

**NO NET LOSS REPORT**

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**for the City of Milton Shorelines: Surprise Lake and  
Hylebos Creek**

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## CITY OF MILTON SHORELINES: SURPRISE LAKE AND HYLEBOS CREEK

### 1 INTRODUCTION

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The Shoreline Management Act guidelines (Guidelines) require local shoreline master programs (SMPs) to regulate new development to “achieve no net loss of ecological function.” This No Net Loss (NNL) Report provides a summary of how the development of the SMP and supporting documents, including the Shoreline Analysis Report, Shoreline Restoration Plan, and Cumulative Impacts Analysis, will ensure that ecological functions will not be degraded or minimized over time as the SMP is implemented. A Cumulative Impacts Analysis evaluated the effects of foreseeable development under the proposed SMP and demonstrated that the goals, policies and regulations in the proposed SMP, combined with recommendations in the Shoreline Restoration Plan, will prevent degradation of ecological functions relative to the existing conditions, as documented in the City’s Shoreline Analysis Report.

### 2 SHORELINE JURISDICTION

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Surprise Lake has a surface area of approximately 32 acres. Thus, the lake, shorelands and any associated wetlands are considered part of shoreline jurisdiction.

The 20 cfs cutoff point for Hylebos Creek is located just upstream of the confluence with West Hylebos Creek. All aquatic areas, shorelands 200 feet from the OHWM, and associated wetlands, downstream from this point, are considered part of shoreline jurisdiction. A large riparian wetland is present near the 20 cfs cutoff point and extends upstream along Hylebos Creek. Since this riparian wetland intersects within the 200 foot shoreline jurisdiction, the entire wetland, even those parts extending upstream of the 20 cfs point, are considered associated. No other streams, lakes, or wetlands within the City of Milton are considered part of shoreline jurisdiction.

The total area subject to the City’s updated SMP, not including aquatic area, is approximately 47.8 acres (0.075 square mile), and encompasses approximately 1.53 miles of shoreline.

### 3 SHORELINE ENVIRONMENT DESIGNATION

The City’s Shoreline Analysis Report evaluated existing conditions in the City’s shorelines. Because the two shoreline areas are relatively small and, especially in the case of Surprise Lake, fairly homogeneous, the inventory of shoreline conditions and evaluation of ecological functions was completed on each shoreline entirely (i.e. separate reaches were not created) (See Figure 1). Environment designations were proposed along each shoreline based on the shoreline specific conditions and likely changes in land use (Figure 2). The following discussion provides a brief description of the City’s shoreline, proposed environment designations from the Shoreline Analysis Report, and environment designations established in the City’s proposed SMP.

