

Call to Order (Attendance, Agenda, Ethics)  
Review & Approve Minutes  
Bainbridge Island Child Care Center  
CKCB Madison Avenue Development  
New/Old Business  
Adjourn

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**Call to Order (Attendance, Agenda, Ethics)**

Chair Alan Grainger called the meeting to order at 2:03 pm. Design Review Board (DRB) members in attendance were Alan Grainger, Jim McNett, Joe Dunstan and Jason Wilkinson. Chris Gutsche and Peter Perry were absent and excused. Council member Ron Peltier was present. Planning Commission members in attendance were Kim McCormick Osmond, Jon Quitslund and Bill Chester. City staff in attendance were David Greetham Senior Planner, Christy Carr Senior Planner, Olivia Sontag Planner and Administrative Specialist Carla Lundgren who recorded the meeting and prepared minutes.

**Review & Approve Minutes**

**Motion:** I move to approve the April 2, 2018 minutes.

**Wilkenson/Dunstan:** Motion passed 4-0.

**Bainbridge Island Child Care Center**

**Project Manager:** David Greetham, Senior Planner

DRB recommendation:

- Discuss intention with neighbors of property at earliest convenience
- Sidewalk down driveway to separate from driveway
- Use landscaping to create boundaries for an outside play area
- Incorporate environmental learning through design
- Awareness of potential increased cost in separation of vehicle and pedestrian areas, as well as, a fenced/contained outdoor play area

**CKCB Madison Avenue Development ([PLN50958 SPR/SSDP/SVAR](#))**

**Project Manager:** Olivia Sontag, Planner

DRB Recommendation: *\*Condition of recommendation*

- Green Screen over brick for ivy to grow up to protect the mortar
- Consideration for a lift or elevator from basement parking to units
- Look into the Fair Housing Act and how the project meets the requirements\*

- Move bedroom window on lower level over to the right so the bed isn't right up against the window and create more of a secluded area for the bed\*
- Check the grade next to the handicap parking spot
- More street trees in front of the blank walls
- Prepare a landscape plan for DRB review\*
- Add additional windows to the master bedroom of the southeast facing the harbor\*
- Discuss with neighboring property if you can move the handicap parking spot more north
- Paint color to be more creamy than white
- Confirm code requirement for square footage vs. number of exits required
- Bring color and building material samples for DRB review before project is built\*

**Public Comment:** Charles Schmid asked about impact on the waterfront trail.

**Motion:** I recommend approval with the stated conditions and additional review of building materials and landscape site plan prior to permitting.

**Grainger/Wilkenson:** 4-0

#### **Design Standards and Subdivision Review Process**

Christy Carr, Senior Planner (*Discussion Only*)

#### **New/Old Business**

Chair, Alan Grainger, began a discussion on the absence of DRB member, Chris Gutsche for the past five consecutive meetings with no communication regarding the reason(s) for the absences. Mr. Grainger revealed that the City Code states that after three consecutive absences from any DRB member can be cause for removal from the DRB.

**Motion:** I move that Chris Gutsche be removed from the Design Review Board and for his vacancy to be posted for the remainder of his term.

**Grainger/Wilkenson:** Motion passed 4-0.

#### **Adjourn**

The meeting adjourned at 4:56pm.

Approved by:



Alan Grainger, Chair



Carla Lundgren, Administrative Specialist





CITY OF  
BAINBRIDGE ISLAND

**CITY OF BAINBRIDGE ISLAND  
DESIGN REVIEW BOARD – SPECIAL MEETING  
April 23, 2018**

**PLEASE PRINT**

**Join  
ListServ  
Yes/No**

| <b>Name</b>          | <b>Affiliation</b>  | <b>Phone/ E-Mail</b>          | <b>Join<br/>ListServ<br/>Yes/No</b> |
|----------------------|---------------------|-------------------------------|-------------------------------------|
| DAN GRANGER          | DRB                 |                               |                                     |
| DEE DUNSTAN          | DRB                 |                               |                                     |
| MASON WILKINSON      | DRB                 |                               |                                     |
| Brian Kruy           | BI Review           | editor@bainbridgereview.com   |                                     |
| David Greetham       | COBI-PCD            | dgreeham@bainbridgewa.gov     |                                     |
| JAMES MUNDT          | DRB                 |                               |                                     |
| CHARICE SCHMIDT      | ABC                 |                               |                                     |
| Ron Peltier          | City Council        | rpeltier@bainbridgewa.gov     |                                     |
| Rebecca Hodge        | BICC                | accounts@bicc.org             | NO                                  |
| PATRICIA BANKS       | COATES DESIGN       | PATRICIA@COATESDESIGN.COM     |                                     |
| Sherry Long          | BICC                | slong@bicc.org                |                                     |
| MATTHEW COATES       | COATES DESIGN       | matthew@coatesdesign.com      | Yes.                                |
| Olivia Sontag        | COBI-PCD            |                               |                                     |
| CIHAN ANISOGLU       | CHCES MADISON AVE   | CIHAN@ANISOGLU.COM            |                                     |
| Tom Zeitshumel       | Planning Comm.      | jonzuitsland@att.net          | yes mit already                     |
| BILL CHESTER         | " "                 | bill@chescoarchitecture.com   |                                     |
| Kim McCormick Demond | Planning Commission | Kimberly.mccormick@sonnet.com | yes - already mit                   |
| WONATHAN DAVAL       | ARCHITECT           | Cobi Committee email          |                                     |
| ANNEES WENZEL        | ARCHITECT           | charice.wenzel@united.com     |                                     |

## Design Review Board Design Guideline Checklist

Commercial and Mixed-Use Design Guidelines for All Zoning Districts– BIMC 18.18.030

☒ "Pre-App" Meeting Checklist

☐ "Post-App" Meeting Checklist

Project Name/Case #: BICCC Bainbridge Island Child Care Centers

Land Use Application  
(Pre-app, Site Plan  
Review etc.):

Project Description: 8225 NE HIGH SCHOOL RD  
Demo existing building. Build new building & covered play area.

| Applicable Design Guidelines |                                                                      |                                                                                                                                                                                                                                                         |                                                                                                                         |
|------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Design Guideline             | Intent                                                               | Description                                                                                                                                                                                                                                             | Applicant Response                                                                                                      |
| 1.                           | To develop variation in façade treatment to provide visual interest. | Vary building materials or patterns to produce variations in texture.                                                                                                                                                                                   | New building to match existing in character                                                                             |
| 2.                           | To modulate the scale of building masses.                            | Building elevations shall be vertically modulated in no more than 20' increments or horizontally in no more than 30' increments. Modulation is defined as a change in plane or articulation (such as bands, cornices, setbacks or changes in material). | Building masses are inherently small and through their arrangement around a courtyard create a well scaled composition. |



## Design Review Board Design Guideline Checklist

Commercial and Mixed-Use Design Guidelines for All Zoning Districts– BIMC 18.18.030

| Applicable Design Guidelines |                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                |                  |
|------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------|
| Design Guideline             | Intent                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Applicant Response                                                                             | DRB Action (Y/N) |
| 3.                           | To limit the visual impact of blank walls and facades and better assure aesthetic appeal. | Blank walls shall not be visible to public spaces. Blank facades should otherwise be limited to the back of buildings or where required by the building code. Treatments to alleviate blank walls shall be similar in materials to facades normally in view of the public.                                                                                                                                                                                                                 | Due to nature of program, buildings are full of windows & doors which break up the elevations. |                  |
| 4.                           | To establish visually prominent ground floor facades.                                     | The first floor of multi-storied buildings should be taller than upper floors. Minimum ceiling height should be at least 10' to allow transom or larger display windows. Other elements such as transom windows, canopies, cornices, and prominent entries are encouraged. First floor uses shall be pedestrian oriented and include substantial shop windows. Display windows on the first floor of retail and commercial buildings should be the predominant surface of the first floor. | All structures are single story                                                                |                  |
| 5.                           | To maintain pedestrian scale along facades facing public ways.                            | Facades facing public ways shall incorporate setbacks or articulation that establishes a pattern of bays or window openings. Facades shall include features such as display windows, columns or bays, recessed entries or canopies or other recesses. The use of a variety of materials at the sidewalk level is encouraged. Multiple building entrances are encouraged.                                                                                                                   | Buildings are set far back from roads and are well screened by existing vegetation             |                  |

## Design Review Board Design Guideline Checklist

Commercial and Mixed-Use Design Guidelines for All Zoning Districts– BIMC 18.18.030

| Applicable Design Guidelines |                                                                                                 |                                                                                                                                                                                                                                                                                            |                                                                                  |                  |
|------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------|
| Design Guideline             | Intent                                                                                          | Description                                                                                                                                                                                                                                                                                | Applicant Response                                                               | DRB Action (Y/N) |
| 6.                           | To maintain the pedestrian activities by encouraging continuous frontages along sidewalks.      | Where parking fronts onto a public street, the maximum separation between buildings shall be 80 feet. Greater separations are permitted if landscape setbacks are increased or other design features such as low walls, trellises and public spaces are created along the street frontage. | No parking near street                                                           |                  |
| 7.                           | To reduce overall scale of the building into multiple building masses.                          | Facades over 128' in length shall be separated by pedestrian passage or open space. Passages should be at least 12' wide and two stories in height if covered. Façade setback should be expressed at the roof line by changes in plane. Passage should connect to public open space.       | Not applicable to small buildings                                                |                  |
| 8.                           | To encourage the creation of public outdoor spaces.                                             | Building setbacks may be increased for the creation of public outdoor seating areas. Entry alcoves and small outdoor spaces may be located between the building and the sidewalk.                                                                                                          |                                                                                  |                  |
| 9.                           | To soften the impact of the built environment.                                                  | Encourage public pedestrian passageways and vegetation between buildings.                                                                                                                                                                                                                  |                                                                                  |                  |
| 10.                          | To encourage compatibility of development with both community and neighborhood characteristics. | Building designs should respond to nearby buildings that meet the upgraded design standards by using shared elements, materials or massing.                                                                                                                                                | Buildings are set in residential area and match residential scale and materials. |                  |



## Design Review Board Design Guideline Checklist

Commercial and Mixed-Use Design Guidelines for All Zoning Districts– BIMC 18.18.030

| Applicable Design Guidelines |                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                  |                  |
|------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|
| Design Guideline             | Design Guideline                                                               | Design Guideline                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Design Guideline | Design Guideline |
| 11.                          | To minimize the intrusiveness of commercial signage.                           | Signage, corporate colors and other icons of the business may not dominate the exterior of the building. including canopies and separate outdoor structures covering activities associated with the business. Color should be used to express changes in detail or material but exterior building or structure colors may not be used as signs, or the extension of signs. When businesses are sold or tenants are changed, any sign modification shall trigger this requirement. |                  |                  |
| 12.                          | To improve the pedestrian environment around buildings and minimize curb cuts. | Where a drive through facility is allowed, drive throughs must be in conjunction with a parking lot that serves the same business, must be to the side or rear of the building and should not be visible from public streets. Drive throughs should consist of no more than a single vehicle lane.                                                                                                                                                                                |                  |                  |
| 13.                          | To provide pedestrian access to buildings.                                     | Provide multiple entrances along streets. Pedestrian passageways are encouraged.                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                  |
| 14.                          | To provide weather protection for pedestrians.                                 | Recessed entries and/or overhead weather protection above the sidewalk entrances shall be used.                                                                                                                                                                                                                                                                                                                                                                                   |                  |                  |
| 15.                          | To maintain smaller scale commercial buildings.                                | Buildings in excess of a 10,000 square foot footprint should be visually split into two or more distinct elements.                                                                                                                                                                                                                                                                                                                                                                |                  |                  |

Design Review Board Design Guideline Checklist

Commercial and Mixed-Use Design Guidelines for All Zoning Districts– BIMC 18.18.030

| Applicable Design Guidelines |                                               |                                                                                                                                                                                                                                     |                  |
|------------------------------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Design Guideline             | Design Guideline                              | Design Guideline                                                                                                                                                                                                                    | Design Guideline |
| 16.                          | To reduce the visual impact of parking areas. | Create small parking clusters connected by vegetated landscaping and pedestrian walkways. Internal streets that connect or serve parking areas shall be designed as streets with sidewalks, planters and pedestrian scale lighting. |                  |

Guidelines Requiring  
Action per DRB:

DRB Summary Motion  
on Actions:





EXST RED BLDG 2826 SF  
 NEW PREFAB BLDG 2507 SF  
 TOTAL BLDGS 5333 SF

COVID PLAY AREA 1280 SF  
 TOTAL COVERED 6613  
 ALLOWED 6621 SF

PARKING REQ'D  
 12 per served + 1 per staff  
 70 served, 7 staff  
 (70/12) + 7 = 13 STALLS

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

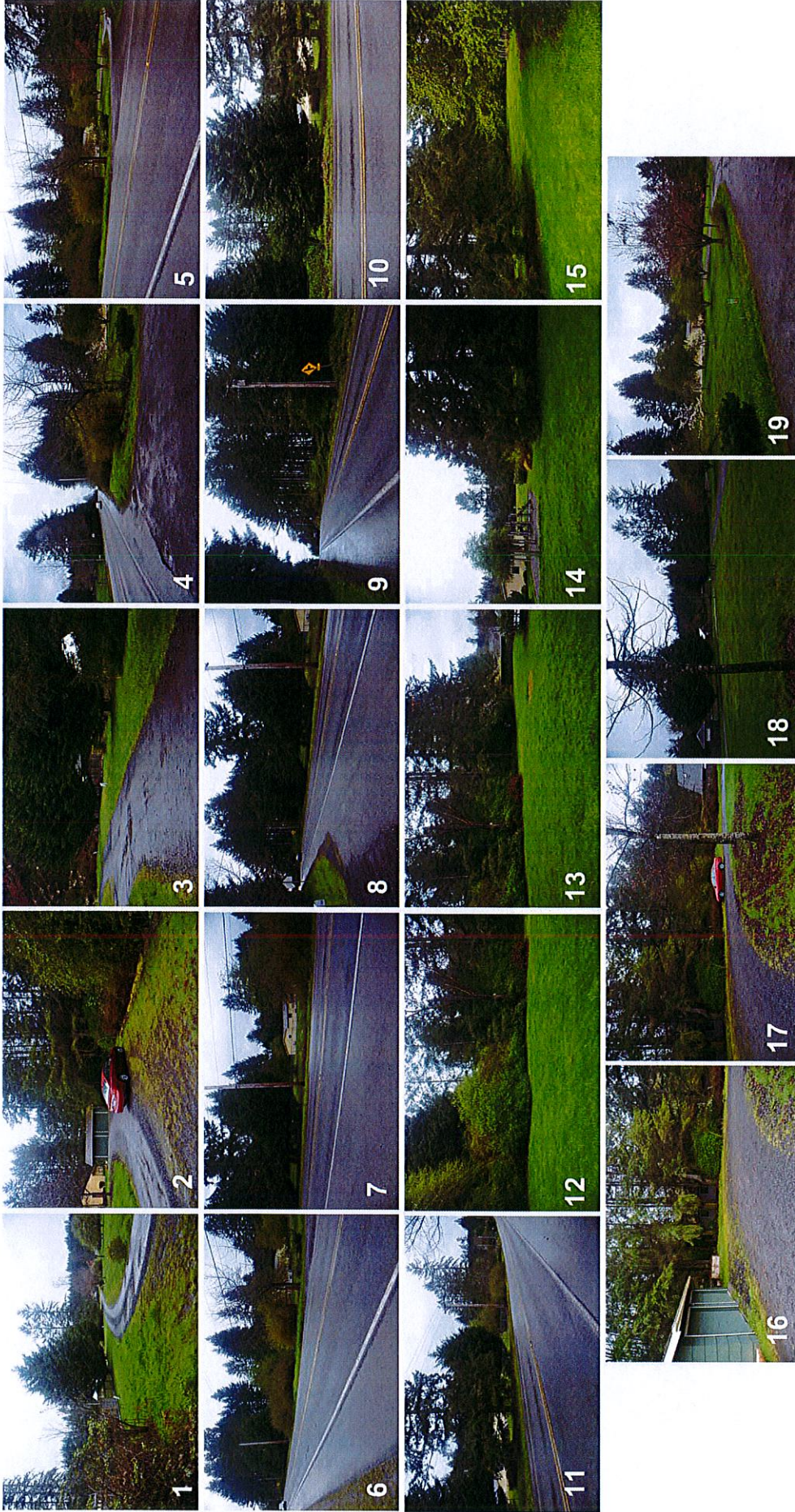
COMES DESIGN  
 ARCHITECTS

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# Bainbridge Island Child Care Centers

BICCC PROPOSED  
 SITE PLAN  
 April 16, 2018



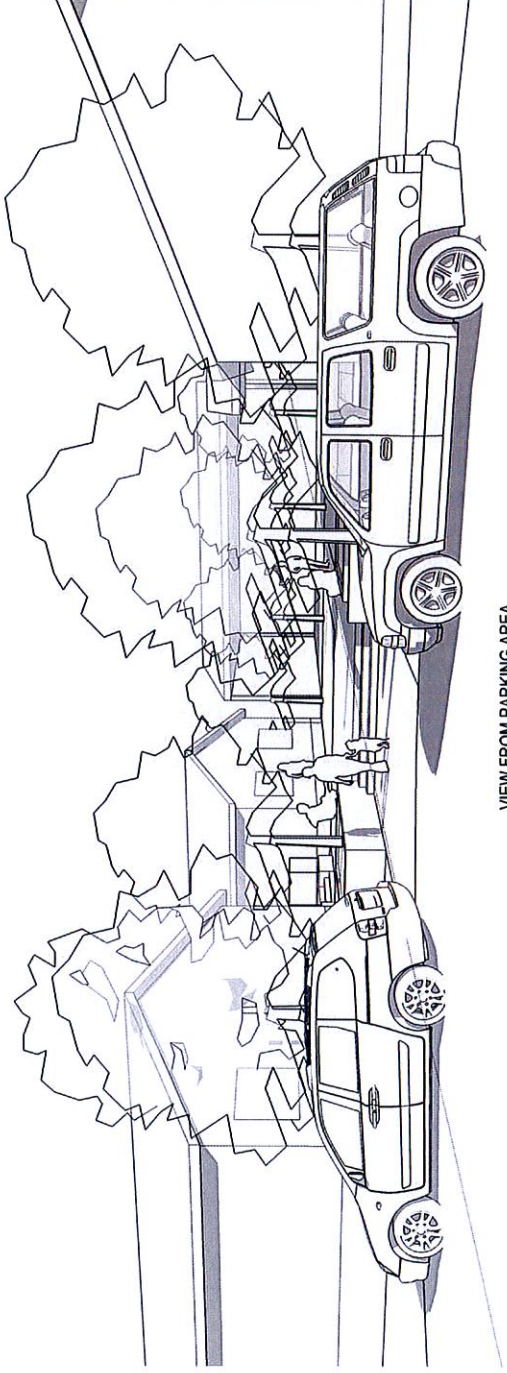


## Bainbridge Island Child Care Centers

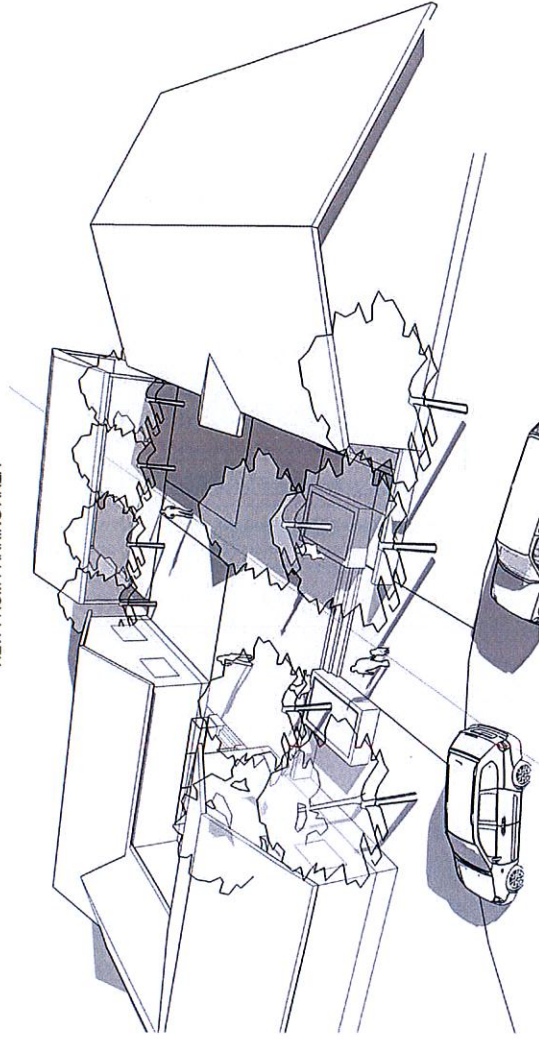
## SITE PHOTOS

April 16, 2018

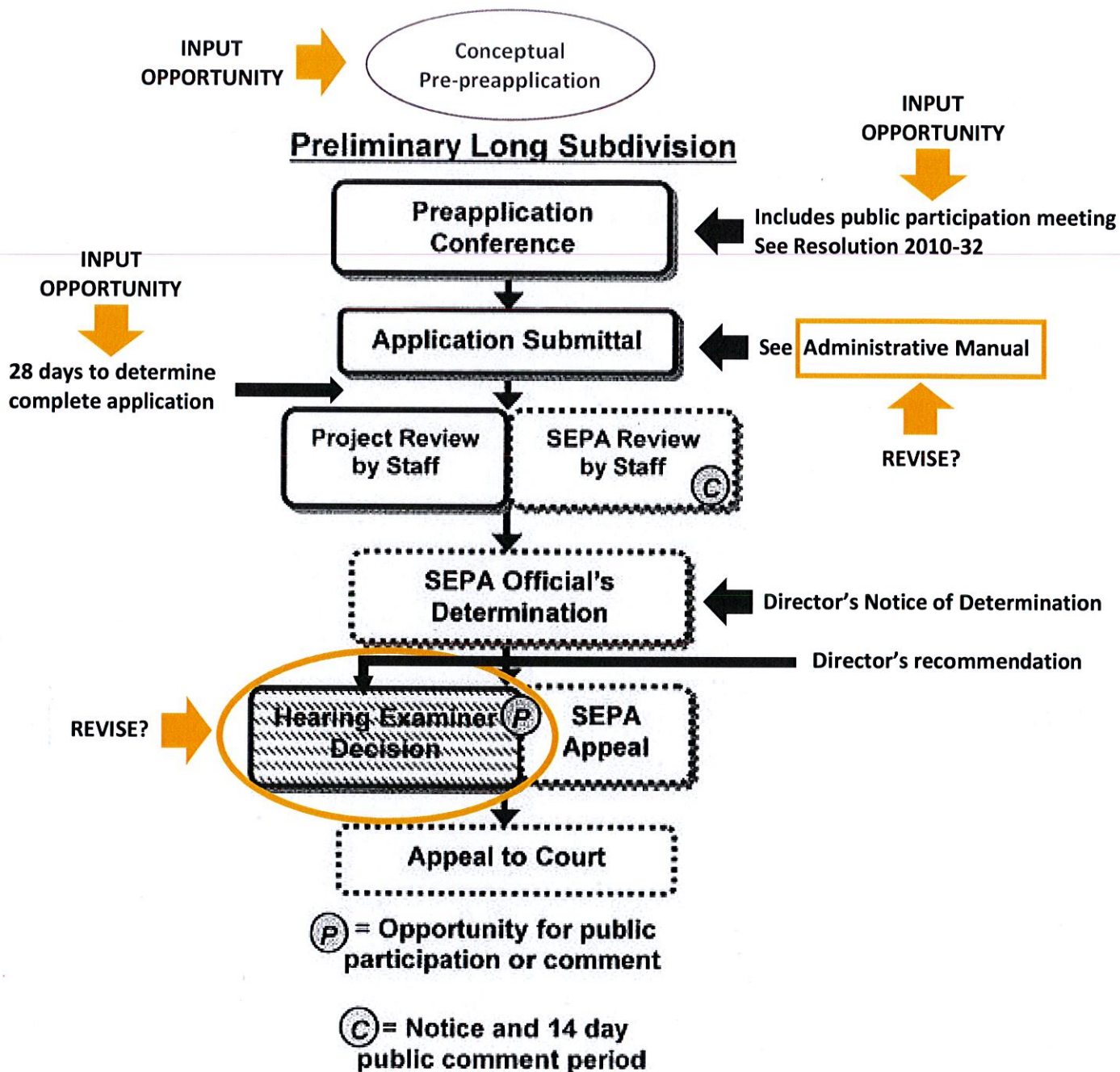




VIEW FROM PARKING AREA



BIRD'S EYE VIEW OF COURTYARD



PRELIMINARY LONG SUBDIVISION APPROVAL PROCESS: EXISTING AND OPPORTUNITIES FOR INPUT







## **Subdivision Standards and Review Procedures**

**Draft Work Program  
April 23, 2018**

### **Subdivision Standards**

**April 23 – May 6**

Staff + professional advisors develop scope, principals and patterns



**May 7 and 14 (or week of)**

Small work group (2 each DRB/PC members)



**May 21 (or week of)**

Large work group (DRB/PC attend)



Recommendation to Planning Commission



Planning Commission meetings

- May 31 (special meeting)
- June 14 (public hearing and recommendation)



Recommendation to City Council



City Council meetings

- June 19
- June 26 (public hearing)
- July 3, 10 or special meeting (adoption)

### **OUTCOMES**

- Revisions to BIMC 17.12 and 18.12
- Scope of work and consultant contract for future work, as needed

### **Subdivision Review Procedures**

DRB meetings with subset of Planning Commissioners

- May 7
- May 14 (special meeting)
- May 21



Recommendation to Planning Commission



Planning Commission meetings

- May 31 (special meeting)
- June 14 (public hearing and recommendation)



Recommendation to City Council



City Council meetings

- June 19
- June 26 (public hearing)
- July 3, 10 or special meeting (adoption)

### **OUTCOMES**

- Revisions to BIMC 2.14 and 2.16
- Revisions to administrative manual





## Chapter 2.14 LAND USE APPROVAL BODIES

Sections:

**2.14.010 City council.**

**2.14.020 Planning commission.**

**2.14.030 Hearing examiner.**

**2.14.040 Design review board.**

**2.14.060 Historic preservation commission.**

**2.14.070 Fort Ward historic review committee.**

**2.14.010 City council.**

A. The city council of Bainbridge Island serves as the legislative body for the municipality and the decision-maker on some types of quasi-judicial land use decisions. More specifically, city council makes final decisions on:

1. Final long subdivisions; and
2. Site-specific rezones; and
3. Consolidated project reviews where any element requires city council approval.

B. In addition, city council exercises its legislative authority regarding land use by making final decisions on:

1. Adoption or amendment of development regulations in this BIMC; and
2. Adoption of comprehensive plan amendments; and
3. Adoption of special area plans; and
4. Area-wide rezones; and
5. Adoption of, amendments to, or revisions of the shoreline master program. To become effective, any amendments to the shoreline master program must be reviewed and approved by the Department of Ecology, pursuant to RCW 90.58.190 or its successor, and Chapter 173-26 WAC or its successor. (Ord. 2014-04 § 5 (Exh. 3 § 1), 2014; Ord. 2011-21 § 1, 2011; Ord. 2011-02 § 2 (Exh. A), 2011)

**2.14.020 Planning commission.**

A. Purpose and Role of the Planning Commission. The Bainbridge Island planning commission serves as an advisory body to the city council, and provides recommendations to the director of planning, the hearing examiner and/or the city council. The commission's role is to consider legislative, as well as quasi-judicial matters, depending upon the action before it. Pursuant to Chapter 35A.63 RCW, the commission has primary responsibility for preparing, reviewing and updating the comprehensive plan.

B. Duties and Responsibilities. Pursuant to the provisions of Chapter 35A.63 RCW, there is established within the city a planning commission that shall have the following duties and responsibilities:

1. Participate in the preparation and review of the comprehensive plan for the city; and
2. Review and make recommendations on all applications for amendments to the comprehensive plan, official zoning map and official zoning ordinance of the city pursuant to Table 2.16.010-1; and
3. Review and make recommendations on all housing design demonstration project applications pursuant to BIMC 2.16.020.Q, including those housing design demonstration project applications involving land subdivision, based on a comprehensive review of the project at a public meeting; and
4. Such other advisory duties as may be assigned to it by the city council, or as specified in the BIMC; and



5. The title "planning commission" is substituted for the title "planning agency" in all city ordinances and other documents approved prior to the effective date of the ordinance codified in this chapter; and
6. Create the planning commission agenda per the director's recommendation; and
7. Report annually to the city council prior to the start of the budget process.

C. Composition – Appointments – Terms – Residency – Chairpersons.

1. The commission shall consist of seven members appointed by the mayor and confirmed by the city council. All seven members of the commission shall be residents of the city. The 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. The commission shall reflect the diverse perspectives, work experiences and backgrounds represented in the community. Each commissioner shall endeavor to understand and agree to uphold the city's adopted comprehensive plan.
2. All members shall serve without compensation for three-year terms, which begin on July 1st and end 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. Members may be reappointed to additional terms. No member shall serve more than three consecutive terms on the commission unless the city council determines that special expertise is required or there are no other qualified applicants.
3. The officers of the commission shall consist of a chairperson and a vice chairperson elected by the members of the commission for a one-year term. The election of officers shall take place at the first meeting of the year. In the event of the vacancy of the chair, the chairperson would be replaced by the vice chairperson, and the vice chairperson would be replaced by a vote of the members of the commission.
4. The chairperson shall preside over meetings of the commission and may exercise all the powers usually incident to the office. Duties of the chairperson shall include, but not be limited to, committees of the whole, handling meeting items and discussion, conflict of interest, suspension of meetings, timing or discussion of issues, and clarification of issues and questions. The chairperson shall sign all approved commission minutes, reports or other official documents.
5. In the absence of the chairperson, the vice chairperson shall perform all the duties incumbent upon the chairperson. The chairperson and the vice chairperson both being absent, the members present may elect for the meeting a temporary chairperson who shall have the full powers of the chairperson during the absence of the chairperson and the vice chairperson.
6. The chair shall have full power to create subcommittees that would include up to three commissioners. Standing or temporary committees may be charged with such duties, examinations, investigations and inquiries relative to one or more subjects of interest to the commission. No committee shall have the power to commit the commission to the endorsement of any plan or program without the approval of a quorum of the commission.

D. Forfeiture of Office.

1. A member appointed to the commission shall forfeit his or her office, creating a vacancy, if he or she ceases to have the qualifications prescribed for such office by law or ordinance, or if he or she is convicted of a gross misdemeanor or felony or a violation of the oath of office.
2. In the event of a commission member being absent from three consecutive regular meetings, or being absent from 50 percent of all meetings (including committee) in any six-month period, the office shall become vacant and forfeited; provided, that the mayor, with city council approval, may grant an exception when warranted by individual circumstances.
3. For an extended absence, a commissioner may request a leave of absence, to be approved by the mayor, with city council approval.
4. Any unexpired term of a vacant or forfeited office shall be filled by a qualified person appointed by the mayor and confirmed by the city council in accordance with the city's appointment cycle.

E. Meetings.

1. The planning commission shall meet on the second and fourth Thursday of each month and may hold such special meetings as the planning commission may determine necessary. All regularly scheduled meetings shall begin at 7:00

p.m. and shall endeavor to adjourn by 9:00 p.m.; provided, that the hours of a regular meeting may be modified for exceptional purposes, as determined by the chairperson.

2. Planning commission meetings shall be held at the city of Bainbridge Island City Hall. Under special circumstances, regular and special meetings and retreats may be held in other locations as publicly noticed.

3. The planning commission shall give public notice of its meetings as provided by law. Notice for a public hearing shall be provided at least 10 days in advance of said hearing.

4. All meetings of the planning commission shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW). In the event a regular meeting falls upon a legal holiday, the meeting shall be held on the following business day.

5. All meetings shall be conducted according to Robert's Rules of Order.

6. The planning commission shall review and approve rules of procedure and code of conduct annually.

#### F. Quorum and Voting.

1. A simple majority of the appointed members shall constitute a quorum for the transaction of business.

2. The chairperson shall be entitled to vote on a matter when it is necessary to break a tie or to make a quorum.

3. When a commissioner has stepped down because of a potential conflict of interest, he or she shall not be counted for purposes of establishing a quorum during considerations undertaken while he or she is not sitting with the commission.

G. Public Meetings and Hearings. The planning commission will consider the land use applications at a public meeting and shall recommend approval, approval with conditions, or denial of an application. For legislative decisions, the planning commission will hold a public hearing and shall recommend approval, approval with conditions, or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria of this code, the comprehensive plan, all other applicable law, any necessary documents and approvals, and any testimony presented verbally or in writing at the public meeting. If the applicable criteria are not met, the planning commission shall recommend the proposal be subject to conditions or denied. A planning commission recommendation is not a final decision and is not subject to appeal. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director and/or the hearing examiner, as applicable.

H. Public Records. 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 planning commission. The meeting minutes shall be posted on the city's web site.

I. Consultants. Upon approval of the city council, the planning commission may recommend the retention of a planning consultant who assists the planning commission in its deliberations. The consultant shall be hired by the city.

