

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

PUBLIC COMMENT – Accept public comment on off agenda items

SMP GENERAL AMENDMENT – Study Session

NEW/OLD BUSINESS

ADJOURN

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

Chair J. Mack Pearl called the meeting to order at 7:00 PM. Planning Commissioners in attendance were Jon Quitslund, William Chester, Michael Killion, Lisa Macchio, Kimberly McCormick Osmond and Don Doman. City Staff present were Planning Director Gary Christensen, Senior City Planner Christy Carr and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

PUBLIC COMMENT – Accept public comment on off agenda items

None.

Chair Pearl and Director Gary Christensen apologized to the citizens attending the meeting for the confusion regarding the meeting's start time.

SMP GENERAL AMENDMENT – Study Session

Senior City Planner Christy Carr gave an overview of the process for the general amendment.

PUBLIC COMMENT

Peter Voorhies – Spoke about the need to give reasonable notice of meetings.

Ms. Carr continued with the study session of Critical Areas Ordinance, Vegetation Management and proposed next steps. (See attached materials provided at meeting.)

PUBLIC COMMENT

Ed Rymarz - Spoke about FEMA not letting a flooded home be rebuilt.

Rich Weaver – Spoke about not being allowed to provide additional protection to your house if you have to rebuild.

Jack Sutherland – Spoke about having previously conforming homes being classified as non-conforming after the 2014 SMP was passed, designation of Shoreline Residential Conservancy and valuation.

John Greenway - Thanked the Planning Commission for addressing the setback of the waterfront.

Dick Haugen – Asked for a summarization of the information for the public. He also mentioned how hard it is to follow all the changes being made over a long period of time.

Peter Voorhies - Stated that a house that was conforming at the time it was built should never be non-conforming.

Keith Butler – Stated the SMP document did not meet usability for practical application. He suggested software programs for analyzing readability.

Rob Hershberg – Asked for the depths of the buffer zones to be reevaluated.

Carlton Anderson – Stated there was no place in the current SMP for anyone to enjoy living close to the sea.

Colin Baxter – Stated the SMP Road Ends program had been a disturbance to his family by creating trespassers on their property and asked for help to end what he called the “siege” his family was under.

Dick Haugen – Asked when stage two of the review would begin. Ms. Carr stated hopefully at the beginning of 2018.

NEW/OLD BUSINESS

Director Gary Christensen updated the Commissioners on the Department work plan as well as Comprehensive Plan implementation. (See attached power point presentation).

ADJOURN

The meeting was adjourned at 9:38 PM.

Approved by:


J. Mack Pearl, Chair


Jane Rasely, Administrative Specialist

Planning Commission Special Meeting
November 16, 2017 7:00 – 8:30 PM

PLEASE PRINT

Name	Phone/E-Mail	Join ListServ Yes/No	Would like to speak	Subject
CHARLES SCHMID	ABC 842-6001			
Dick Hangan	206 940 7240		yes	
Jack Sutherland	206-755-7522		yes	SMP
Peter Voorhies	206-842-7199		yes	SMP native
MICHAEL ZILGUT	832 390-9271		yes	SMP
PATRICK ZEWERS	713 202-9624		no	SMP
Cornelius Barnett				
Judith Barnett	206-780-2236		no	SMP
William DREWRY	805 448 7060		no	SMP
WENDY DREWRY			no	SMP
Jerry Bjork	206-855-4134		no	SMP
Edwin Rymarz	206-795-4124	yes	no	SMP
Cindy McGregor	206 790 2690		no	SMP
DAVID BENSON	206 861 3675		no	SMP
Robert Hershberg	rhershberg-1@msn.com		Y	SMP
Keith Butler	206 977 6459		Y	SMP
Rich Merlano	206 842 6437		No	SMP
MARIO OBLAK	206 355 2865			SMP
TERRY KERBY	206 258 7262		no	SMP
Kim O'Hara	425-785-9915		no	SMP
Carlton Anderson	206-842-0725		yes	SMP

SMP Sandwich Pl

Colin Dexter 206-423-2850

Linda Brown
Lawrence Tine

206 285-4374

Yes (last name) No (first)

SMP

David & Jody Prongay

206 842 5754

yes

no

SMP

Rachele Turnbull

206 276 2940

NO

NO

SMP

Heather Pavadi

206-755-0204

NO

NO

SMP

MARISSA ZHAO

206 780 9113

NO

NO

" "

