



**PLANNING COMMISSION SPECIAL MEETING  
THURSDAY, JUNE 24, 2021**

THE PLANNING COMMISSION WILL HOLD THIS MEETING USING A VIRTUAL ZOOM WEBINAR PLATFORM. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO VIEW THE MEETING VIA THE CITY'S WEBSITE STREAMING WILL BE ABLE TO CALL IN TO THE ZOOM MEETING.

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**AGENDA**

**1. CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW - 6:00 PM**

We would like to begin by acknowledging that the land on which we gather is within the aboriginal territory of the Suquamish, "People of Clear Salt Water." Expert fishermen, canoe builders and basket weavers, the Suquamish live in harmony with the lands and waterways along Washington's Central Salish Sea as they have for thousands of years. Here, the Suquamish live and protect the land and waters of their ancestors for future generations as promised by the Point Elliot Treaty of 1855.

**2. PLANNING COMMISSION MEETING MINUTES - 6:05 PM**

Review and approve meeting minutes.

**2.a (6:05 PM) - Review and Approve Meeting Minutes** 5 Minutes

[Planning Commission Meeting Minutes DRAFT 052721.pdf](#)

[Planning Commission Meeting Minutes DRAFT 061021.pdf](#)

**3. PUBLIC COMMENT - 6:15 PM**

Public comment on off-agenda items.

**4. UNFINISHED BUSINESS - 6:25 PM**

**4.a (6:25 PM) - Discussion on draft Ordinance No. 2021-07, BIMC Chapter 16.32, Protection of Landmark Trees** 30 Minutes

**5. NEW BUSINESS - 6:55 PM**

**5.a (6:55 PM) - PSE (Potelco) Noise Variance Valley RD Pole Replacement - Planning and Community Development, 15 Minutes**

[Potelco Noise Variance Application - Revised.pdf](#)

[Potelco Noise Variance Aerial Photo Vicinity Map.pdf](#)

[Potelco Noise Variance Vicinity Map and Equipment Details.pdf](#)

[Potelco Noise Variance Temporary Traffic Control Plan.pdf](#)

**5.b (7:10 PM) - PSE Noise Variance Bucklin Hill RD Pole Replacement - Planning and Community Development, 20 Minutes**

[Bucklin Hill RD Noise Variance Master-Land-Use-Application.pdf](#)

[Bucklin Hill RD Noise Variance Aerial.pdf](#)

[Bucklin Hill RD Noise Variance Map.pdf](#)

[Bucklin Hill Pole Replacements Parcels Within 500 Feet.pdf](#)

**6. PLANNING DIRECTOR'S REPORT - 7:30 PM**

**7. FOR THE GOOD OF THE ORDER - 7:35 PM**

**8. ADJOURNMENT - 7:40 PM**

**GUIDING PRINCIPLES**

**Guiding Principle #1** - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

**Guiding Principle #2** - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

**Guiding Principle #3** - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

**Guiding Principle #4** - Consider the costs and benefits to Island residents and property owners in making land use decisions.

**Guiding Principle #5** - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

**Guiding Principle #6** - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

**Guiding Principle #7** - Reduce greenhouse gas emissions and increase the Island's climate resilience.

**Guiding Principle #8** - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



Planning Commission meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the Planning & Community Development Department at (206) 780-3750 or [pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov) by noon on the day preceding the meeting.

Public comment may be limited to allow time for the Commissioners to deliberate. To provide additional public comment, email your comment to [pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov) or mail it to Planning and Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110.



CITY OF  
BAINBRIDGE ISLAND

## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** June 24, 2021

**ESTIMATED TIME:** 5 Minutes

**AGENDA ITEM:** (6:05 PM) - Review and Approve Meeting Minutes

**AGENDA CATEGORY:** Minutes

**PROPOSED BY:** Jane Rasely

**PREVIOUS PLANNING COMMISSION  
REVIEW DATE(S):**

**PREVIOUS COUCIL REVIEW DATE(S):**

**RECOMMENDED MOTION:**

I move approval of the May 27, 2021 and June 10, 2021 meeting minutes as distributed.

**SUMMARY:**

**BACKGROUND:**

**ATTACHMENTS:**



## **Planning Commission Special Meeting May 27, 2021**

### **Meeting Minutes**

#### **1) CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW**

Chair Kimberly McCormick Osmond called the meeting to order at 6:02 PM. Planning Commissioners in attendance were Jon Quitslund, Lisa Macchio and Sarah Blossom. Vice-chair Joe Paar and Commissioners William Chester and Ashley Mathews were absent and excused. City Staff present were Planning & Community Development Director Heather Wright, Planning Manager David Greetham, Associate Planner Ellen Fairleigh, City Arborist Nick Snyder, and Administrative Specialist Carla Lundgren who monitored recording and helped draft meeting minutes.

The Land Acknowledgement was read, and the agenda reviewed. There were not any conflicts disclosed.

#### **2) PLANNING COMMISSION MEETING MINUTES**

2.a Review and Approve Meeting Minutes for May 13, 2021.

[Cover Page](#)

[Planning Commission Meeting Minutes 051321.pdf](#)

**Motion: I recommend approval of the minutes as distributed.**

**Quitslund/Blossom: Passed Unanimously**

#### **3) PUBLIC COMMENT**

None.

#### **4) UNFINISHED BUSINESS**

4.an [Ordinance No. 2021-07 – Updates to Tree and Vegetation Regulations in Chapters 16.18 and 16.32 BIMC and in BIMC 16.20.100 and BIMC 18.15.010 - Planning,](#)

[Cover Page](#)

[ORD\\_2021-07 Staff Memo](#)

[Ordinance No. 2021-07](#)

[Exhibit A to ORD 2021-07 - Chapter 16.18 BIMC \(Tree Removal Forest Stewardship and Vegetation Maintenance\)](#)

[Exhibit B to ORD 2021-07 - Chapter 16.32 BIMC \(Protection of Landmark Trees\)](#)

[Exhibit C to ORD 2021-07 - BIMC 18.15.010 \(Landscaping screening and tree retention protection and replacement\)](#)

[Exhibit D to ORD 2021-07 - BIMC 16.20.100 \(Aquifer Recharge Areas\)](#)

[\[For Discussion\] Ordinance 2017-07 Comments -- CM Carr with Staff color coding](#)

[For Discussion] Jon Quitslund Memo to PCD on Ord. 2021-07.docx

[For Background] Ord 2021-07 SEPA checklist.pdf

[For Background] Ord 2021-07 SEPA DNS\_signed.pdf

[For Background] PC Public Hearing 2020-28 (2021-07)- submitted written comments and staff response.docx

[For Background] Planning Commission Recorded Motion Ordinance 2020-28 Updates and Revisions to Tree and Vegetation Regulations 121720.pdf

Exhibit E to ORD 2021-07 (Community Forest Best Management Practices Manual)

The Commissioners agreed to set a public hearing for Ordinance 2021-07 (including proposed amendments) for the June 10, 2021, Planning Commission meeting.

4.b Draft Ordinance No. 2021-12 & Resolution 2021-07: Phase 2 Triage Code Changes Related to Improving the Pre-application Phase.

Cover Page

DRAFT Ordinance No. 2021-12

Exhibit A Phase Two Triage Code Changes - Deform revisions\_clean\_05202021.docx

Exhibit B - Project review flow chart\_05182021.pdf

RESOLUTION NO 2021-07

Planning Manager David Greetham presented an update on the final Planning Commission/Design Review Board Subcommittee recommendations. A public hearing was scheduled for the June 10, 2021, meeting.

5) **NEW BUSINESS**

5.a **AT&T Telecom Facility Major Conditional Use Permit and Wireless Communication Facility (PLN51880A CUP WCF)**

Cover Page

PLN51880A CUP WCF ATT Staff Report to Planning Commission.pdf

1. PLN51880A CUP WCF Site Plan.pdf

2. PLN51880A CUP WCF Plan Set.pdf

3. PLN51880A CUP WCF Photo Simulations.pdf

4. PLN51880A CUP WCF View Shed Map Analysis.pdf

5. PLN51880A CUP WCF Radio Frequency Justification.pdf

6. PLN51880A CUP WCF Noise Survey by SSA Acoustics dtd January 14, 2021.pdf

7. PLN51880A CUP WCF Radio Frequency Compliance.pdf

8. PLN51880A CUP WCF Public Comment.pdf

9. PLN51880A CUP WCF Design for Bainbridge Worksheet.pdf

10. PLN51880A CUP WCF Site Photos.pdf

Associate Planner Ellen Fairleigh presented the proposed project.

**Motion: I move that the Planning Commission recommends approval of this Conditional Use Permit for the facility as described to us.**

**Quitslund/Blossom: Passed Unanimously**

6) **PLANNING DIRECTOR'S REPORT**

Director Heather Wright provided an update on items of interest to the Planning Commission.

7) **FOR THE GOOD OF THE ORDER**

Commissioner Macchio inquired about the noticing requirements for issues that have impact on the greater part of the island. Director Heather Wright stated she would investigate specific code

requirements for neighborhood centers, legislative noticing requirements and alternative notification methods beyond those the city currently uses.

**8) ADJOURNMENT**

The meeting was adjourned at 8:15 PM.

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Kimberly McCormick Osmond, Chair

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Jane Rasely, Administrative Specialist

DRAFT



## **Planning Commission Special Meeting June 10, 2021**

### **Meeting Minutes**

#### **1) CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW**

Chair Kimberly McCormick Osmond called the meeting to order at 6:00 PM. Commissioners in attendance were Vice-chair Joe Paar, William Chester, Jon Quitslund, Sarah Blossom and Ashley Mathews. City Staff present were Planning & Community Development Director Heather Wright, Planning Manager David Greetham, City Arborist Nick Snyder, and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The Land Acknowledgement was read and the agenda reviewed. There were not any conflicts of interest disclosed.

#### **2) PUBLIC COMMENT**

None.

#### **3) UNFINISHED BUSINESS**

3.a Public Hearing Draft Ordinance No. 2021-12 & Resolution 2021-07: Phase 2 Triage Code Changes Related to Improving the Pre-application Phase.

Cover Page

Exhibit A Phase Two Triage Code Changes - DforB revisions\_clean\_05202021.docx

RESOLUTION NO 2021-07

Draft Ordinance No. 2021-12\_06102021.docx

Exhibit B - Project Review Flow Chart\_06042021.pdf

Planning Manager David Greetham provided an overview of the ordinance. Chair McCormick Osmond provided an opening statement before opening the public hearing.

The public hearing was opened at 6:13 PM.

The public hearing was closed at 6:14 PM as there was not any public comment.

Because a past version of the ordinance was presented in the agenda packet, the Planning Commission decided they needed to hold another public hearing at their next meeting so the public would have a chance to comment on the correct version.

3.b [Public Hearing Draft Ordinance No. 2021-07 – Updates and Adoption of Chapter 16.32 BIMC \(Protection of Landmark Trees\)](#)

[Cover Page](#)

[ORD 2021-07 Staff Memo PC](#)

[Ordinance No.2021-07 - No Mark Up](#)

[Exhibit A to ORD 2021-07 - Chapter 16.32 BIMC \(Protection of Landmark Trees\)](#)

[Ordinance 2021-07 Comments CM Carr \(Chapter 16.32 ONLY\)](#)

[Ord 2021-07 SEPA checklist](#)

[Ord 2021-07 SEPA DNS](#)

[Ordinance No. 2021-07 - Strike Through/Underline](#)

Director Heather Wright provided a recap of the Planning Commission's work on this ordinance from their last meeting. City Arborist Nick Snyder facilitated discussion.

The public hearing was opened at 7:00 PM.

**Elise Wright** - Was having technical difficulties and was asked to provide written comment.

The public hearing was closed at 7:42 PM.

