

2017/18 CRITICAL AREAS ORDINANCE UPDATE

Public Comments Received**

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

	Date	Name	Topic(s)	Comment	Staff Response
1	10/12/17	Ian Bentryn	Trees and vegetation	Limits on tree maintenance without permit or pre-approval do not recognize a specialty niche in arboriculture for Japanese ornamental specimens.	Pruning of noninvasive ornamental vegetation is included as normal yard and garden activities in BIMC 16.20.040, Exemptions.
2	10/3/17	Peter Bang-Knudsen, Ed.D. Superintendent Bainbridge Island School District	Critical Areas Ordinance (CAO) – general	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.).	The current draft of the CAO includes two provisions for public projects: <ul style="list-style-type: none"> • BIMC 16.20.100.E, Native Vegetation Protection Area, a reduction in the NVPA area is provided for public projects; and • BIMC 16.20.140, Wetlands, buffers for high intensity land uses (e.g., schools) can be reduced to the buffer required for moderate intensity land uses.
3	10/4/17	Jeff Kanter	Critical Area Recharge Area (CARA) Heating oil tanks	There are many older heating oil tanks at risk of leaking/failure. One or more leaks could make the drinking water source (groundwater) unusable. Periodic testing or monitoring of underground tanks is not being discussed.	Comment noted.
4	10/3/17	Charlotte Rovelstad	CARA/NVPA (Native Vegetation Protection Area)	Encourages Council to support the CAO and the new NVPA requirement.	Comment noted.
5	10/3/17	Helen Pitts	CARA/NVPA	Offers support for the NVPA requirements. States there is no “work around” or engineered, human-created solution that substitutes for the protection of native vegetation.	Comment noted.
6	10/3/17	J.D. Stahl	CARA/NVPA	Thinks deeming 65% of everyone’s property undevelopable on “aquifer recharge” grounds is a tremendous over-reach by the City. States the science on this is very complicated and also very site specific. Thinks it will defeat any pretext of the City being supportive of affordable housing due to dramatically more expensive permitting costs.	The area of NVPA will be determined on a site-specific basis through completion of the site assessment review (SAR) process. The NVPA is not “undevelopable,” as it is included in the area used to determine allowable density and may include development, uses and activities either as listed in BIMC 16.20.100.E.2 or through a NVPA stewardship plan. The NVPA does not require dramatically more expensive permitting costs. Projects requiring a NVPA are project already required to go through the SAR process.

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7	10/3/17	Mike Juneau	Trees and vegetation	<ul style="list-style-type: none"> • Modify coppicing language to allow pruning <6-inch diameter sprouts from a larger than 6-inch stump. • Extend work season to allow late-winter-dormant season pruning of trees, including coppicing. • Raise limit for invasive species control outside geologically hazardous areas to 5,000 sf. • Modify list of coppicing to include only strongly-regenerative species. • Differentiate minor and major offenses in enforcement of tree and vegetation section. 	<ul style="list-style-type: none"> • Coppicing is allowed on any size truck, sprout size limited to 6-inch diameter. • Extended work season not recommended due to slope stability and erosion/sedimentation concerns. • Higher limited for invasive species control not recommended due to erosion/sedimentation concerns, misidentification of plants, need to review replanting plan. • Coppicing species revised. • Major and minor violations included in BIMC 16.20.170.F.
8	10/3/17	Robert Dashiell	Mitigation requirements	Council should perhaps include a consideration of public benefit vs. proposed buffer infringement mitigation costs when other public taxing districts projects are being considered.	See response to comment 2, above.
9	10/2/17	Gloria Sayler	General	The CAO as written is very dense and difficult to understand. Suggests making a 1-3 page charge summarizing the impact of the ordinance.	Staff anticipates developing public education and outreach materials to summarize and explain major topics prior to the effective date of the ordinance (anticipated March 1, 2018).
10	10/3/17	David Graf	CARA	States the proposed restrictions have a disproportionate impact to individual (residential) property owners, and seem extreme.	The low-density residential zones (R-0.4, R-1 and R-2) are areas of existing high recharge rates and low land use intensity (impervious surface area). These areas have the greatest potential for aquifer recharge protection.
11	9/28/17	Phedra Elliot Housing Resources Board	CARA	Updating ordinance as proposed would make the difficulty of creating more housing that is affordable even harder.	Staff does not anticipate the update will limit affordable housing opportunities. Underlying densities are not changing; however, home site area or home size may be reduced, which may actually lead to more affordable housing. See also response to comment 6, above.
12	9/27/17	Charlie Wenzlau	CARA	<ul style="list-style-type: none"> • Expresses concern the implementation of the proposed update will have adverse impacts to our island diversity. • Proposed analysis will require more consultants at an added cost to landowners. 	See response to comment 6, 10 and 11, above. Applicants wishing to build an ADU would need to designate a NVPA and could locate the ADU within the 12,500 sf allowed development area or establish the NVPA through a NVPA stewardship plan.

				<ul style="list-style-type: none"> • The 800 sf limit on impervious surfaces would likely forestall the construction of ADUs, recommends exempting ADUs. • Recommends the CAO is limited to the non-sewered areas for the island where it has the greatest benefit. • Asks why the need for environmental protections always seem to trump affordability? 	
13	10/3/17	Ernie and Ellen Williams	CAO – general CARA	Expresses full support for the rules that restrict development in critical areas including greater restrictions on land that's considered critical aquifer recharge areas.	Comment noted.
14	10/2/17	Robert Dashiell	Salmon streams	States that information provided by water quality program staff, taken from the City's WQFMP's Sampling and Analysis Plan, is inaccurate with regard to the number of salmon-bearing streams (28). States the island has five, maybe two salmon streams.	The number of fish-bearing streams is not specified in the CAO.
15	10/2/17	Robert Dashiell	Wetland buffers	Asks for clarification that the City is using Ecology guidance to establish buffer widths and confirmation that buffer widths are not changing.	The City is using Ecology's 2014 guidance. Buffer widths are not changing.
16	9/30/17	J.D. Stahl	CARA/NVPA	Expresses concern that proposed NVPA requirements will largely undermine planned short plat.	Parcels will maintain their allowable density and be allowed a 12,500 sf development area.
17	9/30/17	Robert Dashiell	CARA	Asks if the entire island will be a critical area. States that USGS/Aspect studies on rainfall and water consumption suggests that the City should not be concerned with aquifer recharge rates.	Critical aquifer recharge areas are limited to the R-0.4, R-1 and R-2 zoning designations. The City's Comprehensive Plan guiding principles, goals and policies provide that the City's plans and regulations shall employ the precautionary principal, recognize the island's natural resources are finite, and reflect the uncertainty of climate change impacts.
18	9/29/17	Adam Wheeler, PE Browne Wheeler Engineers, Inc.	CARA	<ul style="list-style-type: none"> • Points out difference between shallow wells and aquifers vulnerable to contamination and water resources in deeper aquifers. • Asks about costs and availability of professionals to complete hydrogeological site assessment. 	<ul style="list-style-type: none"> • Ecology's guidance provides that jurisdictions should protect both deep and shallow groundwater resources for both water quality and quantity. • The City does not maintain information about the costs and availability of professionals to complete hydrogeological site assessments.