Joe Deets

206-855-4873

yes

NO

SMP

David Reynolds - Gooch 206-
201-3021

yes

SMP

George Therman

842-4745

John Freeman

842-2490

yes

Belinda and Jeb Thornburg

Rusty Lhamon

206-226-8657

yes

no

SMP

Sam Featherston

206 200-8634

yes

no

SMP

Bill & Joanna Cairns

206 855 9001

LISE-ANN JACKSON

206 648-1399

NO

Agenda Topics

1. Critical Areas Ordinance
2. Vegetation Management
 - 1/3-2/3 buffer reduction provision
 - Significant tree removal allowance
 - View maintenance provisions
 - Non-native vegetation removal outside shoreline buffer
3. Proposed Next Steps
 - November 30th open house: Final track changes for Section 4.1.5/Appendix B (critical areas) and proposed track changes for Section 4.1.2 and 4.1.3
 - December 7th meeting: Discuss Section 4.1.2 and 4.1.3 and global edits as needed
 - December 14th public hearing on final track changes to Section 4.1.2, 4.1.3, 4.1.5, Appendix B and global edits as needed

City of Bainbridge Island SMP Amendment – Critical Areas (SMP Section 4.1.5 and Appendix B)

Summary of Proposed Revisions

November 16, 2017

The existing SMP includes several small differences between the critical areas ordinance currently in effect which cause confusion and creates difficulty in administration. To improve implementation effectiveness, staff recommends removing these differences since the proposed critical areas regulations provide sufficient protection of ecological function and hazard minimization. The following shoreline-specific critical areas regulations in existing SMP are proposed to be removed:

- Wetland Category III buffers for wetlands with low level of function for habitat and low impact of land use – 60 foot buffer in shoreline reduced to 40 feet to be consistent with CAO (consistent with Ecology guidance for wetland buffers).
- Wetland Category IV buffers for wetlands with low impact of land use – 40 foot buffer in shoreline reduced to 25 feet to be consistent with CAO (consistent with Ecology guidance for wetland buffers).
- This section in B-9 (Geologically hazardous areas, see page 293 of existing SMP) deleted (now covered by standards for existing development in revised CAO):
 - 2. Redevelopment of existing structures
 - a. If an existing structure is damaged or is intentionally demolished the new structure must meet all the provisions of a new structure.
 - b. Structural alteration to an existing legally constructed structure that does not increase the structural footprint and are determined by the City Engineer as having a minimal potential for increasing landslide hazard and meets the minimum buffer dimensions in B-9(E)(3)(i);
- SMP Section 4.1.5.8.3 deleted related to minor development on steep slopes (see item 8 below).

Note on SMP consistency: Staff is working with the Department of Ecology to ensure that the incorporated by reference CAO is consistent with the SMP. Minor modifications to proposed revisions may result, relating largely to process (e.g., there cannot be a non-shoreline permit or appealable decision required in the SMP, it needs to be reviewed with the underlying shoreline permit or exemption. The review criteria can be the same.)

Appendix B will include the CAO for reference only (see item 4, below). Appendix B will include only those sections incorporated by reference.

Item	SMP Citation	Proposed language	Discussion/Basis for Change
1	4.1.5.1 Applicability	This section provides policies and regulations that apply to critical areas including critical saltwater and freshwater habitats as defined by WAC 173-26-221(2)(c)(iii) and (iv), including those portions of streams and wetlands, and flood plains or other flood prone areas within the shoreline jurisdiction. These policies and regulations apply in addition to the critical areas protection standards for fish and wildlife habitat conservation areas found in Appendix B. All shoreline uses and activities, including development which does not require a shoreline permit, must conform to these provisions. Shoreline development and activities associated with critical areas will be reviewed under the no	Simplify language. This language is provided for reference only (extracted from the current SMP) to provide background on terminology: <i>The following general policies and regulations apply to all designations. These provisions are to be used in conjunction with the more specific shoreline use (referred to as “uses”) and shoreline modification activity</i>

City of Bainbridge Island SMP Amendment – Critical Areas (SMP Section 4.1.5 and Appendix B)

