



**Tree Ad Hoc Committee Meeting
Tuesday, March 10, 2015, 9:00 – 11:00 AM
280 Madison Ave N
Bainbridge Island, WA 98110
Council Chamber**

AGENDA

1. Review Notes from 1/20/14 Committee Meeting
2. Review Draft Ordinance 2015-04 (formerly 2014-07)
3. Review Landscaping/ Tree Requirements for Non-residential development in Residential Zones ([BIMC 18.15.010](#))
4. Discuss [BIMC Chapter 16.22](#) Vegetation Management

**Ad Hoc Tree Committee
Meeting Notes (Draft)
January 20, 2015**

Committee members in attendance: Roger Townsend, Sarah Blossom, Mack Pearl, Jon Quitslund

COBI Staff: Jennifer Sutton, and Ellen Schroer for part of the meeting

Public: Kathleen Alcala, Tami Meader, Olaf Ribeiro, Robert Dashiell

The meeting began at 9:30 a. m. and ended at 11:45 a. m. We began discussion of Ord. #2014-38 (amending the Land Clearing chapter, BIMC 15.18 becoming 16.18), with Roger noting that we had received a number of proposed additions and deletions from Ron Peltier on behalf of Islanders for Responsible Development. Roger mentioned that Jon, writing as an individual member of the committee, had responded to Ron, explaining that the Ordinance dealt narrowly with problems identified by the Code Enforcement officer, and that the committee would return to make changes in the BIMC chapter when developing policies for properties outside of Winslow.

Notes from the previous meeting, Dec. 9, 2014, were approved as distributed.

Discussion touched on the difficulty of devising policies that would protect or promote the interests of those who install solar panels. The current question is whether or not to address the issue in an amendment to BIMC 18.15.010 (i. e., via Ord. #2014-07). Discussion continued later in the program.

The question of the fee for an after-the-fact clearing permit is on the Council's agenda, and this prompted some discussion. Tami brought up the anticipated removal of trees in Waterfront Park, and Olaf contributed – another item on the Council agenda.

Roger, looking ahead to future meetings, asked what should be “our next focus.” Jennifer observed that the Vegetation Management chapter would be “another deep dive.”

With the arrival of Ellen Schroer from the Finance Department, we took up the matter of a **Tree Fund**. Ellen asked for a definition of **intent**, and examples of **qualifying expenses** and **revenue sources**. Enabling language will include a list of possible projects and sources of funds, perhaps involving the proviso “but not be limited to.” Olaf asked if the development of informative brochures might be funded. Routine maintenance would not be eligible, but responses to disease could be. Seattle provides the starts for street trees to citizens who assume responsibility for planting and maintenance. **Permit-related fees** would not go into the fund; a **fee in lieu** policy might be developed, and penalties for illegal activity and reckless damage could be designated to the fund. Donations from citizens could be accepted, but not to fund specific projects. Even before a tree fund is formally established in

the accounting system, sums of money could be tagged as appropriate to it. We discussed what person or persons would decide on disbursement, without reaching a decision.

We returned to discussion of solar access and trees on property lines. Long story short, no modifications of provisions in BIMC 18.15.010 were arrived at. Jennifer observed that the best place to focus attention is on perimeter buffer requirements, and they are more prevalent outside of Winslow. Impacts on a neighboring property need to be considered in planning, and over time as a buffer becomes established. Mack pointed out that the screening purpose is served in the first 20 to 30 feet; also that the public interest in sunlight for gardens as well as solar panels needs to be recognized.

There are neighbor-to-neighbor issues that can only be resolved by the parties concerned. Kathleen asked, Is it the case that whoever was there first has an edge in a dispute over rights? Sarah said that some properties are just not appropriate for solar panels.

Some species used in buffers are inappropriate; some should be prohibited, and others could be listed as preferred or recommended. Laurels (some species, not all) and bamboo were mentioned as problematic – also Western redcedar. Olaf recommended Port Orford cedar, which can be pruned as a hedge, but it should not be neglected.

Discussion toward the end of the meeting touched on several topics. Regarding the agenda for the next meeting, Jennifer proposed dealing with non-residential development in residential zones – a topic that has come up before. Regulation in the Business / Industrial districts was also mentioned.

