



PLANNING COMMISSION REGULAR MEETING
THURSDAY, MARCH 28, 2019
7:00 – 8:30 PM
COUNCIL CHAMBER
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

AGENDA

- 7:00 PM **REGULAR MEETING CALL TO ORDER**
Call to Order, Agenda Review, Conflict Disclosure
- 7:05 PM **REVIEW AND APPROVE MINUTES**
March 14, 2019
- 7:10 PM **DESIGN REVIEW BOARD UPDATE**
Don Doman, Planning Commission Liaison
- 7:15 PM **PUBLIC COMMENT**
Accept public comment on off agenda items.
- 7:20 PM **DEVELOPMENT CODE HOUSEKEEPING CHANGES**
Jennifer Sutton, AICP, Senior Planner
- 8:20 PM **NEW/OLD BUSINESS**
- 8:30 PM **ADJOURN**

*****TIMES ARE ESTIMATES*****

Public comment time at meeting may be limited to allow time for Commissioners to deliberate. To provide additional comment to the City outside of this meeting, e-mail us at pcd@bainbridgewa.gov or write us at Planning and Community Development, 280 Madison Avenue, Bainbridge Island, WA 98110

**For special accommodations, please contact Jane Rasely, Planning & Community
Development 206-780-3750 or at pcd@bainbridgewa.gov**

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CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
REVIEW OF MINUTES – February 28, 2019
PUBLIC COMMENT – Accept public comment on off agenda items
ERICKSEN TOWNHOMES (PLN50804B SPR) – Review and Recommendation
SITE PLAN REVIEW AND CONDITIONAL USE PERMIT DECISION CRITERIA – Study Session
NEW/OLD BUSINESS
ADJOURN

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

Chair William Chester called the meeting to order at 7:03 PM. Planning Commissioners in attendance were J. Mack Pearl, Don Doman and Joe Paar. Jon Quitslund, Lisa Macchio and Kimberly McCormick Osmond were absent and excused. City Staff present were Planning Director Gary Christensen, Long Range Senior Planner Christy Carr, Planner Olivia Sontag and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

REVIEW OF MINUTES – February 28, 2019

Motion: I move to approve the minutes.

Paar/Pearl: Passed Unanimously

PUBLIC COMMENT – Accept public comment on off agenda items

Dick Haugan, Citizen – Spoke in favor of rewriting the definition of “no net loss” and his list of tasks the Planning Commission should accomplish (see attached written statement).

ERICKSEN TOWNHOMES (PLN50804B SPR) – Review and Recommendation

Planner Olivia Sontag provided an overview of the project (see attached).

Motion: I’ll make a motion to approve the project with the change to Condition 9 as written.

Paar/Pearl: Passed Unanimously

SITE PLAN REVIEW AND CONDITIONAL USE PERMIT DECISION CRITERIA – Study Session

Long Range Senior Planner Christy Carr introduced the process for review.

NEW/OLD BUSINESS

Commissioner Doman asked for a recurring spot after the minutes on the agenda for the Design Review Board Liaison to update the Planning Commission. He briefed the Commissioners on the last two meetings highlighting the new review process and a proposed project north of the Bainbridge Pavilion.

Planning Director Gary Christensen reviewed the upcoming meeting schedule as well as subjects of interest on future City Council agendas.

ADJOURN

The meeting was adjourned at 8:40 PM.

Approved by:

William Chester, Chair

Jane Rasely, Administrative Specialist

Planning Commission Recorded Motion

Planning Commission Meeting Date:	March 14, 2019
Project Proposal Name and Number:	Ericksen Townhomes PLN50804B SPR
Documents available at:	Online Permit Portal
Decision Maker:	Gary R. Christensen, AICP, PCD Director

Purpose: The purpose of the Planning Commission's review and recommendation is to determine if a proposed project is consistent with the comprehensive plan and applicable design guidelines, BIMC Titles 17 and 18.

