

Hot Topics: Nonconforming Development

Washington Department of Ecology

Coastal Training Program

Betty Renkor

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Questions & confusion

- Can they expand their house or add a driveway or garage?
- Can they repair and maintain their house or office building? Can they rebuild in case of a fire?
- Will the bank deny a loan?
- Can they continue the existing use, such as a retail shop, or will they need to close and move?
- Will Ecology make them tear down their house in a few years?

Some are located in hazard areas such as erosion/landslide hazards or CMZs

- Challenge: Is there a public hazard if the structure is allowed to remain?
- Are maintenance and repair OK?

Washaway
Beach



Hugh Shipman photo

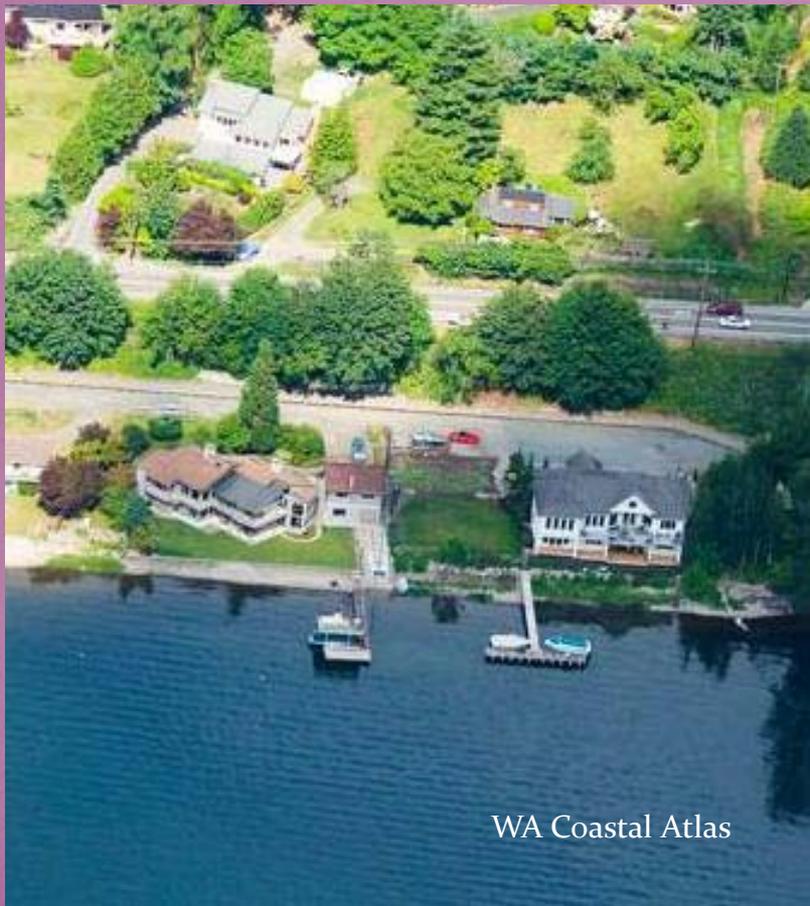
Small parcels or structures become nonconforming with larger buffers

- Challenge: Creating new nonconforming development or lots and requiring variances



Moses Lake, Pelican Horn
WA Coastal Atlas photo

“But you approved it before”



WA Coastal Atlas



Betty Renkor photo

How will you achieve no net loss?

- Cumulative impacts analysis must address likely expansion of NC structures.
- Impacts of expansion must be mitigated.

Why is it important to address these challenges?

- If you don't, the state's regulations kick in.
- New science must be incorporated into SMP updates.
- Need to balance public interest and private property rights.

Use public outreach to clarify issue

- Address concerns & correct misinformation.
- Provide facts (property values, maintenance & repair, expansion.)
- Help people understand what new regulations will protect.

