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There is a lot of fear, uncertainty and doubt surrounding the issue of non-compliance in the SMP update being proposed. Each side makes points, but there is very little effort to work towards a compromise. It is reasonable for home owners to fear the label of non-compliance, and it seems reasonable to not change the meaning of non-compliance because of all the land use case law that depends on it. I must commend Council Member Anne Blair for trying to compromise with the term "existing structure", but this doesn't really address completely the issues that concern home owners. To wit, owners want to be able to maintain, repair, and rebuild existing structures without excessive interference.

May I make the following suggestion: make the proposed buffers exclude the footprint of existing legally built single family residence. This would allow the existing Bainbridge Island laws to apply without putting additional burdens on existing homes. Of course, if the home owner wants to expand the home in the buffer, the new regulations would apply. And the vegetation regulations for the buffers would still apply.

Since we agree that existing houses should continue to exist and be maintained, why not make this abundantly clear with this change? This idea is not unique; the Bellevue City code takes this approach with the Critical Area Ordinance (20.25H.035.B):

B. Buffer and Setback on Sites with Existing Primary Structure(s).

Where a primary structure legally established on a site prior to August 1, 2006, encroaches into the critical area buffer or structure setback established in subsection A, the critical area buffer and/or structure setback shall be modified to exclude the footprint of the existing primary structure. Expansion of any existing structure into the critical area buffer or critical area structure setback shall be allowed only pursuant to the provisions of LUC 20.25H.055 (single-family primary structures) or LUC 20.25H.230 (all other primary structures).