



CITY OF
BAINBRIDGE ISLAND

TREE & LOW IMPACT DEVELOPMENT
AD HOC COMMITTEE
REGULAR MEETING
WEDNESDAY, APRIL 18, 2018
3:00-4:30 PM
PLANNING CONFERENCE ROOM
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

AGENDA

- 3:00 PM** **Review and Approve Notes from April 13, 2018 Meeting**
- 3:05 PM** **Review and Approve Meeting Agenda**
- 3:10 PM** **Public comment on agenda-related items.**
- 3:20 PM** **Ongoing Business:**
- Discuss Revisions to BIMC 16.18 *Land Clearing*
- 3:50 PM** **Completion of Ad/Hoc Committee Tasks**
- 4:00 PM** **Purpose Driven Planning**
Planning Commissioner Jon Quitslund
- 4:15 PM** **Public comment on agenda-related items.**
- 4:25 PM** **For the Good of the Order**
- 4:30 PM** **Adjourn**

****TIMES ARE ESTIMATES***

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

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



Tree & Low Impact Development
Ad Hoc Committee
Special Meeting Notes
Friday, April 13, 2018
1:30-3:00 PM
Council Conference Room
280 Madison Ave N
Bainbridge Island, WA 98110

Committee Members in Attendance: Ron Peltier, Rasham Nassar (w. newborn son), Sarah Blossom, Jon Quitslund, Mack Pearl

COBI Staff: Jennifer Sutton

Public: Cindy Shea, Charles Schmid, Mike Juneau

Agenda Items 1 & 2: Notes from the meeting on March 21 were approved as distributed. The agenda was approved.

Agenda Item 3: No substantive public comment, but Cindy Shea was noticed, and Jennifer mentioned the big turnout of arborists and others, thanks to Mike and Katy Bigelow, for a meeting in which Christy Carr briefed the audience on the new regulations.

Agenda Item 4: The committee turned to **revisions to BIMC 16.18**. Jennifer distributed copies of the latest iteration of the Draft, dated April 12, 2018, and a list of "Trouble Spots" with her highlighting, plus two pages pertaining to additional tree retention standards proposed as revisions to BIMC 18.15.010(G). A summary of actions taken on the numbered Trouble Spot items follows.

#1: Reference to a "no net loss" standard is not needed in .025 Purposes. Further, in .025(I), "limbing" was changed to "pruning."

#2: We approved what Jennifer had done, moving a reference to the DNR Forest Practice permit into position as .030(D). In addition, the last sentence in .030(A) was discussed at length, and we decided to let the Planning Commission consider the pros and cons.

#3: In .040(B), the language will be revised to encourage allowing dead wood to decay in place. .040(F), referring to farmed areas, is to be deleted.

#4: In .040, the last item (I. Removal of some healthy significant trees) was discussed, and no changes were made.

#5: With reference to .050(A), we discussed how the retention requirements being added to BIMC 18.15.010 will serve to limit the amount of tree removal that will be permitted.

#6: The provision .050(C) is to be deleted.

#7: Two instances of "diseased" [in .050(D)(1) and .050(E)] are to be deleted.

#8: In .060(B), "or underdeveloped" stays in. In .060(C), we discussed whether the Stewardship Plan described in the CAO would be appropriate absent an ARPA designation, and most of the committee were in favor of consulting with the B I Land Trust to develop guidelines for something different, so the language should be simplified: "*Forest Stewardship Plan*". The language proposed by Jennifer in .060(E) and (F) met with no objections.

#9: With reference to a highlighted sentence in .070(A), Jennifer provided an argument for deleting the sentence, because it would add too much subjectivity to the review of plans and approval of permit applications. In .070(C), the main sentence was cleaned up with removal of the words "relating to."

A few other changes may be made in response to memos from Katy B. and Mike J.

We will meet on April 18th, returning to the regular schedule.

