
CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
REVIEW OF MINUTES – January 11 and 25, February 8 and 22, March 3, 2018
PUBLIC COMMENT – Accept public comment on off agenda items
PUBLIC HEARING ON ORDINANCE 2018-13
SMP AMENDMENT – Study Session
NEW/OLD BUSINESS
ADJOURN

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure

Chair J. Mack Pearl called the meeting to order at 7:04PM. Commissioners in attendance were Jon Quitslund, William Chester, Lisa Macchio and Don Doman. Kimberly McCormick Osmond and Michael Killion were absent and excused. City Staff present were Planning Director Gary Christensen, Senior City Planners Jennifer Sutton and Christy Carr and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. There were not any conflicts disclosed.

REVIEW OF MINUTES – January 11 and 25, February 8 and 22, March 3, 2018

Commissioner Quitslund asked for the word “year” to be inserted into the motion made by Commissioner Killion in the January 11, 2018 minutes.

I move approval of the minutes as distributed for January 11 and 25, February 8 and 22, and March 3, 2018.

Quitslund/Doman – Passed Unanimously

PUBLIC COMMENT – Accept public comment on off agenda items

None.

PUBLIC HEARING ON ORDINANCE 2018-13

Senior City Planner Jennifer Sutton introduced the revised ordinance for discussion.

The Public Hearing was opened at 7:54 pm.

Steve Rabago, Business Park Owner – Spoke about artist live/work studios and accessory offices.

Russell Everett, Owner, Bainbridge Brewing – Spoke in favor of performance based standards and wondered about the appeal process. He also spoke about craft food and beverage.

The Public Hearing was closed at 8:20 PM.

I move that we ask staff to do a little work to present this new nuance adding to what's already been discussed in the way of modifications of the draft.

Quitslund/Chester – Passed Unanimously

SMP AMENDMENT – Study Session

Senior City Planner Christy Carr gave a briefing on the integration of the Critical Areas Ordinance into the Shoreline Master Plan. She also described the concurrent process with the Department of Ecology and stated the City of Bainbridge Island was the first jurisdiction to utilize this new process.

Non-conforming structures and submitted public comment were reviewed.

Dick Haugan, Citizen – Thanked Ms. Carr for sharing his comments. Mr. Haugan spoke in favor of having RCW 90.58.620 included in the Shoreline Master Plan and hoped “no net loss” would be the next topic discussed. Mr. Haugan proposed a 50/50 cost sharing with the City to hire Rob Cousins to define “no net loss.”

Rob Cousins, Consultant – Spoke about quantifying “no net loss.”

NEW/OLD BUSINESS

None.

ADJOURN

The meeting was adjourned at 9:23 PM.

Approved by:


J. Mack Pearl, Chair


Jane Rasely, Administrative Specialist



Planning Commission Meeting
Thursday, April 12, 2018
7:00 pm – 9:00 pm

PLEASE PRINT

[illegible]

J. Quitslund
4/12/18

18.09.005 Permitted and conditional uses.

Permitted and conditional uses allowed in each zone district are shown in the use table. It is recognized that new uses will evolve over time. The Director has the authority to evaluate an application and compare a proposed unlisted use against the permitted and conditional uses in the table. When a proposed use is not specifically listed in this Chapter, the use may be allowed if the Director determines that it is similar to other uses listed and compatible with other uses in the vicinity where it will be located.

4.2.1.1 Applicability (Policies)

"This section, **consistent with RCW 90.58.620**, applies to shoreline uses, lots, and/or structures that were lawfully established or constructed prior to the effective date of the initial adoption of the Master this Program (November 26, 1996) or its amendments thereto, but and which do not conform to present current regulations or standards of the Master this Program. **Nonconforming uses, lots and structures Existing structures and uses that do not conform to this Program** are not required to meet **this Program's** its requirements, unless changes to a **use, lot or structure or use** that would require review under this Program are proposed."

*NOTE: **RCW 90.58.620** addresses Non-Conforming because of SMP concerns. We cannot ignore the work already completed on the non-conforming statewide issue. RCW Attached.*

4.2.1.2 (GOAL) ~~"It is further the purpose of this program to ultimately, over time, have uses and commercial structures conform to the provisions of this program. Over time, uses and commercial structures that do not conform to the standards of this program should be phased out as uses cease or redevelopment of structures occurs."~~

Should be totally stricken as noted by KM1. As it stands it implies restoration, not NO NET LOSS, is the stated goal if and when status becomes non-conforming.

1.3.5.2 (Applicability of Shoreline Master Program)

"The provisions of the Program apply to **both existing and to** new development and **uses activities and are not retroactive.**"

Implies "none of this applies to existing development" which is untrue and misleading. A change to non-conforming status trumps. Major source of concern to shoreline homeowners.

4.0.1.7 Regulations (General)

"Where provisions of this Master Program or other provision in BIMC conflict, the ~~most~~ **least** restrictive provisions shall apply unless specifically stated otherwise."

Explanation. This is the troublesome "non-conforming trigger Clause". Every section and provision of the SMP must stand on its own without confusing cross reference. It is a major issue for shoreline homeowners. The SMP must say what it means and mean what it says.

6.1.1. Applicability (General Shoreline Modifications)

"Shoreline modifications are **generally** related to construction of a physical element such as **residential development**, a dike, bulkhead, dredged basin, pier or fill. ~~but they can include other actions such as clearing, grading, application of chemicals, or vegetation removal.~~"

This essentially implies any non-specific change to vegetation (such as mowing a lawn or trimming a hedge), triggers non-conforming status. Wording cannot be left to interpretation.

Submitted by Dick Haugan / PRSM / Shoreline Homeowners 206.940.3240 Cell

RCW 90.58.620**New or amended master programs—Authorized provisions.**

(1) New or amended master programs approved by the department on or after September 1, 2011, may include provisions authorizing:

(a) Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following to be considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or density; and

(b) Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the master program, including requirements for no net loss of shoreline ecological functions.

(2) For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or overwater structures.

(3) Nothing in this section: (a) Restricts the ability of a master program to limit redevelopment, expansion, or replacement of overwater structures located in hazardous areas, such as floodplains and geologically hazardous areas; or (b) affects the application of other federal, state, or local government requirements to residential structures.

[2011 c 323 § 2.]

NOTES:

Findings—2011 c 323: "(1) The legislature recognizes that there is concern from property owners regarding legal status of existing legally developed shoreline structures under updated shoreline master programs. Significant concern has been expressed by residential property owners during shoreline master program updates regarding the legal status of existing shoreline structures that may not meet current standards for new development.

(2) Engrossed House Bill No. 1653, enacted as chapter 107, Laws of 2010 clarified the status of existing structures in the shoreline area under the growth management act prior to the update of shoreline regulations. It is in the public interest to clarify the legal status of these structures that will apply after shoreline regulations are updated.

(3) Updated shoreline master programs must include provisions to ensure that expansion, redevelopment, and replacement of existing structures will result in no net loss of the ecological function of the shoreline. Classifying existing structures as legally conforming will not create a risk of degrading shoreline natural resources." [2011 c 323 § 1.]

