CITY OF
BAINBRIDGE ISLAND

PLANNING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
THURSDAY, FEBRUARY 23, 2017
6:00 – 8:00 PM
COUNCIL CHAMBER
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

AGENDA

6:00 PM **CALL TO ORDER**
Call to Order, Agenda Review, Conflict Disclosure

6:05 PM **REVIEW AND APPROVAL OF MINUTES**
January 12, 2017
February 9, 2017

6:10 PM **PUBLIC COMMENT**
Accept public comment on off agenda items

6:15 PM **NICKUM OPEN SPACE TAX CLASSIFICATION (PLN50744 OS)**
Public Hearing
Project Manager: Jennifer Sutton

6:30 PM **BAINBRIDGE LANDING (PLN 50520 SPR/SUB)**
SITE PLAN & DESIGN REVIEW/SUBDIVISION
Recommendation
Project Manager: Heather Wright

7:55 PM **NEW/OLD BUSINESS**

8:00 PM **ADJOURN**

*****TIMES ARE ESTIMATES*****

Public comment time at meeting may be limited to allow time for Commissioners to deliberate. To provide additional comment to the City outside of this meeting, e-mail us at pcd@bainbridgewa.gov or write us at Planning and Community Development, 280 Madison Avenue, Bainbridge Island, WA 98110

For special accommodations, please contact Jane Rasely, Planning & Community Development 206-780-3758 or at jrasely@bainbridgewa.gov

CITY OF
BAINBRIDGE ISLAND

Planning Commission
Regularly Scheduled Meeting Minutes
Thursday, January 12, 2017

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
REVIEW AND APPROVAL OF MINUTES – October 5, 2016 and October 13, 2016
PUBLIC COMMENT – Accept public comment on off agenda items
MONTESSORI COUNTRY SCHOOL SITE PLAN & DESIGN REVIEW/CONDITIONAL USE PERMIT
NEW/OLD BUSINESS
ADJOURN

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
Chair J. Mack Pearl opened the meeting at 7:05 PM. Planning Commissioners in attendance were Michael Lewars, William Chester and Michael Killion. Lisa Macchio, Maradel Gale and Jon Quitslund were absent and excused. City Staff present were Planning Manager Joshua Machen, Planner Kelly Tayara and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. There were not any conflicts.

REVIEW AND APPROVAL OF MINUTES – October 5, 2016 and October 13, 2016
Commissioner Killion noted that Commissioner Quitslund's name was missing from the list of attendees on the October 5, 2016 minutes. Ms. Rasely stated she would add his name to the minutes.

> **Motion: I move we approve the minutes.**
> **Lewars/Killion: Passed Unanimously 4-0**

As Commissioners Lewars and Chester were not present for the October 13, 2016 meeting, those minutes were carried over to the next Planning Commission meeting.

PUBLIC COMMENT – Accept public comment on off agenda items
None.

MONTESSORI COUNTRY SCHOOL SITE PLAN & DESIGN REVIEW/CONDITIONAL USE PERMIT
City Planner Kelly Tayara gave a brief introduction of the project introducing Ms. Meghan Skotheim who gave an overview of the vision behind the expansion of their school. She stated the new campus would allow them to enroll the students on their waiting list.

Brandon Hōgg gave a presentation of the proposed school improvements highlighting the wooded nature of the site as well as showing the landscaping plan that retained that wooded nature as well as added trees to the buffer. He described the buildings as ranging across the land

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by grade level and stated not all the buildings were being proposed at this time. One-way traffic circulation was described citing an increased separation between access points for additional safety. Parking spaces were separated from the drive aisle as well. Commissioner Killion asked how close the neighboring property to the north's driveway was to the exit. Mr. Hōgg estimated 80 feet. He stated the start and stop times of the grade levels were staggered to create less impact on the traffic in the neighborhood.

Public Comment

Denise McDonnell, Citizen – Stated she lived about 150' from the SW corner of the site and was stated her intent was to mitigate any concerns so the project could move forward and commence work on their project which sounded very exciting. Ms. McDonnell had expressed some concerns and considerations related to the expected increase in noise associated with the increase in students and staff within her SEPA comments submitted back in July 2016. She wanted to respectful challenge the assessment in completing the approval process regarding the noise levels associated with this increase. She estimated an increase of 76% based on the number of heads that would be added. Ms. McDonnell stated her home office was located 150 feet from the children's play area and that between the hours of 7:00 AM to 5:00 PM, Monday through Friday, she conducted business that included conference calls and clients on the phone with her. She felt the increased noise level would have an impact on the quality and effectiveness of her work which would in turn could impact her income. Ms. McDonnel stated she had spoken with City Planner Tayara who had estimated the noise decibels as 60-65. She went on to reference the Washington Administrative Code (WAC) as saying that was the equivalent to office noise. Ms. Tayara was reported to have said the impact to Ms. McDonnell's home with the windows closed would be that of a dishwasher. Ms. McDonnell felt it was important to note that she was challenging the noise level being that as an office noise level. She went on to quote the WAC stating "in a residential area, the maximum amount of noise coming into a property is 55 decibels from another residential area and 57 decibels from a commercial area." She compared that standard with the project chart for the decibel levels for everyday noises, she estimated the noise level as more around the noise of a lawnmower and that was estimated by WAC at 100 decibels. Ms. McDonnell reiterated she was strongly challenging the estimation of decibels associated with the noise and what has been cited in the WAC and other sources and respectfully requested consideration to conduct some type of noise abatement test which the WAC had set standards and adoption of any of the solutions she had proposed in her SEPA comments which centered around sound absorption and landscape architecture that could help deflect the noise associated with the increased head counts. She went on to say she had recommended specific types of trees and plants which were known for their sound absorption qualities. Chair Pearl asked if Ms. McDonnell felt it was the current noise or the increase in noise? Ms. McDonnell replied it was the increase in noise.

Patty Christiansen, Citizen – Stated she was the daughter of school founder Dorothy King and was the head of the school for 27 years. She was really excited about the project saying it was

the dream of the school for a very long time to have the full spectrum and that it would be one of the very few schools in Washington State that ran from infancy through sixth grade. Ms. Christiansen said the school had been there for a very long time and thought over the years there had been times when they worked with neighbors and the Parks Department and she believed there was a way to make it work so that there would not be an impact for the neighbors. She was really excited to see the design of the new driveway saying it would take care of a huge issue and wanted to say she was excited and hoped to see it go forth.

Mr. Hōgg, Architect – Addressed Condition 9 of the Staff Report stating it was a hardship to put chain link fence around the construction site and asked for orange plastic fencing as a cost saving measure instead.

Kia Micau, Landscape Architect – Addressed the concerns of Ms. McDonnell about noise mitigation stating in the planting plan there was additional vegetation being proposed that would help buffer or reduce the amount of playground noise.

Chair Pearl asked the applicant if there was a willingness to work with the homeowner about this issue. Ms. Skotheim nodded they were willing. Commissioner Lewars asked whether the new students were the ones coming from the facility on High School Road and then projecting the toddler numbers would not increase. Ms. Skotheim stated the number of toddler students would not increase, the play yard closest to Ms. McDonnell's home was the toddler play yard and the primary-aged playground was separated by a hedge from the pre-school playground. She also stated the students would have outdoor time on different schedules so there would not be an increase in the number of children out on the playground at the same time. After further questions from Commissioner Killion, Ms. Skotheim also stated they anticipated utilizing Battle Point Park for physical education classes.

Chair Pearl asked about the tree retention plan and whether there was a covenant to preserve the trees. Discussion ensued about whether the trees in the drain field area were required to be retained.

Commissioner Killion asked if it was known how many trees they were planning on cutting down. The applicant was unsure of the exact number. Planning Manager Machen was asked if it was possible to use the orange netting fence instead of a chain link fence. He stated both were included in City Code, but that it was up to the Planning Director's discretion. The Commissioners agreed they felt the applicant should come up with a plan for which areas would require chain link versus netting fence and they would find that acceptable. The Development Engineering condition of widening Arrow Point Drive was discussed stating the Non-Motorized Transportation Plan required 3 to 5 foot gravel shoulders.

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Motion: We recommend approval of this site plan review conditioned, I guess, on the two things that we talked about. I hope Jane or Kelly or somebody has gotten those down right? One of them had to do with the fencing, whether it was plastic or chain link and the other one had to do with this whole business of the covenant with the trees (the covenant on the whole 65%).

City Planner Kelly Tayara - Okay, so perhaps I'll try to summarize, say recommendation for approval provided that the condition related to fencing, that that chain link versus orange construction fencing be left to the discretion of the director.

Chair Mack Pearl – That there's a diagram provided that shows what they intend to do and that it gets reviewed by the Director.

City Planner Kelly Tayara – And that the Declaration of Covenant include the

Chair Mack Pearl – Or we just strike that line that says, "except for the drain field "so the whole thing that shows on C-2 has the protective covenant on it.

City Planner Kelly Tayara - Okay, got it.

Chair Mack Pearl – Strike on 6-S.

Commissioner William Chester – The area in the reserve drain field area should not be included in the covenant. That one's been taken out. Okay?

City Planner Kelly Tayara – Got it.

Chair Mack Pearl – Is there a second?

Commissioner William Chester – Second.

Chair Mack Pearl – Bill. Any more discussion? All in favor?

All Commissioners say, "Aye."

Chair Mack Pearl – Opposed?

Silence.

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Chair Mack Pearl – It passes, so, thank you all for coming.

