



**CITY OF  
BAINBRIDGE ISLAND**

**CITY COUNCIL STUDY SESSION  
TUESDAY, MAY 07, 2019**

BAINBRIDGE ISLAND CITY HALL  
280 MADISON AVENUE N.  
BAINBRIDGE ISLAND, WASHINGTON

**AGENDA**

**1. CALL TO ORDER / ROLL CALL - 6:00 PM**

**2. EXECUTIVE SESSION**

- 2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, 15 Minutes

**3. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE - 6:15 PM**

**4. MAYOR'S REPORT - 6:20 PM**

**5. PRESENTATIONS**

- 5.A (6:25 PM) Tree Resource Code & Policy Recommendations from Team of Consulting Arborists - Planning, 45 Minutes  
[CC Staff Memo](#)  
[COBI Tree Protection Code Review and Recommendations](#)  
[COBI Council Presentation](#)

**6. UNFINISHED BUSINESS**

- 6.A (7:10 PM) Ordinance No. 2019-04, Updating the City's Sign Code - Planning, 45 Minutes  
[PCD Staff Memo](#)  
[City Council Sign Code Discussion Points Handout - May 7, 2019 Study Session](#)  
[Ordinance No. 2019-04, Updating the City's Sign Code - DRAFT](#)  
[Exhibit A - Updated Chapter 15.08 BIMC - Redline](#)
- 6.B (7:55 PM) Update on Moratorium - Planning, 10 Minutes  
[20190507 Moratorium work program status report.docx](#)

[Ordinance No. 2019-10 Extending the Development Moratorium  
Development Moratorium Summary Effective 20190403.docx](#)

- 6.C (8:05 PM) Ordinance No. 2019-03 Relating to Subdivision Update - Planning, 90 Minutes  
[20190507 CC Staff Memo.docx](#)  
[20190507 Ord 2019-03 Exhibit A PC Recommendation with Notes and Revisions.docx](#)  
[Potential Development Scenario 1.docx](#)  
[Potential Development Scenario 2.docx](#)  
[Potential Development Scenario 3.docx](#)  
[Potential Development Scenario 4.docx](#)  
[Proposed Table 17.12.060-1 Clustering Requirements.docx](#)  
[Ordinance No. 2019-03 Subdivision Update - Draft 031519](#)  
[Ord 2019-03 Exhibit B 20190228.docx](#)  
[Ord 2019-03 Exhibit C 20190228 PC Recommendation.docx](#)  
[20190402 CC Staff Memo.docx](#)  
[20190319 CC Staff Memo](#)

## 7. FUTURE COUNCIL AGENDAS

- 7.A (9:35 PM) Future Council Agendas, 10 Minutes  
[City Council Regular Business Meeting 051419](#)  
[City Council Study Session 052119](#)  
[City Council Regular Business Meeting 052819](#)  
[City Council Study Session 060419](#)

## 8. FOR THE GOOD OF THE ORDER - 9:45 PM

## 9. ADJOURNMENT - 9:55 PM

### GUIDING PRINCIPLES

**Guiding Principle #1** - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

**Guiding Principle #2** - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

**Guiding Principle #3** - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

**Guiding Principle #4** - Consider the costs and benefits to Island residents and property owners in making land use decisions.

**Guiding Principle #5** - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

**Guiding Principle #6** - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

**Guiding Principle #7** - Reduce greenhouse gas emissions and increase the Island's climate resilience.

**Guiding Principle #8** - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



**City Council meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or [cityclerk@bainbridgewa.gov](mailto:cityclerk@bainbridgewa.gov) by noon on the day preceding the meeting.**



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** May 7, 2019

**ESTIMATED TIME:** 15 Minutes

**AGENDA ITEM:** Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency,

**STRATEGIC PRIORITY:** Good Governance

**PRIORITY BASED BUDGETING PROGRAM:**

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Executive

**RECOMMENDED MOTION:**

Hold executive session pursuant to RCW 42.30.110(1)(l).

**SUMMARY:**

Hold executive session pursuant to RCW 42.30.110(1)(l).

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

**ATTACHMENTS:**

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** May 7, 2019

**ESTIMATED TIME:** 45 Minutes

**AGENDA ITEM:** (6:25 PM) Tree Resource Code & Policy Recommendations from Team of Consulting Arborists - Planning,

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**PRIORITY BASED BUDGETING PROGRAM:**

**AGENDA CATEGORY:** Presentation

**PROPOSED BY:** Planning & Community Development

### RECOMMENDED MOTION:

As part of this study session, a presentation will be presented to the City Council and the Council will have an opportunity to discuss the report and provide direction to staff regarding next steps.

The Council will have the opportunity to discuss and ask questions of the arborists about their report. Ultimately, staff is seeking from the Council direction on which recommended code changes should be pursued. If the City's tree-related regulations become more sophisticated, the Planning and Community Development Department will need to consider what kind of training City staff will need to manage and review tree removal permits, or apply different standards to development permits.

### SUMMARY:

In October 2018, the City Council authorized the City Manager to contract with a team of arborists led by Katy Bigelow and John Bornsworth to review and make recommendations on City regulations governing tree and vegetation removal, including interim regulations in Chapter 16.32 BIMC (Protection of Landmark Trees). The team's recommendations were completed at the end of December 2018.

Attached is a staff memorandum providing a summary and evaluation of the document, "City of Bainbridge Island Tree Resource Code and Policy Recommendations," completed for the City by a consulting team of arborists and related professionals ("arborists' report"). The staff memorandum summarizes the arborists' report and recommendations and provides specific insights based on staff's review and understanding of the subject. As part of the presentation and discussion, staff welcomes any clarifications or additional information from the report's authors, which may help to clarify the report's policy and regulatory recommendations.

The Council will have the opportunity to discuss and ask questions of the arborists about their report during this study session. Ultimately, staff is seeking Council direction on which recommended code changes should be pursued. If the City tree-related regulations become more sophisticated, the Planning and Community Development Department will need to consider what kind of training City staff will need to manage and review tree removal permits, or to apply different standards to development permits.

<b>FISCAL IMPACT:</b>	
<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	No

**BACKGROUND:**

**ATTACHMENTS:**

[CC Staff Memo](#)

[COBI Tree Protection Code Review and Recommendations](#)

[COBI Council Presentation](#)

**FISCAL DETAILS:** There may be fiscal impacts to City staffing if new regulatory practices are adopted. The scope of these potential impacts has not yet been evaluated.

**Fund Name(s):**

**Coding:**



## Department of Planning and Community Development

### Memorandum

Date: May 7, 2019  
To: City Council  
From: Christy Carr, AICP                      Jennifer Sutton, AICP  
Senior Planner                                  Senior Planner  
Subject: Arborists' Report -- Tree Resource Code and Policy Recommendations  
Summary and Staff Evaluation

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#### Introduction and Key Takeaways

This memorandum provides a summary and evaluation of the document, "City of Bainbridge Island Tree Resource Code and Policy Recommendations," completed for the City by a consulting team of arborists and related professionals ("arborists' report").

Specifically, this memorandum (1) summarizes the arborists' report, (2) highlights issues for consideration, (3) provides a staff evaluation of specific recommendations, and (4) outlines potential next steps for the City Council's continued discussion and legislative process for tree regulations. Key takeaways from the staff evaluation include:

- The arborists' report contains a number of valid and valuable recommendations for improving the City's tree code but presents an approach and restructuring that significantly departs from existing regulatory practice.
- There is uncertainty about whether the proposed new approach will generate anticipated effects. Key questions include: Is it a "better" code? If so, for whom? Will more trees be preserved and/or protected? If so, how many and to what degree?
- Due to recent revisions to code applicability, Chapter 16.18 BIMC does not apply to a majority of "clearing like" permits. Given the limited number of clearing permits to which Chapter 16.18 BIMC applies, it is unlikely that the level of effort required to implement the arborists' recommendations is in line with their scope and applicability.
- The canopy cover goals from the 2006 Community Forest Management Plan should be revisited alongside more recent canopy cover data if used in tree regulations. Use of canopy cover for permitting on a site by site level presents technical and administrative challenges.
- The recommended regulatory framework represents a substantial increase in need for assessments, prescriptions, or reports from certified arborists and allied professionals. This will increase permitting costs and turnaround time. Proposed revisions to Chapters 16.18 and 18.15 BIMC include nearly 30 references to requirements for work by a certified arborist.

- The City should consider revisions to Chapters 16.18 and 18.15 BIMC to incorporate correct and consistent terminology and definitions, improve readability of the code, and develop permit assistance materials and other educational resources as recommended. This could be accomplished with relative ease through a fairly minor and straightforward legislative and administrative process.
- The Landmark Tree Ordinance seems to be working but the City should consider discrete modifications to improve its administration and effectiveness.
- The City should consider having a single point of contact for tree-related issues and/or a significantly improved permit review process and outreach strategy.

## Summary of Arborists' Report

The arborists' report generally contains these components:

- Background information including literature review, tree canopy analysis, and goals
- Recommended tree protection strategies
- Identified code concerns
- Specific policy improvement recommendations
- Revised code provisions, including an entirely new Chapter 16.18 BIMC
- Other recommended short- and long-term tasks

Overall, the arborists' report recommends a major shift away from the City's current approach to tree removal – largely based on number and size of trees, prescriptive replacement ratios, etc. – to an approach based on canopy cover goals and tree and canopy function, or ecosystem services. The new regulations would rely on (a) requirements for tree canopy cover established in the City's 2006 Community Forest Management Plan ("CFMP"), (b) tree or tree stand function as determined by use of a new rating form, the Tree Resource Functional Assessment, and (c) a city arborist or municipal forester staff position.

Identified code concerns with past and present versions of various sections of the code, categorized by "practical," "best available science," and "language," are provided in the arborists' report. These focus largely on incorrect and inconsistent use of terminology, difficult readability, and administration of existing code. Other concerns are related to the City's approach rather than specific code provisions.

The arborists' report also provides seven specific policy improvement recommendations ranging from straightforward (Recommendation 1 – Improve tree protection codes) to initiatives with major staff and budget implications (Recommendation 3 – Create the Bainbridge Island Community Forestry Department). Staff analysis of these recommendations is provided below, under Staff Evaluation and Issues for Consideration.

An entirely new version of Chapter 16.18 BIMC is presented. Major highlights include:

New recommended regulatory strategies or approaches include tree replacement (i.e., mitigation) based on tree function rather than quantity; allowing ongoing tree removal and management on any size property through a forest stewardship plan; and allowing off-site tree replacement or in-lieu-fee payment ("substitute mitigation").

New recommended administrative elements include adding reasonable use exception (RUE) and variance procedures; permit assistance flowcharts/worksheets/website resources; using a City-specific tree valuation system; and specifications for tree resource reports.

A new hierarchy of tree removal permits is proposed:

A minor tree permit would be required for any significant tree removal in higher density zoning districts, significant tree removal above established tree removal allowances for developed properties in lower density zoning districts, and most pruning of live tree branches over four inches in diameter. Tree replacement or substitute mitigation is required to compensate for lost resources as determined through the Tree Resource Functional Assessment ("TRFA," see below).

A major tree permit would be required any time the removal of any tree would reduce a parcel below the canopy cover goals established for that parcel's zoning district, for removal of any living landmark tree, and for approval of a forest stewardship plan. Major tree permits require submittal of a TRFA and arborist report and a mitigation plan and tree risk assessment letter, if needed.

The TRFA is a proposed "tree resource classification tool to be used by Certified Arborists or Tree Risk Assessment Qualification (TRAQ) endorsed similar professionals to better assign the correct function of a tree or tree stand within its location." (arborists' report, page 4) It is a detailed rating form very similar to what is used for wetlands. The numerical result of this assessment is then used to classify a tree or tree stand as Landmark, Exceptional, Typical, or Poor, which will drive mitigation to replace realized tree resource function. This is required for all significant tree removal that requires a permit and is a change from how tree replacement is currently calculated via a simple ratio.

Similar to the City's existing code, the arborists' report includes permitting thresholds for significant tree removal allowances; a list of activities allowed without a permit; and monetary penalties for violations.

Overall, the recommended regulatory framework represents a substantial increase in applicability (i.e., need for City review and approval) and need for assessments, prescriptions, or reports from certified arborists and similar professionals. Proposed revisions to Chapters 16.18 and 18.15 BIMC include nearly 30 references to requirements for work by a certified arborist.

## Issues for Consideration

The objective of the arborists' task was to provide recommendations to the City Council for improving the City's municipal code language related to trees with the overall goal of increasing compliance with the code and, as a result, improving and increasing tree conservation and preservation island-wide. To support the City Council's continued discussion of tree regulations, staff evaluated the general approach, specific recommendations, and proposed code language in the arborists' report against whether they would achieve one or more of the following general shortcomings of the existing code as identified and discussed by the arborists and the City Council:

- Code is "unworkable" for average homeowner, which results in low compliance
- Code uses inconsistent and/or incorrect terminology and definitions
- Code is insufficient in its requirements for review by certified arborists and/or other qualified professionals in order to effectively preserve trees on developing properties
- Landmark tree ordinance "unworkable" in its definition of landmark trees and administration
- Code does not reflect current scientific understanding of urban tree canopy or current best practices for preservation and management

The following issues are highlighted for the City Council's consideration:

Efficacy of current code: The arborists' report does not answer whether or not the City's current suite of tree-related codes are effective relative to either implementation (use/application of the code) or outcomes (tree protection and preservation). There are no data provided on the number of clearing permits issued or denied, average length of permit processing time, code enforcement actions related to tree removal, nor any input from permit review staff or anecdotal or documented examples of tree resource loss due to ineffective code. There is ample indication from the City Council, through its formation of the ad hoc tree committee in 2014 and passage of the Landmark Tree Ordinance in 2018, that the tree code, over time, has resulted in inadequate protection and preservation of trees. There are a number of reasons why it is challenging to know whether or not the current code is meeting its objectives, including:

- Adopted ordinances based on the ad hoc tree committee recommendations to "fix the code" have effective dates of September 2015, March 2016, and December 2018. The City has no data to measure change (either single tree or canopy cover).
- The Landmark Tree Ordinance has only been in effect since June 2018 (see discussion below).
- The City does not track permitted actions (i.e., the number of trees removed via a clearing permit) or permit revisions/changes in construction activities that result in tree damage or loss.

It is important to measure the current code's effectiveness in terms of implementation (use/application of the code) and outcomes (tree protection and preservation). The "ease of use" of the code may affect a citizen's willingness to comply with the code which, in turn, may have a positive effect on the outcomes. For the most part, however, tree removal by individuals is allowed outright, or at least allowed over time, so whether or not they get a permit may not be the issue. The larger question is likely, "What type of tree removal is allowed?" This question is particularly applicable to specimen, or "landmark" trees, and large-scale clearing of trees to accommodate development.

Community Forest Management Plan canopy cover goals: The arborists' report references and, in large part, its recommendations rely on the canopy cover goals established in the City's 2006 Community Forest Management Plan ("CFMP"). The CFMP does not provide a rationale or methodology for its canopy cover goals. The only technical reference is to American Forests, a nonprofit forest conservation organization, which "notes that the potential for overall tree cover in urban areas ranges from 60-80%" and provides that canopy coverage in all land use zones on Bainbridge Island exceeded the goals recommended by American Forests in 2004 (CFMP, page 4). Today, American Forests no longer recommends universal percent tree canopy recommendations since "technology and research have significantly evolved over the past 20 years, leading to a consensus that more nuanced approaches are necessary." The organization still suggests that "a 40-60 percent urban tree canopy is attainable under ideal conditions in forested states" (20-40 percent less than what is cited in the CFMP) (see <https://www.americanforests.org/blog/no-longer-recommend-40-percent-urban-tree-canopy-goal/>).

It is worth comparing the estimated 2004 percent forest cover and percent canopy cover goals provided in the CFMP with the 2015 actual percent canopy cover provided in the arborists' report:

Zone	2004 Estimated	2006 Goal	2015 Actual	Change (2004-2015)
R-0.4, R-1, R-2	75	70	65	-10
R-2.9 through R-14	47	50	34	-13
Neighborhood Centers	27	35	20	-7
MUTC/High School	24	35	34	+10
Winslow Core District	29	35	30	+1

As can be seen by the 2004 estimated forest cover vs. the 2006 canopy cover goal, the CFMP was more “ambitious” or “aspirational” in the higher density zones – the goals were set to increase the canopy cover even though the plan acknowledged that the City’s Comprehensive Plan at the time focused growth in these areas. The goals made two assumptions: (a) that implementation of a new street tree program would result in increased tree canopy in the MUTC/High School, Winslow Core, and Neighborhood Centers zones; and (b) incentives and education would be used to encourage landowners to clear less than fifty percent of the forested areas on their individual properties in the high density residential zones (R-2.9 through R-14). While a street tree program has not been initiated, the forest cover in the MUTC/High School and Winslow Core zones has actually increased between 2004-2015 and decreased just 7 percent in the Neighborhood Centers. (Note: street tree requirements were added to the Winslow Core and neighborhood center design guidelines in 2009 and 2015, respectively.) Without incentive and education programs, canopy cover in the high density residential zones has decreased by 13 percent since 2004, which is the most in any category (the decrease is 8 percent if Point Monroe is removed, see below).

Other nuanced review is helpful. The data are presented in aggregated categories, which both skews and misrepresents results. For example, the “low density residential” category includes the R-0.4, R-1, and R-2 districts with a goal of 70 percent. The 2015 actual percent cover is reported as 65 percent; however, the R-0.4 district has a 2015 actual percent cover of 74 percent – exceeding the goal. Another example is Point Monroe, a sand spit for which the naturally occurring coastal process impedes the establishment of forest cover. Its R-6 zoning district is included in the “high density residential,” which has a 35 percent canopy cover goal. The 2015 actual percent cover is only 4 percent. If Point Monroe is excluded from the category, then its actual percent cover rises from 34 to 39 percent. Finally, the 2006 canopy cover goal for the R-0.4, R-1, and R-2 zoning districts (70 percent) is out of sync with the more recent adoption of the aquifer recharge protection area (“ARPA”) requirement (up to 65 percent).

While establishing canopy cover goals is an accepted tool for effectively managing forest resources, the City Council may want to consider revisiting those goals from the 2006 CFMP if it chooses to incorporate them into its tree regulations.

Using canopy cover for permitting: The arborists’ proposed approach includes requiring a major tree permit removal and submittal of a completed TRFA, arborist report, and/or mitigation plan any time tree removal reduces a parcel’s tree canopy cover below the canopy cover goal for the zoning district in which it is located. While other jurisdictions (e.g., Seattle) may shift to using canopy cover vs. individual trees as a permitting metric, it is not without controversy or challenge. In Seattle, the tree canopy cover goals for various zones under consideration range from 10 to 33 percent. Bainbridge Island’s goals of 35 to 70 percent present a much higher likelihood of permitting and mitigation requirements.

Other considerations relating to using tree canopy coverage on Bainbridge Island include: Most jurisdictions using canopy cover goals are urban and focused more on parcels with relatively fewer trees as compared to Bainbridge Island; canopy cover can be “estimated to generally within 90% accuracy,” per the arborists’ research, leaving a 10 percent range of error; the approach does not acknowledge parcels already below the goal; data sources can be inconsistent (e.g., air photos vs. LiDAR land cover analysis); data may be old; and canopy cover may not address canopy shared between two parcels. Staff routinely uses available data to estimate tree cover on individual parcels, but it is only a general estimate. Since any reduction in tree canopy cover below the goal would trigger permitting requirements, precise estimates become important.

Substitute mitigation. Substitute mitigation is included in the arborists’ proposed code language to allow off-site planting of replacement trees or in-lieu-fees that would go toward purchasing forested parcels to offset tree resource loss. This approach makes sense in theory, but is not practical,

particularly in the zoning districts in which it is purported to be most applicable (high density residential, neighborhood centers, mixed use town center). There are scant numbers of vacant properties in these zones and, most notably in the neighborhood centers, there is relatively little tree canopy cover. This is also very expensive land. It is unlikely the City's tree fund, even as it is envisioned in the arborists' report, would be sufficient for adequate land acquisition. Off-site tree planting is also likely not feasible because, for example, a property owner will have a hard time convincing another private property owner or a public agency to allow tree replacement on their property. Issues will no doubt arise, including: Who is responsible for the tree's survival? Who has access to the tree for monitoring and maintenance? Is an easement required? What happens when the tree becomes a hazard or blocks a view? For such reasons, substitute mitigation is likely not feasible.

Level of effort vs. level of impact: Implementing the recommendations of the arborists' report would have major work plan implications for the City on two levels. First, taking on the recommended policy and code changes in whole represents approximately 18-24 months of work. Second, the proposed permitting approach would be more costly for applicants and more time consuming for all. Moreover, there is not a high level of certainty that the new approach will generate anticipated effects: Is it "better" code? If so, for whom? Will more trees be preserved and/or protected? If so, how many and to what degree?

Due to recent updates in the municipal code, Chapter 16.18 BIMC is no longer the permit pathway for all clearing permits. There is now a "minor critical area permit" in the critical areas ordinance and a "shoreline clearing permit" for the shoreline jurisdiction. In a random sample of clearing permits issued in 2017/2018 (20 percent of 258 total permits), 59 percent were for work done in either the shoreline jurisdiction or critical areas. Moving forward, Chapter 16.18 BIMC will not apply to a majority of "clearing like" permits. Further, Chapter 16.18 BIMC does not apply to trees within designated ARPAs. Given the now limited number of clearing permits to which Chapter 16.18 BIMC applies, it is unlikely that the level of effort required to implement the arborists' recommendations is in line with their scope and applicability.

Role of certified arborists and similar professionals: The arborists' report has a heavy emphasis on the role of certified arborists and similar professionals. The report states, "Trees and their parts should only be assessed, evaluated and reported on by verifiable professionals." It also recommends that essentially all technical tree related tasks should be conducted by certified arborists, resulting in an additional 15 instances where one is required in Chapter 18.15 BIMC and nearly 30 instances total throughout all of the proposed code language. Specifically, pruning of live branches over 4 inches requires an arborist's input. This is more restrictive than the critical areas ordinance, which establishes a 6 inch threshold, based largely on potential impacts to slope stability. The requirement to hire consultants to provide evaluations and reports is one of the most common complaints City staff hears from permit applicants. The increased requirement for professionals seems, for the most part, like overreach that may only serve to cost homeowners more time and money.

### **Staff Evaluation of Specific Recommendations**

Specific Recommendation 1 – Improve tree protection codes: The arborists' report provides a number of valid and valuable recommendations and examples of specific language to improve tree protection codes. It is unclear, however, if the code as presented will ultimately protect more trees or preserve more tree canopy and the proposed code leaves unanswered the cost that will be borne by homeowners, permit applicants, and the City to comply with, administer, and enforce the code. Nonetheless, the City should consider revisions to Chapters 16.18 and 18.15 BIMC to incorporate correct and consistent terminology and definitions, improve readability of the code, and develop permit

assistance materials and other educational resources, such as the “Dead and Emergency Tree Checklist” and the “Tree Removal Flowchart.”

Specific Recommendation 2 – Limit performance of tree activities to verified professionals: The proposal to stipulate that a certified arborist or other similar professional shall complete all tree related tasks is a perceived overreach. The City should consider where professional input would be most valuable to both its staff and the permit applicant without creating undue burden on either.

Specific Recommendation 3 – Create a Bainbridge Island Community Forestry Department: This level of specialization is likely out of place within the City’s organizational structure. While preservation of trees is a community value supported by the policies and goals of the City’s Comprehensive Plan, to date the City has not established an entire department to implement a single set of policies and goals. Historically, the Department of Planning and Community Development has included specialized staff (e.g., shoreline stewardship planner, natural resource planner). The City should consider having a single point of contact for tree-related issues and/or a significantly improved permit review process and outreach strategy. It is interesting to note, however, that the single reference to this subject in the arborists’ report literature review found a designated department and/or person to be statistically insignificant in determining tree canopy cover within a jurisdiction: “... if a county establishes a department and/or person who is responsible for the management of a county’s trees, the county is expected to lose tree canopy equal to 5.65 percent of the county land area during the ten year period over and above the change had they not established a management entity during that time.” The study found that a suite of factors, some more so than others, contribute to a jurisdiction’s tree canopy (see Hill, et. al. 2004).

Alternatively, the City could have an on-call arborist, an approach currently used by the cities of Medina and Woodinville (both of which have landmark/heritage tree regulations). Of the 16 other Puget Sound jurisdictions with a landmark/heritage tree regulation, six of them have on-staff arborists, although not all of them are full time employees, housed within a planning department, or focused only on tree regulations.

Specific Recommendation 4 – Implement the Tree Resource Functional Assessment: The City should not implement the Tree Resource Functional Assessment (“TRFA”). While this comprehensive approach to tree functional assessment may be applicable in limited cases, it is unnecessary for the effective implementation of Chapter 16.18 BIMC. It has not been calibrated, field-tested, or peer reviewed to the degree it should be prior to incorporating into the City’s code. Wetland rating forms, upon which the TRFA appears to be principally based, took several years to develop, were field-tested at over 100 sites, include a 100+ page user’s guide, and require a 2-day training class to use.

Tree diameters and their associated permitting thresholds are well-established and familiar in the community, can be determined by a homeowner at no cost, and are a practical and consistent means to determine permitting and tree replacement requirements. The TRFA will be an added cost for permit applicants and an added component to permit review. Wetland rating forms, for example, can take several hours of staff time to review. Further, a number of clearing permits, and the majority of landmark tree permits issued to date, have not required mitigation, so using the form to determine mitigation is not needed. To address the “right tree, right place” – and right number of trees – commonsense approach to mitigation, the City may want to consider allowing some discretion when determining tree replanting requirements.

Specific Recommendation 5 – Modify Tree Resource Fund Code: Chapter 3.39 BIMC, Tree Fund, does not need modification. It should remain in Title 3 BIMC, Revenue and Finance, where other City funds are established and articulated, and continue to be administered by the Finance Department. The

current language of Chapter 3.39 BIMC is written broadly enough that it can support any likely revisions to the City's tree-related codes.

**Specific Recommendation 6 – Modify Landmark Tree Ordinance (“LTO”) language and designation methodology:** Based on a review of the landmark tree permits issued to date and conversations with permitting staff, the LTO seems to be working if its intent is to (a) raise awareness of the value of landmark trees, (b) discourage tree removal to accommodate development, (c) provide some level of review before a landmark tree is removed, and (d) require replanting when some types of landmark tree removal occurs.

To date, 26 landmark tree permits have been issued, resulting in the removal of 36 landmark trees. The majority (17, or 65 percent) have been hazard trees, and seven (27 percent) were approved to allow reasonable use of a property. While every permit submitted to date has resulted in the approved removal of one or more landmark trees, there are two landmark tree permits currently under review that will likely be denied; that is, the landmark tree will not be removed. Further, anecdotally, it appears that people are approaching site design so as to avoid removal of landmark trees if there is a feasible alternative – perhaps the greatest benefit of the ordinance.

The majority of Puget Sound jurisdictions with some sort of heritage/landmark tree regulations use size only or a combination of size and species to define these types of trees. Several jurisdictions add additional required characteristics, such as healthful vigor for its age and species; not being considered a significant risk in regard to existing utilities and structures; having no visual structural defects that cannot be mitigated; and an expectancy that the tree will remain viable for a specific time period.

The City should consider some discrete modifications to the LTO to improve its administration and effectiveness. These include: establishing criteria around what constitutes “reasonable use;” including surety, maintenance, and monitoring requirements when replanting is required; allowing some discretion when determining tree replanting requirements based on existing site conditions; refining the list of landmark trees; and possibly adding some additional characteristics for defining landmark trees beyond size and species.

**Specific Recommendation 7 – Improve Actionable Policy Related to Tree Management:** The final recommendation essentially proposes to create an urban forestry program with work plan items ranging from writing a climate resiliency policy, revising the 2008 Open Space Plan, updating the Community Wildlife Action Plan, and updating the Street Design Manual (presumably the Design and Construction Standards and Specifications), among others. While stated differently, and not specifically assigned to an urban forester or consulting arboricultural professional, the Comprehensive Plan and its implementation work plan cover much of this ground. The City should revisit its 2006 Community Forest Management Plan within the context of the 2016 Comprehensive Plan to identify gaps, inconsistencies, and the recommendations not yet pursued that the City Council may want to formally pursue.

## Potential Next Steps

The arborists' report contains a number of valid and valuable recommendations for improving the City's tree code but presents an approach and restructuring that is out of scale with their scope and applicability. Ultimately, City staff is seeking guidance and direction from the City Council about next steps for tree regulations, ranging from a complete overhaul as recommended in the arborists' report, to a more tactical approach addressing specific, discrete revisions that will result in workable, effective code, as recommended by staff.

At a minimum, staff recommends:

- Developing a new ordinance to revise Chapters 16.18 and 18.15 BIMC to incorporate correct and consistent terminology and definitions, improve readability of the code, and make minor modifications to the LTO (Chapter 18.32 BIMC);
- Developing permit assistance materials and other educational resources; and
- Having a single point of contact for tree-related issues.

# City of Bainbridge Island

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## TREE RESOURCE CODE & POLICY RECOMMENDATIONS

December 2018

# City of Bainbridge Island

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## Tree Resource Code and Policy Revision Recommendations

December 2018

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Community specific,  
resource specific planning

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## 1. EXECUTIVE SUMMARY

Trees in communities amplify human experience and wellbeing. Their provision of valuable economic and environmental benefits as natural resources is well documented.<sup>1</sup> Even so, urban and community tree canopy cover is decreasing across the nation. Urban tree cover in the U.S. dropped by 0.2 percent between 2000 and 2018 while impervious cover increased 2.8 percent.<sup>2</sup> This reduction of community tree canopy cover occurred concurrently while many tree protection ordinances, canopy cover goals and land conversion policies across the country attempted to arrest or reduce canopy decline. For cities and communities interested in reducing the decline of their community forests or increasing urban canopy cover, they must work to enact enforceable and comprehensible tree resource protection codes within their community.

Peninsula Urban Forestry LLC and Katy Bigelow, Arborist LLC (the “Consultants”) were given authorization to review tree related parts of the Bainbridge Island Municipal Codes (16.18, 18.15 and the Landmark Tree Ordinance) and recommend changes based on current trends in tree protection ordinances, best-available-science, best-management-practices and reasonability with respect Bainbridge Island as a unique community governing its mosaic of community forest resources.

Through this review process and in preparation for policy development, the Consultants completed multiple metadata analyses and research subprojects. The City provided the Consultants with a vegetation classification of Bainbridge Island completed by University of Washington in 2017, using 2015 aerial natural imagery, near infrared imagery and lidar. This data was used to analyze current canopy composition relevant to zones and parcels throughout community, and to compare current canopy cover with the 2006 Community Forestry Management Plan canopy cover goals. We also completed comprehensive reviews of arboricultural and urban forestry literature, best-management-practices and adopted tree protection code in cities within Washington and across the nation.

Following our research above, we began reworking, revising, and amending the tree related code from a variety of Bainbridge Island Municipal Code chapters, including:

- 16.18 Forest stewardship
- 18.15 Landscaping, screening, and tree retention, protection and replacement.
- 16.32 Landmark Tree Ordinance
- 3.39 Tree Fund

Our policy recommendations include overhauling this current layout to create a single Tree Resource Protection subchapter which would include canopy cover and tree retention requirements for developed and developing areas, a landmark tree identification process and honed forest stewardship and land conversion processes.

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<sup>1</sup> Nowak, D.J., Greenfield, E.J., 2018. U. S. urban forest statistics, values and projections. *J. For.* 116, 164–177.

<sup>2</sup> Nowak, David; Greenfield, Eric. November 2017. Declining urban and community tree cover in the United States. USDA Forest Service, Northern Research Station, Syracuse, NY; *Urban Forestry & Urban Greening* 32 (2018)32-55

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Appendix A of this document outlines our recommended repeals, revisions and amendments to current code. Appendix B-D are comprehensive revisions of 16.18 and of portions of 18.15. Two new tree evaluation related forms were created and are located in Appendix F and G (the Dead and Emergency Tree Checklist, and the Tree Resource Functional Assessment). Appendix H is our literature review bibliography.

Bainbridge Island’s historical context, its geographical location within the Puget Sound and its community makeup are strong reasons to adopt and enforce comprehensive tree protection policies. By aligning tree resource policies with other natural resource policies, the City can impact the rate of decline and actively work to increase tree canopy cover across the Island. Through our policy and code recommendations, tree resource protection and canopy increase are realistic and attainable goals.

## 1.1 ASSIGNMENT

For this project, the Consultants were initially tasked with reviewing Ordinance 2018-19 (Tree Board Review of BIMC 16.18 & BIMC 18.15), including Exhibit A, and Ordinance 2018-25 and subsequently Ordinance 2018-42 (Landmark Tree Ordinance).

As city policy and the codes they guide are inherently intertwined, reviewing code without reviewing policy would have resulted in a unactionable product. In addition to our code review policies, the Consultants reviewed current tree protection polices and development policies as they relate to trees. As such, we partially reviewed BIMC 18.15 (Landscaping, roadside buffers and tree retention), generally limited to its discussion within Ordinance 2018-19. Expanding further than Ordinance 2018-19 revised BIMC 18.15, the Consultants updated language in 18.15 to reflect current best-management-practices. The Consultants additionally reviewed BIMC 3.39 (Tree Fund). Our revision of all the above codes are provided as a single consolidated chapter, excluding BIMC 18.15.

## 1.2 BACKGROUND AND METHODOLOGY

On August 9, 2018, the City of Bainbridge Island (COBI) Planning Commission (“Planning Commission”) forwarded to City Council the current draft of Ordinance 2018-19 including Chapter 16.18 as “Exhibit A.” These documents contained recent and substantial changes to earlier drafts of Chapter 16.18 including integration of the “Landmark Tree Ordinance” provisions of June 26, 2018 subsequently recommended to be replaced by Ordinance 2018-19. There were also significant changes to Chapter 18 in this same Ordinance. The current adoption of Ordinance 2018-19 both repealed and replaced BIMC 16.18, implemented the 2018-25 Landmark Tree Ordinance as well as revised substantial tree related codes in BIMC 18.15.

A group of arboricultural and urban forest specialists including both locally consulting and working Board Certified Master Arborists, an environmental planner, a community forester and ecologist identified the revision process as a critical opportunity for COBI to use diligence by embarking on a City Council approved Consultant review of BIMC 16.18 and Ordinance 2018-19.

We believe the implementation of urban, community, and residential forest planning must be backed by a rigorous technical review like the diligence applied to forming code related to other natural resources such as Shorelines and other Critical Areas. Our goal was to offer a document with a high level of code operation (field

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effectiveness) necessary to achieve real and functioning tree related ordinance goals desired by the City Council and the Island’s community.

Our technical review used clear visioning, situational assessments, literature review, historical code review and best available science to inform a holistic single chapter of Tree Resource Code including updated aspects of BIMC 16.18, BIMC 18.15 & the 2018-25 Landmark Tree Ordinance, and to provide recommendations for further honing of BIMC 18.15 and other tree related codes.

Prior to the Consultants being hired, in 2016 through 2018 the Bainbridge Island Tree Committee reviewed municipal codes related to tree protection from cities in Washington State. The Consultants increased this review to include a national perspective of current tree protection codes. The Consultants believe a wide-ranging comprehensive review is required to identify alternatives and protocols for tree protection, preservation and retention. As such, two separate literature reviews were included in the scope of this project:

- Current nationwide municipal code related to tree protection.
- Tree protection literature found in published peer-reviewed publications, published manuals, books, and best management practices.

During the writing of this document, the Consultant team identified guiding principles for our methodology. These principles were focused through group discussions, review of historical public input related to code change decisions and meetings with City staff. These focused the Consultant’s decision-making process and collaborations in order to arrive at synchronized recommendations.

**Table 1: Consultant's Guiding Principles**

1) Accessible, enforceable, and executable urban forest planning secures and amplifies the benefits received from a community forest.
2) Policies governing urban & community forest should act correspondingly with policies of other natural resources.
3) The function by which urban & community forests provide communities with tree resources is complex, as such, their quantification, valuation and interpretation must be thoroughly defined in policy.
4) Trees provide benefits in a non-linear fashion and in site-specific ways; each tree has their own level of functional capacity.
5) Clear, defined, and navigable policy language is critical for application and enforceability.

## 2. BENEFITS OF TREES AS RESOURCES

Trees improve the livability of cities for a myriad of reasons. The benefits of trees are well documented and were previously acknowledged in the 2006 City of Bainbridge Island’s Community Forestry Management Plan (CFMP) as well as in many technical and socio-economic papers released world-wide since 2006.

However, the benefits that trees provide to a single community are variable depending on a variety of environmental, social and zoning factors. Furthermore, while trees provide many important benefits, not all trees provide the same benefits. It follows that not all land designations or zoning designations should intend to support or can support the same function or value from one tree resource to another. This understanding is pivotal in creating meaningful biological evaluations and executing natural resource planning paradigms.

Tree resource benefits within urban and community forests can be summarized into four broad and sometimes overlapping categories shown in Table 2, below. These groups won’t be described at great length in this document but are used simply as a primer into tree resource benefits.

**Table 2: Benefits of tree resources within a community forest.**

• <b>Ecosystem services</b>
• <b>Human services</b>
• <b>Economic services</b>
• <b>Social services</b>

For example, some trees have historical context but support very limited ecosystem services, while other non-historically sensitive trees could potentially support a high level of ecosystem services. Equally, street trees in business districts increase user spending and economic vibrancy but lack any functional carbon sequestration benefits, and often in our region, don’t provide any substantial stormwater attenuation. This resource variability is important to understand when writing efficient code that’s purpose is managing such resources.

We’ve introduced a dynamic new concept into the recommended code revisions to better assist professionals and City staff to evaluate and manage tree resource variables:

- 1) Tree Resource Functional Assessment
  - a) The TRFA is a tree resource classification tool to be used by Certified Arborists or Tree Risk Assessment Qualification (TRAQ) endorsed allied professionals to better assign the correct function of a tree or tree stand within its location.
  - b) The TRFA allows us to measure Tree Benefit Capacity in both individual trees and tree stands.
    - i) The Tree Benefit Capacity is the capacity for trees to procure benefits, whether those benefits are environmental, economic or social.
    - ii) Calculating Tree Benefit Capacity acknowledges that trees do not procure benefits in a linear fashion and should enable professionals to better evaluate the function of individual trees and tree stands.

### 3. METADATA CANOPY ANALYSIS

The 2006 Bainbridge Island Community Forest Management Plan (CMFP) established a policy to “protect, restore and improve existing trees and vegetation” which acknowledges trees as valuable assets or resources to the community. Part of this policy is to, “Maintain or achieve optimum tree canopy cover level in all zones of the Island.” The established canopy cover goals in the CMFP are seen in Table 3: 2006 CFMP Canopy Cover Goals per Zoning Designations. Table 4 shows the current Island zoning designations and definitions.

In order to track progress on the 2006 policy, we compared the canopy cover goals from 2006 with updated 2015 data. This process started by having an accurate assessment of the current canopy based on land classification by zoning. This assessment was performed by Jeffrey J. Richardson of the University of Washington in 2017 and provided to us by the City of Bainbridge Island. The Consultant’s performed further geospatial analyses on this data utilizing COBI’s zoning and parcel layers. This data resulted in an accurate comparison of canopy cover goals between the two years.

Data sources used in the analysis and methods to recreate the analysis are located in Appendix I: Metadata Canopy Methods. The results of this process are in Table 5. The zoning designation groups used in this analysis are based on the 2006 Bainbridge Island Community Forest Management Plan, with the exception of “Other” which includes zoning designations not found in the original plan and is set to 25% given that it is primarily industrial.

**Table 3: 2006 CFMP Canopy Cover Goals per Zoning Designations**

Zone	GIS Zoning Designation	Cover Goals
Low Density Residential	R-0.4	70%
	R-1	
	R-2	
High Density Residential	R-2.9	50%
	R-3.5	
	R-4.3	
	R-5	
	R-6	
	R-8	
	R-14	
Mixed Use Town Center/ High School Road	MAD	35%
	ERICK	
	GATE	
	HS - 1	
	HS - 2	
Winslow Core	FTD	35%
	CORE	
Neighborhood Service Centers	NC	35%
	NC – R-12	
Other	B/I	25%
	WDI	

**Table 4: Current City of Bainbridge Island Zoning Designations and Definitions**

<b>District Type</b>	<b>Abbreviation</b>	<b>District Name</b>
Residential	R-0.4	Residential 0.4 – One unit per 2.5 acres (100,000 sq. ft.)
	R-1	Residential 1 – One unit per acre (40,000 sq. ft.)
	R-2	Residential 2 – Two units per acre (20,000 sq. ft.)
	R-2.9	Residential 2.9 – Two and nine-tenths units per acre (15,000 sq. ft.)
	R-3.5	Residential 3.5 – Three and one-half units per acre (12,500 sq. ft.)
	R-4.3	Residential 4.3 – Four and three-tenths units per acre (10,000 sq. ft.)
	R-5	Residential 5 – Five units per acre (8,500 sq. ft.)
	R-6	Residential 6 – Six units per acre (7,260 sq. ft.)
	R-8	Residential 8 – Eight units per acre (5,400 sq. ft.)
	R-14	Residential 14 – 14 units per acre (3,100 sq. ft.)
Mixed Use Town Center	CC	Central Core Overlay
	MA	Madison Avenue Overlay
	EA	Ericksen Avenue Overlay
	Gate	Gateway Overlay
	Ferry	Ferry Terminal Overlay
Other	HS - 1	High School Road District I
	HS - 2	High School Road District II
	NC	Neighborhood Center
	NC – R-12	Neighborhood Center
	B/I	Business/Industrial
	WD-I	Water-Dependent Industrial
	FWHO	Fort Ward Historic Overlay District

### 3.1 CANOPY ANALYSIS RESULTS

The results of the canopy assessment generated from the Consultants are displayed below. Table 5 shows the zones grouped as they were in the CFMP, and Table 6 shows the zones independently according to current zoning districts. The findings show that overall, Bainbridge Island is not meeting canopy cover goals set in 2006. This is most true of High Density Residential, with a -16% difference between existing cover and cover goal and is closely followed by Neighborhood Service Centers with -15%.

The forested canopy layer created in this analysis could be used by regulators in the day to day management of development on Bainbridge Island. Additionally, the GIS layer could be incorporated into the Critical Area Maps on Bainbridge’s website, allowing homeowners to identify their canopy current coverage and make decisions on their land. Being able to quickly view the approximate canopy cover at the parcel level can allow both regulators and property owners to make more informed decisions.

**Table 5: City of Bainbridge Island canopy cover assessment as compared to canopy cover goals established in the 2006 Bainbridge Island Community Forest Management Plan**

<b>Zoning Designation Groups</b>	<b>2015 Canopy Cover</b>	<b>2006 Canopy Cover Goals</b>	<b>Difference</b>	<b>Min/Max Parcel Cover</b>
<i>Low Density Residential</i>	65%	70%	-5%	0% / 100%
<i>High Density Residential</i>	34%	50%	-16%	0% / 88%
<i>Neighborhood Service Centers</i>	20%	35%	-15%	0% / 75%
<i>Mixed Use Town Center/ High School Road</i>	34%	35%	-1%	2% / 85%
<i>Winslow Core</i>	30%	35%	-5%	4% / 97%
<i>All others (WDI, B/I)</i>	40%	25%	15%	1% / 92%

**Table 6: 2015 average canopy cover proportion of each zoning designation on Bainbridge Island**

Zoning Designation	# of Parcels in Zone	2015 Canopy Cover
B/I	58	38%
CORE	182	31%
ERICK	74	36%
FTD	17	30%
GATE	13	52%
HS-1	27	30%
HS-2	6	15%
MAD	63	35%
NSC	51	22%
NSC-R-12	5	19%
R-0.4	2563	74%
R-1	2509	65%
R-14	80	11%
R-2	3904	56%
R-2.9	574	44%
R-3.5	489	42%
R-4.3	476	45%
R-5	9	56%
R-6	72	4%
R-8	119	37%
WDI	8	43%

**Limitations**

There exist some inaccuracies resulting from known error within the land classification, as well as potential errors in the parcel and zoning data. The land classification had a ~90% accuracy, which is normal given current technology. During analysis, very small “artifact” features within the final layer were created as a byproduct from the union of the zoning layer and parcel layer. These features can influence the analysis of the results by acting as an individual “parcel”, which then contributes a proportion of forested canopy to the overall average for the zone. This can artificially increase or decrease the average forested proportion, especially in zones with very few parcels. To reduce this influence, the Consultant’s removed any parcel under 100 square feet in area, thereby removing most of the artifact features. Approximately 500 features of 11806, or 0.04% of the dataset, were removed in this way.

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## 4. LITERATURE REVIEW FINDINGS

**Finding 1:** Development is the leading cause of tree removal and tree canopy decline on Bainbridge Island. Conversely the number of trees removed by owners of single-family home properties due to tree decline, disease, death or homeowners' desires are relatively minimal. As of January 1, 2018, new development standards (ARPA) were adopted limiting the scope of development limits on single family home development and redeveloping lots.

When developing or redeveloping, the ARPA standards require property owners to sustain a majority of a property as undisturbed soils and vegetation. Nonetheless, there still remains a permanent net-loss of tree canopy cover and tree resources on the Island after development, most significantly noticed in high density development zones.

- Tree resource loss can be either temporary or permanent. Removal of declining, dead, and untreatably diseased trees or trees with low tree benefit capacity is a temporary loss. The limited functions provided by these trees will be regained in time, potentially without the added competition of new trees from reinstallation/mitigation.
- Permanent loss of tree resources occurs during land conversion. In this process, tree resources are removed and permanently lost from a site. Green infrastructure, to include street trees, low-impact-development, green roofs, etc. can attenuate the impact of this tree resource loss but fall short of replacing the function of large or mature trees growing on a specific site.
- Off-site mitigation and in-lieu fees, with the assistance of low-impact-development and green infrastructure, are the most widely accepted methods of recovering permanently lost tree resources due to development within a community.

**Finding 2:** Nearly all of our literature review including published articles and case studies of other municipalities noted the unequivocal importance of a single-point of contact for community members, landowners, planners and decision makers in matters of trees. A municipal arborist or community forester can communicate with the tree workers who evaluate and manage trees, increase enforceability of tree protection codes, can review or perform risk assessments in a timely fashion while avoiding risk for the City and can review development plans and tree protection plans to validate the removal or protection of trees.

- It is only through a combination of a City municipal arborist or community forester, an active tree board, open communication channels between city departments and effective and enforceable tree policies that trees can be properly managed and canopy coverage goals achieved.
- The 2006 Community Forest Management Plan also recommended hiring a municipal arborist staff member.

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**Finding 3:** Many articles we reviewed found that large lot-size zoning leads to greater sprawl but can also lead to increased forest cover<sup>3</sup>. Conversely, high-density urban development's lead to reduced sprawl but very low levels of canopy cover over individual parcels. The resulting tree resource benefits of canopy preservation efforts in high density areas (green infrastructure, street trees, etc.) were minor in comparison to the effect of municipal land acquisition for forest conservation and forest rejuvenation/restoration. Large-scale, municipal forest acquisition, attenuation of many forested pocket parks, and other accessible green spaces which can sustain trees, can achieve reduction of lost tree resources in high density zoned areas more effectively than rigid and unachievable canopy coverage goals in these areas.

- In other cities tree resources have the opportunity to be conserved through off-site mitigation in nearby pocket-parks, in protected green space, designated open spaces or through funding a Tree Fund.
- When permanent tree resource loss occurs, a valuation of those resources should be invested into the tree bank. The tree bank can then be used to fund the Community Forestry Department, and acquire municipal land for reforestation, forest conservation, green space and park accessibility, and forest rejuvenation.
- The Consultant's 2015 metadata canopy analysis showed that High Density Residential areas fall 15% short of the policy goal in the 2006 Community Forest Management Plan.

**Finding 4:** Currently, nationwide community forest management trends are focusing on canopy cover measurements and less on tree diameter measurements in the valuation of trees. A benefit of valuing canopy cover instead of diameter is city canopy cover can be estimated to generally within 90% accuracy from remote sensing protocols.

Furthermore, most primary benefits of trees in community can be proxied through both height and spread of canopy more accurately than through tree diameters. Evaluating a tree outside of its site-specific environmental and health contexts is unproductive and results in little useful information. Thus, to adequately value tree resources whether from individual trees or tree stands, tree health, tree survivability and preservability, species, size canopy coverage and other qualifiers are required to be known. The Consultants expanded on this concept by introducing a new resource evaluation method: The Tree Resource Functional Assessment.

- The Tree Resource Functional Assessment (TRFA) provides a vehicle for a qualified professional to assess the value of a stand of trees, or an individual tree. This is system of points relevant to current and future tree condition and includes ways to evaluate environmental, habitat and social benefits of an assessed tree resource. The numerical result of this assessment is then used to classify a tree or tree stand as Landmark, Exceptional, Typical, or Poor.
- This classification will drive mitigation to replace realized tree resource function.

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<sup>3</sup> Robinson, D.T.; Brown, D.G. Evaluating the effects of land-use development policies on ex-urban forest cover: An integrated agent-based GIS approach. *International Journal of Geographical Information Science*. 23 (2009) 9:1211-1232.

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## 5. TREE PROTECTION STRATEGIES BASED ON FINDINGS

Using our research as discussed above, this chapter discusses how Bainbridge Island tree resource protection and retention methodologies are functioning under its current codes and provides a basis for the revised and improved tree resource codes.

### **Majority of trees on private land**

Urban foresters and municipal tree managers have long acknowledged that while the vast majority of community trees reside on private property, they sustain ecosystem services that are measurable and quantifiable public goods<sup>4</sup>. As such, regulation and protection of trees on private property is necessary. This is especially true as undeveloped private properties zoned for development, and developed properties zoned for redevelopment and infill, are where the city maintains most of its tree canopy cover. Tree protection ordinances require forethought, development, and commitment; the same as other municipal activities if tree policies are to be successful.

### **Development and zoning**

Bainbridge Island's comprehensive plan prioritizes high-density development in urbanized designated centers. However, at the high-density zoning scales, tree retention and canopy cover goals are near-impossible to achieve once development is set in motion. Current development codes do not establish off property mitigation or in-lieu fees. Both of these mitigation alternatives can maintain or exceed canopy coverage goals within the same or nearby zoning areas through forest investment and municipal land acquisition.

