



CITY OF
BAINBRIDGE ISLAND

**PLANNING COMMISSION REGULAR MEETING
THURSDAY, FEBRUARY 13, 2020**

BAINBRIDGE ISLAND CITY HALL
COUNCIL CHAMBERS
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON

AGENDA

1. **CALL TO ORDER/ROLL CALL/CONFLICT DISCLOSURE - 7:00 PM**
2. **PLANNING COMMISSION MEETING MINUTES - 7:05 PM**
 - 2.a **7:05 PM - November 14, 2019 - Public Participation Meeting Minutes** 5 Minutes
[Planning Commission Minutes DRAFT 111419.pdf](#)
3. **PUBLIC COMMENT - 7:10 PM**
Public comment on off-agenda topics.
4. **NEW BUSINESS - 7:15 PM**
 - 4.a **7:15 PM - Police & Court Facility Major Adjustment to Site Plan Review and Conditional Use Permit (PLN51524 SPRA CUPA)** 45 Minutes
[PLN51524 SPRA CUPA Staff Report to Planning Commission.pdf](#)
 1. [PLN51524 SPRA CUPA Site Plan.pdf](#)
 2. [PLN51524 SPRA CUPA Floor Plans.pdf](#)
 3. [PLN51524 SPRA CUPA Renderings and Sketches.pdf](#)
 4. [PLN51524 SPRA CUPA Planting Plan.pdf](#)
 5. [PLN51524 SPRA CUPA Parking Space Needs Validation.pdf](#)
 6. [PLN51524 SPRA CUPA Trip Generation Analysis from Transpo Group.pdf](#)
 7. [PLN51524 SPRA CUPA Traffic Impact Assessment Memo from Project Manager.pdf](#)
 8. [PLN51524 SPRA CUPA SEPA Checklist.pdf](#)
 9. [PLN51524 SPRA CUPA Issued MDNS and Adoption of Existing Document.pdf](#)
 10. [PLN51524 SPRA CUPA Design Review Board Review and Recommendation Minutes.pdf](#)
 - 4.b **8:00 PM - Ordinance No. 2020-05, Updating the City's Sign Code** 45 Minutes
Sign Code - Introduction - PowerPoint
Staff Memo - Sign Code Matrix and Q&A (2-13-20 PCM)
Ordinance No. 2020-05, Updating The City's Sign Code - Chapter 15.08 BIMC - for 2-13-20 PCM

5. OLD BUSINESS - 8:55 PM

5.a 8:55 PM - ADU Subcommittee Report 30 Minutes

6. PLANNING DIRECTOR'S REPORT - 9:25 PM

6.a 9:25 PM - Puget Sound Regional Council Vision 2050 Update. 5 Minutes
PC Staff Memo on PSRC Vision 2050 Plan.docx

7. ADJOURNMENT - 9:30 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 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 or mail it to Planning and Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 13, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: 7:05 PM - November 14, 2019 - Public Participation Meeting Minutes

AGENDA CATEGORY: Minutes

PROPOSED BY: Jane Rasely

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

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:
Review and approve minutes.

SUMMARY:

BACKGROUND:

ATTACHMENTS:



CITY OF
BAINBRIDGE ISLAND

Planning Commission Public Participation Meeting November 14, 2019

Meeting Minutes

1) **CALL TO ORDER/ROLL CALL**

2) **PLANNING COMMISSION MEETING MINUTES**

2.A October 24, 2019 - Public Participation Meeting Minutes

[Cover Page](#)

[PLANNING COMMISSION MINUTES draft 102419.docx](#)

MOTION: I'll move we accept the minutes.

Doman/Par: Motion carried 5 - 0

AYES: Don Doman, Kim McCormick-Osmond, Joe Paar, Mack Pearl, Jon Quitslund

NOES: None

ABSENT: None

ABSTAIN: William Chester

3) **PUBLIC PARTICIPATION MEETING**

3.A Urban Storage

[Cover Page](#)

[UrbanStorageBainbridge_PCE Exhibits_20191016.pdf](#)

3.B 424 Winslow Way Public Participation Meeting

[Cover Page](#)

[PRE51577 Site Plan.pdf](#)

[PRE51577 Site Sections.pdf](#)

[PRE51577 Survey.pdf](#)

[PRE51577 DRB Design Guidance Materials.pdf](#)

4) **PUBLIC COMMENT**

None.

NEW BUSINESS (Added to agenda)

Commissioner McCormick Osmond presented her draft rationale points as an example of what the Planning Commission could submit with their recommendations.

5) FUTURE PLANNING COMMISSION AGENDAS

Planning Manager David Greetham provided updates from City Council and the project schedule.

6) ADJOURNMENT

Meeting was adjourned at 8:39 PM.

Chair, William Chester

Jane Rasely, Administrative Specialist



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 13, 2020

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: 7:15 PM - Police & Court Facility Major Adjustment to Site Plan Review and Conditional Use Permit (PLN51524 SPRA CUPA)

AGENDA CATEGORY: Review and Recommendation

PROPOSED BY: Ellen Fairleigh

PREVIOUS PLANNING COMMISSION REVIEW DATE(S): N/A

PREVIOUS COUCIL REVIEW DATE(S): N/A

RECOMMENDED MOTION:
Review and Recommendation

BIMC 2.16.110.E.3 Review and Recommendation by Planning Commission:

- a. In the case of a major conditional use permit application, the planning commission shall review the application prior to the review and final decision by the director.
- b. The purpose of the planning commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Title 17, and the comprehensive plan.
- c. The planning commission shall consider the application at a public meeting where public comments will be taken. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the design review board. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied.
- d. The design review board's recommendation shall hold substantial weight in the consideration of the application by the planning commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.
- e. The planning commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the planning commission and design review board, to the staff planner. The planning commission's written findings will be included in the staff report transmitted to the director.
- f. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

SUMMARY:

BIMC 2.16.110 and BIMC 2.16.040 requires that the Planning Commission review the application prior to recommendation by the Director of Planning and Community Development. The Hearing Examiner is the final decision maker.

BACKGROUND: Planning Commission Review and Recommendation for the proposed Police and Court facility at 8804 Madison Avenue N. The change of use requires a Major Adjustment to the Site Plan Review (SPR) and Conditional Use Permit (CUP).

The Staff Report and exhibits can be found on the public portal under the Note titled Staff Report and Exhibits to Planning Commission using this link:

https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/7b8935c8-c31b-4735-bf58-aae10159eb1d?_conv=1

ATTACHMENTS:



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

CITY POLICE AND COURT FACILITY
FILE #: PLN51524 SPRA/CUPA

Prepared by: Ellen Fairleigh, Planner

Date: February 6, 2020

Request: Site Plan and Design Review Major Adjustment (SPRA) - PLN51524 SPRA
Conditional Use Permit Major Adjustment (CUPA) - PLN51524 CUPA

Applicant: City of Bainbridge Island (COBI)

Location: 8804 Madison Avenue North

Tax Parcel: 232502-3-083-2002

Part I: Description of Proposal and Process

- 1. Description of Proposal:** The proposal is to convert an existing health care facility to a governmental facility to house the City Police and Court departments. The project includes exterior changes to the façade of the existing building, a new suspended roof overhang on the south side of the building for covered impound storage, and a 484 square foot 2-story addition on the west side of the building.
- 2. History:** The parcel was originally developed as a phased project with the parcel to the west to construct a medical office complex on the subject parcel and an assisted living facility on the parcel to the west. The project received approval from the Hearing Examiner in 2008 (SPR/CUP 14430B). In 2012, a minor adjustment was approved to the SPR and CUP to continue as a phased plan (SPRA/CUPA 14430B). A second minor adjustment to the SPR and CUP was approved in 2013 to reduce the size of the medical facility, phase the construction, and change the configuration of the facility and parking (SPRA/CUPA 14430C). A special use review (SUR) was approved in 2014 to create an outfall pipe across a wetland buffer.
- 3. Land Use Review:** Pursuant to BIMC 2.16.040.H and BIMC 2.16.110.J, the proposal to convert a health care facility to a governmental facility changes the character of the use and requires a major adjustment to both the SPR and CUP.

- 4. Environmental Review:** The project is subject to State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11-800) due to the scope of work and the change in use. On February 5, 2020, the City, acting as lead agency, issued a Mitigated Determination of Nonsignificance and Adoption of Existing Document having found that the mitigation measures previously approved as part of the 2013 Harrison Medical Center minor adjustment (SPRA/CUPA 14430C) adequately address potential impacts from this proposal.
- 5. Moratorium:** On January 9, 2018 the City Council passed Ordinance No. 2018-02, declaring a temporary moratorium on the acceptance of certain development applications, with specified exclusions. "Government facilities" are specifically excluded from the moratorium.
- 6. Design Review Board (DRB) Process:** The project received a waiver from the DRB Conceptual Proposal Review Meeting and completed the Design Guidance Review Meeting on June 3, 2019. At the Final Review and Recommendation Meeting on December 2, 2019 the project, as conditioned, was found to be consistent with the standards in *Design for Bainbridge*. The Design Review Board recommends approval.
- 7. Planning Commission Process:** As provided in BIMC 2.16.040 and 2.16.110, the Planning Commission shall review the application prior to recommendation by the Department of Planning and Community Development Director. The Commission shall review the application based on the Design Review Board recommendation and the decision criteria, consider the application at a public meeting where public comments will be taken, and forward its recommendation to the Director.
- 8. Consolidated Review Process:** Through the Master Land Use Application, the applicant requested consolidated permit review of the Site Plan and Design Review Major Adjustment (SPRA) and Major Conditional Use Permit Major Adjustment (CUPA) in accordance with BIMC 2.16.170. A consolidated project permit application shall follow the application and notice procedure that results in the most extensive review and decision process.
- 9. Decision Process:** Pursuant to BIMC 2.16.110.E, the Director shall review the application materials, staff report, and the recommendations of the Planning Commission and shall prepare a report to the Hearing Examiner recommending approval, approval with conditions, or disapproval of the application. The Planning Commission's recommendation shall hold substantial weight in the consideration of the application by the Director. Any deviation from that recommendation shall be documented in the Director's report. The Hearing Examiner shall consider the application materials and the Director's recommendation at a public hearing. The Hearing Examiner shall make compliance with the recommendations of the Planning Commission a condition of approval, unless the Hearing Examiner concludes that the recommendations: 1) Reflect inconsistent application of design guidelines or any applicable provisions of this code; 2) Exceed the authority of the Design Review Board or Planning Commission; 3) Conflict with SEPA conditions or other regulatory requirements applicable to the project; or 4) Conflict with requirements of local, state, or federal law.
- 10. Appeal Process:** Pursuant to BIMC 2.16.020.R.2, the decision of the Hearing Examiner shall be final unless, within 21 days after issuance of a decision, a person with standing appeals the decision in accordance with Chapter 36.70 RCW or its successor.

Figure 1 – Proposed Site Plan

The proposed addition and suspended roof overhang are indicated in blue.

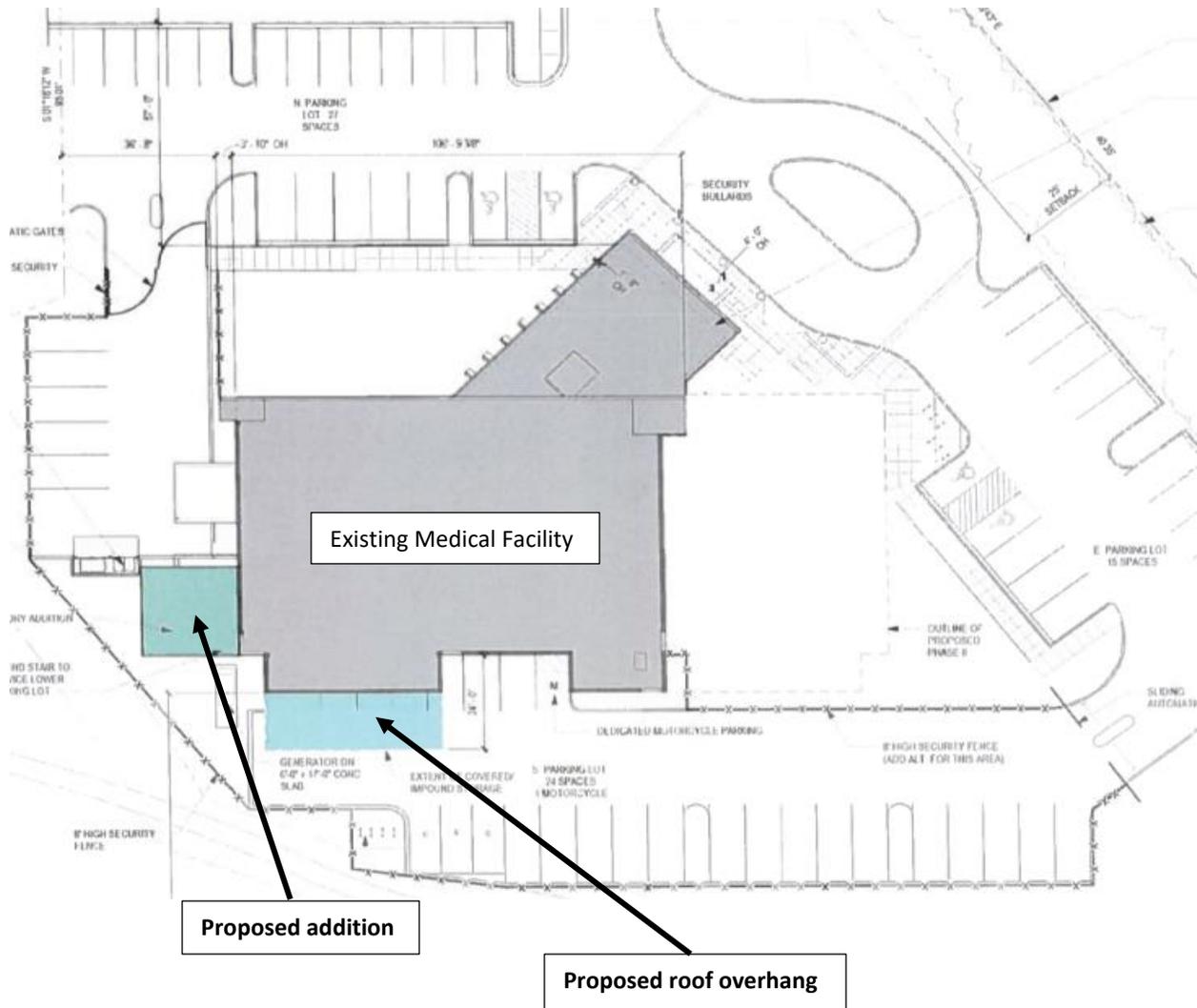
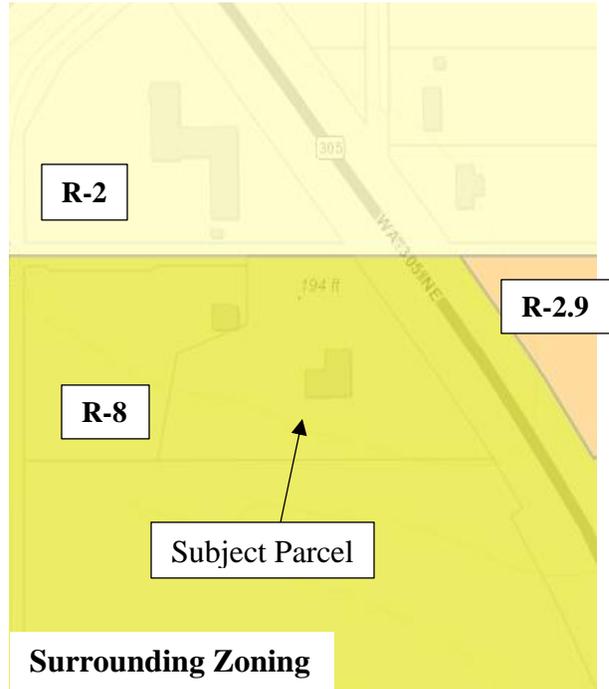


Figure 2 – Vicinity Map, Surrounding Zoning, and Project Site



Part II: General Information and Site Characteristics

Basic Information	
Zoning District	R-8 (8 units per acre)
Gross Site Area	3.02 acres
Soils and Terrain	Soils consist primarily of Kapowsin gravelly ashy loam and Kitsap silt loam and slopes between 15 to 40%
Critical Areas	There is a Type F stream buffer, a wetland and associated buffer, and an erosion hazard area on the south side of the subject parcel. There are also some mapped areas of 15-39% slopes and a small area of 40% or greater slopes near the southern edge of the developed parking lot.
Existing Development	The subject parcel is currently developed with a health care facility and associated parking.
Access	The subject parcel is currently accessed from Madison Avenue N. No change to the access is proposed.
Public Services and Utilities	
Police	City of Bainbridge Island Police Department
Fire	Bainbridge Island Fire District
Schools	Bainbridge Island School District
Water	COBI Water Service Area
Sewer	COBI Sewer Service Area
Storm Drainage	Raingardens and outfall fed by an onsite detention vault

Part III: Application Background

Date & Action	Summary
<i>June 3, 2019</i> Design Guidance Review Meeting	The Conceptual Proposal Review Meeting was waived by the Director as provided for in the BIMC. The Design Review Board discussed the project’s consistency with the Comprehensive Plan. The Design Review Board invited, but did not require, the applicant to come back with specific materials before final review and recommendation by the Design Review Board.
<i>September 5, 2019</i> Public Participation Meeting	Comments and concerns were mainly related to traffic and associated impacts.
<i>August 20, 2019</i> Pre-Application Conference	Permit process and requirements were discussed between the applicant and staff.
<i>October 9, 2019</i> Application Submitted	Major Adjustment to Site Plan Review and Major Conditional Use Application.
<i>November 6, 2019</i> Determination of Completeness	Application was deemed complete.

December 2, 2019 Final Design Review Board Review and Recommendation	The Design Review Board determined that standards P6 and Larger Sites S1 are not applicable. The project is not proposing any departures from the design standards. The Design Review Board recommended approval.
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Part IV: Comprehensive Plan Goals and Policies

The Comprehensive Plan designation for the site is Urban Multi-Family R-8. The guiding principles, goals and policies of the Comprehensive Plan, along with implementing regulations in the Municipal Code, are used to evaluate the proposal and weigh the project benefits and impacts. The following land use Comprehensive Plan goals and policies apply to the development proposal:

Elements	Goals and Policies	City Analysis
Economic Element	<p>Diversified Economy – Goal EC-1: By providing enterprises that both serve and employ local residents, Bainbridge Island will be better able to withstand fluctuations in the larger regional economy. In addition, people who live and work in their community are available to invest time and money in their families, organizations, and community life. A key to a healthy, stable and vital economy is to create and undertake business opportunities that anticipate and respond to conditions that affect our community. This would include identifying emerging needs and markets so that Bainbridge Island businesses benefit from being on the leading edge of change.</p>	<p>The proposed location of the Police and Court facility will allow for the co-location of two vital City departments in a location that meets the short and long-term needs of the departments and the City. The current Police facility is undersized and outdated. The proposed facility provides the needed space for both departments and will allow for potential future expansion. The Police and Court facility will serve local residents.</p>
	<p>Diversified Economy – Policy EC-1.5: In order to provide opportunities for business enterprise, adequate space must be provided for efficient use of existing developed areas near public transportation (e.g. ferry, bus service) and for growth that recognizes and protects the Island’s valued natural amenities, its limits of land and water and the quality of its residential neighborhoods.</p>	<p>The proposed location of the Police and Court facility is in a developed area, in an existing building, near bus stops. There are existing bus stops in the vicinity of the subject parcel along SR 305 and flag stops near the access of the site on Madison Avenue N.</p>
	<p>Sustainability – Policy EC-3.1: Encourage the use of green building materials and techniques in all types of construction, as well as design approaches that are responsive to changing conditions.</p>	<p>The proposed Police and Court facility will be located in an existing building. The City’s <i>Design for Bainbridge</i> manual encourages the re-use of existing buildings and states that the most sustainable buildings are those that</p>

		already exist. This is because reusing an existing building will have less impact on the environment than building a new one.
	Sustainability – Policy EC-3.4: Encourage public sector solid waste reduction, reuse and recycling.	City facilities participate in a comprehensive recycling program. The proposed Police and Court facility will reuse a building previously occupied by a medical clinic.
Environmental Element	Environment – Goal EN-1: Preserve and enhance Bainbridge Island’s natural systems, natural beauty and environmental quality.	The proposed project does not require any clearing and only limited soil disturbance. The existing critical area buffers on the subject parcel were previously established via installation of a split rail fence and the proposed addition does not encroach into the critical areas.
	Environment – Goal EN-2: Encourage sustainability in City Government operations.	In response to the design standards and guidelines as part of the Design Review Board review, the applicant responded that sustainable principles will be maintained through an energy efficient envelope, lighting controls, and HVAC zoning to account for occupied /unoccupied use as dictated by schedules.
	Fish and Wildlife – Policy EN-5.6: Protect wetlands and riparian areas.	Staff has determined that the proposed addition is separated from the critical areas by an existing developed area and there will be no further impacts to the critical areas.
Transportation Element	Operation and Mobility – Policy TR 6.1: Set street design guidelines which establish street widths, reflecting the desired vehicle speeds, accommodating bicycle, pedestrian, wheelchair, equestrian, and transit uses, and providing for emergency vehicle access and also considering community character.	The project is consistent with City of Bainbridge Island Design and Construction Standards and Specifications by requiring a 15’ right-of-way dedication along NE New Brooklyn Rd. to encompass the public sidewalk and align with the adjacent property immediately to the west. The existing pedestrian trail through the wetlands/wetlands buffer will continue to allow public access and shall be maintained by the applicant.

	State Route (SR) 305 – Policy TR 7.6: Support the construction of the STO and its branch trails.	The project is conditioned to consider future development of the Sound to Olympic (STO) Trail along the eastern edge of the subject property. Due to uncertainty in the final STO trail alignment connection in the SR305 ROW, construction of this segment of the STO is not a required frontage improvement at this time. The City is currently conducting a study of long-term non-motorized transportation requirements for Bainbridge Island which could change the alignment for the proposed STO. The City will program future capital improvement projects to complete any planned frontage improvements required by future non-motorized transportation plans.
Capital Facilities Element	Goal CF-1: The Capital Facilities Element and Capital Improvement Plan (CIP) provides the public facilities needed to support orderly compact urban growth, protect and support public and private investments, maximize use of existing facilities, promote economic development and redevelopment, increase public well-being and safety, and implement the Comprehensive Plan.	The project supports and implements the goals and policies of the Comprehensive Plan by re-using an existing building in a developed area without encroaching into critical areas or clearing and developing previously undisturbed land. The project proposes to co-locate two essential City departments in the vicinity of Bainbridge Island Fire Department Station 21, plans for future growth, and supports the effort of the Police and Court departments to further serve the residents of Bainbridge Island.
	Policy CF 2.1: When planning for public facilities, consider expected future land use activity.	The subject parcel has the potential to support a potential future addition to the current building, if needed.

Part V: Public Notice, Public Comments, and Agency Comments

1. Public Notice and Public Comments

Date & Action	Summary
<i>November 15, 2019</i> Notice of Application/SEPA Comment Period/Hearing Published	14-day comment period.
<i>November 29, 2019</i> End of Comment Period	No public comments received.

