



## Department of Planning and Community Development

### Memorandum

Date: April 24, 2018  
To: City Council  
From: Jennifer Sutton, AICP  
Senior City Planner  
Subject: Ordinance 2018-11 Repealing BIMC Chapter 16.22 *Vegetation Management*

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#### **BACKGROUND**

On February 27, 2018, the City Council approved [Ordinance 2018-01](#); the update to the City's Critical Areas Ordinance (CAO). The regulations to conserve and protect one type of critical area, aquifer recharge areas, were enhanced through the CAO update through the addition of Aquifer Recharge Protection Areas (ARPA); see new BIMC Section 16.20.100 in the newly adopted [CAO](#). The ARPA is a tree and vegetation protection measure that applies in the R-0.4, R-1, and R-2 zones, areas that total almost 91% of the land area on Bainbridge Island. A summary sheet that describes the new ARPA regulations (originally called Native Vegetation Protection Areas) can be viewed on the City's website: <https://wa-bainbridgeisland.civicplus.com/DocumentCenter/View/9398>

[BIMC Chapter 16.22 \*Vegetation Management\*](#) was added to the Bainbridge Island Municipal Code in 1997 and has not been amended since. This Chapter is a fusion of the provisions for different classes of forest practices defined by Chapter 76.09 RCW Forest Practices and the City's prior open space requirements, which were revised in 2004. BIMC Chapter 16.22 *Vegetation Management* applies primarily in the R-0.4, R-1, and R-2 zones because those are the areas of the Island with substantial amounts of forested area to trigger a *Vegetation Management* permit.

The new ARPA regulations approved with the updated CAO overlaps and conflicts with the vegetation preservation requirements in BIMC Chapter 16.22 *Vegetation Management*. Therefore, repealing BIMC Chapter 16.22 *Vegetation Management* provides greater clarity for property owners and City staff in understanding vegetation preservation requirements. Repealing BIMC Chapter 16.22 *Vegetation Management* does not absolve a property owner from obtaining a Forest Practice permit from the State Department of Natural Resources, when applicable.

On March 29, the Planning Commission held a public hearing on Ordinance 2018-11. **The Planning Commission recommends approval of Ordinance 2018-11, Repealing BIMC Chapter 16.22 *Vegetation Management*.** Their recommendation assumes that the updated CAO regulations will be effective on April 23 as scheduled. If the updated CAO regulations effective date is delayed, the Commission recommends not acting on Ordinance 2018-11, Repealing BIMC Chapter 16.22 *Vegetation Management*, until some later date.

### **CITY COUNCIL REVIEW**

The City Council discussed Ordinance 2018-11 at the April 10, 2018, Council meeting and forwarded the ordinance on for approval on the *Consent Agenda* for the April 24, 2018, meeting. After the April 10 meeting, staff realized that an additional reference was needed in Section 2 of the ordinance. The additional reference needed is to add BIMC Section 16.20.180.H to the list of Critical Area Ordinance sections. BIMC Section 16.20.180.H describes requirements for an Aquifer Recharge Protection Area Stewardship Plan. Because this section needs to be added to Ordinance 2018-11, the ordinance has been moved from the *Consent Agenda* to the Unfinished Business section of the agenda for the April 24 Council meeting.