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Memorandum

Date 5 September 2008  
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Project No. 2008-37  
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Project Name Bainbridge Island Tree Ordinance  
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To Kelly Dickson, AICP  
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Special Projects Planner, Downtown Division  
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City of Bainbridge Island  
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280 Madison Avenue North  
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Bainbridge Island, WA 98110  
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Regarding Task 2.2 Diagnosis Memorandum Report – Public Draft  
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Remarks  
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**Introduction**

The purpose of this document is to provide a detailed analysis of the City of Bainbridge Island’s current tree related codes, in preparation for their consolidation and revision. The following is an analysis of the codes related to landscaping, tree retention and planting, and best management practices as provided in the Community Forest Best Management Practices Manual. The tree codes and regulations analyzed include sections in Title 15 (Buildings and Construction), Title 16 (Environment), Title 17 (Subdivisions), and Title 18 (Zoning). Additional documents reviewed included the Shoreline Master Program regulations, the Heritage Tree program, Wildlife Corridor Network Plan, and the Community Forestry Best Management Practices Manual. These were reviewed on the basis of the issues matrix that was provided by the City of Bainbridge Island and our meeting on 4 August 2008. The analysis provides a diagnosis of strengths and weaknesses of the current ordinances, areas of inconsistency between them, and opportunities for improvement are listed for each diagnosis.

**Bainbridge Island Municipal Code:**

**Chapter 15.18 – Land Clearing**

**15.18.010 Purpose.**

- 1. Diagnosis: The purpose of the land clearing section of the BIMC applies only to undeveloped and partially developed properties.
- 1. Opportunity: Include developed properties. This would align the purpose of the code to its applicability: “all entities engaged in or causing clearing in the city”.

**15.18.030 Applicability.**

- 1. Diagnosis: The code includes language that is more appropriate for the general requirements section, (15.18.050) and does not determine applicability.
- 1. Opportunity: Amend applicability section to include applicable land use districts and move content to the general requirements section.

#### 15.18.040 Exemptions.

1. Diagnosis: Definition of significant tree conflicts with definition in other sections of code.
1. Opportunity: Place definition of a significant tree in one location within the BIMC for ease of reference and to avoid redundancy. Consolidate definitions into one chapter for the tree related ordinances.
2. Diagnosis: Currently those who may approve the removal of diseased, dead or dying trees are not required to be certified or licensed.
2. Opportunity: Require appropriate certification or licensure by governing authorities and national societies, i.e. an ISA certified arborist, American Society of Consulting Arborists, and/or a landscape architect licensed in the State of Washington, etc.
3. Diagnosis: There are no requirements that encourage the education of applicants and contractors regarding land clearing regulations.
3. Opportunity: Require applicants and contractors to sign an expanded and revised landscape declaration and checklist to ensure that they have read and understood the code requirements for land clearing.

#### 15.18.050 General Requirements.

1. Diagnosis: References to "general location, type and range of size," is too broad and would not supply enough detail to determine the amount, species, and size of trees for replacement.
1. Opportunity: Within the submittal requirements for a land clearing permit, the code should require a tree survey that was approved by a qualified professional. This survey should include the common and botanical names of tree species, exact DBH (diameter-breast-height) of each individual tree, and other specific information needed for accurate review.
2. Diagnosis: Specific forms of payment for clearing are established by resolution of the city council.
2. Opportunity: Revise to include a numerical formula that determines the fee payment for the clearing permit that is correlated with the amount of trees and understory vegetation to be cleared (possibly measured by the total DBH cleared).
3. Diagnosis: Clearing permits are not tied to the clearing of specific trees only to a square footage of area.
3. Opportunity: Require tree plans for clearing permits that specifically show location of trees to be removed.
4. Diagnosis: The BIMC requires a property owner obtain a permit to clear more than six significant trees or 2,500 square feet of land. A land owner can clear up to 5,000 board feet of timber under this permit.
4. Opportunity: Revise so that no more than a certain percentage of land can be cleared at any time for individual property owners.
5. Diagnosis: There is no clear differentiation between the requirements for developed properties versus undeveloped properties.
5. Opportunity: Include separate requirements for developed properties and undeveloped properties.
6. Diagnosis: A land clearing permit only applies to clearing trees and does not include clearing of understory vegetation.
6. Opportunity: Incorporate the identification of understory vegetation in a tree survey and a measurable and enforceable means of calculating the amount of understory vegetation to be cleared.