J. Conflict of Interest. Planning commission members shall sign a conflict of interest statement in accordance with the city's ethics program upon appointment and any reappointment. If a planning commission member has a financial interest in or is an applicant, or if a planning commission member is a paid or unpaid advocate, agent or representative for an applicant on a comprehensive plan amendment or land use application that will be reviewed or considered by the planning commission, the planning commission member shall not participate in a decision or recommendation on the application, and he or she will be asked to leave the meeting facility prior to commencement of discussion of that agenda item.

K. Support Staff. The planning staff shall perform the following roles in its work with the planning commission:

1. Provide the initial record that includes the standards of review, relevant municipal code and comprehensive plan provisions and provisions of other permitting agencies. The staff report shall include findings of fact and conclusions of law based on evidence in the record; and

2. Provide technical information and research, prepare documents and maintain records. This includes drafting transmittal memos, preparing alternative findings and conclusions when appropriate, and obtaining legal opinions from the city attorney; and

3. Respond to questions and discussion of procedures; and



4. Assist the commission in articulating their collective will; and
5. Provide upon request formal opinions or recommendations from the city attorney, city engineer, public works director or the director of planning and community development on any matter that is pending before the planning commission; and
6. Arrange for the provision of city email accounts to commission members and related training on the use of email accounts, including personal computer privacy expectations while serving on the commission. (Ord. 2014-18 § 1, 2014; Ord. 2013-25 § 1, 2013; Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.14.030 Hearing examiner.**

A. Policy. The conduct of public hearings in quasi-judicial matters generally involves disputed issues. It is in the best interest of the residents of the city to create officers designated in this chapter as "hearing examiners," whose duties shall be judicial in nature. Whenever any ordinance of the city requires a public hearing to be conducted by the hearing examiner, the hearing shall be conducted in accordance with the procedures established in Chapter 2.16 BIMC.

B. Qualifications – Appointment – Term – Removal. Each hearing examiner shall be appointed by the city manager, confirmed by the city council, and shall serve for a term of two years. As required by WAC 242-02-040, each appointed hearing examiner shall be someone who has a demonstrated knowledge of land use planning and law and shall meet any additional qualifications specified by city council resolution. The appointed hearing examiner shall be removed only (1) upon conviction of a gross misdemeanor or felony, (2) because of physical or mental disability rendering the hearing examiner incapable of performing the duties of the office, (3) upon conviction of a violation of subsection D of this section, or (4) upon conviction of a violation of Chapter 42.23 RCW, the violation of which shall constitute a misdemeanor under this code.

#### **C. Hearing Examiner Responsibilities and Duties.<sup>1</sup>**

1. The hearing examiner is responsible for conducting hearings on and adjudicating quasi-judicial cases involving a variety of complex land use and regulatory compliance issues, and other issues which the city council may designate to the hearing examiner by ordinance or resolution. The hearing examiner shall issue decisions or recommendations based on relevant ordinances, regulations, policies, statutes, and other authorities.

2. Duties. In addition to any other duty established by ordinance or resolution, the hearing examiner:

- a. Supervises and evaluates the work of employees as required;
- b. Develops procedural rules for the scheduling and conduct of hearings and related matters. Such rules shall be available from the office of the city clerk upon request;
- c. Reviews properties that are the subject of hearings to become familiar with the terrain and relationships to other properties;
- d. Receives and examines hearing related documents, and reviews case files, city codes and policies, environmental impact statements, plot plans and topographical maps;
- e. Evaluates testimony and evidence, prepares records, enters final written findings, and imposes conditions to conform projects to city ordinances and land use policies;
- f. Maintains knowledge of current relevant state and city land use laws, policies and related state and federal court decisions;
- g. Prepares reports and correspondence to the city manager, city council, and planning commission as requested;
- h. Prepares and submits annual written reports to the city manager and city council, including how many hearings have been conducted, the final outcome of hearings, the time required to issue decisions and the cost of hearings;
- i. Meets with the city manager, city council, planning commission and staff as requested, to identify conflicts in the code; and
- j. When necessary, recommends candidates for pro tem hearing examiner, for approval by the city manager.

D. Noninterference in Performance of Duties. No person shall attempt to influence the hearing examiner in the performance of duties. The hearing examiner shall not discuss the merits of any case considered by the hearing examiner until all city review

and court appeals have been concluded and a final decision has been rendered. Any violation of this provision shall be deemed a misdemeanor and may be punished pursuant to Chapter 1.24 BIMC.

E. Legal Counsel for Hearing Examiner. General legal advice to the hearing examiner will be provided by the city attorney, except that in a contested case where the city will be represented by the city attorney, the mayor may appoint independent counsel to render legal advice to the hearing examiner, the cost of which shall be borne by the city.

F. Disqualification of Hearing Examiner.

1. The hearing examiner on his or her own initiative may enter an order of disqualification in the event of personal bias or prejudice or to preserve the appearance of fairness.

2. Prior to any hearing on a matter, a party may file an affidavit, which is a sworn statement in writing and under oath, stating that such party cannot have a fair and impartial hearing by reason of the hearing examiner's personal bias or prejudice. The hearing examiner shall rule on the affidavit prior to making other ruling and prior to the hearing. No party shall be permitted to file more than one such affidavit under this section in regard to any one proceeding. (Ord. 2011-23 § 1, 2011; Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.14.040 Design review board.**

A. Membership – Appointment – Term.

1. There is created a design review board (board) for the city. The design review board shall consist of seven members who shall be appointed by the mayor and confirmed by the city council. Board membership shall include at least one representative with expertise in the following disciplines and/or groups: landscape architecture; urban design; public art committee or local artist; developers; at-large community member; and at least two architects. The members of the design review board shall not be officers or employees of the city or appointed to another city committee, board or commission, except for specialized committees or task forces of limited duration.

2. The members of the board shall serve without compensation. The terms for appointed members shall be 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 appointed and has qualified. 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.

B. Vacancies – Removal. In the event of a vacancy, the mayor, subject to the 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 absence by any member from three consecutive meetings shall constitute grounds for removal. Members may be removed upon a majority vote of the city council.

C. Organization.

1. The board shall select one member to serve as chair for a one-year term at the first regular meeting of each year.
2. The board shall adopt such rules and regulations as are necessary to accomplish its duties and responsibilities. These rules and regulations shall be published on the city's web site.
3. The city shall provide necessary supplies and support staff to the board, consistent with available resources.
4. The city shall provide city email accounts to board members and related training on the use of email accounts, including personal computer privacy expectations while serving on the board.

D. Duties and Responsibilities. The board shall have the following duties and responsibilities:

1. Serve in an advisory capacity to the director, hearing examiner, and planning commission, as applicable, regarding site plan and design reviews and conditional use permits pursuant to BIMC 2.16.040, 2.16.050, and 2.16.110 that are subject to city-adopted design guidelines. Applications related to single-family residences such as family day care homes, minor/major home occupations, and single-family residential height variations are exempt from design review board consideration. In addition, applications related to utility facilities and to outdoor recreation facilities are exempt from design review board consideration.

2. Review and make recommendations to the planning commission and the city council on changes, amendments and/or additions to the design guidelines.
3. Serve in an advisory and review capacity to housing design demonstration project applications pursuant to BIMC 2.16.020.Q, including those design demonstration project applications involving land subdivision.
4. Such other duties and responsibilities as may be provided by resolution or ordinance of the city council.
5. Report annually to the city council prior to the start of the budget process.

E. Open Meetings. All board meetings shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW). The board, in its discretion, may allow interested citizens to speak and submit documents.

F. Public Records. For meetings consisting of a majority of the then serving members, the board 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 design review board. The approved meeting minutes shall be posted on the city's web site.

G. Quorum. A majority of the appointed members then serving on the board shall constitute a quorum.

H. Conflict of Interest. Design review board members shall sign a conflict of interest statement in accordance with the city's ethics program upon appointment and any reappointment. If a design review board member is an applicant for an application under review by the board, has a financial interest in a project, or is a paid or unpaid advocate, agent or representative for such applicant, the board member shall not participate in review of and recommendation on the application, and he or she will be asked to leave the meeting facility prior to commencement of discussion of that agenda item. (Ord. 2014-19 § 1, 2014: Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.14.060 Historic preservation commission.**

The creation, composition, terms, powers and duties, rules and standards of the historic preservation commission are described in BIMC 18.24.020. (Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.14.070 Fort Ward historic review committee.**

The creation, size, intent, composition, terms, powers and duties, and rules and procedures of the Fort Ward historic review committee are described in BIMC 18.24.110.E. (Ord. 2011-02 § 2 (Exh. A), 2011)

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<sup>1</sup>Code reviser's note: Ord. 2011-23 amends Section 2.38.025. Since that section was repealed and replaced by Ord. 2011-02, the provisions of Ord. 2011-23 have been codified at Section 2.14.030(C).

#### **2.16.005 Purpose.**

The purpose of this chapter is to establish standard procedures for all land use applications processed by the city, to promote timely and informed public participation in those procedures, to eliminate redundancy in the application, permit review, and appeal procedures, to minimize delay and expense, and to result in development approvals that further city goals as set forth in the comprehensive plan. In addition, the purpose of this chapter is to establish the process for adopting and amending Growth Management Act ("GMA") development regulations, to ensure early and continuous public participation in the creation and amendment of development regulations, which implement the city's comprehensive plan. Additional specific purposes for some types of approval are included in BIMC 2.16.030 through 2.16.210. (Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.16.010 Land use procedures summary table.**

Table 2.16.010-1: Summary Table of Land Use Procedures

| R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing |     |                |          |                  |              |        |
|-----------------------------------------------------------------------------------------------------------------------------------|-----|----------------|----------|------------------|--------------|--------|
|                                                                                                                                   | DRB | Planning Comm. | Director | Hearing Examiner | City Council | Courts |
| Administrative Approvals                                                                                                          |     |                |          |                  |              |        |
| Clearing Permit                                                                                                                   |     |                | D        | A                |              |        |



| R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |                |          |                  |              |        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------|----------|------------------|--------------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DRB | Planning Comm. | Director | Hearing Examiner | City Council | Courts |
| Conversion Option Harvest Plan Permit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |                | D        | A                |              |        |
| Minor Conditional Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | (R) | (R)            | D        | A                |              |        |
| Minor Variance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     | (R)            | D        | A                |              |        |
| Agricultural Conditional Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |                | D        | A                |              |        |
| Large Lot Subdivisions (Prelim)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                | D        | A                |              |        |
| (Final)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     |                | D        |                  |              | A      |
| Minor Shoreline Variance [1]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     | (R)            | D        | A                |              | A [2]  |
| Minor Shoreline Conditional Use [1]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |     | (R)            | D        | A                |              | A [2]  |
| Public Works Administrative Decisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |                | D        |                  |              | A      |
| SEPA Determinations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |     |                | D        | A                |              |        |
| Shoreline Substantial Development Exemption [1]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                | D        | A                |              |        |
| Shoreline Substantial Development [1]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     | (R)            | D        | A                |              | A [2]  |
| Short Subdivisions (Prelim)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |     |                | D        | A                |              |        |
| (Final)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     |                | D        | A                |              | A      |
| Sign Permits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |                | D        |                  |              | A      |
| Minor Site Plan and Design Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | (R) | (R)            | D        | A                |              |        |
| Major Site Plan and Design Review (Any SPR in the B/I district must be processed through a major SPR)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | R   | R              | D        | A                |              |        |
| All other administrative decisions: This includes agricultural retail plans, boundary line adjustments (See BIMC 2.16.090), building and other construction permits, building administrative decisions, clearing permits, BIMC interpretations, habitat management plans (See BIMC 16.20.060), wetlands special use review (See BIMC 16.20.160.G), buffer averaging (See BIMC 16.20.050.B), wetlands exemption (See BIMC 16.20.040.C), vegetation management permit (See BIMC 16.22.070), extension of construction noise hours (See BIMC 16.16.025), and any other administrative land use decision authorized by this code to be made by the director. |     |                |          |                  |              |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                | D        | A                |              |        |
| <b>Quasi-Judicial Decisions by the Hearing Examiner</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     |                |          |                  |              |        |
| Conditional Use Permits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | (R) | (R)            | R        | D/P              |              | A      |
| Variances                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     | (R)            | R        | D/P              |              | A      |
| Reasonable Use Exception (See BIMC 16.20.080)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |     | (R)            | R        | D/P              |              | A      |
| Major Shoreline Variances [1]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |     | (R)            | R        | D/P              |              | A [2]  |
| Major Shoreline Conditional Use Permits [1]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |     |                | R        | D/P              |              | A [2]  |
| Long Subdivisions (Prelim)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |                | R        | D                |              | A      |
| <b>Quasi-Judicial Decisions by City Council</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                |          |                  |              |        |
| Long Subdivisions (Final)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |                | R        |                  | D            | A      |
| Site-Specific Rezones                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     | (R)            | R        | R/P              | D            | A      |
| <b>Consolidated Project Review</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |     |                |          |                  |              |        |
| See BIMC 2.16.170                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |                |          |                  |              |        |

| R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing |     |                |          |                  |              |        |
|-----------------------------------------------------------------------------------------------------------------------------------|-----|----------------|----------|------------------|--------------|--------|
|                                                                                                                                   | DRB | Planning Comm. | Director | Hearing Examiner | City Council | Courts |
| <b>Legislative Approvals</b>                                                                                                      |     |                |          |                  |              |        |
| Adoption or Amendment of Development Regulations                                                                                  |     | R/P            | R        |                  | D (P)        | A      |
| Comprehensive Plan Amendments                                                                                                     |     | R/P            | R        |                  | D (P)        | A      |
| Legislative Area-Wide Rezones                                                                                                     |     | R/P            | R        |                  | D (P)        | A      |
| Special Area Plans                                                                                                                |     | R/P            | R        |                  | D (P)        | A      |

[1] City decisions on shoreline variances, shoreline substantial development permits, and shoreline conditional use permits must be reviewed by the Washington Department of Ecology pursuant to WAC 173-27-130 and RCW 90.58.140(10). The Department of Ecology may approve, approve with conditions, or deny the application.

[2] The hearing examiner's decision is forwarded to the Department of Ecology (DOE) for decision. The DOE decision is then appealable to the Shoreline Hearings Board. (See BIMC 2.16.165.1.)

(Ord. 2014-04 § 5 (Exh. 3 § 2), 2014: Ord. 2011-21 § 2, 2011: Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.16.020 General provisions.**

A. Jurisdiction. Jurisdiction of the department director or the hearing examiner is limited to those issues where ordinance or other appropriate authority grants the authority to issue a decision, recommendation, or issue an order.

B. State Environmental Policy Act May Apply. The State Environmental Policy Act (SEPA) and the Bainbridge Island SEPA ordinance (Chapter 16.04 BIMC) may also apply to applications processed under this section. For a consolidated land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, the SEPA threshold determination shall be issued and any required public comment period shall be completed prior to a public hearing.

C. Types of Land Use Applications. Land use applications are classified into four major categories based on the review process: (1) administrative, (2) quasi-judicial decisions by a hearing examiner, (3) quasi-judicial decisions by city council, and (4) legislative approvals. The specific types of applications in each category are shown in the table in BIMC 2.16.010.

1. Administrative land use decisions are made by a department director pursuant to the process in BIMC 2.16.030, and pursuant to specific standards in BIMC 2.16.040 through 2.16.090 as applicable.

2. Quasi-judicial decisions by a hearing examiner are made pursuant to the process in BIMC 2.16.100, and pursuant to specific standards in BIMC 2.16.110 through 2.16.120 as applicable.

3. Quasi-judicial decisions by city council are made pursuant to the process in BIMC 2.16.130, and pursuant to specific standards in BIMC 2.16.140 through 2.16.160 as applicable. This category includes consolidated project review, which is an option available for a land use proposal that requires more than one related land use permit, and in which decisions are made pursuant to BIMC 2.16.170. In some cases, consolidated project reviews may be quasi-judicial decisions by a hearing examiner.

4. Legislative approvals are non-site-specific decisions related to land use in the city but not related to a specific land use application filed by a property owner. These decisions are made pursuant to BIMC 2.16.180, and pursuant to specific standards in BIMC 2.16.180 through 2.16.210 as applicable.

#### **D. Who Can Apply.**

1. A property owner, a contract purchaser, or an agent of the owner with authorized written proof of agency may apply for any type of permit.

2. A resident who is not the owner of the dwelling may apply for permits and licenses pertaining to a home occupation.

3. Any person may request an interpretation of the zoning code, shoreline master program, or subdivision regulations. The director of planning and community development may issue interpretations of the zoning code, shoreline master program, or subdivision regulations as needed, and shall post issued interpretations on the city website.

#### **E. Prohibited Ex Parte Communications.**

1. Except as permitted under Chapter 42.36 RCW, a proponent or opponent, or his or her agent or representative, of a quasi-judicial matter that is pending before the hearing examiner or council, shall not communicate ex parte, directly or indirectly, with the examiner or a council member concerning the merits of the pending matter or a factually related quasi-judicial matter. This rule shall not prohibit ex parte communications concerning procedural matters.
2. Except as permitted under Chapter 42.36 RCW, the hearing examiner or a council member shall not communicate ex parte, directly or indirectly, with a proponent or opponent, or his or her agent or representative, of a quasi-judicial matter that is pending before the hearing examiner or council concerning the merits of the pending matter or a factually related quasi-judicial matter. This rule shall not prohibit ex parte communications concerning procedural matters.
3. If a prohibited ex parte communication is made to or by the hearing examiner or a council member, the examiner or council member shall comply with Chapter 42.36 RCW. Any violation of this subsection E shall be deemed a misdemeanor and may be punished pursuant to Chapter 1.24 BIMC.
4. Any person seeking to rely on the provisions of this section to disqualify the hearing examiner or a council member from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the person. Where the basis is known or reasonably should have been known prior to the issuance of the decision and is not raised until after the issuance of the decision, it may not be relied on to invalidate the decision.

#### F. Design Review Board Review.

1. The design review board shall review and make recommendations on all land use applications as set forth in this section. This design process reflects a collaborative effort between an applicant, the design review board, and the community to better incorporate the vision of the city as outlined in the adopted comprehensive plan and regulations. (See Table 2.16.010-1.)
2. In order to identify potential design issues and opportunities, planning staff shall direct a prospective applicant to meet with the board during the conceptual stages of development formulation. This initial review is strongly recommended, and shall occur prior to the proposal's preapplication conference. The applicant shall submit conceptual drawings and diagrams as well as site information (topographic, existing development, surrounding development, and critical area information). Following this optional, initial review, an applicant may proceed with the design of the project, including development of the site plan and elevations that must be submitted as part of the preapplication materials.
3. Subsequent to submittal of preapplication materials, the board shall review a proposal for conformance with applicable design guidelines. The board's written recommendations shall be attached to the formal preapplication letter generated by planning staff.
4. Subsequent to submittal of the site plan and design review and/or conditional use permit application, the board shall review a proposal for incorporation of the board's previous comments into the project's design. For all housing design demonstration projects, including subdivisions, the board shall serve in an advisory and review capacity, in addition to analyzing any applicable design guidelines. At the conclusion of its consideration, the board shall submit to the director a recommendation of approval, approval with modifications, or denial of the application based on compliance with design guidelines. The director shall consider the board recommendation prior to making a decision on the application.
5. A board recommendation is not a decision and there is no city appeal of the recommendation.

#### G. Preapplication Procedure.

1. Subject to certain exemptions, all projects are subject to and must complete the site assessment review process set forth and in accordance with Chapter 15.19 BIMC, and projects requiring a preapplication conference have the option of proceeding with the two processes concurrently. Chapter 15.19 BIMC is designed to ensure that future development integrates low impact development practices to the maximum extent practicable, as required by Chapters 15.19 and 15.20 BIMC.
2. The preapplication conference is an informal discussion between a potential applicant, interested citizens, city staff, and the design review board (if applicable) regarding a proposed project. A preapplication conference shall not include extensive field inspection or correspondence. The purpose of the preapplication conference is to assist the applicant by identifying the following:
  - a. Requirements for submittal, including types of permits necessary to complete the proposal and whether SEPA review is required, pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW.



- b. Compliance with applicable city plans, goals, policies, codes or guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.
- c. Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.
- d. Whether or not the project will likely qualify as a housing design demonstration project, and/or feedback about how to qualify, if applicable.

3. A preapplication conference may be recommended by the department director for any type of land use application that the director believes may be complex or controversial, but is required prior to submitting an application for the following land use applications unless a waiver is obtained pursuant to this subsection G.3:

- a. Minor or major conditional use;
- b. Minor or major variance;
- c. Minor or major site plan and design review approval;
- d. Preliminary long subdivision and short subdivision;
- e. Shoreline substantial development permit, shoreline variance, and shoreline conditional use permit;
- f. Shoreline substantial development exemption for new shoreline armoring (including bulkheads, revetments, and soft shore designs);
- g. Buffer reduction in geologically hazardous areas;
- h. Comprehensive plan amendment;
- i. Reasonable use exception;
- j. Habitat management plans;
- k. Habitat buffer averaging;
- l. Special use review; and
- m. Consolidated project review.

4. Except in the case of (a) preliminary short subdivisions and long subdivisions, (b) shoreline substantial development exemptions or permits for new shoreline armoring (including bulkheads, revetments, and soft shore designs), (c) buffer reductions in geologically hazardous areas, (d) where the HDDP process is being used, and (e) where DRB review is required, a preapplication conference may be waived in writing by the director if the director determines the following:

- a. The application is consistent with applicable codes and ordinances;
- b. The proposed use is clearly listed as a permitted use or a conditional use in the zoning district in which it is located; and
- c. The applicant demonstrates knowledge and understanding of the city's permit processing procedures.

5. In the case of applications where design review board review and a preliminary application conference are required, the land use application shall be reviewed using a two-step preapplication process. As the schedule allows, the applicant shall first meet with the design review board to discuss the design concept, and shall then meet with department staff as described in this section.

6. The review process for long subdivisions, major site plan and design review permits, and major conditional use permits shall include a public participation meeting following the procedures outlined in Resolution No. 2010-32. The meeting will be held after the design review board meeting, if one is required, during the preapplication conference phase of the project.

7. An applicant shall arrange for a preapplication conference by submitting forms and plans as required in the administrative manual.

8. The discussion at the preapplication conference shall not bind or prohibit the city's future application or enforcement of applicable codes and ordinances.

#### H. Application.

##### 1. Application Submittal Requirements.

- a. An application for a specific type of land use decision shall be filed with the appropriate department on forms prescribed by that department and shall include fees as required by resolution of the city council. Each application has specific submittal requirements that are described in the administrative manual. Additional requirements may be requested on the application form.
- b. The address indicated on the application shall be, for the purposes of this title, the mailing address of the applicant, and all correspondence relating to the application shall be directed to that address.
- c. The applicant or designated representative must be present at any public meeting that has been publicly advertised to hear the application or when the applicant has been personally notified of such a meeting.
- d. The director may waive specific submittal requirements determined to be unnecessary for review of an application.
- e. The director or city engineer may require additional material such as, but not limited to, maps, studies or models when the director determines such material is needed to accurately assess the proposed project.

##### 2. Determination of Complete Application.

- a. A land use application shall be deemed complete when all submittal requirements and all required fees as set forth in the administrative manual or by resolution of the city council have been submitted to the appropriate department and staff has confirmed that the level of detail in submitted materials is sufficient to allow accurate review, even though additional information may be required or subsequent project modifications may occur (see subsection K.4 of this section for timelines).
- b. A determination of a complete application shall not preclude the department director from requesting additional information or studies, if new information is required to complete final review or if substantial changes in the application are proposed.
- c. If a land use application is determined to be incomplete, the city shall return the application for modification or correction with a request in writing for the missing information. The applicant shall respond to such a request within 60 days of the date of the request.

3. Voiding Application Due to Inactivity. A land use application for which a decision has not yet been made may be canceled for inactivity if the city returns the application for modification or correction (including a request for additional information for an incomplete or complete application) and the applicant fails to respond to the city's request within 60 days of the request. The planning director may extend the response period beyond 60 days if within that time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections, or other information needed by the requesting department.

#### I. Fees.

1. Fees and charges payable to the city prior to issuance of a land use permit or approval, except impact fees, shall be paid in an amount established by ordinance or resolution as of the date on which the land use application is accepted, except as provided in subsections I.2 and I.3 of this section.
2. Fees and charges payable to the city prior to the issuance of a building permit, including utility participation and connection charges, but except impact fees and fees for which an hourly charge has been established, shall be paid in an amount established by ordinance or resolution as of the date of the permit application.
3. Fees and charges payable to the city in relation to the issuance of land use permits or approvals do not vest except as provided in this chapter. Hourly rate charges shall be imposed for all work done by the city on and after the effective date (s) of the hourly charges, at the rate in effect on the date that work is performed by the city. Hourly charges shall be in addition to any amounts previously collected relative to the permits, approvals, or actions for which hourly fees are either now or subsequently imposed except that amounts paid prior to the imposition of hourly charges shall be considered a nonrefundable deposit against future charges for the same permits or approvals.

## J. Application Time Frames.

1. Final decisions on land use applications should be issued within 120 days from the date the application is determined to be complete pursuant to subsection H.2 of this section, except in the case of subdivisions. A preliminary plat for a short subdivision, long subdivision or large lot subdivision must be approved, disapproved, or returned to the applicant for modification or correction within 90 days from the date of filing a complete application, unless the applicant consents to an extension. A final plat for a short subdivision, long subdivision, or large lot subdivision must be approved, disapproved, or returned to the applicant for modification or correction within 30 days from the date of filing a complete application, unless the applicant consents to an extension.

2. Where there is a conflict in time periods of state statutes, the state statute with the more restrictive time period shall govern. The time period for making a final decision as established by this section may be extended for any reasonable period of time mutually agreed upon by the applicant and the city.

3. For purposes of calculating time periods and counting days of permit processing, the time period shall begin on the first day following the date the application is determined to be complete. The following periods shall be excluded from the 120-day period:

- a. Any period during which an application has been returned for correction or modification with a request for missing or additional information necessary for review, in accordance with subsection H.2 of this section;
- b. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW;
- c. Any period during which an appeal of a project permit is being reviewed; and
- d. Any extension of time mutually agreed upon by the applicant and the city.

4. The time limits established by this section do not apply if a land use application includes one of the following:

- a. An amendment to the comprehensive plan or an amendment to a land use development regulation; or
- b. Siting of an essential public facility as provided in RCW 36.70A.200; or
- c. An application substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under subsection H.2 of this section; or
- d. An application for a street or right-of-way vacation.

5. If the city is unable to issue its final decision on a land use application within the applicable time periods, the city shall provide written notice of this fact to the project applicant. The notice will include a statement of reasons why the time periods have not been met and an estimated date for issuance of the notice of final decision.

## K. Notice Requirements.

## 1. Land Use Notice Summary Table.

Table 2.16.020-1 Land Use Notice Summary Table

|                                                  | Mail, Fax, E-mail, or Other to Applicant | Mail, Fax, or E-mail to Depts., Public, and Others | Publishing in Newspaper | Posting Notice at Official Locations | Posting Sign on the Property |
|--------------------------------------------------|------------------------------------------|----------------------------------------------------|-------------------------|--------------------------------------|------------------------------|
| Notice of Complete Application                   | √                                        |                                                    |                         |                                      |                              |
| Notice of Application and Public Comment Period* |                                          | √                                                  | √                       | √                                    | √                            |
| Notice of Public Hearing                         | √                                        | √                                                  | √                       | √                                    | √                            |
| Notice of Decision and Appeal Period             | √                                        | √**                                                |                         |                                      |                              |

\* May be combined with SEPA notice.



\*\* Notice only goes to parties that commented during public comment period; if the application includes SEPA, notice of decision goes to SEPA agencies also.

2. Types of Notifications for Land Use Decisions. All applications, except those exempted in subsection K.3 of this section, require the following notifications:

- a. Notice of complete application; and
- b. Notice of application and public comment period\*; and
- c. Notice of public hearing, if a public hearing is required; and
- d. Notice of decision and appeal period.

\* If the optional process is used pursuant to subsection K.8 of this section, this will include SEPA comment period.

3. Exemptions from Public Notice Requirements on Land Use Decisions. The following land use applications do not require a notice of application and public comment period or notice of decision:

- a. A building permit or other construction permit, unless a notice of intent to construct in geologically hazardous areas is required under BIMC 16.20.150.
- b. An administrative decision that is categorically exempt under SEPA (Chapter 43.21C RCW), unless the permit application procedures require a public comment period or public hearing. Flexible lot design short or long plats are not exempt from notice requirements.

4. Notice of Complete Land Use Decision Application.

- a. Within 28 days after receiving a land use permit application, the department director shall either mail, fax, or otherwise provide to the applicant a written determination, stating either that the application is complete or that the application is incomplete and what is necessary to make the application complete. If the application is determined to be incomplete, the department director will request additional information in writing.
- b. Within 14 days after an applicant has submitted all additional information identified by the department director as being necessary for a complete application, the department director shall notify the applicant whether the application is complete or what additional information is necessary.
- c. If the department director does not provide a written determination as to whether the application is complete within the 28 days, the application shall be deemed complete as of the twenty-eighth day.

5. Notice of Application and Public Comment Period.

- a. Time of Notice. Within 14 days of a notice of complete application, the department director shall issue a notice of application for any land use application except for those applications that are exempted pursuant to subsection K.3 of this section. The notice of application shall provide a minimum comment period of 21 days. However, for projects requiring review under the State Environmental Policy Act (SEPA), the notice of application shall provide a minimum comment period of 14 days; the SEPA threshold determination shall not be issued prior to the expiration of the notice of application comment period.
- b. Method of Notice. The notice of application shall be provided to the public and other government agencies with jurisdiction over some aspect of the application by the following means:
  - i. Distributing written notice to property owners at addresses listed on the property tax records of Kitsap County within 500 feet of any boundary of the subject property and including any property within 500 feet of any contiguous property in the applicant's ownership;
  - ii. Posting notice in the official posting places of the city, including the city website;
  - iii. Publishing notice in the official newspaper of the city;
  - iv. Posting the subject property in a manner prescribed by the city; and
  - v. Distributing notices to government agencies.

c. Notice of Application Contents. The content of the notice shall comply with the requirements of state law and shall contain that information set forth in the administrative manual.

d. Transportation Notice. If the application is for a short subdivision or a large lot subdivision that is adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport, not later than 10 days after the short subdivision application is filed, the director shall provide a notice of the application, including a legal description and location map, to the State Secretary of Transportation. The Department of Transportation shall, within 15 days after receiving the notice, submit a statement to the director who furnished the notice, including any information that the Department of Transportation deems to be relevant about the effect of the proposed short subdivision or large lot subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway. If comments are not received within 15 days, the director may extend the comment period by an additional 15 days to allow for Department of Transportation comments.

6. Notice of Public Hearing. Notice for an application requiring a public hearing shall be provided in the following manner:

a. Time of Notice. The hearing examiner shall provide notice of the public hearing at least 15 days prior to the hearing or as otherwise provided by law.

b. Method of Notice. The hearing examiner shall provide notice of an appeal hearing as provided in this subsection K.6.b and shall provide public notice for any other public hearing by:

i. Posting notice in the official posting places of the city, including the city website; and

ii. Publishing notice in the official newspaper of the city at least 14 days prior to the hearing or as otherwise provided by law; and

iii. Distributing notice to the applicant and appellant, if applicable; and

iv. Distributing written notice to property owners at addresses listed on the property tax records of Kitsap County within 500 feet of any boundary of the subject property and including any property within 500 feet of any contiguous property in the applicant's ownership; and

v. Distributing notice to any person who has submitted a written request for notice of the hearing; and

vi. Posting the subject property in a manner prescribed by the city.

c. Public Hearing Notice Contents. The content of the notice shall comply with the requirements of state law and shall contain that information set forth in the administrative manual.

7. Notice of Land Use Decision and Appeal Period. A notice of decision shall be issued upon a final decision on a land use application. The decision-maker shall distribute the notice of decision to the applicant, the applicable department director and any persons requesting notice or submitting comments on the application prior to the decision. Notice of decision shall include:

a. A statement indicating that the application is approved, approved with conditions, denied, or remanded; and

b. A statement of any conditions included as part of a decision for approval or approval with conditions; and

c. A statement of facts upon which the decision, including any conditions, is based and the conclusions of law derived from those facts; and

d. The SEPA threshold determination and mitigation conditions as specified in Chapter 16.04 BIMC, if applicable; and

e. Procedures for appeal under subsection P of this section if applicable.

8. Combining Public Notices on Land Use Applications. If a land use application is subject to environmental review under Chapter 16.04 BIMC (Chapter 43.21C RCW) and requires a SEPA threshold determination, the SEPA public notice and notice of SEPA public comment period, if any, shall be combined with other land use application notices when possible. A combined notice shall include a statement that a single comment letter may be submitted to the SEPA official, addressing impacts as well as other issues subject to review under the decision criteria for the land use application.

9. Notice Required for Legislative Review Procedures. Unless subsection K.10 or K.11 of this section requires otherwise, notice of the date, time and place of any scheduled hearing shall be provided to the public by the following means:

- a. Publishing notice in the official newspaper of the city at least 10 calendar days prior to the public hearing.
- b. Posting notice in the official posting places of the city.