**Motion: I would like to make a motion that we move the Landmark Tree Ordinance on to City Council with our recommendation of approval with the changes that Nick has made to date, the complete changes that he has made to date and so I would move that the Tree Ordinance be moved to City Council with the changes that Nick has incorporated into the Ordinance for their approval.**

**Chester/Quitslund: Failed Ayes- 3 (Quitslund, Paar, Chester)**

**Nays - 4 (McCormick Osmond, Macchio, Blossom, Mathews)**

**4) [NEW BUSINESS](#)**

4.a [Overview of Island Center Subarea Planning Process and Draft Plan](#)

[Cover Page](#)

[Island Center Staff Memo](#)

[Steering Committee Recommended DRAFT Island Center Subarea Plan](#)

[ISLAND CENTER COMMITTEE - MINORITY REPORT](#)

[BIMC 2.16.210 Subarea Planning Process](#)

[Island Center Subarea Planning Steering Committee Minutes DRAFT 050521.pdf](#)

Director Heather Wright provided an introduction and Senior Planner Jennifer Sutton presented the DRAFT Island Center Subarea Plan.

**5) [PLANNING DIRECTOR'S REPORT](#)**

Director Heather Wright provided an update on items of interest to the Planning Commission.

**6) [FOR THE GOOD OF THE ORDER](#)**

Commissioner Macchio asked if the City Manager could come to a Planning Commission meeting so the Commissioners could introduce themselves.

**7) ADJOURNMENT**

The meeting was adjourned at 8:43 PM.

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Kimberly McCormick Osmond, Chair

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Jane Rasely, Administrative Specialist

DRAFT



CITY OF  
BAINBRIDGE ISLAND

## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** June 24, 2021

**ESTIMATED TIME:** 30 Minutes

**AGENDA ITEM:** (6:25 PM) - Discussion on draft Ordinance No. 2021-07, BIMC Chapter 16.32, Protection of Landmark Trees

**AGENDA CATEGORY:** Ordinance

**PROPOSED BY:** Heather Wright

**PREVIOUS PLANNING COMMISSION**

**REVIEW DATE(S):** 8/13/20, 9/10/20, 10/29/20, 11/12/20, 12/10/20, 12/17/2020, 5/13/2021, 5/27/2021, 6/10/2021

**PREVIOUS COUCIL REVIEW DATE(S):** 2/25/2020, 4/27/2021

**RECOMMENDED MOTION:**

Debrief and discussion on proposed language and policy questions raised at the June 10, 2021 Planning Commission meeting and Public Hearing.

**SUMMARY:**

At the June 10, 2020 Planning Commission Public Hearing on Ordinance 2021-20, the Planning Commission discussed the following changes to Exhibit B of proposed Ordinance No. 2021-07: definitions of landmark trees (proposed 16.32.010.E) and removal (proposed 16.32.010.G), damage to a landmark tree (proposed 16.32.030.B), and the proposed mitigation sequencing (proposed 16.32.035.A). Specifically, for the definition of a landmark tree, if and how would we measure aesthetic quality and historical significance? There was discussion about improving the proposed code language for the definition of removal (could the snag creation sentence be better written? and for damage of a landmark tree (is "knowingly" the best word and does it capture the intent?). There was also a discussion about having staff to create a guidance manual for the proposed mitigation sequence to assist the public in understanding what "avoid" and "minimize" mean for protection of landmark trees.

There was also a broader discussion about the value of landmark trees and their greater ecosystem functions.

Staff would like to discuss with the Planning Commission the possibility of staff continuing work on this ordinance and seek direction on these policy topics before returning with a revised draft. Specifically, staff wants to determine if the Planning Commission supports the approach of incorporating mitigation sequencing as a ways to determine if removal is necessary before staff creates a guidance manual specific to mitigation sequence for landmark trees.

**BACKGROUND:** As part of the work plan that was adopted with the Landmark Tree Ordinance (codified in Chapter 16.32 BIMC), and after receiving initial direction from the City Council in February 2020 and discussions with the Planning Commission on 8/13/20 and 9/10/20, City staff developed a draft Ordinance. The Ordinance was reviewed and amended to reflect the recommendations from the Planning Commission at their meetings on 8/13/20, 9/10/20, 10/29/20, 11/12/20, and 12/10/20. A public hearing was set for 12/17/20, and at that meeting the Planning Commission forwarded their recommendation for consideration by City Council. City staff presented City Council with the complete ordinance on April 27th, 2021. At that meeting some concerns were identified by Council and no action was taken on the ordinance with direction for staff to address problems to be identified in a list to be forwarded to the Planning Department. City staff distilled the concrete code language proposed in those notes and provided that in the staff memo for the 5/13/21 Planning Commission meeting. At the Planning Commission meeting on May 13th, 2021 the PC discussed the proposed changes to Ordinance No. 2021-07 that resulted from comments received from City Council , and set an additional meeting to further discuss those notes provided by Council. At the 5/27/21 Planning Commission meeting it was decided to break apart Ord No.2021-07 into two bodies of work. Ord. No. 2021-07 will now only encompass BIMC 16.32 (Protection of Landmark Trees). Additionally numerous changes to the text of Exhibit A of this ordinance were discussed as part of the review of City Councils comments. Those changes ultimately centered around furthering and clarifying the protection measures required for Landmark trees, as well as including mitigation sequencing to ensure landmark trees are protected whenever possible. The new proposed language has now been incorporated in Exhibit A of this ordinance.

**ATTACHMENTS:**

## **ORDINANCE NO. 2021-07**

[Formerly Ordinance No. 2020-28]

**AN ORDINANCE** of the City of Bainbridge Island, Washington, amending and revising Chapter 16.32 Protection of Landmark Trees of the Bainbridge Island Municipal Code; terminating the related interim official control set forth in Ordinance No. 2021-17; providing for interpretive authority; and providing for severability.

**WHEREAS**, the City Council of the City of Bainbridge Island (“City”) updated the City’s Comprehensive Plan in February of 2017; and

**WHEREAS**, the City Council has significant concerns about development and growth in the City under current regulations in the context of the vision and goals of the City’s Comprehensive Plan, has been discussing how to best accommodate growth and development in both general and specific ways, and finds that there are likely to be adverse impacts on the City and its residents unless the City acts immediately to preserve the character of our community forest; and

**WHEREAS**, land clearing and development activities have resulted in the removal and loss of Landmark Trees on Bainbridge Island and the City has received numerous public comments expressing concern regarding the loss of Landmark Trees on Bainbridge Island; and

**WHEREAS**, Landmark Trees, because of their age, size, and condition, are recognized as having exceptional value in contributing to the character of the community; and

**WHEREAS**, the Planning Commission, Design Review Board, and the (former) Ad Hoc Tree/LID Committee have expressed concern regarding the loss of trees on Bainbridge Island and the preservation of trees is a community value supported by the policies and goals of the City’s Comprehensive Plan; and

**WHEREAS**, on June 26, 2018, the City Council adopted Ordinance No. 2018-25, which imposed an interim official control in the form of Chapter 16.32 of the Bainbridge Island Municipal Code (“BIMC”), *Preservation of Landmark Trees*, which designates Landmark Trees based on size and species, requires a permit to remove any Landmark Tree, and imposes fines if a Landmark Tree is removed without a permit; and

**WHEREAS**, on October 16, 2018, the City Council authorized the City Manager to contract with a team of arborists to review and make recommendations on City regulations governing tree and vegetation removal, including Chapter 16.32 BIMC; and

**WHEREAS**, in response to comments and input that City staff and the City Council received regarding implementation and application of the Landmark Tree regulations, including comments from many property owners and Puget Sound Energy about difficulty in meeting the requirements of the regulations, City staff proposed amendments to the regulations to add

exceptions for the type of Landmark Tree removal that would be approved through permit review; and

**WHEREAS**, the above described team of arborists provided their report and recommendations to City staff, and the City Council discussed that report and those recommendations at a Council study session on May 7, 2019; and

**WHEREAS**, the City Council instructed staff to proceed with action items identified in the May 7, 2019 staff report including drafting a new ordinance to revise the City's tree and vegetation regulations; and

**WHEREAS**, on February 25, 2020, the City Council endorsed the continuing work by City staff and the City Arborist to draft an ordinance that would include changes to Chapter 16.18 BIMC (Tree Removal, Forest Stewardship, and Vegetation Maintenance), Chapter 16.32 BIMC (Protection of Landmark Trees), and BIMC 18.15.010 (Development Standards and Guidelines); and

**WHEREAS**, at scheduled open meetings, City staff met with the Planning Commission to discuss draft regulations related to Ordinance No. 2020-28 (which was renumbered in 2021 to Ordinance No. 2021-07) on August 13, September 10, October 29, November 11, and December 10, 2020; and

**WHEREAS**, Ordinance No. 2020-28 included BIMC Chapter 16.18 (fka Exhibit A), 16.32 (fka Exhibit B) and Sections 18.15.010 (fka Exhibit C) & 16.20.100 (fka Exhibit D) and the Community Forest Best Management Practices Manual (fka Exhibit E); and

**WHEREAS**, Exhibit ~~B~~ A (fka Exhibit B) of Ordinance No. 2021-07 now amends BIMC Chapter 16.32 to make the interim ordinance permanent, to simplify and update code language, expand the applicable area of the Landmark Tree Ordinance ("LTO") and improve the list of qualifying trees and characteristics; and

**WHEREAS**, on December 17, 2020, the Planning Commission held a public hearing to consider Ordinance No. 2020-28 including Exhibits fka A – E, received public input, and after closing the public hearing, made a recommendation of approval of Ordinance No. 2020-28 to the City Council; and

**WHEREAS**, the City notified the Department of Commerce on January 21, 2021 of its intent to revise its development regulations relating to tree removals and vegetation management practices; and

**WHEREAS**, the City issued a State Environmental Policy Act ("SEPA") Determination of Non-Significance for Ordinance No. 2021-07 (formerly Ordinance No. 2020-28) on January 29, 2021; and

**WHEREAS**, at a scheduled open meeting, the City Council considered Ordinance No. 2021-07 on April 27, 2021, took no action on the Ordinance and the Council expressed a collective interest in further considering the ordinance at a future meeting; and

**WHEREAS**, on May13, 2021, City staff returned to the Planning Commission to discuss additional edits to Ordinance No. 2021-07 based on City Council comments; and

**WHEREAS**, on May 27, 2021, the Planning Commission continued to discuss comments from the City Council in relation to the landmark tree ordinance and decided to separate and move Exhibit A (fka Exhibit B) forward to the City Council and continue their work on Exhibits fka A (BIMC 16.18), C (BIMC Section 18.15.010), D (BIMC 16.20.100) & E (Community Forest Best Management Practices Manual) at a later meeting; and

**WHEREAS**, at a scheduled open meeting on June 10, 2021, the Planning Commission held the second public hearing to consider Ordinance No. 2021-07 and receive public comment, and after closing the public hearing, made a recommendation of approval of Ordinance No. 2021-07 to the City Council; and

**WHEREAS**, at a scheduled open meeting on July 13, 2021, the City Council discussed Ordinance No. 2021-07 and made a motion to forward Ordinance No. 2021-07 to the July 27, 2021 consent agenda; and

**WHEREAS**, at a scheduled open meeting on July 27, 2021, the City Council approved Ordinance No. 2021-07 on the consent agenda;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact.** The recitals set forth above are hereby adopted as findings of fact in support of this ordinance, as well as supplemental findings of fact to the related ordinances that preceded this ordinance regarding the interim official control regulating Landmark Trees as described herein.

**Section 2.** Chapter 16.32 of the Bainbridge Island Municipal Code is hereby amended and revised as set forth in the attached Exhibit A, which is incorporated by reference as if fully set forth herein.

**Section 3. Termination of Interim Official Control Set Forth in Ordinance No. 2021-17.** The amendments and revisions to Chapter 16.32 of the Bainbridge Island Municipal Code that are being adopted via this ordinance will result in regulations that meet what was identified as the remaining work in the work plan for the current interim official control that has been in place most recently via Ordinance No. 2021-17 and the directly related ordinances that preceded Ordinance No. 2021-17, which effectuated an extension of an existing interim official control. This Ordinance No. 2021-07 hereby terminates the interim official control set forth in Ordinance No. 2021-17 upon the effective date of this Ordinance No. 2021-07.

