

PLANNING COMMISSION
Regular Meeting
October 9, 2014
7:00-9:00 p.m.

7:00 p.m. CALL TO ORDER

Call to Order, Agenda Review, Conflict Disclosure

7:05 p.m. PUBLIC COMMENT

Accept public comment on off-agenda items

7:15 p.m. ORDINANCE 2014-07 TREE AND LANDSCAPING REGULATIONS

Study Session

8:45 P.M. NEW/OLD BUSINESS

9:00 P.M. ADJOURN

Times listed on this agenda are approximate. Public Comment may be limited to allow time for Planning Commission to deliberate.

Americans with Disabilities Act (ADA) accommodations provided upon request. Those requiring special accommodations, please contact the City Clerk at 206-842-2545 (cityclerk@bainbridgewa.gov) by noon on the day preceding the meeting.

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT



MEMORANDUM

TO: Planning Commission

FROM: Jennifer Sutton, AICP
Special Project Planner

DATE: October 9, 2014

RE: Study Session on Ordinance 2014-07 Tree and Landscaping Regulations

This is the first study session on Draft Ordinance 2014-07 (Attachment A) amending the City's Tree and Landscaping Regulations.

Background

City Council authorized creation of an Ad Hoc Committee to review the City's tree and landscaping regulations in early January, 2014. The Ad Hoc Committee is comprised of three Councilmembers and two Planning Commissioners:

Councilmember David Ward	Commissioner Jon Quitslund
Councilmember Sarah Blossom	Commissioner Mack Pearl
Councilmember Roger Townsend	

The Ad Hoc Committee has met twelve times since its first meeting on January 28th. Realizing that reviewing the regulations in their entirety is a large task, the Committee organized their work by first focusing on tree and landscaping regulations that apply to the Mixed Use Town Center/High School Road zoning districts. Attachment B is a table of recommendations from the Ad Hoc Committee reflecting that focus, in addition to some general landscaping and process changes.

Those recommendations were accepted by City Council at the September 2, 2014 meeting and staff was directed to begin work on two ordinances. Ordinance 2014-38 modifies BIMC Ch. 15.18 *Land Clearing*; there will be a public hearing on the ordinance at City Council on October 14. The second ordinance, 2014-07 (Attachment A) would revise landscaping regulations in BIMC Title 18. It should be noted that the resolution modifying the Heritage Tree Program as recommended by the Ad Hoc Committee (Attachment C) was approved by City Council on September 9, 2014. Other Ad Hoc Committee recommended changes to the *Administrative Manual* will be processed through a resolution later this fall.

The Ad Hoc Committee will now begin to review the regulations that apply to Residential, Business/Industrial, and Neighborhood Service Center zoning districts, and will bring those recommendations to the Planning Commission and City Council at a later date. The existing tree and landscaping regulations, BIMC Section 18.15.010 is attached to assist in your review of Ordinance 2014-07.

Attachments

- A. DRAFT Ordinance 2014-07
- B. Ad Hoc Tree Committee Recommendation Table
- C. Resolution 2014-19 Heritage Tree Program
- D. BIMC Section 18.15.010 (existing regulations)

ORDINANCE NO. 2014-07

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to tree and landscaping maintenance and requirements; amending Bainbridge Island Municipal Code Sections 18.12.030, 18.15.010 and 18.36.030.

WHEREAS, in January 2014, the City Council convened an Ad Hoc Committee consisting of two Planning Commissioners and three to review and make recommendations on the City's tree regulations; and

WHEREAS, the Ad Hoc Committee organized their review by first focusing on regulations that apply to the Mixed Use Town Center and High School zoning districts; and

WHEREAS, the Ad Hoc Committee presented their recommended changes to date to the City Council September 2, 2014; and

WHEREAS, the City Council directed staff bring forward ordinances to implement the suggested changes; and

WHEREAS, the City Council conducted a public hearing on Ordinance 2014-07 on **XXXX, 2014**; and

WHEREAS, notice was given on **XXXX**, 2014 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN, AS FOLLOWS:

Section 1. Section 18.12.030 of the Bainbridge Island Municipal Code is amended to read as follows:

E. Bonus Density in Winslow Mixed Use and High School Road Districts. Eligible properties may achieve a maximum level of development above the base FAR, as provided for in Table 18.12.020-3, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.

3. Public Amenities and/or Infrastructure. At the applicant's option, a portion of the bonus may be earned through the provision of public amenities, ~~and/or~~ infrastructure, **and/or preservation of a Heritage Tree(s) on site**, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:
 - a. Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the

contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.

- b. In lieu of the contribution of funds as provided for in subsection E.3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by **the preservation of a Heritage Tree(s) on site**, construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.

Section 2. Section 18.15.010 of the Bainbridge Island Municipal Code is amended to read as follows:

- C. Tree Retention, Protection and Replacement. Where Table 18.15.010-1 indicates that development must comply with the requirements of this subsection C, all development shall comply with the following requirements. These requirements are intended to supplement any regulations in **Chapters 16.12 (Shoreline Master Program) and 16.20 BIMC (Critical Areas)**, which remains the primary source of regulation for environmentally sensitive areas in Bainbridge Island. In the event of any inconsistency between the requirements of this subsection C and the requirements **of Chapters 16.12 and 16.20 BIMC, the requirements of Chapters 16.12 and 16.20 BIMC** shall apply.

4. Protection During Construction and Development.

- a. Intent. The intent of these regulations is to provide the best protection for significant trees and tree stands.
- b. Requirements.
 - i. No cutting of significant trees shall be allowed on a site until the tree retention and planting plans have been approved by the director.
 - ii. An area of prohibited disturbance, generally corresponding to the dripline or critical root zone (as identified by a consulting arborist) of the significant trees and/or tree canopy of tree stands, **areas of existing vegetation to be maintained, and future planting areas (i.e. landscape islands in parking lots)**, shall be identified by the applicant and approved by the director.
 - iii. A temporary five-foot-high chain link fence with tubular steel poles or “T” posts shall delineate the area of prohibited disturbance defined in subsection C.4.b.ii of this section, unless the director has approved the use of a four-foot-high plastic net fence as an alternative. The fence shall be erected before construction starts and shall remain in place until construction has been completed, and shall at all times have affixed to it a sign indicating the protected area.
 - iv. No impervious surfaces, fill, excavation, vehicle operations, compaction, removal of native soil or storage of construction materials shall be permitted within the area defined by the required construction fencing. **If**

avoiding construction and compaction in areas of future planting is unavoidable, the landscape plan for the project shall include methods for aerating and/or augmenting compacted soil to prepare for new planting, pursuant to Section 18.15.010.H.2.

- v. A rock well shall be constructed if the grade level around the tree is to be raised more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline or critical root zone (as identified by a consulting arborist) of the tree or tree canopy of tree stands.
- vi. The grade level shall not be lowered within the larger of (A) the dripline or critical root zone (as identified by a consulting arborist) of the tree, or the tree canopy of tree stands, or (B) the area recommended by a consulting arborist.
- vii. Alternative protection methods may be used if recommended by a consulting arborist and determined by the director to provide equal or greater tree protection.
- viii. Wherever this subsection C.4 allows or requires the involvement of a consulting arborist, that individual shall be selected from the city's list of current arborists certified by the American Society of Consulting Arborists and his or her services shall be paid for by the applicant.

G. Total Site Tree Unit Requirements.

1. Intent. The overall purpose of Section 18.15.010 is to preserve the landscape character of the community through development standards by encouraging the retention of existing vegetation and significant trees by incorporating them into site design. The intent of this subsection G is to ensure that, to the degree practicable, (a) each development approval in the MUTC, HSR I and II, R-8, R-14, and NSC zone districts and (b) each development approval for nonresidential development in the R-5, R-4.3, R-3.5, R-2.9, R-2, R-1, and R-0.4 zone districts leaves the development parcel with at least a specified minimum amount of tree coverage, measured in tree units per acre, that reflects the degree of tree coverage prior to development or redevelopment and that discourages avoidable site disturbances that would require tree removal.
2. Applicability. The regulations of this subsection G apply to each development application involving (a) any modification to a development parcel located in the MUTC, HSR I and II, R-8, R-14, or NSC districts or (b) a permitted nonresidential development in the R-5, R-4.3, R-3.5, R-2.9, R-2, R-1, and R-0.4 zone districts. These provisions shall not apply to projects involving only interior renovation of existing buildings.
3. Site Specific Evaluation of Total Impact on Tree Coverage.
 - a. Prior to the submission of a development application involving any modification to a development parcel that has less than 50 percent tree canopy cover prior to the proposed development or redevelopment, the applicant shall complete an inventory of all existing trees on the site indicating the species and the diameter at breast height (DBH) for each existing tree.

- b. As part of any development application the applicant shall identify all existing trees to be removed as part of the proposed development, and the species and DBH of each tree to be removed.
4. Requirements.
- a. A development application covered by subsection G.2 of this section shall only be approved if it complies with the requirements of subsections C (Tree Retention, Protection, and Replacement), D (Perimeter Buffering and Screening), E (Street Frontage Landscaping), and F (Parking Lot Landscaping) of this section, and also complies with subsection G.4.a.i, ii or iii of this section.
 - i. In the MUTC central core and ferry terminal overlay districts, the development parcel shall have at least 30 tree units per acre following the proposed development or redevelopment.
 - ii. In the MUTC Ericksen Avenue, Madison Avenue, and gateway overlay districts, and each site in the R-8, R-14, HSR I and II, and NSC districts, and for permitted nonresidential development in the R-5, R-4.3, R-3.5, R-2.9, R-2, R-1, and R-0.4 zone districts, the development parcel shall have at least 40 tree units per acre following the proposed development or redevelopment.
 - iii. As an alternative to subsections G.4.a.i and ii of this section, and at the applicant's option, the development parcel will contain at least the same number of tree units after the proposed development or redevelopment as it had before that development or redevelopment.
 - b. All existing trees preserved and all new trees planted on the site, including but not limited to those required to be preserved pursuant to subsection C of this section or those required to be replaced or planted pursuant to subsection D, E, or F of this section, shall count towards the required number of tree units.
5. Calculation of Tree Units.
- a. Each tree preserved on a development parcel shall earn the number of tree units shown in Table 18.15.010-7, based on its diameter at breast height (DBH). If the DBH measurement results in a fraction, the requirement shall be rounded to the nearest whole number (greater than or equal to 0.5 is rounded up; less than 0.5 is rounded down).