Lewars/Chester: Passed Unanimously 4-0

NEW/OLD BUSINESS
None.

ADJOURN
The meeting was adjourned at 8:09 PM.

Approved by:

_____ _____

J. Mack Pearl, Chair Jane Rasely, Administrative Specialist

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CITY OF
BAINBRIDGE ISLAND

Planning Commission
Regularly Scheduled Meeting Minutes
Thursday, February 9, 2017

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
REVIEW AND APPROVAL OF MINUTES – October 13, 2016
PUBLIC COMMENT – Accept public comment on off agenda items
GROW COMMUNITY PHASE 2 SITE PLAN & DESIGN REVIEW MAJOR AMENDMENT/FINAL SUBDIVISION ALTERATION - Recommendation
REVIEW OF MAJOR SITE PLAN AND DESIGN REVIEW PROJECTS - Discussion
NEW/OLD BUSINESS
ADJOURN

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
Chair Mack Pearl called the meeting to order at 6:34 PM. Commissioners in attendance were Michael Lewars, Maradel Gale, Jon Quitslund, William Chester and Michael Killion. Lisa Macchio was absent and excused. City Staff present were Planning Director Gary Christensen, Planning Manager Josh Machen, Senior Planner Heather Wright and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. There were not any conflicts

REVIEW AND APPROVAL OF MINUTES – October 13, 2016
Commissioner Quitslund asked that the quoted term "undesirable" be removed and replaced with the words "poorly planned."

> **Motion: I move they be approved as amended.**
> **Gale/Killion: Passed Unanimously 5-0**

PUBLIC COMMENT – Accept public comment on off agenda items
None.

GROW COMMUNITY PHASE 2 SITE PLAN & DESIGN REVIEW MAJOR AMENDMENT/FINAL SUBDIVISION ALTERATION - Recommendation
Planning Manager Joshua Machen gave an overview of the proposed changes to the site plan of the Grow Community which included open spaces and garden plots. He highlighted the change from mixed use commercial to additional housing. Mr. Machen referenced amendments that had changed certain aspects of the community center and presented the changes in the open space for the subdivision. Commissioner Gale asked which buildings on the site plan had already been constructed. Mr. Greg Lotakis clarified which buildings had been built, which were under construction and which were not. Mr. Machen went on to describe four single family homes poised to the east and west of Building Q (the building in question) stating all four homes shared a common bottom floor parking garage together while providing a private garage within the

community garage for each single-family home. Commissioner Lewars asked if the condos were going to be sold or rented. Mr. Lotakis stated that at this time they were planned as rental units but were designed with possible future sale in mind. Mr. Lotakis also introduced project architect Glen Hartman and managing investor John Ellis. He went on to describe the differences between the originally proposed and approved mixed-use building and the current proposed multi-family building. Discussion continued with buffer width. Chair Pearl asked why a sidewalk would be allowed within a buffer. Mr. Machen stated the City's code allowed it. Commissioner Quitslund felt the applicant was transforming Shepard Way. Commissioner Killion asked what the City hoped to accomplish by participating in the HDDP program. Senior Planner Heather Wright stated there were basically three goals: 1) Innovative site design; 2) Housing unit size cap; and 3) Different housing types. Commissioner Lewars asked what was currently required in the way of affordable housing in order to achieve HDDP status. Mr. Lotakis stated 10%. Ms. Wright concurred that was the current standard. Mr. Machen reminded the Commissioners that this project was vested to previous HDDP provisions that did not require affordable housing. Commissioner Killion asked for specific water/sewer capacity information. Ms. Wright referred him to Aaron Claiborne in the City's Operations and Maintenance Division. Commissioner Gale shared her experience at the beginning of the Grow Community project detailing community meetings led by Marja Preston and the One Planet model. It bothered her that the finished product was not anything like the conceptual design presented then. Changes she mentioned had to do with parking, community gardens and the on-site school that had not materialized. Commissioner Quitslund was glad to hear there were successful integrations between Phase I and Phase II and felt if the effort was made, it would grow. Commissioner Lewars felt that although modest, this was a small step in the right direction in terms of traffic on Shepard Way and a number of much smaller units.

Charles Schmid, Citizen – Stated he worked on trails and that the trail went between Grow and Madison but on a bigger scale it went all the way down Shepard, past the strawberry plant all the way to Gowen Place. He said it was important to have the feeling of being on a trail which in the past had been a public trail. He asked to see the landscape plan and asked about the trees on the plan placed within 5 feet of the asphalt, the 5-foot wide sidewalk and then 5 feet more of vegetation. He then read from page 5 of the staff report: "Consistent with the hearing examiner's condition on the plat, plantings along Shepard Way shall be in a 10-foot buffer and meet the full screen landscaping requirements. (Note: 5 feet of the buffer will be occupied by sidewalk.)" He stated that he had attended the Design Review Board (DRB) meetings and the motion made by Chair, Alan Grainger was "We've reviewed the Grow Community Phase III and we are recommending approval of revised plans submitted today, 11/21/16, with one condition: that the applicant ensure full screen requirements per hearing examiner's condition 42 are met and that Josh Machen confirms whether the 10-feet wide landscaping buffer can be met. The hearing examiner said 10 feet. The Design Review Board said 10 feet. Mr. Schmid stated it was really wrong to have it be changing things like that it, especially saying HDDP was going to justify it.

HDDP was supposed to make things better though you could call it innovative to change vegetation into concrete. It was just wrong.

Conversation ensued about the changes made to the end of the dirt trail, Shepard Way, to create a more urban setting with sidewalk, curb and gutters. Mr. Machen stated the from the edge of the curb to the building was about 12 feet up to 20 feet in certain areas. He went on to say the project still had to meet the number of tree and shrub requirements for a full screen within the space (even though the sidewalk takes up five feet of the space) which meant it would be fairly densely planted.

> **Motion: I move that we recommend what the staff has recommended and was reviewed tonight.**
> **Lewars/Chester: Passed 3-2**

REVIEW OF MAJOR SITE PLAN AND DESIGN REVIEW PROJECTS - Discussion

Planning Director Gary Christensen opened the discussion by speaking about the general trend in the Planning world to have early coordination, collaboration and consultation on projects. He stated regulations and requirements had become more complex and there was a lot more discussion occurring early on in the design review process. Mr. Christensen said City Staff had discussed the idea of doing just that by bringing certain land use proposals to the Planning Commission earlier on for their review, collaboration, consultation and so forth. He went on to say this was in particularly in regard to major site plan and design reviews as was recently discovered in the Bainbridge Island Municipal Code (BIMC). He said that not only should they be following this code, but that it also made a lot of sense. BIMC 2.16.040 D4c dealt with site plan and design reviews, more specifically major site plan review and those actions that were to come before the Planning Commission. He cited the code: "The director shall determine what the major issues are and the specific aspects of the project" and that "the director should identify those and bring them to the Planning Commission early on. Mr. Christensen said the form would not necessarily be a staff report but something in advance of the Department doing its thorough review. He described how he envisioned this process playing out was by staff identifying the major issues and some of the major aspects of the proposal and would prepare a directive memorandum with a project description, major issues and other specific project aspects that would be reviewed by the Planning Commission. There would already have been a DRB recommendation as well as criteria for the Planning Commission to consider and make recommendations to staff on. Mr. Christensen felt one of the major objectives to that kind of process was that it allowed the Planning Commission to be involved early on in the design review process. It gave them an opportunity to influence, suggest and recommend issues with regards to major projects earlier instead of feeling as though the project was complete when it came before them. So instead of feeling like they were simply rubberstamping a project, they would have the chance to make constructive comments and recommendations. Mr. Christensen told the Commissioners they just wanted to talk about this approach and gauge their interest in it.

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Commissioner Quitslund asked where this approach would take place relative to the Pre-App process. Mr. Machen answered that it would still take place during the site plan design review process which was after the Pre-App. He also said it was still part of the formal process and they were still having to follow the code as part of the formal process. Mr. Machen said the Grow Community project they had just recommended was a prime example. They had spent four months making sure everything was right and in place before it was presented to the Planning Commission which may leave the Commissioners feeling as though they did not have any meaningful input. Commissioner Gale asked which activities would fall under this. Mr. Machen stated major site plan and design review which was required by any commercial or multi-family development. Chair Pearl asked if this was in addition to the normal review they were performing currently. Mr. Machen said no, it would be an earlier opportunity to provide input to the director versus at the 11th hour the stamp that goes to the director. He felt having their review earlier in the process gave them the opportunity to have more meaningful input than it did at the end. He stated it was still incumbent upon staff and the director that every project meets every aspect of the BIMC. The question was asked if the projects would come back for a second review and Mr. Machen stated they would not. The Planning Commissioners felt the projects had to come back to them again a second time. Commissioner Chester argued the earlier review should happen before the DRB made a recommendation because once the DRB review was completed, the design was set. Commissioner Lewars agreed they should review the projects earlier but added they needed to see the projects at the end as well. Commissioner Gale agreed she would not want it to be an either/or situation. Mr. Christensen mentioned that while City Council was reviewing the draft Comprehensive Plan, they were discussing the roles of the Planning Commission and the DRB and whether there should be more involvement in a wider range of project review and the results of that discussion were yet unknown. He went on to say there would be more discussion on this in the future. Commissioner Quitslund offered the idea of a retreat with the Planning Commissioners and Staff to sort out their priorities and work plan.

NEW/OLD BUSINESS
None.

