

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion of Draft Shoreline Master Program		Meeting Date: August 2, 2010
Department: Community Development	Attachments: Summary of City Council and Staff Comments	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Scott Greenberg, Comm. Devel. Director or David Johanson, Senior Planner		
Telephone: (206) 248-5510		
Adopted Initiative: <u>Yes</u> No	Initiative Description: Shoreline Master Program Update	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to review, discuss and provide direction to staff on the July 2010 City Council Draft of the Burien Shoreline Master Program (SMP).</p> <p>BACKGROUND (Include prior Council action & discussion): Council discussed the SMP review process on April 5 and May 3, 2010. Educational sessions and public forums were held on June 14 and 21, 2010. Council discussed the July 2010 City Council Draft of the SMP on July 19, 2010. This draft is not included with this agenda bill; please bring the draft with you or contact staff if you need a new copy. It is also available online at http://www.burienwa.gov/index.aspx?NID=851.</p> <p>Council comments and requested text changes received by staff beginning at your July 19th meeting are summarized on the attached matrix. Please note that the matrix includes highlighted rows, these highlighted portions are what staff believes to be the most significant discussion topics and have been highlighted in an effort to help facilitate your discussions. Staff has also included recommendations for each item.</p> <p>The remaining schedule is as follows (subject to change):</p> <ul style="list-style-type: none"> • August 16: Public hearing • August 30 (special meeting): Discussion and adoption • Date TBD: Department of Ecology public hearing and decision on SMP <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Direct staff to prepare final ordinance based on Planning Commission recommendation. 2. Direct staff to make changes to draft ordinance. 		
Administrative Recommendation: Discuss draft and provide direction to staff.		
Committee Recommendation: N/A		
Advisory Board Recommendation: Adopt draft SMP dated 3/30/10.		
Suggested Motion: N/A		
Submitted by: Scott Greenberg	Mike Martin	
Administration	City Manager	
Today's Date: July 27, 2010	File Code: \\File01\records\CC\Agenda Bill 2010\080210cd-2 Shoreline Master Program.docx	

SHORELINE MASTER PROGRAM
Summary of City Council Comments
City Council DRAFT 7/14/2010

* Source	#	TOPIC	PG	SUMMARY of COMMENT	STAFF RESPONSE	CC Direction
RC	1	Overview	4	A list or description of activities that the City has completed and continues to do showing its commitment to environmental stewardship and dedication to improve the health of the Puget Sound and its associated drainage basins.	This information could be added.	
LK	2	20.25.015 [3.b] Urban Conservancy	III-3	Should the new wording in the draft "...such as importation of invasive species to Lake Burien,..." be moved from 20.25.015-Urban Conservancy to 20.25.020 – Shoreline Residential	The added/underlined text in the Urban Conservancy section (20.25.015.3.b) should be removed since the Lake is not located in the Urban Conservancy designation. The complete text (including underlines) from 20.25.015.3.b should be added to the Shoreline Residential management policies.	
LK	3	20.30.001, Figure 4 Shoreline Designations	IV-1	Explain the meaning of shoreline residential, aquatic and conservancy in the permit matrix.	These are shoreline environment designations. We should add a reference to the descriptions of the designations in 20.25 and a reference to the map showing the locations of the designations on the shoreline (20.25.025 Fig. 3).	
LK	4	20.30.007 Existing Development	IV-3	Can an appearance be maintained without it being removed? A. Ryan commented that the language was not clear enough to specifically allow maintenance of appearances without triggering removal. Requests that the SMP clearly state an appearance may be maintained without it requiring removal.	No changes recommended. 20.30.007 is clear that legally established appearances are conforming to the SMP . The SMP does not need to state that conforming structures may be maintained; we do not make this statement in any other land use regulation.	
STF	5	20.30.025 [2.a.ii] Critical Areas/Wetlands	IV-7	20.30.025 [2.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. The reasonable use provisions contained in BMC 19.40.070 (4) do not apply. ii. The following types of wetlands are <u>not</u> 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	Department of Ecology requested change.	
LK	6	20.30.030 [1.f] Flood Hazard Reduction	IV-8	20.30.030 [1.f] – the policy regarding the weir at Lake Burien should be removed.	Staff has no objection to removing the policy.	
STF	7	20.30.030 [2.d.vi] Shoreline Vegetation Consv.	IV-8	Replacement or new lawn areas are prohibited in the vegetation conservation shoreline riparian buffers due to their limited functional benefits and need for chemical and fertilizer application; and	This provision should only apply in the shoreline riparian buffers rather than the 150 foot vegetation conservation buffer.	
LK	8	20.30.035 [1.a] Public Access	IV-9	Public access to publicly owned shoreline areas should be designed to provide for <u>public safety and minimize potential impacts to protect private property and public health and safety individual privacy.</u>	Staff does not recommend adding the terms "publicly owned" because the policy statement should apply to all accesses. We can support the remainder of the edits.	