2. Agency Comments

Date & Agency	Summary of Comment
<i>October 17, 2019</i> Bainbridge Island Fire District (BIFD)	The Fire Marshal recommended approval and recommended conditions that are incorporated into this report.
<i>October 24, 2019</i> Kitsap Public Health District (KPHD)	KPHD had no comments.
<i>January 10, 2020</i> COBI Public Works - Engineering	The City’s Public Works Development Engineer recommended approval and recommended conditions that are incorporated into this report.

Part VI: Land Use Code Analysis

1. BIMC Title 16 Environment

a. BIMC 16.20 Critical Areas

i. BIMC 16.20.040.B Exemptions

Exemption	City Analysis
<p>Activities within a portion of a wetland buffer or fish and wildlife habitat conservation area buffer separated from the critical area by an existing permanent substantial development, use or activity which serves to eliminate or greatly reduce the impact of the proposed activity on the critical area are exempt from establishing the full required buffer width; provided, that impacts to the critical area do not increase.</p>	<p>According to previous critical area reports and the City’s GIS critical areas map, there is a Type F (fish-bearing) stream buffer and a wetland and associated buffer on the south side of the subject parcel.</p> <p>A 100-foot wetland buffer and an additional 15-foot building setback was approved during the review of the Madrona House Assisted Living facility and the subject parcel phased development project (SPR/CUP14430B). This buffer was carried forward for the minor adjustment to the approved SPR and CUP on the subject parcel for the development of Harrison Medical Center (SPRA/CUPA 14430C).</p> <p>During the previous review process the stream was classified as a non-fish bearing stream with a 50-foot buffer which was encapsulated within the established 100-foot wetland buffer. The stream was subsequently re-classified as a fish-bearing stream with an associated 200-foot buffer. The 200-foot buffer extends into the southerly area of the developed project.</p> <p>The proposal includes no expansion of the parking lot footprint but does include a 484 square foot two story addition on the west side of the building which includes enclosure of an existing exterior stairway attached to the southwest corner of the building for security purposes. That portion of the building occurs within what would be the outer portion of the stream and wetland buffer under current critical area standards.</p>

	<p>The existing critical area buffer was previously established via installation of a split rail fence, which separates the stream/wetland buffer from the existing developed site area. Mitigation measures to further protect the critical areas were required through previously approved SEPA conditions. These measures include the installation of a trail, protection of significant trees and wildlife habitat, and requiring that only motion sensor lighting be installed in the rear of the site to ensure that the buffer is not constantly illuminated through the night.</p> <p>The area between the building and the stream/wetland buffer was previously disturbed by the established development, which was completed in accordance with critical area standards at the time of the original site plan review(s). A site visit conducted by staff on September 12, 2019 found that there is a developed area consisting of a rock wall, existing lawn, and several stormwater catch basins between the proposed addition on the southwest side of the existing building and the stream and wetland buffers. These features occur in an established, mowed grassy area that creates a distinct topographic break between the building and the split rail fence located at the outer edge of the previously established buffer. The existing development in this area serves to separate the buffer from the proposed developed area.</p> <p>Staff has determined that the proposed addition is separated from the stream buffer and wetland and associated buffer by an existing developed area and the project is therefore exempt from critical area permit requirements for streams and wetlands in accordance with BIMC 16.20.040.B(1).</p>
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ii. BIMC 16.20.130 Geologically hazardous areas

Geologically Hazardous Areas	City Analysis
Geologically hazardous areas include erosion hazard areas	There is a mapped erosion hazard area on the subject parcel. No development is proposed to encroach into or substantially impact this area. Therefore, no further analysis or assessment is required.
The definition of "landslide hazard area" in BIMC 16.20.190 specifically excludes areas with a slope of 40 percent or greater with a vertical relief less than 10 feet.	There is a small area adjacent to the proposed addition that is mapped as a 40 percent or greater slope. Available information suggests that the slope is approximately 10 feet high and/or man-made and therefore not a landslide hazard area by definition. No further analysis is required.

2. BIMC Title 18 Zoning

a. BIMC 18.09 Use Regulations

Proposed Use	Definition
Governmental Facility (Conditional Use)	“Governmental Facility” means an institution operated by a federal, state, county, or city government, or special purpose districts.

b. BIMC 18.12 Dimensional Standards

Dimensional Standards	Required/Allowed	Existing/Proposed
Lot Coverage	25 percent	Current lot coverage is 12.5% (16,445 square feet). Less than 800 square feet of additional lot coverage is proposed. The project meets this requirement.
Front Yard Setback	25 feet	The subject parcel has two front yards along State Route 305 and NE New Brooklyn Road. No further expansion of the building footprint is proposed in these areas. The existing/proposed building meets this requirement.
Rear Setback	15 feet	N/A for this project. The subject parcel has two front yard setbacks and no rear setback. In accordance with BIMC 18.12.050.N., if a property has more than one front yard, then the rear setback does not apply.
Side Yard Setbacks	5 feet minimum, 15 feet total	The plans submitted indicate that the existing building, as well as the proposed addition on the western side of the building and the proposed roof overhang on the southern side of the building, meet this requirement.
Building Height	40 feet maximum for nonresidential uses if Conditional Use permit conditions are met.	The submitted plans indicate that the maximum height of the building, including the proposed addition, is approximately 36 feet from average existing grade. The building permit will also be reviewed for compliance with the maximum height requirement. The proposal meets this requirement.

c. BIMC 18.15 Development Standards and Guidelines

i. BIMC 18.15.010 – Landscaping, Screening, Tree Retention, Protection and Replacement

Landscaping Requirement	City Analysis
<p>Perimeter Landscape Buffer: 25-foot wide buffer to the residential zone (R-8) to the south</p> <p>Roadside Buffer: 25-foot wide partial</p>	In 2013, Harrison Medical Center was required to plant a 25-foot wide full screen landscape buffer along SR305 to provide mitigation for visual and lighting concerns. This was a more intense buffer than was prescribed by the BIMC at the time, which prescribed a 20-foot wide partial

<p>screen/15-foot minimum buffer along NE New Brooklyn Road and a 50-foot full screen/35-foot minimum landscape buffer along SR305</p> <p>Parking Lot Landscaping: Based on the location of parking lot and the number of parking spaces</p>	<p>landscape screen along rights-of-ways and roads. There is an existing parking lot within the area that would encompass the current standard 50-foot wide/35-foot minimum SR305 roadside buffer. Therefore, the eastern parking area is considered a nonconforming structure in accordance with BIMC 18.30.030. If the eastern parking lot is removed, a 50-foot full screen/35-foot minimum landscape buffer will be required to be installed along the property's SR305 frontage.</p> <p>In 2013, Harrison Medical Center was required to plant a 25-foot partial screen buffer along NE New Brooklyn Road. This buffer is consistent with current standards.</p> <p>The applicant is not proposing to remove any trees from the property as part of the redevelopment. The proposed redevelopment does not impact or alter existing landscape perimeter and roadside buffers. The landscape perimeter and roadside buffers will stay in their present form.</p> <p>No new parking spaces are required or proposed and therefore no new parking lot landscaping is required.</p> <p>Per the submitted Planting Plan, some vegetation will be removed from the north side of the building to allow access during construction. Existing vegetation will be replaced/replanted in substantial conformance with the submitted Planting Plan dated stamped received November 20, 2019 after construction. The project is conditioned to meet this requirement.</p>
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ii. BIMC 18.15.020 – Parking and Loading

Parking Requirements	Required/Allowed	Proposed
Off-Street Parking Spaces Required	For special cases not covered by the BIMC, parking requirements shall be established by the director. For determination by the director, the applicant shall supply (a) documentation regarding actual parking demand for the proposed use; or (b) technical studies prepared by a qualified professional relating to the parking need for the proposed use; or (c) required parking for the proposed use as	According to the submitted site plan, a total of 73 parking spaces are existing on site. There are no proposed changes to the current parking areas. The applicant provided a parking space needs validation breakdown based on staffing, shift changes, workspaces, and public spaces for the proposed Police and Court facility and an analysis based on a

	determined by other comparable jurisdictions.	trip generation analysis which was conducted on May 24 & 26, 2017. Both analyses demonstrate that the existing 73 parking spaces on-site are adequate to serve the proposed use. The project meets this requirement.
On-Street Parking	On-street parking created or designated in conjunction with and adjacent to a project may be included in the parking space calculation upon approval of the director.	Six of the 73 parking spaces existing on the subject parcel are on-street parking spaces along NE New Brooklyn Rd. The project meets this requirement.
Compact Vehicle Parking	Compact car spaces may total no more than 30 percent of the required number of spaces.	The project is allowed a maximum of 22 compact parking spaces. Currently, 16 of the 73 parking spaces are compact parking spaces. No changes are proposed. The project meets this requirement.
Electric Vehicle Charging Stations	At least one parking space near the entrance must be reserved and signed for use by a shared-car program or electric vehicle charging station.	One shared-car program or electric vehicle charging station is required. The project is conditioned to meet this requirement.

iii. BIMC 18.15.030 – Mobility and Access

Mobility Requirements	Required/Allowed	Proposed
Circulation and Walkways	Parking lots and driveways shall provide well-defined, safe and efficient circulation for motor vehicles, bicycles and pedestrians. Entrances from the right-of-way and the circulation pattern shall be defined by landscaped areas with raised curbs. Pedestrian walkways should be provided around buildings to assure safe access. Internal walkways shall be surfaced with nonskid hard surfaces, meet accessibility requirements and provide at least five feet of unobstructed width. Walkways that cross driving	No change to the existing circulation system for motor vehicles, bicycles or pedestrians is proposed. The subject parcel currently provides well-defined circulation for motor vehicles, bicycles, and pedestrians including landscaped areas with raised curbs and pedestrian walkways from parking lots to building access areas and between parking areas and sidewalks. A walkway that crosses the parking lot is maintained with

	lanes shall be constructed of contrasting materials or maintained painted markings. Walkways must be curbed and raised six inches above adjacent vehicular surface grade, except where the walkway crosses vehicular driving lanes or to meet accessibility standards.	painted markings. The project meets this requirement.
Bicycle Spaces	One bicycle space per five parking spaces with a minimum of four bicycle spaces.	There are currently 73 parking spaces and 15 bicycle spaces are required. Bicycle spaces are existing on site, and compliance will be verified prior to building permit approval. The proposal is conditioned to meet this requirement.

iv. BIMC 18.15.040 – Outdoor Lighting

Lighting Requirements	Required/Allowed	Proposed
Outdoor Lighting	Outdoor lighting shall comply with BIMC 18.15.04. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that there is no light trespass. Outdoor fixtures and accent lighting must be shielded and aimed downward.	The project is conditioned to comply with the outdoor lighting requirements. Additionally, a SEPA condition carried forward for this development requires that only motion sensor lighting be installed at the rear of the site to ensure that the critical area buffers are not constantly illuminated through the night.

Part VII: Decision Criteria

1. BIMC 2.16.040 Site Plan and Design Review

The director and planning commission shall base their respective recommendations or decisions on site plan and design review applications on the following criteria:

Decision Criteria	City Analysis
1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.S;	As conditioned, the site plan and design is in conformance with applicable code provisions in the Bainbridge Island Municipal Code (BIMC). This is not a housing design demonstration project.

<p>2. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan;</p>	<p>This public building provides an outdoor entry courtyard, landscape buffers, bicycle facilities, sidewalks, and a trail. The City Development Engineer determined that, as conditioned, the project is in conformance with the Island-Wide Transportation Plan.</p>
<p>3. The Kitsap County Health District has determined that the site plan and design meets the following decision criteria:</p> <ul style="list-style-type: none"> a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system. b. If the health district recommends approval of the application with respect to those items in subsection E.3.a of this section, the health district shall so advise the director. c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director; 	<p>The Kitsap Public Health District (KPHD) recommended approval. Approval of the building permit by KPHD is also required.</p>
<p>4. The city engineer has determined that the site plan and design meets the following decision criteria:</p> <ul style="list-style-type: none"> a. The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and b. The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and e. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the 	<p>The City Development Engineer determined that the site plan and design meet the applicable decision criteria and recommends approval subject to conditions to ensure conformance with drainage, water quality, and streets and pedestrian ways.</p> <p>The project is conditioned to require a 15-foot right of way dedication along the NE New Brooklyn Rd. frontage to align with the right of way of the adjacent property (Madrona Assisted Living).</p> <p>The City Development Engineer determined that an appropriate trip generation analysis has been provided that indicates the proposed use will result in a net decrease in trip generation from the previously approved use and does not reach the threshold required for the City Engineer to conduct a concurrency test. A certificate of concurrency is not required.</p>

<p>site, and the applicable service(s) can be made available at the site; and</p> <p>f. The site plan and design conforms to the “City of Bainbridge Island Design and Construction Standards,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 18.</p>	<p>The subject parcel is currently served by City water and sewer. A water and sewer availability application is required at the time of building permit application if any plumbing is added or changed during construction of the Police and Court Facility.</p>
<p>5. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18, unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.S;</p>	<p>At their December 2, 2019 meeting, the Design Review Board found that the project as proposed is consistent with the design standards in the <i>Design for Bainbridge</i> manual, with the exception of two standards which were found to be not applicable. The Design Review Board recommended approval.</p>
<p>6. No harmful or unhealthful conditions are likely to result from the proposed site plan;</p>	<p>This staff report identifies the regulations and provides reviewer comments regarding public health, safety and welfare, and public use and interest. As conditioned, no harmful or unhealthful conditions are likely to result from the proposed development</p>
<p>7. The site plan and design is in conformance with the Bainbridge Island Comprehensive Plan and other applicable adopted community plans;</p>	<p>As conditioned, the proposed development is in conformance with the Bainbridge Island Comprehensive Plan.</p>
<p>8. Any property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;</p>	<p>Staff has determined that the proposed addition is separated from the stream buffer and wetland and associated buffer by an existing developed area and this project is therefore exempt from critical area permit requirements for streams and wetlands.</p>
<p>9. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter;</p>	<p>The property is not within shoreline jurisdiction.</p>
<p>10. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met;</p>	<p>Commercial development is not subject to the requirements in BIMC 17.20.020. The applicant is not requesting credits against dedications for park and recreation facilities.</p>
<p>11. The site plan and design has been prepared</p>	<p>The site plan and design has been prepared</p>

consistent with the purpose of the site design review process and open space goals.	consistent with the purpose of the site design review process pursuant to BIMC 2.16.040. The site plan and design ensures compliance with the adopted plans, policies, and ordinances of the City. The project was reviewed with respect to overall site design. The proposed change of use of the existing building including the proposed addition is compatible with the existing site. The site was initially designed in a logical, safe, and attractive manner. The proposal does not require dedication of open space.
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2. BIMC 2.16.110.F Major Conditional Use Permit

A conditional use may be approved or approved with conditions if:

Decision Criteria	City Analysis
a. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC 2.16.020.Q shall not result in denial of a conditional use permit for the project; and	As conditioned, the conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property. The Police and Court Facility will be located across the street from Bainbridge Island Fire Department Station 21. Other uses in the vicinity include a church and an assisted living facility. The critical areas on the south side of the subject parcel provide an ample buffer to residential uses to the south. This is not a housing design demonstration project.
b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and	As conditioned, the conditional use will be served by adequate public facilities including roads, water, fire, sewer, and storm drainage. The streets and pedestrian ways coordinate with existing streets and conform to the Island Wide Transportation Plan and the “City of Bainbridge Island Design and Construction Standards.” The property is currently served by City sewer and water. The Fire District reviewed the project and recommended approval with conditions.
c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and	As conditioned, the use will not be materially detrimental to uses or property in the vicinity of the subject property.
d. The conditional use is in accord with the comprehensive plan and other applicable	As conditioned, the proposed development is in conformance with the Bainbridge Island

<p>adopted community plans, including the Island-Wide Transportation Plan; and</p>	<p>Comprehensive Plan and the Island-Wide Transportation Plan. The project is conditioned to require a 15-foot right of way dedication along the NE New Brooklyn Rd. frontage. The existing pedestrian trail through the wetlands/wetland buffer will continue to allow for public access and shall be maintained by the applicant.</p>
<p>e. The conditional use complies with all other provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q; and</p>	<p>As conditioned, the conditional use complies with all other provisions of the BIMC. This is not a housing design demonstration project.</p>
<p>f. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property; and</p>	<p>As conditioned, all necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property. Review of the Environmental (SEPA) Checklist submitted by the applicant determined that previous mitigation measures adequately address potential impacts from this proposal. No comments on this proposal were received from SEPA agencies. Occasional siren noise may occur on site from emergency vehicles. A trip generation analysis submitted by the applicant demonstrated that there will be a net decrease in trip generation from the previously approved use. Expected traffic fits within the City's adopted level of service standards. As part of the 2013 approval for the previous use on the subject parcel (SPRA/CUPA14430C), traffic impacts from Harrison Medical Center were mitigated by a \$40,000 work order from the applicant to WSDOT for use by the state to make improvements in intersections along the SR305 corridor.</p>
<p>g. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A; and</p>	<p>As conditioned, noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A.</p>
<p>h. The vehicular, pedestrian, and bicycle circulation meets all applicable city standards, unless the city engineer has modified the requirements of BIMC 18.15.020.B.4 and B.5, allows alternate driveway and parking area surfaces, and confirmed that those surfaces meet city</p>	<p>As conditioned, pedestrian, and bicycle circulation meets all applicable city standards and the "City of Bainbridge Island Design and Construction Standards.</p>

<p>requirements for handling surface water and pollutants in accordance with Chapters 15.20 and 15.21 BIMC; and</p>	
<p>i. The city engineer has determined that the conditional use meets the following decision criteria:</p> <ul style="list-style-type: none"> i. The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and ii. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and v. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; and vi. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Development Standards Manual,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17. 	<p>The City Development Engineer determined that the site plan and design meet the applicable decision criteria and recommends approval subject to conditions to ensure conformance with drainage, water quality, and streets and pedestrian ways.</p> <p>The project is conditioned to require a 15-foot right of way dedication along the NE New Brooklyn Rd. frontage to align with the right of way of the adjacent property (Madrona Assisted Living).</p> <p>The City Development Engineer determined that an appropriate trip generation analysis has been provided that indicates the proposed use will result in a net decrease in trip generation from the previously approved use and does not reach the threshold required for the City Engineer to conduct a concurrency test. A certificate of concurrency is not required.</p> <p>The subject parcel is currently served by City water and sewer. A water and sewer availability application is required at the time of building permit application if any plumbing is added or changed during construction of the Police and Court Facility.</p>
<p>j. If a major conditional use is processed as a housing design demonstration project pursuant to BIMC 2.16.020.Q, the above criteria will be considered in conjunction with the purpose, goals, policies, and decision criteria of BIMC 2.16.020.Q.</p>	<p>The proposal is not being processed as a housing design demonstration project.</p>
<p>If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.</p>	<p>As conditioned the project meets the decision criteria.</p>

3. BIMC 2.16.110.G Additional Decision Criteria for Institutions in Residential Zones

Applications to locate any of those uses categorized as educational facilities, governmental facilities, religious facilities, health care facilities, cultural facilities, or clubs shall be processed as major conditional use permits and shall be required to meet the following:

Decision Criteria	City Analysis
a. All sites must front on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map.; and	The site fronts on State Route 305, which is classified as a primary arterial in the Island Wide Transportation Plan.
b. If the traffic study shows an impact on the level of service, those impacts have been mitigated as required by the city engineer.; and	The City Development Engineer has determined that an appropriate trip generation analysis has been provided that indicates the proposed use will result in a net decrease in trip generation from the previously approved use and does not reach the threshold required for the City Engineer to conduct a concurrency test. This proposal will not impact the City’s adopted level of service standards for transportation facilities.
c. If the application is located outside of Winslow study area, the project shall provide vegetated perimeter buffers in compliance with BIMC 18.15.010 .; and	The proposed redevelopment will not impact or alter existing previously approved landscape perimeter and roadside buffers.
d. The proposal meets the requirements in BIMC 18.18.030 ; and	At their December 2, 2019 meeting, the Design Review Board found that the project as proposed is consistent with the design standards in the <i>Design for Bainbridge</i> manual, with the exception of two standards which were found to be not applicable. The Design Review Board recommended approval.
e. The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area; and	The building is existing and compatible with the immediately surrounding area. The bulk, height, and architectural design features of the proposed addition is compatible with the existing building and the immediately surrounding area.
f. If the facility will have attendees and employees numbering fewer than 50 or an assembly seating area of less than 50, the director may waive any or all the above requirements in this subsection E, but may not waive those required elsewhere in the BIMC; and	The facility includes an assembly seating area (courtroom) that has a maximum seating capacity of 48 occupants. Under this provision, the director may waive these requirements. However, the project is in compliance with the above requirements.
g. Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located, except that	The maximum lot coverage in the R-8 zoning district is 25%. Under this provision, the maximum lot coverage for a governmental facility

<p>public schools and governmental facilities, as defined in BIMC Title 18, that are located in the R-0.4 zoning district shall be allowed 150 percent of the lot coverage established in the R-0.4 zoning district, and such public schools and governmental facilities located in other zoning districts shall be allowed 100 percent of the lot coverage established in the underlying zoning district in which the facility is located, unless, regardless of which zoning district such a facility is located, conditions are required to limit the lot coverage to mitigate impacts of the use.</p>	<p>is 25%. The proposed lot coverage is below this maximum.</p>
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Part VIII: Exhibits

1. PLN51524 SPRA CUPA Site Plan
2. PLN51524 SPRA CUPA Floor Plans
3. PLN51524 SPRA CUPA Renderings and Sketches
4. PLN51524 SPRA CUPA Planting Plan
5. PLN51524 SPRA CUPA Parking Space Needs Validation
6. PLN51524 SPRA CUPA Trip Generation Analysis from Transpo Group
7. PLN51524 SPRA CUPA Traffic Impact Assessment Memo from Project Manager
8. PLN51524 SPRA CUPA SEPA Checklist
9. PLN51524 SPRA CUPA Issued MDNS and Adoption of Existing Document
10. PLN51524 SPRA CUPA Design Review Board Review and Recommendation Minutes

Part IX: Recommended Conditions of Approval

This report includes the standards of review, relevant Municipal Code and Comprehensive Plan provisions and provisions of other permitting agencies. The staff report includes findings based on evidence in the record. The project file contains the official record and basis for findings, including technical information and documentation.

Appropriate notice of application and SEPA comment period was provided, and no comments were received. The application is properly before the Planning Commission for recommendation.

For continuity, all of the conditions from previously approved SPRs and CUPs have been carried forward, with any new conditions/modifications underlined and any revised or no longer applicable language struck through.

Should the Commission recommend approval, staff suggests that the following conditions be considered:

SEPA Conditions:

1. No clearing, grading or other construction activities shall occur until a building permit or site

development permit has been submitted by the applicant and approved by the city.