Summary of Proposed Revisions

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Item	SMP Citation	Proposed language	Discussion/Basis for Change
		net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply. <u>This section applies to critical areas defined under 36.70A RCW and WAC 173-26-221(2)(c)(iii) and (iv). Critical areas include the following areas and ecosystems: wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, critical saltwater and freshwater habitat.</u>	(referred to as “activities”) policies and regulations found in Sections 4.0 and 5.0 respectively. Shoreline Modifications – Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals. Activity – Human activity associated with the use of land or resources. Development – A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or materials; bulkheading; pile driving; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level, subject to RCW Chapter 90.58 or its successor [RCW 90.58.030(3)(d) or its successor]. This term may include activities related to subdivisions and short subdivisions; clearing activity; land modification (grade and fill work); building or construction; and activities that are exempt from the substantial development permit process or that require a shoreline variance or conditional use.
2	4.1.5.2 Goal	Comprehensively manage shoreline uses and activities to protect, enhance, and restore existing ecological functions and ecosystem-wide processes of critical areas by utilizing the most current, accurate, and complete scientific and technical information.	No change proposed.
3	4.1.5.3 Policies	1. <u>Provide a level of protection to critical areas that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.</u> Protect shoreline resource areas, including but not limited to critical areas, including: a. Critical Aquifer Recharge Areas b. Fish and Wildlife Habitat Conservation Areas	1. Simplify language. No need to repeat list of critical areas. Need to confirm removal of critical habitat. Not listed in WAC 173-26-221 as a critical area required to be included in SMP. 2-7. Simplify language.

City of Bainbridge Island SMP Amendment – Critical Areas (SMP Section 4.1.5 and Appendix B)

Summary of Proposed Revisions

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Item	SMP Citation	Proposed language	Discussion/Basis for Change
		c. Frequently Flooded Areas d. Geologically Hazardous Areas e. Wetlands f. Critical Saltwater and Freshwater Habitat Areas g. Critical Habitat 2. Encourage development proposals to include elements of preservation, conservation, restoration, or enhancement of critical areas, including saltwater habitat and fish and wildlife conservation areas, through incentives and ecosystem-wide restoration planning. 3. Locate, design, construction, and manage all shoreline uses and activities in ways that assure no net loss of shoreline ecological functions and ecosystem-wide processes, and protect critical saltwater habitat, including fish and wildlife habitat conservation areas. 34. Locate and design shoreline uses, activities, and/or development to avoid risks to people and property. See also Section 3.0, Shoreline Designation Policies and Regulations, for additional provisions. 5. Ensure that proposed shoreline uses, activities and/or development proposed adjacent to critical areas or their buffers, will not adversely impact shoreline ecological functions and/or ecosystem-wide process or critical areas, fish and wildlife habitat conservation areas and critical saltwater habitat. 46. Promote and manage <u>water-related</u> shoreline uses and activities, such as public access and recreation, that are compatible with critical areas, provided they do not adversely impact ecological function. 7. Monitor critical areas, including critical saltwater habitats, and fish and wildlife habitat conservation areas, to assure that	

City of Bainbridge Island SMP Amendment – Critical Areas (SMP Section 4.1.5 and Appendix B)

Summary of Proposed Revisions

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Item	SMP Citation	Proposed language	Discussion/Basis for Change
		these areas are not being adversely impacted by approved development or restoration projects.	
4	4.1.5.4 Regulations -- General	1. <u>The following sections of Chapter 16.20, Critical Areas Ordinance, dated xxxxxx, are incorporated herein by this reference, and as provided in Appendix B for reference purposes only, as supplemented or modified by Section 4.1.5.4.2 and Section 4.1.5.5:</u> a. <u>BIMC 16.20.030, Protection of critical areas</u> b. <u>BIMC 16.20.050, Standards for existing development, as applicable and consistent with this Program</u> c. <u>BIMC 16.20.070, Review procedures</u> d. <u>BIMC 16.20.090, Trees and vegetation</u> e. <u>BIMC 16.20.100, Aquifer recharge areas</u> f. <u>BIMC 16.20.110, Fish and wildlife habitat conservation areas</u> g. <u>BIMC 16.20.120, Frequently flooded areas</u> h. <u>BIMC 16.20.130, Geologically hazardous areas</u> i. <u>BIMC 16.20.140, Wetlands</u> j. <u>BIMC 16.20.150, The Winslow Ravine</u> k. <u>BIMC 16.20.160, Performance and maintenance surety</u> l. <u>BIMC 16.20.180, Critical area reports</u> m. <u>BIMC 16.20.190, Definitions, except where conflict exists, then the definitions in this Program shall apply.</u> 2. <u>Provisions of the City's Critical Areas Ordinance relating to requirements for reasonable use exceptions do not apply. In these cases, relief may be granted through Section 4.2.1.7 of this Program or through a shoreline variance.</u> 1. Development, uses, and activities proposed within shorelines of the state shall meet the requirements of the City's shoreline-specific Critical Areas Regulations as contained in Appendix B,	(Existing numbering) 1. Revised to incorporate by reference updated critical areas ordinance. Sections inconsistent with SMA not included. 2. Deleted to simplify language – monitoring required in shoreline when compensatory mitigation is required (SMP Section 4.1.3). This language does not specify that monitoring is only required when mitigation is required – not all development adjacent to critical areas needs to be monitored. 3. Deleted, required reports covered in BIMC 16.20.180.

