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DEPARTMENT OF ECOLOGY

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February 2, 2012

Libby Hudson, Division Manager, Long Range Planning  
Ryan Ericson, Shoreline Planner  
City of Bainbridge Island  
280 Madison Avenue North  
Bainbridge Island, WA 98110-1812

Re: 2011 Planning Commission Preliminary SMP Sections: Vegetation Management, Nonconforming Development and Environmental Impacts

Dear Libby and Ryan,

Thank you for the opportunity to review the January 12, 2012 Planning Commission Draft SMP sections covering: **4.1.3 Vegetation Management**, **4.3 Nonconforming Development**, and **4.1.2 Environmental Impacts**. These sections are compliant with both the SMA (RCW 90.58) and the state guidelines (WAC 173-26). The following are Ecology's comments on these specific provisions of the Bainbridge SMP. These comments include comments where the Draft SMP is particularly clear and exemplary in meeting state requirements and a couple of suggestions to clarify the Vegetation Management and avoid unintended consequences.

**4.1.3 Vegetation Management**

This section is well written and presents a system to help the City achieve no net loss of ecological functions in the implementation of the SMP. The regulations in this section provide for existing development; while, introducing a two-zone shoreline buffer system, based on best available science provided by Herrera Environmental Consultants. This two-zone shoreline buffer system provides maximum protection in the zone immediately adjacent to the nearshore, Zone 1, and flexibility for limited structures and uses in Zone 2. It also provides additional site-specific flexibility through the use of categories A and B site-specific measures to protect ecologically intact areas, improve degraded areas, and provide for smaller lot depths.

**Section 4.1.3.7 .1.a-b** Use of diagrams for setback options are not only a very helpful element but should remain in the document to demonstrate how these scenarios could play out in SMP implementation. In the case of such diagrams, more is better than less to best facilitate implementation at the permit level.

**Section 4.1.3.7. 1.c** It is both helpful and important to clarify that homes built under these scenarios, are to be considered conforming to the SMP.





Two suggestions to clarify situations during implementations are:

1) **4.1.3.8.2.c Shoreline Buffer Reductions for undeveloped lots:** add "Zone 2" to clarify the intent and avoid unintended consequences, as follows: "For undeveloped lots in which the Shoreline Buffer) is predominately comprised of Zone 1 (making up 75% or more of the Shoreline Buffer), a 25% reduction to the Shoreline Buffer in Zone 2 may be allowed by the Administrator for the construction of a new primary single family residence provided the following can be met:"

2) Clarify the application of the 30% side yard setback either, describing the 30% side yard setback as a total of 30% of the total lot but being applied to each side of the structure to get to a total of 30% of the lot.

#### 4.3 Non-Conforming Development

Applicability and goal statements are clear and comprehensive on intent and make distinct clarifications of long-term intent respective to residential structures and nonconforming commercial uses and structures.

Section 4.3.6.1 clearly limits the alteration and expansion of nonconforming structures to the SMP provisions or through a Variance.

