

## 2017/18 CRITICAL AREAS ORDINANCE UPDATE

### Summary of Public Comments Received by Topic/Potential Council Action \*\*

\*\* Comments received during City Council review between August 2, 2017 – present.

The following table provides a summary of public comments/concerns received during City Council review organized by topic and three categories of potential City Council action:

- No Action. These comments/concerns are based on misinformation, are unrelated to the Critical Areas Ordinance, simply express support or opposition to the draft Critical Areas Ordinance, or provide a general comment.
- Action 1 – Consider specific revisions recommended by staff (see separate document).
- Action 2 – Consider topic and recommend/request revisions for Council discussion.

	Topic and Action	Subtopic(s)
<b>1 Trees and vegetation</b>		
	No Action	<ul style="list-style-type: none"> <li>• Regulations do not recognize specialty niches in arboriculture.</li> <li>• Review by City for invasive species removal may be a disincentive for volunteers.</li> <li>• Need for permit to manage trees for forest health/safety within a critical area is ridiculous and absurd.</li> </ul>
	Action 1	<ul style="list-style-type: none"> <li>• Should be able to manage trees in NVPA without City approval/permit.</li> <li>• Invasive species removal should not trigger NVPA requirement. Invasive species removal should be allowed within NVPA, once established.</li> <li>• Pollarding should have the same limitations/thresholds as coppicing.</li> <li>• A more standard definition for invasive species should be used.</li> <li>• Specific revisions recommended by arborist and citizens.</li> <li>• List of invasive species confusing, repetitive.</li> </ul>
	Action 2	<ul style="list-style-type: none"> <li>• Required indemnity agreement for tree professionals overly burdensome.</li> <li>• The pruning and tree removal restrictions are excessive and expensive due to need for professional.</li> </ul>
<b>2 Critical Areas Ordinance (CAO) – general</b>		
	No Action	<ul style="list-style-type: none"> <li>• Requests the City consider balancing protection of critical areas with the ability for public entities to build essential buildings (e.g., schools, pools, parks, etc.).</li> <li>• CAO is dense and difficult to understand.</li> <li>• Professional services required will add significant financial cost to local development (vs. off-site developers).</li> <li>• Recommends not rushing process.</li> </ul>
	Action 1	<ul style="list-style-type: none"> <li>• Ongoing agriculture exemption confusing and difficult to implement.</li> </ul>
	Action 2	<ul style="list-style-type: none"> <li>• CAO should acknowledge fire risk. Urges Council to consider BIFD Community Wildfire Protection Plan.</li> </ul>
<b>3 CARA/NVPA (Native Vegetation Protection Area) -- support</b>		
	No Action	<ul style="list-style-type: none"> <li>• Encourages Council to support the CAO and the new NVPA requirement.</li> <li>• A good first step to forest/native vegetation protection</li> <li>• Native soils are as important as native vegetation; 65% rule is good</li> <li>• Applauds more stringent regulations for trees/water protection</li> <li>• NVPA provision is imperative to adequately protect and preserve our aquifers.</li> <li>• Urge Council to be both innovative and courageous in supporting the long-term welfare of island residents</li> </ul>

	Topic and Action	Subtopic(s)
		<ul style="list-style-type: none"> <li>• Finds the proposed levels of protection of native plants and trees to be an acceptable and necessary step toward protecting our aquifer(s) and the sustainability of our water resources</li> </ul>
	Action 1	<ul style="list-style-type: none"> <li>• None</li> </ul>
	Action 2	<ul style="list-style-type: none"> <li>• Suggests Council might consider allowing a case-by-case variance for individual property owners who wish to build a home or ADU for family occupation with appropriate justification congruent with the intent of the NVPA</li> <li>• Requests greater flexibility in requirement for NVPA, including a way to reduce the 65% NVPA requirement if a site can demonstrate no net loss of aquifer recharge.</li> </ul>
<b>4 CARA/NVPA – opposition</b>		
	No Action	<ul style="list-style-type: none"> <li>• NVPA is a tremendous over-reach by the City.</li> <li>• NVPA will require more consultants at an added cost to landowners.</li> <li>• NVPA will undermine planned short plats, subdivisions.</li> <li>• USGS/Aspect studies on rainfall and water consumption suggests that the City should not be concerned with aquifer recharge rates.</li> <li>• Ordinance does nothing but limit personal freedom to develop and utilize private property.</li> <li>• Not supported by BAS.</li> </ul>
	Action 1	<ul style="list-style-type: none"> <li>• None.</li> </ul>
	Action 2	<ul style="list-style-type: none"> <li>• Limits potential for affordable housing, specifically ADUs.</li> <li>• Disproportionately affects property owners in R-0.4, R-1 and R-2 zoning designations</li> <li>• Other methods to ensure that recharge occurs (vs. 65% NVPA) are available.</li> <li>• NVPA has impacts for future farms and gardeners.</li> </ul>
<b>5 Parks/trails</b>		
	No Action	<ul style="list-style-type: none"> <li>• CAO requirements will stop trail development and/or make trails too expensive to build.</li> <li>• Requested that trails be exempt from permit process, but that built features (e.g., bridges and boardwalks) require permitting.</li> <li>• Park District should be exempt from CAO.</li> <li>• Trails should be exempt from CAO.</li> </ul>
	Action 1	<ul style="list-style-type: none"> <li>• NVPA should not be required for public trail development.</li> <li>• Trail development should be allowed in The Winslow Ravine.</li> <li>• Trail development standards in FHWCA and wetlands should be clarified.</li> </ul>
	Action 2	<ul style="list-style-type: none"> <li>• SAR requirement for linear features, i.e., trails, doesn't make sense.</li> <li>• NVPA requirement redundant as parks are already dedicated passive and/or wildlife preserves in natural parks.</li> </ul>
<b>6 Streams</b>		
	No Action	<ul style="list-style-type: none"> <li>• Requirement for bridges or bottomless culverts over fish-bearing streams is a very expensive regulation.</li> <li>• Should differentiate between streams that have anadromous fish and other fish.</li> <li>• Strongly opposes increase in buffer widths.</li> </ul>
	Action 1	<ul style="list-style-type: none"> <li>• None.</li> </ul>
	Action 2	<ul style="list-style-type: none"> <li>• None.</li> </ul>