4.2 General Use

4.2.1 Nonconforming Uses, Non-Conforming Lots, and Existing Development

4.2.1.1 Applicability

This section applies to shoreline uses and/or structures that were lawfully established or constructed prior to the effective date of the initial adoption of the Master Program (November 26, 1996) or its amendments, but which do not conform to present regulations or standards of the Master Program.

4.2.1.2 Goal

It is the purpose of this program to recognize legally established primary residential structures, and to allow them to be maintained, repaired, remodeled, replaced and in some cases expanded in conformance with these rules. Residential structures that do not conform to this program should, over time, as the owner proposes changes to the structure, conform as completely as possible to this program, with due regard to unique site conditions and property rights.

It is further the purpose of this program to ultimately, over time, have uses and commercial structures conform to the provisions of this program. Over time, uses and commercial structures that do not conform to the standards of this program should be phased out as uses cease or redevelopment of structures occurs.

Note: Existing structures and uses that do not conform to this Program are not required to meet its requirements, unless the owner proposes changes to a structure or use that would require review under this Program.

4.2.1.3 Policies

1. Lawfully constructed commercial and industrial structures shall be allowed to be repaired, maintained, and remodeled provided that the alteration does not increase the nonconformity.
2. Lawfully constructed structures, established uses, public facilities, transportation structures, and/or lots of record located within the shoreline jurisdiction prior to the effective date of the Master Program but which do not conform to the present policies, regulations or standards, shall be allowed to continue and be repaired and maintained.
3. Lawfully constructed residential structures may be repaired, maintained and remodeled provided the alteration meets the goals and provisions of this program.
4. Lawfully constructed residential structures may be expanded in some circumstances, provided the expansion will not result in adverse impacts to shoreline ecological functions and processes, and mitigation is provided.
5. Once discontinued, re-establishment of nonconforming uses located in the shoreline jurisdiction shall be restricted.
6. Lawfully constructed commercial structures that are located in the shoreline jurisdiction are to be phased out over time. Depending on the extent and intensity of the

nonconformity, a primary residential structure and primary appurtenance, may be allowed certain alteration or expansion, provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.

7. Lawfully constructed structures that are destroyed by fire, explosion, flood, or other casualty may be restored or replaced without increasing or expanding the nonconformity, and are encouraged to decrease nonconformity. Legally established overwater structures that are destroyed may be reconstructed to the same size, but the configuration may be altered to reduce the impact to the shoreline environment provided the size of the nonconformity is not increased. Such redevelopments may be permitted provided that impacts to shoreline functions and processes are mitigated or restored, and the reconstruction application is submitted within two years of the date of destruction.
8. Provisions for reconstruction of a lawfully constructed residential house shall allow certain expansions of the existing structure when it can be demonstrated that the expansion will not result in adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.
9. Legally created nonconforming lots of record may be developed provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.
10. Redevelopment of nonconforming public rights-of-way and associated existing transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.

4.2.1.4 Regulations – General

1. Nonconforming uses and developments and/or existing buildings and structures that were lawfully constructed or existed prior to the effective date of initial adoption of this Program (November 26, 1996), or its amendments, but which do not meet the specific standards of this Program, may be continued subject to the provisions of this section; provided that shoreline modifications shall conform to Section 6.1, General Shoreline Modification Provisions, and Section 6.2, Shoreline Stabilization.
2. A complete application for any reconstruction under this section must be submitted within two (2) years of the date of damage or removal, and upon approval of the application, redevelopment must be completed within one (1) year of the commencement of reconstruction. A one (1) year extension may be granted, provided that a written request is submitted no later than twenty-one (21) days prior to either deadline and provided that the owner is not responsible for the delay.
3. An existing use designated by the adoption of an applicable amendment hereto as a conditional use that lawfully existed prior to the adoption of the Program or the adoption of an applicable amendment hereto and which has not obtained a conditional use permit, shall be considered a legal nonconforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.
4. A structure for which a variance has been issued but which does not comply with applicable requirements of this Program as amended shall be considered a legal existing structure and the requirements of this section shall apply.

5. Any permitted remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes.

4.2.1.5 Regulations - Nonconforming Uses

1. Nonconforming uses shall not be altered or expanded in any way that increases the nonconformity.
2. If a nonconforming use is discontinued for twelve (12) consecutive months, any subsequent use shall be conforming; except that if a nonconforming use is operated within a nonconforming structure that is accidentally damaged or destroyed and reconstruction is proposed under Section 4.2.1.6.1(3), then the use may be re-established within the same time period as the reconstruction for the nonconforming structure pursuant to Section 4.2.1.4(2)
3. A nonconforming use cannot be changed to another nonconforming use.
4. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that all provisions are met.

4.2.1.6 Regulations – Existing Development

4.2.1.6.1 General Provisions – Nonconforming Structures

1. Existing structures may be maintained, repaired, renovated, or remodeled provided all the following is met:
 - a. Changes to the structure that would alter or increase the nonconformity are not permitted;
 - i. Any vertical or horizontal extension of a wall must meet the provisions of this program.
 - ii. Adding to the footprint of an existing structure is permitted as long as the addition meets the requirements of this program.
 - b. There is no further encroachment into the buffers unless allowed by this program or through an approved variance;
 - c. Renovations or remodels are entirely contained within the building;
 - d. If moved, the structure shall be made to conform to regulations of this program.
2. If an existing primary structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, provided the use is conforming or meets the provisions of Section 4.2.1.4, Regulations-General, and 4.2.1.5, Regulations – Nonconforming Uses, above.

- a. This provision shall not apply to structures that are destroyed due to a criminal act initiated by the property owner; and
- b. The replacement structure shall not warrant new shoreline stabilization for the life of the new structure.
- c. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Regulations – *Nonconforming Uses*, and Appendix B.

4.2.1.6.2 Existing Structures – Commercial and Industrial (Primary and Accessory)

- 1. Existing commercial structures shall not be altered or expanded in any way that increases the nonconformity without first obtaining a variance.
- 2. Reconstruction of existing commercial structures and buildings intentionally demolished or destroyed in any other manner than described in Section 4.2.1.6.1(2), shall be in conformance with all standards of the Program.

4.2.1.6.3 Existing Structures – Residential Single-Family: Primary Structures

- 1. If an existing primary residential structure is damaged or destroyed as described in Section 4.2.1.6.1(2), the existing primary residential structure configuration may be altered or expanded pursuant to subsections 4.2.1.6.3(2-4).
- 2. An existing primary residential structure may be altered or expanded to the extent allowed by this Program, provided:
 - a. Enlargement or expansion of the building configuration, including any new impervious surfaces located within the Shoreline Buffer shall be located landward of the existing or original building footprint, only one such expansion may occur within the lifetime of the development, and the expansion shall not exceed:
 - i. The allowed building area for Point Monroe District, Section 5.9.6(2).
 - ii. The allowed building area for encumbered lots, Section 4.2.1.7.
 - iii. For structures not meeting i or ii; twenty five percent (25%) of the existing building footprint.
 - b. Any vertical expansion must meet height requirements of this Program;
 - c. Remnant foundation and/or impervious surfaces located within the Shoreline Buffer shall be removed;
 - d. Mitigation of the shoreline buffer is provided in accordance with Section 4.1.2, Environmental Impacts;
 - e. The remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes; and
 - f. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.

