



CITY OF  
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION  
TUESDAY, JULY 20, 2021**

REMOTE MEETING ON ZOOM

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:  
[HTTPS://BAINBRIDGEWA.ZOOM.US/J/92947338351](https://bainbridgewa.zoom.us/j/92947338351)  
OR TELEPHONE: US: +1 253 215 8782  
WEBINAR ID: 929 4733 8351

**AGENDA**

1. **CALL TO ORDER / ROLL CALL - 6:00 PM**
2. **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE - 6:05 PM**
3. **FUTURE COUNCIL AGENDAS**
  - 3.A **(6:10 PM) Future Council Agendas**, 10 Minutes  
[Council Agenda Topics for Upcoming Meeting.pdf](#)
4. **PRESENTATIONS**
  - 4.A **(6:20 PM) Receive Presentation from Puget Sound Energy on Proposed Transmission Line**, 30 Minutes  
[Council Presentation Slides.pptx](#)  
[Bainbridge Island Transmission Loop Project Fact Sheet.pdf](#)
5. **COUNCIL DISCUSSION**
  - 5.A **(6:50 PM) Discuss Planning Commission's Recorded Motion Related to Ordinance No. 2021-03, related to Hotels in the Central Core, Gateway, and Ferry Terminal Districts**, 30 Minutes  
[ORD 2020-40 Planning Commission Recorded Motion 121020](#)  
[Ordinance No. 2021-03-Relating to Triage Code Updates-Approved 04132021 \(1\).pdf](#)  
[Staff Memo re Hotels.pdf](#)
6. **COMMUNICATIONS**

- 6.A (7:20 PM) Receive Planning Commission's Action and Recommendations on Draft Ordinance 2021-12 and Draft Resolution 2021-07 and Emergency Request to amend Chapter 16.18 BIMC, 15 Minutes  
Staff Memo re Planning Commission Recommendation.pdf  
PC Recommendation 20210714  
Exhibit A Phase Two Triage Code Changes DforB  
Exhibit\_B\_-\_Project\_Review\_Flow\_Chart  
Ordinance\_No.\_2021-12\_Final\_Draft\_Revisions  
RESOLUTION\_NO\_2021-07  
Public Hearing DRAFT ORD 2020-28 Exhibit A Chapter 16.18 BIMC

7. FOR THE GOOD OF THE ORDER - 7:35 PM

8. ADJOURNMENT - 7:45 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.



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CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** July 20, 2021

**ESTIMATED TIME:** 10 Minutes

**AGENDA ITEM:** (6:10 PM) Future Council Agendas,

**SUMMARY:** Council will review future Council agendas.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Executive

**RECOMMENDED MOTION:** Discussion.

**STRATEGIC PRIORITY:** Good Governance

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

**ATTACHMENTS:**

[Council Agenda Topics for Upcoming Meeting.pdf](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**

**ITEMS TENTATIVELY SCHEDULED FOR FUTURE COUNCIL AGENDAS - SUBJECT TO CHANGE**

Last updated 7/15/2021

**July 27, 2021 Business Meeting**

<b>Agenda Section</b>	<b>Item</b>	<b>Staff Lead</b>
Unfinished business	Consider LTAC Criteria and authorize issuance of Request for Proposals	Schroer
Unfinished business	Provide expectations for the Green Building Task Force and Status [Tentative]	Wright
New business	Consider Complete Streets Ordinance	Wierzbicki
New business	Consider appointments to the Lodging Tax Advisory Committee	Lassoff
New business	Consider Ordinance No. 2021-12 & Resolution No. 2021-07, Phase 2 Triage Code Changes related to the Pre-Application Process	Wright
New business	Consider Confirmation of Recommended Appointment to the Utility Advisory Committee	Lassoff
New business	Consider Changes to BIMC 16.18 re: an Exemption for Defensible Space for Wildfire Mitigation	Wright
Council discussion	Discuss Adas Will Roundabout and Landmark Trees	Wierzbicki
Consent	Consider Crew Cab Flatbed Purchase	Wierzbicki
Consent	Consider Concrete Sidewalk Replacement Project Budget Adjustment and Contract Award	Wierzbicki
Consent	Approve Confirmation of Recommended Appointments to the Environmental Technical Advisory Committee	Lassoff
Consent	Accept Biennial Housing Report and Addendum	Wright

**August 3, 2021 Study Session [Canceled for Council Recess]**

**August 10, 2021 Business Meeting**

<b>Agenda Section</b>	<b>Item</b>	<b>Staff Lead</b>
Executive session	Hold executive session to consider the selection of a site or the acquisition of real estate and discuss litigation or potential litigation	Levan
Unfinished business	Bonus FAR Discussion: Consider Purchase of Mobile Home Park FAR	Wright
Unfinished business	Review Housing Action Plan Schedule of Activities	Wright
New business	Consider response to Puget Sound Energy's proposed transmission line project	Wierzbicki
New business	Consider adoption of Ordinance No. X, Amendment to the Bonus FAR program	Wright/Sutton
New business	Schedule Public Hearing on Ordinance No X, Extension of the Interim Control for the Bonus FAR program	Wright/Sutton
Council discussion	Consider amendments to the Ethics Program	Levan
Consent	Approve Weed Management and Native Plant Preservation Letter of Agreement	Levan
Consent	Adopt Ordinance No 2021-12 & Resolution No. 2021-07, Phase 2 Triage Code Changes Related to Improving the Pre-application process.	Wright/Greetham
New business	Consider Ordinance No. 2021-12, Phase 2 Triage Code Changes Related to the Pre-application Process	Wright/Greetham
New business	Consider Resulion No. 2021-21, Phase 2 Triage Code Changes Related to Public Pa	Wright/Greetham

New business	Consider Resolution No. 2021-12, Phase 2 Triage Code Changes Related to the Design Review Board	Wright/Greetham
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### August 17, 2021 Study Session

Agenda Section	Item	Staff Lead
Unfinished business	Discuss Madison Avenue Sidewalk Project Scope	Wierzbicki
Unfinished business	Discuss MFTE program, Title 3 Changes	Sutton

### August 24, 2021 Business Meeting

Agenda Section	Item	Staff Lead
Executive session	Hold executive session to discuss litigation or potential litigation	Levan
Presentation	Approve proclamation declaring September 2021 as Childhood Cancer Awareness Month	Brown
Unfinished business	Discuss ARPA Project List	King
New business	Discuss 2021 Mid-Year Report	Pitts
New business	Consider Public Works LTAC Funding Proposal (\$20,000)	Wierzbicki
New business	Consider Historic Preservation Commission 2021 Work Plan and 2020 Work Plan Summary	Tayara/Wright
New business	Discuss Ferncliff Avenue Water Line Extension Rate Structure Recommendation and Code Revision	Wierzbicki
Consent	Approve Ordinance No. 2021-XX Relating to 2021 2nd Quarter Budget and Updated Capital Improvement Plan Amendments	Duncombe
Consent	Adopt Ordinance No. X, Amendment to the Bonus FAR program	Wright
Consent	Consider High School Road Safety Improvements Contract Award (\$00.00)	Wierzbicki
Consent	Consider Country Club Bulkhead Spot Repairs Contract Award (\$00.00)	Wierzbicki
Public Hearing	Hold Public Hearing on Ordinance No. X, Extension of the Interim Control of the Bo	Wright

### September 7, 2021 Study Session

Agenda Section	Item	Staff Lead
Unfinished business	Discuss Traffic Calming and Safety Project Part 1	Wierzbicki
New business	Introduce Building and Development Study and Authorize Public Review of Building and Community Development Fees	Wright
New business	Discuss Groundwater Management Plan Kickoff	Wierzbicki

### September 14, 2021 Business Meeting

Agenda Section	Item	Staff Lead
Presentations	Present Proclamation declaring September 2021 as Community Preparedness Month	LeSage
Consent	Consider Sportsman Club New Brooklyn Intersection Improvements Contract Award	Wierzbicki

**September 21, 2021 Study Session**

<b>Agenda Section</b>	<b>Item</b>	<b>Staff Lead</b>
Presentations	Receive Presentation from Suquamish Tribal Chairman	King
New Business	Discuss Eagle Harbor Drive Non-Motorized Improvements Project Alternatives	Wierzbicki

**September 28, 2021 Business Meeting**

<b>Agenda Section</b>	<b>Item</b>	<b>Staff Lead</b>
Presentations	Present Proclamation declaring October 2021 as Filipino American History Monthy	Brown

**UNSCHEDULED AT THIS TIME**

**City Council Initiated Items**

<b>Agenda Section</b>	<b>Item</b>	<b>Staff Lead</b>
New business	Review Affordable Housing Work Plan Components	Wright, Schroer
New business	Floor Area Ratio Policy Topics	Wright
New business	Review Approach and Recommendations for Police/Court Facility Project	King
New business	Review Puget Sound Regional Council Growth Allocation	Wright
New business	Consider Ordinance adopting MFTE program, Title 3	Wright
Presentation	Receive Update from Kitsap Public Facilities District Representative	Schroer
Presentation	Receive report from Joint REAC/CCAC Subcommittee	Schroer
Presentation	Receive Quarterly Public Safety Presentation	Clark
New business	Consider Resolution on Proclamation/Recognition Policy	Levan
Unfinished business	Receive Update from Farmland Ad Hoc Committee	Schroer
Council discussion	Consider proposal regarding Ethics Program from Councilmember Pollock	Levan
Unfinished business	Consider Suquamish Welcome Pole	Wierzbicki
Unfinished business	Consider resolution to update the Governance Manual related to Council complaints	Levan
New business	Consider policy for co-sponsorship of City events	Schroer
New Business	Protection of Landmark Trees Ordinance, Sunset Landmark Tree Ordinance	Snyder, Wright
New Business	Triage Phase II: Pre-application Phase Process Change	Greetham
New Business	Receive recommendation from joint subcommittee regarding anonymous complaints to the Ethics Board	King
New business	Discuss statute to provide additional housing density for religious organizations to build affordable housing on their property	Wright
Unfinished business	Consider further regulations relating to single use plastics	Levan

**All Other Items**

<b>Agenda Section</b>	<b>Item</b>	<b>Staff Lead</b>
Unfinished business	Update on Eagle Harbor Phase I Project Options	Wierzbicki
New business	Consider Settlement with Sewer District 7	Pitts, Wierzbicki, Levan
New business	Review Island Center Subarea Plan Recommendation	Wright, Sutton
New business	Consider Ordinance adopting Small Wireless Facility Design Standards	Wright, Levan
New business	Receive 2020 financial report	Pitts
New business	Consider Sportsman Club/New Brooklyn Intersection Improvements Contract Award in the Amount of \$ XXX	Wierzbicki
New Business	Receive and File Annual Audit	Pitts
Unfinished business	Consider revisions to sign code	Wright
New Business	Consider redistricting process	King, Levan



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** July 20, 2021

**ESTIMATED TIME:** 30 Minutes

**AGENDA ITEM:** (6:20 PM) Receive Presentation from Puget Sound Energy on Proposed Transmission Line,

**SUMMARY:** A representative from Puget Sound Energy will provide information on the proposed transmission line.

**AGENDA CATEGORY:** Presentation

**PROPOSED BY:** Public Works

**RECOMMENDED MOTION:** Presentation.

**STRATEGIC PRIORITY:** Reliable Infrastructure and Connected Mobility

**FISCAL IMPACT:**

<b>Amount:</b>	N/A
<b>Ongoing Cost:</b>	N/A
<b>One-Time Cost:</b>	N/A
<b>Included in Current Budget?</b>	No

**BACKGROUND:** A representative from Puget Sound Energy will provide information on the proposed transmission line project. A summary of that project, as provided by PSE, is outlined below:

Electric reliability on Bainbridge Island needs to be improved. In finding solutions, PSE committed to exploring new technologies. PSE’s proposed plan is a unique solution designed for Bainbridge Island – combining new technologies and grid infrastructure to ensure safe, dependable power for families and businesses for years to come. The proposed solution is a combination of wires and non-wire solutions, including installing a 3.3 MW utility-scale battery for peak-shaving, implementing conservation and demand response programs to lower customer demand, rebuilding the aging Winslow Tap ( a "tap" is a type transmission line name to indicate that the line originates at a connection to another transmission line and not a substation), and adding the “missing link” transmission line between the Winslow and Murden Cove Substation.

The “missing link” new transmission line is a critical component of PSE’s plan to improve electric service reliability, reducing the frequency and duration of power outages for customers on Bainbridge Island. Two-thirds of the island is served by two substations that don’t have backup transmission. PSE is planning to build the new "missing link" transmission line between the Winslow and Murden Cove substations to create a transmission

loop. This means each substation will be connected to two transmission lines. If one line goes out, the other line can still feed the substation and provide power to customers.

Additional information can be found in the attached presentation and fact sheet.

**ATTACHMENTS:**

[Council Presentation Slides.pptx](#)

[Bainbridge Island Transmission Loop Project Fact Sheet.pdf](#)

**FISCAL DETAILS:** N/A

**Fund Name(s):**

**Coding:**

# PSE on bainbridge island

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## Improving reliability

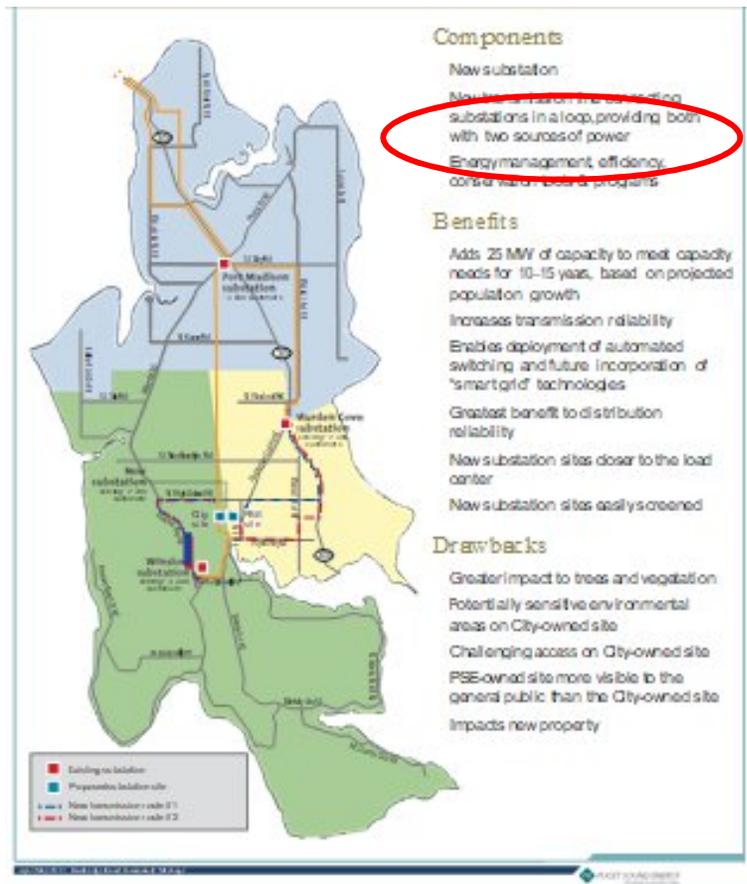
Bainbridge Island City Council presentation

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July 20, 2021



# PSE's efforts to improve reliability



“New transmission line connecting substations in a loop, providing both with two sources of power.”

