CITY OF
BAINBRIDGE ISLAND

Planning Commission
Regularly Scheduled Meeting Minutes
Thursday, September 14, 2017

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
PUBLIC COMMENT – Accept public comment on off agenda items
SHORELINE MASTER PROGRAM GENERAL AMENDMENT
NEW/OLD BUSINESS
ADJOURN

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
Chair J. Mack Pearl called the meeting to order at 7:00 PM. Commissioners in attendance were Jon Quitslund, William Chester, Michael Killion, Lisa Macchio and Don Doman. Kimberly McCormick-Osmond was absent and excused. City Staff in attendance were Senior City Planner Christy Carr and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. There were not any conflicts noted.

PUBLIC COMMENT – Accept public comment on off agenda items
None.

SHORELINE MASTER PROGRAM GENERAL AMENDMENT
Senior City Planner Christy Carr gave the Commissioners a handout on the Optional Joint SMP Amendment Review Process from the Department of Ecology and answered questions regarding this process. Housekeeping revisions were presented (see attached).

PUBLIC COMMENT
Dick Haugen, Citizen – Spoke about overall summaries and focus sheets for individual topics in the Shoreline Management Program (SMP) so the lay person could pick it up and understand what the SMP meant for them. He also spoke about making the language precise so there was no ambiguity or room for different interpretations.

NEW/OLD BUSINESS
None.

ADJOURN
The meeting was adjourned at 9:00 PM.

Approved by:

J. Mack Pearl

J. Mack Pearl, Chair

JRasely

Jane Rasely, Administrative Specialist

CITY OF BAINBRIDGE ISLAND

CITY OF BAINBRIDGE ISLAND
PLANNING COMMISSION REGULAR MEETING

PLEASE PRINT

September 14, 2017

Name	Address	Phone/ E-Mail	Join ListServ Yes/No	Would like to speak	Subject
Neil Hagen		206 940 3240			

Agenda

- Questions on Joint Review Process
- Housekeeping revisions
    - Section 4.1.2.4.3 and 4
    - Section 4.1.2.6
    - Section 4.1.2.7
    - Section 4.1.2.8
- Decision points
    - Inclusion of CAO language for exempt activities and hazard trees
    - Addition of "yard and garden activities"
    - Allow coppicing in shoreline as described in CAO? Native species?
    - Greater allowance for removal/pruning of vegetation for views?
    - Significant trees
- Next steps
    - Suggest next meeting no discussion on housekeeping revisions unless there are questions; will provide edits in advance both to Planning Commission and on City website for public review
    - Continue review of Section 4.1.3; complete versions of draft Sections 4.1.2 and 4.1.3 will be provided for 9/28 meeting
    - Phase II after January 1 – topics other than CAO integration, vegetation

SMP Section 4.1.2.4.3 – Impact Analysis and No Net Loss Standard

Existing language:

3. To assure that development activities contribute to meeting the no net loss provisions pursuant to subsection 1 and 2 above, an applicant is required to submit a site-specific analysis of potential impacts and a mitigation plan that includes compensatory mitigation measures when determined necessary as a result of the analysis. The site-specific analysis shall be prepared in accordance with Section 4.1.2.9, Submittal Requirements – Site-Specific Impact Analysis and Mitigation Plan.

Commented [CC1]: Does not exist.

4. To mitigate anticipated impacts and meet the no net loss standards in subsection 1 and 2 above, an applicant for a single family residential development or accessory structures may choose to use the Standard Residential Mitigation Manual in Appendix D in lieu of a site-specific impact analysis and mitigation plan. If an applicant uses the Single Family Residential Mitigation Manual, compensatory mitigation requirements provided in the manual shall be included in the project submittal.

Proposed language:

3. An applicant for any shoreline development, use or activity must demonstrate compliance with the no net loss provisions pursuant to subsection 1 and 2 above, as follows:
   a. Demonstrate use of applicable mitigation measures in the Single Family Residence Shoreline Mitigation Manual provided in the City's Administrative Manual. Proposed mitigation measures and the manual's "Checklists for Mitigation Approval" must be included in the application; or
   b. If the project site or proposal does not qualify for use of the Single Family Residence Shoreline Mitigation Manual, submit a site-specific impact analysis in accordance with the guidance provided in the City's Administrative Manual. A mitigation plan must be included when determined to be necessary as a result of the analysis.