**Section 4. Interpretive Authority.** The City of Bainbridge Island Director of Planning and Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

**Section 5. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 6.** This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

\_\_\_\_\_  
Christine Brown, CMC, City Clerk

|                             |             |
|-----------------------------|-------------|
| FILED WITH THE CITY CLERK:  | , 2021      |
| PASSED BY THE CITY COUNCIL: | _____, 2021 |
| PUBLISHED:                  | _____, 2021 |
| EFFECTIVE DATE:             | _____, 2021 |
| ORDINANCE NUMBER:           | 2021-07     |
| ATTACHED EXHIBITS:          | Exhibit A   |

## Exhibit B

### Chapter 16.32 PROTECTION OF LANDMARK TREES

- 16.32.005 Applicability.
- 16.32.010 Definitions.
- 16.32.015 Exemptions.
- 16.32.020 Landmark tree criteria.
- 16.32.030 Landmark tree retention.
- 16.32.040 Emergencies.
- 16.32.050 Appeals.
- 16.32.060 Violations and penalties.

#### 16.32.005 Applicability.

~~A. This chapter applies to all zoning districts except R-0.4, R-1, and R-2, only to those properties located within the Winslow Master Plan Study Area as shown in Figure 2.3 of the Winslow Master Plan, updated November 8, 2006. (Ord. 2019-17 § 7, 2019)~~

**B. Specific submittal requirements for a Landmark Tree Permit are included in the city's administrative manual.**

#### 16.32.010 Definitions.

A. "City attorney" means the city attorney of the city of Bainbridge Island, or their designee.

**B. "Critical Root Zone" means the area within the dripline of a tree or the zone identified by an ISA Certified Arborist to contain the critical portion of a trees root system.**

C. "Dead Tree" means a tree that has no live tissue or is determined to have less than 10% live tissue by a Tree Risk Assessment Qualified ISA Arborist.

~~B~~D. "Diameter breast height" means the diameter of a tree measured at four and one-half feet above the ground on the uphill side of the tree.

~~C~~E. "Landmark trees" means trees, located on Bainbridge Island, that are unique because of their age, size, species, historical significance, or aesthetic quality and meet the criteria established by this chapter.

~~D~~F. "Planning director" means the director of the planning and community development department of the city of Bainbridge Island, or their designee.

**G. "Removal" means cutting of, or intentional damage to, a trees trunk, roots, or branches that could lead to its death or with the intent to kill it. This includes wildlife snag creation wherein all live material is removed from the tree.**

~~E~~H. "Replacement tree" means a tree that is of a species native and indigenous to the site where a landmark tree was removed and is a minimum heightsize of six feet in height measured from top of the root flare, with a minimum trunk diameter of one inch measured at four inches above the top of the root flare for both evergreen and deciduous trees.

~~F~~I. "Size" means the diameter breast height of a tree. (Ord. 2018-42 § 1, 2018: Ord. 2018-25 § 2, 2018)

#### 16.32.015 Exemptions.

In the following circumstances, a removal of landmark tree permit shall not be required pursuant to this section:

A. The tree(s) at issue is/are dead;

B. For routine maintenance activities required to control vegetation on road, access, or utility rights-of-way or easements, including tree removal, pruning, and thinning; or

C. For Class II and Class III forest practices regulated by the Washington State Department of Natural Resources under Chapter 76.09 RCW. (Ord. 2018-45 § 2, 2018)

#### 16.32.020 Landmark tree criteria.

Landmark trees are trees that meet the following criteria for their species or are known to be 100 years old or older:

| Species                                        | Size (Greater than or equal to) |
|------------------------------------------------|---------------------------------|
| Birch ( <del>Betula papyrifera spp.</del> )    | 30"                             |
| Beech ( <del>Fagus grandifolia spp.</del> )    | 36"                             |
| Catalpa (Catalpa speciosa)                     | 36"                             |
| American Elm (Ulmus americana)                 | 30"                             |
| Douglas Fir (Pseudotsuga menziesii)            | 40"                             |
| Grand Fir (Abies grandis)                      | 40"                             |
| Horsechestnut (Aesculus hippocastanum)         | 40"                             |
| Western Hemlock (Tsuga heterophylla)           | 30"                             |
| <del>Black Locust (Robinia pseudoacacia)</del> | <del>30"</del>                  |

| Species                                          | Size (Greater than or equal to) |
|--------------------------------------------------|---------------------------------|
| Lombardy Poplar ( <i>Populus nigra</i> )         | 38"                             |
| Pacific Madrone ( <i>Arbutus menziesii</i> )     | 24"                             |
| Bigleaf Maple ( <i>Acer macrophyllum</i> )       | 36"                             |
| Silver Maple ( <i>Acer saccharinum</i> )         | 36"                             |
| Monkey Puzzle Tree ( <i>Araucaria araucana</i> ) | 36"                             |
| Monterey Pine ( <i>Pinus radiata</i> )           | 30"                             |
| Oregon White Oak ( <i>Quercus garryana</i> )     | 30"                             |
| Pacific Yew ( <i>Taxus brevifolia</i> )          | 20"                             |
| Pin Oak ( <i>Quercus palustris</i> )             | 30"                             |
| Red Oak ( <i>Quercus rubra</i> )                 | 38"                             |
| Ponderosa Pine ( <i>Pinus ponderosa</i> )        | 30"                             |
| Western White Pine ( <i>Pinus monticola</i> )    | 30"                             |
| Sitka Spruce ( <i>Picea sitchensis</i> )         | 36"                             |
| Sycamore ( <i>Platanus occidentalis</i> )        | 36"                             |
| English Walnut ( <i>Juglans regia</i> )          | 30"                             |
| Western Red Cedar ( <i>Thuja plicata</i> )       | 30"                             |
| Coast Redwood ( <i>Sequoia sempervirens</i> )    | 30"                             |
| Japanese Lacquer Tree ( <i>Rhus typhina</i> )    | 12"                             |

| Species                                             | Size (Greater than or equal to) |
|-----------------------------------------------------|---------------------------------|
| <u>Pacific Dogwood (Cornus nutallii)</u>            | <u>20"</u>                      |
| <u>Atlas Cedar (Cedrus atlantica)</u>               | <u>36"</u>                      |
| <u>Deodar Cedar (Cedrus deodara)</u>                | <u>36"</u>                      |
| <u>Black Walnut (Juglans nigra)</u>                 | <u>24"</u>                      |
| <u>Red Maple (Acer rubrum)</u>                      | <u>36"</u>                      |
| <u>Giant Sequioia (Sequoiadendron giganteum)</u>    | <u>40"</u>                      |
| <u>Weeping Willow (Salix babylonica)</u>            | <u>30"</u>                      |
| <u>Shore Pine (Pinus contorta)</u>                  | <u>24"</u>                      |
| <u>Port Orford Cedar (Chamaecyparis lawsoniana)</u> | <u>30"</u>                      |
| <u>Cherry (Prunus spp.)</u>                         | <u>24"</u>                      |

(Ord. 2018-42 § 1, 2018: Ord. 2018-25 § 2, 2018)

16.32.030 Landmark tree retention.

A. Except as otherwise allowed under this chapter, no person, corporation, or other legal entity shall remove a landmark tree without having obtained approval from the planning director.

B. Except as otherwise allowed under this chapter, no person, corporation, or other legal entity shall knowingly damage a landmark trees trunk, limbs, or roots in a manner that could lead to the trees death. This includes, but is not limited to, topping, stripping of branches or foliage, girdling, poisoning, and any trenching, grading, excavation, or compaction that irreversibly impacts the Critical Root Zone of the tree.

C. All development projects are required to follow tree protection measures in BIMC 18.15.010.C.4 to preserve Landmark Trees that could reasonably be impacted by the proposed development activity.

~~B~~D. Prior to the removal of a landmark tree, any person, corporation, or other legal entity seeking to remove a landmark tree must submit an application for removal of a landmark tree, along with a fee to be established by resolution of the city council, to the department of planning and community development.

~~C~~E. Upon receipt of an application for removal of a landmark tree, the planning director will review the application materials and consider the request based upon the criteria outlined in this chapter and any other city regulations that apply to the tree requested

for removal, such as, but not limited to, Chapter 15.19 BIMC, Site Assessment Review, Chapter 16.12 BIMC, Shoreline Master Program, Chapter 16.20 BIMC, Critical Areas, and BIMC 18.15.010, Landscaping, screening, and tree retention, protection and replacement, or any other tree retention regulations applied through a land use permit.

~~DE~~ The planning director shall approve the removal, deny the removal, or request additional information. The planning director shall only approve the removal of a landmark tree if all other applicable city regulations are met and upon a finding that at least one of the following criteria is met:

1. The removal is necessary to enable construction on or reasonable use of the property, ~~and no other alternative is feasible,~~  
and the applicant provides documentation of following the mitigation sequence in BIMC 16.32.035.A.

2. The removal is necessary to fulfill the terms of an easement or covenant recorded prior to the adoption of the ordinance codified in this chapter; or

3. The tree is ~~diseased, or otherwise determined to be a hazardous tree as determined by a qualified professional pursuant to BIMC 18.15.010.C.1.c.~~ determined to have a high or extreme Tree Risk Rating by an ISA certified TRAQ Arborist who:

- a. Identifies the tree part(s) and defect(s) that increase the likelihood of failure;
- b. Identifies the target(s) and site factors contributing to increased likelihood of impact;
- c. Utilizes a timeframe of five years or less; and
- d. Utilizes the Matrixes in tables 16.32.030-1 and 16.32.030-2 to determine the Tree Risk Rating.

16.32.030-1: Likelihood Matrix

| <u>Likelihood of Failure</u> | <u>Likelihood of Impact</u> |                        |                        |                        |
|------------------------------|-----------------------------|------------------------|------------------------|------------------------|
|                              | <u>Very Low</u>             | <u>Low</u>             | <u>Medium</u>          | <u>High</u>            |
| <u>Imminent</u>              | <u>Unlikely</u>             | <u>Somewhat Likely</u> | <u>Likely</u>          | <u>Very Likely</u>     |
| <u>Probable</u>              | <u>Unlikely</u>             | <u>Unlikely</u>        | <u>Somewhat Likely</u> | <u>Likely</u>          |
| <u>Possible</u>              | <u>Unlikely</u>             | <u>Unlikely</u>        | <u>Unlikely</u>        | <u>Somewhat Likely</u> |
| <u>Improbable</u>            | <u>Unlikely</u>             | <u>Unlikely</u>        | <u>Unlikely</u>        | <u>Unlikely</u>        |

16.32.030-2: Tree Risk Rating Matrix

|  | <u>Consequences of Failure</u> |
|--|--------------------------------|
|--|--------------------------------|

| <u>Likelihood of Failure and Impact</u> | <u>Negligible</u> | <u>Minor</u>    | <u>Significant</u> | <u>Severe</u>   |
|-----------------------------------------|-------------------|-----------------|--------------------|-----------------|
| <u>Very Likely</u>                      | <u>Low</u>        | <u>Moderate</u> | <u>High</u>        | <u>Extreme</u>  |
| <u>Likely</u>                           | <u>Low</u>        | <u>Moderate</u> | <u>High</u>        | <u>High</u>     |
| <u>Somewhat Likely</u>                  | <u>Low</u>        | <u>Low</u>      | <u>Moderate</u>    | <u>Moderate</u> |
| <u>Unlikely</u>                         | <u>Low</u>        | <u>Low</u>      | <u>Low</u>         | <u>Low</u>      |

~~In deciding whether the removal of a landmark tree is necessary under subsection D.1 or 2 of this section, the planning director shall consider all land use regulations applied to the subject property, such as: Chapter 15.19 BMC, Site Assessment Review, Chapter 16.12 BMC, Shoreline Master Program, Chapter 16.20 BMC, Critical Areas, or any other tree retention regulations applied through a land use permit.~~

~~EG.~~ If the planning director grants an application for removal of a landmark tree upon a finding that the removal is necessary to enable construction on or reasonable use of the property, and no other alternative is feasible, then the property owner that submitted the application shall be required to provide mitigation through the planting of replacement trees on the property from which the landmark tree was removed in accordance with the following:

1. The quantity of replacement trees is calculated by multiplying the diameter breast height of the subject landmark tree by 50 percent to establish the number of replacement inches; and
2. The total number of replacement trees is determined by the total caliper inches of Replacement Trees equaling or exceeding the required tree replacement inches established in subsection E.1 of this section.

