



PLANNING COMMISSION  
REGULARLY SCHEDULED MEETING  
THURSDAY, APRIL 26, 2018  
6:30 – 9:00 PM  
COUNCIL CHAMBER  
280 MADISON AVE N  
BAINBRIDGE ISLAND, WA 98110

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\*PLEASE NOTE EARLIER START TIME\*

## AGENDA

- 6:30 PM     CALL TO ORDER  
              Call to Order, Agenda Review, Conflict Disclosure
- 6:35 PM     REIVEW AND APPROVE MINUTES  
              March 22, 2018  
              March 29, 2018  
              April 12, 2018  
              April 19, 2018
- 6:40 PM     PUBLIC COMMENT  
              Accept public comment on off agenda items.
- 6:50 PM     MADISON PLACE HDDP ([PLN50892 SUB](#))  
              Review and Recommendation  
              Kelly Tayara, Associate City Planner
- 8:20 PM     SMP Amendment  
              Study Session  
              Christy Carr, Senior City Planner
- 8:55 PM     NEW/OLD BUSINESS
- 9:00 PM     ADJOURN

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

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

**For special accommodations, please contact Jane Rasely, Planning & Community  
Development 206-780-3758 or at [jrasely@bainbridgewa.gov](mailto:jrasely@bainbridgewa.gov)**

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure  
COMPREHENSIVE PLAN OVERVIEW  
EXISTING CODE AND RECENT RESULTS  
PRINCIPALS OF SMART GROWTH  
GROUP DISCUSSION W/REPORT BACK  
WRAP UP/NEXT STEPS  
ADJOURN

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

Planning Director Gary Christensen called the meeting to order at 6:05 PM. Planning Commissioners in attendance were Mack Pearl, Jon Quitslund, William Chester, Michael Killion, Lisa Macchio, Don Doman and Kimberly McCormick Osmond. Design Review Board members in attendance were Alan Grainger, Peter Perry, Jim McNett, Joseph Dunstan, and Jason Wilkinson. Chris Gutsche was absent and excused. City Staff present were Planning Director Gary Christensen, Senior City Planners Jennifer Sutton, Christy Carr, and David Greetham, Building Official James Weaver, Planning Manager Heather Wright and Administrative Specialist Carla Lundgren who monitored recording and prepared minutes.

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

**COMPREHENSIVE PLAN OVERVIEW – Jennifer Sutton, Senior Planner**

See attached presentation.

**EXISTING CODE AND RECENT RESULTS – David Greetham, Senior Planner**

See attached presentation.

**PRINCIPLES OF SMART GROWTH – Alan Grainger, Design Review Board Chairman**

See attached presentation.

**GROUP DISCUSSION WITH REPORT BACK**

Planning Commissioners and Design Review Board Members were divided into two groups for discussion. Each was tasked with presenting the following:

- Top Five Priorities
- Immediate Action
- Recommendations

Citizens present formed a group and made a presentation as well.

## **WRAP UP/NEXT STEPS**

## **ADJOURN**

The meeting was adjourned at 8:24 PM.

Approved by:

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J. Mack Pearl, Chair

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Carla Lundgren, Administrative Specialist

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CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure  
PUBLIC COMMENT – Accept public comment on off agenda items  
WYATT APARTMENTS SITE PLAN REVIEW – Public Meeting and Recommendation  
SMP AMENDMENT – Non-Conforming/Existing Structures  
ORDINANCE 2018-11 – Public Hearing  
NEW/OLD BUSINESS  
ADJOURN

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

Chair J. Mack Pearl called the meeting to order at 6:33 PM. Planning Commissioners in attendance were Jon Quitslund, William Chester, Kimberly McCormick Osmond and Don Doman. Michael Killion and Lisa Macchio were absent and excused. City Staff present were Acting Planning Director Heather Wright, Senior City Planners Jennifer Sutton and Christy Carr, Associate City Planner Kelly Tayara and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

**PUBLIC COMMENT – Accept public comment on off agenda items**

None.

**WYATT APARTMENTS SITE PLAN REVIEW – Public Meeting and Recommendation**

Senior City Planner Kelly Tayara introduced the project and Madison Avenue Development made a presentation (see attached).

**Motion: I make a motion to approve the project with the condition of it being the second site plan (I don't know what the date was on that) whatever date that was, 3/14 date and further conditioned that we get the information from the fire department to support the changing of the road. You're going to negotiate on the willow to try and save it.**

**Chester/Quitslund: Passed Unanimously**

**SMP AMENDMENT – Non-Conforming/Existing Structures**

Discussion facilitated by Senior City Planner Christy Carr.

Public Comment

**Dick Haugan, Citizen** – Provided handouts and spoke about non-conforming structures and retroactivity.

**Charles Schmid, Citizen** – Spoke about the lack of talk about the environment at this meeting.

**ORDINANCE 2018-11 – Public Hearing**

Facilitated by Senior City Planner Jennifer Sutton.

Public hearing opened and closed at 8:52 PM.

**Motion: I move a recommendation that Ordinance 2018-11 be moved forward to City Council for action with all deliberate speed with the stipulation that the repeal would be not be effective before the CAO takes effect.**

**Quitslund/Doman: Passed Unanimously.**

**NEW/OLD BUSINESS**

Upcoming meeting schedule was discussed.

The presentation to Council from the joint special meeting of the Planning Commission and Design Review Board was covered by Ms. Carr.

CAO/SMP consistency check.

**ADJOURN**

Meeting was adjourned at 9:13 PM.

Approved by:

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J. Mack Pearl, Chair

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Jane Rasely, Administrative Specialist

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CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure  
REVIEW OF MINUTES – January 11 and 25, February 8 and 22, March 3, 2018  
PUBLIC COMMENT – Accept public comment on off agenda items  
PUBLIC HEARING ON ORDINANCE 2018-13  
SMP AMENDMENT – Study Session  
NEW/OLD BUSINESS  
ADJOURN

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

Chair J. Mack Pearl called the meeting to order at 7:04PM. Commissioners in attendance were Jon Quitslund, William Chester, Lisa Macchio and Don Doman. Kimberly McCormick Osmond and Michael Killion were absent and excused. City Staff present were Planning Director Gary Christensen, Senior City Planners Jennifer Sutton and Christy Carr and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

**REVIEW OF MINUTES – January 11 and 25, February 8 and 22, March 3, 2018**

Commissioner Quitslund asked for the word “year” to be inserted into the motion made by Commissioner Killion in the January 11, 2018 minutes.

**I move approval of the minutes as distributed for January 11 and 25, February 8 and 22, and March 3, 2018.**

**Quitslund/Doman – Passed Unanimously**

**PUBLIC COMMENT – Accept public comment on off agenda items**

None.

**PUBLIC HEARING ON ORDINANCE 2018-13**

Senior City Planner Jennifer Sutton introduced the revised ordinance for discussion.

The Public Hearing was opened at 7:54 pm.

**Steve Rabago, Business Park Owner** – Spoke about artist live/work studios and accessory offices.

**Russell Everett, Owner, Bainbridge Brewing** – Spoke in favor of performance based standards and wondered about the appeal process. He also spoke about craft food and beverage.

The Public Hearing was closed at 8:20 PM.

**I move that we ask staff to do a little work to present this new nuance adding to what's already been discussed in the way of modifications of the draft.  
Quitslund/Chester – Passed Unanimously**

**SMP AMENDMENT – Study Session**

Senior City Planner Christy Carr gave a briefing on the integration of the Critical Areas Ordinance into the Shoreline Master Plan. She also described the concurrent process with the Department of Ecology and stated the City of Bainbridge Island was the first jurisdiction to utilize this new process.

Non-conforming structures and submitted public comment were reviewed.

**Dick Haugan, Citizen** – Thanked Ms. Carr for sharing his comments. Mr. Haugan spoke in favor of having RCW 90.58.620 included in the Shoreline Master Plan and hoped “no net loss” would be the next topic discussed. Mr. Haugan proposed a 50/50 cost sharing with the City to hire Rob Cousins to define “no net loss.”

**Rob Cousins, Consultant** – Spoke about quantifying “no net loss.”

**NEW/OLD BUSINESS**

None.

**ADJOURN**

The meeting was adjourned at 9:23 PM.

Approved by:

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J. Mack Pearl, Chair

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Jane Rasely, Administrative Specialist

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CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure  
PUBLIC COMMENT – Accept public comment on off agenda items  
SMP AMENDMENT – Study Session  
ORDINANCE 2018-13 – Study Session  
NEW/OLD BUSINESS  
ADJOURN

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

Chair J. Mack Pearl called the meeting to order at 6:08 PM. Planning Commissioners in attendance were William Chester, Michael Killion, Kimberly McCormick Osmond and Don Doman. Jon Quitslund and Lisa Macchio were absent and excused. City Staff present were Planning Director Gary Christensen, Senior City Planners Jennifer Sutton and Christy Carr and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

**PUBLIC COMMENT – Accept public comment on off agenda items**

None.

**SMP AMENDMENT – Study Session**

Public Comment

**Ed Rymarz, Citizen** – Spoke in favor of maintaining the use of the property as before the SMP. Mr. Rymarz also spoke about rising sea-levels and maintaining bulkheads.

**Brian Fish, Citizen** – Asked for clarity regarding the 4,000 square foot impervious surface limit. Spoke in favor of incentivizing “net gain.”

**Mike Juneau, Local Arborist** – Spoke in favor of a homeowner’s ability to “prune their view” in order to encourage native plantings in the shoreline buffer. Mr. Juneau also spoke about educating contractors and the need to have clear guidance.

**Michael Zigich, Citizen** - Did not believe shoreline homeowners would plant something in their view.

Senior City Planner Christy Carr gave an overview of the previous meeting’s ending place and an overview of non-conforming structures and uses. Definitions submitted by Commissioner Quitslund were discussed.

**ORDINANCE 2018-13 – Study Session**

Senior City Planner Jennifer Sutton reviewed the process of the Business/Industrial Ordinance to this point and continued with a policy discussion on Health and Personal Services.

**Public Comment**

**Doug Nelson, Business Owner** – Spoke in favor of allowing health services as a permitted use in the business/industrial zone and educational uses and wanted to know the motivation for the changes in the Business/Industrial Ordinance, especially as applied to signage.

**NEW/OLD BUSINESS**

None.

**ADJOURN**

The meeting was adjourned at 9:51 PM.

Approved by:

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J. Mack Pearl, Chair

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Jane Rasely, Administrative Specialist



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

### STAFF RECOMMENDATION

Project: Madison Place Housing Design Demonstration Project Preliminary Subdivision

File No: PLN 50892 SUB

Date: April 18, 2018

To: Planning Commission

Project Manager: Kelly Tayara, Associate Planner

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**Applicant:** Central Highlands Inc.  
PO Box 2879  
Poulsbo, WA 98370

**Owner:** Madison Place LLC  
PO Box 2879  
Poulsbo, WA 98370

**Request:** Recommendation on a proposal to develop a Tier I Housing Design Demonstration Project through an underlying 18 lot preliminary subdivision.

