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AUG 25 2010

CITY OF EUREKA

City Council,

Please excuse the hodgepodge. I am writing this under duress and time restraint.

My concern is one line. Out of 282 plus 70 = 352 waterfront properties, possibly a half dozen including myself will be impacted by this one line.

2-23-10 Greg Anderson: There is no reason to draft a plan that is overly restrictive. The plan is supposed to focus on no net loss and it should be the least restrictive possible to protect shoreline property owners.

173-26-186 (5): Local government should use a process designed to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights.

**Title 25
SHORELINE MANAGEMENT**

(King County 6-2008)

DEFINITIONS

25.08.210 Float. "Float" means a structure or device which is not a breakwater and which is moored, anchored, or otherwise secured in the waters of King County and which is not connected to the shoreline. (Ord. 3688 § 220, 1978).

25.08.370 Pier. "Pier" or "dock" means a structure built in or over or floating upon the water extending from the shore, which may be used as a landing place for marine transport or for air or water craft or recreational activities. (Ord. 3688 § 234, 1978).

(King County 9-2008)

URBAN ENVIRONMENT

25.16.140

25.16.140 Residential development - Piers, moorage, or launching facilities - Accessory to single-family residence.

B. No more than one pier for each residence is permitted.

H. Floats are limited by the following conditions:

1. One float per residence is permitted.

Frequently Asked Questions Publication Number: 09-06-029 1 10/09; rev.

4/10 Shorelands and Environmental Assistance Revised April 2010

Shoreline Master Programs

Q: Why are shoreline master programs important?

A: Shorelines are where the land and water meet.

CFR: 08/30/10

Letter by Eric Denton stated: "We maintain a raft year-round as a sanctuary for birds and young mammals." Floats are necessary for wildlife. Please refer to his letter and photo of 8-2-10.

Sent to City Council on Thursday, June 10, Questions for SMP Public Forums by Andrew Ryan: Discussion regarding overwater structures (20.130.075):

Personal observation is that marine life tends to concentrate under piers and floats yet these structures are deemed non-desirable

1961 Webster's 3rd new international dictionary: float – a flat bottomed boat – raft

Matrix: No changes recommended. At both the Shoreline Advisory Committee and the Planning Commission staff heard from some lake residents that there was concern that the Lake could have too many floats. They felt that too many floats potentially added to navigation challenges and visually cluttered the lake.

8-2-10: Lake Burien Shore Club: References by staff to Lake Burien residents commenting on visual impairment and navigation issues are unfounded. ---, no one recalls any comment of the kind ever being made.

I read all advisory summaries, planning minutes and watched all DVDs and there was never a mention of navigation obstacles. ~~I wish my photos had come through to the computer.~~

8-2-10: Mayor said this is a Lake Burien call.

Gordon Shaw was correct in his statement. The residents have had the ability to have both for years. There are not a bunch out there – can't imagine it changing much. Some floats get too much to maintain so they get rid of them entirely.

Being a Lake Burien resident for 70 years, climbing over an 85 year old bulkhead and swimming to a raft, I have now discovered I may need a dock for my boat, but will be told 'no.' Since so many property owners gave up their rafts in favor of barges, which take up as much or more water surface, the line could simply read:

20.30.075 [2.g] Overwater Structures: Only one overwater structure is allowed for each single family detached residential lot. **On Lake Burien, each single family lot may have one dock and/or float.**

My bulkhead harbors crawdads and little fish. My raft also has baby crawdads clinging to the underside. Some docks are floats that have footings pounded into the shoreline and simply go up and down with the current or water level. Barges are tethered or tied to a dock with rope. Floats are anchored with a cement block at the end of a rope that swings freely to the extent of the rope. Docks above water are safe havens for small migratory ducks from large bird predators.

The float completes my space. Of course, I could always reel it in and call it a barge, but that defeats the purpose of anchoring it 80 feet off shore to watch blue herons, kingfishers, cormorants, mergansers, coots and our ever present, but, sadly, diminishing population of Mallards.