10. Notice Required for Adoption and Amendment of Land Use Regulations.

a. The city shall give notice of the public hearing in a way that is reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, and organizations.

Examples of reasonable notice include:

- i. Posting the property for site-specific proposals;
  - ii. Publishing notice in the official newspaper of the city;
  - iii. Notifying public or private groups who have notified the city of an interest in a certain proposal or in the type of proposal being considered.
- b. Notice of the public hearing shall state when the public may submit written comments on the proposed development regulation; provided, that the public shall be given at least 10 days prior to the scheduled public hearing to submit written comments to the city.
- c. Errors in exact compliance with this chapter shall not render the development regulation invalid if the spirit of the procedures established by this chapter is observed.

11. Notice Required for Special Area Plan Process. The interdepartmental staff team described in BIMC 2.16.210.D shall provide notice to the public of the initial public meeting by (a) mailing notice, by regular mail, at least 10 days prior to the date of the meeting, to all interested persons and groups identified by the interdepartmental staff team, and to all persons requesting such notice; and (b) publishing notice in the city's official newspaper at least 10 days prior to the date of the meeting.

L. Land Dedication. The following provisions apply to applications for short or long subdivisions, and to development permits for multifamily residential development.

1. The applicant shall submit with the application (a) a proposal for dedication of land for any public rights-of-way and parks, open spaces, or recreational lands required to serve the proposed development, and (b) any proposed open space covenants for private parks or recreational facilities for which the applicant seeks approval. Those proposals shall be incorporated in the underlying application.
2. Except in the case of short subdivisions, the city council shall then determine whether to require the dedication of land, and/or approve any proposed open space covenants for private parks or recreational activities. In the case of short subdivisions, staff shall determine whether to require dedication of land and/or approve any proposed open space covenants for private parks or recreational activities, but no required land dedication shall be final until accepted by city council.
3. In the instances where staff or the city council determines to require dedication of land, the dedication shall occur:
  - a. In the case of a short or long subdivision, at the time of final plat approval;
  - b. In the case of development permits for multifamily development, land dedications of public rights-of-way shall be required at the time of approval of the earliest application at which the number of dwelling units and related traffic generation from the property can be calculated. Land dedications for parks, open spaces, and recreational lands shall be due at the time of approval of the earliest application at which the number of dwelling units on the property can be calculated. All land dedications shall be completed prior to the issuance of any building permits.

M. Time Limits and Extensions.

1. A land use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the permit unless (a) the applicant has received an extension for the permit; or (b) the permit provides for an extended time period.

2. The director may grant one extension to the permit, in writing, for a period not to exceed one year if:
  - a. Unforeseen circumstances or conditions necessitate the extension of the permit; and
  - b. Termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
  - c. The extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and
  - d. The extension request is received by the department no later than 30 days prior to the expiration of the permit.

N. Required Notices on Title. Where any provision of the Bainbridge Island Municipal Code requires the recording of a notice on title related to a land condition or land use approval condition, the applicant shall record those notices in the form shown in the administrative manual. In the case of long, short, or large lot subdivisions, the notice shall be recorded prior to or at the recording of the final plat. In the case of other approvals, the notice shall be recorded before the issuance of any building permit related to the approval.

O. Approval Binding. No person, firm or corporation shall locate or expand a use for which any land use approval is required without first obtaining that land use approval. Once a land use application has been approved, no building or development of any sort shall occur contrary to the approved land use application unless this title includes a procedure for adjustments or modifications and the city has approved those adjustments or modifications. Any critical area or critical area buffers shown on the face of the plat will remain in effect for the life of the plat.

#### P. Appeals.

##### 1. Appeal of an Administrative Review Decision.

- a. Applicability. All administrative decisions, departmental rulings and interpretations made in accordance with administrative review procedures of BIMC 2.16.030 and administrative decisions made under BIMC 1.26.070 may be appealed to a hearing examiner. Administrative decisions of the public works director and decisions on sign permits may not be appealed to the hearing examiner.
- b. SEPA Appeals. Appeals of decisions made in accordance with Chapter 16.04 BIMC, the city's SEPA rules, shall be made according to the procedures in that chapter. Where the appeal concerns a substantive approval, denial, or conditional approval of a development application based on a SEPA determination (a "substantive SEPA appeal"), the appeal hearing shall be pursuant to subsection P.1.i of this section. Where the appeal concerns a threshold determination regarding the applicability of SEPA or the level of SEPA review required (a "procedural SEPA appeal"), the appeal shall also be pursuant to subsection P.1.i of this section, but, if heard on the same date, the procedural SEPA appeal shall be heard first and the record of the proceeding closed before the substantive appeals are heard.
- c. Rules. Any rules of procedure for appeal hearings adopted by the hearing examiner shall be kept on file with the office of the city clerk and shall be provided to any person filing an appeal upon request.
- d. Timing. An appeal of an administrative decision shall be filed with the city clerk within 14 days of the date of the decision. This provision applies when the application (i) is exempt from SEPA or (ii) is subject to SEPA and uses the "optional process." An appeal of an administrative decision shall be filed with the city clerk within 21 days of the date of decision when the project is subject to SEPA and requires a SEPA threshold determination public comment period pursuant to WAC 197-11-340.
- e. Written Appeal Required. All appeals shall be filed in writing with the city clerk, shall identify the decision appealed and the date of the decision, and shall contain a summary of the grounds for the appeal.
- f. Content of Appeal. Appeal hearings shall be limited to the issues specified in the written appeal.
- g. Hearing Date. Following receipt of a notice of appeal and payment of the appropriate fee, a public hearing shall be set by the hearing examiner.
- h. Related Documents. All written comments and related documents received prior to the appeal hearing shall be transmitted to the hearing examiner no later than the hearing date. In the case of complex or controversial appeals, the city may require that some or all materials be submitted two or more days in advance of the hearing date.



i. Appeal Hearing. As stated in RCW 43.21C.075, because a major purpose of SEPA is to combine environmental considerations with public decisions, any appeal brought under this section shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action. The appeal shall be heard in accordance with RCW 43.21C.075. The appeal shall be held at an open record public hearing. Participation in an appeal hearing is limited to the applicant, the applicant's representative, the appellant, the appellant's representative, appropriate city staff and consultants, any witnesses called by each and any nonparty who submitted written comments during the public comment period if the hearing examiner determines that the testimony will be relevant to the issue on appeal and nonrepetitive of the testimony of other witnesses.

i. In a SEPA procedural appeal, the procedural determination by the city's SEPA official shall carry substantial weight.

ii. In an appeal of a substantive decision made by the city, the criteria shall be whether (A) the proceedings were materially affected by failure to comply with adopted procedures, or (B) the decision is inconsistent with the BIMC criteria for that type of approval, or (C) the evidence in the record was not adequate to support the decision.

iii. In an appeal on the substance of a SEPA determination, or substantive conditions attached to an approval through the SEPA review process, the determination by the city's SEPA official shall carry substantial weight.

j. Continuation of Hearing. A hearing may be continued to a date certain without additional notice.

k. Decision. Upon completion of the appeal hearing, the hearing examiner shall (i) affirm the decision, (ii) reverse the decision, (iii) affirm the decision with conditions, or (iv) remand the decision to the department director for further consideration of identified issues. The decision of the director shall be accorded substantial weight by the hearing examiner. The hearing examiner may include conditions as part of a decision granting or granting with conditions an appeal to ensure conformance with BIMC, the city's comprehensive plan and other applicable laws or regulations.

l. Timing of Written Decision. The hearing examiner shall issue a written decision on the appeal within 20 working days after completion of the public hearing unless the appellant and the hearing examiner have consented to an extension of time. The written decision shall include (i) the decision of the hearing examiner granting or denying the appeal in whole or in part; (ii) any conditions included as part of the decision on the appeal; (iii) findings of facts upon which the decision, including any conditions, is based and the conclusions of law derived from those facts; and (iv) a statement of the right of a person with standing to appeal the decision of the hearing examiner in accordance with Chapter 36.70C RCW.

m. Distribution. The hearing examiner or designee body shall provide a copy of the written decision to the applicant, the appellant, the applicable department director, and any person requesting the written decision or who submitted substantive comments on the application prior to the decision.

2. Appeal of a Decision of the Hearing Examiner. The decision of the hearing examiner shall be final unless, within 21 days after issuance of a decision, a person with standing appeals the decision in accordance with Chapter 36.70 RCW or its successor.

3. Appeal of a City Council Decision on a Quasi-Judicial Matter. The decision of the city council shall be final unless, within 21 days after issuance of a decision, a person with standing appeals the decision in accordance with Chapter 36.70C RCW or its successor.

4. Appeals of a City Council Decision on a Legislative Matter. Appeal of a city council decision on a development regulation, area-wide rezone and comprehensive plan amendment is governed by state law.

#### Q. Housing Design Demonstration Projects.

1. Purpose and Goals. The purpose of this subsection Q is to allow the development of housing design demonstration projects that increase the variety of housing choices available to residents across underserved portions of the socio-economic spectrum, and to promote compact, low-impact development where it is most appropriate. Further, its purpose is to encourage high quality and innovation in building design, site development, and "green" building practices.

The goals of this program are to increase the housing supply and the choice of housing styles available in the community; to promote socio-economic diversity by adding to the stock of income-qualified housing; to encourage development of smaller homes, at reasonable prices, in neighborhoods attractive to a mix of income and age levels; and to demonstrate that innovative design and building techniques (conserving water and energy, using sustainably sourced materials, limiting environmental impacts) are compatible with market considerations.

2. **Applicability.** This subsection Q is applicable to all properties located within the Winslow sanitary sewer system service area. An application for a housing design demonstration project may be applied to single-family residential subdivisions, mixed-use/multifamily and multifamily developments. Since the purpose is to provide housing projects as demonstrations, the city will accept projects for consideration and approval prior to the sunset date of the ordinance codified in this chapter. The city will limit acceptance of Tier 3 and 4 projects outlined in this section to three projects in each tier.

3. **Review and Approval Process.** Housing design demonstration project applications shall be reviewed as specified in the same manner as other applications for the same type of underlying land use permit (see BIMC 2.16.030 through 2.16.210), with additional review steps done in the order below as outlined in this subsection.

a. **Conceptual Proposal Review.** Applicants proposing a demonstration project shall meet with city staff during the conceptual phase to discuss the goals and evaluation parameters of the proposed project. The conceptual proposal review is an informal discussion between the applicant and city staff regarding a proposed project. There are no required application materials for this stage. Applicants shall contact the planning department staff to request a meeting, and the meeting shall be scheduled by staff for no more than three weeks after the request date. The purpose of the conceptual proposal review is to determine if the proposal is eligible to be considered as an application for a housing design demonstration project and to assist the applicant by identifying (i) requirements for submittal, including types of supplemental materials for application; (ii) compliance with applicable city plans, goals, policies, codes, or guidelines and possible revisions to the project that will enhance the proposal with respect to these requirements; (iii) areas of BIMC Title 18, Zoning, and BIMC Title 17, subdivisions, where the applicant seeks flexibility; and (iv) required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff and the design review board, and to review the project under the criteria outlined in subsection Q.4 of this section.

b. **Public Participation Program.** The applicant is required to participate in one or more community meetings, either through the city's (i) public participation program following the procedures outlined in Resolution Nos. 2010-32 and 2001-11, or (ii) an equivalent public meeting that includes participation by city staff, as approved by the director.

c. **Preapplication Conference.** The applicant shall apply for a preapplication conference pursuant to subsection G of this section. Housing design demonstration projects shall be reviewed by both staff and the design review board, pursuant to subsection F of this section. The applicant shall submit a HDDP proposal consistent with the requirements in the administrative manual. The applicant shall consider input received during the public meetings and conceptual review with city staff in crafting the proposal. The proposal will be evaluated pursuant to subsection Q.4 of this section by city staff with the design review board serving in an advisory role, in addition to their review of applicable design guidelines. The director shall prepare written findings of facts, and applicants will receive preliminary notification from the director whether the proposal will qualify as a housing design demonstration project, or feedback about how to improve the proposal to qualify. If the applicant changes the proposal in any significant manner other than a response to feedback from the public meeting, conceptual review, or the preapplication review, an additional preapplication conference may be required.

d. **Application Submittal.** An applicant may submit a land use permit application (subdivision, site plan and design review, or conditional use permit) for a housing design demonstration project after completion of a required conceptual and preapplication review and notification by the city that the proposal qualifies as a housing design demonstration project. Upon receipt of an application, the director shall provide notice to the applicant and public in accordance with subsection K of this section, and commence the application review process. Housing design demonstration projects that require more than one land use permit must utilize the consolidated project review process outlined in BIMC 2.16.170. All housing design demonstration project applications, including subdivisions, shall be reviewed by the design review board and the planning commission at public meetings. The design review board and the planning commission shall make recommendations on all housing design demonstration projects.

e. **Permit Decision.** The decision to approve or deny a housing design demonstration project shall be made as part of underlying land use permit approval. The decision shall be based upon the decision criteria of the underlying planning permit, and the decision criteria outlined in subsection Q.5 of this section. Housing design demonstration

project approval conditions shall be included in the final permit approval and shall address any ongoing compliance requirements including compliance with approved design plans. The city may require that the applicant record covenants to ensure ongoing compliance or maintenance for required project components.

f. **Building Permit.** The applicant shall submit a building permit that is consistent with all conditions of the land use permit approval. The applicant shall also submit documentation that the project has applied for required certification by a green building rating system, such as Evergreen Sustainable Development, LEED, or BuiltGreen. Proof of ongoing certification shall be required during construction and project certification must be completed prior to final occupancy.

g. **Living Building Challenge.** For projects pursuing the Living Building Challenge standard of the International Living Building Institute, the applicant must show proof of pursuing ongoing certification during construction for all required elements. After construction and prior to issuance of the certificate of occupancy, the applicant must show proof of initial project compliance as to the Site, Materials, Indoor Quality and Beauty/Inspiration components of the Living Building Challenge and that the project is likely to achieve the elements of energy and water following 12 months of occupancy as required under Living Building Challenge certification. For those elements of energy and water that require occupancy of the building for 12 months for Living Building Challenge certification, the applicant must submit a report to the city following 12 months of occupancy, demonstrating its progress towards meeting these remaining elements of the Living Building Challenge standard. If certification of those elements has not been achieved, the applicant must provide quarterly reports of progress towards certification of these elements, including additional steps and timeline that will be taken to achieve certification.

4. **Evaluation Method.** Each project will be evaluated for innovation and achievement of the goals of subsection Q of this section using a number of factors. The evaluation factors are divided into three categories. Examples of sustainable development methods do not limit other mechanisms of meeting the evaluation factor. Projects that qualify as housing design demonstration projects are eligible to use the flexible development standard incentives outlined in subsections Q.6 and 7 of this section. Projects qualifying as a Tier 2, 3, or 4 project are eligible for the residential incentives outlined below and in subsection Q.8 of this section. Tables 2.16.020.Q-1, Q-2, and Q-3 show how projects are scored to qualify for different tiers in the housing design demonstration project program.

| Table 2.16.020.Q-1: Housing Design Demonstration Project Scoring System                                                                                                                                            |                                                                                                                                                                                                            |                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Density Incentives                                                                                                                                                                                                 | Requirements to Receive Incentives                                                                                                                                                                         |                                                                                                                                                                                                                 |
|                                                                                                                                                                                                                    | Green Building and Innovative Site Development                                                                                                                                                             | Housing Diversity                                                                                                                                                                                               |
| <b>Tier 4</b>                                                                                                                                                                                                      |                                                                                                                                                                                                            |                                                                                                                                                                                                                 |
| 2.5 x Base Density<br>OR<br>Max. Bonus Mixed-Use FAR                                                                                                                                                               | <ul style="list-style-type: none"> <li>Living Building Challenge (ILFI) OR Passive House (Passive House Institute US/International)</li> <li>30 Points in Innovative Site Development Practices</li> </ul> | <ul style="list-style-type: none"> <li>Home size not greater than 1,600 sq. ft.</li> <li>10 pts/10% of units affordable housing</li> </ul>                                                                      |
| <b>Tier 3</b>                                                                                                                                                                                                      |                                                                                                                                                                                                            |                                                                                                                                                                                                                 |
| 2.5 x Base Density<br>OR<br>Max. Bonus Mixed-Use FAR                                                                                                                                                               | <ul style="list-style-type: none"> <li>LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development</li> <li>25 Points in Innovative Site Development Practices</li> </ul>                              | <ul style="list-style-type: none"> <li>50% affordable housing</li> <li>Home size not larger than 1,600 sq. ft.</li> </ul>                                                                                       |
| <b>Tier 2</b>                                                                                                                                                                                                      |                                                                                                                                                                                                            |                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"> <li>1.5 x Base Density (R-8 and R-14); OR</li> <li>2.0 x Base Density not to exceed R-8 density (R-2, R-2.9, R-3.5, and R-4.3); OR</li> <li>Max. Bonus Mixed-Use FAR</li> </ul> | <ul style="list-style-type: none"> <li>LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development</li> <li>25 Points in Innovative Site Development Practices</li> </ul>                              | <ul style="list-style-type: none"> <li>Home size not greater than 1,600 sq. ft.</li> <li>10% of units affordable housing</li> <li>Projects with ≥ 20 units must get 3 points in "Unit Type" category</li> </ul> |

| Table 2.16.020.Q-1: Housing Design Demonstration Project Scoring System                  |                                                                                                                          |                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Density Incentives                                                                       | Requirements to Receive Incentives                                                                                       |                                                                                                                                                                                                   |
|                                                                                          | Green Building and Innovative Site Development                                                                           | Housing Diversity                                                                                                                                                                                 |
| Tier 1                                                                                   |                                                                                                                          |                                                                                                                                                                                                   |
| No Density Bonus                                                                         | <ul style="list-style-type: none"> <li>LEED Certification, BuiltGreen 4, or Evergreen Sustainable Development</li> </ul> | <ul style="list-style-type: none"> <li>Home size not greater than 1,600 sq. ft.</li> <li>4 points (projects with &lt; 20 units) in "Housing Diversity" category</li> </ul>                        |
|                                                                                          | <ul style="list-style-type: none"> <li>14 Points in Innovative Site Development Practices</li> </ul>                     | <ul style="list-style-type: none"> <li>5 points (projects with ≥ 20 units) in "Housing Diversity" category</li> <li>Projects with ≥ 20 units must get 2 points in "Unit Type" category</li> </ul> |
| NOTE: For Tiers 2 and 3 required affordable housing units:                               |                                                                                                                          |                                                                                                                                                                                                   |
| o Home ownership projects: 50% of required affordable house units should serve ≤ 80% AMI |                                                                                                                          |                                                                                                                                                                                                   |
| o Rental projects: 50% of required affordable house units should serve ≤ 60% AMI.        |                                                                                                                          |                                                                                                                                                                                                   |

Table 2.16.020.Q-2 Housing Diversity Scoring Method

| Affordable Housing                                                                                                                                                                                                                                                            |                                         |                    |                 | Unit Size                                                                                                                                                                                                                                                                                                                                                                                                           |                                      | Unit Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------|
| Project includes a number of housing units that are designated affordable for a period of 50 years to the spectrum of income levels as defined by BIMC 18.36.030.16 and 18.21.020.A. Rental housing is encouraged by awarding more points for the creation of rental housing. |                                         |                    |                 | Project includes a variety of unit sizes, excluding garages, that provide for a broad mix of income levels and family size. In order to score a point in a unit size range, the project shall provide at least 10% of the total number of units in that range. For example, in a 40-unit development, at least 4 units sized between 1,001 and 1,200 ft <sup>2</sup> would be needed to score points in that range. |                                      | Unit type: Project includes a variety of housing unit types (i.e., single-family style, townhouse, flat, age-in-place, ADUs, cottages) or innovative type of housing. In order to score points for different unit types, the project shall provide at least 10% of the total number units of that type. For example, in a 40-unit development of townhomes and duplexes, at least 4 units of townhomes would be needed to score points for having 2 different unit types. |                                |       |
| TIER                                                                                                                                                                                                                                                                          | Total Housing Diversity Points Required | % Affordable Units | Ownership Value | Rental Value                                                                                                                                                                                                                                                                                                                                                                                                        | Unit Size Range                      | Value                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Number of Different Unit Types | Value |
|                                                                                                                                                                                                                                                                               |                                         | 10%                | 10              | 12                                                                                                                                                                                                                                                                                                                                                                                                                  | < 800 ft <sup>2</sup>                | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 2                              | 2     |
|                                                                                                                                                                                                                                                                               |                                         | 11 – 15%           | 12              | 14                                                                                                                                                                                                                                                                                                                                                                                                                  | 801 – 1,000 ft <sup>2</sup>          | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3                              | 3     |
|                                                                                                                                                                                                                                                                               |                                         | 16 – 20%           | 14              | 16                                                                                                                                                                                                                                                                                                                                                                                                                  | 1,001 – 1,200 ft <sup>2</sup>        | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 4                              | 4     |
|                                                                                                                                                                                                                                                                               |                                         | 21 – 25%           | 16              | 18                                                                                                                                                                                                                                                                                                                                                                                                                  | 1,201 – 1,400 ft <sup>2</sup>        | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 5                              | 5     |
|                                                                                                                                                                                                                                                                               |                                         | More than 25%      | 20              | 22                                                                                                                                                                                                                                                                                                                                                                                                                  | 1,401 – 1,600 ft <sup>2</sup>        | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                |       |
| Minimum % Required                                                                                                                                                                                                                                                            |                                         |                    |                 |                                                                                                                                                                                                                                                                                                                                                                                                                     | Size Requirement                     | Min. Pts. Required                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Min. Pts. Required             |       |
| 4                                                                                                                                                                                                                                                                             | 10 pts                                  | 10%                |                 |                                                                                                                                                                                                                                                                                                                                                                                                                     | Max. home size 1,600 ft <sup>2</sup> | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | NA                             |       |



|   |                                                                              |     |                                         |    |                                                      |
|---|------------------------------------------------------------------------------|-----|-----------------------------------------|----|------------------------------------------------------|
| 3 | 20 pts                                                                       | 50% | Max. home size<br>1,600 ft <sup>2</sup> | NA | NA                                                   |
| 2 | 12 pts<br>(projects <<br>20 units)<br><br>15 pts<br>(projects ≥<br>20 units) | 10% | Max. home size<br>1,600 ft <sup>2</sup> | NA | Projects ≥ 20 units must<br>get 3 pts in "unit type" |
| 1 | 4 pts<br>(projects <<br>20 units)<br><br>5 pts<br>(projects ≥<br>20 units)   | NA  | Max. home size<br>1,600 ft <sup>2</sup> | NA | Projects ≥ 20 units must<br>get 2 pts in "unit type" |

Table 2.16.020.Q-3 Innovative Site Development Scoring Method

| TIER | Minimum<br>Site<br>Development<br>Point<br>Requirement | Water Quality and Conservation                                                                                                                                                                                                                                                                                               |          | Landscaping and Open Space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |       |                 | Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                |
|------|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|      |                                                        | Projects use methods to decrease water usage and improve stormwater runoff quality through an integrated approach to stormwater management such as greywater use, stormwater collection in cisterns, vegetated roofs and covered parking. All HDDP projects will follow the stormwater manual adopted in Chapter 15.20 BIMC. |          | Project provides well-designed common open space, with at least 5 percent of the gross land area set aside as open space and designed as an integrated part of the project rather than an isolated element. The common open space must be outside of critical areas and their buffers and required roadside buffers. Appropriate community amenities such as playgrounds, composting and neighborhood gardens promoting the production of locally grown food are encouraged. Resident neighborhood community gardens can be in common open space areas, and shall be appropriately located for solar exposure, and include water availability, soil amenities, and storage for garden tools. Required growing space for neighborhood gardens is 60 square feet per dwelling unit, not including any existing orchard area. Open space dedicated to the public pursuant to the standards of BIMC 17.12.030.A.1, A.2, A.3, A.6 and A.7 is encouraged. |       |                 | Project design provides enhanced sensitivity to pedestrian and bicycle travel to promote the people getting around without a car, a reduced carbon footprint, improved health of humans, and lower pollution levels. Project internally preserves existing informal internal connection to external nonmotorized facilities, furthering the Island-wide Transportation Plan (IWTP) and using such solutions as woonerfs, green streets, and natural trails and paths. Project reduces reliance on automobiles and trip counts, and promotes alternative transportation, such as integrating parking and charging facilities for electric cars, or bus shelters. |                |
| 4    | 30                                                     | Requirement                                                                                                                                                                                                                                                                                                                  | Value    | % of Open Space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Value | Value If Public | Transportation Components                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Value          |
|      |                                                        | Number of dwelling units that integrate greywater reuse components into building design:                                                                                                                                                                                                                                     |          | 5 – 10%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2     | 4               | Project preserves, creates or integrates internal and external nonmotorized connections.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 2              |
|      |                                                        |                                                                                                                                                                                                                                                                                                                              | 10%      | 11 – 15%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 4     | 6               | Provides public walkways, separated paths, or bike lanes. No points for facilities required by IWTP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 3              |
|      |                                                        |                                                                                                                                                                                                                                                                                                                              | 11 – 20% | 16 – 20%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 6     | 8               | On-site car sharing program                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1 per each car |
|      |                                                        |                                                                                                                                                                                                                                                                                                                              | 21 – 30% | 21 – 25%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 8     | 10              | Electric vehicle charging stations for 3% of vehicle parking capacity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 3              |
| 3    | 25                                                     | Over 31%                                                                                                                                                                                                                                                                                                                     | 4        | Greater than 25%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 10    | 12              | Covered consolidated bike parking for subdivisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3              |
|      |                                                        | Percentage of total roof area qualifying as "vegetated roofs":                                                                                                                                                                                                                                                               | 2        | Incorporates neighborhood garden                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2     |                 | Bus shelter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 2              |

|   |    |                                                                                      |   |                                                                                                                            |            |  |
|---|----|--------------------------------------------------------------------------------------|---|----------------------------------------------------------------------------------------------------------------------------|------------|--|
|   |    | 15 – 30%                                                                             |   | Preserves tree that qualifies as a "heritage tree" under city program. The tree is not otherwise required to be preserved. | 2 per tree |  |
|   |    | Over 31%                                                                             | 4 | All private yard areas ≤ 20% turf                                                                                          | 4          |  |
| 2 | 25 | Project integrates cisterns: % of total roof area directed to cisterns:              |   | Project landscaping integrates at least 60% native or drought tolerant plants                                              | 4          |  |
|   |    | 15 – 30%                                                                             | 2 |                                                                                                                            |            |  |
|   |    | Over 31%                                                                             | 4 |                                                                                                                            |            |  |
| 1 | 14 | Percentage of total parking spaces that are covered (i.e., parking garage, carport): |   |                                                                                                                            |            |  |
|   |    | 5 – 20%                                                                              | 1 |                                                                                                                            |            |  |
|   |    | 21 – 40%                                                                             | 2 |                                                                                                                            |            |  |
|   |    | 41 – 60%                                                                             | 3 |                                                                                                                            |            |  |
|   |    | 61 – 80%                                                                             | 4 |                                                                                                                            |            |  |
|   |    | Over 81%                                                                             | 5 |                                                                                                                            |            |  |

a. Housing Diversity. Evaluation will review:

- i. Unit Type. The project includes a variety of unit types, for example, single-family, townhomes, flats, duplex, cottages, age-in-place or accessory dwelling units;
- ii. Unit Size. The project includes a variety of housing unit sizes that provide for a broad mix of income levels and family size; and
- iii. Affordable Housing. The project includes housing units that are affordable to the spectrum of income levels as defined in Chapter 18.21 BIMC, Affordable Housing, except that affordable housing units required for a housing design demonstration project must use the Bremerton-Silverdale Average Median Income (AMI). Designated affordable housing shall remain affordable for 50 years from the time of final inspection on the affordable unit. The applicant shall record covenants that demonstrate how the unit will remain affordable and be managed for 50 years.

b. Innovative Site Development. Evaluation will review:

- i. Water Quality and Conservation. Projects use methods to decrease water usage and improve stormwater runoff quality through an integrated approach to stormwater management such as greywater use, stormwater collection in cisterns, vegetated roofs and covered parking. All HDDP projects will follow the Department of Ecology's 2012 Stormwater Management Manual for Western Washington, as amended in December 2014.
- ii. Landscaping. The project uses low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that are climate appropriate. The project limits the amount of "lawn" in private yards in favor of common open space. Projects are encouraged to use cisterns to collect rainwater for irrigation or garden use.
- iii. Common Open Space. The project provides connected common open space area set aside as active open space and designed and integrated into the project. The open space could include active elements such as a neighborhood garden/pea patch and composting facilities, or a playground. Critical areas and their buffers and

required roadside buffers do not contribute to "common open space" under the housing design demonstration project program.

iv. Transportation. The project (A) uses a design that provides enhanced sensitivity to pedestrian travel; (B) internally preserves existing informal, internal connection to external trail(s), or creates new connections where appropriate, to implement the Island-wide Transportation Plan (IWTP); (C) reduces reliance on automobiles and trip counts, and promotes alternative transportation and public transit; (D) minimizes the visual dominance of automobiles throughout the project; or (E) the project accommodates needs of alternative vehicles through techniques such as parking and charging facilities for electric cars, locating rechargeable electric vehicle (EV) parking in a conspicuous and preferred location close to a main building entrance, and integrating a parking space for a vehicle sharing program, such as Zipcar™.

c. Innovative Building Design. The project is constructed under a green building certification program that requires third-party verification such as the Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, Passive House Institute US/International, LEED or the BuiltGreen Program of the Master Builders of King and Snohomish Counties.

5. Approval Criteria. In addition to decision criteria required by the underlying planning permit or approval, an application for a housing design demonstration project may be approved if the following criteria are met:

- a. The applicant clearly demonstrates evaluation factors listed in subsection Q.4 of this section as shown in the housing design demonstration project scoring system as evaluated by the planning department;
- b. The applicant has demonstrated how relief from specific development standards, including setback reductions, lot coverage and/or design guidelines, is needed to achieve the desired innovative design and the goals of this chapter;
- c. The project does not adversely impact existing public service levels for surrounding properties;
- d. The project complies with all other portions of the BIMC, except as modified through this housing design demonstration project process;
- e. If a project will be phased, each phase of a proposed project must contain adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the project to stand alone if no other subsequent phases are developed; and
- f. The applicant is meeting required housing diversity standards.

6. Development Standard Incentives – Development Projects in the Mixed-Use Town Center. The applicant may request that development standards from BIMC Titles 17 and 18 be modified as part of a housing design demonstration project. The city will review the request to modify development standards through the project review process outlined in subsection Q.3 of this section. Requirements of BIMC Title 16 may not be modified. The following development standards may be modified:

- a. Minimum Lot Dimensions and Size. Reductions in lot size or dimensions are subject to approval by Kitsap County health district.
- b. Maximum Lot Coverage. Maximum lot coverage can be increased by five percent for Tier 1 projects, and 10 percent for Tier 2 projects. For example, for a Tier 1 project in the Madison overlay district, the 35 percent lot coverage limit may be increased to 40 percent. Tier 3 and 4 projects may increase lot coverage above zoning district requirements with no maximum.
- c. Open Space. For MUTC projects developed under BIMC Title 17, flexible lot subdivision, the prescriptive open space requirements in BIMC 17.12.030.A do not apply. Instead, the project shall integrate at least 50 square feet of open space per unit. The open space shall be located along a public or private street or driveway, or public walkway.
- d. Residential Parking. The parking requirements outlined in BIMC 18.15.020 may be modified to require one parking space for homes under 800 square feet and 1.5 parking spaces for homes between 800 and 1,200 square feet. This reduction may not be combined with any other reductions to result in less than one space per unit, and additional guest parking may be required pursuant to BIMC Table 18.15.020-1. A limited number of parking spaces may be

designed to accommodate alternative fuel or sub-compact vehicles such as Smart™ cars, with parking stall dimensional standards reduced from the standards outlined in BIMC 18.15.020.J. The applicants are encouraged to work with neighboring property owners to ensure street parking is not overburdened. If the project is requesting a reduction in required parking through the housing design demonstration project program, then the development shall integrate at least one guest parking space for every five dwelling units.

e. **Setbacks.** Unless required for public safety purposes, such as sight distance, setbacks required by BIMC Title 18 in any district other than the Mixed-Use Town Center or the High School Road zoning district may be reduced as described below. This section does not supersede lesser setback requirements in the MUTC/HS Road district zones, as outlined in Table 18.12.020-3.

i. **Zoning Setback Reductions.**

- (A) Front setback within project: 10 feet.
- (B) Rear setback within project: minimum of five feet.
- (C) Side setback within project: minimum of five feet.

ii. **Subdivision Setback Reductions.**

- (A) All interior subdivision setbacks: zero feet.
- (B) Building to exterior subdivision boundary: five feet.
- (C) Building to right-of-way or on-site private access: 10 feet.

f. **Building Height.** Buildings within the Mixed-Use Town Center or High School Road districts may achieve a maximum building height not to exceed the optional height outlined in Table 18.12.020-3.