~~FH.~~ In lieu of planting the replacement trees prescribed in subsection E of this section, an applicant may satisfy the tree replacement requirements by:

1. Planting at least three replacement trees on the property from which the landmark tree was removed; and
2. Contributing to the Bainbridge Island tree fund at a rate of \$500.00 per each replacement inch not accounted for in the planting of replacement trees; and
3. The sum of the tree replacement inches accounted for by contributing to the Bainbridge Island tree fund and the total caliper inches of the replacement trees planted shall not be less than the total replacement inches calculated in subsection E of this section. (Ord. 2018-45 §§ 3, 4, 2018; Ord. 2018-42 § 1, 2018; Ord. 2018-32 § 2, 2018; Ord. 2018-25 § 2, 2018)

A. All proposed Landmark tree removals to enable construction or reasonable use of a property shall utilize mitigation sequencing as follows:

1. Avoid the impact altogether by not taking a certain action or parts of an action;

2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts; and no alternative is feasible;

3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment, by submitting and executing a replanting plan that installs the required number of replacement inches on to site;

4. Compensate for the impact by submitting and executing a replanting plan that installs a minimum of three (3) trees, and contributing \$500 per replacement inch not accounted for in the replanting plan to the Bainbridge Island Tree Fund;

B. The planning director may require, as a condition for the granting of a permit, that the applicant furnish a performance assurance in a form approved by the planning director, in order to obligate the applicant, after the approved tree removal has been accomplished, to complete all required replanting, erosion control, and cleanup on the property. The surety device shall be in an amount equal to the estimated cost of such services, with surety and conditions satisfactory to the planning director.

#### 16.32.040 Emergencies.

A. In emergency situations involving immediate danger to life or real property, removal of a landmark tree is permitted without first obtaining approval from the planning director; provided, that the following conditions are satisfied:

1. The person, corporation, or other legal entity that removed the landmark tree submits an application for removal of a landmark tree under this chapter within 14 days after the emergency situation is stabilized; and
2. The person, corporation, or other legal entity that removed the landmark tree provides, within 14 days after the emergency situation is stabilized, the city with documentation establishing the existence of the emergency situation, with such documentation including at least four high resolution photographs evidencing the existence of the emergency situation; and
3. The planning director subsequently approves the removal pursuant to this chapter.

B. If the conditions of subsection A of this section are not satisfied, the person, corporation, or other legal entity that removed the landmark tree without first obtaining approval from the planning director will be in violation of this chapter. (Ord. 2018-42 § 1, 2018: Ord. 2018-32 § 3, 2018: Ord. 2018-25 § 2, 2018)

#### 16.32.050 Appeals.

A. The planning director's decision on an application for removal of a landmark tree may be appealed to the hearing examiner as described in BIMC 2.16.020.R.1.

B. All appeals must be filed within 14 days following the issuance of the planning director's decision on the application. (Ord. 2018-42 § 1, 2018: Ord. 2018-32 § 4, 2018: Ord. 2018-25 § 2, 2018)

16.32.060 Violations and penalties.

A. This chapter shall be enforced, and penalties for violations of this chapter will be imposed, pursuant to Chapter 1.26 BIMC, except that no notice of infraction may be issued under Chapter 1.26 BIMC for a violation of this chapter. In addition to notices of violation issued under BIMC 1.26.050 or 1.26.060, BIMC 1.26.070 will also govern the review and appeal of any notice of violation issued under Chapter 1.26 BIMC for a violation of this chapter.

B. In addition to the civil penalties imposed under BIMC 1.26.090, an additional civil penalty will be imposed on any person, corporation, or other legal entity that removes a landmark tree without prior approval of the planning director. This additional civil penalty will be in the amount of \$25,000 for each landmark tree removed. The city attorney will take appropriate action to collect this additional civil penalty.

C. In the event of a conflict between the requirements of this chapter and any other requirement of the Bainbridge Island Municipal Code, ~~this chapter will govern and control.~~ the most restrictive regulation shall apply. (Ord. 2018-42 § 1, 2018: Ord. 2018-32 § 5, 2018: Ord. 2018-25 § 2, 2018)

## Process Issues/Concerns and Code Questions – Ordinance 2021-07

### Process Issues/Concerns:

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16.32.005 | This chapter DOES apply in the shoreline district and CAOs?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 16.32.010 | <ul style="list-style-type: none"> <li>Dead tree – why is a TRAQ qualified arborist needed to determine if a tree is dead? ISA certified not sufficient? TRAQ is about risk, right?</li> <li>Why are we specifying dbh here and not in 16.18?</li> <li>Removal should be expanded to include actions that would lead to death like construction impacts. Example: "Tree removal" means removal of a tree(s) or vegetation, through either direct or indirect actions including, but not limited to, clearing, topping or cutting, causing irreversible damage to roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation, grading, or trenching in the dripline area of a tree which has the potential to cause irreversible damage to the tree, or relocation of an existing tree to a new planting location.</li> <li>Need definition of "reasonable use" and "feasible" for 16.32.030.D.1</li> <li>Replacement tree – is it 6 feet and 1" caliper?</li> <li>Size definition conflicts with replacement tree definition (is it dbh, height, or caliper)?</li> </ul> |
| 16.32.015 | Is it really a "removal of landmark tree permit" that is required? "Removal" is defined as intent to kill. Why would a permit not be need to kill (remove) a dead tree? The definition of landmark tree should include an exclusion for dead trees. That is, a dead tree is not a landmark tree. Why is routine maintenance like pruning and thinning included in a section about exemptions from a removal permit? When is tree removal "routine maintenance"? How can removal be "routine"?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 16.32.020 | General comment: Isn't a stated goal of this ordinance "Expanding and refining the qualifying characteristics and species of Landmark trees?" There are 10 trees added to the list. Is this it? What are the qualifying characteristics that have been refined?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 16.32.020 | <p>In general, many of the size thresholds seem too big. What is the reference for these sizes? This should be provided in the ordinance – what are the findings of fact? City of Seattle has some very different thresholds for several trees. I know this is not Seattle, but this section applies only to our densest areas. With such high thresholds, we are losing the opportunity to develop a larger canopy in these areas over time. Examples of Seattle vs. proposed COBI size thresholds (Seattle size/COBI size):</p> <p>Birch: 20/30"<br/> Doug fir: 30/40"<br/> Grand fir: 24/40"<br/> Madrona: 6/24"<br/> Vine maple: 8/not listed<br/> Oak: 6/30-38"<br/> Willow: 8/30"<br/> Yew: 6/20"<br/> Sitka spruce: 6/36"<br/> Pacific dogwood: 6/20"</p>                                                                                                                                                                                                                                                                                                                                              |
| 16.32.030 | D. Need definitions for "necessary to enable construction on" and "reasonable use" and "feasible" – construction of what?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | <p>The paragraph following the tables is repeated information from C and D – can this be consolidated?</p> <p>E. What is number of replacement inches? Can an example be provided? Does this relate in any way to tree units/tree retention requirements? Who decides where the replacement tree is located? What species? Do the replacement trees have to achieve a similar size of the removed tree?</p> <p>Should add “the tree is dead” as one of the reasons for allowing removal. Should wildlife snag be considered?</p> <p>Why do we not require replacement trees for ALL removed landmark trees? Particularly if in-lieu is allowed. What percentage of approved LMT removals have been hazardous or removed because of utilities/easements vs. for construction/reasonable use?</p> <p>F. Are three 6’ tall trees enough in lieu replacement?</p> |
| 16.32.060 | Don't the CAO and SMP both say the most restrictive will apply in the event of conflict with other code sections? Is this consistent with this language here?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 16.32     | Why is there no surety for replacement trees?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |



CITY OF  
BAINBRIDGE ISLAND

## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** June 24, 2021

**ESTIMATED TIME:** 15 Minutes

**AGENDA ITEM:** (6:55 PM) - PSE (Potelco) Noise Variance Valley RD Pole Replacement - Planning and Community Development,

**AGENDA CATEGORY:** Review and Recommendation

**PROPOSED BY:** David Greetham

**PREVIOUS PLANNING COMMISSION REVIEW DATE(S):**

**PREVIOUS COUCIL REVIEW DATE(S):**

**RECOMMENDED MOTION:**

"I move to approve the Potelco Inc. request for a noise variance to conduct night time power pole replacement at 10568 NE Valley Road between the hours of 7:00 PM July 15, 2021 and 5:00 AM July 16, 2021 ."

**SUMMARY:**

Pursuant to BIMC 16.16.025, construction activities within residential zones or within 100 feet of residential zones shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays that do not constitute legal holidays.

Potelco Inc. requests a noise variance from this standard to allow replacement of a distribution pole and supporting infrastructure at 10568 NE Valley Road in the Rolling Bay Neighborhood Center, within 100 feet of residential zoned property. Night time work is proposed due to a required power outage that will occur to commercial customers during the pole replacement. Outage notifications are provided to affected customers, who have indicated a preference for a night outage to avoid interference with commercial business working hours during the day. The requested work period is 7:00pm July 15 to 5:00am July 16, 2021.

**BACKGROUND:** A variance from the noise standards may be granted by the Planning Commission (BIMC 16.16.030). No variance shall be granted for longer than 30 days, except after a public hearing has been held. The planning commission may, in its discretion, hold a public hearing on any application when substantial public interest is shown.

**ATTACHMENTS:**

## Master Land Use Application

Supporting documents are required for project review.

See the [Administrative Manual for Planning Permits](#) and [Fee Schedule](#) for permit submittal requirements and fees.

Please schedule an appointment at [Planning and Building Submittal Appointments](#).

**Property Owner(s)**

**Site Address**

**Parcel Numbers**

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**Select Application Type**

**Select Application Type**

**Consolidated Review Requested ([BIMC2.16.070](#))**

**Project Name and Description**

## Project Contacts

Applications must be submitted by the property owner or the owner's designated agent.  
A notarized [Owner/Agent Agreement](#) must accompany this application if submitted by a designated agent.

|                                                                                                |
|------------------------------------------------------------------------------------------------|
| <b>Property Owner</b> _____                                                                    |
| Mailing Address: _____<br>_____                                                                |
| Email: _____                                                                                   |
| Phone: _____                                                                                   |
| <b>Name of Authorized Agent</b> (Notarized Owner/Agent Agreement form required) _____<br>_____ |
| Mailing Address: _____<br>_____                                                                |
| Email: _____                                                                                   |
| Phone: _____                                                                                   |

### Statement of Affirmation REQUIRED

I affirm, under penalty of perjury, that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm that I am the owner or designated agent of the subject site. Further, I grant permission to any and all employees and representatives of the City of Bainbridge Island and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application.