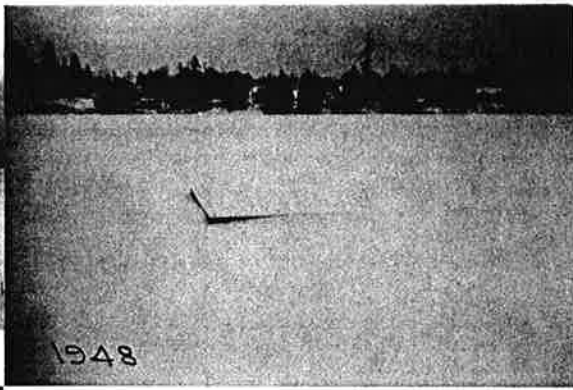
By the way, was there any mention of owls? Yes, we have owls.

The only way of getting around not calling a barge a float is simply by attaching a motor. Fish and Wild Life laughed and said, that's the way to get around it!

Sandra Engset
1449 SW 152



1944



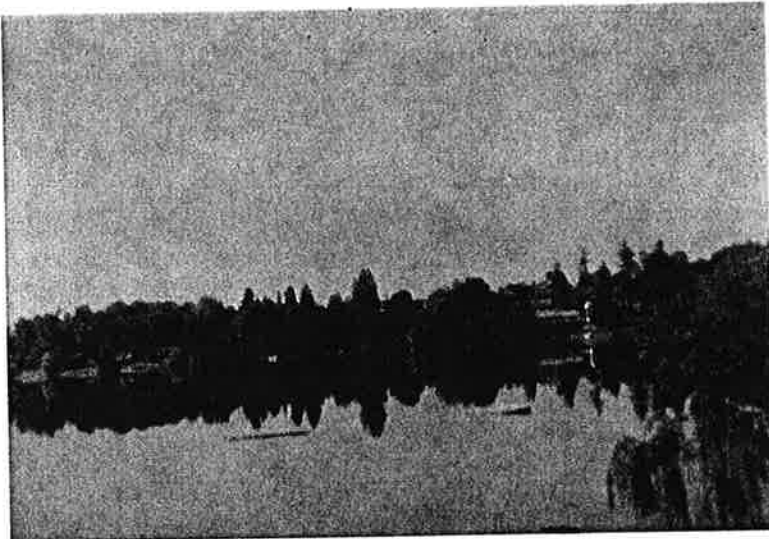
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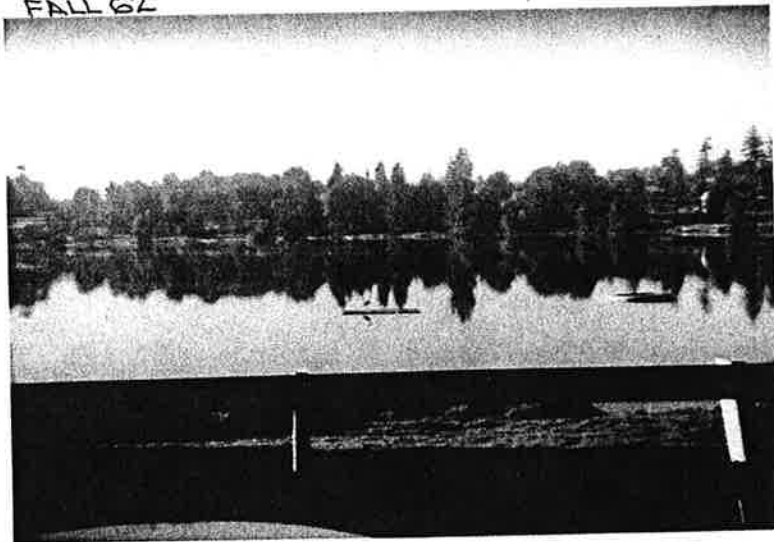