### **Measuring and mitigating for lost tree function**

Tree benefits are directly correlated to both tree health and tree size. As such, mitigation of removed trees should occur through reestablishment of lost tree functions. The Consultant's find that maintaining a single tree which has the capacity to replace the benefits of the removed trees is more effective than planting numerous trees. This stipulation requires performance standards of the property owner through tree establishment. If a single tree is planted for mitigation of a removed tree, that tree must be monitored annually, watered during summer, mulched and protected until it becomes established. If the tree perishes, it must be replaced. A municipal arborist could easily monitor and evaluate replacement trees for health and survivability.

If a tree is removed for any reason, that tree can be evaluated for function (using the Tree Resource Functional Assessment) and a tree can be selected for replacement which can regain that tree capacity. Using ratios for tree planting, like 3:1 replacement ratio, often exasperates biological competition and reduces likelihood of the replacement trees ever actually mitigating the function of the removed tree. Most often, lack of nutrient

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<sup>4</sup> Mincey, Sarah K.; Schmitt-Harsh, Mikeala; Thureau, Richard. Zoning, land use, and urban tree canopy cover: The importance of scale. *Urban Forestry & Urban Greening* 12 (2013) 191-199.

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availability and water are casual factors in tree decline. When removing these declining trees, replacing them 3 to 1 will not result in three healthy, functional trees.

When a development application requires the removal of trees, for any reason, those tree resources are potentially permanently lost through land conversion. Again, the Tree Resource Functional Assessment can be used to evaluate tree stand function and from that, classify the stand as it relates to those functions, i.e. landmark, exceptional, typical or poor. When development or other land action requires the removal of tree canopy, the tree stand classification and the canopy volume of the stand will result in a monetary valuation. This value can be invested back into the tree fund for zone wide canopy cover goals.

### **Minor and major tree permits**

Canopy cover goals and permanence of tree resource losses are the qualifications for minor and major tree permits. When tree resources are removed from a property for any reason, the initial two concerns are:

- (1) will this action decrease canopy coverage goals below the goals of the parcels zoning goals and
- (2) is this tree resource loss temporary or permanent?

When a tree is removed from a moderate density, single-family residence, those lost functions can most likely be reestablished through proper tree re-installation and care through tree establishment. On the other hand, when mature trees are removed to create space for a development or new structure, particularly in high density zones the site's tree resource loss is permanent.

Equally, when a tree is removed from a property and the property remains above the goals of the Community Forest Management Plan, the action is within policy thresholds. When temporary tree resource loss occurs due to a hazardous tree, a sick tree, or just a tree planted in the wrong space, minor tree permits, appropriate mitigation and performance assurances will ensure a new tree is established and allowed to mature in order to accommodate the temporary tree resource loss.

When permanent tree resource loss occurs functional replacement on-site is limited. During high density infill and development, tree resource losses simply cannot be mitigated for onsite. When these scenarios occur a major tree permit will be required. Major tree permits will acknowledge lost tree function onsite and a formula will be used to address lost value. The valuation formula is a function of canopy measurements and the Tree Resource Functional Assessment. This way, mitigating a low functioning canopy will result in less valuation than mitigating a high functioning canopy. In addition to the lost tree canopy associated with the major tree permit, we recommend a bond be submitted to the tree fund whenever construction activities could potentially impact and be a causal factor in the decline of protected trees.

Replanting requires performance standards of the property owner through tree establishment. If a single tree is planted for mitigation of a removed tree, that tree must be monitored annually, watered during summer, mulched and protected until it becomes established. If the tree perishes, it must be replaced. A municipal or private arborist could easily monitor and evaluate replacement trees on developing sites for health and survivability.

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### **Tree valuation**

Bainbridge Island BIMC 18.15 currently stipulates the “current tree valuation system of the International Society of Arboriculture” be used to monetarily value trees. The Consultants strongly believe that a different approach to tree valuation should be taken.

The Council of Tree and Landscape Appraisers (CTLA), the council that develops the standard for plant appraisals, is not directed by the International Society of Arboriculture. Rather, seven different national organizations have representatives within the CTLA. Their methods of tree valuation set forth in the CTLA are complex and require an expert to correctly quantify; their usefulness resides within the courts, not within municipal code. Using the CTLA method of tree appraisals, the city could endure costly litigation defending the subjective results of the methodology.

Many cities are taking the advice of urban foresters and removing this stipulation from their code, in their place are municipal defined tree valuations. The City of Vancouver Washington and British Columbia, City of Victoria, City of Portland, City of Ann Arbor, City of Santa Monica and the City of Bellingham are all using municipality defined cost methods which reside in their code to value trees.

In the context of Bainbridge Island, the Consultants recommend using Tree Resource Functional Assessment values to quantify and value lost tree resources. This method allows tree resources of higher functional value, i.e. landmark trees, to value much higher than poorly functional trees. Funds generated from projects who need to mitigate off-site will be reinvested into the Bainbridge tree fund and managed by the municipal arborist.

### **Forest stewardship plans**

Small and large forest owners on the Island need a resource to execute forest-specific action. Forest soils, hydrology, aspect and grade, existing plant communities, spatially and compositionally, and other factors function into holistic forest management. Forest stewardship plans are an avenue for forest landowners to carry out specific recommendations and prescriptions on their forest land, while exhibiting a no-net-loss or net-gain of forest ecosystem function. The Consultants recommend all forest sizes be allowed to write forest stewardship plans for their property. The forest stewardship plans will act similar to an ARPA stewardship plan but will allow forest stewardship and modifications that accelerate tree resource functionality and resiliency.

### **Climate change in Washington**

Within the next 100 years average annual temperatures in Washington are projected to rise at a rate of 0.1 to 0.6 °C. Precipitation forecasts are generally more uncertain, though, with winter projected to be wetter and summers drier<sup>5</sup>. Climate change is slowly reducing days of rainfall per year but not the total amount of

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<sup>5</sup> Lawler J.J. and M. Mathias. 2007. Climate Change and the Future of Biodiversity in Washington. Report prepared for the Washington Biodiversity Council.

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precipitation. This change is more quickly than ever forcing plants to adapt to warmer drier summers while at the same time, adapting them to wetter, rainy seasons.

These changes in our environment are already and will continue to affect tree and forest resilience, regeneration, diversity, spatial distribution and resilience to pests and diseases over time. Changes are expected in the length of growing season, plant and animal composition and distribution, water availability and duration and an increase in drought conditions during summer and fall. The single greatest forest management action to help sequester carbon is to manage stands for density, regeneration and resiliency to keep trees healthy and foster vigorous growth. Implementing tree resource codes and policy that focuses small and large-scale assessments as function based can ensure code stays relevant and effective through climate changes.

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## 6. IDENTIFIED CODE CONCERNS – HISTORICAL TO PRESENT

The Consultants defined numerous concerns with both the historically adopted 16.18 code (Ordinance 2003-) and the recent Tree Board 16.18 Revision (Ordinance 2018-19). Below is a synthesis and rationale of the Consultant’s concerns. As Ordinance 2018-19 only revised a portion of the 18.15 code, the Consultant’s only focused on the revised portions of 18.15. The Consultant’s did not study nor revise the entirety of tree and vegetation standards in 18.15 though some recommendations regarding this section are included in this report.

### 6.1 HISTORICAL 16.18 (ORDINANCE 2003-16 & 2015-03)

#### **Practical Concerns**

- No urban forest department or designated appointee within the City.
- Inconsistencies in the designation of the required professional as well as their title or association.
- Old usage of tree risk and tree hazard concepts.

#### **Best Available Science Concerns**

- Allowed the removal of six trees per year per parcel, independent of parcel size or parcel use (BIMC 16.18.030.B).
- Did not allow removal of trees on undeveloped land in accordance with forest health stewardship.

#### **Language Concerns**

- Used outdated and incorrect professional definitions.
- Used undefined scientific terminology

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## 6.2 TREE AND LID COMMITTEE 16.18 REVISION (ORDINANCE 2018-19 EXHIBIT A)

### Practical Concerns

- Tree related code found in many places throughout Municipal Code.
- No incentivization offered to retain large trees.
- No urban forest department or designated employee within the City.
- No definition of a certified “landscape professional” (BIMC 16.18.010.B).
- For properties one acre or less in size: A tree removal permit needed to remove four or more significant trees (previously, a permit was required to remove seven or more significant trees).
- Increasing the time period from 12 months to 36 months related to the removal of significant trees without a permit.

### Best Available Science Concerns

- Off property tree protection during construction or redevelopment activities was undesignated.
- Mixed used town center (and newly added zoning areas) cannot sustain newly required tree buffers and tree units.
- References to ANSI A300 standards are limited.
- Mitigation requirement to replicate historic soil types is unclear.
- Requiring historical planting does not necessarily reflect or prepare Bainbridge Island for future climate shifts. (BIMC 16.18.090.A.3).

### Language Concerns

- Difficult to read and interpret; especially for homeowners
- Uses undefined scientific terminology, (example: live crown ratio, BIMC 16.18.060.D).

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### 6.3 LANDSCAPING, SCREENING, AND TREE RETENTION, PROTECTION AND REPLACEMENT 18.15 REVISION (ORDINANCE 2018-19 – EXCLUDING EXHIBIT A)

#### **Practical Concerns**

- Mentions list of city arborists, but no list exists to our knowledge (BIMC 18.15.010.C.4.b.viii).
- Planting requirements are unclear, especially as to who will decide which species are acceptable, native versus nonnative (BIMC 18.15.010.C.2.b).
- Maintenance assurance device for conformance with a required planting plan is not defined or explained, just deferred to be determined by the director (BIMC 18.15.010.H.4.b).
- Replanting plans with designated spacing regimes that are not site-specific are outlined in code (BIMC 18.15.010.C.2.b).
- The number of trees determined for a Full Screen does not account for tree species (BIMC 18.15.010.5.D.4.a).
- Monitoring and/or performance standards are not adequately addressed/checked, only that plants must be replaced in conformance with the planting plan (BIMC 18.15.010.H.4.a).

#### **Best Available Science Concerns**

- No metrics or follow-up inspection for re-planting.

#### **Language Concerns**

- Uses undefined scientific terminology.

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## 6.4 LANDMARK TREE ORDINANCE 16.32 (ORDINANCE 2018-25 & 42)

### **Practical Concerns**

- Methodology for identifying large trees for preservation is based on a single metric.
- The twenty-four species listed do not adequately represent the range of large tree species on Bainbridge Island.
- Permitting process is onerous for planning staff who are not qualified to double check an arborist's report.
- LTO does not significantly reduce the number of large trees in good condition being removed on Bainbridge.

### **Best Available Science Concerns**

- Tree diameter is not an accurate proxy of tree function or values and is a random value for a "Landmark Tree".
- Trees that have been permitted to be removed to date have been poor condition or dead trees – most of which would not have needed a permit for removal prior to this ordinance.
- Reviewing staff not qualified with tree attributes are having to field "fact check" arborists reports.

### **Language Concerns**

- Difficult to read and interpret; especially for homeowners.
- Uses undefined scientific terminology.
- "Landmark Tree" is defined as having several attributes the but process only requires a tree to be larger than a certain size.

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## 7. SPECIFIC POLICY IMPROVEMENT RECOMMENDATIONS

This chapter outlines the Consultant’s recommended policy and code improvements. Of these, the first three identified improvements were also identified as gaps in priorities and resources in the CFMP in 2006 but were never implemented.

Specific Recommendation 1 – Improve tree protection codes

Specific Recommendation 2 – Limit performance of tree activities to verified professionals

Specific Recommendation 3 – Create a Bainbridge Island Community Forestry Department

Specific Recommendation 4 – Implement the Tree Resource Functional Assessment (TRFA)

Specific Recommendation 5 – Modify Tree Resource Fund Code

Specific Recommendation 6 – Modify Landmark Tree Ordinance (LTO) language and designation methodology

Specific Recommendation 7 – Improve Actionable Policy Related to Tree Management

**Table 7: Specific Recommendation 1 – Improve tree protection codes.**

<p><u>Recommendations</u></p> <ol style="list-style-type: none"><li>1) Consolidate tree resource protection codes found in 16.18, 18.15, LTO &amp; 3.32 to reside inside of a single BIMC Chapter, excluding critical areas.</li><li>2) Remove after-the-fact tree removal permits.</li><li>3) Create a Dead and Emergency Tree Checklist easy to understand by homeowners, professionals and enforcement staff.</li><li>4) Launch webpage for the Community Forestry Department (CFD) for homeowners to easily find tree protection codes, tree removal and process information.</li><li>5) Provide a new hardcopy and online tree work process flow chart for homeowners and City Staff.</li><li>6) Public outreach to disseminate new code requirements.</li></ol>
<p><u>Rationale</u></p> <ol style="list-style-type: none"><li>1) Need single source of information for the public, decision makers, contractors, landowners, arborists.</li><li>2) Dead and Emergency Tree Checklist will streamline processes for tree work as well as provide a way to document some tree removal that may previously have needed a permit (currently Landmark Trees).</li><li>3) After-the-fact permits are inefficient code techniques and have traditionally been used for emergency permitting often for trees that didn't need a permit in the first place.</li></ol>
<p><u>Definitions</u></p> <ol style="list-style-type: none"><li>1) "Dead and Emergency Tree Checklist" used by tree workers to document large sized dead trees being removed due to being dead or in emergency situations.</li></ol>
<p><u>Strategies</u></p> <ol style="list-style-type: none"><li>1) Develop webpage on COBI website (ex: Bainbridge.wa.gov/trees) as a single point source for all tree related codes, permitting information, flowcharts, etc.</li><li>2) Advertise this webpage to the public and to city staff.</li></ol>

**Table 8: Specific Recommendation 2 – Limit performance of tree activities to verified professionals.**

<p><u>Recommendation</u></p> <p>Trees and their parts should only be assessed, evaluated and reported on by verifiable professionals. All references to the identification, assessment, evaluation, management, and reporting of trees should be revised to reflect this. In some certain situations, only Certified Arborists should perform activities on or related to trees.</p>
<p><u>Rationale</u></p> <ol style="list-style-type: none"> <li>1) Nearly every reference to published literature and other actively used code nationwide recommends and stipulates that Certified Arborist shall conduct all tree related tasks. We extend this paradigm to include tasks which can be completed by other allied professionals.</li> <li>2) The revised language of the Critical Area Ordinance in 2018 stipulates only contractors and Certified Arborists can perform specific tasks. Similarity, only Certified Arborists are trained and educated to perform non-lethal activities on important trees.</li> <li>3) Certified Arborists are trained, educated and experienced in the management of individual trees and systems of tree groups. Some are trained in Tree Risk Assessment.</li> <li>4) Single source of education and certification results in increased median performance in evaluations and reporting. This provides a common baseline understanding of tree ecology, soil and site management, tree selection and placement, tree management and risk concepts.</li> <li>5) Certified Foresters and Candidate Certified Foresters are educated, trained and experienced in timber product management, timber economics, and timber extraction principles, not the management of individual trees nor in Tree Risk Assessment. Equally, other allied professionals lack the significant education and training to evaluate trees and their features and components on individual scales.</li> </ol>
<p><u>Definitions</u></p> <ol style="list-style-type: none"> <li>1) “TRFA” is a tree resource classification tool to be used by Certified Arborists or “Tree Risk Assessment Qualification” (TRAQ) endorsed allied professionals.</li> <li>2) Certified and Candidate “Certified Foresters”, “Certified Arborists”, and “Registered Consulting Arborists” alike can enroll in the nationally defined TRAQ course and qualify themselves to evaluate trees and tree risk.</li> <li>3) “Allied professionals” are Certified Foresters &amp; Candidate Certified Foresters, Certified Professional Horticulturalist, Eco-Pros, Professional Wetland Scientists &amp; Professional Wetland Scientists In-Training, Registered Consulting Arborist.</li> <li>4) While a Certified Arborist without TRAQ can evaluate trees for TRFA, allied professionals will require TRAQ to evaluate trees for TRFA.</li> <li>5) All professionals who evaluate trees for Risk shall have TRAQ.</li> </ol>
<p><u>Strategies</u></p> <ol style="list-style-type: none"> <li>1) Tree inventories, tree protection plans, critical root zone measurements, tree valuations and other technical tree related tasks outlined in BIMC 18.15 should be conducted by Certified Arborists.</li> <li>2) Create flowchart for professionals and planners to validate professional authority. The outline below is a simple outline of a flowchart to be used to verify professional’s ability to manage trees on Bainbridge Island.             <ol style="list-style-type: none"> <li>a. Are you a licensed Contractor in the State of Washington?</li> </ol> </li> </ol>

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- i. You are permitted to remove trees, vegetation, and modify non-landmark trees, as allowed by code.
  - b. Are you a Certified Arborist?
    - i. You are permitted to evaluate trees using the Tree Resource Functional Assessment.
    - ii. If a licensed Contractor, or working with a licensed Contractor, you are permitted to modify landmark trees in addition to the above, as allowed by code.
  - c. Are you a Certified Arborist or allied professional with an active Tree Risk Assessment Qualification?
    - i. You are permitted to evaluate trees in any scenario, including evaluating trees for risk.
    - ii. You may not perform work on those trees unless you are a licensed Contractor or working with one.
  - d. Are you an allied professional without an active Tree Risk Assessment Qualification?
    - i. You are not permitted to evaluate trees using the Tree Resource Functional Assessment or to qualify tree risk.
- 3) Refer citizens to <http://treesaregood.org> for a list of locally working currently certified ISA Certified Arborists and TRAQ qualified professionals.
  - 4) Require tree services, land clearing services and others performing tree services or land clearing work in the City acknowledge the City's tree protection requirements in order to conduct work within the City. This is similar to the current requirements for professionals working on trees in Critical Areas.
  - 5) Establish and enforce a penalty for contractors or those individuals or companies performing tree removal and land clearing activities that do not sign the required form and operate within the City.

**Table 9: Specific Recommendation 3 - Create the Bainbridge Island Community Forestry Department**

<p><u>Recommendation</u></p> <p>Fund, form and staff the Bainbridge Island Community Forestry Department.</p>
<p><u>Rationale</u></p> <ol style="list-style-type: none"><li>1) This recommendation is called out in Bainbridge Island’s 2006 Community Forest Management Plan as Policy Number 4.</li><li>2) There is currently no single staff member at the City actively tracking or following up on permit submissions, development projects, replanting, landmark tree submissions, etc.</li><li>3) Arboricultural professionals are unable to communicate with the City on sophisticated tree related issues or in a reasonable time frame.</li><li>4) A municipal arborist or urban forester position creates a single point of contact city-wide for tree related issues.</li><li>5) Expert and more consistent interpretation of tree codes, tree science and tree resource management at multiple scales of management functions better with an arborist on staff.</li><li>6) Municipal arborists or city foresters can conduct Level 1 and Level 2 tree risk qualifications for City, including trees in rights-of-way, road edges and private property risk evaluations and verify other arborist reports.</li></ol>
<p><u>Definitions</u></p> <ol style="list-style-type: none"><li>1) An “urban forester” or “municipal arborist” position should head the Bainbridge Island Community Forestry department. We foresee a single full-time employee initially required to fulfill this recommendation.</li></ol>
<p><u>Strategies</u></p> <ol style="list-style-type: none"><li>1) Create a stand-alone department or nesting the arborists position within Department of Community Development.</li><li>2) Job description for this position should include but not be limited to: reviewing tree removal permits, reviewing tree related issues on developing properties, identifying active trends in city tree canopy cover and report to Department of Community Development on goals outlined in the Community Forest Management Plan, manage the recommended Tree Fund grants to improve the Islands urban forest and tree resources.</li></ol>

**Table 10: Specific Recommendation 4 – Implement the Tree Resource Functional Assessment (TRFA)**

<p><u>Recommendation</u></p> <p>Tree resources should be quantified by their functionality not merely by their species and diameter. All references to tree units, tree classifications, tree removal allowances or other tree quantifications should instead be evaluated and calculated via the Tree Resource Functional Assessment.</p>
<p><u>Rationale</u></p> <ol style="list-style-type: none"><li>1) Currently 16.18 employs a standard tree diameter function to arrive at a tree unit number. This singular function does not take into consideration functional limitations &amp; capacity of tree species, site-specific considerations and health of trees among other attributes.</li><li>2) Diameter of a tree and species of a tree is not a qualitative or quantitative measure of that trees community importance (value) or its environmental function.</li><li>3) A better method is needed to understand long-term tree function and benefits.</li></ol>
<p><u>Definitions</u></p> <ol style="list-style-type: none"><li>1) The TRFA is a classification tool to be used by Certified Arborists or Tree Risk Assessment Qualification (TRAQ) endorsed allied professionals.</li></ol>
<p><u>Strategies</u></p> <ol style="list-style-type: none"><li>1) The TRFA will be used to discourage replacing large, mature trees which provide numerous benefits, with small, inconspicuous trees providing few benefits. When site conditions don't allow this, a value-added mechanism through the tree Fund to compensate for lost tree capacity as defined by the TRFA.</li></ol>

**Table 11: Specific Recommendation 5 – Modify Bainbridge Island Tree Fund Code**

<p><u>Recommendation</u></p> <p>Bainbridge Island Municipal Code outlines the formation of a Tree Fund but should be refined, enhanced, and its breadth should be increased to reflect in-lieu fees, mitigation fees and management by the community forestry department.</p>
<p><u>Rationale</u></p> <ol style="list-style-type: none"> <li>1) Landowners in all zones sometimes need off-site options to mitigate necessary healthy tree removal in property developing situations.</li> <li>2) On-site mitigation of tree resource benefits is functionally impossible in high density land-use types.</li> <li>3) Provides long term funding to start and enhancing urban forest maintenance and planting programs.</li> <li>4) The fund offers options for mitigation fee-in-lieu option.</li> <li>5) The fund prioritizes money for restoration activities to improve functionality, similar to the goals of Shoreline Master Program (SMP) restoration plans.</li> </ol>
<p><u>Definitions</u></p> <ol style="list-style-type: none"> <li>1) Those development activities that result in tree resource losses and that cannot be mitigated for on site will pay into the “Tree Resource Fund”.</li> </ol>
<p><u>Strategies.</u></p> <ol style="list-style-type: none"> <li>1) The City should enact a fund holding specific to tree resource mitigation administered through its Administrative Code. This fund will be labeled the Tree Resource Fund and will receive in-lieu fees from on or off-site mitigation of lost tree resources.</li> <li>2) The fund can be used to assist in municipal land acquisition to offset canopy loss in areas of high-development</li> <li>3) This fund will be solely managed by the City Urban Forester or City Arborist for projects related to urban and community forest management.</li> <li>4) The fund can help provide grants to Bainbridge Island Parks District to enhance forests and parks.</li> <li>5) The fund can aid landowner assistance programs (direct or indirect grants) for             <ol style="list-style-type: none"> <li>a. Street tree enhancement, planting and maintenance, landowner tree pruning and maintenance education, ecosystem functionality enhancement, wildfire resilience</li> </ol> </li> <li>6) Municipal land acquisition, forest conservation             <ol style="list-style-type: none"> <li>a. Use TRFA to develop a Citywide Forest Valuation &amp; Prioritization Assessment. Document will be used to assess and prioritize forest conservation through municipal acquirement or horizontal funding to Conservation Districts/non-profits.</li> <li>b. Use fees to promote horizontal funding to non-profits working to increase community forestry health &amp; resiliency.</li> <li>c. Landowner assistance programs (direct or indirect grants)</li> <li>d. Use TRFA to develop wildfire community action plan in order to replace a similar outdated plan developed in 2010.</li> </ol> </li> </ol>

**Table 12: Specific Recommendation 6 – Modify Landmark Tree Ordinance (LTO) language and designation methodology**

<p><u>Recommendation</u></p> <p>Adopt the Tree Resource Functional Assessment (TRFA) to identify trees of “landmark” status.</p>
<p><u>Rationale</u></p> <ol style="list-style-type: none"> <li>1) Current Landmark Tree Ordinance uses single function metered rates (tree diameter) to designate a “Landmark Tree”.</li> <li>2) Considerations such as site-specific attributes, tree health, tree safety and numerous other important qualifiers can better qualify a tree that can or should be retained, preserved or protected.</li> <li>3) The biggest trees of every species are not always the most important or best trees to preserve on every job site or within every zoning designation.</li> <li>4) As proved during its adoption the LTO did not reduce the amount of larger sized good condition trees being removed Island wide.</li> <li>5) LTO has increased the work load on Planning Commission staff through necessitating their time to fact check arborists reports.</li> <li>6) The perceived loss of large trees Island wide is not the result of homeowners removing large, good condition trees.</li> </ol>
<p><u>Definitions</u></p> <ol style="list-style-type: none"> <li>1) “Landmark tree” means any tree identified as a landmark through accumulation of points in Tree Resource Functional Assessment.</li> <li>2) “Exceptional tree” means any tree identified as exceptional through accumulation of points in Tree Resource Functional Assessment.</li> <li>3) The measurement instrument to determine a Landmark Tree is the TRFA.</li> </ol>
<p><u>Strategies</u></p> <ol style="list-style-type: none"> <li>1) Repeal the currently adopted Landmark Tree Ordinance.</li> <li>2) Enact the TRFA to encourage to qualify healthy, high functioning, large sized tree retention and to help maintain tree canopy coverage island wide.</li> </ol>

**Table 11: Specific Recommendation 7 – Improve Actionable Policy Related to Tree Management**

<p><u>Recommendation</u></p> <p>Outdated and unused policy within the City should be revisited and updated with the assistance of an urban forester or consulting arboricultural professional. Equally, gaps in tree management policy should be addressed in part, by an urban forester or consulting arboricultural professionals.</p>
<p><u>Rationale</u></p> <ol style="list-style-type: none"><li>1) In all policy creation which relates to trees, a qualified urban forester or consulting arborist should be consulted with on subjects related to tree science and management. Other planning, design and resource professions do not have the qualifications necessary to make informed decisions on tree concerns.</li><li>2) A purpose of the Bainbridge Tree Fund is to purchase, enhance and conserve forests, street trees, pocket parks that can sustain trees, and other green infrastructure. This procurement should be prioritized through a priority matrix identifying ecological, economic and social function, as well as preservability and thread of development.</li><li>3) The national FireWise® program is incredibly broad and does not incorporate all best available science. Its specifications and ramifications for using it to administer Bainbridge Island's wildfire action plan program is unwise and does not mesh with the goals of the recommended code revisions.</li><li>4) Community and resource specific planning is needed to facilitate an actionable community fire resiliency program.</li></ol>
<p><u>Strategies.</u></p> <ol style="list-style-type: none"><li>1) Identify forest lands of unique ecological, social and economic value that have the potential to be preserved as city green infrastructure.</li><li>2) Revisit and revise the City of Bainbridge Island Open Space Plan of 2008 to qualify for current applicability.</li><li>3) When redeveloping the Shoreline Master Plan and Critical Area Ordinances, consult with a qualified urban forester or consulting arborist.</li><li>4) Write a climate resiliency policy which, at least in part, specifically discusses green infrastructure, trees and forests.</li><li>5) Update Bainbridge Island Community Wildfire Action Plan, through collaboration with Bainbridge Island Fire Department.</li><li>6) Revise Bainbridge Island Street Design Manual to allow for large, functional street trees.</li></ol>

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## 8. OTHER CODE AND POLICY RECOMMENDATIONS

After the new version of the tree code has been adopted, we recommend the following tasks are undertaken to ensure better and ongoing community and staff tree resource code which ultimately improves code function and compliance. Many of these tasks fall under the job description of and can be completed by a municipal arborist.

### **Short term tasks**

- Provide outreach to Parks, COBI city staff, Islandwood, Bloedel Reserve and Wing Point Golf Course (large private land owners) about the new tree code.
- Continue community outreach about new tree code updates.
- Provide outreach to tree workers regarding the new tree code updates.
- Provide COBI staff orientation about new tree code.
- Create one tree code related page on the City of Bainbridge Island’s website offering permitting forms and submission information, permitting flow chart, tree related code links, zoning links, a see-click-fix button for reporting infractions and a way to reach the city’s arborist.

### **Long term tasks**

- Completely revise and compile BIMC 18.15 into a single-source of tree code located within the Environmental Chapter, 16. BIMC 18.15 should be integrated into BIMC 16.18.
- Develop a technical manual for professionals to improve accuracy and further standardize results on the Tree Resource Functional Assessment.
- Integrate new definitions and code language into Critical Areas and Shorelines codes to improve language uniformity resulting in better enforceability.
- Periodic policy and canopy coverage reviews (also recommended in the CFMP) to address changing or emerging circumstances and needs.
- Embed ANSI and ISA standards into all tree related codes.

## Other general tree code related improvements recommendations

- Improve codes regulating tree protection during construction.
  - Add requirements for a Tree Inventory, Tree Protection Plan, and Follow-up Care and Monitoring for trees with critical root zones within development envelopes (can fall back on Annex A in the ANSI A300 Part 5, and the Conservation Suitability Worksheet included in ISA Managing Trees During Construction).
  - Include off site trees during the pre-development Tree Inventory to include both general notes about probable effects to trees on adjacent lots, as well as specific notes to inventory trees on adjacent lots whose Critical Root Zone (CRZ) falls within the limits of construction impacts.
  - Embed the ANSI A300 standards AND ISA BMPs for tree preservation during construction, Soil Management and Tree Risk Assessment into construction related codes.
  - Include a “Conservation Suitability Worksheet” prepared by an ISA Certified Arborist for trees that will be affected by the limits of construction area.
  - Task the City Arborist or require a certified arborist to monitor trees in larger construction sites at appropriate intervals during all phases of site work and construction to ensure compliance with Tree Protection Plan.

## 9. CLOSING

The Consultants believe the revised code has the potential to positively influence Island-wide forests through implementing methods to maintain and improve Island-wide canopy coverage and individual trees with meaningful tree function loss mitigation alternatives. The Consultants believe that our recommendations have potential longevity that can positively influence the way trees are treated into the future.

Work for this project was performed and this report prepared in accordance with generally accepted professional practices for the nature and conditions of work completed in the same or similar localities, at the time the work was performed. No warranty, expressed or implied, is made. Katy Bigelow, Katy Bigelow, Arborist LLC, John Bornsworth, nor Peninsula Urban Forestry, LLC or their staff, has any current or prospective interest in the plants or properties discussed. Acceptance of this report acknowledges receipt and agreement with Peninsula Urban Forestry’s attached Assumptions & Limiting Conditions.

## 10. GENERAL ASSUMPTIONS & LIMITATIONS

1. Any legal description provided to Consultant is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. Consultant assumes no responsibility for verification of ownership or locations of property lines, or for results of any actions or recommendations based on inaccurate information. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes or other governmental regulations, unless explicitly stated otherwise.
2. Consultant assumes no responsibilities for legal matters in character. Consultant assumes all property appraised or evaluated is free and clear and is under responsible ownership and competent management.
3. Any evaluation or assessment carried out was restricted to the property and the plants or landscapes within the Scope of Assignment. No assessment of any other plants or landscapes has been undertaken by Consultant. The conclusions of this report do not apply to any zones, landscapes, trees, plants, or any other property not explicitly covered in the Scope of Assignment.
4. The total monetary amount of all claims or causes of action the Client may have as against Consultant, including but not limited to claims for negligence, negligent misrepresentation, and breach of contract, shall be strictly limited to solely the total amount of fees paid by the Client to Consultant pursuant to the Agreement for Services as dated for which this Assignment was carried out. Further, under no circumstance may any claims be initiated or commenced by the Client against Consultant, or any of its directors, officers, employees, contractors, agents, or Assessors, in contract or in tort, more than 12 months after the date of this Assignment.
5. Although Consultant has taken care to obtain all information from reliable sources and to verify the data insofar as possible, Consultant does not guarantee and is not responsible for the accuracy of information provided by others.
6. Consultant shall not be required to testify or attend court due to any report unless mutually satisfactory contractual arrangements are made, including payment of an additional fee for such Services as described in a Consulting Arborist Agreement.
7. Unless otherwise required by law, possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the parties to whom it is addressed, without the prior expressed written or verbal consent of the Consultant.
8. Neither all or any part of the contents of this report, nor copy thereof, shall be conveyed to anyone, including the client, to the public through advertising, public relations, news, sales or other media, without prior expressed written consent of Consultant. Particularly as to value conclusions, identify of Consultant., or any reference to any professional society or to any initialed designation conferred upon Consultant as stated in its qualifications.
9. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a specific value, a stipulated result, the occurrence of a subsequent event or upon any finding to be reported.
10. All photographs included in this report were taken by Consultant during the documented site visit, unless otherwise noted.
11. Sketches, drawings and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys. The reproduction of any information generated by architects, engineers or other Consultants and any sketches, drawings or photographs is for the express purpose of coordination and ease of reference only. Inclusion of such information on any drawings or other documents does not constitute a representation by Consultant as to the sufficiency or accuracy of the information.
12. Unless otherwise agreed, (1) information contained in this report covers only the items examined and reflects the condition of those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, climbing, or coring. Consultant makes no warranty or guarantee, express or implied, that the problems or deficiencies of the plans or property in question may not arise in the future.
13. This report is based on the condition of the trees, landscape, or plants at the time of inspection.
14. Loss or alteration of any part of this report invalidates the entire report. This report is only valid if reproduced from a digital file.

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## 11. APPENDIX A: PREPARED TREE CODE REVISIONS

Appendix A includes the Consultant’s consolidated tree code revisions. We recommend the Council adopt all the following repeals, revisions and adoptions.

**Table 13: Code Repeals, Revisions and Amendments**

1. Fully repeal of Exhibit A from Ordinance 2018-19.
2. Repeal amendments to 18.15.010.C and 18.15.010.G from Ordinance 2018-19.
3. Adopt Appendix B as the new 16.18: Tree Protection and Forest Stewardship.
4. Amend section 18.15.010.C with Appendix C.
5. Amend section 18.15.010.G with Appendix D.
6. Amend section 18.15.010.H with Appendix E.
7. Amend section 18.15.010 I with Appendix F.
8. Full repeal of 3.39 Tree Bank.

## 12. APPENDIX B: BIMC CHAPTER 16.18 – TREE REMOVAL AND FOREST STEWARDSHIP

### 12.1 PURPOSE AND INTENT

Accessible, enforceable and executable tree resource planning secures and amplifies the benefits received from a community forest. The City Council finds that tree resources on Bainbridge Island including private and public trees, native forests, street trees, historic and landmark trees and other trees of local importance enhance the character, livability and social resiliency of the Island.

This revision consolidates and integrates tree resources codes from 16.18 – Tree Removal, Forest Stewardship and Vegetation Maintenance and from 16.32 - Landmark Tree Ordinance.

It is the intent of this chapter to protect the character, livability and social resiliency of the Island’s tree resources by:

1. Promoting the public health, safety, and general welfare of Bainbridge Island citizens without preventing the reasonable use of private property.
2. Preserving and enhancing the functions of Bainbridge Island’s tree and forest systems physical and aesthetic characters and ability to provide economic benefits for the sake of present and future generations.
3. Implementing and integrating the purposes of the State Growth Management Act relating to conservation of natural resources, pursuant to RCW 36.70A.
4. Implementing the 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 of any of the documents.
5. Implementing long-range function-based goals of maintaining the Island’s forest canopy cover to allow adaptability to a changing climate.
6. Allowing provisions for solar access, agriculture and gardens.
7. Allowing removal of dead trees and tree removal in emergency circumstances.
8. Using best-available-science to maintain healthy trees and appropriately manage unhealthy trees.
9. Preventing unnecessary tree removal, injury to or disfigurement of trees, and maintaining designated canopy cover goals across the City.

## 12.2 DEFINITIONS

For the purposes of this chapter the following definitions shall apply:

1.	“ANSI” means the American National Standards Institute - a private non-profit organization that oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States.
2.	“Applicant” means a person, corporation or organization that files an application for a development permit with the City and that is either the owner of the land on which that proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity or the authorized agent of such a person.
3.	“Best available science” (BAS) means scientifically valid information derived in accordance with WAC 365-195-905, now or as amended hereafter, that is used to develop and implement critical areas policies or regulations.
4.	“Best management practices” (BMPs) means published best management practices from the International Society of Arboriculture, the Tree Care Association of America, American Society of Consulting Arborists, the American National Standards Institute, other professional associations related to natural resource management including arboriculture and horticulture state and local public organizations like the Kitsap Conservation District and the City of Bainbridge Island.
5.	“Board Certified Master Arborist” (BCMA) means an individual recognized by the ISA as a current Board-Certified Master Arborist®. These individuals have passed the Certified Arborist exam and a secondary, extensive scenario-based exam which is the capstone of the arboricultural professional. BCMA’s must abide by a Code of Ethics, which ensures quality of work.
6.	“Certified Arborist” means an individual recognized by the ISA as a current Certified Arborist. These individuals must have at least three years’ experience and education in the arboricultural professional and must pass a significant test covering many tenants of tree management.
7.	“Certified Forester” means a professional certified through the Society of American Foresters as a Candidate Certified Forester or a Certified Forester. Such professionals have displayed they have a combination of education and experience of timber harvest, forest economics and natural resources of forest systems.
8.	“Clearing” means the destruction of trees and/or vegetation by manual, mechanical, or chemical methods.
9.	“Cohort” means a group of trees sufficiently uniform in composition, structure, age and size class distribution, spatial arrangement, and condition to distinguish it from adjacent groups of trees. There can be multiple cohorts within tree stands.
10.	“Critical Areas” means aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands.
11.	“Critical Root Zone” (CRZ) The International Society of Arboriculture (ISA) defines CRZ as an area equal to a 1-foot radius from the base of the tree’s trunk for each 1 inch of the tree’s

	diameter at 4.5 feet above grade (referred to as diameter at breast height). Certified Arborist’s should adapt a tree’s CRZ given site specific, environmental and biological conditions during a tree assessment.
12.	“Designated Centers” means those areas of the Island referred to as Winslow, Lynwood Center, Island Center, Rolling Bay, Day Road and Sportsman Triangle and shown on Figure LU-3 in the City’s 2017 Comprehensive Plan.
13.	“Development area” means the area of land disturbing activity on a site.
14.	“Development” means any action that would require land use review or other approval from the city or other local, state or federal jurisdictions. Development includes but is not limited to: land division; construction, reconstruction, structural alteration, relocation, or enlargement of any structure; clearing or grading; and changes to surface or ground waters.
15.	“Director” means the director of the City’s Planning and Community Development Department or his/her designee.
16.	“Drip line” means the area defined by the outermost circumference of a tree canopy where water drips from and onto the ground.
17.	“Existing development” means a development that was lawfully constructed, approved or established prior to the effective date of the ordinance codified in this chapter.
18.	“Functions” means the beneficial roles served by tree resources including, but not limited to, water and air quality improvements, economic acceleration, stormwater attenuation, food provisions, habitat foraging production, erosion control, aesthetic value protection, and recreation. These roles are not listed in order of priority.
19.	“Hazard tree” means a tree identified as posing a hazard to a target by a Tree Risk Assessment Qualified professional. All such trees require a target and a time-frame of failure.
20.	“Hedge” means a line of closely-spaced trees and/or shrubs intentionally planted and/or maintained along a property boundary or landscape border for privacy, screening, safety, or similar function, which typically requires ongoing pruning or shearing to maintain its intended function and/or reasonable use of nearby developed areas.
21.	<p>“Impact of land use” means the relative measure of the intensity of land use used to determine that uses influences on a natural system categorized as follows:</p> <p><b>21.1</b> High impact land use includes commercial development, industrial development, institutional development, residential (more than one unit per acre) development, new agriculture (high-intensity such as dairies, nurseries, greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), and high-intensity recreation such as golf courses and ballfields.</p> <p><b>21.2</b> Moderate impact land use includes residential development (1 unit/acre or less), new agriculture (moderate-intensity such as orchard and hay fields), paved trails, and building of logging roads.</p> <p><b>21.3</b> Low impact land use includes low-intensity open space such as passive recreation, natural resources preservation, and unpaved trails.</p>
22.	“International Society of Arboriculture (ISA)” is an international non-profit professional organization. The ISA is the international leader of tree related science and management and

	the organization who certifies arborists, tree risk qualified professionals and other industry certifications.
23.	“Invasive/exotic species” means plants and animals that are not native to the Puget Sound lowlands and are recognized by resource professionals or biologists to be highly competitive with native vegetation and animals. Invasive/exotic plant species include those listed on the noxious weed list developed by the Washington State Noxious Critical Areas Ordinance (2005-03) as modified by Ordinance 2007-05 & 2008-13 – Weed Board. Invasive/exotic animal species include any species, such as rats, bullfrogs, zebra mussels and green crabs, considered by resource professionals to be damaging to the native animal populations.
24.	“Land Use Permit” means any of the following: Planned Unit Developments (Chapter 18.120 BIMC); Conditional Use Permits (Chapter 18.108 BIMC); and/or Site Plan Review (Chapter 18.105 BIMC).
25.	“Mitigation”, a. Substitute: To replace a tree function or tree value, or canopy coverage, away from the site on which a tree has been removed, destroyed or degraded by a regulated activity. b. On-site: To replace a tree function or tree value, or canopy coverage, adjacent to the site on which a tree has been removed, destroyed or degraded by a regulated activity.
26.	“Native or equivalent vegetation” means species which are indigenous to the Puget Sound lowlands ecoregion; or a species that is equivalent in providing the same site-specific functional arrays as would the native species. Functional arrays may include forage, water quality improvements, hiding habitat, or other physical or biologic roles in the ecosystem that individually or as whole correspond to those of the native species. As with natives, the role of an alternative species may vary depending on the site and its surrounding ecosystem. Invasive/exotic species shall not be considered equivalent species.
27.	“Open space” means undeveloped areas of varied size. Open space often contains distinctive geologic, botanic, zoologic, historic, scenic or other critical area, or natural resource land features.
28.	“Reasonable use exception (RUE)” is a means of relief that is available for a property that is encumbered to such an extent by tree resources, critical areas and/or water quality buffers that application of this chapter would deny all reasonable use of the subject property, as further defined by the decision criteria of BIMC 16.20.080.G & BIMC 16.18.XXX, and reasonable use of a property cannot be achieved through any other means.
29.	“Redevelopment” means, on a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.
30.	“Registered Consulting Arborist (RCA)” means a natural resource professional who has fulfilled the requirements for the RCA registration designated by the American Society of Consulting Arborist. RCA’s have demonstrated higher skills in a broad range of technical areas related to trees and tree care, providing objective, independent opinions, with training for higher communication, presentation and/or report writing skills.

31.	“Remnant tree” means any tree which was part of the vegetated landscape prior to development or impact. This includes native, juvenile and mature trees of all cohorts and all species.
32.	“Retrenchment and rejuvenation pruning” means crown reduction in late-mature and senescent trees to anticipate or keep pace with decline in the crown.
33.	“Site” means the entire lot, series of lots, or parcels on which a development is located or proposed to be located, including all contiguous undeveloped lots or parcels under common ownership.
34.	“Snag” see “Wildlife tree”.
35.	“Topping” means the practice of reducing a tree’s size by cutting live branches and leaders to stubs at internodes without regard to long-term health or structural integrity of a tree.
36.	“Tree activity” and “tree action” means any action on or around trees and their associated vegetation. This includes all trees within the code’s jurisdiction, included but not limited to remnant forest trees in forest settings, individual remnant trees and installed landscape trees.
37.	“Tree advisory group” means a group ordained by the City Council through ordinance, or an ad-hoc committee, or a public non-governmental committee associated with making tree decisions for the City.
38.	“Tree benefit capacity” means the functional capacity for mature trees to provide benefits to communities and the environment through their entire life span. The benefit capacity of large, long-lived trees is exceptionally higher than the benefit capacity of small, short-lived trees.
39.	“Tree disfigurement” means a variety of outdated, improper or inaccurately executed pruning techniques. Some types of tree disfigurement include topping, lion tailing, flush cutting, wind sailing, and stubbing.
40.	“Tree Resource Functional Assessment” (TRFA) means an assessment and evaluation of tree resources provided through individual trees or through tree stands. The TRFA is a means of valuating functional capacity of tree resources.
41.	“Tree resource professional” means ISA-Certified Arborist, Certified Forester, Certified Professional Horticulturalist, other allied professional with the Tree Risk Assessment Qualified qualification, or another natural resource professional as determined by the director.
42.	“Tree resource” means all tree-like woody plants on Bainbridge Island.
43.	“Tree Risk Assessment Qualified” (TRAQ) means an individual who has successfully completed the ISA TRAQ training course and assessment and holds a valid ISA TRAQ credential. TRAQ individuals can be Certified Arborist, Registered Consulting Arborists, Certified Foresters, Candidate Certified Foresters, Certified Professional Horticulturalists and Eco-Pros.
44.	“Tree risk” means risk posed when conflicts develop between trees and societal functions and from structural tree failures.
45.	“Tree stand” means a contiguous or geographically defined, non-contiguous group of trees within a certain area. Depending on context, a tree stand be within a single parcel, or within many parcels.

46.	<p>“Tree” means a woody perennial plant with a single or multiple trunks, which typically develop a mature size of over several inches diameter, and ten (10) or more feet in height.</p> <p>46.1 “Landmark tree” means any tree identified as a landmark through accumulation of points in Tree Resource Functional Assessment.</p> <p>46.2 “Exceptional tree” means any tree identified as exceptional through accumulation of points in Tree Resource Functional Assessment.</p> <p>46.3 “Typical tree” means any tree identified as typical through accumulation of points in Tree Resource Functional Assessment.</p> <p>46.4 “Poor tree” means any tree identified as poor through accumulation of points in Tree Resource Functional Assessment.</p> <p>46.5 “Dead tree” in the context of this document, means any tree identified as dead through the Dead and Emergency Tree Checklist.</p> <p>46.6 “Significant tree” <u>outside</u> the Mixed-Use Town Center and High School Road zoning districts means a: (1) a live evergreen tree 10 inches in diameter or greater, measured 54 inches above existing soil grade; or (2) a live deciduous tree 12 inches in diameter or greater, measured at 54 inches above existing soil grade; <u>within</u> the Mixed-Use Town Center and High School Road zoning districts, a significant tree means (3) any live tree 8 inches in diameter or greater, measured at 54 inches above existing soil grade.</p> <p>46.7 “Insignificant tree” means trees measuring less than 3 inches in diameter growing within a landscaped property, right-of-way, or other <u>non-forested landscape</u>. Forested landscapes do not include insignificant trees unless as determined through site-specific Forest Stewardship Plan.</p>
47.	<p>“Trees of local importance” means trees or stands of trees which have developed exceptional cultural, social, historical or aesthetic values for a variety of reasons, including but not limited to age, historical status or event, history of establishment, exemplary representation of a species, rarity of the specimen, amplification of social, human health or economic benefits.</p>
48.	<p>“Urban natural open space” means an open space that (a) a priority species either resides within, or resides adjacent to and uses the open space for breeding and/or regular feeding; and/or (b) functions as a corridor connecting other priority habitats, especially those that would otherwise be isolated; and/or (c) is an isolated remnant of natural habitat larger than 10 acres and is surrounded by urban development. “</p>
49.	<p>“Vegetation” means shrubs, ground cover, vines and other low-growing plants, <u>EXCLUDING</u> trees.</p>
50.	<p>“Wildlife tree” means a tree or group of trees that are identified to provide present and future wildlife habitat. A wildlife tree is any standing dead or live tree with special characteristics that provide valuable habitat for the conservation or enhancement of wildlife. Downed trees are not wildlife trees, but rather downed woody debris.</p>

### 12.3 TREE CANOPY COVER GOALS

(The Consultants recommend storing Tree Canopy Cover Goals in the administrative manual to allow for ease in updating goals depending on updated community forest guidelines, technical manuals, remote sensing canopy assessments and a changing climate. We recommend the Tree Canopy Cover goals in high-density residential, especially R-8 and R-14, be readdressed.)

Island wide tree canopy cover goals for lot sizes and land use types are set forth in Table 14.

- a) Tree canopy cover is measured by the percentage of canopy cover provided by (a) existing trees or (b) the projected mature canopy coverage to be provided by trees planted to meet requirements in section 16.18 and/or 18.15, as determined by a ISA-Certified Arborist.
- b) A parcel’s canopy cover shall include both deciduous and evergreen trees that are above 15 foot in height.
- c) This measurement can be approximated using the area measure tool on recent aerial imagery, which can be found on Bainbridge Island’s GIS Map App, Google Earth, or another similar source.
- d) If canopy coverage is reduced below the goal on any single parcel a minor or major tree permit is required.

**Table 14: Tree Canopy Cover Goals**

District Type	Abbreviation	Name – Description	Canopy Cover Goals
<b>Low Density Residential</b>	R-0.4	Residential 0.4 – One unit per 2.5 acres (100,000 sq. ft.)	70%
	R-1	Residential 1 – One unit per acre (40,000 sq. ft.)	
	R-2	Residential 2 – Two units per acre (20,000 sq. ft.)	
<b>Moderate Density Residential</b>	R-2.9	Residential 2.9 – Two and nine-tenths units per acre (15,000 sq. ft.)	50%
	R-3.5	Residential 3.5 – Three and one-half units per acre (12,500 sq. ft.)	
<b>High Density Residential</b>	R-5	Residential 5 – Five units per acre (8,500 sq. ft.)	35%
	R-6	Residential 6 – Six units per acre (7,260 sq. ft.)	
	R-8	Residential 8 – Eight units per acre (5,400 sq. ft.)	
	R-14	Residential 14 – 14 units per acre (3,100 sq. ft.)	
<b>Mixed Use Town Center &amp; High School Road District 1 &amp; 2</b>	CC, MA, EA, Gate, Ferry	Central Core Overlay Madison Avenue Overlay Ericksen Avenue Overlay Gateway Overlay Ferry Terminal Overlay High School Road Districts I and II	35%
<b>Other</b>	NC, B/I, WD-I, FWHO	Neighborhood Center Business/Industrial Water-Dependent Industrial	25%

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## 12.4 APPLICABILITY

- 1) This chapter shall apply to all trees and vegetation within jurisdiction of the City, including,
  - a) Trees and vegetation on private property, including private landscapes and gardens,
  - b) Trees and vegetation on City of Bainbridge Island property, including all street trees, trees within right-of-way, and trees managed by city departments,
  - c) Trees and vegetation on property owned or managed by other institutional, governmental or non-profit organizations including the Bainbridge Island Parks District and the Utility company Right of Ways and properties,
  - d) Trees and vegetation within dedicated open space which support conditions of development permits and other land use actions.

and excluding,

  - e) Environmentally critical areas and their buffers pursuant to BIMC 16.20,
  - f) Shorelines from original-high-water-mark to 200 feet landward, as regulated by the Shoreline Master Program,
  - g) Aquifer recharge protection areas (ARPAs),
  - h) Individual parcels within subdivisions, short plats, or other development actions, less than 10,000 square feet that have met canopy cover goals and other supporting conditions through dedicated open space.
- 2) All development, uses, actions and activities performed near trees or their roots within jurisdiction of the City shall meet the requirements of this section. This includes, but is not limited to, development and redevelopment near trees with the potential of entering their critical root zone, tree removal, tree pruning, tree planting, and any other source of action which may conflict with or damage trees.
- 3) In the event of a conflict between the requirements of this chapter and any other requirement of the Bainbridge Island Municipal Code, the more restrictive requirement shall apply. Additional permits may be required if the activities are regulated by other chapters.
  - i) Where this section conflicts with neighborhood Codes, Covenants, and Regulations, or other development regulation managing trees, the more restrictive requirement shall apply.