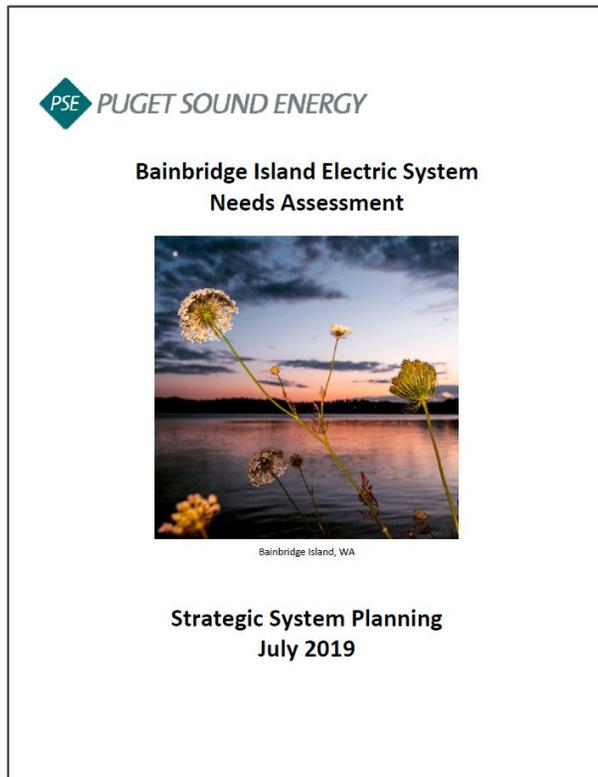
*PSE Bainbridge Reliability Plan*

*April 2010*



# “Missing Link” transmission line need

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## Findings:

- Poor transmission reliability
- Aging transmission infrastructure
- Growth: ferry electrification and increased demand for power

# Why do my lights go out so often?

2/3 of customers at risk of outage due to lack of back-up transmission



- Transmission line
- Substation



# What would keep the lights on?

New transmission line for improved reliability



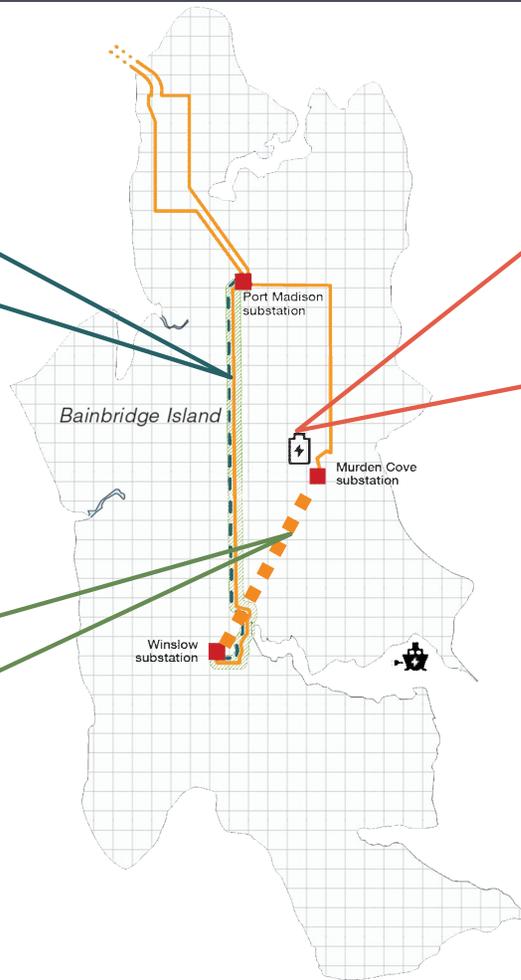
- Transmission line
- Substation
- Proposed transmission line (route TBD)



# Reliability and grid modernization

 **Resiliency**  
Rebuild aging Winslow Tap line

 **Reliability**  
Build “missing link” transmission line



 **Smart, flexible Battery adds capacity and improves system flexibility**



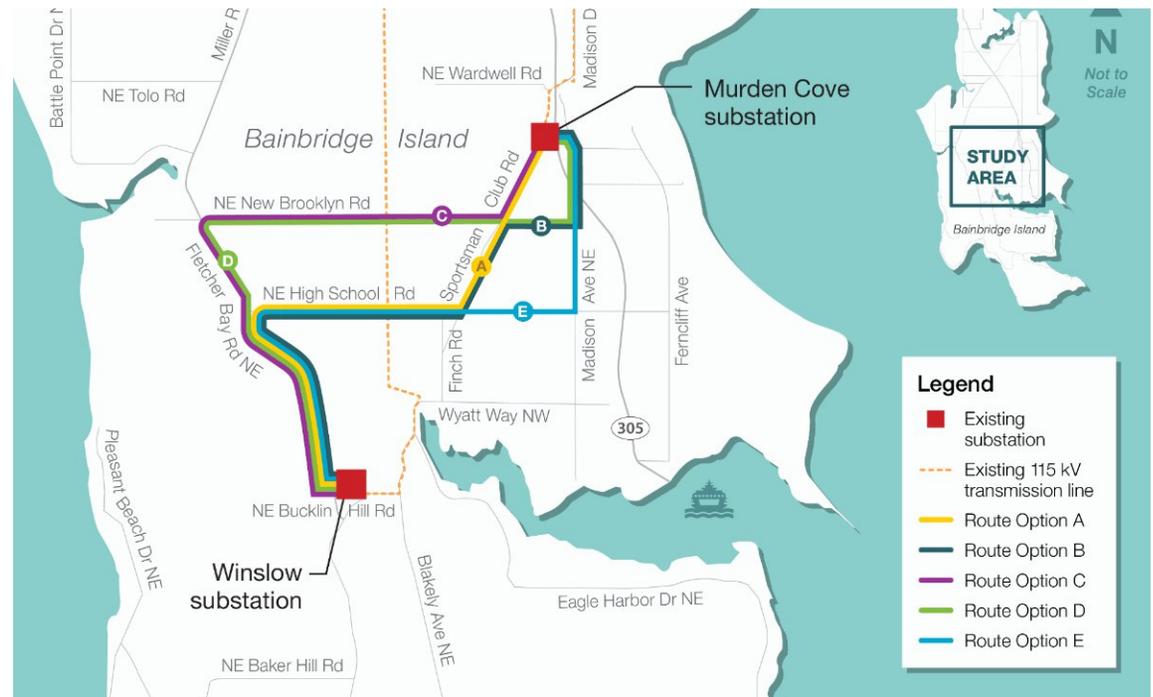
 **Smart, flexible conservation and demand response tools**

GET  
UND  
ERGY

# What is PSE proposing for the new line?

**Location:** Between Murden Cove and Winslow substations, we currently are analyzing five route options. We are considering route options primarily along the road right-of-way.

**Aerial transmission line:** PSE is proposing an overhead transmission line.



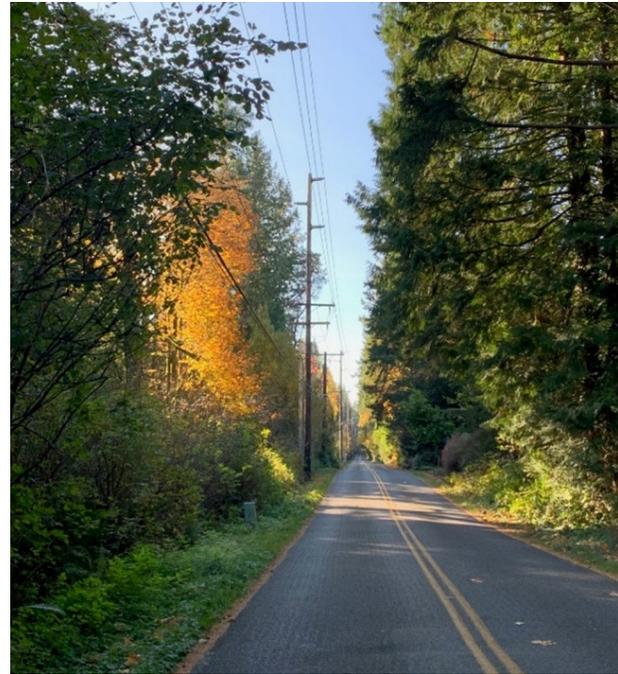
## What would the line look like?

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**Pole type:** The majority of poles for this new line would be wood poles between 60 to 75 feet above ground. There could be some sites with other pole types if needed (like when turning a corner). We expect they will look very similar to existing 115kv lines on the island.



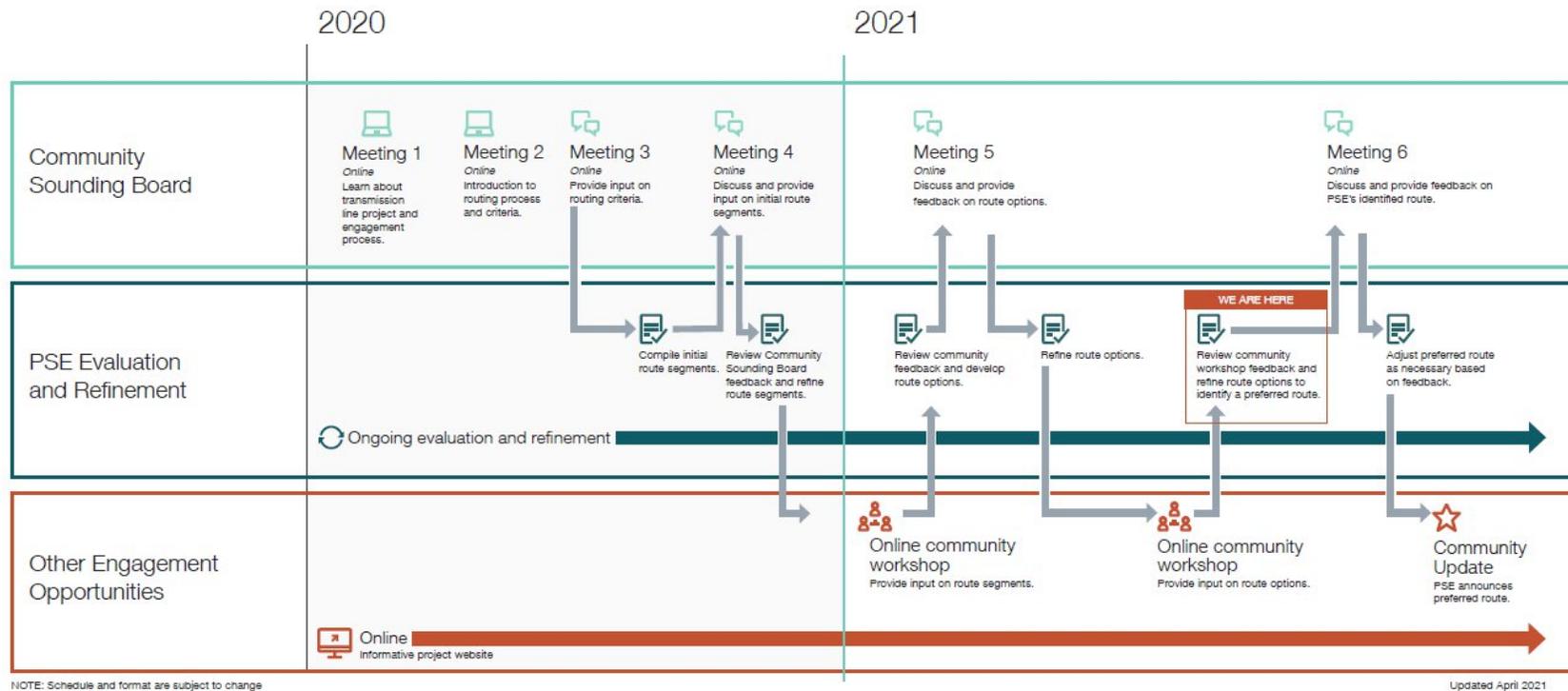
*Location: Sands Avenue NE*



*Location: NE Day Road W  
Transmission lines over distribution*

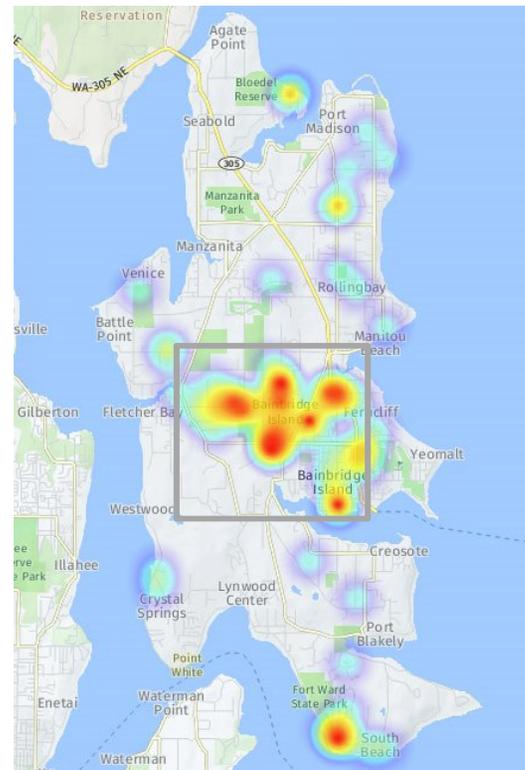
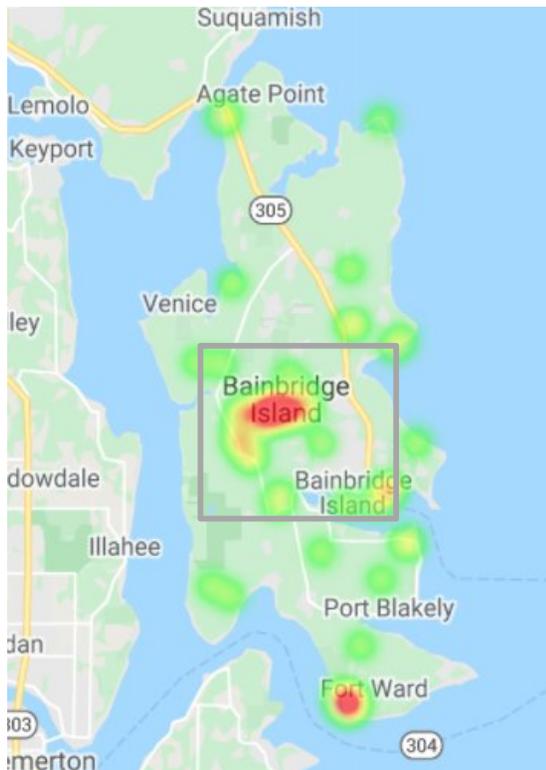


# Brief recap: Community engagement process



NOTE: Schedule and format are subject to change

## Public feedback on route segments



- Online feedback periods:
  - Jan. 21 – Feb. 12, 2021
  - May 3 – June 2, 2021
- First comment period:
  - Total of 92 responses submitted by 88 individuals
- Second comment period:
  - Total of 106 responses from 242 individuals
- Feedback submitted via Segment Explorer, email, online comment forms, voicemails, and letters

## Most common feedback themes: route options

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Interest in undergrounding the new transmission line



Desire to avoid schools and youth gathering places



Minimize impacts to trees, wetlands, and habitat



Belief reliability is fine as-is and desire to keep the system as it is



Concerns for impacts to private property and residential neighborhoods



Support for the new transmission line and improved reliability

# Themes by route-specific comments

Route theme	A	B	C	D	E
Support for line and improving reliability	12		3		1
Opposition to line and improving reliability	2	1	1	3	
Take the shortest, most direct route	13	3	2	1	3
Build the lowest cost route	7	3	2		2
Take the shortest, most direct route	13	3	2	1	3
Build the lowest cost route	7	3	2		2
Support for undergrounding	2	3	1	4	3
Look for opportunities to create/enhance trails	1	1			
Minimize impacts to private property/residential neighborhoods	11	7	3	5	4
Minimize impacts to trees	13	8	2	3	5
Minimize impacts to wetlands, habitat	6	3	4	4	2
Minimize construction impacts	1		1		
Avoid schools/youth gathering spaces	5	6	1	6	3
Minimize aesthetic/visual impact	2	2		1	3
Select the route that can be permitted/built quickly	3		2		
Concern about EMF, health	5	5	1	2	
Preserve rural character of island	2		2	3	
Avoid helipad/fire station	1	2			



## Project is consistent with the City of Bainbridge Island plans and goals

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Goal U-1: *Ensure that reliable utility services are available to all Bainbridge Island residents.* (COBI Comprehensive Plan, 2017)



Policy U-14.3: *Encourage the electric service provider to improve reliability, with particular attention to adding transmission redundancy and mitigating impacts on service from storms or other natural events.* (COBI Comprehensive Plan, 2017)



Climate Action Plan contains several priority actions that could have impact on load:

- 3.B.1.c: *Prohibit propane, fuel oil, and wood stoves for primary heating in new buildings.*
- 4.B.1.a. *Transition COBI's fleets to primarily electric vehicles, use biofuels where not an option, and encourage other Bainbridge Island taxing districts to also develop a plan.*
- 4.B.2.a. *Evaluate current code to see if a need to increase the number of EV charge-ready for all new development/major renovations and multifamily units/commercial development include EV charging infrastructure.*



# Questions?

## Route options



Map of route options PSE is considering for the new "missing link" transmission line between the Murden Cove and Winslow substations.

## For more information

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Route Explorer tool available at [psebainbridge.participate.online](https://psebainbridge.participate.online)



Need and solution studies available at [pse.com/bainbridge](https://pse.com/bainbridge)



Email us at [info@psebainbridge.com](mailto:info@psebainbridge.com)



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## “Missing link” transmission line project

### Project overview

PSE plans to build a new transmission line between the Murden Cove and Winslow substations to create a transmission loop. Creating a transmission loop means all substations will be connected to two transmission lines. If one line to a substation experiences an outage, the other line can feed the substation and provide power to customers.

