



463533003000-237-105-EUREX-AGROUP-20120426

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SAN JUAN COUNTY
RESPONSE TO SHORELINE INVENTORY REPORT

See: http://sanjuanco.com/CDP/docs/SMP/SJC_Shoreline_Inventory_and_Characterization_Report_January_2012_Final.pdf

PROPERTY OWNERS: Eureka Group GP

STREET ADDRESS PO Box 2510

MAIL ADDRESS IF DIFFERENT Monterey, CA 93942

If checked Please add our e-mail to the contact list for future shoreline proceedings

e-mail ken@nilsson.com

TAX PARCEL NUMBER(S) 463534004 & 463533003
(335 Intrepid Lane) (144 Old Indian Trail)

ISLAND San Juan

MANAGEMENT AREA Roche Harbor

REACH NUMBER #237 (FROM MAP index 37)

PROPERTY CONTEXT -Broad scale **Attachment 1**
(Google Earth or Map quest showing reach or general context 1/4-1/2 mile or so)

PROPERTY CONTEXT (Close Scale) **Attachment 2**
(Google Earth or Map quest showing site and adjoining properties)
(If you can scale setbacks from structures and elements of the built environment including lawns, garden patio's etc onto the photo—So much the better)

EXISTING DEVELOPMENT ON THE PROPERTY **Attachment 3**

A series of Photo's

At the shoreline showing the current condition (include physical characteristics of the shoreline and both retained native vegetation and elements of the built environment improvements to include docks, bulkheads, walkways trails etc) both high and low tide photo's

At the home or business showing the current condition (include photo's of the house setting in relationship to the shoreline, other structures, lawns, patios, places of shoreline access for people, boats other improvements For commercial uses make sure the totality of the site use is properly characterized)

Does the discussion of the Reach properly reflect your property location, setting and context.

Yes , NO (Refer to reach characteristics in the text and appendices)

If not why not. Please see "Attachment A."

Does the site and adjacent shoreline contain any of the "Nearshore Key habitats and species area (identified on pp 61-76)
NO
YES _____ please specify _____

IS YOUR PARCEL LISTED AS A POTENTIALLY NONCONFORMING LOT BY REASON OF A STRUCTURE WITHIN 50 FEET OF THE SHORELINE (Map 35 A, B or C)
NO _____
YES

IF YES, DOES THE CHARACTERIZATION IDENTIFY ANY SPECIFIC HARM THE EXISTING STRUCTURE(S) IS/ARE CAUSING ON THE EXISTING SHORELINE CONDITION OR HABITAT? **(MAKE SURE YOU CHECK THE APPENDICES)**
NO
YES _____ AT PAGE(S) _____

DO THE PHOTOGRAPHS ATTACHED REFLECT THE EXISTING CONDITION AT YOUR SITE?
YES
NO _____

DOES THE INVENTORY REPORT IDENTIFY ANY SCIENTIFIC BASIS FOR MAKING YOUR PROPERTY A NONCONFORMING USE? **(MAKE SURE YOU CHECK THE APPENDICES)**
NO
YES _____ AT PAGE(S) _____

WHAT IS THE AVERAGE LOT SIZE ON THE SHORELINE IN THE AREA OF YOUR PROPERTY?
____ Less than one acre, one acre to less than five acres _____, five acres and over

WHAT IS THE PROPERTY'S CURRENT SHORELINE DESIGNATION?
URBAN _____, RURAL _____, CONSERVANCY _____ NATURAL _____ → RR/C

WHAT IS THE CURRENT GMA COMPREHENSIVE PLAN DESIGNATION AND ZONING FOR YOUR PROPERTY? (MAPS ON FILE WITH COUNTY
COMPREHENSIVE PLAN Rural
ZONING RFE

DOES YOUR NEIGHBORHOOD FIT THE CRITERIA FOR A RESIDENTIAL ACTIVITY CENTER AS DEFINED IN THE 2010 COMPREHENSIVE PLAN?

Residential Activity Centers are residential areas that have existing development patterns more dense than one unit per five acres, some portion of which is served by non-rural levels of capital facilities or services.

YES _____
NO

IF YES, DOES THE SHORELINE INVENTORY REPORT ACCURATELY REFLECT THE RESIDENTIAL ACTIVITY CENTER CHARACTERISTIC AND SHORELINE RESIDENTIAL MANAGEMENT GOALS IN CHARACTERIZING YOUR REACH.

YES _____
NO X _____

OTHER COMMENTS AND OBSERVATIONS ATTACHED

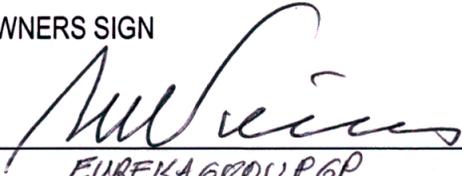
Please see "Attachment A".