Table 18.15.010-7: Tree Unit Conversion Table for Preserved Trees [1]					
DBH	Tree Units	DBH	Tree Units	DBH	Tree Units
4 – 5	1.0	16 – 18	3.2	27 – 28	7.0
6 – 10	1.2	19 – 20	3.8	29 – 30	7.8
11 – 12	1.4	21 – 23	4.6	30+	8.2
13 – 15	2.0	24 – 26	6.2		

[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.

- b. Tree Retention Bonus.
 - i. If retained trees occur in a tree stand, they shall earn 1.2 times the tree unit value shown in Table 18.15.010-7. **This bonus does not apply to tree stands that must be retained anyway, such as trees in a roadside or wetland buffer area.**
 - ii. If the retained trees occur in a tree stand that is adjacent to a tree stand on an adjacent lot that is already protected as part of a land use permit or conservation easement, they shall earn 1.5 times the tree unit value shown in Table 18.15.010-7 instead of the bonus described in subsection G.5.b.i. of this section. **This bonus does not apply to tree stands that must be retained anyway, such as trees in a roadside or wetland buffer area.**
 - iii. If the retained tree is one designated through the City's Heritage Tree Program it shall earn 1.5 times the tree unit value shown in Table 18.15.010-7, and the tree shall not receive additional bonus in subsections G.5.b.1 and 2 of this section for location in a tree stand.
 - iv. If the retained tree is located within a designated Wildlife Corridor Network, it shall earn 1.5 times the tree unit value shown in Table 18.15.010-7.
- c. Each new or replacement tree planted shall earn the following number of tree unit credits:
 - i. Each tree with a height at maturity of 40 feet or less shall be equal to one-half tree unit. Height at maturity shall be as defined in the current edition of the Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation and Uses, Michael A. Dirr.
 - ii. Each tree with a height at maturity of more than 40 feet shall be equal to one tree unit.
 - iii. **New trees planted to meet the parking lot landscaping requirements of Section 18.15.010.F BIMC do not count towards meeting tree unit credits.**
- d. If, after complying with subsections C, D, E, and F of this section, additional trees need to be planted to meet the minimum tree unit requirements in subsection G.3 of this section:
 - i. In the MUTC central core and ferry terminal overlay districts, those trees may be planted either at ground level or above ground level (such as a patio, terrace, or rooftop); and
 - ii. In the MUTC Ericksen Avenue, Madison Avenue, and gateway overlay districts, R-8, R-14, HSR I and II, NSC districts, as well as for nonresidential developments within residential districts, those trees shall be planted at ground level.

H. Planting Requirements.

- 1. Intent. The intent of this section is to encourage the use of native species and recommend planting conditions adaptive to Bainbridge Island.
- 2. Requirements. Landscape designs shall conform to the following provisions:
 - a. Areas not devoted to landscape required by this chapter, parking, structures and other site improvements are encouraged to be planted or remain in existing vegetation.

- b. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of the coastal region of the Puget Sound Region.
- c. New plant materials shall consist of drought resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.
- d. New tree plantings shall be a minimum of two inches in caliper if deciduous or six feet in height if evergreen. Soil planting types and depth shall be sufficient for tree planting.
- e. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows.
- f. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.
- g. Grass may be used as a ground cover where existing or amended soil conditions assure adequate moisture for growth.
- h. Ground cover areas shall contain at least two inches of composted organic mulch at finish grade to minimize evaporation. Mulch shall consist of materials such as composted yard waste, composted sawdust, and/or manure that are fully composted.
- i. Existing **and/ or compacted** soils may need to be augmented with fully composted organic material **or aerated.**
- j. Specific submittal requirements for landscaping plans (tree protection, retention and planting plans) are included in the city's administrative manual.

3. Performance Assurance.

- a. Performance assurance is required to assure the city that the landscape, required by this section, is properly installed, will become established and be adequately maintained.
- b. The required landscape shall be installed prior to the issuance of a temporary certificate of occupancy for the project. The Washington landscape architect, Washington certified nursery professional or Washington certified landscaper shall submit a landscaping declaration to the director to verify installation in accordance with the approved plans.
- c. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season as approved if the director determines that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the city. The performance assurance device shall be for 150 percent of the cost of the work or improvements covered by the assurance device. In no case may the property owner delay performance for more than one year.
- d. The form and type of the performance assurance device shall be determined by the director.

4. Maintenance Assurance.

- a. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan.
- b. A maintenance assurance device shall be required for a period of **five three years** after acceptance by the city of the new planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance.

- c. The maintenance assurance device amount shall not be less than 20 percent of the cost of replacing materials covered by the assurance device.
- d. The form and type of the maintenance assurance device shall be determined by the director.

Section 3. Section 18.36.030 of the Bainbridge Island Municipal Code is amended to read as follows:

“Heritage Tree” means a tree that has been nominated and approved as such through the Heritage Tree Program, Resolution 2014-19.

“Significant tree” means: (a) an evergreen tree 10 inches in diameter or greater, measured four and one-half feet above existing grade; or (b) a deciduous tree 12 inches in diameter or greater, measured four and one-half feet above existing grade; ~~or~~ (c) in the Mixed Use Town Center and High School Road zoning districts, any tree 8 inches in diameter or greater, measured four and one-half feet above existing grade; or (d) all trees located within a required critical area buffer as defined in Chapter 16.20 BIMC.

Section 4. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2014.

APPROVED BY THE MAYOR this ____ day of _____, 2014.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK: XXXX, 2014
 PASSED BY THE CITY COUNCIL:
 PUBLISHED:
 EFFECTIVE DATE:
 ORDINANCE NUMBER: 2014-07

Summary of Ad Hoc Committee Recommendations

Recommendation No.	Topic	Code Citation	Ordinance 2014-07 page #
Heritage Tree Program		Resolution 2006-11	
1	Add “Heritage Tree” definition to zoning regulations.	BIMC Sec. 18.36.030	7
2	Highlight Heritage Trees more in the BIMC, including clarifying that a preservation of a Heritage Tree is a public amenity eligible for Bonus FAR in the Mixed Use Town Center/ High School Road zoning districts	Add to BIMC 18.12.030.E.3 <i>Bonus FAR</i> ; BIMC 15.18 <i>Land Clearing</i>	Pages 1-2
3	Consider nominating more publicly owned trees as “Heritage Trees”.		
4	Transfer review and approval authority for the Heritage Tree Program to the Historic Preservation Commission.	New Resolution 2014-19 on 9/2 City Council agenda	
Tree Unit Requirements		BIMC 18.15.010.G	
5	Change the smallest diameter of existing tree eligible for scoring tree units from 1 inch to 3 inches.	BIMC Table 18.15.010-7	4
6	Repeat or summarize the <i>Purpose statement</i> overall <i>Landscaping</i> chapter (BIMC 18.15.010.A in the <i>Tree Unit Requirement</i> section so as to encourage thoughtful preservation of existing trees through development planning.	BIMC 18.15.010.G	3
7	New trees planted to meet parking lot landscaping requirements should not count as towards meeting tree unit requirements.	BIMC 18.15.010.G	5

Recommendation No.	Topic	Code Citation	Ordinance 2014-07 page #
8	The existing tree unit requirements give a weighted tree unit score (1.2 x) for retaining trees in a “tree stand” (defined in BIMC 18.36.030). The Committee recommends that the “tree stand bonus” should not be applied to stands of trees that must be retained anyway , for instance, trees in a roadside or wetland buffer area.	BIMC 18.15.010.G.5.b	5
Increase Trees in the MUTC/ HS Road Zoning Districts			
9	The City Council should consider creating and funding a proactive <i>Street Tree Program</i> that includes funding planting new street trees in the right-of-way within the downtown areas.	Budget Process/ CFP/ CIP	
10	<p>Change definition of “Significant Tree” for trees in the MUTC/ HS road to be any tree 8” dbh or greater “Significant Tree” is currently 10” dbh for evergreen trees and 12” dbh for deciduous trees. Require a clearing permit for removing any “significant tree” in those districts and only allow removal if applicant can meet strict criteria such as:</p> <ul style="list-style-type: none"> • The tree is diseased, dead or otherwise determined to be a hazard tree • It is necessary to enable construction or reasonable use of the property, and no other alternative is feasible • It is necessary to maintain utilities or fulfill the terms of a previously recorded covenant or easement <p>Current regulations require a clearing permit when removing 6 or more significant trees, and will be approved if the trees are not otherwise protected. This recommendation would mostly impact older developed properties in the MUTC/ HS Road areas that don’t otherwise have required landscaping because they were built prior to City landscaping rules were in effect.</p>	<p>BIMC 18.36.030 <i>Definitions</i></p> <p>BIMC 15.18 <i>Land Clearing</i></p>	7

Recommendation No.	Topic	Code Citation	Ordinance 2014-07 page #
Changes to <i>Land Clearing (Clearing Permit) Regulations</i>		BIMC Chapter 15.18	
11	City Code Compliance Officer Greg Vause suggested changes to BIMC Chapter 15.18 <i>Land Clearing</i> to create more visibility to shoreline and critical area regulations, clarify enforcement and remedies, and create a separate “after the fact” clearing permit. Clearing permits are currently free, and it was suggested that a new “after the fact” permit require a fee. The Committee agreed to support the recommended changes, and additionally, suggested that the chapter be moved from BIMC <i>Title 15 Buildings and Construction</i> to BIMC <i>Title 16 Environment</i> . The Committee also recommend to City Council to move forward with stand alone ordinance with these changes to Ch. 15.18 in advance of a separate tree ordinance amending BIMC Section 18.15.010.	New (future) BIMC Chapter 16.18	
Soil/ Infrastructure Requirements			
12	Consider strengthening requirements to limit soil compaction and encourage the use of innovative methods- i.e. silva cells and structured soils. For trees planted or preserved along new hard surfaces such as sidewalks or driveways.	BIMC 18.15.010.C.4 & H.2	Pages 2-3, 6
13	Clarify that soil amendment/ compost standards of BIMC 18.15.010.H.2 are required to be described or shown in landscaping plans.	Administrative Manual Part 2.D <i>Submittal Requirements</i>	
Other Recommendations			
14	Required landscaping plans should clearly show trees to be retained and removed vs. new trees	Administrative Manual Part 2.D <i>Submittal Requirements</i>	

Recommendation No.	Topic	Code Citation	Ordinance 2014-07 page #
15	The current <i>Maintenance Assurance</i> period is 3 years. Consider lengthening <i>Maintenance Assurance</i> period for required landscaping and trees until they are well established.	BIMC 18.15.010.H.4	6
16	Strengthen regulation for roadside nuisance vegetation that creates a safety hazard for drivers/pedestrians	BIMC Ch. 12.04 <i>Street Obstructions</i>	Staff does not propose changes.
17	The Non-Motorized Transportation Plan (NMTP) identifies what type of non-motorized facility should be developed and where, for instance, sidewalks AND bike lanes along Madison Avenue in downtown. A currently planned City capital project to improve drainage and create a sidewalk on the north side of Knechtal Way sidewalk would remove some trees in the resultant right-of-way. Clarify policy in NMTP about when existing vegetation should be considered in the design of new public facilities.	NMTP	
TBD	The International Society of Arboriculture (ISA) has a method of tree valuation (in dollars). That method is currently utilized in BIMC 18.15.010.C.3 <i>Enforcement and Penalties</i> . The Committee is still discussing whether or not to incorporate this method to encourage or require other ways tree preservation in the downtown area. The next committee meeting is Tuesday 9/9 at 3pm.		