SMP Section 4.1.2.6 – Mitigation

Existing language:

1. Mitigation Sequence: Mitigation shall include the following actions in order of priority (a-e), and (f) is required for all mitigation activities:
    a. Avoiding the impact altogether by not taking a certain action or parts of an action;
    b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
    c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
    d. Reducing or eliminating the impact over time by preservation and maintenance operations;
    e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
    f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
2. When compensatory mitigation is necessary to offset impacts, mitigation measures in the immediate vicinity of the impact shall be the preferred mitigation option. Property owners may be required to perform the balance of compensatory mitigation off-site if the property cannot support required mitigation or when off-site mitigation can be demonstrated to the satisfaction of the Administrator to be more beneficial to shoreline ecological functions and processes. For example, off-site mitigation may be the better choice if large, cohesive areas are available off-site while only small fragmented areas are available on-site for mitigation.
3. Mitigation actions shall not have a significant adverse impact on other preferred shoreline uses promoted by the policies of the Shoreline Management Act.
4. When compensatory mitigation measures are required, all of the following shall apply:
    a. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources; and
    b. The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities can grow and mature over time; and
    c. Unless the Single-family Residential Mitigation Manual is being used for single-family residential development and accessory structures pursuant to Section 4.1.2.4(4), the mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory and Characterization Report, the Shoreline Restoration Plan and other background studies prepared in support of this Program; and
    d. The mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values, pursuant to Section 4.1.2.7, Surety Regulations.
5. To encourage shoreline property owners to remove bulkheads and perform other beneficial shoreline restoration actions in advance of shoreline development or redevelopment, the City may give mitigation credit to any beneficial restoration action that occurred within 10 years of the proposed development/redevelopment activity provided that:

a. The applicant/property owner declares the intent of the restoration or enhancement project as mitigation credit at the time of the restoration permit application; and

b. The City can confirm via site inspection, photographs, or other evidence that the restoration actions have improved shoreline conditions.

6. Where feasible, replacement compensatory mitigation should be required prior to impact and, if applicable, prior to final inspection and approval of building occupancy; and to ensure no net loss, the mitigation shall replace the functions as quickly as possible following the impact.

Proposed language:

1. To ensure the no net loss standard is met, any adverse impacts must be mitigated in accordance with mitigation sequencing ~~pursuant to WAC 173-26-201(2)(e):~~

   a. Avoiding the impact altogether by not taking a certain action or parts of an action;

   b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

   c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

   d. Reducing or eliminating the impact over time by preservation and maintenance operations;

   e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

   f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

2. Unless the Single Family Residence Shoreline Mitigation Manual is being used, mitigation sequencing must be documented in a site-specific impact analysis. If compensatory mitigation is necessary as a result of the site-specific impact analysis, a mitigation plan meeting the applicable provisions in Appendix B-6, including a periodic monitoring program, is required.

3. When compensatory mitigation is necessary to offset impacts, mitigation measures in the immediate vicinity of the impact shall be the preferred mitigation option. Property owners may be required to perform the balance of compensatory mitigation off-site if the property cannot support required mitigation or when off-site mitigation can be demonstrated to the satisfaction of the Administrator to be more beneficial to shoreline ecological functions and processes. For example, off-site mitigation may be the better choice if large, cohesive areas are available off-site while only small fragmented areas are available on-site for mitigation. Mitigation shall be located and designed in the following order of priority, except for the Point Monroe District, which shall meet special provisions in subsection 4.

   a. Within Zone 1, plant vegetation to obtain a minimum of 65% native vegetation canopy coverage;

   b. In Zone 2, plant to increase canopy coverage, in a manner that promotes contiguous native vegetation or in areas nearest the shoreline;

   c. In the Shoreline Buffer, plant in a manner that promotes a contiguous native vegetated corridor that connects to the shoreline;

   d. Outside of the Shoreline Buffer, plant in a manner that promotes a contiguous native vegetated corridor to the shoreline;

Commented [CC2]: No change.

