

ORDINANCE 2017-14 – PUBLIC SAFETY RADIO TOWER
CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
REVIEW AND APPROVAL OF MINUTES – May 18, 2017
PUBLIC COMMENT – Accept public comment on off agenda items
CRITICAL AREAS ORDINANCE
NEW/OLD BUSINESS
ADJOURN

ORDINANCE 2017-14 – PUBLIC SAFETY RADIO TOWER

Public hearing was opened at 6:04 PM.

Public hearing was closed at 6:04 PM. (No commenters were present.)

Senior City Planner Jennifer Sutton described some of the changes she had made to the proposed ordinance in response to the Planning Commission's comments at their previous review of Ordinance 2017-14 on April 27, 2017. Chair Pearl argued for approving this one tower and felt all towers afterward should have to go through a site plan review with neighborhood input. Commissioner Gale agreed stating the whole code should not be based on an anomaly situation. Commissioner Lewars while agreeing with the principles expressed did not want to impede the installation of this necessary tower and asked for help to achieve approving this tower without letting them proliferate in the future.

**I move we recommend approval subject to the two or three changes made tonight.
Lewars/Quitslund – Passed 5-0**

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

Chair J. Mack Pearl called the meeting to order at 6:42 PM. Commissioners in attendance were Michael Lewars, Maradel Gale, Jon Quitslund, William Chester and Lisa Macchio. Michael Killion was absent and excused. City Staff present were Planning Director Gary Christensen, Water Resources Specialist Cami Apfelbeck, 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 – May 18, 2017

Commissioner Gale asked that a change from singular to plural be made. Ms. Rasely made the change.

**Motion: I move approval of the minutes from May 18, 2017 as corrected.
Quitslund/Chester: Passed unanimously 5-0**

PUBLIC COMMENT – Accept public comment on off agenda items

Mike Juneau, Arborist – Provided written comments to the Commissioners (see attached) and spoke about needing a way to bring contractors more into compliance because there was currently 70-90 percent non-compliance with the vegetation code.

CRITICAL AREAS ORDINANCE UPDATE – Study Session

Senior City Planner Christy Carr introduced City Water Resources Specialist Cami Apfelbeck. Ms. Apfelbeck spoke about critical aquifer recharge areas. (Presentation attached.)

Break began at 7:59 PM.

Discussion began again at 8:12 PM.

Planning Commissioners all agreed there was no other option than declaring the entire island a critical aquifer recharge area.

Ms. Carr returned to the discussion of standards for existing development that had occurred at the last Planning Commission meeting.

Future agenda items were reviewed.

NEW/OLD BUSINESS

None.

ADJOURN

The meeting was adjourned at 9:13.

Approved by:


J. Mack Pearl, Chair


Jane Rasely, Administrative Specialist

Critical Aquifer Recharge Areas

Designation and Protection

Cami Apfelbeck, M.S. Geological Sciences
COBI Water Resources Specialist

5/25/2017

“

Areas with a critical recharging effect on aquifers used for potable water.

”

Growth Management Act (Chapter 36.70A Revised Code of Washington)

Critical Aquifer Recharge Areas

5/25/2017

“Areas with a critical recharging effect on aquifers used for potable water are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.”

Minimum Guidelines to Classify Agriculture, Forest, Mineral Lands and Critical Areas (Chapter 365-190 Washington Administrative Code)

Critical Aquifer Recharge Areas

5/25/2017

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Critical Aquifer Recharge Areas

Guidance Document

January 2005
Publication Number 05-10-028

Printed on Recycled Paper

5/25/2017

“

The functions and values of Critical Aquifer Recharge Areas are to provide the public with **clean, safe and available** drinking water.

”

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Critical Aquifer Recharge Areas Guidance Document, Section 3, Page 9

Quality and Quantity

5/25/2017

“

In order to accomplish this goal, information is needed about the location and extent of aquifers that supply public drinking water, the susceptibility of these supplies to contamination, and potential contamination risks. In addition, planning, programs, and ordinances are needed to prevent contamination from occurring.

”

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Critical Aquifer Recharge Areas Guidance Document, Section 3, Page 9

Designate, then Protect!

