



CITY OF
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION
TUESDAY, APRIL 02, 2019**

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

AGENDA

1. **CALL TO ORDER / ROLL CALL - 6:00 PM**
Councilmember Nassar will be absent; she will participate by phone.
2. **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**
3. **MAYOR'S REPORT - 6:05 PM**
4. **UNFINISHED BUSINESS**
 - 4.A (6:10 PM) Update on Moratorium - Planning, 10 Minutes
[20190327 Moratorium work program status report.docx](#)
[Development Moratorium Summary Effective 20190403.docx](#)
[Ordinance No. 2019-10 Extending the Development Moratorium](#)
 - 4.B (6:20 PM) Ordinance No. 2019-03 Relating to Subdivision Update - Planning, 2 Hours
[20190402 CC Staff Memo Ordinance 2019-03.docx](#)
[BLR_2014 Dwelling Unit Potential.pdf](#)
[Subdivision Potential -- Low Density Residential -- Vacant Parcels.pdf](#)
[Subdivision Potential High Density -- map.docx](#)
[Subdivision Potential High Density -- table.docx](#)
[20190319 CC Staff Memo](#)
[Attachment A -- Ordinance No. 2019-03 Subdivision Update - Draft 031519](#)
[Attachment A -- Ord 2019-03 Exhibit A 20190228 PC Recommendation with Notes.docx](#)
[Attachment A -- Ord 2019-03 Exhibit B 20190228 PC Recommendation.docx](#)
[Attachment A -- Ord 2019-03 Exhibit C 20190228 PC Recommendation.docx](#)
[Attachment B -- Planning Commission Minutes 021319.pdf](#)
[Attachment B -- Planning Commission Minutes DRAFT 022819.docx](#)
[Attachment C -- Subcommittee Comments - Exhibit A.pdf](#)
[Attachment C -- Subcommittee Comments - Exhibit B.pdf](#)
[Attachment C -- Subcommittee Comments - Exhibit C.pdf](#)
5. **NEW BUSINESS**

- 5.A (8:20 PM) Changes to Public Safety Committee - Councilmember Deets, 10 Minutes
[Public Safety Committee Memo \(March 14, 2019\) - Proposed Changes](#)
[February 28, 2015 Police Oversight Proposal](#)
[Chapter 2.37 BIMC](#)

6. FUTURE COUNCIL AGENDAS

- 6.A (8:30 PM) Future Council Agendas, 10 Minutes
[City Council Regular Business Meeting 040919](#)
[City Council Study Session 041619](#)
[City Council Regular Business Meeting 042319](#)
[City Council Study Session 050719](#)

7. FOR THE GOOD OF THE ORDER - 8:40 PM

8. ADJOURNMENT - 8:50 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.



City Council meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or cityclerk@bainbridgewa.gov by noon on the day preceding the meeting.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: April 2, 2019

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (6:10 PM) Update on Moratorium - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Report

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

Moratorium work program and status update. Respond to City Council questions and discussion.

SUMMARY:

City staff have been working to address the issues identified in the development moratorium (Ordinance No. 2018-02, amended by Ordinances Nos. 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2019-10).

On March 26, 2019, after conducting another public hearing regarding the current moratorium on certain development, the City Council adopted Ordinance No. 2019-10 (effective date April 3, 2019) which will extend the moratorium for an additional six months, unless the Council decides to terminate the moratorium earlier based on new information or on completion of remaining tasks on the moratorium work plan. The development moratorium is scheduled to expire on October 3, 2019, unless the Council takes further action before such date.

See attached Work Program Status Report, Ordinance No. 2019-10, and summary.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[20190327 Moratorium work program status report.docx](#)

[Development Moratorium Summary Effective 20190403.docx](#)

[Ordinance No. 2019-10 Extending the Development Moratorium](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

Moratorium on Accepting Certain Development Applications: Work Program Status Report – [March 27, 2019](#)

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

Moratorium Topic	Status	Timeline
<p>Critical Areas Ordinance (CAO)</p>	<p>The development moratorium was amended by the City Council on April 24, 2018 to continue to apply within the City's shoreline jurisdiction areas (Ordinance 2018-14). This effectively applied the aquifer recharge protection area (ARPA) requirement in the shoreline, although the change did not apply other provisions of the CAO update within the shoreline. At its October 16, 2018 study session, the Council made the policy decision to not include the ARPA requirement in the shoreline area. This policy decision means that "Part B" of the moratorium could be removed. On November 13, 2018, the Council adopted Ordinance 2018-43 (effective date November 21) removing "Part B" (i.e., the ARPA requirement) from the moratorium.</p> <p>The City has a Shoreline Master Program (SMP) Amendment in process to integrate the updated critical areas regulations into the SMP.</p>	<p>On September 11, 2018, the City Council held a public hearing on the SMP amendment. The Council held study sessions on October 2 and 16, 2018, and is continuing to consider the amendment at subsequent Council meetings (see below). The Public Comment Period expired on November 9, 2018.</p> <p>The joint state/local review process requires that the draft amendment and a summary of response to comments be transmitted to the Department of Ecology within 30 days after the end of the Public Comment Period. City staff has requested an extension for this transmittal until January 31, 2019. In the meantime, comments are still being accepted and considered by staff and the Council as part of the Council's ongoing consideration of the SMP amendment.</p> <p>On November 27, 2018, the Council discussed the SMP amendment relating to integration of critical area regulations and regarding nonconforming structures, uses, and lots. On December 11, 2018, the Council discussed this matter and instructed staff to prepare a resolution to transmit the SMP amendment to</p>

Moratorium on Accepting Certain Development Applications: Work Program Status Report – [March 27, 2019](#)

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Moratorium Topic	Status	Timeline
		<p>the Department of Ecology for its SMA consistency review.</p> <p>On January 8, 2019, the Council passed Resolution No. 2019-05 approving the draft amendment and authorizing staff to transmit the proposed SMP amendment to the Department of Ecology for initial review. The draft SMP amendment is expected to be transmitted to Ecology in April 2019. Ecology then sends back the draft amendment with recommended changes and the Council locally adopts the amendment. It is then sent back to Ecology for final approval. The amendment process is expected to be completed in summer 2019.</p>
<p>Status on March 27, 2019:</p>	<p>Complete: CAO update effective outside shoreline jurisdiction. Incomplete: Applicability of CAO update within shoreline jurisdiction.</p>	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – [March 27, 2019](#)

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Moratorium Topic	Status	Timeline
<p>Subdivisions</p>	<p>The Planning Commission is reviewing three topics related to subdivisions:</p> <ul style="list-style-type: none"> • Creation of design guidelines • Revisions to subdivision standards • Revisions to review process, decision criteria, and decision-making authority <p>The Planning Commission completed its review of new subdivision design guidelines.</p> <p>The Planning Commission forwarded recommendations to the City Council related to the review process and decision-making authority. Additional recommendations to the Council are forthcoming.</p> <p>The Council accepted the Planning Commission recommendations related to the role of the Planning Commission and Design Review Board in reviewing and making recommendations on preliminary decisions on subdivisions. However, the Council did not agree to the Planning Commission’s recommendation that the Council be the decision-maker for preliminary decisions on subdivisions (i.e., preliminary plat approval).</p>	<p>March 26: City Council discussion</p> <p>March 19: City Council first reading (staff transmittal of Planning Commission recommendation)</p> <p>On September 27, October 25, and November 8, 2018, the Planning Commission met to discuss subdivision standards and the review process. The Planning Commission continued its discussion in November and December 2018, and in January 2019.</p> <p>On October 23, 2018, the City Council held a public hearing related to Planning Commission/DRB review and recommended roles. The Council deferred taking action until receiving all of the forthcoming Planning Commission recommendations on subdivision design guidelines, standards, review process, and decision criteria.</p> <p>On December 4, 2018, the Council discussed Ordinance 2018-20, related to revisions to land use review procedures for major projects, including subdivisions, and on</p>

Moratorium on Accepting Certain Development Applications: Work Program Status Report – [March 27, 2019](#)

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	<p>On September 25, 2018, the Council removed two-lot short subdivisions in which there is an existing single-family residence from the moratorium with the adoption of Ordinance 2018-41.</p>	<p>December 11, 2018, held a public hearing and approved the ordinance.</p> <p>On January 8, 2019, the Council adopted Resolution No. 2019-02, updating the administrative manual to address development review process code amendments in Chapter 2.16, BIMC.</p>
<p>Status on March 27, 2019:</p>	<p>Complete: Ordinance 2018-20 approved by the City Council on December 11, 2018, related to revisions to land use review procedures for major projects, including subdivisions.</p> <p>Incomplete: Planning Commission review of revised subdivision standards.</p>	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – [March 27, 2019](#)

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Moratorium Topic	Status	Timeline
<p>Design Guidelines Update (related to Site Plan and Design Review and Conditional Use Permits).</p>	<p>A RFQ for professional services was published and closed on August 17, 2018. On October 23, 2018, the City Council authorized a professional services agreement with Framework to produce an updated set of design guidelines (Chapter 18.18 BIMC).</p>	<p>The consultant met with the Design Review Board (DRB) on March 18 to discuss the existing conditions report and draft design guidelines. The existing conditions report should be available to the public by mid-April.</p> <p>On November 13, 2018, a kick-off meeting with the consultant was held with the DRB. On December 19, 2018, focus groups met to discuss design guideline perceptions, issues, problems, and ideas.</p> <p>On January 30, 2019, a Design Guideline Update Open House was held. On February 5, 2019, the Design Guideline Update project consultant briefed the Council.</p> <p>Next steps include staff and DRB review of the draft design guidelines then the second public meeting to present and gather feedback on them. The consultant team will present the draft design guidelines to the City Council after the public meeting, likely in May.</p> <p>The update to the City’s Design Guidelines is expected to be completed before mid-year 2019.</p>

Moratorium on Accepting Certain Development Applications: Work Program Status Report – [March 27, 2019](#)

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Status on March 27, 2019:	<p>Complete: Consultant professional services agreement approved, kick-off meeting held with the DRB, design guideline open house held, City Council briefed.</p> <p>Incomplete: Update design guidelines.</p>
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Moratorium Topic	Status	Timeline
<p>Review Process for Land Use Permits (related to Subdivisions, Site Plan and Design Review, and Conditional Use Permits).</p>	<p>The Planning Commission and Design Review Board discussed this topic at their meetings beginning in May and continuing through December 2018.</p> <p>The Planning Commission provided recommendations to the City Council related to roles and responsibilities for the Planning Commission, Design Review Board, and the Council and the legislative review process for amending the BIMC.</p> <p>The Planning Commission will continue its review of site plan and design review and conditional use permit decision criteria as part of a larger housekeeping ordinance for all of BIMC 2.16 and hold a public hearing in April.</p>	<p>On October 23, 2018, the City Council held a public hearing related to the Planning Commission and Design Review Board’s land use review roles and responsibilities (Ordinance 2018-20). The Council deferred taking action until receiving all of the forthcoming Planning Commission recommendations on land use review procedures.</p> <p>At its December 4, 2018 meeting, the Council discussed Ordinance No. 2018-20, regarding revisions to BIMC Title 2 related to land use review approval bodies and procedures. On December 11, 2018, the Council held a public hearing and approved the ordinance.</p> <p>On January 8, 2019, the Council adopted Resolution No. 2019-02, updating the administrative manual to address</p>

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		<p>development review process code amendments in Chapter 2.16, BIMC.</p> <p>On March 14, 2019, the Planning Commission reviewed site plan and design review and conditional use permit decision criteria. Proposed revisions to decision criteria have been incorporated into a larger housekeeping ordinance for all of BIMC 2.16, which the Planning Commission will discuss and hold a public hearing on in April.</p>
<p>Status on March 27, 2019:</p>	<p>Complete: Ordinance 2018-20 approved by the City Council on December 11, 2018, related to new roles and responsibilities for the Planning Commission and Design Review Board, review procedures for subdivisions, site plan and design review, and conditional use permits, and revisions to the legislative review process for amending the BIMC.</p> <p>Incomplete: Revisions to Chapter 2.16 BIMC related to decision criteria for site plan and design review and conditional use permits.</p>	

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Moratorium Topic	Status	Timeline
Affordable Housing	<p>The Affordable Housing Task Force completed review of its draft final report to the City Council at its meeting on July 11, 2018.</p> <p>On June 12, 2018, the Council approved a contract with ECONorthwest to conduct an economic market analysis and feasibility study regarding a new inclusionary zoning program and updates to the City's Transfer of Development Rights program.</p> <p>On November 13, 2018, the Council dissolved the Affordable Housing Task Force and created a Council Ad Hoc Committee for Affordable Housing.</p> <p>On January 22, 2019, the City Council Affordable Housing Ad Hoc Committee met. On February 5, 2019, the Committee reviewed a draft of the ECONorthwest final report.</p>	<p>The Affordable Housing Task Force Report with recommendations was presented to the City Council on July 24, 2018 and was discussed further at the August 21, 2018 Council Study Session.</p> <p>Council study sessions were held on October 2 and December 4, 2018, to receive an update on the economic market analysis from ECONorthwest. On February 19, 2019, the City Council reviewed and provided staff direction on the ECONorthwest / Forterra final report, the Affordable Housing Task Force report recommendations, and discussed the status of the City Council Affordable Housing Ad Hoc Committee.</p> <p>City staff is working on prioritizing and organizing work on the inclusionary zoning and other AHTF report recommendations endorsed by City Council on February 19, 2019. An affordable housing work program with prioritized tasks and schedule will be discussed with the City Council at a future agenda meeting.</p>

Moratorium on Accepting Certain Development Applications: Work Program Status Report – [March 27, 2019](#)

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<p>Status on March 27, 2019:</p>	<p>Complete: City Council discussion and endorsement of Priority and Quick Wins recommendations from the AHTF Report. Incomplete: Implementation/approval of AHTF recommendations, including adoption of inclusionary zoning regulations.</p>
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Moratorium Topic	Status	Timeline
<p>Business/Industrial (B/I) zoning district</p>	<p>The Council revisited the inclusion of the B/I zoning district in the moratorium and determined that the results of the moratorium work plan would not have a significant impact on land use applications in that zoning district. On October 23, 2018, the Council made the policy decision to remove from the moratorium certain restrictions related to the B/I zoning district. On November 13, 2018, the Council adopted Ordinance 2018-43 (effective date November 21) exempting from the moratorium B/I zoning district Major Site Plan and Design Review and Major Conditional Use permit proposals.</p>	<p>During their November 13, 2018 discussion of Ordinance 2018-43, and their March 26, 2019 discussion of Ordinance 2019-10, the Council discussed whether commercial subdivisions in the B/I zone should be subject to the moratorium. The Council will discuss at a future meeting whether B/I zoning district commercial subdivisions should also be exempt from the moratorium.*</p> <p>* The City has not held any preapplication conferences for commercial subdivisions in the B/I zone that would indicate a commercial subdivision application is being prepared. Currently, the draft proposed revisions to subdivision standards regarding commercial subdivisions remain the same as the existing municipal code (the noted revisions represent updated code citations).</p>
<p>Status on March 27, 2019:</p>	<p>Complete: Ordinance 2018-43 adopted, thereby exempting B/I zoning district Major Site Plan and Design Review and Major Conditional Use permit proposals from the moratorium. Incomplete: Policy decision regarding whether B/I zoning district subdivisions should be exempt from moratorium.</p>	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – [March 27, 2019](#)

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Moratorium Topic	Status	Timeline
Accessory Dwelling Units	On October 23, 2018, the City Council considered whether the City can prohibit, regulate, or otherwise discourage property owners from making condominiums out of accessory dwelling units (ADUs) located on their property.	On October 23, 2018, the Council directed staff to prepare for the Council's consideration an ordinance to require common ownership of ADUs. This issue has been deferred to a future City Council meeting while waiting for the 2019 WA State Legislature to act on proposed ADU bills.
Status on March 27, 2019:	Complete: Began discussions on ADU condominiums. Incomplete: Policy decision deferred to Q2 2019 .	

April 3, 2019

DEVELOPMENT MORATORIUM SUMMARY: Effective beginning January 9, 2018 until October 3, 2019. (Ordinance No. 2018-02, amended by Ordinance Nos. 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43 and 2019-10).

Development Activity PROHIBITED During the Moratorium:

- A. All applications for new short subdivisions (BIMC 2.16.070), except two-lot short subdivisions in which there is an existing single-family residence, new preliminary long subdivisions (BIMC 2.16.125), and new large lot subdivisions (BIMC 2.16.080).
- B. Major Site Plan and Design Review and Major Conditional Use Permit proposals that are not otherwise subject to this moratorium and that did not, before the effective date of the moratorium, have a pre-application conference on the Planning Department's calendar. Provided, that the moratorium does not apply to Major Site Plan and Design Review and Major Conditional Use Permit proposals for properties located in the Mixed Use Town Center/Central Core Overlay District or the Business/Industrial District.

EXCEPTIONS to the Above Development Activities Prohibited During the Moratorium:

- A. Permits and approvals for affordable housing projects that qualify as Housing Design Demonstration Project (HDDP) Tier 3 projects pursuant to BIMC 2.16.020.Q. and Table 2.16.020.Q-1, and
- B. Permits and approvals for government facilities and structures; educational facilities and preschools; wireless communication facilities; and emergency medical and disaster relief facilities.

ORDINANCE NO. 2019-10

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Ordinance No. 2018-43; providing for severability; leaving the effective date of the moratorium unchanged; and extending the moratorium for six months until October 3, 2019.

WHEREAS, on January 9, 2018, the City Council enacted Ordinance No. 2018-02 and thereby established a temporary emergency moratorium on the acceptance and processing of certain Permit Applications, as defined in Section 2 of Ordinance No. 2018-02; and

WHEREAS, the City Council and City staff received feedback and comment from individuals related to the moratorium and, based partly on that feedback and comment, the Council determined that certain exclusions to the moratorium needed to be amended to clarify the Council's intent regarding such exclusions; and

WHEREAS, on January 16, 2018, the Council enacted Ordinance No. 2018-03, which amended Ordinance No. 2018-02 to clarify some of the exclusions; and

WHEREAS, the Council and City staff received additional feedback and comment from individuals related to the moratorium and, based partly on that feedback, the Council determined that further amendment was necessary to clarify which types of activities are subject to the moratorium, and which activities are excluded from the moratorium; and

WHEREAS, on February 15, 2018, the Council enacted Ordinance No. 2018-05, which amended and restated Ordinance No. 2018-02 and Ordinance No. 2018-03; and

WHEREAS, based on additional information and consideration related to educational facilities and preschools, as well as related to the applicability of the moratorium in the Mixed Use Town Center/Central Core Overlay District, on March 13, 2018, the Council approved Ordinance No. 2018-09 to further clarify which types of activities are subject to the moratorium, and which activities are excluded from the moratorium; and

WHEREAS, this moratorium was imposed, in part, to allow the City Council and City staff adequate time to complete the Critical Areas Ordinance Update process, and to address the Council's concerns about the City's development review process, standards, and guidelines, as well as regarding affordable housing related issues; and

WHEREAS, the Council adopted the Critical Areas Ordinance Update (Ordinance No. 2018-01) on February 27, 2018, and the updated Critical Areas Ordinance took effect on April 23, 2018; and

WHEREAS, critical areas within the City's shoreline jurisdiction are regulated by the City's shoreline master program (see, e.g., Chapter 16.12 BIMC, RCW 36.70A.480(3)(b)); and

WHEREAS, integration of applicable critical areas regulations into the shoreline master program is essential to ensuring adequate protection of critical areas within the shoreline jurisdiction and no net loss of shoreline ecological functions; and

WHEREAS, regulations for critical areas within the City's shoreline jurisdiction are in the process of being updated through an amendment of the City's shoreline master program consistent with the Shoreline Management Act and that amendment process was ongoing as of July 9, 2018, which was the original date that the moratorium was set to expire, and that process continues to be ongoing; and

WHEREAS, the City Council approved Ordinance 2018-14 on April 24, 2018, amending the development moratorium in order to have the provisions of Section 3.B. only apply within the City's shoreline jurisdiction areas (Chapter 16.12 BIMC); and

WHEREAS, a number of moratorium priorities were identified at a joint meeting of the City's Design Review Board and Planning Commission on February 22, 2018, including the following:

- (1) Revise review procedures for preliminary subdivisions to include the Design Review Board and Planning Commission in process; and
- (2) Analyze alternatives to decision-making authority for the Design Review Board, Planning Commission, and Hearing Examiner for subdivisions, conditional use permits, and site plan and design review; and
- (3) Identify specific development standards to review/revise in Chapters 18.12 and 18.15 of the Bainbridge Island Municipal Code; and
- (4) Initiate rewrite of subdivision design standards in Chapter 17.12 of the Bainbridge Island Municipal Code; and

WHEREAS, at the April 3, 2018, City Council study session, the City's Department of Planning and Community Development provided a briefing on the Design Review Board and Planning Commission joint meeting wherein the Council authorized staff to proceed with a work plan addressing the priorities identified at the joint meeting; and

WHEREAS, on April 2 and 23, May 7 and 21, June 4 and 18, August 6 and 20, September 4 and 17, and October 15, 2018, the City's Design Review Board discussed alternatives for revisions to the City's land use review procedures and/or subdivision design guidelines; and

WHEREAS, on March 22, May 10, June 7, 14, and 21, July 12 and 26, August 9, 23, and 30, September 13 and 27, October 25, November 8 and 29, and December 13, 2018, as well as on January 10, and February 13 and 28, 2019, the City's Planning Commission discussed alternatives for revisions to the City's land use review procedures, subdivision design guidelines, and/or subdivision standards; and

WHEREAS, the City provided legal background on the roles of land use bodies, presented in a memorandum from attorney James E. Haney (outside legal counsel for the City) entitled, “*Roles of City Council, Planning Commission, Design Review Board, and Hearing Examiner in Land Use Permits*,” dated June 1, 2018, and the City Council had a special workshop related to land use review procedures on August 27, 2018; and

WHEREAS, the City’s Planning Commission completed their review of land use review procedures and forwarded their recommendations on those issues to the City Council, and on December 11, 2018, the Council enacted Ordinance No. 2018-20 related to revisions and updates to the City’s land use review procedures; and

WHEREAS, as part of the Planning Commission’s review and consideration of the City’s subdivision review procedures, design guidelines, and standards, the Commission has been considering a proposed ordinance, Ordinance No. 2019-03; and

WHEREAS, on February 13, 2019, and continuing to February 28, 2019, the Planning Commission conducted a public hearing on Ordinance No. 2019-03, and subsequently forwarded the proposed ordinance and their recommendations to the City Council; and

WHEREAS, each of the multiple Design Review Board and Planning Commission meetings as described above included an opportunity for public comment on the alternatives for revisions to the City’s subdivision guidelines, standards, dimensional standards, and/or land use review procedures; and

WHEREAS, the City Council reviewed and considered proposed updates to the City’s subdivision regulations at regularly scheduled meetings on September 4 and 11, October 9, and December 4, 2018, and January 22, 2019; and

WHEREAS, the City Council is in the process of considering the Planning Commission’s recommendations related to proposed updates to the City’s subdivision regulations as included in Ordinance No. 2019-03, including at the Council’s meeting on March 19, 2019, and the Council will consider those subdivision regulations further at subsequent meetings; and

WHEREAS, City staff is working with the Design Review Board and a consultant team related to updating the City’s Design Guidelines (BIMC 18.18.030) more generally (i.e., the design guidelines that aren’t included in the separate effort described above related to design guidelines for subdivisions), and that work is not expected to be completed until the end of July 2019; and

WHEREAS, on June 12, 2018, the City Council authorized the execution of a professional services agreement to conduct an economic market analysis and feasibility study regarding a new inclusionary zoning program and updates to the City’s Transfer of Development Rights program, both of which address affordable housing related issues; and

WHEREAS, on July 24, 2018, the Affordable Housing Task Force (“AHTF”) presented its final report to the City Council and the Council discussed the recommendations more thoroughly on August 21, 2018; and

WHEREAS, on October 2 and December 4, 2018, the City Council received a project update on the economic market analysis from the consultant (ECONorthwest/Forterra) related to inclusionary zoning and possible updates to the City’s Transfer of Development program; and

WHEREAS, on February 19, 2019, the City Council reviewed and provided direction to staff related to the ECONorthwest/Forterra final report and the AHTF report recommendations, and the Council discussed the status of the Council’s Affordable Housing Ad Hoc Committee; and

WHEREAS, City staff members are currently working on prioritizing and organizing work on the inclusionary zoning and other AHTF report recommendations which were endorsed by the Council at its February 19, 2019, meeting and work is ongoing in this effort; and

WHEREAS, on February 27, 2018, the City Council was provided with a moratorium work program; and

WHEREAS, on April 10, May 22, June 5, June 19, July 17, August 21, September 4 and 18, October 2 and 16, November 6 and 20, and December 4, 2018, as well as on January 15, February 5 and 19, and March 5 and 19, 2019, the City Council was provided further moratorium work program status report updates; and

WHEREAS, on June 26, 2018, the City Council held a public hearing and approved Ordinance 2018-23, extending the development moratorium for another 90 days until October 9, 2018; and

WHEREAS, on September 25, 2018, the City Council held a public hearing and approved Ordinance 2018-41, and thereby extended the development moratorium for another six (6) months, and in so doing narrowed the moratorium to remove two-lot short subdivisions in which there is an existing single-family residence from the moratorium; and

WHEREAS, on October 16, 2018, the City Council discussed integrating critical area regulations into the Shoreline Master Program (Chapter 16.12 BIMC) and made the policy decision to not apply new Aquifer Recharge Protection Area regulations (BIMC 16.20.100) within the City’s shoreline jurisdiction areas; and

WHEREAS, as a result of that policy decision, and the City Council’s affirmation on October 23, 2018, that the moratorium should be narrowed in that manner, the Council directed staff to prepare an ordinance to entirely remove Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City’s shoreline jurisdiction areas) from the moratorium; and

WHEREAS, on October 23, 2018, the City Council discussed additional revisions to the development moratorium, including related to excluding from the moratorium certain permit applications for development in the Business/Industrial zoning district, and the Council directed staff to prepare an ordinance to narrow the moratorium accordingly; and

WHEREAS, on October 23, 2018, the City Council also discussed potentially further narrowing provisions of the moratorium related to applications for new short subdivisions that the Council had previously narrowed, and the Council decided to not take such action at that time pending the Planning Commission's ongoing but not yet completed work related to subdivisions, including new subdivision design guidelines and revised subdivision standards and review procedures; and

WHEREAS, on October 23, 2018, the City Council also discussed issues related to making condominiums out of accessory dwelling units ("ADUs") and common ownership of ADUs, and the Council directed staff to work on possible revisions to the BIMC to allow the Council to further consider the common ownership issue related to ADUs; and

WHEREAS, given that the Washington State Legislature is considering in the current legislative session bills that would impact the regulation of ADUs, the City is awaiting possible action by the Legislature because such action could impact the City's efforts on this issue; and

WHEREAS, on November 13, 2018, the City Council approved Ordinance 2018-43, and thereby narrowed the moratorium as requested by the Council and described above related to entirely removing Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City's shoreline jurisdiction areas) from the moratorium, and broadening an exclusion related to certain Major Site Plan and Design Review and Major Conditional Use Permit proposals to include in that exclusion such proposals for properties located in the Business/Industrial District; and

WHEREAS, although the City has been working to address the land use issues identified in the development moratorium, as described above, the work is ongoing and not yet completed; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, the moratorium promotes the public good and is necessary for the protection of public health, property, safety, and welfare, and the public emergency on which this moratorium was imposed continues to exist and this ordinance does not change the basis for that declaration of emergency, except as described above, nor the effective date of the moratorium, which is January 9, 2018.

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as additional and supplemental findings of fact to the City Council’s initial findings of fact in support of the moratorium, as established by Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2018-43.

Section 2. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council conducted a public hearing on this extension of the moratorium at its meeting on March 26, 2019, and took public testimony and considered further findings of fact.

Section 3. Moratorium Amended. The moratorium is hereby amended, as also stated in Section 6 below, to extend the moratorium until October 3, 2019, which is six (6) months beyond the current duration of the moratorium, based on an effective date of this ordinance of April 3, 2019.

Section 4. Moratorium Work Plan. As provided for under RCW 35A.63.220 and RCW 36.70A.390, the City may renew a moratorium for one or more six-month periods if a work plan has been developed, a public hearing has been held, and findings of fact have been made, and the City has thereby previously extended the moratorium as described herein based on the work plan that has been developed and the findings of fact that have been made in this ordinance and the previous ordinances related to this moratorium, and the City is hereby renewing and extending the moratorium for an additional six months based on an updated work plan (see attached Exhibit A), conducting another public hearing, and adopting additional findings of fact as stated in this ordinance.

Section 5. 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 6. No Change to Basis for Declaration of Emergency; Effective Date; Duration. This ordinance shall take effect and be in force five (5) days from and after its passage and publication as required by law. Provided, that this ordinance is not intended to change the basis of the emergency declarations stated in the moratorium ordinances which preceded this ordinance, Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2018-43, except as described in the “Whereas” clauses of this ordinance. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support the emergency declarations adopted as part of the enactment of this moratorium were included in the “Whereas” clauses of Ordinance No. 2018-02 and Ordinance No. 2018-03, and were restated and supplemented in Ordinance No. 2018-05 and Ordinance No. 2018-09, and Ordinance Nos. 2018-14, 2018-23, 2018-41, and 2019-43, as well as in this ordinance, and those “Whereas” clauses are adopted as findings of fact. This ordinance amending the moratorium shall remain effective for the updated period as established for the moratorium, which is currently scheduled to expire based on this ordinance on October 3, 2019, unless terminated earlier by the City Council. This ordinance does not change the effective date of the moratorium, which is January 9, 2018. The Council may, at its sole discretion, renew the

moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED by the City Council this 26th day of March, 2019.

APPROVED by the Mayor this 26th day of March, 2019.



Kol Medina, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK	March 15, 2019
PASSED BY THE CITY COUNCIL	March 26, 2019
PUBLISHED:	March 29, 2019
EFFECTIVE DATE:	April 3, 2019
ORDINANCE NO:	2019-10

Attached: Exhibit A (Work Plan)

Exhibit A

Moratorium on Certain Developments Work Plan Schedule, Ordinance No. 2019-10 (April – October 2019)

Work Program Item	Description
Subdivision Standards	Revise the subdivision standards to result in residential development that reflects Comprehensive Plan goals and policies included in the land use, housing, and environmental elements.
Design Guidelines	Update and improve the design guidelines and review process to result in higher quality development that reflects the Island's values and character.
Conditional Use / Site Plan Decision Criteria	Revise criteria to reduce subjectivity in decision-making and better ensure outcomes consistent with the Comprehensive Plan.
Affordable Housing	Develop an affordable housing work program in response to Inclusionary Zoning / Transfer of Development Rights and Affordable Housing Task Force reports.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: April 2, 2019

ESTIMATED TIME: 2 Hours

AGENDA ITEM: (6:20 PM) Ordinance No. 2019-03 Relating to Subdivision Update - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Ordinance

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

Council discussion, and possible scheduling of public hearing on April 23, 2019.

SUMMARY:

Staff anticipates supporting the City Council's continued discussion related to the subdivision update. New information provided in the agenda packet includes the following, as requested by the Council:

Tabular data and supporting maps summarizing potential subdivision development:

- Staff memorandum with Buildable Lands Report and City GIS tabular data

- Map showing Buildable Lands Report Dwelling Unit Potential

- Map showing spatial distribution of subdivision potential -- vacant parcels only, R-0.4, R-1, and R-2 zoning districts

- Map showing spatial distribution of high density residential district subdivision potential (City GIS data)

- Table showing breakdown of high density residential district subdivision potential

At this Council Study Session, staff will also present a series of diagrams of existing parcels depicting potential subdivision development using the draft proposed standards. Staff will also present a newly conceived approach to natural area and community space within the context of the aquifer recharge protection area (ARPA) to respond to the City Council's discussion on this topic at their March 19, 2019 Study Session.

All materials from the March 19, 2019 Study Session are also included in the agenda packet (see background, below).

FISCAL IMPACT:	
Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND: The following background material is included and remains unchanged from the March 19, 2019 Study Session:

Attachment A -- Ordinance 2019-03 with Exhibits A, B, and C (Planning Commission recommendation -- four documents)

Attachment B -- Planning Commission meeting minutes (February 13 and 28, 2019 -- two documents)

Attachment C -- Ordinance 2019-03 Exhibits A, B, and C (Public hearing draft with Planning Commission subcommittee comments -- three documents)

**Note: Ordinance 2019-03 includes references to three exhibits (A, B, and C). The staff memo includes references to three attachments (A, B, and C).

ATTACHMENTS:

[20190402 CC Staff Memo Ordinance 2019-03.docx](#)

[BLR 2014 Dwelling Unit Potential.pdf](#)

[Subdivision Potential -- Low Density Residential -- Vacant Parcels.pdf](#)

[Subdivision Potential High Density -- map.docx](#)

[Subdivision Potential High Density -- table.docx](#)

[20190319 CC Staff Memo](#)

[Attachment A -- Ordinance No. 2019-03 Subdivision Update - Draft 031519](#)

[Attachment A -- Ord 2019-03 Exhibit A 20190228 PC Recommendation with Notes.docx](#)

[Attachment A -- Ord 2019-03 Exhibit B 20190228 PC Recommendation.docx](#)

[Attachment A -- Ord 2019-03 Exhibit C 20190228 PC Recommendation.docx](#)

[Attachment B -- Planning Commission Minutes 021319.pdf](#)

[Attachment B -- Planning Commission Minutes DRAFT 022819.docx](#)

[Attachment C -- Subcommittee Comments - Exhibit A.pdf](#)

[Attachment C -- Subcommittee Comments - Exhibit B.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



Department of Planning and Community Development

Memorandum

Date: April 2, 2019
To: City Council
From: Christy Carr, AICP
Senior Planner
Subject: Ordinance 2019-03 – Subdivision Update

This memorandum provides additional information requested at the March 19, 2019 City Council study session related to subdivision potential on the Island. Information is provided from two sources:

- Kitsap County 2014 Buildable Lands Report
- City of Bainbridge Island GIS data

Neither source is exact and is intended to be representative only. Detailed spatial analysis and ground truthing have not been completed. Tabular data and maps showing the spatial distribution of potential subdivision development are provided for each source.