Robert raised some questions about the process for putting a value on trees when they are taken down illegally, when the valuation is disputed; Olaf and Jennifer responded. Jennifer also mentioned that wetland evaluations are often in dispute, as are opinions on 'hazard' trees. Robert spoke to the danger posed by large trees in an urban area, citing the example of a tree that had come down across from City Hall on the west side of Madison; another example of a hazard is a diseased tree at the junction of Miller Rd. and Tolo. Finally, he questioned the adequacy of \$500 as a penalty attached to an after-the-fact permit in some cases.

Mack had a question about our sole-source aquifer designation and opinions voiced by a few citizens about an exception to GMA planning requirements; Robert and Jennifer spoke to that. Jennifer mentioned that in the context of the Comp Plan update we will be updating the Critical Areas ordinance, to make protection of aquifer recharge a priority.

Our next meeting will be on Tuesday, Feb. 3 – precise time and place TBA.

**ORDINANCE NO. 2015-04
(formerly 2014-07)**

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to tree and landscaping maintenance and requirements; amending Bainbridge Island Municipal Code Sections 18.12.030, 18.15.010 and 18.36.030.

WHEREAS, in January 2014, the City Council convened an Ad Hoc Committee consisting of two Planning Commissioners and three 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; and

WHEREAS, the Ad Hoc Committee presented their recommended changes to date to the City Council September 2, 2014; and

WHEREAS, the City Council directed staff bring forward ordinances to implement the suggested changes; and

WHEREAS, the City Council conducted a public hearing on Ordinance 2015-04 on XXXX, 2015; and

WHEREAS, notice was given on XXXX, 2015 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. Section 18.12.030 of the Bainbridge Island Municipal Code is amended to read as follows:

E. Bonus Density in Winslow Mixed Use and High School Road Districts. Eligible properties may achieve a maximum level of development above the base FAR, as provided for in Table 18.12.020-3, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.

3. Public Amenities and/or Infrastructure. At the applicant's option, a portion of the bonus may be earned through the provision of public amenities, ~~and/or~~ infrastructure, and/or preservation of a Heritage Tree(s) on site, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:

- a. Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.
- b. In lieu of the contribution of funds as provided for in subsection E.3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the preservation of a Heritage Tree(s) on site, construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.

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

- C. 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 BIMC (Critical Areas), which remains 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.
3. Enforcement and Penalties. Failure to replace or transplant trees will be enforced as follows; provided, that any fine shall be no less than three times the value of the trees, as determined by the current standards of the International Society of Arboriculture. If unauthorized tree(s) or vegetation removal occurs within the public right-of-way, all permits in force on the subject property shall be suspended and no new permits issued until the tree(s) or vegetation has been replaced or all penalties have been satisfied. The director is authorized to make site inspections and take such actions as are necessary to enforce this title in accordance with Chapters 1.16, 1.24, and 1.26 BIMC. The director may require an evaluation by a tree professional, a qualified engineer, landscape architect, soils engineer, testing lab, or other specialist at any time during the tree plan review process or tree removal inspection as necessary to ensure compliance with the provisions of this subsection C and/or the terms of the clearing permit. Applicant shall be responsible for any associated costs.
 - a. Civil Citation. It is unlawful for any person to:
 - i. Initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, removal, alteration, or demolition of any

- structure, land, vegetation or property within the city contrary to the provisions of this subsection C.
- ii. Misrepresent any material fact in any application, plans or other information submitted to obtain permits or authorizations under this title or not following the conditions of an approval.
 - iii. Remove or deface any sign, notice, complaint, or order required by or posted in accordance with this subsection C.
 - iv. Fail to submit or implement a planting plan as required by this section.
- b. Stop Work Orders. The city shall have the authority to issue a stop work order to cease all development work, and order restoration, rehabilitation, or replacement measures, including applicable sureties, at the owner's or other responsible party's expense to compensate for the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this subsection C.
- c. Additional Remedies. In addition to any other remedy provided by this subsection C or under the BIMC, the city may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this subsection C to prevent, enjoin, abate, and/or terminate violations of this title and/or to restore a condition which existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of this subsection C shall be liable for the costs and reasonable attorneys' fees incurred by the city in bringing, maintaining and/or prosecuting such action.
- d. Civil Infraction. Except as provided in subsection C.3.f of this section, conduct made unlawful by the city under this subsection C shall constitute a civil infraction and is subject to enforcement and fines as provided in BIMC [1.26.035](#), and additionally, is subject to fines as provided in Table 18.15.010-2. A civil infraction under this section shall be processed in the manner set forth in Chapter [1.26](#) BIMC.
- e. Civil Penalty.
- i. In addition to any civil infraction fine, criminal penalty, and/or other available sanction or remedial procedure, any person engaging in conduct made unlawful by this subsection C shall be subject to a cumulative civil penalty in the amount of \$1,000 per day for each violation from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC [1.26.090](#).
 - ii. A person who fails to comply with the requirements of this subsection C or the terms of a permit issued hereunder, who undertakes an activity regulated by this subsection C without obtaining a permit, or fails to comply with a cease and desist or stop work order issued under this subsection C shall be subject to a civil penalty as set forth in Table 18.15.010-2. Each unlawfully removed or damaged tree shall constitute a separate violation.
 - iii. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.
 - iv. In addition to the penalties addressed under subsection C.3.e.ii of this section, failure to replace or transplant trees will be enforced as provided