RESOLUTION NO. 2014 -19

A RESOLUTION of the City Council of the City of Bainbridge Island, Washington, repealing Resolution No. 2006-11 and passing Resolution No. 2014-19 continuing the Heritage Tree Program and transferring application review and approval authority from the Community Forestry Commission to the Historic Preservation Commission.

WHEREAS, Resolution No. 2006-11 established the Heritage Tree Program for the City of Bainbridge Island; and

WHEREAS, Resolution No. 2006-11 vested application review and approval authority for the Heritage Tree Program with the Community Forestry Commission; and

WHEREAS, the Community Forestry Commission is not currently meeting; and

WHEREAS, in early January, 2014, the City Council authorized the creation of an Ad Hoc Committee to review the City's tree and landscaping regulations; and

WHEREAS, because the Heritage Tree Program is designed to recognize trees that, among other things, have historical or cultural significance, the Ad Hoc Committee recommended the transfer of application review and approval authority for the Heritage Tree Program to the Historic Preservation Commission; and

WHEREAS, on May 1, 2014, the Historic Preservation Commission agreed to accept the transfer of application review and approval authority of the Heritage Tree Program; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:

Section 1. Resolution No. 2006-11 is hereby repealed in its entirety.

Section 2. The purpose of the Heritage Tree Program shall be to accomplish the following:

- A. Increase public awareness of trees in general;
- B. Draw attention to and protect those trees that are unique examples of genus, species or cultivar, form, size or other desirable features;
- C. Provide publicity for increased awareness of the purpose and activities of the City of Bainbridge Island and the Historic Preservation Commission;
- D. Encourage public participation in the identification and perpetuation of Heritage Trees throughout the City.

Section 3. The definition of “Heritage Tree” is a tree or stand of trees that is particularly desirable because it has valued, unique characteristics that set it apart from other similar trees. Valued, unique characteristics include uncommon genus, species, cultivar, form, size, or location; historic, cultural, or habitat significance; or other desirable features.

Section 4. The process for nomination shall be as follows:

- A. Any individual interested in identifying and preserving heritage trees may nominate a tree or trees on any Bainbridge Island property for Heritage Tree status.
- B. The City Council may nominate a tree or stand of trees on City property for Heritage Tree status.
- C. Heritage Tree nominations shall be submitted to the Historic Preservation Commission on forms provided by the City.
- D. The nomination shall include (1) a description of the tree nominated; (2) the characteristics that merit the tree being designated for Heritage Tree status, including the history of the tree, if known; (3) a photograph of the tree; and (4) a map locating the tree.
- E. The owner of the property on which the nominated tree is located shall agree to the nomination by signing the consent statement on the nominating form.
- F. The owner of the property on which the nominated tree is located must agree in writing to allow the tree to be placed on a City map of Heritage Trees and for the City to install a plaque or other appropriate identification (1) selected by the City with concurrence of the owner and (2) paid for and installed by the City.
- G. To inform future property owners, the owner of the property will be encouraged to record a notice to title indicating the location of the Heritage Tree on the property.
- H. Upon recommendation by the Historic Preservation Commission, the Council may remove designation of any tree as a Heritage Tree if it finds that such designation is no longer appropriate.

Section 5. The authority and process for designation of Heritage Trees shall be as follows:

- A. The Historic Preservation Commission shall consider Heritage Tree nominations at their regular monthly meetings, using the Heritage Tree Designation Guidance Document to make their determination. No tree may be given Heritage Tree status unless a quorum of Commission members discuss and vote in favor of the Heritage Tree nomination.
- B. Criteria to be considered by the Historic Preservation Commission for recommending a nomination for Heritage Tree status shall include the following:
 - i. The tree(s) nominated shall be a specimen tree that exhibits exceptional characteristics worthy of standards for such trees in the City.

- ii. The tree nominated shall exhibit unique features that are notable (e.g., unique specimen of a genus, species, form, size, location, or significant historical, cultural, or habitat features).
 - iii. The owner of the tree agrees in writing to the Heritage Tree designation and has complied with the nomination steps set forth above in Section 3.
- C. All Heritage Trees will be identified and recorded in a register maintained by the Historic Preservation Commission.
- D. Notice of all trees identified as Heritage Trees by the Historic Preservation Commission shall be forwarded to the Mayor. All designated trees, including names of the nominator and the property owner, will then be acknowledged in a Mayoral Proclamation at a City Council meeting.

Section 6. The City will provide the owner with a professional arborist's assessment of the health of the tree and recommendations for maintaining the tree according to accepted pruning and care standards.

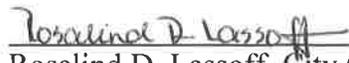
Section 7. A Heritage Tree or stand of Heritage Trees is retained by the property owner and does not become the property or responsibility of the City. The property owner is responsible for all maintenance and liability issues pertaining to the tree or trees. Prior to removal of a Heritage Tree, a property owner must consult with the Historic Preservation Commission. However, a Heritage Tree designation does not prohibit a property owner from developing a property and/or removing the Heritage Tree or Trees subject to the City's Tree Retention Regulations. If a property owner removes a Heritage Tree or stand of Heritage Trees, the plaque or identification marker shall be returned to the City.

PASSED by the City Council this 9th day of September, 2014.

APPROVED by the Mayor this 9th day of September, 2014.

By: 
Anne S. Blair, Mayor

ATTEST/AUTHENTICATE


Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	August 27, 2014
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HERITAGE TREE NOMINATION FORM

The City of Bainbridge Island welcomes your interest in nominating a tree for the Heritage Tree Program. Preserving a community's unique, cultural or historic resources is an autobiographical undertaking which provides a lasting reference of place for future generations.

A Heritage Tree is a tree or stand of trees that is particularly desirable because it has valued, unique characteristics that set it apart from other similar trees. Valued characteristics include uncommon genus, species, cultivar, form, size or location; historic, cultural, or habitat significance; or other desirable features.

Any individual may nominate a tree or tree stand for Heritage status; however, the owner of the property on which the nominated tree is located must agree to the nomination by signing a consent statement on the attached nominating form.

The City of Bainbridge Island will consider Heritage Tree nominations using the attached Heritage Tree Designation Guidance document to make their recommendation. Upon acceptance of a nomination, the City will list the tree or tree stand on the register and the City will provide the owner with a professional arborist's assessment of the tree or tree stand.

A Heritage Tree or stand of trees is retained by the property owner and does not become the property or responsibility of the City. The property owner is responsible for all maintenance and liability issues pertaining to the tree or trees. Prior to removal of a Heritage Tree or tree stand, a property owner must consult with the City of Bainbridge Island. However, a Heritage Tree designation does not prohibit a property owner from developing a property and/or removing a Heritage Tree.

Please submit the enclosed forms with the required information and photos to:

Jennifer Sutton
Planning and Community Development
City of Bainbridge Island
280 Madison Ave. N
Bainbridge Island, WA 98110

For help or information call the Department of Planning and Community Development at:
(206) 780-3772 or email: pcd@bainbridgewa.gov .

NOMINATOR INFORMATION:

Property nominated by: Property owner _____ City _____ Other _____

Names(s): _____

Mailing
Address: _____

Telephone: _____ Email Address: _____

PROPERTY OWNER(S) INFORMATION:

Names(s): _____

Mailing
Address: _____

Telephone: _____

Email
Address: _____

PROPERTY INFORMATION:

Address or
Location _____

Tax Parcel # _____

I/we are the owners of said property and hereby acknowledge this nomination. I/we understand I/we reserve the right to withdraw this tree or tree stand from the register at any time we so choose.

Signed: _____
Printed: _____

Date: _____

Signed: _____
Printed: _____

Date: _____

TYPE OF TREE OR TREE STAND:

Genus: _____ Species: _____

Diameter at Breast Height (DbH): _____ Estimated Age of Tree: _____

HERITAGE SIGNIFICANCE NARRATIVE: (Describe reasons for nomination as a Heritage Tree or tree stand. Please see the attached Heritage Tree Designation Guide for help with this section).

DOCUMENTATION: Attach any supporting information or evidence:

Required:

Assessor's Map: Mark location of tree or tree stands on property. A copy of this map may be obtained from the Department of Planning and Community Development between the hours of 8:00 AM and 4:00 PM, Monday through Friday.

Photographs: Include a 4 x 6 photograph of nominated tree.

Optional:

Written Sources: Attach, in proper bibliographical form, any books, magazines, newspapers, videos, or movies that you used to research/establish significance.

Oral History/Interviews: Attach/include in proper bibliographical form, oral histories/interviews, etc., you used to research/establish significance.

Historic Maps and Photographs: List names and/or types of maps used in research. Include copies and photographs when possible.

Heritage Tree Designation Guide

Individual trees or tree stands may be designated Heritage Trees because they exhibit valued, unique characteristics that set them apart from other similar trees. Valued, unique characteristics include uncommon genus, species, form, size, location, historic significance or other desirable feature(s).