2. All graded materials removed from the development shall be hauled to and deposited at city approved locations.
3. To mitigate impacts on air quality during earth moving activities, contractors shall conform to Puget Sound Clean Air Agency Regulations, which ensure that reasonable precautions are taken to avoid dust emissions.
4. A Storm Water Pollution Prevention (SWPPP) for the proposed development shall be provided for city review and approval in accordance with BIMC Chapter 15.20. The plans must be approved, the improvements constructed (or a construction bond provided if applicable), and an acceptable final inspection obtained prior to issuance of Certificate of Occupancy. The design submittal shall incorporate all proposed project improvements including complete civil plans, grading and erosion control plans, roadway plans and profiles, and storm drainage facilities and drainage report. These reports shall be prepared by a professional engineer currently licensed in the State of Washington. A construction Stormwater Permit (NPDES) will be required prior to construction approval in accordance with BIMC Section 15.20.030.B (4). More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wg/stormwwater/constrution/> or by contacting Charles Gilman at (360) 407-7451, email chgi461@ecy.wa.gov. This permit is required prior to any construction activities.
- ~~5. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection report to verify that the facilities are installed in accordance with the design documents and the actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Public Works Engineering.~~
- ~~6. An easement to COBI for access and maintenance of the proposed public stormwater facilities will be required prior to issuance of the Certificate of Occupancy.~~
7. The applicant's engineer shall provide specific erosion and sedimentation control design measures as part of the SWPP to protect the public stormwater infiltration facilities during construction of the development.
- ~~8. To the satisfaction of the Public Works Department, the applicant shall improve the roadway section for New Brooklyn Road to provide a minimum 18-foot wide paved driving surface, with appropriate storm drainage facilities per COBI Design Standards. The roadway shall be built to COBI Design standards, including curb, gutter, and sidewalk along the property's north frontage.~~
- ~~9. To the satisfaction of the Public Works Department, the applicant shall improve the property's Madison Avenue frontage with curb, gutter, and sidewalk per COBI Design~~

Standards.

- ~~10. To mitigate anticipated traffic impacts, to the satisfaction of the Public Works Department, the applicant shall construct a right turn lane on the south leg of Madison Avenue in accordance with the technical appendix diagram submitted in the Island Medical Traffic Impact Analysis date stamped received April 1, 2008 by the Department of Planning and Community Development unless an alternative plan is recommended for approval by the Washington State Department of Transportation and approved by the City's Development Engineer.~~
11. In order to provide recreation and access to the adjacent open space to the south, a trail network, consisting of four to six foot wide trails, shall be developed and maintained by the applicant within wetlands/wetland buffer in the southern portion of the site. The network shall extend from the Madison Avenue to the east, towards State Route 305, and terminate at the southern property line. A public access easement shall be granted over the trail network.
- ~~12. Within the wetlands/wetland buffer unless approved under a subsequent permit, removal of vegetation shall be limited to development of a trail network. No soil disturbance shall occur outside of the six foot wide trail construction corridor. The trails shall be "field-fit" between or around existing trees, so that significant tree removal shall be avoided. Limbs and branches up to nine feet over the trail and within one foot of the trail edges shall be removed. The four to six foot wide trail shall be constructed with a four inch layer of crushed 3/4 inch gravel over a geotextile mat barrier. All pedestrian improvements shall be installed prior to the issuance of the Certificate of Occupancy.~~
- ~~13. Prior to final plat submittal, an Operations and Maintenance Plan and Declaration of Covenant for all constructed stormwater facilities shall be provided for city review and approval in accordance with BIMC Chapter 15.21.~~
- ~~14. A minimum two-year maintenance bond period for the stormwater facilities is required prior to issuance of the Certificate of Occupancy. The maintenance period will begin after final construction acceptance of the improvements and shall run for a minimum period of two years. Regular maintenance of the stormwater system is required during this period. Documentation of maintenance shall be provided to the city on an annual basis.~~
15. In accordance with BIMC Chapter ~~18.85.060 (C)~~ 18.15.010 and to discourage the removal of wildlife habitat, significant trees that are removed from designated protection areas without prior City approval will be replaced with new trees as follows: New trees measuring 1.5 inches in caliper if deciduous and four to six feet high if evergreen, at a replacement rate of 1.5 inches diameter for every one-inch diameter of the removed significant tree or trees within a tree stand. The replacement rate determines the number of replacement trees. The

tree removed shall be replaced with trees of the same type, evergreen or deciduous. The replacement trees shall also be replaced in the same general location as the trees removed.

16. Any non-exempt tree harvesting shall require the appropriate Forest Practices Permit from the Department of Natural Resources. The conditions of the Island Medical Conditional Use Permit, Case No. CUP 14430B, shall become conditions of the Forest Practices Permit.
17. On-site mobile fueling from temporary tanks is prohibited unless the applicant provides and is granted approval for a Permit and Best Management Plan that addresses proposed location, duration, containment, training, vandalism and cleanup. (Reference 1. Uniform Fire Code 7904.5.4.2.7 and 2. Department of Ecology, Stormwater Management Manual, August 201, see Volume IV "Source Control BIMPs for Mobile Fueling of Vehicles and Heavy Equipment" .) (Chapter 173-304 WAC).
18. In order to mitigate any noise impacts, all construction activities must comply with BIMC Section ~~15.15.025~~ 16.16.025 Limitation of Construction Activities.
19. All lighting within the development shall comply with the City's Lighting Ordinance, BIMC Chapter ~~15.34~~ 18.15. Compliance will require exterior lighting to be shielded and directed downward.
20. Contractors are required to stop work and immediately notify the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation if any historical or archaeological artifacts are uncovered during excavation or construction.
21. To protect the wetland buffer, the applicant shall only install motion sensor lighting in the rear of the site to ensure that the buffer is not constantly illuminated through the night.

Project Conditions

22. Except as modified by conditions of approval, the project shall be constructed in substantial conformance with the site plans date stamped June 26, 2008 for the assisted living facility and ~~July 9, 2013 for the medical building~~ October 9, 2019 for the Police and Court facility.
23. Prior to submittal of any building permit applications, the applicant shall contact planning staff to schedule a pre-submittal meeting to review the necessary components for a complete building permit application. In addition, with the building permit application submittal, the applicant shall attach a narrative detailing how each condition of approval is addressed by the building plans.
24. To verify that the buildings comply with the ~~35-foot~~ 40-foot height limit, the site plans submitted as part of the building permit shall contain existing contours overlain with the

building footprints. The submitted material shall include surveyed benchmark information to verify the actual height during construction.

25. Prior to any clearing and/or construction activities, fencing delineating the northern boundary of the wetland buffer shall be installed by the applicant and inspected by planning staff. ~~Upon completion of construction and prior to issuance of the Certificate of Occupancy, the construction fencing shall be replaced with split-rail fencing and signage. The signs shall inform readers of the boundary and its significance.~~ Any disturbed buffer setback area shall be re-planted with native vegetation upon completion of construction and prior to issuance of the building's Certificate of Occupancy.
26. Any required landscaping shall be installed prior to the issuance of a temporary certificate of occupancy for the project. ~~The project's state-licensed landscape architect, certified nursery professional, or certified landscaper shall submit a landscaping declaration to the department to verify installation in accordance with approved plans.~~ The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season if the director determines that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the city. The performance assurance device shall be for 150 percent of the cost of the work or improvements covered by the assurance device.
27. ~~The landscape plans submitted with the building permit shall depict the items listed in BIMC Chapter 18.85 including partial landscape screens along the site's Madison Avenue and New Brooklyn frontage with the following exceptions: a) within the 25-foot zoning setback along the parking lot adjoining New Brooklyn, a more intense screen, as stipulated in BIMC 18.85.070(E)(1)(b) shall be installed and b) within the 29-foot front setbacks along the assisted living facility, landscaping shall substantially conform to the plans date-stamped September 8, 2008. Along the sites' highway frontage, a full landscaping screen, as defined in BIMC 18.85.070(B) 1) shall be installed in the 25-foot zoning setback. All significant trees, as defined in BIMC 18.85.010 and located within the required perimeter landscape buffer areas, shall be retained and incorporated into the required landscape screen. All required landscaping shall be maintained and retained for the life of the project.~~
28. ~~As the code required New Brooklyn landscaping screens are located within areas shown as being developed with rain gardens, the applicant must demonstrate that the dual purposes, perimeter landscape screening and stormwater treatment faculty, are compatible. If not, the rain gardens would need to be relocated. Proof of compatibility or relocation of the raingardens shall be submitted as part of the building permit application.~~
29. ~~Prior to the issuance of the Certificate of Occupancy final inspection, the applicant shall secure the landscape maintenance assurance required by BIMC Section 18.85.090(D).~~
30. The service area, including trash and recycling enclosures, for the ~~medical office~~ Police and Court facility must be located as far away as possible from the assisted living facility and

shall be properly screened with fencing.

31. Prior to issuance of the Certificate of Occupancy, the applicant shall install bicycle racks or hangers supplying parking for at least 20 bicycles. Of those spaces, a portion shall be located near the front entrance of the ~~medical building~~ Police and Court facility.
32. ~~Civil construction plans for all roads, storm drainage facilities, sanitary sewer and water facilities, and appurtenances shall be prepared by a professional engineer and approved by the Public Works Department prior to issuance of a building permit. All civil improvement plans, reports, and computations shall be prepared by a civil engineer registered in the State of Washington and submitted with the application(s) for a construction permit (building, grading, right of way use, etc.) to the City for review and approval to construct of all necessary infrastructure and utilities serving the site. Certificate of occupancy will not be issued for new building until all civil improvements are completed.~~
33. All on-site stormwater facilities shall remain privately owned and maintained ~~that are specific to the Madrona House Assisted Living property. All on-site stormwater facilities that are specific to the Police and Court facility property shall be owned and maintained by the City.~~ Annual inspection and maintenance reports shall be provided to the City. ~~The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of the Certificate of Occupancy for this development, the person or persons holding title to the subject property for which the storm drainage facilities are required shall record a Declaration of Covenant that guarantees to the City that the system will be properly maintained. Wording must be included in the covenant that will allow the City to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This will be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should City crews be required to do the work, the owner will be billed the maximum amount allowed by law.~~
34. ~~The property owner shall dedicate, as right-of-way, 25 feet of property fronting along New Brooklyn as shown on the preliminary civil drawings date stamped June 2, 2009. In addition, a pedestrian easement shall be dedicated for the sidewalk along the proposed on-street parking along New Brooklyn to make them public throughways.~~
35. A right-of-way (ROW) construction permit will be required prior to any construction activities within the ROW. The ROW permit will be subject to conditions and ~~eeding~~ bonding requirements.
36. ~~The water and sanitary sewer facilities shall be designed in conformance with BIMC Title 13 and the City's adopted Design Standard and Specifications. The utilities plans submitted with building permit's civil drawings shall include profile and detail and shall demonstrate compatibility of the facilities with future street improvements currently proposed by the City. Specifications for water and sewer facilities include the following:~~

- ~~a. An eight inch diameter ductile iron class 52 water main shall be installed along the site's New Brooklyn frontage.~~
 - ~~b. A 15 foot wide easement for the on-site water main extension shall be provided from the right of way to the proposed buildings.~~
 - ~~c. An isolation valve shall be provided at the connection to the force main located in Madison Avenue.~~
- ~~37. Binding water and sewer service letters from the City's Public Works Department shall be submitted with the building permit application.~~
38. To the satisfaction of the Bainbridge Island Fire Department, the project shall meet all applicable requirements of the ~~2006~~ 2015 International Fire Code.
39. To the satisfaction of the Bainbridge Island Fire Department, fire sprinkler and fire alarm systems shall be installed throughout the buildings.
- ~~40. To the satisfaction of the Bainbridge Island Fire Department, the proposed hydrant in front of the assisted living facility shall be relocated to the west parking lot entrance, a fire hydrant must be installed at the east parking lot entrance, and the proposed hydrant in front of the medical office building shall be relocated to the entrance of the parking garage.~~
41. Building overhangs covering the main entrances shall provide at least 13' 6" of clearance.
42. The driving lanes within the project are considered fire lanes and shall be labeled as such to the satisfaction of the Bainbridge Island Fire Department.
- ~~43. To the satisfaction of the Kitsap County Health District, the applicant shall:~~
- ~~a. Abandon the site's existing septic tank per that agency's code~~
 - ~~b. Have the site's existing well decommissioned by a certified well driller.~~
 - ~~c. Apply for a sewer building clearance accompanied by a water and sewer availability letter from the water purveyor.~~
44. To the satisfaction of planning staff, all exterior building surfaces shall be sided with non-reflective materials.
45. To the satisfaction of the Washington Department of Transportation (WSDOT), the following provisions must be followed:
- a. WSDOT will only accept stormwater runoff from the project site that currently enters SR 305 right-of-way. Any proposal by the applicant to discharge stormwater runoff to the right-of-way either during construction or upon completion will require appropriate stormwater treatment in accordance with the WSDOT Highway Runoff Manual. If such discharge is proposed, a drainage plan must be reviewed and approved by WSDOT prior to any earth disturbance.
 - b. No excavation, grading, filling, landscaping or any other activity associated with

the proposal may occur within state right-of-way without prior approval by WSDOT.

- c. No lighting from the site may be directed towards the state highway and no glare from the completed project shall impact the state highway.
- d. No signs shall be placed in the highway right-of-way (unless otherwise approved).

~~46. The applicant shall coordinate with the Washington Department of transportation (WSDOT) to determine if signage can be added to the highway that indicates the location of the urgent care facility. The applicant shall coordinate with staff to ensure that said signage meets the sign code requirements of BIMC 15.18.~~

~~47. As most of the dining terrace is located within the building setback associated with the wetland buffer, it must be constructed with a pervious surface (wood decking, pavers, permeable concrete, etc) to the satisfaction of planning staff.~~

~~48. The mechanical units shall be screened from SR 305 and New Brooklyn. as indicated on the site plans submitted by the applicant on November 26, 2013. The mechanical units shall be inspected during the permit review and found to be screened prior to the issuance of occupancy.~~

~~49. Prior to directly discharging any stormwater into the wetland and/or its buffer, the applicant shall secure a Special Use Review permit from the City of Bainbridge Island.~~

50. At the time of building permit application, the applicant must indicate on the site plan which vegetation will be disturbed to gain access to the building during construction of the Police and Court facility. Any vegetation disturbance shall be re-planted prior to final on the building permit. A landscape plan must be submitted to and approved by the City prior to replanting.

51. At least one parking space near the entrance of the Police and Court facility must be reserved and signed for use by a shared-car program or electric vehicle charging station. This condition will be verified prior to final on the building permit.

52. Any portion of the security fence that is within a setback shall be a maximum of eight feet high. Within a setback, a fence may be screening up to six feet high with an additional two feet of nonscreening material for a total of eight feet. This condition will be verified at the time of building permit review.

53. 15' of Public Right of Way (ROW) shall be dedicated on the north frontage with NE New Brooklyn Road from the northwest property corner east until it meets the SR305 ROW, to align with the existing ROW of the adjacent property to the west (Madrona Assisted Living). This ROW dedication along the NE New Brooklyn Frontage shall be completed and recorded prior to the issuance of any construction permit (to include Building, ROW, and Grade and Fill) or no later than 12 months from the date of SPRA/CUPA approval, whichever occurs first.

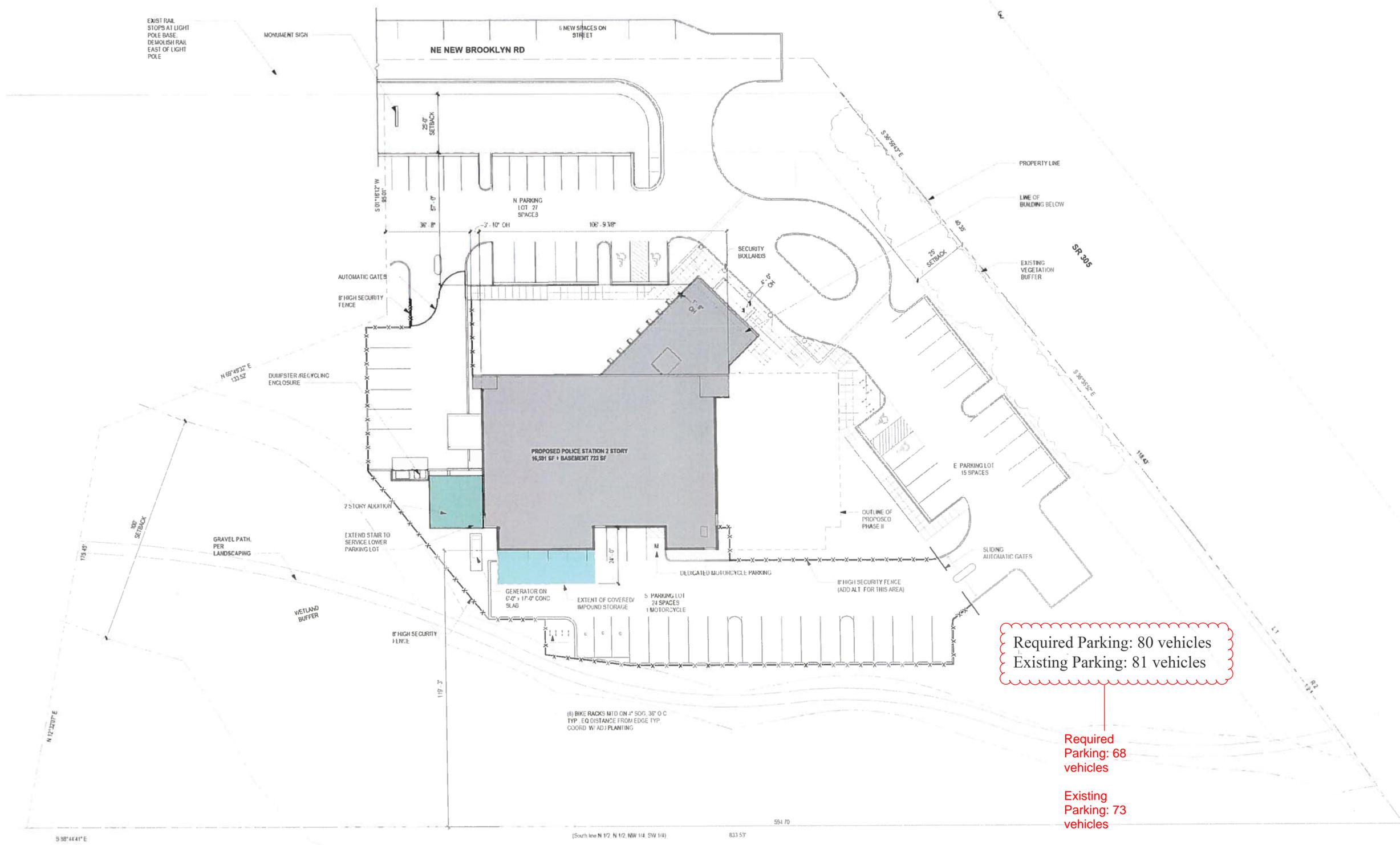
54. Due to uncertainty in the final Sound to Olympic (STO) Trail alignment/connection in the

SR305 ROW along the eastern edge of the subject property, construction of this segment of the STO shall not be a required frontage improvement. However, this project shall not result in any condition that would preclude the future construction of the STO trail along the eastern frontage with SR305.

55. An appropriate trip generation analysis has been provided that indicates the proposed use will result in a net decrease in trip generation from the previously approved use and does not reach the threshold required for the City Engineer to conduct a concurrency test. A certificate of concurrency shall not be required.
56. As proposed, project is eligible for a Site Assessment Review exemption based on the creation of less than 800 sf of new/replaced hard surfaces. This exemption shall be issued by COBI Development Engineering upon review of the building permit submittals.
57. Prior to building permit final inspections for certificate of occupancy, an updated Operation and Maintenance plan reflecting any changes in the storm drainage system shall be provided to City of Bainbridge Public Works Department (Operations and Maintenance) for use of the personnel responsible for the on-going maintenance of the storm drainage system.
58. Applicant shall provide updated Drainage Fixture Unit count and comparative analysis between existing and proposed conditions to ensure water service meter is appropriately sized for the new use.
59. Sanitary sewer connections shall be protected during construction. Prior to returning the sanitary sewer lateral connection to service, applicant shall demonstrate via video inspection or equivalent methods that the lateral is free of obstruction/debris and is in good working order.

Harrison Test Fit

Street Name and Number



Required Parking: 80 vehicles
 Existing Parking: 81 vehicles

Required Parking: 68 vehicles

Existing Parking: 73 vehicles

NOT FOR CONSTRUCTION

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Planning

07.01.2019

PROJECT DRAWN REVISIONS Author

1 | SITE PLAN
SCALE | 1" = 20'-0"

A1.00

ARCHITECTURAL SITE PLAN

11/2019 10:30 AM Harrison Test Fit.dwg















ISSUED FOR:

DATE:

ISSUE 0201 SITE REVISIONS 5.19.2014

CONSTRUCTION DOCUMENTS 1.10.2014

100% CD SET

HARRISON-BAINBRIDGE

**8804 MADISON AVE. N
BAINBRIDGE ISLAND,
WA 98110**



Planting Plan

L4.1

Existing planting in this area will be replaced in kind after construction. All other landscaping preexisting and preserved

Existing rain garden

25' setback

No landmark trees are within boundaries of property lines

Line of potential future addition

15' setback

100' wetland buffer

New Brooklyn Road

SR-305

Property line

Existing trail

Line of existing wetlands

PLANTING PLAN

SCALE: 1" = 20'-0"



Police Exterior Spaces

All Parking At Grade

City of Bainbridge Island, Washington

Police and Municipal Court Police - Space Needs Validation

- Site Summary 2 Story W/Out Firearms Range •

January 6, 2017

Coates Design Architects

McClaren, Wilson + Lawrie, Inc.

15

	Valid.		Valid.	Remarks
Secure Staff Parking (Day Shift)				
Police Administration	4	AUTO	1,400	
Police Records	3	AUTO	1,050	
Police Patrol				
• On-coming Take Home (future build-out)	4	FLEET	3,200	
• 1/2 build-out Shift Overlap	2	FLEET	1,600	
Detectives	3	AUTO	1,750	
Property Evidence	1	AUTO	350	
• Impound Spaces	6	AUTO	2,100	
• Bicycle Cage			200	
Municipal Courts Staff	8	AUTO	3,500	
Subtotal	31		15,150	
Vacation / Sick Factor (Deduction)	15%	-5	AUTO	-2,153
Secure (Motorcourt) Parking	26		12,998	Fenced Perimeter- Controlled Access
Total Secure Motorcourt Parking	26		12,998	
Allowance Current				
Police Multi-purpose rm.	19	AUTO	8,750	Assume shared rides
Courtroom	23	AUTO	8,750	Assume shared rides
Total Non-Secure Parking	42		17,500	
Subtotal	68		30,498	
Circulation Factor			1.4	
Subtotal: Parking and Circulation Area in SF			42,697	
Building footprints (2-story - w/out firearms range) Outdoor			15,303	
Break Area			800	
Controlled Motorcourt Entry and Exit Emergency Generator			2,000	
& Fuel Tanks			800	
Trash Dumpster Enclosure / Loading Area			200	
Subtotal: Site Area Need in SF			61,800	
Allowance - Setback	20%		9,765	25,30,15,15
Allowance - Surface Water Retention			12,360	
Allowance - Landscaping Area	10%		6,180	
Total Site Area Need (SF)			90,104	
Total Site Area Need (Acres)			2.07	

MEMORANDUM

Date:	May 8, 2019	TG:	17207.01
To:	Barry Loveless – City of Bainbridge Island		
From:	Stef Herzstein, PE, PTOE – Transpo Group Paul Sharman, PE – Transpo Group		
Subject:	Bainbridge Island Police & Courts Trip Generation Analysis		

The City of Bainbridge Island is evaluating relocating the City’s Police and Courts to 8804 Madison Avenue N. The existing land use at this site is medical office. The purpose of this memorandum is to provide an understanding of the Police and Court building weekday AM and PM peak hour trip generation and compare it to the existing medical office use. This analysis leverages the memorandum subject *Bainbridge Island Police & Courts Traffic Impact Assessment*, July 2017, which was completed for the City to evaluate the relocation of the Police and Court facility along NE New Brooklyn Rd. This memorandum also documents the transportation impact fee that may be required as part of this redevelopment.