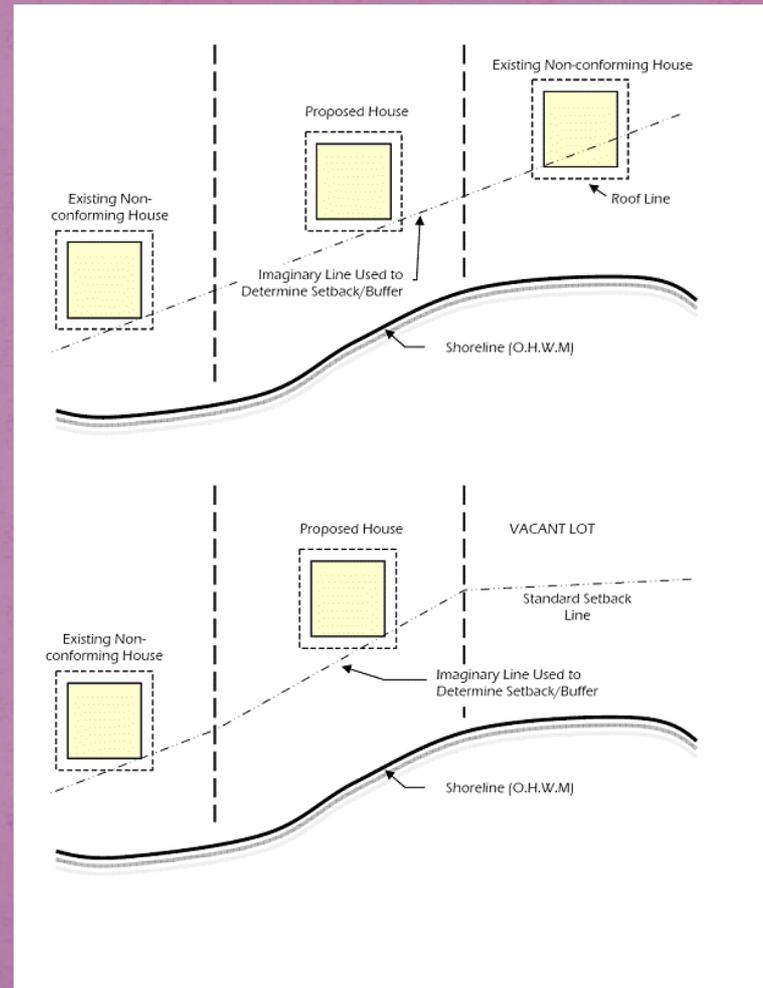


City of Sammamish photo

Collect data to inform issue during inventory

- Lot dimensions
- Numbers of vacant parcels
- Locations of undeveloped lots

Be creative within parameters of case law and no net loss standard



Common line setbacks

Be creative...(case law & no net loss)

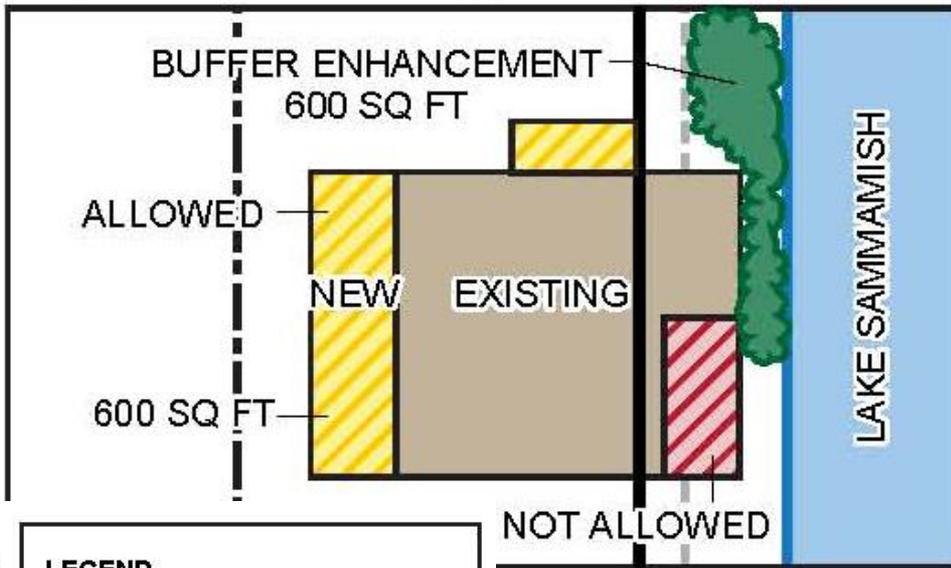


Renton shoreline, Lake Washington

WA Coastal Atlas

Be creative (case law & no net loss)

Expansion of Existing Use/Development within Shoreline Buffer



LEGEND

- OHWM
- - - 35' Shoreline Buffer
- 35' Shoreline Buffer + 15' Building Setback
- - - Shoreline Jurisdiction
- Buffer Enhancement Area
- Active Use Area

- Expansion of existing use located wholly or partially within shoreline buffer must be landward of existing foundation walls
- Expansion waterward of existing foundation walls is prohibited
- For all expansions > than 500 sq ft, an equal area of the buffer must be enhanced

Reduce the permitting burden



- Administrative CUP used in Whatcom County to reduce costs & time.
- Building area of 2500 sf allowed on nonconforming lots.