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JUNE 62

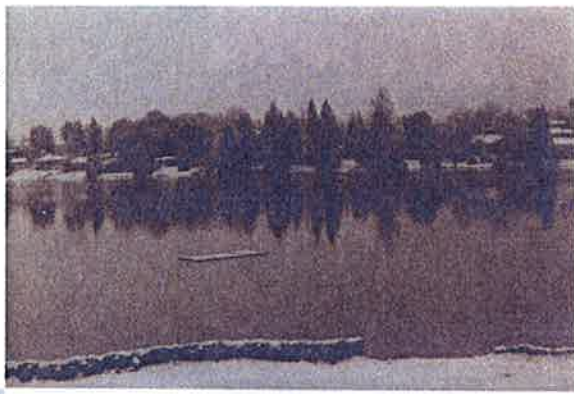
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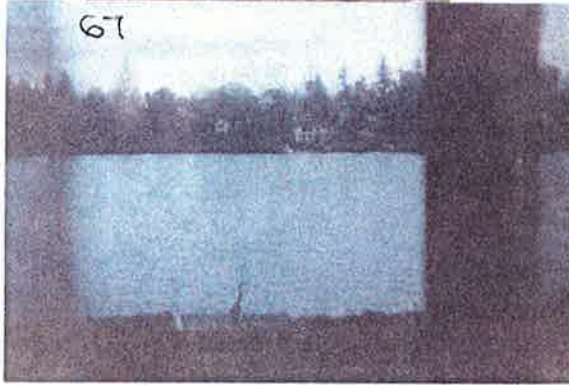
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BLUE HERON

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BLUE HERON

7-83



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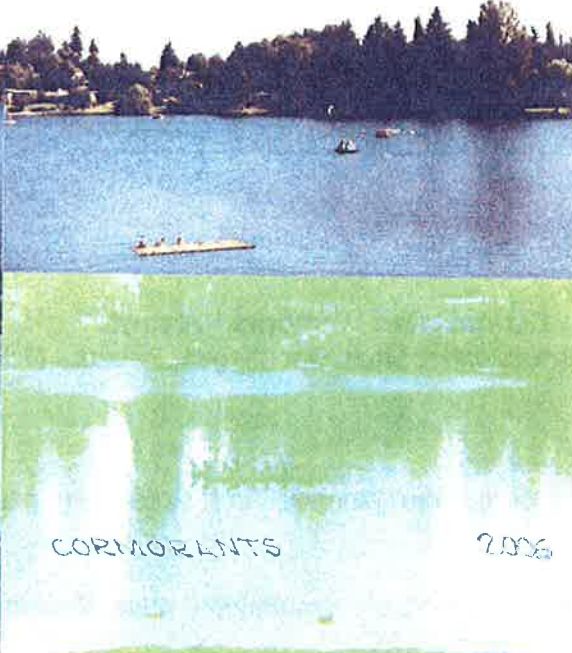
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City of Burien

BURIEN PLANNING COMMISSION MEETING

March 23, 2010

7:00 p.m.

City Council Chambers

MINUTES

Planning Commission Members Present:

Joe Fitzgibbon, Janet Shull, Jim Clingan, Rebecca McInteer, Rachel Pizarro

Absent:

None

Others Present:

David Johanson, senior planner; Scott Greenberg, planning director; Nicole Faghin, Reid Middleton, Inc.

Old Business

A. Discussion and Possible Recommendation: Shoreline Master Program Update

The issue of overwater structures was focused on next. Mr. Johanson referred to the language supplied to the commissioners at the March 16 meeting.

Ms. Faghin said the issue relates to 20.30.075 and the need for overwater structures to be more inclusive. She said a global change was made to the text to correct that issue. The commissioners agreed with the revision.