Commented [CC3]: New clarifying language.

e. Outside of the Shoreline Buffer; or

f. At an off-site location approved by the Administrator, within the Shoreline Buffer or Site Specific Vegetation Management Area, plant to meet the standard of subsections a through c.

3. Special Mitigation Provisions for Point Monroe District. When vegetation mitigation is required for new development, uses, or activities in the Point Monroe District, the mitigation plan shall include new vegetation communities appropriate for dune, sand spit, barrier beach, barrier estuary, or barrier lagoon, including salt marsh that shall be installed within the spit-specific vegetation management area (SVMA) as defined in Section 4.1.3.5(9), thirty (30) foot setback between the OHWM and the primary structure, or where area is available on the site.

4. When compensatory mitigation measures are required, all of the following shall apply:

   a. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources; and

   b. Unless the Single-Family Residence Shoreline Mitigation Manual is being used, the required mitigation plan shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory and Characterization Report, the Shoreline Restoration Plan and other background studies prepared in support of this Program; and

   c. All mitigation activities shall be monitored and maintained to ensure that they achieve their intended functions and values, pursuant to Section 4.1.2.7, Mitigation Monitoring and Maintenance; and

   d. Mitigation actions shall not have a significant adverse impact on other preferred shoreline uses promoted by the policies of the Shoreline Management Act; and

   e. Any new plantings shall be in proportion to the identified impact and may be protective of views from the primary structure of the subject property.

5. For vegetation mitigation in the Shoreline Buffer or Site-specific Vegetation Management Area, all new plantings shall meet the provisions in Section 4.1.3.10.2, except for the Point Monroe District which shall meet special provisions in subsection 3.

6. Where feasible, mitigation should be required prior to impact and prior to final inspection and approval of building occupancy and shall replace the functions as quickly as possible following the impact.

7. To encourage shoreline property owners to remove bulkheads and perform other beneficial shoreline restoration actions in advance of shoreline development or redevelopment, the City may give mitigation credit to any beneficial restoration action that occurred within 10 years of the proposed development/redevelopment activity provided that:

   a. The applicant/property owner declares the intent of the restoration or enhancement project as mitigation credit at the time of the restoration permit application; and

   b. The City can confirm via site inspection, photographs, or other evidence that the restoration actions have improved shoreline conditions.

8. When mitigation is required for shoreline stabilization projects due to site disturbance, the required planting plan shall also include the following, unless an alternative planting plan is approved by the Administrator:

Commented [CC4]: Move from 4.1.2. No change to language.

Commented [CC5]: Revised – to allow for offsite mitigation with shoreline buffer instead of only within Zone 1.

Commented [CC6]: Moved, no change.

Commented [CC7]: Moved, no change.

Commented [CC8]: New section to clarify that monitoring and maintenance is required.

Commented [CC9]: Moved, no change.

Commented [CC10]: Moved, revised for clarity.

a. Replant 75 percent of the shoreline area located along the upland edge of the shoreline stabilization structure to a minimum depth of ten (10) feet, unless demonstrated to be infeasible to the Administrator;

   i. The depth may be reduced to five (5) feet to allow for landscape design variation, provided that the total square footage of the area planted equals the required 75% of the shoreline;

b. Planting plans shall meet provisions in 4.1.3.10.2 and shade bearing plants shall be provided at suitable-fish spawning sites; and

c. Include plantings equivalent to one tree per ever 20 linear feet of shoreline and one shrub per ever five linear feet, which may be planted with due consideration of views from the primary structure of the subject property.

Commented [CC11]: Moved, no change.

SMP Section 4.1.2.6 – Surety

Existing language:

1. The applicant/property owner shall provide assurance to the satisfaction of the Administrator, that the restoration area (including off-site mitigation) will be maintained in perpetuity. The assurance can be in the form of notice on title, conservation easement, or similar mechanism as approved by the City Attorney.
2. Except for projects undertaken by public entities, performance and/or maintenance bonds or other security shall be required by the City to assure that work is completed, monitored, and maintained. The bond/surety shall be refunded to the depositor upon completion of the mitigation activity and any required monitoring.