Project Description

The City of Bainbridge Island is reviewing the feasibility of combining the Bainbridge Island Municipal Court and Police Station into one new building located at 8804 Madison Avenue N on the southwest corner of NE Casey Street (west side of NE New Brooklyn Road) and Madison Avenue NE. Figure 1 illustrates the project site and the surrounding vicinity. The proposed building would be 24,466 square-feet with 17,641 square-feet dedicated to police use and 6,825 square-feet dedicated to court use. Access would be via the existing driveway along Madison Avenue N.

City of Bainbridge Island

JUL 30 2019

Planning and
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Figure 1 - Site Vicinity



Trip Generation

The Institute of Transportation Engineers' *Trip Generation Manual*, 10th Edition is an industry publication that contains trip generation rates for various uses; however, there is no trip generation rates for courts and police stations. Project trip generation estimates were determined based on trip generation studies conducted at the existing Police and Court buildings on May 25, 2017 and documented in the memorandum subjected *Bainbridge Island Police & Courts Traffic Impact Assessment*, July 2017. The following provides the summary of trip generation documented in the July 2017 study.

The arrivals and departures for the existing facilities were collected during both the weekday AM and PM peak periods. Table 1 provides a summary of the existing trip generation that was observed for the Police and Court buildings. The trip generation rates were reviewed for the police and court house separately and for the two uses combined. Trip generation rates were based on the existing building size.

Table 1. Existing Police & Court Weekday Peak Hour Trip Generation

Existing Use	Size	Existing Total Trips ¹			% Distribution		Trip Rate ²
		In	Out	Total	In	Out	
AM Peak Hour							
Police Station	6,480 sf	1	1	2	50%	50%	0.31 trips/ksf
Court	2,300 sf	3	2	5	60%	40%	2.17 trips/ksf
Combined Uses	8,780 sf	4	3	7	57%	43%	0.80 trips/ksf
PM Peak Hour							
Police Station	6,480 sf	0	0	0	0%	0%	0 trips/ksf
Court	2,300 sf	0	2	2	0%	100%	0.87 trips/ksf
Combined Uses	8,780 sf	0	2	2	0	100%	0.23 trips/ksf

Note: sf = square-feet; ksf = 1,000 square-feet

1. Based on traffic data collected on May 25, 2017.

2. Trip Rate represents the number of vehicle trips per square foot.

As shown in Table 1, the existing sites generate a total of 7 AM trips, and 2 PM trips, with the court house generating most of the trips.

Travel characteristics to the relocated police and court facility are expected to be similar to those for the existing sites. The trip generation rate for the combined police and court use was utilized to determine the trip generation for the proposed relocated police and court facility since it results in a conservatively higher estimate. The estimated trip generation for the relocated police and court is shown in Table 2.

Table 2. Police & Court Relocation Estimated Weekday Peak Hour Trip Generation

Time Period	Proposed Size	Trip Rate ¹ per ksf	Project Trips ²		
			In	Out	Total
AM Peak Hour	24,466 sf	0.80	11	9	20
PM Peak Hour		0.23	0	6	6

Notes:

1. Based on the trip rate per square feet calculated for the existing police station and court sites.

2. Inbound and outbound trip distribution are based on the existing police station and court sites.

Based on the observed trip generation, the proposed building combination of a Police and Court is anticipated to generate 20 trips during the weekday AM peak hour and 6 trips during the weekday PM peak hour.

As described previously, the existing site has medical office use. Table 3 compares the proposed police and court building trip generation to the existing medical office use. The estimated trip generation for the medical office use is based on Institute of Transportation Engineers' *Trip Generation Manual*, 10th Edition.

Land Use	Size	Rate ¹	Project Trips		
			Total	In	Out
<i>AM Peak Hour</i>					
Proposed Police/Court Bldg	24,466 sf	0.80	20	11	9
Existing Medical Bldg (LU #720)	27,358 sf	2.78	76	59	17
Net New Total			-56	-48	-8
<i>PM Peak Hour</i>					
Proposed Police/Court Bldg	24,466 sf	0.23	6	0	6
Existing Medical Bldg (LU #720)	27,358 sf	3.53	95	27	68
Net New Total			-89	-27	-62

1. Trips rates from ITE *Trip Generation Manual*, 10th Edition and Existing Police & Court Site survey.

As shown in the table, it is anticipated that the proposed project would generate fewer trips than the existing medical office during both the weekday AM and PM peak hour.

Transportation Impact Fees

The proposed project is subject to City of Bainbridge Island transportation impact fees (TIFs). Bainbridge Island Municipal Code (BIMC) 15.30.200 provides the transportation impact fee rate schedule by land use. Police and court are not a land use category within the current rate schedule; however, the schedule shows an impact fee of \$1,632.47 per weekday PM peak hour trip. The BIMC also allows TIF credit for existing trips already generate at a proposed project site. The proposed project would not generate new weekday PM peak hour trips (see Table 3) when considering existing site trips generated by the medical office; therefore, no traffic impact fees would be required.

MEMORANDUM

Date: October 6, 2019

To: Paul Nylund, E.I.T., Development Engineer, Public Works

From: Barry Loveless, P.E. – Police and Municipal Court Project Manager

Subject: Bainbridge Island Police & Municipal Court Traffic Impact Assessment (PLN51524)

The City of Bainbridge Island is submitting a land-use application to complete a project that will combine the Bainbridge Island Municipal Court and Police Station into one existing building located at 8804 Madison Avenue N on the southwest corner of NE New Brooklyn Road and Madison Avenue NE. The proposed project would be 17,739 square-feet with 13,397 square-feet dedicated to police use, 4,069 square feet dedicated to court use, and 273 square feet of shared use. Access would be via the existing driveway along Madison Avenue N. The purpose of this memorandum is to respond to the comments provided in your pre-application summary letter dated September 10, 2019.

Project Description

The City of Bainbridge Island plans to purchase the existing medical building at 8804 Madison Avenue N, complete an extensive interior renovation, and construct an approximately 800 square feet addition to accommodate future occupancy by the Bainbridge Island Municipal Court and Police Station. The property purchase is under contract, and the applicant is in the process of applying for land-use permits.

Traffic Impact Analysis (TIA)

Your letter indicated the proposed project exceeds the threshold for the requirement to perform a concurrency test in accordance with City Code and directed the preparation of a TIA. Submitted with this memorandum are a TIA completed for a nearby site (NE New Brooklyn Rd) for the same project (Bainbridge Island Police & Courts Traffic Impact Assessment, July 2017), as well as a subsequent memorandum (Bainbridge Island Police & Courts Trip Generation Analysis, May 8, 2018) that leverages the information in the TIA and compares the proposed police and court building trip generation to the existing building's medical use. In addition, attached is the TIA prepared for the existing medical building (Island Medical Traffic Analysis, March 2008).

Study Area

The scope of the TIA for the NE New Brooklyn Road site was coordinated with City staff and due to the close proximity of the new site at 8804 Madison Avenue N, the study intersections evaluated are the same:

- State Route (SR) 305/Madison Avenue N
- Madison Avenue N/NE New Brooklyn Road
- Sportsman Club Road/NE New Brooklyn Road

City of Bainbridge Island

OCT 09 2019

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Trip Generation

The trip generation rate used in the memorandum Bainbridge Island Police and Courts Trip Generation Analysis, May 8, 2018, used incorrect floor areas for the existing building at 8804 Madison Avenue N. As stated in the opening paragraph of this memorandum, the proposed project would be 17,739 square-feet with 13,397 square-feet dedicated to police use, 4,069 square feet dedicated to court use, and 273 square feet of shared use. The estimated trip generation for the relocated police and court is shown in Table 1 using the project trip generation estimates based on trip generation studies conducted at the existing Police and Court buildings on May 25, 2017 and the correct square footage of the proposed facility at 8804 Madison Avenue N.

Table 1. Police & Court Relocation Estimated Weekday Peak Hour Trip Generation – 8804 Madison Ave. N.

Time Period	Proposed Size	Trip Rate ¹ per ksf	Total Trips		
			In	Out	Total
AM Peak Hour	17,739 sf	0.80	8	6	14
PM Peak Hour		0.23	0	4	4

Notes:

1. Based on trip rate per square feet calculated based on existing police station and court sites.

Based on the observed trip generation, the proposed building combination of a Police and Court at 8804 Madison Avenue N is anticipated to generate 14 trips during the weekday AM peak hour and 4 trips during the weekday PM peak hour.

As described previously, the existing site has medical office use. Table 3 compares the proposed police and court building trip generation to the existing medical office use. The estimated trip generation for the medical office use is based on Institute of Transportation Engineers' Trip Generation Manual, 10th Edition. The trip generation rate used in the memorandum Bainbridge Island Police and Courts Trip Generation Analysis, May 8, 2018, used incorrect floor areas for the existing building at 8804 Madison Avenue N., so those are corrected in Table 2 as well.

Table 2. Comparison of Estimated Weekday Peak Hour Trip Generation – 8804 Madison Ave. N.

Land Use	Size	Trip Rate ¹ per ksf	Total Trips		
			In	Out	Total
AM Peak Hour					
Proposed Police/Court Bldg.	17,739 sf	0.80	8	6	14
Existing Medical Bldg. (LU#720)	17,314 sf	2.78	<u>27</u>	<u>21</u>	<u>48</u>
Net New Total Trips			-19	-15	-34
PM Peak Hour					
Proposed Police/Court Bldg.	17,739 sf	0.23	0	4	4
Existing Medical Bldg. (LU#720)	17,314 sf	3.53	<u>26</u>	<u>35</u>	<u>61</u>
Net New Total Trips			-26	-31	-57

Notes: sf = square feet

1. Based on trip rate per square feet from ITE Manual, 10th Edition and Existing Police and Court Survey.

As shown in Table 2, it is anticipated the proposed Police and Court project would generate fewer trips than the existing medical building during both the weekday AM and PM peak hour.

Traffic Impact Analysis for Existing Medical Facility

TIA was performed the existing medical center (Island Medical Traffic Analysis, March 2008). The analysis assumed a medical center of 27,358 sf and an associated 50-unit congregate care facility. The congregate care facility is a separate parcel, so not part of this comparison with the proposed police and court building. The medical facility was constructed in phases with the overall facility planned to be 27,358 sf, but only the first phase was completed consisting of 17,314 sf. Therefore, the trip generation volumes in Table of the March 2008 TIA have been adjusted to reflect only the medical center square footage constructed and occupied. Table 3 below provides a comparison of the revised trip generation estimated for the original medical center and the proposed police and court facility.

Table 3. Comparison of Estimated Weekday Peak Hour Trip Generation – March 2008 Medical Center TIA

Land Use	Size	Trip Rate ¹ per ksf	Total Trips		
			In	Out	Total
AM Peak Hour					
Proposed Police/Court Bldg.	17,739 sf	0.80	8	6	14
Existing Medical Bldg. (LU#720)	17,314 sf	2.54	35	9	44
Net New Total Trips			-27	-3	-30
PM Peak Hour					
Proposed Police/Court Bldg.	17,739 sf	0.23	0	4	4
Existing Medical Bldg. (LU#720)	17,314 sf	3.81	18	48	66
Net New Total Trips			-18	-44	-62

Notes: sf = square feet

1. Based on trip rate per square feet from ITE Manual, 7th Edition and Existing Police and Court Survey.

As shown in Table 3, the proposed Police and Court project is projected to generate fewer trips than the existing medical building during both the weekday AM and PM peak hour.

Parking Analysis

The peak parking demand of the existing police station and court were also reviewed to understand if the potential parking supply of 73 spaces would be sufficient. The trip generation rate used in the memorandum Bainbridge Island Police and Courts Trip Generation Analysis, May 8, 2018, used incorrect floor areas for the existing building at 8804 Madison Avenue N. Parking counts were collected at the existing Police and Court buildings on May 24 and 26, 2017. The parking demand was measured during the midday time period when parking demand was expected to be the highest. Table 4 summarizes the parking demand observed during these observations.

Table 4. Existing Police & Court Parking Demand

	Size (sf)	Total Parking Demand Observed (vehicles)		Average Parking Demand (vehicles)	Parking Rate per ksf ¹
		May 24	May 26		
Police Station	6,480 sf	3	9	6	0.93
Court	2,300 sf	21	17	19	8.27
Combined Sites	8,780 sf	24	26	25	2.85

Notes: sf = square feet

1. Average parking rate per 1,000 square-feet.

The parking observations shown in Table 5 suggest a parking demand of 2.85 spaces per 1,000 square-feet for the combined facility. This results in a parking demand of 51 vehicles assuming a 17,739 square-foot site facility. The estimated parking demand is for the Police and Court is less than the currently available 73 spaces at the site. The reduced demand for parking in the proposed Police/Court facility compared to the existing medical use is another indicator of reduced traffic demand for the proposed new use.

Transportation Impact Fees

The proposed project is subject to City of Bainbridge Island transportation impact fees (TIFs). Bainbridge Island Municipal Code (BIMC) 15.30.200 provides the transportation impact fee rate schedule by land use. Police and court are not a land use category within the current rate schedule; however, the schedule shows an impact fee of \$1,632.47 per weekday PM peak hour trip. The BIMC also allows TIF credit for existing trips already generated at a proposed project site. The proposed project would not generate new weekday PM peak hour trips (see Table 2 and 3) when considering existing site trips generated by the medical office; therefore, no traffic impact fees would be required.

Summary of Key Findings

- The proposed police and court facility is projected to generate fewer vehicle trips than the existing medical building during both the weekday AM and PM peak hour; therefore no traffic mitigation measures would be required.
- The proposed police and court facility would not generate new weekday PM peak hour trips when considering existing site trips generated by the medical office; therefore, no traffic impact fees would be required.



PLEASE READ THE FOLLOWING CAREFULLY BEFORE FILLING OUT THE CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for non-project proposals:

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.
ONLY

FOR STAFF USE

A. background

1. Name of proposed project, if applicable: *Bainbridge Island Police and Court*

A

2. Name of applicant: *Robert Hutchinson, Architect. Coates Design Architects*

A

3. Address and phone number of applicant and contact person: *900 Winslow Way #210, Bainbridge Island WA., 98110 – Contact: Robert Hutchinson*

A

4. Date checklist prepared: *9/2/2019*

A

5. Agency requesting checklist: *City of Bainbridge Island*

A

6. Proposed timing or schedule (including phasing, if applicable): *Start of Construction – summer 2020.*

A- Land Use approval then Building permit approval

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. *No.*

A- Applicant has no immediate plans to do so

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. *None*

A

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. *No*

A

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.
ONLY

FOR STAFF USE

10. List any government approvals or permits that will be needed for your proposal, if known. *Site Plan Review (major adjustment), Conditional Use Permit (major adjustment), Demolition Permit, Building Permit, Mechanical and Plumbing Permits.*

A

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) *Remodel an existing medical office building of approximately 17,340 square feet, plus an addition of approximately 484 square feet. The City of Bainbridge Island Police and Municipal Court will be the new tenants.*

A

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. *8804 Madison Avenue North, Bainbridge Island Washington, 98110. The property lies south of New Brooklyn Road, west of SR 305, and east of Madison Avenue.*

A

**CITY OF BAINBRIDGE ISLAND
 ENVIRONMENTAL (SEPA) CHECKLIST
 B. ENVIRONMENTAL ELEMENTS**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.
 ONLY

FOR STAFF USE

1. Earth

a. General description of the site
 (circle one): Flat, rolling, hilly, steep slopes, mountainous,
 other _____

A

b. What is the steepest slope on the site (approximate percent slope)? Approximately 30%.

A- With small areas of 40% or greater mapped slopes.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. Sandy loam.

A- mapped as Sandy loam with small area of silt loam on southern portion of site.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. None that are known.

A- There is a mapped erosion hazard area on southern portion of site.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. Minor excavation to construct the 484 square foot addition will occur.

A

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. Very minor erosion could occur. Erosion control measure will be implemented.

A

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? Buildings will be less than 12%, Parking hardscape is unchanged from current condition.,

A

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.
ONLY

FOR STAFF USE

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: Erosion control plan and BMP's.

A

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. General emissions that are customarily part of a standard construction project.

A

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. None known at this time.

A

c. Proposed measures to reduce or control emissions or other impacts to air, if any: Standard emission control measures.

A

3. Water

a. Surface Water: _

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. There are wetlands located to the south of the property on the adjoining parcel.

A - A Type-F Stream buffer encroaches onto southern portion of property. Stream is located on adjacent properties 60

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2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
Yes. See attached site plan.

A

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. None.

A

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No.

A

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. No.

A

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No.

A

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b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. *No.*

A

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. *None*

A

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. *Runoff will be handled by current detention facilities in place.*

A

2) Could waste materials enter ground or surface waters? If so, generally describe. *No.*

A

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3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. **No**

A

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: **Current detention facilities will be utilized.**

A

4. Plants

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

A

b. What kind and amount of vegetation will be removed or altered? **None**

A

c. List threatened and endangered species known to be on or near the site. **None**

A

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d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: *See existing conditions landscape plan.*

A

e. List all noxious weeds and invasive species known to be on or near the site. *None*

A

5. Animals

a. List any birds and other animals which have been observed, or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other :

A

Songbirds and deer.

b. List any threatened and endangered species known to be on or near the site

None

A

c. Is the site part of a migration route? If so, explain. *No.*

A

d. Proposed measures to preserve or enhance wildlife, if any: *None*

A

e. List any invasive animal species known to be on or near the site. *None*

A

f.

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6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc *Electricity for normal power, diesel for generator.*

A

b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe. *No.*

A

c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any: *As required by the IECC and Washington State Commercial Energy Code.*

A

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. *No.*

A

1) Describe any known or possible contamination at the site from present or past uses. *None.*

A

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the

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vicinity. *None.*

A

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. *None.*

A

4) Describe special emergency services that might be required. *None.*

A

5) Proposed measures to reduce or control environmental health hazards, if any: *None.*

A

b. Noise

What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? *Traffic noise from SR 305 and Madison Avenue NE. Also, noise from emergency airlift at the fire station across Madison. After occupancy by the Police, occasional siren noise from emergency vehicles may occur at the site. In accordance with WAC 173-60-050(4)(f) sounds created by emergency equipment necessary in the interests of law enforcement are exempt from environmental noise limits. COBI has adopted this WAC under BIMC 16.16.020 Maximum environmental noise levels.*

A

1) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. *Short term construction noise, weekdays from 9:00 am to 5:00 pm.*

m

2) Proposed measures to reduce or control noise impacts, if any: *Full compliance with City noise ordinance.*

A

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. *North of the property is a church, and to the west is a nursing home. East is SR 30, and south across the ravine is multi-family housing,*

A - SR 305

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b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non-forest use? No.

A

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: No.

A

c. Describe any structures on the site. Existing 2 story medical office building, approximately 17,400 square feet in size.

A

d. Will any structures be demolished? If so, what? No.

A

e. What is the current zoning classification of the site? R-8.

A

f. What is the current comprehensive plan designation of the site? UMF.

A

g. If applicable, what is the current shoreline master program designation of the site? N/A.

A

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h. Has any part of the site been classified as a critical area by the city or county? If so, specify. *Yes. The southern most portion of the site..*

A-

i. Approximately how many people would reside or work in the completed project? *45*

A

j. Approximately how many people would the completed project displace? *None*

A

k. Proposed measures to avoid or reduce displacement impacts, if any: *N/A.*

A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: *Conditional Use Permit and Site Plan Review process.*

A

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: *N/A*

A

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. *N/A*

A

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *N/A*

A

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c. Proposed measures to reduce or control housing impacts, if any: *N/A*

A

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? *Two story structure with daylight basement. Metal siding will be the primary building skin.*

A - Height unchanged. 40ft max height if CU conditions met

b. What views in the immediate vicinity would be altered or obstructed? *None.*

A

c. Proposed measures to reduce or control aesthetic impacts, if any: *None.*

A

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *Light produced will be typical for an office building and parking.*

A

b. Could light or glare from the finished project be a safety hazard or interfere with views? *No.*

A

c. What existing off-site sources of light or glare may affect your proposal? *None.*

A

d. Proposed measures to reduce or control light and glare impacts, if any: *N/A*

*A - Compliance with City Outdoor Lighting Standards
BIMC 18.15.040⁶⁹*

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12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? *School District athletic fields and a Community Pool.*

- b. Would the proposed project displace any existing recreational uses? If so, describe. *No.*

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: *None*

A

A

A

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.
No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. *No.*

A

m if found

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c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. *None.*

A

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. *None.*

A

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. *Madison Ave. and New Brooklyn Road. Sidewalk one side of New Brooklyn to Madison and New Brooklyn intersection.*

A

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? *Yes. Kitsap Transit has service on Madison Avenue and SR 305, both close to the site.*

A

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? *No parking will be added or deleted from existing conditions.*

A

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If

**CITY OF BAINBRIDGE ISLAND
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so, generally describe (indicate whether public or private). No.

A

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e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. *No*

A

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? *Refer to traffic study.*

A

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. *No.*

A

h. Proposed measures to reduce or control transportation impacts, if any: *None.*

A

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. *No.*

A

b. Proposed measures to reduce or control direct impacts on public services, if any. *None*

A

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16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other electricity, water, refuse service, telephone, sanitary sewer.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. Puget Sound Energy – electricity, Qwest – telephone, City of Bainbridge Island – water and sewer, Bainbridge Disposal – refuse service, Comcast – cable tv.

A

A

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee Robert Hutchinson, Architect

Position and Agency/Organization Architect/Project Manager – Coates Design

Date Submitted: 10/9/19

CHECKLIST REVIEWED BY: _____

Ellen Fairleigh
Ellen Fairleigh

Project Manager, Department of Planning and Community Development

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D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? *N/A*

A

Proposed measures to avoid or reduce such increases are:

N/A

A

2. How would the proposal be likely to affect plants, animals, fish, or marine life?
N/A

A

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Proposed measures to protect or conserve plants, animals, fish, or marine life are: *N/A*

A

3. How would the proposal be likely to deplete energy or natural resources? *N/A*

A

Proposed measures to protect or conserve energy and natural resources are: *N/A*

A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? *It will not.*

A

Proposed measures to protect such resources or to avoid or reduce impacts are: *N/A*

A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? *N/A*

A

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Proposed measures to avoid or reduce shoreline and land use impacts are: N/A

A

6. How would the proposal be likely to increase demands on transportation or public services and utilities? N/A

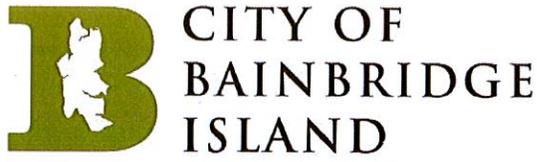
A

Proposed measures to reduce or respond to such demand(s) are: N/A

A

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. N/A

A



STATE ENVIRONMENTAL POLICY ACT

**MITIGATED DETERMINATION OF NONSIGNIFICANCE &
ADOPTION of EXISTING DOCUMENT**

February 5, 2020

Lead agency: City of Bainbridge Island

Agency Contact: Ellen Fairleigh, efairleigh@bainbridgewa.gov, 206-780-3767

Project File Number: PLN51524 CUPA & PLN51524 SPRA

Description of proposal: Remodel existing medical office building for repurposing as space for the City of Bainbridge Island Police and Court facility

Location of proposal: 8804 Madison Avenue N., TA # 23250230832002

Name of Applicant/Proponent: City of Bainbridge Island

Title of document being adopted: Joint Notice of Administrative Decision and Notice of SEPA Mitigated Determination of Nonsignificance (MDNS)

Date adopted document was prepared: December 17, 2013

Description of document (or portion thereof) being adopted: Notice of SEPA Mitigated Determination of Nonsignificance (MDNS)

The adopted document is attached to this document.