### Project benefits

This project will make Bainbridge Island’s electric grid more resilient and reduce the impact of any single transmission line outage by focusing on redundancy between the substations.

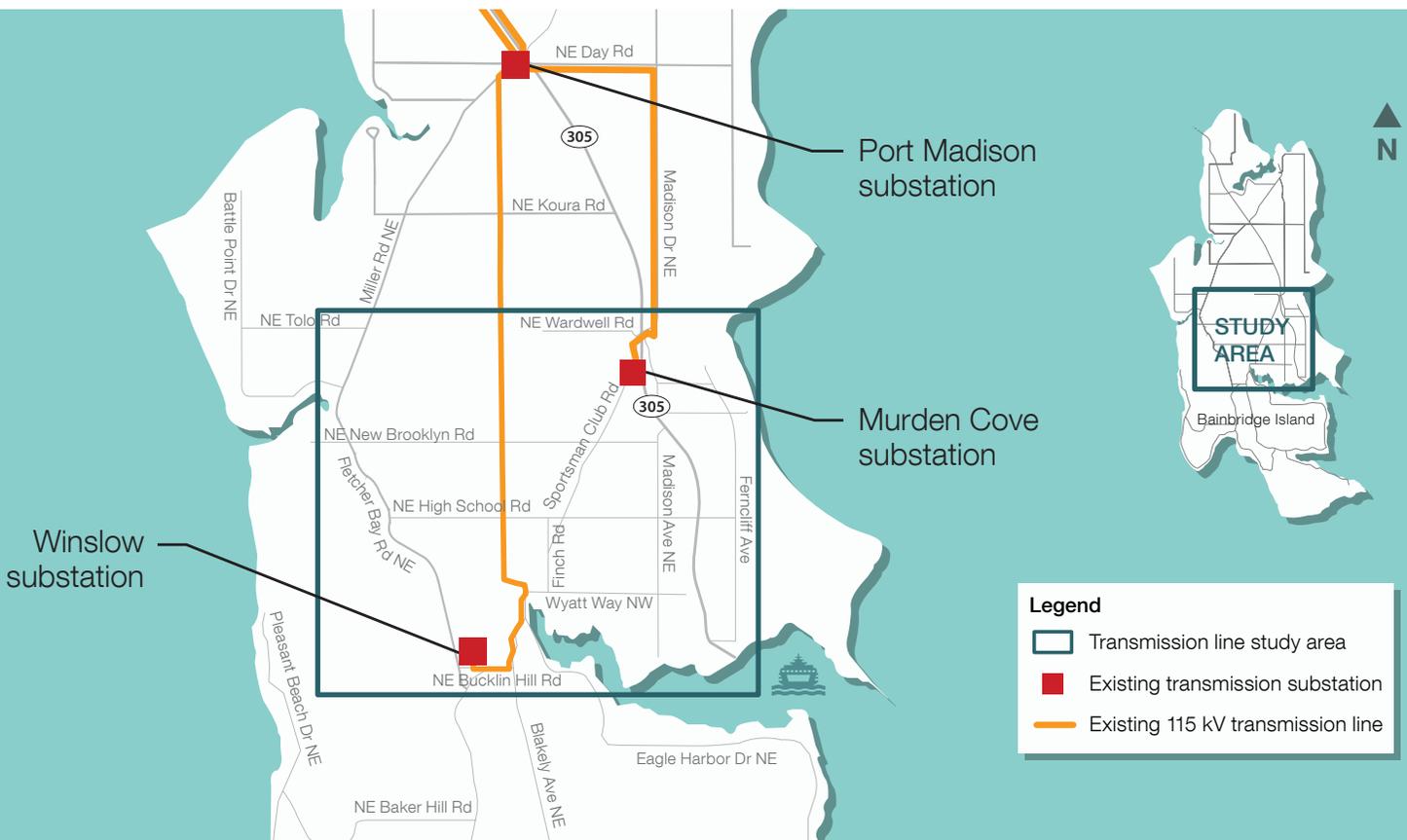
Simply stated, the “missing link” transmission line will improve reliability for two-thirds of the island, including families, schools and businesses.

### Why is this project needed?

Bainbridge Island customers experience longer and more frequent outages than the average PSE customers. It’s clear that electric reliability on the island needs to be improved and this project is the reliability solution you’ve been asking for.

Nearly two-thirds of Bainbridge customers are at risk of a prolonged outage. This is because their area is served by either Winslow or Murden Cove substation—which are fed by a single transmission line with no back-up. This transmission system configuration contributes to the duration and frequency of power outages.

**Fast fact:** Transmission outages contributed nearly 50 percent of the total customer minutes of service interruptions to the island between 2013 and 2017.



# PSE on bainbridge island

## Community Engagement Process



### Partnering with the community

It's our goal to understand community values and interests as the project progresses, so we launched a community engagement process to gather input and feedback. There are many ways the community can participate, including attending a Community Sounding Board (CSB) meeting, online community workshops, an online open house with interactive content available 24/7, as well as connecting to the project team via phone or email. Please visit [psebainbridge.participate.online](https://psebainbridge.participate.online) for more information.

### Community Sounding Board

The CSB is comprised of Bainbridge Island residents and organizational representatives who provide input and feedback during the transmission line routing process. All CSB meetings are online, and open for the public to observe and provide brief public comment. All meeting materials (agenda, presentation slides, summaries, and handouts) are posted on our website.

### Community workshops

In 2021, we'll host two workshops where community members can provide feedback to inform the route selection process. The first workshop will invite the community to provide feedback on route segments, and the second workshop will ask community members to provide input on route options.

### Online open house

We'll also collect feedback throughout the route selection phase of the project through an online open house.

Following the first community workshop, the online open house will host an interactive Segment Explorer tool that allows the community to provide feedback on route segments.

### Anticipated project schedule

We're working to have the "missing link" transmission line in-service by 2024. This schedule is subject to change as the project progresses.

- Transmission line routing: 2020–2021
- Fieldwork and engineering: 2021–2022
- Real Estate and permitting: 2021–2022
- Construction and restoration: 2023–2024
- Transmission line in-service: 2024

### Our plan to improve electric reliability

The project is one component of a unique package of projects designed for Bainbridge Island.

To learn about how this project fits into the overall solution, visit [pse.com/bainbridge](https://pse.com/bainbridge).

 [psebainbridge.participate.online](https://psebainbridge.participate.online)

 1-888-878-8632

 [info@psebainbridge.com](mailto:info@psebainbridge.com)



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** July 20, 2021

**ESTIMATED TIME:** 30 Minutes

**AGENDA ITEM:** (6:50 PM) Discuss Planning Commission's Recorded Motion Related to Ordinance No. 2021-03, related to Hotels in the Central Core, Gateway, and Ferry Terminal Districts,

**SUMMARY:** Based on the "Planning Commission Recorded Motion" related to the Planning Commission's December 10, 2020 meeting (see attached), the Planning Commission's finding of fact and recommendation to the City Council on Ordinance No. 2021-03 included that the intent of the proposed changes to the weight given (by the Planning Director and the Hearing Examiner) to the Planning Commission recommendations is to prohibit hotels in the Central Core, Gateway, and Ferry Terminal zoning districts while review of definition and use standards is completed to determine if and how hotels within these zoning districts are a use consistent with the comprehensive plan (Table 18.09.020 and Definition 18.36.030).

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** City Council

**RECOMMENDED MOTION:** Direct the Planning Commission to review and provide recommendation(s) with regard to the development of hotels in the Central Core, Gateway, and Ferry Terminal districts, and consider whether or not the Council wishes to provide guidance to the Planning Commission concerning standards for the development of hotels; or in the alternative, whether the Council wishes to hold the consideration of hotels in abeyance until the initiation or completion of the Winslow Master Plan Update.

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:** Ordinance No. 2021-03 was approved by the City Council on April 13, 2021. The ordinance made several regulatory changes, including prohibiting new hotels in the Central Core, Gateway, and Ferry Terminal districts. Prior to this ordinance, hotels were a conditional use in these zones. The Planning Commission included in their recommendation to the City Council findings of fact that stated that their intent in recommending prohibition of hotels was to review definition and use standards to determine if and how hotels within these zoning districts are a use consistent with the comprehensive plan.

The definition of hotel in BIMC 18.36.030 is "a building or group of buildings containing guest rooms, where, for compensation, lodging is provided for transient visitors. A hotel or motel may contain one or more restaurants.

A hotel or motel is not a bed and breakfast lodging or inn as defined and regulated elsewhere in this code. Short-term rental (less than 30 days at a time) of a single-family residence does not constitute a hotel."

**ATTACHMENTS:**

[ORD 2020-40 Planning Commission Recorded Motion 121020](#)

[Ordinance No. 2021-03-Relating to Triage Code Updates-Approved 04132021 \(1\).pdf](#)

[Staff Memo re Hotels.pdf](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



# PLANNING COMMISSION RECORDED MOTION

<b>Planning Commission Meeting Date:</b>	<b>December 10, 2020</b>
<b>Ordinance:</b>	<b>Ordinance 2020-40 - Joint City Council/Planning Commission Land Use Subcommittee Phase I "Triage" Code Changes</b>
<b>Decision Maker:</b>	<b>City Council</b>

**Planning Commission Role and Responsibility:** Pursuant to [BIMC 2.16.180](#), Planning commission review and recommendation is required for amendments to BIMC Chapter 2.16, and BIMC Titles [16](#), [17](#), and [18](#), area-wide rezones initiated by the city, or area-wide rezones associated with a privately initiated amendment to the comprehensive plan.

**Planning Commission Action:**

1. In making a recommendation, the planning commission shall consider applicable decision criteria of this chapter, all applicable law, the comprehensive plan, public comment, and any necessary documents and approvals.
2. The planning commission shall issue a written recommendation that contains (a) a statement recommending that the proposed amendment be approved, approved as amended, or denied, and (b) a statement of facts upon which the recommendation is based and the conclusions derived from those facts.
3. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the city council and department director.

**Findings of Fact and Reasons for Action**

Most of the code changes proposed by Ordinance 2020-40 fall into 3 categories:

1. Clarifies that the Planning Director and Hearing Examiner should give substantial weight to Planning Commission recommendations on land use permits, including recommendations of denial.
2. Prohibits new hotels in the Central Core, Gateway and Ferry Terminal zoning districts.
3. Increases the duration of required affordability for designated affordable housing from 30 years to 50 years for rentals and 99 years for homeownership.

The intent of the proposed changes to the weight given to Planning Commission recommendations is to:

- Provide clarity to the decision maker with respect to the treatment of a Planning Commission denial and whether a decision can be remanded by the Hearing Examiner;
- Provide durations of affordability for rental and homeownership projects under Section 18.21.020.B; and
- Prohibit hotels in the referenced zoning districts while review of definition and use standards is completed to determine if and how hotels within these zoning districts are a use consistent with the comprehensive plan. (Table 18.09.020 and Definition 18.36.030.)

**Recommendation:**

The Planning Commission recommends the City Council:

- Approve the ordinance.  
 Approve the ordinance as amended.



# PLANNING COMMISSION RECORDED MOTION

Deny the ordinance.

**Recorded motion on December 10, 2020:**

I will move to recommend that this Ordinance draft be sent forward to the City Council and prepared for their deliberation and decision.  
Quitslund/McCormick Osmond

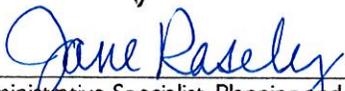
**Planning Commission Record of Vote:**

Commissioner	Support	Oppose	Absent	Abstain
Chester	X			
McCormick Osmond	X			
Quitslund	X			
Macchio	X			
Paar	X			
Blossom	X			
Mathews	X			
<b>Total</b>	<b>7</b>			

**CITY OF BAINBRIDGE ISLAND PLANNING COMMISSION**

  
Chair

Date: 12/15/20

  
Administrative Specialist, Planning and Community Development

Date: 12/16/20

**ORDINANCE NO. 2021-03**

[Formerly Ordinance No. 2020-40]

**AN ORDINANCE** of the City of Bainbridge Island, Washington, amending BIMC 2.16.030, 2.16.040, 2.16.110, 2.16.125, 2.16.190, 18.09.030, and Table 18.09.020 related to priority clarifying code changes and prohibiting new hotels in certain zoning districts.

**WHEREAS**, on June 22, 2020, the City Council formed a City Council and Planning Commission joint land use subcommittee (“Joint Subcommittee”) directed by the Council to, among other things, develop a process and list for undertaking work on priorities for land use code revisions; and

**WHEREAS**, the Joint Subcommittee’s first phase of work included identifying urgent land use code changes; and

**WHEREAS**, the City Council endorsed the Planning Commission approach of beginning work on the first phase of work at their meeting on October 13, 2020; and

**WHEREAS**, the Planning Commission considered the proposed changes on October 29, November 12, and November 19, 2020; and

**WHEREAS**, the Planning Commission held a public hearing on this ordinance, which was then titled as Ordinance No. 2020-40, on December 10, 2020, and after closing the public hearing, made a recommendation of approval of Ordinance No. 2020-40 to the City Council; and

**WHEREAS**, notice was given on December 17, 2020, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

**WHEREAS**, on February 9, 2021, the City Council discussed enacting the housing affordability provisions of Ordinance No. 2021-03 (formerly Ordinance No. 2020-40) related to updates to BIMC 18.21.020 on a priority basis and allowing for additional time for consideration related to the other provisions of Ordinance No. 2021-03, based on the Council’s concern about the limited number of affordable housing units on Bainbridge Island; and

**WHEREAS**, at a special meeting on February 11, 2021, the City Council approved Ordinance No. 2021-11 updating BIMC 18.21.020 and, therefore, those provisions have been removed from this Ordinance No. 2021-03; and

**WHEREAS**, the City Council considered this ordinance at its meeting on March 23, 2021 and, after consideration and discussion, including related to a proposed section that was added to clarify more specifically the projects to which this ordinance applies,

the Council forwarded this ordinance to the consent agenda for the April 13, 2021 Council meeting; and

**WHEREAS**, at the City Council meeting on April 6, 2021, the Council took action to modify its agenda for its April 13, 2021 meeting such that consideration of this ordinance was moved from the consent agenda to the unfinished business agenda for that meeting; and

**WHEREAS**, at the City Council meeting on April 13, 2021, the Council considered and took action on this ordinance; and

**WHEREAS**, as articulated in the Planning Commission’s Recorded Motion from its December 10, 2020 meeting, this ordinance, in relevant part, clarifies that the Planning Director and the Hearing Examiner should give substantial weight to Planning Commission recommendations of approval on land use permits, including recommendations of denial, and prohibits new hotels in the Central Core, Gateway, and Ferry Terminal zoning districts; and

**WHEREAS**, as also articulated in the Planning Commission’s Recorded Motion from its December 10, 2020 meeting, this ordinance, in relevant part, is intended to provide clarity to the decision-maker with respect to the treatment of a Planning Commission recommendation of denial and whether a decision can be remanded to the Hearing Examiner, and to clarify that the prohibition on new hotels in the referenced zoning districts is intended to allow for the completion by the Planning Commission and the City Council of a review of definition and use standards to determine if and how new hotels within these specific zoning districts is a use consistent with the City’s Comprehensive Plan.

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

**Section 1.** Section 2.16.030.D. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. Decision Procedures.

1. Criteria for Decision. In making the decision, the department director shall consider the applicable decision criteria of this code, all other applicable law, and any necessary documents and approvals. When no other criteria are specified, the director shall apply the following criteria:
  - a. The application must comply with all applicable requirements of the BIMC as well as state and federal law.
  - b. The application is consistent with the adopted comprehensive plan, and specifically with the character or intended character of the area in which the property is located, as described in the comprehensive plan.

2. Environmental Review. For a land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, a SEPA threshold determination may be issued simultaneously with the final decision of the land use application.
3. Planning Commission Recommendation. When written public comments are received during the public comment period concerning the effect of the land use application on the comprehensive plan, shoreline master program or matters not addressed by specific provisions of this code, the director may request the planning commission to review an application and make a written recommendation prior to the director making a decision. The planning commission will consider the land use application at a public meeting. 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 of this code, all other applicable law, and any necessary documents and approvals. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director and shall be given substantial weight by the director in making a decision.

