

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
REVIEW AND APPROVAL OF MINUTES – April 27, 2017
PUBLIC COMMENT – Accept public comment on off agenda items
ORDINANCE 2017-14 PUBLIC SAFETY AM RADIO TOWER
CRITICAL AREAS ORDINANCE UPDATE
NEW/OLD BUSINESS
ADJOURN

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

Chair Pearl called the meeting to order at 7:03 PM. Commissioners in attendance were Maradel Gale, Jon Quitslund, Michael Killion and Lisa Macchio. Michael Lewars and William Chester were absent and excused. City Staff present were Planning Director Gary Christensen, Emergency Management Coordinator Amber Richards, Senior City Planners Jennifer Sutton and Christy Carr, and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. There were not any conflicts disclosed.

REVIEW AND APPROVAL OF MINUTES – April 27, 2017

Chair Pearl asked if the minutes that were amended at the last meeting were included in the report made to the Hearing Examiner. Ms. Rasely stated the staff report for the Madrona School Conditional Use Permit had been amended to reflect the changes the Planning Commission asked for in the minutes and that the Hearing Examiner had received that amended report.

Motion: I move approval of the minutes for April 27, 2017 as distributed.

Quitslund/Killion: Passed Unanimously 4-0

PUBLIC COMMENT – Accept public comment on off agenda items

None.

ORDINANCE 2017-14 PUBLIC SAFETY AM RADIO TOWER

Senior City Planner Jennifer Sutton gave some background information regarding the Public Safety Communication Tower ordinance that explained why the changes were being sought and highlighted the changes to *Table 18.09.020 Use Table* contained in Bainbridge Island Municipal Code (BIMC). Emergency Management Coordinator Amber Richards provided the rationale for installing a single AM radio tower to provide coverage for the entire island. She explained the process that led to moving the tower from BIFD Station 22 to the American Legion Property next door to the fire station, the part island geography played in placement and how that provided the impetus to the changes in the BIMC.

Chair Pearl asked whether the BIMC could remain intact and an exception given for this tower. Ms. Sutton stated they felt it should be permitted in all zones due to the different factors that come into play for their location such as line of sight, topography, etc. Commissioners Killion, Gale and Pearl wanted to provide an exception for this tower as opposed to amending the code to allow public communication towers in any land use zone. Commissioner Gale asked if they could be limited to non-residential uses. The Planning Commission asked to have the use changed to "Accessory" to public facilities in all zones except R-0.4, R-1 and Business/Industrial where public communication towers are permitted.

CRITICAL AREAS ORDINANCE UPDATE

Senior City Planner Christy Carr highlighted the changes to the wetlands and fish and wildlife habitat conservation areas sections (see attached presentation).

Chair Pearl asked that paper copies of Planning Commission agenda materials be sent in addition to links to the electronic version. Ms. Rasely agreed to begin sending paper copies again as a matter of course.

The schedule for future meetings was reviewed. Ms. Carr stated she would not introduce any new material but the discussion would continue from tonight's material. Commissioner Gale asked to begin the meetings earlier so they could get through the update by the end of June. All Commissioners present agreed to a 6:00 PM starting time.

NEW/OLD BUSINESS

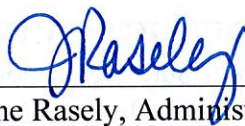
None.

ADJOURN

The meeting was adjourned at 9:07

Approved by:


J. Mack Pearl, Chair


Jane Rasely, Administrative Specialist



Planning Commission
Critical Areas Ordinance Update Open House and Regular
May 11, 2017

PLEASE PRINT

**Join CAO
ListServ
Yes/No**

**Would
like
to speak**

Subject

[illegible]

CRITICAL AREAS ORDINANCE UPDATE
Wetlands, Fish & Wildlife habitat Conservation Areas
May 11, 2017



Agenda

- Summary of changes to wetlands and fish and wildlife habitat conservation areas sections
- Schedule update



Summary of Changes – Wetlands

- Required changes to update methodologies for rating and delineation, including revised buffer tables (no changes to required buffer widths)
- Revised applicability section:
 - Changed from “Regulated and Non-Regulated Wetlands Classification” to “Applicability” for consistency throughout chapter
 - Clarifies that wetland in shoreline jurisdiction regulated under SMP
 - Revisions to reduce redundancy with wetland definition (created, roads)

Summary of Changes – Wetlands

- Revised wetland category section:
 - Changed from “Category” to “Rating” since it is the rating system used to determine categories
 - Description of categories revised based on new (2014) rating system. Language taken directly from Ecology guidance.
 - Added language about rating being valid for 5 years. Current practice, but not in current code.
 - Added language about illegal modifications

Summary of Changes – Wetlands

- Added new section on mapping – reference for public/applicants
- Added new section on protection of wetlands – provides regulatory language supporting comprehensive plan policies (first avoid, precautionary principal)

Summary of Changes – Wetlands

- Prohibited, allowed and regulated uses
 - New sections for clarification
 - Prohibited activities taken from existing Table 8
 - Allowed activities – these are “exemptions” that are allowed in wetlands and/or buffers without City review. Will apply to all critical areas and be at the beginning of chapter (not in each section).
 - Allowed activities with staff review – these are activities that are allowed with review by staff, generally over the counter. Includes “interrupted buffer” activities, vegetation removal (invasive species and hazard trees, restoration projects).