Proposed language:

1. When compensatory mitigation is required, the applicant/property owner shall provide a notice to title, conservation easement, or similar mechanism as approved by the City Attorney and recorded with the County Auditor, that the mitigation area (including off-site mitigation) will be maintained in perpetuity.
2. When compensatory mitigation is required, except for projects undertaken by public entities, performance and/or maintenance bonds or other surety shall be required by the City to assure that work is completed, monitored, and maintained. The bond/surety shall be refunded to the depositor upon completion of the mitigation activity and any required monitoring.

SMP Section 4.1.2.7 – Monitoring and Maintenance

Existing language:

1. When mitigation is required, a periodic monitoring program shall be included as a component of the required mitigation plan. To ensure the success of the required mitigation, monitoring shall occur for a minimum duration of five years from the date of the completed development. The monitoring plan may also require that periodic maintenance measures be included as recommended by a qualified professional. The duration of monitoring may be extended if the project performance standards set forth in the approved mitigation plan fail to be accomplished, or, due to project complexity, the approved mitigation plan requires a longer period of monitoring.
2. Monitoring programs may be forwarded for review and comment to state and/or federal resource agencies and affected tribes with jurisdiction.
3. Monitoring programs shall meet the requirements established in Monitoring Requirements, Appendix B, B-6(C)(2)(e).
4. All new and replacement shoreline stabilization projects shall complete and submit a minimum five-year monitoring and maintenance program that addresses the shoreline stabilization mitigation measures, and shall at a minimum include:
   a. An annual site visit by a qualified professional for each of the five (5) years to assess the effectiveness of the mitigation; and
   b. A progress report submitted to the Administrator annually, which includes any monitoring or maintenance recommendations of the qualified professional.

SMP Section 4.1.2.7 – Monitoring and Maintenance

Proposed language:

1. When compensatory mitigation is required as demonstrated either by a site-specific impact analysis or use of the Single-Family Shoreline Residence Mitigation Manual, a periodic monitoring program is required to ensure that ~~proposed~~ mitigation actions achieve their intended functions and values.
2. Monitoring programs shall meet the requirements established in Monitoring Requirements, Appendix B, B-6(C)(2)(e).
3. To ensure the success of the required mitigation, monitoring shall occur for a minimum duration of (5) five years from the date of the completed development. The duration of monitoring may be extended if the project performance standards set forth in the approved mitigation plan fail to be accomplished, or, due to project complexity, the approved mitigation plan requires a longer period of monitoring.
4. Monitoring programs may be forwarded for review and comment to state and/or federal resource agencies and affected tribes with jurisdiction.
5. The monitoring program may also require that periodic maintenance measures be included as recommended by a qualified professional to ensure the mitigation site and associated vegetative planting is nurtured and maintained such that healthy native plant communities can grow and mature over time.

Commented [CC12]: Added language for clarity.

Commented [CC13]: Revised for clarity; clarified 5 year duration.

Commented [CC14]: Moved and revised.

~~6. All new and replacement shoreline stabilization projects shall complete and submit a minimum five-year monitoring and maintenance program that addresses the shoreline stabilization mitigation measures, and shall at a minimum include:~~

~~a. An annual site visit by a qualified professional for each of the five (5) years to assess the effectiveness of the mitigation; and~~

~~b. A progress report submitted to the Administrator annually, which includes any monitoring or maintenance recommendations of the qualified professional.~~

Commented [CC15]: Deleted, redundant.

SMP Section 4.1.3.4 – Exceptions

Existing language:

1. Vegetation management standards shall not apply retroactively to existing lawfully established conforming and nonconforming uses and developments, including maintenance of existing residential landscaping, such as lawns and gardens. Property owners are strongly encouraged to voluntarily improve shoreline vegetation conditions over the long term.