City of Bainbridge Island SMP Amendment – Critical Areas (SMP Section 4.1.5 and Appendix B)

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Item	SMP Citation	Proposed language	Discussion/Basis for Change
		in addition to the requirements found elsewhere in the Master Program. 2. Development, uses, and activities adjacent to critical areas, including critical saltwater habitats and fish and wildlife habitat conservation areas, proposed within shorelines of the state shall be monitored to assure that these areas are not being adversely impacted by approved development or restoration projects, consistent with Section 4.1.2 monitoring and mitigation requirements and the monitoring and mitigation requirements in Appendix B. 3. Special Reports. For development proposed on property with marine bluffs, steep slopes, erosion hazard areas and/or landslide hazard areas, a geotechnical report shall be required to assess potential hazards and propose measures to mitigate such hazards consistent with the requirements of this Master Program and attached appendices.	
5	4.1.5.5	Regulations – Fish and Wildlife Habitat Conservation Areas and Critical Saltwater Habitat	No changes proposed at this time.
6	4.1.5.6 Regulations – Frequently Flooded Areas	1. All new development and new uses within the jurisdiction of this Master Program shall comply with the provisions of Section B 11, Frequently Flooded Areas located in Appendix B of this Master Program.	Language provided in critical areas ordinance adopted by reference (which references BIMC 15.16, Flood Damage Prevention).
7	4.1.5.7 Regulations – Geologically Hazardous Areas	1. All new development and new uses within the jurisdiction of this Master Program shall comply with regulations for Geologically Hazardous Areas as set forth in the shoreline-specific Critical Areas Regulations contained in Section B-9 of Appendix B of this Master Program. 2. Additional standards for marine bluffs (i.e., slopes greater than 40 percent that exceed a vertical height of 10 feet within the marine shorelines jurisdiction) are provided in section 4.1.5.8, Special Reports and Determination of Buffers, and 4.1.5.9, Regulations – Bluff Drainage, below.	Language provided in critical areas ordinance adopted by reference.
8	4.1.5.8 Special Reports and	1. Applicants proposing development adjacent to a marine bluff shall submit a geotechnical engineering report prepared in accordance with the requirements of this Master Program and	1 and 2. Language provided in critical areas ordinance adopted by reference.

City of Bainbridge Island SMP Amendment – Critical Areas (SMP Section 4.1.5 and Appendix B)