Kitsap County 2014 Buildable Lands Report

The Kitsap County 2014 Buildable Lands Report (BLR) includes a land capacity analysis for Bainbridge Island, completed by Kitsap County using permit data through December 2012. The analysis is useful in that it includes a “discount” for critical areas, includes underutilized as well as vacant land, and provides a map of the available land. The analysis is limited for reporting current subdivision potential due to its date (five years of subdivision development has been permitted since its completion) and that it is cumulative; that is, it provides total number of dwelling unit capacity not number of subdivisions, and was not ground-truthed (for example, lots within existing subdivisions are included).

The BLR takes the net developable acres in each zoning district and divides it by the underlying density (minimum lot size) of that zone to calculate the “dwelling unit capacity.” It does not include figures for neighborhood centers or the mixed-use town center district. The table below shows both underutilized and vacant properties.

Table 1. Dwelling Unit Capacity/Number of Potential Lots by 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
421	407	594	26	34	49	4	7	87	28

City of Bainbridge Island GIS data

Current City of Bainbridge Island GIS data were reviewed to estimate potential subdivision development. While no detailed spatial analysis was done, some assumptions and limited ground-truthing were used to present the most likely potential subdivision development.

Table 2. Dwelling Unit Capacity/Number of Potential Lots by Zoning District – High Density Residential

R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
			29	63	40	2	0	116	11

Table 3. Number of Potential Subdivisions by Size and Zoning District – Low Density Residential

Size of Subdivision (Number of Lots)	Zoning District		
	R-0.4	R-1	R-2
2 lots			
Underutilized	120	55	194
Vacant	41	8	31
3-4 lots			
Underutilized	47	64	217
Vacant	20	25	38
5-9 lots			
Underutilized	10	30	62
Vacant	12	18	18
10+ lots			
Underutilized	2	3	10
Vacant	3	1	10

Underutilized land has the capacity for subdivision due to its size and zoning designation but is less likely to subdivide because it has an existing single-family residence. For example, in Table 3, the data show 483 underutilized parcels in the R-2 zoning designation – 357 (74%) are shoreline properties with an existing home. Additionally, a critical area “discount” was not applied; therefore, subdivision potential may be lower due to limitations on buildable area due to the presence of critical areas. Analysis of additional data (age/value of home, adjacent common ownership, adjacent vacant land, etc.) would further refine the estimate of subdivision potential throughout the island.

Note: The map provided for subdivision potential in the low density residential zoning districts shows only vacant parcels.

City of Bainbridge Island

INTERNAL
DRAFT

Building Limitations City of Bainbridge Island Kitsap County, Washington

- Legend**
- Watercourses**
Fish Habitat Water Type Code
- (F) Fish Habitat
 - (N) Non-fish Habitat
 - (U) Unmodeled hydrographic
- Wetlands
- Liquifaction
- Critical Area Mosaic**
Type
- Area of Concern
50% reduction area
 - Critical area and buffers
75% area reduction
- Tax Parcels
- Street Center Lines**
- State Highway
 - Major Road
 - Collector / Arterial
 - Local Access/Local Road
 - Proposed Road
- Greater Puget Sound Hydrology



This map was created from existing map sources, not from field surveys. While great care was taken in using the most current map sources available, no warranties of any sort, including accuracy, fitness, or merchantability accompany this product. The user of this map assumes responsibility for determining its suitability for its intended use.

* THIS MAP IS NOT A SUBSTITUTE FOR FIELD SURVEY *

DRAFT
Map Date: January 7, 2014



City of Bainbridge Island

Draft Land Capacity City of Bainbridge Island Kitsap County, Washington

Legend

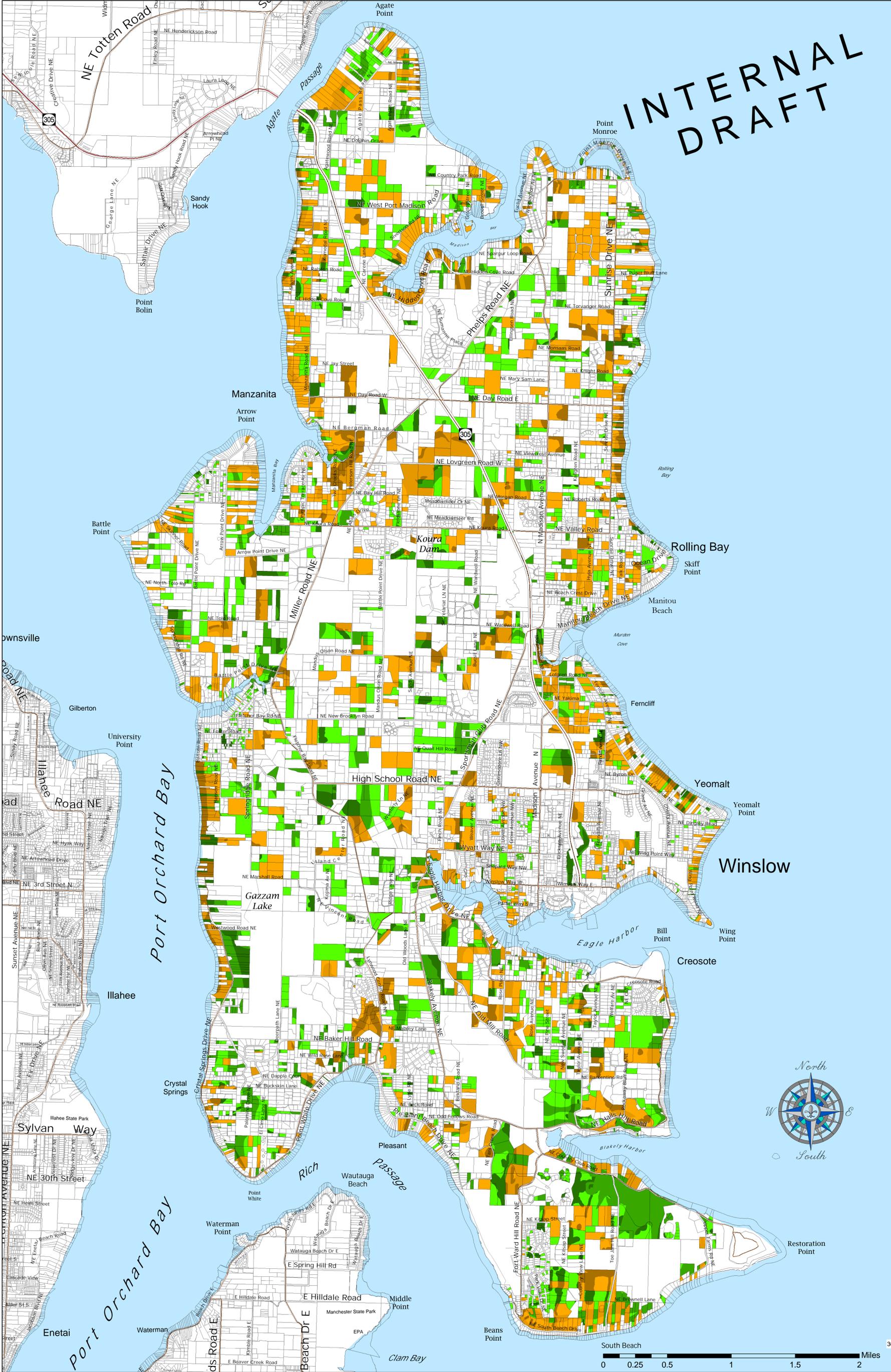
- Capacity Parcels**
- Underutilized
No critical area reduction
 - Underutilized
50% area reduction for critical area
 - Underutilized
75% area reduction for critical area
 - Vacant Land
No critical area reduction
 - Vacant Land
50% area reduction for critical area
 - Vacant Land
75% area reduction for critical area
- Tax Parcels**
- Tax Parcels
- Street Center Lines**
- State Highway
 - Major Road
 - Collector / Arterial
 - Local Access/Local Road
 - Proposed Road
- Greater Puget Sound Hydrology



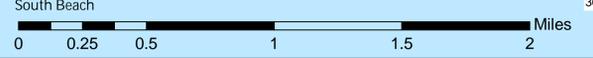
This map was created from existing map sources, not from field surveys. While great care was taken in using the most current map sources available, no warranties of any sort, including accuracy, fitness, or merchantability accompany this product. The user of this map assumes responsibility for determining its suitability for its intended use.

* THIS MAP IS NOT A SUBSTITUTE FOR FIELD SURVEY *

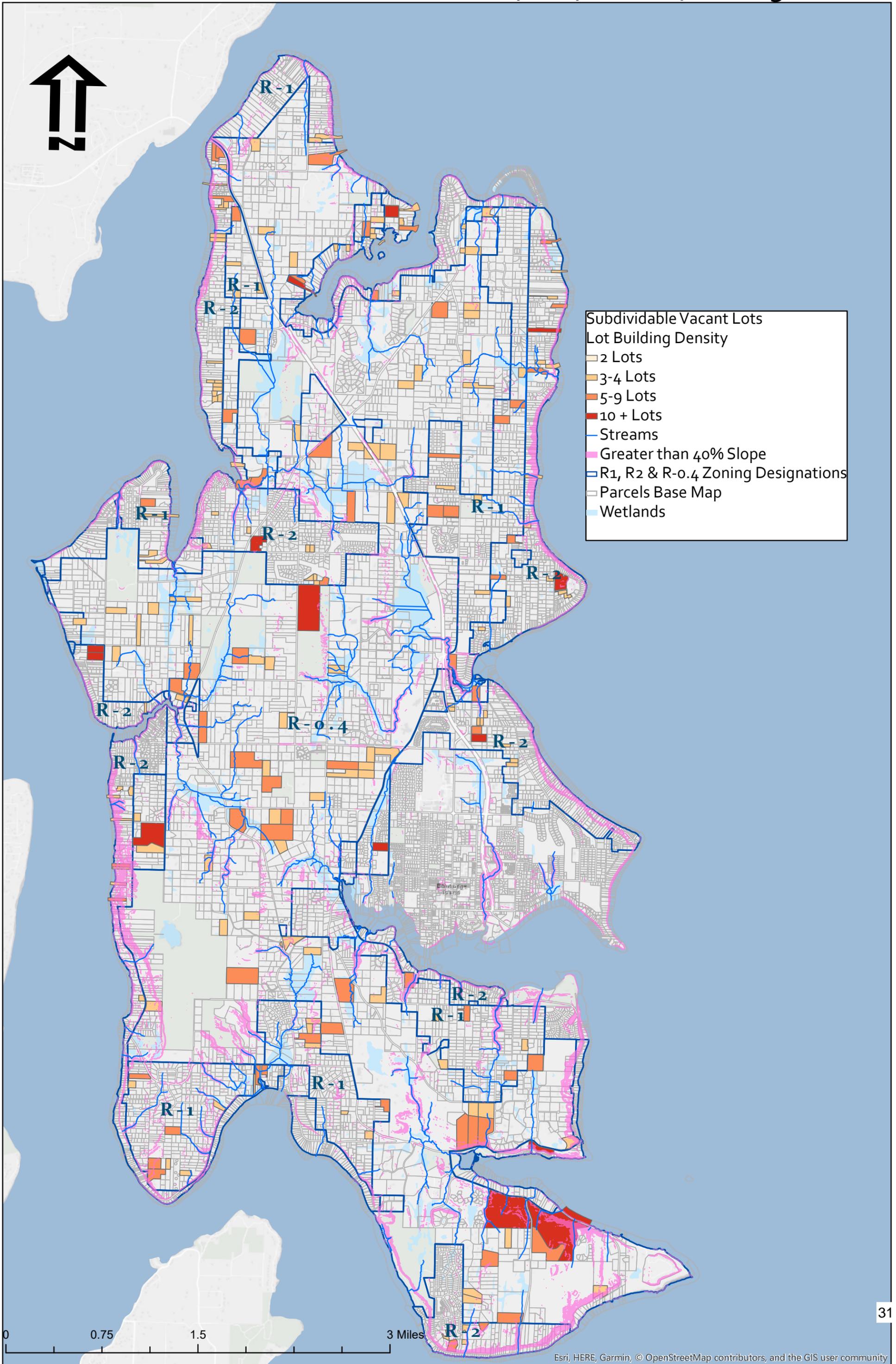
DRAFT
Map Date: January 7, 2014



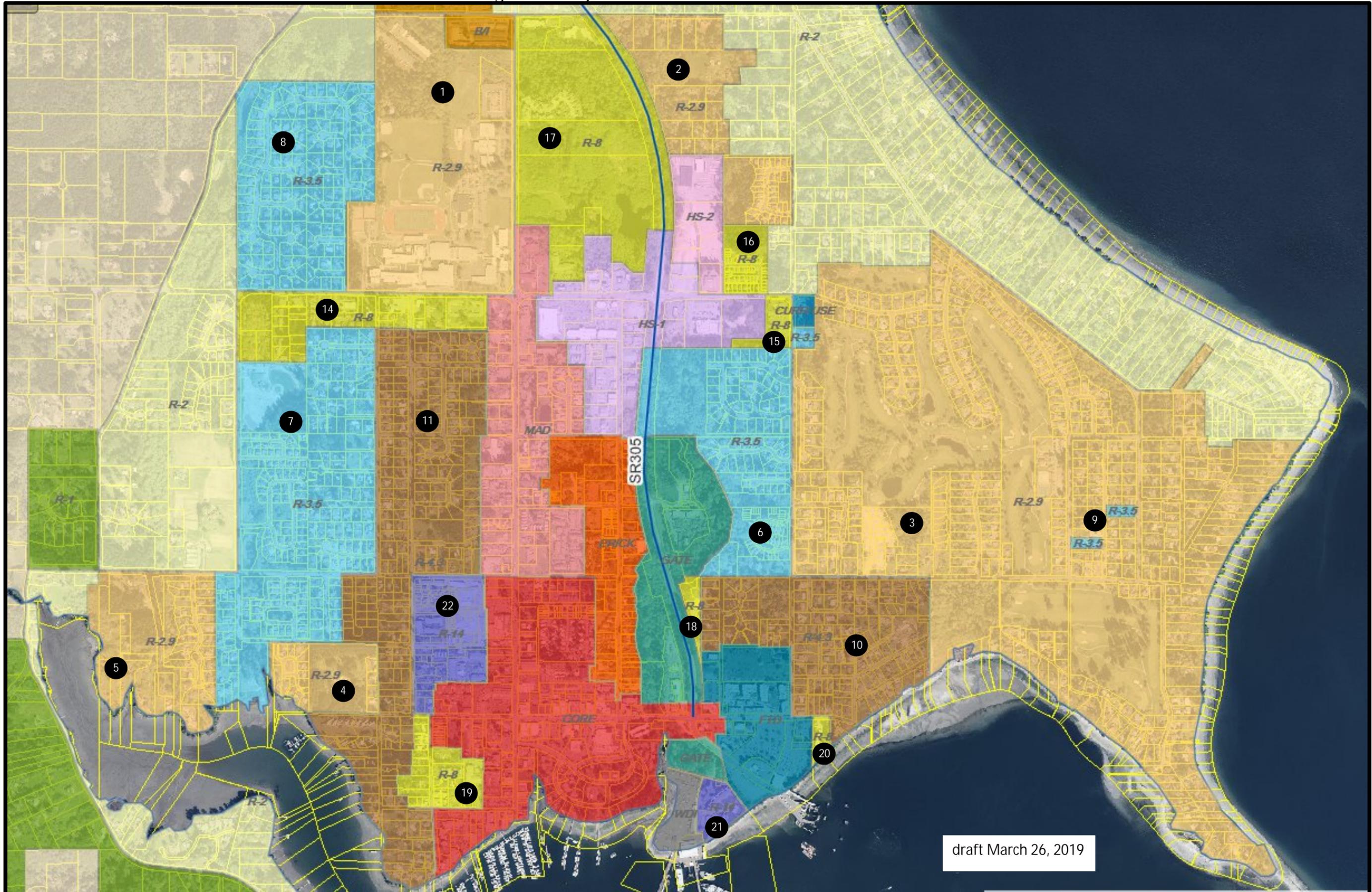
INTERNAL
DRAFT



Subdividable Vacant Lots in R-1, R-2, & R-0.4 Zoning



SUBDIVISION POTENTIAL BY ZONING DISTRICT – High Density Residential

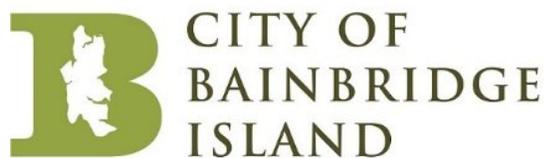


draft March 26, 2019

SUBDIVISION POTENTIAL BY ZONING DISTRICT – High Density Residential

Area	Zoning District/Location	# Parcels*	# Potential Units	Notes
	R-2.9			
1	BISD campus	0	0	
2	South of HS Road; east of 305	1	8	Existing SFR built 1994, >\$700k assessed value
3	Wing Point	0	6	Unlikely redevelopment
4	Moratani Preserve	0	0	preserve and existing development
5	St. Barnabas Church	3	15	10 units on church property; 1.13 acre shoreline property
		Total lots:	29	
	R-3.5			
6	Between Ferncliff and 305	3	46	33 units on 9.52 acre parcel south of Ace; other parcels north and south of Ferncliff Village
7	West side of Lovell, continues south of Grow	5	17	2 City-owned parcels south of Wyatt (one vacant; one HRB); one parcel with existing SFR; 2 adjacent parcels west of Lovell
8	Commodore	0	0	
9	Wing Point contract zones	0	0	
		Total lots:	63	
	R-4.3			
10	South of Wing Point Way; straddles Ferncliff	10	28	redevelopment potential of 3-acre property at Ferncliff/Wing Point Way (adjacent to 3-acre property in R-3.5); 4 adjacent lots with SFRs along Ferncliff
11	Lovell/Grow south to Eagle Harbor	5	12	4-unit parcel with cabin on Lovell; others all 2 unit potential
		Total lots:	40	
	R-5			
12		1	2	Common ownership with adjacent, vacant Lynwood Center NC parcel
		Total lots:	2	
	R-6			
13		Total lots:	0	All located on Point Monroe; subdivision unlikely
	R-8			
14	South of HS Road bewteen Madison and Weaver	4	10	4 (adjacent) parcels along Patmos all support between 2-4 units; all with existing SFRs
15	Island Homestead Apartments	0	0	
16	Stonecress Townhomes	0	0	
17	Sakai	2	83	Sakai property (72); City parcel south of park (11)
18	Tawresey	2	4	May be in existing subdivision; MF development on parcels to south
19	South of Winslow Way; straddles Grow	4	19	

Area	Zoning District/Location	# Parcels*	# Potential Units	Notes
20	Bainbridge Condominium east of ferry parking lot	0	0	
		Total lots:	116	
	R-14			
21	Eagle Harbour Condominiums	0	0	
22	East of Grow, south of Wyatt	3	11	adjacent parcels
		Total lots:	11	
	Neighborhood Centers			
	NC/R-12	2	7	existing parking lot
	Lynwood Center	1	12	Vacant parcel
	Island Center	0	0	No current vacant lots
	Rolling Bay	1	10	May already be part of planned project
		Total lots:	29	
	*Only parcels that are subdividable -- largely vacant only; some redevelopment assumed			



Department of Planning and Community Development

Memorandum

Date: March 19, 2019
 To: City Council
 From: Christy Carr, AICP
 Senior Planner
 Subject: Ordinance 2019-03: Subdivision Update – Planning Commission Recommendation

At their February 28, 2019 meeting, the Planning Commission made a recommendation to the City Council on Ordinance 2019-03 (Attachment A). Their motions to transmit this recommendation to the City Council are provided as part of the draft minutes of the February 28, 2019 Planning Commission meeting (Attachment B). The ordinance includes proposed revisions to several sections within Title 17 and 18 of the Bainbridge Island Municipal Code (BIMC), in sum referred to as the “subdivision update.”

This memorandum provides a “road map” to the ordinance itself, an overview of the conceptual approach, a note on cluster development, a summary of procedural history and public comment, a summary of key changes, and staff input on the Planning Commission’s recommendation including comments addressing both housekeeping items and policy questions for the City Council’s consideration.

Ordinance 2019-03 – A Road Map

The City’s subdivision regulations are generally found in BIMC Title 17 (Subdivisions and Boundary Line Adjustments). Subdivision development is also required to be consistent with applicable substantive standards in BIMC Title 18 (Zoning). As such, Ordinance 2019-03 includes proposed revisions to each of these sections. For the most part, the ordinance deletes regulations related to subdivisions from Title 18 and integrates them into Title 17. Proposed revisions are presented in four parts:

Ordinance 2019-03:	The ordinance itself includes changes in the following sections: <ul style="list-style-type: none"> • BIMC 17.04 and 17.08 – Purpose statement and administration • BIMC 18.12 – Subdivision dimensional standards table deleted (relocated to BIMC 17.12) • BIMC 18.15 – Landscaping and parking requirements related to subdivisions deleted (relocated to BIMC 17.12)
Ordinance 2019-03 – Exhibit A:	The ordinance proposes to repeal and replace Section 17.12. Exhibit A is the new Section 17.12. The majority of the proposed changes are in this section.

Ordinance 2019-03 – Exhibit B:	Exhibit B includes revisions to BIMC 17.28, Definitions (related only to subdivisions).
Ordinance 2019-03 – Exhibit C:	New residential subdivision design guidelines are proposed. The City's existing design guidelines are located in BIMC 18.18. Exhibit C is the proposed subdivision design guidelines, that will be codified in BIMC 18.18.

Note: For purposes of compliance with RCW Title 58 (Boundaries and Plats) or its successors, the Bainbridge Island subdivision regulations consist of Title 17, as well as applicable substantive standards in BIMC Titles 15 (Buildings and Construction), 16 (Environment), and 18 (Zoning), applicable procedures set forth in BIMC Title 2 (Administration and Personnel), and related local regulations or ordinances adopted in accordance with state law. Subdivisions must also comply with RCW Title 58.

As a reminder, the subdivision update includes three components:

1. New review procedures including early conceptual meetings and a review and recommendation role for both the Design Review Board and Planning Commission;
2. New design guidelines focusing on site planning to promote compatibility with site and neighborhood; and
3. Revised standards

Ordinance 2018-20
(complete)

Ordinance 2019-03

Overview of Conceptual Approach

A concern expressed by the community is that recent subdivision development across the island has been inconsistent with the City's 2017 Comprehensive Plan, particularly Guiding Principal #1, "Preserve the special character of the Island -- winding, narrow and vegetated roadways and forested areas, meadows, farms, containing much of the Island's wetlands and streams, aquifer recharge areas and fish and wildlife habitat." Members of the City Council and community have expressed general concerns regarding the adverse impacts of development, including subdivisions, under the City's current development regulations due to threatened harm to the island's fresh water aquifers; the loss of trees, forests, native vegetation and soils and their ecosystem services; and the serious challenge of promoting affordable housing. The broad concern is that the City's existing subdivision regulations allow for indiscriminate clearing and grading followed by development of subdivisions wholly out of context with existing roadside and neighborhood character.

The new approach borrows key concepts from "conservation subdivisions." This type of "conservation design" differs from "conventional design" by first protecting the important natural features of a site and then placing homesites on the remaining area instead of dispersing the development area throughout the site without regard to the site's existing physical landscape. Typical subdivision development seeks to maximize the size of the lots and generally disregards the natural areas on site. An alternative approach is to encourage cluster development, which results in the same number of lots but clusters the development onto a smaller, buildable portion of the site. This approach to subdivision design is tailored to the characteristics of each site through a four-step design process completed early in the review phase. In general, the new approach combines the City's two existing subdivision design options – the "open space option" and the "cluster option" – into a single set of standards. Subdivisions will include both the dedication of open space (renamed natural area) and clustering of homesites.

The new approach achieves several key goals and policies of the Comprehensive Plan:

- Discourages the land, energy, and natural resource consumptive pattern of large single-family homes
- Results in context-sensitive development

- Minimizes the development footprint and promotes low impact development
- Promotes development of a variety of housing types

A Note on Cluster Development

The City's existing subdivision standards include two design options: the open space option and the cluster option. Current BIMC provisions related to cluster development in existing subdivision standards include:

BIMC 17.28 defines cluster development as, "a group of adjoining homesite areas situated in a suitable area of a property, designed in such a manner that facilitates the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways, while providing for the protection of valued open space features."

BIMC 17.12 includes the following standards:

- Homesite Clustering. The purpose of clustering is to facilitate the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways. Homesites shall be located in cluster groupings and the efficient location of infrastructure shall be used to maximize the undeveloped area. Four or more homesites shall constitute a cluster grouping in a long subdivision, and two or more homesites shall constitute a cluster grouping in a short subdivision.
- All homesites in a cluster grouping shall adjoin or be located a maximum of 25 feet apart from another homesite.
- In the R-0.4 and R-1 zoning districts, a homesite area with a maximum area of 10,000 square feet shall be provided for each lot. In the R-2 zoning district, a homesite area with a maximum area of 7,500 square feet shall be provided for each lot.

A key change proposed in the subdivision update is that there will no longer be an "open space" or "cluster" option – all residential subdivisions will follow the same set of standards. The new, single standard will essentially merge the two options, and include both the designation of open space (renamed "natural area") and cluster development.

The public hearing draft of Ordinance 2019-03 included maximum homesite size (varying by zoning district) and, for subdivisions resulting in four or more lots, a requirement for homesite clustering. Homesite clustering would be achieved by a required dimensional standard for how far apart homesites and homesite cluster groupings can be located. To provide flexibility or alleviate any undue hardship due to specific site conditions, an administrative departure could be requested. If the applicant demonstrates that a subdivision layout without clustering is a better design solution, then clustering would not be required.

The Planning Commission's recommendation of Ordinance 2019-03 includes a maximum homesite size but makes clustering the "preferred design model" rather than a requirement and deletes the required dimensional standards for how far apart homesites and homesite cluster groupings can be located. The Planning Commission's recommendation relies on the required four-step design process to allow the characteristics of the land to determine the most suitable location of homesites and allows for administrative departures from certain standards, if it is found that the departure achieves a better outcome.

In considering cluster development, it may be useful to think about at what scale it is required, and what it is that is being clustered. It is also important to keep in mind the objectives of cluster development,

which are – in brief – minimizing site disturbance and the development footprint and protecting valued natural resource features. In the R-0.4 zoning district, for example, the natural area requirement is 55 percent of the site and can be up to 65 percent if that higher number is the required aquifer recharge protection area. If the natural area is between 55-65 percent of the site, then the development area will effectively be “clustered” in 35-45 percent of the site. This scale of cluster development may achieve its objectives. A finer scale of cluster development could be achieved by clustering homesites and homesite groupings within the development area, although such clustering may not be necessary to achieve the objectives.

The approach that best meets the objective of clustering – at the site scale, clustering “natural area” and “development area,” or at the homesite scale, clustering homesites and homesite groupings within the development area – should be based on the size and characteristics of the site and will likely differ depending on the zoning district, since the required natural area decreases outside of the R-0.4 zoning district. Regardless of what standard is decided on and whether it is required or preferred, the selected approach should provide for a high level of certainty to achieve the goals of cluster development and the related goals and policies in the Comprehensive Plan.

Procedural History and Public Comment

The Planning Commission began discussion of the subdivision update in March 2018, and held 20 study sessions related to review procedures, decision-making authority, subdivision design guidelines, and subdivision standards between March 2018 – February 2019. The Design Review Board discussed the subdivision update at 11 meetings between April – October 2018. In total, 31 properly noticed public meetings were held regarding the subdivision update. The Planning Commission held a public hearing on February 13, 2019 which was continued to February 28, 2019. In between the two dates of the public hearing, a subcommittee of Planning Commissioners made changes to the public hearing draft, which were made available to the public via an amended Planning Commission agenda on February 26, 2019. The public hearing draft showing the subcommittee’s comments is provided in Attachment C. The subcommittee’s amended version of the public hearing draft, with the addition of several revisions made at the February 28, 2019, Planning Commission meeting, is the Planning Commission’s recommended draft.

Two public comments were provided at each of the public hearings (a total of four comments from three different people). Minutes from the public hearings, including public comments, are provided in Attachment B.

Primary concerns expressed in public comment focused on the R-0.4, R-1, and R-2 zoning districts and related to concerns about a potential loss of privacy, inconsistency with the island’s rural character, and included comments that clustering is “theft” or a “taking of property.”

Summary of Key Changes

Changes are proposed for each of the three major components outlined above: review procedures, design guidelines, and standards. New review procedures were approved with the adoption of Ordinance 2018-20. A new set of design guidelines was created for residential development within subdivisions. These design guidelines do not apply to residential development outside of subdivisions. The focus of the design guidelines is to generate context-sensitive subdivision development at the site, neighborhood, and island scale. Proposed design guidelines are provided in Ordinance 2019-03 – Exhibit C (Attachment A).

Four-Step Design Process: The four-step design process is required during the pre-application phase and is based on a detailed site analysis and context map. The four steps are: (1) delineate natural space, (2) locate homesites and community space, (3) define access, and (4) draw lot lines. The intent of the process is to allow the characteristics of the land to prioritize natural resource areas to be preserved and determine the most suitable location of homesites.

Administrative Departures: This is a new procedure through which an applicant could request a departure from, or alternative to, one or more standards to allow flexibility and site-specificity for subdivision design. It is not intended to be a separate process, such as a variance.

Natural Area Requirement: The existing "open space" requirement is renamed "natural area." The new subdivision regulations require a percentage of the overall site to be designated as "natural area." Natural area means the undeveloped portion of a subdivision that contains natural resource features such as critical areas, significant tree stands, forested areas, native vegetation, and/or designated wildlife corridors, that is preserved in perpetuity. The natural area requirement ranges from 5% of the site in the Mixed Use Town Center district to 55% of the site in the R-0.4 district. The natural area requirement in the R-1 and R-2 zoning districts is 45% and 30%, respectively. There are a number of allowed uses within the natural area. The proposed regulations include a list of 11 expressly allowed uses within the natural area, including utilities, trails, and small structures. The natural area can be on privately owned lots or within a common tract owned by a homeowners' association or third party.

Community Space Requirement: This new requirement is intended to implement the Comprehensive Plan's concept of livable neighborhoods, "... designed with pedestrians and non-motorized transportation in mind, where children can play safely outdoors, and where public spaces exist for recreation and for neighbors to gather and socialize." Like natural areas, a percentage of the total site area is required to be designated as community space with requirements ranging from 5 to 15 percent of the site. Community space is not required for short subdivisions (4 or fewer lots) and applicants have the option of adding the community space requirement in the R-0.4 zoning district (5%) to the natural area.

Homesite Requirement: The existing subdivision regulations have a homesite requirement only for the "cluster option" subdivision design. The subdivision update includes a homesite requirement in all subdivisions. The homesite is defined as that portion of a lot depicted on the face of a plat that is intended for development of the primary residential dwelling and accessory buildings and necessary infrastructure within a subdivision. Each zoning district has a maximum homesite size ranging from 10,000 square feet in the R-0.4 district to 2,250 square feet in the R-14 and Mixed Use Town Center districts.

Cluster Development: The existing subdivision regulations include cluster development only for the "cluster option" subdivision design. The Planning Commission's recommendation effectively maintains the optional status by calling it the "preferred design model."

General Standards: The subdivision update also includes a number of changes to the general standards. New standards are added related to fencing, landscaping, and design diversity. Some existing standards are revised to improve clarity and consistency with the Comprehensive Plan and other City planning documents, including those related to streets and access, stormwater facilities, and septic systems.

Staff Input on Planning Commission Recommendation

Staff has the following comments on the Planning Commission's recommendation, which are highlighted and numbered in Exhibit A of Ordinance 2019-03 (see Attachment A). Housekeeping corrections were

discovered when updating the Planning Commission's recommended draft, and those corrections are included as well.