THE UNDERSIGNED PROPERTY OWNERS REQUEST THAT THE MATERIALS SUBMITTED HEREWITH BE INCORPORATED INTO THE COUNTY INVENTORY AND CHARACTERIZATION REPORTS TO MORE ACCURATELY REFLECT THE CHARACTERIZATION OF THE SHORELINE ABUTTING OUR PROPERTY.

(CHECK IF APPROPRIATE) X AND

~~THAT THE COUNTY SPECIFICALLY IDENTIFY AND DESIGNATE OUR AREA AS A RESIDENTIAL ACTIVITY CENTERS UNDER GMA AS PROVIDED IN THE COMPREHENSIVE PLAN BEFORE PROCEEDING WITH THE SHORELINE DESIGNATION PROCESS.~~

OWNERS SIGN


EUREKA GROUP GP
MANAGING PARTNER

PRINT

Kenneth Nilsson

Attachment A

The Eureka Group owns TPNs 463533003 (144 Old Indian Trail) and 463534004 (235 Intrepid Lane) on Mitchell Bay, San Juan Island. The review of the San Juan County 2012 Shoreline Inventory and Characterization identifies several environmental and geological characterizations that do not accurately define the site. The following are items of particular concern:

1. The existing SMP assigns a dual Rural Residential/Conservancy shoreline environment to these properties. The RR applies to the property located landward from the OHWM to the outside limits of the 200-foot jurisdictional area. The Conservancy environment applies to the land (seafloor) that lies between the OHWM and the Extreme Low Tide. While the RR environment is fitting, the Conservancy environment is out of sync with the physical and built environments of these properties as well as surrounding development and should be changed to reflect existing conditions.

Element 3 of the San Juan County Comprehensive Plan describes the Conservancy environment as being for the purpose of protecting, conserving and managing existing natural resources and systems and/or valuable historic, educational or scientific research areas without precluding compatible human use. It is most suitable for shoreline areas which possess specific resource or value which can be protected without excluding or severely restricting all other uses, and for areas where primarily non-consumptive use of the physical and biological resources are preferred. It should apply to those areas which would most benefit the public if their existing character is maintained, but which are also able to tolerate limited or carefully planned development of resources use.

Mitchell Bay and its shorelines are fully developed primarily with single family residential development on small lots. Snug Harbor Resort and Marina are also located in this bay. There are no known outstanding natural resources that need protection.

2. A residential joint-use dock was recently approved and constructed on TPN 463533003 which does not appear on Map 9A.
3. Map 13A shows that a portion of the shoreline is considered a "drift cell." The attached photos show the beach along this area of Mitchell Bay consisting of mud,

sand and gravel. There is no shifting of sand and sediments along this portion of shoreline that would classify it as a drift cell. (See attached photograph.)

4. Map 14A shows the shoreline of these two properties as being a "barrier estuary." San Juan County does not provide a definition of "barrier estuary." However, the county defines "estuarine" as those areas that are partially protected from marine circulation and waves and possess some amount of fresh water.

Although these properties are located on Mitchell Bay, which is a long narrow inlet off Mosquito Pass, there is no protection from marine circulation. The bay practically empties out at low tide and then fills back in at high tide. Further, there is no significant amount of fresh water, if any, that produces changes in the salinity of the waters in Mitchell Bay which would classify the properties as a barrier estuary. The only characterization of this shoreline that may appear consistent with the definition of an estuary is that the bay is slightly protected from wave action.

5. Map 35A identifies TPN 463534004 as "potentially non-conforming" but does not describe the non-conformity. Uses on the property (residential, residential accessory and dock use) are not considered non-conforming. It is the size and placement of certain structures that may make development on site considered potentially non-conforming.

There is a very large dock existing on site that was built prior to 1971 and the adoption of the Shoreline Management Act which was used for commercial purposes in the past. The dock has since been maintained and sold with the property to the Eureka Group who uses the dock for single-family residential purposes. The dock exceeds the current dimensional standards for a single use residential dock. Therefore, the dock is considered non-conforming. (See attached photograph.)

Another non-conforming use that exists on site is the detached guest house. Under existing upland regulations, a parcel in the rural land use category must be at least five acres in size in order to allow for the construction of a detached guest house. This guest house is located over an existing detached garage located landward of the principal residence. The property is only .79 acres in size. Therefore, the guest house is non-conforming. (See attached photograph.)