#### Part 1 - Background

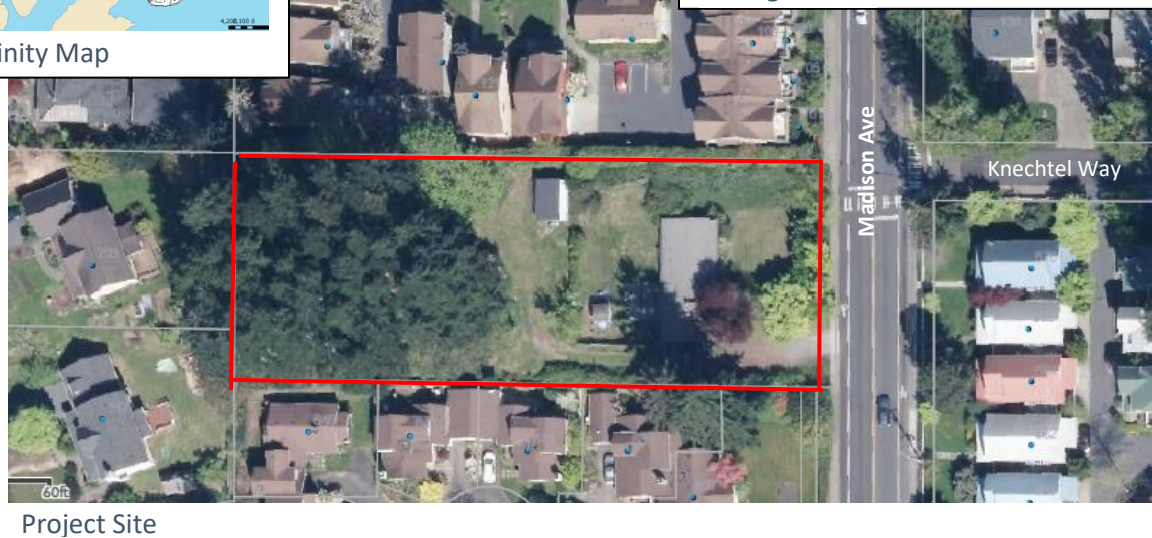
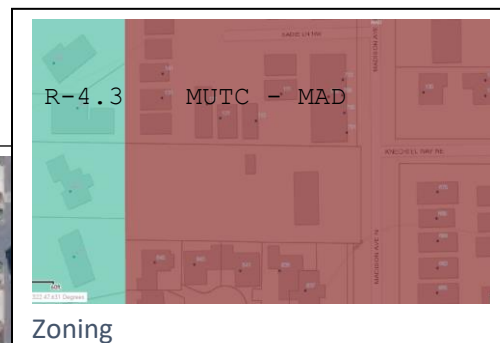
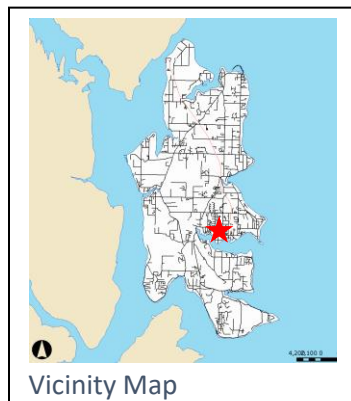
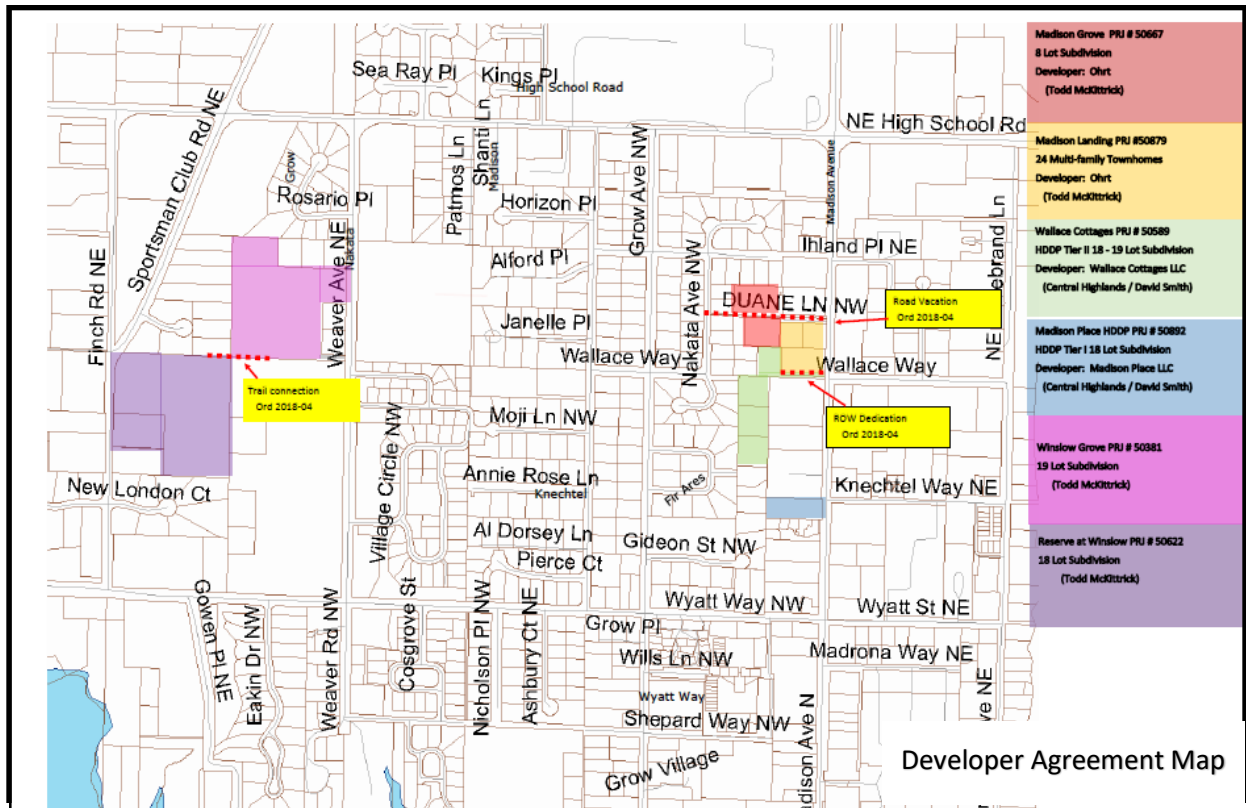
##### 1. The Housing Design Demonstration Project Program

The Housing Design Demonstration Project (HDDP) program was established to increase the variety of housing choices available to residents of all economic segments and to encourage sustainable development by providing development standard incentives. HDDP approval is authorized through the underlying land use permit approval. Program specifics are discussed in Part IV of this report.

##### 2. Developer Agreements

This project is one of a group of developments which are the subject of four agreements between the City and two developers. Aside from Madison Place, the agreements involve Madison Grove, Wallace Cottages, The Reserve at Winslow, and Winslow Grove (all subdivisions), and Madison Landing (a multi-family project). A map depicting the properties is provided on the following page.

Duane Lane is adjacent to the north boundary of Madison Landing. The City asserted that Duane Lane was public right-of-way, and the developer disagreed. The disagreement was resolved by vacating the Duane Lane right-of-way in exchange for a trail connecting The Reserve at Winslow and Winslow Grove, in addition to right-of-way dedication along the south boundary of the Madison Landing project: The right-of-way dedication affords Wallace Cottages the ability to utilize this access also.



## **Part II: General Information and Site Characteristics**

### **1. Tax Assessor Information:**

- a. Tax Lot: 272502-1-060-2009
- b. Owner of Record: Madison Place LLC
- c. Location: 671 Madison Avenue North
- d. Lot size: .82 acre

### **2. Zoning and Comprehensive Plan Designation:**

The subject and surrounding properties are zoned Mixed Use Town Center – Madison Overlay District (MUTC-MAD) and the Comprehensive Plan Designation is MUTC-MAD, with the exception of the properties to the west which are within the R-4.3 district and the Urban Comprehensive Plan designation. The properties are also within the Winslow Master Plan Secondary Study Area.

### **3. Existing Development:**

The subject property has a dwelling which was constructed in 1953 and associated infrastructure.

### **3. Access:**

Access from Madison Avenue via new right-of-way is proposed.

### **4. Soils and Terrain:**

Site soils are Kitsap silt loam on the eastern two-thirds of the site and Kapowsin gravelly ashy loam on the western third.

### **6. Public Services and Utilities:**

- a. Police: City of Bainbridge Island Police Department
- b. Fire: Bainbridge Island Fire District
- c. Schools: Bainbridge Island School District
- d. Water: City of Bainbridge Island
- e. Sewer: City of Bainbridge Island
- f. Storm drainage: Bio-retention, storm filters and upgraded public facility

### Part III: Comprehensive Plan Goals and Policies

The Comprehensive Plan designation for the site is Mixed Use Town Center-Madison Overlay District (MUTC-MAD). The Winslow Master Plan builds on the guiding principles, goals and policies in the Comprehensive Plan. These guiding principles, goals and policies, along with implementing regulations in the Municipal Code, are used to evaluate the proposal and weigh the project benefits and impacts. The following Comprehensive Plan guiding principles, goals and policies apply to the proposal:

1. Comprehensive Plan Land Use Element
  - a. Goal LU-5: Focus urban development in designated centers. Encourage development in areas where public facilities and services can be provided and provide choice of housing location and lifestyle. Encourage residential uses in a variety of forms and densities as part of the use mix in Winslow.
  - b. Goal LU-6: Ensure a development pattern that reduces the conversion of undeveloped land into sprawling development. Promote dense residential development and encourage human activity within Winslow in order to create a vibrant City center, direct growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing and absorb growth that would otherwise be scattered in outlying areas. Plan for adequate parking in Winslow to accommodate residents and visitors.
  - c. Winslow Town Center Goal LU-7 and Policy LU 7.5: The Winslow mixed use and commercial districts are designed to strengthen the vitality of downtown Winslow as a place for people to live, shop and work. The Mixed Use Town Center (MUTC) is intended to have a strong residential component to encourage a lively community during the day and at night. The purpose of the Madison Avenue Overlay District is to provide for a mix of residential and small-scale non-residential development.
2. Winslow Master Plan
  - a. Overall Land Use Goal WMP 2-1: Strengthen Winslow - the Island's commercial, cultural and commuter hub - as a sustainable, affordable, diverse, livable and economically vital community, by: Encouraging downtown living; Providing an enhanced pedestrian experience, with linked access to retail shopping, the ferry, major public facilities, open space and residential areas; Promoting the efficient use of land; Promoting development that is sustainable and supports community values.
  - a. Overall Land Use Goal WMP 2-2: Ensure the Compatibility of New Development in the Mixed-Use Town Center
    - 1) Policy WMP 2-2.1: To promote compatibility between and within districts of the Mixed-Use Town Center, variations in development standards and design guidelines may be provided within districts.
    - 2) Policy WMP 2-2.3: Minimize driveways and encourage use of joint driveways.
  - b. Overall Land Use Goal WMP 2-3: Maintain and Enhance Community Character in the Mixed-Use Town Center
    - 1) Policy WMP 2-3.1: Promote architecture that encourages green building, natural light, ventilation and rooftop gardens.

- 2) Policy WMP 2-3.2: Through the use of design guidelines, development standards and incentives, promote the development of courtyards that create a pattern of linked public and private gardens and gathering places, providing opportunities for pedestrian movement.
- 3) Policy WMP 2-3.3: Through the use of design guidelines, development standards and incentives encourage stepped-back buildings that result in a softer street edge, the retention and enhancement of visual connections to Eagle Harbor and the creation and preservation of sun-filled public gathering spaces.
- 4) Policy WMP 2-3.5: Retain and expand the historic pattern of narrow pedestrian passages.
- 5) Policy WMP 2-3.6: Enhance the livability of the downtown with trees and small gardens on the streets, along paths and in courtyards.

## 5. Cultural Element

- a. Goal CUL-3: Preserve places where the Island's history can be experienced, interpreted and shared with the general public in order to deepen an understanding of our heritage and the relationship of the past to our present and future. Recognize the probability of discovering new Native American cultural resources throughout the Island.

## Part IV: Agency Review and Public Comment

### 1. Environmental Review / Public Notice

Conceptual review of the Housing Design Demonstration Project (HDDP) was held on January 17, 2017. A public participation meeting was held on February 21, 2017 and the Design Review Board reviewed the HDDP aspects of the proposal on March 20, 2017. A pre-application conference was held on July 25, 2017. The applicant received preliminary notification that the project qualified for the Housing Design Demonstration Project Program on August 17, 2017.

Preliminary subdivision application was submitted on September 19, 2017 and deemed complete on October 17, 2017. The project is subject to State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11-800). The City issued a combined Notice of Application/SEPA comment period on December 22, 2017; the 14-day comment period ended on January 5, 2018. Public and agency comment is discussed below. The City, acting as lead agency, will issue a SEPA Determination prior to decision by the Hearing Examiner.

### 2. Agency Comment

The Kitsap Public Health District approved the preliminary plat. The Bainbridge Island Fire District approved the project subject to several conditions: If the fire area of the townhouse units and the live/work units exceeds 5,000 square feet, residential fire sprinklers will be required; Hammerhead area shall be clearly marked as NO PARKING – FIRE LANE 3; Access road must be named and all addresses assigned off that name. Final subdivision is subject to the approval of both agencies.

### 3. Public Comment

One public comment was received. The commenter opposes the project because too many of the few remaining trees along Madison Avenue are proposed for removal.

## Part V: Land Use Code Analysis

*The Municipal Code is presented in normal font, and **staff discussion in bold font.***

### 1. BIMC 17.12 Subdivision Design Standards

- a. All single family residential subdivisions shall be designed in accordance with the City's adopted Flexible Lot design requirements, outlined in BIMC Titles 17 and 18.

**This application is subject to Open Space Standards (BIMC 17.12.030), General Residential Subdivision Standards (BIMC 17.12.040) and Flexible Lot Dimensional Standards (BIMC Table 18.12.020-1). As provided in BIMC 2.16.020.Q, development standards in BIMC Titles 17 and 18 may be modified as part of a Housing Design Demonstration Project (HDDP).**

### 2. BIMC 17.12.030 Open Space Standards

- a. The open space requirements contained in BIMC 17.12.030.A are modified by HDDP incentives which require that the project 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.

**The plat depicts 2,319 square feet of open space, approximately 128 square feet per unit, which exceeds HDDP program requirements. The landscape plan depicts the open space and significant trees within the area, which is adjacent to existing single-family residential development. The open space is located at the terminus of the internal roadway and a public sidewalk provides access to the open space. The open space provided meets open space requirements, as modified by the provisions of the HDDP program. (Note: The drawings identify this as a landscape buffer, but no landscape buffer is required because the proposed development is single-family residential).**

- b. Common open space may be held by a homeowners' association or similar organization.

**Common ownership by a homeowners' association is proposed.**

- c. Fences and/or signs delineating open space areas are required; the Director shall determine which is required based on the likelihood of encroachment into designated open space areas.

**To avoid encroachment into open space, open space fencing can be required along the open space boundary adjacent to lots 1 and 10.**

- d. A draft open space management plan (OSMP) is reviewed as part of the preliminary plat application. Final approval of the OSMP occurs with final plat approval. The OSMP shall include a list of all approved uses and a maintenance plan for open space areas. Allowed uses within designated open space areas are limited to those listed in BIMC 17.12.030. The approved OSMP must be filed with the Kitsap County Auditor.

**The draft open space plan provides for appropriate open space uses; however, the plan should reflect requirements to maintain enhanced vegetation for storm drainage facility use within the open space, and state that such use shall not adversely affect the function or characteristics of the specific open space. A preliminary plat typically is conditioned to require that the plan be recorded.**

3. BIMC 17.12.040 General Residential Subdivision Standards

a. Compliance with BIMC Title 16, BIMC Title 18 and RCW Title 58

Lot areas, dimensions and other characteristics shall comply with the requirements of Title 18 and all applicable provisions of RCW Title 58 or its successors.

**The project complies with Title 18 as modified by the Housing Design Demonstration Project development standards incentives of BIMC 2.16.020: The plat meets density, lot area, setback and lot coverage standards. A preliminary plat typically is conditioned to require that the these standards be reflected on the final plat.**

b. Roads and Pedestrian Access

- i. Roads and access complying with the “City of Bainbridge Island Design and Construction Standards and Specifications” and all applicable requirements of the municipal code, shall be provided to all proposed lots consistent with the standards contained within this subsection.

**The City Engineer recommends approval provided recommended conditions are adopted, and finds that the project, as conditioned, provides roads and access in compliance with City standards.**

- ii. Existing roadway character shall be maintained where practical. To minimize impervious surfaces, public right-of-ways, access easements and roadways shall not be greater than the minimum required to meet standards unless the City Engineer agrees that the additional size is justified.

**The City Engineer recommends approval as conditioned. Standard right-of-way width is modified to reduce impervious surface and to provide flexibility with regard the Housing Design Demonstration Project goals.**

- iii. Pedestrian and bicycle circulation and access within a subdivision and onto the site shall be provided through walkways, paths, sidewalks, or trails and shall be consistent with the Non-motorized Transportation Plan (NMTP).

