

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

	Topic and Action	Subtopic(s)
		<ul style="list-style-type: none"> • 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
	Action 1	<ul style="list-style-type: none"> • None
	Action 2	<ul style="list-style-type: none"> • 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 • 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.
4 CARA/NVPA – opposition		
	No Action	<ul style="list-style-type: none"> • NVPA is a tremendous over-reach by the City. • NVPA will require more consultants at an added cost to landowners. • NVPA will undermine planned short plats, subdivisions. • USGS/Aspect studies on rainfall and water consumption suggests that the City should not be concerned with aquifer recharge rates. • Ordinance does nothing but limit personal freedom to develop and utilize private property. • Not supported by BAS.
	Action 1	<ul style="list-style-type: none"> • None.
	Action 2	<ul style="list-style-type: none"> • Limits potential for affordable housing, specifically ADUs. • Disproportionately affects property owners in R-0.4, R-1 and R-2 zoning designations • Other methods to ensure that recharge occurs (vs. 65% NVPA) are available. • NVPA has impacts for future farms and gardeners.
5 Parks/trails		
	No Action	<ul style="list-style-type: none"> • CAO requirements will stop trail development and/or make trails too expensive to build. • Requested that trails be exempt from permit process, but that built features (e.g., bridges and boardwalks) require permitting. • Park District should be exempt from CAO. • Trails should be exempt from CAO.
	Action 1	<ul style="list-style-type: none"> • NVPA should not be required for public trail development. • Trail development should be allowed in The Winslow Ravine. • Trail development standards in FHWCA and wetlands should be clarified.
	Action 2	<ul style="list-style-type: none"> • SAR requirement for linear features, i.e., trails, doesn't make sense. • NVPA requirement redundant as parks are already dedicated passive and/or wildlife preserves in natural parks.
6 Streams		
	No Action	<ul style="list-style-type: none"> • Requirement for bridges or bottomless culverts over fish-bearing streams is a very expensive regulation. • Should differentiate between streams that have anadromous fish and other fish. • Strongly opposes increase in buffer widths.
	Action 1	<ul style="list-style-type: none"> • None.
	Action 2	<ul style="list-style-type: none"> • None.