CITY OF
BAINBRIDGE ISLAND

TREE & LOW IMPACT DEVELOPMENT
AD HOC COMMITTEE
REGULARLY SCHEDULED MEETING
WEDNESDAY, JANUARY 18, 2017
3:00 – 4:30 PM
COUNCIL CONFERENCE ROOM
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

# AGENDA

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|---|---|---|
| 1. | Review and Approve Notes from November 30 and December 21, 2016 Meetings | 3:00 |
| 2. | Review and approve meeting agenda | 3:05 |
| 3. | Public comment on agenda-related items | 3:05 |
| 4. | Reports<br>A. Low Impact Development regulations – Planning & Public Works Staff<br>Site Assessment and Development Permit & Work Plan for Phase 2 | 3:15 |
| 5. | Ongoing Business<br>A. Re-drafting vegetation management and land clearing chapters (BIMC 16.22 & 16.18, respectively)- Discuss policy questions | 3:45 |
| 6. | Public comment on agenda-related items | 4:20 |
| 7. | For the Good of the Order | 4:25 |

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

CITY OF
BAINBRIDGE ISLAND

# Tree & Low Impact Development
## Ad Hoc Committee
## Meeting Notes
## Wednesday, November 30, 2016
## 3:00 – 4:30 PM
## Council Conference Room
## 280 Madison Ave N
## Bainbridge Island, WA 98110

**Committee Members in Attendance:** Kol Medina, Ron Peltier, Sarah Blossom, Mack Pearl, Jon Quitslund
**COBI Staff:** Marilyn Guthrie, Jessica Sutton, Barry Loveless
**Public:** Charles Schmid, Katy Bigelow, Mike Juneau, Terry Samilson, Robert Dashiell, Robert Conoley, and another citizen not named

Item 1: Copies of Notes from the Nov. 9 meeting were distributed, reviewed, and approved. Item 2: The Agenda was reviewed and approved.

Item 3, public comment: Terry Samilson said that she perceived in the LID regulations an overlap with what is required in Habitat Management Plans, and she wondered if there was some duplication of effort. In discussion, it was mentioned that the ordinance resulting from Phase I work on LID policies was scheduled for discussion in the Council meeting on Dec. 13.

Item 4.A, Status report on Phase II planning. Barry observed that in Phase II, Planning rather than Public Works will play the major role. The Council has allocated $50 K for work under contract with a consulting firm (Herrera or another firm). A Request for Proposals will be drawn up after the scope of work has been determined: scope will be described and discussed at the next meeting.

Item 5.A: Ron led a brief discussion of the information drafted for posting on the COBI website, on a page devoted to the Committee's work. The page will provide contact information for the five members and a brief account of the committee's purpose, with links to documents and meeting notes.

Item 5.B, Status report on the re-drafting of BIMC 16.22 & 16.18 (Vegetation Management and Land Clearing), creating a single chapter. Jon said that he and Ron had met, and they had discussed a way of presenting Findings that would establish a factual and scientific basis for the protective measures and regulations on development that are appropriate in our circumstances. He proposed that the Findings would not have to be presented in full within the Code chapter, but could be summarized in the WHEREAS clauses in the implementing Ordinance, and presented, with documentation, in the body of the Ordinance, which would then be referenced in the Code. The committee seemed ready to go along with this approach – to be put in practice much later in the drafting process.

Jon noted that the committee had not yet given much attention to the Purposes section of the new draft (Jon's, with additions by Kol, in which the Purposes are listed, A through J, on p. 4). We agreed

that for the time being, that section should identify our own objectives in setting standards and solving problems.

Jennifer distributed copies of the Vegetation Management and Land Clearing chapters. Ron had supplied Jon with copies in Word .docx format, and he added comments and questions that may guide discussion and revision. The committee had had no opportunity to study these versions prior to the meeting.

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CITY OF
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# Tree & Low Impact Development
# Ad Hoc Committee
# Meeting Notes
# Wednesday, December 21, 2016
# 3:00 – 4:30 PM
# Council Conference Room
# 280 Madison Ave N
# Bainbridge Island, WA 98110

**Committee Members in Attendance:** Kol Medina, Mack Pearl, Jon Quitslund, Sarah Blossom
**COBI Staff:** Marilyn Guthrie, Janelle Hitch, Josh Machen
**Public:** Peter Perry, Kelsey Laughlin, Charles Schmid, Robert Dashiell

**Item 1:** Since the Draft of Notes from the previous meeting (11.30.16) had been distributed at the last minute, Kol proposed that the Notes, with any corrections and additions, should be reviewed and approved at the next meeting.