1. The Planning Commission changed "design guidelines" to "development standards;" however, the section relates to design guidelines, not development standards.
2. Staff suggests adding "natural" in front of "resources" to clarify that the first step in the four-step design process gives the highest priority to natural resources.
3. Staff recommends that the "or" is replaced with "and" to clarify that a request for a departure must meet all of the listed criteria.
4. The Planning Commission recommended deleting this criterion, noting it would be too challenging to implement. While it may be challenging to implement, staff suggests that the criteria should include the requirement that an applicant demonstrates that there has been a serious effort to comply with the standards and that the City may want to consider the economic implications of either denying or granting a departure.
5. The Planning Commission added the language "the director shall review the record and render a decision on the specified departure(s), subject to review by the hearing examiner." This process is not possible without a separate application and would make the director's decision on the departure subject to appeal. The intent of the "administrative departure" is not to require a separate process, application, or fee. Rather, a request for an administrative departure would be considered at the Design Guidance Review meeting and both the Design Review Board and members of the Planning Commission would provide a recommendation at that point. The departure, if it is an affirmative recommendation, would be included in the pre-application. The Planning Commission and staff agreed that whether or not a departure will be granted needs to be known early in the process.
6. The Planning Commission deleted "one or more of" the following objectives. It is likely that a designated natural area will not support all of the stated objectives. However, without the modifier "one or more of," and applicant would be required to demonstrate just that.
7. The Planning Commission changed "adjacent" to "any" in terms of what a designated natural area should connect to. Staff suggests that "any" is too broad and notes that one of the objectives of conservation subdivisions is to develop connected systems of natural area, which is why the term adjacent was used.
8. The Planning Commission added "as are gates" to the allowance for fencing around natural areas. While gates in and of themselves are not problematic, it should be clarified that the gate should meet the definition of low-impact fencing (e.g., allow for wildlife movement). A chain link gate, for example, would not meet this definition.
9. This is a housekeeping correction – "open space" should be "natural area."
10. Homesite clustering. See "A Note on Cluster Development," above. Staff suggests that clustering should be a requirement with a departure available from the standard rather than the "preferred design model," as recommended by the Planning Commission. A reliance on the four-step design process to "allow the characteristics of the land to determine the most suitable location of homesites" – with no standard – would be problematic to implement. For example, if a property in the R-1 zoning district contains 25 percent native vegetation, the natural area requirement would be 30 percent. Site development could then be dispersed throughout the remaining 70 percent of the property because there is no standard to determine which portion/s of the 70 percent are "the most suitable location" for homesites. If the intent is to minimize site disturbance and the overall development footprint, a standard is needed to

achieve that – guidelines and preferences will not. That said, as noted earlier, dimensional standards that cluster homesites and homesite groupings within the development area are likely not necessary to achieve the intent.

11. Site disturbance. The Planning Commission's recommended language references the City's stormwater code for land disturbing activities, which 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." The recommended language states that land disturbing activities "shall be limited to the minimum required for site preparation and construction." Implementation of this standard would almost certainly bring up a variety of questions, such as: Site preparation and construction of what? Who decides what the "minimum required" is? Is site disturbance allowed outside the homesite? If an overall objective of the subdivision standards is to limit site disturbance, the standard needs to be more specific.
12. This is a housekeeping correction. The Planning Commission corrected it via motion in the dimensional standards table, but it was missed in this section.
13. Landscaping: The public hearing draft included a maximum amount of turf grass and minimum requirement for native vegetation allowed on lots and within Community Space, based loosely on the innovative site development requirements to receive incentives in the City's current HDDP program (providing <20% turf or >60% native plants receive four points each toward earning incentives). The Planning Commission's recommended language – "should be retained and maintained where possible" and "should be responsive to the natural contours" – does not provide any backstop for City staff to require any specific type of landscaping. While the City may not wish to manage people's yards, specific metrics are more useful than general language if the City wishes to have any sort of requirements related to landscaping.
14. Staff suggests that "public and private streets" should not be allowed in perimeter buffers. This was erroneously copied from roadside buffers, where streets would be permitted to cross, and was missed during Planning Commission review.
15. This is a housekeeping correction – "perimeter" should be "roadside."
16. The Planning Commission discussed that the road into the subdivision should be able to cross the roadside buffer (otherwise there would be no access to the subdivision). Staff suggests that the intent was not to allow driveways (for individual lots) to cross the roadside buffer and that this language/word choice should be clarified that it is the road into the subdivision that may cross the roadside buffer.
17. The Planning Commission changed "maximum density" to "minimum lot area" because the first term is confusing. Staff concurred with this change but notes it follows a row titled "minimum lot area," but has different requirements – which is confusing. Staff suggests (possibly) using the term "allowable lots" for the dimensional standard title and moving the existing note so that it is located directly beneath the title, so that the note would state: The maximum number of lots permitted shall be calculated by dividing the total lot area of the property (without deducting areas to be dedicated as public rights-of-way or areas to be encumbered by private road easements) by the minimum lot area for standard lots in the zone district. "Minimum lot area" could then be changed to "Minimum lot area for standard lots in the zone district," to clarify

that it is not a minimum lot size for the subdivision but a means to calculate the number of allowable lots.

18. The Planning Commission pointed out that the maximum homesite size for subdivisions in the R-0.4, R-1, and R-2 districts (10,000, 7,500, and 6,500, respectively) conflicts with the minimum development area allowed with the aquifer recharge protection area (ARPA), which is 12,500 square feet in all zones. The 12,500 number for the ARPA was based on the minimum lot size in the subdivision standards at the time the ARPA was established. Staff suggested that the ARPA standards (BIMC 16.20.100) be changed to be consistent with the homesite size: "A lower percentage is allowed if necessary to achieve a development area of at least 12,500 square feet on a parcel or the maximum allowable homesite size within a subdivision. The Planning Commission agreed with this change, although changes to BIMC 16.20 were not included in the Planning Commission's recommendation. Note that the subdivision update includes no minimum lot size – lot size in areas with on-site septic systems would be determined by the Kitsap Public Health District. The Health District regulations include a number of alternatives for determining minimum lot size, one of which is opting for the prescriptive standard of 12,500 square feet.
19. The City's current subdivision regulations allow for zero lot lines (attached buildings) in all zoning districts. This was a change made in 2017 to support low impact development and affordable housing goals in the Comprehensive Plan. The consultant recommended maintaining the zero lot line option in all zoning districts if the individual buildings (homes) are less than 1,600 square feet, while the Planning Commission recommended that the zero lot line option should not be allowed in the R-0.4 zoning district regardless of home site. Staff notes that the Planning Commission recommendation reverses the change made in 2017, which was made at that time to support the Comprehensive Plan.
20. The Planning Commission changed "public right of way" to "internal access" because "public right of way" could mean the frontage road and the likelihood is that property owners do not want garages that are zero feet from a frontage road. Staff agrees that this is confusing and notes that the City needs a term and definition for internal roads within a subdivision. "Internal access" is not a currently used or defined term. Staff is considering this issue and will provide a recommendation to the City Council.

ORDINANCE NO. 2019-03

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to subdivision standards, revising Title 17, repealing Chapter 17.12, and adopting an updated Chapter 17.12, repealing Table 18.12.020-1, and revising Chapter 18.12.040, 18.15.005, 18.15.010, 18.15.020, and 18.18.030 of the Bainbridge Island Municipal Code.

WHEREAS, the City Council of the City of Bainbridge Island (“City”) updated the City’s Comprehensive Plan in February of 2017; and

WHEREAS, the City Council has expressed significant concerns about development and growth in the City under current regulations in the context of the vision and goals of the City’s Comprehensive Plan, and desires to revise development regulations to best accommodate growth and development in both general and specific ways; and

WHEREAS, Ordinance No. 2018-02 imposed a temporary six-month moratorium on the acceptance of certain development, stating the City Council’s concerns regarding likely adverse impacts related to growth and development under existing regulations; and

WHEREAS, based on these and related concerns, the City Council required additional time to review the regulations and policies at issue to ensure that the vision and goals of the City’s Comprehensive Plan are being met to the Council’s satisfaction; and

WHEREAS, a number of priorities to address the items at issue in the moratorium were identified at a joint meeting of the City’s Design Review Board and Planning Commission on February 22, 2018, including the following:

- (1) Initiate rewrite of subdivision design standards (Chapter 17.12 BIMC);
- (2) Identify specific development standards to review/revise (Chapters 18.12 and 18.15 BIMC); and
- (3) Consider alternatives and identify preference for design guidelines framework.

WHEREAS, at an April 3, 2018 City Council study session, the City’s Department of Planning and Community Development provided a briefing on the Design Review Board and Planning Commission joint meeting wherein the Council authorized staff to proceed with a work plan addressing the priorities identified at the joint meeting; and

WHEREAS, on April 2 and 23, May 7 and 21, June 4, August 6 and 13, September 4 and 17, and October 15, 2018, the City’s Design Review Board discussed alternatives for subdivision review procedures and subdivision design guidelines; and

WHEREAS, on March 22, May 10, June 7, 14, and 21, July 12 and 26, August 9, 23, and 30, September 13 and 27, October 25, November 8 and 29, and December 13, 2018, as well

as on January 10, and February 13 and 28, 2019, the City’s Planning Commission discussed alternatives for revisions to the City’s subdivision review procedures, design guidelines, and standards; and

WHEREAS, each of the multitude of Design Review Board and Planning Commission meetings included an opportunity for public comment; and

WHEREAS, the Planning Commission held a public hearing on Ordinance 2019-03 on February 13, 2019, which was continued to February 28, 2019; and

WHEREAS, City staff forwarded the Planning Commission’s recommendations related to the subdivision update to the City Council for consideration at the Council’s March 19, 2019 regular study session; and

WHEREAS, the City Council previously reviewed and considered the subdivision update at regularly scheduled meetings on September 4 and 11, October 9, and December 4, 2018; and

WHEREAS, the City Council considered this ordinance at its meetings on March 19, 2019, as well as meetings on [note: this will be revised based on Council activity]; and

WHEREAS, the City issued a State Environmental Policy Act (“SEPA”) Determination of Non-Significance for this Ordinance No. 2019-03 on March 1, 2019; and

WHEREAS, the City notified the Department of Commerce on February 25, 2019 of its intent to revise its development regulations relating to subdivisions; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City’s incorporated lands.

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

Section 1. Section 17.04.010 of the Bainbridge Island Municipal Code is hereby amended as follows.

A. The purpose of this title is to regulate the division of land into short subdivisions, long subdivisions, and large lot subdivisions ~~to promote the public health, safety and general welfare of the citizens of the city in accordance with state law and the city’s comprehensive plan. To carry out this purpose and further the comprehensive plan policies addressing residential subdivision of land, this title establishes a flexible lot process for short and long subdivisions that promotes the preservation and consolidation of open space and clustering of development within residential subdivisions. This process facilitates the fair and predictable division of land, maintains the current character of the city, encourages efficient and cost effective provisions for infrastructure, limits the development impact area, minimizes impervious surface area and provides for greater flexibility in the division and establishment of residential lots. in a manner~~

consistent with the established zoning classifications for residential and other uses, in order to promote the public health, safety, and general welfare of citizens. In accordance with state law and the city's comprehensive plan, this title establishes a planning process for short and long residential subdivisions that promotes the preservation and consolidation of natural areas and the clustering of homes, in order to facilitate the fair and predictable division of land, limit the environmental impacts of development, achieve efficient and cost-effective provisions for utilities and infrastructure, and maintain the current character of the city.

~~B. A further purpose of this title is to:~~

- ~~1. Prevent the overcrowding of land;~~
- ~~2. Lessen congestion in the streets and highways;~~
- ~~3. Provide for adequate light and air;~~
- ~~4. Facilitate adequate provision for water, sewage, storm water drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;~~
- ~~5. Provide for proper ingress and egress;~~
- ~~6. Provide a variety of housing opportunities; and~~
- ~~7. Maintain the quality of life of the city.~~

~~C. Through this title, the city will also allow for the subdivision of land for nonresidential, multifamily, and mixed use, and accomplish uniform monumenting of land divisions and conveyance by accurate legal description.~~

~~D. An additional purpose of this title is to provide criteria for summary administrative approval of boundary line adjustments that satisfy public concerns of health, safety and welfare, or where arranging or rectifying boundary lines is otherwise requested.~~

~~E.B. A final further purpose of this title is to comply with the provisions of RCW Title 58 (Boundaries and Plats) or its successors, and other applicable law of Washington State, and no provision of this title shall be interpreted to authorize or require actions inconsistent with those laws. (Ord. 2011-02 § 2 (Exh. A), 2011)~~

Section 2. Section 17.04.020 of the Bainbridge Island Municipal Code is hereby amended as follows.

B. Location of Review and Approval Procedures and Application Materials. The procedures for approval of short, long, large lot, nonresidential, and multifamily subdivisions, as well as the vesting of rights related to those types of approvals, are set forth in BIMC Title 2 (Administration and Personnel). All such provisions require consistency with the requirements of RCW Title 58 (Boundaries and Plats) or its successors as applicable to the type of land division being proposed. Required application materials are provided in the Bainbridge Island administrative manual.

~~E. Application Materials. Materials required to be submitted with an application for a short or long subdivision, subdivision, large lot subdivision, nonresidential or multifamily subdivision or boundary line adjustment are available in the Bainbridge Island administrative manual.~~

Section 3. Section 17.08.020 of the Bainbridge Island Municipal Code is hereby amended as follows.

~~H. Short subdivisions shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, as a means to circumvent compliance with the more stringent subdivision requirements that control the subdivision of land into five or more lots. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous land parcel, a presumption of an attempt to circumvent short subdivision requirements may be invoked by the director as a basis for further investigation to assure compliance with the intent of this provision. (Ord. 2011-02 § 2 (Exh. A), 2011)~~

Section 4. Chapter 17.12 of the Bainbridge Island Municipal Code is hereby repealed.

Section 5. An updated Chapter 17.12 of the Bainbridge Island Municipal Code is hereby adopted, as set forth in Exhibit A and as incorporated herein.

Section 6. Chapter 17.28 of the Bainbridge Island Municipal Code is hereby amended as set forth in Exhibit B and as incorporated herein.

Section 7. Table 18.12.020-1, *Flexlot Subdivision Dimensional Standards for Residential Zone Districts*, is hereby repealed.

Section 8. Chapter 18.12.040 of the Bainbridge Island Municipal Code is hereby amended as follows.

A. Permitted Setback/Height Modifications. Minimum and maximum setbacks and maximum heights established in Tables 18.12.020-1, 18.12.020-2, and 18.12.020-3 and in BIMC 18.12.030 may be encroached as set forth in Table 18.12.040 and may also be modified by applicable provisions of adopted fire codes, the shoreline master program, and/or the building code. These modifications are not permitted in required perimeter or roadside buffers.

Section 9. Section 18.15.005 of the Bainbridge Island Municipal Code is hereby amended as follows.

G. ~~Chapter BIMC 17.12 BIMC-.030, flexible lot design open space/cluster general subdivision~~ standards; BIMC 17.20.020, dedication of land for parks and open space facilities;

Section 10. Table 18.15.010-1, *Landscape Requirements by Zone District*, of the Bainbridge Island Municipal Code is hereby amended as follows.

Landscape Requirements for Land Uses and Districts	Significant Tree and Tree Stand Retention	Perimeter Landscape	Roadside Buffer	Parking Lot Landscaping	Total Site Tree Unit Requirements	Planting Requirements	Irrigation	Maintenance
Single-Family Residential Short Plats and Subdivisions	X	X (Cluster Subdivisions Only)	X	-	-	X	X	X

Section 11. Table 18.15.010-3, *Perimeter Landscaping Requirements by Land Use and Zoning District*, of the Bainbridge Island Municipal Code is hereby amended as follows.

Abutting Zoning or Land Use District	Perimeter Landscape Type	Perimeter Width (ft.)	Minimum Perimeter Width (ft.)
Short Plats and Subdivisions in Residential Zoning Districts [1]			
Residential subdivision in the R-0.4, R-1, and R-2 districts (cluster option only)	Edge Planting Standard	25	25
Multifamily subdivision in the R-2, R-1, and R-0.4 zoning districts (cluster option only)	Full Screen	25	25
Park and conservation land buffer: applies to all single-family subdivisions (OS) [2]	Edge Planting Standard	25	25
Winslow Town Center Mixed Use District [3] [1]			
Non-B/I	Full Screen [4] [2]	50	35
[1] Properties with less than one acre being subdivided are not subject to perimeter buffer requirements.			

Abutting Zoning or Land Use District	Perimeter Landscape Type	Perimeter Width (ft.)	Minimum Perimeter Width (ft.)
<p>[2] (OS) indicates that the buffer may be calculated in the required open space area for the subdivision.</p> <p>[3] [1] For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC 18.12.030.C.</p> <p>[4] [2] This perimeter buffer applies even when a private access road separates a B/I property from non-B/I property.</p>			

Section 12. Section 18.15.010.D. of the Bainbridge Island Municipal Code is hereby amended as follows.

3. ~~Perimeter Buffers in Residential Cluster Short Subdivisions, Cluster Long Subdivisions, and Multifamily Subdivisions in the R-2, R-1, and R-0.4 Zoning Districts.~~ for residential and commercial subdivisions are required pursuant to BIMC 17.12.060.N. The buffers shall be pursuant to the standards set forth in subsection D.4 of this section. The tree retention, replacement, and protection standards of subsection C of this section apply to perimeter buffers for residential and commercial subdivisions.

- ~~a. When the cluster development option is selected pursuant to BIMC [17.12.030.B](#) for property with a gross area of one acre or more and that is located in the R-0.4, R-1, R-2 and R-2.9 districts, a 25-foot wide, edge planting standard landscape perimeter shall be required along the subdivision boundary.~~
- ~~b. When the cluster development option is selected pursuant to BIMC [17.12.030.B](#) for property with a gross area of one acre or more and that is located in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 zone districts, a 10-foot wide, edge planting standard landscape perimeter shall be required along the subdivision boundary.~~
- ~~c. In order to buffer the visual impact of the proposed subdivision and protect off-site views, additional landscaping shall be planted within landscape perimeter buffers where mature trees and shrubs cannot provide such screening, pursuant to subsection D.4 of this section.~~
- ~~d. Required landscape buffer width may be reduced through buffer averaging in accordance with the criteria in subsection D.5 of this section, perimeter landscape requirements. For example, buffers may be adjusted when such adjustments contribute to the neighborhood character by incorporating significant trees and native vegetation, incorporate a unique landscape feature, or accommodate a unique situation that allows~~

continuation of an existing use, such as a utility or other easement providing continued use.

~~e. Landscape buffers may be included in the required open space calculations for a subdivision as noted in Table 18.15.010-3. Table 18.15.010-3 depicts the landscape buffer requirements for subdivisions by zoning district and denotes when the buffer may be included in the open space calculations. These standards apply unless alternative buffers are required pursuant to critical area review, the requirements of the Shoreline Management Act, conditioned by SEPA review, or required for public health or safety reasons.~~

~~f. When a multifamily subdivision is created within the R-2, R-1, and R-0.4 zoning districts, a 25-foot wide, full screen landscape perimeter shall be required along the subdivision boundary~~

Section 13. Section 18.15.010.E. of the Bainbridge Island Municipal Code is hereby amended as follows.

2. Roadside Buffers for Residential and Commercial Subdivisions are required pursuant to BIMC 17.12.070.O. ~~Roadside buffers are required for both residential and commercial subdivisions—see Table 18.15.010-4. The type and width of the required buffer varies by the type of roadway the subdivision is adjacent to, as well as the condition of the existing roadside vegetation. The buffers shall be pursuant to the standards set forth in subsection D.4 of this section and Table 18.15.010-4. The tree retention, replacement, and protection standards of subsection C of this section apply to roadside buffers for residential and commercial subdivisions.~~ These requirements do not apply to projects involving only interior renovations of existing buildings.

~~a. Roadside Buffer General Requirements. All residential subdivisions and short subdivisions subject to landscape buffering requirements shall comply with the standards in this subsection, including those in Table 18.15.010-4.~~

~~b. Roadside Buffers in Residential Short Subdivisions.~~

~~i. Except for properties containing a gross area of less than one acre, on a property located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 25-foot wide vegetative buffer shall be maintained. However, in the R-3.5, R-4.3, R-5, R-6, R-8 and R-14 districts a roadside buffer is not required unless it is determined that a landscape buffer is necessary to maintain the character of the neighborhood or to reflect neighboring development patterns.~~

~~ii. Where there are no mature trees and shrubs that contribute to the existing forested character of these roads, the character of the neighborhood shall be maintained by establishing building setbacks equal to or greater than the existing building setbacks on the~~

~~adjacent properties. At no point shall the building setback be less than requirements in this title.~~

~~iii. To accommodate an existing house that is located within 25 feet of the property line adjacent to a collector or arterial road, the roadside buffer area width shall be reduced to the width adjoining the existing home between the existing house and the property line adjacent to the collector or arterial road.~~

~~c. Roadside Buffers in Residential Long Subdivisions.~~

~~i. For subdivisions located in the R 0.4, R 1, R 2 and R 2.9 districts located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 25-foot wide vegetative buffer shall be maintained. In the R 3.5, R 4.3, R 5, R 6, R 8, and R 14 districts a roadside buffer is not required unless it is determined that a landscape buffer is necessary to maintain the character of the neighborhood or to reflect neighboring development patterns.~~

~~ii. For property with a gross area of one acre or more and that is located in districts R 0.4, R 1, R 2 and R 2.9, where there is no existing vegetation that contributes to the existing vegetation character of the roads, a 25-foot full screen landscape buffer shall be planted consistent with the requirements of subsection D.4.a of this section, except as noted below in this subsection.~~

~~iii. To accommodate an existing house that is located within 25 feet of the property line adjacent to a collector or arterial road (or within 25 feet of such a property line if subsection E.2.c.ii of this section applies), and to maintain the character of the neighborhood and reflect neighboring development patterns, the roadside buffer area width shall be reduced to the width adjoining the existing home between the existing house and the property line adjacent to the collector or arterial road. At no point shall the building setback be less than requirements in this title.~~

~~iv. For subdivisions designating open space that is intended for agricultural use and would be adversely impacted by the addition of screening landscaping, a 25-foot roadside buffer as prescribed in subsection E.2.c.ii of this section shall not be required.~~

~~d. Roadside Buffers in Multifamily and Commercial Subdivisions. A minimum 50-foot vegetative buffer shall be established adjacent to all designated scenic roads. The buffer shall be consistent with the requirements for a full screen buffer, pursuant to subsection D.4.a of this section.~~

~~e. Multiple Street Frontages. For properties subject to the roadside buffers requirement along two property boundaries, the roadside buffer abutting the street with the lower classification may be reduced to 25 feet in width. For properties that abut more than two streets requiring roadside~~

buffers or in situations where both abutting streets are of the same road classification, one roadside buffer of the full required width shall be required and all other roadside buffers may be reduced to 25 feet; provided, that the full required width buffer is located where a greater number of significant trees can be incorporated into the buffer.

Section 14. Table 18.15.010-4, *Roadside Buffer Requirements by District and Land Use*, of the Bainbridge Island Municipal Code is hereby amended as follows.

Existing Zoning/Use	Adjacent Right-of-Way Type	
	Right-of-Way (not including Highway 305)	Highway 305
Residential Subdivision in the R-0.4, R-1, R-2, and R-2.9 Districts [4]	25' Full Screen or maintain existing vegetation within 25' buffer (OS) [5][6]; Applies only to collectors and arterial roads	
Residential Subdivision in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 Districts [4]	No requirement unless necessary to reflect neighboring development patterns (OS) [5]; Applies only to collectors and arterial roads	

- [1] All roadside buffers ~~must~~ shall be planted if not already existing.
- [2] For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC [18.12.030.C](#).
- [3] Beginning 100' north of Winslow Way.
- [4] ~~Properties being subdivided with less than one acre are not subject to roadside buffer requirements.~~
- [5] ~~(OS) indicates that the buffer may be calculated in the required open space area for open space subdivision.~~
- [6] ~~Existing vegetation must remain in the 25-foot buffer area. When existing vegetation does not constitute a full screen, the applicant will not be required to plant a full screen. If existing vegetation within the 25-foot buffer area does constitute a full screen, but dense vegetation is not part of the neighborhood character, then the applicant may choose between maintaining a 25-foot full screen roadside buffer, or averaging that buffer to retain trees and vegetation elsewhere on the property and eliminating the roadside buffer.~~

Section 15. Section 18.15.020.D. of the Bainbridge Island Municipal Code is hereby amended as follows.

3. Parking spaces serving dwelling units shall be located on the same lot with the building they serve, except in subdivisions where parking spaces may be located on a separate lot or tract. In the central core, gateway, and ferry terminal districts, one parking space per unit shall ~~must~~ be located on site and any additional spaces may be located off site. All off-site spaces shall ~~must~~ be within a 1,000-foot radius of the edge of the development parcel and shall ~~must~~ be acquired through fee-in-lieu, fee simple ownership, or a leasehold permanently linked to the unit.

Section 16. Section 18.18.030 of the Bainbridge Island Municipal Code is hereby amended as follows.

~~A. Detached Single Family Residential Developed Using the R-8SF Urban Single Family Overlay District. Detached single family residential developed in accordance with the R-8SF urban single family overlay district transfer of development rights program shall comply with those regulations contained in “Design Guidelines for R-8SF Urban Single Family Overlay District” if they want to develop at overlay zone densities. Residential subdivision development in all zoning districts except the Neighborhood Center and Mixed Use Town Center districts shall comply with those regulations contained in “Design Guidelines for Residential Subdivisions,” as set forth in Exhibit C and incorporated herein.~~

Section 17. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 18. This ordinance shall take effect and be in force five (5) days after its passage, approval, and publication as required by law.

PASSED by the City Council this ___ day of _____, 2019.

APPROVED by the Mayor this ___ day of _____, 2019.

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

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Chapter 17.12

SUBDIVISION STANDARDS

17.12.010 Applicability.

This chapter sets forth standards for short subdivisions, long subdivisions, large lot subdivisions, and nonresidential and multifamily subdivisions. Specific requirements relevant to each individual type of subdivision are provided throughout various chapters of this title.

17.12.020 Subdivision Design Guidelines.

All residential subdivisions outside the Neighborhood Center and Mixed Use Town Center zoning districts shall comply with those design guidelines contained in “Design Guidelines for Residential Subdivisions” set forth in BIMC 18.18 and its reference documents, which are adopted as part of this title by reference.

The purpose of subdivision design guidelines is to define the qualities of subdivisions that meet the guiding principles, goals, and policies of the city’s Comprehensive Plan and to serve as a tool for guiding individual projects to meet those expectations through the city’s land use review procedures. The design guidelines offer reference points for the public to participate in discussions of new subdivisions, and they allow applicants flexibility in meeting development standards and zoning requirements. An applicant may be granted a departure from the **development standards** by demonstrating that an alternative design better meets the intent of the design guidelines.

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17.12.030 Four-Step Design Process

The city’s approach to planning for subdivisions requires a four-step process that gives the highest priority to identification and conservation of **resources**. This process reverses the conventional site planning approach, which typically begins by laying out the streets, lot lines and building footprints. Instead of first identifying the areas to be cleared for development, the design process begins by analyzing on-site resources and the site’s relationship to surrounding properties, in order to identify what resources are most worthy of preservation and what areas can best accommodate development.

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This design process is required for all residential subdivisions. The process is further defined in BIMC 2.16.125.D; it consists of four steps: 1) Delineate Natural Area; 2) Locate Homesites and Community Space; 3) Define Access; and, 4) Draw Lot Lines.

17.12.040 Administrative Departures

A. A departure from existing subdivision standards may be requested by an applicant or required by the City to allow use of an alternative standard not listed among the applicable requirements of BIMC 17.12.050 through BIMC 17.12.070. Departures are not variances and are not required to meet the criteria associated with a variance application. Rather, departures allow adjustment of existing standards to achieve better outcomes in cases where strict application of the existing standard would result in an inferior subdivision design.

B. Departures from the subdivision standards in BIMC 17.12.050 through BIMC 17.12.070, may be permitted as part of the subdivision review process. In order for such a departure to be allowed, it must satisfy the intent of the

four-step design process, and the resulting development design must better serve the public interest. A departure shall not be allowed from the following standards:

1. Natural area
2. Community space
3. Homesite size

C. Any request for one or more departures shall be made at the Design Guidance Review Meeting as part of the pre-application phase of the project. Departures shall be reviewed concurrently with an application for subdivision. It must be shown that the proposal is consistent with the following criteria:

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1. Because of unusual shape, exceptional topographic conditions, environmental constraints or other extraordinary situation or condition in connection with a specific piece of property, strict adherence to the existing standard would create undue hardship or result in an undesirable plat; **or**

2. The granting of the departure results in better plat and/or lot design. Better plat and/or lot design means situations such as creating plats that result in greater natural resource conservation value, less adverse impact to adjoining properties, or more practical design because of topography, critical area, or other extenuating circumstance; and

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~~3. All possible efforts to comply with the standard or minimize potential harm or adverse impacts have been undertaken. Economic consideration may be taken into account but shall not be the overriding factor in approval; and~~

4. The departure is consistent with other applicable regulations and standards; and

5. The granting of any departure will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity in which the property is located.

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D. Upon affirmative recommendations by the Design Review Board and the Planning Commission, **the director shall review the record and render a decision on the specified departure(s), subject to review by the hearing examiner.** A departure from subdivision standards BIMC 17.12.050 through BIMC 17.12.070 may be granted if it is shown that the departure meets the criteria in 17.12.040 (C).

17.12.050 Natural Area and Community Space.

A. Natural Area Required. All residential subdivisions shall provide natural area consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

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1. Natural Area Objectives. The natural area(s) shall support **one or more of** the following objectives:

- a. Conservation of natural resources, including wildlife habitat;
- b. Protection of groundwater recharge;
- c. Conservation of native soils;
- d. Expansion or enhancement of the value to adjacent or neighboring open space, parks, forested areas, conservation easements, shorelines, or critical areas;
- e. Preservation of unique natural land or rock features;
- f. Preservation of visual appeal along highway, road and street corridors or scenic vistas.

2. Amount of Natural Area Required. The minimum natural area shown in Table 17.12.070-1 shall be provided and shall be depicted on the face of the plat.

3. Designation of Natural Area. The natural area(s) shall be designated as the first step in the four-step design process defined in BIMC 2.16.125.D. Natural areas consist of primary and secondary natural areas. If the primary natural areas make up less than the required percentage of the total site natural area, the balance of the required natural area shall consist of secondary natural areas.

a. Primary Natural Areas (PNA). PNAs form the core of the natural area to be protected. PNA's include the following:

- i. Critical areas other than critical aquifer recharge areas;
- ii. Critical area buffers;
- iii. Aquifer recharge protection area as required by BIMC 16.20.100,

b. Secondary Natural Areas (SNA). SNAs are locally noteworthy or significant features of the natural landscape. SNA's include the following:

- i. Mature woodlands;
- ii. Freestanding significant trees;
- iii. Wildlife corridors;
- iv. Greenways and trails;
- v. Scenic viewsheds;
- vi. Mature vegetation on ridgelines

c. Aquifer Recharge Protection Area (ARPA). Subdivisions in the R-0.4, R-1, and R-2 zoning districts shall include designation of an ARPA in accordance with BIMC 16.20.100 and the following standards:

- i. If a proposed subdivision includes more than one parcel, the ARPA shall be calculated based on the total square footage of all parcels;
- ii. If the required ARPA is greater than the required natural area, the natural area shall be increased to achieve the required ARPA area;
- iii. If the required ARPA is less than the required natural area, the natural area shall include other SNAs to achieve the required natural area.

4. Natural Area Configuration. Designated natural areas shall be configured in a manner that enhances and promotes the natural character of the island and natural resource characteristics of the property and surrounding area. Natural area configuration shall satisfy the following guidelines:

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- a. Natural area should be concentrated in large, consolidated areas; and
- b. Natural area should connect to any adjacent off-site open space areas, designated wildlife corridors and trails, and/or critical areas; and
- c. Natural area should be designed to preserve views from off site of the subject property; and
- d. Natural area should be delineated with a low perimeter-to-area ratio with a minimum width of fifty (50) feet; and
- e. Natural area may be included as a portion of one or more lots or may be contained in a separate tract.

5. Natural Area Fencing and Signage. Fences and/or signs delineating the boundary of natural areas are required. The director shall determine which option (fence or sign) is required, based on the recommendations from the Design Guidance Review Meeting.

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- a. If fencing is required:
 - i. Low-impact fences are preferred and must be constructed in accordance with the definition in BIMC 17.28.020; and
 - ii. Fencing is not required at the exterior boundary of the subdivision; and
 - iii. Gaps in fencing not exceeding five (5) feet are permitted, as are gates
- b. If signs are required:

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- i. They shall be constructed in accordance with the definition in BIMC 17.28.020; and
- ii. Typically, they shall be spaced at intervals of 50 feet, allowing for variation due to reasons such as topography, configuration of natural area open space, distance from other features, etc.

c. If signage is required and encroachments into the designated natural area occur, the director may require that the owner install fencing and/or additional signage to prevent future encroachments. Required fencing and signs shall be maintained in good repair, with repair or replacement to occur within 60 days.

6. Natural Area Ownership. Ownership of natural area shall be established consistent with one of the following forms of ownership:

- a. Private Ownership. Natural areas may be held in private ownership if established by easements, restrictive covenants, the natural area management plan, or similar legal means; or
- b. Common Ownership. Natural areas may be held in common by a home or property owners' association or other similar organization. For the purposes of this title, if a land trust or a similar conservancy maintains ownership or a conservation easement, that shall be considered common ownership. If this ownership pattern is selected, covenant, conditions, and/or restrictions shall be required; or
- c. Public Ownership. Designated natural areas shall not be required to be dedicated to the city or other public agency, and the owner shall not be required to permit public access to designated natural areas. However, if the owner offers to dedicate, the city or other public agency may choose to accept ownership of natural areas. Consequently, upon approval and acceptance by the city council, the natural areas shall be dedicated to the public.

7. Natural Area Maintenance. An applicant shall submit a draft natural area management plan (NAMP) as described in the Bainbridge Island administrative manual, for review as part of the preliminary plat application. Final approval of the NAMP will occur at the time of final plat approval. The natural area management plan shall include:

- a. A list of all approved uses for the natural areas. Where uses in separate natural areas vary, the specific location of each use shall be depicted graphically.
- b. A maintenance plan for natural areas, that clearly describes the frequency and scope of maintenance activities for natural areas and that meets all requirements set forth in subsection 7 herein, and in the Bainbridge Island administrative manual.
- c. The approved NAMP must be filed with the Kitsap County Auditor. In the event that the natural area is not maintained consistent with the NAMP, the city shall have the right to enter the property for necessary maintenance, with the cost of such maintenance assessed against the landowner or, in the case of a homeowner's association, the owners of the properties within the subdivision and shall, if unpaid, become a tax lien on such property or properties.

