



**CITY OF BAINBRIDGE ISLAND
REGULAR PLANNING COMMISSION MEETING
THURSDAY, APRIL 9, 2015
CITY COUNCIL CHAMBER
280 MADISON AVE N
BAINBRIDGE ISLAND, WASHINGTON**

CALL TO ORDER - Call to Order, Agenda Review, Conflict Disclosure
PUBLIC COMMENT - Accept public comment on off-agenda items
REVIEW AND APPROVAL OF MINUTES - January 22, 2015 Planning Commission Meeting
2016 COMPREHENSIVE PLAN UPDATE SCHEDULE AND NEXT STEPS - Discussion and Recommendation
ORDINANCE 2015-04 LANDSCAPING AND TREE PROTECTION - Study Session
ACCESSORY DWELLING UNIT REGULATIONS, BIMC 18.09.030.I.5 - Discussion
NEW/OLD BUSINESS
ADJOURN

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

Meeting was called to order by Chairman Pearl at 7:00. All Planning Commissioners were present. City staff in attendance included Planning and Community Development Director Kathy Cook, Special Project Planner Jennifer Sutton and Administrative Specialist Jane Rasely who monitored recording and prepared the minutes. There were not any conflicts of interest.

PUBLIC COMMENT - Accept public comment on off-agenda items

None

REVIEW AND APPROVAL OF MINUTES - January 22, 2015 Planning Commission Meeting

Motion to approve minutes.

Lewars/Quitslund: Approved 7-0

2016 COMPREHENSIVE PLAN UPDATE SCHEDULE AND NEXT STEPS - Discussion and Recommendation

Commissioner Pearl began discussion by mentioning that Ms. Sutton had amended the schedule. Commissioner Quitslund thought that climate change should be addressed in other elements rather than just environmental. Commissioner Gale agreed and felt it was a subject which flows across many of the topics. Ms. Sutton asked if Commissioner Quitslund was suggesting that particular sentence be at the beginning of the elements to create an over-arching principle. After some discussion on the exact wording, it was decided the placement should go in the Introduction. Commissioner Pearl mentioned that the subject of Highway 305 needs to touch every subject as well. Discussion between Commissioners and Ms. Cook ensued as to where the best placement would be with Commissioner Chester weighing in with the thought of keeping it in the environmental section, but referring back to it from the other sections. The intention of moving it to the Introduction was to draw it to the attention. Commissioner Pearl restated the need to put the over-riding

concern about Highway 305 in the Introduction as well. He felt it was important to take a stand and not just accept what others would do to the highway (State and other local communities). Ms. Cook reminded the Commissioners that the scope of work would be approved by resolution and would not be cast in stone but could be changed by the Planning Commission later if necessary.

Joe Tovar, Consultant – Spoke about what the Introduction deals with, where to put ideas you want to elevate in importance as well as how the Comprehensive Plan relates to the functional plans the City has, i.e., Transportation, Utilities, Surface Water. It's where you explain, for instance, how the Shoreline Master Plan is a separate document, but its policies are part of the Comprehensive Plan. This Introduction is where all the pieces are explained and how they fit together with reconcilable language so it says what you want it to say and then moving forward, you'll be able to get guidance from this first section to each chapter or element. Some of the over-arching or global ideas permeate many of these chapters. He spoke about using icons throughout the plan that would reference back to these over-arching ideas.

Mr. Tovar also stated that as the City goes through this process, there may be new ideas added to the scope. That is something that as you work your way through the Comprehensive Plan, you may revisit or add to. Nothing is done until it's all done. He said he felt he had a good idea how to weave these important over-arching themes into language they could look at that would fit into the front part of the Comprehensive Plan that would not just be bookkeeping or housekeeping, but substantive policy. He stated it would be one of the first things they would see next month.

Commissioner Pearl opened the floor to public comment on the scope of work at 7:26 PM.