Consideration: The Planning Commission shall consider the project application at a public meeting where public comment will be taken. The Planning Commission shall recommend approval, approval with conditions, or denial of the proposed project.

The Planning Commission will adopt written findings of facts and conclusions and determine if the project is consistent with Bainbridge Island Municipal Code and the comprehensive plan. This motion will be included in the staff report transmitted to the reviewing bodies and decision maker.

Findings of Fact and Reasons for Action

1. The project, as conditioned, is found to meet all the applicable decision criteria.
2. The project, as conditioned, is found to be compliant and consistent with the comprehensive plan.
3. The project, as conditioned, to the best of our knowledge is found to meet all other applicable laws.
4. The project is either :

 X Found to meet the recommendations by the Design Review Board; **OR**

 Recommended for deviation from the Design Review Board's recommendation for the following reasons:

- a.
- b.
- c.

Planning Commission Recorded Motion

Recommendation:

The Planning Commission recommends the Director:

_____ Approve the proposal as recommended.

X _____ Approve the proposal with the following changes:

a. Condition 9 should contain the additional words as presented in red and underline below:

The Henry Groos House is listed on the Local Historic Register and shall be preserved for the life of the project. No person shall alter, reconstruct, relocate, remodel or restore the exterior of a property listed on the local register without a review or a waiver. Local register properties require a certificate of appropriateness or a waiver and register eligible properties require review and comments from the Historic Preservation Commission per BIMC 18.24.

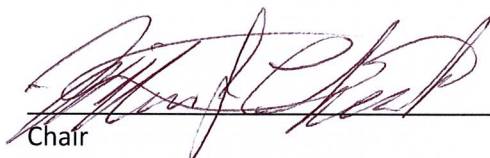
_____ Deny the proposal for the following reasons:

Recorded motion on March 14, 2019:

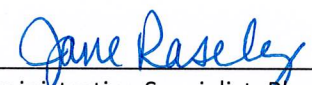
Planning Commission Record of Vote:

Commissioner	Support	Oppose	Absent	Abstain
Chester	X			
McCormick Osmond			X	
Pearl	X			
Quitslund			X	
Macchio			X	
Doman	X			
Paar	X			
Total	4		3	

CITY OF BAINBRIDGE ISLAND PLANNING COMMISSION


Chair

Date: 03/14/19


Administrative Specialist, Planning and Community Development

Date: 3/14/19



PLEASE PRINT

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March 14, 2019 Speech to Planning Commission

I was inspired by Tuesday night's City Council Study Session which discussed the Shoreline Master Plan.

The major issue was discussion on No Net Loss. On one hand the Planning Department said No Net Loss is already "clearly defined" in the SMP. On the other hand the Planning Commission maintains that the concept lacked any real definition. These are diametrically opposed statements.

A COBI staff memo dated January 25, 2018 clearly outlines the need for clarification on several points – including No Net Loss. It is interesting to note that there is, according to Herrera, no measurement or monitoring of any kind to measure No Net Loss. Therefore there is no way to tell how this SMP is performing.

So where am I going with all this.

Maybe we have the cart before the horse. Here is a new take grounded on the facts.

We all want to protect the environment. And we want to protect Puget Sound. And the battle cry is to not make the environment any worse – and better if we can. But since, especially on Bainbridge, 97% of the waterfront is already developed there really is not much opportunity for shoreline homeowners to make it worse.

And because there is no measurement or monitoring of ecological function, for example water quality, it is a concept not a scientific method.

Let's turn this around. Let's define what elements are to be measured as "ecological function" like water quality and salmon health. Let's quantify how reasonable and equitable buffers can maintain ecological function.

Dick Haugan. Bainbridge Island Resident.

Let's rewrite a comprehensive No Net Loss definition. Then instead of having 400 pages of minutia get rid of all the tables and gobbledygook and create a simple document everyone can understand.

