



CITY OF
BAINBRIDGE ISLAND

**PLANNING COMMISSION SPECIAL MEETING
THURSDAY, JUNE 11, 2020**

THE PLANNING COMMISSION WILL HOLD THIS MEETING USING A VIRTUAL, ZOOM WEBINAR PLATFORM, PER GOVERNOR INSLEE'S "STAY HOME, STAY HEALTHY" ORDERS. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO VIEW THE MEETING VIA THE BKAT BROADCAST OR THE CITY'S WEBSITE STREAMING WILL BE ABLE TO CALL IN TO THE ZOOM MEETING.

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AGENDA

1. **CALL TO ORDER/AGENDA REVIEW/CONFLICT DISCLOSURE - 5:00 PM**
Acknowledgement of citizen attendees if they wish to be acknowledged.
2. **PLANNING COMMISSION MEETING MINUTES - 5:10 PM**
 - 2.a **May 28, 2020** 5 Minutes
[Planning Commission Minutes DRAFT 052820.pdf](#)
3. **PUBLIC COMMENT - 5:15 PM**
Public comment on off agenda items.
 - 3.a **DRB Liaison Update** 5 Minutes
4. **UNFINISHED BUSINESS - 5:30 PM**

- 4.a 5:30 PM - Police & Court Facility Major Adjustment to Site Plan Review and Conditional Use Permit (PLN51524 SPRA CUPA) 45 Minutes**
 PLN51524 SPRA CUPA Revised 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 Agenda and Notes dtd 12.02.2019.pdf
 11. PLN51524 SPRA CUPA Design Review Board Transcript from 6.3.2019 Meeting.pdf
 12. Planning Commission Preliminary Recommendation for Police & Court Facility Major Adjustment to Site Plan Review and Conditional Use Permit February 13, 2020.pdf
 13. PLN51524 SPRA CUPA Design Review Board Final Design Review Worksheet.pdf
 14. PLN51524 SPRA CUPA Critical Area Report from Wetland Resources Environmental Consulting.pdf
 15. PLN51524 SPRA CUPA Supplemental Site Plan with Critical Areas.pdf
- 4.b 6:15 PM - Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards 30 Minutes**
 Memo - Changes to Ordinance No 2020-04 Since May 28, 2020 PCM
 Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards - 6-11-20 - Track Changes
 Commissioner Osmond - Discussion Points from 5-28-2020 PCM
 Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards - 6-11-20 - Clean Copy
 Small Wireless Facilities - Sample Photos of Actual Deployments
- 4.c 6:45 PM PM - Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E. 60 Minutes**
 BIMC_1812.030_FAR_BONUS_OPTIONS.pdf
 RES_2003-25_FULL_CITY_COUNCIL_FOR_DECISION_MAKING_RE_FLOOR_AREA_RATIO_BONUSES.pdf
 RES_2001-54_DISTRIBUTION_OF_FUNDS_FROM_PURCHASE_OF_FLOOR_AREA_RATIO_BONUSES.pdf
 MUTC Zoning Districts Map.pdf
 Planning Commission Minutes and Addendum DRAFT 031220.pdf
 20200424_CC_Staff_Memo (10).docx
 FAR_USAGE_BY_PROJECT.pdf
 FAR Usage Winslow Hotel
 Quitslund request for Info in the PC Packet FAR Discussion 5.12.2020.docx
 P C Subcommittee Recommendations on FAR Policies, 4.27.2020.docx
 Comp_Plan_Goals___Policies_Related_to_FAR.pdf
 Chapter 2 WMP.pdf
 Admin Manual .pdf
 Ordinance_No._2020-10_Adopting_Interim_Zoning_Control_Related_to_Bonus_Density
 BIMC Table 18.12.020-3.docx
 Subcommittee Recommendation - Changes to Base & Bonus FAR policies, 5.22.2020.docx

5. PLANNING DIRECTOR'S REPORT - 7:45 PM

6. ADJOURNMENT - 8:00 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 Special Meeting Agenda Bill

MEETING DATE: June 11, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: May 28, 2020

AGENDA CATEGORY: Minutes

PROPOSED BY: Jane Rasely

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

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:
Review and approve meeting minutes.

SUMMARY:

BACKGROUND:

ATTACHMENTS:



Planning Commission Special Meeting May 28, 2020

Meeting Minutes

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

Chair William Chester called the meeting to order at 5:10 PM. Planning Commissioners in attendance were J. Mack Pearl, Jon Quitslund, Lisa Macchio, Kimberly McCormick Osmond and Joe Paar. Don Doman was absent. City Staff present were Planning & Community Development Director Heather Wright, Senior Planner Jennifer Sutton and Administrative Specialists Marlene Schubert and Jane Rasely who monitored recording and prepared minutes.

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

2) **PLANNING COMMISSION MEETING MINUTES**

2.a Review and Approve Minutes

[Cover Page](#)

[Planning Commission Minutes DRAFT 051420.pdf](#)

Motion: I am prepared to move approval of the minutes for the special meeting on May 14, 2020 as distributed in the agenda packet.

Quitslund/McCormick Osmond: Passed Unanimously.

3) **PUBLIC COMMENT**

4) **UNFINISHED BUSINESS**

4.a [Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards](#)

[Cover Page](#)

[Memo - Changes to Ordinance No. 2020-04 Since Last Planning Commission Review](#)

[Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards - Clean Copy](#)

[Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards - Track Changes](#)

[Small Wireless Facilities - Sample Photos of Actual Deployments](#)

Deputy City Attorney Robbie Sepler provided a brief review of the ordinance before discussion.

The Commissioners asked Mr. Sepler to return with specific responses to the issues Commissioner McCormick Osmond provided (see attached).

4.b Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.
Cover Page
BIMC_1812.030_FAR_BONUS_OPTIONS.pdf
RES_2003-
25_FULL_CITY_COUNCIL_FOR_DECISION_MAKING_RE__FLOOR_AREA_RATIO_BONUS
ES.pdf
RES_2001-
54_DISTRIBUTION_OF_FUNDS_FROM_PURCHASE_OF_FLOOR_AREA_RATIO_BONUSE
S.pdf
MUTC Zoning Districts Map.pdf
Planning Commission Minutes and Addendum DRAFT 031220.pdf
20200424_CC_Staff_Memo (10).docx
FAR_USAGE_BY_PROJECT.pdf
FAR Usage Winslow Hotel
Quitslund request for Info in the PC Packet FAR Discussion 5.12.2020.docx
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Comp_Plan_Goals___Policies_Related_to_FAR.pdf
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Ordinance_No._2020-10_Adopting_Interim_Zoning_Control_Related_to_Bonus_Density
BIMC Table 18.12.020-3.docx
Subcommittee Recommendation - Changes to Base & Bonus FAR policies, 5.22.2020.docx
The Planning Commission's Subcommittee reported on their recommendations for discussion and stated they would look at Commissioner McCormick Osmond's draft and see what they could come up with to bring back to the whole Planning Commission.

5) PLANNING DIRECTOR'S REPORT

Ms. Wright provided an update regarding the joint City Council/Planning Commission planned for June 22, 2020.

6) ADJOURNMENT

The meeting was adjourned at 6:54 PM.

William Chester, Chair

Jane Rasely, Administrative Specialist



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: June 11, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: DRB Liaison Update

AGENDA CATEGORY: Discussion

PROPOSED BY: Heather Wright

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

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

SUMMARY:

BACKGROUND: At the Planning Commission and Design Review Board Retreats in January 2020, there was discussion and agreement to have a DRB liaison at a PC meeting to be available for questions from the PC when reviewing a land use project.

ATTACHMENTS:



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: June 11, 2020

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: 5:30 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): February 13, 2020

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).

This application and staff analysis were presented to the Planning Commission for review and recommendation on February 13, 2020. The Commission requested additional information prior to providing their recommendation. The requested items have been completed and are detailed in the staff report.

The revised staff report and exhibits can be found on the public portal under the Note titled Revised Staff Report and Exhibits to Planning Commission 06.11.2020 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, Associate Planner

Revised: June 11, 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

Project Description: 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 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. The City is the applicant for this project.

Part 1: Process

- 1. 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.
- 2. 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.
- 3. 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 (City file no. SPRA/CUPA 14430C) adequately address potential impacts from this proposal.

- 4. Design Review Board (DRB) Process:** The land use process includes a Conceptual Proposal Review meeting and design guidance meeting before the DRB. Conceptual review is intended to provide the applicant with an understanding of the objectives of the design review process, design guidelines, and Comprehensive Plan goals and policies. As provided in BIMC 2.16.040.D, the Planning Director granted a waiver from the conceptual proposal review meeting based on the applicant's knowledge and understanding of the City's permit processing procedures and that the building existed. The Design Guidance meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and Comprehensive Plan goals and policies, including recommendations for how the project could be revised to achieve greater consistency.
- 6. 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 Planning Commission shall review the project for consistency with applicable design guidelines and the Comprehensive Plan. The Planning 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.
- 7. 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.
- 8. Decision Process:** Pursuant to BIMC 2.16.110.E, the Director shall review the application materials, staff report, and the recommendation 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 recommendation of the Planning Commission a condition of approval, unless the Hearing Examiner concludes that the recommendation reflects inconsistent application of design guidelines or any applicable provisions of this code, exceeds the authority of the Design Review Board or Planning Commission, conflicts with SEPA conditions or other regulatory requirements applicable to the project or conflicts with requirements of local, state, or federal law.
- 9. 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.

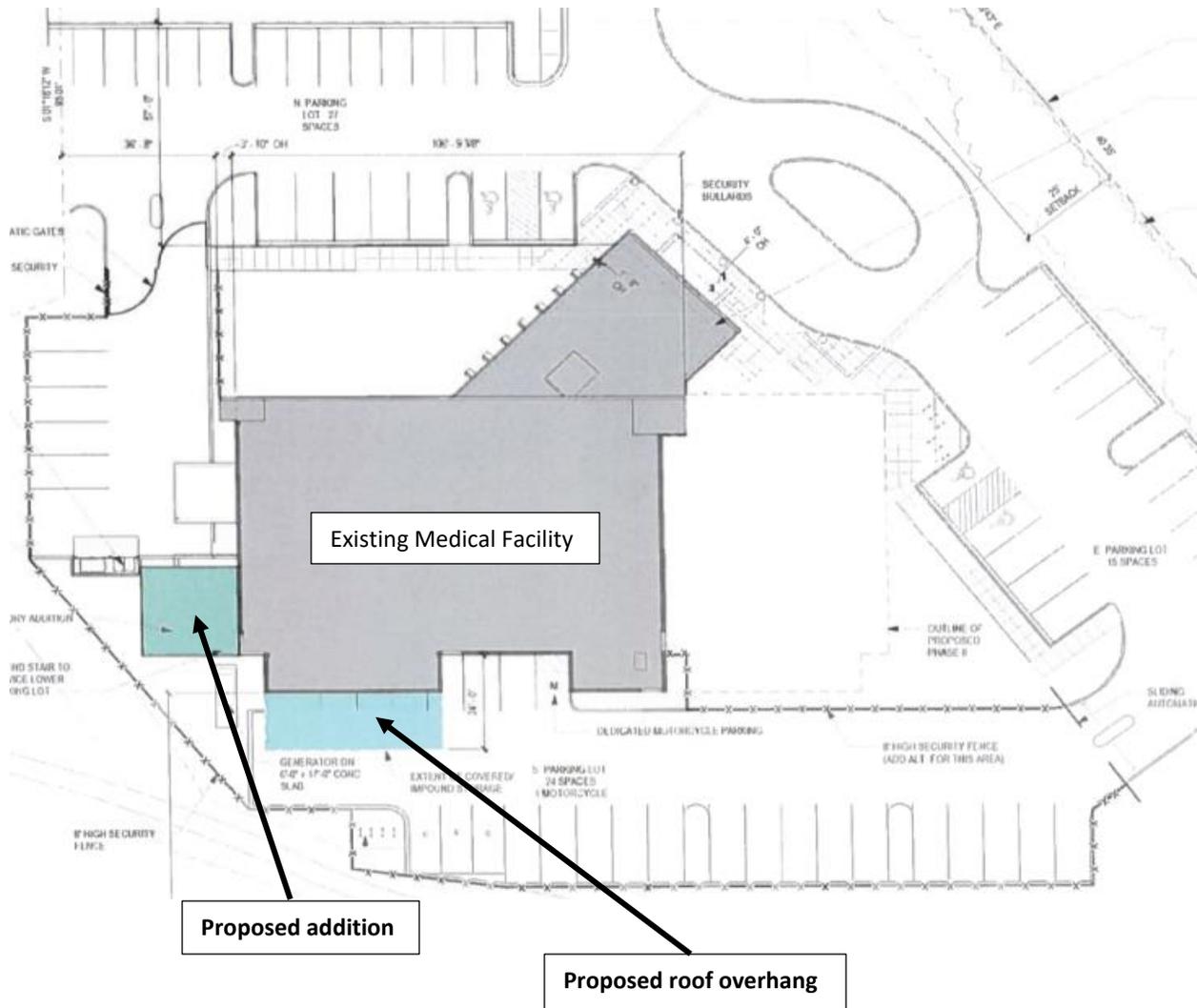
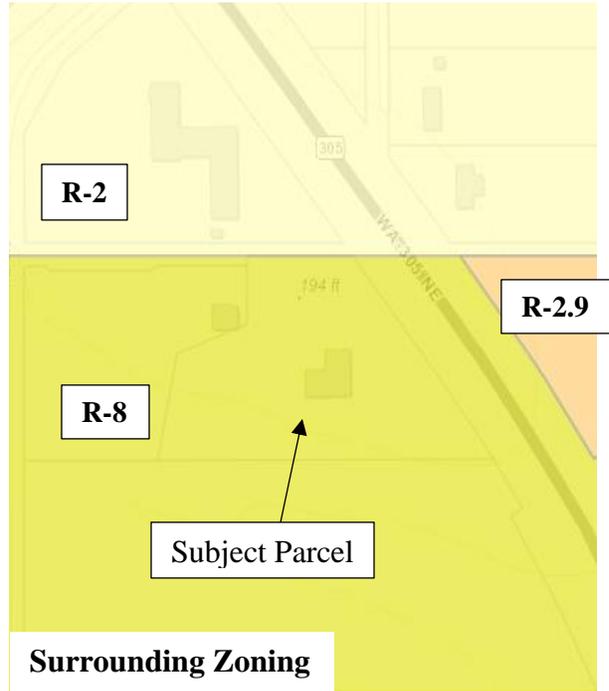


Figure 2 – Vicinity Map, Surrounding Zoning, and Project Site



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	A portion of a wetland and its associated buffer encumber the southern portion of the property. Additionally, a fish-bearing stream is located on the adjacent property to the south and the prescriptive buffer extends onto the subject property. There is an erosion hazard area on the south side of the subject parcel. The property also contains 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	City of Bainbridge Island
Sewer	City of Bainbridge Island
Storm Drainage	Raingardens and outfall fed by an onsite detention vault

Part III: Background and Application History

Background: The subject property contains a medical office building which was constructed in conjunction with an assisted living facility on the parcel to the west. This health care facility received Hearing Examiner approval through Site Plan and Design Review and Conditional Use permits in 2008 (City File No. SPR/CUP 14430B). Minor adjustment approval in 2012 allowed the facility to be continue as a phased plan (City File No. SPRA/CUPA 14430B). In 2013, a second minor adjustment was approved to reduce the size of the health care facility and change the building and parking configuration (City File No. SPRA/CUPA 14430C). A special use review (SUR) was approved in 2014 to create an outfall pipe across the wetland buffer which encumbers the southern portion of the subject property.

Date & Action	Summary
<i>June 3, 2019</i> Design Guidance Review Meeting	The Design Review Board provided input and guidance to the applicant regarding Comprehensive Plan goals and policies, focusing on sustainability goals, and goals and policies within the Environmental Element of the Comprehensive Plan.
<i>September 5, 2019</i>	Comments and concerns were primarily related to traffic and associated impacts.

Public Participation Meeting	
August 20, 2019 Pre-Application Conference	Permit process and requirements were discussed between the applicant and staff.
October 9, 2019 Application Submitted	Major Adjustment to Site Plan Review and Major Conditional Use Application.
November 6, 2019 Notice of Complete Application	Application was deemed complete.
December 2, 2019 Final Design Review Board Review and Recommendation	The DRB reviewed <i>Design for Bainbridge</i> standards and guidelines, including site design, public realm, building design, and landscape standards (Chapter 4), the state route street type and vegetated buffer frontage type guidelines (Chapter 5), and larger sites and civic uses standards (Chapter 7). There are no proposed departures from the design standards. The DRB determined that the project is consistent with Design for Bainbridge standards and guidelines and recommends approval.
February 13, 2020 Planning Commission	<p>The application and staff analysis were presented to the Planning Commission for review and recommendation to the Planning Director on February 13, 2020.</p> <p>The Commission requested the following prior to providing their recommendation:</p> <ol style="list-style-type: none"> 1. An analysis of the Conditional Use Permit decision criteria and how the proposed project satisfies those criteria 2. An analysis from the Design Review Board (DRB) describing all applicable design guidelines and how the project satisfies those 3. That the statement, “The Design Review Board discussed the project’s consistency with the Comprehensive Plan” be removed from the staff report presented to the Commission or that the Commission be provided an analysis of the DRB discussion 4. Any analyses or reports that were created by a biologist that demonstrate that “existing permanent substantial development” functionally isolates the development from critical areas and eliminates or greatly reduces the impacts to critical areas

	<p>The above items have been completed as summarized below and detailed in applicable sections of this report. Analysis of the Conditional Use Permit decision criteria is contained in Part VII of this report. Subsequent to the February 13th Planning Commission Meeting, the Design Review Board met on March 3rd and May 18th, completed a worksheet to document their findings that the application is consistent with applicable design standards and guidelines, and confirmed their recommendation for project approval. At the June 3rd, 2019 Design Guidance Review, the Design Review Board provided input and guidance to the applicant regarding Comprehensive Plan goals and policies, focusing on sustainability goals, and goals and policies within the Environmental Element of the Comprehensive Plan. A transcript of this meeting is provided in Exhibit 11. Also subsequent to the February 13th meeting, the applicant provided a critical area report from a biologist that identifies existing permanent substantial development which functionally isolates the development from critical areas and found no impacts to critical areas.</p>
<p><i>March 3 & May 18, 2020</i> Design Review Board meetings</p>	<p>The Design Review Board completed the Design Review Board Final Design Review worksheet and confirmed the approval recommendation.</p>

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 goals and policies apply to the development proposal:

Elements	Goals and Policies
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>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>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>

	Sustainability – Policy EC-3.4: Encourage public sector solid waste reduction, reuse and recycling.
Environmental Element	Environment – Goal EN-1: Preserve and enhance Bainbridge Island’s natural systems, natural beauty and environmental quality.
	Environment – Goal EN-2: Encourage sustainability in City Government operations.
	Environment – Policy EN-2.1: In managing City government operations, take reasonable steps to reduce impacts to the environment and ecosystems upon which we depend. This includes recognizing and preparing for the impacts of climate change.
	Fish and Wildlife – Policy EN-5.6: Protect wetlands and riparian areas.
	Air Quality – Policy EN-10.5: Ensure beneficial indoor air quality in all renovations and new construction of City-owned facilities and promote design choices that enhance beneficial indoor air quality in private construction.
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.
	State Route (SR) 305 – Policy TR 7.6: Support the construction of the STO and its branch trails.
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.
	Policy CF 2.1: When planning for public facilities, consider expected future land use activity.
Utilities Element	Electrical – Policy 14.7: New taxpayer-funded buildings shall use carbon-neutral energy for heating, cooling, and operational use to the maximum extent practical within site specific and existing technology limitations.

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

1. Public Notice and Public Comments

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

2. Agency Comments

Date & Agency	Summary of Comment
October 17, 2019	The Fire Marshal recommends approval provided that the project meets the International Fire Code and that a fire sprinkler and fire alarm

<i>Bainbridge Island Fire District (BIFD)</i>	system is installed throughout the building.
<i>October 24, 2019</i> Kitsap Public Health District	The Health District has no comments on the application and indicated that no further action is required at this time.

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	Staff 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>A wetland and wetland buffer encumber the southern portion of the subject property. The property to the south contains a fish-bearing stream and the associated prescriptive buffer extends onto the subject property.</p> <p>When the health care facility was approved in 2008, critical area regulations required a 100-foot wetland buffer and an additional 15-foot building setback, and the stream was classified as a non-fish bearing stream with a 50-foot buffer which was encapsulated within the 100-foot wetland buffer. Subsequent to site development, The Wild Fish Conservancy conducted a stream classification review on Bainbridge Island which resulted in the stream being re-classified as a fish-bearing stream, which requires a 200-foot buffer in accordance with the 2018 critical area code update. The 200-foot buffer extends into the southerly area of the developed project.</p> <p>The proposal includes a 484 square foot two story addition on the west side of the building that includes enclosure of an existing exterior stairway on the southwest corner of the building. The addition extends into the prescriptive 200-foot stream buffer.</p> <p>The project approved in 2008 included the installation of a split rail fence to delineate and protect critical areas which were established at that time. Mitigation measures to further protect critical areas included the installation of a trail, protection of significant trees and wildlife habitat, and motion sensor lighting installed in the rear of the site to ensure that sensitive areas are not constantly illuminated through the night.</p> <p>Staff conducted a site visit on September 12, 2019 and observed that the area between the building and the critical areas contains permanent substantial development, use and activity, including the protective fence, a rock wall, maintained lawn, and several stormwater catch basins. Additionally, a distinct topographic break occurs between the building and the split rail fence. In conjunction with information provided by the</p>

	<p>applicant that depicts sub-surface stormwater facilities, the Planning Department determined that the area is functionally separated from the critical area by existing permanent substantial development, use and activity which serves to eliminate or greatly reduce the impact of the proposed activity on the critical area.</p> <p>As provide in this Code section, the Planning Department determined that there are no impacts to critical areas, and that the proposal is exempt from establishing the full required buffer width.</p> <p>At the request of the Planning Commission, the applicant obtained a critical area report from Wetland Resources Environmental Consulting. The report, dated April 8, 2020, assessed if the proposed 484-square foot addition would have any impact on the critical areas. The report found that the area located landward of the split-rail fence and within the 200-foot prescriptive fish bearing stream buffer provides no ecological support functions to the wetland and stream. The report concluded that this area is disturbed with permanent substantial development that establishes functional isolation from the critical areas. As stated in the report, these findings are based on the absence of hydrologic and habitat support, and the permanence of the physical separation between the critical areas and the proposed addition.</p> <p>Both the Planning Department and the third party consultant conclude that the project is exempt from establishing the full required buffer width from the wetland and stream because there is no impact to the critical areas. The development area is 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.</p> <p>Based on these findings, the project is exempt from critical area permit requirements for streams and wetlands in accordance with BIMC 16.20.040.B(1). Additionally, the project is conditioned that if any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be considered a violation of this chapter and subject to enforcement and restoration under BIMC <u>16.20.170</u>.</p>
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ii. BIMC 16.20.130 Geologically hazardous areas

Geologically Hazardous Areas	Staff Analysis
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Geologically hazardous areas include erosion hazard areas and steep slopes	The property contains an area with erosion hazard and a small area of steep slopes which are approximately ten feet in height and appear to be a result of the parking lot construction. The City Engineer determined that no geotechnical analysis is required because there are no potential adverse impacts from the proposal.
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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 and is a conditional use in the R-8 district.

b. BIMC 18.12 Dimensional Standards

Dimensional Standards	Required/Allowed	Existing/Proposed
Lot Coverage	25 percent	Proposed lot coverage is less than 13 percent and meets this standard.
Front Lot Line Setback	25 feet	The subject parcel has two front lot lines, fronting both State Route 305 and New Brooklyn Road. The existing/proposed building meets this requirement.
Rear Lot Line Setback	15 feet	In accordance with BIMC 18.12.050.N., if a property has more than one front lot line, all other lot lines are sides.
Side Lot Line Setback	5 feet minimum, 15 feet total	The existing/proposed building meets this requirement.
Building Height	40 feet maximum for nonresidential uses if Conditional Use permit conditions are met.	The proposed building height is approximately 36 feet from average existing grade. The proposal meets this requirement and compliance is confirmed during building permit review.

c. BIMC 18.15 Development Standards and Guidelines

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

Landscaping Requirement	Staff 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>No tree removal is proposed. The 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>Some vegetation will be removed from the north side of the building to allow access during construction. The project is conditioned to provide replanting that is in substantial conformance with the submitted Planting Plan dated stamped received November 20, 2019.</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 determined by other comparable jurisdictions.	The submitted parking space breakdown is based on staffing, shift changes, workspaces, and public spaces for the proposed Police and Court facility, along with an analysis based on a trip generation analysis which was conducted in May 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	Six of the 73 parking spaces

	designated in conjunction with and adjacent to a project may be included in the parking space calculation upon approval of the director.	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	<p>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 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.</p>	<p>No change to the existing circulation system for motor vehicles, bicycles or pedestrians is proposed.</p> <p>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 painted markings.</p> <p>The project meets this requirement.</p>

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 project is conditioned to meet this requirement.
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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	Staff 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).
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;	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.
3. The Kitsap County Health District has determined that the site plan and design meets the following decision criteria:	The Kitsap Public Health District (KPHD) responded, “no comment” on the application. Approval of the building permit by KPHD is

<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>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 site, and the applicable service(s) can be made available at the site; and 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>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 finds that the provided trip generation analysis demonstrates that the proposed use results in a net decrease in trip generation from the previously approved use and does not adversely impact the City’s adopted level of service standards for transportation facilities.</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>The Design Review Board determined that the project is consistent with <i>Design for Bainbridge</i> standards and guidelines and recommends 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>The project both serves and employs local residents. The facility is located in proximity to public transportation. The project avoids impacts to critical areas in the vicinity and observes sustainability practices by utilizing an existing building. The project provides adequate transportation facilities through right-of-way dedication, an electric car charging station and bicycle parking.</p> <p>In June 2020, the City Council chose not to pursue Leadership in Energy and Environmental Design (LEED) certification because of the determination that there are more efficient ways to achieve the same carbon footprint reduction. Instead, the project was referred to the Climate Change Advisory Committee to identify the best climate change actions to attain the desired carbon footprint reduction.</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>The proposal conforms to all critical area regulations. There are no potential adverse impacts to geologic hazard areas.</p> <p>Both the Planning Department and a third party consultant concluded that the project addition is exempt from establishing the full required buffer width from the wetland and stream. As stated in the critical area report, the proposed addition will not increase impacts to the critical area relative to the existing development condition. The development area is 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</p>

	proposed activity on the critical area.
9. The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals.	The site plan and design has been prepared 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.

2. BIMC 2.16.110.F Major Conditional Use Permit

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

Decision Criteria	Staff 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 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. Other uses in the vicinity include a fire station, church and assisted living facility. The south side of the subject property is heavily vegetated to provide an ample buffer to residential uses
b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and	The project is 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. Recommended Fire District and Public Works conditions are incorporated in this report.
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	The project both serves and employs local

<p>comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and</p>	<p>residents. The facility is located in proximity to public transportation. The project avoids impacts to critical areas in the vicinity, and observes sustainability practices by utilizing an existing building.</p> <p>In June 2020, the City Council chose not to pursue Leadership in Energy and Environmental Design (LEED) certification because of the determination that there are more efficient ways to achieve the same carbon footprint reduction. Instead, the project was referred to the Climate Change Advisory Committee to identify the best climate change actions to attain the desired carbon footprint reduction.</p> <p>The project provides adequate transportation facilities through right-of-way dedication, an electric car charging station and bicycle parking. The proposed development is in conformance with 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 and stream 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.</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 use may have on the immediate vicinity. 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 demonstrates that there will be a net decrease in trip generation from the previously approved</p>

	<p>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 (City file no. SPRA/CUPA14430C), traffic impacts from Harrison Medical Center were mitigated by a \$40,000 to the State Department of Transportation for intersection improvements 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>The project is conditioned to comply with noise regulations in 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 requirements for handling surface water and pollutants in accordance with Chapters 15.20 and 15.21 BIMC; and</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>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 	<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 finds that the provided trip generation analysis demonstrates that the proposed use results in a net decrease in trip generation from the previously approved use and does not adversely impact the City’s adopted level of service standards for transportation facilities.</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</p>

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.	changed during construction of the Police and Court Facility.
If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.	As conditioned the project meets the decision criteria.

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	Staff 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 finds that the provided trip generation analysis demonstrates that the proposed use results in a net decrease in trip generation from the previously approved use and does not adversely 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 proposal does not impact or alter existing previously approved landscape perimeter and roadside buffers.
d. The proposal meets the requirements in BIMC 18.18.030 ; and	The Design Review Board determined that the project is consistent with <i>Design for Bainbridge</i> standards and guidelines and recommends 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	The facility includes an assembly seating area (courtroom) that has a maximum seating capacity of 48 occupants. The project is in compliance

<p>director may waive any or all the above requirements in this subsection E, but may not waive those required elsewhere in the BIMC; and</p>	<p>with the requirements of this Code section.</p>
<p>g. Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located, except that 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>The maximum lot coverage in the R-8 zoning district is 25%. Under this provision, the maximum lot coverage for a governmental facility is 25%. The proposed lot coverage is below this maximum.</p>

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 Agenda and Notes dtd 12/02/2019
11. PLN51524 SPRA CUPA Design Review Board Transcript from 6/3/2019 meeting
12. Planning Commission Preliminary Recommendation for Police & Court Facility Major Adjustment to Site Plan Review and Conditional Use Permit February 13, 2020
13. PLN51524 SPRA CUPA Design Review Board Final Design Review Worksheet
14. PLN51524 SPRA CUPA Critical Area Report from Wetland Resources Environmental Consulting
15. PLN51524 SPRA CUPA Supplemental Site Plan with Critical Areas

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 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 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 ~~existing~~ 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.
60. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be considered a violation of this chapter and subject to enforcement and restoration under BIMC 16.20.170



ISSUED FOR: DATE:

DESIGN DEVELOPMENT SET 11/12/2019

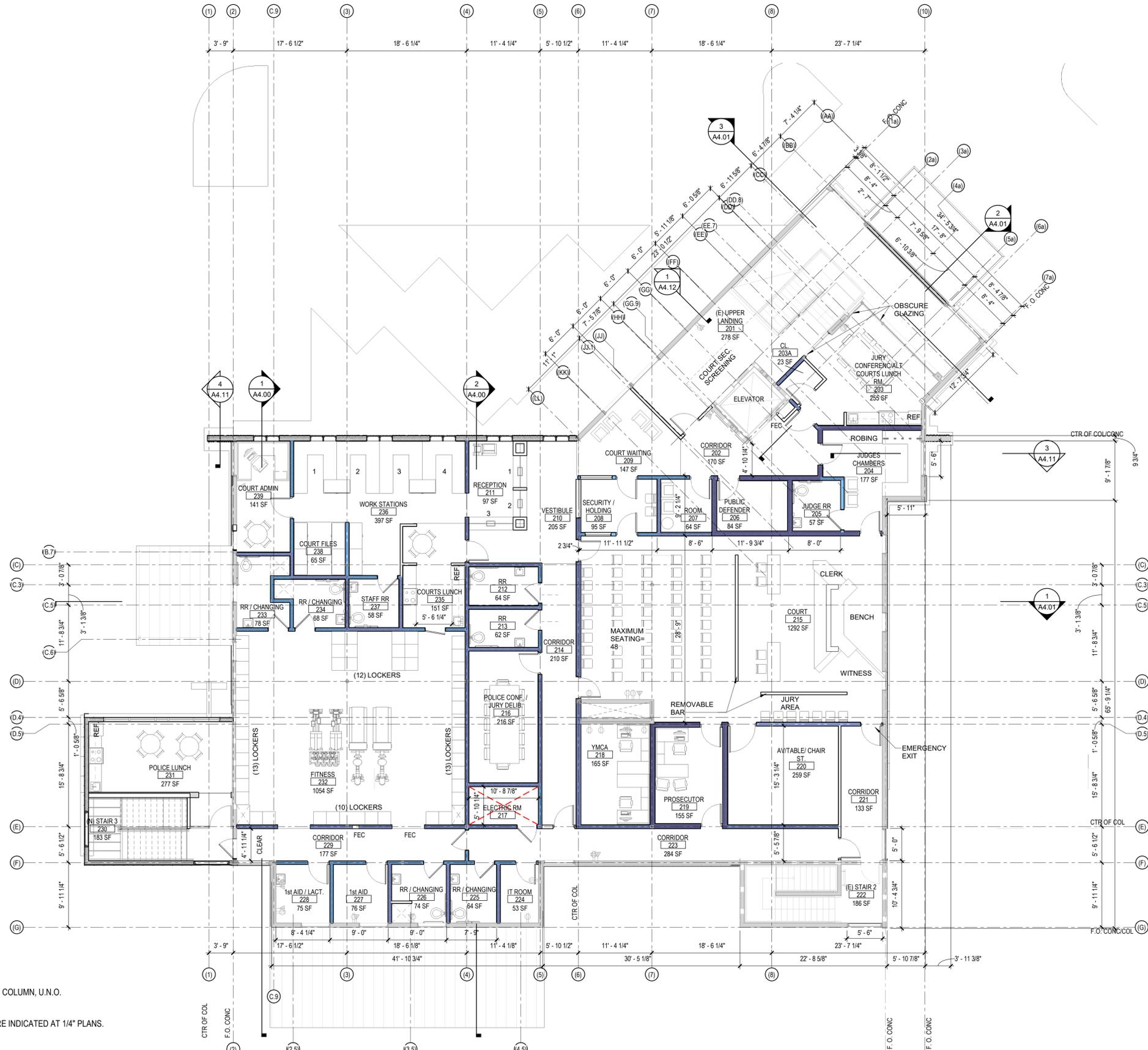
NOT FOR CONSTRUCTION

BAINBRIDGE
ISLAND POLICE AND
COURT

8804 MADISON AVE. N
BAINBRIDGE ISLAND, WA
98110

UPPER LEVEL -
OVERALL FLOOR
PLAN

A2.05



GENERAL PLAN NOTES:

1. ALL GRIDLINES ARE DIMENSIONED TO CENTER OF COLUMN, U.N.O.
2. DIMENSIONS ARE TO FACE OF FINISH, U.N.O.
3. NOT USED.
4. DIMENSIONS AT PUNCHED WINDOW OPENINGS ARE INDICATED AT 1/4" PLANS.

LINE TYPE LEGEND:

- SMOKE SEAL PARTITION
- 1-HR RATED ASSEMBLY

ACOUSTICAL LEGEND

- [Light Blue Box] STC 40
- [Medium Blue Box] STC 50
- [Dark Blue Box] STC 60

WALLS WITH INSULATION SHOWN HAVE STD REQUIREMENTS AS NOTED. WALLS WITHOUT INSULATION NEED TO MATCH F.O.W.

1 UPPER LEVEL - OVERALL FLOOR PLAN

SCALE: 1/8" = 1'-0"

















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

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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 foot 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**

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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

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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**

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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

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ENVIRONMENTAL (SEPA) CHECKLIST**

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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 62

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ENVIRONMENTAL (SEPA) CHECKLIST**

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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

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

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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 18.15.040⁷¹*

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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/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 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

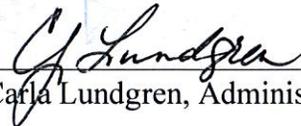
The meeting was adjourned at 5:00 PM

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 USES - 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 - height etc - not applicable single building

we recommend approval.

June 3, 2019 @ 2:02pm

Design Review Board – Joe Dunstan (Chair), Peter Perry, Jane Rein, Jason Wilkensen, Carl Yurdin

City Council Liaison - Ron Peltier

Planning Commissioner - Jon Quitslund

City Staff – Heather Wright (Planning Director), David Greetham (Planning Manager), Kelly Tayara (Senior Planner), Ellen Fairleigh (Associate Planner), Carla Lundgren (Admin)

Coates Design (for the Applicant) - Bob Hutchinson & Matthew Coates

Kelly Tayara (Senior Planner): **(5:30)** We anticipate that this would be Site Plan and Design Review. Or perhaps, we are not sure yet because that is established in the preapplication phase. But it appears to be that the site plan and design review adjustment, maybe major adjustment, maybe new, perhaps an adjustment to the conditional use permit. It's an institution or government facility in the R8, which is a residential district. So it's an existing building and the conceptual is part of that process. You are required to do a conceptual review where we talk about design guidelines and the comprehensive plan and then to do a design guidance meeting. Now that conceptual can be waived by the planning director and so that's what happen for this one. So, this is the first time you are seeing this, and this is the design guidance meeting so prior to the preapplication meeting.

Joe Dunstan (DRB Chair): Ok. Go ahead. You're welcome to present the project. Like I said we have an hour and I'll hold you to it.

Bob Hutchinson (Design team for applicant): Okay. Sure, that's great. Now is my presentation, is it already loaded. Will it come up?

Ellen Fairleigh (Associate Planner): We should be able to bring it up.

Joe: We should be able to do it.

Kelly: The design review board receives this electronically, so we have the materials that you sent to us.

Bob: I have more. Large boards if that works better for people.

Peter Perry (DRB): That would help.

Bob: Okay.

Joe: That always helps.

Peter: Do you need a hand with it?

Bob: What's that? No no. I got them right here.

Carla Lundgren (Admin): I only have the checklists.

Jane Rein (DRB): There's a lot of graphics in the packet.

Jason Wilkensen (DRB): Yeah.

Jane: Right there. Starting there.

Kelly: Do you want an easel or anything?

Bob: You know...I don't think so. I can probably just

Kelly: You can put them up behind me and you.

Group: You can stand them up.

(7:47) <Multiple voices: undiscernible>

Bob: By way of introduction, it's the existing Harrison mob that I am sure that everybody knows where the building is and knows of it. Our charge when we got the project was, we programed the facility for courts and police and roughly the combined program for two, is around 24 thousand square feet. And this building is a little over 17 thousand square feet. So, the mission was to see how the program could be made more efficient to fit within the boundaries of this building with either no addition or very minimal addition to make it work. And we went through the planning process with both the police and courts to get a conceptual design worked out where the building was gutted with the exception of...Matthew come on up...Matthew is the principle in charge and lead designer on the project.

Matthew Coates: Good to see ya.

Joe: Good to see ya.

Bob: So, we dove into this project to see how we can make the fit work and minimize the amount of demolition that occurs inside relative to taking out shear walls. Everything else is movable. And, you know, there is going to be work that occurs inside where we are going to have to restructure part of the building else wise the plan just isn't efficient. **(9:33)** But it's minimal and we think it's a for 17 thousand square feet it's going to meet the intent of what the police and the courts need. And the next steps for us will be to hone down on the design and get beyond the concept and to refine it. But from an exterior stand point one thing that is going to occur is on this elevation, this portion of the building, it has police offices that occur here and there's a bullet resistivity requirement that comes into play for those offices and we got to re clad the building with the bullet resistant material and use bullet resistant glazing. So, this wood, this wood comes off, this wall gets restructured and then the whole thing becomes more opaque with smaller bullet resistant windows in some pattern, that hasn't been defined yet. It's gonna be a product of what the final plan looks like. So, from a character standpoint, this will be the element that changes the most on the building. Everything else where is wraps around there will be a small addition that's shown here, in the orange that's at two levels. That's was space that is really going to be necessary to complete the requirements for the police department. There is an existing stair, an exterior exit stair that comes out right now at that point, which is back here. And we are going to replace it with a two-story addition that is going to have police functions in it be some locker space primarily and an enclosed stair that gets people down to grade. The site itself there's actually less traffic generated with the police court project than there is with the mob. So, our parking count and contribution to the neighboring streets is anticipated to be less than what it is currently. **(11:49)** So that's a benefit. There would be no real changes to any of the hardscape for the parking other than this will become a secure parking area in the back for police use. And then everything else as it currently sits is for the public and a few staff positions. The landscaping, all that will remain the same. There will be

some replacement here as this wall is refitted to make it...again for the bullet resistant requirements, landscaping will have to be reworked. Or I think, not reworked. That is the wrong word. It will have to be enhanced just because there will be some removal of it in the process. And then just briefly what the plan is reads like is first level...main level is public entry here which is currently is *<phone ringing>*. Excuse me. Public entry here for both courts and police. And then on this side, a new entry that's built for police entry only that's secure. So public comes in, is greeted here and there is secure check points before people are allowed back into the secure police portion of the building. And that's everything back here. Public can then go up to the second level and you get up to the courts. Courts is on this half of the building. So, this will be, this will be the courtroom itself, administrative spaces and then there's a check point for people to come into the courts here. Then this portion over here, the balance of that is for police. So, police really covers probably a floor and a half of the building and courts gets about the balance.

Jane: Is there an image of the addition in terms of exterior finishes? Materials?

Bob: There is not at this time. Again, I think this meeting we were hoping to get some input on what impressions would be for replacement of this wood material. And whether that becomes **(14:22)** a problem. Matt jump in on this. One thing that it would probably be matching material to the existing siding that's already in place and just carry it around, so you don't have yet another material that's interjected.

Matthew: This space that's added on, there's already an existing stair there and its galvanized metal. So, whatever the enclosure is we'd be keeping with the existing building. I mean that would be the intent, obviously. We will get that in front of you at such time we have the design.

Peter Perry (DRB): Is there any concern...Is there any communications structures that is going to go on the top of that thing? **(15:05)**

Matthew: No. No. No there is no microwave. There is no towers.

Carl Yurdin (DRB): Do you see a building that has sort of a public statement as a courthouse and as a police station? Kind of a...well it's hard to describe it but it looks like what it is not what it was.

Matthew: Good point. To the extent possible. As much was pointed out to you, the only real material that is being changed is wood. The rest of the building and the structure is what it is. And that's what it is.

Carl: Well you're a good guy. You can figure out some good stuff.

Matthew: I'll do what I can.

Bob: And the building, I mean, the front doors has a lot of transparency and it's very engaging.

Jane: Yeah.

Joe: So, um I don't know how the police...I don't know what the program looks like **(15:59)** I just assume that it would need spaces for police cars outside. So, and that's been taken care of?

Matthew: All the secure parking happens down here. This is down a level. This is up at the street level. This slopes down so this whole parking area will be fenced off with secure for court and police.

Joe: Oh okay.

Bob: And that's not really visible.

Matt: You won't see it.

Joe: You won't see it?

Matt: No. You will not see it. You don't see it now and you won't see it then.

Peter: Is there any communications so between this...and you know homeland security puts some effort into the fire station. **(16:36)** Is there any sort of connection between these two in terms of function?

Matt: They have an emergency operating center there. We don't have that kind of program...so, the federal government is not involved.

Jason: Are there performance criteria that are being applied to the project?

Matt: I mean, absolutely. There is certain criteria in order...it has to be rated as an essential facility. So, there has to be redundancy and resiliency in the systems. Which is part of the conversation we've been having here with the city and the community is why these buildings cost more than a normal building. It's not just an office building. You know, the structure as it is now is fine for a medical office building but for police structure is has to have resiliency and redundancy in structure. So the difference is...to put it lay terms is...you're an architect so you know this but for everyone else, the way the buildings...the way the code is now is designed to allow the inhabitants to escape in a severe earthquake. To keep the building stable enough that it won't fall on you. **(17:42)** But the requirement for police stations is that they have to actually remain functional. There's a huge difference. Huge difference. So, this building in the event of a substantial earthquake has to remain functional. And because of that we will be making those structural retrofits and enhancements to the structure so it can handle that. As you know, the same thing is true for mechanical systems. So, the ducts don't drift apart and the electrical systems don't get ripped apart they all have to have flexibility in them.

Jane: **(18:16)** I read in someone's analysis of this project and I don't know the author but it was something about the site actually being a liquification zone for faction.

Matt: I have no knowledge of that. I haven't of that information of any kind. I am not sure where you heard that.

Jane: It's in the appraisal.

Matt: Liquification? Well, I'll go back and look at...we did this original...I hope you know...I don't know if you all know we designed, I designed that building that is there now and that never came up. I'll see that as a que to revisit the Geotech report, but it would be news to me.

Jane: That would be good.

Jason: So, Matthew in terms of it being an essential facility are there any requirements for emergency backup power?

Matt: Yes.

Bob: There will be. There is an existing generator that's already in place that's back here and we will avoid that in construction. And it will be sized to meet their needs. So, the power is there currently.

Jason: So, it's an existing...

Bob: It is. And part of our challenge when Matthew talks about the essential facility considerations, it's easy to build a structure when you're doing it from the ground up and you can do all of that work from the exterior. **(19:34)** Our challenge is how to...nailing it on the roof diagram for instance from the inside. It's all workable and all doable. It's sort of an added twist.

Peter: Can I ask you a question? Ron, given that we've got this suburb police station now coming into here now and the fire station, has Bainbridge looked at those two as a concentration for if we ever do have that 9.0? Is there anymore that can happen here? Did anyone ever look at sort what is the highest use and best use beyond just the police station and the courthouse?

Ron Peltier (City Council): Not sure why you are asking me, Peter, to be honest. **(20:12)** I've read the reports but I'm not quite sure what you're asking.

Peter: Well just living on the island and for anyone who doesn't know I was a first responder for the UN for quite a while. And I know that we're due for a 9.0 sometime in the next who knows how long, well I don't know. But I just wondered if because you already have such great infrastructure going on down there, is there anything else that hasn't been thought of that while you're doing all this...has anyone ever gone out in a helicopter and looked down and said, "Hang on a minute. If we only did X, we could even beef this up better in any other way."

Ron: I'm not aware of that but...

Peter: Just wondered.

Matt: We certainly have conversations...we take this project back to 2 to 3 years ago when they were thinking about co-locating. Those conversations did occur at that time between the respective chiefs. And so, they certainly have given a lot of thought to how they have synergy and don't have synergy with each other. I certainly couldn't speak for them at this time. Other than to say that the general proximity was definitely seen as a good thing which makes this site pretty desirable.

Jason: Has there been any conversation about integrating water storage and sort of looking at systems beyond the structure in electrical back-up but also life support for turning into a community lifeboat essentially. **(21:43)**

Peter: That's sort of what my question is because things happen in their little silos and now you guys have an opportunity to change something. Has anyone looked at that life support boat that that whole block represents and said, "Is there anything intelligent that can happen now while we are changing things?"

Matt: We have not been charged with that.

Peter: Alright.

Jason: Is there any sustainability mandate for this project?

Matt: There has not been a sustainability goal to date.

Bob: Not as yet.

Matt: Right.

Jason: Cuz it seems like one of the top priorities for 2019 for the climate action plan, there's this great opportunity for the city to get great leadership here in terms of sustainability. Especially with a project that intended to protect and maintain safety and security for the whole island.

Matt: As a practice, we do everything we can within a normal budget to accomplish what we can but terms of a sustainability there has not been a goal set for that. **(22:47)**

Peter: No I understand.