Ms. Faghin noted that all new development standards were added to the section, starting with paragraph (h). Additionally, two new elements were added dealing with decking and piles to be consistent with the Department of Fish and Wildlife requirements. A new section was added with regard to repair and replacement as well, and another addressing floats and swim platforms.

Commissioner Clingan referred to the development standards in paragraph (h) and suggested that the level of detail included is too much. Some of the details may not apply to specific properties, and the issue previously discussed relative to sharing stairways and trams may equally apply to sharing docks and the like. Ms. Faghin explained that the Department of Fish and Wildlife and Corps of Engineers standards are very strict, and applicants wanting a permit for a dock must obtain their permits as well as the City's permits. The section was drafted to line up with those other processes so that an applicant will not find themselves spending time and money in design work only to find out that the City's standards do not mesh with the standards of the other two permitting agencies. That was the reason for including all of the detail.

Commissioner Clingan suggested the section will encourage people to take very good care of their existing docks. He also noted that a maximum of two new recreational floats will be allowed on Lake Burien, and asked where that recommendation came from. Ms. Faghin said that came from staff and the consultant and was based on the size of the lake and the programs of other jurisdictions.

Commissioner Shull said the programs in some jurisdictions allow either a dock or a swim float but not both. She said she was bothered by the strict limitation on swim floats applicable to the entire lake. Mr. Johanson said staff could look into taking that approach.

Mr. Greenberg pointed out that there are not a lot of guidelines for docks and overwater structures in the Shoreline Master Program guidelines. There is nothing included about the total number of floats or about what their maximum size should be.

Chair Fitzgibbon commented that if all of the property owners along Lake Burien have decided not to have a swim float, there will be no problem. However, there is a fairness issue involved: the strict limit means the first two in the door will be winners and everyone else will lose out. He said he could support language allowing either a dock or a float but not both.

Commissioner Clingan observed that the two floats currently in the lake appear to be part of the Lake Burien community. Mr. Johanson said he has been told that the floats are jointly owned, but that information has not been verified.

Commissioner McInteer suggested the staff should go back and get the information the commission needs in order to make a decision.

Ms. Faghin said limiting swim floats on waters where there could be conflicts between people and motorboats certainly makes sense. In the case of Lake Burien and along the city's marine shorelines, that particular issue does not really apply.

Staff was directed to come back with additional information and to take up the issue again at the next commission meeting.

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City of Burien

BURIEN PLANNING COMMISSION

SPECIAL MEETING

March 30, 2010

7:00 p.m.

Multipurpose Room/Council Chambers

MINUTES

Planning Commission Members Present:

Joe Fitzgibbon, Janet Shull, Jim Clingan, Rebecca McInteer, Rachel Pizarro

Absent:

None

Others Present:

David Johanson, senior planner

Old Business

A. Discussion and Possible Recommendation: Shoreline Master Program Update

The first issue dealt with piers, docks and floats, or what is called in the draft document "over-water structures." He said the recommendation of staff was the language included on page IV-20 of the draft. The new language defers to the regulations of the Department of Fish and Wildlife and the Army Corps of Engineers. If those regulations change, the City will not need to update its Shoreline Master Program accordingly.

Commissioner Clingan voiced his support for the change, especially the strike out of (h) on page VI-21.

Chair Fitzgibbon indicated his agreement and reiterated the notion of having the Shoreline Master Program matching the regulations of the Department of Fish and Wildlife and the Army Corps of Engineers. It should be expected that their standards will change over time, thus they should not be set in stone at the city level.

Commissioner McInteer asked if the Army Corps of Engineers and the Department of Fish and Wildlife even have regulations for over-water structures. Mr. Johanson said the Army Corps of Engineers has standards associated with its regional general permit. He said he did not know if the Department of Fish and Wildlife has any specifically written code regulations relative to docks, piers and floats.