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## 12.5 EXEMPTIONS

The following activities are exempt from the requirements of this chapter:

- a) **Emergency activities.** Emergency activities are considered those necessarily to prevent an unanticipated and immediate threat to public health, safety or welfare or an immediate risk of danger to property which requires action within a time frame too short to allow compliance with this chapter. Although exempt from permitting, emergency tree activities are required to be documented using the Dead and Emergency Tree Checklist (16.18.XXX). The Checklist and an electronic photograph of the tree requiring emergency action must be delivered to [trees@bainbridge.wa.gov](mailto:trees@bainbridge.wa.gov).

Within 30 days, the City's arborist, Director or their designee shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the City's arborist, Director or their designee determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action enforcement provisions of BIMC 16.18.XXX shall apply.

- b) **General landscaping.** General landscaping, gardens, and low growing vegetation and their maintenance are not regulated in this chapter. Normal and routine yard and garden activities include, but are not limited to, cutting and mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden plants and crops, incidental vegetable gardening, pruning and planting of noninvasive ornamental vegetation intended to maintain the general condition and extent of such areas; provided, that such activities do not reduce overall normal function of a landscape.
- c) **Forest practices.** Class I, II and III forest practices regulated pursuant to Chapter 76.09 RCW.
- d) **Agricultural management** of existing farmed areas through an existing farm management and/or forest stewardship plan.
- e) **Forest stewardship activities** outlined in an approved forest stewardship plan as described in this chapter.
- f) **Wildfire plans.** Properties with adopted wildfire prevention plans, as defined in the most current edition of the City's Wildfire Prevention Plan or equivalent document.
- g) **Activities within the improved right-of-way.** Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, when such facilities are located within the improved portion of the public right-of-way or easement of a private street, except those non-emergency activities that might affect significant trees in the vicinity.

## 12.6 ACTIVITIES NOT REQUIRING CITY REVIEW OR APPROVAL

- 1) The following activities do not require city review, pre-approval or permitting:
  - a) **Routine maintenance.** Routine maintenance of trees and hedges including planting, limited pruning, limited removal of invasive tree species, management of tree debris and pruning or removal of insignificant trees, provided that:
    - i) Pruning operations must conform to the current publication of ANSI A300 (Part 1) Tree, Shrub and Other Woody Plant Management – Standard Practices (Pruning), and the accompanying ISA’s Pruning Best Management Practices;
    - ii) Pruning of living tree branches less than approximately four inches in diameter.
    - iii) Pruning of living tree branches greater than approximately four inches in diameter to remove high-risk branches or other structurally poor crown components, provided that such work is prescribed by a Tree Risk Qualified Professional and is performed, monitored or reviewed by a Certified Arborist.
    - iv) Pruning of dead, untreatably diseased or damaged branches, provided the structural integrity and long-term health and typical structure of the tree is preserved despite their removal.
    - v) Other maintenance pruning of trees and hedges provided the structural integrity and long-term health of the trees are preserved.
    - vi) Pruning operations should limit percent of canopy removal;
      - (1) Pruning operations conducted with an ISA-Certified Arborist on site that remove less than 20 percent of living material within any three-year period;
      - (2) Pruning operations conducted without an ISA-Certified Arborist on site that remove less than 10 percent of living material within any three-year period;
  - b) **Dead trees.** To qualify for this tree activity, all trees must fulfill the following requirements:
    - i) Tree owner, contractor or other professional shall identify and record tree on the “Dead and Emergency Tree Checklist”.
    - ii) A clear and identifiable electronic photo of the tree along with the “Dead and Emergency Tree Checklist” must be emailed to [trees@bainbridgewa.gov](mailto:trees@bainbridgewa.gov) or another email designated by the Director.
    - iii) Removing more than 3 dead trees per year requires a minor tree permit.
    - iv) Removal of 3 or less dead trees per year does not require mitigation.
  - c) **Rights-of-ways and utilities.** Normal and routine maintenance or repair of existing utility structures within a right-of-way or existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation, including:
    - i) Removal of high-risk trees as determined by a Tree Risk Assessment Qualified professional.
    - ii) Maintenance pruning of hedges provided the structural integrity and long-term health of the vegetation is preserved.
    - iii) The control of trees and vegetation on road and utility rights-of-way (see BIMC Chapter 12.04).

- d) **Healthy, live tree removal allowance.** Removal of some healthy, significant trees is allowed without a permit, given the tree is not required to meet provisions of a land-use application, or provisions in any other chapter including but not limited to, 16.20 (Shoreline Master Program), 18.15 (Landscaping, Screening and Tree Retention), 17.12 (Subdivision Design Standards) or other applicable provision of BIMC.
- i) Trees must be on a developed property with an active use.
  - ii) Tree must not be designated as a “Landmark” tree as rated by the Individual Tree Assessment Form of the Tree Resource Functional Assessment.
  - iii) Healthy, living tree removal allowances for lot sizes and districts are set forth in Table 15: Healthy Tree Removal Allowances in Developed Properties.

**Table 15: Healthy Tree Removal Allowances in Developed Properties**

District Type	Abbreviation	Name	Tree Removal Allowance
<b>Low Density Residential</b>	R-0.4	Residential 0.4 – One unit per 2.5 acres (100,000 sq. ft.)	5 significant trees in 12-month period
	R-1	Residential 1 – One unit per acre (40,000 sq. ft.)	
	R-2	Residential 2 – Two units per acre (20,000 sq. ft.)	
<b>Moderate Density Residential</b>	R-2.9	Residential 2.9 – Two and nine-tenths units per acre (15,000 sq. ft.)	3 significant trees in 12-month period
	R-3.5	Residential 3.5 – Three and one-half units per acre (12,500 sq. ft.)	
<b>High Density Residential</b>	R-5	Residential 5 – Five units per acre (8,500 sq. ft.)	No tree removal allowance without minor tree permit.
	R-6	Residential 6 – Six units per acre (7,260 sq. ft.)	
	R-8	Residential 8 – Eight units per acre (5,400 sq. ft.)	
	R-14	Residential 14 – 14 units per acre (3,100 sq. ft.)	
<b>Mixed Use Town Center</b>	CC, MA, EA, Gate, Ferry	Central Core Overlay Madison Avenue Overlay Ericksen Avenue Overlay Gateway Overlay Ferry Terminal Overlay	No tree removal allowance without minor tree permit.
<b>Other</b>	HSR, NC, B/I, WD-I, FWFO	High School Road Districts I and II Neighborhood Center Business/Industrial Water-Dependent Industrial Fort Ward Historic Overlay District	No tree removal allowance without minor tree permit.

## 12.7 ACTIVITIES REQUIRING CITY REVIEW AND PRE-APPROVAL

- 1) **Minor Tree Permits.** The following activities require an applicant to submit a minor tree permit application and obtain a decision prior to action. A minor tree permit shall be granted (a) given the on-site mitigation standards in 16.18.XXX Mitigation, are met; and (b) that the replacement trees provide canopy coverage when mature are equal to or greater than the tree(s) removed. Substitute mitigation methods (16.18.XXX.(x) Substitute Mitigation) are not available using a minor tree permit.
  - a) **Tree Removals in Mixed Use Town Center and High-Density Areas.** For developed and undeveloped properties located within the Mixed-Use Town Center, High School Road and High Density Residential (R-5, R-6 & R-8, R-14) zoning districts, a Minor Tree Permit is required for removing any live significant tree. The applicant shall submit a minor tree permit with required documents to the City’s designated municipal arborist. The applicant must demonstrate that the requested removal meets both (1) and (2) and either (3) or (4) of the following criteria:
    - i) The tree is not conserved, preserved, or planted to meet conditions on a land-use permit.
    - ii) The removal does not reduce the parcel’s total canopy cover below the prescribed canopy cover goals in Table 14: Tree Canopy Cover Goals.
    - iii) The tree is determined through a written tree risk assessment report to be a high-risk or imminent-risk as rated by a Tree Risk Assessment Qualified professional
    - iv) The removal is necessary to maintain utilities, provide access, or fulfill terms of an easement or covenant recorded prior to the adoption of this section.
  - b) **Tree Removals in Moderate and Low Density Residential.** For developed properties located within the Moderate and Low Density Residential (R-0.4, R-1, R-2, R-2.9, R-3.5) zoning districts, a Minor Tree Permit is required for removing more significant trees than allowed as shown in Table 15: Healthy Tree Removal Allowances in Developed Properties. The applicant shall submit a minor tree permit with required documents to the City’s designated municipal arborist. The applicant must demonstrate that the requested removal meets both (1) and (2) and either (3) or (4) of the following criteria:
    - i) The tree is not conserved, preserved, or planted to meet conditions on a land-use permit.
    - ii) The removal does not reduce the parcel’s total canopy cover below the prescribed canopy cover goals in Table 14: Tree Canopy Cover Goals.
    - iii) The tree is determined through a written tree risk assessment report to be a high-risk or imminent-risk as rated by a Tree Risk Assessment Qualified professional
    - iv) The removal is necessary to maintain utilities, provide access, or fulfill terms of an easement or covenant recorded prior to the adoption of this section.
  - c) **Pruning limitations.** For all properties, a minor tree permit is required for pruning of any tree resource over the stipulated pruning limitations in 16.18.XXX (Routine Maintenance). The applicant must demonstrate the request meets of the following criteria:
    - i) Pruning specifications must be submitted to the City’s designated municipal arborist for authorization along with a minor tree permit.

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- (1) If work will be conducted by a non-ISA-Certified Arborist, a written prescription is required. The tree professional carrying out the prescription must understand and abide by the pruning prescription of the ISA-Certified Arborist. Submit tree-specific tree pruning prescription, as outlined within 16.18.XXX Tree Resources Reports.
  - (2) If tree pruning prescription work will be conducted by the prescribing ISA-Certified Arborist, a written or verbal prescription to the City’s designated municipal arborist is required.

2) **Major Tree Permits.** The following activities require an applicant to submit a major tree permit application and obtain a decision prior to action. A major tree permit shall be granted if it can be demonstrated through an application submission and mitigation report that on-site or substitute mitigation methods identified in 16.18.XXX Mitigation are sufficient to allow for restoration of tree resources.

- a) **Below canopy cover goals.** At any time, when the removal of trees would reduce a parcel below the canopy cover goals stipulated in Table 14: Tree Canopy Cover Goals, a major tree permit is required. Reducing a parcels’ tree canopy cover below the stipulated canopy cover goals may be permitted if the applicant can show how the loss will not affect tree resource loss on the site, or how the applicant can mitigate for lost tree resources using 16.18.XXXX Mitigation.

The following is required upon major tree permit submission:

- i) A completed Tree Resource Functional Assessment on the applicable tree resource(s) applicant is seeking to remove, this may be fulfilled by either a:
  - (1) Tree Stand Assessment Form (or)
  - (2) Individual Tree Assessment Form
- ii) An arborist report and/or mitigation plan from a tree resource professional identifying how the property owner will mitigate for tree resources losses per 16.18.XXX Mitigation.

- b) **Landmark tree removal.** The removal of living trees designated a Landmark tree through the Individual Tree Rating form of the Tree Resource Functional Assessment requires a major tree permit. The removal of any landmark designated tree requires a tree risk assessment letter from a qualified professional submitted with the major tree permit.

The following is required upon major tree permit submission:

- i) A completed Tree Resource Functional Assessment on the applicable tree resource(s) applicant is seeking to remove, this may be fulfilled by either a:
  - (1) Tree Stand Assessment Form (or)
  - (2) Individual Tree Assessment Form
- ii) Tree risk assessment letter from a qualified professional,
- iii) A mitigation report from a tree resource professional identifying how the applicant will mitigate for tree resources losses per 16.18.XXX Mitigation.

- 3) **Forest stewardship plans.** Forest and tree resource activities are permitted, given they (a) demonstrably result in a no-net-loss of tree resources and (b) are prescribed by a tree resource professional through the submission and approval of a forest stewardship plan, in accordance with 16.18.XXX Tree Resource Reports.
  - a) The contents of a forest stewardship plan are outlined in 16.18.XXX Tree Resource Reports.
  - b) If through the applicant's forest stewardship plan, a no-net loss of forest function and the parcel canopy cover will not be reduced below their stated goals in Table 14: Tree Canopy Cover Goals.
  - c) Forest stewardship plans shall include at minimum:
    - i) Natural resource inventory
    - ii) Forest prescription and timeline
    - iii) Statement on how the proposed forest prescriptions will affect the natural resource functions.
    - iv) Completed Tree Resource Functional Assessment.
  - d) Forest stewardship plans should be written to manage tree resources for a 10-year time-frame.

## 12.8 REVIEW PROCEDURES

- 1) **Applications for tree permits.** Unless otherwise provided for in this chapter, applications for minor or major tree work permits shall be reviewed and approved, approved with conditions or denied pursuant to the administrative review procedures in BIMC 2.16.030 unless a reasonable use exception is requested. Minor and major tree permit applications shall be reviewed based on the proposal's ability to comply with all the criteria of this chapter, and other relevant chapters in BIMC.
  - a. The proposal is consistent with the general purposes of this chapter and the public interest;
  - b. The proposal is consistent with other applicable regulations and standards.
  - c. The proposal outlines tree resource mitigation per the requirements of 16.18.XXX Mitigation.
- 2) Except as provided for by this chapter, any applicable activity or action that cannot adequately mitigate its impacts to tree resources through on-site mitigation or substitute mitigation, given the provisions in BIMC 16.18.XXXX Mitigation, shall be denied.
- 3) **Application Required.** Any action or activity nearby trees or their critical root zones, unless an exempt activity pursuant to BIMC 16.18.XXX Exemptions, requires submittal of the City's Master Land Use application, with either minor or major tree permit checked, to the Department of Planning and Community Development in accordance with the requirements outlined in the City's administrative manual for land use permits. The applicant shall not be granted any approval or permission to perform action or activity as identified in 16.18.XXX Applicability, prior to fulfilling the requirements of this chapter.
- 4) **Support information required.** All required supporting information for tree permit applications shall include necessary forms and reports identified in 16.18.XXX Activities Requiring a Tree Permit.

## 12.9 MITIGATION & PERFORMANCE STANDARDS

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- 1) **Purpose.** The purpose of tree resource mitigation is to maintain the function of the community forest throughout the city while maintaining canopy coverage goals within zone districts.
  - 2) **Requirements.** When any action or activity removes, destroys or disfigures a living tree resource not exempt or allowed through this section, mitigation is necessary. The following minimum mitigation and performance standards shall be met when mitigation is required. All mitigation should attempt to fully regain lost tree benefit capacity through some manner, as described in below.
    - a) Both minor and major tree permits require mitigation as identified below.
  - 3) **Mitigation Methods.**
    - a) **On-site mitigation.** Where on-site mitigation of lost tree resources is feasible, this shall be the preferred method.
      - i) **Requirements.**
        - (1) A completed Tree Resource Functional Assessment of the tree resource and Mitigation plan shall be submitted with a tree permit. Approved mitigation plan shall seek to compensate for lost resources as determined through the Tree Resource Functional Assessment and outlined in a replanting plan.
      - ii) **Performance Standards.**
        - (1) All replacement trees shall be native or equivalent trees. Replacement trees shall attempt to regain the majority of lost tree size and tree function of removed trees.
        - (2) The Mitigation plan shall include a five (5) year monitoring plan for replacement trees.
          - (a) Five annual inspections of replacement trees shall be conducted by an ISA-Certified Arborist or Tree Risk Assessment Qualified professional.
          - (b) If trees installed to meet the requirements of this section are dead, in decline, or are untreatably diseased, they must be replaced according to the monitoring plan.
          - (c) Installed trees must be irrigated during the summer with 8-12 gallons of water per inch of tree diameter per week, or otherwise recommended by an ISA-Certified Arborist.
          - (d) Installed trees shall be mulched with wood chip or mulch, according to published ISA Best Management Practices.
          - (e) Tree shall be structurally pruned at least once in the five years of monitoring, according to published ISA Best Management Practices.
          - (f) After the five successful annual inspections, applicant must submit annual reports the City municipal arborist or director's designee and replanted trees shall be considered established.
        - (3) If trees installed to meet the requirements of this section require replacement, the city municipal arborist or director's designee may require a performance surety from the applicant, valued at 200% the methods of 16.18.XXX.(3).(c) Tree Diameter Valuation. If tree mortality continues, this surety shall be invested into the Bainbridge Island Tree Fund.
      - iii) **Alternatives.** Substitute mitigation can be used instead of on-site mitigation given the following circumstances:

- (1) Development or land-use application where an ARPA has been designated and properly conserved, and where additional mitigation or conservation of tree resources would conflict with permitted land-use applications.
- (2) As verified and documented by a resource professionals, the specific parcel is unequipped to sustain additional tree resources in their mature stage, or equally, the installation of new trees will subtract from the limited natural resources on site and potentially over-compete with other established trees, with the potential to cause or perpetuate tree disease or decline.
  - (a) A report from a resource professional documenting this is necessary and shall be submitted with a tree permit. This report shall be evaluated for accuracy by the city municipal arborist, resource professionals from city staff or a third party at the cost of the applicant.

b) **Substitute mitigation** shall be used when on-site mitigation is determined to be insufficient to replace lost tree resources or on-site mitigation is unlikely to restore lost tree resource functionality and investment into the Bainbridge Island Tree Fund is required. This determination shall be made by the City municipal arborist or director’s designee, or another Certified Arborist representing the land owner.

i) **Requirements.**

- (1) A completed Tree Resource Functional Assessment and Mitigation plan shall be submitted with a major tree permit. Approved mitigation plan shall describe valuation methods used according to 16.18.XXX.(4) Valuation Methods.
- (2) Applicant shall demonstrate how substitute mitigation is the most sustainable and long-term method of mitigating for tree resource loss.
- (3) Applicant shall invest into the Bainbridge Island Tree Fund a dollar amount equal to the valuation method result noted in 16.18.XXX.(4) Valuation Methods.

4) **Valuation Methods.**

- a) **Tree diameter valuation** shall be used when BIMC, outside of 16.18, refers to any tree valuation methodology. Tree diameter valuation shall be used instead of the prior tree valuation methodologies.
  - i) Tree diameter valuation shall be calculated from the Tree Resource Functional Assessment rating and tree DBH in inches, as noted in Table 16: Tree Diameter Valuation Costs, below.

**Table 16: Tree Diameter Valuation Costs**

<b>TRFA Rating</b>	<b>Value per inch of DBH</b>
Landmark	\$250 per inch of DBH
Exceptional	\$125 per inch of DBH
Typical	\$100 per inch of DBH
Poor	\$75 per inch of DBH

b) **Functionality valuations** shall be used for all other tree valuation purposes.

5) **Table 17: Tree Functionality Valuation Costs**

<b>TRFA Rating</b>	<b>Value per Square Foot of Canopy Volume</b>
Landmark	\$1.80 per square foot
Exceptional	\$0.90 per square foot
Typical	\$0.70 per square foot
Poor	\$0.50 per square foot

**12.10 BAINBRIDGE ISLAND TREE FUND**

- 1) **Established** A special revenue fund to be designated as the “tree fund” is established to receive special revenues supporting the City’s tree program, including efforts to maintain or increase the tree canopy on Bainbridge Island, encouraging a street tree program, or similar efforts, and to provide segregated accounting and control for expenditure of monies (Ord. 2015-05 § 1, 2015). There is hereby established a City of Bainbridge Island Tree Bank that shall receive payments made by property owners in lieu of planting additional tree canopy cover as approved by the City arborist or municipal forester, in addition to forfeited bonds and forfeited escrow funds.
  
- 2) **Accounting** within the tree fund shall segregate revenues and expenditures so that funds shall be used to support the City’s tree-related activities (Ord. 2015-05 § 1, 2015). Funds in the tree fund shall be administered by the head of the City Director, head of the community forestry department, or his/her designee.
  
- 3) **Definitions** as established in BIMC Titles 16, 17 and 18 shall apply here (Ord. 2015-05 § 1, 2015). Where is it impractical or impossible to fully meet tree canopy requirements for a site, the portion of the canopy that cannot be accommodated on the site may be satisfied by payment into the tree fund that shall be made prior to issuance of a minor or major tree permit. The amount of payment shall be calculated using the Tree Resource Functional Assessment (TRFA) and its applicable rates as defined in the administrative manual.
  
- 4) **Functions and Disbursements**
  - a) The Bainbridge Island tree fund is intended to accept funds from sources that include, but are not limited to, private donations, public allocations and the proceeds from the payment of tree-related code enforcement actions (Ord. 2015-05 § 1, 2015). The tree fund monies shall be available for use by the City for establishment, maintenance, and expansion of tree canopy cover on public property and through programs on private property.

- b) The Bainbridge Island Tree Fund is intended to support conservation and as such, expenditure of tree fund monies shall be permitted for various activities related to conservation including, but not limited to:
  - i. Support the City’s Community Forestry Department and City’s municipal arborist functions.
  - ii. Support the city’s tree program (Ord. 2015-05 § 1, 2015);
  - iii. Provide direct financial and technical assistance to qualified projects (Ord. 2015-05 § 1, 2015);
  - iv. Provide financial assistance to public and private nonprofit organizations supporting activities consistent with city policy (Ord. 2015-05 § 1, 2015);
  - v. Fund approved, eligible operating expenditures related to the provision of assistance covered by this chapter (Ord. 2015-05 § 1, 2015).;
  - vi. Purchase, planting and care through establishment of trees;
  - vii. Maintenance of trees during establishment period;
  - viii. Funding tree and forest care programs.

5) **Reporting.** A separate written report on the financial status of the city of Bainbridge Island tree fund shall be available upon request at the conclusion of each financial year (Ord. 2015-05 § 1, 2015).

### 12.11 TREE RESOURCE REPORTS

- 1) **Arborist reports** must meet the following requirements.
  - a) Arborist reports submitted must be written by a current ISA-Certified Arborist. The city may request additional information or technical review from qualified ISA-Certified Arborist at the applicant’s expense to ensure best-management-practices and best-available-science are being applied.
  - b) An arborist report must include the following site plan and site-specific narrative report:
    - i) Site plan can be hand-drawn, or rendered to a 10-foot approximation and shall include:
      - (1) Location of all significant trees.
      - (2) Areas of proposed actions.
      - (3) Limits of construction and existing and proposed grade changes, if applicable.
      - (4) Location and species of tree(s) proposed for removal and replanting, if applicable.
      - (5) Location of trees and Critical Root Zones of all trees within the limits of construction and area of grade changes, if applicable.
    - ii) Narrative report shall include:
      - (1) General site and parcel characteristics, including zoning and land use.
      - (2) Resource inventory classifying tree and vegetation characteristics.
      - (3) Simple narrative describing the proposed action and describing measures taken to avoid, minimize and reduce adverse impacts to identified trees.
      - (4) Completed Tree Resource Function Assessment
      - (5) Assessment of any potential damage to tree(s) whose critical root zone is within the limits of construction and area of grade changes, if applicable.
      - (6) Description of tree(s) and vegetation proposed for removal and replanting, if required, including size, species and condition.

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- (7) Description of mitigation and tree protection measures for trees and vegetation to be retained through construction.
  - (8) Planting plan including location, species and size of trees and vegetation to be replanted, if required.
  - (9) Description of performance standards and monitoring actions (e.g., plant survival count, percent canopy coverage estimate) sufficient to document success of any required mitigation action.
- 2) **Arborist pruning specifications** must meet all general requirements in the current revision of the ISA’s Best Management Practices Pruning, and must also meet the following requirements:
- a) Report must be verbally addressed or written by a current ISA-Certified Arborist. The city may request additional information or technical review from qualified ISA-Certified Arborist at the applicant’s expense to ensure best-management-practices and best-available-science are being applied.
    - i) If work will be conducted by the prescribing ISA-Certified Arborist, a verbal prescription is sufficient.
    - ii) If work will be conducted by a non-ISA-Certified Arborist, a written prescription is required.
  - b) Pruning prescription must contain:
    - i) Size, species and health of trees, if necessary, to distinguish trees, include a brief site plan of trees to be pruned.
    - ii) Include statement that all work shall be performed in accordance with the ANSI A300 pruning standard and ANSI Z133.1 safety standard.
    - iii) Provide clearly defined pruning objectives.
    - iv) Specify the pruning methods to be performed to meet objectives.
    - v) State the size and specifications of the minimum and/or maximum branch size to modify.
    - vi) Specify the maximum amount to living tissue that can be removed.
- 3) **Tree risk assessment (TRA) reports** must meet the following requirements.
- a) Report must be written by a current Tree Risk Assessment Qualified professional. The city may request additional information or technical review from qualified tree resource professionals or other agencies at the applicant’s expense to ensure a tree’s high- or imminent-risk.
  - b) A TRA must include the following site plan and tree-specific narrative report:
    - i) Site plan can be hand-drawn, or rendered to a general approximation and shall include:
      - (1) Location of all significant trees addressed in the report.
      - (2) Locations of existing buildings and targets.
      - (3) Limits of construction and existing and proposed grade changes, if applicable.
      - (4) Location and species of tree(s) proposed for removal and replanting, if applicable.
    - ii) Narrative report shall include all general requirements from the most current version of ANSI A300 (Part 9): Tree Risk Assessment a. Tree Failure.
      - (1) Date of inspection.
      - (2) Identification of assessor and qualifications.
      - (3) Tree parts assessed and not assessed.
      - (4) Limits of tree-specific risk assessment.
      - (5) A description of findings and methodology.

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- (6) Level of tree risk assessment used to rate tree risk.
  - (7) Targets associated with tree risk.
  - (8) Time frame for rated risk.
  - (9) Risk mitigation options and residual risk associated with mitigation options.

4) **Forest stewardship plans (FSP)** must meet the following requirements.

- a) Forest stewardship plans may be completed by the property owner. The city may request additional information or technical review from qualified tree resource professionals or other agencies at the applicant's expense to ensure no reduction in net canopy.
- b) Forest stewardship plans should be written to manage tree resources for a 10-year time-frame.
- c) An FSP must include the following site plan and site-specific narrative report:
  - i) Site plan can be hand-drawn, or rendered to a 10-foot approximation and shall include:
    - (1) Location and dimensions of proposed development within ARPA
    - (2) Limits of construction and existing and proposed grade changes
    - (3) Location and species of tree(s) proposed for removal and replanting, if applicable.
  - ii) Narrative report shall include:
    - (1) Resource inventory classifying tree and vegetation characteristics.
      - (a) Include forest structure, forest composition, varying tree cohorts, species and canopy dominance.
      - (b) Include an inventory of invasive and exotic plants within the parcel.
      - (c) Include a list of forest diseases and pests within the forest, and other forest health concerns.
      - (d) Current canopy cover estimation.
      - (e) Completed Tree Resource Function Assessment.
      - (f) Forest prescriptions or treatments and timeline.
      - (g) Statement on how the proposed forest prescriptions will affect the natural resource functions.

5) **Mitigation plans** must meet the following requirements.

- a) Mitigation plans must be completed by a tree resource professional. The city may request additional information or technical review from qualified tree resource professionals or other agencies at the applicant's expense to ensure no net loss in canopy goals.
- b) A mitigation plan should outline how a permit applicant wishes to mitigate for lost tree resources as described in 16.18.XXX Mitigation.
- c) At a minimum, mitigation plans should contain a site plan and narrative report identifying how tree resources are being affected and how the applicant wishes to mitigate for those affected resources:
  - i) Site plan can be hand-drawn, or rendered to a 10-foot approximation and shall include:
    - (1) Location of all significant trees.
    - (2) Areas of proposed actions.
    - (3) Locations of impacted tree resources.
    - (4) Locations of restoration, if applicable.
  - ii) A narrative report must contain the following information:

- (1) General site and parcel characteristics, including zoning and land use.
- (2) Resource inventory classifying tree and vegetation characteristics.
- (3) Completed Tree Resource Functional Assessment.
- (4) Simple narrative describing the proposed action and describing measures taken to avoid, minimize and reduce adverse impacts to identified trees.
- (5) Mitigation planned to be used to offset impacts (as necessary dependent on mitigation used):
  - (a) Planting plan including location, species and size of trees and vegetation to be replanted, and planting specifications, if required.
  - (b) Monitoring and contingency plan identifying how trees will be monitored through establishment and how long trees will be monitored. Include specifications on irrigation, mulching, plant healthcare and other relevant tree management information.
    - (i) Description of performance standards and monitoring actions (e.g., plant survival count, percent canopy coverage estimate) sufficient to document success or failure of any required mitigation.
    - (ii) A contingency plan if performance standards are not reached.
- (6) Monetary valuation of individual tree or tree stand per standards in 16.18.XXX Mitigation.

### 12.12 VARIANCE PROCEDURE

- 1) A property owner or their agent may apply for a variance to applicable requirements in this chapter by demonstrating greater functionality, safety, or ecosystem values can be obtained through the use of different standards, practices or procedures. Such applications must be made in writing and submitted to the Director or their designee, who may require review of the application by City Municipal Arborist or other qualified consultants, at the cost of the applicant.
- 2) Such variance applications will be granted, granted with conditions, or denied within 90 days of the date the application is received by the City.

### 12.13 REASONABLE USE EXCEPTIONS

- 1) **Applicability and Intent.** The purpose of the reasonable use exception (RUE) process is to allow reasonable use of property and explore alternatives to development that would be permitted in accordance with the underlying zoning designation and standards. An applicant may request a RUE pursuant to this section when a Major Tree Permit pursuant to BIMC Chapter 16.18.XXX demonstrates that:
  - a) The subject property is encumbered to such an extent by the requirements of this chapter that application of this chapter would deny all reasonable use of the subject property;
  - b) Reasonable use of the subject property cannot be achieved through tree resource mitigation, (BIMC 16.18.XXX) or a forest stewardship plan (BIMC 16.18.XXX);
- 2) **Review Alternatives.** During the preapplication process, the city Community Forestry Department or other designee may:
  - a) Determine whether the property qualifies for inclusion in any program that would eliminate the need for a RUE including, but not limited to, transfer or purchase of development rights, mitigation

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- banking, and open space acquisition or other conservation mechanism. If the property qualifies for inclusion in one or more of such programs, the director shall notify the applicant in writing of such qualification and of the applicable rules and regulations and shall send an application form for inclusion in such program(s). If the property is included in one or more of such programs, a RUE application is not required; or
- b) Determine to offer to purchase the development rights rather than grant a RUE, and the applicant, at his/her sole discretion, may agree to sell said development rights rather than pursue a RUE.
- 3) **RUE Request and Review Process.** An application for a Tree Resource RUE shall include the city's Major Tree Permit application; a Certified Arborist or other resource professional report, including mitigation plan, if necessary; and any other relevant information and reports that are necessary, as determined by the Community Forestry Department, or director, to process and prepare the recommendation on the application, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act, Chapter 43.21C RCW (SEPA documents).
- 4) **Reasonable Use Review Criteria.** Criteria for review and approval of reasonable use exceptions are as follows:
- a) The application of this chapter would deny all reasonable use of the property;
  - b) There is no reasonable alternative to the proposal with less impact to tree resources;
  - c) The proposal minimizes the impact on tree resources in accordance with mitigation sequencing (BIMC 16.20.030);
  - d) The proposed impact to the tree resources is the minimum necessary to allow reasonable use of the property;
  - e) The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant, or of the applicant's predecessor, that occurred after February 20, 1992;
  - f) The proposed total lot coverage does not exceed 1,200 square feet for residential development;
  - g) The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the property;
  - h) The proposal protects the tree resource functions and values consistent with the best available science and results in no net loss of critical area functions and values;
  - i) The proposal addresses cumulative impacts of the action; and
  - j) The proposal is consistent with other applicable regulations and standards.
- 5) **Payments in-lieu.** All REU applications approved by the director or designee shall follow compensatory mitigation standards outlined 16.18.XXX. All REU applications are required to pay normal tree resource mitigation fees. Payments will be added to the Bainbridge Island Tree Fund and used as outlined in 16.18.XXXX (Bainbridge Island Tree Fund).

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- 6) **Burden of Proof.** The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application. The standard for the burden of proof shall be clear and convincing evidence.

#### 12.14 ADMINISTRATION

(To be completed by the City Attorney and Department of Community Development.)

- 1) Interpretation
- 2) Procedures
- 3) Suspension
- 4) Other Laws & Regulations
- 5) Conflict
- 6) Severability

#### 12.15 COMPLIANCE AND ENFORCEMENT

- 1) **It is a violation of this chapter** for any person to fail to comply with a requirement of this chapter. It is further a violation of this chapter for any person to:
  - a. Initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, alteration, or demolition of any structure, land, property, or tree within the city without first obtaining permits or authorizations required by this chapter, or in a manner that violates the terms or conditions of such permits or authorizations;
  - b. Misrepresent any material fact in any application, plans or other information submitted to obtain permits or authorizations under this chapter; or
  - c. Remove or deface any sign, notice, complaint, or order required by or posted in accordance with this chapter.
- 2) **When a tree has been altered, impacted, damaged or disturbed** in violation of this chapter, all ongoing activity shall stop. If through proper arboricultural restorative pruning practices as determined by the city's municipal arborist or another ISA-Certified Arborist, the altered, impacted or damaged tree can be restored, it should be. The cost for such restorative pruning shall be at the cost of the violator, and the cost is to be shared between the party requesting services and the party performing services. The city shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this chapter.
- 3) **Mitigation plan required.** All development and/or tree activity work shall remain stopped until an appropriate mitigation plan is submitted and approved by the director. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements 16.18.XXX (Mitigation). The director shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

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4) **Minimum performance standard for tree mitigation.**

- a. Where a significant tree has been altered, impacted, damaged or disturbed but is not removed, the following minimum performance standards shall be met for the restoration of the tree; provided, that if the violator can demonstrate that greater tree resource function or values can be obtained through the application of different standards, these standards may be modified:
  - i. The functional values of the tree shall be restored, including ecosystem benefits, economic benefits, human and social benefits;
  - ii. Information demonstrating compliance with canopy cover goals in BIMC 16.18.XXXX shall be submitted to the director or community forest department.
  - iii. All pruning plans and prescriptions shall include a detailed estimate of the cost for implementation of the mitigation plan.
  
- b. Where a significant tree has been removed or otherwise killed, the following minimum performance standards shall be met to mitigate for lost tree resources; provided, that if the violator can demonstrate that greater tree resource function or values can be obtained through the application of different standards, these standards may be modified:
  - i. The violator shall pay an amount equal to 200% the resulting value of the trees as calculated in 16.18.XXX Mitigation. This sum shall be paid to the Bainbridge Island Tree Fund, additionally, on-site mitigation must include the following:
  - ii. Information demonstrating compliance with canopy cover goals in BIMC 16.18.XXXX shall be submitted to the director or community forest department.

5) **Site investigations.** The director or authorized designee is authorized to make site inspections and take such actions as are necessary to enforce this chapter. The director or authorized designee shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

6) **Penalties.** Any development or activity carried out contrary to the provisions of this chapter shall constitute a public nuisance and may be enjoined as provided by the statutes of the State of Washington. Enforcement of this chapter and the imposition of penalties for violations of this chapter shall be as provided for in Chapter 1.26 BIMC; provided, that in addition to the civil penalties provided for in BIMC 1.26.090, an additional penalty shall be imposed on any person, party, firm, corporation, property owner, or other legal entity who fails to complete a required mitigation plan, who conducts any alteration, impact, damage or disturbance of a tree resource violation of this chapter, or who is otherwise in violation of this chapter, including a violation of BIMC 16.20.090.E.

For such violations, the additional penalty shall be in the amount equal to 200% of the cost of restoration as approved under a mitigation plan pursuant to 16.18.XXX Mitigation for a minor violation and a minimum of \$2,500 for a major violation. The director or head of the community forest department shall determine whether the disturbance is a minor or major violation. Any person, party, firm, corporation, or other legal entity who knowingly and willfully refuses to complete a required

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restoration pursuant to 16.18.XXX Mitigation above shall be guilty of a misdemeanor punishable by not more than 30 days in jail and/or not more than a \$1,000 fine.

For landmark tree violations resulting in the removal, destruction, or lethal damage to a landmark tree, as defined in this chapter, in addition to the civil penalties imposed under BIMC 1.26.090, an additional civil penalty will be imposed on person, corporation, or other legal entity. 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.

## 13. APPENDIX C: BIMC CHAPTER 18.15.C TREE RETENTION, PROTECTION AND REPLACEMENT

### 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.

Definitions from 16.18 shall be incorporated into this section. When a conflict arises, the definition from this chapter shall apply.

#### 1) Retention.

- a) **Intent.** The intent of these regulations is to preserve the forested character of the Island by preserving existing vegetation, trees and tree stands, and incentivizing tree protection and replacement in certain districts through a tree unit system, thereby mitigating the development impacts of increased stormwater runoff, impervious surface, and loss of carbon dioxide absorption capacity. This shall be accomplished in a manner consistent with the comprehensive plan and the requirements of Washington law and to discourage the removal of significant tree(s) and tree stands.
- b) **Perimeter Tree Retention Requirements.** Trees and tree stands located in the perimeter areas required to be landscaped pursuant to subsections D and E of this section shall be retained and protected as described in subsection C.4 of this section, unless an applicant can demonstrate during the land use permit review process that the existing trees and vegetation will be compromised after the development is complete, and would likely become hazardous as described in subsection C.1.c of this section. If the applicant can demonstrate that hazard, then new trees and vegetation may be planted pursuant to the planting standards of subsection D.4 of this section. Perimeter landscape widths may be averaged to save significant trees but shall not be reduced to less than the allowed minimum perimeter dimension.
- c) **Exceptions.** Significant trees and tree stands may be removed if it is determined by a Tree Risk Assessment Qualified professional, and whose services are paid for by the applicant, that the tree is:
  - i) A high-risk or imminent-risk with less than a two-year risk time frame and evaluated through a Level 2 or Level 3 risk assessment.
  - ii) Tree evaluation must contain all potential mitigation options, and their residual risks, including, but not limited to, wildlife tree conversion, cabling/bracing and pruning.

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iii) A tree risk assessment report as identified in 16.18.XXX Tree Resource Reports shall be submitted to the city prior to approval.

d) **Protection of Tree Stands.** Notwithstanding a determination under subsection C.1.c of this section, if trees have been removed from a closed, forested location, a buffer of smaller trees shall be retained or planted on the fringe of the closed, forested area. The buffer of smaller trees shall be adequate to protect the health of the remaining mature trees in the closed, forested area, as determined and specified by a Certified Arborist, and whose services are paid for by the applicant.

## 2) Replacement.

a) **Intent.** The intent of these regulations is to discourage the unauthorized removal of established tree(s), significant tree(s), tree stands and reduce overall canopy loss in the community; and to establish a replacement or fine if such activity occurs.

b) All replanting plans must be prepared by a Landscape Architect licensed by the State of Washington or a Certified Arborist. All replanting plans which involve the installation of trees must be reviewed by a Certified Arborist for species form and tolerance, placement and soil requirements and installation requirements.

c) **Requirements for Unauthorized Removal.** If trees required to be retained pursuant to subsection C.1 of this section are not retained or if protection measures described in subsection C.4 of this section are not fully implemented, they shall be replaced by at least the required tree units and be monitored by a Certified Arborist for a duration of 5 years, or less if a Certified Arborist has determined they are healthy and established. If the replacement trees are dead, dying, untreatably diseased, or declining, they must be replaced.

(1) The trees removed shall be replaced with trees of the same foliage, evergreen or deciduous. Native shrubs and ground cover shall also be replaced when replacing tree stands due to unauthorized removal. Shrubs shall be one-gallon size planted four feet on center spacing; ground cover shall be one-gallon size planted three feet on center spacing. The shrubs and ground cover shall be planted within the limits of the previous tree stand canopy.

(2) A Replacement Tree Monitoring and Contingency Plan written by a Certified Arborist or other natural resource professional is required, and must be received and approved by the city, prior to restoration. A Certified Arborist or other natural resource professional may modify the planting strategies above, if site specific qualities would affect tree survival or long-term tree health.

d) **Requirements for Permitted Removal.** A property owner may request removal of trees required to be retained pursuant to this chapter by applying for a major tree permit (Chapter 16.18 BIMC).

(1) The major tree permit application shall include a replanting plan written by a Certified Arborist or Landscape Architect consulting with a Certified Arborist. In designing the replanting plan, the professional must consider what ecological, landscape and social functions the tree(s) to be removed are serving on the property (e.g., water quality improvement, wildlife habitat, noise

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attenuation, parking lot, street tree, perimeter screening), and what tree species and location(s) for replanting replaces that lost tree function. New planting areas may need to be created to achieve this goal.

- 3) **Enforcement and Penalties.** Failure to retain, replace or transplant trees will be enforced as follows; provided, that any fine shall be no less than three times the value of the lost tree canopy, as determined by the 16.18.XXX Mitigation.

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.

Tree plan review processes and tree removal inspections must be reviewed by a Certified Arborist. The director may require an evaluation by 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 chapter and/or the terms of the clearing permit. Applicant shall be responsible for any associated costs.

- a) **Notice of Infraction.** 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, tree, vegetation or property within the city contrary to the provisions of this chapter.
  - 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 chapter.
  - 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 chapter.
- c) **Additional Remedies.** In addition to any other remedy provided by this chapter 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 chapter 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

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this chapter shall be liable for the costs and reasonable attorneys' fees incurred by the city in bringing, maintaining and/or prosecuting such action.

- d) **Notice of Infraction.** Except as provided in subsection C.3.f of this section, conduct made unlawful by the city under this chapter 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 chapter 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 chapter or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to comply with a cease and desist or stop work order issued under this chapter 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 retain, 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 according to 16.18.XXX Mitigation. 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.  
  
Exception to director's discretion statement above: Any tree identified on a development project's required landscaping plan as retained and given a monetary value per subsection G.3.a.iii of this section that is removed or dies during the surety period due to improper protection during construction, shall be subject to an automatic fine of three times the tree's stated value according to 16.18.XXX Mitigation. All of the project's active permits shall also be suspended until the fine is paid and all restoration work completed.
- f) **Repeat Offenders.** Any person who again violates this chapter within 12 months after having been found by the Bainbridge Island municipal court to be in violation of this chapter commits a misdemeanor and any person who is convicted of that misdemeanor shall be punished as provided in BIMC [1.24.010.A](#).

**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
The financial penalty will be the amount indicated in this table or three times the value of the trees, as determined by 16.18 Tree Valuations Methods, whichever is greater, pursuant to subsection C.3.e.iv of this section.	

**4) Protection During Construction and Development.**

a) **Intent.** The intent of these regulations is to provide the best protection for existing vegetation, trees and tree stands, including protection for trees on adjacent properties, protection of LID BMPs during construction and development activities, and preservation of the ecological, landscaping and social functions of the area’s trees, vegetation and soils.

**b) Requirements.**

- i) No cutting of trees shall be allowed on a site until the tree retention and planting plans have been approved by the director and a clearing, grading or building permit issued.
- ii) In order to preserve future ecological function, the applicant shall identify areas of prohibited disturbance, corresponding to the critical root zone, as identified by a Certified Arborist, of the existing vegetation, trees and/or tree canopy of tree stands to be retained, buffers, areas of existing vegetation to be maintained, future LID BMPs, and future planting areas larger than 400 square feet (i.e., landscape islands in parking lots). The prohibited disturbance areas shall be reviewed and approved by the director as part of the land use permit review process.
- 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 and inspected by city staff before clearing, grading and/or construction permits are issued 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 future planting areas is

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unavoidable, the landscape plan for the project shall include methods for aerating and/or augmenting compacted soil to prepare for new planting, pursuant to subsection H.2 of this section.

- 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 critical root zone, as identified by a Certified Arborist, of the tree or tree canopy of tree stands.
- vi) Grade levels beyond one foot must be consulted on and be recommended by a Certified Arborist.
- vii) Alternative protection methods may be used if recommended by a Certified 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 Certified Arborist, that individual shall be selected through the International Society of Arboriculture directory, or American Society of Consulting Arborists directory, and his or her services shall be paid for by the applicant.
- ix) Protect LID BMPs during construction and development activities in accordance with Chapter 15.20 BIMC.

5) **Modification of Requirements.** If the significant tree and tree stand retention requirements of this section create an unnecessary hardship, the applicant may request a modification. The director may administratively (1) approve a modification of, or (2) approve compensatory mitigation, as defined in 16.18.XXX Mitigation, of the significant tree and tree stand requirements of this section, if the director finds that the following standards have been met:

- a) The modification is necessary because of special circumstances relating to the location of existing significant trees and tree stands that prevent compliance with this section; and
- b) The special circumstances of the subject property make the strict enforcement of the provisions of this section an unnecessary hardship to the property owner; and
- c) The special circumstances of the subject property are not the result of the actions of the applicant; and
- d) The approving of the modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located; and
- e) The modification is consistent with the purpose and intent of this chapter; and
- f) The site design incorporates the retention of other natural vegetation in consolidated locations that promotes the natural vegetated character of the site.

## 14. APPENDIX D: BIMC CHAPTER 18.15.G – TOTAL SITE TREE UNIT REQUIREMENTS

### 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, significant trees and tree canopy cover 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, and (c) new and existing single-family residential development in the R-2.9, R-3.5, and R-4.3 zone districts leaves the development parcel with at least a specified minimum amount of tree canopy coverage, measured by provisions in 16.18.XXX Canopy Cover Goals. ~~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 development applications involving (a) any modification to a parcel located in the MUTC, HSR I and II, R-5, R-8, R-14, or NC districts, (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 single-family residential development in the R-2.9, R-3.5, and R-4.3 zones. Canopy which extends over property lines meets canopy cover goal requirements of Subsection 16.18.XXX Canopy Cover Goals. These provisions shall not apply to projects involving only interior renovations of existing buildings.

Definitions from 16.18 shall be incorporated into this section. When a conflict arises, the definition from this chapter shall apply.

- 3) **Site Specific Evaluation of Total Impact on Tree Coverage.**
  - a) In order to show how the canopy cover requirements of subsection 16.18.XXX Canopy Cover Goals is being met, the applicant shall submit the following information as part of the landscaping plan information for a land use permit application:
    - i) For new and existing single-family residential development in the R-2.9, R-3.5 and R-4.3 zone districts.
      - (1) A Certified Arborist or Tree Risk Assessment Qualified professional shall conduct a tree inventory to include location, species identification, DBH and contributing canopy for each tree to be impacted;
      - (2) Calculate and document the Tree Resource Functional Assessment (TRFA) rating (16.18.XXX) for each tree or tree stand to be impacted, including canopy volumes;
    - ii) For all others
      - (1) Survey all existing established trees and/or their canopies (whether fragmented or contiguous) to be retained as part of the proposed development.

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- (2) A Certified Arborist or Tree Risk Assessment Qualified professional shall conduct a tree inventory to include location, species identification, DBH and contributing canopy for each tree to be impacted;
  - (3) Calculate and document the TRFA rating (16.18.XXX) for each tree or tree stand to be impacted, including canopy volumes;
  - (4) The applicant shall submit valuation of all trees to be retained, compiled by a Certified Arborist, using the Tree Diameter Valuation method in 16.18.XXX Mitigation.

- b) In determining which trees will be retained on a property to meet the canopy cover requirements pursuant to 16.18.XXX Canopy Cover Goals, an applicant shall retain an ISA-Certified Arborist to evaluate and make recommendations on health and the preservability of retained trees, and recommendations for tree removals. Trees with very low preservability due project impacts shall be removed or plans should be modified. The Certified Arborist shall attempt to retain trees whose critical root zones are least impacted, greater than 15 inches, trees in tree stands, and trees adjacent to tree stands on adjacent properties.
- c) A major tree permit pursuant to Chapter 16.18 BIMC is required to request removal of any tree that is contributing to a property meeting the canopy cover goals requirements of section 16.18.XXX Canopy Cover Goals. Mitigation per 16.18.XXX Mitigation is required to offset tree resources removed from site.

#### 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 all requirements of this section.
  - i) In the MUTC central core and ferry terminal overlay districts, the development parcel, following the proposed development or redevelopment, shall at minimum:
    - (1) Meet the canopy cover goals identified in 16.18.XXX Tree Canopy Goals, or through a landscaping plan reviewed by an ISA-Certified Arborist and approved by the city, show how replacement trees will meet canopy cover goals when mature.
  - 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 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, following the proposed development or redevelopment, shall at minimum:
    - (1) Meet the canopy cover goals identified in 16.18.XXX Tree Canopy Goals, or through a landscaping plan reviewed by an ISA-Certified Arborist and approved by the City, show how replacement trees will meet canopy cover goals when mature.
  - iii) As an alternative to subsections G.4.a.i and ii of this section, and at the applicant's option and expense, and upon approval by the submission and approval of a major tree permit, applicant may

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use the mitigation methods outlined in 16.18.XXX Mitigation to restore lost tree resources through substitute mitigation methods (16.18.XXX).

- b) Existing and new trees in roadside, perimeter, and shoreline buffers and/or critical areas and their buffers do not count towards the tree canopy requirements of this section.
- c) To reestablish tree canopy on site, the on-site mitigation requirements and performance standards found in 16.18.XXX Mitigation are required.
- d) If, after complying with subsections C, D, E, and F of this section, additional trees need to be planted to meet the minimum TRFA 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.
  - iii) All replanting must include five years of monitoring, or until tree establishment, as determined by an ISA-Certified Arborist.

## 15. APPENDIX E: TREE REMOVAL FLOWCHART – TEMPLATE

This basic template can be used to develop a tree removal information sheet or flowchart.

1. Is the tree visibly and completely dead? (This does not include diseased or damaged trees.)
  - a. You, an ISA-Certified Arborist or contractor may complete and submit “Dead and Lesser Tree Checklist” and provide it to the City.
  - b. The submission is required to include a clear and identifiable electronic photo of the dead tree.
  - c. The photo must be emailed to [trees@bainbridgewa.gov](mailto:trees@bainbridgewa.gov).
  - d. You will not receive confirmation from the City.
  - e. You may remove the dead tree.
  