				<ul style="list-style-type: none"> • Suggests other methods to ensure that recharge occurs (vs. 65% NVPA) are available and NVPA may affect ability to fully mitigate stormwater on site. • Refers to Aspect's groundwater assessment that did not indicate any trends over the last 10 years that would trigger EWL for safe yield and asks why increased regulation is needed when there does not appear to be a significant drop in water levels. 	<ul style="list-style-type: none"> • Research and LID technical guidance provides that native vegetation retention should be the highest priority in site design to mimic natural hydrology. Other, structural methods to achieve recharge are regulated through the City's stormwater code which offers a LID performance standard option. The NVPA may include stormwater facilities and other uses and activities to achieve better site design through use of non-structural low impact design practices. • See response to comment 17, above.
19	9/4/17	Douglas Schoemaker	Tree coppicing	Suggests that coppicing of trees should be allowed; otherwise, management of trees is limited to 6-inch caliper trees which is incredibly small.	Coppicing is allowed in BIMC 16.20.090.
20	9/5/17	Jeff Kanter	Geologically hazardous areas	<ul style="list-style-type: none"> • Appreciates effort to exempt from permitting nominal pruning, but exceptions are overly restrictive. • Suggests big leaf maple and alders (deciduous trees) should be treated differently than conifers. • Suggests big leaf maples are cut 1/3 per year over a 3-year period. • Required indemnity agreement for tree professionals not found in other trades (e.g.; excavators and other construction professionals) and is overreaching. 	<ul style="list-style-type: none"> • Comment noted. • Big leaf maples are allowed to be coppiced, conifers are not. • Canopy removal is currently limited to 2,500 square feet without review. • Comment noted.
21	9/21/17	Ken DeWitt, Chair Terry Lande, Executive Director BI Metro Park and Recreation District	CAO – general	<ul style="list-style-type: none"> • Invasive species removal: Introducing an additional review by City may be a disincentive for volunteers. Should be an exempt activity similar to yard and garden maintenance. • Hazard trees: Removal/pruning should be allowed on park property without City review or approval. Responsibility should be delegated to Park District due to staff and mission statement. • Trails: Boardwalks should be allowed. • General: CAO requires numerous studies prior to decisions. Suggest a decision-making tree. 	<ul style="list-style-type: none"> • Volunteers are allowed to remove invasive species without review up to 2,500 square feet. See response to comment 7, above. • The City's critical areas ordinance applies to all parcels and property owners. • Boardwalks may be allowed through review and approval of a critical areas permit. • See response to comment 9, above.

The following comments were provided in person at the October 3, 2017 public hearing. Additional detail and exact comments are available in the official minutes.					
22		J.D. Stahl	CARA	Stated that residential homeowners will exclusively bear burden of CARA regulations; asked what the science is behind it and suggested the Council consider less severe alternatives.	See response to comment 10, above. Staff is finalizing a review of best available science to support revisions to the CAO. (?)
23		Charlie Wenzlau	CARA	Shared a primary concern that the NPVA will affect affordability strategies including ADUs, conservation villages and tiny homes; CAO regulations should not preclude affordable housing.	See response to comment 12, above.
24		Lisa Neal	CARA	Stated lower income people need clean water and air, current regulations do not require analysis of water impact of development, water studies are uncertain and do not show that current drawdown is okay.	Comment noted.
25		Robert Dashiell	Trees and vegetation	Need for permit to manage trees for forest health/safety within a critical area is ridiculous and absurd.	BIMC 16.20.090.B allows for a number of tree and vegetation activities without City review or approval.
26		Jonathan Davis	NVPA	Stated there are alternatives to preservation of 65% native vegetation that can achieve desired results for aquifer protection (recharge/dispersion).	See response to comment 18, above.
27		Piper Thornberg	CAO – general	Encouraged Council to extend public comment, stated professional services required will add significant financial cost to local development (vs. off-site developers), hazard tree management regulations need to reflect effects of storm events.	Public hearing extended to November 14, 2017 and the written comment period to November 20, 2017; two additional Council meetings held (October 17 and 24, 2017). Hazard tree regulations allow for work to be done if immediate threat is present (e.g., after a storm). See also response to comment 12, above.
28		Julie Smith	NVPA CAO – general	Supports NVPA and CAO as good first step to forest/native vegetation protection	Comment noted.
29		Michael Pollack	NPVA Mitigation requirements	<ul style="list-style-type: none"> Stated native soils are as important as native vegetation; 65% rule is good, there is good science to support it but applies on watershed scale. 	Comments noted.

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				<ul style="list-style-type: none"> Difficult to require mitigation for recharge or carbon; provide protection in perpetuity of native vegetation if you remove trees. 	
30		Patty Dusbabek	CAO – general	Sees consequences of overdevelopment, current development is irresponsible	Comment noted.
31		Erica Shriner	CARA	Applauds more stringent regulations for trees/water protection.	Comment noted.
32		Mike Juneau	Trees and vegetation	<ul style="list-style-type: none"> Clarify 10/25% pruning applies to an individual tree Extend work season for pruning-only activities January – March Increase invasive species removal threshold with no review to 5,000 sf Revise species allowed to be coppiced to strongly regenerative species; remove alder Differentiate minor vs. major offense since \$2500 fine is significant 	<ul style="list-style-type: none"> Clarified. See response to comment 7, above.
33		Robert Long	CAO – general	Recommends that solutions/regulations should address more than one system (e.g., wildlife and water)	Comment noted.
Additional written comments received after the October 3, 2017 public hearing					
34	10/18/17	Olaf Ribeiro	Trees and vegetation	<ul style="list-style-type: none"> Thinks the tree committee has come up with a workable tree ordinance. Would like to see better guidance on pruning in critical areas. Poor pruning will eventually result in the loss of the tree – defeating the purpose of tree retention in a critical area. The Tree committee needs to consult with an independent arborist rather than a tree removal arborist on tree structure and mechanics. Would like to see better enforcement of landscaping and mitigation requirements so fewer newly planted trees die. 	<ul style="list-style-type: none"> Comment noted. The City may develop pruning guidelines for home owners and tree service providers outside of the municipal code. See response to comment 9, above. Tree Committee meetings are open to the public. Citizens, arborists and tree professionals are invited and encouraged to provide input. Comment noted.
35	10/20/17	Mike Juneau	Trees and vegetation	Please see attached comments.	Staff has not reviewed these comments but can address at October 24, 2017 Council meeting, as needed.

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36	10/20/17	Kellie Eickmeyer	CAO – CARA	Disagrees with NVPA requirement and states that this ordinance does nothing but limit personal freedom to develop and utilize private property.	The commenter's property currently has less than 65% native vegetation; therefore, the NVPA requirement on this property would be less than 65% (the area of existing native vegetation). The property is not subdividable. Any additional development/expansion of existing structures would likely not be limited by the NVPA, if required, since a large portion of the property is currently non-native vegetation (lawn and hard surfaces) that is not required to be retained.
37	10/20/17	Robert Dashiell	CAO – stream crossings	States that the requirement for bridges or bottomless culverts over fish-bearing streams is a very expensive regulation.	BIMC 16.20.110.F.1.a allows alternatives: Bridges or bottomless culverts shall be required for all Type F streams. <u>Other alternatives may be allowed upon</u> (i) submittal of a Habitat Management Plan which demonstrates that other alternatives would not result in significant impacts to the fish and wildlife conservation area and (ii) as determined through the Hydraulic Project Approval (HPA) process administered by the Washington Department of Fish and Wildlife. The plan must demonstrate that fish habitat will not be reduced in area or function.
The following comments were provided in person at the November 14, 2017 public hearing. Additional detail and exact comments are available in the official minutes.					
38		Lee Cross Bainbridge Island Park District Commissioner	Park and trail development	<ul style="list-style-type: none"> • Supports natural resource protection and stewardship • Park District has a responsibility to allow for public access and use • Expressed concern for expense and complexity of development as a result of additional report requirements and development standards proposed in update • Requested that Park District properties be treated differently 	<ul style="list-style-type: none"> • The draft CAO does not require additional studies and reports for park and trail development in wetlands, fish and wildlife habitat conservation areas or geologically hazardous areas. If the proposed park or trail development triggers the NVPA requirement, a Site Assessment Review (SAR) is required. The SAR is a requirement under current stormwater regulations. The NVPA is simply designated as part of the SAR process already required by current stormwater regulations, it is not an additional report. • The City has a statutory responsibility (RCW 36.70A) to designate and protect critical areas. The current draft CAO treats public parks differently in BIMC 16.20.100.E by providing a

