

Question/Answer		BIMC reference (if applicable)
Native Vegetation Protection Area (NVPA)		
1	<p>What is the purpose of the NVPA?</p> <p>The purpose of the NVPA is to protect the island’s finite groundwater resources by protecting and maintaining aquifer recharge.</p>	16.20.010 16.20.100.E
2	<p>Where and when does the NVPA apply?</p> <p>The NVPA requirement applies to properties in the R-0.4, R-1 and R-2 zoning designations. The requirement to designate a NVPA is triggered only when development or redevelopment results in greater than 800 square feet of hard surfaces or greater than 7,000 square feet of land disturbing activity. NVPAs are also required for subdivisions, non-residential development, and forest practice conversions. These thresholds are tied to the City’s stormwater regulations, which require a site assessment review (SAR) at these same levels.</p>	16.20.100.A.1.b 16.20.100.E.1
3	<p>What would be the process for designating a NVPA on my property?</p> <p>The thresholds -- or “triggers” – for when a NVPA is required are tied to the City’s stormwater regulations, which require a site assessment review (SAR) at these same levels (see Question 2, above). If a NVPA is required, its location and configuration is simply shown on the existing conditions site plan required as part of the SAR application.</p>	16.20.100.E.1.c
4	<p>Will I be required to replant a portion of my property with native vegetation?</p> <p>Designation of an NVPA does not require you to replant any portion of your property. The NVPA includes <u>only existing native vegetation</u> on a property.</p>	16.20.100.E.1.d
5	<p>Is the NVPA a “no-touch” zone?</p> <p>The NVPA is not a “no-touch” zone. Several uses and activities are allowed within the NVPA.</p>	16.20.100.E.2.e
6	<p>What exactly can I do in my NVPA without needing to go and get a permit?</p> <p>A number of uses and activities are allowed in the NVPA without a permit, including vegetation management, passive recreation, on-site sewage drainfield reserve facilities, storm drainage facilities, accessory structures such as solar panels, small wind energy generators, composting bins, rainwater harvesting barrels and cisterns, driveways, and other structures (such as sheds) or hard surfaces with a total footprint of no greater than 200 square feet.</p>	16.20.100.E.2.e
7	<p>What can I do in my NVPA if I get a study done that proves that my actions won’t harm our groundwater supply?</p> <p>Any structure or activity may be allowed in the NVPA through review and approval of a NVPA stewardship plan that demonstrates the proposal won’t harm groundwater resources.</p>	16.20.100.E.2.e.xii
8	<p>Does the NVPA create new permit requirements, new studies required, or more consultant costs?</p> <p>If a project meets the thresholds -- or “triggers” – for when a NVPA is required, a site assessment review (SAR) is also required because the thresholds are the same. As noted above, the NVPA does not create a new permit requirement because the NVPA is simply shown on the existing conditions site plan required as part of the SAR application. While the NVPA is a new requirement, it does not require additional studies or consultant costs unless the proposed NVPA area is less than 65 percent of the total site area or the proposed NVPA does not meet the specified design standards.</p>	16.20.100.E.1.c 16.20.100.E.1.f

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9	<i>Does the NVPA apply to land that is being managed as a working forest?</i> No. Class I, II and III forest practices (working forests) regulated under the Forest Practices Act (Chapter 76.09 RCW) are exempt from the requirements of the critical areas ordinance.	16.20.040.A.7
10	<i>Will the NVPA make it harder for trails to be built?</i> No. The current draft of the critical areas ordinance (January 30, 2018) includes a provision that designation of a NVPA is not required for construction and use of public trails. This provision was included in the January 9, 2018 public hearing draft for Council consideration.	16.20.100.E.1.b
11	<i>Is the NVPA set in stone so that once it is designated it can't be changed?</i> No. The total NVPA area (size, or percentage of property) required must be retained once established, but the location and configuration can change over time.	16.20.100.E.1.g
12	<i>Did the City consider other alternatives for protecting critical aquifer recharge areas?</i> Yes. The City considered requiring use of the Washington State Department of Ecology's (Ecology) 2014 stormwater manual best management practices for low impact development (LID) to achieve no net loss of aquifer recharge. Based on input from Ecology and the City's LID technical consultant, the City cannot require use of LID best management practices. Since the LID technical manual for Puget Sound and other best available science provides that a minimum 65 percent on-site native vegetation and soil retention is the best means to maintain or more closely mimic the natural hydrologic function of the site and watershed, the City developed the NVPA requirement. In addition, the City recently reviewed the potential for using the 2012 Western Washington Hydrologic Model's (WWHM) recharge module as an option for applicants to demonstrate no net loss of aquifer recharge; however, the results are, to date, inconclusive.	
13	<i>How does the NVPA apply to subdivisions?</i> An application for a subdivision would require that the site plan show a NVPA that includes all existing native vegetation on the site, up to a maximum of 65 percent. The NVPA may include other designated open space areas (e.g., landscaping requirements such as roadside buffers, other critical areas and their buffers) required by other sections of the municipal code. The NVPA can be located in a separate tract or within one or more of the resultant lots.	16.20.100.E.2.d
14	<i>Does the NVPA requirement apply to properties owned by organizations or agencies (e.g., park district, Bloedel Reserve, Islandwood) who include land stewardship in their mission?</i> Yes. The NVPA requirement applies to all properties within the R-0.4, R-1 and R-2 zoning designations. The maximum area of the required NVPA may be reduced to 50 percent for public schools and public parks.	16.20.100.E.1.e
Invasive species removal		
15	<i>Will the new CAO prohibit invasive species removal in critical areas? Is this a change from the existing CAO?</i> Removal of invasive species within critical areas is allowed in both the existing and proposed new CAO.	16.20.090.B.3
16	<i>Will the new CAO create additional "red tape" (new permit requirements, new studies required, more consultant costs) for the removal of invasive species?</i> No. The new CAO allows for removal of up to 2,500 square feet of invasive species without City review or pre-approval – this is a new provision. Over 2,500 square feet, a critical area permit and replanting plan is required. This is a new requirement in name only. Currently, a clearing permit is required for invasive species removal within critical areas.	16.20.090.B.3
17	<i>Can invasive species be managed in the NVPA?</i> Yes. Invasive species may be managed in the NVPA if one is required and invasive species removal itself does not trigger the NVPA requirement.	16.20.100.E.1.b 16.20.100.E.2.e.iii

