



TREE & LOW IMPACT DEVELOPMENT  
AD HOC COMMITTEE  
REGULARLY SCHEDULED MEETING  
WEDNESDAY, FEBRUARY 15, 2017  
3:00 – 4:30 PM  
COUNCIL CONFERENCE ROOM  
280 MADISON AVE N  
BAINBRIDGE ISLAND, WA 98110

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## AGENDA

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|----|---------------------------------------------------------------------------------------------------|------|
| 1. | Review and Approve Notes from February 1, 2017 Meetings (if available)                            | 3:00 |
| 2. | Review and approve meeting agenda                                                                 | 3:05 |
| 3. | Public comment on agenda-related items                                                            | 3:05 |
| 4. | New Business                                                                                      | 3:15 |
|    | A. Discussion of Tree Clearing Permits                                                            |      |
| 5. | Ongoing Business                                                                                  | 3:45 |
|    | A. Discuss vegetation management and land clearing chapters<br>(BIMC 16.22 & 16.18, respectively) |      |
| 6. | Public comment on agenda-related items                                                            | 4:20 |
| 7. | For the Good of the Order                                                                         | 4:25 |



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AD HOC COMMITTEE  
MEETING NOTES  
FEBRUARY, 1, 2017  
3:00 – 4:30 PM  
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**Committee Members in Attendance:** Kol Medina, Mack Pearl, Ron Peltier, Sarah Blossom

**COBI Staff:** Jennifer Sutton, Peter Corelis

**Public:** Julie and Mike Smith, Kelsey Laughlin, Charles Schmid

1. Approved meeting notes from the January 18, 2017 meeting.
2. Approved meeting agenda
3. Public Comment:

**Julie and Mike Smith from Battle Point Neighborhood:** Described how a developer has cut a swath through the forest adjacent to their house, near Battle Point Park, and completely transformed the once peaceful and forested character of the neighborhood. It's an old sub division of three single family lots and exempt from clearing restrictions. They described how storm water flows have been altered and the neighboring trees, including theirs, have been put at risk from wind exposure. They are considering moving. Julie and Mike commended the Tree Committee for their dedication and hope what happened to the forest where they live can serve as an example of something that should not be happening on Bainbridge Island.

**4. Low Impact Development Discussion:**

Jennifer handed out various sheets of information:

- LID regulations flow charts for new development and redevelopment
- Sheet of policy question regarding chapter 16.22 vegetation management
- Committee member Jon Quitslund's answers to those policy questions
- Phased approach to Issues Surrounding LID
- Pierce County 3 steps to determine if a forest practices permit is required

**HIGHLIGHTS OF OUR LID DISCUSSION:**

Jennifer: City Attorney, Joe Levan, is reviewing the draft Site Assessment Permit.

**Lot Coverage and Location of Buildings**

We talked quite a bit about the pros and cons of including driveways in a site assessment's impervious surface total, with Mack questioning the merits of discouraging long driveways when they are lined for trees that mitigate runoff. We discussed how locating buildings on high ground, to take advantage of downslope Green Infrastructure, might require a long Driveway. Kelcey and Peter said we should be penalizing long driveways. Mack felt that recognizing the ability of trees to mitigate driveway runoff could help save trees.

Sarah and Kol wanted a more flexible site assessment that represents a new way of processing development applications. Mack commented that LID rules should distinguish between large and small lots.

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

Peter, and Kelsey, both mentioned that our regulations don't allow the City to restrict where property owners can locate buildings, except for critical area restrictions. If we want to do that we need regulations that go beyond the minimum state mandated requirements, which is what we have now.

Jennifer's handouts show three levels of development: major, minor, and sub-minor. Kelcey repeated her belief that projects between 800-2,000 sq ft of new impervious surface should be required to submit a much less detailed drainage plan. Then we got back to talking about long driveways (sort of like the SNL skit where Christopher Walken keeps asking for "more cowbell").

### **Phase II of LID**

Reluctantly leaving the long driveway discussion behind us, Jennifer pointed out that what we now have in our regulations are the minimal LID requirements mandated by the State. Looking to the Tree/LID Committee's work on Phase II, how onerous do we want to be? Mack commented that we want more tree retention, which seemed representative of the Committee. Brief mention of "infiltration vs dispersion", then Sarah commented that LID doesn't seem to be helping us accomplish what we've been hoping for, after all. Kol didn't seem to agree and if I remember correctly expressed that LID can help us preserve the native landscape and we need to make it do that.