ADJOURN
The meeting was adjourned at 8:47 PM.

Approved by:

_____ _____

J. Mack Pearl, Chair Jane Rasely, Administrative Specialist

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CITY OF
BAINBRIDGE ISLAND

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: FEBRUARY 23, 2017

TO: PLANNING COMMISSION

FROM: JENNIFER SUTTON, AICP
SENIOR PLANNER

SUBJECT: NICKUM OPEN SPACE CLASSIFICATION APPLICATION

FILE NO: PLN50744OS

I. INTRODUCTION

Applicant: William and Cathy Nickum
8387 Fletcher Bay Road NE
Bainbridge Island, WA 98110

Request: The applicant has submitted an application to the Kitsap County Assessor's Office (attached) to classify 4.15 acres of a 5.88 acre parcel as "Open Space Land" for current use assessment under Revised Code of Washington (RCW) Chapter 84.34.

Tax account number: 202502-4-050-2002

Zoning & Comprehensive
Plan Designation: R-0.4, One unit per 100,000 square feet zone/ Open Space Residential(OSR)-0.4

II. RECOMMENDATION

Based on the analysis, staff recommends approval of the Nickum application to classify a portion of their property as "Open Space Land" pursuant to RCW 84.34.020(1)(b).

III. Planning Commission Review

The Planning Commission's is responsible for reviewing and making recommendations on all Open Space Classification Applications. The recommendation is forwarded on to a joint meeting of County Commissioners and City Council for a decision.

IV. Analysis & Findings

City of Bainbridge Island Comprehensive Plan

The property is designated Open Space Residential (OSR-0.4) in the City's Comprehensive Plan. The Open Space Residential District is designated for areas appropriate for low-density, residential development and a variety of agricultural and forestry uses and the preservation of open space.

Zoning and Land Use

The property is zoned R-0.4, One Unit per 100,000 square feet zone. The property currently one residence and accessory buildings upon it, concentrated in the northern quarter of the property. The residence was constructed in 1985. At 5.88 acres in size, the property theoretically could yield one additional single-family residential lot, if subdivided. However, the southern three quarters of the property qualifies as "critical areas" and associated buffers pursuant to BIMC Chapter 16.20, which would make additional subdivision difficult. Those critical areas are Springbrook Creek, a fish bearing stream, wetlands surrounding the stream and required buffers to the stream and wetland. Those buffers extend north to the residence.

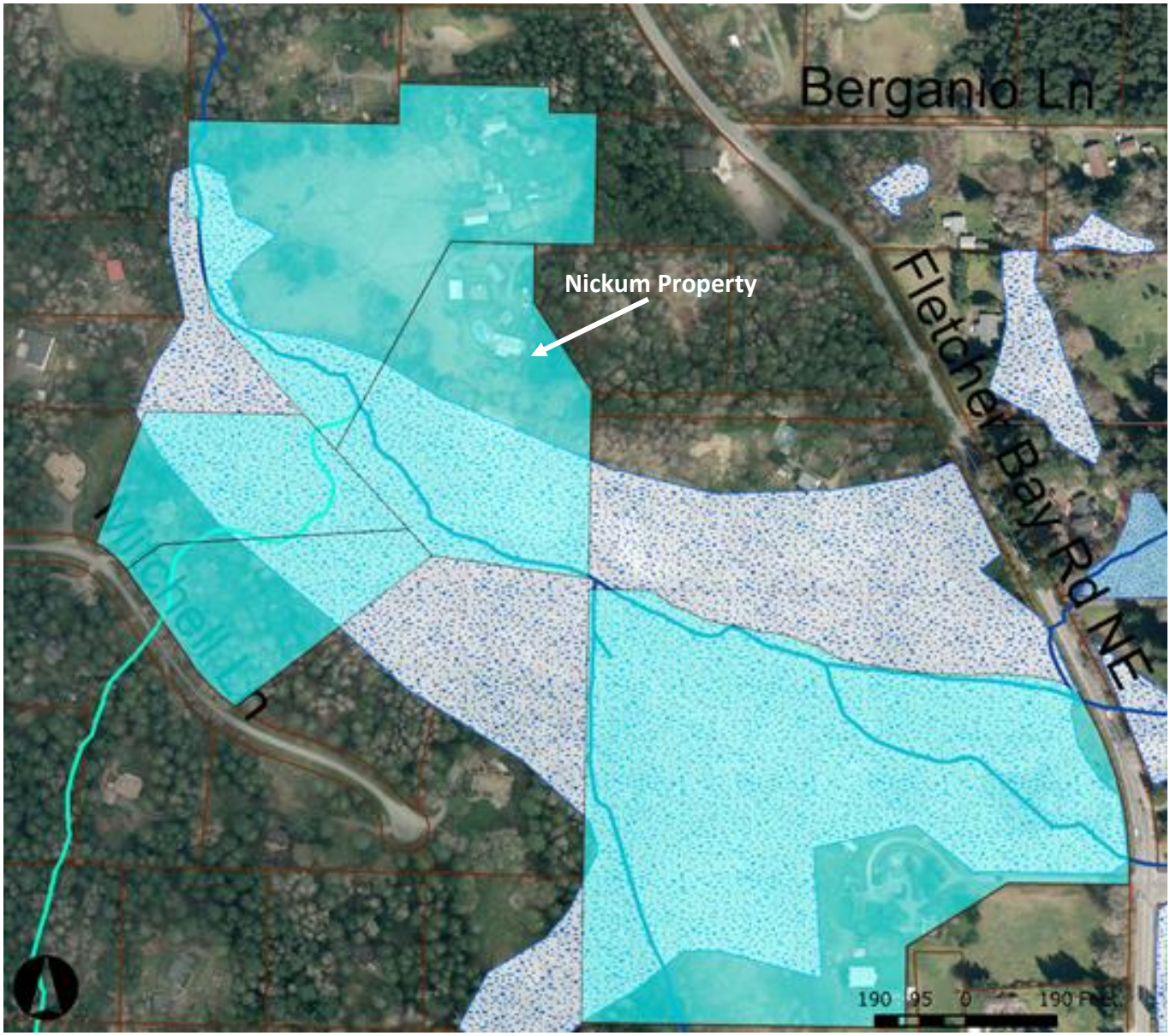
Current Use Tax Reduction

The Kitsap County Assessor's Office is working to complete a property tax comparison table to understand the tax implications of the Nickum Current Use Assessment application. That comparison will be available to the Planning Commission at the February 23, 2017 Commission meeting.

Findings

The application has been reviewed for consistency with the Kitsap County Open Space Plan (April, 1987, amended October, 1992) and found to be consistent with the criteria for current use assessment for Open Space Classification- *Open Space Land*. The Nickum property currently has several high priority natural resources- the fish bearing stream, associated wetlands, riparian wildlife habitat, and enhancing the value of the abutting or neighboring properties that are also classified as open space under the current use tax program- see photo. Those adjacent conservation properties also protect Springbrook creek and associated wetlands and are located:

- One property immediately north of the Nickum property; and
- Two properties across Springbrook Creek, adjacent to the south and west of the Nickum property; and
- The large Boundy Farm property, located upstream to the southeast of the Nickum property.


Berganio Ln
Nickum Property
Fletcher Bay Rd NE
Mitchell Ln
190 95 0 190 Feet

Planning and Community Development
DEC 19 2016
16 05471
RECEIVED
DEC 13 2016
KITSAP COUNTY COMMUNITY DEVELOPMENT
NACo ACHIEVEMENT AWARD WINNER
NATIONAL ASSOCIATION OF COUNTIES

PROJECT APPLICATION
LAND USE, ENVIRONMENTAL & SITE DEVELOPMENT

For Departmental Use Only
Related Application #s:

Project Name: Nickum property open space reclassification

Please Identify the Permit Types for This Project
A Supplemental Application and Checklist must be submitted with this application.

- ☐ Buffer Reductions
  - ☐ Critical Area Buffer Reduction
  - ☐ Critical Area Variance
  - ☐ Reasonable Use Exception
- ☐ Comp Plan Amendment
  - ☐ Area Wide
  - ☐ Pre-Application Meeting
  - ☐ Site Specific
  - ☐ Textual
- ☐ Conditional Use (CUP) / Administrative CUP
- ☐ CUP/Administrative CUP Revision
- ☐ Conditional Waiver from View Blockage Requirements
- ☐ Critical Areas Ordinance Site Visit
- ☐ Flood Hazard Areas Variance
- ☐ Home Business
- ☐ Pre-Application Meeting
- ☐ Master Plan Scoping
- ☒ Open Space
  - ☒ Open Space Land
  - ☐ Farm and Agriculture Conservation Land
  - ☐ Timber Land
- ☐ Performance Based Development (PBD)
- ☐ Rezone
- ☐ Right of Way - Public Works
- ☐ Road Approach (w/o Building Permit or SDAP)
- ☐ SEPA Review
- ☐ Shoreline Permits - JARPA
  - ☐ Shoreline Conditional Use – JARPA
  - ☐ Shoreline Substantial Development – Commercial - JARPA
  - ☐ Shoreline Substantial Development – Residential - JARPA
  - ☐ Shoreline Variance - JARPA
- ☐ Site Development Activity Permit (SDAP)
  - ☐ Minor __Engineered; __Non-engineered
    - ☐ Grading (<500 cyds)
    - ☐ Grading 2 (≥500 cyds, but <5,000 cyds)
    - ☐ Commercial
    - ☐ Subdivision
    - ☐ Short Subdivision
    - ☐ Large Lot Subdivision
    - ☐ Right of Way Use/Improvement - Minor
    - ☐ Single-family residence
  - ☐ Major Development
    - ☐ Grading 3 (≥5,000 cyds)
    - ☐ Commercial
    - ☐ Subdivision
    - ☐ Short Subdivision
    - ☐ Large Lot Subdivision
    - ☐ Right of Way Use/Improvement – Major
    - ☐ Single-family residence