Heritage Trees may be designated for any of the following characteristics:

Specimen. A tree of exceptional size, form or rarity.

Size. Any tree with a dBH of 36 inches or more.

Species. Locally important native trees or trees and tree stands that are associated with the character of the community. Species that are rare in the area, with the exception of non-native, invasive tree species.

Age. Trees of exceptional age.

Historic, Cultural or Habitat Significance. Trees associated with notable local or regional historical or cultural events, persons, structures or landscapes. Trees planted as commemorative trees. Trees that serve as important habitat for valued wildlife.

Ecological Value. Trees or tree stands with high ecological value due to their location, size, species and/or condition.

Aesthetics. A tree with special aesthetic value due to its form or function it serves in the landscape (for example, a landmark pair of trees that frame an entrance).

Location. Trees valued for their particular location.

18.15.010 LANDSCAPING, SCREENING, AND TREE PROTECTION RETENTION, PROTECTION AND REPLACEMENT

- A. Purpose**
- B. Applicability**
- C. Tree Retention, Protection and Replacement**
- D. Perimeter Buffering and Screening**
- E. Street Frontage Landscaping**
- F. Parking Lot Landscaping**
- G. Total Site Tree Unit Requirements**
- H. Planting Requirements**
- I. Irrigation**
- J. Maintenance**
- K. Screening of Certain Facilities**

18.15.010 LANDSCAPING, SCREENING, AND TREE RETENTION, PROTECTION AND REPLACEMENT

All development shall comply with the following regulations addressing landscaping and screening unless other applicable regulations require additional or different forms of landscaping or screening, in which case the more specific standard or criteria shall govern.

A. Purpose

1. General

The purpose of this section is to preserve the landscape character of the community, link the Island's natural amenities with landscape greenbelts along scenic roads, improve the aesthetic quality of the built environment, promote retention and protection of existing vegetation, reduce the impacts of development on wetlands, streams and the natural environment, enhance the value of current and future development and increase privacy for residential zones, and encourage preservation of significant and heritage trees by:

- a. Retaining existing vegetation, tree stands and significant trees by incorporating them into the site design.
- b. Incorporating native vegetation and drought resistant plant material into new landscape developments.
- c. Providing vegetated screening between different intensities of residential uses.
- d. Providing visual relief of parking areas in the neighborhood service centers, the Winslow Mixed Use Town Center, and the light manufacturing, (water dependent) industrial, high school road and urban multifamily districts.
- e. Providing vegetated screening between residential and nonresidential areas.

2. Specific Zone Districts

- a. For single-family residential uses outside the Winslow Mixed Use Town Center, NSC, and B/I districts that require more than just a building permit (i.e. lots created through the flex-lot design process) the additional specific intent is to preserve, protect and enhance critical areas, protect the natural forested areas and preserve the greenbelts along designated scenic roadway corridors.
- b. In the R-8 and R-14 multifamily residential districts, the additional specific intent is to screen urban multifamily projects from adjacent lower density residential properties and to soften the appearance of surface parking areas.
- c. For non-residential uses outside the Winslow Mixed Use Town Center, High School Road I and II, NSC, B/I, and WD-I districts the additional specific intent is to retain the natural landscape qualities of the Island by retaining existing vegetated buffers to screen views of structures and parking areas and to buffer between areas of high and low intensity uses.
- d. In the Winslow Mixed Use Town Center Central Core and Ferry Terminal Overlay districts, the additional specific intent is to provide an urban character by incorporating landscape standards; and to provide landscape development to screen uses from single-family residential properties and to soften the appearance of surface parking areas.
- e. In the Winslow Mixed Use Town Center, Ericksen Avenue and Madison Overlay districts, the additional specific intent is to retain the character of landscape front yards; and to provide landscape development to screen uses from single-family residential properties; and to soften the appearance of surface parking areas.

- f. In the Winslow Mixed Use Town Center Gateway Overlay district, the additional specific intent is to retain the greenbelt located adjacent to SR 305 consistent with the greenways plan and to provide landscape development to screen uses from single-family residential properties.
- g. In the High School Road I and II districts, the additional specific intent is to provide landscape development to screen uses from adjacent single-family residential properties and to soften the appearance of surface parking areas.
- h. In the NSC district, the additional specific intent is to incorporate landscape standards that support pedestrian scale neighborhood uses compatible with the intensity of the surrounding residential neighborhood; to minimize the impact of lighting, noise and views of surface parking areas; and to provide a buffer between higher and lower intensity uses.
- i. In the B/I district, the additional specific intent is to provide a year-round vegetated screen and a noise and site lighting buffer of industrial development from adjacent nonindustrial properties and roadways.
- j. In the WD-I district, the additional specific intent is to provide landscape development that screens parking lots and large structures, but allows visual access to the shoreline and small scale active industrial facilities.

B. Applicability

1. All new development, except single-family residential building permits, shall be subject to the requirements of this section, except as required by subsections B.2 and B.3 below.
2. Projects subject to the conditional use permit process may be required to exceed the requirements of this chapter.
3. Specific submittal requirements for landscaping plans (tree protection, retention and planting plans) are included in the city's Administrative Manual.
4. Specific landscape requirements applicable to development in each zone district are summarized in the following Table 18.15.010-1.

Table 18.15.010-1: Landscape Requirements by Zone District

Landscape Requirements		Significant Tree & Tree Stand Retention (BIMC 18.15.010.C)	Perimeter Landscape (BIMC 18.15.010.D)	Roadside Buffer (BIMC 18.15.010.E)	Parking Lot Landscaping (BIMC 18.15.010.F)	Total Site Tree Unit Requirements (BIMC 18.15.1010.G)	Planting Requirements (BIMC 18.15.010.H)	Irrigation (BIMC 18.15.010.I)	Maintenance (BIMC 18.15.110.J)
Land Use Districts									
Single-Family Residential for which Only a Building Permit is Required (Existing Non-Flex Lots)									
Single-Family Residential Development Outside Winslow Mixed use, NSC, and B/I Districts (R-.04 through R-6 Districts) Other than Existing Lots for which Only a Building Permit is Required (Flexible Lot Design Process)		X	X (Cluster Subdivisions Only)	X			X	X	X
R-8 and R-14 Multifamily Districts		X	X	X	X	X	X	X	X
Nonresidential Uses in Areas Outside Winslow Mixed Use, HSR, NSC, B/I, WD-I Districts		X	X	X	X	X	X	X	X
Winslow Mixed Use Town Center [1]	Central Core Overlay	X	X	X [2]	X	X	X	X	X
	Ericksen Ave. Overlay	X	X	X [2]	X	X	X	X	X
	Madison Ave. Overlay	X	X	X [2]	X	X	X	X	X
	Gateway Overlay	X	X	X [2]	X	X	X	X	X
	Ferry Terminal Overlay	X	X	X [2]	X	X	X	X	X
High School Road District		X	X	X [2]	X	X	X	X	X
NSC District		X	X	X	X	X	X	X	X
B/I District		X	X	X	X		X	X	X
WD-I District		X	X	X	X		X	X	X
[1] Refer to Chapter 18.18 BIMC for additional landscape requirements specific to the Mixed Use Town Center districts. [2] Roadside buffer requirement is adjacent to Highway 305 only.									

C. Tree Retention, Protection and Replacement

Where Table 18.15.010-1 indicates that development must comply with the requirements of this subsection C, all development shall comply with the following requirements. These requirements are intended to supplement any regulations in Chapter 16.20 BIMC (Critical Areas), which remains the primary source of regulation for environmentally sensitive areas in Bainbridge Island. In the event of any inconsistency between the requirements of this subsection C and the requirement of Chapter 16.20 BIMC, the requirements of Chapter 16.20 BIMC shall apply.

1. Retention

a. Intent

The intent of these regulations is to preserve the forested character of the Island by preserving significant trees and tree stands, and incentivizing tree protection and replacement in certain districts through a tree unit system, thereby mitigating the development impacts of increased stormwater runoff, impervious surface, and loss of carbon dioxide absorption capacity. This shall be accomplished in a manner consistent with the Comprehensive Plan and the requirements of Washington law and to discourage the removal of significant tree(s) and tree stands.

b. Perimeter Tree Retention Requirements

Significant trees and tree stands located in the perimeter areas required to be landscaped pursuant to subsections D and E below shall be retained. Perimeter landscape widths may be averaged to save significant trees, but shall not be reduced to less than the allowed minimum perimeter dimension.

c. Exceptions

Significant trees and tree stands may be removed if it is determined by a consulting arborist who is certified by the American Society of Consulting Arborists, or a TRACE certified professional as established by the PNW Chapter of the International Society of Arboriculture, and whose services are paid for by the applicant, that the vegetation is:

- i. A safety hazard due to potential root, trunk, or primary limb failure, or due to exposure of mature trees that have grown in a closed, forested situation; or
- ii. Damaged, diseased, or standing dead trees.

d. Protection of Tree Stands

Notwithstanding a determination under subsection c, if significant trees have been removed from a closed, forested location, a buffer of smaller trees shall be retained or planted on the fringe of the closed, forested area. The buffer of smaller trees shall be adequate to protect the health of the remaining mature trees in the closed, forested area, as determined by a consulting arborist who is certified by the American Society of Consulting Arborists, and whose services are paid for by the applicant.

2. Replacement

a. Intent

The intent of these regulations is to discourage the unauthorized removal of significant tree(s) and tree stands; and to establish a replacement or fine if such activity occurs.

b. Requirements

If trees required to be retained pursuant to subsection C.1 are not retained, they shall be replaced by at least one-and-one-half times (150 percent) of the number of tree units removed. The trees removed shall be replaced with trees of the same type, evergreen or deciduous.

Native shrubs and ground cover shall also be replaced when replacing tree stands due to unauthorized removal. Shrubs shall be one gallon size planted four feet on center spacing, ground cover shall be one gallon size planted three feet on center spacing. The shrubs and ground cover shall be planted within the limits of the previous tree stand canopy.