#### 15.18.060 Performance Bond.

1. Diagnosis: At present, the BIMC only suggests that the Planning Director "may require" a performance bond for erosion control measures.
1. Opportunity: Make performance bonds for erosion control a requirement for all land clearing permits and other applicable permits; i.e. require a performance bond if the total DBH to be cleared exceeds a certain number. This would also lessen the necessity of the Planning Director to review these permits to determine whether they require a performance bond.
2. Diagnosis: A designated time period is not specified for the performance bond.
2. Opportunity: Require a performance bond for erosion control measures be in place until replacement planting is completed or permanent erosion control measures are completed.
3. Diagnosis: The performance bond is only for erosion control measures.
3. Opportunity: Include a performance bond that covers erosion control and other possible measures associated with land clearing, i.e. clearing of critical areas.

#### 15.18.080 Violation – Enforcement and penalty.

1. Diagnosis: Penalties for noncompliance to the land clearing code seem nonspecific.
1. Opportunity: Strengthen this section of code with penalties for violations that are quantifiable and thereby enforceable. This could include specific formulas that link severity of penalty to tree size, number etc. and penalties for repeated violations. Funds acquired could be used in a tree account within the same watershed zone that the offense occurred. Mitigation measures in lieu of a cash penalty could be explored to include volunteer hours, and public tree/park maintenance, (i.e. provide trees in public parks). Municipal codes from other jurisdictions should be reviewed for appropriate application.

## Chapter 16.20 Critical Area Ordinance:

General Comments: The Critical Area Ordinance requires retention of trees and native plants in all wetlands, as well as in all stream and wetland buffers. Significant amounts of tree canopy are preserved through implementation of the regulations in this chapter.

### 16.20.040.C Exemptions.

1. Diagnosis: Wildlife corridors are not included in the exemptions regarding hazard tree removal and retention of trees.
1. Opportunity: Include the wildlife corridor network in the exemption section of code and coordinate with hazard tree removal and retention of trees sections to prohibit the removal of hazardous trees within wildlife corridors if they are deemed beneficial to wildlife.

### 16.20.150.F.5 Exemptions.

1. Diagnosis: This section of code is strong and can serve as a model for the consolidated code.
1. Opportunity: Include and adapt these requirements for replacing hazard trees within critical areas and their buffers into other parts of code as it can apply to all hazard trees.
2. Diagnosis: Replacing hazard trees is required prior to removal.
2. Opportunity: Require the replacement of hazards trees to be conducted after removal.

## Chapter 16.22 – Vegetation Management

General Comments: The BIMC regulates managed forest lands as well as conversion of forest lands to residential use. This chapter currently requires that landowners clearing more than 5,000 board feet of marketable timber obtain a Vegetation Management Permit from the City and a Forest Practices Permit from Washington State Department of Natural Resources. Through the City permit process, the landowner is restricted to cutting a percentage of the trees and is required to provide perimeter buffers.

### 16.22.010 Findings and declaration of purpose.

1. Diagnosis: The description of the purpose of this code strengthens this chapter.
1. Opportunity: Include similar description at the beginning of consolidated code. This sets the tone and purpose of sections so that readers can understand the code better, with fewer chances of misinterpretation.
2. Diagnosis: This section of code does not consistently use abbreviations.
2. Opportunity: The "city of Bainbridge Island" should be abbreviated COBI, and the Bainbridge Island Municipal Code should be BIMC. Other useful abbreviations and definitions should be incorporated into the revised tree ordinance.
3. Diagnosis: The difference between the conversion of lands into non-forested development or timber harvest is not clear.
3. Opportunity: Address the difference between the conversion of lands into non-forested development and timber harvest with separate subsections. Most applications for Vegetation Management Permits are related to a conversion of forested lands to residential uses. The revised code should reflect this application type.
4. Diagnosis: The process for acquiring a vegetation management permit for clearing more than 2,500 square feet of land is confusing.
4. Opportunity: The vegetation management permit process could be eliminated entirely and replaced with requirements from the Forest Practices Act per WAC.