You spent 9 months reviewing 9 pages relating to non-conforming language. You will never get through the next 400 pages in this lifetime or this session.

I don't think the City can disagree that the four years we have had this SMP in effect has produced any tangible evidence it is improving the environment – mainly because there is no monitoring or measurement. There is no way to tell.

So here is the simple concept I would like you to think about.

First. Create a No Net Loss document which will be the heart of a new SMP.

Second, in conjunction with the preceding rewrite the vegetation section in a more concise manner.

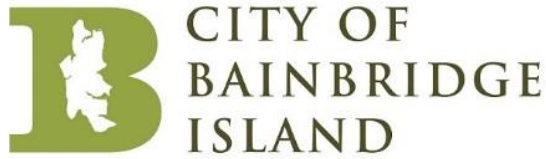
Third. Figure out a pragmatic way to address armoring recognizing that existing homeowners are not likely to put their homes at risk.

And then add other elements to create an SMP that can be a standard and adaptable to the other 262 SMP's in Washington State.

And do it in less than 100 pages.

We can do this.

Dick Haugan. Bainbridge Island Resident.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: March 28, 2019
To: Planning Commission
From: Jennifer Sutton, AICP
Senior Planner
Subject: Development Code “Housekeeping” Changes

I. BACKGROUND

The Department of Planning and Community Development staff have identified many areas of the development code (BIMC Chapters 2.14, 2.16 and Titles 17 and 18) that could be clarified, updated or where there are errors in need of correction. For Planning Commission review, the proposed updates have been divided into two categories:

- 1) General “Housekeeping” and
- 2) Updates to the BIMC Sections 2.16.040 (Site Plan and Design Review) and 2.16.050/110 (Conditional Use Permits).

The Planning Commission will first have the opportunity to review and ask staff questions about the general “Housekeeping” changes.

II. NEXT STEPS

April 11: Planning Commission Study Session on Proposed Update to Site Plan and Design Review (SPR, BIMC Section 2.16.040) and Minor/Major Conditional Use Permit Chapters (CUP, BIMC Section 2.16.050/110)

April 25: Planning Commission Public Hearing on “Housekeeping”, SPR & CUP Development Code Update. Possible Recommendation to City Council

Housekeeping & Clarification Code Updates in Development Code

Code Section		Suggested Edit, Correction
1	2.14.020.E.1	Change Planning Commission regular meeting start time from 7:00 PM to 6:30 PM
2	2.16	Review all permit chapters: - to check reference to submittal requirements in permit code, not the term “application materials”. Admin Manual may need to be updated - review which subsection of permit chapters the review process flowchart is in, they belong in procedures section. SPR flowchart in 2.16.030
3	2.16.010/020	Should noticing requirements be applied to Legislative Code Applications 2.16.180 or Comp Plan Amendments 2.16.190
4	2.16	Consider a cross-reference at the beginning of 2.16 to ensure that the standards, definitions and methods of Titles 18, 16, 17 and 15 apply to the permits processed under 2.16.
5	2.16.020.K	BIMC 2.16.020.M.2, “Types of Notifications for Land Use <u>Decisions</u> ” should be revised to say “Types of Notifications for Land Use <u>Applications</u> ”, because this section is not about decisions.
6	2.16.020.M	Add Notice of Intent in table. Include 30-day comment period for applicable shoreline permits, with reference to 2.16.165. Consider updates to Table 2.16.020-1 , and consider having either the text of M.2 or the Table, but not both. Move exemptions from noticing and combining notices (M.8) to beginning of section.
7	2.16.020.M	BIMC 2.16.020.M.5(b) “Government agencies” mentioned multiple times. Should be “SEPA Agencies”.
8	2.16.020.M	Check 2.16.020.K.6 (a) and (b) 15 days vs. 14 days. Revise 6.b.v. to send public hearing notice to all commenters. Make consistent with current Hearing Examiner procedures.
9	2.16.060.B.1	Check that minor variances are limited to these situations specifically. Consider if variances related to single-family residential development should always be considered minor.
10	2.16.070	In both short and long subdivision sections 2.16.070.I & J, and 2.16.160.M the terminology needs to be changed to “alteration” from amendment pursuant to RCW 58.17.215. Make sure what qualifies as amendment vs. alteration
11	2.16.070	2.16.070 Integrate RCW 58.17.140.3.a into process- re: time limits.
12	2.16.080	2.16.070 Integrate RCW 58.17.140.3.a into process- re: time limits. Check all subdivision chapters
13	2.16.100/ 2.14	HEX can adopt rules related HEX rules and procedures; e.g. stays, to reconsideration; rules can be approved by Council through resolution

