



PLANNING COMMISSION  
REGULAR MEETING  
THURSDAY, APRIL 27, 2017  
7:00 – 9:00 PM  
COUNCIL CHAMBER  
280 MADISON AVE N  
BAINBRIDGE ISLAND, WA 98110

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## AGENDA

- 7:00 PM      CALL TO ORDER  
                 Call to Order, Agenda Review, Conflict Disclosure
- 7:05 PM      REVIEW AND APPROVAL OF MINUTES  
                 April 13, 2017
- 7:10 PM      PUBLIC COMMENT  
                 Accept public comment on off agenda items.
- 7:30 PM      CRITICAL AREAS ORDINANCE UPDATE  
                 Christy Carr, Senior City Planner
- 8:55 PM      NEW/OLD BUSINESS
- 9:00 PM      ADJOURN

***\*\* TIMES ARE ESTIMATES\****

Public comment time at meeting may be limited to allow time for Commissioners to deliberate. To provide additional comment to the City outside of this meeting, e-mail us at [pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov) or write us at Planning and Community Development, 280 Madison Avenue, Bainbridge Island, WA 98110

**For special accommodations, please contact Jane Rasely, Planning & Community  
Development 206-780-3758 or at [jrasely@bainbridgewa.gov](mailto:jrasely@bainbridgewa.gov)**

PUBLIC COMMENT – Critical Areas Ordinance Update Open House

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure

REVIEW AND APPROVAL OF MINUTES

PUBLIC COMMENT – Accept public comment on off agenda items

CRITICAL AREAS ORDINANCE PROCESS UPDATE

MADRONA SCHOOL SITE PLAN AND DESIGN REVIEW - Recommendation

NEW/OLD BUSINESS

ADJOURN

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**PUBLIC COMMENT – Critical Areas Ordinance Update Open House**

Christy Carr invited the public comment following a half hour Open House.

Helen Pitts: Ms. Pitts spoke in support of public conservation. She encouraged the city to provide resources for staffing and invasive species management.

Mike Juneau: Mr. Juneau, ISA certified arborist and landscape architect, operates a mid-size residential tree care company. He cautioned against over regulating vegetation management and said most homeowners based vegetation management decisions on emotion. Restrictive regulations in buffers prevented vegetation maintenance.

Commissioner Gale requested Mr. Juneau submit examples of his experience in critical areas.

**CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure**

Chair Mack Pearl called the meeting to order at 7:00 PM. Commissioners in attendance were Michael Lewars, Maradel Gale, Jon Quitslund, Michael Killion and Lisa Macchio. William Chester was absent and excused. City Staff present were Planning Director Gary Christensen, Planning Manager Joshua Machen, Senior City Planners Christy Carr and Jennifer Sutton, Building Official James Weaver, Water Resources Specialist Cami Apfelbeck, Water Resource Technician Christian Berg, and Administrative Specialist Lara Lant who monitored recording and prepared minutes.

No conflicts were disclosed.

**REVIEW AND APPROVAL OF MINUTES**

Minutes were reviewed and corrections noted:

Minutes for October 27, 2016 change Rebecca Duglepuski to Rebecca Dugopolski.

Minutes for November 16, 2016 approved as is.

Minutes for March 9, 2017 change Dana Quitslund to Dana Halvorsen.

Minutes for March 16, 2017 change Chair Quitslund to Commissioner Quitslund.

Minutes from March 23, 2017 change “Maradel asked for something” to “Maradel asked for examples of Reasonable Use Exceptions and waivers of requirements.”

**Motion:** I move to approve all the minutes as corrected.

**Killion/Gale:** Passed unanimously 6-0.

**PUBLIC COMMENT – Accept public comment on off agenda items**

There was no public comment on off agenda items.

**CRITICAL AREAS ORDINANCE PROCESS UPDATE**

Planner Christy Carr updated the Planning Commission on the status of the Critical Areas Ordinance Process. She noted that the update process itself is an opportunity to educate landowners and the broader public about critical areas regulations. She will provide a tutorial to the Commissioners so they could access the city’s critical areas web map. Ms. Carr also noted she would provide the background data for those maps. She said the Comprehensive Plan contained the policies that the updated Critical Areas Ordinance needs to address, including incentive regulatory scenarios that could incentivize preservation and that the city could consider a compliance monitoring program like other jurisdictions. Ms. Carr told the Commissioners she would present proposed code revisions to them for review. Commissioner Quitslund wanted to confirm their emailed comments would be shared among Commissioners by Administrative Specialist Jane Rasely.

The Commissioners took a brief recess.