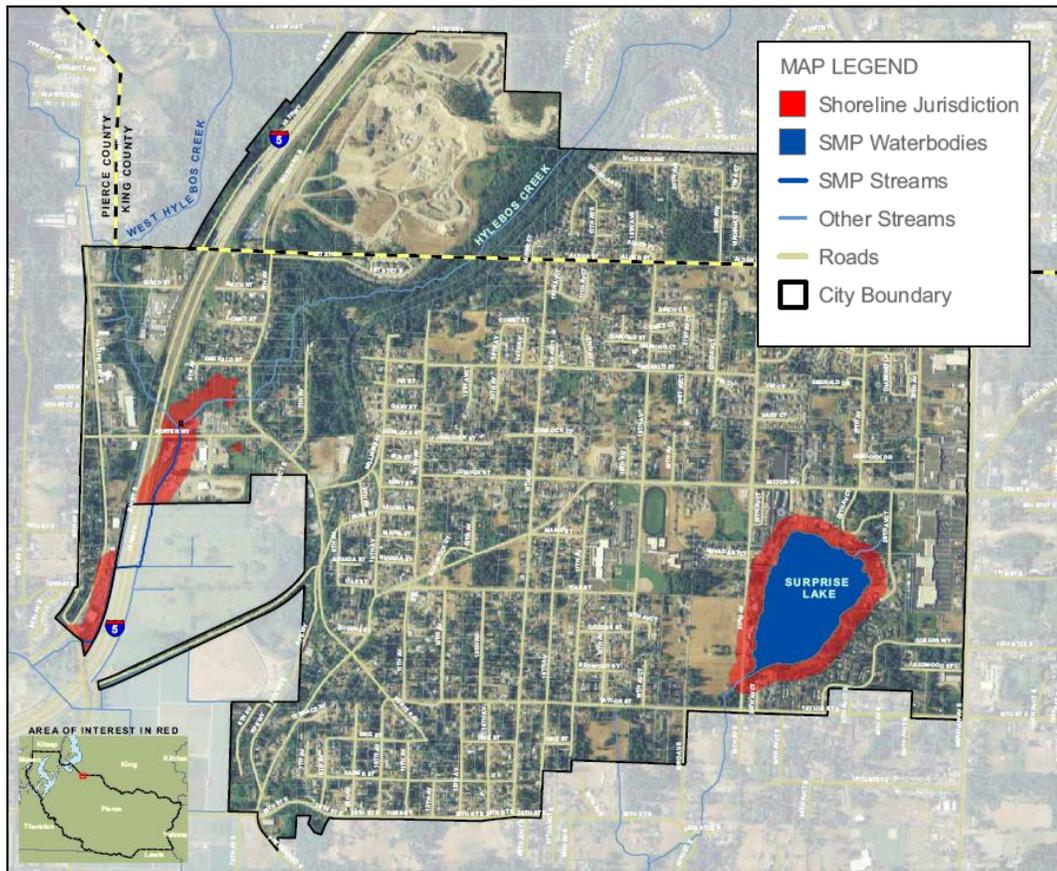


Figure 1. Shoreline Jurisdiction in the City of Milton

The Shoreline Analysis Report recommended the potential use of up to five environment designations, most of which were consistent with the classification system proposed by Ecology. These included Natural or Urban Conservancy for

the associated wetlands at the upstream end of Hylebos Creek jurisdiction, Shoreline Residential and potentially also Shoreline Residential Multi-Family for the area around Surprise Lake, High Intensity along Hylebos Creek adjacent to I-5, and Aquatic. Upon development of the SMP and discussion with the City's Planning Commission and Ecology, the entire length of Hylebos Creek in Milton's jurisdiction was designated Urban Conservancy. The UC designation was intended to cover all associated wetlands as well as the varied uses (commercial, industrial, residential) that are occurring in jurisdiction. Also upon further discussion the entire shoreline around Surprise Lake was designated as Shoreline Residential (Figure 2).

