

Theresa Rice

From: Michael Whalen [mwhalen@seanet.com]
Sent: Thursday, August 11, 2011 12:34 PM
To: PCD
Cc: Kirsten Hytopoulos; Kim Brackett; Hilary Franz; Bill Knobloch; Debbi Lester; Barry Peters; Bob Scales
Subject: SMP Buffers
Attachments: Figure 1.pdf; ATT4327665.htm; Figure 2.pdf; ATT4327666.htm

To Members of the Planning Commission:

I think it is apparent to everyone by now that the proposed shoreline buffer and vegetation regulations are more restrictive than necessary to meet the State's SMP guidelines. Why is that?

Other jurisdictions have updated their SMP's with rules that are more balanced and flexible. They have done this using "best available science," have met the standard of "no net loss," and have received approval from DOE. Bainbridge Island could do the same.

Consider, for example, the issue of shoreline vegetation requirements. Port Townsend takes the sensible approach of separating the goals for vegetation conservation from vegetation restoration. This acknowledges the benefit of conserving existing native vegetation where new development is planned. But it also addresses existing shoreline development patterns and does not require mandatory restoration when improvements are made to existing structures. Instead, a program of incentives is recommended to encourage voluntary restoration.

By contrast, the BI draft combines conservation and restoration into a single category.

"Vegetation conservation includes activities to protect and restore vegetation along or near ...shorelines..."

Furthermore, vegetation conservation (& restoration) requirements will apply to existing development *"...when changes or alterations occur"*.

The intent here seems clear: if changes or alterations to an existing development are made, then vegetation restoration will be required. That restoration, per other draft regulations, will require a Riparian Protection Zone with a specified list of multi-story native plantings, to be maintained in an undisturbed "no touch" condition, except with the prior approval of the "administrator."

The attached illustrations show the impact of these regulations on a shoreline residential lot on Bainbridge Island as compared with the same lot in Port Townsend.

Figure 1 shows an existing single-family residence on a shoreline parcel. Port Townsend regulations require a 50' setback from the Ordinary High Water Mark, and the conservation of a certain amount of native vegetation on the lot. Beyond that, there are few regulations that would limit the property owner's use of their land within the shoreline setback zone. Replanting with native plants is encouraged but not required. A series of incentives are recommended to encourage voluntary shoreline restoration.

Figure 2 shows the same shoreline residence under the proposed Bainbridge Island regulations. For an existing house to be "altered or modified" the provisions of the Standard Shoreline Buffer would be imposed. This

would include a requirement for the restoration of the shoreline setback zone to a native vegetation condition. The first 30' of the buffer would become a highly restricted "no touch" zone, that prohibits, or severely limits, any use by the property owner. The next 20' allows a small percentage of "native" grass lawn, and requires the remaining area to be planted in a prescribed percentage of native plant materials.

Bainbridge and Port Townsend share the same type of nearshore environment, are required to use the same "best available science" and meet the same standard of "no net loss". And yet, the proposed Bainbridge regulations impose dramatically more restrictive conditions on shoreline residential property.

I believe that Port Townsend provides a precedent that is worthy of consideration and should be part of the discussion. From that point of view, I encourage you to consider the following changes to the proposed regulations:

1. Make existing shoreline development categorically exempt from regulations that require restoration of multi-storied native plantings as a condition of future modifications, alterations or additions.
2. Provide a package of incentives to encourage voluntarily implement shoreline restoration, including:
 - Educational programs and materials
 - Property tax relief options
 - Waiving of permit or development fees
 - Creation of a shoreline restoration fund to help owner's pay for restoration efforts.

Thank you for taking the time to read this and to consider these comments.