**Section 2.** Section 2.16.040.E.5. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

5. Review and Recommendation by Planning Commission.
  - a. In the case of a major site plan and design review 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. The planning commission's recommendation shall be given substantial weight by the director in making a decision.
- f. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

**Section 3.** Section 2.16.040.E.6. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

6. Review and Approval by Director.

- a. The director shall review the application materials, information provided by the health district and city engineer, staff report, any public comments received, the recommendations of the design review board and, in the case of major site plan and design review applications, the recommendations of the planning commission, and shall make a final decision based on:
  - i. In the case of a minor site plan and design review application, the final decision on an application is made by the director based on (A) decision criteria in subsection F of this section, (B) the DRB recommendation, and (C) consideration of any public comments received.
  - ii. In the case of a major site plan and design review application, the director will make the final decision based on (A) the decision criteria in subsection F of this section, (B) the recommendation of the planning commission, (C) the recommendation of the design review board, and (D) consideration of any public comments received. The design review board and 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.
- b. The director shall make compliance with the recommendations of the design review board and/or planning commission a condition of approval, unless the director concludes that the recommendations:
  - i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;

- ii. Exceed the authority of the design review board or planning commission;
  - iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
  - iv. Conflict with requirements of local, state, or federal law.
- c. The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation:
- i. Reflects inconsistent application of design guidelines, the Comprehensive Plan, or any applicable provisions of this code;
  - ii. Exceeds the authority of the design review board or planning commission;
  - iii. Conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
  - iv. Conflicts with requirements of local, state, or federal law.

**Section 4.** Section 2.16.040.F. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

- F. Decision Criteria. The director and planning commission shall base their respective recommendations or decisions on site plan and design review applications on the following criteria:
1. The site plan and design is consistent with all applicable provisions of the BIMC, design guidelines, the Comprehensive Plan, and applicable subarea and master plans; and
  2. The locations of the buildings and structures, open spaces, and landscaping result in a context-sensitive design; and
  3. The Kitsap public health district has determined that the site plan and design meets the following decision criteria:
    - 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; and
    - b. If the health district recommends approval of the application with respect to those items in subsection F.3.a of this section, the health district shall so advise the director; and

- c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director; and
- 4. The streets and nonmotorized facilities, as proposed, are adequate to accommodate anticipated traffic; and
- 5. The city engineer has determined that the site plan and design meets the following decision criteria:
  - 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 of properties downstream; and
  - c. The streets, nonmotorized facilities, locations of the buildings, structures, and vehicular circulation systems as proposed align with and are otherwise coordinated with streets and nonmotorized facilities serving adjacent properties and are adequate, safe, efficient and consistent with the Island-Wide Transportation Plan; and
  - d. If a traffic study shows that the proposed development will have an adverse impact on traffic, including nonmotorized traffic, the impact shall be mitigated as required by the city engineer; 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 required service(s) can be made available at the site; and
  - f. The site plan and design conforms to the “City of Bainbridge Island Engineering Design and Construction Standards and Specifications,” unless the city engineer has approved a deviation from the standards; and
- ~~6. The site plan and design is consistent with applicable design guidelines in BIMC Title 18; and~~
- 6.7. No harmful or unhealthful conditions are likely to result from the proposed site plan; and
- ~~8. The site plan and design is consistent with the comprehensive plan and other applicable adopted community plans; and~~
- 7.9. If the subject property contains a critical area or buffer, as defined in Chapter 16.20 BIMC, the site plan and design review permit conforms to all requirements of that chapter; and

~~8~~ 10. If the subject property is within the shoreline jurisdiction, as defined in Chapter 16.12 BIMC, the site plan and design review permit conforms to all requirements of that chapter; and

~~9~~ 11. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met;

~~10~~ 12. The Bainbridge Island fire department has reviewed the application and determined that the site plan has been properly designed to ensure fire protection; and

~~11~~ 13. The site plan and design has been prepared consistent with the purpose and review procedures of this chapter.

**Section 5.** Section 2.16.110.E.4. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

4. Review by Director.

- a. The director shall review the application materials, staff report, and the recommendations of the planning commission and shall prepare a report to the hearing examiner recommending approval, approval with conditions, or disapproval of the application.
- b. 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.
- c. The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation:
  - i. Reflects inconsistent application of design guidelines, the Comprehensive Plan, or any applicable provisions of this code;
  - ii. Exceeds the authority of the design review board or planning commission;
  - iii. Conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
  - iv. Conflicts with requirements of local, state, or federal law.

**Section 6.** Section 2.16.110.E.5 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

5. Review and Public Hearing with Hearing Examiner.

- a. The hearing examiner shall consider the application materials and the director’s recommendation at a public hearing following the procedures of BIMC 2.16.100.C and applicable provisions of BIMC 2.16.020.
- b. The hearing examiner shall make compliance with the recommendations of the planning commission a condition of approval, unless the hearing examiner concludes that the recommendations:
  - i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
  - ii. Exceed the authority of the design review board or planning commission;
  - iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
  - iv. Conflict with requirements of local, state, or federal law.
- c. The hearing examiner shall adopt a planning commission recommendation of denial of an application unless the hearing examiner concludes that the recommendation:
  - i. Reflects inconsistent application of design guidelines, the Comprehensive Plan, or any applicable provisions of this code;
  - ii. Exceeds the authority of the design review board or planning commission;
  - iii. Conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
  - iv. Conflicts with requirements of local, state, or federal law.
- d. The hearing examiner may approve, approve with conditions, deny, or remand an application.

**Section 7.** Section 2.16.125.E.7. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

- 7. Review and Public Hearing with Hearing Examiner.
  - a. The hearing examiner shall consider the application materials and the director’s recommendation at a public hearing following the procedures of BIMC 2.16.100.C and applicable provisions of BIMC 2.16.020.

- b. The hearing examiner shall make compliance with the recommendations of the planning commission a condition of approval, unless the hearing examiner concludes that the recommendations:
  - i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
  - ii Exceed the authority of the design review board or planning commission;
  - iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
  - iv. Conflict with requirements of local, state, or federal law.
- c. The hearing examiner shall adopt a planning commission recommendation of denial of an application unless the hearing examiner concludes that the recommendation:
  - i. Reflects inconsistent application of design guidelines, the Comprehensive Plan, or any applicable provisions of this code;
  - ii. Exceeds the authority of the design review board or planning commission;
  - iii. Conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
  - iv. Conflicts with requirements of local, state, or federal law.

**Section 8.** Section 2.16.190.G.1. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

- 1. Preapplication Conference. Prior to submittal of a comprehensive plan amendment application, the applicant or applicant’s representative shall attend a preapplication conference in accordance with the procedures of BIMC 2.16.020.I. City staff will notify the planning commission if preapplication conferences are scheduled and representatives from the planning commission may attend the preapplication meeting to provide early identification of potential comprehensive plan consistency issues. Interested persons ~~citizens~~ may attend the preapplication meeting.

**Section 9.** Table 18.09.020 of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A.

**Section 10.** Section 18.09.030.D.1. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. Commercial Sales and Service.

- ~~1. Hotel. In the ferry overlay district, hotels are permitted south of Winslow Way only.~~

**Section 11. 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 12.** 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 13th day of April, 2021.

APPROVED by the Mayor this 13th day of April, 2021.



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Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	March 19, 2021
PASSED BY THE CITY COUNCIL:	April 13, 2021
PUBLISHED:	April 16, 2021
EFFECTIVE DATE:	April 21, 2021
ORDINANCE NUMBER:	2021-03

## Exhibit A to Ordinance No. 2021-03

**Table 18.09.020 Use Table**

"P" = Permitted Use	"A" = Accessory Use	Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties																	
"C" = Conditional Use	"CA" = Conditional Accessory Use																		
Blank = Prohibited Use	"T" = Temporary Use																		
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-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]				
COMMERCIAL SALES AND SERVICE Note: Commercial Sales and Service uses may be subject to additional requirements in BIMC 16.12.040.D, Commercial Development.																			
Accommodation																			
Bed and Breakfast (3+ bedrooms)	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P		
Inn											P	P	P	P	P	P	P		
Hotel											€	€	€	€	P				D-1



CITY OF  
BAINBRIDGE ISLAND

## PLANNING AND COMMUNITY DEVELOPMENT MEMORANDUM

DATE: July 15, 2021  
TO: Blair King, City Manager  
FROM: Heather Wright, Director of Planning and Community Development  
SUBJECT: Hotel Discussion with the City Council

Ordinance No. 2021-03 was approved by the City Council on April 13, 2021. The ordinance made several regulatory changes, including prohibiting new hotels in the Central Core, Gateway, and Ferry Terminal districts. Prior to this ordinance, hotels were a conditional use in these zones.

The Planning Commission included in their recommendation to the City Council findings of fact that stated that their intent in recommending prohibition of hotels was to review definition and use standards to determine if and how hotels within these zoning districts are a use consistent with the comprehensive plan.

The purpose of discussing this item is to determine from the City Council:

- 1) If this item should be added to the Planning and Community Development 2021 work plan?

If decided by the City Council to add this to the work plan, based on the current number of items before the Planning Commission, the earliest staff and the Planning Commission could begin their work on this item would be September 2021.

- 2) If yes, would the City Council prefer to provide direction to the Planning Commission:

The definition of hotel in BIMC 18.36.030 is "a building or group of buildings containing guest rooms, where, for compensation, lodging is provided for transient

visitors. A hotel or motel may contain one or more restaurants. A hotel or motel is not a bed and breakfast lodging, or inn as defined and regulated elsewhere in this code. Short-term rental (less than 30 days at a time) of a single-family residence does not constitute a hotel."

For example, the City Council could provide guidance to the Planning Commission on the following:

- a. If a hotel should require a conditional use permit or be permitted 'by right'?
  - b. Should there be a maximum amount of rooms per hotel? Currently, a hotel is anything more than 15 rooms and there can be as many rooms as the lot coverage, height, parking, and setbacks may allow.
  - c. Should the definition of hotel be amended to exclude restaurants?
  - d. Should hotels have standard mitigation to reduce automobile impacts?
  - e. Should hotels only be allowed within a certain distance from the ferry terminal?
- 3) A final option for the Council to consider is delaying the work on this item until the completion of the Winslow Master Plan.



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** July 20, 2021

**ESTIMATED TIME:** 15 Minutes

**AGENDA ITEM:** (7:20 PM) Receive Planning Commission’s Action and Recommendations on Draft Ordinance 2021-12 and Draft Resolution 2021-07 and Emergency Request to amend Chapter 16.18 BIMC,

**SUMMARY:** On July 8, 2021, the Planning Commission made a recommendation on two items:

1. Ordinance 2021-12 and Resolution 2021-07 related to changes to improving the preapplication phase; and
2. Consider on an emergency basis an exemption for a permit for defensible space (that includes a hyperlink to Firewise) in Chapter 16.18 BIMC (see Public Hearing Draft Ordinance 2020-28, Ex A)

**AGENDA CATEGORY:** Report

**PROPOSED BY:** Planning & Community Development

**RECOMMENDED MOTION:** Information on request to proceed with an emergency ordinance to allow certain tree and vegetation activities without a permit.

**STRATEGIC PRIORITY:** Healthy and Attractive Community

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:** BIMC 2.16.180, legislative review of land use regulations and area-wide rezones, provides the review steps for certain legislative changes to the Bainbridge Island Municipal Code related to land use procedures and regulations. In part, it requires, related to certain actions, that the Planning Commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the City Council and department director.

**ATTACHMENTS:**

[Staff Memo re Planning Commission Recommendation.pdf](#)

[PC Recommendation 20210714](#)

[Exhibit A Phase Two Triage Code Changes DforB](#)

[Exhibit B - Project Review Flow Chart](#)

[Ordinance No. 2021-12 Final Draft Revisions](#)

[RESOLUTION NO 2021-07](#)

[Public Hearing DRAFT ORD 2020-28 Exhibit A Chapter 16.18 BIMC](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



CITY OF  
BAINBRIDGE ISLAND

## PLANNING AND COMMUNITY DEVELOPMENT MEMORANDUM

DATE: July 14, 2021  
TO: Blair King, City Manager  
FROM: Heather Wright, Director of Planning and Community Development  
SUBJECT: Planning Commission Action and Recommendation (BIMC 2.16.180.E.)

Pursuant to BIMC 2.16.180.E., Planning Commission Action and Written Recommendation, the Planning Commission's written recommendation on certain changes to the Bainbridge Island Municipal Code ("BIMC") related to land use procedures and regulations and other documents upon which its decision is based shall be immediately transmitted to the City Council and department director.

On July 8, 2021, the Planning Commission held a Public Hearing on draft Ordinance No. 2021-12 and draft Resolution No. 2021-07. Following the Public Hearing, the Planning Commission made a recommendation of approval to the City Council on proposed Ordinance No. 2021-12 (See attached PC Recommendation 20210714).

The Planning Commission motion and the items they reviewed at the Planning Commission meeting are included with this agenda item and include: draft Ordinance No. 2021-12, Exhibit A Phase Two Triage Code Changes, Design for Bainbridge revisions, Exhibit B – Project Flow Chart, and draft Resolution No. 2021-07.

In addition, the Planning Commission discussed and requested that the City Council take immediate action on an amendment to Chapter 16.18 BIMC, Tree Removal, Forest Stewardship and Vegetation Maintenance. The Planning Commission requests that the City Council adopt as an emergency an exemption that would allow wildfire mitigation activities within a 30' defensible space around primary structures, that bring a property up to the current standards of [Firewise USA®](#) without a permit (See Public Hearing Draft Ordinance No. 2020-28, Chapter 16.18 BIMC, and BIMC 16.18.040.H).

On December 17, 2020, the Planning Commission held a public hearing and recommended approval of draft Ordinance No. 2020-28 which included changes to Chapter 16.18 BIMC, Tree Removal, Forest Stewardship and Vegetation Maintenance, specific to exempting activities to create a 30' defensible space around primary structures.



# Planning Commission Recorded Motion

<b>Planning Commission Meeting Date:</b>	<b>July 8, 2021</b>
<b>Project Proposal Name and Number:</b>	<b>Triage Phase 2 Changes related to Improving the Pre-application Phase - Ordinance No. 2021-12 &amp; Resolution No. 2021-07</b>
<b>Decision Maker:</b>	<b>City Council</b>

**Purpose:** The purpose of the Planning Commission’s review and recommendation is to determine if a proposed ordinance is consistent with the comprehensive plan.

**Consideration:** The Planning Commission shall consider the ordinance at a public meeting where public comment will be taken. The Planning Commission shall recommend approval, or approval as amended, of the ordinance.

The Planning Commission will adopt written findings of facts and conclusions and determine if the ordinance is consistent with Bainbridge Island Municipal Code and the comprehensive plan. This motion will be included in the staff report transmitted to the City Council.

**Findings of Fact and Reasons for Action**

The ordinance, as amended, is:

- 1) Consistent with the municipal code and comprehensive plan by providing project applicants with comprehensive plan information and including the Planning Commission and the Design Review Board early in the review process.

**Recommendation:**

The Planning Commission recommends the City Council:

- Approve the ordinance as recommended.
- Approve the ordinance with the following changes:
  - a.
  - b.
  - c.



# Planning Commission Recorded Motion

Recorded motion on July 8, 2021:

Planning Commission Record of Vote:

Commissioner	Support	Oppose	Absent	Abstain
Chester	x			
McCormick Osmond	x			
Subramanian	x			
Macchio	x			
Paar			x	
Blossom	x			
Matthews	x			
<b>Total</b>	<b>6</b>		<b>1</b>	

## CITY OF BAINBRIDGE ISLAND PLANNING COMMISSION

Kimberly Melonick Osmond  
Chair

Date: 7-8-2021

\_\_\_\_\_  
Administrative Specialist, Planning and Community Development

Date: \_\_\_\_\_

## Exhibit A *Design for Bainbridge* Revisions

*[Note: Framework Consultants will incorporate Exhibit A revisions to Design for Bainbridge]*

### Pp. 10-11, Design Review Process

*Revisions: Updated and re-ordered meeting descriptions*

*NOTE: See Appendix A for submittal requirements for each individual meeting below.*

**1. Preapplication Conference.** The Preapplication conference with City staff is intended to provide information to the applicant in response to the submittal of a preliminary site plan and a conceptual design for the project, showing how it responds to site characteristics and the context of neighboring uses. City staff shall identify potential issues/concerns related to applicable City development regulations and standards including, but not limited to, zoning, environmental, utilities, transportation and stormwater regulations, relevant Comprehensive Plan goals and policies, and relevant goals and principles from *Design for Bainbridge*.

