

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure  
PUBLIC COMMENT – Accept public comment on off agenda items  
HELM OPEN SPACE CLASSIFICATION TRANSFER APPLICATION  
Public Hearing: Review and Recommendation  
PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE  
2016 COMPREHENSIVE PLAN UPDATE – DRAFT Housing and Land Use Elements;  
BIMPRD Comprehensive Plan Amendment for new “Park” zone  
PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE  
SITE PLAN AND DESIGN REVIEW AMENDMENT FILE NO. PLN50231SPRA  
WINTERGREEN WALK CLINIC – Public Meeting: Review and Recommendation  
NEW/OLD BUSINESS  
ADJOURN

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**CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure**

Chair J. Mack Pearl called the meeting to order at 6:05 PM. Planning Commissioners in attendance were Michael Lewars, Maradel Gale, Jon Quitslund, William Chester, Michael Killion and Lisa Macchio. City Staff present were Planning Director Gary Christensen, Planning Manager Josh Machen, Senior Planner Jennifer Sutton and Administrative Specialist Jane Rasely who monitored recording and prepared minutes. City Consultant Joseph Tovar was also present.

The agenda was reviewed. There were not any conflicts disclosed.

**PUBLIC COMMENT – Accept public comment on off agenda items**

**Ellen Lockert, Citizen** – Represented a property owner and spoke about their concerns and possible ramifications to property owners of the proposed Historic Preservation Commission (HPC) Ordinance. She stated they were deeply concerned about the proposed ordinance as it was currently written especially regarding register eligible properties saying the proposed ordinance lacks clarity and would have a negative impact on property owners. Ms. Lockert also felt there was potential for harming some long-time Bainbridge residents and went on to list the following as some of their concerns:

- Lack of clarity – In discussing this with members of both the Planning and Historic Preservation Commissions, we understood this to be an innocuous and benign form of guidance that would be offered by the Historic Preservation Commission if a property owner wanted to make changes to their historically registered building or if they decided to demolish the building in order to build something with greater density.
- Real estate market impacts – Real estate market has expressed concerns about the new regulations and had impacted the 219 Madison Ave property that was currently on the market. Ms. Lockert stated these concerns were already impacting the owner in a very real way.

- Wording of Ordinance - Not at all clear about the role of the Historic Preservation Commission suggestions. She wondered if the HPC stated they had objections to work being done on the building/property, how would the Planning Commission act on those suggestions? Ms. Lockert stated they would like to see better specificity about how the HPC recommendation was weighted: guidance only or support/enforcement for HPC? She continued by saying since the wording was unclear, it had a chilling effect upon owners or potential buyers. She asked for the ordinance to have more specific language detailing what would happen after the HPC gave their recommendation.

Ms. Lockert expressed concern for those older Bainbridge Island residents who had been saving their homes as a retirement “nest egg” would be impacted in the greatest way. She hoped the Planning Commission would look thoughtfully at that and be careful creating new restrictions that could potentially impact hard-working residents’ right to enjoy the best return on their investments. (Also see attached written statement.)

Senior Planner Sutton confirmed that the public hearing for the HPC ordinance would be June 23, 2016.

**Nina Jackson, Citizen** – Had lived on the Island since 1984 and stated she was fortunate enough to have a father who purchased the building at 219 Madison to support her business that was housed completely there. She shared that her father always watched out for her and it was time to sell because she was retired and would be 70 years old next year and now they were having difficulty selling the building. She stated there have been different prospective buyers who were unable to risk purchasing the property with the multi-use and historic property restrictions placed upon it. Ms. Jackson felt as though she was caught between a rock and a hard spot. She knew there must be other folks her age or older that may have their nest egg their relying on that they have spent 20, 30, 40 years investing in. She stated she spoke for herself and other men and women on the Island who were not wealthy but were planning to supplement their Social Security with their properties. She stated she did not want them to lose the right to do with their properties as they needed.

### **HELM OPEN SPACE CLASSIFICATION TRANSFER APPLICATION - Public Hearing: Review and Recommendation**

The Public Hearing was opened at 6:23 PM. Ms. Sutton began the public meeting with an overview of the Open Space Amendment application giving a brief history and location of the property located at 11058 North Madison Avenue stating the applicant was seeking to move from commercial farm land status to traditional farm classification. She mentioned the property did not currently have any residences on it but only accessory farm buildings.

The applicant Mr. Richard Helm spoke about his reasons for wanting to change the classification of the farm stating it was driven by Kitsap County's requirements for a land continuing in the commercial farmland classification.