3. Permitted expansion of an existing structure shall not substantially impact the existing views of the water from primary waterfront residences or public rights-of-way to any greater degree than a fully conforming structure.
4. Increases in structure footprint outside of the Shoreline Buffer shall be allowed, even if all or a portion of the existing footprint is within the Shoreline Buffer. In such case, the addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this Program.

4.2.1.6.4 *Existing Structures – Multifamily Residential: Primary Structures*

1. If an existing primary multifamily residential structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, including building height and footprint of the structure.
 - a. This provision shall not apply to structures that are destroyed due to a criminal act involving the property owner; and
 - b. The replacement structure shall not warrant new shoreline armoring for the life of the new structure; and
 - c. The reconstruction shall not cause adverse impacts to shoreline ecological functions and processes.
 - d. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Critical Areas, and Appendix B.
2. An existing primary multifamily residential structure or portion thereof may be reconstructed, altered, or expanded, including the footprint and/or the height increased, to the extent allowed by this Program, if the following are met:
 - a. Public access is provided pursuant to Section 4.2.4.6, Regulations – Public Access Design and Location Standards; and
 - b. Mitigation of the shoreline buffer is provided to meet no net loss, as detailed in Section 4.1.2, Environmental Impacts, including revegetation standards in Section 4.1.2.5(3).

4.2.1.6.5 *Existing Structures – Residential: Accessory Structures*

1. If an existing residential accessory structure is damaged, destroyed or intentionally demolished, the reconstruction shall be in conformance with all standards of the Program, except:
 - a. An existing essential single family residential accessory structure may be reconstructed as follows:
 - b. Replacement structure is the same bulk dimension as the existing structure.
 - c. Replacement structure may be located within Zone 2 provided mitigation occurs in accordance with 4.1.2.5, Regulations – Revegetation Standards.

- d. Attached decks essential to a single family residence may be replaced in the same location.
- e.. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.

4.2.1.7 Regulations – Encumbered and Nonconforming Lots

1. Single-family development and redevelopment, except in the Point Monroe District, that is proposed on a legal nonconforming lot located in the shoreline jurisdiction or proposed for a shoreline property that is significantly encumbered by shoreline or critical area buffers, may be allowed without a shoreline variance when the following criteria are met:
 - a. A lot contains a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances and unrestricted by buffers from shorelines or critical areas shall comply with the provisions of this Program. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; or
 - b. A lot that does not meet the requirement of subsection 1.a above, shall meet the following:
 - i. Landslide hazard provisions of Section 4.1.5, Critical Areas, and Appendix B and provide the maximum buffer dimension feasible for critical areas; and
 - ii. Provide a building area not to exceed 2,500 square feet with maximum lot coverage of 1,200 square feet. The building area shall be located on the portion of the lot providing the maximum Shoreline Buffer dimension with consideration given to view; and
 - iii. All single-family residential development approved under this section shall meet the shoreline structure view setback provisions in Section 4.1.3.11, Regulations – Shoreline Structure Setback View Requirement; and
 - c. The area between the structure and the shoreline and/or critical area shall comply with revegetation standards in Section 4.1.2.5(3), the vegetation conservation standards of Section 4.1.3, Vegetation Management, and provisions of Section 4.1.5 Critical Areas, and Appendix B; and
 - d. Development may not take place waterward of the ordinary high water mark; and
 - e. Facilities such as a conventional drainfield system may be allowed outside of the building area specified above, and allowed within buffer areas, except wetlands buffers. Such facilities shall not be located closer than 75ft to OHWM; and shall be subject to regulations of Section 4.1.5, Critical Areas.

4.2.1.8 Regulations – Nonconforming Public Facilities & Transportation

1. Nonconforming public facilities shall be allowed to continue and to be repaired, maintained, or remodeled.

2. Redevelopment of nonconforming public rights-of-way and associated transportation structures are allowed for purposes of facilitating essential public access, development of public trails, and/or public shoreline access, provided that no other alternative is feasible and redevelopment shall be otherwise consistent with the provisions of this Program, including but not limited to the provisions for public access and no net loss of shoreline ecological functions and processes.

4.2.1.8 Regulations - Existing Residential and Commercial: Aquatic Structures and Accessory Aquatic Structures

1. Existing docks floats, and buoys may be repaired and replaced in the same foot print and shall comply with this Program's requirements for materials and standards, to the extent practicable.
 - a. Except that as a conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.
2. Except for docks and floats, repair and replacement up to 50% of the footprint of any existing aquatic structures, including shoreline modifications, or buildings or portions thereof within the Aquatic or Priority Aquatic designations, shall only be done once within any five year period. Such replacements shall comply with this Program's requirements for materials and standards to the extent practicable. If the structure is composed of several components, then the 50% shall be calculated independently for each component.
3. The replacement shall meet Section 4.1.2, Environmental Impacts, including the mitigation sequencing standards of Section 4.1.2.6, Regulations-Mitigation, to meet the standard of no net loss of shoreline ecological functions and/or processes. Shoreline stabilization shall also meet the alternative analysis provision of Section 6.2.8(1).

4.2 General Use

4.2.1 Nonconforming Uses, Non-Conforming Lots, and Nonconforming Structures

4.2.1.1 Applicability

This section applies to nonconforming shoreline uses, lots, and structures as defined herein:

1. **Nonconforming Use.** A nonconforming use means an existing shoreline use that was lawfully established prior to the effective date of this Program (November 26, 1996) but which does not conform to present use regulations due to subsequent changes to the Program.
2. **Nonconforming Lot.** A nonconforming lot means a lot that met dimensional requirements of the applicable SMP at the time of its establishment (November 26, 1996) but now contains less than the required width, depth or area due to subsequent changes in the Program.
3. **Nonconforming Structures.** A nonconforming structure means an existing structure that was lawfully constructed prior to the effective date of this Program (November 26, 1996) but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the Program.

Nonconforming uses, lots and structures are not required to meet this Program's requirements, unless changes to a use, lot or structure that would require review under this Program are proposed.

4.2.1.2 Goal

It is the purpose of this section to recognize legally established uses, lots, and structures and to allow them to be maintained, repaired, remodeled, replaced, and in some cases expanded, in conformance with current regulations and standards of this Program with due regard to unique site conditions and property rights.

4.2.1.3 Policies

1. Once discontinued, reestablishment of nonconforming uses and nonconforming commercial structures should be restricted or phased out over time.
2. Nonconforming structures may be replaced, repaired, maintained, remodeled, and in some cases expanded, provided the alteration meets the current regulations and standards of this Program.
3. Nonconforming structures that are demolished or destroyed by fire, explosion, flood, or other casualty may be reconstructed to configurations existing immediately prior to the time the structure was damaged or destroyed. Decreases in nonconformity should be encouraged.
4. Nonconforming overwater structures may be reconstructed to the same size and modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.

5. Nonconforming lots of record may be developed consistent with the standards and regulations of this Program.
6. Redevelopment of nonconforming public rights-of-way and associated existing transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.