**The project provides non-motorized facilities within the subdivision that connect to Madison Avenue. The plat is consistent with the NMTP.**

4. BIMC Title 18 Zoning

The applicant may request that the following development standards from BIMC Title 18 be modified as part of an HDDP project: Lot dimensions and size, lot coverage, open space, residential parking, setbacks and height.

a. BIMC 18.09.020 Use Table

Single-family use is permitted in the Mixed Use Town Center only through HDDP.

b. Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center District

| Dimensional Standard   | Requirement                                    | Proposed / Compliance Evaluation                                                                                                                                                                                                                                    |
|------------------------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Floor Area Ratio (FAR) | .4 maximum                                     | Floor area is a calculation based on the area of all floors within the exterior vertical walls of a building. FAR is determined by dividing the floor area by the lot area (prior to dedication of any right-of-way). Base FAR is 14,339 square feet (35,847 x .4). |
| FAR Bonus Density      | .6 maximum                                     | Projects may achieve a maximum level of development above base FAR by using bonus provisions identified in BIMC 18.12.030.E. The maximum bonus FAR is 21,508 square feet (35,847 x .6).                                                                             |
| Lot Dimensions         | N/A                                            | There are no standards for the district.                                                                                                                                                                                                                            |
| Lot Coverage           | 35%                                            | The HDDP program provides modification of lot coverage to 40% and proposed lot coverage is 40 percent or 14,339 square feet (35,847 x .4)                                                                                                                           |
| Front Setback          | 10 feet minimum<br>20 feet maximum             | The property fronts Madison Avenue and resulting lots front new right-of-way. The proposed setback from right-of-way is ten feet and meets this requirement.                                                                                                        |
| Side Setback           | 0 feet                                         | A side yard setback is not required to meet zoning regulations.                                                                                                                                                                                                     |
| Building Height        | 25 feet / 35 feet<br>if parking under building | Height is measured as the vertical distance above "grade" to the midpoint of the roof. Grade is the average elevation of the original ground surface. Compliance with height requirements is verified during building permit review.                                |

c. BIMC 18.15.010 Landscaping, Screening, and Tree Retention, Protection, Replacement

i. Total Site Tree Unit Requirements

Tree unit requirements apply to all development within the Mixed Use Town Center. The development parcel shall have at least 40 tree units per acre following the proposed development or redevelopment (BIMC 18.15.040.G.4). The applicant has a choice to either retain trees or plant new trees to meet total tree unit requirements.

**A tree retention plan is included in the submitted landscape plan. The project requires 33 tree units to meet total tree unit requirements (.82 x 40). The landscape plan states that 46.2 tree units are retained, but the arborist report states that two of those trees have root disease and should be removed. With these trees excluded from the calculation, the project retains 40.6 tree units and therefore exceeds tree unit requirements. The applicant is required to provide International Society of Arboriculture valuation for retained trees.**

ii. Protection During Construction and Development.

In order to preserve future ecological function, the applicant shall identify areas of prohibited disturbance, generally corresponding to the dripline or critical root zone (as identified by a consulting arborist) of the existing vegetation, trees and /or tree canopy of tree stands to be retained, buffers, areas of existing vegetation to be maintained, future rain gardens, and future planting areas larger than 400 square feet (i.e. landscape islands in parking lots).

A temporary five-foot high chain link fence with tubular steel poles or “T” posts shall delineate the area of prohibited disturbance, identified in the above paragraph, unless the Director approves use of a four-foot high plastic net fence as an alternative. The fencing must be posted with signage denoting the vegetation protection area.

No impervious surfaces, fill, excavation, vehicle operations, compaction, removal of native soil or storage of construction materials shall be permitted within the area defined by the required construction fencing. If construction and compaction in future planting areas is unavoidable, the landscape plan for the project shall include methods for aerating and/or augmenting compacted soil to prepare for new planting.

**The application materials include an arborist report. Civil plans provided for construction should provide a level of detail sufficient to allow review of compliance with these requirements. The civil plans should identify areas of prohibited disturbance, fencing locations and any additional provisions necessary to adequately protect those areas of prohibited disturbance which are in proximity to construction activities.**

d. BIMC 18.15.020 Parking Spaces Required

The number of parking spaces required is identified in BIMC Table 18.15.020-2. A minimum of one space per primary dwelling unit that is a studio or one-bedroom unit and two spaces for all other primary dwelling units is required. The Director of Planning and Community Development may require guest parking in excess of the required parking spaces up to a maximum additional 0.5 stall per dwelling unit if there is inadequate guest parking on the subject property.

Residential parking requirements may be reduced by 25 percent for dwelling units located between one-half mile and a one-mile radius of the ferry terminal.

**The property is located less than between one-half and one mile from the ferry terminal, and therefore parking requirements may be reduced by 25 percent.**

e. BIMC Chapter 18.18 Design Guidelines

The project is subject to the ‘Design Guidelines for Mixed Use Town Center and High School Road Districts’ which include ‘Guidelines Applicable to All Overlay Districts’ (also referred to as ‘General Guidelines’ and ‘Guidelines Applicable to the Madison Avenue Overlay District’.

Applicable guidelines follow:

- i. **Site Design.** Development should provide facilities near or visible from the sidewalk for outdoor public use (such as seating areas, courtyards, small plazas). Common open space serving residents should be designed to allow walking throughout the development; some place for children to play should be provided. Exterior lighting should not exceed 14 feet in height and should incorporate shields. Trash containers should be shielded from view. Landscaped front setbacks are encouraged along Madison Avenue.
- ii. **Building Design.** Buildings should utilize elements such as massing, materials, windows, canopies, and pitched or terraced roof forms to create a visually distinct base and cap. Building materials and patterns should be varied to produce variations in texture. Building elevations shall be vertically and horizontally modulated to avoid massive scale. Facades facing public ways shall incorporate setbacks or articulation and shall include features such as columns or recessed entries. Blank walls shall not be visible to public spaces. Building designs should respond to nearby buildings by using shared elements, materials or massing. Principal entrances should be visually prominent and incorporate elements such as setbacks, recesses, and porches. Rooftop mechanical equipment should be concealed by and integrated within the roof form. Visually prominent buildings should be encouraged at Madison Avenue intersections. Buildings should have pitched roof forms, with the pitch being at least 4:12 and no more than 12:12.

**For commercial development, design guidelines are reviewed by the Design Review Board. For single-family development, compliance with design guidelines is reviewed at the building permit stage by planning staff. The proposal provides common open space and landscaping along Madison Avenue, and application materials include elevation renderings depicting proposed homes.**

5. BIMC 2.16.020.Q. Housing Design Demonstration Projects (HDDP)

a. Review and Approval Process

The HDDP review and approval process requires that the Design Review Board review a conceptual plan and provide advisory comment. City staff subsequently reviews the preapplication proposal and provides preliminary notification as to whether the proposal will qualify for the HDDP program. The Planning Commission must make recommendation on all HDDP projects.

**During their review at the conceptual stage of the project, the Design Review Board suggested that the internal roadway facility provide for vehicular and pedestrian access, suggested exploring the use of colors and materials to pave the road, suggested that the road be an alley rather than a typical urban roadway, that driveways be raised to the same level of the road to increase pedestrian experience, suggested that there are too many lots on the site and not enough landscape and open space, that communal space for residents should be provided, and that parking be moved to a common space and meandering paths lead to living units. The applicant reflected advisory comments in the proposal, requesting and receiving deviations from road standards to provide narrowed facilities and incorporating communal open space.**

b. Evaluation Method

The Housing Design Demonstration Project program (HDDP) utilizes a tiered quantitative evaluation method to link sustainable building goals.

A Tier I HDDP project must achieve LEED Silver, BuiltGreen 4 or Evergreen Sustainable Development certification, and must achieve at least 14 points in the Innovative Site Development category. The project must achieve at least four points in the Housing Diversity category and limit home size to 1,600 square feet. The applicant may choose from a variety of subcategories in which to earn required points.

**The project exceeds the required minimum points in the Innovative Site Development category, as scored by staff. The application materials include a BuiltGreen 4 checklist. Garages are provided for covered parking. The open space area provided exceeds program requirements, providing 128 square feet of open space per unit. The landscape plan depicts yards which are approximately 350 square feet in size, states that private yards are limited to 20 percent grass, and identifies drought tolerant and native plants. The project provides non-motorized connection, preserving the existing sidewalk along Madison Avenue and creating a new sidewalk within the development which connects to the existing sidewalk. The internal walkway will be located within a public easement.**

**The project meets Housing Diversity category requirements, providing at least four different unit types, including single-family homes, duplexes, age-in-place homes, and townhomes, and providing at least two of each type of unit. The project limits home size to 1,600 square feet.**

As determined by staff, project scoring follows:

| Category                                              |                                                                                    | Points Awarded | Points Required |
|-------------------------------------------------------|------------------------------------------------------------------------------------|----------------|-----------------|
| <b>Green Building and Innovative Site Development</b> |                                                                                    |                |                 |
| ✓                                                     | BuiltGreen 4                                                                       |                |                 |
| ✓                                                     | Water Quality & Conservation                                                       |                |                 |
|                                                       | ✓ Covered parking (21% - 40% of total parking spaces)                              | 2              |                 |
| ✓                                                     | Landscaping & Open Space                                                           |                |                 |
|                                                       | ✓ Open Space minimum 5% / 50 sf/unit (6.5% / 128 sf/unit provided)                 | 2              |                 |
|                                                       | ✓ Private yard turf (20% or less)                                                  | 4              |                 |
|                                                       | ✓ Plants (60% native or drought-tolerant)                                          | 4              |                 |
| ✓                                                     | Transportation                                                                     |                |                 |
|                                                       | ✓ Preserves, creates or integrates internal and external non-motorized connections | 2              |                 |
|                                                       | ✓ Provides public walkways, paths, or bike lanes                                   | 3              |                 |
| <b><i>Innovative Site Development</i></b>             |                                                                                    | <b>17</b>      | <b>14</b>       |
| <b><i>Total</i></b>                                   |                                                                                    |                |                 |
| <b>Housing Diversity</b>                              |                                                                                    |                |                 |
| ✓                                                     | Maximum Home Size 1,600 sf                                                         |                |                 |
| ✓                                                     | Unit Type (four types, minimum two units per type)                                 | 4              | 4               |
| <b><i>Housing Diversity Total</i></b>                 |                                                                                    | <b>4</b>       | <b>4</b>        |

6. BIMC 2.16.020.Q Housing Design Demonstration Projects – Decision 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.

**The project demonstrates the evaluation factors and exceeds the minimum required scoring for a Tier I project. The project is BuiltGreen 4, achieves greater than 14 points in the Innovative Site Development category, four points in the Housing Diversity category, and limits home sizes to 1,600 square feet. Compliance with project conditions is ensured at the building permit stage.**

- 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.

**Relief from setback and lot coverage standards allows the project to achieve a larger common open space area and reduces road surface; these are both innovative design goals.**

- c. The project does not adversely impact existing public service levels for surrounding properties.

**As conditioned, agencies including the City, Bainbridge Island Fire District, and Kitsap Public Health District find that the project does not adversely impact public service levels. Recommended project conditions are provided by the City Development Engineer to ensure adequate access, including emergency services access, water, septic and stormwater facilities.**

- d. The project complies with all other portions of the BIMC, except as modified through this housing design demonstration project process.

**The project relies on relief from zoning and subdivision standards, including setback, lot coverage and road standard requirements, as provided in the HDDP program.**

- e. The applicant is meeting required housing diversity standards.

**The project meets housing diversity standards by limiting home sizes to 1,600 square feet and providing at least four unit types.**

7. BIMC 2.16.125.H Preliminary Long Subdivision – Decision criteria

The Hearing Examiner's decision shall include findings of fact that the application meets all the following requirements. 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.

**As conditioned, the subdivision complies with applicable subdivision and zoning standards, as modified by the Housing Design Demonstration Project standard incentives of 2.16.020.Q.**

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

**Adequate provision is made for the public health, safety and welfare, and public use and interest, including required items in 58.17.110 RCW such as streets and public ways. The project is conditioned to ensure adequate access, including emergency services access, water, septic and stormwater facilities prior to final plat approval. Because the proposal is consistent with the Municipal Code, subject to conditions, the subdivision provides adequately for the public health, safety and welfare, and for the public use and interest.**

- c. The preliminary plat has been prepared consistent with the requirements of the flexible lot design process.

**The proposed plat reflects required setbacks and meets open space requirements consistent with the flexible lot design process and standards, as modified by the Housing Design Demonstration Project standard incentives.**

- d. Any portion of a plat which contains a critical area, as defined in BIMC 16.20, conforms to all requirements of that chapter.

**The property contains no critical areas.**

- e. Any portion of a plat within shoreline jurisdiction, as defined in BIMC 16.12, conforms to all requirements of that chapter.

**The property is not within shoreline jurisdiction.**

- f. The City Engineer's recommendation contains determinations that all of the following decision criteria for long subdivision are met and such determinations are supported by substantial evidence within the record: The plat conforms to drainage regulations in BIMC 15.20 and 15.21; the plat 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; the streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; the streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; there is capacity in the public water system to serve the plat, and the applicable service can be made available at the site; the plat 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. 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.

**The City Engineer finds that, if recommended conditions are incorporated into approval, the preliminary subdivision: Conforms to surface and stormwater requirements; will not cause undue burden on the drainage basin, and will not unreasonably interfere with the use and enjoyment of properties downstream; the streets and pedestrian ways are coordinated with**

**streets serving adjacent properties and are adequate to accommodate anticipated traffic; the water system has sufficient capacity to serve the plat and water service can be made available at the site; the preliminary plat conforms to the road standards contained in the “City of Bainbridge Island Design and Construction Standards and Specifications” manual.**

- g. 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.

**The Comprehensive Plan and Municipal Code reflect the Growth Management Act mandates (Chapter 36.70A RCW) and State subdivision regulations (Chapter 58.17 RCW). Recommended conditions ensure that the plat complies with all local, state and federal regulations.**

- h. The proposal is in accord with the Comprehensive Plan.

**The proposal is in accord with the Comprehensive Plan. The proposal provides for a dense residential development within a designated urban center. The project provides for growth proximate to public facilities and services and incorporates sustainable development such as BuiltGreen 4 certification. The development provides adequate parking while reducing reliance on automobiles due to its proximity to the ferry and provides non-motorized connection to downtown. The project provides green space and observes design guidelines which encourage building step-back and street trees.**

- i. 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.

