

**PLANNING COMMISSION REGULAR MEETING**  
**October 9, 2014 7:00-9:00 PM**

- 7:00 PM CALL TO ORDER  
Call to Order, Agenda Review, Conflict Disclosure
- 7:05 PM PUBLIC COMMENT  
Accept public comment on off-agenda items
- 7:15 PM ORDINANCE 2014-07 TREE AND LANDSCAPING REGULATIONS  
Study Session
- 8:45 PM NEW/OLD BUSINESS
- 9:00 PM ADJOURN

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**CALL TO ORDER - 6:59 PM**

Meeting called to order by Mack Pearl. John Thomas was absent and excused. Kate Kelly was absent. Staff member present was Special Project Manager Jennifer Sutton. Administrative Specialist Jane Rasely monitored recording of the meeting and prepared the minutes. There were no conflict disclosures.

**PUBLIC COMMENT - 7:00 PM**

No public comment.

**ORDINANCE 2014-07 TREE AND LANDSCAPING REGULATIONS - 7:00 PM**

Jennifer Sutton briefed Commissioners on the first phase of work from the Tree Ordinance Ad Hoc Committee. First phase work consisted of reviewing which regulations apply in a mixed use town center, general tree issues, code enforcement and limiting soil compaction during construction. Phase 1 recommendations were presented to City Council on 9/2/14. Jennifer addressed the fact that changes to the administrative manual are adopted through resolution by the City Council. The larger project of making changes to the administrative manual will be in the future. There was discussion about the City creating a much more active tree program, especially in urban areas. Committee work is ongoing in other areas.

Commissioner Pearl stated that some changes to ordinance have gone forward to help with code compliance enforcement. He proposed "after the fact" clearing permits with a fee attached for areas already cleared that probably would have been permitted had the permit been applied for in advance.

Commissioner Quitslund mentioned that the Tree Ordinance Ad Hoc Committee is not completely done with that chapter, but are working to consolidate land and vegetation clearing to make one user friendly chapter to help citizens know which type of permit they need. He also wanted to make it clear that Tree Ordinance Ad Hoc Committee meetings are open to the public and they welcome their input.

Commissioner Gale worried that after the fact clearing permits will encourage people to clear before they even have site plan approval.

Jennifer Sutton responded that language in the Land Clearing Ordinance, 2014-38 could be strengthened to head that off.

The difference in vegetation buffer requirements between business industrial and residential areas was discussed. There was extensive dialogue on parking lot trees with visual aid using Town and Country's parking lot diagram of tree placement. Clarification on tree units was made: Existing trees left in parking lot areas will count toward tree units, while new trees planted in parking lot areas will not. Jennifer states there are two ways to meet the tree unit requirement: An equal number of trees after construction as there were before construction or a units per acre formula.

Commissioner Gale mentioned Charles Wenzlau's theory of 100% canopy in parking lots. She also stated the City should consider limitations on the number of elevated (rooftop) trees that count toward total tree units. Commissioner Kriegh stated there are two approaches to categorizing trees: Pedestrian and environmental, and she would like to promote the roof garden effect for its overall environmental enhancement as well as its water cleansing and building cooling qualities. Discussion then ensued regarding green walls with Commissioner Pearl suggesting that if there is not enough room for trees, builders might get credit for living walls or roof gardens.

Commissioner Kriegh then suggested the City model a "Green Factor Scorecard" after the City of Seattle. Jennifer Sutton stated this was an easy to use tool for developers to predict which landscape approach works best for any given project.

Averaging of vegetation buffers was discussed. Jennifer explained that there are minimum and maximum buffer requirements, but not averaging. She also stated that buffer requirements for Highway 305 are different than for other roadways. Vegetation buffers have not yet been addressed by the Tree Ordinance Committee. Discussion moved to protecting residential subdivision buffers, requiring buffers large enough for protected trees and ways to prevent removing existing trees. Building options like using piers to prevent disrupting trees were mentioned as a viable, though costly, alternative were mentioned by Commissioner Kriegh.

Commissioner Quitslund remarked that he would like to see the purpose statement projected more often stating builders need to be aware of the purpose stated to have greater understanding of building parameters. He feels the general statement introduced is too vague and later sections should reference that they comply with the general requirements in Section A. Regulatory language should reflect broad ideals and character and should more specifically invoke the principal.

Commissioner Pearl responded saying the language must specifically tell a builder what they need to do because people work on details, not rationale. A purpose that is not implemented does not mean anything. Regulations need to meet the purpose with details. Discussion ensued on whether the regulations meet the general purpose with recognition of the need to continue having trees even in greater density areas. The idea is to make that happen within this ordinance. If the City wants more than is currently expected, it has to be written into the code. Compacting soil, not removing all trees or dirt from building site were mentioned but also mentioned was that some choice should be given to developers as to how they provide environmental enrichment to their site, i.e., green walls, roof gardens, etc., to combine community and developer goals coming up with creative and environmentally sound solutions. Maintaining trees that are onsite without having the vegetation buffer come right up to edge of tree was agreed upon as important.

