

Topic:	Natural Resource Protection & Conservation
Resource Type:	Regulations
State:	Washington
Jurisdiction Type:	Municipal
Municipality:	City of Bainbridge Island
Year (adopted, written, etc.):	1996
Community Type – applicable to:	Urban; Suburban
Title:	City of Bainbridge Island Environmentally Sensitive Areas Ordinance
Document Last Updated in Database:	April 16, 2017

Abstract

This law focuses on the importance of having native vegetation zones in critical areas. It creates regulations for the preservation of these vegetation zones on Bainbridge Island, Washington.

Resource

Bainbridge Island WA Municipal Code ch. 16.20 Critical Areas
[http://search.mrsc.org/nxt/gateway.dll/bnbgmc?f=templates&fn=bnbgpage.htm\\$vid=municodes:BainbridgeIsland](http://search.mrsc.org/nxt/gateway.dll/bnbgmc?f=templates&fn=bnbgpage.htm$vid=municodes:BainbridgeIsland)
Bainbridge Island Municipal Code
Chapter 16.20 Critical Areas

16.12.080 Environmentally sensitive areas.

A. Applicability. Environmentally sensitive areas are primarily regulated through Chapter 16.20 BIMC, Critical Areas. The provisions in the master program supplement those regulations and apply to all uses and activities, including those which do not require a shoreline substantial development permit.

B. Regulations.

1. When a development site includes some or all of one or more environmentally sensitive areas, or part of a native vegetation zone(s) for such area(s), the sensitive features and their native vegetation zones shall be left undisturbed and maintained as open space, except as permitted by other provisions of the shoreline master program. All development shall be set back far enough to avoid damage to such features and their native vegetation zones.

2. Native vegetation zones shall be equal to those buffers established in Chapter 16.20 BIMC, Critical Areas, as amended, except that native vegetation zones from Puget Sound shall be those established in the master program. (See BIMC 16.12.090, Native vegetation zone, and Part IV, Table 4-2.)

3. Subsection B.2 of this section notwithstanding, native vegetation zones from those portions of Puget Sound which exhibit unique, rare and/or fragile resources (including, but not limited to, tidal lagoons, mud flats, and salt marshes) may be increased under Chapter 16.20 BIMC.

4. When sensitive areas and/or sensitive area native vegetation zones are disturbed, revegetation with native or other approved vegetation shall be required. (See BIMC 16.12.060, Clearing and grading, for regulations protecting sensitive areas during construction.)

5. Fish and wildlife habitat enhancement or restoration shall be allowed when approved by appropriate resource agencies.

6. If development results in impacts to a sensitive area, in-kind and on-site replacement of resource functions shall be provided unless it is found that in-kind and on-site replacement is not feasible or practical due to the physical characteristics of the site, and/or that a greater benefit can be demonstrated by an alternative location. In such cases, substitute resources of equal or greater ecological value shall be provided.

7. The functions of replacement areas shall be equal to or greater than those being altered. The replacement ratio will be determined on a case-by-case basis and shall be proposed in a mitigation plan developed by appropriate experts, approved by the director and paid for by the applicant. All mitigation plans shall also be approved by resource agencies.

8. Where sensitive area replacement activities are proposed, an applicant shall permanently protect the replacement area through legal instruments such as sensitive area tracts, conservation easements, or a comparable use restriction. (Ord. 96-38, 1996)

16.12.090 Native vegetation zone.

A. Definition and Purpose. The native vegetation zone is a required vegetation buffer encompassing all uplands from the OHWM to the dimension specified for that particular shoreline environment. Its purpose is to protect and enhance the Island's natural character, water quality, native plant communities, and wildlife habitat along the shoreline.

B. Applicability. The native vegetation zone provisions apply to all shoreline development, uses, and activities, including those which do not require a shoreline permit, and to existing development. Standards for the native vegetation zone are based on the use category and the environment designations and are provided in Part IV, Environment Designations, Table 4-2. In some cases, the standards are further refined by regulations in Part V, Specific Use Regulations. (See specifically BIMC 16.12.260, Residential development.)

C. Regulations.

1. A vegetation buffer, called a native vegetation zone, shall be maintained immediately landward of the OHWM. The dimensions of the zone shall be those established for the particular use and environment. (See Part IV, Environment Designations, specifically Table 4-2.)
2. Existing native vegetation within this zone shall remain unless specifically allowed to be altered or removed under the provisions of this section or Part V, Specific Shoreline Regulations.
3. New plantings in this zone shall be native plant species, or other approved species, similar in diversity, type, density, wildlife habitat value, water quality characteristics and slope stabilizing qualities to the original vegetation.
4. Removal of nonnative plants and plants on the state noxious weed list shall be allowed within the native vegetation zone.
5. Within the native vegetation zone, normal nondestructive pruning and limbing of native vegetation for maintenance and view shall be allowed provided it does not threaten the health of the vegetation. Individual tree cutting to remove a hazard may be allowed by the director, subject to a report by an arborist or other approved expert.
6. No clearing, grading, or construction may be undertaken within the native vegetation zone unless specifically provided for in this section or in Part VI, Specific Shoreline Use Regulations.
7. A path to the shoreline not more than four feet in width, constructed by hand and designed to minimize environmental impacts, shall be allowed. The path may be wider when required for handicapped access.
8. Accessory utility lines determined by the director to be necessary or required to reduce an impact (for example, a storm water tightline to the water to protect a slope or a sewer line to a marina) may be allowed. (See BIMC 16.20.080, Geologically hazardous areas, for additional regulations which may apply.)
9. To allow flexibility when required because of site limitations, the depth of the native vegetation zone (measured from OHWM) may be altered by averaging the depth, provided that:
 - a. The total area of the native vegetation zone shall not be less than otherwise required.
 - b. All portions of the native vegetation zone shall be contiguous.
 - c. The depth of the zone shall not be reduced more than 25 percent and shall be a minimum of 25 feet (measured from OHWM) at any point.

d. At least 75 percent of the resulting zone shall be located within the area that would otherwise be required.

e. Any area altered shall be compensated for by a substitute area. Any area used as a substitute for an altered area must contain vegetation of comparable or better quality than the area being deleted.

10. Native vegetation zones and related restrictions required by the city for a preliminary plat shall be written on the face of the final plat, and for all other land shall be included in a separate covenant, easement or other similar document. The separate document shall be recorded with the county auditor within one month of the imposition of the requirement. (Ord. 96-38, 1996)