Matt: We certainly do what we can.

Joe: So along the same lines with infrastructure, we know the city's sewer is at compacity so the occupancy of the building as it was compared to the occupancy of the building as it will be, is that...

Bob: It's basically unchanged. **(23:10)**

Joe: So, you don't see any added to the sewer system or anything like that?

Matt: No. No.

Joe: Cuz I know that that line there is already compacity.

Bob: Yeah and actually when the building was...when Matthew did the original design, it's been designed for...already designed for an addition at that point. All systems are in place to handle the additional surface water load, so they have a reserve in capacity right now.

Jason: Is the project targeting the 2030 challenge?

Matt: That has not been stated at the moment.

Jason: Cuz that seems like that would be a good thing for the city to target. Oh Ron left...

<laughter & undiscernible words>

Jason: The 2030 challenge is about reducing our dependence on fossil fuels in terms of building energy consumption. *<undiscernible word>* are responsible for 27% of in-house gas emissions in Washington so you know we are as the architects and designers are in the driver's seat for a big portion of the carbon emissions. And the 2030 challenge speaks to address that by getting us to zero carbon emissions by 2030. **(24:39)**

Peter: Cuz the client is the city, right?

Jason: Right.

Peter: That's why we ask you right?

Ron: I think there was a comp plan policy regarding sustainability or solar. I'm not sure. I am going to look up tonight.

Jason: Cuz it seems like a real opportunity. I was mentioning the 2030 challenge is one target that the city should definitely look for this project which is basically it's ratcheting down our green house gas emissions for buildings to get to zero carbon emissions by 2030. So, each year it's a bit more rigorous.

Ron: I think there is something in the capital facilities.

Jason: Yeah.

Jane: I may have been paying attention here when we were talking about possible expansion area for the structure. I found...cause I haven't seen the space needs study for program that preceded this. I found your three-page report about the short comings of this site almost breath taking. **(25:42)** And it suggests in so many ways that you're going to need significantly more space if the use changes or I should say, intensifies or if these other things become much more important to the overall functioning of both the courts and the police department. So, is that expansion area is enough, you think?

Matt: Yeah actually the way the program works pretty well. We were challenged on the budget and therefore the program. So, we as the design team put our heads together to find ways to make super-efficient use of space. To get a lot more with a lot less. We're pretty comfortable...actually it worked out pretty well.

Bob: It did.

Matthew: Surprisingly well. But there is that future capacity to add another wing onto the building if it turns out that either the court or the police need that additional...

Jane: So, this is 17 thousand square feet and what was the program needs?

Matt: A little bit over 24 thousand.

Peter: Is there any incarceration in there too?

Matt/Bob: No. No holding.

Joe: Any other questions from the DRB? **(27:01)**

Collective: No.

Kelly: So, Joe do you have input on...um...consistency **(27:09)** with the applicable design guidelines? Does the board have any input or guidance for the applicants on that?

Joe: Um...Well this is the first time we have seen it. So, we would actually have to go through the guidelines, which we could do if people wanted to do that. It seems...uh...to me that...um...that the building is not going to change much. You don't have anything on the outside and you aren't changing too much. So, I don't think that there's any large issues like look like that are in the way. I don't see any...uh...anybody else?

Jane: I want to reach one and there's so many places but your given what your working with you can't really do much more. **(27:49)** So...

Joe: Can't really say anything.

Jason: Right.

Joe: Right.

Jane: I don't see any issues with compliance with the existing design guidelines.

Kelly: And it appeared that any guidance or comments from the DRB on consistency with the comp plan. **(28:01)** had to deal with the perhaps sustainability or...

Jason: Right, I think for me it's the priority use of the green building code and the climate action plan, I think those are two things that are a big concern because this project has the potential to be a leader in that regard. It doesn't sound like it's doing a whole lot beyond just the code mandated. Which as you know is the worst we can do and get away with. So, it would be great to see some real leadership in that.

Joe: Are we actually looking for feedback on the building exterior material? I think you're pretty straight forward on that.

Bob: Any suggestions will be welcome.

Joe: Any suggestions? Right.

Matt: So, I can tell you generally before you...so you can base your comments on this...we are gonna be probably recommending something that is metal or some sort of more durable finish than wood. And it will actually by necessity need to have smaller openings. **(29:04)** But other than that...

<Multiple people talking at same time – undiscernible>

Jason: Could you consider sky lights if you are reducing the amount of glazing on the wall to bring in daylight on that upper level? Is that's something that's been discussed?

<Multiple people talking at same time – undiscernible>

Bob: But that's only because the mandate was to keep as much of the envelope intact and ever efforts been made to leave the roof untouched. **(29:36)** But sky lights would be a great idea.

Matt: There's still a lot of windows. If you've been in the building, there's still a lot of windows.

Jason: Well like if you are thinking about an expansion to the south then all of these windows go away.

<Multiple people talking at same time – undiscernible>

Peter: Is the budget already set?

Bob: It is.

Peter: That's tough.

Bob: It is. It's been...we have worked hard with the city to **(30:04)** keep it where it's at.

Jason: Yeah.

Kelly: So, then the only question I had was whether the applicant was seeking any or to make the design review board of any departures from the city's design and construction standards or the design guidelines? It doesn't appear that you're seeking any.

Matt: No, we will follow the rules.

Joe: Oh okay. No go ahead.

Kelly: One more thing, the only thing I am not clear on and I wasn't the project planner for the Harrison building so there's a lot of history with the design review board saw it first but there is a requirement for outdoor public space and the application or the prior report does talk about where there is some landscaping that's kind of public but is there any like courtyardish or seating areas or anything?

Matt: Right here. This is the landscape plan but there is a bench and a little water feature...

Kelly: Okay great. Thank you.

Matt: This is well planted if you visit the site.

Carl: Do you plan on doing any changing on the glass portion of hall?

Matt: Not if we can help it. **(31:17)** The front part will largely be as it is.

Bob: Pretty much. This is really becomes the focus for security. This part of the elevation right here...

Matt: Because if you look at the floor plan this is going to be the secure bullet proof area here so that all this elevation...so this can stay glass. It will save a lot of cost to leave it that way. That's the main reason.

Peter: But I think to your point, that changes the light flow in there a little more even so doesn't it? Cuz if you look into that building you can sort see right in...

Jason: I was sort of thinking some of these deeper spaces like the briefing room that looks like a exercise room and then the courts.

Matthew: It's both.

Jason: Yeah. So those two spaces look like they could benefit from some...uh...

Matt: Um...yeah we will look at that.

Jason: Strategic sky lights...yeah but I think overall it would be great to see the city to sort of push this as a model. **(32:22)**

Joe: Okay so I'm going to the checklist here. Number eight...encourage the <?> and outdoor spaces. You would have the space on the inside and are you planning on putting any new benches in the front of the entry or anything like that? Just basically drive up, get out of the car and go into the building...is that right? Pretty much?

Jason: Pretty much.

Matt: There are benches. The front door is right here and...

Joe: Right.

Matt: ...there are some benches right about out here.

Joe: And that's...um yeah...I don't think this particular checklist number is probably relevant to that. **(33:02)**

Matt: You can see in the picture...

Joe: The focal bench is there.

Matt: There's benches right here.

Joe: Mmm hmmm...

Matt: Now I don't know if you've seen all this, but this is all outgrown. This was taken right after it was built so the landscaping was pretty tiny.

Jane: Is that snow on the ground?

Matt: Yeah it was, we had snow on the ground. It was weird.

Joe: The only concern that I would have visually is, myself, and this is my personal opinion so don't take offense to this...I like half the building, but I don't like the other half. I really like the glass half. I've always liked that.

Bob: We are halfway there.

<laughter>

Joe: The other side, I am getting a little concerned if you're going to do core ten and you're going to get a façade. How are you going to articulate that?

Bob: This one's yours.

Matt: Nobody said anything about core ten. **(33:57)**

Joe: Oh, I thought that's what we were talking about. You were joking. I was gonna say...okay we're good. Yeah...I'm just...is there a way...what are you gonna do...that part of it?

Matt: We'll have to kick that can down the road until we come in front of you next time. **(34:13)** I'll have some proposal for ya.

Jane: Oh good.

Kelly: They don't come before you until after they've applied.

Unknown voice: The preapp is scheduled?

<Multiple people talking at same time – undiscernible>

Kelly: They don't come to the design review board before the pre-app. Just to let you know what happens...you are welcome to come to that meeting.

Jane: I can't hear this conversation. Kelly what did you say?

Kelly: Sorry. So, the design review board **(34:41)**, as a board, does not see this again until after they submit application for their Site Plan and Design Review. So, the final recommendation, in other words. There is a pre-application that will take place unless the design review board wants to do a public meeting...it is a public meeting, but you can send two or three members, I think. Two? Three?

Carla: Less than four.

Kelly: Less than four. So, you can send a some members to that meeting if you would like and according to the land use review process, you will receive the summary of what happens at that conference. But the design review board is not scheduled to see this again.

Peter: So, as you beef up that wall, is the landscaping that is in front of it now, has it grown significantly?

Matt: Yes.

<Matt/Peter talking at same time – undiscernible>

Matt: **(35:40)** So I want to make sure we are talking about the same thing. So, these are vines that have grown up this wall.

Peter: Yes.

Matt: But these are just bushes. So, they are all pretty low.

Peter: Right.

Matt: And they want that. They want visual connection. But probably I would say the first ten feet in front of that building is gonna get removed and destroyed because they are gonna have scaffolding and everything in there and it's gonna get replanted after the fact.

Peter: And does that then require good visibility out or they can function?

Matt: Yes.

Jason: Matthew I am sure you guys are thinking about this but when you do replace the siding if you could think about how to improve the performance of the envelope. It's just something that if you have to put bullet proof metal siding, on it could it also be an insulated metal panel for instance? You know and then...

Matt: Yes, it's very likely we could do that.

Jason: And then increases the R value of the wall. Or something along those lines.

Bob: Actually, the materials there is customary almost like a Kevlar sandwich that gets applied over the sheathing and then your finish material gets applied over that.

Jason: Oh okay.

Matt: It also...what's cool about it Jason is that it also **(36:51)** creates a thermal break.

Jason: Uh huh.

Matt: I mean other than a couple screws....I mean the panel itself feels like really hard fiberglass.

Bob: It's nonconductive.

Matthew: Yeah, it's nonconductive.

Jason: Right. I see.

Matt: Which will help also.

Joe: So early someone had their hand up in the audience. Would anyone like to make a comment?

Jane: Oh do Pam first.

Pam (Citizen): Um hi...I was looking at the landscape plan and I noticed that some of it was packed gravel, recommended by the landscaper. I guess my question and a comment. Packed gravel is very difficult for somebody in a manual wheelchair or a walker or a cane it's not as smooth as asphalt, so I am wondering where packed gravel is being planned. Is that intended to be a walkable area for people?

Matt: Right now, there's sidewalks, concrete sidewalks that are maintained everywhere that you would need to go. So, I'm not, actually not sure where you're even referring to that because we have no intention to make gravel a walking surface or the wheelchair surface.

Pam (Citizen): Okay but is there going to be packed gravel in some area of this design? I thought that there was.

Matt: I don't think so to be honest. But I hear what your...what I hear from what your saying is please be cognizant of folks with mobility issues and be able to make sure that there is good solid surface for them to move on. I hear that.

Kelly: Maybe it's this right here?

Matt: Oh! Oh, you're referring to...okay okay...that's totally separate. There is a weird...there's a very odd...I just want to confirm that you are talking about this trail. There's a trail behind the building.

Pam (Citizen): Right. Right. **(38:49)**

Matthew: So that trail...that is...don't quote me on this but it goes way back in time there was something that went with the title of this land that said that there had to be a connection to Sakai of a walking trail. And so it has no programmatic relevance to the project what's so ever. And is only there to meet a title requirement. And so that trail shouldn't even...you're not even gonna know it's there.

Jason: Is it existing or is it proposed?

Matt: It is existing. I think it is existing.

Jason: Okay.

Matt: And the title requires that it somehow be left in place. **(39:30)** And so the minimum that anyone would do would be to put gravel or wood chips or something on it. It's not intended to be a nature walk or anything like that. It's literally not a part of this project but it's a requirement of the title. Anything related to the function of the building will have paving and be fully ADA compliant.

Pam (Citizen): I guess I must have misread something.

Matt: Can I borrow this again?

Pam (Citizen): I thought something said **(40:00)** "packed gravel was recommended by the landscaper."

Matt: It's right here. Here's the building and the front of the building, there's this weird trail that comes way behind...this is where the police cars park so there is no one would ever be back there.

Pam (Citizen): So that's gonna be packed gravel?

Matt: I'm not sure. It says right now it's existing.

Bob: "packed gravel trail..."

Matt: It's a requirement of this neighborhood. That's my understanding. I wouldn't want to be quoted on that but the Sakai neighbor is over here...they somehow got this in their title that they would have a connection to their trail. So, it's completely separate from the property. But I assure you that all the sidewalks and entry ways will be...

Pam (Citizen): That's the only point that I wanted to make is that if there was something on this project was going to be packed gravel. My only point is that it doesn't work. But if it's not part of this project then...

Matt: I appreciate you bringing it up and I am glad we could clarify that for you. Thank you.

Joe: Do you have a comment? Question?

Citizen 2: I have a question that has been on my mind. **(41:16)** About immediate access to the highway? May I ask if they will just be using the back driveway or will they have access to the highway?

Bob: So, you're talking to a direct link to 305?

Citizen 2: Yeah.

Bob: Yeah...That was discussed early on in the project and there were a lot of comment to it because the connection would be too close to the signal which would be problematic and also just the effort to get through DOT to make that kind of connection was...was almost overwhelming. So, the police have accepted using the existing access to the site and if need be, they claim they can use the property at the church if they really have to get out of there for whatever reason. But that was considered.

Joe: Yeah. Charles.

Charles Schmidt (Citizen): When this building was originally designed there were certain environmental standards to be met. I was wondering if measurements have been shown and predictions...

Matt: Measurements of what Charles?

Charles: **(42:42)** Of electricity use...of water use...was there certain LEAD standards?

Matt: No, the original building was not built to a LEAD standard. Um...no it wasn't. I haven't had access to...I mean the city might be able to get the information, but we haven't had access to the information since it's been privately owned. But there wasn't a performance standard in place at the time.

Joe: Any other questions? Okay. Just for us to summarize real quickly. Um...The design concept meeting we waived, you guys didn't do that? That's fine this is the design guidance. The next we will see you is will be the site plan review meeting.

Matt: Okay.

Joe: Unless you wanted to come back sooner.

Matt: I mean I always enjoy your company but... <laughter>

Joe: I'm just...I wanna make sure that meeting goes smoothly and there aren't any hiccups. I think if you're coming back with something similar to what's happening here, and not a lot of contradictions, you can just come back to the next meeting.

Matt: And I wouldn't, frankly, mind getting folks' opinions on the cladding, I wanna be on the same page.

Jason: That would be great.

Joe: So, you are welcome to come back but it's not something that...

Matt: Okay...But certainly, if there is time in the schedule and um it seems like there would be a question, I think we should try to make that happen.

Jason: Sure. Absolutely.

Joe: That would be great.

Matt: I would like to leave that as an option.

Joe: Yeah, it's an option for you guys.

Joe: Okay...any other comments...thank you very much.

Matt: Thank you. **(44:17)**

Planning Commission Preliminary Recommendation for Police & Court Facility
Major Adjustment to Site Plan Review and Conditional Use Permit
February 13, 2020

1. Revise Staff Report to add analysis of Conditional Use Permit decision criteria and how the proposed project satisfies those criteria.
2. Send project back to Design Review Board to provide detailed analysis describing all applicable design guidelines and how the project satisfies or does not satisfy each of those. Under BIMC 2.16.110.E (3)(b), the purpose of the PC review and recommendation meeting is to “review a proposed project for consistency with applicable design guidelines, BIMC Title 17, and the comprehensive plan.” To satisfy this purpose, the PC needs to know the applicable design guidelines and then determine whether the project is consistent with those guidelines.
3. Revise Staff Report to either remove the statement on pg. 5 of 29 (pg. 12 of the PC packet) that “The Design Review Board discussed the project’s consistency with the Comprehensive Plan” or provide a detailed analysis of the DRB discussion regarding Comprehensive Plan consistency.
4. The Staff Report states that the City is seeking an exemption to the Critical Areas Ordinance under BIMC Section 16.20.040.B(1) to allow the construction of a 484 sf two story addition on the west side to enclose an existing exterior stairway. This structure would be located inside a 200’ buffer established for a Class F fish bearing stream located on the adjacent property. Section 16.20.040.B(1) states “Activities within a portion of a wetland buffer or fish and wildlife 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.”

The Staff Report discussion focuses primarily on wetlands located within the 200’ buffer. The functions and values of a fish bearing stream are different from the functions and values of wetlands. At least some of the existing studies cited by the PCD Staff Memorandum dated February 13, 2020 regarding the Police & Court Facility – Critical Area Review were created before the stream was reclassified as Class F fish bearing and at least one of them is dated 2006.

To demonstrate that the project qualifies for the CAO exemption, the PC requests that the City provide (1) any critical areas analyses or reports that were created by a qualified professional (biologist) that demonstrate that the “existing permanent substantial development” functionally isolates the proposed 484 sf addition from the fish bearing stream and wetlands; and (2) any analyses that demonstrate the “existing permanent substantial development” eliminates or greatly reduces the impact of the proposed project on the critical area (fish bearing stream and wetlands).

The Staff Report describes the “existing permanent substantial development” as “a rock wall, existing lawn, and additional 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 topographical 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.” Some or all of these features are located within the 200’ buffer for the Type F fish bearing stream. If the City determines that the CAO exemption applies because these features constitute “existing permanent substantial development” that “eliminate or greatly reduces the impact” to the critical areas, the PC requests a Director’s opinion or decision that other properties with similar features may also qualify for such an exemption, to ensure that similarly situated properties are treated consistently.



**DESIGN REVIEW BOARD
FINAL DESIGN REVIEW
Bainbridge Island, Washington**

PROJECT: COBI Police Court Facility (PLN51524 CUPA SPRA)
DATE: May 18, 2020
PROJECT PLANNER: Ellen Fairleigh
Design Review Board Meeting Dates: 06/03/2019 (Design Guidance); 12/02/2019 (Review & Recommendation); 03/02/2020 (Confirm Review & Recommendation)

CONTEXT ANALYSIS

- C1** ANALYZE NATURAL RESOURCES
- C2** IDENTIFY EXTENT AND VALUE OF WILDLIFE HABITAT AND CORRIDORS
- C3** ASSESS UNIQUE AND PROMINENT FEATURES
- C4** CONSIDER THE DEFINING ATTRIBUTES OF THE BUILT ENVIRONMENT
- C5** ANALYZE SYSTEMS OF MOVEMENT AND ACCESS
- C6** STUDY HOW THE SITE RELATES TO/CONTRIBUTES TO THE PUBLIC REALM.

Context Discussion:

1. Project will require a conditional use permit. It's an institution/government facility in the R8, which is a residential district.

SITE DESIGN STANDARDS

- S1** PROTECT AND REPAIR NATURAL SYSTEMS
- S2** PRESERVE, RESTORE AND ENRICH WILDLIFE HABITAT
- S3** RESPECT AND MAGNIFY UNIQUE ASPECTS OF THE SITE AND CONTEXT
- S4** COMPLEMENT AND CONTRIBUTE TO THE BUILT ENVIRONMENT AND LOCAL IDENTITY

S5 FIT THE PROJECT INTO THE SYSTEMS OF ACCESS AND MOVEMENT, PRIORITIZING PEOPLE

Site Design Findings: Project meets S1 through S5.

Site Design Discussion:

1. Should the ecological report demonstrate that the addition to the building is functionally isolated from the critical area, then the following DRB determination stands. Otherwise, the proposal will return to the DRB for further review.
2. Project proposal is an existing building. New addition(s) are small and will not impact natural systems.
3. Exterior landscaping remains the same.
4. There would be no changes to any hardscape for the parking other than there will be a secure parking area in the back for police use. While this parking will be fenced, it will not be seen by people entering the front.
5. Existing parking remains unchanged and is for the public and a few staff positions.
6. There is a designated critical area on site.
7. All landscape areas disturbed during construction will be replanted and enhanced.
8. Bike Storage racks are included for the public
9. S5 - Security concerns for visitors: it was noted that there might be security concerns walking from the bus stop on Madison to the court facility. See Public Realm discussion.
10. Regarding ADA walks; all sidewalks and concrete walks are ADA compliant and will not change.
11. There is a trail behind the building that is gravel and is referenced and required in the land title for a connection to Sakai. It has no programmatic relevance to this project.

PUBLIC REALM STANDARDS

P1 CREATE A SAFE AND COMFORTABLE ENVIRONMENT FOR WALKING AND CYCLING

- P2** THE IMPACT OF VEHICLES ON THE PUBLIC REALM
- P3** DESIGN TO CREATE A LEDGIBLE HEIRARCHY OF PUBLIC SPACES
- P4** STRENGHTEN PUBLIC SPACE CONNECTIONS
- P5** DRAW FROM AND ENHANCE EXISTING BLOCK AND FRONTAGE PATTERNS
- P6** FOSTER INTEREST AND ACTIVITY ALONG COMMERCIAL STREETS

Public Realm Findings:

1. Project meets Standards P1 through P5
2. Standard P6 is not applicable to this project as proposed.

Public Realm Discussion:

1. P1 - Bike racks will be located at building front entrance.
2. P1 - Safety: A bus stop is located at Madison Avenue with a short walk uphill to the facility. Safety was a concern. People who show up for restraining orders ought to feel safe walking to the courts. A person has to walk up the street and the person she/he is trying to get a restraining order on can drive right up the same street and they are exposed. This was not resolved as it was deemed outside of the project by the design team.
3. P2 - "Minimize the impact of vehicles on the public realm": This facility by function is auto-oriented. It was stated that traffic generated by the proposed use would be similar to or less than that of the previous use as a health care facility. There are no planned changes or enlargements to the existing parking or access points/circulation
4. P2 - Noise from police sirens: It was stated by the design team that 85 - 90% of the time, officers are not on the site when they get a call. They are out on patrol. In addition, officers do not generally turn the sirens on until they are in traffic or intersections. Therefore, noise from sirens are expected to be minimal.
5. P3 - "Design to support a legible hierarchy of public spaces." Existing building accomplishes this well. When you drive up the street there, you know where the entry is. You know where the building is. This is very successful. No changes to existing circulation, drive entry, or front door are proposed.
6. P4 - "Strengthen public space connection" New development shall have careful attention to how the building will interact with public realms. The building is

connected by existing roads and parking and sidewalks. Existing building and proposed remodel stand alone.

7. P4 - Public Space: A court and police facility should have a certain amount of significance or signaling there that this is an important public or civic building now. A well defined public space with a flagpole and lighting/benches would accomplish this. There is an existing small plaza in front of the building that is well landscaped with benches. A good place for a flagpole, sign and lighting.
8. P5 and P6: Discussion of "Departure from standards" or "Not Applicable": The project meets two of the guidelines in standard P5, where the intent is to create a pedestrian oriented design that is safe and allows travel through the site. There is an existing walking path that will be maintained that connects to other sites. The building is existing and while a stand alone structure, is scaled to fit between the church and the senior living center. It "breaks down the massing of the building the scale of long façades to fit the rhythm of the surrounding block." The small plaza and front entry at scaled for people. COBI planning staff believes a departure has to relate to a variance from a standard in the municipal code that impacts the applicants ability to meet the design standard.
9. P6 - This project is a civic building not a commercial building and is not located on a commercial street. Therefore, standard P6 does not apply.

DESIGN STANDARDS

- B1** EXPRESS A CLEAR ORGANIZING ARCHITECTURAL CONCEPT
- B2** USE AN ARCHITECTURAL LANGUAGE APPROPRIATE TO BAINBRIDGE ISLAND
- B3** CREATE WELL COMPOSED FACADES AT ALL SCALES
- B4** CELEBRATE AND PROMINENTLY FEATURE SUSTAINABLE DESIGN
- B5** USE HIGH QUALITY MATERIALS AND WELL-CRAFTED DESIGN

Building Design Findings: Project meets standards B1 through B5.

Building Design Discussion:

1. Original building is 17,000 SF. The program for the police and courts requires 24,000 SF. The design team was able to bring the program inline with existing SF with two small additions.

2. As a police and court building "bullet resistivity requirement" becomes very important in terms of windows, bullet resistant glazing and exterior materials. Existing wood comes off and bullet resistant material will be used. Smaller windows will be used on first floor. From a character standpoint, these are the elements that changes the most on the building.
3. B1 - Clear and organizing concept: Existing building has a distinct concept to it. The remodel will keep the circulation pattern and entry. The remodel has a pretty clear and organizing concept.
4. B2 - Existing building did not borrow from nearby buildings, but is a stand alone structure that looked distinctive and different.
5. B3 - "Well composed facades at all scales." Existing building, exterior materials have been revised. See discussion on standard P3 above. There is some human scale to this building.
6. B3 - "Integrate utilities and service functions into the architectural concept, screening mechanical equipment and trash can facilities from view": Trash and recycling are located in the back of the building. The nearest neighbor is the Madrona House and by putting it across the site, there will be less impact on the Madrona house residents.
7. B4 - "Celebrate and prominently feature sustainable design". The Comp Plan calls for sustainable design. Building exterior will be metal materials. Metal siding and roofing are always a recyclable material. Architect stated that they do everything they can within a normal budget to accomplish what we can but terms of a sustainability there has not been a goal set for that on this project. It was pointed out that top priorities for 2019 for the climate action plan and green energy code creates an opportunity for the city to be great leaders here in terms of sustainability. Especially with a project that intended to protect and maintain safety and security for the whole island.
8. B5 - "High quality materials and well crafted design": Existing wood siding will be replaced as the building needs to be essentially bulletproof. Building will be armored and the building needs to meet "essential facility" structural requirements. It will require shear diaphragms to structurally re-enforce the building. Therefore, the window configuration will change and become smaller. Exterior will be a box rib - a variation of thick and thin. There will be no pattern and from the road you will see this new material. Everything else is essentially the same. First floor windows got a little smaller.
9. Utilities: No communications structures will be on the roof or surrounding area. That includes any towers or microwaves.

LANDSCAPE STANDARDS

- L1** INTEGRATE THE LANDSCAPE CONCEPT TO COMPLEMENT THE ARCHITECTURAL CONCEPT
- L2** SUPPORT THE PUBLIC REALM WITH THE LANDSCAPE DESIGN
- L3** INTEGRATE SUSTAINABLE FEATURES INTO THE LANDSCAPE AND MAKE THEM VISIBLE
- L4** INTEGRATE AND HIGHLIGHT GREEN INFRASTRUCTURE PRACTICES
- L5** SUPPORT HEALTHY HABITAT IN THE LANDSCAPE
- L6** PRESERVE AND ENHANCE IMPORTANT VIEWS AND CORRIDORS

Landscape Findings: Project meets standards L1 through L-6

Landscape Discussion:

1. All existing landscaping will be maintained and where impacted by building construction, replaced and enhanced.
2. Green infrastructure: There is an existing back-parking lot that is pervious pavement. There is a rain garden that will be maintained.

STREET TYPES AND FRONTAGES

Street Type: State Route

Findings: Project meets street type and frontage

Discussion:

During the Design Review Board Meeting in December, this was discussed and only state routes would apply. The vegetated buffer would be the only guideline that applies. The police/court is not changing its vegetated buffer along the state route. Rural by Design did not apply.

LARGER SITES

STANDARD1 DESIGN THE SITE BY CLUSTERING BUILDINGS AND ARRANGING THEM WITH FRONTAGES ON PUBLIC STREETS, PUBLIC SPACES, OR OPEN SPACE.

STANDARD2 DESIGN SITES TO MINIMIZE THE VISUAL IMPACT OF PARKING ON THE PUBLIC REALM.

Larger Sites Findings: Standard 1 is not applicable. Project meets Standard 2.

Larger Sites Discussion:

STANDARD 1: This standard is not applicable; the standard relates to clustering buildings and frontages. This is existing project does not have this. The building is existing, nothing is being changed that is impactive to the neighborhood.

STANDARD 2: This standard has been met; the parking is not visible until you enter the parking lot. The existing parking is not changing and does not impact the public realm.

CIVIC USES

STANDARD1 DESIGN CIVIC USES AND SITES TO REFLECT AND CONTRIBUTE TO THEIR FUNCTION AND ROLE IN THE COMMUNITY WHILE BEING CLEARLY INDENTIFIABLE AS A CIVIC USE.

STANDARD2 DESIGN CIVIC SITES AND BUILDINGS TO SERVE MULTIPLE FUNCTIONS SUCH AS PUBLIC SPACE, COMMUNITY GATHERINGS, PUBLIC ART, AND OTHER COMPATIBLE USES.

Civic Uses Findings:

Project meets Standard 1. Project meets Standard 2 with an indoor and outdoor public gathering area.

Civic Uses Discussion:

Standard 1) The building was not originally designed as a civic building. It becomes clear it is a public building because of police/court signage, flagpole. Civic buildings are generally in the downtown area. In this case, city council chose this building and it is outside the purview of the Design Review Board. Civic signage is important. Three signs are proposed: one on the building addressing SR305, one at Madison Ave intersection and a monument sign as you enter the project site.



April 8, 2020

City of Bainbridge Island
Attn: Barry Loveless
280 Madison Ave N
Bainbridge Island, WA 98110

Re: Critical Area Review for the Proposed Police & Court Facility Located at 8804 Madison Ave N in the City of Bainbridge Island

Wetland Resources, Inc. (WRI) was contracted to assess critical area impacts that could result from a proposed 484 square-foot addition to an existing structure located at 8804 Madison Ave N, the future Bainbridge Island Police and Court Facility. WRI staff conducted a site visit on March 17, 2020 to better understand existing conditions. This letter assesses site conditions in the context of the exemptions described in section 16.20.040 of the Bainbridge Island Municipal Code (BIMC).

Site background was provided by City staff, which included the reports titled *Buffer Mitigation Plan for Harrison Urgent Care* (date: October 2013, author: Ecological Land Services), and *Critical Areas Report for Sakai Park* (date: October 2018, author: Ecological Land Services). Among other things, these reports describe the methodology used to delineate on-site and nearby critical area features.

Based on physical observation during the March site visit, WRI staff agrees with the surveyed critical boundaries delineated by Ecological Land Services in 2013 and 2018. Critical area boundaries are expected to remain consistent over time given the steep topographic transition from wetland to upland conditions. The on-site wetland was classified as a Category II wetland, and requires a 110-foot standard buffer. The off-site stream is now classified as a Type F stream, which requires a 200-foot buffer. Strict application of a 200-foot buffer would create nonconforming development within the subject property, including the 484 square-foot addition area.

The 2013 Buffer Mitigation Plan was needed to accommodate a stormwater outfall pipe within the wetland buffer. The plan included demarcation of the limits of the critical area buffer with split-rail fencing. All areas landward of the split-rail fence are developed in some form, including the proposed building addition area. The building addition area consists of a rockery and maintained lawn over existing stormwater infrastructure, which includes a gravel-filled dispersion trench with drain covers that provide overflow protection. Figure 1 below depicts the proposed building addition area.



Figure 1: Proposed Building Addition Area

The 484 square-foot building addition is proposed between the existing structure and a stormwater outfall system, in a steep area that consists of maintained lawn above stormwater infrastructure. Vegetation over the stormwater system is regularly maintained grass, and periodic maintenance related to the structure occurs in this area. The developed condition of the site prevents establishment of native plants, which would provide wildlife habitat value through screening and forage. Steep topography eliminates the potential to perform or support hydrologic control or water quality improvement functions. Overall, the area landward of the split-rail fence provides no ecological support functions to protect the nearby wetland and stream complex.

Section 16.20.040(B)(1) of the Bainbridge Island Municipal Code (BIMC) provides relief for non-conforming areas such as the proposed building addition area. This code section appears to support the applicant’s proposal to expand the existing structure, and reads as follows:

1. Actions 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.

Based on WRI staff findings during the March site visit, all areas located landward of the split-rail fence and within 200 feet of the off-site stream are considered permanent substantial development, and establish functional isolation from the critical area. This assertion is based on the demonstrated absence of hydrologic and habitat support, and the permanence of the physical separation.

The proposed addition will not increase impacts to the critical area relative to the existing developed condition. The proposed project does not require mitigation because it does not impact critical areas, and is not expected to create incidental damage to the critical area because the split-rail fence clearly demarcates the limits of the buffer. If vegetation removal does occur inside of the split-rail fence, a restoration plan will be drafted and submitted to the City of Bainbridge Island for review and approval.

Wetland Resources, Inc.



Niels Pedersen, PWS
Senior Ecologist



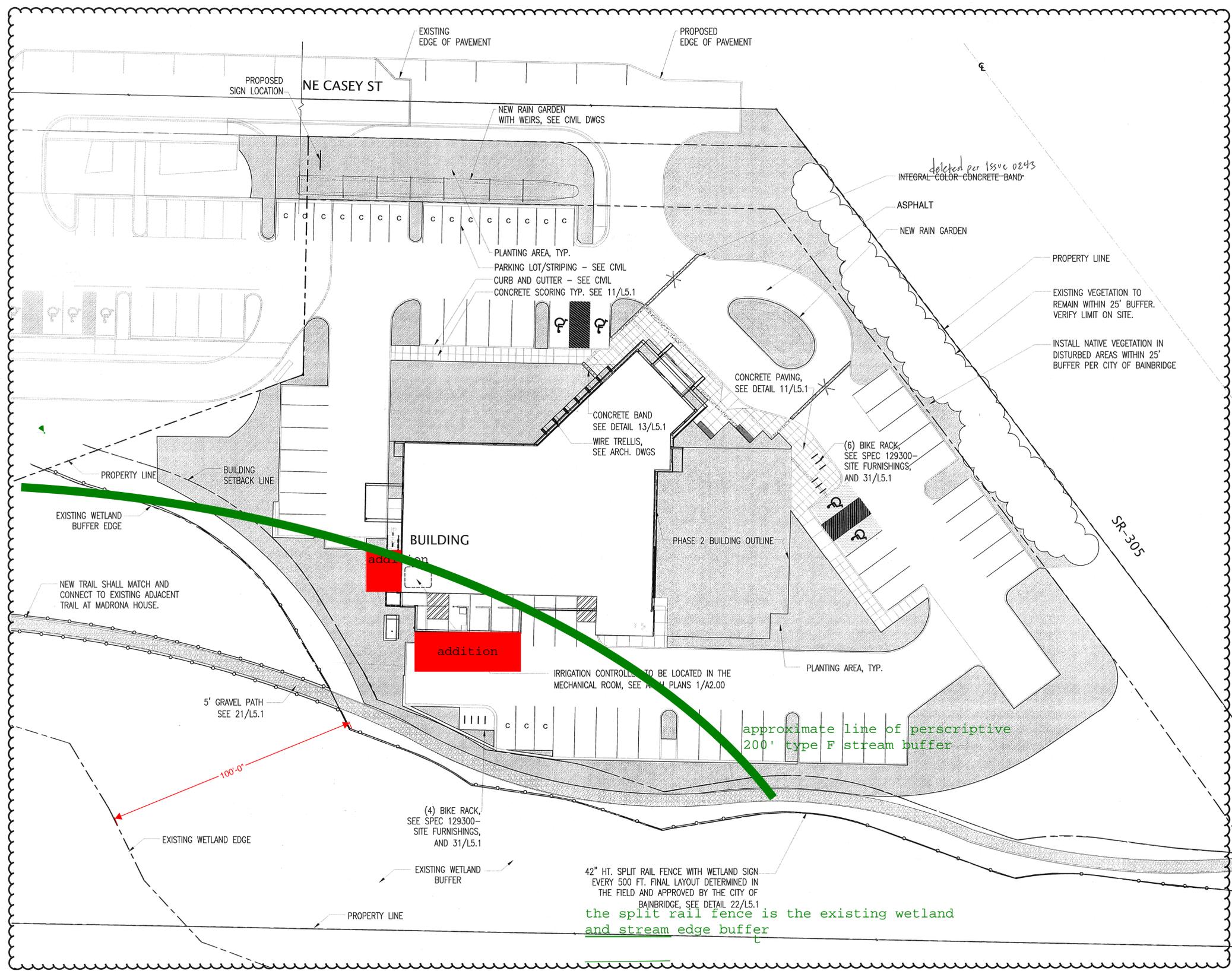
Alia Richardson
Associate Ecologist and Wildlife Biologist

6/28/2013 10:04:14 AM

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Project Number

BAINBRIDGE ISLAND URGENT CARE



NOTES:

1. SEE ELECTRICAL FOR LIGHTING AND IRRIGATION CONTROLLER.
2. WETLAND TRAIL: TRAIL LAYOUT PER LANDSCAPE ARCHITECT ON SITE. CLEAR & GRUB ON SITE PER LAYOUT. SEE SIGNAGE 23/L5.1. SIGN AND LOCATION TO BE VERIFIED.
3. CLEAR AND GRUB LIMITS OF DISTURBED AREAS TO BE PER CIVIL GRADING PLAN AND STAGING LIMIT OF WORK.
4. MAINTAIN 25' OF LANDSCAPE BUFFER AT EAST SR 305 RIGHT OF WAY.
5. BIKE RACKS: MAINTAIN 24" CLEARANCE ON SIDES AND 30" CLEARANCE IN FRONT AND BACK. MAINTAIN 30" (MIN. 24") BETWEEN RACKS.
6. MAINTAIN 5' CLEAR WALKWAY ADJACENT TO BIKE RACKS-OUTSIDE OF BIKE RACK CLEAR ZONE.



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

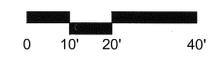


Call Out Plan

L1.1

CALL OUT PLAN

SCALE: 1" = 20'-0"



areas landward of the split rail fence determined to be permanent substantial development and establish functional isolation from the critical areas per the Wetland Resources Environmental Report dated April 8, 2020.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: June 11, 2020

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: 6:15 PM - Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards

AGENDA CATEGORY: Ordinance

PROPOSED BY: Robbie Sepler

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): September 12, 2019, October 24, 2019, December 12, 2019, January 23, 2020, May 28, 2020.

PREVIOUS COUCIL REVIEW DATE(S): May 14, 2019; June 11, 2019; August 13, 2019; October 8, 2019; October 22, 2019; April 14, 2020; and April 28, 2020.

RECOMMENDED MOTION:

I move to request that staff schedule a public hearing on Ordinance No. 2020-04 for the next available Planning Commission Meeting.

SUMMARY:

Continued review of proposed small wireless facility design standards to govern the deployment and modification of small wireless facilities on Bainbridge Island.

In previous Planning Commission discussions, this ordinance was numbered as "Ordinance No. 2019-38." As it is now 2020, the ordinance has been renumbered to be "Ordinance No. 2020-04."

BACKGROUND: Under federal law, the Federal Communications Commission ("FCC") is granted extensive powers to regulate telecommunication services in the United States. On September 5, 2018, the FCC issued an order ("FCC Order") that dramatically changed how local governments can regulate deployments of small wireless facilities ("SWFs"). Some of the order came into effect on January 14, 2019, while the rest of the order came into effect on April 14, 2019. The FCC Order imposes limitations on local municipalities, including the City of Bainbridge Island ("City"), regarding processing and review of all permits associated with the deployment of SWFs, and permanent regulations are needed to ensure that the City is in compliance with what Federal law requires.

The purpose of SWFs is to augment capacity for wireless data traffic in dense areas (primarily downtown cores and residential neighborhoods). SWFs typically consist of an antenna less than 3 cubic feet in volume, an equipment box, and

wiring or "fiber." SWFs are typically mounted on utility or light poles in the right-of-way, or on an existing building or structure located outside of the right-of-way.

On May 14, 2019, in response to the FCC Order, the City Council approved Ordinance No. 2019-15, adopting an interim official control that: created a new Chapter 18.10A, establishing interim small wireless facility design standards; amended Table 18.09.020, BIMC 18.09.030, and BIMC 18.10.010; and repealed and replaced Chapter 18.11 BIMC ("Interim SWFs Design Standards").

On June 11, 2019, the City Council held a public hearing on Ordinance No. 2019-15 to receive public comment on the Interim SWFs Design Standards adopted by Ordinance No. 2019-15.

On August 13, 2019, the City Council directed the Planning Commission to begin work on permanent regulations to replace the Interim SWFs Design Standards adopted by Ordinance No. 2019-15.

On September 12, 2019, the Planning Commission began consideration of permanent regulations to replace the Interim SWFs Design Standards adopted by Ordinance No. 2019-15.

The Interim SWFs Design Standards, adopted by Ordinance No. 2019-15, took effect on May 14, 2019, and were initially set to expire on November 14, 2019. On October 8, 2019, the Council set a public hearing on Ordinance No. 2019-31, proposing to extend the Interim SWFs Design Standards for an additional six-month period. On October 22, 2019, the Council approved Ordinance No. 2019-31, extending the Interim SWFs Design Standards for an additional six-month period, unless terminated earlier by the City Council.

On October 24, 2019, the Planning Commission discussed Ordinance No. 2019-38 and reviewed comments submitted by industry. The Commission requested the following five items from staff:

- (1) A table outlining industry comments;
- (2) Pictures of actual SWFs deployments;
- (3) Map of design zones;
- (4) An option for the placement of SWF equipment on the ground in the right-of-way; and
- (5) An option to allow SWFs on private drives/access easements, which would otherwise be prohibited as a residential use in a residential zone.

On December 12, 2019, the Planning Commission reviewed the items requested on October 24, 2019, and subsequently provided by staff for the meeting. The Planning Commission requested several changes be made to the draft ordinance.

On January 23, 2020, the Planning Commission continued its review of Ordinance No. 2020-04 and requested several minor changes to the proposed ordinance, which are summarized in the attached staff memo. The Planning Commission then indicated its desire to hold a public hearing on the proposed ordinance.

Before a public hearing could be held, the COVID-19 public health emergency began. On February 29, 2020, Governor Jay Inslee declared a state of emergency in response to the spread of COVID-19 in Washington State. On March 9, 2020, the City Manager, as the executive head of the City for purposes of emergency management, issued a Proclamation of Emergency in response to the COVID-19 public health emergency, which proclamation was affirmed by the City Council on March 10, 2020. The COVID-19 public health emergency has significantly disrupted City operations and led to the cancellation of multiple meetings of the Planning Commission.

The Interim SWFs Design Standards, as extended by Ordinance No. 2019-31, were set to expire on May 14, 2020, unless extended by Council. To preserve the City's rights under federal law, on April 14, 2020, the City Council set a public hearing on Ordinance No. 2020-11, proposing to extend the Interim SWFs Design Standards for an additional six-month period. On April 28, 2020, the Council approved Ordinance No. 2020-11, extending the Interim SWFs Design Standards for an additional six-month period to November 14, 2020, unless terminated earlier by the City Council, to provide the Planning Commission time to finalize its recommendation on Ordinance No. 2020-04 and for the City Council to review the recommendation.

Due to the delay caused by COVID-19, on May 28, 2020, the Planning Commission resumed its discussion of Ordinance No. 2020-04 in order to refamiliarize itself with the ordinance prior to the public hearing. At this meeting, the Planning Commission generally considered the attached discussion points raised by Commissioner Osmond regarding Ordinance No. 2020-04. The Planning Commission requested an updated draft of Ordinance No. 2020-04 addressing, to the extent possible, the discussion points raised by Commissioner Osmond.

Attached is an updated draft of Ordinance NO. 2020-04 and a memo summarizing the changes made to Ordinance No. 2020-04 since the May 28, 2020 meeting as well as responding to the discussion points raised by Commissioner Osmond.

Before finalizing its recommendation, the Planning Commission is required to hold a public hearing on Ordinance No. 2020-04.

ATTACHMENTS:



CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
Memorandum

Date: June 5, 2020

To: Planning Commission

From: Robbie Sepler, Deputy City Attorney

Re: **Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards**
Follow-up to the May 28, 2020 Planning Commission Meeting

On May 28, 2020, the Planning Commission generally considered discussion points raised by Commissioner Osmond regarding Ordinance No. 2020-04. The Planning Commission requested an updated draft of Ordinance No. 2020-04 addressing, to the extent possible, the discussion points raised by Commissioner Osmond.

This memo summarizes changes made to Ordinance No. 2020-04 since the May 28, 2020 meeting as well as responds to the discussion points raised by Commissioner Osmond.

Criteria for Director's Decisions
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On May 28, 2020, the Planning Commission expressed interest in ensuring there was clear criteria to guide the Director in making their decisions. The following summarizes the decisions made by the Director in Chapter 18.10A BIMC and Chapter 19.10 BIMC and the criteria on which such decisions will be made.

As proposed, Chapter 18.10A BIMC authorizes the Director of Planning and Community Development to make the decisions described below:

- **BIMC 18.10A.040.E.1:** Director has limited authority to allow placement of transmission facilities in a non-preferred location if placement in the non-preferred location leads to a better aesthetic outcome.

- **Original Criteria:** Consideration of the “impact to the City, its residents, the City’s Comprehensive Plan, and/or the added benefits to the community.”
- **Updated Criteria:** Permissible if the non-preferred location:
 - Provides equal or greater protection to public vantage points, view corridors, and scenic vistas to support Bainbridge Island’s sense of place, identity, and orientation; and
 - Satisfies one or more of the following criteria:
 - Has a greater natural resource conservation value;
 - Less adverse impact to adjoining properties; or
 - Results in a more practical design because of topography, critical area, or other extenuating circumstances.

The revised version of Ordinance No. 2020-04 prepared for the June 11, 2020 Planning Commission Meeting contains the updated criteria as new BIMC 18.10A.040.E.2.

- **BIMC 18.10A.050.B:** Director authorized to approve or deny applications for new poles.
 - **Current Criteria:** Specified criteria for approval or denial is set out in BIMC 18.10A.050.A. Specifically, before approving a new pole the Director needs to determine that the following criteria are met:
 1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower, or on a site outside of the public rights of way such as public non-park property, a building, a transmission tower, or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
 2. The proposed small wireless facility complies with the applicable requirements of BIMC 18.10A.040;
 3. The proposed small wireless facility receives approval for a concealment element design, as described in [BIMC 18.10A.050.C];
 4. The proposed small wireless facility also complies with Shoreline Management Act, SEPA, and any other relevant law or regulation if applicable; and

5. No new poles shall be located in a critical area or associated buffer or setback required by Chapter 16.20 BIMC except when determined to be exempt pursuant to Chapter 16.20 BIMC.

