



Tree Ad Hoc Committee Meeting
Tuesday, April 14*, 2015, 9:00 – 11:00 AM
280 Madison Ave N
Bainbridge Island, WA 98110
Council Conference Room
*rescheduled from March 24, 2015

AGENDA

1. Review Notes from 1/20/14 & 3/10/15 Committee Meetings
2. Review Landscaping/ Tree Requirements for Non-residential development in Residential Zones ([BIMC 18.15.010](#))

**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.

**Ad Hoc Tree Committee
Meeting Notes (Draft)
March 10, 2015**

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

COBI Staff: Jennifer Sutton

Public: Terry Samilson, Randy Rotter, Charles Schmid

As scheduled, the meeting took place in Council Chambers between 9 and 11 a. m. Most of the discussion pertained to Ordinance 2015-04 (formerly 2014-07), which amends some provisions of the 'Interim Tree Protection Ordinance' (BIMC 18.15.010). Jennifer noted that action on this ordinance is scheduled for the Council meeting on April 21, and plans call for referring it to the Planning Commission for discussion on March 26.

Jon distributed copies of two pages pertaining to the Vegetation Management chapter (BIMC 16.22), relevant to discussion at a later meeting.

Jennifer observed that regulations for subdivisions and Business/Industrial zones have not yet been discussed, and requirements might be added that apply to Single Family Residential development.

{One of my notes says "Interim Tree Ord doesn't apply to B/I" and I'm not sure what this means: is the statement true, or false?} We discussed the various uses for B/I space and the appropriate perimeter buffers and screening.

Sarah had questions about a passage on p. 8 of the Ordinance, pertaining to the bonus for tree stands voluntarily retained in a development: why is the bonus 1.2, not 1.5 as in other instances?

Charles raised a question about the penalties (and the lack thereof) for clearing without a permit: there's a difference if a permit would have been granted, versus clearing that is flat out illegal. Mack and Jennifer discussed the problem of trees that die because they are unprotected from development. Roger had questions about penalties, and Sarah called attention to a place on p. 2 of the Ordinance that needs fixing: the paragraph on 'Enforcement and Penalties' should mention "failure to retain."

Randy Rotter spoke from his experience as a resident in the Fletcher Bay neighborhood, saying that some of the small lots platted long ago by Mr. Fletcher are now being developed, and clearing is going on that is contrary to the established neighborhood aesthetic. What can be done?

Buffer requirements were discussed, with reference to p. 14 of the Interim Tree Protection Ordinance. At one point Mack asked, "What are we trying to achieve with

buffers?" He suggested that in some situations landscaping should be required rather than a screen. The rules for 'clustered' housing in subdivisions were mentioned, and the alternative, 'open space' planning: do these regulations produce good results?

Aquifer recharge was discussed: where are the specific places ("lenses" was the term Mack used) that are most important for recharge? Jon mentioned that wetlands are protected for good reason, but he understood that they are not responsible for aquifer recharge. Jennifer mentioned that protection of aquifers will be the focus of attention when revision of the Critical Areas Ordinance is taken up in the not too distant future.

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.