**The project is consistent with the goals Comprehensive Plan as codified in City regulations and as such, demonstrates that the public interest is served.**

## **Part VI: Conclusions**

This report includes the standards of review, relevant Municipal Code and Comprehensive Plan provisions and provisions of other permitting agencies. The staff report includes findings based on evidence in the record. The project file contains the official record and basis for findings, including technical information and documentation.

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. In making a recommendation, the 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 Commission shall recommend the proposal be subject to conditions or denied.

Appropriate notice of application was provided, and comments considered. The application is properly before the Planning Commission for recommendation. Should the Commission recommend approval, staff suggests that the following conditions be considered:

## SEPA CONDITION

1. To avoid adverse impact to historic structures, application for demolition permit for the existing home shall be reviewed by the Historic Preservation Committee.

## PROJECT CONDITIONS

2. The project must conform to the Housing Design Demonstration Project (HDDP) program Tier I requirements (BIMC 2.16.020.Q).
  - A. The project must achieve LEED, BuiltGreen 4 or Evergreen Sustainable certification.
  - B. The project must provide homes no greater than 1,600 square feet in size.
  - C. The project must provide at least four unit types and at least two of each unit type.
  - D. The project shall substantially conform to the Innovative Site Development category scoring, as determined by staff, and shall provide and maintain the following:
    - 1) At least five percent of the lot area as open space which is well designed and integrated part of the project
    - 2) 20 percent or less turf in private yard areas
    - 3) At least 60 percent native or drought-tolerant plants
2. Prior to any construction activities, the applicant shall obtain the appropriate permits from the City of Bainbridge Island, including but not limited to clearing, grading, and/or building permits.
3. If any historical or archaeological artifacts are uncovered during excavation or construction, work shall immediately stop and the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation shall be immediately notified. Construction shall only continue thereafter in compliance with the applicable provisions of law.
4. A final Open Space Management Plan (OSMP) shall be recorded with final plat and the OSMP shall be referenced on the face of the plat. The final OSMP shall meet the requirements of BIMC 17.12: For storm drainage use within open space, the applicant shall provide enhanced vegetation so that the facility appears as a natural feature, and the use shall not adversely affect the function or characteristics of the open space.
5. The open space boundaries common to lots 1 and 10 shall be fenced.
6. Open Space fencing shall be installed on or installation financially assured prior to final plat approval. The fencing must be maintained in perpetuity and required locations of fencing shall be noted on the face of the plat.
7. Lot coverage of 40 percent shall be allocated between the lots as proposed and noted on the face of the plat, except: The final plat shall reflect a modest reduction in the per-lot allocation to provide lot coverage for open space buildings (e.g. garden shed, picnic shelter, covered climbing structure).
8. The following setbacks shall be noted and depicted on the final plat:

|                                                |                 |
|------------------------------------------------|-----------------|
| Building to building (on-site)                 | Minimum 10 feet |
| Building to exterior subdivision boundary line | Minimum 5 feet  |
| Building to right-of-way                       | Minimum 10 feet |
| Building to Open Space                         | Minimum 10 feet |

9. The final plat shall comply with the following conditions of the Fire Marshal:
  - A. If the fire area of the townhouse units and the live/work units exceeds 5,000 square feet, residential fire sprinklers will be required.
  - B. Hammerhead area shall be clearly marked as NO PARKING – FIRE LANE 3
  - C. Access road must be named and all addresses assigned off that name
10. The applicant shall comply with the following conditions, to the satisfaction of the City Engineer:
  - A. General
    - 1) Survey monumentation shall be provided consistent with the Standards, Section 8-03.
    - 2) Civil improvement plans ready for construction shall be submitted with an application for a plat utility permit to COBI for review and approval to construct all necessary infrastructure serving the divided lots and the offsite improvements proposed in the Developer Extension Agreement (DEA) application.
    - 3) Separate clearing and grading permits shall be required concurrently with the plat utility permit issuance to clear and grade the site.
    - 4) No building permits for the newly created lots will be issued until the completion of the civil improvements or performance bonding is established to cover unfinished work to apply for final plat.
    - 5) As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final plat.
  - B. Facilities Extension
    - 6) The Developer Extension Agreement (DEA) shall be executed at the plat utilities/civil improvement permitting application phase for the construction of roads and utilities to be inspected and accepted by the City.
  - C. Roads and Utilities
    - 7) The plat shall include storm drainage easements to cover the portions of storm drain outside the dedicated Right-of-Way, including the incoming drain at the northwest corner and the line running parallel to Madison Avenue along the southern half of the eastern lot edge.
    - 8) The request to allow construction of a privately owned and maintained road within a 30-foot easement serving the development is hereby DENIED. In accordance with the Standards the plat shall be served by a local access urban public road standard except as noted: the plat access road shall provide two (2) 9-foot travel lanes for two-way traffic circulation, with 1-foot gutter pans and vertical curbs to provide a clear curb-curb distance of 20 feet. Sidewalks shall be provided on one side with a minimum 3-foot wide planter strip. A minimum of 20 feet of right-of-way for the road section and 10-foot easements on either side shall be dedicated to the City to provide a combined 40-feet of ROW and easement dedication for access and utilities. A hammerhead turnaround to serve the dead-end road is approved subject to Fire Department approval.
    - 9) The hammerhead turnaround area including turning radii shall be clearly marked on the ground to prevent vehicles from obstructing the turnaround area. Signage shall also be posted indicating NO PARKING – FIRE LANE per the Fire Department comments.

- 10) Easement areas flanking the plat road shall require an easement document to be recorded separate from the plat as they are not within the ROW to be dedicated on the face of the plat.

D. Stormwater

- 11) A Stormwater Pollution Prevention Plan (SWPPP) prepared by a civil engineer licensed in the State of Washington is required prior to construction activities including clearing or grading or civil improvements for all phases of the project that complies with BIMC 15.20.
- 12) A final stormwater report shall be submitted detailing compliance with all applicable minimum requirements as required by BIMC 15.20, prepared by a civil engineer licensed in the State of Washington.
- 13) The findings of the geotechnical report indicate soils on-site are poor for infiltration, however, the perched groundwater is at 2 to 3 feet below the ground surface. Treatment Control per minimum requirement no. 6 of the City's adopted stormwater manual (the 2014 Department of Ecology Stormwater Management Manual For Western Washington) for Pollutant Generating Hard Surfaces (PGHS) shall include permeable pavement/pervious pavers with an underdrain in a six-inch media layer meeting the soil suitability criteria listed in the stormwater manual where seasonal high ground water or an underlying impermeable/low permeable layer would not create saturated conditions within one foot of the bottom of the lowest gravel base course. Alternative PGHS treatment control may be provided through other means consistent with the stormwater manual as documented in the final stormwater report.
- 14) Prior to final plat submittal, the applicant shall submit an operation and maintenance plan for the on-going maintenance of the storm drainage system.
- 15) All on-site stormwater facilities shall remain privately owned and maintained. The owner(s) shall be responsible for maintenance of the storm drainage facilities for this development following construction. Annual inspection and maintenance reports shall be provided to the City. A Declaration of Covenant for stormwater system operation and maintenance will be required to be recorded before final plat submittal. The approved language for the Declaration of Covenant is found in BIMC Chapter 15.21, Exhibit A.
- 16) A hydrologic and hydraulic analysis must be performed to demonstrate that the future build-out conditions from the site combined with the existing offsite drainage tributary to the storm drain system will not exceed the capacity of the existing or proposed storm drain system in Madison Avenue North. Where the existing capacity of the system is insufficient, the project shall mitigate on-site to match the existing 100-year storm flows leaving the project site, or, upgrade the storm system to provide the needed capacity as defined below.  
  
The capacity analysis shall include an assessment of all backwater effects on the existing system up Madison Avenue North. The design storm for capacity analysis is a 25-year storm event. The 25-year hydraulic grade line (HGL) shall be below the rim elevations of all drainage structures. The 100-year storm event shall be shown to not overtop the crest of any roadways.
- 17) A sediment pond shall be provided sized to handle the peak 10-year flow until the time the storm drain capacity upgrades in Madison Avenue are performed. Once upgrades are performed the on-site sediment pond storage requirement may be reduced to the standard

2-year peak flow per the Department of Ecology SWMMWW BMP C241: Temporary Sediment Pond.

E. Permitting

- 18) In addition to a clearing and/or grade and fill permit, a right-of-way (ROW) construction permit will be required prior to any construction activities within the existing right-of-way. The ROW permit will be subject to separate conditions and bonding requirements.
- 19) Application for a final plat shall require binding water and sewer availability letters from the City.
- 20) Installation of improvements and creation of as-built engineered plans must be completed prior to approval of final plat. In lieu of completion of those improvements and as-builts consistent with the conditions of a preliminary plat approval, the City engineer may accept an assurance device, in an amount and in a form determined by the City, but not to exceed 125 percent of the established cost 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.
- 21) The proposed action(s), phased or concurrent, in their totality would result in more than one (1) acre of earth disturbance on the site and drain to waters of the State. A Construction Stormwater General Permit shall be obtained from the Washington State Department of Ecology and the site shall be monitored for discharge of pollutants and sediment to the wetlands and stream for the duration of the project. No land clearing or construction permits shall be issued prior to obtaining the State permit.

## **2.16.020 General provisions.**

### **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 BMC [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.

Planner note: Municipal Code formatting does not allow users to easily read the following tables. Therefore, the tables from adopting Ord. 2016-27 are provided separately.

Table [2.16.020.Q-1](#): Housing Design Demonstration Project Scoring System

Table [2.16.020.Q-2](#) Housing Diversity Scoring Method

Table [2.16.020.Q-3](#) Innovative Site Development Scoring Method

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 <a href="#">2.16.020.Q-4</a>: Housing Diversity Program 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)

| 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 <math>\geq 20</math> units must get 3 points in "Unit Type" category</li> </ul>                                                                                                                                                  |
| <b>Tier 1</b>                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                  |
| No Density Bonus                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>LEED Certification, BuiltGreen 4, or Evergreen Sustainable Development</li> <li>14 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>4 points (projects with <math>&lt; 20</math> units) in "Housing Diversity" category</li> <li>5 points (projects with <math>\geq 20</math> units) in "Housing Diversity" category</li> <li>Projects with <math>\geq 20</math> units must get 2 points in "Unit Type" category</li> </ul> |
| NOTE: For Tiers 2 and 3 required affordable housing units: <ul style="list-style-type: none"> <li>Home ownership projects: 50% of required affordable house units should serve <math>\leq 80\%</math> AMI</li> <li>Rental projects: 50% of required affordable house units should serve <math>\leq 60\%</math> AMI.</li> </ul> |                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                  |

**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 <a href="#">18.36.030</a> .16 and <a href="#">18.21.020</a> .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 ft² 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 ft²                                                                                                                                                                                                                                                                                                                                                                                               | 1                                                 | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 2     |
|      |                                         | 11 – 15%                                                                                                                                                                                                                                                                                                        | 12              | 14                       | 801 – 1,000 ft²                                                                                                                                                                                                                                                                                                                                                                                         | 1                                                 | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3     |
|      |                                         | 16 – 20%                                                                                                                                                                                                                                                                                                        | 14              | 16                       | 1,001 – 1,200 ft²                                                                                                                                                                                                                                                                                                                                                                                       | 1                                                 | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 4     |
|      |                                         | 21 – 25%                                                                                                                                                                                                                                                                                                        | 16              | 18                       | 1,201 – 1,400 ft²                                                                                                                                                                                                                                                                                                                                                                                       | 1                                                 | 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 5     |
|      |                                         | More than 25%                                                                                                                                                                                                                                                                                                   | 20              | 22                       | 1,401 – 1,600 ft²                                                                                                                                                                                                                                                                                                                                                                                       | 1                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
|      | Minimum % Required                      |                                                                                                                                                                                                                                                                                                                 |                 | Size Requirement         | Min. Pts. Required                                                                                                                                                                                                                                                                                                                                                                                      | Min. Pts. Required                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
| 4    | 10 pts                                  | 10%                                                                                                                                                                                                                                                                                                             |                 | Max. home size 1,600 ft² | NA                                                                                                                                                                                                                                                                                                                                                                                                      | NA                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
| 3    | 20 pts                                  | 50%                                                                                                                                                                                                                                                                                                             |                 | Max. home size 1,600 ft² | NA                                                                                                                                                                                                                                                                                                                                                                                                      | NA                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
| 2    | 12 pts (projects < 20 units)            | 10%                                                                                                                                                                                                                                                                                                             |                 | Max. home size 1,600 ft² | NA                                                                                                                                                                                                                                                                                                                                                                                                      | Projects ≥ 20 units must get 3 pts in “unit type” |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
|      | 15 pts (projects ≥ 20 units)            |                                                                                                                                                                                                                                                                                                                 |                 |                          |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
| 1    | 4 pts (projects < 20 units)             | NA                                                                                                                                                                                                                                                                                                              |                 | Max. home size 1,600 ft² | NA                                                                                                                                                                                                                                                                                                                                                                                                      | Projects ≥ 20 units must get 2 pts in “unit type” |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
|      | 5 pts (projects ≥ 20 units)             |                                                                                                                                                                                                                                                                                                                 |                 |                          |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |

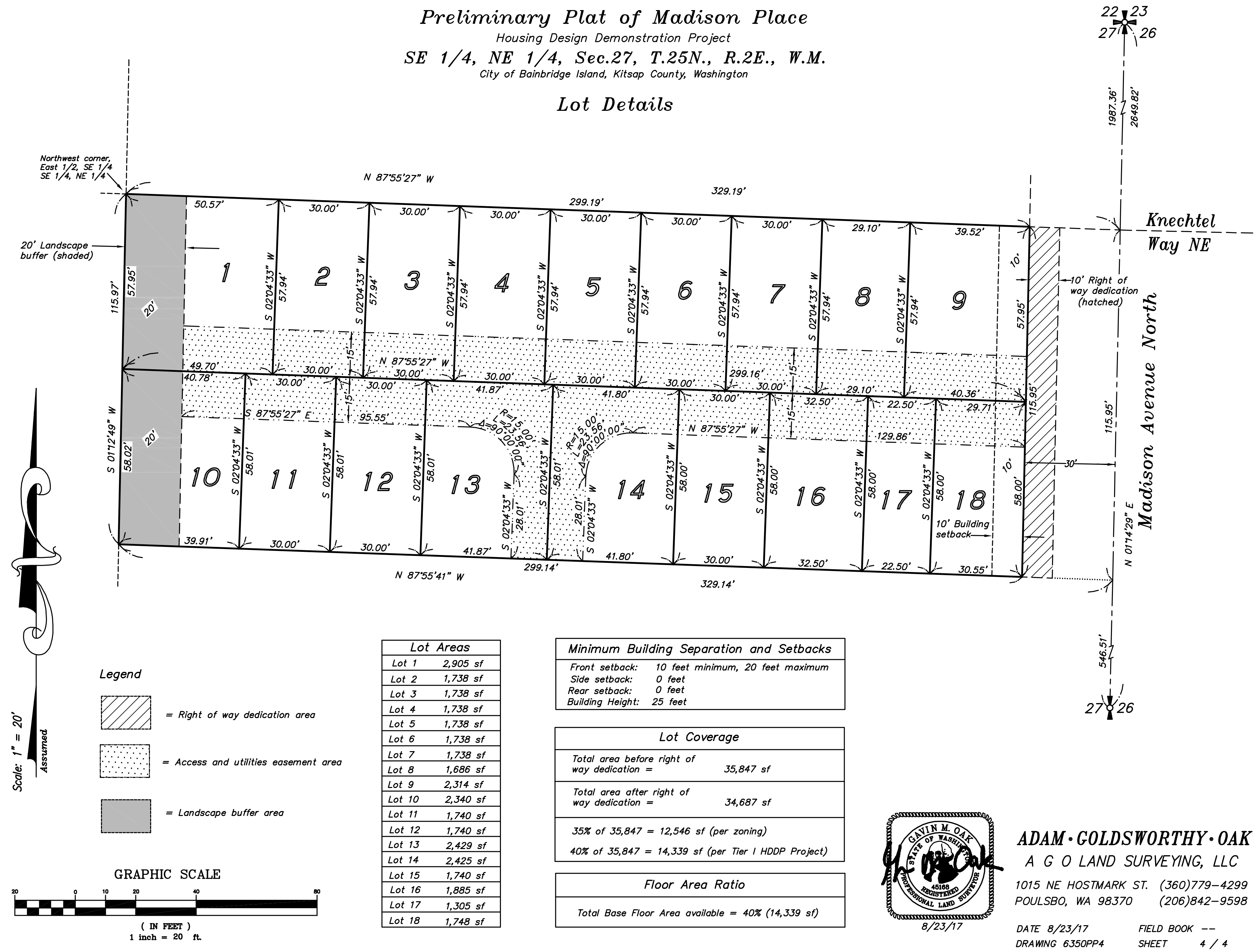
**Table 2.16.020.Q-3 Innovative Site Development Scoring Method**

| TIER                                                                                                                       | Minimum Site Development Point Requirement | WATER QUALITY & CONSERVATION<br>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, green roofs and covered parking. All HDDP projects will follow the WA State DOE 2012 Stormwater Management Manual for Western Washington, as amended in December 2014. | LANDSCAPING & OPEN SPACE<br>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 Sections 17.12.030. A1, A2, A3, A6 & A7 is encouraged. | TRANSPORTATION<br>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 non-motorized 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. |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
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| 4                                                                                                                          | 30                                         | <table><thead><tr><th>REQUIREMENT</th><th>VALUE</th></tr></thead><tbody><tr><td>Number of dwelling units that integrate greywater reuse components into building design:</td><td></td></tr><tr><td>10%</td><td>1</td></tr><tr><td>11-20%</td><td>2</td></tr><tr><td>21-30%</td><td>3</td></tr><tr><td>Over 31%</td><td>4</td></tr></tbody></table>                                                          | REQUIREMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | VALUE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Number of dwelling units that integrate greywater reuse components into building design: |   | 10%      | 1 | 11-20%                                                                                                                                                                                        | 2                                                                                                                          | 21-30%     | 3 | Over 31% | 4 | <table><thead><tr><th>% OF OPEN SPACE</th><th>VALUE</th><th>VALUE IF PUBLIC</th></tr></thead><tbody><tr><td>5-10%</td><td>2</td><td>4</td></tr><tr><td>11-15%</td><td>4</td><td>6</td></tr><tr><td>16-20%</td><td>6</td><td>8</td></tr><tr><td>21-25%</td><td>8</td><td>10</td></tr><tr><td>Greater than 25%</td><td>10</td><td>12</td></tr></tbody></table> | % OF OPEN SPACE                   | VALUE | VALUE IF PUBLIC                                                               | 5-10% | 2 | 4 | 11-15% | 4 | 6 | 16-20% | 6 | 8 | 21-25% | 8 | 10 | Greater than 25% | 10 | 12 | <table><thead><tr><th>TRANSPORTATION COMPONENTS</th><th>VALUE</th></tr></thead><tbody><tr><td>Project preserves, creates or integrates internal and external non-motorized connections.</td><td>2</td></tr><tr><td>Provides public walkways, separated paths, or bike lanes. No points for facilities required by IWTP.</td><td>3</td></tr><tr><td>On-site car sharing program</td><td>1 per each car</td></tr><tr><td>Electric vehicle charging stations for 3% of vehicle parking capacity.</td><td>3</td></tr><tr><td>Covered, consolidated bike parking for subdivisions</td><td>3</td></tr><tr><td>Bus Shelter</td><td>2</td></tr></tbody></table> | TRANSPORTATION COMPONENTS | VALUE | Project preserves, creates or integrates internal and external non-motorized connections. | 2 | Provides public walkways, separated paths, or bike lanes. No points for facilities required by IWTP. | 3 | On-site car sharing program | 1 per each car | Electric vehicle charging stations for 3% of vehicle parking capacity. | 3 | Covered, consolidated bike parking for subdivisions | 3 | Bus Shelter | 2 |
| REQUIREMENT                                                                                                                | VALUE                                      |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| Number of dwelling units that integrate greywater reuse components into building design:                                   |                                            |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| 10%                                                                                                                        | 1                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| 11-20%                                                                                                                     | 2                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| 21-30%                                                                                                                     | 3                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| Over 31%                                                                                                                   | 4                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
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| 16-20%                                                                                                                     | 6                                          | 8                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
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| Greater than 25%                                                                                                           | 10                                         | 12                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| TRANSPORTATION COMPONENTS                                                                                                  | VALUE                                      |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| Project preserves, creates or integrates internal and external non-motorized connections.                                  | 2                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| Provides public walkways, separated paths, or bike lanes. No points for facilities required by IWTP.                       | 3                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| On-site car sharing program                                                                                                | 1 per each car                             |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| Electric vehicle charging stations for 3% of vehicle parking capacity.                                                     | 3                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| Covered, consolidated bike parking for subdivisions                                                                        | 3                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
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| 3                                                                                                                          | 25                                         | <table><tbody><tr><td>Percentage of total roof area qualifying as "green roofs":</td><td></td></tr><tr><td>15-30%</td><td>2</td></tr><tr><td>Over 31%</td><td>4</td></tr></tbody></table>                                                                                                                                                                                                                   | Percentage of total roof area qualifying as "green roofs":                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 15-30%                                                                                   | 2 | Over 31% | 4 | <table><tbody><tr><td>Incorporates neighborhood garden</td><td>2</td></tr></tbody></table>                                                                                                    | Incorporates neighborhood garden                                                                                           | 2          |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| Percentage of total roof area qualifying as "green roofs":                                                                 |                                            |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
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| Incorporates neighborhood garden                                                                                           | 2                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| 2                                                                                                                          | 25                                         | <table><tbody><tr><td>Project integrates cisterns: % of total roof area directed to cisterns:</td><td></td></tr><tr><td>15-30%</td><td>2</td></tr><tr><td>Over 31%</td><td>4</td></tr></tbody></table>                                                                                                                                                                                                      | Project integrates cisterns: % of total roof area directed to cisterns:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 15-30%                                                                                   | 2 | Over 31% | 4 | <table><tbody><tr><td>Preserves tree that qualifies as a "Heritage tree" under City Program. The tree is not otherwise required to be preserved.</td><td>2 per tree</td></tr></tbody></table> | Preserves tree that qualifies as a "Heritage tree" under City Program. The tree is not otherwise required to be preserved. | 2 per tree |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| Project integrates cisterns: % of total roof area directed to cisterns:                                                    |                                            |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
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| 1                                                                                                                          | 14                                         | <table><tbody><tr><td>Percentage of total parking spaces that are covered (i.e. parking garage, carport):</td><td></td></tr><tr><td>5-20%</td><td>1</td></tr><tr><td>21-40%</td><td>2</td></tr><tr><td>41-60%</td><td>3</td></tr><tr><td>61-80%</td><td>4</td></tr><tr><td>Over 81%</td><td>5</td></tr></tbody></table>                                                                                     | 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 | <table><tbody><tr><td>All Private yard areas ≤ 20% turf</td><td>4</td></tr><tr><td>Project landscaping integrates at least 60% native or drought tolerant plants</td><td>4</td></tr></tbody></table>                                                                                                                                                         | All Private yard areas ≤ 20% turf | 4     | Project landscaping integrates at least 60% native or drought tolerant plants | 4     |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| 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                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| All Private yard areas ≤ 20% turf                                                                                          | 4                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |
| Project landscaping integrates at least 60% native or drought tolerant plants                                              | 4                                          |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |   |          |   |                                                                                                                                                                                               |                                                                                                                            |            |   |          |   |                                                                                                                                                                                                                                                                                                                                                              |                                   |       |                                                                               |       |   |   |        |   |   |        |   |   |        |   |    |                  |    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |       |                                                                                           |   |                                                                                                      |   |                             |                |                                                                        |   |                                                     |   |             |   |

# Preliminary Plat of Madison Place

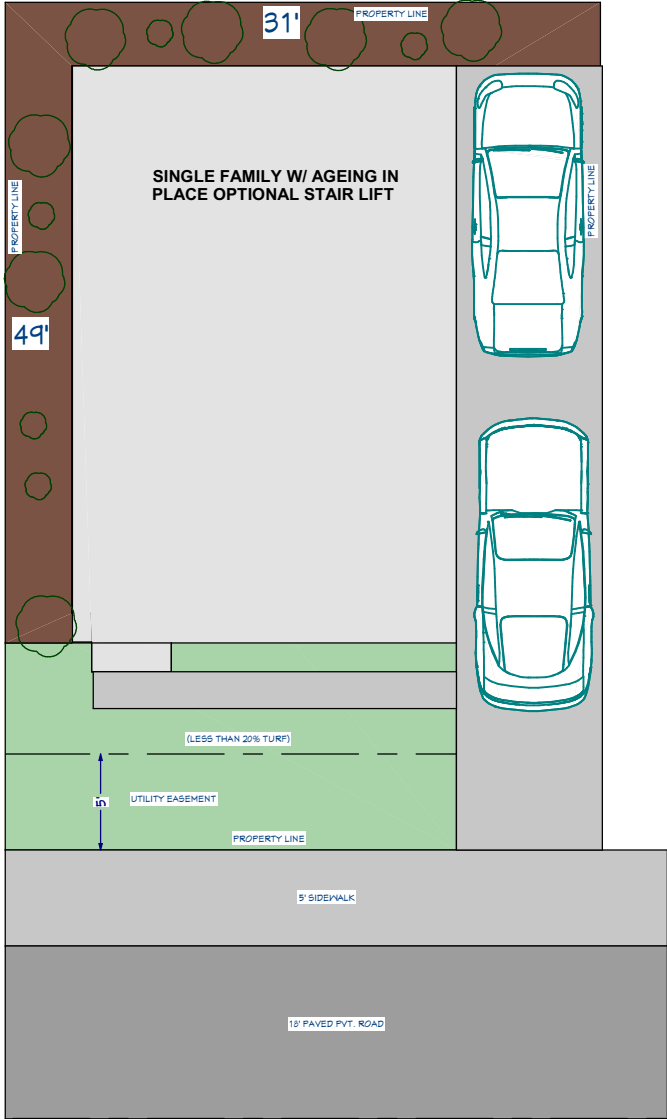
Housing Design Demonstration Project  
SE 1/4, NE 1/4, Sec.27, T.25N., R.2E., W.M.  
City of Bainbridge Island, Kitsap County, Washington

## Lot Details



# MADISON PLACE

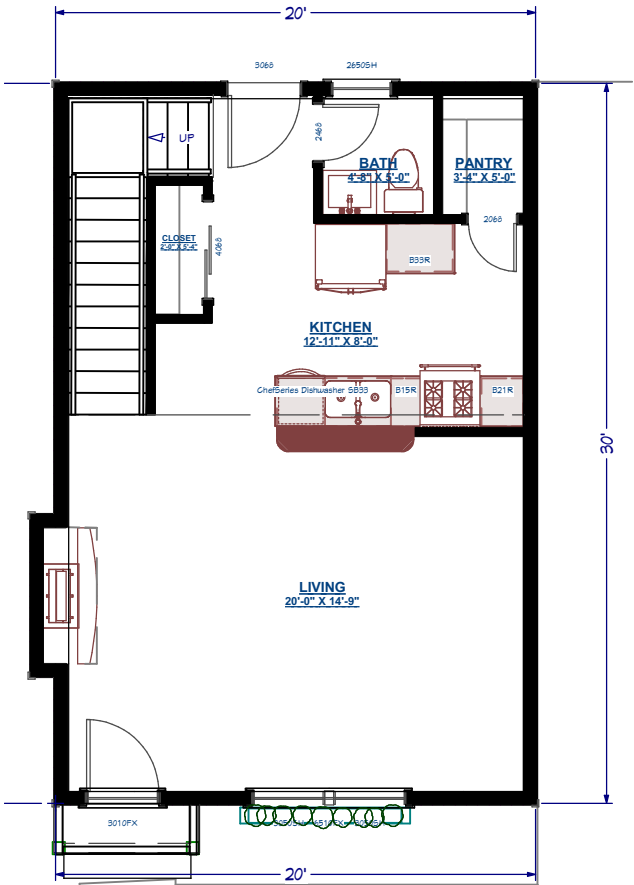
35,844 SF x.60=21,506= F.A.R. 1195 SF  
18 LOTS