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Item	SMP Citation	Proposed language	Discussion/Basis for Change
	Determinations of Buffers	the shoreline-specific Critical Areas regulations contained in Appendix B. In terms of this regulation, “adjacent” means development proposed either within 50 feet from the crest of a marine bluff or within a distance equal to the height of the slope from the crest (measured from the top), whichever is greater. 2. The geotechnical engineering report shall be prepared by a Washington State licensed professional civil engineer with a specialty in geotechnical engineering or an engineering geologist with a Washington State specialty license in engineering geology as specified in RCW 18.220, Geologists. The report shall be based upon the most appropriate and current science, existing and proposed uses, risks of slope failure, and coastal erosion rates over at least 100 years, if applicable. 3. All proposed development on the face of a marine bluff or in the required buffer area shall be prohibited, except: a. Development may be allowed as specified in Appendix B; Subsection B 9(E)(3)(a)(i)(F) of this Master Program; b. Minor development for public access (e.g., public trails, stairs, or view points) may be allowed, provided that environmental impacts are mitigated and the development can meet the factor of safety in Appendix B; subsection B-9(E)(1); and c. Minor development permitted in the Shoreline Buffer and Site-specific Vegetation Management Area pursuant to Sections 4.1.3.8 through 4.1.3.11 such as boathouses, decks, stairs, trams, piers, and docks except at the toe of unstabilized feeder bluffs and the development can meet the factor of safety in Appendix B; subsection B-9(E)(1). 4. All alterations to the vegetation within a geological hazardous area shall provide a Bluff Management Plan developed by qualified professional(s) to address vegetation management	3. Prohibited and allowed minor development language provided in critical areas ordinance adopted by reference (provided here for reference only): 1. <i>Prohibited activities. Development of habitable structures and critical facilities is prohibited in landslide hazard areas and landslide hazard area setbacks.</i> 2. <i>Allowed activities. The following minor development may be allowed in landslide hazard areas on slopes forty (40) percent or greater and landslide hazard area setbacks if the development standards of this Section are met:</i> a. <i>Surface water management, including outfalls</i> b. <i>Septic facilities, including drainfields</i> c. <i>Trails and stairs</i> d. <i>Cable lifts and trams</i> e. <i>Public or private utilities or streets</i> f. <i>Seismic or other safety upgrades to protect existing habitable structures</i> g. <i>Other non-habitable structures</i> **Consider “toe of unstabilized feeder bluff” provision – could be unnecessary because development wouldn’t meet a factor of safety. 4. Tree and vegetation requirements in critical areas ordinance address vegetation alteration and provide thresholds for review and submittal requirements.

City of Bainbridge Island SMP Amendment – Critical Areas (SMP Section 4.1.5 and Appendix B)

Summary of Proposed Revisions

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		for slope stability and ecological functions and processes for a ten year period. The plan at a minimum shall include: a. A geotechnical analysis of slope stability as defined in B-9, Geologically Hazardous Areas of Appendix B. b. A site plan showing existing vegetation location and species. c. An analysis of identified vegetation appropriate for removal or alteration. d. An analysis of vegetation management strategies for slope stability. e. A mitigation plan developed according to Section 4.1.2, Environmental Impacts and Section 4.1.3, Vegetation Management. f. The Administrator may include additional conditions for a site specific analysis and require a third party review by a qualified professional at the cost of the applicant.	
9	4.1.5.9 Regulations – Bluff Drainage	1. Surface drainage shall be directed away from marine bluffs. When no other solution is feasible, surface drainage piping may be located on the face of a steep slope when contained in a tight line (closed, non-leaking pipe) and in such a way that erosion will not be increase at the base of the bluff and provided that physical access along the shoreline is not degraded. Furthermore, conditions may be applied to mitigate the aesthetic impacts of the proposed drainage systems as viewed from public areas.	Revise if needed and relocate text to SMP Section 4.1.6, Water Quality and Stormwater Management. LID required in SMP Section 4.1.6 and BIMC 15.20, including allowing an outfall only if on-site stormwater management not feasible; however, nothing this specific in BIMC 15.20.
10	4.1.5.10 Regulations – Wetlands	1. All development, development proposals and alterations that are located within or adjacent to shoreline jurisdictional wetlands or their buffers, or that are likely to significantly impact shoreline jurisdictional wetlands shall prepare a wetland analysis pursuant to Subsection B-4.7 10 of Appendix B, of this Master Program. The wetland analysis shall include the wetland rating (using the Washington State Wetland Rating System for Western Washington (2006) or as revised by Ecology), a functional assessment of potential buffers (based on Ecology's best available science for wetlands), and noting of	Language provided in critical areas ordinance adopted by reference.

City of Bainbridge Island SMP Amendment – Critical Areas (SMP Section 4.1.5 and Appendix B)

Summary of Proposed Revisions

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		any water features and other critical areas and their related buffers in the proximity of the proposed development. 2. Wetlands will be delineated using the Regional Supplement to the Army Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region or the current Washington State Department of Ecology methodology. The wetland buffer for shoreline wetlands shall be established pursuant to the provisions of Subsection B-10 in Appendix B of this Master Program. 3. Alteration of wetlands and their buffers is prohibited, unless: a. Such a prohibition is deemed a violation of constitutional or statutory limitations on regulations of private property; or b. The proponent can conclusively demonstrate to the satisfaction of the Administrator that the impacts are unavoidable. 4. In either case of subsection 3.a or 3.b, above, the proponent shall provide mitigation to achieve no net loss of wetland functions and values, according to an approved mitigation plan prepared consistent with this Master Program, including Section B-4 and B-6 of Appendix B, shoreline-specific Critical Areas Regulations.	

