



PLANNING COMMISSION
SPECIAL MEETING
THURSDAY, JULY 26, 2018
6:00 – 9:00 PM
COUNCIL CHAMBER
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

AGENDA

- 6:00 PM CALL TO ORDER
 Call to Order, Agenda Review, Conflict Disclosure
- 6:10 PM ORDINANCE 2018-19 AMENDMENTS TO BIMC CHAPTERS
 16.18 LAND CLEARING & 18.15.010 LANDSCAPING ETC. AND
 [ORDINANCE 2018-25 PROTECTION OF LANDMARK TREES](#)
 Study Session and Recommendation
 Jennifer Sutton, AICP, Senior City Planner
- 8:00 PM ORDINANCE 2018-20 SUBDIVISION DESIGN GUIDELINES
 AND DEVELOPMENT STANDARDS
 Study Session
 Christy Carr, AICP, Senior City Planner
- 8:45 PM NEW/OLD BUSINESS
- 9:00 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**



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: July 26, 2018
To: Planning Commission
From: Jennifer Sutton, AICP
Senior Planner
Subject: Revisions to BIMC Chapter 16.18 *Land Clearing* and Section 18.15.010 *Landscaping, screening, and tree retention, protection and replacement & Consider Integration of new Ordinance No. 2018-25 Protection of Landmark Trees*

I. BACKGROUND

The Tree/LID Ad Hoc Committee is a temporary Council Ad Hoc committee created to comprised of three Councilmembers and two Planning Commissioners and has been meeting since February 2014 to review the City's tree and landscaping regulations. Currently, Ad Hoc Committee members are:

Councilmember Ron Peltier	Commissioner Jon Quitslund
Councilmember Sarah Blossom	Commissioner Mack Pearl
Councilmember Rasham Nassar	

Realizing that reviewing the regulations in their entirety is a large task, the Ad Hoc Committee organized their work by first focusing on tree and landscaping regulations that apply to the Mixed Use Town Center (MUTC) /High School Road (HS) zoning districts (Ordinance 2015-04) and then regulations that applied to developments outside the Winslow Core (Ordinance 2016-01).

The last phase of the Tree/LID Ad Hoc Committee's work is to review tree regulations that apply to existing single-family development. Trees and vegetation on existing single-family properties are regulated by [BIMC Chapters 16.12 Shoreline Master Program](#) and [16.20 Critical Areas](#) where applicable, and outside of those sensitive areas, tree removal and property maintenance type activity is regulated by [BIMC Chapter 16.18 Land Clearing](#).

The Ad Hoc Committee also discussed whether to add single-family tree retention standards to both existing single-family properties, and existing undeveloped single-family properties. Outside of shoreline and critical area regulations, tree retention standard are located in [BIMC Section 18.15.010.G](#). Currently, tree retention requirements only apply to commercial, mixed-use and multifamily developments. The tree retention requirements are in addition to any required perimeter or roadside buffer, which may be required for single-family subdivisions, commercial, mixed-use and multifamily developments, pursuant to [BIMC Section 18.15.010.D & E](#). Open Space requirements for single-family subdivision ([BIMC Chapter 17.12.030](#)) round out the list of existing tree retention regulations.

The Planning Commission held a study session on this ordinance on June 7, and a public hearing on June 14.

II. SUMMARY OF CHANGES IN ORDINANCE 2018-19

There is enough changes and reorganizing proposed to [BIMC Chapter 16.18 Land Clearing](#) that the chapter is proposed to be repealed and replaced in full (Exhibit A to Ordinance 2018-19). Commissioners Quitslund and Pearl have met with staff since the Commission last discussed the ordinance on June 14; changes suggested by Commissioner Quitslund are shown highlighted and in strikeout/underline format in Ordinance 2018-19 and Exhibit A. Substantive changes to [BIMC Chapter 16.18 Land Clearing](#) include:

- Chapter title changed to *Tree Removal, Forest Stewardship and Vegetation Maintenance*
- Permit name changed from *Clearing Permit* to *Tree Removal/Vegetation Maintenance Permit*
- The purpose of the chapter is more explicit and expansive.
- All tree and vegetation activities within shoreline areas, critical areas or their buffers are subject to a minor shoreline or minor critical area permit instead of a permit under BIMC Chapter 16.18 (see page 3, BIMC 16.18.030).
- The time-period for limited tree removal without a permit lengthened from 12-months to 36-months (see page 3, BIMC 16.18.040.B).
- Currently, outside of the Mixed Use Town Center/High School Road Districts, a property owner may remove 6 significant trees without needing to get a permit. This regulation is proposed to be split by property size, with properties less than one acre in size only allowed to remove 3 significant trees without a permit (see page 3, BIMC 16.18.040.B).

Although there will be some clarification and consistency changes to [BIMC Section 18.15.010 Landscaping, screening, and tree retention, protection and replacement](#) the most impactful change proposed for these regulations in Ordinance 2018-19 is new tree retention requirements for single-family properties, both developed and undeveloped. The new tree retention requirement is based upon tree units/acre in the R-2.9, R-3.5 and R-4.3 zones, described in [BIMC Section 18.15.010.G.2](#) (see page 4 of Ordinance 2018-19) and by area in the R-0.4, R-1 and R-2 zones (see page 5 of Exhibit A BIMC 16.18.050.F). The changes are described in a table attached to this memo.

III. [ORDINANCE 2018-25 PROTECTION OF LANDMARK TREES](#)

At their meeting on June 26, the City Council voted 6-1 to adopt a [Landmark Tree Preservation Ordinance 2018-25](#). A summary of why the ordinance was adopted can be read on the [City's website](#). The process for Landmark Tree Retention is summarized below (a full list of the process is described in the [ordinance](#)):

1. Anyone who wishes to remove a Landmark Tree must submit an Application for Removal of a Landmark Tree to the Planning Director.
2. Once the application is received, the Planning Director will prepare a written recommendation on the removal for the City Council.
3. Within 60 days following the receipt by the Planning Director of an application to remove a Landmark Tree, the City Council will hold a public hearing on the proposed removal.
4. If the City Council grants an application for removal of a Landmark Tree upon a finding that removal is necessary, then, depending on certain criteria, the property owner who submitted the application is required to provide mitigation.

Arborist Katy Bigelow commented to City staff that there should be provisions to allow a hazardous landmark tree to be in reduced in height (which may be able to be done without killing the tree) to eliminate a target/hazard.

At their July 10 meeting, the City Council held off on scheduling a public hearing on this interim ordinance until after hearing what the Planning Commission recommends on this topic. The public hearing for Ordinance 2018-25 is scheduled for August 14, 2018.

As discussed above, **Ordinance 2018-19** already proposes new tree retention requirements for single-family residential properties. In considering the new landmark tree protection regulations, staff suggests that the Planning Commission think about these new rules by answering the following questions:

- Should the same rules regarding landmark trees apply citywide?
- Should the same rules apply to properties with existing development and to newly developing properties?
- Should the same rules apply to “landmark trees” apply across a property? Or should the rules be different for trees located between a building and front or side property line? Should the same rule apply for trees in a forested setting?

IV. PLANNING COMMISSION ACTION

It is anticipated that the Planning Commission will be able to complete their review of Ordinance 2018-19 at the July 26 meeting, and make a recommendation to the City Council at this meeting following the public hearing and discussion or continue discussion to a later Planning Commission meeting.

- Review background material prior to meeting and be prepared to ask questions, as needed
- Provide specific input – e.g., areas of concern, requests for changes , policy direction.
- Provide specific recommendations on Ordinance 2018-25 *Protection of Landmark Trees* and whether to endorse the new code chapter as is or suggest modification to the concept of *landmark trees*. NOTE: the City Council will hold a public hearing on Ordinance 2018-25 on August 14.

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

SFR Developed Properties in the R-0.4, R-1, R-2:

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>	<u>X</u>				<u>X</u> 30 TU/Acre See Table Below	<u>X</u>	<u>X</u>	<u>X</u>

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 (18.15.010.G):

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)

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.

ORDINANCE NO. 2018-19

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to tree removal permitting and tree and landscaping retention and maintenance requirements; repealing and replacing Bainbridge Island Municipal Code Chapter 16.18 and amending Section 18.15.010.

WHEREAS, in January 2014, the City Council convened an Ad Hoc Committee consisting of two Planning Commissioners and three Councilmembers to review and make recommendations on the City's tree regulations; and

WHEREAS, the Ad Hoc Committee organized their review by first focusing on regulations that apply to the Mixed Use Town Center and High School zoning districts (approved Ordinance No. 2015-04); and

WHEREAS, the Ad Hoc Committee then reviewed tree and landscaping regulations that apply to the rest of the island, outside of the Winslow commercial zoning districts (approved Ordinance 2016-01); and

WHEREAS, the last phase of the Tree/LID Ad Hoc Committee's work was to review tree regulations that apply to existing single-family development; and

WHEREAS, the Tree/LID Ad Hoc Committee discussed tree regulations that apply to existing single-family development during their meetings throughout 2017 and into 2018; and

WHEREAS, the Tree/LID Ad Hoc Committee completed their recommendations on tree regulations for single-family development in April 2018; and

WHEREAS, the Tree/LID Ad Hoc Committee recommendations have been integrated into Ordinance 2018-19; and

WHEREAS, the Planning Commission reviewed the draft Ordinance No. 2018-19 at a study session on June 7, 2018; and

WHEREAS, the Planning Commission conducted a public hearing on Ordinance No. 2018-19 on June 14, 2018; and

WHEREAS, the Planning Commission recommended approval of Ordinance No. 2018-18 on XXXXXX; and

WHEREAS, the City Council conducted a public hearing on Ordinance No. 2018-13 on XXXXX, 2018; and

WHEREAS, notice was given on June 11, 2018 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN, AS FOLLOWS:

Section 1. Chapter 16.18 of the Bainbridge Island Municipal Code is hereby repealed and replaced as shown in Exhibit A.

Section 2. Section 18.15.010.A of the Bainbridge Island Municipal Code is amended to read as follows:

2. Specific Zone Districts. In addition to the regulations listed in subsection A.1 of this section:

- a. For single-family residential development and redevelopment in residential districts the intent is to preserve and enhance the City's physical and aesthetic character by retaining and maintaining trees within among the residential landscape.

Section 3. Section 18.15.010.B of the Bainbridge Island Municipal Code is amended to read as follows:

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 General Regulations	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>	<u>X</u>				<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

Section 4. Section 18.15.010.C of the Bainbridge Island Municipal Code is amended to read as follows:

C. ~~General Regulations Tree Retention, Protection and Replacement.~~ Where Table 18.15.010-1 indicates that development must comply with the requirements of this subsection C, all development shall comply with the following requirements. These requirements are intended to supplement any regulations in Chapters [16.12](#) (Shoreline Master Program) and [16.20](#) (Critical Areas) BIMC, which remain the primary source of regulation for environmentally sensitive areas in Bainbridge Island. In the event of any inconsistency between the requirements of this subsection C and the requirements of Chapters [16.12](#) and [16.20](#) BIMC, the requirements of Chapters [16.12](#) and [16.20](#) BIMC shall apply.

Section 5. Section 18.15.010.G of the Bainbridge Island Municipal Code is amended to read as follows:

G. Total Site Tree Unit Requirements.

1. Intent. The overall purpose of this section is to preserve the landscape character of the community through development standards by encouraging the retention of existing vegetation and significant trees by incorporating them into site design. The intent of this subsection G is to ensure that, to the degree practicable, (a) each development approval in the MUTC, HSR I and II, [R-5](#), [R-8](#), [R-14](#), and NC zone districts and (b) each development approval for nonresidential development property in the [R-5](#), [R-4.3](#), [R-3.5](#), [R-2.9](#), [R-2](#), [R-1](#), and [R-0.4](#) zone districts leaves the development parcel with at least a specified minimum amount of tree coverage, measured in tree units per acre, that reflects the degree of tree coverage prior to development or redevelopment and that discourages avoidable site disturbances that would require tree removal.
2. Applicability. The regulations of this subsection G apply to each development applications involving (a) any modification to a development parcel located in the MUTC, HSR I and II, [R-5](#), [R-8](#), [R-14](#), or NC districts, or (b) a permitted nonresidential development in the [R-5](#), [R-4.3](#), [R-3.5](#), [R-2.9](#), [R-2](#), [R-1](#), and [R-0.4](#) zone districts, and (c) new and existing and developing single-family residential development in the [R-2.9](#), [R-3.5](#) and [R-4.3](#) zones. If a substantial-significant portion of a significant tree trunk, dripline and/or critical root zone extends onto an adjacent property, both properties may use the tree units for retaining the trees to meet the requirements of subsection G.4 of this section, upon mutual agreement. These provisions shall not apply to projects involving only interior renovation of existing buildings.
3. Site Specific Evaluation of Total Impact on Tree Coverage.
 - a. In order to show how the tree unit requirements of subsection G.4 of this section are being met, the applicant shall submit the following information as part of the landscaping plan information for a land use permit application:
 - i. Identify and survey all existing trees to be retained as part of the proposed development;

- ii. If opting to meet tree unit requirements pursuant to subsection G.4.a.~~iv~~ⁱⁱⁱ of this section, the applicant shall also identify the species and DBH of each tree to be removed;
- iii. The applicant shall also submit valuation of all trees to be retained, using the valuation standards of the International Society of Arboriculture (see administrative manual for submittal requirements for landscaping plans).

b. In determining which trees will be retained on a property to meet the tree unit requirements of subsection G.4, an applicant shall attempt to retain trees greater than 30 inches unless doing is necessary to allow reasonable use of a property and no other alternative is feasible.

c. A Tree Removal/Vegetation Maintenance permit is required to request ~~to~~ removal of trees in the following areas: existing and developing single-family residential development in the R-2.9, R-3.5 and R-4.3 zones. The applicant shall demonstrate how the tree unit and tree retention requirements of subsection G.4 of this section are being met.