Summary of Changes – Wetlands

Project-specific standards – these activities are allowed in wetlands and/or buffers but require review/approval from City through critical area permit. Previously, no review mechanism for these activities. Must meet the standards or RUE required. Will be reviewed and revised for clarity and consistency. No significant changes proposed.

Summary of Changes – Wetlands

Wetland buffers

- Removed separate water quality and habitat buffers
- No change to existing buffer widths
- Improved description of buffer – assumes buffer is functioning
- Clarified building setback line description

Summary of Changes – Wetlands

Wetland buffers

- Buffer averaging and buffer reduction allowed only to improve buffer or allow reasonable use
- Buffer enhancement plan required
- Reviewed with underlying land use/building permit
- If averaging/reducing not sufficient, reasonable use exception (RUE) required
- Not an option for existing development

Summary of Changes – Wetlands

Review

- Special Use Review removed
- Habitat Management Plan removed
- All regulated uses and activities in wetlands require Critical Area Permit
- Buffer modifications require Buffer Enhancement Plan reviewed with underlying land use/building permit
- Decision criteria same for all Critical Area Permits

Summary of Changes – FWHCA

- Revised applicability section
- Revised classification section
 - Clarify that DNR typing doesn't define streams, definition does
 - Remove S
 - Subcategories of streams
 - Combined Class I and II wildlife habitat
 - Added biodiversity areas and corridors
- New mapping section

Summary of Changes – FWHCA

Stream buffers (same changes as wetlands)

- Removed separate water quality and habitat buffers
- Improved description of buffer - assumes buffer is functioning
- Clarified building setback line description

Summary of Changes – FWHCA

Stream buffers

- Increased buffer width for anadromous streams (+50 feet)
- Increased buffer width for Np stream (+50 feet)
- Increased buffer width for Ns stream connected to Np or F stream (+25 feet)
- Increased buffers get closer to PHS/BAS recommendations
- Buffer averaging/reduction same as proposed for wetlands

Summary of Changes – FWHCA

- Simplified development standards for all other FWHCAs – requires HMP with underlying land use/building permit
- Project-specific development standards will be reviewed for clarity and consistency with other chapters. No significant changes proposed.

Summary of Changes – FWHCA

Review

- Special Use Review removed
- All regulated uses and activities in FWHCA require Critical Area Permit
- Buffer modifications require Buffer Enhancement Plan reviewed with underlying land use/building permit
- Development in/within habitat area requires HMP
- Decision criteria same for all Critical Area Permits

Summary of Changes – Existing Development

Standards for existing development (current language):

1. Existing Structures and Related Improvements. Structures and related improvements that were legally built or vested prior to the effective date of Ordinance No. 2005-03 that do not meet the setback or buffer requirements of this chapter may continue to exist in their present form, and may be altered, including remodeled, reconstructed, or expanded, if such alteration complies with the provisions of this section.
2. Existing structures, not located in a geologically hazardous area, that were legally built or vested prior to the effective date of Ordinance No. 2005-03 may be altered if:
 - a. There is no change in the footprint of the building;
 - b. The remodel is entirely inside the existing building;
 - c. There is no further encroachment into the buffers required pursuant to this chapter unless a variance is first approved; or
 - d. Any expansion of the building footprint is exclusively on the sides that do not touch the buffers.
3. Existing property improvements other than structures, including driveways, parking areas, yards, play areas, storage areas, and similar improvements that were legally established or vested prior to the effective date of Ordinance No. 2005-03 may be altered if:
 - a. There is no change in the location of the improvement;
 - b. Any alteration of the improvement is entirely inside of the existing boundaries of the improvement;
 - c. There is no further encroachment into the buffers unless a variance is first approved; or
 - d. Any increase in the area of the improvement is exclusively on the sides that do not touch the buffers.

Summary of Changes – Existing Development

Standards for existing development (proposed language):

1. Existing Structures and Related Improvements. Structures and related improvements that were legally built or vested prior to the effective date of Ordinance No. 2017-XX that do not meet the setback or buffer requirements of this chapter may continue to exist in their present form, and may be altered, including remodeled, reconstructed, or expanded, if such alteration complies with the provisions of this section.

2. Existing structures and related improvements that were legally built or vested prior to the effective date of Ordinance No. 2017-XX may be altered if all of the following criteria are met:

- **There is no increase in the footprint of the structure or use within the critical area or buffer**
- **There is no increase in the impact to the critical area or buffer**
- **There is no increased risk to life or property due to landslide hazard**
- **Historic impacts are mitigated through a wetland mitigation plan or buffer enhancement plan**
- Reviewed through critical area permit
- If these standards cannot be met, RUE is required

Schedule

Questions and Discussion