- **Recommendation:** Retain the current criteria, which is extensive and, in summary, requires compliance with BIMC 18.10A.040, BIMC 18.10A.050.C, all applicable environmental laws (e.g., SEPA, SMP, CAO), and a showing that the proposed SWF cannot be placed anywhere but on a new pole.
- **BIMC 18.10A.050.D:** Director has limited authority to approve a new pole in circumstances where the proposed SWF could be located on an existing structure, but a new pole would lead to a better aesthetic outcome.
 - **Original Criteria:** Consideration of the “impact to the City, its residents, the City’s Comprehensive Plan, and/or the added benefits to the community.”
 - **Updated Criteria:** Permissible if the new pole:
 - Satisfies the other requirements of BIMC 18.10A.050.A.1;
 - Provides equal or greater protection to public vantage points, view corridors, and scenic vistas to support Bainbridge Island’s sense of place, identity, and orientation; and
 - Satisfies one or more of the following criteria:
 - Has a greater natural resource conservation value;
 - Less adverse impact to adjoining properties; or
 - Results in a more practical design because of topography, critical area, or other extenuating circumstances.

The revised version of Ordinance No. 2020-04 prepared for the June 11, 2020 Planning Commission Meeting contains the updated criteria included in BIMC 18.10A.050.D.

Chapter 19.10 BIMC governs the application procedure for SWFs and has already been adopted by the City Council. Under Chapter 19.10 BIMC, the Director of Planning and Community Development is authorized to make the following decision:

- **BIMC 19.10.030.B:** Director authorized to approve or deny SWF permits.
 - **Current Criteria:** Specified criteria is set out in BIMC 19.10.020, which contains complete and detailed application requirements for SWF permits.

- **Recommendation:** Retain the current criteria, which is extensive and, in summary, requires compliance with BIMC 19.10.020, Chapter 18.10A BIMC, and all applicable environmental laws (e.g., SEPA, SMP, CAO).

BIMC 18.09.030.B.5

The purpose of this exception is to provide a means in which SWFs could be deployed to provide better cell service on residential property that is located beyond the effective operating range of SWFs located within the right-of-way in residential zones (i.e., SWFs typically are not effective beyond 400 feet). The words used in this section currently pack a lot of meaning into a concise sentence. In order to increase the readability of this section, and therefore understanding, BIMC 18.09.030.B.5 has been revised to cross reference to BIMC 18.10A.040.E.12, the source of this restriction, which in turn has been revised to read as follows:

- Small wireless facilities are prohibited on any property containing a residential use in the residential zones, with the following two exceptions:
 - Small wireless facilities may be located within the right-of-way within residential zones; and
 - Small wireless facilities may be located on property containing a residential use in the residential zones where:
 - The location of the small wireless facility is more than 400 feet from the right-of-way and within an access easement over residential property;
 - The owner of the residential property upon which the small wireless facility will be located has granted permission in writing to locate the facility in the desired location and has provided proof of authority to grant such permission;
 - The terms of the access easement allow the installation of the small wireless facility in the proposed location;
 - The installation of the small wireless facility in the proposed location does not create any access or safety issues;
 - Any new pole complies with the requirements of BIMC 18.10A.050;
 - Any new structure complies with all applicable requirements of the City Code;

- Any covenants or easements recorded on the property allow the deployment of the small wireless facility on the property; and
- The proposed small wireless facility complies with all applicable land use regulations, including but not limited to: Chapter 19.10 BIMC, Chapter 18.10A BIMC, Chapter 16.20 BIMC, and Chapter 16.12 BIMC.

BIMC 18.09.030.F.4

This proposed new subsection simply reiterates the requirements found in BIMC 18.10.030.B, which was adopted in 2015, to assist the reader in understanding Table 18.09.020.

Chapter 18.10 BIMC, including BIMC 18.10.030.B, does not apply to “small wireless facilities (SWFs).” Instead, it applies to “wireless communication facilities (WCFs),” which are telecommunications facilities that do not meet the definition of SWFs contained in [47 CFR 1.6002](#). In summary, WCFs are typically larger than SWFs and generally can be thought of as the traditional macro cell towers.

BIMC 18.10.010 – Wireless Communication Facility General Provisions

As outlined above, Chapter 18.10 BIMC does not apply to “small wireless facilities (SWFs)” Instead, it applies to “wireless communication facilities (WCFs).”

BIMC 18.10A.010 – Purpose

Draft Ordinance No. 2020-04 has been updated to renumber former BIMC 18.10A.010.G to be BIMC 18.10A.010.I.3. Tense of former BIMC 18.10A.010.G was changed to ensure consistency.

BIMC 18.10A.030 – Definitions

BIMC 18.10A.030 does not contain a definition of the word “pole” because it contains definitions for “light pole” and “traffic signal pole” and “utility pole.” A general definition of the word “pole” is not needed for the reason that the design of non-wooden “light poles” or “utility poles” are governed by BIMC 18.10A.040.A and wooden poles are governed by BIMC 18.10A.040.B. New or replacement poles would only be allowed if they satisfied the criteria set out in BIMC 18.10A.040.A and .B.

This is a rapidly changing area of law. BIMC 18.10A.030’s definition of “Small Wireless Facility” cross references to 47 CFR 1.6002 to avoid the need to update the City code should the Federal Government change the definition of small wireless facility. Once adopted by the City Council, the Code Reviser will provide a hyperlink to 47 CFR 1.6002, allowing the reader to easily find the definition of “Small Wireless Facility.” By proceeding with a cross reference, the

City is minimizing staff resources needed to monitor the definition of Small Wireless Facility to determine if there have been any changes. In addition, the cross reference minimizes Planning Commission and Council time needed to review updated definitions should federal law change.

BIMC 18.10A.040 – Design and Concealment Standards for Small Wireless Facilities

As drafted, there are number of code sections establishing standards for small wireless facilities in areas that do not currently have existing poles and in sensitive areas (e.g., critical areas, shoreline, parks/nature preserves):

- Under BIMC 18.10A.050.A.5, new poles cannot be located in a critical area, or associated buffer or setback, except if exempt under the City’s Critical Areas Ordinance (CAO). BIMC 16.20.040 lists the exemptions.
- Under BIMC 18.10A.050.A.4, Any proposed SWF must comply with the City’s Shoreline Master Program (SMP).
 - Specifically, the SMP governs SWFs as “primary utilities.”
 - Under BIMC 16.12.030.C.7.c, primary utilities are allowed as a conditional use in shoreline residential conservancy, shoreline residential, urban, and aquatic designations and are prohibited in natural, island conservancy, and priority aquatic.
- Under BIMC 19.10.020.E.2, for any SWF proposed to be located outside of the City’s ROW, the applicant must obtain written approval from the property owner. So, the Park District and the City would have to provide approval before any SWF could be located on park property. Similarly, the Land Trust or other owners of nature preserves would need to provide approval before a SWF could be located outside of the ROW on their properties.

BIMC 18.10A.050

BIMC 18.10A.050.C has been revised to remove reference to “towers” and “equipment structures.”

BIMC 18.10A.050.D has been revised to correctly reference BIMC 18.10A.050.A.1.

BIMC 18.10A.050.F has been revised to generally reference the purposes identified in BIMC 18.10A.010.

BIMC 19.10.020.E.1.d

Ordinance No. 2020-04 has been updated to correct the references to Chapter 18.10A BIMC found in Chapter 19.10 BIMC.

BIMC 19.10.030

The application requirements for SWF permits are set out in BIMC 19.10.020. For the purposes of BIMC 19.10.030.A.1, the City will review BIMC 19.10.020 to determine if the application materials are complete and warrant approval.

Ordinance No. 2020-04 has been updated to reflect that the purpose of BIMC 19.10.030.D is to ensure compliance with federal law. As such, it has been renamed from “review of facilities” to “compliance with federal law.”

BIMC 19.10.070

BIMC 19.10.070 provides for appeal of the Director’s decision to the Kitsap County Superior Court. No administrative appeal to the Hearing Examiner or to the City Council is provided due to the short shot clocks required under federal law. Specifically, for most SWFs, the City will have only 60 days to process the SWF application and issue a final decision. Adding an appeal to the Hearing Examiner or to the City Council would significantly reduce the amount of time for PCD to review the SWF applications and obtain compliance with the requirements of Chapter 18.10A BIMC and Chapter 19.10 BIMC.

ORDINANCE NO. 2020-04

AN ORDINANCE of the City of Bainbridge Island, Washington, concerning telecommunications facilities; Amending Title 18 of the Bainbridge Island Municipal Code; Adding a new Chapter 18.10A BIMC, authorizing and establishing design and concealment standards for small wireless facilities; Amending BIMC 18.10.020 and BIMC 18.36.030 regarding definitions; Revising BIMC 18.10.010 to adopt applicability section; Repealing and replacing in full Chapter 18.11 BIMC concerning eligible facilities requests; Amending Table 18.09.020, BIMC 18.09.030, BIMC 18.10.030, and BIMC 2.16.040 to correct drafting errors; Repealing interim official control established by Ordinance No. 2019-15 and extended by Ordinance No. 2019-31 and Ordinance No. 2020-11.

WHEREAS, the Federal Communications Commission (“FCC”) recently adopted a Declaratory Ruling, Order, and Regulation (“FCC Order”), which imposes limitations on local municipalities including the City of Bainbridge Island (“City”) regarding processing and review of all permits associated with the deployment of small wireless facilities; and

WHEREAS, the adoption of aesthetic standards for deployment of small wireless facilities and utilization of a concurrent process emphasizing administrative review enables compliance with the federal presumptively reasonable time limits for review; and

WHEREAS, the City was required to enact administrative procedures and process to comply with the new presumptive federal safe harbors on or before January 14, 2019; and

WHEREAS, separately, federal law and regulation sets time limits on the processing of applications for eligible facility requests to expand existing structures which do not substantially change the height or profile of the structures used to collocate wireless communications facilities, and which regulations will replace Chapter 18.11 BIMC; and

WHEREAS, the City Council found that the existence of the federal regulations requires the immediate enactment of administrative procedures and processes which can comply with the FCC Order; and

WHEREAS, the City is authorized by state law, including RCW 36.70A.390, to expeditiously adopt interim official control ordinances due to a public emergency for the protection of the public peace, safety, or health while permanent regulations are developed, vetted, and processed through the City’s standard legislative procedures; and

WHEREAS, the City Council found that the adoption of this interim official control ordinance allowed the City to put in place standards to come into compliance with the FCC Order, while providing a meaningful opportunity for its citizens to provide input regarding design, concealment, and other aesthetic standards within the longer timeframe permitted by use of an interim official control ordinance; and

WHEREAS, on May 14, 2019, in response to the FCC Order, the City Council approved Ordinance No. 2019-15, adopting an interim official control that: created a new Chapter 18.10A, establishing interim small wireless facility design standards; amended Table 18.09.020, BIMC 18.09.030, and BIMC 18.10.010; and repealed and replaced Chapter 18.11 BIMC; and

WHEREAS, on May 14, 2019, the City Council also enacted amendments to its existing master permit code provisions contained in Title 19 BIMC and adopted a new Chapter 19.10 BIMC in order to provide a clear permitting procedure for the deployment of small wireless facilities; and

WHEREAS, on June 11, 2019, the City Council held a public hearing on Ordinance No. 2019-15 to receive public comment on the interim official control; and

WHEREAS, on August 13, 2019, the City Council directed the Planning Commission to begin work on permanent regulations to replace the interim official control adopted by Ordinance No. 2019-15; and

WHEREAS, on September 12, 2019, and October 24, 2019, the Planning Commission considered permanent regulations to replace the interim official control adopted by Ordinance No. 2019-15;

WHEREAS, the interim official control, adopted by Ordinance No. 2019-15, took effect on May 14, 2019, and would expire on November 14, 2019, unless extended by the City Council; and

WHEREAS, on October 8, 2019, the City Council set a public hearing for October 22, 2019, on Ordinance No. 2019-31, extending the interim official control originally adopted by Ordinance No. 2019-15 until May 14, 2020; and

WHEREAS, on October 22, 2019, the City Council held a public hearing on Ordinance No. 2019-31 and adopted the ordinance following the close of the public hearing; and

WHEREAS, on October 24, 2019, the Planning Commission considered Ordinance No. 2019-38 and reviewed comments submitted by industry representatives; and

WHEREAS, on December 12, 2019, the Planning Commission further considered Ordinance No. 2019-38; and

WHEREAS, on January 1, 2020, draft Ordinance No. 2019-38 was renumbered to be Ordinance No. 2020-04; and

WHEREAS, on January 23, 2020, the Planning Commission further considered Ordinance No. 2020-04; and

WHEREAS, on February 29, 2020, Governor Jay Inslee declared a state of emergency in response to the spread of COVID-19 in Washington State; and

WHEREAS, on March 8, 2020, the Kitsap Public Health District was notified of the first Kitsap County resident testing positive for COVID-19, an individual residing on Bainbridge Island; and

WHEREAS, on March 9, 2020, the City Manager, as the executive head of the City for purposes of emergency management, issued a Proclamation of Emergency in response to the COVID-19 public health emergency; and

WHEREAS, on March 10, 2020, the City Council adopted Resolution No. 2020-06, affirming the Proclamation of Emergency; and

WHEREAS, the COVID-19 public health emergency has significantly disrupted City operations and led to the cancellation of multiple meetings of the Planning Commission; and

WHEREAS, on April 14, 2020, the City Council set a public hearing for April 28, 2020, on Ordinance No. 2020-11, extending the interim official control originally adopted by Ordinance No. 2019-15 until November 14, 2020; and

WHEREAS, on April 28, 2020, the City Council held a public hearing on Ordinance No. 2020-11 and adopted the ordinance following the close of the public hearing; and

WHEREAS, on May 28, 2020, the Planning Commission resumed consideration of Ordinance No. 2020-04; and

WHEREAS, on June 11, 2020, the Planning Commission further considered Ordinance No. 2020-04 and directed staff to schedule a public hearing on Ordinance No. 2020-04 at the next available meeting of the Planning Commission; and

WHEREAS, on [insert date of public hearing], the Planning Commission held a public hearing on Ordinance No. 2020-04 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].

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

Section 1. Repeal of Interim Official Control. The interim official control, originally adopted under Ordinance No. 2019-15 and subsequently extended by Ordinance No. 2019-31 and Ordinance No. 2020-11, is hereby repealed in its entirety and shall no longer be in force or effect.

Section 2. Amendment of BIMC 18.10.010. Section 18.10.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

18.10.010 – Purpose: General Provisions.

A. This chapter addresses the issues of location and appearance associated with wireless communication facilities (“WCFs”). It provides adequate siting opportunities through a wide range of locations and options which minimize safety hazards and visual impacts sometimes associated with wireless communications technology. The chapter encourages siting of facilities on existing buildings or structures, co-location of several providers’ facilities on a single support structure, and visual mitigation measures to maintain neighborhood appearance and reduce visual clutter in the city.

B. Applicability

1. Applicability. The provisions of this chapter shall apply to all new WCFs located within the boundaries of the City, and for any modification to an existing WCF that is not governed by Chapter 18.11 BIMC, provided that this chapter shall not apply to small wireless facilities permitted under Title 19 BIMC and are subject to Chapter 18.10A BIMC.

2. Permit Required. Any person who desires to place any WCF within the boundaries of the city must apply to the city for the appropriate wireless communication facility permit.

3. Lease Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the WCF will be located upon a city-owned structure, or upon non-right-of-way property which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the city for the use of the city property.

4. Master Permit Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the WCF will be located within the city’s right-of-way, the applicant shall be required to obtain a master permit, consistent with Title 19 BIMC, from the city for the use of the city’s right-of-way.

Section 3. Amendment of BIMC 18.10.020. Section 18.10.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein. Words not otherwise defined shall have their common and ordinary meaning:

A. “Antenna(s)” means any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points, including, but not limited to:

1. Omni-directional (or “whip”) antenna(s), which transmits and receives radio frequency signals in a 360-degree radial pattern;

2. Directional (or “panel”) antenna(s), which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees;

3. Parabolic antenna(s) (or “dish” antenna(s)), which is a bowl-shaped device for the reception and/or transmission of communications signals in a specific directional pattern; and

4. Ancillary antenna(s), which is an antenna less than 12 inches in its largest dimension and is not directly used to provide personal wireless communications services, such as a global positioning satellite (GPS) antenna.

B. “Co-location” means placing and arranging multiple providers’ antennas and equipment on a single support structure or equipment pad area.

C. “Electromagnetic field” or “EMF” means the field produced by the operation of equipment used in transmitting and receiving radio frequency signals.

D. “Equipment facility” means any structure used to house electronic equipment, cooling systems and back-up power systems associated with a WCF, including shelters, enclosures, cabinets and other similar structures.

E. “Facility I” means a wireless communication facility consisting of an antenna that is either: (1) four feet or less in height and with an area of not more than 580 square inches in the aggregate; or (2) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

F. “Facility II” means a wireless communication facility consisting of up to three antennas, each of which is a microcell with associated equipment facilities six feet or less in height and no more than 48 square feet in floor area.

G. “Lattice tower” means a wireless communication support structure that consists of metal crossed strips or bars to support antennas and related equipment.

H. “Monopole” means a wireless communication facility that consists of a support structure, the height of which shall not exceed 120 feet in height not including antennas.

I. “Support structure” means any structure, designed and constructed specifically to support an antenna array, including a monopole, self-supporting (lattice) tower, guy-wire support tower and any other similar structures. Any device (attachment device) used to attach a WCF to an existing structure or building (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

J. “Wireless communication facility” or “WCF” means an unstaffed facility for the transmission and/or reception of radio frequency, microwave or other signals for commercial communications purposes, including and typically consisting of antennas, ~~equipment shelter or~~

~~cabinet equipment facilities~~, transmission cables, a support structure required to achieve the necessary elevation, and reception and transmission devices and antennas.

~~K~~. “Wireless communication services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

Section 4. Amendment of BIMC 18.10.030. Subsection 18.10.030.B.1 of the Bainbridge Island Municipal Code to read as follows:

1. A facility I or II, or a monopole or lattice tower located in a nonresidential zone that does not exceed the maximum building height of the zone established in Chapter 18.12 BIMC; or

Section 5. Amendment of Table 18.09.020. The Utility and Telecommunications section of Table 18.09.020 of the Bainbridge Island Municipal Code is hereby amended to read as shown on attached **Exhibit A**.

Section 6. Amendment of BIMC 18.09.030. Section 18.09.030 of the Bainbridge Island Municipal Code is hereby amended to include a new Subsection 18.09.030.B.5, to read as follows:

~~5. Small wireless facilities. Small wireless facilities are prohibited on any property containing a residential use in the residential zones except where allowed under BIMC 18.10A.040.E.12. Except for locations in the right of way, small wireless facilities are prohibited on any property containing a residential use in the residential zones. Except where small wireless facilities are intended to be located more than 400 feet from a right of way and within an access easement over residential property, the location may be allowed if the applicant affirms that they have property owner permission to locate the facility in the desired location, that the property owner where the facility will be installed has authority to grant such permission to locate the facility and related infrastructure at the designated location pursuant to the terms of the access easement, that the installation is allowed by and consistent with the access easement, that such installation will not frustrate the purpose of the easement or create any access or safety issue, and shall be in compliance with all land use regulations such as, but not limited to, setback requirements.~~

Section 7. Amendment of BIMC 18.09.030. Section 18.09.030 of the Bainbridge Island Municipal Code is hereby amended to include a new Subsection 18.09.030.F.4, to read as follows:

4. In accordance with Chapter 18.10 BIMC, the department of planning and community development may grant permit approval for:

a. A facility I or II, or a monopole or lattice tower located in a nonresidential zone that does not exceed the maximum height of the zone; or

b. A facility I or II in a multifamily, business, commercial, or town center zone on an existing building or structure; provided, that the facility is no higher than 15 feet above the existing building or structure or the permitted height for the zone, whichever is higher; or

c. A facility I or II in a residential zone on a nonresidential building or structure; provided, that the facility is no higher than 15 feet above the permitted height in the zone.

d. All other WCFs require conditional use permit review and approval by the city hearing examiner.

e. For the purposes of this subsection and Table 18.09.020, the terms “Facility I” and “Facility II” and “Monopole” and “Lattice Tower” and “WCF” and “Wireless Communication Facility” shall have the same meaning as defined in Chapter 18.10 BIMC.

Section 8. Adoption of New Chapter 18.10A BIMC. Title 18 of the Bainbridge Island Municipal Code is hereby amended to include a new Chapter 18.10A BIMC, to read as follows:

Chapter 18.10A
USE REGULATIONS - SMALL WIRELESS FACILITIES

- 18.10A.010 Purpose.
- 18.10A.020 Applicability.
- 18.10A.030 Definitions.
- 18.10A.040 Design and Concealment standards for small wireless facilities.
- 18.10A.050 New poles for small wireless facilities.

18.10A.010 Purpose.

The purposes of this chapter are to set forth regulations for the placement and development of small wireless facilities. Among the purposes included are to:

- A. Manage reasonable access to the right-of-way of the City for communication purposes on a nondiscriminatory basis.
- B. Conserve the limited physical capacity of the public rights-of-way held in public trust by the City.
- C. Ensure that all service providers maintaining facilities or providing services within the City comply with the ordinances, rules, and regulations of the City.
- D. Reduce unnecessary local regulation of providers and services.
- E. Ensure that the City can continue to fairly and responsibly protect the public health, safety, and welfare.

F. Encourage the provision of advanced and competitive telecommunications, on the widest possible basis to the businesses, institutions, and residents of the City.

~~G. Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.~~

~~H.G.~~ Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.

~~H.H.~~ Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

~~H.I.~~ Reserve to the City and provide for the fullest exercise possible of the authority and discretion of the City to require that:

1. Facilities are installed and maintained within the public rights-of-way in such manner and at such points so as not to inconvenience the public use of the public rights-of-way or to adversely affect the public safety and welfare; and

~~2.~~ All non-City users of the rights-of-way shall be required to reimburse and hold harmless the City for the actual costs incurred by the City by reason of the construction or presence in the public rights-of-way of the facilities of such other users.

~~3. Potential adverse visual, aesthetic, and safety impacts of small wireless facilities be minimized.~~

18.10A.020 Applicability.

Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the following application requirements for a small wireless facility permit described in this chapter. Applications must also comply with the small wireless facility permit requirements of Title 19 BIMC. For small wireless facilities inside the right-of-way, the applicant must also obtain a master permit as may be required under Title 19 BIMC.

18.10A.030 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein. Words not otherwise defined shall have their common and ordinary meaning:

A. “Antenna” means an apparatus designed for the purpose of emitting radiofrequency (“RF”) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.

- B. “Applicant” means any person submitting an application for a small wireless facility permit.
- C. “City property” means any real property owned by the City, whether in fee or other ownership estate of interest.
- D. “Collocation” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.
- E. “Director” means the Director of Planning and Community Development or their designee.
- F. “FCC” or “Federal Communications Commission” means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers on a national level.
- G. “Grantee” means a person holding a master permit.
- H. “Light Pole” means a pole used primarily for lighting streets, parking areas, parks, or pedestrian paths.
- I. “Master Permit” means the authorization granted by the City to an operator of a telecommunications system, under Title 19 BIMC, giving the operator the nonexclusive right to occupy the space, or use facilities upon, across, beneath, or over any public right-of-way in the City, to provide a specified service within a master permit area. Such master permit shall not include or be a substitute for:
1. Any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City;
 2. Any permit, agreement, or authorization required in connection with operations on or in public streets or property, including, by way of example and not limitation, street cut permits;
 3. Any permits or agreements for occupying any other property of the City or private entities to which access is not specifically granted by the master permit including, without limitation, permits and agreements for placing devices on or in poles, conduits, other structures, or railroad easements, whether owned by the City or a private entity; or
 4. The right to place devices in the right-of-way, such as pay telephones, for end user use in terminating or originating transmissions.

By way of example, and without limiting the foregoing, this title shall not be read to diminish or in any way affect the authority of the City to control the use of the City’s real estate, fixtures, or personal property. Therefore, any person who desires to use such property must obtain additional approvals, or agreements for that purpose, as may be required by the City.

- J. “Public right-of-way” or “right-of-way” means land acquired or dedicated for public

roads and streets but does not include:

1. State highways;
2. Land dedicated for road, streets, and highways not opened and not improved for motor vehicle use by the public;
3. Structures, including poles and conduits, located within the right-of-way;
4. Federally granted trust lands or forest board trust lands;
5. Lands owned or managed by the state parks and recreation commission; or
6. Federally granted railroad rights-of-way acquired under 43 U.S.C. Sec 912 and related provisions of federal law that are not open for motor vehicle use.

K. “Service provider” is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of telecommunication services.

L. “Small wireless” and “small wireless facility” shall have the same meaning as a “small wireless facility” as set forth in 47 CFR 1.6002.

M. “Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of telecommunications service (whether on its own or comingled with other types of services).

N. “Telecommunications facilities” means the plant, equipment, and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide, or offer wireline or wireless telecommunications service.

O. “Telecommunications service” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.

P. “Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.

Q. “Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services

and fixed wireless services such as microwave backhaul.

R. “Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

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S. “Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

T. “Wireline” means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

18.10A.040 Design and Concealment standards for small wireless facilities.

Small wireless facility deployments permitted inside or outside the right-of way shall conform to the following design standards:

A. Small wireless facilities attached to existing or replacement non-wooden light poles or utility poles in the right-of-way or non-wooden light poles or utility poles outside of the right-of-way shall conform to the following design criteria:

1. Upon adoption of a City standard small wireless facility pole design(s) within the Design and Construction Standards, an applicant is encouraged to first consider using or modifying the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the City's ADA, sidewalk clearance requirements, and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as adopted in this subsection A.
2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. The antennas and equipment shall be located consistent with BIMC 18.10A.040.E.1.
3. The furthest point of any equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
4. All conduit, cables, wires, and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires, and fiber is required within mounting brackets, shrouds, canisters, or sleeves if attaching to exterior antennas or equipment.
5. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is technically needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

6. Any replacement non-wooden pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns. Any replacement non-wooden pole located in the right-of-way shall be placed as close to the original pole as possible, but no more than five (5) feet from the existing pole location.

7. The height of any replacement pole may not extend more than six (6) feet above the height of the existing pole or the minimum additional height technically necessary; provided, that the height of the replacement pole cannot be extended further by additional antenna height.

8. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty (20) inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection E.6E.5 below.

9. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on existing or replacement wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a wooden pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing wooden pole but may not increase the height of the existing wooden pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns.
4. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall be colored, tinted, or painted to match the approximate color of the surface of the wooden pole on which they are attached.
5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.
6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.
7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B.1 above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches in diameter, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.
10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
11. Equipment for small wireless facilities shall be located consistent with BIMC 18.10A.040.E.1. If equipment is allowed to be placed on the wooden pole, the equipment must be placed in the smallest enclosure possible for the intended purpose. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

12. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a wooden pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

13. The diameter of a replacement wooden pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing wooden pole measured at the base of the pole, unless additional diameter is needed for structural integrity of the pole, and shall comply with the requirements in subsection E.5 below.

14. All cables and wires shall be routed through conduit along the outside of the wooden pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.

C. Small wireless facilities attached to existing buildings shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be colored, painted, and textured to match the adjacent building surfaces, unless otherwise technically infeasible.

7. Small wireless facilities must meet the height requirement of the underlying zoning district.

8. Feed lines and coaxial cables shall be located below the parapet of the rooftop.

9. If a cabinet enclosure cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with BIMC 18.10A.040.E.1.

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

1. Each strand mounted facility shall not exceed four (4) cubic feet in volume.
2. Only one strand mounted facility is permitted between any two existing poles.
3. The pole must be able to support the necessary load requirements of the strand mounted facility.
4. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater distance technically necessary or is required by the pole owner for safety clearance.
5. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic.
6. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets.
7. Pole mounted equipment shall comply with the requirements of subsections A or B above, as applicable.
8. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).
9. Strand mounted facilities are only permitted on poles that have existing overhead wirelines.

E. General requirements for all installation types.

1. All equipment, except antennas and conduit, associated with installations in the R-0.4 zoning district shall be ground mounted, placed underground, completely concealed within the pole, or placed on private property consistent with the regulations identified in (a), (c), (d), and (e) below unless the applicant can demonstrate that each of those possible locations are technically infeasible, in which case the equipment may be placed in accordance with (b) below. All equipment associated with installations in the Mixed Use Town Center, High School Road I and II, and Neighborhood Center zoning districts shall be located on the pole, completely concealed within the pole, or placed on private property consistent with the regulations identified in (a), (b), and (d) below unless the applicant can demonstrate that each of those allowed locations are technically infeasible, in which case the equipment may be placed in accordance with (c) or (e) below. All equipment associated with installations in any other zone not identified above may be installed consistent with one of the methods identified in (a) through (e) below. ~~Even if one of the designated equipment locations is technically feasible, the Director may determine that equipment located in the non-preferred location is in fact a superior alternative based on the impact to the City, its residents, the City's Comprehensive Plan, and/or the added benefits to the community.~~

~~(e).~~(a). Concealed completely within the pole or pole base. If antennas and associated equipment enclosures (including disconnect switches and other appurtenant devices) are located within the pole or pole base, they shall be fully concealed within the pole. Further, if located within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.

~~(d).~~(b). Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be colored, tinted, or painted to match the approximate color of the surface of the pole and appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, but in no event shall any antenna exceed three (3) cubic feet in volume. The equipment enclosure and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) inches from the surface of the pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the pole.

~~(e)-(c)~~. Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route. Antennas are not subject to this paragraph due to technological limitations of such placement.

~~(f)-(d)~~. On private property. If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance. Any such installation on private property must conform to all applicable regulations, including but not limited to zoning regulations, that apply to that property.

~~(e)~~. On the ground in the right-of-way. If the equipment is located on the ground in the right-of-way, the equipment enclosure on the ground and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. The equipment located on the ground shall be placed within one enclosure not to exceed four (4) feet in height. Such enclosure must be colored and designed in a manner that minimize the visual impact of the enclosure. The location of the equipment on the ground must comply with all applicable setback and access requirements including ADA requirements. Prior to the issuance of any permit related to a facility which includes ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such ground mounted equipment.

2. Even if one of the designated equipment locations is technically feasible under BIMC 18.10A.040.E.1, the Director may determine that equipment located in a non-preferred location is in fact a superior alternative if the non-preferred location:

(a). Provides equal or greater protection to public vantage points, view corridors, and scenic vistas to support Bainbridge Island's sense of place, identity, and orientation; and

(b). Satisfies one or more of the following criteria:

i. Has a greater natural resource conservation value;

ii. Less adverse impact to adjoining properties; or

iii. Results in a more practical design because of topography, critical area, or other extenuating circumstances.

2.3. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-

exiting associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than twelve (12) inches from the surface of the pole. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. Requirements related to the location of equipment as outlined in BIMC 18.10A.050.E.1 do not apply if the antennas and equipment are located within one unified enclosure

3.4. No equipment shall be operated so as to produce noise in violation of Chapter 16.16 BIMC.

~~1.~~ Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.

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~~4.6.~~ Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, City ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

~~5.7.~~ No signage, message, or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided, that signs are permitted as concealment element techniques where appropriate.

~~6.8.~~ Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

~~7.9.~~ Side arm mounts for antennas or equipment must be the minimum extension necessary and may not create a gap of more than twelve (12) inches for wooden poles and no more than six (6) inches for non-wooden poles between the pole and the antennas or equipment.

~~8.10.~~ The preferred location of a small wireless facility on a pole is the location with the least visible impact.

~~9.11.~~ Antennas, equipment enclosures, and ancillary equipment, conduit, and cable, shall not dominate the structure or pole upon which they are attached.

~~12.~~ Except for locations in the right-of-way, Small wireless facilities are prohibited on any property containing a residential use in the residential zones, with the following two exceptions.

(a). Small wireless facilities may be located within the right-of-way within residential zones; and

(b). Small wireless facilities may be located on property containing a residential use in the residential zones where:

i. The location of the small wireless facility is more than 400 feet from the right-of-way and within an access easement over residential property;

ii. The owner of the residential property upon which the small wireless facility will be located has granted permission in writing to locate the facility in the desired location and has provided proof of authority to grant such permission;

- iii. The terms of the access easement allow the installation of the small wireless facility in the proposed location;
- iv. The installation of the small wireless facility in the proposed location does not create any access or safety issues;
- v. Any new pole complies with the requirements of BIMC 18.10A.050;
- vi. Any new structure complies with all applicable requirements of the City Code;
- vii. Any covenants or easements recorded on the property allow the deployment of the small wireless facility on the property;
- viii. The proposed small wireless facility complies with all applicable land use regulations, including but not limited to: Chapter 19.10 BIMC, Chapter 18.10A.BIMC, Chapter 16.20 BIMC, and Chapter 16.12 BIMC.
 - ~~i. Except where small wireless facilities are intended to be located more than 400 feet from a right of way and within an access easement over residential property, the location may be allowed if the applicant affirms that they have property owner permission to locate the facility in the desired location, that the property owner where the facility will be installed has authority to grant such permission to locate the facility and related infrastructure at the designated location pursuant to the terms of the access easement, that the installation is allowed by and consistent with the access easement, that such installation will not frustrate the purpose of the easement or create any access or safety issue, and shall be in compliance with all land use regulations such as, but not limited to, setback requirements.~~

~~10.13.~~ The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

14. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

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18.10A.050 New poles for small wireless facilities.

A. New poles for small wireless facilities are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower, or on a site outside of the public rights of way such as public non-park property, a building, a transmission tower, or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
2. The proposed small wireless facility complies with the applicable requirements of BIMC 18.10A.040;
3. The proposed small wireless facility receives approval for a concealment element design, as described in subsection C below;
4. The proposed small wireless facility also complies with Shoreline Management Act, SEPA, and any other relevant law or regulation if applicable; and
5. No new poles shall be located in a critical area or associated buffer or setback required by Chapter 16.20 BIMC except when determined to be exempt pursuant to Chapter 16.20 BIMC.

B. An application for a new pole is subject to review and approval or denial by the Director.

~~C.~~ The concealment element design shall include the design of the screening, fencing, or other concealment technology for ~~the a tower, pole, or equipment structure,~~ and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole, then the replacement pole shall be of the same general design as the pole it is replacing, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure.

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~~1.2.~~ If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

D. Even if an alternative location is established pursuant to BIMC ~~18.10A.050-0~~.A.1, the Director may determine that a new pole in the right-of-way is in fact a superior alternative if the new pole:

1. Satisfies the other requirements of BIMC 18.10A.050.A;

2. Provides equal or greater protection to public vantage points, view corridors, and scenic vistas to support Bainbridge Island's sense of place, identity, and orientation; and

3. Satisfies one or more of the following criteria:

(a) Has a greater natural resource conservation value;

(b) Less adverse impact to adjoining properties; or

(c) Results in a more practical design because of topography, critical area, or other extenuating circumstances.

~~based on the impact to the City, the concealment element design, the City's Comprehensive Plan, and/or the added benefits to the community.~~

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. The requirement also applies to the placement of replacement poles when the replacement is necessary for the installation or attachment of the small wireless facility, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purposes ~~of concealment and siting~~ identified in BIMC 18.10A.010. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. -When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the street scape.

Section 9. Repeal and Replacement of Chapter 18.11 BIMC. Chapter 18.11 of the Bainbridge Island Municipal Code is hereby repealed in its entirety and replaced by the following:

**Chapter 18.11
Eligible Facilities Requests**

- 18.11.010 Definitions.
- 18.11.020 Application.
- 18.11.030 Qualification as an Eligible Facilities Request.
- 18.11.040 Timeframe for Review.
- 18.11.050 Tolling of the Time Frame for Review.
- 18.11.060 Determination That Application Is Not an Eligible Facilities Request.
- 18.11.070 Failure to Act.
- 18.11.080 Enforcement

18.11.010 Definitions

The following definitions shall apply to Eligible Facilities Requests only as described in this Chapter 18.11 BIMC.

A. “Base Station”: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base Station includes, without limitation:

1. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small wireless networks).
3. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (i) and (ii) above that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
4. The term does not include any structure that, at the time the Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph 1.a and 1.b above.

B. “Collocation”: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

C. “Eligible Facilities Request”: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

D. “Eligible support structure”: Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.

E. “Existing”: A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

F. “Substantial Change”: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site;
5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

G. “Tower”: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

H. “Transmission equipment”. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

18.11.020 Application.

The Director shall prepare and make publicly available an application form used to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification. Prior to the issuance of an Eligible Facilities Request permit, the applicant shall pay a permit fee in an amount as determined by the City Council and adopted by resolution.

18.11.030 Qualification as an Eligible Facilities Request.

Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

18.11.040 Timeframe for Review.

A. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by 47 CFR §1.40001 and this Chapter 18.11 BIMC.

B. A permit issued pursuant to this chapter, and any applications deemed granted under BIMC 18.11.070, shall be valid for a term of 12 months from the date of issuance or the date the application has been deemed granted under BIMC 18.11.070.

18.11.050 Tolling of the Time Frame for Review.

A. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. .

1. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.
3. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

18.11.060 Determination That Application Is Not an Eligible Facilities Request.

If the Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

18.11.070 Failure to Act.

In the event the Director fails to approve or deny an application for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed granted application does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

18.11.080 Enforcement.

Compliance with the provisions of this chapter is mandatory. Any violation of this chapter shall be enforced, and penalties assessed, in accordance with Chapter 1.26 BIMC.

Section 10. Amendment to BIMC 18.36.030. Subsections 18.36.030.7 ("Accessory antenna device"), 18.36.030.32 ("Attached wireless communication facility"), 18.36.030.53 ("Co-location"), 18.36.030.273 ("Wireless communication facility"), 18.36.030.273.a ("Facility I"), 18.36.030.273.b ("Facility II"), and 18.36.030.273.c ("Facility III") of the Bainbridge Island Municipal Code are hereby repealed.

Section 11. Amendment to BIMC 18.36.030. Subsection 18.36.030.276 (“Wireless communication support structure”) of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“Wireless communication support structure” means the structure erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers. “Monopoles” and “lattice towers” shall have the same meaning as defined in Chapter 18.10 BIMC.

Section 12. Amendment to BIMC 18.36.030. Subsection 18.36.030.249 (“Structure”) of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“Structure” means any manmade assemblage of materials extending above or below the surface of the earth and affixed or attached thereto. “Structure,” for the purposes of this title, except for BIMC 18.09.030.F.1, does not include “wireless ~~communications~~ communication facilities” as that term is defined in Chapter 18.10 BIMC.

Section 13. Amendment to BIMC 2.16.040. Subsection 2.16.040.B.1.d of the Bainbridge Island Municipal Code is hereby amended to read as follows:

d. The construction of new wireless ~~communications~~ communication support structures (but not the location of wireless facilities on existing buildings).

Section 14. Amendment to BIMC 19.10.020.D.3. Subsection 19.10.020.D.3 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3. Associated Permit(s). The applicant shall attach all associated permit requirements, such as applications or checklists required under the critical areas, shoreline, or SEPA ordinances. Applications for deployment of small wireless facilities in design zones or for new poles shall comply with the requirements in Chapter 18.10A BIMC ~~18.10A.060~~.

Section 15. Amendment to BIMC 19.10.020.E.1.d. Subsection 19.10.020.E.1.d of the Bainbridge Island Municipal Code is hereby amended to read as follows:

d. Compliance with the aesthetic requirements of Chapter 18.10A BIMC.

Section 16. Amendment to BIMC 19.10.030.D. Subsection 19.10.030.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. ~~Review of Facilities~~ Compliance with Federal Law. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 U.S.C. Sections 253 and 332 and other applicable statutes, regulations, and case law. Applicants for master permits and small wireless facility permits shall be treated in a competitively neutral and nondiscriminatory manner with other service providers, utilizing supporting infrastructure that is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure.

placement, or cumulative impacts. Small wireless facility permit review under this chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

Section 174. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this Ordinance or to the City Code including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 185. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 196. Effective Date. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

DRAFT

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:

2020-04

Exhibit A

Exhibit A
Amendments to Utility and Telecommunications Section of Table 18.09.020

UTILITY AND TELECOMMUNICATIONS																				
Note: Utility and telecommunications uses may be subject to additional requirements in BIMC 16.12.030.C.7.																				
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-1	Use-Specific Standards BIMC 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
USE CATEGORY/TYPE																				
Monopole or Lattice Tower	<u>P/C</u>	<u>C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>								
Small Wind Energy Generator	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-1</u>										
Utility, Primary	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>F-2</u>										
Public Communications Tower	<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>F-3</u>								
Wireless Communication Facilities, Facility I	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>										
Wireless Communication Facilities, Facility II	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>										
All Other Wireless Communication Facilities, Facility III	<u>P/C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>									
Small Wireless Facilities	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>B-5</u>										

Suggestions for Discussion Regarding Draft Ordinance 2020-04
Small Wireless Facilities Code Changes
Commissioner Osmond

The Land Use Element of the Comprehensive Plan describes the island as consisting of Designated Centers and the area outside of these Designated Centers – the Conservation Area. “Outside of the Designated Centers, almost 90% of the island is a green and open landscape.” Comprehensive Plan at LU-2.

The installation of small wireless facilities in these Conservation Areas has the potential to change this green and open landscape that constitutes the visual character of the island. It is therefore important that our municipal code includes provisions allowing the City to minimize those impacts by requiring telecommunications providers to employ the most current stealth technology to camouflage these devices to blend in with the surroundings, and to locate these devices to ensure that they do not unduly infringe on the look and character of the island. Poles and structures to support small wireless facilities may be up to 50’ tall and must be spaced close together because the millimeter wave technology that they are designed to support are not capable of penetrating structures and other obstacles. The potential for aesthetic impacts to areas of the island that do not currently have existing poles and structures along streets is significant.

The suggestions below are intended to provide the City with additional means to enforce how and where new small wireless poles and structures are installed on the island.

BIMC 18.09.030.B.5

This new code section prohibits siting small wireless facilities on property located in residential zones that is being used for residential purposes. However, it includes an exception that allows small wireless facilities to be located in a residential zone on property with a residential use if the property owner grants permission for that use. This provides an opportunity for creating aesthetic impacts to surrounding neighbors and the community, but the concerns of adjacent property owners and the adjoining community, and consistency with the neighborhood, are not addressed or considered. This exception therefore should be removed.

18.09.030.F.4

This new code section addresses approvals for Facility I and Facility II structures and states that “all other WCFs require conditional use permit review and approval by the city hearing examiner.” There is no specific mention of small wireless approvals. Are they considered Facility I or Facility II structures? Is this provision intended to require a conditional use permit for small wireless on a new pole or structure? Other jurisdictions, such as Kitsap County, require an administrative conditional use permit for small wireless facilities on a new structure. Kitsap County includes a complete set of criteria in their code (17.530.030(D)) for small wireless facilities on a new structure that requires a visual impact analysis and could be used as a template for similar BIMC requirements. This permit question is especially important because under the current proposed language in BIMC 19.10.070, the decision to issue a permit for small wireless facilities is made solely by the director and is only appealable to the Kitsap Superior Court, and there is no decision criteria currently proposed in the Code for making those decisions for small wireless facilities that require new poles or structures.

18.10.010 General Provisions

18.10.010B(1) states that “this chapter shall not apply to small wireless facilities permitted under Title 19 BIMC.” Does this exempt small wireless from all provisions of 18.10.010?

18.10A Use Regulations – Small Wireless Facilities

18.10A.010 Purpose

18.10A.080G states that one of the purposes of this chapter is to “Minimize the potential adverse, visual, aesthetic, and safety impacts of small wireless facilities.”

18.10A.010J states that one of the purposes is to:

“Reserve to the City and provide for the fullest exercise possible of the authority and discretion of the City to require that: 1. Facilities are installed and maintained within the public rights-of-way in such manner and at such points so as not to inconvenience the public use of the public rights-of-way or to adversely affect the public safety and welfare; and 2. All non-City users of the rights-of-way shall be required to reimburse and hold harmless the City for the actual costs incurred by the City by reason of the construction or presence in the public rights-of-way of the facilities of such other users. “

I suggest adding 18.10A.080G as a third subsection of 18.10A.010J, to reflect the equal importance of minimizing potential adverse visual, aesthetic, and safety impacts of small wireless facilities with the other two areas of concern included in 18.10A.010J.

18.10A.030 Definitions

There is no definition of “pole”, a term that is used throughout 18.10A.

18.10A.030L – the definition of “small wireless facility” simply references 47 CFR 1.6002. The code should include the actual definition from 47 CFR 1.6002 in the Code:

(l) Small wireless facilities are facilities that meet each of the following conditions:

(1) The facilities—

(i) Are mounted on structures 50 feet or less in height including their antennas as defined in §1.1320(d); or

(ii) Are mounted on structures no more than 10 percent taller than other adjacent structures; or

(iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in §1.1320(d)), is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facilities do not require antenna structure registration under part 17 of this chapter;

(5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in §1.1307(b).

18.10A.040 Design and Concealment standards for small wireless facilities

I suggest adding a code section establishing standards for siting location of small wireless facilities in areas that do not currently have existing poles and in sensitive areas such as Conservation Areas/parks/shorelines/nature reserves, where aesthetics and views could be impacted. I also suggest adding design and concealment standards for new poles installed in areas that do not currently have existing poles and in sensitive areas such as Conservation Areas/ parks/shorelines/nature reserves, where aesthetics and views could be impacted.

18.10A.040E includes general requirements for all installation types but does not include criteria to be used by the director in determining that a non-preferred location is a superior alternative. No criteria is included in BIMC Section 19.10 either, regarding small wireless facility permit applications/review/approval/denial. Without these criteria, the director has no Code provisions to support a decision to require either an alternative location or stealth technology to reduce or eliminate visual impacts.

81.10A.050 New poles for small wireless facilities

There is no definition for “poles.” This section also appears to be applicable to a “tower, pole, or equipment structure” under 18.10A.050C.

18.10A.050B – provide criteria to be used by the director in reviewing/approving or denying an application for a new pole, tower or equipment structure.

18.10A.050C – references concealment element design for a “tower, pole, or equipment structure” but the director approval referenced in 18.10A.050B is only for “an application for a new pole.”

18.10A.050D – what is the Code reference here with respect to an alternative location?

18.10A.050F – “These design standards are intended to be used solely for the purpose of concealment and siting.” Do they include an analysis of impacts to aesthetics and views in the surrounding community?

BIMC 19.10 – Small Wireless Facilities

This code chapter applies to applications for small wireless facilities but there are no criteria regarding small wireless facility permit applications/review/approval/denial. There are also no requirements for obtaining a use permit for small wireless facilities on a new structure, and no criteria for height or design of new poles or structures, which goes directly to aesthetics and visual impacts. Kitsap County includes a complete set of criteria in their code (Kitsap County Code Section 17.530.030(D)) for small wireless facilities on a new structure that requires a visual impact analysis and could be used as a template for similar BIMC requirements.

19.10.020E(1)(d) – applicants must show “compliance with the aesthetic requirements of BIMC 18.10A.050.” This reference should include BIMC 18.10A and BIMC 18.10A.040 specifically. As discussed above, however, those BIMC sections do not currently address aesthetic impacts for new poles or structures in conservation areas or include any criteria for evaluating them.