5/25/2017

Staff Work

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Classify the relative vulnerability of groundwater to contamination events

Methods of classification:

- Categories based on susceptibility
 - Water table sand and gravel aquifers
 - Deeper less susceptible aquifers
 - Confined aquifers
- Categories based on set priorities and risk
 - Large and medium public water supply systems one-year time of travel protection zone
 - Densely populated areas that rely on groundwater
 - Rural areas with a high dependence on groundwater
 - Discontinuous local drinking water aquifers of limited extent
 - Sole Source Aquifers
- Categories based on areas that have the same policies, plans, ordinances, and programs that will be applied

BAS: Conceptual Model and Numerical Simulation of the Groundwater-Flow System of Bainbridge Island, Washington (USGS, 2011); Critical Aquifer Recharge Areas Guidance Document (Ecology, 2005); Support Document for Sole Source Aquifer Designation of the Bainbridge Island Aquifer System (Draft) (EPA, 2012) 5/25/2017

Staff Work

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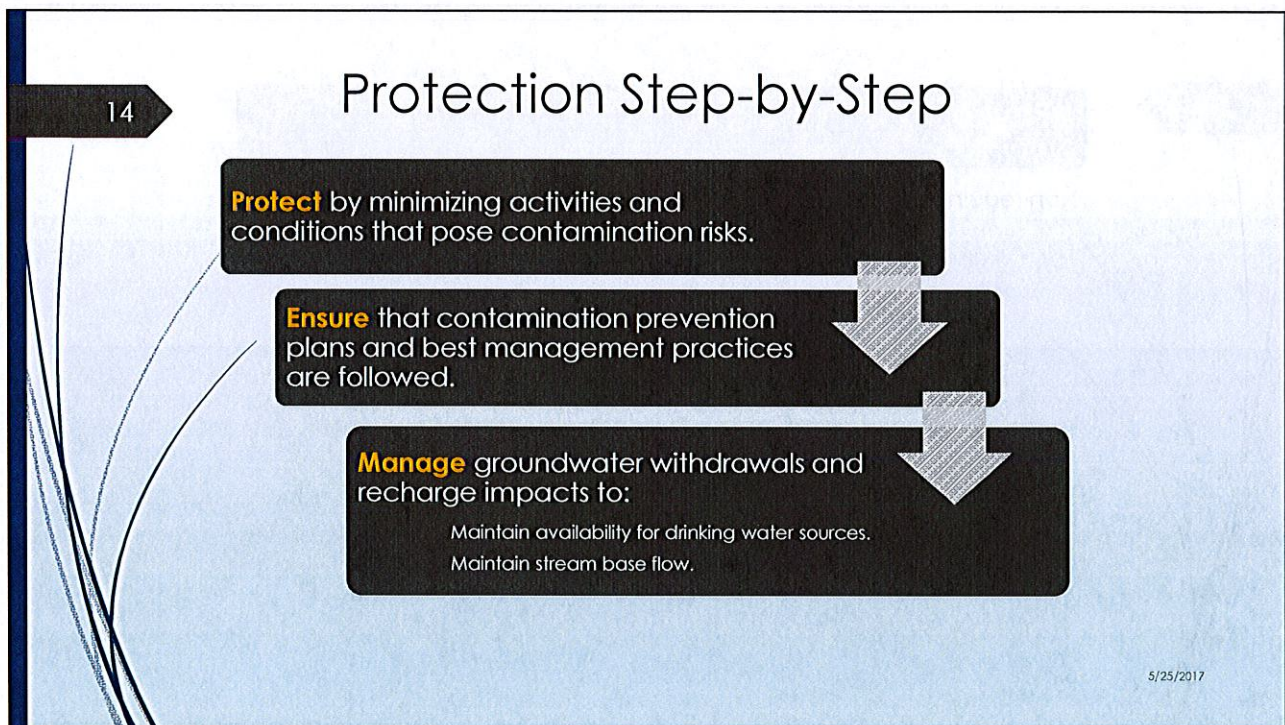
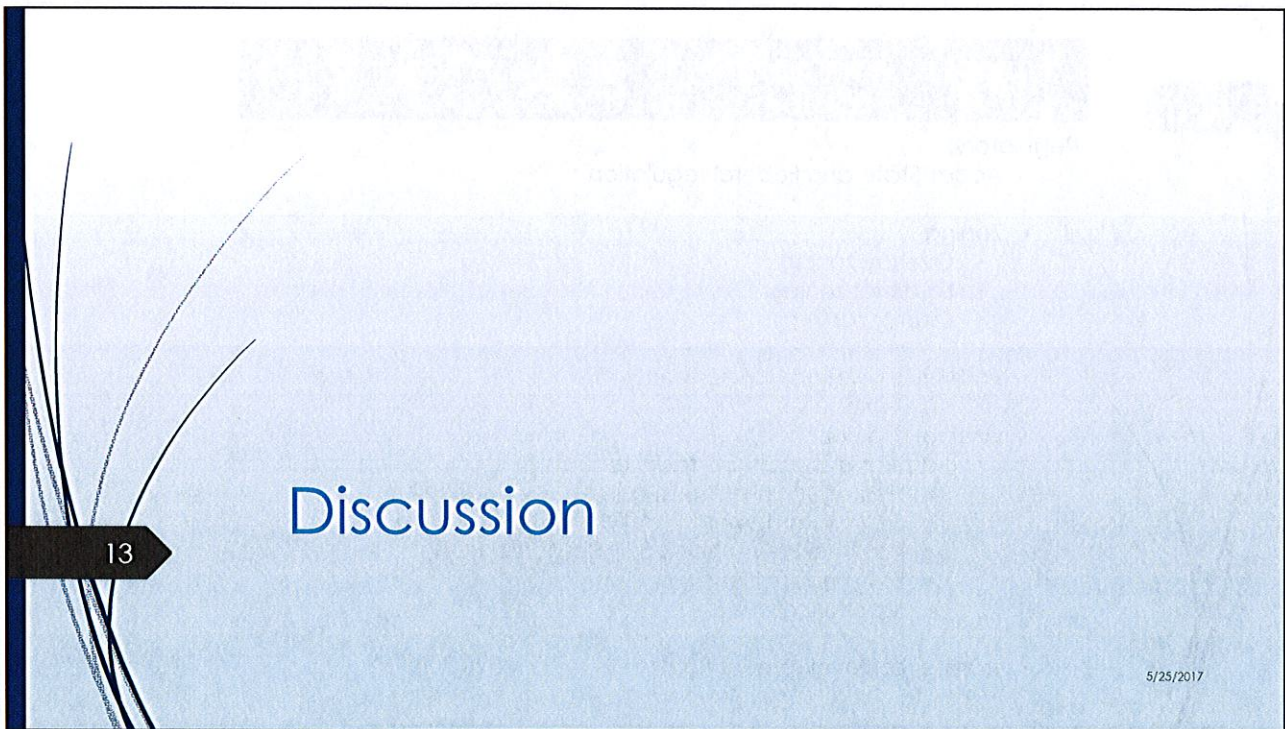
Designate areas that are most at risk to contamination events.