Commissioner Lewars recused himself as his daughter owned the land next door to the property.

Chair Pearl closed the public hearing at 6:30 PM. There was not any public comment.

Commissioner Macchio stated she was very appreciative of people like Mr. Helm who sought to retain farmland on the Island.

**Motion: I move that we recommend to the City Council and the County Commissioners that the Helm Open Space Classification Transfer application to the traditional farmland be approved.**  
**Gale/Chester – Passed unanimously 6-0**

#### **PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**

None.

#### **2016 COMPREHENSIVE PLAN UPDATE – DRAFT Housing and Land Use Elements; BIMPRD Comprehensive Plan Amendment for new “Park” zone**

Ms. Sutton laid out the scope of work for the meeting giving a brief review of each of the four tasks under discussion for the night.

Chair Pearl felt it would be good to have the Drafting Committee take a look at some of the changes recommended by Councilman Peltier and wanted them to specifically look at where “Open Space” was used and whether it made sense. The Commissioners also agreed there should be clarification of what would be allowed within “Open Space.”

Commissioner Lewars asked about density bonuses in conjunction with affordable housing stating he wanted to make density bonuses work with affordable housing saying they had not worked in the past because there was not enough incentive to use them. Commissioner Chester agreed. Commissioner Macchio was worried that there were a lot of tradeoffs they should think seriously about before incentivizing affordable housing with density. She was afraid there would not be enough affordable housing gained to make it worth the density. Commissioner Chester mentioned there needed to be enough density provided to offset the affordable housing so more developers would take advantage of it and provide affordable housing. Chair Pearl mentioned that Seattle made developers pay into an Affordable Housing Fund when they built and that eventually Bainbridge would have to do something similar in order to get the affordable housing desired.

Consultant Tovar presented information showing that over 90% of the Island consisted of low density single family homes. Discussion moved into conservation villages such as that presented by architect Jonathan Davis.

Commissioner Killion began review of the Guiding Principles bringing up potential limitations of the Island's water supply and how that was referenced.

Bainbridge Island Metro Parks and Recreation District (BIMPRD) Senior Planner Perry Barrett presented the BIMPRD's application to create a new "park" zone and the encumbrances that come with the parks they currently have. He stated the proposed "park" zone would also have benefits for City Staff in permit review clarity. Chair Pearl asked if the proposed zone would then have City Code to regulate it or be autonomous. Mr. Barrett stated the City would still have primary regulation of the land use. Commissioner Gale wondered if there could be a different way to accomplish the BIMPRD's goals than creating a new zone. The Commission asked Mr. Barrett to provide information on the benefits of a new "park" zoning designation and to work with City Staff on possible different ways to achieve BIMPRD's goals and they would place them on the agenda again when the information was received.

## **PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**

### **SITE PLAN AND DESIGN REVIEW AMENDMENT FILE NO. PLN50231SPRA WINTERGREEN WALK CLINIC – Public Meeting: Review and Recommendation**

Planning Manager Joshua Machen gave an overview of the Wintergreen Walk Clinic describing it as a major amendment to the original Visconsi Master Plan with changes to Buildings 5 and 6. He stated Building 5 would be increased from a 20,000 square foot building to a 30,000 square foot building and Building 6 would be decreased in size to allow for necessary additional parking. Mr. Machen asked the Commissioners to consider only the current project and not refer back to the already constructed Key Bank and Walgreen buildings. He spoke about the changes in storm water retention stating they had been reviewed and met the City and State's requirements. Response to the Design Review Board's concerns as well as landscaping design focusing mostly on tree count were presented.

Jeff Bouma, Landscape Architect for Visconsi, answered Commissioner Macchio's question of the types of trees being planted. He stated they would be a mix of native species like Douglas fir, canopy and deciduous trees appropriate for parking lots. Chair Pearl asked for a good faith effort to plant a few trees in the buffer by the Key Bank building in order to help provide screening. The developer stated he would look into that and speak with both the landscaper and the current tenant regarding adding the trees. Commissioner Killion asked about low impact development features. Mr. Machen replied there were not any current regulations requiring low impact development. Parking was also discussed with concern expressed about pedestrians crossing Wintergreen Lane when visiting the clinic. Accommodations for emergency vehicles

was discussed with architect Charles Wenzlau stating they were meeting all of Assistant Fire Chief Luke Carpenter's requirements. Commissioner Gale stated vehemently that she was distressed to the max about the clinic moving from the downtown area. Ms. Summer from Virginia Mason Clinic stated they were unable to achieve the amount of space they needed to provide the services they felt the site could sustain.