2. Is the tree assumed to be a risk?
  - a. Contact a Tree Risk Assessment Qualified professional to assess your tree’s risk and provide guidance.
  
3. Is the tree within 200 feet from the shoreline, near a wetland, stream, steep slope, or their buffers, or located in an open area or other protected area?
  - a. Yes – Review 16.20, SMP or development documents.
  - b. No – Go to (4).
  
4. Is the property developed or undeveloped?
  - a. Developed – Go to (5)
  - b. Undeveloped – Go to (6)
  
5. Is the developed property within the MUTC, Highschool, or High Density Residential -OR- Moderate Density Residential -OR- or Low Density Residential?
  - a. MUTC/HS/HDR – MUTC/HS/HDR – If the tree or tree part is rated as a high or imminent risk by a Tree Risk Assessment Qualified individual, you are permitted to remove the tree or tree part.
  - b. MDR – You are permitted to remove 3 healthy trees per 12 months.
  - c. LDR – You are permitted to remove 5 healthy trees per 12 months.
  
6. Is the undeveloped property within the MUTC, Highschool, or High Density Residential -OR- Moderate Density Residential -OR- or Low Density Residential?
  - a. MUTC/HS/HDR – If the tree or tree part is rated as a high or imminent risk by a Tree Risk Assessment Qualified individual, you are permitted to remove the tree or tree part.
  - b. MDR – You must submit a permit to remove trees.
  - c. LDR – You must submit a permit to remove trees.

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## 16. APPENDIX F: DEAD AND EMERGENCY TREE CHECKLIST

This form is used for three purposes:

- 1) To alleviate property owners from having to procure Tree Risk Assessment Qualified professional to identify a visibly dead tree that otherwise would need a permit,
- 2) To track and characterize emergency tree actions when they occur,

This document is a template for the City to rework into their own forms, not to be used as-is. We recommend the final version reside in the Bainbridge Island Administrative Manual for easy updating. We recommend a printable PDF format of the file be accessible for contractors to print and carry with them in their work vehicles. Additionally, an online form that could be submitted via a questionnaire with a photo submission can help streamline submission processes.

To classify a tree as dead using this form, the tree must be visibly and verifiably identified as dead. If the tree requires further diagnosis, it cannot be easily and positively confirmed as dead or all the questions are unable to be completed, a tree-risk report is required and must be submitted to the City in a minor tree permit.

**Step 1: Dead and Emergency Tree Checklist.**

Landowner Name/Address or Parcel Tax #:	
Certified Arborist # (if applicable):	
Tree Risk Assessment Qualified (if applicable): Yes/No	
Tree Species	
Tree Diameter	
Tree Height	
How far away is the tree standing from the home or other structures?	
	If the distance to the structure measures further than the tree height x 1.25, the tree is not within striking distance of the structure. To remove the tree, submit a Minor Tree Permit as described in 16.18.XXX.
In summer, does the tree have less than 25% normal leaves or needles?	
	If there are more than 25% leaves or needles in the summer-time the tree is not dead. Submit a Minor Tree Permit as described in 16.18.XXX.
Can the tree be converted into a wildlife snag? Yes/No	
	If the tree is within or on the edge of a forested setting and 40 feet or more from a structure, the tree must be converted into a wildlife snag.
	Submit a minor tree permit if this would cause undue burden on the property.
Is the tree posing a clear and present threat to human health or property?	
	Remove the tree as an emergency activity.

**Step 2: Email the following to [trees@bainbridgew.gov](mailto:trees@bainbridgew.gov).**

- 1) Electronic photo of the tree and nearby structure
- 2) Completed Dead and Emergency Tree Checklist

**Step 3: Signature.** (City of Bainbridge Island must complete this clause.)

I, \_\_\_\_\_, affirm the above information is accurate.

## 17. APPENDIX G: TREE RESOURCE FUNCTIONAL ASSESSMENT

### CITY OF BAINBRIDGE ISLAND TREE RESOURCE FUNCTIONAL ASSESSMENT

Date of Visit:	Assessed by:	Certified Arborist #:	TRAQ?: Yes/No
Assessor Contact Information:			
Project Address		Parcel Number:	
Property Owner	Property Owner Contact Information:		

Each form has several functional categories. After reaching the end of each category, total your points and mark if that category is a high, moderate or low. Once you've rated the individual categories, identify the overall rating using the matrix below.

**Tree Stands Rating Form:**

Landmark Stand = All four categories are high ratings.

Exceptional Stand = Any combination of three high and one moderate or two high and two moderate ratings.

Typical Stand = Any combination of three moderate ratings.

Poor Stand = Three or more low ratings.

**Individual Tree Rating Form:**

Landmark Tree = All three categories are high ratings.

Exceptional Tree = Any combination of two high and one moderate or one high and two moderate ratings.

Typical Tree = Any combination of three moderates or two moderates and a low rating.

Poor Tree = Two or more low ratings.

Assessor must use Tree Stand Rating Form (Page 2) within:

- Moderate Density Residential (R-0.4, R-1, R-2)
- Low-Density Residential (R-2.9, R-3.5, R-4.3)
- All other districts
- Or whenever assessing over 5,000 square feet of canopy.
- (If multiple cohorts exist over a large stand of trees wherein said cohorts may total stand functionality, multiple Tree Stand Rating Forms may be used. Stratify each individual forest unit on Site Plan.)

Assessor must use the Individual Tree Rating Form (Page 5) within:

- Mixed Use Town Center
- High School Road Districts 1 & 2
- High-Density Residential areas (R-14, R-8, R-6, R-5)

## Tree Stand Rating Form

L1.0	Landscape components. (9 possible points)	Point score										
L1.1	<p><u>What is an approximate total canopy cover for the tree stand?</u></p> <p>This is an approximate total canopy cover measurement that includes all trees over 20 feet in height, including native forests, landscape trees and green infrastructure trees. This may include fragmented and contiguous tree canopies. This measurement can be approximated using the area measure tool on recent aerial imagery, which can be found on Bainbridge Island's GIS Map App, Google Earth, or other similar source.</p>	<p><b>Approximate canopy cover:</b></p> <p>_____ ft<sup>2</sup></p>										
L1.2	<p><u>What is an approximate live crown ratio of the tree stand's dominant species?</u></p> <p>This is an average measurement of live crown height (LCH). Looking at the dominant tree species, measure the first living branch height for as many trees (within the stand) as required for a representative sample, and average those together for an approximate LCH. Next, measure the height of an equal number of trees from the dominant tree species, and average these together. Subtract these two averages to determine an approximate live crown height.</p>	<p><b>Approximate LCH:</b></p> <p>_____ ft</p>										
L1.3	<p><u>What is an approximate canopy volume for the tree stand?</u></p> <p>Multiply the approximate square foot of canopy by the approximate live crown ratio. This will result in a canopy volume used to quantify the stand.</p>	<p><b>Approximate Canopy Volume:</b></p> <p>_____ ft<sup>3</sup></p>										
L1.4	<p><u>Determine what's around the assessed tree stand?</u></p> <p>Draw a polygon around the canopy that extends approximately 500 feet from the edge of the canopy. Use Bainbridge Island's Online Mapping tool to measure and make estimates within this area.</p>	<p>N/A</p>										
L1.5	<p><u>What is the estimated tree canopy cover nearby the tree stand?</u></p> <table style="width: 100%; border: none;"> <tr> <td>Total canopy cover within 500 feet &lt;5%</td> <td style="text-align: right;"><b>5 points</b></td> </tr> <tr> <td>Total canopy cover within 500 feet 6-25%</td> <td style="text-align: right;"><b>4 points</b></td> </tr> <tr> <td>Total canopy cover within 500 feet 26-50%</td> <td style="text-align: right;"><b>3 points</b></td> </tr> <tr> <td>Total canopy cover within 500 feet 51-75%</td> <td style="text-align: right;"><b>2 points</b></td> </tr> <tr> <td>Total canopy cover within 500 feet 75-100%</td> <td style="text-align: right;"><b>1 points</b></td> </tr> </table> <p>This is a total canopy cover measurement that includes all trees over 20 feet in height, including native forests, landscape trees and green infrastructure trees. This may include fragmented and contiguous tree canopies.</p>	Total canopy cover within 500 feet <5%	<b>5 points</b>	Total canopy cover within 500 feet 6-25%	<b>4 points</b>	Total canopy cover within 500 feet 26-50%	<b>3 points</b>	Total canopy cover within 500 feet 51-75%	<b>2 points</b>	Total canopy cover within 500 feet 75-100%	<b>1 points</b>	
Total canopy cover within 500 feet <5%	<b>5 points</b>											
Total canopy cover within 500 feet 6-25%	<b>4 points</b>											
Total canopy cover within 500 feet 26-50%	<b>3 points</b>											
Total canopy cover within 500 feet 51-75%	<b>2 points</b>											
Total canopy cover within 500 feet 75-100%	<b>1 points</b>											

<b>L1.6</b>	<p><u>What is the estimated existing impervious surface cover nearby the tree stand?</u></p> <p>Count percentage of all ground occupied by roads, roofs, parking lots, asphalt and gravel driveways and other structures that impede soil infiltration within 500 feet, within or outside of the current parcel. Square footage of lawn is counted as 0.5 impervious cover.</p> <p>Impervious surfaces within 500 feet is &lt;5% <b>0 points</b></p> <p>Impervious surfaces within 500 feet is 6-25% <b>1 points</b></p> <p>Impervious surfaces within 500 feet is 26-50% <b>2 points</b></p> <p>Impervious surfaces within 500 feet is 50-75% <b>3 points</b></p> <p>Impervious surfaces within 500 feet is &gt;75+% <b>4 points</b></p>	
	<p style="text-align: right;"><b>Total landscape parameter points</b></p> <p style="text-align: center;"><b>7-9 points = High   4-7 points = Moderate   &lt;4 points = Poor</b></p>	<p style="text-align: center;">_____</p>
<b>C2.0</b>	<p><b>Composition &amp; structure. (21 possible points)</b></p>	<p><b>Point score</b></p>
<b>C2.1</b>	<p><u>How many tree species are represented in the stand?</u></p> <p>For this question, use all tree sizes, including tree regeneration.</p> <p>One tree species <b>1 point</b></p> <p>Two to three tree species <b>2 points</b></p> <p>Four or more tree species <b>3 points</b></p>	
<b>C2.2</b>	<p><u>Approximately how many total plant species, including trees, are represented in the stand?</u></p> <p>Do not include invasive plants in this total. All plant species represented in this abundance rating must total over 5 square feet of cover. There is no need for a list of species, only distinguish different plant species.</p> <p>&lt;5 species <b>0 point</b></p> <p>5-12 species <b>1 point</b></p> <p>13-19 species <b>2 points</b></p> <p>&gt;19 species <b>3 points</b></p>	
<b>C2.3</b>	<p><u>What is the approximate diameter size of the dominant species on site?</u></p> <p>&lt;12" DBH <b>0 point</b></p> <p>12-20" DBH <b>2 point</b></p> <p>21-28" DBH <b>3 point</b></p> <p>&gt;28" <b>4 points</b></p> <p>+ 4 point any one tree over 38" is on site. <b>+3 points</b></p>	

<p><b>C2.4</b></p>	<p><u>What is the approximate average trees per acre on the site?</u></p> <p>Calculate trees per acre by the average distance between dominant trees. Determine the average space between dominant trees to calculate trees per acre (TPA).</p> <p>&lt;50 TPA (30ft spacing between trees) <b>4 points</b></p> <p>51-150 TPA (30ft to 15ft spacing between trees) <b>2 points</b></p> <p>151-300 TPA (15ft to 10ft spacing between trees) <b>0 points</b></p> <p>300-500 TPA (10ft to 6ft spacing between trees) <b>-2 points</b></p> <p>500+ TPA (&lt;6ft spacing between trees) <b>-4 points</b></p>	
<p><b>C2.5</b></p>	<p><u>What is the approximate percentage of evergreen trees on site?</u></p> <p>No conifers on site <b>0 points</b></p> <p>Conifers &lt; 25% composition <b>1 point</b></p> <p>Conifers 25-50% composition <b>2 points</b></p> <p>Conifers 50-75% composition <b>3 points</b></p> <p>Conifers &gt;75% composition <b>4 points</b></p> <p>+2 points if conifer regeneration is identified <b>+2 points</b></p>	
<p><b>C2.6</b></p>	<p><u>Is there an abundance of noxious or invasive weeds?</u></p> <p>Noxious and invasive plants are found on Washington Invasive Species Council and Kitsap County Noxious Weed Board. All noxious and plants of concern should be included in this rating.</p> <p>0 species present <b>0 points</b></p> <p>1 species present <b>-1 point</b></p> <p>2 species present <b>-2 points</b></p> <p>3-4 species present <b>-3 points</b></p> <p>5+ species present <b>-4 points</b></p>	
<p><b>C2.7</b></p>	<p><u>What disease, pests or stressors are affecting the tree stand?</u></p> <p>Include occurrences of beetle expression, fungal fruiting bodies, drought stress, advanced chlorosis, root rot, etc.</p> <p>No aggravating conditions. <b>+3 points</b></p> <p>1-2 expressions of pest, pathogen, or disease <b>0 points</b></p> <p>3-4 expressions of pest, pathogen, or disease <b>-3 points</b></p> <p>4+ expressions of pest, pathogen, or disease <b>-5 points</b></p>	
<p style="text-align: center;"><b>Total forest composition and structure points</b></p> <p style="text-align: center;"><b>15-21 points = High   8-14 points = Moderate   &lt;0-7 points = Poor</b></p>		<p style="text-align: center;">_____</p>

H3.0	Habitat components. (20 possible points)	Point score
H3.1	<p><u>Species and stand age interspersion.</u></p> <p>Decide from the diagrams below whether interspersion between forest cohorts is none, low, moderate or high.</p> <p>None (Drawing) <b>0 point</b></p> <p>Low (Drawing) <b>1 point</b></p> <p>Moderate (Drawing) <b>2 points</b></p> <p>High (Drawing) <b>3 points</b></p> <p>+ 2 points if wildlife corridor, habitat conservation easement, or other protected land within or adjacent to forest. <b>+2 points</b></p>	
H3.2	<p><u>Are environmentally critical or shoreline habitats within the forest?</u></p> <p>No environmentally critical areas, shoreline or buffers is present <b>0 points</b></p> <p>One or more environmentally critical areas, shoreline or buffers is present <b>1 point</b></p> <p>+3 if environmentally critical areas, shoreline or buffers &gt;51% of parcel <b>3 points</b></p>	
H3.3	<p><u>Habitat features within the parcel:</u></p> <p>Select all that apply. If no occurrences, zero points are accumulated.</p> <p>Standing snags &gt;4 and &lt;12 inches DBH <b>+1 point</b></p> <p>Standing snags &gt;12 inches DBH <b>+2 points</b></p> <p>Downed woody debris &gt;4 inches diameter and 6 feet long. <b>+1 point</b></p> <p>Active raptor perches (stag-horned trees) <b>+2 points</b></p> <p>Active cavities, nests or dens <b>+2 points</b></p>	
H3.4	<p><u>Occurrence of known Washington Department of Fish &amp; Wildlife Priority Habitat and Species?</u></p> <p>0 occurrence <b>0 points</b></p> <p>1 occurrence <b>1 points</b></p> <p>2 occurrence <b>3 points</b></p> <p>3+ occurrence <b>4 points</b></p> <p>WA DFW priority habitats and species can be found at <a href="https://wdfw.wa.gov/mapping/phs/">https://wdfw.wa.gov/mapping/phs/</a></p>	
<p><b>Total habitat component points</b></p> <p><b>14 or greater points = High   8-13 points = Moderate   &lt;8 points = Poor</b></p>		<p>_____</p> <p>_____</p>
S4.0	Social components. (6 possible points)	Point score
S4.1	<p><u>Does this stand of trees contain trees of local importance?</u></p> <p>+3 points if yes <b>+3 points</b></p> <p>Trees of local importance are trees or stands of trees which have developed exceptional cultural, social, historical or aesthetic values for a variety of reasons, including but not limited to, age, historical status or event, history of establishment, exemplary representation of a species, rarity of the specimen, amplification of social, human health or economic benefits.</p>	

<p><b>S4.2</b></p>	<p><u>What is the majority land use within 500 feet of the tree stand? (From L1.2)?</u></p> <p>High impact land use includes commercial development, industrial development, institutional development, residential (more than one unit per acre) development, new agriculture (high-intensity such as dairies, nurseries, greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), and high-intensity recreation such as golf courses and ballfields. <b>3 points</b></p> <p>Moderate impact land use includes residential development (1 unit/acre or less), new agriculture (moderate-intensity such as orchard and hay fields), paved trails, and building of logging roads. <b>2 points</b></p> <p>Low impact land use includes low-intensity open space such as passive recreation, natural resources preservation, and unpaved trails. <b>1 point</b></p>	
	<p style="text-align: right;"><b>Total social component points</b></p> <p style="text-align: center;"><b>5 or greater points = High   3-4 points = Moderate   1-2 points = Poor</b></p>	<p>_____</p> <p>_____</p>

## Individual Tree Rating Form

T1.0	Tree health and structure. (18 possible points)	Point score														
	<p><u>What is the crown volume of the assessed tree?</u></p> <p>Measure the height of the uppermost living branch (ULB) and height of first living branch (FLB) to calculate live crown height (LCH). <math>ULB - FLB = LCH</math>. Measure canopy spread by approximating canopy length along a north-to-south line and an east-to-west line and multiplying these values together. Calculate the crown volume by multiplying the canopy spread and the live crown height together. Finally, approximate missing canopy and subtract that percentage from the measured canopy volume to arrive at an actual canopy volume.</p> <p>For example, a tree with 25% missing canopy and a 500 foot<sup>3</sup> measured volume canopy is reduced to 375 foot<sup>3</sup> of actual canopy volume. <math>500 \text{ foot}^3 \times 75\% = 375 \text{ foot}^3</math> total canopy volume.</p>	<p><b>Actual Canopy Volume:</b></p> <p>_____ ft<sup>2</sup></p>														
T1.1	<p><u>What is diameter of the assessed tree?</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"><b>&lt;8" DBH</b></td> <td style="text-align: right;"><b>0 points</b></td> </tr> <tr> <td><b>9-12" DBH</b></td> <td style="text-align: right;"><b>1 point</b></td> </tr> <tr> <td><b>12-16" DBH</b></td> <td style="text-align: right;"><b>2 points</b></td> </tr> <tr> <td><b>17-24" DBH</b></td> <td style="text-align: right;"><b>3 points</b></td> </tr> <tr> <td><b>25-32" DBH</b></td> <td style="text-align: right;"><b>4 points</b></td> </tr> <tr> <td><b>33-38" DBH</b></td> <td style="text-align: right;"><b>6 points</b></td> </tr> <tr> <td><b>38+ DBH</b></td> <td style="text-align: right;"><b>8 points</b></td> </tr> </table>	<b>&lt;8" DBH</b>	<b>0 points</b>	<b>9-12" DBH</b>	<b>1 point</b>	<b>12-16" DBH</b>	<b>2 points</b>	<b>17-24" DBH</b>	<b>3 points</b>	<b>25-32" DBH</b>	<b>4 points</b>	<b>33-38" DBH</b>	<b>6 points</b>	<b>38+ DBH</b>	<b>8 points</b>	
<b>&lt;8" DBH</b>	<b>0 points</b>															
<b>9-12" DBH</b>	<b>1 point</b>															
<b>12-16" DBH</b>	<b>2 points</b>															
<b>17-24" DBH</b>	<b>3 points</b>															
<b>25-32" DBH</b>	<b>4 points</b>															
<b>33-38" DBH</b>	<b>6 points</b>															
<b>38+ DBH</b>	<b>8 points</b>															
T1.2	<p><u>What disease, pests or stressors are affecting the tree?</u></p> <p>Include occurrences of beetle expression, fungal fruiting bodies, drought stress, advanced chlorosis, root rot, etc.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">No aggravating conditions</td> <td style="text-align: right;"><b>+2 points</b></td> </tr> <tr> <td>1-2 expressions of pest, pathogen, or disease</td> <td style="text-align: right;"><b>0 points</b></td> </tr> <tr> <td>3-4 expressions of pest, pathogen, or disease</td> <td style="text-align: right;"><b>-2 points</b></td> </tr> <tr> <td>4+ expressions of pest, pathogen, or disease</td> <td style="text-align: right;"><b>-4 points</b></td> </tr> </table>	No aggravating conditions	<b>+2 points</b>	1-2 expressions of pest, pathogen, or disease	<b>0 points</b>	3-4 expressions of pest, pathogen, or disease	<b>-2 points</b>	4+ expressions of pest, pathogen, or disease	<b>-4 points</b>							
No aggravating conditions	<b>+2 points</b>															
1-2 expressions of pest, pathogen, or disease	<b>0 points</b>															
3-4 expressions of pest, pathogen, or disease	<b>-2 points</b>															
4+ expressions of pest, pathogen, or disease	<b>-4 points</b>															
T1.3	<p><u>What is the tree's normal POTENTIAL life span given its current location and placement?</u></p> <p>This question aims to capture the trees potential life span given its current environmental conditions and placement.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Short life span</td> <td style="text-align: right;"><b>1 points</b></td> </tr> <tr> <td>Moderate life span</td> <td style="text-align: right;"><b>2 points</b></td> </tr> <tr> <td>Long life span</td> <td style="text-align: right;"><b>4 points</b></td> </tr> </table> <p>Review Durr's Manual of Woody Plants, Washington Native Plant Society, Sunset Western Garden manual, or United States Forest Service Silvics Manual.</p>	Short life span	<b>1 points</b>	Moderate life span	<b>2 points</b>	Long life span	<b>4 points</b>									
Short life span	<b>1 points</b>															
Moderate life span	<b>2 points</b>															
Long life span	<b>4 points</b>															

<b>T1.4</b>	<p><i>Is the tree's crown healthy, highly representative of its species or particularly aesthetic?</i></p> <p>Exceptional quality crown <b>+4 points</b></p> <p>Normal given its age and environment <b>0 points</b></p> <p>Poor quality crown <b>-4 points</b></p>	
	<p style="text-align: right;"><b>Total tree structure &amp; health points</b></p> <p style="text-align: center;"><b>10 or greater points = High   5-9 points = Moderate   &lt;5 points = Poor</b></p>	<p>_____</p> <p>_____</p>
<b>H2.0</b>	<p><b>Habitat components. (9 possible points)</b></p>	<p><b>Point score</b></p>
<b>H2.1</b>	<p><i>Does the tree support foraging and pollination?</i></p> <p>Select all that apply.</p> <p>Tree produces fruits, nuts or cones specifically use by foraging wildlife? <b>+1 points</b></p> <p>Do these fruits, nuts or cones persist through the winter? <b>+1 points</b></p> <p>Tree has atypical flowering period (Tree flowers outside of spring &amp; summer.) <b>+1 points</b></p>	
<b>H2.2</b>	<p><i>What habitat features does the tree have currently?</i></p> <p>Select all that apply.</p> <p>Cavities <b>+1 points</b></p> <p>Nests <b>+1 points</b></p> <p>Perching branches specifically used by wildlife <b>+1 points</b></p>	
<b>H2.3</b>	<p><i>Does this tree provide eagle, shorebird perching habitat and are trees with similar habitat function within 500 feet?</i></p> <p>No <b>0 points</b></p> <p>Yes, no similar trees within 500 feet <b>2 points</b></p> <p>Yes, similar trees within 500 feet <b>1 points</b></p>	
	<p style="text-align: right;"><b>Total habitat component points</b></p> <p style="text-align: center;"><b>6 or greater points = High   2-5 points = Moderate   0-2 points = Poor</b></p>	

S3.0	Social components. (3 possible points)	Point score
S3.1	<p><i>Does this tree have exceptional aesthetic value, or does it contribute exceptionally to a landscape?</i></p> <p>+ 1 points if yes <span style="float: right;"><b>+1 points</b></span></p>	
S3.2	<p><i>Is this a tree of local importance?</i></p> <p>+1 points if yes <span style="float: right;"><b>+2 points</b></span></p> <p>Trees of local importance are trees or stands of trees which have developed exceptional cultural, social, historical or aesthetic values for a variety of reasons, including but not limited to, age, historical status or event, history of establishment, exemplary representation of a species, rarity of the specimen, amplification of social, human health or economic benefits.</p>	
S3.4	<p><i>If the tree is over 30 inches in diameter, are there similar trees of the same size nearby?</i></p> <p>Make tree size estimations on visible tree canopy nearby. Use a radius of 500 feet from the assessed tree.</p> <p>Yes, it's likely trees (2+) 30-inch DBH trees are growing within 500 feet <span style="float: right;"><b>0 points</b></span></p> <p>No, it's unlikely trees (2+) 30-inch DBH are growing within 500 feet. <span style="float: right;"><b>1 points</b></span></p>	
	<p style="text-align: right;"><b>Total social component points</b></p> <p style="text-align: center;"><b>3 points = High   2 points = Moderate   0-1 points = Poor</b></p>	

## 18. APPENDIX H: SCIENTIFIC JOURNAL ARTICLES LITERATURE REVIEW

**Mincey, Sarah K.; Schmitt-Harsh, Mikeala; Thureau, Richard. Zoning, land use, and urban tree canopy cover: The importance of scale. *Urban Forestry & Urban Greening* 12 (2013) 191-199.**

- While most urban trees reside on private property, their canopies sustain ecosystems services that are considered public goods.
- Residential high-density zones are different than other types of zones but share more similarities to commercial zones in their canopy metrics.
- Fine-scale variation in land-use policies matters correlate to canopy cover policies.
- Use of zone-specific impervious cover regulations for the maintenance of canopy cover goals.
- Adapting canopy cover goals at a fine scale for policy effectiveness.

**Hill, Elizabeth; Dorfman, Jeffrey H.; Kramer, Elizabeth. 2010. Evaluating the impact of government land use policies on tree canopy coverage. *Land Use Policy*. 27 (2010) 407-414.**

- Tree canopy can be preserved in an economically and environmentally sound way with effective tree ordinance clauses, zoning ordinances, and enacting quality smart growth projects.
- However, it was determined that only having a tree ordinance, designating a management person in charge of tree programs, the existence of a tree board, and multiple communication channels were ineffective ways to increase canopy coverage.
- It is within effective policies that tree canopy cover can be preserved.

**Zhu., Pengyu; Zhang, Yaoqi. Demand for urban forests in United States cities. *Landscape and Urban Planning*. 84 (2008) 29-300.**

- Planning codes often reference zoning codes with site requirements.
- Cross references in code result in the public and private forests being highly integrated and they often impact each other.

**Landry, Shawn; Pu, Ruiliang. The impact of land development regulation on residential tree cover: An empirical evaluation using high-resolution IKONOS imagery. *Landscape and Urban Planning* 94 (2010) 94 -104.**

- An empirical evaluation of land development and tree cover elucidated that after the adoption of tree protection standards, greater tree cover existed on parcels with homes built after the adoption even with increased building coverage.

**Galenieks, Andrejs. Importance of urban street tree policies: A comparison of neighboring Southern California cities. *Urban Forestry & Urban Greening* 22 (2017) 105-110.**

- Urban forestry requires forethought, development, and commitment, the same as other municipal activities if policies are to be successful.
- Collection of data prior to planned tree planting, care and removal should be included in policies.
- A city must be proactive in its policy strategies toward tree planting and maintenance.

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**Hauer, Richard J.; Vogt, Jessica M.; Fischer, Burnell C. The costs of maintaining and not maintaining the urban forest: a review of the urban forestry and arboriculture literature. *Arboriculture and Urban Forestry*. 41 (2015) 6, 293-323.**

- Urban trees supply their maximum benefit during their mature phase.

**Kim, Jinki; Zhou, Xiaolu. Landscape structure, zoning ordinance, and topography in hillside residential neighborhoods: A case study of Morgantown, WV. *Landscape and Urban Planning* 108 (2012) 28-38.**

- Zoning requirements like high density housing with smaller minimum lot size and lot frontage result in more vegetation abundance but also result in increased fragmentation than the larger lots sizes and frontage.

**Sung, Chan Yong. Evaluating the efficacy of a local tree protection policy using LiDAR remote sensing data. *Landscape and Urban Planning* 104 (2012) 19– 25.**

- Tree removal permit regulation conserved trees on private lands.
- This study also examined mean canopy height and percent canopy cover. Mean canopy height was determined to be an important factor, especially in terms of assessing existing mature trees. This is not able to be determined using percent canopy cover alone.
- This study recommends the use of LiDAR to monitor urban forests.

**Guo, Tingdong; Morgenroth, Justin; Conway, Tenley. Redeveloping the urban forest: The effect of redevelopment and property-scale variables on tree removal and retention. *Urban Forestry & Urban Greening* 35 (2018) 192-201.**

- At the property scale, redevelopment on residential properties influenced tree removal rates.
- Therefore, even on properties where development is not new, tree protection should be a consideration.

**Payton, Seth; Lindsey, Greg; Wilson, Jeff; Ottensmann, John R.; Man, Joyce. Valuing the benefits of the urban forest: a spatial hedonic approach. *Journal of Environmental Planning and Management* 51 (2008) 6:717-736.**

- Housing prices are influenced by the urban forest.
- Greener vegetation around a property has a significant positive effect on housing prices and this effect continues at the neighborhood level.
- It is therefore in the interest of the community-at-large to maintain its urban forest.

**Robinson, D.T.; Brown, D.G. Evaluating the effects of land-use development policies on ex-urban forest cover: An integrated agent-based GIS approach. *International Journal of Geographical Information Science*. 23 (2009) 9:1211-1232.**

- Large lot-size zoning leads to greater sprawl but can also lead to increased forest cover.

- 
- However, this effect is small in comparison to the effect of municipal land acquisition for forest conservation, which is influenced by location strategy more than independent zoning policies or the quantity of area acquired for forest conservation or a combination of the two.

**Song, Xiao Ping; Tan, Puay Yok; Edwards, Peter; Richards, Daniel. The economics benefits of urban forest stewardship: A systematic review. *Urban Forestry & Urban Greening*. 29 (2018) 162-170.**

- The importance of urban governance cannot be disregarded as policy and governance continue to gain support for urban tree growth.

**Tsegaye, Seneshaw; Singleton, Thomas L.; Koeser, Ander K.; Lamb, David S.; Landry, Shawn M.; Lu, Shen; Barber, Joshua B.; Hilbert, Deborah R.; Hamilton, Keir O.; Northrop, Robert J.; Ghebremichael, Kebreab. Transitioning from gray to green (G2G)- A green infrastructure planning tool for the urban forest. *Urban Forestry & Urban Greening*. 2018: Article in Press.**

- Green infrastructure like urban forests and utilization of natural drainage pathways along with best management practices can reduce runoff and increase stormwater infiltration.
- Thereby, stormwater is retained in areas that support vegetation in the urban environment. This vegetation then assists in buffering future runoff events while supplying the community with numerous societal, environmental, and economic benefits.

#### **Guidelines for Developing and Evaluation Tree Ordinances<sup>6</sup>**

- For a tree ordinance to be effective, it must at least have basic performance standards, flexibility, enforcement, a comprehensive management strategy and community support.
- A tree ordinance should be clear about the specific standards and practices that are permissible and those that are not.
- Performance standards should not be vague as this leads to an unenforceable ordinance.
- Flexibility in tree ordinances allows for site-specific factors to come into play. Cities with a community arborist or forester or communities requiring permits with a report written by a qualified consultant can assess these site-specific factors. An appeal process may also be used, however is more likely to be abused and used to override decisions of a City's or other competent specialist.
- Enforcement means that ordinances are enacted in practice. However, when no one is charged with the duty specifically, the job of enforcing tree ordinances is often overlooked.
- "The lack of integration between urban forest management and tree ordinances is probably the most prevalent and serious problem with tree ordinances overall."
- Many communities copy ordinances from each other when there is no cookie-cutter solution for a community.
- While an ordinance may be technically correct, it must have public support to be successful.

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<sup>6</sup> Swiecki, T.J., and Bernhardt, E.A. 2001. Guidelines for Developing and Evaluating Tree Ordinances. Page 9. (Online PDF)

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## 19. APPENDIX I: METADATA CANOPY METHODS

### Data Sources

All data used in this project was projected into the NAD 1983 2011 StatePlane Washington North FIPS 4601 Ft US\_1 coordinate system before being used in geospatial analyses.

- Bainbridge Island Land Classification
  - BI\_LandCover\_2015
  - Data provided by City of Bainbridge that was part of the White Paper “Monitoring Ecological Functions with Remote Sensing at Bainbridge Island: Draft Final Report”
    - Prepared for: WA Department of Fish and Wildlife and Washington Department of Ecology
    - Prepared by: Jeffrey J Richardson, University of Washington
    - Prepared as part of the project: Monitoring Ecological Function with Remote Sensing at Bainbridge Island
- Bainbridge Island Parcels
  - Parcels\_November\_2018
  - Sourced from Gretchen Brown, City of Bainbridge Island GIS Specialist
- Bainbridge Island Zoning
  - Offical\_zoning\_polygons\_nov18\_2016 layer
  - Sourced from hosted layer by cobius1 on ArcGIS Portal

# City of Bainbridge Island

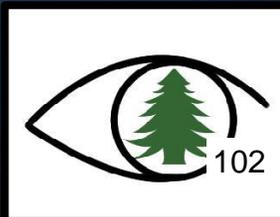
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## Tree Resource Code & Policy Recommendations



**PENINSULA ENVIRONMENTAL GROUP, INC.**  
Community Specific — Resource Specific Planning

**Katy Bigelow, Arborist, LLC**





# Consultant Team:

John Bornsworth, Urban & Community Forester

- Board Certified Master Arborist® #PN-7955BM
- Municipal Specialist Arborist® #PN-7955BM
- Tree Risk Assessment Qualified
- Advisory Panel, Washington Community Forestry Council

Katy Bigelow, Consulting Arborist

- Board Certified Master Arborist® #PN-6039B
- Registered Consulting Arborist® #490
- Tree Risk Assessment Qualified

Justin Vendettuoli, GIS Analyst & Biologist

- Wetland Professional In-Training®

# Project Workflow

A

- Current COBI municipal code & policy review

B

- Tree protection literature review

C

- Review of comparable cities tree protection codes & policies

D

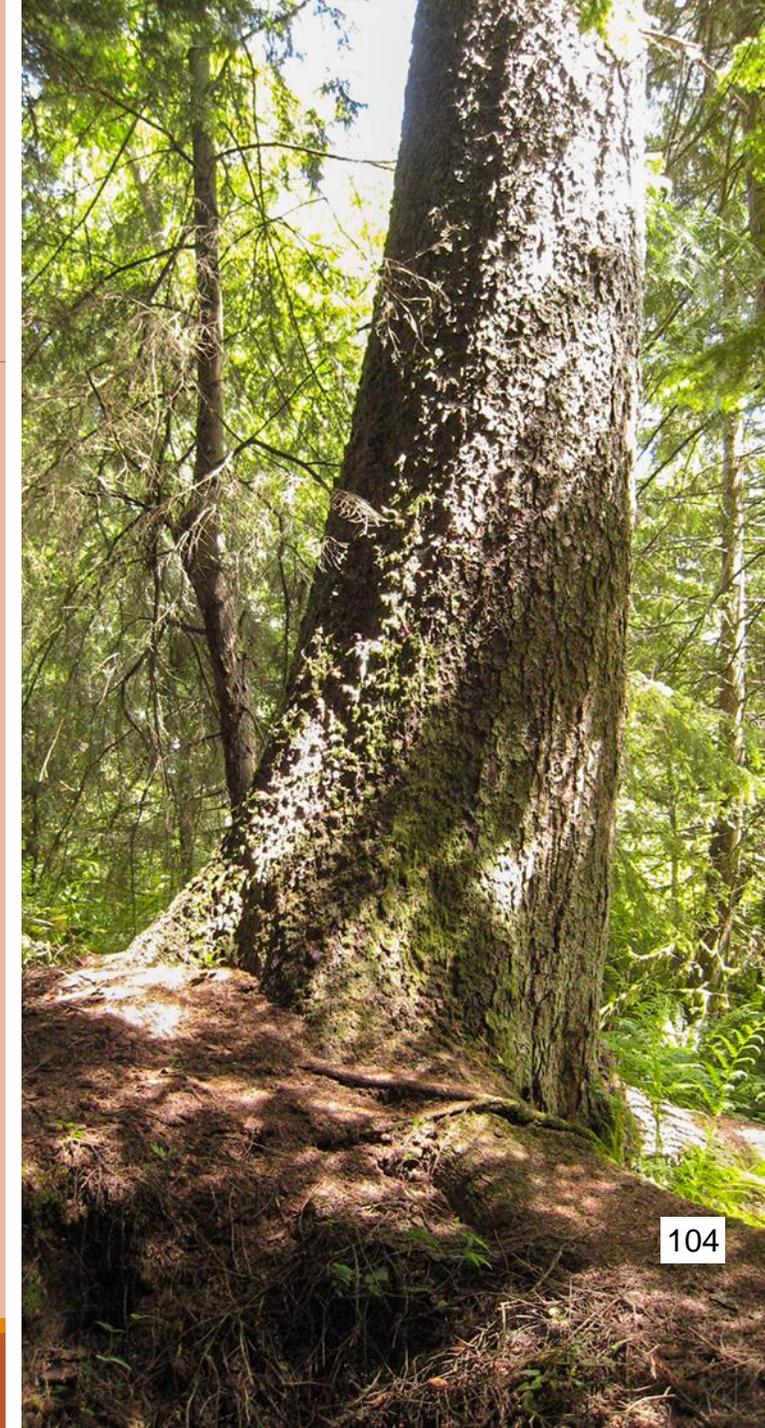
- Tree canopy assessment analysis and CFMP update

E

- COBI Community Forestry Management Plan review

F

- COBI tree protection policy & code synthesis and writing





# Principles of Effective Tree Policy and Municipal Code

Accessible, enforceable, and executable urban forest planning secures and amplifies the benefits received from a community forest.

Policies governing urban & community forest should act correspondingly with policies of other natural resources.

The function by which urban & community forests provide communities with tree resources is complex, as such, their quantification, valuation and interpretation must be thoroughly defined in policy.

Trees provide benefits in a non-linear fashion and in site-specific ways; each tree has their own level of functional capacity.

Clear, defined, and navigable policy language is critical for application and enforceability.

# Major Revisions

---

## 1. Site-specific tree resource loss can be temporary or permanent.

- Minor Tree Permits are used when trees removed from a parcel can be replanted to restore lost canopy cover (on-site mitigation).
- Major Tree Permits are used when trees removed from a parcel cannot be replanted within that parcel (alternative mitigation).

## 2. Parcel level canopy cover goals where achievable.

- For use outside of developments where canopy cover goals are achieved through the retention of open space, buffers, etc.
- The 2006 COBI Community Forestry Management Plan outlined specific tree canopy cover goals across Bainbridge Island zoning designations.
- Tree removal which reduces canopy past canopy cover goals requires mitigation.

# Major Revisions

---

## 3. Create COBI Community Forestry Department (CFD)

- Hire staff municipal arborist.
- Allow alternative mitigation methods to fund CFD tree resource enhancement & management.
- Focus CFD funds towards forest stewardship, municipal park acquisition, etc.

## 4. Tree Resource Functional Assessment (TRFA)

- Measure the function of individual trees and forest ecosystems to mitigate for their permanent loss during land activities.
- Natural resource rating system to qualify trees and a tree canopy as Landmark, Exceptional, Typical and Poor.
- Mitigation and valuation of tree resources based on TRFA rating.

# Major Revisions

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## 5. Remove “after-the-fact” permits & introduce “Dead & Emergency Tree Checklist”.

- After-the-fact permits are inefficient and unenforceable.
- The Dead and Emergency Tree Checklist is a simple homeowner/contractor oriented decision making tool to remove visibly dead trees and remove trees in an emergency.

## 6. Mitigation Plans (MP) & Forest Stewardship Plans (FSP)

- MP written by resource professionals that outline how tree resource function will be mitigated for, aligned with other natural resource policy.
- FSP written by resource professionals that result in no-net-loss of tree resource function to enable sustainable forest stewardship practices.

# Closing

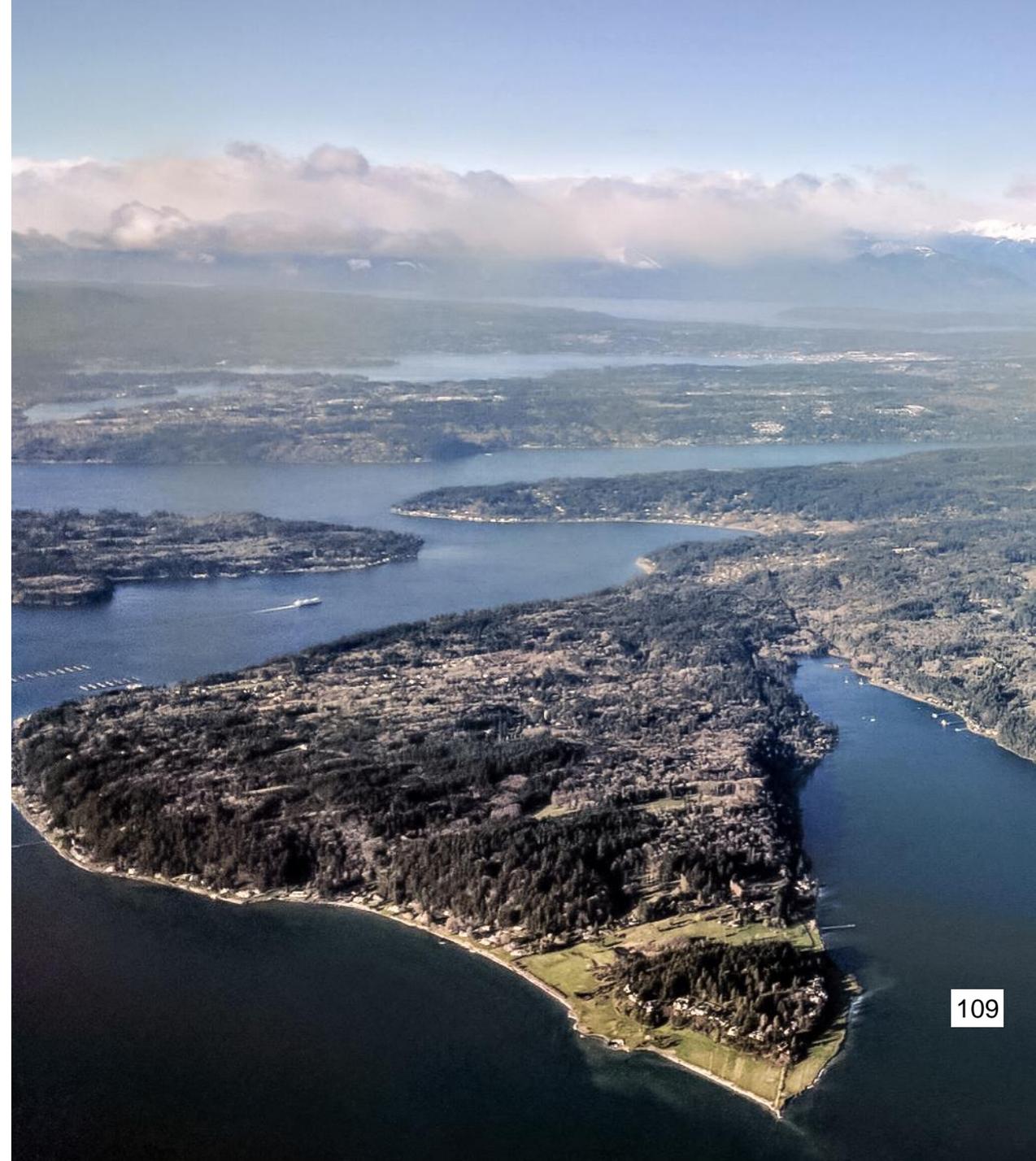
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**Bainbridge Island is a unique community.**

**Bainbridge Island** requires dynamic and visionary policy to protect its natural resources.

**Urban trees and community forests** are another essential natural resource that require similar management.

**Urban trees and community forests** are integral to the community, its character, its history, its vibrancy and its economy.



Thank you!

Questions?





CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** May 7, 2019

**ESTIMATED TIME:** 45 Minutes

**AGENDA ITEM:** (7:10 PM) Ordinance No. 2019-04, Updating the City's Sign Code - Planning,

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**PRIORITY BASED BUDGETING PROGRAM:**

**AGENDA CATEGORY:** Ordinance

**PROPOSED BY:** Planning & Community Development

**RECOMMENDED MOTION:**

Discuss proposed Ordinance No. 2019-04.

**SUMMARY:**

Ordinance No. 2019-04 proposes to update the City's sign code in response to the U.S. Supreme Court's decision in Reed v. Town of Gilbert. On March 12, 2019, the Council first considered Ordinance No. 2019-04 and requested that, to the extent possible, staff incorporate the City's current sandwich board sign regulations into Ordinance No. 2019-04 for the Council to consider at a future study session. Ordinance No. 2019-04 has been updated as requested and is ready for further Council discussion.

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

Staff briefed the City Council on issues related to the City's sign code on September 18, 2018, and again on November 27, 2018. In response, the Council provided the following direction to staff: (1) Review the City's existing sign code for consistency with U.S. Supreme Court ruling in Reed v. Town of Gilbert; (2) Draft changes to the City's existing sign code for consistency with the ruling in Reed v. Town of Gilbert, but keep existing policy to the extent possible; and (3) Present Reed-compliant sign code for Council review and sandwich board discussion.

On March 12, 2019, the Council first considered proposed Ordinance No. 2019-04 and requested that, to the extent possible, staff incorporate the City's current sandwich board sign regulations into Ordinance No. 2019-04 for the Council to consider at a future study session.

Attached is a staff memo summarizing the major changes to the sign code. In addition, attached is a redlined version of the sign code showing the proposed changes. In addition, also attached are suggested discussion points for the Council to consider. These discussion points include the consideration of a suggested public process going forward.

**ATTACHMENTS:**

[PCD Staff Memo](#)

[City Council Sign Code Discussion Points Handout - May 7, 2019 Study Session](#)

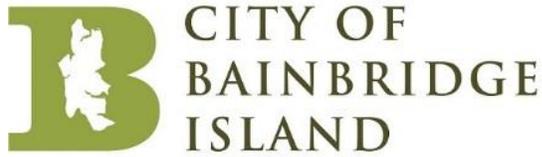
[Ordinance No. 2019-04, Updating the City's Sign Code - DRAFT](#)

[Exhibit A - Updated Chapter 15.08 BIMC - Redline](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: May 3, 2019  
To: City Council  
From: Aaron Pool, Code Compliance Officer  
Subject: Sign Code Update

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City staff has reviewed the City’s sign code as a 2019 first quarter priority. The first review of the code was directed toward consistency with United States and Washington State Supreme Court rulings. The following is a brief overview of required sign code changes and the process for adoption of an updated sign code.

**I. Council Direction to Staff:**

Staff briefed the City Council on issues related to the City’s sign code on September 18, 2018, and again on November 27, 2018. In response, the Council provided the following direction to staff:

1. Review existing sign code for consistency with U.S. Supreme Court ruling in *Reed v. Town of Gilbert*.
2. Draft changes to existing sign code for consistency with ruling in *Reed v. Town of Gilbert*, but keep existing policy to the extent possible.
3. Present *Reed* compliant sign code for Council review and sandwich board discussion.

On March 12, 2019, the Council first considered Ordinance No. 2019-04, which proposed to update the City’s sign code in accordance with the direction provided by the Council. The Council directed staff to amend Ordinance No. 2019-04 to include, to the extent possible, the City’s current sandwich board sign regulations and to bring the revised Ordinance No. 2019-04 back to the Council at a future study session for further consideration.

**II. Brief Overview of *Reed v. Town of Gilbert*:**

Please refer to the attached article for background on the U.S. Supreme Court’s ruling in *Reed v. Town of Gilbert*. This ruling affects the City’s sign code in several ways.

The overall take away from the *Reed* case is that a sign code cannot regulate noncommercial signs based on the message conveyed on the sign (e.g., political signs, ideological signs, event signs, etc).

### **III. Summary of the City’s Current Sandwich Board Regulations:**

Regarding sandwich board signs, the City’s current sign code allows the following:

1. Temporary off-site noncommercial sandwich board signs without a sign permit;
2. Temporary off-site commercial sandwich board signs, with a sign permit, displayed for a maximum of 36 days in a 12-month period; and
3. One on-site commercial sandwich board sign per business with a sign permit.

### **IV. Summary of Proposed Major Changes to the City’s Sign Code**

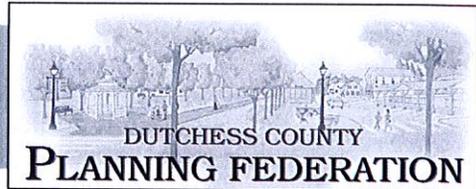
The City’s sign code reflects the unique character of Bainbridge Island. While updating the sign code, the Council directed staff to create a legally defensible ordinance while maintaining this unique character. The Association of Washington Cities Risk Management Services Agency (AWC RMSA) produced a model sign code designed to follow the *Reed* case and other Washington State specific law. Required changes to the City’s sign code have been drafted to include portions of the AWC RMSA model code while keeping the character of the City’s current sign code intact where possible.

As currently proposed, Ordinance No. 2019-04 would modify the City’s current sign code to provide consistency with the *Reed* decision. Proposed major changes to the City’s sign code are summarized below.

1. Political Signs
  - Under *Reed*, sign codes generally must regulate political speech the same as other forms of noncommercial speech. Changes to the current sign code are required to regulate political signs the same as other noncommercial temporary signage.
2. Temporary Signs
  - A new category of “temporary signs” is proposed to encompass “political signs” as well as other noncommercial signs that are intended to be temporary. No permit is required for such signs. Additional restrictions are established for temporary signs based on where they are erected (e.g., on City property or within City right-of-way, residential zones, or nonresidential zones, etc.)
3. Sandwich Board Signs
  - Temporary off-site noncommercial sandwich board signs are proposed to be replaced by the new “temporary sign” category. Current regulations regarding commercial sandwich board signs, both permanent and temporary, remain the same.
4. Enforcement and Penalties
  - Updated sign code is proposed to be enforced, and penalties assessed, as provided for in Chapter 1.26 BIMC, the City’s general code enforcement procedure.