in this code; provided, that any financial penalty assessed will be the greater of the amount indicated in Table 18.15.010-2 or three times the value of the trees, as determined by the current standards of the International Society of Arboriculture, whichever is greater. The director may elect not to seek penalties if he or she determines that the circumstances do not warrant imposition of civil penalties in addition to restoration.

Table 18.15.010-2: Penalties

Types of Violations	Allowable Fines per Violation
1. Removal of tree(s) approved to be removed, but prior to final tree retention and planting plan approval or issuance of a city tree removal permit	\$100.00 per tree
2. Removal or damage of tree(s) that are or would be shown to be retained on an approved tree retention and planting plan or any other violation of approved tree protection plan	\$1,000 per tree
3. Removal of tree(s) without applying for or obtaining a required city land use permit	\$1,000 per tree
4. Removal of tree(s) without applying for or obtaining a required city clearing permit	\$1,000 per tree

- f. Repeat Offenders. Any person who again violates this subsection C within 12 months after having been found by the Bainbridge Island municipal court to be in violation of this subsection C commits a misdemeanor and any person who is convicted of that misdemeanor shall be punished as provided in BIMC [1.24.010.A](#).

4. Protection During Construction and Development.
- a. Intent. The intent of these regulations is to provide the best protection for significant trees and tree stands, including protection for trees on adjacent properties.
 - b. Requirements.
 - i. No cutting of significant trees shall be allowed on a site until the tree retention and planting plans have been approved by the director.
 - ii. An area of prohibited disturbance, generally corresponding to the dripline or critical root zone (as identified by a consulting arborist) of the significant trees and/or tree canopy of tree stands, areas of existing vegetation to be maintained, and future planting areas (i.e. landscape islands in parking lots), shall be identified by the applicant and approved by the director.
 - iii. A temporary five-foot-high chain link fence with tubular steel poles or “T” posts shall delineate the area of prohibited disturbance defined in subsection C.4.b.ii of this section, unless the director has approved the use of a four-foot-high plastic net fence as an alternative. The fence shall be erected before construction starts and shall remain in place until

construction has been completed, and shall at all times have affixed to it a sign indicating the protected area.

- iv. No impervious surfaces, fill, excavation, vehicle operations, compaction, removal of native soil or storage of construction materials shall be permitted within the area defined by the required construction fencing. If avoiding construction and compaction in areas of future planting is unavoidable, the landscape plan for the project shall include methods for aerating and/or augmenting compacted soil to prepare for new planting, pursuant to Section 18.15.010.H.2.
- v. A rock well shall be constructed if the grade level around the tree is to be raised more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline or critical root zone (as identified by a consulting arborist) of the tree or tree canopy of tree stands.
- vi. The grade level shall not be lowered within the larger of (A) the dripline or critical root zone (as identified by a consulting arborist) of the tree, or the tree canopy of tree stands, or (B) the area recommended by a consulting arborist.
- vii. Alternative protection methods may be used if recommended by a consulting arborist and determined by the director to provide equal or greater tree protection.
- viii. Wherever this subsection C.4 allows or requires the involvement of a consulting arborist, that individual shall be selected from the city's list of current arborists certified by the American Society of Consulting Arborists and his or her services shall be paid for by the applicant.

