



2018 Shoreline Master Program (SMP) Amendment Summary Sheet

Critical Areas – SMP Section 4.1.5

Why is the City amending the SMP?

Following adoption of the Comprehensive Plan, the City's development regulations need to be updated to support the goals and policies articulated in the plan. The City's review of development regulations includes the Critical Areas Ordinance (CAO) update pursuant to state law that requires cities to designate and adopt regulations for the protection of critical areas. The City completed its state-mandated update to its critical areas ordinance (CAO, see BIMC 16.20) in April 2018. The updated critical areas regulations cannot be applied within the shoreline jurisdiction until an amendment to the SMP integrating these regulations is locally adopted by City Council and approved by the Department of Ecology.

Why not keep the critical areas regulations already in the SMP?

The City wishes to ensure that all of its development regulations, including those related to the shoreline jurisdiction, reflect the goals and policies of the Comprehensive Plan. While regulations in the CAO and SMP do not have to be exactly the same, there are distinct and important reasons for integrating the updated critical areas regulations into the SMP, including:

- Relieving staff and the public from navigating two sets of regulations (e.g., referencing the correct set, using the correct application, recognizing different standards, permit types, and review requirements).
- Critical areas regulations in the existing SMP largely date from 2006 – the last time the City's CAO was comprehensively updated.
- Critical areas regulations in the existing SMP (Section 4.1.5 and Appendix B) would benefit from revisions to improve clarity, readability, and consistency with the SMA.
- New critical areas regulations include more protective standards for aquifer recharge areas, wetlands, and fish and wildlife habitat conservation areas/streams, and more rigorous review criteria (e.g., precautionary principal and mitigation sequencing).

In addition, a major housekeeping change in the draft amendment is to eliminate Appendix B (Critical Areas) and consolidate all critical areas regulations into one section (Section 4.1.5). This improves readability of the document and eliminates redundancies and internal inconsistencies.

What are the major changes?

The intent of the amendment is simply to integrate recently updated critical areas regulations into the SMP consistent with procedures and policies of the Shoreline Management Act (SMA). **The draft SMP amendment does not include any regulations that are new or different than those in the recently updated critical areas ordinance that are already in effect** everywhere on the island except within the shoreline jurisdiction. A **summary of major differences** between the critical areas regulations in the existing SMP and those in the draft amendment is provided on the back of this page.

Questions: pcd@bainbridgewa.gov or 206.780.3719

You may also visit us in person at the Department of Planning and Community Development between 8:00 am - 4:00 pm, Monday, Tuesday and Friday and 8:00 am – noon, Wednesday and Thursday.

City of Bainbridge Island
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critical
aquifer
recharge
areas

A new requirement to designate an Aquifer Recharge Protection Area (ARPA) of up to 65% of a site is included.

- An ARPA is required on parcels within the R-0.4, R-1 and R-2 zoning districts **only when development or redevelopment results in greater than 800 square feet of hard surfaces or greater than 7,000 square feet of land disturbing activity.**
- A hydrogeological site assessment is required for any potential pollutant-generating development or use. Several prohibited uses added based on state critical aquifer recharge guidance.

fish &
wildlife
habitat
areas

Buffer widths are increased for most stream types.

- **Increased buffer widths for Type F (200 feet), Np (100 feet) and Ns connected to F or Np streams (75 feet).**
- Classifications of fish and wildlife habitat conservation areas revised with specific habitats present or likely to occur on the island. Added biodiversity areas and corridors.
- Clarified that buffer widths assume the buffer is well vegetated with native species and that enhancement may be required as part of site development. **New buffer modification thresholds and requirements.**
- **Removed separate water quality and habitat buffers.**

geologically
hazardous
areas

Proposed standards are generally less restrictive.

- “Buffer” changed to “setback” and 15-foot structure setback requirement removed.
- **Standard setback requirement changed from height of slope or 50 feet, whichever is greater, to height of slope only up to a maximum of 75 feet.**
- New range of factors of safety proposed for non-habitable structures and other uses/activities.
- “Exempt” activities changed to “allowed” activities for **minor development that may be allowed** in landslide hazard areas 40 percent or greater if development standards met.

wetlands

Wetland buffer widths are not changed.

- **Removed separate water quality and habitat buffers; no change to buffer widths or mitigation ratios.**
- Clarified that buffer widths assume the buffer is well vegetated with native species and that enhancement may be required as part of site development. **New buffer modification thresholds and requirements.**
- **Included R-2 zoning designation in “moderate” impact of land use.**
- Updated methods and categories based on state and federal agency guidance.
- **Provided specific requirements for delineations, including that they are valid for 5 years.**