

From: [Elise Wright](#)
To: [David Ward](#); [Debbi Lester](#); [Anne Blair](#); [Kirsten Hytopoulos](#); [Bob Scales](#); [Steve Bonkowski](#); [Sarah Blossom](#)
Cc: [Ryan Ericson](#); [Kathy Cook](#); [PCD](#); [CityClerk](#)
Subject: SMP Facts
Date: Friday, April 05, 2013 1:37:05 PM

Dear Council Members,

As a member of the SMP Citizens Workgroup dealing with Vegetative Buffers, I feel compelled to write to you in response to Bainbridge Shoreline Homeowners(BSH) board member Albert Greiner's recent letter to you. Mr. Greiner makes specific recommendations for amendments to the proposed SMP, which he states will be consistent with Department of Ecology guidelines, and would be embraced by most shoreline homeowners. My response to each of his recommended amendments are below:

1. "Retain the current 50 [foot] buffer for new construction(a) and proportionally to mitigate new impacts from changes to existing structure and uses which increases impervious surfaces or removes native vegetation.(b)" (*alphabetical indicators added*)

Response:

(a) From the beginning of the SMP update process, one of the demands from BSH and Bainbridge Citizens (BC) representatives was for buffers that recognize that "one size does not fit all" relative to shoreline properties. Recently the Point Monroe Homeowners Assoc(PMHA?) persuaded Council to approve an entirely different set of buffers, setbacks and regulations for the Sand Spit alone.

The dual-zone buffer provides varying depths of native vegetation buffers and plant requirements relevant to what exists on-site. Providing two residential designations was a response to requests that differences among existing waterfront properties be acknowledged and treated differently by the property rights advocates of BSH and BC. Now those same advocates are asking that we go back to the current 50' buffer that they first protested. The fact is that **this misses the landscape specific context of no net loss and it also fails to understand that the 50' buffer has been recognized legally and by Department of Ecology as not meeting the SMA's no net loss requirement.**

(b) The mitigation sequence has already been adjusted to proportionally address impacts from impervious surfaces added to existing structures and removal of native vegetation. **These issues were debated and resolved at both the Work Group and the Planning Commission levels, with the full participation of members of BSH and BC.** Relevant mitigation can be found in the "[Single Family Residence Shoreline Mitigation Manual](#)" appended to the Draft SMP (online).

2. "Limit docks, stairs and other water structures to the minimum necessary for the purpose rather than fixed number of feet."

Response: This has already been addressed in the proposed SMP. There is no longer a fixed number of feet. **Docks in harbors are limited by guidance provided by the Army Corps of**

Engineers, to maintain navigable channels. In the shallow bays on Bainbridge Island it would take a 250 to 300 ft pier to get the float to a point that it could be used by most boats. When overwater structures extend far into the harbor they have a significant impact on public use of the waters by small craft as well.

As you know, overwater structures including docks have a very negative impact on the shoreline ecosystem function, preventing growth or renewal of eelgrass, forcing forage fish and juvenile salmon into deeper water where they are more vulnerable to predators, and attracting predators to the piers.

3. "Add the concept of No-Net-Loss and mitigation sequence for permitting (avoid impacts, minimize impacts and mitigate for impacts)."

Response: This is required by law and it is already done. The concept of No Net Loss is the overriding principle of the SMP update. **All the SMP regulations including the state-mandated mitigation sequence will be included in the city's permitting process, once approved by DOE.**

4. "Conform bulkhead regulations to the DOE Guidelines and add hybrid bulkheads per Planning Commission."

Response: This is also already done. **The proposal for hybrid bulkheads and the permitting process by which they may be installed came from the Modifications Workgroup and the Task Force, with full participation by representatives from BSH and BC.** Their recommendation was approved by the Planning Commission and forwarded to Council.

5. "Conform shoreline designations to DOE Guidelines - replace Rural and Semi Rural with Shoreline Residential."

Response: The Shoreline Residential and Shoreline Residential Conservancy designations are not strictly analogous to the previous Rural and Semi Rural designations. The new designations are based on existing characteristics of developed shoreline residential areas (as originally requested by BSH and BC representatives). **Shoreline Residential Conservancy, for example, incorporates areas subject to severe biophysical limitations such as steep slopes, landslide hazard and flood-prone areas and wetlands** (a complete list is on pp 20 & 21 of the March 12, 2012 Draft SMP). **A buffer of 50' is inadequate for these areas, and is not what is in place for these areas now:** the most recent slide on Whidbey Island that destroyed a house, as well as the previous slide experienced here on Bainbridge, that destroyed a house and killed a young family, provide clear reasons for limitations placed on building close to steep slopes. Vegetation buffers along steep slopes are critical for maintaining the stability of the slope as well as protecting sensitive feeder bluffs essential for fish habitat.

6. "Plan for restoration on public lands."

Response: While public lands provide the most easily accessible restoration projects, at least 80% of the island's shoreline is in private hands. The proposed Restoration Plan "guides improvements of degraded shoreline areas over time. through voluntary and incentive-based public and private programs." (3/12/12 Draft SMP, p 14.) **To meet the improvements in ecological functions required by WAC 173-26-201(2)(f) and the no net loss standard of WAC 173-26-201(2)(c), restoration efforts must be island-wide.**

7. Make all existing legal constructed homes, structures and uses conforming per SSB 5451."

Response: You have been witness to the debate in the community regarding use of the term conforming versus non-conforming, and have, I feel, arrived at a fair compromise. I'm sure you know that **even per SSB 5451 a nonconforming structure remains a nonconforming structure, no matter what it is called.** Calling it something else treats non-conforming structures within shorelines different from those within upland critical areas, to which SSB 5451 does not apply. **Many of us agree with you that use of the term 'conforming' in the SMP will lead to confusion, lack of clarity, misalignment with our existing zoning laws, and potential litigation from property purchasers who feel they have been misled.**

8. "If you're curious how effective our SMP has been in reducing our island's bulk-headed shoreline, its positive effects of beach nourishment, its reduction of opaque overwater structures and the amount of shoreline restored, please look here:

<http://bainbridgeshorelinehomeowners.wordpress.com/2010/10/31/is-shoreline-development-having-positive-or-negative-impacts-on-ecological-function/> "

Response: The most accurate measure of how effective implementation of the 1996 SMP has been is seen in the shorelines of the Island. While Mr. Greiner's 2010 analysis cites data from 2008 to 2010, anyone who has been here since 1996 has witnessed the enormous increase in bulkheads and the loss of native vegetation along the water resulting from shoreline development since that time. Over 82% of our shorelines are developed and at least 49% have shoreline armoring of some kind, impacting the natural functions of the shoreline for fish and wildlife. **The saddest indicator of all, however, is the loss of ecological habitat and consequent loss of both quantity and variety of marine life in our portion of Puget Sound, as shown in the nearshore assessment.**

I have compiled this information with help from members of the other Citizen Workgroups and the Task Force. I am aware that the proposed SMP is undergoing revision as you follow your process, and hope you will seek corroboration of our facts and conclusions from your staff - particularly from Ryan Erickson, who provided expert guidance throughout the process in which we took part.

We are hopeful that the city will soon effectively address the storm water runoff improvements required by NPDES II. In the meantime, we must all move forward together to pass the SMP as proposed, and turn our considerable energy to the many other

challenges ahead.

Sincerely,

Elise Wright