7. **Development Standard Incentives – Development Projects in Residential Zones.** The applicant may request that development standards from BIMC Titles 17 and 18 be modified as part of a housing design demonstration project. The city will review the request to modify development standards through the project review process outlined in subsection Q.3 of this section. Requirements of BIMC Title 16 may not be modified. The following development standards may be modified:

a. **Minimum Lot Dimensions and Size.** Reductions in lot size or dimensions are subject to approval by Kitsap County health district.

b. **Maximum Lot Coverage.** Maximum lot coverage can be increased by five percent for Tier 1 projects, and 10 percent for Tier 2 projects. For example, for Tier 1 projects in the R-4.3 district, the 25 percent lot coverage limit may be increased to 30 percent. Tier 3 and 4 projects may increase lot coverage above zoning district requirements with no maximum.

c. **Open Space.** For residentially zoned projects developed under BIMC Title 17, flexible lot subdivision, the prescriptive open space requirements in BIMC 17.12.030.A do not apply. Instead, the project shall integrate at least 400 square feet of open space per unit. The open space shall be located along a public or private street or driveway, or public walkway. This common consolidated open space would be in addition to any protected critical areas or buffers.

d. **Residential Parking.** The parking requirements outlined in BIMC 18.15.020 may be modified to require one parking space for homes under 800 square feet and 1.5 parking spaces for homes between 800 and 1,200 square feet. This reduction may not be combined with any other reductions to result in less than one space per unit, and additional guest parking may be required pursuant to Table 18.15.020-1. A limited number of parking spaces may be designed to accommodate alternative fuel or sub-compact vehicles such as Smart™ cars, with parking stall dimensional standards reduced from the standards outlined in BIMC 18.15.020.J. The applicants are encouraged to work with neighboring property owners to ensure street parking is not overburdened. If the project is requesting a reduction in required parking through the housing design demonstration project, then the development shall integrate at least one guest parking space for every five dwelling units.

e. Setbacks. Unless required for public safety purposes, such as sight distance, zoning and subdivision setbacks required by BIMC Title 18 may be reduced as described below. Additional vegetative landscaping screen may be required by the director when reducing setbacks.

i. Zoning Setback Reductions.

(A) Front setback to on-site access: 10 feet.

ii. Subdivision Setback Reductions.

(A) All interior subdivision setbacks: zero feet.

(B) Building to on-site access: 10 feet.

8. Density Bonus Incentives. An increase in residential base density may be permitted as outlined in Table 2.16.020.Q-4.

| <b>Table 2.16.020.Q-4: Housing Diversity Program<br/>Project Density Bonuses</b>                                                                                                                                                   |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Tier 4</b>                                                                                                                                                                                                                      |  |
| <ul style="list-style-type: none"> <li>• 2.5 x Base Density</li> <li>• Max. Bonus Mixed-Use FAR (all residential)</li> </ul>                                                                                                       |  |
| <b>Tier 3</b>                                                                                                                                                                                                                      |  |
| <ul style="list-style-type: none"> <li>• 2.5 x Base Density</li> <li>• OR Max. Bonus Mixed-Use FAR (all residential)</li> </ul>                                                                                                    |  |
| <b>Tier 2</b>                                                                                                                                                                                                                      |  |
| <ul style="list-style-type: none"> <li>• 1.5 x Base Density (R-8 and R-14)</li> <li>• 2.0 x Base Density not to exceed R-8 density (R-2, R-2.9, R-3.5, and R-4.3)</li> <li>• Max. Bonus Mixed-Use FAR (all residential)</li> </ul> |  |
| <b>Tier 1</b>                                                                                                                                                                                                                      |  |
| <ul style="list-style-type: none"> <li>• No Density Bonus</li> </ul>                                                                                                                                                               |  |

9. Housing Project Visit. In order to learn from the innovative design practices used, all projects completed under this subsection Q shall allow city staff to conduct occasional site tours. City staff will make a request of the property owner prior to conducting a tour and will not access the properties for tours more than once every three months. The site tours will be limited to the exterior and common grounds of the property, and conducted during regular business hours. Visits will be coordinated through the staff and property owner, and the owner will receive written notice no less than two weeks in advance of each visit. Any additional access to private property or at alternative times shall be at the permission and cooperation of the individual homeowner only.

10. Demonstration Period. This subsection Q and related provisions of BIMC Titles 2, 17, and 18 shall expire on December 31, 2019. (Ord. 2017-03 § 1, 2017; Ord. 2016-28 §§ 2, 3 (Exh. A), 2016; Ord. 2016-27 §§ 1 – 5, 2016; Ord. 2013-25 §§ 2, 3, 2013; Ord. 2012-09 § 1, 2012; Ord. 2011-02 § 2 (Exh. A), 2011)

**2.16.030 Administrative review – In general.**

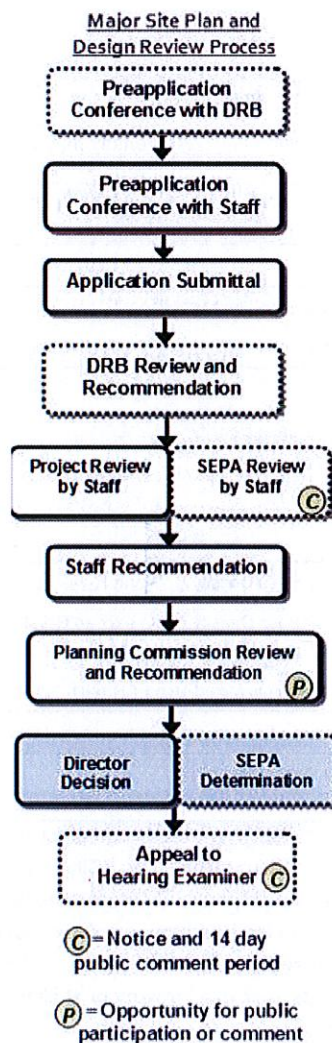
A. Purpose. The purpose of this section is to establish procedures for administrative decision-making on land use applications. These provisions apply when BIMC does not describe more detailed administrative procedures for a specific type of application, and also supplement those more specific administrative procedures where they exist. If there is an inconsistency between these general administrative provisions and more detailed administrative provisions for a specific type of application elsewhere in the BIMC, the more specific provisions shall govern.

B. Applicability. This section applies each time a provision of the BIMC authorizes administrative review of a land use application, except site plan and design review (which is covered under BIMC 2.16.040), including those administrative approvals described in Chapter 16.12 BIMC, with the exception of shoreline substantial development permit applications, shoreline conditional use permit applications, and shoreline variance applications, which must go to the Washington Department of Ecology pursuant to WAC 173-27-130 and RCW 90.58.140(10) for a 21-day appeal period. The specific types



of applications subject to administrative review are listed in the table in BIMC 2.16.010. When an application requires both an administrative approval under BIMC Title 17 or Title 18 and also a shoreline jurisdiction approval under Chapter 16.12 BIMC, those approvals may be processed simultaneously.

C. Public Comment. Any person may comment on a proposed application by submitting written comments prior to the end of the notice of application 21-day comment period (except for those applications for which no notice is required under BIMC 2.16.020.K).



#### D. Decision Procedures.

1. Criteria for Decision. In making the decision, the department director shall consider the applicable decision criteria of this code, all other applicable law, and any necessary documents and approvals. When no other criteria are specified, the director shall apply the following criteria:

- a. The application must comply with all applicable requirements of the BIMC as well as state and federal law.
- b. The application is consistent with the adopted comprehensive plan, and specifically with the character or intended character of the area in which the property is located, as described in the comprehensive plan.

2. Environmental Review. For a land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, a SEPA threshold determination may be issued simultaneously with the final decision of the land use application.

3. Planning Commission Recommendation. When written public comments are received during the public comment period concerning the effect of the land use application on the comprehensive plan, shoreline master program or matters

not addressed by specific provisions of this code, the director may request the planning commission to review an application and make a written recommendation prior to the director making a decision. The planning commission will consider the land use application at a public meeting. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria of this code, all other applicable law, and any necessary documents and approvals. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director.

**E. Single Report.**

1. The department director shall prepare a single consolidated report setting forth all the recommendations and decisions made on the application as of the date of the report.
2. The report shall state any mitigation required or proposed under the development regulations or as required through SEPA, Chapter 43.21C RCW. The report shall include the SEPA determination if a determination has not previously been issued.
3. If an administrative shoreline master program permit is required for the project pursuant to Chapter 16.12 BIMC, the report shall address the requirements of that chapter.

**F. Department Director Decision.** The department director may approve, approve with conditions, or deny the application based on the decision criteria, findings of fact, recommendations of the planning commission and design review board as applicable, and any necessary documents and approvals.

**G. Corrections or Clarification.** The department director may amend the decision at any time to correct clerical errors clearly identifiable from the public record. Such a correction does not affect any time limit provided for in this chapter. The department director may clarify a statement in the written decision at any time as long as the clarification does not materially alter the decision.

**H. Effect of Decision.** The decision of the department director is the final decision of the city, subject to the appeal provisions in BIMC 2.16.020.P.

**I. Revocation of Administrative Approvals.** An administrative approval may be revoked by the director upon the finding of any one or more of the following:

1. That the approval was obtained by deception, fraud or other intentional or misleading representation; or
2. That the use for which approval was granted has been changed; or
3. In the case of minor conditional use permits, that the use has at any time been discontinued for a year or more; or
4. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of the code; or
5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety. (Ord. 2011-02 § 2 (Exh. A), 2011)

**2.16.040 Site plans and design review.**

**A. Purpose.** The purpose of this section 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.

**B. Applicability.**

1. Site plan and design review shall be required prior to the issuance of construction permits in any of the following circumstances:

- a. The new construction of a nonresidential building or other structure; or
- b. The expansion, remodel, or alteration of any building or other structure by more than five percent of its existing floor area, or overall size in cases where floor area is not applicable; or expansion that creates a new dwelling unit; or
- c. A change of use, where traffic, parking, noise or other impacts are greater than the impacts for the previously existing use, as determined by the director; or
- d. The construction of new wireless communications support structures (but not the location of wireless facilities on existing buildings).

2. Exemptions. The following types of activities shall not require site plan and design review pursuant to this section. Properties within jurisdiction of the shoreline master program, as defined by Chapter 16.12 BIMC, or containing critical areas or critical area buffers, as defined by Chapter 16.20 BIMC, may require review pursuant to those chapters.

- a. Permits authorizing residential construction for detached single-family residential use and accessory dwelling units.
- b. Any activity that does not require a building permit or is not considered a change in use, as determined by the director.
- c. Any activity on the exterior of a building that does not exceed 25 percent change in any existing facade or roof form.
- d. Interior work that does not alter the exterior of the structure or affect parking standards as determined by the director.
- e. Normal building maintenance and repair.
- f. Maintenance or expansion of existing parks where the proposed activities are exempt from SEPA review in accordance with WAC 197-11-800.
- g. Construction of public communications towers.

3. The provisions of this section supplement those of BIMC 2.16.020 and 2.16.030 when the application is for site plan or design review. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

C. Procedures. This section provides two methods of site plan and design review: major and minor. Application materials for both major and minor site plan and design review can be found in the administrative manual.

1. Minor. Minor site plan and design review is required for minor projects that can clearly meet the decision criteria in subsection E of this section, as determined by the director. Examples of minor administrative projects include: (a) a fourplex multifamily development; (b) minor commercial remodel or the addition of a small room; and (c) a minor change in use, such as from a church to a preschool.

2. Major. Major site plan and design review requires planning commission review and recommendation, and is required for projects that: (a) are determined by the director to be more complicated than those in subsection C.1 of this section, due to site constraints or the complexity of the project; or (b) receive written public comment(s) during the public comment period concerning the effect on the land use application of the comprehensive plan, shoreline master program, or matters not addressed by specific provisions of this code; or (c) are located on property zoned business/industrial after November 22, 1999.

D. Design Process.

1. Site Assessment.

- a. An applicant is required to conduct a site assessment identifying existing watercourses/wetlands, significant trees and vegetation, critical areas and other natural features, and open space in accordance with the design process, and development standards of Chapter 15.20 BIMC and BIMC 18.12.020 if applicable.

b. An applicant for a site plan and design review proposal is required to prepare maps, site plan(s) and studies (as specified in the submittal requirements) to show how the proposal promotes the purpose and meets the standards of the zoning district and chapter.

## 2. Two-Step Preapplication Conference.

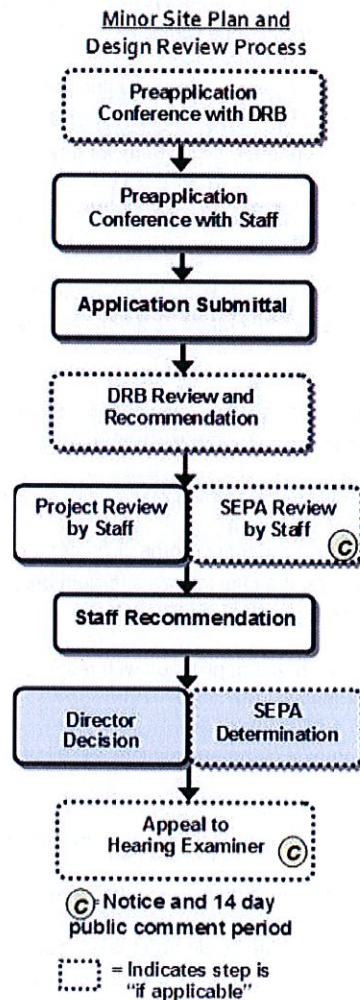
a. Applicants for projects involving multifamily, mixed use, or commercial development subject to design guidelines shall first meet with the design review board to discuss the design concept for the development.

b. An applicant for a major site plan and design review permit is required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32. The meeting will be held after the design review board meeting during the preapplication conference phase of the project.

c. Following the design review board meeting, the applicant shall meet with appropriate staff and agencies at a required preapplication conference as described in BIMC 2.16.020.G.

d. The director may waive one or both steps of the preapplication conference in accordance with BIMC 2.16.020.G.3 if the director determines that the nature of the application makes them unnecessary.

e. Within 14 days of a preapplication conference, the department staff shall notify the applicant in writing whether the proposal will likely require planning commission review.



3. Application. An applicant may submit an application for site plan and design review at any time after completion of a required preapplication conference or approval of a waiver in accordance with BIMC 2.16.020.G.3. The applicant shall submit a complete application with all required submittal requirements listed in the administrative manual.

#### 4. Application Review.

- a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the Kitsap County health district.
- b. In the case of a minor site plan and design review application, the final decision on an application is made by the director based on (i) decision criteria in subsection E of this section, (ii) the DRB recommendation, and (iii) consideration of any public comments received.
- c. In the case of a major site plan and design review application, 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 through E. The director will make the final decision based on (i) the decision criteria in subsection E of this section, (ii) the recommendation of the planning commission, (iii) the design review board recommendation, and (iv) consideration of any public comments received.

#### 5. Relationship to Other Land Development Applications – Consolidated Project Review.

- a. If requested by the applicant, a site plan and design review application that is part of a proposal requiring multiple land use permits may be combined in a consolidated project review. Related applications requiring a public hearing shall be considered at one public hearing in accordance with BIMC 2.16.170.
- b. If a site plan and design review application is part of a consolidated project, the director will review the site plan and design review application as prescribed under subsection D.4.a or D.4.b of this section, as appropriate, and forward the findings and decision to the appropriate hearing body for any required public hearing.

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

- 1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q;
- 2. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan;
- 3. The Kitsap County health district has determined that the site plan and design meets the following decision criteria:
  - a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.
  - b. If the health district recommends approval of the application with respect to those items in subsection E.3.a of this section, the health district shall so advise the director.
  - c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director.
- 4. The city engineer has determined that the site plan and design meets the following decision criteria:
  - a. The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and
  - b. The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
  - c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
  - d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and



e. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the applicable service(s) can be made available at the site; and

f. The site plan and design conforms to the "City of Bainbridge Island Design and Construction Standards," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 18.

5. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18, unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q;

6. No harmful or unhealthful conditions are likely to result from the proposed site plan;

7. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans;

8. Any property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;

9. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter;

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

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

F. Action of Director. The director may approve, approve with conditions, or disapprove the application for site plan and design review. Conditions may be imposed to enable the proposal to meet the standards of the decision criteria.

G. Adjustments to Approved Site Plan.

1. Minor adjustments to an approved site plan and design review may be made after review and approval by the director. Minor adjustments are those that include minor changes in dimensions or siting of structures or the location of public amenities, but do not include changes to the intensity or character of the use. Minor adjustments are processed through a written request from the applicant and a written response from department staff. The city response is placed in the project file and is effective to modify the approval as described in the response.

2. Adjustments other than minor adjustments to an approved site plan and design review require a new or amended application as determined by the director. Major adjustments are those that change the basic design, intensity, density, or character of the use. (Ord. 2017-14 § 1, 2017; Ord. 2017-02 § 2, 2017; Ord. 2016-28 §§ 4, 5, 2016; Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.16.070 Short subdivisions.**

A. Purpose. This section provides an administrative procedure for approving subdivision plats generally including four lots or less.

B. Applicability. This procedure applies to all short subdivisions, as defined in Chapter 17.28 BIMC, and that definition shall prevail over the following summary. Short subdivisions generally involve the division or redivision of land (1) into four lots or less when those plats meet the criteria set forth in BIMC Title 17, or (2) into nine lots or less when those plats meet the criteria set forth in BIMC Title 17 and the applicant complies with the open space incentive provisions of BIMC 17.12.030.A.5.a.

C. Procedure.

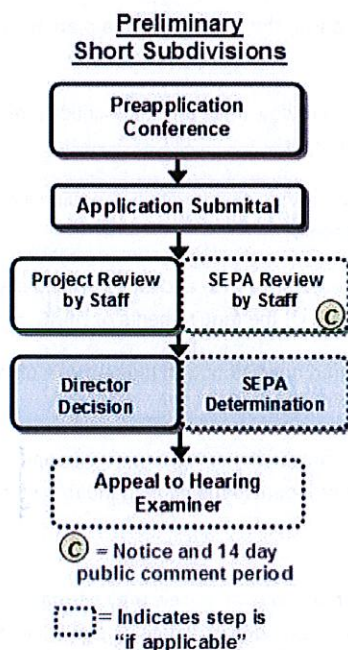
1. Short subdivisions shall be approved through the general administrative review procedures described in BIMC 2.16.030 except as described below. Application materials for short subdivisions can be found in the administrative manual.

2. 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.

3. The provisions of this section shall supplement those of BIMC 2.16.020 and 2.16.030 when the application is for a short subdivision. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

D. Vesting. A proposed short subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the time of complete application, unless a different result is required by provisions of Chapter 58.17 RCW. A later request for additional information shall not change the date on which the application is considered vested.



E. Preapplication Conference. The applicant shall provide copies of one or more proposed or "first draft" composite site plans prepared in accordance with flexible lot design standards of BIMC Title 17 and Chapter 18.12 BIMC for the preapplication conference.

F. Optional Additional Application Materials. In addition to the submittal requirements listed in the administrative manual, the applicant may submit any additional studies, analysis or other information regarding the city's open space area requirement contained in BIMC 17.12.030.A that the applicant desires the city to consider in connection with imposing the open space requirement on the applicant's proposed short subdivision. The studies, reports or other information shall indicate the basis on which they are made, and may include a demonstration that the open space designation required under BIMC 17.12.030.A is not reasonably necessary as a direct result of the proposed short subdivision, and that an alternative open space designation is in an amount that is reasonably necessary as a direct result of the proposed short subdivision. The city shall consider the applicant's open space studies, analysis or other information as a part of processing and reviewing the short subdivision application.

G. Review of Preliminary Short Subdivision Application.

1. Timeline of Review. The director has 90 calendar days from the filing of a complete application in which to approve, disapprove or return the application to the applicant for modification. This time period may be extended only with the approval of the applicant. If no action can be taken to approve or disapprove the application within the 90 calendar days, the director must notify the applicant and surveyor, if applicable, of the reasons for the delay and steps necessary to complete the application for preliminary short subdivision.

2. Review by the Kitsap County Health District.

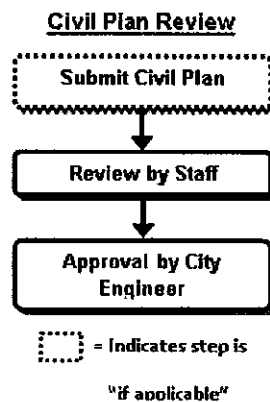
a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the health district.

- b. The health district shall review the application to ascertain whether (i) the proposal conforms to current standards regarding domestic water supply and sewage disposal; and (ii) if the proposal is not to be served by public sewers, if each lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.
  - c. The health district shall recommend approval, approval with conditions, or disapproval of an application in a timely manner sufficient to allow the city to comply with the review time requirements of BIMC 2.16.030. If at any time during the application process it appears that the review time cannot be met, it shall be the responsibility of the health district to advise the director of the reasons for the delay.
  - d. If the health district recommends approval of the application with respect to those items in subsection G.2.b of this section, the health district shall so advise the director.
  - e. If the health district recommends disapproval of the application, it shall provide a written explanation to the director.
3. Review by the City Engineer.
- a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.
  - b. The city engineer shall provide a written recommendation of approval, approval with conditions, or disapproval of the preliminary short subdivision application based on the decision criteria in subsection G.5 of this section.
4. Review by the Director.
- a. The director shall prepare written findings of fact and conclusions of law in support of the decision made.
  - b. If the director disapproves the application he or she shall provide a written explanation of the reasons for the disapproval to the applicant and surveyor, if applicable.
5. Decision Criteria. A proposed short subdivision shall not be approved unless written findings are made that the public use and interest will be served by the platting of such short subdivision. The director may approve or approve with conditions an application for a preliminary short subdivision if he or she determines that:
- a. The applicable development standards of BIMC 17.12.030 and 17.12.040, and BIMC Title 18, are satisfied;
  - b. The preliminary residential short subdivision has been prepared consistent with the requirements of the flexible lot design process and applicable flexible lot design standards in BIMC Title 17;
  - c. Any portion of a short subdivision that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;
  - d. Any portion of a short subdivision within the shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter;
  - e. The preliminary short subdivision makes appropriate provisions for the public health, safety and general welfare, and public use and interest, including those items listed in RCW 58.17.110;
  - f. The proposal complies with all applicable provisions of this code, Chapters 36.70A and 58.17 RCW, and all other applicable provisions of state and federal laws and regulations;
  - g. The proposal is in accord with the city's comprehensive plan;
  - h. The city engineer has determined that the preliminary subdivision meets the following decision criteria:
    - i. The short subdivision conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and
    - ii. The short subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
    - iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and

- iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
- v. If the short subdivision will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the short subdivision, and the applicable service(s) can be made available at the site; and
- vi. The short subdivision conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.

#### H. Civil Plan Review.

1. The applicant shall submit civil engineering plans and designs to the city for review by city staff and acceptance by the city engineer before submitting an application for final short subdivision approval.
2. No construction on or to the site may take place until civil engineering plans have been received and approved by the city.
3. After the preliminary short subdivision and civil engineering plans have been approved the subdivider is authorized to develop the subdivision's facilities and improvements in strict accordance with standards established by this title, related standards in BIMC Titles 17 and 18, and any conditions imposed.



#### I. Review of Final Short Subdivision Application.

1. **Timeline for Review.** A final short subdivision shall be approved, disapproved or returned to the applicant within 30 working days from the date of a complete application, unless the applicant provides written consent to an extension of such time period.
2. **Submittal of Final Plat.**
  - a. A final plat shall be submitted containing all of the submittal requirements listed in the administrative manual.
  - b. Improvements shall be constructed and/or construction assurance documents pursuant to subsection N of this section must be filed for any unfulfilled conditions.
  - c. Documentation that all conditions of approval from the preliminary plat have been met shall be provided.
3. **Duties of Surveyor.** All final short subdivisions shall be prepared by a land surveyor registered pursuant to Chapter 18.43 RCW, shall be surveyed in accordance with current state regulations, and shall contain the certificate shown in the administrative manual. The lot corners, perimeter, and right-of-way monuments (if applicable) shall be marked in a manner approved by the city surveyor. The material used to mark the corners, perimeter, and right-of way monuments (if applicable) shall be described upon the face of the short subdivision drawing.
4. **Review, Recommendation, and Approval.**
  - a. The final plat must be consistent with the preliminary plat approval and all conditions of approval.

b. The city engineer shall review the final short subdivision to determine compliance with the requirements of RCW 58.17.160, the "City of Bainbridge Island Engineering Design and Development Standards Manual" (except as varied by the city engineer during the preliminary short plat review process), and any conditions imposed on the approved preliminary subdivision plat, and forward written recommendations for approval or disapproval to the director.

c. The health district when appropriate shall review the final short subdivision and forward recommendations for approval or disapproval to the department.

d. After receiving the city engineer's recommendations pursuant to subsection 1.4.b of this section, and the health district's recommendations pursuant to subsection 1.4.c of this section as applicable, the director shall approve or disapprove an application for final short subdivision.

e. The short subdivision plat shall be approved if the director determines that:

i. The final short subdivision meets all standards established by state law, this title, and related standards in BIMC Titles 15 through 18.

ii. The final short subdivision is in conformance with all terms and conditions of the preliminary short subdivision.

iii. The final short subdivision bears the certificates and statements of approval required by the BIMC.

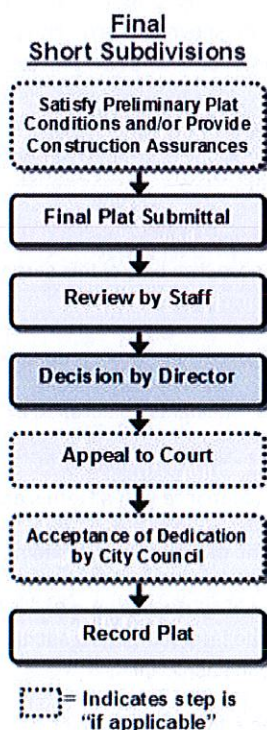
f. If the application conforms to the criteria in subsection 1.4.e of this section, the director shall signify his or her approval by signing the approval line on the face of the short subdivision. If the director disapproves the application, a written explanation shall be provided to the applicant.

g. If an applicant voluntarily sets aside more than 25 percent of the site as designated open space, that fact will be noted on the plat.

5. Amendment of Disapproved Application. When an application is disapproved, an applicant shall have 180 working days following the decision in which to file an amended application to remedy the matters that led to the disapproval. Upon receipt of such an amended application, the application shall be reviewed as set forth in this subsection. If an applicant files no such amended application within the period allowed, the application shall be considered denied.

6. Certification by Treasurer. Upon request of the city or the applicant for a short subdivision, the county treasurer, if no property taxes are owing upon the real property, shall so certify by subscribing the certification line upon the face of the short subdivision.





**J. Modification of Preliminary or Final Short Subdivision before Filing.**

1. An alteration to an approved preliminary short subdivision that does not change the general plat layout, increase off-site impacts of the subdivision, or modify a provision or condition that was a matter of dispute by any party during the preliminary approval process may be made by the director after notice and opportunity to comment are provided to the applicant and all parties of record. The director shall review and approve or disapprove the request for modification following the process set forth in BIMC 2.16.030.
2. Other modifications to an approved short subdivision must be reviewed in accordance with the process for a new short subdivision application, including payment of fees, and shall be approved consistent with the procedures and requirements of this section.
3. The following exemptions shall not constitute changes in the short subdivision approval and do not require further review as provided for under subsection J.1 or J.2 of this section:
  - a. Engineering detail, unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary short subdivision approval. For purposes of this section, "engineering detail" shall mean minor changes to proposed road or lot grading or drainage design that do not significantly affect the location of those facilities, and minor changes to locations of utility pipes, swales, or wires that do not significantly affect their visibility from adjacent roads or properties, and similar minor changes;
  - b. Minor changes in lot lines or lot dimensions; or
  - c. Minor alterations regarding homesite location and/or open space usage.

**K. Requirements for Filing Plat.**

1. No short subdivision shall be presented to or accepted for filing with the county auditor unless the face of the short subdivision contains the approval of the director, and the certification of the treasurer that no tax, penalties, or delinquent assessments are owing on the subject property.
2. The applicant shall record the short subdivision with the county auditor within 90 days of approval, and shall provide a copy of the recorded subdivision to the department.

L. Further Subdivision. Land in a short subdivision may not be further divided through a short subdivision within a period of five years after the recording of the final short subdivision without the approval of a long subdivision pursuant to BIMC 2.16.125 and 2.16.160. Nothing in this section shall prevent the owner from filing an amendment within the five-year period to create up to a total of four lots within the original short subdivision boundaries.

M. Disclaimer as to Streets. Streets within a short subdivision shall not be maintained by the city unless such streets have been improved to current city standards and have been accepted as part of the approved short subdivision. Unless accepted, the responsibility for maintenance shall lie with the owners of the lots. In such case, the face of each short subdivision shall contain the following disclaimer:

Responsibility and expense for maintenance of streets serving lots within this short subdivision (unless such roads have been accepted by the city) shall rest with the lot owners.

N. Assurance of Improvements.

1. In lieu of completion of improvements with conditions of a preliminary short plat approval, the city engineer may accept an assurance device in an amount and in a form determined by the city council, but not to exceed 125 percent of the established costs of completing the infrastructure that secures and provides for the actual construction and installation of the improvements or the performance of the conditions within one year, or such additional time as the city engineer determines is appropriate after final plat approval.

2. The city engineer shall require an assurance device securing the successful performance of improvements for two years after the city's acceptance of the improvements. The city may require that the applicant provide assurances of improvement for all lots in an approved short subdivision before the city will approve final occupancy for more than 80 percent of the lots shown on the subdivision.

O. Amendment to Approved Short Subdivision. A short subdivision that has been approved and recorded may be amended upon application of the owners of all lots, access easements, open space, or other rights that are proposed to be amended. The contents and procedure for an amended application shall be that for an application in the first instance, except that minor alterations regarding home-site location and/or open space usage shall be approved administratively consistent with the procedures and requirements of BIMC 2.16.030. (Ord. 2017-02 § 5, 2017; Ord. 2011-21 § 3, 2011; Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.16.080 Large lot subdivisions.**

A. Purpose. This section provides an administrative procedure for approving subdivisions in which all of the created lots are generally larger than five acres.

B. Applicability.

1. This procedure applies to all large lot subdivisions, as that term is defined in Chapter 17.28 BIMC, and that definition shall prevail over the following summary. Large lot subdivisions generally include divisions or re-divisions of land so that each created lot contains at least five acres of land (or 1/128th of a section of land, whichever is less). Because of their size, these lots are not required to follow the flex-lot design process described in BIMC Title 17.

2. The provisions of this section shall supplement those of BIMC 2.16.020 and 2.16.030 when the application is for a large lot subdivision. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

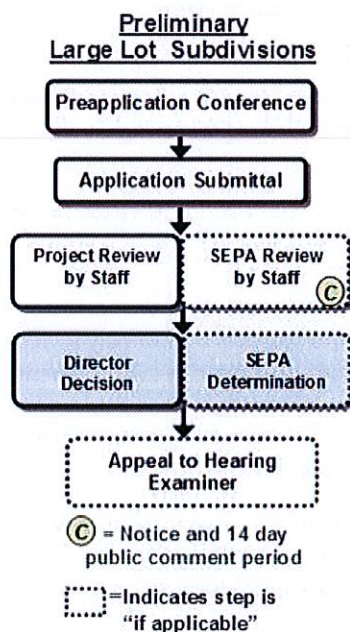
C. Procedure. Large lot subdivisions shall be approved through the general administrative review procedures described in BIMC 2.16.030 except as described below.

D. Vesting. A proposed large lot subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the time of a complete application, unless a different result is required by provisions of Chapter 58.17 RCW. A later request for additional information shall not change the date on which the application is considered vested.

E. Review of Preliminary Large Lot Subdivision Application.

1. Timeline of Review. The director has 90 calendar days from the filing of a complete application for which to approve, disapprove, or return the application to the applicant for modification. This time period may be extended only with the approval of the applicant. If no action can be taken to approve or disapprove the application within the 90 calendar days,

the director must notify the applicant and surveyor, if applicable, of the reasons for the delay and steps necessary to complete the application for preliminary review.



2. Review by the Kitsap County Health District. Following the submission of a complete application for a preliminary large lot subdivision, the application shall be reviewed by the Kitsap County health district as described in BIMC 2.16.070.G.2.

3. Review by the City Engineer.

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.

b. The city engineer shall provide a written recommendation of approval, approval with conditions, or disapproval of the preliminary large lot subdivision application based on the decision criteria in subsection E.5 of this section.

c. In making an analysis of whether the application conforms to the "City of Bainbridge Island Design and Construction Standards and Specifications," the city engineer shall assume that each lot within the proposed large lot subdivision will be divided at some time in the future and the city engineer may take such contingency into account in recommending approval, approval with conditions, or disapproving an application.

4. Review by the Director. Each application for a large lot subdivision shall be reviewed by the director as described in BIMC 2.16.070.G.4. When the director approves the application, approves the application with conditions, or disapproves the application, a written statement of findings and conclusions shall be prepared that supports the director's decision.