D. Perimeter Buffering and Screening.

- 1. Intent. The intent of this subsection D is to provide an effective vegetated screen over time between uses or land use districts, to screen parking areas and structures located adjacent to public rights-of-way, and to allow visual and physical access to pedestrian and other nonmotorized oriented uses, such as a multipurpose trail or bikeway if those trails could be accommodated without compromising significant vegetation or hazardous slopes. Additional buffers may be required per BIMC [16.20.170](#), The Winslow Ravine – Special rules in Mixed Use Town Center.
- 4. General Requirements.
 - a. Full Screen. Where full screen perimeter landscaping is required, the applicant must provide:
 - i. Minimum 70 percent evergreen trees ranging in height from four feet to six feet at the time of planting with at least 50 percent being six feet high; and
 - ii. Deciduous trees with a caliper of at least two inches at the time of planting; and
 - iii. At least 20 percent of the trees shall be native species and drought resistant; and
 - iv. The number of trees is determined by dividing the length of the landscape perimeter by 10 feet; and

- v. Evergreen shrubs at least 21 inches in height at the time of planting, spaced no more than three feet on center, to achieve minimum ~~four~~ six feet height at maturity; and
 - vi. The number of shrubs is determined by dividing the length of the perimeter by four feet; and
 - vii. Living ground cover shall be planted and spaced to achieve total coverage within three years; and
 - viii. Plants may be clustered within the perimeter to screen structures and parking areas.
- b. Partial Screen. Where partial screen perimeter landscaping is required, the applicant must provide:
- i. Minimum 50 percent evergreen trees ranging in height from four feet to six feet at the time of planting with at least 50 percent being six feet high; and
 - ii. Deciduous trees with a caliper of at least two inches at the time of planting; and
 - iii. At least 20 percent of the trees shall be native species and drought resistant; and
 - iv. The number of trees is determined by dividing the length of the landscape perimeter by 20 feet; and
 - v. Evergreen shrubs at least 21 inches in height at the time of planting, spaced no more than three feet on center, to achieve minimum ~~four~~ six feet height at maturity; and
 - vi. The number of shrubs is determined by dividing the length of the landscape perimeter by five feet; and
 - vii. Living ground cover shall be planted and spaced to achieve total coverage within three years; and
 - viii. Plants may be clustered within the landscape perimeter to screen structures and parking areas.
- c. Filtered Screen. Where filtered screen perimeter landscaping is required, the applicant must provide:
- i. One hundred percent deciduous trees two-inch caliper spaced no more than 30 feet on center; and
 - ii. Evergreen shrubs minimum 21 inches in height at the time of planting spaced no more than three feet on center to provide a continuous hedge achieving a maximum height of ~~three~~ six feet at maturity; and
 - iii. Living ground cover shall be planted and spaced to achieve total coverage within three years.

G. Total Site Tree Unit Requirements.

1. Intent. The overall purpose of Section 18.15.010 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-8, R-

14, and NSC zone districts and (b) each development approval for 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 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 application involving (a) any modification to a development parcel located in the MUTC, HSR I and II, R-8, R-14, or NSC 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. If a 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 4. 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. Prior to the submission of a development application involving any modification to a development parcel that has less than 50 percent tree canopy cover prior to the proposed development or redevelopment, the applicant shall complete an inventory of all existing trees on the site indicating the species and the diameter at breast height (DBH) for each existing tree.
 - b. As part of any development application the applicant shall identify all existing trees to be removed as part of the proposed development, and the species and DBH of each tree to be removed.
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 (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-8, R-14, HSR I and II, and NSC 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. As an alternative to subsections G.4.a.i and ii 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. All existing trees preserved and all new trees planted on the site, including but not limited to those required to be preserved pursuant to subsection C of this section or those required to be replaced or planted pursuant to subsection D, E, or F of this section, shall count towards the required number 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 18.15.010-7, based on its diameter at breast height (DBH). 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 18.15.010-7: Tree Unit Conversion Table for Preserved Trees [1]

DBH	Tree Units	DBH	Tree Units	DBH	Tree Units
4 – 5	1.0	16 – 18	3.2	27 – 28	7.0
6 – 10	1.2	19 – 20	3.8	29 – 30	7.8
11 – 12	1.4	21 – 23	4.6	30+	8.2
13 – 15	2.0	24 – 26	6.2		