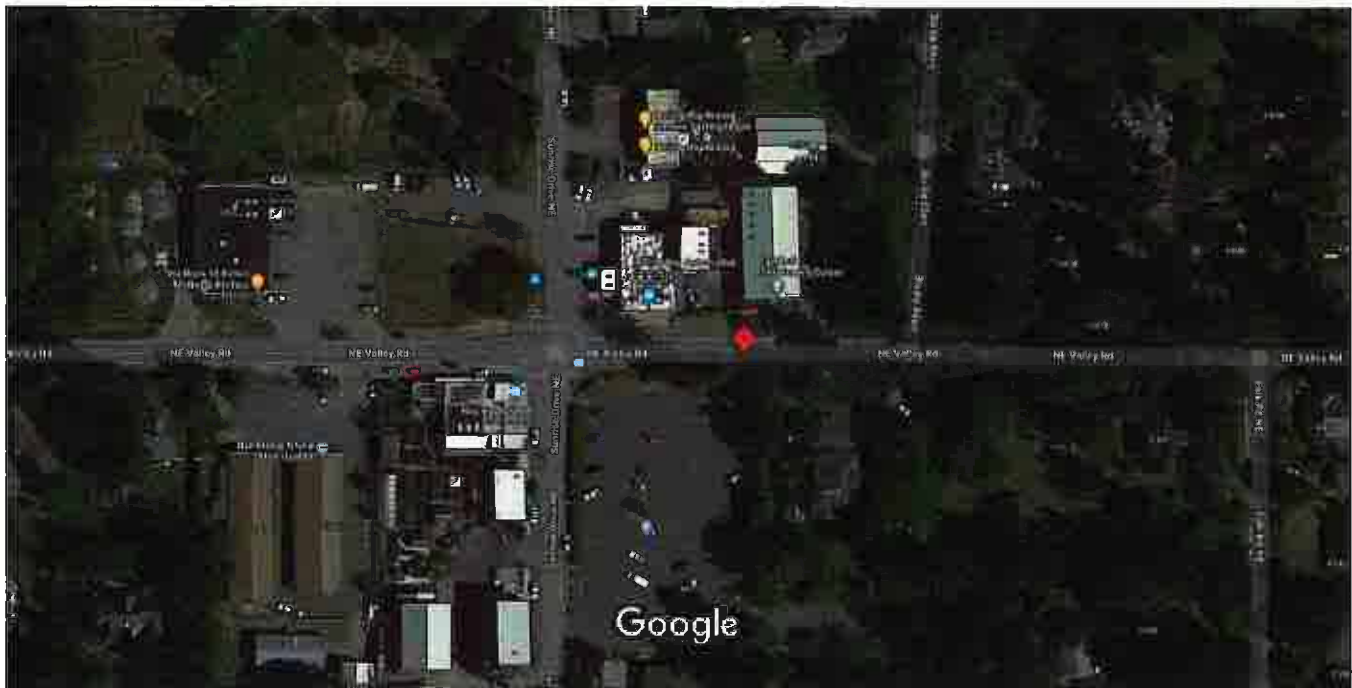
|                                      |                        |      |
|--------------------------------------|------------------------|------|
|                                      |                        |      |
| Owner Name - Print                   | Owner Name - Signature | Date |
|                                      |                        |      |
| Owner Name - Print                   | Owner Name – Signature | Date |
|                                      |                        |      |
| Agent Name and Business Name - Print | Agent Name - Signature | Date |

City of Bainbridge Island  
 Department of Planning & Community Development  
 280 Madison Ave N  
 Bainbridge Island, WA 98110  
[PermittingSubmittal@bainbridgewa.gov](mailto:PermittingSubmittal@bainbridgewa.gov)

Google Maps 10568 NE Valley Rd

Cancel

Print



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 Google 50 ft



10568 NE Valley Rd

Bainbridge Island, WA 98110



Directions



Save

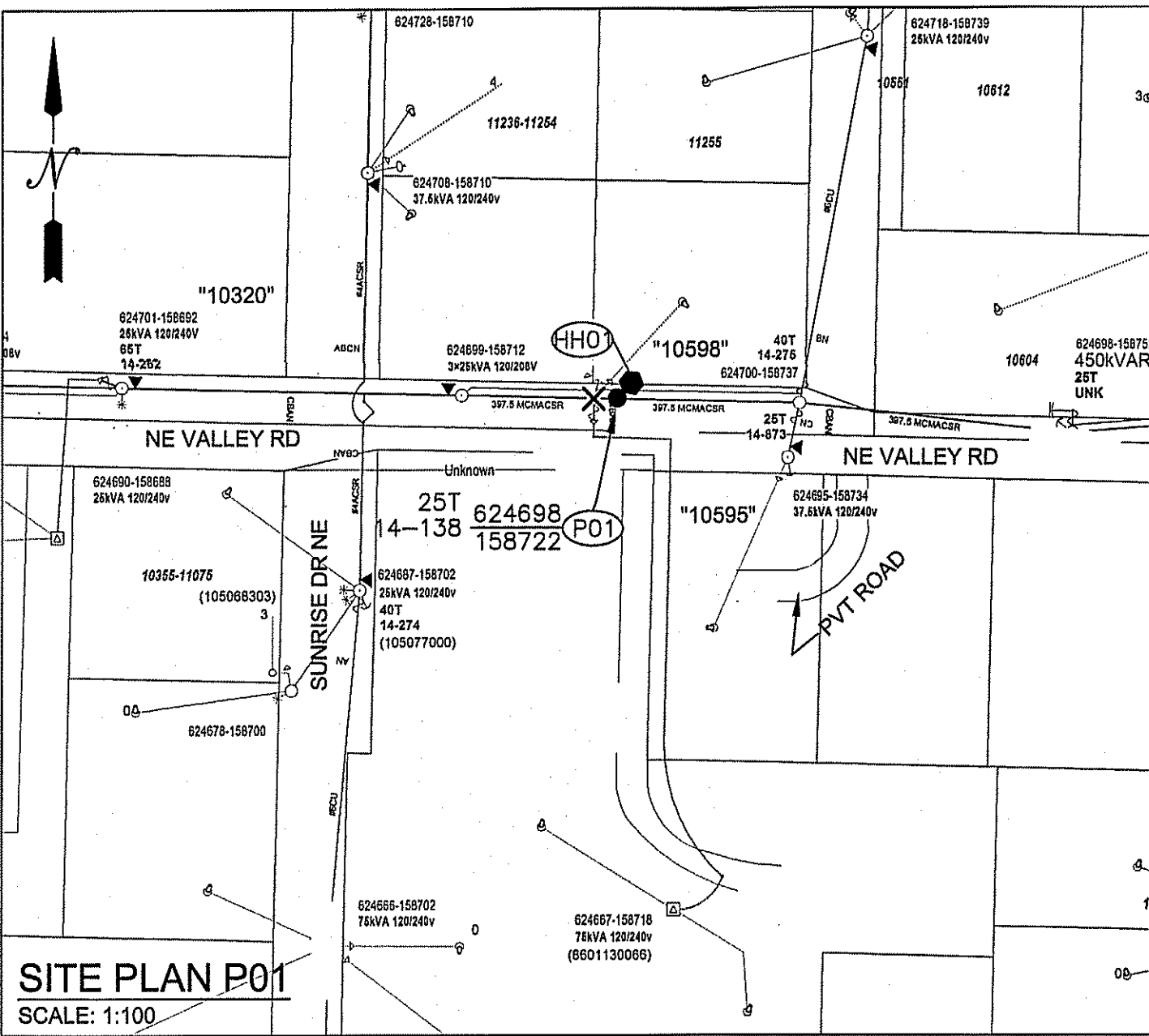


Nearby

Send to your  
phone

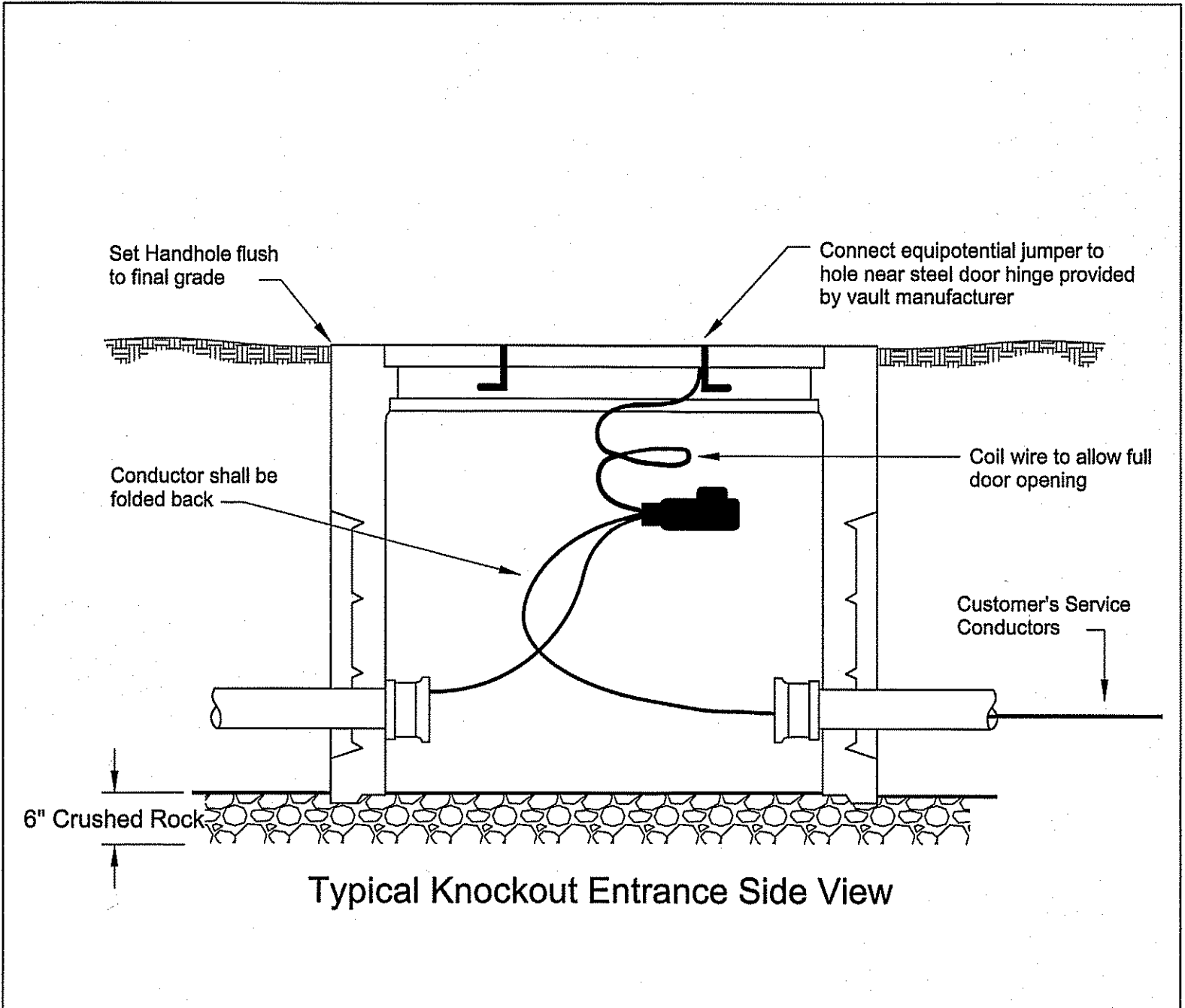
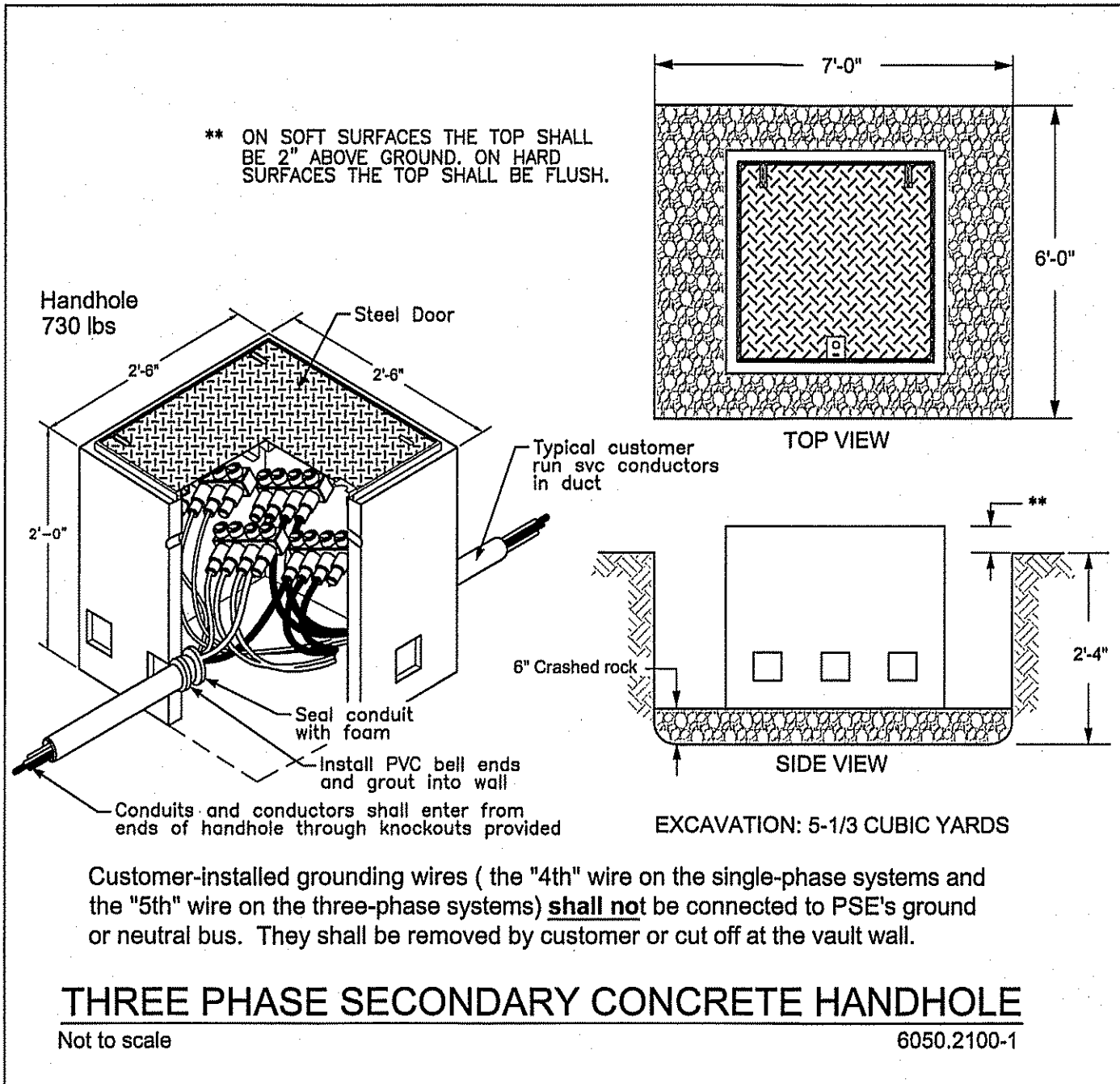
Share