City staff shall ensure that the applicant is aware of the standards and criteria involved in review and approval of the project, both in the Bainbridge Island Municipal Code and the *Design for Bainbridge* manual. Planning staff shall prepare a summary letter detailing the pre-application guidance, to be provided to the applicant and the Design Review Board. See Appendix A below for a complete list of design related submittal requirements, in addition to other requirements in the Administrative Manual.

**2. Conceptual Review.** The Conceptual Review meeting is an applicant-led narrative to present site-specific conditions and contextual considerations for the design of development on site. This discussion is intended to inform strategies for site planning and massing that respond sensitively to the neighborhood context and the public realm as described in *Design for Bainbridge*. The six Goals and Principles listed in Chapter 1 serve as a useful narrative outline. (See Appendix A for a complete list of submittal requirements).

**3. Public Participation Meeting.** Following the Conceptual Review meeting, the applicant will make a formal and complete presentation of their concept(s) to the public at a Planning Commission meeting, providing the applicant an opportunity to respond to questions and comments from the public and Planning Commissioners before the Design Review Board conducts its design guidance review. A second Public Participation Meeting may be required if significant project changes occur after completion of the Design Guidance Review Meeting.

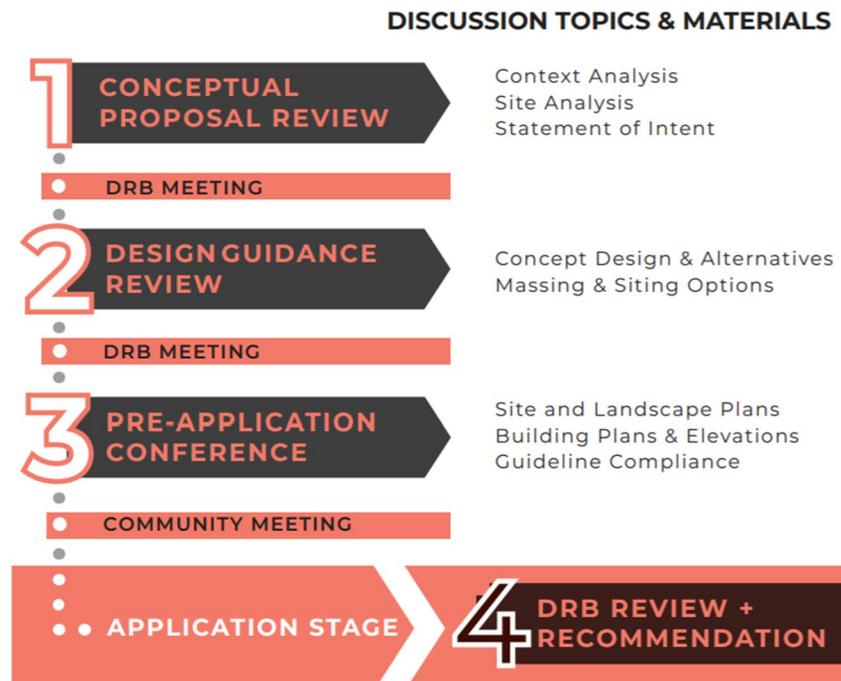
**4. Design Guidance Review.** Design guidance review meetings include applicant-led presentations at which the Design Review Board will offer guidance to applicants. The purpose of these meetings is to determine, with reference to the *Design for Bainbridge* manual, how the proposed alternatives fit the surrounding context, with a focus on the development's program, uses, site plan, and massing. The Board will also consider any requested departures, the rationale for those departures and their consistency with the intent and principles of the standards and guidelines. See Appendix A for a complete list of submittal requirements. Additional design

guidance review may be required if significant project changes occur after the initial Design Guidance Review Meeting.

**5. Final Design Review and Recommendation.** At this meeting, the Board will complete the review of final drawings and the DRB worksheet for compliance with Design Standards and Design Guidelines and ensure that the project reflects any required changes recommended by the Board, as listed in the project worksheet. The Board will document its findings and ~~transmit~~ issue a signed written recommendation. The Board's recommendation may include conditions to ensure compliance with all standards. If a majority of the Board members find that standards essential to the project's success have not been met, the Board shall recommend denial of the project. See Appendix A for a complete list of submittal requirements. The Planning Commission may determine that additional design review is required if significant project changes occur following the Final Design Review and Recommendation Meeting.

#### P. 11 Discussion Topics & Materials.

*Revision: Replace existing 4-step chart below with revised project review flow chart (Exhibit B)*



**Pp. 12-14, Submittal Requirements.**

*Revision: Replace existing submittal requirements (summary snip below) with expanded meeting submittal requirements (new Appendix A, below) and additional graphic illustrations of site plans and building elevations (new Appendix B, below).*

## Submittal Requirements

**1** Conceptual Proposal Review

Preliminary Development Program (Optional)

**2** Design Guidance Review

a. Vision statement & design intent;

Conceptual site plan & massing cross section



**3** Pre-Application Conference

a. Illustrative site plan, including:

d. Sun/shadow graphic analysis;

*Misc. additional Design for Bainbridge text revisions and clarifications. Note: Framework Consulting to review for final pagination when updating document.*

General: Conduct word search for “design guidelines” and change to “design standards”, except when referring to actual guidelines.

P.3 Change “Values and Principles” to “Goals and Principles”

P.5 “Design Standards vs. Guidelines” paragraph: Bold “**For a project to be approved, it must comply with all applicable design standards...**” (line 8)

P.6 “Relationship to Other Regulations, and Permit Review” paragraph: Insert additional references to BIMC where applicable (e.g. Critical Areas, Shoreline Master Program references).

P.6 “Departures” paragraph: Delete “Departures shall be reviewed concurrently with an application...” (paragraph 2, second sentence), and delete “~~administrative~~ departures” (paragraph 2, third sentence)

P.7 “Definitions”: Add reference to complete list of BIMC definitions in introductory sentence.

Pp.12-14 (Submittal requirements): Add language to each introductory section emphasizing necessity for applicant to *present* project to Design Review Board.

P.16 Ch. 3 Context Analysis introductory sentence: Bold “**Context analysis is a prerequisite for application of Design Standards and Design Guidelines.**”

P. 21 Ch. 4 Design Standards and Guidelines, introductory sentence: “In combination with the Context Analysis in Chapter 3, the Design Standards in Chapters 4 and 7 establish the minimum requirements in Design for Bainbridge necessary to take advantage of the opportunities of the surrounding context and site while contributing to the neighborhood.”

P.41 B5 Heading: “Use ~~high-~~ durable, quality materials and well-crafted details.”

P.49 Ch. 5, Street Types and Frontages: Break introductory paragraph into two paragraphs and insert reference to “Street Types” map on p.50.

P.65 Vegetated Buffer illustration: Revise “~~Setback~~ 25-50 feet” to “Buffer 25-50 feet” to clarify intent of illustration.

P.67 Subdivision Guidelines: Bold introductory sentence “**The subdivision guidelines in this chapter and the green street guidelines in the previous chapter support implementation of the City’s subdivision standards in BIMC 17.12.**”

P.70 Homesite Design guideline, “Intent” sentence: “To efficiently configure building footprint(s) and allowed uses within a homesites.”

*Revision: Insert new appendix A*

## **Appendix A: Design Review Board – Documents Required for Review**

Minimum Document Format: All submittal drawings and revisions shall be submitted at each meeting as a complete package, whether only one or multiple sheet changes.

The first page of every submittal package must show the Project Name, Permit Number, and Applicant Name. Each sheet must include Page# of #, submittal date, and a legible description of sheet contents.

### **Preapplication Conference**

1. Project Zoning Summary (See Sample)
2. Context Analysis Map – Existing property including surrounding uses (See Sample)
3. Site Photos – up to 500’ from property (optional)
4. Conceptual Site Analysis (topography, physical and natural features on site, trees >6” dbh) (See Sample)

5. Conceptual Site Plan (including pedestrian, vehicular access, architectural massing concept)  
(See Sample)

### **Meeting #1: Conceptual Review Meeting**

1. Project description and design narrative (see sample)
2. Project zoning summary (see sample)
3. Basic site analysis describing appropriateness of proposed use for the subject property
4. Context map showing property and surrounding uses (google maps minimum) (see sample)
5. Photos of the site and surrounding area up to 500 ft from property
6. Conceptual site plan(s) (see sample)
7. Development program (e.g. residential, live/work, retail, office, number of parking stalls) (see sample)

### **Meeting #2: Design Guidance Review Meeting**

#### A. Context Analysis including:

1. aerial photo (Google Earth Image is sufficient) and streetscape photos with streets and site boundaries indicated.
2. vicinity map showing existing conditions including adjacent structures, uses and zoning up to 500 feet from property lines.
3. documents, photos, maps etc., that respond to Chapter 3: Context Analysis Pgs. 17-20 of the Design For Bainbridge 2019
4. applicant shall refer to Context Analysis (C-1 through C-6) in the Design for Bainbridge book.

#### B. Design Standards Worksheet (DRAFT) previously recommended during meeting #1.

##### Review Design for Bainbridge Standards:

1. Site Design Standards (S-1 through S-5)
2. Public Realm Standards (P-1 through P-6)
3. Building Design Standards (B-1 through B-5)
4. Landscape Standards (L-1 through L-6)

#### C. Preliminary Drawings:

##### I. Site plan:

- a. roadways, traffic patterns, parking areas, vehicular, pedestrian, and bicycle circulation on the site, trails, facilities, proposed infrastructure, including vehicle and bicycle batter charging provisions.
- b. estimates of square footage provided/allowed for commercial space and/or residential units.
- c. estimates of landscape area provided/required.
- d. estimates of parking spaces provided/required.

- e. location and description of mechanical, accessory or trash/recycle structures on site.
  - f. location of adjacent buildings and features located on the site perimeter within 100 feet.
  - g. relationship of proposed development to significant site features and trees
  - h. all known easements on-site and within 100 feet of property lines shall be identified.
  - i. all known utilities above and below ground shall be identified.
  - j. separate drawing showing color code uses proposed including but not limited to buildings, landscaping, community spaces, natural areas, and other uses.
- II. Landscape plan including:
- a. streetscape and landscape elements
  - b. bike racks, benches, fire pits, pea patches, outdoor playground areas.
  - c. list of plant materials used.
- III. Building elevations (all four sides of proposed building) showing relative scale to neighboring properties
- IV. Floor Plan(s) includes:
- a. ground floor/ entrance plan(s), showing the ground floor uses.
  - b. roof plan of new structures – including pre-wire for solar panels if none provided.
  - c. locations of entrances, outdoor areas, and vehicular access to the structure.
  - d. building locations, secured bicycle storage, courtyards, setbacks.
- V. Site Sections include:
- a. site sections extending to adjacent buildings within 100 feet of the property line.
  - b. section through the most critical area of the structure(s) with property lines, preliminary floor to floor heights, overall height, and spot elevations noted.
- VI. Building Elevations include:
- a. eye level perspective from major street location.
  - b. elevations of each structure and of adjacent structures in context.
  - c. identification and discussion of material and color selections identification and discussion of mechanical screens and venting locations.
- VII. Preliminary Axiomatic drawings include:
- a. aerial perspective depicting entire project and adjacent buildings in context.
- D. Residential Subdivisions: Documentation of the four-step design process (BIMC 2.16.070.D, Short Subdivisions or BIMC 2.16.125.D, Preliminary Long Subdivisions)

**Meeting #3: Final Design Review and Recommendation Meeting**

1. Completed Design Standards Worksheet with comments from both the applicant and DRB.

2. Context Analysis (from Design Guidance meeting) :
3. Full Summary and rationale for all requested departures from Design Standards identified in Design for Bainbridge 2019.
4. Final Drawings and Plans Required:  
Move items below to the right
  - A. Site Plan
    1. all streets and property lines with dimensions.
    2. final roadways, parking areas, vehicular and pedestrian circulation on the site.
    3. final location and description of mechanical, accessory or trash structures on site.
    4. location of adjacent buildings and features located on the site perimeter.
    5. significant existing trees that are to be saved on the site and basic landscape features.
    6. adjacent buildings and features within 500 feet of the site or across the street.
    7. final square footage provided/allowed for commercial space and/or residential units.
    8. final landscape area provided/required.
    9. final parking spaces provided/required.
  - B. Landscape Plan Includes:
    1. streetscape and landscape elements
    2. bike racks, benches, fire pits, outdoor playground areas.
    3. final selection of existing trees and plants incorporated into the landscape design.
  - C. Floor Plan (s) includes:
    1. final Plans showing uses for all floors.
    2. final design for all entrances, outdoor areas, and vehicular access to the structure.
    3. final design for building modulation indicating setbacks with dimensions and changes in material.
    4. adjacent building locations, courtyards, setbacks, ground floor uses and section references.
  - D. Sections includes:
    1. final transverse and longitudinal sections through the entire site extending 100 feet past the property line to adjacent buildings or buildings across a roadway. (These sections can include the “b” sections that follow.)
    2. final transverse and longitudinal sections through each structure with property lines, floor to floor heights, overall height, and spot elevations noted.
  - E. Elevations include:
    1. final elevations of each structure including exterior mechanical screens, venting locations and adjacent structures in context.
    2. final material and color notes as needed for clarification.
    3. scale figures and transparent street trees or planned landscaping.
    4. final roof plan of new structures and their proposed entrances.
  - F. Renderings: Change below to 1, 2, 3 and move left

- A. eye level perspective renderings from two opposite street locations.
- B. at least one depicting entire project with adjacent buildings in context.
- C. optional: video fly-through project

G. Preliminary Exterior Lighting Plan:

- 1. final location of exterior lights and indication of light spillage at night.
- 2. description, images, color and finish of selected fixtures.

H. Materials and Colors: Change below to 1, 2, 3

- 3. Final color and material board(s) with accurate reference to drawings.
- 4. Final landscape color and material board(s) with accurate reference to drawings.
- 5. Critical materials should have samples provided for the review meeting.

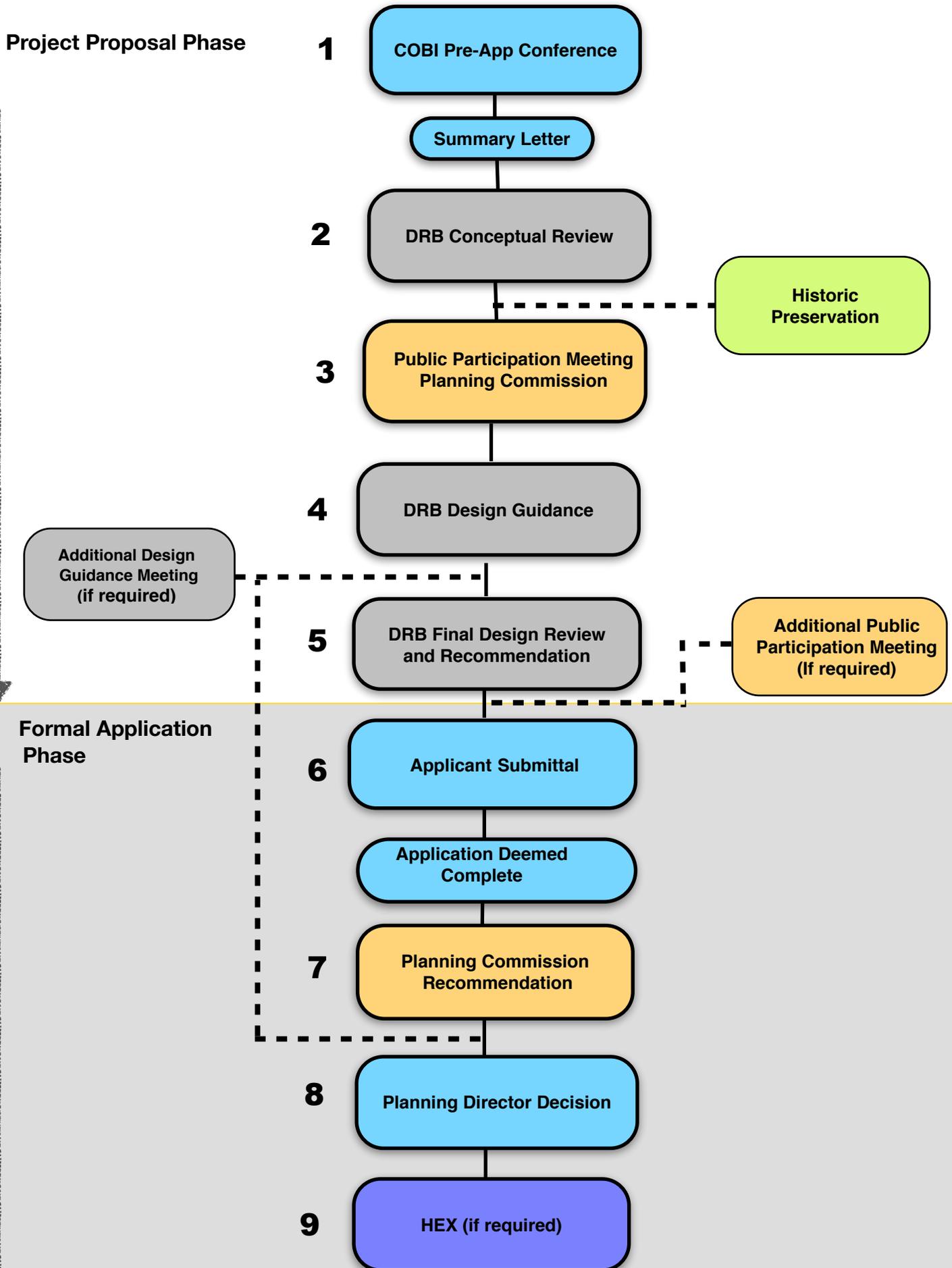
*Revision: Insert new Appendix B [Placeholder]*

**Appendix B: Sample Site Plans and Building Elevations**

*Revision: Insert new Appendix C [Placeholder]*

**Appendix C: Design for Bainbridge Worksheet**

COBI PROJECT REVIEW CHART. DRAFT 7.1.21





**ORDINANCE NO. 2021-12**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, amending BIMC 2.16.020, 2.16.040, 2.16.070, 2.16.110, 2.16.125, and 18.18 related to improving the early phases of the land use permitting process.