19.10.030 Review Process

19.10.030A(1) – “The city will review the permit application to determine compliance with this chapter.” What are the criteria for that review?

19.10.030D – Review of Facilities – “Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 332 and other applicable statutes, regulations, and case law.” BIMC 18.10A and other applicable Code sections should be added to this section. Also where is the opportunity for public input into decisions regarding installation of new poles/structures?

19.10.070 Appeals

Decisions of the director with respect to small wireless facilities are appealable only to Kitsap County superior court. Why is there no appeal to either the hearing examiner or the City Council?

ORDINANCE NO. 2020-04

AN ORDINANCE of the City of Bainbridge Island, Washington, concerning telecommunications facilities; Amending Title 18 of the Bainbridge Island Municipal Code; Adding a new Chapter 18.10A BIMC, authorizing and establishing design and concealment standards for small wireless facilities; Amending BIMC 18.10.020 and BIMC 18.36.030 regarding definitions; Revising BIMC 18.10.010 to adopt applicability section; Repealing and replacing in full Chapter 18.11 BIMC concerning eligible facilities requests; Amending Table 18.09.020, BIMC 18.09.030, BIMC 18.10.030, and BIMC 2.16.040 to correct drafting errors; Repealing interim official control established by Ordinance No. 2019-15 and extended by Ordinance No. 2019-31 and Ordinance No. 2020-11.

WHEREAS, the Federal Communications Commission (“FCC”) recently adopted a Declaratory Ruling, Order, and Regulation (“FCC Order”), which imposes limitations on local municipalities including the City of Bainbridge Island (“City”) regarding processing and review of all permits associated with the deployment of small wireless facilities; and

WHEREAS, the adoption of aesthetic standards for deployment of small wireless facilities and utilization of a concurrent process emphasizing administrative review enables compliance with the federal presumptively reasonable time limits for review; and

WHEREAS, the City was required to enact administrative procedures and process to comply with the new presumptive federal safe harbors on or before January 14, 2019; and

WHEREAS, separately, federal law and regulation sets time limits on the processing of applications for eligible facility requests to expand existing structures which do not substantially change the height or profile of the structures used to collocate wireless communications facilities, and which regulations will replace Chapter 18.11 BIMC; and

WHEREAS, the City Council found that the existence of the federal regulations requires the immediate enactment of administrative procedures and processes which can comply with the FCC Order; and

WHEREAS, the City is authorized by state law, including RCW 36.70A.390, to expeditiously adopt interim official control ordinances due to a public emergency for the protection of the public peace, safety, or health while permanent regulations are developed, vetted, and processed through the City’s standard legislative procedures; and

WHEREAS, the City Council found that the adoption of this interim official control ordinance allowed the City to put in place standards to come into compliance with the FCC Order, while providing a meaningful opportunity for its citizens to provide input regarding design, concealment, and other aesthetic standards within the longer timeframe permitted by use of an interim official control ordinance; and

WHEREAS, on May 14, 2019, in response to the FCC Order, the City Council approved Ordinance No. 2019-15, adopting an interim official control that: created a new Chapter 18.10A, establishing interim small wireless facility design standards; amended Table 18.09.020, BIMC 18.09.030, and BIMC 18.10.010; and repealed and replaced Chapter 18.11 BIMC; and

WHEREAS, on May 14, 2019, the City Council also enacted amendments to its existing master permit code provisions contained in Title 19 BIMC and adopted a new Chapter 19.10 BIMC in order to provide a clear permitting procedure for the deployment of small wireless facilities; and

WHEREAS, on June 11, 2019, the City Council held a public hearing on Ordinance No. 2019-15 to receive public comment on the interim official control; and

WHEREAS, on August 13, 2019, the City Council directed the Planning Commission to begin work on permanent regulations to replace the interim official control adopted by Ordinance No. 2019-15; and

WHEREAS, on September 12, 2019, and October 24, 2019, the Planning Commission considered permanent regulations to replace the interim official control adopted by Ordinance No. 2019-15;

WHEREAS, the interim official control, adopted by Ordinance No. 2019-15, took effect on May 14, 2019, and would expire on November 14, 2019, unless extended by the City Council; and

WHEREAS, on October 8, 2019, the City Council set a public hearing for October 22, 2019, on Ordinance No. 2019-31, extending the interim official control originally adopted by Ordinance No. 2019-15 until May 14, 2020; and

WHEREAS, on October 22, 2019, the City Council held a public hearing on Ordinance No. 2019-31 and adopted the ordinance following the close of the public hearing; and

WHEREAS, on October 24, 2019, the Planning Commission considered Ordinance No. 2019-38 and reviewed comments submitted by industry representatives; and

WHEREAS, on December 12, 2019, the Planning Commission further considered Ordinance No. 2019-38; and

WHEREAS, on January 1, 2020, draft Ordinance No. 2019-38 was renumbered to be Ordinance No. 2020-04; and

WHEREAS, on January 23, 2020, the Planning Commission further considered Ordinance No. 2020-04; and

WHEREAS, on February 29, 2020, Governor Jay Inslee declared a state of emergency in response to the spread of COVID-19 in Washington State; and

WHEREAS, on March 8, 2020, the Kitsap Public Health District was notified of the first Kitsap County resident testing positive for COVID-19, an individual residing on Bainbridge Island; and

WHEREAS, on March 9, 2020, the City Manager, as the executive head of the City for purposes of emergency management, issued a Proclamation of Emergency in response to the COVID-19 public health emergency; and

WHEREAS, on March 10, 2020, the City Council adopted Resolution No. 2020-06, affirming the Proclamation of Emergency; and

WHEREAS, the COVID-19 public health emergency has significantly disrupted City operations and led to the cancellation of multiple meetings of the Planning Commission; and

WHEREAS, on April 14, 2020, the City Council set a public hearing for April 28, 2020, on Ordinance No. 2020-11, extending the interim official control originally adopted by Ordinance No. 2019-15 until November 14, 2020; and

WHEREAS, on April 28, 2020, the City Council held a public hearing on Ordinance No. 2020-11 and adopted the ordinance following the close of the public hearing; and

WHEREAS, on May 28, 2020, the Planning Commission resumed consideration of Ordinance No. 2020-04; and

WHEREAS, on June 11, 2020, the Planning Commission further considered Ordinance No. 2020-04 and directed staff to schedule a public hearing on Ordinance No. 2020-04 at the next available meeting of the Planning Commission; and

WHEREAS, on [insert date of public hearing], the Planning Commission held a public hearing on Ordinance No. 2020-04 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].

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

Section 1. Repeal of Interim Official Control. The interim official control, originally adopted under Ordinance No. 2019-15 and subsequently extended by Ordinance No. 2019-31 and Ordinance No. 2020-11, is hereby repealed in its entirety and shall no longer be in force or effect.

Section 2. Amendment of BIMC 18.10.010. Section 18.10.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

18.10.010 – Purpose. General Provisions.

A. This chapter addresses the issues of location and appearance associated with wireless communication facilities (“WCFs”). It provides adequate siting opportunities through a wide range of locations and options which minimize safety hazards and visual impacts sometimes associated with wireless communications technology. The chapter encourages siting of facilities on existing buildings or structures, co-location of several providers’ facilities on a single support structure, and visual mitigation measures to maintain neighborhood appearance and reduce visual clutter in the city.

B. Applicability

1. Applicability. The provisions of this chapter shall apply to all new WCFs located within the boundaries of the City, and for any modification to an existing WCF that is not governed by Chapter 18.11 BIMC, provided that this chapter shall not apply to small wireless facilities permitted under Title 19 BIMC and are subject to Chapter 18.10A BIMC.

2. Permit Required. Any person who desires to place any WCF within the boundaries of the city must apply to the city for the appropriate wireless communication facility permit.

3. Lease Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the WCF will be located upon a city-owned structure, or upon non-right-of-way property which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the city for the use of the city property.

4. Master Permit Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the WCF will be located within the city’s right-of-way, the applicant shall be required to obtain a master permit, consistent with Title 19 BIMC, from the city for the use of the city’s right-of-way.

Section 3. Amendment of BIMC 18.10.020. Section 18.10.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein. Words not otherwise defined shall have their common and ordinary meaning:

A. “Antenna(s)” means any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points, including, but not limited to:

1. Omni-directional (or “whip”) antenna(s), which transmits and receives radio frequency signals in a 360-degree radial pattern;

2. Directional (or “panel”) antenna(s), which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees;

3. Parabolic antenna(s) (or “dish” antenna(s)), which is a bowl-shaped device for the reception and/or transmission of communications signals in a specific directional pattern; and

4. Ancillary antenna(s), which is an antenna less than 12 inches in its largest dimension and is not directly used to provide personal wireless communications services, such as a global positioning satellite (GPS) antenna.

B. “Co-location” means placing and arranging multiple providers’ antennas and equipment on a single support structure or equipment pad area.

C. “Electromagnetic field” or “EMF” means the field produced by the operation of equipment used in transmitting and receiving radio frequency signals.

D. “Equipment facility” means any structure used to house electronic equipment, cooling systems and back-up power systems associated with a WCF, including shelters, enclosures, cabinets and other similar structures.

E. “Facility I” means a wireless communication facility consisting of an antenna that is either: (1) four feet or less in height and with an area of not more than 580 square inches in the aggregate; or (2) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

F. “Facility II” means a wireless communication facility consisting of up to three antennas, each of which is a microcell with associated equipment facilities six feet or less in height and no more than 48 square feet in floor area.

G. “Lattice tower” means a wireless communication support structure that consists of metal crossed strips or bars to support antennas and related equipment.

H. “Monopole” means a wireless communication facility that consists of a support structure, the height of which shall not exceed 120 feet in height not including antennas.

GI. “Support structure” means any structure, designed and constructed specifically to support an antenna array, including a monopole, self-supporting (lattice) tower, guy-wire support tower and any other similar structures. Any device (attachment device) used to attach a WCF to an existing structure or building (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

HJ. “Wireless communication facility” or “WCF” means an unstaffed facility for the transmission and/or reception of radio frequency, microwave or other signals for commercial communications purposes, including and typically consisting of antennas, ~~equipment shelter or~~

cabinet equipment facilities, transmission cables, a support structure required to achieve the necessary elevation, and reception and transmission devices and antennas.

K. “Wireless communication services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

Section 4. Amendment of BIMC 18.10.030. Subsection 18.10.030.B.1 of the Bainbridge Island Municipal Code to read as follows:

1. A facility I or II, or a monopole or lattice tower located in a nonresidential zone that does not exceed the maximum building height of the zone established in Chapter 18.12 BIMC; or

Section 5. Amendment of Table 18.09.020. The Utility and Telecommunications section of Table 18.09.020 of the Bainbridge Island Municipal Code is hereby amended to read as shown on attached **Exhibit A**.

Section 6. Amendment of BIMC 18.09.030. Section 18.09.030 of the Bainbridge Island Municipal Code is hereby amended to include a new Subsection 18.09.030.B.5, to read as follows:

5. Small wireless facilities. Small wireless facilities are prohibited on any property containing a residential use in the residential zones except where allowed under BIMC 18.10A.040.E.12.

Section 7. Amendment of BIMC 18.09.030. Section 18.09.030 of the Bainbridge Island Municipal Code is hereby amended to include a new Subsection 18.09.030.F.4, to read as follows:

4. In accordance with Chapter 18.10 BIMC, the department of planning and community development may grant permit approval for:

a. A facility I or II, or a monopole or lattice tower located in a nonresidential zone that does not exceed the maximum height of the zone; or

b. A facility I or II in a multifamily, business, commercial, or town center zone on an existing building or structure; provided, that the facility is no higher than 15 feet above the existing building or structure or the permitted height for the zone, whichever is higher; or

c. A facility I or II in a residential zone on a nonresidential building or structure; provided, that the facility is no higher than 15 feet above the permitted height in the zone.

d. All other WCFs require conditional use permit review and approval by the city hearing examiner.

e. For the purposes of this subsection and Table 18.09.020, the terms “Facility I” and “Facility II” and “Monopole” and “Lattice Tower” and “WCF” and “Wireless Communication Facility” shall have the same meaning as defined in Chapter 18.10 BIMC.

Section 8. Adoption of New Chapter 18.10A BIMC. Title 18 of the Bainbridge Island Municipal Code is hereby amended to include a new Chapter 18.10A BIMC, to read as follows:

Chapter 18.10A
USE REGULATIONS - SMALL WIRELESS FACILITIES

- 18.10A.010 Purpose.
- 18.10A.020 Applicability.
- 18.10A.030 Definitions.
- 18.10A.040 Design and Concealment standards for small wireless facilities.
- 18.10A.050 New poles for small wireless facilities.

18.10A.010 Purpose.

The purposes of this chapter are to set forth regulations for the placement and development of small wireless facilities. Among the purposes included are to:

- A. Manage reasonable access to the right-of-way of the City for communication purposes on a nondiscriminatory basis.
- B. Conserve the limited physical capacity of the public rights-of-way held in public trust by the City.
- C. Ensure that all service providers maintaining facilities or providing services within the City comply with the ordinances, rules, and regulations of the City.
- D. Reduce unnecessary local regulation of providers and services.
- E. Ensure that the City can continue to fairly and responsibly protect the public health, safety, and welfare.
- F. Encourage the provision of advanced and competitive telecommunications, on the widest possible basis to the businesses, institutions, and residents of the City.
- G. Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.
- H. Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

I. Reserve to the City and provide for the fullest exercise possible of the authority and discretion of the City to require that:

1. Facilities are installed and maintained within the public rights-of-way in such manner and at such points so as not to inconvenience the public use of the public rights-of-way or to adversely affect the public safety and welfare; and
2. All non-City users of the rights-of-way shall be required to reimburse and hold harmless the City for the actual costs incurred by the City by reason of the construction or presence in the public rights-of-way of the facilities of such other users.
3. Potential adverse visual, aesthetic, and safety impacts of small wireless facilities be minimized.

18.10A.020 Applicability.

Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the following application requirements for a small wireless facility permit described in this chapter. Applications must also comply with the small wireless facility permit requirements of Title 19 BIMC. For small wireless facilities inside the right-of-way, the applicant must also obtain a master permit as may be required under Title 19 BIMC.

18.10A.030 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein. Words not otherwise defined shall have their common and ordinary meaning:

- A. “Antenna” means an apparatus designed for the purpose of emitting radiofrequency (“RF”) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.
- B. “Applicant” means any person submitting an application for a small wireless facility permit.
- C. “City property” means any real property owned by the City, whether in fee or other ownership estate of interest.
- D. “Collocation” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.
- E. “Director” means the Director of Planning and Community Development or their designee.

F. “FCC” or “Federal Communications Commission” means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers on a national level.

G. “Grantee” means a person holding a master permit.

H. “Light Pole” means a pole used primarily for lighting streets, parking areas, parks, or pedestrian paths.

I. “Master Permit” means the authorization granted by the City to an operator of a telecommunications system, under Title 19 BIMC, giving the operator the nonexclusive right to occupy the space, or use facilities upon, across, beneath, or over any public right-of-way in the City, to provide a specified service within a master permit area. Such master permit shall not include or be a substitute for:

1. Any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City;

2. Any permit, agreement, or authorization required in connection with operations on or in public streets or property, including, by way of example and not limitation, street cut permits;

3. Any permits or agreements for occupying any other property of the City or private entities to which access is not specifically granted by the master permit including, without limitation, permits and agreements for placing devices on or in poles, conduits, other structures, or railroad easements, whether owned by the City or a private entity; or

4. The right to place devices in the right-of-way, such as pay telephones, for end user use in terminating or originating transmissions.

By way of example, and without limiting the foregoing, this title shall not be read to diminish or in any way affect the authority of the City to control the use of the City’s real estate, fixtures, or personal property. Therefore, any person who desires to use such property must obtain additional approvals, or agreements for that purpose, as may be required by the City.

J. “Public right-of-way” or “right-of-way” means land acquired or dedicated for public roads and streets but does not include:

1. State highways;

2. Land dedicated for road, streets, and highways not opened and not improved for motor vehicle use by the public;

3. Structures, including poles and conduits, located within the right-of-way;

4. Federally granted trust lands or forest board trust lands;

5. Lands owned or managed by the state parks and recreation commission; or

6. Federally granted railroad rights-of-way acquired under 43 U.S.C. Sec 912 and related provisions of federal law that are not open for motor vehicle use.
- K. “Service provider” is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of telecommunication services.
- L. “Small wireless” and “small wireless facility” shall have the same meaning as a “small wireless facility” as set forth in 47 CFR 1.6002.
- M. “Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of telecommunications service (whether on its own or comingled with other types of services).
- N. “Telecommunications facilities” means the plant, equipment, and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide, or offer wireline or wireless telecommunications service.
- O. “Telecommunications service” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.
- P. “Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.
- Q. “Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- R. “Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

S. “Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

T. “Wireline” means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

18.10A.040 Design and Concealment standards for small wireless facilities.

Small wireless facility deployments permitted inside or outside the right-of way shall conform to the following design standards:

A. Small wireless facilities attached to existing or replacement non-wooden light poles or utility poles in the right-of-way or non-wooden light poles or utility poles outside of the right-of-way shall conform to the following design criteria:

1. Upon adoption of a City standard small wireless facility pole design(s) within the Design and Construction Standards, an applicant is encouraged to first consider using or modifying the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the City's ADA, sidewalk clearance requirements, and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as adopted in this subsection A.
2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. The antennas and equipment shall be located consistent with BIMC 18.10A.040.E.1.
3. The furthest point of any equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
4. All conduit, cables, wires, and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires, and fiber is required within mounting brackets, shrouds, canisters, or sleeves if attaching to exterior antennas or equipment.
5. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is technically needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

6. Any replacement non-wooden pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns. Any replacement non-wooden pole located in the right-of-way shall be placed as close to the original pole as possible, but no more than five (5) feet from the existing pole location.

7. The height of any replacement pole may not extend more than six (6) feet above the height of the existing pole or the minimum additional height technically necessary; provided, that the height of the replacement pole cannot be extended further by additional antenna height.

8. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty (20) inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection E.6 below.

9. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on existing or replacement wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a wooden pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing wooden pole but may not increase the height of the existing wooden pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns.
4. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall be colored, tinted, or painted to match the approximate color of the surface of the wooden pole on which they are attached.
5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.
6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.
7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B.1 above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches in diameter, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.
10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
11. Equipment for small wireless facilities shall be located consistent with BIMC 18.10A.040.E.1. If equipment is allowed to be placed on the wooden pole, the equipment must be placed in the smallest enclosure possible for the intended purpose. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

12. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a wooden pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

13. The diameter of a replacement wooden pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing wooden pole measured at the base of the pole, unless additional diameter is needed for structural integrity of the pole, and shall comply with the requirements in subsection E.5 below.

14. All cables and wires shall be routed through conduit along the outside of the wooden pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.

C. Small wireless facilities attached to existing buildings shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be colored, painted, and textured to match the adjacent building surfaces, unless otherwise technically infeasible.

7. Small wireless facilities must meet the height requirement of the underlying zoning district.

8. Feed lines and coaxial cables shall be located below the parapet of the rooftop.

9. If a cabinet enclosure cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with BIMC 18.10A.040.E.1.

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

1. Each strand mounted facility shall not exceed four (4) cubic feet in volume.
2. Only one strand mounted facility is permitted between any two existing poles.
3. The pole must be able to support the necessary load requirements of the strand mounted facility.
4. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater distance technically necessary or is required by the pole owner for safety clearance.
5. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic.
6. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets.
7. Pole mounted equipment shall comply with the requirements of subsections A or B above, as applicable.
8. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).
9. Strand mounted facilities are only permitted on poles that have existing overhead wirelines.

E. General requirements for all installation types.

1. All equipment, except antennas and conduit, associated with installations in the R-0.4 zoning district shall be ground mounted, placed underground, completely concealed within the pole, or placed on private property consistent with the regulations identified in (a), (c), (d), and (e) below unless the applicant can demonstrate that each of those possible locations are technically infeasible, in which case the equipment may be placed in accordance with (b) below. All equipment associated with installations in the Mixed Use Town Center, High School Road I and II, and Neighborhood Center zoning districts shall be located on the pole, completely concealed within the pole, or placed on private property consistent with the regulations identified in (a), (b), and (d) below unless the applicant can demonstrate that each of those allowed locations are technically infeasible, in which case the equipment may be placed in accordance with (c) or (e) below. All equipment associated with installations in any other zone not identified above may be installed consistent with one of the methods identified in (a) through (e) below.

(a). Concealed completely within the pole or pole base. If antennas and associated equipment enclosures (including disconnect switches and other appurtenant devices) are located within the pole or pole base, they shall be fully concealed within the pole. Further, if located within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.

(b). Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be colored, tinted, or painted to match the approximate color of the surface of the pole and appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, but in no event shall any antenna exceed three (3) cubic feet in volume. The equipment enclosure and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) inches from the surface of the pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the pole.

(c). Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located

within an existing pedestrian access route. Antennas are not subject to this paragraph due to technological limitations of such placement.

(d). On private property. If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance. Any such installation on private property must conform to all applicable regulations, including but not limited to zoning regulations, that apply to that property.

(e). On the ground in the right-of-way. If the equipment is located on the ground in the right-of-way, the equipment enclosure on the ground and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. The equipment located on the ground shall be placed within one enclosure not to exceed four (4) feet in height. Such enclosure must be colored and designed in a manner that minimize the visual impact of the enclosure. The location of the equipment on the ground must comply with all applicable setback and access requirements including ADA requirements. Prior to the issuance of any permit related to a facility which includes ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such ground mounted equipment.

2. Even if one of the designated equipment locations is technically feasible under BIMC 18.10A.040.E.1, the Director may determine that equipment located in a non-preferred location is in fact a superior alternative if the non-preferred location:

(a). Provides equal or greater protection to public vantage points, view corridors, and scenic vistas to support Bainbridge Island's sense of place, identity, and orientation; and

(b). Satisfies one or more of the following criteria:

- i. Has a greater natural resource conservation value;
- ii. Less adverse impact to adjoining properties; or
- iii. Results in a more practical design because of topography, critical area, or other extenuating circumstances.

3. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than twelve (12) inches from the surface of the pole. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does

not interfere with the operation of the banners or signs or the equipment itself. Requirements related to the location of equipment as outlined in BIMC 18.10A.050.E.1 do not apply if the antennas and equipment are located within one unified enclosure

4. No equipment shall be operated so as to produce noise in violation of Chapter 16.16 BIMC.

5. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.

6. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, City ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

7. No signage, message, or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided, that signs are permitted as concealment element techniques where appropriate.

8. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

9. Side arm mounts for antennas or equipment must be the minimum extension necessary and may not create a gap of more than twelve (12) inches for wooden poles and no more than six (6) inches for non-wooden poles between the pole and the antennas or equipment.

10. The preferred location of a small wireless facility on a pole is the location with the least visible impact.

11. Antennas, equipment enclosures, and ancillary equipment, conduit, and cable, shall not dominate the structure or pole upon which they are attached.

12. Small wireless facilities are prohibited on any property containing a residential use in the residential zones, with the following two exceptions.

(a). Small wireless facilities may be located within the right-of-way within residential zones; and

(b). Small wireless facilities may be located on property containing a

residential use in the residential zones where:

- i. The location of the small wireless facility is more than 400 feet from the right-of-way and within an access easement over residential property;
- ii. The owner of the residential property upon which the small wireless facility will be located has granted permission in writing to locate the facility in the desired location and has provided proof of authority to grant such permission;
- iii. The terms of the access easement allow the installation of the small wireless facility in the proposed location;
- iv. The installation of the small wireless facility in the proposed location does not create any access or safety issues;
- v. Any new pole complies with the requirements of BIMC 18.10A.050;
- vi. Any new structure complies with all applicable requirements of the City Code;
- vii. Any covenants or easements recorded on the property allow the deployment of the small wireless facility on the property;
- viii. The proposed small wireless facility complies with all applicable land use regulations, including but not limited to: Chapter 19.10 BIMC, Chapter 18.10A.BIMC, Chapter 16.20 BIMC, and Chapter 16.12 BIMC.

13. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

14. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

18.10A.050 New poles for small wireless facilities.

A. New poles for small wireless facilities are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower, or on a site outside of the public rights of way such as public non-park property, a building, a transmission tower, or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
2. The proposed small wireless facility complies with the applicable requirements of BIMC 18.10A.040;
3. The proposed small wireless facility receives approval for a concealment element design, as described in subsection C below;
4. The proposed small wireless facility also complies with Shoreline Management Act, SEPA, and any other relevant law or regulation if applicable; and
5. No new poles shall be located in a critical area or associated buffer or setback required by Chapter 16.20 BIMC except when determined to be exempt pursuant to Chapter 16.20 BIMC.

B. An application for a new pole is subject to review and approval or denial by the Director.

C. The concealment element design shall include the design of the screening, fencing, or other concealment technology for the pole and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole, then the replacement pole shall be of the same general design as the pole it is replacing, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure.

2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

D. Even if an alternative location is established pursuant to BIMC 18.10A.050.A.1, the Director may determine that a new pole in the right-of-way is in fact a superior alternative if the new pole:

1. Satisfies the other requirements of BIMC 18.10A.050.A;
2. Provides equal or greater protection to public vantage points, view corridors, and scenic vistas to support Bainbridge Island's sense of place, identity, and orientation; and
3. Satisfies one or more of the following criteria:
 - (a) Has a greater natural resource conservation value;
 - (b) Less adverse impact to adjoining properties; or
 - (c) Results in a more practical design because of topography, critical area, or other extenuating circumstances.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. The requirement also applies to the placement of replacement poles when the replacement is necessary for the installation or attachment of the small wireless facility, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purposes identified in BIMC 18.10A.010. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the street scape.

Section 9. Repeal and Replacement of Chapter 18.11 BIMC. Chapter 18.11 of the Bainbridge Island Municipal Code is hereby repealed in its entirety and replaced by the following:

**Chapter 18.11
Eligible Facilities Requests**

- 18.11.010 Definitions.
- 18.11.020 Application.
- 18.11.030 Qualification as an Eligible Facilities Request.
- 18.11.040 Timeframe for Review.
- 18.11.050 Tolling of the Time Frame for Review.
- 18.11.060 Determination That Application Is Not an Eligible Facilities Request.
- 18.11.070 Failure to Act.
- 18.11.080 Enforcement

18.11.010 Definitions

The following definitions shall apply to Eligible Facilities Requests only as described in this Chapter 18.11 BIMC.

A. “Base Station”: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base Station includes, without limitation:

1. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small wireless networks).
3. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (i) and (ii) above that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
4. The term does not include any structure that, at the time the Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph 1.a and 1.b above.

B. “Collocation”: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

C. “Eligible Facilities Request”: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

D. “Eligible support structure”: Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.

E. “Existing”: A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

F. “Substantial Change”: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site;
5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

G. “Tower”: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

H. “Transmission equipment”. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

18.11.020 Application.

The Director shall prepare and make publicly available an application form used to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification. Prior to the issuance of an Eligible Facilities Request permit, the applicant shall pay a permit fee in an amount as determined by the City Council and adopted by resolution.

18.11.030 Qualification as an Eligible Facilities Request.

Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

18.11.040 Timeframe for Review.

A. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by 47 CFR §1.40001 and this Chapter 18.11 BIMC.

B. A permit issued pursuant to this chapter, and any applications deemed granted under BIMC 18.11.070, shall be valid for a term of 12 months from the date of issuance or the date the application has been deemed granted under BIMC 18.11.070.

18.11.050 Tolling of the Time Frame for Review.

A. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. .

1. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.
3. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

18.11.060 Determination That Application Is Not an Eligible Facilities Request.

If the Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

18.11.070 Failure to Act.

In the event the Director fails to approve or deny an application for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed granted application does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

18.11.080 Enforcement.

Compliance with the provisions of this chapter is mandatory. Any violation of this chapter shall be enforced, and penalties assessed, in accordance with Chapter 1.26 BIMC.

Section 10. Amendment to BIMC 18.36.030. Subsections 18.36.030.7 ("Accessory antenna device"), 18.36.030.32 ("Attached wireless communication facility"), 18.36.030.53 ("Co-location"), 18.36.030.273 ("Wireless communication facility"), 18.36.030.273.a ("Facility I"), 18.36.030.273.b ("Facility II"), and 18.36.030.273.c ("Facility III") of the Bainbridge Island Municipal Code are hereby repealed.

Section 11. Amendment to BIMC 18.36.030. Subsection 18.36.030.276 (“Wireless communication support structure”) of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“Wireless communication support structure” means the structure erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers. “Monopoles” and “lattice towers” shall have the same meaning as defined in Chapter 18.10 BIMC.

Section 12. Amendment to BIMC 18.36.030. Subsection 18.36.030.249 (“Structure”) of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“Structure” means any manmade assemblage of materials extending above or below the surface of the earth and affixed or attached thereto. “Structure,” for the purposes of this title, except for BIMC 18.09.030.F.1, does not include “wireless communications communication facilities” as that term is defined in Chapter 18.10 BIMC.

Section 13. Amendment to BIMC 2.16.040. Subsection 2.16.040.B.1.d of the Bainbridge Island Municipal Code is hereby amended to read as follows:

d. The construction of new wireless communications communication support structures (but not the location of wireless facilities on existing buildings).

Section 14. Amendment to BIMC 19.10.020.D.3. Subsection 19.10.020.D.3 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3. Associated Permit(s). The applicant shall attach all associated permit requirements, such as applications or checklists required under the critical areas, shoreline, or SEPA ordinances. Applications for ~~deployment of small wireless facilities in design zones or for new poles~~ shall comply with the requirements in Chapter 18.10A BIMC 18.10A.060.

Section 15. Amendment to BIMC 19.10.020.E.1.d. Subsection 19.10.020.E.1.d of the Bainbridge Island Municipal Code is hereby amended to read as follows:

d. Compliance with the aesthetic requirements of Chapter 18.10A BIMC.

Section 16. Amendment to BIMC 19.10.030.D. Subsection 19.10.030.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~D. Review of Facilities Compliance with Federal Law.~~ Review of the site locations proposed by the applicant shall be governed by the provisions of 47 U.S.C. Sections 253 and 332 and other applicable statutes, regulations, and case law. Applicants for master permits and small wireless facility permits shall be treated in a competitively neutral and nondiscriminatory manner with other service providers, utilizing supporting infrastructure that is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facility permit review under this chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

Section 17. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this Ordinance or to the City Code including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 18. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 19. Effective Date. 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:

2020-04

Exhibit A

DRAFT

Exhibit A
Amendments to Utility and Telecommunications Section of Table 18.09.020

UTILITY AND TELECOMMUNICATIONS																				
Note: Utility and telecommunications uses may be subject to additional requirements in BIMC 16.12.030.C.7.																				
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-1	Use-Specific Standards BIMC 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
USE CATEGORY/TYPE																				
Monopole or Lattice Tower	<u>P/C</u>	<u>C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>									
Small Wind Energy Generator	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-1</u>										
Utility, Primary	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>F-2</u>											
Public Communications Tower	<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>	<u>A</u>	<u>F-3</u>									
Wireless Communication Facilities, Facility I	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>										
Wireless Communication Facilities, Facility II	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>										
All Other Wireless Communication Facilities, Facility III	<u>P/C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>										
Small Wireless Facilities	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>B-5</u>										

Small Cell Siting and Rights-of-Way:



OGDEN
MURPHY
WALLACE
ATTORNEYS

Las Vegas Strip



Las Vegas



Los Angeles



Los Angeles



Courtesy of
Jonathan Kramer

OMW

Seattle



Seattle – AT&T on Light Pole



Bellevue



Mercer Island



Seattle – T-Mobile



Contact Us

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CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: June 11, 2020

ESTIMATED TIME: 60 Minutes

AGENDA ITEM: 6:45 PM PM - Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.

AGENDA CATEGORY: Discussion

PROPOSED BY: Heather Wright

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): February 27 & March 12,(minutes, motion and addendum attached), May 14, 2020, May 28, 2020

PREVIOUS COUCIL REVIEW DATE(S): February 4, 11, 25, March 3, 10, & April 14 & 28, 2020

RECOMMENDED MOTION:

Discuss Bonus FAR options and review the subcommittees recommendation (Changes to Base and Bonus FAR Policies).

SUMMARY:

Prior to the enactment of Ordinance No. 2020-10, the provision of the Bainbridge Island Municipal Code (“BIMC”) that the ordinance primarily impacts, BIMC 18.12.030.E., described various options for achieving bonus density in the Winslow Mixed Use Town Center and High School Road Districts. For example, 100% density could be achieved by providing affordable housing or purchasing development rights, whereas a portion of density could be achieved by providing public amenities and/or infrastructure, and/or by preserving heritage trees on site, and/or via a transfer of development rights. The Ferry Terminal District had two additional options related to providing community open space and ferry related parking.

As a result of the interim zoning control enacted via Ordinance No. 2020-10, Floor Area Ratio (“FAR”) bonus density can only be obtained or used currently under the following circumstances:

- o Providing affordable housing as defined in Chapter 18.36 BIMC in accordance with BIMC 18.12.030.E.1.;
- o Transferring unused FAR from the Islander Mobile Home Park to another parcel or parcels in the Mixed Use Town Center District for residential development in accordance with BIMC 18.12.030.E.1.; or
- o Preserving an historic structure located on a state, local, or federal register in accordance with BIMC 18.12.030.E.6. such that, when an historic structure is preserved, the square footage of that structure will not count toward the FAR calculation.

In addition to the exclusions described above in the bulleted items, Ordinance No. 2020-10 also includes an exclusion recognizing development rights that were purchased from the City or otherwise acquired prior to the effective date of the ordinance, as well as a provision recognizing vested rights. The ordinance also suspends the applicability and use of BIMC 18.27.080 and footnote three to Table 18.12.020-3 because those provisions relate directly to the provisions that are suspended in BIMC 18.12.030.E.

BACKGROUND: The City Council has engaged in multiple discussions regarding bonus FAR density options. The following is a chronological legislative history summary of discussions and decisions made by the Council and the Planning Commission thus far related to Ordinance No. 2020-10, as well as related to consideration of FAR density options more generally. The summary is based on the agenda packet materials and the minutes of the meetings as below described.

At the February 4, 2020 City Council study session, Councilmembers expressed an interest in discussing whether to eliminate the option to purchase bonus FAR. The fees for FAR have been established by resolution (Resolution Nos. 2001-02 & 2006-50) and are included within the City's Fee Schedule. The fees are \$18 per square foot for residential development, \$25 per square foot for mixed use development, and \$34 per square foot for commercial development. The funds are split between public amenities (40%) and farm/agriculture (60%).

Options considered by the Council at the February 4 meeting included pursuing a suspension of the bonus FAR regulations via adoption at a future meeting of an interim control ordinance that would be effective immediately (if adopted on an emergency basis) or five days after passage and publication (if enacted on a non-emergency basis). The Council also discussed the option of seeking to otherwise consider revisions to or elimination of the FAR bonus option by referring the matter to the Planning Commission for review and recommendation, and the Council would then consider that recommendation before taking action.

At the February 11, 2020 City Council business meeting, the Council passed a motion directing the City Manager to pursue an interim zoning control related to BIMC 18.12.030.E. to suspend that section (relating to bonus FAR). A motion to direct the Planning Commission to review Chapter 18.12 BIMC relating to FAR and Chapter 18.21 BIMC relating to affordable housing was tabled. Following further discussion, the Council decided to revisit the first motion and approved a motion to reconsider that motion relating to the development of an interim control ordinance at the Council's February 25, 2020 meeting.

At the February 25, 2020 City Council meeting, the Council reconsidered the motion directing the City Manager to develop an interim control ordinance related to suspending BIMC 18.12.030.E. regarding use of FAR for bonus density. That motion failed. Other motions also failed related to directing the City Manager to pursue an interim zoning control that would suspend BIMC 18.12.030.E. in different ways. However, the Council passed unanimously (6-0, with Councilmember Pollock absent) the following motion:

I move to direct the City Manager to work with the Planning Commission and any other appropriate City committees or commissions to bring back to Council as quickly as possible an ordinance that will reform the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights.

At the February 27, 2020 Planning Commission meeting, City staff briefly discussed with the Planning Commission the City Council's action directing the City Manager to work with the Planning Commission to bring back to the Council as quickly as possible an ordinance to reform the City's bonus FAR programs so as to only allow bonus FAR in relation to affordable housing, historic preservation, and transfer of development rights.

At the March 3, 2020 City Council meeting, Councilmember Medina was absent and Councilmember Pollock, who was absent for the February 25 meeting, was present. Councilmember Pollock moved and Councilmember Deets seconded a motion to add a discussion regarding an interim zoning control related to BIMC 18.12.030.E. to that night's agenda under Unfinished Business. The Council approved the agenda as amended. The Council then unanimously passed a motion to suspend the rules for the purpose of taking up this motion again after having voted on it at the last meeting on February 25. The Council then unanimously passed the following motion:

I move to direct the City Manager to prepare an interim zoning control ordinance for consideration at the Council's March 10 meeting related to BIMC 18.12.030.E. to suspend the applicability and use of that Section E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended and waiving any procedural requirements that would otherwise apply to the motion that was passed.

At the March 10, 2020 City Council meeting, the Council considered the interim control ordinance that was prepared as directed by the Council at its March 3, 2020 meeting related to suspending the applicability and use of BIMC 18.12.030.E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended. The ordinance was prepared as an emergency ordinance, meaning that it would be effective immediately upon passage. The ordinance also included suspension of the applicability and use of BIMC 18.27.080 and footnote three of Table 18.12.020-3 because those provisions relate directly to the provisions that were being suspended in BIMC 18.12.030.E.

As part of that March 10, 2020 Council meeting, the Council passed various motions to revise the ordinance as drafted. The first such motion was to add an additional exclusion to the interim zoning control as follows:

I move to amend Ordinance No. 2020-10, Section 2.B., to add an exclusion to the interim zoning control for development projects that filed a complete land use permit application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.

The Council then adopted motions to remove two recital "Whereas" clauses in the draft ordinance. The Council then voted unanimously to approve Ordinance No. 2020-10 with the following motion:

I move to approve Ordinance No. 2020-10, relating to an interim zoning control to hereby suspend BIMC 18.12.030.E. and related provisions as described in the ordinance regarding floor area ratio bonus density options, except for Sections E.1. and E.6. of BIMC 18.12.030.E. as amended.

At the March 12, 2020 Planning Commission meeting, the Planning Commission ("Commission") had an item on their agenda entitled "FAR Discussion." Included as part of the materials for that agenda item was the February 27, 2020 memorandum written by Planning Director Heather Wright that is referenced above in relation to the Commission's February 27 meeting. Under the "Council Action" section of the memorandum, it states:

On February 25, 2020, the City Council approved a motion that the City Manager work with the Planning Commission and 214 appropriate City Committees or Commissions to bring back to Council as quickly as possible an Ordinance that will reform

the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation and Transfer of Development Rights.

Based on the draft minutes for this Commission meeting on March 12, 2020 (attached as Attachment B below), Planning Director Heather Wright introduced the interim zoning control ordinance. Following, there was public comment, including from Councilmember Pollock. After the public comment, the Commission unanimously passed a motion (attached):

At the April 14, 2020 City Council meeting, the Council scheduled a public hearing regarding Ordinance No. 2020-10 for April 28, 2020. The Council took action to set the public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390, which require the Council to hold a public hearing within 60 days of adoption of Ordinance No. 2020-10 (i.e., by May 10, 2020) in order to take public testimony and to consider adopting further findings of fact.

On April 28, 2020, the City Council held a public hearing on Ordinance 2020-10 and no changes to the Ordinance were made.

The Planning Commission formed a subcommittee of 3 members to begin working on a revised FAR ordinance. Prior to this meeting, one member requested for specific policies of the Comprehensive Plan and Winslow Master Plan be included (Attached), as well as the Administrative Manual. For background, those documents are included as well as the Subcommittees draft recommendation on FAR policies from 4.27.2020.

ATTACHMENTS:

BIMC 18.12.030.E. Bonus Density in Winslow Mixed Use and High School Road Districts. Eligible properties may achieve a maximum level of development above the base FAR, as provided for in Table 18.12.020-3, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.

1. Optional Affordable Housing.

a. FAR Bonus. Up to 100 percent of the maximum residential FAR bonus may come from providing affordable housing as defined in Chapter [18.36](#) BIMC; provided, that the difference between the base residential FAR and the maximum residential FAR shall be dedicated to affordable housing. A portion of the total floor area that is of common use and benefit to the entire residential development (for example, interior halls, stairwells, laundry rooms, exercise rooms) may be included in the calculation of the affordable housing component. This portion shall be the same percentage as the affordable housing provided. For example, if 20 percent of the living unit floor area is for affordable housing, then 20 percent of the common floor area may be included in the total affordable housing calculation. Development of the optional affordable housing shall be in accordance with Chapter [18.21](#) BIMC and Table 18.12.030.

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
Affordable Housing FAR Bonus	Must provide 100 percent of bonus square footage for extremely low, very low, or moderate income groups.	Must comply with following ratios: (a) 100 percent of bonus for all moderate; OR (b) 0.2 of bonus for extremely low, very	Must comply with following ratios: 0.1 of bonus for extremely low, very low or low income groups; 0.6 of bonus for moderate income group; and

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
		low, or low income groups; 0.5 of bonus for moderate income group; and 0.3 of bonus for middle income group.	0.3 of bonus for middle income group.

b. Preservation of the Islander Mobile Home Park. Preservation of the Islander Mobile Home Park as an existing park site for manufactured homes shall be encouraged through the following provisions.

i. Unused FAR from the parcel on which the mobile home park is located may be transferred to another parcel or parcels within the Mixed Use Town Center. For example, the base FAR for the mobile home park would be calculated, less the FAR of the mobile homes. In exchange for permanently preserving the mobile home park, the owner of the property may transfer the unused FAR to another parcel or parcels in the Mixed Use Town Center, where it may be used as bonus FAR above the base FAR for that district.

ii. Permanent preservation of the mobile home park may be used as an affordable housing bonus on another parcel or parcels within the Mixed Use Town Center. For example, in exchange for preserving the mobile home park, the owner of the property would be deemed to have met the affordable housing bonus provisions of subsection A.1 of this section, and could achieve the maximum FAR bonus for residential development on another parcel or parcels in the Mixed Use Town Center. The owner of the mobile home park may either apply the FAR bonus to another parcel(s) he or she owns, or transfer or sell the bonus to another property owner in the Mixed Use Town Center.

2. Purchase of Development Rights. Up to 100 percent of the maximum residential, commercial or mixed use FAR bonus may come from the purchase of development rights as provided for in Chapter [18.27](#) BIMC. The cost of development rights shall be established by resolution of the city council.

3. Public Amenities and/or Infrastructure. At the applicant's option, a portion of the bonus may be earned through the provision of public amenities, infrastructure, and/or preservation of a heritage tree(s) on site, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:

a. Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.

b. In lieu of the contribution of funds as provided for in subsection E.3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the preservation of a heritage tree(s) on site, construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.

4. Community Open Space. In the ferry terminal district, up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of the parcel area, whichever is greater. The community open space shall be located in or in the immediate vicinity of locations identified in Figure 4.1 of the Winslow master plan. The open space must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space. In cases where a development project utilizes the community open space bonus provision in conjunction with the purchase of development rights bonus provision, all funds collected from the purchase of development rights shall go toward the preservation of agricultural lands fund.

5. Winslow Town Center Mixed Use/High School Road FAR Transfers. Up to 20 percent of the maximum residential, commercial or mixed use FAR bonus may come from transfers of FAR from parcels within the Mixed Use Town Center and the High School Road districts. The transfer shall create permanent open space through open space preservation covenants on sending parcels that contain critical areas as defined in Chapter [16.20](#) BIMC. For example, development potential in the ravine of the gateway district may be shifted to the upland area; provided, that the requirements of Chapter [16.20](#) BIMC are satisfied.

6. Historic Structure Preservation. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic structure must be included on a state, local or federal register.

7. Ferry-Related Parking. In the ferry terminal district, an additional 0.2 FAR may be achieved by relocating existing legal surface ferry commuter parking on site (as shown on Figure 6.2 of the Winslow master plan) to under-building or below-grade parking. The percentage of the additional FAR that is achieved shall be dependent upon the percentage of parking that is relocated. For example, if 50 percent of existing surface ferry commuter parking on site is relocated under-building or below grade, then 50 percent of the total additional FAR (or 0.1 FAR) may be achieved. (Ord. 2017-02 § 1, 2017; Ord. 2015-04 § 1, 2015; Ord. 2014-04 § 6 (Exh. 4 § 1), 2014; Ord. 2011-02 § 2 (Exh. A), 2011)

RESOLUTION NO. 2003-25

A RESOLUTION of the City of Bainbridge Island, Washington, amending Resolution 2001-54, to designate the full City Council as the decision making authority for proposal to construct public amenities in order to achieve floor area ratio bonuses.

WHEREAS, the Winslow Master Plan, adopted May 21, 1998, includes policies that allow for the purchase of bonus floor area ratio, and/or allow bonus floor area ratio to be achieved by constructing public amenities and/or infrastructure in the Mixed Use Town Center and High School Road Districts; and

WHEREAS, the City Council passed Resolution 2001-54 on October 10, 2001, designating the Public Works and Transportation Committee as the decision-making authority for proposals to construct public amenities; and

WHEREAS, the City Council has subsequently determined that the full Council is the appropriate decision-making authority for proposals to construct public amenities, now, therefore

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND,
WASHINGTON, DOES RESOLVE THAT:

Resolution 2001-54 shall be amended as follows:

Section 1. Funds derived from the purchase of bonus floor area ratio shall be accounted for in a budget subfund, with sixty percent (60%) of the funds directed toward the preservation of agricultural land and forty percent (40%) toward the construction of

public amenities and/or infrastructure, unless one hundred percent (100%) of the maximum bonus is purchased, in which case all of those funds shall be directed toward the preservation of agricultural land.

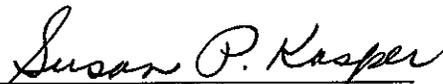
Section 2. Proposals to construct public amenities and/or infrastructure projects for the purpose of obtaining a floor area ratio bonus shall be reviewed and approved by the Public Works and Transportation Committee, upon recommendation of the Director of Public Works, and approved by Resolution of the full City Council.

Section 3. For the purposes of this resolution, public amenities are defined as pocket parks, pedestrian connections, traffic calming treatments, street trees, street furniture and other features, which enhance the livability of Winslow.

PASSED by the City Council this 13th day of August, 2003.


DARLENE KORDONOWY, Mayor

ATTEST/AUTHENTICATE


SUSAN P. KASPER, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.:

August 6, 2003
August 13, 2003
2003-25

RESOLUTION NO. 2001-54

A RESOLUTION of the City of Bainbridge Island, Washington, establishing the distribution of funds from the purchase of floor area ratio bonuses in the Mixed Use Town Center and High School Road Districts, and designating the decision making authority for proposals to construct public amenities in order to achieve floor area ratio bonuses.