					lower NVPA requirement for public parks (50% vs. 65% for private development). To date, the Planning Commission and City Council have not directed staff to include other differentiations in the regulations for Park District properties.
39		Mike Juneau	Trees and vegetation	<ul style="list-style-type: none"> Requested that invasive species removal not trigger NVPA designation requirement 	<ul style="list-style-type: none"> Commenter made this same request to the Tree Committee. The Committee agreed that just the removal of invasive species should not trigger the NVPA designation requirement. Staff can provide revised regulatory language to address this.
40		Dave Shorett	Trail development	<ul style="list-style-type: none"> Noted that trails are very popular with island residents and there is a need/request from residents for more trails Supports intent of CAO and most trail development standards (e.g., width, surface requirements) Expressed concern that CAO requirements will stop trail development and/or make trails too expensive to build SAR requirement for linear features, i.e., trails, doesn't make sense 	<ul style="list-style-type: none"> See comment 38, above. Council may want to consider whether or not trail development should trigger the NVPA requirement. The SAR is a requirement under current stormwater regulations. Any exemption of trails from current stormwater regulations would require revisions to BIMC 15.19 and/or BIMC 15.20.
41		Jonathon Davis	CAO – CARA	<ul style="list-style-type: none"> 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 Stated that if all lots on undeveloped properties were cleared, the island would still have 65% tree cover as rationale for flexibility Acknowledged the flexibility provided for small lots through 12,500 sf development area allowance 	<ul style="list-style-type: none"> The 65% NVPA requirement has flexibility, including reductions for public parks and schools, ability to achieve a 12,500 sf development area, specific allowed uses within the NVPA and opportunity to submit a NVPA stewardship plan to consider additional uses. Other alternatives to the 65% NVPA may not maintain natural contours, soil profile and vegetation of a site and may not maintain its natural hydrologic function, including groundwater recharge.
41		Frank Stowell Bainbridge Parks Foundation	Park and trail development	<ul style="list-style-type: none"> Requests the Council consider a balance between regulatory requirements and trail development Expressed concern over permit process and cost of report requirements 	See comments 18, 38 and 40, above.

				<ul style="list-style-type: none"> Requested that trails be exempt from permit process, but that built features (e.g., bridges and boardwalks) require permitting 	
42		Patty Dusbabek	Open space	<ul style="list-style-type: none"> Stated City Council should leave alone open spaces, including Farmers' Market space and M&E tree farm 	Comment noted.
43		Corey Christopherson	CAO – CARA	<ul style="list-style-type: none"> Noted that the 65% figure for native vegetation retention is watershed-based Suggested the City assess how much land is already set aside through other means, e.g., other critical areas, parks, opens space, and then determine how much more land is needed to set aside for aquifer recharge protection Expressed concern that the CAO represents crushing costs for small builders Pointed out that EWs of concern are from wells supplying municipal water where the NVPA would not apply Overly restrictive rules towards existing development, particularly if applied to NVPA Activity requiring a Hydrogeological Site Assessment is too broad (e.g., housing developments, septic systems, sewer lines, abandoned wells, roads, irrigated and non-irrigated crops, and grassland); report requirements too onerous Prohibited uses are too vague, activities that would significantly reduce the recharge to aquifer are not defined Variation of the NVPA is too vague; e.g., the city may require a professional forester, ISA-certified arborist or landscape architect to determine the location and configuration of the NVPA and a lower threshold (than 65%) may be allowed 	<ul style="list-style-type: none"> The 65% figure is stated as an on-site native vegetation coverage objective in the LID Technical Guidance Manual for Puget Sound (see page 74). Comment noted. See comment 38, above. The NVPA would apply to the area under which aquifers with EWs recommended for monitoring are located. Redevelopment may trigger the requirement for designation of an NVPA; however, existing structures should not be included in the NVPA at the time of designation unless such structures are permitted in the NVPA. Staff can clarify applicability of existing development section to NVPA if necessary. Staff recommends clarifying when hydrogeologic site assessment is required and simplifying report requirements, including tying to already-required permits for pollutant-generating activities (e.g.; NPDES industrial permit). Staff recommends development of policy guidance and outreach materials to define/provide examples of achieving no net loss of infiltration/recharge. See response to comment 9, above. Staff can clarify when a professional would be required for NVPA designation and when reduction of 65% would be allowed.
Additional written comments received up until the close of public comment period on November 20, 2017.					

44	11/6/17	Katy Bigelow Arborist	Trees and vegetation	<ul style="list-style-type: none"> • Commenter suggests clarifications are needed: <ul style="list-style-type: none"> • Are replanting plans required? • How enforcement be handled? • Wet season (Oct. – April) work restrictions • Very clear and accessible information re: critical areas information on City website 	<ul style="list-style-type: none"> • BIMC 16.20.090 includes several sections that state replanting plans are required or may be required. • Enforcement is addressed in BIMC 16.20.170. • Wet season restrictions are intended to avoid adverse risks to slope stability and adverse impacts due to erosion and sedimentation. • Staff anticipates developing public education and outreach materials to summarize and explain major topics prior to the effective date of the ordinance and hosting one or more workshops for tree and vegetation service providers. Additionally, the City's website is undergoing an update and refresh, which should improve access to information. See response to comment 9, above.
45	11/6/17	Brian Stahl Kitsap Conservation District	Agriculture	<ul style="list-style-type: none"> • Exemption for ongoing agriculture requires fencing or farm plan – District does not want to write farm plans for every farm and fencing may not prevent pollution • Suggests revising exemption for ongoing agriculture to reference BIMC 15.20.010.B, "Minimize water quality degradation and sedimentation in streams, ponds, lakes, wetlands and other water bodies." 	<ul style="list-style-type: none"> • Staff acknowledges that the exemption as written may create a burden for conservation district staff and would be difficult to enforce for City staff; i.e., there is no system in place to check that ongoing agriculture has either a farm plan or fencing, if needed. Additionally, "other best management practices" may be difficult to interpret. • While suggested language is policy (not regulation) from the stormwater code, staff could revise general exemption language to state that ongoing agriculture is only exempt if it meets the stormwater regulations (i.e., cannot pollute surface waters) and delete specific development standards from wetland and FWHCA sections to reduce redundancy and slight inconsistency. • Draft CAO, general exemptions (for reference): Existing and ongoing agricultural activities. For the purpose of this chapter, "existing and ongoing" means the activity has been conducted and/or maintained within the past

