



TREE & LOW IMPACT DEVELOPMENT
AD HOC COMMITTEE
REGULARLY SCHEDULED MEETING
WEDNESDAY, MAY 17, 2017
3:00 – 4:30 PM
COUNCIL CONFERENCE ROOM
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

AGENDA

1. Review and Approve Notes from May 3, 2017 Meeting 3:00
2. Review and approve meeting agenda 3:05
3. Public comment on agenda-related items 3:05
4. Ongoing Business
 - A. Review DRAFT Language for New Tree Retention Standards for Single-family Lots 3:15
City Staff
 - B. Discuss Minor/Major Tree Removal BIMC Chapters 16.22 & 16.18 3:40
City Staff
 - C. Review “Parking Lot” Issues 4:10
5. Public comment on agenda-related items 4:20
6. Discuss Agenda for Next Meeting: May 31 or June 7 4:25
7. For the Good of the Order 4:30

Committee Members in Attendance: Sarah Blossom, Mack Pearl, Kol Medina, Jon Quitslund, Ron Peltier

COBI Staff: Mike Michael, Jennifer Sutton

Public: Norm Down, Bre Ganne (Parks), Dana Coggon (Kitsap Noxious Weed Board), Maxwell Gordinier (Let's Pull Together), Stephanie Foster, Charles Schmid, Kelsey Laughlin, Mike Juneau

Items 1 & 2: Notes from the April 19 meeting were approved as distributed; the Agenda was reviewed and approved.

Item 3: Norm Down spoke from a long acquaintance with development on Bainbridge, and expressed concern over the impact of subdivisions in the R-1 zone, saying that hemlock and Douglas fir especially are not comfortable with development.

Item 4.A: Mike reported that Staff are close to an agreement with Herrera on a schedule for the LID Phase II work; he made reference to a table describing tasks in four categories. The fourth of these ("Assist Planning," which by implication includes the Committee) makes reference to SMP Amendments, Vegetation Management, Critical Areas, plus "etc." Jon asked for the inclusion of Subdivision Design Standards in the list.

It is to be understood that Herrera's work will be completed in 2017. At the next meeting (5/17) or the first meeting in June we will see the details of the schedule and have an opportunity to coordinate our workplans.

Item 4.B: Jennifer presented a proposal to amend BIMC 18.15.010, establishing tree retention requirements for single family residential lots. In the Open Space Residential zones (R-0.4, R-1, & R-2), the norms refer to the extent of **tree canopy**, and in zones from R-2.9 and up, the norms refer to **tree units**, with 40 TU/Acre as the basis for calculations. For the OSR zones, the Committee preferred the "alternative option," which sets standards for tree canopy based on square footage of the lot, recognizing that many lots in R-0.4 are less than (and some may be greater than) 2.5 acres.

For example: on a lot that is greater than 100,000 sq ft, the extent of tree canopy to be retained would be 70%; on a lot size between 40,000 and 70,000 sq ft, the tree canopy retained would be 50%. However, if prior to development the tree cover on a lot is less than the standard, planting to meet the standard is not required. Mike Juneau pointed out that requiring the preservation of tree canopy will be problematic if it means that trees with limited long-term value, such as Scouler's willow and alder, cannot be removed and replaced.

To Jon's question about applying these standards to long and short plat subdivisions, Jennifer said that the requirements should be similar; the SFR regulations will establish a starting point.

Jennifer then asked what limits should apply if a lot is being cleared for an agricultural use, or if an existing farm is being expanded. At a minimum, LID and stormwater management regulations would apply, and critical areas are off limits, but the BIMC treats agriculture

(including gardening for one's own use) as a permitted use in all zones. Clearing forested land for farming, as was done in the old days after timber had been harvested, seemed objectionable to the Committee in the present day. Perhaps farming (with a farm plan approved by the Kitsap Conservation District) should be permitted only if the land had previously been used for farming and/or the trees are immature. Presumably, a cursory site assessment could determine if a lot is rendered unsuitable for farming due to shade from the trees on its perimeter or on an adjoining lot.

We also discussed the fact that City policies and public opinion favor the use of solar panels and building designs that require generous provisions for access to sunlight. Jennifer will work on language to provide some leeway.