WHEREAS, the City Council passed Ordinance 98-11 on May 21, 1998, adopting the Winslow Master Plan as a sub-area plan of the Comprehensive Plan; and

WHEREAS, the Winslow Master Plan includes policies that allow for the purchase of bonus floor area ratio in the Mixed Use Town Center and High School Road Districts, provided that the resultant funds are used to preserve agricultural land and develop public amenities and/or infrastructure in Winslow; and

WHEREAS, the Winslow Master Plan also includes policies that allow bonus floor area ratio to be achieved by constructing public amenities and/or infrastructure in the Mixed Use Town Center and High School Road Districts; and

WHEREAS, the City Council passed Ordinance 99-17 on September 8, 1999, implementing the Winslow Master Plan; and

WHEREAS, the City Council has determined that appropriate procedures are required to account for funds received from the purchase of bonus floor area ratio and to approve proposals to construct public amenities projects; now, therefore

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND,
WASHINGTON, DOES RESOLVE THAT:

Section 1. Funds derived from the purchase of bonus floor area ratio shall be accounted for in a budget subfund, with sixty percent (60%) of the funds directed toward the preservation of agricultural land and forty percent (40%) toward the construction of

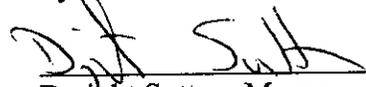
public amenities and/or infrastructure, unless one hundred percent (100%) of the maximum bonus is purchased, in which case all of those funds shall be directed toward the preservation of agricultural land.

Section 2. Proposals to construct public amenities and/or infrastructure projects for the purpose of obtaining a floor area ratio bonus shall be reviewed and approved by the Public Works Committee, upon recommendation of the Director of Public Works.

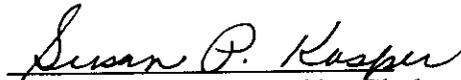
Section 3. For the purposes of this resolution, public amenities are defined as pocket parks, pedestrian connections, traffic calming treatments, street trees, street furniture and other features, which enhance the livability of Winslow.

PASSED by the City Council this 10th day of October, 2001.

APPROVED by the Mayor this 11th day of October, 2001.

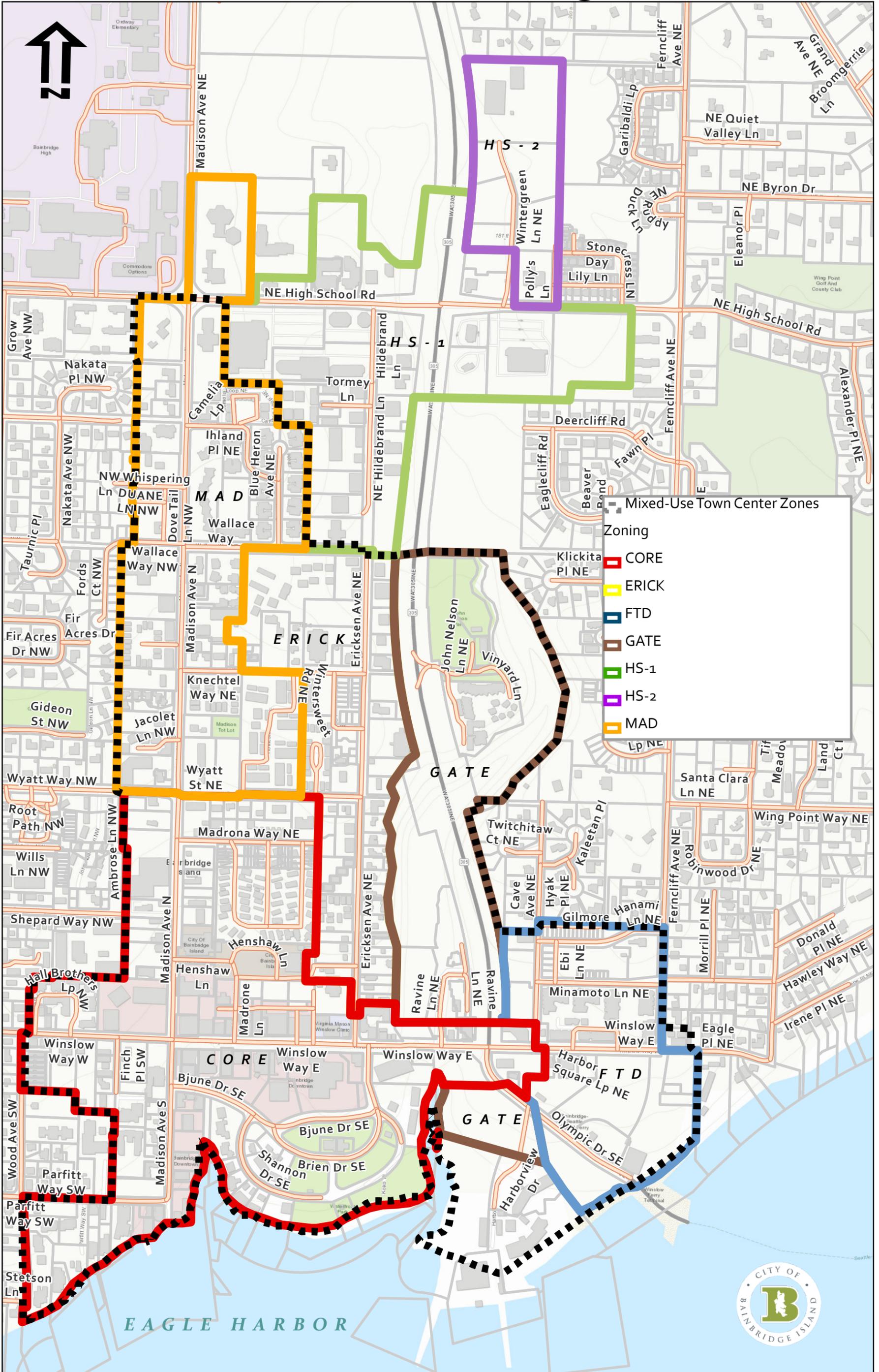

Dwight Sutton, Mayor

ATTEST/AUTHENTICATE


SUSAN P. KASPER, City Clerk

FILED WITH THE CITY CLERK:	October 3, 2001
PASSED BY THE CITY COUNCIL:	October 10, 2001
RESOLUTION NO.:	2001-54

MUTC & HS Zoning Districts





Planning Commission Regular Meeting March 12, 2020

Meeting Minutes

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

Chair William Chester called the meeting to order at 7:01 PM. Planning Commissioners in attendance were Mack Pearl, Jon Quitslund, Lisa Macchio, Kim McCormick-Osmond and Joe Paar. Commissioner Don Doman phoned in to the meeting from home.

The agenda was reviewed. There were not any conflicts of interest reported.

2) **PLANNING COMMISSION MEETING MINUTES**

- 2.a January 9, 2020 Minutes
- January 23, 2020 Minutes

Cover Page

[Planning Commission Minutes DRAFT 010920.pdf](#)

[Planning Commission Minutes DRAFT 012320.pdf](#)

Motion: I move approval of the minutes from the January 9 meeting 2020 as distributed, no corrections.

Quitslund/Paar: Passed Unanimously

Motion: I move approval of the minutes from the January 23 meeting 2020 moving them as distributed, no corrections.

Quitslund/Paar: Passed Unanimously

3) **PUBLIC COMMENT**

None.

4) **PUBLIC HEARING**

- 4.a Ordinance 2020-02 (formerly 2019-09) related to Accessory Dwelling Units

Cover Page

[20200312_Staff_Memo_on_ADUs \(1\).docx](#)

[20200312 Ordinance 2020-02 DRAFT.docx](#)

[Planning Commission Subcommittee Recommendations Regarding ADUs](#)

[ADU Use Specific Standards 18.09.030 Attachment A.pdf](#)

Senior Planner Jennifer Sutton provided an overview of the ordinance.

The public hearing was opened at 7:36 PM.

Ron Peltier spoke about the origins of the ADU ordinance they were working on.

Jane Rein spoke for ADUs as a way to have affordable housing.

Michael Pollock spoke as a citizen and for ADUs as a form of affordable housing and was not sure the ordinance as presented would actually increase the supply of affordable housing.

Bob Russell spoke for agricultural lands/farmers being allowed 2 ADUs for farm workers and the incentive of not having the ADU count toward lot coverage.

Joe Dunstan spoke as a citizen and about solving the problem of affordability and that density and affordability are separate. He stated that affordability needed to be subsidized.

The public hearing was closed at 7:54 PM.

MOTION: We move to recommend that Ordinance number 2020-02 be approved by the City Council with the following changes: Whereas sections number 2 and 4 are deleted; Section 18.09.030.I.5.e is modified to reinstate the language that currently is in strikeout; Section 18.09.030.I.5.o adds the following sentence “ADUs cannot be used as a short-term rental unless they have a business license for short term rental before the effective date of Ordinance 2020-02.

McCormick Osmond/Pearl: Passed Unanimously

MOTION: We move to strongly recommend that the City Council consider and adopt a comprehensive affordable housing ordinance that may include as one of its elements incentivizing ADUs as a type of affordable housing. Incentives might include reducing impact fees and determining that an ADU would not count toward lot coverage as ways to encourage affordable housing. We'd also like to urge Council to move forward with drafting regulations to apply to short term vacation rentals to ensure that ADUs remain available as housing and rental properties.

McCormick Osmond/Pearl: Passed unanimously

5) **NEW BUSINESS**

5.a FAR discussion.

Cover Page

[20200227 FAR Memo to PC .pdf](#)

[RES_2001-](#)

[54_DISTRIBUTION_OF_FUNDS_FROM_PURCHASE_OF_FLOOR_AREA_RATIO_BONUS](#)
[S.pdf](#)

[RES_2003-](#)

[25_FULL_CITY_COUNCIL_FOR_DECISION_MAKING_RE__FLOOR_AREA_RATIO_BONUS](#)
[ES.pdf](#)

[BIMC_18.12.030_FAR_BONUS_OPTIONS \(2\).docx](#)

[Comp Plan Goals & Policies Related to FAR.pdf](#)

[WMP Goals & Policies Related to FAR.pdf](#)

Planning & Community Development Director Heather Wright introduced the interim zoning control ordinance.

Public Comment

Michael Pollock spoke about the Council not intending the table to be a loophole but to facilitate historic preservation.

Ron Peltier spoke about vesting projects and bonus FAR and hoped they recommended to adopt the ordinance without the amendment.

Motion: I move that we recommend agreeance with the approval of Ordinance number 2020-10 with the deletion under section 2.B.3 under exclusions.

Paar/Quitslund: Passed Unanimously

Commissioner McCormick Osmond agreed to write an addendum explaining the rationale for the motion.

[5.b Planning Liaison to the DRB Bimonthly Update](#)
[Cover Page](#)

Chair Chester briefed Commissioners on the new monthly meeting between the chairs and vice-chairs of the Design Review Board and the Planning Commission.

6) UNFINISHED BUSINESS

6.a 2020 Workplan continued discussion.

[Cover Page](#)

[Memo to Council post PC Retreat.docx](#)

[2020 Workplan memo 3-5-20.pdf](#)

[Quitslund Memo 030920.pdf](#)

Deferred until the next meeting.

7) PLANNING DIRECTOR'S REPORT

8) ADJOURNMENT

The meeting was adjourned at 9:47 PM.

William Chester, Chair

Jane Rasely, Administrative Specialist

Addendum to Planning Commission recommendation to remove Section 2.B.3 from Ordinance No. 2020-10, providing rationale for the recommendation.

The Planning Commission recommends removal of Section 2.B.3 from Ordinance No. 2020-10 because it appears to create a new and somewhat confusing standard for determining whether an ordinance applies to a project by excluding projects “that filed a complete land use application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.” Ordinance No. 2020-10 already includes Section C, which clearly states that “nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any property owner’s or property leaseholder’s vested development rights as defined by state law and City of Bainbridge Island regulations.” If Section 2.B.3 is intended to benefit a specific project or was included to avoid litigation risk to the City, the language should state that in the interest of transparency or be revised to simply exclude the project or projects for which it is intended and explain why they are being excluded.



Department of Planning and Community Development

Memorandum

Date: April 24, 2020
To: City Council
From: Heather Wright
Director of Planning and Community Development
Subject: Public Hearing Regarding Ordinance No. 2020-10: Interim Control Ordinance, BIMC 18.12.030.E., Bonus Density

Introduction

The purpose of tonight's agenda item is to hold a public hearing on Ordinance No. 2020-10.

Prior to the enactment of Ordinance No. 2020-10, the provision of the Bainbridge Island Municipal Code ("BIMC") that the ordinance primarily impacts, BIMC 18.12.030.E., described various options for achieving bonus density in the Winslow Mixed Use Town Center and High School Road Districts. For example, 100% density could be achieved by providing affordable housing or purchasing development rights, whereas a portion of density could be achieved by providing public amenities and/or infrastructure, and/or by preserving heritage trees on site, and/or via a transfer of development rights. The Ferry Terminal District had two additional options related to providing community open space and ferry related parking.

As a result of the interim zoning control enacted via Ordinance No. 2020-10, Floor Area Ratio ("FAR") bonus density can only be obtained or used currently under the following circumstances:

- Providing affordable housing as defined in Chapter 18.36 BIMC in accordance with BIMC 18.12.030.E.1.;
- Transferring unused FAR from the Islander Mobile Home Park to another parcel or parcels in the Mixed Use Town Center District for residential development in accordance with BIMC 18.12.030.E.1.; or
- Preserving an historic structure located on a state, local, or federal register in accordance with BIMC 18.12.030.E.6. such that, when an historic structure is preserved, the square footage of that structure will not count toward the FAR calculation.

In addition to the exclusions described above in the bulleted items, Ordinance No. 2020-10 also includes an exclusion recognizing development rights that were purchased from the City or otherwise acquired prior to the effective date of the ordinance, as well as a provision recognizing vested rights. The ordinance also suspends the applicability and use of BIMC 18.27.080 and footnote three to Table 18.12.020-3 because those provisions relate directly to the provisions that are suspended in BIMC 18.12.030.E. The legislative history and analysis below provide additional detail regarding the exclusions.

For illustrative purposes, attached to this agenda packet is a map entitled, "MUTC & HSR Zoning Districts," which displays the overall area at issue in relation to Ordinance No. 2020-10, as well as the location of the specific districts that are included in that area. The map is a helpful reference tool related to Table 18.12.020-3 (which is included as Exhibit A to the ordinance).

Legislative History

The City Council has engaged in multiple discussions regarding bonus FAR density options. The following is a chronological legislative history summary of discussions and decisions made by the Council and the Planning Commission thus far related to Ordinance No. 2020-10, as well as related to consideration of FAR density options more generally. The summary is based on the agenda packet materials and the minutes of the meetings as below described.

At the February 4, 2020 City Council study session, Councilmembers expressed an interest in discussing whether to eliminate the option to purchase bonus FAR. The fees for FAR have been established by resolution (Resolution Nos. 2001-02 & 2006-50) and are included within the City's Fee Schedule. The fees are \$18 per square foot for residential development, \$25 per square foot for mixed use development, and \$34 per square foot for commercial development. The funds are split between public amenities (40%) and farm/agriculture (60%).

Options considered by the Council at the February 4 meeting included pursuing a suspension of the bonus FAR regulations via adoption at a future meeting of an interim control ordinance that would be effective immediately (if adopted on an emergency basis) or five days after passage and publication (if enacted on a non-emergency basis). The Council also discussed the option of seeking to otherwise consider revisions to or elimination of the FAR bonus option by referring the matter to the Planning Commission for review and recommendation, and the Council would then consider that recommendation before taking action.

At the February 11, 2020 City Council business meeting, the Council passed a motion directing the City Manager to pursue an interim zoning control related to BIMC 18.12.030.E. to suspend that section (relating to bonus FAR). A motion to direct the Planning Commission to review Chapter 18.12 BIMC relating to FAR and Chapter 18.21 BIMC relating to affordable housing was tabled. Following further discussion, the Council decided to revisit the first motion and approved a motion to reconsider that motion relating to the development of an interim control ordinance at the Council's February 25, 2020 meeting.

At the February 25, 2020 City Council meeting, the Council reconsidered the motion directing the City Manager to develop an interim control ordinance related to suspending BIMC 18.12.030.E. regarding use of FAR for bonus density. That motion failed. Other motions also failed related to directing the City Manager to pursue an interim zoning control that would suspend BIMC 18.12.030.E. in different ways. However, the Council passed unanimously (6-0, with Councilmember Pollock absent) the following motion:

I move to direct the City Manager to work with the Planning Commission and any other appropriate City committees or commissions to bring back to Council as quickly as possible an ordinance that will reform the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights.

At the February 27, 2020 Planning Commission meeting, City staff briefly discussed with the Planning Commission the City Council's action directing the City Manager to work with the Planning Commission to bring back to the Council as quickly as possible an ordinance to reform the City's bonus FAR programs so as to only allow bonus FAR in relation to affordable housing, historic preservation, and transfer of development rights. Included as part of the Director's Update for that Planning Commission meeting was discussion related to a memorandum prepared by Heather Wright, Planning Director, regarding the Council's referral of the matter to the Planning Commission. That memorandum is attached as Attachment A below.

At the March 3, 2020 City Council meeting, Councilmember Medina was absent and Councilmember Pollock, who was absent for the February 25 meeting, was present. Councilmember Pollock moved and Councilmember Deets seconded a motion to add a discussion regarding an interim zoning control related to BIMC 18.12.030.E. to that night's agenda under Unfinished Business. The Council approved the agenda as amended. The Council then unanimously passed a motion to suspend the rules for the purpose of taking up this motion again after having voted on it at the last meeting on February 25. The Council then unanimously passed the following motion:

I move to direct the City Manager to prepare an interim zoning control ordinance for consideration at the Council's March 10 meeting related to BIMC 18.12.030.E. to suspend the applicability and use of that Section E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended and waiving any procedural requirements that would otherwise apply to the motion that was passed.

At the March 10, 2020 City Council meeting, the Council considered the interim control ordinance that was prepared as directed by the Council at its March 3, 2020 meeting related to suspending the applicability and use of BIMC 18.12.030.E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended. The ordinance was prepared as an emergency ordinance, meaning that it would be effective immediately upon passage. The ordinance also included suspension of the applicability and use of BIMC 18.27.080 and footnote three of Table 18.12.020-3 because those provisions relate directly to the provisions that were being suspended in BIMC 18.12.030.E.

As part of that March 10, 2020 Council meeting, the Council passed various motions to revise the ordinance as drafted. The first such motion was to add an additional exclusion to the interim zoning control as follows:

I move to amend Ordinance No. 2020-10, Section 2.B., to add an exclusion to the interim zoning control for development projects that filed a complete land use permit application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.

The Council then adopted motions to remove two recital "Whereas" clauses in the draft ordinance. The Council then voted unanimously to approve Ordinance No. 2020-10 with the following motion:

I move to approve Ordinance No. 2020-10, relating to an interim zoning control to hereby suspend BIMC 18.12.030.E. and related provisions as described in the ordinance regarding floor area ratio bonus density options, except for Sections E.1. and E.6. of BIMC 18.12.030.E. as amended.

At the March 12, 2020 Planning Commission meeting, the Planning Commission (“Commission”) had an item on their agenda entitled “FAR Discussion.” Included as part of the materials for that agenda item was the February 27, 2020 memorandum written by Planning Director Heather Wright that is referenced above in relation to the Commission’s February 27 meeting. Under the “Council Action” section of the memorandum, it states:

On February 25, 2020, the City Council approved a motion that the City Manager work with the Planning Commission and appropriate City Committees or Commissions to bring back to Council as quickly as possible an Ordinance that will reform the City’s bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation and Transfer of Development Rights.

Under the “Questions for the Planning Commission” section of the memorandum, it states:

Staff has the following questions of the Commission with the goal to help support their review of this proposed Ordinance:

- What information do you need to foster your conversation?
 - Staff proposes to bring to the Commission a list of projects that have used the bonus FAR, including the type of bonus used.
- Are there are any Committees the Commission would like to collaborate with on this discussion?
- Would the Commission like Staff to bring forth any Comp Plan Goals and Policies that speak to FAR?
- Is there any other additional information the Commission may need?

Staff is proposing to begin this discussion with the Planning Commission at their March 12th meeting.

Based on the draft minutes¹ for this Commission meeting on March 12, 2020 (attached as Attachment B below), Planning Director Heather Wright introduced the interim zoning control ordinance. Following, there was public comment, including from Councilmember Pollock. After the public comment, the Commission unanimously passed this motion:

I move that we recommend agreeance with the approval of Ordinance number 2020-10 with the deletion under section 2.B.3 under exclusions.

¹ Due to the COVID public health emergency and the proclamations and orders issued by Governor Inslee related to the nature and extent of City business that is allowable during the emergency, the Planning Commission has not met since March 12, 2020. As a result, the Commission has not had the opportunity to approve its minutes.

The draft minutes further state:

Commissioner McCormick Osmond agreed to write an addendum explaining the rationale for the motion.

The draft of that addendum written by Commissioner McCormick Osmond is attached as Attachment C below.²

At the April 14, 2020 City Council meeting, the Council scheduled a public hearing regarding Ordinance No. 2020-10 for April 28, 2020. The Council took action to set the public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390, which require the Council to hold a public hearing within 60 days of adoption of Ordinance No. 2020-10 (i.e., by May 10, 2020) in order to take public testimony and to consider adopting further findings of fact.

Summary Analysis:

As described above, Ordinance No. 2020-10 suspends the applicability and use of bonus floor area ratio as provided in BIMC 18.12.030.E. (dimensional standards) and the related provisions described in the ordinance, except for subsections E.1. (related to Optional Affordable Housing) and E.6 (related to Historic Structure Preservation).

Ordinance No. 2020-10 also excludes development projects that filed a complete land use permit application with the City and which have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of the ordinance (March 10, 2020).

Regarding the suspended option to purchase bonus FAR, the fees for FAR have been established by resolution (Resolution Nos. 2001-02 & 2006-50 – see attached) and are included within the City's Fee Schedule. The fees are \$18 per square foot for residential development, \$25 per square foot for mixed use development, and \$34 per square foot for commercial development. The funds are split between public amenities (40%) and farm/agriculture (60%).

Ordinance No. 2020-10 also suspends the applicability and use of BIMC 18.27.080 and footnote three of Table 18.12.020-3 because those provisions relate directly to the provisions that are being suspended in BIMC 18.12.030.E.

Staff has also included a table (attached to this agenda item) that shows the projects that have been constructed in the MUTC and High School Road Districts since the adoption of the Bonus FAR program. Based on a preliminary analysis, there have been approximately 38 projects total. Of those 38 projects: 18 did not utilize Bonus FAR; 8 would be allowed using the Bonus FAR program as adopted by Ordinance No. 2020-10; 4 would be partially allowed if they utilized some of the remaining Bonus FAR options; and 8 would not be allowed under Ordinance No. 2020-10.

² As referenced in Footnote 1 above, the Planning Commission has not met since March 12, 2020 due to the COVID public health emergency. As a result, the Commission has not had the opportunity to approve Commissioner McCormick Osmond's draft addendum.



Department of Planning and Community Development

Memorandum

Date: February 27, 2020
To: Planning Commission
Cc: City Council
Morgan Smith, City Manager
From: Heather Wright, Planning Director
Subject: Floor Area Ratio

I. BACKGROUND

Pursuant to BIMC 18.12.030.E (attached), there are various options for achieving bonus density in the Winslow Mixed Use Town Center and High School Road Districts, each providing a full or partial option for acquisition. For example, 100% density can be achieved by providing affordable housing or by purchasing development rights. A portion of density can be achieved by providing public amenities and/or infrastructure, and/or by preserving heritage trees on site, and/or via a transfer of development rights. The Ferry Terminal District has two additional options which include providing community open space and ferry related parking.

At the Feb. 4, 2020 study session, councilmembers expressed an interest in discussing whether to eliminate the option to purchase bonus Floor Area Ratio ("FAR"). This item was discussed again on February 11 and February 25, 2020, with a formal recommendation from the City Council on February 25, 2020.

II. COUNCIL ACTION

On February 25, 2020, the City Council approved a motion that the City Manager work with the Planning Commission and appropriate City Committees or Commissions to bring back to Council as quickly as possible an Ordinance that will reform the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation and Transfer of Development Rights.

III. QUESTIONS FOR THE PLANNING COMMISSION

Staff has the following questions of the Commission with the goal to help support their review of this proposed Ordinance:

- What information do you need to foster your conversation?
 - Staff proposes to bring to the Commission a list of projects that have used the bonus FAR and the types of bonus they used.
- Are there are any Committees the Commission would like to collaborate with on this discussion?
- Would the Commission like Staff to bring forth any Comp Plan Goals and Policies that speak to FAR?
- Is there any other additional information the Commission may need?

Staff is proposing to begin this discussion with the Planning Commission at their March 12th meeting.

**Planning Commission Regular Meeting
March 12, 2020
Meeting Minutes**

1) CALL TO ORDER/ROLL CALL

Chair William Chester called the meeting to order at 7:01 PM. Planning Commissioners in attendance were Mack Pearl, Jon Quitslund, Lisa Macchio, Kim McCormick-Osmond and Joe Paar. Commissioner Don Doman phoned in to the meeting from home.

The agenda was reviewed. There were not any conflicts of interest reported.

2) PLANNING COMMISSION MEETING MINUTES

2.a January 9, 2020 Minutes

January 23, 2020 Minutes

[Cover Page](#)

[Planning Commission Minutes DRAFT 010920.pdf](#)

[Planning Commission Minutes DRAFT 012320.pdf](#)

Motion: I move approval of the minutes from the January 9 meeting 2020 as distributed, no corrections.

Quitslund/Paar: Passed Unanimously

Motion: I move approval of the minutes from the January 23 meeting 2020 moving them as distributed, no corrections.

Quitslund/Paar: Passed Unanimously

3) PUBLIC COMMENT

None.

4) PUBLIC HEARING

4.a Ordinance 2020-02 (formerly 2019-09) related to Accessory Dwelling Units

[Cover Page](#)

[20200312_Staff_Memo_on_ADUs \(1\).docx](#)

[20200312 Ordinance 2020-02 DRAFT.docx](#)

[Planning Commission Subcommittee Recommendations Regarding ADUs](#)

[ADU Use Specific Standards 18.09.030 Attachment A.pdf](#)

Senior Planner Jennifer Sutton provided an overview of the ordinance.

The public hearing was opened at 7:36 PM.

2

Ron Peltier spoke about the origins of the ADU ordinance they were working on.

Jane Rein spoke for ADUs as a way to have affordable housing.

Michael Pollock spoke as a citizen and for ADUs as a form of affordable housing and was not sure the ordinance as presented would actually increase the supply of affordable housing.

Bob Russell spoke for agricultural lands/farmers being allowed 2 ADUs for farm workers and the incentive of not having the ADU count toward lot coverage.

Joe Dunstan spoke as a citizen and about solving the problem of affordability and that density and affordability are separate. He stated that affordability needed to be subsidized.

The public hearing was closed at 7:54 PM.

MOTION: We move to recommend that Ordinance number 2020-02 be approved by the City Council with the following changes: Whereas sections number 2 and 4 are deleted; Section 18.09.030.1.5.e is modified to reinstate the language that currently is in strikeout; Section 18.09.030.1.5.o adds the following sentence " ADUs cannot be used as a short-term rental unless they have a business license for short term rental before the effective date of Ordinance 2020-02.

McCormick Osmond/Pearl: Passed Unanimously

MOTION: We move to strongly recommend that the City Council consider and adopt a comprehensive affordable housing ordinance that may include as one of its elements incentivizing ADUs as a type of affordable housing. Incentives might include reducing impact fees and determining that an ADU would not count toward lot coverage as ways to encourage affordable housing. We'd also like to urge Council to move forward with drafting regulations to apply to short term vacation rentals to ensure that ADUs remain available as housing and rental properties.

McCormick Osmond/Pearl: Passed unanimously

5) NEW BUSINESS

5.a FAR discussion.

Cover Page

20200227 FAR Memo to PC .pdf

RES_2001-

54_DISTRIBUTION_OF_FUNDS_FROM_PURCHASE_OF_FLOOR_AREA_RATIO_BONUS
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BIMC_18.12.030_FAR_BONUS_OPTIONS (2).docx

Comp Plan Goals & Policies Related to FAR.pdf

WMP Goals & Policies Related to FAR.pdf

Planning & Community Development Director Heather Wright introduced the interim zoning control ordinance.

3

Public Comment

Michael Pollock spoke about the Council not intending the table to be a loophole but to facilitate historic preservation.

Ron Peltier spoke about vesting projects and bonus FAR and hoped they recommended to adopt the ordinance without the amendment.

Motion: I move that we recommend agreeance with the approval of Ordinance number 2020-10 with the deletion under section 2.B.3 under exclusions.

Paar/Quitslund: Passed Unanimously

Commissioner McCormick Osmond agreed to write an addendum explaining the rationale for the motion.

5.b Planning Liaison to the DRB Bimonthly Update

Cover Page

Chair Chester briefed Commissioners on the new monthly meeting between the chairs and vice-chairs of the Design Review Board and the Planning Commission.

6) UNFINISHED BUSINESS

6.a 2020 Workplan continued discussion.

Cover Page

[Memo to Council post PC Retreat.docx](#)

[2020 Workplan memo 3-5-20.pdf](#)

[Quitslund Memo 030920.pdf](#)

Deferred until the next meeting.

7) PLANNING DIRECTOR'S REPORT

8) ADJOURNMENT

The meeting was adjourned at 9:47 PM.

William Chester, Chair

Jane Rasely, Administrative Specialist

Attachment C

Addendum to Planning Commission recommendation to remove Section 2.B.3 from Ordinance No. 2020-10, providing rationale for the recommendation.

The Planning Commission recommends removal of Section 2.B.3 from Ordinance No. 2020-10 because it appears to create a new and somewhat confusing standard for determining whether an ordinance applies to a project by excluding projects “that filed a complete land use application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.” Ordinance No. 2020-10 already includes Section C, which clearly states that “nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any property owner’s or property leaseholder’s vested development rights as defined by state law and City of Bainbridge Island regulations.” If Section 2.B.3 is intended to benefit a specific project or was included to avoid litigation risk to the City, the language should state that in the interest of transparency or be revised to simply exclude the project or projects for which it is intended and explain why they are being excluded.

Project	Year Completed	Project Type	Zone	Property Size	Base FAR	Project FAR	Max Bonus FAR	How was Bonus FAR obtained (if applicable)
FAR USED AS ALLOWED UNDER ORDINANCE NO. 2020-10								
Courtyards on Madison	2001	Residential	MUTC/Madison	1.85 acres	0.4	0.51	0.6	Affordable Housing
Camelia Apartments	2003	Residential	MUTC/Madison	1.76 acres	0.4	0.44	0.6	Affordable Housing
Janet West Home	2003	Residential	MUTC/Madison	0.29 acre	0.4	0.52	0.6	Affordable Housing (HRB)
Madison Square North	2007	Mixed-use	High School 1	2.53 acres	0.3	0.51	1	Affordable Housing & FAR Purchase (IMHP)
310 Ericksen	2008	Mixed-use	MUTC/Ericksen	0.26 acre	0.5	0.65	1	FAR Purchase (IMHP)
Ravine Apartments	2019	Mixed-use	MUTC/Ericksen	0.21 acre	0.5	0.58	1	FAR Purchase (IMHP)
Madison Place	NOT COMPLETE	Residential	MUTC/Madison	0.82 acre	0.4	0.6	0.6	FAR Purchase (IMHP)
The Walk at Madrona	NOT COMPLETE	Residential	MUTC/Core	1.52 acres	0.4	0.8	1	FAR Purchase (IMHP)
FAR USED AND PARTIALLY ALLOWED UNDER ORDINANCE NO. 2020-10								
Island Crossing (Best Western Hotel)	2006	Mixed-use	High School 1	3.2 acres	0.3	0.65	1	Affordable Housing Public Infrastructure
Winslow Building	2004	Mixed-use	MUTC/Core	0.67 acre	1	1.11	1.5	Affordable Housing & FAR Purchase

Wood Ave. Townhomes	2004	Residential	MUTC/Core	0.9 acre	0.4	0.56	1	Affordable Housing & FAR Purchase
Harbor Square	2006	Mixed-use	MUTC/FTD	4.33 acres	0.5	1.26	1.5	Public Open Space Affordable Housing FAR Purchase
FAR ACQUIRED WITH THE OPTION NO LONGER AVAILABLE UNDER ORDINANCE NO. 2020-10								
Rosebud	2004	Residential	MUTC/Core	0.18 acre	0.4	0.91	1	FAR Purchase
The Meridian	2005	Mixed-use	MUTC/Ericksen	1.09	0.5	0.95	1	FAR Purchase
Wyatt Way Courtyard Offices	2007	Commercial	MUTC/Core	0.35 acre	0.6	0.64	1	FAR Purchase
Seabreeze	2008	Mixed-use	MUTC/Core	0.34 acre	1	1.45	1.5	FAR Purchase
Island Gateway (BIMA/KiDiMu)	2014	Commercial	MUTC/ Gate & Core	5.31 acres	0.15 Gate & 0.6 Core	0.17 Gate & 0.59 Core	0.3 Gate & 1.0 Core	FAR Purchase
Rosebud 2	2015	Residential	MUTC/Core	0.17 acre	0.4	0.997	1	FAR Purchase
Bainbridge Landing	NOT COMPLETE	Residential	MUTC/FTD	4.87 acres	0.5	0.78	1.1	Public Open Space
Madison Landing	NOT COMPLETE	Residential	MUTC/Madison	1.95 acres	0.4	0.58	0.6	FAR Purchase Pending

NOTE: Base and Max FAR listed for each project depends on the type of project - commercial, residential, or mixed-use.

Project	Year	Project Type	Zone	Size	Base FAR	Project FAR	Max Bonus
Winslow Hotel	APPEAL 2020	Commercial	MUTC/Core	1.86 ac	0.6	0.91	1

How obtained

Purchase

From: Jon Quitslund <jon.quitslund@cobicommittee.email>
Sent: Sunday, May 3, 2020 9:47 AM
To: William Chester <william.chester@cobicommittee.email>; Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Heather Wright <hwright@bainbridgewa.gov>
Subject: re: Agenda Packet for May 14 P C meeting

Hello Bill, Kim, and Heather,

I am writing to suggest that the agenda packet should include, in its entirety, the portion of the current Winslow Master Plan referenced in the DRAFT Recommendations:

That is, Goal WMP 2-5 and the related Policies (2-5.1 to 3) -- portions of pp. 23 to 25 in the text updated in 2006.

In the Comprehensive Plan, the most relevant passages are Goals LU-7 & 8 and the related Policies.

I wonder if there are any portions of the Administrative Manual that would be relevant to our discussion.

Best wishes,

Jon

April 27, 2020

Planning Commission Subcommittee Recommendations Regarding FAR-Related Policies

Need for a Rationale to Justify Base and Bonus FAR

The Subcommittee finds that within the Municipal Code, the City's policies and procedures for the regulation of development and redevelopment using Floor Area Ratios (FAR) have been in use by COBI for many years, understood by architects and developers, but without a rationale that is well understood by the public. Municipalities of all sorts and sizes employ the FAR methodology to manage development in urban districts. It is adaptable to various circumstances and planning objectives, but the functioning of FAR dimensional standards and related regulations should be monitored, and modified as needed to remain consistent with community needs and goals.

Many years have passed since the dimensional standards and other FAR-related regulations were established. Demographically, the Island has changed in many ways and will continue to change; economic factors affecting development costs have changed radically. Current regulations in the zoning districts where FAR standards are applicable have not been broadly effective in furthering development called for in the goals and policies of the Comprehensive Plan.

The Subcommittee recommends that the dimensional standards in Table 18.12.020-3 be carefully examined, and revised to increase their effectiveness. In BIMC 18.12.030, the "options" available to property owners and developers have been advantageous to some types of development, while other desired development (such as "affordable" and "missing middle" housing) has, for many years, been at a disadvantage – impractical or impossible.

Why an Interim Zoning Control, with Exceptions, is Needed, and What Is To Be Done

The Subcommittee finds that not only is an interim zoning control on the use of certain bonus density options necessary at this time; now is also the time for City staff, the Council, the Planning Commission, the Design Review Board, and concerned citizens to make concerted efforts to reform several parts of Title 18 (Zoning). Achieving consistency with the Guidelines and Standards in *Design for Bainbridge* should be among our objectives. Creating a solid foundation for the overdue update of the *Winslow Master Plan* should be another overarching objective.

Some substantial changes will be non-controversial, and some controversial issues may have relatively simple solutions.

It is generally understood that development in Winslow, for both residential and other uses, ought to be permitted (even 'incentivized'), at higher densities than could be achieved with the units-per-acre system that governs residential districts and establishes a pattern of varying density across the Island. When the Winslow Master Plan was established in 1998, the FAR methodology was adopted for this purpose. Currently, in the Winslow Town Center and High School Road districts, FAR allowances provide for residential development (both single- and multi-family) and for commercial and other nonresidential uses. BIMC Table 18.12.020-3

provides for an array of different “Basic” limits on the floor area allowed in the various districts, and these ratios interact with limits on lot coverage and building height to establish three-dimensional constraints on what can be built.

Currently, the “Basic Maximum” ratios are set at low levels, and there may be no recent development in Winslow that hasn’t required “Bonus” FAR. There is a meaningful distinction between “Base” and “Bonus” FAR: the Base FAR should allow urban development consistent with the Comprehensive Plan and Winslow Master Plan, and additional Bonus FAR could then be allocated to achieve community objectives (e. g., affordable housing) that would otherwise not be feasible.

The Subcommittee finds that the current set of Base and Bonus FAR allowances has not been consistently achieving community objectives. In the present circumstances, economic considerations (how the project will ‘pencil out’; what return on investment can be expected) have much more to do with what gets built in Winslow than the community development objectives articulated in the Comprehensive Plan and the Winslow Master Plan.

Therefore, now is the time for a careful reconsideration of both the “Basic Maximum” and “Maximum with Bonus” ratios in Table 18.12.020-3. There have been calls for eliminating Bonus FAR altogether, but a reform of the way in which Base and Bonus FAR is allocated may be more appropriate. Further discussion will be found below.

With provisions that support affordable housing and historic structure preservation (i. e., BIMC 18.12.030.E.1 & 6) excluded from the interim zoning control, the City may, in this six-month interim, receive proposals for development that could provide test cases for the utility of new FAR standards.

A Proper Place in the BIMC for Justifying FAR-Based Standards

BIMC 18.06 (Zoning Districts) establishes the Residential districts (R-0.4 to R-14), the Mixed Use Town Center districts (Central Core, Madison Avenue, Ericksen Avenue, Gateway, and Ferry overlays), the two High School Road districts, and a few others (NC, B/I, WD-I, & Fort Ward). The purposes of the Residential districts are sketchily defined in 18.06.020; the purposes of the MUTC and HSR districts are defined in 18.06.030 & .040. From a planning perspective, chapter 18.06 as a whole is out of date and not very useful; the Winslow Master Plan (created in 1998 and last updated in 2006) is also out of date.

In the Comprehensive Plan, Goal LU-7 and Policies LU 7.1 through 7.7 establish the foundation for FAR-based development standards in Winslow, and describe the desired characteristics of development in the MUTC overlay districts. Goal LU-8 and Policies LU 8.1 through 8.6 are similarly prescriptive for the High School Road District. Guidelines and Standards in *Design for Bainbridge* build on that foundation. Policy LU 7.1 states, in part, “The use of FAR may result in an increase in the base level of development (density) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the goals of this Plan.”

In both the MUTC and HSR districts, the combination of Base and Bonus FAR allowances is supposed to regulate density and to achieve other goals as well, in keeping with characteristics of each overlay district. Effective planning would involve not only identifying the uses that are permitted in these districts, but for each district, which uses are entitled to some level of Bonus FAR. Most Islanders would agree that protecting our natural resources and providing for

diverse and affordable types of housing are equally important goals, but our policies and actions in these two areas have been out of balance, not equally effective.

Something should be said in chapter 18.06 to establish a rationale for the FAR methodology. Here is a DRAFT of such language, to be inserted as **18.06.030.C. FAR-Based Standards for Development:**

In the MUTC and HSR districts, Floor Area Ratio (FAR) allowances are used to regulate building dimensions, achieve desired land use patterns, and ensure that the development and redevelopment of property is subject to clear and consistent standards, serves the public interest, and is consistent with goals and policies of the Comprehensive Plan, the Winslow Master Plan, and applicable regulations in the BIMC. A Base FAR is established for each overlay district in accordance with the proposed use(s). Additionally, Bonus FAR allows projects to achieve increased Floor Area in exchange for specific community benefits.

FAR-Based Standards in the Winslow Master Plan

Although we find no rationale within the BIMC for the City's use of FAR standards, the Dimensional Standards in Table 18.12.020-3 can be understood as implementing **Goal WMP 2-5** in the Winslow Master Plan: "Determine density and intensity of development in the Mixed-Use Town Center and High School Road Districts through the Floor Area Ratio (FAR) method."

Several paragraphs of **Discussion** follow this Goal statement, and **Policy WMP 2-5.2** adds a rationale for Bonus FAR "as a means of advancing specific Comprehensive Plan policies and community values." This portion of the Winslow Master Plan should be read with a critical eye. In the light of years of experience, some of the assumptions and assertions made when it was enacted may be found to be inaccurate or out of date.

Here is part of the Winslow Master Plan justification for using the FAR method:

Although density is frequently defined by dwelling units per acre in suburban communities that are comprised of single-use districts, it is less useful in areas where a mixture of uses is desired. Using FARs provides flexibility to design a project to address a particular site. The use of FAR allows the market to determine the number and size of units and the mix in the type of development. (Conventional density limits can discourage affordability since smaller, less expensive units count the same as larger, more expensive ones.)

Some of what is said here is obviously true, but can we assume that "the market" can be relied upon to deliver the type of development that is called for in our Comprehensive Plan, *Design for Bainbridge*, and the project review and permitting process? It is true that flexibility is needed, along with constraints on density and design, but we have seen that sometimes flexibility provides a "loophole." Is it the case that the FAR methodology has produced "smaller, less expensive units" of residential housing? Like it or not, one result has been smaller but more expensive units. Constraints in the form of FAR maximums that are too low can render some types of development impractical or impossible. Although our FAR standards were supposed to incentivize mixed use development, we have seen too little of it.

The Winslow Master Plan goes on to predict levels of residential density that can be expected with different FAR allowances:

It is possible to relate FAR to a range of achievable units per acre, as follows:

0.4 FAR would produce 8-20 units per acre

0.8 FAR would produce 16-40 units per acre

1.5 FAR would produce 24-60 units per acre

The unit range results from the variety of unit sizes that can occur.

In the light of experience, are these estimates credible? The estimate of “achievable units” with 1.5 FAR is disingenuous, since in our Code there is no provision for residential use at 1.5 FAR: perhaps the intent was to provide a cautionary example, showing what could happen if the FAR allowance is too high. What we don’t need is a “let’s pretend” rationale for policies that won’t produce the desired results.

The provisions in **Policy WMP 2-5.2** for achieving Bonus FAR resemble the more elaborate description of options in BIMC 18.12.030.E, but unless “contribution to a land preservation effort” is construed as providing for a cash-on-the-barrelhead purchase of Bonus FAR, there seems to be no basis in the Winslow Master Plan for allowing (indeed, expecting) developers to purchase FAR at a set price per square foot. The Subcommittee finds that the current practice of charging a bargain price for Bonus square footage, without regard for benefits to the public in the development project itself, should either be drastically revised or entirely discontinued.

Policy WMP 2-5.3 says, in part, “The bonus FAR provisions may be changed based on future conditions without amending the Master Plan, . . . provided that changes are made in coordination with a study of the necessary infrastructure, particularly transportation.” The Subcommittee proposes that Bonus FAR provisions can be a valuable planning tool when directly linked to the provision of public benefits that otherwise could not be achieved.

Recent Planning Efforts to Increase the Stock of Affordable Housing

Concerted efforts to meet the housing needs of an economically diverse population date back to the early years of the City; they have been intermittent but persistent. Only the most recent efforts to implement this aspect of the Comprehensive Plan will be mentioned here. The City’s Affordable Housing Task Force submitted their Final Report on July 11, 2018. Subsequently, consultants were hired to provide an assessment of present conditions and potential for policy changes related to Transfer of Development Rights and Inclusionary Zoning. The Final Report from this group was submitted in February 2019. On September 12, 2019, Morgan Shook from ECONorthwest presented to the Council a “Recap of Framework for Inclusionary Housing and MFTE.” These reports provide valuable data, careful analysis, and specific policy recommendations. To date, neither the City Council nor the Planning Commission has undertaken a thorough analysis and discussion of those policy options.

The “Recap” from ECONorthwest provides fundamental facts and recommendations in a summary form. “The current voluntary affordable housing program has been used once since it was approved in 2005. The lack of use indicates that the current density bonus mechanism needs to be revised.” The consultants’ recommendations for changing both the Base and Bonus FAR parameters include: 1) prioritize affordable housing above other public benefits; 2) allow a new maximum height and FAR increases sufficient to allow an additional floor. The recommended maximum FAR increases in the MUTC and HSR districts go to 3.0 in the HSR, Madison, and Ericksen districts, and 4.5 in the Gateway, Ferry Terminal, and Central Core

districts. The recommended height limits are 55 feet in HSR and 85 feet in the other Winslow districts.

Exhibit 2 in the “Recap” provides, on the basis of a study of vacant and under-developed properties, estimates of the remaining capacity for housing within Winslow. It is proposed that with the recommended increases, potential capacity would increase from 1,731 to 10,585 units. However, under the assumptions made regarding set-asides in a voluntary inclusionary housing program, only 844 units would be “affordable”; additional affordable units could come from adoption of an MFTE program.

Possible Next Steps

The Subcommittee finds in the work of ECONorthwest some starting points for discussion but no ideas that respond precisely and persuasively to the issues we face. Next steps in the development of a coherent and functional program of Base and Bonus FAR standards should take into account the realities on the ground from one district to another in the area now subject to FAR-based development standards, and should be guided by concern for optimal development of the different overlay districts.

Members of the Planning Commission have already expressed a resolve to achieve a thorough make-over of BIMC 18.12 (Dimensional Standards), and to coordinate revised FAR standards with a comprehensive Affordable Housing Ordinance, replacing the currently inadequate BIMC 18.21. Some work has already been done toward those goals.

