Residential Development Standards Response Paper

This document contains proposals presented to the Citizens Advisory Committee (CAC) members, a summary of the views expressed by CAC members, and DPD's responses to these comments in italics. The original proposals presented by DPD to the CAC can be found in the document entitled "Residential Development Standards Policy Paper," dated December 9, 2008.

Of the various proposals put forward by DPD in the residential development standards policy paper and presentation, the topics below are the ones that were addressed directly by the CAC.

1. Overwater residences

To protect ecological functions, the Shoreline Master Program update is focusing stronger limits on overwater coverage in general, with overwater residences being one topic of concern. Specifically, the new SMP would prohibit construction of new overwater residences and expansion of existing overwater residences. *Note: floating homes are not included in this discussion, and will be addressed separately.*

	Pros	Cons	General Comments
	• *Proposals would cap non-water-dependent overwater coverage, reducing future degradation of ecological function*	• Limits to overwater residences should only occur after the City has produced detailed information on the cumulative impacts they are trying to address. • WAC guidelines only say that jurisdictions "should" limit overwater residences, not "shall." • Limitations on overwater residences will be difficult for lots with small amounts of dry land. • *Allowing existing overwater coverage to remain causes ongoing impacts to salmon habitat.*	

DPD continues to support prohibiting the creation or expansion of overwater residences. While the cumulative impact of overwater residences hasn't been quantified, it is clearly documented that overwater structures have substantial impacts to ecological function due to displacement of habitat, shading, light, noise, heat, and physical pollution resulting from habitation in or above water. WAC 173.26.241 (3) (j) states that "New over-water residences, including floating homes, are not a preferred use and should be prohibited."

DPD intends to allow ongoing repair and maintenance of existing overwater residences. For replacement, overwater structures need to meet development standards as feasible while allowing for reasonable use. See "Policy Paper: Non-conforming Structures and Uses" for more detail.

2. Residential Structure Setbacks

DPD proposes increasing the structure setback based on best available science. Additional setbacks may be appropriate near steep slopes or critical habitats such as eel grass beds and forage fish spawning areas.

	Pros	Cons	General Comments
	• *Setbacks will be based on best available science, and will result in increased ecological benefit.* • *Setbacks help protect views from neighboring structures.*	• Existing setbacks work well – no need to change them. • *Setbacks reduce flexibility for homeowners to develop or redevelop their property* • *Historic development pattern has resulted in the creation of properties with very little land – these properties would be impacted.* • *Setback would make more homes be considered non-conforming.*	• If increased setbacks are based on projections of rising sea level, these setbacks should only apply below the locks.

DPD proposes a setback of 35 feet for all structures with specific landscaping requirements for new development or redevelopment. This setback proposal is based on a survey of best available science. Existing vegetation in the setback area must be maintained, and if disturbed, must be replaced.

3. Stormwater and Impervious Surface Controls
DPD proposed considering new stormwater and Low Impact Development (LID) standards, as well as limits to impervious surface.

Pros	Cons
• *Stormwater has one of the biggest negative impacts on shorelines and water quality. Low Impact Development practices at the shoreline would be a step toward addressing the problem*	• Stormwater is already regulated by numerous city, state, and federal agencies, and new SMP requirements would cause additional regulatory burden. • Because stormwater and shorelines regulations are reviewed separately by DOE, trying to address one in the other will lead to very complicated revisions in the future. • Stormwater problems are a city-wide issue, and shoreline property owners would be disproportionately burdened by stormwater regulations in the SMP even though upland properties outside the shoreline jurisdiction may have equal impacts.

DPD finds that the proposed stormwater code makes significant progress toward improving water quality. Among other provisions, the code requires that single-family residential uses must meet stormwater requirements through use of green stormwater infrastructure to the maximum extent feasible. We are continuing to evaluate how the new stormwater code will or will not meet state SMP guidelines.

4. Other Comments

A committee member requested that DPD clarify that single family homes are exempt from public access and view corridor requirements.

There is no proposal to apply public access or view corridor requirements to single-family residential uses. DPD will continue to require view corridors and public access for multifamily residential structures with four units or more.

A member of the public requested that the proposed changes include a list of preferred uses of aquatic weed control methods, prioritizing manual removal over the use of herbicides.

DPD will prioritize methods used for aquatic weed control with the methods that will cause the least impact preferred and required, unless the applicant demonstrates that these methods are not feasible.