Staff Recommendation: Designate entire Island is a Critical Aquifer Recharge Area

Basis:

- Sole source aquifer system designation
- Nearly all of the Island identified as recharge area with significant recharge rates; remaining areas are discharge areas such as along shorelines or where groundwater sustains wetlands, lakes, and stream base flow
- Island-wide extent of shallow aquifers (Perched, Semi-Perched, and Sea Level) without a sufficiently-protective, overlying impermeable layer (DOH susceptibility rating = High)
- Potential for seawater intrusion

BAS: Conceptual Model and Numerical Simulation of the Groundwater-Flow System of Bainbridge Island, Washington (USGS, 2011); Washington's Source Water Protection Program (SWAP) (DOH, 2005); Support Document for Sole Source Aquifer Designation of the Bainbridge Island Aquifer System (Draft) (EPA, 2012); Hydrogeologic Framework, Groundwater Movement, and Water Budget of the Kitsap Peninsula, West-Central Washington (USGS, 2014); Bainbridge Island Groundwater Model: Aquifer System Carrying Capacity Assessment (Task 3 Scenario) (Aspect, 2016) 5/25/2017



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Protect by minimizing activities and conditions that pose contamination risks.

Regulatory:

- Adopt State and Federal regulation
- Zoning
 - Overlay zoning
 - Large lot zoning
 - Cluster zoning
- Prohibition of High-Risk Activities
- Special Use Permits
 - Additional conditions/requirements
 - Hydrogeo assessment and site evaluation
 - Best Management Practices/Mitigation Plan
 - Pollution Prevent and Spill Response Plan
 - Low Impact Development
 - Monitoring
- Transfer of development rights

5/25/2017

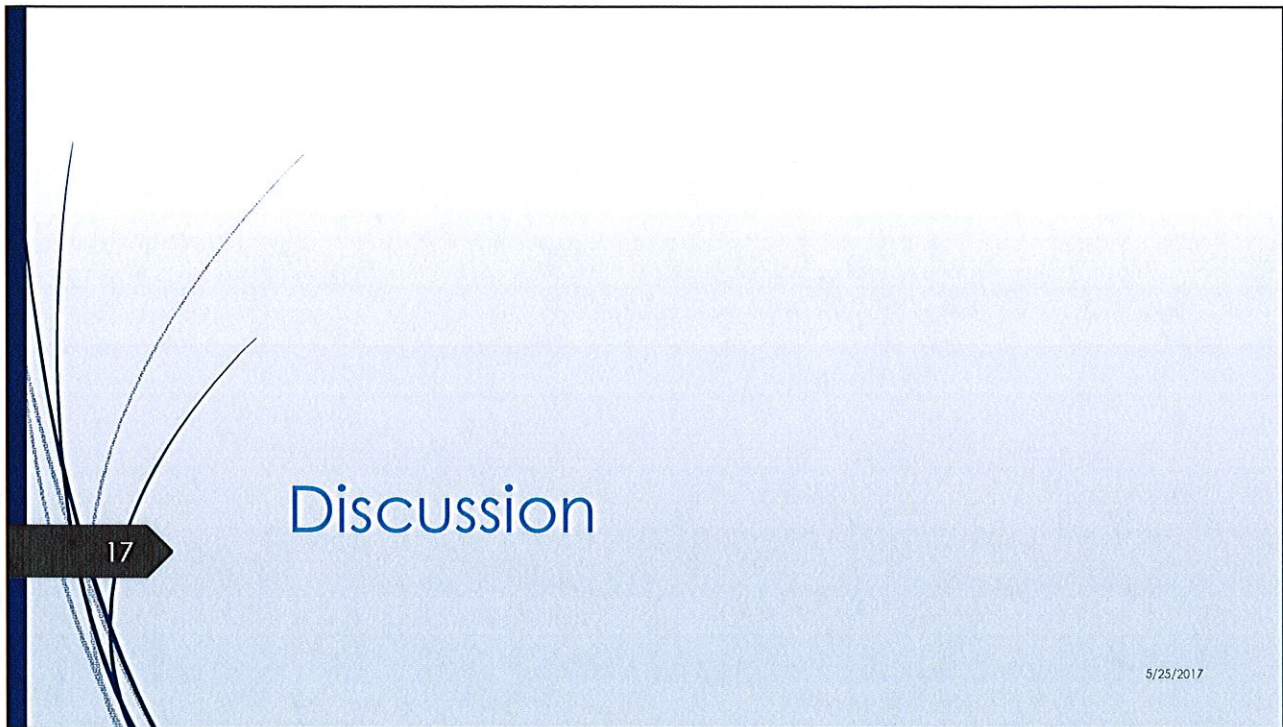
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Protect by minimizing activities and conditions that pose contamination risks.

Non-regulatory:

- Land Acquisition
- Conservation Easements
- Water Conservation Planning
 - Aggressive rate structures
 - Incentives
- Household Hazardous Waste Collections
- Education and Outreach

5/25/2017



Speaking Notes Planning Commission 5/25/17

Good evening Commissioners & City Planners,

My name is Mike Juneau, local ISA Certified Master Arborist,

Is it possible for us to write and review Critical Areas code from a conservationist perspective and yet fail to conserve?

