

RESOLUTION NO. 2010-33

A RESOLUTION by the City of Bainbridge Island City Council, Bainbridge Island, Washington, denying the Cainion Comprehensive Plan Amendment (CPA14567B).

WHEREAS, on February 28, 2010, Mr. Andrew Cainion submitted an application for a Comprehensive Plan amendment (CPA14567B) changing the land use designation from OSR-0.4 (Open Space Residential, one unit per 2.5 acres) to NSC (Neighborhood Service Center) for a parcel located on the east side of Fletcher Bay Road approximately 500 feet south of the Fletcher Bay Road, Miller Road and New Brooklyn Road Intersection (tax parcel number 212502-3-011-2001) and changing the Comprehensive Plan Land Use Element Introduction and Policy NSC 1.3; and

WHEREAS, the Bainbridge Island Comprehensive Plan policy LU 1.9 states “A Special Planning Area is an area which reflects uses and/or conditions which are unique to that area and would benefit from a local and/or neighborhood planning process. The Special Planning Area process would address such issues as current use, future mix and location of uses and densities, transportation, public facilities, services and amenities, and protection of natural systems. The Special Planning Area process would include property owners and neighborhood participation, and may include mediation as a means to resolve significant issues, if directed by the City Council. The end result of a special planning process would be a “neighborhood,” “subarea” or site-specific plan which will require an amendment to the Comprehensive Plan, unless no changes to the Plan’s policies are proposed.”; and

WHEREAS, the Bainbridge Island Comprehensive Plan policy NSC 1.3 states “Island Center is designated as a Special Planning Area. The boundaries for Island Center are shown on the Land Use Map. Any changes to the boundary may be determined during the special planning process”; and

WHEREAS, Chapter 18.115 of the Bainbridge Island Municipal Code (BIMC) defines the Special Planning Area Process; and

WHEREAS, the Staff Report prepared for CPA14567 and dated May 5, 2010, recommended denial of the amendment request, concluding that “to meet the intentions of the Plan (specifically Land Use Policies LU 1.9 and NSC 1.3), the Land Use Map and policy amendment request should be considered as part of a special planning process for the Island Center Neighborhood Service Center so that land use compatibility impacts, the ability to provide adequate urban services, and the ability to accommodate additional population can be addressed in a more comprehensive manner though an area-wide planning process.”; and

WHEREAS, the City of Bainbridge Island Planning Commission held a public hearing on June 10, 2010 which was continued to June 24, 2010, to consider the decision criteria for the amendment request; and

WHEREAS, on June 24, 2010 the Planning Commission unanimously recommended approval of the land use map designation change for tax parcel number 212502-3-011-2001, and

recommended approval of modified policy amendments to the Land Use Element "Introduction" and NSC 1.3 based on the Comprehensive Plan amendment criteria of BIMC 18.117.050, and adopted findings that the amendment will: 1) concentrate commercial activities within the Neighborhood Service Centers; 2) provide adequate public services, such as roads, water and alternative sewage treatment; 3) limit impacts on other city services, such as schools, parks and staff resources; and 4) limits future expansion of the Island Center Neighborhood Service Center to certain criteria; and

WHEREAS, on July 21, 2010, the Bainbridge Island City Council conducted a study session on the 2010 Comprehensive Plan Amendments, including CPA 14567B, and referred the amendment requests to first reading on July 28, 2010; and

WHEREAS, City Council held first reading on Ordinance No. 2010-24 (the ordinance that would implement the Cainion Land Use Map change request and policy amendments if passed) on July 28, 2010, and referred the ordinance to second reading and a public hearing on August 11, 2010; and

WHEREAS, on August 11, 2010, the Bainbridge Island City Council conducted a public hearing and held second reading on Ordinance No. 2010-24, considered public comment and the record, and discussed the decision criteria established by BIMC 18.117.050, continuing their discussion and consideration to the next Council meeting on August 18, 2010; and

WHEREAS, on August 18, 2010, the Bainbridge Island City Council approved a motion not to open the public record to allow additional public comments that were received since the public hearing was closed on August 11, 2010, continued discussion on the amendment, including the decision criteria established by BIMC 18.117.050, and denied a motion to approve the amendment and adopt the finding of the Planning Commission (5/2 vote); and

WHEREAS, Chapter 18.117 of the Bainbridge Island Municipal Code defines the Comprehensive Plan amendment process, and BIMC 18.117.030 defines City Council actions upon receipt of the Planning Commission recommendation to be approval, denial, or approval with modification to the proposed amendment; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, DOES RESOLVE AS FOLLOWS:

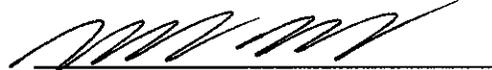
Section 1. The City Council adopts the findings, conclusions and recommendations of the May 5, 2010 staff report regarding Comprehensive Plan Amendment request (CPA14567B) submitted by Mr. Andrew Cainion for a change in the Land Use Designation for parcel number 212502-3-011-2001 from OSR-0.4 (Open Space Residential, 2.5 acres per unit) to NSC (Neighborhood Service Center) and denies CPA14567B and amendments to Policies LU 1.3 and NSC 1.3. A copy of the staff report, findings, conclusions and recommendations is attached as Exhibit A and incorporated herein by this reference.

Section 2. The primary basis for denial of CPA14567 by the City Council is that the application does not comply with decision criteria established by BIMC 18.117.050(C)(2), requiring consistency with the overall intent of the Comprehensive Plan. Specifically,

CPA14567 does not comply with Land Use Policy NSC 1.3 and LU 1.9, which requires boundaries to the Neighborhood Service Center be determined by a Special Planning Area Process to allow for a comprehensive, neighborhood consideration of the land use change, which has not occurred in this case. The intent of the Special Planning Area process is described in Policy LU 1.9 and the process is defined in BIMC Chapter 18.115.

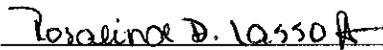
PASSED by the City Council this 25th day of August, 2010.

APPROVED by the Mayor this 25th day of August, 2010.



Bob Scales, Mayor

ATTEST/AUTHENTICATE:


Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	August 20, 2010
PASSED BY THE CITY COUNCIL:	August 25, 2010
RESOLUTION NO:	2010-33