City of Bainbridge Island SMP Amendment – SMP Section 4.1.3

Summary of Proposed Revisions

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Item	SMP Citation	Existing language	Proposed language
Significant trees			
1	4.1.3.5.4 Regulations – General	The Shoreline Buffer or Site-specific Vegetation Management Area shall be maintained in a predominantly natural, undisturbed and vegetated condition. Unless specifically allowed by this program, the following standards shall apply: a. All existing native groundcover, shrubs and significant trees located within the Shoreline Buffer or Site-specific Vegetation Management Area shall be retained;	No change proposed.
2	4.1.3.5.6 Regulations – General	Significant trees located <u>outside</u> the Shoreline Buffer or Site-specific Vegetation Management Area but within the shoreline jurisdiction, shall be retained unless allowed to be removed under the exceptions or other provisions of this program provided: a. The Administrator may require alterations of a site plan in order to retain significant trees <u>outside</u> the Shoreline Buffer or Vegetation Management Area. This may include minor adjustments to the location of building footprints, the location of driveways and access ways, or the location of walkways, easements or utilities.	Significant tree removal shall only be permitted to allow for locating a single-family residence and normal appurtenances. The Administrator may require alterations of a site plan in order to retain significant trees. This may include adjustments to the location of building footprints, the location of driveways and access ways, or the location of walkways, easements or utilities. <i>Normal appurtenances defined as garage, septic system and well.</i> This would allow for removal of significant trees <u>within</u> the shoreline buffer, which is not currently allowed, as well as outside buffer. If this language is agreed to, staff suggests including significant tree removal criteria for conditions in which you could remove a significant tree.
3	4.1.3.7.1 Regulations – General Vegetation Alterations in Shoreline Buffers or Site-specific Vegetation Management Areas	The following activities are allowed <u>within</u> the Shoreline Buffer and Site-specific Vegetation Management Area with an approved clearing permit. Such activities shall meet the standards of Section 4.1.4, Land Modification. c. Vegetation Removal Related to Construction. Tree or vegetation removal within the Shoreline Buffer or Site-Specific Vegetation Management Area that is associated with new construction may be allowed, but must retain significant trees and shall meet the requirements of Section 4.1.2, Environmental Impacts, including replanting provisions. d. Vegetation Removal Related to Public Facility Maintenance. Tree or vegetation removal within the Shoreline Buffer or Site-specific	The “but must retain significant trees” language would be removed pursuant to item 2, above. No changes proposed to d.

City of Bainbridge Island SMP Amendment – SMP Section 4.1.3

Summary of Proposed Revisions

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		Vegetation Management Area that is associated with maintenance of existing public facilities (including: roads, paths, bicycle ways, trails, bridges, sewer infrastructure facilities, storm drainage facilities, fire hydrants, water meters, pumping stations, street furniture, potable water facilities, and other similar public infrastructure), may be approved by the Administrator if no significant trees are removed, the requirements of Section 4.1.2, Environmental Impacts are met, and the maintenance is measures meet the goals and policies of Section 4.1.3, Vegetation Management, or as approved in a SOP manual as provided in Section 4.1.3.5(7).	
4	4.1.3.8 Vegetation Alterations Standards – Residential Development	Minor clearing, grading or construction may be allowed <u>within</u> the Shoreline Buffer or Site-specific Vegetation Management Plan for a residential development with approval of the Administrator pursuant to Section 4.1.3.7(1)(a), and only for the following activities as prescribed below and pursuant to Section 4.1.4, Land Modification: 1. Maintenance of existing residential landscaping is allowed subject to Sections 4.1.3.5(8) and 4.1.3.7. 2. One (1) hand installed pervious trail to the shoreline not more than four (4) feet in width, which may include hand installed steps, and shall be designed to minimize environmental impacts. No significant trees shall be removed. The trail may be wider when required for handicapped or public access. For single-family residential development vegetation trimming is limited to two (2) feet on either side of the trail. 4.1.3.7.1.a (Regulations – General Vegetation Alterations in Shoreline Buffers or Site-specific Vegetation Management Areas): 1. The following activities are allowed within the Shoreline Buffer and Site-specific Vegetation Management Area with an approved clearing permit. Such activities shall meet the standards of Section 4.1.4, Land Modification. a. Existing landscape areas may be retained within the Shoreline Buffer or Site-specific Vegetation Management Area. However, any changes from the	Proposed language separates allowed trail to shoreline and maintenance of existing residential landscaping. Trails: The following activities associated with residential development may be allowed within a Shoreline Buffer or Site-specific Vegetation Management Area only with an approved shoreline exemption, if required, or an approved clearing permit. 1. One (1) hand installed pervious trail to the shoreline not more than four (4) feet in width, which may include hand installed steps, provided: a. No significant trees shall be removed; b. The trail may be wider when required for handicapped or public access; and c. Vegetation removal or pruning is limited to two (2) feet on either side of the trail. Maintenance (exemption in critical areas ordinance): Normal and routine yard and garden activities including, but not limited to, cutting and mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden plants and crops, incidental vegetable gardening, pruning and planting of noninvasive ornamental vegetation, intended to maintain the general condition and extent of such areas; provided, that such