8. Allowed Uses in Natural Area. Allowed uses within natural areas include:

- a. Installation and care of native plants.
- b. Maintenance pruning of trees and shrubs provided the structural integrity and long-term health of the vegetation is preserved.
- c. Wildfire mitigation activities, other than tree removal, within a 30-foot defensible space around a primary structure, in accordance with the Bainbridge Island community wildfire protection plan and as described by Section 603 of the International Wildland Urban Interface Code.
- d. Removal of invasive plant species.
- e. Passive recreation, including pervious trails.
- f. Potable water wells and well houses.
- g. Low impact fencing or signs marking the natural area boundary.
- h. On-site sewage drainfield facilities, if construction of the system will not require the use of heavy equipment or removal of significant trees.
- i. Storm drainage facilities if the applicant can demonstrate that (i) the system meets the low impact design (LID) standards of Chapter 15.20 BIMC, and (ii) construction of the system will not require the use of heavy equipment or removal of significant trees.
- j. Accessory solar panels, small wind energy generators, composting bins, rainwater harvesting barrels, and cisterns, as defined in Chapter 18.36 BIMC.
- k. Other structures or hard surfaces with a total footprint no greater than 200 square feet.

B. Community Space Required. All residential subdivisions, except short subdivisions, shall provide community space consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

1. Community Space Objectives. Community space shall accomplish one or more of the following objectives:

- a. Provide a place for residents to gather in shared space.
- b. Provide common buildings, open space, or gardens.
- c. Provide space for unstructured recreation.
- d. Enhance a felt and actual sense of security, identity, and community.
- e. Provide a protected, traffic-free environment.

2. Amount of Community Space Required. The minimum community space shown in Table 17.12.070-1 shall be provided and shall be depicted on the face of the plat.

3. Community Space Configuration. Community space should adjoin the largest practicable number of lots within the development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to community space.

4. Community Space Ownership. Ownership of community space shall be established consistent with one of the forms of ownership set forth in BIMC 17.12.050.A.5.

5. Community Space Maintenance. An applicant shall submit a draft community space management plan (CSMP) as described in the Bainbridge Island administrative manual, for review as part of the preliminary plat application. Final approval of the CSMP will occur at the time of final plat approval. The community space management plan shall include:

- a. A list of all approved uses for the community space. Where uses in separate community spaces vary, the specific location of each use shall be depicted graphically.
- b. A maintenance plan for community space that clearly describes the frequency and scope of maintenance activities, and that meets all requirements set forth in subsection 5 herein and the Bainbridge Island administrative manual.
- c. The approved CSMP must be filed with the Kitsap County Auditor within thirty (30) days of final plat approval. In the event that the community space is not maintained consistent with the CSMP, the city shall have the right to enter the property for necessary maintenance, with the cost of such maintenance assessed against the landowner or, in the case of a homeowner's association, the owners of the properties within the subdivision and shall, if unpaid, become a tax lien on such property or properties.

6. Allowed Uses in Community Space. Community space may include uses such as crop and animal agriculture, meadows, orchards, pastures, turf fields, and common buildings. Prohibited and allowed uses within community space shall be included in the draft terms, conditions, covenants, and agreements proposed for the subdivision, which shall be submitted with the preliminary subdivision application. Final terms, conditions, covenants, and agreements must be filed with the Kitsap County Auditor within thirty (30) days of final plat approval.

17.12.060 Homesites. All single-family residential subdivisions require homesites located and designed consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

A. Homesite Area.

1. A homesite area no greater than the maximum area shown in Table 17.12.070-1 shall be provided for each lot and shall be depicted on the face of the plat.
2. The homesite area shall include the primary residential dwelling, accessory buildings, and on-site parking, if provided for each lot within the subdivision.
3. Other allowed uses and structures include residential landscaping, pathways, turf, and fences; individual water, stormwater, and septic infrastructure.

4. Homesites shall not contain any critical areas or their buffers or setbacks, shoreline buffers, or any portion of required natural areas. Homesites may include critical aquifer recharge areas.

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B. Homesite Clustering. Clustering is the preferred design model for all single-family subdivisions. The purpose of clustering is to facilitate the efficient use of land by limiting areas of disturbance, impervious surfaces, utility extensions, and roadways.

The four-step design process outlined in Section 17.12.030 BIMC is intended to allow the characteristics of the land to determine the most suitable location of homesites. Section 17.12.040 BIMC also provides for departures from certain standards, if it is found that the adjustment achieves a better outcome.

1. Homesite cluster groups shall be located to minimize adverse impacts to adjacent, previously existing residential development.
2. Homesite cluster groups are not required to be located near any existing home on the property.
3. Homesite cluster groups shall be configured to maintain the natural features of the site and minimize topographic alteration and clearing of existing vegetation.

17.12.070 General residential subdivision standards.

A. Constrained lots. If, due to site or design constraints, no homesite with supporting infrastructure can be located on a subject property, no division of land is permitted.

B. Preexisting lots. Lots that have previously received final approval from the city, or that have previously received final approval from Kitsap County prior to inclusion within the city boundaries, and that do not comply with standards of this chapter shall be considered existing nonconforming lots, but any future resubdivision of any such lots shall comply with the requirements of this title.

C. Platted lots. The platted lot defines the extent of private ownership of land within the subdivision. The size, shape and potential uses of a lot depend on many factors that will be considered in the subdivision design process. Establishing lot lines is the last step in the design process, but a desired result will affect decisions throughout the process, and the physical characteristics of the entire property will present both constraints and opportunities. Standards applicable to lots are found in BIMC 17.12.070 and Table 17.12.070-1.

D. The short subdivision process shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, to circumvent compliance with the more stringent requirements that control the subdivision of land into five or more lots. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous land parcel, presumption of an attempt to circumvent short subdivision requirements may be invoked by the director as a basis for further investigation, to assure compliance with the intent of this provision and the requirements of a long subdivision.

D. Remaining area. Any area not designated as public or private access, buffers, lots, or utility tracts shall be designated as either natural area or community space, in accordance with the objectives in either BIMC 17.12.050.A.1 or 17.12.050.B.1.

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E. Site Disturbance. The extent of land disturbing activities, as defined in BIMC 15.20.020.22, shall be limited to the minimum required for site preparation and construction.

F. Compatibility with Adjacent Development

1. Subdivisions shall be designed and located to ensure compatibility with existing adjacent development.
2. Views of house lots from exterior roads and abutting properties shall be minimized by preserving the natural topography and existing vegetation to the greatest extent possible.

G. Dimensional standards. Table 17.12.070-1 sets forth certain minimum and maximum dimensional standards. Where a property is located in more than one zone district, units permitted by density calculations within each zone

district must be constructed on the portion of the property located within that district and required setbacks for each zone district must be met. Permitted densities are not “blended” across the zone district line.

H. Septic Systems. Locations of individual or community drainfields and associated reserve drainfields shall comply with all applicable standards established by the Kitsap Public Health District or Washington Department of Health. Reserve drainfield areas shall remain undisturbed until such time as their use is required. This standard shall be noted on the face of the preliminary and final plat.

I. Streets and Vehicle Access. Subdivisions shall comply with the following standards unless modified by the City Engineer:

1. Subdivisions shall comply with all applicable standards of the “City of Bainbridge Island Design and Construction Standards and Specifications,” as amended. Deviations from the “City of Bainbridge Island Design and Construction Standards and Specifications” may be granted by the City Engineer upon evidence that such deviations are in the public interest and that they are based on sound engineering principles and practices. All requirements for safety, function, appearance and maintainability must be fully met. Desired deviations must be requested at the Design Guidance Review Meeting during the pre-application phase of the project.
2. Each lot in a residential subdivision shall have direct access to a public or private street, except for those with shared driveways or alternative lot designs that provide shared or clustered parking outside of individual lots.
3. The street system of a proposed subdivision shall be designed to connect with any existing, proposed, or planned streets outside of the subdivision or to create a connection beneficial to the overall circulation of the surrounding area, as determined by the City Engineer.
4. Interior street layout shall be oriented on the east/west axis if feasible, to maximize active and passive solar access.
5. To minimize impervious surfaces, all public rights-of-way, access easements, private streets, and driveways shall not be greater than the minimum dimensions required to meet standards.
6. Street names and traffic regulatory signs shall be provided, and their locations shall be indicated on the plat/plan. The locations of mailboxes and traffic regulatory signs are only required on the plat/plan when other public improvements are required.
7. Transit stops shall be provided as recommended by Kitsap Transit.

J. Parking and Garages.

1. Parking shall be provided consistent with BIMC 18.15.020, except as modified by this subsection.
2. Parking spaces provided on individual lots must be located within the designated homesite.
3. Parking spaces may be located outside of individual lots, consolidated in a remote or satellite parking area, or in individual or shared garages.
4. Consolidated parking areas shall be landscaped in accordance with BIMC 18.15.010.F.
5. Shared garages are limited to five vehicle spaces and shall not exceed 60 feet in length or 1440 square feet total.
6. Garages, including detached garages, located on individual homesites facing a public street shall be:
 - a. Limited to two vehicles; and
 - b. Either accessed from the side or rear or set back from the most front-facing exterior wall of habitable space a minimum of five feet unless the house is not visible from the public street.

K. Circulation and Access.

1. All subdivisions shall include a circulation and access system of walkways, paths, or trails that interconnect lots, natural area, community space, and adjacent access facilities. Trails that provide connection to streets, public areas or other trails through the subdivision boundaries shall provide public access.
2. Multi-modal facilities shall be consistent with the applicable standards of the “City of Bainbridge Island Design and Construction Standards and Specifications.”
3. Subdivisions may be required to provide dedicated access easements if one or more “trail connection zones” are located on the site as shown on Map C and D (Non-Motorized System Plan) of the Island-Wide Transportation Plan, as amended.
4. Pursuant to RCW 58.17.110(1) sidewalks or other planning features shall be provided to assure safe walking conditions for students who walk to and from school.

L. Fencing.

1. Sight obscuring fencing is prohibited at the exterior boundary of a subdivision along a public right of way.
2. Fencing at the exterior boundary of a subdivision along a public right of way shall not exceed 3 feet, 6 inches in height.
3. Fencing at the exterior boundary of a subdivision along a public right of way is prohibited within the roadside buffer or at the edge of right of way.
4. Fencing around surface stormwater ponds shall not exceed 3 feet, 6 inches in height unless required by the City Engineer for safety reasons.

13 **M. Landscaping.** Individual homeowners are responsible for the maintenance and modification of landscaping on their lots, subject to any rules and guidelines established by a homeowners’ association or similar body. Native vegetation on the site should be retained and maintained where possible and landscaping should be responsive to the natural contours of the lot.

N. Perimeter Buffers. The intent of perimeter buffers is to visually and physically separate adjacent land uses, when necessary, to minimize impacts of new development on adjacent properties.

1. Perimeter buffers shall be provided at the exterior boundary of all subdivisions. The minimum width of perimeter buffers shall equal the minimum homesite boundary to exterior plat boundary required in accordance with Table 17.12.070-1.

14 2. Perimeter buffers shall be shown on the face of the preliminary plat. No structures, buildings, or parking facilities may be located within perimeter buffers, except that, **public and private streets**, utility lines, and trails may be located within perimeter buffers provided no significant trees are removed.

3. Existing, native vegetation, including significant trees and tree stands, shall be preserved within perimeter buffers. The tree retention, protection, and replacement requirements of BIMC 18.15.010.C apply to perimeter buffers unless modified by this section.

4. If existing vegetation provides an effective visual screen, no additional planting is required. If existing vegetation does not provide an effective year-round visual screen, additional plant material shall be installed, consistent with the following:

- a. Additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a.. Any additional plant material shall be native species and no turf or lawn is permitted.
- b. In the R-0.4, R-1, and R-2 zoning district, additional plant material is not required if:
 - i. The perimeter buffer meets natural area designation objectives and designation standards in BIMC 17.12.050.1 and 17.12.050.3 or;
 - ii. The nearest structure within the subdivision is located a distance at least two times the required homesite boundary to exterior plat boundary dimension provided in Table 17.12.070-1.

5. Perimeter buffers may be included as a portion of one or more lots or may be contained in a separate tract.
6. Perimeter buffers may be included as a portion of the natural area required in BIMC 17.12.050.A if the buffer meets the standards of that subsection.
7. The performance and maintenance assurances requirements of BIMC 18.15.010.H apply to perimeter buffers.
8. The irrigation and maintenance standards of BIMC 18.15.010 apply to perimeter buffers.

O. Roadside Buffers. The intent of roadside buffers is to enhance or retain Island character through the minimization of disturbance of existing roadside vegetation and screen new development from more highly traveled roads.

1. Roadside buffers are required for all subdivisions along collector or arterial roads in the R-0.4, R-1, and R-2 zoning designation. The minimum width of roadside buffers is 25 feet.
2. Roadside buffers shall be shown on the face of the preliminary plat. Roadside buffers may not be part of individual lots and must be contained in a separate tract.
3. No structures, buildings, or parking facilities may be located within perimeter buffers, except that, utility lines and boxes and entry signs may be located within roadside, and driveways and trails may cross roadside buffers, provided no significant trees are removed.
4. Existing, native vegetation, including significant trees and tree stands, shall be preserved within roadside buffers. Tree retention, protection, and replacement requirements in BIMC 18.15.010.C apply to roadside buffers.
5. If existing vegetation provides an effective visual screen, or is consistent with existing roadside character, no additional planting is required. If existing vegetation does not provide an effective year-round visual screen, additional plant material shall be installed, consistent with the following:
 - a. Additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a. Any additional plant material shall be native species and no turf or lawn is permitted;
 - b. Additional plant material is not required if mature forest or other dense vegetation is not part of the existing roadside character.
6. Roadside buffers may not be included as a portion of the natural area or community space required in BIMC 17.12.050.
7. The performance and maintenance assurances requirements of BIMC 18.15.010.H apply to perimeter buffers.
8. The irrigation and maintenance standards of BIMC 18.15.010 apply to perimeter buffers.
9. For subdivisions designating community space that is intended for agricultural use and would be adversely impacted by the addition of screening landscaping, a roadside buffer shall be required to use screening landscaping that does not adversely impact the proposed agricultural use.
10. To accommodate an existing house that is located within 25 feet of the subdivision boundary adjacent to a collector or arterial road, the roadside buffer width shall be reduced to the width adjoining the existing home between the existing house and the subdivision boundary adjacent to the collector or arterial road.

P. Design Diversity. Subdivision designs shall avoid monotonous rows of duplicative dwelling by incorporating measures that promote design diversity, including:

1. Providing a mixture of lot sizes and/or front setbacks; and/or

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2. Providing a variety of floor plans and façade treatments.

Q. No City Maintenance of Streets in Short Subdivisions. Streets within a short subdivision shall not be maintained by the city unless such streets have been dedicated as a right-of-way, improved to current city standards, and accepted as part of the approved short subdivision. Therefore, unless accepted, the responsibility for maintenance shall lie with the owners of the lots.

17.12.080 Multifamily and nonresidential subdivisions. Subdivisions established for multifamily and nonresidential uses shall comply with all provisions of BIMC Title 18 (Zoning) applicable to the zone district where the property is located, and for the type of development anticipated. This requirement shall include, without limitation, compliance with design guidelines and standards for lot areas, dimensions, mobility and access, landscaping, screening, and vegetative buffers.

17.12.090 Special requirements for critical areas and shoreline.

A. Critical Areas. Any portion of a short or long subdivision, large lot subdivision, nonresidential or multifamily subdivision that contains a critical area as defined in Chapter 16.12 BIMC must conform to all requirements of that chapter.

B. Shoreline. Any portion of a short or long subdivision, large lot subdivision, nonresidential or multifamily subdivision located within the jurisdiction of the shoreline master program, as defined in Chapter 16.12 BIMC, must conform to all requirements of that chapter.

Table 17.12.070-1 Subdivision Dimensional Standards

[Numbers in brackets indicate additional requirements listed at the end of the table.]

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	NC	MUTC
MINIMUM LOT AREA												
Short and Long Subdivision	If the site is not served by a public sewer system, the minimum individual lot area shall be determined by the Kitsap Public Health District in accordance with Section 15 of the Kitsap County Board of Health Ordinance 2008A-01, Amended June 7, 2011, <i>Onsite Sewage System and General Sewage Sanitation Regulations</i> , as amended. If the site is served by a public sewer system, there is no minimum lot area. Individual lots may contain portions of natural and community space and access easements.											
Large Lot Subdivision	5 ac or 1/128th of a section, whichever is smaller.	N/A										
MINIMUM LOT AREA 17												
Note: Subdivisions containing irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density. Additional regulations on density may apply pursuant to BIMC 16.20.												
Short, Long and Large Lot Subdivisions	The maximum number of lots permitted shall be calculated by dividing the total lot area of the property (without deducting areas to be dedicated as public rights-of-way or areas to be encumbered by private road easements) by the minimum lot area for standard lots in the zone district.											
Minimum Lot Area	100,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft. [1]	15,000 sq. ft.	12,500 sq. ft.	10,000 sq. ft.	8,500 sq. ft.	7,260 sq. ft.	5,400 sq. ft.	3,100 sq. ft.	8,500 sq. ft.	See FAR table
Minimum Lot Area pursuant to BIMC 18.12.030.A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,630 sq. ft.	2,074 sq. ft.	N/A	N/A
NATURAL AREA												
Minimum percentage of total site	55%	45%	30%	25%	25%	20%	15%	N/A	10%	5%	15%	5%
Minimum width	50 ft.											
COMMUNITY SPACE [x] [x] Instead of providing the required 5% community space, that area may be added to the required natural area if it can be demonstrated that greater conservation area can be achieved.												
Minimum percentage of total site	5% [x]	7.5%	10%	15%						10%	15%	10%

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	NC	MUTC
HOMESITE	18											
Note: Refer to definition of homesite and standards for homesites.												
Maximum size	10,000 sq. ft.	7,500 sq. ft.	6,500 sq. ft.	5,500 sq. ft.	4,500 sq. ft.	3,500 sq. ft.	3,500 sq. ft.	N/A	3,000 sq. ft.	2,250 sq. ft.	3,500 sq. ft.	2,250 sq. ft.
HOME SIZE												
Maximum size	N/A							1,600 sq. ft.				
MAXIMUM LOT COVERAGE [3]												
Short and Long Subdivision	Same as applied to the entire property that is the subject of the subdivision application, a portion of which shall be assigned to each lot at the time of preliminary plat approval.											
Large Lot Subdivision	10%	15%	20%	N/A	N/A	N/A	N/A	N/A	25%	40%	N/A	N/A
MINIMUM SETBACKS												
Note: Additional setbacks may be required by:												
(a) Chapter 16.08 or 16.12 BIMC, or												
(b) Chapter 16.20 BIMC, Critical Areas, or												
(c) BIMC 16.28.040, mining regulations, or												
(d) BIMC 18.09.030, Use-specific standards, or												
<input checked="" type="checkbox"/> Attached or zero lot line allowed in all districts but R-0.4 if building is 1,600 sf or less												
<input type="checkbox"/> ADUs do not need to meet TOTAL building to homesite boundary setback – only minimum setback; must be located within homesite.												
Building to homesite boundary Net building size 1,600 sq. ft. or less Minimum/total [x] [y]	5 ft. min., 10 ft. total						3 ft. min., 10 ft. total					
Building to homesite boundary Net building size 1,601 sq. ft. or more Minimum/total	15 ft. min., 50 ft. total	10 ft. min., 25 ft. total	5 ft. min., 20 ft. total		10 ft. min., 20 ft. total	5 ft. min., 20 ft. total	5 ft. min., 20 ft. total	N/A	5 ft. min., 10 ft. total		3 ft. min., 10 ft. total	
Building outside homesite to exterior plat boundary line Net building size 200 sq. ft. or less	50 ft.	25 ft.		10 ft.		5 ft.						
Building outside homesite to exterior plat boundary line Net building size 200 sq. ft. or more	50 ft.	25 ft.		10 ft.		10 ft.				5 ft.		

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ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	NC	MUTC
Homesite to exterior plat boundary line	50 ft.	25 ft.		10 ft.		5 ft.						
Any building to SR 305 right-of-way	75 ft.	75 ft.	75 ft.	N/A	25 ft.	N/A	N/A	N/A	25 ft.	N/A	25 ft.	25 ft.
Homesite to edge of arterial and collector right-of-way	25 ft.			10 ft.								
Building outside homesite to edge of arterial and collector right-of-way	25 ft.			10 ft.								
Any building to all other streets	10 ft.						5 ft.					
Building to trail, natural or community space or access easement (except for natural areas that are also perimeter buffers)	10 ft.					5 ft.					10 ft.	5 ft.
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 18.12.030.F, Shoreline Structure Setbacks. For properties abutting the shoreline, dimensional standards in BIMC 16.12 replace the zoning setbacks along the water.											
GARAGE DIMENSIONAL STANDARDS												
Shared garage to internal access	20 0 feet											
Shared garage to shared garage	10 feet											
Shared garage maximum size	60 feet long or 1440 square feet total											
MAXIMUM BUILDING HEIGHT												
Note: Bonus may not be available in the shoreline jurisdiction												
Short, Long, and Large Lot Subdivisions	Height requirements for standard lots apply pursuant to BIMC Table 18.12.020-2.											

[1] The base density for that parcel in the Lynwood Center special planning area designated as R-2 is one unit per 20,000 sq. ft., but may be increased up to 3 units per acre; provided, that a public access easement is granted for that portion of the parcel that lies to the south of Point White Drive along the waters of Rich Passage. The base density of some parcels in the Fort Ward historic overlay district may be increased as shown in BIMC 18.24.070.

Chapter 17.28

DEFINITIONS

Sections:

- 17.28.010 Rules of construction.
17.28.020 Definitions.

17.28.010 Rules of construction.

Rules of construction shall be those listed in BIMC 18.36.010. (Ord. 2011-02 § 2 (Exh. A), 2011)

17.28.020 Definitions.

1. “Arterial” means an arterial road as defined in the City of Bainbridge Island Islandwide Transportation Plan, major thoroughfare used mainly for through traffic rather than access to nearby property. Arterials have greater traffic carrying capacity than collector or local streets and are designed for continuously moving traffic.

~~2. “Block” means a group of lots, tracts or parcels within well defined and fixed boundaries.~~

~~3. “Buffer” means as defined in Chapter 18.36 BIMC.~~

~~4. “Circle template” means as defined in Chapter 18.36 BIMC.~~

~~5. “Cluster development” means a group of adjoining homesite areas situated in a suitable area of a property, designed in such a manner that facilitates the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways, while providing for the protection of valued open space features.~~

~~6. “Cluster grouping” means a grouping of two or more homesite areas for short subdivisions and a grouping of four or more homesites for long within a subdivision to facilitate the efficient use of land by limiting areas of disturbance, impervious surfaces, utility extensions and roadways. s regulated by BIMC 17.12.030.B.~~

~~7. “Code” means the City of Bainbridge Island Municipal Code.~~

~~8. “Collector” means a collector road as defined in the eCity of Bainbridge Island comprehensive plan Islandwide Transportation Plan.~~

~~9. “Community space” means the portion of a subdivision maintained in perpetuity and designated for the common use and enjoyment of property owners within the subdivision.~~

~~10. “Comprehensive plan” means as defined in Chapter 18.36 BIMC.~~

~~11. “Contiguous land” means land adjoining and touching other land regardless of whether or not portions of the parcels have separate tax numbers, or were purchased at different times, in different sections, are in different government lots or are separated from each other by public or private easement or right-of-way.~~

~~12. “Critical areas,” as used in this title, means critical areas, and their protective buffers, and aquifer recharge protection areas as described by Chapter 16.20 BIMC.~~

~~13. “Dedication” means the deliberate assignment of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat of a short or long subdivision, a large lot subdivision, or a nonresidential or multifamily subdivision showing the dedication. Acceptance of the filing shall be by approval of the final plat by the city.~~

~~14. “Department” means as defined in Chapter 18.36 BIMC.~~

~~15. “Director” means as defined in Chapter 18.36 BIMC.~~

~~1345.~~ “Division” means a portion of property within an approved preliminary subdivision that is authorized to be recorded separately by the specific terms and conditions of the preliminary and/or final subdivision approval.

~~1446.~~ “Easement” means a right of use granted by a property owner to specific persons or to the public for use of land for a specific purpose.

~~1547.~~ “Effective visual screen” means a sight-obscuring barrier provided by: (a) a topographic variation, (b) a physical condition, such as an existing native forest, or (c) installed vegetation that provides a visual barrier within five years of planting.

~~1647.~~ “Farms” and “farmland” mean land used for crop agriculture or livestock agriculture, as those terms are defined in Chapter 18.36 BIMC.

~~1748.~~ “Final subdivision” or “final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter 58.17 RCW or its successors and the Bainbridge Island Municipal Code.

~~19.~~ “Flexible lot design” is the design process the city uses that permits flexibility in lot development and encourages a more creative approach than traditional lot by lot subdivision. The flexible lot design process includes lot design standards for the placement of buildings, use of open spaces and circulation that best addresses site characteristics. This design process permits clustering of lots, with a variety of lot sizes, to provide open space, maintain Island character and protect the island’s natural systems.

~~1820.~~ “Footprint” means a building footprint as defined in BIMC 18.12.050.

~~1924.~~ “Greenway” means a system composed of land areas and connector links. The land areas include, but are not limited to: large open areas, public lands, farmlands, critical areas, forests, shoreline areas, and parks. The features of the connector links include trail systems, riparian areas, visual or scenic views of ridgelines, wildlife corridors or any combination of these.

~~2022.~~ “Health district” means the Kitsap Public Health District ~~County health district~~.

~~2123.~~ “Hearing examiner” means the official designated as the hearing examiner for the city pursuant to BIMC Title

~~2224.~~ “Homesite area” means the area that portion of a lot depicted on the face of a plat that is intended for development of the primary residential dwelling and accessory buildings and necessary infrastructure within a cluster subdivision.

~~2325.~~ “Island character” is the term used to describe the special character of the island – winding, narrow and vegetated roadways and forested areas, meadows, farms, areas that contain much of the island’s wetlands and streams, aquifer recharge areas and fish and wildlife habitat areas. For the purposes of this title, it does not refer to a level of service, or type of development, or measure of development intensity.

~~24.~~ “Landscaping” means as defined in Chapter 18.36 BIMC.

~~2526.~~ Large Lot Subdivision. A “large lot subdivision” means the division or redivision of land into two or more lots for the purpose of sale, lease or transfer of ownership where each lot is not smaller than five acres or 1/128th of a section (whichever is smaller); provided, that this shall not include division or redivision of land where all parcels are greater than 20 acres or 1/32nd of a section.

~~2627.~~ “Laws of descent” means the rules of inheritance law established by the state of Washington and the federal government that apply in cases where there is no will naming the persons to receive the possessions of a person who has died.

~~2728.~~ “Long subdivision” means the division or redivision of land into five or more lots, tracts (except tracts specifically reserved as ~~open space natural area~~), parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, but shall not include a short subdivision.

~~2829~~. “Lot” means a lot as defined in Chapter 18.36 BIMC.

~~2930~~. “Low-impact fencing” means a fence designed to preserve views into an area and wildlife access to and from the area while providing a physical barrier to prevent livestock or humans from easily or inadvertently entering the area. Low-impact fencing includes without limitation two- or three-tier split-rail or horse-rail fencing not exceeding five feet in height, four-inch by four-inch wooden posts with two or three strands of cable in between, or other fencing with similar visual, barrier, and access characteristics as determined by the director.

~~3031~~. “Mature vegetation on ridgelines” means as defined in Chapter 18.36 BIMC.

~~3132~~. “Meadow” means an open, nonforested area formed by the land’s natural features and events of nature.

~~3233~~. “Native forest” means established forest areas primarily consisting of native trees and plants.

~~3334~~. “Native vegetation” means as defined in Chapter 18.36 BIMC.

34. “Natural area” means the undeveloped portion of a subdivision that contains natural resources features such as critical areas, significant tree stands, forested areas, native vegetation, and designated wildlife corridors, that is preserved in perpetuity designated or reserved for public use or enjoyment, or used for the private use and enjoyment of property owners within the subdivision.

35. “Off-site views” or “views from off site” means as defined in Chapter 18.36 BIMC.

~~36. “Open space” means any area of land that is predominantly undeveloped and that provides physical and/or visual relief from the developed environment in perpetuity, that is generally unimproved and set aside, designated or reserved for public use or enjoyment, or used for the private use and enjoyment of property owners. Open space may consist of undeveloped areas, such as pastures and farmlands, woodlands, greenbelts, critical areas, pedestrian corridors and other natural areas that provide recreational opportunity and visual relief from developed areas. Open space excludes tidelands, areas occupied by buildings, and any other developed areas such as driveways, all rights-of-way and any other impervious surfaces not incidental to open space purposes.~~

~~3637~~. “Open space Natural area sign” means a sign used to delineate the boundaries of designated open space, critical areas, and/or their buffers. Open space/critical areas signs shall be made of metal or similar durable material and shall be between 64 and 144 square inches in size.

~~3738~~. “Orchard” means as defined in Chapter 18.36 BIMC.

~~3839~~. “Pasture” means land used for grazing.

39. “Perimeter buffer” means a vegetated space retained or established at the exterior plat boundary of a subdivision that provides an effective visual screen between, and minimizes potentially adverse impacts to, adjacent properties.

40. “Phasing” means the use of limits on construction, permitting or occupancy to reduce the immediacy or severity of impacts of the subdivision on the environment or to better achieve the requirements of state law for the concurrence of the facilities and services with the needs generated by development.

41. “Plat” is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

42. “Planning commission” means the Bainbridge Island planning commission, as described in BIMC 2.14.020.

43. “Platted lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area and the flexible lot development standards contained within this title. The term includes tracts or parcels.

44. “Preliminary plat” is a drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the layout of a subdivision.