4. Requirements.

a. A development application covered by subsection G.2 of this section shall only be approved if it complies with the requirements of subsections C (General Regulations Tree Retention, Protection, and Replacement), D (Perimeter Buffering and Screening), E (Street Frontage Landscaping), and F (Parking Lot Landscaping) of this section, and also complies with subsection G.4.a.i, ii or iii of this section.

- i. In the MUTC central core and ferry terminal overlay districts, the development parcel shall have at least 30 tree units per acre following the proposed development or redevelopment.
- ii. In the MUTC Ericksen Avenue, Madison Avenue, and gateway overlay districts, and each site in the R-5, R-8, R-14, HSR I and II, and NC districts, and for permitted nonresidential development in the ~~R-5~~, R-4.3, R-3.5, R-2.9, R-2, R-1, and R-0.4 zone districts, the development parcel shall have at least 40 tree units per acre following the proposed development or redevelopment.
- iii. In the R-4.3, R-3.5, R-2.9 zone districts, the existing single family residential development, developing single-family residences and vacant parcels shall have at least 30 tree units per acre.
- iv. As an alternative to subsections G.4.a.i, ~~and ii~~, and iii of this section, and at the applicant's option, the development parcel will contain at least the same number of tree units after the proposed development or redevelopment as it had before that development or redevelopment.

b. Existing and new trees in roadside, perimeter, and shoreline buffers and/or critical areas and their buffers do not count towards the tree unit requirements of this section. If an applicant is choosing to meet their tree unit requirements using

subsection G.4.a.iii of this section, the existing trees in those protected areas and buffers will not count towards the “pre-development” amount of tree units.

5. Calculation of Tree Units.

- a. Each tree preserved on a development parcel shall earn the number of tree units shown in Table 18.15.010-5, based on its diameter at breast height (DBH) as measured in inches. If the DBH measurement results in a fraction, the requirement shall be rounded to the nearest whole number (greater than or equal to 0.5 is rounded up; less than 0.5 is rounded down).

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.

b. Tree Retention Bonus.

- i. If retained trees occur in a tree stand, they shall earn 1.2 times the tree unit value shown in Table 18.15.010-5.
- ii. If the retained trees occur in a tree stand that is adjacent to a tree stand on an adjacent lot that is already protected as part of a land use permit or conservation easement, they shall earn one and one-half times the tree unit value shown in Table 18.15.010-5 instead of the bonus described in subsection G.5.b.i of this section.
- iii. If the retained tree is one designated through the city’s heritage tree program it shall earn two times the tree unit value shown in Table 18.15.010-5, and the tree

shall not receive additional bonus in subsections G.5.b.i and ii of this section for location in a tree stand.

- iv. If the retained tree is located within a designated wildlife corridor network, it shall earn one and one-half times the tree unit value shown in Table 18.15.010-5.
- c. Each new or replacement tree planted shall earn one tree unit. New trees planted to meet the minimum parking lot landscaping requirements of subsection F of this section do not count towards meeting tree unit credits under this section. New trees planted in or around a parking lot that exceed the minimum requirements of subsection F of this section can be counted towards meeting required tree units.
- d. If, after complying with subsections C, D, E, and F of this section, additional trees need to be planted to meet the minimum tree unit requirements in subsection G.4 of this section:
 - i. In the MUTC central core and ferry terminal overlay districts, those trees may be planted either at ground level or above ground level (such as a patio, terrace, or rooftop); and
 - ii. In the MUTC Ericksen Avenue, Madison Avenue, and gateway overlay districts, R-8, R-14, HSR I and II, NC districts, as well as for nonresidential developments within residential districts, those trees shall be planted at ground level.

Section 6. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this XX day of XXX, 2018.

APPROVED BY THE MAYOR this XX day of XXX, 2016.

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	XXXX, 2018
PASSED BY THE CITY COUNCIL:	_____
PUBLISHED:	_____
EFFECTIVE DATE:	_____
ORDINANCE NUMBER:	2018-18

~~Revised~~ **BIMC Chapter 16.18**
Tree Removal, Forest Stewardship and Vegetation Maintenance

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 shall** 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, **in keeping with ANSI Standards** 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, 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 areas, frequently flooded areas and a designated aquifer recharge protection area [ARPA]) or a prescribed critical area buffer zone. In these areas, including an 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.

16.18.040 Activities Allowed without a Permit.

The following activities are allowed without a Tree Removal/Vegetation Maintenance Permit, subject to any other applicable City regulations, i.e. BIMC 15.20 *Stormwater Management*:

- A. Routine landscaping and maintenance of vegetation, such as pruning and planting, removal of invasive/exotic species, management of brush and seedling trees. **The City encourages Pruning to shall** comply with ANSI standards to maintain long term health. 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 some healthy significant trees (see **16.18.120 Definitions**) is allowed, **but after the limit prescribed in this subsection is reached, a permit or a stewardship plan (BIMC 16.20.180.H) shall be required for further removal of healthy significant trees.** 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 **provision exception** does not apply if the tree removal is not consistent with any tree retention provisions of **this chapter or** 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.
- C. Removal of trees and ground cover in emergency situations involving immediate danger to life or structure or substantial fire hazards. If **this activity would ordinarily require one is required, a tree removal/vegetation maintenance clearing** permit shall be obtained as soon as possible after the emergency situation is stabilized.

- D. 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. If a standing dead tree poses a hazard, creating a shorter wildlife snag is recommended.
- E. Routine maintenance activities in rights-of-way and required roadside buffers, including removal of hazard trees and invasive/exotic species, trimming of overgrown hedges, and planting to replace removed vegetation (see BIMC Chapter 12.04)
- F. The installation and maintenance of fire hydrants, water meters, and pumping stations, and street furniture by the city or utility companies or their contractors.
- G. Pruning and Limbing of significant trees (required to be retained) to remove dead or hazardous branches, and to improve the tree's form and long-term vitality, provided that such work is done by a ISA certified arborist.

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 for the single-family residential zones, R-0.4, R-1, R-2 (see below, section BIMC Section 16.18.050.F) and R-2.9, R-3.5 and R-4.3 zones (BIMC 18.15.010.G) also apply (see below). Routine maintenance as described in sections 16.18.040.A, D and E 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.B** above. The planting of a replacement tree or trees may be required.
- C. A tree removal/vegetation maintenance permit is required for the removal of an outstanding and controversial tree (see Definitions). The city finds that longstanding resentments often arise when one party asserts a right to remove an outstanding tree that is on the property periphery, visible and of high value in the eyes of an adjoining property owner and other neighbors. In such circumstances, there may be grounds for disputing the asserted property right, and the public interest will be served by attempts to mediate or resolve the dispute.

A permit for removal of such a tree shall not be granted until the director has heard and examined the reasons for and against removal provided by parties to the dispute. The director, who may be assisted by another person authorized to mediate disputes on behalf of the city, shall meet in private with the parties or their representatives in order to seek an

amicable solution. If a permit is granted, the planting of a replacement tree or trees may be required as a condition of approval.

- D. 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, provide access, or fulfill the terms of an easement or covenant recorded prior to the adoption of the ordinance codified in this chapter.
- E. 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.
- F. For developed single-family residential properties in the R-0.4, R-1 and R-2 zones without an approved ARPA pursuant to Section 16.20.100, the following limits on maximum tree clearing apply:
 - 1. Properties $\leq$ 40,000 square foot in size could clear up to 2,000 square feet. Clearing between 2,001-6,999 square feet would be allowed with an approved ARPA stewardship plan (BIMC Section 16.20.180.H)
 - 2. Developed Properties between 40,000 square foot in size and 100,000 square feet. in size could clear up to 4,000 square feet. Clearing between 4,001-6,999 square feet would be allowed with an approved ARPA stewardship plan (BIMC Section 16.20.180.H)
 - 3. Developed Properties $>$ 100,000 square foot in size could clear up to 6,999 square feet. (note: ARPA designation threshold 7,000 square feet; BIMC Section 16.20.100).

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 is only allowed if the activity will not affect the health of adjacent trees.
- 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 reduce the forested area 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 BIMC 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.
- H. 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.

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

- A. For activities requiring a permit, the process begins with submission of a complete permit 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 describe specific clearing plans and** 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 **requirements 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 **planning 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" 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.

“Outstanding and controversial tree” means as follows: The terms “outstanding” and “controversial” may be used to describe a tree on private property that is a healthy, distinctive, one-of-a-kind example of its species, prominently placed and highly visible to neighbors and passers-by, such that preservation of the tree is a matter of concern to the community.

“Significant tree” means a live: (1) an live evergreen tree 10 inches in diameter or greater, measured four and one-half feet above existing grade; or (2) a live 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 live tree eight inches in diameter or greater, measured 4.5 feet above existing grade; or (4) any live 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.

ORDINANCE NO. 2018-25

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 36.70A.390; imposing an interim official control in the form of a new chapter to Title 16 of the Bainbridge Island Municipal Code related to the preservation, protection, and retention of Landmark Trees located on Bainbridge Island; specifying criteria for identification of Landmark Trees; stating the effect on vested rights; recognizing that a public hearing will be held within 60 days; authorizing interpretative authority; providing for severability; declaring an emergency; and establishing an immediate effective date.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim official controls related to land uses; and

WHEREAS, the City Council of the City of Bainbridge Island (“City”) updated the City’s Comprehensive Plan in February of 2017; and

WHEREAS, the City Council has significant concerns about development and growth in the City under current regulations in the context of the vision and goals of the City’s Comprehensive Plan, is discussing how to best accommodate growth and development in both general and specific ways, and finds that unless the City acts immediately to preserve the status quo, there are likely to be adverse impacts on the City and its citizens; and

WHEREAS, land clearing and development activities have resulted in the removal and loss of Landmark Trees on Bainbridge Island; and

WHEREAS, Landmark Trees, because of their age, size, and condition are recognized as having exceptional value in contributing to the character of the community; and

WHEREAS, the City has received numerous public comments expressing concern regarding the loss of Landmark Trees on Bainbridge Island; and

WHEREAS, the Planning Commission, Design Review Board, and the Ad Hoc Tree/LID Committee have expressed concern regarding the loss of trees on Bainbridge Island; and

WHEREAS, the preservation of trees is a community value supported by the policies and goals of the City’s Comprehensive Plan; and

WHEREAS, based on these and related concerns, the City Council requires additional time to review the regulations and policies at issue to ensure that the vision and goals of the City’s Comprehensive Plan are being met to the Council’s satisfaction; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, the interim official control imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare. A public emergency exists requiring that the City's interim official control to become effective immediately upon adoption.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim official control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 4 below.

Section 2. Interim Official Control Imposed. A new Chapter 16.32 is added to Title 16 of the Bainbridge Island Municipal Code, to read as follows:

Chapter 16.32 Protection of Landmark Trees

16.32.010 Definitions

- A. "City Attorney" means the city attorney of the City of Bainbridge Island, or their designee.
- B. "Diameter Breast Height" means the diameter of a tree measured at 4.5 feet above the ground on the uphill side of the tree.
- C. "Landmark Trees" means trees, located on Bainbridge Island, that are unique because of their age, size, species, historical significance, or aesthetic quality and meet the criteria established by this chapter.
- D. "Planning Director" means the director of the Planning and Community Development Department of the City of Bainbridge Island, or their designee.
- E. "Replacement Tree" means a tree that is of a species native and indigenous to the site where a Landmark Tree was removed and is a minimum size of six feet in height measured from top of the root flare, with a minimum trunk diameter of one inch measured at four inches above the top of the root flare for both evergreen and deciduous trees.
- F. "Size" means the Diameter Breast Height of a tree.

