



CITY OF
BAINBRIDGE ISLAND

TREE & LOW IMPACT DEVELOPMENT
AD HOC COMMITTEE
SPECIAL MEETING
WEDNESDAY, APRIL 13, 2018
1:30-3:00 PM
COUNCIL CONFERENCE ROOM
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

AGENDA

- 1:30 PM** **Review and Approve Notes from March 21, 2018 Meeting**
- 1:35 PM** **Review and Approve Meeting Agenda**
- 1:40 PM** **Public comment on agenda-related items.**
- 1:50 PM** **Ongoing Business:**
- Discuss Revisions to BIMC 16.18 *Land Clearing*
- 2:45 PM** **Public comment on agenda-related items.**
- 2:55 PM** **For the Good of the Order**
- 3:00 PM** **Adjourn**

****TIMES ARE ESTIMATES***

Public comment time at meeting may be limited to allow time for Commissioners to deliberate. To provide additional comment to the City outside of this meeting, e-mail us at pcd@bainbridgewa.gov or write us at Planning and Community Development, 280 Madison Avenue, Bainbridge Island, WA 98110

**For special accommodations, please contact Jane Rasely, Planning & Community
Development 206-780-3758 or at jrasely@bainbridgewa.gov**



TREE & LOW IMPACT DEVELOPMENT
AD HOC COMMITTEE
REGULAR MEETING NOTES
WEDNESDAY, MARCH 21, 2018
3:00 – 4:30 PM
MAP ROOM

Committee Members in Attendance: Ron Peltier, Jon Quitslund, Mack Pearl, Rasham Nassar

COBI Staff: Jennifer Sutton

Public: Charles Schmid, Mike Juneau

Agenda Items 1 & 2: Notes from the previous meeting were discussed and approved as amended after a version with uncorrected errors had been posted on the COBI website; the agenda was approved as distributed.

Agenda Item 3, Public comment: Mike advised that the definition of “significant tree” should include “live” status. This led to some discussion: The Committee agreed that retention requirements assume that trees to be retained will remain alive, although a snag is also worth preserving until it decays and becomes hazardous. Jon noted that a big leaf maple, for example, may lose its crown and branches, and yet remain alive for years.

Agenda Item 4, Revisions to BIMC 16.18: Jennifer distributed copies of yet another iteration of the Chapter, in which several changes had been made (highlighted in yellow) in response to discussion at the previous meeting. In 16.18.040, (F) pertaining to existing farmed areas has been simplified. In the same section, the provision for removal of “some healthy significant trees” without a permit was once again a springboard into discussion of hypothetical scenarios. Jon had prepared a list of six “Trouble Spots Remaining” but several remain unsettled. There was concern that a “gap” exists between the allowance for removal of some significant trees and the 7000 sq. ft. area of disturbance that would trigger a Site Assessment Review: is this gap not filled by what is said in (A) and (B) of section .050 (Activities Requiring a Permit)? Some of the discussion was highly specific (e. g., allowing for “up to 2000 sq. ft.” of clearing and disturbance on a half-acre lot, and 4000 sq. ft. on an acre), but discussion didn’t result in any fixes of the Code language. There was interest in tree retention requirements for single family lots of different sizes, perhaps within BIMC 18.15.010 with cross-reference in 16.18.

The meeting ended with several scattered suggestions for things that could or should be added to the chapter, but the substance of those ideas wasn’t captured adequately in the notes.

Agenda Item 5, Public Comment: Mike observed that the phrase “no net loss of functions and values” is scattered “like seasoning” through the CAO (“like garlic” as someone else said), and perhaps his point was that the phrase is conspicuously absent from the current draft of BIMC 16.18.

The next regular meeting would be April 4, 2018.