**WHEREAS**, in mid-2020, Design Review Board members identified the need for more detailed background information prior to holding a Conceptual Review Meeting on early development proposals; and

**WHEREAS**, on August 17, 2020 the Design Review Board began formal discussion of Design Review Board role and changing the pre-application process; and

**WHEREAS**, the Design Review Board appointed a subcommittee to continue more detailed work on proposed process revisions; and

**WHEREAS**, on June 22, 2020, the City Council formed a City Council and Planning Commission joint land use subcommittee (subcommittee) directed by the Council to, among other things, develop a process and list for undertaking work on priorities for land use code revisions; and

**WHEREAS**, the subcommittee's first phase of work included identifying urgent land use code changes; and

**WHEREAS**, the City Council endorsed beginning work on this first phase of work at their meeting on October 13, 2020; and

**WHEREAS**, on October 19, 2020 the Design Review Board reviewed the subcommittee draft proposed process revisions and made recommendations to reorder required meetings for projects that require Site Plan and Design Review and a Pre-application Conference such that the Preapplication conference is the first step, prior to Design Review Board Conceptual Review and Design Guidance meetings; and

**WHEREAS**, the Planning Commission considered the proposed changes on October 29, 2020 and separated the land use code changes into two phases, with the second phase including improvements to the preapplication process and the role of the Design Review Board and Planning Commission; and

**WHEREAS**, two Planning Commissioners joined the existing three member Design Review Board subcommittee to continue development of specific code improvements related to the preapplication phase of the land use permitting process; and

**WHEREAS**, on December 9 and 16, 2020 the newly formed Planning Commission/Design Review Board subcommittee reviewed and finalized proposed recommended revisions to the preapplication process revision recommendations; and

**WHEREAS**, the Design Review Board completed their initial review and recommended code changes on April 19, 2021 and continued communicating revisions to staff until June 30, 2021; and

**WHEREAS**, the Planning Commission discussed the Ordinance No. 2021-12 on March 11, April 22, May 13, May 27 and June 10, 2021; and

**WHEREAS**, the Planning Commission held a public hearing on this ordinance, Ordinance No. 2021-12 on July 8, 2021, and after closing the public hearing, made a recommendation of approval of Ordinance No. 2021-12 to the City Council; and

**WHEREAS**, notice was given on **XXXX**, 2021, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

**WHEREAS**, the City Council considered this ordinance at its meeting on XXX, 2021; and

**WHEREAS**, the City Council considered Ordinance No. 2021-12 further on XXXX, 2021, *holding a public hearing on the ordinance, and after closing the public hearing, further discussed the ordinance.*

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

**Section 1.** Section 2.16.020.F of the Bainbridge Island Municipal Code is hereby amended to read as follows:

1. The Design Review Board shall review and make recommendations on all land use applications as set forth in this section. This design process reflects a collaborative effort between an applicant, the Design Review Board, and the community to better incorporate the vision of the city as outlined in the adopted design standards and guidelines.

2. Subsequent to submittal of preapplication materials, the Board shall review a proposal for conformance with applicable design standards and guidelines. The Board's written recommendations shall be included in the staff report transmitted to the Planning Commission.

**Section 2.** Section 2.16.020.I of the Bainbridge Island Municipal Code is hereby amended to read as follows:

2. The preapplication conference is an informal discussion between a potential applicant and city staff. A preapplication conference shall not include extensive field inspection or correspondence. The purpose of

the preapplication conference is to assist the applicant by identifying the following:

- a. Requirements for submittal, including types of permits necessary to complete the proposal and whether SEPA review is required, pursuant to the State Environmental Policy Act (SEPA), Chapter RCW 43.21. RCW.
- b. Compliance with applicable city plans, Comprehensive Plan goals and policies, codes, guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.
- c. Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.
- d. Whether or not the project will likely qualify as a housing design demonstration project, and/or feedback about how to qualify, if applicable.

5. Applications requiring Design Review Board review shall be first reviewed at a department facilitated preapplication conference and followed up by a summary letter that provides application submittal requirements, as described in this section. The applicant shall then meet with the Design Review Board to discuss the design concept and proceed through the design review process.

The preapplication conference application shall be provided to the Design Review Board and the Planning Commission. Up to two members of the Design Review Board and the Planning Commission may attend the preapplication conference with the intent of listening and reporting the proposal to the full Design Review Board and Planning Commission at a subsequent meeting.

6. The review process for long subdivisions, major site plan and design review permits, and major conditional use permits shall include a public participation meeting following the procedures outlined in Resolution No. 2021-07. The meeting will be held after the Design Review Board Concept Review, during the project proposal phase.

7. An applicant shall arrange for a preapplication conference by submitting forms and plans as required in the administrative manual, and the Design for Bainbridge appendices where design review is required.

**Section 3.** Section 2.16.020.S.3 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3. Review and Approval Process. Housing design demonstration project applications shall be reviewed as specified in the same manner as other applications for the same type of underlying land use permit (see BIMC 2.16.030 through 2.16.210), with additional review steps done in the order outlined in BIMC 2.16.040 (site plans and design review), 2.16.070 (short subdivisions), 2.16.110 (major conditional use permits) and 2.16.125 (preliminary long subdivisions) and as outlined in this subsection.

~~b. Public Participation Program. The applicant is required to participate in one or more community meetings, either through (i) the city's public participation program following the procedures outlined in Resolution Nos. 2010-32 and 2001-11, or (ii) an equivalent public meeting that includes participation by city staff, as approved by the director. [Note: The PPM is now addressed via revisions to subsection 3 above. The remaining subsections shall be re-lettered accordingly.]~~

**Section 4.** Section 2.16.040.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. Review Procedures – Project Proposal Phase. Review of site plan and design review proposals shall include all of the following in the order listed:

1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I.
2. Conceptual Review. The Conceptual Review will be held at a meeting of the Design Review Board. The applicant will present a short project description, zoning summary, and a thorough narrative of design context in accordance with the *Design for Bainbridge* manual and appendices. This meeting is a means of providing feedback on projects in their earliest stages before applicants are committed to a particular design. The Conceptual Review is an opportunity to ensure that the applicant understands the design review process, and the design standards and guidelines. This early touch allows the Design Review Board and applicant to consider optional concepts for a project that may be better suited to the Island community, to dialogue in an informal manner with the applicant, and review the design standards and guidelines applicable to the project. Project design submittal requirements are described in the *Design for Bainbridge* appendices.
3. Public Participation Meeting. As part of the project proposal phase,

applicants are required to participate in a community meeting through the city's public participation program at a Planning Commission meeting and as outlined in Resolution No. 2021-07. The Public Participation Meeting is a meeting of citizen engagement, and the applicant's opportunity to respond to questions, comments, and assessments of the proposed project. A second Public Participation Meeting may be required if significant project changes occur after completion of the Design Guidance Review.

4. Design Guidance Review. The Design Guidance Review will be held at a meeting of the Design Review Board. The Design Guidance Review meeting is intended to provide input and guidance to an applicant that the proposed project is responding adequately to the *Design for Bainbridge* standards and guidelines, including recommendations for how the project could be revised to achieve greater consistency. The applicant shall also make known the potential need and rationale for any departure from the design standards and guidelines. The design submittal requirements are described in the *Design for Bainbridge* appendices. Additional design guidance review may be required if significant project changes occur after the initial Design Guidance Review.
  
5. Final Design Review and Recommendation. The Design Review Board reviews and makes a final determination of project consistency with *Design for Bainbridge* standards and guidelines. The Design Review Board will forward written findings, their determination of the project's consistency with the standards and guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific standards or guidelines. The Design Review Board's written findings will be included in the staff report transmitted to the director or Planning Commission. The Design Review Board shall recommend approval, approval with conditions or departures, or denial. A Design Review Board recommendation is not a final decision and therefore there is no appeal of the recommendation. The Planning Commission may determine that additional design review is required if significant project changes occur following the Final Design Review and Recommendation.

**Section 5.** Section 2.16.070.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. Review Procedures – Project Proposal Phase. Review of short subdivision proposals shall include all of the following in the order listed, except that the division or redivision of land into two lots shall not be required to comply with subsections D.2 and D.3 of this section:

1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and

requirements in BIMC 2.16.020.I.

2. Conceptual Review. The Conceptual Review will be held at a meeting of the Design Review Board. The applicant will present a short project description, zoning summary, and a thorough narrative of design context in accordance with the *Design for Bainbridge* manual and appendices. This meeting is a means of providing feedback on projects in their earliest stages before applicants are committed to a particular design. The Conceptual Review is an opportunity to ensure that the applicant understands the design review process, and the design standards and guidelines. This early touch allows the Design Review Board and applicant to consider optional concepts for a project that may be better suited to the Island community, to dialogue in an informal manner with the applicant, and review the design standards and guidelines applicable to the project. Project design submittal requirements are described in the *Design for Bainbridge* appendices.
  
3. Public Participation Meeting. As part of the project proposal phase, applicants are required to participate in a community meeting through the city's public participation program at a Planning Commission meeting and as outlined in Resolution No. 2021-07. The Public Participation Meeting is a meeting of citizen engagement, and the applicant's opportunity to respond to questions, comments, and assessments of the proposed project. A second Public Participation Meeting may be required if significant project changes occur after completion of the Design Guidance Review.
  
4. Design Guidance Review. The Design Guidance Review will be held at a meeting of the Design Review Board. The Design Guidance Review meeting is intended to provide input and guidance to an applicant that the proposed project is responding adequately to the *Design for Bainbridge* standards and guidelines, including recommendations for how the project could be revised to achieve greater consistency. The applicant shall also make known the potential need and rationale for any departure from the design standards and guidelines. The design submittal requirements are described in the *Design for Bainbridge* appendices and the administrative manual and include documentation of the four-step design process, schematic design, and completed subdivision design guidelines checklist. The four-step design process includes:
  - a. Delineate Natural Space. The applicant shall prioritize natural resources on the site in terms of their highest to least appropriateness for inclusion in the proposed natural area. On the basis of those priorities and practical considerations given to the site's configuration, its context in relation to natural areas on adjoining and neighboring properties, and the applicant's subdivision objectives, natural space shall be delineated in a manner clearly indicating boundaries as well as the types of resources. The amount of natural space required is provided in Chapter 17.12 BIMC.

- b. Locate Homesites and Community Space. After delineating natural space, homesite areas and community space shall be identified (a “sketch” diagram is acceptable), using the site analysis and context maps produced for the conceptual proposal review meeting as a base map. The amount of community space required is provided in Chapter 17.12 BIMC.
- c. Define Access. After locating the natural space, homesites, and community space, the access network shall be defined. The access network shall provide a safe, convenient, and efficient system for vehicular, pedestrian and bicycle circulation and minimize impacts on proposed natural space.
- d. Draw Lot Lines. Upon completion of the preceding three steps, draw lot lines to delineate the boundaries of individual lots.

Additional design guidance review may be required if significant project changes occur after the initial Design Guidance Review.

5. Final Design Review and Recommendation. The Design Review Board reviews and makes a final determination of project consistency with *Design for Bainbridge* standards and guidelines. The Design Review Board will forward written findings, their determination of the project’s consistency with the standards and guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific standards or guidelines. The Design Review Board’s written findings will be included in the staff report transmitted to the director or Planning Commission. The Design Review Board shall recommend approval, approval with conditions or departures, or denial. A Design Review Board recommendation is not a final decision and therefore there is no appeal of the recommendation. The Planning Commission may determine that additional design review is required if significant project changes occur following the Final Design Review and Recommendation.

**Section 6.** Section 2.16.110.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. Review Procedures – Project Proposal Phase. Review of major conditional use permit proposals shall include all of the following in the order listed:

1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC [2.16.020.I](#).
2. Conceptual Review. The Conceptual Review will be held at a meeting of the Design Review Board. The applicant will present a short project description, zoning summary, and a thorough narrative of design context in accordance with the *Design for Bainbridge* manual and appendices. This meeting is a means of

providing feedback on projects in their earliest stages before applicants are committed to a particular design. The Conceptual Review Meeting is an opportunity to ensure that the applicant understands the design review process, and the design standards and guidelines. This early touch allows the Design Review Board and applicant to consider optional concepts for a project that may be better suited to the Island community, to dialogue in an informal manner with the applicant, and review the design standards and guidelines applicable to the project. Project design submittal requirements are described in the administrative manual and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.

3. **Public Participation Meeting.** As part of the project proposal phase, applicants are required to participate in a community meeting through the city's public participation program at a Planning Commission meeting and as outlined in Resolution No. 2021-07. The Public Participation Meeting is a meeting of citizen engagement, and the applicant's opportunity to respond to questions, comments, and assessments of the proposed project. A second Public Participation Meeting may be required if significant project changes occur after completion of the Design Guidance Review.
  
4. **Design Guidance Review.** The Design Guidance Review will be held at a meeting of the Design Review Board. The Design Guidance Review meeting is intended to provide input and guidance to an applicant that the proposed project is responding adequately to the *Design for Bainbridge* standards and guidelines, including recommendations for how the project could be revised to achieve greater consistency. The applicant shall also make known the potential need and rationale for any departure from the design standards and guidelines and construction standards and specifications. Submittal requirements are described in the administrative manual and include a schematic design and completed design guidelines checklist. Additional design guidance review may be required if significant project changes occur after the initial Design Guidance Review.
  
5. **Final Design Review and Recommendation.** The Design Review Board reviews and makes a final determination of project consistency with *Design for Bainbridge* standards and guidelines. The Design Review Board will forward written findings, their determination of the project's consistency with the standards and guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific standards or guidelines. The Design Review Board's written findings will be included in the staff report transmitted to the director or Planning Commission. The Design Review Board shall recommend approval, approval with conditions or departures, or denial. A Design Review Board

recommendation is not a final decision and therefore there is no appeal of the recommendation. The Planning Commission may determine that additional design review is required if significant project changes occur following the Final Design Review and Recommendation.