Revised **BIMC Chapter 16.18**

Forest Stewardship, Vegetation Maintenance and Tree Removal

16.18.010 Overview.

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

16.18.020 Findings.

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

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

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

16.18.025 Purposes.

This Chapter is adopted for the following purposes:

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

16.18.030 Applicability.

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

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

16.18.040 Activities Allowed without a Permit.

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

- A. Routine landscaping and maintenance of vegetation, such as pruning and planting, removal of invasive/exotic species, management of brush and seedling trees. This includes maintenance of trees and vegetation required to be retained or planted through a land use permit such as a subdivision, site plan review, or conditional use permit.
- B. Removal of dead, or fallen trees. **The City encourages property owners to leave dead trees in place for ecological benefit such as wildlife snags or nursery logs where possible.**
- C. Removal of trees and ground cover in emergency situations involving danger to life or habitable buildings, or to eliminate substantial fire hazards.

- D. Routine maintenance activities in rights-of-way and required roadside buffers, including removal of inferior trees and invasive/exotic species, trimming of overgrown hedges, and planting to replace removed vegetation.
- E. Clearing and digging required for the installation and maintenance of water meters, fire hydrants, and other utility lines and infrastructure, provided that the property owner is consulted and is satisfied that vitally important tree roots will not be compromised.
- F. Limbing of significant trees to remove dead or hazardous branches, and to improve the tree's form and long-term vitality, provided that such work is done by an arborist.
- G. Removal of **non**significant trees, provided that they are removed with minimal soil disturbance.
- H. Removal of some healthy significant trees (see **16.18.120 Definitions**) is allowed. On a lot that is one acre or larger, a property owner may, without a permit, remove no more than **six** significant trees in any 36-month period. On a lot less than one acre in size, removal of **three** significant trees in any 36-month period is allowed without a permit. This exception does not apply if the tree removal is not consistent with any tree retention provisions of BIMC 18.15.010 (*Landscaping, Screening, and Tree Retention, Protection and Replacement*), BIMC 17.12 (*Subdivision Design Standards*) or requires the designation of a ARPA pursuant to BIMC Section 16.20.100.

16.18.050 Activities Requiring a Permit.

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

- A. A permit is required for any tree removal or vegetation maintenance in an area required to be retained or planted, pursuant to BIMC 18.15.010, through a land use permit such as a subdivision, a site plan review, or a conditional use permit. There are also tree retention requirements in BIMC 18.15.010 for the single-family residential zones, R-0.4, R-1, R-2, R-2.9, R-3.5 and R-4.3 zones (see below). Routine maintenance as described in section **16.18.040.D** above is exempt from this requirement.
- B. For properties located outside of the Mixed Use Town Center and High School Road zoning districts, a tree removal permit is required for removing more than the number of significant trees allowed without a permit, pursuant to section **16.18.040.I** above. The planting of a replacement tree or trees may be required.
- C. For developed properties located within the Mixed Use Town Center and High School Road zoning districts, a tree removal / vegetation maintenance permit is required for removing any tree eight inches in diameter or greater, measured 4.5 feet above grade. The applicant must demonstrate that the requested removal meets one of the following criteria:

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

16.18.060 General Regulations and Standards.

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

G. Any tree or vegetation removal or maintenance undertaken without a permit pursuant to this section shall be done to ensure long-term health of the trees or vegetation. A property owner shall follow the ANSI A300 (Part 1 – 2017) Tree, Shrub and Other Woody Plant Management – Standard Practices (Pruning) or 60% live-crown ratio, whichever standards is more appropriate for the species.

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

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

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

- A. In response to a report that one or more trees have been removed improperly or vegetation maintenance activity did not comply with any section of the BIMC, the City’s Code Enforcement Officer shall investigate. If in fact the reported activity was legitimate without a permit, no action will be taken. If the reported activity would have been allowed if a

permit had been applied for, an after-the-fact Tree Removal/Vegetation Maintenance Permit shall be issued. The person or persons responsible for unauthorized tree removal shall be made aware of all the conditions for approval and any applicable regulations and remedies. The fee for an after-the-fact permit shall be established by a resolution of the City Council.

