

Lisa Clausen

From: Public Council Inbox
To: Ryan, Andrew F
Subject: RE: Comments re Ju 21 Council SMP meeting

Thank you for your message to the Burien City Council. It will be included in the Correspondence for the Record for an upcoming Council meeting.

L. Clausen
City Manager's Office

-----Original Message-----

From: Ryan, Andrew F [mailto:andrew.f.ryan@boeing.com]
Sent: Tuesday, June 22, 2010 9:58 AM
To: Public Council Inbox; David Johanson
Subject: Comments re Ju 21 Council SMP meeting

First of all I would like to thank you for holding these meetings as I believe they have been very informative. There were a few comments/observations made last night that I would like to address, plus I have a specific question to Mr Johanson that I was unable to ask last night.

I'm encouraged by the Council's comments regarding search for other alternatives and a desire for practical applications towards a goal that benefit Puget Sound as opposed to a one-size fits all solution. The configurations of properties not only between reaches but within the individual reaches are so diverse that in my opinion a blanket solution is unreasonable.

I was also encouraged by the DOE presentation stating that preservation of private property and property owners rights was one of the overarching guidelines in the state regulations as this had been omitted from previous presentations to the council.

I was disturbed by comments made by Ecology last night that it was up to the individual ~200 jurisdictions to develop and enforce their requirements and regulations. While DOE has minimum requirements, the inference is that is is less about the science, and more about the regulations - any regulations. This concept was further re-enforced when one of the audience asked our DOE representative about being proactive by implementing the proscribed native vegetation buffer now, in an attempt to satisfy the buffer requirement to establish future rights to rebuild. The lack of an answer and deferral to city regulations was disenchanting to say the least.

The response to the individuals question/comments regarding the ability to rebuild his house located between the Indian Trail and the beach response was less than forward, but finally answered the question in that he would have to remove existing "improvements" along the 20 foot band parallel and adjacent to the shoreline and revegetate to natural conditions. This would seem to be in conflict w/ the requirement that "the buffer area shall be revegetated, where it is degraded; " that was stressed numerous times last night.

Additionally, as I have stated before, this is the area that we property owners use to enjoy our waterfront, and removal of that ability is unacceptable. For some of us (see below) that is the only portion of our property, excluding structures, that is not vegetated.

Regarding the Mayor's comment on property valuations, there are not many properties on Burien's "Gold Coast" as she described it in the \$3 -\$4M dollar range, at least not in Reaches M3 and M4. Major portions of Reach 3 I like to refer to as the "Cheap Seats" of waterfront properties because it includes homes that are well under \$1M, and not all

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teardowns as the comment was made. While there are several teardowns, (3 w/i a stone throw of my property), the majority of these houses are lower priced due to access issues as one has to hike up to several hundred yards and 100 - 200 ft elevation gain/loss to get to them. Most people are unwilling to pay premium waterfront dollars for a house they cannot drive to - not because they are teardowns. Incidentally, many of these lots appear to have more existing native vegetation than any of the other properties along the shoreline.

Mr. Rea asked a question about the replacement of appurtenances last night such as decks in the event of a catastrophic event. I believe Staff response was that decks were part of the structure and therefore replacement should not be an issue.

However, Appurtenance is a defined term in the SMP as follows:

20.40.005 Appurtenance means development necessarily connected to the use and enjoyment of a single family residence and located landward of the perimeter of an associated wetland and landward of the ordinary high water mark. Normal appurtenances include a garage; deck; driveway; utilities solely servicing the subject single family residence; fences; and grading which does not exceed 250 cubic yards.

The emphasis on "decks" is mine which leads to my question for Mr. Johanson.

Section 20.30.095 Residential Development states the following:

20.30.095 Residential Development

Single family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Residential development shall mean the construction or exterior alteration of one or more buildings, structures or portions thereof which are designed for and used to provide a place of abode for human beings including one and two family detached dwellings, multi-family residences, townhouses and condominiums, together with appurtenances and accessory structures. Bed and Breakfast establishments are considered an accessory use (Emphasis is mine)

Contained within the regulation of the is particular proposed BMC is the following:

2. Regulations

g. Accessory structures and Appurtenances. Accessory structures and appurtenances must be proportional in size and purpose to the residence and compatible with onsite and adjacent structures, uses and natural features. Accessory structures and appurtenances that are not water-dependent are not permitted waterward of the principal residence unless clearly water-dependent (buoys, docks and floats) and used for recreational or personal use. Except for fences less than 6 feet high, accessory and appurtenant structures shall not be located within shoreline buffers or riparian buffer setbacks to assure that buffer integrity is maintained. (Again the emphasis is mine)

So given the above definition and regulation, my question is:

Independent of of the 75% catastrophic loss criteria we discussed so much last night, doesn't this proposed regulation mean that: 1) Decks are appurtenances and therefore, if waterward of the primary structure, are no longer permitted; and 2) in order to get a permit for exterior modifications (i.e. - new roof, deck or siding replacement, etc) residents would be required to remove their waterward appurtenances (which I believe includes decks, boathouses, cabanas, garages, carports)?

Thank you again for all the time and effort your expending, the holding of these special meetings and your goal to achieve a workable solution.

Sincerely
Andy Ryan