**Section 7.** Section 2.16.125.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. Review Procedures – Project Proposal Phase. Review of long subdivision proposals shall include all of the following in the order listed:

1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I.
2. Conceptual Review. The Conceptual Review will be held at a meeting of the Design Review Board. The applicant will present a short project description, zoning summary, and a thorough narrative of design context in accordance with the *Design for Bainbridge* manual and appendices. This meeting is a means of providing feedback on projects in their earliest stages before applicants are committed to a particular design. The Conceptual Review is an opportunity to ensure that the applicant understands the design review process, and the design standards and guidelines. This early touch allows the Design Review Board and applicant to consider optional concepts for a project that may be better suited to the Island community, to dialogue in an informal manner with the applicant, and review the design standards and guidelines applicable to the project. Project design submittal requirements are described in the *Design for Bainbridge* appendices and administrative manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review meeting if the applicant demonstrates knowledge and understanding of the city’s permit processing procedures.
3. Public Participation Meeting. As part of the project proposal phase, applicants are required to participate in a community meeting through the city’s public participation program at a Planning Commission meeting and as outlined in Resolution No. 2021-07. The Public Participation Meeting is a meeting of citizen engagement, and the applicant’s opportunity to respond to questions, comments, and assessments of the proposed project. A second Public Participation Meeting may be required if significant project changes occur after completion of the Design Guidance Review.
4. Design Guidance Review. The Design Guidance Review will be held at a meeting of the Design Review Board. The Design Guidance Review meeting is intended to provide input and guidance to an applicant that the proposed project is responding adequately to the *Design for Bainbridge* standards and guidelines, including recommendations for how the project

could be revised to achieve greater consistency. The applicant shall also make known the potential need and rationale for any departure from the design standards and guidelines. The design submittal requirements are described in the *Design for Bainbridge* appendices and the administrative manual and include documentation of the four-step design process, schematic design, and completed subdivision design guidelines checklist. The four-step design process includes:

- a. Delineate Natural Space. The applicant shall prioritize natural resources on the site in terms of their highest to least appropriateness for inclusion in the proposed natural area. On the basis of those priorities and practical considerations given to the site's configuration, its context in relation to natural areas on adjoining and neighboring properties, and the applicant's subdivision objectives, natural space shall be delineated in a manner clearly indicating boundaries as well as the types of resources. The amount of natural space required is provided in Chapter [17.12](#) BIMC.
- b. Locate Homesites and Community Space. After delineating natural space, homesite areas and community space shall be identified (a "sketch" diagram is acceptable), using the site analysis and context maps produced for the conceptual proposal review meeting as a base map. The amount of community space required is provided in Chapter [17.12](#) BIMC.
- c. Define Access. After locating the natural space, homesites, and community space, the access network shall be defined. The access network shall provide a safe, convenient, and efficient system for vehicular, pedestrian and bicycle circulation and minimize impacts on proposed natural space.
- d. Draw Lot Lines. Upon completion of the preceding three steps, draw lot lines to delineate the boundaries of individual lots.

Additional design guidance review may be required if significant project changes occur after the initial Design Guidance Review.

5. Final Design Review and Recommendation. The Design Review Board reviews and makes a final determination of project consistency with *Design for Bainbridge* standards and guidelines. The Design Review Board will forward written findings, their determination of the project's consistency with the standards and guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific standards or guidelines. The Design Review Board's written findings will be included in the staff report transmitted to the director or Planning Commission. The Design Review Board shall recommend approval, approval with conditions or departures, or denial. A Design Review Board recommendation is not a final decision and therefore there is no appeal of the recommendation. The Planning Commission may determine that additional

design review is required if significant project changes occur following the Final Design Review and Recommendation.

**Section 8.** Subsections 2.16.040.E.4, 2.16.070.E.4, 2.16.110.E.2, and 2.16.125.E.4 are hereby deleted, and each section is renumbered accordingly. [NOTE: Final Design Review and Recommendation is moved from the project application phase (subsection E) to the project proposal phase (subsection D) in accordance with Sections 4-7 above.]

**Section 9.** Section 18.18.030 of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A **DESIGN GUIDELINES (DESIGN FOR BAINBRIDGE) PLACEHOLDER**, Exhibit B **PROCESS FLOW CHART PLACEHOLDER**, and to read as follows:

Sections:

- 18.18.010     Applicability.
- 18.18.020     Promoting sustainable development.
- 18.18.030     Specific design regulations, standards, and guidelines.

18.18.010 Applicability. All development, exterior renovation and redevelopment shall comply with the following regulations, standards, and guidelines, as applicable. In some cases, design standards in this chapter may be waived or modified through the housing design demonstration program in BIMC 2.16.020.S.

18.18.030 Specific design standards and guidelines. All development subject to design review shall comply with the requirements of the Bainbridge Island design review standards and guidelines, “Design for Bainbridge”. In the event of a conflict between two or more design standards or regulations, the Bainbridge Island design review standards and guidelines, “Design for Bainbridge”, shall apply.

**Section 10.** 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 XX day of XXX, 2021.

APPROVED by the Mayor this XX day of XXX, 2021.

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Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

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Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	XXX, 2021
PASSED BY THE CITY COUNCIL:	XXX, 2021
PUBLISHED:	XXX, 2021
EFFECTIVE DATE:	XXX, 2021
ORDINANCE NUMBER:	2021-12

RESOLUTION NO. 2021-07

A RESOLUTION of the City of Bainbridge Island, Washington, to amend the City's public participation program.

WHEREAS, in 2001, the City Council adopted Resolution No. 2001-11 establishing a voluntary public participation program in order to inform citizens of proposed projects in their neighborhood, and to provide the development community with an awareness of public concerns; and

WHEREAS, in 2010, the City Council adopted Resolution No. 2010-32 to adopt a mandatory public participation program; and

WHEREAS, in 2018, the City Council approved Ordinance No. 2018-08, which moved public participation meetings from special city meetings, sometimes within neighborhoods to the Planning Commission; and

WHEREAS, in 2020, the City Council directed staff to work with the Planning Commission to modify the Pre-application process; and

WHEREAS, after holding public participation meetings for a few years, the Planning Commission identified the need to amend the public participation program to include a broader audience; to solidify their role in the process, and to ensure that the community is receiving accurate and timely information; and

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

The City Council of the City of Bainbridge Island, Washington, approved the amendment to the public participation program. The program will be administered by the Department of Planning and Community Development in coordination with the Planning Commission and is described in Exhibit A attached hereto and made a part hereof by the reference.

PASSED by the City Council this X day of August, 2021.

APPROVED by the City Council this X day of August, 2021.

ATTEST/AUTHENTICATE:

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Christine Brown, City Clerk

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO:

2021-07

## THE CITY OF BAINBRIDE ISLAND PUBLIC PARTICIPATION PROGRAM

**Purpose:** The program is intended to bring developers, community members, City Staff and the Planning Commission together in the pre-application process, so that the residents and Planning Commission can learn about any proposed developments in their community and the applicant can be aware of their concerns, if any.

**Format:** The meetings are to be held at the Planning Commission. The Planning Commission is to provide opening remarks, followed by the staff planning lead describing the project and where it is in the review process. Following the Planning Commission and Staff introductions, the applicant is to provide an overview with visuals of the project. The meeting is then followed by questions and comments from the public and responses from the applicant and/or staff. Following the Q & A, the Planning Commission provides comments and suggestions based on the Municipal Code and the Comprehensive Plan.

**Notice:** The City shall provide a notice with a brief description of the proposal and make site plans and the pre-application letter available to the public. The City shall use various, available methods to provide notice to reach and engage the broader community to include at a minimum 1) a 500' mailing from the project site, and advertisement in the local paper and 3) other popular means employed by the City including but not limited to the City Manager Report (or its successor) and the City's primary calendar. The City shall also notify the Design Review Board members of the meeting date.

**Post Meeting:** The meeting video and/or minutes shall be made available after the meeting to the public.

**Need for Additional Public Participation Meeting:** If there are substantial changes made to the project after a public participation meeting, the applicant may be required to attend an additional public participation meeting. The decision shall be made by the director in coordination with the planning commission chair.

EXHIBIT A

## Chapter 16.18 TREE REMOVAL, FOREST STEWARDSHIP, AND VEGETATION MAINTENANCE

### Sections:

- 16.18.010 Overview.**
- 16.18.020 Findings.**
- 16.18.025 Purposes.**
- 16.18.030 Applicability.**
- 16.18.040 Activities allowed without a permit.**
- 16.18.050 Activities requiring a permit.**
- 16.18.060 General regulations and standards.**
- 16.18.070 Tree removal/vegetation maintenance permit administration and review process.**
- 16.18.080 After-the-fact tree removal/vegetation maintenance permit.**
- 16.18.090 Forest Stewardship Plan. ~~Mitigation and restoration.~~**
- 16.18.100 Mitigation and restoration. ~~Performance assurance.~~**
- 16.18.110 Performance assurance. ~~Appeals.~~**
- 16.18.120 Appeals. ~~Violations, restoration and enforcement.~~**
- 16.18.130 Violations, restoration and enforcement. ~~Definitions.~~**
- 16.16.140 Definitions**

### **16.18.010 Overview.**

A. The policies presented in this chapter rest on an assumption that in, the care of trees and vegetation on their property, citizens will be guided by common sense and best practices, responsive to the purposes stated in BIMC [16.18.025](#). Sanctions shall be applied to activities that are found by the planning director to be reckless and destructive, and to any action or negligence that adversely affects a neighboring property, pursuant to the provisions of BIMC [16.18.120](#) and other applicable provisions of the code.

B. To a large extent, work carried out in landscaped yards and forested areas does not require a permit (see BIMC [16.18.040](#)). However, property owners who are considering major changes to the landscape and trees on their property should seek advice and professional services from a licensed arborist who is certified by the American Society of Consulting Arborists or the International Society of Arboriculture, ~~or a landscape professional who is certified by the city.~~

C. This chapter is one of several in the municipal code that pertain to the care of trees, vegetation, and forested areas on Bainbridge Island. Its policies and nonregulatory provisions pertain especially to the plans and ongoing activities of island residents, outside of their homes or places of business but on their

own property, when the use and enjoyment of the property involves stewardship and maintenance of trees and vegetation. (Ord. 2018-19 § 1 (Exh. A), 2018)

**16.18.020 Findings.**

A. Forested areas and trees on individual lots are integral parts of Bainbridge Island's character; they enhance the city's appearance and livability, as well as providing significant environmental benefits and natural resource values.

B. Conserving and managing the island's forested areas and native vegetation is a central goal of the Bainbridge Island Comprehensive Plan: see Guiding Principles 1 and 5 and related Policies; Goals LU-6, 12 and 13; EN-3, 4, 5, 18 and 19; WR-3 and 4; and Policies LU 4.10 and EN 15.3.

C. Trees are valued by homeowners and, when well cared for, enhance property values.

D. Removal of trees and understory vegetation, combined with extensive disturbance of soils, cause loss of habitat and wildlife, runoff and soil erosion, degradation of surface water and aquifer recharge, and adverse impacts on air quality, as well as loss of aesthetic appeal.

E. The community forest resources of the island are best understood as a mosaic, with some large and many small pieces, on publicly owned and private properties. When clearing for development further fragments the mosaic, both individual and community interests are affected.

F. On Bainbridge Island and elsewhere, examples exist to demonstrate that development for residential and other uses can be compatible with careful conservation of forest conditions and other natural features; and that such development can be cost-effective, attractive, energy-efficient, and well adapted to our climate. (Ord. 2018-19 § 1 (Exh. A), 2018)

**16.18.025 Purposes.**

This chapter is adopted for the following purposes:

A. To promote the public health, safety, and general welfare of Bainbridge Island citizens without preventing the reasonable use of private property.

B. To preserve and enhance the city's physical and aesthetic character, to promote the healthy functioning of our island's natural systems, and to provide economic benefits to the community, for the sake of present and future generations.

C. To implement the purposes of the State Growth Management Act relating to conservation of natural resources, pursuant to Chapter [36.70A](#) RCW.

D. To implement goals and policies in the ~~current e~~Comprehensive ~~p~~Plan, the Community Forest Management Plan (~~2006~~), the Bainbridge Island Open Space Study (~~October 2008~~), and the Bainbridge Island Community Wildfire Protection Plan (~~2010~~), or subsequent updated versions.

E. To promote forest stewardship practices and carefully planned development that results in minimal disturbance to the prior conditions of a property and neighboring properties.

F. To implement a long-range policy of maintaining the island's forest canopy cover while taking measures to prevent wildfires and protect structures in accordance with the minimum standards of Firewise USA® or recommendations ~~of from~~ the Bainbridge Island ~~f~~Fire ~~d~~Department.

G. To allow limited tree and vegetation removal to provide for solar access, agriculture and gardens.

H. To promote infiltration of stormwater and aquifer recharge; to minimize erosion and prevent pollution; to prevent landslides; to protect the waters of Puget Sound and the quality and quantity of water in wells.

I. To maintain in a healthy state significant trees, clusters of trees, and forested areas, allowing for thinning, pruning, removal of invasive and undesirable vegetation, selective harvest and replanting, developing and maintaining trails, and removal of dead or dangerous trees. (Ord. 2018-19 § 1 (Exh. A), 2018)

#### **16.18.030 Applicability.**

Provisions of this chapter apply citywide to all properties where trees and ~~naturally occurring~~ vegetation are found, except where the following chapters of the municipal code apply:

A. This chapter does not apply to any portion of a parcel that is identified as a critical area pursuant to Chapter [16.20](#) BIMC, Critical Areas, including designated aquifer recharge protection areas (ARPAs) or prescribed critical area buffers or setbacks. Chapter [16.20](#) BIMC applies to critical areas, designated ARPAs, and buffer zones, and critical area setbacks.

B. This chapter does not apply to the portion(s) of a shoreline property within 200 feet landward of an ordinary high water mark, where the regulations of Chapter [16.12](#) BIMC (the Shoreline Master Program) apply. (Ord. 2018-19 § 1 (Exh. A), 2018)

#### **16.18.040 Activities allowed without a permit.**

The following activities are allowed without a tree removal/vegetation maintenance permit, subject to any other applicable city regulations:

A. Routine landscaping and maintenance of vegetation, such as pruning and planting, removal of invasive/exotic species, management of brush and seedling trees. Pruning should comply with ANSI A300 (Part 1 – 2017), Tree, Shrub and Other Woody Plant Management – Standard Practices, to maintain long term health. This includes maintenance of trees and vegetation required to be retained or planted through a land use permit such as a subdivision, site plan review, or conditional use permit.

B. Outside of the Mixed Use Town Center and High School Road zoning districts, removal of some healthy significant trees (see BIMC [16.18.130](#), Definitions) is allowed without a permit, except for trees required to meet any tree retention provisions of this chapter, BIMC [18.15.010](#) (Landscaping, screening, and tree retention, protection and replacement), Chapter [17.12](#) BIMC (Subdivision Design Standards) or other applicable provisions of the code.

1. On a lot that is larger than one acre, a property owner may remove up to six significant trees in any 36-month period without a permit.
2. On a lot one acre or less in size, a property owner may remove up to three significant trees in any 36-month period without a permit.
3. After the tree removal limits of this section have been reached, see BIMC [16.18.050](#), [16.18.060](#), and [16.18.070](#) related to obtaining a tree removal/vegetation maintenance permit.

C. Removal of trees and ground cover in emergency situations involving immediate danger to life or structure or substantial fire hazards. If this activity would ordinarily require a tree removal/vegetation maintenance permit, it shall be obtained as soon as possible after the emergency situation is stabilized.

D. Removal of dead or fallen trees. The city encourages property owners to leave dead trees in place for ecological benefit such as wildlife snags or nurse logs where possible. If a standing dead tree poses a hazard, creating a shorter wildlife snag is recommended.

E. Routine maintenance activities in rights-of-way and required roadside buffers, including removal of hazard trees and invasive/exotic species, trimming of overgrown hedges, thinning and planting to replace removed vegetation to control vegetation on road and utility rights-of-way (~~see Chapter [12.04](#) BIMC~~) Where all portions of the project comply with applicable Right-of-Way regulations found in Chapter [15.12](#) BIMC.

F. The installation and maintenance of fire hydrants, water meters, and pumping stations, and street furniture by the city or utility companies or their contractors.

G. Pruning and limbing of significant trees that are required to be retained, to remove dead or hazardous branches, and to improve the tree's form and long-term vitality, provided that such work is done by an ISA certified arborist. (Ord. 2018-19 § 1 (Exh. A), 2018)

H. Wildfire mitigation activities, other than tree removals requiring a permit in BIMC 16.18.050 or vegetation clearing under 16.18.050.A, within a 30-foot defensible space around primary structures, that bring a property up to the current minimum standards of Firewise USA®, the Bainbridge Island Community Wildfire Protection Plan, or as recommended by the Bainbridge Island Fire Department.

**16.18.050 Activities requiring a permit.**

The following activities require an applicant to obtain a tree removal/vegetation maintenance permit prior to commencing:

A. A permit is required for any tree removal or vegetation ~~maintenance~~ clearing in an area required to be retained or planted, pursuant to BIMC [18.15.010](#), through a land use permit such as a subdivision, a site plan review, or a conditional use permit. Tree retention requirements ~~for the R-2.9, R-3.5 and R-4.3 single-family residential zones (subsection E of this section) also apply (see below)~~ in subsection H-J of this section also apply (see below).