After discussion of the Subcommittee’s findings and recommendations, the Planning Commission may decide to revise this document and send it forward to the City Council. The Subcommittee has identified several parts of BIMC Title 18 that should be revised. Revision of BIMC Table 18.12.020-3 and 18.12.030.E should come first, responding to a request from the Council back in March. What else should be undertaken under the ‘umbrella’ of the Interim Zoning Control, within the time constraints that it imposes?

How should the work be carried forward? What role is Planning staff prepared to play? The Council could be given several options to pursue in further inquiry and policy development. In this document, we have taken pains to analyze the complexity of relationships between FAR-related policies and the past, present, and future of our community.

Respectfully submitted by Commissioners Chester, Paar, and Quitslund



COMPREHENSIVE PLAN INTRODUCTION

Guiding Policy 1.2

Accommodate new growth in *designated centers* that meet the Island's identified needs for housing, goods, services and jobs while respecting conservation and environmental protection priorities.

Guiding Policy 1.3

The built environment represents an important element of the Island's special character. Improve the quality of new development through a review process that implements the community *vision* and supports long-term goals for the preservation of the Island's special character.

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 Policy 3.1

Ensure a variety of housing choices to meet the needs of present and future residents in all economic segments and promote plans, projects and proposals to create *affordable housing*.

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 Policy 6.1

Promote environmental *sustainability* by supplementing the State's mandated 20-year plan horizon with a horizon of one hundred years in order to recognize the longer-term life cycles of natural systems. Tailor *green building* practices and public *infrastructure* investments to be in line with this longer-term perspective.

Guiding Policy 6.2

Promote an equitable social environment on the Island by addressing basic human needs including *affordable housing*, personal health and safety, mobility and increased access to human services, civic and cultural amenities.

Guiding Policy 6.3

Promote economic *sustainability* and work to provide economic opportunities for all community residents.

Fig. IN-6 Sustainable Community



Guiding Policy 8.3

Grow a diversified and vibrant local economy.

Guiding Policy 8.4

Nurture a healthy and attractive community including a focus on the quality of the built environment through progressive *development regulations* and reviews.

Guiding Policy 8.5

Build reliable *infrastructure* and connected mobility that encourages physical activity such as biking and walking while also respecting the Island's scenic qualities.

Guiding Policy 8.6

Grow a green, well-planned, environmentally sustainable community.

LAND USE VISION 2036

The environment, values and culture of our Island community have been protected, conserved and enhanced by managing growth according to the *Comprehensive Plan's Guiding Principles, Goals and Policies*.

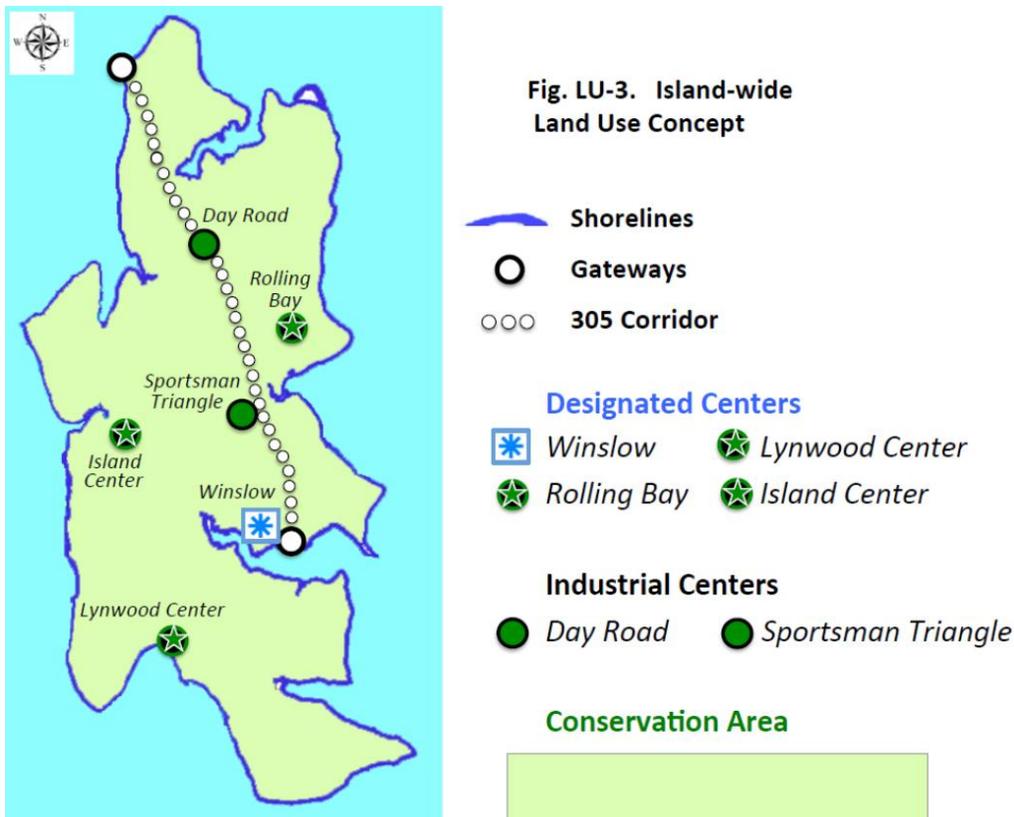
Most of the preceding two decades of growth have been attracted to the high quality of life in the Island's thriving **Designated Centers** where cultural amenities, employment and housing opportunities abound and *public services*, utilities and *infrastructure* are efficiently provided.

These **Designated Centers** are compact, human-scaled and pedestrian-oriented, promoting a healthy lifestyle and are linked to each other and the region by a network of trails and *transit*. (See Fig. LU-1.)

Outside of the **Designated Centers**, almost 90% of the Island is a green and open landscape. The residential *land use* pattern in this **Conservation Area** minimizes the footprint of the built environment and embodies design principles that protect the Island's *aquifers*, surface waters and *fish and wildlife habitat*.

This broad landscape of canopied woodlots, parks and saltwater shorelines is dotted with working *farms*, historic structures, freestanding residences and *conservation villages*. (See Fig. LU-2.)

The evolving **Designated Centers** and **Conservation Areas** on Bainbridge Island embody the successful implementation of the Island Land Use Concept. (See Fig. LU-3.)



LAND USE ELEMENT

ISLAND-WIDE CONSERVATION AND DEVELOPMENT STRATEGY

GOAL LU-4

As part of a long-term Island-wide Conservation and Development Strategy, focus residential and commercial development in *designated centers*, increase a network of conservation lands, maximize public access while protecting the shoreline, minimize impacts from the SR 305 corridor and conserve the Island's ecosystems and the green and open character of its landscape.

Policy LU 4.1

Focus development and redevelopment on the Island over the next fifty years in *designated centers* that have or will have urban levels of services and *infrastructure* while increasing conservation, protection and restoration on the Island, including shorelines, especially where there is interaction between the fresh and saltwater environments.

DESIGNATED CENTERS

GOAL LU-5

Focus Urban Development in *Designated Centers*

The Plan focuses residential, commercial, and industrial growth in Winslow and other *designated centers* with urban services such as the Neighborhood Centers, and the industrial centers at Day Road, and Sportsman Triangle. Collectively, Winslow, the Neighborhood Centers, and the two industrial centers constitute Bainbridge Island's *designated centers*.

This is a change from the 1994 and 2004 Plans both of which specified a numeric growth strategy as follows: accommodate 50% of the population growth in Winslow through the year 2012 and accommodate 5% of population growth in the Neighborhood Centers. The balance of the growth was to be absorbed throughout the remainder of the Island.

Policy LU 5.1

Winslow is the urban core of the Island while the Neighborhood Centers are smaller-scale mixed-use centers. In order to achieve the *goals* of the *GMA* this Plan:

- Encourages development in areas where *public facilities* and services exist or can be provided in an efficient and effective manner.
- Provides a vibrant, pedestrian-oriented core.
- Reduces sprawl.
- Provides choice of housing location and lifestyle.
- Maintains and protects environmentally sensitive and resource lands.
- Encourages the retention of open space.
- Maintains and enhances fish and wildlife habitat.

Policy LU 5.3

Encourage *residential uses* in a variety of forms and *densities* as part of the use mix in Winslow and neighborhood centers.

Policy LU 5.11

Commercial and residential *density* within *designated centers* may be increased through the use of:

- *Affordable housing.*
- *TDRs (transferable development rights).*
- Contributions to public *infrastructure* and public amenities in excess of what is required to mitigate the impacts of development.
- Transfer of residential *density* within the MUTC and the High School Road Districts or within neighborhood centers.
- Preservation of on-site of historic structures eligible for inclusion on a local, state or federal register of historic places.
- Locating ferry-related parking under building.

Policy LU 6.2

Promote dense residential and commercial development and encourage human activity within Winslow, the heart of Bainbridge Island. In order to create a vibrant city center direct growth where *infrastructure* exists, reduce reliance on the automobile, provide opportunities for *affordable housing* and absorb growth that would otherwise be scattered in outlying areas. Plan for adequate parking in Winslow to accommodate residents and visitors who drive downtown for shopping, participation in local government, attendance at cultural events and centers, and to use other resources in Winslow.

GOAL LU-7

The Winslow mixed use and commercial districts are designed to strengthen the vitality of downtown Winslow as a place for people to live, shop and work. The Winslow Mixed Use Town Center (MUTC) is intended to have a strong residential component to encourage a lively community during the day and at night. The high residential *density* of Winslow requires the Central Core Overlay District to provide services and products that meet the needs of residents as well as visitors.

Policy LU 7.1

The Island's major center for new commercial development is the Mixed Use Town Center (MUTC) and the other commercial districts in Winslow.

Development within the MUTC and High School Road Districts shall be consistent with the Winslow Master Plan. The level of development is determined using Floor Area Ratio (FAR) rather than *dwelling units* per acre. The use of FAR may result in an increase in the base level of development (*density*) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the *goals* of this Plan.

GOAL LU-8

The High School Road District is intended to provide mixed use and commercial development in a pedestrian-friendly retail area.

Policy LU 8.2

Promote *pedestrian-oriented* mixed use and residential development to offer a variety of housing types and sizes.

GOAL LU-16

Prioritize program *goals* and establish and maintain a *purchase and transfer of development rights* program, to allow transferring development rights from areas intended for conservation and promoting development in areas suitable for denser development.

Policy LU 16.1

Maintain and improve the City's *Purchase of Development Rights* (PDR) and *Transfer of Development Rights* (TDR) programs to enable transferring development rights from the *Conservation Areas* of the Island into *Designated Centers*. See Fig. LU-3.

GOAL LU-21

Preservation and Enhancement of Historic Resources – An effective *historic preservation* program provides meaningful practical incentives and policies for property owners and developers to preserve historic resources.

Policy LU 21.1

Encourage preservation of existing historic structures and sites as an important tool in building a sustainable and unique community.

ECONOMIC ELEMENT

DIVERSIFIED ECONOMY

GOAL EC-1

Promote economic vitality, growth and stability.

Bainbridge Island has the opportunity to create a robust, resilient and durable economy by demonstrating early leadership and acknowledging the changes that will affect our economy. Planning for these changes and taking actions that support and encourage a local economy will help reduce community vulnerability to issues such as aging demographics, housing availability, transportation constraints, and *climate change*.

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.

Policy EC 1.1

Develop and maintain regulations that provide support for our community's businesses.

Policy EC 1.2

The city *should* embrace diverse and innovative business opportunities compatible with community values and develop programs to make Bainbridge Island an attractive location for those businesses.

Bainbridge Island is affected by regional, national, international and global environmental and economic trends and changes in the physical environment. While we cannot control global economic or environmental conditions we can support the local economy by providing *policy* direction and *land use infrastructure* to allow for and encourage robust economic activities that are prepared for and responsive to change.

Policy EC 1.4

Support entrepreneurship by providing adequate *land use* designations in keeping with the character of the Island, while avoiding investment in sectors, activities, or *infrastructure* that will not remain viable in the foreseeable future.

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*.

INFRASTRUCTURE **GOAL EC-2**

Provide sufficient and resilient infrastructure that is supportive of a healthy economy and environment, particularly telecommunications and electrical reliability.

Policy EC 2.3

Implement infrastructure and technology improvements around *designated centers* to provide enhanced service and to retain and attract business.

JOBS/HOUSING BALANCE **GOAL EC-5**

Provide a variety of *affordable housing* choices so that more people who work on Bainbridge Island can live here.

The Housing Element of the *comprehensive plan* provides several options for the development of *affordable housing* on the Island.

Policy EC 5.1

Continue to monitor the progress in implementing the Housing Element and evaluate new ways of providing *affordable housing*.

Policy EC 5.2

In concert with the Housing Element's Goals and Policies, pursue a housing strategy that seeks to accommodate a wide variety of housing options, both in design and affordability, to meet the demands of the full range of the population including service sector employees, retirees, students, artists, farmers and craftspeople.

DEVELOPMENT IN *DESIGNATED CENTERS*

GOAL EC-6

As the city's *designated centers* evolve, balance their functions as places of commerce and employment with their roles helping to meet housing needs and provide focal points for civic engagement and cultural enrichment.

Policy EC 6.1

Enhance the existing *designated centers* to help the Island economy prosper and provide a high quality of life, creating ancillary benefits such as decreasing pollution (including *greenhouse gas emissions*), protecting *open space*, and creating local family wage jobs.

RETAIL AND SERVICES

GOAL EC-8

Maintain and enhance Winslow as the commercial hub of Bainbridge Island. Position the Neighborhood Centers to provide the opportunities for smaller-scale commercial and service activity.

Policy EC 8.1

Reinforce Winslow as the mixed-use center for commerce and exchange by fully implementing the Winslow Master Plan.

SERVICES SECTOR

GOAL EC-9

Grow a healthy service sector to increase employment opportunities, enhance local revenues, and meet emerging needs of the Island's changing demographics.

Policy EC 9.1

Increase availability of housing to enable service sector employees to live on the Island.

Policy EC 9.2

Increase access to transportation options that better enable service sector employees who live off-Island to work on-Island.

Policy EC 9.3

Promote an emerging professional services sector that recognizes the Island's linkage to the Seattle job market for managerial jobs and information-based industries.

Policy EC 9.4

Promote on-Island access to healthcare facilities and medical services, particularly those addressing the needs of the Island's increasing older population.

ENVIRONMENTAL ELEMENT

AGRICULTURAL LANDS

GOAL EN-15

Conserve and protect the Island's existing agricultural uses and increase the acreage of permanently protected and productive farmland by using preservation methods including incentive-based programs.

Policy EN 15.1

Provide owners of *farms* the option of participating in the *transfer of development rights (TDRs)/purchase of development rights (PDRs) program*.

Policy EN 15.5

Utilize the Floor Area Ratio (FAR) Farmland/Agriculture fund for viable farmland preservation projects.

HOUSING ELEMENT

GOAL HO-1

Make steady progress toward the following aspirational targets for increasing the diversity of *housing types* and the supply of *affordable housing*.

Policy HO 1.1

Decrease to 20% or less the number of cost burdened families living in rental housing (down from 40%).

Policy HO 1.2

Decrease to 18% or less the number of cost burdened families owning homes (down from 34%).

Policy HO 1.3

Increase rental housing units to at least 11% of total housing units (up from 7%).

Policy HO 1.4

Increase the Island's percentage of *multifamily* homes to 18% or more of all homes (up from 16%).

Policy HO 1.5

Increase the number of *senior housing units* to 600 or more (up from 344.)

Policy HO 1.7

Achieve a jobs-housing balance of .8 (up from 0.59).

GOAL HO-4

Increase the supply of permanently affordable *multifamily* housing each year through the year 2036 with goals based on data provided by the Housing Needs Assessment and the City's housing reports.

Policy HO 4.1

Encourage new *multifamily* housing in a variety of sizes and forms in *designated centers*.

Policy HO 4.2

Increase the efficiency of the review process and revise development standards for the High School Road and Ferry Terminal districts and other portions of the Winslow Area Master Plan to encourage the transformation of these areas from auto-oriented, low-rise, homogeneous commercial land use districts into walkable, transit-served, mid-rise, mixed-use areas with *affordable housing*.

GOAL HO-6

Facilitate the provision of a diverse *affordable housing* stock in all geographic areas of the community.

Policy HO 6.2

In order to provide for permanently *affordable housing* pursue effective strategies to reduce the land cost component of *affordable housing* which may include alternative land use zoning, *density bonuses* and other incentives.

CHAPTER 2

LAND USE

EXISTING CONDITIONS

(See Appendix A for a More Detailed Discussion)

General Land Use Pattern

Winslow has the land use pattern of a small-scale town that was established during the early decades of the twentieth century and overlaid with post-war development patterns. The original, tightly configured variety of shops, workplaces, and housing began to be replaced with larger buildings surrounded by parking, structures set back from the street and residential subdivisions. In more recent years, with the development of major convenience retail along High School Road, the role of the original town center along Winslow Way has been altered. Figure 2.1 depicts the arrangement of land uses.

Previously, people who lived in Winslow were concentrated within fairly close proximity to the ferry terminal. Indeed, most of the rest of Bainbridge Island was rural and agricultural. Residents could meet most of their needs in the town's commercial center. Over the years, the center has become as much a social center of the community as an economic one. This role still exists today, as neighbors can run into one another on the streets and in the stores, and enjoy the intimacy, cordiality, and personal relationships of a small town. Fortunately, the land use pattern in the older part of Winslow still reinforces this behavior, although it too has been affected by the amount of space consumed by the moving and parking of autos. Although much of its character remains relatively intact, the town has seen its finely grained arrangement of land uses pulled apart by standards, which govern parking and streets.

The land use portion of this Master Plan focuses on those areas referred to in the 1994 Comprehensive Plan as the Mixed-Use Town Center and High School Road Districts. These areas contain most of the retail and office activities of old Winslow and a relatively dense population. The limits of this area are shown as the Primary Study Area on Figure 2.1. For context and connectivity, the Secondary Study Area — which is targeted to receive 25% of the Island's future growth — is also included in the Master Plan (See Figure 2.2).

Total acreage within the study area is estimated at 1,527, of which approximately 120 acres are currently vacant. Total acreage within the Mixed-Use Town Center portion of the study area is estimated at 258 acres, of which approximately 28 acres are currently vacant.

Within Winslow, there are a number of distinct areas. The original town center, along Winslow Way west of SR 305 and lower Madison Avenue contains numerous small uses — convenience stores, specialty shops, banks, services, and cafes largely located within one-story buildings. The major exception is the Town and Country Supermarket, which has a large footprint building and an expansive parking lot. One of the attributes of the retail uses along Winslow Way West is that there has been some degree of turnover, resulting in occasionally vacant storefronts. However, there is still a strong concentration of retail uses

— both convenience and specialty stores — along Winslow Way and Madison. Parfitt Way is lined with small commercial uses next to the marinas. Surrounding the commercial uses that are concentrated in the core are a number of multi-story buildings containing apartments and condominiums. As the Master Plan process began, there were only two examples of “vertical” mixed-use: the Winslow Green and Wyatt’s Corner. The adoption of the Master Plan in 1998 has encouraged the development of a number of mixed-use projects, which have provided more residential units within walking distance of the downtown.

Ericksen Avenue contains a number of historic houses. These are built almost in the form of a New England village. They are close to the street, close to each other and have front porches and relatively consistent architectural character. Virtually all of the older houses now contain commercial uses. This presents a strong image for lower Ericksen that infuses the rest of the town center with a sense of longevity and stability. Upper Ericksen has seen some development that is more suburban in nature, breaking the previous pattern, although very recent development has begun to reflect the more traditional physical relationships. Certainly, the loss of any of the older structures along Ericksen would damage the image of Winslow as a small town with a distinct heritage.

Madison Avenue, in contrast to Winslow Way West, has a more diverse mix of post-war and pre-war development patterns. Buildings are not set close to the street. There is much more of a pattern of separation between buildings, with trees, yards, and parking areas more prevalent. A number of historic structures have been identified on Madison Avenue. Recent development along Madison Avenue has included the new City Hall, a movie theatre complex and several condominium projects. The intersection of Madison Avenue and High School Road is marked by two very important public buildings: the high school, which has a large campus of structures and spaces, and the public library. The other two corners of this intersection are occupied by churches. A roundabout was constructed in 2001 to facilitate traffic flow in the intersection.

The land use pattern along *High School Road* is not unlike that found in many North American suburban communities. Its pattern is largely the product of contemporary zoning regulations, street design standards, and market trends. Large, linear buildings, set back from the street behind parking lots, dominate the area. Individual developments are also pulled apart from each other, with few obvious connections for people on foot. This is exacerbated by the fact that both blocks and parcels are relatively large and have few intervening streets, none of which go through the blocks. Although actual distances are not very great, they seem so due to expanses of asphalt, fast-moving vehicles, and broad streets. Most of the commercial uses are located between SR 305 and Madison Avenue, which is the same length as the concentration along Winslow Way West. This commercial node is accessed principally by automobile. In 2006, sixty residential units were added to High School Road as part of a mixed-use project that includes a hotel.

The *SR 305* corridor has significant green space, with mature vegetation associated with a steeply sloping ravine meandering along its alignment between High School Road and Winslow Way. Vegetation in this corridor has diminished over the years as a result of adjacent development. A commercial winery located within the vegetated portion of the

corridor has relocated to east Day Road, and the site has been developed with a mixed-use project that includes forty-five condominiums. In the vicinity of High School Road, there is less vegetation; commercial land uses and parking lots are visually prominent. While these uses are visible from the highway, they are accessible only from High School Road. The limited access highway is largely a greenway dividing Winslow rather than tying it together.

The *Ferry Terminal* end of the SR 305 Corridor also divides uses along Winslow Way. Virtually all of the commercial activity is located along Winslow Way west of SR 305. Winslow Way east of SR 305 contains several office structures, but none of these have the pedestrian-oriented characteristics of the uses west of SR 305. A large mixed-use project on a 4.33-acre parcel on the north side of Winslow Way, across from the ferry terminal, is scheduled for completion in 2007. This project includes 180 residential units and small-scale commercial development intended to serve ferry riders. The parking lots associated with the ferry terminal constitute the major use of land east of SR 305. Although there are a number of privately owned lots, they abut one another and present a large expanse of surface area devoted exclusively to ferry commuter parking. Policies in the Comprehensive Plan suggest the desirability of transforming this area into a new, small neighborhood of multiple family housing, office use, retail uses aimed at commuter traffic, and a new street network that would break up the large tracts.

The edges of the town center quickly graduate downward in intensity from medium density multiple-family housing to single-family detached residential. No commercial uses are found around the perimeter. Residents use both the older area around the center of Winslow and the new area along High School Road for goods and services. These two concentrations of commercial land use, while somewhat competitive, offer residents many choices within close proximity to where they live. Moreover, they serve a social function in that people can easily maintain contacts with friends and other residents. For the most part, this social activity occurs during the daytime; only grocery stores and a few restaurants remain open during the evening.

A number of historical structures and sites in Winslow have been identified and, since adoption of the Winslow Master Plan, the City has established a Historic Preservation Commission that is working toward preservation of these sites and buildings.

Finally, Winslow is a waterfront community. A good measure of its history and image has been tied to uses along the waterfront. Although types of uses along the waterfront have changed over the years, for the most part the community is still cut off from its primary amenity. The waterfront park provides some degree of access, but the trees and structures within it cut off visual access from locations upland. There are still some industrial uses such as the ferry maintenance facility that prevent access. The marinas offer some degree of access, but present a largely private enclave along the water.

Population and Market Background

In order for a vibrant mixed-use town center to succeed as envisioned in the Comprehensive Plan, there must be an underlying source of demand for both the residential and commercial uses. The Master Plan process required an understanding of the trends affecting development

of various uses in Winslow, an evaluation of site-specific development opportunities, and an identification of regulatory approaches and incentives that could increase the likelihood of success. To this end, the City contracted with Property Counselors, an economic consulting firm, to prepare a market analysis. The resulting study, “Winslow Master Plan Economic Analysis” (Property Counselors, 1996--Appendix A(1), provided detailed information on local conditions, an analysis and comparison of conditions in other communities in the region, and projections for potential demand by use. In 2005, Property Counselors updated this study as part of the *Winslow Tomorrow* planning process, in order to determine how recent development has compared to the 1996 projections, and whether opportunities identified then still exist. (“*Winslow Tomorrow* Update of Market and Economic Findings,” Property Counselors, January 2005, Appendix A(4). A summary of these updated findings is discussed below:

Regional Context

Winslow is located in Kitsap County in the Central Puget Sound region, which comprises Kitsap, King, Pierce, and Snohomish Counties. King County is the dominant county of the four with 55% of the regional population in 1990 and 67% of the jobs. The region is projected to grow by 46,000 persons per year between 1990 and 2020. Kitsap County’s share of regional population is projected to increase from 7% to 8% by 2020. The county will continue to be a net exporter of residents to jobs. As the major employment center in the area, downtown Seattle represents a daily destination for residents throughout the region.

Winslow can be compared to other communities in the region. Beyond the first tier of areas around the Seattle Central Business District, existing communities are mature and largely built-out; Winslow can compete effectively in terms of commute time with these areas. Winslow has a small and specialized downtown by regional standards, but it is similar to other waterfront communities in terms of level of employment and scope of its businesses. Winslow offers an opportunity to provide a more balanced distribution of incomes than either the close-in Seattle communities or the other waterfront communities in the region.

Residential

There are two obvious segments of potential demand for residential growth in Winslow: households with one or more members working in downtown Seattle (often younger families just getting started), and current residents of the Island looking for smaller, lower maintenance dwelling units (often empty nesters). Within these groups there is a clear need for affordable housing.

The segments described above are the two most obvious ones. In addition, there will be interest by young families attracted to the local schools and Island lifestyle. While many of them will be attracted to single-family units, there will certainly be a percentage that will be interested in higher density alternatives in Winslow prior to starting their families.

In all cases, the demand for housing in Winslow will be related to the area’s ability to maintain and enhance an active and attractive physical setting. In addition, the demand will depend on housing opportunities in the Seattle Central Business District, Denny Regrade and

South Lake Union. If Seattle's proposed urban villages are slow to realize their visions, Winslow will offer a particularly strong alternative.

Multifamily development was strong in Winslow between 1996-2004, with approximately 300 new units built during this period. Close to 400 new units were underway as of mid-2006. Most of the recent multifamily development has been condominiums, many of which are designed to have the appearance of cottages or stand-alone residences. There has not been much apartment development.

Office

Office-type uses on the Island fall into one of two categories: businesses serving Island residents, and businesses serving a larger market area but choosing to locate on the Island, perhaps because the owner lives here. The demand for office space for the former businesses will grow as the Island population grows; the demand for the latter will depend on whether businesses continue to choose Winslow over alternative locations, and also on the impact of home-based businesses. Enhancement of Winslow as an active, pedestrian-oriented district would increase its attractiveness somewhat for such businesses.

Approximately 78,000 square feet of new office space was added to Winslow during the period 1996-2004, most of which was built outside of the Core District. At the time of the 2005 Property Counselors update, office vacancies were high as a result of recent construction and loss of major tenants. However, actual absorption exceeded previous projections.

Retail

Winslow has the potential to serve in three roles as a retail center:

- for residents in the immediate area,
- for residents of the Island-wide market area, and
- as a specialty destination for visitors from elsewhere in the region.

New residents in Winslow will spend relatively more of their income in Winslow than residents elsewhere. Population growth in the rest of the Island over the next 20 years will also result in increased demand for retail trade and services. The potential demand for new retail space to service visitors is somewhat speculative. (The Economic Element of the Comprehensive Plan addresses the role of tourism in the Island's economy.)

Total commercial potential (office and retail) is estimated at 520,000 square feet through the year 2012. The ability to achieve this number may be limited by available vacant parcels and/or parcels with redevelopment potential. A review of land availability and zoning limitations conducted as part of the 1998 Master Plan effort suggests that approximately 440,000 square feet of new commercial use could actually develop.

During the period 1996-2004, almost 66,000 square feet of new retail development was added to Winslow, most of which is located outside of the Core District. The limited amount of new retail in the Core is due in part to the fact that new development in this area requires

the redevelopment of existing improved sites, the economics of which presents special challenges.

COMPREHENSIVE PLAN FRAMEWORK

The Comprehensive Plan policies identify the Mixed-Use Town Center as the commercial and civic core of the community, with a wide variety of residential choices. New development would be encouraged in the Winslow town center as one strategy to preserve the character of the Island. In addition, planning policies seek to create a core that is active, pedestrian-oriented, and filled with new housing choices to reduce sprawl and encourage multi-modal transportation. Furthermore, Winslow would be the focus of new commercial development.

The Plan recognizes that considerable growth will occur simply due to natural market forces but suggests that improvements and strategies will be required to direct the location, intensity, and quality of development. Civic facilities and recreation would be provided within Winslow, while development standards would guide the form and character of new development. There would be more parking available which would be managed more efficiently. A fundamental concept in the Plan is to achieve increased density in the Town Center through three mechanisms: transferring development rights from outlying agricultural and environmentally “sensitive” lands, density bonuses for providing affordable housing, and density bonuses for contributing to public infrastructure or public amenities beyond what might be required to mitigate the impacts of a development.

The Mixed-Use Town Center establishes five overlay districts with policies intended to reflect different existing conditions and goals for each district. (See Figure 2.3)

The Central Core Overlay District is the most intense, with both single purpose commercial development and mixed-use development. Design standards would recognize the more urban character of this area.

The Ericksen Avenue Overlay District is intended to preserve the unique, small-scale historic character provided by the older single-family houses. Conversion to non-residential use is allowed, but any additions would have to be made to the rear. New development would need to maintain the overall character of the street. The portion of this district between Winslow and Wyatt Way would not be eligible to receive bonus density.

The Madison Avenue Overlay District allows for a mix of residential and small-scale nonresidential development. However, single-purpose commercial development is not allowed; the intent is to emphasize higher density residential use in this area.

The Gateway Overlay District principally addresses the desire to protect the ravine through designation of appropriate land uses and/or acquisition of land or easements. The SR 305 corridor is recognized as an important visual gateway to the Island and as a potential passive open space.

The Ferry Terminal Overlay District contains policies that recognize its potential as a new, higher density residential/office neighborhood. Policies indicate the need to accommodate the functional requirements of this regional transportation hub while enhancing it through means such as underground parking, landscaping, signage, and buffers. Language in the plan indicates the need for coordination between the State, the City, Kitsap Transit, and the owners of property both within the Ferry Terminal District and the Gateway District.

The Commercial High School Road Districts contain policies that promote the provision of goods and services for residents. While some uses may be automobile-oriented, the overall pattern of uses should promote pedestrian access and movement. Development standards would address the form, orientation, and bulk of buildings, as well as landscaping, open space, circulation, and signage.

A policy regarding the **Water-Dependent Industrial District** calls for new and expanded development to provide physical and/or visual access to shorelines and visual access to the facilities. This suggests the need for better relationships between activities along the shoreline and those that are upland.

Another policy calls for retaining the current allowable densities for the **Urban Multi-Family District**, but there is a suggestion that this district might be eligible to receive additional density through Transfer of Development Rights (TDRs). Policies for this district also call for landscape buffers between multiple family and single-family development and indicate a list of possible design standards.

Other policies contained within the section addressing Winslow are relevant to the master plan. Policies call for retaining the pattern of single-family development around the edges of Winslow.

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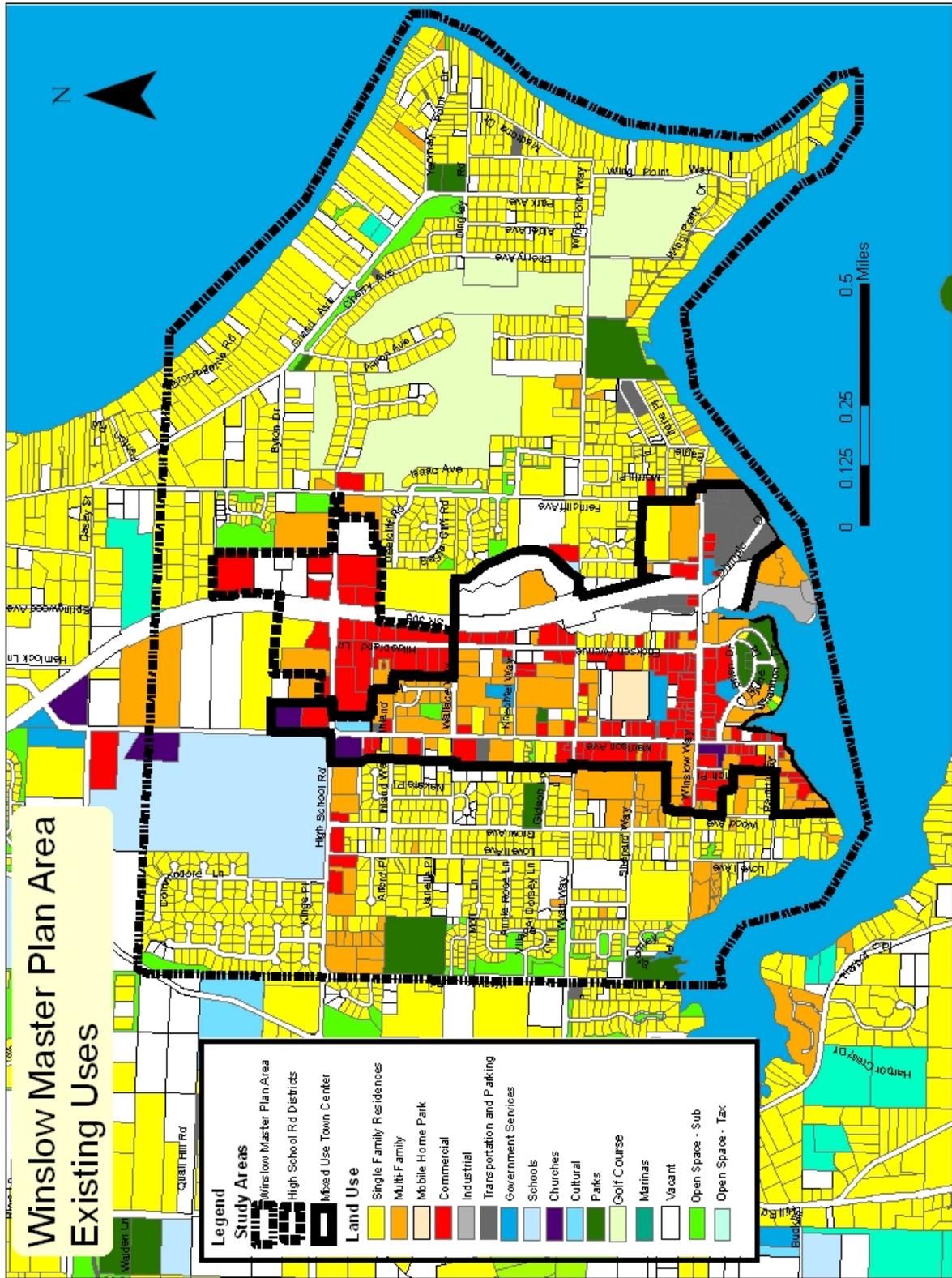


Figure 2.1

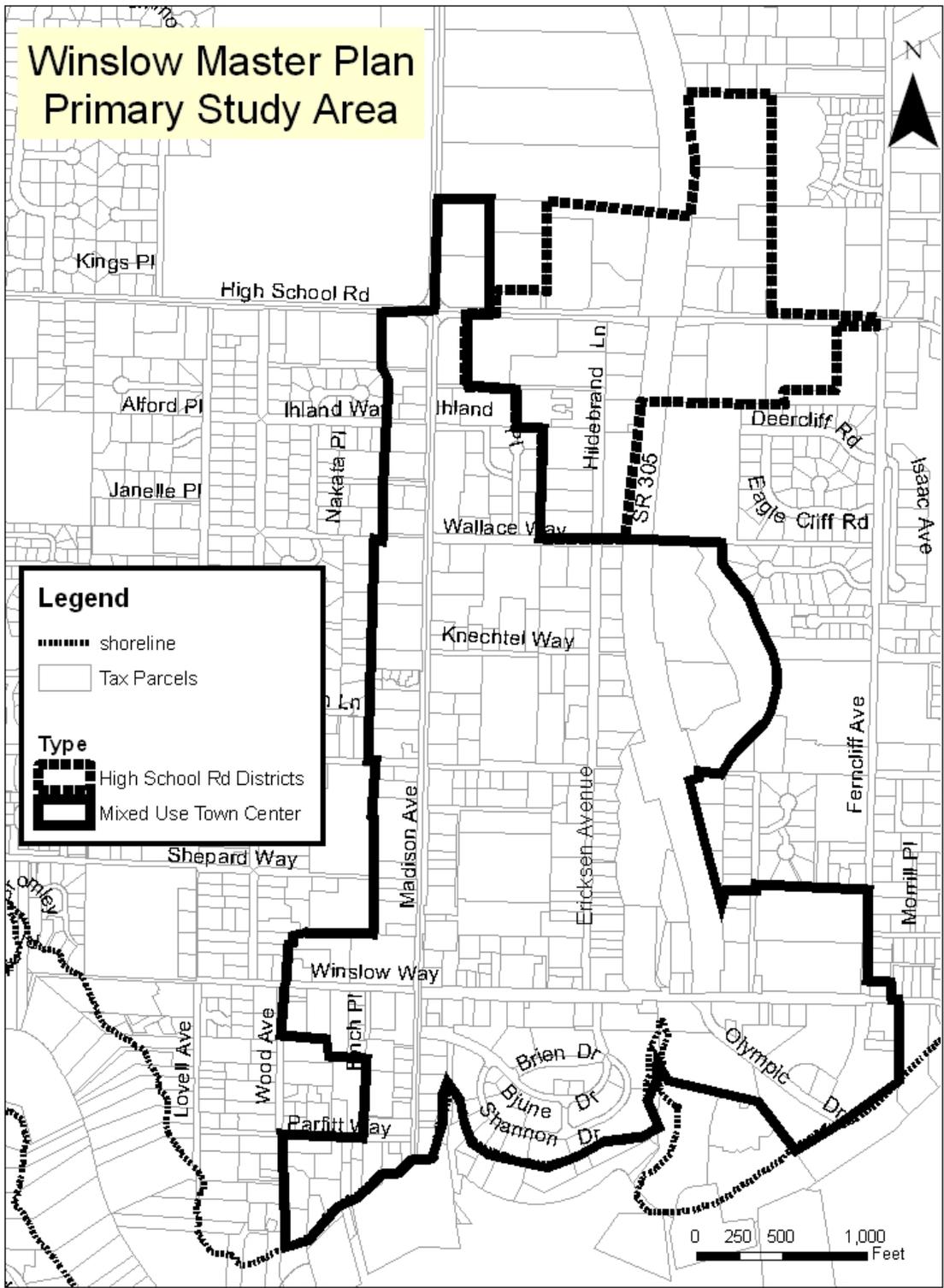


Figure 2.2

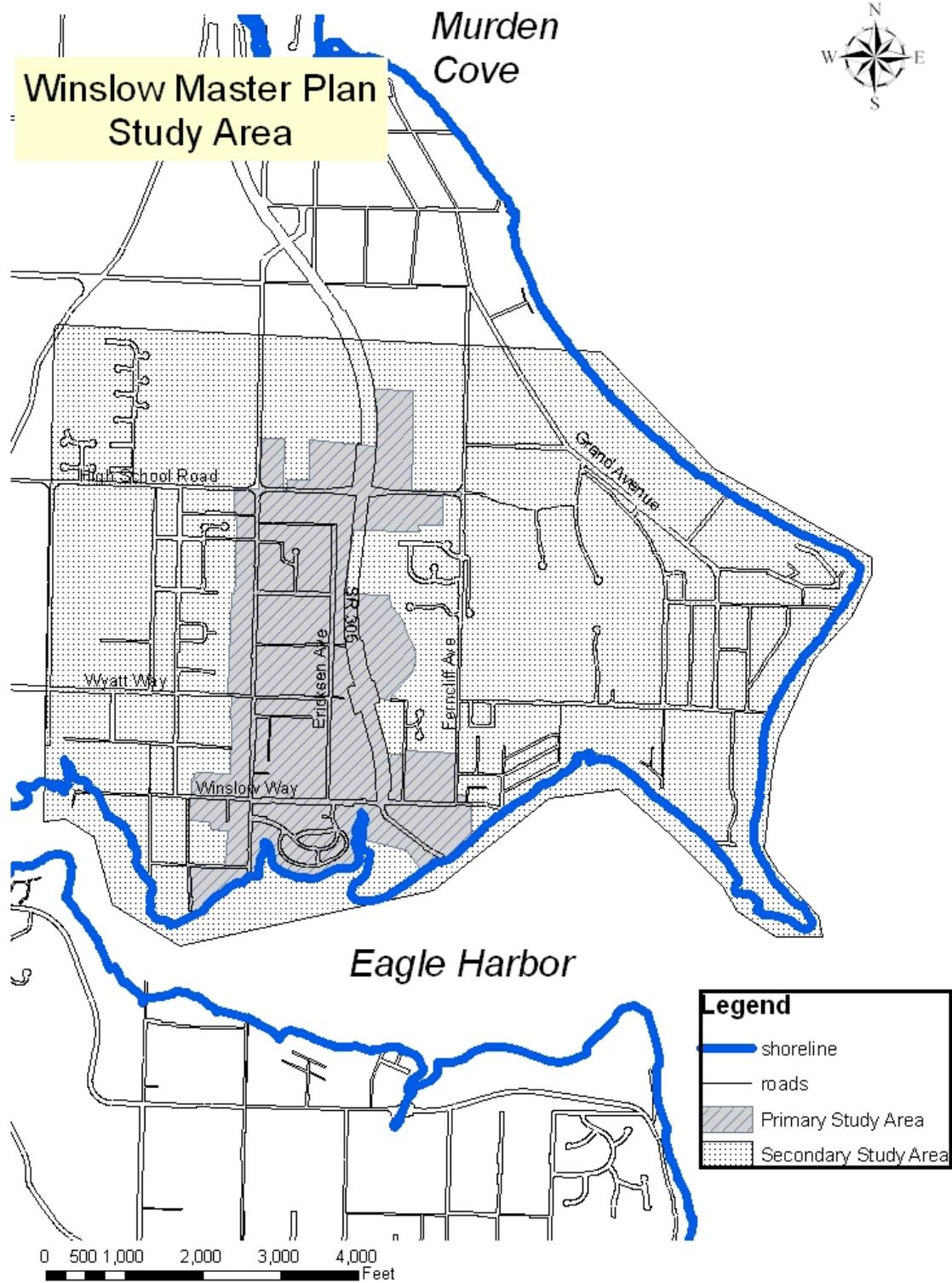


Figure 2.3

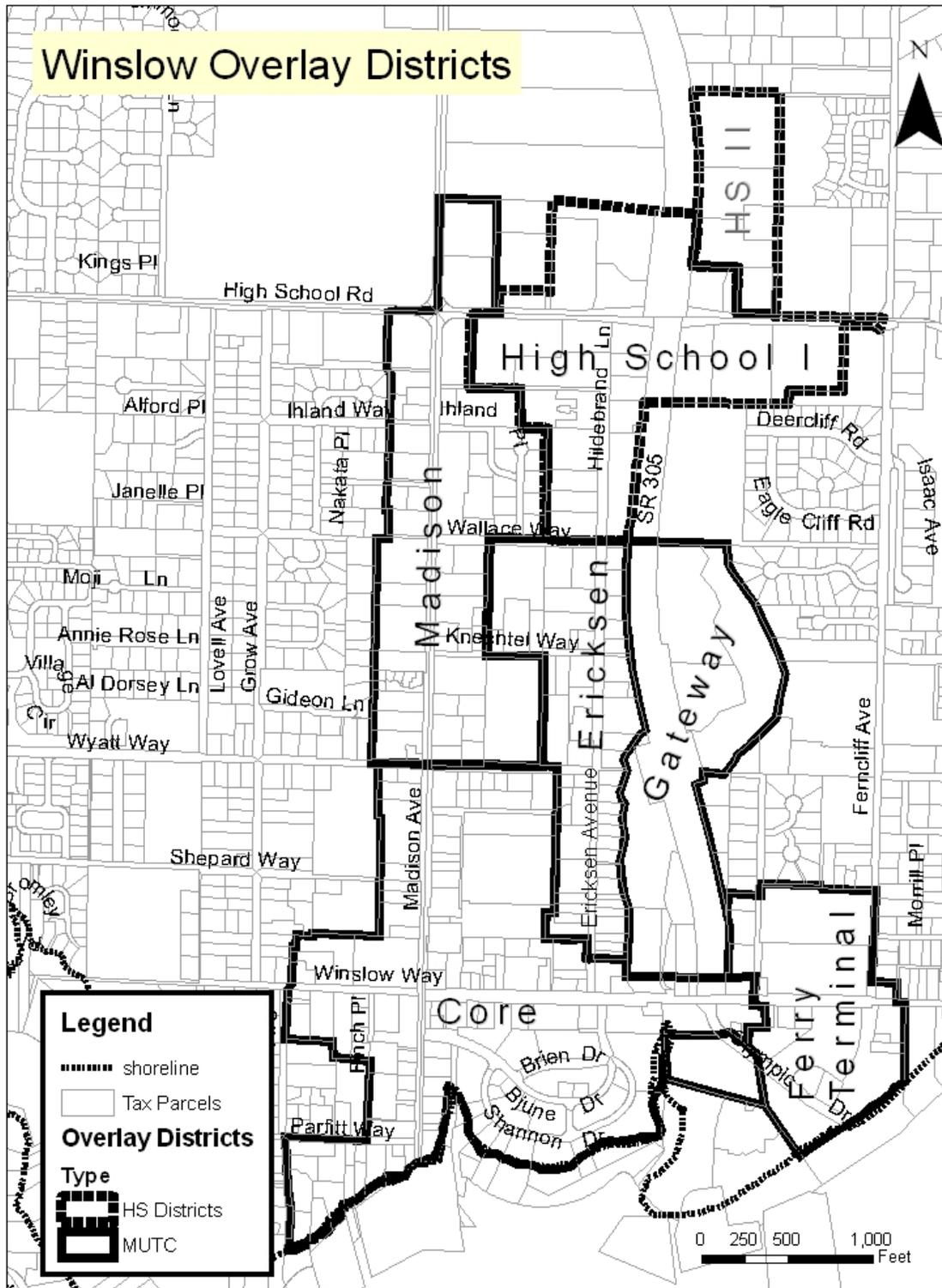


Figure 2.4

MASTER PLAN LAND USE POLICIES

Overview

The Master Plan builds on the goals and policies of the Comprehensive Plan. Producing the effects called for in the Master Plan will require relatively minor adjustments and refinements to the current land use policies and map for Winslow. This is due to the extent of work that was accomplished during the development of the City's Comprehensive Plan. The Comprehensive Plan has defined the parameters into which the Master Plan should fit.