5. Decision Criteria. The director may approve or approve with modification an application for a preliminary large lot subdivision if he or she determines that:

a. The application conforms to all applicable provisions of the BIMC including without limitation (i) the zoning ordinance; (ii) the comprehensive plan; (iii) the shoreline management regulations; (iv) the critical areas ordinance; and (v) the applicable standards and requirements of this title.

b. The city engineer has determined that the preliminary subdivision meets the following decision criteria:

i. The large lot subdivision conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and

ii. The large lot subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and

iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and

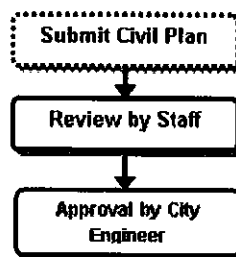
- iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
- v. If the large lot subdivision will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the large lot subdivision, and the applicable service(s) can be made available at the site; and
- vi. The large lot subdivision conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.

c. The Kitsap County health district has recommended approval of the application, or approval with conditions.

#### F. Civil Plan Review.

1. The applicant shall submit civil engineering plans and designs to the city for review by city staff and acceptance by the city engineer before submitting an application for final large lot subdivision approval.
2. No construction on or to the site may take place until civil engineering plans have been received and approved by the city.
3. After the preliminary large lot subdivision and civil engineering plans have been approved the subdivider is authorized to develop the subdivision's facilities and improvements in strict accordance with the standards established by this title, related standards in Titles 17 and 18, and any conditions imposed.

#### Civil Plan Review

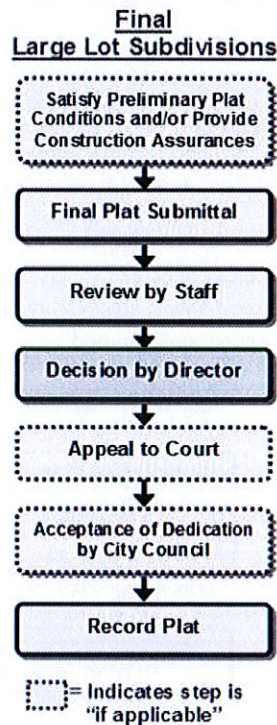


#### G. Review of Final Large Lot Subdivision Application.

1. **Timeline for Review.** Final large lot subdivisions shall be approved, approved with conditions, disapproved or returned to the applicant by the director within 30 working days from the date of filing of a complete application, unless the applicant consents to an extension of such time period.
2. **Submittal of Final Plat.** The submittal requirements shall be the same as those for short subdivisions as described in BIMC 2.16.070.1.2.
3. **Duties of Surveyor.** The duties of the surveyor shall be the same as those for a short subdivision as described in BIMC 2.16.070.1.3.
4. **Review, Recommendation, and Approval.**
  - a. The city engineer shall review the final large lot subdivision to determine the compliance with the requirements of RCW 58.17.160, the "City of Bainbridge Island Engineering Design and Development Standards Manual" (except as varied by the city engineer during the preliminary large lot review process), and any conditions imposed on the approved preliminary subdivision plat, and forward written recommendations for approval, approval with conditions, or disapproval to the director.
  - b. After receiving the city engineer's recommendation pursuant to subsection G.4.a of this section, the director shall approve, approve with conditions, or disapprove the final large lot subdivision.
  - c. The large lot subdivision shall be approved if the director determines that:
    - i. The final large lot plat meets all standards established by state law, this title and related standards in BIMC Titles 15 through 18; and



- ii. The proposed final large lot plat bears the certificates and statements of approval required by the administrative manual; and
  - iii. The facilities and improvements required to be provided by the subdivider have been completed or assurances in accordance with BIMC 2.16.070.N have been provided.
- d. If the application conforms to the criteria in subsection G.4.c of this section, the director shall signify his or her approval by signing the approval line on the face of the large lot subdivision. If the director disapproves the application, he or she shall provide a written explanation to the applicant.



5. Amendment of Disapproved Application. When an application is disapproved, an applicant shall have the same rights to submit an amended application that apply to short subdivisions as described in BIMC 2.16.070.I.5, except that any amended application filed within the 180-day time frame shall be reviewed as set forth in this subsection G.

#### H. Improvements.

1. All large lot subdivisions shall have the following improvements developed and/or installed prior to recording the final plat:

- a. Streets shall be cleared and grubbed; and
- b. Streets shall be rocked or graveled to provide adequate year-round passage; and
- c. Appropriate drainage, including erosion control, facilities consistent with Chapters 15.20 and 15.21 BIMC shall be provided on a plan approved by the city engineer prior to clearing and construction of any plat improvements.

2. All street rights-of-way within the large lot subdivision shall be dedicated to the city of Bainbridge Island unless the only access between the large lot subdivision and a developed, publicly owned road is a private road and there is no easement providing public access on that private road. That dedication shall not reduce the number of parcels allowable in a large lot subdivision if such parcels are based on a section subdivision and/or comprise 1/128th of a section or more.

3. On any approved large lot no further lot divisions shall be approved until the required improvements are installed and approved by the city.



I. Assurance of Improvements. Large lot subdivisions shall be subject to the same requirements for assurance of required improvements that apply to short subdivisions as described in BIMC 2.16.070.N.

J. Modification of Preliminary or Final Large Lot Subdivisions before Filing.

1. An alteration to an approved preliminary large lot subdivision that does not change the general plat layout, increase off-site impacts of the subdivision, or modify a provision or condition that was a matter of dispute by any party during the preliminary approval process may be made by the director after notice and opportunity to comment are provided to the applicant and all parties of record. The director shall review and approve or disapprove the request for modification following the process set forth in BIMC 2.16.030.

2. Other modifications to an approved large lot subdivision must be reviewed in accordance with the process for a new large lot subdivision application, including payment of fees, and shall be approved consistent with the procedures and requirements of this chapter.

3. The following exemptions shall not constitute changes in the preliminary large lot subdivision approval and do not require further review as provided for under subsections J.1 or J.2 of this section:

a. Engineering detail, unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary large lot subdivision approval. For purposes of this section, "engineering detail" shall mean minor changes to proposed road or lot grading or drainage design that do not significantly affect the location of those facilities, and minor changes to locations of utility pipes, swales, or wires that do not significantly affect their visibility from adjacent roads or properties; and similar minor changes;

b. Minor changes in lot lines or lot dimensions; or

c. Minor alterations regarding homesite location and/or open space usage.

K. Disclaimer as to Streets. Streets within a large lot subdivision shall not be constructed or maintained by the city unless such streets have been improved to current standards and have been accepted into the city street system. Unless so improved and accepted, the responsibility for maintenance shall lie with the owners of the lots. In such cases the face of each large lot subdivision plat shall contain the following disclaimer:

Responsibility and expense for maintenance of roads leading to or serving lots within this Large Lot Subdivision (unless such roads have been accepted into city's road system) shall rest with the lot owners.

L. Further Division. No lot in an approved large lot subdivision may be divided further within five years of recording the approved final large lot subdivision plat without following the subdivision requirements in effect at the time of such application. Short or long subdivision procedures may apply, depending on the number of additional lots proposed to be created.

M. Requirements for Filing Plat. In addition to the requirements of subsections J and K of this section, approved large lot subdivisions shall be subject to the same requirements for filing plats that apply to short subdivisions as described in BIMC 2.16.070.K.

N. Amendment to Approved Large Lot Subdivision. Proposals for amendment of a large lot subdivision shall follow the provisions of RCW 58.17.215. Alterations of a subdivision are also subject to the provisions of RCW 64.04.175. (Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.16.100 Quasi-judicial review by hearing examiner – In general.**

A. Purpose. The purpose of this section is to describe those general procedures that apply whenever state law or the BIMC require a public hearing before a hearing examiner and a recommendation or decision by the hearing examiner.

B. Applicability. This section applies each time a provision of this code authorizes a recommendation or a final decision by the hearing examiner. The specific types of applications subject to review by the hearing examiner are listed in the table in BIMC 2.16.010. The provisions of this section are supplemented by more detailed provisions in BIMC 2.16.110, 2.16.120, 2.16.160, 2.16.165, and/or 16.20.080.

C. Procedures.

1. SEPA Environmental Review. For a land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, the SEPA threshold determination shall be issued and any required public comment period shall be completed prior to a public hearing.

2. Planning Commission Review and Recommendation. When written public comments are received during the public comment period concerning the effect of the land use application on the comprehensive plan, the shoreline master program, or matters not addressed by specific provisions of this code, the director or the hearing examiner may request planning commission review and recommendation pursuant to the procedures in BIMC 2.14.020.G prior to the final decision.

3. Single Report.

a. The director shall prepare a single consolidated report setting forth all the recommendations and decisions made on the application as of the date of the report.

b. The report shall state any mitigation required or proposed under the development regulations or as required by SEPA, Chapter 43.21C RCW, and shall include the SEPA determination if a determination has not previously been issued.

c. If a shoreline master program permit is required for the project pursuant to Chapter 16.12 BIMC, the report shall address the requirements of that section.

d. The director's report shall be presented to the hearing examiner at the public hearing.

4. Public Hearing. The hearing examiner shall hold a public hearing prior to issuing a decision. The purpose of the public hearing is to review a proposed project for consistency with the BIMC, appropriate elements of the comprehensive plan and all other applicable law, and to provide an opportunity for the public to comment on the project and its compliance with the municipal code, the comprehensive plan and all other applicable law. The hearing examiner shall maintain a record of the exhibits presented and a recording of the testimony and arguments presented, which shall be kept by the city clerk. Any rules of procedure for hearings adopted by the hearing examiner shall be kept on file with the office of the city clerk. A hearing may be continued to a date certain without additional notice.

5. Participation in the Public Hearing. Any person may participate in the public hearing. The hearing examiner has discretion to limit testimony to relevant, nonrepetitive comments and to set time limits.

6. Hearing Examiner Action.

a. The hearing examiner may approve, approve with conditions, deny or remand an application.

b. In making a decision, the hearing examiner shall consider the applicable decision criteria of this code, all other applicable laws, recommendations of the planning commission and design review board, testimony presented at the hearing, and any necessary documents and approvals. In the case of decisions involving properties subject to the shoreline jurisdiction of Chapter 16.12 BIMC, the hearing examiner shall also consider consistency with the requirements of the shoreline master program.

c. The hearing examiner shall issue a written decision in accordance with BIMC 2.16.020.K.7, within 10 working days of the public hearing, unless a longer period is agreed upon by the hearing examiner and the applicant or appellant. If the hearing examiner and the applicant or appellant agree on a longer period for issuance of the written decision, the examiner shall provide notice of the extension to the applicant or appellant, the city, and any person who testified at the hearing or submitted written testimony for consideration at the hearing.

d. The hearing examiner shall file the decision with the city clerk's office.

7. Motion for Reconsideration. A motion for reconsideration may be filed to correct substantive errors. Such motion shall be filed in writing 10 days from the date the hearing examiner's decision was filed. The motion shall be decided on the record unless, at the hearing examiner's discretion, further public hearing is necessary. If a timely and appropriate request for reconsideration is filed, the appeal period shall begin from the date the decision on the reconsideration is issued.

8. Corrections or Clarification. The hearing examiner at any time may amend the decision to correct clerical errors clearly identifiable from the public record. Such correction does not affect any time limit provided for in this chapter. The hearing examiner may clarify a statement in the written decision as long as the clarification does not materially alter the decision.

9. Effect of Decision.

a. On matters that do not involve shoreline conditional uses or shoreline variances, the decision of the hearing examiner is the final decision of the city, subject to the appeal provisions in BIMC 2.16.020.P.

Pursuant to RCW 90.58.140(10) and WAC 173-27-130, final decisions involving shoreline conditional use permits and shoreline variances are made by the Washington State Department of Ecology. For these types of applications, the hearing examiner's decision is a recommendation subject to approval, approval with conditions, or denial by that department.

10. Revocation of Quasi-judicial Approvals. An approval or permit granted by the hearing examiner may be revoked by the hearing examiner following the procedures in this section upon the finding of any one or more of the following:

- a. That the approval was obtained by deception, fraud or other intentional or misleading representation; or
- b. That the use for which approval was granted has been changed; or
- c. In the case of major conditional use permits, that the use has at any time been discontinued for a year or more; or
- d. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of the BIMC; or
- e. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety. (Ord. 2011-21 § 4, 2011: Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.16.110 Major conditional use permit.**

A. Purpose. A major conditional use permit is a mechanism by which the city may require specific conditions on development or the use of land to ensure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the subject property. If imposition of conditions will not make a specific proposal compatible the proposal shall be denied.

#### **B. Applicability.**

1. As determined by the director, a major conditional use permit shall be secured from the city prior to establishing or expanding a use according to situations that include, but are not limited to: (a) the proposed use or expansion covers 50 percent or greater of the total lot area; (b) the proposed use is accessed by a local or private road; (c) the proposed use or expansion generates more than 36 total trips per day; (d) the proposed use or expansion contains four or more units in a multifamily dwelling; or (e) requests for additional nonresidential building height pursuant to Table 18.12.020-1, 18.12.020-2, or 18.12.020-3.
2. Any activity that is exempt from the request for a minor conditional use permit pursuant to BIMC 2.16.050.B.2 is also exempt from the request for a major conditional use permit.
3. The provisions of this section supplement those of BIMC 2.16.020 and 2.16.100 when the application is for a conditional use permit. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.100 and this section, the provisions of this section shall govern.
4. Temporary uses and events may be exempt from some or all of the major conditional use permit requirements if the director determines that their impacts on the immediately surrounding area will be minimal.

#### **C. Procedures.**

1. Major conditional uses shall be approved through the general procedures applicable to quasi-judicial decisions by the hearing examiner in BIMC 2.16.100 except as described below.
2. An applicant for a major conditional use permit is required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32. The meeting will be held after the design review board meeting, if one is required, during the preapplication conference phase of the project.

#### **D. Decision Criteria.**

1. A conditional use may be approved or approved with conditions if:
  - a. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the

subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC 2.16.020.Q shall not result in denial of a conditional use permit for the project; and

b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and

c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and

d. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and

e. The conditional use complies with all other provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q; and

f. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property; and

g. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A; and

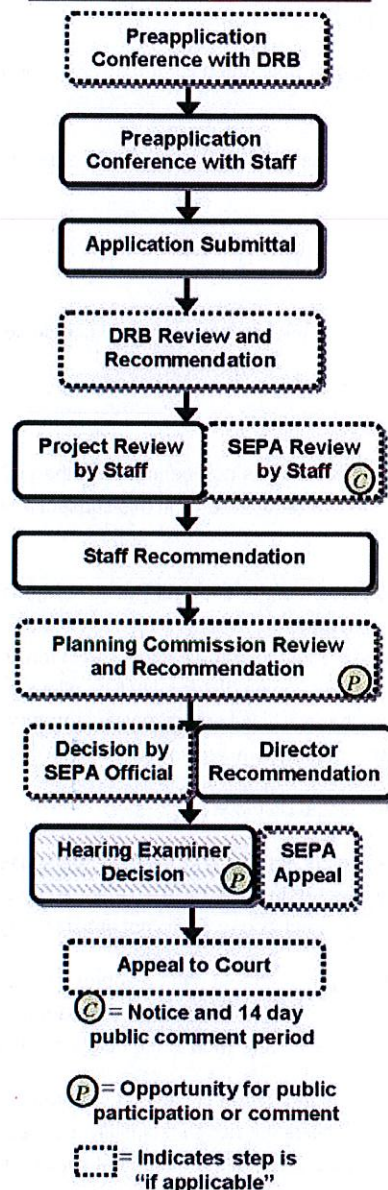
h. The vehicular, pedestrian, and bicycle circulation meets all applicable city standards, unless the city engineer has modified the requirements of BIMC 18.15.020.B.4 and B.5, allows alternate driveway and parking area surfaces, and confirmed that those surfaces meet city requirements for handling surface water and pollutants in accordance with Chapters 15.20 and 15.21 BIMC; and

i. The city engineer has determined that the conditional use meets the following decision criteria:

i. The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and

ii. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and

iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and

**Major Conditional Use Permit**

- iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
- v. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; and
- vi. The conditional use conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.

j. If a major conditional use is processed as a housing design demonstration project pursuant to BIMC 2.16.020.Q, the above criteria will be considered in conjunction with the purpose, goals, policies, and decision criteria of BIMC 2.16.020.Q.

2. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.

E. Additional Decision Criteria for Institutions in Residential Zones. Applications to locate any of those uses categorized as educational facilities, governmental facilities, religious facilities, health care facilities, cultural facilities, or clubs in Table



18.09.020 in residential zones shall be processed as major conditional use permits and shall be required to meet the following criteria, in addition to those in subsection D of this section:

1. All sites must front on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map.
2. If the traffic study shows an impact on the level of service, those impacts have been mitigated as required by the city engineer.
3. If the application is located outside of Winslow study area, the project shall provide vegetated perimeter buffers in compliance with BIMC 18.15.010.
4. The proposal meets the requirements of the commercial/mixed use design guidelines in BIMC 18.18.030.C.
5. The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area.
6. If the facility will have attendees and employees numbering fewer than 50 or an assembly seating area of less than 50, the director may waive any or all the above requirements in this subsection E, but may not waive those required elsewhere in the BIMC.
7. Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located, except that public schools and governmental facilities, as defined in BIMC Title 18, that are located in the R-0.4 zoning district shall be allowed 150 percent of the lot coverage established in the R-0.4 zoning district, and such public schools and governmental facilities located in other zoning districts shall be allowed 100 percent of the lot coverage established in the underlying zoning district in which the facility is located, unless, regardless of which zoning district such a facility is located, conditions are required to limit the lot coverage to mitigate impacts of the use.

**F. Approval of Additional Height in Nonresidential Districts.**

1. In the NC zone district a maximum height of 45 feet for nonresidential uses can be approved through the major conditional use permit process if the director determines that: (a) view opportunities are not substantially reduced; (b) fire flow is adequate; and (c) solar access of neighboring lots is not substantially reduced.
2. In the B/I zone district a maximum height of 45 feet can be approved through the major conditional use process if the director determines that: (a) view opportunities are not substantially reduced; (b) fire flow is adequate; (c) solar access of neighboring lots is not reduced; and (d) the appearance of the neighborhood will not substantially change.
3. In the WDI zone district a maximum height of 45 feet can be approved through the major conditional use process if the director determines that (a) view opportunities are not substantially reduced; (b) fire flow is adequate; (c) solar access of neighboring lots is not reduced; and (d) each setback requirement shall be increased one foot for each additional foot of building height allowed. In portions of the WDI district located within the shoreline jurisdiction regulated by Chapter 16.12 BIMC, a shoreline variance may be needed before additional height can be approved.

**G. Effect of Approval.**

1. Once a conditional use permit is approved, no building, use or development shall occur contrary to that specified in the conditional use permit.
2. The owner shall record a declaration with the Kitsap County auditor showing the land to be bound by a conditional use permit. No building permit shall be issued for structures other than those specified in the conditional use approval.
  - a. The declaration shall reference the official files of the city through which the permit was granted; and
  - b. The declaration shall be a covenant running with the land; and
  - c. No building permit shall be issued unless such declaration is recorded.

**H. Amendments to Approved Major Conditional Use Permit.**

1. Minor adjustments to an approved major conditional use permit may be made after review and approval by the director. Minor adjustments are those that entail small changes in dimensions or siting of structures or the location of public amenities, but do not entail changes to the intensity or character of the use.

2. Major adjustments to an approved major conditional use permit require an amended application and shall be processed in the same manner as a new conditional use permit application. Major adjustments are those that change the basic design, intensity, density, and/or use. (Ord. 2017-02 §§ 1, 6, 2017; Ord. 2016-36 § 1, 2016; Ord. 2016-04 § 1, 2016; Ord. 2011-02 § 2 (Exh. A), 2011)

**2.16.120 Major variances.**

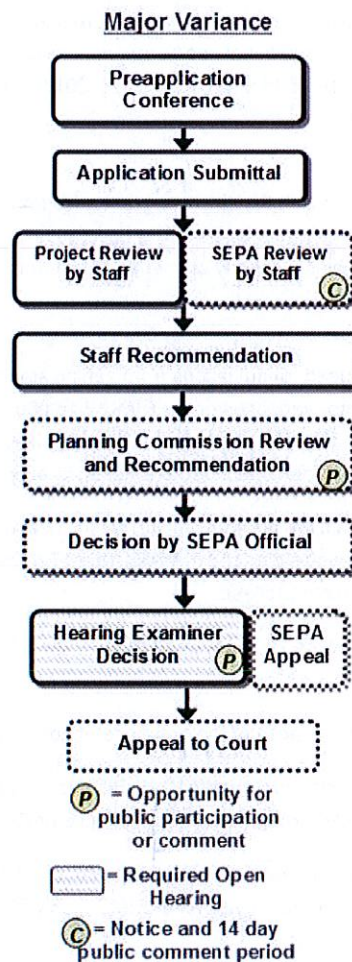
A. Purpose. Variances are the mechanism by which the city may grant relief from the provisions of the zoning ordinance where practical difficulty renders compliance with certain provisions of the code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of the comprehensive plan is fulfilled.

B. Applicability.

1. The major variance process may be used for deviations from zoning standards in BIMC Title 18 that the director determines exceed the threshold for minor variances under BIMC 2.16.060. A variance is authorized only for lot coverage, size of structure or size of setbacks. Variances are not authorized for changes in density requirements, building or structure height requirements, open space requirements, or expanding a use otherwise prohibited.
2. This procedure is not available to obtain variances from subdivision standards in BIMC Title 17 or to obtain variances from BIMC Title 18 zoning standards cross-referenced in BIMC Title 17 as part of a short subdivision, long subdivision, or large lot subdivision approval or amendment process.
3. This procedure is not available to allow the siting for an accessory dwelling unit where it would not otherwise be permitted.
4. A variance shall not be granted solely because of the presence of nonconformities in the vicinity of the subject site.
5. Variances from the city's noise regulations in Chapter 16.16 BIMC are available through the noise variance process in Chapter 16.16 BIMC and are not available through the major variance process in this section.
6. The provisions of this section supplement those of BIMC 2.16.020 and 2.16.100 when the application is for a major variance. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.100 and this section, the provisions of this section shall govern.

C. Procedures. Major variances shall be approved through the general hearing examiner review procedures described in BIMC 2.16.100 except as described below.

D. Referral to the Planning Commission. Major variance applications shall be processed as set forth in BIMC 2.16.100 except that prior to a final decision the director or the hearing examiner may refer a project to the planning commission for review and recommendation.



#### E. Decision Criteria.

##### 1. A major variance may be approved or approved with conditions if:

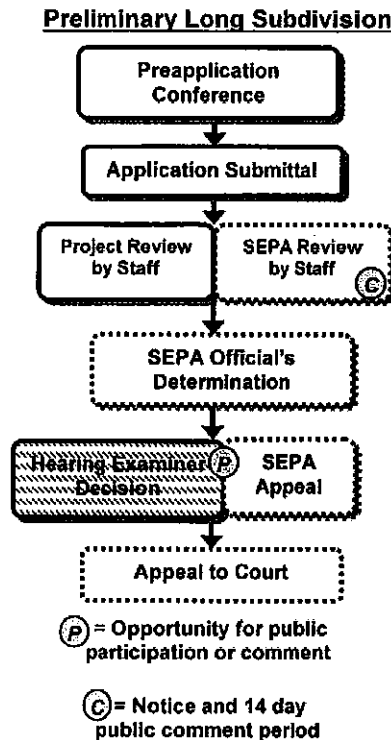
- a. The variance is consistent with all other provisions of this code, except those provisions that are subject to the variance, and is in accord with the comprehensive plan;
- b. The need for a variance has not arisen from previous actions taken or proposed by the applicant;
- c. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, but that is denied to the property in question because of special circumstances on the property in question, and will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity in which the property is located;
- d. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located; and
- e. The variance is requested because of special circumstances related to the size, shape, topography, trees, groundcover, location or surroundings of the subject property, or factors necessary for the successful installation of a solar energy system such as a particular orientation of a building for the purposes of providing solar access.

2. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of the BIMC, then the application shall be denied. (Ord. 2011-02 § 2 (Exh. A), 2011)

#### 2.16.125 Preliminary long subdivisions.

A. Purpose. This section provides a procedure for city council approval of preliminary long subdivision applications in compliance with the provisions of RCW Title 58, BIMC Title 17, and other applicable provisions of Washington State law.

B. Applicability. This procedure applies to all applications for preliminary long subdivisions, as that term is defined in Chapter 17.28 BIMC, and that definition shall prevail over the following summary. Long subdivisions generally involve the division or redivision of land into more than four lots, where some of the lots are smaller than five acres in size.



C. Procedure.

1. Long subdivisions shall be approved through the quasi-judicial hearing examiner approval procedures described in BIMC 2.16.100 except as described below.
2. The provisions of this section shall supplement those of BIMC 2.16.020 and 2.16.030 when the application is for a long subdivision. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

D. Vesting. A proposed long subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the time of complete application, unless a different result is required by provisions of Chapter 58.17 RCW. A later request for additional information shall not change the date on which the application is considered vested.

E. Preapplication Conference. The applicant shall provide copies of one or more proposed or "first draft" composite site plans prepared in accordance with flexible lot design standards of BIMC Title 17 and Chapter 18.12 BIMC for the preapplication conference. Applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32. The meeting will be held during the preapplication conference phase of the project.

F. Optional Additional Application Materials. In addition to the submittal requirements listed in the administrative manual, the applicant may submit any additional studies, analysis or other information regarding the city's open space area requirement contained in BIMC 17.12.030.A that the applicant desires the city to consider in connection with imposing the open space requirement on the applicant's proposed long subdivision. The studies, reports or other information shall indicate the basis on which they are made, and may include a demonstration that the open space designation required under BIMC 17.12.030.A is not reasonably necessary as a direct result of the proposed long subdivision, and that an alternative open space designation is in an amount that is reasonably necessary as a direct result of the proposed long subdivision. The city shall consider the applicant's open space studies, analysis or other information as a part of processing and reviewing the long subdivision application.

G. Review of Preliminary Long Subdivision Application.

1. Timeline for Review. The city has 90 calendar days from the filing of a complete application in which to approve, disapprove, or return the application to the applicant for modification. This time period may be extended only with the approval of the applicant. If no action can be taken to approve or disapprove the application within the 90 calendar days, the director must notify the applicant and surveyor, if applicable, of the reasons for the delay and steps necessary to complete the application for preliminary long subdivision.

2. Review by the Kitsap County Health District.

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the health district.

b. The health district shall review the application to ascertain whether (i) the proposal conforms to current standards regarding domestic water supply and sewage disposal; and (ii) if the proposal is not to be served by public sewers, if each lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

c. The health district shall recommend approval, approval with conditions, or disapproval of an application based on those criteria in subsection G.2.b of this section in a timely manner sufficient to allow the city to comply with the review time requirements of subsection G.1 of this section. If at any time during the application process it appears that the review time cannot be met, it shall be the responsibility of the health district to advise the director of the reasons for the delay.

3. Review by the City Engineer.

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.

b. The city engineer shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application based on the decision criteria in subsection H of this section.

4. Review by the Director. The director shall review the application materials and information provided by the health district and city engineer and shall prepare a report recommending approval, approval with conditions, or disapproval of the application.

5. Public Hearing with Hearing Examiner. The hearing examiner will consider the application materials and the director's recommendation regarding the proposed long subdivision application at a public hearing following the procedures of BIMC 2.16.100.C and applicable provisions of BIMC 2.16.020.

H. Decision Criteria for Preliminary Long Subdivisions. The hearing examiner's decision shall include findings of fact that the application meets all the requirements of the following subsections:

1. The preliminary long subdivision may be approved or approved with modification if:

a. The applicable subdivision development standards of BIMC Titles 17 and 18 are satisfied; and

b. The preliminary long subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW 58.17.110; and

c. The preliminary long subdivision has been prepared consistent with the requirements of the flexible lot design process, unless a flexible lot standard has been modified as part of a housing design demonstration project pursuant to BIMC 2.16.020.Q; and

d. Any portion of a long subdivision that contains a critical area, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter; and

e. Any portion of a long subdivision within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter; and

f. The city engineer's recommendation contains determinations that the following decision criteria are met and such determinations are supported by substantial evidence within the record:

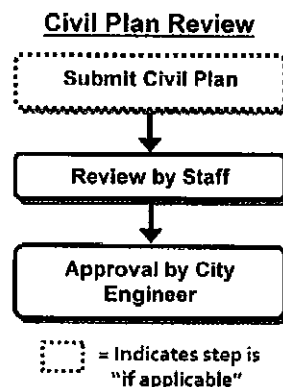
i. The long subdivision conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and



- ii. The long subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
  - iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
  - iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
  - v. If the long subdivision will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the long subdivision, and the applicable service(s) can be made available at the site; and
  - vi. The long subdivision conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17; and
  - g. The subdivision conforms to the requirements of this chapter and the standards in the "City of Bainbridge Island Design and Construction Standards and Specifications," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17; and
  - h. The proposal complies with all applicable provisions of this code, unless the provisions have been modified as part of a housing design demonstration project pursuant to BIMC 2.16.020.Q; Chapters 36.70A and 58.17 RCW; and all other applicable provisions of state and federal laws and regulations; and
  - i. The proposal is in accord with the city's comprehensive plan.
2. A proposed subdivision shall not be approved unless written findings are made that the public use and interest will be served by the platting of such subdivision.

#### I. Civil Plan Review.

1. The applicant shall submit civil engineering plans and designs to the city for review by city staff and acceptance by the city engineers before submitting an application for final long subdivision approval.
2. No construction on or to the site may take place until civil engineering plans have been received and approved by the city.
3. After the preliminary long subdivision and civil engineering plans have been approved, the subdivider is authorized to develop the subdivision's facilities and improvements in strict accordance with the standards established by this title, related standards in BIMC Titles 17 and 18, and any conditions imposed.



#### J. Phased Development of Long Subdivision.

1. Portions of an approved preliminary long subdivision may be processed separately for recording in phases; provided, that (a) the phases were identified in the preliminary long subdivision; and (b) recording of phases is consistent with the conditions of preliminary approval and will meet all the requirements for final approval if subsequent phases are not recorded.

2. Prior to the approval of a phase of a final subdivision, the city engineer or the director may require assurance devices submitted for construction of improvements in subsequent phases if such improvements are necessary for the phases being approved to meet requirements of the subdivision and other applicable ordinances.

**K. Modification of Preliminary Long Subdivision.**

1. An alteration of an approved preliminary long subdivision that does not change the general plat layout, increase off-site impacts of the subdivision, or modify a provision or condition that was a matter of dispute by any party during the preliminary approval process may be made by the director after notice and opportunity to comment are provided to the applicant and all parties of record. The director shall review and approve or disapprove the request for modification following the process set forth in BIMC 2.16.030.
2. Other modifications to an approved long subdivision must be reviewed in accordance with the process for a new subdivision application and shall be approved consistent with the procedures and requirements of this chapter.
3. The following exemptions shall not constitute changes in the preliminary long subdivision approval and do not require further review as provided for under subsection K.1 or K.2 of this section:
  - a. Engineering detail, unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary long subdivision approval. For purposes of this section, "engineering detail" shall mean minor changes to proposed road or lot grading or drainage design that do not significantly affect the location of those facilities, and minor changes to locations of utility pipes, swales, or wires that do not significantly affect their visibility from adjacent roads or properties, and similar minor changes;
  - b. Minor changes in lot lines or lot dimensions; or
  - c. Minor alterations regarding homesite location and/or open space usage. (Ord. 2017-02 § 7, 2017; Ord. 2011-21 § 5, 2011)

**2.16.130 Quasi-judicial review by city council – In general.**

**A. Purpose.** The purpose of this section is to describe those general procedures that apply whenever state law or the BIMC requires a quasi-judicial decision by city council on a land use matter.

**B. Applicability.** This section applies each time a provision of the BIMC authorizes a final decision by the city council for a land use application including without limitation site-specific rezoning or a long subdivision.

**C. Procedures.** A land use application requiring a city council decision shall be reviewed as follows:

1. **Environmental Review.** For a land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, the SEPA threshold determination shall be issued and comment period shall be completed prior to a public hearing.
2. **Hearing Examiner Recommendation.** A land use application requiring a city council decision also provides opportunity for the hearing examiner to make a recommendation to the city council prior to the final decision. The hearing examiner will consider the land use application at a public hearing following the procedures of BIMC 2.16.100.C and applicable provisions of BIMC 2.16.020.
3. **Single Report.** The hearing examiner shall prepare a single, consolidated report setting forth all the recommendations and decisions made on the application as of the date of the report. The report shall state any mitigation required or proposed under the development regulations or as required by SEPA, Chapter 43.21C RCW, and shall include the SEPA. The report and the documents on which a decision was made shall be presented to the city council.

**D. City Council Public Meeting.** The city council shall hold a public meeting to consider the land use application prior to issuing a decision. Notice of city council consideration of recommendations from the hearing examiner shall be posted in the official posting places of the city.

**E. Elements to Be Considered.** The city council shall consider the following in deciding upon an application:

1. The contents of the application; and
2. The minutes of any public hearing on the application and any written material submitted as part of the public hearing process; and

3. The recommendation of the applicable department director; and
4. The recommendation of the hearing examiner; and
5. Any testimony presented at the public hearing; and
6. The decision criteria listed in each section of this code under which the application was made.