16.32.020 Landmark Tree Criteria.

Landmark Trees are trees that meet the following criteria for their species:

Species	Size (Greater than or equal to)
Birch (<i>Betula papyrifera</i>)	30"
Beech (<i>Fagus grandifolia</i>)	36"
Catalpa (<i>Catalpa speciosa</i>)	36"
American Elm (<i>Ulmus americana</i>)	30"
Douglas Fir (<i>Pseudotsuga menzesii</i>)	40"
Grand Fir (<i>Abies grandis</i>)	40"
Horsechestnut (<i>Aesculus hippocastanum</i>)	40"
Western Hemlock (<i>Tsuga heterophylla</i>)	30"
Black locust (<i>Robinia pseudoacacia</i>)	30"
Lombardy poplar (<i>Populus nigra</i>)	38"
Pacific Madrone (<i>Arbutus menzesii</i>)	24"
Bigleaf Maple (<i>Acer macrophyllum</i>)	36"
Silver maple (<i>Acer saccharinum</i>)	36"
Monkey Puzzle tree (<i>Araucaria araucana</i>)	36"
Monterey pine (<i>Pinus radiata</i>)	30"
Oregon White Oak (<i>Quercus garryana</i>)	30"
Pin Oak (<i>Quercus palustris</i>)	30"
Red Oak (<i>Quercus rubra</i>)	38"
Ponderosa pine (<i>Pinus ponderosa</i>)	30"
Western White pine (<i>Pinus monticola</i>)	30"
Sitka Spruce (<i>Picea sitchensis</i>)	36"
Sycamore (<i>Platanus occidentalis</i>)	36"
English walnut (<i>Juglans regia</i>)	30"
Western Red Cedar (<i>Thuja plicata</i>)	30"

Coast Redwood (<i>Sequoia sempervirens</i>)	30"
Japanese Laceleaf Maple	12"

16.32.030 Landmark Tree Retention.

- A. Except as otherwise allowed under this chapter, no person, corporation, or other legal entity shall remove a Landmark Tree without having obtained approval from the City Council.
- B. Prior to the removal of a Landmark Tree, any person, corporation, or other legal entity seeking to remove a Landmark Tree must submit an Application for Removal of a Landmark Tree to the Planning Director.
- C. Upon receipt of an Application for Removal of a Landmark Tree, the Planning Director will prepare a written recommendation on the removal for the City Council.
- D. Within sixty (60) days following the receipt by the Planning Director of an Application for Removal of a Landmark Tree, the City Council will hold a public hearing on the proposed removal.
- E. Following the public hearing and receipt of the Planning Director's recommendation, the City Council shall approve the removal, deny the removal, or request additional information. The City Council shall only approve the removal of a Landmark Tree upon a finding that at least one of the following criteria is met:
 1. The removal is necessary to enable construction on or reasonable use of the property, and no other alternative is feasible; or
 2. The removal is necessary to maintain utilities, access, or fulfill the terms of an easement or covenant recorded prior to the adoption of the ordinance codified in this chapter; or
 3. The tree is diseased, dead, or otherwise determined to be a hazardous tree as determined by a qualified professional pursuant to BIMC 18.15.010.C.1.c.
- F. If the City Council grants an application for removal of a Landmark Tree upon a finding that the removal is necessary to enable construction on or reasonable use of the property, and no other alternative is feasible, then the property owner that submitted the application shall be required to provide mitigation through the

planting of Replacement Trees on the property from which the Landmark Tree was removed in accordance with the following:

1. The quantity of Replacement Trees is calculated by multiplying the Diameter Breast Height of the subject Landmark Tree by fifty percent (50%) to establish the number of replacement inches; and
2. The total number of Replacement Trees is determined by the total caliper inches of Replacement Trees equaling or exceeding the required tree replacement inches established in subsection (F)(1) of this section.

G. In lieu of planting the Replacement Trees prescribed in subsection (F) of this section, an applicant may satisfy the tree replacement requirements by:

1. Planting at least three Replacement Trees on the property from which the Landmark Tree was removed; and
2. Contributing to the Bainbridge Island Tree Fund at a rate of \$500.00 per each replacement inch not accounted for in the planting of Replacement Trees; and
3. The sum of the tree replacement inches accounted for by contributing to the Bainbridge Island Tree Fund and the total caliper inches of the Replacement Trees planted shall not be less than the total replacement inches calculated in subsection (F) of this section.

16.32.040 Emergencies.

A. In emergency situations involving immediate danger to life or real property, removal of a Landmark Tree is permitted without first obtaining approval from the City Council; Provided, that the following conditions are satisfied:

1. The person, corporation, or other legal entity that removed the Landmark Tree submits an Application for Removal of a Landmark Tree under this chapter within fourteen (14) days after the emergency situation is stabilized; and
2. The person, corporation, or other legal entity that removed the Landmark Tree provides, within fourteen (14) days after the emergency situation is stabilized, the city with documentation establishing the existence of the emergency situation, with such documentation including at least four high resolution photographs evidencing the existence of the emergency situation; and
3. The City Council subsequently approves the removal pursuant to this chapter.

- B. If the conditions of subsection (A) of this section are not satisfied, the person, corporation, or other legal entity that removed the Landmark Tree without first obtaining approval from the City Council will be in violation of this chapter.

16.32.050 Appeals.

- A. The City Council's decision on an application for removal of a Landmark Tree may be appealed to the Kitsap County Superior Court in accordance with Chapter 36.70C RCW.
- B. All appeals must be filed within twenty-one (21) days following the issuance of the City Council's decision on the application.

16.32.060 Violations and Penalties.

- A. This chapter shall be enforced, and penalties for violations of this chapter will be imposed, pursuant to Chapter 1.26 BIMC, except that no Notice of Infraction may be issued under Chapter 1.26 BIMC for a violation of this chapter. In addition to Notices of Violation issued under BIMC 1.26.050 or BIMC 1.26.060, BIMC 1.26.070 will also govern the review and appeal of any Notice of Violation issued under Chapter 1.26 BIMC for a violation of this chapter.
- B. In addition to the civil penalties imposed under BIMC 1.26.090, an additional civil penalty will be imposed on any person, corporation, or other legal entity that removes a Landmark Tree without prior approval of the City Council. This additional civil penalty will be in the amount of \$25,000 for each Landmark Tree removed. The City Attorney will take appropriate action to collect this additional civil penalty.
- C. In the event of a conflict between the requirements of this chapter and any other requirement of the Bainbridge Island Municipal Code, this chapter will govern and control.

Section 3. Effect on Vested Rights. The interim official control imposed under Section 2 of this ordinance shall apply prospectively only. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Bainbridge Island regulations, provided that such a permit applicant has filed a complete permit application before the effective date of this ordinance.

Section 4. Public Hearing. Pursuant to RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact.

Section 5. Interpretive Authority. The City of Bainbridge Island Director of Planning and Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 6. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Declaration of Emergency; Effective Date; Duration. This ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This interim official control shall take effect immediately, and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim official control for one or more six month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

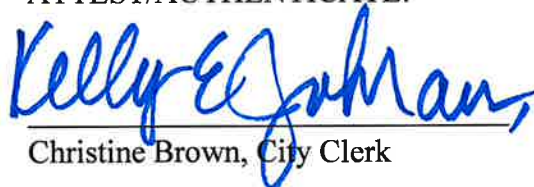
PASSED BY THE CITY COUNCIL this 26th day of June, 2018.

APPROVED BY THE MAYOR this 26th day of June, 2018.



Kol Medina, Mayor

ATTEST/AUTHENTICATE:


Christine Brown, City Clerk

DEPUTY CITY CLERK FOR
CHRISTINE BROWN

FILED WITH THE CITY CLERK:	June 22, 2018
PASSED BY THE CITY COUNCIL:	June 26, 2018
PUBLISHED:	June 29, 2018
EFFECTIVE DATE:	June 26, 2018
ORDINANCE NUMBER:	2018-25

Chapter 17.12**SUBDIVISION DESIGN STANDARDS**

Sections:

- 17.12.010 Applicability.
- 17.12.020 General requirements for single-family subdivisions.
- 17.12.030 Residential subdivision design guidelines.
- 17.12.040 General residential subdivision standards.
- 17.12.050 Specific residential subdivision standards.
- 17.12.060 Nonresidential subdivisions.
- 17.12.070 Special requirements for critical and shoreline areas and designated resource lands.

17.12.010 Applicability.

This section sets forth standards for (A) short subdivisions, (B) long subdivisions, (C) large lot subdivisions, (D) multifamily subdivisions, and (E) nonresidential subdivisions. Procedures for boundary line adjustments are set forth in BIMC Title 2.

17.12.020 General requirements for residential subdivisions.

A. Requirement. All subdivisions shall be designed in accordance with the standards and design guidelines of this chapter. If, due to site or design constraints, no homesite with supporting infrastructure can be located on a subject property, no division of land is permitted.

B. Pre-Existing Lots. Lots that have previously received final approval from the city, or that have previously received final approval from Kitsap County prior to inclusion within the city boundaries, and that do not comply with the development standards and design guidelines of this section shall be considered existing nonconforming lots, but any future resubdivision of any such lots shall comply with current requirements.

C. Large Lot Subdivisions. As authorized by RCW 58.17.040(2) or its successors, the city regulates the division of land into large lots. Large lot subdivisions shall comply with the requirements of BIMC 17.12.040 (General residential subdivision standards), the requirements of BIMC 17.12.060 (Special requirements for critical and shoreline areas and designated resource lands), if applicable, and the requirements of BIMC Title 18 for the zone district in which the property is located. (Ord. 2017-02 § 17, 2017: Ord. 2011-02 § 2 (Exh. A), 2011)

17.12.030 Residential subdivision design guidelines.

The purpose of these design guidelines is to define the qualities of subdivisions that meet the guiding principals, goals, and policies of the city's Comprehensive Plan and to serve as a tool for guiding individual projects to meet those expectations through the city's land use review procedures. The design guidelines offer a forum for the public to participate in discussions about new subdivisions in their neighborhood, and as a means of allowing flexibility in the application of development standards and zoning requirements. An applicant may be granted a departure from the development standards and zoning requirements by demonstrating that an alternative design better meets the intent of the design guidelines.

All residential subdivisions, except large lot subdivisions, shall comply with the residential subdivision design guidelines, and shall also comply with the standards of BIMC 17.12.040 (General residential subdivision standards) and with the standards of BIMC 17.12.060 (Special requirements for critical and shoreline areas and designated resource lands) as applicable.

In a manner appropriate to the subject property's zoning classification, adjoining properties, and site-specific characteristics, Natural Area(s) and Community Space(s) shall be integral parts of the subdivision design, and assets to be cared for and enjoyed by residents.

A. Natural Areas

1. Preserve Existing Natural Areas

Intent: To protect a significant part of the property that is forested and/or contains other sensitive natural resources.

Guideline: Areas such as trees, forests, vegetated slopes, meadows, streams and wetlands shall be features of the subdivision design. **Table XX** prioritizes the list of natural area types and includes existing wildlife corridors, land currently used for pasture or crop production, and stormwater ponds that function as a natural feature or constructed wetland. Construction activities shall not impact Natural Areas and protected trees.

2. Recognize and Protect Significant Trees

Intent: Protect trees that are considered ecologically or aesthetically significant and embody pieces of the Island's history and distinctive identity.

Guideline: If located outside of a Natural Area, significant trees shall still be protected when homesites are planned. Historical significance, rarity or scarcity, ecological function and aesthetic appeal are qualities worthy of preservation. **[Wait on recommendations on landmark tree ordinance; revisions to 16.18; new definition of significant tree].** Staff note: will likely also be addressed in "landscaping, screening, and tree retention" section relocated (applicable parts) sections of BIMC 18.15.010. Will also need definition of "significant" tree.

B. Site Design

3. Provide Community Spaces

Intent: Promote community interactions.

Guideline: Community space(s) shall be located adjacent to as many homesites as is feasible. Spaces and facilities could be: a central green, play structures, pea patches, a flower garden, an orchard, a greenhouse, a covered or enclosed social space. Natural areas will be given priority over covered or enclosed community spaces.

4. Design Homesites To Promote Community Interaction

Intent: To promote interactions within the community and to reduce infrastructure costs and the impacts of development, homesites should be located in clusters, with safe walking routes within the community and to adjacent neighborhoods.

Guideline: The separation of any homesite from another adjacent to it will vary with the zoning classification and the lay of the land. Projects with more than ten homes may create separate homesite clusters, each with its own Community Space. Projects shall provide pedestrian connections on pervious paths through the site and to adjacent trails if they exist. Sites without adjacent trails should, if feasible, provide public easement(s) to identified potential trail connections. Walking paths should connect homesites with the Community Space and Natural Area

5. Design Homesites to Promote Neighborliness

Intent: Promote neighborliness by avoiding solid fenced yards facing a public street, orienting entry to the street and minimizing driveways and garages.

Guideline: For homesites where yards face a public street, any fence at the property line shall not exceed 3.5 feet in height. Any fence exceeding 3.5 feet shall be set back a minimum of 15 feet and planted with a full screen buffer in the setback. Homes along public streets shall have their entry oriented to the street, with porches and outdoor spaces encouraged. Homes on corner lots may face a side yard to the street. Any garage or covered parking shall

be adjacent to the access way. If facing the street, garages shall be limited to two cars; if located toward the rear of the home, they should use a shared driveway.

6. Use an Efficient Homesite Footprint

Intent: Integrate the footprint of impermeable surfaces, useable outdoor spaces, and any access and parking areas within a limited homesite area.

Guideline: The applicant shall identify how, throughout the subdivision, building footprints and outdoor spaces can be efficiently configured.

7. Provide Variation in Housing Design and Diversity

Intent: Add visual interest and individuality with a range of house designs, sizes and purchase prices.

Guideline: House designs shall be varied in floor plan, elevations and massing, to achieve a minimum of one plan for each three homes. House types may feature shared details to provide continuity and harmony.

8. Provide Useable Sideyards and Native Vegetation for Landscaping

Intent: Ensure that spaces between houses are useable and landscaping around each house incorporates native vegetation.

Guideline: The distance between houses shall be at least 10 feet, to provide for various uses and allow for light and privacy, except in zero lot line circumstances. [NEED TO DETERMINE WHERE ZERO LOT LINE IS ALLOWED]. Table of dimensional standards covers this; limited to certain zones and homes larger than 1600 sf cannot be attached (proposed), need to limit number of houses that can be connected or size of overall structure. Landscaping for each house shall incorporate a minimum of XXX percent of native vegetation. [Need to determine what percentage makes sense for native vegetation requirement for landscaping]

Commented [CC1]: Left as placeholder to make sure it's covered elsewhere.