2. Existing buffers and setbacks that have been established through previously approved subdivisions and indicated on the face of an approved plat shall be recognized and adhered to.

3. The following shall be exempt from the provisions of Section 4.1.3.
   a. Maintenance trimming of vegetation that has a main stem or supporting structure which is less than three (3) inches in diameter; except that tree topping or other vegetation removal is not exempt.
   b. Buffer enhancement through the removal of noxious or invasive weeds, provided the following are met:
      i. The vegetation removal is based on consultation with the Kitsap County Noxious Weed Board or the species being removed are on the Washington State Noxious Weed List (WAC 16-750, or its successor); and
      ii. The vegetation removal is conducted in a manner consistent with best management practices (BMP); and
      iii. Replanting occurs in the disturbed area in accordance with Section 4.1.2.5, Revegetation Standards.
   c. Removal of hazard trees, as defined in Appendix B, where a report by an arborist or other qualified professional demonstrates to the satisfaction of the Administrator that trimming is not sufficient to address the hazard provided:
      i. Mitigation is provided in accordance with Section 4.1.2, Environmental Impacts, including:
         A. Requiring that the downed tree be retained on the site to provide or enhance wildlife or marine habitat; and/or
         B. When possible, require that the hazard tree be topped for safety and remain as a wildlife snag; or
      ii. When a hazard tree is located in a geologically hazardous area, the applicant shall submit a Bluff Management Plan pursuant to Section 4.1.5, Critical Areas. The hazard tree may be removed prior to the approval of the plan if it is necessary to protect life and property.
   d. Commercial forest practices and the removal of trees pursuant to a Forest Practices Permit (Class II, III and IV-S only) issued by the Washington State Department of Natural Resources under the Washington State Forest Practices Act (RCW 76.09), except where such activities are associated with a conversion to other uses or other forest practice activities over which local governments have authority. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered a forest practice and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program, including Appendix B, and shall be limited to the minimum necessary to accommodate an approved use.

Commented [CC16]: Difficult to interpret as written.

Commented [CC17]: These sections deleted and replaced with sections from critical areas ordinance.

SMP Section 4.1.3.4 – ~~Exceptions~~ Exemptions

Commented [CC18]: Change title to be consistent – "Exceptions" is only used here.

Proposed language:

1. Vegetation management standards shall not apply retroactively to existing lawfully established conforming and nonconforming uses and developments, including normal and routine yard and garden activities** within ~~of~~ existing residential landscaping, such as lawns and gardens. Property owners are strongly encouraged to voluntarily improve shoreline vegetation conditions over the long term.
2. Existing buffers and setbacks that have been established through previously approved subdivisions and indicated on the face of an approved plat shall be recognized and adhered to.
3. Vegetation management standards shall not apply to pruning of trees and shrubs, provided that*:
   a. No live branch or stem or portion of live branch or stem greater than 6 inches in diameter is removed;
   b. Pruning activities conform to applicable practices of ANSI A300 (Part 1 – 2017) Tree, Shrub and Other Woody Plant Management – Standard Practices (Pruning), as amended.
   c. Trees and shrubs are not located in or overhanging a Type F stream or ordinary high water mark;
   d. Pruning operations do not remove greater than 10 percent of live canopy within any three-year period, provided that up to 25 percent may be removed with a certified arborist on site; and
   e. The practice known as topping – the reduction of tree size by cutting live branches and leaders to stubs, without regard to long-term tree health or structural integrity is prohibited.
4. Vegetation management standards shall not apply to the removal of the following vegetation with hand labor or hand-held equipment provided: (a) the area of work is under 2,500 square feet in area and (b) any area of bare ground is planted with native species within the first appropriate growing season or otherwise protected by acceptable temporary erosion and sedimentation control strategies:
   a. Plants on the Kitsap County or Washington State Noxious Weed Control Board list of noxious weeds;
   b. English ivy (*Hedera helix*) from tree trunks or ground surface;
   c. Himalayan blackberry (*Rubus discolor, R. procerus*);
   d. Evergreen blackberry (*Rubus laciniatus*);
   e. English/Portuguese laurel (*Prunus laurocerasus/lusitanica*)
   f. English holly (*Ilex aquifolium*); and
   g. Scotch broom (*Cytisus scoparius*).
   h. English hawthorne (*Crataegus laevigata*)
   i. Poison oak (*Toxicodendron diversilobum*)

Commented [CC19]: These sections are in the critical areas ordinance. Clearing permit would be required for pruning that exceeds these thresholds and no net loss standard would apply.