5. Banners and Bannerets

- The current sign code allows for certain civic organizations to be exempt from permitting for certain banners and bannerets. This exemption needs to be changed to create an equal permitting process for banners and bannerets for all organizations and individuals.



March/April 2016

## Supreme Court Case Requires Rewrite of Municipal Sign Laws

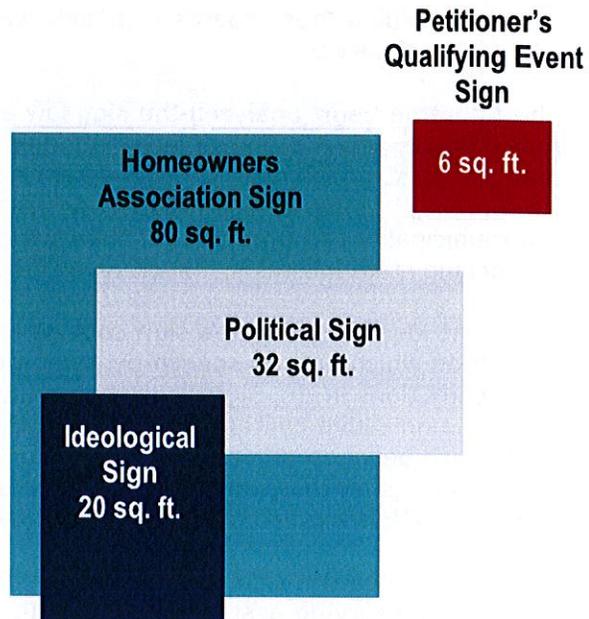
Guest Author: Victoria L. Polidoro, Esq., Partner, Rodenhausen Chale LLP

On June 18, 2015, the Supreme Court decided the case of Reed v. Town of Gilbert, Arizona<sup>1</sup>, which invalidated the Town of Gilbert’s (Gilbert) sign law as an unconstitutional restriction on speech. As a result, municipal sign laws throughout the country should be reevaluated to determine whether they pass constitutional muster. The following provides an explanation of the Reed case and guidance on the regulation of signs post-Reed.

### Town of Gilbert’s Sign Code

Like many municipalities, Gilbert, Arizona adopted a sign code which identified various categories of signs based on the type of information they conveyed. Each category of signs was subjected to different regulations. Categories included “temporary directional signs relating to a qualifying event”, “ideological signs”, “construction signs”, “directional signs”, “garage sale signs”, “political signs” and “bazaar signs”, among others.

Gilbert’s sign code generally required a permit for outdoor signs with 23 different categories of signs exempted from the permit requirement. The Supreme Court considered three of the exemptions in some detail before ultimately deciding that the sign law constituted a content-based restriction on speech: ideological signs, political signs and temporary directional signs. Under Gilbert’s sign code, these three sign types were treated differently with regard to size, location, and timeframe, as follows:



Graphic depiction showing some of the different allowances for non-commercial signs in the Town of Gilbert’s sign regulations. (Photo credit: The Becket Fund for Religious Liberty)

Sign Type:	Ideological	Political		Temporary Directional
Allowed Square Footage:	20 square feet	16 square feet	32 square feet	6 square feet
Allowed Location:	All zoning districts	Residential property	Non-residential or undeveloped municipal property	No more than 4 signs per property
Allowed Timeframe:	No time limit	60 days prior to primary election to 15 days following general election		12 hours prior to 1 hour after the qualifying event

## Reed v. Town of Gilbert

The petitioner in the case is Clyde Reed, the Pastor of Good News Community Church. The Church is described by the Court as a "small cash-strapped entity that owns no building," causing it to hold services at available locations throughout the Town. The Church began placing 15-20 temporary signs around the Town advising the public of the time and place of its services. Signs would be posted on Saturday and removed on Sunday. The Town cited the Church for exceeding the durational limit on temporary directional signs and for failing to include the date of the event on the signs.



*The temporary signs placed around Gilbert by the Good News Community Church. (Photo credit: www.legalbroadcastnetwork.com)*

The Church filed a complaint in Federal Court, claiming that its first amendment right to freedom of speech was being violated by Gilbert's sign code. The District Court and the Court of Appeals ruled in favor of Gilbert. The Supreme Court overturned the decision, holding that Gilbert's sign code was an unconstitutional content-based regulation of speech.

The Supreme Court analyzed the sign law and whether it violated the First Amendment, which prohibits laws "abridging the freedom of speech." A municipality may not "restrict expression because of its message, its ideas, its subject matter, or its content."<sup>2</sup> Content-based restrictions are "presumptively unconstitutional" unless the municipality can provide that the restrictions are "narrowly tailored to serve compelling state interests,"<sup>3</sup> such as traffic safety or aesthetics.

The court identified Gilbert's sign code as a subtle form of content-based speech regulation which defines speech by its purpose or function. The Court reasoned that the "restrictions in the Sign Code that apply to any given sign . . . depend entirely on the communicative content of the sign."<sup>4</sup> Even though Gilbert's sign code did not distinguish between different viewpoints on the sign or express disagreement with any messages on the signs, **the act of regulating a sign by its function rendered the regulation a content-based regulation.**

Gilbert defended the sign code by arguing that the code served two compelling interests: preserving aesthetics and traffic safety. The Court found that the regulations were "underinclusive" and therefore ineffective. For example, "The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem."<sup>5</sup> With respect to aesthetics, the Court did not find the regulation to be narrowly tailored because it allowed an unlimited number of ideological signs while placing significant limits on directional signs.

With respect to traffic safety, the Court was not persuaded that limiting threats to safety from directional signs, but not from ideological or political signs, was a narrowly tailored approach, given the Court's opinion that "a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting."<sup>6</sup>



An example similar to one provided in the Reed brief showing temporary political signs in comparison to the temporary church event sign. (Photo credit: www.westerncity.com)

## The Outcome

The outcome of the Reed case is that any municipal sign law which regulates signs based on their function – ie, political, garage sale, non-profit – will be subject to the “strict scrutiny” test and will be presumed unconstitutional unless the municipality can prove that the regulations further a compelling government interest and are narrowly tailored to serve that interest. The Supreme Court’s decision involved only non-commercial signs. It is unclear whether a future case will apply the same test to commercial signage.

Unfortunately, the Court’s opinion means that common exemptions in sign codes for historical markers, home occupations, hidden driveways and no trespassing signs would probably fail under a strict reading of the decision. Communities may act to “repeal the exemptions that allow for helpful signs on streets, or else lift their sign restrictions altogether and resign themselves to the resulting clutter”<sup>7</sup>. Neither option is desirable.

After dealing a huge blow to sign codes throughout the Country, the Court did offer guidance on regulations that are not content-based. The following is a non-exclusive list of sign regulations that are not content-based and therefore presumed constitutional, along with examples of such regulations adopted by Dutchess County communities.

1. **Size of Signs:** The Town of Pleasant Valley regulates the size of permanent signs based on the location and make of the sign. The permitted size of a wall sign is based on the size of the establishment’s principal façade, while a monument sign can be no larger than 16 square feet on each side and no taller than six feet.<sup>8</sup>
2. **Lighting of Signs:** The Village of Fishkill has adopted different sign regulations for different zoning districts within the Village. Internally illuminated signs are permitted along Route 9 and I-84 but prohibited within the historic main street area.<sup>9</sup>
3. **Electronic Message Display Signs:** The Town of Poughkeepsie prohibits electronic message display signs (EMDs) in all residential districts, hamlet districts and in certain commercial districts. Where such signs are permitted, the Town regulates the distance

between EMDs, the location of EMDs, and requires a message to be displayed for no less than 12 hours without change.<sup>10</sup>

4. **Placement of Signs:** The Town of Red Hook prohibits signs in the public right of way.<sup>11</sup>
5. **On-Premises and Off-Premises Signs:** The Town of LaGrange prohibits billboards in all district. A Billboard is defined as “an off-premises sign that is leased or rented for profit.”<sup>12</sup>
6. **Total Number of Signs Permitted:** The Town of Hyde Park regulates signs on establishments within a shopping center. Each establishment may have a sign no more than one square foot for each lineal foot that the establishment occupies, up to 100 square feet.<sup>13</sup>
7. **Building Materials and Moving Parts:** The Town of Dover Zoning Law prohibits signs from containing or consisting “of any moving, rotating, or revolving device.”<sup>14</sup>
8. **Permanent versus Temporary Signage:** The Town of Poughkeepsie permits one a-frame or sidewalk sign per business, provided it does not obstruct the sidewalk or an egress door and further provided it is made of durable, weather resistant materials.<sup>15</sup>
9. **Time Restrictions:** Rules imposing time restrictions on signs advertising a one-time event or allowing signs leading up to an election or other event, so long as signs of any topic whatsoever are permitted.

### Next Steps to Consider

This ruling by the Supreme Court has the potential to fundamentally change the way municipalities regulate non-commercial signs, which in turn could have a dramatic effect on our community aesthetics. Local municipalities should be prepared to adjust their sign codes accordingly. To that end, if your community has not already begun reviewing its sign law, proactive steps should be taken to convene a sign committee and review the local sign law prior to an expensive and costly legal challenge. Community officials should also review enforcement priorities with their municipal attorney and discuss whether provisions which would not satisfy the strict scrutiny test should continue to be enforced by the municipality.

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<sup>1</sup> 138 S. Ct. 2218 (2015).

<sup>2</sup> Id. at 2226, citing *Police Department of Chicago v. Mosley*, 408 US 92 (1972).

<sup>3</sup> Id., citing *R.A.V. v. St. Paul*, 505 US 377 (1992).

<sup>4</sup> Id. at 2227.

<sup>5</sup> Id. at 2221 (syllabus).

<sup>6</sup> Id. at 2232.

<sup>7</sup> Id. at 2237.

<sup>8</sup> Town of Pleasant Valley Zoning Law § 98-46I(1)(a).

<sup>9</sup> Village of Fishkill Zoning Law § 171-49C.

<sup>10</sup> Town of Poughkeepsie Zoning Law § 210-123.1.

<sup>11</sup> Town of Red Hook Zoning Law § 143-27B(3).

<sup>12</sup> Town of LaGrange Zoning Law § 240-43B &D(1)(b).

<sup>13</sup> Town of Hyde Park Zoning Law § 108-24.2C(2)(b).

<sup>14</sup> Town of Dover Zoning Law § 145-39E(4).

<sup>15</sup> Town of Poughkeepsie Zoning Law § 210-123.2.

## More Information

[Reed v. Gilbert Supreme Court Opinion](#)

[Municipal Control of Signs](#) (updated), NYS DOS

[Opinion Analysis: The message determines the right](#), SCOTUSblog

[Court's Free-Speech Expansion Has Far-Reaching Consequences](#), NYTimes

[Supreme Court reaffirms broad prohibition on content-based speech restrictions, in today's Reed v. Town of Gilbert decision](#), The Washington Post

[Click here to view past issues of Plan On It.](#)

This newsletter was developed by the Dutchess County Department of Planning and Development, in conjunction with the Dutchess County Planning Federation.

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**Sign Code Discussion Points**  
May 7, 2019 Study Session

If adopted, Ordinance No. 2019-04 would update the City’s sign code in accordance with the *Reed* decision. Council direction is needed on how to address sandwich board signs, the non-sandwich board provisions of Ordinance No. 2019-04, as well as the public process going forward.

**Background:**

The following types of sandwich board signs are allowed under the City’s current sign code:

1. One on-site commercial sandwich board sign per business with a sign permit.
2. Temporary off-site commercial sandwich board signs, with a sign permit, displayed for a maximum of 36 days in a 12-month period; and
3. Temporary off-site noncommercial sandwich board signs without a sign permit;

If adopted, Ordinance No. 2019-04 would allow the following types of sandwich board signs:

1. One on-site commercial sandwich board sign per business with a sign permit.
2. Temporary off-site commercial sandwich board signs, with a sign permit, displayed for a maximum of 36 days in a 12-month period; and

(Ordinance No. 2019-04 proposes to replace “temporary off-site noncommercial sandwich board signs” with the new “temporary sign” category necessitated by the *Reed* decision)

**Discussion Point 1:**

Should one on-site commercial sandwich board sign be allowed per business?

*Potential Considerations:*

- Necessity in light of other onsite signs.
- Businesses located on main thoroughfares vs those that are not.

**Discussion Point 2:**

Should some number of temporary off-site commercial sandwich board signs be allowed to be displayed for a maximum of 36 days in a 12-month period?

*Potential Considerations:*

- Difficulty of enforcing time period.
- On-Island vs off-Island businesses.
- Allowable number of temporary off-site commercial sandwich board signs per business.
- Areas of the City where such signs may be placed.
- Permanent vs. temporary off-site commercial sandwich board signs.

**Discussion Point 3:**

Any concerns with the non-sandwich board provisions of Ordinance No. 2019-04?

**Discussion Point 4:**

Concerns or recommendations related to the suggested public process going forward.

*Suggested Public Process:*

- May 14, 2019 Business Meeting → Set Public Hearing on Ordinance No. 2019-04
- May 28, 2019 Business Meeting → Hold Public Hearing on Ordinance No. 2019-04
- June 11, 2019 Business Meeting → Consider Adoption of Ordinance No. 2019-04

*Opportunities for Public Involvement:*

- Public Hearing on May 28, 2019.
- Public Comment on May 14, 2019 and June 11, 2019.

**ORDINANCE NO. 2019-04**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, relating to the regulation of signs erected within the City and repealing and replacing Chapter 15.08 of the Bainbridge Island Municipal Code.

**WHEREAS**, \_\_\_\_\_; and

**WHEREAS**, \_\_\_\_\_.

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

**Section 1.** Chapter 15.08 of the Bainbridge Island Municipal Code is hereby repealed in its entirety.

**Section 2.** A new Chapter 15.08 of the Bainbridge Island Municipal Code is hereby adopted, to read as shown on Exhibit A.

**Section 3.** This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED BY THE MAYOR this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

\_\_\_\_\_  
Christine Brown, City Clerk

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NUMBER: 2019-04

**EXHIBIT A**  
**Chapter 15.08**  
**SIGN CODE**

Sections:

- 15.08.010 Purpose.
- 15.08.020 Definitions.
- 15.08.030 Permits Required
- 15.08.040 Permit Fees
- 15.08.050 Signs not requiring a permit.
- 15.08.060 Prohibited signs.
- 15.08.070 Nonconforming signs.
- 15.08.080 Measurement of sign area.
- 15.08.090 Height of sign.
- 15.08.100 General regulations.
- 15.08.110 Commercial use signs.
- 15.08.115 Temporary off-site commercial sandwich board signs.
- 15.08.120 Institutional or public use signs.
- 15.08.130 Residential use signs.
- 15.08.140 Temporary Signs
- 15.08.150 Sign variance.
- 15.08.160 Enforcement and penalties.

**15.08.010 Purpose.**

The purpose of this chapter is as follows:

- A. To promote and protect the public welfare, health, and safety.
- B. To encourage the installation of signs which harmonize with building design, natural settings and other geographical characteristics of the locations in which they are erected.
- C. To create a more attractive economic and business climate.
- D. To reduce distractions and obstructions from signs which would adversely affect traffic safety and reduce hazards that may be caused by signs overhanging or projecting over or within public rights-of-way.

**15.08.020 Definitions.**

- A. "Awning or marquee sign" means a sign attached to a face or shelter, which face or shelter extends (12 inches or more) in a direction perpendicular to the wall of the building and may be supported by posts or the exterior wall of the building or any combination thereof.
- B. "Banneret" means a small banner that is hung vertically from a freestanding support, i.e., curbside bannerets on light standards and bannerets in public squares.
- C. "Banner" means a sign of flexible material designed to be displayed between two supports or against another surface.
- D. "Changeable copy" means changes to the face or copy of changeable copy signs, digital signs, electronic messaging signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.
- E. "Culturally, historically, or architecturally significant sign" means a sign with unique local characteristics that may not fit other defined categories.
- F. "Director" means the City's Director of Planning and Community Development.

G. "Erect" means to build, construct, raise, assemble, create, alter, display, relocate, attach, hang, place, suspend, affix, paint, draw, engrave, carve, cast, or in any other way bring into being or establish, other than to replace changeable copy and other than in the course of normal sign maintenance as described in this chapter.

H. "Facade sign" means any sign which is erected (including painted) on the wall of a building or other structure, whose face is generally parallel to that wall or other structure and whose face does not extend outward more than 12 inches in a direction perpendicular to that wall or other structure.

I. "Facade" means the wall of a building or other structure whose face is generally parallel to that wall or other structure.

J. "Freestanding sign" means a sign supported by one or more permanently affixed uprights, poles, or braces in or on the ground, and not supported by a building.

K. "Grade" (adjacent ground elevation) means the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. In the case of structures to be built over water or on the shoreline, "grade" shall have the same meaning as "average grade level" as that term is defined in WAC 173-27-030(3).

L. "Neon sign" means a sign illuminated in whole or part by gaseous tubes electrified by a current.

M. "NC" means neighborhood centers.

N. "Portable sign" means a sign that is readily moveable, freestanding, and not permanently affixed to the ground. "Portable signs" include sandwich board signs, signs mounted on weighted bases, and other similar signs. "Portable signs" do not include "temporary signs."

O. "Primary entrance" means the principal or main entrance of a building or structure which is used by the majority of patrons to access the building or structure.

P. "Projecting/hanging sign" means a sign, which is attached to or supported by a wall or suspended from the overhang of a building or other structure.

Q. "Repair" means the reconstruction or renewal of any part of an existing sign for the purpose of its maintenance.

R. "Sandwich board sign" means a sign which consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.

S. "Sign" means any letter, figure, design, symbol, trademark or other device which is intended to attract attention to any activity, service, place, political office, subject, firm, corporation or merchandise, except traffic signs or signals, public or court notices, signs not visible from the public right-of-way or adjacent properties, signs on moving vehicles, newspapers, leaflets or other printed materials intended for individual use or individual distribution to members of the public, government flags, flags and bunting exhibited to commemorate national patriotic holidays.

T. "Street frontage" means that portion of any lot or building facing a street or sidewalk and with direct access to that street or sidewalk.

U. "Temporary sign" means any sign that is used temporarily and is not permanently mounted, painted, or otherwise affixed, including any poster, banner, placard, stake sign, or sign not placed in the ground with concrete or other means to provide permanent support, stability, and rot prevention. Temporary signs may only be made of non-durable materials including, but not limited to, paper, corrugated board, flexible or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without plasticizers, and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to permanent sign regulations.

V. "Two-sided" means a sign where only one face is visible from any viewing position.

W. "Window sign" means a sign placed inside a building within 15 feet of the window or on a window and visible from the outside. This term does not include merchandise.

**15.08.030 Permits required.**

A. No signs, except those described in BIMC 15.08.050, shall be erected without a valid sign permit.

B. Permit application requirements shall be determined by the director and shall include a site plan showing the location of the signs, the position of buildings and landscaped areas, the elevations of the signs, and the configuration and size of the signs.

C. A valid sign permit is required before altering an existing sign or repairing a sign where the repair exceeds 50 percent of the replacement cost.

D. Legally established signs that include changeable copy are exempt from permit requirements for altering the changeable copy.

**15.08.040 Permit fees.**

Permit fees shall be as established by the city council by resolution.

**15.08.050 Signs not requiring a permit.**

The following signs shall not require a permit:

A. Signs installed by the City, County, State, or federal governmental agency for the protection of the public health, safety, and general welfare.

B. Temporary signs as allowed under BIMC 15.08.140.

C. Noncommercial signs located on private property with a display area not exceeding three square feet.

D. Culturally, historically, or architecturally significant signs, existing at the time of passage of the ordinance codified in this chapter and officially recognized by the city. Designation of culturally, historically, or architecturally significant signs will be adopted by separate resolution.

E. Any window sign four square feet or less in size; provided, that no single sign or combination of signs shall exceed 25 percent of an individual window area.

F. A single noncommercial sign, not exceeding 24 square feet in area, mounted at a height not exceeding 20 feet above grade, located on "agricultural land" as that term is defined in Chapter 16.26 BIMC.

**15.08.060 Prohibited signs.**

The following signs are prohibited:

A. Billboards, streamers, pennants, ribbons, spinners, or other similar devices.

B. Flashing signs, roof signs, signs containing moving parts or appearing to move, and signs which sparkle or twinkle in the sunlight.

C. Signs advertising or identifying a business which is defunct.

D. Signs, except for traffic, regulatory, or informational signs, using the words "stop," "caution," or "danger," or incorporating red, amber, or green lights resembling traffic signals, or resembling "stop" or "yield" signs in shape or color.

E. Signs advertising a business not located on the parcel or development containing the business except signs erected by, or with funding from, the City or the State of Washington.

F. Signs mounted on stationary, unlicensed vehicles.

G. Illuminated features, on the exterior of a building, that call attention to the building or product sold within the building.

H. Any window sign(s) exceeding four square feet in area or exceeding 25 percent of an individual window area.

I. Neon signs, except as permitted in BIMC 15.08.100.B.

J. On-premises signs in the natural, conservancy, aquatic conservancy, and aquatic shoreline environments, except for navigation aids and public information.

K. Signs attached or placed on trees, vegetation, or other natural features, except for memorial or species identification labels.

L. Signs on or attached to any utility pole, traffic control device, lamp post, or any other public infrastructure, building, or structure, except bannerets.

M. Any sign placed without the necessary permit or not in accordance with the size, place and manner limitations provided in this chapter.

N. Any sign that:

1. Is structurally, electrically, or otherwise unsafe; or
2. Constitutes a hazard, by design or placement, to public safety and health; or
3. Obstructs free entrance or exit from a door or window that is required to be in place by this code or the City; or

O. Portable signs, except for portable signs owned and placed by a public agency and sandwich board signs allowed under BIMC 15.08.110.E or BIMC 15.08.115.

P. Signs placed on sidewalks, driveways, or other improved areas designed for vehicular, bicycle, wheelchair, or pedestrian use, except as conditioned in a right-of-way use permit issued by the City.

**15.08.070 Nonconforming signs.**

A. A nonconforming sign lawfully existing prior to July 26, 1993, may remain and be used subject to the provisions of subsections B and C of this section.

B. A nonconforming sign cannot be enlarged, reworted, redesigned, or altered in any way except to conform to this chapter. If the cost to repair a nonconforming sign exceeds 50 percent of its replacement cost, the sign shall not be repaired except to conform to this chapter.

C. A sign replacing a nonconforming sign shall conform to this chapter.

**15.08.080 Measurement of sign area.**

Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the sign surface. For freestanding signs, support structures (providing that they are not signs) extending up to one foot above the signs shall not be included in the calculation of the sign area. For signs which are a molded, cast, carved, or otherwise integral part of a solid concrete, masonry, wood, or composite wall, foundation, fence, or entry structure, the sign area shall be measured within a continuous perimeter enclosing the extreme limits of the lettering and/or image.

**15.08.090 Height of sign.**

A. The height of any sign shall be measured from the grade adjacent to the sign.

B. The height of signs located within a marina shall not exceed 15 feet above the ordinary high water mark.

C. Awning structures on which sign images are attached shall be subject to regulation under the Uniform Building Code as adopted in Chapter 15.04 BIMC.

**15.08.100 General regulations.**

A. Signs within the Shoreline Master Program Jurisdiction.

1. Sign permits shall be submitted for review and approval at the time of shoreline permit submittal.
2. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.
3. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or as approved as part of a water-dependent use.
4. Signs which impair visual access in view corridors are prohibited.
5. Governmental signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations at all points of access. Signs shall also indicate all limitations on use of such areas including use of fire, alcohol, jet skis, and other recreational equipment, as well as requirements regarding pets.

B. Illumination Standards.

1. Signs, except for facade or awning signs, shall only be illuminated externally by light sources shielded so that the lamp is not visible from adjacent properties, the public right-of-way or watercourses. Sign lighting shall conform to BIMC 18.15.040.
2. Lights illuminating a sign shall project illumination toward the face of the sign.
3. Signs shall not flash, rotate, or have motorized parts or exposed electrical wires.
4. Signs shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m. unless the premises on which they are located is open for business.
5. Up to three neon signs are allowed in commercial zones for each business; provided, that they do not exceed four square feet for any individual sign. Total signage of all types shall not exceed 25 percent of an individual window area. For each retail business that has window area in excess of 100 square feet, an additional four square feet of neon sign area is allowed. Neon signs are allowed only on properties zoned for commercial uses, shall not be visible from the shoreline, and shall not flash.
6. One commercial use sign for theaters, including film or performing arts buildings that were constructed prior to November 10, 1999, may be internally illuminated and may include external unshielded neon lights.
7. Facade signs may be internally illuminated if:
  - a. The background does not emit light;
  - b. The background constitutes a minimum of 80 percent of the sign area; and
  - c. The illumination source is shielded.

C. Placement Standards.

1. Signs, including banners and temporary signs, shall not be mounted on roofs, extend above the roof line, or be located more than 20 feet above the grade except for retail businesses with a second-floor exterior entrance.
2. Signs projecting from a building shall not be less than eight feet above grade, unless permitted by the city through an administrative variance procedure.

3. Freestanding signs shall not exceed five feet in height except in the Business/Industrial and NC zones and except as regulated by BIMC 15.08.120.B. Supporting structures (providing that they are not signs) for freestanding signs may extend one foot higher than the height limit for freestanding signs. In the Business/Industrial and NC zones, freestanding signs shall not exceed eight feet in height.

D. Freestanding signs shall be located within a landscaped area that is twice the area of the sign area, and the plantings or the landscaped area shall be located so as to shield illumination sources.

E. All signs visible from Highway 305 must be in conformance with the standards of the Scenic Vistas Act (Chapter 47.42 RCW and Chapter 468-66 WAC) that is incorporated herein by this reference as well as the related Washington State Department of Transportation (“WSDOT”) rules, regulations, and noncompliance penalties; provided, that all signs within the city shall also be subject to any additional restrictions as provided in this chapter. In the case of conflict between the requirements of the Scenic Vistas Act and this chapter, the more restrictive requirement shall apply.

**15.08.110 Commercial use signs.**

In addition to the general regulations of this chapter, the following regulations shall apply to all commercial use signs.

**A. Facade Signs.**

1. The total aggregate area of all facade signs on each wall shall not exceed 128 square feet.
2. Buildings may have one facade sign with a maximum area of 36 square feet for each tenant. If the building has street frontage on two or more streets, has access from an alley or parking area to the side or behind the building, or has retail uses on a second floor, a facade sign for each tenant is allowed; provided, that no additional sign shall exceed 20 square feet in area, face the same street, alley, or parking area or be on the same floor as another facade sign.
3. Facade signs shall be located less than 20 feet above grade except for retail businesses with a second-floor exterior entrance.
4. A single directory, combining the name of the commercial complex and the individual names of businesses located within, is allowed provided no other facade sign on the building shall exceed 20 square feet in area except for retail businesses with a second-floor exterior entrance may have a facade sign up to 36 square feet. The maximum sign area for this directory is 48 square feet.
5. A single facade sign for a commercial complex is allowed at the primary entrance instead of a directory, provided no other facade sign for building tenants shall exceed 20 square feet in area except for retail businesses with a second floor exterior entrance may have a facade sign up to 36 square feet. The maximum area for this commercial complex sign is 36 square feet.
6. There may be up to three facade sign(s) per tenant in the High School Road commercial zone located more than 200 feet from the edge of any public right-of-way. No additional sign shall exceed 20 square feet in area, face the same street, alley or parking area or be on the same floor as another facade sign.

**B. Freestanding Signs.**

1. No more than one freestanding sign shall be allowed per tenant. The sign shall not exceed 20 square feet on any single face or 40 square feet on two faces. No more than two freestanding signs, regardless of the number of tenants, shall be allowed on any property.
2. A freestanding identification sign, for a commercial complex, with or without the individual names of businesses located therein, with a maximum sign area of 40 square feet on any single face and a total surface area of 60 square feet if two sided may be erected facing each street frontage. No individual tenant freestanding signs may be erected on such a property that contains this freestanding identification sign.

3. In the Business/Industrial zone, freestanding identification signs may be located on adjacent Business/Industrial zoned properties if the signs contain directional information to assist in locating the businesses listed and permission is obtained from the owner of the property where the sign is located. The maximum sign area shall be 36 square feet. The sign shall not be counted toward the maximum number of freestanding signs allowed.

C. An awning or marquee sign, not exceeding 20 square feet in area per commercial tenant, is allowed instead of a facade sign. The lowest point of the awning or marquee is at least eight feet above the sidewalk, and the awning shall have a dark background if illuminated from behind.

D. Projecting/Hanging Signs.

1. A business may have one projecting sign, located at least eight feet above grade, with a maximum area of five square feet for each side. The fixture used to suspend the hanging sign must be included in the permit design and approved by the designated officials, but shall not be included in the total size of the sign.

2. Signs for theaters, including film or performing arts buildings, shall not exceed 80 square feet on a single face and 140 square feet on multiple faces and shall be located at least 100 feet from any property zoned single-family.

E. Sandwich Board Signs.

1. One nonilluminated sandwich board sign per business is allowed, with each face not exceeding six square feet in area, shall be allowed per business.

2. Sandwich board signs shall be a minimum of thirty (30) inches high and a maximum of forty-eight (48) inches high.

3. Sandwich board signs shall be located on real property where the business is located. Sandwich board signs may only be placed on other property, including sidewalks, driveways, required landscaping, or improved areas designed for pedestrian or vehicular use, as allowed under BIMC 15.08.115.

**15.08.115 Temporary off-site commercial sandwich board signs.**

In addition to the regulations of this chapter, the following regulations shall apply to all temporary off-site commercial sandwich board signs.

A. Temporary off-site commercial sandwich board signs, either the same sign or different sign, may be displayed for a maximum of 36 days within a 12-month period. Temporary off-site commercial signs located on private property must obtain the permission of the property owner. Temporary off-site commercial signs may be posted within public right-of-way only if the sign does not interfere with sight distances and does not create a vehicular, cyclist, wheelchair, or pedestrian traffic obstruction or hazard, and permission to place the sign in the right-of-way has been obtained from the abutting property owner. Contact information for the owner of the temporary off-site commercial sign (i.e., name and telephone number) must be included on all temporary off-site commercial sandwich board signs.

B. All temporary off-site commercial sandwich board signs relating to a specific meeting, event, or occurrence shall be removed immediately following the conclusion of the meeting, event, or occurrence to which they relate.

C. All temporary off-site commercial sandwich board signs shall meet the size requirements of BIMC 15.08.110.E.

D. The owner of a temporary off-site commercial sandwich board sign shall regularly inspect the sign to ensure that the sign has not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired by the owner so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

E. Temporary off-site commercial sandwich board signs are exempt from BIMC 15.08.060.E.

F. For temporary off-site commercial sandwich board signs, a permit in accordance with BIMC 15.08.030 and identifying the dates the signs will be displayed shall be obtained for each 12-month period.

**15.08.120 Institutional or public use signs.**

In addition to the general regulations of this chapter, public institutions or public entities:

A. May have a single sign, either facade-mounted or a freestanding identification sign, visible from each street frontage;

B. May have one additional freestanding identification sign at the principal entrance not to exceed a maximum height of six feet. The maximum sign area of any face shall be no greater than 40 square feet;

**15.08.130 Residential use signs.**

In addition to the general regulations of this chapter, the following regulations shall apply to all residential use signs.

A. Residential developments may have a single freestanding sign with a maximum sign area of 10 square feet.

B. Home occupations, legally established, may have an identification sign as allowed in BIMC 18.09.030.I.13.

C. Multifamily residential developments may have a directory sign, with a maximum sign area of 20 square feet, at one vehicular entrance on each street frontage.

**15.08.140 Temporary Signs.**

A. No permit required. No sign permit is required for temporary signs.

B. Removal. Temporary signs shall be removed if the sign is in need of repair, is worn, dilapidated, or creates a public nuisance.

C. Materials. See the definition of “temporary sign” in BIMC 15.08.020.

D. City Property (excluding City right-of-way). Temporary signs on City-owned property are allowed only in conjunction with an approved special event permit issued under Chapter 12.06 BIMC and must be removed upon the conclusion of the parade, procession, or other assembly occurring on City-owned property.

E. City Right-of-Way. Temporary signs located within City right-of-way must comply with the following requirements:

1. Location. Allowed only between the property line and the back of the nearest curb, or where no curb exists, between the property line and the nearest edge of the roadway.
2. Type. Only temporary signs on stakes that can be manually pushed or hammered into the ground are allowed, except that the City may allow other signs in the City right-of-way through the issuance of a right-of-way use permit.
3. Size and height. Temporary signs located within the City right-of-way shall not exceed four (4) square feet, and three (3) feet in height.
4. Dilapidated or Nuisance signs. Any temporary sign in the right-of-way that is dilapidated or a nuisance, shall be removed by the person responsible for placement of the sign.
5. Banners. Banners on or over City right-of way require permitting through a right-of-way use permit and are limited to a two (2) week period.

F. Residential zones. Temporary signs may be placed on property residentially zoned in accordance with the requirements of this section and the following:

1. Window signs. Limited to no more than one temporary window sign per residential unit, not to exceed four (4) square feet. Shall not exceed twenty-five (25) percent of an individual window area.

2. Size and height. Temporary signs located within residential zones shall not exceed four (4) square feet in size and three (3) feet in height.
3. Construction signs. One sign per construction site not to exceed twelve (12) square feet in area located on the parcel being improved. Sign must be in conjunction with an approved building permit. The sign shall be removed within thirty (30) days of the occupancy of the structure.

G. Non-residential zones: Temporary signs are allowed on non-residentially zoned property in accordance with the requirements of this section and the following:

1. Window signs. Limited to twenty-five (25) percent of the window area. No single sign shall exceed four (4) square feet in area.
2. Size and height. Temporary signs located within non-residential zones shall not exceed four (4) square feet in size and three (3) feet in height.
3. Construction signs. One sign per construction site not to exceed twelve (12) square feet in area located on the parcel being improved. Sign must be in conjunction with an approved building permit. The sign shall be removed within thirty (30) days of the occupancy of the structure.

**15.08.150 Sign variance.**

A. A variance is the mechanism by which the city may grant relief from the provisions of this chapter where practical difficulty renders compliance with the provisions of this chapter an unnecessary hardship and where the hardship is a result of the physical characteristics of the subject property.

B. The variance procedure shall be administrative and determined by the director.

**15.08.160 Enforcement and penalties.**

A. Enforcement of this chapter and the imposition of penalties for violations of this chapter shall be as provided for in Chapter 1.26 BIMC.

B. The city may remove and dispose of signs that it determines are a threat to public safety and recover costs from the owner of the property on which the sign is located or the sign owner. Within 10 days of removal of a sign, and upon payment of the costs of removal, the owner may recover a sign.

**EXHIBIT A**  
**Chapter 15.08**  
**SIGN CODE**

Sections:

- 15.08.010 Purpose.
- 15.08.020 Definitions.
- 15.08.030 Permits Required
- 15.08.040 Permit Fees
- 15.08.050 Signs not requiring a permit.
- 15.08.060 Prohibited signs.
- 15.08.070 Nonconforming signs.
- 15.08.080 Measurement of sign area.
- 15.08.090 Height of sign.
- 15.08.100 General regulations.
- 15.08.110 Commercial use signs.
- 15.08.115 ~~\_\_\_\_\_~~Temporary off-site commercial sandwich board signs.
- ~~15.08.095 Political signs.~~
- 15.08.120 Institutional or public use signs.
- 15.08.130 Residential use signs.
- 15.08.140 Temporary Signs
- ~~15.08.115 Temporary off site commercial signs.~~
- ~~15.08.120 Permits required.~~
- ~~15.08.130 Permit fees.~~
- 15.08.150 Sign variance.
- 15.08.160 Enforcement and penalties.

**15.08.010 Purpose.**

The purpose of this chapter is as follows:

- A. To promote and protect the public welfare, health, and safety.
- B. To encourage the installation of signs which harmonize with building design, natural settings and other geographical characteristics of the locations in which they are erected.
- C. To create a more attractive economic and business climate.
- D. To reduce distractions and obstructions from signs which would adversely affect traffic safety and reduce hazards that may be caused by signs overhanging or projecting over or within public rights-of-way.

**15.08.020 Definitions.**

~~A. "Agricultural products sign" means a sign advertising seasonal produce.~~

~~B. "Alteration" means any change of a sign, other than changeable copy as defined in this section.~~

AC. "Awning ~~and/or~~ marquee sign" means a sign attached to a face or shelter, which face or shelter extends (12 inches or more) in a direction perpendicular to the wall of the building and may be supported by posts or the exterior wall of the building or any combination thereof.

B. "Banneret" means a small banner that is hung vertically from a freestanding support, i.e., curbside bannerets on light standards and bannerets in public squares.

~~CD. "Banner" means a sign of flexible material designed to be displayed between two supports or against another surface.~~

~~F. "Bulletin board" means a surface designed for the affixing of temporary handbills, notices, posters or other similar items.~~

~~DCG.~~ “Changeable copy” means changes to the face or copy of changeable copy signs, digital signs, electronic messaging signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City, but is not limited to that portion of sign copy consisting of individual interchangeable letters and numbers which may be rearranged to spell new words and to form new numbers on the sign face, without reworking, repainting, or otherwise altering the physical composition of the sign, for the primary objective of displaying frequently changing copy.

~~H.~~ “Construction sign” means a temporary sign erected for the purpose of announcing future building plans and identifying the owner, architect, engineer, building contractor and/or other persons responsible for the development of the site.

~~EHI.~~ “Culturally, historically, or architecturally significant sign” means a sign with unique local characteristics ~~which that~~ may not fit other defined categories.

~~FEJ.~~ “Director” means the ~~city’s director of planning and community development~~ City’s Director of Planning and Community Development.

~~GFK.~~ “Erect” means to build, construct, raise, assemble, create, alter, display, relocate, attach, hang, place, suspend, affix, paint, draw, engrave, carve, cast, or in any other way bring into being or establish, other than to replace changeable copy and other than in the course of normal sign maintenance as described in this chapter.

~~HGL.~~ “Facade sign” means any sign which is erected (including painted) on the wall of a building or other structure, whose face is generally parallel to that wall or other structure and whose face does not extend outward more than 12 inches in a direction perpendicular to that wall or other structure.

~~IHM.~~ “Facade” means the wall of a building or other structure whose face is generally parallel to that wall or other structure.

~~JIN.~~ “Freestanding sign” means a sign supported by one or more permanently affixed uprights, poles, or braces in or on the ground, and not supported by a building.

~~KQ.~~ “Grade.” ~~See BIMC 18.12.050.I (adjacent ground elevation) means the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. In the case of structures to be built over water or on the shoreline, “grade” shall have the same meaning as “average grade level” as that term is defined in WAC 173-27-030(3).~~

~~LP.~~ “Neon sign” means a sign illuminated in whole or part by gaseous tubes electrified by a current.

~~MQ.~~ “NC” means neighborhood centers.

~~N.~~ “Portable sign” means a sign that is readily moveable, freestanding, and not permanently affixed to the ground. “Portable signs” include sandwich board signs, signs mounted on weighted bases, and other similar signs. “Portable signs” do not include “temporary signs.”

~~R.~~ “Political sign” means a sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue to be decided by ballot.

~~OS.~~ “Primary entrance” means the principal or main entrance of a building or structure which is used by the majority of patrons to access the building or structure.

~~PF.~~ “Projecting/hanging sign” means a sign, which is attached to or supported by a wall or suspended from the overhang of a building or other structure.

~~U.~~ “Public right of way sign” means a sign in the public right of way.

~~QV.~~ “Repair” means the reconstruction or renewal of any part of an existing sign for the purpose of its maintenance.

**RW.** “Sandwich board sign” means a sign which consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.

**SX.** “Sign” means any letter, figure, design, symbol, trademark or other device which is intended to attract attention to any activity, service, place, political office, subject, firm, corporation or merchandise, except traffic signs or signals, public or court notices, signs not visible from the public right-of-way or adjacent properties, signs on moving vehicles, newspapers, leaflets or other printed materials intended for individual use or individual distribution to members of the public, government flags, flags and buntings exhibited to commemorate national patriotic holidays.

**TY.** “Street frontage” means that portion of any lot or building facing a street or sidewalk and with direct access to that street or sidewalk.

**U.** “Temporary sign” means any sign that is used temporarily and is not permanently mounted, painted, or otherwise affixed, including any poster, banner, placard, stake sign, or sign not placed in the ground with concrete or other means to provide permanent support, stability, and rot prevention. Temporary signs may only be made of non-durable materials including, but not limited to, paper, corrugated board, flexible or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without plasticizers, and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to permanent sign regulations.

**VZ.** “Two-sided” means a sign where only one face is visible from any viewing position.

**WAA.** “Window sign” means a sign placed inside a building within 15 feet of the window or on a window and visible from the outside. This term does not include merchandise.

**15.08.030 Permits required.**

A. No signs, except those described in BIMC 15.08.050, shall be erected without a valid sign permit.

B. Permit application requirements shall be determined by the director and shall include a site plan showing the location of the signs, the position of buildings and landscaped areas, the elevations of the signs, and the configuration and size of the signs.

C. A valid sign permit is required before altering an existing sign or repairing a sign where the repair exceeds 50 percent of the replacement cost.

D. Legally established signs that include changeable copy are exempt from permit requirements for altering the changeable copy.

**15.08.040 Permit fees.**

Permit fees shall be as established by the city council by resolution.

**15.08.0530 Signs not requiring a permit.**

The following signs shall not require a permit:

A. Signs installed by the City, County, State, or federal governmental agency for the protection of the public health, safety, and general welfare; Signs erected or posted and maintained for public safety and welfare or pursuant to any law or regulation.;

B. Temporary signs as allowed under BIMC 15.08.140; Bulletin boards, either one or two-sided, with no face exceeding 20 square feet in display area, associated with any church, museum, library, school, or similar use; provided, that the top of such signs shall be less than eight feet high and such signs shall meet all other provisions of this chapter.;

C. Directional signs solely indicating ingress or egress, the Noncommercial signs located on private property with a display area not exceeding three square feet.;

~~D. Signs relating to trespassing and hunting, not exceeding two square feet of area;~~

~~E. Signs displaying address numbers only, not exceeding two square feet of area;~~

~~DF. Culturally, historically, or architecturally significant signs, existing at the time of passage of the ordinance codified in this chapter and officially recognized by the city. Designation of culturally, historically, or architecturally significant signs will be adopted by separate resolution.;~~

~~EG. Any window sign four square feet or less in size; provided, that no single sign or combination of signs shall exceed 25 percent of an individual window area.;~~

~~H. Agricultural product signs advertising products grown on or produced at the subject property. The signs shall be allowed at each street frontage, and shall be temporary, erected for a period not exceeding 10 days prior to the availability of the products for sale, and removed when the products are no longer available for purchase. The maximum sign area shall not exceed 10 square feet for each face of a single or two faced sign;~~

~~FI. Single signsA single noncommercial sign, not exceeding 24 square feet in area, mounted at a height not exceeding 20 feet above grade, displaying the name of a farm located on "agricultural land" as that term is. The farm shall meet the standards as defined in Chapter 16.26 BIMC.;~~

~~J. Banners, not exceeding 30 square feet in area, displayed by a nonprofit or civic organization. The banners and flags are not required to be displayed on the premises of the organization, and may be displayed for a maximum of two periods not exceeding 14 days total within any calendar year;~~

~~K. Bannerets, not exceeding 12 square feet in area, displayed by a city council designated civic organization. Bannerets shall not advertise or promote any individual business or the sale of any product or commodity, and shall only be erected on city approved standards and in approved locations within the Mixed Use Town Center zone. The city council may delegate the authority to manage and coordinate the erection and removal of bannerets to a civic organization;~~

~~L. Construction signs, not exceeding one per construction site, and not exceeding 12 square feet in area, when erected in connection with a building permit. The sign shall be removed within 30 days of the occupancy of the structure. Public works projects are authorized to install signs at the ends of a project which shall not exceed 32 square feet in area;~~

~~M. For sale/rent or lease signs on the property being sold, rented or leased. One sign, not exceeding six square feet in area, shall be allowed on each street frontage;~~

~~N. Political signs in accordance with BIMC 15.08.095;~~

~~O. On site signs, intended to be temporary, either the same sign or different sign, may be displayed for a maximum of two periods not exceeding 14 days total within any calendar year. Signs must conform to size and location limitations of this chapter;~~

~~P. Public right of way signs shall conform to the current Manual on Uniform Traffic Control Devices (MUTCD), as modified, and in developments shall be installed by and at the applicant's expense;~~

~~Q. Off site noncommercial signs, intended to be temporary, in accordance with the following:~~

~~1. Located on private property must obtain the permission of the property owner. Posted within public right of way only if the sign does not interfere with sight distances and does not create a vehicular, cyclist, wheelchair or pedestrian traffic obstruction or hazard, and permission to place the sign in the right of way has been obtained from the abutting property owner. Contact information for the owner of the sign (name, telephone number) must be included on all signs.~~

~~2. Freestanding (under 18 inches in height and 24 inches wide) or sandwich board signs (meeting the size requirements of BIMC 15.08.090.E).~~

~~3. Regularly inspected to ensure that they have not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights of way.~~

**15.08.0640 Prohibited signs.**

The following signs are prohibited:

- A. Billboards, streamers, pennants, ribbons, spinners, or other similar devices.
- B. Flashing signs, roof signs, signs containing moving parts or appearing to move, and signs which sparkle or twinkle in the sunlight.
- C. Signs advertising or identifying a business ~~or organization~~ which is defunct.
- D. Signs, except for traffic, regulatory, or informational signs, using the words “stop,” “caution,” or “danger,” or incorporating red, amber, or green lights resembling traffic signals, or resembling “stop” or “yield” signs in shape or color.
- E. Signs advertising a business ~~or organization~~ not located on the parcel or development containing the business ~~or organization~~ except signs erected by or with funding from, the City or the State of Washington.
- ~~F. Signs erected within the public rights of way, access corridors or easements, except the following: signs erected by the city or state; those signs projecting/hanging over the public sidewalk, erected in compliance with the Mixed-Use Town-Center design guidelines; political signs displayed in compliance with BIMC 15.08.095; and temporary signs in compliance with BIMC 15.08.030.Q or 15.08.115.~~
- ~~G. Signs with content or subject matter that constitutes obscenity as defined by law.~~
- ~~FH. Portable reader boards and signs mounted on stationary, unlicensed vehicles.~~
- ~~GI. Illuminated features, on the exterior of a building, that call attention to the building or product sold within the building.~~
- ~~HJ. Any window sign(s) exceeding four square feet in area or exceeding 25 percent of an individual window area.~~
- ~~IK. Neon facade signs, except as permitted in BIMC 15.08.080.100.C.6B.~~
- ~~JL. On-premises signs in the natural, conservancy, aquatic conservancy, and aquatic shoreline environments, except for navigation aids and public information.~~
- ~~KM. Signs attached or placed on trees, vegetation, or other natural features, except for memorial or species identification labels.~~
- ~~LN. Signs on or attached to any utility pole, traffic control device, lamp post, or any other public infrastructure, building, or structure, except bannerets.~~
- ~~MQ. Any sign placed without the necessary permit or not in accordance with the size, place and manner limitations provided in this chapter.~~
- N. Any sign that:
  - 1. Is structurally, electrically, or otherwise unsafe; or
  - 2. Constitutes a hazard, by design or placement, to public safety and health; or
  - 3. Obstructs free entrance or exit from a door or window that is required to be in place by this code or the City; or
- ~~improved areas designed for~~

O. Portable signs, except for portable signs owned and placed by a public agency and sandwich board signs allowed under BIMC 15.08.110.E or BIMC 15.08.115.

P. Signs placed on sidewalks, driveways, or other improved areas designed for vehicular, bicycle, wheelchair, or pedestrian or vehicular use, except as conditioned in a right-of-way use permit issued by the City.

**15.08.0750 Nonconforming signs.**

A. A nonconforming sign lawfully existing prior to July 26, 1993, may remain and be used subject to the provisions of subsections B and C of this section.

B. A nonconforming sign cannot be enlarged, rewoded, redesigned, or altered in any way except to conform to this chapter. If the cost to repair a nonconforming sign exceeds 50 percent of its replacement cost, the sign shall not be repaired except to conform to this chapter.

C. A sign replacing a nonconforming sign shall conform to this chapter.

**15.08.0860 Measurement of sign area.**

Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the sign surface. For freestanding signs, support structures (providing that they are not signs) extending up to one foot above the signs shall not be included in the calculation of the sign area. For signs which are a molded, cast, carved, or otherwise integral part of a solid concrete, masonry, wood, or composite wall, foundation, fence, or entry structure, the sign area shall be measured within a continuous perimeter enclosing the extreme limits of the lettering and/or image.

**15.08.0970 Height of sign.**

A. The height of any sign shall be measured from the grade adjacent to the sign.

B. ~~Signs~~ The height of signs for located within a marinas shall not exceed 15 feet above the ordinary high water mark.

C. Awning structures on which sign images are attached shall be subject to regulation under the Uniform Building Code as adopted in ~~BIMC 15.04.020~~ Chapter 15.04 BIMC.

**15.08.1080 General regulations.**

~~A. Signs which refer to a permitted use or an approved conditional use as set forth in the zoning ordinance and which are permitted under this chapter conform to this chapter.~~

AB. Signs within the Shoreline Master Program Jurisdiction.

1. Sign permits shall be submitted for review and approval at the time of shoreline permit submittal.
2. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.
3. ~~Over-water signs, or signs on floats or pilings,~~ shall be prohibited, except when related to navigation or as approved as part of a related-to-water-dependent uses only.
4. Signs which impair visual access in view corridors are prohibited.
5. Governmental sSigns indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations at all points of access. Signs shall also indicate all limitations on use of such areas including use of fire, alcohol, jet skis, and other recreational equipment, as well as requirements regarding pets.

BC. Illumination Standards.

1. Signs, except for facade ~~or awning~~ signs, shall only be illuminated externally by light sources shielded so that the lamp is not visible from adjacent properties, the public right-of-way or watercourses. Sign lighting shall conform to BIMC 18.15.040.
2. Lights illuminating a sign shall project illumination toward the face of the sign.
3. Signs shall not flash, rotate, or have motorized parts or exposed electrical wires.
4. Signs shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m. unless the premises on which they are located is open for business.
5. Up to three neon signs are allowed in commercial zones for each business; provided, that they do not exceed four square feet for any individual sign. Total signage of all types shall not exceed 25 percent of an individual window area. For each retail business that has window area in excess of 100 square feet, an additional four square feet of neon sign area is allowed. Neon signs are allowed only on properties zoned for commercial uses, shall not be visible from the shoreline, and shall not flash.
6. One commercial use sign for theaters, including film or performing arts buildings that were constructed prior to November 10, 1999, may be internally illuminated and may include external unshielded neon lights.
7. Facade signs may be internally illuminated if:
  - a. The background does not emit light;
  - b. The background constitutes a minimum of 80 percent of the sign area; and
  - c. The illumination source is shielded.