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision maker.

The City of Bainbridge Island has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination is based on the following findings and conclusions:

Previous mitigation measures adequately address potential impacts of this proposal. For continuity, all of the conditions from the previous MDNS have been carried forward, with any modifications to conditions underlined and conditions that have been satisfied and are no longer applicable are struck through.



The comment period previously occurred during the Notice of Application/SEPA Comment Period/Hearing from November 15, 2019 – November 29, 2019.

Name of Responsible Official: Heather Wright
Director, Department of Planning and Community Development

Signature: Heather Wright Date: 02/05/20

Appeal process: This SEPA determination may be appealed by filing a written appeal and paying a \$530.00 filing fee to the City Clerk at 280 Madison Avenue North, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 16.04.170. An appeal must be filed **no later than 4:00 p.m., Wednesday, February 19, 2020**. You should be prepared to make specific factual objections.

Conditions of Approval:

SEPA Conditions:

1. No clearing, grading or other construction activities shall occur until a building permit or site development permit has been submitted by the applicant and approved by the city.
2. All graded materials removed from the development shall be hauled to and deposited at city approved locations.
3. To mitigate impacts on air quality during earth moving activities, contractors shall conform to Puget Sound Clean Air Agency Regulations, which ensure that reasonable precautions are taken to avoid dust emissions.
4. A Storm Water Pollution Prevention (SWPPP) for the proposed development shall be provided for city review and approval in accordance with BIMC Chapter 15.20. The plans must be approved, the improvements constructed (or a construction bond provided if applicable), and an acceptable final inspection obtained prior to issuance of Certificate of Occupancy. The design submittal shall incorporate all proposed project improvements including complete civil plans, grading and erosion control plans, roadway plans and profiles, and storm drainage facilities and drainage report. These reports shall be prepared by a professional engineer currently licensed in the State of Washington. A construction Stormwater Permit (NPDES) will be required prior to construction approval in accordance with BIMC Section 15.20.030.B (4). More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wg/stormwater/construction/> or by contacting Charles Gilman at (360) 407-7451, email chgi461@ecy.wa.gov. This permit is required prior to any construction activities.
- ~~5. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection report to verify that the facilities are installed in accordance with the design documents and the actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Public Works Engineering.~~
- ~~6. An easement to COBI for access and maintenance of the proposed public stormwater facilities will be required prior to issuance of the Certificate of Occupancy.~~
7. The applicant's engineer shall provide specific erosion and sedimentation control design measures as part of the SWPP to protect the public stormwater infiltration facilities during construction of the development.
- ~~8. To the satisfaction of the Public Works Department, the applicant shall improve the roadway section for New Brooklyn Road to provide a minimum 18-foot wide paved driving surface, with appropriate storm drainage facilities per COBI Design Standards. The roadway shall be built to COBI Design standards, including curb, gutter, and sidewalk along the property's north frontage.~~

- ~~9. To the satisfaction of the Public Works Department, the applicant shall improve the property's Madison Avenue frontage with curb, gutter, and sidewalk per COBI Design Standards.~~
- ~~10. To mitigate anticipated traffic impacts, to the satisfaction of the Public Works Department, the applicant shall construct a right turn lane on the south leg of Madison Avenue in accordance with the technical appendix diagram submitted in the Island Medical Traffic Impact Analysis date stamped received April 1, 2008 by the Department of Planning and Community Development unless an alternative plan is recommended for approval by the Washington State Department of Transportation and approved by the City's Development Engineer.~~
11. In order to provide recreation and access to the adjacent open space to the south, a trail network, consisting of four to six foot wide trails, shall be developed and maintained by the applicant within wetlands/wetland buffer in the southern portion of the site. The network shall extend from the Madison Avenue to the east, towards State Route 305, and terminate at the southern property line. A public access easement shall be granted over the trail network.
- ~~12. Within the wetlands/wetland buffer unless approved under a subsequent permit, removal of vegetation shall be limited to development of a trail network. No soil disturbance shall occur outside of the six foot wide trail construction corridor. The trails shall be "field fit" between or around existing trees, so that significant tree removal shall be avoided. Limbs and branches up to nine feet over the trail and within one foot of the trail edges shall be removed. The four to six foot wide trail shall be constructed with a four inch layer of crushed 3/4 inch gravel over a geotextile mat barrier. All pedestrian improvements shall be installed prior to the issuance of the Certificate of Occupancy.~~
- ~~13. Prior to final plat submittal, an Operations and Maintenance Plan and Declaration of Covenant for all constructed stormwater facilities shall be provided for city review and approval in accordance with BIMC Chapter 15.21.~~
- ~~14. A minimum two year maintenance bond period for the stormwater facilities is required prior to issuance of the Certificate of Occupancy. The maintenance period will begin after final construction acceptance of the improvements and shall run for a minimum period of two years. Regular maintenance of the stormwater system is required during this period. Documentation of maintenance shall be provided to the city on an annual basis.~~
15. In accordance with BIMC Chapter ~~18.85.060 (C)~~ 18.15.010 and to discourage the removal of wildlife habitat, significant trees that are removed from designated protection areas without prior City approval will be replaced with new trees as follows: New trees measuring 1.5 inches in caliper if deciduous and four to six feet high if evergreen, at a replacement rate of 1.5 inches diameter for every one-inch diameter of the removed significant tree or trees within a tree stand. The replacement rate determines the number of replacement trees. The tree removed shall be replaced with trees of the same type, evergreen or deciduous. The

replacement trees shall also be replaced in the same general location as the trees removed.

16. Any non-exempt tree harvesting shall require the appropriate Forest Practices Permit from the Department of Natural Resources. The conditions of the Island Medical Conditional Use Permit, Case No. CUP 14430B, shall become conditions of the Forest Practices Permit.
17. On-site mobile fueling from temporary tanks is prohibited unless the applicant provides and is granted approval for a Permit and Best Management Plan that addresses proposed location, duration, containment, training, vandalism and cleanup. (Reference 1. Uniform Fire Code 7904.5.4.2.7 and 2. Department of Ecology, Stormwater Management Manual, August 201, see Volume IV "Source Control BIMPs for Mobile Fueling of Vehicles and Heavy Equipment".) (Chapter 173-304 WAC).
18. In order to mitigate any noise impacts, all construction activities must comply with BIMC Section ~~15.15.025~~ 16.16.025 Limitation of Construction Activities.
19. All lighting within the development shall comply with the City's Lighting Ordinance, BIMC Chapter ~~15.34~~ 18.15. Compliance will require exterior lighting to be shielded and directed downward.
20. Contractors are required to stop work and immediately notify the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation if any historical or archaeological artifacts are uncovered during excavation or construction.
21. To protect the wetland buffer, the applicant shall only install motion sensor lighting in the rear of the site to ensure that the buffer is not constantly illuminated through the night.

**JOINT NOTICE OF ADMINISTRATIVE DECISION AND NOTICE OF SEPA
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

The City of Bainbridge Island made a decision concerning the following land use application:

Date of Issuance: December 17, 2013
Applicant: Harrison Medical Center
Permit Request: Minor Adjustment to an approved Site Plan & Design Review & Conditional Use Permit
File Number: SPRA14430C & CUPA14430C
Description of Proposal: Minor adjustment to reduce the size of an approved medical facility and change the configuration of the building and location of parking
Location of Proposal: 8812 NE New Brooklyn Road
Tax Parcel #'s: 232502-3-013-2007
Permit Decision: Approval as conditioned. This proposal is subject to administrative review under Chapter 2.16.030 of the Bainbridge Island Municipal Code. The staff report containing the findings of fact and conclusions of law is available to the public upon request. This decision becomes final after 14 days from the date of issuance, or after December 31, 2013.

SEPA Decision: The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment if measures to mitigate the proposal are used. This MDNS is issued under WAC 197-11-340. This determination was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) c. **The lead agency will not act on this proposal for 14 days. Comments must be submitted by no later than 4:00 p.m. on Tuesday, December 31, 2013.**

Responsible Official: Katharine Cook, Director
Department of Planning & Community Development
Address: City of Bainbridge Island
280 Madison Avenue N
Bainbridge Island, WA 98110 (206) 842 - 2552

Signature: Katharine Cook Date: 12-17-13

APPEAL: You may appeal the project and/or SEPA determination by filing a written appeal and paying the \$530.00 filing fee to the City Clerk, at 280 Madison Avenue N, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 2.16.020 (P), no later than December 31, 2013. You should be prepared to make specific factual objections.

If you have any questions concerning this application, contact:
Heather Beckmann, Associate Planner
Department of Planning & Community Development
280 Madison Avenue N
Bainbridge Island, WA 98110 (206) 780-3754
Fax: (206) 780-0955 Email: pcd@ci.bainbridge-isl.wa.us

Conditions of Approval:

SEPA Conditions:

1. No clearing, grading or other construction activities shall occur until a building permit or site development permit has been submitted by the applicant and approved by the city.
2. All graded materials removed from the development shall be hauled to and deposited at city-approved locations.
3. To mitigate impacts on air quality during earth moving activities, contractors shall conform to Puget Sound Clean Air Agency Regulations, which ensure that reasonable precautions are taken to avoid dust emissions.
4. A Storm Water Pollution Prevention (SWPPP) for the proposed development shall be provided for city review and approval in accordance with BIMC Chapter 15.20. The plans must be approved, the improvements constructed (or a construction bond provided if applicable), and an acceptable final inspection obtained prior to issuance of Certificate of Occupancy. The design submittal shall incorporate all proposed project improvements including complete civil plans, grading and erosion control plans, roadway plans and profiles, and storm drainage facilities and drainage report. These reports shall be prepared by a professional engineer currently licensed in the State of Washington. A construction Stormwater Permit (NPDES) will be required prior to construction approval in accordance with BIMC Section 15.20.030.B (4). More information about this permit can be found at:
<http://www.ecy.wa.gov/programs/wq/stormwwater/construction/> or by contacting Charles Gilman at (360) 407-7451, email chgi461@ecy.wa.gov. This permit is required prior to any construction activities.
5. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection report to verify that the facilities are installed in accordance with the design documents and the actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Public Works Engineering.
6. An easement to COBI for access and maintenance of the proposed public stormwater facilities will be required prior to issuance of the Certificate of Occupancy.
7. The applicant's engineer shall provide specific erosion and sedimentation control design measures as part of the SWPP to protect the public stormwater infiltration facilities during construction of the development.
8. To the satisfaction of the Public Works Department, the applicant shall improve the roadway section for ~~Casey Street~~ New Brooklyn Road to provide a minimum 18-foot wide paved driving surface, with appropriate storm drainage facilities per COBI Design Standards. The roadway shall be built to COBI Design standards, including curb, gutter, and sidewalk along the property's north frontage.
9. To the satisfaction of the Public Works Department, the applicant shall improve the property's Madison Avenue frontage with curb, gutter, and sidewalk per COBI Design Standards.
10. To mitigate anticipated traffic impacts, to the satisfaction of the Public Works Department, the applicant shall construct a right turn lane on the south leg of Madison Avenue in accordance with the technical appendix diagram submitted in the Island Medical Traffic Impact Analysis date stamped received April 1, 2008 by the Department of Planning and Community Development unless an alternative plan is

recommended for approval by the Washington State Department of Transportation and approved by the City's Development Engineer.

11. In order to provide recreation and access to the adjacent open space to the south, a trail network, consisting of four to six foot wide trails, shall be developed and maintained by the applicant within wetlands/wetland buffer in the southern portion of the site. The network shall extend from the Madison Avenue to the east, towards State Route 305, and terminate at the southern property line. A public access easement shall be granted over the trail network.
12. Within the wetlands/wetland buffer unless approved under a subsequent permit, removal of vegetation shall be limited to development of a trail network. No soil disturbance shall occur outside of the six foot wide trail construction corridor. The trails shall be "field-fit" between or around existing trees, so that significant tree removal shall be avoided. Limbs and branches up to nine feet over the trail and within one foot of the trail edges shall be removed. The four to six foot wide trail shall be constructed with a four inch layer of crushed ¾ inch gravel over a geotextile mat barrier. All pedestrian improvements shall be installed prior to the issuance of the Certificate of Occupancy.
13. Prior to final plat submittal, an Operations and Maintenance Plan and Declaration of Covenant for all constructed stormwater facilities shall be provided for city review and approval in accordance with BIMC Chapter 15.21.
14. A minimum two-year maintenance bond period for the stormwater facilities is required prior to issuance of the Certificate of Occupancy. The maintenance period will begin after final construction acceptance of the improvements and shall run for a minimum period of two years. Regular maintenance of the stormwater system is required during this period. Documentation of maintenance shall be provided to the city on an annual basis.
15. In accordance with BIMC Chapter 18.85.060 (C) and to discourage the removal of wildlife habitat, significant trees that are removed from designated protection areas without prior City approval will be replaced with new trees as follows: New trees measuring 1.5 inches in caliper if deciduous and four to six feet high if evergreen, at a replacement rate of 1.5 inches diameter for every one-inch diameter of the removed significant tree or trees within a tree stand. The replacement rate determines the number of replacement trees. The tree removed shall be replaced with trees of the same type, evergreen or deciduous. The replacement trees shall also be replaced in the same general location as the trees removed.
16. Any non-exempt tree harvesting shall require the appropriate Forest Practices Permit from the Department of Natural Resources. The conditions of the Island Medical Conditional Use Permit, Case No. CUP 14430B, shall become conditions of the Forest Practices Permit.
17. On-site mobile fueling from temporary tanks is prohibited unless the applicant provides and is granted approval for a Permit and Best Management Plan that addresses proposed location, duration, containment, training, vandalism and cleanup. (Reference 1. Uniform Fire Code 7904.5.4.2.7 and 2. Department of Ecology, Stormwater Management Manual, August 201, see Volume IV "Source Control BIMPs for Mobile Fueling of Vehicles and Heavy Equipment".) (Chapter 173-304 WAC).
18. In order to mitigate any noise impacts, all construction activities must comply with BIMC Section 15.15.025 Limitation of Construction Activities.
19. All lighting within the development shall comply with the City's Lighting Ordinance, BIMC Chapter 15.34. Compliance will require exterior lighting to be shielded and directed downward.

20. Contractors are required to stop work and immediately notify the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation if any historical or archaeological artifacts are uncovered during excavation or construction.
21. To protect the wetland buffer, the applicant shall only install motion sensor lighting in the rear of the site to ensure that the buffer is not constantly illuminated through the night.

Project Conditions

22. Except as modified by conditions of approval, the project shall be constructed in substantial conformance with the site plans date stamped June 26, 2008 for the assisted living facility and July 9, 2013 for the medical building.
23. Prior to submittal of any building permit applications, the applicant shall contact planning staff to schedule a pre-submittal meeting to review the necessary components for a complete building permit application. In addition, with the building permit application submittal, the applicant shall attach a narrative detailing how each condition of approval is addressed by the building plans.
24. To verify that the buildings comply with the 35-foot height limit, the site plans submitted as part of the building permit shall contain existing contours overlain with the building footprints. The submitted material shall include surveyed benchmark information to verify the actual height during construction.
25. Prior to any clearing and/or construction activities, fencing delineating the northern boundary of the wetland buffer shall be installed by the applicant and inspected by planning staff. Upon completion of construction and prior to issuance of the Certificate of Occupancy, the construction fencing shall be replaced with split-rail fencing and signage. The signs shall inform readers of the boundary and its significance. Any disturbed buffer setback area shall be re-planted with native vegetation upon completion of construction and prior to issuance of the building's Certificate of Occupancy.
26. Any required landscaping shall be installed prior to the issuance of a temporary certificate of occupancy for the project. The project's state licensed landscape architect, certified nursery professional, or certified landscaper shall submit a landscaping declaration to the department to verify installation in accordance with approved plans. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season if the director determines that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the city. The performance assurance device shall be for 150 percent of the cost of the work or improvements covered by the assurance device.
27. The landscape plans submitted with the building permit shall depict the items listed in BIMC Chapter 18.85 including partial landscape screens along the site's Madison Avenue and ~~Casey Street~~ New Brooklyn frontage with the following exceptions: a) within the 25-foot zoning setback along the parking lot adjoining ~~Casey Street~~ New Brooklyn, a more intense screen, as stipulated in BIMC 18.85.070 (E)(1)(b) shall be installed and b) within the 29 foot front setbacks along the assisted living facility, landscaping shall substantially conform to the plans date-stamped September 8, 2008. Along the sites' highway frontage, a full landscaping screen, as defined in BIMC 18.85.070(B) 1) shall be installed in the 25-foot zoning setback. All significant trees, as defined in BIMC 18.85.010 and located within the required perimeter landscape buffer areas, shall be retained and incorporated into the required landscape screen. All required landscaping shall be maintained and retained for the life of the project.

28. As the code –required ~~Casey street~~ New Brooklyn landscaping screens are located within areas shown as being developed with rain gardens, the applicant must demonstrate that the dual purposes, perimeter landscape screening and stormwater treatment facility, are compatible. If not, the rain gardens would need to be relocated. Proof of compatibility or relocation of the raingardens shall be submitted as part of the building permit application.
29. Prior to the issuance of the Certificate of Occupancy final inspection, the applicant shall secure the landscape maintenance assurance required by BIMC Section 18.85.090(D).
30. The service area, including trash and recycling enclosures, for the medical office facility must be located as far away as possible from the assisted living facility and shall be properly screened with fencing.
31. Prior to issuance of the Certificate of Occupancy, the applicant shall install bicycle racks or hangers supplying parking for at least 28-20 bicycles. Of those spaces, a portion shall be located near the front entrance of the medical building.
32. Civil construction plans for all roads, storm drainage facilities, sanitary sewer and water facilities, and appurtenances shall be prepared by a professional engineer and approved by the Public Works Department prior to issuance of a building permit.
33. All on-site stormwater facilities shall remain privately owned and maintained. Annual inspection and maintenance reports shall be provided to the City. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of the Certificate of Occupancy for this development, the person or persons holding title to the subject property for which the storm drainage facilities are required shall record a Declaration of Covenant that guarantees to the City that the system will be properly maintained. Wording must be included in the covenant that will allow the City to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This will be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should City crews be required to do the work, the owner will be billed the maximum amount allowed by law.
34. The property owner shall dedicate, as right-of-way, 25 feet of property fronting along ~~Casey Street~~ New Brooklyn as shown on the preliminary civil drawings date-stamped June 2, 2009. In addition, a pedestrian easement shall be dedicated for the sidewalk along the proposed on-street parking along ~~Casey Street~~ New Brooklyn to make them public throughways.
35. A right-of-way (ROW) construction permit will be required prior to any construction activities within the ROW. The ROW permit will be subject to conditions and coding requirements.
36. The water and sanitary sewer facilities shall be designed in conformance with BIMC Title 13 and the City's adopted Design Standard and Specifications. The utilities plans submitted with building permit's civil drawings shall include profile and detail and shall demonstrate compatibility of the facilities with future street improvements currently proposed by the City. Specifications for water and sewer facilities include the following:
 - a. An eight-inch diameter ductile iron class 52 water main shall be installed along the site's ~~Casey Street~~ New Brooklyn frontage.
 - b. A 15 foot wide easement for the on-site water main extension shall be provided from the right-of-way to the proposed buildings.
 - c. An isolation valve shall be provided at the connection to the force main located in Madison Avenue.

37. Binding water and sewer service letters from the City's Public Works Department shall be submitted with the building permit application.
38. To the satisfaction of the Bainbridge Island Fire Department, the project shall meet all applicable requirements of the 2006 International Fire Code.
39. To the satisfaction of the Bainbridge Island Fire Department, fire sprinkler and fire alarm systems shall be installed throughout the buildings.
40. To the satisfaction of the Bainbridge Island Fire Department, the proposed hydrant in front of the assisted living facility shall be relocated to the west parking lot entrance, a fire hydrant must be installed at the east parking lot entrance, and the proposed hydrant in front of the medical office building shall be relocated to the entrance of the parking garage.
41. Building overhangs covering the main entrances shall provide at least 13' 6" of clearance.
42. The driving lanes within the project are considered fire lanes and shall be labeled as such to the satisfaction of the Bainbridge Island Fire Department.
- ~~43. The applicant shall file the necessary paperwork to name Casey Street New Brooklyn. The Bainbridge Island Fire Department reviews street names for conformance with established county-wide standards.~~
44. To the satisfaction of the Kitsap County Health District, the applicant shall:
 - a. Abandon the site's existing septic tank per that agency's code
 - b. Have the site's existing well decommissioned by a certified well driller.
 - c. Apply for a sewer building clearance accompanied by a water and sewer availability letter from the water purveyor.
45. To the satisfaction of planning staff, all exterior building surfaces shall be sided with non-reflective materials.
46. To the satisfaction of the Washington Department of Transportation (WSDOT), the following provisions must be followed:
 - a. WSDOT will only accept stormwater runoff from the project site that currently enters SR 305 right-of-way. Any proposal by the applicant to discharge stormwater runoff to the right-of-way either during construction or upon completion will require appropriate stormwater treatment in accordance with the WSDOT Highway Runoff Manual. If such discharge is proposed, a drainage plan must be reviewed and approved by WSDOT prior to any earth disturbance.
 - b. No excavation, grading, filling, landscaping or any other activity associated with the proposal may occur within state right-of-way without prior approval by WSDOT.
 - c. No lighting from the site may be directed towards the state highway and no glare from the completed project shall impact the state highway.
 - d. No signs shall be placed in the highway right-of-way (unless otherwise approved).
47. The applicant shall coordinate with the Washington Department of transportation (WSDOT) to determine if signage can be added to the highway that indicates the location of the urgent care facility. The applicant shall coordinate with staff to ensure that said signage meets the sign code requirements of BIMC 15.18.

48. As most of the dining terrace is located within the building setback associated with the wetland buffer, it must be constructed with a pervious surface (wood decking, pavers, permeable concrete, etc) to the satisfaction of planning staff.
49. The mechanical units shall be screened from SR 305 and New Brooklyn as indicated on the site plans submitted by the applicant on November 26, 2013. The mechanical units shall be inspected during the permit review and found to be screened prior to the issuance of occupancy.
50. Prior to directly discharging any stormwater into the wetland and/or its buffer, the applicant shall secure a Special Use Review permit from the City of Bainbridge Island.

Call to Order (Attendance, Agenda, Ethics)
Review and Approval of Minutes – November 4, 2019
Urban Storage ([PLN50505B DRB-DG](#))
Police Court Facility ([PLN51524 CUPA SPRA](#))
New/Old Business
Adjourn

Call to Order (Attendance, Agenda, Ethics)

Chair Joseph Dunstan called the meeting to order at 2:05 PM. Design Review Board members in attendance were Jane Rein, Michael Loverich, Todd Theil, Shawn Parks and Laurel Wilson. Peter Perry was absent and excused. Planning Commissioner Don Doman was present. City Council member Ron Peltier was present. City Staff present were Planning Manager David Gretham, Senior Planner Kelly Tayara and Administrative Specialist Marlene Schubert and Administrative Specialist Carla Lundgren who monitored recording and prepared minutes.

The agenda was reviewed, and no conflicts were disclosed.

Review and Approval of Minutes – November 4, 2019

Motion: I move to approve.
Parks/Theil: Passed Unanimously

Urban Storage ([PLN50505B DRB-DG](#))
Design Guidance Meeting – Discussion Only
See attached comments from DRB

Police Court Facility ([PLN51524 CUPA SPRA](#))
Review & Recommendation Meeting – Ellen Fairleigh, Planner

Motion: I make a motion, given P6 & S1 being non applicable, that the Police Court Facility meet the guidelines in Design for Bainbridge. I recommend approval.
Dunstan/Rein: Passed Unanimously

Discuss Design Guideline Checklist Templates
Kelly Tayara, Senior Planner – Discussion Only

New/Old Business

David Gretham, Planning Manager to check on progress of McDonalds remodel, specifically in regard to lighting and come back to the next meeting with an update.

