

September 2010 CAO Workshop
San Juan Island
September 15, 2010

Comments:

- Adopt local standards allowing nonconforming uses and structures to continue indefinitely.
- Permanently grandfather these uses, even if they are abandoned.
- Setbacks and buffers are different.
- Setbacks are working fine; no need for buffers.
- If no impacts, don't have buffers- keep existing shoreline setbacks.
- Regulations on conduct are difficult to enforce.
- Economic impacts should be considered.
- What about an economic analysis of impacts to property values? (Ans. – economic impacts come when you abandon a use.)
- Problems need to be defined using BAS.
- The BAS is critical so that we can know what impacts are happening and can address them.
- Codes need to be clear so that interpretations are unnecessary- need to avoid changes in how rules are applied.
- When do new rules apply? When is a property vested? (Ans. – in WA State, it is vested when a complete application is submitted.)
- Definitions (Code) are not zoning bylaws, they are official controls.
- Suggest people be allowed to follow existing rules for some period of time, such as with a site plan approval (*e.g.*, four years). This would be good to have in regard to septic rules in particular.
- Adopt local vesting rules for site plan?
- What is the process for re-review of BS in amending regulations over time? (Ans.- it is a multi-year required review. Adaptive management uses re-review over time; it is usually applied in regard to conduct, but can be applied more broadly.)
- What is the appeal route for Reasonable Use Exceptions (RUEs)? (Ans.- CD&P, then the Hearings Examiner, then the courts.)
- RUE regulations should be modified.
- Owners of encumbered properties should be notified once we know what the proposed buffers are. (Ans. – we did this last year in the tax statements.)
- Where did the ½-acre figure come from? (Ans. – the 1998 Code adoption.)
- Reasonable use and economic use are unclear terms.
- Would the Council consider rewriting the reasonable use regulations?
- Can we increase predictability in what an owner can do on a given piece of property?
- There may be significant economic impacts. Will the County analyze these? (Ans.– County Council can consider economics even without a formal study. Some property values of existing homes built close to the shore may increase as a result of the CAO regulations.)

- Will the BAS identify measurable deficiencies of the current regulations? (Ans. – it is not that sophisticated; we can only apply the known science. But they will be using the science in considering the deficiencies of the current regulations in protecting critical areas.)