CD. Placement Standards.

~~1. No person shall affix a sign to a utility pole or a living tree or shrub.~~

12. Signs, including banners and temporary ~~signs~~banners, shall not be mounted on roofs, extend above the roof line, or be located more than 20 feet above the grade except for retail businesses with a second-floor exterior entrance.

23. Signs projecting from a building shall not be less than eight feet above grade, unless permitted by the city through an administrative variance procedure.

34. Freestanding signs shall not exceed five feet in height except in the LM-Business/Industrial and NC zones and except as regulated by BIMC 15.08.1200.B. Supporting structures (providing that they are not signs) for freestanding signs may extend one foot higher than the height limit for freestanding signs. In the LM-Business/Industrial and NC zones, freestanding signs shall not exceed eight feet in height.

E. Safety Standards. ~~No person may erect a sign that:~~

~~1. Is structurally or electrically unsafe;~~

~~2. Constitutes a hazard, by design or placement, to public safety and health; or~~

~~3. Obstructs free entrance or exit from a door or window that is required to be in place by this code or the city.~~

DF. Freestanding signs shall be located within a landscaped area that is twice the area of the sign area, and the plantings or the landscaped area shall be located so as to shield illumination sources.

E. All signs visible from Highway 305 must be in conformance with the standards of the Scenic Vistas Act (Chapter 47.42 RCW and Chapter 468-66 WAC) that is incorporated herein by this reference as well as the related Washington State Department of Transportation (“WSDOT”) rules, regulations, and noncompliance penalties;

provided, that all signs within the city shall also be subject to any additional restrictions as provided in this chapter. In the case of conflict between the requirements of the Scenic Vistas Act and this chapter, the more restrictive requirement shall apply.

**15.08.11090 Commercial use signs.**

In addition to the general regulations of this chapter, the following regulations shall apply to all commercial use signs.

**A. Facade Signs.**

1. The total aggregate area of all facade signs on each wall shall not exceed 128 square feet.
2. Buildings may have one facade sign with a maximum area of 36 square feet for each tenant. If the building has street frontage on two or more streets, has access from an alley or parking area to the side or behind the building, or has retail uses on a second floor, a facade sign for each tenant is allowed; provided, that no additional sign shall exceed 20 square feet in area, face the same street, alley, or parking area or be on the same floor as another facade sign.
3. Facade signs shall be located less than 20 feet above grade except for retail businesses with a second-floor exterior entrance.
4. A single directory, combining the name of the commercial complex and the individual names of businesses located within, is allowed provided no other facade sign on the building shall exceed 20 square feet in area except for retail businesses with a second-floor exterior entrance may have a facade sign up to 36 square feet. The maximum sign area for this directory is 48 square feet.
5. A single facade sign for a commercial complex is allowed at the primary entrance instead of a directory, provided no other facade sign for building tenants shall exceed 20 square feet in area except for retail businesses with a second floor exterior entrance may have a facade sign up to 36 square feet. The maximum area for this commercial complex sign is 36 square feet.
6. There may be up to three facade sign(s) per tenant in the High School Road commercial zone located more than 200 feet from the edge of any public right-of-way. No additional sign shall exceed 20 square feet in area, face the same street, alley or parking area or be on the same floor as another facade sign.

**B. Freestanding Signs.**

1. No more than one freestanding sign shall be allowed per tenant. The sign shall not exceed 20 square feet on any single face or 40 square feet on two faces. No more than two freestanding signs, regardless of the number of tenants, shall be allowed on any property.
2. A freestanding identification sign, for a commercial complex, with or without the individual names of businesses located therein, with a maximum sign area of 40 square feet on any single face and a total surface area of 60 square feet if two sided may be erected facing each street frontage. No individual tenant freestanding signs may be erected on such a property that contains this freestanding identification sign.
3. In the ~~LM-Business/Industrial~~ zone, freestanding identification signs may be located on adjacent ~~LM-Business/Industrial~~ zoned properties if the signs contain directional information to assist in locating the businesses listed and permission is obtained from the owner of the property where the sign is located. The maximum sign area shall be 36 square feet. The sign shall not be counted toward the maximum number of freestanding signs allowed.

C. An awning or marquee sign, not exceeding 20 square feet in area per commercial tenant, is allowed instead of a facade sign. The lowest point of the awning or marquee is at least eight feet above the sidewalk, and the awning shall have a dark background if illuminated from behind.

**D. Projecting/Hanging Signs.**

1. A business may have one projecting sign, located at least eight feet above grade, with a maximum area of five square feet for each side. The fixture used to suspend the hanging sign must be included in the permit design and approved by the designated officials, but shall not be included in the total size of the sign.
2. Signs for theaters, including film or performing arts buildings, shall not exceed 80 square feet on a single face and 140 square feet on multiple faces and shall be located at least 100 feet from any property zoned single-family.

E. Sandwich Board Signs.

1. One nonilluminated sandwich board sign per business is allowed, with each face not exceeding six square feet in area, shall be allowed per business.

2. Sandwich board signs shall be a minimum of thirty (30) inches high and a maximum of forty-eight (48) inches high.-

3. Sandwich board signs shall be located on real property where the business is located. Sandwich board signs may only not be placed on other property, including sidewalks, driveways, required landscaping, or improved areas designed for pedestrian or vehicular use, as allowed under BIMC 15.08.115. - Reserved.

**15.08.115 Temporary off-site commercial sandwich board signs.**

In addition to the regulations of this chapter, the following regulations shall apply to all temporary off-site commercial sandwich board signs.

A. Temporary off-site commercial sandwich board signs, intended to be temporary, either the same sign or different sign, may be displayed for a maximum of 36 days within a 12-month period. Temporary off-site commercial signs located on private property must obtain the permission of the property owner. Temporary off-site commercial signs may be posted within public right-of-way only if the sign does not interfere with sight distances and does not create a vehicular, cyclist, wheelchair, or pedestrian traffic obstruction or hazard, and permission to place the sign in the right-of-way has been obtained from the abutting property owner. Contact information for the owner of the temporary off-site commercial sign (i.e., name and telephone number) must be included on all temporary off-site commercial sandwich board signs.

B. All temporary off-site commercial sandwich board signs relating to a specific meeting, event, or occurrence shall be removed immediately following the conclusion of the meeting, event, or occurrence to which they relate.

C. All temporary off-site commercial sandwich board signs shall be freestanding (under 18 inches in height and 24 inches wide) or sandwich board signs (meeting the size requirements of BIMC 15.08.110.E).

D. The owner of a temporary off-site commercial sandwich board signs shall be regularly inspect the signed to ensure that the sign has not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired by the owner so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

E. Temporary off-site commercial signs are exempt from BIMC 15.08.0640.E and 15.08.110.B.1.

F. For temporary off-site commercial sandwich board signs, a permit in accordance with BIMC 15.08.030 and identifying the dates the signs will be displayed shall be obtained for each 12-month period.

~~One nonilluminated sandwich board sign, with each face not exceeding six square feet in area, shall be allowed per business. The sign shall be a minimum of 30 inches high and a maximum of 48 inches high.~~

**~~15.08.095~~ — Political signs.**

~~A. Political Signs Not Allowed on Public Utility Poles or Public Buildings or Structures. It is unlawful for any person to paste, paint, affix or fasten a political sign on any utility pole, traffic control device, lamp post, or any other public building or structure.~~

~~B. Political Signs Within Public Right of Way. Subject to subsection A of this section, political signs may be posted within public right of way only if the sign does not interfere with sight distances and does not create a vehicular or pedestrian traffic obstruction or hazard, and permission to place the sign in the right of way has been obtained from the abutting property owner. Political signs in the right of way are limited to a maximum surface area of six square feet and a maximum height of five feet.~~

~~C. Removal of Political Signs.~~

~~1. A political sign promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election must be removed within seven days following an election; provided, that political signs promoting successful candidates in a primary election may remain displayed until seven days following the immediately subsequent general election.~~

~~2. It shall be the responsibility of the campaign director or political candidate to have the signs removed in accordance with this section. If any sign is placed or allowed to remain in violation of this section, the city may remove the sign, and the campaign director or political candidate shall be liable to the city for all costs and expenses incurred by the city in removing and storing said sign.~~

~~D. The display of any political sign in violation of this section, or any portion or part thereof, shall be presumed to have been done at the direction and request of the campaign director or political candidate.~~

**15.08.1200 Institutional or public use signs.**

In addition to the general regulations of this chapter, public institutions or public entities:

A. May have a single sign, either facade-mounted or a freestanding identification sign, visible from each street frontage;

B. May have one additional freestanding identification sign at the principal entrance not to exceed a maximum height of six feet. The maximum sign area of any face shall be no greater than 40 square feet;

~~C. Civic organizations may erect temporary banner signs, not addressed in BIMC 15.08.030, that are not smaller than 90 square feet and no larger than 160 square feet. Banners may be displayed for maximum of six periods not to exceed a total of 84 days within any calendar year. These signs shall not advertise or promote any individual business or the sale of any product or commodity and are only allowed to be erected upon city approved support standards at city designated locations on Winslow Way and Olympic Drive. The city council may delegate the authority to manage and coordinate the erection and removal of banners to a civic organization.~~

**15.08.1340 Residential use signs.**

In addition to the general regulations of this chapter, the following regulations shall apply to all residential use signs.

A. Residential developments may have a single freestanding ~~identification~~ sign with a maximum sign area of 10 square feet.

B. Home occupations, legally established, may have an identification sign as allowed in BIMC 18.09.030.I.13.

C. Multifamily residential developments may have a directory sign, with a maximum sign area of 20 square feet, at one vehicular entrance on each street frontage.

**15.08.140 Temporary Signs.**

~~A. No permit required. No sign permit is required for temporary signs.~~

B. Removal. Temporary signs shall be removed if the sign is in need of repair, is worn, dilapidated, or creates a public nuisance.

C. Materials. See the definition of “temporary sign” in BIMC 15.08.020.

D. City Property (excluding City right-of-way). Temporary signs on City-owned property are allowed only in conjunction with an approved special event permit issued under Chapter 12.06 BIMC and must be removed upon the conclusion of the parade, procession, or other assembly occurring on City-owned property.

E. City Right-of-Way. Temporary signs located within City right-of-way must comply with the following requirements:

1. Location. Allowed only between the property line and the back of the nearest curb, or where no curb exists, between the property line and the nearest edge of the roadway.
2. Type. Only temporary signs on stakes that can be manually pushed or hammered into the ground are allowed, except that the City may allow other signs in the City right-of-way through the issuance of a right-of-way use permit.
3. Size and height. Temporary signs located within the City right-of-way shall not exceed four (4) square feet, and three (3) feet in height.
4. Dilapidated or Nuisance signs. Any temporary sign in the right-of-way that is dilapidated or a nuisance, shall be removed by the person responsible for placement of the sign.
5. Banners. Banners on or over City right-of way require permitting through a right-of-way use permit and are limited to a two (2) week period.

F. Residential zones. Temporary signs may be placed on property residentially zoned in accordance with the requirements of this section and the following:

1. Window signs. Limited to no more than one temporary window sign per residential unit, not to exceed four (4) square feet. Shall not exceed twenty-five (25) percent of an individual window area.
2. Size and height. Temporary signs located within residential zones shall not exceed four (4) square feet in size and three (3) feet in height.
3. Construction signs. One sign per construction site not to exceed twelve (12) square feet in area located on the parcel being improved. Sign must be in conjunction with an approved building permit. The sign shall be removed within thirty (30) days of the occupancy of the structure.

G. Non-residential zones: Temporary signs are allowed on non-residentially zoned property in accordance with the requirements of this section and the following:

1. Window signs. Limited to twenty-five (25) percent of the window area. No single sign shall exceed four (4) square feet in area.
2. Size and height. Temporary signs located within non-residential zones shall not exceed four (4) square feet in size and three (3) feet in height.
3. Construction signs. One sign per construction site not to exceed twelve (12) square feet in area located on the parcel being improved. Sign must be in conjunction with an approved building permit. The sign shall be removed within thirty (30) days of the occupancy of the structure.

**15.08.115 — Temporary off-site commercial signs.**

~~A. Off site signs, intended to be temporary, either the same sign or different sign, may be displayed for a maximum of 36 days within a 12-month period. Temporary off-site signs located on private property must obtain the permission of the property owner. Temporary off-site signs may be posted within public right-of-way only if the sign does not interfere with sight distances and does not create a vehicular, cyclist, wheelchair or pedestrian traffic obstruction or hazard, and permission to place the sign in the right-of-way has been obtained from the abutting property owner. Contact information for the owner of the sign (name, telephone number) must be included on all signs.~~

~~B. All temporary off-site signs relating to a specific meeting, event, or occurrence shall be removed immediately following the conclusion of the meeting, event, or occurrence to which they relate.~~

~~C. Temporary off-site signs shall be freestanding (under 18 inches in height and 24 inches wide) or sandwich board signs (meeting the size requirements of BIMC 15.08.090.E).~~

~~D. Temporary off-site signs shall be regularly inspected to ensure that they have not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.~~

~~E. Temporary off-site signs are exempt from BIMC 15.08.030.C, 15.08.040.E, and 15.08.090.B.1.~~

~~F. A permit in accordance with BIMC 15.08.120 and identifying the dates the signs will be displayed shall be obtained for each 12-month period.~~

~~G. All signs visible from Highway 305 must be in conformance with the standards of the Scenic Vistas Act (Chapter 47.42 RCW and Chapter 468-66 WAC) that is incorporated herein by this reference as well as the related Washington State Department of Transportation (“WSDOT”) rules, regulations, and noncompliance penalties; provided, that all signs within the city shall also be subject to any additional restrictions as provided in this chapter. In the case of conflict between the requirements of the Scenic Vistas Act and this chapter, the more restrictive requirement shall apply.~~

#### **15.08.120 — Permits required.**

~~A. No signs, except those described in BIMC 15.08.030 and 15.08.100(C), shall be erected without a valid sign permit.~~

~~B. Permit application requirements shall be determined by the director and shall include a site plan showing the location of the signs, the position of buildings and landscaped areas, the elevations of the signs and the configuration and size of the signs.~~

~~C. A valid sign permit is required before altering an existing sign or repairing a sign where the repair exceeds 50 percent of the replacement cost.~~

~~D. Legally established signs that include changeable copy are exempt from permit requirements for altering the changeable copy.~~

#### **15.08.130 — Permit fees.**

~~Permit fees shall be as established by the city council by resolution.~~

#### **15.08.1540 Sign variance.**

A. A variance is the mechanism by which the city may grant relief from the provisions of this chapter where practical difficulty renders compliance with the provisions of this chapter an unnecessary hardship and where the hardship is a result of the physical characteristics of the subject property.

B. The variance procedure shall be administrative and determined by the director.

#### **15.08.1650 Enforcement and penalties.**

~~A. Enforcement of this chapter and the imposition of penalties for violations of this chapter shall be as provided for in Chapter 1.26 BIMC. Anyone violating or failing to comply with the provisions of this chapter shall, upon conviction thereof, be punishable by fine of not more than \$500.00, or by imprisonment for not more than six months, or by both fine and imprisonment, and each day’s violation or failure to comply shall constitute a separate offense.~~

~~B. In addition to any other sanction or remedial procedure which may be available, any person failing to comply with a notice of violation or order issued by the building official, or failing to comply with any other provision of this chapter, shall be subject to cumulative civil penalty in the amount of \$500.00 per day from the date set for compliance until compliance with such notice of violation or order.~~

~~C. In addition to instituting criminal prosecution for violation of any of the provisions of this chapter, the city, through the city attorney, may institute civil proceeding in the Bainbridge Island municipal court or the superior court of the county to obtain a temporary restraining order or injunction prohibiting violation of this chapter and to collect any fines, fees or penalties due under the provisions of this chapter.~~

B.D. The city may remove and dispose of signs that it determines are a threat to public safety and recover costs from the owner of the property on which the sign is located or the sign owner. Within 10 days of removal of a sign, and upon payment of the costs of removal, the owner may recover a sign. ~~Any temporary off-site sign posted in the public right-of-way in violation of the regulations set forth in BIMC 15.08.115 constitutes a trespass upon public property and is declared to be a public nuisance. Such signs shall be subject to immediate abatement by removal and confiscation.~~



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** May 7, 2019

**ESTIMATED TIME:** 10 Minutes

**AGENDA ITEM:** (7:55 PM) Update on Moratorium - Planning,

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**PRIORITY BASED BUDGETING PROGRAM:**

**AGENDA CATEGORY:** Report

**PROPOSED BY:** Planning & Community Development

**RECOMMENDED MOTION:**

Moratorium work program and status update. Respond to City Council questions and discussion.

**SUMMARY:**

City staff have been working to address the issues identified in the development moratorium (Ordinance No. 2018-02, amended by Ordinances Nos. 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2019-10).

On March 26, 2019, after conducting another public hearing regarding the current moratorium on certain development, the City Council adopted Ordinance No. 2019-10 (effective date April 3, 2019) which will extend the moratorium for an additional six months, unless the Council decides to terminate the moratorium earlier based on new information or on completion of remaining tasks on the moratorium work plan. The development moratorium is scheduled to expire on October 3, 2019, unless the Council takes further action before such date.

See the attached Work Program Status Report, Ordinance No. 2019-10, and summary.

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

**ATTACHMENTS:**

[20190507 Moratorium work program status report.docx](#)

[Ordinance No. 2019-10 Extending the Development Moratorium](#)

[Development Moratorium Summary Effective 20190403.docx](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**

## Moratorium on Accepting Certain Development Applications: Work Program Status Report – May 7, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

Moratorium Topic	Status	Timeline
Critical Areas Ordinance (CAO)	<p>The development moratorium was amended by the City Council on April 24, 2018 to continue to apply within the City's shoreline jurisdiction areas (Ordinance 2018-14). This effectively applied the aquifer recharge protection area (ARPA) requirement in the shoreline, although the change did not apply other provisions of the CAO update within the shoreline. At its October 16, 2018 study session, the Council made the policy decision to not include the ARPA requirement in the shoreline area. This policy decision means that "Part B" of the moratorium could be removed. On November 13, 2018, the Council adopted Ordinance 2018-43 (effective date November 21) removing "Part B" (i.e., the ARPA requirement) from the moratorium.</p> <p>The City has a Shoreline Master Program (SMP) Amendment in process to integrate the updated critical areas regulations into the SMP.</p>	<p>On September 11, 2018, the City Council held a public hearing on the SMP amendment. The Council held study sessions on October 2 and 16, 2018, and is continuing to consider the amendment at subsequent Council meetings (see below). The Public Comment Period expired on November 9, 2018.</p> <p>The joint state/local review process requires that the draft amendment and a summary of response to comments be transmitted to the Department of Ecology within 30 days after the end of the Public Comment Period. City staff has requested an extension for this transmittal until January 31, 2019. In the meantime, comments are still being accepted and considered by staff and the Council as part of the Council's ongoing consideration of the SMP amendment.</p> <p>On November 27, 2018, the Council discussed the SMP amendment relating to integration of critical area regulations and regarding nonconforming structures, uses, and lots. On December 11, 2018, the Council discussed this matter and instructed staff to prepare a resolution to transmit the SMP amendment to</p>

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Moratorium Topic	Status	Timeline
		<p>the Department of Ecology for its SMA consistency review.</p> <p>On January 8, 2019, the Council passed Resolution No. 2019-05 approving the draft amendment and authorizing staff to transmit the proposed SMP amendment to the Department of Ecology for initial review. <a href="#">The draft SMP amendment was transmitted to Ecology in April 2019.</a> Ecology then sends back the draft amendment with recommended changes and the Council locally adopts the amendment. It is then sent back to Ecology for final approval. The amendment process is expected to be completed in summer 2019.</p>
<p>Status on May 1, 2019:</p>	<p>Complete: CAO update effective outside shoreline jurisdiction.                      Incomplete: Applicability of CAO update within shoreline jurisdiction.</p>	

## Moratorium on Accepting Certain Development Applications: Work Program Status Report – May 7, 2019

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Moratorium Topic	Status	Timeline
<p>Subdivisions</p>	<p>The subdivision update includes three components:</p> <ul style="list-style-type: none"> <li>• Revisions to review process, decision criteria, and decision-making authority</li> <li>• Creation of new design guidelines</li> <li>• Revisions to subdivision standards</li> </ul> <p>The Planning Commission completed its review of all three components.</p> <p>The Council accepted the Planning Commission recommendations related to the role of the Planning Commission and Design Review Board in reviewing and making recommendations on preliminary decisions on subdivisions. However, the Council did not agree to the Planning Commission’s recommendation that the Council be the decision-maker for preliminary decisions on subdivisions (i.e., preliminary plat approval).</p> <p>On September 25, 2018, the Council removed two-lot short subdivisions in which there is an existing single-family residence from the moratorium with the adoption of Ordinance 2018-41.</p>	<p>Next City Council discussion May 7</p> <p>April 2 and 16: City Council discussion</p> <p>March 26: City Council discussion</p> <p>March 19: City Council first reading (staff transmittal of Planning Commission recommendation)</p> <p>On September 27, October 25, and November 8, 2018, the Planning Commission met to discuss subdivision standards and the review process. The Planning Commission continued its discussion in November and December 2018, and in January 2019.</p> <p>On October 23, 2018, the City Council held a public hearing related to Planning Commission/DRB review and recommended roles. The Council deferred taking action until receiving all of the forthcoming Planning Commission recommendations on subdivision design guidelines, standards, review process, and decision criteria.</p>

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	<p>The second two components of the subdivision update – new design guidelines and revised standards – are being discussed by the City Council. It is anticipated the City Council will hold a public hearing related to the subdivision update in late May or early June.</p>	<p>On December 4, 2018, the Council discussed Ordinance 2018-20, related to revisions to land use review procedures for major projects, including subdivisions, and on December 11, 2018, held a public hearing and approved the ordinance.</p> <p>On January 8, 2019, the Council adopted Resolution No. 2019-02, updating the administrative manual to address development review process code amendments in Chapter 2.16, BIMC.</p>
<p>Status on May 1, 2019:</p>	<p>Complete: Ordinance 2018-20 approved by the City Council on December 11, 2018, related to revisions to land use review procedures for major projects, including subdivisions. Planning Commission review of revised subdivision standards.</p> <p>Incomplete: City Council review and approval of subdivision update – new design guidelines and revised standards.</p>	

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Moratorium Topic	Status	Timeline
<p>Design Guidelines Update (related to Site Plan and Design Review and Conditional Use Permits).</p>	<p>A RFQ for professional services was published and closed on August 17, 2018. On October 23, 2018, the City Council authorized a professional services agreement with Framework to produce an updated set of design guidelines (Chapter 18.18 BIMC).</p>	<p>A City Council briefing is scheduled for June 4.</p> <p>Draft design guidelines will be presented at the second public meeting, scheduled for May 22.</p> <p>The DRB will be discussing draft design guidelines on May 6.</p> <p>The consultant met with the Design Review Board (DRB) on March 18 to discuss the existing conditions report and draft design guidelines. The existing conditions report should be available to the public by mid-April.</p> <p>On November 13, 2018, a kick-off meeting with the consultant was held with the DRB. On December 19, 2018, focus groups met to discuss design guideline perceptions, issues, problems, and ideas.</p> <p>On January 30, 2019, a Design Guideline Update Open House was held. On February 5, 2019, the Design Guideline Update project consultant briefed the Council.</p>

## Moratorium on Accepting Certain Development Applications: Work Program Status Report – [May 7, 2019](#)

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		The update to the City's Design Guidelines is expected to be completed before mid-year 2019.
Status on May 1, 2019:	Complete: Consultant professional services agreement approved, kick-off meeting held with the DRB, design guideline open house held, City Council briefed. Incomplete: Updated design guidelines.	

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Moratorium Topic	Status	Timeline
<p>Review Process for Land Use Permits (related to Subdivisions, Site Plan and Design Review, and Conditional Use Permits).</p>	<p>The Planning Commission and Design Review Board discussed this topic at their meetings beginning in May and continuing through December 2018.</p> <p>The Planning Commission provided recommendations to the City Council related to roles and responsibilities for the Planning Commission, Design Review Board, and the Council and the legislative review process for amending the BIMC.</p> <p>The Planning Commission will continue its review of site plan and design review and conditional use permit decision criteria as part of a larger housekeeping ordinance for all of BIMC 2.16 and hold a public hearing in May.</p>	<p>On October 23, 2018, the City Council held a public hearing related to the Planning Commission and Design Review Board’s land use review roles and responsibilities (Ordinance 2018-20). The Council deferred taking action until receiving all of the forthcoming Planning Commission recommendations on land use review procedures.</p> <p>At its December 4, 2018 meeting, the Council discussed Ordinance No. 2018-20, regarding revisions to BIMC Title 2 related to land use review approval bodies and procedures. On December 11, 2018, the Council held a public hearing and approved the ordinance.</p> <p>On January 8, 2019, the Council adopted Resolution No. 2019-02, updating the administrative manual to address development review process code amendments in Chapter 2.16, BIMC.</p> <p>On March 14, 2019, the Planning Commission reviewed site plan and design review and conditional use permit decision criteria.</p>

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		<p>Proposed revisions to decision criteria have been incorporated into a larger housekeeping ordinance for all of BIMC 2.16, which the Planning Commission will discuss and hold a public hearing on in <a href="#">May</a>.</p>
<p>Status on May 1, 2019:</p>	<p>Complete: Ordinance 2018-20 approved by the City Council on December 11, 2018, related to new roles and responsibilities for the Planning Commission and Design Review Board, review procedures for subdivisions, site plan and design review, and conditional use permits, and revisions to the legislative review process for amending the BIMC.</p> <p>Incomplete: Revisions to Chapter 2.16 BIMC related to decision criteria for site plan and design review and conditional use permits. <a href="#">The Planning Commission is currently reviewing a Land Use Code “Housekeeping” ordinance that includes review of these chapters. Staff estimates that the “Housekeeping” ordinance may come before the City Council in late June or July.</a></p>	

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Moratorium Topic	Status	Timeline
Affordable Housing	<p>The Affordable Housing Task Force completed review of its draft final report to the City Council at its meeting on July 11, 2018.</p> <p>On June 12, 2018, the Council approved a contract with ECONorthwest to conduct an economic market analysis and feasibility study regarding a new inclusionary zoning program and updates to the City's Transfer of Development Rights program.</p> <p>On November 13, 2018, the Council dissolved the Affordable Housing Task Force and created a Council Ad Hoc Committee for Affordable Housing.</p> <p>On January 22, 2019, the City Council Affordable Housing Ad Hoc Committee met. On February 5, 2019, the Committee reviewed a draft of the ECONorthwest final report.</p>	<p><a href="#">On April 23, the City Council discussed the affordable housing work plan.</a></p> <p>The Affordable Housing Task Force Report with recommendations was presented to the City Council on July 24, 2018 and was discussed further at the August 21, 2018 Council Study Session.</p> <p>Council study sessions were held on October 2 and December 4, 2018, to receive an update on the economic market analysis from ECONorthwest. On February 19, 2019, the City Council reviewed and provided staff direction on the ECONorthwest / Forterra final report, the Affordable Housing Task Force report recommendations, and discussed the status of the City Council Affordable Housing Ad Hoc Committee.</p> <p>City staff is working on prioritizing and organizing work on the inclusionary zoning and other AHTF report recommendations endorsed by City Council on February 19, 2019. An affordable housing work program with prioritized tasks and schedule will be</p>

## Moratorium on Accepting Certain Development Applications: Work Program Status Report – May 7, 2019

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		discussed with the City Council at a future agenda meeting.
Status on May 1, 2019:	Complete: City Council discussion and endorsement of Priority and Quick Wins recommendations from the AHTF Report. Incomplete: Implementation/approval of AHTF recommendations, including adoption of inclusionary zoning regulations.	

Moratorium Topic	Status	Timeline
Business/Industrial (B/I) zoning district	The Council revisited the inclusion of the B/I zoning district in the moratorium and determined that the results of the moratorium work plan would not have a significant impact on land use applications in that zoning district. On October 23, 2018, the Council made the policy decision to remove from the moratorium certain restrictions related to the B/I zoning district. On November 13, 2018, the Council adopted Ordinance 2018-43 (effective date November 21) exempting from the moratorium B/I zoning district Major Site Plan and Design Review and Major Conditional Use permit proposals.	During their November 13, 2018 discussion of Ordinance 2018-43, and their March 26, 2019 discussion of Ordinance 2019-10, the Council discussed whether commercial subdivisions in the B/I zone should be subject to the moratorium. The Council will discuss at a future meeting whether B/I zoning district commercial subdivisions should also be exempt from the moratorium.*  * The City has not held any preapplication conferences for commercial subdivisions in the B/I zone that would indicate a commercial subdivision application is being prepared. Currently, the draft proposed revisions to subdivision standards regarding commercial subdivisions remain the same as the existing municipal code (the noted revisions represent updated code citations).

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<p>Status on May 1, 2019:</p>	<p>Complete: Ordinance 2018-43 adopted, thereby exempting B/I zoning district Major Site Plan and Design Review and Major Conditional Use permit proposals from the moratorium.                  Incomplete: Policy decision regarding whether B/I zoning district subdivisions should be exempt from moratorium.</p>
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Moratorium Topic	Status	Timeline
<p>Accessory Dwelling Units</p>	<p>On October 23, 2018, the City Council considered whether the City can prohibit, regulate, or otherwise discourage property owners from making condominiums out of accessory dwelling units (ADUs) located on their property.</p>	<p>On October 23, 2018, the Council directed staff to prepare for the Council's consideration an ordinance to require common ownership of ADUs. This issue has been deferred to a future City Council meeting while waiting for the 2019 WA State Legislature to act on proposed ADU bills.</p>
<p>Status on May 1, 2019:</p>	<p>Complete: Began discussions on ADU condominiums.                  Incomplete: Policy decision deferred to Q2 2019.</p>	

## **ORDINANCE NO. 2019-10**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Ordinance No. 2018-43; providing for severability; leaving the effective date of the moratorium unchanged; and extending the moratorium for six months until October 3, 2019.

**WHEREAS**, on January 9, 2018, the City Council enacted Ordinance No. 2018-02 and thereby established a temporary emergency moratorium on the acceptance and processing of certain Permit Applications, as defined in Section 2 of Ordinance No. 2018-02; and

**WHEREAS**, the City Council and City staff received feedback and comment from individuals related to the moratorium and, based partly on that feedback and comment, the Council determined that certain exclusions to the moratorium needed to be amended to clarify the Council's intent regarding such exclusions; and

**WHEREAS**, on January 16, 2018, the Council enacted Ordinance No. 2018-03, which amended Ordinance No. 2018-02 to clarify some of the exclusions; and

**WHEREAS**, the Council and City staff received additional feedback and comment from individuals related to the moratorium and, based partly on that feedback, the Council determined that further amendment was necessary to clarify which types of activities are subject to the moratorium, and which activities are excluded from the moratorium; and

**WHEREAS**, on February 15, 2018, the Council enacted Ordinance No. 2018-05, which amended and restated Ordinance No. 2018-02 and Ordinance No. 2018-03; and

**WHEREAS**, based on additional information and consideration related to educational facilities and preschools, as well as related to the applicability of the moratorium in the Mixed Use Town Center/Central Core Overlay District, on March 13, 2018, the Council approved Ordinance No. 2018-09 to further clarify which types of activities are subject to the moratorium, and which activities are excluded from the moratorium; and

**WHEREAS**, this moratorium was imposed, in part, to allow the City Council and City staff adequate time to complete the Critical Areas Ordinance Update process, and to address the Council's concerns about the City's development review process, standards, and guidelines, as well as regarding affordable housing related issues; and

**WHEREAS**, the Council adopted the Critical Areas Ordinance Update (Ordinance No. 2018-01) on February 27, 2018, and the updated Critical Areas Ordinance took effect on April 23, 2018; and

**WHEREAS**, critical areas within the City's shoreline jurisdiction are regulated by the City's shoreline master program (see, e.g., Chapter 16.12 BIMC, RCW 36.70A.480(3)(b)); and

**WHEREAS**, integration of applicable critical areas regulations into the shoreline master program is essential to ensuring adequate protection of critical areas within the shoreline jurisdiction and no net loss of shoreline ecological functions; and

**WHEREAS**, regulations for critical areas within the City's shoreline jurisdiction are in the process of being updated through an amendment of the City's shoreline master program consistent with the Shoreline Management Act and that amendment process was ongoing as of July 9, 2018, which was the original date that the moratorium was set to expire, and that process continues to be ongoing; and

**WHEREAS**, the City Council approved Ordinance 2018-14 on April 24, 2018, amending the development moratorium in order to have the provisions of Section 3.B. only apply within the City's shoreline jurisdiction areas (Chapter 16.12 BIMC); and

**WHEREAS**, a number of moratorium priorities were identified at a joint meeting of the City's Design Review Board and Planning Commission on February 22, 2018, including the following:

- (1) Revise review procedures for preliminary subdivisions to include the Design Review Board and Planning Commission in process; and
- (2) Analyze alternatives to decision-making authority for the Design Review Board, Planning Commission, and Hearing Examiner for subdivisions, conditional use permits, and site plan and design review; and
- (3) Identify specific development standards to review/revise in Chapters 18.12 and 18.15 of the Bainbridge Island Municipal Code; and
- (4) Initiate rewrite of subdivision design standards in Chapter 17.12 of the Bainbridge Island Municipal Code; and

**WHEREAS**, at the April 3, 2018, City Council study session, the City's Department of Planning and Community Development provided a briefing on the Design Review Board and Planning Commission joint meeting wherein the Council authorized staff to proceed with a work plan addressing the priorities identified at the joint meeting; and

**WHEREAS**, on April 2 and 23, May 7 and 21, June 4 and 18, August 6 and 20, September 4 and 17, and October 15, 2018, the City's Design Review Board discussed alternatives for revisions to the City's land use review procedures and/or subdivision design guidelines; and

**WHEREAS**, on March 22, May 10, June 7, 14, and 21, July 12 and 26, August 9, 23, and 30, September 13 and 27, October 25, November 8 and 29, and December 13, 2018, as well as on January 10, and February 13 and 28, 2019, the City's Planning Commission discussed alternatives for revisions to the City's land use review procedures, subdivision design guidelines, and/or subdivision standards; and

**WHEREAS**, the City provided legal background on the roles of land use bodies, presented in a memorandum from attorney James E. Haney (outside legal counsel for the City) entitled, “*Roles of City Council, Planning Commission, Design Review Board, and Hearing Examiner in Land Use Permits*,” dated June 1, 2018, and the City Council had a special workshop related to land use review procedures on August 27, 2018; and

**WHEREAS**, the City’s Planning Commission completed their review of land use review procedures and forwarded their recommendations on those issues to the City Council, and on December 11, 2018, the Council enacted Ordinance No. 2018-20 related to revisions and updates to the City’s land use review procedures; and

**WHEREAS**, as part of the Planning Commission’s review and consideration of the City’s subdivision review procedures, design guidelines, and standards, the Commission has been considering a proposed ordinance, Ordinance No. 2019-03; and

**WHEREAS**, on February 13, 2019, and continuing to February 28, 2019, the Planning Commission conducted a public hearing on Ordinance No. 2019-03, and subsequently forwarded the proposed ordinance and their recommendations to the City Council; and

**WHEREAS**, each of the multiple Design Review Board and Planning Commission meetings as described above included an opportunity for public comment on the alternatives for revisions to the City’s subdivision guidelines, standards, dimensional standards, and/or land use review procedures; and

**WHEREAS**, the City Council reviewed and considered proposed updates to the City’s subdivision regulations at regularly scheduled meetings on September 4 and 11, October 9, and December 4, 2018, and January 22, 2019; and

**WHEREAS**, the City Council is in the process of considering the Planning Commission’s recommendations related to proposed updates to the City’s subdivision regulations as included in Ordinance No. 2019-03, including at the Council’s meeting on March 19, 2019, and the Council will consider those subdivision regulations further at subsequent meetings; and

**WHEREAS**, City staff is working with the Design Review Board and a consultant team related to updating the City’s Design Guidelines (BIMC 18.18.030) more generally (i.e., the design guidelines that aren’t included in the separate effort described above related to design guidelines for subdivisions), and that work is not expected to be completed until the end of July 2019; and

**WHEREAS**, on June 12, 2018, the City Council authorized the execution of a professional services agreement to conduct an economic market analysis and feasibility study regarding a new inclusionary zoning program and updates to the City’s Transfer of Development Rights program, both of which address affordable housing related issues; and

**WHEREAS**, on July 24, 2018, the Affordable Housing Task Force (“AHTF”) presented its final report to the City Council and the Council discussed the recommendations more thoroughly on August 21, 2018; and

**WHEREAS**, on October 2 and December 4, 2018, the City Council received a project update on the economic market analysis from the consultant (ECONorthwest/Forterra) related to inclusionary zoning and possible updates to the City’s Transfer of Development program; and

**WHEREAS**, on February 19, 2019, the City Council reviewed and provided direction to staff related to the ECONorthwest/Forterra final report and the AHTF report recommendations, and the Council discussed the status of the Council’s Affordable Housing Ad Hoc Committee; and

**WHEREAS**, City staff members are currently working on prioritizing and organizing work on the inclusionary zoning and other AHTF report recommendations which were endorsed by the Council at its February 19, 2019, meeting and work is ongoing in this effort; and

**WHEREAS**, on February 27, 2018, the City Council was provided with a moratorium work program; and

**WHEREAS**, on April 10, May 22, June 5, June 19, July 17, August 21, September 4 and 18, October 2 and 16, November 6 and 20, and December 4, 2018, as well as on January 15, February 5 and 19, and March 5 and 19, 2019, the City Council was provided further moratorium work program status report updates; and

**WHEREAS**, on June 26, 2018, the City Council held a public hearing and approved Ordinance 2018-23, extending the development moratorium for another 90 days until October 9, 2018; and

**WHEREAS**, on September 25, 2018, the City Council held a public hearing and approved Ordinance 2018-41, and thereby extended the development moratorium for another six (6) months, and in so doing narrowed the moratorium to remove two-lot short subdivisions in which there is an existing single-family residence from the moratorium; and

**WHEREAS**, on October 16, 2018, the City Council discussed integrating critical area regulations into the Shoreline Master Program (Chapter 16.12 BIMC) and made the policy decision to not apply new Aquifer Recharge Protection Area regulations (BIMC 16.20.100) within the City’s shoreline jurisdiction areas; and

**WHEREAS**, as a result of that policy decision, and the City Council’s affirmation on October 23, 2018, that the moratorium should be narrowed in that manner, the Council directed staff to prepare an ordinance to entirely remove Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City’s shoreline jurisdiction areas) from the moratorium; and

**WHEREAS**, on October 23, 2018, the City Council discussed additional revisions to the development moratorium, including related to excluding from the moratorium certain permit applications for development in the Business/Industrial zoning district, and the Council directed staff to prepare an ordinance to narrow the moratorium accordingly; and

**WHEREAS**, on October 23, 2018, the City Council also discussed potentially further narrowing provisions of the moratorium related to applications for new short subdivisions that the Council had previously narrowed, and the Council decided to not take such action at that time pending the Planning Commission's ongoing but not yet completed work related to subdivisions, including new subdivision design guidelines and revised subdivision standards and review procedures; and

**WHEREAS**, on October 23, 2018, the City Council also discussed issues related to making condominiums out of accessory dwelling units ("ADUs") and common ownership of ADUs, and the Council directed staff to work on possible revisions to the BIMC to allow the Council to further consider the common ownership issue related to ADUs; and

**WHEREAS**, given that the Washington State Legislature is considering in the current legislative session bills that would impact the regulation of ADUs, the City is awaiting possible action by the Legislature because such action could impact the City's efforts on this issue; and

**WHEREAS**, on November 13, 2018, the City Council approved Ordinance 2018-43, and thereby narrowed the moratorium as requested by the Council and described above related to entirely removing Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City's shoreline jurisdiction areas) from the moratorium, and broadening an exclusion related to certain Major Site Plan and Design Review and Major Conditional Use Permit proposals to include in that exclusion such proposals for properties located in the Business/Industrial District; and

**WHEREAS**, although the City has been working to address the land use issues identified in the development moratorium, as described above, the work is ongoing and not yet completed; and

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

**WHEREAS**, the moratorium promotes the public good and is necessary for the protection of public health, property, safety, and welfare, and the public emergency on which this moratorium was imposed continues to exist and this ordinance does not change the basis for that declaration of emergency, except as described above, nor the effective date of the moratorium, which is January 9, 2018.

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

**Section 1. Findings of Fact.** The recitals set forth above are hereby adopted as additional and supplemental findings of fact to the City Council’s initial findings of fact in support of the moratorium, as established by Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2018-43.

**Section 2. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council conducted a public hearing on this extension of the moratorium at its meeting on March 26, 2019, and took public testimony and considered further findings of fact.

**Section 3. Moratorium Amended.** The moratorium is hereby amended, as also stated in Section 6 below, to extend the moratorium until October 3, 2019, which is six (6) months beyond the current duration of the moratorium, based on an effective date of this ordinance of April 3, 2019.

**Section 4. Moratorium Work Plan.** As provided for under RCW 35A.63.220 and RCW 36.70A.390, the City may renew a moratorium for one or more six-month periods if a work plan has been developed, a public hearing has been held, and findings of fact have been made, and the City has thereby previously extended the moratorium as described herein based on the work plan that has been developed and the findings of fact that have been made in this ordinance and the previous ordinances related to this moratorium, and the City is hereby renewing and extending the moratorium for an additional six months based on an updated work plan (see attached Exhibit A), conducting another public hearing, and adopting additional findings of fact as stated in this ordinance.

**Section 5. 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 6. No Change to Basis for Declaration of Emergency; Effective Date; Duration.** This ordinance shall take effect and be in force five (5) days from and after its passage and publication as required by law. Provided, that this ordinance is not intended to change the basis of the emergency declarations stated in the moratorium ordinances which preceded this ordinance, Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2018-43, except as described in the “Whereas” clauses of this ordinance. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support the emergency declarations adopted as part of the enactment of this moratorium were included in the “Whereas” clauses of Ordinance No. 2018-02 and Ordinance No. 2018-03, and were restated and supplemented in Ordinance No. 2018-05 and Ordinance No. 2018-09, and Ordinance Nos. 2018-14, 2018-23, 2018-41, and 2019-43, as well as in this ordinance, and those “Whereas” clauses are adopted as findings of fact. This ordinance amending the moratorium shall remain effective for the updated period as established for the moratorium, which is currently scheduled to expire based on this ordinance on October 3, 2019, unless terminated earlier by the City Council. This ordinance does not change the effective date of the moratorium, which is January 9, 2018. The Council may, at its sole discretion, renew the

moratorium for one or more six (6) 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 March, 2019.

APPROVED by the Mayor this 26th day of March, 2019.



\_\_\_\_\_  
Kol Medina, Mayor

ATTEST/AUTHENTICATE:



\_\_\_\_\_  
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK	March 15, 2019
PASSED BY THE CITY COUNCIL	March 26, 2019
PUBLISHED:	March 29, 2019
EFFECTIVE DATE:	April 3, 2019
ORDINANCE NO:	2019-10

Attached: Exhibit A (Work Plan)

## Exhibit A

### Moratorium on Certain Developments Work Plan Schedule, Ordinance No. 2019-10 (April – October 2019)

Work Program Item	Description
<b>Subdivision Standards</b>	Revise the subdivision standards to result in residential development that reflects Comprehensive Plan goals and policies included in the land use, housing, and environmental elements.
<b>Design Guidelines</b>	Update and improve the design guidelines and review process to result in higher quality development that reflects the Island's values and character.
<b>Conditional Use / Site Plan Decision Criteria</b>	Revise criteria to reduce subjectivity in decision-making and better ensure outcomes consistent with the Comprehensive Plan.
<b>Affordable Housing</b>	Develop an affordable housing work program in response to Inclusionary Zoning / Transfer of Development Rights and Affordable Housing Task Force reports.

April 3, 2019

**DEVELOPMENT MORATORIUM SUMMARY:** Effective beginning January 9, 2018 until October 3, 2019. (Ordinance No. 2018-02, amended by Ordinance Nos. 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43 and 2019-10).

**Development Activity PROHIBITED During the Moratorium:**

- A. All applications for new short subdivisions (BIMC 2.16.070), except two-lot short subdivisions in which there is an existing single-family residence, new preliminary long subdivisions (BIMC 2.16.125), and new large lot subdivisions (BIMC 2.16.080).
- B. Major Site Plan and Design Review and Major Conditional Use Permit proposals that are not otherwise subject to this moratorium and that did not, before the effective date of the moratorium, have a pre-application conference on the Planning Department's calendar. Provided, that the moratorium does not apply to Major Site Plan and Design Review and Major Conditional Use Permit proposals for properties located in the Mixed Use Town Center/Central Core Overlay District or the Business/Industrial District.

**EXCEPTIONS to the Above Development Activities Prohibited During the Moratorium:**

- A. Permits and approvals for affordable housing projects that qualify as Housing Design Demonstration Project (HDDP) Tier 3 projects pursuant to BIMC 2.16.020.Q. and Table 2.16.020.Q-1, and
- B. Permits and approvals for government facilities and structures; educational facilities and preschools; wireless communication facilities; and emergency medical and disaster relief facilities.



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** May 7, 2019

**ESTIMATED TIME:** 90 Minutes

**AGENDA ITEM:** (8:05 PM) Ordinance No. 2019-03 Relating to Subdivision Update - Planning,

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**PRIORITY BASED BUDGETING PROGRAM:**

**AGENDA CATEGORY:** Ordinance

**PROPOSED BY:** Planning & Community Development

**RECOMMENDED MOTION:**

Council discussion.

**SUMMARY:**

Staff anticipates supporting the City Council's continued discussion related to the subdivision update. The next step would be to schedule a public hearing. At the next Council business meeting on May 14, the Council could consider whether to schedule a public hearing for May 28, 2019.

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

The following new background material is included:

-- Staff memo (dated 5/7/19): The memo provides an update from the last Council discussion of this topic, including decision points and key considerations.

-- Ordinance 2019-03 Exhibit A PC Recommendation with Notes and Revisions: BIMC 17.12 draft with staff input (yellow text, not yet discussed by the City Council) and proposed revisions based on City Council input (green text, to be discussed at tonight's study session).

-- Potential development scenarios: Graphics depicting variations of natural area, ARPA, community space, and development area in the R-0.4, R-1, and R-2 zoning districts. These graphics are intended to assist the City Council in visualizing, in a very basic way, how percentages of various requirements might be applied to a generic 10-acre parcel.

-- Proposed new Table 17.12.060-1 – Clustering Requirements.

The following background material is also included and remains unchanged from the April 16, 2019 study session:

-- Ordinance 2019-03

-- Ordinance 2019-03 Exhibit B (definitions)

-- Ordinance 2019-03 Exhibit C (design guidelines)

-- March 19 staff memo

-- April 2 staff memo

#### **ATTACHMENTS:**

[20190507 CC Staff Memo.docx](#)

[20190507 Ord 2019-03 Exhibit A PC Recommendation with Notes and Revisions.docx](#)

[Potential Development Scenario 1.docx](#)

[Potential Development Scenario 2.docx](#)

[Potential Development Scenario 3.docx](#)

[Potential Development Scenario 4.docx](#)

[Proposed Table 17.12.060-1 Clustering Requirements.docx](#)

[Ordinance No. 2019-03 Subdivision Update - Draft 031519](#)

[Ord 2019-03 Exhibit B 20190228.docx](#)

[Ord 2019-03 Exhibit C 20190228 PC Recommendation.docx](#)

[20190402 CC Staff Memo.docx](#)

[20190319 CC Staff Memo](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**

## Memorandum

Date: May 7, 2019  
To: City Council  
From: Christy Carr, AICP  
Senior Planner  
Subject: Subdivision Update  
Revisions to Planning Commission Recommended Draft based on City Council Input

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The Planning Commission's recommended draft of the subdivision update has been discussed at three study sessions on March 19 and April 2 and 16, 2019. These discussions were wide-ranging but focused somewhat on a handful of topics around which the City Council requested additional information and/or revised code language. This memorandum provides staff's input on these topics and provides a reference to the specific code language to be revised, if applicable.

Attached materials to support the narrative below include:

- Potential development scenarios: Graphics depicting variations of natural area, ARPA, community space, and development area in the R-0.4, R-1, and R-2 zoning districts.
- Ord 2019-03 Exhibit A PC Recommendation with Notes and Revisions: BIMC 17.12 draft with staff input (yellow text, not yet discussed by City Council) and proposed revisions based on City Council input (green text, to be discussed at tonight's study session).
- Proposed new Table 17.12.060-1 – Clustering Requirements.

### Definition and Designation of Natural Area

The subdivision update proposed to change the term "open space" to "natural area." Natural area would be made up of primary conservation areas – critical areas and aquifer recharge protection areas – and secondary conservation areas – mature woodlands, significant trees, wildlife corridors, etc. As proposed, natural area would not include other valued open space features such as pastures, meadows, and orchards. The City Council discussed that these other open space features are important to maintaining island character and should be included in natural area. Staff proposes revising the language around natural area to reflect the diversity in valued open space features and clarify its designation and allowed uses.

[See proposed revisions to BIMC 17.12.050.](#)

## Definition and Applicability of Clustering

The Planning Commission's recommended draft included the concept of homesite clustering as the "preferred design model" for all types of subdivisions in all zoning districts. As proposed, cluster means "grouping homesites within a subdivision to facilitate the efficient use of land by limiting areas of disturbance, impervious surfaces, utility extensions and roadways." The City Council's discussion regarding clustering focused on these points:

- Conservation areas (R-0.4, R-1, and R-2 zoning districts) should be treated differently than higher density zoning districts.
- Requirements for short vs. long subdivisions.
- Requirements for large subdivisions (10+ lots).

