborhood characteristics. ~~roadside pullovers or broadening of road shoulders.~~
- c. If a public road is located within shoreline jurisdiction, any unused right of way shall be dedicated as open space and public access.
- d. Public access shall be required for all new shoreline development and uses, except for; water dependent uses, individual single family residences and subdivisions of less than ~~four~~ five parcels.

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from the ordinary high water mark or from the landward face of a bulkhead or other shoreline stabilization structure if one is present. For measurement methods, refer to BMC 19.17.

New
Figure 5 Dimensional Standards for Shoreline Development

SHORELINE ENVIRONMENT DESIGNATION

	Shoreline Residential	Urban Conservancy	Aquatic
Marine Riparian Buffer	50 ft.	50 ft.	N/A
Lake Burien Riparian Buffer⁽¹⁾	30 ft.	N/A	N/A
Vegetation Conservation Buffer⁽²⁾	150 ft.	200 ft.	N/A
Building Setback from Riparian Buffer	15 ft.	15 ft.	N/A
Height Limit (see BMC 19.15)	35 ft.	35 ft.	35 ft.
Lot Size (see BMC 19.15)	RS-12,000 RS-7,200 (Lake Burien)	RS-12,000	N/A
Building Coverage (see BMC 19.15)	35%	30%	N/A

(1) Consistent with BMC 19.40 and BMC 20.30.040 (2) (f).

(2) See BMC 20.30.040 Shoreline Vegetation Conservation for specific requirements.

→ *A reference needs to be made here to Appendix 8-C and how it works with this Figure*
20.30.055 Shoreline Buffers

Regulations:

1. A fifty foot riparian buffer for the marine shoreline (thirty feet for Lake Burien) shall be established from the ordinary high water mark for all lots. The riparian buffer is measured landward from a perpendicular line from the edge of the OHWM.
2. Docks are allowed within the buffer as provided herein. Structures and development such as viewing platforms, boardwalks, benches, and trails are allowed when associated with public access.
3. Whenever the Shoreline Administrator determines that monitoring has established a significant adverse deviation from predicted impacts, or that mitigation or

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- c. Burien should take active measures to preserve natural unaltered shorelines, and prevent the proliferation of bulkheads and other forms of shoreline armoring.
- d. Non-structural stabilization measures including relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff and other measures are preferred over structural shoreline armoring.
- e. Where feasible, any failing, harmful, ~~unnecessary~~ ^{remove} or ~~ineffective~~ structural shoreline armoring should be removed, and shoreline ecological functions and processes should be restored using non-structural methods.

(For additional policy guidance please see Chapter II General Goals and Policies, pg. 7, 11, 13.)

2. Regulations

- a. Non-structural shoreline stabilization or flood protection measures shall be used instead of structural solutions unless the project proponent demonstrates that a non-structural solution is not *feasible* and there would be no net loss of shoreline ecological functions.
- b. Construction of bulkheads, gabions, revetments, retaining walls and bluff walls, are only permitted when non structural methods (e.g., building setbacks, biotechnical vegetation measures, anchor trees, upland drainage control, and beach enhancement) are not feasible to protect a residence or other *primary structure* or essential public facility.
- c. New structural stabilization measures shall not be allowed except when the necessity to protect existing *primary structures* is demonstrated in the following manner:
 - i. New or enlarged structural shoreline stabilization measures for an existing *primary structure*, including residences and roads, shall not be allowed unless a geotechnical analysis, accepted by the City of Burien Shoreline Administrator, indicates that the structure is in imminent danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need.
 - ii. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.
- d. An existing shoreline stabilization structure may be replaced with a similar structure if the following apply:

1. Policies

- a. Allow a variety of active and passive recreation opportunities in the shoreline areas.
- b. Encourage provision of view points, rest areas and picnic facilities in public shoreline areas.

(For additional policy guidance please see Chapter II General Goals and Policies, pg. 4-7, 15.)

2. Regulations

- a. Commercial recreational development or use in Seahurst Park shall be consistent with the provisions of this section.
- b. Recreation facilities shall be designed to take maximum advantage of and enhance the natural character of the shoreline area.
- c. Recreation areas shall promote public health, safety and security and not materially interfere with the normal public use of the water and shorelines.
- d. Recreation facilities shall provide adequate provisions to prevent the general public from trespassing and overflowing into adjacent, privately owned properties.
- e. Recreation facilities shall provide signage that prohibits tree cutting and collecting of marine life, driftwood and other natural materials.
- f. Jet skis and water craft with combustion engines are prohibited on Lake Burien.
- g. No person shall moor, anchor or dock a boat or other object overnight on or within 50 feet of the ordinary high water mark at any city beachfront park without authorization from the City of Burien Parks Department.

~~h. Should public access occur on Lake Burien, only hand-carried watercraft shall be allowed to be launched from the public access areas.~~ ^{remove completely} Research shows these hand carried craft carry diseases + invasive species - even with boat washing facilities. They are a hazard to clean lakes

20.30.090 Recreational Mooring Buoys

A recreational mooring buoy is a device used to tie up a boat and typically consists of a line from the boat attached to a float at the water's surface with a cable or line fixed underwater to the submerged ground. The anchor line allows the boat to float and swing around the fixed buoy anchor.

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from the ordinary high water mark out to a minimum water depth of minus ten feet (-10') below mean lower low water.

- d. Directional boring, instead of excavation or trenching is required where *feasible*.
- e. New transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where *feasible* and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions.
- f. New or altered aerial utility lines and vertical utility facilities shall make maximum use of topography to minimize visual impact on the surrounding area.
- g. Communication and radio towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology.
- h. Culverts shall be located and installed in accordance with City of Burien standards and specifications.
- i. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- j. Except for water lines, all underwater pipelines transporting substances hazardous to aquatic life or water quality are prohibited unless no other practical alternative exists. Such facilities shall include an automatic shut off valve on both shorelines and maintenance procedures are established.
- k. Expansion or repair of existing, underground utilities within shoreline jurisdiction shall include reclamation of areas disturbed during construction including, where *feasible*, replanting and maintenance care until the newly planted vegetation is established.

These do not belong in the residential shoreline - They are not a water dependent use in these area