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

16.18.090 Performance assurance.

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

16.18.100 Appeals.

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

16.18.110 Violation – Enforcement and penalty.

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

16.18.120 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Excerpt from Table 18.12.020-2

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

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

Landscape Requirements for Land Uses and Districts	Significant Tree and Tree Stand Retention	Perimeter Landscape	Roadside Buffer	Parking Lot Landscaping	Total Site Tree Unit (TU) Requirements 18.15.010.G	Planting Requirements	Irrigation	Maintenance
<u>Single-family Residential properties in R-2.9, R-3.5 and R-4.3 zones</u>	X				X 30 TU/Acre See Table Below	X	X	X
<u>Developed Single-family Residential properties in the R-0.4, R-1, R-2 without ARPA designation (16.20.100</u>					X			

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

Developed Properties ≤ 40,000 sq. ft.) could clear up to 2,000 sq. ft.; more with ARPA stewardship plan (16.20.180.H)

Developed Properties Between 40,000 sq. ft. and 100,000 sq. ft. in size could clear up to 4,000 sq. ft.; more with ARPA stewardship plan (16.20.180.H)

Developed Properties > 100,000 sq. ft. in size could clear up to 6,999 sq. ft. (note: ARPA designation threshold 7,000 sq. ft.; 16.20.100)

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

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

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

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

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

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



Ad Hoc Committee Formation Request

Resolution 2010-15

Request date:

Requested by:

Name of Committee Proposed:

Procedural Authority/Governance Manual Reference(s):

Purpose/Scope of Work:

Specific task deliverable(s) (recommendation, report, etc.):

Link to Council/Dept work plan:

Reports to: City Council City Manager Public participation/education required? Yes No

Staff support required? Yes No Quarterly review date:

If Yes, in what form (notes, technical, etc.)?

City Manager's comments:

Members:

Proposed Motion:

Purpose-driven Planning for Development and Conservation

By Jon Quitslund, on behalf of the Planning Commission and the Design Review Board

Even before the beginning of our work on the Comprehensive Plan update, I was preoccupied with a big question: How can the COBI Planning staff, the Council, the Planning Commission, the Design Review Board, and concerned citizens confront, effectively, the powerful *market forces* that to a considerable extent determine the pace and the forms that property development takes on Bainbridge Island?

Putting the question somewhat differently, now that the update is complete and several steps have been taken in its implementation: How can planning strategies and regulations in the Municipal Code ensure that the values, goals, and policies asserted in our Comprehensive Plan are carried over into the residential and other development, and the improvements of infrastructure, that will be planned and permitted in the years ahead?

I knew from the start that the Land Use policies in the Municipal Code, and some related policies intended to provide protections for our natural environment, wildlife, and “Island character,” have in the past lagged behind the vision and the goals articulated in the Comprehensive Plan. This has instilled a discomfiting irony, and even cynicism, in our civic life and the public’s attitudes toward the office-holders and professional employees in City Hall. Are we, inevitably, losing ground, as forces beyond our control tighten their grip on our limited land resources? I don’t think so.

Just as I thought that the latest update of the Comprehensive Plan was our last, best chance to get things right, I now think it is urgent that we follow through with a thorough implementation of the Plan in our ordinances and the Municipal Code.

We have already made significant progress, doing so in response to State-level mandates. Even though the changes in regulations have been called into question and are still imperfectly understood, they provide a solid foundation for further improvements. Here, I’m thinking first of the introduction of new Low Impact Development (LID) standards and the Site Assessment Reviews that are the first step in all substantial development and re-development of land; also, I’m thinking of the Critical Areas Ordinance and the effect it will have on how property will be developed in the broad upland expanse of the Island that is zoned for “low-density” residences.

The people who have worked with me on the painfully slow process of revising the Municipal Code know that I always look long and hard at the **Purpose** statement that usually appears at the head of a Code chapter.

I have found sometimes that the Purpose statement is fine, but the regulations that follow aren’t clear and firm enough to ensure that the intended purpose will be achieved. I have also seen places where the Purpose is poorly articulated, or disengaged from all of the specific regulations, so it’s not too surprising if regulations are given only lip service, and no respect. Knowing why regulations exist is important; we want commitment as well as compliance.

