

Lisa Clausen

From: Public Council Inbox
To: Ryan's / McJunkin's
Subject: RE: SMP Sections 20.30.007 and 20.30.095

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

L. Clausen
City Manager's Office

From: Ryan's / McJunkin's [mailto:nordic44@comcast.net]
Sent: Sunday, August 01, 2010 12:27 PM
To: Public Council Inbox
Cc: Ryan, Andrew F
Subject: SMP Sections 20.30.007 and 20.30.095

I would like to thank the council for requesting staff to provide a response to my question regarding SMP language.

Unfortunately I do not believe the staff response provided to item 3 of the Summary of City Council Comments, City Council Draft dated 7/14/2010 was adequate as it only addressed the part of the question related to proposed BMC 20.30.007. The response in the matrix simply restated that:

"No changes recommended. 20.30.007 is clear that legally established appurtenances are conforming to the SMP."

While the current language is a huge improvement over previous SMP drafts, staff did not answer my question for clarification regarding how 20.30.007 is impacted by proposed BMC 20.30.095, (2)g which states: Accessory structures and appurtenances are not permitted within the riparian buffer (50' from OHWM) or building setbacks except for ...fences,buoys, docks, and floats. (Note: underlined text is directly from SMP - bold emphasis is mine)

20.30.095 comes into play whenever there is residential development involving construction or exterior alterations to one or more buildingstogether w/ appurtenances....

Staff response also did not mention that 20.30.007 states: Any addition, expansion or reconstruction beyond the existing footprint of the single family home, appurtenance or other structure must comply with the SMP.

My interpretation of these 2 regulations is that my existing boathouse, which by it's very nature is in the riparian buffer, is conforming (if it was legally permitted when originally built - proof of which a problem in itself since it was here long before I lived here or Burien was a city) and therefore it can remain as long as:

1) per 20.30.007 - I don't add, expand, or reconstruct beyond the existing footprint of my single family home or appurtenance. Doing any of the above would require compliance w/ the SMP. Compliance w/ the SMP I assume would also include 20.30.095 which states appurtenances are not allowed.

2) per 20.30.095 - I don't do any external alterations to one or more buildings which again require that there be no appurtenant structures w/i the riparian buffer.

It looks like a Catch 22 to me - Our appurtenant structures are now legally conforming but to perform any work on our structures we have to comply with all aspects of the SMP which makes our appurtenant structures unallowable.

So, I'll try one more time to ask the question- Do the new regulations, in their totality, require that we remove our appurtenance structures if we add, expand, construct, reconstruct, or make exterior alterations to our properties, YES or NO? (and if No, where is that clearly stated?)

CFT: 08/16/10

Thank you

Andrew Ryan

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