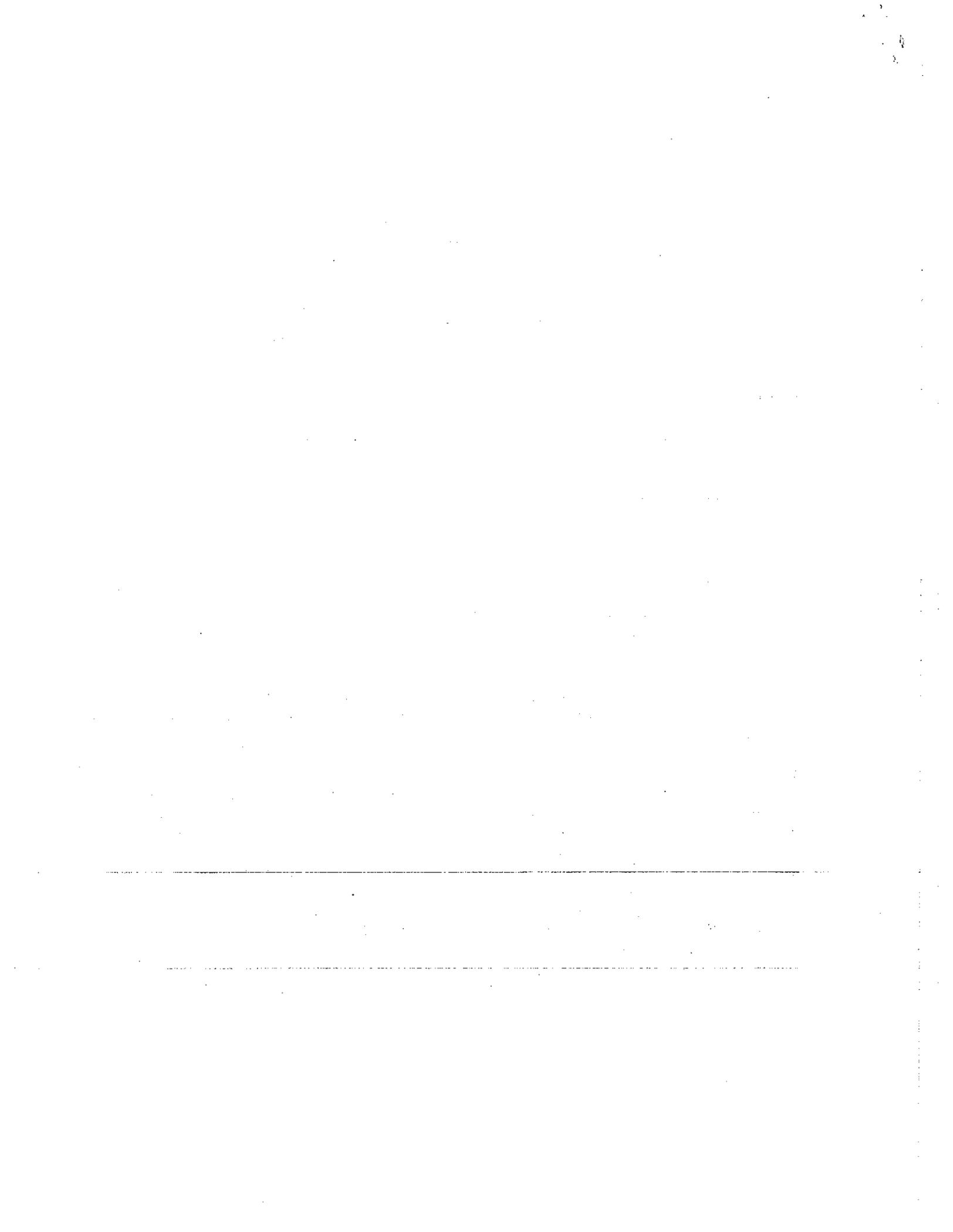
Section 4.3.6.3.c and 4.3.6.4.a.ii limit new shoreline armoring upon replacement of nonconforming commercial and residential structures.

Section 4.3.6.4.b.ii.1-5 sets out specific provisions for reconstruction or expansion of nonconforming single family residences in a manner that potentially assures no net loss of ecological functions.

Section 4.3.7.1 provides for smaller nonconforming lots to allow 2,500 square foot building area with specifications to assist the City in reaching no net loss of ecological functions with future development.

#### 4.1.2 Environmental Impacts

The SMA Guidelines (WAC 173-26-201(2)(e) require master programs to include provisions that require proposed individual uses and developments to analyze environmental impacts of shoreline proposals. When mitigation measures are required, master programs are required to apply mitigation sequencing in the following order of priority: (A) **Avoiding** the impact altogether by not taking a certain action or parts of an action; (B) **Minimizing** 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; (C) **Rectifying** the impact by repairing, rehabilitating, or restoring the affected environment; (D) **Reducing** or eliminating the impact over time by preservation and maintenance operations; (E) **Compensating** for the impact by replacing, enhancing, or providing substitute resources or environments; and (F) **Monitoring** the impact and the compensation projects and taking appropriate corrective measures. These Guidelines go on to state that in determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.



The Guidelines, WAC 173-26-221(2)(i)(E)&(F), also require mitigation and the use of compensatory mitigation in provisions relative to wetlands. Under this section, the Guidelines require that SMPs contain wetland mitigation requirements that are consistent with WAC 173-26-201(2)(e) mitigation sequencing, with compensatory mitigation being allowed only after mitigation sequencing is applied and the higher priority means of mitigation (i.e. avoiding, minimizing, or rectifying) are found to be infeasible. The 2011 Draft SMP Section 11 Appendix B meets the above guideline standards for compensatory mitigation for wetlands.

**Section 4.1.2.1** The applicability statement and goal are clear and succinct statements that are SMA and state guidelines (WAC173-26) compliant.

**Sections 4.1.2.4 and 4.1.2.6** meet state-required mitigation measures through the use of mitigation sequencing. It is also compliant with the state guidelines (WAC173-26) with 4.1.2.4 clarifying the intent of meeting no net loss for all shoreline development, including preferred uses exempt from permit requirements.

**Sections 4.1.2.5.1-4** clarify planting requirements when compensatory mitigation is required. It also qualifies the use of compensatory mitigation under the mitigation sequence planning priorities.

In terms of implementation, this section is clear and comprehensive in its coverage of applicability, intent, and specific planting regulations, monitoring, and calling out submittal requirements to avoid or mitigate impacts.

Ecology appreciates the diligence and comprehensive approach the City staff, Work Groups, and Planning Commission have devoted to achieving this draft. If you have any questions or wish to clarify any points raised in this letter, please feel free to contact me at 425-649-4309.

Sincerely,



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