9. Recognize Historical and Cultural Resources

Intent and Guideline: Identify and preserve any culturally significant artifacts associated with the site of development or redevelopment; consult with the Historic Preservation Commission before modifying or demolishing a historically significant structure.

C. Reduce Development Impacts

10. Promote Sustainability and Solar Access

Intent: Ensure that site planning and building design support strategies for sustainability and provide access to some direct daylight for each homesite for wellbeing and energy production.

Guideline: All homes and community buildings should be designed to minimize their environmental footprint, in accordance with the requirements of locally adopted codes. Homesites shall be oriented in relation to open space and forest canopy to maximize solar access for all homes if possible. Massing of buildings, tree retention and plantings shall minimize the effects of shade on adjacent homes.

11. Reduce Impervious Surfaces.

Intent: Reduce impervious surfaces by limiting the width and length of roads within the subdivision and by eliminating roads serving individual homesites where feasible.

Guideline: Site design shall use a paved road surface of 12 feet or less, unless a wider standard is required by the Fire Marshal or other city regulation. Parking may be located outside of homesites along an access way, in shared parking areas, or garages. If provided, a covered parking structure is limited to 5 spaces, separated from adjacent

covered parking with landscape islands. Garages, when remote from homesites, shall be deed restricted to serve specific homesites.

12. Restore Disturbed Areas of the Site

Intent: Restore ecological functions of areas disturbed and impacted by construction.

Guidelines: Disturbed or non-native areas affected by construction activities shall be restored to achieve predevelopment conditions.

13. Incorporate Efficient Stormwater and Septic System Design

Intent: **Integrate stormwater into site layout and design, avoiding isolated facilities where possible, and seek out the most appropriate technology for reducing stormwater and septic system impacts on the natural environment.**

Design for on-site infiltration of septic system outflow and stormwater.

Guideline: Limit impervious surfaces, design an efficient septic system, and disperse rainfall with such strategies as raingardens, pervious paving, natural vegetation and natural ponds. Encourage shared or community septic systems, if available. Where stormwater retention ponds are necessary, they shall function as a natural feature or a constructed wetland, with gentle slopes and native vegetation. Fencing around stormwater ponds, if used, shall be visually open (split rail, for instance) and less than 3' 6" in height unless otherwise required for public health and safety.

ORDINANCE 2018-20 EXHIBIT A

Bainbridge Island Municipal Code
Title 17 SUBDIVISIONS AND BOUNDARY LINE
ADJUSTMENTS

Page 1/24

Title 17

SUBDIVISIONS AND BOUNDARY LINE ADJUSTMENTS

****New name for subdivisions?****

Chapters:

- 17.04 Purpose and General Provisions**
- 17.08 Applicability**
- 17.12 Subdivision Design Standards**
- 17.16 Boundary Line Adjustments**
- 17.20 Dedications of Land**
- 17.24 Enforcement and Penalties**
- 17.28 Definitions**

Chapter 17.04

PURPOSE AND GENERAL PROVISIONS

Sections:

- 17.04.010 Purpose.
- 17.04.020 General provisions.

17.04.010 Purpose.

A. The purpose of this title is to regulate the division of land into short subdivisions, long subdivisions, and large lot subdivisions to promote the public health, safety and general welfare of the citizens of the city in accordance with state law and the city's comprehensive plan. To carry out this purpose and further the comprehensive plan policies addressing residential subdivision of land, this title establishes a flexible lot process for short and long subdivisions that promotes the preservation and consolidation of open space and clustering of development within residential subdivisions. This process facilitates the fair and predictable division of land, maintains the current character of the city, encourages efficient and cost-effective provisions for infrastructure, limits the development impact area, minimizes impervious surface area and provides for greater flexibility in the division and establishment of residential lots.

C. Through this title, the city will also allow for the subdivision of land for nonresidential, multifamily, and mixed use, and accomplish uniform monumenting of land divisions and conveyance by accurate legal description.

D. An additional purpose of this title is to provide criteria for summary administrative approval of boundary line adjustments that satisfy public concerns of health, safety and welfare, or where arranging or rectifying boundary lines is otherwise requested.

E. A final purpose of this title is to comply with the provisions of RCW Title 58 (Boundaries and Plats) or its successors, and other applicable law of Washington State, and no provision of this title shall be interpreted to authorize or require actions inconsistent with those laws. (Ord. 2011-02 § 2 (Exh. A), 2011)

17.04.020 General provisions.

A. Location of Substantive Standards. This title sets forth substantive standards for the layout and design of short, long, large lot, nonresidential, and multifamily subdivisions. All such divisions of land must also comply with substantive standards in BIMC Titles 15 (Buildings and Construction), 16 (Environment), and 18 (Zoning) unless the standards in those titles have been explicitly modified or waived.

B. Location of Review and Approval Procedures. The procedures for approval of short, long, large lot, nonresidential and multifamily subdivisions, as well as the vesting of rights related to those types of approvals, are set forth in BIMC Title 2 (Administration and Personnel). All such provisions require consistency with the requirements of RCW Title 58 (Boundaries and Plats) or its successors as applicable to the type of land division being proposed.

C. Compliance with RCW Title 58.

1. General.

a. Every long, large lot, nonresidential or multifamily subdivision shall comply with the provisions of RCW Title 58. Every short subdivision as defined in RCW Title 58 shall comply with the provisions of the Bainbridge Island subdivision regulations, which have been adopted pursuant to RCW 58.17.060. A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the city.

b. For purposes of compliance with RCW Title 58 (Boundaries and Plats) or its successors, the Bainbridge Island subdivision regulations shall consist of this title, as well as applicable substantive standards in

BIMC Titles 15 (Buildings and Construction), 16 (Environment), and 18 (Zoning), applicable procedures set forth in BIMC Title 2 (Administration and Personnel), and related local regulations or ordinances adopted in accordance with state law. Large lot subdivisions and multifamily or nonresidential subdivisions are forms of subdivisions regulated pursuant to RCW 58.17.040(2) or its successors, and shall be subject to the requirements of RCW Title 58 applicable to subdivisions, as modified by any applicable provisions of the BIMC.

c. The limitations imposed by this section shall not restrict conditions imposed under Chapter 43.21C RCW.

2. Specific Provisions. Without limiting the generality of subsection C.1 of this section, the Bainbridge Island subdivision regulations and all applications for short, long, large lot, nonresidential and multifamily subdivisions pursuant to those regulations shall be consistent with the provisions of RCW 58.17.033, 58.17.060, and 58.17.140 regarding requirements for application, approval, and time limitation and extension.

D. Limitations on Dedications and Fees. Pursuant to RCW 58.17.110(2) or its successors, dedication of land, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 or their successors may be required as a condition of subdivision approval. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 or their successors shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

E. Application Materials. Materials required to be submitted with an application for a short or long subdivision, subdivision, large lot subdivision, nonresidential or multifamily subdivision or boundary line adjustment are available in the Bainbridge Island Administrative Manual.

F. Interpretation. This title shall be liberally interpreted and construed to secure the public health, safety, morals, and welfare, to implement the Bainbridge Island comprehensive plan, and to comply with all applicable requirements of Washington State law, and the rule of strict construction shall have no application. (Ord. 2011-02 § 2 (Exh. A), 2011)

Chapter 17.08
APPLICABILITY
NO CHANGES PROPOSED

Sections:

- 17.08.010 Applicability.
- 17.08.020 Exclusions.

17.08.010 Applicability.

Unless excluded by BIMC 17.08.020, all short, long, large lot, nonresidential and multifamily subdivisions, as defined in Chapter 17.28 BIMC and Chapter 18.36 BIMC, shall comply with this title. (Ord. 2011-02 § 2 (Exh. A), 2011)

17.08.020 Exclusions.

This title shall not apply to:

- A. Cemeteries and other burial plots while used for that purpose.
- B. Divisions made by testamentary provisions, or the laws of descent, as defined in Chapter 17.28 BIMC.
- C. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with city ordinance.
- D. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers is permitted to be placed upon the land when the city has approved a binding site plan for the use of the land in accordance with city ordinance.
- E. Divisions of land into lots or tracts if:
 - 1. The improvements constructed or to be constructed on the lot or tract will be included in one or more condominiums or are owned by an association or other legal entity in which the owners of units or their owners' associations have a membership or other legal or beneficial interest; or
 - 2. The city has approved a binding site plan for all such land and the binding site plan contains the following statement:

All development of the land described in this site plan shall be in accordance with the binding site plan, as it may be amended. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units or their owners' association have a membership or other legal or beneficial interest.
- F. A division (1) caused by condemnation or by acquisition by a government entity in lieu of condemnation, or (2) otherwise resulting from a transfer of land to a government entity for open space, park, public vehicular access, public pedestrian access, utility, or right-of-way purposes, or to a private utility regulated by the State Utilities and Transportation Commission for utility improvement purposes.
- G. Any division of land that is exempted from the scope of RCW Title 58 or its successors.
- H. Short subdivisions shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, as a means to circumvent compliance with the more stringent subdivision requirements that control the subdivision of land into five or more lots. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous land parcel, a presumption of an attempt to circumvent short subdivision requirements may be invoked by the director as a basis for further investigation to assure compliance with the intent of this provision. (Ord. 2011-02 § 2 (Exh. A), 2011)

Chapter 17.12**SUBDIVISION DESIGN STANDARDS**

Sections:

- 17.12.010 Applicability.
- 17.12.020 General requirements for single-family subdivisions.
- 17.12.030 Residential subdivision design guidelines.
- 17.12.040 General residential subdivision standards.
- 17.12.050 Specific residential subdivision standards.
- 17.12.060 Nonresidential subdivisions.
- 17.12.070 Special requirements for critical and shoreline areas and designated resource lands.

17.12.010 Applicability.

This section sets forth standards for (A) short subdivisions, (B) long subdivisions, (C) large lot subdivisions, (D) multifamily subdivisions, and (E) nonresidential subdivisions. Procedures for boundary line adjustments are set forth in BIMC Title 2.

17.12.020 General requirements for residential subdivisions.

A. Requirement. All subdivisions shall be designed in accordance with the standards and design guidelines of this chapter. If, due to site or design constraints, no homesite with supporting infrastructure can be located on a subject property, no division of land is permitted.

B. Pre-Existing Lots. Lots that have previously received final approval from the city, or that have previously received final approval from Kitsap County prior to inclusion within the city boundaries, and that do not comply with the development standards and design guidelines of this section shall be considered existing nonconforming lots, but any future resubdivision of any such lots shall comply with current requirements.

C. Large Lot Subdivisions. As authorized by RCW 58.17.040(2) or its successors, the city regulates the division of land into large lots. Large lot subdivisions shall comply with the requirements of BIMC 17.12.040 (General residential subdivision standards), the requirements of BIMC 17.12.060 (Special requirements for critical and shoreline areas and designated resource lands), if applicable, and the requirements of BIMC Title 18 for the zone district in which the property is located. (Ord. 2017-02 § 17, 2017: Ord. 2011-02 § 2 (Exh. A), 2011)

17.12.030 Residential subdivision design guidelines.

The purpose of these design guidelines is to define the qualities of subdivisions that meet the guiding principals, goals, and policies of the city's Comprehensive Plan and to serve as a tool for guiding individual projects to meet those expectations through the city's land use review procedures. The design guidelines offer a forum for the public to participate in discussions about new subdivisions in their neighborhood, and as a means of allowing flexibility in the application of development standards and zoning requirements. An applicant may be granted a departure from the development standards and zoning requirements by demonstrating that an alternative design better meets the intent of the design guidelines.

All residential subdivisions, except large lot subdivisions, shall comply with the residential subdivision design guidelines, and shall also comply with the standards of BIMC 17.12.040 (General residential subdivision standards) and with the standards of BIMC 17.12.060 (Special requirements for critical and shoreline areas and designated resource lands) as applicable.

Commented [CC1]: How does the PC like this first paragraph? Is it sufficient to describe what a design guideline is?

Applicability – i.e., which type of subdivision are required to use design guidelines – should be spelled out here. Differences can also be specified in the dimensional standards table.

In a manner appropriate to the subject property's zoning classification, adjoining properties, and site-specific characteristics, Natural Area(s) and Community Space(s) shall be integral parts of the subdivision design, and assets to be cared for and enjoyed by residents.

A. Natural Areas

1. Preserve Existing Natural Areas

Intent: To protect a significant part of the property that is forested and/or contains other sensitive natural resources.

Guideline: Areas such as forests, vegetated slopes, meadows, streams and wetlands shall be features of the subdivision design.

2. Preserve Agricultural Land

Intent: To make good use of available open space for pasture and crop agriculture.

Guideline: Land currently used for pasture or crop production may be regarded as a natural area as described in **Table x.x (prioritized list of natural area types).**

3. Wildlife Corridors

Intent: Maintain existing wildlife corridors.

Guideline: Where wildlife corridors have been identified on adjacent properties, they shall not be obstructed by new development, and shall be supported by design of the Natural Area.

B. Site Design

4. Community Spaces

Intent: Promote community interactions.

Guideline: Community space(s) shall be located adjacent to as many homesites as is feasible. Spaces and facilities could be: a central green, play structures, pea patches, a flower garden, an orchard, a greenhouse, a covered or enclosed social space.