Code Section		Suggested Edit, Correction
14	2.16.130 & 2.16.160	2.16.130 Quasi-judicial review by city council – In general. & 2.16.160 Final long subdivisions. Add language about closed record hearing. Also add “closed record hearing” for land use review procedure table in 2.16.010
15	2.16.160.M	In both short and long subdivision sections 2.16.070, and 2.16.160.M the terminology needs to be changed to “alteration” from amendment pursuant to RCW 58.17.215 Make sure what qualifies as amendment vs. alteration
16	2.16.165.E.2.f	References the same section of WAC twice- 2 nd reference can be deleted
17	2.16.165.G.2	Should shoreline variance applicability include lot coverage?
18	2.16.125	2.16.070 Integrate RCW 58.17.140.3.a into process- re: time limits. Check all subdivision chapters
19	2.16.160	Final Subdivisions Make sure is consistent with RCW 58.17.140 time limits
20	2.16.160	Final Sub considerations for Council exceed what state law requires. The Council’s decision action on a final plat must match state law.
21	2.16.165	Clarify when decisions are sent to ECY (within 8 days of decision, or within 8 days of expiration of appeals – both languages are used at the moment). The administrative appeals section and SVAR/SCUP appeals section needs revising for consistency with the WAC, based on comments from Misty.
22	18.06.020	And 18.06.030, Could zoning district purpose statements better reflect Comp Plan?
23	18.09.020	And 18.09.030.XX Consider if temporary contractor parking should be allowed outside of the MUTC or commercial zones. Also consider adding construction staging area to the permitted use table.
24	18.09.030.B.2.b	Delete- no more R-8 overlay district
25	18.09.030.B	18.09.030.B 3. Commercial/Residential Mixed Use Development. Principal and accessory uses shall comply with the applicable development standards and performance standards of the B/I and NC districts as well as the other standards listed here. CHANGE: MIXED USE DEVELOPMENT SHOULD ONLY HAVE TO MEET STANDARDS AND GUIDELINES FOR THE ZONE THAT IT IS IN.
26	18.09.030.D.7.c	Should have been deleted during 2018 Business/Industrial ordinance. Consider alongside definition of professional services. Update the reference to the use specific standards in the permitted use table.
27	18.09.030.D.9.f	New retail of more than one story must be accompanied by a residential component is requirement only in Madison and Ericksen districts.
28	18.12.020	Table 18.12.020— 1 Table18.12.020- 2 Header for Maximum Building & <u>Structure</u> Height

