

Option 1:

Summary: Allow up to 1,000 SF of unregulated vegetation modifications as specified in the assumptions above, provided that total area of lawn or bare ground is not increased within the modified area. However, vegetation modifications would not be allowed in areas containing existing native vegetation communities larger than 200 square feet.

Analysis: This option would allow for unmitigated clearing and vegetation changes up to 1,000 SF, giving landowners greater flexibility in landscape modifications. The protection of native plant communities emphasizes the importance of native vegetation. This option would not allow for an unmitigated increase in lawn area.

Draft Code Language – Option 1:

LUC 20.25E.065.F.7.b

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- b. Shoreline Vegetation Impact. Removal or alteration of more than 200 square feet of existing shoreline vegetation including non-significant trees, shrubs, or groundcover in a three-five year period within the area between 0-25 feet of OHWM, or any of the following conducted within the Shoreline Vegetation Conservation Area;~~except when the alteration is part of an approved watershed restoration plan pursuant to LUC 20.25E.170.C.15, a fish or wildlife habitat improvement project pursuant to LUC 20.25E.170.C.16 or a voluntary removal of shoreline stabilization meeting the requirements of LUC 20.25E.080.F.7.~~
 - i. Removal or alteration of more than a total of 1,000 square feet of existing shoreline vegetation including non-significant trees, shrubs, or groundcover in a five year period;
 - ii. Vegetation modifications resulting in an increase in the total area of lawn or bare ground; or
 - iii. Removal of native vegetation communities larger than 200 square feet.

Vegetation removal and alterations are not governed by the square footage limitations set forth in this paragraph when part of an approved watershed restoration plan pursuant to LUC 20.25E.170.C.15, a fish or wildlife habitat improvement project pursuant to LUC 20.25E.170.C.16 or a voluntary removal of shoreline stabilization meeting the requirements of LUC 20.25E.080.F.7. Regular landscape maintenance, as described under LUC 20.25E.065.F.11, is not considered a shoreline vegetation impact.

Option 2:

Summary: In order to maintain the existing baseline condition of the City's shorelines, the allowance of up to 1,000 SF of unregulated clearing, which would be expected to result in some degree of unmitigated loss of vegetative functions, would need to be balanced by other mitigating factors. Therefore, any development proposing new impervious surface waterward from existing structures would be required to plant 150 SF of native vegetation in the area within 0 to 10 feet from the OHWM, in addition to using the mitigation debit/credit matrix in Chart 20.25E.065.F.8.d when mitigation is required.

Analysis: This option steps away from the strict nexus and proportionality by allowing for unmitigated clearing and landscape modifications up to 1,000 SF. It offsets expected losses in vegetative functions by requiring additional mitigation for other actions. The 150 SF area was based on assumptions of anticipated impacts from the 1,000 SF allowance using the mitigation debit/credit matrix values. The benefits of this approach are 1) landowners have greater flexibility in landscape modifications; and 2) it creates a stronger disincentive to move impervious surfaces waterward.

Draft Code Language – Option 2:

LUC 20.25E.065.F.7.b

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- b. Shoreline Vegetation Impact. Removal or alteration of more than 200 square feet of existing shoreline vegetation including non-significant trees, shrubs, or groundcover in a three-five year period within the area between 0-25 feet of OHWM, or removal or alteration of more than 1,000 square feet of existing shoreline vegetation including non-significant trees, shrubs, or groundcover in a five-year period within the Shoreline Vegetation Conservation Area., ~~except~~ Vegetation removal and alterations are not governed by the square footage limitations set forth in this paragraph when the alteration is part of an approved watershed restoration plan pursuant to LUC 20.25E.170.C.15, a fish or wildlife habitat improvement project pursuant to LUC 20.25E.170.C.16 or a voluntary removal of shoreline stabilization meeting the requirements of LUC 20.25E.080.F.7. Regular landscape maintenance, as described under LUC 20.25E.065.F.11, is not considered a shoreline vegetation impact.

LUC 20.25E.065.F.8.c – new subparagraph iv.

- iv. Impervious Surface Waterward of Existing Structures. Any shoreline impact resulting from an increase in impervious surface located waterward of existing structures shall require installation of 150 square feet of native vegetation within 0-10 feet of OHWM. Planting shall meet the standards described in LUC 20.25E.065.8.g.

Option 3:

Summary: This option would narrow the scope of vegetation modifications to limit potential losses to vegetative functions. Up to 1,000 SF of landscape modifications would be allowed, not subject to the mitigation requirements of 20.25E.065.F, provided that the modifications within the 1,000 SF area do not increase the area of lawn or bare earth by more than 20 percent of the modified area and new lawn is only proposed in the area between 25 and 50 feet from the OHWM. Similar to Option 2, this allowance would need to be balanced by other mitigating factors. Therefore, in addition to using the mitigation debit/credit matrix when mitigation is required, any development proposing new impervious surface waterward from existing structures would be required to plant 75 SF of native vegetation in the area within 0 to 10 feet from the OHWM.

Analysis: The most significant concern with the 1,000 SF allowance is that the allowance would be used to transition from shrubs and trees to lawn. This option limits that potential by limiting the increase in lawn area to 20 percent of the modified area, or a maximum of 200 SF. The advantage to this approach is it only slightly increases mitigation obligations for other actions. The maximum lawn area of 200 SF is also similar to other thresholds used, which accounts for other vegetative growth over time.

Draft Code Language – Option 3:

20.25E.065.F.7.b

- b. Shoreline Vegetation Impact. Shoreline vegetation impacts are defined as any of the following:
 - i. Removal or alteration of more than 200 square feet of existing shoreline vegetation including non-significant trees, shrubs, or groundcover in a ~~three-five~~ year period within the ~~Shoreline Vegetation Conservation Area, except area between 0-25 feet of OHWM;~~
 - ii. Removal or alteration of more than a total of 1,000 square feet of existing shoreline vegetation including non-significant trees, shrubs, or groundcover in a five-year period within the Shoreline Vegetation Conservation Area;
 - iii. Removal or alteration of less than 1,000 square feet of existing shoreline vegetation including non-significant trees, shrubs, or groundcover in a five-year period within the Shoreline Vegetation Conservation Area if the area of lawn or bare ground increases by more than 200 square feet.

Vegetation removal and alterations are not governed by the square footage limitations set forth in this paragraph when the alteration is part of an approved watershed restoration plan pursuant to LUC 20.25E.170.C.15, a fish or wildlife habitat improvement project pursuant to LUC 20.25E.170.C.16 or a voluntary removal of shoreline stabilization meeting the requirements of LUC 20.25E.080.F.7. Regular landscape maintenance, as described under LUC 20.25E.065.F.11, is not considered a shoreline vegetation impact.

LUC 20.25E.065.F.8.c – new subparagraph iv.

- iv. Impervious Surface Waterward of Existing Structures. Any shoreline impact resulting from an increase in impervious surface located waterward of existing structures shall

require installation of 150 square feet of native vegetation within 0-10 feet of OHWM.
Planting shall meet the standards described in LUC 20.25E.065.8.g.