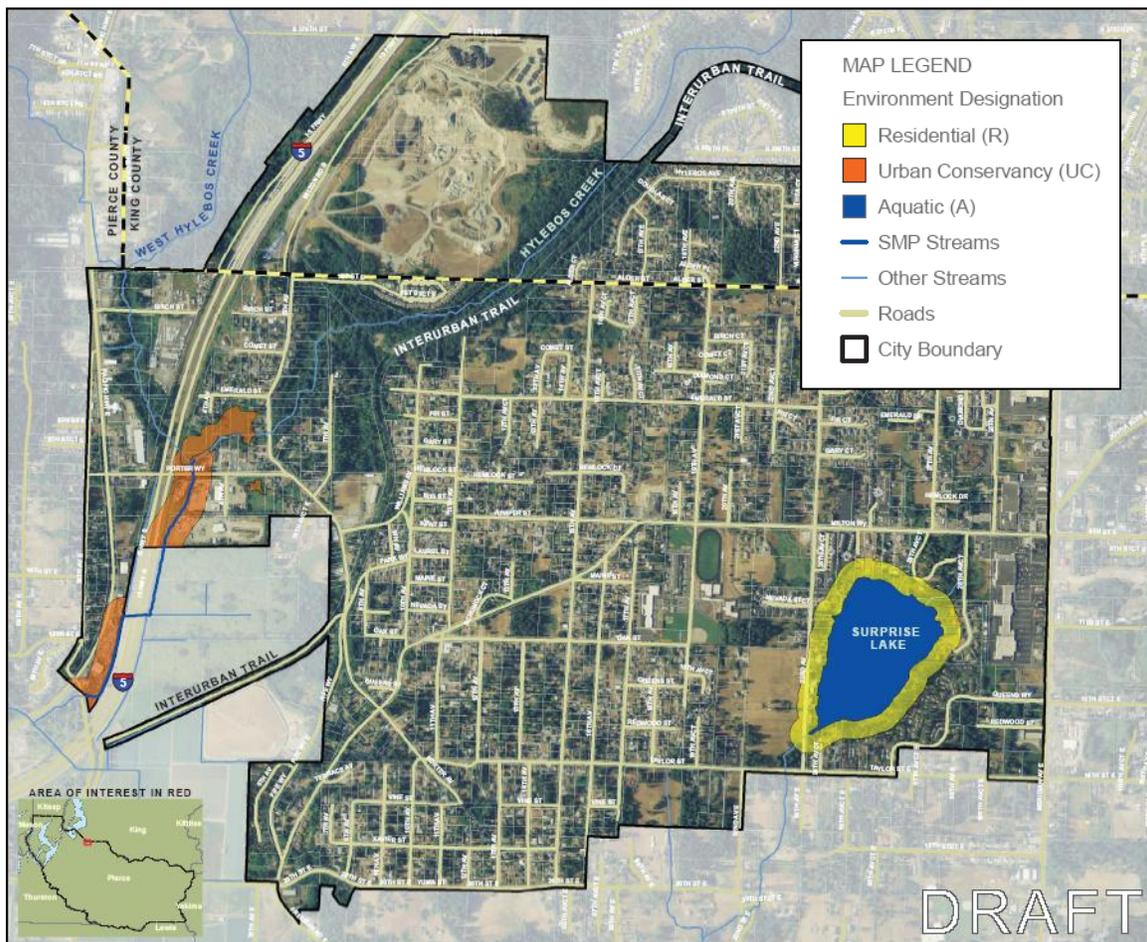


Figure 2. Shoreline Environment Designations in the City of Milton

### 3.1 Urban Conservancy

An Urban Conservancy environment designation was recommended for the shoreline area along Hylebos Creek within the City of Milton. According to the proposed SMP, “(t)he purpose of the Urban Conservancy designation is to protect those shoreline areas that are relatively free of human influence, that are

a portion of an ecologically significant water body and offer the potential for restoration.” In some cases the designation may be assigned to restrict further adverse impacts to the ecology by adjacent uses. It is intended to be assigned to those areas that are relatively ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity, including those wetland complexes in Shoreline Jurisdiction. In addition, this designation would also allow for restoration of degraded shorelines within this environment.

### **3.2 Residential**

The Residential environment designation was recommended for all shoreline areas surrounding Surprise Lake. According to the proposed SMP, “(t)he purpose of the Residential designation is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate community access and recreational uses.” It is intended to be assigned to those areas that are predominantly single-family residential, multifamily residential, or private residential uses, or are planned or zoned for residential development.

## **4 GOALS, POLICIES, AND REGULATIONS**

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The City’s Shoreline Analysis Report included several specific recommendations for shoreline management to incorporate into the updated SMP. Several key recommendations and discussions of whether or how the proposed SMP implemented these recommendations are identified below:

1. Shoreline Critical Areas Regulations

The Shoreline Analysis Report recommended maintaining an adequate buffer on Hylebos Creek to the extent consistent with existing conditions and the objectives of the Shoreline Management Act. These recommendations were incorporated in the proposed SMP as the existing critical areas buffer dimensions were maintained at 180 feet for Nonwater-dependent uses.