Revised BIMC Chapter 16.18

Forest Stewardship, Vegetation Maintenance and Tree Removal

16.18.010 Overview.

- A. The policies presented in this chapter rest on an assumption that in the care of trees and vegetation on their property, citizens will be guided by common sense and best practices, responsive to the Purposes stated in section **16.18.025** below. Sanctions may be applied to activities that are found by the planning director to be reckless and destructive, and to any action or negligence that adversely affects a neighboring property, pursuant to the provisions of section **16.18.110** and other applicable provisions of the Code.
- B. To a large extent, work carried out in landscaped yards and forested areas does not require a permit (see **16.18.040** below). However, property owners who are considering major changes to the landscape and trees on their property should seek advice and professional services from a licensed arborist who is certified by the American Society of Consulting Arborists or the International Society of Arboriculture, or a landscape professional who is certified by the City.
- C. This chapter is one of several in the Municipal Code that pertain to the care of trees, vegetation, and forested areas on Bainbridge Island. Its policies and non-regulatory provisions pertain especially to the plans and ongoing activities of Island residents, outside of their homes or places of business but on their own property, when the use and enjoyment of the property involves stewardship and maintenance of trees and vegetation.

16.18.020 Findings.

- A. Forested areas and trees on individual lots are integral parts of Bainbridge Island's character; they enhance the City's appearance and livability, as well as providing significant environmental benefits and natural resource values.
- B. Conserving and managing the Island's forested areas and native vegetation is a central goal of the Bainbridge Island *Comprehensive Plan*: see Guiding Principles 1 & 5 and related Policies; Goals LU-6, 12 & 13; EN-3, 4, 5, 18 & 19; WR-3 & 4; and Policies LU 4.10 & EN 15.3.
- C. Trees are valued by homeowners and, when well cared for, enhance property values.
- D. Reckless and unnecessary removal of trees and understory vegetation, combined with extensive disturbance of soils, cause loss of habitat and wildlife, runoff and soil erosion, degradation of surface water and aquifer recharge, and adverse impacts on air quality, as well as loss of aesthetic appeal.
- E. The community forest resources of the Island are best understood as a mosaic, with some large and many small pieces, on publicly owned and private properties. When clearing for

development further fragments the mosaic, both individual and community interests are affected.

- F. On Bainbridge Island and elsewhere, examples exist to demonstrate that development for residential and other uses can be compatible with careful conservation of forest conditions and other natural features; and that such development can be cost-effective, attractive, energy-efficient, and well adapted to our climate.

16.18.025 Purposes.

This Chapter is adopted for the following purposes:

- A. To promote the public health, safety, and general welfare of Bainbridge Island citizens without preventing the reasonable use of private property.
- B. To preserve and enhance the City's physical and aesthetic character, to promote the healthy functioning of our Island's natural systems, and to provide economic benefits to the community, for the sake of present and future generations.
- C. To implement the purposes of the State Growth Management Act relating to conservation of natural resources, pursuant to RCW 36.70A.
- D. To implement goals and policies in the current *Comprehensive Plan*, the *Community Forest Management Plan (2006)*, the *Bainbridge Island Open Space Study (October 2008)*, and the *Bainbridge Island Community Wildfire Protection Plan (2010)*, or subsequent updated versions.
- E. To promote forest stewardship practices and carefully planned development that results in minimal disturbance to the prior conditions of a property and neighboring properties.
- F. To implement a long-range policy of maintaining the Island's forest canopy cover while taking measures to prevent wildfires and protect structures in accordance with recommendations of the Bainbridge Island Fire Department.
- G. To allow limited tree and vegetation removal to provide for solar access, agriculture and gardens.
- H. To promote infiltration of stormwater and aquifer recharge; to minimize erosion and prevent pollution; to prevent landslides; to protect the waters of Puget Sound and the quality and quantity of water in wells.
- I. To maintain in a healthy state significant trees, clusters of trees, and forested areas, allowing for thinning, limbing, removal of invasive and undesirable vegetation, selective harvest and replanting, developing and maintaining trails, and removal of **diseased**, dead, or dangerous trees.