5. Commercial forest practices and the removal of trees pursuant to a Forest Practices Permit (Class II, III and IV-S only) issued by the Washington State Department of Natural Resources under the Washington State Forest Practices Act (RCW 76.09), except where such activities are associated with a conversion to other uses or other forest practice activities over which local governments have authority. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered a forest practice and shall be reviewed in accordance with the provisions for the proposed non-

Commented [CC20]: No change.

forestry use, the general provisions of this Program, including Appendix B, and shall be limited to the minimum necessary to accommodate an approved use.

***Existing language for pruning:**

SMP 4.1.3.7.1:

The following activities are allowed within the Shoreline Buffer and Site-specific Vegetation Management Area with an approved clearing permit. Such activities shall meet the standards of Section 4.1.4, Land Modification.

b. Minor Pruning. Tree pruning, including thinning of lateral branches to enhance views, or trimming, shaping, thinning or pruning necessary for plant health and growth and which does not harm the plant, is allowed consistent with the following standards:

i. All pruning shall meet the American National Standard Institute (ANSI) tree pruning standards;

ii. In no circumstance shall removal of more than one-fourth (1/4) of the original crown be permitted within a three year period;

iii. Pruning shall not include topping, stripping of branches or creation of an imbalanced canopy; and

iv. Pruning shall retain branches that overhang the water.

Commented [CC21]: This section is somewhat redundant of the proposed exemption for pruning.

Is there an upper limit to specify or should the no net loss standard be applied?

****New definition from draft critical areas ordinance (adapted for shoreline):**

Normal and routine yard and garden activities including, but not limited to, cutting and mowing lawns, weeding herbaceous plants, removal of noxious and invasive species, harvesting and replanting of ornamental garden plants and crops, incidental vegetable gardening, pruning and planting of noninvasive ornamental vegetation that are intended to maintain the general condition and extent of such areas; provided, that such activities are limited to legally existing yard and garden areas, do not further expand into critical areas or shoreline buffers, do not significantly alter topography, and do not diminish water quality or quantity. Normal and routine activities cannot result in a change to the location, size at the ground level or configuration of existing yard and garden areas. Normal and routine activities do not include tree and vegetation activities pursuant to BIMC 16.20.090.B that require a critical area permit and city pre-approval or removal of significant trees.

Existing language for landscape areas:

SMP 4.1.3.7.1:

The following activities are allowed within the Shoreline Buffer and Site-specific Vegetation Management Area with an approved clearing permit. Such activities shall meet the standards of Section 4.1.4, Land Modification.

a. Existing landscape areas may be retained within the Shoreline Buffer or Site-specific Vegetation Management Area. However, any changes from the existing landscape to a different landscaping use or activity will require that the modified area comply with the provisions of 4.1.3, Vegetation Management, and the intent of providing native vegetation to maintain ecological functions and processes.

Commented [CC22]: Not clear – propose to replace with "yard and garden activities" exemption.

New section or reference critical areas section (Vegetation Maintenance):

Not exempt, clearing permit required. Would include hazard trees, coppicing, ~~significant trees~~, view maintenance (and hedge maintenance?).