### 16.22.020 Definitions.

1. Diagnosis: The definition of "basal area of timber" uses the term "outside bark," which is not used in other definitions present within BIMC or the BMP Manual. This term is mainly used within the forest harvesting practice but not regularly used in the management of urban forestry.
1. Opportunity: Consistently use the terminology "outside bark" or clarify the meaning of "basal area of timber" and "DBH" as measured "outside bark." Keep all definitions consistent.
2. Diagnosis: The usage of the term "average grade" and four and one-half feet is not universally used in the BIMC or BMP Manual. Elsewhere "existing grade" and four feet is used.
2. Opportunity: The definition of "DBH" should consistent throughout code.
3. Diagnosis: The definition of "DNR" in the BIMC states "Washington State Department of Natural Resources." Yet, in the definition of "conversion option harvest plan," the abbreviation of DNR refers to the "Department of Natural Resources".
3. Opportunity: DNR should consistently refer to the "Washington State Department of Natural Resources".

4. Diagnosis: The terms "Bainbridge Island" (as a geographic island) and the City of Bainbridge Island (governmental agency and jurisdiction) are confusing in their use.
4. Opportunity: Should consistently use and mean the City of Bainbridge Island (COBI).
  
5. Diagnosis: There is no definition of a hazard tree.
5. Opportunity: Include a clear definition of a "hazard tree" that considers the possibility of the tree providing wildlife habitat. The revised BIMC could include a section on hazard trees and how they relate to critical areas. This definition could reference the ISA Tree Hazard Checklist.
  
6. Diagnosis: The term "person" is used in the definition of "routine landscape maintenance."
6. Opportunity: Replace any references to person with "and/or entity" so as to be more broadly applicable to individual persons as well as groups of people or organizations.
  
7. Diagnosis: The definition of "scenic corridor" is not consistent with the definition in the Bainbridge Island Wildlife Corridor Network.
7. Opportunity: Include specific references to the Bainbridge Island Wildlife Corridor Network, as well as the Bainbridge Island Comprehensive Plan and BIMC; this could include widths and sizes of scenic corridors as outline by the Bainbridge Island Wildlife Corridor Network.
  
8. Diagnosis: Under the definition of "thinning," "codominant trees" could be clarified. Also, the extent of the "distribution" of thinning is not defined.
8. Opportunity: Define "codominate trees" and include quantifiable spacing, offsets, and/or other measures to determine the distribution of thinning.
  
9. Diagnosis: The definition of "topping" is loose and allows for a broad interpretation.
9. Opportunity: Include a specific measurement to prevent the trimming of any portion of the top of a tree or redefine "topping" per APA and ISA recommendations. Included in this definition could be a reference and coordination with providing wildlife habitat value.
  
10. Diagnosis: The definition of "tree" does not include multi-stemmed trees, such as vine maples.
10. Opportunity: Strengthen the definition of a "tree" to be more inclusive per industry standards.

#### **16.22.030 Applicability.**

1. Diagnosis: The vegetation management permit only applies to a limited number of activities but there is the potential exemption for a broad range of activities and certain types of development.
1. Opportunity: Require more activities and types of development to provide a vegetation management permit, broaden the definition of development and/or include existing as well as new development.

#### **16.22.060 Vegetation management standards.**

1. Diagnosis: The conversion harvest plan appears to conflict with other required management plans. The section is confusing regarding classifications.
1. Opportunity: Coordinate with other required management plans and current DNR classifications.
  
2. Diagnosis: In the current standards for a conversion harvest plan, percentages of land area are used to allocate allowable areas to be cleared.
2. Opportunity: Include a quantifiable and enforceable means of measurement based upon existing tree conditions/survey and understory vegetation, rather than using a percentage of land area.
  
3. Diagnosis: The term "windfirm" is not defined.
3. Opportunity: Include the definition of "windfirm" to prevent trees that have the potential to fall in major wind storms. The Vegetation Management and Conversion Harvest Plan standards should require that trees retained be clustered and contiguous to other stands of trees. Specific percentages of trees retained could be required to be windfirm.
  
4. Diagnosis: Cutting is not allowed in wildlife corridors. However, there is no reference to a document designating the location, sizes or buffer requirements for wildlife corridors.
4. Opportunity: This section of code should be carefully revised per the Bainbridge Island Wildlife Corridor Network regarding designating the corridor's character, size, location and other standards.
  