Photos



SITE SPECIFIC NOTES

- P01 (624698-158722)
- GRID NUMBER IN FIELD IS INCORRECT
  - INST CORRECT GRID # 624698-158722
  - REPLACE EXIST 40' POLE
  - INST NEW 45' CL2 POLE (6010.1000 PD452)
  - INST 3Ø TAN PTP (6033.1012 TAN313)
  - INST 1Ø TERM OH-UG (6043.1000 TSU1C1) W/LB C/O FUSED AT 25T (3412400)
  - INSTALL NEW 2" RISER (6042.1000RIS2CSS) APPROX 40' ( ) UP POLE
  - SPLICE & EXTEND EXIST UG 1/0 PRI APPROX 5' ( )
  - INST EXIST SW #14-138
  - SEE HH01 NOTES
  - TRANSFER EXIST OH SEC
  - TOP POLE TO COMMS



- POWER GENERAL NOTES
1. All materials to be installed in accordance with Puget Sound Energy's (PSE) standards. Any deviation from this work sketch must be AUTHORIZED by Poteico's Project Manager and NOTED on the Foreman's Copy.
  2. All switching arrangements and/or outage arrangements are to be made with the Project Manager at least three (3) working days in advance.
  3. Contact the Utilities Underground Location Center (1-800-424-5555) at least 48 hours prior to commencing work to get the underground facilities located.
  4. All work is to be done in accordance with local municipal and county permit requirements as applicable.
  5. Inclement weather conditions may cause delays in construction times and dates.

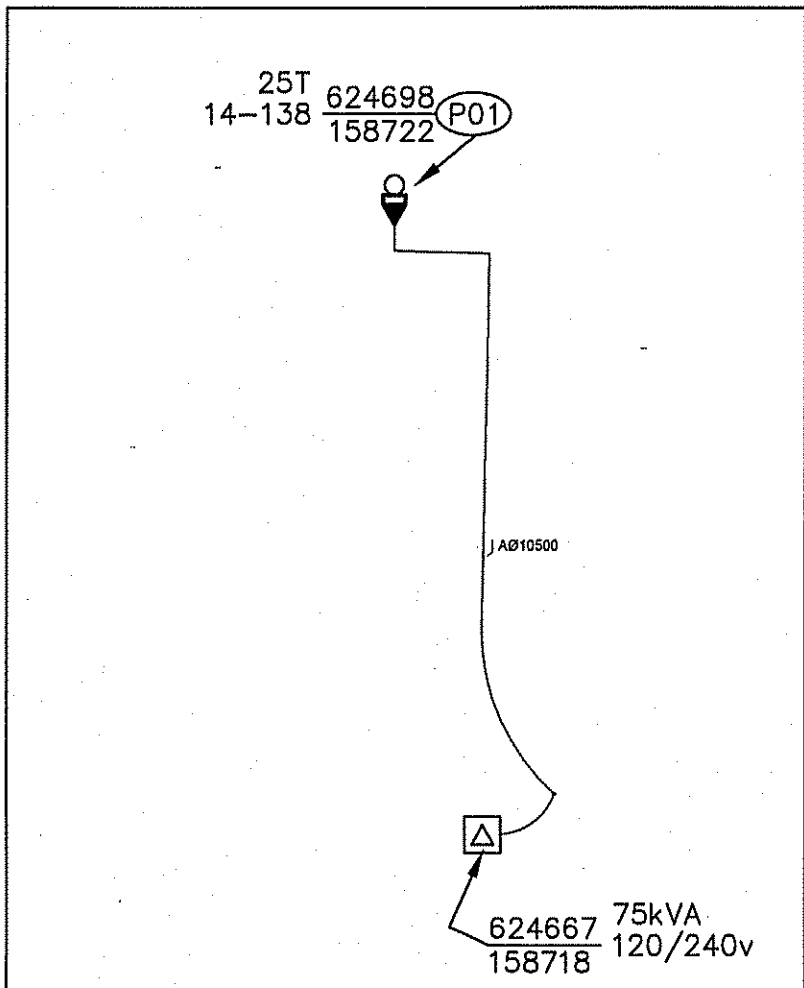
EROSION & SEDIMENT CONTROL REQUIREMENTS

EROSION & SEDIMENT CONTROL SHALL BE PER PSE STANDARD PRACTICE 0150.3200 TECHNIQUES FOR TEMPORARY EROSION & SEDIMENT CONTROL & ANY ADDITIONAL LOCAL JURISDICTION REQUIREMENTS. (LOCAL JURISDICTIONS MAY HAVE ADDITIONAL REQUIREMENTS INCLUDING NOTES DETAILING WHERE EROSION OR SEDIMENT CONTROL STRUCTURES ARE TO BE INSTALLED, CROSS SECTION DETAILS OF THE TYPICAL EROSION STRUCTURES, & SPECIAL REQUIREMENTS FOR WORK IN SENSITIVE AREAS.)

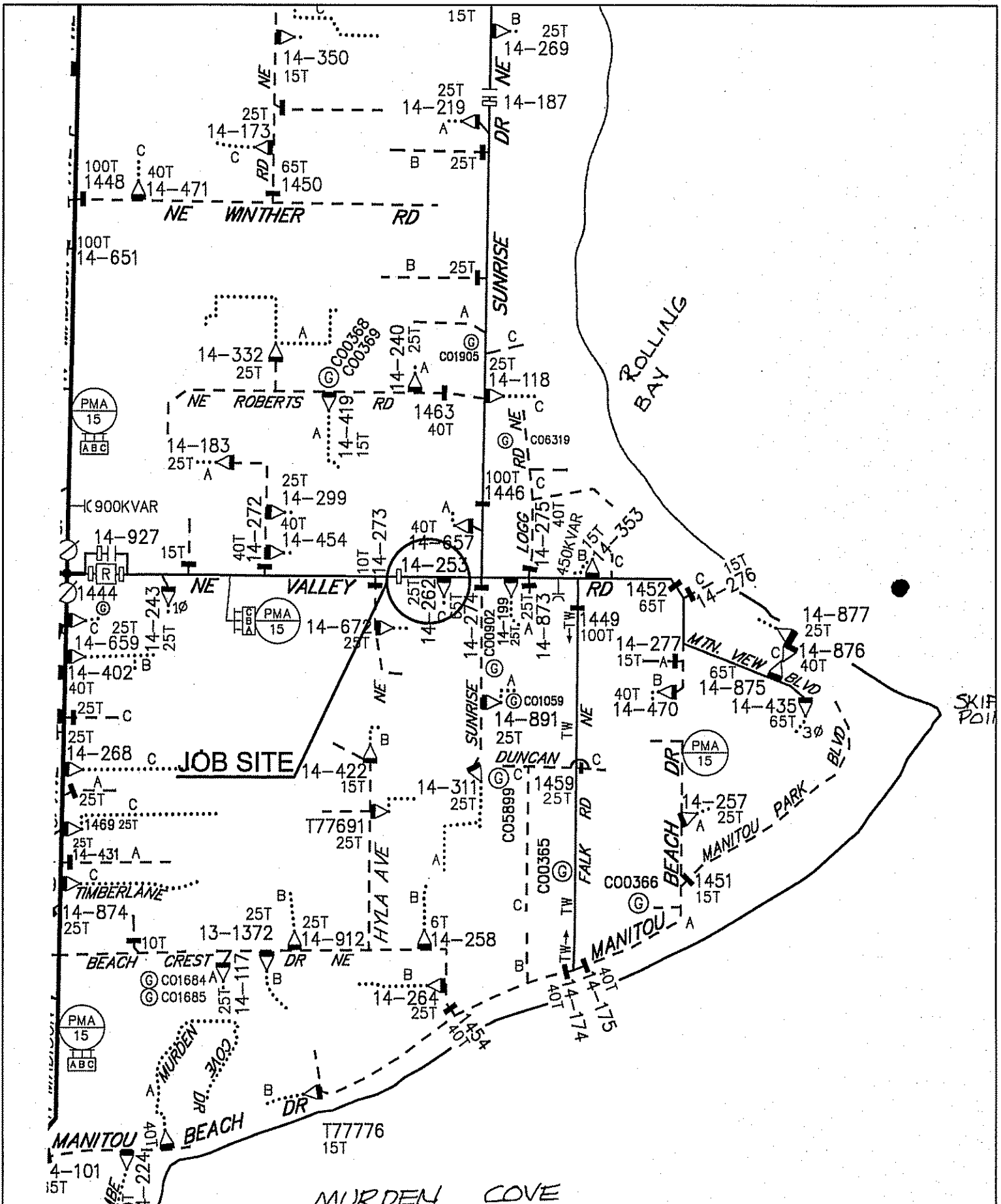
- HANDHOLE NOTES
- HH01:
- INST NEW 3030 SEC CONCRETE HH (6050.2100 HH34350SP) AT BASE OF P01
  - INST4 POS FARGOS
  - INST PARALLEL RUNS 5± ( ) 4/0 UG QUAD IN NEW 4" RISER
  - INST 4" PVC CONDUIT 40± ( )
  - RE-ROUTE & RECONNECT EXIST CUSTOMER WIRE

| POLE RETIREMENT TABLE |               |        |       |      |                          |                          | TEMP TRANSFERS           |                          |                          | ST. LIGHT TRANSFERS      |                          |           |
|-----------------------|---------------|--------|-------|------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-----------|
| SITE #                | POLE DATA     |        |       |      | POLE                     |                          | TEL                      | TV                       | FIBER                    | TRAN                     | RMVD                     | ID NUMBER |
|                       | GRID #        | HEIGHT | CLASS | YEAR | TOPPED                   | RMVD                     |                          |                          |                          |                          |                          |           |
| P01                   | 624698-158722 | 40     | UNK   | UNK  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | N/A       |