3. Enforcement and Penalties

Failure to replace or transplant trees will be enforced as follows; provided, that any fine shall be no less than three times the value of the trees, as determined by the current standards of the International Society of Arboriculture. If unauthorized tree(s) or vegetation removal occurs within the public right-of-way, all permits in force on the subject property shall be suspended and no new permits issued until the tree(s) or vegetation has been replaced or all penalties have been satisfied. The director is authorized to make site inspections and take such actions as are necessary to enforce this title in accordance with Chapters 1.16, 1.24, and 1.26 BIMC. The director may require an evaluation by a tree professional, a qualified engineer, landscape architect, soils engineer, testing lab, or other specialist at any time during the tree plan review process or tree removal inspection as necessary to ensure compliance with the provisions of this subsection C and/or the terms of the clearing permit. Applicant shall be responsible for any associated costs.

a. Civil Citation

It is unlawful for any person to:

- i. Initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this subsection C.
- ii. Misrepresent any material fact in any application, plans or other information submitted to obtain permits or authorizations under this title or not following the conditions of an approval.
- iii. Remove or deface any sign, notice, complaint, or order required by or posted in accordance with this subsection C.
- iv. Fail to submit or implement a planting plan as required by this section.

b. Stop Work Orders

The city shall have the authority to issue a stop work order to cease all development work, and order restoration, rehabilitation, or replacement measures, including applicable sureties, at the owner's or other responsible party's expense to compensate for the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this subsection C.

c. Additional Remedies

In addition to any other remedy provided by this subsection C or under the BIMC, the city may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this subsection C to prevent, enjoin, abate, and/or terminate violations of this title and/or to restore a condition which existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of this subsection C shall be liable for the costs and reasonable attorneys' fees incurred by the city in bringing, maintaining and/or prosecuting such action.

d. Civil Infraction

Except as provided in subsection C.3.f, conduct made unlawful by the city under this subsection C. shall constitute a civil infraction and is subject to enforcement and fines as provided in BIMC 1.26.035, and additionally, is subject to fines as provided in Table

18.15.010-2. A civil infraction under this section shall be processed in the manner set forth in Chapter 1.26 BIMC.

e. Civil Penalty

- i. In addition to any civil infraction fine, criminal penalty, and/ or other available sanction or remedial procedure, any person engaging in conduct made unlawful by this subsection C shall be subject to a cumulative civil penalty in the amount of \$1,000 per day for each violation from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC 1.26.090.
- ii. A person who fails to comply with the requirements of this subsection C or the terms of a permit issued hereunder, who undertakes an activity regulated by this subsection C without obtaining a permit, or fails to comply with a cease and desist or stop work order issued under this subsection C shall be subject to a civil penalty as set forth in Table 18.15.010-2. Each unlawfully removed or damaged tree shall constitute a separate violation.
- iii. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.
- iv. In addition to the penalties address under ii above, failure to replace or transplant trees will be enforced as provided in this code; provided, that any financial penalty assessed will be the greater of the amount indicated in Table 18.15.010-2 or three times the value of the trees, as determined by the current standards of the International Society of Arboriculture, whichever is greater. The director may elect not to seek penalties if he or she determines that the circumstances do not warrant imposition of civil penalties in addition to restoration.

Table 18.15.010-2 – Penalties	
Types of Violations	Allowable Fines per Violation
1. Removal of tree(s) approved to be removed, but prior to final tree retention and planting plan approval or issuance of a City tree removal permit	\$100.00 per tree
2. Removal or damage of tree(s) that are or would be shown to be retained on an approved tree retention and planting plan or any other violation of approved tree protection plan	\$1,000 per tree
3. Removal of tree(s) without applying for or obtaining a required City land-use permit	\$1,000 per tree
4. Removal of tree(s) without applying for or obtaining a required City clearing permit	\$1,000 per tree

f. Repeat Offenders

Any person who again violates this subsection C within 12 months after having been found by the Bainbridge Island Municipal Court to be in violation of this subsection C commits a misdemeanor and any person who is convicted of that misdemeanor shall be punished as provided in BIMC 1.24.010.A.

4. Protection During Construction and Development

a. Intent

The intent of these regulations is to provide the best protection for significant trees and tree stands.

b. Requirements

- i. No cutting of significant trees shall be allowed on a site until the tree retention and planting plans have been approved by the director.
- ii. An area of prohibited disturbance, generally corresponding to the dripline or critical root zone (as identified by a consulting arborist) of the significant trees and/or tree canopy of tree stands shall be identified by the applicant and approved by the director.
- iii. A temporary five-foot high chain link fence with tubular steel poles or “T” posts shall delineate the area of prohibited disturbance defined in subsection ii, unless the director has approved the use of a four-foot high plastic net fence as an alternative. The fence shall be erected before construction starts and shall remain in place until construction has been completed, and shall at all times have affixed to it a sign indicating the protected area.
- iv. No impervious surfaces, fill, excavation, vehicle operations, compaction, removal of native soil or storage of construction materials shall be permitted within the area defined by the required construction fencing.
- v. A rock well shall be constructed if the grade level around the tree is to be raised more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline or critical root zone (as identified by a consulting arborist) of the tree or tree canopy of tree stands.
- vi. The grade level shall not be lowered within the larger of (a) the dripline or critical root zone (as identified by a consulting arborist) of the tree, or the tree canopy of tree stands, or (b) the area recommended by a consulting arborist.
- vii. Alternative protection methods may be used if recommended by a consulting arborist and determined by the director to provide equal or greater tree protection.
- viii. Wherever this subsection C.4 allows or requires the involvement of a consulting arborist, that individual shall be selected from the city’s list of current arborists certified by the American Society of Consulting Arborists and his or her services shall be paid for by the applicant.

5. Modification of Requirements

If the significant tree and tree stand retention requirements of this section create an unnecessary hardship, the applicant may request a modification. The director may administratively approve a modification of the significant tree and tree stand requirements of this section if the director finds that the following standards have been met:

- a. The modification is necessary because of special circumstances relating to the location of existing significant trees and tree stands that prevents compliance with this section; and
- b. The special circumstances of the subject property make the strict enforcement of the provisions of this section an unnecessary hardship to the property owner; and
- c. The special circumstances of the subject property are not the result of the actions of the applicant; and
- d. The approving of the modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located; and

- e. The modification is consistent with the purpose and intent of this chapter; and
- f. The site design incorporates the retention of other natural vegetation in consolidated locations that promotes the natural vegetated character of the site.

D. Perimeter Buffering and Screening

1. Intent

The intent of this subsection D is to provide a vegetated screen between uses or land use districts, to screen parking areas and structures located adjacent to public rights-of-way, and to allow visual and physical access to pedestrian and other non-motorized oriented uses, such as a multipurpose trail or bikeway if those trails could be accommodated without compromising significant vegetation or hazardous slopes. Additional buffers may be required per 16.20.170, Special Requirements for the Winslow Ravine.

2. Requirements by District

In addition to meeting the General Requirements of subsection D.4, applicants shall meet the specific requirements of Table 18.15.010-3 applicable to the zone district or overlay district in which the property is located. In the case of a conflict between the requirements of this subsection D.2 and the requirements of subsection D.4, the requirements of this subsection D.2 shall apply. These perimeter landscape requirements are in addition to required roadside landscaping in subsection E. and parking lot landscape requirements in subsection F below. These requirements do not apply to projects involving only interior renovations of existing buildings.

Table 18.15.010-3: Perimeter Landscaping Requirements by District			
Abutting zoning or land use	Perimeter Landscape Type	Perimeter Width (ft.)	Minimum Perimeter Width (ft.)
Multifamily in R-1 District			
Single-family residential	Full Screen	25	N/A
R-8 and R-14 Multifamily Districts			
Single-family residential (UR)	Partial Screen	20	15
Urban multifamily	Filtered Screen	15	10
Nonresidential Uses in Areas Outside Winslow Mixed Use, HSR, NSC, B/I , WD-I Districts			
Residential including multifamily	Full Screen	25	15
Nonindustrial uses	Full Screen	20	10
Winslow Town Center Mixed Use District [1]			
Single-family residential	Full Screen	20	15
HSR I and II Districts			
Single-family residential	Full Screen	20	15
NSC Districts			
Residential including multifamily	Full Screen	15	10

Table 18.15.010-3: Perimeter Landscaping Requirements by District			
Abutting zoning or land use	Perimeter Landscape Type	Perimeter Width (ft.)	Minimum Perimeter Width (ft.)
NSCs	Filtered Screen	10	10
B/I Districts			
B/I	Full Screen[2]	50	35
Non-B/I	Partial Screen	15	10
WD-I Districts			
Residential including multifamily	Full Screen	40	20
Industrial uses	Partial Screen	10	0
Nonindustrial uses	Full Screen	10	5
<p>[1] For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC 18.12.030.C.</p> <p>[2] Notwithstanding subsection D.2 above, all native shrubs and significant trees shall be retained within all landscape buffers, except that limited removal may be allowed for permitted activities located within the buffer area. If necessary, the existing vegetation shall be supplemented to attain the required screening density.</p>			

3. Perimeter Buffers in Residential Cluster Short Subdivisions, Cluster Long Subdivisions, and Multifamily Subdivisions in the R-1 Zone District

- a. When the cluster development option is selected pursuant to BIMC 17.12.020.B for property with a gross area of one acre or more and that is located in the R-0.4, R-1, R-2 and R-2.9 districts, a 25-foot wide, filtered screen landscape perimeter shall be required along the subdivision boundary.
- b. When the cluster development option is selected pursuant to BIMC 17.12.020.B for property with a gross area of one acre or more and that is located in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 zone districts, a 10-foot wide, filtered screen landscape perimeter shall be required along the subdivision boundary.
- c. In order to buffer the visual impact of the proposed subdivision and protect off-site views, filtered screen landscaping, pursuant to subsection D.4 below, shall be required within landscape perimeter buffers where mature trees and shrubs cannot provide such screening.
- d. Required landscape buffer width may be reduced through buffer averaging in accordance with the criteria in subsection D.5 below, perimeter landscape requirements. For example, buffers may be adjusted when such adjustments contribute to the neighborhood character by incorporating significant trees and native vegetation, incorporate a unique landscape feature, or accommodate a unique situation that allows continuation of an existing use, such as a utility or other easement providing continued use.
- e. Landscape buffers may be included in the required open space calculations for a subdivision as noted in Table 18.15.010-4. Table 18.15.010-4 depicts the landscape buffer requirements for subdivisions by zoning district and denotes when the buffer may be included in the open space calculations. These standards apply unless alternative buffers are required pursuant to critical area review, the requirements of the Shoreline Management Act, conditioned by SEPA review, or required for public health or safety reasons.