					<p>five years under a farm management plan or other best management practices not resulting in a net loss of critical area functions and values.</p> <ul style="list-style-type: none"> • Draft CAO, wetland and FWHCA development standards (for reference): <ol style="list-style-type: none"> 1. Agricultural restrictions. New agricultural activities and new structures accessory to agriculture use are prohibited in wetlands and their buffers. Existing, ongoing agricultural activities shall utilize best management practices so as not to result in a net loss of the functions or values of wetlands. Existing, ongoing agriculture uses other than those occurring in grazed wet meadows shall avoid impacts to wetlands by either: <ol style="list-style-type: none"> a. Implementation of a farm resource conservation and management plan agreed upon by the Kitsap Conservation District and agriculture operator to protect and enhance water quality; or b. Installation of fencing no closer to the wetland than the outer edge of its required buffer.
46	11/12/17	Sally Adams	Trees and vegetation	<ul style="list-style-type: none"> • States support of the draft ordinance • Suggests clarification for the period and area of removal for coppicing and pollarding and invasive species removal (area should depend on site-specific conditions) • Correct internal numbering BIMC 16.20.180 • Suggests revising CARA definition to include NVPA 	<ul style="list-style-type: none"> • Comment noted. • Staff requests Council direction as to whether clarification is needed for coppicing and pollarding • Internal numbering will be corrected in final ordinance. • Commenter's suggested language for CARA definition is: "Critical aquifer recharge area" means areas with a critical recharging affect on aquifers used for potable water, including ["NVPA areas and"] areas where an aquifer that

					<p>is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.</p> <ul style="list-style-type: none"> • CARA definition is taken from WAC 365-190-030. The NVPA is a development regulation for CARAs, not a CARA itself.
47	11/13/17	Sally Adams	Trees and vegetation	<ul style="list-style-type: none"> • Limiting invasive species removal in NVPA overly restrictive • Recommends including integrated pest management procedures • Recommends specific provisions for forest understory • Suggests adding a whereas statement to the ordinance stating that island residents are good stewards of their land • Recommends not rushing process 	<ul style="list-style-type: none"> • Removal of invasive species could be added to BIMC 16.20.090.E.2.e as an allowed use within the NVPA. • Pesticides, fertilizers and herbicides may be used in FWHCAs, wetlands, and their buffers only if approved by the U.S. Environmental Protection Agency (EPA) and approved under a Washington Department of Ecology Water Quality Modification Permit for use in fish and wildlife conservation area environments and applied by a licensed applicator in accordance with the safe application practices on the label. • Council may consider adding a whereas statement. • The draft CAO has been under consideration by Council since August 2017, and was reviewed by Planning Commission for three months.
48	11/13/17	Sue Braff	CAO – general	<ul style="list-style-type: none"> • States support for ordinance to protect aquifer recharge and trees 	Comment noted.
49	11/13/17	Deb Rudnick	NVPA	<ul style="list-style-type: none"> • The ordinance is pigeonholing the purpose of maintaining native vegetation for aquifer recharge, which does not make sense • It is misleading to imply that we will somehow magically maximize aquifer recharge with 65% native vegetation • Trees, particularly mature conifers, are not necessarily the ideal vegetation for maximizing aquifer recharge because of evapotranspiration • The City would be better served to base its objectives for retaining native vegetation on a broader suite of functions 	<ul style="list-style-type: none"> • Retention of native vegetation and natural contours is a primary objective for maintaining natural hydrology of a site. • The ordinance does not state that aquifer recharge will be maximized by a 65% NVPA. The development regulation is intended to maintain the natural hydrology of a site to the greatest extent. The 65% number is from the state stormwater manual and LID technical manual as well as a number of studies (see BAS review). • The City recognizes the broad suite of benefits of the NVPA. • Comment noted.

				<ul style="list-style-type: none"> • The City should consider additional flexibility or clarity on what is allowed in NVPA • The NVPA requirement would optimize development, and clearing, of lots comprised of invasive species • The City should consider protections in the designated centers • Schematics explaining the NVPA would be helpful • See embedded comments 	<ul style="list-style-type: none"> • Designated centers are regulated by the existing stormwater code, which requires use of low impact development practices, and landscaping regulations (which are currently under revision). • Comment noted. See response to comment 9, above. • Clarifications suggested in embedded comments can be made by staff.
50	11/14/17	Julie Michael Smith	NVPA	<ul style="list-style-type: none"> • Supports NVPA as proposed, particularly for single family lots 	Comment noted.
51	11/14/17	Jenny Kowalski	NVPA	<ul style="list-style-type: none"> • Commenter voices enthusiastic support for ordinance 	Comment noted.
52	11/14/17	Rolf Hogger	CAO – general	<ul style="list-style-type: none"> • Commenter objects to the reclassification of our island's privately-owned land and the onerous restrictions being imposed on owners' property rights 	<ul style="list-style-type: none"> • The draft CAO does not include any reclassification of privately-owned land.
53	11/14/17	Robert Dashiell	Type F stream crossings	<ul style="list-style-type: none"> • Objects to requirement for bridges or bottomless culverts for Type F stream crossings due to excessive financial cost • Requirement should be limited to only known anadromous fish streams 	<ul style="list-style-type: none"> • See comment 37, above. • Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) management recommendations for riparian habitat are 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 buffer width recommendations range from 150-250 feet. Input from a WDFW area habitat biologist provides that WDFW assumes resident cutthroat trout (an anadromous species) presence in most perennial streams and some seasonal streams, although the agency doesn't necessarily have survey data supporting the assumption. WDFW's PHS Section Manager and Land Use Policy Lead provided input that the larger buffer provides a lower risk approach to ensuring no net loss of

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					riparian ecosystem function and recommends providing no net loss of all ecosystem functions within the riparian area out to SPTH ₂₀₀ (site potential tree height = 200 feet). WDFW indicated that the SPTH ₂₀₀ will be part of its forthcoming PHS riparian recommendations. The Wild Fish Conservancy also supported the proposed 200-foot buffer width.
54	11/14/17	Andrew Lister	CAO – general	<ul style="list-style-type: none"> • CAO is extreme overreach and risks bankrupting the City • Urges Council to proceed in the basis of sound science and rigorous logic 	Comment noted.
55	11/14/17	Robert Dashiell	CARA	<ul style="list-style-type: none"> • The CARA is not based on best available science 	A best available science summary is provided in the 12/12 City Council agenda packet.
56	11/19/17	Russell Berg	NVPA	<ul style="list-style-type: none"> • Does not want more regulation or the City to tell him how to landscape his property • States there is no difference between ornamental plants, turf, or garden areas and native plants 	<ul style="list-style-type: none"> • Comment noted. • Science related to wetlands and FWHCAs suggests that native vegetation serves a broader suite of ecological functions than non-native vegetation and recharge rated vary depending on soil type and landcover (e.g., plant type).
57	11/17/17	Brittany Gordon Washington Department of Fish and Wildlife	Type F Stream	<ul style="list-style-type: none"> • Recommends deleting “If fish usage has not been determined” language from Type F Stream definition since it refers to electrofishing protocol that WDFW and Tribes have consistently expressed concerns with using, especially outside of forest practices 	<ul style="list-style-type: none"> • Staff can make this change if agreeable to Council. WDFW is the state regulatory agency for streams. The Suquamish Tribe had a similar comment. • Type F stream definition (for reference) -- “Type F Stream” means a stream that has fish habitat. <u>If fish usage has not been determined</u>, water having the following characteristics are presumed to have fish use: Stream segments having a defined channel of 2 feet or greater within the bankfull and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size based on hydrographic boundaries. Determination of fish usage shall use the methodology found in Washington Department of Natural Resource’s Forest Practice Board Manual, Section 13,

