

Merrill, Hannah

From: pearl hewett [REDACTED]
Sent: Wednesday, December 05, 2012 9:28 AM
To: zSMP
Cc: Karl Spees; Jay Petersen; Frank M Penwell; Ed B; Brian and Brooke; WILLIAM PALMER; info@justwateralliance.org; Keith Olson; Jo Anne Estes; Lois Perry; Sue Forde; marv chastain; Dick Pilling; mary pierce pfaff; harry bell; notac@olypen.com
Subject: SMP Draft Comment on Grandfathered and NON-CONFORMING

SMP Draft Comment on Grandfathered and **Non-conforming**

Pearl Rains Hewett Trustee
George C. Rains Sr. Estate
Member SMP Committee

SMP Draft Chapter 5.12
5.12 Grandfathered Use/Development

There is a significant improvement in the SMP Draft, previously the ability to rebuild was based on , **the extent of damage is less than fifty percent 50% of the replacement cost of the structure, it has been changed to less than seventy-five percent (75%)**

HOWEVER, don't let the use of the word "Grandfathered" lull you into a false sense of security.

10/06/12 The banking industry, International Capitol Group Inc. used **Non-Conforming to deny refinancing** to my sister and her husband for their million dollar home in Marysville WA. The Banker, named John **did not say** "It's OK, we will refinance your home, because you are **Grandfathered**".

A request to put the **Non-Conforming to deny refinancing** in writing was promised by Banker John, but to date has not been received.

SMP Draft Chapter 5.12
5.12 Grandfathered Use/Development

7. Rebuilding After Minor Damage: If a grandfathered residential structure or appurtenant structure sustains structural damage due to fire, flood or other natural disaster, **but the extent of damage is less than seventy-five percent (75%) of the replacement cost of the structure, the structure may be reconstructed upon its original site and to the configuration existing immediately prior to the damage**, provided that:

a. The structure is located outside of geologically hazardous areas as defined in this Program. If the structure is within a geologically hazardous area, the Administrator may allow the reconstruction if the proponent provides a geotechnical evaluation by a qualified professional which indicates the structure will be safe for a period of 75 years. The geotechnical study shall conform the applicable provisions in Section 4.2;

8. Rebuilding After Major Damage: If a legal, grandfathered structure sustains structural damage due to fire, flood or other natural disaster, but the extent of damage is equal to or **more than seventy-five percent (75%) of the replacement cost of the structure**, it **shall not be repaired or**

reconstructed unless it is done to conform to the development requirements of this Program, unless a variance is issued by the Board of Adjustment or Hearing Examiner.

By definition 157. **Grandfathered** uses/developments means legally established uses, buildings, structures and/or lots of record that do not meet the specific standards of this Program but which existed on the effective date of initial adoption of the Program (August 5, 1976), or any subsequent amendment thereto, or was authorized under a permit, variance or conditional use approval, or is otherwise vested to the Program.

The use of the word **Non-conforming** is defined in the SMP Draft

231. **Nonconforming** means a legal use or development which conformed to the applicable codes in effect on the date of its creation but which no longer complies because of changes in code requirements. Nonconforming is different than and not to be confused with illegality (see Illegal use).

232. **Nonconforming** lot means a legal lot of record in existence prior to the effective date of this Program and any amendments thereto, on which it is not possible to construct as structure outside of/landward of the shoreline buffer or which does not otherwise meet the minimum lot size requirements as set forth in this Program.