

ORDINANCE NO. 2018-11

AN ORDINANCE of the City of Bainbridge Island, Washington, repealing Chapter 16.22 *Vegetation Management* of the Bainbridge Island Municipal Code.

WHEREAS, the adopted City of Bainbridge Island Comprehensive Plan supports the protection of natural resources through the adoption of development regulations; and

WHEREAS, the City of Bainbridge Island (“City”) is required by the Growth Management Act (“GMA”) (see, e.g., RCW 36.70A.130) to conduct a periodic legislative review and update of its comprehensive plan and development regulations to ensure consistency with updated state laws and population and employment projections; and

WHEREAS, the City’s Comprehensive Plan acknowledges the finite nature of the Island’s natural resources and the unpredictable cumulative impacts of climate change in our region by including integration of the precautionary principle to protect and preserve natural resources in accordance with WAC 365-195-920; and

WHEREAS, on February 27, 2018, the City Council approved Ordinance 2018-01, the update to the City’s Critical Areas Ordinance; and

WHEREAS, the regulations to conserve and protect one type of critical area, aquifer recharge areas, were enhanced through the Critical Areas Ordinance update through the addition of Aquifer Recharge Protection Areas as a tree and vegetation protection measure in the R-0.4, R-1, and R-2 zones, areas that total almost 91% of the land area on Bainbridge Island; and

WHEREAS, Chapter 16.22 *Vegetation Management* was added to the Bainbridge Island Municipal Code in 1997 and has not been amended since; and

WHEREAS, Chapter 16.22 *Vegetation Management* 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 in 2004; and

WHEREAS, Chapter 16.22 *Vegetation Management* applies primarily in the R-0.4, R-1, and R-2 zones, and the new Aquifer Recharge Protection Area approved with the updated Critical Areas Ordinance overlaps and conflicts with the vegetation preservation requirements in Chapter 16.22 *Vegetation Management*; and

WHEREAS, repealing Chapter 16.22 *Vegetation Management* provides greater clarity for property owners and City staff in understanding vegetation preservation requirements; and

WHEREAS, repealing 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; and

WHEREAS, notice was given on March 16, 2018, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the Planning Commission discussed Ordinance No. 2018-11 and held a public hearing on March 29, 2018, and after closing the public hearing, recommended approval of the ordinance to the City Council, assuming that the Critical Areas Ordinance takes effect as scheduled on April 23, 2018; and

WHEREAS, the City Council discussed Ordinance No. 2018-11 on April 10, 2018.

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

Section 1. Chapter 16.22 *Vegetation Management* of the Bainbridge Island Municipal Code is hereby repealed in its entirety.

Section 2. Savings Clause. Chapter 16.22 is being repealed by this ordinance because the Bainbridge Island City Council has determined that Chapter 16.22 is no longer necessary after the adoption of the updated Chapter 16.20 by Bainbridge Island Ordinance No. 2018-01. If any section, sentence, clause, or phrase of BIMC 16.20.090, 16.20.100, or 16.20.180.H as adopted by Ordinance No. 2018-01 or as later amended, is held to be invalid or unconstitutional by the Growth Management Hearings Board or a court of competent jurisdiction, the provisions of Chapter 16.22 in effect prior to this repeal shall be restored, revived, and in full force and effect as if this repeal of Chapter 16.22 was never adopted.

Section 3. This ordinance shall take effect and be in force on and after five days from its passage and publication as required by law.

PASSED BY THE CITY COUNCIL this ____ of _____, 2018.

APPROVED BY THE MAYOR this ____ of _____, 2018.

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK: April 6, 2018

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NUMBER: 2018-11