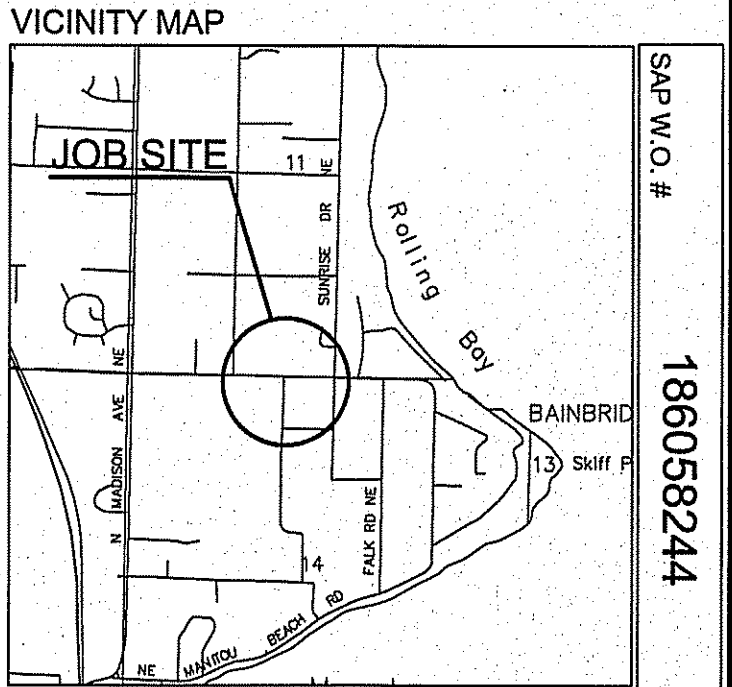
| POLE TABLE (NEW) |               |        |       |      |                         |
|------------------|---------------|--------|-------|------|-------------------------|
| Site #           | Pole Data     |        |       |      |                         |
|                  | Grid #        | Height | Class | Year | Remarks / Location Ref. |
| P01              | 624698-158722 | 45     | 2     |      |                         |



UG CIRCUIT MAP: 2502E054  
SCALE: 1:100



OH CIRCUIT MAP: 2503E076  
SCALE 6" = 1 MILE



FOREMAN (CHECK BOX WHEN COMPLETED)

|                          |                                                                        |
|--------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> | PSE Equipment LOCKED/SECURED & Work Area left in CLEAN/SAFE Condition. |
| <input type="checkbox"/> | Grid, Cable, and Switch numbers INSTALLED & VERIFIED.                  |
| <input type="checkbox"/> | Field Changes RED-LINED on As-built.                                   |
| <input type="checkbox"/> | Material VERIFIED and CHANGES noted on Paperwork.                      |
| <input type="checkbox"/> | Total PRIMARY Cable noted on As-built.                                 |
| <input type="checkbox"/> | Company DATA RECORDED in correct location on As-built.                 |
| <input type="checkbox"/> | Indicate correct FUSE SIZE on As-built & VERIFY proper PHASE.          |
| <input type="checkbox"/> | Deviations noted on the As-built and their reason.                     |

I certify that the work performed meets PSE's standards and procedures and that all quality requirements are met.

Foreman's Signature \_\_\_\_\_  
Print Name \_\_\_\_\_ Date \_\_\_\_\_

| PROJECT PHASE | NOTIF#    | ORDER#    |
|---------------|-----------|-----------|
| PWR           | Superior  | 50988598  |
|               | Sub Order | 101132895 |
|               |           | 108123960 |
|               |           | N/A       |

|                     |     |                                     |     |
|---------------------|-----|-------------------------------------|-----|
| Developer           | Yes | <input checked="" type="checkbox"/> | PSE |
| "Locates Required"  | No  | <input type="checkbox"/>            | No  |
| "Outages Required"  | No  | <input type="checkbox"/>            | No  |
| "Flagging Required" | No  | <input checked="" type="checkbox"/> | No  |

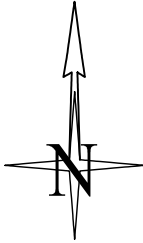
| REV#             | DATE       | BY       | DESCRIPTION |
|------------------|------------|----------|-------------|
| 3                |            |          |             |
| 2                |            |          |             |
| 1                |            |          |             |
| COUNTY           | EMER SECT  | N/A      | N/A         |
| KITSAP COUNTY    | OP MAP     | N/A      | N/A         |
| T28-R02E-S11     | OH CKT MAP | 2503E076 | 2502E054    |
| U-MAP NO (POWER) | UG CKT MAP | 2502E054 | PMA-15      |

| UTILITIES | CONTACT | PHONE# | DATE |
|-----------|---------|--------|------|
| N/A       | N/A     | N/A    | N/A  |
| N/A       | N/A     | N/A    | N/A  |
| N/A       | N/A     | N/A    | N/A  |

|     |                    |                     |
|-----|--------------------|---------------------|
| PSE | PUGET SOUND ENERGY | DESIGNED BY POTEICO |
|-----|--------------------|---------------------|

| 2 BUSINESS DAYS BEFORE YOU DIG |             |                   |              |
|--------------------------------|-------------|-------------------|--------------|
| REAL ESTATE/EASEMENT           |             | PERMIT            |              |
| N/A                            | N/A         | BAINBRIDGE ISLAND | N/A          |
| FUNCTION                       | CONTACT     | PHONE NO          | DATE         |
| PROJECT MGR                    | C. CANO     | 253-841-8262      | 9/30/20      |
| ENGR - POWER                   | C. CANO     | 253-841-8262      | 9/30/20      |
| ENGR - GAS                     | N/A         | N/A               | N/A          |
| COUNTY                         | DRAWN BY    | C. CANO           | 253-841-8263 |
| KITSAP COUNTY                  | CHECKED BY  | N/A               | 3/1/21       |
| 1/4 SEC                        | APPROVED BY | N/A               | 3/1/21       |
| T28-R02E-S11                   | FOREMAN #1  | N/A               |              |
| U-MAP NO (POWER)               | FOREMAN #2  | N/A               |              |
| 2502E054                       | MAPPING     | N/A               |              |
| JOINT FACILITIES ARRANGEMENTS  |             |                   |              |
| UTILITIES                      | N/A         | N/A               | N/A          |
| CONTACT                        | N/A         | N/A               | N/A          |
| PHONE#                         | N/A         | N/A               | N/A          |
| INCIDENT                       | N/A         | MAOP              | N/A          |
| Gas Order                      | N/A         | Elect Order       | 186058244    |
| SCALE                          | N/A         | PAGE              | 1/1          |
| AS NOTED                       |             |                   |              |

ENGR1 COMCAST TK# 4406960  
REPLACE 1 DIST POLE  
10568 NE VALLEY RD, BAINBRIDGE ISLAND 98110

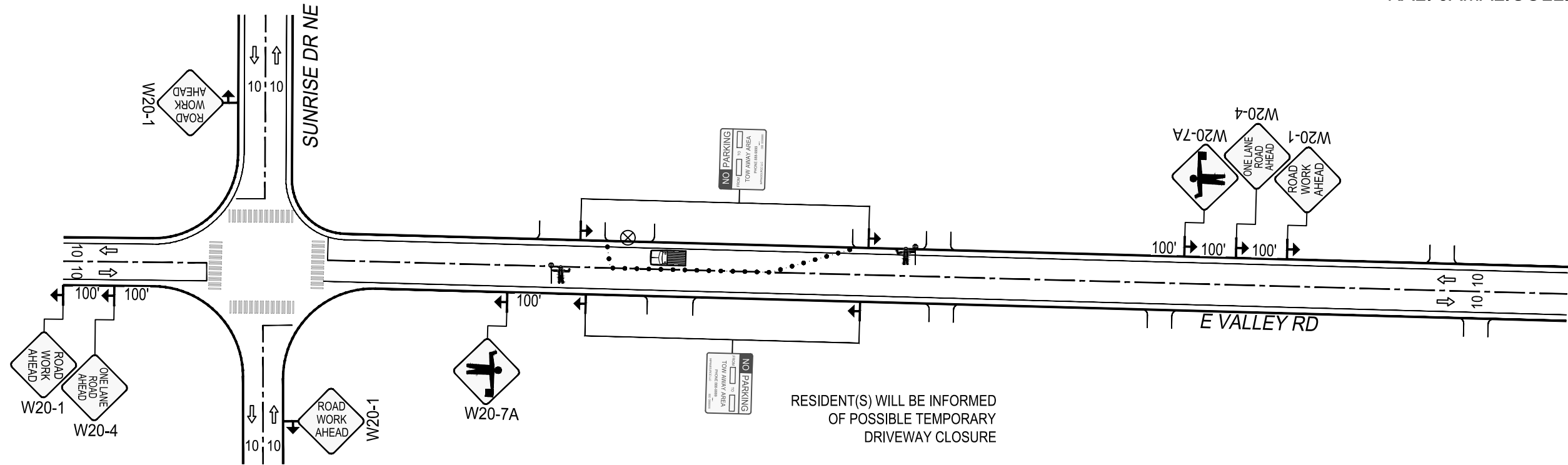


Puget Sound Energy  
Traffic Control Supervisor:  
Gregory Harwood  
Card No. 012238  
Card Exp. 09/30/2023  
gregory.harwood@pse.com  
(425)424-6425  
*Gregory Harwood*

TEMPORARY TRAFFIC CONTROL PLAN



JOB# 186058244  
10568 NE Valley Rd, Bainbridge, WA 98110  
3/3/21  
KALI-JAMAL.COLLINS@PSE.COM  
425-424-6425  
SHEET 1 of 1



| LEGEND |                                  |
|--------|----------------------------------|
|        | 28" TRAFFIC CONE                 |
|        | POLE                             |
|        | TRAFFIC FLOW                     |
|        | FLAGGER                          |
|        | WORK VEHICLE/<br>FLASHING LIGHTS |
|        | SIGN LOCATION                    |
|        | RIGHT OF WAY<br>ROW              |

| SIGN SPACING |       |
|--------------|-------|
| MPH          | "X"   |
| 60/65        | 1000' |
| 45/55        | 500'  |
| 35/40        | 350'  |
| 30           | 200'  |
| 25           | 100'  |

| CHANNELIZATION<br>DEVICE SPACING |       |         |
|----------------------------------|-------|---------|
| MPH                              | TAPER | TANGENT |
| 55/70                            | 40    | 80      |
| 35/45                            | 30    | 60      |
| 25/30                            | 20    | 40      |

- Notes:
1. All signs and spacing to conform to the MUTCD and City of Bainbridge Island standards.
  2. All sidewalks, driveways, exits and egresses shall be completely clear unless otherwise indicated.
  3. Channelizing devices are 28" traffic cones. Use traffic drums (barrels) with steady burning Type C lights on all State State Routes and Hwys.
  4. Sign size can be a minimum of 36" x 36" and shall not obstruct pedestrian access.
  5. Crew is required to leave a minimum of 11' for traveling lane width.
  6. Alert affected residents and businesses.
  7. Work to take place between 9 a.m. and 4 p.m unless otherwise specified. All work for arterials and major roadways will be from 9 a.m. to 3 p.m.



CITY OF  
BAINBRIDGE ISLAND

## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** June 24, 2021

**ESTIMATED TIME:** 20 Minutes

**AGENDA ITEM:** (7:10 PM) - PSE Noise Variance Bucklin Hill RD Pole Replacement - Planning and Community Development,

**AGENDA CATEGORY:** Review and Recommendation

**PROPOSED BY:** David Greetham

**PREVIOUS PLANNING COMMISSION REVIEW DATE(S):**

**PREVIOUS COUCIL REVIEW DATE(S):**

**RECOMMENDED MOTION:**

"I move to approve PSE's request for a noise variance to allow nighttime work for pole replacement on Bucklin Hill RD for five consecutive evenings beginning June 28 between the hours of 7:30 PM and 5:00 AM."