1. Hazard trees.

   a. Hazard tree removal or wildlife snag creation not within erosion and landslide hazard areas or a landslide hazard area setback at the top of slope is allowed provided that it shall comply with the following standards and submittal requirements:

      i. A report from an International Society of Arboriculture (ISA) Tree Risk Assessment Qualified (TRAQ) arborist that documents the hazard and provides a replanting plan for replacement trees;

      ii. Land owners are encouraged, but not required, to retain all or portions of removed hazard trees on site to provide wildlife habitat;

      iii. The land owner shall replace any trees that are removed with new trees at a minimum ratio of two replacement trees for each tree removed (2:1) within the first appropriate growing season in accordance with an approved planting plan. Replacement trees may be planted at a different, nearby location if it can be determined that planting in the same location would create a new hazard or potentially damage the critical area. Replacement trees shall be species that are native and indigenous to the site and a minimum of one inch in diameter at (4-1/2 feet high) for deciduous trees and a minimum of six feet in height for evergreen trees as measured from the top of the root ball;

      iv. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts; and

      v. Hazard trees determined to pose an imminent threat or danger to public health or safety, to public or private property, or of serious environmental degradation may be removed or pruned by the land owner prior to receiving approval from the city; provided, that within 14 days following such action, the land owner shall submit the report required by Section (i) directly above and a planting plan that demonstrates compliance with the provisions of this title.

   b. Hazard tree removal within erosion and landslide hazard areas and their setbacks at the top of slope is allowed provided that it shall comply with the standards and submittal requirements of both BIMC 16.20.090.B.2.a and the following:

      i. No root disturbance or stump removal is permitted;

      ii. Tree trunks, branches and stems may be left on a slope provided vegetative material does not result in a net increase in geological instability or create dangers to life or property.

      iii. When removing more than one hazard tree, or more than two within a five-year period, the applicant shall demonstrate compliance with development standards in BIMC 16.20.130.D(1) as documented by a geotechnical engineer licensed in the State of Washington.

STOPPED HERE

2. Coppicing

Commented [CC23]: Council still discussing whether or not to include big leaf maple and alder.

a. The coppicing of big leaf maple (*Acer macrophyllum*), red alder (*Alnus rubra*) and any species listed in BIMC 16.20.090.A(2) is allowed, provided:
   i. No ground or root disturbance occurs as part of the cutting;
   ii. Trees or shrubs are less than 6 inches in diameter at 4-1/2 feet high;
   iii. Coppicing may only occur once every three years; and
   iv. Coppicing of big leaf maple and red alder is not allowed in wetlands or fish and wildlife habitat conservation areas or their associated buffers. In shoreline buffers?

b. The coppicing or removal of any species listed in BIMC 16.20.090.A(2) and BIMC 16.20.090.B(3)**(a)** in an area greater than 2,500 square feet shall:
   i. Demonstrate compliance with development standards in BIMC 16.20.130.D(1) as documented by a geotechnical engineer licensed in the State of Washington if located within erosion and landslide hazard areas and their buffers at the top of the slope; and
   ii. Include submittal of a replanting plan for city review and approval for any areas of bare ground.

4. View maintenance

Existing language:

SMP 4.1.3.8.4 View Maintenance – Single-family Residential Only.

Shoreline residential use and development shall use all feasible techniques to maximize retention of existing native shoreline vegetation within the Shoreline Buffer and the Site-specific Vegetation Management Area.

a. Limited removal of existing trees or vegetation located on the same property as a single-family residence may be allowed for maintenance of a pre-existing view from the primary structure, or to establish a view for a new primary structure provided the following are met:

   i. The applicant demonstrates to the satisfaction of the Administrator that the vegetation removal is the minimum necessary to re-establish or establish a view of the water similar to that enjoyed by other residences in the area and that pruning methods are not sufficient to provide an adequate view of the water similar to that enjoyed by other residences in the area; and

   ii. Existing significant native trees are not removed within the Shoreline Jurisdiction, unless exempt; and

   iii. In no instance, including accounting for other approved alterations as provided in Section 4.1.3, shall vegetation removal exceed twenty (20) percent of the required Shoreline Buffer area or Site-specific Vegetation Management Area or reduce the vegetation canopy coverage to less than 65% in the Shoreline Buffer or Vegetation Management Area.