16.18.030 Applicability.

Provisions of this chapter apply citywide to all properties where trees and naturally occurring vegetation are found, except where other chapters of the Municipal Code apply as described below:

- A. This chapter does not apply to any portion of a property that is identified as critical area(s) pursuant to BIMC Chapter 16.20 *Critical Areas* (i.e., wetland, fish and wildlife conservation area, geologically hazardous area, frequently flooded areas and a designated aquifer recharge protection area [ARPA]) or a prescribed critical area buffer zone. In these areas, including a ARPA if one has been designated pursuant to BIMC Section 16.20.100, the regulations of BIMC Chapter 16.20 *Critical Areas* apply. Additionally, the regulations of this chapter do not apply to any property with a designated and approved ARPA.
- B. This chapter does not apply to the portion(s) of a shoreline property within 200 feet landward of an Ordinary High Water Mark, where the regulations of BIMC 16.12 (the *Shoreline Master Program*) apply.
- C. The provisions of BIMC 18.15.010 (*Landscaping, Screening, and Tree Retention, Protection and Replacement*) and BIMC 17.12 (*Subdivision Design Standards*) may apply to projects involving tree retention and removal, significant land disturbing activities and substantial development or redevelopment.
- D. A forest practice permit from the State Department of Natural Resources may be required pursuant to RCW 76.09. Failure to obtain a forest practice permit when applicable shall be grounds for denial of all applications for permits or approvals, including building permits and subdivision approvals, relating to non-forestry uses of the land for a period of six years, in accordance with RCW 76.09.060.

16.18.040 Activities Allowed without a Permit.

The following activities are allowed without a Tree Removal and Vegetation Maintenance Permit:

- A. Routine landscaping and maintenance of vegetation, such as pruning and planting, removal of invasive/exotic species, management of brush and seedling trees. This includes maintenance of trees and vegetation required to be retained or planted through a land use permit such as a subdivision, site plan review, or conditional use permit.
- B. Removal of dead, or fallen trees ~~(when letting the wood decay in place is not an option).~~
- C. Removal of trees and ground cover in emergency situations involving danger to life or habitable buildings, or to eliminate substantial fire hazards.
- D. Routine maintenance activities in rights-of-way and required roadside buffers, including removal of inferior trees and invasive/exotic species, trimming of overgrown hedges, and planting to replace removed vegetation.

- E. Clearing and digging required for the installation and maintenance of water meters, fire hydrants, and other utility lines and infrastructure, provided that the property owner is consulted and is satisfied that vitally important tree roots will not be compromised.
- F. Development of **existing** farmed areas in accordance with an approved farm management plan, **unless tree removal would be more than the amount permitted in this Chapter.**
- G. Limbing of significant trees to remove dead or hazardous branches, and to improve the tree's form and long-term vitality, provided that such work is done by an arborist.
- H. Removal of trees that are smaller than significant trees, provided that they are removed with minimal soil disturbance.
- I. Removal of some healthy significant trees (see **16.18.120 Definitions**) is allowed. On a lot that is one acre or larger, a property owner may, without a permit, remove no more than **six** significant trees in any 36-month period. On a lot less than one acre in size, removal of **three** significant trees in any 36-month period is allowed without a permit. This exception does not apply if the tree removal is not consistent with any tree retention provisions of BIMC 18.15.010 (*Landscaping, Screening, and Tree Retention, Protection and Replacement*), BIMC 17.12 (*Subdivision Design Standards*) or requires the designation of a ARPA pursuant to BIMC Section 16.20.100.

16.18.050 Activities Requiring a Permit.

The following activities require an applicant to obtain a Tree Removal / Vegetation Maintenance Permit prior to commencing:

- A. A permit is required for any tree removal or vegetation maintenance in an area required to be retained or planted, pursuant to BIMC 18.15.010, through a land use permit such as a subdivision, a site plan review, or a conditional use permit. **There are also tree retention requirements in BIMC 18.15.010 for the single-family residential zones, R-0.4, R-1, R-2, R-2.9, R-3.5 and R-4.3 zones.** Routine maintenance as described in section **16.18.040.D** above is exempt from this requirement.
- B. For properties located outside of the Mixed Use Town Center and High School Road zoning districts, a tree removal permit is required for removing more than the number of significant trees allowed without a permit, pursuant to section **16.18.040.I** above. The planting of a replacement tree or trees may be required.
- C. If it is necessary to remove trees **required to be retained or their tree limbs** to provide for efficient functioning of solar panels, such plans shall be submitted and reviewed with the application for a building permit. If a tree removal / vegetation maintenance permit is issued, the planting of a replacement tree or trees may be required.
- D. For developed properties located within the Mixed Use Town Center and High School Road zoning districts, a tree removal / vegetation maintenance permit is required for removing

any tree eight inches in diameter or greater, measured 4.5 feet above grade. The applicant must demonstrate that the requested removal meets one of the following criteria:

1. The tree is diseased, dead, or determined to be hazardous, as certified by an International Society of Arboriculture (ISA) Tree Risk Assessment Qualified (TRAQ) arborist; or
 2. The removal is necessary to allow reasonable use or enable permitted construction, and no alternative is feasible; or
 3. The removal is necessary to maintain utilities, provide access, or fulfill the terms of an easement or covenant recorded prior to the adoption of the ordinance codified in this chapter.
- E. For undeveloped properties within the Mixed Use Town Center and High School Road zoning districts, a tree removal / vegetation maintenance permit is required to remove **any** tree except trees that are diseased, dead, fallen, or contributing to an emergency. The tree removal permit will be reviewed for consistency with any applicable provisions of **BIMC 18.15.010** that would apply to future development permits.

16.18.060 General Regulations and Standards.

- A. While non-native and invasive species should be kept under control and eradicated if possible, native understory vegetation shall be maintained and land disturbing activity shall be kept to a minimum. Stump pulling and use of heavy equipment are not allowed without a tree removal / vegetation maintenance permit.
- B. On the undeveloped or underdeveloped portion(s) of forested acreage in the R-0.4, R-1, and R-2 zones that may be developed in the future, at least 65% of the area shall be left in its natural condition, anticipating a Site Assessment Review and the designation of a ARPA pursuant to BIMC 15.19 and 16.20.100, respectively.
- C. With an approved *ARPA Stewardship Plan* (described in BIMC 16.20.180.H), property owners are authorized to implement long range plans without obtaining tree removal / vegetation maintenance permits for piece-meal work.
- D. If the amount of tree removal, vegetation maintenance and/or land disturbing activity will impact more than 7,000 sq. ft. of area or more than 35% of the property, whichever is less, a Site Assessment Review will be required pursuant to BIMC 15.19, prior to application for a tree removal permit. This applies to one-time removal and to cumulative tree removal / land disturbing activities.
- E. An applicant shall protect any trees or landscaped area that must be retained during approved tree removal or vegetation maintenance work, pursuant to the protection provisions of 18.15.010.C.4.

F. Once a portion of a property is cleared, the property owner shall ensure that invasive species do not reestablish or expand into cleared areas.

16.18.070 Tree Removal / Vegetation Maintenance Permit Administration and Review Process.

- A. For activities requiring a permit, the process begins with submission of a complete application, usually after discussion of the proposed activity with a member of the Planning staff. The reasons for requesting a permit must be consistent with the Purposes (section .025) of this chapter.
- B. Tree removal activities shall comply with this chapter's provisions for permits and related regulations. Permits for tree removal / vegetation maintenance may require the planting of replacement trees and/or other City permits such as a Site Assessment Review (BIMC Chapter 15.19).
- C. The planning director shall grant a tree removal/ vegetation maintenance permit if the application meets the requirements of this chapter and is consistent with other relevant city codes relating to, including but not limited to Chapters 15.19, 15.20, 16.12, 16.20, 17.12, 18.15.010 BIMC. If the tree removal permit application is denied, the decision may be appealed pursuant to BIMC 16.18.100.
- D. No work authorized by a tree removal/ vegetation maintenance permit shall commence until a permit notice has been posted by the applicant at a conspicuous location on the subject property. The notice shall remain posted in said location until the authorized tree removal has been completed.
- E. Any tree removal/ vegetation maintenance permit granted under this chapter shall expire one year from the date of issuance. Upon a showing of good cause, the permit may be extended for six months by the planning director. Approved tree removal permits shall not be amended without authorization of the planning director.
- F. A tree removal / vegetation maintenance permit may be suspended or revoked by the planning director because of incorrect information supplied or any violation of the provisions of this chapter.