**F. City Council Action.** The city council shall take one of the following actions:

1. Adopt an ordinance or resolution, including findings of fact and conclusions of law, approving the proposal; or
2. Adopt an ordinance or resolution, including findings of fact and conclusions of law, approving the proposal with conditions; or
3. Adopt an ordinance or resolution, including findings of fact and conclusions of law, denying the proposal; or
4. Refer the proposal back to the hearing examiner for further proceedings. (Ord. 2011-02 § 2 (Exh. A), 2011)

**2.16.160 Final long subdivisions.**

**A. Purpose.** This section provides a procedure for city council approval of final long subdivision applications in compliance with the provisions of RCW Title 58, BIMC Title 17, and other applicable provisions of Washington State law.

**B. Applicability.** This procedure applies to all applications for final long subdivisions, as the term "long subdivisions" is defined in Chapter 17.28 BIMC, and that definition shall prevail over the following summary. Long subdivisions generally involve the division or redivision of land into more than four lots, where some of the lots are smaller than five acres in size.

**C. Procedure.**

1. Final long subdivisions shall be approved through the quasi-judicial city council approval procedures described in BIMC 2.16.130 except as described below.
2. The provisions of this section shall supplement those of BIMC 2.16.020 and 2.16.030 when the application is for a final long subdivision. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

**D. Vesting.** A proposed final long subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the time of complete application, unless a different result is required by provisions of Chapter 58.17 RCW. A later request for additional information shall not change the date on which the application is considered vested.

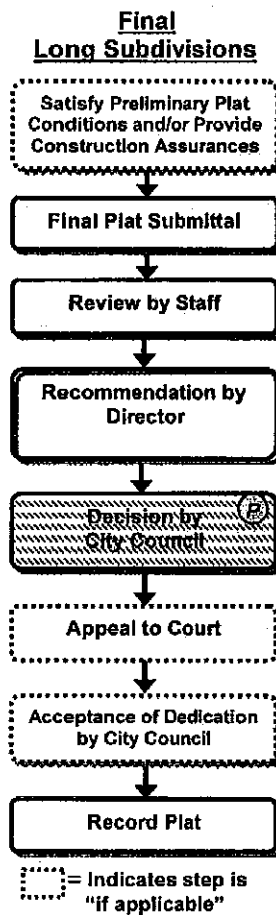
**E. Timeline for Review of Final Plat.** A final long subdivision shall be approved, disapproved or returned to the applicant within 30 working days from the date of a complete application, unless the applicant provides written consent to an extension of such time period.

**F. Submittal of Final Plat.** A final plat shall be submitted containing all of the submittal requirements listed in the administrative manual.

**G. Review of Final Long Subdivision.**

1. The city engineer shall review the final subdivision to determine compliance with the requirements of RCW 58.17.160 and forward recommendations for approval or disapproval to the department.
2. The health district, when appropriate, shall review the final subdivision and forward recommendations for approval or disapproval to the department.
3. The director shall forward his or her recommendation for approval or disapproval to the city council, evaluating compliance with any conditions imposed on the preliminary subdivision and other applicable ordinances.
4. In accordance with RCW 58.17.140, final subdivisions shall be approved, disapproved or returned to the applicant within 30 days from the date of filing of a complete application, unless the applicant consents to an extension of the time period. The director and the city engineer shall have authority to return the application for correction or modification with a

request for additional information before city council review, and city council shall have authority to return the application for correction or modification with a request for additional information during its review.



#### H. City Council Review and Approval of Final Long Subdivision.

1. The city council shall approve the final long subdivision if it determines:
  - a. That the conditions imposed through the preliminary subdivision have been met; and
  - b. Bonds or other assurance devices, if any, by their essential terms assure completion of all plat improvements; and
  - c. The requirements of state law, the BIMC, the comprehensive plan, and any other applicable ordinances in effect at the time of preliminary plat approval have been satisfied by the subdivider.
2. The city council can approve the final subdivision with minor modifications recommended by the department and the applicant.
3. If the city council approves the final subdivision, the council chair shall sign the face of the final plat to indicate the council's approval; provided, that upon approval of the final plat the city council may direct and authorize the mayor or another council member to sign the face of the final plat to indicate the council's approval.
4. If an applicant voluntarily sets aside more than 25 percent of the site as designated open space, that fact will be noted on the plat.
5. The original mylar of the final subdivision shall be recorded with the county auditor, and one copy with the auditor's recording number shall be filed with the city.

#### I. Modification of Preliminary Long Subdivision Before Filing.

1. An alteration of an approved preliminary long subdivision that does not change the general plat layout, increase off-site impacts of the subdivision, or modify a provision or condition that was a matter of dispute by any party during the

preliminary approval process may be made by the director after notice and opportunity to comment are provided to the applicant and all parties of record. The director shall review and approve or disapprove the request for modification following the process set forth in BIMC 2.16.030.

2. Other modifications to an approved long subdivision must be reviewed in accordance with the process for a new subdivision application and shall be approved consistent with the procedures and requirements of this chapter.
3. The following exemptions shall not constitute changes in the preliminary long subdivision approval and do not require further review as provided for under subsection I.1 or I.2 of this section:

- a. Engineering detail, unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary long subdivision approval. For purposes of this section, "engineering detail" shall mean minor changes to proposed road or lot grading or drainage design that do not significantly affect the location of those facilities, and minor changes to locations of utility pipes, swales, or wires that do not significantly affect their visibility from adjacent roads or properties, and similar minor changes;
- b. Minor changes in lot lines or lot dimensions; or
- c. Minor alterations regarding homesite location and/or open space usage.

J. Requirement for Filing Plat. Approved long subdivisions shall be subject to the same requirements for filing plats that apply to short subdivisions as described in BIMC 2.16.070.K.

K. Amendment of Disapproved Application. When an application for approval of a final long subdivision is disapproved, an applicant shall have 180 working days following the decision in which to file an amended application to remedy the matters that led to the disapproval. Upon receipt of such an amended application, the application shall be reviewed as set forth in this section. If an applicant files no such amended application within the period allowed, the application shall be considered denied.

L. Assurance of Improvements. Approved final long subdivisions shall be subject to the same provisions regarding assurance of improvements that are applicable to short subdivisions as described in BIMC 2.16.070.N.

M. Amendment to Approved Long Subdivision.

1. Proposals for alteration of a subdivision shall follow the provisions of RCW 58.17.215. Alterations of a subdivision are also subject to the provisions of RCW 64.04.175, except as described in subsection S.2 of this section.
2. The contents and procedures for minor alterations of open space and/or open space usage in an approved final long subdivision shall be administratively reviewed consistent with the procedures and requirements of BIMC 2.16.030.

N. Expiration of Final Long Subdivision. Any lot in a final long subdivision plat filed for record shall be a valid land use for a period of five years from the date of filing the final subdivision, notwithstanding any change in zoning laws. Any lot in a final plat shall be governed by the terms of approval of the final long subdivision at the time of vested application, unless a change in conditions creates a serious threat to the public health or safety. (Ord. 2011-21 § 6, 2011: Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.16.170 Consolidated project review.**

A. Purpose. The purpose of this section is to offer a consolidated process for use at the applicant's option when a proposed development or use of land will require more than one of the approvals listed in BIMC 2.16.010. The intent is to provide a single process in which a single decision-maker will make all land use decisions on the application.

B. Applicability. This section is available to any applicant for a single project proposal requiring more than one land use application who chooses to follow the consolidated project review process. The procedures include consolidation of various land use applications, public notification of an application and opportunity for public comment prior to a final decision. Any combination of land use applications except for building and other construction permits may be processed under the consolidated project review process.

C. Procedures.

1. A consolidated project permit application shall follow the application and notice procedure listed below that results in the most extensive review and decision process.
2. For purposes of consolidated project review, the ranking of review and approval procedures, in order from least to most extensive, is:



- a. Administrative review;
- b. Planning commission review;
- c. Hearing examiner review;
- d. City council review.

D. Planning Commission and/or Hearing Examiner Review. Any consolidated application containing a land use permit that requires planning commission recommendation shall be considered by the planning commission at a public meeting in accordance with BIMC 2.16.030.D.3. Any consolidated application containing a land use permit that requires hearing examiner recommendation shall be considered by the hearing examiner at a public hearing in accordance with BIMC 2.16.100.C.

E. Public Hearing. If a public hearing is required for any of the related land use applications of a consolidated project, the public hearing shall combine all the applicable permit application requests. Related applications requiring a public hearing shall be considered at only one public hearing. If the SEPA threshold determination is appealed for a proposal under the consolidated project review process, the SEPA appeal hearing shall be combined with the public hearing for the consolidated project application. (Ord. 2011-02 § 2 (Exh. A), 2011)

## Revised BIMC Chapter 16.18

### Forest Stewardship, Vegetation Maintenance and Tree Removal

#### 16.18.010 Overview.

- A. The policies presented in this chapter rest on an assumption that in the care of trees and vegetation on their property, citizens will be guided by common sense and best practices, responsive to the Purposes stated in section 16.18.025 below. Sanctions may be applied to activities that are found by the planning director to be reckless and destructive, and to any action or negligence that adversely affects a neighboring property, pursuant to the provisions of section 16.18.110 and other applicable provisions of the Code.
- B. To a large extent, work carried out in landscaped yards and forested areas does not require a permit (see 16.18.040 below). However, property owners who are considering major changes to the landscape and trees on their property should seek advice and professional services from a licensed arborist who is certified by the American Society of Consulting Arborists or the International Society of Arboriculture, or a landscape professional who is certified by the City.
- C. This chapter is one of several in the Municipal Code that pertain to the care of trees, vegetation, and forested areas on Bainbridge Island. Its policies and non-regulatory provisions pertain especially to the plans and ongoing activities of Island residents, outside of their homes or places of business but on their own property, when the use and enjoyment of the property involves stewardship and maintenance of trees and vegetation.

#### 16.18.020 Findings.

- A. Forested areas and trees on individual lots are integral parts of Bainbridge Island's character; they enhance the City's appearance and livability, as well as providing significant environmental benefits and natural resource values.
- B. Conserving and managing the Island's forested areas and native vegetation is a central goal of the Bainbridge Island *Comprehensive Plan*: see Guiding Principles 1 & 5 and related Policies; Goals LU-6, 12 & 13; EN-3, 4, 5, 18 & 19; WR-3 & 4; and Policies LU 4.10 & EN 15.3.
- C. Trees are valued by homeowners and, when well cared for, enhance property values.
- D. Reckless and unnecessary removal of trees and understory vegetation, combined with extensive disturbance of soils, cause loss of habitat and wildlife, runoff and soil erosion, degradation of surface water and aquifer recharge, and adverse impacts on air quality, as well as loss of aesthetic appeal.
- E. The community forest resources of the Island are best understood as a mosaic, with some large and many small pieces, on publicly owned and private properties. When clearing for



development further fragments the mosaic, both individual and community interests are affected.

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

#### **16.18.025 Purposes.**

This Chapter is adopted for the following purposes:

- A. To promote the public health, safety, and general welfare of Bainbridge Island citizens without preventing the reasonable use of private property.
- B. To preserve and enhance the City's physical and aesthetic character, to promote the healthy functioning of our Island's natural systems, and to provide economic benefits to the community, for the sake of present and future generations.
- C. To implement the purposes of the State Growth Management Act relating to conservation of natural resources, pursuant to RCW 36.70A.
- D. To implement goals and policies in the current *Comprehensive Plan*, the *Community Forest Management Plan (2006)*, the *Bainbridge Island Open Space Study (October 2008)*, and the *Bainbridge Island Community Wildfire Protection Plan (2010)*, or subsequent updated versions.
- E. To promote forest stewardship practices and carefully planned development that results in minimal disturbance to the prior conditions of a property and neighboring properties.
- F. To implement a long-range policy of maintaining the Island's forest canopy cover while taking measures to prevent wildfires and protect structures in accordance with recommendations of the Bainbridge Island Fire Department.
- G. To allow limited tree and vegetation removal to provide for solar access, agriculture and gardens.
- H. To promote infiltration of stormwater and aquifer recharge; to minimize erosion and prevent pollution; to prevent landslides; to protect the waters of Puget Sound and the quality and quantity of water in wells.
- I. To maintain in a healthy state significant trees, clusters of trees, and forested areas, allowing for thinning, **limbing pruning**, removal of invasive and undesirable vegetation, selective harvest and replanting, developing and maintaining trails, and removal of dead, or dangerous trees.





#### **16.18.030 Applicability.**

Provisions of this chapter apply citywide to all properties where trees and naturally occurring vegetation are found, except where other chapters of the Municipal Code apply as described below:

- A. This chapter does not apply to any portion of a property that is identified as critical area(s) pursuant to BIMC Chapter 16.20 *Critical Areas* (i.e., wetland, fish and wildlife conservation area, geologically hazardous area, frequently flooded areas and a designated aquifer recharge protection area [ARPA]) or a prescribed critical area buffer zone. In these areas, including a ARPA if one has been designated pursuant to BIMC Section 16.20.100, the regulations of BIMC Chapter 16.20 *Critical Areas* apply. Additionally, the regulations of this chapter do not apply to any property with a designated and approved ARPA.
- B. This chapter does not apply to the portion(s) of a shoreline property within 200 feet landward of an Ordinary High Water Mark, where the regulations of BIMC 16.12 (the *Shoreline Master Program*) apply.
- C. The provisions of BIMC 18.15.010 (*Landscaping, Screening, and Tree Retention, Protection and Replacement*) and BIMC 17.12 (*Subdivision Design Standards*) may apply to projects involving tree retention and removal, significant land disturbing activities and substantial development or redevelopment.
- D. A forest practice permit from the State Department of Natural Resources may be required pursuant to RCW 76.09. Failure to obtain a forest practice permit when applicable shall be grounds for denial of all applications for permits or approvals, including building permits and subdivision approvals, relating to non-forestry uses of the land for a period of six years, in accordance with RCW 76.09.060.

#### **16.18.040 Activities Allowed without a Permit.**

The following activities are allowed without a Tree Removal and Vegetation Maintenance Permit:

- A. Routine landscaping and maintenance of vegetation, such as pruning and planting, removal of invasive/exotic species, management of brush and seedling trees. This includes maintenance of trees and vegetation required to be retained or planted through a land use permit such as a subdivision, site plan review, or conditional use permit.
- B. Removal of dead, or fallen trees. The City encourages property owners to leave dead trees in place for ecological benefit such as wildlife snags or nursery logs where possible.
- C. Removal of trees and ground cover in emergency situations involving danger to life or habitable buildings, or to eliminate substantial fire hazards.





- D. Routine maintenance activities in rights-of-way and required roadside buffers, including removal of inferior trees and invasive/exotic species, trimming of overgrown hedges, and planting to replace removed vegetation.
- E. Clearing and digging required for the installation and maintenance of water meters, fire hydrants, and other utility lines and infrastructure, provided that the property owner is consulted and is satisfied that vitally important tree roots will not be compromised.
- F. Limbing of significant trees to remove dead or hazardous branches, and to improve the tree's form and long-term vitality, provided that such work is done by an arborist.
- G. Removal of **nonsignificant** trees, provided that they are removed with minimal soil disturbance.
- H. Removal of some healthy significant trees (see **16.18.120 Definitions**) is allowed. On a lot that is one acre or larger, a property owner may, without a permit, remove no more than **six** significant trees in any 36-month period. On a lot less than one acre in size, removal of **three** significant trees in any 36-month period is allowed without a permit. This exception does not apply if the tree removal is not consistent with any tree retention provisions of BIMC 18.15.010 (*Landscaping, Screening, and Tree Retention, Protection and Replacement*), BIMC 17.12 (*Subdivision Design Standards*) or requires the designation of a ARPA pursuant to BIMC Section 16.20.100.

#### **16.18.050 Activities Requiring a Permit.**

The following activities require an applicant to obtain a Tree Removal / Vegetation Maintenance Permit prior to commencing:

- A. A permit is required for any tree removal or vegetation maintenance in an area required to be retained or planted, pursuant to BIMC 18.15.010, through a land use permit such as a subdivision, a site plan review, or a conditional use permit. There are also tree retention requirements in BIMC 18.15.010 for the single-family residential zones, R-0.4, R-1, R-2, R-2.9, R-3.5 and R-4.3 zones (see below). Routine maintenance as described in section **16.18.040.D** above is exempt from this requirement.
- B. For properties located outside of the Mixed Use Town Center and High School Road zoning districts, a tree removal permit is required for removing more than the number of significant trees allowed without a permit, pursuant to section **16.18.040.I** above. The planting of a replacement tree or trees may be required.
- C. For developed properties located within the Mixed Use Town Center and High School Road zoning districts, a tree removal / vegetation maintenance permit is required for removing any tree eight inches in diameter or greater, measured 4.5 feet above grade. The applicant must demonstrate that the requested removal meets one of the following criteria:





1. The tree is dead, or determined to be hazardous, as certified by an International Society of Arboriculture (ISA) Tree Risk Assessment Qualified (TRAQ) arborist; or
  2. The removal is necessary to allow reasonable use or enable permitted construction, and no alternative is feasible; or
  3. The removal is necessary to maintain utilities or **solar panel function**, provide access, or fulfill the terms of an easement or covenant recorded prior to the adoption of the ordinance codified in this chapter.
- D. For undeveloped properties within the Mixed Use Town Center and High School Road zoning districts, a tree removal / vegetation maintenance permit is required to remove **any** tree except trees that are hazardous, dead, fallen, or contributing to an emergency. The tree removal permit will be reviewed for consistency with any applicable provisions of **BIMC 18.15.010** that would apply to future development permits.

#### **16.18.060 General Regulations and Standards.**

- A. While non-native and invasive species should be kept under control and eradicated if possible, native understory vegetation shall be maintained and land disturbing activity shall be kept to a minimum. Stump pulling and use of heavy equipment are not allowed without a tree removal / vegetation maintenance permit.
- B. On the undeveloped or underdeveloped portion(s) of forested acreage in the R-0.4, R-1, and R-2 zones that may be developed in the future, at least 65% of native vegetation shall be retained, anticipating a Site Assessment Review and the designation of a ARPA pursuant to BIMC 15.19 and 16.20.100, respectively. Properties with less than 65% native vegetation, may not reduced except through an approved ARPA Stewardship Plan (described in BIMC 16.20.180.H).
- C. With an approved *ARPA Stewardship Plan* (described in BIMC 16.20.180.H), property owners are authorized to implement long range plans without obtaining tree removal / vegetation maintenance permits for piece-meal work.
- D. If the amount of tree removal, vegetation maintenance and/or land disturbing activity will impact more than 7,000 sq. ft. of area or more than 35% of the property, whichever is less, a Site Assessment Review will be required pursuant to BIMC 15.19, prior to application for a tree removal permit. This applies to one-time removal and to cumulative tree removal / land disturbing activities.
- E. An applicant shall protect any trees or landscaped area that must be retained during approved tree removal or vegetation maintenance work, pursuant to the protection provisions of 18.15.010.C.4.
- F. Once a portion of a property is cleared, the property owner shall ensure that invasive species do not reestablish or expand into cleared areas.





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

#### **16.18.070 Tree Removal / Vegetation Maintenance Permit Administration and Review Process.**

- A. For activities requiring a permit, the process begins with submission of a complete application, usually after discussion of the proposed activity with a member of the Planning staff.
- B. Tree removal activities shall comply with this chapter's provisions for permits and related regulations. Permits for tree removal / vegetation maintenance may require the planting of replacement trees and/or other City permits such as a *Site Assessment Review* (BIMC Chapter 15.19).
- C. The planning director shall grant a tree removal/ vegetation maintenance permit if the application meets the requirements of this chapter and is consistent with other relevant city codes, including but not limited to Chapters 15.19, 15.20, 16.12, 16.20, 17.12, 18.15.010 BIMC. If the tree removal permit application is denied, the decision may be appealed pursuant to BIMC 16.18.100.
- D. No work authorized by a tree removal/ vegetation maintenance permit shall commence until a permit notice has been posted by the applicant at a conspicuous location on the subject property. The notice shall remain posted in said location until the authorized tree removal has been completed.
- E. Any tree removal/ vegetation maintenance permit granted under this chapter shall expire one year from the date of issuance. Upon a showing of good cause, the permit may be extended for six months by the planning director. Approved tree removal permits shall not be amended without authorization of the planning director.
- F. A tree removal / vegetation maintenance permit may be suspended or revoked by the planning director because of incorrect information supplied or any violation of the provisions of this chapter.

#### **16.18.080 After-the-fact Tree Removal/Vegetation Maintenance Permit.**

- A. In response to a report that one or more trees have been removed improperly or vegetation maintenance activity did not comply with any section of the BIMC, the City's Code Enforcement Officer shall investigate. If in fact the reported activity was legitimate without a permit, no action will be taken. If the reported activity would have been allowed if a



permit had been applied for, an after-the-fact Tree Removal/Vegetation Maintenance Permit shall be issued. The person or persons responsible for unauthorized tree removal shall be made aware of all the conditions for approval and any applicable regulations and remedies. The fee for an after-the-fact permit shall be established by a resolution of the City Council.

- B. If in fact the reported activity would not have been permitted, entirely or in some particulars, the Code Enforcement Officer, in consultation with the Director or the City Attorney, shall follow the procedures for **Enforcement and penalty** in this chapter or another applicable chapter of the BIMC.

#### **16.18.090 Performance assurance.**

- A. The planning director may require, as a condition for the granting of a permit, that the applicant furnish a performance assurance in a form approved by the planning director, in order to obligate the applicant, after the approved tree removal has been accomplished, to complete all required replanting, erosion control, and cleanup on the property. The surety device shall be in an amount equal to the estimated cost of such services, with surety and conditions satisfactory to the planning director.
- B. In order to stay enforcement, the director may choose to enter into a voluntary correction agreement (VCA). This is a civil contract entered between the City and the applicant. The VCA will outline several performance items that will be required within an agreed-upon time frame.

#### **16.18.100 Appeals.**

Appeals of the planning director's decision on a tree removal permit application shall be in accordance with the administrative decision procedures established in Chapter 2.16 BIMC.

#### **16.18.110 Violation – Enforcement and penalty.**

- A. In addition to any other sanction or remedy that may be available, a violation of or failure to comply with any provision of this chapter shall be a civil infraction and shall be subject to enforcement and civil penalties as provided in Chapter 1.26 BIMC.
- B. A violation of or failure to comply with any provision of this chapter shall be a misdemeanor punishable, upon conviction, as provided in BIMC 1.24.010.A.
- C. Any fines collected through enforcement of this chapter shall be directed to the city's tree fund, Chapter 3.39 BIMC.



#### **16.18.120 Definitions.**

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

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

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

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

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

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

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

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

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





**RESOLUTION NO. 2010-32**

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

**WHEREAS**, Framework Goal 7 of the City of Bainbridge Island Comprehensive Plan calls for the development of a meaningful process for citizen participation; and

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

**WHEREAS**, on April 7, 2010, the City Council established the Land Use Public Process small steering group, charged with analyzing and reviewing policies and procedures regarding public involvement in land use permits; and

**WHEREAS**, the steering group began meeting in May 2010, and quickly identified several ways to better solicit public participation in the land use permit process; and

**WHEREAS**, upon the recommendation of the steering group, the City Council directed staff to develop an ordinance (Ordinance No. 2010-25) making the City's "Public Participation Program," as outlined in Resolution No. 2001-11, mandatory for certain larger development projects; and

**WHEREAS**, the steering group wanted the public participation program to involve the community at large for development projects of Island-wide significance; and

**WHEREAS**, the City has decided to adopt a new "Public Participation Program" resolution, instead of amending Resolution No. 2001-11; now therefore,

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

The City Council of the City of Bainbridge Island, Washington, approves the amendments to the City's public participation program, making the program mandatory for larger development projects. The program will be administered by the Department of Planning and Community Development, and is described in Exhibit A attached hereto and made a part hereof by this reference.

**PASSED** by the City Council this 13<sup>th</sup> day of October, 2010.

**APPROVED** by the Mayor this 13<sup>th</sup> day of October, 2010.



Bob Scales, Mayor

**ATTEST/AUTHENTICATE:**

  
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: October 5, 2010  
PASSED BY THE CITY COUNCIL: October 13, 2010  
RESOLUTION NO: 2010-32

## **The City of Bainbridge Island's Public Participation Program**

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

**Format:** The program is designed to be simple, informal and of mutual benefit to all the participants. It involves one meeting between the applicant and the neighbors, typically right before or after a pre-application conference is held. The focus of the meetings is the specific development project and its possible impacts. The meetings are intended to be neighborhood-oriented, but larger projects may be appropriate for a larger public outreach effort. The applicant makes a short presentation on the development project, which is followed by a question-answer session.

**City's Role:** The meetings are organized and advertised by Planning staff. The City will mail notice of the meeting to property owners within 500 feet of the subject property. Additionally, staff identifies the targeted neighborhood (s) on a case-by-case basis, taking into account the size and type of development project, and may mail the meeting notice more widely. The City will provide the applicant with a sign to post on the property, and publish a display ad in the paper of record. A staff member will serve as a neutral facilitator of the meetings. Current Planning staff attends the meeting to answer questions about the City's code and development regulations. Staff also prepares a written summary of the meeting, which is sent to the meeting participants and to the appropriate City reviewing body (Design Review Board, Director, Planning Commission, City Council, Hearing Examiner). A member of the Design Review Board is encouraged to attend the Public Participation meeting to hear the discussion.

### **Benefits:**

- Several recent development projects have shown that good communication between the developer and the neighborhood resulted in general public support and a smoother approval process. This program is designed to increase trust and communication, and to diffuse potentially adversarial situations.
- Recent experience has also shown that some development projects have run into public opposition because neighbors feel they hear "too little, too late." In some cases, their concerns could have been addressed fairly easily if they had been raised early in the process. This program provides the public with accurate and timely information, and allows them to have more input into developments in their neighborhoods. It provides the applicant with the opportunity to understand and possibly address any neighborhood issues.
- This program is not a "hearing" or a separate approval process. It is an informal dialogue, and any modifications that an applicant chooses to make as a result are voluntary.
- The program provides educational opportunities for the public to learn about City development regulations and their relationship to the Comprehensive Plan. In turn, it helps City staff and officials keep abreast of existing and emerging community concerns.

**RCW 58.17.100****Review of preliminary plats by planning commission or agency—Recommendation—Change by legislative body—Procedure—Approval.**

If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, the legislative body shall adopt its own recommendations and approve or disapprove the preliminary plat.

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to adopt or amend platting ordinances shall reside in the legislative bodies. The legislative authorities of cities, towns, and counties may by ordinance delegate final plat approval to an established planning commission or agency, or to such other administrative personnel in accordance with state law or local charter.

[ 2017 c 161 § 1; 1995 c 347 § 428; 1981 c 293 § 6; 1969 ex.s. c 271 § 10.]

**NOTES:**

**Finding—Severability—Part headings and table of contents not law—1995 c 347:** See notes following RCW 36.70A.470.

**Severability—1981 c 293:** See note following RCW 58.17.010.







CITY OF  
BAINBRIDGE ISLAND

# ADMINISTRATIVE MANUAL

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## **PLANNING PERMIT SUBMITTAL REQUIREMENTS**

**Department of Planning and Community Development**  
**January 1, 2012; Last Updated September 2016**



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## Introduction

This Administrative Manual is designed to supplement the permit processes described in the land use, zoning, and environmental sections of the City of Bainbridge Island Municipal Code (BIMC). This manual identifies documents that applicants must submit in order to have a complete application for development review and decision. Consistent submissions to the City of Bainbridge Island will help the efficiency of the review process as well as clarifying requirements for applicants. The procedures required for review and approval of each type of application are detailed in Title 2: Administration, Personnel and Land Use Procedures of the BIMC.

The [Master Land Use Application](#) is required to be submitted with each of the land use permits discussed herein. Please see the application for the number of copies for specific permits. A land use permit shall not be considered complete until the required application, [fee](#) and all supporting materials are submitted to the department. The applicant shall submit an electronic copy of all required documents at the time of application submittal. The director may waive specific submittal requirements determined to be unnecessary for review of an application. Most applications also require a separate fee for the Kitsap Health District.

The City's current [Fee Schedule](#) and [Master Land Use Application](#) can be viewed and downloaded from the City's website.



# GENERAL SUBMITTAL REQUIREMENTS

## Basic Site Plan

The site plan must be legible and easily understood by professionals as well as the public. Clearly differentiate between existing and proposed development. The information to help prepare a site plan is readily available to the public:

City Resources

Municipal Code

Public GIS

County Resources

Auditor's Records

Assessor Records

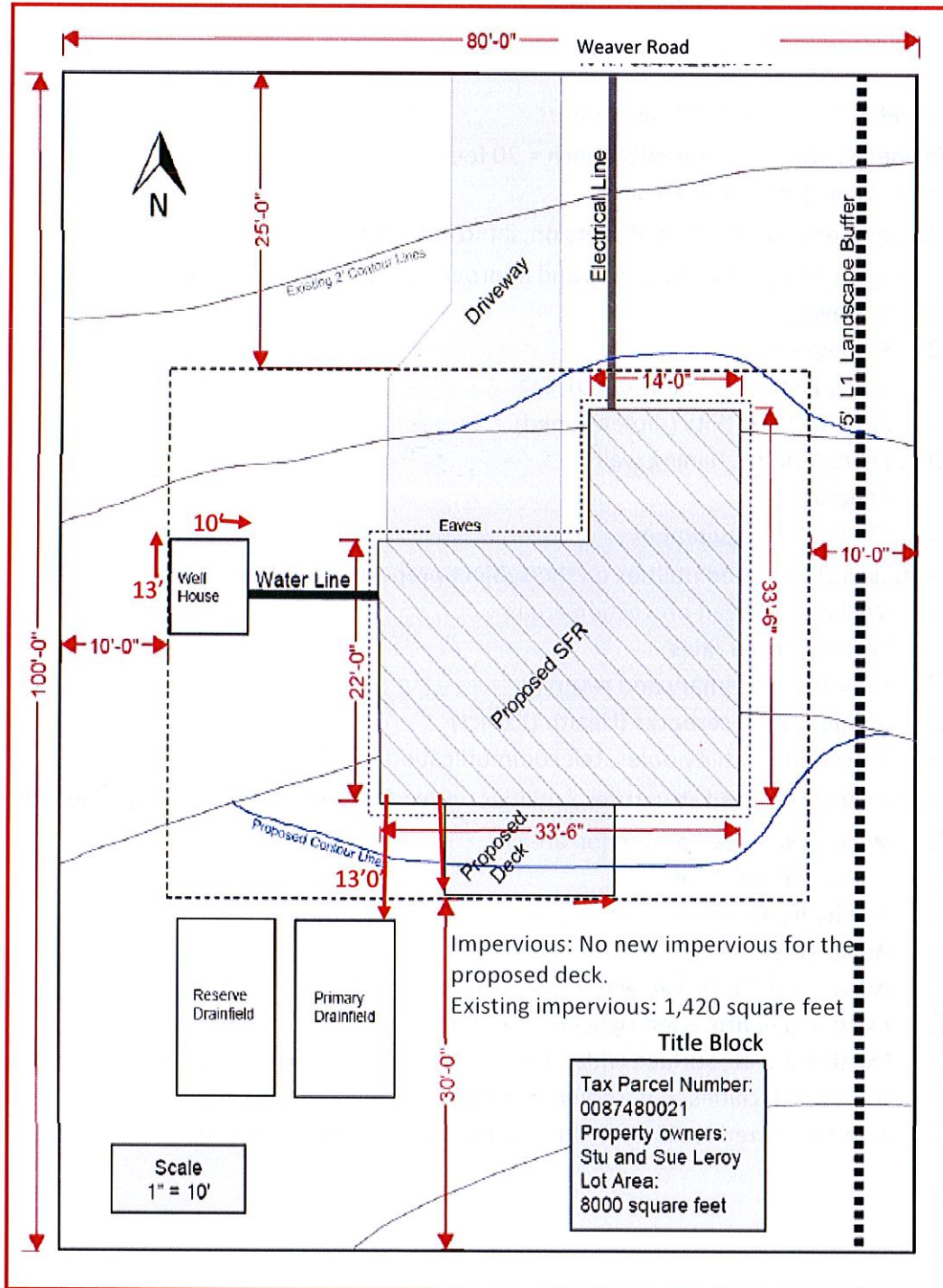
Public Health District

Well / Septic Records

- ☐ Plan sheet 18" \* 24" or 24" \* 36" in size
- ☐ Engineer's scale, for example: 1 inch = 20 feet
- ☐ Title block: Project name; owner name; site address, tax parcel number; subdivision name
- ☐ North arrow
- ☐ Vicinity map
- ☐ Quarter section, township and range
- ☐ Depict the entire property and the area within 150 foot radius of the property
- ☐ Zoning / Comprehensive Plan designation
- ☐ Property boundaries (bold line)
- ☐ Lot size and lot area (BIMC 18.12.050)
- ☐ Easements: Include access, utility, other (e.g. use easements, conservation easements)
- ☐ Zoning setbacks or subdivision setbacks / buffers (as applicable)
- ☐ Contour lines at five foot intervals (existing and proposed)
- ☐ Critical areas and their buffers / setbacks: Label top/toe of slopes greater than 15 percent and top/toe of slopes 40 percent or greater, floodplain, wetlands, streams
- ☐ Shoreline jurisdiction: Include OHWM, shoreline structure and side yard setback, shoreline buffer Zones 1 & 2, areas of native vegetation, location and size of significant trees
- ☐ Vegetation protection areas (e.g. "no-build zones", landscape buffers, designated wildlife corridor)
- ☐ Exterior dimensions of all existing and proposed structures: Clearly differentiate between existing and proposed. Label each structure by its use (e.g. garage, landscape / retaining wall, eave, fence, mechanical equipment)
- ☐ Impervious surface areas (existing and proposed): Label and dimension each area (e.g. building, driveway, parking area, patio)
- ☐ Area of disturbance: Area expected to be disturbed by construction and vegetation retention area
- ☐ Stormwater facility: Location / management method (e.g. dispersion, infiltration, detention)
- ☐ Sewer / septic system facility: Include lines, primary and reserve drainfields and setbacks\*
- ☐ Water / well facility: Include lines, water meters, well house, well protection area
- ☐ Other facilities: Include power lines, generators, propane tanks, heat pumps, solar
- ☐ Historically significant structures on or adjacent to the property (e.g. constructed over 50 years ago or listed on the local or national historic register)

- Access to the property (existing and proposed): Dimension adjacent rights-of-way / access easements and driving surface width. Depict access from a right-of-way, emergency services access, driveways, non-motorized access (e.g. sidewalks, trails) and bus stops.