45. “Public way” means a dedicated street, easement allowing public access, and other forms of access open to the public.
46. “Right-of-way” means land in which the state, county, city or other governmental entity owns the fee simple title or has an easement dedicated or required for a transportation or utility use. The right-of-way is the right to pass over the property of another. It refers to a strip of land legally established for the use of pedestrians, vehicles or utilities.
47. “Road” means as defined in Chapter 12.38 BIMC.
48. “Roadside buffer” means a vegetated space retained or established that provides an effective visual screen of new development or preserves existing roadside character, forested character, or scenic views.
- ~~49~~48. “Short plat” means the map or representation of a short subdivision.
- ~~50~~49. “Short subdivision” is the division or redivision of land into four or fewer lots, tracts (except tracts specifically reserved as open space natural area), parcels or sites, for the purpose of sale, lease or transfer of ownership, ~~except that the division or redivision of two or more existing lots into up to nine lots consistent with the procedures and standards contained in BIMC 17.12.030.A shall constitute a short subdivision if an applicant dedicates additional open space area pursuant to BIMC 17.12.030.A.5.~~
- ~~51~~50. “Significant tree” shall have the meaning defined in Chapter 18.36 BIMC.
- ~~52~~51. “Stormwater” shall have the meaning defined in Chapter 15.20 BIMC.
- ~~53~~52. “Street” shall have the meaning defined in Chapter 18.36 BIMC.
- ~~54~~53. “Testamentary provisions” means provisions of a last will or testament of a person who has died concerning land or property owned or controlled by that person, which provisions are generally carried out by an executor appointed by a court or public official on behalf of the deceased.
- ~~55~~54. “Wetland” shall have the meaning defined in Chapter 16.20 BIMC. (Ord. 2017-02 § 21, 2017; Ord. 2011-02 § 2 (Exh. A), 2011)

Exhibit C
BIMC 18.18 -- Design Guidelines for Residential Subdivisions

Topic	Design Guideline
	Words/phrases in bold will have a definition in Title 17.
Island Character	<p>Intent: Preserve and maintain Island character.</p> <p>Guideline: Subdivisions should reflect the special character of the island which includes downtown Winslow's small town atmosphere and function, neighborhood centers, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.</p> <p>**Subsequent discussion that this guideline would be too challenging to implement.</p>
Neighborhood Context	<p>Intent: To reflect and/or enhance the context provided by existing roadway character and neighboring properties.</p> <p>Guideline: Site design should support the purpose of the zoning district in which the development is located, complement the existing character of specific neighborhoods, provide continuity with adjoining properties and, where necessary, provide transition between land uses and protect privacy of residents on adjacent properties.</p>
Natural Area	<p>Intent: To incorporate forested and/or other natural areas into site design in such a way that ecological and aesthetic integrity, qualities, and values are preserved or restored.</p> <p>Guideline: The required natural area shall be treated as a feature intrinsic to the subdivision design in order to maintain existing on- and off-site ecological processes and provide an asset of value to subdivision residents.</p>
Natural Site Conditions	<p>Intent: To preserve and integrate existing natural site patterns and features throughout the site.</p> <p>Guideline: Site development should be designed to preserve and integrate the natural conditions of the site, including existing topography, native trees and vegetation, drainage patterns, and ecological features based on an inventory and analysis of existing conditions. Homesite and infrastructure placement should complement natural topography and retain native vegetation to the maximum extent feasible.</p>
Historic and Cultural Resources	<p>Intent: To preserve important historic and cultural resources.</p> <p>Guideline: Site design should maximize opportunities for preserving historic and cultural structures, and retain historic landscape features and connections.</p>
Stormwater	<p>Intent: Integrate stormwater facilities in site design with emphasis on infiltration and dispersion practices.</p> <p>Guideline: Stormwater facilities shall utilize existing drainage patterns and be designed as a site amenity, where feasible. Low impact development practices shall be used throughout the site to minimize the size of ponds or vaults. Open stormwater facilities (ponds and bioswales) shall</p>

Topic	Design Guideline
	provide a natural appearance through layout, design and landscape treatment, including shallow side slopes, curvilinear configuration, and use of native vegetation.
Septic Systems	<p>Intent: To minimize impact of septic facilities.</p> <p>Guideline: Design and locate sewage facilities to minimize site disturbance and native vegetation removal and utilize shared systems where feasible.</p>
Water Conservation	<p>Intent: To protect the Island’s finite groundwater resources and adapt to the impacts of a changing climate.</p> <p>Guideline: Water conservation measures shall be considered in site design including use of native and drought tolerant vegetation, rainwater capture, and water reuse.</p>
Community Space	<p>Intent: To promote a shared sense of community.</p> <p>Guideline: Community spaces should function as an integral part of the development and be located adjacent to as many homesites as is feasible.</p>
Cluster Homesites	<p>Intent: To promote interaction within the community and facilitate the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways.</p> <p>Guideline: The preferred design for homesites is to cluster them and, to the extent feasible, to locate infrastructure efficiently to maximize the undeveloped area.</p>
Solar Access	<p>Intent: To provide solar access for wellbeing and energy production.</p> <p>Guideline: Site design, including street, lot, and homesite layout and orientation, should allow for passive and active solar access. Massing of buildings, tree retention, and introduced vegetation should take into account the effects of shade.</p>
Access and Circulation	<p>Intent: To provide a practical and pleasant network of multi-modal circulation.</p> <p>Guideline: Adequate provisions for pathways and other pedestrian/bicycle amenities connecting various parts of the development, the surrounding road or trail network, and adjacent parcels should be included in site design.</p>
Motor Vehicles	<p>Intent: To minimize the prominence of motor vehicle use and storage.</p> <p>Guideline: Site design and features related to motor vehicle use and storage should be minimized. Site design shall consider shared driveways, minimum road widths, traffic calming measures such as Woonerfs and chicanes, and shared or clustered parking areas or structures.</p>
Homesite Design	<p>Intent: To efficiently configure building footprint(s) and allowed uses within a homesite.</p> <p>Guideline: Homesite configuration should consider compact and energy-efficient home and site design with massive houses on small lots strongly discouraged.</p>
Diversity in House Design	<p>Intent: To provide a range of home sizes and designs to achieve diversity in visual appearance and affordability.</p> <p>Guideline: House designs should be varied in size, massing, and frontage character using methods such as varied floor plans, staggered front yard setbacks, building modulation, and</p>

Topic	Design Guideline
	changes in exterior materials. Houses should display shared architectural features to establish continuity and harmony.
Facing Public Streets	<p>Intent: To reinforce neighborliness of homes along a public street.</p> <p>Guideline: Houses along interior public streets should orient the entry toward the street and avoid the use of solid walls and fences. Garages along the front façade should be de-emphasized by recessing vehicular entrances or locating the garage behind or on the side of the house.</p>

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
REVIEW OF MINUTES – January 24, 2019
PUBLIC COMMENT – Accept public comment on off agenda items
ISLAND CENTER SUBAREA PLANNING PROCESS – Briefing
SUBDIVISION UPDATE – Presentation
ORDINANCE 2019-03 SUBDIVISION UPDATE – Public Hearing and Discussion
NEW/OLD BUSINESS
ADJOURN

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

Chair William Chester called the meeting to order at 6:33 PM. Commissioners in attendance were J. Mack Pearl, Jon Quitslund, Kimberly McCormick Osmond, Don Doman and Joe Paar. Lisa Macchio was absent and excused. City Staff present were Planning Director Gary Christensen, Long Range Senior Planners Jennifer Sutton and Christy Carr and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

Chair Chester welcomed Joe Paar as the newest Planning Commissioner.

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

REVIEW OF MINUTES – January 24, 2019

Motion: I move approval of the minutes for meeting on January 24, 2019 as distributed.

Quitslund/Pearl: Passed Unanimously

PUBLIC COMMENT – Accept public comment on off agenda items

None.

ISLAND CENTER SUBAREA PLANNING PROCESS – Briefing

Senior Planner Jennifer Sutton provided an overview of the “Existing Conditions Report” and “Draft Goals” from the Island Center Subarea Planning Process Steering Committee.

SUBDIVISION UPDATE – Presentation

Senior Planner Christy Carr provided an overview that was given to City Council in January 2019.

ORDINANCE 2019-03 SUBDIVISION UPDATE – Public Hearing and Discussion

The public hearing was opened at 7:09 PM.

Public comment was transcribed verbatim at Chair William Chester’s request.

David Dunn, Citizen – “Hi, my name is David Dunn. I live in Fort Ward. I own two parcels down there that are zoned R-6 and I am currently building a house on Ridge Lane on 5 acres that’s zoned R-1. I appreciate the opportunity to talk with you this evening. First and foremost, I want to call out the fearmongering that was presented just now showing the development on Wyatt Way and discussing property zoned R-4.3 and trying to compare that with property that is zoned R-1 or R-4. I think that’s pretty disingenuous and it’s a development on the island that a large number of islanders think is ugly but that we as an island, have to take ownership of because we’ve made the building process so difficult the only people that are willing to take the risk are the “Quadrants” who know to the penny how much development’s going to cost. As it relates to clustering on R-.4 and R-1, I’m a 5th generation Bainbridge Islander, my family’s been here since 1853. My kids are the 6th generation and probably will be the last. I find as a kid growing up on this island, most of my friends grew up on 2 and a half acre lots. I ran around in the woods. They had privacy and that’s what their families sought on this island. As a homeowner, when I bought my property, my 5 acres on Ridge Lane, I sought the ability to have privacy on my lot and to eventually subdivide it as a retirement property and either give my children 1 or 2 acre lots on the southern portion of my property or to retain some value from that. The clustering is wholesale theft. Is, and nothing more than that. If you require people to build smaller homes on smaller lots and then devote the remainder of it to open space, you are requiring them to create a public park, essentially. You are not allowing them full use of their land. The City’s already stolen my property through ARPA and the CAO and now they’re trying to take even more from myself and other landowners. The rural character of Bainbridge Island is not cul-de-sacs in R-.4. That is not rural character putting 4 homes on a 10-acre lot right next to the road and I can guarantee you that if you pass this and you force clustering, Quadrant’s going to love that because they know exactly what they have to do. They’re going to put in a 100-foot road, they’re going to cluster 4 homes. They know exactly what they’re cost is to build that. Putting in a 150-foot driveway that’s 10 feet wide on an R-.4, that’s, you’re looking at a 115,000 square foot lot, right? You put in a 150-foot driveway, that’s 1500 square foot of driveway; it’s 1%, just over 1% of the total surface area. Are we really impacting the aquifer in any appreciable way? I don’t think so and what – please show me on this island where in a rural area we’ve done this and how it is in any way keeping with the character on this island. People buy those parcels because they want privacy and they want space. People do not wholesalesly clear cut their properties on this island. It doesn’t happen, that is, it’s a false narrative that is not occurring on this island and I would just implore you to respect the land rights particularly as it relates to R-.4, R-1 and R-2. People, those are not small lots. You can put a 2,000 square foot footprint, a 4,000 square foot house on R-1 and that’s 4% of the total surface area of that lot. You’re not, it’s not a monstrosity and I’m not advocating for 4,000 square foot homes but trying to build these tiny villages is absolutely not in keeping with the rural character of this island. Granted, I’m sure people that own 15-acre parcels that have 10-acres of wetland garbage love it because they can cluster them all up next to the road and make some money off it but for people that own buildable land and for families that want that, this is, this is just, it’s wrong. It’s

morally and ethically wrong to do this to people and I hope you see through the lies that you were told and the lies in that presentation because for, that, that slide is not true, and it should be called out. Thank you.

Brian Wilkinson, Citizen – Hello, Planning Commission, my name is Brian Wilkinson. I live in Fort Ward. I built our timber frame home out there. I've got three lots out there in Fort Ward. I've got 15-acres on High School Road zoned R-0.4. Currently, I've got the two tax parcels of just over 7-acres each zoned, or it's set aside in the forestry, small family forestry with one acre on each tax parcel for me to build on. My dreams were to build our family home out there because as time has gone by and I've saved my money and worked hard serving our country and working as a public servant to serve you as a first responder, I've put every penny I've ever made back into this property for the hopes that I could secure a footprint for my children. And with that being said, I have no ambition of having my children live 25 feet away from my house. I don't want our homes to be clustered as we grow out. My idea of the rural character of Bainbridge Island, is driving down the road you got beautiful trees, beautiful scenery, rolling hills, zoned R-0.4, which is the largest zoning on Bainbridge Island, two and a half acre parcels. I don't mind seeing one home and a shop on two and a half acres. Another 300 feet down the road, there might be another house and another shop. My 15-acres has no critical areas on it. For the last year, as I've been sleeping with one eye open because I'm paranoid that somebody's coming to take away my property, it's been very hard. And now reading this clustering is, is concerning. I don't want to see it on the island, and I don't trust the concept of clustering here because when I see it, Winslow Grove, the, the development on Winslow Grove, the development off of Finch, so I can speak to it in three different ways. As a first responder, I don't like it because it's, there's, it's a – it's not very safe for the public. There's no sidewalks, there's no curb and gutter, there's no street lamps. Why didn't we require that wealthy builder to put in the infrastructure? Because we wanted to preserve the rural character of Bainbridge Island when we didn't have sidewalks or curb and gutter? It just makes no sense to me. It's absolutely absurd. Somebody walks their dog at three o'clock in the morning and they can't do it on a sidewalk in town. I just don't get it. And then we want to cram that in the R-0.4 areas? I'm sorry, but that becomes very attractive to developers because their footprint, where they're going to build, it's economical. They're not spread out. They don't have to come up with a robust landscaping plan. They love it. You're only allowing them 10% of the footprint on that building lot with homes 25 feet from each other and then -- let's back up a little bit to remote parking. So, as a native from here, 5th generation just, just off the island, right? I've got a boat on a boat trailer. I like to fish and remote park? Where am I going to put that stuff? I've got two and a half acres and I'm supposed to have remote parking? I mean, please, step outside of Winslow condominiumized lifestyle and realize that we have a rural element to this community that responsible people, responsible citizens like David, myself, the Blossoms are trying to preserve because what you are doing is making me look at the Excel spreadsheets that these people with finances, that are financially wise, they come to me, they're like, "Look at this, Brian. Look at the economics of this. The CAO. If you clear cut 500,000 board feet of timber and put \$500,000

in your pocket, you take the six-year moratorium, you already increased the value of your land because now you got sunny lots. Nobody else can have sunny lots on Bainbridge Island.” So, I put \$500,000 in my pocket, sit on it for six years and then short plat it, subdivide it, don’t care about your clustering, let Quadrant do whatever they’re going to do. So, you are manifesting exactly what you don’t want. I don’t want to sell, but this CAO land grab, 6.2-billion-dollar land grab, as soon as I pull a permit for my property, I have to sign 10-acres of it against my deed of trust? I have no critical areas on my property, people. I looked for a long time so I could buy a very nice piece of property so that I could manage responsibly, but shame on me, because I’m displacing 19 families on this island. I’m a public servant. I’m a firefighter. I came on the island, lived in an ADU after I got out of the military. ADU’s? That’s a whole other topic that’s going be coming. Don’t get rid of ADU’s. That’s essential to affordable housing. I think I’m done here, but what I’m getting at is I’m the epitome of what we’re trying to save and what we want here, I believe. My family, my kids are 6th generation. I’m trying to create a footprint for them. One home, two and a half acres. I’m not asking for any exemptions. I don’t want to up zone. I’m not trying to do anything crazy. Don’t force crazy condominiumization down my throat, please. Thanks.

The public hearing was continued to February 28, 2019.

Further discussion was held by the Planning Commissioners.

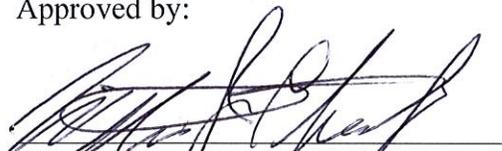
NEW/OLD BUSINESS

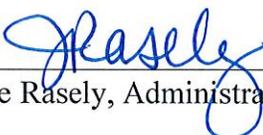
Planning Director Gary Christensen presented a draft Planning Commission Recorded Motion (see attached) and project schedule.

ADJOURN

The meeting was adjourned at 8:40 PM.

Approved by:


William Chester, Chair


Jane Rasely, Administrative Specialist



February 13, 2019

The following topics/questions were identified by Planning Commissioners and/or limited public comment prior to the February 13, 2019 public hearing.

Purpose statement

- Add language -- ... *"and also respects the culture of Bainbridge Island as a unique island community."*

Natural area

- Trails – *If provided, trails should be required to be accessible to the public.*

Community space

- Configuration – *Should community space be located to be accessible to largest number of lots, or would some types of community space (e.g., agriculture) be better located away from lots?*

General residential standards

- Percentages for turf grass and native vegetation – *Are they necessary? Is there a better way to discourage lawns and encourage retention or planting of natives? Should they be the same or different for individual lots and community space?*
- Design diversity – *Should require a mixture of home sizes, not lot sizes*
- Fencing – *Should taller, solid fences be allowed if there is vegetative screening in front?*
- Homesite clustering – *Disagree with mandatory clustering for low density areas, especially R-0.4 (Note: departure may be requested)*

Dimensional standards

- Attached or zero lot line allowance – *Should be allowed in all zones, including R-0.4. Exception for R-0.4 not necessary or wise, project should be judged on its merits.*
- Homesite cluster group separation – *Minimum or maximum? Minimum will achieve visual separation; is maximum needed?*
- Homesite separation -- *Homesite separation within a cluster should not exceed 25'*

Buffers

- Perimeter buffers in multifamily subdivisions – *Current draft does not propose different buffers for multifamily vs. single-family subdivisions*
- Roadside buffers with agriculture in community space – *Should roadside buffer be required? Or modify requirements to minimize shading?*
- Roadside buffers – *Roadside buffers should be counted in the natural area if they meet the 50-foot minimum width*

Other policy questions identified in draft ordinance (blue text)

- Further limiting site disturbance
- Entry signs/treatment limited/prohibited

Chapter 17.12
SUBDIVISION STANDARDS

Note: ****Blue text**** highlights concepts and policy questions under consideration for which specific regulatory language is not yet drafted.

17.12.010 Applicability.

This section sets forth standards for short subdivisions, long subdivisions, large lot subdivisions, and nonresidential and multifamily subdivisions. Specific requirements relevant to each individual type of subdivision are provided throughout various chapters of this title.

17.12.020 Subdivision Design Guidelines.

All residential subdivisions outside the Neighborhood Center and Mixed Use Town Center zoning districts shall comply with those design guidelines contained in “Design Guidelines for Residential Subdivisions” set forth in BIMC 18.18 and its reference documents, which are adopted as part of this title by reference.

The purpose of subdivision design guidelines is to define the qualities of subdivisions that meet the guiding principles, goals, and policies of the city’s Comprehensive Plan and to serve as a tool for guiding individual projects to meet those expectations through the city’s land use review procedures. The design guidelines offer a forum for the public to participate in discussions about new subdivisions in their neighborhood, and as a means of allowing flexibility in the application of development standards and zoning requirements. An applicant may be granted a departure from the design guidelines by demonstrating that an alternative design better meets the intent of the design guidelines.

17.12.030 Four-Step Design Process

The city’s subdivision approach requires a four-step system that places the identification and conservation of resources as the primary and leading goal. This approach reverses the conventional site planning approach which typically begins by laying out the streets, lot lines and building footprints as the first part of the process. Instead of first identifying development areas, the design process begins by analyzing on-site resources and the site’s connections to surrounding resources to identify what areas are best for preserving and those areas of the site that can best accommodate development.

The four-step design process is required for all residential subdivisions except the division or redivision of land into two lots. The process, further defined in BIMC 2.16.125.D, consists of four steps: 1) Delineate Natural Area; 2) Locate Homesites and Community Space; 3) Define Access; and, 4) Draw Lot Lines.

17.12.040 Administrative Departures

A. A departure is a request by the applicant to meet or exceed a particular subdivision standard through the use of a technique or alternative standard not otherwise listed under the applicable requirements of BIMC 17.12.050 through BIMC 17.12.070. Departures are not variances and are not required to meet the criteria associated with a variance application. Rather, departures allow adjustment of standards to achieve better outcomes in cases where strict application of the standard would result in an inferior subdivision design.

B. Departures from the subdivision standards BIMC 17.12.050 through BIMC 17.12.090, may be permitted as part of the subdivision review process. In order for a departure from subdivision standards to be allowed, an applicant must demonstrate that the overall development, including departures from the standards, would better serve the

public interest, and a finding shall be made in the affirmative that each proposed departure meets or exceeds the intent of the respective standard as compared to a strict application of the established standard.

C. Any request for one or more departures shall be made at the Design Guidance Review Meeting as part of the pre-application phase of the project. Departures shall be reviewed concurrently with an application for subdivision.

D. Upon affirmative recommendation of approval from the Planning Commission, the hearing examiner may grant a departure from the subdivision standards BIMC 17.12.050 through BIMC 17.12.090 if it is shown that the proposal is consistent with the following criteria:

1. Because of unusual shape, exceptional topographic conditions, environmental constraints or other extraordinary situation or condition in connection with a specific piece of property, strict adherence to the standard would create undue hardship or result in an undesirable plat; or
2. The granting of the departure results in better plat and/or lot design. Better plat and/or lot design means situations such as creating plats that result in greater natural resource conservation value, less adverse impact to adjoining properties, or more practical design because of topography, critical area, or other extenuating circumstance; and
3. All possible efforts to comply with the standard or minimize potential harm or adverse impacts have been undertaken. Economic consideration may be taken into account but shall not be the overriding factor in approval; and
4. The departure is consistent with other applicable regulations and standards; and
5. The granting of any departure will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity in which the property is located.

17.12.050 Natural Area and Community Space.

A. Natural Area Required. All residential subdivisions shall provide natural area consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

1. Natural Area Objectives. Natural areas shall accomplish one or more of the following objectives:
 - a. Conservation natural resources, including wildlife habitat;
 - b. Protection of groundwater recharge;
 - c. Conservation of native soils;
 - d. Expansion or enhancement of the value to adjacent or neighboring open space, parks, forested areas, conservation easements, shorelines, or critical areas;
 - e. Preservation of unique natural land or rock features;
 - f. Preservation of visual qualities along highway, road and street corridors or scenic vistas.
2. Amount of Natural Area Required. The minimum natural area shown in Table 17.12.070-1 shall be provided and shall be depicted on the face of the plat.
3. Designation of Natural Area. Natural area shall be designated as the first step in the four-step design process defined in BIMC 2.16.125.D. Natural areas are made up of primary and secondary natural areas. If the primary natural areas make up less than the required percentage of natural area, the balance of the required natural area shall be made up of secondary natural areas.
 - a. Primary Natural Areas (PNA). PNAs form the core of the natural area to be protected. PNA's include the following:
 - i. Critical areas other than critical aquifer recharge areas;
 - ii. Critical area buffers;
 - iii. Aquifer recharge protection area as required by BIMC 16.20.100;

b. Secondary Natural Areas (SNA). SNAs are locally noteworthy or significant features of the natural landscape. SNA's include the following:

- i. Mature woodlands;
- ii. Freestanding significant trees;
- iii. Wildlife corridors;
- iv. Greenways and trails;
- v. Scenic viewsheds;
- vi. Mature vegetation on ridgelines

c. Aquifer Recharge Protection Area (ARPA). Subdivisions in the R-0.4, R-1, and R-2 zoning districts shall include designation of an ARPA in accordance with BIMC 16.20.100 and the following standards:

- i. If a proposed subdivision includes more than one parcel, the ARPA shall be calculated based on the total square footage of all parcels;
- ii. If the required ARPA is greater than the required natural area, the natural area shall be increased to achieve the required ARPA area;
- iii. If the required ARPA is less than the required natural area, the natural area shall include other PNAs or SNAs to achieve the required natural area.

4. Natural Area Configuration. Designated natural areas shall be configured in a manner that enhances and promotes the natural character of the island and natural resource characteristics of the property and surrounding area. Natural area configuration shall satisfy the following guidelines:

- a. Natural area should be concentrated in large, consolidated areas; and
- b. Natural area should connect to adjacent off-site open space areas, designated wildlife corridors and trails, and/or critical areas; and
- c. Natural area should be designed to preserve views from off site of the subject property; and
- d. Natural area should be delineated with a low perimeter-to-area ratio with a minimum width of fifty (50) feet; and
- e. Natural area may be included as a portion of one or more lots or may be contained in a separate tract.

5. Natural Area Fencing and Signage. Either fences and/or signs delineating the boundary of natural areas are required. The director shall determine which option (fence or sign) is required, based on the recommendations from the Design Guidance Review Meeting.

- a. If fencing is required:
 - i. Low-impact fences are preferred and must be constructed in accordance with the definition in BIMC 17.28.020; and
 - ii. Fencing is not required at the exterior boundary of the subdivision; and
 - iii. Gaps in fencing not exceeding five (5) feet are permitted.
- b. If signs are required:
 - i. They shall be constructed in accordance with the definition in BIMC 17.28.020; and
 - ii. They shall be generally spaced at intervals of 50 feet, unless otherwise approved by the director due to reasons such as topography, configuration of open space, distance from other features, etc.
- c. If signage is required and encroachments into the designated natural area occur, the director may require that the owner install fencing and/or additional signage to prevent future encroachments. Required fencing and signs must be maintained in good repair, with repair or replacement to occur within 60 days of notification from the city that repair or replacement is required.

6. Natural Area Ownership. Ownership of natural area shall be established consistent with one of the following forms of ownership:

- a. Private Ownership. Natural area may be held in private ownership if established by easements, restrictive covenants, natural area management plan, or other similar legal means; or
- b. Common Ownership. Natural areas may be held in common by a home or property owners' association or other similar organization. For the purposes of this title, ownership of and/or conservation easement being held by a land trust, or other similar conservancy organization, shall be considered common ownership. If this ownership pattern is selected, covenant, conditions, and/or restrictions shall be required; or
- c. Public Ownership. Designated natural areas shall not be required to be dedicated to the city or other public agency, and the owner shall not be required to permit public access to designated natural areas. However, if the owner offers to dedicate, the city or other public agency may choose to accept ownership of natural areas. Consequently, upon approval and acceptance by the city council, natural areas shall be dedicated to the public.

Commented [KM1]: Trails should be accessible to the public to achieve circulation goals discussed later.

7. Natural Area Maintenance. An applicant shall submit a draft natural area management plan (NAMP) as described in the Bainbridge Island administrative manual, for review as part of the preliminary plat application. Final approval of the NAMP will occur at the time of final plat approval. The natural area management plan shall include:

- a. A list of all approved uses for the natural areas. Where uses in separate natural areas vary, the specific location of each use shall be depicted graphically.
- b. A maintenance plan for natural areas that clearly describes the frequency and scope of maintenance activities for natural areas and that meets all requirements set forth in subsection 7 herein and the Bainbridge Island administrative manual.
- c. The approved NAMP must be filed with the Kitsap County Auditor. In the event that the natural area is not maintained consistent with the NAMP, the city shall have the right to enter the property for necessary maintenance, with the cost of such maintenance assessed against the landowner or, in the case of a homeowner's association, the owners of the properties within the subdivision and shall, if unpaid, become a tax lien on such property or properties.

8. Allowed Uses in Natural Area. Allowed uses within natural areas include:

- a. Installation of native plants.
- b. Maintenance pruning of trees and shrubs provided the structural integrity and long-term health of the vegetation is preserved.
- c. Wildfire mitigation activities, other than tree removal, within a 30-foot defensible space around a primary structure, in accordance with the Bainbridge Island community wildfire protection plan and as described by Section 603 of the International Wildland Urban Interface Code.
- d. Removal of invasive plant species.
- e. Passive recreation, including pervious trails.
- f. Potable water wells and well houses.
- g. Low impact fencing or signs marking the natural area boundary.
- h. On-site sewage drainfield facilities, if construction of the system will not require the use of heavy equipment or removal of significant trees.
- i. Storm drainage facilities if the applicant can demonstrate that (i) the system meets the low impact design (LID) standards of Chapter 15.20 BIMC, and (ii) construction of the system will not require the use of heavy equipment or removal of significant trees.
- j. Accessory solar panels, small wind energy generators, composting bins, rainwater harvesting barrels, and cisterns, as defined in Chapter 18.36 BIMC.
- k. Other structures or hard surfaces with a total footprint of no greater than 200 square feet.

B. Community Space Required. All residential subdivisions shall provide community space consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

1. Community Space Objectives. Community space shall accomplish one or more of the following objectives:

- a. Provide a place for residents to gather in shared space.
- b. Provide common buildings, open space, or gardens.
- c. Provide space for unstructured recreation.
- d. Enhance a felt and actual sense of security, identity, and community.
- e. Provide a protected, traffic-free environment.

2. Amount of Community Space Required. The minimum community space shown in Table 17.12.070-1 shall be provided and shall be depicted on the face of the plat.

3. Community Space Configuration. Community space shall adjoin the largest practicable number of lots within the development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to community space.

Commented [KM2]: Why? Limits uses such as agricultural which may not be desirable in close proximity to adjoining lots/homesites.

4. Community Space Ownership. Ownership of community space shall be established consistent with one of the forms of ownership set forth in BIMC 17.12.050. A.5.

5. Community Space Maintenance. An applicant shall submit a draft community space management plan (CSMP) as described in the Bainbridge Island administrative manual, for review as part of the preliminary plat application. Final approval of the CSMP will occur at the time of final plat approval. The community space management plan shall include:

- a. A list of all approved uses for the community space. Where uses in separate community spaces vary, the specific location of each use shall be depicted graphically.
- b. A maintenance plan for community space that clearly describes the frequency and scope of maintenance activities and that meets all requirements set forth in subsection 5 herein and the Bainbridge Island administrative manual.
- c. The approved CSMP must be filed with the Kitsap County Auditor within thirty (30) days of final plat approval. In the event that the community space is not maintained consistent with the CSMP, the city shall have the right to enter the property for necessary maintenance, with the cost of such maintenance assessed against the landowner or, in the case of a homeowner's association, the owners of the properties within the subdivision and shall, if unpaid, become a tax lien on such property or properties.

6. Allowed Uses in Community Space. Community space may include uses such as crop and animal agriculture, meadows, orchards, pastures, turf fields, and common buildings. Prohibited and allowed uses within community space shall be included in the draft terms, conditions, covenants, and agreements proposed for the subdivision, which shall be submitted with the preliminary subdivision application. Final terms, conditions, covenants, and agreements must be filed with the Kitsap County Auditor within thirty (30) days of final plat approval.

Commented [KM3]: See above comment about requirement for close proximity to largest practical number of lots

17.12.060 Homesites. All single-family residential subdivisions require homesites located and designed consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

A. Homesite Area.

1. A homesite area with the maximum area shown in Table 17.12.070-1 shall be provided for each lot and shall be depicted on the face of the plat.
2. The homesite area shall include the primary residential dwelling, accessory buildings, and on-site parking, if provided for each lot within the subdivision.
3. Other allowed uses and structures include residential landscaping, pathways, and turf; individual water, stormwater, and septic infrastructure; and fences.
4. Homesites shall not contain any critical areas, except for critical aquifer recharge areas, or their buffers or setbacks, shoreline buffers, or any portion of required natural areas.

Commented [KM4]: Does the "except" apply to the rest of the sentence or just to critical aquifer recharge areas? Suggest clarifying the sentence.

B. Homesite Clustering. All single-family subdivisions resulting in four or more lots require homesite clustering. The purpose of clustering is to facilitate the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions, and roadways. Homesites shall be located in cluster groups and the efficient location of infrastructure shall be used to maximize the undeveloped area.

Commented [KM5]: Disagree with mandatory application to low density areas of the island, especially R-.04. Would like to see an exception to allow different designs. Does a "departure" provide that exception to mandatory application of clustering?

1. Cluster groups shall be a minimum of four homesites.
2. No more than three cluster groups are allowed within any subdivision.
3. All homesites in a cluster grouping shall adjoin or be located a maximum of 50 feet from another homesite. ****Is additional language needed to prevent "daisy-chaining"??****
4. Homesite cluster groups shall be located to minimize adverse impacts to adjacent, previously existing residential development.
5. The location of homesite cluster groups is not required to be located near any existing home on the property.
6. Homesite cluster groups shall be configured to maintain the natural features of the site and minimize topographic alteration and clearing of existing vegetation.

17.12.070 General residential subdivision standards.

A. Constrained lots. If, due to site or design constraints, no homesite with supporting infrastructure can be located on a subject property, no division of land is permitted.

B. Preexisting lots. Lots that have previously received final approval from the city, or that have previously received final approval from Kitsap County prior to inclusion within the city boundaries, and that do not comply with standards of this chapter shall be considered existing nonconforming lots, but any future resubdivision of any such lots shall comply with the requirements of this title.

C. Short subdivisions shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, as a means to circumvent compliance with the more stringent subdivision requirements that control the subdivision of land into five or more lots. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous land parcel, a presumption of an attempt to circumvent short subdivision requirements may be invoked by the director as a basis for further investigation to assure compliance with the intent of this provision.

D. Remaining area. Any area not designated as public or private access, lots, or utility tracts shall be designated as either natural area or community space, in accordance with the objectives in either BIMC 17.12.050.A.1 or 17.12.050.B.1.

Commented [KM6]: What does this mean? Would it have to be included in the NAMP? What is the relationship between "lots" and "homesites" for purposes of this provision?

E. Site Disturbance. Land disturbing activities, as defined in BIMC 15.20.020.22 shall be limited to the maximum extent feasible. ****Can site disturbance be further limited, e.g., site disturbance cannot exceed 10 percent greater than homesite area (depending on where utilities are)?****

F. Compatibility with Adjacent Development

1. Subdivisions shall be designed and located to ensure compatibility with existing adjacent development.
2. Views of house lots from exterior roads and abutting properties shall be minimized by preserving the natural topography and existing vegetation to the furthest extent possible.
3. An alternative design of portions of the site plan may be required in order to fulfill subsections 1 and 2 above.

Commented [KM7]: What does this mean and who decides?

G. Dimensional standards. Table 17.12.070-1 sets forth required dimensional standards. Where a property is located in more than one zone district, units permitted by density calculations within each zone district must be constructed on the portion of the property located within that zone district and required setbacks for each zone district must be met. Permitted densities are not "blended" across the zone district line.

H. Septic Systems. Locations of individual or community drainfields and associated reserve drainfields shall comply with all applicable standards established by the Kitsap Public Health District or Washington Department of Health.

Reserve drainfield areas shall remain undisturbed until such time their use is required. This standard shall be noted on the face of the preliminary and final plat.

I. Streets and Vehicle Access. Subdivisions shall comply with the following standards unless modified by the City Engineer:

1. Subdivisions shall comply with all applicable standards of the “City of Bainbridge Island Design and Construction Standards and Specifications,” as amended. Deviations from the “City of Bainbridge Island Design and Construction Standards and Specifications” may be granted by the City Engineer upon evidence that such deviations are in the public interest and that they are based on sound engineering principles and practices. All requirements for safety, function, appearance and maintainability must be fully met. Desired deviations must be requested at the Design Guidance Review Meeting during the pre-application phase of the project.

2. Each lot in a residential subdivision shall have direct access to a public or private street, except for those with shared driveways or alternative lot designs that provide shared or clustered parking outside of individual lots.

3. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision to the maximum extent feasible or to create a connection beneficial to the overall circulation of the surrounding area, as determined by the City Engineer.

4. Interior street layout shall be oriented on the east/west axis, if feasible, to maximize active and passive solar access.

5. To minimize impervious surfaces, public rights-of-way, access easements, private streets, and driveways shall not be greater than the minimum dimensions required to meet standards.

6. Street names and traffic regulatory signs shall be provided, and their locations shall be indicated on the plat/plan. The location of mailboxes and traffic regulatory signs is only required to be indicated on the plat/plan when other public improvements are required.

7. Transit stops shall be provided as recommended by Kitsap Transit.

J. Parking and Garages.

1. Parking shall be provided consistent with BIMC 18.15.020, except as modified by this subsection.
2. Parking spaces provided on individual lots must be located within the designated homesite.
3. Parking spaces may be located outside of individual lots, consolidated in a remote or satellite parking area, or in individual or shared garages.
4. Consolidated parking areas shall be landscaped in accordance with BIMC 18.15.010.F.
5. Shared garages are limited to five vehicle spaces and shall not exceed 60 feet in length or 144 square feet total.
6. Garages, including detached garages, located on individual homesites facing a public street shall be:
 - a. Limited to two vehicles; and
 - b. Either accessed from the side or rear or set back from the most front-facing exterior wall of habitable space a minimum of five feet unless the house is not visible from the public street.

K. Circulation and Access.

1. All subdivisions shall include a circulation and access system of walkways, paths, sidewalks, or trails that interconnect lots, natural area, community space, and adjacent access facilities.
2. Multi-modal facilities shall be consistent with the applicable standards of the “City of Bainbridge Island Design and Construction Standards and Specifications.”

Commented [KM8]: We should strive to achieve the same goals for trails.

Commented [KM9]: Trails need to be public access to make this effective.

3. Subdivisions may be required to provide dedicated access easements if one or more “trail connection zones” are located on the site as shown on Map C and D (Non-Motorized System Plan) of the Island-Wide Transportation Plan.
4. Pursuant to RCW 58.17.110(1) sidewalks or other planning features shall be provided to assure safe walking conditions for students who walk to and from school.

