

Ellen Fairleigh

From: Ellen Fairleigh
Sent: Tuesday, February 13, 2018 8:05 AM
To: 'Jonathan A. Williams'
Subject: RE: FW: PLN51027 VEG Questions

Good morning Jonathan,

"Frequently flooded areas" are defined in the BIMC as areas that are within the 100 year floodplain. These areas are generally identified on flood maps created by FEMA. The definitions from BIMC Ch. 16 are below. Also, there is a critical areas map accessible on our website that allows users to select overlays of critical areas for specific properties. From this link <http://www.ci.bainbridge-isl.wa.us/196/GIS-Mapping-Map-Gallery> select "Map App" at the top of the page and then "Critical Areas Web Application". Frequently flooded areas are identified under the FEMA Flood Hazard Areas layer.

8. "Frequently flooded areas" means lands subject to a one percent or greater chance of flooding in any given year, as determined by the Federal Emergency Management Agency. These areas include, but are not limited to, floodplains adjacent to streams, lakes, coastal areas, and wetlands. (Also see Chapter 15.16 BIMC, Flood Damage Prevention.)

16.20.140 Frequently flooded areas. SHARE

A. Classification. Classification for frequently flooded areas shall be consistent with the 100-year floodplain designation of the Federal Emergency Management Agency and the National Flood Insurance Program. In addition, the following criteria shall be considered when designating and classifying these areas:

1. Flooding impact to human health, safety, and welfare and to public facilities and services;
2. Available documentation including federal, state, and local laws, regulations and programs, local maps, and federally subsidized flood insurance programs;
3. The future floodplain defined as a channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow at build-out without any measurable increase in flood heights; and
4. The effect of high tides with strong winds, and greater surface runoff caused by increasing impervious surfaces.

B. Standards.

1. Development shall not reduce the effective base flood storage volume. Effective storage capacity shall be maintained.
2. Grading or other regulated activities which would reduce the flood water storage volume shall be mitigated by creating compensatory storage on- or off-site. Applicants must provide mitigation plans pursuant to this chapter.
3. Base flood data and flood hazard notes shall be on the face of any recorded plat or site plan including, but not limited to, base flood elevations, flood protection elevation, boundary of floodplain, and zero rise floodway.

4. Applicants for development in low lying shoreline areas and other areas where flood elevation is controlled by tide level shall be provided with information on sea level rise. (Ord. 2005-03 § 2, 2005)

I hope this helps. Please let me know if you have any additional questions.

Best,
Ellen

From: Jonathan A. Williams [mailto:jwilliams9@gmail.com]
Sent: Tuesday, February 13, 2018 5:58 AM
To: Ellen Fairleigh <efairleigh@bainbridgewa.gov>
Cc: Paul Nylund <pnylund@bainbridgewa.gov>
Subject: Re: FW: PLN51027 VEG Questions

Ellen,

Thanks, very helpful (and welcome back).

Process question - "frequently flooded" in the BIMC definition of a critical area is inherently vague, but it seems like COBI has defined all critical areas for display on an "informational" map. Is that correct? What is the formal process of defining an area as a critical area? Is there a directors rule?

"BIMC 16.20.030 defines critical areas as:

8. "Critical areas" means aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands"

Jonathan

Poop

On Mon, Feb 12, 2018 at 11:14 AM, Ellen Fairleigh <efairleigh@bainbridgewa.gov> wrote:

Hello Mr. Williams,

Thank you for contacting us. The clearing application that you linked in your below email is an old application for a clearing permit that is no longer in use. Since the property is further sub dividable and the applicant is proposing to clear more than 5000 board feet of timber, a Vegetation Management permit is required, which is different than a clearing permit. Vegetation Management permits are reviewed under the process and criteria found in Bainbridge Island Municipal Code Chapter 16.22

<http://www.codepublishing.com/WA/BainbridgeIsland/#!/BainbridgeIsland16/BainbridgeIsland1622.html#16.22>

I have copied the application procedures and decision criteria below for your reference.