5. Recognize and Protect Significant Trees

Intent: Protect trees that embody pieces of the Island's history and distinctive identity.

Guideline: If located outside of a Natural Area, the most significant trees shall still be protected when homesites are planned. Historical significance, rarity or scarcity, and aesthetic appeal are qualities worthy of preservation. Wait on recommendations on landmark tree ordinance; revisions to 16.18; new definition of significant tree? Could be separate section for landmark trees. Staff note: will likely also be addressed in "landscaping, screening, and tree retention" section relocated (applicable parts) sections of BIMC 18.15.010.

6. Solar Access

Intent: Ensure that some direct daylight is available to homesites for wellbeing and energy production.

Guideline: Homesites shall be oriented in relation to open space and forest canopy to maximize solar access for all homes if possible. Massing of buildings, tree retention and plantings shall minimize the effects of shade on adjacent homes.

7. Homesites in Clustered Groups

Intent: To promote interactions within the community and to reduce infrastructure costs and the impacts of development, homesites should be located in clusters.

Guideline: The separation of any homesite from another adjacent to it will vary with the zoning classification and the lay of the land. Projects with more than ten homes may create separate homesite clusters, each with its own Community Space.

8. Trail Connections

Intent: Provide safe walking routes within the community and to the adjacent neighborhood(s).

Guidelines: Projects shall provide pedestrian connections on pervious paths through the site and to adjacent trails if they exist. Sites without adjacent trails should, if feasible, provide public easement(s) to identified potential trail connections. Walking paths should connect homesites with the Community Space and Natural Area.

9. Fence Design

Intent: Avoid solid fenced yards facing a public street.

Guideline: For homesites where yards face a public street, any fence at the property line shall not exceed 3.5 feet in height. Any fence exceeding 3.5 feet shall be set back a minimum of 15 feet and planted with a full screen buffer in the setback.

10. Facing Public Ways

Intent: Reinforce neighborliness of homes facing a public street.

Guidelines: Homes along public streets shall have their entry oriented to the street. Porches and outdoor spaces are encouraged. Homes on corner lots may face a side yard to the street.

11. Minimize Driveways and Garages

Intent: Proportionally and by location, a garage and driveway should be less prominent than the house they serve.

Guidelines: Any garage or covered parking shall be adjacent to the access way. If facing the street, garages shall be limited to two cars; if located toward the rear of the home, they should use a shared driveway.

12. Recognize Historical and Cultural Resources

Intent and Guideline: Identify and preserve any culturally significant artifacts associated with the site of development or redevelopment; consult with the Historic Preservation Commission before modifying or demolishing a historically significant structure.

ADD GUIDELINE RE: USE OF NATIVE VEGETATION 75 PERCENT

C. Reduce Cumulative Impacts of Development

13. Sustainability

Intent: Ensure that site planning and building design support strategies for sustainability.

Guideline: All homes and community buildings should be designed to minimize their environmental footprint, in accordance with the requirements of locally adopted codes.

14. Narrow Roadways

Intent: Reduce impervious surfaces by limiting the width and length of roads within the subdivision.

Guideline: Site design shall use a paved road surface of 12 feet or less, unless a wider standard is required by the Fire Marshal.

Commented [CC2]: Added by staff.

15. Clustered Parking

Intent: Where feasible, reduce impervious surfaces by eliminating roads serving individual homesites.

Guidelines: Parking may be located outside of homesites along an access way, in shared parking areas, or garages. If provided, a covered parking structure is limited to 5 spaces, separated from adjacent covered parking with landscape islands. Garages, when remote from homesites, shall be deed restricted to serve specific homesites.

16. Limit Area of Disturbance during Construction

Intent: Avoid disturbance of designated Natural Area(s).

Guidelines: Construction activity and impacts shall not impact Natural Areas and protected trees.

17. Site Restoration

Intent: Restore ecological functions of disturbed and impacted areas.

Guidelines: Disturbed or non-native conditions shall be restored to achieve predevelopment conditions.

18. Integrated Dispersion and Infiltration

Intent: Integrate stormwater into site layout and design, avoiding isolated facilities where possible. Design for on-site infiltration of septic system outflow and stormwater.

Guideline: Limit impervious surfaces, design an efficient septic system, and disperse rainfall with such strategies as raingardens, pervious paving, natural vegetation and natural ponds.

19. Stormwater Retention Ponds

Intent: Stormwater ponds shall function as a natural feature.

Guideline: If needed, stormwater ponds shall be designed to function as constructed wetlands, with gentle slopes and native vegetation. Fencing, if used, shall be visually open (split rail, for instance) and less than 3' 6" in height unless otherwise required for public health and safety. A functioning constructed wetland may be considered part of the Natural Area.

20. State of the Art Septic Systems

Intent: Seek out the most appropriate technology for reducing impacts on the natural environment.

Guideline: Shared or community septic systems are encouraged, if available.

D. Homesites

21. Efficient Homesite Footprint

Intent: Integrate the footprint of impermeable surfaces, useable outdoor spaces, and any access and parking areas within a limited homesite area.

Guideline: The applicant shall identify how, throughout the subdivision, building footprints and outdoor spaces can be efficiently configured.

22. Variations in Home Design

Intent: Add visual interest and individuality with a range of house designs.

Guideline: Home designs shall be varied in floor plan, elevations and massing, to achieve a minimum of one plan for each three homes. Home types may feature shared details to provide continuity and harmony.

23. Housing Diversity

Intent and Guideline: Provide a range of home sizes and purchase prices.

24. Useable Sideyards

Intent: Ensure that spaces between buildings are useable.

Guideline: The distance between homes shall be at least 10 feet, to provide for various uses and allow for light and privacy, except in zero lot line circumstances. [NEED TO DETERMINE WHERE ZERO LOT LINE IS ALLOWED]. Table of dimensional standards covers this; limited to certain zones and homes larger than 1600 sf cannot be attached (proposed), need to limit number of houses that can be connected or size of overall structure

Commented [CC3]: Discussed at 7/12 PC meeting; may not meet intent of original design guideline.

Commented [CC4]: Discussed at 7/12 PC meeting; may not meet intent of original design guideline. Alternative language provided by staff for discussion.

Commented [CC5]: Left as placeholder to make sure it's covered elsewhere.

17.12.040 General residential subdivision standards.

All residential subdivisions shall comply with the following standards.

A. Compliance with BIMC Titles 16 and 18, ~~including landscaping and parking requirements. In addition, each subdivision plat shall comply with and~~ all applicable provisions of RCW Title 58 (Boundaries and Plats) or its successors.

B. Water Supply Systems. Locations of individual or community water supply systems and associated wellhead protection areas required by the health district shall comply with all applicable standards established by the health district.

C. Septic Systems. Locations of individual or community drainfields and associated reserve drainfields shall comply with all applicable standards established by the health district.

D. Roads and Pedestrian Access.

1. Roads and access complying with the “City of Bainbridge Island Design and Construction Standards and Specifications,” and all applicable requirements of the BIMC, shall be provided to all proposed lots consistent with the standards contained within this subsection. **Revise to not require lots to be attached to road.**

2. A variation from the road requirements and standards contained within the “City of Bainbridge Island Design and Construction Standards and Specifications” may be approved by the city engineer through the minor variance process described in BIMC Title 2. **Revise to not require variance and say that deviations may be allowed to achieve design guideline intent.**

3. Existing roadway character shall be maintained where practical. This may be accomplished through the reduction of roadway width consistent with subsection D.2 of this section, the minimization of curb cuts, and the preservation of roadside vegetation. To minimize impervious surfaces, public rights-of-way, access easements and roadways shall not be greater than the minimum required to meet standards unless the city engineer agrees that the additional size is justified.

4. Connections to existing off-site roads that abut the subject property shall be required where practicable, except through critical areas and/or their buffers.

5. Street names and traffic regulatory signs shall be provided, and their locations shall be indicated on the plat/plan. The location of mailboxes and traffic regulatory signs is only required to be indicated on the plat/plan when other public improvements are required.

6. Transit stops shall be provided as recommended by Kitsap Transit.

7. Pedestrian and bicycle circulation and access within a subdivision and onto the site shall be provided through walkways, paths, sidewalks, or trails and shall be consistent with the Island-Wide Transportation Plan. Pursuant to RCW 58.17.110(1) sidewalks shall be provided, where necessary, to assure safe walking conditions for students who walk to and from school. Special emphasis shall be placed on providing pedestrian access to proposed recreational and/or open space areas.

8. **Can requirement be added for “leftover” space between edge of pavement and edge of ROW depending on CIP? Checking with PW to see if City standard exists or could be developed.**

F. No City Maintenance of Streets in Short Subdivisions. Streets within a short subdivision shall not be maintained by the city unless such streets have been dedicated as a right-of-way, improved to current city standards, and accepted as part of the approved short subdivision. Therefore, unless accepted, the responsibility for maintenance shall lie with the owners of the lots.

Commented [CC6]: These are standards. Some are similar to the proposed design guidelines (roadway character, pedestrian and bicycle circulation).

Are there other guidelines that should be standards?

Can these standards be improved to improve subdivision design?

Commented [CC7]: Is this sufficient? Should “minimum required to meet standards” be more specific? Fire District standards? City standards?

Commented [CC8]: Is this sufficient?

Commented [CC9]: No City standard exists. Can develop one. Checking with legal staff on possibility of conditioning approval to require applicant to do improvements.

G. Improvements.

1. Where the buildout of a subdivision is divided into phases, land dedications and infrastructure development will be required on a pro rata basis as each phase is developed unless the applicant negotiates an alternative phasing schedule with the city. This will be required to be documented on a plat note.
2. On any approved large lot, no further lot divisions shall be approved until the required improvements are installed by the applicant and approved by the city.
3. All large lot subdivisions shall have the following improvements developed and/or installed prior to recording:
 - a. Streets shall be cleared, grubbed, and rocked or graveled to provide adequate year-round passage.
 - b. Appropriate drainage, including erosion control, facilities shall be provided consistent with a plan approved by the city engineer prior to clearing and construction of any plat improvements. (Ord. 2017-02 § 20, 2017; Ord. 2011-02 § 2 (Exh. A), 2011)

17.12.050 Specific residential subdivision standards.

All residential subdivisions shall comply with the following standards:

Commented [CC10]: Confirm applicability.

Will vary by zone and type of subdivision (short, long, large, multifamily) per new table.

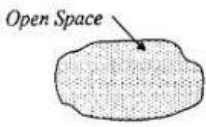
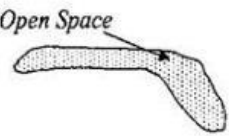
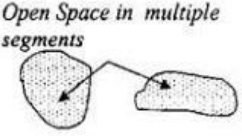
Insert table here (Subdivision Dimensional Standards – attached as separate document).

A. Natural Area Requirement. All residential subdivisions shall comply with the standards of this subsection.

1. Natural Area Objectives. Natural areas shall accomplish one or more of the following objectives:
 - a. Conservation and enhancement of natural or scenic resources, including wildlife habitat;
 - b. Protection of streams and/or the water supply;
 - c. Conservation of soils, wetlands, beaches or tidal marshes;
 - d. Enhancement of the value to abutting or neighboring parks, forests, wild preserves, nature reservations or sanctuaries;
 - e. Enhancement of community agricultural opportunities;
 - f. Preservation of farmland and historic sites;
 - g. Preservation of unique natural land or rock features;
 - h. Preservation of visual qualities along highway, road and street corridors or scenic vistas.
2. Natural Area Configuration. The area designated for natural area preservation shall be configured in a manner that enhances and promotes the natural character of the island and open space characteristics of the property. Natural area configuration shall satisfy the following guidelines:
 - a. Natural Area should be concentrated in large, consolidated, usable areas; and
 - b. Natural Area should connect to adjacent off-site open space areas, designated greenways and/or critical areas; and
 - c. Natural Area should be designed to preserve views from off site of the subject property; and

- d. Natural Area should enhance or retain Island character through the minimization of roadside disturbance of roadside vegetation; and
- e. The area of the natural area should be delineated with a low perimeter-to-area ratio as shown by the examples in [Table 17.12.030-1](#).

Table 17.12.030-1 Configuration of Natural Area

Consolidated natural area with a low perimeter to area ratio	Natural area with a high perimeter to area ratio	Unconsolidated natural area
(PREFERRED)	(NOT ACCEPTABLE)	(ACCEPTABLE)
		

3. Prioritization of Valued Natural Area. The relative desirability of different types of natural areas is ranked in [Table 17.12.030-2](#), and proposed subdivisions shall design natural areas to include areas with higher priority rankings if possible. If a subdivision site contains a particularly exceptional or rare natural area feature that is lower in priority, the applicant and/or city may choose to preserve that feature over those higher in the table. Where valued natural area features are present and some portion of those features is adjacent to the same or other listed valued features in [Table 17.12.030-2](#), the protected natural area should be designed to include those areas contiguous to valued natural area features on adjacent properties.