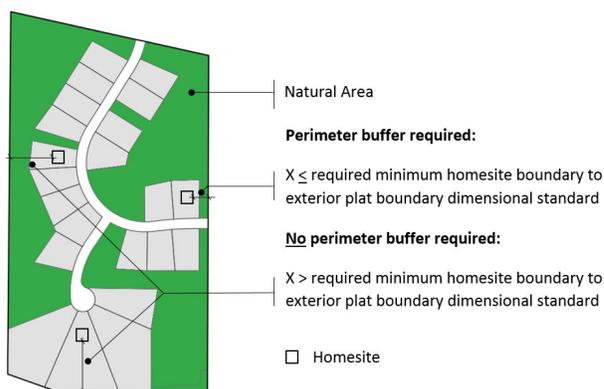
As previously noted by staff, it would be difficult to achieve predictable and consistent outcomes in the absence of standards. If the intent is to minimize site disturbance and the overall development footprint, a standard is needed to achieve that – guidelines and preferences will not. The necessity and type of standard(s) will depend on the size and vegetation character of the site and the development potential (i.e., number of allowed lots). In some cases, the City Council may want to consider limiting site disturbance rather than requiring (or preferring) homesite clustering, or some combination of both.

Staff is providing for the City Council's consideration separate sections, one called "homesite location" and the other called "homesite clustering." Homesite location requirements would apply to all types of subdivisions. These locational requirements include limiting areas of disturbance, topographic alteration, and clearing of existing vegetation. Homesite clustering would be achieved through a maximum homesite separation standard only for subdivisions with specific existing natural area characteristics. An alternative to the maximum homesite separation – maximum site disturbance -- is also included. Applicability of required homesite clustering is shown in a new table. Either maximum homesite separation or maximum site disturbance would be required, unless a departure is granted.

See ["potential development scenarios," proposed revisions to BIMC 17.12.060.B, and new BIMC 17.12.060.C and Table 17.12.060-1.](#)

## Perimeter Buffers

There was some discussion that the proposed perimeter buffers are onerous. Staff developed the following diagram to provide an alternative applicability of perimeter buffers. They would only be required when one or more homesites is within close proximity to the perimeter plat boundary. Perimeter buffers would not be required around the entire perimeter. The extent (or length) of the perimeter buffer could be determined on a case-by-case basis. For example: length of lot line, length of perimeter boundary, length of abutting property line.



## Diversity in Layout and Architectural Style

There is clear agreement among Council members that recent subdivision development is inconsistent with island character due to its “cookie cutter” look and feel. Newer subdivision development does not reflect the island’s rural-like development pattern or existing neighborhood context. Staff suggests that this look and feel is due to a number of factors, including a standardized layout and the uniform placement and appearance of homes. The Planning Commission’s recommended draft includes general standards intended to address this:

BIMC 17.12.070.P. Design Diversity. Subdivision designs shall avoid monotonous rows of duplicative dwellings by incorporating measures that promote design diversity, including:

1. Providing a mixture of lot sizes and/or front setbacks; and/or
2. Providing a variety of floor plans and façade treatments.

The proposed subdivision design guidelines also include:

Diversity in House Design	Intent: To provide a range of home sizes and designs to achieve diversity in visual appearance and affordability.  Guideline: House designs should be varied in size, massing, and frontage character using methods such as varied floor plans, staggered front yard setbacks, building modulation, and changes in exterior materials. Houses should display shared architectural features to establish continuity and harmony.
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The City Council may wish to consider including more detailed standards to avoid a uniform appearance and better integrate new subdivisions with the existing development pattern. These standards would become conditions of preliminary plat approval, noted on the plat. Subsequent building permits would then need to be checked against these conditions of approval. Alternatively, elevations and models could be required as part of preliminary plat review. It is likely that not all standards would apply to all zoning districts, since the development pattern varies throughout the island. Some examples include:

- Buildings shall vary, and in so doing provide a range of compatible styles, elevations, designs, home sizes, home prices, and neighborhood diversity.
- Buildings shall avoid a uniform appearance by providing variation in building architecture and elevations using methods such as building modulation, primary and secondary building forms (e.g., covered porches, dormers, window bays), and changes in exterior materials, colors, windows, doors, and trim.
- No more than two of the same model and elevation shall be built within long subdivisions. The same model and elevation shall not be built next to each other. Mirrored floor plans to not count as different floor plans.
- Different models are defined as having significant variations in the floor plans, which allows for variation in the massing of the home. The following major elements must be substantially different:
  - Floor plan, building configuration, massing
  - Roof type (gable, hip, shed, etc.)
- A clear pattern of massing changes and modulation of building forms and composition is required to create architectural variety and interest.

- The front yard setback shall be varied between lots. To break up visual monotony on a straight street, no more than two homes in a row shall be sited at the same front yard setback. Varied shall be defined as a difference of at least five feet.
- Individual lots sizes shall vary in size to reflect the neighborhood context. Not more than two adjacent lots shall be of the same size (“same size” is defined as within 500 square feet in area relative to each other). In the R-0.4, R-1, and R-2 zoning districts, at least one-third of the lots shall vary by at least 2,000 square feet.

### Administrative Departures

The Planning Commission’s recommended draft includes the concept of administrative departures. These departures are intended to allow flexibility in subdivision design based on unique site conditions without going through a formal variance process. There was general agreement that the City should not be allowed to require a departure (and/or that there is no need for it). This provision was deleted. In addition, the language around the decision criteria and process for departures was revised for clarity.

The terms “preferred” and “optional” related to clustering are not used in the proposed revisions to BIMC 17.12.060. A table outlining clustering requirements is also included in the proposed revisions. These two revisions should eliminate confusion between required/mandatory and preferred/optional. The City Council may want to consider whether the proposed clustering requirements – either maximum homesite separation or maximum site disturbance – should be eligible for a departure. If not, “clustering requirements pursuant to Table 17.12.060-1” should be added to the list of standards from which a departure is not allowed (see BIMC 17.12.040.B).

[See proposed revisions to BIMC 17.12.040.](#)

### Outstanding Topics

The City Council indicated an interest in further discussing at least two additional topics: limiting and/or promoting smaller home sizes and roadside buffers. Staff is prepared to support this discussion.

## Chapter 17.12 SUBDIVISION STANDARDS

**Yellow highlighted text** is original text from the Planning Commission recommended draft on which staff had input. These issues have not been discussed by City Council. Please see the March 19, 2019 staff memorandum for details. \*\*Note: Some numbers have been deleted because the issue is addressed in proposed revisions.

**Green highlighted text** shows proposed revisions based on City Council input.

### 17.12.010 Applicability.

This chapter sets forth standards for short subdivisions, long subdivisions, large lot subdivisions, and nonresidential and multifamily subdivisions. Specific requirements relevant to each individual type of subdivision are provided throughout various chapters of this title.

### 17.12.020 Subdivision Design Guidelines.

All residential subdivisions outside the Neighborhood Center and Mixed Use Town Center zoning districts shall comply with those design guidelines contained in “Design Guidelines for Residential Subdivisions” set forth in BIMC 18.18 and its reference documents, which are adopted as part of this title by reference.

The purpose of subdivision design guidelines is to define the qualities of subdivisions that meet the guiding principles, 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 reference points for the public to participate in discussions of new subdivisions, and they allow applicants flexibility in meeting development standards and zoning requirements. An applicant may be granted a departure from the **development standards** by demonstrating that an alternative design better meets the intent of the design guidelines.

1

### 17.12.030 Four-Step Design Process

The city’s approach to planning for subdivisions requires a four-step process that gives the highest priority to identification and conservation of **resources**. This process reverses the conventional site planning approach, which typically begins by laying out the streets, lot lines and building footprints. Instead of first identifying the areas to be cleared for development, the design process begins by analyzing on-site resources and the site’s relationship to surrounding properties, in order to identify what resources are most worthy of preservation and what areas can best accommodate development.

2

This design process is required for all residential subdivisions. The process is further defined in BIMC 2.16.125.D; it consists of four steps: 1) Delineate Natural Area; 2) Locate Homesites and Community Space; 3) Define Access; and, 4) Draw Lot Lines.

### 17.12.040 Administrative Departures

A. A departure from existing subdivision standards may be requested by an applicant **or required by the City** to allow use of an alternative standard not listed among the applicable requirements of BIMC 17.12.050 through BIMC 17.12.070. Departures are not variances and are not required to meet the criteria associated with a variance

application. Rather, departures allow adjustment of existing standards to achieve better outcomes in cases where strict application of the existing standard would result in an inferior subdivision design.

B. Departures from the subdivision standards in BIMC 17.12.050 through BIMC 17.12.070, may be permitted as part of the subdivision review process. In order for such a departure to be allowed, it must satisfy the intent of the four-step design process, and the resulting subdivision must be consistent with the general purpose and intent of the subdivision ordinance and the specific standard(s). A departure shall not be allowed from the following standards:

1. Natural area
2. Community space
3. Homesite size

C. Any request for one or more departures shall be made at the Design Guidance Review Meeting as part of the pre-application phase of the project. Departures shall be reviewed concurrently with an application for subdivision. The Design Review Board may include an administrative departure in its recommendation to the Planning Commission, based on all of the following criteria:

1. Because of unusual shape, exceptional topographic conditions, environmental constraints or other extraordinary situation or condition in connection with a specific piece of property, strict adherence to the existing standard would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the subdivision ordinance and the specific standard(s);
2. The granting of the departure results in a subdivision with greater natural resource conservation value, less adverse impact to adjoining properties, or more practical design because of topography, critical area, or other extenuating circumstance; and
3. All possible efforts to comply with the standard or minimize potential harm or adverse impacts have been undertaken. Economic consideration may be taken into account but shall not be the overriding factor in approval; and
4. The departure is consistent with other applicable regulations and standards; and
5. The granting of any departure will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity in which the property is located.

D. Upon affirmative recommendations by the Design Review Board and the Planning Commission, the departure(s) shall be included in the Director's recommendation to the hearing examiner.

#### 17.12.050 Natural Area and Community Space.

A. Natural Area Required. All residential subdivisions shall provide natural area consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

1. Natural Area Objectives. The natural area(s) shall support one or more of the following objectives:

- a. Preservation and protection of:
  - i. Natural resources and ecological functions, including groundwater recharge;
  - ii. Native soils and topography;
  - iii. Historic island landscapes including meadows, pastures, and orchards; and
  - iv. Scenic views along roads;
- b. Promoting interconnected open space, wildlife corridors, and undeveloped areas;
- c. Promoting a development pattern consistent with island character.

2. Types of Natural Area. The natural area(s) shall be designated as the first step in the four-step design process defined in BIMC 2.16.125.D. Natural areas consist of primary and secondary natural areas.

a. Primary Natural Areas (PNA). PNAs form the core of the natural area to be protected. PNA's include the following:

- i. Critical areas other than critical aquifer recharge areas;
- ii. Critical area buffers and setbacks;
- iii. Aquifer recharge protection area as required by BIMC 16.20.100; and
- iv. Tree unit requirements consistent with BIMC 18.15.010.G.

b. Secondary Natural Areas (SNA). SNAs are locally noteworthy or significant features of the natural landscape. SNA's include the following:

- i. Pastures, meadows, and orchards;
- ii. Mature woodlands;
- iii. Freestanding significant trees;
- iv. Wildlife corridors;
- v. Greenways and trails;
- vi. Scenic viewsheds;
- vii. Mature vegetation on ridgelines;

3. Amount of Natural Area Required. The minimum natural area shown in Table 17.12.070-1 shall be provided and shall be depicted on the face of the preliminary and final plat.

a. The area provided for natural area shall be based on and consistent with the existing types of natural areas (listed in BIMC 17.12.050.A.3) on the subject property, up to the maximum percent of the area being subdivided shown in Table 17.12.070-1, unless additional natural area is required pursuant to BIMC 17.12.050.B.2.b.

b. All PNAs (listed in BIMC 17.12.050.A.3.a) are required to be designated as natural area even if this amount exceeds the maximum percent required shown in Table 17.12.070-1.

c. 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 designation.

d. Natural areas, except for critical areas and their buffers and setbacks, may be included on individual lots or within a separate tract.

e. If the area being subdivided contains natural areas as described in BIMC 17.12.050.A.3 that exceed the maximum of percent of the area of the property being subdivided shown in Table 17.12.070-1, the maximum required area for natural area designation is still the amount shown in percent Table 17.12.070-1, unless it includes protected critical area as regulated by Chapter 16.20 BIMC.

f. If the area being subdivided contains less than the percent natural area shown in Table 17.12.070-1, then the designated natural area is identified accordingly and community space is required pursuant to BIMC 17.12.070.B.

g. 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.

h. Perimeter and roadside buffers may be included in the natural area calculation.

4. Aquifer Recharge Protection Area (ARPA). Subdivisions in the R-0.4, R-1, and R-2 zoning districts shall include designation of an ARPA in accordance with BIMC 16.20.100 and the following standards:

a. If a proposed subdivision includes more than one parcel, the ARPA shall be calculated based on the total square footage of all parcels;

b. If the required ARPA is greater than the required natural area, the natural area shall be increased to achieve the required ARPA area;

c. If the required ARPA is less than the required natural area, the natural area shall include other PNAs or SNAs to achieve the required natural area.

d. The 12,500 square foot development area allowed pursuant to BIMC 16.20.100.E.2.b shall include all areas of land disturbing activity on the parcel(s) being subdivided.

5. Natural Area Configuration. Designated natural areas shall be configured in a manner that enhances and promotes the natural resource characteristics of the property and development pattern of the surrounding area. Natural area configuration shall satisfy the following guidelines:

- a. Natural area should be concentrated in large, consolidated areas; and
- b. Natural area should connect to adjacent off-site open space areas, designated wildlife corridors and trails, and/or critical areas, where feasible; and
- c. Natural area should be designed to preserve views from off site of the subject property; and
- d. Natural area should be delineated with a low perimeter-to-area ratio;
- e. Natural area shall have a with a minimum width of fifty (50) feet outside of roadside and perimeter buffers; and
- e. Natural area may be included as a portion of one or more lots or may be contained in a separate tract, except for critical areas and their buffers and setbacks.

6. Natural Area Fencing and Signage. Fences and/or signs delineating the boundary of natural areas are required. The director shall determine which option (fence or sign) is required, based on the recommendations from the Design Guidance Review Meeting.

- a. If fencing is required:
  - i. Low-impact fences are preferred and must be constructed in accordance with the definition in BIMC 17.28.020;
  - ii. Fencing is not required at the exterior boundary of the subdivision;
  - iii. Gaps in fencing not exceeding five (5) feet are permitted; and
  - iv. Gates are permitted if they are consistent with the definition of low-impact fences in BIMC 17.28.020.
- b. If signs are required:
  - i. They shall be constructed in accordance with the definition in BIMC 17.28.020; and
  - ii. Typically, they shall be spaced at intervals of 50 feet, allowing for variation due to reasons such as topography, configuration of natural area, distance from other features, etc.
- c. If signage is required and encroachments into the designated natural area occur, the director may require that the owner install fencing and/or additional signage to prevent future encroachments. Required fencing and signs shall be maintained in good repair, with repair or replacement to occur within 60 days.

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

- a. Private Ownership. Natural areas may be held in private ownership if established by easements, restrictive covenants, the natural area management plan, or 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, if a land trust or a similar conservancy maintains ownership or a conservation easement, that 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, the natural areas shall be dedicated to the public.

8. Natural Area Maintenance. 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:

- a. 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.
- b. 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 subsection 7 herein, and 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 NAMP, the city shall have the right to enter the property for necessary maintenance, with the cost of such maintenance assessed against the landowner or, in the case of a homeowner's association, the owners of the properties within the subdivision and shall, if unpaid, become a tax lien on such property or properties.

9. Allowed Uses in Natural Area. The following uses are allowed in those designated natural areas that are not part of a required roadside or perimeter 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, including allowed uses within aquifer recharge protection areas, 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 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 area feature by providing the following:
  - i. No above-ground storm detention facilities are permitted; 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. Playgrounds and tot lots, picnic shelters and benches, community gardens, bus shelters, community art, or fountains may be allowed within a designated natural area, provided the proposed use will not adversely affect the function or characteristics of the specific natural area.

h. 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.

B. Community Space Required. All residential subdivisions, except short subdivisions, shall provide community space consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

1. Community Space Objectives. Community space shall accomplish one or more of the following objectives:

- a. Provide a place for residents to gather in shared space.
- b. Provide common buildings, open space, or gardens.
- c. Provide space for unstructured recreation.
- d. Enhance a felt and actual sense of security, identity, and community.
- e. Provide a protected, traffic-free environment.

2. Amount of Community Space Required. The minimum community space shown in Table 17.12.070-1 shall be provided and shall be depicted on the face of the plat. Community space is not required in the R-0.4, R-1, and R-2 zoning districts if the maximum natural area is provided.

3. Community Space Configuration. Community space should adjoin the largest practicable number of lots within the development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to community space.

4. Community Space Ownership. Ownership of community space shall be established consistent with one of the forms of ownership set forth in BIMC 17.12.050.A.5.

5. Community Space Maintenance. An applicant shall submit a draft community space management plan (CSMP) as described in the Bainbridge Island administrative manual, for review as part of the preliminary plat application. Final approval of the CSMP will occur at the time of final plat approval. The community space management plan shall include:

- a. A list of all approved uses for the community space. Where uses in separate community spaces vary, the specific location of each use shall be depicted graphically.
- b. A maintenance plan for community space that clearly describes the frequency and scope of maintenance activities, and that meets all requirements set forth in subsection 5 herein and the Bainbridge Island administrative manual.
- c. The approved CSMP must be filed with the Kitsap County Auditor within thirty (30) days of final plat approval. In the event that the community space is not maintained consistent with the CSMP, the city shall have the right to enter the property for necessary maintenance, with the cost of such maintenance assessed against the landowner or, in the case of a homeowner's association, the owners of the properties within the subdivision and shall, if unpaid, become a tax lien on such property or properties.

6. Allowed Uses in Community Space. Community space may include uses such as crop and animal agriculture, meadows, orchards, pastures, turf fields, and common buildings. Prohibited and allowed uses within community space shall be included in the draft terms, conditions, covenants, and agreements proposed for the subdivision, which shall be submitted with the preliminary subdivision application. Final terms, conditions, covenants, and agreements must be filed with the Kitsap County Auditor within thirty (30) days of final plat approval.

**17.12.060 Homesites.** All single-family residential subdivisions require homesites located and designed consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

A. Homesite Area.

1. A homesite area no greater than the maximum area shown in Table 17.12.070-1 shall be provided for each lot and shall be depicted on the face of the plat.
2. The homesite area shall include the primary residential dwelling, accessory buildings, and on-site parking, if provided for each lot within the subdivision.
3. Other allowed uses and structures include residential landscaping, pathways, turf, and fences; individual water, stormwater, and septic infrastructure.
4. Homesites shall not contain any critical areas or their buffers or setbacks, shoreline buffers, or any portion of required natural areas. Homesites may include critical aquifer recharge areas.

**B. Homesite Siting.** The four-step design process outlined in Section 17.12.030 BIMC is intended to allow the characteristics of the land to determine the most suitable location of homesites. Homesites should be sited to facilitate the efficient use of land by limiting areas of disturbance, impervious surfaces, utility extensions, and roadways, and meet the following standards:

1. Homesites shall be located to minimize adverse impacts to adjacent, previously existing residential development.
2. Homesites are not required to be located near any existing home on the property.
3. Homesite locations shall be configured to maintain the natural features of the site and minimize topographic alteration and clearing of existing vegetation.

**C. Homesite Clustering.** Clustering, or grouping, of homesites is achieved by providing a maximum separation distance between homesites. Clustering is required in accordance with Table 17.12.060-1.

**17.12.070 General residential subdivision standards.**

A. Constrained lots. 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. Preexisting 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 standards of this chapter shall be considered existing nonconforming lots, but any future resubdivision of any such lots shall comply with the requirements of this title.

C. Platted lots. The platted lot defines the extent of private ownership of land within the subdivision. The size, shape and potential uses of a lot depend on many factors that will be considered in the subdivision design process. Establishing lot lines is the last step in the design process, but a desired result will affect decisions throughout the process, and the physical characteristics of the entire property will present both constraints and opportunities. Standards applicable to lots are found in BIMC 17.12.070 and Table 17.12.070-1.

D. The short subdivision process shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, to circumvent compliance with the more stringent 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, 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 and the requirements of a long subdivision.

D. Remaining area. Any area not designated as public or private access, buffers, lots, or utility tracts shall be designated as either natural area or community space, in accordance with the objectives in either BIMC 17.12.050.A.1 or 17.12.050.B.1.

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E. Site Disturbance. The extent of land disturbing activities, as defined in BIMC 15.20.020.22, shall be limited to the minimum required for site preparation and construction.

F. Compatibility with Adjacent Development

1. Subdivisions shall be designed and located to ensure compatibility with existing adjacent development.
2. Views of house lots from exterior roads and abutting properties shall be minimized by preserving the natural topography and existing vegetation to the greatest extent possible.

G. Dimensional standards. Table 17.12.070-1 sets forth certain minimum and maximum dimensional standards. Where a property is located in more than one zone district, units permitted by density calculations within each zone district must be constructed on the portion of the property located within that district and required setbacks for each zone district must be met. Permitted densities are not “blended” across the zone district line.

H. Septic Systems. Locations of individual or community drainfields and associated reserve drainfields shall comply with all applicable standards established by the Kitsap Public Health District or Washington Department of Health. Reserve drainfield areas shall remain undisturbed until such time as their use is required. This standard shall be noted on the face of the preliminary and final plat.

I. Streets and Vehicle Access. Subdivisions shall comply with the following standards unless modified by the City Engineer:

1. Subdivisions shall comply with all applicable standards of the “City of Bainbridge Island Design and Construction Standards and Specifications,” as amended. Deviations from the “City of Bainbridge Island Design and Construction Standards and Specifications” may be granted by the City Engineer upon evidence that such deviations are in the public interest and that they are based on sound engineering principles and practices. All requirements for safety, function, appearance and maintainability must be fully met. Desired deviations must be requested at the Design Guidance Review Meeting during the pre-application phase of the project.
2. Each lot in a residential subdivision shall have direct access to a public or private street, except for those with shared driveways or alternative lot designs that provide shared or clustered parking outside of individual lots.
3. The street system of a proposed subdivision shall be designed to connect with any existing, proposed, or planned streets outside of the subdivision or to create a connection beneficial to the overall circulation of the surrounding area, as determined by the City Engineer.
4. Interior street layout shall be oriented on the east/west axis if feasible, to maximize active and passive solar access.
5. To minimize impervious surfaces, all public rights-of-way, access easements, private streets, and driveways shall not be greater than the minimum dimensions required to meet standards.
6. Street names and traffic regulatory signs shall be provided, and their locations shall be indicated on the plat/plan. The locations of mailboxes and traffic regulatory signs are only required on the plat/plan when other public improvements are required.
7. Transit stops shall be provided as recommended by Kitsap Transit.

J. Parking and Garages.

1. Parking shall be provided consistent with BIMC 18.15.020, except as modified by this subsection.
2. Parking spaces provided on individual lots must be located within the designated homesite.
3. Parking spaces may be located outside of individual lots, consolidated in a remote or satellite parking area, or in individual or shared garages.
4. Consolidated parking areas shall be landscaped in accordance with BIMC 18.15.010.F.
5. Shared garages are limited to five vehicle spaces and shall not exceed 60 feet in length or 1440 square feet total.
6. Garages, including detached garages, located on individual homesites facing a public street shall be:
  - a. Limited to two vehicles; and
  - b. Either accessed from the side or rear or set back from the most front-facing exterior wall of habitable space a minimum of five feet unless the house is not visible from the public street.

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K. Circulation and Access.

1. All subdivisions shall include a circulation and access system of walkways, paths, or trails that interconnect lots, natural area, community space, and adjacent access facilities. Trails that provide connection to streets, public areas or other trails through the subdivision boundaries shall provide public access.
2. Multi-modal facilities shall be consistent with the applicable standards of the “City of Bainbridge Island Design and Construction Standards and Specifications.”
3. Subdivisions may be required to provide dedicated access easements if one or more “trail connection zones” are located on the site as shown on Map C and D (Non-Motorized System Plan) of the Island-Wide Transportation Plan, as amended.
4. Pursuant to RCW 58.17.110(1) sidewalks or other planning features shall be provided to assure safe walking conditions for students who walk to and from school.

L. Fencing.

1. Sight obscuring fencing is prohibited at the exterior boundary of a subdivision along a public right of way.
2. Fencing at the exterior boundary of a subdivision along a public right of way shall not exceed 3 feet, 6 inches in height.
3. Fencing at the exterior boundary of a subdivision along a public right of way is prohibited within the roadside buffer or at the edge of right of way.
4. Fencing around surface stormwater ponds shall not exceed 3 feet, 6 inches in height unless required by the City Engineer for safety reasons.

- 13 **M. Landscaping.** Individual homeowners are responsible for the maintenance and modification of landscaping on their lots, subject to any rules and guidelines established by a homeowners’ association or similar body. Native vegetation on the site should be retained and maintained where possible and landscaping should be responsive to the natural contours of the lot.

N. Perimeter Buffers. The intent of perimeter buffers is to visually and physically separate adjacent land uses, when necessary, to minimize impacts of new development on adjacent properties.

1. Perimeter buffers shall be provided at the exterior boundary of all subdivisions. The minimum width of perimeter buffers shall equal the minimum homesite boundary to exterior plat boundary required in accordance with Table 17.12.070-1.

- 14 2. Perimeter buffers shall be shown on the face of the preliminary plat. No structures, buildings, or parking facilities may be located within perimeter buffers, except that, **public and private streets**, utility lines, and trails may be located within perimeter buffers provided no significant trees are removed.

3. Existing, native vegetation, including significant trees and tree stands, shall be preserved within perimeter buffers. The tree retention, protection, and replacement requirements of BIMC 18.15.010.C apply to perimeter buffers unless modified by this section.

4. If existing vegetation provides an effective visual screen, no additional planting is required. If existing vegetation does not provide an effective year-round visual screen, additional plant material shall be installed, consistent with the following:

- a. Additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a.. Any additional plant material shall be native species and no turf or lawn is permitted.
- b. In the R-0.4, R-1, and R-2 zoning district, additional plant material is not required if:
  - i. The perimeter buffer meets natural area designation objectives and designation standards in BIMC 17.12.050.1 and 17.12.050.3 or;
  - ii. The nearest structure within the subdivision is located a distance at least two times the required homesite boundary to exterior plat boundary dimension provided in Table 17.12.070-1.

5. Perimeter buffers may be included as a portion of one or more lots or may be contained in a separate tract.

6. Perimeter buffers may be included as a portion of the natural area required in BIMC 17.12.050.A if the buffer meets the standards of that subsection.

7. The performance and maintenance assurances requirements of BIMC 18.15.010.H apply to perimeter buffers.

8. The irrigation and maintenance standards of BIMC 18.15.010 apply to perimeter buffers.

O. Roadside Buffers. The intent of roadside buffers is to enhance or retain Island character through the minimization of disturbance of existing roadside vegetation and screen new development from more highly traveled roads.

1. Roadside buffers are required for all subdivisions along collector or arterial roads in the R-0.4, R-1, and R-2 zoning designation. The minimum width of roadside buffers is 25 feet.

2. Roadside buffers shall be shown on the face of the preliminary plat. Roadside buffers may not be part of individual lots and must be contained in a separate tract.

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3. No structures, buildings, or parking facilities may be located within perimeter buffers, except that, utility lines and boxes and entry signs may be located within roadside, and driveways and trails may cross roadside buffers, provided no significant trees are removed.

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4. Existing, native vegetation, including significant trees and tree stands, shall be preserved within roadside buffers. Tree retention, protection, and replacement requirements in BIMC 18.15.010.C apply to roadside buffers.

5. If existing vegetation provides an effective visual screen, or is consistent with existing roadside character, no additional planting is required. If existing vegetation does not provide an effective year-round visual screen, additional plant material shall be installed, consistent with the following:

- a. Additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a. Any additional plant material shall be native species and no turf or lawn is permitted;
- b. Additional plant material is not required if mature forest or other dense vegetation is not part of the existing roadside character.

6. Roadside buffers may not be included as a portion of the natural area or community space required in BIMC 17.12.050.

7. The performance and maintenance assurances requirements of BIMC 18.15.010.H apply to perimeter buffers.

8. The irrigation and maintenance standards of BIMC 18.15.010 apply to perimeter buffers.

9. For subdivisions designating community space that is intended for agricultural use and would be adversely impacted by the addition of screening landscaping, a roadside buffer shall be required to use screening landscaping that does not adversely impact the proposed agricultural use.

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

**P. Design Diversity. Subdivision designs shall avoid monotonous rows of duplicative dwelling by incorporating measures that promote design diversity, including:**

- 1. Providing a mixture of lot sizes and/or front setbacks; and/or**
- 2. Providing a variety of floor plans and façade treatments.**

**Q. 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.

**17.12.080 Multifamily and nonresidential subdivisions.** Subdivisions established for multifamily and nonresidential uses shall comply with all provisions of BIMC Title 18 (Zoning) applicable to the zone district where the property is located, and for the type of development anticipated. This requirement shall include, without limitation, compliance with design guidelines and standards for lot areas, dimensions, mobility and access, landscaping, screening, and vegetative buffers.

**17.12.090 Special requirements for critical areas and shoreline.**

**A. Critical Areas.** Any portion of a short or long subdivision, large lot subdivision, nonresidential or multifamily subdivision that contains a critical area as defined in Chapter 16.12 BIMC must conform to all requirements of that chapter.

**B. Shoreline.** 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.

**Table 17.12.070-1 Subdivision Dimensional Standards**

[Numbers in brackets indicate additional requirements listed at the end of the table.]

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	NC	MUTC
<b>MINIMUM LOT AREA</b>												
<b>Short and Long Subdivision</b>	If the site is not served by a public sewer system, the minimum individual lot area shall be determined by the Kitsap Public Health District in accordance with Section 15 of the Kitsap County Board of Health Ordinance 2008A-01, Amended June 7, 2011, <i>Onsite Sewage System and General Sewage Sanitation Regulations</i> , as amended.  If the site is served by a public sewer system, there is no minimum lot area.  Individual lots may contain portions of natural and community space and access easements.											
<b>Large Lot Subdivision</b>	5 ac or 1/128th of a section, whichever is smaller.	N/A										
<b>MINIMUM LOT AREA</b> <span style="background-color: black; color: white; padding: 2px;">17</span>												
Note: Subdivisions containing irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density. Additional regulations on density may apply pursuant to BIMC 16.20.												
<b>Short, Long and Large Lot Subdivisions</b>	The maximum number of lots permitted shall be calculated by dividing the total lot area of the property (without deducting areas to be dedicated as public rights-of-way or areas to be encumbered by private road easements) by the minimum lot area for standard lots in the zone district.											
<b>Minimum Lot Area</b>	100,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft. [1]	15,000 sq. ft.	12,500 sq. ft.	10,000 sq. ft.	8,500 sq. ft.	7,260 sq. ft.	5,400 sq. ft.	3,100 sq. ft.	8,500 sq. ft.	See FAR table
<b>Minimum Lot Area pursuant to BIMC 18.12.030.A</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,630 sq. ft.	2,074 sq. ft.	N/A	N/A
<b>NATURAL AREA</b>												
Minimum percentage of total site	55%	45%	30%	25%	25%	20%	15%	N/A	10%	5%	15%	5%
Minimum width	50 ft.											
<b>COMMUNITY SPACE</b> [x] [x] Instead of providing the required 5% community space, that area may be added to the required natural area if it can be demonstrated that greater conservation area can be achieved.												
Minimum percentage of total site	5% [x]	7.5%	10%	15%						10%	15%	10%

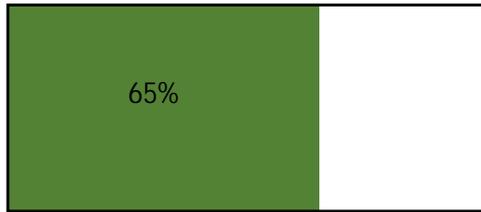
ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	NC	MUTC
<b>HOMESITE</b> <span style="background-color: black; color: white; padding: 2px 5px;">18</span>												
Note: Refer to definition of homesite and standards for homesites.												
Maximum size	10,000 sq. ft.	7,500 sq. ft.	6,500 sq. ft.	5,500 sq. ft.	4,500 sq. ft.	3,500 sq. ft.	3,500 sq. ft.	N/A	3,000 sq. ft.	2,250 sq. ft.	3,500 sq. ft.	2,250 sq. ft.
<b>HOME SIZE</b>												
Maximum size	N/A							1,600 sq. ft.				
<b>MAXIMUM LOT COVERAGE [3]</b>												
Short and Long Subdivision	Same as applied to the entire property that is the subject of the subdivision application, a portion of which shall be assigned to each lot at the time of preliminary plat approval.											
Large Lot Subdivision	10%	15%	20%	N/A	N/A	N/A	N/A	N/A	25%	40%	N/A	N/A
<b>MINIMUM SETBACKS</b>												
Note: Additional setbacks may be required by:												
(a) Chapter 16.08 or 16.12 BIMC, or												
(b) Chapter 16.20 BIMC, Critical Areas, or												
(c) BIMC 16.28.040, mining regulations, or												
(d) BIMC 18.09.030, Use-specific standards, or												
<span style="background-color: yellow;">[x] Attached or zero lot line allowed in all districts but R-0.4 if building is 1,600 sf or less</span> <span style="background-color: black; color: white; padding: 2px 5px;">19</span>												
[y] ADUs do not need to meet TOTAL building to homesite boundary setback – only minimum setback; must be located within homesite.												
Building to homesite boundary Net building size 1,600 sq. ft. or less Minimum/total [x] [y]	5 ft. min., 10 ft. total						3 ft. min., 10 ft. total					
Building to homesite boundary Net building size 1,601 sq. ft. or more Minimum/total	15 ft. min., 50 ft. total	10 ft. min., 25 ft. total	5 ft. min., 20 ft. total	10 ft. min., 20 ft. total	5 ft. min., 20 ft. total	5 ft. min., 20 ft. total	N/A	5 ft. min., 10 ft. total	3 ft. min., 10 ft. total			
Building outside homesite to exterior plat boundary line Net building size 200 sq. ft. or less	50 ft.	25 ft.	10 ft.	5 ft.								

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	NC	MUTC
Building outside homesite to exterior plat boundary line Net building size 200 sq. ft. or more	50 ft.	25 ft.		10 ft.		10 ft.					5 ft.	
Homesite to exterior plat boundary line	50 ft.	25 ft.		10 ft.		5 ft.						
Any building to SR 305 right-of-way	75 ft.	75 ft.	75 ft.	N/A	25 ft.	N/A	N/A	N/A	25 ft.	N/A	25 ft.	25 ft.
Homesite to edge of arterial and collector right-of-way	25 ft.			10 ft.								
Building outside homesite to edge of arterial and collector right-of-way	25 ft.			10 ft.								
Any building to all other streets	10 ft.						5 ft.					
Building to trail, natural or community space or access easement (except for natural areas that are also perimeter buffers)	10 ft.					5 ft.					10 ft.	5 ft.
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 18.12.030.F, Shoreline Structure Setbacks. For properties abutting the shoreline, dimensional standards in BIMC 16.12 replace the zoning setbacks along the water.											
<b>GARAGE DIMENSIONAL STANDARDS</b>												
Shared garage to <b>internal access</b>	20 0 feet											
Shared garage to shared garage	10 feet											
Shared garage maximum size	60 feet long or 1440 square feet total											
<b>MAXIMUM BUILDING HEIGHT</b>												
Note: Bonus may not be available in the shoreline jurisdiction												
<b>Short, Long, and Large Lot Subdivisions</b>	Height requirements for standard lots apply pursuant to BIMC Table 18.12.020-2.											

[1] The base density for that parcel in the Lynwood Center special planning area designated as R-2 is one unit per 20,000 sq. ft., but may be increased up to 3 units per acre; provided, that a public access easement is granted for that portion of the parcel that lies to the south of Point White Drive along the waters of Rich Passage. The base density of some parcels in the Fort Ward historic overlay district may be increased as shown in BIMC 18.24.070.



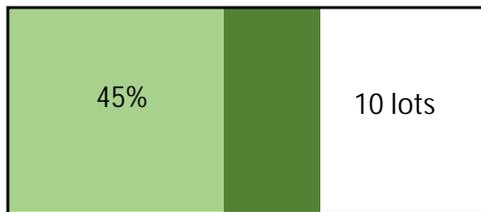
POTENTIAL DEVELOPMENT SCENARIOS FOR FULLY WOODED 10-ACRE PARCEL IN R-0.4, R-1 AND R-2 ZONING DISTRICTS



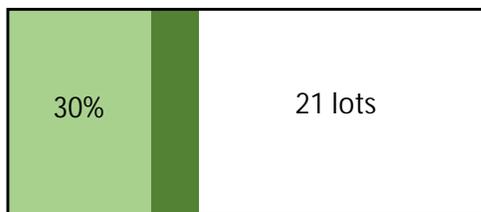
Full ARPA (65%): 283,140 sf  
Development footprint (35%): 152,460 sf



R-0.4  
Natural Area (55%): 239,580 sf  
Full ARPA (65%): 283,140 sf  
Development footprint\* (35%): 152,460 sf

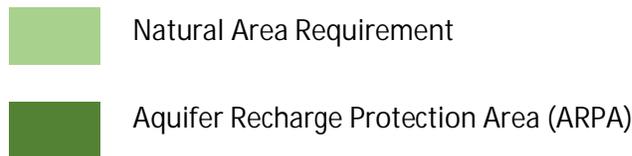


R-1  
Natural Area (45%): 196,020 sf  
Full ARPA (65%): 283,140 sf  
Development footprint\* (35%): 152,460 sf



R-2  
Natural Area (30%): 130,680 sf  
Open Space + ARPA (40%): 173,100 sf  
Development footprint\*\* (60%): 262,500 sf  
(21 lots x 12,500 sf development area: 262,500 sf)

Consider mandatory clustering or maximum site disturbance standard

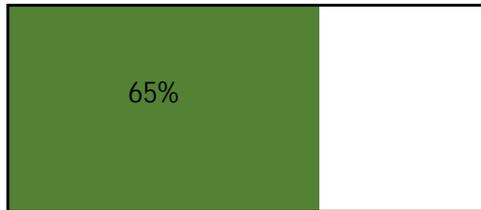


\* Natural Area and ARPA may be located on individual lots if open space does not include critical areas and their buffers/setbacks.

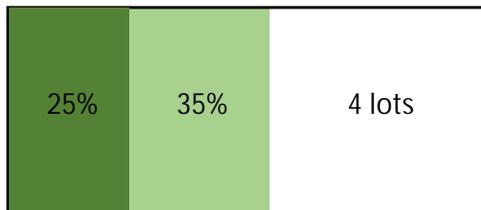
\*\*ARPA may be reduced to achieve 12,500 sf development area

POTENTIAL DEVELOPMENT SCENARIOS FOR 10-ACRE PARCEL IN R-0.4, R-1 AND R-2 ZONING DISTRICTS:

- PARCEL HAS LESS THAN FULL ARPA (25% SHOWN)
- PARCEL HAS OTHER NATURAL AREA UP TO MAXIMUM REQUIREMENT



Full ARPA (65%): 283,140 sf  
 Development footprint (35%): 152,460 sf



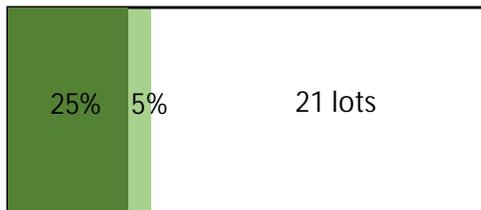
R-0.4

Natural Area Requirement (55%)  
 ARPA (25%): 108,900 sf  
 Other Natural Area (35%): 152,460 sf  
 Development footprint\* (45%): 196,020 sf



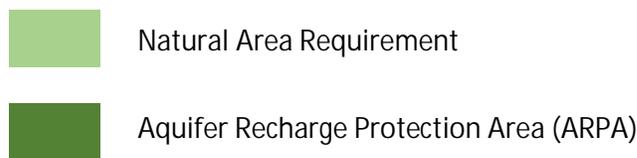
R-1

Natural Area Requirement (45%)  
 ARPA (25%): 108,900 sf  
 Other Natural Area (20%): 196,020 sf  
 Development footprint\* (55%): 239,580 sf



R-2

Natural Area Requirement (30%)  
 ARPA (25%): 108,900 sf  
 Other Natural Area (5%): 21,780 sf  
 Development footprint\* (70%): 304,920 sf

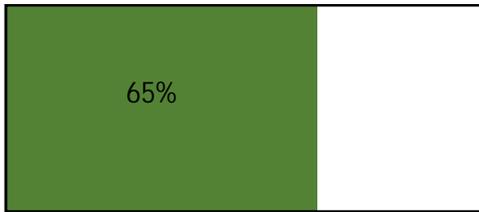


Consider mandatory clustering or maximum site disturbance standard

\* Natural Area and ARPA may be located on individual lots if open space does not include critical areas and their buffers/setbacks.

POTENTIAL DEVELOPMENT SCENARIOS FOR 10-ACRE PARCEL IN R-0.4, R-1 AND R-2 ZONING DISTRICTS:

- ARPA IS LESS THAN REQUIRED NATURAL AREA
- SITE HAS OTHER NATURAL AREAS AT LEAST EQUAL TO NATURAL AREA REQUIREMENT



Full ARPA (65%): 283,140 sf  
 Development footprint (35%): 152,460 sf



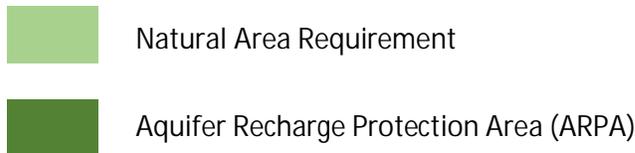
R-0.4 Natural Area (55%): 239,580 sf  
 Development footprint\* (45%): 196,020 sf



R-1 Natural Area (45%): 196,020 sf  
 Development footprint\* (55%): 239,580 sf



R-2 Natural Area (30%): 130,680 sf  
 Development footprint\* (70%): 304,920 sf

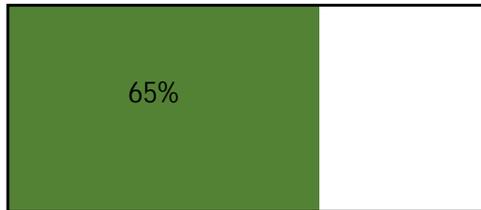


Consider mandatory clustering or maximum site disturbance standard

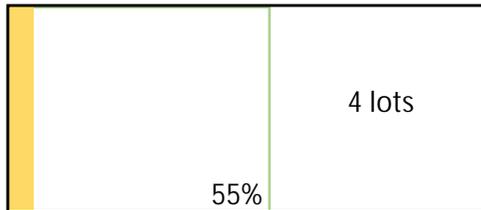
\* Natural Area and ARPA may be located on individual lots if open space does not include critical areas and their buffers/setbacks.

POTENTIAL DEVELOPMENT SCENARIOS FOR 10-ACRE PARCEL IN R-0.4, R-1 AND R-2 ZONING DISTRICTS:

- PARCEL HAS LESS THAN REQUIRED NATURAL AREA
- COMMUNITY SPACE REQUIRED



Full ARPA (65%): 283,140 sf  
 Development footprint (35%): 152,460 sf



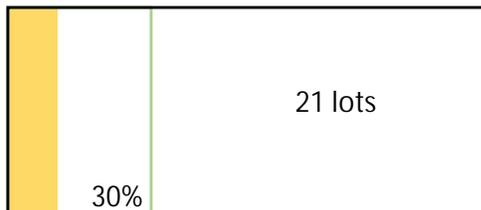
R-0.4

Natural Area Requirement (55%)  
 Development footprint (95%): 413,820 sf  
 Community Space Requirement\* (5%): 21,780 sf



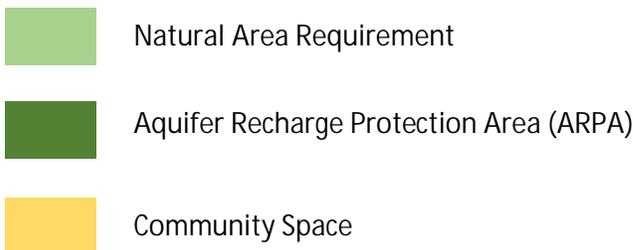
R-1

Natural Area Requirement (45%)  
 Development footprint (92.5%): 402,930 sf  
 Community Space Requirement\* (7.5%): 21,780 sf



R-2

Natural Area Requirement (30%)  
 Development footprint (90%): 392,040 sf  
 Community Space Requirement\* (10%): 43,560 sf



Consider mandatory clustering or maximum site disturbance standard

\*Community Space required only when Natural Area less than required amount.

**Proposed Table 17.12.060-1: Homesite Clustering Requirements**

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	NC	MUTC
<b>HOMESITE CLUSTERING REQUIREMENT</b>												
<b>Short Subdivisions</b>												
2-4 lots with greater than 50% natural area and community space combined	n/a*											25 ft. maximum homesite separation
2-4 lots with less than 50% natural area and community space combined	Required – maximum separation TBD**											
<b>Long Subdivisions</b>												
5-9 lots with maximum open space requirement	n/a*											25 ft. maximum homesite separation
5-9 lots with less than maximum open space requirement	Required – maximum separation TBD**											
10+ lots	Required – maximum separation TBD**											

\*Homesite location needs to meet general requirements (BIMC 17.12.060.B):

Homesites should be sited to facilitate the efficient use of land by limiting areas of disturbance, impervious surfaces, utility extensions, and roadways, and meet the following standards:

1. Homesites shall be located to minimize adverse impacts to adjacent, previously existing residential development.
2. Homesites are not required to be located near any existing home on the property.
3. Homesite locations shall be configured to maintain the natural features of the site and minimize topographic alteration and clearing of existing vegetation.

\*\*Consider providing option to demonstrate maximum 35% site disturbance (land disturbing activity) instead of maximum homesite separation requirement (see examples below).

**EXAMPLES FOR LIMITING SITE DISTURBANCE:**

- LEED requirement REXSS4r2-0 --“Identify areas of disturbance”

For portions of the site that are not previously developed, identify construction impact zones that limit disturbance to a minimum of 40 feet (12 meters) beyond the building perimeter; 10 feet (3 meters) beyond surface walkways, patios, surface parking and utilities less than 12 inches (300 millimeters) in diameter; 15 feet (4.5 meters) beyond street curbs and main utility branch trenches; and 25 feet (8 meters) beyond constructed areas with permeable surfaces (such as pervious paving areas, stormwater retention facilities, and playing fields) that require additional staging areas to limit compaction in the constructed zone.

- LID certification example:

As part of the proposed site plan, indicate areas that are to be protected from site disturbance and indicate the total area and percentage of the parcel area to be disturbed. Site disturbance is limited to [x] percent of the total site.

- Site disturbance standard example:

The site is not to be mass-graded. Only [x] times the homesite area is to be cleared as the lots are developed.

**ORDINANCE NO. 2019-03**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, relating to subdivision standards, revising Title 17, repealing Chapter 17.12, and adopting an updated Chapter 17.12, repealing Table 18.12.020-1, and revising Chapter 18.12.040, 18.15.005, 18.15.010, 18.15.020, and 18.18.030 of the Bainbridge Island Municipal Code.

**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 expressed 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, and desires to revise development regulations to best accommodate growth and development in both general and specific ways; and

**WHEREAS**, Ordinance No. 2018-02 imposed a temporary six-month moratorium on the acceptance of certain development, stating the City Council’s concerns regarding likely adverse impacts related to growth and development under existing regulations; and

**WHEREAS**, based on these and related concerns, the City Council required 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**, a number of priorities to address the items at issue in the moratorium were identified at a joint meeting of the City’s Design Review Board and Planning Commission on February 22, 2018, including the following:

- (1) Initiate rewrite of subdivision design standards (Chapter 17.12 BIMC);
- (2) Identify specific development standards to review/revise (Chapters 18.12 and 18.15 BIMC); and
- (3) Consider alternatives and identify preference for design guidelines framework.

**WHEREAS**, at an April 3, 2018 City Council study session, the City’s Department of Planning and Community Development provided a briefing on the Design Review Board and Planning Commission joint meeting wherein the Council authorized staff to proceed with a work plan addressing the priorities identified at the joint meeting; and

**WHEREAS**, on April 2 and 23, May 7 and 21, June 4, August 6 and 13, September 4 and 17, and October 15, 2018, the City’s Design Review Board discussed alternatives for subdivision review procedures and subdivision design guidelines; and

**WHEREAS**, on March 22, May 10, June 7, 14, and 21, July 12 and 26, August 9, 23, and 30, September 13 and 27, October 25, November 8 and 29, and December 13, 2018, as well

as on January 10, and February 13 and 28, 2019, the City’s Planning Commission discussed alternatives for revisions to the City’s subdivision review procedures, design guidelines, and standards; and

**WHEREAS**, each of the multitude of Design Review Board and Planning Commission meetings included an opportunity for public comment; and

**WHEREAS**, the Planning Commission held a public hearing on Ordinance 2019-03 on February 13, 2019, which was continued to February 28, 2019; and

**WHEREAS**, City staff forwarded the Planning Commission’s recommendations related to the subdivision update to the City Council for consideration at the Council’s March 19, 2019 regular study session; and

**WHEREAS**, the City Council previously reviewed and considered the subdivision update at regularly scheduled meetings on September 4 and 11, October 9, and December 4, 2018; and

**WHEREAS**, the City Council considered this ordinance at its meetings on March 19, 2019, as well as meetings on [note: this will be revised based on Council activity]; and

**WHEREAS**, the City issued a State Environmental Policy Act (“SEPA”) Determination of Non-Significance for this Ordinance No. 2019-03 on March 1, 2019; and

**WHEREAS**, the City notified the Department of Commerce on February 25, 2019 of its intent to revise its development regulations relating to subdivisions; and

**WHEREAS**, the City possesses land use jurisdiction and regulatory authority over the City’s incorporated lands.

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

**Section 1.** Section 17.04.010 of the Bainbridge Island Municipal Code is hereby amended as follows.

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. in a manner~~

consistent with the established zoning classifications for residential and other uses, in order to promote the public health, safety, and general welfare of citizens. In accordance with state law and the city's comprehensive plan, this title establishes a planning process for short and long residential subdivisions that promotes the preservation and consolidation of natural areas and the clustering of homes, in order to facilitate the fair and predictable division of land, limit the environmental impacts of development, achieve efficient and cost-effective provisions for utilities and infrastructure, and maintain the current character of the city.