Ron Peltier, Citizen – Addressed Commissioner Pearl's comment about being a small island and not being able to do much about climate change. He thought when we talk about climate change there are some real things we can do that do make a difference on a small scale. Something they could do on more than just a small scale is symbolic. What is done on the Island will be watched by the communities and if we really get out front on things like getting off coal and doing more to encourage the non-motorized transportation and that sort of thing, it would make a real statement, encourage more solar and possibly starting our own electric utility. These things are going to get attention and they're going to be a template for other communities. He liked the idea of the re-occurring themes Joe mentioned earlier; Highway 305 and the bridge, climate change, sustainability and our water resources. All these things relate to everything in the plan. He went on to state that expanding Highway 305 would almost certainly include building a second bridge next to the Agate Pass bridge. That was something for the Planning Commission to think about. People talk about bridge replacement, but it's not a plausible idea to tear down the Agate Pass bridge and simply build another bridge. That bridge will probably stay there if we expand the highway.

Charles Wenzlau, Citizen – Spoke about his concern regarding limited opportunities for input into the Comprehensive Plan. He stated he had been working with a group of other architects for the last four months on the Land Use Element specifically with a focus on sustainability. They had crafted 8-10 draft pieces of policy that may or may not have a place but which are worthy of consideration as staff and the Planning Commission bring this into some focus. He read from an e-mail written and received by the Planning and Community Development Department that morning requesting a public meeting be held at the beginning of each element prior to the staff starting the writing. This would be an opportunity for the following: Presentation/Introduction of key items within the element; findings from listening sessions presented; staff may ask clarification questions if the findings are not clear; public to present ideas of additions, deletions or modifications to the element and public discussion of how values and vision relate to the element. He finished by stating his work group has some specific qualifications as professionals who use the regulations and Comprehensive Plan that they would like the opportunity to present ideas other than just handing in a piece of paper. Commissioner Pearl responded with reminding the Commissioners that they had discussed this previously. Commissioner Gale was in support of the idea. Ms. Cook stated the City

supported the idea and felt it would be a more efficient process but the logistics would be harder. She suggested a separate workshop rather than incorporating it into a regular Commission meeting. Discussion ensued as to whether the Council would need to approve more workshops. She said the biggest concern is how to fit it in without dragging out the schedule. Commissioner Kriegh requested that citizens who want to bring prepared materials submit them in advance so the Commissioners have a chance to review them before the meeting.

Motion: The Planning Commission recommends that provisions be made for public discussion of ideas and specific revisions pertaining to the Comprehensive Plan Elements near the beginning of the drafting process for each updated Element.

Quitslund/Gale:

Commissioner Lewars was concerned about being flexible as to when the “kick-off” sessions would be held.

Motion: The Planning Commission further recommends that provisions be made for public discussion of ideas and specific revisions pertaining to the Comprehensive Plan Elements before the drafting process for each updated Element.

Quitslund/Gale:

Mr. Peltier asked if there was a process for how groups/people would know they have the opportunity to submit something for consideration at one of these workshops. How would people know? Commissioner Quitslund stated that was why they had a Community Engagement Specialist. ListServ notification was mentioned as a way to communicate the opportunity. Ms. Cook also stated these workshops would not be the only opportunity for people to submit ideas.

Motion passed unanimously 7-0.

Commissioner Kriegh asked if the SMP could be referenced under Section E of the Land Use Element so that someone who is not looking at every element would be able to see that the City is thinking about the marine access and resources. She would like to see it listed as **Marine Access and Marine Resources (see Shoreline Master Program)**.

Discussion moved to the schedule for the Comprehensive Plan Update. Ms. Cook mentioned they would figure out how to add the workshops into the schedule. Ms. Sutton explained how the schedule changed from the last draft received at the March 26th meeting.

Motion: I move the following: the Planning Commission recommends approval of the Navigate Bainbridge project schedule as revised 4/2/15 and also recommends proceeding with the update along the lines indicated in the memorandum from Joseph Tovar dated April 9, 2015 “Preliminary Scope of Issues” as amended tonight.

Ms. Cook summarized changes requested by Commissioners before voting took place.