Land Subdivision

- ☐ Preliminary
  - ☐ Preliminary Subdivision
  - ☐ Preliminary Short Subdivision
  - ☐ Preliminary Large Lot Subdivision
- ☐ Final
  - ☐ Final Plat
  - ☐ Final Short Plat
  - ☐ Final Large Lot Plat
  - ☐ Binding Site Plan
- ☐ Amendment
  - ☐ Preliminary Subdivision Amendment
  - ☐ Preliminary Short Subdivision Amendment
  - ☐ Preliminary Large Lot Subdivision Amendment
- ☐ Alteration
  - ☐ Final Plat Alteration

☐ Shoreline Revision ☐ Shoreline Exemption – JARPA ☐ Shoreline Exemption-Mooring Buoys - JARPA ☐ Sign Permit ☐ Timber Harvest ☐ Major ☐ Minor ☐ Variance - Zoning	☐ Final Short Plat Alteration ☐ Final Large Lot Plat Alteration ☐ Binding Site Plan Alteration

The authorized agent/representative is the primary contact for all project-related questions and correspondence. The County will email requests and information about the application to the authorized agent/representative and will 'copy' (Cc) the owner noted below. The authorized agent/representative is responsible for communicating information to all parties involved with the application. It is the responsibility of the authorized agent/representative and owner to ensure their mailbox accepts County email (i.e., County email is not blocked or sent to 'junk mail'). There may be instances where regular USPS or courier mail is used.

Applicant/Property Owner Information

Property Owner:

Name: Will & Cathy Nickum

Address: 8387 Fletcher Bay Road NE, Bainbridge Island, WA 98110

Phone #: 206-842-4632 Cell Phone #: 206-799-0459

Email Address: wcnickum@gmail.com

Applicant:

☒ Owner ☐ Applicant (other than owner ☐ Authorized Agent/Representative

Name: _____

Address: _____

Phone #: _____ Cell Phone #: _____

Email Address: _____

Note: For projects with multiple owners, attach a separate sheet with each owner(s) information and signatures.

Professional:

☐ Engineer ☐ Architect ☐ Surveyor ☐ Contractor

☐ Check if this is the Authorized Agent/Representative for this project.

Name: _____ Title: _____

License Number: _____ Liability Certificate: _____

Address: _____

Work Phone #: _____ Cell Phone #: _____

Email Address: _____

Professional:

☐ Engineer ☐ Architect ☐ Surveyor ☐ Contractor

☐ Check if this is the Authorized Agent/Representative for this project.

Name: _____ Title: _____

License Number: _____ Liability Certificate: _____

Address: _____

Work Phone #: _____ Cell Phone #: _____

Email Address: _____

Project Information

Project Name: Nickum property open space reclassification

Description of Work (include proposed uses): Property reclassification

Property Information:

Site Address: 8387 Fletcher Bay Road NE, Bainbridge Island, WA 98110
Section: 20
Township: 25 North
Range: 2 East
Assessor Tax Parcel Number(s): 202502-4-050-2002
Total Parcel Area: 5.87 Acres
Area of Project Site (in square feet if less than 1 acre; in acres, if greater): 4.15 Acres
Present Zoning: R 0.4
Present Use of Property: Residential
Proposed Zoning:
Access (name of street(s) from which access will be gained): Fletcher Bay Road NE

Environmental Features on or near Site (show areas on site plan):

☐Yes ☒No ☐Don't Know Marine Shoreline: _____ Shoreline Designation: _____
☒ Yes ☐No ☐Don't Know Creek or stream (name): Springbrook
☐Yes ☒No ☐Don't Know Lake (name): _____ Shoreline Designation: _____
☒ Yes ☐ No ☐ Don't Know Endangered or threatened species (identify): Salmon/cutthroat trout
☒ Yes ☐ No ☐ Don't Know Wetlands
☐ Yes ☒ No ☐ Don't Know Steep slopes or Geological hazard
☐ Yes ☒ No ☐ Don't Know Flood hazard area
☐ Yes ☐ No ☒ Don't Know Critical Aquifer Recharge Area

Utilities:

Water Source:
Existing: ☒ Yes ☐ No
Proposed: ☐ Yes ☒ No
Well: ☒ Yes ☐ No
Public Water: ☐ Yes ☒ No
Name of Water Provider: _____

Sewer:
Existing: ☒ Yes ☐ No
Proposed: ☐ Yes ☒ No
Septic: ☒ Yes ☐ No
Public Sewer: ☐ Yes ☒ No
Name of Sewer Provider: _____

Power:
Existing: ☒ Yes ☐ No
Proposed: ☐ Yes ☒ No
Name of Power Provider: PSE

Other Utilities:
Existing: ☒ Yes ☐ No
Proposed: ☐ Yes ☒ No
Name of Utility Provider(s): Century Link

NOTE: If any of the above utilities needs to be installed and disturbance will occur in a public maintained or unmaintained county road and/or Right-of-Way easement then a Right-of-Way Supplemental Application is required.

I affirm, under penalty of perjury, that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm that I am the owner of the subject site. Further, as owner, I grant permission to any and all employees and representatives of the County of Kitsap and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application. I understand, in accordance with the Department of Community Development fee policies, the base fee is determined by an average processing time. If staff hours required to process the permit exceeds the base fee, additional charges may be incurred, and I agree to pay all fees of the County that apply to this application. I understand refunds may also be issued for those permits that require less processing time.

Print Name	Owner Signature	Date
Will Nickum	Will Nickum	12/9/16
Cathy Nickum	Cathy Nickum	12/9/16

Please Remember: Priority service is provided to clients with active projects (fee paying clients). We encourage prospective clients to utilize the Planner of the Day service for general inquiries, staff consultations and/or pre-application meeting for further required expertise.

SUPPLEMENTAL APPLICATION
FOR CLASSIFICATION OR RECLASSIFICATION OPEN SPACE LAND

Kitsap County Code is available online at http://www.codepublishing.com/wa/kitsapcounty/
Click on Title 18 Environment, Click on Chapter 18.12 Open Space Plan
Washington State Department of Revenue Chapter 84.34 RCW

NOTE: *This permit type requires a Submittal Appointment. When you have assembled all required submittal items, please call (360)337-5777 to schedule your Permit Submittal Appointment.*

File With the County Legislative Authority: Kitsap **County**

Name of Owner(s): Will & Cathy Nickum Phone No: 206-842-4632

Address: 8387 Fletcher Bay Road NE, Bainbridge Island, WA 98110

Parcel Number(s): 202502-4-050-2002

Legal description: See attached sheet

Total acres in application: 4.15

Indicate what category of open space this land will qualify for:

- [x] Conserve or enhance natural, cultural, or scenic resources
- [x] Protect streams, stream corridors, wetlands, natural shorelines, or aquifers
- [x] Protect soil resources, unique or critical wildlife, or native plant habitat
- [x] Promote conservation principles by example or by offering educational opportunities
- [x] Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces
- [ ] Enhance recreation opportunities
- [ ] Preserve historic or archaeological sites
- [x] Preserve visual quality along highway, road, street corridors, or scenic vistas
- [ ] Retain in natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority
- [ ] Farm and agricultural conservation land previously classified under RCW 84.34.020(2), that no longer meets the criteria
- [ ] Farm and agricultural conservation land that is "traditional farmland" not classified under Chapter 84.33
  or Chapter 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture

1. Describe the present use of the land.

   The land proposed for open space classification represents about 70% of a 5.87 acre rural residential lot. This portion of the lot is open and undeveloped, largely wetlands, with a creek along the southern boundary. It was used many years ago as grazing pasture, as the land & lot were part of a large dairy farm. No domestic animals are kept on the land now. The land is accessed by the owners now on foot and tractor for maintenance and to enjoy the natural setting.

2. Is the land subject to a lease or agreement which permits any other use than its present use? ☐ Yes ☒ No

   If yes, attach a copy of the lease agreement.

3. Describe the present improvements (residence, buildings, etc.) located on the land.

   The portion of land proposed for open space has no buildings or structures on it. The lot itself is relatively fully developed with two residences, a swimming pool, large barn and several small outbuildings, but these are contained on the raised portion of the lot to the north. There are fences along the east and west lot boundaries. The southern boundary used to be fenced, but it fell into disrepair and has been removed.

4. Is the land subject to any easements? ☐ Yes ☒ No

   If yes, describe the type of easement, the easement restrictions, and the length of the easement.

5. If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land.

NOTICE:
The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.

As the owner of the parcel(s) described in this application, I hereby indicate by my signature below that I am aware of the additional tax, interest, and penalties involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also certify that this application and any accompanying documents are accurate and complete.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070)

Print the name of each owner:

Will Nickum

Cathy Nickum

Signature of each owner:

The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Denials are only appealable to the superior court of the county in which the land is located and the application is made.

Statement of Additional Tax, Interest, and Penalty Due Upon Removal of Classification

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:

   (a) The difference between the property tax paid as "Open Space Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus

   (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes; plus

   (c) A penalty of 20% will be applied to the additional tax and interest if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal as described in RCW 84.34.070(1).