## Sample Site Plan



## Utilities Plan

- ☐ Minor (abbreviated) drainage plan for proposals that do not require engineered plans

OR

- ☐ Engineered preliminary drainage plans
- ☐ Engineered preliminary drainage report

AND

- ☐ Plan sheet 18" \* 24" or 24" \* 36" in size
  - ☐ Engineer's scale, for example: 1 inch = 20 feet
  - ☐ Location of stormwater facilities
  - ☐ Management method (e.g. dispersion, infiltration, detention)
  - ☐ Existing and proposed structures and improvements on the subject property including:
    - ☐ Driveways
    - ☐ Parking areas
    - ☐ Parking space (dimensioned)
    - ☐ Solid waste facility (dimensioned)
    - ☐ Landscape / retaining walls
    - ☐ Fences
    - ☐ Mechanical equipment
  - ☐ Existing and proposed utilities on the subject property including:
    - ☐ Wells / well head protection areas
    - ☐ Water / Sewer lines
    - ☐ Drainfields (primary and reserve)
    - ☐ Septic system setbacks (Health District)
    - ☐ Power lines, utility poles, telecommunication facilities
  - ☐ Existing and proposed structures / utilities within 150 feet of the property including:
    - ☐ Wells / well head protection areas
    - ☐ Water / Sewer lines
    - ☐ Fire hydrants
    - ☐ Adjacent streets
    - ☐ Adjacent right-of-way with road classification
    - ☐ Existing and proposed right-of-way width
    - ☐ Existing driving surface width and type (e.g. gravel, asphalt, pervious concrete)
    - ☐ Roadside facilities (e.g. shoulder, ditch)
    - ☐ Non-motorized facilities width and type (e.g. sidewalks, trails)

## Low Impact Development (LID) Site Assessment

The Low Impact Development (LID) Site Assessment shall be performed in accordance with the City's adopted LID manual. See Chapter 2 of *Low Impact Development Technical Guidance Manual For Puget Sound* for a full description of the requirements of a site assessment. The assessment shall include the following information and shall be proportionate in detail and scope to the level of development:

### A. Stormwater Site Plan (SSP)

- ☐ Existing public/private development and utility infrastructure on and adjacent to site
- ☐ Minor hydrologic features including seeps, springs, closed depression areas and swales
- ☐ Major hydrologic features including streams, wetlands, waterbodies, and buffers
- ☐ Flood hazards
- ☐ Geologic hazards and buffers
- ☐ Aquifer and wellhead protection areas
- ☐ Topographic features that may act as natural stormwater storage, infiltration, or conveyance
- ☐ Existing vegetation, land cover, and trees
- ☐ Contours at 2-foot intervals up to 10% slope, 5-foot intervals over 10% up to 20%, 10-foot intervals for slopes 20% or greater
- ☐ Soil and subsurface hydrology characterization
- ☐ Identified native forest and soil protection areas
- ☐ Potential access points

Additional supporting information for the LID assessment includes:

- B. Soils report prepared by a certified soil scientist, professional engineer, geologist, hydrogeologist or engineering geologist registered in the State of Washington or suitably trained persons working under the supervision of the above professionals or by a locally licensed on-site sewage designer.

## Landscape Plan

A Landscape Plan shall be prepared by a landscape architect licensed by the state of Washington, a Washington certified nursery professional or a Washington certified landscaper and a certified arborist (when required) and include the following information at the time of land use permit application. Minimum specifications for the Landscape Plan sheets listed below.

- ☐ Plan sheet 18" \* 24" or 24" \* 36" in size
  - ☐ Engineer's scale, for example: 1 inch = 20 feet
  - ☐ North arrow
  - ☐ Title block: Project name; site address, tax parcel number;
  - ☐ Property boundaries (bold line)
- A. Tree and Vegetation Retention Plan. The applicant shall submit a tree and vegetation retention plan, concurrent with applicable permit application in order to demonstrate compliance with BIMC Section 18.15.010. If multiple permits are required then the applicant must submit the tree retention plan with the first and all subsequent applications. The tree retention plan may be combined with the planting plan (see section 3 below) and shall consist of:
1. A tree survey or aerial photograph that represents current site conditions and identifies the location of all significant trees, tree stands and their associated canopies. The survey needs to include enough information about existing trees on a property to demonstrate compliance with section BIMC Section 18.15.010.G *Total Site Tree Unit Requirements* (if applicable). New planting may be required to meet these requirements (see section 3 below).
  2. For detailed site plans and grading applications, the tree survey may be conducted by a method that locates individual trees and tree stands, their size(s) and species. These trees shall be marked in the field at the time of permit or approval application and maintained through the construction period; and
  3. A development site plan identifying size and species of the trees and tree stands, as defined in BIMC [18.15.010.C](#), heritage trees, or other existing vegetation that are proposed to be retained.
  4. The International Society of Arboriculture (ISA) valuation for trees:
    - a. Required to be retained for development projects in the R-2.9, R-3.5, R-4.3, R-8, R-14, Mixed Use Town Center (MUTC), High School Road, and Neighborhood Service Center Districts; and
    - b. In all zones where the critical root zone of a tree required to be retained may be impacted by clearing, grading construction, development, or maintenance; and
  5. An analysis prepared by an certified arborist about long-term health and/or viability for trees that will be on the edge of the developed area and "post development" tree



health for trees requested for removal in roadside or perimeter buffers. This analysis should also address protection during construction (see below).

6. Protection during construction strategies for trees and vegetation to be retained.
- B. Description of how the tree retention plan and planting plan meet the *Total Site Tree Unit Requirements*, pursuant to BIMC 18.15.010.G, if applicable.
- C. Planting Plan. All plans must be prepared or approved, by a landscape architect licensed by the state of Washington, a Washington certified nursery professional or a Washington certified landscaper. The proposed landscape planting plan shall be clearly legible and show the following:
1. A title that includes the project name, owner's name, designer's name, date and scale of no less than one inch equals 30 feet. All items shall be labeled, and north shall be oriented towards the top or left of the plan;
  2. Property boundaries, easements, and ownership as set forth in the legal description;
  3. Existing and proposed grades of at least five-foot intervals;
  4. Rights-of-way, setbacks, streets and utilities within the subject property;
  5. All proposed construction and planting and any future construction and planting that is not included in the application;
  6. Location of all existing and proposed buildings, structures, utilities and improvements within the property; and
  7. A plant list for all proposed new planting delineating quantities, scientific and common names and sizes. Names of plants are to follow current edition of the Hortus Third, A Concise Dictionary of Plants Cultivated in the U.S. and Canada; and sizes of plants are to follow the current edition of the American Standard for Nursery Stock, American Association of Nurseryman (AAN).
  8. Vegetation clearing strategies;
  9. Topsoil protection and reuse strategies, including limiting compaction during construction;
  10. Native soil amendment strategies;
  11. Planting times and physical limits of construction; and
  12. Areas that require temporary or permanent irrigation.

## **Preapplication Conference**

- A. Basic Site Plan
- B. Conceptual Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- C. Conceptual Utilities Plan
- D. Conceptual Low Impact Development (LID) Site Assessment
- E. Additional requirements for preapplication review of Short Plats and Subdivisions
  - 1. Lot area of each existing and resultant lot (BIMC 18.12.050.J)
  - 2. Proposed covenants or restrictions
  - 3. Site plan – additional requirements
    - a. Separate sheets depicting existing and resultant conditions
    - b. Zoning and Comprehensive Plan designation for subject and adjacent properties
    - c. Shoreline upland / water environment for subject and adjacent properties
    - d. Proposed method to meet fire flow requirements
    - e. Names and locations of adjacent subdivisions;
    - f. Required roadside landscape buffers
    - g. Flexible Lot Design (Open Space or Cluster): Open space consistent with requirements of BIMC 17.12 or landscape perimeter buffers (BIMC 18.15) and homesite areas
- F. Additional requirements for Design Review Board preapplication review (e.g. HDDP, Site Plan and Design Review, and Conditional Use permits)
  - 1. Project vision summary
  - 2. Design Guideline Checklist(s)
  - 3. Conceptual floor plan with estimated commercial and residential square footage
  - 4. Aerial and streetscape photographs with streets and site boundaries labeled
  - 5. Site plan - additional requirements
    - a. Proposed structure footprints
    - b. Proposed structure entrances
    - c. Proposed location and description of mechanical equipment
    - d. Proposed location of trash / recycling structures

- e. Proposed location of accessory structures
- 6. Preliminary sections: Transverse and longitudinal site sections extending to adjacent buildings within 100 feet of property; section through the most critical area of the structure(s) with property lines, floor to floor heights, overall height, and spot elevations
- 7. Preliminary Elevations: Main elevations of each structure and of adjacent structures; material and color selections; mechanical screens and venting locations
- 8. Optional but strongly recommended
  - a. Renderings: Eye level perspective from major street location; aerial perspective depicting entire project and adjacent buildings in context
  - b. Exterior Lighting Plan: Location and indication of light spillage at night.

## **Administrative Code Interpretation Request**

The director has the authority to provide interpretations of provisions, uses, or definitions in BIMC Titles 16, 17 and 18 and related provisions in BIMC Title 2, and will make these interpretations available to the public. Any person may apply to the director for an interpretation of any provision in these titles. The director shall provide the interpretation taking into account consistency with the comprehensive plan, the nature of the definition or use, and its relationship to the code and its potential impacts, such as:

- A. Whether it involves dwelling units; sales; processing; type of product, storage and amount;
- B. Enclosed or open storage;
- C. Anticipated employment;
- D. Transportation requirements;
- E. Excessive noise, odor, fumes, dust, toxic material, light, glare, and vibration likely to be generated; and
- F. The general requirements for public utilities such as water and sanitary sewer.

The authority to provide an interpretation does not include the authority to add a new permitted ("P") or conditional ("C") use to the use table in BIMC 18.09.020. The director's interpretation is subject to appeal pursuant to BIMC 2.16.020.P.1.

## **Adjustments to Approved Land Use Permits (Minor & Major)**

**NOTE: This permit does not apply to subdivisions- see Subdivision Adjustment and Amendment section.**

A minor adjustment entails small changes in dimensions or siting of structures or the location of – public amenities which does not change the intensity or the character of the use.

A major adjustment include those that modify the basic design, intensity, density and / or use.

- A. Basic Site Plan
- B. Utilities Plan (as applicable)
- C. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- D. Copy of the approved plan (e.g. open space plan, landscaping plan)
- E. Written description of the proposed change, including a detailed analysis of how the change complies with decision criteria of the application used in the first instance;
- F. Authorization of all owners of all lots involved in the change.

## **Revisions to Land Use Permits**

A revision is required when there are proposed changes to a project after the application has been submitted, but has not been approved. This may arise due to differences between the original proposal and application submittals to actual field conditions, or the customer has changed their mind about an aspect of the project. In all cases, a revision to the existing permit must be submitted, reviewed and approved. Please check with your planner prior to submitting revisions, an intake appointment may be required. All submittal requirements applicable to the original application, including number of copies, are required for revisions. Revisions may be subject to additional fees.

- A. Basic Site Plan
- B. Utilities Plan (as applicable)
- C. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- D. Revision documents that clearly identify the proposed change, including a description of the proposed change.
- E. Analysis of how the change complies with decision criteria of the approved application in the first instance (if applicable)
- F. Authorization of all owners of all lots involved in the change.

# **Zoning Permit Applications**

## **Site Plan and Design Review (Major & Minor)**

- A. Basic Site Plan
- B. Utilities Plan
- C. Low Impact Development (LID) Site Assessment
- D. Landscape Plan
- E. Preapplication conference summary (if applicable)
- F. Public participation meeting summary (if applicable)
- G. State Environmental Policy Act (SEPA) checklist (if applicable)
- H. Terms, conditions, covenants, and agreements under which the subject property is bound
- I. Traffic analysis (if applicable)
- J. Design guideline checklists
- K. Narrative: A complete and detailed written statement describing the proposal, including:
  - 1. Intended use of the land
  - 2. Phasing, including the phasing of on- and off-site improvements
  - 3. Sequence and timing of the proposed development
  - 4. Proposed land ownership
  - 5. Commercial and residential components of the project
  - 6. Addressing the decision criteria per BIMC 2.16.040 E
- L. Documentation of Kitsap Public Health District Concurrent Review, if not on public sewer and water;
- M. Non-binding Water and Sewer availability letters (availability and phasing of system extensions)
- N. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;
- O. Architectural drawings, including floor plans, uses, building elevations, building sections, and roof plans;
- P. Analysis of how the project meets design guidelines-Design Guidelines Checklists, if applicable;



- Q. Description of proposed stormwater management system and maintenance and operation. See also Utilities Plan.
- R. Description of any facilities planned for public dedication, e.g. sewage disposal system, roads, non-motorized facilities, utility lines and facilities, parks or open space.
- S. Any other graphic materials required to adequately describe how the proposal meets specific regulations and guidelines, such as color palettes, material boards, and computerized models;
- T. For developments within the Business/Industrial (B/I) district, designated open space areas required pursuant to BMC 18.06.060.C.1; and
- U. For installation of outdoor lighting fixtures, evidence of compliance with the requirements of chapter 18.15.040, Outdoor Lighting, on the architectural elevations or on a form provided by the department of planning and community development.
- V. A survey may be required depending on project complexity; and
- W. Design Review Board (DRB) Final Design Review (as applicable)

The Final Design Review is the last review by the DRB. It is presented after incorporating the recommendations from the Pre-application Project Review and can include other refinements that have occurred to the design. When the planner determines the required exhibits are complete, he will assign a date for the Final Project Review. The purpose of the final project review is to review a proposed project for compliance with applicable design guidelines, and to ensure that the project reflects any revisions recommended by the DRB at the pre-application review.

The Design Review Board reviews the application materials electronically member. The DRB comments and recommendations are based on how the exhibits and drawings incorporate or interpret the design guidelines. The applicant will present the project using appropriate size graphics for the whole Board to see, either on minimum 24 x 36 boards or using a projector and screen. Optional but strongly recommended items are so indicated:

1. Final Project Vision Summary, incorporating DRB pre-application comments, and Design Guideline Checklist;
2. Final Context Analysis includes:
  - a. Aerial photo (Google Earth Image is sufficient) and streetscape photos with streets and site boundaries indicated.
  - b. Vicinity map showing existing conditions including adjacent structures, uses and zoning.
3. Final Sections includes:

- b. Final transverse and longitudinal sections through the entire site extending 100 feet past the property line to adjacent buildings or buildings across a roadway.
  - b. Final transverse and longitudinal sections through each structure with property lines, floor to floor heights, overall height, and spot elevations noted.
- 4. Final Elevations include:
  - a. Final elevations of each structure including exterior mechanical screens, venting locations and adjacent structures in context.
  - b. Final material board and color notes as needed for clarification.
  - c. Scale figures and transparent street trees or planned landscaping. *\*OPTIONAL, BUT STRONGLY RECOMMENDED.*
  - d. Shadows should clarify modulation. *\*OPTIONAL, BUT STRONGLY RECOMMENDED.*
- 5. Final Renderings are *\*OPTIONAL, BUT STRONGLY RECOMMENDED*
  - a. Eye level perspective renderings from two opposite street locations.
  - b. At least one depicting entire project with adjacent buildings in context
- 6. Final Exterior Lighting Plan includes descriptions, images, color and finish of selected features.
- 7. Any other graphics requested during the Preliminary Site Plan Review.

## **Conditional Use Permit (Major & Minor)**

- A. Basic Site Plan
- B. Utilities Plan
- C. Low Impact Development (LID) Site Assessment
- D. Landscape Plan
- E. State Environmental Policy Act (SEPA) checklist (if applicable)
- F. A complete and detailed written statement of the intended use of the land and the sequence and timing of the proposed development;
- G. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;
- H. Affidavit of ownership or agreement to work on the owner's behalf;
- I. Land dedicated for park and recreational facilities, if applicable;

- J. For installation of outdoor lighting fixtures, evidence of compliance with the requirements of chapter 18.15.040, Outdoor Lighting.
- K. Written statement describing how the application meets all applicable decision criteria;
- L. Institutional development in residential zones shall submit the following items:
  - 1. A traffic report, showing the effects on level of service (LOS) on affected roads;
  - 2. A fencing plan or alternative methods to protect the public health, safety and welfare
  - 3. Vehicular, pedestrian, and bicycle access and site circulation
  - 4. Commercial/Mixed Use Design Guidelines Checklist BIMC [18.18.030.C](#)

### **Variance (Major & Minor)**

- A. Basic Site Plan
- B. State Environmental Policy Act (SEPA) checklist (if applicable)
- C. Terms, conditions, covenants, and agreements under which the subject property is bound
- D. Narrative: A complete and detailed written statement describing the proposal, including:
  - 1. Reason for the variance request
  - 2. Detailed description of how the proposal will meet the decision criteria
  - 3. Visual impacts of proposed structures, including proposed screening

### **Housing Design Demonstration Project**

In addition to any submittal requirements from the underlying land use permitting process, the following additional information is required for a Housing Design Demonstration Project:

- A. Survey prepared by a licensed surveyor, including information showing existing conditions and site information including, but not limited to, topography (contour interval not to exceed 5 feet), an elevation benchmark (located on or within 100 feet of the proposed site), adjacent development, vegetation, utilities, critical areas, property lines, and easements. Whenever possible, survey information should be submitted on City of Bainbridge Island vertical and horizontal datums. All plans must be submitted at an easily reproducible engineering or architectural scale. The survey data should be integrated into all site plans and elevation drawings related to the project and the source of the survey information shall be noted;

- B. Plans descriptive of drawings of the proposed innovative housing types including building footprints and building elevations, floor plans, and roof plans;
- C. A description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit;
- D. A description of the required development standards, compared with the standards that relief is being requested. This includes, but is not limited to, setbacks, open space, density, or parking requirements. The applicant should explain how relief from specific development standards is needed to achieve the desired innovative design and the goals of this chapter;
- E. Photographs of the subject and adjacent properties key to the basic site plan;
- F. Landscape Plan
- G. A detailed description of any project phasing;
- H. A description of how the proposed development is consistent with the surrounding neighborhood character;
- I. A description of how the proposed development complies with the goals of BIMC 2.16.020.Q, project evaluation criteria as described in BIMC 2.16.020.Q, and all relevant decision criteria;
- J. A completed green building checklist from Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, LEED or BuiltGreen programs that require third party verification review with the requisite four and five star levels.

## **Sign Permit**

- A. Basic site plan
  - 1. Position of buildings
  - 2. Landscaped areas
  - 3. Sign configuration
  - 4. Sign size
  - 5. Sign elevation
- B. [Sign permit worksheet](#)
- C. Drawing or photo of proposed sign(s) including dimensions and height above ground.
- D. Engineering specifications (if applicable).

## **Wireless Communication Facility Permit (WCF)**

### **A. Basic Site Plan**

#### **1. Additional requirements**

- a. Location, elevation and dimensions of existing facility components
- b. Location, elevation and dimensions of proposed facility components
- c. Existing and proposed site grade
- d. Area of ground disturbance for construction activities
- e. Primary viewshed of the proposed WCF
- f. Proposed height
- g. Coverage area at proposed height (may be inset map or on separate sheet)
- h. Inventory of WCF sites in or within a one mile radius of the City that are operated by the applicant

### **B. Landscape Plan**

#### **1. Additional landscape plan information required**

- a. Type and location of vegetation screen of WCF components in viewshed context
- b. Height of vegetation screen at maturity (e.g. monopole / tower 2/3 height screening)
- c. Type and location of topographic or structural screening (e.g. wall, fencing)
- d. WCF paint / camouflage color scheme in viewshed context
- e. Security fencing height, vegetation screening and paint/ camouflage screening

### **C. Detail drawing: antenna, support structure and any protrusion from the support structure, transmission device, equipment shelter**

### **D. Photo / visual simulations of the proposal from affected properties and public rights-of-way at varying distances**

### **E. Narrative:**

1. An explanation of the need for the proposed WCF
2. Location priority analysis (e.g. co-location vs. commercial building)
3. Height and design of WCF sites in or within one mile of the City
4. Impact of proposal on existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)

5. Feasibility of underground location for equipment facilities
6. Equipment noise evaluation (e.g. dB at nearest property line)
- F. Documentation verifying that the proposed WCF complies with Federal Communications Commission and Federal Aviation Administration regulations
- G. Copy of documentation regarding existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)
- H. Additional information required for:
  1. Tower modification
    - a. Structural engineering report demonstrating the modification complies with applicable construction / electrical / safety codes including: number and types of antennas the tower can support, basis for capacity calculation, statement that the proposal complies with applicable FCC guidelines and standards
    - b. Base station modification
      - a. Structural engineering report demonstrating the modification complies with applicable construction / electrical / safety codes
    - c. Applications for facilities other than Facility I or II
      - a. Documentation of efforts to co-locate on existing facilities

## **Wireless Eligible Facilities Modification Permit (EFM)**

- A. Basic Site Plan
  1. Site plan additional requirements
    - a. Location, elevation and dimensions of existing facility components
    - b. Location, elevation and dimensions of proposed facility components
    - c. Area of ground disturbance for construction activities
    - d. Existing and proposed site grade
- B. Landscape Plan
  1. Additional landscape plan information required
    - a. Type and location of vegetation screen of WCF components in viewshed context
    - b. Height of vegetation screen at maturity (e.g. monopole / tower 2/3 height screening)
    - d. Type and location of topographic or structural screening (e.g. wall, fencing)



- e. WCF paint / camouflage color scheme in viewshed context
- f. Security fencing height, vegetation screening and paint/ camouflage screening
- C. Detail drawing: antenna, support structure and any protrusion from the support structure, transmission device, equipment shelter
- D. Photo / visual simulations of the proposal from affected properties and public rights-of-way at varying distances
- E. Assertion that the proposal is subject to review under Section 6409 of the Spectrum Act
- F. Impact of proposal on existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)
- G. Documentation verifying that the proposed WCF complies with Federal Communications Commission and Federal Aviation Administration regulations
- H. Copy of documentation regarding existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)
- I. Additional information required for:
  - 1. Tower modification
    - a. Structural engineering report demonstrating the modification complies with applicable construction / electrical / safety codes including: number and types of antennas the tower can support, basis for capacity calculation, statement that the proposal complies with applicable FCC guidelines and standards
  - 2. Base station modification
    - a. Structural engineering report demonstrating the modification complies with applicable construction / electrical / safety codes
  - 3. Height increase
    - a. Detail record drawings / as-built plans showing the greater of the constructed height or the height approved by the City prior to passage of the Spectrum Act
  - 4. Modification involving hardening through structural enhancement
    - a. Geotechnical report demonstrating the enhancement is necessary

# **Subdivision Applications**

## **Boundary Line Adjustment**

- A. Basic Site Plan
- B. Survey drawing
  - 1. Conventional scale and prepared by a surveyor licensed in the State of Washington
  - 2. Separate sheets depicting existing conditions and resultant conditions
  - 3. Zoning and Comprehensive Plan designation
  - 4. Shoreline upland and water environment designations
  - 5. Proposed method to meet fire flow requirements
  - 6. Names and locations of adjacent subdivisions
  - 7. Gross lot size (in square feet) of each existing and resultant lot
  - 8. Lot area of each existing and resultant lot / tract (BIMC 18.12.050.J)
  - 9. Zoning or subdivision setbacks, as applicable
  - 10. Ordinary High Water Mark
  - 11. Required critical areas, their buffers and setbacks
  - 12. Required vegetation buffers
- C. Existing and proposed terms, conditions, covenants, and agreements on the subject property
- D. Perimeter lot closures for each existing and resultant lot
- E. Title report dated not more than six months prior to application
- F. Property legal description
- G. Draft agreements (e.g. use easement, road maintenance agreement)
- H. Water and sewer availability letters (public water / sewer) for each resultant lot
- I. Other technical reports (as applicable): Wetland delineation and report or wetland determination; Geotechnical report / assessment

## **Preliminary Subdivision (Short Plat / Long /Large Lot)**

- A. Basic Site Plan
- B. Utilities Plan
- C. Low Impact Development (LID) Site Assessment
- D. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- E. Preliminary Plat
  - 1. Conventional scale and prepared by a surveyor licensed in the State of Washington
  - 2. Separate sheets depicting existing conditions and resultant conditions
  - 3. Zoning and Comprehensive Plan designation
  - 4. Shoreline upland and water environment designations
  - 5. Proposed method to meet fire flow requirements
  - 6. Names and locations of adjacent subdivisions
  - 7. Gross lot size (in square feet) of each existing and resultant lot
  - 8. Area (in square feet) dedicated to open space (if applicable)
  - 9. Lot area of each existing and resultant lot / tract (BIMC 18.12.050.J)
  - 10. Flexible lot setbacks
  - 11. Required critical areas, their buffers and setbacks
  - 12. Required roadside landscape buffers
  - 13. Proposed Flexible Lot Design (Open Space or Cluster)
    - a. Proposed lot lines and homesite locations
    - b. Open space areas or landscape perimeter buffers
- F. State Environmental Policy Act (SEPA) checklist (if applicable)
- G. Existing and proposed terms, conditions, covenants, and agreements on the subject property
- H. Preapplication conference summary letter
- I. Perimeter lot closures for each existing and resultant lot
- J. Title report dated not more than six months prior to application
- K. Property legal description
- L. Draft agreements (e.g. Open Space Management Plan, road maintenance agreement)
- M. Non-binding water and sewer availability letters (for public water / sewer) for each lot
- N. Traffic impact analysis / application for traffic concurrency or concurrency statement
- O. Other technical reports (as applicable): Wetland delineation and report or wetland determination; Geotechnical report / assessment; Shoreline Site Specific Analysis; DNR Forestry permit; Habitat Management Plan
- P. Other special submittal requirements identified in the pre-application conference summary

## Plat Utility Permit (All Subdivisions)

Construction plan submittal requirements to obtain a plat utility permit for civil improvements associated with a short- or long-subdivisions are found in [City of Bainbridge Island Design and Construction Standards manual](#). The plan requirements and definitions differ from those in the administrative manual. Please review the specific requirements with the assigned City project engineer for large/complex projects.

- A. Construction Plans - Full-scale drawings on 24-inch by 36-inch paper with margins set to provide half-scale drawings on 11-inch x 17- inch paper.

### General Plan Requirements:

- ☐ North shall be shown up or to the left on the plans, and in no case will north be shown in opposing directions on the same or connecting sheets.
- ☐ A vicinity map shall be located on the drawing. The scale shall be 1 inch = 1000 feet and with an approximate one square mile with the project site approximately centered. A scale at least 1 inch long shall be drawn on the map. A North arrow shall be on the map. The site address shall be shown below the vicinity map.
- ☐ City datum with city-established benchmark (BM) number and elevation. BM information is available from the city's right-of-way specialist.
- ☐ A detailed description of the site, including lot number, quarter section, township and range, unless otherwise noted by the city engineer.
- ☐ Current zoning of site and of adjacent properties.
- ☐ Lot size(s) with perimeter distances and bearings of the site shown on the plan.
- ☐ Project name in the title block.
- ☐ Owner/developer name, address, and phone number in the title block.
- ☐ Design engineer's name, address, and phone number in the title block.
- ☐ Boundary and topographic survey of existing conditions with a contour interval of no less than 5 feet (no less than 10 feet for Large Lot Subdivisions)
- ☐ Proposed and existing rights-of-way and easements shall be clearly identified and dimensioned. New public utility easements shall be a minimum of 20 feet in width. Utilities shall be centered in the easement. Show Kitsap County recording numbers for all existing easements.
- ☐ All pertinent existing and finish elevations.
- ☐ Existing natural drainage ways such as swales, ditches, etc. Path of flow with arrows and elevations.
- ☐ Lakes, rivers, streams, flood plains, wetlands, sensitive slopes, and other sensitive areas.
- ☐ Limits and elevations of 100-Year Floodplain, including delineation of the floodway and flood fringe.
- ☐ General plan notes consistent with the Standards shall be shown on the plan.

On-site plans for private property improvements shall have vertical scale of one inch equals 5 feet and horizontal scale of one inch equals 50 feet. Profiles, where required, may be drawn on plan sheets.

Off-site plans for public dedication of improvements (i.e. water, sewer, storm drainage, and streets) shall have a vertical scale of one inch equals 5 feet and horizontal scale of one inch equals 40 feet. All off-site plans shall have the corresponding plan/profiles on the same sheet.

Five copies of the construction drawing set are required.

A digital set in PDF or TIFF format shall be included with the application.

See the applicable Standards for plan requirements in the DCS Manual or the applicable zoning code requirements

Plans may be incorporated on the same sheet where clarity is not affected.

Specific Plan Requirements:

- ☐ Preliminary conditions of approval
- ☐ Grading, Drainage, and Erosion and Sediment Control (GDESC) Plan
- ☐ Street plan or plat road plan
- ☐ Parking plan
- ☐ Utility plan (water, sewer, and dry/franchise utility location and coordination)
- ☐ Significant tree/tree retention plan.
- ☐ Open space management plan, where applicable.
- ☐ Landscaping plan.

B. Reports and Supporting Documentation/Calculations

- ☐ Stormwater management report consistent with BIMC 15.20 and the current adopted Stormwater and Low Impact Development manuals.
- ☐ Drainage design calculations.
- ☐ Soil logs and infiltration rate determination, where applicable.
- ☐ Geotechnical report, where applicable.
- ☐ Domestic (multi-family), commercial and fire flow calculations.
- ☐ Sewer conveyance calculations

C. Facilities (Water, Sewer, Storm Water and Streets) Extension Agreement Application

- ☐ Application shall indicate whether a latecomer reimbursement will be requested.
- ☐ Drawings shall be submitted showing generally the proposed location, type, and size of the utility or street improvements

The extension agreement application shall be completed by the owner and submitted with the applicable processing fee consistent with BIMC 13.32.