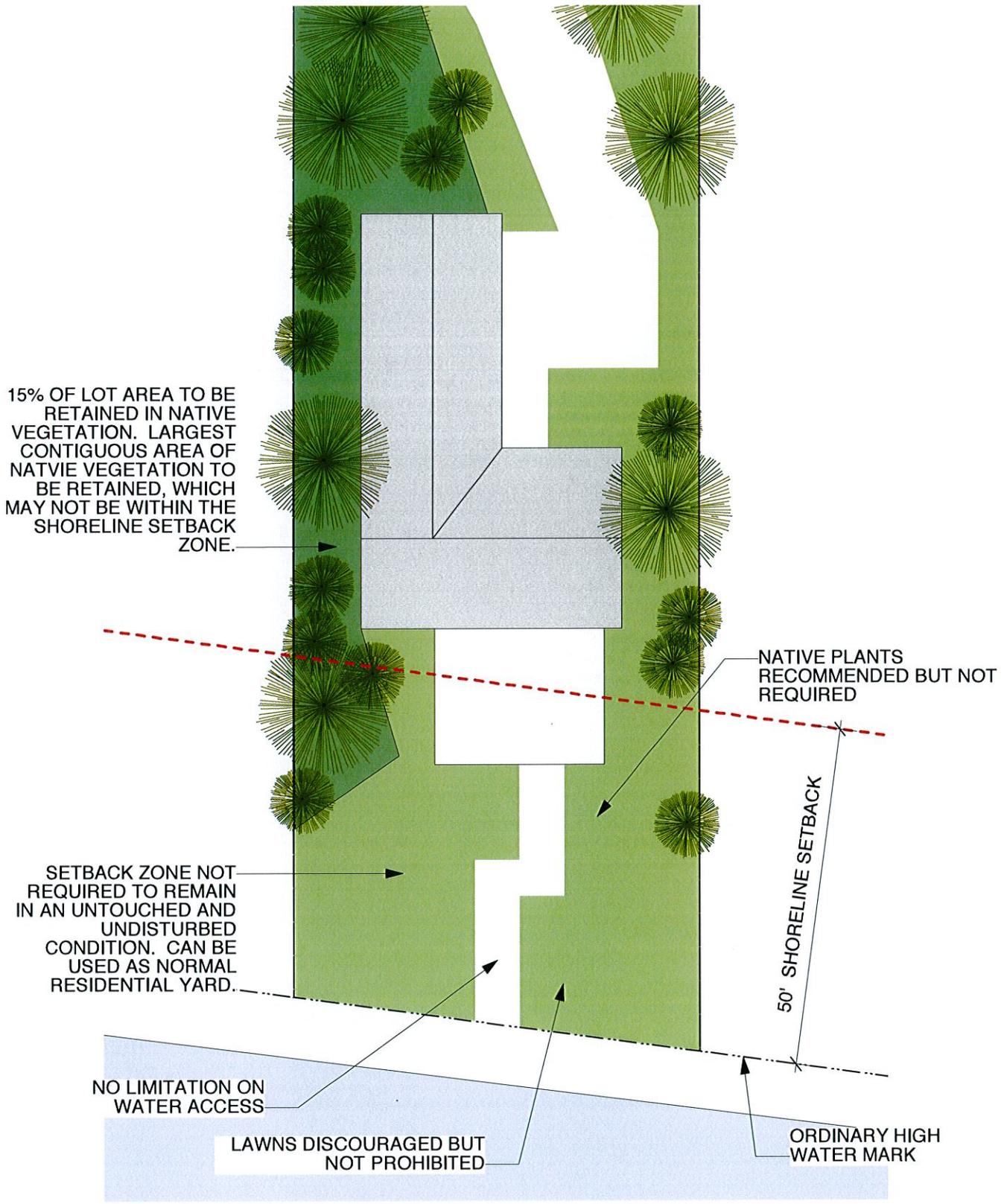


FIGURE 1

ADOPTED PORT TOWNSEND REGULATIONS
SHORELINE RESIDENTIAL