Table 17.12.030-2: Valued Natural Area Features for Residential Subdivisions

Priority	Natural Area Feature	Notes
1.	Critical Areas (as defined in Chapter 16.20 BIMC), Areas Contiguous with Critical Areas and Their Buffers	All critical areas and their associated buffers shall be preserved.
2.	Native Forests and Significant Trees	Area required to be designated as Aquifer Recharge Protection Area as defined in Chapter 16.20.090 BIMC shall be preserved. Significant trees identified consistent with the standards of the landscaping ordinance (BIMC 18.15.010) shall be preserved.
3.	Trails and Greenways	Trails and greenways should be preserved.
4.	Pastures, Meadows, Orchards, and Farmland	Pastures, farmland and land areas currently or traditionally used in agriculture should be preserved. Where possible, the size and configuration of pasture and farmland areas should permit commercially viable farming.
5.	Shoreline View Areas	Shoreline areas identified consistent with the provisions of the shoreline management plan (Chapter 16.12 BIMC) that are suitable for public access and habitat area should be considered.
6.	Mature Vegetation on Ridgelines	Mature vegetation found on ridgelines of community significance (as viewed from off site) should be preserved.
7.	Wildlife Corridors	Designated wildlife corridors as adopted by Resolution No. 2001-12, or as identified in a City-adopted wildlife corridor plan, should be preserved.

4. Amount of Natural Area Required.

- a. The area provided for natural area shall be based on and consistent with the existing valued natural area features (listed in Table 17.12.030-2) on the subject property, in the amount specified in Table 17.12.040-x.
- b. All lands subject to critical area regulations by Chapter 16.20 BIMC shall remain subject to those regulations regardless of whether they are included in the required natural area.
- c. If a property being subdivided contains valued natural area features as described in Table 17.12.030-2 that exceed the percentage specified in Table 17.12.040-x, the maximum required area for natural area designation is still that percentage, unless the property includes protected critical areas or aquifer recharge protection areas as regulated by Chapter 16.20 BIMC.
- d. If the gross land area contains less valued natural area features than the percentage specified in Table 17.12.040-x, then the designated natural area is identified accordingly. Designated natural areas shall not be required to be dedicated to the public, and the owner shall not be required to permit public access to designated natural areas. Landscape buffers may be included in the natural calculation as specified in Tables 18.15.010-3 and 18.15.010-4.

5. Natural Area Ownership. Ownership of natural area shall be established consistent with one of the following forms of ownership:

- a. Private Ownership. Natural area may be held in private ownership if established by easements, restrictive covenants, natural area management plan, or other similar legal means; or
- b. Common Ownership. Natural areas may be held in common by a home or property owners' association or other similar organization. For the purposes of this title, ownership of and/or conservation easement being held by a land trust, or other similar conservancy organization, shall be considered common ownership. If this ownership pattern is selected, covenant, conditions, and/or restrictions shall be required; or
- c. Public Ownership. Designated natural areas shall not be required to be dedicated to the city or other public agency, and the owner shall not be required to permit public access to designated natural areas. However, if the owner offers to dedicate, the city or other public agency may choose to accept ownership of natural areas. Consequently, upon approval and acceptance by the city council, natural areas shall be dedicated to the public.

7. Uses Allowed in Natural Areas. **To be reviewed.** The following uses are allowed in those designated natural areas that are not part of a required landscape buffer (unless zoning regulations of BIMC Title 18, provisions of the shoreline master program per Chapter 16.12 BIMC, or critical areas regulations of Chapter 16.20 BIMC restrict that use):

- a. Passive recreation, including pervious trails;
- b. Agricultural uses and fencing necessary for animal control, excepting those agricultural uses that require buildings;
- c. Potable water wells and well houses;
- d. Low impact fencing or signs marking the natural area boundary or critical area boundary;
- e. On-site sewage treatment system use approved by the director for all residential zones, if the applicant can demonstrate that (i) the proposed use will not adversely affect the function or characteristics of the

Commented [CC11]: This is existing language. Need to check consistency with ARPA requirements.

specific natural area, (ii) the system is approved by the Kitsap County health district, and (iii) construction of the system will not require the removal of significant trees, native forests, vegetation within a required buffer for designated critical areas subject to Chapter 16.20 BIMC, or vegetation within areas designated for protection under the shoreline master program pursuant to Chapter 16.12 BIMC;

f. Storm drainage system use approved by the director for all residential zones if the applicant can demonstrate that (i) enhanced vegetation will be provided so that the facility appears as a natural feature, (ii) the proposed use will not adversely affect the function or characteristics of the specific natural area, (iii) the system meets the design standards of Chapters 15.20 and 15.21 BIMC, including low impact development designs, and (iv) the system design must contribute to the function and characteristics of the natural feature by providing the following:

- i. The design will include natural contours with slopes no greater than 2:1 for any above-ground storm detention facilities; and
- ii. Enhanced vegetation will be provided in conjunction with the storm drainage facility in order to make it a more natural feature; and
- iii. Pedestrian trails should be considered as part of the design; and

iv. While fencing of designated natural areas or critical areas may be required by the director pursuant to subsection A.8.a of this section, separate fencing of storm drainage facilities or areas shall only be installed if necessary to protect public safety. Where fencing is required, low impact fencing shall be used, and chain-link fences are prohibited unless superseded by state law.

g. Solar panels, small wind energy generators, composting bins, rainwater harvesting barrels, cisterns, and rain gardens/swales, as defined in Chapter 18.36 BIMC, may be allowed within a designated natural area, provided the proposed feature will not result in the damage or removal of significant trees.

8. Natural/Critical Area Fencing, Signage and Management Standards. **To be reviewed.** The following fencing and management standards apply to designated natural areas. In addition to the standards listed in this subsection, designated natural areas containing sensitive areas shall comply with any additional management standards required to protect those areas pursuant to BIMC 17.12.060 (Special requirements for sensitive areas), Chapter 16.12 BIMC (Shoreline Master Program) and Chapter 16.20 BIMC (Critical Areas) as applicable.

Commented [CC12]: This is existing language.

a. Either fences and/or signs delineating natural and critical area buffers are required. The director shall determine which option (fence or sign) is required, based on the likelihood of encroachment into designated natural areas.

i. If fencing is required:

(A) Low-impact fences are preferred and must be constructed in accordance with the definition in BIMC 17.28.020.30; and

(B) The director has the authority to raise the maximum height of fencing to ensure that the fence is adequate to exclude livestock while allowing passage for intended wildlife species.

ii. If signs are required:

(A) They shall be constructed in accordance with the definition in BIMC 17.28.020.37; and

(B) They shall be generally spaced at intervals of 50 feet, unless otherwise approved by the director due to reasons such as topography, configuration of natural areas, distance from other features, etc.

iii. If signage is required and encroachments into the designated natural areas occur, the director may require that the owner install fencing and/or additional signage to prevent future encroachments. Required

fencing and signs must be maintained in good repair, with repair or replacement to occur within 60 days of notification from the city that repair or replacement is required.

b. **Natural Area Management Plan Required.** An applicant shall submit a draft natural area management plan (NAMP) as described in the Bainbridge Island administrative manual, for review as part of the preliminary plat application. Final approval of the NAMP will occur at the time of final plat approval. The natural area management plan shall include:

- i. A list of all approved uses for the natural areas. Where uses in separate natural areas vary, the specific location of each use shall be depicted graphically.
- ii. A maintenance plan for natural areas that clearly describes the frequency and scope of maintenance activities for natural areas and that meets all requirements set forth in the Bainbridge Island administrative manual.
- c. The approved NAMP must be filed with the Kitsap County Auditor. In the event that the natural area is not maintained consistent with the natural area management plan, the city shall have the right to provide the maintenance of the natural area and bill the owner for the cost of maintenance.

B. Community Area Requirement. All residential subdivisions shall comply with the standards of this subsection.

1. **Amount of Community Area Required.** The area provided for community area shall be in the amount specified in Table 17.12.040-x.
2. **Community Area Ownership.** Ownership of community area shall be established consistent with the forms of ownership specified in 17.12.050 (same as natural area).
3. **Uses Allowed in Community Areas.** To be reviewed.

C. Homesite Areas. All residential subdivisions shall comply with the standards of this subsection.

D. Landscaping and Screening (relocating applicable sections of 18.15.010)

1. **Purpose**
2. **Perimeter buffers required** (Table would show Buffer type (Full, partial, or edge), width, minimum width (if averaging allowed))
 - a. When the cluster development option is selected pursuant to BIMC 17.12.030.B for property with a gross area of one acre or more and that is located in the R-0.4, R-1, R-2 and R-2.9 districts, a 25-foot-wide, edge planting standard landscape perimeter shall be required along the subdivision boundary.
 - b. When the cluster development option is selected pursuant to BIMC 17.12.030.B for property with a gross area of one acre or more and that is located in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 zone districts, a 10-foot-wide, edge planting standard landscape perimeter shall be required along the subdivision boundary.
 - c. In order to buffer the visual impact of the proposed subdivision and protect off-site views, additional landscaping shall be planted within landscape perimeter buffers where mature trees and shrubs cannot provide such screening, pursuant to subsection D.4 of this section.

Commented [CC13]: Are dimensional standards table and design guidelines sufficient? Or does more need to be included in standards for homesites?

Commented [CC14]: Need to include tree retention requirements per update to 18.15 (currently significant tree retention and tree stand retention required only in perimeter and roadside buffers).

Commented [CC15]: May want to articulate the purpose of this type of landscaping and screening.

Commented [CC16]: a-f, below, is existing language from 18.15.010.

d. Required landscape buffer width may be reduced through buffer averaging in accordance with the criteria in subsection D.5 of this section, perimeter landscape requirements. For example, buffers may be adjusted when such adjustments contribute to the neighborhood character by incorporating significant trees and native vegetation, incorporate a unique landscape feature, or accommodate a unique situation that allows continuation of an existing use, such as a utility or other easement providing continued use.

e. Landscape buffers may be included in the required open space calculations for a subdivision as noted in Table 18.15.010-3. Table 18.15.010-3 depicts the landscape buffer requirements for subdivisions by zoning district and denotes when the buffer may be included in the open space calculations. These standards apply unless alternative buffers are required pursuant to critical area review, the requirements of the Shoreline Management Act, conditioned by SEPA review, or required for public health or safety reasons.

f. When a multifamily subdivision is created within the R-2, R-1, and R-0.4 zoning districts, a 25-foot-wide, full screen landscape perimeter shall be required along the subdivision boundary.

3. Roadside buffer required.

Roadside buffers are required for both residential and commercial subdivisions – see Table 18.15.010-4. The type and width of the required buffer varies by the type of roadway the subdivision is adjacent to, as well as the condition of the existing roadside vegetation. The buffers shall be pursuant to the standards set forth in subsection D.4 of this section and Table 18.15.010-4. The tree retention, replacement, and protection standards of subsection C of this section apply to roadside buffers. These requirements do not apply to projects involving only interior renovations of existing buildings.

Commented [CC17]: All roadside buffer requirement language existing in 18.15.010.

Table 18.15.010-4: Roadside Buffer Requirements by District and Land Use [1]

Existing Zoning/Use	Adjacent Right-of-Way Type	
	Right-of-Way (not including Highway 305)	Highway 305
Mixed Use Town Center [2]	N/A	50' Full Screen [3]/35' Minimum
High School Road	N/A	50' Full Screen/35' Minimum
Multifamily Development	20' Partial Screen	50' Full Screen/35' Minimum
Nonresidential Uses within Residential Zone Districts	25' Partial Screen/15' Minimum	50' Full Screen/35' Minimum
Business/Industrial (B/I)	50' Full Screen/35' Minimum	50' Full Screen/35' Minimum
Water-Dependent Industrial	25' Full Screen/15' Minimum	N/A
Commercial and Multifamily Subdivisions [4]	N/A	50' Full Screen
Residential Subdivision in the R-0.4, R-1, R-2, and R-2.9 Districts [4]	25' Full Screen or maintain existing vegetation within 25' buffer (OS) [5][6]; Applies only to collectors and arterial roads	
Residential Subdivision in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 Districts [4]	No requirement unless necessary to reflect neighboring development patterns (OS) [5]; Applies only to collectors and arterial roads	
[1] All roadside buffers must be planted if not already existing.		
[2] For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC 18.12.030.C.		
[3] Beginning 100' north of Winslow Way.		
[4] Properties being subdivided with less than one acre are not subject to roadside buffer requirements.		

