CITY OF BAINBRIDGE ISLAND
REGULAR PLANNING COMMISSION MEETING
THURSDAY, MAY 28, 2015
7:00 p.m.-9:00 p.m.
CITY COUNCIL CHAMBER
280 MADISON AVE N
BAINBRIDGE ISLAND, WASHINGTON

CALL TO ORDER - Call to Order, Agenda Review, Conflict Disclosure
REVIEW AND APPROVAL OF MINUTES - April 9, 2015 Planning Commission Meeting
PUBLIC COMMENT - Accept Public Comment on Off-agenda Items
ORDINANCE 2015-04, TREE AND LANDSCAPING REGULATIONS - Public Hearing
ORDINANCE 2015-10, TENT CITY REGULATIONS - Public Hearing
2016 COMPREHENSIVE PLAN UPDATE - Continued Discussion of Land Use Element
NEW/OLD BUSINESS
ADJOURN

CALL TO ORDER - Call to Order, Agenda Review, Conflict Disclosure
Meeting was called to order by Chair J. Mack Pearl at 7:10 PM. Planning Commissioners in attendance were Michael Lewars, Maradel Gale, Jon Quitslund, John Thomas and William Chester. Julie Kriegh was absent. City Staff present were Planning Director Kathy Cook, City Attorney Lisa Marshall, Special Project Planner Jennifer Sutton and Administrative Specialist Jane Rasely who monitored recording and prepared minutes. City Consultant Joe Tovar attended.

REVIEW AND APPROVAL OF MINUTES - April 9, 2015 Planning Commission Meeting

> **Motion: I move approval of minutes with correction of date at very end.**
> **Quitslund/Lewars - Passed 5-0**

PUBLIC COMMENT - Accept Public Comment on Off-agenda Items
None.

ORDINANCE 2015-04, TREE AND LANDSCAPING REGULATIONS - Public Hearing
Special Project Planner Jennifer Sutton gave a brief overview of the Ordinance and stated it was a product of the Tree Ad Hoc Committee's work. She also mentioned the Committee's work is ongoing and far from finished. She mentioned the changes the Planning Commission requested at their May 23rd meeting were incorporated into the Ordinance and were highlighted on the agenda packet. She introduced Commissioners J. Mack Pearl and Jon Quitslund to the public as Tree Ad Hoc Committee members.

Commissioner Pearl asked for any questions from the other Commissioners before opening public comment at 7:18 PM.

Peter Perry, Citizen – Thanked the Planning Commission for their volunteerism and their hard work on this Ordinance along with the members of the Tree Ad Hoc Committee. He continued with proposing some changes to the ordinance after consulting with other landscapers. He stated he was fully in support of the great development happening on the Island but would like to see some changes in how trees are treated during this development. He spoke about the concept of tree units and the exchange of existing trees with new, smaller trees and shrubs. (See Mr. Perry's attached handout) Discussion ensued about the tree fund that was established earlier this year.

Ricky Perry, Citizen – Asked what canopy was and how it was measured.

Mr. P. Perry went on to ask about counting trees that are in critical areas and whether they can be allowed as part of a developer's tree count. He argued that since they are already protected, they should not be counted as part of the necessary retained trees in the development. Mr. Perry then went on to say an arborist should be sitting on the Tree Ad Hoc Committee before they make their final recommendation. He also felt the director should not be able to waive civil penalties.

Olaf Ribeiro, Citizen – Was concerned about the flat $1,000 fine for removal of a tree that was to have been preserved. He felt there should be a sliding scale based upon the size of the tree. Commissioner Pearl stated the ISA value of the tree was actually the fine that would be imposed. Ms. Sutton clarified that the civil fine was the greater of the amounts: three times the ISA value or $1,000. Commissioner Pearl stated the Planning Commission would speak about this during their discussion. Commission Lewars felt the high end value trees were covered; it was the lower/smaller trees that were not fined heavily enough. Ms. Sutton stated this was not the only code with fines that applied. Mr. Ribeiro went on to ask about code covering the damage to a tree's roots by a neighbor. He felt the code for that type of damage should be very clear and strong. He wanted to know if that would be put into the code. Commissioner Pearl clarified the code does address trees on adjacent properties in Section 4.a. Ms. Sutton stated this change reminds developers at the onset of project planning that they need to plan for protection of adjacent areas. Mr. Ribeiro asked who was going to be responsible for damage to public trees. He also asked about who would win in the case of a developer who wanted to take out a tree to install solar panels. Commissioner Pearl stated there was no permission for that in this Ordinance. Mr. Ribeiro felt it was really worthwhile that when a developer brings a project in, they should bring in a detailed landscape plan for a City arborist to look at.