5. Diagnosis: The conversion harvest plan's purpose is confusing if the vegetation management standards are eliminated entirely to reference the Forest Practices Act per WAC.
5. Opportunity: Retain the conversion harvest plan to provide a means of referencing the original amount of trees and understory vegetation cleared regardless of the amount of time that has passed. Tree replacement requirements could then be based upon the original conditions of the site as recorded by the conversion harvest plan. Another option would be to require sites meet a certain density of trees per acre regardless of existing conditions.

6. Diagnosis: Timber harvesting provides no protection or buffering for adjacent trees.
6. Opportunity: Include a required buffer and the protection of adjacent trees, referencing similar protection measures as found in BIMC 15.85.060.

**16.22.070 Submittal requirements.**

1. Diagnosis: The site assessment/harvest plan requirements differ from land clearing plan requirements.
1. Opportunity: The site assessment/harvest plan requirements for a vegetation management permit should be similar to and coordinate with land clearing plans and tree survey.
2. Diagnosis: The requirements call for topography shown at 20' intervals.
2. Opportunity: This should be revised to include 5' intervals to show more detail on steep slopes that need erosion control measures and in critical areas.

**16.22.090 Decision criteria for release of moratorium.**

1. Diagnosis: The term "largest possible trees" of the same species is vague regarding size and not always appropriate.
1. Opportunity: The DBH of trees lost and trees replaced should be incorporated into the BIMC in a quantifiable and enforceable method. This could be based upon a formula of total DBH lost of significant trees and the required amount of DBH total replaced. The appropriate replacement trees may not always be available as the same species per industry standard. Additionally, if the trees die within a certain time frame of planting, these trees should be replaced, and replacement methods clearly defined.

**16.22.097 Permit revocation and penalties.**

1. Diagnosis: The penalty of \$20,000 for each acre of forest cut may not always be applicable to all levels of illegal tree removal.
1. Opportunity: Mitigation measures in lieu of a cash penalty could be explored to include volunteer hours, street tree fund account, and public tree/park maintenance, (i.e. provide trees in public parks).

**16.22.100 Flowchart for timber harvest.**

1. Diagnosis: The flowchart may need clarification and may not be applicable when tree codes are consolidated.
1. Opportunity: Revise flowchart to represent the exact process as described in the consolidate tree ordinances.

**Chapter 17.04 – Subdivisions**

1. Diagnosis: References to tree related code within this section that may conflict with existing codes in other chapters.
1. Opportunity: Move all tree related code within the Subdivisions chapter into the consolidate tree code.

**Chapter 17.12 – Short Subdivisions**

1. Diagnosis: References to tree related code within this section that may conflict with existing codes in other chapters.
1. Opportunity: Move all tree related code within the Short Subdivisions chapter into the consolidate tree code.

**Chapter 17.16 – Large Lot Subdivisions**

1. Diagnosis: References to tree related code within this section that may conflict with existing codes in other chapters.
1. Opportunity: Move all tree related code within the Large Lot Subdivisions chapter into the consolidate tree code.

**Chapter 17.08 – Dedication of Land for Park & Recreational Facilities**

General Comments: Short plats and subdivisions are required to cluster home sites or retain 25 percent of the original parcel in open space, giving priority to contiguous forested areas. Vegetated buffers along roadways are also required to be retained during division of land. This has yielded mixed results in the preservation of privately owned and maintained forest land.

**17.08.040 Criteria for requiring dedication of land, payment of fee or both**

1. Diagnosis: The trees within the land for dedicating of park and recreational facilities could be counted towards retained tree values resulting in potentially few trees retained within the development.
1. Opportunity: Trees that are retained within the dedicated land for park or recreational facilities should not count towards retained values if such land is required or granted unless this section is coordinated with mitigation options. Specific requirements should be provided to save trees in addition to providing the dedicated open space.

2. Diagnosis: There are few incentives for developers to dedicate land for park and recreational facilities.
2. Opportunity: Incorporate incentives for providing park, recreational facilities and low impact development practices. Incentives could promote the use of bioswales, rain gardens, and limiting impervious surface area etc. that count toward open space requirements.