4.2.1.4 Regulations – General

1. Nonconforming uses, lots and structures may continue subject to the provisions of this section.
2. Nonconforming uses and structures shall not be reconstructed, altered or expanded in any way that increases the nonconformity, **except as allowed under specific provisions of this Program.**
3. A complete application for any reconstruction under this section must be submitted within two (2) years of the date of damage or removal, and upon approval of the application, redevelopment must be completed within one (1) year of the commencement of reconstruction. A one (1) year extension may be granted, provided that a written request is submitted no later than twenty-one (21) days prior to either deadline and provided that the owner is not responsible for the delay.
4. A structure for which a variance has been issued but which does not comply with applicable requirements of this Program or amendments hereto shall be considered a legal existing structure and the requirements of this section shall apply.
5. Any alterations to nonconforming uses or structures shall meet the no net loss standard pursuant to Section 4.1.2.4. The current condition of the shoreline, including nonconforming uses and structures, shall be the starting point or baseline for determining compliance with the no net loss standard.

4.2.1.5 Regulations - Nonconforming Uses

1. If a nonconforming use is discontinued for twelve (12) consecutive months, any subsequent use shall be conforming; except that if a nonconforming use is operated within a nonconforming structure that is accidentally damaged or destroyed and reconstruction is proposed under Section 4.2.1.6.1(3), then the use may be re-established within the same time period as the reconstruction for the nonconforming structure pursuant to Section 4.2.1.4(2)
2. A nonconforming use cannot be changed to another nonconforming use.
3. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that all provisions are met.
4. A use listed in Table 4-1 as a conditional use that lawfully existed prior to the adoption of this Program or amendments hereto shall be considered a legal nonconforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.

4.2.1.6 Regulations – Nonconforming Structures

4.2.1.6.1 General Provisions

1. Nonconforming structures may be maintained, repaired, renovated, remodeled, expanded, or rebuilt, subject to the specific provisions of this Program.
2. Changes to a structure that would alter or increase the nonconformity are not permitted;
3. No further encroachment into the shoreline buffer established in accordance with Section 4.1.3 is allowed unless permitted by this Program or through an approved variance; and
4. Any relocation of a structure must conform to regulations of this Program.
5. If a nonconforming primary structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, or destroyed in any other manner, it may be reconstructed to the bulk dimensions existing immediately prior to the demolition or catastrophic event, provided the use is conforming or meets the provisions of Section 4.2.1.4, Regulations – General, and 4.2.1.5, Regulations – Nonconforming Uses, above, and the following:
 - a. This provision shall not apply to structures that are destroyed due to a criminal act initiated by the property owner.
 - b. The replacement structure shall not warrant new shoreline stabilization for the life of the new structure.
 - c. The replacement structure must meet geologically hazardous provision for existing development in Section 4.1.5, Regulations and Appendix B-9.

4.2.1.6.2 Nonconforming Structures – Commercial and Industrial (Primary and Accessory)

1. Nonconforming commercial structures shall not be altered or expanded in any way that increases the nonconformity without first obtaining a variance.
2. Reconstruction of nonconforming commercial structures and buildings intentionally demolished or destroyed in any other manner than described in Section 4.2.1.6.1(2), shall be in conformance with all standards of the Program.

4.2.1.6.3 Nonconforming Structures – Residential Single-Family: Primary Structures

1. If a nonconforming primary residential structure is damaged or destroyed as described in Section 4.2.1.6.1(2), the nonconforming primary residential structure configuration may be altered or expanded pursuant to subsections 4.2.1.6.3(2-4).
2. A nonconforming primary residential structure located within the Shoreline Buffer may be altered or expanded, provided:

- a. Enlargement or expansion of the building configuration, including any new impervious surfaces, shall be located landward of the existing or original building footprint;
 - b. No enlargement or expansion shall be located within Zone 1 of the Shoreline Buffer;
 - c. The enlargement or expansion shall not exceed:
 - i. The allowed building area for Point Monroe District, Section 5.9.6(2).
 - ii. The allowed building area for encumbered lots, Section 4.2.1.7.
 - iii. For structures not meeting i or ii:
 - A. Four thousand square feet (including the existing structure and any new impervious surfaces) with mitigation as required in the Single Family Shoreline Mitigation Manual;
 - B. Greater than four thousand square feet (including the existing structure and any new impervious surfaces) with submittal of a site-specific impact analysis and approval of a shoreline conditional use permit.
 - d. No significant trees shall be removed to accommodate the enlargement or expansion;
 - e. Permitted expansion of a nonconforming structure shall not substantially impact the existing views of the water from primary residences or public rights-of-way to any greater degree than a fully conforming structure in accordance with Section 4.1.3.11.
 - f. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.
- 3. Enlargement or expansion of a structure outside the Shoreline Buffer, or portion of a structure located partially within the Shoreline Buffer, is allowed without meeting the provisions in Section 4.2.1.6.3.2.a-c, above, provided all other applicable standards and provisions of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws are met.
 - 4. Enlargement or expansion of a structure shall not warrant new shoreline armoring for the life of the structure.

4.2.1.6.4 Nonconforming Structures – Multifamily Residential: Primary Structures

- 1. A nonconforming primary multifamily residential structure or portion thereof may be reconstructed, altered, or expanded, including the footprint and/or the height increased, to the extent allowed by this Program, if public access is provided pursuant to Section 4.2.4.6, Regulations – Public Access Design and Location Standards.

4.2.1.6.5 Nonconforming Structures – Residential: Accessory Structures

1. If a nonconforming residential accessory structure is damaged, destroyed or intentionally demolished, the reconstruction shall be in conformance with all standards of the Program.
2. A nonconforming **essential single family residential accessory structure** may be reconstructed as follows:
 - a. Replacement structure is the same bulk dimension as the existing structure.
 - b. Replacement structure may be located within Zone 2 provided mitigation occurs in accordance with 4.1.2.5, Regulations – Revegetation Standards.
 - c. Attached decks essential to a single-family residence may be replaced in the same location.
 - d. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.
3. Shoreline modifications shall conform to Section 6.1, General Shoreline Modification Provisions, and Section 6.2, Shoreline Stabilization.

4.2.1.7 Regulations –Nonconforming Lots

Track changes not previously discussed.

1. Single-family development and redevelopment, except in the Point Monroe District, that is proposed on a nonconforming lot ~~located in the shoreline jurisdiction~~ or proposed for a shoreline property that is significantly encumbered by shoreline or critical area buffers, may be allowed without a shoreline variance when the following criteria are met:
 - a. ~~A If a lot contains a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances and that is unrestricted by buffers from shorelines or critical areas~~ shoreline or critical area buffers, development of a single-family residence and normal appurtenances shall occur within that unrestricted building area and comply with the provisions of this Program. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping. ~~or~~
 - b. ~~A If a lot that does not contain a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances that is unrestricted by shoreline or critical area buffers, meet the requirement of subsection 1.a above,~~ development shall meet the following provisions:
 - i. Landslide hazard provisions of Section 4.1.5, Critical Areas, and Appendix B and provide the maximum buffer dimension feasible for critical areas; and
 - ii. Provide a building area not to exceed 2,500 square feet with maximum lot coverage of 1,200 square feet. The building area shall be located on the portion of the lot providing the maximum Shoreline Buffer dimension with consideration given to view; and

- iii. All single-family residential development approved under this section shall meet the shoreline structure view setback provisions in Section 4.1.3.11, Regulations – Shoreline Structure Setback View Requirement; and
- c. The area between the structure and the shoreline and/or critical area shall comply with revegetation standards in Section 4.1.2.5(3), the vegetation conservation standards of Section 4.1.3, Vegetation Management, and provisions of Section 4.1.5 Critical Areas, and Appendix B; and
- d. Development may not take place waterward of the ordinary high water mark; and
- e. Facilities such as a conventional drainfield system may be allowed outside of the building area specified above, and allowed within buffer areas, except wetlands buffers. Such facilities shall not be located closer than 75ft to OHWM; and shall be subject to regulations of Section 4.1.5, Critical Areas.