The idea that I want to put across is this: Property development on Bainbridge Island will always be market-driven, but if our planning processes and land use regulations are effectively purpose-driven, in line with the community’s values and long-term interests, we will see marked improvements in our built environment and what remains of our natural surroundings.

In my opinion, Current Planning officers should be instructed and empowered to oblige all applicants to understand and respect the Purposes applicable to their projects. So those purposes should be fully articulated, and in a down-to-earth fashion.

The **Purpose and intent** section of the updated Critical Areas Ordinance (BIMC 16.20.010) provides a good example of what's needed; it improves in many respects on the comparable section in the old CAO. Notably, the science-based purpose, to "achieve no net loss of [the critical areas'] functions and values," is stated first of all, and compliance with the GMA is mentioned next. Then the many reasons for valuing and protecting critical areas are carefully spelled out in paragraph .010(C). Those reasons can be understood and appreciated without reference to the somewhat abstract formulation of "no net loss."

I have taken a close look at the parts of the Municipal Code that establish the foundation for our land use and development regulations. In all of them, the Purpose statements would benefit from a systematic review. We should be alert to routine statements that put a bland and pleasant face on policies that, in practice, don't achieve the desired results.

The place to start is Title 18, **Zoning**, and within that, Chapter 18.06 (Zoning Districts), in which section .020 describes the **Purpose of individual residential districts**. This is the general statement: "The purpose of the residential districts is to provide for housing at various densities while preserving the unique character of the island, promoting sustainable development, and minimizing negative impacts of new residential development on surrounding areas." How consistently has this purpose been achieved?

Subsequent short paragraphs then describe the purposes of each residential district, from R-0.4 to R-14. There are three distinct categories: urban (R-4.3 to R-14), suburban (R-2.9 and R-3.5), and the area that is sometimes called open space residential. Years ago, Bainbridge Island (all of which is within an "urban growth boundary") was prevented from calling the greater part of its acreage rural, so the zoning code uses a circumlocution: "an environment with special Island character consistent with other land uses, such as agriculture and forestry, and the preservation of natural systems and open space."

These "low-density" zones (R-0.4 to R-2), where by far the most acreage is zoned 0.4 (one home per 2.5 acres) although many parcels are one acre or less, contain most of the Island's undeveloped and underdeveloped acreage, as well as most of the Island's "undevelopable" acreage, some of which is already conserved by covenants or as park land, while large parts are impacted by critical area conditions.

Some of the language in this section of BIMC 18.06 seems to me inadequate to the purposes of conservation, forestry, or agriculture, or to the other declared objective, "low-density" housing. What will distinguish such housing from objectionable "sprawl"? Are expanding portions of this "special" portion of the Island destined to become expensive enclaves for suburban lifestyles? I don't have answers to these questions, and I don't suppose that revising the statements of Purpose in BIMC 18.06.020 will make all the difference in our policies, but it's a place to start. Maybe all we need here are some touch-ups to the language, to make it fully consistent with LID standards and the problem-solving potential in the Site Assessment Review process.

Title 18, **Zoning**, begins with "General Provisions" (Chapter 18.03), and for the most part, I think this chapter explains very well how the zoning code dovetails with other Titles, including those that limit

development and provide protection for natural resources. The language is plain, and I don't want to make it fancy. One paragraph, however – **18.03.040 Intent and purpose** – should be augmented. Here it is:

The Bainbridge Island land use code, as set forth in the text of this title, BIMC Title 17, Chapters 2.14 and 2.16 BIMC, and the official zoning map, is adopted with the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people, the aesthetic quality of the city, and implementing the goals and policies of the Bainbridge Island comprehensive plan.

The first change I would make here would be to include a reference to the guiding principles as well as the goals and policies of the Comprehensive Plan. In addition, one or more goals in the Land Use Element could be quoted: most notably, LU-2, which “affirms that as an Island, the city has natural constraints based on the *carrying capacity* of its natural systems. The plan strives to establish a development pattern that is consistent with the Goals of the community and compatible with the Island’s natural systems.”