					including the use of the default physical criteria upstream of manmade barriers to fish passage.
58	11/20/17	Alison O'Sullivan The Suquamish Tribe	CAO – general	<ul style="list-style-type: none"> • Ordinance should emphasize native vegetation, not just vegetation, for its function and value • Tribe does not believe allowing expansion of existing structures within buffers can in every circumstance be supported by best available science • No tree or vegetation activities should be allowed without City review and approval • Suggests adding a number of plants to the invasive species list in BIMC 16.20.090 • Suggests minimum size requirements for tree replacement (2.5 dbh deciduous, 6 feet evergreen) • Requests that criteria is added requiring stream crossing designs to be coordinated with the Tribe and WDFW • Suggests clarification that stream buffers are increased to include streamside wetlands (BIMC 16.20.110.E.4) • Suggests new language for bridges or bottomless culverts requirement, "that pass all fish at all life stages" • Provides recommendations for trail siting and construction • Suggests clarification is needed for when bank stabilization is allowed • Recommends 50 foot minimum buffers for Category III and IV buffers • Recommends correction/clarification for replacement ratios for wetlands • Recommends revisions to definitions including, invasive/exotic species, native or equivalent vegetation, Type F stream 	<ul style="list-style-type: none"> • Sections for both wetland and stream buffers state, "Buffers shall remain as undisturbed native vegetation areas for the purpose of protecting the integrity, function, and value of wetland resources." Tree and vegetation section has some differentiation between native, non-native and invasive species. • Expansion of existing structures will need to demonstrate no net loss of critical area functions and values since BIMC 16.20.050 states any expansion must comply with all other applicable sections of this Chapter. This requirement could be clarified/specified. • Some level of tree and vegetation can be allowed without a net loss of critical area functions and values. The thresholds set are for amounts of tree and vegetation removal under which no impact is anticipated. • The county and state noxious weed lists are already referenced; listing additional plants is redundant. Any plant on the noxious weed list could be removed from this list in BIMC 16.20.100.B.3 to simplify. • Industry professionals provided public comment that larger tree species are difficult to find and do not have the same success/survival rate as smaller stock. • Coordination with other agencies and the Tribe are included as permit conditions. Other agency and Tribal review is required prior to building permit issuance. • This language is included in the definition of "fish habitat." Type F streams are defined as streams with fish habitat. Bridges or bottomless culverts may be required for

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					<p>stream crossings over Type F streams. Proposed language is redundant.</p> <ul style="list-style-type: none"> Trail siting and construction requires a critical area permit and must achieve no net loss of critical area functions and values. Staff can provide clarification for bank stabilization allowances. Proposed wetland buffers have not changed and follow Ecology's guidance for CAO updates. Staff can provide clarification for wetland replacement ratios per agency guidelines. Type F stream definition can be revised per comment 57. Other definitions are adequate.
59	11/20/17	Brittany Gordon Washington Department of Fish and Wildlife	CAO – fish and wildlife conservation areas (FWHCA)	<ul style="list-style-type: none"> See embedded comments 	Comments noted. Clarifications suggested in embedded comments can be made by staff.
60	11/20/17	Robert Dashiell	NVPA	<ul style="list-style-type: none"> NVPA has no substantial nexus to critical aquifer recharge NVPA has impacts for future farms and gardeners 	<ul style="list-style-type: none"> See best available science review. Comment noted.
61	11/20/17	Robert Dashiell	Trees and vegetation	<ul style="list-style-type: none"> Remove 6-inch threshold for pruning without City review and approval 	<p>It is well established that vegetation plays an important role in the functions and values of critical areas (see references below). The scientific literature recommends avoiding disturbance to vegetation that would reduce the functions and values of critical areas and does not support a blanket exemption for vegetation removal. The intent of the "6 inch rule" (in addition to the percent canopy thresholds) is to allow landowners to perform limited vegetation management within critical areas without City review and approval. The Planning Commission recommended these thresholds after input from a certified arborist and geotechnical engineer. It was determined that pruning over these thresholds has the potential to result in adverse impacts to tree health and, subsequently, a net loss of critical areas functions</p>

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					and values. Requiring review of pruning activities over these thresholds will allow the City the opportunity to ensure the use of mitigation sequencing (avoid, minimize, etc.) as well as assess the potential adverse impacts to tree health and potential for cumulative impacts over time.
62	11/20/17	Robert Dashiell	Type F streams	<ul style="list-style-type: none"> Strongly opposes increase in buffer widths Should differentiate between streams that have anadromous fish and other fish 	<ul style="list-style-type: none"> Comment noted. See comment 53, above.
63	11/20/17	Frank Stone	CAO – general	<ul style="list-style-type: none"> States opposition to ordinance States blanket approach adding all low density property is arbitrary, unneeded and an unreasonable and significant burden on those property owners The pruning and tree removal restrictions are excessive and expensive due to need for professional 	Comments noted.
64	11/19/17	Richard Lasser	Trees and vegetation	<ul style="list-style-type: none"> Suggests revised language to BIMC 16.20.090.A.1.d: “Pruning operations do not remove greater than 25 percent of live canopy, within any three-year period, and require a certified arborist on site” to remove ambiguity 	<p>Suggested revised language:</p> <p>“A. <u>The following tree and vegetation activities do not require review or approval:</u></p> <ol style="list-style-type: none"> Pruning of trees and shrubs provided: <ol style="list-style-type: none"> No live branch or stem or portion of live branch or stem greater than 6 inches in diameter is removed; Pruning activities conform to applicable practices of ANSI A300 (Part 1 – 2017) Tree, Shrub and Other Woody Plant Management – Standard Practices (Pruning), as amended. Trees and shrubs are not located in or overhanging a Type F stream; Pruning operations <u>that</u> do not remove greater than 10 percent of live canopy within any three-year period; <u>Pruning operations conducted with a certified arborist on site that remove from 10% to 25% of the live canopy within a three-year period;</u> and <p>Existing language (for reference):</p>

					<p>B. The following tree and vegetation activities do not require city review or pre-approval:</p> <p>1. General pruning of trees and shrubs provided:</p> <ol style="list-style-type: none"> Pruning operations of trees do not remove more than 10 percent of living material (branches, stems and leaves) of an individual tree within any three-year period; provided that up to 25 percent may be removed with an ISA-certified arborist on site; No portion of a live branch or stem more than 6 inches in diameter is removed from any tree; Pruning operations use the natural pruning system to maintain the characteristic growth pattern of trees and shrubs. Pruning activities conform to applicable practices of ANSI A300 (Part 1 – 2017) Tree, Shrub and Other Woody Plant Management – Standard Practices (Pruning), as amended, or City of Bainbridge Island pruning standards (hyperlink);
65	11/20/17	Terry Samilson	Trees and vegetation	<ul style="list-style-type: none"> Requiring a permit to remove over 2500 square feet of invasive species discourages landowners from removing noxious weeds on their property Naturalized ornamental plants, privet and black locust, should be added to the list that would allow for their removal The Type F stream buffer should remain at its current width of 150 feet Critical area buffers will place severe limitations on the type of garden that may be designed for new projects Limitation of tree coppicing to three year intervals is not a best management practice 	<ul style="list-style-type: none"> Clearing over 2500 square feet has the potential to result in adverse impacts to critical area functions and values. Both the Planning Commission and City Council agreed on these thresholds and discussed a number of reasons why the City would want review and approval. Staff requests direction on the removal of these non-native species. See comment 62, above. Critical area buffers are not an appropriate location for new gardens. The three year interval was recommended by certified arborists during the public comment period.