16.18.080 After-the-fact Tree Removal/Vegetation Maintenance Permit.

- A. In response to a report that one or more trees have been removed improperly or vegetation maintenance activity did not comply with any section of the BIMC, the City's Code Enforcement Officer shall investigate. If in fact the reported activity was legitimate without a permit, no action will be taken. If the reported activity would have been allowed if a permit had been applied for, an after-the-fact Tree Removal/Vegetation Maintenance Permit shall be issued. The person or persons responsible for unauthorized tree removal

shall be made aware of all the conditions for approval and any applicable regulations and remedies. The fee for an after-the-fact permit shall be established by a resolution of the City Council.

- B. If in fact the reported activity would not have been permitted, entirely or in some particulars, the Code Enforcement Officer, in consultation with the Director or the City Attorney, shall follow the procedures for **Enforcement and penalty** in this chapter or another applicable chapter of the BIMC.

16.18.090 Performance assurance.

- A. The planning director may require, as a condition for the granting of a permit, that the applicant furnish a performance assurance in a form approved by the planning director, in order to obligate the applicant, after the approved tree removal has been accomplished, to complete all required replanting, erosion control, and cleanup on the property. The surety device shall be in an amount equal to the estimated cost of such services, with surety and conditions satisfactory to the planning director.
- B. In order to stay enforcement, the director may choose to enter into a voluntary correction agreement (VCA). This is a civil contract entered between the City and the applicant. The VCA will outline several performance items that will be required within an agreed-upon time frame.

16.18.100 Appeals.

Appeals of the planning director's decision on a tree removal permit application shall be in accordance with the administrative decision procedures established in Chapter [2.16](#) BIMC.

16.18.110 Violation – Enforcement and penalty.

- A. In addition to any other sanction or remedy that may be available, a violation of or failure to comply with any provision of this chapter shall be a civil infraction and shall be subject to enforcement and civil penalties as provided in Chapter [1.26](#) BIMC.
- B. A violation of or failure to comply with any provision of this chapter shall be a misdemeanor punishable, upon conviction, as provided in BIMC [1.24.010.A](#).
- C. Any fines collected through enforcement of this chapter shall be directed to the city's tree fund, Chapter [3.39](#) BIMC.

16.18.120 Definitions.

“Applicant” means a person, corporation, or organization that files an application for a land use or development permit with the city: either the owner of the land in question, or the authorized agent of such a person.

“Aquifer recharge protection area (ARPA)” means a portion of a development site comprised of native or equivalent vegetation in which existing vegetation, topography and supporting soils are free of development, uses or activities detrimental to the aquifer recharge of the total site area.

“Arborist, ISA Certified” means an arborist holding a current International Society of Arboriculture (ISA) Certified Arborist credential.

“Arborist” means an individual engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for or supervise the management of trees and other woody plants. Must be concurrently an International Society of Arboriculture (ISA) Certified Arborist to perform any role required of a Certified Arborist.

“Arborist, ISA Certified” means an arborist holding a current International Society of Arboriculture (ISA) Certified Arborist credential.

“Arborist, Tree Risk Assessment Qualified (TRAQ)” means an arborist who has successfully completed the International Society of Arboriculture (ISA) TRAQ training course and assessment and holds a valid ISA TRAQ credential.

“Clearing” means the destruction and removal of vegetation by manual, mechanical, or chemical methods.

“Invasive / exotic species” means opportunistic plant species (either native or non-native) that colonize disturbed ecosystems and may come to dominate the plant community in ways that are seen by us as reducing the values provided by the previous plant community.