2. Flood Hazard Reduction

The Shoreline Analysis Report recommended consideration of how and if to incorporate a response to new National Flood Insurance Program guidelines that resulted from a National Marine Fisheries Service

Biological Opinion. The proposed SMP includes several provisions that are generally consistent with the intent of new FEMA guidelines. The City is working to finalize its flood hazard regulations, consistent with FEMA guidelines.

3. Public Access

The Shoreline Analysis Report recommended working to try and identify potential locations for new public access to shorelines throughout the City. The City of Milton's Comprehensive Plan identifies, through two specific goals, the intent of providing public access and accessible open space along the City's Shoreline areas. However, there is no current acquisition or development plan for creation of public access

4. Vegetation conservation regulations

The Shoreline Analysis Report recommended establishing appropriate residential setbacks on Surprise Lake, recognizing the existing conditions and potential for providing improved shoreline vegetation as part of setback modification options. The proposed SMP includes a 80 or 100 foot building setback within single-family and multi-family residential uses, respectively. Within these setbacks, 15 feet is allowed adjacent to the primary structure for a true minimum setback of 65 or 85 feet, respectively. For vegetation planting requirements, new residential development on lots that do not contain intact native vegetation must plant native vegetation along the shoreline. For single-family development, a 15-foot wide band of vegetation must be provided the entire length of the shoreline; for multi-family development, a 30-foot wide band of vegetation must be provided the entire length of the shoreline.

The Analysis Report also recommended encouraging the control of invasive or noxious vegetation, including aquatic vegetation found in Surprise Lake by, among other things, coordinating with Pierce County Surface Water Management and the Washington Department of Fish and Wildlife regarding preferred and effective aquatic vegetation removal mechanisms. Control of aquatic vegetation through enhancement of natives and control of noxious weeds is emphasized in the City's general policies (3.B.1b).

5. Water Quality and Stormwater

The Analysis Report recommended including policies and regulations that appropriately incorporate recommendations of the City's and County's water quality-related studies, particularly as related to impaired

parameters listed by Ecology or outcomes of the NPDES Municipal Stormwater Permit requirements. The proposed SMP includes policies and regulations which focus on meeting or exceeding state requirements for retention, detention and water quality, and maintenance of existing facilities.

The Analysis Report also recommended consideration of whether special stormwater management policies and regulations may be necessary and feasible beyond the standard City requirements contained in the adopted Ecology *Stormwater Management Manual for Western Washington*. The proposed SMP goes beyond the Ecology Stormwater Manual by requiring that all shoreline uses, activities, and developments use best management practices (BMP) measures to treat, control, and release surface stormwater runoff.

#### 6. Prohibited Uses and Modifications

Except for the purpose of shoreline restoration, the Shoreline Analysis Report suggested considering whether the following shoreline uses and modifications in shoreline jurisdiction should be allowed: agriculture; aquaculture; boating facilities; forest practices; and mining.

The proposed SMP prohibits the following uses: aquaculture, boating facilities, forest practices, parking (primary), mining, and solid waste disposal. The proposed SMP also prohibits the following modifications: breakwaters, jetties, groins, weirs, dikes and levees, and moorage piles and buoys.

Dredging and the disposal of dredge material may be allowed through a Shoreline Conditional Use Permit only when adverse impacts are minimized and when mitigation is provided as part of an approved habitat improvement project and to clean up contaminated sediments.

#### 7. Shoreline Habitat and Natural Systems Enhancement Projects

The Shoreline Analysis Report also recommended including incentives for shoreline restoration, particularly in areas identified as having lower function. Specifically, the Analysis Report emphasized that certain fills can be an important component of some restoration projects.

The proposed SMP includes several incentive measures which would allow for a slightly reduced shoreline setback in exchange for a suite of shoreline enhancements.