Commented [KM10]: Does this limit new trail circulation? How current are Maps C and D in the Non-Motorized System Plan? How about new trail access that is not on a map or in a “trail connection zone”?

L. Fencing.

1. Sight obscuring fencing is prohibited at the exterior boundary of a subdivision along a public right of way.
2. Fencing at the exterior boundary of a subdivision along a public right of way shall not exceed 3 feet, 6 inches in height. ****option for higher fences to be set back minimum 5 feet from edge of ROW and planted in front****
3. Fencing at the exterior boundary of a subdivision along a public right of way is prohibited within the roadside buffer or at the edge of right of way.
4. Fencing around surface stormwater ponds shall not exceed 3 feet, 6 inches in height unless required by the City Engineer for safety reasons.

Commented [KM11]: Basis for this height? Why would it need to be higher?

M. Landscaping

1. Turf grass shall be limited to ≤ 20 percent of individual homesite areas. Turf grass is not permitted on individual lots outside of homesites.
2. Landscaping on individual lots shall include at least 60 percent native vegetation.
3. Landscaping within community space shall:
 - a. Be limited to ≤ 30 percent turf grass; and
 - b. ~~Include at least 40 percent native vegetation; except that, plants and vegetation used for gardening or agriculture shall are not required to be native vegetation.~~

Commented [KM12]: Seems inconsistent with following requirements for community space. Why a higher percentage of turf grass allowed in community space?

Commented [KM13]: Why not less than 20 percent to be consistent with homesites?

Commented [KM14]: Why not 60 percent to be consistent with homesites?

N. Perimeter Buffers. The intent of perimeter buffers is to visually and physically separate adjacent land uses, when necessary, to minimize impacts of new development on adjacent properties.

1. Perimeter buffers shall be provided at the exterior boundary of all subdivisions. The minimum width of perimeter buffers shall equal the minimum homesite boundary to exterior plat boundary required in accordance with Table 17.12.070-1.
2. Perimeter buffers shall be shown on the face of the preliminary plat. No structures, buildings, or parking facilities may be located within perimeter buffers, except that, public and private streets, utility lines, and trails may be located within perimeter buffers provided no significant trees are removed.
3. Existing, native vegetation, including significant trees and tree stands, shall be preserved within perimeter buffers. The tree retention, protection, and replacement requirements of BIMC 18.15.010.C apply to perimeter buffers unless modified by this section.
4. If existing vegetation provides an effective visual screen, no additional planting is required. If existing vegetation does not provide an effective year-round visual screen, additional plant material shall be installed, consistent with the following:
 - a. Additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a. Any additional plant material shall be native species and no turf or lawn is permitted.
 - b. In the R-0.4, R-1, and R-2 zoning district, additional plant material is not required if:
 - i. The perimeter buffer meets natural area designation objectives and designation standards in BIMC 17.12.050.1 and 17.12.050.3 or;
 - ii. The nearest structure within the subdivision is located a distance at least two times the required homesite boundary to exterior plat boundary dimension provided in Table 17.12.070-1.

Commented [KM15]: Why this number?

5. Perimeter buffers may be included as a portion of one or more lots or may be contained in a separate tract.
6. Perimeter buffers may be included as a portion of the natural area required in BIMC 17.12.050.A if the buffer meets the standards of that subsection.
7. The performance and maintenance assurances requirements of BIMC 18.15.010.H apply to perimeter buffers.
8. The irrigation and maintenance standards of BIMC 18.15.010 apply to perimeter buffers.

O. Roadside Buffers. The intent of roadside buffers is to enhance or retain Island character through the minimization of disturbance of existing roadside vegetation and screen new development from more highly traveled roads.

1. Roadside buffers are required for all subdivisions along collector or arterial roads in the R-0.4, R-1, and R-2 zoning designation. The minimum width of roadside buffers is 25 feet.
2. Roadside buffers shall be shown on the face of the preliminary plat. Roadside buffers may not be part of individual lots and must be contained in a separate tract.
3. No structures, buildings, or parking facilities may be located within perimeter buffers, except that, public and private streets, utility lines and boxes, and trails may be located within roadside buffers provided no significant trees are removed. ****Entry signs/treatment – limited/prohibited****
4. Existing, native vegetation, including significant trees and tree stands, must be preserved within roadside buffers. Tree retention, protection, and replacement requirements in BIMC 18.15.010.C apply to roadside buffers.
5. If existing vegetation provides an effective visual screen, or is consistent with existing roadside character, no additional planting is required. If existing vegetation does not provide an effective year-round visual screen, additional plant material shall be installed, consistent with the following:
 - a. Additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a. Any additional plant material shall be native species and no turf or lawn is permitted;
 - b. Additional plant material is not required if mature forest or other dense vegetation is not part of the existing roadside character.
6. Roadside buffers may not be included as a portion of the natural area or community space required in BIMC 17.12.050.
7. The performance and maintenance assurances requirements of BIMC 18.15.010.H apply to perimeter buffers.
8. The irrigation and maintenance standards of BIMC 18.15.010 apply to perimeter buffers.

Commented [KM16]: How does this affect homesites?

Commented [KM17]: How does this meet the intent of roadside buffers to enhance or retain Island character through the minimization of disturbance of existing roadside vegetation and screen new development from more highly traveled roads?

9. For subdivisions designating community space that is intended for agricultural use and would be adversely impacted by the addition of screening landscaping, a roadside buffer shall not be required.
10. To accommodate an existing house that is located within 25 feet of the subdivision boundary adjacent to a collector or arterial road, the roadside buffer width shall be reduced to the width adjoining the existing home between the existing house and the subdivision boundary adjacent to the collector or arterial road.

Commented [KM18]: Why would a roadside buffer not be required? Tree height could be limited to avoid shade impacts.

Commented [KM19]: Why?

P. Design Diversity. Subdivisions shall avoid monotonous rows of duplicative dwellings and incorporated measures that promote design diversity by:

1. Providing a mixture of lot sizes and/or front setbacks; and/or
2. Providing a diversity of floor plans and façade treatments.

Q. No City Maintenance of Streets in Short Subdivisions. Streets within a short subdivision shall not be maintained by the city unless such streets have been dedicated as a right-of-way, improved to current city standards, and accepted as part of the approved short subdivision. Therefore, unless accepted, the responsibility for maintenance shall lie with the owners of the lots.

R. Improvements.

1. Where the buildout of a subdivision is divided into phases, land dedications and infrastructure development will be required on a pro rata basis as each phase is developed unless the applicant negotiates an alternative phasing schedule with the city. This will be required to be documented on a plat note.
2. On any approved large lot, no further lot divisions shall be approved until the required improvements are installed by the applicant and approved by the city.
3. All large lot subdivisions shall have the following improvements developed and/or installed prior to recording:
 - a. Streets shall be cleared, grubbed, and rocked or graveled to provide adequate year-round passage.
 - b. Appropriate drainage, including erosion control, facilities shall be provided consistent with a plan approved by the city engineer prior to clearing and construction of any plat improvements.

Commented [KM20]: Why only large lots?

Commented [KM21]: Why only large lots?

17.12.080 Multifamily and nonresidential subdivisions.

A. Subdivisions established for multifamily and nonresidential shall comply with all provisions of BIMC Title 18 (Zoning) applicable to the zone district where the property is located and the type of development anticipated. This requirement shall include, without limitation, compliance with lot areas, dimensions, and design, mobility and access, landscaping, screening, and vegetative buffers.

17.12.090 Special requirements for critical areas and shoreline.

A. Critical Areas. Any portion of a short or long subdivision, large lot subdivision, nonresidential or multifamily subdivision that contains a critical area as defined in Chapter 16.12 BIMC must conform to all requirements of that chapter.

B. Shoreline. Any portion of a short or long subdivision, large lot subdivision, nonresidential or multifamily subdivision located within the jurisdiction of the shoreline master program, as defined in Chapter 16.12 BIMC, must conform to all requirements of that chapter.

Table 17.12.070-1 Subdivision Dimensional Standards

[Numbers in brackets indicate additional requirements listed at the end of the table.]

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	NC	MUTC
MINIMUM LOT AREA												
Short and Long Subdivision	If the site is not served by a public sewer system, the minimum individual lot area shall be determined by the Kitsap Public Health District in accordance with Section 15 of the Kitsap County Board of Health Ordinance 2008A-01, Amended June 7, 2011, <i>Onsite Sewage System and General Sewage Sanitation Regulations</i> , as amended. If the site is served by a public sewer system, there is no minimum lot area. Individual lots may contain portions of natural and community space and access easements.											
Large Lot Subdivision	5 ac or 1/128th of a section, whichever is smaller.	N/A										
MAXIMUM DENSITY (Minimum lot area per dwelling unit)												
Note: Subdivisions containing irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density. Additional regulations on density may apply pursuant to BIMC 16.20.												
Short, Long and Large Lot Subdivisions	The maximum number of lots permitted shall be calculated by dividing the total lot area of the property (without deducting areas to be dedicated as public rights-of-way or areas to be encumbered by private road easements) by the minimum lot area for standard lots in the zone district.											
Base Density (minimum lot area)	100,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft. [1]	15,000 sq. ft.	12,500 sq. ft.	10,000 sq. ft.	8,500 sq. ft.	7,260 sq. ft.	5,400 sq. ft.	3,100 sq. ft.	8,500 sq. ft.	See FAR table
Bonus Density pursuant to BIMC 18.12.030.A (minimum lot area)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,630 sq. ft.	2,074 sq. ft.	N/A	N/A
NATURAL AREA												
Minimum percentage of total site	55%	45%	30%	25%	25%	20%	15%	N/A	10%	5%	15%	5%
Minimum width	50 ft.											
COMMUNITY SPACE												
Instead of providing the required 5% community space, that area may be added to the required natural area if it can be demonstrated that greater conservation area can be achieved.												
Minimum percentage of total site	5% [x]	7.5%	10%	15%				10%	15%	10%		

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	NC	MUTC
HOMESITE												
Note: Refer to definition of homesite and standards for homesites.												
Maximum size	10,000 sq. ft.	7,500 sq. ft.	6,500 sq. ft.	5,500 sq. ft.	4,500 sq. ft.	3,500 sq. ft.	3,500 sq. ft.	N/A	3,000 sq. ft.	2,250 sq. ft.	3,500 sq. ft.	2,250 sq. ft.
Maximum separation – homesite	25 ft.											
Maximum separation – homesite cluster group	50 ft.											
HOME SIZE												
Maximum size	N/A								1,600 sq. ft.			
MAXIMUM LOT COVERAGE [3]												
Short and Long Subdivision	Same as applied to the entire property that is the subject of the subdivision application, a portion of which shall be assigned to each lot at the time of preliminary plat approval. **May want to consider eliminating maximum lot coverage, particularly in higher density zones. Homesite requirement lessens need for lot coverage standard.**											
Large Lot Subdivision	10%	15%	20%	N/A	N/A	N/A	N/A	N/A	25%	40%	N/A	N/A
MINIMUM SETBACKS												
Note: Additional setbacks may be required by:												
(a) Chapter 16.08 or 16.12 BIMC, or												
(b) Chapter 16.20 BIMC, Critical Areas, or												
(c) BIMC 16.28.040, mining regulations, or												
(d) BIMC 18.09.030, Use-specific standards, or												
<i>[x] Attached or zero lot line allowed in all districts but R-0.4 if building is 1,600 sq. ft. or less</i>												
<i>[y] ADUs do not need to meet TOTAL building to homesite boundary setback – only minimum setback; must be located within homesite.</i>												
Building to homesite boundary Net building size 1,600 sq. ft. or less Minimum/total [x] [y]	5 ft. min., 10 ft. total								3 ft. min., 10 ft. total			
Building to homesite boundary Net building size 1,601 sq. ft. or more Minimum/total	15 ft. min., 50 ft. total	10 ft. min., 25 ft. total	5 ft. min., 20 ft. total		10 ft. min., 20 ft. total	5 ft. min., 20 ft. total	5 ft. min., 15 ft. total	N/A	5 ft. min., 10 ft. total		3 ft. min., 10 ft. total	

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	NC	MUTC
Building outside homesite to exterior plat boundary line Net building size 200 sq. ft. or less	50 ft.	25 ft.	10 ft.	5 ft.								
Building outside homesite to exterior plat boundary line Net building size 200 sq. ft. or more	50 ft.	25 ft.	10 ft.	10 ft.						5 ft.		
Homesite to exterior plat boundary line	50 ft.	25 ft.	10 ft.	5 ft.								
Any building to SR 305 right-of-way	75 ft.	75 ft.	75 ft.	N/A	25 ft.	N/A	N/A	N/A	25 ft.	N/A	25 ft.	25 ft.
Homesite to edge of arterial and collector right-of-way	25 ft.		10 ft.									
Building outside homesite to edge of arterial and collector right-of-way	25 ft.		10 ft.									
Any building to all other streets	10 ft.						5 ft.					
Building to trail, natural or community space or access easement (except for natural areas that are also perimeter buffers)	10 ft.					5 ft.				10 ft.	5 ft.	
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 18.12.030.F, Shoreline Structure Setbacks. For properties abutting the shoreline, dimensional standards in BIMC 16.12 replace the zoning setbacks along the water.											
GARAGE DIMENSIONAL STANDARDS												
Shared garage to public ROW	0 feet											
Private garage to public ROW	10 feet											
Garage to private access	0 feet											
Shared garage to shared garage	10 feet											
Shared garage maximum size	60 feet long or 144 square feet total											
MAXIMUM BUILDING HEIGHT												
Note: Bonus may not be available in the shoreline jurisdiction												
Short, Long, and Large Lot Subdivisions	Height requirements for standard lots apply											

[1] The base density for that parcel in the Lynwood Center special planning area designated as R-2 is one unit per 20,000 sq. ft., but may be increased up to 3 units per acre; provided, that a public access easement is granted for that portion of the parcel that lies to the south of Point White Drive along the waters of Rich Passage. The base density of some parcels in the Fort Ward historic overlay district may be increased as shown in BIMC 18.24.070.

A few comments on the DRAFT of BIMC 17.12:

17.12.040 "Administrative Departures" provides a lot of leeway, and I hope it doesn't set us up for extensive haggling with applicants, first at the DRB and then again in PC review. Some leeway will be needed, and I think the criteria are well drafted, with first place given to "exceptional topographic conditions, etc." On balance I think this will solve more problems than it creates.

In 17.12.050, I like the additional detail provided in A. #3 (Designation of Natural Area), and #5 (Fencing and Signage). I see that #4 in the earlier draft (Prioritization) has been set aside – Designation of Natural Area says it better.

In 17.12.060.A(1), I think my suggestion in the marked-up draft is better: "A homesite no greater than the zone-specific maximum area . . ." Some other small modifications in the marked-up draft may also help, but forget the insertion of "unless . . . infeasible," because .040 (Departures) takes care of that. In .060.B(3) I guess that "daisy-chaining" means alignment in straight rows. The problem is inherent with clustering; it is dealt with elsewhere in the requirement of "Design Diversity" (bottom of p. 9). My problem is with "a maximum of 50 feet": wouldn't "no more than" be better?

I see a number of changes to "General residential subdivision standards" in this draft. In some places, suggestions in my marked-up version are still relevant. On p. 6, G (Dimensional standards), in place of "required" I suggest "certain minimum and maximum".

On p. 8, M (Landscaping), those percentages for turf grass and native vegetation are apt to be flak-catchers, or at least irritants. This looks like nannying. Is there a better way to discourage lawns and encourage retention or planting of natives?

For P (bottom of p. 9), which was K on p. 9 of the other draft, I suggest "by incorporating measures that promote design diversity: 1) By providing . . ." etc.

On p. 8 of the other draft, under Landscaping, #4 addressed Perimeter Buffers in Multifamily Subdivisions, and I don't find equivalent language in the latest version. I have heard opinions pro and con, and perhaps you are planning for discussion of this. Jonathan Davis has pointed out that Bethany Lutheran wants to build affordable housing on their land, and a similar proposal might come from Grace Episcopal some day. In the Table, on p. 12, "Attached or zero lot line allowed in all districts but R-0.4," and I tend to agree with Jonathan that an exception for R-0.4 is not necessary, not wise. Any duplex or multi-family project should be judged on its merits.

Back on p. 5, in Community Space Objectives, I **especially like** "Enhance a felt and actual sense of security, identity, and community."

PLANNING COMMISSION RECORDED MOTION

Planning Commission Meeting Date:	
Project Proposal Name and Number:	
Documents available at:	
Public Hearing Date:	
Decision Maker:	Director or Examiner

Purpose: The purpose of the Planning Commission's review and recommendation is to determine if a proposed project is consistent with the comprehensive plan and applicable design guidelines, BIMC Titles 17 and 18.

Consideration: The Planning Commission shall consider the project application at a public meeting where public comment will be taken. The Planning Commission shall recommend approval, approval with conditions, or denial of the proposed project.

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

Findings of Fact and Reasons for Action

1. The project, as conditioned, is found to meet all the applicable decision criteria.
2. The project, as conditioned, is found to be compliant and consistent with the comprehensive plan.
3. The project, as conditioned, is found to meet all other applicable laws.
4. The project is either :

_____ Found to meet the recommendations by the Design Review Board; **OR**

_____ Recommended for deviation from the Design Review Board's recommendation for the following reasons:

- a.
- b.
- c.



PLANNING COMMISSION RECORDED MOTION

Recommendation:

The Planning Commission recommends the **Director/Hearing Examiner:**

- _____ Approve the proposal as recommended.
- _____ Approve the proposal with the following changes:
 - a.
 - b.
 - c.
- _____ Deny the proposal for the following reasons:
 - a.
 - b.
 - c.

Recorded motion on **date of meeting:**

Planning Commission Record of Vote:

Commissioner	Support	Oppose	Absent	Abstain
Chester				
McCormick Osmond				
Pearl				
Quitslund				
Macchio				
Doman				
Paar				
Total				

CITY OF BAINBRIDGE ISLAND PLANNING COMMISSION

Chair

Date: _____

Administrative Specialist, Planning and Community Development

Date: _____

PUBLIC PARTICIPATION MEETING – Hyla Middle School ([PLN51288 PRE](#))
CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
REVIEW OF MINUTES – November 10, 2016, November 29, 2018 and December 13, 2018
PUBLIC COMMENT – Accept public comment on off agenda items
ORDINANCE 2019-03 - SUBDIVISION STANDARDS UPDATE – Public Hearing and
Recommendation
NEW/OLD BUSINESS
ADJOURN

PUBLIC PARTICIPATION MEETING – Hyla Middle School ([PLN51288 PRE](#))

Chair William Chester opened the public participation meeting at 6:01 PM. Senior Planner Kelly Tayara facilitated the meeting and Brandon Hogg from Studio Hamlet Architects presented the project.

The public participation meeting was over at 6:25 PM and a recess until 7:00 PM occurred.

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

Chair William Chester called the meeting to order at 7:00 PM. Planning Commissioners in attendance were J. Mack Pearl, Jon Quitslund, Kimberly McCormick Osmond, Don Doman and Joe Paar. Lisa Macchio was absent and excused. City Staff present were Planning Director Gary Christensen, Long Range Senior Planner Christy Carr and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

REVIEW AND APPROVE MINUTES – February 13, 2019

Motion: I move the approval of minutes from our meeting of February 13th as distributed.

Quitslund/Paar: Passed Unanimously

PUBLIC COMMENT – Accept public comment on off agenda items

Michael Zigich, Citizen – Asked for an update on the approved amendments to the SMP.

Rosalyn Renouard, Citizen – Spoke about the increased traffic congestion on Madison Avenue.

ORDINANCE 2019-03 - SUBDIVISION STANDARDS UPDATE – Public Hearing and Recommendation

The public hearing was opened at 7:16 PM.

Brian Wilkinson, Citizen – Asked for an exemption for the R-0.4 Zone and spoke against the currently proposed ordinance.

Larry Lewis Knight, Citizen – Said he was there because he read a newspaper article and wanted to find out what the Planning Commission was considering especially as regarded “clustering” as that was not what he was used to considering rural in character.

Charlie Wenzlau, Consultant – Said he had spoken incorrectly at the last meeting and said the Planning Commission could correct his statement about the subdivision size to which these regulations would apply.

The public hearing was closed at 7:34 PM.

8:33 PM Motion: I move to adopt the comments and recommendations from Planning Commission Subdivision Standards Subcommittee Exhibit A with the following changes: Section 17.12.030 Four-Step Design Process, second paragraph, first sentence we’ll remove the words except the redivision of land into two lots. Section 17.12.050 Natural Area and Community Space, Subsection B, Community Space Required, after all residential subdivisions, add the words except short subdivisions. Table 17.12.070-1, Subdivision Dimensional Standards, under Garage Dimensional Standards, change “shared garage to public right of way,” to “shared garage internal access.” [Ms. Carr asked to have the error in Garage Dimensional Standards – Shared garage maximum size corrected from “60 feet long or 144 square feet total” to 60 feet long or 1440 square feet total” to which Commissioner McCormick Osmond replied, “Yes, please.”] And I further move to adopt the comments and recommendations from Planning Commission Subdivision Standards Subcommittee Exhibit B. And I further move to adopt comments and recommendations from Planning Commission Subdivision Standards Subcommittee Exhibit C.

McCormick Osmond/Pearl: Passed Unanimously

Motion: I move that we forward to the Council with our recommendation Ordinance number 2019-03 with its exhibits as amended in the previous motion. Quitslund/Paar: Passed Unanimously

NEW/OLD BUSINESS

Planning Director Gary Christensen reviewed the *Public Hearing Opening Statement, Protocols and Procedures* as it would be used by the Planning Commission.

Projects for the next meeting were reviewed.

ADJOURN

The meeting was adjourned at 8:56 PM.

Approved by:

William Chester, Chair

Jane Rasely, Administrative Specialist

DRAFT

COMMENTS AND RECOMMENDATIONS FROM
PLANNING COMMISSION SUBDIVISION STANDARDS SUBCOMMITTEE

**Chapter 17.12
SUBDIVISION STANDARDS**

Note: ~~Blue text**~~ highlights concepts and policy questions under consideration for which specific regulatory language is not yet drafted.**

17.12.010 Applicability.

This ~~chapter~~ section sets forth standards for short subdivisions, long subdivisions, large lot subdivisions, and nonresidential and multifamily subdivisions. Specific requirements relevant to each individual type of subdivision are provided throughout various chapters of this title.

17.12.020 Subdivision Design Guidelines.

All residential subdivisions outside the Neighborhood Center and Mixed Use Town Center zoning districts shall comply with ~~these~~ design guidelines contained in “Design Guidelines for Residential Subdivisions,” set forth in BIMC 18.18 and its reference documents, which are adopted as part of this title by reference.

The purpose of subdivision design guidelines is to define the qualities of subdivisions that meet the guiding principles, goals, and policies of the city’s Comprehensive Plan, and to serve as a tool for guiding individual projects to meet those expectations through the city’s land use review procedures. The design guidelines offer ~~reference points~~ a forum for the public to participate in discussion ~~of~~ about new subdivisions ~~in their neighborhood~~, and ~~they as a means of~~ allow ~~applicant~~ing flexibility in ~~meeting response to design~~ the application of ~~development~~ development standards and zoning requirements. An applicant may be granted a departure from the ~~development standards design guidelines~~ by demonstrating that an alternative design better meets the intent of the design guidelines.

17.12.030 Four-Step Design Process

The city’s ~~subdivision~~ approach ~~to planning for subdivisions~~ requires a four-step ~~process~~ system that ~~gives places~~ the ~~highest priority to~~ identification and conservation of resources. ~~on an undeveloped area of the site as the primary and leading goal~~. This ~~process approach~~ reverses the conventional site planning approach, which typically begins by laying out the streets, lot lines and building footprints ~~as the first part of the process~~. Instead of first identifying ~~the development~~ areas ~~to be cleared for development~~, the design process begins by analyzing on-site resources and the site’s ~~relationship connections~~ to surrounding ~~properties, in order~~ resources to identify what ~~resource areas~~ are ~~most worthy of best for~~ preservationing and ~~what those~~ areas ~~of the site that~~ can best accommodate development.

This ~~four step~~ design process is required for all residential subdivisions except the division or redivision of land into two lots. The process ~~is~~, further defined in BIMC 2.16.125.D: ~~it~~, consists of four steps: 1) Delineate Natural Area; 2) Locate Homesites and Community Space; 3) Define Access; and, 4) Draw Lot Lines.

17.12.040 Administrative Departures

A. A departure ~~from existing subdivision standards may be requested by an applicant or required by the City to allow use of an~~ ~~is a request by the applicant to meet or exceed a particular subdivision standard through the use of a technique or~~ alternative standard not ~~otherwise~~ listed ~~among~~ under the applicable requirements of BIMC 17.12.050 through BIMC 17.12.0970 ~~(?)~~. Departures are not variances and are not required to meet the criteria associated with a variance application. Rather, departures allow adjustment of ~~existing~~ standards to achieve better outcomes in cases where strict application of the ~~existing~~ standard ~~is not feasible due to physical characteristics of the property, or~~ would result in an inferior subdivision design.

B. Departures from the subdivision standards in BIMC 17.12.050 through BIMC 17.12.090⁽²⁾, may be permitted as part of the subdivision review process. ~~In order for such a departure from subdivision standards to be allowed, it an applicant must demonstrate that the must satisfy the intent of the four step design process, and the resulting development design must better serve the public interest. resulting overall development, including departures from the standards, would better serve the~~

~~public interest. A departure shall not be allowed from the following standards; and a finding shall be made in the affirmative that each proposed departure meets or exceeds the intent of the respective standard as compared to a strict application of the established standard.~~

~~1. Natural area~~

~~2. ~~ete~~ Community space~~

~~3. Homesite size~~

C. Any request for one or more departures shall be made at the Design Guidance Review Meeting as part of the pre-application phase of the project. Departures shall be reviewed concurrently with an application for subdivision. It must be shown that the proposal is consistent with the following criteria:

1. Because of unusual shape, exceptional topographic conditions, environmental constraints or some other extraordinary characteristics of the property, strict adherence to the existing standard would create undue hardship or result in an undesirable plat; or

2. The granting of the departure results in better plat and/or lot design, such as a plat with greater natural resource conservation value, less adverse impact to adjoining properties, or homes designed to be better suited to the site's topography and other features; and

~~3. All possible efforts to comply with the standard or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in approval; and~~

4. The departure is consistent with other applicable regulations and standards; and

5. The granting of any departure will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity in which the property is located.

D. Upon affirmative recommendations ~~by the Design Review Board and of approval from~~ the Planning Commission, the director shall review the record and render a decision on the specified departure(s), subject to review by the hearing examiner. ~~may grant a~~ departure from ~~the~~ subdivision standards BIMC 17.12.050 through BIMC 17.12.090 may be granted if it is shown that the ~~departure meets the criteria in 17.12.040 (C).~~ proposal is consistent with the following criteria:

~~1. Because of unusual shape, exceptional topographic conditions, environmental constraints or other extraordinary situation or condition in connection with a specific piece of property, strict adherence to the standard would create undue hardship or result in an undesirable plat; or~~

~~2. The granting of the departure results in better plat and/or lot design. Better plat and/or lot design means situations such as creating plats that result in greater natural resource conservation value, less adverse impact to adjoining properties, or more practical design because of topography, critical area, or other extenuating circumstance; and~~

~~3. All possible efforts to comply with the standard or minimize potential harm or adverse impacts have been undertaken. Economic consideration may be taken into account but shall not be the overriding factor in approval; and~~

~~4. The departure is consistent with other applicable regulations and standards; and~~

~~5. The granting of any departure will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity in which the property is located.~~

17.12.050 Natural Area and Community Space.

A. Natural Area Required. All residential subdivisions shall provide natural area consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

1. Natural Area Objectives. ~~The n~~Natural area(s) shall support ~~accomplish one or more of~~ the following objectives:

a. Conservation of natural resources, including wildlife habitat;

BIMC Chapter 17.12 SUBDIVISION STANDARDS

- b. Protection of groundwater recharge;
- c. Conservation of native soils;
- d. Expansion or enhancement of the value to adjacent or neighboring open space, parks, forested areas, conservation easements, shorelines, or critical areas;
- e. Preservation of unique natural land or rock features;
- f. Preservation of visual appeal qualities along highway, road and street corridors or scenic vistas.

2. Amount of Natural Area Required. The ~~zone specific~~ minimum natural area shown in Table 17.12.070-1 shall be provided and shall be depicted on the face of the plat.

3. Designation of Natural Area. ~~The n~~Natural area(s) shall be designated as the first step in the four-step design process defined in BIMC 2.16.125.D. Natural areas ~~consistare made up~~ of primary and secondary natural areas. If the primary natural areas make up less than the required percentage of the total site natural area, the balance of the required natural area shall ~~consistbe made up~~ of secondary natural areas.

a. Primary Natural Areas (PNA). PNAs form the core of the natural area to be protected. PNA's include the following:

- i. Critical areas other than critical aquifer recharge areas;
- ii. Critical area buffers;
- iii. Aquifer recharge protection area as required by BIMC 16.20.100.;

b. Secondary Natural Areas (SNA). SNAs are locally noteworthy or significant features of the natural landscape. SNA's include the following:

- i. Mature woodlands;
- ii. Freestanding significant trees;
- iii. Wildlife corridors;
- iv. Greenways and trails;
- v. Scenic viewsheds;
- vi. Mature vegetation on ridgelines.

c. Aquifer Recharge Protection Area (ARPA). Subdivisions in the R-0.4, R-1, and R-2 zoning districts shall include designation of an ARPA in accordance with BIMC 16.20.100 and the following standards:

i. If a proposed subdivision includes more than one parcel, the ARPA shall be calculated based on the total square footage of all parcels;

ii. If the required ARPA is greater than the required natural area, the natural area shall be increased to achieve the required ARPA area;

iii. If the required ARPA is less than the required natural area, the natural area shall include other SNAs ~~other PNAs or SNAs~~ to achieve the required natural area.

4. Natural Area Configuration. Designated natural areas shall be configured in a manner that enhances and promotes the ~~+~~natural character of the island and ~~+~~natural resource characteristics of the property and surrounding area. Natural area configuration shall satisfy the following guidelines:

- a. Natural area should be concentrated in large, consolidated areas; and
- b. Natural area should connect to any adjacent off-site open space areas, designated wildlife corridors and trails, and/or critical areas; and
- c. Natural area should be designed to preserve views from off site of the subject property; and
- d. Natural area should be delineated with a low perimeter-to-area ratio, with a minimum width of fifty (50) feet; and
- e. Natural area may be included as a portion of one or more lots, or may be contained in a separate tract.

5. Natural Area Fencing and Signage. ~~FEither~~ fences and/or signs delineating the boundary of natural areas are required. The director shall determine which option (fence or sign) is required, based on the recommendations from the Design Guidance Review Meeting.

- a. If fencing is required:
 - i. Low-impact fences are preferred and must be constructed in accordance with the definition in BIMC 17.28.020; and
 - ii. Fencing is not required at the exterior boundary of the subdivision; and
 - iii. Gaps in fencing not exceeding five (5) feet are permitted, as are gates.
- b. If signs are required:
 - i. They shall be constructed in accordance with the definition in BIMC 17.28.020; and
 - ii. Typically, they shall be ~~generally~~ spaced at intervals of 50 feet, allowing for variation unless otherwise approved by the director due to ~~reasons such as~~ topography, configuration of open space, distance from other features, etc.
- c. If signage is required and encroachments into the designated natural area occur, the director may require that the owner install fencing and/or additional signage to prevent future encroachments. Required fencing and signs shall ~~must~~ be maintained in good repair, with repair or replacement to occur within 60 days, ~~of notification from the city that repair or replacement is required?~~

6. Natural Area Ownership. Ownership of natural area shall be established consistent with one of the following forms of ownership:

- a. Private Ownership. Natural area may be held in private ownership if ~~so~~ established by easements, restrictive covenants, the natural area management plan, or ~~other~~ similar legal means; or
- b. Common Ownership. Natural areas may be held in common by a home or property owners' association or other similar organization. For the purposes of this title, if a land trust or a similar conservancy maintains ownership ~~of and/ or a~~ conservation easement ~~being held by a land trust, or other similar conservancy organization,~~ that shall be considered common ownership. If this ownership pattern is selected, covenant, conditions, and/or restrictions shall be required; or
- c. Public Ownership. Designated natural areas shall not be required to be dedicated to the city or other public agency, and the owner shall not be required to permit public access to designated natural areas. However, if the owner offers to dedicate, the city or other public agency may choose to accept ownership of natural areas. Consequently, upon approval and acceptance by the city council, the natural areas shall be dedicated to the public.

7. Natural Area Maintenance. An applicant shall submit a draft natural area management plan (NAMP) as described in the Bainbridge Island administrative manual, for review as part of the preliminary plat application. Final approval of the NAMP will occur at the time of final plat approval. The natural area management plan shall include:

- a. A list of all approved uses for the natural areas. Where uses in separate natural areas vary, the specific location of each use shall be depicted graphically.
- b. A maintenance plan for natural areas, stipulating that clearly describes the frequency and scope of maintenance activities for natural areas, and meeting that meets all requirements set forth in subsection 7 herein, and in the Bainbridge Island administrative manual.
- c. The approved NAMP must be filed with the Kitsap County Auditor. In the event that the natural area is not maintained consistent with the NAMP, the city shall have the right to enter the property for necessary maintenance, with the cost of such maintenance assessed against the landowner or, in the case of a homeowner's association, the owners of the properties within the subdivision, and - ~~This assessment and-~~ shall, if unpaid, become a tax lien on such property or properties.