4.2.1.8 Regulations – Nonconforming Public Facilities & Transportation

1. Nonconforming public facilities shall be allowed to continue and to be repaired, maintained, or remodeled.
2. Redevelopment of nonconforming public rights-of-way and associated transportation structures are allowed for purposes of facilitating essential public access, development of public trails, and/or public shoreline access, provided that no other alternative is feasible and redevelopment shall be otherwise consistent with the provisions of this Program, including but not limited to the provisions for public access and no net loss of shoreline ecological functions and processes.

4.2.1.8 Regulations – Nonconforming Residential and Commercial Structures: Aquatic Structures and Accessory Aquatic Structures

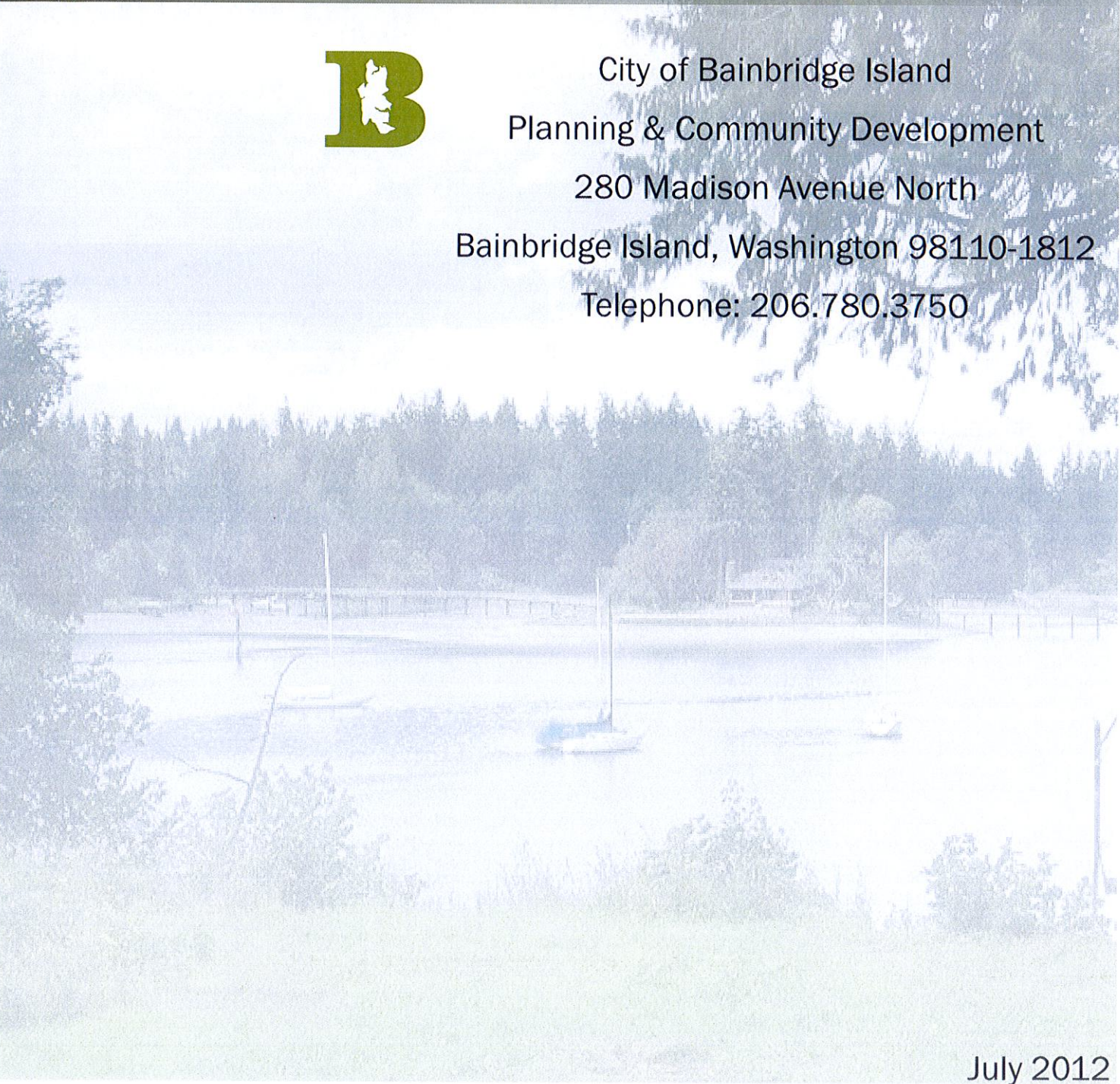
1. Existing docks floats, and buoys may be repaired and replaced in the same foot print and shall comply with this Program's requirements for materials and standards, to the extent practicable.
 - a. Except that as a conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.
2. Except for docks and floats, repair and replacement up to 50% of the footprint of any existing aquatic structures, including shoreline modifications, or buildings or portions thereof within the Aquatic or Priority Aquatic designations, shall only be done once within any five year period. Such replacements shall comply with this Program's requirements for materials and standards to the extent practicable. If the structure is composed of several components, then the 50% shall be calculated independently for each component.
- ~~3. The replacement shall meet Section 4.1.2, Environmental Impacts, including the mitigation sequencing standards of Section 4.1.2.6, Regulations Mitigation, to meet the standard of no net loss of shoreline ecological functions and/or processes. Shoreline stabilization shall also meet the alternative analysis provision of Section 6.2.8(1).~~



Single Family Residence Shoreline Mitigation Manual



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Introduction

This manual provides guidance for City of Bainbridge Island (City) homeowners as well as City staff and consultants on requirements and mitigation opportunities for specific types of single-family residential (SFR) development within the shoreline jurisdiction of the City.

Under Washington State Shoreline Management Act Guidelines [WAC 173-26-186(8) & 201(2)(c)], all new development, activities and uses must meet the standard of no net loss of ecological functions and shoreline processes. To ensure the standard of no net loss is met, any adverse impacts from new, repaired, or replaced development must be mitigated in accordance with the Mitigation Sequence (see Page 2) described in WAC 173-26-201((2)(e)). When there are permanent impacts not addressed in sequence number 2, 3, or 4 the applicant must provide mitigation for the remaining adverse impacts to meet the no net loss standard.

The City's Shoreline Management Program (SMP) regulations require an applicant submit a site-specific analysis to demonstrate that the no net loss standard has been met. A site-specific analysis is a technical report that identifies existing conditions and ecological functions, impacts from the project, and proposed mitigation.

