

DISCUSSION ITEMS

1. CALL TO ORDER
2. PUBLIC COMMENT
3. INTRODUCTION TO TITLE 18 OF THE LAND USE CODE
4. 2010 COMPREHENSIVE PLAN AMENDMENTS: CPA15162, POLICY AMENDMENT, MASTER PLANNED DEVELOPMENT PROCESS
5. ORD. 2010-09, MUTC USE TABLE CODE AMENDMENT (HDDP)
6. ORD. 2010-10, COMPREHENSIVE PLAN AMENDMENT PROCESS
7. NEW/OLD BUSINESS
8. ADJOURNMENT

1. CALL TO ORDER

Chair Lewars called the meeting to order at 6:07 p.m. with all members in attendance. He then told that the website incorrectly listed 7:00 p.m. at the start time for the meeting, which may necessitate an additional public comment period following the introduction to Title 18.

Commissioner Fisher moved to approve the minutes for the meeting of May 13, 2010, as written and Commissioner Averill seconded the motion, which then passed unanimously.

2. PUBLIC COMMENT

Melanie Keenan told the Planning Commission that the agricultural provisions proposed as part of the code update should be held back because they were developed largely in reaction to allegations made against her family and drafted by the same staff who misused city services to pursue those allegations. She also feels that the proposed regulations would limit the economic opportunities for farmers on the Island.

In response to questions from the Commission, Special Projects Planner Kelly Dickson said that the original intent of the agricultural working group was to provide technical assistance on farming issues. The original group was expanded to include any who wished to attend before the first meeting. Each of the group's meetings was advertised on the city's website and through both a Code Update listserv and an agricultural working group distribution list.

Planner Dickson then proposed that the Planning Commission begin their review of Title 18 with a meeting focused solely on agricultural issues so that they can decide which regulations, if any, should move forward as part of the code update.

Planning Manager Libby Hudson noted that, as a city planning under the Growth Management Act, Bainbridge Island must handle agriculture a little differently than Kitsap and other county governments. Counties create agricultural zoned areas, while we permit agricultural uses within our residential zoning districts.

3. INTRODUCTION TO TITLE 18 OF THE LAND USE CODE

Planner Dickson told the Planning Commission that some of the changes in Title 18 included moving all the processes to Title 2 and creating separate tables for permitted uses by zone and dimensional standards. Staff interpretations and sustainability measures have also been incorporated.

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Planner Dickson explained that landscaping is being handled through a separate process with a draft scheduled to come to the Planning Commission in July. Also, parking standards have not yet been incorporated and there are three items that the Ad Hoc Committee still needs to discuss. The recommendations from the Ad Hoc Committee will be footnoted in the title.

Staff and the Commission then turned their attention to the process and timeline proposed in the staff memo that was provided in the packet. The Commission agreed to begin their review with the agricultural provisions on June 10th. It was also agreed to schedule the June 10th meeting to start an hour early, at 6:00 p.m.

After public comment is taken, the Planning Commission will make its recommendations on the agricultural provisions at the June 24th meeting. The Ad Hoc Committee recommendations will also be reviewed at that meeting.

The Commissioners agreed to tentatively schedule two study sessions on the permitted use table and one on the dimensional standards with two more meetings on all other issues. Another decision was to schedule an additional public meeting to take comments on Title 18 prior to the public hearing on the code update as a whole.

Patti Dusbabek talked about how many layers of government regulate her full-service farming operations, remarking that she doesn't need another layer of regulations. Ms. Dusbabek suggested removing all provisions to allow variances for agricultural uses to eliminate "cronyism" and recommended that the city refuse to investigate any complaints made by a person who has previously made a false or unfounded allegation.

Commissioner Minkoff asked that the agenda for the meeting of June 10th state that public comment will be taken after the close of the public hearings on the 2010 Comprehensive Plan Amendment requests.

4. 2010 COMPREHENSIVE PLAN AMENDMENTS: CPA15162, POLICY AMENDMENT,
MASTER PLANNED DEVELOPMENT PROCESS

Chair Lewars asked staff what applicant Andrew Cainon can do with his property if his zoning designation isn't changed and Planning Manager Hudson replied that he could build a single-family residence on it.

In response to another question from the Chair, Planning Manager Hudson stated that staff recommended not approving the Cainon application because the Comprehensive Plan requires any additions to the neighborhood service centers to occur as part of a comprehensive neighborhood planning process. She then went on to state that the policy amendments proposed by Commissioner Gale at the last meeting would apply only to five properties in Rolling Bay and the Cainon property at Island Center. She added that the 2025 Committee also recommended changing the existing policy to allow the city to institute the neighborhood service center planning process.

