



**CITY OF BAINBRIDGE ISLAND
REGULAR PLANNING COMMISSION MEETING
THURSDAY, APRIL 23, 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 - March 26, 2015 Planning Commission Meeting
2016 COMPREHENSIVE PLAN UPDATE - Discuss Creating a Subcommittee to Assist with Drafting
Comp Plan Amendments
ORDINANCE 2015-10 TENT CITY REGULATIONS - Study Session
ORDINANCE 2015-04 LANDSCAPING AND TREE PROTECTION - Study Session
NEW/OLD BUSINESS
ADJOURN

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

Chair J. Mack Pearl called the meeting to order at 7:01 PM. Other Commissioners also in attendance were Maradel Gale, Michael Lewars and Julie Kriegh. Commissioners John Thomas, Michael Lewars and William Chester were absent and excused. City Staff present were Planning Director Kathy Cook and Special Project Planner Jennifer Sutton. Administrative Specialist Jane Rasely monitored recording and prepared minutes.

No conflicts of interest.

PUBLIC COMMENT - Accept Public Comment on Off-agenda Items

None.

REVIEW AND APPROVAL OF MINUTES - March 26, 2015 Planning Commission Meeting

Commissioner Gale pointed out an omission on page 3 of the word "one" when describing the bucket comprehensive plan items will be placed in and Commissioner Kriegh corrected information on page 2 pertaining to her comments about the Rosebud II project.

Motion: I move we approve the minutes of March 26, 2015 with corrections as noted.

Quitslund/Gale: Motion carried 4-0

**2016 COMPREHENSIVE PLAN UPDATE - Discuss Creating a Subcommittee to Assist with Drafting
Comp Plan Amendments**

Director Cook spoke about public comment received since the last Planning Commission meeting. She presented the idea of having a sub-committee from the Planning Commission help draft changes to the comp plan. Commissioners Quitslund and Gale volunteered and Commissioner Kriegh stated she would be

available after July 1st. Commissioner Quitslund asked what form the new amendments would be taking. Director Cook replied there would be different kinds of amendments based upon what type they are: revision, new, required and optional. Commissioner Quitslund said he was looking forward to the process and working with staff. Commissioner Gale mentioned she attended the library class about the geology of the island and said it was very enlightening. She felt it might be worth asking Mr. Hallett to come in and speak about the aquifers detailing the differences of perched and deep aquifers. Director Cook stated there was going to be a water workshop with different presenters some being from USGS. The proposed date was in June and there would be more information in the future.

ORDINANCE 2015-10 TENT CITY REGULATIONS - Study Session

Director Cook reminded the Commissioners that this ordinance is a requirement of our insurance provider (WCIA) as the result of an audit the City went through last year. She also stated the ordinance was written by the City Attorney and Special Project Planner Sutton provided an overview. She mentioned it was written broadly to encompass more than one temporary use, which would be helpful for situations like temporary parking, camps, etc. She reiterated there has not been a call from anyone requesting a tent city.

Commissioner Pearl was uncertain that all temporary uses should be lumped together because the uses can be so different. Commissioner Gale stated the way the chapter heading was written, it seemed to be about other uses as well. Planner Sutton stated the City Attorney will be re-writing it with the tent city portion occurring as a sub-topic. Commissioner Kriegh asked why any community group can apply for this permit when the State only requires the ordinance be required for churches. Commissioner Gale agreed and there was discussion about whether it needed to be more specific to ONLY religious organizations. Commissioner Pearl asked if all churches operate under conditional use permits. There was discussion of whether there needed to be a site plan review. Director Cook did not think there would be a site plan review under the temporary use permit process, but stated she would double check on that. After further discussion, she said City Attorney Marshall would need to be consulted as to where and how much the standards can be changed and which standards are set by the State.

Commissioner Kriegh asked if there was a guideline giving a ratio of property size to number of people that can be accommodated. Planner Sutton referred to new Section 18.15.050.2.