2. The additional tax, interest, and penalty specified in (1) shall not be imposed if removal resulted solely from:

   (a) Transfer to a governmental entity in exchange for other land located within the State of Washington.

   (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.

   (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.

   (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.

   (e) Transfer of land to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020.

   (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).

   (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(e) (farm home site).

   (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.

   (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120

   (j) The creation, sale or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040.

   (k) The sale or transfer of land within two years after the death of the owner of a least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.

   (l) The discovery that the land was classified in error through no fault of the owner.

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received: _____ By: _____

Amount of processing fee collected: $ _____

- Is the land subject to this application designated as open space by a comprehensive land use plan adopted by a city or county and zoned accordingly? ☐ Yes ☐ No

  If yes, application must be processed in the same manner in which an amendment to the comprehensive land use plan is processed.

  If no, application must be acted upon after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

- Is the land subject to this application located within an incorporated part of the county? ☐ Yes ☐ No

  If yes, application must be acted upon by three members of the county legislative authority and three members of the city legislative authority. See RCW 84.34.037(1) for details.

  If no, application must be acted upon by three members of the county legislative authority.

☐ **Application approved** ☐ **In whole** ☐ **In part**

☐ **Denied** ☐ **Date owner notified of denial (Form 64 0103):**

If approved, date Open Space Taxation Agreement (OSTA) was mailed to owner:

Date signed OSTA received by Legislative Authority:

Date copy of signed OSTA forwarded to Assessor:

To ask about the availability of this publication in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users, please call (360) 705-6718. For tax assistance, call (360) 534-1400.

August 15, 1999

Legal Description for Proposed Boundary Line Adjustment
Will & Cathy Nickum
8387 Fletcher Bay Road
Bainbridge Island, WA 98110
(206) 842-4632

That portion of the southeast quarter of Section 20, Township 25 North, Range 2 East, W.M., described as follows:

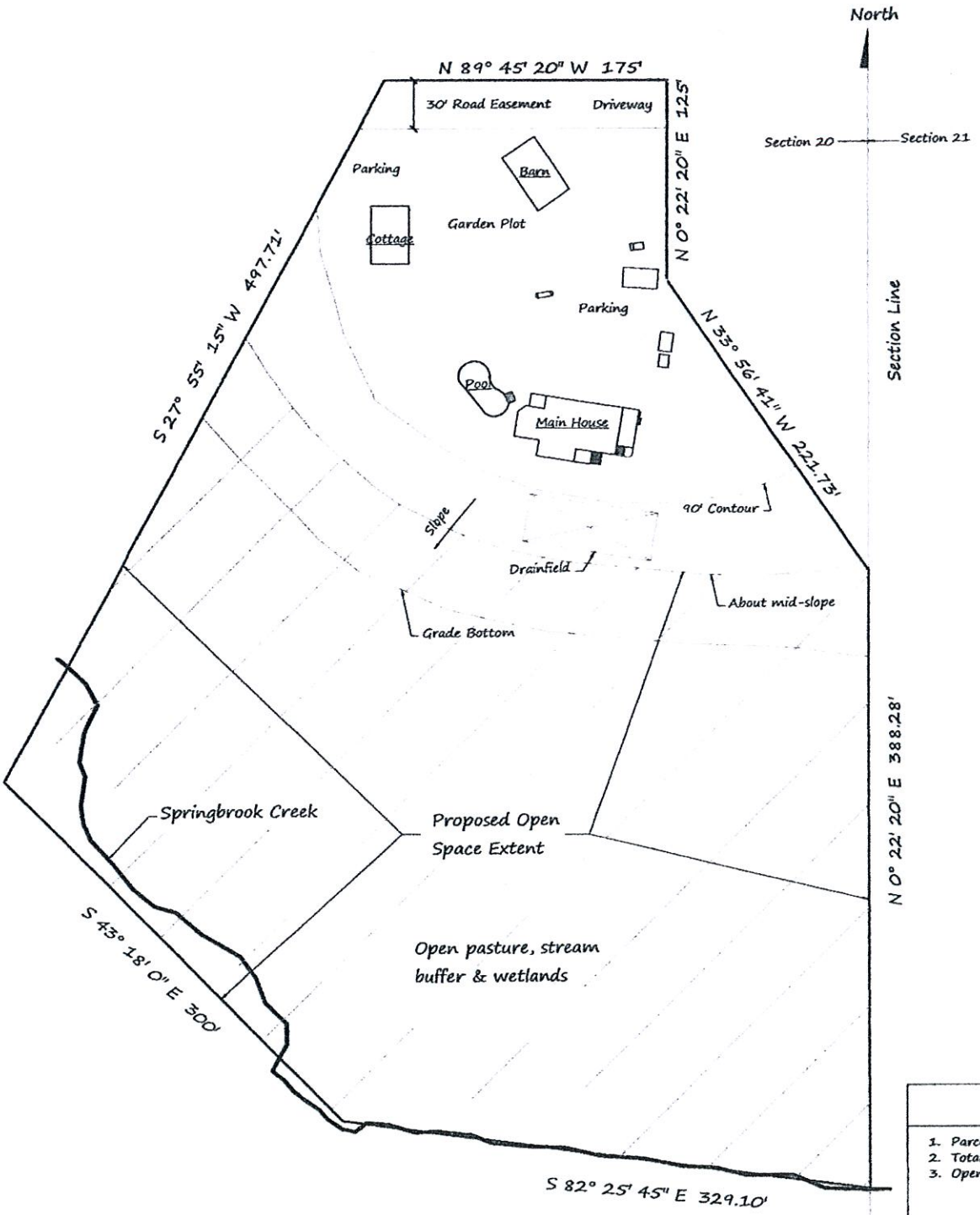
Beginning at a point on the easterly line of said section which bears S 0 degrees 03' 48" W from the northeast corner of the southeast quarter of said section, a distance of 1317.46 feet, thence N 89 degrees 45' 20" W a distance of 125 feet to the northeast corner of Parcel "C" of the Rekow 1981 Short Plat No. 2735, as recorded under Kitsap Auditor's file number 8110280106, the true point of beginning; thence along the westerly extension of said northerly limits N 89 degrees 45' 20" W, a distance of 175 feet to the northwest corner of Lot "D" of the 1989 Rekow Short Plat No. 4878 as recorded under Kitsap County Auditor's file number 8902240145; thence S 27 degrees 55' 15" W a distance of 497.71 feet to a point on the northeasterly line of Rekow Valley Farm, Division No. 1 as per plat recorded in Volume 29 of Plats, pages 29, 30 and 31, Records of Kitsap County, Washington; thence along said northeasterly plat limits S 43 degrees 18' 03" E a distance of 300 feet to the easterly-most corner of Lot 5 of said Plat, said point being the southwest corner of said Parcel "C"; thence S 82 degrees 25' 45" E a distance of 329.10 feet to the southeast corner of said Parcel "C"; thence continuing N 0 degrees 22' 20" E a distance of 388.28 feet; thence N 33 degrees 56' 41" W a distance of 221.73 feet; thence N 0 degrees 22' 20" E a distance of 125.0 feet to the northeast corner of said Parcel "C" and the true point of beginning.

Together with an easement for ingress, egress and utilities as recorded under Kitsap County Auditor's File No. 8110280106.

Containing 5.87 acres, more or less.

Situate in Kitsap County, Washington.

Created in TurboCAD LTE,
(www.IMSIDesign.com)