Our best efforts to conserve critical wetlands and habitat may fail simply because we haven't taken the time to carefully consider other key perspectives and address these in our code.

Reality in the field here on Bainbridge we're seeing 70 to 90 percent rate of non-compliance with veg code in shorelines and critical areas. That's pretty sad.

Additionally, for those property owners who LEAVE their critical areas relatively untouched, we are watching majority of those areas becoming badly ravaged as they are overrun by invasive species.

How and why is this happening?

One obvious reason is some of the code is relatively new. Takes a while for it to trickle out to the public. Most of it by hearsay.

That's a major reason for general lack of understanding of code by contractors and homeowners. As a contractor I had no idea I was violating some buffers such as wetland buffers or landscape buffers until I heard rumors and started asking questions at the Planning Desk year and half ago. The new critical areas and shorelines apps help a lot, but we still can't check for landscape buffers or native vegetation buffers that may be attached to the plat of a property, unless we walk in to Planning Desk and someone pulls the drawings and checks.

Solution: Contractors need to know. And contractors need to be held accountable for what they know.

I highly recommend adding provision in Critical Areas code that requires a "contractor code orientation" to work in Critical Areas, "if said code orientation is offered by the City."

Doesn't have to be complicated.

1. Planning department hosts a **monthly "veg code" orientation** for arborists, tree contractors, landscapers, landscape designers, excavation companies, and building contractors, followed by a simple **comprehension test** which if they pass the contractor signs a **perjury statement** agreeing to work within the veg code and advise their clients accordingly.
2. The city can then load on a few additional requirements that reach city goals for Critical Areas via contractors, such as:
 - a. A noxious/invasive weed orientation and BMPs for control spread taught by Kitsap County (we're already taxed the 3 cents so this is free). Dana Coggon at the County already says she would be happy to teach this.
 - b. Requiring an ANSI terminology in proposal for pruning by contractor, signed personally by the owner of the company AND an ISA Certified Arborist (staff or otherwise) assigned to be **on site** overseeing the veg work, so there is clear accountability.
 - c. Must be a level playing field, so to speak. We must have outreach in Spanish as well, since majority of our landscape crews servicing Bainbridge are Hispanic, many of them recently immigrated and not speaking much if any English.

years ago, but now my rose bushes are dead sticks and my rhododendrons don't bloom anymore. In winter it's so cold dark damp and depressing in this house —I can't take it anymore. I HAVE to call someone...

c. **Highly-valued amenities** such as views—there must be a mechanism to allow a least-invasive controlled maintenance—especially if the arborist has just talked them into a small controlled vista or view window—leaving 100 percent canopy coverage. The alternative is frequently they are going to have the landscaper cut everything down to stumps as has been done before.

Example 3 - the Love: "I love our view of Mt Rainier - especially from our living room. That's why I bought this house. I have to leave early for work in the morning, I just have time to **grab my coffee and sit down second check my schedule**. I glance up and there across the water in the early morning twilight—is Mt. Rainier. I take a deep breath, **instantly I feel calm and connected with the world - inspired - ready for the day**. That's what I love about this place—**thats why I live here. Oh, and I LOVE my trees....** But THOSE trees in the view weren't nearly that tall last year. Next year I wont even be able to see Mt Rainier! I've gotta call someone to deal with those trees before they get out of control...."

As we just **saw in three common examples**, when someone is afraid of their trees or hates certain trees for whatever reason - frequently there's going to be a net loss however you measure that—whether canopy coverage or even a "net loss of ecological function" (BY THE WAY, how do we measure that? That needs definition if it is going to be useful...)

The good news is there ARE minimally-invasive "tree-friendlier" ecologically-supportive ways to solve each of these problems. **The answer: "good and necessary" tree maintenance performed in Critical Areas by "code oriented" contractors to hold them accountable - under the supervision of an experienced ISA Certified Arborist who is also "code oriented."**



CITY OF
BAINBRIDGE ISLAND

**CITY OF BAINBRIDGE ISLAND
PLANNING COMMISSION PUBLIC HEARING
AND REGULAR MEETING**

May 25, 2017

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