## Chapter 18.85 – Landscape Requirements

General Comments: The City should create a Street Tree Plan and reference it in the BIMC. They should define the Street Tree Plan program, as applied to all new streets in the Winslow core, Ferry Terminal Districts and new development. The Street Tree Plan should include best practices, maintenance techniques, and non-appropriate street tree species. Incentives should be provided for removing invasive species and replacing them with native species. Improve incentives for retaining existing trees in low density lots. The consolidated code should create a formal "Tree and/or Landscape/Vegetation Board" to review plan submittals in order to ensure the proper protection and administration of trees. The Board could be created by empowering the current Community Forestry Commission. Requirements for the Board should be defined.

### 18.85.010 Definitions.

1. Diagnosis: This section of code lists the "Diameter/diameter-breast-height" as "4' above average grade," which conflicts with other definitions.
1. Opportunity: The definition of "Diameter/diameter-breast-height" should be abbreviated "DBH," and to be consistent with the rest of the BIMC, the DBH should be four and one-half feet above average grade. The definition of significant tree also uses the term "existing grade" for DBH, when it should be "average grade," to consider steep slopes.
2. Diagnosis: The definition of "protection zone" is inadequate.
2. Opportunity: The definition should be listed as "tree protection zone," or TPZ and include the area within the dripline of the tree as well as 3' beyond the dripline or per industry standard recommendations to ensure the protection of the trees during construction. The TPZ could be measured differently for conifers versus deciduous trees, i.e. 1' for every 1" caliper for conifers.

### 18.85.040 Submittal requirements.

1. Diagnosis: The use of photographs in this section of the BIMC is not necessary and distracting. Many of the images are too dark or unclear.
1. Opportunity: Remove images and create new black-line sketches that illustrate the BIMC requirements. Images may be more appropriately included in the BMP manual than the BIMC.
2. Diagnosis: The significant tree and tree stand retention plan allows an aerial photograph to be used instead of a tree survey. In an aerial photograph, it is often very difficult to determine the size, condition, and species of trees, even if labeled. An aerial photograph emphasizes the use of canopy cover as the primary method for calculating significant tree and tree stand retention plans.
2. Opportunity: Tree surveys should be required with clearly labeled trees that include DBH size, species, condition and understory vegetation. The tree survey should be created by a qualified professional.
3. Diagnosis: There is no defined period of time that the tree retention plan is in place.
3. Opportunity: The tree retention plan should be in place for a defined period of time or until development occurs.

### 18.85.050 Land use districts.

1. Diagnosis: The land use district matrix is difficult to read, conflicts with code and has errors in layout.
1. Opportunity: For clarity, revise to reflect the code that follows.
2. Diagnosis: The code that follows the matrix repeats much of what the matrix shows.
2. Opportunity: Consolidate some of the information and move the matrix at the end of the descriptions of land use.
3. Diagnosis: The Neighborhood Service Center land use description includes examples but other land use districts do not.
3. Opportunity: The land use descriptions should be consistent in layout and list examples in each section.
4. Diagnosis: Higher density districts do not require submittals for landscape requirements. Additional requirements for districts are in a different chapter.
4. Opportunity: Evaluate applicability of landscape requirements towards these districts and expand to apply to all high density districts. Explore the district's ability to support a street tree program and fund the maintenance of trees provided by a fee in lieu of requirements. Provide alternate mechanisms for mitigation. Consolidate requirements in one chapter.
5. Diagnosis: Waterfront Park is not referred to within the BIMC and appears exempt from the landscape and tree retention requirements.
5. Opportunity: A separate overlay district may be created for the Waterfront Park area near the central ferry terminal to meet the landscape and tree retention requirements.

