DATE: December 6, 2013

TO: San Juan County Council

FROM: Sam Gibboney, Shireene Hale, Colin Maycock, AICP

SUBJECT: Comparison of current and proposed regulations for shoreline residential development.

FOR THE MEETING OF: December 9, 2013

The table attached contains the appropriate Shoreline Management Act (SMA) provisions and Washington Administrative Code (WAC) citations along with the County’s current rules regulating the construction residential structures, shoreline land division, expansion of nonconforming structures, transient rentals on Shaw Island, clearing and grading standards and appurtenant structures; the amendments approved by the Planning Commission and, in the column on the far right, are amendments proposed by staff.

For the sake of clarity, the text in column marked Staff Recommendations, only the proposed amendments to the planning commission version are marked in underline and strike out.

The most obvious proposed changes to the Planning Commissions’ recommended text are:

1. Deletion of the regulation stating that the width of residential development may not exceed 50% of width of the lot. While the planning commission recommended retaining the proposed language in the body of the text, the commission also adopted the following recommendation to replace the regulation to the side and road setbacks that apply to upland parcels:

   We find the following reasons the maximum width standard set forth in 18.50.260 A2 should be stricken in favor allowing building side setbacks as allowed on upland parcels.
I. While the examples "look good on paper" the onsite application is too complicated in most cases due to topography, neighboring development, and uneven shoreline angles.

II. There are few undeveloped small lots on the shoreline and it is not reasonable to inflict such a subjective and broad standard onto existing subdivisions and these types of restrictions can even cause even more negative aesthetics when lot owners try to maximize the building size. This regulation assumes all lot owners WILL build to the maximum width. The odds of that happening are pretty slim on a county wide basis.

III. The regulation lacks context about neighboring lots. As an example, if one owned a water front lot with 100 feet of frontage next to the forest reserve at the University of Washington, the width requirement becomes moot.

IV. The regulation is lacks provisions for the addition of native vegetation to provide screening that can mitigate visual impacts from the water.

V. The regulation is unnecessary because of the more restrictive overlays that are also required over shoreline parcels in addition to these proposed width regulations.

VI. The regulation is subjective, complicated to apply, punitive, and applies unfair restrictions on those who own small unbuilt waterfront lots.

2. The designation of stand-alone patios as a normal residential appurtenance and thus exempt from a substantial shoreline development permit, provided their value does not exceed the exemption threshold.

3. Clarifying the role of common area or shoreline access easements as providing either public or community access.

4. The proposed deletion of the description of ‘beneficial’ owner and relying on the WAC provision.

5. There are other minor amendments for clarity.

The prohibition of transient rental units in the shoreline of Shaw Island is addressed as part of the use table that can be found beginning on page #143 of the Planning Commission’s approved text (dated July 19, 2013).