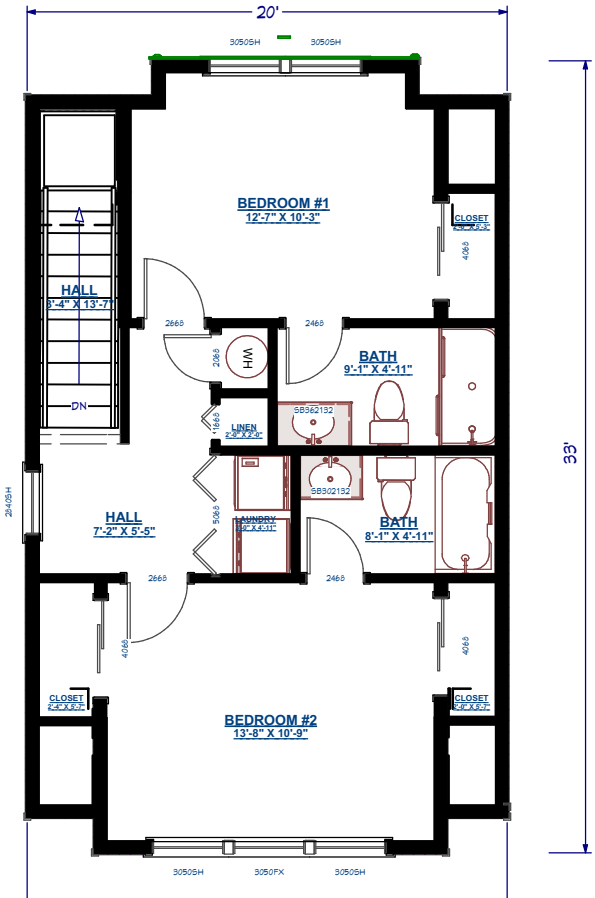
**SITE PLAN**  
SCALE: 1"=10'



**FRONT ELEVATION**



**MAIN FLOOR PLAN**  
SCALE: 1/8"=1'-0"  
577 SF  
602 sf Gross



**SECOND FLOOR PLAN**  
SCALE: 1/8"=1'-0"  
561 SF = 1136 SF  
621 sf Gross =1223 sf

| NO. | DESCRIPTION | BY | DATE |
|-----|-------------|----|------|
|     |             |    |      |
|     |             |    |      |
|     |             |    |      |
|     |             |    |      |

SHEET TITLE:  
**PLANS**

PROJECT DESCRIPTION:  
**MP1108 SF 2 Story, 2 BdRm,  
2.5 bath.**

DRAWINGS PROVIDED BY:  
**CENTRAL HIGHLAND HOMES**  
P.O. Box 2879, Poulsbo, WA 98370  
centralhighlandhomes.com 360.776.7157

DATE:  
8/24/2017

SCALE:

SHEET:

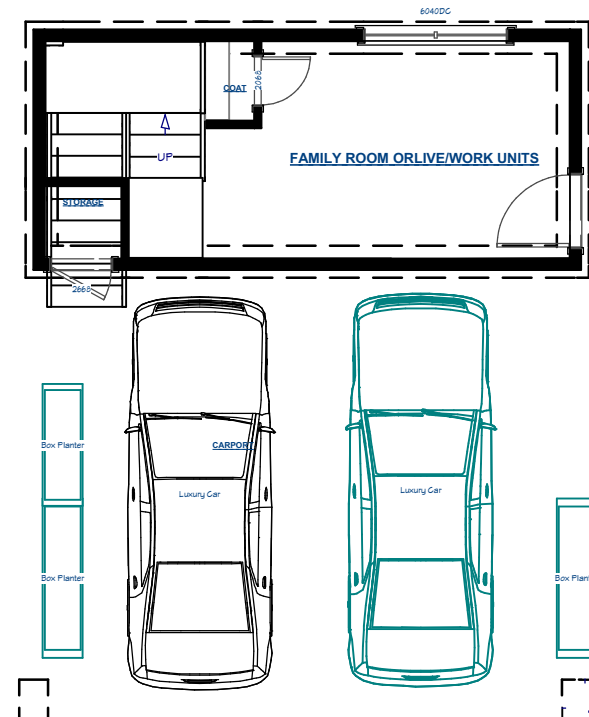
**A-1**

The diagram illustrates a property layout with the following features and dimensions:

- Top Section (Green):** A rectangular area labeled "(LESS THAN 20% TURF)". It is 31' wide and 10' high. A "PROPERTY LINE" is indicated at the top.
- Central Section (Gray):** A large rectangular area labeled "35,844 SF X .40=14,338 SF=797 SF MAX. 18" and "665 SF FOOTPRINT". It is 49' wide. "PROPERTY LINE" labels are on the left and right sides.
- Bottom Section (Gray):** A rectangular area labeled "18' PAVED PVT. ROAD". It is 30' R. of W. (Right of Way) wide.
- Setbacks and Easements:**
  - A 3'-6" setback is shown on the left side of the central section.
  - A 4'-6" setback is shown on the right side of the central section.
  - A 9'-6 9/16" setback is shown on the right side of the bottom section.
  - A "UTILITY EASEMENT" is located between the central and bottom sections.
  - A "5' SIDEWALK" is located between the bottom section and the "18' PAVED PVT. ROAD".
  - A "DRIVEWAY" is located between the central and bottom sections.



Shown as single units and not duplex units  
TOWNHOUSE AND LIVE WORK UNITS

[illegible][illegible]

**SECOND FLOOR PLAN**  
SCALE: 1/8"=1'-0"  
520 SF = 1195 SF

[illegible]

SHEET TITLE:

PLANS

PROJECT DESCRIPTION:  
1195 SF 3 Story, 2 BdRm, 2.5 bath. 2 Caport

**DRAWINGS PROVIDED BY:**

**CENTRAL  
HIGHLAND HOMES**  
P.O. Box 2879  
Poulsbo, WA 98370  
360-440-0813

DATE:  
8/24/2017

SCALE:

SHEET:

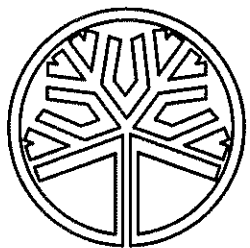
**A-1**

TIM GOSS  
LANDSCAPE ARCHITECT

416 COSGROVE ST NW  
BAINBRIDGE ISLAND  
WASHINGTON 98110  
206.842.8664

Parcel Number:  
272502-1-160-2009

Madison Hamlet  
Madison Avenue N  
Bainbridge Island, WA  
Landscape Plan

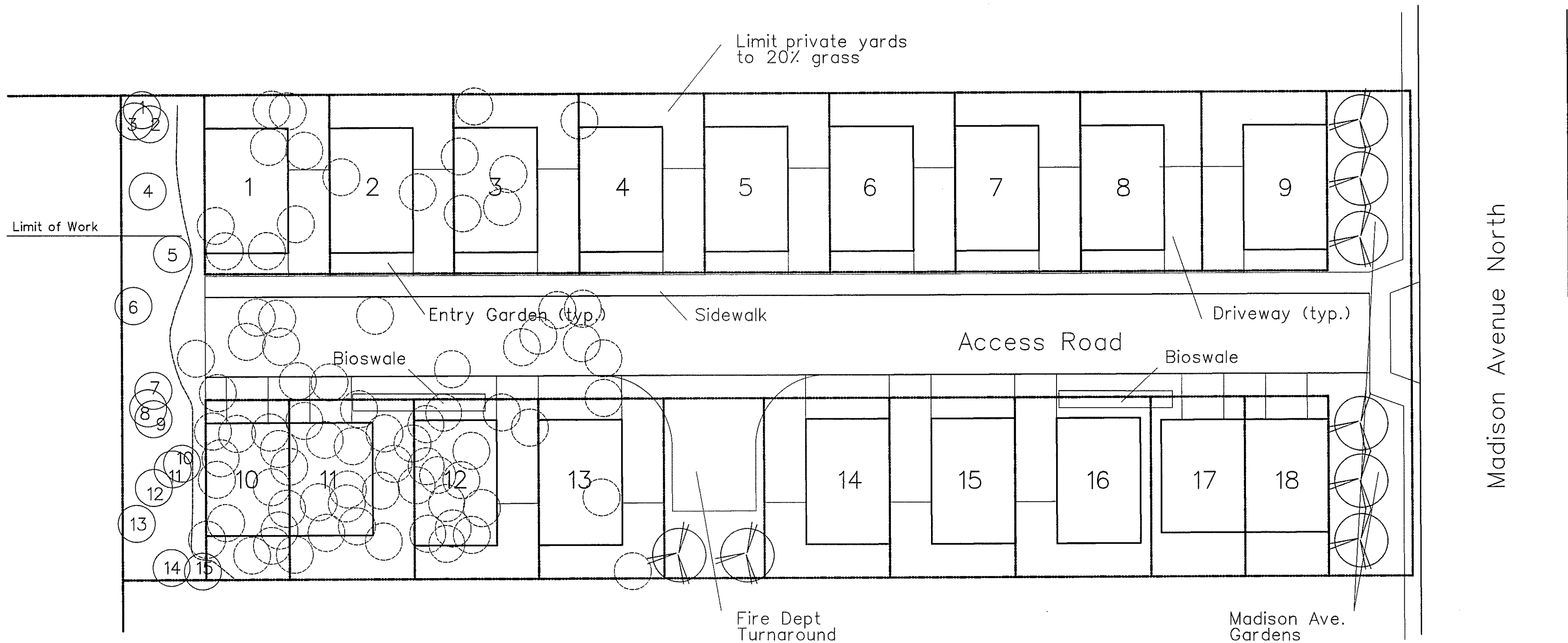


STATE OF  
WASHINGTON  
LANDSCAPE ARCHITECT  
TIMOTHY ELIOT GOSS  
CERTIFICATE NO. 776

Scale: 1"=20'

Date: 6/22/17

Rev: 8/18/17



STREET TREES



Carpinus Betulus (European Hornbeam)  
Qty - 8 Size - 2" cal. DT\*

BIO-SWALE GARDENS

2 @ 150 sq.ft.

Shrubs

- 8 - Cornus sericea 'Kelsey' (Dwarf Red Twig Dogwood) - 1 gal.
- 12 - Carex and Juncus (selected Sedges and Rushes) - 1 gal.
- 3 - Vaccinium corymbosum (Blueberry) - 1 gal.
- 6 - Potentilla fruticosa (Cinquefoil) - 1 gal. DT
- 6 - Rudbeckia / Iris / Aster (selected perennials) - 1 gal.

\* DT - drought tolerant  
N/DT - native/drought tolerant

ENTRY GARDENS

18 @ 100 sq.ft.

Shrubs

- 6 - Mahonia repens (Creeping Mahonia) - 1 gal. N/DT\*
- 1 - Vaccinium corymbosum (blueberry) - 1 gal.
- 2 - Vaccinium ovatum (Evergreen Huckleberry) - 2 gal. N/DT
- 4 - Lavandula / Salvia (Lavender & Sage) - 1 gal. DT

MADISON AVENUE GARDENS

2 @ 700 sq.ft.

Shrubs

- 4 - Rhododendron spp. - 5 gal.
- 3 - Hydrangea macrophylla (Big Leaf Hydrangea) - 5 gal.
- 4 - Vaccinium corymbosum (Blueberry) - 1 gal.
- 3 - Vaccinium ovatum (Evergreen Huckleberry) - 2 gal. N/DT
- 24 - Gaultheria shallon / Polystichum munitum (Salal / Sword Fern) - 1 gal. N/DT

Notes:

All compacted soils to be ripped to 8" depth.  
Blend 6" sandy loam in all beds.

Amend all plantings areas with 3" of compost  
e.g. cedar groves compost or gro-co.

Mulch all planting beds with 4" wood or bark mulch.

Provide establishment irrigation for new plantings

Provide sleeves for piping under sidewalks and drives to  
access all planting areas.

Stake new trees as necessary.

Plant substitutions are o.k. if confirmed by landscape architect.

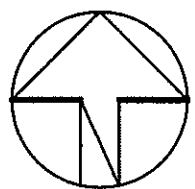
During excavation strip, stockpile and cover  
existing topsoil for reuse.

Avoid planting in summer months.

For tree and buffer zone protection do not work  
beyond the limit of work (LOW). Designate the L.O.W.  
with construction fencing. Protect trees  
within the L.O.W. with perimeter fencing - 1' for  
every 1" d.b.h.

