
CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
PUBLIC COMMENT – Accept public comment on off agenda items
WYATT APARTMENTS SITE PLAN REVIEW – Public Meeting and Recommendation
SMP AMENDMENT – Non-Conforming/Existing Structures
ORDINANCE 2018-11 – Public Hearing
NEW/OLD BUSINESS
ADJOURN

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure

Chair J. Mack Pearl called the meeting to order at 6:33 PM. Planning Commissioners in attendance were Jon Quitslund, William Chester, Kimberly McCormick Osmond and Don Doman. Michael Killion and Lisa Macchio were absent and excused. City Staff present were Acting Planning Director Heather Wright, Senior City Planners Jennifer Sutton and Christy Carr, Associate City Planner Kelly Tayara and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. There were not any conflicts disclosed.

PUBLIC COMMENT – Accept public comment on off agenda items

None.

WYATT APARTMENTS SITE PLAN REVIEW – Public Meeting and Recommendation

Senior City Planner Kelly Tayara introduced the project and Madison Avenue Development made a presentation (see attached).

Motion: I make a motion to approve the project with the condition of it being the second site plan (I don't know what the date was on that) whatever date that was, 3/14 date and further conditioned that we get the information from the fire department to support the changing of the road. You're going to negotiate on the willow to try and save it.

Chester/Quitslund: Passed Unanimously

SMP AMENDMENT – Non-Conforming/Existing Structures

Discussion facilitated by Senior City Planner Christy Carr.

Public Comment

Dick Haugan, Citizen – Provided handouts and spoke about non-conforming structures and retroactivity.

Charles Schmid, Citizen – Spoke about the lack of talk about the environment at this meeting.

ORDINANCE 2018-11 – Public Hearing

Facilitated by Senior City Planner Jennifer Sutton.

Public hearing opened and closed at 8:52 PM.

Motion: I move a recommendation that Ordinance 2018-11 be moved forward to City Council for action with all deliberate speed with the stipulation that the repeal would be not be effective before the CAO takes effect.

Quitslund/Doman: Passed Unanimously.

NEW/OLD BUSINESS

Upcoming meeting schedule was discussed.

The presentation to Council from the joint special meeting of the Planning Commission and Design Review Board was covered by Ms. Carr.

CAO/SMP consistency check.

ADJOURN

Meeting was adjourned at 9:13 PM.

Approved by:


J. Mack Pearl, Chair


Jane Rasely, Administrative Specialist



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Bainbridge Planning Commission – March 29, 2018

“NON-CONFORMING” COMMENTS

1. I note that the first of 61 issues discussed between PRSM and the City in Proposed SMP Amendments November 20, 2015 is being addressed.
2. The inclusion of RCW 90.58.620. “New or Amended Master Programs.” needs to be specifically included.
3. The “Non-Conforming” SMP issue really starts in Section 1.3.5 where it states... “[SMP] applies to new development and activities are not retroactive.” But this is NOT what it means if you further decipher the SMP where it states
4. Section 4.0.1.7 “where provisions of this master program or other provisions in BIMC conflict, the more restrictive provisions shall apply unless specifically stated.” This is the troublesome “trigger” clause which means if one can find a more restrictive clause *anywhere else in the code* that shall be the governing provision.
5. We suggest this language be stricken. Many of us have heard “that is not what it means” or “that is not the intent”. The SMP must be crystal clear and this is one example where it is not. One should not be required to interpret multiple documents to figure out what is required.
6. Section 4.2.1.2. GOAL. “It is further the purpose for this program to ultimately, over time, have USES and commercial structures conform to the provisions of this program.” USE can mean a lot of things. Suggest eliminating the word altogether as inclusion implies restoration is the goal.
7. The changes suggested in the Council Packet conflict with the “non-retroactive idea. If “Non-conforming” as a term needs to stay, the upfront definition in Section 1.3.5– especially as it refers too retroactivity – needs to be at the forefront. Otherwise it adds further confusion.
8. Section 6.1.1 Applicability. “Shoreline modifications...including other actions such as clearing or vegetation removal.” is woefully vague. Again, we need to state *exactly* what modifications trigger SMP restrictions. As it stands it virtually means everything. I don’t think that is the intent, but that is how it is written.