City of Bainbridge Island SMP Amendment – SMP Section 4.1.3

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		existing landscape to a different landscaping use or activity will require that the modified area comply with the provisions of 4.1.3, Vegetation Management, and the intent of providing native vegetation to maintain ecological functions and processes. 4.1.3.5.8 – See item 8, below. 4.1.3.7.2 : Shoreline Buffer Reductions. a. When the prescriptive buffer depth is reduced or dimensions altered through provisions of this Program, the applicant shall record a notice on title, or other similar document with the County Auditor prior to permit issuance, subject to the approval of the Administrator. b. If the required depth of a Shoreline Buffer for a single-family residential property is reduced in accordance with the Shoreline Structure Setback provisions of Section 4.1.3.11 or other reductions allowed through this Program, Zone 1 must be restored in accordance with provisions of Section 4.1.2.5.	activities are limited to legally existing yard and garden areas, do not further expand into shoreline buffers, do not significantly alter topography, and do not diminish water quality or quantity. Normal and routine activities cannot result in a change to the location, size at the ground level or configuration of existing yard and garden areas. Normal and routine activities do not include tree and vegetation activities pursuant to BIMC 16.20.090.B that require a clearing permit and city pre-approval.
Buffer reduction/planting regulations			
5	4.1.3.6.4 Regulations – Shoreline Buffer – Location and Design Standards	The following zone specific planting regulations apply to the Shoreline Buffer: a. New lawns are not permitted in Zone 1. b. In Zone 2, one-third (1/3) of the area may be planted in a combination of grass lawns and approved structures provided: i. Significant native trees are not removed to establish such use, or ii. The buffer has been reduced through view provisions of Section 4.1.3.11. c. The remaining two-thirds (2/3) of Zone 2 shall be maintained in a native vegetative state. d. Planted areas in which fertilizers might be applied shall be located as far landward of Zone 1, as feasible.	The total area of Zone 2 of the Shoreline Buffer may be reduced to accommodate shoreline views in accordance with Section 4.1.3.14 for a new single family primary residential structure or addition to a primary residential structure provided that: a. There is an existing primary structure located within 100 feet of the property line of the subject property; b. Up to one-third (1/3) of the area of Zone 2 may be comprised of an approved primary structure. The remaining two-thirds (2/3) of Zone 2 must be established and/or maintained in native vegetation; c. If less than one-third (1/3) of the area of Zone 2 is reduced to accommodate views, the Administrator may reduce the required area of native vegetation to less than two-thirds (2/3);

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			d. Significant trees shall not removed to allow for the buffer reduction. Intent of revisions: - Clarify this provision is only for new (including redevelopment) or an addition to primary residential structure and only available in order to accommodate views (i.e., you can build in the buffer if the shoreline structure view setback is in the buffer). - Clarify the remaining 2/3 must be either established or established, then maintained, as native vegetation (e.g., if you have an existing lawn, you have to replace it with native vegetation). - Provide guidance for when intrusion into Zone 2 buffer is less than 1/3. Can tie this to mitigation ratio requirements in SFR mitigation manual. - Clarify that this provision does not allow significant trees to be removed.
View maintenance			
6	4.1.3.8.4 Vegetation Alterations Standards – Residential Development	View Maintenance – Single-family Residential Only. Shoreline residential use and development shall use all feasible techniques to maximize retention of existing native shoreline vegetation within the Shoreline Buffer and the Site-specific Vegetation Management Area. a. Limited removal of existing trees or vegetation located on the same property as a single-family residence may be allowed for maintenance of a pre-existing view from the primary structure, or to establish a view for a new primary structure provided the following are met: i. The applicant demonstrates to the satisfaction of the Administrator that the vegetation removal is the minimum necessary to re-establish or establish a view of the water similar to that enjoyed by other residences in the area and that pruning methods are not sufficient to provide an	The language in i. through v. could be eliminated, relying on tree and vegetation regulations from the critical areas ordinance. The bold language should be retained to clarify when view maintenance may be allowed specifically in the shoreline.