Planner Sutton asked the Commissioners whether 3 months would be the right length for a tent city to be allowed on a property. Commissioner Pearl thought it should be the minimum length of time required by the State. Commissioner Quitslund mentioned page 6, paragraph 3 – no comment period. He felt that was reasonable, but Commissioner Kriegh wondered why there was not a comment period and was that something that could be changed. Director Cook said they would ask Ms. Marshall. Commissioner Quitslund felt the sponsoring religious organization should bear more of the burden of putting information out to the public than the City. He stated the City should be kept out of any adversarial positions. Commissioner Pearl stated there had to be a public process and the City had the burden of that and it could not be written out of the ordinance. Commissioners Gale and Quitslund suggested there be a link on the City's website to direct the public to the hosting religious organization's website. Director Cook stated the information provided would be the same as it would be for any permit application. She also stated they could go back to State requirements to see if they can require more notice than 14 days.

Commissioner Kriegh asked if this was for any church, anywhere despite zoning, school location, etc. Director Cook stated she would check on that.

Robert Dashiell, Citizen – He noted when he read the proposed ordinance that it excluded anyone under age 18 in the homeless camps. Just as point of reference, there are individuals living in homeless camps in Seattle with children and Island Wood sponsors camp every year for the children of homeless people in Seattle, so the question is a legal one and whether you can actually exclude somebody with a family where

the children are under 18. Commissioner Kriegh felt that was a good question. Commissioner Pearl stated he assumed the City Attorney thought the City should, but he did not know and that the tent city seemed most important for homeless families. Commissioner Kriegh brought up the City of Portland's tiny houses for homeless people. Planner Sutton mentioned that Olympia also has a tiny house village that has been created for transitional housing for homeless people.

ORDINANCE 2015-04 LANDSCAPING AND TREE PROTECTION - Study Session

Planner Sutton provided an overview of the work performed since the last Planning Commission Study Session. The work thus far has centered on general standards and specifically on the Mixed Use/Town Center High School Road districts. She stated this ordinance does not complete the work of the Tree Ad Hoc Committee. She highlighted the changes recommended including increasing the bonus from 1.5 to 2.0 credits for saving a Heritage Tree. Commissioner Pearl explained the Committee's rationale for changing parking lot tree counts. Planner Sutton highlighted the future schedule of review for the Tree Ad Hoc Committee.

Commissioner Gale mentioned she thought the penalties were still too low for those who did not save trees. Planner Sutton re-read the code applying to the removal of trees explaining the fines listed were minimums. She went on to explain that the setting context of the tree affects its value and thus a value cannot be set in the City's code. Commissioner Kriegh brought up the timeframe of 5 years as a determining factor of whether a tree will live or not when it had been suggested by Olaf Ribeiro that it takes 5-10 years to know if a tree will be lost. She wanted to know where they could put something like that and Commissioner Pearl agreed but wanted to make sure the trees that would be included would have their valuation on the site plan as a reminder to the contractor to protect the tree.

Commissioner Pearl felt like this ordinance covered most situations; the only thing he wanted to add was valuing the trees beforehand instead of after the fact. He wondered where the resistance to this idea was coming from because there seemed to be resistance coming from somewhere. Commissioner Gale asked why it could not be added under Section 18.15.010.G.3(b). Planner Sutton thought it was more appropriate in the Administrative Code but agreed to put it in this section as well. Discussion continued with conifers in the buffers and partial screening along with percentage of native vegetation which would all be seen at a later time. Commissioner Pearl asked about the square footage of buffer areas greater than 400 square feet to protect a tree, stand of trees or future planting areas and whether that was putting too great a burden on the developer.

