

August 25, 2010

To: Burien City Council
From: Carol Jacobson
3324 SW 172nd St.
Burien, WA

Re: Public Access on marine shoreline

The latest draft of Burien's SMP does not contain any of the suggested changes related to public access on the marine shoreline that have been proposed multiple times both verbally and in writing since this document was with the Planning Commission. The following critical points need to be changed:

1. Burien's SMP needs to acknowledge that public access policies and regulations apply to **public access to publicly owned areas of the shoreline**, as is clearly stated in the SMA.
 - a. RCW 90.58.020 states: (5) Increase public access to **publicly owned** areas of the shorelines; and in RCW 90.58.100 it states that "The master programs shall include, when appropriate, the following: (b) A public access element making provision for **public access to publicly owned areas**."
 - b. In Chapter III of Burien's draft, 20.25.001, it does restate what the SMA says about increasing public access to publicly owned areas of the shoreline as a bullet point, but nowhere in the policies or regulations sections does it acknowledge that the policies and regulations apply to public access to publicly owned areas of the shoreline.
 - c. In Burien, most of the shoreline is under private ownership except for the existing public access points as listed in the inventory (Seahurst Park, Eagle Landing Park, the 2 public access areas on Three Tree Point, and a couple other small accesses).
2. In the City Council meeting on August 16th, Mr. Greenburg stated that they did not want to add the words "publicly owned" to the SMP because: "There could be a situation with 5 lots or more where public access does apply within that situation, the access might not be publicly owned, it could be a private easement, and by adding the words publicly owned you are actually taking out that protection to on private property."
 - a. This response misses the whole point: it is not the **access itself** that is in question, it is what that access is **to** – **publicly owned shoreline**, that needs to be clarified in this SMP. In the case of a subdivision of 5 lots or more, the public access is to the shoreline of that subdivision, just like a property owner's access is to their piece of property on the shoreline.
 - b. If indeed this is the reason they don't want to clarify that public access is meant to apply to publicly owned shoreline, then there needs to be a statement in 20.30.035 prior to the Policies and Regulations sections that states: **These policies and regulations apply to public access areas in existence on (<INSERT DATE OF ADOPTION>) and to public access created by commercial uses, industrial uses, or multifamily subdivisions (5 lots or more) as allowed by the SMA.**
3. Regulation 2c should be removed. It mandates that any unused right of way in shoreline jurisdiction shall be dedicated as public access. This goes way beyond the intent of the SMA and is apparently directed specifically at the shoreline along SW 172nd St. The term "unused right of way" needs to be defined, and the location of any "unused" right of ways in shoreline jurisdiction needs to be revealed by the city. This whole item is totally unnecessary, accomplishes nothing in terms of ecology, and unfairly targets certain citizens in Burien.

CFTR: 08/30/10