B. For developed properties located within the Mixed Use Town Center and High School Road zoning districts, a tree removal/vegetation maintenance permit is required for removing any tree eight inches in diameter or greater, measured four and one-half feet above grade. The applicant must demonstrate that the requested removal meets one of the following criteria:

1. The removal is necessary to allow reasonable use or enable permitted construction, and no alternative is feasible; or
2. The removal is necessary to maintain utilities, provide access, or fulfill the terms of an easement or covenant recorded prior to the adoption of the ordinance codified in this chapter; or
3. The tree is dead, or determined to be ~~hazardous, as certified~~ between moderate to extreme risk by an International Society of Arboriculture (ISA) Tree Risk Assessment Qualified (TRAQ) arborist who:
  - a. Identifies the tree part(s) and defect(s) that increase the likelihood of failure
  - b. Identifies the target(s) and site factors contributing to increased likelihood of impact
  - c. Utilizes a timeframe of five years or less
  - d. Utilizes the Risk Matrixes in tables 16.18.050-1 and 16.18.050-2

16.18.050-1: Likelihood Matrix

<u>Likelihood of Failure</u>	<u>Likelihood of Impact</u>			
	<u>Very Low</u>	<u>Low</u>	<u>Medium</u>	<u>High</u>
<u>Imminent</u>	<u>Unlikely</u>	<u>Somewhat Likely</u>	<u>Likely</u>	<u>Very Likely</u>
<u>Probable</u>	<u>Unlikely</u>	<u>Unlikely</u>	<u>Somewhat Likely</u>	<u>Likely</u>
<u>Possible</u>	<u>Unlikely</u>	<u>Unlikely</u>	<u>Unlikely</u>	<u>Somewhat Likely</u>
<u>Improbable</u>	<u>Unlikely</u>	<u>Unlikely</u>	<u>Unlikely</u>	<u>Unlikely</u>

16.18.050-2: Tree Risk Rating Matrix

<u>Likelihood of Failure and Impact</u>	<u>Consequences of Failure</u>			
	<u>Negligible</u>	<u>Minor</u>	<u>Significant</u>	<u>Severe</u>
<u>Very Likely</u>	<u>Low</u>	<u>Moderate</u>	<u>High</u>	<u>Extreme</u>
<u>Likely</u>	<u>Low</u>	<u>Moderate</u>	<u>High</u>	<u>High</u>
<u>Somewhat Likely</u>	<u>Low</u>	<u>Low</u>	<u>Moderate</u>	<u>Moderate</u>
<u>Unlikely</u>	<u>Low</u>	<u>Low</u>	<u>Low</u>	<u>Low</u>

C. For undeveloped properties within the Mixed Use Town Center and High School Road zoning districts, a tree removal/vegetation maintenance permit is required to remove any tree except trees that are hazardous, dead, fallen, or contributing to an emergency. The tree removal permit will be reviewed for consistency with any applicable provisions of BIMC [18.15.010](#) that would apply to future development permits.

D. For properties located outside of the Mixed Use Town Center and High School Road zoning districts, a tree removal/vegetation maintenance permit is required for removing more than the number of significant trees allowed without a permit, pursuant to BIMC [16.18.040.B](#). A permit is required:

1. On a lot that is larger than one acre, a property owner needs an approved permit to remove seven or more significant trees in any 36-month period, up to any retention requirements of subsection E of this section (if applicable).

2. On a lot one acre or less in size, a property owner needs an approved permit to remove four or more significant trees in any 36-month period, up to any retention requirements of subsection E of this section (if applicable).

E. For properties located within the Mixed Use Town Center or Highschool Road Zones I and II a tree removal/vegetation maintenance permit is required for vegetation and underbrush clearing of over 2500 square feet.

F. For properties located outside the Mixed Use Town Center or Highschool Road Zones I and II a tree removal/vegetation maintenance permit is required for vegetation and underbrush clearing of over 7000 square feet.

G. Removal or shortening of a wildlife snag that was kept or created as part of a mitigation plan resulting from a land use permit requires a tree removal/vegetation maintenance permit.

~~¶ H. In the R-4.3, R-3.5 and R-2.9 zoning districts, existing single-family residential development, developing single-family residences and vacant parcels shall retain at least 30 tree units per acre, or at least as many tree units as the property had on October 31, 2018, pursuant to BIMC [18.15.010.G](#) the date of permit application. Tree removals that bring a parcel below this threshold will require a tree removal/vegetation maintenance permit and replanting may be required as described in BIMC [18.15.010.G](#). Replanting may be required as described in BIMC [18.15.010.G](#). (Ord. 2018-19 § 1 (Exh. A), 2018)~~

I. In the MUTC Central Core and Ferry Terminal Overlay districts, any parcel shall have at least 30 tree units per acre or at least as many tree units the property had on the date of permit application. Tree removals that bring a parcel below this threshold will require a tree removal/vegetation maintenance permit and replanting may be required as described in BIMC [18.15.010.G](#).

J. In the Mixed Use Town Center Ericksen Avenue, Madison Avenue, and gateway overlay districts, and each site in the R-5, R-8, R-14, HSR I and II, and NC districts, and for permitted nonresidential

developments in the R-4.3, R-3.5, and R-2.9 zone districts, the parcel shall have at least 40 tree units per acre or at least as many tree units the property had on the date of permit application. Tree removals that bring a parcel below this threshold will require a tree removal/vegetation maintenance permit and replanting may be required as described in BIMC [18.15.010.G](#).

**16.18.060 General regulations and standards.**

A. While nonnative and invasive species should be kept under control and eradicated if possible, native understory vegetation shall be maintained and land disturbing activity shall be kept to a minimum. Stump pulling and use of heavy equipment is only allowed if the activity will not affect the health of adjacent trees.

B. An applicant shall protect any trees or landscaped area that must be retained during approved tree removal or vegetation maintenance work, pursuant to the protection provisions of BIMC [18.15.010.C.4](#) and the Community Forest Best Management Practices Manual.

C. Once a portion of a property is cleared, the property owner shall ensure that invasive species do not reestablish or expand into cleared areas.

D. Any tree or vegetation removal or maintenance undertaken without a permit pursuant to this section shall be done to ensure long-term health of the trees or vegetation. A property owner shall follow ~~the~~ ANSI A300 (Part 1 – 2017), Tree, Shrub and Other Woody Plant Management – Standard Practices (Pruning), ~~or 60 percent live-crown ratio, whichever standard is more appropriate for the species.~~

E. A forest practice permit from the State Department of Natural Resources may be required pursuant to Chapter [76.09](#) RCW. Failure to obtain a forest practice permit when applicable shall be grounds for denial of all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of the land for a period of six years, in accordance with RCW [76.09.060](#). (Ord. 2018-19 § 1 (Exh. A), 2018)

**16.18.070 Tree removal/vegetation maintenance permit administration and review process.**

A. For activities requiring a permit, the process begins with submission of a complete permit application, usually after discussion of the proposed activity with a member of the planning staff.

B. Tree removal and vegetation maintenance activities shall comply with this chapter's provisions for permits and related regulations. Permits for tree removal/vegetation maintenance may require the

planting of replacement trees and/or other city permits such as a site assessment review (Chapter [15.19](#) BIMC).

C. The planning director shall grant a tree removal/vegetation maintenance permit if the application meets the requirements of this chapter and is consistent with other relevant city codes, including but not limited to Chapters [15.19](#), [15.20](#), [16.12](#), [16.20](#) and [17.12](#) BIMC and BIMC [18.15.010](#). If the tree removal permit application is denied, the decision may be appealed pursuant to BIMC [16.18.110](#).

D. No work authorized by a tree removal/vegetation maintenance permit shall commence until a permit notice has been posted by the applicant at a conspicuous location on the subject property. The notice shall describe specific plans for tree removal and land disturbing activity and shall remain posted in said location until the authorized tree removal has been completed.

E. Any tree removal/vegetation maintenance permit granted under this chapter shall expire one year from the date of issuance. Upon a showing of good cause, the permit may be extended for six months by the planning director. Approved tree removal permits shall not be amended without authorization of the planning director.

F. A tree removal/vegetation maintenance permit may be suspended or revoked by the planning director because of incorrect information supplied or any violation of the provisions of this chapter. (Ord. 2018-19 § 1 (Exh. A), 2018)

**16.18.080 After-the-fact tree removal/vegetation maintenance permit.**

A. In response to a report that one or more trees have been removed improperly or vegetation maintenance activity did not comply with requirements of this code, the city's code enforcement officer shall investigate. If in fact the reported activity was legitimate without a permit, no action will be taken. If the reported activity would have been allowed if a permit had been applied for, an after-the-fact tree removal/vegetation maintenance permit shall be issued. The person or persons responsible for unauthorized tree removal shall be made aware of all the conditions for approval and any applicable regulations and remedies. The fee for an after-the-fact permit shall be established by a resolution of the city council.

B. If the reported activity would not have been permitted, entirely or in some particulars, the code enforcement officer, in consultation with the planning director or the city attorney, shall follow the procedures for enforcement and penalty in BIMC [16.18.120](#). (Ord. 2018-19 § 1 (Exh. A), 2018)

### **16.18.090 Forest Stewardship Plan**

A. Tree Removal and Vegetation Management activities that require a permit and are planned over multiple years may be permitted for up to a 5 year period after the submittal and City review of a Forest Stewardship Plan. At a minimum the plan shall include:

1. A project narrative that addresses:
  - a. Goals of the project
  - b. Compliance with all applicable tree and vegetation retention regulations including those that resulted from a land use permit such as a subdivision, site plan review, or conditional use permit.
  - c. Canopy cover impacts.
  - d. Wildlife habitat impacts.
  - e. Wildfire impacts
2. A site plan identifying existing vegetation and proposed activities
3. A vegetation activity timeline
4. A mitigation plan developed according to section [16.18.100 BIMC](#)
5. The administrator may include additional conditions for a site-specific analysis by a qualified professional at the applicants expense.

B. This permit type will be reviewed under procedures in [16.18.070 BIMC](#).

C. This permit type is not applicable within the shoreline jurisdiction, or any portion of a parcel that is identified as a critical area or a critical area buffer or designated Aquifer Recharge Protection Areas (ARPAs).

**16.18.090100 Mitigation and restoration.**

A. For alterations to or removal of significant trees or vegetation that require a permit under this chapter, the following minimum performance standards for mitigation shall be met when replanting or other mitigation is required; provided, that if the applicant can demonstrate that greater functions or values can be obtained through the application of different standards, these standards may be modified:

1. ~~Historic structural and functional values~~ Vegetation types, size, distribution and habitat functions shall be restored, including ~~water quality and habitat functions~~ including stormwater infiltration;
2. ~~Historic soil types and configuration~~ organic matter and infiltration rate shall be replicated;
3. ~~The disturbed area shall be replanted with vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities.~~ The historic environmental functions and values should be replicated at the location of the alteration;
4. Any applicable tree retention or replanting requirements shall be met through restoration, ~~if required~~ of disturbed areas when possible.

B. Information demonstrating compliance with the requirements of this section shall be submitted to the director. (Ord. 2018-19 § 1 (Exh. A), 2018)

**16.18.100110 Performance assurance.**

A. The planning director may require, as a condition for the granting of a permit, that the applicant furnish a performance assurance in a form approved by the planning director, in order to obligate the applicant, after the approved tree removal has been accomplished, to complete all required replanting, erosion control, and cleanup on the property. The surety device shall be in an amount equal to the estimated cost of such services, with surety and conditions satisfactory to the planning director.

B. In order to stay enforcement, the director may choose to enter into a voluntary correction agreement (VCA). This is a civil contract entered between the city and the applicant. The VCA will outline several performance items that will be required within an agreed-upon time frame. (Ord. 2018-19 § 1 (Exh. A), 2018)

**16.18.110120 Appeals.**

Appeals of the planning director's decision on a tree removal/vegetation maintenance permit application shall be in accordance with the administrative decision procedures established in Chapter [2.16](#) BIMC. (Ord. 2018-19 § 1 (Exh. A), 2018)

**16.18.120130 Violations, restoration and enforcement.**

A. It is a violation of this chapter for any person to fail to comply with a requirement of this chapter. It is also a violation of this chapter for any person to:

1. Initiate or maintain, or cause to be initiated or maintained, the removal of significant tree(s) or native vegetation within the city without first obtaining permits or authorizations required by this chapter, or in a manner that violates the terms or conditions of such permits or authorizations or this chapter;
2. Misrepresent any material fact in any application, plans or other information submitted to obtain permits or authorizations under this chapter; or
3. Remove or deface any sign, notice, complaint, or order required by or posted in accordance with this chapter.

B. When a significant tree or vegetation has been removed or altered in violation of this chapter, all ongoing development work shall stop, and the significant tree or vegetation shall be restored or replaced. The city shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this chapter.

C. Restoration Plan Required. All development work shall remain stopped until a restoration plan is prepared and approved by the director. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in BIMC [16.18.090](#). The director shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

D. Site Investigations. The director is authorized to make site inspections and take such actions as are necessary to enforce this chapter. The director shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

E. Penalties. Any development or activity carried out contrary to the provisions of this chapter shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington. Enforcement of this chapter and the imposition of penalties for violations of this chapter shall be as provided for in Chapter [1.26](#) BIMC; provided, that in addition to the civil penalties provided for in BIMC [1.26.090](#), an additional penalty shall be imposed on any person, party, firm, corporation, property owner, or other legal entity who fails to complete a required restoration plan, who conducts any

disturbance (including cutting or removing trees or vegetation) in violation of this chapter, or who is otherwise in violation of this chapter.

For such violations, the additional penalty shall be in the amount equal to 200 percent of the cost of restoration as approved under a restoration plan pursuant to subsections B and C of this section for a minor violation. For a major violation, the additional penalty shall be in the amount equal to 200 percent of the cost of restoration as approved under a restoration plan pursuant to subsections B and C of this section, or \$2,500, whichever is greater. The director shall determine whether the disturbance is a minor or major violation. Any person, party, firm, corporation, or other legal entity who knowingly and willfully refuses to complete a required restoration pursuant to subsections C and D of this section shall be guilty of a misdemeanor punishable by not more than 30 days in jail and/or not more than a \$1,000 fine. (Ord. 2018-19 § 1 (Exh. A), 2018)

**16.18.130140 Definitions.**

“Applicant” means a person, corporation, or organization that files an application for a land use or development permit with the city: either the owner of the land in question, or the authorized agent of such a person.

“Aquifer recharge protection area (ARPA)” means a portion of a development site comprised of native or equivalent vegetation in which existing vegetation, topography and supporting soils are free of development, uses or activities detrimental to the aquifer recharge of the total site area.

“Arborist” means an individual engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for or supervise the management of trees and other woody plants. Must be concurrently an International Society of Arboriculture (ISA) Certified Arborist to perform any role required of a Certified Arborist.

“Arborist, ISA Certified” means an arborist holding a current International Society of Arboriculture (ISA) Certified Arborist credential.

“Arborist, Tree Risk Assessment Qualified (TRAQ)” means an arborist who has successfully completed the International Society of Arboriculture (ISA) TRAQ training course and assessment and holds a valid ISA TRAQ credential.

“Clearing” means the destruction and removal of vegetation by manual, mechanical, or chemical methods.

“Dead Tree” means a tree that has no live tissue or is determined to have less than 10% live tissue by a Tree Risk Assessment Qualified ISA Arborist.

“Hazard Tree” means a tree that has been found to be high or extreme risk, by an International Society of Arboriculture (ISA) Tree Risk Assessment Qualified (TRAQ) arborist who identifies criteria located in 16.18.050

“Invasive/exotic species” means opportunistic plant species (~~either native or non-native~~) that colonize disturbed ecosystems and may come to dominate the plant community in ways that are seen by us as reducing the values provided by the previous plant community.

“Land disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

“Low impact development (LID)” means a stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Low impact development best management practices (LID BMPs)” means distributed stormwater management practices, integrated into a project design, that emphasize predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, improvements to soil quality and depth, minimal excavation foundations, vegetated roofs, and water reuse.

“Significant tree” means a: (1) a live evergreen tree 10 inches in diameter or greater, measured four and one-half feet above existing grade; or (2) a live deciduous tree 12 inches in diameter or greater, measured four and one-half feet above existing grade; or (3) in the Mixed Use Town Center and High School Road zoning districts, any live tree eight inches in diameter or greater, measured four and one-half feet above existing grade; or (4) any live trees located within a required critical area or critical area buffer as defined in Chapter [16.20](#) BIMC.

“Vegetation” means plant matter, including trees, shrubs and ground cover. (Ord. 2018-19 § 1 (Exh. A), 2018)

“Wildlife Snag” means a standing tree that is purposefully managed for wildlife habitat or a tree that has been partially removed and whose trunk has been left standing at six feet tall or taller to provide quality habitat for wildlife species.