#### 18.85.060 Significant tree and tree stand requirements.

1. Diagnosis: New developments must retain 15 percent of the significant trees or 30 percent of the existing tree canopy. This may result in the preservation of inappropriate and potentially hazardous perimeter trees or small stands of trees subject to windthrow.
1. Opportunity: Revise section to require arborist review of retained trees and/or arborist report.
2. Diagnosis: The current code allows one option that requires the retention of 30 percent of the existing tree canopy on the site. Canopy coverage can be difficult for applicants to measure and the city to enforce.
2. Opportunity: Develop a quantifiable and enforceable measurement and method of calculation for the retention of trees on site, possibly using tree units.
3. Diagnosis: Wildlife corridors and critical areas are not mentioned.
3. Opportunity: These corridors should be protected from clearing activities, and trees within the corridor should be evaluated as significant trees and required replacement if cut down. Wildlife corridors and critical areas should be coordinated with the priority open space plan.
4. Diagnosis: Under the section of protecting significant trees and tree stands during construction there is little reference to the specifics of a tree protection zone.
4. Opportunity: The tree protection zone (TPZ) should be defined and/or reference the BMP manual.
5. Diagnosis: "Arborist" is not clearly defined.
5. Opportunity: All arborist qualifications should be defined.
6. Diagnosis: When replacing significant trees or tree stands, site limitations may restrict the ability to replace trees with an equal number of significant trees.
6. Opportunity: Eliminate code (a) section. The primary method of replacing significant trees and tree stands should be calculated perhaps with a similar method to the second option (b) or replaced with a quantifiable means of calculating replacement requirements that allows for some flexibility. All replacement trees should be planted on site. If unable to plant on site, require a fee in lieu of.
7. Diagnosis: The current replacement value is 1.5" caliper per 1" of DBH.
7. Opportunity: Explore an increase in this ratio requirement or provide alternate means of replacement calculation. Prohibit the replacement of trees all at a single caliper size. Require that replacement trees be planted in a variety of sizes. Trees replaced should be planted within the same watershed zone that trees were removed.
8. Diagnosis: The fine amount is 3 times the value of the trees if illegally cut down.
8. Opportunity: Integrate and coordinate penalty into one section that provides clearly defined penalties for specific violations. Include a penalty fee and a replacement cost of the trees illegally removed.
9. Diagnosis: This code section applies only to new development.
9. Opportunity: This code should apply to existing development and provide for mitigation opportunities.
10. Diagnosis: Native shrubs and groundcover are called to be replaced within tree stands. However, planting shrubs and groundcover near the trunks or root zones of trees could be potentially harmful to the tree without proper precaution.
10. Opportunity: Native shrubs and groundcover should include all understory vegetation. Include requirements for recommendations by arborists/qualified professionals and reference the BMP manual. Requiring arborist's reports may provide this information.
11. Diagnosis: There is the potential that every applicant could claim "unnecessary hardship."
11. Opportunity: Revise code so that clear parameters for determination of "unnecessary hardship" is provided and to allow other opportunities for applicants to comply.
12. Diagnosis: Duplication of code at the end of section.
12. Opportunity: Remove duplication.

#### 18.85.070 Perimeter landscape requirements.

1. Diagnosis: A part of the perimeter landscape requirements calls for 20 percent of the trees to be native species and drought tolerant.
1. Opportunity: This could be increased and reference the BMP manual plant lists. Additional requirements could be included to count existing understory vegetation as part of perimeter landscape requirements.
2. Diagnosis: The code generally calls for evergreen shrubs to be 21 inches in height. This also conflicts with evergreen shrubs to be planted in parking lots are to be 18 inches in height.
2. Opportunity: The height of evergreen shrubs at time of planting should conform to industry standards and availability. Revise to be consistent with sight visibility, ANSI and nursery standards.
3. Diagnosis: The term "living groundcover" is not industry standard.
3. Opportunity: Strengthen the definition and revise term per industry standards.

#### 18.85.110 Maintenance of landscaping and significant trees.

1. Diagnosis: "Island's Forested Character" is not defined and may be broadly interpreted.
1. Opportunity: Clarify "Island's Forested Character."
2. Diagnosis: The methods of pruning are not referenced within the BIMC.
2. Opportunity: Pruning should be done by a qualified professional. The BIMC should provide for definition and penalties referencing the BMP manual.

#### 18.85.120 Suggested landscape materials matrix.

1. Diagnosis: The suggested landscape materials matrix may quickly become outdated or limit ability to use new varieties. Plant material availability may change on a regular basis and as new improved plants continually arrive on market.
1. Opportunity: Remove matrix and reference the list/matrix in the BMP manual.