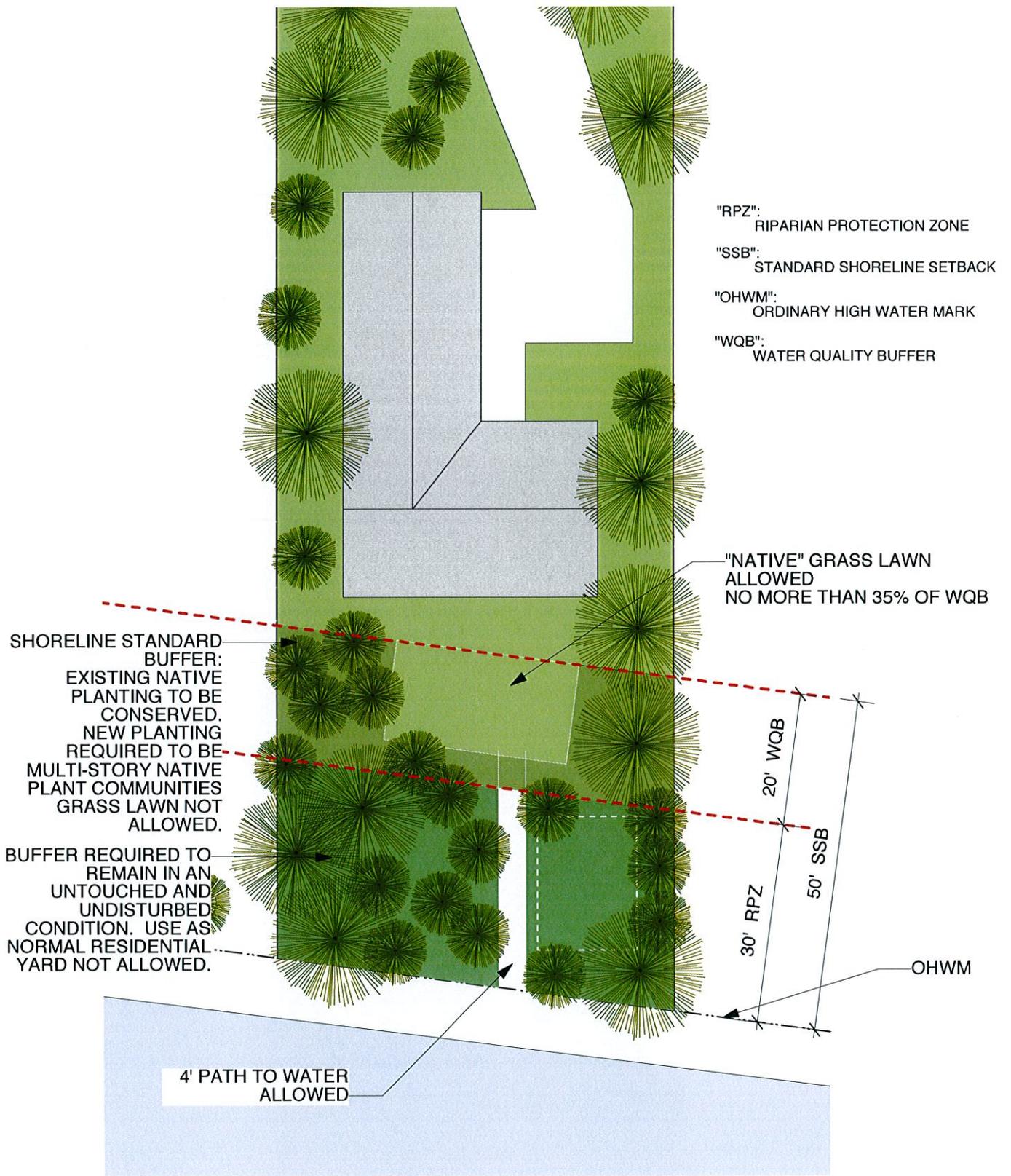


FIGURE 2

PROPOSED BAINBRIDGE ISLAND REGULATIONS
SHORELINE RESIDENTIAL