Chair Fitzgibbon suggested that if the Department of Ecology wants jurisdictions to adopt more restrictive standards on the size of over-water structures, they should say so and be specific. Mr. Johanson said staff had not conferred with the Department of Ecology. The consultant, Nicole Faghin with Reid Middleton, had conversations with the Department of Fish and Wildlife and other jurisdictions. He stated that it is possible that the Department of Ecology will want to see more prescriptive language after it reviews the City's submittal.

20.30.075 Over-Water Structures—Including Docks, Piers and Floats

Docks are fixed structures floating upon the water. *Piers* are fixed, pile-supported structures. *Floats* (rafts) are floating structures that are moored, anchored, or otherwise secured in the water that are not directly connected to the shoreline. All of these types of overwater structures are found in the City's shoreline jurisdiction. These structures typically require permits from local, state and federal agencies. For structures overlying state owned lands, an Aquatic Lands lease and authorization from the Department of Natural Resources is required. For the purposes of this section, docks, piers, and floats will be called Over-Water Structures and addressed together **unless otherwise noted**. In addition to the following policies and regulations, applicants for an over-water structure should contact other permitting agencies including the Washington State Dept. of Fish and Wildlife and U.S. Army Corps of Engineers for their requirements, including dimensional standards.

1. Policies

- a. Over-water structures should be designed to minimize impacts to ecological functions of the water body including but not limited to water quality, anadromous and forage fish habitat, spawning and rearing areas, migration, and passage.
- b. New over-water structures should be restricted to the minimum size necessary and permitted only when the applicant has demonstrated that a specific need exists to support the intended *water dependent* use.
- c. Ensure that over-water structures are designed and maintained to avoid adverse impacts to the environment and shoreline aesthetics and minimize interference with the public's use of the water and public beach area.
- d. Encourage the use of mooring buoys in place of over-water structures.
- e. Encourage shared docks between multiple owners for single family waterfront development to minimize over-water coverage adversely impacting shoreline ecological functions.
- f. Over-water structures should be designed to avoid the need for maintenance dredging. The moorage of a boat larger than provided for in the original moorage design shall not be grounds for approval of dredging.

2. Regulations

- a. New over-water structures shall be limited to those required as part of a permitted water dependent use or for joint use of the facility.
- b. Private, single residence over-water structures for the sole use of the property owner shall not be considered an outright use on City of Burien marine shorelines. An over-water structure may be allowed on the marine shoreline when the applicant has demonstrated a need for moorage and the following alternatives have been investigated and are not available or feasible:
 - i. Commercial or marina moorage;
 - ii. Floating moorage buoys;

- iii. Joint use moorage pier.
- c. The design and construction of over-water structures as well as their subsequent use and operation, shall:
 - i. Be capable of withstanding expected environmental conditions; and,
 - ii. Minimize interference with adjacent water uses and navigation; and
 - iii. Minimize adverse effects on fish, shellfish, wildlife, water quality and geohydraulic processes by limiting the size of the structure and the use of hazardous materials, incorporating grating to allow light passage or reflective panels to increase light refraction; and spaced and oriented to minimize shading and avoid a 'wall' effect that would block or baffle wave patterns, currents, littoral drive, or movement of aquatic life forms.
- d. *Over-water structures* shall not be used for residential dwelling purposes nor provide moorage for boats that are occupied longer than two (2) days unless pump-out facilities are available and then no longer than seven (7) days total.
- e. Only joint use over-water structures are allowed for attached dwelling unit developments.
- f. Only one over-water structure is allowed for each single family detached residential lot.
- g. No covered moorage is allowed waterward of the ordinary high water mark.

