

Theresa Rice

From: Roz Lassoff on behalf of Council
Sent: Wednesday, June 20, 2012 8:24 AM
To: Theresa Rice
Subject: FW: SMP_Mandatory Restoration

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From: Michael Whalen [<mailto:mwhalen@seanet.com>]
Sent: Tuesday, June 19, 2012 8:21 PM
To: Council
Subject: SMP_Mandatory Restoration

To the BI City Council:

At the May 22nd Council meeting, Libby Hudson of the Planning Staff stated that "mandatory restoration is not required" under the proposed SMP. However, many regulations in the Draft SMP are written in way that make it virtually certain that restoration will be required. Might we ask for a clarification?

While it is true that restoration may not be required immediately, under the terms of Draft SMP most shoreline homeowners will be facing mandatory restoration sometime in the future. When seeking a permit to make a change to their house, or even landscaping, mandatory restoration will be required as a condition of approval.

It is a clearly stated policy goal that, over time, the island's shorelines will be restored. How will this be achieved? Partial restoration will be required as compensatory mitigation when an existing single family structure is altered or expanded (see Note 1 below). It is also required by the regulations in the Vegetation Management Section, which demands a restorative re-vegetation plan whenever any changes are made to existing landscaping (see Note 2 below).

If we are reading these sections of the SMP draft correctly, then Ms. Hudson's comment is misleading. We suggest that the City Staff be asked to clarify the public record on this point.

Thank you for your consideration of these comments.

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Note 1: See Appendix D, Compensatory Mitigation Requirements:

Example: if an existing single family residence is expanded (and vegetation is cleared and/or new impervious area is created), then mitigation is required.

As Table 2 shows, even the removal of existing lawn would trigger the requirement for replanting with native vegetation, as compensatory mitigation. The definition of Native Vegetation is essentially a description of a restoration planting scheme. Note that this mandatory revegetation must be "...protected in perpetuity...". See page 333.

Also note the extremely broad definition of "residential development" in the Definitions section (page 236), which includes construction or alteration, and "...all modifications to land and vegetation associated with construction... or maintenance of residential structures...". Under these terms even normal maintenance or simple improvements to an existing house could trigger revegetation requirements (see below).

Note 2: See Section 4.1.3 - Vegetation Management

Section 4.1.3.5.5,a: "Existing landscape areas may be retained within the Shoreline Buffer..., however any changes from the existing landscape to a different landscaping use or activity will require that the modified area comply with the provisions of Section 4.1.3...". The goal of section 4.1.3 is to protect and restore shoreline vegetation.

Section 4.1.3.5.6: "New vegetation planted in the Shoreline Buffer....shall be native species using a native plant community approach of multistoried, diverse plant species that are native to the Central Puget Sound marine riparian zone." In other words, new vegetation is limited to those types of plants deemed appropriate for the meeting the goals of shoreline restoration.

Also see Section 4.1.2.5 Regulations-Revegetation Standards

Section 4.1.2.5.4: "When vegetation mitigation is required for new development ...within the 200-foot shoreline jurisdiction...the mitigation plan shall include new plantings..." and, (a) "Within Zone 1 retain existing native vegetation and plant the entire area...to obtain a minimum 65% native vegetation canopy overage within 10 years...". Remember, "new development" is defined to include alterations to, and even maintenance-related work on, existing single family residences.

Finally, see 4.1.2.5.1: "Minimum requirements for (revegetation) planting plans can be found in the City's Administrative Vegetation Management Manual." Note that this Manual has not yet been published, and has not been available for either public comment or consideration by the Planning Commission.