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Commissioner Averill asked staff to determine how many other lots in the Island Center area are smaller than the minimum lot size within their zoning districts. Planning Manager Hudson agreed to provide that information at the beginning of the public hearing on the request.

Planner Jennifer Sutton distributed a comment on CPA15162 that had been received after the Planning Commission packet was transmitted. The area that is currently subject to the Master Planned Development (MPD) process was shown on the projection screen and Planner Sutton explained that the overarching reason for the Comprehensive Plan Amendment request is to remove some of the details of the ordinance that was codified in 1997.

The Master Planned Development Process was meant to require holistic planning for large developments, although it applies only to this location.

When asked how these particular properties were chosen to be designated for the MPD, Planning Manager Hudson responded that they were identified during the development of the City of Bainbridge Island's first comprehensive plan after incorporation, as land appropriate for light manufacturing, and were intended to be developed through MPD process. Existing properties zoned light manufacturing were not included in the MPD process.

Commissioner Minkoff asked if the owners of the property designated as part of the MPD can develop their parcels independently of one another. Planner Sutton replied that they would have to go through the process together.

Planner Sutton told the Commission that one reason the staff is recommending that the amendment request be approved is that the natural resources and performance standards that would be required by the MPD have already been front-loaded into the other planning processes. For example, there are light manufacturing design standards that were not in place when the ordinance was passed and the site plan review process has been improved to include stormwater and transportation planning.

Asked why the city initiated this amendment request, staff said that the city has never been able to make the process work.

Planner Sutton said that the only comment received – from Mr. Kubiak – said that the MPD process provides special protections that would be lost. Staff feels that those protections are provided through other processes.

Commissioner Droge referred to the MPD process as an “interesting anachronism in the code” and asked why a process that has never been successfully used and is both cumbersome and duplicate should be retained. She also asked if there is any value in retaining the MPD process to develop light manufacturing in the middle of the Island or if there are better ways to do that. Commissioner Gale replied that it's harder to look at cumulative impacts when smaller parcels are developed.

Commissioner Averill asked if all the conditions are covered if the MPD is eliminated and Planner Sutton asked the Commission to look at the table at the back of the packet that compares

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MPD with performance standards and design guidelines that would otherwise regulate development on these parcels.

The Planning Commission would like trail and critical areas information on the affected properties, as well as information on historic light manufacturing development.

Terry McGuire, a nearby property owner, told the Planning Commission that the city received an interpretation that not all property owners must agree but that a single property owner must “ghost plan” the entire 35 acres. Right now even a residence cannot be built on those properties without meeting a requirement that he considers impractical and not really legal.

Arnie Kubiak stated that there is a substantial wetland system on the west side of the MPD area. He feels that all the aspects included in the MPD must be provided for if the ordinance is repealed.

Charles Schmid, speaking on behalf of the Association of Bainbridge Communities (ABC), told the Commissioners that developing the MPD ordinance was a long, drawn-out process because there were a lot of concerns from the neighbors and because there was some question about whether or not additional land needed to be zoned for light manufacturing uses. He is not comfortable with staff’s assertion that other processes would provide adequate protection for this area and still feels that a master plan would be good for that area.

The meeting recessed at 7:54 and reconvened at 8:02 p.m.

5. ORD. 2010-09, MUTC USE TABLE CODE AMENDMENT (HDDP)

Commissioner Wangen recused himself from the discussion because he owns property that could be developed under the HDDP (Housing Design Demonstration Project) ordinance.

Planner Sutton gave an overview of the HDDP ordinance and described the geographic boundaries within which an HDDP project could be developed. The draft ordinance would allow single-family residential subdivisions within the Mixed Use Town Center (MUTC).

Commissioner Averill stated that the proposed ordinance is very consistent with the purpose of the HDDP provisions. When Commissioner Minkoff asked if there were any unintended consequences, Planner Sutton replied that she did not find any.

Charles Schmid asked if trees would still be protected. Staff replied that the significant tree requirements are not being waived and reminded everyone that the HDDP is effective for only three years.

6. ORD. 2010-10, COMPREHENSIVE PLAN AMENDMENT PROCESS

Planner Sutton told the Commission that the proposed amendment would make two changes to the process – it would limit the extended amendment and would allow private-party amendment requests to be submitted every three years.

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Staff agreed to add verbiage that the Comprehensive Plan should be somewhat stable and not changed every year to the purpose statement and to the Whereas clauses.

Asked who would decide which applications move forward, Planner Sutton said that every application that is submitted would be forwarded.

7. NEW/OLD BUSINESS

There was no new or old business to discuss.

8. ADJOURN

The meeting adjourned at 8:50 p.m. The next regular meeting is scheduled for June 10th at 6:00 p.m. in the Council Chamber at City Hall.