**Item 2:** The agenda was approved as distributed.

**Item 3:** There were three brief comments from the public pertaining to LID regulations, the preliminary site assessment, and the Site [Assessment?] Development Permit (SDP or SADP), which is still in the works and not available for discussion. Kelsey, who is familiar with similar regulations elsewhere in Kitsap County, had some questions. Robert asked if the committee would have any say in how administration and monitoring of LID standards are funded: will SWMM funds be used? Peter, from the Design Review Board, said that the DRB has an interest in participating in the very early stages (before the formal pre-application conference) of site assessment and design.

**Item 4, discussion of the phased approach to issues surrounding LID:** It was decided that this item would require more than 15 minutes. There were questions and differing opinions on the applicability of the LID-related Site Assessment tool in determining the location and extent of impermeable development on a given site. Does the tool apply primarily to single family residences on undeveloped lots, and not to subdivisions? If the Site Assessment process establishes an optimum location and constraints on the footprint size, what sort of wiggle room remains?

Kol said that it was his understanding that if the site conditions enable you to meet LID requirements without technological remedies, that settles the question of where and what to build. Sarah said that she regarded the Site Assessment process as determining where the parts of a development would fit best. Kelsey, on the basis of experience with site assessment, thought there should be alternative ways to meet the LID requirements. Jon said it was his sense that respect for "the lay of the land" (conditions on the property prior to development, and avoidance of adverse impacts on neighboring properties) was of primary importance. Mack expressed doubt that the site assessment process could guarantee results consistent with its findings.

Peter explained the DRB's interest in improving the results of from residential development. Peter and Jon both spoke of problems that arise from the ways in which undeveloped acreage is

marketed, often without consideration on the part of agents, sellers and buyers of the lay of the land and constraints on development. Ideally, perhaps, a site assessment should be undertaken before a property is put on the market.

With reference to item 6 in Phase I on the page detailing aspects of the LID issues, with its unclear reference to "overriding zoning," Josh asked, "At what point do LID regulations limit density (i. e., number of units) below the level set by zoning?" (Jon supposed that any disallowed development right would have value in a development bank transaction, and might also result in a lower tax rate.)

Kol responded to Robert's question about funding for LID administration, saying that it would be none of the committee's business. Perhaps the Utilities Advisory Committee should be asked to take up this matter.

**Item 5:** Little time remained for discussion of next steps with the re-drafting of BIMC 16.22. There was general agreement in the absence of a rough draft of parts or the whole of a new chapter, little could be achieved in committee meetings. Kol expressed a hope that Jon would be able to complete a rough draft. Jon said that he had sought a meeting with Jennifer but nothing had yet been arranged. He has several pieces to work with, including input from Ron. Josh observed that the drafting of municipal code language is ordinarily the responsibility of staff – or of a consultant. Regarding Jon's questions about the relevance of DNR Forest Practices, Josh said that some of them pertain to management of forest lands where marketable timber is being harvested and seedling stock is being planted.

**For future reference:** Subject to discussion and correction (perhaps involving the DNR and the City Attorney), Jon's assumption is that we no longer need to provide for clear-cutting and replanting that does not involve *conversion* of the land to another use (residential development or agriculture). We should encourage stewardship of forested acreage more or less in its natural condition, either under private ownership or agreements involving the B. I. Land Trust. We should also allow residential development on a portion or portions of such acreage, with limits on the extent of clearing and due respect for the most valuable trees and the slopes, streams, and wetlands protected by Critical Areas regulations. And a part or parts of the chapter will deal with already developed properties and the individual trees or groves and understory vegetation – especially when such trees and vegetation provide a buffer along the roadway or a neighboring property.

The meeting adjourned at 4:30, without determination of a date for the next meeting.

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**Phased Approach to Issues Surrounding LID**

**Phase I – to be completed by 12/31**

☒ 1. Adopt the 2014 version of the SWMMM.

☐ 2. Develop a Site Development Permit (SDP) – moving as a separate ordinance to City Council only.

- Develop fees for the SDP.

☒ 3. Request for "references in the code to the SWMMWW" -> Summary Section in the code to provides a brief summary of the minimum requirements and thresholds included in the Ecology manual (and Phase II permit).

☒ 4. Maintaining clearing limits – add to construction inspection section (15.20.070) as a City inspection item.
☒ 5. Add a third party requirement for ongoing annual inspections for private facilities. Include in Phase I.
☒ 6. Confirm that site development tools focus on native vegetation retention – to the extent possible, but overriding zoning, requesting variances or exceptions to set backs would be handled in Phase II.

<u>Other</u>

- Notes on Design Drawings for bicycle pathways.