1. Starting on page 2 of the proposed Scope of Work, a new section titled “Over-arching Themes” which would include two bullet items having to do with climate change and SR 305.
2. Under E. Land Use Element, under item 5, review subarea plans: Lynwood Center and Winslow Master Plan, including policies related to Waterfront Park.
3. Under Six Key Issues to Address where it talks about articulating connections between the Land Use Element and Transportation Element, Land Use and Utilities Element add a new one that would be articulating the connections between the Land Use and Environmental Elements.
4. Section E, ending in land form add, Connectivity to Marine Access and Marine Resources (See SMP).

Commissioner Gale seconded the motion.

Discussion continued as to how the public would give their comments and that the schedule put forth is ambitious.

Mr. Peltier asked the Commissioners to reconsider having water as an over-arching theme. Right now there are a couple of paragraphs on water in the Land Use Element because our available ground water has a lot of bearing on how our development patterns can occur on the island, how much development we can take and it really is something that bears being reoccurring past just the Water Element. He asked the Commission to consider that again, please.

Commissioner Gale stated she was comfortable with water as it was presented and that obviously it would come up, but since it has its own Element, she didn't feel they needed to make another aspect of it. Commissioner Pearl also mentioned that it may move up based upon what the results of the study will be, but they didn't know the facts yet on water.

Motion: Passed 6-0; (Commissioner Lewars was not present during vote)

ORDINANCE 2015-04 LANDSCAPING AND TREE PROTECTION - Study Session

Special Project Planner Sutton introduced the second study session on Ordinance 2015-04. She gave an overview of the Ad Hoc Committee's work that began in January of 2014. She mentioned changes made to the administrative manual and then moved into the substantial changes to the ordinance.

Commissioner Pearl began discussion by stating this was a difficult topic. He continued on with two important subjects, the smaller diameter of trees (8") and the idea of valuing a tree to be saved with a dollar number through the National Arbor Society and if the tree dies during construction, that dollar amount would be paid to the City. He went on to mention that there should be thought given to the type of trees required in a buffer area and what that tree will look like in 20 years. Fir trees were used as an example of a tree that grows very large in 20 years, but does not provide a good buffer once it is larger and becomes a potential danger as well. He thought they should begin to give thought to a tree's quality of buffering potential as well as the interest of the tree. Ms. Sutton mentioned that landscaping plans would need to be translated to utility plans in order to protect trees from possible utility installation (trenching, etc.) An example of the Town and Country remodel was used showing how many trees were required under the current code and how many would have been required with the proposed ordinance. Commissioner Pearl felt there were holes in the ordinance that needed to be addressed. Ms. Cook stated this was the time to deal with them. Three types of buffers were defined: Full screen, partial screen and filtered screen. Commissioner Lewars agreed that fir trees were not great for buffers once they grew to a certain height and that a 10 foot high shrub would screen better. Commissioner Chester stated some municipalities have a recommended tree/plant list for buffer use. Commissioner Pearl mentioned the City has one, but it has not been studied for the buffering potential and is not as directed as it maybe should or could be. Commissioner Gale asked about the FAR bonus given for saving a Heritage tree. Clarification of fines for cutting down trees with a preapproved value was presented by Ms. Sutton.

Charles Wenzlau, Citizen – Comments were directed primarily toward practicality as a land use professional and how he would use this. He thought there were a couple things at least worth a little more consideration. He addressed Commissioner Pearl's comment about the buffers going to better quality screening at a lower height. That would help with solar access, so that would be an interesting benefit in light of the fact that the City has not really been able to do anything about solar access to this point. He was glad to hear the mention that the civil plans should include the tree protection fencing and thought it was critical at permit submittal. It wouldn't do much good earlier in the process but absolutely needed to be done