To give homeowners a low cost alternative for meeting the no net loss standard, this manual was developed and provides mitigation for common types of SFR development as an alternative to submitting a site-specific analysis.

This manual provides City requirements for single family residences when mitigating construction, repair or replacement of SFR primary and accessory structures. Subdivisions, including short plats and other development, and uses or activities not associated with SFR development, are required to provide a site-specific analysis in accordance with the SMP Section 4.1.2 Environmental Impacts.

A homeowner can use this shoreline mitigation manual if:

- the SFR is not part of a new subdivision application; and
- the proposed project is located within a qualifying site (see below); and
- the proposed project is listed among the development and structure types and maximum size constraints covered by this guidance (shown in Table 1).

What sites qualify for this approach?

Sites which qualify for this manual are SFR shoreline parcels that are not adjacent to a marsh or a lagoon. Marshes and lagoons are a critical habitat feature for many protected species and therefore development proposals affecting these sites require a higher level of examination. Proposed development on SFR sites with an adjacent marsh or lagoon must complete a site-specific analysis that complies with the requirements of SMP Section 4.1.2, Environmental Impacts, and/or Appendix B, Critical Areas.

Washington State Shoreline Management Act Guidelines:

http://www.ecy.wa.gov/programs/sea/sma/guidelines/downloads/Draft_2002_SMP_Rule.pdf

What is mitigation?

Mitigation is the process of avoiding, limiting, reducing, or eliminating the adverse environmental impacts of a project over time, and ultimately compensating for impacts that remain. Mitigation for impacts follows a specific sequence described in WAC 173-26-201((2)(e)) as follows:

1. **Avoid** the impact altogether by not taking a certain action or parts of an action;
2. **Minimize** impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment;
4. **Reduce** or eliminate the impact over time by preservation and maintenance operations;
5. **Compensate** for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. **Monitor** the impact and the mitigation activities and take appropriate corrective measures as needed.

The mitigation strategies identified in this manual are for environmental impacts that cannot reasonably be avoided (steps 2 through 6 of this sequence).

New in-water or overwater structures (such as shoreline stabilization construction or docks) are not covered by this guidance. Applications for new in-water or overwater development must submit a site-specific analysis in accordance with the City's SMP.

An applicant must also obtain a U.S. Army Corps of Engineers (USACE) and Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval (HPA) for any new in-water or overwater structure as well as for a repair or replacement of an existing structure. Mitigation is typically required by those agencies as well, however the City may determine that mitigation and permit conditions required by federal and state agencies are sufficient to meet City requirements according to provisions in the SMP. Note that the SMP prohibits new overwater covered moorage in the marine environment .



Shoreline with native vegetation.

Mitigation activities prescribed for the qualifying types of construction in this document are selected to directly compensate for environmental impacts that are not prevented through careful site design, structure design or use of best practices. Examples of best practices are low impact development methods for managing stormwater, retractable docks or beach nourishment for shoreline stabilization. For example, permanent clearing of vegetation is mitigated by replanting vegetation, and any permitted fill placed below the ordinary high water mark (OHWM) is mitigated by removing fill already located below the OHWM.

Mitigation is first required to be conducted on the same parcel (on site) as the proposed construction unless impractical. In most cases, more mitigation is required when it will occur on a different parcel (off site).

These measures ensure that mitigation is clearly linked to the type and location of impact the development would have on the shoreline. This approach also supports the City's responsibility to ensure there is no net loss of shoreline functions.

In some cases, onsite mitigation may not be feasible or offsite mitigation may be preferred based on shoreline physical processes. In either case, check with City of Bainbridge Island Planning and Community Development Department for preferred locations recommended by the City's Shoreline Restoration Plan or for other guidance related to acceptable offsite mitigation. In limited cases, a reduction in mitigation requirements for offsite compensatory mitigation may be allowed if the Administrator determines a greater ecological benefit is achieved at the proposed location.



Bainbridge Island shoreline and dock.



Homes near this marsh would not qualify for the mitigation approach in this manual.

What kinds of SFR development qualify for this guidance?

SFR development that qualify for this guidance includes: a new home, accessory structure (to existing SFR), and expansion, replacement, and repair of a SFR or accessory structure. Within these SFR development categories, structures that qualify must be within specific size constraints. The types of structures and size constraints for use of this manual are provided in Table 1. Examples include construction of a new home no larger than 4000 ft²; an accessory structure to an existing home, such as a detached garage no larger than 580 ft², a patio no larger than 120 ft²; stairs to the beach between 50 ft² and 300 ft² (mitigation is not required for stairs less than 50 ft²); remodel of an existing structure; and replacement or repair of shoreline structures such as a bulkhead, stairs or a dock. Note that the listed size constraints are not the maximum permitted by City regulations, but are the maximum for which this manual can be used to determine appropriate mitigation without a site-specific study.

Development of each of these structures typically results in one or more of the following shoreline and nearshore disturbances that require mitigation: 1) vegetation is cleared, 2) new impervious surface is created, 3) fill is placed below the OHWM or 4) aquatic habitat is permanently disturbed. Table 1 identifies which of these disturbances may apply based on your proposed development.

To use Table 1:

- 1 Select the category of development (new, accessory etc.) that applies to your project from the first column.
- 2 Select the type of structure from the second column.
- 3 Check to make sure your proposed development is within the maximum size constraints for that structure. If they are not, you will need a site-specific analysis.
- 4 Review the impacts requiring mitigation and identify those that apply to your project.
- 5 For each impact requiring mitigation, go to the corresponding section under Mitigation Requirements for a description of what is required.

Table 1. Qualified Single Family Residential (SFR) developments and associated impacts requiring mitigation.

Development Category	Structure Type	Maximum Size Constraints (based on footprint)	Impacts Requiring Mitigation			
			Vegetation is Cleared	New Impervious Surface is Created	Permitted Fill is Placed Below OHWM	Aquatic Habitat is Disturbed
New ^a	SRF including any accessory development	4,000 ft ²	◆	◆		
	Driveway or parking area	No maximum	◆	◆		
Accessory Note: the footprint of existing SRF including all accessory developments with the exception of a guest house or accessory dwelling unit (ADU) cannot exceed 4000 ft ²	Detached garage or carport	580 ft ²	◆	◆		
	Guest house or ADU	800 ft ²	◆	◆		
	Boathouse (only in upland)	200 ft ²	◆	◆		
	Patio –with or without BBQ pit or deck	120 ft ²	◆	◆		
	Hot tub + deck/patio	120 ft ²	◆	◆		
	Sport court	200 ft ²	◆	◆		
	Gazebo, utility shed, well house, greenhouse	200 ft ²	◆	◆		
	Retaining wall – new or replacement (upland)	3.5 ft. depth and 4 ft. height with no surcharge ^b	◆	◆		
	Deck (attached to house)	400 ft ²	◆	◆		
	Stairs to beach ^c	50 ft ² to 300 ft ²	◆	◆ ^d		

Table 1. Qualified SFR developments and associated impacts requiring mitigation (CONTINUED).