Remove invasive plants e.g. English Ivy from buffer areas,  
replant with native shrubs and ferns

Landscape Plan



0 10 20 40

AFTER RECORDING, PLEASE RETURN TO:

Kelly Jahraus  
Deputy City Clerk  
City of Bainbridge Island  
280 Madison Avenue North  
Bainbridge Island, WA 98110

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**CITY OF BAINBRIDGE ISLAND  
ORDINANCE NO. 2018-04**

Reference Number(s) of  
Documents Assigned  
or Released:

N/A

Grantor:

City of Bainbridge Island, Washington, a municipal corporation

Grantees:

Thomas A. & Gail L. Cole, Gary & Susan Ohrt,  
Ricardo & Jean Fleischfresser,

Short Legal Description: Portion NE ¼, NE ¼, Sec. 27, T.25N., R.2., W.M.,  
City of Bainbridge Island, Kitsap County, Washington,  
(Complete legal description on Exhibit A)

Parcel/Account Number(s): 272502-1-125-2002, 272502-1-126-2001, 272502-1-138-2007,  
272502-1-140-2003, 272502-1-141-2002, 272502-1-066-2003,  
272502-1-021-2007

Grantor's Name: City of Bainbridge Island  
Grantee's Name: Cole, Thomas A II & Gail L  
Tax Parcel # 272502-1-125-2002

Abbreviated Legal Description:

Parcel B, City of Winslow Short Plat W-53R-1, AFN 8706230220, Portion NE ¼, NE ¼,  
Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

Document Title: Ordinance No. 2018-04  
Grantor's Name: City of Bainbridge Island  
Grantee's Name: Ohrt, Gary & Susan  
Tax Parcel # 272502-1-126-2001

Abbreviated Legal Description:

Parcel C, City of Winslow Short Plat W-53R-1, AFN 8706230220, Portion NE ¼, NE ¼,  
Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

Document Title: Ordinance No. 2018-04  
Grantor's Name: City of Bainbridge Island  
Grantee's Name: Fleischfresser, R & JE  
Tax Parcel # 272502-1-138-2007

Abbreviated Legal Description:

Parcel A, Amended Winslow Short Plat, AFN Nos. 8809010112 & 8811180181, W-18,  
Portion NE ¼, NE ¼, Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

Document Title: Ordinance No. 2018-04  
Grantor's Name: City of Bainbridge Island  
Grantee's Name: Ohrt, Gary & Susan  
Tax Parcel # 272502-1-140-2003

Abbreviated Legal Description:

Parcel C, Amended Winslow Short Plat AFN Nos. 8809010112 & 8811180181, W-18,  
Portion NE ¼, NE ¼, Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

Document Title: Ordinance No. 2018-04  
Grantor's Name: City of Bainbridge Island  
Grantee's Name: Ohrt, Gary & Susan  
Tax Parcel # 272502-1-141-2002

Abbreviated Legal Description:

Parcel D, Amended Winslow Short Plat AFN Nos. 8809010112 & 8811180181, W-18,  
Portion NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

Document Title: Ordinance No. 2018-04  
Grantor's Name: City of Bainbridge Island  
Grantee's Name: Ohrt, Gary & Susan  
Tax Parcel #: 272502-1-066-2003

Abbreviated Legal Description:

Lot A, City of Winslow Short Plat No. W-73, January 9, 1978 AFN 7801090094;  
Portion N  $\frac{1}{2}$ , S  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Sec. 27, T.25N., R.2., W.M.; Except N. 29.41 feet,

Document Title: Ordinance No. 2018-04  
Grantor's Name: City of Bainbridge Island  
Grantee's Name: Ohrt, Gary & Susan  
Tax Parcel #: 272502-1-021-2007

Abbreviated Legal Description:

Portion NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Sec. 27, T.25N., R.2., W.M., Kitsap County, WA.

## **ORDINANCE NO. 2018-04**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, vacating Duane Lane and reserving certain utility and access easements for the benefit of the City.

**WHEREAS**, at its November 28, 2017, meeting, the City Council approved an Agreement for Improvement to Public Trail and Processing of Vacation of Disputed Street (“Agreement”) to resolve a right-of-way dispute between the City and landowners related to Duane Lane in exchange for construction of a public trail connection between Sportsman Club Road and Weaver Road; and

**WHEREAS**, under the terms of the Agreement, the City agreed to initiate a street vacation process related to Duane Lane at the first City Council meeting following the execution of the Agreement; and

**WHEREAS**, the area of Duane Lane proposed to be vacated is legally described on attached Exhibit A and depicted on attached Exhibit B; and

**WHEREAS**, under the terms of the Agreement, if the City Council approves the street vacation, then Ohrt would construct and pay for a trail connection (approximately 449 feet) between two trails, one coming from Sportsman Club Road and the other coming from Weaver Road, and thereby create a constructed trail over 1,200 feet long between these two roads, including a bridge over Hirawaka Creek; and

**WHEREAS**, on December 5, 2017, the City Council adopted Resolution No. 2017-23, initiating a street vacation process and setting a public hearing before the City Council on the proposed street vacation for February 6, 2018; and

**WHEREAS**, the City Council-initiated street vacation procedure is set out in Chapter 12.34 BIMC and Chapter 35.79 RCW; and

**WHEREAS**, City staff posted, published, and mailed notices of the public hearing in accordance with BIMC 12.34.080 and Chapter 35.79 RCW; and

**WHEREAS**, BIMC 12.34.110 authorizes the City Council to retain easements for construction, repair, and maintenance of existing and future utilities and services as well as to condition or limit a street vacation as the City Council deems necessary to preserve any desired public use or benefit; and

**WHEREAS**, the City Council held the public hearing on February 6, 2018, and heard testimony from interested parties, and

**WHEREAS**, the City Council further considered and discussed the proposed street vacation at its meeting on February 13, 2018, and

**WHEREAS**, the City Council has considered the criteria set forth in BIMC 12.34.110 to determine whether to vacate Duane Lane; and

**WHEREAS**, the City Council now desires to vacate Duane Lane.

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

**Section 1. Criteria.**

The City Council has considered the criteria set forth in BIMC 12.34.110 to determine whether to vacate the right-of-way.

**Section 2. Findings.**

The City Council has made the following findings:

- a. The right-of-way for which vacation is sought is surplus to the City's needs.
- b. The vacation of the right-of-way would not impair access to any property or otherwise impinge upon the property rights of the City or any private landowner.

**Section 3. Vacation.**

- a. The portion of right-of-way abutting Tax Lot No. 272502-1-125-2002 and Tax Lot No. 272502-1-138-2007 and as described on Exhibit A (legal description) and depicted on Exhibit B (map), both attached and incorporated by reference, is vacated respectively to Thomas & Gail Cole and R & JE Fleischfresser, and subject to compliance with the provisions of Chapter 12.34 of the Bainbridge Island Municipal Code.
- b. The portion of right-of-way abutting Tax Lot No. 272502-1-126-2001, Tax Lot No. 272502-1-140-2003, Tax Lot No. 272502-1-141-2002, Tax Lot No. 272502-1-066-2003, and Tax Lot No. 272502-021-2007 and as described on Exhibit A (legal description) and depicted on Exhibit B (map), both attached and incorporated by reference, is vacated to Gary & Susan Ohrt, subject to compliance with the provisions of Chapter 12.34 of the Bainbridge Island Municipal Code.

**Section 4. Reservation of Easements.**

The City Council conditions the street vacation on the reservation and retention of the following easements benefiting the City:

- a. A 29.41-foot-wide access and utility easement covering the entirety of the area vacated by this Ordinance from the eastern boundary of Parcel No. 272502-1-138-2007 to the western boundary of the City's right-of-way containing Madison Avenue N.; and

b. A 5.00-foot-wide access and utility easement along the north line of Parcel No. 272502-1-138-2007 from the eastern boundary of the City's right-of-way containing Nakata Avenue SW. to the eastern boundary of Parcel No. 272502-1-138-2007.

**Section 5. Conditions of Approval for Street Vacation.** The vacation of Duane Lane is conditioned upon the grant of a right-of-way consisting of the south 15 feet of parcel number 272502-1-022-2006.

**Section 6. Recording.** The City Clerk is authorized and directed to record a certified copy of this ordinance with the Kitsap County Auditor's office.

**Section 7. Effective Date.** This ordinance shall be effective five (5) days from and after its passage, approval, and publication as required by law.

PASSED by the City Council this 27<sup>th</sup> day of February 2018.

APPROVED by the City Council this 27<sup>th</sup> day of February 2018.



---

Kol Medina, Mayor

**ATTEST/AUTHENTICATE:**



Christine Brown, City Clerk

FILED WITH THE CITY CLERK  
PASSED BY THE CITY COUNCIL  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO:

November 28, 2017  
February 27, 2018  
March 2, 2018  
March 6, 2018  
2018-04

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF RIGHT-OF-WAY VACATION AREA**

The North 29.41 feet of the following described parcel:

That portion of the Northeast quarter of the Northeast quarter of Section 27, Township 25 North, Range 2 East, W.M., described as follows;

Commencing 10 rods North of the Southeast corner of the Southeast quarter of the Northeast quarter of the Northeast quarter;

Thence North 10 rods;

Thence West 40 rods;

Thence South 10 rods;

Thence East 40 rods to the Point of Beginning;

EXCEPT the East 20 feet of the North 29.41 feet;

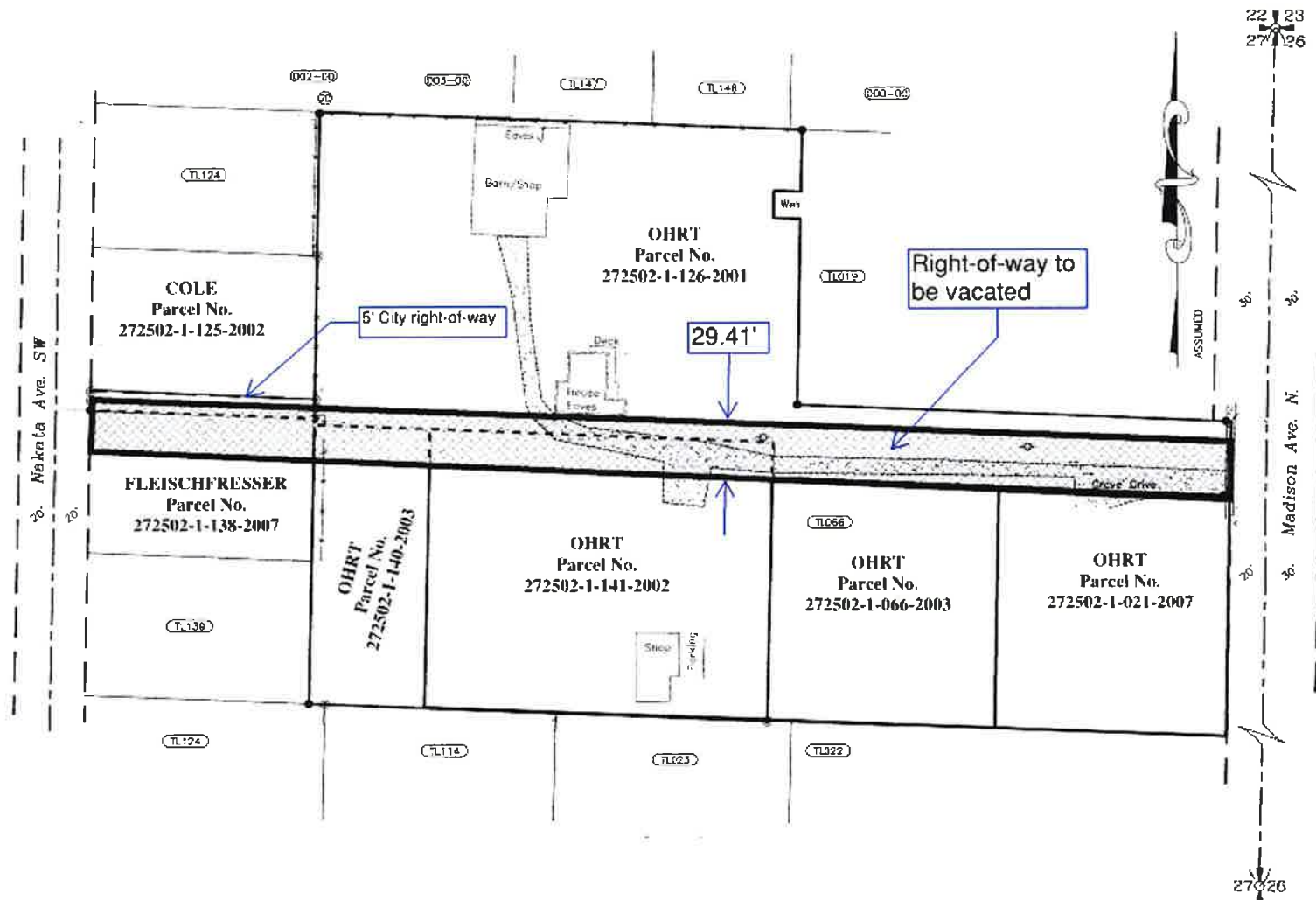


EXHIBIT B

## PUBLIC BENEFIT, DEVELOPMENT AND PERMIT PROCESSING AGREEMENT

(Ohrt, CCHD, Mattis, and City)

THIS PUBLIC BENEFIT, DEVELOPMENT AND PERMIT PROCESSING AGREEMENT (“**Agreement**”) is made and entered into by and between the City of Bainbridge Island, a Washington municipal corporation (“**City**”), Gary and Susan Ohrt, a married couple (“**Ohrt**”), Madison Landings Inc., a Washington corporation (“**Madison Landings Company**”), CCHD LLC, a Washington limited liability company (“**CCHD**”), and Mattis Consulting Group LLC, a Washington limited liability company (“**Mattis**”) (each a “**Party**” and together the “**Parties**”). The effective date (“**Effective Date**”) of this Agreement shall be the date of complete execution hereof.

### RECITALS

- A. Mattis is the consulting company working with DeNova Northwest LLC, a Washington limited liability company (“**DeNova**”) regarding its approved 12-lot preliminary plat subdivision (Project No. PLN50622 SUB) located at 7340 Finch Road NE (“**The Reserve at Winslow**”).
- B. CCHD is the consulting company working with Ohrt, the applicant for the proposed 8-lot Madison Grove subdivision (Project No. PLN50667 SUB) (“**Madison Grove Project**”) and forthcoming townhouse project (PLN50879SPR) (“**Madison Landing**”). Both the Madison Grove Project and Madison Landing will occur on property located between Madison Avenue N. and Nakata Avenue NW in the City of Bainbridge Island. The Madison Grove subdivision is planned to include tax parcels 27250211262001, 27250211402003, 27250211412002, and 27250212142004 (“**Madison Grove Property**”). Madison Landing is planned to include tax parcels 27250210662003, 27250210212007, and 27250210222006 (“**Madison Landing Property**”).
- C. Ohrt is a party to a purchase and sale agreement for the purchase of Kitsap County parcel no. 27250210222006 (the “**Vet Clinic Property**”), which is the southernmost lot of the Madison Landing Property. Ohrt anticipates closing on the Vet Clinic Property on March 21, 2018. Ohrt anticipates conveying the Madison Landing Property to the Madison Landings Company.
- D. Central Highlands Inc., a Washington corporation (“**Central Highlands**”) and Wallace Cottages, LLC, a Washington limited liability company (“**Wallace**”), are proposing a 19-lot preliminary plat subdivision (Project No. PLN50589 SUB) located on tax parcels 27250210232005, 27250211552005, 27250211542006, and 27250211532007 (“**Wallace Cottages**”). Wallace Cottages is proposed to obtain access from the existing right-of-way located at the intersection of Nakata Ave NW, Wallace Way NW and Tauric PL NW (“**Wallace Cottages Wallace Way Access**”). The homeowners in the community adjacent to the Wallace Cottages Wallace Way Access objected to authorizing access through their neighborhood and requested that Central Highlands find a way to obtain primary access from Madison Avenue (“**Wallace Cottages Madison Avenue Access**”). The Wallace Cottages property includes a lot that connects to Madison Avenue but the

portion of that property that connects to Madison Avenue is only 15 feet wide and therefore is not wide enough to provide the desired Wallace Cottages Madison Avenue Access.