## 5 RESTORATION OPPORTUNITIES

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The City's Shoreline Restoration Plan, prepared as part of this SMP update, will serve as a framework for the City and its restoration partners to identify and implement opportunities to improve impaired ecological functions in the City's shorelines. Several restoration opportunities were identified to address ecological impairments identified in the Shoreline Analysis Report. The City could implement LID and stormwater regulations and recommendations proposed in the 2010 NPDES Phase II Annual Report. These include stormwater improvement and monitoring programs in the Surprise Lake watershed, as well as avenues to encouraging LID techniques and measures for use in private development.

## 6 CUMULATIVE IMPACTS

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The Cumulative Impacts Analysis determined that the proposed SMP provides a high level of protection to shoreline ecological functions. The report indicated that on its own, the proposed SMP, which includes the Shoreline Restoration Plan, is expected to protect and improve shorelines within the City of Milton while accommodating limited amount of reasonably foreseeable future shoreline development, resulting in no net loss of shoreline ecological function.

The following are some of the key features identified in the Cumulative Impacts Analysis that protect and enhance shoreline ecological functions to ensure that the no net loss standard is met.

- Shoreline setbacks along Hylebos Creek are maintained at 180 feet for Nonwater-dependent uses. Likewise, shoreline building setbacks along Surprise Lake are at 80 feet for single-family residential use and 100 feet for multi-family use.
- Vegetation Conservation Areas are established to provide for revegetation along all shorelines upon new development. These consist of 165 feet along Hylebos Creek and 15 and 30 feet, respectively, for single- and multi-family residential uses.
- Projects with potential for significant adverse ecological effects will need to follow mitigation sequencing to avoid, minimize and mitigate any impacts.

- Emphasis on achieving no net loss of shoreline ecological functions throughout shoreline jurisdiction, including development of water-dependent uses.

## 7 CONCLUSIONS REGARDING NO NET LOSS

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The SMP update process has provided the opportunity to identify existing environmental conditions, anticipate future impacts to shoreline functions, and identify restoration opportunities within the City of Milton's shoreline jurisdiction. The SMP update was based on the evaluation of existing conditions identified through the Shoreline Analysis Report. The proposed SMP provides a high level of protection to shoreline ecological functions. Major elements of the SMP that ensure no net loss of ecological functions fall into four general categories: 1) environment designations, 2) general provisions, 3) shoreline use and modification provisions, and 4) Shoreline Restoration Plan.

The Shoreline Analysis Report provided the information necessary to assign environment designations to the City's shoreline. Shoreline uses and modifications were then individually determined to be either permitted (as substantial developments or conditional uses) or prohibited in each of those environment designations.

Regulations emphasize avoidance and minimization of ecological impacts primarily via protection of vegetation. These factors are balanced with uses and modifications that are essential to maintaining existing water-oriented uses and necessary modifications. Recommendations from the Shoreline Analysis Report were weighed and generally followed in the development of the SMP. Deviations from the Analysis Report recommendations were made to ensure that 1) regulations did not interfere with the potential for shoreline restoration or enhancement, or prevent future public access/recreation improvements; or 2) existing uses were allowed to continue to operate. All of the shoreline modification regulations emphasize minimization of size of structures and use of appropriate materials, and use of designs that do not degrade and may even enhance shoreline functions. The proposed SMP emphasizes protection and enhancement of shoreline resources such that no net loss of ecological functions will be achieved over time.

Several potential restoration programs and partners were identified in the Shoreline Restoration Plan. Specific opportunities and/or implementation

strategies for restoration both within and outside of shoreline jurisdiction were proposed.

In summary, the following key features identified in the proposed SMP protect and enhance shoreline ecological functions.

- The establishment of a standard setback on Surprise Lake that encroaches no further than the existing median setback.
- Retention and revegetation along shorelines as part of future development.
- Reductions or softening of hard shorelines through regulatory provisions and development incentives.
- Protection of associated wetlands through critical areas regulations
- Emphasis on achieving no net loss of shoreline ecological functions throughout shoreline jurisdiction.

Given the above provisions of the SMP, including the Shoreline Restoration Plan, implementation of the proposed SMP is anticipated to achieve **no net loss of ecological functions in the City of Milton's shoreline.**