**MADRONA SCHOOL SITE PLAN AND DESIGN REVIEW – Recommendation**

Chair Pearl wanted an updated site plan showing buffers and trees before making a recommendation. Commissioner Lewars said the Commissioners should put together a list of conditions to address concerns. Commissioner Killion said Conditional Use Permits didn’t address impacts to neighborhood culture. The school was a nonprofit but still a business.

Chair Pearl invited Madrona School Board President Cindy Smith to speak. Ms. Smith stated Madrona School had complied with all Conditional Use Permit requirements, increased the buffer from 15’ to 25’, would have staff direct traffic through the parking lot, created backup parking in the play area, and were committed to being good neighbors.

Chair Pearl asked Planner Josh Machen what allowed for buffer averaging. Mr. Machen replied the code allowed for buffer averaging when more trees would be saved than otherwise would be. Madrona School’s tree retention plan saved 640 tree units though they were required to save only 220 tree units. Chair Pearl said averaging the buffer would hurt some trees and wanted a full buffer instead. Mr. Machen asked for clarification since at the last Planning Commission

meeting, they agreed buffer averaging could occur on the south side of the property allowing the entrance to remain where it was. Commissioner Lewars said this meeting was the time to add conditions to the permit and the Planning Commission needed to give Mr. Machen direction. Commissioner Quitslund said neighborhood concerns were legitimate and the school's parents must help to resolve emergent issues. Trust, tolerance and neighborly consideration were required. Commissioner Macchio said she wanted a limit on evening activities. Resident Lisa Martic said Madrona School would be the only school in that type of residential zone but Mr. Machen disagreed. Ms. Martic clarified she was referring to an R1 zone. Mr. Machen reminded the Commissioners that the Hearing Examiner review was rescheduled to May 4<sup>th</sup> and they should try and put the conditions together tonight. Commissioner Lewars suggested they use the letter from the school as the list of conditions. Ms. Martic asked why neighbors should bother to attend the meeting if the Planning Commission was simply waiting for the list of conditions before approving it. Director Gary Christensen noted the Planning Commission's decision was a recommendation and the Hearing Examiner was the final decision maker. The letter from the school was part of the official record and would be reviewed by the Hearing Examiner along with the Planning Commission's recommendation and list of conditions.

The final list of conditions was reviewed by Mr. Machen:

- o Turn north (right turn) only on North Madison Avenue NE from parking lot.
- o No buffer averaging except for maintaining existing entrance and proposed parking.
- o Tree retention plan proposed in Madrona School's letter is basis for development in perpetuity.
- o No rental of school buildings.
- o All functions end by 9 pm.
- o No parking on Madison Avenue or anywhere within the Windsong Loop neighborhood.
- o Recommend the Police Department reduce the speed on North Madison Avenue NE to reflect a school zone.
- o Summer school limited to 40 students.
- o 6' fence to be located at edge of buffer not on property line.

**Motion:** I move to approve conditional use for Madrona School on the North Madison Ave NE site subject to conditions we have identified tonight.

**Killion/Lewars:** Motion carried 6-0.

## NEW/OLD BUSINESS

No new or old business.



**Planning Commission  
Critical Areas Ordinance Update Open House and  
Regularly Scheduled Meeting Minutes  
Thursday, April 13, 2017**

**ADJOURN**

The meeting was adjourned at 9:02 pm.

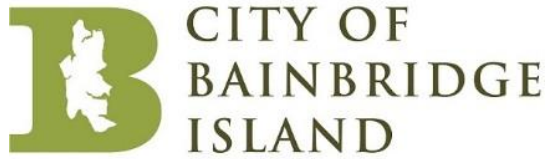
Approved by:

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J. Mack Pearl, Chair

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Lara Lant, Administrative Specialist



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

### MEMORANDUM

**Date:** April 21, 2017  
**To:** Planning Commission  
**From:** Christy Carr, AICP  
Senior Planner  
**Subject:** Critical Areas Ordinance Update  
Best Available Science Review – Wetlands, Fish and Wildlife Habitat Conservation Areas  
and Frequently Flooded Areas

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#### I. BAS REVIEW

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Staff is reviewing best available science (BAS) related to wetlands, fish and wildlife habitat conservation areas and frequently flooded areas. A summary of documents reviewed to date is provided in your agenda packet. This document is a starting point for discussion and comment. Staff anticipates that additional BAS or other relevant information may be reviewed during the update process.