**Phase II – Proposed to Planning Commission to be taken up in 2017**

☐ 1. Moving from the 800 sq. foot trigger to 2000 sq. foot to encourage smaller foot prints.
☐ 2. Variance Issues.
☐ 3. Propose an approach for dealing with cumulative impacts. (Retrofitting and off site issues).

☐ 4. Redevelopment changes (additions, etc.?).
☐ 5. SMP limited amendments.
☐ 6. Refer to section of code regarding penalties for cutting down trees.
☐ 7. Any gaps in 16.22 (Vegetation Management).
☐ 8. Confirm that site development tools focus on native vegetation retention.

Added
☐ 9. Review and improve enforcement as needed. How will enforcement be accomplished? (**Kol**)

<u>Other – from my notes</u>

- Work on triggers for LID and "off ramps":
  - (feasible vs. infeasible criteria).
  - ID loop holes
- Continue to evaluate direct discharge requirements.
- Should we revise the .3" / hour infiltration rate to less to encourage more infiltration? (Mack)
- R1/R2 LID standards.
- Combine Land Clearing and / Vegetation Chapters.
  - Maintain clearing limits and associated enforcement if not maintained
- Buffers – perhaps part of the Variance issue above.
- Title 18 Design Guidance – included in Herrera's proposal.
- Limiting house sizes?
- Common area considerations

Tree Committee Table

| Phase II Issue | Effected Title | Explanation / Clarification |
|---|---|---|
| **Increase new/redevelopment trigger from 800 to 2000 sq. ft.** | 15.20 | Encourage smaller foot prints. |
| **Variance Issues** | Various | When will you allow LID to vary setbacks, special conditions, etc. |
| **Retrofitting and off site issues** | | Propose an approach for dealing with cumulative impacts. |
| **Redevelopment changes – *same as above?*** | | Additions and other impervious surface increases. |
| **SMP limited amendments** | 16 | Implement required changes to T 16 that were not implemented in Phase I. See 2016_0802_Title 16_Environment |
| **Vegetation Management** | 16.22 | Gaps in 16.22 – See SMP Limited Amendments above. |
| **Vegetation Management** | 16.22 | Confirm that site development tools focus on native vegetation retention. |
| **Enforcement - Kol** | Various | Refer to section of code regarding penalties for cutting down trees and, in general, beef up enforcement if LID isn't installed or properly maintained. Also for violating clearing limits or removing trees that were either required to reduce LID installations or, in some other way, part of LID installed during development or redevelopment. |
| **"Off ramps"** | 15? | Work on triggers for LID<br>- (feasible vs. infeasible criteria)<br>- ID loop holes |
| **Direct discharge requirements** | | Evaluate direct discharge requirements. These projects were held to a higher than "Ecology required" standard because Planning Commission felt that these project were being let off the hook. Is that true or are we making projects evaluate LID options that aren't needed or would never apply. This subject might also might be dealt with under "off ramps". |
| **.3" / hour infiltration rate - (Mack)** | 15 | Should we revise the .3" / hour infiltration rate to less to encourage more infiltration? |
| **R1/R2 LID standards.** | | |
| **Combine Land Clearing and / Vegetation Chapters.** | 16 | Rewrite of these chapters has been an ongoing request by TC. Since we'll be updating this code to get LID requirements in, perhaps this is the time to do it? |
| **Maintain clearing limits and associated enforcement if not maintained** | Various | See enforcement above |
| **Buffers – road side, setbacks, etc.** | | Perhaps part of the Variance issue above. |
| **Title 18 Design Guidance** | | Update T 18 Design Guidance - included in Herrera's proposal. |
| **Limiting house sizes?** | | Perhaps an "off ramp" issue. |
| **Common area considerations** | | |

# Policy Questions to Consider for Amending BIMC Chapter 16.22 *Vegetation Management*

1. Right now 16.22 is triggered generally when someone needs a Class 4 DNR Forest Practices Permit- clearing more than 5,000 board feet of timber). Keep this threshold? NOTE: Clearing permit required to remove 6 significant trees (1 sig. tree in MUTC) up to 5,000 board feet in a 12-month period.

2. Do we want to apply (pre-plan) subdivision open space/ buffer requirements to properties proposed for clearing that will eventually subdivide?

3. What standards should be applied to undeveloped property that is not big enough to subdivide?

4. What standards should be applied to lots developed with a single-family home, but are not further subdividable?

5. What standards should be applied to property being cleared to expand existing agriculture or for creating new agriculture?

6. Do we want to combine 16.22 with 16.18 *Land Clearing*? Rename resultant chapter? Rename permits "Minor" and "Major" Tree Removal Permit?