## **Final Short Plat / Subdivision**

- A. Plat Utilities Plan (engineered drainage plan / report or minor plan as applicable)
- B. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- C. Final Plat, as modified by conditions of approval
  - 1. Applicable plat conditions of approval
  - 2. Ties to permanent monuments
  - 3. Controlling reference points or monuments
  - 4. Bearing and length of lines
  - 5. Origin of meridian or basis of bearings
  - 6. Surveyor's certificate signed by the surveyor who prepared the final plat: "I, \_\_\_\_\_, registered as a professional land surveyor by the State of Washington, certify that this Subdivision is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of \_\_\_\_\_, 20\_\_ through \_\_\_\_\_, 20\_\_, that the distances, courses, and angles shown hereon correctly; and the lot corners have been staked on the ground as depicted hereon."
  - 7. Disclaimer regarding road maintenance: "Responsibility and expense for maintenance of streets serving lots within this short plat / subdivision shall rest with the lot owners unless such roads have been accepted by the City."
  - 8. If plat improvements are assured, a prominent note on the face of the final plat: "The lots created by this plat are subject to conditions of an assurance device held by the City for the completion of certain necessary facilities. Building permits may not be issued and/or occupancy may not be allowed until such necessary facilities are completed and approved by the City of Bainbridge Island. All purchasers shall satisfy themselves as to the status of completion of the necessary facilities."
  - 9. Signature and date lines for the City Planning Director
  - 10. Signature and date lines for certification by the County treasurer
  - 11. Signature and date lines for the Health District
  - 12. Declaration regarding further subdivision: "Land in a short subdivision may not be further divided through a short plat within a period of five years recording the final short without meeting the standards of and being reviewed as a long subdivision."
- D. Statement of compliance listing the plat conditions and how each condition is met
- E. Perimeter lot closures for each existing and resultant lot



- F. Title report dated not more than six months prior to application
- G. Binding water and sewer availability letters (for public water / sewer) for each lot
- H. Final agreements (e.g. Open Space Management Plan, road maintenance agreement)
- I. Estimate approved by the City for financial assurance of plat improvements

### **Subdivision Alteration / Amendment**

- A. Proposed plat alteration / amendment
- B. Narrative including a description of the proposed change and a detailed analysis of how the change complies with decision criteria of the application used in the first instance;
- C. A copy of the existing final plat
- D. A copy of the open space management plan, as applicable;

## **Environmental and Critical Area Permits**

### **Clearing Permit**

- A. Basic Site Plan
- B. Trees or vegetation proposed to be removed
- C. Size (dbh) of trees to be removed
- D. Calculation of board feet for removed trees
- E. Low Impact Development (LID) Site Assessment (if applicable)
- F. Erosion control methods, drainage information or plan, pursuant to BIMC 15.20
- G. For clearing within 200 feet of OHWM (shoreline jurisdiction), critical areas or their buffers, or required vegetation buffers (e.g. landscape buffers, no-cut buffers), one or more of the following will be required:
  - 1. Critical areas report
  - 2. Geotechnical report
  - 3. Mitigation / Replanting plan
  - 4. Wetland delineation
  - 5. Shoreline mitigation plan
  - 6. Site specific impact analysis report

## **Vegetation Management Permit**

- A. Basic Site Plan
- B. Property legal description
- C. A site assessment plan/harvest plan (BIMC 16.22.060)
  - 1. Engineer's scale, for example: 1 inch = 20 feet
  - 2. Uses on adjacent properties
  - 3. Existing stands of trees, specifying predominant species, species mix and age class;
  - 4. Location of critical areas and buffers as designated under Chapter 16.20; designated open space, and designated scenic and/or wildlife corridors;
  - 5. Ordinary High Water Mark (OHWM) and the 200 foot Shoreline Master Program jurisdiction line;
  - 6. Proposed location and area (in square feet) to remain in forest;
  - 7. Proposed location and area (in square feet) to be cleared of trees and/or vegetation;
  - 8. Proposed areas to be thinned of trees;
  - 9. All existing and proposed access roads and utilities;
  - 10. Proposed log landing areas;
  - 11. Any structures on the property;
  - 12. Topography, at 5 foot intervals;
  - 13. Name, address and phone number of the timber operator (if applicable).
- C. Storm drainage design and/or Low Impact Development (LID) Site Assessment (as applicable), pursuant to BIMC 15.20.
- D. Any critical areas report, as required by BIMC 16.20, such as a geotechnical report or wetland delineation.
- E. Open space management plan, if the application is part of an existing or proposed subdivision.
- F. An environmental checklist, as required by the State Environmental Policy Act.

## **Farm Management Plan**

In order to exceed maximum animal density allowances provided for in BIMC 18.09.030, a farm management plan approved by the City, its designee, or a qualified third party must be implemented and maintained. The farm management plan shall contain the following:

- A. Basic site plan, with the following additional information
  - 1. Adjacent residences
  - 2. Location and area of all pasture area(s), shelter structure(s), compost and manure storage,
- B. Description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
- C. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;
- D. Emergency response plan and emergency response contacts
- E. Description of the potential impacts of animal agriculture and use of applicable National Resource Conservation Service (NRCS) conservation practice standards or equivalent measures to mitigate impacts, including:
  - 1. Water Quality and Soils. Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
  - 2. Noise and Odor. Impacts related to the location on the lot of the animal pasture and shelter, any trash or compost storage areas, any farm stand or additional accessory structure, and any other noise-generating or odor-generating equipment and practices.
  - 3. Agricultural Chemicals. Impacts related to the use of chemicals, including any manure, fertilizer and pesticide.
  - 4. Mechanical Equipment. Impacts related to the operation of equipment, including noise, odors, and vibration.
  - 5. Traffic and Parking. Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site.
  - 6. Visual Impacts and Screening. Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, including the location of pasture, composting activities and manure storage, and any existing or proposed screening.

## **Agricultural Retail Plan**

- A. Basic Site Plan including a delineation of specific use areas (pasture, heavy use area, etc.).
- B. Farm Management Plan, if required pursuant to BIMC 18.09.030.A.1.
- C. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

## Special Use Review

- A. Basic Site Plan
- B. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;
- C. Critical Area Report. A critical area report including mitigation plan, if necessary, prepared in accordance with applicable state and federal agency standards. Such studies shall be prepared by qualified professionals in the area of concern as provided in BIMC 16.20.030 – Definitions;
- D. Any other relevant information and reports that are necessary, in the opinion of the director, to process and prepare the recommendation on the application, such as permit applications to other agencies and special studies;
- E. An environmental checklist when required by the State Environmental Policy Act and BIMC [16.04](#);
- F. Other plans and drawings deemed necessary by the director for evaluation of the merits of the proposal; and
- G. A complete and detailed written statement of the reason(s) for requesting special use review including a detailed description of how the proposal will meet the special use review criteria:
  - 1. The use or activity cannot be avoided because no reasonable or practicable alternative exists,
  - 2. The proposed use is consistent with the spirit and intent of Chapter 16.20 and it will not cause adverse impacts to the wetland or the wetland buffer which cannot be mitigated.
  - 3. Special use review requests for agricultural conversions shall include a farm plan developed by the Kitsap Conservation District. The plan shall identify the best management practices for the proposed agricultural activity.

## Buffer Averaging

- A. Basic Site Plan
- B. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;
- C. Critical Area Report. A critical area report including a description of the critical areas on or adjoining the site and how the proposed development will or will not impact critical areas, their buffers, and adjoining properties. Such studies shall be prepared in accordance with

state and/or federal standards and must contain any information determined as relevant by the director. Such studies shall be prepared by experts in the area of concern, as follows:

1. Stream, riparian area, drainage corridor study: biologist with stream ecology expertise; fish or wildlife biologist; a civil engineer may provide studies for drainage, surface and subsurface hydrology, and water quality;
  2. Wetland study: wetlands specialist.
- D. An environmental checklist when required by the State Environmental Policy Act and BIMC [16.04](#);
- E. Other plans and drawings deemed necessary by the director for evaluation of the merits of the proposal; and
- F. A complete and detailed written statement of the reason(s) for requesting the use of buffer averaging including a detailed description of how the proposal will meet the buffer averaging criteria:
1. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging;
  2. The averaging will clearly provide greater protection of the functions and values of critical areas than would be provided by the prescribed habitat buffers;
  3. The averaging will not result in reduced buffers next to highly sensitive habitat areas; and
  4. The applicant demonstrates one or more of the following:
    - a. That the wetland contains variations in sensitivity due to existing physical characteristics;
    - b. That only low intensity uses would be located within 200 feet of areas where the buffer width is reduced, and that such low intensity uses restrictions are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism; or
    - c. That buffer averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property.

## **Reasonable Use Exception**

- A. Basic Site Plan
- B. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;



- C. Critical Area Report. A critical areas report including mitigation plan, if necessary, prepared in accordance with applicable state and federal agency standards. Such studies shall be prepared by qualified professionals in the area of concern as provided in BIMC 16.20.030 – Definitions;
- D. Any other relevant information and reports that are necessary, in the opinion of the director, to process and prepare the recommendation on the application, such as permit applications to other agencies and special studies;
- E. An environmental checklist when required by the State Environmental Policy Act and BIMC [16.04](#);
- F. Other plans and drawings deemed necessary by the director for evaluation of the merits of the proposal; and
- G. A complete and detailed written statement of the reason(s) for requesting the reasonable use exception including a detailed description of how the proposal will meet the reasonable use exception criteria:
  - 1. The application of Chapter 16.20 would deny all reasonable use of the property;
  - 2. There is no reasonable alternative to the proposal;
  - 3. The proposed impact to the critical area is the minimum necessary to allow reasonable use of the property;
  - 4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant, or of the applicant's predecessor, that occurred after February 20, 1992;
  - 5. The proposed total lot coverage does not exceed 1,200 square feet;
  - 6. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the property;
  - 7. Any net loss of critical area functions and values, as determined by a qualified consultant through the application of best available science, will be mitigated on-site to the extent feasible if off-site options are not available. If off-site options, such as a fee-in-lieu or mitigation banking program, are available, the mix of on-site and off-site mitigation should be based on recommendations of the consultant; and
  - 8. A habitat management plan has been prepared pursuant to BIMC [16.20.060](#), unless it is determined through the applicable review process that such a plan is unnecessary; and
  - 9. The proposal is consistent with other applicable regulations and standards.



# Shoreline Master Program Application Submittal Requirements

The following requirements apply to all SMP applications:

## Shoreline Exemption

## Shoreline Substantial Development Permit

## Shoreline Conditional Use Permit

## Shoreline Variance

### A. Basic Site Plan, with the following additional information:

1. Location of Ordinary High Water Mark (OHWM);
2. Location of Shoreline Buffer;
3. Location of Shoreline Structure View Setback;
4. Shoreline dimensional setbacks;
5. Location of native vegetation and significant trees;
6. If structures have any attachments (e.g. deck, balcony, etc.), include elevation drawings and calculations of grade

### B. No Net Loss Documentation

All shoreline development, use and activities, regardless of whether a permit is required, must result in no net loss of ecological functions and processes necessary to sustain shoreline resources. To demonstrate that the no net loss standard is met, and applicant must either:

1. Use the [Standard Single-Family Residential Mitigation Manual](#) -- Submit the checklist and supporting documents with your application; or
2. Submit a [Site-specific Analysis](#) -- The site-specific analysis must be completed by a qualified professional. Submit the site-specific analysis with your application.

### C. Additional Documents

Depending on existing site conditions and proposed development activities, your application may require additional reports and/or studies to identify and assess potential project impacts. These include:

1. Wetland delineation and categorization (See BIMC 16.12.060.L)
2. Geotechnical Report (See BIMC 16.12.060.K)
3. Bluff Management Plan (See BIMC 16.12.060.K)
4. Utilities Plan
5. Low Impact Development (LID) Site Assessment

## 6. State Environmental Policy Act (SEPA) Checklist

### D. Decision Criteria

Applications for shoreline variances and shoreline conditional use permits must include a narrative explaining how the project meets the decision criteria, provided in BIMC Section 2.16.165.

## **Legislative Applications Submittal Requirements**

### **Legislative Review of Development Regulations**

An application and fee as established by city council resolution shall be made on forms prescribed by the department. The application shall contain the following:

- A. A complete and detailed written statement explaining the existing regulations and proposed changes (including specific language, if possible);
- B. A detailed description of how the proposal meets the goals and policies set forth in the Comprehensive Plan; and
- C. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

### **Rezone (Site-specific and Area-wide)**

A rezone application and fee as established by city council resolution shall be made on forms prescribed by the department. The application shall contain the following:

- A. A complete and detailed written statement explaining how the subject property is suitable for the proposed rezone and why the rezone would not be detrimental to surrounding land uses.
- B. A map that shows address topography, streets, adjacent land uses, utilities and other pertinent factors that would justify the proposed rezone;
- C. A detailed description of the proposed use for which the rezone is sought and how such action meets the decision criteria in BIMC 2.16.140;
- D. A legal description of the property(ies) and tax lot number(s);
- E. The names and addresses of all property owners; and
- F. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

## **Comprehensive Plan Amendment**

A comprehensive plan amendment application and fee as established by city council resolution must include the following:

- A. A complete and detailed written statement including the nature of and reason for the amendment request, any specific suggested changes to the plan or appendices;
- B. A description of how the amendment request is consistent with all of the decision criteria specified in BIMC 2.16.190.H;
- C. A completed SEPA checklist including supplemental sheet for nonproject actions; and
- D. Any other reports or studies identified during the preapplication conference. (Ord. 2006-13 § 4, 2006)

## **Appendices**

### **SMP Submittal Requirements for Site Specific Analysis**

The Site Specific Analysis can be viewed on the City's website:

<http://www.bainbridgewa.gov/DocumentCenter/View/7306>

### **Single-family Residence Shoreline Mitigation Manual**

The Single-family Residence Shoreline Mitigation Manual can be viewed on the City's website:

<http://www.bainbridgewa.gov/DocumentCenter/View/5663>

### **Sign Permit Worksheet**

The Sign Permit Worksheet can be viewed on the City's website:

<http://www.bainbridgewa.gov/DocumentCenter/View/7408>



## Suggested Landscape Materials Matrix

The table below provides a list of suggested plant materials recommended for use on Bainbridge Island. Additional plants may be added to this list as deemed appropriate by the department. Plants shall be selected based upon site-specific conditions that may affect plant growth such as sun exposure, soil types, shoreline conditions, adjacent site improvements, etc. Plant material selection shall be coordinated with utility company requirements to avoid conflicts.

| Plant Materials Matrix   |                      |   |   |                                   |   |   |   |   |  |
|--------------------------|----------------------|---|---|-----------------------------------|---|---|---|---|--|
| Suggested Species        |                      |   |   | Type of Area or Need              |   |   |   |   |  |
|                          |                      |   |   | Parking lot trees                 |   |   |   |   |  |
|                          |                      |   |   | Landscape buffer areas            |   |   |   |   |  |
|                          |                      |   |   | Critical areas – Uplands          |   |   |   |   |  |
|                          |                      |   |   | Critical areas – Wetlands/streams |   |   |   |   |  |
|                          |                      |   |   | Native species                    |   |   |   |   |  |
|                          |                      |   |   | Drought resistant                 |   |   |   |   |  |
|                          |                      |   |   | Shoreline                         |   |   |   |   |  |
| Large deciduous trees    |                      |   |   | Near utility lines                |   |   |   |   |  |
| Acer macrophyllum        | Bigleaf Maple        |   |   | X                                 | X | X |   |   |  |
| Acer rubrum species      | Red Maple variety    | X | X |                                   |   |   |   | X |  |
| Acer saccharum           | Sugar Maple          | X | X |                                   |   |   |   |   |  |
| Acer platanoides species | Norway Maple variety | X | X |                                   |   |   |   | X |  |
| Alnus oregona            | Red Alder            |   |   | X                                 | X | X | X |   |  |
| Fagus sylvatica          | European Beech       | X |   |                                   |   |   | X | X |  |
| Fraxinus latifolia       | Oregon Ash           |   |   | X                                 | X | X |   |   |  |
| Ginkgo biloba 'Sentry'   | Columnar Maidenhair  | X |   |                                   |   |   | X |   |  |
| Liquidambar styraciflua  | American Sweet Gum   | X | X |                                   |   |   | X | X |  |

## Plant Materials Matrix

| Suggested Species                 |                         | Type of Area or Need              |   |   |   |   |   |   |
|-----------------------------------|-------------------------|-----------------------------------|---|---|---|---|---|---|
|                                   |                         | Parking lot trees                 |   |   |   |   |   |   |
|                                   |                         | Landscape buffer areas            |   |   |   |   |   |   |
|                                   |                         | Critical areas – Uplands          |   |   |   |   |   |   |
|                                   |                         | Critical areas – Wetlands/streams |   |   |   |   |   |   |
|                                   |                         | Native species                    |   |   |   |   |   |   |
|                                   |                         | Drought resistant                 |   |   |   |   |   |   |
|                                   |                         | Shoreline                         |   |   |   |   |   |   |
|                                   |                         | Near utility lines                |   |   |   |   |   |   |
| Liriodendron tulipifera           | Tulip Tree              | X                                 |   |   |   |   |   |   |
| Platanus x acerifolia             | London Plane            | X                                 |   |   |   |   |   |   |
| Populus trichocarpa               | Black Cottonwood        |                                   |   | X | X |   |   |   |
| Quercus species                   | Oak variety             | X                                 | X |   |   | X |   |   |
| Quercus robur 'Fastigiata'        | Upright English Oak     | X                                 | X |   |   | X | X |   |
| Quercus rubra species             | Eastern Red Oak         | X                                 | X |   |   | X |   |   |
| Salix species                     | Willow variety          |                                   |   | X | X |   | X |   |
| Tilia cordata                     | Littleleaf Linden       | X                                 | X |   |   |   | X |   |
| Medium deciduous trees            |                         |                                   |   |   |   |   |   |   |
| Acer campestre                    | Hedge Maple             | X                                 |   |   |   | X |   | X |
| Betula species                    | Birch variety           | X                                 |   |   |   |   |   |   |
| Carpinus betulus                  | European Hornbeam       | X                                 | X |   |   | X | X |   |
| Cercidiphyllum japonicum          | Katsura Tree            | X                                 |   |   |   |   |   |   |
| Cornus species                    | Dogwood variety         |                                   | X |   | X | X |   |   |
| Fraxinus pennsylvanica 'Marshall' | Marshall's Seedless Ash | X                                 | X |   |   | X |   |   |



| Plant Materials Matrix          |                          |   |   |                                   |   |   |   |   |   |
|---------------------------------|--------------------------|---|---|-----------------------------------|---|---|---|---|---|
| Suggested Species               |                          |   |   | Type of Area or Need              |   |   |   |   |   |
|                                 |                          |   |   | Parking lot trees                 |   |   |   |   |   |
|                                 |                          |   |   | Landscape buffer areas            |   |   |   |   |   |
|                                 |                          |   |   | Critical areas – Uplands          |   |   |   |   |   |
|                                 |                          |   |   | Critical areas – Wetlands/streams |   |   |   |   |   |
|                                 |                          |   |   | Native species                    |   |   |   |   |   |
|                                 |                          |   |   | Drought resistant                 |   |   |   |   |   |
|                                 |                          |   |   | Shoreline                         |   |   |   |   |   |
|                                 |                          |   |   | Near utility lines                |   |   |   |   |   |
| Populus tremuloides             | Quaking Aspen            |   |   |                                   | X | X |   |   |   |
| Prunus species                  | Flowering Cherry variety | X | X |                                   |   |   | X | X |   |
| Pyrus calleryana species        | Flowering Pear variety   | X | X |                                   |   |   | X |   |   |
| Zelkova serrata 'Village Green' | Sawleaf Zelkova          | X | X |                                   |   |   |   |   |   |
| Small deciduous trees           |                          |   |   |                                   |   |   |   |   |   |
| Acer circinatum                 | Vine Maple               | X | X | X                                 | X | X |   |   | X |
| Acer davidii                    | David Maple              | X |   |                                   |   |   |   |   |   |
| Acer ginnala                    | Amur Maple               | X | X |                                   |   |   |   | X | X |
| Acer palmatum                   | Japanese Maple           | X |   |                                   |   |   |   |   | X |
| Amelanchier species             | Serviceberry variety     | X | X | X                                 | X | X |   |   | X |
| Carpinus species                | Hornbeam variety         | X | X |                                   |   |   | X | X |   |
| Cornus florida                  | Eastern Dogwood          | X |   |                                   |   |   |   |   | X |
| Cornus kousa                    | Kousa Dogwood            | X | X |                                   |   |   |   |   | X |
| Corylus cornuta californica     | Western Hazelnut         | X | X |                                   |   | X | X |   | X |
| Crataegus species               | Hawthorn variety         | X | X |                                   |   | X | X | X | X |

# Plant Materials Matrix

| Suggested Species          |                       | Type of Area or Need              |   |   |   |   |   |   |   |   |  |
|----------------------------|-----------------------|-----------------------------------|---|---|---|---|---|---|---|---|--|
|                            |                       | Parking lot trees                 |   |   |   |   |   |   |   |   |  |
|                            |                       | Landscape buffer areas            |   |   |   |   |   |   |   |   |  |
|                            |                       | Critical areas – Uplands          |   |   |   |   |   |   |   |   |  |
|                            |                       | Critical areas – Wetlands/streams |   |   |   |   |   |   |   |   |  |
|                            |                       | Native species                    |   |   |   |   |   |   |   |   |  |
|                            |                       | Drought resistant                 |   |   |   |   |   |   |   |   |  |
|                            |                       | Shoreline                         |   |   |   |   |   |   |   |   |  |
|                            |                       | Near utility lines                |   |   |   |   |   |   |   |   |  |
| Magnolia species           | Magnolia variety      | X                                 | X |   |   |   |   |   | X | X |  |
| Malus species              | Flowering Crabapple   | X                                 |   |   |   |   |   |   | X |   |  |
| Prunus species             | Flowering Cherry Plum | X                                 |   |   |   |   |   | X | X | X |  |
| Rhus typhina               | Staghorn Sumac        | X                                 | X |   |   | X | X |   |   | X |  |
| Styrax japonica            | Japanese Snowball     | X                                 |   |   |   |   |   |   | X |   |  |
| <b>Evergreen trees</b>     |                       |                                   |   |   |   |   |   |   |   |   |  |
| Abies grandis              | Grand Fir             | X                                 | X |   |   | X |   |   |   |   |  |
| Cedrus deodara             | Deodar Cedar          | X                                 |   |   |   |   |   | X | X |   |  |
| Chamaecyparis lawsoniana   | Port Orford Cedar     | X                                 | X |   |   | X | X | X |   |   |  |
| Chamaecyparis nootkatensis | Alaska Cedar          | X                                 | X |   |   | X | X | X |   |   |  |
| Calocedrus decurrens       | Incense Cedar         | X                                 |   |   |   |   |   |   |   |   |  |
| Picea sitchensis           | Sitka Spruce          | X                                 |   | X | X |   |   |   | X |   |  |
| Pinus contorta             | Shore Pine            | X                                 | X | X |   | X | X | X |   |   |  |
| Pinus contorta latifolia   | Lodgepole Pine        | X                                 |   |   |   |   |   | X | X |   |  |
| Pinus densiflora           | Japanese Red Pine     | X                                 |   |   |   | X |   |   |   |   |  |



## Plant Materials Matrix

| Suggested Species           |                      | Type of Area or Need              |   |   |   |   |   |   |  |
|-----------------------------|----------------------|-----------------------------------|---|---|---|---|---|---|--|
|                             |                      | Parking lot trees                 |   |   |   |   |   |   |  |
|                             |                      | Landscape buffer areas            |   |   |   |   |   |   |  |
|                             |                      | Critical areas – Uplands          |   |   |   |   |   |   |  |
|                             |                      | Critical areas – Wetlands/streams |   |   |   |   |   |   |  |
|                             |                      | Native species                    |   |   |   |   |   |   |  |
|                             |                      | Drought resistant                 |   |   |   |   |   |   |  |
|                             |                      | Shoreline                         |   |   |   |   |   |   |  |
|                             |                      | Near utility lines                |   |   |   |   |   |   |  |
| Pinus monticola             | Western White Pine   | X                                 | X |   | X | X |   |   |  |
| Pinus nigra                 | Austrian Black Pine  | X                                 | X |   |   |   | X | X |  |
| Pinus ponderosa             | Ponderosa Pine       | X                                 |   |   |   | X |   |   |  |
| Pinus sylvestris            | Scotch Pine          | X                                 | X |   |   |   | X | X |  |
| Pinus thunbergii            | Japanese Black Pine  | X                                 |   |   |   |   | X | X |  |
| Pseudotsuga menziesii       | Douglas Fir          | X                                 | X |   | X | X | X |   |  |
| Sequoiadendron sempervirens | Coastal Sequoia      | X                                 |   |   |   |   | X |   |  |
| Taxus brevifolia            | Western Yew          | X                                 |   | X | X |   |   | X |  |
| Thuja plicata               | Western Red Cedar    | X                                 |   | X | X |   |   |   |  |
| Tsuga heterophylla          | Western Hemlock      | X                                 |   | X | X | X |   |   |  |
| <b>Deciduous shrubs</b>     |                      |                                   |   |   |   |   |   |   |  |
| Amelanchier alnifolia       | Western Serviceberry | X                                 | X | X | X |   |   | X |  |
| Berberis species            | Barberry variety     | X                                 |   |   |   |   | X |   |  |
| Callicarpa japonica         | Japanese Beautyberry | X                                 |   |   |   |   |   |   |  |
| Cornus stolonifera          | Red-Osier Dogwood    | X                                 | X | X | X |   |   | X |  |

| Plant Materials Matrix      |                       |  |                                   |   |   |   |   |   |  |
|-----------------------------|-----------------------|--|-----------------------------------|---|---|---|---|---|--|
| Suggested Species           |                       |  | Type of Area or Need              |   |   |   |   |   |  |
|                             |                       |  | Parking lot trees                 |   |   |   |   |   |  |
|                             |                       |  | Landscape buffer areas            |   |   |   |   |   |  |
|                             |                       |  | Critical areas – Uplands          |   |   |   |   |   |  |
|                             |                       |  | Critical areas – Wetlands/streams |   |   |   |   |   |  |
|                             |                       |  | Native species                    |   |   |   |   |   |  |
|                             |                       |  | Drought resistant                 |   |   |   |   |   |  |
|                             |                       |  | Shoreline                         |   |   |   |   |   |  |
|                             |                       |  | Near utility lines                |   |   |   |   |   |  |
| Enkianthus campanulatus     | Red-Veined Enkianthus |  | X                                 |   |   |   |   |   |  |
| Elaeagnus species           | Elaeagnus variety     |  | X                                 |   |   |   | X | X |  |
| Euonymus alata 'Compacta'   | Winged Eonymus        |  | X                                 |   |   |   |   | X |  |
| Hamamelis mollis            | Chinese Witch Hazel   |  | X                                 |   |   |   |   |   |  |
| Holodiscus discolor         | Ocean Spray           |  |                                   | X | X | X | X | X |  |
| Hydrangea lacecap varieties | Lacecap Hydrangea     |  | X                                 |   |   |   |   |   |  |
| Potentilla fruticosa        | Potentilla            |  | X                                 |   |   |   | X | X |  |
| Physocarpus capitatus       | Pacific Ninebark      |  |                                   |   | X | X |   |   |  |
| Rhamnus purshiana           | Cascara Sagrada       |  |                                   | X | X | X |   |   |  |
| Ribes sanguineum            | Red-Flowering Currant |  |                                   | X | X | X |   |   |  |
| Rosa nutkana                | Nootka Rose           |  |                                   | X | X | X |   | X |  |
| Rosa rugosa                 | Rugosa Rose           |  | X                                 |   |   |   | X | X |  |
| Rubus parviflorus           | Thimbleberry          |  | X                                 | X | X | X |   |   |  |
| Rubus spectabilis           | Salmonberry           |  | X                                 | X | X | X |   | X |  |
| Salix species               | Willow variety        |  |                                   |   | X | X |   | X |  |



| Plant Materials Matrix     |                       |  |   |                                   |   |   |   |   |   |
|----------------------------|-----------------------|--|---|-----------------------------------|---|---|---|---|---|
| Suggested Species          |                       |  |   | Type of Area or Need              |   |   |   |   |   |
|                            |                       |  |   | Parking lot trees                 |   |   |   |   |   |
|                            |                       |  |   | Landscape buffer areas            |   |   |   |   |   |
|                            |                       |  |   | Critical areas – Uplands          |   |   |   |   |   |
|                            |                       |  |   | Critical areas – Wetlands/streams |   |   |   |   |   |
|                            |                       |  |   | Native species                    |   |   |   |   |   |
|                            |                       |  |   | Drought resistant                 |   |   |   |   |   |
|                            |                       |  |   | Shoreline                         |   |   |   |   |   |
|                            |                       |  |   | Near utility lines                |   |   |   |   |   |
| Sambucus racemosa          | Red Elderberry        |  |   | X                                 | X | X |   | X |   |
| Spiraea species            | Spiraea variety       |  |   |                                   | X | X | X | X |   |
| Symphoricarpos albus       | Snowberry             |  |   | X                                 |   | X | X |   |   |
| Syringa vulgaris cultivars | Lilacs                |  | X |                                   |   |   |   | X |   |
| Vaccinium parvifolium      | Red Huckleberry       |  |   |                                   | X | X |   |   |   |
| Viburnum x burkwoodii      | Burkwood Viburnum     |  | X |                                   |   |   |   | X |   |
| Evergreen shrubs           |                       |  |   |                                   |   |   |   |   |   |
| Arbutus unedo              | Strawberry Tree       |  | X |                                   |   |   | X | X | X |
| Cotoneaster species        | Cotoneaster variety   |  | X |                                   |   |   | X | X |   |
| Ilex crenata               | Japanese Holly        |  | X |                                   |   |   |   |   |   |
| Kalmia latifolia           | Mountain Laurel       |  | X |                                   |   |   |   |   |   |
| Ligustrum japonicum        | Japanese Privet       |  | X |                                   |   |   |   |   |   |
| Myrica californica         | Pacific Wax Myrtle    |  | X | X                                 | X | X | X | X |   |
| Umbellularia californica   | California Bay Laurel |  | X | X                                 |   |   | X | X | X |
| Osmarea x burkwoodii       | Burkwood Osmarea      |  | X |                                   |   |   | X |   |   |

| Plant Materials Matrix           |                           |   |   |                                   |   |   |   |  |  |
|----------------------------------|---------------------------|---|---|-----------------------------------|---|---|---|--|--|
| Suggested Species                |                           |   |   | Type of Area or Need              |   |   |   |  |  |
|                                  |                           |   |   | Parking lot trees                 |   |   |   |  |  |
|                                  |                           |   |   | Landscape buffer areas            |   |   |   |  |  |
|                                  |                           |   |   | Critical areas – Uplands          |   |   |   |  |  |
|                                  |                           |   |   | Critical areas – Wetlands/streams |   |   |   |  |  |
|                                  |                           |   |   | Native species                    |   |   |   |  |  |
|                                  |                           |   |   | Drought resistant                 |   |   |   |  |  |
|                                  |                           |   |   | Shoreline                         |   |   |   |  |  |
|                                  |                           |   |   | Near utility lines                |   |   |   |  |  |
| Osmanthus delavayi               | Delavay Osmanthus         | X |   |                                   |   | X | X |  |  |
| Photinia frazeri                 | Japanese Photinia         | X |   |                                   |   | X | X |  |  |
| Pieris floribunda                | Mountain Pieris           | X |   |                                   |   |   | X |  |  |
| Pieris japonica                  | Japanese Pieris           | X |   |                                   |   |   | X |  |  |
| Prunus lusitanica                | Portuguese Laurel         | X |   |                                   |   | X |   |  |  |
| Pinus mugo                       | Mugho Pine                | X |   |                                   |   | X | X |  |  |
| Rhododendron species and hybrids | Rhododendrons and Azaleas | X | X |                                   | X |   | X |  |  |
| Vaccinium ovatum                 | Evergreen Huckleberry     | X | X | X                                 | X |   | X |  |  |
| Viburnum sinus species           | Laurustinus variety       | X |   |                                   |   | X | X |  |  |
| Cornus alba 'Sibirica'           | Siberian Dogwood          |   |   |                                   |   |   |   |  |  |
| Groundcovers                     |                           |   |   |                                   |   |   |   |  |  |
| Arctostaphylos uva-ursi          | Kinnikinnick              | X | X |                                   | X | X | X |  |  |
| Berberis nervosa                 | Cascade Mahonia           | X | X |                                   | X | X |   |  |  |
| Calluna vulgaris                 | Scotch Heather            | X |   |                                   |   |   | X |  |  |



| Plant Materials Matrix                |                         |  |                                   |   |   |   |   |   |  |
|---------------------------------------|-------------------------|--|-----------------------------------|---|---|---|---|---|--|
| Suggested Species                     |                         |  | Type of Area or Need              |   |   |   |   |   |  |
|                                       |                         |  | Parking lot trees                 |   |   |   |   |   |  |
|                                       |                         |  | Landscape buffer areas            |   |   |   |   |   |  |
|                                       |                         |  | Critical areas – Uplands          |   |   |   |   |   |  |
|                                       |                         |  | Critical areas – Wetlands/streams |   |   |   |   |   |  |
|                                       |                         |  | Native species                    |   |   |   |   |   |  |
|                                       |                         |  | Drought resistant                 |   |   |   |   |   |  |
|                                       |                         |  | Shoreline                         |   |   |   |   |   |  |
|                                       |                         |  | Near utility lines                |   |   |   |   |   |  |
| Ceanothus gloriosus                   | Point Reyes Ceanothus   |  | X                                 |   |   |   | X | X |  |
| Cotoneaster microphyllus 'Cochleatus' | Rockspray Cotoneaster   |  | X                                 |   |   |   | X | X |  |
| Erica carnea                          | Winter Heath            |  | X                                 |   |   |   | X |   |  |
| Erica x darleyensis                   | Mediterranean Heather   |  | X                                 |   |   |   |   |   |  |
| Euonymus fortunei                     | Winter Creeper Euonymus |  | X                                 |   |   |   | X |   |  |
| Gaultheria shallon                    | Salal                   |  | X                                 | X | X | X | X | X |  |
| Hypericum calycinum                   | St Johnswart            |  | X                                 |   |   |   | X |   |  |
| Ilex crenata varieties and cultivars  | Japanese Holly          |  | X                                 |   |   |   |   |   |  |
| Mahonia species                       | Mahonia variety         |  | X                                 |   |   |   | X |   |  |
| Pachysandra terminalis                | Japanese Spurge         |  | X                                 |   |   |   | X |   |  |
| Sarcococca hookerana                  | Sarcococca              |  | X                                 |   |   |   |   |   |  |
| Vinca minor                           | Periwinkle              |  | X                                 |   |   |   | X | X |  |
| Source: Hough, Beck & Baird Inc.      |                         |  |                                   |   |   |   |   |   |  |