“Land disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

“Low impact development (LID)” means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Low impact development best management practices (LID BMPs)” means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, improvements to soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

“Significant tree” means: (1) an evergreen tree 10 inches in diameter or greater, measured four and one-half feet above existing grade; or (2) a deciduous tree 12 inches in diameter or greater, measured 4.5 feet above existing grade; or (3) in the Mixed Use Town Center and High School Road zoning districts, any tree eight inches in diameter or greater, measured 4.5 feet above existing grade; or (4) any trees located within a required critical area or critical area buffer as defined in Chapter 16.20 BIMC.

“Vegetation” means plant matter, including trees, shrubs and ground cover.

Tree Retention for New SFR's in R-2.9, R-3.5 & R-4.3 Zones

Excerpt from Table 18.12.020-2

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-8	R-14
Standard Lots	100,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.	12,500 sq. ft.	10,000 sq. ft.	8,500 sq. ft.	5,400 sq. ft.	3,100 sq. ft.

Amendment to Table 18.15.010-1: Landscape Requirements by Zone District

Landscape Requirements for Land Uses and Districts	Significant Tree and Tree Stand Retention	Perimeter Landscape	Roadside Buffer	Parking Lot Landscaping	Total Site Tree Unit (TU) Requirements 18.15.010.G	Planting Requirements	Irrigation	Maintenance
<u>Single-family Residential properties in R-2.9, R-3.5 and R-4.3 zones</u>	X				X 30 TU/Acre See Table Below	X	X	X
<u>Developed Single-family Residential properties in the R-0.4, R-1, R-2.</u>					X			



3/21 Tree Committee Recommendation: Developed Single-family Residential properties in the R-0.4, R-1, R-2: Retention Requirements when proposed tree removal below ARPA threshold:

Developed Properties ≤ ½ acre (21,780 sq. ft.) could clear up to 2,000 sq. ft.; more with ARPA stewardship plan (16.20.180.H)

Developed Properties Between ½ acre and 2 ½ acres in size could clear up to 4,000 sq. ft.; more with ARPA stewardship plan (16.20.180.H)

Developed Properties > 2 ½ acres in size could clear up to 6,999 sq. ft. (note: ARPA designation threshold 7,000 sq. ft.; 16.20.100)

NOTE: at 2/21 Meeting, Ad Hoc Committee recommended that new retention requirement ratios for R 2.9, 3.5 & 4.3 zones would be based on 30 Tree Units/ Acre, currently in 18.15.010.G. Created the table below to estimate 30 TU/Acre Ratio

PROPERTY SIZE	TREE UNIT	PROPERTY SIZE	TREE UNIT
≤ 4,000 sq. ft.	3.0	20,001 – 24,000 sq. ft	18.0
4,001 – 8,000 sq. ft.	6.0	24,001 – 28,000 sq. ft	21.0
8,001 – 12,000 sq. ft.	9.0	28,001 – 32,000 sq. ft	24.0
12,001 – 16,000 sq. ft	12.0	32,001 – 36,000 sq. ft	27.0
16,001 – 20,000 sq. ft	15.0	36,001 – 40,000 sq. ft	30.0

NOTE: 1 ACRE=43,560 SQ FT ½ ACRE = 21,780 SQ. FT. ¼ ACRE = 10,890 SQ. FT.

For Reference: Existing BIMC Table 18.15.010-5: Tree Unit Conversion Table for Preserved Trees [1]

DBH	Tree Units	DBH	Tree Units	DBH	Tree Units
3 – 5	1.0	24 – 26	6.2	39 – 40	10.8
6 – 10	1.2	27 – 28	7.0	41 – 42	11.4
11 – 12	1.4	29 – 30	7.8	43 – 44	12.0
13 – 15	2.0	30 – 31	8.4	45 – 46	12.6
16 – 18	3.2	32 – 33	9.0	47 – 48	13.2
19 – 20	3.8	34 – 36	9.6	49+	13.8
21 – 23	4.6	37 – 38	10.2		

[1] For multi-stemmed trees, measure the DBH of each trunk separately, multiply each of these measurements by itself, add up these amounts, and calculate the square root of that total to find the DBH for the tree as a whole.