JB	9	20.30.040 Shoreline Vegetation	IV-11	Landscaping and vegetation standards should be recommended rather than mandatory.	No changes recommended. Mandatory standards are needed to establish a minimum that must be met. There are multiple ways of achieving the minimum standards. There are online and published resources available to assist homeowners in making appropriate choices. We can prepare a list of these documents and resources for our website and as handouts at city hall.
GS	10	20.30.040 [2.a] Shoreline Vegetation	IV-11	There should be more clarification on what constitutes alteration of vegetation that requires a vegetation management plan.	No changes recommended. The proposed 7/14/10 draft definition of "alteration" (in 20.40.000) text is consistent with (and also less restrictive than) the existing Zoning Code definition of "alteration" (BMC 19.10.020).
STF	11	20.30.050 Fig. 5	IV-15	Reference in footnote 1 should be changed to "g" rather than "f".	Technical change needed as a result of formatting changes.
STF	12	20.30.050 Fig. 5	IV-15	Add footnote "3" to Marine Riparian Buffer and Lake Burien Riparian Buffer	Added footnote applies to both the riparian buffers and should be denoted in the table.
BB	13	20.30.050.1	IV-15	Should the term "existing" be changed to "established" to ensure consistent language throughout the document.	The term "structures legally existing" should be changed to "legally established structures".
LK, JB	14	20.30.050 Shoreline Buffers	IV-15	Reduce marine shoreline riparian buffer to 20 feet.	No changes recommended. If Council makes this change additional studies and analysis will be needed to support the reduction before the final document can be sent to DOE. The studies and analysis will have to document that the proposal will meet the objectives of the SMA and guidelines.
GS	15	20.30.050 Shoreline Buffers	IV-15	Reduce marine shoreline riparian buffer to 0 feet behind a bulkhead, with the inclusion of low impact development features.	No changes recommended. See #14 above?
STF	16	20.30.070 [2]	IV-19	Re-number section to follow appropriate formatting sequencing.	Technical change needed as a result of formatting changes.
LK	17	20.30.075 [2.g] Overwater Structures	IV-23	Only one overwater structure is allowed for each single family detached residential lot. On Lake Burien, each single family lot may have one dock or pier, and one float.	No changes recommended. At both the Shoreline Advisory Committee and the Planning Commission staff heard from some lake residents that there was concern that the Lake could have too many floats. They felt that too many floats potentially added to navigation challenges and visually cluttered the lake.
LK	18	20.30.085 [2.h] Public Access	IV-27	Should public access occur on Lake Burien, only hand-carried watercraft shall not be allowed to be launched from the public access areas.	If this was left as amended theoretically all other water craft would be allowed. If the intent is to not allow water craft from a public access point, it may be best to remove the entire regulation or specifically state that no watercraft access is allowed at public access points. Example: "Should public access occur on Lake Burien, no watercraft access is allowed."
STF	19	20.35.010 [2]	V-2	Reference to paragraph 8 should be changed to paragraph 6.	Technical change needed as a result of formatting changes.
LK	20	Inventory and appendices General		Include data and reports from Lake Burien and the Burien Marine Homeowners Association (BMHA).	The additional information is a part of the public record and will be provided to DOE as a part of the formal review process in a public comment volume.
JM	21	Permit Processes		Please include a brief description of the WAC, RCW or BMC when it is referenced in the document.	Titles of the referenced sections can be added.
JM	22	Permit Processes		Earlier in the document can a description of the processes (Shoreline Substantial Dev. Permit, Conditional Use and Variance) be included.	A brief description of the processes can be added to Figure 4 along with a section reference to the procedures section of the BSMP (Chapter V).

*-BB (Councilmember Brian Bennett), JB (Councilmember Jack Block, Jr.), RC (Deputy Mayor Rose Clark), LK (Councilmember Lucy Krakowiak), JM (Mayor Joan McGilton), GS (Councilmember Gordon Shaw), STF (City Staff)