Existing Zoning/Use	Adjacent Right-of-Way Type	
	Right-of-Way (not including Highway 305)	Highway 305
[5]	(OS) indicates that the buffer may be calculated in the required open space area for open space subdivision.	
[6]	Existing vegetation must remain in the 25-foot buffer area. When existing vegetation does not constitute a full screen, the applicant will not be required to plant a full screen. If existing vegetation within the 25-foot buffer area does constitute a full screen, but dense vegetation is not part of the neighborhood character, then the applicant may choose between maintaining a 25-foot full screen roadside buffer, or averaging that buffer to retain trees and vegetation elsewhere on the property and eliminating the roadside buffer.	

a. Roadside Buffer General Requirements. All residential subdivisions and short subdivisions subject to landscape buffering requirements shall comply with the standards in this subsection, including those in Table 18.15.010-4.

b. Roadside Buffers in Residential Short Subdivisions.

i. Except for properties containing a gross area of less than one acre, on a property located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 25-foot-wide vegetative buffer shall be maintained. However, in the R-3.5, R-4.3, R-5, R-6, R-8 and R-14 districts a roadside buffer is not required unless it is determined that a landscape buffer is necessary to maintain the character of the neighborhood or to reflect neighboring development patterns.

ii. Where there are no mature trees and shrubs that contribute to the existing forested character of these roads, the character of the neighborhood shall be maintained by establishing building setbacks equal to or greater than the existing building setbacks on the adjacent properties. At no point shall the building setback be less than requirements in this title.

iii. To accommodate an existing house that is located within 25 feet of the property line adjacent to a collector or arterial road, the roadside buffer area width shall be reduced to the width adjoining the existing home between the existing house and the property line adjacent to the collector or arterial road.

c. Roadside Buffers in Residential Long Subdivisions.

i. For subdivisions located in the R-0.4, R-1, R-2 and R-2.9 districts located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 25-foot-wide vegetative buffer shall be maintained. In the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 districts a roadside buffer is not required unless it is determined that a landscape buffer is necessary to maintain the character of the neighborhood or to reflect neighboring development patterns.

ii. For property with a gross area of one acre or more and that is located in districts R-0.4, R-1, R-2 and R-2.9, where there is no existing vegetation that contributes to the existing vegetation character of the roads, a 25-foot full screen landscape buffer shall be planted consistent with the requirements of subsection D.4.a of this section, except as noted below in this subsection.

iii. To accommodate an existing house that is located within 25 feet of the property line adjacent to a collector or arterial road (or within 25 feet of such a property line if subsection E.2.c.ii of this section applies), and to maintain the character of the neighborhood and reflect neighboring development patterns, the roadside buffer area width shall be reduced to the width adjoining the existing home between the existing house and the property line adjacent to the collector or arterial road. At no point shall the building setback be less than requirements in this title.

iv. For subdivisions designating open space that is intended for agricultural use and would be adversely impacted by the addition of screening landscaping, a 25-foot roadside buffer as prescribed in subsection E.2.c.ii of this section shall not be required.

d. Roadside Buffers in Multifamily and Commercial Subdivisions. A minimum 50-foot vegetative buffer shall be established adjacent to all designated scenic roads. The buffer shall be consistent with the requirements for a full screen buffer, pursuant to subsection D.4.a of this section.

e. Multiple Street Frontages. For properties subject to the roadside buffers requirement along two property boundaries, the roadside buffer abutting the street with the lower classification may be reduced to 25 feet in width. For properties that abut more than two streets requiring roadside buffers or in situations where both abutting streets are of the same road classification, one roadside buffer of the full required width shall be required and all other roadside buffers may be reduced to 25 feet; provided, that the full required width buffer is located where a greater number of significant trees can be incorporated into the buffer.

E. Fencing.

F. Parking.

1. Standards for remote/shared parking

Commented [CC18]: Are standards needed or are design guidelines sufficient?

Commented [CC19]: What standards should be included? 18.15 can be revised to not prohibit parking types encouraged in design guidelines, but are standards needed?

17.12.060 Nonresidential subdivisions.

Subdivisions established for nonresidential uses are not subject to subdivision design guidelines, and shall comply with each of the following:

- A. All provisions of BIMC Title 18 (Zoning) applicable to the zone district where the property is located and the type of development anticipated. This requirement shall include, without limitation, compliance with lot areas, dimensions, and design, mobility and access, landscaping, screening, and vegetative buffers.
- B. All provisions of BIMC Title 16 (Environment) applicable to the area where the property is located and the type of development anticipated.
- C. All applicable provisions of RCW Title 58 (Boundaries and Plats) or its successors.

17.12.070 Special requirements for critical and shoreline areas and designated resource lands.

A. Critical Areas.

- 1. Any portion of a short or long subdivision, large lot subdivision, nonresidential or multifamily subdivision that contains a critical area as defined in Chapter 16.20 BIMC must conform to all applicable requirements of that chapter.
- 2. Any portion of a short or long subdivision, large lot subdivision, or a nonresidential or multifamily subdivision shall comply with the fencing and signage requirements of BIMC 16.20, as applicable.

B. Shoreline Master Program Areas. Any portion of a short or long subdivision, large lot subdivision, nonresidential or multifamily subdivision located within the jurisdiction of the shoreline master program, as defined in Chapter 16.12 BIMC, must conform to all requirements of that chapter. (Ord. 2011-02 § 2 (Exh. A), 2011)

C. Designated Resource Lands. When required by RCW 36.70A.060 or its successors, the final short or long subdivision, large lot subdivision, nonresidential or multifamily subdivision must contain a notice that the subject property is on or within 300 feet of lands designated agricultural lands, forest lands or mineral resource lands.

Chapter 17.16
BOUNDARY LINE ADJUSTMENTS
NO CHANGES PROPOSED

Sections:

17.16.010 Boundary line adjustments.

17.16.010 Boundary line adjustments.

Boundary line adjustments may be requested to consolidate existing lots or to formalize boundaries between platted or unplatted lots, or both. Boundary line adjustments shall be completed pursuant to the procedures and decision criteria set forth in BIMC Title 2 (Administration and Personnel). (Ord. 2011-02 § 2 (Exh. A), 2011)

Chapter 17.20
DEDICATIONS OF LAND
NO CHANGES PROPOSED

Sections:

17.20.010 General.

17.20.020 Land for park and recreational facilities.

17.20.010 General.

As authorized by RCW 58.17.110(2) or its successors, in order to meet the health, safety and welfare needs of the public and mitigate the impacts of the proposal, the director or city engineer may condition approval of the subdivision upon dedications for drainage ways, other public ways, water supplies, sanitary waste facilities, parks, playgrounds, sites for schools and school grounds, site protection of critical areas, and other needs of the public, as long as such dedication does not constitute an unconstitutional taking of private property. (See also Chapter 12.30 BIMC.) (Ord. 2011-02 § 2 (Exh. A), 2011)

17.20.020 Land for park and recreational facilities.

A. Policy. It is the policy of the city to require the dedication of land within a proposed development, where it is deemed necessary, for park and recreational purposes, as a condition of final approval of a short or long subdivision, large lot subdivision, nonresidential subdivision, or approval of any permit issued under the International Building Code for the development of a multifamily residential development or approval of any application for development of multifamily uses; provided, that such dedication must be reasonably necessary as a direct result of the proposed development. This policy shall be implemented in a manner consistent with RCW 58.17.110(2) or its successors, which requires that any such dedication not involve an unconstitutional taking of private property.

B. Applicability. Dwelling units existing on November 24, 1979, shall not be included in any city determination of need for dedication of land.

C. Criteria for Requiring Dedication of Land. The responsible city agency or official shall determine whether dedication of land is appropriate. The responsible city agency's or official's decision shall be determined by consideration of the following factors:

1. Compatibility with the city's comprehensive plan, comprehensive park plan or future park plans; and
2. Topography, geology, access and location of land in the subdivision or residential development suitable for dedication; and
3. Size and shape of the subdivision, short plat or residential development and the location of land suitable for dedication; and
4. The feasibility of dedication; and
5. The proximity of the subdivision, short plat or residential development to previously acquired park property; and

6. The possibility of combining the land to be dedicated for park purposes with existing park or recreational facilities when the parcel to be dedicated does not exceed one acre in area; and

7. The existence of covenants for natural area as specified in subsections D, E, and G of this section.

D. Covenants – Approval by City. In determining the need for dedication of land, the director shall consider any proposed covenants for private parks or recreational facilities that are made as part of a development proposal. The city may approve covenants in addition to or as an alternative to requiring dedication of land, in order to mitigate the impacts of a proposed development on city parks and recreational facilities.

E. Amount of Land Dedication Required. The amount of land required to be dedicated shall be based on a study quantifying the per person, per household, per dwelling unit, or per commercial square impact of new development on existing dedicated infrastructure in the city, and the results of that study shall be adopted by the city council to be applied on a formula basis to new development or redevelopment prior to being applied to any specific short or long subdivision, large lot subdivision, or nonresidential or multifamily subdivision. If the city determines that the formula land dedication requirements based on the study will not offset the impacts of the proposed development on public lands in the city, the city may conduct an individualized determination providing written analysis of the actual impacts of the development on dedicated lands for natural areas, recreation, or other purposes, and may base its land dedication requirements on that individualized determination.

F. Credit for Dedication Requirement. Where private natural areas for park and recreational facilities is provided in a proposed short or long subdivision, large lot subdivision, or residential or nonresidential development or proposed development of multifamily residential use and such space is to be privately owned and maintained by the future residents of the subdivision or residential property, such areas may, in the sole discretion of the city, be credited against the amount of land that the city determines should be dedicated pursuant to subsection E of this section; provided, that the city finds it in the public interest to do so, and determines that the following standards are met:

1. The yards, court areas, setbacks and other open areas required by the zoning and building regulations are not included in the computation of such private natural areas; and
2. The private ownership and maintenance of the natural areas are adequately provided for by written agreement meeting the requirements of the natural area management plan described in BIMC 17.12.030.A.8; and
3. The proposed private natural area is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the land; and
4. Facilities proposed for the natural area are in general accord with the intent of the comprehensive plan and the Bainbridge Island metropolitan park district comprehensive plan; and
5. The natural area and/or facilities will provide for the park and recreational needs of the residents of the short or long subdivision or residential development in such manner as to reduce the impact on existing park or recreational facilities within the city or will reduce the need to provide new park or recreational facilities within the city.

G. Recording. In those instances where proposed covenants for private parks or recreational facilities are approved under the provisions of this title, they must be recorded with the Kitsap County auditor as follows:

1. All such natural area covenants relating to subdivision shall be recorded at the time of the recording of the final short plat or subdivision map; and
2. All other such natural area covenants shall be recorded with the Kitsap County auditor within 10 days of the date of approval by the appropriate agency of such natural area covenants for private parks or recreational activities; and
3. All recording costs shall be borne by the applicant; and

4. A recorded copy of the covenants shall be provided to the department of planning and community development. (Ord. 2011-02 § 2 (Exh. A), 2011)

Chapter 17.24
ENFORCEMENT AND PENALTIES
NO CHANGES PROPOSED

Sections:

- 17.24.010 Illegally divided land.
- 17.24.020 Penalties.
- 17.24.030 Enforcement.

17.24.010 Illegally divided land.

No building permit or development permit of any sort shall be issued for lots created in violation of this title or related provisions of BIMC Title 2 (Administration and Personnel), 16 (Environment), or 18 (Zoning) provided an innocent purchaser for value may obtain permits needed for development upon application to the department and decision by the hearing examiner pursuant to BIMC 2.16.100, after notice, if such purchaser shows the following:

- A. The lot was purchased at a market value not reflecting the illegal division; and
- B. The purchaser exercised reasonable diligence but did not know of the illegal division; and
- C. The public interest will not suffer. (Ord. 2011-02 § 2 (Exh. A), 2011)

17.24.020 Penalties.

A. Any person, firm or corporation violating any provision of the code, including any condition of an approved plat, related to the division of land shall be guilty of a gross misdemeanor and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion of a day during which any such violation is committed, continued, or permitted. Upon conviction of any violation of any provision of the BIMC related to the division of land, the person, firm or corporation shall be punished by a fine of not more than \$5,000 or imprisonment for not more than one year, or by both such fine and imprisonment.

B. The provisions of subsection A of this section shall not be applied in any manner inconsistent with the penalties provided for in RCW Title 58 (Boundaries and Plats) or its successors. In addition, the city may impose any additional penalties for violations authorized by RCW Title 58. (Ord. 2011-02 § 2 (Exh. A), 2011)

17.24.030 Enforcement.

A. Whenever any parcel of land is divided into lots, large lots, tracts, or parcels of land contrary to the provisions of the BIMC related to the division of land, and any person, firm or corporation or any agent of them sells or transfers, or offers or advertises for sale or transfer, any such lot, large lot, tract, or parcel without having an approved final plat of such subdivision filed for record, the city may commence action to restrain and enjoin further subdivisions or sales, transfers, or offers of sale or transfer and compel compliance with all provisions of the BIMC related to the division of land. The costs of such action shall be imposed on the person, firm, corporation or agent selling or transferring the property through any method authorized by law.

B. Whenever land within a short or long subdivision, large lot subdivision, nonresidential or multifamily subdivision that has been granted final approval is used in a manner or for a purpose that violates any provision of the BIMC related to the division of land or violates any condition attached to such final approval:

1. In addition to any penalties provided in BIMC 1.26.090 or 17.24.020, the city may commence action to restrain and enjoin such use and compel compliance with the provisions of the BIMC or with such terms and conditions. The costs of such action may be imposed against the violator through any method authorized by law.
2. The city may enforce compliance with this title through any methods described in Chapter 18.33 BIMC.

C. The provisions of subsections A and B of this section shall not be applied in any manner inconsistent with enforcement provisions authorized in RCW Title 58 (Boundaries and Plats) or its successors. In addition, the city may enforce the provisions of this title and cross-referenced provisions in other titles of the Bainbridge Island Municipal Code through any additional methods of enforcement authorized by RCW Title 58. (Ord. 2011-02 § 2 (Exh. A), 2011)

Chapter 17.28
DEFINITIONS

HIGHLIGHTED DEFINITIONS NEED REVISION

Sections:

- 17.28.010 Rules of construction.
17.28.020 Definitions.

17.28.010 Rules of construction.

Rules of construction shall be those listed in BIMC 18.36.010. (Ord. 2011-02 § 2 (Exh. A), 2011)

17.28.020 Definitions.

1. "Arterial" means a major thoroughfare used mainly for through traffic rather than access to nearby property. Arterials have greater traffic-carrying capacity than collector or local streets and are designed for continuously moving traffic.