Code Section		Suggested Edit, Correction
29	18.12.020	Table 18.12.020—Tables 1-3 Reference to BIMC 18.12.030.F should be BIMC 16.12.040.I.h
30	18.12.020	Table 18.12.020.-3 Footnote 6 re: how to earn optional 10 ft. & building height, and definition of building footprint. See note below on FAR
31	18.12.040	Table 18.12.040 EXEPTION BELOW IS FOR OVERHEAD OR UNDERGROUND accessory utilities , NOT ABOVE GROUND, LIKE PROPANE TANKS
32	18.12.040	Table 18.12.040 Rockeries less than 4 ft in height allowed in setback <u>WALLS OVER 4 FT MAY BE PERMITTED</u> WITH Qualified geotechnical engineer determination and city concurrence, that it is necessary for slope stabilization
33	18.12.050.I	At end of description of “Grade” update WAC reference: should read WAC 173- <u>27</u> -030(3), rather than 173- <u>14</u> -030.(
34	18.12.050.G	18.12.050 G. Floor Area Ratio (FAR). “Floor area ratio” is a figure that expresses the total floor area as a multiple of the lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area prior to removal of lot area for dedication. Portions of parking located underneath a building footprint are not counted in floor area ratio calculations. See also definition/rules of measurement for building footprint. Change: either FAR or building footprint Similar discussion related to Optional 10 feet building height incentive related to put parking under building in MUTC Zones- see note on Table 18.12.020-3 Footnote 6 above
35	18.15.010.C	Confirm that ISA hazard review refers to TRAQ certification, not TRACE (Global Search). Consider moving Section C to the end of the chapter.
36	18.15.010.D &E	Tables 18.15.010-3 and -4 Make sure that left column header is correct re: adjacent development/zoning
37	18.15.010.D	Consider adding section about permitted encroachments in perimeter or roadside buffers, see allowed uses in setbacks, 18.12.040
38	18.15.020.B.12	18.15.020.B12: We want promote sustainability and shared parking when possible. So perhaps a CUP not needed, and reduction can just be considered along with whatever other permit already being reviewed, don’t want to add extra burden.
39	18.15.020	Table 18.15.020-2 Footnote 3: Need graphic to show radii from Ferry Terminal District.
40	18.15.020	Table 18.15.020-2 Parking requirement missing for commercial and nonresidential- min. spaces/1000 sq. ft.18.3
41	18.15.020	Table 18.15.020.D 3 Delete comma after “serve”

Code Section		Suggested Edit, Correction
42	18.30.030.C	18.30.030.C Change “square footage” to “floor area”
43	18.36.030.5	18.36.030.5 Accessory Ag Retail, Minor (b) does not conduct more than 4 <u>non-agricultural</u> special events
44	18.36.030.6	18.36.030.6 Accessory Ag Tourism. Does this need to be amended to include overnight stays? See the “farm-stay” use at Hey Day farm on Old Mill
45	18.36.030	ADD need definition for “adjacent” not just “adjoining”
46	18.36.030	18.36.030 “affordable Housing” definition needs to reference 18.21.020 not “described below”
47	18.36.030	ADD definition for “mixed-use”
48	18.36.030	165. “Motor vehicle sales lot ” means any land or buildings used primarily for the sale of new or used motor vehicles fit for transportation.
49	18.36.030	69. Review definition of “day care”; need to clarify that before and after school care is different than a day care and has been treated as an educational use.
50	18.36.030	188. “Parfitt-Waterfront area” is defined as that area south of the boundary created by the following parcels and streets; starting at the northern property line of 272502-4-1130-2000; proceeding eastward along Blue <u>Bjune</u> Drive to its western intersection with Brien Drive; proceeding eastward along Brien Drive to its intersection with Bjune and Shannon Drives; and proceeding southward along Shannon Drive to the south property line of 4114-005-001-0003; and proceeding eastward to Winslow Ravine. Clarify where on the property line the area starts. Refer to Graphic in Winslow Master Plan
51	18.36.030	192/193. Consider adding “camping” to definition of Parks, passive or Parks, active or both
52	18.36.030	206. “Professional service” means a business or agency that provides services in an office environment and includes, but is not limited to, legal services, counseling services, real estate offices, financial services, insurance services, and government offices. Professional service does not include a health care clinic <u>or facility</u> , such as a hospital.
53	18.36.030	Consider changing definition of street, too broad. Consider not including “private way of travel”
54	Global Code Search	Check whole code for references to LM or “Light manufacturing” related to zone and switch with B/I. Same for Neighborhood Service Center and Neighborhood Center