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				<ul style="list-style-type: none"> Proposed CAO will require landowners to contract with more professional consultants and apply for more permits CAO should acknowledge fire risk 	<ul style="list-style-type: none"> No additional permits are required in the proposed CAO. Fire risk was discussed during the Planning Commission review. Limited pruning and clearing allowances are intended to allow for fire safety vegetation activities, either with or without City review and approval.
66	11/20/17	Kris Rothert	NVPA	<ul style="list-style-type: none"> States he does not need a city native plant program to bolster his conservation efforts; asks Council to vote no on NVPA stewardship program 	<ul style="list-style-type: none"> Comment noted.
67	11/20/17	Edward Moydell Executive Director Bloedel Reserve	Trees and vegetation Trails	<ul style="list-style-type: none"> Expresses concern about Bloedel's ability to continue their work as it pertains to invasive species removal, tree pruning and removal and tree development Supports special land designation for parks and public lands/cultural landscapes that exempts the organizations/agencies that manage these lands due to their mission and areas of expertise Recommends exemption for Bloedel for invasive species removal over 2500 square feet and hazard tree removal States boardwalks should be allowed Recommends public lands/cultural landscapes should be included in the NVPA reduction allowed for public schools and public parks Wants to exempt Bloedel's existing, man-made water features from the CAO Wants to exempt Bloedel's trail building activities from the CAO with the exception of any bridges across streams and wetlands 	<ul style="list-style-type: none"> See comment 38 and 40, above.
68	11/20/17	Barbara Trafton Executive Director Bainbridge Island Parks Foundation	Trails	<ul style="list-style-type: none"> Urges City Council to assess how CAO will impact the process and outcome of implementing public trail vision plans Object to heavy permitting processes that will be both expensive and time consuming 	<ul style="list-style-type: none"> See comment 9, 38, 40 and 44, above Council may want to consider allowing public access within the Winslow Ravine.

				<ul style="list-style-type: none"> • All public trails should be exempt from the CAO. Only built elements should fall under the CAO. • Recommends providing a flow chart or decision tree for critical areas permitting • Prescriptive standards for Winslow Ravine would prohibit trail development in Waypoint Woods near the ferry terminal 	
69	11/20/17	Kenneth DeWitt Chair, Board of Commissioners BIMPRD	CAO NVPA Trails	<ul style="list-style-type: none"> • NVPA requirement redundant as parks are already dedicated passive and/or wildlife preserves in natural parks • NVPA requirement would make it difficult, if not impossible to create additional active recreation facilities • Rules will make it costlier to build new accessible trails or upgrade existing trails to ADA standards • Commenter opines that the draft CAO violates the ADA • Public would receive no benefit from the NVPA at Sakai Park • New reporting requirements would significantly add to administrative overhead and reduce ability to provide programs and services • Difficult to meet NVPA requirements on easements granted by private land owners for public trails; could discourage granting of easements • The proposed CAO, if adopted, will prohibit the Park District from building new trails in areas where they are needed 	<ul style="list-style-type: none"> • See comment 38 and 40, above. • Proposed rules do not violate the ADA. • The requirement to designated a NVPA does not apply to the Sakai Park property due to its zoning designation (R-8). • Staff recommends adding language addressing trail easements on private property in the NVPA section. • Nothing in the proposed CAO prohibits trail development.
70	11/20/17	Laurie Miller Managing Director Islandwood	CAO	<ul style="list-style-type: none"> • CAO will create unintended and undue burdens on organizations that are overwhelmingly supportive of and in compliance with the City's efforts to preserve the island's native vegetation and natural habitats • Recommend an exemption for these organizations 	<ul style="list-style-type: none"> • See comment 38 and 40, above. • The variance process is intended to address special circumstances applicable to the subject property, including size, shape, or topography, when the strict application of regulations is found to <u>deprive the subject property of rights and privileges enjoyed by other properties in the vicinity.</u> Variances permit development

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				<ul style="list-style-type: none"> Recommend rewarding exemplary behavior and avoid creating obstacles to using “best practices” that meet or exceed CAO outcomes Recommend lowering NVPA requirement to 50 percent for Islandwood Questions the removal of the variance option 	within critical areas that is <u>similar to nearby properties</u> . Greater protection of critical areas and their buffers is achieved through the reasonable use exception process which allows reasonable use of a property, not similar use of a property.
71	11/20/17	Dennis D. Reynolds Law Office on behalf of the Kitsap County Association of Realtors	CARA/NVPA	<ul style="list-style-type: none"> Commenter states CARA designation analysis not completed by City Commenter presents a legal analysis summarizing inconsistency with a number of statutes related to the GMA, substantive due process and takings 	<ul style="list-style-type: none"> The designation analysis was completed by staff and presented to the Planning Commission on May 25, 2017. See best available science review for summary. The City Attorney’s office provided the City Council with a legal review of the proposed CAO based on the Office of the Attorney General’s guidance, <i>Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative, Actions to Avoid Unconstitutional Takings of Private Property</i>.
72	11/20/17	Andrew Maron	Trees and vegetation/trails/NVPA	<ul style="list-style-type: none"> Tree cutting (removal) should be allowed for sunshine/sun exposure. Number of trees allowed to be removed should be based on lot size. Public trails should be exempt from the CAO except for bridges and boardwalks Commenter provides several suggestions regarding the NVPA: <ul style="list-style-type: none"> Delete entirely Apply only to new development or exempt ADUs due to their potential to provide affordable housing Allow tree cutting Clarify that trails are allowed Exempt park district, schools, Islandwood, Bloedel Reserve 	<ul style="list-style-type: none"> Tree removal for sunshine/sun exposure may be allowed through city review and pre-approval of a critical area permit. See comment 38 and 40, above. Use of ADUs for affordable housing is not well established. City permit data indicate there are approximately 200 legally established ADUs. Recent survey data indicate fewer than half of these are used for long-term rental (vs. short-term/vacation rental). Council may want to consider revisiting the NVPA requirement for ADUs based on future recommendations from the Affordable Housing Task Force. Tree cutting and trails are allowed within the NVPA.
The following written comments were received in advance of the January 9, 2018 public hearing. In-person public comment received at the public hearing is not included.					
73	11/21/17	Terry Olson	CARA/NVPA	<ul style="list-style-type: none"> Objects to “long arm of government,” more governmental regulation and intrusion 	<ul style="list-style-type: none"> Comments noted.