Chair Pearl opened the public meeting for comment at 8:58 PM. There were not any comments so he closed the public meeting at 8:58 PM. Ms. Gale added that on Condition 32 they were required to add all trees as shown on L400 to the Planning Commission June 9, 2016.

**Motion: I move that we recommend approval of this application subject to the conditions including several conditions added or amended in their discussion this evening.**

**Lewars/Killion – Passed 5-1 with 1 abstaining**

**NEW/OLD BUSINESS**

None.

**ADJOURN**

The meeting was adjourned at 9:00 PM

Approved by:

  
J. Mack Pearl, Chair

  
Jane Rasely, Administrative Specialist



June 9, 2016

TO: COBI Planning Commission

RE: Proposed Historical Planning Commission (HPC) Ordinance  
Regarding "Register Eligible Properties" + 219 Madison  
Avenue South

FROM: Nina Jackson  
Ellen Lockert

We are deeply concerned about the proposed Historical Planning Commission (HPC) historical preservation ordinance as currently written, especially regarding "Register Eligible" properties. This proposed ordinance lacks clarity and will have a negative impact on property owners. There is also potential for harming long time Bainbridge residents. The following outlines some of our concerns.

*Lack of Clarity.* We understand from talking to members of both Planning Commission and Historical Planning Commission that there is a perception that this proposed ordinance will have an *insignificant* impact on property owners. One Historical Planning Commission member told us that Planning never followed their suggestions so it wouldn't matter.

In fact, the actual wording of the ordinance is *not at all clear* about the role of HPC suggestions in Planning approving or denial of permits (18.24.0450). We ask that you spell out clearly in the ordinance the role/weight of HPC recommendations to Planning especially in relation to remodeling and demolition. i.e. "If building meets existing requirements for demolition, Planning will not withhold approval based on HPC recommendations. However, mitigation i.e. documentation may be required."

That kind of specificity will go a long way toward creating clarity for owners/investors. People who are going to spend hundreds of thousands for a property need to know the ground rules. They can then take a calculated risk or not.

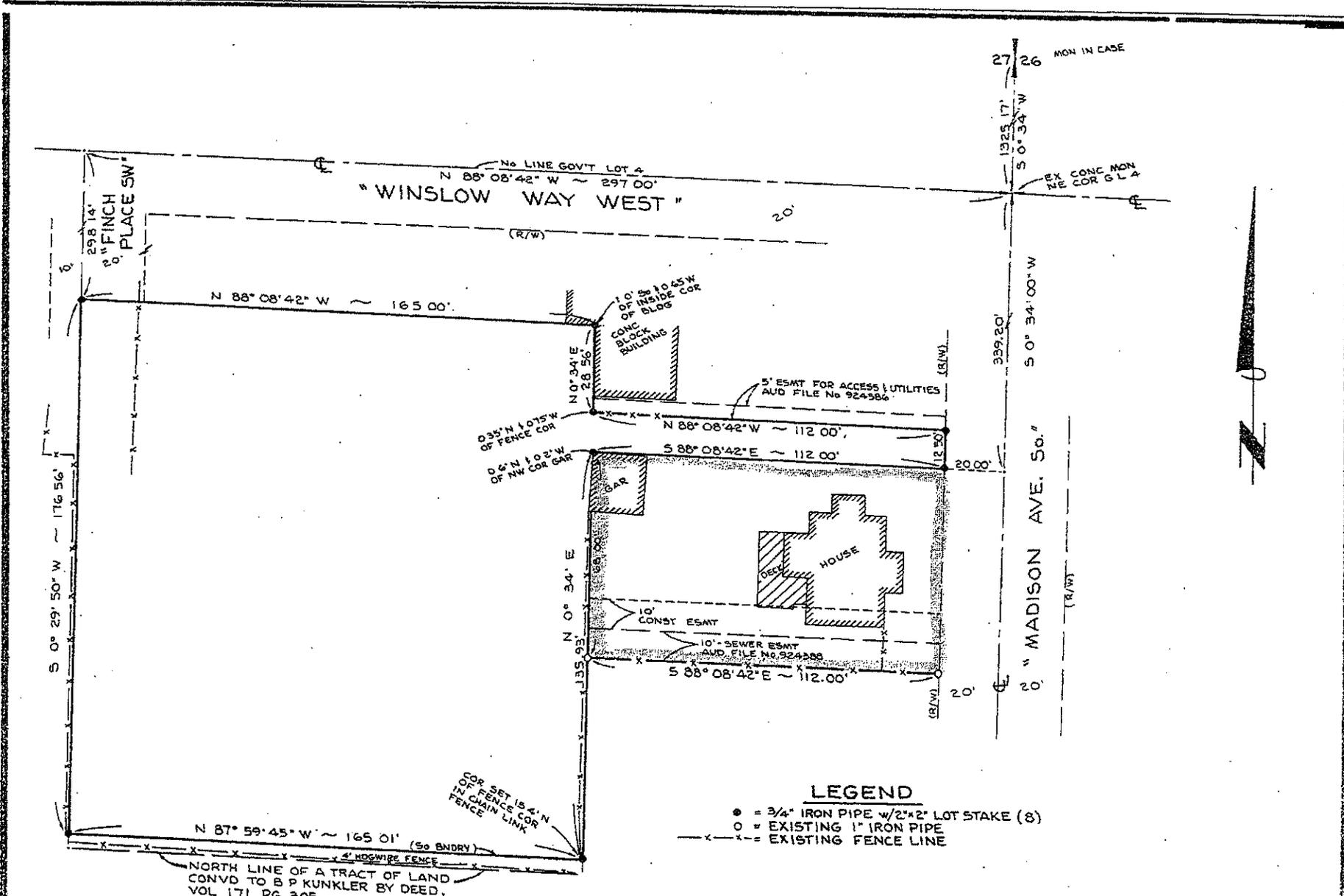
While the members of current Commissions and staff may consider this ordinance benign, someday there will be new people doing these jobs. That's why we need greater written specificity to ensure the ordinance is not used capriciously or in a way that will threaten people's property rights.