at permit submittal because they would be using the civil plans to lay the utilities and if the tree protection were shown, that would allow for the best chance to protect them. Mr. Wenzlau spoke about item number 4 at the top of page 5, "Protection during Construction and Development." He felt the second comment was very impractical and would be very hard to enforce. The idea of protecting areas where there would be planting in the future would not be enforceable. He gave the Grow Community planting the center of their site as an example. Right now it was just a huge stack of dirt. He was not sure what measures the Commission was requesting be provided because expecting developers not to drive construction equipment or place utilities in those areas wouldn't make any sense. The Commission would have to consider how the City would actually enforce a regulation of that type; would it be fenced, would they would not be able to drive or put utilities in there, etc. Any good landscape architect would come back in and add the 12-18 inches of soil amendment if the area was not able to be protected during construction. He stated this was just a practical issue and it would be easy to create these regulations but they needed to be sure they actually worked so developers could comply. Commissioner Gale asked whether there was a time span the plantings had to survive. Mr. Wenzlau stated yes, five years and that the developer would have to restore the soil to a viable condition so their plantings would survive the required time. He did say he felt the ordinance was well intentioned, but he just couldn't see the practical application of it. Commissioner Pearl presented the thought behind it being the prevention of scraping a site clear, driving all over it thereby compacting the soil, then adding 18 inches of soil will not provide a real condition for plants to grow. That would be a minimum starting condition. The Commission wanted to see there would be some thought to how the soil will be restored.

Mr. Wenzlau stated he thought they had a comment in there that had not been thought through how it will be enforced. Commissioner Chester asked if it was not the same as land you have to preserve for a reserve drain field. Mr. Wenzlau stated that if you were on a tight urban site, what with constructions trailers, etc., it may be impossible to do. Not all sites are the same and we need to be cognizant of that. Commissioner Kriegh mentioned that if it is not possible to avoid it, there were other contingencies that applied. Mr. Wenzlau asked if that was up to the applicant and she replied it would be up to City Staff. Mr. Wenzlau stated his intent was to end up with practical and enforceable regulations that would be successful. He went on to say he was pleased to see the new language about protection of trees on adjacent parcels. He was concerned that the ordinance states developers can get points for saving/protecting neighboring trees, but it does not address what the repercussions would be if they choose not to save a neighboring tree. Ms. Sutton clarified that developers cannot destroy a neighboring tree without permission of the property owner.

Ms. Cook informed the Commission that they did not have to forward this ordinance for public hearing tonight if they did not feel ready to do so.

Commissioner Kriegh asked if the maintenance period for landscaping on a project was five years. Ms. Sutton stated the current period length was three years, but the Tree Ad Hoc Committee have suggested it be changed to five years. She then specifically asked about a definition of what constitutes "retained" as it applied to trees. Ms. Sutton stated that there is failure during the construction period and then an inspection after three years to check that the new plants are healthy and continuing to thrive. She wondered if there was an arborist determination the City could use to come up with a time period.

Olaf Ribeiro, Citizen – Addressed question asked by Commissioner Kriegh of whether there is a way to get a format or method from an arborist on how to save the trees. He stated yes there are arborist standards for retaining trees and there are different ways to do that. He referenced Seattle, Hunt's Point and Medina have an arborist present throughout the construction phase and he felt the City needed to put that in the ordinance in order to retain the trees. He reported that he had been called to look at the Ericksen Ave trees referenced earlier and that they could be saved, it was just a question of how much money you need to put into it to do it. If the ordinance says you have to save it, then money isn't the question, it's the question of saving them and that can be done. There are different ways and I have told them the options they can use to do that.

Commissioner Pearl asked what Mr. Ribeiro meant by having an arborist onsite. Mr. Ribeiro said they needed an arborist present when they start excavating. In Seattle, if a developer starts excavation without a qualified arborist being present, they withdraw the permit until an arborist is present. The last time they had to wait until I got there, they stopped all work until I arrived and then were told they could continue. If he (Mr. Ribeiro) saw that they were going to damage a tree root, they would have to stop and decide whether they have to cantilever the side of the building to save the tree roots on an adjacent property. If it's in the ordinance, developers will just expect that is the way it is done. Cities like Lake Oswego require an \$18,000 bond on every tree that is to be saved and if the tree dies within six years, they have to pay for that. Commissioner Lewars asked at what point you determine the tree is viable. Mr. Ribeiro answered after three years you can tell if a newly planted tree will survive. A mature tree takes a good five to six years before you can see signs of stress and there is no real way of measuring it earlier than that so we wait for that length of time. Commissioner Gale asked if there was a bonding requirement for six years that would cover the time needed. Mr. Ribeiro stated yes and that it serves notice the City is serious about saving the trees.