My head spinning just a little, I asked about the difference between Site Assessments and Site Assessment Permits: the latter is part of the more involved Site Assessment process. SAP happens before clearing permits are approved but six significant trees/year can still be removed without an SAP. Jennifer made a comment about limiting house sizes. Peter commented that he thought the SAP would serve a purpose, in response to comments questioning its value. Lots of different aspects of LID coming in and out of the discussion.

Kol commented that the Site Assessment Permit isn't doing what the committee wants it to do. Jennifer mentioned the three sections of the Code we need to be looking at: Ch15 Stormwater; Chapter 16 Clearing/Veg Management; Ch 18 Zoning.

### **Role of Staff in helping the Committee accomplish general goals**

I expressed the desire for Staff, Jennifer and others, to be working more as part of the "team" and wondered if we needed to ask Doug about that. Jennifer replied that the committee really needs to decide on its policies. At about 4:10pm this got us off LID and onto Vegetation Management, and the list of policy questions related to Ch 16.22 Jennifer had handed out (not a new list).

### **5. Vegetation Management and Clearing**

We started out with question #1 regarding the 5,000 sq ft and got into a more far ranging discussion about roadside buffers and the 65% site preservation potentially required under LID. Sarah thought preserving 65% on small lots would be difficult. Someone asked how we might require more than 25% open space for subdivisions. Kelcey suggested focusing on stormwater and native vegetation retention.

6. Next Meeting will be on 2/15/17.

7. **Post meeting Note:** At the City Council Agenda meeting, right after the Tree/LID meeting, I discussed with CM Doug Schulze and Mayor Tellefson how we might enhance the role of Staff to help our committee make more progress. Val said we need to bring our policies to the entire Council and discuss how Staff can help us accomplish them. Doug agreed.

## 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.

### Other

- 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**)

### Other – from my notes

- 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                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Increase new/redevelopment trigger from 800 to 2000 sq. ft.</b>           | 15.20          | Encourage smaller foot prints.                                                                                                                                                                                                                                                                                                                                     |
| <b>Variance Issues</b>                                                       | Various        | When will you allow LID to vary setbacks, special conditions, etc.                                                                                                                                                                                                                                                                                                 |
| <b>Retrofitting and off site issues</b>                                      |                | Propose an approach for dealing with cumulative impacts.                                                                                                                                                                                                                                                                                                           |
| <b>Redevelopment changes – <i>same as above?</i></b>                         |                | Additions and other impervious surface increases.                                                                                                                                                                                                                                                                                                                  |
| <b>SMP limited amendments</b>                                                | 16             | Implement required changes to T 16 that were not implemented in Phase I. See <a href="#">2016_0802 Title 16 Environment</a>                                                                                                                                                                                                                                        |
| <b>Vegetation Management</b>                                                 | 16.22          | Gaps in 16.22 – See SMP Limited Amendments above.                                                                                                                                                                                                                                                                                                                  |
| <b>Vegetation Management</b>                                                 | 16.22          | Confirm that site development tools focus on native vegetation retention.                                                                                                                                                                                                                                                                                          |
| <b>Enforcement - Kol</b>                                                     | 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.               |
| <b>"Off ramps"</b>                                                           | 15?            | Work on triggers for LID <ul style="list-style-type: none"> <li>- (feasible vs. infeasible criteria)</li> <li>- ID loop holes</li> </ul>                                                                                                                                                                                                                           |
| <b>Direct discharge requirements</b>                                         |                | 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". |
| <b>.3" / hour infiltration rate - (Mack)</b>                                 | 15             | Should we revise the .3" / hour infiltration rate to less to encourage more infiltration?                                                                                                                                                                                                                                                                          |
| <b>R1/R2 LID standards.</b>                                                  |                |                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Combine Land Clearing and / Vegetation Chapters.</b>                      | 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?                                                                                                                                                                                                      |
| <b>Maintain clearing limits and associated enforcement if not maintained</b> | Various        | See enforcement above                                                                                                                                                                                                                                                                                                                                              |
| <b>Buffers – road side, setbacks, etc.</b>                                   |                | Perhaps part of the Variance issue above.                                                                                                                                                                                                                                                                                                                          |
| <b>Title 18 Design Guidance</b>                                              |                | Update T 18 Design Guidance - included in Herrera's proposal.                                                                                                                                                                                                                                                                                                      |
| <b>Limiting house sizes?</b>                                                 |                | Perhaps an "off ramp" issue.                                                                                                                                                                                                                                                                                                                                       |
| <b>Common area considerations</b>                                            |                |                                                                                                                                                                                                                                                                                                                                                                    |

## **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?