This emphasis on development that is compatible with the Island’s natural systems would be useful as a *leitmotif* throughout the land use code. The common perception has it that the structures and uses imposed by development – especially new development – are always going to be detrimental to natural systems; at the interface of the built and the natural environments, the proponents of each set of interests will always be involved in either pushing or pushing back. The issues on each side are real, not imaginary, but our community’s goal, which is consistent with the aims of the Growth Management Act, should be to seek an equilibrium.

In the paragraph quoted above from BIMC 18.03, the “official zoning map” is identified as part of the Code. Could this map be construed to include the various GIS-based overlays that convey information about the Island’s natural systems and the inherent constraints on development? That innovation could have legal significance, symbolic value, and practical utility.

I will pass over Chapter 12 of the Zoning Code (**Dimensional Standards**) with next to no comment: I don't feel qualified to judge whether the given standards for the components of developed parcels are appropriate, or whether any rationale for those standards needs to be provided.

BIMC 18.15 (Development Standards and Guidelines) calls for some discussion. Most of the chapter (which is 35 pp. long in the form available from the COBI website) is taken up by section **.010 (Landscaping, screening, and tree retention, protection and replacement)**. The **Purpose** statement for this section is quite elaborate, consisting of both a General declaration and specific descriptions of the “intent” behind regulations for different kinds of development in the various zoning districts. The General declaration begins this way:

The purpose of this section is to preserve the landscape character of the community, link the Island’s natural amenities with landscape greenbelts along 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.

The statement goes on to list the several ways, a. through g., that the regulations accomplish these purposes.

BIMC 18.18 (Design Standards and Guidelines) might be expected to resemble 18.15.010 in some respects. There is no comparison. The closest thing to a Purpose statement is **18.18.020, Promoting sustainable development:**

The site designs of all new development and redevelopment should accommodate energy-conserving and water-conserving technology and design principles providing for solar or other renewable energy production where possible. Low impact development principles require such measures as minimizing the extent of land disturbing activities and hard surfaces; preserving native vegetation, topography, and natural drainage patterns; and using LID BMPs such as cisterns, bioretention/rain gardens, and permeable pavement where feasible.

In **18.18.030 Specific design regulations and guidelines**, paragraphs A. through J. provide guidance applicable to different zoning districts and types of development, and an extensive set of design guidelines for each category is “adopted as part of this title by reference,” but I was unable to track down these documents. I expect that it is this chapter of the Code that the Design Review Board wants to revamp along the lines of *The Smart Growth Manual*.

Last but not least in this review is **Title 17, Subdivisions and Boundary Adjustments**. Chapter 12, **Subdivision Design Standards**, is the most substantial chapter in this title (12 pp. in the website version). For a **Purpose** statement applicable to the design of subdivisions, one has to look in BIMC 17.04, **Purpose and General Provisions**. I see nothing there that is specific to the unique circumstances and special character of Bainbridge Island. Almost all of the language in paragraph A. of section **.010 Purpose** is borrowed verbatim from **RCW 58.17.010**, and the same is true of the “further purpose” detailed in B. in a list of seven items.

Accidentally or on purpose, some of the items in the RCW litany are omitted from the BIMC recitals: “to promote effective use of land; to promote safe and convenient travel by the public on streets and highways,” and finally, “to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies.” Perhaps these clauses, or similar language, can be found elsewhere in the BIMC. They certainly should be in there.

Although **17.04.010(A)** declares an intention to “further the comprehensive plan policies addressing residential subdivision of land,” I see nothing in this chapter or in **17.12 Subdivision Design Standards** that specifically engages with and implements Comprehensive Plan goals and policies. As I said above (p. 3), it is essential that subdivisions are designed to be “compatible with the Island’s natural systems.” This won’t be easy, but I think that if we focus upon that requirement, we can develop design standards suited to the various zoning categories and densities and responsive to site-specific conditions.

I am not of the opinion that our shabby subdivision regulations have produced only bad results over the years: lots of Island residents in subdivisions have been happy where they live, and I think most of the professionals involved in our development community deserve thanks for their good work. But I believe we all agree that the flaws in our Municipal Code leave us vulnerable.