				<ul style="list-style-type: none"> • States NVPA intrudes on private property rights, increases costs and violates foundational principles of freedom • States no science to support regulation and no proof that status quo is not adequate 	
74	1/3/18 1/9/18	Russel Berg	CARA/NVPA	<ul style="list-style-type: none"> • NVPA is devaluing, unconstitutional • States 50-65% of a property will have to be replanted with native plants • States Aspect's 2015 report found there is plenty of water • NVPA is a disturbing overreach of private property rights • States adamant opposition to CAO update • States BAS review is one-sided and does not provide data on non-native plant recharge rates • Questions cost for consultants as a result of CAO 	<ul style="list-style-type: none"> • The NVPA requirement does not lower the development potential of a property. Properties will retain their existing allowable density as determined by the size of the property. • The Island's groundwater levels, recharge rates, and carrying capacity have been modeled through a variety of efforts. While not necessarily indicative of aquifer-wide trends, the results warrant consideration of approaches to maintain the overall sustainability of the system given the uncertainties inherent in modeling, future consumption, and/or conservation and climate change impacts. Aspect's work was reviewed and discussed during several community conversations during the Comprehensive Plan update, which resulted in a guiding principal (#2) and several goals and policies related to water resources, including creation of development regulations that ensure a sustainable water supply over time. • As provided in the BAS review, in residential areas, groundwater recharge may be altered by grading and subsequent importing of fine grained soil. A part of the permeable soils is removed, the remaining soils are graded and compacted, reducing the effective infiltration rate, and fine-grained top soil is applied. Together, these act to limit the potential recharge rates (Vaccaro 1998). Retaining mature native vegetation and soil protection areas is a primary objective of site planning to maintain the natural hydrological function of the site and watershed.

					<ul style="list-style-type: none"> • 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. 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 NVPA area is less than 65 percent of the total site area or the proposed NVPA does not meet the specified design standards.
75	1/5/18	Robert Fraik	CARA/NVPA	<ul style="list-style-type: none"> • Commenter uncertain about the real purpose of the CAO and associated NVPA • States the CAO unevenly devalues undeveloped land while giving existing development a pass • NVPA policies were created with zero input from professional foresters • States the City Council continues to overlook the serious impacts of poor forest management and wildfire risks • States the final draft of the CAO was not available to the public until 12/29/17 • Suggests the CAO/NVPA is a lopsided, unjustified land grab, a thinly veiled attempt to game zoning and the GMA 	<ul style="list-style-type: none"> • Comment noted. • The NVPA requirement applies to new development and redevelopment/existing development if the thresholds are met (800 square feet of hard surfaces or 7,000 square feet of land disturbing activity). • The NVPA requirement is a requirement to retain existing native vegetation, not manage forests. There is ample BAS to support retention of native vegetation, including forests, without a need to manage it. The primary function for which the native vegetation is being retained – aquifer recharge – is not a topic on which a professional forester’s input is needed. A professional forester may be needed to determine which portion of a property is most suited to be designated the NVPA or to provide input on the ongoing maintenance or management of the NVPA. • Comment noted. The CAO does not prohibit forest management for wildfire protection or risk reduction. • The CAO update process started in April 2017 at the Planning Commission. A draft was presented to the City Council in August 2017. Subsequent drafts of the CAO were available to the public in

					<p>City Council agenda packets and the CAO project page on the City's website. The NVPA requirement was added to the CAO in the draft presented at the September 19, 2017 City Council meeting. Seven additional City Council meetings were held on the draft CAO between October – December 2017, including two public hearings in October and November, 2017.</p> <ul style="list-style-type: none"> The NVPA is not a land grab. The NVPA requirement does not lower the development potential of a property. Properties will retain their existing allowable density as determined by the size of the property. Implementation of the NVPA, or CAO as a whole, will not preclude the City from meeting its Growth Management Act (GMA) requirement to accommodate future population growth. The NVPA requirement, and the CAO as a whole, fulfills the GMA mandate to designated and protect critical areas.
76	1/5/18	Karen Dacek	CARA/NVPA	<ul style="list-style-type: none"> Commenter is vehemently opposed to the proposed ordinance as written States the proposed ordinance directly attacks private citizens who are good stewards of undeveloped land Suggests proposed ordinance is not supported by Aspect Consulting's presentation re: current and future island water supply States exempting existing development to address an island-wide problem is uneven and self-dealing Asks if professional foresters or BIFD's recommendations were considered 	<ul style="list-style-type: none"> Comments noted. See 74 and 75, above. BIFD provided a copy of the 2015 Wildland-Urban Interface Code to City staff in May, 2017 with no specific recommendations for incorporating into the draft CAO. City staff provided the draft CAO to directly to BIFD in early December, 2017. BIFD did not provide any formal input until January 9, 2018. City staff subsequently met with BIFD staff and anticipates additional input and recommendations to be provided by BIFD for Council consideration.
77	1/5/18	Brian and Barbara Wilkinson	CARA/NVPA	<ul style="list-style-type: none"> Commenter states taking away use of 65% of private land while maintaining 100% taxation devalues land and does not seem just States wildland fire behavior is being ignored and landowners are being prohibited from managing and maintaining their land 	<ul style="list-style-type: none"> Comments noted. See 75 and 76, above.

				<ul style="list-style-type: none"> • Urges Council to consider BIFD Community Wildfire Protection Plan • Commenter expresses concern that the actual intent of CAO is to stop development and impede growth • States the City is not qualified to manage forests • Expresses doubt allowed uses would function properly within NVPA • Expresses concern that the public is unaware of CAO • States the Council and City are punishing private landowners and rewarding large, off-island developers 	
78	1/8/18 1/9/18	Herb Hethcote	CARA/NVPA	<ul style="list-style-type: none"> • Commenter expresses support for the CAO and references BAS document and the City's Comprehensive Plan Guiding Principal #2 re: managing water resources • Suggests Council might consider phasing in the revised CAO over several years (NVPA requirement) 	<ul style="list-style-type: none"> • Comments noted.
79	1/8/18	Chris and Lisa Neal	CAO/CARA	<ul style="list-style-type: none"> • Commenter expresses support for the CAO • States that we are pulling more water from available sources than is being recharged and that previous reports state it is not clear whether we are not overusing water resources • Commenter expresses concern that the City Manager's Report frames the COA only in terms of who it will "impact" (in a negative way) and fails to note that the purpose of the COA is to maintain our water supply which will benefit all citizens on the island; suggests City Manager refrain from commentary regarding policy • Commenter finds it disturbing that the process on the CAO has been dragged out with large gaps between discussions 	<ul style="list-style-type: none"> • Comments noted.

80	1/8/18	Joyce and Alan Rudolph	CAO	<ul style="list-style-type: none"> • Commenter expresses support for the CAO and states it is very important to the health of our island and our water supply 	<ul style="list-style-type: none"> • Comment noted.
81	1/8/18	Pete and Aleta Saloutos	CAO/NVPA	<ul style="list-style-type: none"> • Commenters express enthusiastic support for the NVPA provision in the CAO stating it 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 	<ul style="list-style-type: none"> • Comments noted.
82	1/8/18	Julie and Michael Smith	CAO/NVPA	<ul style="list-style-type: none"> • Commenters express support for the NVPA requirement as scientists, homeowners and island citizens • State the NVPA requirement is a sensible, balanced approach that permits reasonable development while protecting our groundwater and other natural resources 	<ul style="list-style-type: none"> • Comments noted.
83	1/8/18	Scott Stickland and Carolyn Gangmark	CAO/NVPA	<ul style="list-style-type: none"> • Commenters express support for the CAO, especially the NVPA requirement, stating they are important rules and decisions that need to be implemented to fulfill the intention of the Comprehensive Plan and will of the citizens of the island 	<ul style="list-style-type: none"> • Comment noted.
84	1/8/18	Marshall Tappen	CAO	<ul style="list-style-type: none"> • Commenter expresses continued support for the CAO • States no uses, outside of farming, would be prevented and it has potential to encourage better development practices, like clustering 	<ul style="list-style-type: none"> • Comment noted. • Creation of new farms would be prevented only if they required clearing more than 35% of a fully wooded property. The NVPA is intended to encourage site development that retains the natural topography, vegetation and soil of a site, such as cluster subdivisions.
85	1/8/18	Joseph Tschida and Joanne Onorato	CAO/NVPA	<ul style="list-style-type: none"> • Commenters express enthusiastic support for the NVPA provision in the CAO stating it 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 	<ul style="list-style-type: none"> • Comments noted.