Chair Dunstan addressed DRB member Peter Perry's temporary absence and announced that Peter Perry has officially resigned his position. Mr. Dunstan asked for a vote to decide whether to fill the vacant position now or wait until June 2020 to fill the position. The DRB members decided they would like to fill the vacant position now and not wait until June 2020.

Chair Dunstan discussed the need to appoint a chairperson for 2020.

Motion: I move that Joe Dunstan remain the chairperson for the DRB for 2020.

Rein/Parks: Passed Unanimously

Adjourn

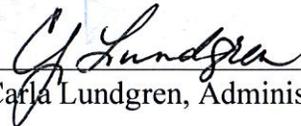
The meeting was adjourned at 5:00 PM

Approved by:



Joseph Dunstan, Chair

1/6/2020



Cafla Lundgren, Administrative Specialist



**CITY OF BAINBRIDGE ISLAND
DESIGN REVIEW BOARD – REGULAR MEETING
December 2, 2019**

PLEASE PRINT

**Join
ListServ
Yes/No**

Name	Affiliation	Phone/ E-Mail	Join ListServ Yes/No
BRIAN KELLY	Bainbridge Review	2068426613edrtar@bainbridge-review.com	
JANE REIN	DRB		
Michael Loverid	DRB		
SHAWN PARKS	DRB		
Tom Thiel	DRB		
JOE DUNSTAN	DRB		
David Goodham	PCD		
Don Denson	Planning Commission		
Traws Ameche	Urban Self Storage		Yes
BOB RUSSELL	Resident	bobrussell169@gmail.com	Yes
CHARLES SCHMID	ABC		
Ellen Fairleigh	PCD		

NOTES OF WHAT WE ARE ASKING OF THE APPLICANTS

02
DEC
19

DRB

URBAN STORAGE :

- MOTION ACTUATED LIGHTING
- NO LIGHTING PLANNED FOR BACK OF BUILDING. / LEASING OFFICE LIGHTS NOT ON AT NIGHT.
- DRIVE LINES WILL HAVE LIGHTING ALL NIGHT
- SURVEY OF SIGNIFICANT TREES? 10" ϕ conf. 12" ϕ decid.

PERIMETER ONLY :

- PROVIDE UNDERSTORY TREES IN THE BUFFER. TO ACHIEVE FULL SCREEN
- DARK SKY COMPLIANT FIXTURES
- BRING COLOURS AND MATERIAL SAMPLES. NEXT MTG.
- SPECIAL CARE FOR LIGHTING SO THAT IT DOES NOT PROJECT ITS SIZE THROUGH THE
- PHOTOS FROM THE INTERSECTION AT 305.
- MOVE DRIVE OUT OF BUFFER - ~~REMOVING~~ AS LONG AS IT DOES NOT REMOVE MORE SIGNIFICANT TREES. - CONSIDER :
- REVIEW TREE SURVEY TO CHECK SIZE OF TREES AROUND ENTRY DRIVE.
- A GRAVEL TRAIL OFF THE ROAD AROUND TREES THROUGH BUFFER.

02
DEC
19

POLICE COURT FACILITY:

- P5 + P6 REQUESTED DEPARTURES:
- P5 WILL NOT NEED A DEPARTURE - IT MEETS THIS REQUIRED.
- P6 - NOT APPLICABLE HERE - THIS IS A CIVIC BUILDING
- REQUESTED DEPARTURE 71 - no departure needed. it meets the req.
it's not applicable, no departure needed
- CIVIC USE - STANDARD 2 - REQUESTING A DEPARTURE
 - But we do not believe a departure is needed
- Rebranding of the ~~plaza~~ "garden" or public space as a civic amenity
- Does the meet design for Bainbridge, yes. given the conditions.
- Conditions P6 - ^{THIS IS} A CIVIC BLDG. not applicable
S1 - house lots - not applicable single building

we recommend approval.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 13, 2020

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: 8:00 PM - Ordinance No. 2020-05, Updating the City's Sign Code

AGENDA CATEGORY: Ordinance

PROPOSED BY: Robbie Sepler

**PREVIOUS PLANNING COMMISSION
REVIEW DATE(S):** N/A

PREVIOUS COUCIL REVIEW DATE(S): September 18, 2018, November 27, 2018, March 12, 2019, May 7, 2019, May 14, 2019, May 28, 2019, June 18, 2019, July 16, 2019, and September 24, 2019.

RECOMMENDED MOTION:
Planning Commission Discussion.

(Prior to making its recommendation to the City Council, the Planning Commission will need to hold a public hearing on proposed Ordinance No. 2020-05)

SUMMARY:

For the February 13, 2020 Planning Commission Meeting, staff will provide an overview of the Council's review of the Sign Code to date, the current draft Ordinance No. 2020-05, and the scope of the Planning Commission's review of the Sign Code.

BACKGROUND: On June 18, 2015, the U.S. Supreme Court decided the case of Reed v. Town of Gilbert, invalidating the local sign code at issue as an unconstitutional restriction on speech. The direct result of the Reed decision is that municipal sign codes throughout the country need to be reviewed to ensure they still comply with the requirements of the U.S. Constitution with respect to free speech.

Please refer to the attached article for background on the U.S. Supreme Court's ruling in Reed v. Town of Gilbert. This ruling affects the City of Bainbridge Island's Sign Code (Ch. 15.08 BIMC) in several ways. The overall take away from the Reed case is that a sign code cannot regulate noncommercial signs based on the message conveyed on the sign (e.g., political signs, ideological signs, event signs, etc).

Staff briefed the City Council on these issues related to the City's Sign Code on September 18, 2018, and again on November 27, 2018. In response, the Council provided the following direction to staff: (1) Review the City's existing sign

code for consistency with the U.S. Supreme Court's ruling in Reed v. Town of Gilbert; (2) Draft changes to the City's existing sign code for consistency with the ruling in Reed v. Town of Gilbert, but keep existing policy to the extent possible; and (3) Present Reed-compliant sign code for Council review and sandwich board discussion.

Staff prepared a draft ordinance (Ordinance No. 2019-04) for Council consideration, and, over the course of multiple meetings, Council reviewed the ordinance. In particular, Council discussion focused on how to address portable signs, including sandwich boards, as well as non-durable signs. A matrix was introduced during the June 18, 2019 Council Meeting to facilitate Council discussion and staff direction. Following the June 18, 2019 Meeting, per Council direction, Staff further updated the matrix, which was reviewed by the City Council on July 16, 2019.

On July 16, 2019, the City Council generally approved of the matrix and directed staff to revise the draft ordinance in accordance with the matrix and related Council discussion. In light of the Council's direction on July 16, 2019, staff further updated the definitions included with the matrix, which is included in the attached staff memo.

On September 24, 2019, the City Council referred Ordinance No. 2019-04 to the Planning Commission for a public hearing and the Commission's review and recommendation. On January 1, 2020, the start of the new year, proposed Ordinance No. 2019-04 was renumbered to be Ordinance No. 2020-05. A draft of Ordinance No. 2020-05 is attached for Planning Commission's review.

For the February 13, 2020 Planning Commission Meeting, staff will provide an overview of the Council's review of the Sign Code to date, the current draft ordinance, and the scope of the Planning Commission's Review of the Sign Code. Attached is the PowerPoint presentation that staff will use as well as a staff memo summarizing key terms, concepts, and definitions.

ATTACHMENTS:

Why Are We Talking About The Sign Code?

- ▶ In 2015, the U.S. Supreme Court decided *Reed v. Town of Gilbert*.
- ▶ *Reed* dramatically changed the legal landscape of how sign codes can be enforced.
- ▶ The City's Sign Code (Ch. 15.08 BIMC) has not been updated since before *Reed* was decided.

Legislative History

- ▶ On September 18, 2018, Council provided the following direction:
 - 1) Review the Sign Code for consistency with the Reed decision;
 - 2) Draft required changes to the Sign Code under Reed, but keep existing policy to the extent possible; and
 - 3) Present Reed-compliant Sign Code for Council review and sandwich board discussion.
- ▶ Staff prepared a Reed-compliant Sign Code, which Council discussed during seven separate meetings in 2019.
- ▶ On September 24, 2019, the Council referred the draft Sign Code to the Planning Commission for its review and recommendation and for a public hearing.

Scope of Planning Commission Review

- ▶ Council Direction: revise the City's current Sign Code as may be required under Reed but keep the existing policy to the extent possible.
- ▶ However: Council indicated its desire to revise how the City's Sign Code regulates the following types of signs:
 - 1) Portable Signs
 - 2) Sandwich Board Signs
 - 3) Non-Durable Signs
- ▶ Planning Commission's Scope: Review and provide a recommendation to the City Council regarding how these types of signs should be regulated.

Definitions and Key Terms

▶ Portable Sign:

A broad category of signs that are:

- ▶ readily moveable
- ▶ freestanding, and not permanently affixed to the ground
- ▶ constructed out of durable materials

Portable signs include, but are not limited to, sandwich board signs.



▶ Sandwich Board Sign:

A specific type of portable sign:

- ▶ two panels hinged or attached at the top or side
- ▶ movable and stands on the ground



▶ Non-Durable Sign:

A broad category of sign:

- ▶ readily movable, freestanding, and not permanently affixed to the ground
- ▶ constructed out of non-durable materials such as paper, corrugated board, or flexible or foldable plastics
- ▶ does not include sandwich boards or portable signs



Commercial and Noncommercial Signs

Commercial:

- ▶ relates solely to the economic interests of the owner of the sign and her/his audience



Noncommercial:

- ▶ relates to more than just the economic interests of the owner of the sign and her/his audience



When is a Sandwich Board Sign “Temporary”?

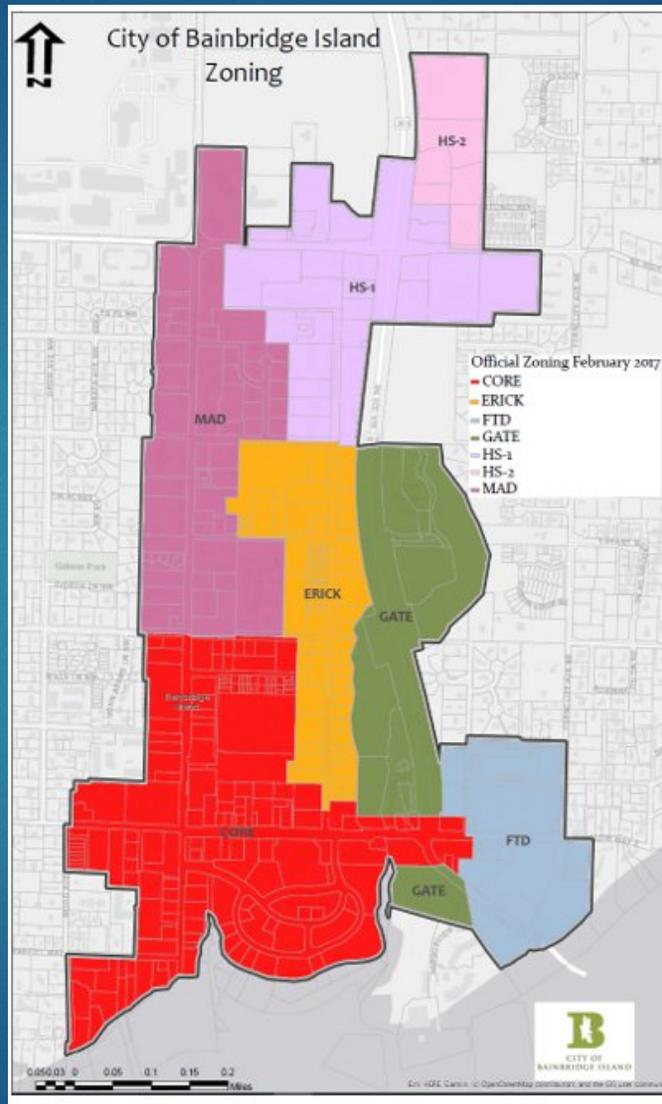
On July 16, 2019, the City Council voted to allow “temporary” sandwich board signs within the City, with “temporary” meaning that the sandwich board sign is taken in at night. The revised draft ordinance defines “night” to mean that sandwich board signs must be taken in, and cannot be displayed, between the hours of 11:00 PM and 6:00 AM.

When is a Sandwich Board Sign “Permanent”?

On July 16, 2019, the City Council voted to prohibit all permanent sandwich board signs within the City. “Permanent” sandwich board signs are those signs that are always on display, day and night.

What is “Winslow” for the Purposes of the Matrices?

The revised draft ordinance considers “Winslow” to be the Mixed Use Town Center and High School Road I and II zoning districts.



Matrices



		Type of Sign		
		Sandwich Boards	Non-Durable Signs	All Other Portable Signs (this is a catch all for other shapes)
Location of Sign	Private Property	Yes	Yes	Yes
	Right of Way	See Detail Below**	See Detail Below***	No <i>Unless authorized*</i>
	Public Property	No <i>Unless authorized*</i>	No <i>Unless authorized*</i>	No <i>Unless authorized*</i>

*Signs in these locations are generally limited to public agency information as needed



Sandwich Boards

Right of Way

Right of Way	<i>Winslow</i>	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
	<i>Outside Winslow</i>	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
	<i>Neighborhood Centers</i>	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No

Non-Durable Signs

Right of Way

Right of Way	<i>Winslow</i>	Noncommercial signs	Yes, if safe
		Commercial signs	No
	<i>Outside Winslow</i>	Noncommercial signs	Yes, if safe, but: <ul style="list-style-type: none"> • Requires permission from abutting property owner
		Commercial signs	Yes, if safe, but: <ul style="list-style-type: none"> • Requires permission from abutting property owner; and • Requires City-issued permit to control for number of days, display times, etc.
	<i>Neighborhood Centers</i>	Noncommercial signs	Yes, if safe
		Commercial signs	No



CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
Memorandum

Date: February 7, 2020
To: City Council
From: Robbie Sepler, Deputy City Attorney
Re: Sign Code Update

This memo contains matrices summarizing the current draft sign code. These matrices were previously reviewed by the City Council, most recently on September 24, 2019. In addition, this memo contains written definitions of key terms used in the matrices and in the draft sign code as well as some visual examples.

		Type of Sign		
		Sandwich Boards	Non-Durable Signs	All Other Portable Signs (this is a catch all for other shapes)
Location of Sign	Private Property	Yes	Yes	Yes
	Right of Way	See Detail Below**	See Detail Below***	No <i>Unless authorized*</i>
	Public Property	No <i>Unless authorized*</i>	No <i>Unless authorized*</i>	No <i>Unless authorized*</i>

*Signs in these locations are generally limited to public agency information as needed

**Detail for highlighted cell (Sandwich Boards located in Right-of-way)

Sandwich Boards				
Right of Way	<i>Winslow</i>	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
	<i>Outside Winslow</i>	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
	<i>Neighborhood Centers</i>	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No

***Detail for highlighted cell (Other Temporary Signs located in Right-of-way)

Non-Durable Signs			
Right of Way	<i>Winslow</i>	Noncommercial signs	Yes, if safe
		Commercial signs	No
	<i>Outside Winslow</i>	Noncommercial signs	Yes, if safe, but: <ul style="list-style-type: none"> • Requires permission from abutting property owner
		Commercial signs	Yes, if safe, but: <ul style="list-style-type: none"> • Requires permission from abutting property owner; and • Requires City-issued permit to control for number of days, display times, etc.
	<i>Neighborhood Centers</i>	Noncommercial signs	Yes, if safe
		Commercial signs	No

I. What is a “Portable Sign”?

“Portable signs” is a broad category of signs that are readily moveable, freestanding, and not permanently affixed to the ground. In general, portable signs are constructed out of durable materials. Portable signs include, but are not limited to, sandwich board signs.

Examples of portable signs:



II. What is a “Sandwich Board”?

A “sandwich board” is a specific type of portable sign that consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.

Examples of sandwich boards:



III. What is a “Non-Durable Sign”?

“Non-durable signs” is a broad category of signs that are readily moveable, freestanding, and not permanently affixed to the ground. In contrast to portable signs and sandwich boards, non-durable signs are constructed out of non-durable materials, such as paper, corrugated board, or flexible or foldable plastics. For the purposes of this matrix, non-durable signs do not include sandwich boards or portable signs.

In previous materials presented to Council, “non-durable signs” were referred to as “temporary signs.” Such terminology led to some confusion as to whether “temporary sandwich boards” are included as “temporary signs” for the purposes of the matrix (they are not). To minimize any confusion going forward, the category of signs previously referred to as “temporary signs” has been relabeled as “non-durable signs” and a definition of “temporary” has been included in Section VII of this memorandum.

Examples of non-durable signs:



IV. When is a sign a “Commercial”?

A sign is commercial if the sign relates solely to the economic interests of the owner of the sign and her/his audience.

Examples of commercial signs:



V. When is a sign “Noncommercial”?

A sign is noncommercial if the sign relates to more than just the economic interests of the owner of the sign and her/his audience.

Examples of noncommercial signs:

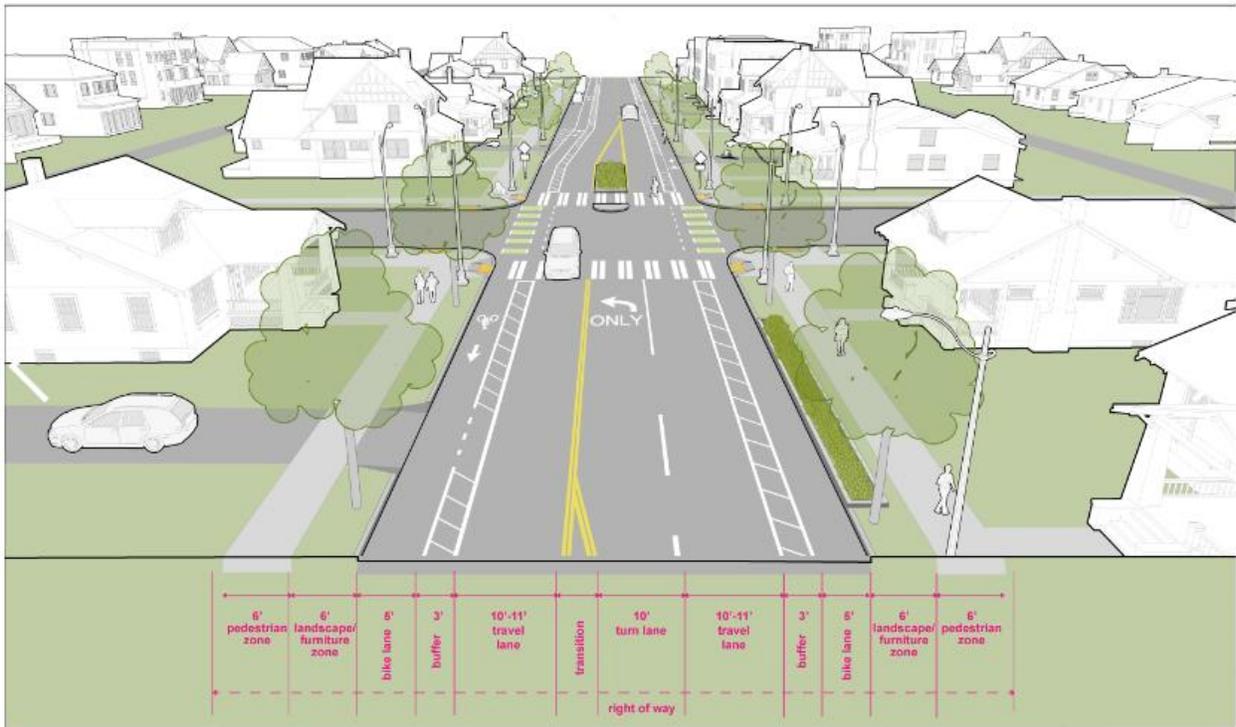


VI. What is the “Right-of-way”?

In general, “right-of-way” (“ROW”) refers to easements, held by the City, over private property for public travel and use. In the graphic below from MRSC, the ROW begins at the dashed red line and includes the sidewalk, planting area, and roadway:



The graphics below further illustrate the various components of typical ROWs found within city limits (*Illustrations Courtesy of Seattle's Right-of-Way Improvements Manual*):



VII. When is a Sandwich Board Sign “Temporary”?

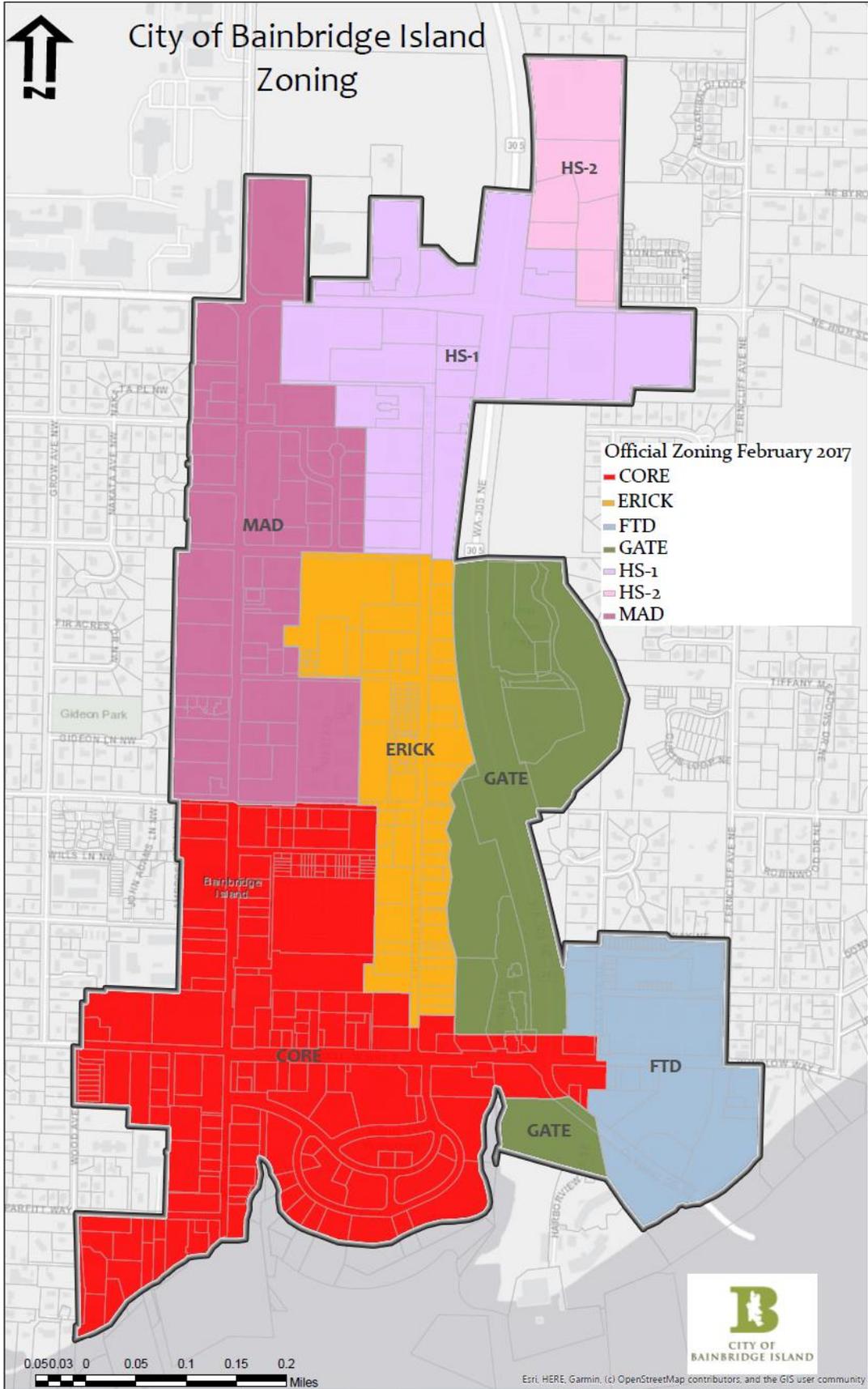
On July 16, 2019, the City Council voted to allow “temporary” sandwich board signs within the City, with “temporary” meaning that the sandwich board sign is taken in at night. The revised draft ordinance defines “night” to mean that sandwich board signs must be taken in, and cannot be displayed, between the hours of 11:00 PM and 6:00 AM.