[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 18.15.010-7. This bonus does not apply to tree stands that must be retained anyway, such as trees in a roadside or wetland buffer area.
- 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 1.5 times the tree unit value shown in Table 18.15.010-7 instead of the bonus described in subsection G.5.b.i. of this section. This bonus does not apply to tree stands that must be retained anyway, such as trees in a roadside or wetland buffer area.
- iii. If the retained tree is one designated through the City's Heritage Tree Program it shall earn 1.5 times the tree unit value shown in Table 18.15.010-7, and the tree shall not receive additional bonus in subsections G.5.b.1 and 2 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 1.5 times the tree unit value shown in Table 18.15.010-7.

c. Each new or replacement tree planted shall earn the following number of tree unit credits:

- i. Each tree with a height at maturity of 40 feet or less shall be equal to one-half tree unit. Height at maturity shall be as defined in the current edition of the Manual of Woody Landscape Plants: Their Identification,

Ornamental Characteristics, Culture, Propagation and Uses, Michael A. Dirr.

- ii. Each tree with a height at maturity of more than 40 feet shall be equal to one tree unit.
- iii. New trees planted to meet the parking lot landscaping requirements of Section 18.15.010.F BIMC do not count towards meeting tree unit credits.
- 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.3 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, NSC districts, as well as for nonresidential developments within residential districts, those trees shall be planted at ground level.

H. Planting Requirements.

1. Intent. The intent of this section is to encourage the use of native species and recommend planting conditions adaptive to Bainbridge Island.
2. Requirements. Landscape designs shall conform to the following provisions:
 - a. Areas not devoted to landscape required by this chapter, parking, structures and other site improvements are encouraged to be planted or remain in existing vegetation.
 - b. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of the coastal region of the Puget Sound Region.
 - c. New plant materials shall consist of drought resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.
 - d. New tree plantings shall be a minimum of two inches in caliper if deciduous or six feet in height if evergreen. New shrubs shall be of a variety that achieves a minimum six feet height at maturity. Soil planting types and depth shall be sufficient for tree planting.
 - e. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows.
 - f. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.
 - g. Grass may be used as a ground cover where existing or amended soil conditions assure adequate moisture for growth.
 - h. Ground cover areas shall contain at least two inches of composted organic mulch at finish grade to minimize evaporation. Mulch shall consist of materials such as composted yard waste, composted sawdust, and/or manure that are fully composted.
 - i. Existing and/ or compacted soils may need to be augmented with fully composted organic material or aerated.

- j. Specific submittal requirements for landscaping plans (tree protection, retention and planting plans) are included in the city's administrative manual.

3. Performance Assurance.

- a. Performance assurance is required to assure the city that the landscape, required by this section, is properly installed, will become established and be adequately maintained.
- b. The required landscape shall be installed prior to the issuance of a temporary certificate of occupancy for the project. The Washington landscape architect, Washington certified nursery professional or Washington certified landscaper shall submit a landscaping declaration to the director to verify installation in accordance with the approved plans.
- c. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season as approved if the director determines that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the city. The performance assurance device shall be for 150 percent of the cost of the work or improvements covered by the assurance device. In no case may the property owner delay performance for more than one year.
- d. The form and type of the performance assurance device shall be determined by the director.

4. Maintenance Assurance.

- a. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan.
- b. A maintenance assurance device shall be required for a period of five ~~three~~ years after acceptance by the city of the new planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance.
- c. The maintenance assurance device amount shall not be less than 20 percent of the cost of replacing materials covered by the assurance device.
- d. The form and type of the maintenance assurance device shall be determined by the director.

Section 3. Section 18.36.030 of the Bainbridge Island Municipal Code is amended to read as follows:

“Heritage Tree” means a tree that has been nominated and approved as such through the Heritage Tree Program, Resolution 2014-19.

“Significant tree” means: (a) an evergreen tree 10 inches in diameter or greater, measured four and one-half feet above existing grade; or (b) a deciduous tree 12 inches in diameter or greater, measured four and one-half feet above existing grade; ~~or~~ (c) in the Mixed Use Town Center and High School Road zoning districts, any tree 8 inches in diameter or greater, measured four and one-half feet above existing grade; or (d) all trees located within a required critical area buffer as defined in Chapter 16.20 BIMC.

Section 4. 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 ____ day of _____, 2015.