8. Allowed Uses in Natural Area. Allowed uses within natural areas include:

- a. Installation and care of native plants.
- b. Maintenance pruning of trees and shrubs, provided the structural integrity and long-term health of the vegetation is preserved.
- c. Wildfire mitigation activities, other than tree removal, within a 30-foot defensible space around a primary structure, in accordance with the Bainbridge Island community wildfire protection plan and as described by Section 603 of the International Wildland Urban Interface Code.
- d. Removal of invasive plant species.
- e. Passive recreation, including pervious trails.
- f. Potable water wells and well houses.
- g. Low impact fencing or signs marking the natural area boundary.
- h. On-site sewage drainfield facilities, if construction of the system will not require the use of heavy equipment or removal of significant trees.
- i. Storm drainage facilities if the applicant can demonstrate that (i) the system meets the low impact design (LID) standards of Chapter 15.20 BIMC, and (ii) construction of the system will not require the use of heavy equipment or removal of significant trees.
- j. Accessory solar panels, small wind energy generators, composting bins, rainwater harvesting barrels, and cisterns, as defined in Chapter 18.36 BIMC.
- k. Other structures or hard surfaces with a total footprint ~~of~~ no greater than 200 square feet.

B. Community Space Required. All residential subdivisions shall provide community space consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

1. Community Space Objectives. Community space shall accomplish one or more of the following objectives:

- a. Provide a place for residents to gather in shared space.
- b. Provide common buildings, open space, or gardens.
- c. Provide space for unstructured recreation.
- d. Enhance a felt and actual sense of security, identity, and community.
- e. Provide a protected, traffic-free environment.

2. Amount of Community Space Required. The minimum community space shown in Table 17.12.070-1 shall be provided and shall be depicted on the face of the plat.

3. Community Space Configuration. Community space ~~shall~~ should adjoin the largest practicable number of lots within the development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to community space.

4. Community Space Ownership. Ownership of community space shall be established consistent with one of the forms of ownership set forth in BIMC 17.12.050.A.5.

5. Community Space Maintenance. An applicant shall submit a draft community space management plan (CSMP) as described in the Bainbridge Island administrative manual, for review as part of the preliminary plat application. Final approval of the CSMP will occur at the time of final plat approval. The community space management plan shall include:

- a. A list of all approved uses for the community space. Where uses in separate community spaces vary, the specific location of each use shall be depicted graphically.
- b. A maintenance plan for community space that clearly describes the frequency and scope of maintenance activities, and that meets all requirements set forth in subsection 5 herein and the Bainbridge Island administrative manual.
- c. The approved CSMP must be filed with the Kitsap County Auditor within thirty (30) days of final plat approval. In the event that the community space is not maintained consistent with the CSMP, the city shall have the right to enter the property for necessary maintenance, with the cost of such maintenance assessed against the landowner or, in the case of a homeowner's association, the owners of the properties within the subdivision and shall, if unpaid, become a tax lien on such property or properties.

6. Allowed Uses in Community Space. Community space may include uses such as crop and animal agriculture, meadows, orchards, pastures, turf fields, and common buildings. Prohibited and allowed uses within community space shall be included in the draft terms, conditions, covenants, and agreements proposed for the subdivision, which shall be submitted with the preliminary subdivision application. Final terms, conditions, covenants, and agreements must be filed with the Kitsap County Auditor within thirty (30) days of final plat approval.

17.12.060 Homesites. All single-family residential subdivisions require homesites located and designed consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

A. Homesite Area.

1. A homesite area ~~no greater than~~ with the maximum area shown in Table 17.12.070-1 shall be provided for each lot and shall be depicted on the face of the plat.

2. The homesite area shall include the primary residential dwelling, accessory buildings, and on-site parking, if provided for each lot within the subdivision.

3. Other allowed uses and structures include residential landscaping, pathways, ~~and~~ turf, and fences; individual water, stormwater, and septic infrastructure; ~~and fences.~~

4. Homesites shall not contain any critical areas, ~~except for critical aquifer recharge areas,~~ or their buffers or setbacks, shoreline buffers, or any portion of required natural areas. Homesites may include critical aquifer recharge areas.

B. Homesite Clustering. ~~Clustering is the preferred design model for all single family subdivisions. In All single family subdivisions resulting in four or more lots require homesite clustering, clustering of homesites is the preferred design model.~~ - The purpose of clustering is to facilitate the efficient use of land by ~~limiting~~~~reducing~~ ~~disturbed~~ areas ~~of disturbance~~, impervious surfaces, utility extensions, and roadways. ~~Homesites shall be located in cluster groups and the efficient location of infrastructure shall be used to maximize the undeveloped area.~~

The four-step design process outlined in section 17.12.030 BIMC is intended to allow the characteristics of the land to determine the most suitable location of homesites. Section 17.12.040 BIMC also provides for departures from certain standards, if it is found that the adjustment achieves a better outcome.

- ~~1. Cluster groups shall be a minimum of four homesites.~~
- ~~2. No more than three cluster groups are allowed within any subdivision.~~
- ~~3. All homesites in a cluster grouping shall adjoin or be located no more than a maximum of 50 feet from another homesite. ~~**Is additional language needed to prevent “daisy chaining”?*~~~~
4. Homesite cluster groups shall be located to minimize adverse impacts to adjacent, previously existing residential development.
5. ~~H~~The location of homesite cluster groups ~~are~~is not required to be located near any existing home on the property.
6. Homesite cluster groups shall be configured to maintain the natural features of the site and minimize topographic alteration and clearing of existing vegetation.

17.12.070 General residential subdivision standards.

A. Constrained lots. If, due to site or design constraints, no homesite with supporting infrastructure can be located on a subject property, no division of land is permitted.

B. Preexisting lots. Lots that have previously received final approval from the city, or that have previously received final approval from Kitsap County prior to inclusion within the city boundaries, and that do not comply with standards of this chapter shall be considered existing nonconforming lots, but any future resubdivision of any such lots shall comply with the requirements of this title.

C. Platted lots. The platted lot defines the extent of private ownership of land within the subdivision. The size, shape and potential uses of a lot depend on many factors that will be considered in the subdivision design process. Establishing lot lines is the last step in the design process, but a desired result will affect decisions throughout the process, and the physical characteristics of the entire property will present both constraints and opportunities. Standards applicable to lots are found in BIMC 17.12.070 and Table 17.12.070-1.

~~D~~C. ~~The s~~Short subdivision ~~process~~ shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, ~~as a means~~ to circumvent compliance with the more stringent ~~subdivision~~ requirements that control the subdivision of land into five or more lots. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous land parcel, ~~a~~ presumption of an attempt to circumvent short subdivision requirements may be invoked by the director as a basis for further investigation, ~~to assure compliance with the intent of this provision~~ and the requirements of a long subdivision.

D. Remaining area. Any area not designated as public or private access, buffers, lots, or utility tracts shall be designated as either natural area or community space, in accordance with the objectives in either BIMC 17.12.050.A.1 or 17.12.050 B.1.
~~17.12.050.B.1.~~

E. Site Disturbance. ~~The extent of I~~and disturbing activities, as defined in BIMC 15.20.020.22, shall be limited to the minimum required for site preparation and construction. ~~maximum extent feasible. ~~**Can site disturbance be further limited; e.g., site disturbance cannot exceed 10 percent greater than homesite area (depending on where utilities are)?**~~~~

F. Compatibility with Adjacent Development

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1. Subdivisions shall be designed and located to ensure compatibility with existing adjacent development.
2. Views of house lots from exterior roads and abutting properties shall be minimized by preserving the natural topography and existing vegetation to the greatest furthest extent possible.
- ~~3. An alternative design of portions of the site plan may be required in order to satisfy fulfill subsections 1 and 2 above.~~

G. Dimensional standards. Table 17.12.070-1 sets forth certain minimum and maximum~~required~~ dimensional standards. Where a property is located in more than one zone district, units permitted by density calculations within each zone district must be constructed on the portion of the property located within that ~~zone~~ district, and required setbacks for each zone district must be met. Permitted densities are not “blended” across the zone district line.

H. Septic Systems. Locations of individual or community drainfields and associated reserve drainfields shall comply with all applicable standards established by the Kitsap Public Health District or Washington Department of Health.

Reserve drainfield areas shall remain undisturbed until such time as their use is required. This standard shall be noted on the face of the preliminary and final plat.

I. Streets and Vehicle Access. Subdivisions shall comply with the following standards unless modified by the City Engineer:

1. Subdivisions shall comply with all applicable standards of the “City of Bainbridge Island Design and Construction Standards and Specifications,” as amended. Deviations from the “City of Bainbridge Island Design and Construction Standards and Specifications” may be granted by the City Engineer upon evidence that such deviations are in the public interest and that they are based on sound engineering principles and practices. All requirements for safety, function, appearance and maintainability must be fully met. Desired deviations should must be requested at the Design Guidance Review Meeting during the pre-application phase of the project.

2. Each lot in a residential subdivision shall have direct access to a public or private street, except for those with shared driveways or alternative lot designs that provide shared or clustered parking outside of individual lots.

3. The street system of a proposed subdivisions shall be designed to connect with any existing, proposed, or planned streets outside of the subdivision ~~to the maximum extent feasible or~~ to create a connection beneficial to the overall circulation of the surrounding area, as determined by the City Engineer. ~~{Delete “to the maximum extent . . .” to end of sentence?}~~

4. Interior street layout shall be oriented on the east/west axis; if feasible, to maximize active and passive solar access.

5. To minimize impervious surfaces, all public rights-of-way, access easements, private streets, and driveways shall not be greater than the minimum dimensions required to meet standards.

6. Street names and traffic regulatory signs shall be provided, and their locations shall be indicated on the plat/plan. The locations of mailboxes and traffic regulatory signs are only required ~~to be indicated~~ on the plat/plan when other public improvements are required.

7. Transit stops shall be provided as recommended by Kitsap Transit.

J. Parking and Garages.

1. Parking shall be provided consistent with BIMC 18.15.020, except as modified by this subsection.
2. Parking spaces provided on individual lots must be located within the designated homesite.
3. Parking spaces may be located outside of individual lots, consolidated in a remote or satellite parking area, or in individual or shared garages.
4. Consolidated parking areas shall be landscaped in accordance with BIMC 18.15.010.F.
5. Shared garages are limited to five vehicle spaces and shall not exceed 60 feet in length or 144 square feet total.
6. Garages, including detached garages, located on individual homesites facing a public street shall be:
 - a. Limited to two vehicles; and
 - b. Either accessed from the side or rear or set back from the most front-facing exterior wall of habitable space a minimum of five feet unless the house is not visible from the public street.

K. Circulation and Access.

1. All subdivisions shall include a circulation and access system of walkways, paths, ~~sidewalks,~~ or trails that interconnect lots, natural area, community space, and adjacent access facilities. Trails that provide connection to streets, public areas or other trails contribute to a network beyond through the subdivision boundaries shall provide public access.
2. Multi-modal facilities shall be consistent with the applicable standards of the “City of Bainbridge Island Design and Construction Standards and Specifications.”

3. Subdivisions may be required to provide dedicated access easements if one or more “trail connection zones” are located on the site as shown on Map C and D (Non-Motorized System Plan) of the Island-Wide Transportation Plan, as amended.
4. Pursuant to RCW 58.17.110(1), sidewalks or other planning features shall be provided to assure safe walking conditions for students who walk to and from school.

L. Fencing.

1. Sight obscuring fencing is prohibited at the exterior boundary of a subdivision along a public right of way.
2. Fencing at the exterior boundary of a subdivision along a public right of way shall not exceed 3 feet, 6 inches in height. ****option for higher fences to be set back minimum 5 feet from edge of ROW and planted in front****
3. Fencing at the exterior boundary of a subdivision along a public right of way is prohibited within the roadside buffer or at the edge of right of way.
4. Fencing around surface stormwater ponds shall not exceed 3 feet, 6 inches in height unless required by the City Engineer for safety reasons.

M. Landscaping

Individual homeowners are responsible for the maintenance and modification of landscaping on their lots, subject to any rules and guidelines established by a homeowners’ association or similar body. Native vegetation on the site should be retained and maintained where possible and landscaping should be responsive to the natural contours of the lot.

- ~~1. Turf grass shall be limited to ≤ 20 percent of individual homesite areas. Turf grass is not permitted on individual lots outside of homesites.~~
- ~~2. Landscaping on individual lots shall include at least 60 percent native vegetation.~~
- ~~3. Landscaping within community space shall:
a. Be limited to ≤ 30 percent turf grass; and
b. Include at least 40 percent native vegetation; except that, plants and vegetation used for gardening or agriculture shall are not required to be native vegetation.~~

N. Perimeter Buffers. The intent of perimeter buffers is to visually and physically separate adjacent land uses, when necessary, to minimize impacts of new development on adjacent properties.

1. Perimeter buffers shall be provided at the exterior boundary of all subdivisions. The minimum width of perimeter buffers shall equal the minimum homesite boundary to exterior plat boundary required in accordance with Table 17.12.070-1.
2. Perimeter buffers shall be shown on the face of the preliminary plat. No structures, buildings, or parking facilities may be located within perimeter buffers, except that, public and private streets, utility lines, and trails may be located within perimeter buffers provided no significant trees are removed.
3. Existing, native vegetation, including significant trees and tree stands, shall be preserved within perimeter buffers. The tree retention, protection, and replacement requirements of BIMC 18.15.010.C apply to perimeter buffers unless modified by this section.
4. If existing vegetation provides an effective visual screen, no additional planting is required. If existing vegetation does not provide an effective year-round visual screen, additional plant material shall be installed, consistent with the following:
 - a. Additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a.. Any additional plant material shall be native species and no turf or lawn is permitted.
 - b. In the R-0.4, R-1, and R-2 zoning district, additional plant material is not required if:
 - i. The perimeter buffer meets natural area designation objectives and designation standards in BIMC

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17.12.050.1 and 17.12.050.3 or;

- ii. The nearest structure within the subdivision is located a distance at least two times the required homesite boundary to exterior plat boundary dimension provided in Table 17.12.070-1.

5. Perimeter buffers may be included as a portion of one or more lots or may be contained in a separate tract.
6. Perimeter buffers may be included as a portion of the natural area required in BIMC 17.12.050.A if the buffer meets the standards of that subsection.
7. The performance and maintenance assurances requirements of BIMC 18.15.010.H apply to perimeter buffers.
8. The irrigation and maintenance standards of BIMC 18.15.010 apply to perimeter buffers.

O. Roadside Buffers. The intent of roadside buffers is to enhance or retain Island character through the minimization of disturbance of existing roadside vegetation and screen new development from more highly traveled roads.

1. Roadside buffers are required for all subdivisions along collector or arterial roads in the R-0.4, R-1, and R-2 zoning designation. The minimum width of roadside buffers is 25 feet.
2. Roadside buffers shall be shown on the face of the preliminary plat. Roadside buffers may not be part of individual lots and must be contained in a separate tract.
3. No structures, buildings, or parking facilities may be located within perimeter buffers, except that, ~~public and private streets,~~ utility lines and boxes and entry signs, may be located within roadside buffers, and driveways and trails may be located within roadside buffers, provided no significant trees are removed. ~~**Entry signs/treatment—limited/prohibited**~~

4. Existing, native vegetation, including significant trees and tree stands, ~~shall~~ must be preserved within roadside buffers. Tree retention, protection, and replacement requirements in BIMC 18.15.010.C apply to roadside buffers.

5. If existing vegetation provides an effective visual screen, or is consistent with existing roadside character, no additional planting is required. If existing vegetation does not provide an effective year-round visual screen, additional plant material shall be installed, consistent with the following:

- a. Additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a. Any additional plant material shall be native species and no turf or lawn is permitted;
- b. Additional plant material is not required if mature forest or other dense vegetation is not part of the existing roadside character.

6. Roadside buffers may not be included as a portion of the natural area or community space required in BIMC 17.12.050.

7. The performance and maintenance assurances requirements of BIMC 18.15.010.H apply to perimeter buffers.

8. The irrigation and maintenance standards of BIMC 18.15.010 apply to perimeter buffers.

9. For subdivisions designating community space that is intended for agricultural use and would be adversely impacted by the addition of screening landscaping, a roadside buffer shall ~~not~~ be required to use screening landscaping that does not adversely impact the proposed agricultural use.

10. To accommodate an existing house that is located within 25 feet of the subdivision boundary adjacent to a collector or arterial road, the roadside buffer width shall be reduced to the width adjoining the existing home between the existing house and the subdivision boundary adjacent to the collector or arterial road.

P. Design Diversity. Subdivision designs shall avoid monotonous rows of duplicative dwellings ~~by~~ and incorporating measures that promote design diversity, ~~including: by:~~

1. Providing a mixture of lot sizes and/or front setbacks; and/or

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2. Providing a ~~variety~~^{diversity} of floor plans and façade treatments.

Q. No City Maintenance of Streets in Short Subdivisions. Streets within a short subdivision shall not be maintained by the city unless such streets have been dedicated as a right-of-way, improved to current city standards, and accepted as part of the approved short subdivision. Therefore, unless accepted, the responsibility for maintenance shall lie with the owners of the lots.

~~R. Improvements.~~

- ~~1. Where the buildout of a subdivision is divided into phases, land dedications and infrastructure development will be required on a pro rata basis as each phase is developed unless the applicant negotiates an alternative phasing schedule with the city. This will be required to be documented on a plat note.~~
- ~~2. On any approved large lot, no further lot divisions shall be approved until the required improvements are installed by the applicant and approved by the city.~~
- ~~3. All large lot subdivisions shall have the following improvements developed and/or installed prior to recording:
 - ~~a. Streets shall be cleared, grubbed, and rocked or graveled to provide adequate year round passage.~~
 - ~~b. Appropriate drainage, including erosion control, facilities shall be provided consistent with a plan approved by the city engineer prior to clearing and construction of any plat improvements.~~~~

17.12.080 Multifamily and nonresidential subdivisions.

~~A.~~ Subdivisions established for multifamily and nonresidential uses shall comply with all provisions of BIMC Title 18 (Zoning) applicable to the zone district where the property is located, and for the type of development anticipated. This requirement shall include, without limitation, compliance with design guidelines and with standards for lot areas, dimensions, ~~and design~~, mobility and access, landscaping, screening, and vegetative buffers.

17.12.090 Special requirements for critical areas and shoreline.

A. Critical Areas. Any portion of a short or long subdivision, large lot subdivision, nonresidential or multifamily subdivision that contains a critical area as defined in Chapter 16.12 BIMC must conform to all requirements of that chapter.

B. Shoreline. Any portion of a short or long subdivision, large lot subdivision, nonresidential or multifamily subdivision located within the jurisdiction of the shoreline master program, as defined in Chapter 16.12 BIMC, must conform to all requirements of that chapter.

Table 17.12.070-1 Subdivision Dimensional Standards

[Numbers in brackets indicate additional requirements listed at the end of the table.]

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	NC	MUTC
MINIMUM LOT AREA												
Short and Long Subdivision	If the site is not served by a public sewer system, the minimum individual lot area shall be determined by the Kitsap Public Health District in accordance with Section 15 of the Kitsap County Board of Health Ordinance 2008A-01, Amended June 7, 2011, <i>Onsite Sewage System and General Sewage Sanitation Regulations</i> , as amended. If the site is served by a public sewer system, there is no minimum lot area. Individual lots may contain portions of natural and community space and access easements.											
Large Lot Subdivision	5 ac or 1/128th of a section, whichever is smaller.	N/A										
MAXIMUM DENSITY - (MINIMUM LOT AREA/Minimum lot area per dwelling unit)												
Note: Subdivisions containing irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density. Additional regulations on density may apply pursuant to BIMC 16.20.												
Short, Long and Large Lot Subdivisions	The maximum number of lots permitted shall be calculated by dividing the total lot area of the property (without deducting areas to be dedicated as public rights-of-way or areas to be encumbered by private road easements) by the minimum lot area for standard lots in the zone district.											
Minimum Lot Area Base Density - (minimum lot area)	100,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft. [1]	15,000 sq. ft.	12,500 sq. ft.	10,000 sq. ft.	8,500 sq. ft.	7,260 sq. ft.	5,400 sq. ft.	3,100 sq. ft.	8,500 sq. ft.	See FAR table
Minimum Lot Area - Bonus Density - pursuant to BIMC 18.12.030	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,630 sq. ft.	2,074 sq. ft.	N/A	N/A
NATURAL AREA												
Minimum percentage of total site	55%	45%	30%	25%	25%	20%	15%	N/A	10%	5%	15%	5%
Minimum width	50 ft.											
COMMUNITY SPACE [x] [x] Instead of providing the required 5% community space, that area may be added to the required natural area if it can be demonstrated that greater conservation area can be achieved.												
Minimum percentage of total site	5% [x]	7.5%	10%	15%						10%	15%	10%

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	NC	MUTC
DIMENSIONAL STANDARD												
HOMESITE												
Note: Refer to definition of homesite and standards for homesites.												
Maximum size	10,000 sq. ft.	7,500 sq. ft.	6,500 sq. ft.	5,500 sq. ft.	4,500 sq. ft.	3,500 sq. ft.	3,500 sq. ft.	N/A	3,000 sq. ft.	2,250 sq. ft.	3,500 sq. ft.	2,250 sq. ft.
Maximum separation—homesite	25 ft.											
Maximum separation—homesite-cluster group	50 ft.											
HOME SIZE												
Maximum size	N/A								1,600 sq. ft.			
MAXIMUM LOT COVERAGE [3]												
Short and Long Subdivision	Same as applied to the entire property that is the subject of the subdivision application, a portion of which shall be assigned to each lot at the time of preliminary plat approval. **May want to consider eliminating maximum lot coverage, particularly in higher density zones. Homesite requirement lessens need for lot coverage standard.**											
Large Lot Subdivision	10%	15%	20%	N/A	N/A	N/A	N/A	N/A	25%	40%	N/A	N/A
MINIMUM SETBACKS												
Note: Additional setbacks may be required by:												
(a) Chapter 16.08 or 16.12 BIMC, or												
(b) Chapter 16.20 BIMC, Critical Areas, or												
(c) BIMC 16.28.040, mining regulations, or												
(d) BIMC 18.09.030, Use-specific standards, or												
[x] Attached or zero lot line allowed in all districts but R-0.4 if building is 1,600 sf or less												
[y] ADUs do not need to meet TOTAL building to homesite boundary setback – only minimum setback; must be located within homesite.												
Building to homesite boundary Net building size 1,600 sq. ft. or less Minimum/total [x] [y]	5 ft. min., 10 ft. total								3 ft. min., 10 ft. total			
Building to homesite boundary Net building size 1,601 sq. ft. or more Minimum/total	15 ft. min., 50 ft. total	10 ft. min., 25 ft. total	5 ft. min., 20 ft. total		10 ft. min., 20 ft. total	5 ft. min., 20 ft. total	5 ft. min., 15- 20 ft. total	N/A	5 ft. min., 10 ft. total		3 ft. min., 10 ft. total	

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	NC	MUTC
DIMENSIONAL STANDARD												
Building outside homesite to exterior plat boundary line Net building size 200 sq. ft. or less	50 ft.	25 ft.		10 ft.		5 ft.						
Building outside homesite to exterior plat boundary line Net building size 200 sq. ft. or more	50 ft.	25 ft.		10 ft.		10 ft.				5 ft.		
Homesite to exterior plat boundary line	50 ft.	25 ft.		10 ft.		5 ft.						
Any building to SR 305 right-of-way	75 ft.	75 ft.	75 ft.	N/A	25 ft.	N/A	N/A	N/A	25 ft.	N/A	25 ft.	25 ft.
Homesite to edge of arterial and collector right-of-way	25 ft.			10 ft.								
Building outside homesite to edge of arterial and collector right-of-way	25 ft.			10 ft.								
Any building to all other streets	10 ft.						5 ft.					
Building to trail, natural or community space or access easement (except for natural areas that are also perimeter buffers)	10 ft.					5 ft.				10 ft.	5 ft.	
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 18.12.030.F, Shoreline Structure Setbacks. For properties abutting the shoreline, dimensional standards in BIMC 16.12 replace the zoning setbacks along the water.											
GARAGE DIMENSIONAL STANDARDS												
Shared garage to public ROW	0 feet											
Private garage to public ROW	10 feet											
Garage to private access	0 feet											
Shared garage to shared garage	10 feet											
Shared garage maximum size	60 feet long or 144 square feet total											
MAXIMUM BUILDING HEIGHT												
Note: Bonus may not be available in the shoreline jurisdiction												
Short, Long, and Large Lot Subdivisions	Height requirements for standard lots apply <u>C. Carr to provide code citation</u>											

[1] The base density for that parcel in the Lynwood Center special planning area designated as R-2 is one unit per 20,000 sq. ft., but may be increased up to 3 units per acre; provided, that a public access easement is granted for that portion of the parcel that lies to the south of Point White Drive along the waters of Rich Passage. The base density of some parcels in the Fort Ward historic overlay district may be increased as shown in BIMC 18.24.070.

COMMENTS AND RECOMMENDATIONS FROM
PLANNING COMMISSION SUBDIVISION STANDARDS SUBCOMMITTEE

Chapter 17.28

DEFINITIONS

Sections:

- 17.28.010 Rules of construction.
17.28.020 Definitions.

17.28.010 Rules of construction.

Rules of construction shall be those listed in BIMC 18.36.010. (Ord. 2011-02 § 2 (Exh. A), 2011)

17.28.020 Definitions.

1. “Arterial” means an arterial road as defined in the City of Bainbridge Island Islandwide Transportation Plan, major thoroughfare used mainly for through traffic rather than access to nearby property. Arterials have greater traffic carrying capacity than collector or local streets and are designed for continuously moving traffic.

~~2. “Block” means a group of lots, tracts or parcels within well defined and fixed boundaries.~~

~~23. “Buffer” means as defined in Chapter 18.36 BIMC.~~

~~4. “Circle temple” means as defined in Chapter 18.36 BIMC.~~

~~5. “Cluster development” means a group of adjoining homesite areas situated in a suitable area of a property, designed in such a manner that facilitates the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways, while providing for the protection of valued open space features.~~

36. “Cluster grouping” means a grouping of two or more homesite areas for short subdivisions and a grouping of four or more homesites for long within a subdivision to facilitate the efficient use of land by limiting areas of disturbance, impervious surfaces, utility extensions and roadways. s regulated by BIMC 17.12.030.B.

47. “Code” means the City of Bainbridge Island Municipal Code.

~~58. “Collector” means a collector road as defined in the eCity of Bainbridge Island comprehensive plan Islandwide Transportation Plan.~~

6. “Community space” means the portion of a subdivision maintained reserved in perpetuity and designated for the common use and enjoyment of property owners within the subdivision.

~~79. “Comprehensive plan” means as defined in Chapter 18.36 BIMC.~~

~~840. “Contiguous land” means land adjoining and touching other land regardless of whether or not portions of the parcels have separate tax numbers, or were purchased at different times, in different sections, are in different government lots or are separated from each other by public or private easement or right-of-way.~~

~~94+. “Critical areas,” as used in this title, means critical areas, their protective buffers, and aquifer recharge protection areas as described by Chapter 16.20 BIMC.~~

~~1042. “Dedication” means the deliberate assignment of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat of a short or long subdivision, a large lot subdivision, or a nonresidential or multifamily subdivision showing the dedication. Acceptance of the filing shall be by approval of the final plat by the city.~~

BIMC Chapter 17.28 DEFINITIONS

~~1143.~~ “Department” means as defined in Chapter 18.36 BIMC.

~~1244.~~ “Director” means as defined in Chapter 18.36 BIMC.

~~1315.~~ “Division” means a portion of property within an approved preliminary subdivision that is authorized to be recorded separately by the specific terms and conditions of the preliminary and/or final subdivision approval.

~~1416.~~ “Easement” means a right of use granted by a property owner to specific persons or to the public for use of land for a specific purpose.

~~1517.~~ “Effective visual screen” means a sight-obscuring barrier provided by: (a) a topographic variation, (b) a physical condition, such as an existing native forest, or (c) installed vegetation that provides a visual barrier within five years of planting.

~~1617.~~ “Farms” and “farmland” mean land used for crop agriculture or livestock agriculture, as those terms are defined in Chapter 18.36 BIMC.

~~1718.~~ “Final subdivision” or “final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter 58.17 RCW or its successors and the Bainbridge Island Municipal Code.

~~19.~~ “Flexible lot design” is the design process the city uses that permits flexibility in lot development and encourages a more creative approach than traditional lot by lot subdivision. The flexible lot design process includes lot design standards for the placement of buildings, use of open spaces and circulation that best addresses site characteristics. This design process permits clustering of lots, with a variety of lot sizes, to provide open space, maintain Island character and protect the island’s natural systems.

~~1820.~~ “Footprint” means a building footprint as defined in BIMC 18.12.050.

~~1921.~~ “Greenway” means a system composed of land areas and connector links. The land areas include, but are not limited to: large open areas, public lands, farmlands, critical areas, forests, shoreline areas, and parks. The features of the connector links include trail systems, riparian areas, visual or scenic views of ridgelines, wildlife corridors or any combination of these.

~~2022.~~ “Health district” means the Kitsap Public Health District ~~County health district~~.

~~2123.~~ “Hearing examiner” means the official designated as the hearing examiner for the city pursuant to BIMC Title

~~2224.~~ “Homesite area” means ~~the area that portion~~ of a lot depicted on the face of a plat that is intended for development of the primary residential dwelling, onsite parking, and accessory buildings and necessary infrastructure. Individual stormwater and septic also is allowed within a cluster subdivision.

~~2325.~~ “Island character” is the term used to describe the special character of the island – winding, narrow and vegetated roadways and forested areas, meadows, farms, areas that contain much of the island’s wetlands and streams, aquifer recharge areas and fish and wildlife habitat areas. For the purposes of this title, it does not refer to a level of service, or type of development, or measure of development intensity.

24. “Landscaping” means as defined in Chapter 18.36 BIMC.

~~2526.~~ Large Lot Subdivision. A “large lot subdivision” means the division or redivision of land into two or more lots for the purpose of sale, lease or transfer of ownership where each lot is not smaller than five acres or 1/128th of a section (whichever is smaller); provided, that this shall not include division or redivision of land where all parcels are greater than 20 acres or 1/32nd of a section.

~~2627.~~ “Laws of descent” means the rules of inheritance law established by the state of Washington and the federal government that apply in cases where there is no will naming the persons to receive the possessions of a person who has died.

~~2728.~~ “Long subdivision” means the division or redivision of land into five or more lots, tracts (except tracts specifically reserved as open space-natural area), parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, but shall not include a short subdivision.

~~2829. “Lot” or “platted lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area and the development standards contained within this title. The term includes tracts or parcels. means a lot as defined in Chapter 18.36 BIMC.~~

2930. “Low-impact fencing” means a fence designed to preserve views into an area and wildlife access to and from the area while providing a physical barrier to prevent livestock or humans from easily or inadvertently entering the area. Low-impact fencing includes without limitation two- or three-tier split-rail or horse-rail fencing not exceeding five feet in height, four-inch by four-inch wooden posts with two or three strands of cable in between, or other fencing with similar visual, barrier, and access characteristics as determined by the director.

~~3031.~~ “Mature vegetation on ridgelines” means as defined in Chapter 18.36 BIMC.

~~3132.~~ “Meadow” means an open, nonforested area formed by the land’s natural features and events of nature.

~~3233.~~ “Native forest” means established forest areas primarily consisting of native trees and plants.

~~3334.~~ “Native vegetation” means as defined in Chapter 18.36 BIMC.

34. “Natural area” means the undeveloped portion of a subdivision that contains natural resources features such as critical areas, significant tree stands, forested areas, native vegetation, and designated wildlife corridors, that is ~~maintained~~preserved in perpetuity and designated or reserved ~~for public use or enjoyment, or used~~ for the private use and enjoyment of property owners within the subdivision. Natural area also may be designated or reserved for public use or enjoyment pursuant to Chapter 17.12 BIMC.

35. “Off-site views” or “views from off site” means as defined in Chapter 18.36 BIMC.

~~36. “Open space” means any area of land that is predominantly undeveloped and that provides physical and/or visual relief from the developed environment in perpetuity, that is generally unimproved and set aside, designated or reserved for public use or enjoyment, or used for the private use and enjoyment of property owners. Open space may consist of undeveloped areas, such as pastures and farmlands, woodlands, greenbelts, critical areas, pedestrian corridors and other natural areas that provide recreational opportunity and visual relief from developed areas. Open space excludes tidelands, areas occupied by buildings, and any other developed areas such as driveways, all rights-of-way and any other impervious surfaces not incidental to open space purposes.~~

~~3637. “Open space Natural area sign” means a sign used to delineate the boundaries of designated natural areas, open space, critical areas, and/or their buffers. Open space/critical areas signs shall be made of metal or similar durable material and shall be between 64 and 144 square inches in size.~~

~~3738.~~ “Orchard” means as defined in Chapter 18.36 BIMC.

~~3839.~~ “Pasture” means land used for grazing.

39. “Perimeter buffer” means a vegetated space retained or established at the exterior plat boundary of a subdivision that provides an effective visual screen between and minimizes potentially adverse impacts to adjacent properties.

40. “Phasing” means the use of limits on construction, permitting or occupancy to reduce the immediacy or severity of impacts of the subdivision on the environment or to better achieve the requirements of state law for the concurrence of the facilities and services with the needs generated by development.

41. “Plat” is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

42. “Planning commission” means the Bainbridge Island planning commission, as described in BIMC 2.14.020.

~~43. “Platted lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area and the flexible lot development standards contained within this title. The term includes tracts or parcels.~~

44. “Preliminary plat” is a drawing of a proposed subdivision showing the general layout of streets and alleys, lots,

blocks, and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the layout of a subdivision.