**SUMMARY:**

PSE requests a noise variance to replace four transmission line poles along the east side of NE Bucklin Hill RD north from the intersection with Blakely AVE NE in roadway rights-of-way. These are the last of PSE's 'urgent replacements' that commenced during fall 2020. The work is planned for the week of June 28th. In consultation with Public Works, PSE (and construction service provider Potelco) has worked out a full road closure of NE Bucklin Hill RD between the intersections with Eagle Harbor DR NE (north end) and Blakely AVE NE (south end) to accommodate the large equipment needed for this work. To avoid commute time impact to traffic and transit, and ensure sufficient working time to safely complete each pole replacement, PSE has elected to perform the replacement work over five consecutive evenings/early mornings between the hours of 7:30pm and 5:00am. The work area is residential, so PSE is applying for a noise variance to allow this work as proposed.

**BACKGROUND:** In accordance with BIMC 16.16.030 a variance from the noise standards may be granted by the Planning Commission. For any such variance, application shall be made in writing and upon forms provided by the city and no variance shall be granted for longer than 30 days, except after a public hearing has been held. The planning commission may, in its discretion, hold a public hearing on any application when substantial public interest is shown. PSE requests a variance to the following provision at BIMC 16.16.025:

A. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays that do not constitute legal holidays.

**ATTACHMENTS:**

## Master Land Use Application

Supporting documents are required for project review.

See the [Administrative Manual for Planning Permits](#) and [Fee Schedule](#) for permit submittal requirements and fees.

Please schedule an appointment at [Planning and Building Submittal Appointments](#).

**Property Owner(s)**

**Site Address**

**Parcel Numbers**

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**Select Application Type**

**Select Application Type**

**Consolidated Review Requested ([BIMC2.16.070](#))**

**Project Name and Description**

## Project Contacts

Applications must be submitted by the property owner or the owner's designated agent.  
A notarized [Owner/Agent Agreement](#) must accompany this application if submitted by a designated agent.

|                                                                                                |
|------------------------------------------------------------------------------------------------|
| <b>Property Owner</b> _____                                                                    |
| Mailing Address: _____<br>_____                                                                |
| Email: _____                                                                                   |
| Phone: _____                                                                                   |
| <b>Name of Authorized Agent</b> (Notarized Owner/Agent Agreement form required) _____<br>_____ |
| Mailing Address: _____<br>_____                                                                |
| Email: _____                                                                                   |
| Phone: _____                                                                                   |

### Statement of Affirmation REQUIRED

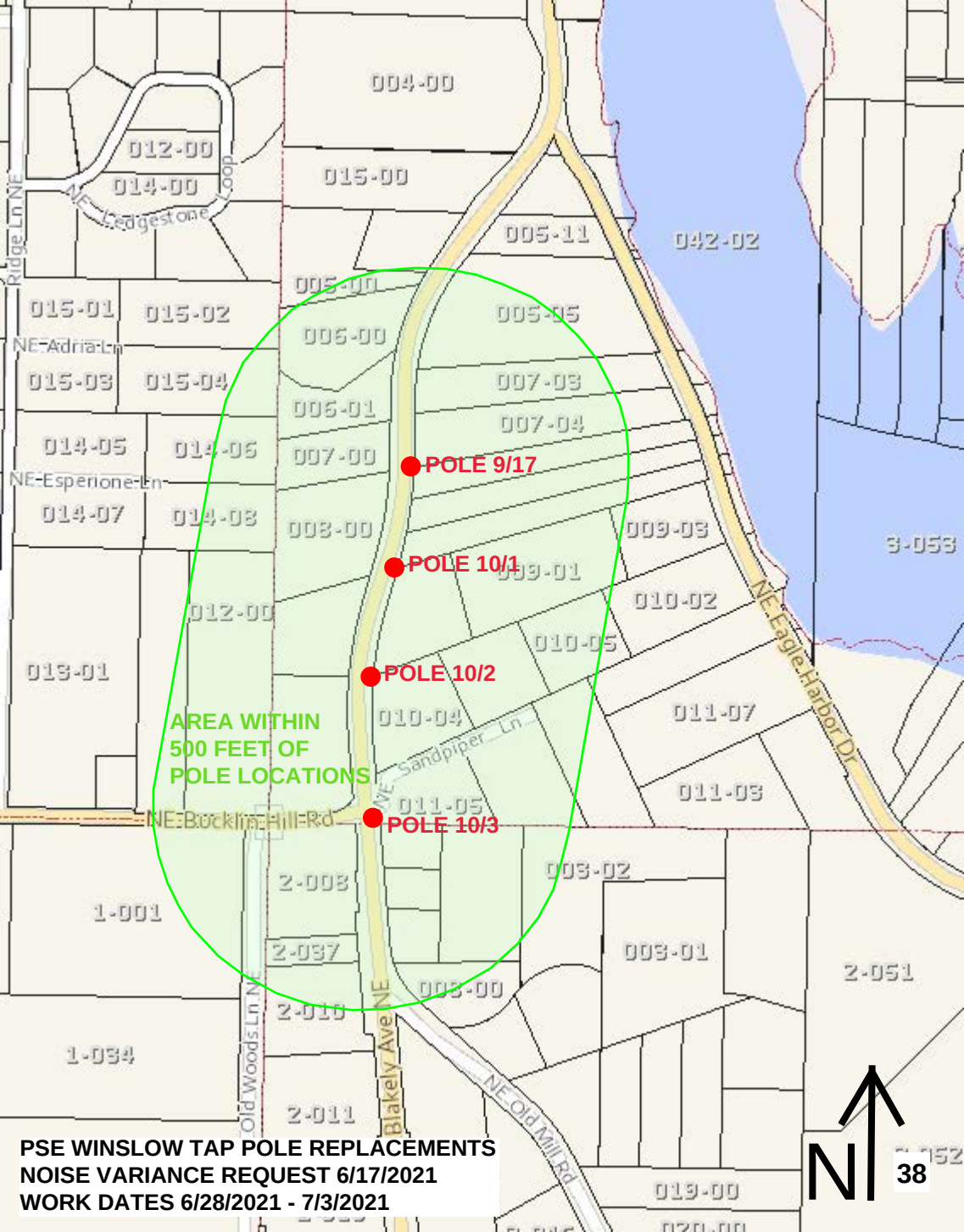
I affirm, under penalty of perjury, that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm that I am the owner or designated agent of the subject site. Further, I grant permission to any and all employees and representatives of the City of Bainbridge Island and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application.

|                                      |                        |      |
|--------------------------------------|------------------------|------|
| Owner Name - Print                   | Owner Name - Signature | Date |
| Owner Name - Print                   | Owner Name – Signature | Date |
| Agent Name and Business Name - Print | Agent Name - Signature | Date |

City of Bainbridge Island  
Department of Planning & Community Development  
280 Madison Ave N  
Bainbridge Island, WA 98110  
[PermittingSubmittal@bainbridgewa.gov](mailto:PermittingSubmittal@bainbridgewa.gov)



**PSE WINSLOW TAP POLE REPLACEMENTS  
NOISE VARIANCE REQUEST 6/17/2021  
WORK DATES 6/28/2021 - 7/3/2021**



**PSE WINSLOW TAP POLE REPLACEMENTS  
NOISE VARIANCE REQUEST 6/17/2021  
WORK DATES 6/28/2021 - 7/3/2021**



# PSE Winslow Tap Pole Replacements

Noise Variance Request 6/17/2021

Parcels within 500' of pole work locations (listed north to south) (source Kitsap County GIS)

## EAST SIDE NE BUCKLIN HILL RD

|                   |                         |           |
|-------------------|-------------------------|-----------|
| 4178-000-005-0508 | 6825 NE EAGLE HARBOR DR | RESIDENCE |
| 4178-000-007-0308 | NO ADDRESS FOUND        | VACANT    |
| 4178-000-007-0407 | 8235 NE BUCKLIN HILL RD | RESIDENCE |
| 4178-000-008-0109 | 8213 NE BUCKLIN HILL RD | RESIDENCE |
| 4178-000-008-0307 | 8195 NE BUCKLIN HILL RD | RESIDENCE |
| 4178-000-008-0208 | 8171 NE BUCKLIN HILL RD | RESIDENCE |
| 4178-000-009-0207 | 8099 NE BUCKLIN HILL RD | RESIDENCE |
| 4178-000-009-0108 | 8121 NE BUCKLIN HILL RD | RESIDENCE |
| 4178-000-009-0306 | NO ADDRESS FOUND        | VACANT    |
| 4178-000-010-0402 | 8091 NE BUCKLIN HILL RD | RESIDENCE |
| 4178-000-010-0303 | 8095 NE BUCKLIN HILL RD | RESIDENCE |
| 4178-000-010-0501 | 8033 NE BUCKLIN HILL RD | RESIDENCE |
| 4178-000-010-0204 | 6605 EAGLE HARBOR DR NE | RESIDENCE |
| 4178-000-011-0500 | 8021 SANDPIPER LN NE    | RESIDENCE |
| 4178-000-011-0609 | 8023 SANDPIPER LN NE    | RESIDENCE |
| 4178-000-011-0401 | 8025 SANDPIPER LN NE    | RESIDENCE |
| 4178-000-011-0203 | 6565 EAGLE HARBOR DR NE | RESIDENCE |
| 342502-2-006-2005 | 6368 BLAKELY AVE NE     | RESIDENCE |
| 342502-2-007-2004 | 6350 BLAKELY AVE NE     | RESIDENCE |
| 4133-000-010-0000 | 6338 BLAKELY AVE NE     | RESIDENCE |
| 4133-000-008-0103 | 6310 NE OLD MILL RD     | RESIDENCE |
| 4133-000-003-0207 | 6226 NE OLD MILL RD     | VACANT    |
| 4133-000-008-0004 | 6310 BLAKELY AVE NE     | RESIDENCE |

## WEST SIDE NE BUCKLIN HILL RD

|                   |                          |                      |
|-------------------|--------------------------|----------------------|
| 4178-000-005-0003 | 8238 NE BUCKLIN HILL RD  | RESIDENCE            |
| 4178-000-006-0002 | NO ADDRESS FOUND         | VACANT               |
| 4178-000-006-0101 | NO ADDRESS FOUND         | VACANT               |
| 4178-000-007-0001 | NO ADDRESS FOUND         | VACANT               |
| 4178-000-015-0209 | 7768 NE ADRIA LN         | RESIDENCE            |
| 4178-000-015-0407 | 7765 NE ADRIA LN         | RESIDENCE            |
| 4178-000-014-0606 | 7824 NE ESPERIONE LN     | RESIDENCE            |
| 4178-000-014-0804 | 7829 NE ESPERIONE LN     | RESIDENCE            |
| 4178-000-008-0000 | 8194 NE BUCKLIN HILL RD  | RESIDENCE            |
| 4178-000-009-0603 | 8040 NE BUCKLIN HILL RD  | RESIDENCE            |
| 4178-000-010-0709 | 8040A NE BUCKLIN HILL RD | RESIDENCE            |
| 4178-000-012-0004 | 7934 NE BUCKLIN HILL RD  | FIRE STATION         |
| 4178-000-012-0103 | 7880 NE BUCKLIN HILL RD  | AMERICAN LEGION POST |
| 342502-2-008-2003 | 8013 NE BUCKLIN HILL RD  | RESIDENCE            |
| 332502-1-059-2004 | 6075 OLD WOODS LN NE     | VACANT               |
| 332502-1-001-2003 | 7861 NE BUCKLIN HILL RD  | HYLA MIDDLE SCHOOL   |
| 342502-2-037-2008 | NO ADDRESS FOUND         | VACANT               |
| 342502-2-010-2009 | 6239 BLAKELY AVE NE      | RESIDENCE            |