Charles Schmid, Citizen – Asked to take a look at Section 2.C.e.iv. He mentioned there was not a parameter in the table for the measurement. Commissioner Pearl stated it was meant to be inches. He asked if tree units should be added as a definition as well.

Planning Commissioners held a discussion about whether to move ahead with recommended changes or whether to take it back to the Tree Ad Hoc Committee first. Ms. Cook stated she felt the changes the Commission wanted to see were great enough that they should NOT forward it to Council at this time.

The public hearing was ended at 7:57 PM.

Ms. Cook reiterated the changes the Commission asked for.

> **Motion: City Staff should make the requested changes and return with a proposal for the Commission.**
> **Lewars/Gale – Passed 6-0**

ORDINANCE 2015-10, TENT CITY REGULATIONS - Public Hearing
The public hearing was started at 7:59 PM. City Attorney Lisa Marshall gave an overview of the Ordinance and stated this was brought to the Commission as a requirement by the City's insurance company. At this time there were not any plans to locate a tent city on any religious organization's property.

Public comment was opened at 8:04 PM. There was not any.

> **Motion: I recommend for adoption Ordinance 2015-10 Tent Cities as an allowed temporary use.**
> **Gale/Lewars – Passed 6-0**

2016 COMPREHENSIVE PLAN UPDATE - Continued Discussion of Land Use Element
Consultant Joe Tovar opened discussion of the Introduction of the Comprehensive Plan. He spoke about proposed framework goals and policies. He stated the top five goals are the overriding principles. The last six goals were from the priorities in the City Council's 2014 priority based budgeting process. He said by having these goals integrate with the priority based budget allows for a merger of two key City policy documents. Commissioner Thomas liked the general approach that made it easier to understand but he wanted more understanding of the priority based budgeting goals and if this would work together well. There was discussion about starting Framework Goals 4 and 5 with a verb like the others. It was agreed to do so.

Ron Peltier, Citizen – He thought what Mr. Tovar proposed look like sausage making. There were redundant things in there with the six strategic points from the priority based budgeting. It seemed disconnected from the public participation workshops and comments that have been a part of this process. He felt that he had not heard these comments from the public though Commissioner Lewars disagreed and said he had. He stated they were taking the Five Overriding Principles which used to be displayed in the Council Chamber and replaced them with strategic goals from a budgeting plan. It seemed awkward and as though the Five Overriding Principles were being watered down just because it seemed like a good idea since someone else did it in their comp plan. He felt it was awkward and that it watered down the five overriding principles of the Comprehensive Plan that have been around since the City was formed. He was struck by how much this was thing was being driven by Joe Tovar, City Staff and the Steering Committee which was supposed to be there to steer the process and not actually create revisions to the plan and how small a role public participation is playing in this.

Commissioner Quitslund offered a different perspective saying the principles enunciated in the priority budgeting plan were articulated as the frame of reference for the Listening Sessions, i.e., Good Governance and Vibrant Economy were very emphatic in the topics for the Listening Sessions and it was the Council led by the Mayor who thought that referencing the comprehensive plan to the budgeting system was a piece of good governance and a practical way of organizing their review of things. He didn't feel it was any watering down, it was an articulation of something. Mr. Peltier challenged the Commission to cite comments from the public in support of the idea of combining the strategic points from the priority based budgeting within the Comprehensive Plan update process.

Councilmember Sarah Blossom stated these goals were not the budget, but that these were the values we based our budget on.

Charles Schmid, Citizen – Asked if this was the first time most of the Commissioners have seen these goals this way. Commissioner Gale stated no, they were familiar with this idea. Mr. Schmid felt goals 6-11 were following the money of the City, but the first 5 were about the "Island" which is a special place. He wanted to know what was special about 6-11; they could refer to any city. Commissioner Gale felt Mr. Schmid made a good point and that goals 6-11 could be styled to sound more like the first five. She stated she felt it made good sense to combine all of them into one document.