Mr. Ribeiro asked who will make the decision of whether a tree is a Heritage tree. Ms. Sutton replied the Historic Preservation Commission reviews those applications. He then asked if they had someone qualified to review the applications and Ms. Sutton asked/reminded him that he was at the last time they reviewed applications. She also described the parameters for determining a heritage tree as very broad citing age, placement on historic property and other contexts.

ACCESSORY DWELLING UNIT REGULATIONS, BIMC 18.09.030.I.5 – Discussion

Ms. Cook gave some background as to why the City Council asked for the Planning Commission to look at this subject saying they would like to promote accessory dwelling units for multiple reasons and that the maximum allowable square footage allowed on Bainbridge Island is lower than you see in other cities, including the county. Council had a study session on this and put it on the work plan with the intent of seeing the maximum size of accessory dwelling units (ADUs) increased.

Commissioner Pearl asked why an ADU has to share a driveway with the main house. The shared driveway decreases impervious surfaces and it is safer to have fewer driveways accessing roads. Discussion continued around number of bedrooms versus drain field requirements. Commissioner Chester felt 900 square feet was fine and that it matched up with Seattle, Poulsbo and other surrounding areas. He did feel it was unfair to require a separate drain field for ADUs when an accessory living space did not require one. It was pointed out that the difference between the two was that an accessory living space did not have a kitchen. Commissioner Lewars felt increasing the size of an ADU helped fill a need for affordable housing on the Island. Commissioner Pearl felt the real discussion should center on whether or not they should require a single driveway.

Jeb Thornburg, Citizen – Added to the discussion on driveways by saying from specific experience there are a variety of driveway conditions on the Island and often times, to mitigate the least damage to the site and the least impervious surface, we've run across a number of times where separate driveways are actually a better answer. We asked City Staff if there is an alternative to making more paving more difficult backing and turning around in a single driveway if the intent is actually to benefit the environment by having a single driveway but in fact it ends up prohibiting it. He wrote a note to the Planning Commission asking if there was a way to allow an administrative approval given the site might be best addressed with two driveways instead of one. Commissioner Quitslund stated the county regulations say the ADU will take its access from the same road approach as the primary residence. Mr. Thornburg gave an example of Grow Place on the west side of Grow Avenue has had an ADU under construction for a number of months and that ADU actually has the driveway off the backroad because it would not be practical to have a driveway off the front. He was not exactly sure how that came to be but feels it is a good example of how it is better addressed on a different street. Commissioner Kriegh felt the driveway issue was really about not disrupting the fabric of the existing neighborhood so it did not appear to have too much density compared to what it already had.

Dispersing the density to include access from a different location seemed like it could be under consideration. Mr. Thornburg stated that as a working design professional, there are oftentimes one particular note or requirement that has good intent, but in practical application, there are sometimes better alternatives. He would just like to broaden the answer so that given that opportunity, City Staff has the mechanism to consider it instead of having to say, "Great idea, but you can't do it." He went on to comment about enlarging the area of an ADU because he has had experience with clients that have had to wall off areas of their ADU. He wanted to know where the line in time would be drawn. If a developer built a big building with an empty space and then came back a year later and wanted to build a 1200 square foot ADU because the space already exists, is there a sense of where that line in time might be drawn? Ms. Cook stated she felt the line would be drawn the day the ordinance was passed. She said the ordinance would specify that. He went on to speak about the one or two bedroom ADU and the two bedroom drain field requirement by the County. He felt the biggest opportunity for increasing the allowable space of an ADU was doubling the audience the ADUs currently serve allowing roommate, caregiver and family situations. He felt it was a terrific opportunity.

Ms. Cook recapped the information/changes Staff would bring back to the Planning Commission based upon their ADU discussion stating the changes would be presented at the June 11, 2015 meeting.

NEW/OLD BUSINESS

None.

ADJOURN

Meeting was adjourned at 9:18 PM.

Minutes accepted by:


J. Mack Pearl, Chair


Jane Rasely, Recording Secretary