VIII. When is a Sandwich Board Sign “Permanent”?

On July 16, 2019, the City Council voted to prohibit all permanent sandwich board signs within the City. “Permanent” sandwich board signs are those signs that are always on display, day and night.

IX. What is “Winslow” for the Purposes of the Matrices Above?

The revised draft ordinance considers “Winslow” to be the Mixed Use Town Center and High School Road I and II zoning districts. This area is depicted on the next page.



ORDINANCE NO. 2020-05

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the regulation of signs erected within the City and repealing and replacing Chapter 15.08 of the Bainbridge Island Municipal Code.

WHEREAS, on June 18, 2015, the United States Supreme Court issued its decision in *Reed v. Town of Gilbert*, which has provided guidance for local governments in revising and updating their sign codes; and

WHEREAS, on September 18, 2018, the City Council identified updating the City's sign code in accordance with *Reed v. Town of Gilbert* as a priority item; and

WHEREAS, on November 27, 2018, the City Council discussed code enforcement more broadly as well as next steps regarding an update to the City's sign code; and

WHEREAS, on March 12, 2019, the City Council first considered Ordinance No. 2019-04, proposing to update the City's sign code in accordance with *Reed v. Town of Gilbert*; and

WHEREAS, in 2019, the City Council further discussed Ordinance No. 2019-04 on May 7, May 14, May 28, June 18, July 16, and September 24, 2019; and

WHEREAS, on September 24, 2019, the City Council referred Ordinance No. 2019-04 to the Planning Commission for a public hearing and for its review and recommendation; and

WHEREAS, in 2019, the City Council further discussed Ordinance No. 2019-04 on May 7, May 14, May 28, June 18, July 16, and September 24, 2019; and

WHEREAS, on January 1, 2020, draft Ordinance No. 2019-04 was renumbered to be Ordinance No. 2020-05; and

WHEREAS, on February 13, 2020, the Planning Commission first considered Ordinance No. 2020-05 and [insert outcome of Planning Commission consideration]; and

WHEREAS, on [insert date of required public hearing], the Planning Commission held a public hearing on Ordinance No. 2020-05 and [insert outcome of Planning Commission consideration]; and

WHEREAS, on [insert date], the City Council considered the Planning Commission's recommendation and [insert outcome of Council consideration]; and

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

Section 1. Chapter 15.08 of the Bainbridge Island Municipal Code is hereby repealed in its entirety and replaced as shown on attached **Exhibit A**.

Section 2. 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 _____, 2020.

APPROVED by the Mayor this ___ day of _____, 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER:

2020-05

EXHIBIT A
Chapter 15.08
SIGN CODE

Sections:

- 15.08.010 Purpose.
- 15.08.020 Definitions.
- 15.08.030 Permits Required
- 15.08.040 Permit Fees
- 15.08.050 Signs not requiring a permit.
- 15.08.060 Prohibited signs.
- 15.08.070 Nonconforming signs.
- 15.08.080 Measurement of sign area.
- 15.08.090 Height of sign.
- 15.08.100 General regulations.
- 15.08.110 Commercial use signs.
- 15.08.115 Sandwich board signs
- 15.08.120 Institutional or public use signs.
- 15.08.130 Residential use signs.
- 15.08.140 Non-durable signs
- 15.08.150 Sign variance.
- 15.08.160 Enforcement and penalties.

15.08.010 Purpose.

The purpose of this chapter is as follows:

- A. To promote and protect the public welfare, health, and safety.
- B. To encourage the installation of signs which harmonize with building design, natural settings and other geographical characteristics of the locations in which they are erected.
- C. To create a more attractive economic and business climate.
- D. To reduce distractions and obstructions from signs which would adversely affect traffic safety and reduce hazards that may be caused by signs overhanging or projecting over or within public rights-of-way.

15.08.020 Definitions.

- A. “Awning or marquee sign” means a sign attached to a face or shelter, which face or shelter extends (12 inches or more) in a direction perpendicular to the wall of the building and may be supported by posts or the exterior wall of the building or any combination thereof.
- B. “Banneret” means a small banner that is hung vertically from a freestanding support, i.e., curbside bannerets on light standards and bannerets in public squares.
- C. “Banner” means a sign of flexible material designed to be displayed between two supports or against another surface.
- D. “Changeable copy” means changes to the face or copy of changeable copy signs, digital signs, electronic messaging signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.
- E. “Culturally, historically, or architecturally significant sign” means a sign with unique local characteristics that may not fit other defined categories.
- F. “Director” means the City’s Director of Planning and Community Development.

G. "Erect" means to build, construct, raise, assemble, create, alter, display, relocate, attach, hang, place, suspend, affix, paint, draw, engrave, carve, cast, or in any other way bring into being or establish, other than to replace changeable copy and other than in the course of normal sign maintenance as described in this chapter.

H. "Facade sign" means any sign which is erected (including painted) on the wall of a building or other structure, whose face is generally parallel to that wall or other structure and whose face does not extend outward more than 12 inches in a direction perpendicular to that wall or other structure.

I. "Facade" means the wall of a building or other structure whose face is generally parallel to that wall or other structure.

J. "Freestanding sign" means a sign supported by one or more permanently affixed uprights, poles, or braces in or on the ground, and not supported by a building.

K. "Grade" (adjacent ground elevation) means the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. In the case of structures to be built over water or on the shoreline, "grade" shall have the same meaning as "average grade level" as that term is defined in WAC 173-27-030(3).

L. "Neon sign" means a sign illuminated in whole or part by gaseous tubes electrified by a current.

M. "NC" means neighborhood centers.

N. "Portable sign" means a sign that is readily moveable, freestanding, and not permanently affixed to the ground. "Portable signs" include sandwich board signs, signs mounted on weighted bases, and other similar signs. "Portable signs" do not include "Non-durable signs."

O. "Primary entrance" means the principal or main entrance of a building or structure which is used by the majority of patrons to access the building or structure.

P. "Projecting/hanging sign" means a sign, which is attached to or supported by a wall or suspended from the overhang of a building or other structure.

Q. "Repair" means the reconstruction or renewal of any part of an existing sign for the purpose of its maintenance.

R. "Sandwich board sign" means a sign which consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.

S. "Sign" means any letter, figure, design, symbol, trademark or other device which is intended to attract attention to any activity, service, place, political office, subject, firm, corporation or merchandise, except traffic signs or signals, public or court notices, signs not visible from the public right-of-way or adjacent properties, signs on moving vehicles, newspapers, leaflets or other printed materials intended for individual use or individual distribution to members of the public, government flags, flags and bunting exhibited to commemorate national patriotic holidays.

T. "Street frontage" means that portion of any lot or building facing a street or sidewalk and with direct access to that street or sidewalk.

U. "Non-durable sign" means any sign that is used temporarily and is not permanently mounted, painted, or otherwise affixed, including any poster, banner, placard, stake sign, or sign not placed in the ground with concrete or other means to provide permanent support, stability, and rot prevention. Non-durable signs may only be made of non-durable materials including, but not limited to, paper, corrugated board, flexible or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without plasticizers, and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to permanent sign regulations.

V. "Two-sided" means a sign where only one face is visible from any viewing position.

W. "Window sign" means a sign placed inside a building within 15 feet of the window or on a window and visible from the outside. This term does not include merchandise.

15.08.030 Permits required.

A. No signs, except those described in BIMC 15.08.050, shall be erected without a valid sign permit.

B. Permit application requirements shall be determined by the director and shall include a site plan showing the location of the signs, the position of buildings and landscaped areas, the elevations of the signs, and the configuration and size of the signs.

C. A valid sign permit is required before altering an existing sign or repairing a sign where the repair exceeds 50 percent of the replacement cost.

D. Legally established signs that include changeable copy are exempt from permit requirements for altering the changeable copy.

15.08.040 Permit fees.

Permit fees shall be as established by the city council by resolution.

15.08.050 Signs not requiring a permit.

The following signs shall not require a permit:

A. Signs installed by the City, County, State, or federal governmental agency for the protection of the public health, safety, and general welfare.

B. Noncommercial non-durable signs allowed under BIMC 15.08.140.

C. Culturally, historically, or architecturally significant signs, existing at the time of passage of the ordinance codified in this chapter and officially recognized by the city. Designation of culturally, historically, or architecturally significant signs will be adopted by separate resolution.

D. Any window sign four square feet or less in size; provided, that no single sign or combination of signs shall exceed 25 percent of an individual window area.

E. A single noncommercial sign, not exceeding 24 square feet in area, mounted at a height not exceeding 20 feet above grade, located on "agricultural land" as that term is defined in Chapter 16.26 BIMC.

15.08.060 Prohibited signs.

The following signs are prohibited:

A. Billboards, streamers, pennants, ribbons, spinners, or other similar devices.

B. Flashing signs, roof signs, signs containing moving parts or appearing to move, and signs which sparkle or twinkle in the sunlight.

C. Signs advertising or identifying a business which is defunct.

D. Signs, except for traffic, regulatory, or informational signs, using the words "stop," "caution," or "danger," or incorporating red, amber, or green lights resembling traffic signals, or resembling "stop" or "yield" signs in shape or color.

E. Signs advertising a business not located on the parcel or development containing the business except signs erected by, or with funding from, the City or the State of Washington.

F. Signs mounted on stationary, unlicensed vehicles.

G. Illuminated features, on the exterior of a building, that call attention to the building or product sold within the building.

H. Any window sign(s) exceeding four square feet in area or exceeding 25 percent of an individual window area.

I. Neon signs, except as permitted in BIMC 15.08.100.B.

J. On-premises signs in the natural, conservancy, aquatic conservancy, and aquatic shoreline environments, except for navigation aids and public information.

K. Signs attached or placed on trees, vegetation, or other natural features, except for memorial or species identification labels.

L. Signs on or attached to any utility pole, traffic control device, lamp post, or any other public infrastructure, building, or structure, except bannerets.

M. Any sign placed without the necessary permit or not in accordance with the size, place and manner limitations provided in this chapter.

N. Any sign that:

1. Is structurally, electrically, or otherwise unsafe; or
2. Constitutes a hazard, by design or placement, to public safety and health; or
3. Obstructs free entrance or exit from a door or window that is required to be in place by this code or the City; or

O. Portable signs, except that the following portable signs are allowed:

1. Portable signs owned and erected by a public agency;
2. Portable signs erected entirely on private property;
3. Portable signs erected on publicly owned property with the authorization of the public entity owning the property;
4. Portable signs authorized to be erected in the City right-of-way in accordance with an approved right-of-way use permit; and
5. Sandwich board signs allowed under BIMC 15.08.115.
6. One portable sign per construction site not to exceed twelve (12) square feet in area located on the parcel being improved. Sign must be in conjunction with an approved building permit. The sign shall be removed within thirty (30) days of the occupancy of the structure.
7. One portable sign per parcel of real property listed for sale not to exceed twelve (12) square feet in area located on the parcel listed for sale. The sign shall be removed within thirty (30) days of closing of the sale.

P. Signs placed on sidewalks, driveways, or other improved areas designed for vehicular, bicycle, wheelchair, or pedestrian use, except as conditioned in a right-of-way use permit issued by the City.

15.08.070 Nonconforming signs.

A. A nonconforming sign lawfully existing prior to July 26, 1993, may remain and be used subject to the provisions of subsections B and C of this section.

B. A nonconforming sign cannot be enlarged, reworded, redesigned, or altered in any way except to conform to this chapter. If the cost to repair a nonconforming sign exceeds 50 percent of its replacement cost, the sign shall not be repaired except to conform to this chapter.

C. A sign replacing a nonconforming sign shall conform to this chapter.

15.08.080 Measurement of sign area.

Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the sign surface. For freestanding signs, support structures (providing that they are not signs) extending up to one foot above the signs shall not be included in the calculation of the sign area. For signs which are

a molded, cast, carved, or otherwise integral part of a solid concrete, masonry, wood, or composite wall, foundation, fence, or entry structure, the sign area shall be measured within a continuous perimeter enclosing the extreme limits of the lettering and/or image.

15.08.090 Height of sign.

- A. The height of any sign shall be measured from the grade adjacent to the sign.
- B. The height of signs located within a marina shall not exceed 15 feet above the ordinary high water mark.
- C. Awning structures on which sign images are attached shall be subject to regulation under the Uniform Building Code as adopted in Chapter 15.04 BIMC.

15.08.100 General regulations.

A. Signs within the Shoreline Master Program Jurisdiction.

- 1. Sign permits shall be submitted for review and approval at the time of shoreline permit submittal.
- 2. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.
- 3. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or as approved as part of a water-dependent use.
- 4. Signs which impair visual access in view corridors are prohibited.
- 5. Governmental signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations at all points of access. Signs shall also indicate all limitations on use of such areas including use of fire, alcohol, jet skis, and other recreational equipment, as well as requirements regarding pets.

B. Illumination Standards.

- 1. Signs, except for facade or awning signs, shall only be illuminated externally by light sources shielded so that the lamp is not visible from adjacent properties, the public right-of-way or watercourses. Sign lighting shall conform to BIMC 18.15.040.
- 2. Lights illuminating a sign shall project illumination toward the face of the sign.
- 3. Signs shall not flash, rotate, or have motorized parts or exposed electrical wires.
- 4. Signs shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m. unless the premises on which they are located is open for business.
- 5. Up to three neon signs are allowed in commercial zones for each business; provided, that they do not exceed four square feet for any individual sign. Total signage of all types shall not exceed 25 percent of an individual window area. For each retail business that has window area in excess of 100 square feet, an additional four square feet of neon sign area is allowed. Neon signs are allowed only on properties zoned for commercial uses, shall not be visible from the shoreline, and shall not flash.
- 6. One commercial use sign for theaters, including film or performing arts buildings that were constructed prior to November 10, 1999, may be internally illuminated and may include external unshielded neon lights.
- 7. Facade signs may be internally illuminated if:
 - a. The background does not emit light;
 - b. The background constitutes a minimum of 80 percent of the sign area; and

c. The illumination source is shielded.

C. Placement Standards.

1. Signs, including banners and non-durable signs, shall not be mounted on roofs, extend above the roof line, or be located more than 20 feet above the grade except for retail businesses with a second-floor exterior entrance.
2. Signs projecting from a building shall not be less than eight feet above grade, unless permitted by the city through an administrative variance procedure.
3. Freestanding signs shall not exceed five feet in height except in the Business/Industrial and NC zones and except as regulated by BIMC 15.08.120.B. Supporting structures (providing that they are not signs) for freestanding signs may extend one foot higher than the height limit for freestanding signs. In the Business/Industrial and NC zones, freestanding signs shall not exceed eight feet in height.

D. Freestanding signs shall be located within a landscaped area that is twice the area of the sign area, and the plantings or the landscaped area shall be located so as to shield illumination sources.

E. All signs visible from Highway 305 must be in conformance with the standards of the Scenic Vistas Act (Chapter 47.42 RCW and Chapter 468-66 WAC) that is incorporated herein by this reference as well as the related Washington State Department of Transportation (“WSDOT”) rules, regulations, and noncompliance penalties; provided, that all signs within the city shall also be subject to any additional restrictions as provided in this chapter. In the case of conflict between the requirements of the Scenic Vistas Act and this chapter, the more restrictive requirement shall apply.

15.08.110 Commercial use signs.

In addition to the general regulations of this chapter, the following regulations shall apply to all commercial use signs.

A. Facade Signs.

1. The total aggregate area of all facade signs on each wall shall not exceed 128 square feet.
2. Buildings may have one facade sign with a maximum area of 36 square feet for each tenant. If the building has street frontage on two or more streets, has access from an alley or parking area to the side or behind the building, or has retail uses on a second floor, a facade sign for each tenant is allowed; provided, that no additional sign shall exceed 20 square feet in area, face the same street, alley, or parking area or be on the same floor as another facade sign.
3. Facade signs shall be located less than 20 feet above grade except for retail businesses with a second-floor exterior entrance.
4. A single directory, combining the name of the commercial complex and the individual names of businesses located within, is allowed provided no other facade sign on the building shall exceed 20 square feet in area except for retail businesses with a second-floor exterior entrance may have a facade sign up to 36 square feet. The maximum sign area for this directory is 48 square feet.
5. A single facade sign for a commercial complex is allowed at the primary entrance instead of a directory, provided no other facade sign for building tenants shall exceed 20 square feet in area except for retail businesses with a second floor exterior entrance may have a facade sign up to 36 square feet. The maximum area for this commercial complex sign is 36 square feet.
6. There may be up to three facade sign(s) per tenant in the High School Road commercial zone located more than 200 feet from the edge of any public right-of-way. No additional sign shall exceed 20 square feet in area, face the same street, alley or parking area or be on the same floor as another facade sign.

B. Freestanding Signs.

1. No more than one freestanding sign shall be allowed per tenant. The sign shall not exceed 20 square feet on any single face or 40 square feet on two faces. No more than two freestanding signs, regardless of the number of tenants, shall be allowed on any property.

2. A freestanding identification sign, for a commercial complex, with or without the individual names of businesses located therein, with a maximum sign area of 40 square feet on any single face and a total surface area of 60 square feet if two sided may be erected facing each street frontage. No individual tenant freestanding signs may be erected on such a property that contains this freestanding identification sign.

3. In the Business/Industrial zone, freestanding identification signs may be located on adjacent Business/Industrial zoned properties if the signs contain directional information to assist in locating the businesses listed and permission is obtained from the owner of the property where the sign is located. The maximum sign area shall be 36 square feet. The sign shall not be counted toward the maximum number of freestanding signs allowed.

C. An awning or marquee sign, not exceeding 20 square feet in area per commercial tenant, is allowed instead of a facade sign. The lowest point of the awning or marquee is at least eight feet above the sidewalk, and the awning shall have a dark background if illuminated from behind.

D. Projecting/Hanging Signs.

1. A business may have one projecting sign, located at least eight feet above grade, with a maximum area of five square feet for each side. The fixture used to suspend the hanging sign must be included in the permit design and approved by the designated officials, but shall not be included in the total size of the sign.

2. Signs for theaters, including film or performing arts buildings, shall not exceed 80 square feet on a single face and 140 square feet on multiple faces and shall be located at least 100 feet from any property zoned single-family.

E. Sandwich Board Signs. Sandwich board signs displaying commercial speech shall be allowed to the extent provided in BIMC 15.08.115.

15.08.115 Sandwich board signs.

In addition to the regulations of this chapter, the following regulations shall apply to sandwich board signs:

A. City Property (excluding City right-of-way). No person shall erect a sandwich board sign on City-owned property without first obtaining authorization from the City. Such authorization may be given by the City Council, City Manager, or through a special event permit issued in accordance with Chapter 12.06 BIMC. Any person authorized to erect a sandwich board sign on City-owned property shall be responsible for removing the sign at the time designated by the City when authorization to erect the sign was granted.

B. City Right-of-Way. Sandwich board signs erected within City right-of-way must comply with the following requirements:

1. Sandwich board signs erected within City right-of-way located within the Mixed Use Town Center, High School Road Districts I and II, or Neighborhood Center zoning districts shall comply with the following requirements:
 - a. Each owner of a sandwich board sign may erect one nonilluminated sandwich board sign within the City right-of-way.
 - b. No person may erect a sandwich board sign within the roadway portion of the City right-of-way, except as conditioned in a right-of-way use permit.
 - c. No sandwich board sign may be erected on sidewalks, driveways, or other paved or unpaved areas designated for pedestrian or vehicular use if the sign interferes with sight distances or creates a vehicular, cyclist, wheelchair, or pedestrian traffic obstruction or hazard.

- d. Sandwich board signs may only be displayed within the City right-of-way between the hours of 6:00 AM and 11:00 PM each day. Outside of those hours, the owner of the sandwich board sign shall remove the sandwich board sign from the City right-of-way.
 - e. Sandwich board signs shall be a minimum of thirty (30) inches high and a maximum of forty-eight (48) inches high.
 - f. Each face of a sandwich board sign shall not exceed six (6) square feet in area.
 - g. Sandwich board signs may only be erected at a location within the City right-of-way if the owner of the sandwich board has obtained permission of the abutting property owner.
 - h. Contact information for the owner of the sandwich board sign must be included on all sandwich board signs.
 - i. Sandwich board signs are exempt from BIMC 15.08.060.E.
 - j. The owner of a sandwich board sign shall regularly inspect the sign to ensure that the sign has not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired by the owner so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.
2. Sandwich board signs erected within City right-of-way that is not located within the Mixed Use Town Center, High School Road Districts I and II, or Neighborhood Center zoning districts shall comply with the following requirements:

- a. Each owner of a sandwich board sign may erect one nonilluminated sandwich board sign within the City right-of-way.
- b. No person may erect a sandwich board sign within the roadway portion of the City right-of-way, except as conditioned in a right-of-way use permit.
- c. No sandwich board sign may be erected on sidewalks, driveways, or other paved or unpaved areas designated for pedestrian or vehicular use if the sign interferes with sight distances or creates a vehicular, cyclist, wheelchair, or pedestrian traffic obstruction or hazard.
- d. Sandwich board signs may only be displayed within the City right-of-way between the hours of 6:00 AM and 11:00 PM each day. Outside of those hours, the owner of the sandwich board sign shall remove the sandwich board sign from the City right-of-way.
- e. Sandwich board signs shall be a minimum of thirty (30) inches high and a maximum of forty-eight (48) inches high.
- f. Each face of a sandwich board sign shall not exceed six (6) square feet in area.
- g. Sandwich board signs may only be erected at a location within the City right-of-way if the owner of the sandwich board has obtained permission of the abutting property owner.
- h. Contact information for the owner of the sandwich board sign must be included on all sandwich board signs.
- i. Sandwich board signs are exempt from BIMC 15.08.060.E.
- j. The owner of a sandwich board sign shall regularly inspect the sign to ensure that the sign has not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired by the owner so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

C. Private Property. Sandwich board signs erected on private property shall comply with the following requirements:

- 1. Sandwich board signs displaying commercial speech shall comply with the following requirements:
 - a. One nonilluminated sandwich board sign shall be allowed per business.
 - b. Sandwich board signs shall be a minimum of thirty (30) inches high and a maximum of forty-eight (48) inches high.
 - c. Each face of a sandwich board sign shall not exceed six (6) square feet in area.
 - d. Sandwich board signs shall be located on real property where the business is located, provided that permission of the owner of the real property has been obtained.
 - e. The owner of a sandwich board sign shall regularly inspect the sign to ensure that the sign has not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs

shall be immediately removed or repaired by the owner so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

2. Sandwich board signs displaying noncommercial speech shall comply with the following requirements:
 - a. One nonilluminated sandwich board sign shall be allowed per lot.
 - b. Sandwich board signs shall be a minimum of thirty (30) inches high and a maximum of forty-eight (48) inches high.
 - c. Each face of a sandwich board sign shall not exceed six (6) square feet in area.
 - d. The owner of a sandwich board sign shall regularly inspect the sign to ensure that the sign has not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired by the owner so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

15.08.120 Institutional or public use signs.

In addition to the general regulations of this chapter, public institutions or public entities:

A. May have a single sign, either facade-mounted or a freestanding identification sign, visible from each street frontage;

B. May have one additional freestanding identification sign at the principal entrance not to exceed a maximum height of six feet. The maximum sign area of any face shall be no greater than 40 square feet;

15.08.130 Residential use signs.

In addition to the general regulations of this chapter, the following regulations shall apply to all residential use signs.