Google maps Address

home

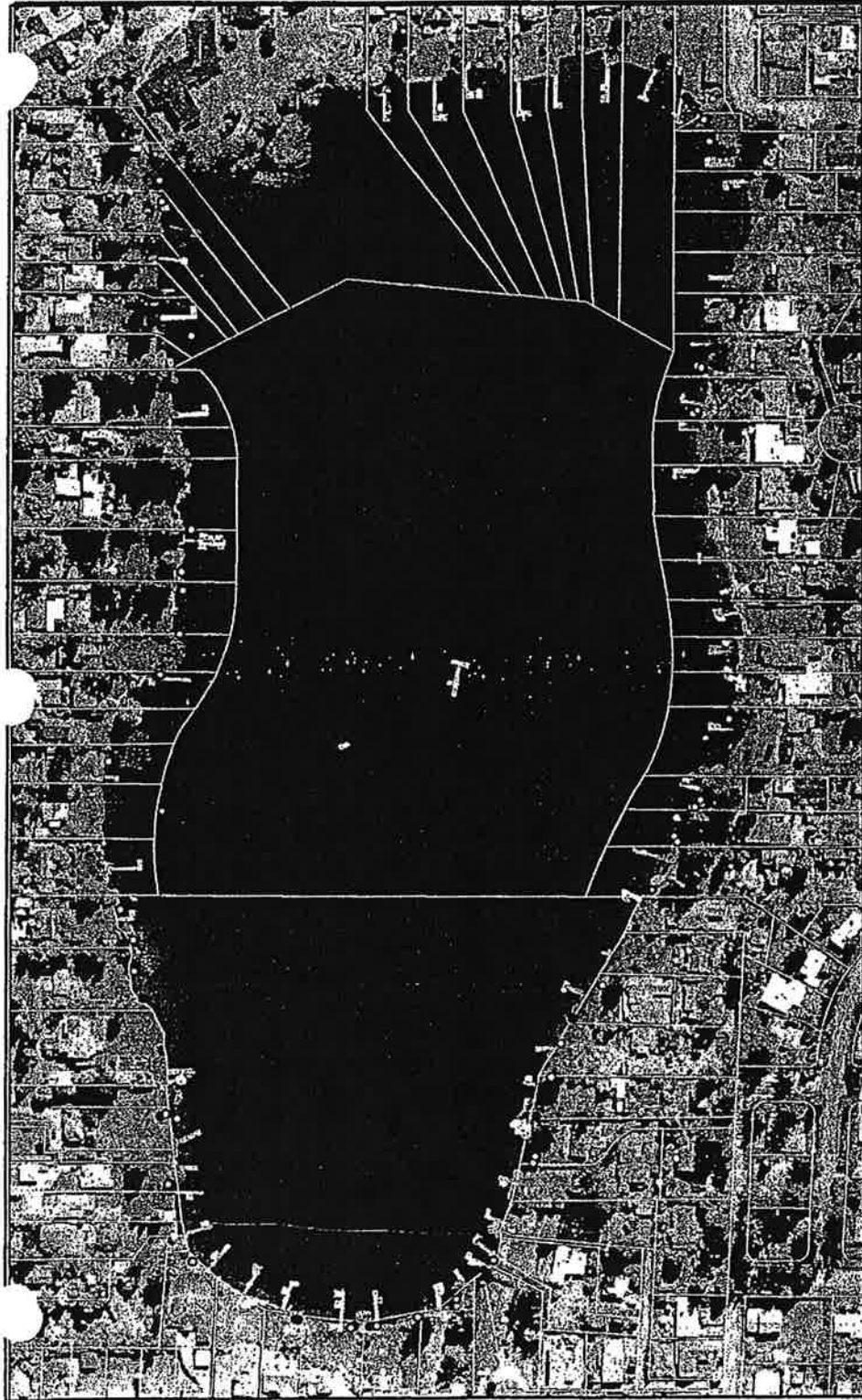
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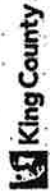


Purple Loosestrife and Garden Loosestrife on Lake Burien

Surveyed July and September 2009

Legend

- garden loosestrife
- purple loosestrife
- ▭ parcel boundaries



March 09, 2010

Figure 8. Lake Burien, 2009 purple loosestrife and garden loosestrife locations (source: Messick 2010).