APPROVED BY THE MAYOR this ____ day of _____, 2015.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK: XXXX, 2015

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NUMBER: 2015-04

18.15.010 LANDSCAPING, SCREENING, AND TREE PROTECTION RETENTION, PROTECTION AND REPLACEMENT

Table 18.15.010-1: Landscape Requirements by Zone District

Landscape Requirements		Significant Tree & Tree Stand Retention (BIMC 18.15.010.C)	Perimeter Landscape (BIMC 18.15.010.D)	Roadside Buffer (BIMC 18.15.010.E)	Parking Lot Landscaping (BIMC 18.15.010.F)	Total Site Tree Unit Requirements (BIMC 18.15.1010.G)	Planting Requirements (BIMC 18.15.010.H)	Irrigation (BIMC 18.15.010.I)	Maintenance (BIMC 18.15.110.J)
Land Use Districts									
Single-Family Residential for which Only a Building Permit is Required (Existing Non-Flex Lots)									
Single-Family Residential Development Outside Winslow Mixed use, NSC, and B/I Districts (R-.04 through R-6 Districts) Other than Existing Lots for which Only a Building Permit is Required (Flexible Lot Design Process)		X	X (Cluster Subdivisions Only)	X			X	X	X
R-8 and R-14 Multifamily Districts		X	X	X	X	X	X	X	X
Nonresidential Uses in Areas Outside Winslow Mixed Use, HSR, NSC, B/I, WD-I Districts		X	X	X	X	X	X	X	X
Winslow Mixed Use Town Center [1]	Central Core Overlay	X	X	X [2]	X	X	X	X	X
	Ericksen Ave. Overlay	X	X	X [2]	X	X	X	X	X
	Madison Ave. Overlay	X	X	X [2]	X	X	X	X	X
	Gateway Overlay	X	X	X [2]	X	X	X	X	X
	Ferry Terminal Overlay	X	X	X [2]	X	X	X	X	X
High School Road District		X	X	X [2]	X	X	X	X	X
NSC District		X	X	X	X	X	X	X	X
B/I District		X	X	X	X		X	X	X
WD-I District		X	X	X	X		X	X	X
[1] Refer to Chapter 18.18 BIMC for additional landscape requirements specific to the Mixed Use Town Center districts. [2] Roadside buffer requirement is adjacent to Highway 305 only.									

Perimeter Buffering and Screening (18.15.010.D)

Table 18.15.010-3: Perimeter Landscaping Requirements by District			
Abutting zoning or land use	Perimeter Landscape Type	Perimeter Width (ft.)	Minimum Perimeter Width (ft.)
Multifamily in R-1 District			
Single-family residential	Full Screen	25	N/A
R-8 and R-14 Multifamily Districts			
Single-family residential (UR)	Partial Screen	20	15
Urban multifamily	Filtered Screen	15	10
Nonresidential Uses in Areas Outside Winslow Mixed Use, HSR, NSC, B/I , WD-I Districts			
Residential including multifamily	Full Screen	25	15
Nonindustrial uses	Full Screen	20	10
Winslow Town Center Mixed Use District [1]			
Single-family residential	Full Screen	20	15
HSR I and II Districts			
Single-family residential	Full Screen	20	15
NSC Districts			
Residential including multifamily	Full Screen	15	10
NSCs	Filtered Screen	10	10
B/I Districts			
B/I	Full Screen[2]	50	35
Non-B/I	Partial Screen	15	10
WD-I Districts			
Residential including multifamily	Full Screen	40	20
Industrial uses	Partial Screen	10	0
Nonindustrial uses	Full Screen	10	5
[1] For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BMC 18.12.030.C.			
[2] Notwithstanding subsection D.2 above, all native shrubs and significant trees shall be retained within all landscape buffers, except that limited removal may be allowed for permitted activities located within the buffer area. If necessary, the existing vegetation shall be supplemented to attain the required screening density.			

Roadside Buffers (18.15.010.E)

Table 18.15.010-5: Roadside Buffer Requirements by District [1]		
Existing Zoning/Use	Abutting Use	
	Right of Way (not including Hwy 305)	Highway 305 [2]
Neighborhood Service Center	10' Filtered Screen/5' Minimum	50' Filtered Screen/35' Minimum
Mixed Use Town Center [3]	N/A	50' Full Screen [4] /35' Minimum
High School Road	N/A	50' Full Screen/35' Minimum
Urban Multifamily	20' Partial Screen	50' Partial Screen/35' Minimum
Conditional Uses within Residential Zone Districts	25' Partial Screen/15' Minimum	50' Partial Screen/35' Minimum
Business/Industrial (B/I)	50' Full Screen/35' Minimum	50' Full Screen/35' Minimum
Water Dependent Industrial	10' Partial Screen/5' Minimum	50' Partial Screen/35' Minimum
1. All roadside buffers must be planted if not already existing. 2. A buffer is required along Highway 305, which is designated as a scenic highway. The 50' roadside buffer requirement can be reduced up to 25% by the director, after consultation with an acceptable tree professional as identified in subsection C.1.c, if it is determined that (a) a 50' buffer would cause the property to be undevelopable, and (b) the reduced buffer will provide as much screening of site activities from Highway 305 as practicable in light of site topography and conditions. 3. For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC 18.12.030.C. 4. Beginning 100' north of Winslow Way.		