      A. Vegetation removal occurring adjacent to the shoreline shall also be limited to fifteen (15) linear feet of the water frontage; and

   iv. The applicant shall obtain an approved Bluff Management Plan pursuant to Section 4.1.5, Critical Areas for any vegetation alteration in a geologically hazardous area. The cost and preparation of the plan is the responsibility of the applicant; and

   v. All vegetation removal complies with other applicable requirements of this Program (such as clearing and grading, forest practices, and protection standards for fish and wildlife habitat), including the no net loss and/or revegetation standards in Section 4.1.2.

b. The Administrator my deny a request or condition approval for vegetation alteration proposals for view maintenance if it is determined that the action will result in an adverse effect to any of the following:

   i. Slope stability;

   ii. Habitat value;

   iii. Health of surrounding vegetation;

   iv. Risk of wind damage to surrounding vegetation;

   v. Nearby surface or ground water; or

   vi. Water quality of a nearby water body.

Commented [CC24]: •Allows for removal of significant, non-native trees
•Does not currently reference other sections that limit size of limbs allowed to be removed
•How does applicant demonstrate "minimum necessary"?
•Could allow proposed exempt pruning activities without review (less than 6" diameter, up to 25%)

Commented [CC25]: Not clear what this applies to – canopy coverage includes trees and shrubs. Can you not remove a tall shrub that takes up more than 20% of the buffer? Wouldn't it just get pruned down?

Commented [CC26]: Not clear how this is measured/applied.

Commented [CC27]: Geotech review not required in all cases; not required for most pruning.

SMP 4.1.5.8.4 – Bluff Management Plan

Existing language:

All alterations to the vegetation within a geological hazardous area shall provide a Bluff Management Plan developed by qualified professional(s) to address vegetation management for slope stability and ecological functions and processes for a ten year period. The plan at a minimum shall include:

a. A geotechnical analysis of slope stability as defined in B-9, Geologically Hazardous Areas of Appendix B.

b. A site plan showing existing vegetation location and species.

c. An analysis of identified vegetation appropriate for removal or alteration.

d. An analysis of vegetation management strategies for slope stability.

e. A mitigation plan developed according to Section 4.1.2, Environmental Impacts and Section 4.1.3, Vegetation Management.

f. The Administrator may include additional conditions for a site-specific analysis and require a third party review by a qualified professional at the cost of the applicant.

Commented [CC28]: As written, required for pruning. Suggest be limited to removal unless exceeding pruning thresholds allowed without review and pre-approval.

New section for significant trees

Existing language:

SMP 4.1.3.5.4: The Shoreline Buffer or Site-specific Vegetation Management Area shall be maintained in a predominantly natural, undisturbed and vegetated condition. Unless specifically allowed by this program, the following standards shall apply:

a. All existing native groundcover, shrubs and significant trees located within the Shoreline Buffer or Site-specific Vegetation Management Area shall be retained;

Commented [CC29]: Unclear. Could you take out a significant tree to install a patio? Boathouse? Dock?

SMP 4.1.3.5.6: Significant trees located outside the Shoreline Buffer or Site-specific Vegetation Management Area but within the shoreline jurisdiction, shall be retained unless allowed to be removed under the exceptions or other provisions of this program provided:

Commented [CC30]: There are no exceptions or other provisions that allow significant tree removal.

a. The Administrator may require alterations of a site plan in order to retain significant trees outside the Shoreline Buffer or Vegetation Management Area. This may include minor adjustments to the location of building footprints, the location of driveways and access ways, or the location of walkways, easements or utilities.

Commented [CC31]: No provision to allow for the removal.

SMP 4.1.3.7.1.c: Vegetation Removal Related to Construction. Tree or vegetation removal within the Shoreline Buffer or Site-Specific Vegetation Management Area that is associated with new construction may be allowed, but must retain significant trees and shall meet the requirements of Section 4.1.2, Environmental Impacts, including replanting provisions.

Proposed language:

Significant tree removal shall only be permitted to allow for locating a single-family residence and normal appurtenances. The Administrator may require alterations of a site plan in order to retain significant trees. This may include adjustments to the location of building footprints, the location of driveways and access ways, or the location of walkways, easements or utilities.

Commented [CC32]: Proposed to allow removal only for primary structure and appurtenances (septic, garage, etc.). Need to add definition of significant tree to SMP (10"evergreen, 12" deciduous).