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MAR 12 2010

CITY OF BURIEN

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To: Burien Planning Commission
Burien City Council
David Johanson, Senior Planner

From: Carol Jacobson
3324 SW 172nd St.

Re: Response to issues discussed at March 9th Planning Commission meeting regarding Burien's proposed SMP

After watching the proceedings from this meeting on-line, I am compelled to send yet another letter trying to clarify issues that are critically important to shoreline homeowners. These issues continue to be either ignored or glossed over superficially in these discussions. It is obvious from listening to comments and questions at this meeting that members of the Planning Commission do not understand how the language in some of these items will actually affect people living on the shoreline. It is also obvious that city staff is only partially answering questions posed by commissioners and leaving out critical pieces of information that will have a profound effect on shoreline homeowners.

First, regarding the discussion about nonconforming structures and the table of information that was provided by city staff comparing what other cities have done (very helpful information, so thank you for that). The table presents information from 9 different cities. Two of the critical concerns with Burien's proposed language regarding the trigger for initiating the regulations being proposed for nonconforming structures that are destroyed are **% of destruction required** and whether that % is related to **assessed value or replacement cost**. Of the 9 cities reported on in this table, only one other city requires 50%, while 6 require 75%, and it appears that 2 actually allow replacement in kind regardless of % destruction. David tried to justify Burien's 50% by saying that it is consistent with other parts of the city and that if it were different it would be "tricky" to administer, so for "ease of administration" Burien wants to keep 50%.

The goal of the SMA and shoreline master programs is not to make city staff's job "easier". One size does not fit all when it comes to these shoreline issues. What may work for the rest of Burien does not necessarily work for the shoreline areas. In fact, what works for one area of the shoreline does not work for other areas due to individualized differences that must be taken into account when coming up with regulations such as these. If that were true then we wouldn't need to have shoreline management plans in the first place. So just because Burien's zoning code says 50% doesn't mean it is right or that it should be applied to the shoreline areas, especially since it will have potentially devastating effects on up to 80% of homes on the shoreline. Perhaps the rest of Burien's codes need to be changed to 75%, which is recommended by the state and adopted by the vast majority of cities in this survey, if indeed there even needs to be a % specified at all. Please note that all but one city uses replacement value rather than assessed value, which is what Burien should also adopt. Also please note that there are NO VEGETATION REQUIREMENTS

CFTR: 03/22/10

PC: 03/15/10

listed as criteria for reconstruction in any of these cities, which is the even bigger issue with Burien's plan.

The real potential danger with this whole nonconforming issue is that once a structure meets whatever trigger is decided upon, the real trouble begins for marine shoreline homeowners. David continues to try to make it sound like its no big deal – homeowners can rebuild in the same foot print and the “only thing that kicks in are the criteria.” Thus enter the vegetation requirements, and therein lies the problem for probably 80% of homes on the marine shoreline. Let me use my own as an example:

I live on SW 172nd St. and the road is literally in my front yard about 3 feet outside my front door. The 50 foot buffer plus the 15 foot setback puts that magic line inside my house, therefore I am automatically nonconforming. If my house is destroyed and I have to meet the vegetation requirements set forth in 20.30.040 of the Burien SMP, I will not be allowed to rebuild. My lot is 40 feet wide, so 40 feet times the 50 foot buffer = 2000 sq feet. According to the vegetation requirements 75% of that buffer (in my case 1500 sq ft) would have to be vegetated – which is impossible for me to do because it would require planting in the roadway. Therefore, since we cannot meet the vegetation requirement we would not be allowed to rebuild. This applies to every house on SW 172nd St. and the rest of the houses in the M4 reach as well as to most of the houses in the M3 reach. I don't know about M1 or M2 but I suspect many of them would also be unable to meet this requirement.

Because most of us on the shoreline have a steep hill behind our house which prevents us from becoming “conforming” in terms of buffers and setbacks, I am requesting that Burien change section 20.35.045 (4) to read:

Nonconforming structures that are destroyed, deteriorated, or damaged by fire, explosion, flood, or other casualty may be reconstructed to those configurations existing at the time the structure was damaged provided that the following criteria are met:

- a. The structure must be located landward of the OHWM**
- b. Reconstruction shall result in no net loss of shoreline ecological function**
- c. Reconstruction shall not increase the extent of nonconformity**
- d. An application is filed to reconstruct the structure within 18 months of the date of the damage.**

At a very minimum, if the above language is not adopted, the % destruction needs to be 75% of the replacement cost and the vegetation requirements need to be deleted from the document as they relate to nonconforming structures since they are impossible for most existing houses to meet. In addition, our ability to get insurance, to obtain financing, or to sell our homes would most likely be negatively impacted by constrictions placed on our property by the proposed SMP wording.

Please consider the REAL LIFE IMPLICATIONS of the words you are reading in this document before you decide that they “sound reasonable”!

Thank you for your time and consideration of this request.

Carol Jacobson