*Register Eligible.* Creating a new category with unwanted restrictions for owners of property may well have a negative financial impact. I suspect this will fall unequally on less affluent, older, long term Bainbridge residents who are counting on these properties as nest eggs. That would be an unfortunate unintended consequence. Please be thoughtful about creating new restriction impacting hard working residents rights to enjoy the best return on their investments.

Nina has owned 219 Madison for 25 years. This is her nest egg. Based on current zoning, she is not allowed to sell this house as a residence, despite the fact that she has had multiple interested parties. This new ordinance will most likely designate the property as "Historic Register Eligible". Will this mean that she is not allowed to sell in to a developer who might want to remodel or demolish this building? Two potential developers have passed on this property based on pending regulations. This is both a fairness issue and a financial issue.

We are working with HPC to remedy above issues and appreciate your ongoing support to assuring clarity and fairness regarding this ordinance.

Thank you for your service to COBI.



**LEGEND**

- = 3/4" IRON PIPE w/2"x2" LOT STAKE (8)
- = EXISTING 1" IRON PIPE
- x-x- = EXISTING FENCE LINE

NORTH LINE OF A TRACT OF LAND  
CONVD TO B P KUNKLER BY DEED,  
VOL 171, PG 305

COR SET IS 4" N  
1 1/2" CHAIN LINK  
FENCE

**AUDITOR'S CERTIFICATE**  
FILED FOR RECORD THIS 26<sup>TH</sup> DAY OF November  
1985, AT 1:22 P.M. IN SECTION 27, TOWNSHIP  
25 NORTH, RANGE 22 EAST, W.M., AT THE REQUEST  
OF ROATS ENGINEERING IN VOLUME 23, PAGE 172  
George H. Roats COUNTY CLERK BY George H. Roats COUNTY AUDITOR  
AUDITOR'S FILE NO. B511260110  
SURVEY NO. 21250214102

**SURVEYORS CERTIFICATE**  
THIS MAP CORRECTLY REPRESENTS A  
SURVEY MADE BY ME OR UNDER MY  
DIRECTION IN COMPLIANCE WITH THE  
REQUIREMENTS OF THE SURVEY  
RECORDING ACT AT THE REQUEST OF  
SHELTER RESOURCES  
IN AUGUST, 1985  
George H. Roats

DRAWN	Y.G.
DATE	9-25-85
FIELD BOOK	1512/6-9
JOB ORDER	85-8071
CHECKED	Done
SCALE: 1" = 20'	

SURVEY OF  
PORTION OF GOVT LOT 4  
IN THE SE 1/4, SE 1/4  
SEC. 27, T. 25N, R. 2E, W.M.  
KITSAP CO, WA.

**ROATS ENGINEERING**  
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BRUNING 49384720