Lisa Clausen

From: Council
Sent: Tuesday, February 09, 2010 1:33 PM
To: 'Andrew Ryan'
Subject: RE: Shoreline Mgmt Plan comments.

Thank you for cc'ing the City Council on your email. Your message will be included in the Correspondence for the Record for an upcoming Council meeting.
L. Clausen
Burien City Manager's Office

From: Andrew Ryan [mailto:Andrew.Ryan@insitu.com]
Sent: Tuesday, February 09, 2010 12:33 PM
To: Susan Coles
Cc: Council
Subject: Shoreline Mgmt Plan comments.

Hello Susan, been a while since we've chatted. The new SMP is stirring things up a bit and I'm unable to attend tonight due to business travel so thought I'ld better send some comments. Could you please submit these to the commision.

Thank you
Andy Ryan
253-653-3379

CFTR: 02/22/10

Andrew and Diane Ryan
16525 Maplewild Ave SW
Burien, WA 98166
206-248-1822

8 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,

We appreciate the time and effort you have spent in developing the Shoreline Management Program ("SMP") and the goals it represents.

However, as waterfront property owners and taxpayers in Burien, we are very concerned regarding implementation of some of the requirements and the cost associated with implementation and enforcement. Additionally we're concerned that there appears to be limited input to the creation of this document by anyone that actually is a waterfront property owner.

We have the following high level comments regarding aspects of the plan.:

Section 20.30.035 Public Access: Relative to the two street ends on Three Tree Point, the City currently does not comply with elements of this paragraph, such as access, enforcement of restrictions, or "fully developed for public use". Does City have funding to comply with the requirements identified in this plan? The City does little presently to protect neighboring property owners rights from issues associated with these public areas.

Section 20.30.040 Shoreline Vegetation Conservation: Alterations is not well defined. Inference is that we as affected property owners need to create (fund) a vegetation management plan to be able trim brush or to plant annual flowers in our yard (except that flowers don't comply w/ goal of all native plants). Likewise. consultation w/ the "Shoreline Administrator" is required (daily, weekly, annually?) should we want to remove (only if by hand) any of the invasive weeds (i.e. the English Ivy so prevalent in our area). It also states "lawn is prohibited" which creates a bit of a problem for those that have lawn abutting the beachfront. Besides being highly impractical, it creates additional bureaucracy, and is totally subjective, unmanageable and creates significant expense for both the City and property owners.

Section 20.30.070 Bulkheads and Other Shoreline Stabilization Structures: This section needs to definitively state that existing structures and locations are grandfathered in such that damaged bulkheads may be rebuilt. Such language needs also include non-primary structures such as boat sheds, gazebos, etc. Additionally, many of the current bulkheads are waterwards of the Ordinary High Water Mark (OHWM) and should be able to rebuilt in the same location in the event of a catastrophic failure. Limitations such as prior to January 1, 1992 , etc, do nothing to protect the property owner. Also curious as to who is taking responsibility for item (2) h regarding sizing of structures and how that, and the 4 foot maximum height restriction above OHWM discussed elsewhere in the plan, relate to recent FEMA Basic Flood Elevation determinations.

Section 20.30.075 Docks, Piers, and Floats: Regulations indicate new floats shall be limited to permitted use and require certain light refraction, board spacing, and other requirements. These are identified as Regulations, not recommendations. This sounds like additional expense to the city and poor use of our tax dollars. Additionally the definitions don't address temporary floats such as inflatable's. For someone desiring to build a pier, there is a highly involved process already required, and a 150 sq ft limitation on such a structure is unrealistic.

Section 20.30.080 Habitat Restoration and Enhancement: Our entire property fits w/i the Vegetation Conservation boundaries. Between this section and 20.30.040 our rights as property owners are ridiculously restrictive. It is extremely difficult to believe that the uphill area between our residence and Maplewild Ave SW has such an impact on the shoreline that it justifies the limits identified in the restrictions in these paragraphs.

Section 20.30.090 Recreational Mooring Buoys: Who is paying for our new buoy location and configuration enforcement? Is this really a problem that City Government needs to concern themselves with?

Section 20.30.095 Residential Development/ 20/35/025 Exemptions from Shoreline Substantial Development: These need to be written in such a way that property owners are allowed to protect, rebuild, remodel, expand if desired, their existing properties. Three Tree Point is a unique are where many of the existing structures, both primary and secondary, do not comply w/ existing codes and requirements, including already extending beyond OHWM. Additionally. w/ lot sizes ranging from 30 – 60' wide, and in critical ordinance areas, this language has the appearance that certain property owners are in danger of losing everything should there be a catastrophic event. The $5,718 and 50% limits are ludicrous. **These, and related regulations, needs to revised such that all existing properties are grandfathered in w/ the capability to be rebuilt as is.**

Section 20.35.045 Alterations or Reconstruction of Non-Conforming Structures or Uses: Why should non-conforming structures be limited from uphill, non-waterwards, expansions. More significantly however, the proposed regulations could force a property owner bound by the vegetation conservation area and OHWM restrictions to lose everything.. **Property owners must have the rights to completely restore their properties in case of a disaster. These rights need to be expressly written, not in subjective terms, and not subject to arbitrary criteria (i..e. < 50% damaged)**

The above represents just an overview of our concerns as the plan and our subsequent document are both to voluminous to discuss in the context of this letter. We would be more than willing to entertain a dialogue on more discrete points if an opportunity exists. Unfortunately, three minute speaking limitations at the public meetings do not lend themselves to detailed discussions either.

While being highly critical of numerous sections of the SMP, we strongly support the long term goal of improving public access, and especially the health and welfare of Puget Sound. Those of us who are fortunate enough to have waterfront property are highly incentivized to protect that resource. Unfortunately, in our opinion, many of the items in this plan do little to benefit that goal, and instead are just additional bureaucratic and financial impositions aimed in our direction. An educational process starting with the status quo working towards common practical goals rather than authoritative regulations that threaten the properties that we have worked a lifetime to acquire would be a more desired approach.

Please enter our comments into the applicable public records.

Sincerely,

Andrew & Diane Ryan