45. “Public way” means a dedicated street, easement allowing public access, and other forms of access open to the public.

46. “Right-of-way” means land in which the state, county, city or other governmental entity owns the fee simple title or has an easement dedicated or required for a transportation or utility use. The right-of-way is the right to pass over the property of another. It refers to a strip of land legally established for the use of pedestrians, vehicles or utilities.

47. “Road” means as defined in Chapter 12.38 BIMC.

48. “Roadside buffer” means a vegetated space retained or established that provides an effective visual screen of new development or preserves existing roadside character, forested character or scenic views..

~~49~~48. “Short plat” means the map or representation of a short subdivision.

~~50~~49. “Short subdivision” is the division or redivision of land into four or fewer lots, tracts (except tracts specifically reserved as open space natural area), parcels or sites, for the purpose of sale, lease or transfer of ownership, ~~except that the division or redivision of two or more existing lots into up to nine lots consistent with the procedures and standards contained in BIMC 17.12.030.A shall constitute a short subdivision if an applicant dedicates additional open space area pursuant to BIMC 17.12.030.A.5.~~

~~51~~50. “Significant tree” shall have the meaning defined in Chapter 18.36 BIMC.

~~52~~51. “Stormwater” shall have the meaning defined in Chapter 15.20 BIMC.

~~53~~52. “Street” shall have the meaning defined in Chapter 18.36 BIMC.

~~54~~53. “Testamentary provisions” means provisions of a last will or testament of a person who has died concerning land or property owned or controlled by that person, which provisions are generally carried out by an executor appointed by a court or public official on behalf of the deceased.

~~55~~54. “Wetland” shall have the meaning defined in Chapter 16.20 BIMC. (Ord. 2017-02 § 21, 2017; Ord. 2011-02 § 2 (Exh. A), 2011)

**COMMENTS AND RECOMMENDATIONS FROM
PLANNING COMMISSION SUBDIVISION STANDARDS SUBCOMMITTEE**

**Exhibit C
BIMC 18.18 -- Subdivision Design Guidelines**

Topic	Design Guideline
	Words/phrases in bold will have a definition in Title 17.
Island Character	<p>Intent: Preserve and maintain Island character.</p> <p>Guideline: Subdivisions should reflect the special character of the island which includes downtown Winslow’s small town atmosphere and function, neighborhood centers, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.</p> <p>**Subsequent discussion that this guideline would be too challenging to implement.</p>
Neighborhood Context	<p>Intent: To reflect and/or enhance the context provided by existing roadway character and neighboring properties.</p> <p>Guideline: Site design should support the purpose of the zoning district in which the development is located, complement the existing character of specific neighborhoods, provide continuity with adjoining properties and, where necessary, provide transition between land uses and protect privacy of residents on adjacent properties.</p>
Natural Area	<p>Intent: To incorporate forested and/or other natural areas into site design in such a way that ecological and aesthetic integrity, qualities, and values are preserved or restored.</p> <p>Guideline: The required natural area shall be treated as a feature intrinsic to the subdivision design in order to maintain existing on- and off-site ecological processes and provide an asset of value to subdivision residents.</p>
Natural Site Conditions	<p>Intent: To preserve and integrate existing natural site patterns and features throughout the site.</p> <p>Guideline: Site development should be designed to preserve and integrate the natural conditions of the site, including existing topography, native trees and vegetation, drainage patterns, and ecological features based on an inventory and analysis of existing conditions. Homesite and infrastructure placement should complement natural topography and retain native vegetation to the maximum extent feasible.</p>
Historic and Cultural Resources	<p>Intent: To preserve important historic and cultural resources.</p> <p>Guideline: Site design should maximize opportunities for preserving historic and cultural structures, and retain historic landscape features and connections.</p>
Stormwater	<p>Intent: Integrate stormwater facilities in site design with emphasis on infiltration and dispersion practices.</p> <p>Guideline: Stormwater facilities shall utilize existing drainage patterns and be designed as a site amenity, where feasible. Low impact development practices shall be used throughout the site to minimize the size of ponds or vaults. Open stormwater facilities (ponds and bioswales) shall</p>

Topic	Design Guideline
	provide a natural appearance through layout, design and landscape treatment, including shallow side slopes, curvilinear configuration, and use of native vegetation.
Septic Systems	<p>Intent: To minimize impact of septic facilities.</p> <p>Guideline: Design and locate sewage facilities to minimize site disturbance and native vegetation removal and utilize shared systems where feasible.</p>
Water Conservation	<p>Intent: To protect the Island’s finite groundwater resources and adapt to the impacts of a changing climate.</p> <p>Guideline: Water conservation measures shall be considered in site design including use of native and drought tolerant vegetation, rainwater capture, and water reuse.</p>
Community Space	<p>Intent: To promote a shared sense of community.</p> <p>Guideline: Community spaces should function as an integral part of the development and be located adjacent to as many homesites as is feasible.</p>
Cluster Homesites	<p>Intent: To promote interaction within the community and facilitate the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways.</p> <p>Guideline: <u>The preferred design for homesites is to cluster them and, to the extent feasible, to locate infrastructure efficiently to maximize the undeveloped area. Homesites shall be located in cluster groupings and, to the extent feasible, the efficient location of</u></p>
Solar Access	<p>Intent: To provide solar access for wellbeing and energy production.</p> <p>Guideline: Site design, including street, lot, and homesite layout and orientation, should allow for passive and active solar access. Massing of buildings, tree retention, and introduced vegetation should take into account the effects of shade.</p>
Access and Circulation	<p>Intent: To provide a practical and pleasant network of multi-modal circulation.</p> <p>Guideline: Adequate provisions for pathways and other pedestrian/bicycle amenities connecting various parts of the development, the surrounding road or trail network, and adjacent parcels should be included in site design.</p>
Motor Vehicles	<p>Intent: To minimize the prominence of motor vehicle use and storage.</p> <p>Guideline: Site design and features related to motor vehicle use and storage should be minimized. Site design shall consider shared driveways, minimum road widths, traffic calming measures such as Woonerfs and chicanes, and shared or clustered parking areas or structures.</p>
Homesite Design	<p>Intent: To efficiently configure building footprint(s) and allowed uses within a homesite.</p> <p>Guideline: Homesite configuration should consider compact and energy-efficient home and site design with massive houses on small lots strongly discouraged.</p>
Diversity in House Design	<p>Intent: To provide a range of home sizes and designs to achieve diversity in visual appearance and affordability.</p> <p>Guideline: House designs should be varied in size, massing, and frontage character using methods such as varied floor plans, staggered front yard setbacks, building modulation, and</p>

Topic	Design Guideline
	changes in exterior materials. Houses should display shared architectural features to establish continuity and harmony.
Facing Public Streets	<p>Intent: To reinforce neighborliness of homes along a public street.</p> <p>Guideline: Houses along interior public streets should orient the entry toward the street and avoid the use of solid walls and fences. Garages along the front façade should be de-emphasized by recessing vehicular entrances or locating the garage behind or on the side of the house.</p>



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: April 2, 2019

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (8:20 PM) Changes to Public Safety Committee - Councilmember Deets,

STRATEGIC PRIORITY: Safe City

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: City Council

RECOMMENDED MOTION:

I move to direct staff to proceed based on the Council's answers to the questions presented for Council consideration as part of this agenda item, and to bring back to the Council an [ordinance or resolution] consistent with that direction.

SUMMARY:

Discuss proposed changes to the Public Safety Committee and provide direction to staff about next steps.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

At the City Council meeting on March 5, 2019, Councilmember Deets brought forth for Council discussion a proposal related to a proposed restructuring of the Public Safety Committee ("PSC"). Attached is a memo dated March 14, 2019, from Councilmembers Deets, Blossom, and Peltier related to the proposal.

As the PSC operates currently, it consists of three Councilmembers. The Police Chief and City Manager generally attend the PSC's meetings on a regular basis. PSC meetings are open to the public, and public comment is commonly accepted at PSC meetings.

As described in the memo, the three Councilmembers who constitute the PSC (Councilmembers Deets, Blossom, and Peltier) have been evaluating over the past year the structure of the PSC and believe that broadening its membership to include members of the public would be more in keeping with the intent and purpose of the PSC. The PSC was established by a vote of the Council (via motion) on August 25, 2015, based on a memo that was prepared by then-Councilmembers Tollefson, Townsend, and Scott that described the purpose of establishing such a committee. That memo, dated February 28, 2015, is attached.

Under the proposal that is part of this agenda item, the PSC would continue as a Standing Committee of the Council, and the mission of the committee would be revised to state: "The mission of the Public Safety Committee is to serve as an ongoing City-led communications bridge between the community and the Bainbridge Island Police Department."

Under the proposal, the PSC membership would be revised to establish a membership of five members, three of which would be Councilmembers and two of which would be members of the public. Requirements for membership related to the members who are members of the public would be: (1) successful completion of the Bainbridge Island Police Department's Citizens' Academy; (2) successful passage of a background check; and (3) successful completion of an interview with sitting PSC members. Diversity would be sought for PSC membership, with the terms of service staggered.

In considering this matter, questions for the Council include:

(1) Is the PSC to continue as a Council Standing Committee?

As described in Section 3.1.2 of the Governance Manual, a Council Standing Committee consists of no more than three Councilmembers, approved by the full Council for a calendar year term, with staff support appointed by the City Manager. The purpose of a Standing Committee is to perform oversight functions in a prescribed policy area, and to develop and recommend actions in that area for the Council. Such committees generally don't have an established expiration date.

Note that Section 3.1.2 of the Governance Manual, as above summarized, doesn't include reference to members of the public serving on such committees, whereas, as described below, the description for a Council Ad Hoc Committee refers to the option of including citizens as members. That said, the Council can decide to establish a committee in a manner that is different than what is described in the Governance Manual.

(2) Alternatively, is the PSC to be a Council Ad Hoc Committee?

As also described in the Governance Manual, Section 3.1.3, a Council Ad Hoc Committee is a temporary committee established by the Council to investigate and advise the Council on a specific policy or issue for future Council action, or to develop a legislative or policy proposal for the Council on a particular topic. The Council may appoint up to three Councilmembers to the committee and, if applicable, one or more citizens or 129 subject matter experts who are not City employees. Each Ad Hoc Committee shall include the City Manager (or

her/his designee) and any City staff that the City Manager assigns to the committee. An Ad Hoc Committee shall be dissolved upon completion of the Council-assigned task.

(3) Is the PSC to be established as revised, and/or ratified as it exists currently, by ordinance or resolution?

(4) If by ordinance, is the PSC to be incorporated into the Bainbridge Island Municipal Code "(BIMC)"?

(5) Are the members of the PSC to be appointed by the Mayor and confirmed by the Council?

(6) What is the length of term for PSC members? One year? Two years? Other?

(7) When are the terms to begin? July 1?

(8) Are any of the terms to be staggered, based on position number?

(9) Are vacancies and removals to be addressed similarly as other advisory committees (see attached Chapter 2.37 BIMC related to the Climate Change Advisory Committee, which provides an example of such a provision).

(10) Are meetings, officers, records, and quorum requirements to be addressed similarly as other advisory committees (see attached Chapter 2.37 BIMC)?

ATTACHMENTS:

[Public Safety Committee Memo \(March 14, 2019\) - Proposed Changes](#)

[February 28, 2015 Police Oversight Proposal](#)

[Chapter 2.37 BIMC](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

MEMO

Date: March 14, 2019

From: Councilmembers and PSC Members Joe Deets, Sarah Blossom, and Ron Peltier

To: Mayor Kol Medina, Deputy Mayor Leslie Schneider, Councilmembers Matt Tirman and Rasham Nassar, City Manager Morgan Smith and Interim Police Chief Jeff Horn

Subject: Proposed restructuring of the Public Safety Committee (PSC)

For the past year, current members of the PSC have been evaluating the structure of the PSC and believe that opening-up its membership to non-Councilmembers (i.e. members of the public) would be more in keeping with the spirit of the committee's intent. By way of background, the PSC has been in existence since a motion to appoint three Councilmembers as members was passed 6-0 at the August 25th, 2015 Regular Business Meeting. It was not created via Resolution or Ordinance, a change that is also recommended.

The following are what is currently on the City's website (which came from the August 2015 motion), with proposed changes, **in red**. Note that some of the changes below are grammatical, going from what was future tense to present tense:

The mission of the Public Safety Committee is to serve as an on-going City-led communications bridge between the community and the Bainbridge Island Police Department.

As a standing committee, the PSC:

- Holds quarterly meetings noticed and open to the public;
- Accepts written public comment, and provides the opportunity for public comment during meetings;
- Provides feedback to management on;
 - Police Department organization, practices, policies and performance standards;
 - Police training programs;
 - Police responsiveness to the needs of all members of the community;
 - Police Department process for responding to community concerns, and its performance in that regard;
 - Issues of public concern.
- Meets with the Chief of Police and discusses his/her proposed annual report before the report is finalized and delivered to the full council;
- Continually evaluates the appropriate scope of the PSC's responsibilities; and
- Reports to the Council after each quarterly meeting, or more often as appropriate.

PSC meetings are open public meetings and are not an appropriate forum for receipt of confidential or sensitive complaints or issues regarding the Police Department. Such matters should be submitted to the City Manager or City Attorney for evaluation. The PSC does not operate in a judicial or quasi-judicial capacity.

Committee Membership

Five members, of which three are Councilmembers and two are members of the public. Requirements for membership from the public are i) successfully completing the Department's Citizens' Police Academy, ii) passing a background check, and iii) passing an interview by sitting PSC members. Diversity will be sought, with terms of service staggered.

February 28, 2015

From: Councilmembers Val Tollefson, Roger Townsend, and Mike Scott

To: City Manager Doug Schulze and Chief Matt Hamner

Subject: Police Department Oversight

Background.

A variety of operational and personnel problems had plagued the Bainbridge Island Police Department in the years prior to the hiring of the current City Manager. The fatal shooting of Doug Ostling resulted in a lawsuit which was resolved adverse to the City, and shed a harsh light on the Department. Other issues also played a role leading to several independent investigations or studies of our Police Department.

An October, 2011 report by Pailca Consulting was critical of the Department's procedures for handling citizen complaints, and among its recommendations was that the City "...[c]reate alternative forums for citizens to make complaints about police conduct to persons or entities other than sworn police officers, i.e., to other city personnel, to a monitored email address, to an ombudsman or monitor dedicated to that function." Pailca report, p. 4.

Of the three investigative reports, the one by Michael Pendleton in 2013 seems to be the most comprehensive and authoritative. Dr. Pendleton offered a number of recommendations, three of which are germane to this discussion:

2. Fully develop and implement a police accountability system comprised of both internal affairs and the city performance evaluation system.

3. Develop a formal Police Commission of citizens with the role of reviewing the internal affairs activities of the Department, advising the Chief of Police and the City Manager on key police issues, and assist the police department with outreach to the full community.

4. The Chief of Police conduct an annual performance evaluation compliance audit and report the findings of the audit to the City Manager.

Pendleton Report, p. 1-2.

Most recently, ex-Seattle Police Chief Norm Stamper, writing in the current issue of YES! Magazine, stated: "**Local political jurisdictions must implement independent citizen oversight of police practices.** Currently, no single model works flawlessly, and many flounder." Chief Stamper goes on to suggest a level of involvement and authority that we don't think is indicated for Bainbridge Island at this point in time, but his core suggestion of some civilian oversight finds wide support. YES! Magazine, Spring 2015, p. 64.

History.

In early 2013, the Council decided that it wished to move ahead with some form of civilian oversight of the Police Department on Bainbridge. In response, the Chief arranged for some community input both on the need for such oversight, and on what form it should take should it in fact be implemented. He presented a proposal to Council at the September 23 Council meeting that contemplated a Civilian

Police Advisory Board that was (1) appointed by the City Manager, (2) Advisory to the Chief of Police, and (3) could be essentially suspended if the Board so recommended, and could thereafter be reactivated by the City Manager. Because of concerns over the sunset provision, and the lack of appearance of true independence of the proposed Board, a Council ad hoc committee was assigned the task of, in cooperation with the City Manager and the Chief, giving this matter further study and coming back to Council with a new proposal.

Analysis.

With the highly publicized problems of a number of large-city police departments, including Seattle's, in recent years, and with the more recent and continuing publicity surrounding a number of controversial police shootings in the past year, the subject of civilian oversight of police departments is a hot topic.

A review of the considerable literature on the subject makes clear, however, (1) that there is no consensus as to whether or not civilian oversight is necessary or effective, and (2) it is abundantly clear from the wide variety of solutions that have been employed across the country that "one size does not fit all".

The September, 2014 recommendation by Chief Hamner envisioned the purpose of a Board as follows:

The citizen police advisory board will have the responsibility to review the health of the BIPD by reviewing the department in a holistic manner i.e. meeting state training requirements, instituting best practices, CIO progress, CIT training updates, complaint summary, progress of state accreditation, Lexipol policy implementation, FTO program, hiring practices, promotional processes, community outreach programs, and other such functions that define the health of the police department.

It is our view, given the size of our community, the apparent improvement of our Police Department in the past several years, and the fact that our Police Chief is subject to management and oversight by a professional City Manager, that a civilian oversight body on Bainbridge Island should serve three primary functions:

1. Provide the general public with assurance that the general conduct, performance and professionalism of our Police Department receives regular and thoughtful consideration by a civilian body wholly independent of the Department.
2. Provide a clearly identified resource for individuals or groups who feel for one reason or another that established complaint or grievance procedures established by the Police Department are not responsive to their needs.
3. Provide a level of assurance that if material negative issues start to develop surrounding police management and operations on Bainbridge Island, that there is an "early warning system" in place to help guide early course correction.

Recommendations.

Rather than establishing yet another citizen committee or commission requiring administration, we suggest as follows:

1. The Council should establish a Public Safety Committee ("PSC") comprised of three Council members serving staggered 3 year terms, so that one new member comes on the Committee each year.
2. The Police Department should create a one-day mini-civilian police academy program, available to the general public. Each member of the Public Safety Committee would attend either the mini- or the regular civilian police academy program offered by the Department.
3. The PSC would advise the Chief of Police and the City Manager on key police issues, and assist the police department with outreach to the full community.
4. The PSC would be available to receive communications of any sort from the public at large on subjects related to the Police Department, and would be responsible for responding to such communications.
5. The PSC would meet with Police Department and City management as needed, but no less than once each quarter, to hear informally from management on subjects of mutual interest, and to communicate to management on subjects of community interest or concern.
6. Police Department management would report annually to the City Council in a form and manner that will inform the Council as to how successfully the Police Department is accomplishing its mission.
7. The PSC would report no less than annually to the full Council on its interactions with the public and the Department, and its view of Department performance related to the needs of the City.

Conclusion.

We recognize that there are people intensely interested in the subject of civilian oversight that would prefer a more activist role for such a body, including, for instance, independent investigative authority. However, it is our view that the foregoing suggested procedure would accomplish the bulk of our current and foreseeable needs without creating a structure that appears at the outset to challenge the authority and professionalism of the Department. We believe a community of our size, and with our level of community activism, will have no difficulty creating a new solution should a new problem present itself.

We look forward to discussing these ideas and recommendations with you both at our meeting next Tuesday.

Chapter 2.37
CLIMATE CHANGE ADVISORY COMMITTEE

Sections:

2.37.010 Created – Membership, appointment, term and compensation.

2.37.020 Vacancies – Removal.

2.37.030 Duties and responsibilities.

2.37.040 Meetings, officers, records, and quorum.

2.37.010 Created – Membership, appointment, term and compensation.

A. There is created a climate change advisory committee for the city, hereinafter referred to as the committee. The committee shall consist of nine members who shall be appointed by the mayor and confirmed by a vote of the city council.

B. The committee shall consist of experts living on Bainbridge Island who are regarded as qualified scientific experts pursuant to WAC 365-195-905(4) in order to fulfill the purposes described in this section. The committee members should have expertise in climate science, atmospheric science, engineering, energy management, water conservation, planning, policy, environmental law, economics, solid waste management, forestry, systems analysis, and communications.

C. Members shall not be employees or officers of the city or appointed to another city committee, board, or commission, except for specialized committees or task forces of limited duration.

D. Members of the committee shall serve for a period of three years, commencing on July 1st and ending on June 30th three years later. Members shall be appointed to a position number, and the terms are to be staggered, with no more than three positions expiring in any given year. A member may be reappointed, and shall hold office until his or her successor has been deemed qualified and been appointed. No member shall serve more than three consecutive terms unless the city council determines that special expertise is required, or there are no other qualified applicants.

E. Members shall serve without compensation.

F. Members shall sign a conflict of interest statement in accordance with the city's ethics program upon appointment and any reappointment.

G. The committee may develop a pool of qualified experts in the various aspects of science, policy, and planning set forth in subsection B of this section and may consult

with these experts on issues related to their field of expertise as appropriate and necessary. This pool of experts is to be used for consultation only and will not be compensated or considered members of the committee. (Ord. 2018-06 § 1, 2018; Ord. 2017-13 § 1, 2017)

2.37.020 Vacancies – Removal.

Members may be removed upon a majority vote of the city council. In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. Unexcused absences from three consecutive meetings by any member shall constitute grounds for removal. (Ord. 2017-13 § 1, 2017)

2.37.030 Duties and responsibilities.

The committee is established for the following purposes:

A. To, as an initial responsibility, review this chapter and report to the city council before October 31, 2017. In this report, the committee shall indicate whether, in the committee's opinion, this chapter is structured in the manner that most effectively creates an advisory body to implement the guiding policies and other policies related to climate change within the comprehensive plan. If the committee determines that this chapter should be amended in any manner, it will recommend those amendments to the city council. Unless and until the city council amends this chapter, either based on the committee's recommendations or otherwise, the committee's duties and responsibilities will be as listed below in this section.

B. To serve as a technical and planning advisory committee to the city council, city manager, and department of planning and community development staff on issues related to climate change as directed by the city council.

C. To assist the city in implementing the climate related goals and policies of the comprehensive plan by undertaking the following tasks as expeditiously as committee and city resources allow:

1. Provide advice and/or recommendations to the city council or city staff, as appropriate, on methods of completing a baseline island-wide greenhouse gas ("GHG") inventory for the city.
2. To the degree directed by the city council, assist with or manage the completion of a baseline island-wide GHG inventory.
3. Provide advice and/or recommendations to the city council or city staff, as appropriate, related to city GHG emission reduction targets.

4. Work with city staff, as appropriate, to complete and recommend to the city council a city climate action plan and implementation strategy.

5. Provide advice and/or recommendations to the city council or city staff, as appropriate, on how to measure progress toward meeting the city's GHG emissions reduction targets and adaptation actions.

6. As directed by the city council, assist the city with participation in regional climate change efforts.

7. Provide education and outreach to the public regarding climate change and the work of the committee and the city relating to climate change.

D. Annually, prior to the start of or during the budget process, provide a report to the city council on committee work completed during the prior year and obtain the city council's approval of a work plan for the following year. (Ord. 2017-13 § 1, 2017)

2.37.040 Meetings, officers, records, and quorum.

A. The committee shall meet as necessary. Generally, the committee shall establish a regular meeting schedule and announce the specific day and time each month that the committee will conduct its regular meeting(s). Meetings shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW).

B. A majority of the members then serving on the committee shall constitute a quorum.

C. At the first regular meeting of each term, the committee shall select from among its members a chairperson and a secretary for a one-year term.

D. For meetings consisting of a majority of the then serving members of the committee, the committee shall provide public notice of the meeting and shall keep a record of its meeting minutes. Minutes of each meeting, including a record of attendance, shall be prepared by the secretary and approved and signed at a subsequent meeting. The minutes do not need to reflect the actual discussion, but only the formal actions taken by the committee. The approved meeting minutes shall be posted on the city's website.

E. The city shall provide city email accounts to committee members and related training on the use of email accounts, including personal computer privacy expectations while serving on the committee. (Ord. 2017-13 § 1, 2017)



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: April 2, 2019

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (8:30 PM) Future Council Agendas,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Council will review future Council agendas.

SUMMARY:

Council will review future Council agendas.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[City Council Regular Business Meeting 040919](#)

[City Council Study Session 041619](#)

[City Council Regular Business Meeting 042319](#)

[City Council Study Session 050719](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, APRIL 09, 2019**

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

AGENDA

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 6:00 PM**
Mayor Medina and Councilmember Nassar will be absent; Councilmember Nassar may participate by phone.
- 2. EXECUTIVE SESSION**
- 3. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
- 4. PUBLIC COMMENT**
- 5. MAYOR'S REPORT**
- 6. CITY MANAGER'S REPORT**
- 7. PRESENTATION(S)**
 - 7.A Proclamation Declaring April 26, 2019 as "Arbor Day", AB 19-125 - Deputy Mayor Schneider 5 Minutes
[Arbor Day Proclamation 2019](#)
 - 7.B Proclamation Declaring April 22, 2019 as "Bainbridge Island Earth Day" - Deputy Mayor Schneider, 5 Minutes
[Earth Day Proclamation 2019](#)
 - 7.C Proclamation Declaring the Month of April 2019 as "Heritage Tree Month" - Planning, 5 Minutes
[Heritage_Tree_Proclamation_2019.docx](#)
[Heritage Tree Register 2019.xlsx](#)
 - 7.D Multi-Modal Transportation Advisory Committee 2018 Annual Report and 2019 Work Plan, 15 Minutes
[MTAC_2018 Accomplishments](#)
[MTAC 2019 Proposed Work Plan_for CC 04092019](#)

8. PUBLIC HEARING(S)

9. UNFINISHED BUSINESS

10. NEW BUSINESS

10.A City Manager's Six-Month Performance Evaluation, 10 Minutes
[City Manager Six Month Performance Evaluation.pdf](#)

10.B Request to Lower Speed Limit on Fletcher Bay Road from New Brooklyn Road to High School Road
- Public Works, 30 Minutes
[Fletcher Bay Road Speed Limit petitions.pdf](#)
[2013FocusedTraffic Study - Final 01082014.pdf](#)
[Resolution No. 2016-08 Establishing Maximum Speed Limits Approved 030816.pdf](#)

10.C Ordinance No. 2019-08, Amending the 2019 Budget to provide funding for work funded in 2018 but to be performed in 2019 10 Minutes
[2018 Budget Carry over into 2019 Transmittal.docx](#)
[ORD 2019-08 Amending the 2019 Budget to Carry Forward 2018 Items.docx](#)
[Ord 2019-08- Attachment A - 2018 carry overs.xlsx](#)

11. CITY COUNCIL DISCUSSION

12. CONSENT AGENDA

12.A Agenda Bill for Consent Agenda 5 Minutes

12.B Accounts Payable and Payroll

12.C Special City Council Meeting Minutes, March 19, 2019

12.D City Council Study Session Minutes, March 19, 2019

12.E City Council Regular Business Meeting Minutes, March 26, 2019

12.F Amendment to Rescind the Interlocal Agreement With Kitsap Public Utility District for Community WiFi - Executive, 5 Minutes
[Notice of Discontinuation from Bob Hunter, KPUD General Manager](#)
[Amendment No. 1 to COBI-KPUD WIFI ILA](#)
[COBI-KPUD WIFI ILA \(Executed 10-9-18\)](#)

- 12.G Resolution No. 2019-14, Supporting the Green New Deal - Councilmember Tirman, 5 Minutes
[Resolution No. 2019-14 Supporting Green New Deal](#)

- 12.H Ordinance No. 2019-06 Amending the 2019-2020 Biennial Budget and CIP to provide for Harrison Building and Site Purchase - Finance, 5 Minutes
[Ordinance No. 2019-06 Police & Court Facility Budget and CIP Amendment](#)
[Exhibit A to Ordinance No. 2019-06 - Police Court Project Budget Amendment](#)
[Exhibit B to Ordinance No. 2019-06](#)
[Exhibit C to Ordinance No. 2019-06](#)

- 12.I Resolution No. 2019-15, Delegating Authority to Designate Certain Expenditures for Potential Reimbursement from Bonds That May Be Authorized in the Future - Executive, 5 Minutes
[Resolution 2019-15, Delegating Authority to Designate Certain Expenditures for Potential Reimbursement from Bonds That May Be Authorized in the Future](#)
[Background Information Related to IRS Guidelines](#)

- 12.J Olympic Drive Non-Motorized Improvements Project Professional Services Agreement with MIG SVR for Support Services - Public Works, 5 Minutes
[Professional Services Agreement with MIG-SVR](#)

13. COMMITTEE REPORTS

- 13.A Committee Reports 5 Minutes

14. FOR THE GOOD OF THE ORDER

15. ADJOURNMENT

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
TUESDAY, APRIL 16, 2019**

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

AGENDA

1. **CALL TO ORDER / ROLL CALL - 6:00 PM**
2. **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**
3. **MAYOR'S REPORT**
4. **PRESENTATIONS**
 - 4.A Springbrook Creek Watershed Assessment Presentation - Public Works, 30 Minutes
[FINALSpringbrook Creek Assessment Executive Summary for Web.pdf](#)
[Springbrook-Creek-Assessment-Report-Narrative-1.pdf](#)
[Springbrook Overview For 4-16-19 COBlv2compressed.pptx](#)
5. **UNFINISHED BUSINESS**
 - 5.A Update on Moratorium - Planning, 10 Minutes
[20190327 Moratorium work program status report.docx](#)
[Ordinance No. 2019-10 Extending the Development Moratorium](#)
[Development Moratorium Summary Effective 20190403.docx](#)
6. **NEW BUSINESS**
 - 6.A Discuss Work Plan for Review and Assessment of Critical Area regulations, BIMC Chapter 16.20 - Planning, 15 Minutes
[20190402 CC Staff Memo.docx](#)
7. **CITY COUNCIL DISCUSSION**
8. **FUTURE COUNCIL AGENDAS**
 - 8.A Future Council Agendas, 10 Minutes

9. FOR THE GOOD OF THE ORDER

10. ADJOURNMENT

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**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, APRIL 23, 2019**

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

AGENDA

1. **CALL TO ORDER/ROLL CALL - 6:00 PM**
Councilmember Blossom will be absent.
2. **EXECUTIVE SESSION**
 - 2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency 30 Minutes
3. **PLEDGE OF ALLEGIANCE / APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
4. **PUBLIC COMMENT**
5. **MAYOR'S REPORT**
6. **CITY MANAGER'S REPORT**
7. **PRESENTATION(S)**
 - 7.A Proclamation declaring May 12 - 18, 2019 as "National Police Week" - Interim Chief of Police Jeff Horn 5 Minutes
[2019 Proclamation.docx](#)
 - 7.B Proclamation Declaring the Month of May, 2019 as "Drive the Speed Limit Month" - Councilmember Peltier, 5 Minutes
 - 7.C Friends of the Farms Annual Report for 2018 15 Minutes

[Friends of the Farms Annual Farm Report to CoBI 2018](#)

7.D Ethics Board 2018 Annual Report and 2019 Work Plan, 15 Minutes

8. PUBLIC HEARING(S)

9. UNFINISHED BUSINESS

10. NEW BUSINESS

10.A Ordinance 2019 - 12, Updating BIMC 3.80 "Public Art Works Program and Fund" to reflect an annual funding approach 15 Minutes

10.B Resolution No. 2019-03 Updating the Investment Policy - Finance, 15 Minutes

[Resolution No. 2019-03 Updating the Investment Policy.docx](#)

[Resolution 2019-03 Exhibit A - Updated Investment Policy.docx](#)

[RES 93-52 - Investment Policy.pdf](#)

10.C Ordinance No. 2019-11, Adopting an Interim Official Control for Small Wireless Facilities 15 Minutes

10.D Youth Mental Health Workshop Update, 20 Minutes

11. CITY COUNCIL DISCUSSION

12. CONSENT AGENDA

12.A Agenda Bill for Consent Agenda 5 Minutes

12.B Accounts Payable and Payroll

13. COMMITTEE REPORTS

13.A Committee Reports 5 Minutes

13.B (X PM) Regional Committee Reports by Councilmember Liaisons - Mayor Medina, 10 Minutes

14. FOR THE GOOD OF THE ORDER

15. ADJOURNMENT

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**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL STUDY SESSION
TUESDAY, MAY 07, 2019**

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

AGENDA

- 1. CALL TO ORDER / ROLL CALL - 6:00 PM**
- 2. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**
- 3. MAYOR'S REPORT**
- 4. PRESENTATIONS**
 - 4.A (PM) Final report from Team of Consulting Arborists - Planning, 45 Minutes
[CC Staff Memo](#)
[COBI Tree Protection Code Review and Recommendations](#)
- 5. UNFINISHED BUSINESS**
 - 5.A Ordinance 2019-09 Relating to Accessory Dwelling Units (ADUs) Common Ownership Regulation - Planning, 30 Minutes
[DRAFT Ordinance 2019-09](#)
[City Attorney ADU Memo](#)
[Attachement A BIMC 18.09.030.I.5 ADU Use Specific Standards](#)
[Attachment B Sample Owner Occupancy Notice to Title](#)
 - 5.B Ordinance No. 2019-04, Updating the City's Sign Code - Planning,
 - 5.C (6:10 PM) Update on Moratorium - Planning, 10 Minutes
[20190327 Moratorium work program status report.docx](#)
[Ordinance No. 2019-10 Extending the Development Moratorium](#)
[Development Moratorium Summary Effective 20190403.docx](#)
- 6. NEW BUSINESS**
- 7. CITY COUNCIL DISCUSSION**

8. FUTURE COUNCIL AGENDAS

8.A Future Council Agendas, 10 Minutes

9. FOR THE GOOD OF THE ORDER

10. ADJOURNMENT

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