

Lisa Clausen

From: Council
Sent: Tuesday, February 09, 2010 1:30 PM
To: 'Julie Dow'
Subject: RE: Planning Commission Meeting tonight regarding Shoreline Management Program, 9 February 2009

Thank you for cc'ing the Council on your message. It will be included in the Correspondence for the Record for an upcoming Council meeting.

L. Clausen
City Manager's Office

From: Julie Dow [mailto:jbd@dowhotelco.com]
Sent: Tuesday, February 09, 2010 9:24 AM
To: Susan Coles
Cc: David Johanson; Council; editor@b-townblog.com; kenr@robinsonnews.com; ericm@robinsonnews.com
Subject: Planning Commission Meeting tonight regarding Shoreline Management Program, 9 February 2009

Good morning Susan. We are unable to attend the Planning Commission Meeting tonight. Please submit our written comments on the Shoreline Management Plan to the commission (they are attached as a Word file). If the attachment does not come through, or if there is any reason that these comments can not be submitted, please contact me at 206-431-9293. Also please advise if you need a signed copy as I can deliver one to you today at your office if needed. Thank you, Julie Dow 9 Three Tree Point Lane 98166

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Murray and Julie Dow
9 SW Three Tree Point Lane
Burien, WA 98166
206-431-9293

7 February 2010

The Burien Planning Commission
c/o Susan Coles, Community Development Department Assistant
The City of Burien
400 SW 152nd Street
Burien, WA 98166

To the Burien Planning Commission,

Thank you for your time in representing our community and care in crafting a Shoreline Management Program ("SMP") which reflects the values of our citizens and an informed viewpoint.

As taxpayers in Burien, we are very concerned as to the cost of implementing and enforcing this complex plan. Unfunded mandates will only plunge our city further into red-ink.

We have reviewed the proposed plan and offer the following comments:

Are existing laws being enforced before we add more? Does Burien have the funding to "increase recreation elements"? Currently there is not enforcement of public beach access: especially the dawn-to-dusk rules and unleashed pets. While most people are respectful, some are not. It would be irresponsible for the city to increase/promote beach access without a funded plan to enforce the existing laws. Our understanding is that there is not funding to increase patrol/enforcement services.

A basic premise of law enforcement is lighting, if public access to The Three Tree Point area is to enhanced or promoted, the city should also assume full responsibility for the street lighting in the area, a portion of which residents currently pay as the city will not. (We have to ask, if the city can't/won't pay to even keep the street lights on now, how would the city responsibly propose to increase and promote beach access including parking etc?).

Preservation of Views/Public Utilities/Passageways: We are generally supportive of the idea to improve the "pathways, sidewalks, passageways" and bike access in our neighborhood, (and throughout the city, for all citizens) as an appropriate function of government and the greater good, assuming that the city has the means to pay for it and can do so in way which respects private property. In addition to planning how to protect & regulate private property, the city should also plan for relocating utility lines which currently obscure many of the bluff and waterfront views as part of the plan, it would increase enjoyment of the shorefront views for all.

Shoreline "conservation elements" and "recreation elements" a conflict?: **Access** is a concept that should be approached carefully, if an area is to remain as a natural ecosystem, then paving over parking areas and enhancing services (for, as the plan states "community values"), environmental conservation can/does conflict. For example, a baby sea lion was placed on our land by her mother while she hunted. We shoed away the off leash dogs and people screaming "oh how cute, take a picture", if we had allowed the people to approach the animal, it likely would have been abandoned by its mother.

As residents of the beach nearby an existing public access "street end", we have experience to comment on the feasibility of increasing such access as proposed by the plan. We believe that private landowners are incented to take care of their natural surroundings and take an active role in preservation more than anyone who can just walk on the beach, perhaps unknowingly, disturb wildlife and plant life, leave their garbage etc and walk away without any responsibility. Rather than chop up areas of well cared for coast to add "pocket parks" and "street ends" (and they really need services if we are going to do so) we think it would be much more responsible to use the city's limited resources to enhance current parks of Seahurst and Eagle Landing.

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Murray and Julie Dow to City of Burien Planning Commission regarding Shoreline Management Program
7 February 2010

To gain acceptance to pass the SMP, The Commission needs to grandfather existing homes: We submit that all current legal existing structures should be grandfathered into the plan, using that exact language. We think this will go a long way toward gaining support of the citizens, and assist the city in maintaining the tax base it currently has.

Catastrophic Rebuilding Regulations: Most importantly, without the express and written right to completely restore their property in a disaster, many homeowners will not be able to insure their property, and therefore will not be able to re-finance and/or sell to anyone who needs a mortgage, sending property values and the tax base into a tailspin. If true rebuilding is the intent of the regulation, it seems simple enough to state it.

Without public support and a tax base to fund the plan, the SMP it is just not workable, even if mandated by the state, which also has no money. We need to balance ideals with practical budgetary realities.

In particular the phrases in 20.35.005" "the plan shall be liberally construed...exemptions shall be narrowly construed" is troubling. This could become overbearing and opens the city and its citizens to the possible abuse of government authority. It exposes the city to litigation as written. That there will be some sort of "trade offs" made in the regulation and permitting process, with value judgments on the part of the city employees is scary. This must be corrected and clarified.

For many of us at "Three Tree Point", our homes are our biggest investment and represent our lives work. We take our environmental and community stewardship responsibilities seriously. We are very willing to work together on a board that provides representation of shoreline homeowners for the greater good of our city and our environment.

We thank you for your efforts in representing the entire community in this complex issue. We are very concerned with the expense of these regulations without a plan to pay for them, and the erosion of the entire area's property values. Yet we are optimistic that public sentiment will be considered.

Please enter our comments into the applicable public records.

Most sincerely,

Murray and Julie Dow

cc: David Johnson, AICP – Senior Planner, The City of Burien –
Burien City Council
The Highline Times
The B-Town Blog