- f. When a multifamily subdivision is created within the R-1 zone district, a 25-foot wide, full screen landscape perimeter shall be required along the subdivision boundary.

Table 18.15.010-4: Perimeter Landscape Requirements for Flexlot Subdivisions [1]		
Type of Subdivision	Landscape Perimeter Buffer (Cluster Option Subdivision Only)	Park and Conservation Land Buffer (Required for Both Cluster and Open Space Subdivision Options)
Residential Subdivision in the R-0.4, R-1, R-2, and R 2-9 districts	25'- Filtered Screen	25'- Filtered Screen (OS) [2]
Residential Subdivision in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 districts	10'- Filtered Screen	25'- Filtered Screen (OS) [2]
Multifamily Subdivision in the R-1 zone district	25' – Full Screen	N/A
1. Properties being subdivided with less than one acre are not subject to landscape buffer requirements. 2. (OS) indicates that the buffer may be calculated in the required open space area for the subdivision.		

4. General Requirements

a. Full Screen

Where full screen perimeter landscaping is required, the applicant must provide:

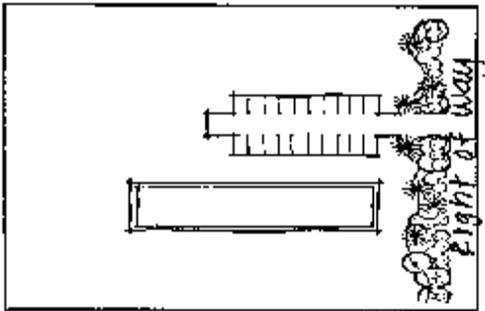
- i. Minimum 70 percent evergreen trees ranging in height from four feet to six feet at the time of planting with at least 50 percent being six feet high; and
- ii. Deciduous trees with a caliper of at least two inches at the time of planting; and
- iii. At least 20 percent of the trees shall be native species and drought resistant; and
- iv. The number of trees is determined by dividing the length of the landscape perimeter by 10 feet; and
- v. Evergreen shrubs at least 21 inches in height at the time of planting, spaced no more than three feet on center, to achieve minimum four feet height at maturity; and
- vi. The number of shrubs is determined by dividing the length of the perimeter by four feet; and
- vii. Living ground cover shall be planted and spaced to achieve total coverage within three years; and
- viii. Plants may be clustered within the perimeter to screen structures and parking areas.

b. Partial Screen

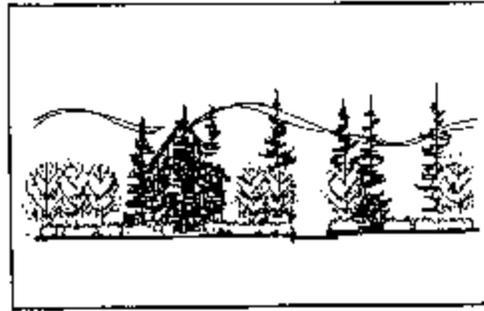
Where partial screen perimeter landscaping is required, the applicant must provide:

- i. Minimum 50 percent evergreen trees ranging in height from four feet to six feet at the time of planting with at least 50 percent being six feet high; and
- ii. Deciduous trees with a caliper of at least two inches at the time of planting; and
- iii. At least 20 percent of the trees shall be native species and drought resistant; and
- iv. The number of trees is determined by dividing the length of the landscape perimeter by 20 feet; and

- v. Evergreen shrubs at least 21 inches in height at the time of planting, spaced no more than three feet on center, to achieve minimum four feet height at maturity; and
- vi. The number of shrubs is determined by dividing the length of the landscape perimeter by five feet; and
- vii. Living ground cover shall be planted and spaced to achieve total coverage within three years; and
- viii. Plants may be clustered within the landscape perimeter to screen structures and parking areas.



Partial Screen Plan



Partial Screen Section

c. Filtered Screen

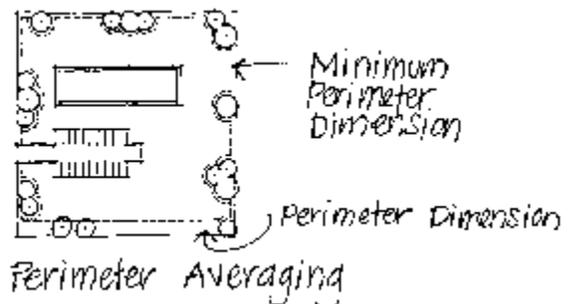
Where filtered screen perimeter landscaping is required, the applicant must provide:

- i. One hundred percent deciduous trees two-inch caliper spaced no more than 30 feet on center; and
- ii. Evergreen shrubs minimum 21 inches in height at the time of planting spaced no more than three feet on center to provide a continuous hedge achieving a maximum height of three feet at maturity; and
- iii. Living ground cover shall be planted and spaced to achieve total coverage within three years.

5. Standards

The following standards apply to the full screen, partial screen and filtered screen perimeter landscape requirements contained in this section.

- a. Existing vegetation may be used in lieu of new plant material if not already being used to meet another requirement.
- b. A full screen will be required to screen utilities located above ground from adjacent uses.
- c. Perimeter landscaping shall be clustered in areas to screen structures, utility structures, loading areas, parking lots, trash enclosures, storage areas and mechanical equipment.
- d. The director may approve the averaging of perimeter landscape widths to provide adequate screening if it meets the criteria contained in this section.



- e. Earth berms in combination with shrubs and trees may be used to achieve the initial planting height requirement.
- f. Minimum landscape perimeter dimensions are allowed when perimeter averaging is applied. The landscape perimeter can be averaged only if the total required perimeter dimension square footage is achieved. The director may allow landscape perimeter averaging if the following criteria is met: (i) plant material is being clustered to more effectively screen parking areas and structures; and (ii) the quality of the perimeter landscape is not diminished; (iii) significant trees are being retained.

6. Park Buffers and Buffers for Dedicated Conservation Lands

- a. Notwithstanding the provisions of subsections D.2, D.3, and D.4 above, a 25-foot wide buffer shall be provided along a property line where the land immediately adjacent to the subdivision boundary is a park or a future park in a municipal plan, or dedicated conservation land area that has been set aside for open space, wildlife habitat or public conservation purposes by deed or conservation easement.
- b. In order to buffer the visual impact of the proposed subdivision and protect off-site views, filtered screen landscaping, pursuant to subsection D.4 above, shall be required within park buffers and buffers for dedicated conservation lands buffers where mature trees and shrubs cannot provide such screening.

E. Street Frontage Landscaping

1. Roadside Buffers for Commercial, Institutional and Multifamily Development

The following table indicates the type of landscaping required when the subject property directly abuts a right-of-way. Roadside buffers may be required for commercial, institutional, or multifamily development where a Site Plan Review or Conditional Use Permit is required. The buffers shall be pursuant to the screening standards set forth in subsection D.4 above. Required landscape buffer widths may be reduced to the minimum widths stated in Table 18.15.010-5 through buffer averaging in accordance with the criteria in subsection D.5 above. These requirements do not apply to projects involving only interior renovations of existing buildings.

Existing Zoning/Use	Abutting Use	
	Right of Way (not including Hwy 305)	Highway 305 [2]
Neighborhood Service Center	10' Filtered Screen/5' Minimum	50' Filtered Screen/35' Minimum
Mixed Use Town Center [3]	N/A	50' Full Screen [4] /35' Minimum
High School Road	N/A	50' Full Screen/35' Minimum
Urban Multifamily	20' Partial Screen	50' Partial Screen/35' Minimum
Conditional Uses within Residential Zone Districts	25' Partial Screen/15' Minimum	50' Partial Screen/35' Minimum
Business/Industrial (B/I)	50' Full Screen/35' Minimum	50' Full Screen/35' Minimum
Water Dependent Industrial	10' Partial Screen/5' Minimum	50' Partial Screen/35' Minimum

1. All roadside buffers must be planted if not already existing.
2. A buffer is required along Highway 305, which is designated as a scenic highway. The 50' roadside buffer requirement can be reduced up to 25% by the director, after consultation with an acceptable tree professional as identified in subsection

Table 18.15.010-5: Roadside Buffer Requirements by District [1]		
Existing Zoning/Use	Abutting Use	
	Right of Way (not including Hwy 305)	Highway 305 [2]
<p>C.1.c, if it is determined that (a) a 50' buffer would cause the property to be undevelopable, and (b) the reduced buffer will provide as much screening of site activities from Highway 305 as practicable in light of site topography and conditions.</p> <p>3. For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC 18.12.030.C.</p> <p>4. Beginning 100' north of Winslow Way.</p>		

2. Roadside Buffers for Residential and Commercial Subdivisions

Roadside buffers are required for both residential and commercial subdivisions. The type and width of the required buffer varies by the type of roadway the subdivision is adjacent to, as well as the condition of the existing roadside vegetation. The buffers shall be pursuant to the standards set forth in subsection D.4 above. These requirements do not apply to projects involving only interior renovations of existing buildings.

Table 18.15.010-6: Subdivision Roadside Buffer Requirements	
Type of Subdivision	Right-of-Way (Buffers Required for Both Open Space and Cluster Flexlot Subdivision Options along Arterial and Collector Roads [1],[2])
Residential Subdivision in the R-0.4, R-1, R-2, and R 2-9 districts	50'- Mature Trees and Shrubs or 25'- Full Screen
Residential Subdivision in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 districts	No requirement, unless necessary to reflect neighboring development patterns (OS) [3]
Commercial and Multifamily Subdivisions	25' – Full Screen adjacent to all designated scenic roads
<p>1. Properties being subdivided with less than one acre are not subject to roadside buffer requirements.</p> <p>2. Roadside Buffers: A 25-foot full screen buffer must be planted along applicable roadways when no mature trees and shrubs exist along the property boundary in zones R-0.4, R-1, R-2 and R-2.9.</p> <p>3. (OS) indicates that the buffer may be calculated in the required open space area for open space subdivisions.</p>	

- a. Roadside Buffer General Requirements
 - i. All residential subdivisions and short subdivisions subject to landscape buffering requirements shall comply with the standards in this subsection, including those in Table 18.15.010-6.
- b. Roadside Buffers in Residential Short Subdivisions
 - i. Except for properties containing a gross area of less than one acre, where mature trees and shrubs of a forested nature are located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 50-foot-wide vegetative buffer shall be maintained. However, in the R-3.5, R-4.3, R-5, R-6, R-8 and R-14 districts a roadside buffer is not required unless it is determined that a landscape

buffer is necessary to maintain the character of the neighborhood or to reflect neighboring development patterns. The provisions for buffer averaging provided in subsection D.5 above shall apply.