Development Category	Structure Type	Maximum Size Constraints (based on footprint)	Impacts Requiring Mitigation			
			Vegetation is Cleared	New Impervious Surface is Created	Permitted Fill is Placed Below OHWM	Aquatic Habitat is Disturbed
SFR (primary) Replacement or Expansion Note: the footprint of replaced or expanded SFR including all accessory developments cannot exceed 4000 ft ²	Replace (demolished)	Same size as existing structure in same location	No Mitigation Requirement			
		Expand size	◆	◆		
	Expansion of or addition to SFR	4,000 ft ² including existing structure	◆	◆		
Accessory replacement ^e	Bulkhead	Same as existing	◆	◆	◆	
	Boathouse	200 ft ²	◆	◆	◆	◆ ^f
	Stairs to beach ^c	50 ft ² to 300 ft ²	◆	◆ ^d	◆	
	Dock	Same as existing	◆		◆	◆ ^f
Accessory repair ^e	Bulkhead	3.5 ft. depth and 4 ft. height with no surcharge ^b			◆	
	Boathouse	200 ft ²			◆	◆ ^f
	Stairs to beach ^c	50 ft ² to 300 ft ²	◆	◆ ^d	◆	
	Dock	Same as existing			◆	◆ ^{d, f}

^a New dock, or other new in-water or overwater structures are not covered by this manual. Covered moorage is prohibited by the City.

^b Surcharge is the slope above and behind a retaining wall or bulkhead.

^c No mitigation is required for beach stairs with a footprint smaller than 50 ft².

^d If stairs are grated and pass stormwater freely no mitigation for impervious area is required.

^e This program does not cover mitigation required for use of barges. If you intend to use a barge for construction, you will need to submit a site-specific study.

^f Repairs or replacements of this in-water and overwater structure are exempt from this mitigation requirement if the footprint and impact is reduced (such as by replacing wood decking with grating to increase light penetration and reducing the number of pilings). Specific requirements for footprint and impact reduction are explained in the section called **Mitigation Exemption for Repair or Replacement of Overwater Structures**.

Mitigation Requirements

Review each section that follows as it pertains to your project's environmental impacts.

Vegetation is Cleared

Shoreline vegetation is considered important to supporting the ecological functions found in the nearshore. Vegetation along the shoreline at minimum infiltrates stormwater, and can provide large woody debris, bank stability, food sources such as detritus and insects for aquatic species, and temperature moderation of the beach and nearshore substrate. Multistoried vegetation can provide an overhanging, complex network of branches, trunks, stems and roots that also moderate nearshore wave energy.

Native vegetation is preferred for shorelines because native species are better adapted to local physical conditions such as soil, geology, and climate and therefore require less maintenance, are resistant to most pests and diseases, and require little or no irrigation or fertilizers, once established. Thus maintaining native plant species along the shoreline can also have consequent benefits on maintaining water quality. Native vegetation also provides more food sources for native wildlife.

Mitigation for vegetation cleared in the shoreline jurisdiction requires replacement with an equivalent or larger area of native multistoried vegetation (includes groundcovers, shrubs, and trees). Areas planted for mitigation are subject to final approval by the Administrator and must be recorded with the County Auditor on a Notice on Title, or other similar document, prior to approval of the project. Areas planted for mitigation are intended to be protected in perpetuity, although future alterations may be allowed with an approved mitigation plan.

What best describes the character of the vegetation in the area you will be clearing?

Is it predominantly:

- Mowed grass or lawn?
- Non-native landscaping?
- Native Vegetation?

Based on the dominant character of the vegetation that will be cleared and where you intend to plant, different ratios of native vegetation planted area to cleared area are required. These ratios are provided in *Mitigation Requirements for Vegetation Clearing*.

If you intend to plant native vegetation within 30 feet landward of the OHWM (called Zone 1 of the Shoreline Buffer—see Figure 1) the ratios for planting in Zone 1 are lower than if you plant outside of Zone 1. The lower ratio is intended to encourage homeowners to plant in Zone 1 where native vegetation has the greatest effect on nearshore habitat and processes. Ratios are also higher if you are clearing native vegetation, as compared with removing mowed grass or lawn, for the same reason.

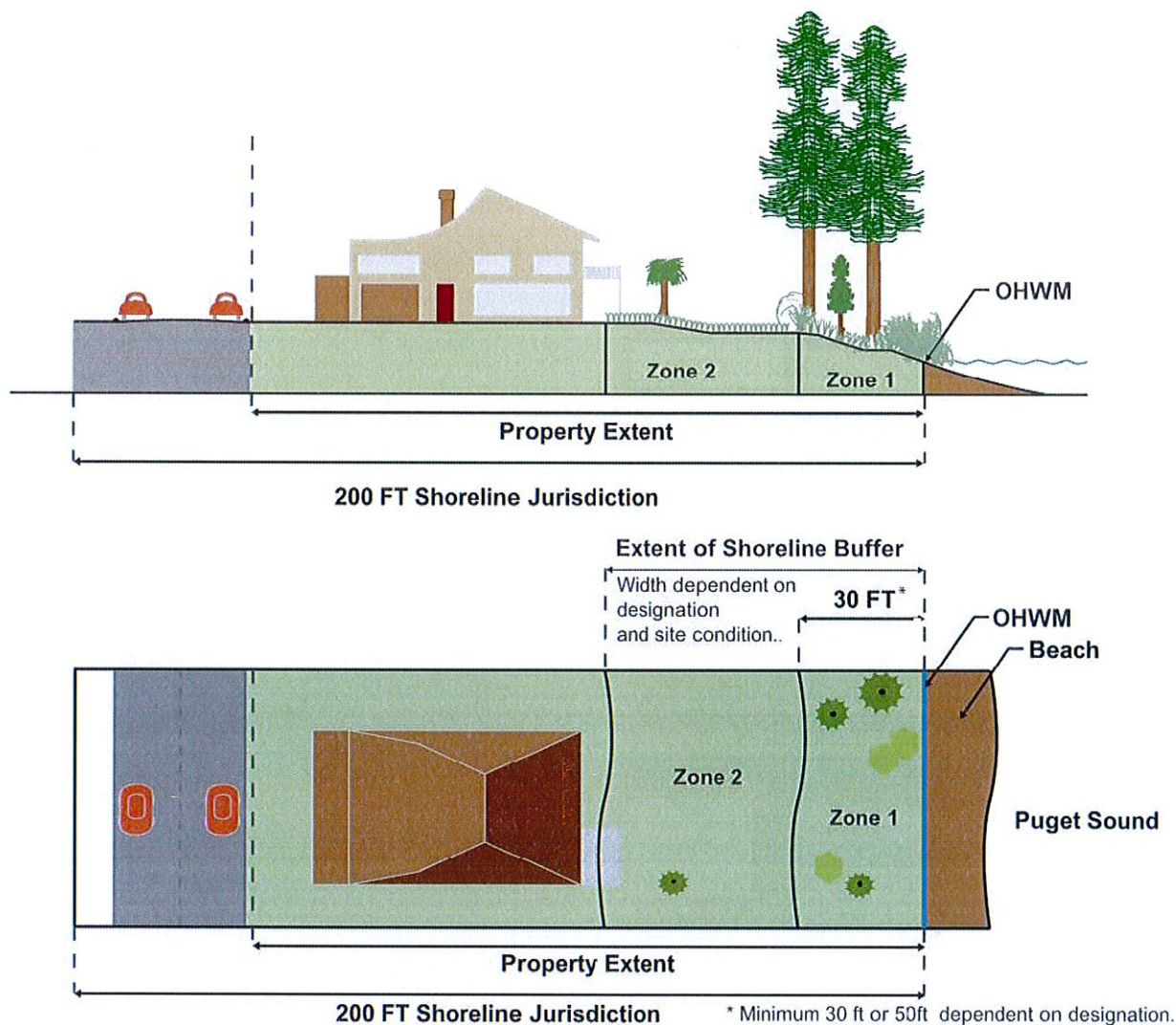


Figure 1. Zones related to the shoreline buffer area.