Links to BAS documents and guidance (for reference only):

Wetlands: <https://fortress.wa.gov/ecy/publications/documents/1606001.pdf>

Frequently Flooded Areas: <http://www.ecy.wa.gov/programs/sea/floods/FloodedAreaGuidance.html>

General Resources: <https://deptofcommerce.app.box.com/s/1shb0hcmnxdlvfw1xh08r0kbr0g5l5>

**Planning Commission Action:** Review attached document and critical areas ordinance.

#### II. NEXT STEPS

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Staff will continue to review best available science and identify inconsistencies between current regulations to develop a set of required changes to specific language of the CAO. Required and recommended changes for wetlands, fish and wildlife habitat conservation areas and frequently flooded areas will be presented at the May 11, 2017 Planning Commission meeting.

**This document provides a summary of Best Available Science documents reviewed to date that will be used to update the critical areas ordinance (CAO).**

## I. WETLANDS

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The most recent documents pertaining to wetlands have been prepared by state and federal agencies describing general guidance for CAO updates, new methodologies for identifying and characterizing wetlands, buffer effectiveness and new approaches to mitigation.

### General Guidance Documents

**Wetland Guidance for CAO Updates, Western Washington Version (Washington State Department of Ecology Publication #16-06-001, Olympia, WA, June 2016).** This document replaces *Wetlands & CAO Updates: Guidance for Small Cities*, originally published in 2010 and revised in 2012. This new Ecology guidance document will be used to update regulations related to the updated 2014 rating system, updated definitions, buffer tables, small wetlands and agricultural activities.

**Wetlands in Washington State, Volume 1: A Synthesis of the Science (Washington State Department of Ecology Publication #05-06-006, Olympia, WA, March 2005).** This volume is the result of an extensive search of over 17,000 scientific articles and synthesizes over 1,000 peer-reviewed works relevant to the management of Washington's wetlands. This document was the primary source of best available science used in the 2005 CAO update. Proposed revisions should be consistent with the science in this document unless specifically updated in other, more recent documents.

**Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands (Washington State Department of Ecology Publication #05-06-008, Olympia, WA, April 2005).** This volume contains guidance on protecting and managing wetlands and their functions based on the synthesis of the science provided in Volume 1, including recommended buffer strategies. Appendix 8-C, providing options for buffer strategies, was revised in October 2014.

### Delineation and Categorization

**Washington State Wetland Rating System for Western Washington: 2014 Update (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).** The current CAO uses the 2004 State Rating System, or as amended, to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. The City formally adopted the 2014 updated in June 2016. The update of the rating systems incorporates "lessons learned" from using the rating system for 10 years and provides a more accurate rating of the functions and values of a wetland. While Ecology updated the rating system, it is not proposing any changes to recommended buffer widths; however, the City's CAO will be updated to reflect the changes made to the wetland scoring system.

**Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coasts (Corps, 2010).** The regional supplement updates portions of the 1987 Corps' Wetland Delineation Manual and provides additional technical guidance and updated procedures for identifying and delineating wetlands. State law requiring the Washington State Wetlands Identification and Delineation Manual (Ecology, 1997) was repealed in 2011. The Regional Supplement is now required by state law (WAC 173-22-035).

### Mitigation

**Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1) (Washington State Department of Ecology Publication #06-06-011a, Olympia, WA, March 2006).** Part 1 provides a brief background on wetlands, an overview of the factors that go into the agencies' permitting decisions, and detailed guidance on the agencies' policies of wetland mitigation, particularly compensatory mitigation. It outlines the information the agencies use to determine whether specific mitigation plans are appropriate and adequate.

**Wetland Mitigation in Washington State–Part 2: Developing Mitigation Plans (Version 1) (Washington State Department of Ecology Publication #06-06-011b, Olympia, WA, March 2006).** Part 2 provides technical information on preparing plans for compensatory mitigation. Some of this information has been superseded by more recent guidance discussed below however, wetland mitigation ratios listed in this document were the basis for the City's wetland mitigation ratios.

**Selecting Wetland Mitigation Sites Using a Watershed Approach (Washington State Department of Ecology Publication #09-06-032, Olympia, WA, December 2009).** Provides guidance on selecting off-site mitigation sites.

**Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (Washington State Department of Ecology Publication #12-06-015, Olympia, WA, December 2012).** Use of this document can be referenced and encouraged; however, advance mitigation is uncommon within the city.

**Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington (Washington State Department of Ecology Publication #12-06-015, Olympia, WA, December 2012).** This document describes Ecology's newest methodology for estimating whether a project's compensatory mitigation plan adequately replaces lost wetland functions and values using a functions and values-based approach to score functions lost at the project site (i.e., "debits") compared to functions gained at a mitigation site (i.e., "credits"). Use of the method can be encouraged.