Charles Schmid, Citizen – What you did at the meeting was bring up the fact that even though it makes sense not to survey trees taken down, still you should get a count of those trees. Commissioner Pearl agreed. He asked if that was still in the ordinance. Commissioner Gale confirmed the ordinance did say that. Mr. Schmid felt it was important to count the trees to know how much canopy is lost. At the top of page four when you talk about the triple times value of the trees it sounds great but then the director may elect not to seek penalties if he or she determined the circumstances do not warrant imposition of civil penalties in addition to restitution. He asked the question: Is it difficult to have civil penalties? He noticed some City reluctance on giving fines and he would like to ask about civil penalties. He also asked about full screening and whether it was supposed to go around the whole perimeter of the parcel. Commissioner Pearl asked for clarification on the context. Mr. Schmid continued by pointing out Section 18.15.010.D.4(a). "The number of trees is determined by dividing the length of the landscape perimeter by 10 feet." There was discussion about what constituted the perimeter in question and whether the standard applied to the perimeter of the buffer or the lot itself. He also asked about Section 18.15.010.D.4(a) and the maximum 70% of evergreen trees but it does not say the spacing. His concern was that they might take 90% of the trees and put them all down in one corner because it does not say what the minimum spacing should be. Commissioner Kriegh felt it could say evenly distributed to provide a full screen. Mr. Schmid felt there should be a distance provided for the larger evergreens as well as the smaller ones. Commissioner Pearl mentioned this was a section of

the code the Tree Ad Hoc Committee had not yet studied. Mr. Schmid also had mixed feelings about tall trees that have dropped their limbs stating the sun still gets there. People plant smaller evergreens in between and they do pretty well so he could not see taking down the taller trees to put sunshine on smaller trees or not planting smaller trees because evergreens stay green all year round unlike the deciduous trees that die back during the winter. He stated he would come back when the committee addressed those issues.

Robert Dashiell, Citizen – One thing that concerned him was the tree value of retained trees. Can the assessor then consider that an additional value of the property or are trees excluded from assessor evaluation? If we value the trees and you have an open public record of increased value on that property, knowing how the government wants to go after new taxes, he was concerned on whether the public record would then increase property values. Can the Assessor use that extra value to increase the value of the property thereby increasing property taxes? He guessed that was not possible, but would like the legal answer to that. He felt someone should make sure we would not be getting into a higher property value situation if the trees were valued. Commissioner Quitslund stated that would be a good question for the Assessor. He stated he saw very few changes in the value of the land distinct from the house. Mr. Dashiell agreed and stated there may be a rule against it, but did not know whether there was and felt someone should look into that possibility because he was concerned about there being a public record of the value of the trees on his property. Commissioner Gale stated he could check with Seattle because they actually put a sign wrapped around the tree of its value. Planner Sutton stated she would check on it. Commissioner Kriegh wanted to there could be a tax break for owning a Heritage Tree.

Mr. Dashiell was also concerned about the 400 square foot undisturbed area during development. He stated that 91% of the water was supposed to be retained onsite which meant you would have to put augmented soil over most of the property. He felt it was perhaps not reasonable to require protection of that much space. He also mentioned that when he worked on an ordinance for the City he always liked to use hypothetical situations. The hypothetical situation he was using on the tree ordinance was what if the new police station was built in the same location of the current police station on the .89 acres. There would need to be 35.6 trees according to the proposed ordinance, not counting the parking lot trees. He wondered if that could even be done. He cautioned the Planning Commission to think about that when they discuss the density because that was a possible real-life situation the City may be facing in the coming months and he was not sure that would fit in there. Planner Sutton stated the process would start with the number of tree units currently on the property, take into account zoning and progress from there.

Motion: I move that we place this ordinance for public hearing on the May 28 meeting.
Gale/Quitslund: Motion passed 4-0

NEW/OLD BUSINESS

Commissioner Gale brought up the ADU discussion the City of Seattle is currently undergoing. She felt it was very interesting and informative and specifically mentioned the City of Portland's presentation.

ADJOURN

Meeting was adjourned at 8:53 PM

Minutes accepted by:


J. Mack Pearl, Chair


Jane Rasely, Administrative Specialist



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