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Fire protection		
18	<p><i>Does the new CAO prohibit vegetation management for the purposes of fire protection or risk reduction?</i></p> <p>No. The new CAO includes a number of tree and vegetation activities that can be done within critical areas without City review or pre-approval. Other vegetation management activities may be allowed through approval of a critical area permit. Any of these vegetation management activities may be done for fire protection or risk reduction if no net loss of critical area function and value is demonstrated.</p>	16.20.090.B 16.20.090.C.1
19	<p><i>Can I manage the NVPA to minimize fire risk on my property?</i></p> <p>Yes. Maintenance pruning of trees in the NVPA is allowed without restrictions, provided the structural integrity and long-term health of trees is preserved. In addition to the allowances in BIMC 16.20.090, additional vegetation activities to manage fire risk may be allowed through review and approval of a NVPA stewardship plan.</p>	16.20.090.B.2.b 16.20.100.E.2.e.i 16.20.100.E.2.e.xii
Trails		
20	<p><i>Will the new CAO prohibit trail development in critical areas?</i></p> <p>No. As in the existing CAO, trails are allowed if specific design standards are met.</p>	16.20.100.E.1.b 16.20.110.G.6 16.20.130.E.2.c 16.20.140.H.5
21	<p><i>Will the new CAO create additional “red tape” (new permit requirements, new studies required, more consultant costs) for trail development?</i></p> <p>No. The existing CAO includes specific design standards similar to those proposed in the draft CAO update. With the existing CAO, any trail development is required to demonstrate compliance with these standards through a clearing permit and is required to submit supporting technical documentation or studies (e.g., geotechnical report, wetland report). The draft CAO requires a critical area permit instead of a clearing permit but does not require any new or different technical documentations, so more consultant costs are not anticipated.</p>	
Other		
22	<p><i>Can I expand the footprint of my house if it is in a critical area or its buffer?</i></p> <p>Yes. The draft CAO includes provisions that allow for the expansion of a footprint within a critical area buffer, but not the critical area itself. Expansion is limited to a maximum of 500 square feet of living space and only one expansion is allowed during the life of the structure. While these limitations may seem overly restrictive, many existing houses were built prior to the passage of the Growth Management Act and the City’s requirements for designating and protecting critical areas. Large expansions of these structures would result in adverse impacts and overall loss of critical area functions and values. If an existing structure is located within the R-0.4, R-1 or R-2 zoning designations, expansion is not subject to these limitations. However, if the expansion meets the site development thresholds (800 square feet of hard surfaces or 7,000 square feet of land disturbing activity), a NVPA would be required.</p>	16.20.050
23	<p><i>Why was the buffer requirement for Type F streams increased from 150 to 200 feet?</i></p> <p>Washington Department of Fish and Wildlife’s 1997 recommendations for riparian habitat provide a range of recommended riparian habitat area (buffer) widths for a range of ecosystem functions. Management recommendations for riparian habitat were developed to meet the goal of maintaining or enhancing the structural and functional integrity of riparian habitat and associated aquatic systems needed to perpetually support fish and wildlife populations on both site and landscape levels. Riparian habitat areas (buffers) are critical to both aquatic and terrestrial species, not just anadromous fish. WDFW is currently updating its PHS recommendations for riparian habitat which will include emphasis on the importance of ecosystem functions provided within the site potential tree height (SPTH) area of a 200 year old tree, regardless of the size of the stream. The recommendations include a methodology for determining the SPTH₂₀₀ based largely on soil type. Averages of the SPTH₂₀₀ have been calculated for Kitsap County. The lowest range is 91-100, the highest range is 231-240 and the area weighted mean is 194. The intent of the 200-foot buffer for Type F streams is to protect and maintain the suite of ecological functions within the SPTH₂₀₀ area.</p>	16.20.110.E