### Buffer Effectiveness

**Update on Wetland Buffers: The State of the Science (Washington State Department of Ecology Publication #13-06-011, Olympia, WA, October 2013).** This document provides new information on buffers and revisits the conclusions and key points in the 2005 synthesis (see Wetlands in Washington State, Volume 1: A Synthesis of the Science, above).

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## II. FISH AND WILDLIFE HABITAT CONSERVATION AREAS (FWHCA)

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Most documents related to FWHCAs have been prepared by Washington Department of Fish and Wildlife (WDFW). Other sources, largely Bainbridge-based, as well as legislative changes were also reviewed.

### WDFW Documents and Programs

**Priority Habitats and Species Program (PHS).** WDFW updated its PHS list in 2008. The new list should be referenced where appropriate and used to clarify Class I and Class II FWHCA. In addition, designating biodiversity areas and corridors may be considered. Note: The Bald Eagle was removed from the federal Endangered Species List in 2007; but the species remains classified as a State Sensitive species by WDFW.

**Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas (Washington Department of Fish and Wildlife, Habitat Program, Olympia, WA, December 2009).** This document gives examples of stressors linked to residential land uses that influence wildlife, considerations for developing Habitat Management Plans (HMP) at the site-scale and planning at the watershed-scale. This document may be a required reference for HMPs and/or development standards for PHS biodiversity areas and corridors.

**Management Recommendations for Washington's Priority Habitats.** This is a series of documents that provides recommendations for protection and management of habitat of priority species. HMPs are currently required to use these management recommendations. Updated management recommendations for the Great Blue Heron were published in 2012.

**Fish Passage Program.** WDFW maintains a centralized database of fish passage, diversion screening, fish use, and habitat information from inventory efforts conducted throughout Washington State. WDFW's Fish Passage and Diversion Screening Inventory (FPDSI) database is a main data source for planning fish passage projects. The map application shows human-made barriers where a fish passage barrier inventory has been conducted.

### **Aquatic Habitat Guidelines Stream Habitat Restoration Guidelines Water Crossing Design Guidelines**

These documents provide support for the existing CAO and could be used to update development standards.

### Other Sources and Legislative Changes

**Wild Fish Conservancy Water Type Assessment Project Summary – West Sound Watersheds Phase III Report (Wild Fish Conservancy, Duvall, WA, September, 2016).** Wild Fish Conservancy (WFC) conducted

water type surveys using state-sanctioned protocols to accurately map previously unmapped and incorrectly mapped water courses and generate species-specific distribution data to assist with restoration project identification and prioritization efforts. This stream data was added to the City's GIS for use and support of planning and permitting activities.

**State of the Island's Waters (Prepared by Cami Apfelbeck, Department of Public Works, City of Bainbridge Island, July 2012).** Describes the surface water resources of Bainbridge Island, summarizes observed pollutants and common sources and reviews general water quality concerns.

**Stream Benthos and Hydrologic Data Evaluation for the City of Bainbridge Island (Prepared by Curtis DeGasperi and Chris Gregersen, Water and Land Resources Division, Seattle, WA, 2015).** This document is an in-depth assessment of the City's continuous flow and stream benthic macroinvertebrate monitoring data using metrics researched and developed over the last 15 years by King County's Department of Natural Resources and Parks – Water and Land Resources Division.

**Springbrook Creek Watershed Study:** A watershed-scale assessment to identify and develop conceptual designs for future salmon habitat improvement and protection which may include removing fish passage barriers, enhancing riparian habitat, returning the stream to historical flow channels, and protecting intact habitat through acquisition or conservation.

**WAC 365-190-130** was added to state statute in 2010 to address and amend prior regulations on fish and wildlife habitat conservation areas. Applicable changes will be included in the CAO update.

### III. FREQUENTLY FLOODED AREAS

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Local governments must address flood-prone areas under two separate statutes: The GMA and the Floodplain Management Statute. A Floodplain Management ordinance under RCW 86.16 is necessary for a city to qualify for FEMA's National Flood Insurance Program (NFIP). If all of a local government's floodplain management issues are adequately addressed in its floodplain management regulations, then the frequently flooded areas chapter may incorporate the floodplain management regulations by reference. The City's floodplain management regulations are contained in BIMC 16.15, Flood Damage Prevention. The City updated its FEMA floodplain maps and corresponding regulations in January, 2017 (Ordinance 2017-04). This update was reviewed by FEMA and Ecology. Both agencies found the revisions bring the City into compliance with federal and state floodplain regulations.

The CAO update will adopt by reference BIMC 16.15 to meet the requirements regarding designation and mapping as well as standards for habitat protection included in the FEMA Puget Sound Biological Opinion on the NFIP.