Item 4.C: Jennifer spoke of the Committee's long-term "repeal / replace" project, BIMC 16.18 & 16.22 (Land Clearing & Vegetation Management), observing that the new chapter will be, in essence, a description of the processes of applying for and carrying out either a **minor** or a **major** clearing permit. We need to define the thresholds for distinguishing one from the other. Jon said that in addition, the chapter should include a list of activities that are allowed, even encouraged, without a permit.

Item 5: There were no closing comments by members of the public.

Item 6: Regarding the agenda for May 17, it is assumed that we will return to each of the items of Ongoing Business. Jon asked the Committee members to examine the **Community Forest Management Plan** that was completed in 2006, to see if (or how) it might be used in public outreach and as a foundation for the Code revisions we are working on.

Proposal for NEW Minimum Tree Retention Requirements: BIMC 18.15.010

Tree Canopy % OR Tree Units (TU) per acre

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	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-8 & 14
Existing SFRs	Lot Size $\geq$ 100,000 ft ² : Retain 70% Tree Canopy Lot Size 70,000 – 100,000 ft ² : Retain 60% Tree Canopy			40 TU/Acre	40 TU/Acre	40 TU/Acre	SFR allowed, but MF development is primary use. 18.15.010.G Already requires 40 TU/Acre in these zones
Newly Developing SFR Lots	Lot Size 40,000-70,000 ft ² : Retain 50% Tree Canopy Lot Size-20,000-40,000 ft ² : Retain 40% Lot Size $\leq$ 20,000 ft ² : Retain 40 TU/Acre (NOTE: Lots $\leq$ 20,000 ft ² Similar to R-2.9 Lots)			40 TU/Acre	40 TU/Acre	40 TU/Acre	
Creating New Agriculture OR Agriculture Expansion	SAME AS ABOVE						

BIMC 18.36.030.258. “Tree canopy” means the total area of the tree or trees where the leaves and outermost branches extend.

NOTE: If property had less canopy or Tree Units than required to start with, then property would not have to add trees to meet retention requirement, but would need to retain what trees they did have.

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BIMC 18.15.010 Landscaping, screening, and tree retention, protection and replacement.**B. Applicability.**

1. All new development, ~~except single family residential building permits~~, shall be subject to the requirements of this section, except as modified by subsections B.2 and B.3 of this section.
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 indicated with an "X" and summarized in the following Table 18.15.010-1.

Table 18.15.010-1: Landscape Requirements by Zone District

Landscape Requirements for Land Uses and Districts	Significant Tree and Tree Stand Retention <u>General Requirements</u>	Perimeter Landscape	Roadside Buffer	Parking Lot Landscaping	Total Site <u>Tree Canopy</u> and Tree Unit Requirements	Planting Requirements	Irrigation	Maintenance
<u>Existing Lots in Residential Zones</u>	<u>X</u>				<u>X</u>			
Single-Family Residential Short Plats and Subdivisions	X	X (Cluster Subdivisions Only)	X			X	X	X

G. Total **Site Tree Canopy and Tree** Unit Requirements.

ADD NEW RETENTION REQUIREMENTS FOR EXISTING LOTS IN RESIDENTIAL ZONES TO EXISTING REQUIREMENTS FOR COMMERCIAL ZONES AND NON-RESIDENTIAL DEVELOPMENT

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.					

Tree/LID Ad Hoc Committee “Parking Lot”

ISSUE	CODE SECTION
Removal vs. replanting: When should we allow someone to remove trees that are contributing to their canopy requirement, and replant instead? Can they remove tall trees and replant with shorter species? What about if it can be demonstrated that the existing canopy on their site is not “wind firm” and could become hazardous? Or to facilitate solar energy?	18.15.010
Shoreline properties: Should shoreline properties be exempted from new single-family tree retention requirements, since shoreline properties have a whole other set of “no net loss” requirements applied to them?	18.15.010
Perimeter buffer: Do we apply perimeter or roadside buffers that would apply to subdivisions to single-family lots? If so, would buffers count toward tree retention requirement?	18.15.010
Fee-in-lieu: Should there be a “fee in lieu” option for meeting tree retention requirements?	18.15.010
Open Space: Can the 25% maximum open space required for subdivisions be increased for R-0.4 & R-1 zones?	17.12
Legal Review: Of new SF retention requirements or changes to Open Space requirements based upon previous case law (i.e. Citizens Alliance v Sims) or more recent caselaw.	