The Plan recognizes and emphasizes the vitality and importance of Winslow and its retail core. The area defined as the Winslow Master Plan study area is designated to receive 50% of the allocation of future growth for the Island. The Master Plan assumes that a sub-target of up to 50% of this new residential development — or 25% of the Island's total growth — will be concentrated within the Mixed-Use Town Center and the High School Road Districts. Based on the City of Bainbridge Island population growth of 7,430 over the period ending 2012, and Winslow's portion thereof at 3,715 people, the associated growth in Winslow housing units would be approximately 1,500 dwelling units.

Discussion: Achieving the population projections, and the associated 1,500 dwelling units, involves some denser single family (on smaller lots) and multiple family developments. This new development, whether in stacked flats, row houses, duplexes, small lot single family or other forms, is expected to be built on both vacant lots and lots that are not developed to the intensity allowed by the existing zoning. The location, intensity, mix and connections between developments would be done in a way that is conducive to walking, biking and transit and that is supported by the availability of public infrastructure — streets, utilities, and public open space.

With the strategies contained in the Master Plan, it should be possible for Winslow to absorb this additional increment without producing a dramatic change in the pattern, intensity or appearance of development. However, the focus and form of development will be somewhat different. The land use policies described below address the issues of focus and form in each of the districts.

Overall Land Use Goal WMP 2-1

Strengthen Winslow—the Island's commercial, cultural and commuter hub—as a sustainable, affordable, diverse, livable and economically vital community, by:

- Encouraging downtown living;
- Providing an enhanced pedestrian experience, with linked access to retail shopping, the ferry, major public facilities, open space and residential areas, and promoting and retaining visual access to Eagle Harbor;
- Promoting the efficient use of land;
- Encouraging the retention and expansion of retail that serves the needs of community members and visitors;
- Providing opportunities for business expansion and private reinvestment;
- Promoting development that is sustainable and supports community values; and

- Developing strategies that result in the creation of less expensive housing and retail space, thereby increasing diversity while minimizing dependence on the automobile.

Goal WMP 2-2: Ensure the Compatibility of New Development in the Mixed-Use Town Center and High School Road Districts

Policy WMP 2-2.1: To promote compatibility between and within districts of the Mixed-Use Town Center and High School Road districts, variations in development standards and design guidelines may be provided within districts.

Policy WMP 2-2.2: Periodically review the City’s adopted design guidelines for the Mixed-Use Town Center and High School Road Districts to ensure that the guidelines remain sensitive to the individual character of the districts.

Policy WMP 2-2.3: Minimize driveways and encourage use of joint driveways.

Policy WMP 2-2.4: A full-screen vegetative buffer shall be maintained along SR 305. A similar screen should be provided within the SR 305 right-of-way. This requirement would not apply to the interior renovation of existing buildings.

Policy WMP 2-2.5: Establish transition standards for other boundaries abutting less intense districts.

Goal WMP 2-3: Maintain and Enhance Community Character in the Mixed-Use Town Center and High School Road Districts

Policy WMP 2-3.1: Promote architecture that encourages green building, natural light, ventilation and rooftop gardens.

Policy WMP 2-3.2: Through the use of design guidelines, development standards and incentives, promote the development of courtyards that create a pattern of linked public and private gardens and gathering places, providing opportunities for pedestrian movement.

Policy WMP 2-3.3: Through the use of design guidelines, development standards and incentives encourage stepped-back buildings that result in a softer street edge, the retention and enhancement of visual connections to Eagle Harbor and the creation and preservation of sun-filled public gathering spaces.

Policy WMP 2-3.4: Preserve, protect, adapt and restore sites, buildings and trees of historic significance.

Policy WMP 2-3.5: Retain and expand the historic pattern of narrow pedestrian passages.

Policy WMP 2-3.6: Enhance the livability of the downtown with trees and small gardens on the streets, along paths and in courtyards.

Policy WMP 2-3.7: Collaborate with the Arts and Humanities Council and downtown organizations to solicit sponsors for public art in the downtown.

Policy WMP 2-3.8: Enhance the experience of Winslow as a waterfront town that is connected to Eagle Harbor by activity, trails, views, lanes and design features:

- Utilize FAR levels, development standards and incentives to encourage development and redevelopment along Bjune Drive.
- Actively work to acquire land, easements and permits needed to extend the Waterfront Trail and develop a ravine trail.
- Develop new facilities for visitors, residents and the community, including public road ends, beaches, concessions, docks, marinas and mooring.
- Plan for a future water taxi connection between the Winslow and Eagledale waterfronts.
- Improve water quality through restoration projects, management practices and environmentally responsible building techniques.
- Retain views of the harbor from public lands and streets.

Goal WMP 2-4: Sustain and Enhance the Economic Vitality of the Mixed-Use Town Center and High School Road Districts

Policy WMP 2-4.1: Establish policies, programs and development standards that facilitate business expansion and private reinvestment.

Policy WMP 2-4.2: To stimulate investment in the downtown, create an organizational and funding structure that encourages partnerships and participation by the property owners, developers, businesses and island residents.

Policy WMP 2-4.3: Develop an organizational structure in city government as needed to implement the long-term vision for Winslow.

Policy WMP 2-4.4: Integrate sustainable solutions that address economic, social and ecological concerns into land use planning and building processes.

Goal WMP 2-5: Determine density and intensity of development in the Mixed-Use Town Center and High School Road Districts through the Floor Area Ratio (FAR) method.

Discussion: Floor area ratio refers to a figure that expresses the total allowable floor area in relation to the total lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area. For example, if a lot is 25,000 square feet and the FAR is 1.0, then the total square footage allowed would be: $25,000 \times 1 = 25,000$ sq. ft. A development of 1 FAR could have up to 25,000 sq. ft. of development that could be commercial or residential.

Although density is frequently defined by dwelling units per acre in suburban communities that are comprised of single-use districts, it is less useful in areas where a mixture of uses is

desired. Using FARs provides flexibility to design a project to address a particular site. The use of FAR allows the market to determine the number and size of units and the mix in the type of development. (Conventional density limits can discourage affordability since smaller, less expensive units count the same as larger, more expensive ones.)

It is possible to relate FAR to a range of achievable units per acre, as follows:

0.4 FAR would produce 8-20 units per acre

0.8 FAR would produce 16-40 units per acre

1.5 FAR would produce 24-60 units per acre

The unit range results from the variety of unit sizes that can occur.

Parking requirements also influence the number of units that a site could accommodate. The form of parking also affects the extent to which a development actually reaches the densities suggested by each range. Surface parking coupled with larger average unit sizes would tend to produce the lower end of the range, while structured parking coupled with smaller average unit sizes would allow the higher end to be possible.

FAR allows uses to be weighted according to the characteristics of a particular district. For example, one district might allow an FAR of 0.4 for commercial and 0.4 for residential, while another might allow 0.4 for commercial and 0.8 for residential. Each development would be a unique blend of uses and unit sizes.

Policy WMP 2-5.1: Establish base floor area ratio levels for commercial, residential and mixed-use development (FAR) for each of the five overlay districts in the MUTC and the High School Road Districts, in coordination with a study of the necessary infrastructure, particularly transportation.

Policy WMP 2-5.2: Establish maximum FAR levels of development beyond the base for each of the districts through the use of bonus FAR provisions. The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values. Bonus FAR may be achieved by:

- Preserving open space, agricultural land and critical areas, through participation in a Transfer of Development Rights (TDR) program or contribution to a land preservation effort;
- Providing public open space that is visibly accessible to the public, with adequate access from a public corridor.
- Contributing toward or providing public amenities (above and beyond what is required to mitigate the impacts of the project itself) that serve the community and enhance the livability and vitality of Winslow. Public amenities may include, but are not limited to, pedestrian connections; on-site places for public gathering; streetscape improvements; public art; and other public benefits as determined by the City;
- Preserving exceptional and/or legacy trees or trees within designated greenways.
- Preserving historic structures;
- Providing affordable housing;
- Utilizing green building and low impact development techniques;

- Creation of permanent open space on parcels that contain critical areas, by transferring development potential from the critical areas to another parcel within the Mixed-Use Town Center or High School Road Districts; and
- Relocating existing surface commuter parking to underbuilding (Ferry Terminal District only).

Priorities among the bonus FAR provisions may be established in the zoning code through the level of bonus that can be achieved through each of the provisions, and by phasing implementation of the provisions.

Policy WMP 2-5.3: The bonus FAR provisions may be changed based on future conditions without amending the Master Plan, as long those changes continue to meet the goals of the Comprehensive Plan and Winslow Master Plan, and provided that changes are made in coordination with a study of the necessary infrastructure, particularly transportation.

Policies for Specific Districts

Specific land use policies in the MUTC and High School Road Districts are as follows:

Central Core Overlay District

Policy WMP 2-6.1: Establish FARs and development standards that support mixed-use development at a level that encourages downtown living with a variety of housing sizes and types, provides commercial and retail services that meet the needs of the community, and enhances the vitality of the downtown.

Policy WMP 2-6.2: Encourage the retention and development of ground floor retail on Winslow Way, Madison Avenue, Bjune Drive and other appropriate areas, and establish the implementing FAR levels and development regulations.

Policy WMP 2-6.3: Increase the vitality of the civic plaza — currently comprised of the Farmers’ Market, BPA and City Hall — by developing better circulation and enhanced pedestrian amenities, providing opportunities for future civic and cultural buildings; and encouraging a greater variety of activities.

Policy WMP 2-6.4: Design Winslow Way as the community’s “living room”-- the stage for community gatherings and a gallery to showcase art and gardens. The central section of Winslow Way should function as a civic plaza, with artistic gathering spaces and unique design features.

Ericksen Overlay District

Policy WMP 2-7.1: Establish FARs and development standards that provide for a mix of residential and small-scale commercial development, while preserving the unique and historical features of the Ericksen Avenue neighborhood.

Madison Overlay District

Policy WMP 2-8.1: Establish FARs and development standards that provide for a mix of residential and small-scale commercial development, with retail located on the ground floor.

Gateway Overlay

Policy WMP 2-9.1: Establish FARs and development standards that provide for commercial, multifamily, and tourist-oriented uses while ensuring protection of the natural character of the Ravine.

Policy WMP 2-9.2: Development within the district should include provisions for pedestrian access to adjoining parcels and neighborhoods, and as part of the pedestrian link to the ferry terminal and waterfront.

Policy WMP 2-9.3: Implement policies to restore and protect the habitat, forest and water resources of the Ravine and provide for non-motorized public access.

Ferry Terminal Overlay District

Discussion: The Ferry Terminal Overlay District — currently dominated by parking — could undergo significant change as it transforms from surface parking lots for commuters to a new pedestrian and transit oriented, mixed-use neighborhood. Although the Core District is designated for the most intense development in the Mixed Use Town Center, new development in the Ferry Terminal District should complement the character and vitality of the Core District. Higher density housing is appropriate for this area because of its proximity to the ferry and downtown and because it is a prime view location. Parking for both commuters and new development may be integrated within (or under) housing or in adjacent garages.

Policy WMP 2-10.1: Establish FARs and development standards that provide for a pedestrian/transit oriented, mixed-use neighborhood with higher density residential development, commercial development, and some retail, while protecting the adjacent residential neighborhoods.

Policy WMP 2-10.2: Enhance the district's status as the "gateway" to Winslow by maximizing opportunities for visual and physical access to the shoreline while protecting, reclaiming and sustaining high quality, native shoreline vegetation. Civic and public uses should be provided along the waterfront.

Policy WMP 2-10.3: The area south of Winslow Way is intended to redevelop as a transit and pedestrian friendly mixed-use neighborhood, with small blocks served by a network of streets, alleys, public open space and pedestrian walkways.

Policy WMP 2-10.4: Allow additional parking spaces in structured parking in the Ferry Terminal District for use by non-commuter ferry passengers in off-peak hours (e.g., after 9:00 a.m.), when constructed in conjunction with placement of an equivalent amount of existing surface ferry parking in structure.

Policy WMP 2-10.5: Any redevelopment of the ferry terminal and/or related transit services should maximize public open space and minimize the development footprint, and should provide shoreline views, a public plaza and a pedestrian accessible waterfront.

Discussion: The transit center should address multimodal users and should integrate access to the public plaza and shoreline. “Stacking” of vehicle holding, transit and terminal activities is preferred.

Policy WMP 2-10.6: Commuter parking located in the Ferry Terminal Overlay District shall be limited in number and/or area to achieve the following objectives:

- Protect the character of the district from being further dominated by parking;
- Encourage the redevelopment of the district;
- Limit traffic impacts; and
- Encourage transit, non-motorized, and other travel methods as alternatives to low-occupancy vehicles.

Policy WMP 2-10.7: North of Winslow Way, the City shall protect adjacent residential neighborhoods from adverse impacts associated with development by establishing transition standards, such as landscaped buffers, lower height limits, small-scale buildings and other appropriate measures.

High School Road I and High School Road II

Policy WMP 2-11.1: Establish FARs and development standards that provide for a variety of commercial uses that complement downtown Winslow and benefit from automobile access near the highway, while creating a pedestrian-friendly retail area. In High School Road II, retail uses shall be limited to 14,400 sq. ft. (See Land Use Element Policy W 5.3.)

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CITY OF
BAINBRIDGE ISLAND

ADMINISTRATIVE MANUAL

PLANNING PERMIT SUBMITTAL REQUIREMENTS

Department of Planning and Community Development
January 1, 2012; Last Updated December 2019

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Introduction

This Administrative Manual is designed to supplement the permit processes described in the land use, zoning, and environmental sections of the City of Bainbridge Island Municipal Code (BIMC). This manual identifies documents that applicants must submit in order to have a complete application for development review and decision. Consistent submissions to the City of Bainbridge Island help the efficiency of the review process as well as clarifying requirements for applicants. The procedures required for review and approval of most applications are detailed in BIMC Title 2: Administration, Personnel and Land Use Procedures of the BIMC.

The [Master Land Use Application](#) is required to be submitted with each of the land use permits discussed herein. Please see the application for the number of copies for specific permits. A land use permit shall not be considered complete until the required application, [fee](#), and all supporting materials are submitted to the Department. The applicant shall submit an electronic copy of all required documents at the time of application submittal. The Director may waive specific submittal requirements determined to be unnecessary for review of an application.

Most applications also require a separate fee to the Kitsap Public Health District.

The City's [Fee Schedule](#) can be viewed on the City's website.

Additional links referenced in this document

Link	Website address
City of Bainbridge Island Design and Construction Standards Manual	http://www.ci.bainbridge-isl.wa.us/169
Design for Bainbridge Design Review Manual	https://www.bainbridgewa.gov/DocumentCenter/View/12502
Design for Bainbridge checklist / worksheet	
Island-wide Transportation Plan (IWTP)	https://www.bainbridgewa.gov/708
Landscape Materials Matrix	https://www.bainbridgewa.gov/DocumentCenter/View/12756
Shoreline - Joint Aquatic Resources Permit Application (JARPA)	https://www.epermitting.wa.gov
Shoreline Site Specific Analysis Submittal Requirements	http://www.bainbridgewa.gov/DocumentCenter/View/7306
Shoreline Single-family Residence Mitigation Manual	http://www.bainbridgewa.gov/DocumentCenter/View/5663
Sign Permit Worksheet	http://www.bainbridgewa.gov/DocumentCenter/View/7408
Site Assessment Review (SAR)	http://www.ci.bainbridge-isl.wa.us/882

Basic Site Plan

The site plan must be legible and easily understood by professionals as well as the public. Clearly differentiate between existing and proposed development. The information to help prepare a site plan is readily available to the public through these links:

[City Resources](#)

[County Resources](#)

[Public Health District](#)

- Plan sheet 18" * 24" or 24" * 36" in size
- Engineer's scale, for example: 1 inch = 20 feet
- Title block: Project name; owner name; site address, tax parcel number; subdivision name
- North arrow
- Vicinity map
- Quarter section, township and range
- Depict the entire property and the area within a 150-foot radius of the property
- Zoning / Comprehensive Plan designation
- Property boundaries (bold line)
- Lot size and lot area (BIMC 18.12.050)
- Easements: Include access, utility, other (e.g. use easements, conservation easements)
- Zoning setbacks or subdivision setbacks / buffers (as applicable)
- Contour lines at five foot intervals (existing and proposed)
- Shoreline jurisdiction: Include OHWM, shoreline structure and side yard setback, shoreline buffer Zones 1 & 2, areas of native vegetation, location and size of significant trees
- Critical areas and their buffers / setbacks: Dimension required buffers / setbacks and any proposed modifications. Label top/toe of slopes greater than 15 percent and top/toe of slopes 40 percent or greater, floodplain, wetlands, streams
- Delineate and dimension existing areas of native vegetation
- Aquifer Recharge Protection Area (ARPA): Delineate the and show the area calculations. Document the ARPA development standards in BIMC 16.20.100.D.
- Depict vegetation protection areas (e.g. "no-build zones", perimeter and roadside landscape buffers, designated wildlife corridors)
- Depict and dimension the exterior of all existing and proposed structures: Clearly differentiate between existing and proposed. Label each structure by its use (e.g. garage, landscape / retaining wall, eave, fence, mechanical equipment)
- Impervious surface areas (existing and proposed): Label and dimension each area (e.g. building, driveway, parking area, patio)
- Area of disturbance: Separately delineate and dimension earth disturbance areas
- Stormwater facility: Location / management method (e.g. dispersion, infiltration, detention)
- Sewer / septic system facility: Include lines, primary and reserve drainfields and setbacks
- Water / well facility: Include lines, water meters, well house, well protection area
- Other facilities: Include power lines, generators, propane tanks, heat pumps, solar panels
- Historically significant structures on or adjacent to the property (i.e. constructed over 50 years ago or listed on the local or national historic register)

Utilities Plan

- Minor (abbreviated) drainage plan for proposals that do not require engineered plans

OR

- Engineered preliminary drainage plans
- Engineered preliminary drainage report

AND

- Plan sheet 18" * 24" or 24" * 36" in size
 - Engineer's scale, for example: 1 inch = 20 feet
 - Location of stormwater facilities
 - Management method (e.g. dispersion, infiltration, detention)
 - Existing and proposed structures and improvements on the subject property including:
 - Driveways
 - Parking areas
 - Parking space (dimensioned)
 - Solid waste facility (dimensioned)
 - Landscape / retaining walls
 - Fences
 - Mechanical equipment
 - Existing and proposed utilities on the subject property including:
 - Wells / well head protection areas
 - Water / Sewer lines
 - Drainfields (primary and reserve)
 - Septic system setbacks (Health District)
 - Power lines, utility poles, telecommunication facilities
 - Existing and proposed structures / utilities within 150 feet of the property including:
 - Wells / well head protection areas
 - Water / Sewer lines
 - Fire hydrants
 - Adjacent streets
 - Adjacent right-of-way with road classification
 - Existing and proposed right-of-way width
 - Existing driving surface width and type (e.g. gravel, asphalt, pervious concrete)
 - Roadside facilities (e.g. shoulder, ditch)
 - Non-motorized facilities width and type (e.g. sidewalks, trails)

Landscape Plan

A Landscape Plan shall be prepared by a landscape architect licensed in the State of Washington, a Washington certified nursery professional or a Washington certified landscaper and a certified arborist (when required) and include the following information, at a minimum. A helpful [Landscape Materials Matrix](#) is available on the City website.

- Plan sheet 18" * 24" or 24" * 36" in size
 - Engineer's scale, for example: 1 inch = 20 feet
 - North arrow
 - Title block: Project name; site address, tax parcel number;
 - Property boundaries (bold line)
- A. Tree and Vegetation Retention Plan. The applicant shall submit a tree and vegetation retention plan concurrent with applicable permit application in to demonstrate compliance with BIMC Section 18.15.010. If multiple permits are required, the applicant must submit the tree retention plan with the first and all subsequent applications. The tree retention plan may be combined with the planting plan (see section 3 below) and shall consist of:
1. A tree survey or aerial photograph that represents current site conditions and identifies the location of all significant trees, tree stands and their associated canopies. The survey needs to include enough information about existing trees on a property to demonstrate compliance with section BIMC Section 18.15.010.G *Total Site Tree Unit Requirements* (if applicable). New planting may be required to meet these requirements (see section 3 below).
 2. For detailed site plans and grading applications, the tree survey may be conducted by a method that locates individual trees and tree stands, their size(s) and species. These trees shall be marked in the field at the time of permit or approval application and maintained through the construction period; and
 3. A development site plan identifying size and species of the trees and tree stands, as defined in BIMC 18.15.010.C, heritage trees, or other existing vegetation that are proposed to be retained.
 4. The International Society of Arboriculture (ISA) valuation for trees:
 - a. Required to be retained for development projects in the R-2.9, R-3.5, R-4.3, R-8, R-14, Mixed Use Town Center (MUTC), High School Road, and Neighborhood Service Center Districts; and
 - b. In all zones where the critical root zone of a tree required to be retained may be impacted by clearing, grading construction, development, or maintenance; and
 5. An analysis prepared by a certified arborist about long-term health and/or viability for trees that will be on the edge of the developed area and "post development" tree health for trees requested for removal in roadside or perimeter buffers. This analysis should also address protection during construction (see below).
 6. Protection during construction strategies for trees and vegetation to be retained.

- B. Description of how the tree retention plan and planting plan meet the *Total Site Tree Unit Requirements*, pursuant to BIMC 18.15.010.G, if applicable.
- C. Planting Plan. All plans must be prepared or approved, by a landscape architect licensed by the state of Washington, a Washington certified nursery professional or a Washington certified landscaper. The proposed landscape planting plan shall be clearly legible and show the following:
 1. A title that includes the project name, owner's name, designer's name, date and scale of no less than one inch equals 30 feet. All items shall be labeled, and north shall be oriented towards the top or left of the plan
 2. Property boundaries, easements, and ownership as set forth in the legal description;
 3. Existing and proposed grades of at least five-foot intervals
 4. Rights-of-way, setbacks, streets and utilities within the subject property
 5. All proposed construction and planting and any future construction and planting that is not included in the application
 6. Location of all existing and proposed buildings, structures, utilities and improvements within the property
 7. A plant list for all proposed new planting delineating quantities, scientific and common names and sizes. Names of plants are to follow current edition of the Hortus Third, A Concise Dictionary of Plants Cultivated in the U.S. and Canada; and sizes of plants are to follow the current edition of the American Standard for Nursery Stock, American Association of Nurseryman (AAN).
 8. Vegetation clearing strategies
 9. Topsoil protection and reuse strategies, including limiting compaction during construction
 10. Native soil amendment strategies
 11. Planting times and physical limits of construction
 12. Areas that require temporary or permanent irrigation

Buffer Enhancement Plan

- A. Basic Site Plan
- B. Terms, conditions, covenants, and agreements under which the subject property is bound
- C. Buffer Enhancement Plan. A buffer enhancement plan prepared in accordance with applicable state and federal agency standards and the requirements in BIMC 16.20.180
- D. Critical area reports by qualified professionals in the area of concern as provided in BIMC 16.20.190 – Definitions;
- E. Any other relevant information and reports that are necessary, in the opinion of the Director, to process and prepare the decision on the application, such as permit applications to other agencies and special studies;
- F. State Environmental Policy Act (SEPA) checklist (if applicable)

Adjustment to an Approved Land Use Permit (Minor & Major)

NOTE: This section does not apply to subdivisions- see Subdivision Alterations below)

A minor adjustment entails small changes in dimensions or siting of structures or the location of public amenities and does not change the intensity or the character of the use. A major adjustment includes modification to the basic design, intensity, density and / or use.

- A. Basic Site Plan
- B. Utilities Plan (as applicable)
- C. Landscape Plan (as applicable) with proposed landscaping as required by BIMC 18.15.010, including any required retention.
- D. Copy of the approved plan
- E. Written description of the proposed change, including a detailed analysis of how the change complies with decision criteria of the application used in the first instance
- F. Authorization of all owners of all lots involved in the change

Administrative Code Interpretation Request

The Director has the authority to provide interpretations of provisions, uses, or definitions in BIMC Titles 16, 17 and 18 and related provisions in BIMC Title 2, and will make these interpretations available to the public. Any person may apply to the director for an interpretation of any provision in these titles. The Director shall provide the interpretation taking into account consistency with the Comprehensive Plan, the nature of the definition or use, and its relationship to the code and its potential impacts, such as:

- A. Whether it involves dwelling units; sales; processing; type of product, storage and amount;
- B. Enclosed or open storage;
- C. Anticipated employment;
- D. Transportation requirements;
- E. Excessive noise, odor, fumes, dust, toxic material, light, glare, and vibration likely to be generated; and
- F. The general requirements for public utilities such as water and sanitary sewer.

The authority to provide an interpretation does not include the authority to add a new permitted ("P") or conditional ("C") use to the use table in BIMC 18.09.020. The Director's interpretation is subject to appeal pursuant to BIMC 2.16.020.P.1.

Agricultural Retail Plan

- A. Basic Site Plan including a delineation of specific use areas (pasture, heavy use area, etc.).
- B. Farm Management Plan, if required pursuant to BIMC 18.09.030.A.1.
- C. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

Boundary Line Adjustment

- A. Basic Site Plan
- B. Survey drawing
 1. Conventional scale and prepared by a surveyor licensed in the State of Washington
 2. Separate sheets depicting existing conditions and resultant conditions
 3. Zoning and Comprehensive Plan designation
 4. Shoreline upland and water environment designations
 5. Proposed method to meet fire flow requirements
 6. Names and locations of adjacent subdivisions
 7. Gross lot size (in square feet) of each existing and resultant lot
 8. Lot area of each existing and resultant lot/tract (As calculated in BIMC 18.12.050.J)
 9. Zoning or subdivision setbacks, as applicable
 10. Ordinary High Water Mark
 11. Required critical areas, their buffers and setbacks
 12. Required vegetation buffers
- C. Existing and proposed terms, conditions, covenants, and agreements on the subject property
- D. Perimeter lot closures for each existing and resultant lot
- E. Title report dated not more than six months prior to application
- F. Property legal description
- G. Draft agreements (e.g. use easement, road maintenance agreement)
- H. Water and sewer availability letters (public water/sewer) for each resultant lot
- I. Other technical reports (as applicable): Wetland delineation and report or wetland determination; Geotechnical report/assessment

Comprehensive Plan Amendment

A comprehensive plan amendment application and fee as established by city council resolution must include the following:

- A. A complete and detailed written statement including the nature of and reason for the amendment request, any specific suggested changes to the plan or appendices;
- B. A description of how the amendment request is consistent with all of the decision criteria specified in BIMC 2.16.190.H;
- C. A completed SEPA checklist including supplemental sheet for nonproject actions; and
- D. Any other reports or studies identified during the preapplication conference (Ord. 2006-13 § 4, 2006).

Conceptual Proposal Review Meeting

- A. Statement of Intent – A written narrative about the property, the neighborhood, and proposed use. Identify the objectives of the land use process, the objectives of the Comprehensive Plan goals and policies, and the objectives of the Design for Bainbridge design review manual, as they apply to the proposal.
- B. Context Map - Provide sufficient information to evaluate the neighborhood or community characteristics, including: aerial photo, adjacent recreation, conservation, or other protected land, streetscape photos to illustrate road frontage character/conditions, adjacent and nearby houses or structures, nearby historic or cultural features that contribute to the character of the area, nearby transit routes and stops, and existing or planned transportation facilities as shown in the Island-wide Transportation Plan (IWTP).
- C. Site Analysis – The site analysis shall be a map used to determine the conservation areas, conservation areas of greatest importance, and development areas. The site analysis shall show: general topography, critical areas and their buffers/setbacks, viewsheds on and off site, individual significant trees, extent and location of priority natural area (e.g., forested land, agricultural land, wildlife corridors, etc.), existing infrastructure or other built features, existing easements, existing trails, unique site characteristics, historic resources.

Conditional Use Permit (Minor & Major)

- A. Basic Site Plan
- B. Utilities Plan
- C. Site Assessment Review (SAR) or SAR Exemption
- D. Landscape Plan
- E. State Environmental Policy Act (SEPA) checklist (if applicable)
- F. A complete and detailed written statement of the intended use of the land and the sequence and timing of the proposed development
- G. The terms, conditions, covenants, and agreements under which the subject property is bound, if any
- H. Affidavit of ownership or agreement to work on the owner’s behalf
- I. Land dedicated for park and recreational facilities, if applicable
- J. For installation of outdoor lighting fixtures, evidence of compliance with the requirements of chapter 18.15.040, Outdoor Lighting
- K. Written statement describing how the application meets all applicable decision criteria
- L. Institutional development in residential zones shall submit the following items:
 - 1. A traffic report, showing the effects on level of service (LOS) on affected roads
 - 2. A fencing plan or alternative methods to protect the public health, safety and welfare
 - 3. Vehicular, pedestrian, and bicycle access and site circulation
- M. Design for Bainbridge checklist / worksheet

Consultation

- A. Property location – 14-digit parcel number or site address.
- B. Basic project information.
- C. List of specific questions.
- D. Conceptual site plan (optional).

Critical Area Permit (Minor and Major)

- A. Basic Site Plan
- B. Terms, conditions, covenants, and agreements under which the subject property is bound
- C. A written narrative describing how the proposal meets the critical area permit review criteria as defined in BIMC 16.20.070.B;
- D. Additional submittal requirements vary depending on the type of critical area. Specific submittal requirements are described in each of the following sections of BIMC 16.20:
 - Trees and vegetation – BIMC 16.20.090.G (minor)
 - Critical aquifer recharge areas – BIMC 16.20.090.B.3 (minor)
 - Fish and wildlife habitat conservation areas – BIMC 16.20.110.D and F (minor or major)
 - Geologically hazardous areas – BIMC 16.20.130.C (minor)
 - Wetlands – BIMC 16.20.140.F (minor or major)
 - Winslow Ravine – BIMC 16.20.150.C (major)
- E. Any other relevant information and reports that are necessary, in the opinion of the director, to process and prepare the decision on the application, such as permit applications to other agencies and special studies;
- F. State Environmental Policy Act (SEPA) checklist (if applicable)
- G. Other plans and drawings deemed necessary by the Director for evaluation of the merits of the proposal.

Design Guidance Review Meeting

- A. Schematic Design - This plan is based on the site analysis and context map and shows location, as applicable, of natural area, community space, significant trees to be retained, homesites, vehicle and non-motorized access, location and size of stormwater and septic systems, and lot lines. The proponent is required to bring one or more development concepts or alternatives to indicate possible design options for the site.
- B. Project vision summary
- C. Design for Bainbridge checklist / worksheet
- D. Conceptual floor plan with estimated commercial and residential square footage
- E. Aerial and streetscape photographs with streets and site boundaries labeled
- F. Basic Site Plan with the following additional requirements
 1. Proposed structure footprints and structure entrances
 2. Proposed location and description of mechanical equipment
 3. Proposed location of trash / recycling structures and accessory structures
- G. Preliminary sections: Transverse and longitudinal site sections extending to adjacent buildings within 100 feet of property; section through the most critical area of the structure(s) with property lines, floor to floor heights, overall height, and spot elevations
- H. Preliminary Elevations: Main elevations of each structure and of adjacent structures; material and color selections; mechanical screens and venting locations
- I. Optional but strongly recommended
 1. Renderings: Eye level perspective from major street location; aerial perspective depicting entire project and adjacent buildings in context
 2. Exterior Lighting Plan: Location and indication of light spillage at night.
- J. **Additional requirements for subdivisions**
 1. Document the four-step design process identified in BIMC 17.12.030
 2. Document requested departures from subdivision standards contained in BIMC 17.12.060 and 17.12.070: Address consistency with general purpose of intent of the subdivision chapter, the intent of the four-step design process, and the specific standard from which the departure is requested.
 3. Identify [Island-Wide Transportation Plan](#) and [City of Bainbridge Island Design and Construction Standards](#). Document requested deviations.
 4. Depict views of proposed houses from exterior roads and abutting properties vis-à-vis natural topography and existing vegetation
 5. Additional site plan requirements
 - a. Delineate primary and secondary Natural Areas, provide area calculations for each and proposed form of ownership. Identify the functional characteristics of each Natural Area type in BIMC 17.12.050.A.2.a. i-iii and b. i. – vii.
 - b. Show location of Natural Area fencing and/or signage
 - c. Delineate Community Space, provide area calculation and proposed form of ownership
 - d. Delineate and document Homesite Standards in BIMC 17.12.060 and Table 17.12.060-1, and Subdivision Standards in BIMC 17.12.070 and Table 17.12.070-1

Farm Management Plan

In order to exceed maximum animal density allowances provided for in BIMC 18.09.030, a farm management plan approved by the City, its designee, or a qualified third party must be implemented and maintained. The farm management plan shall contain the following:

- A. Basic site plan, with the following additional information
 - 1. Adjacent residences
 - 2. location and area of all pasture area(s), shelter structure(s), compost and manure storage,
- B. Description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
- C. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;
- D. Emergency response plan and emergency response contacts
- E. Description of the potential impacts of animal agriculture and use of applicable National Resource Conservation Service (NRCS) conservation practice standards or equivalent measures to mitigate impacts, including:
 - 1. Water Quality and Soils. Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
 - 2. Noise and Odor. Impacts related to the location on the lot of the animal pasture and shelter, any trash or compost storage areas, any farm stand or additional accessory structure, and any other noise-generating or odor-generating equipment and practices.
 - 3. Agricultural Chemicals. Impacts related to the use of chemicals, including any manure, fertilizer and pesticide.
 - 4. Mechanical Equipment. Impacts related to the operation of equipment, including noise, odors, and vibration.
 - 5. Traffic and Parking. Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site.
 - 6. Visual Impacts and Screening. Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, including the location of pasture, composting activities and manure storage, and any existing or proposed screening.

Housing Design Demonstration Project

In addition to any submittal requirements from the underlying land use permitting process, the following additional information is required for a Housing Design Demonstration Project:

- A. Survey prepared by a licensed surveyor, including information showing existing conditions and site information including, but not limited to, topography (contour interval not to exceed 5 feet), an elevation benchmark (located on or within 100 feet of the proposed site), adjacent development, vegetation, utilities, critical areas, property lines, and easements. Whenever possible, survey information should be submitted on City of Bainbridge Island vertical and horizontal datums. All plans must be submitted at an easily reproducible engineering or architectural scale. The survey data should be integrated into all site plans and elevation drawings related to the project and the source of the survey information shall be noted.
- B. Plans descriptive of drawings of the proposed innovative housing types including building footprints and building elevations, floor plans, and roof plans.
- C. A description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit.
- D. A description of the required development standards, compared with the standards that relief is being requested. This includes, but is not limited to, setbacks, density, or parking requirements. The applicant should explain how relief from specific development standards is needed to achieve the desired innovative design and the goals of this chapter.
- E. Photographs of the subject and adjacent properties key to the basic site plan.
- F. Landscape Plan.
- G. A detailed description of any project phasing.
- H. A description of how the proposed development is consistent with the surrounding neighborhood character.
- I. A description of how the proposed development complies with the goals of BIMC 2.16.020.Q, project evaluation criteria as described in BIMC 2.16.020.Q, and all relevant decision criteria.
- J. A completed green building checklist from Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, LEED or BuiltGreen programs that require third party verification review with the requisite four and five star levels.

Legislative Review of Development Regulations and Rezoning

Legislative Review of Development Regulations

An application and fee as established by city council resolution shall be made on forms prescribed by the department. The application shall contain the following:

- A. A complete and detailed written statement explaining the existing regulations and proposed changes (including specific language, if possible);
- B. A detailed description of how the proposal meets the goals and policies set forth in the Comprehensive Plan; and
- C. A completed SEPA checklist including supplemental sheet for nonproject actions (if applicable); and
- D. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

Rezoning (Site-specific and Area-wide)

A rezone application and fee as established by city council resolution shall be made on forms prescribed by the department. The application shall contain the following:

- A. A complete and detailed written statement explaining how the subject property is suitable for the proposed rezone and why the rezone would not be detrimental to surrounding land uses.
- B. A map that shows address topography, streets, adjacent land uses, utilities and other pertinent factors that would justify the proposed rezone;
- C. A detailed description of the proposed use for which the rezone is sought and how such action meets the decision criteria in BIMC 2.16.140;
- D. A legal description of the property(ies) and tax lot number(s);
- E. The names and addresses of all property owners; and
- F. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.
- G. A completed SEPA checklist including supplemental sheet for nonproject actions.

Preapplication Conference

- A. Basic Site Plan
- B. Conceptual Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- C. Conceptual Utilities Plan
- D. Site Assessment Review (SAR) or SAR Exemption
- E. Design for Bainbridge checklist / worksheet
- F. **Additional requirements for subdivisions**
 - 1. Lot area of each existing and resultant lot (BIMC 18.12.050.J)
 - 2. Proposed covenants or restrictions
 - 3. Site plan – additional requirements
 - a. Separate sheets depicting existing and resultant conditions
 - b. Zoning and Comprehensive Plan designation for subject and adjacent properties
 - c. Shoreline upland / water environment for subject and adjacent properties
 - d. Proposed method to meet fire flow requirements
 - e. Names and locations of adjacent subdivisions;
 - f. Delineate primary and secondary Natural Areas, provide area calculations for each and proposed form of ownership. Identify the functional characteristics of each Natural Area type in BIMC 17.12.050.A.2.a. i-iii and b. i. – vii.
 - g. Show location of Natural Area fencing and/or signage
 - h. Delineate Community Space, provide area calculation and proposed form of ownership
 - i. Delineate and document Homesite Standards in BIMC 17.12.060 and Table 17.12.060-1
 - j. Delineate and document Subdivision Standards in BIMC 17.12.070 and Table 17.12.070-1
 - 4. Document the four-step design process identified in BIMC 17.12.030
 - 5. Document requested departures from subdivision standards contained in BIMC 17.12.060 and 17.12.070, including BIMC Tables 17.12.060-1 and 17.12.070-1: Address consistency with general purpose of intent of the subdivision chapter, the intent of the four-step design process, and the specific standard from which the departure is requested.
 - 6. Identify [Island-Wide Transportation Plan](#) and [City of Bainbridge Island Design and Construction Standards](#). Document requested deviations.
 - 7. Depict views of proposed houses from exterior roads and abutting properties vis-à-vis natural topography and existing vegetation

Reasonable Use Exception

- A. Basic Site Plan
- B. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;
- C. Critical Area Report. A critical areas report including mitigation plan, if necessary, prepared in accordance with applicable state and federal agency standards. Such studies shall be prepared in accordance with the requirements in BIMC 16.20.180 – Critical area reports by qualified professionals in the area of concern as provided in BIMC 16.20.190 – Definitions;
- D. Any other relevant information and reports that are necessary, in the opinion of the director, to process and prepare the recommendation on the application, such as permit applications to other agencies and special studies;
- E. State Environmental Policy Act (SEPA) checklist (if applicable)
- F. Other plans and drawings deemed necessary by the director for evaluation of the merits of the proposal; and
- G. A complete and detailed written statement of the reason(s) for requesting the reasonable use exception including a detailed description of how the proposal will meet the reasonable use exception criteria as defined in BIMC 16.20.080:
 - 1. The application of Chapter 16.20 would deny all reasonable use of the property;
 - 2. There is no reasonable alternative to the proposal with less impact to the critical area or its required buffer;
 - 3. The proposal minimizes the impact on critical areas in accordance with mitigation sequencing (BIMC 16.20.030);
 - 4. The proposed impact to the critical area is the minimum necessary to allow reasonable use of the property;
 - 5. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant, or of the applicant's predecessor, that occurred after February 20, 1992;
 - 6. The proposed total lot coverage does not exceed 1,200 square feet for residential development;
 - 7. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the property;
 - 8. Any alterations permitted to the critical area are mitigated in accordance with mitigation requirements applicable to the critical area altered;
 - 9. The proposal protects the critical area functions and values consistent with the best available science and results in no net loss of critical area functions and values;
 - 10. The proposal addresses cumulative impacts of the action; and
 - 11. The proposal is consistent with other applicable regulations and standards.
- H. A copy of the pre-application conference summary letter.

Revision to a Land Use Permit

A revision is required when there are proposed changes to a project after the application has been submitted but has not been approved. This may arise due to differences between the original proposal and application submittals to actual field conditions, or the customer has changed their mind about an aspect of the project. In all cases, a revision to the existing permit must be submitted, reviewed and approved. Please check with your planner prior to submitting revisions: An intake appointment may be required. All submittal requirements applicable to the original application, including number of copies, are required for revisions. Revisions may be subject to additional fees.

- A. Basic Site Plan
- B. Utilities Plan (as applicable)
- C. Landscape Plan (as applicable) with proposed landscaping as required by BIMC 18.15.010, including any required retention.
- D. Revision documents that clearly identify the proposed change, including a description of the proposed change
- E. Written description of the proposed change, including a detailed analysis of how the change complies with decision criteria of the application used in the first instance
- F. Authorization of all owners of all lots involved in the change

Shoreline - Clearing Permit

- A. Basic Site Plan, including:
 - 1. Species and location of trees or other vegetation proposed to be removed
 - 2. Size (dbh) of trees to be removed
 - 3. Area (square feet) of canopy coverage to be removed. Canopy coverage includes trees and shrubs.
 - 4. Erosion control methods, drainage information or plan, pursuant to BIMC 15.20
- B. Supplemental materials, as applicable:
 - 1. Arborist report, for removal of hazard trees, or any vegetation removal within geologically hazardous areas or buffers/setbacks
 - 2. Geotechnical report, for any vegetation removal within geologically hazardous areas or buffers/setbacks
- C. Replanting plan, including:
 - 1. Species, size, quantity, and location of trees or other vegetation proposed to be planted

Shoreline - Substantial Development Permit/Exemption, Variance, Conditional Use

- A. Basic Site Plan, with the following additional information:
1. Location of Ordinary High Water Mark (OHWM);
 2. Location of Shoreline Buffer;
 3. Location of Shoreline Structure View Setback;
 4. Shoreline dimensional setbacks;
 5. Location of native vegetation and significant trees;
 6. If structures have any attachments (e.g. deck, balcony, etc.), include elevation drawings and calculations of grade
 7. For overwater structures or development: littoral boundaries and elevation drawings with tidal elevations development
 8. For mooring buoys the following additional information:
 - a. Location of proposed buoy with latitude and longitude coordinates and swing circle;
 - b. Location of surrounding buoys, floats, or docks;
 - c. Distance measurement of proposed buoy to surrounding buoys, floats, or docks.

B. No Net Loss Documentation

All shoreline development, use and activities, regardless of whether a permit is required, must result in no net loss of ecological functions and processes necessary to sustain shoreline resources. To demonstrate that the no net loss standard is met, and applicant must either submit with application:

1. The [Single-Family Residence Mitigation Manual](#) checklist and supporting documents or
2. A [Site-specific Analysis](#) that is completed by a qualified professional.

C. Narrative explaining how the project meets the decision criteria in BIMC 2.16.165

D. Additional Documents

Depending on existing site conditions and proposed development activities, your application may require additional reports and/or studies to identify and assess potential project impacts. These include:

1. Wetland delineation and categorization (See BIMC 16.12.060.L)
2. Geotechnical Report (See BIMC 16.12.060.K)
3. Bluff Management Plan (See BIMC 16.12.060.K)
4. Utilities Plan
5. Site Assessment Review (SAR) or SAR Exemption
6. State Environmental Policy Act (SEPA) Checklist
7. Shoreline Stabilization Projects have additional submittal requirements listed in the City's Shoreline Master Program Section 6.2.10

8. For Mooring Buoys, the following additional information:
 - a. Cross-Sectional View Worksheet
 - b. Proof of submittal of site plan with latitude and longitude coordinates, vicinity map, and cross-sectional view worksheet to the Suquamish Tribe. A copy of notification e-mail sent to Alison O’Sullivan, Biologist, Suquamish Tribe is acceptable (aosullivan@suquamish.nsn.us).
 - c. Name and contact information of the diver/biologist qualified to install an embedment style anchor
 - i. An aquatic vegetation dive survey is required if a surface style anchor is proposed (Concrete block, Danforth, etc.)
 - d. Signed copy of Attachment E: Aquatic Use Authorization on Department of Natural Resources (DNR)- managed aquatic lands. This form must be submitted to and signed by DNR prior to making application to the City. Please note that Attachment E is not required for buoys that are proposed to be installed on privately held tidelands.
 - e. Attachment E must include DNR signature at time of submittal to the City to verify that DNR has been notified of the proposed buoy location. Attachment E is submitted to DNR along with a Joint Aquatic Resources Permit Application (JARPA). Attachment E and the JARPA form can be found here: https://www.epermitting.wa.gov/site/alias_resourcecenter/9978/default.aspx
Depending on the location of the buoy, your application may require additional submittal documents, including State Environmental Policy Act (SEPA) Checklist (required only if placement location is not on DNR leased land)

Sign Permit

- A. Basic Site Plan
 1. Position of buildings
 2. Landscaped areas
 3. Sign configuration
 4. Sign size
 5. Sign elevation
- B. [Sign Permit Worksheet](#)
- C. Drawing or photo of proposed sign(s) including dimensions and height above ground.
- D. Engineering specifications (if applicable).