~~B. A further purpose of this title is to:~~

- ~~1. Prevent the overcrowding of land;~~
- ~~2. Lessen congestion in the streets and highways;~~
- ~~3. Provide for adequate light and air;~~
- ~~4. Facilitate adequate provision for water, sewage, storm water drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;~~
- ~~5. Provide for proper ingress and egress;~~
- ~~6. Provide a variety of housing opportunities; and~~
- ~~7. Maintain the quality of life of the city.~~

~~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.B. A final further 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)~~

**Section 2.** Section 17.04.020 of the Bainbridge Island Municipal Code is hereby amended as follows.

B. Location of Review and Approval Procedures and Application Materials. 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. Required application materials are provided in the Bainbridge Island administrative manual.

~~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.~~

**Section 3.** Section 17.08.020 of the Bainbridge Island Municipal Code is hereby amended as follows.

~~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)~~

**Section 4.** Chapter 17.12 of the Bainbridge Island Municipal Code is hereby repealed.

**Section 5.** An updated Chapter 17.12 of the Bainbridge Island Municipal Code is hereby adopted, as set forth in Exhibit A and as incorporated herein.

**Section 6.** Chapter 17.28 of the Bainbridge Island Municipal Code is hereby amended as set forth in Exhibit B and as incorporated herein.

**Section 7.** Table 18.12.020-1, *Flexlot Subdivision Dimensional Standards for Residential Zone Districts*, is hereby repealed.

**Section 8.** Chapter 18.12.040 of the Bainbridge Island Municipal Code is hereby amended as follows.

A. Permitted Setback/Height Modifications. Minimum and maximum setbacks and maximum heights established in Tables 18.12.020-1, 18.12.020-2, and 18.12.020-3 and in BIMC 18.12.030 may be encroached as set forth in Table 18.12.040 and may also be modified by applicable provisions of adopted fire codes, the shoreline master program, and/or the building code. These modifications are not permitted in required perimeter or roadside buffers.

**Section 9.** Section 18.15.005 of the Bainbridge Island Municipal Code is hereby amended as follows.

G. ~~Chapter BIMC 17.12 BIMC-.030, flexible lot design open space/cluster general subdivision~~ standards; BIMC 17.20.020, dedication of land for parks and open space facilities;

**Section 10.** Table 18.15.010-1, *Landscape Requirements by Zone District*, of the Bainbridge Island Municipal Code is hereby amended as follows.

Landscape Requirements for Land Uses and Districts	Significant Tree and Tree Stand Retention	Perimeter Landscape	Roadside Buffer	Parking Lot Landscaping	Total Site Tree Unit Requirements	Planting Requirements	Irrigation	Maintenance
Single-Family Residential Short Plats and Subdivisions	X	X (Cluster Subdivisions Only)	X	-	-	X	X	X

**Section 11.** Table 18.15.010-3, *Perimeter Landscaping Requirements by Land Use and Zoning District*, of the Bainbridge Island Municipal Code is hereby amended as follows.

Abutting Zoning or Land Use District	Perimeter Landscape Type	Perimeter Width (ft.)	Minimum Perimeter Width (ft.)
<b>Short Plats and Subdivisions in Residential Zoning Districts [1]</b>			
Residential subdivision in the R-0.4, R-1, and R-2 districts (cluster option only)	Edge Planting Standard	25	25
Multifamily subdivision in the R-2, R-1, and R-0.4 zoning districts (cluster option only)	Full Screen	25	25
Park and conservation land buffer: applies to all single-family subdivisions (OS) [2]	Edge Planting Standard	25	25
<b>Winslow Town Center Mixed Use District [3] [1]</b>			
Non-B/I	Full Screen [4] [2]	50	35
[1] Properties with less than one acre being subdivided are not subject to perimeter buffer requirements.			

Abutting Zoning or Land Use District	Perimeter Landscape Type	Perimeter Width (ft.)	Minimum Perimeter Width (ft.)
<p>[2] <del>(OS) indicates that the buffer may be calculated in the required open space area for the subdivision.</del></p> <p>[3] [1] For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC 18.12.030.C.</p> <p>[4] [2] This perimeter buffer applies even when a private access road separates a B/I property from non-B/I property.</p>			

**Section 12.** Section 18.15.010.D. of the Bainbridge Island Municipal Code is hereby amended as follows.

3. ~~Perimeter Buffers in Residential Cluster Short Subdivisions, Cluster Long Subdivisions, and Multifamily Subdivisions in the R-2, R-1, and R-0.4 Zoning Districts.~~ for residential and commercial subdivisions are required pursuant to BIMC 17.12.060.N. The buffers shall be pursuant to the standards set forth in subsection D.4 of this section. The tree retention, replacement, and protection standards of subsection C of this section apply to perimeter buffers for residential and commercial subdivisions.

- ~~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.~~
- ~~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~~

**Section 13.** Section 18.15.010.E. of the Bainbridge Island Municipal Code is hereby amended as follows.

2. Roadside Buffers for Residential and Commercial Subdivisions are required pursuant to BIMC 17.12.070.O. ~~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 for residential and commercial subdivisions.~~ These requirements do not apply to projects involving only interior renovations of existing buildings.

~~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.

**Section 14.** Table 18.15.010-4, *Roadside Buffer Requirements by District and Land Use*, of the Bainbridge Island Municipal Code is hereby amended as follows.

Existing Zoning/Use	Adjacent Right-of-Way Type	
	Right-of-Way (not including Highway 305)	Highway 305
<b>Residential Subdivision in the R-0.4, R-1, R-2, and R-2.9 Districts [4]</b>	25' Full Screen or maintain existing vegetation within 25' buffer (OS) [5][6]; Applies only to collectors and arterial roads	
<b>Residential Subdivision in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 Districts [4]</b>	No requirement unless necessary to reflect neighboring development patterns (OS) [5]; Applies only to collectors and arterial roads	

- [1] All roadside buffers ~~must~~ shall 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.~~
- [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.~~

**Section 15.** Section 18.15.020.D. of the Bainbridge Island Municipal Code is hereby amended as follows.

3. Parking spaces serving dwelling units shall be located on the same lot with the building they serve, except in subdivisions where parking spaces may be located on a separate lot or tract. In the central core, gateway, and ferry terminal districts, one parking space per unit shall ~~must~~ be located on site and any additional spaces may be located off site. All off-site spaces shall ~~must~~ be within a 1,000-foot radius of the edge of the development parcel and shall ~~must~~ be acquired through fee-in-lieu, fee simple ownership, or a leasehold permanently linked to the unit.

**Section 16.** Section 18.18.030 of the Bainbridge Island Municipal Code is hereby amended as follows.

~~A. Detached Single Family Residential Developed Using the R-8SF Urban Single Family Overlay District. Detached single family residential developed in accordance with the R-8SF urban single family overlay district transfer of development rights program shall comply with those regulations contained in “Design Guidelines for R-8SF Urban Single Family Overlay District” if they want to develop at overlay zone densities. Residential subdivision development in all zoning districts except the Neighborhood Center and Mixed Use Town Center districts shall comply with those regulations contained in “Design Guidelines for Residential Subdivisions,” as set forth in Exhibit C and incorporated herein.~~

**Section 17.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 18.** This ordinance shall take effect and be in force five (5) days after its passage, approval, and publication as required by law.

PASSED by the City Council this \_\_\_ day of \_\_\_\_\_, 2019.

APPROVED by the Mayor this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

\_\_\_\_\_  
Christine Brown, City Clerk

FILED WITH THE CITY CLERK: March 15, 2019  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_, 2019  
PUBLISHED: \_\_\_\_\_, 2019  
EFFECTIVE DATE: \_\_\_\_\_, 2019  
ORDINANCE NUMBER: 2019-03

## Chapter 17.28

### DEFINITIONS

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 an arterial road as defined in the City of Bainbridge Island Islandwide Transportation Plan, 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 open space 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 within a subdivision to facilitate the efficient use of land by limiting areas of disturbance, impervious surfaces, utility extensions and roadways. s 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 eCity of Bainbridge Island comprehensive plan Islandwide Transportation Plan.~~

~~9. “Community space” means the portion of a subdivision maintained in perpetuity and designated for the common use and enjoyment of property owners within the subdivision.~~

~~10. “Comprehensive plan” means as defined in Chapter 18.36 BIMC.~~

~~11. “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.~~

~~12. “Critical areas,” as used in this title, means critical areas, and their protective buffers, and aquifer recharge protection areas as described by Chapter 16.20 BIMC.~~

~~13. “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.~~

~~14. “Department” means as defined in Chapter 18.36 BIMC.~~

~~15. “Director” means as defined in Chapter 18.36 BIMC.~~

~~1345.~~ “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.

~~1446.~~ “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.

~~1547.~~ “Effective visual screen” means a sight-obscuring barrier provided by: (a) a topographic variation, (b) a physical condition, such as an existing native forest, or (c) installed vegetation that provides a visual barrier within five years of planting.

~~1647.~~ “Farms” and “farmland” mean land used for crop agriculture or livestock agriculture, as those terms are defined in Chapter 18.36 BIMC.

~~1748.~~ “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.

~~1820.~~ “Footprint” means a building footprint as defined in BIMC 18.12.050.

~~1924.~~ “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.

~~2022.~~ “Health district” means the Kitsap Public Health District ~~County health district~~.

~~2123.~~ “Hearing examiner” means the official designated as the hearing examiner for the city pursuant to BIMC Title

~~2224.~~ “Homesite area” means the area that portion 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.

~~2325.~~ “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.

~~24.~~ “Landscaping” means as defined in Chapter 18.36 BIMC.

~~2526.~~ 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.

~~2627.~~ “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.

~~2728.~~ “Long subdivision” means the division or redivision of land into five or more lots, tracts (except tracts specifically reserved as ~~open space natural area~~), parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, but shall not include a short subdivision.

~~2829~~. “Lot” means a lot as defined in Chapter 18.36 BIMC.

~~2930~~. “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.

~~3031~~. “Mature vegetation on ridgelines” means as defined in Chapter 18.36 BIMC.

~~3132~~. “Meadow” means an open, nonforested area formed by the land’s natural features and events of nature.

~~3233~~. “Native forest” means established forest areas primarily consisting of native trees and plants.

~~3334~~. “Native vegetation” means as defined in Chapter 18.36 BIMC.

34. “Natural area” means the undeveloped portion of a subdivision that contains natural resources features such as critical areas, significant tree stands, forested areas, native vegetation, and designated wildlife corridors, that is preserved in perpetuity designated or reserved for public use or enjoyment, or used for the private use and enjoyment of property owners within the subdivision.

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.~~

~~3637~~. “~~Open space~~ Natural area 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.

~~3738~~. “Orchard” means as defined in Chapter 18.36 BIMC.

~~3839~~. “Pasture” means land used for grazing.

39. “Perimeter buffer” means a vegetated space retained or established at the exterior plat boundary of a subdivision that provides an effective visual screen between, and minimizes potentially adverse impacts to, adjacent properties.

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. “Roadside buffer” means a vegetated space retained or established that provides an effective visual screen of new development or preserves existing roadside character, forested character, or scenic views.
- ~~4948.~~ “Short plat” means the map or representation of a short subdivision.
- ~~5049.~~ “Short subdivision” is the division or redivision of land into four or fewer lots, tracts (except tracts specifically reserved as open space natural area), 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.~~
- ~~5150.~~ “Significant tree” shall have the meaning defined in Chapter 18.36 BIMC.
- ~~5251.~~ “Stormwater” shall have the meaning defined in Chapter 15.20 BIMC.
- ~~5352.~~ “Street” shall have the meaning defined in Chapter 18.36 BIMC.
- ~~5453.~~ “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.
- ~~5554.~~ “Wetland” shall have the meaning defined in Chapter 16.20 BIMC. (Ord. 2017-02 § 21, 2017; Ord. 2011-02 § 2 (Exh. A), 2011)

**Exhibit C**  
**BIMC 18.18 -- Design Guidelines for Residential Subdivisions**

Topic	Design Guideline
	Words/phrases <b>in bold</b> will have a definition in Title 17.
<b>Island Character</b>	<p><b>Intent:</b> Preserve and maintain <b>Island character</b>.</p> <p><b>Guideline:</b> Subdivisions should reflect the special character of the island which includes downtown Winslow's small town atmosphere and function, neighborhood centers, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.</p> <p>**Subsequent discussion that this guideline would be too challenging to implement.</p>
<b>Neighborhood Context</b>	<p><b>Intent:</b> To reflect and/or enhance the context provided by existing roadway character and neighboring properties.</p> <p><b>Guideline:</b> Site design should support the purpose of the zoning district in which the development is located, complement the existing character of specific neighborhoods, provide continuity with adjoining properties and, where necessary, provide transition between land uses and protect privacy of residents on adjacent properties.</p>
<b>Natural Area</b>	<p><b>Intent:</b> To incorporate forested and/or other natural areas into site design in such a way that ecological and aesthetic integrity, qualities, and values are preserved or restored.</p> <p><b>Guideline:</b> The required natural area shall be treated as a feature intrinsic to the subdivision design in order to maintain existing on- and off-site ecological processes and provide an asset of value to subdivision residents.</p>
<b>Natural Site Conditions</b>	<p><b>Intent:</b> To preserve and integrate existing natural site patterns and features throughout the site.</p> <p><b>Guideline:</b> Site development should be designed to preserve and integrate the natural conditions of the site, including existing topography, native trees and vegetation, drainage patterns, and ecological features based on an inventory and analysis of existing conditions. Homesite and infrastructure placement should complement natural topography and retain native vegetation to the maximum extent feasible.</p>
<b>Historic and Cultural Resources</b>	<p><b>Intent:</b> To preserve important historic and cultural resources.</p> <p><b>Guideline:</b> Site design should maximize opportunities for preserving historic and cultural structures, and retain historic landscape features and connections.</p>
<b>Stormwater</b>	<p><b>Intent:</b> Integrate stormwater facilities in site design with emphasis on infiltration and dispersion practices.</p> <p><b>Guideline:</b> Stormwater facilities shall utilize existing drainage patterns and be designed as a site amenity, where feasible. Low impact development practices shall be used throughout the site to minimize the size of ponds or vaults. Open stormwater facilities (ponds and bioswales) shall</p>

Topic	Design Guideline
	provide a natural appearance through layout, design and landscape treatment, including shallow side slopes, curvilinear configuration, and use of native vegetation.
<b>Septic Systems</b>	<p><b>Intent:</b> To minimize impact of septic facilities.</p> <p><b>Guideline:</b> Design and locate sewage facilities to minimize site disturbance and native vegetation removal and utilize shared systems where feasible.</p>
<b>Water Conservation</b>	<p><b>Intent:</b> To protect the Island's finite groundwater resources and adapt to the impacts of a changing climate.</p> <p><b>Guideline:</b> Water conservation measures shall be considered in site design including use of native and drought tolerant vegetation, rainwater capture, and water reuse.</p>
<b>Community Space</b>	<p><b>Intent:</b> To promote a shared sense of community.</p> <p><b>Guideline:</b> <b>Community spaces</b> should function as an integral part of the development and be located adjacent to as many homesites as is feasible.</p>
<b>Cluster Homesites</b>	<p><b>Intent:</b> To promote interaction within the community and facilitate the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways.</p> <p><b>Guideline:</b> The preferred design for homesites is to cluster them and, to the extent feasible, to locate infrastructure efficiently to maximize the undeveloped area.</p>
<b>Solar Access</b>	<p><b>Intent:</b> To provide solar access for wellbeing and energy production.</p> <p><b>Guideline:</b> Site design, including street, lot, and homesite layout and orientation, should allow for passive and active solar access. Massing of buildings, tree retention, and introduced vegetation should take into account the effects of shade.</p>
<b>Access and Circulation</b>	<p><b>Intent:</b> To provide a practical and pleasant network of multi-modal circulation.</p> <p><b>Guideline:</b> Adequate provisions for pathways and other pedestrian/bicycle amenities connecting various parts of the development, the surrounding road or trail network, and adjacent parcels should be included in site design.</p>
<b>Motor Vehicles</b>	<p><b>Intent:</b> To minimize the prominence of motor vehicle use and storage.</p> <p><b>Guideline:</b> Site design and features related to motor vehicle use and storage should be minimized. Site design shall consider shared driveways, minimum road widths, traffic calming measures such as Woonerfs and chicanes, and shared or clustered parking areas or structures.</p>
<b>Homesite Design</b>	<p><b>Intent:</b> To efficiently configure building footprint(s) and allowed uses within a homesite.</p> <p><b>Guideline:</b> Homesite configuration should consider compact and energy-efficient home and site design with massive houses on small lots strongly discouraged.</p>
<b>Diversity in House Design</b>	<p><b>Intent:</b> To provide a range of home sizes and designs to achieve diversity in visual appearance and affordability.</p> <p><b>Guideline:</b> House designs should be varied in size, massing, and frontage character using methods such as varied floor plans, staggered front yard setbacks, building modulation, and</p>

Topic	Design Guideline
	changes in exterior materials. Houses should display shared architectural features to establish continuity and harmony.
<b>Facing Public Streets</b>	<p><b>Intent:</b> To reinforce neighborliness of homes along a public street.</p> <p><b>Guideline:</b> Houses along interior public streets should orient the entry toward the street and avoid the use of solid walls and fences. Garages along the front façade should be de-emphasized by recessing vehicular entrances or locating the garage behind or on the side of the house.</p>



## Department of Planning and Community Development

### Memorandum

Date: April 2, 2019  
To: City Council  
From: Christy Carr, AICP  
Senior Planner  
Subject: Ordinance 2019-03 – Subdivision Update

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This memorandum provides additional information requested at the March 19, 2019 City Council study session related to subdivision potential on the Island. Information is provided from two sources:

- Kitsap County 2014 Buildable Lands Report
- City of Bainbridge Island GIS data

Neither source is exact and is intended to be representative only. Detailed spatial analysis and ground truthing have not been completed. Tabular data and maps showing the spatial distribution of potential subdivision development are provided for each source.

#### Kitsap County 2014 Buildable Lands Report

The Kitsap County 2014 Buildable Lands Report (BLR) includes a land capacity analysis for Bainbridge Island, completed by Kitsap County using permit data through December 2012. The analysis is useful in that it includes a “discount” for critical areas, includes underutilized as well as vacant land, and provides a map of the available land. The analysis is limited for reporting current subdivision potential due to its date (five years of subdivision development has been permitted since its completion) and that it is cumulative; that is, it provides total number of dwelling unit capacity not number of subdivisions, and was not ground-truthed (for example, lots within existing subdivisions are included).

The BLR takes the net developable acres in each zoning district and divides it by the underlying density (minimum lot size) of that zone to calculate the “dwelling unit capacity.” It does not include figures for neighborhood centers or the mixed-use town center district. The table below shows both underutilized and vacant properties.

Table 1. Dwelling Unit Capacity/Number of Potential Lots by Zoning District

R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
421	407	594	26	34	49	4	7	87	28

City of Bainbridge Island GIS data

Current City of Bainbridge Island GIS data were reviewed to estimate potential subdivision development. While no detailed spatial analysis was done, some assumptions and limited ground-truthing were used to present the most likely potential subdivision development.

Table 2. Dwelling Unit Capacity/Number of Potential Lots by Zoning District – High Density Residential

R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
			29	63	40	2	0	116	11

Table 3. Number of Potential Subdivisions by Size and Zoning District – Low Density Residential

Size of Subdivision (Number of Lots)	Zoning District		
	R-0.4	R-1	R-2
2 lots			
Underutilized	120	55	194
Vacant	41	8	31
3-4 lots			
Underutilized	47	64	217
Vacant	20	25	38
5-9 lots			
Underutilized	10	30	62
Vacant	12	18	18
10+ lots			
Underutilized	2	3	10
Vacant	3	1	10

Underutilized land has the capacity for subdivision due to its size and zoning designation but is less likely to subdivide because it has an existing single-family residence. For example, in Table 3, the data show 483 underutilized parcels in the R-2 zoning designation – 357 (74%) are shoreline properties with an existing home. Additionally, a critical area “discount” was not applied; therefore, subdivision potential may be lower due to limitations on buildable area due to the presence of critical areas. Analysis of additional data (age/value of home, adjacent common ownership, adjacent vacant land, etc.) would further refine the estimate of subdivision potential throughout the island.

Note: The map provided for subdivision potential in the low density residential zoning districts shows only vacant parcels.



Department of Planning and Community Development

## Memorandum

Date: March 19, 2019  
 To: City Council  
 From: Christy Carr, AICP  
 Senior Planner  
 Subject: Ordinance 2019-03: Subdivision Update – Planning Commission Recommendation

At their February 28, 2019 meeting, the Planning Commission made a recommendation to the City Council on Ordinance 2019-03 (Attachment A). Their motions to transmit this recommendation to the City Council are provided as part of the draft minutes of the February 28, 2019 Planning Commission meeting (Attachment B). The ordinance includes proposed revisions to several sections within Title 17 and 18 of the Bainbridge Island Municipal Code (BIMC), in sum referred to as the “subdivision update.”

This memorandum provides a “road map” to the ordinance itself, an overview of the conceptual approach, a note on cluster development, a summary of procedural history and public comment, a summary of key changes, and staff input on the Planning Commission’s recommendation including comments addressing both housekeeping items and policy questions for the City Council’s consideration.

### Ordinance 2019-03 – A Road Map

The City’s subdivision regulations are generally found in BIMC Title 17 (Subdivisions and Boundary Line Adjustments). Subdivision development is also required to be consistent with applicable substantive standards in BIMC Title 18 (Zoning). As such, Ordinance 2019-03 includes proposed revisions to each of these sections. For the most part, the ordinance deletes regulations related to subdivisions from Title 18 and integrates them into Title 17. Proposed revisions are presented in four parts:

Ordinance 2019-03:	The ordinance itself includes changes in the following sections: <ul style="list-style-type: none"> <li>• BIMC 17.04 and 17.08 – Purpose statement and administration</li> <li>• BIMC 18.12 – Subdivision dimensional standards table deleted (relocated to BIMC 17.12)</li> <li>• BIMC 18.15 – Landscaping and parking requirements related to subdivisions deleted (relocated to BIMC 17.12)</li> </ul>
Ordinance 2019-03 – Exhibit A:	The ordinance proposes to repeal and replace Section 17.12. Exhibit A is the new Section 17.12. The majority of the proposed changes are in this section.

Ordinance 2019-03 – Exhibit B:	Exhibit B includes revisions to BIMC 17.28, Definitions (related only to subdivisions).
Ordinance 2019-03 – Exhibit C:	New residential subdivision design guidelines are proposed. The City's existing design guidelines are located in BIMC 18.18. Exhibit C is the proposed subdivision design guidelines, that will be codified in BIMC 18.18.

Note: For purposes of compliance with RCW Title 58 (Boundaries and Plats) or its successors, the Bainbridge Island subdivision regulations consist of Title 17, 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. Subdivisions must also comply with RCW Title 58.

As a reminder, the subdivision update includes three components:

1. New review procedures including early conceptual meetings and a review and recommendation role for both the Design Review Board and Planning Commission;
2. New design guidelines focusing on site planning to promote compatibility with site and neighborhood; and
3. Revised standards

Ordinance 2018-20  
(complete)

Ordinance 2019-03

### Overview of Conceptual Approach

A concern expressed by the community is that recent subdivision development across the island has been inconsistent with the City's 2017 Comprehensive Plan, particularly Guiding Principal #1, "Preserve the special character of the Island -- winding, narrow and vegetated roadways and forested areas, meadows, farms, containing much of the Island's wetlands and streams, aquifer recharge areas and fish and wildlife habitat." Members of the City Council and community have expressed general concerns regarding the adverse impacts of development, including subdivisions, under the City's current development regulations due to threatened harm to the island's fresh water aquifers; the loss of trees, forests, native vegetation and soils and their ecosystem services; and the serious challenge of promoting affordable housing. The broad concern is that the City's existing subdivision regulations allow for indiscriminate clearing and grading followed by development of subdivisions wholly out of context with existing roadside and neighborhood character.

The new approach borrows key concepts from "conservation subdivisions." This type of "conservation design" differs from "conventional design" by first protecting the important natural features of a site and then placing homesites on the remaining area instead of dispersing the development area throughout the site without regard to the site's existing physical landscape. Typical subdivision development seeks to maximize the size of the lots and generally disregards the natural areas on site. An alternative approach is to encourage cluster development, which results in the same number of lots but clusters the development onto a smaller, buildable portion of the site. This approach to subdivision design is tailored to the characteristics of each site through a four-step design process completed early in the review phase. In general, the new approach combines the City's two existing subdivision design options – the "open space option" and the "cluster option" – into a single set of standards. Subdivisions will include both the dedication of open space (renamed natural area) and clustering of homesites.

The new approach achieves several key goals and policies of the Comprehensive Plan:

- Discourages the land, energy, and natural resource consumptive pattern of large single-family homes
- Results in context-sensitive development

- Minimizes the development footprint and promotes low impact development
- Promotes development of a variety of housing types

### A Note on Cluster Development

The City's existing subdivision standards include two design options: the open space option and the cluster option. Current BIMC provisions related to cluster development in existing subdivision standards include:

BIMC 17.28 defines cluster development as, "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 open space features."

BIMC 17.12 includes the following standards:

- Homesite Clustering. The purpose of clustering is to facilitate the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways. Homesites shall be located in cluster groupings and the efficient location of infrastructure shall be used to maximize the undeveloped area. Four or more homesites shall constitute a cluster grouping in a long subdivision, and two or more homesites shall constitute a cluster grouping in a short subdivision.
- All homesites in a cluster grouping shall adjoin or be located a maximum of 25 feet apart from another homesite.
- In the R-0.4 and R-1 zoning districts, a homesite area with a maximum area of 10,000 square feet shall be provided for each lot. In the R-2 zoning district, a homesite area with a maximum area of 7,500 square feet shall be provided for each lot.

A key change proposed in the subdivision update is that there will no longer be an "open space" or "cluster" option – all residential subdivisions will follow the same set of standards. The new, single standard will essentially merge the two options, and include both the designation of open space (renamed "natural area") and cluster development.

The public hearing draft of Ordinance 2019-03 included maximum homesite size (varying by zoning district) and, for subdivisions resulting in four or more lots, a requirement for homesite clustering. Homesite clustering would be achieved by a required dimensional standard for how far apart homesites and homesite cluster groupings can be located. To provide flexibility or alleviate any undue hardship due to specific site conditions, an administrative departure could be requested. If the applicant demonstrates that a subdivision layout without clustering is a better design solution, then clustering would not be required.

The Planning Commission's recommendation of Ordinance 2019-03 includes a maximum homesite size but makes clustering the "preferred design model" rather than a requirement and deletes the required dimensional standards for how far apart homesites and homesite cluster groupings can be located. The Planning Commission's recommendation relies on the required four-step design process to allow the characteristics of the land to determine the most suitable location of homesites and allows for administrative departures from certain standards, if it is found that the departure achieves a better outcome.

In considering cluster development, it may be useful to think about at what scale it is required, and what it is that is being clustered. It is also important to keep in mind the objectives of cluster development,

which are – in brief – minimizing site disturbance and the development footprint and protecting valued natural resource features. In the R-0.4 zoning district, for example, the natural area requirement is 55 percent of the site and can be up to 65 percent if that higher number is the required aquifer recharge protection area. If the natural area is between 55-65 percent of the site, then the development area will effectively be “clustered” in 35-45 percent of the site. This scale of cluster development may achieve its objectives. A finer scale of cluster development could be achieved by clustering homesites and homesite groupings within the development area, although such clustering may not be necessary to achieve the objectives.

The approach that best meets the objective of clustering – at the site scale, clustering “natural area” and “development area,” or at the homesite scale, clustering homesites and homesite groupings within the development area – should be based on the size and characteristics of the site and will likely differ depending on the zoning district, since the required natural area decreases outside of the R-0.4 zoning district. Regardless of what standard is decided on and whether it is required or preferred, the selected approach should provide for a high level of certainty to achieve the goals of cluster development and the related goals and policies in the Comprehensive Plan.

### Procedural History and Public Comment

The Planning Commission began discussion of the subdivision update in March 2018, and held 20 study sessions related to review procedures, decision-making authority, subdivision design guidelines, and subdivision standards between March 2018 – February 2019. The Design Review Board discussed the subdivision update at 11 meetings between April – October 2018. In total, 31 properly noticed public meetings were held regarding the subdivision update. The Planning Commission held a public hearing on February 13, 2019 which was continued to February 28, 2019. In between the two dates of the public hearing, a subcommittee of Planning Commissioners made changes to the public hearing draft, which were made available to the public via an amended Planning Commission agenda on February 26, 2019. The public hearing draft showing the subcommittee’s comments is provided in Attachment C. The subcommittee’s amended version of the public hearing draft, with the addition of several revisions made at the February 28, 2019, Planning Commission meeting, is the Planning Commission’s recommended draft.

Two public comments were provided at each of the public hearings (a total of four comments from three different people). Minutes from the public hearings, including public comments, are provided in Attachment B.

Primary concerns expressed in public comment focused on the R-0.4, R-1, and R-2 zoning districts and related to concerns about a potential loss of privacy, inconsistency with the island’s rural character, and included comments that clustering is “theft” or a “taking of property.”

### Summary of Key Changes

Changes are proposed for each of the three major components outlined above: review procedures, design guidelines, and standards. New review procedures were approved with the adoption of Ordinance 2018-20. A new set of design guidelines was created for residential development within subdivisions. These design guidelines do not apply to residential development outside of subdivisions. The focus of the design guidelines is to generate context-sensitive subdivision development at the site, neighborhood, and island scale. Proposed design guidelines are provided in Ordinance 2019-03 – Exhibit C (Attachment A).

**Four-Step Design Process:** The four-step design process is required during the pre-application phase and is based on a detailed site analysis and context map. The four steps are: (1) delineate natural space, (2) locate homesites and community space, (3) define access, and (4) draw lot lines. The intent of the process is to allow the characteristics of the land to prioritize natural resource areas to be preserved and determine the most suitable location of homesites.

**Administrative Departures:** This is a new procedure through which an applicant could request a departure from, or alternative to, one or more standards to allow flexibility and site-specificity for subdivision design. It is not intended to be a separate process, such as a variance.

**Natural Area Requirement:** The existing "open space" requirement is renamed "natural area." The new subdivision regulations require a percentage of the overall site to be designated as "natural area." Natural area means the undeveloped portion of a subdivision that contains natural resource features such as critical areas, significant tree stands, forested areas, native vegetation, and/or designated wildlife corridors, that is preserved in perpetuity. The natural area requirement ranges from 5% of the site in the Mixed Use Town Center district to 55% of the site in the R-0.4 district. The natural area requirement in the R-1 and R-2 zoning districts is 45% and 30%, respectively. There are a number of allowed uses within the natural area. The proposed regulations include a list of 11 expressly allowed uses within the natural area, including utilities, trails, and small structures. The natural area can be on privately owned lots or within a common tract owned by a homeowners' association or third party.

**Community Space Requirement:** This new requirement is intended to implement the Comprehensive Plan's concept of livable neighborhoods, "... designed with pedestrians and non-motorized transportation in mind, where children can play safely outdoors, and where public spaces exist for recreation and for neighbors to gather and socialize." Like natural areas, a percentage of the total site area is required to be designated as community space with requirements ranging from 5 to 15 percent of the site. Community space is not required for short subdivisions (4 or fewer lots) and applicants have the option of adding the community space requirement in the R-0.4 zoning district (5%) to the natural area.

**Homesite Requirement:** The existing subdivision regulations have a homesite requirement only for the "cluster option" subdivision design. The subdivision update includes a homesite requirement in all subdivisions. The homesite is defined as that portion 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 subdivision. Each zoning district has a maximum homesite size ranging from 10,000 square feet in the R-0.4 district to 2,250 square feet in the R-14 and Mixed Use Town Center districts.

**Cluster Development:** The existing subdivision regulations include cluster development only for the "cluster option" subdivision design. The Planning Commission's recommendation effectively maintains the optional status by calling it the "preferred design model."

**General Standards:** The subdivision update also includes a number of changes to the general standards. New standards are added related to fencing, landscaping, and design diversity. Some existing standards are revised to improve clarity and consistency with the Comprehensive Plan and other City planning documents, including those related to streets and access, stormwater facilities, and septic systems.

#### Staff Input on Planning Commission Recommendation

Staff has the following comments on the Planning Commission's recommendation, which are highlighted and numbered in Exhibit A of Ordinance 2019-03 (see Attachment A). Housekeeping corrections were

discovered when updating the Planning Commission's recommended draft, and those corrections are included as well.

1. The Planning Commission changed "design guidelines" to "development standards;" however, the section relates to design guidelines, not development standards.
2. Staff suggests adding "natural" in front of "resources" to clarify that the first step in the four-step design process gives the highest priority to natural resources.
3. Staff recommends that the "or" is replaced with "and" to clarify that a request for a departure must meet all of the listed criteria.
4. The Planning Commission recommended deleting this criterion, noting it would be too challenging to implement. While it may be challenging to implement, staff suggests that the criteria should include the requirement that an applicant demonstrates that there has been a serious effort to comply with the standards and that the City may want to consider the economic implications of either denying or granting a departure.
5. The Planning Commission added the language "the director shall review the record and render a decision on the specified departure(s), subject to review by the hearing examiner." This process is not possible without a separate application and would make the director's decision on the departure subject to appeal. The intent of the "administrative departure" is not to require a separate process, application, or fee. Rather, a request for an administrative departure would be considered at the Design Guidance Review meeting and both the Design Review Board and members of the Planning Commission would provide a recommendation at that point. The departure, if it is an affirmative recommendation, would be included in the pre-application. The Planning Commission and staff agreed that whether or not a departure will be granted needs to be known early in the process.
6. The Planning Commission deleted "one or more of" the following objectives. It is likely that a designated natural area will not support all of the stated objectives. However, without the modifier "one or more of," an applicant would be required to demonstrate just that.
7. The Planning Commission changed "adjacent" to "any" in terms of what a designated natural area should connect to. Staff suggests that "any" is too broad and notes that one of the objectives of conservation subdivisions is to develop connected systems of natural area, which is why the term adjacent was used.
8. The Planning Commission added "as are gates" to the allowance for fencing around natural areas. While gates in and of themselves are not problematic, it should be clarified that the gate should meet the definition of low-impact fencing (e.g., allow for wildlife movement). A chain link gate, for example, would not meet this definition.
9. This is a housekeeping correction – "open space" should be "natural area."
10. Homesite clustering. See "A Note on Cluster Development," above. Staff suggests that clustering should be a requirement with a departure available from the standard rather than the "preferred design model," as recommended by the Planning Commission. A reliance on the four-step design process to "allow the characteristics of the land to determine the most suitable location of homesites" – with no standard – would be problematic to implement. For example, if a property in the R-1 zoning district contains 25 percent native vegetation, the natural area requirement would be 30 percent. Site development could then be dispersed throughout the remaining 70 percent of the property because there is no standard to determine which portion/s of the 70 percent are "the most suitable location" for homesites. If the intent is to minimize site disturbance and the overall development footprint, a standard is needed to

achieve that – guidelines and preferences will not. That said, as noted earlier, dimensional standards that cluster homesites and homesite groupings within the development area are likely not necessary to achieve the intent.

11. Site disturbance. The Planning Commission's recommended language references the City's stormwater code for land disturbing activities, which 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." The recommended language states that land disturbing activities "shall be limited to the minimum required for site preparation and construction." Implementation of this standard would almost certainly bring up a variety of questions, such as: Site preparation and construction of what? Who decides what the "minimum required" is? Is site disturbance allowed outside the homesite? If an overall objective of the subdivision standards is to limit site disturbance, the standard needs to be more specific.
12. This is a housekeeping correction. The Planning Commission corrected it via motion in the dimensional standards table, but it was missed in this section.
13. Landscaping: The public hearing draft included a maximum amount of turf grass and minimum requirement for native vegetation allowed on lots and within Community Space, based loosely on the innovative site development requirements to receive incentives in the City's current HDDP program (providing <20% turf or >60% native plants receive four points each toward earning incentives). The Planning Commission's recommended language – "should be retained and maintained where possible" and "should be responsive to the natural contours" – does not provide any backstop for City staff to require any specific type of landscaping. While the City may not wish to manage people's yards, specific metrics are more useful than general language if the City wishes to have any sort of requirements related to landscaping.
14. Staff suggests that "public and private streets" should not be allowed in perimeter buffers. This was erroneously copied from roadside buffers, where streets would be permitted to cross, and was missed during Planning Commission review.
15. This is a housekeeping correction – "perimeter" should be "roadside."
16. The Planning Commission discussed that the road into the subdivision should be able to cross the roadside buffer (otherwise there would be no access to the subdivision). Staff suggests that the intent was not to allow driveways (for individual lots) to cross the roadside buffer and that this language/word choice should be clarified that it is the road into the subdivision that may cross the roadside buffer.
17. The Planning Commission changed "maximum density" to "minimum lot area" because the first term is confusing. Staff concurred with this change but notes it follows a row titled "minimum lot area," but has different requirements – which is confusing. Staff suggests (possibly) using the term "allowable lots" for the dimensional standard title and moving the existing note so that it is located directly beneath the title, so that the note would state: The maximum number of lots permitted shall be calculated by dividing the total lot area of the property (without deducting areas to be dedicated as public rights-of-way or areas to be encumbered by private road easements) by the minimum lot area for standard lots in the zone district. "Minimum lot area" could then be changed to "Minimum lot area for standard lots in the zone district," to clarify

that it is not a minimum lot size for the subdivision but a means to calculate the number of allowable lots.

18. The Planning Commission pointed out that the maximum homesite size for subdivisions in the R-0.4, R-1, and R-2 districts (10,000, 7,500, and 6,500, respectively) conflicts with the minimum development area allowed with the aquifer recharge protection area (ARPA), which is 12,500 square feet in all zones. The 12,500 number for the ARPA was based on the minimum lot size in the subdivision standards at the time the ARPA was established. Staff suggested that the ARPA standards (BIMC 16.20.100) be changed to be consistent with the homesite size: "A lower percentage is allowed if necessary to achieve a development area of at least 12,500 square feet on a parcel or the maximum allowable homesite size within a subdivision. The Planning Commission agreed with this change, although changes to BIMC 16.20 were not included in the Planning Commission's recommendation. Note that the subdivision update includes no minimum lot size – lot size in areas with on-site septic systems would be determined by the Kitsap Public Health District. The Health District regulations include a number of alternatives for determining minimum lot size, one of which is opting for the prescriptive standard of 12,500 square feet.
19. The City's current subdivision regulations allow for zero lot lines (attached buildings) in all zoning districts. This was a change made in 2017 to support low impact development and affordable housing goals in the Comprehensive Plan. The consultant recommended maintaining the zero lot line option in all zoning districts if the individual buildings (homes) are less than 1,600 square feet, while the Planning Commission recommended that the zero lot line option should not be allowed in the R-0.4 zoning district regardless of home site. Staff notes that the Planning Commission recommendation reverses the change made in 2017, which was made at that time to support the Comprehensive Plan.
20. The Planning Commission changed "public right of way" to "internal access" because "public right of way" could mean the frontage road and the likelihood is that property owners do not want garages that are zero feet from a frontage road. Staff agrees that this is confusing and notes that the City needs a term and definition for internal roads within a subdivision. "Internal access" is not a currently used or defined term. Staff is considering this issue and will provide a recommendation to the City Council.



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** May 7, 2019

**ESTIMATED TIME:** 10 Minutes

**AGENDA ITEM:** (9:35 PM) Future Council Agendas,

**STRATEGIC PRIORITY:** Good Governance

**PRIORITY BASED BUDGETING PROGRAM:**

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Executive

**RECOMMENDED MOTION:**

Council will review future Council agendas.

**SUMMARY:**

Council will review future Council agendas.

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

**ATTACHMENTS:**

[City Council Regular Business Meeting 051419](#)

[City Council Study Session 052119](#)

[City Council Regular Business Meeting 052819](#)

[City Council Study Session 060419](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



CITY OF  
BAINBRIDGE ISLAND

**CITY COUNCIL REGULAR BUSINESS MEETING  
TUESDAY, MAY 14, 2019**

BAINBRIDGE ISLAND CITY HALL  
280 MADISON AVENUE N.  
BAINBRIDGE ISLAND, WASHINGTON

**AGENDA**

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 6:00 PM**
- 2. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
- 3. PUBLIC COMMENT**
- 4. MAYOR'S REPORT**
- 5. CITY MANAGER'S REPORT**
- 6. PRESENTATION(S)**
  - 6.A Police Swearing-in Ceremony, 15 Minutes  
[Police Bios for May 14 Ceremony.docx](#)
  - 6.B Marine Access Committee 2018 Annual Report and 2019 Work Plan - Executive, 15 Minutes  
[Marine Access Committee 2018 Annual Report](#)  
[Marine Access Committee 2019 Work Plan](#)
  - 6.C Youth Mental Health Workshop Update, 20 Minutes  
[Youth Mental Health Summit Proposal](#)
- 7. PUBLIC HEARING(S)**
  - 7.A Ordinance No. 2019-14 Relating to Changes to Water and Sewer Utility Fees - Public Works, 30 Minutes  
[Water and Sewer Rate Study - Executive Summary v2 - Council 4\\_16\\_19.pptx](#)  
[Ordinance No. 2019-14.docx](#)
- 8. UNFINISHED BUSINESS**
  - 8.A Set Public Hearing on Ordinance No. 2019-04, Updating the City's Sign Code - Planning (Placeholder)  
10 Minutes

- 8.B Ordinance No. 2019-13, Adopting Kitsap Humane Society's Recommended Updates to the City's Animal Control Code, 20 Minutes  
Kitsap Humane Society's Animal Control Code Recommendations
- 8.C Resolution No. 2019-19 Lowering Speed Limit on Fletcher Bay Road from New Brooklyn Road to High School Road - Public Works, 20 Minutes  
Fletcher Bay Road Speed Limit petitions.pdf  
2013FocusedTraffic Study - Final 01082014.pdf  
Resolution No. 2016-08 Establishing Maximum Speed Limits Approved 030816.pdf  
Resolution No. 2019-19 Fletcher Bay Speed Limit Reduction.docx
- 8.D Resolution No. 2019-17, Increasing the Size of the Public Safety Committee, 10 Minutes

**9. NEW BUSINESS**

- 9.A Tyler Moniz Bench Donation Agreements - Public Works, 10 Minutes  
Madison plaza Bench Agreement.docx  
Madison Plaza Back-up.pdf  
WFP Overlook Bench Agreement.docx  
WFP Overlook Back-up.pdf  
WFP Restroom Bench Agreement.docx  
WFP Restroom Backup.pdf  
Winslow Madison Bench Agreement.docx  
Winslow Madison Backup.pdf
- 9.B Donation agreement with Bainbridge Community Piano Association for a theatrical curtain and track system in Huney Hall at the Bainbridge Island Commons - Finance, 10 Minutes  
Facility Use Agreement with BCPA.pdf  
Attachment A to BCPA Facility Use Agreement - insurance requirements.pdf  
Attachment B to BCPA Facility Use Agreement - Donation Agreement.pdf  
Exhibit 1 to Donation Agreement - invoice for Donated Asset  
Donation Policy
- 9.C Wyatt Way Reconstruction Professional Services Amendment No. 3 - Public Works, 10 Minutes  
Amendment No 3 - RLS Edits.docx  
Amend 3 Scope.pdf
- 9.D Ordinance No. 2019-11, Adopting an Interim Official Control for Small Wireless Facilities, 10 Minutes
- 9.E Ordinance No. 2019-15, Small Wireless Facilities Design Standards Interim Official Control, 5 Minutes
- 9.F Resolution No. 2019-19, Updating Fee Schedule for Small Wireless Facilities Fees, 5 Minutes

- 9.G Ordinance No. 2019-16 Relating to 2019 1st Quarter Budget Amendments - Finance 10 Minutes  
[ORD\\_2019-16\\_2019\\_1st\\_QTR\\_Budget\\_Amendments.docx](#)  
[Ord\\_2019-16\\_Attachment\\_A\\_-\\_Q1\\_Budget\\_Amendments.xlsx](#)
- 9.H Interlocal Agreement (ILA) with the Peninsula Regional Transportation Planning Organization (PRTPO)  
 15 Minutes  
[PRTPO ILA Invite Letter.pdf](#)

**10. CITY COUNCIL DISCUSSION**

**11. CONSENT AGENDA**

- 11.A Agenda Bill for Consent Agenda 5 Minutes
- 11.B Accounts Payable and Payroll
- 11.C City Council Study Session Minutes, April 16, 2019
- 11.D City Council Regular Business Meeting Minutes, April 23, 2019
- 11.E Special City Council Meeting Minutes, April 30, 2019
- 11.F Ordinance No. 2019-12, Updating Chapter 3.80 BIMC "Public Art Works Program and Fund" to Reflect an Annual Funding Approach - Executive 5 Minutes  
[Ordinance\\_2019-12\\_\\_Updating\\_Chapter\\_3.80\\_BIMC\\_to\\_Provide\\_Consistent\\_Funding\\_to\\_Public\\_Art\\_Subfund\\_-\\_for\\_CC\\_05142019](#)
- 11.G Professional Services Agreement with Coates Design, Inc., for Design Services for the New Police Station and Municipal Court Building Project - Public Works, 5 Minutes  
[PSA with Coates Design, Inc., for Design of Police Station and Municipal Court Building Fee Projection Summary, Summary Worksheet, and Architectural Fee Worksheet](#)

**12. COMMITTEE REPORTS**

- 12.A Committee Reports 5 Minutes  
[Race Equity Task Force Meeting Minutes, April 11, 2019](#)

**13. FOR THE GOOD OF THE ORDER**

**14. ADJOURNMENT**

**GUIDING PRINCIPLES**

**Guiding Principle #1** - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

**Guiding Principle #2** - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

**Guiding Principle #3** - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

**Guiding Principle #4** - Consider the costs and benefits to Island residents and property owners in making land use decisions.

**Guiding Principle #5** - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

**Guiding Principle #6** - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

**Guiding Principle #7** - Reduce greenhouse gas emissions and increase the Island's climate resilience.

**Guiding Principle #8** - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



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CITY OF  
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION  
TUESDAY, MAY 21, 2019**

BAINBRIDGE ISLAND CITY HALL  
280 MADISON AVENUE N.  
BAINBRIDGE ISLAND, WASHINGTON

**AGENDA**

1. **CALL TO ORDER / ROLL CALL - 6:00 PM**  
Councilmembers Tirman and Schneider absent; may participate via telephone.
2. **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**
3. **MAYOR'S REPORT**
4. **PRESENTATIONS**
5. **UNFINISHED BUSINESS**
  - 5.A (X PM) Update on Moratorium - Planning, 10 Minutes  
[20190327 Moratorium work program status report.docx](#)  
[Ordinance No. 2019-10 Extending the Development Moratorium](#)  
[Development Moratorium Summary Effective 20190403.docx](#)
  - 5.B Ordinance 2019-09 Relating to Accessory Dwelling Units (ADUs) Common Ownership Regulation - Planning, 30 Minutes  
[DRAFT Ordinance 2019-09](#)  
[City Attorney ADU Memo](#)  
[Attachement A BIMC 18.09.030.1.5 ADU Use Specific Standards](#)  
[Attachment B Sample Owner Occupancy Notice to Title](#)
6. **NEW BUSINESS**
7. **CITY COUNCIL DISCUSSION**
8. **FUTURE COUNCIL AGENDAS**
  - 8.A Future Council Agendas 10 Minutes

**9. FOR THE GOOD OF THE ORDER**

**10. ADJOURNMENT**

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CITY OF  
BAINBRIDGE ISLAND

**CITY COUNCIL REGULAR BUSINESS MEETING  
TUESDAY, MAY 28, 2019**

BAINBRIDGE ISLAND CITY HALL  
280 MADISON AVENUE N.  
BAINBRIDGE ISLAND, WASHINGTON

**AGENDA**

1. **CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 6:00 PM**
2. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
3. **PUBLIC COMMENT**
4. **MAYOR'S REPORT**
5. **CITY MANAGER'S REPORT**
6. **PRESENTATION(S)**
  - 6.A Proclamation declaring June 2019, as Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning (LGBTQ) Pride Month - Councilmember Tirman, 5 Minutes  
[LGBTQ Pride Month Proclamation 2019](#)
7. **PUBLIC HEARING(S)**
  - 7.A Public Hearing on Ordinance No. 2019-04, Updating the City's Sign Code - Planning (Placeholder)  
30 Minutes
8. **UNFINISHED BUSINESS**
9. **NEW BUSINESS**
  - 9.A Rockaway Beach Drive Watermain Intertie Contract - Public Works, 10 Minutes
10. **CITY COUNCIL DISCUSSION**
11. **CONSENT AGENDA**

11.A Agenda Bill for Consent Agenda 5 Minutes

11.B Accounts Payable and Payroll

**12. COMMITTEE REPORTS**

12.A Committee Reports 5 Minutes

**13. FOR THE GOOD OF THE ORDER**

**14. ADJOURNMENT**

**GUIDING PRINCIPLES**

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CITY OF  
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION  
TUESDAY, JUNE 04, 2019**

BAINBRIDGE ISLAND CITY HALL  
280 MADISON AVENUE N.  
BAINBRIDGE ISLAND, WASHINGTON

**AGENDA**

- 1. CALL TO ORDER / ROLL CALL - 6:00 PM**
- 2. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**
- 3. MAYOR'S REPORT**
- 4. PRESENTATIONS**
  - 4.A Puget Sound Energy Infrastructure Needs Assessment and Solutions - Executive, 60 Minutes
  - 4.B Use of Housing Trust Fund 30 Minutes
  - 4.C Traffic Calming Program - Public Works, 30 Minutes
- 5. UNFINISHED BUSINESS**
  - 5.A (X PM) Update on Moratorium - Planning, 10 Minutes  
[20190327 Moratorium work program status report.docx](#)  
[Ordinance No. 2019-10 Extending the Development Moratorium](#)  
[Development Moratorium Summary Effective 20190403.docx](#)
  - 5.B Design Guidelines Update 30 Minutes
  - 5.C Police and Municipal Court Funding Options - Executive, 45 Minutes
- 6. NEW BUSINESS**

6.A Shade Covenant - Executive, 30 Minutes

**7. FUTURE COUNCIL AGENDAS**

7.A Future City Council Agendas 10 Minutes

**8. FOR THE GOOD OF THE ORDER**

**9. ADJOURNMENT**

**GUIDING PRINCIPLES**

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