#### **PUBLIC COMMENT - 8:12 PM**

Debbie Vann asked if there were any questions about the information she sent the commissioners and wondered why the penalties for clearing trees is not in the clearing section of the code? Are the penalties for clearing or cutting down trees different than the penalties in this section?

**Jennifer Sutton** explained why the specific fines were in this section and how they apply or do not apply to a building project.

Ms. Vann thanked Jennifer for clearing that up for her and mentioned fees in lieu of planting trees and planting in other areas if a property is not able to accommodate all the necessary trees. Not all properties may actually meet the density allowed in a zone based upon the property makeup. City code could require an arborist to create a plan to help the developer save the trees and figure out how to use the property in a way to maintain the current vegetation/trees. Research shows that developers become educated in how to save trees when they have to use an arborist as part of the design team. That or penalties seems to be the most effect way of enforcing tree ordinance.

Olaf Ribeiro thanked the Tree Ordinance Ad Hoc Committee for concrete work done in a short amount of time and stated that Debbie (Vann) covered most of the things he wanted to say. Mr. Ribeiro also mentioned that he could not find scientific evidence on "tree units" used as a term. Olympia's tree ordinance switched to replacement/required per square feet or 30 units (trees) per acre whereas a canopy density replacement formula is used in Fulton, GA. Without good enforcement, ordinance will not get the City anywhere but once the City backs up the code with enforcement, you can get somewhere. Mr. Ribeiro would like to see the City use trunk diameter to determine penalty instead of \$1000 for each tree. The fine should be greater for larger/heritage trees. Santa Clara, CA has fines ranging from \$10,000 to \$200,000. Portland has gone to solar friendly trees - energy saving trees, something we should put in our ordinance especially in the downtown area. Town and Country (largest business in the downtown area) has a fence wrapped around the trunk of a tree and that is not going to save the tree (reference to fencing placed around a tree to protect it during construction). The Coppertop development lost all their large trees because they chopped off the roots during construction and the trees died 3.5 years later.

**Commissioner Pearl** asked about the tree at Town and Country. Olaf replied that it is on Shannon Drive. Jennifer will contact planner working on that project and ask them about it.

Steve Johnson spoke about solar energy and that Bainbridge Island's biggest barrier to solar energy is trees. The answer to keeping Bainbridge Island coal free is solar energy. He requested that special consideration be given for the generation of solar energy. A limited number of trees removed per home would help facilitate solar energy.

Jacqueline Young thanked the Planning Commission for great work but is worried about the safety of trees in parking lots. The amount of space given for trees is not enough for grown trees. Leaf blowers remove some of the soil in the buffer and trees end up dying off. 100 square feet is not enough for trees to be happy. Ms. Young also stressed that there is not enough enforcement. The value of trees is important also because previous generations have NOT cut them down but preserved them, so a person who cuts a tree down steals from the past and future as future generations may not ever see a tree that large. A public apology from the offender who cuts down a tree should be published in the newspaper. A level of shame needs to be associated with restitution so that people will have more incentive to not offend. Ms. Young also agrees with having more trees on rooftops.

Charles Schmidt spoke to the fact that businesses take branches off the first 6-8 feet when trees are larger. The ordinance should be made really strict and then options given to develop with creativity. The City should offer a flexible way.

Ron Peltier agreed with what Commissioner Quitslund said that the City should encourage education to design with trees. One of the things that came out of the Visconsi application process was meeting minutes. Developers should be asked during public meetings to do more, design with trees, etc. Developers may do more than what is required to look good in the eyes of the public. Seattle has a map of every parcel and its history on their website and maybe Bainbridge Island needs something similar to make it easier for everyone to see what the regulations are, conditions attached to specific properties, etc. Citizens would then be able to help enforce codes with their neighbors.

**Commissioner Gale** commented on Mr. Peltier's statement about developers doing more to increase their stature in the public eye. Her experience is that does not work and the developer response is "No, it is not required."

Mr. Peltier felt it might have worked with Visconsi.

**MEETING IS ADJOURNED - 8:52 PM**

Agenda for next meeting was discussed with the following items confirmed:

- Workshop from City Attorney about the Public Records Act.
- Site plan review for The Barn.
- Study session on ordinance needs to be put off for Ad Hoc Committee to respond to questions raised tonight.

  
J. Mack Pearl, Chair

  
Jane Rasely, Recording Secretary