2. "Block" means a group of lots, tracts or parcels within well-defined and fixed boundaries.

3. "Buffer" means as defined in Chapter 18.36 BIMC.

4. "Circle template" means as defined in Chapter 18.36 BIMC.

5. "Cluster development" means a group of adjoining homesite areas situated in a suitable area of a property, designed in such a manner that facilitates the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways, while providing for the protection of valued natural features.

6. "Cluster grouping" means a grouping of two or more homesite areas for short subdivisions and a grouping of four or more homesites for long subdivisions regulated by BIMC 17.12.030.B.

7. "Code" means the City of Bainbridge Island Municipal Code.

8. "Collector" means a collector road as defined in the city of Bainbridge Island comprehensive plan.

9. "Comprehensive plan" means as defined in Chapter 18.36 BIMC.

10. "Contiguous land" means land adjoining and touching other land regardless of whether or not portions of the parcels have separate tax numbers, or were purchased at different times, in different sections, are in different government lots or are separated from each other by public or private easement or right-of-way.

11. "Critical areas," as used in this title, means critical areas and their protective buffers as described by Chapter 16.20 BIMC.

12. "Dedication" means the deliberate assignment of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat of a short or long subdivision, a large lot subdivision, or a nonresidential or multifamily subdivision showing the dedication. Acceptance of the filing shall be by approval of the final plat by the city.

13. "Department" means as defined in Chapter 18.36 BIMC.

14. "Director" means as defined in Chapter 18.36 BIMC.

15. "Division" means a portion of property within an approved preliminary subdivision that is authorized to be recorded separately by the specific terms and conditions of the preliminary and/or final subdivision approval.

16. "Easement" means a right of use granted by a property owner to specific persons or to the public for use of land for a specific purpose.

17. "Farms" and "farmland" mean land used for crop agriculture or livestock agriculture, as those terms are defined in Chapter 18.36 BIMC.

18. "Final subdivision" or "final plat" means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter 58.17 RCW or its successors and the Bainbridge Island Municipal Code.

19. "Flexible lot design" is the design process the city uses that permits flexibility in lot development and encourages a more creative approach than traditional lot-by-lot subdivision. The flexible lot design process includes lot design standards for the placement of buildings, use of open spaces and circulation that best addresses site characteristics. This design process permits clustering of lots, with a variety of lot sizes, to provide open space, maintain island character and protect the island's natural systems.

20. "Footprint" means a building footprint as defined in BIMC 18.12.050.

21. "Greenway" means a system composed of land areas and connector links. The land areas include, but are not limited to: large open areas, public lands, farmlands, critical areas, forests, shoreline areas, and parks. The features of the connector links include trail systems, riparian areas, visual or scenic views of ridgelines, wildlife corridors or any combination of these.

22. "Health district" means the Kitsap County health district.

23. "Hearing examiner" means the official designated as the hearing examiner for the city pursuant to BIMC Title 2.

24. "Homesite area" means the area of a lot depicted on the face of a plat that is intended for development of the primary residential dwelling and accessory buildings and necessary infrastructure within a cluster subdivision.

25. "Island character" is the term used to describe the special character of the island – winding, narrow and vegetated roadways and forested areas, meadows, farms, areas that contain much of the island's wetlands and streams, aquifer recharge areas and fish and wildlife habitat areas. For the purposes of this title, it does not refer to a level of service, or type of development, or measure of development intensity.

26. Large Lot Subdivision. A "large lot subdivision" means the division or redivision of land into two or more lots for the purpose of sale, lease or transfer of ownership where each lot is not smaller than five acres or 1/128th of a section (whichever is smaller); provided, that this shall not include division or redivision of land where all parcels are greater than 20 acres or 1/32nd of a section.

27. "Laws of descent" means the rules of inheritance law established by the state of Washington and the federal government that apply in cases where there is no will naming the persons to receive the possessions of a person who has died.

28. "Long subdivision" means the division or redivision of land into five or more lots, tracts (except tracts specifically reserved as natural), parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, but shall not include a short subdivision.

29. "Lot" means a lot as defined in Chapter 18.36 BIMC.

30. "Low-impact fencing" means a fence designed to preserve views into an area and wildlife access to and from the area while providing a physical barrier to prevent livestock or humans from easily or inadvertently entering the area. Low-impact fencing includes without limitation two- or three-tier split-rail or horse-rail fencing not exceeding five feet in height, four-inch by four-inch wooden posts with two or three strands of cable in between, or other fencing with similar visual, barrier, and access characteristics as determined by the director.

31. "Mature vegetation on ridgelines" means as defined in Chapter 18.36 BIMC.
32. "Meadow" means an open, nonforested area formed by the land's natural features and events of nature.
33. "Native forest" means established forest areas primarily consisting of native trees and plants.
34. "Native vegetation" means as defined in Chapter 18.36 BIMC.
35. "Off-site views" or "views from off-site" means as defined in Chapter 18.36 BIMC.
36. "Open space" means any area of land that is predominantly undeveloped and that provides physical and/or visual relief from the developed environment in perpetuity, that is generally unimproved and set aside, designated or reserved for public use or enjoyment, or used for the private use and enjoyment of property owners. Open space may consist of undeveloped areas, such as pastures and farmlands, woodlands, greenbelts, critical areas, pedestrian corridors and other natural areas that provide recreational opportunity and visual relief from developed areas. Open space excludes tidelands, areas occupied by buildings, and any other developed areas such as driveways, all rights-of-way and any other impervious surfaces not incidental to open space purposes.
37. "Open space sign" means a sign used to delineate the boundaries of designated open space, critical areas, and/or their buffers. Open space/critical areas signs shall be made of metal or similar durable material and shall be between 64 and 144 square inches in size.
38. "Orchard" means as defined in Chapter 18.36 BIMC.
39. "Pasture" means land used for grazing.
40. "Phasing" means the use of limits on construction, permitting or occupancy to reduce the immediacy or severity of impacts of the subdivision on the environment or to better achieve the requirements of state law for the concurrence of the facilities and services with the needs generated by development.
41. "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.
42. "Planning commission" means the Bainbridge Island planning commission, as described in BIMC 2.14.020.
43. "Platted lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area and the flexible lot development standards contained within this title. The term includes tracts or parcels.
44. "Preliminary plat" is a drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the layout of a subdivision.
45. "Public way" means a dedicated street, easement allowing public access, and other forms of access open to the public.
46. "Right-of-way" means land in which the state, county, city or other governmental entity owns the fee simple title or has an easement dedicated or required for a transportation or utility use. The right-of-way is the right to pass over the property of another. It refers to a strip of land legally established for the use of pedestrians, vehicles or utilities.
47. "Road" means as defined in Chapter 12.38 BIMC.
48. "Short plat" means the map or representation of a short subdivision.
49. "Short subdivision" is the division or redivision of land into four or fewer lots, tracts (except tracts specifically reserved as natural area or community space), parcels or sites, for the purpose of sale, lease or transfer of ownership, except that the division or redivision of two or more existing lots into up to nine lots consistent with the procedures

and standards contained in BIMC 17.12.030.A shall constitute a short subdivision if an applicant dedicates additional open space area pursuant to BIMC 17.12.030.A.5.

50. "Significant tree" shall have the meaning defined in Chapter 18.36 BIMC.

51. "Stormwater" shall have the meaning defined in Chapter 15.20 BIMC.

52. "Street" shall have the meaning defined in Chapter 18.36 BIMC.

53. "Testamentary provisions" means provisions of a last will or testament of a person who has died concerning land or property owned or controlled by that person, which provisions are generally carried out by an executor appointed by a court or public official on behalf of the deceased.

54. "Wetland" shall have the meaning defined in Chapter 16.20 BIMC. (Ord. 2017-02 § 21, 2017; Ord. 2011-02 § 2 (Exh. A), 2011)

Definitions to add:

Natural space
Community space
Homesite

Commented [CC20]: Do we need additional new definitions?

Revision to Table 18.12.020 - Dimensional Standards for Residential Zone Districts

revised 7-5-18

Zone		R 0.4	R 1	R 2	R 2.9	R 3.5	R 4.3	R 5	R 8	R 14	NC 6	MUTC 6
Site Area per Home	minimum	100,000 sf	40,000 sf	20,000 sf	15,000 sf	12,500 sf	10,000 sf	8,500 sf	5,400 sf	3,100 sf	8,500 sf	See FAR table
Natural Space	minimum - percent of site	25%	25%	25%	25%	25%	20%	15%	10%	5%	15%	5%
Community Space 1	minimum - percent of site	5%	7.5%	10%	15%	15%	15%	15%	15%	10%	15%	10%
Homesite	maximum	15,000 sf	7,500 sf	7,000sf	5,500 sf	4,500 sf	3,500 sf	3,500 sf	3,000 sf	2,250 sf	3,500 sf	2,250 sf
Home Site Separation 2	maximum		25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft
Home Sideyards 3,6	Net Bldg sf: attached, min/combined min/combined 1,600sf or less 1,601sf or more	0 ft, 5/10 ft 15/50 ft	0 ft, 5/10 ft 15/25 ft	0 ft, 5/10 ft 10/20 ft	0 ft, 5/10 ft 10/20 ft	0 ft, 5/10 ft 10/20 ft	0 ft, 5/10 ft 5/15 ft	0 ft, 3/10 ft 5/15 ft	0 ft, 3/10 ft 5/10 ft	0 ft, 3/10 ft 5/10 ft	0 ft, 3/10 ft	0 ft, 3/10 ft
Home to Street 4	minimum	10 ft	10 ft	10 ft	10 ft	10 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Home to Community Space, Trail	minimum	10 ft	10 ft	10 ft	10 ft	10 ft	5 ft	5 ft	5 ft	5 ft	10 ft	5 ft
Home to Exterior Plat Boundary Line 6	Net Bldg sf: 1,600sf or less 1,601sf or more	25 ft 25 ft	15 ft 25 ft	15 ft 25 ft	10 ft 25 ft	10 ft 25 ft	5 ft 10 ft	5 ft 10 ft	5 ft 10 ft	5 ft 10 ft	5 ft	5 ft
Building to SR 305 ROW	minimum	75 ft	75 ft	75 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft
Home to Arterial and ROW	minimum	25 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Garage to Alley 5	minimum	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft
Shared Garage Sideyard	minimum	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Shared Garage Size	maximum length	60 ft all zones										
Home Size 6	maximum								1,600 sf	1,600 sf	1,600 sf	1,600 sf
Building Height		Height requirements for standard lots apply										

FOOTNOTES:
1 Not required for 3 lots or less
2 May be modified by staff based on merits of design.
3 Attached not allowed if home size exceeds 1600sf
4 Setbacks do not replace lesser requirements within MUTC
5 Applies to garage only.
6 1,600sf maximum home size in Designated Centers

TITLE 17 SUBDIVISION ORDINANCE

REVISIONS TO TABLE 18.12.020

July 5, 2018

Prepared by Davis Studio Architecture + Design and Wenzlau Architects

SUMMARY OF CHANGES TO 18.12.020 DIMENSIONAL STANDARDS

The following comments describe changes to the Dimensional Standards based upon comments received by Planning Commission as well as ongoing refinements to optimize intended outcomes.

1. **ORDINANCE TITLE:** It is important to set the right intention with the name of the revised subdivision chapter. The past subdivision process divides land as a commodity and doesn't reflect the importance of understanding the land first. The term "*Conservation Subdivision*" is based on a site design process that integrates site conservation strategies with site development. Alternatively, the term "*Conservation Community*" combines the intention to protect natural spaces with the goal to encourage a stronger sense of community.
2. **ADDITION OF NC & MUTC:** The table has been updated to include standards for subdivisions within the Designated Centers. Note that subdivisions are not allowed within Highschool Road 1 & 2 or Ferry Terminal Districts to facilitate increased densities associated with transit oriented development and affordable housing policies.
2. **INCREASE HOMESITE AREA:** The maximum homesite area has been increased to allow greater flexibility for broader range of home sizes and layouts. The increased size, when combined with natural and community space requirements, allows the approximately 30% of site for other uses (roads, etc.). Sites which are subject to ARPA may not be able to achieve maximum homesite areas. Private gardens and yard areas may occur outside of homesites depending on site conditions.
3. **ELIMINATE HOMESITE COVERAGE:** Because the area limitation set for a homesite will control the extent of impervious areas associated with each home, the added restriction seemed redundant.
4. **SIDE YARDS BASED ON HOME SIZE:** Because homesites may share a common lot line, the side yard setback is measured from the edge of the homesite, in order to maintain the appropriate setback between houses based on their size or scale. Homes smaller than 1600sf are allowed to have lesser setbacks and may be zero lot line (attached).
5. **DISTANCE FROM HOME TO PLAT BOUNDARY:** Similar to side yards above, homes less than 1600sf may have lesser setbacks.
6. **STANDARDS FOR COMMON GARAGES:** For projects which have remote parking within common garages, the length of the structure is limited in size to 5 vehicles or 60' in length with minimum setbacks between garages. Common garages may have residential uses on upper floor such as carriage house or ADU.
7. **MAXIMUM HOME SIZE:** Home sizes are not restricted except in higher density zones (R-8, R-14, NC, MUTC). The maximum size of 1600sf is to facilitate achieving projected densities and related affordability associated with smaller home sizes.