16.22.050 Vegetation management permit.

A. Application Required. The owner of any property specified in BIMC 16.22.030 that is being converted to a nonforest use or property for which the owner intends to avoid a six-year development moratorium, shall submit a vegetation management permit application for review and approval by the department of planning and community development prior to removal of any vegetation. The application shall be prepared by a consulting forester approved by the city and may be filed jointly with the Washington State Department of Natural Resources (if required by state law) and the city.

B. Application Procedure. The city shall process vegetation management permit applications in accordance with Chapter 2.16 BIMC and the following procedures:

1. A preapplication conference is not required; however, the applicant may submit for a preapplication conference in accordance with the procedures set forth in BIMC 2.16.020.G.
2. The applicant shall submit a complete application as specified in BIMC 16.22.070, Submittal Requirements. A State Environmental Policy Act (SEPA) environmental checklist is required for all vegetation management permits, in accordance with Chapter 16.04 BIMC. Upon receipt of a complete application, the director shall provide notice to the applicant and public in accordance with BIMC 2.16.020.K and commence the application review process. A notice of application with public comment period and a notice of decision shall be required in accordance with BIMC 2.16.020.K for all vegetation management permit applications.
3. Administrative Review. All vegetative management permits shall follow the review procedures set forth in BIMC 2.16.030.
4. An application review, exempt from subsections B.1 through 3 of this section, shall be allowed for removal of diseased or dying trees and vegetation; provided, that a report by a qualified arborist or consulting forester (approved by the city) indicates that such an action is necessary and no feasible alternative to removal exists, and provided that the decision criteria of subsection C.2 through 5 of this section can be satisfied.

C. Decision Criteria. A vegetation management permit may be approved or approved with conditions by the director if the plan can meet the following:

1. Harvesting meets the vegetation management standards of BIMC 16.22.060;
2. Erosion control measures are included as part of the plan;
3. All applicable open space and corridor standards are met;
4. Mitigation measures are proposed which reduce adverse impacts on surrounding property; and
5. All other provisions of this code are met. (Ord. 97-07 § 2, 1997)

Paul Nylund has been assigned as the Development Engineer for this project. Paul has not yet reviewed this application but I have copied him on this email so he is aware of your questions regarding the rain gardens.

The application is at the beginning stages of the review process. The joint SEPA and Notice of Application comment period occurs at the beginning of the process. The application was deemed complete on February 1st and the City has a 120 day review period from that date to either issue a decision.

There are currently no identified critical areas on the subject parcel. There is an open space management plan that was submitted with the application which can be viewed through our Online Permit Portal. The subject parcel has two land use applications that have been submitted- This vegetation management permit: <http://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/fff04153-d3a1-4f4e-9d0c-a857011aa3ee?conv=1>

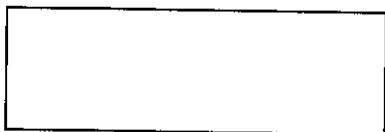
and also a preliminary short plat: <http://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/2b900479-3c80-4aa1-92e4-a85e011a4ac6?conv=1>.

As part of the pre-application submittal <http://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/1388f07d-882f-4080-95c4-a825011ca350?conv=1> the applicant did submit a wetland report for this property and the property directly to the north which can be viewed using the above link and found under Submittal Documents "Shoreline, wetland or stream habitat report, where applicable". In the report, the professional wetland scientist concluded that no wetlands were present.

I hope this information is helpful. Please let me know if I can provide further clarification or if you are not able to access the documents through our online portal.

Best,

Ellen



ELLEN FAIRLEIGH

City Planner

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From: Lara Lant

Sent: Monday, February 5, 2018 4:58 PM

To: Ellen Fairleigh <efairleigh@bainbridgewa.gov>

Cc: Heather Wright <hwright@bainbridgewa.gov>; Jay Harris <jharris@bainbridgewa.gov>

Subject: PLN51027 VEG Questions

Mr Williams, thank you for your email.