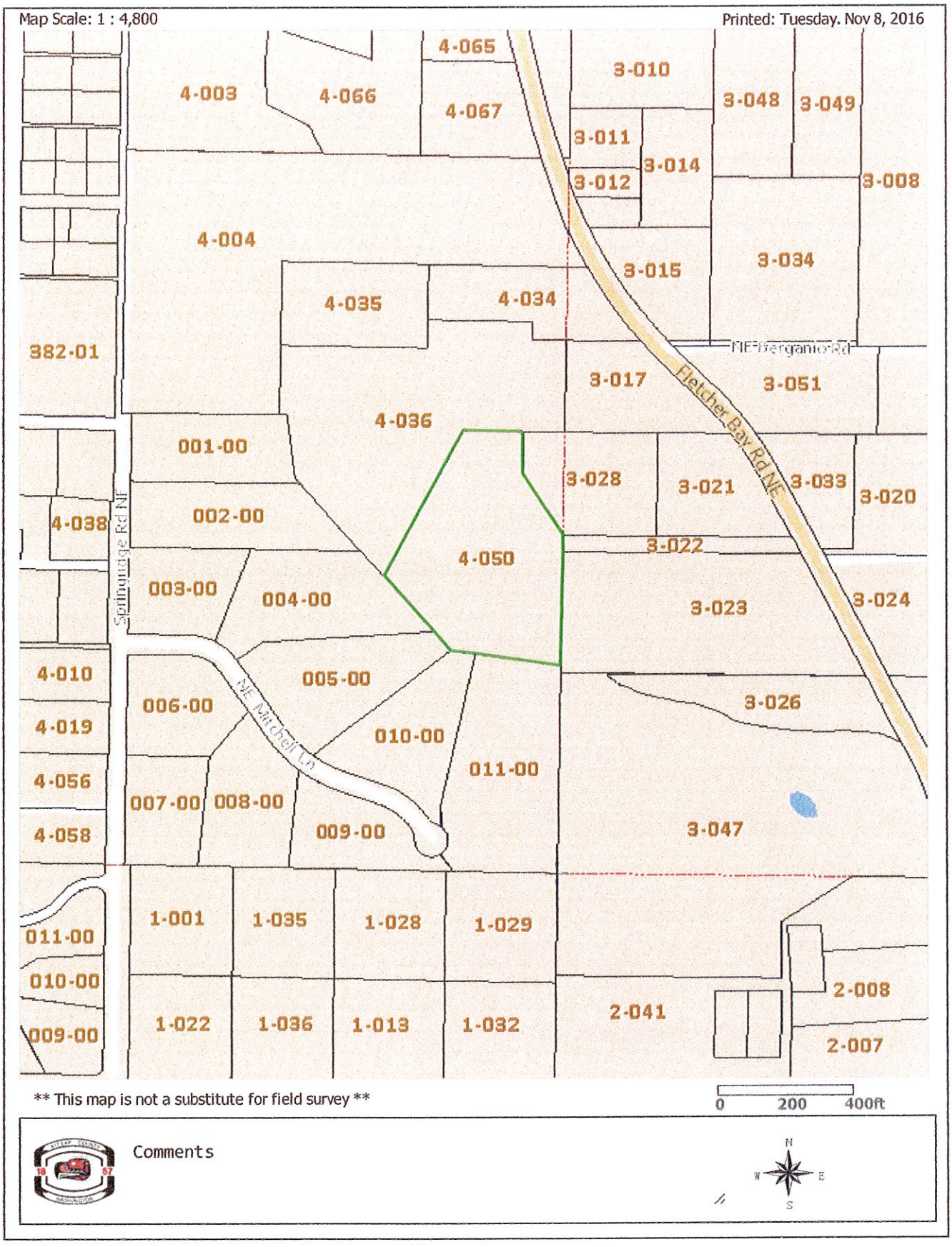
General Notes

1. Parcel Number: 202502-4-050-2002
2. Total Lot Size = 5.87 Acres.
3. Open Space Portion = 4.15 Acres.

Will & Cathy Nickum
8387 Fletcher Bay Road NE
Bainbridge Island, WA 98110
(206) 842-4632

Property Plan

File: Property 2016	Scale: 1" = 100'
By: WCN	Date: November 2016


Map Scale: 1 : 4,800
Printed: Tuesday, Nov 8, 2016
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382-01
NE Evergreen Rd
3-017
3-051
Fletcher Bay Rd NE
4-036
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3-028
3-021
3-033
3-020
4-038
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Springridge Rd NE
4-050
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** This map is not a substitute for field survey **
0 200 400ft
Comments
N
W
E
S

Looking Southeast

Looking Southwest

Photos taken from the hill in front of the main house.

Looking North

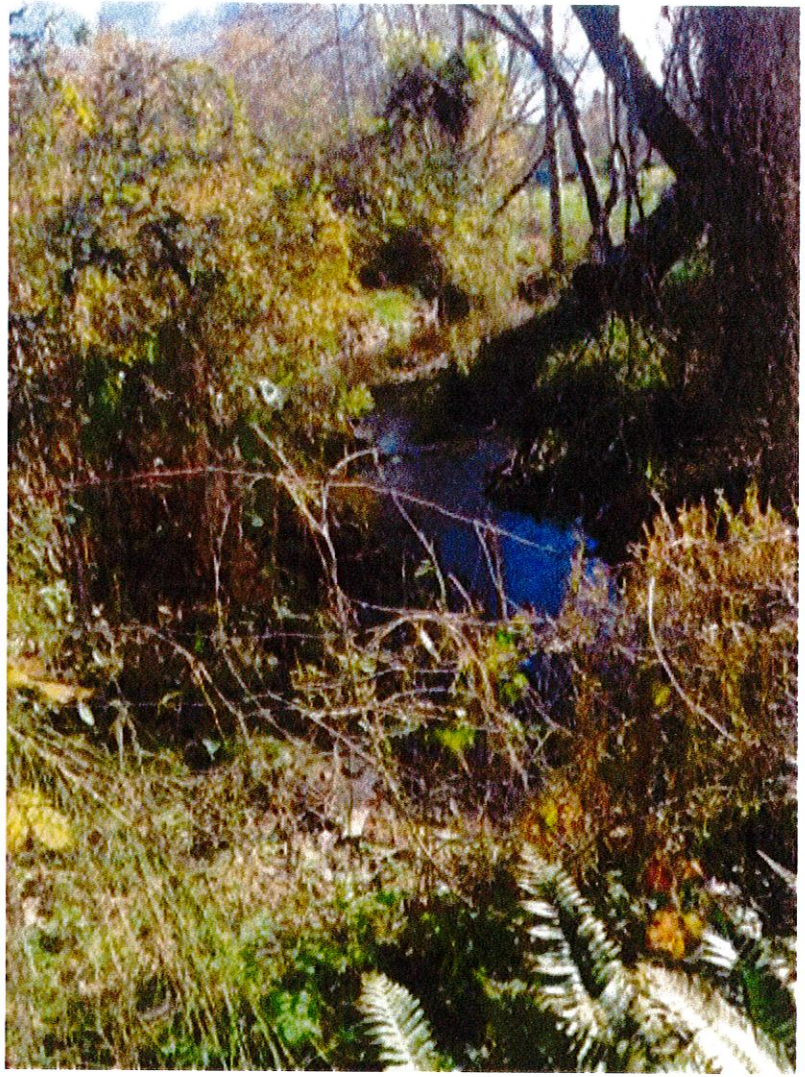
Looking East

Photos taken from the SW corner of the property.

Looking West

Looking East

Photos taken from about the middle of the property (east to west) along the southern edge.



Photos of Springbrook Creek at a few points along its route.

Looking North

Looking West

Photos taken from the SE corner of the property.

CITY OF BAINBRIDGE ISLAND

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DIRECTIVE MEMORANDUM

Date:	February 9, 2017
To:	Planning Commission
From:	Heather Wright, Senior Planner
	Gary R. Christensen, AICP, Director
Project:	Bainbridge Landing
File Number:	PLN50520SPR & SUB

As prescribed in BIMC 2.16.040(D)(4)(C), in the case of a major site plan and design review application (reference doc A), the planning commission shall review the application prior to the final decision by the director. **The director shall determine the major issues and specific aspects of the project that the planning commission should review, and shall forward this review directive to the planning commission.** The planning commission shall review the application based on the **director's review directive**, **the DRB recommendation**, and **the decision criteria,** consider the application at a **public meeting where public comments will be taken**, and forward its recommendation to the director in accordance with BIMC 2.16.030(C)-(E).

Project Description:

The applicant is requesting a site plan and design review approval to develop the 4.86-acre site with 140 residential units including 18 townhomes, 7 lofts and a 115-unit apartment building. The project also includes the removal and relocation of an existing historic home to the north of the subject property. In addition, the applicant is proposing a one acre park at the east side of the project site, abutting Ferncliff. The park will be used to acquire a Floor Area Ratio (FAR) Bonus (.

The applicant is proposing to subdivide the property into 27 lots; 25 single family, one multi-family, and a one-acre park (reference doc O).

The site design incorporates various amenities, including internal, handicapped accessible public walking trails, a courtyard, underground parking, bicycle parking, electric vehicle charging stations, and the aforementioned one-acre park.

The project is designed as Tier 1 under the Housing Design Demonstration Project (HDDP) program, and will be considered as a LEED community. In accordance with the HDDP program, Tier I projects are required

to 1) restrict home size to no greater than 1,600 square feet, 2) receive a minimum of five points in the housing diversity category, 3) receive a minimum of 16 points in innovative site development practices. No affordable housing is required. Leadership in Energy and Environmental Design (LEED) is a third-party green building certification program and nationally accepted benchmark for the design, construction, and operation of high-performance green buildings and neighborhoods (reference doc B).

Major Issues and Other Specific Project Aspects to be Reviewed by the Planning Commission:

1. **Housing Design Demonstration Project, HDDP:**

   The project has been submitted as a Tier I LEED. Tier I projects do not receive a density bonus, are not required to provide affordable housing, must achieve at least 16 points in innovative site development, must construct homes not greater than 1,600 square feet and receive at least 5 points in the Housing Diversity category.

   The project meets the purpose and the goals of the HDDP program and exceeds the minimum requirements by providing a variety of housing choices (townhomes, flats, age in place, lofts, 1, 2 & 3 bedroom apartments), encourages development of smaller homes by providing residences ranging in size from 1,414 to 1,600 square feet and provides innovative building design and green building practices by implementing LEED standards into the development (reference doc B).

2. **Proposed Access:**

   The project is proposing two points of access; a two way public road connecting Gilmore to Cave and a one-way public road from Ferncliff to Cave Avenue. The residents of Cave Avenue have requested that there not be any additional traffic on Cave Avenue and that any through roads go to Ferncliff Avenue. They are particularly concerned about the traffic that is currently stacking at the Cave Avenue/Winslow intersection during peak ferry times.

   The BIMC requires connections to existing off-site roads that abut the subject property shall be required where practicable, except through critical areas and/or their buffers. Ferncliff, Gilmore and Cave Avenues abut the subject property. Gilmore encroaches on the property, and at the point of entrance from Ferncliff, the applicant is proposing to connect and share the drive. The project also proposes a northern, two-way road that connects Ferncliff to Cave Avenue and a southern, one-way road that also connects from Ferncliff to Cave Avenue.