- ii. Where there are no mature trees and shrubs that contribute to the existing forested character of these roads, the character of the neighborhood shall be maintained by establishing building setbacks equal to or greater than the existing building setbacks on the adjacent properties. At no point shall the building setback be less than requirements in Title 18.
- iii. To accommodate an existing house that is located within 50 feet of the property line adjacent to a collector or arterial road, the roadside buffer area width shall be reduced to the width adjoining the existing home between the existing house and the property line adjacent to the collector or arterial road.

c. Roadside Buffers in Residential Long Subdivisions

- i. For subdivisions located in the R-0.4, R-1, R-2 and R-2.9 districts where mature trees and shrubs of a forested nature are located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 50-foot-wide vegetative buffer shall be maintained. In the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 districts a roadside buffer is not required unless it is determined that a landscape buffer is necessary to maintain the character of the neighborhood or to reflect neighboring development patterns. The provisions for buffer averaging provided in subsection D.5 above shall apply.
- ii. For property with a gross area of one acre or more and that is located in districts R-0.4, R-1, R-2 and R-2.9, where there are no mature trees and shrubs that contribute to the existing forested character of the roads, a 25-foot full screen landscape buffer shall be planted consistent with the requirements of subsection D.4a above, except as noted below in this subsection.
- iii. To accommodate an existing house that is located within 50 feet of the property line adjacent to a collector or arterial road (or within 25 feet of such a property line if subsection c.ii above applies), and to maintain the character of the neighborhood and reflect neighboring development patterns, the roadside buffer area width shall be reduced to the width adjoining the existing home between the existing house and the property line adjacent to the collector or arterial road. At no point shall the building setback be less than requirements in Title 18.
- iv. For subdivisions designating open space that is intended for agricultural use and would be adversely impacted by the addition of screening landscaping, a 25-foot roadside buffer as prescribed in subsection c.ii above shall not be required.

d. Roadside Buffers in Multifamily and Commercial Subdivisions

- i. A minimum 25-foot vegetative buffer shall be established adjacent to all designated scenic roads. The buffer shall be consistent with the requirements for a full screen buffer, pursuant to subsection D.4.a above.

e. Multiple Street Frontages

- i. For properties subject to the roadside buffers requirement along two property boundaries, the roadside buffer abutting the street with the lower classification may be reduced to 25 feet in width. For properties that abut more than two streets requiring roadside buffers or in situations where both abutting streets are of the same road classification, one roadside buffer of the full required width shall be required and all other roadside buffers may be reduced to 25 feet; provided, that the full required width buffer is located where a greater number of significant trees can be incorporated into the buffer.

F. Parking Lot Landscaping

The requirements of this subsection F are in addition to required perimeter landscaping under subsection D above. When more than one building is placed on a lot or a building is placed in the center of the lot with parking all the way around it, the street perspective is used to determine which landscaping standards to follow for parking lot landscaping.

1. NSC, B/I, and WD-I Districts and Nonresidential Uses Outside Winslow Mixed Use Town Center Overlay Districts and High School Road Mixed Use Districts.

All applicants in these areas shall provide the following types and amounts of landscaping. Parking lots shall meet the requirements of BIMC 18.15.020. Applicants may refer to the standards contained in this section for optional planting locations within parking areas.

a. Intent

The intent of this section is to screen views of parking lots. To provide shade and visual relief within parking lots, to limit impacts of impervious surfaces and to reinforce safe pedestrian access to buildings.

b. Requirements for Parking Lots Located Adjacent to Public Rights-of-Way

- i. One tree for every four parking stalls; and
- ii. Minimum 30 percent evergreen trees; and
- iii. Deciduous trees minimum two-inch caliper, evergreen trees minimum six feet high at the time of planting; and
- iv. Evergreen shrubs minimum 18-inch height at the time of planting spaced no more than three feet on center, to provide a continuous hedge achieving a maximum height of three feet at maturity located adjacent to the rights-of-way (this may be achieved with the perimeter landscape); and
- v. Evergreen ground cover planted and spaced to achieve total coverage within two years; and
- vi. A landscaped area at the end of parking aisles.



Parking Adjacent to Right-of-Way



Safe Pedestrian Access

c. Requirements for Parking Lots Not Abutting Public Rights-of-Way

- i. One tree for every eight parking stalls; and
- ii. One hundred percent of the trees may be deciduous; and

- iii. Deciduous trees minimum two-inch caliper, evergreen trees minimum four feet height at the time of planting; and
- iv. Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years; and
- v. A landscaped area at the end of parking aisles.



Parking Area Screen

d. Standards

- i. Maintain shrubs at a maximum three feet height within parking lots so views between vehicles and pedestrians will not be blocked.
- ii. Landscape in planting islands or strips shall have an area of at least 100 square feet and with a narrow dimension of not less than five feet if wheel stops are provided to prevent vehicle overhang. A narrow dimension of not less than eight feet may be provided if the vehicle overhang area is included in the planting area.
- iii. Provide permanent curbs or wheel stops to protect the plantings.
- iv. Significant trees and tree stands may be used in lieu of new landscape requirements if they are in addition to the significant tree and tree stand retention requirements.
- v. Clustering of new plant material within parking lots may be approved or required by the director if the intent of this section is met.
- vi. Refer to the landscape materials matrix in the Administrative Manual for tree species appropriate for parking lots.

2. Winslow Mixed Use Town Center Overlay Districts, High School Road Districts, R-8 and R-14 Districts.

All applicants in these areas shall provide the following types and amounts of landscaping. Parking lots shall meet the requirements of BIMC 18.15.020. Applicants may refer to the standards contained in this section for optional planting locations within parking areas.

a. Intent

The intent of this section is to soften the appearance of surface parking lots. To provide more intensive landscaping when surface parking lots are exposed to public view.

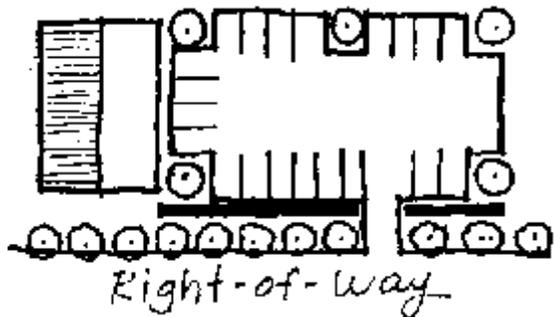
b. Parking Lots Located in the Front of Buildings and Adjacent to Public Rights-of-Way.

- i. One tree for every two parking stalls; and
- ii. One hundred percent of the trees may be deciduous; and

- iii. Deciduous trees minimum two-inch caliper; and
- iv. Evergreen shrubs planted to form a hedge, minimum 18-inch height at the time of planting, spaced no more than three feet on center, not to exceed a mature height of three feet located adjacent to the public rights-of-way (this may be achieved with the perimeter landscape); and
- v. Deciduous trees minimum two-inch caliper spaced no more than 30 feet on center located along the public rights-of-way (this may be achieved with the perimeter landscape); and
- vi. Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years; and
- vii. A landscaped area at the end of parking aisles.

c. Requirements for Parking Lots Located to the Side of Buildings and Adjacent to Public Rights-of-Way

- i. One tree for every four parking stalls; and
- ii. One hundred percent of the trees may be deciduous; and
- iii. Deciduous trees minimum two-inch caliper; and
- iv. Evergreen shrubs planted to form a hedge, minimum 18-inch height at the time of planting, spaced no more than three feet on center, not to exceed a mature height of three feet located adjacent to the public rights-of-way (this may be achieved with the perimeter landscape); and



- v. A landscaped area at the end of aisles; and
- vi. Deciduous trees minimum two-inch caliper spaced no more than 30 feet on center located along the public rights-of-way (this may be achieved with the perimeter landscape); and
- vii. Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years.

d. Requirements for Parking Lots Located Behind Buildings and Not Adjacent to Public Rights-of-Way.

- i. One tree for every eight parking stalls; and
- ii. One hundred percent of the trees may be deciduous; and
- iii. Deciduous trees minimum two-inch caliper, evergreen trees minimum four feet height at the time of planting; and
- iv. Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years; and
- v. A landscaped area at the end of aisles.

e. Standards

- i. Maintain shrubs at a maximum three feet height within parking lots so views between vehicles and pedestrians will not be blocked.
- ii. Landscape in planting islands or strips shall have an area of at least 100 square feet and with a narrow dimension of not less than five feet if wheel stops are provided to prevent vehicle overhang. A narrow dimension of not less than eight feet may be provided if the vehicle overhang area is included in the planting area.

- iii. Provide permanent curbs or wheel stops to protect the plantings from vehicle overhang.
- iv. Significant trees and tree stands may be used in lieu of new landscape requirements if they are in addition to the significant tree and tree stand retention requirements.
- v. Clustering of new plant material within parking lots may be approved or required by the director if the intent of this section is met.
- vi. Refer to the suggested landscape materials matrix in the Administrative Manual for tree species appropriate for parking lots

G. Total Site Tree Unit Requirements

1. Intent

The intent of this subsection G is to ensure that, to the degree practicable, (a) each development approval in the MUTC, HSR I and II, R-8, R-14, and NSC zone districts and (b) each development approval for non-residential development in the R-5, R-4.3, R-3.5, R-2.9, R-2, R-1, and R-0.4 zone districts leaves the development parcel with at least a specified minimum amount of tree coverage, measured in tree units per acre, that reflects the degree of tree coverage prior to development or redevelopment and that discourages avoidable site disturbances that would require tree removal.