86	1/8/18	Gerald Weeks	CAO/NVPA	<ul style="list-style-type: none"> • Commenter registers support of the CAO, in particular, the NVPA requirement given the uncertainty on the amount of water and recharge rates 	<ul style="list-style-type: none"> • Comment noted.
87	1/9/18 1/16/18	Wendie and Barry Von Feldt	CAO/NVPA	<ul style="list-style-type: none"> • Commenter expresses doubt there is a water shortage, a serious concern about potential wildfire hazard created by the NVPA requirement and the perspective that the CAO process was rushed with little or no public outreach 	<ul style="list-style-type: none"> • See 74, 75, and 76, above.
88	1/9/18	Paul and Kathy Cooper	CAO/NVPA	<ul style="list-style-type: none"> • Commenters express enthusiastic support for the NVPA provision in the CAO stating it 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 	<ul style="list-style-type: none"> • Comments noted.
89	1/9/18	John Croxford	FWHCA/NVPA	<ul style="list-style-type: none"> • Expresses concern that the new ordinance (Type F stream buffer and NVPA) will overly limit ability to add any improvements to lot, or repair current home and garage in the event of damage • Asks Council to seek a better balance between preservation of the environment and facilitating reasonable use of land by returning to 100 foot stream buffers and limiting land defined as CARA 	<ul style="list-style-type: none"> • Comment noted.
90	1/9/18	Rick Hatten	NVPA	<ul style="list-style-type: none"> • Commenter expresses support of the CAO, specifically the NVPA section, and 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 	<ul style="list-style-type: none"> • Comment noted.
91	1/9/18	Mary Clare Kersten	NVPA	<ul style="list-style-type: none"> • Commenter urges Council to support the CAO, including the weighty decision to impose a NVPA requirement of 65% 	<ul style="list-style-type: none"> • Comment noted.

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92	1/9/18	Jane Lindley	CARA/NVPA	<ul style="list-style-type: none"> Agrees with the CARA classification and asks Council to please not reduce the area included as CARA or the NVPA requirement 	<ul style="list-style-type: none"> Comment noted.
93	1/9/18	Leslie Marshall	NVPA	<ul style="list-style-type: none"> Commenter supports approval of the NVPA requirement 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 	<ul style="list-style-type: none"> Comment noted. See 73, above. Recent discussions at the Affordable Housing Task Force meetings include the potential to increase the threshold for hard surfaces (e.g., rooftops) from 800 to 900 square feet to accommodate ADU construction. If this change is implemented, the threshold for the NVPA requirement would change as well, since it is the same.
94	1/9/18	Michele Molnaire	NVPA	<ul style="list-style-type: none"> Commenter does not agree with the requirement regarding native vegetation; states Bainbridge Island has no native plants 	<ul style="list-style-type: none"> Comment noted.
95	1/9/18	Linda Novitski	NVPA	<ul style="list-style-type: none"> Commenter expresses support for the NVPA requirement States NVPA reflects what is known about the important ecosystem services of native vegetation to maintain water quality and quantity in aquifers and that it is important to protect the water supply now, not when it is gone 	<ul style="list-style-type: none"> Comment noted.
96	1/9/18	Terry Samilson	FWHCA – stream buffers	<ul style="list-style-type: none"> Commenter states that BAS does not support 200-foot buffer width for Type F streams and asks that it remain at 150 feet; 200 foot number is intended for major streams 	<ul style="list-style-type: none"> WDFW's 1997 PHS 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. WDFW PHS recommendations state approximately 85% of Washington's terrestrial vertebrate species use riparian habitat for essential life activities and the density of wildlife in riparian areas is comparatively high. As such,

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Public Comments Received**

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

					<p>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. (personal communication, Keith Folkerts, WDFW PHS Section Manager and Land Use Policy Lead, May 8, 2017 and January 25, 2018).</p>
97	1/9/18	Hank Teran, Fire Chief	CAO	<ul style="list-style-type: none"> • Commenter states fire district was left out of the CAO update process • States the new regulations fail to mitigate potential risk to the public re: threat of wildfire • BIFD requests City Council to recognize wildfire as a potential threat that should be addressed in the CAO and direct staff to actively engage with BIFD staff to incorporate best practices in the Firewise program and International Wildland-Urban Interface Code 	<ul style="list-style-type: none"> • See 76, above.
98	1/9/18	Jackie Wood	CAO/NVPA	<ul style="list-style-type: none"> • Commenter sends strong support for the draft CAO and NVPA requirement 	<ul style="list-style-type: none"> • Comment noted.
99	1/9/18	Bainbridge Island Parks Foundation	CAO/Trail standards	<ul style="list-style-type: none"> • Suggest the following changes to language in standards for trail development: <ul style="list-style-type: none"> ○ state that trails “are allowed” instead of “may be allowed” if standards are met ○ add “applicant’s” in front of trail planning objectives ○ allow six-foot wide trails rather than five feet 	<ul style="list-style-type: none"> • Staff recommends incorporating this revised language with the exception of softening the no net loss language.

				<ul style="list-style-type: none"> ○ soften no net loss language to “not result in further” or “minimize” loss of functions 	
100	1/9/18	Charles Schmid	NVPA/Trees and vegetation	<ul style="list-style-type: none"> • States there is a need for trees to provide aquifer recharge • States there is a need for trees to be covered better in the ordinance; at a minimum it should be made clear that “native vegetation” includes trees • Suggests parallel construction in BIMC 16.20.010 • Questions implementation of pollarding within NVPA 	<ul style="list-style-type: none"> • Staff recommends adding 2500 square foot canopy removal threshold for pollarding. • Coppicing and pollarding restrictions intended to not set limits that would not affect health of tree, canopy or overall forest health.
101	1/13/18 1/14/18	Robert Dashiell	FWHCA – stream buffers	<ul style="list-style-type: none"> • Commenter states that BAS does not support 200-foot buffer width for Type F streams and asks that it remain at 150 feet; 200 foot number is intended for major salmon streams • Recommends Council set a 2018 goal to properly classify BI salmon (anadromous fish) streams 	<ul style="list-style-type: none"> • See 14, 37 and 96, above. • Comment noted.
102	1/9/18	Deb Rudnick	Invasive species	<ul style="list-style-type: none"> • Commenter expresses concern about definition of invasive species used: first, that not all problematic invasive species are those that colonize disturbed systems are- many are, but some important ones are great invaders of intact forest communities (e.g., English ivy). Second, who “us” is, or why this is framed as species “seen by us as reducing values”. The term “previous plant community” is also very problematic because there is no framework or timeframe within which that term is being defined. • Commenter encourages City to consider using a more commonly accepted definition such as those outlined by USDA and other federal agencies, though it makes sense here to frame it more specifically in terms of plant species. 	<ul style="list-style-type: none"> • Staff recommends using USDA’s National Invasive Species Information Center (NISIC) definition for invasive species: 1) non-native (or alien) to the ecosystem under consideration and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health.