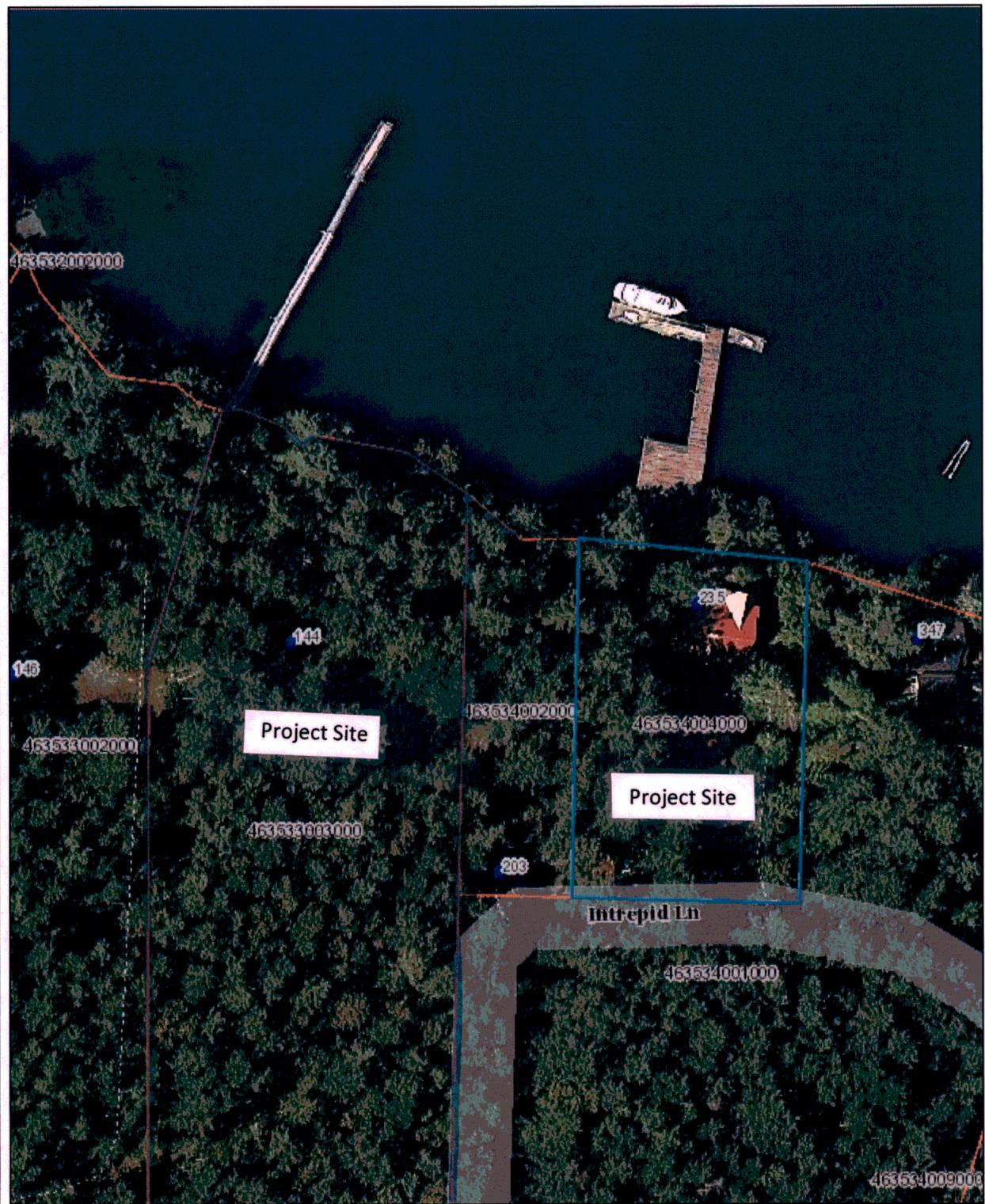
The main residence was built in 1997 under the laws that were in effect at that time. San Juan County currently enforces setbacks from either the OHWM (which can be located scientifically) or from the Top-of Bank (which has no basis in science)

depending upon the amount of native vegetation that exists along the shoreline. A 50-foot setback is allowed if vegetation provides an appropriate visual screen as viewed from the water and 100-feet if there is no vegetative screen. (See attached photograph.)

The “Top-of Bank” has been described in the past by San Juan County as the area along a sloping shoreline where “you would no longer drive your Mercedes.” It appears that the main residence may not meet the 50-foot setback from the “Top of Bank” as currently enforced and could be considered non-conforming.

There are several beach access stairs on the property which predate the State SMA and the County’s SMP.

6. TPN 463533003 includes a joint-use dock that it shares with the property located to the west. It also includes a cleared building site and a gravel pathway to the dock. (See attached photos.)



TPNs 463534004 & 463533003



1:1200

This data has been compiled for San Juan County. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.





TPN 463534004 – April 23, 2012 Photo of Main Residence as Taken from Water Side



TPN 463534004
April 23, 2012 Photo of Existing Garage/Guest Cottage



TPN 463534004 – April 23, 2012 Photo of Existing Nonconforming Residential Use Dock



TPN 463534004 – April 23, 2012 Photo of Existing Nonconforming Residential Use Dock



TPN 463534004 – April 23, 2012 Photo of
Existing Beach Access Stairs



TPN 463534004 & 463533003
April 23, 2012 Photo of Mud and Cobble Beach



TPN 463533003
April 23, 2012 Photo of County Approved Joint Residential Use Dock



TPN 463533003
April 23, 2012 Photo of Cleared Building Site for Future Residence