2. Applicability

The regulations of this subsection G apply to each development application involving (a) any modification to a development parcel located in the MUTC, HSR I and II, R-8, R-14, or NSC districts or (b) a permitted non-residential development in the R-5, R-4.3, R-3.5, R-2.9, R-2, R-1, and R-0.4 zone districts. These provisions shall not apply to projects involving only interior renovation of existing buildings.

3. Site Specific Evaluation of Total Impact on Tree Coverage

- a. Prior to the submission of a development application involving any modification to a development parcel that has less than 50% tree canopy cover prior to the proposed development or redevelopment, the applicant shall complete an inventory of all existing trees on the site indicating the species and the Diameter at Breast Height (DBH) for each existing tree.
- b. As part of any development application the applicant shall identify all existing trees to be removed as part of the proposed development, and the species and DBH of each tree to be removed.

4. Requirements

- a. A development application covered by subsection 2 above shall only be approved if it complies with the requirements of subsections C (Tree Protection, Retention and Replacement), D (Perimeter Buffering and Screening), E (Street Frontage Landscaping), and F (Parking Lot Landscaping), and also complies with subsections (i), (ii) or (iii) below.
 - i. In the MUTC Central Core and Ferry Terminal Overlay districts, the development parcel shall have at least than 30 tree units per acre following the proposed development or redevelopment.
 - ii. In the MUTC Ericksen Avenue, Madison Avenue, and Gateway Overlay Districts, and each site in the R-8, R-14, HSR I and II, and NSC districts, and for permitted non-residential development in the R-5, R-4.3, R-3.5, R-2.9, R-2, R-1, and R-0.4 zone districts, the development parcel shall have at least 40 tree units per acre following the proposed development or redevelopment.

- iii. As an alternative to subsections 4.a.i and 4.a.ii above, and at the applicant’s option, the development parcel will contain at least the same number of tree units after the proposed development or redevelopment as it had before that development or redevelopment.
- b. All existing trees preserved and all new trees planted on the site, including but not limited to those required to be preserved pursuant to subsection C above or those required to be replaced or planted pursuant to subsections D, E, or F, shall count towards the required number of tree units.

5. Calculation of Tree Units

- a. Each tree preserved on a development parcel shall earn the number of tree units shown in Table 18.15.010-7, based on its diameter at breast height (DBH). If the DBH measurement results in a fraction, the requirement shall be rounded to the nearest whole number (greater than or equal to 0.5 is rounded up; less than 0.5 is rounded down).

Table 18.15.010-7: Tree Unit Conversion Table for Preserved Trees [1]					
DBH	Tree Units	DBH	Tree Units	DBH	Tree Units
1-5	1.0	16-18	3.2	27-28	7.0
6-10	1.2	19-20	3.8	29-30	7.8
11-12	1.4	21-23	4.6	30+	8.2
13-15	2.0	24-26	6.2		

[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.

- b. Tree Retention Bonus
 - i. If retained trees occur in a tree stand, they shall earn 1.2 times the tree unit value shown in Table 18.15.010-7.
 - ii. If the retained trees occur in a tree stand that is adjacent to a tree stand on an adjacent lot that is already protected as part of a land use permit or conservation easement, they shall earn 1.5 times the tree unit value shown in Table 18.15.010-7 instead of the bonus described in subsection b.i. above.
 - iii. If the retained tree is one designated through the City’s Heritage Tree Program it shall earn 1.5 times the tree unit value shown in Table 18.15.101-7, and the tree shall not receive additional bonus in subsections b.1 and b.2 above for location in a tree stand.
 - iv. If the retained tree is located within a designated Wildlife Corridor Network, they shall earn 1.5 times the tree unit value shown in Table 18.15.010-7.
- c. Each new or replacement tree planted shall earn the following number of tree unit credits.
 - i. Each tree with a height at maturity of 40 feet or less shall be equal to one-half (0.5) tree unit. Height at maturity shall be as defined in the current edition of the Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation and Uses, Michael A. Dirr.
 - ii. Each tree with a height at maturity of more than 40 feet shall be equal to 1 tree unit.
- d. If, after complying with subsections C, D, E, and F above, additional trees need to be planted to meet the minimum tree unit requirements in subsection G.3:

- i. In the MUTC Central Core and Ferry Terminal Overlay Districts, (a) those trees may be planted either at ground level or above ground level (such as a patio, terrace, or rooftop); and
- ii. In the MUTC Ericksen Avenue, Madison Avenue, and Gateway Overlay Districts, R-8, R-14, HSR I and II, NSC Districts, as well as for nonresidential developments within residential districts those trees shall be planted at ground level.

H. Planting Requirements

1. Intent

The intent of this section is to encourage the use of native species and recommend planting conditions adaptive to Bainbridge Island.

2. Requirements

Landscape designs shall conform to the following provisions.

- a. Areas not devoted to landscape required by this chapter, parking, structures and other site improvements are encouraged to be planted or remain in existing vegetation.
- b. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of the coastal region of the Puget Sound Region.
- c. New plant materials shall consist of drought resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.
- d. New tree plantings shall be a minimum of 2 inches in caliper if deciduous or 6 feet in height if evergreen. Soil planting types and depth shall be sufficient for tree planting.
- e. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows.
- f. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.
- g. Grass may be used as a ground cover where existing or amended soil conditions assure adequate moisture for growth.
- h. Ground cover areas shall contain at least two inches of composted organic mulch at finish grade to minimize evaporation. Mulch shall consist of materials such as composted yard waste, composted sawdust, and/or manure that are fully composted.
- i. Existing soils may need to be augmented with fully composted organic material.
- j. Specific submittal requirements for landscaping plans (tree protection, retention and planting plans) are included in the city's Administrative Manual.

3. Performance Assurance

- a. Performance assurance is required to assure the city that the landscape, required by this section, is properly installed, will become established and be adequately maintained.
- b. The required landscape shall be installed prior to the issuance of a temporary certificate of occupancy for the project. The Washington landscape architect, Washington certified nursery professional or Washington certified landscaper shall submit a landscaping declaration to the director to verify installation in accordance with the approved plans.
- c. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season as approved if the director determines that a performance

assurance device, for a period of not more than one year, will adequately protect the interests of the city. The performance assurance device shall be for 150 percent of the cost of the work or improvements covered by the assurance device. In no case may the property owner delay performance for more than one year.

- d. The form and type of the performance assurance device shall be determined by the director.

4. Maintenance Assurance

- a. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan.
- b. A maintenance assurance device shall be required for a period of three years after acceptance by the city of the new planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance.
- c. The maintenance assurance device amount shall not be less than 20 percent of the cost of replacing materials covered by the assurance device.
- d. The form and type of the maintenance assurance device shall be determined by the director.

I. Irrigation

1. Intent

The intent of this section is to provide temporary or permanent irrigation within new planting areas that do not have high soil moisture conditions. These regulations shall not apply where provisions of Chapter 16.12 or 16.20 BIMC or any state or federal law restricts irrigation, and in case of conflict with any provision of those laws, the provisions of those laws shall govern.

2. Requirements

- a. Except for areas of undisturbed existing vegetation, all landscape areas that do not have high soil moisture conditions shall have temporary or permanent irrigation systems. Temporary systems may be removed after 24 months or two growing seasons, whichever occurs first; provided that the plantings are established.
- b. Areas where existing site conditions assure adequate soil moisture for growth within the required landscape area shall have temporary irrigation systems only as required to sustain new plantings.
- c. Landscape areas consisting of drought resistant vegetation may require temporary irrigation systems. Permanent irrigation systems located within required landscape areas should include the following features:
 - i. Moisture or precipitation sensors; and
 - ii. Automatic timers set for operation to assure adequate moisture levels; and
 - iii. Head-to-head spacing, if sprinkler heads are proposed; and
 - iv. Pressure regulating devices; and
 - v. Backflow prevention devices; and
 - vi. Separate irrigation zones for grass and planting beds; and
 - vii. Other features required to comply with applicable state and city codes.

- d. Irrigation water shall be applied with goals of avoiding runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas and impervious surfaces by:
 - i. Considering soil type and infiltration rates; and
 - ii. Using proper irrigation equipment and schedules, including features such as repeat cycles, to closely match application rates with infiltration rates; and
 - iii. Considering special problems posed by irrigation on slopes and in median strips.
- e. Irrigation systems shall be subject to the following additional provisions:
 - i. Systems in landscape strips less than five feet in width shall be designed to ensure that overspray and/or runoff does not occur by use of system design options such as low volume emitters; and
 - ii. Sprinkler heads with consistent application rates shall be selected for proper area coverage, operating pressure, and adjustment capability; and
 - iii. Separate control valves shall be used to irrigate plants with differing water needs.

J. Maintenance

1. Intent

All new landscape plantings and significant trees and tree stands to be retained shall be maintained to preserve the Island's forested character.

2. Requirements

- a. All landscaping, significant trees and tree stands shall be maintained for the life of the project.
- b. All landscaped areas required by this chapter, significant trees and tree stands, except within critical areas or their protective buffers (defined in Chapter 16.20 BIMC), should be maintained in a healthy growing condition.
- c. Landscape areas shall be kept free of trash.
- d. All plant material shall be managed by pruning so that plant growth does not conflict with public utilities, restrict pedestrian or vehicular access, or create a traffic hazard.

K. Screening of Certain Facilities

1. Outdoor Storage

In the NSC and B/I Districts, outdoor storage areas shall be screened. The screen height is determined by the height of the material or equipment being screened. Chain link fencing with neutral colored slatting is permitted along with vegetative screening when vegetative screening alone is not sufficient to block the outdoor storage from public view and where the fencing is not visible from a street. Exterior storage should be confined to portions of the site least visible from public view.

2. Trash Dumpsters and Outdoor Equipment

- a. In the NSC and B/I districts, trash dumpsters or any outdoor equipment, whether on roof or side of a structure, or on the ground, shall be screened from view. Screening shall be

architecturally consistent with the adjacent structure in terms of materials. Mechanical equipment should be located below the highest vertical element of the building.

- b. In the B/I districts, trash and recycling containers shall be located to mitigate noise impacts to nearby residential properties.
- c. Small wind energy generators do not need to be screened.

3. Business/Industrial

In the B/I districts, light manufacturing uses shall visually screen the development year-round from adjacent, nonindustrial properties and from adjacent roadways. Landscape screening shall be provided in accordance with subsection D.