Parking Lot Landscaping (18.15.010.F)

1. NSC, B/I, and WD-I Districts and Nonresidential Uses Outside Winslow Mixed Use Town Center Overlay Districts and High School Road Mixed Use Districts. All applicants in these areas shall provide the following types and amounts of landscaping. Parking lots shall meet the requirements of BIMC [18.15.020](#). Applicants may refer to the standards contained in this section for optional planting locations within parking areas.
 - a. Intent. The intent of this section is to screen views of parking lots. To provide shade and visual relief within parking lots, to limit impacts of impervious surfaces and to reinforce safe pedestrian access to buildings.
 - b. Requirements for Parking Lots Located Adjacent to Public Rights-of-Way.
 - i. One tree for every four parking stalls; and
 - ii. Minimum 30 percent evergreen trees; and
 - iii. Deciduous trees minimum two-inch caliper, evergreen trees minimum six feet high at the time of planting; and
 - iv. Evergreen shrubs minimum 18-inch height at the time of planting spaced no more than three feet on center, to provide a continuous hedge achieving a maximum height of three feet at maturity located adjacent to the rights-of-way (this may be achieved with the perimeter landscape); and
 - v. Evergreen ground cover planted and spaced to achieve total coverage within two years; and
 - vi. A landscaped area at the end of parking aisles.
 - c. Requirements for Parking Lots Not Abutting Public Rights-of-Way.
 - i. One tree for every eight parking stalls; and
 - ii. One hundred percent of the trees may be deciduous; and
 - iii. Deciduous trees minimum two-inch caliper, evergreen trees minimum four feet height at the time of planting; and
 - iv. Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years; and
 - v. A landscaped area at the end of parking aisles.

Total Site Tree Unit Requirements (18.15.010.G)

Applicability

- Development projects within MUTC, HSR I and II, R-8, R-14, or NSC districts
- Non-residential development in the R-5, R-4.3, R-3.5, R-2.9, R-2, R-1, and R-0.4 zone districts (i.e. church, school)
- Currently, tree unit requirements DON'T apply to development projects in the B/I or WD-I Districts, single-family subdivisions/ short plats, or existing single family residential.

Requirements

- In the MUTC Central Core and Ferry Terminal Overlay districts, the development parcel shall have at least than 30 tree units per acre following the proposed development or redevelopment.
- In the MUTC Ericksen Avenue, Madison Avenue, and Gateway Overlay Districts, and each site in the R-8, R-14, HSR I and II, and NSC districts, and for permitted non-residential 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.

OR

- As an alternative to subsections 4.a.i and 4.a.ii above, 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.

Calculation of Tree Units- Existing Trees to be Preserved

Table 18.15.010-7: Tree Unit Conversion Table for Preserved Trees [1]

DBH	Tree Units	DBH	Tree Units	DBH	Tree Units
4-5	1.0	16-18	3.2	27-28	7.0
6-10	1.2	19-20	3.8	29-30	7.8
11-12	1.4	21-23	4.6	30+	8.2
13-15	2.0	24-26	6.2		

[1] For multi-stemmed trees, measure the DBH of each trunk separately, multiply each of these measurements by itself, add up these amounts, and calculate the square root of that total to find the DBH for the tree as a whole.

Tree Retention Bonus Points/Units: Bonus points if retained trees are in a tree stand, is a "Heritage Tree" or is in a Wildlife Corridor Network

Calculation of Tree Units: New Trees Needed to meet Tree Unit Requirement

- Each tree with a height at maturity of 40 feet or less shall be equal to one-half (0.5) tree unit. Height at maturity shall be as defined in the current edition of the Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation and Uses, Michael A. Dirr.
- Each tree with a height at maturity of more than 40 feet shall be equal to 1 tree unit.