Pegeen Mulhern, Citizen – She agreed with the previous comments and felt what was really important in the planning and our Comprehensive Plan were the first five goals and if the last six could somehow be placed in a lower category and not in the same overriding principles because they were more toward implementation or how they would go from there but they do not really resonate with the main charge in the Comprehensive Plan which is to preserve and continue the Island going forward in those ways that make it unique. Commissioner Gale stated she was hearing that there should be a hierarchy with the first 5 at a higher level than the second 6 goals.

Commissioner Chester stated that what he could see happening was that 6-11 were really in support of the first 5 goals.

Commissioner Lewars did not see any disconnect with including the last six goals. He felt the notion that all of the goals should somehow be specific and unique to Bainbridge did not make sense. He didn't feel you could govern on that kind of basis. The fact that we would share some of these priority based budgeting goals with numerous other locales – why not? They had merit and he felt they provided some guidance going forward. Commissioner Pearl agreed with Commissioner Chester.

Jonathan Davis, Citizen – He disagreed with the fact that while the first 5 were written as specific to the Island, he felt protecting water resources was a universal challenge that everyone has to face, particularly in places like California. We share that with them and other places on the globe. He felt the Island does not have an exclusive right to winding country roads with vegetation beside them. He thought they were important pieces, but he also felt the last six were also important going forward. Growing a vibrant economy was something that should be considered carefully in the Comp Plan. Growing a vibrant economy doesn't mean we won't have winding roads with landscape beside them. He said he understood the comments that were being made and that it would be easy to make the last six Island specific as well. He thought if they had 11 goals that were Island specific, there would be a much stronger framework to judge things against and base the Comp Plan on. He also mentioned that even were the sides of the roads clear to provide a pathway, it would not be too many years until the vegetation grew back.

Commissioner Quitslund wondered if the last six should have a reference to the priority based budget which was adopted by Council 6 years ago. Mr. Tovar thought it would be helpful to provide information to that effect within a narrative. He stated that none of the goals trump any of the other, they must all be considered when considering just one of them. Commissioner Gale stated they were all important because there were Comprehensive Plan Elements in almost all of them. Commissioner Thomas felt the last six were necessarily generic due to their topic and stated there was quite a difference between the two sections and he could understand the concern in their difference but he liked the tying of the two pieces (principles and priority budget goals) together because it was logical. Mr. Tovar stated it was trying to place all the policy eggs in one basket. Commissioner Chester stated he did not understand why the last six could not still be in support of the first five. Commissioner Thomas felt there was a morality present in the first five goals that was absent in the last six. Discussion of creating a hierarchy continued with the last six goals being in support of the first five goals. Commissioner Thomas suggested rolling the last six goals up into one as a supporting statement for the first five goals. It was suggested that it go back to the subcommittee with a revision brought back to the Planning Commission.

Ms. Sutton asked for feedback from the Commission about reorganizing the Introduction of the Comprehensive Plan. Discussion ensued of removing all the uses of "shall" in the Comprehensive Plan replacing them with "should," placing all the "shall" items in temporary moorage for ordinance discussion later. Mr. Tovar felt that using the word "shall" made it seem like the document was about control. The control document was really the municipal code. He went on to ask for direction from the Commission on streamlining, strengthening and clarifying text. The changes would not affect policy; they would just make the language more succinct. Commissioner Quitslund asked about the data the Commission requested at the last meeting. Ms. Sutton replied giving details on the data she was compiling. She stated it would be ready at the next Planning Commission meeting on June 11th.

NEW/OLD BUSINESS
None.

ADJOURN
Meeting adjourned at 9:13 PM.

Minutes accepted by:

J. Mack Pearl

J. Mack Pearl, Chair

JRasely

Jane Rasely, Administrative Specialist

CITY OF BAINBRIDGE ISLAND
PLANNING COMMISSION – REGULAR MEETING
May 28, 2015

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Name	Address	Phone/ E-Mail	Join ListServ Yes/No	Would like to speak	Subject
PETER PERRY		peteralanperry@aol.com			
Nicole Muniga		nb226@yahoo.com			
Dea Perry		deamckibben@aol.com			
Pegeen Mulhern					
Olaf Ribeiro		fungispore@comcast.net			
CHARLES SCHMID	PO Box 10999				
Katy Bigelow		arboristkath@gmail	N		
Ron Peltier	11186 Valley HB Circle	BI		Yes	Public Participation