What is Native Vegetation?

Native vegetation is an assemblage of plants native to Bainbridge Island, which are species that occur or historically occurred on the island based upon the best available scientific and historical documentation. Native vegetation includes a selection of multistoried species (ground covers, shrubs and trees). Acceptable species are listed in Appendix A. Other species may be planted if it can be demonstrated they are native and appropriate to the site conditions.

When planting native vegetation for mitigation, you must provide a plan view of the project area showing where clearing will occur and where native vegetation will be planted for mitigation (including species, spacing and plant sizes). Species are to be planted with spacing designed to achieve a minimum 65 percent native vegetation coverage within 10 years within the replanted area. To assist you, a list of native species suitable for the City's shorelines is provided in Appendix A along with planting details showing typical tree, shrub and groundcover spacing and recommended plant sizes.

Note that your planting plan may be designed to protect views from your primary SFR.

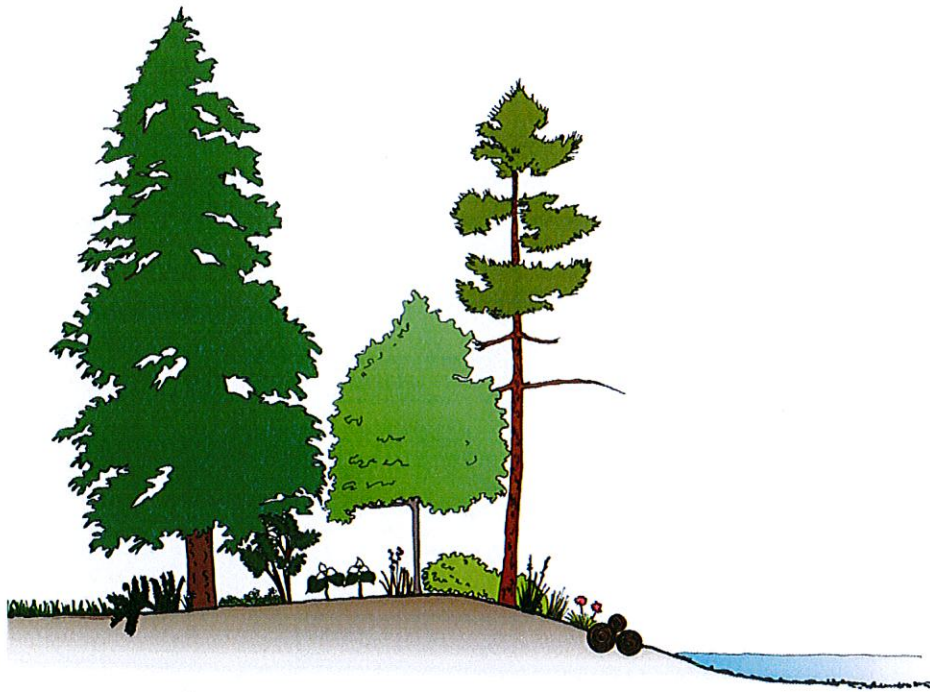


Figure 2. Planting should incorporate trees, shrubs, and groundcovers to provide multiple layers of vegetation (multistoried).

Mitigation Requirements for Vegetation Clearing

Select character of vegetation being cleared	Will mitigation planting be located within Zone 1?	Mitigation Requirement
Area is comprised of mowed grass or lawn	YES	Plant ½ the equivalent area of mowed grass or lawn with multistoried, native vegetation
	NO	Plant the equivalent area of mowed grass or lawn with multistoried, native vegetation.
Area is comprised of non-native landscaping (including groundcovers, shrubs or trees).	YES	Plant the equivalent area of cleared non-native landscaping with multistoried, native vegetation.
	NO	Plant 2 times the area of cleared non-native landscaping with multistoried, native vegetation.
Area is comprised of native landscaping (including groundcovers, shrubs or trees).	YES	Plant 2 times the area of cleared native landscaping to multistoried native vegetation.
	NO	Plant 3 times the area of cleared native landscaping with multistoried, native vegetation

Checklists for Mitigation Approval

For each item below, please attach additional information to this checklist as needed to describe fully your project and proposed mitigation.

General Checklist for All Sites

	ITEM	NOTES
☐	Project description	Include a brief description of your proposed structure, along with its footprint.
☐	List of impacts requiring mitigation	See Table 1.
☐	Proposed mitigation description	Will mitigation be onsite or offsite? For offsite mitigation, provide location and confirmation that the property owner has agreed to have mitigation on their property.
☐	Site plan	Show locations of existing and proposed structure(s) as well as location(s) for mitigation.

Checklist for Various Impact Types

- | ITEM | |
|--------------------------|--|
| ☐ | Vegetation Clearing |
| | ☐ Areas of Clearing and Replanting |
| | ☐ Species List |
| | ☐ Example Spacing for Planting Species |
| | ☐ Plant Sizes |
| ☐ | Creation of New Impervious Area |
| | ☐ Provide the location and area of impervious surface to be removed and replanted. |
| | OR |
| | ☐ If constructing a RAIN GARDEN |
| | ☐ Drainage area calculation |
| | ☐ Location and size of rain garden using methods from <i>Rain Garden Handbook for Western Washington Homeowners</i> found at www.raingarden.wsu.edu/index.html |
| ☐ | Permitted Fill Below OHWM |
| | ☐ Provide calculation of fill volume and proposed location for removing required fill volume |
| ☐ | Beach Nourishment |
| | ☐ Provide location and volume to be deposited |
| | ☐ Provide frequency of nourishment |
| ☐ | USACE permit or WDFW HPA is obtained |
| | ☐ Brief description of mitigation requirements |
| | ☐ Provide copy of each permit and any associated conditions |

Structure Type	Action			
	Repair	Replacement (Demolished)	Replacement (Destroyed)	Expansion
Single family primary residential structure	Yes	Yes, within same footprint, no additional nonconformity	Yes, within same footprint, no additional nonconformity	Yes, with conditions to be determined
Single family accessory structure (other than ADU)	Yes	Yes, to the extent possible comply with existing regulations	Yes, to the extent possible comply with existing regulations	None
Single family essential accessory structure ¹	Yes			
Commercial	Yes	TBD	TBD	TBD
ADU	Yes	Same as SFR	Same as SFR	TBD
Multifamily	yes	Same as SFR	Same as SFR	TBD

1. Single family essential accessory structure definition: An accessory structure that contains a use or is intended for a use that is essential to a single-family residential principal use. The following structures shall be considered an essential accessory residential structure: a garage or carport, one septic system (including one tank and one on-site septic drainfield), one well house and associated well head, and existing decks attached to the primary structure.