A. Residential developments may have a single freestanding sign with a maximum sign area of 10 square feet.

B. Home occupations, legally established, may have an identification sign as allowed in BIMC 18.09.030.I.13.

C. Multifamily residential developments may have a directory sign, with a maximum sign area of 20 square feet, at one vehicular entrance on each street frontage.

15.08.140 Non-durable signs.

A. Removal. Non-durable signs shall be removed by the person responsible for placement of the sign if the sign is in need of repair, is worn, dilapidated, or creates a public nuisance.

B. Materials. See the definition of “non-durable sign” in BIMC 15.08.020.

C. City Property (excluding City right-of-way). No person shall erect a non-durable sign on City-owned property without first obtaining authorization from the City. Such authorization may be given by the City Council, City Manager, or through a special event permit issued in accordance with Chapter 12.06 BIMC. Any person authorized to erect a non-durable sign on City-owned property shall be responsible for removing the sign at the time designated by the City when authorization to erect the sign was granted.

D. City Right-of-Way. Non-durable signs located within City right-of-way must comply with the following requirements:

1. Non-durable signs erected within City right-of-way located within the Mixed Use Town Center, High School Road Districts I and II, or Neighborhood Center zoning districts shall comply with the following requirements:
 - a. No person may erect a non-durable sign within the roadway portion of the City right-of-way except as conditioned in a right-of-way use permit.

- b. Non-durable signs may be erected on sidewalks, driveways, or other paved or unpaved areas designated for pedestrian or vehicular use only if the sign does not interfere with sight distances and does not create a vehicular, cyclist, wheelchair, or pedestrian traffic obstruction or hazard.
 - c. Only non-durable signs on stakes that can be manually pushed or hammered into the ground are allowed, except that the City may allow other non-durable signs through the issuance of a right-of-way use permit.
 - d. Non-durable signs located within the City right-of-way shall not exceed four (4) square feet, and three (3) feet in height.
 - e. If noncommercial speech, no sign permit is required.
 - f. Non-durable signs displaying commercial speech are prohibited.
 - g. Banners on or over the City right-of way require permitting through a right-of-way use permit and are limited to a two (2) week period.
2. Non-durable signs erected within City right-of-way that is not located within the Mixed Use Town Center, High School Road Districts I and II, or Neighborhood Center zoning districts shall comply with the following requirements:
- a. No person may erect a non-durable sign within the roadway portion of the City right-of way except as conditioned in a right-of-way use permit.
 - b. Non-durable signs may be erected on sidewalks, driveways, or other paved or unpaved areas designated for pedestrian or vehicular use only if the sign does not interfere with sight distances and does not create a vehicular, cyclist, wheelchair, or pedestrian traffic obstruction or hazard.
 - c. Only non-durable signs on stakes that can be manually pushed or hammered into the ground are allowed, except that the City may allow other non-durable signs through the issuance of a right-of-way use permit.
 - d. Non-durable signs located within the City right-of-way shall not exceed four (4) square feet, and three (3) feet in height.
 - e. Both commercial and noncommercial non-durable signs are allowed only if the owner of the sign obtains the permission of the abutting property owner.
 - f. If noncommercial speech, no sign permit is required.
 - g. If commercial speech, a sign permit is required and the sign may only be displayed for a maximum of 30 days within a 12-month period.
 - h. Banners on or over the City right-of way require permitting through a right-of-way use permit and are limited to a two (2) week period.

E. Residential zones. Non-durable signs erected on property residentially zoned shall comply with the following requirements:

- 1. Size and height. Non-durable signs located within residential zones shall not exceed four (4) square feet in size and three (3) feet in height.

F. Non-residential zones: Non-durable signs erected on non-residentially zoned property shall comply with the following requirements:

- 1. Size and height. Non-durable signs located within non-residential zones shall not exceed four (4) square feet in size and three (3) feet in height.

15.08.150 Sign variance.

A. A variance is the mechanism by which the city may grant relief from the provisions of this chapter where practical difficulty renders compliance with the provisions of this chapter an unnecessary hardship and where the hardship is a result of the physical characteristics of the subject property.

B. The variance procedure shall be administrative and determined by the director.

15.08.160 Enforcement and penalties.

A. Enforcement of this chapter and the imposition of penalties for violations of this chapter shall be as provided for in Chapter 1.26 BIMC.

B. The city may remove and dispose of signs that it determines are a threat to public safety and recover costs from the owner of the property on which the sign is located or the sign owner. Within 10 days of removal of a sign, and upon payment of the costs of removal, the owner may recover a sign.

Supreme Court Case Requires Rewrite of Municipal Sign Laws

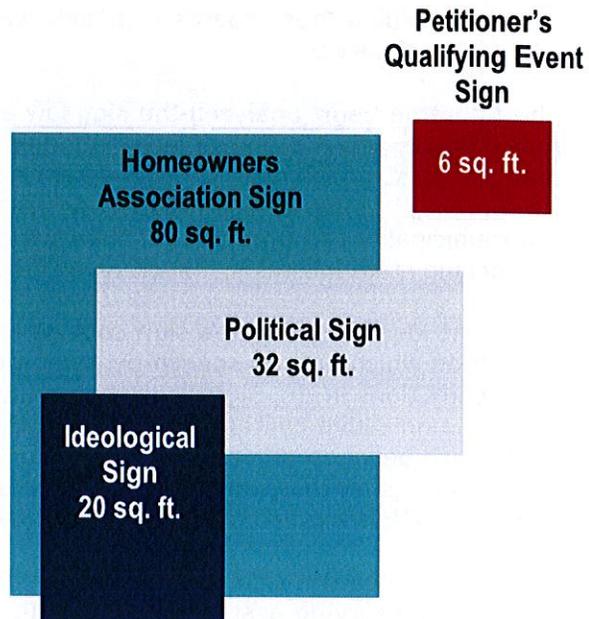
Guest Author: Victoria L. Polidoro, Esq., Partner, Rodenhausen Chale LLP

On June 18, 2015, the Supreme Court decided the case of Reed v. Town of Gilbert, Arizona¹, which invalidated the Town of Gilbert's (Gilbert) sign law as an unconstitutional restriction on speech. As a result, municipal sign laws throughout the country should be reevaluated to determine whether they pass constitutional muster. The following provides an explanation of the Reed case and guidance on the regulation of signs post-Reed.

Town of Gilbert's Sign Code

Like many municipalities, Gilbert, Arizona adopted a sign code which identified various categories of signs based on the type of information they conveyed. Each category of signs was subjected to different regulations. Categories included "temporary directional signs relating to a qualifying event", "ideological signs", "construction signs", "directional signs", "garage sale signs", "political signs" and "bazaar signs", among others.

Gilbert's sign code generally required a permit for outdoor signs with 23 different categories of signs exempted from the permit requirement. The Supreme Court considered three of the exemptions in some detail before ultimately deciding that the sign law constituted a content-based restriction on speech: ideological signs, political signs and temporary directional signs. Under Gilbert's sign code, these three sign types were treated differently with regard to size, location, and timeframe, as follows:



Graphic depiction showing some of the different allowances for non-commercial signs in the Town of Gilbert's sign regulations. (Photo credit: The Becket Fund for Religious Liberty)

Sign Type:	Ideological	Political		Temporary Directional
Allowed Square Footage:	20 square feet	16 square feet	32 square feet	6 square feet
Allowed Location:	All zoning districts	Residential property	Non-residential or undeveloped municipal property	No more than 4 signs per property
Allowed Timeframe:	No time limit	60 days prior to primary election to 15 days following general election		12 hours prior to 1 hour after the qualifying event

Reed v. Town of Gilbert

The petitioner in the case is Clyde Reed, the Pastor of Good News Community Church. The Church is described by the Court as a "small cash-strapped entity that owns no building," causing it to hold services at available locations throughout the Town. The Church began placing 15-20 temporary signs around the Town advising the public of the time and place of its services. Signs would be posted on Saturday and removed on Sunday. The Town cited the Church for exceeding the durational limit on temporary directional signs and for failing to include the date of the event on the signs.



The temporary signs placed around Gilbert by the Good News Community Church. (Photo credit: www.legalbroadcastnetwork.com)

The Church filed a complaint in Federal Court, claiming that its first amendment right to freedom of speech was being violated by Gilbert's sign code. The District Court and the Court of Appeals ruled in favor of Gilbert. The Supreme Court overturned the decision, holding that Gilbert's sign code was an unconstitutional content-based regulation of speech.

The Supreme Court analyzed the sign law and whether it violated the First Amendment, which prohibits laws "abridging the freedom of speech." A municipality may not "restrict expression because of its message, its ideas, its subject matter, or its content."² Content-based restrictions are "presumptively unconstitutional" unless the municipality can provide that the restrictions are "narrowly tailored to serve compelling state interests,"³ such as traffic safety or aesthetics.

The court identified Gilbert's sign code as a subtle form of content-based speech regulation which defines speech by its purpose or function. The Court reasoned that the "restrictions in the Sign Code that apply to any given sign . . . depend entirely on the communicative content of the sign."⁴ Even though Gilbert's sign code did not distinguish between different viewpoints on the sign or express disagreement with any messages on the signs, **the act of regulating a sign by its function rendered the regulation a content-based regulation.**

Gilbert defended the sign code by arguing that the code served two compelling interests: preserving aesthetics and traffic safety. The Court found that the regulations were "underinclusive" and therefore ineffective. For example, "The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem."⁵ With respect to aesthetics, the Court did not find the regulation to be narrowly tailored because it allowed an unlimited number of ideological signs while placing significant limits on directional signs.

With respect to traffic safety, the Court was not persuaded that limiting threats to safety from directional signs, but not from ideological or political signs, was a narrowly tailored approach, given the Court's opinion that "a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting."⁶



An example similar to one provided in the Reed brief showing temporary political signs in comparison to the temporary church event sign. (Photo credit: www.westerncity.com)

The Outcome

The outcome of the Reed case is that any municipal sign law which regulates signs based on their function – ie, political, garage sale, non-profit – will be subject to the “strict scrutiny” test and will be presumed unconstitutional unless the municipality can prove that the regulations further a compelling government interest and are narrowly tailored to serve that interest. The Supreme Court’s decision involved only non-commercial signs. It is unclear whether a future case will apply the same test to commercial signage.

Unfortunately, the Court’s opinion means that common exemptions in sign codes for historical markers, home occupations, hidden driveways and no trespassing signs would probably fail under a strict reading of the decision. Communities may act to “repeal the exemptions that allow for helpful signs on streets, or else lift their sign restrictions altogether and resign themselves to the resulting clutter”⁷. Neither option is desirable.

After dealing a huge blow to sign codes throughout the Country, the Court did offer guidance on regulations that are not content-based. The following is a non-exclusive list of sign regulations that are not content-based and therefore presumed constitutional, along with examples of such regulations adopted by Dutchess County communities.

1. **Size of Signs:** The Town of Pleasant Valley regulates the size of permanent signs based on the location and make of the sign. The permitted size of a wall sign is based on the size of the establishment’s principal façade, while a monument sign can be no larger than 16 square feet on each side and no taller than six feet.⁸
2. **Lighting of Signs:** The Village of Fishkill has adopted different sign regulations for different zoning districts within the Village. Internally illuminated signs are permitted along Route 9 and I-84 but prohibited within the historic main street area.⁹
3. **Electronic Message Display Signs:** The Town of Poughkeepsie prohibits electronic message display signs (EMDs) in all residential districts, hamlet districts and in certain commercial districts. Where such signs are permitted, the Town regulates the distance

between EMDs, the location of EMDs, and requires a message to be displayed for no less than 12 hours without change.¹⁰

4. **Placement of Signs:** The Town of Red Hook prohibits signs in the public right of way.¹¹
5. **On-Premises and Off-Premises Signs:** The Town of LaGrange prohibits billboards in all district. A Billboard is defined as "an off-premises sign that is leased or rented for profit."¹²
6. **Total Number of Signs Permitted:** The Town of Hyde Park regulates signs on establishments within a shopping center. Each establishment may have a sign no more than one square foot for each lineal foot that the establishment occupies, up to 100 square feet.¹³
7. **Building Materials and Moving Parts:** The Town of Dover Zoning Law prohibits signs from containing or consisting "of any moving, rotating, or revolving device."¹⁴
8. **Permanent versus Temporary Signage:** The Town of Poughkeepsie permits one a-frame or sidewalk sign per business, provided it does not obstruct the sidewalk or an egress door and further provided it is made of durable, weather resistant materials.¹⁵
9. **Time Restrictions:** Rules imposing time restrictions on signs advertising a one-time event or allowing signs leading up to an election or other event, so long as signs of any topic whatsoever are permitted.

Next Steps to Consider

This ruling by the Supreme Court has the potential to fundamentally change the way municipalities regulate non-commercial signs, which in turn could have a dramatic effect on our community aesthetics. Local municipalities should be prepared to adjust their sign codes accordingly. To that end, if your community has not already begun reviewing its sign law, proactive steps should be taken to convene a sign committee and review the local sign law prior to an expensive and costly legal challenge. Community officials should also review enforcement priorities with their municipal attorney and discuss whether provisions which would not satisfy the strict scrutiny test should continue to be enforced by the municipality.

¹ 138 S. Ct. 2218 (2015).

² Id. at 2226, citing *Police Department of Chicago v. Mosley*, 408 US 92 (1972).

³ Id., citing *R.A.V. v. St. Paul*, 505 US 377 (1992).

⁴ Id. at 2227.

⁵ Id. at 2221 (syllabus).

⁶ Id. at 2232.

⁷ Id. at 2237.

⁸ Town of Pleasant Valley Zoning Law § 98-46I(1)(a).

⁹ Village of Fishkill Zoning Law § 171-49C.

¹⁰ Town of Poughkeepsie Zoning Law § 210-123.1.

¹¹ Town of Red Hook Zoning Law § 143-27B(3).

¹² Town of LaGrange Zoning Law § 240-43B &D(1)(b).

¹³ Town of Hyde Park Zoning Law § 108-24.2C(2)(b).

¹⁴ Town of Dover Zoning Law § 145-39E(4).

¹⁵ Town of Poughkeepsie Zoning Law § 210-123.2.

More Information

[Reed v. Gilbert Supreme Court Opinion](#)

[Municipal Control of Signs](#) (updated), NYS DOS

[Opinion Analysis: The message determines the right](#), SCOTUSblog

[Court's Free-Speech Expansion Has Far-Reaching Consequences](#), NYTimes

[Supreme Court reaffirms broad prohibition on content-based speech restrictions, in today's Reed v. Town of Gilbert decision](#), The Washington Post

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CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 13, 2020

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: 8:55 PM - ADU Subcommittee Report

AGENDA CATEGORY: Report

PROPOSED BY: Jane Rasely

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): January 23, 2020, January 9, 2020

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

SUMMARY:

BACKGROUND:

ATTACHMENTS:



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 13, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: 9:25 PM - Puget Sound Regional Council Vision 2050 Update.

AGENDA CATEGORY: Report

PROPOSED BY: Heather Wright

**PREVIOUS PLANNING COMMISSION
REVIEW DATE(S):** None.

PREVIOUS COUCIL REVIEW DATE(S): February 4, 2020.

RECOMMENDED MOTION:
Discussion.

SUMMARY:

BACKGROUND: The Puget Sound Regional Council (PSRC) Vision 2050 is a regional growth strategy for a four-county central Puget Sound region (King, Pierce, Snohomish and Kitsap Counties). Within the report, there are projected employment and population growth numbers. PSRC is planning for 1.8 million more people and 1.2 million jobs by 2050. Bainbridge Island is anticipated to take a percentage of that growth, and the conversations around that amount are in their beginning phase and will be discussed leading up to our Comprehensive Plan update in 2024.

ATTACHMENTS:

Memorandum

Date: February 6, 2020
To: Planning Commission
From: Heather Wright
Planning Director
Subject: Update on Vision 2050 and Population Forecast – PSRC Vision 2050 Plan

I. Puget Sound Regional Council BACKGROUND

The Puget Sound Regional Council (PSRC) is the regional planning organization for the four-county central Puget Sound region (King, Pierce, Snohomish and Kitsap counties). PSRC conducts long-range planning (20-30 years in the future) for growth management, transportation, and economic development. It also collects regional data on demographics, housing, unemployment, building permits, and traffic counts, and analyzes to inform public policy.



II. VISION 2050 BACKGROUND

PSRC began their Vision 2050 work in 2017 with scoping, research and planning in 2018 and draft SEPA review in 2019. On December 5, 2019, the Growth Management Hearing Board acted unanimously to recommend VISION 2050 for adoption. On January 16, 2020, the Executive Board received the Vision 2050 plan and they are currently in the process of review. Vision 2050 is scheduled to be acted on by PSRC's General Assembly in May 2020.

III. FORECAST POPULATION & JOBS FOR BAINBRIDGE

A new regional forecast shows expected employment and population growth through 2050. PSRC is planning for 1.8 million more people and 1.2 million jobs by 2050. Planning for 2050 to inform regional and local planning is a fundamental component of the update.

The City of Bainbridge Island is included as a High Capacity Transit Community along with Kingston, Port Orchard and Port Orchard UGA and Poulsbo and Poulsbo UGA. High Capacity Transit Communities include cities connected to existing or planned light rail, commuter rail, ferry, streetcar and bus rapid transit facilities.

The Draft Preferred Alternative for Kitsap Counties High Capacity Transit communities forecasts population growth by 36% or by 34,000 between the years of 2017 to 2050 and employment growth by 32% or by 18,000 between the years of 2017 to 2050.

FIGURE 1 - POPULATION GROWTH 2017-50, DRAFT PREFERRED ALTERNATIVE

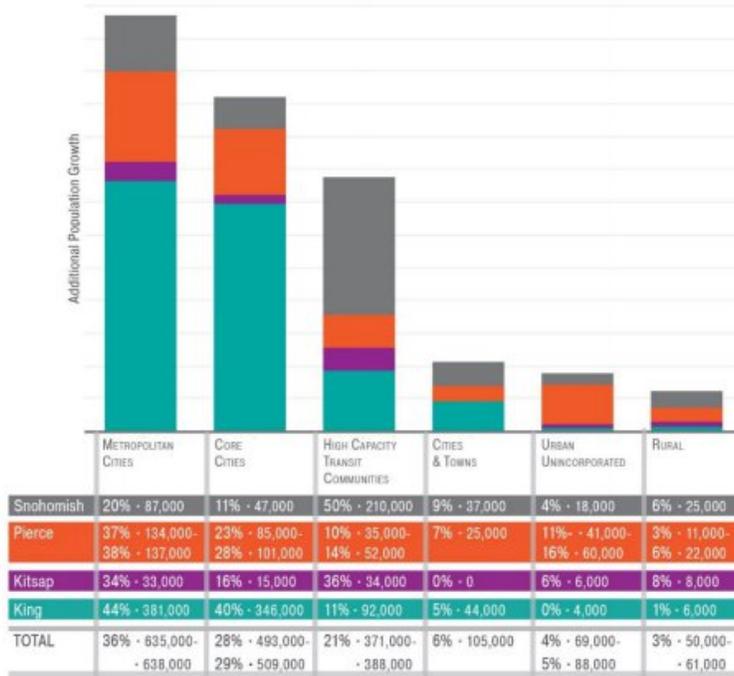
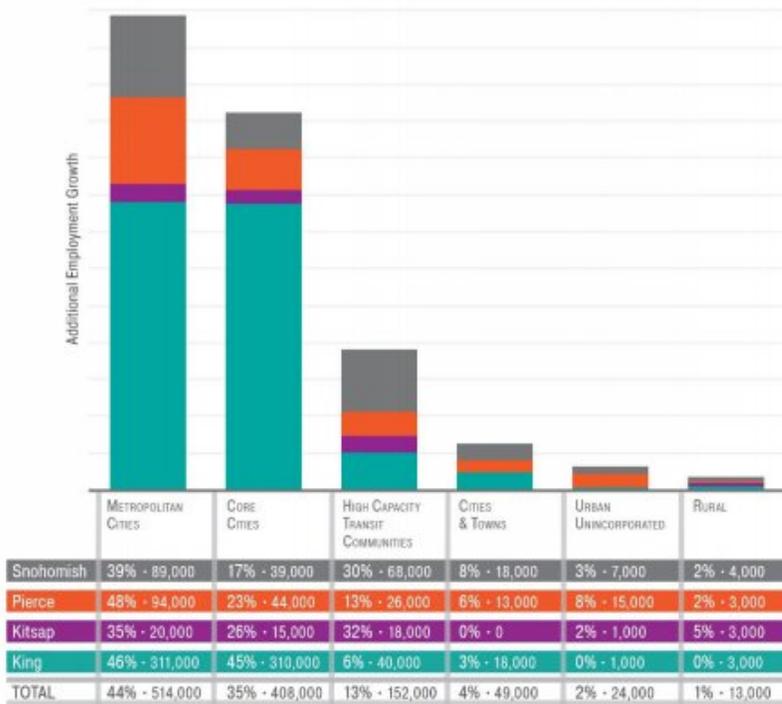


FIGURE 2 - EMPLOYMENT GROWTH 2017-50, DRAFT PREFERRED ALTERNATIVE



The exact percentage of growth that Bainbridge Island will experience will be informed by the next census update, the next adoption of the Comprehensive Plan and an agreed upon distribution of the 36% by the 3 other HCTC's (Poulsbo, Port Orchard, Kingston (Kitsap County)).

IV. LOCAL CONVERSATION UPDATE

The first consensus exercise to determine the predicted population from PSRC's Vision 2050 were discussed by the elected officials at the Kitsap Regional Coordinating Council (KRCC) on October 25, 2019.

The KRCC Board held a table top exercise focused on North, Central and South Kitsap County where each group was to determine the amount of growth that would be absorbed to meet the 2050 Growth Allocations. There was quite a bit of consensus amongst the groups about the amount to be allocated between the HCT's.

It was proposed and generally accepted that Bainbridge Island would potentially accommodate 4,500 of the 34,000 population by 2050.

To understand the potential amount of growth, it is helpful to have our current population estimate and the amount that we have already prepared to accommodate in our 2036 Comprehensive Plan.

- The 2017 Comprehensive Plan plans for a population of 28,660 residents in 2036. This amount is 4,810 above the 2015 census (23,880) that was the basis of the Comprehensive Plan (28,660 – 23,880 = 4,810).
- If the Island were to accommodate 4,500 additional residents by 2050, the City may need to adjust for an additional 686 residents during our next comprehensive plan update. This is based on the current 2019 census estimate for the Island at 24,846 (28,660 – 24,846).

Again, this was the first of many conversations that will be held in the years leading up to our next Comprehensive plan update, that is scheduled for 2024.