Site Plan and Design Review (Major & Minor)

- A. Basic Site Plan
- B. Utilities Plan
- C. Site Assessment Review (SAR) or SAR Exemption
- D. Landscape Plan
- E. Preapplication conference summary (if applicable)
- F. Public participation meeting summary (if applicable)
- G. State Environmental Policy Act (SEPA) checklist (if applicable)
- H. Terms, conditions, covenants, and agreements under which the subject property is bound
- I. Traffic analysis (if applicable)
- J. Design for Bainbridge checklist / worksheet
- K. Narrative: A complete and detailed written statement describing the proposal, including:
 - 1. Intended use of the land
 - 2. Phasing, including the phasing of on- and off-site improvements
 - 3. Sequence and timing of the proposed development
 - 4. Proposed land ownership
 - 5. Commercial and residential components of the project
 - 6. Addressing the decision criteria per BIMC 2.16.040 E
- L. Documentation of Kitsap Public Health District Concurrent Review, if not on public sewer and water;
- M. Non-binding Water and Sewer availability letters (availability and phasing of system extensions)
- N. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;
- O. Architectural drawings, including floor plans, uses, building elevations, building sections, and roof plans;
- P. Description of proposed stormwater management system and maintenance and operation. See also Utilities Plan.
- Q. Description of any facilities planned for public dedication, e.g. sewage disposal system, roads, non-motorized facilities, utility lines and facilities, parks.
- R. Any other graphic materials required to adequately describe how the proposal meets specific regulations and guidelines, such as color palettes, material boards, and computerized models;
- S. For installation of outdoor lighting fixtures, evidence of compliance with the requirements of chapter 18.15.040, Outdoor Lighting, on the architectural elevations or on a form provided by the department of planning and community development.
- T. A survey may be required depending on project complexity

Subdivision – Preliminary (Short/ Long /Large Lot)

- A. Basic Site Plan
- B. Utilities Plan
- C. Site Assessment Review (SAR) or SAR Exemption
- D. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- E. Preliminary Plat
 1. Conventional scale and prepared by a surveyor licensed in the State of Washington
 2. Separate sheets depicting existing conditions and resultant conditions
 3. Zoning and Comprehensive Plan designation
 4. Shoreline upland and water environment designations
 5. Proposed method to meet fire flow requirements
 6. Names and locations of adjacent subdivisions
 7. Gross lot size (in square feet) of each existing and resultant lot
 8. Lot area of each existing and resultant lot / tract (BIMC 18.12.050.J)
 9. Delineate required critical areas, their buffers and setbacks along with any proposed modifications
 10. Aquifer Recharge Protection Area: Clearly show the extent of native vegetation areas. Delineate the ARPA, 12,500 square foot development areas, and show the area calculations. Document the ARPA development standards in BIMC 16.20.100.D.
 11. Delineate primary and secondary Natural Areas, provide area calculations for each and proposed form of ownership. Identify the functional characteristics of each Natural Area type in BIMC 17.12.050.A.2.a. i-iii and b. i. – vii.
 12. Show location of Natural Area fencing and/or signage
 13. Delineate Community Space, provide area calculation and proposed form of ownership
 14. Delineate and document Homesite Standards in BIMC 17.12.060 and Table 17.12.060-1
 15. Delineate and document Subdivision Standards in BIMC 17.12.070 and Table 17.12.070-1
- F. Design for Bainbridge checklist/worksheet
- G. Document the four-step design process identified in BIMC 17.12.030
- H. Document requested departures from subdivision standards contained in BIMC 17.12.060 and 17.12.070, including BIMC Tables 17.12.060-1 and 17.12.070-1: Address consistency with general purpose of intent of the subdivision chapter, the intent of the four-step design process, and the specific standard from which the departure is requested.
- I. [Identify Island-Wide Transportation Plan](#) and [City of Bainbridge Island Design and Construction Standards](#). Document requested deviations.
- J. Depict views of proposed houses from exterior roads and abutting properties vis-à-vis

natural topography and existing vegetation

- K. State Environmental Policy Act (SEPA) checklist (if applicable)
- L. Preapplication conference summary letter
- M. Perimeter lot closures for each existing and resultant lot
- N. Title report dated not more than six months prior to application
- O. Property legal description
- P. Draft Natural Area and/or Community Space Management Plan, including maintenance plan and allowed uses for each area type
- Q. Existing and proposed terms, conditions, covenants, and agreements on the subject property (e.g. road maintenance agreement)
- R. Non-binding water and sewer availability letters (for public water / sewer) for each lot
- S. Traffic impact analysis/application for traffic concurrency or concurrency statement
- T. Other technical reports (as applicable):
 - a. Wetland delineation and report or wetland determination
 - b. Geotechnical report/assessment
 - c. Shoreline Site Specific Analysis
 - d. DNR Forestry permit
 - e. Habitat Management Plan
- U. Other special submittal requirements identified in the pre-application conference summary

Subdivision -Alteration (Short/ Long /Large Lot)

- A. Proposed plat alteration
- B. Narrative including a description of the proposed change and a detailed analysis of how the change complies with decision criteria of the application used in the first instance
- C. A copy of the existing final plat
- D. A copy of the natural area / community space / open space management plan, as applicable

Subdivision - Plat Utility Approval (Short/ Long /Large Lot)

Plat utility standards for civil improvements are found in the [City of Bainbridge Island Design and Construction Standards Manual](#). Please review the specific requirements with the assigned City project engineer for large/complex projects.

A. Construction Plans

Plans must be full-scale drawings on 24-inch by 36-inch paper with margins which are set to provide half-scale drawings on 11-inch x 17- inch paper. Two copies of the construction plan set are required. A digital set in PDF or TIFF format must also be submitted with application.

On-site plans for private property improvements must have a vertical scale of one inch equals five feet and a horizontal scale of one inch equals 50 feet. Profiles may be drawn on plan sheets.

Off-site plans for public improvements (i.e. water, sewer, storm drainage, and streets) shall have a vertical scale of one inch equals five feet and a horizontal scale of one inch equals 40 feet. All off-site plans shall have the corresponding plan/profiles on the same sheet.

See also land use standards for plan requirements (e.g. Aquifer Recharge Protection Areas).

General Plan Requirements:

- North must be up or to the left on plans, and north must not be shown in a different orientation on the same or connecting sheets.
- Vicinity map of approximately one square mile with the project site centered scaled one inch = 1000 feet. A scale at least one inch long must be on the map. A north arrow must be on the map and the site address must be below the map.
- City datum with City-established benchmark (BM) number and elevation. BM information is available from the city's right-of-way specialist.
- A detailed description of the site, including lot number, quarter section, township and range, unless otherwise noted by the City Engineer.
- Current zoning of site and of adjacent properties
- Lot size(s) with perimeter distances and bearings of the site shown on the plan
- Project name in the title block
- Owner/developer name, address, and phone number in the title block
- Design engineer's name, address, and phone number in the title block
- Boundary and topographic survey of existing conditions with a contour interval of no less than five feet (no less than 10 feet for Large Lot Subdivisions)
- Clearly identify and dimension existing and proposed rights-of-way and easements. Show Kitsap County recording numbers for all existing easements.
- All pertinent existing and finish elevations
- Existing natural drainage ways (e.g. swales, ditches) and flow path with arrows and elevations
- Lakes, rivers, streams, flood plains, wetlands, sensitive slopes, and other sensitive areas
- Limits and elevations of 100-Year floodplain with floodway and flood fringe delineated
- General plan notes consistent with the Standards shall be shown on the plan

Individual Plan Sheet Requirements:

Plans may be incorporated on the same sheet where clarity is not affected.

- Preliminary conditions of approval
- Grading, Drainage, and Erosion and Sediment Control (GDESC) Plan
- Street plan or plat road plan
- Parking plan
- Utility plan (water, sewer, and dry/franchise utility location and coordination)
- Significant tree/tree retention plan
- Open space management plan, where applicable
- Landscaping plan

B. Reports and Supporting Documentation/Calculations

- Stormwater management report consistent with BIMC 15.20 and the current adopted Stormwater and Low Impact Development manuals.
- Drainage design calculations.
- Soil logs and infiltration rate determination, where applicable.
- Geotechnical report, where applicable.
- Domestic (multi-family), commercial and fire flow calculations.
- Sewer conveyance calculations.

C. Facilities (Water, Sewer, Storm Water and Streets) Extension Agreement Application

The extension agreement application shall be completed by the owner and submitted with the applicable processing fee consistent with BIMC 13.32.

- Application shall indicate whether a latecomer reimbursement will be requested.
- Drawings shall be submitted showing generally the proposed location, type, and size of the utility or street improvements.

Subdivision - Final (Short/ Long /Large Lot)

- A. Plat Utilities Plan (engineered drainage plan / report or minor plan as applicable)
- B. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- C. Final terms, conditions, covenants, and agreements (e.g. Natural / Community Space Management Plan, road maintenance agreement)
- D. Statement of compliance listing the plat conditions and how each condition is met
- B. Perimeter lot closures for each existing and resultant lot
- C. Title report dated not more than six months prior to application
- D. Binding water and sewer availability letters (for public water/sewer) for each lot
- E. Final Plat, as modified by conditions of approval
 1. Applicable plat conditions of approval
 2. Ties to permanent monuments
 3. Controlling reference points or monuments
 4. Bearing and length of lines
 5. Origin of meridian or basis of bearings
 6. Surveyor's certificate signed by the surveyor who prepared the final plat:
"I, _____ registered as a professional land surveyor by the State of Washington, certify that this Subdivision is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of ____, 20__, through ____, 20__ , that the distances, courses, and angles shown hereon correctly; and the lot corners have been staked on the ground as depicted hereon."
 7. Disclaimer regarding road maintenance: *"Responsibility and expense for maintenance of streets serving lots within this short plat/subdivision shall rest with the lot owners unless such roads have been accepted by the City."*
 8. If plat improvements are assured, a prominent note on the face of the final plat: *"The lots created by this plat are subject to conditions of an assurance device held by the City for the completion of certain necessary facilities. Building permits may not be issued and/or occupancy may not be allowed until such necessary facilities are completed and approved by the City. All purchasers shall satisfy themselves as to the status of completion of the necessary facilities."*
 9. Signature and date lines for the City Planning Director
 10. Signature and date lines for the Health District (N/A for short plats)
 11. County Treasurer and Auditor signature blocks
 12. Declaration regarding further subdivision: *"Land in a short subdivision may not be further divided through a short plat within a period of five years recording the final short without meeting the standards of and being reviewed as a long subdivision."*
 13. Estimate approved by the City for financial assurance of plat improvements (if applicable)

Tree Removal/Vegetation Maintenance Permit

- A. Basic Site Plan
- B. Trees and vegetation proposed to be removed (also show on Basic Site Plan)
- C. Size (diameter breast height [dbh]) of trees to be removed (Required only for commercial, institutional, multifamily, and mixed-use development and any properties in Mixed Use Town Center, High School Road, R-2.9, R-3.5 and R-4.3 zones. Also show on Basic Site Plan)
- D. Site Assessment Review (SAR) or Exemption (if applicable)
- E. Erosion control methods, drainage information or plan, pursuant to BIMC 15.20 (if applicable).
- F. Planting plan (see Landscape Plan section above) if tree removal brings a property below applicable tree unit requirements (see BIMC Section 18.15.010.G) or is proposed within required vegetation areas (e.g. landscape buffers, no-cut buffers), or any other trees required to be retained through an approved land use permit. Planting plan should ensure that property continues to meet any applicable tree requirements.

Variance – Zoning (Major & Minor)

- A. Basic Site Plan
- B. State Environmental Policy Act (SEPA) checklist (if applicable)
- C. Terms, conditions, covenants, and agreements under which the subject property is bound
- D. Narrative – A complete and detailed written statement describing the proposal, including:
 - 1. Reason for the variance request
 - 2. Detailed description of how the proposal will meet the decision criteria
 - 3. Visual impacts of proposed structures, including proposed screening

Wireless Communication Facility Permit (WCF)

Permit procedures for wireless communication facility permits are detailed in BIMC 18.10.

- A. Basic Site Plan
 - 1. Additional requirements
 - a. Location, elevation and dimensions of existing facility components
 - b. Location, elevation and dimensions of proposed facility components
 - c. Existing and proposed site grade
 - d. Area of ground disturbance for construction activities
 - e. Primary viewshed of the proposed WCF
 - f. Proposed height
 - g. Coverage area at proposed height (may be inset map or on separate sheet)
 - h. Inventory of WCF sites in or within a one mile radius of the City that are operated by the applicant
- B. Landscape Plan
 - 1. Additional landscape plan information required:
 - a. Type and location of vegetation screen of WCF components in viewshed context
 - b. Height of vegetation screen at maturity (e.g. monopole/tower 2/3 height screening)
 - c. Type and location of topographic or structural screening (e.g. wall, fencing)
 - d. WCF paint/camouflage color scheme in viewshed context
 - e. Security fencing height, vegetation screening and paint/camouflage screening
- C. Detail Drawing
 - 1. Antenna
 - 2. Support structure and any protrusion from the support structure
 - 3. Transmission device
 - 4. Equipment shelter
- D. Photo/visual simulations of the proposal from affected properties and public rights-of-way at varying distances
- E. Narrative
 - 1. An explanation of the need for the proposed WCF
 - 2. Location priority analysis (e.g. co-location vs. commercial building)
 - 3. Height and design of WCF sites in or within one mile of the City
 - 4. Impact of proposal on existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)
 - 5. Feasibility of underground location for equipment facilities
 - 6. Equipment noise evaluation (e.g. dB at nearest property line)
- F. Documentation verifying that the proposed WCF complies with Federal Communications Commission and Federal Aviation Administration regulations

- G. Copy of documentation regarding existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)
- H. Additional information required for:
 - 1. Tower modification
 - a. Structural engineering report demonstrating the modification complies with applicable construction/electrical/safety codes including:
 - i. number and types of antennas the tower can support
 - ii. basis for capacity calculation
 - iii. statement that the proposal complies with applicable FCC guidelines and standards
 - 2. Base station modification
 - a. Structural engineering report demonstrating the modification complies with applicable construction/electrical/safety codes
 - 3. Applications for facilities other than Facility I or II
 - a. Documentation of efforts to co-locate on existing facilities
- I. If all or a portion of the WCF will be located upon a city-owned structure, or upon non-right-of-way property which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the city for the use of the city property.
- J. A Master Permit, consistent with Chapter 19.02 and 19.04 BIMC, if all or a portion of the WCF will be located in the right-of-way.

Wireless Eligible Facilities Request Permit (EFR)

Permit procedures for wireless eligible facilities request permits are detailed in BIMC 18.11.

1. An assertion that the proposed facilities modification is subject to review under Section 6409 of the Spectrum Act.
2. An evaluation of the substantial change criteria as found in BIMC 18.11.010.K.
3. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by 47 C.F.R. Part 1 (Part 1 – Practice and Procedure), Section 1.1307, as amended, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.
4. If the applicant is not the owner or person in control of the eligible support structure and/or site: An attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facilities modification. If the eligible support structure is located in a public right-of-way, the applicant must also attest that applicant has authorization to install, maintain and operate transmission equipment in, under, and above the public right-of-way.
5. A request involving co-location of transmission equipment or the replacement of transmission equipment: Complete copies of the underlying land use approvals for siting of the tower or base station proposed to be modified, establishing that, at the time of submittal of the application, such tower or base station constituted an eligible support structure.

6. A request that will result in an increase in height of the eligible support structure: Record drawings, as-built plans, or the equivalent, showing the height of the eligible support structure (a) as originally constructed and granted approval by the city or other applicable local zoning or similar regulatory authority; or (b) as of the most recent modification received by the city, or other local zoning or regulatory approval, prior to the passage of the Spectrum Act, whichever height is greater.
7. A request to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting restrictions or requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the city code, or an ordinance or a municipal code of another local government authority: A copy of the document (e.g., CUP or SUP) setting forth such preexisting restrictions or requirements together with a certification that the proposed facilities modification conforms to such restrictions or requirements; provided, that such certification shall have no application to the extent the proposed facilities modification relates solely to an increase in height, increase in width, addition of cabinets, or new excavation, that does not result in a substantial change in the physical dimensions of the eligible support structure.
8. A request to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting concealment restrictions or requirements, or was constructed with concealment elements: Applicant shall set forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing concealment elements of the eligible support structure. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, applicant shall include a detailed visual simulation depicting how the eligible support structure will appear after the proposed modification is complete. The visual simulation shall depict to scale the eligible support structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.
9. A request that will protrude from the edge of a nontower eligible support structure: Record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification.
10. A request to an eligible support structure that will (a) include any excavation; (b) would result in a protrusion from the edge of a tower that exceeds an existing protrusion of any transmission equipment attached to a tower; or (c) would protrude from the edge of a nontower eligible support structure: A description of the boundaries of the site together with a scale drawing based on an accurate traverse, with angular and lineal dimensions, depicting the boundaries of the site in relation to the tower or base station proposed to be modified and depicting the proposed location, elevation and dimensions of the new or replacement transmission equipment. The city may require a survey by a land surveyor licensed in the state of Washington when, in the judgment of the approval authority, a survey is reasonably necessary to verify the boundaries of the site to determine if the proposed facilities modification would result in a substantial change in the physical dimensions of the eligible support structure.

11. A request to the eligible support structure that includes hardening through structural enhancement: A technical report by a qualified engineer accredited by the state of Washington, demonstrating that the structural enhancement is performed in connection with and is necessary to support the proposed co-location, removal, or replacement of transmission equipment and conforms to applicable code requirements. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of necessity.
12. A request that proposes a modification to a tower: A stamped report by a Washington State-registered professional engineer demonstrating that the tower with the proposed modifications will comply with applicable structural, electrical, and safety codes, including by way of example, and not limitation, EIA/TIA-222-Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the tower is located, and describing the general structural capacity of the tower with the proposed modifications, including:
 - a. The number and type of antennas that can be accommodated;
 - b. The basis for the calculation of capacity; and
 - c. A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of compliance.
13. A request to a base station: A stamped report by a Washington State-registered professional engineer demonstrating that the base station, with the proposed modifications, will comply with applicable structural, electrical, and safety codes.
14. A request requiring alteration to the eligible support structure, excavation, installation of new equipment cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site: A detailed site plan and drawings, showing the true north point, a graphic scale and, drawn to an appropriate decimal scale, indicating and depicting:
 - a. The location, elevation and dimensions of the existing eligible support structure;
 - b. The location, elevation and dimensions of the existing transmission equipment;
 - c. The location, elevation and dimensions of the transmission equipment, if any, proposed to be co-located or that will replace existing transmission equipment;
 - d. The location, elevation and dimensions of any proposed new equipment cabinets and the intended use of each;
 - e. Any proposed modification to the eligible support structure;
 - f. The location of existing structures on the site, including fencing, screening, trees, and other significant site features; and
 - g. The location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

Small Wireless Facility Permit (SWF)

Permit procedures for small wireless facility permits are detailed in BIMC 19.10.

1. A Master Permit, consistent with Chapter 19.02 and 19.04 BIMC, if the proposed facilities are located in the right-of-way.
2. Associated Permit(s). Applications or check lists required under the Critical Areas, Shoreline, or SEPA ordinances. Applications for deployment of small wireless facilities in Design Zones or for new poles shall comply with the requirements in BIMC 18.10A.060.
3. Specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement, or new poles or towers, existing buildings, or other structures. Ground mounted equipment (if authorized pursuant to Chapter 18.10A BIMC), conduit, junction boxes, and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:
 - (a) The location of overhead and underground public utility, telecommunication, cable, water, adjacent lighting sewer drainage and other lines and equipment within 50 feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 50 feet from the proposed project area.
 - (b) The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.
 - (c) The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the small wireless facility, to the extent to which the applicant is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings will include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain fiber and electric service to the small wireless facility.
 - (d) Compliance with the aesthetic requirements of BIMC 18.10A.050.

4. Written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. To extent that the pole or structure is not owned by the applicant, the applicant shall demonstrate in writing that they have authority from the pole owner to install the small wireless facility on the pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards, as well as assurances that the specific pole can withstand wind and seismic loads, from the pole owner, unless the pole owner is the City. Submission of the lease agreement between the pole owner and the applicant is not required. If the proposed small wireless facility is not within the rights-of-way, the applicant must provide written approval from the property owner. For city-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole.
5. Sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless permit shall be conditioned on an RF Certification showing the cumulative impact of the RF emissions on the entire installation. The applicant may provide one emissions report for the entire small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.
6. Proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
7. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that the construction plans of the small wireless facilities and the antenna support structure or pole and foundation are designed to reasonably withstand typical loading requirements as well as wind and seismic loads.
8. Proof of a valid Bainbridge Island business license.
9. Such other information as the Director, in his/her discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering, and aesthetic considerations.

Zoning Verification Letter

- A. Property location – 14-digit parcel number or site address
- B. Any known previously approved land use applications or permits.
- C. List of specific questions.

ORDINANCE NO. 2020-10

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; imposing a six-month interim zoning control on the use or applicability of certain bonus density options as provided in BIMC 18.12.030.E. and the related provisions described in this ordinance; setting forth findings of fact in support of this interim zoning control; imposing the interim zoning control as described herein; stating the effect on vested rights; providing for exclusions; recognizing that a public hearing will be held within 60 days; authorizing interpretative authority; providing for severability; declaring an emergency; setting the duration; and establishing an immediate effective date.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim zoning controls related to land uses; and

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

WHEREAS, balancing affordable housing, historic preservation, growth management, and sustainable development continues to be a local, regional, and national challenge due to many social and economic factors; and

WHEREAS, the City has encouraged affordable housing construction by adopting “bonus density” programs that allow for increases in density above the underlying zoning if the additional density creates affordable homes; and

WHEREAS, the intent of the Comprehensive Plan is to place residential density, inclusive of affordable housing, in the Winslow core area near infrastructure such as transportation hubs (e.g., ferry service, bus service, highway access), sewer, water, reliable electrical power, and retail stores; and

WHEREAS, the intent of such policies is to manage growth consistent with the Growth Management Act, reduce infrastructure costs, and follow general principles of sustainable community development; and

WHEREAS, the City Council is interested in evaluating the applicability, use, and effectiveness of the bonus density options provided for and as described in BIMC 18.12.030.E. that are being suspended by this interim zoning control, including related to the purchase of development rights, the provision of public amenities and/or infrastructure, the provision of community open space, floor area ratio transfers related to the Mixed Use Town Center and High School Road districts, and ferry-related parking; and

WHEREAS, an emergency exists necessitating adoption of this interim zoning control to suspend the use and applicability of certain bonus density options in order to preserve and protect public health, safety, and welfare; and

WHEREAS, interim zoning controls enacted under RCW 36.70A.390 and RCW 35A.63.200 are methods by which local governments may preserve the status quo so that new policies and regulations will not be rendered moot by intervening development; and

WHEREAS, this interim zoning control will provide the City with additional time to review and potentially revise its public health, safety, and welfare requirements and zoning and land use regulations related to providing density bonuses above and beyond the underlying zoning; and

WHEREAS, the City Council concludes that it must adopt this interim zoning control based on concerns as expressed in this ordinance regarding the awarding of density bonuses that are unrelated to affordable housing and historic structure preservation; and

WHEREAS, the City Council has significant concerns regarding whether the use of certain density bonus options is accomplishing the vision and goals of the City's Comprehensive Plan; and

WHEREAS, based on these and related concerns, the City Council requires additional time to review the regulations and policies at issue to ensure that the vision and goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

WHEREAS, the City Council has considered the applicability and use of bonus density options at multiple Council meetings, including on February 4, February 11, February 25, and March 3, 2020; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, the interim zoning control imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, the City Council now determines that a public emergency exists requiring that this interim zoning control become effective immediately upon adoption.

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim zoning control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 4 below.

Section 2. Interim Zoning Control Imposed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, and unless expressly excluded under this Section 2 of this ordinance, the City hereby imposes an interim zoning control, as described in this Section 2, for all properties and development in the Mixed Use Town Center and High School Road Districts as follows:

A. Applicability.

This ordinance hereby suspends the applicability and use of BIMC 18.12.030.E, BIMC 18.27.080, and footnote three to Table 18.12.020-3 related to bonus density options.

B. Exclusions.

The following are excluded from this interim zoning control, meaning that the interim zoning control does not apply to:

1. BIMC 18.12.030.E.1. (which relates to Optional Affordable Housing).
2. BIMC 18.12.030.E.6. (which relates to Historic Structure Preservation).
3. Development projects that filed a complete land use permit application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.

C. Effect of This Interim Zoning Control.

For clarity, attached Exhibit A shows BIMC 18.12.030.E., BIMC 18.27.080, and Table 18.12.020-3 and includes as strikethrough text the provisions of BIMC 18.12.030.E., BIMC 18.27.080, and related footnote three to Table 18.12.020-3 that are being suspended by this interim control ordinance, such that the provisions in the strikethrough text shall not be in effect and cannot be used during the period of time in which the interim official control adopted by this ordinance remains in effect.

Section 3. Effect on Vested Rights. The interim zoning control imposed under this ordinance shall operate, as of the effective date of this ordinance, to suspend the applicability or use of BIMC 18.12.030.E. and the related provisions described in this ordinance, subject to the above exclusions, for all properties and development in the Mixed Use Town Center and High School Road Districts. However, nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any property owner's or property leaseholder's vested development rights as defined by state law and City of Bainbridge Island regulations.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact.

Section 5. Interpretive Authority. The City of Bainbridge Island Director of Planning and Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 6. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Declaration of Emergency; Effective Date; Duration. This ordinance, which the City Council hereby regards as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This interim zoning control shall take effect immediately and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim zoning control for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

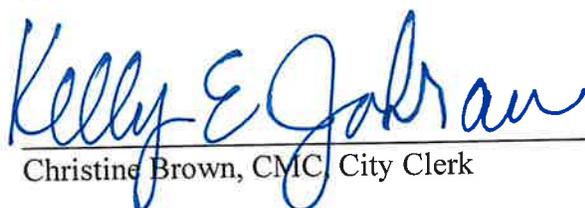
PASSED by the City Council this 10th day of March, 2020.

APPROVED by the Mayor this 10th day of March, 2020.



Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	March 6, 2020
PASSED BY THE CITY COUNCIL:	March 10, 2020
PUBLISHED:	March 13, 2020
EFFECTIVE DATE:	March 10, 2020
ORDINANCE NUMBER:	2020-10

Attached: Exhibit A: BIMC 18.12.030.E. and related provisions as above described (with applicable strikethrough text)

Exhibit A

The applicability and use of the provisions below in strikethrough text are hereby suspended by this interim control ordinance.

BIMC 18.12.030

E. Bonus Density in Winslow Mixed Use and High School Road Districts. Eligible properties may achieve a maximum level of development above the base FAR, as provided for in Table 18.12.020-3, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.

1. Optional Affordable Housing.

a. FAR Bonus. Up to 100 percent of the maximum residential FAR bonus may come from providing affordable housing as defined in Chapter 18.36 BIMC; provided, that the difference between the base residential FAR and the maximum residential FAR shall be dedicated to affordable housing. A portion of the total floor area that is of common use and benefit to the entire residential development (for example, interior halls, stairwells, laundry rooms, exercise rooms) may be included in the calculation of the affordable housing component. This portion shall be the same percentage as the affordable housing provided. For example, if 20 percent of the living unit floor area is for affordable housing, then 20 percent of the common floor area may be included in the total affordable housing calculation. Development of the optional affordable housing shall be in accordance with Chapter 18.21 BIMC and Table 18.12.030.

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
Affordable Housing FAR Bonus	Must provide 100 percent of bonus square footage for extremely low, very low, or moderate income groups.	Must comply with following ratios: (a) 100 percent of bonus for all moderate; OR (b) 0.2 of bonus for extremely low, very low, or low income groups; 0.5 of bonus for moderate income group; and 0.3 of bonus for middle income group.	Must comply with following ratios: 0.1 of bonus for extremely low, very low or low income groups; 0.6 of bonus for moderate income group; and 0.3 of bonus for middle income group.

b. Preservation of the Islander Mobile Home Park. Preservation of the Islander Mobile Home Park as an existing park site for manufactured homes shall be encouraged through the following provisions.

i. Unused FAR from the parcel on which the mobile home park is located may be transferred to another parcel or parcels within the Mixed Use Town Center. For example, the base FAR for the mobile home park would be calculated, less the FAR of the mobile homes. In exchange for permanently preserving the mobile home park, the owner of the property may transfer the unused FAR to another parcel or parcels in the Mixed Use Town Center, where it may be used as bonus FAR above the base FAR for that district.

ii. Permanent preservation of the mobile home park may be used as an affordable housing bonus on another parcel or parcels within the Mixed Use Town Center. For example, in exchange for preserving the mobile home park, the owner of the property would be deemed to have met the affordable housing bonus provisions of subsection A.1 of this section, and could achieve the maximum FAR bonus for residential development on another parcel or parcels in the Mixed Use Town Center. The owner of the mobile home park may either apply the FAR bonus to another parcel(s) he or she owns, or transfer or sell the bonus to another property owner in the Mixed Use Town Center.

~~2. Purchase of Development Rights. Up to 100 percent of the maximum residential, commercial or mixed use FAR bonus may come from the purchase of development rights as provided for in Chapter 18.27 BIMC. The cost of development rights shall be established by resolution of the city council.~~

~~3. Public Amenities and/or Infrastructure. At the applicant's option, a portion of the bonus may be earned through the provision of public amenities, infrastructure, and/or preservation of a heritage tree(s) on site, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:~~

~~a. Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.~~

~~b. In lieu of the contribution of funds as provided for in subsection E.3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the preservation of a heritage tree(s) on site, construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.~~

4. Community Open Space. In the ferry terminal district, up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of the parcel area, whichever is greater. The community open space shall be located in or in the immediate vicinity of locations identified in Figure 4.1 of the Winslow master plan. The open space must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space. In cases where a development project utilizes the community open space bonus provision in conjunction with the purchase of development rights bonus provision, all funds collected from the purchase of development rights shall go toward the preservation of agricultural lands fund.

5. Winslow Town Center Mixed Use/High School Road FAR Transfers. Up to 20 percent of the maximum residential, commercial or mixed use FAR bonus may come from transfers of FAR from parcels within the Mixed Use Town Center and the High School Road districts. The transfer shall create permanent open space through open space preservation covenants on sending parcels that contain critical areas as defined in Chapter 16.20 BIMC. For example, development potential in the ravine of the gateway district may be shifted to the upland area; provided, that the requirements of Chapter 16.20 BIMC are satisfied.

6. Historic Structure Preservation. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic structure must be included on a state, local or federal register.

7. Ferry Related Parking. In the ferry terminal district, an additional 0.2 FAR may be achieved by relocating existing legal surface ferry commuter parking on site (as shown on Figure 6.2 of the Winslow master plan) to under building or below grade parking. The percentage of the additional FAR that is achieved shall be dependent upon the percentage of parking that is relocated. For example, if 50 percent of existing surface ferry commuter parking on site is relocated under building or below grade, then 50 percent of the total additional FAR (or 0.1 FAR) may be achieved.

BIMC 18.27.080

~~A. In order to use development rights to increase floor area ratio within the Mixed Use Town Center or High School Road districts as provided in BIMC 18.12.030.E, an applicant must fill out an application in a form approved by the city. The application shall include the amount of the requested increase in floor area ratio, and the fee, if any, of the increased floor area ratio. The fee for development rights to increase floor area ratio shall be established by resolution of the city council.~~

~~B. The approved application to utilize development rights to increase floor area ratio within the receiving area must be part of a site plan and design review application under BIMC Title 2. The site plan must indicate the increase in floor area ratio (FAR).~~

~~C. The use of development rights shall be reviewed for conformance with the design review provisions of BIMC 18.18.030.~~

Table 18.12.020-3

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and "Other" Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MAXIMUM FAR (Floor Area Ratio) [1]									
Basic Maximum						0.3			No max.; limited by other standards
Commercial and Other Nonresidential Uses	0.6	0.4	0.3	0.15	0.1				
Residential	0.4	0.4	0.3	0.5	0.4	0.3			No FAR limit: R-2 standards apply
Mixed Use [2]	1.0	0.5	0.5	0.5	0.5	0.3			No max.; limited by other standards
Maximum with Bonus									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD	1.0	0.6	0.6	0.3	0.2	0.6	N/A	N/A	
	Commercial and Other Nonresidential Uses						Bonus densities require compliance with BIMC 18.12.030.D		
Residential	Bonus densities require compliance with BIMC 18.12.030.E								
	1.0	0.6	0.6	1.0	1.1	0.6	N/A	N/A	
Mixed Use [2]	Bonus densities require compliance with BIMC 18.12.030.E								
	1.5	1.0	1.0	1.0	1.3 (1.5 pursuant to note [3])	1.0	N/A	N/A	
Bonus densities require compliance with BIMC 18.12.030.E									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSRI I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Erickson Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MINIMUM LOT DIMENSIONS									
Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20,000 sq. ft.	20,000 sq. ft.
Depth	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
Width	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
MAXIMUM LOT COVERAGE									
	100%, excluding setbacks	35%	35% 2,500 sq. ft. max. building footprint south of Wyatt, excluding parking	35%	75%	50%	35%	35%	50%

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD			structures located below predevelopment and finished grade						
<p>SETBACKS (Minimum required unless otherwise noted) [4]</p> <p>Note: Landscaped areas may serve as setbacks and, in some cases, may exceed the setback requirements.</p> <p>Note: Additional setbacks may be required by:</p> <p>(a) Chapter 16.12 BIMC, Shoreline Master Program; or</p> <p>(b) Chapter 16.20 BIMC, Critical Areas; or</p> <p>(c) BIMC 16.28.040, mining regulations; or</p> <p>(d) BIMC 18.09.030, Use Specific Standards; or</p> <p>(e) BIMC 18.12.030.F, Shoreline Structure Setbacks.</p>									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
Front	Commercial: 5 ft. max. from sidewalk; Residential: 10 ft. min. and 20 ft. max. from Madison Ave. sidewalk	10 ft. min., 20 ft. max.	15 ft. min., 20 ft. max.	5 ft. max. from sidewalk	5 ft. max. from sidewalk except as modified by transition standards in BIMC 18.12.030.C	10 ft. max. from sidewalk	0 ft. min., 20 ft. max. from any street, planned right-of-way or road easement, unless otherwise provided under special planning	50 ft. min. along any public right-of-way	40 ft. min. from property in residential districts; 10 ft. min. for all other

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center						HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]					
DIMENSIONAL STANDARD							area provisions			
Side	0 ft.; 5 ft. min. when property abuts the Madison Avenue or Ericksen Avenue overlay districts	0 ft.; 5 ft. min. when property abuts the central core overlay district	5 ft. min.	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NC zone; 15 ft. when property abuts a residential zone	10 ft.; 50 ft. when abutting a residentially zoned property. The city may increase this to a maximum of 100 ft.	40 ft. min. from property in residential districts; 10 ft. min. for all other	

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center						HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Erickson Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]					
DIMENSIONAL STANDARD								depending on the type, scale, and intensity of the proposed use, subject to site plan review.		
Rear	0 ft.; 5 ft. min. when property abuts the Madison	0 ft.; 5 ft. min. when property abuts	0 ft.; 5 ft. min. when property abuts the central core or Madison	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NC zone; 15 ft.	15 ft. min.; 50 ft. min. when abutting a residential	40 ft. min. from property in residential districts;	

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Erickson Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]			
DIMENSIONAL STANDARD	Avenue or Erickson Avenue overlay districts	the Central Core or Erickson Avenue overlay districts	Avenue overlay districts			when property abuts a residential zone	district. City may increase to a maximum of 100 ft. based on type, scale, and intensity of proposed use, subject to site plan review.	10 ft. min. for all other
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 18.12.030.F, Shoreline Structure Setback Lines							

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MAXIMUM BUILDING HEIGHT [5]									
Note: Bonus may not be available in the shoreline jurisdiction									
Base	35 ft.; 25 ft. max. south of Parfitt	25 ft.; 35 ft. north of High School Road	25 ft.	35 ft.	BIMC 18.12.030.C standard height north of Winslow Way; 35 ft. south of Winslow Way	35 ft.	35 ft.	35 ft.	35 ft. except that Chapter 16.12 BIMC applies within shoreline jurisdiction
Bonus 1 if parking under building [6]	45 ft.; 35 ft. south of Parfitt	35 ft.; 45 ft. north of	35 ft.	45 ft.	BIMC 18.12.030.C optional	45 ft.			

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD		High School Road			height north of Winslow Way; 45 ft. south of Winslow Way				
Bonus 2 for Nonresidential Uses with Major Conditional Use Permit						45 ft.	45 ft.	45 ft.	

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]					
DIMENSIONAL STANDARD										
Bonus 3 Structure Height	Alternative height limits may apply if the conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040.									

[1] If the existing FAR for a developed property as of May 21, 1998, is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property. Total FAR may not be exceeded.

[2] In mixed use development, the established FAR in the residential and commercial components shall not be exceeded. For the residential FAR bonus provisions for qualifying housing design demonstration project, refer to the bonus density provisions in BIMC 2.16.020.S.8.

[3] ~~In mixed use development in the ferry terminal district, an additional 0.2 FAR is permitted in accordance with BIMC 18.12.030.E.7. The additional FAR may be applied to either the residential or commercial component of the mixed use development.~~

[4] When property adjoins a single-family residential zone, building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements.

[5] When property adjoins a lower density residential zone, except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the Mixed Use Town Center and High School Road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, referencé BIMC 18.12.030.C.

[6] The bonus height is only available for the entire building if parking is located under more than 50 percent of the building footprint. If parking is located under 50 percent or less of the building footprint, the bonus may only be used for a portion of the building footprint twice as large as the area with parking located beneath.

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MAXIMUM FAR (Floor Area Ratio) [1]									
Basic Maximum									
Commercial and Other Nonresidential Uses	0.6	0.4	0.3	0.15	0.1	0.3	No max.; limited by other standards		
Residential	0.4	0.4	0.3	0.5	0.4	0.3	No FAR limit: R-2 standards apply		
Mixed Use [2]	1.0	0.5	0.5	0.5	0.5	0.3	No max.; limited by other standards		
Maximum with Bonus									
Commercial and Other Nonresidential Uses	1.0	0.6	0.6	0.3	0.2	0.6	Bonus densities require compliance with BIMC 18.12.030.D	N/A	N/A

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ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
	Bonus densities require compliance with BIMC 18.12.030.E								
Residential	1.0	0.6	0.6	1.0	1.1	0.6		N/A	N/A
	Bonus densities require compliance with BIMC 18.12.030.E								
Mixed Use [2]	1.5	1.0	1.0	1.0	1.3 (1.5 pursuant to note [3])	1.0		N/A	N/A
	Bonus densities require compliance with BIMC 18.12.030.E								
MINIMUM LOT DIMENSIONS									
Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20,000 sq. ft.	20,000 sq.ft.
Depth	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
Width	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
MAXIMUM LOT COVERAGE									

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DIMENSIONAL STANDARD	100%, excluding setbacks	35%	35% 2,500 sq. ft. max. building footprint south of Wyatt, excluding parking structures located below predevelopment and finished grade	35%	75%	50%	35%	35%	50%
<p>SETBACKS (Minimum required unless otherwise noted) [4]</p> <p>Note: Landscaped areas may serve as setbacks and, in some cases, may exceed the setback requirements.</p> <p>Note: Additional setbacks may be required by:</p> <p>(a) Chapter 16.12 BIMC, Shoreline Master Program; or</p>									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
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DIMENSIONAL STANDARD									
(b) Chapter 16.20 BIMC, Critical Areas; or (c) BIMC 16.28.040 , mining regulations; or (d) BIMC 18.09.030 , Use Specific Standards; or (e) BIMC 18.12.030.F , Shoreline Structure Setbacks.									
Front									
	Commercial: 5 ft. max. from sidewalk; Residential: 10 ft. min. and 20 ft. max. from Madison Ave. sidewalk	10 ft. min., 20 ft. max.	15 ft. min., 20 ft. max.	5 ft. max. from sidewalk	5 ft. max. from sidewalk except as modified by transition standards in BIMC 18.12.030.C	10 ft. max. from sidewalk	0 ft. min., 20 ft. max from any street, planned right-of-way or road easement, unless otherwise provided under special planning area provisions	50 ft. min. along any public right-of-way	40 ft. min. from property in residential districts; 10 ft. min. for all other

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Side									
	0 ft.; 5 ft. min. when property abuts the Madison Avenue or Ericksen Avenue overlay districts	0 ft.; 5 ft. min. when property abuts the central core overlay district	5 ft. min.	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NC zone; 15 ft. when property abuts a residential zone	10 ft.; 50 ft. when abutting a residentially zoned property. The city may increase this to a maximum of 100 ft. depending on the type, scale, and intensity of	40 ft. min. from property in residential districts; 10 ft. min. for all other

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
								the proposed use, subject to site plan review.	
Rear									
	0 ft.; 5 ft. min. when property abuts the Madison Avenue or Ericksen Avenue overlay districts	0 ft.; 5 ft. min. when property abuts the Central Core or Ericksen Avenue	0 ft.; 5 ft. min. when property abuts the central core or Madison Avenue overlay districts	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NC zone; 15 ft. when property abuts a residential zone	15 ft. min.; 50 ft. min. when abutting a residential district. City may increase to a maximum of 100 ft.	40 ft. min. from property in residential districts; 10 ft. min. for all other

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DIMENSIONAL STANDARD		overlay districts						based on type, scale, and intensity of proposed use, subject to site plan review.	
Shoreline Jurisdiction	See Table 16.12.030-2 , Dimensional Standards Table, and BIMC 18.12.030.F , Shoreline Structure Setback Lines								
MAXIMUM BUILDING HEIGHT [5]									
Note: Bonus may not be available in the shoreline jurisdiction									
Base	35 ft.; 25 ft. max. south of Parfitt	25 ft.; 35 ft. north of	25 ft.	35 ft.	BIMC 18.12.030.C standard height north of Winslow	35 ft.	35 ft.	35 ft.	35 ft. except that Chapter 16.12 BIMC

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		High School Road			Way; 35 ft. south of Winslow Way				applies within shoreline jurisdiction
Bonus 1 if parking under building [6]	45 ft.; 35 ft. south of Parfitt	35 ft.; 45 ft. north of High School Road	35 ft.	45 ft.	BIMC 18.12.030.C optional height north of Winslow Way; 45 ft. south of Winslow Way	45 ft.			
Bonus 2 for Nonresidential Uses with Major Conditional Use Permit							45 ft.	45 ft.	45 ft.

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Bonus 3 Structure Height	Alternative height limits may apply if the conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040 .								

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[2] In mixed use development, the established FAR in the residential and commercial components shall not be exceeded. For the residential FAR bonus provisions for qualifying housing design demonstration project, refer to the bonus density provisions in BIMC [2.16.020.S.8](#).

[3] In mixed use development in the ferry terminal district, an additional 0.2 FAR is permitted in accordance with BIMC [18.12.030.E.7](#). The additional FAR may be applied to either the residential or commercial component of the mixed use development.

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(Ord. 2019-03 § 8, 2019; Ord. 2017-02 §§ 1, 22 (Exh. B), 2017; Ord. 2013-25 § 6 (Exh. B), 2013; Ord. 2012-10 § 1, 2012; Ord. 2011-02 § 2 (Exh. A), 2011)

**Recommendations from the Subcommittee (Chester / Paar / Quitslund)
for Discussion in the Planning Commission’s Meeting on May 28, 2020**

We recommend reducing reliance on Bonus FAR, and limiting the use of this incentive to projects that achieve specific community benefits.

For some uses, Base FAR allowances should be raised somewhat above current levels. A project that is well suited to its context and meets our design guidelines and standards should be feasible within the limits set by Base FAR allowances. Those limits will take into account the development potential of the different overlay districts in the MUTC and High School Road districts, and the appropriateness in each of certain types of development.

We recommend discontinuing the provisions by which Bonus FAR is achieved by providing an amenity or a public benefit that is external to the project (#3 in the subsections of BIMC 18.12.030.E). Also, provisions for “Community Open Space” (#4 in .030.E) and preservation of a “heritage tree” (#3.b) should not be grounds for an award of Bonus FAR.

Bonus FAR should be made available in order to achieve, within the project itself, specific community benefits that would otherwise not be feasible.

Examples of such community benefits:

1. Parking under the building, reducing or eliminating the need for parking on the street or in a dedicated surface lot.
2. Moderately priced market-rate housing combined with housing for income-qualified tenants.
3. Preservation of a historic structure in such a way that it becomes a functional part of the re-development.

In accordance with the guidelines and standards in *Design for Bainbridge*, projects governed by the Base and Bonus FAR allowances and other dimensional standards must be responsive to their immediate urban context and consistent with the goals and policies of the *Comprehensive Plan* and the *Winslow Master Plan*.

After revision, in **BIMC 18.12** and its Table of **FAR-Based Dimensional Standards**, the allowances should not be regarded as “set in stone” or as conferring any right to develop to the limit. They should be reviewed periodically and revised in the light of experience, as circumstances in the community and the built environment change.

Several of the provisions in the current **BIMC 18.12.030.E** involve some type of purchase or transfer of Bonus FAR. These practices should be discontinued. In subsection .030.E.1.b, there is reference to “unused FAR” in the mobile home park. Any remaining units of value in this account should be purchased by COBI and transferred to a ‘development bank’ account. In subsection .030.E.5, there is reference to “development potential” in such parts of the town center as the Winslow Ravine. If this potential can be monetized, it belongs in the same ‘development bank’ account.

We recommend the development of a T D R program (see #2 in subsection .030.E) but see it as a complicated undertaking that, for the time being, should be sidetracked.

**Recommendations from the Subcommittee (Chester / Paar / Quitslund)
for Discussion in the Planning Commission’s Meeting on June 11, 2020**

1. We recommend reducing reliance on Bonus FAR, and limiting the use of this incentive to projects that will achieve specific community benefits. The amounts of Base and Bonus FAR currently allowed in the several MUTC and HSR zoning districts should be studied, and revised where appropriate. A project that is well suited to its zoning overlay context, and that meets our design guidelines and standards, should be feasible within the limits set by Base FAR allowances.
2. Within limits yet to be determined, Bonus FAR should be allocated in order to achieve, within the project itself, specific community benefits that would otherwise not be feasible. Such community benefits may include:
 - a. Parking under the building, reducing or eliminating the need for parking on the street or in a dedicated surface lot.
 - b. Housing for income-qualified tenants, combined with moderately priced market-rate housing.
 - c. Preservation of a historic structure in such a way that it becomes a functional part of the re-development.
3. Re: BIMC 18.12.030.E, most of the current provisions for Bonus Density (i. e., Bonus FAR) in this subsection should be discontinued.
4. Re: 030.E.1.a (Optional Affordable Housing FAR Bonus) and Table 18.12.030, these provisions, revised, may become part of BIMC 18.21 (Affordable Housing) when that chapter is revised; provisions in BIMC 18.12 and 18.21 will complement one another.
5. Re: 030.E.1.b (Preservation of the Islander Mobile Home Park), we recommend that any remaining units of value held by the owner(s) of the mobile home park be purchased by COBI and transferred to a “development bank” account, to be used in a T D R program.
6. Re: 030.E.2 (Purchase of Development Rights), noting that current provisions in BIMC 18.27 have seen very little use, we support instituting an effective T D R program, which may be pertinent to development in some parts of the Winslow Study Area.
7. Re: 030.E.3.a & .b (Public Amenities and/or Infrastructure), we recommend discontinuing a policy that awards Bonus FAR for meeting a requirement.
8. Re: 030.E.4 (Community Open Space in the ferry terminal district), we recommend, again, discontinuing a policy that awards Bonus FAR for meeting a requirement.
9. Re: 030.E.5 (FAR Transfers), we don’t believe that any “development potential” in parcels that contain critical areas should be converted into Bonus FAR.
10. Re: 030.E.6 (Historic Structure Preservation), we recommend that when a historic structure is preserved and incorporated in redevelopment of the site, that structure’s floor area shall be, in effect, Bonus FAR.
11. Re: 030.E.7 (Under-building Parking in the Ferry Terminal District), we recommend retaining this provision, subject to change in revised Bonus FAR regulations.
12. After revision, in BIMC 18.12 and its Table of FAR-Based Dimensional Standards, the allowances for Base and Bonus FAR should not be regarded as permanent, or as conferring a right to develop to the limit. They should be reviewed periodically and revised in the light of experience, as circumstances in the community and the built environment change.
13. Next steps in the implementation of these recommendations remain to be determined. Further work can be done in the Planning Commission on the basis of policy guidance from the City Council. An Ad Hoc Committee or a Task Force might be formed. A consultant might contribute expertise that is not available within our community.