   The city contracted an independent third party traffic consultant (Transportation Solutions, Inc.) to perform a traffic impact analysis on the project (reference doc P). Trip generation rates were calculated for the proposed public park, the detached single family homes and the apartment units. The project was calculated to generate a total of 33 new vehicle trips during the AM peak hour and 39 during the PM peak hour.

   The report evaluated the south access road under eastbound and westbound one-way circulation scenarios to identify any safety or operational differences between on-site circulation alternatives. The report concluded that direction of travel on the south access road will have relatively little impact on intersection delay and level of service (LOS).

Additionally, the report provided PM near-term and long-term level of service forecasts. There are no forecasted intersection LOS failures by 2035. New site access intersections are forecasted to operate at LOS B or better through 2035. Project generated trips accessing the site via Cave Avenue will be impacted by westbound queue stacking from the intersection of Winslow Way and SR 305, however no mitigation is recommended due to the low minor approach volume.

In addition to the traffic analysis, the two points of access were reviewed by the city's fire marshal. The fire code requires projects having more than 100 dwelling units be equipped throughout with two separate and approved fire apparatus access roads.

Pursuant to BIMC 18.15.020**, unless** approved by the director, only a single access to public right-of-way is allowed for an individual lot. More than one access may be allowed by the director if the director determines, based on drawings or other information submitted by the applicant, that (a) the proposed site access includes measures that mitigate any identified negative impacts or effects that would result from the additional access point(s); and (b) the additional access point(s) will improve on-site or off-site traffic flow or is necessary for, or will help facilitate, compliance with other requirements of this chapter.

The Director suggests utilizing two access points. The access roads were reviewed and approved by the City's third party traffic engineer. The report provided analysis on traffic, site access and circulation, sight distance evaluation and crash analysis. Negative impacts were not identified from these two access points; and mitigation was not recommended.

The additional access point will improve on-site traffic circulation due to the size of the lot and the change in topography across the site. Further, this deviation meets City's fire marshal requirement that the project provide two separate and approved fire apparatus access roads.

3. **Fire Flow:** To meet the fire flow requirements for this project, the applicant has proposed two options based on conversations with the City's public works department (reference doc K). These options are to: 1) extend an 8" waterline from the Vineyard Lane development under the bridge over the ravine stream across private property to connect to the existing water line in Gowen Place or 2) develop a large water tank on site with a pump and back-up generator.

   These two options were not considered during the initial submission of the land use applications. Due to this change, the project was renoticed to inform the public of these two options (reference doc E). The City received public comments regarding these options. The City issued a SEPA condition for option 1, which could require a Special Use Review Permit and replanting of any disturbed areas (reference doc S).

   In response to these options, the fire marshal submitted a second comment letter supporting Option 1. Connection to the existing 8" high pressure zone water main will provide adequate fire flow (1500 gpm) for the project. Implementation of this option will improve fire flow in the adjacent community as well. Option 2 is a viable option. The system shall be designed to meet the requirements of NFPA 13 and other related documents.

The applicant is also most interested in pursuing option 1, yet it will require approval from neighbors. The decision will be decided on by the time the applicant begins utility construction on-site; and any necessary land use permits shall be secured.

4. **Floor Area Ratio:** The base FAR is .4, or 84,854.88 square feet and the maximum with bonus is 1.1 is 233,350 square feet.

   The definition of floor area excludes portions of parking located underneath a building footprint. While some of the buildings have partial underbuilding parking, with the exception of the apartment building, the applicant included all underbuilding parking in the floor area calculation.

   The project is proposing **154,229 square feet of floor area**. Pursuant to 18.12.030(E). up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of the parcel area, whichever is greater. 20% of 4.87 acres is .974 acres. The applicant is proposing over an acre of open space, the greater of 20%.

   The amount of FAR bonus available with this incentive is 89,097 square feet (233,350-84,854.88=148,496 X .60). Of the 154,229 square feet proposed, **84,854 is the base** and **69,375** will be acquired through the **density bonus**.

   The requirements for this community open space is that it shall be located in or in the immediate vicinity of locations identified in Figure 4.1 of the Winslow master plan, it must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space.

   The applicant is proposing a 1.01-acre park along Ferncliff Avenue frontage. The site was identified in the Winslow Master Plan as a target site for a 1-acre park, and the adjoining Harbor Square Development has a park immediately south of the site that was also created as a FAR density bonus. This area would be buildable, with the exception of the 20' landscape buffer.

   The City is contemplating approving the bonus and has considered the configuration (consolidated along a public road), public use (park is slated to be given to the Parks District for design and maintenance), and accessibility (abuts the neighboring one-acre park at Harbor Square and the proposed paths adjoining and through the park).

   The Parks District will not begin their public outreach for the design of the park until 2018. The City has corresponded with the Parks District to find out how they envision the use of the park. The District foresees this as neighborhood, walk-in park that will be characteristically passive. They anticipate the development of a playground structure similar to a comparable neighborhood park recently developed in Lynwood Center (Schel Chelb Park).

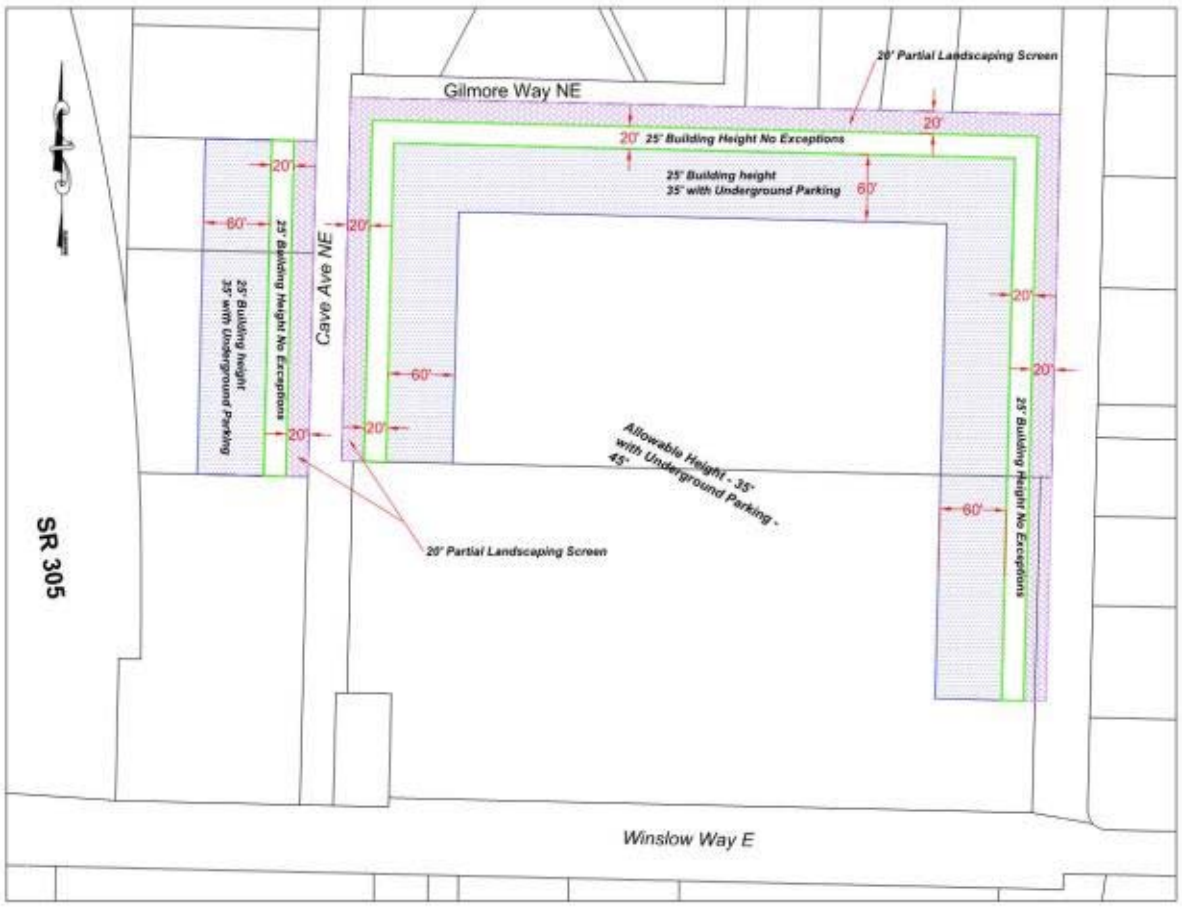
   The applicant anticipates beginning construction on the units that require the bonus prior to the Parks district development of the park. The applicant has indicated their intent is to at a minimum grade and seed the park and establish walking paths in lieu of the Parks Districts development. The applicant has indicated that they plan to bond for a complete park, and intend for the amount to cover for a play structure and benches.

5. **Buffer and Building Height Modifications; Transition Standards in the Ferry Terminal Overlay District.** The landscaping and height restrictions illustrated below apply to this transition area. The diagram shows the buffers required prior to the dedication of right-of-way. For Cave Avenue, 10' of the partial landscaping screen is in the 10' of city dedicated right-of-way and 10' is on the subject property. The applicant is meeting the entire partial screen buffer requirements within the 10' on the subject property, while providing a sidewalk within the 10' of dedicated right-of-way.

   The western portion of the 20' partial landscaping screen on Gilmore Way is currently developed with Gilmore Way, as the road encroaches on the subject property. The applicant is meeting the partial landscaping screen requirements despite this existing, nonconforming encroachment.