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		adequate view of the water similar to that enjoyed by other residences in the area; and ii. Existing significant native trees are not removed within the Shoreline Jurisdiction, unless exempt; and iii. In no instance, including accounting for other approved alterations as provided in Section 4.1.3, shall vegetation removal exceed twenty (20) percent of the required Shoreline Buffer area or Site-specific Vegetation Management Area or reduce the vegetation canopy coverage to less than 65% in the Shoreline Buffer or Vegetation Management Area. A. Vegetation removal occurring adjacent to the shoreline shall also be limited to fifteen (15) linear feet of the water frontage; and iv. The applicant shall obtain an approved Bluff Management Plan pursuant to Section 4.1.5, Critical Areas for any vegetation alteration in a geologically hazardous area. The cost and preparation of the plan is the responsibility of the applicant; and v. All vegetation removal complies with other applicable requirements of this Program (such as clearing and grading, forest practices, and protection standards for fish and wildlife habitat), including the no net loss and/or revegetation standards in Section 4.1.2. b. The Administrator may deny a request or condition approval for vegetation alteration proposals for view maintenance if it is determined that the action will result in an adverse effect to any of the following: i. Slope stability; ii. Habitat value; iii. Health of surrounding vegetation; iv. Risk of wind damage to surrounding vegetation; v. Nearby surface or ground water; or vi. Water quality of a nearby water body.	
Non-native vegetation removal outside shoreline buffer			
7	4.1.3.5.8	Minor vegetation removal <u>outside</u> the shoreline buffer or site-specific vegetation management area on a developed property not associated	The following activities outside the shoreline buffer or site-specific vegetation management area on a developed property not

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	Regulations -- General	with new construction may be allowed, as provided in this program with an approved clearing permit provided: a. The Administrator may grant approval of minor vegetation clearing if it meets the provisions of this Program and the following: i. The minor vegetation clearing allowed within a three (3) year period will include an area no greater than 200 square feet in area and/or no more than 3 non-significant trees per 20,000 square feet up to a maximum of six (6) trees; and ii. Native vegetation will not be removed from the Shoreline Buffer or Vegetation Management Area; and iii. All applicable standards of an approved Vegetation Management Plan are met; and iv. The replanting is performed pursuant to Section 4.1.2.5, Revegetation Standards; and v. A Bluff Management Plan is provided pursuant to Section 4.1.5, Critical Areas for any vegetation alteration in a geologically hazardous area.	associated with new construction may be allowed with an approved clearing permit. a. Non-native vegetation alteration or removal pursuant to applicable standards in BIMC 16.18, provided no significant native trees are removed and any area of bare ground is planted with native species within the first appropriate growing season or otherwise protected by acceptable temporary erosion and sedimentation control strategies.
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CITY OF
BAINBRIDGE
ISLAND

280 Madison Avenue N
Bainbridge Island, WA 98110

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SHORELINE MASTER PROGRAM AMENDMENT

Currently scheduled in-person participation opportunities include:

Planning Commission special meeting
November 16, 2017 7:00 pm

Public comment is
accepted at each meeting.

Planning Commission open house followed by special meeting
November 30, 2017 6:00 pm

Location
City Hall Council Chambers
280 Madison Avenue N

Additional meetings will be
scheduled in December and
throughout 2018.

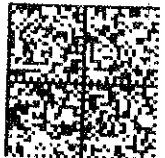
You may also check the SMP amendment project page at
<http://www.bainbridgewa.gov/216/Projects> and sign up for the
Notify Me listserv at <http://www.bainbridgewa.gov/list.aspx> to
receive project updates including additional meeting dates.



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