#### 18.85.130 Landscaping declaration and checklist.

1. Diagnosis: The declaration and checklist shown in the code is not referenced in the Landscape Requirements chapter.
1. Opportunity: Reference landscaping declaration and checklist throughout the consolidated code. Include this information in permit packets (submittal requirements). Expand and revise declaration to be applicable to the entire consolidated code, including permits for land clearing.

### Heritage Tree Nomination Form

1. Diagnosis: The Heritage Tree Nomination Form was not referred to in the BIMC.
1. Opportunity: Include reference in code, and designate all Heritage Trees as "significant trees". Heritage trees could possibly be given more value than a normal significant tree, and increase the fine/penalty for its removal.

### Wildlife Corridor Network

General Comments: The City of Bainbridge Island encourages voluntary preservation of riparian and upland wildlife corridors during subdivision of land. Compliance should be made a requirement.

1. Diagnosis: The Wildlife Corridor Network is infrequently mentioned within the BIMC.
1. Opportunity: Coordinate the Wildlife Corridor Network with the Critical Area Ordinance, the Vegetation Management (BIMC 16.22), and the Flexible Lot Design, Subdivisions (BIMC 17.04, 17.12, 17.16).
2. Diagnosis: The Vegetation Management chapter does not include measurable or enforceable methods in preserving Wildlife Corridor Networks.
2. Opportunity: The Vegetation Management chapter should prohibit clearing within a wildlife corridor. Incentives could include buffer averaging or buffer reduction if plans demonstrate ample protection of wildlife corridors, etc.
3. Diagnosis: Flexible Lot Design and Subdivision are not required to show corridors on their plans or to protect the corridors.
3. Opportunity: Flexible Lot Design and Subdivision submittals should show corridors and be required to protect areas and retain trees and tree stands that provide wildlife habitat value (possibly determined by a qualified professional).
4. Diagnosis: The BIMC does not include Transfer of Development Rights (TDR's) incentives.
4. Opportunity: Include TDR incentives to have a broader applicability in providing incentives for protecting wildlife areas.
5. Diagnosis: Any requirements associated with the Wildlife Corridor Network are difficult to enforce because the boundaries are vague.
5. Opportunity: Revised Wildlife Corridor Network to include detailed boundaries so that the BIMC can reference and enforce the requirements.

## Chapter 16.12 – Shoreline Master Program

General Comments: All tree related codes, including definitions and requirements within the Shoreline Master Program should be incorporated into the consolidate tree ordinance.

### 16.12.060 Clearing and grading.

1. Diagnosis: Code includes requirements for the protection of the native vegetation zone during clearing and grading landward.
1. Opportunity: Reference tree protection requirements in the consolidate tree ordinance.

## Community Forest Best Management Practices Manual

1. Diagnosis: There are multiple definitions that conflict and are confusing to applicants and readers of the BMP manual and the BIMC.
1. Opportunity: All definitions listed within the BMP and BIMC should be consistent or refer to code for definitions.
2. Diagnosis: The suggested landscape materials matrix has a limited list of recommended plants that may result in a reduction of species diversity in required landscape areas.
2. Opportunity: Provide a list of plants not recommend to be planted and allow flexibility in what is recommended (including native plants). The matrix should include actual native species to the Puget Sound lowlands of Bainbridge Island.
3. Diagnosis: The BMP manual defines DBH, the CRZ and Tree Protection Zone (TPZ) differently than the BIMC.
3. Opportunity: Include and coordinate definitions for TPZ and CRZ
4. Diagnosis: The BMP manual requires mitigation if TPZ is compacted in any way.
4. Opportunity: The BIMC can reference the BMP manual for mitigation measures. Require that no activity be allowed in TPZ unless recommendations from an arborist report specific to the project is followed. Consolidated code should require arborist report.
5. Diagnosis: Within the Tree Quality Standards, the BMP manual states that ANSI standards should apply in selecting trees.
5. Opportunity: Standards should be codified in the BIMC.
6. Diagnosis: The BMP manual contains several sections on pruning.
6. Opportunity: The BIMC should reference BMP pruning items but provide for clear definitions and penalties.
7. Diagnosis: The City would benefit from a public information program once consolidated codes have been adopted.
7. Opportunity: Educational brochures, workshops, fact sheets, improved access to website information and other material should be available to assist applicant, staff and the general public on the revised consolidated code and procedures.