   The applicant is proposing to meet the Ferncliff Avenue screen.

   The City is considering conditioning the project to require the applicant to replant the entire 20' buffer along Gilmore in the event that Gilmore is realigned on the easement. The city is also considering approving a larger buffer on Ferncliff; allowing the park the entire park to provide the entire buffer requirements rather than limiting it to the 20' frontage and to require planting in the dedicated portion of the Cave Avenue right-of-way, in addition to the 10' on the subject property.



6. **Trees, Modification of Requirements:** The site has six trees located within the buffer of Ferncliff Avenue (reference doc N). The code requires trees within a buffer to be retained, unless the applicant requests and the director approves a modification.

   The Code states that if the significant tree and tree stand retention requirements of this section create an unnecessary hardship, the applicant may request a modification. The director may administratively approve a modification of the significant tree and tree stand requirements of this section if the director finds that the following standards have been met:

   a. The modification is necessary because of special circumstances relating to the location of existing significant trees and tree stands that prevent compliance with this section; and

   b. The special circumstances of the subject property make the strict enforcement of the provisions of this section an unnecessary hardship to the property owner; and

   c. The special circumstances of the subject property are not the result of the actions of the applicant; and

d. The approving of the modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located; and

e. The modification is consistent with the purpose and intent of this chapter; and

f. The site design incorporates the retention of other natural vegetation in consolidated locations that promotes the natural vegetated character of the site.
Six trees with adequate health which are located within buffers are proposed for removal.

The application provides support for a modification. The applicant explained that the modification is necessary due to special circumstances relating to the location of the existing trees. Four of the trees are located within new public roadways (3 in the NE corner entry drive and 1 in the SW entry drive). Locations for these roads were determined to be optimal to minimize disturbance of other mature trees along Ferncliff and to utilize an existing gravel driveway (Gilmore). Not allowing access in these locations would present an unnecessary hardship to the property owner. The special circumstances - locations for functional and safe ingress/egress as defined in collaboration with City engineers - are not the result of the actions of the applicant. The modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district. The modification is consistent with the purpose and intent of the Landscaping chapter- the intent of the partial screen buffers are being met through the retention of other trees and the planting of new trees (subsection e). Last, the site design incorporates the retention of other natural vegetation, particularly in the 1-acre open space being preserved and ultimately given to the Parks Dept. which will preserve more than a dozen mature trees.

Staff recommends that the Director approve the modification and allow these six trees to be removed.

Design Review Board Recommendation:

The Design Review Board (DRB) reviewed the application at three different meetings. The first meeting occurred during the pre-application phase and the remaining two meetings occurred on October 17 and November 21, 2016. The DRB review was two-fold: to review the proposal for consistency with the City's multi-family and commercial/mixed use design guidelines (reference doc F); and to make general site and building design recommendations.

On October 17, 2015, the Design Review Board motioned to approve the plan with the condition that the architect return to the DRB with exterior materials and placements on the building (reference doc G).

On November 21, 2016, the applicant met again with the DRB and brought forth three different material designs including hybrid (wood in multiple places), durable (pre-finished, interlock system and natural (new scheme) sheets and panels, rusted look. The DRB motioned 4-1 that they were in favor of the natural palette color. The applicant has agreed to follow the DRB recommendation and provide warm, natural colors (reference doc H).

Public Comment:

A range of concerns were voiced including traffic, design, environment (air emissions, environmental health due to noise and light and glare), abutting trees and the type of units proposed (request for less rental units). The overwhelming concern was in relation to traffic, and particularly the impact on Cave Avenue (reference doc D, I, Q, R).

The abutting Harbor Square residents have asked for protection of their abutting Heritage tree during construction. They have also requested heavy landscaping between the two sites, with fast growing trees to protect the residents from the lights and glare of the units and vehicles.

Overall, to address concerns voiced, staff will condition the project to provide frontage improvements on Cave and Ferncliff Avenues, to protect the heritage tree on the abutting property, and to adhere to noise, light and air pollution requirements (reference doc S).

The Historic Preservation Commission (HPC) was interested in the historic home on the project site (reference doc J). To address their concerns and to ensure the Cave history is preserved, the City applied SEPA conditions to the project: should the home not be relocated or preserved on-site, the home shall be offered for sale for relocation. To satisfy this condition, the applicant shall provide copies of any attempts to sale prior to receiving approval of a demolition permit for the home. A completed Washington State Historic Property Inventory Field Form shall be recorded with the State Department of Archeology and Historic Preservation prior to the moving or demolition of the historic home on the property. Historic signage shall be included in the park design to commemorate the Cave family.

Major Site Plan and Design Review Decision Criteria to be Reviewed by the Planning Commission:

1. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the nonmotorized transportation plan; **The project was designed to maximize open space with underground parking, and in turn provide safe and efficient pedestrian and bicycle passage through the site with limited vehicle interaction. With the few proposed parking spaces located on-street and below ground, the internal site provides open space comprised of a park, courtyard and landscaping. The site provides pedestrian, bicycle and vehicular circulation that is found to be adequate, safe and efficient. The site will provide two-way vehicular traffic on the proposed north access road, and one-way on the southern access road. Sidewalks are proposed through the development and along Cave and Ferncliff Avenue frontages as well as off-site connecting to Cave Avenue.**

2. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18, unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q; **The proposed residential designs were reviewed against the Commercial and Mixed Use, Mixed Use Town Center and Ferry Terminal design guidelines at three Design Review Board meetings. The project is found to be in compliance with the design guidelines, as recommended by the Design Review Board.**

3. No harmful or unhealthful conditions are likely to result from the proposed site plan; **No harmful or unhealthful conditions are likely to result from the proposed site plan. Infrastructure improvements are provided to ensure that water and sewer and storm systems continue to operate without causing any harm. The project is also conditioned to comply with SEPA requirements to avoid or mitigate any potentially harmful impacts.**

4. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans; **As conditioned, the site plan and design is found to be in conformance with the Comprehensive Plan and other adopted community plans. The project provides a variety of housing within close proximity to downtown and the ferry and provides non-motorized improvements and internal, publicly accessible pathways to encourage residents to utilize non-motorized transportation options for work, recreation and to patronize local businesses. The project also encourages the preservation of historic resources by recording historical documents at the Bainbridge Island Historical Museum and providing signage commemorating the past at the proposed community park. In summary, the project was found to comply with the Land Use, Housing, and Non-motorized Transportation Elements goals and policies including Historic Preservation Goal 2, Housing Element Goals 1 &3, Policies H1.5, 3.1 and Non-motorized Goals 1 & 2, Policies 1.3, 1.8 & 2.2.**

5. The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals;

   Purpose. The purpose of site design review is to establish a comprehensive site plan and design review process that ensures compliance with the adopted plans, policies, and ordinances of the city. The overall goal of this chapter is to minimize land alteration, provide greater site development flexibility and consequently provide more creative and imaginative design than generally is possible under conventional zoning regulations. It is further intended to provide for the review of development proposals with respect to overall site design and to provide a means for guiding development in a logical, safe, attractive, and expedient manner, while also allowing property to be developed in phases. An additional purpose is to promote those specific purposes for each zoning district stated in Chapter 18.06 BIMC. Ferry Terminal Overlay District.

   The project complies with the adopted plans, policies and ordinances of the city. The project also meets the purpose of the ferry terminal overlay district; which is to provide an attractive setting for ferry and associated transportation-oriented uses and serve as the entry-point into Winslow. This district is also intended as a new pedestrian- and transit-oriented, mixed use neighborhood that complements the character and vitality of the core and serves the neighborhood and commuters. The proposed single and multi-family dwelling neighborhood is pedestrian and transit oriented due to its proximity to the ferry and the proposed sidewalk improvements through the site and along Cave and Ferncliff Avenues.

Reference Documents:
(note all reference material may be accessed via the City's Website Online Permit Portal-Smartgov)

Bainbridge Landing Site Plan Review
(The following reference materials can be found under the "submittals" and "notes" sections under this file number: PLN50520SPR)

A. Project Application 7/14/2016
B. MISCELLANEOUS (LEED Design Package, HDDP Approval Criteria Scoring) 7/14/2016 & 7/15/2016
C. 50520 Harbor Square Critical Root Zones 8/12/2016
D. Public Comment 8/27/2016, 9/8/2016

E. Revised Notice of Application 12/30/2016
F. Design Guideline Checklist 7/14/2016
G. Design Review Board Official Minutes 11/21/2016
H. Exterior Materials Design Package, 50520 SPR Exterior Material Design Package 11/15/2016
I. Public Comments 1/10/2017, 1/14/2017, 1/17/2017, 2/7/2017
J. Historical Narrative 8/17/2016
K. REVISION 1, 12/21/2016
L. Site Plan (Drawing Sets, 50520 SPR ARCH FINAL SET 7/14/2016
M. Landscape plans (50520 Landscape Drawings, 50520 Supplemental Landscape Info) 7/15/2016.
N. Tree Retention Plan, 50520 Tree Retention Analysis Date 7/15/2016

Bainbridge Landing Subdivision

(The following reference materials can be found under the "submittals" and "notes" sections under this file number: PLN50520SUB)

O. Project Application 7/14/2016
P. Traffic Study/Analysis Review, Final TIA from consultant 11/22/2016
Q. Public Comment attached 1/10/2017
R. Comment from Tawresey 1/17/2017
S. SEPA Decision 02/02/2017