Ellen Fairleigh is the planner assigned to this project. She is out of the office until February 12th and will reply to your questions upon return.

I can tell you that there is another land use permit associated with this property. You can view the permit details (and documents) here: [PLN51027 SPT](#). PDFs of documents can be found when you click the black icon next to each submittal or note. You will see documents including preliminary open space plans, drainage and stormwater plans that may answer some of the questions you have regarding the Vegetation Management Permit.

Regard,

Lara Lant



LARA LANT

Permit Specialist

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[206.780.3770](tel:206.780.3770)

From: Jonathan A. Williams [<mailto:jwilliams9@gmail.com>]
Sent: Saturday, February 3, 2018 9:57 AM
To: PCD <pcd@bainbridgewa.gov>
Subject: Re: Proposed Land Use Actions Webpage Updated

Hi. For this project, I have a few questions.

Stahl/St. Louis (PLN51027 VEG)
Location: [10509 Falk Rd. NE](#)
[Notice of Application/SEPA Comment Period](#)
Comment period ends February 16, 2018

Application form questions:

Can you please send me the full application file? This form: www.bainbridgewa.gov/DocumentCenter/View/124

If this form wasn't completed, can you clarify which form is required for clearing this property and why?

Stormwater Management Plan questions:

The link provided to the stormwater management (<https://ci-bainbridgeisland-wa.smartgovcommunity.com/Blob/f484fcda-381f-452f-8f92-190faf3f727a>) is not a plan, but rather a sheet of design specifications. Is there a stormwater management plan? The site plan shows rain gardens of three different SF all with emergency overflows. By design how many times per year are flows expected to overflow the rain gardens and what assumptions were made for frequency of heavy rainfall events?

Critical areas question:

BIMC 16.22.060 (A 4.) says that:

4. Unless otherwise allowed thorough an approved open space management plan, no cutting is allowed within any of the following areas:

a. Critical areas or required buffers, as defined in Chapter 16.20 BIMC;

BIMC 16.20.030 defines critical areas as:

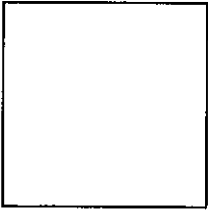
8. "Critical areas" means aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands.

The west edge of the Stahl/St. Louis parcel, and the parcel to the north which is under development application, have standing and flowing water through them for months out of the year. I've attached recent photos. The plan to enlarge and pave the easement will increase storm run-off which all goes through this parcel proposed for clearing. As such, how does the west edge of Stahl/St. Louis parcel not meet the definition of a critical area? Does it have an open space management plan?

Thanks,

Jonathan

On Feb 2, 2018 8:00 AM, "Carla Lundgren" <listserv@bainbridgewa.gov> wrote:



<Patten ADD (BLD22822)

Location: 17201 Kinnear Rd NE

Notice of Intent to Reduce the Minimum Buffer

Comment period ends February 16, 2018

Bay Hay and Feed (PLN50775 SPR)

Location: Sunrise Dr. NE

Notice of Application

Comment period ends February 16, 2018

NET Systems Addition (PLN50808 SPR)

Location: 8040 NE Day Rd. W

Notice of Application

Comment period ends February 16, 2018

Davis Short Plat (PLN50950 SPT)

Location: 6474 NE Brigham Rd.

Notice of Application

Comment period ends February 16, 2018

Grimm/Draper (PLN50971 SPT)

Location: Hyla Ave.

Notice of Application/SEPA Comment Period

Comment period ends February 9, 2018

Stahl/St. Louis (PLN51027 VEG)

Location: 10509 Falk Rd. NE

Notice of Application/SEPA Comment Period

Comment period ends February 16, 2018

Madison Landing (PLN50879 SPR)

Location: 937 / 995 Madison Ave. N

Notice of Application/SEPA Comment Period

Comment period ends February 16, 2018

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