April 22, 2011

The Honorable Joan McGilton, Mayor
City of Burien
400 Southwest 152nd Street, Suite 300
Burien, WA 98166

Re: City of Burien Comprehensive Shoreline Master Program Update
Resolution 317

Dear Mayor McGilton:

I would like to take this opportunity to commend the city of Burien (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) Update.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) approves this comprehensive SMP update, subject to required changes detailed in Attachment B. Suggested changes are proposed in Attachment C. The findings and conclusions that support Ecology’s decision are enclosed as Attachment A. Also enclosed is a Responsiveness Summary for Public Comments as Attachment D.

Since most of Burien’s shorelines are already developed, the status of existing residences under the updated SMP regulations is understandably a key issue for the community. We concur with the City that legally pre-existing residences should be considered “conforming” structures. We also agree that the SMP should protect the homeowner’s ability to repair and maintain their properties.

However, the City’s proposal for a narrow 20-foot buffer is a significant concern for Ecology. This narrow buffer would allow significant numbers of existing residences to expand closer to the shoreline. Our SMP revisions in Attachment B are based on the approach developed by the Burien Planning Commission (50-foot buffer plus 15-foot setback, with allowance for “common line” setbacks; and a review process for expansions of existing residences.) From our perspective, these provisions will protect the interests of both residents and shoreline habitat.

Because required changes are involved in this proposed SMP, the amendment will not become effective until Ecology receives written notice that the City agrees to the changes1. Receipt of the City’s written agreement to the required changes will constitute final action by Ecology approving the Burien SMP comprehensive update.

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1 WAC 173-26-120(7)(b)(i)
If you wish to propose alternative SMP language to the changes listed in Attachment B, then pursuant to WAC 173-26-120(7)(b)(ii), you may propose to Ecology alternative amendments where they are consistent with the scope of the original submittal, SMA policy and the applicable guidelines. At that point, Ecology will need to review and approve the alternative amendment(s) before they become effective.

To summarize, please advise us whether the required and recommended changes are acceptable. If the City agrees with the changes, please notify Ecology in writing by sending the notice to the Director’s Office at the following address:

WA State Department of Ecology
Attention: Director’s Office
PO Box 47600
Olympia, WA 98504-6700

Thank you again for your efforts. If you have any questions, please contact our Regional Planner, Bob Fritzen, at Bob.Fritzen@ecy.wa.gov/(360) 715-5207.

Sincerely,

Ted Sturdevant
Director

Enclosures

By certified mail [7003 1010 0005 0569 1512]

cc: Bob Fritzen, Department of Ecology
Scott Greenberg, City of Burien
David Johanson, City of Burien
Peter Skowlund, Department of Ecology
Geoff Tallent, Department of Ecology