



CITY OF BAINBRIDGE ISLAND
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

SMP Regulatory Guidance Memo

Title: Demonstrating No Net Loss Standard

Number: 15-06

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SMP Citation: SMP 4.1.2.4

Background

All shoreline development, use and activities must result in no net loss of ecological functions and processes necessary to sustain shoreline resources. Staff must receive sufficient documentation to determine whether a proposed development use, or activity achieves the no net loss standard.

Regulatory Language

SMP 4.1.2.4 states, in part:

All proposed shoreline development, uses and activities shall:

- g. Result in no net loss of ecological functions and processes necessary to sustain shoreline resources.

SMP 4.1.2.4.3 and 4 state:

3. To assure that development activities contribute to meeting the no net loss provisions pursuant to subsection 1 and 2 above, an applicant is required to submit a site-specific analysis of potential impacts and a mitigation plan that includes compensatory mitigation measures when determined necessary as a result of the analysis. The site-specific analysis shall be prepared in accordance with Section 4.1.2.9, Submittal Requirements – Site-Specific Impact Analysis and Mitigation Plan.
4. To mitigate anticipated impacts and meet the no net loss standards in subsection 1 and 2 above, an applicant for a single family residential development or accessory structures may choose to use the Standard Residential Mitigation Manual in Appendix D in lieu of a site-specific impact analysis and mitigation plan. If an applicant uses the Single Family Residential Mitigation Manual,

compensatory mitigation requirements provided in the manual shall be included in the project submittal.

Need for Regulatory Clarification

Clarification is needed because (a) Section 4.1.2.9, Submittal Requirements – Site-Specific Impact Analysis and Mitigation Plan does not exist and (b) the SMP does not explicitly state that if you cannot use the Standard Single Family Residential Mitigation Manual (for example, because your site is not suitable for a rain garden) you must submit a site-specific analysis, (c) a site-specific impact analysis may be needed even if vegetation replanting is not required and (d) to underscore that an applicant must submit either the mitigation checklist from the standard manual or a site-specific impact analysis – all projects require submittal of one or the other unless they receive a waiver from the shoreline substantial development (SSDE) application.

Analysis

All shoreline development, use and activity is required to meet the no net loss standard. As such, staff must have sufficient information and analysis to determine whether a proposal meets the standard. The code language clearly states that “to assure that development activities contribute to meeting the no net loss provisions ... an applicant is required to submit a site-specific analysis...” (SMP 4.1.2.4.3) and that “an applicant for a single family residential development or accessory structures may choose to use the Standard Residential Mitigation Manual in Appendix D in lieu of a site-specific impact analysis” to meet the no net loss standards (SMP 4.1.2.4.4). Page 1 of the standard manual states, “To give homeowners a low cost alternative for meeting the no net loss standard, this manual was developed and provides mitigation for common types of SFR development as an alternative to submitting a site-specific analysis.” It makes sense that all proposals require either use of the manual or a site-specific analysis.

The standard manual includes mitigation measures for when new impervious surface is created, including:

- Remove existing impervious surface of equal area within your shoreline buffer and replant with native vegetation; or
- Install a rain garden that is sized to be at least 20 percent of the area of your new impervious surface.

There are many shoreline properties that are not suitable for rain gardens due to a variety of factors (e.g.; steep slopes, size constraints). The standard manual states, “The use of a rain garden for mitigating impervious surface is based on the understanding that rain gardens can help provide the water collection, retention, and infiltration capacity that are lost when vegetated areas are made impervious” and that rain gardens work by “collecting, absorbing, and filtering stormwater runoff from rooftops, driveways, patios, and other areas that don’t allow water to soak in.” If there is a net gain in impervious surface area and no rain garden is proposed the proposal does not provide sufficient information and analysis to determine whether the no net loss standard is achieved. When a proposal cannot implement the prescribed mitigation measures for one or more identified impacts as specified in the standard manual, the applicant must submit a site-specific analysis to demonstrate that the no net loss standard is achieved.

Draft guidance for the site-specific impact analysis and mitigation plan is attached and will be included in the next update to the Administrative Manual.

Conclusion

All proposals must meet the no net loss standard by either submitting a site-specific impact analysis or use of the Standard Residential Mitigation Manual. An applicant must submit either the mitigation checklist from the standard manual or a site-specific impact analysis – all projects require submittal of one or the other unless they receive a waiver from the shoreline substantial development (SSDE) application. Applicants must use the draft guidance for the site-specific impact analysis and mitigation plan that will be included in the next update to the Administrative Manual.

If any part of a proposal cannot implement the prescribed mitigation requirements for one or more of the identified impacts in the Standard Residential Mitigation Manual, an applicant cannot use the standard manual and must submit a site-specific impact analysis.

Approved by:

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Date