- E. The City, Ohrt, CCHD, and Mattis are parties to that certain Agreement for Improvement to Public Trail and Processing of Vacation of Disputed Street, dated December 1, 2017 (the “**Trail Connection Agreement**”). The Trail Connection Agreement was entered into, in part, to resolve a dispute between the parties thereto regarding whether a right-of-way (the “**Disputed Street**”) exists on the Madison Grove Property. Among other things, the Trail Connection Agreement provides that the City would process a street vacation for the Disputed Street and, in exchange, Ohrt, CCHD and Mattis would waive their potential claims against the City and Ohrt would construct certain public trail improvements which would result in a continuous public trail system between Sportsman Club Road and Weaver Road (“**Public Trail Connection**”), which trail would include a bridge over Hirawaka Creek.
- F. The City approved the street vacation in City Ordinance No. 2018-04 (“**Vacation Ordinance**”) within the initial time required by the Trail Connection Agreement but, in doing so, imposed a condition on the vacation. The ordinance provides that the vacation is effective upon the satisfaction of the following condition: “The vacation of [the Disputed Street] is conditioned upon the grant of a right-of-way consisting of the south 15 feet of parcel number 272502-1-022-2006.” In imposing the condition, the City Council indicated that the public benefit related to the vacation of Duane Lane would best be served if Ohrt granted sufficient right-of-way to allow Central Highlands and Wallace to achieve the Wallace Cottages Madison Avenue Access described in Recital D above.
- G. Ohrt’s Madison Landing already has been designed and building permits have been submitted. If Ohrt granted the right-of-way requested by the City in the Vacation Ordinance, then Ohrt would need to redesign Madison Landing at a significant additional cost, which Ohrt estimates to be more than \$100,000. To incentivize Ohrt to enter into this Agreement, the City and Central Highlands have proposed certain terms under which Ohrt’s additional project costs would be mitigated.
- H. Ohrt, CCHD, and Mattis are entering into this Agreement in order to effectuate the vacation of the Disputed Street and resolve and fully consummate the Trail Connection Agreement, as well as to mitigate their losses and provide for certain assurances regarding the processing of permits and for clear permit processing timelines for Madison Grove, The Reserve at Winslow and Madison Landing.
- I. Central Highlands, Wallace and Madison are entering into a separate agreement with Ohrt, CCHD, and Mattis titled “Madison Avenue Access Agreement” (“**Madison Avenue Access Agreement**”). The Madison Avenue Access Agreement is intended to achieve the construction and use of the Wallace Cottages Wallace Way Access.
- J. Central Highlands, Wallace and Madison are entering into another separate agreement with the City titled “Central Highlands Permit Processing Agreement” (“**Central Highlands Permit Processing Agreement**”). The Central Highlands Permit Processing

Agreement is intended to resolve the City's concerns and the neighbors' concerns regarding the Wallace Cottages Wallace Way Access, as well as mitigate their losses and provide for certain assurances regarding the processing of permits and for clear permit processing timelines for Wallace.

- K. The City is entering into this Agreement and the Central Highlands Permit Processing Agreement to achieve certain public benefits, including the completion of the Public Trail Connection, the release of potential claims by Ohrt, CCHD, Mattis, and to achieve the Wallace Cottages Madison Avenue Access desired by the City and the neighborhood.
- L. The Parties are entering into this Agreement to set forth the terms and conditions under which the issues described above shall be resolved to their mutual satisfaction.

### AGREEMENT

NOW THEREFORE, in consideration of the mutual promises and considerations set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Madison Avenue Access. Pursuant to the Madison Avenue Access Agreement, Central Highlands, Wallace, CCHD, Ohrt, and the Madison Landings Company have agreed to process a boundary line adjustment to incorporate the eastern panhandle portion of Kitsap County parcel no. 272502-1-023-2005 (approximately the eastern 240 feet thereof) (the "**Panhandle**") into the Vet Clinic Property, and CCHD, Ohrt and the Madison Landings Company have agreed to grant a thirty (30) foot right-of-way (the "**ROW Property**") over the south boundary of the Vet Clinic Property (as enlarged by inclusion of the Panhandle via the boundary line adjustment). The City shall process a boundary line adjustment prior to the vacation of the Disputed Street, which shall incorporate into the Madison Landing Property those portions of Kitsap County parcel no. 272502-1-126-2001 and 272502-1-214-2004 that are zoned Madison Avenue District ("**Duane Lane BLA Property**"). The boundary line adjustments involving the ROW Property and the Duane Lane BLA Property may be included in the same application or applications submitted together. Prior to the vacation of the Disputed Street and prior to or after the dedication of a right-of-way on the ROW Property, the City shall allow Madison Landing to include the ROW Property and the Duane Lane BLA Property in its calculation of the floor area ratio for Madison Landing. The City agrees that the ROW Property, once dedicated, shall be sufficient to serve both Wallace Cottages and Madison Landing, and no additional right-of-way shall be required for the Madison Landing project. The City shall not require stormwater detention related to the ROW Property to occur within the ROW Property or within the Madison Landing Property; provided that a bioretention system may be located within the portion of the roadway located on the ROW Property. The City shall require setbacks no greater than 7.5 feet on the Madison Landing Property from the ROW Property and from any right-of-way along the north boundary of the Madison Landing Property. If the applicant applies for a variance to authorize a 5-foot setback from such adjacent rights-of-way, then the City shall support such variance application throughout the City's variance processing procedures.

2. City Confirmation Regarding Vested Rights. The City hereby confirms that the City's Moratorium Ordinance (Ord. No. 2018-05, as amended by Ord. No. 2018-09) and the

City's newly adopted Critical Areas Ordinance (Ord. No. 2018-01) do not and will not apply to The Reserve at Winslow, Madison Grove Project, and Madison Landing, and future building permits related thereto, because pursuant to state law said projects became vested to the applicable regulations in effect at the time of submitting a complete preliminary plat application and/or complete building permit applications, as applicable. The City further confirms that the projects described in this Section 2 shall remain vested despite any revision to the Madison Landing Project or its associated building permits resulting from actions necessary or convenient to provide the Wallace Cottages Madison Avenue Access.

3. City Waiver of Transportation Impact Fees. The City shall waive and not require any payment of transportation impact fees associated with Madison Grove and Madison Landing.

4. City Permit Processing. The City shall process the permits and approvals for the following projects as stated in this Section 4. All review times stated below shall commence on the later of the execution date of this agreement, submittal date, or resubmittal date.

**Important Note:** Regarding the timelines to follow in this Section 4:

The City's commitments (including timelines) are predicated on timely submittal of complete new or revised documentation from the applicant. City staff do not control the recommendations or action that will be taken by the DRB or the Planning Commission, including the availability of those bodies for meetings and the number of meetings those bodies regard as necessary as part of their consideration of subject projects.

a. The Reserve at Winslow.

- i. Section 2(a) of that certain Agreement Regarding Permit Processing by and between Ohrt, CCHD, Mattis and the City dated March 8, 2018, is adopted by this reference as if fully set forth herein, and is hereby ratified and affirmed.
- ii. The City shall complete its reviews and provide its response to the applicant for all building permits submitted for lots within The Reserve at Winslow within thirty (30) days of submission of a fully completed building permit application. The City shall complete its reviews and provide its response to the applicant within fourteen (14) days of receiving from the applicant a response to a correction notice.
- iii. Building Permit BLD22874 (lot 7 of The Reserve at Winslow) shall be allowed to submit a new plan and site plan and use the current fees for the revised plan. The City has not yet begun to review the current plan. The City's review of the new plan shall be subject to the 30-day and 14-day review timeline described in Section 5(a)(ii) above.

b. Madison Grove.

- i. Section 2(b) of that certain Agreement Regarding Permit Processing by and between Ohrt, CCHD, Mattis and the City dated March 8,

2018, is adopted by this reference as if fully set forth herein, and is hereby ratified and affirmed.

- ii. The boundary line adjustment filed under Project Number PLN51005 shall be processed on an expedited basis and approved for recording within fourteen (14) days of submittal of the required documents, if the requested BLA is found to be in compliance with the required criteria.
- iii. The City shall schedule a preliminary plat hearing date with the Hearing Examiner as soon as practicable and shall make best efforts to schedule such hearing no later than April 20, 2018.
- iv. Public Works review and comments including bond quantity amounts, permit fees, and related matters shall be ready within fourteen (14) days of the Hearing Examiner's preliminary plat decision and shall allow construction to start as soon as possible upon the City obtaining the required bonds, fees, and agreements. However, if the Hearing Examiner's decision includes conditions that require changes to the civil improvement drawings, the 14-day period will commence at the time of resubmittal of the revised civil improvement drawings to the City. The City shall allow construction to start as soon as possible upon the City obtaining the required bonds, fees, and agreements.
- v. The City shall complete its reviews and provide its response to the applicant for all building permits submitted for lots within Madison Grove within thirty (30) days of submission of a fully completed building permit application. The City shall complete its reviews and provide its response to the applicant within fourteen (14) days of receiving from the applicant a response to a correction notice.
- vi. The applicant for those certain current Building Permits (BLD22875 Lot 1), (BLD22876 Lot 7) and (BLD22877 Lot 8) shall be allowed to submit a new plan and site plan and use the current fees for the revised plan. The City has not yet begun to review the current plans. The City's review of the new plans shall be subject to the 30-day and 14-day review timeline described in Section 5(b)(v) above.

c. Madison Landing.

- i. The City shall process to approval as soon as possible the boundary line adjustment involving the Panhandle, as described in Section 1 of this Agreement. The City shall approve the boundary line adjustment for recording within fourteen (14) days of receiving the documents required for such approval, if the requested BLA is found to be in compliance with the required criteria.
- ii. Site Plan Review
  - A. If Ohrt submits complete revised site plan drawings to the City to adjust the building location, open space, and site access regarding the Madison Landing project by March 23, 2018, review by the Design Review Board ("DRB") will be scheduled for April 2, 2018, subject to the DRB's availability.

- iii. If the DRB makes their recommendation on April 2, 2018, City staff will schedule the project for Planning Commission consideration at the Planning Commission's May 10, 2018, meeting, subject to Planning Commission availability.
  - A. Within ten (10) days of the Planning Commission recommendation, the Director of Planning and Community Development will consider the revised Site Development Permit and will approve the permit if it meets all of the requirements applicable to such permits.
  - B. The City (Public Works) shall complete review of civil drawings and provide comments to the applicant within fourteen (14) days of submittal. The City shall complete its reviews and provide its response to the applicant within fourteen (14) days of receiving from the applicant a response to a correction notice.
  - C. Current Building and Site Development Permits currently submitted will need to be re-submitted. Such resubmittal shall not result in the waiver or loss of any vested rights previously obtained.
  - D. Once revised building permit drawings have been submitted, the City shall complete its reviews and provide its response to the applicant for all building permits submitted within thirty (30) days of submission of a fully completed building permit application. The City shall complete its reviews and provide its response to the applicant within fourteen (14) days of receiving from the applicant a response to a correction notice.
- iv. Applicant shall be authorized to re-grade the twenty-foot (20') open space buffer along the western boundary of the Madison Landing Property to accommodate the revised site plan. There are no trees to be retained within the buffer except for two (2) fir trees on the southwest corner which will be removed during construction of the new right-of-way on the ROW Property. The twenty-foot (20') buffer will be replanted to achieve the appropriate screening.
- v. The City shall not require more than the minimum code-required number of parking stalls per unit.

5. Severability. If any clause, sentence, paragraph, section or part of this Agreement shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part of this Agreement and to this end the provisions of each clause, sentence, paragraph, section or part of this Agreement are hereby declared to be severable.

6. Relationship to Other Agreements. The default by Central Highlands or Wallace under the Madison Avenue Access Agreement shall not excuse the performance of an obligation under this Agreement.

7. Cooperation. The Parties agree to cooperate and work together in good faith and without delay to take the actions and issue the approvals described in this Agreement.

8. Attorneys' Fees. In any court proceeding brought to enforce or interpret this Agreement, the substantially prevailing party (as determined by the court) shall recover from the other party its costs and reasonable attorneys' fees, including costs and fees on appeal.

9. Governing Law. This Agreement shall be governed and interpreted in accordance with the laws of the State of Washington. In any action brought to enforce or interpret the provisions of this Agreement, venue shall be exclusively in Kitsap County Superior Court.

10. Time. Time is of the essence for all provisions of this Agreement.

11. Headings. The headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.

12. Binding Effect. This Agreement shall be binding on and inure to the benefit of the parties and their respective successors and assigns.

13. Entire Agreement; Amendment. This Agreement represents the entire agreement of the Parties and supersedes any prior communications, written or oral. This Agreement is the product of negotiation and shall not be construed against either party as the drafter hereof. No amendment, modification, or waiver of any rights hereunder shall be binding unless in writing and signed by the party or parties potentially adversely affected hereby.

14. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one instrument.

15. Authority. Each party signing this Agreement, whether signing individually or on behalf of an entity, represents that he/she has full authority to sign this Agreement on behalf of himself/herself or such entity.

16. Calculation of Time. Unless clearly stated otherwise in this Agreement, all references to days shall be to calendar days, not business days.

17. Notices. All notices, requests, and other communications that may be or are required to be given hereunder or with respect hereto shall be in writing and shall be given by overnight delivery service and by electronic mail, and shall be deemed to have been given on the next day following the date such notice was sent by overnight delivery service. Such notices, requests, and other communications shall be addressed as follows:

If to **Ohrt, CCHD, Madison Landings Company** or **Mattis:**

Randall P. Olsen  
Cairncross & Hempelmann, P.S.  
524 Second Ave., Suite 500  
Seattle, WA 98104-2323  
Phone: 206-254-4418  
Email: rolsen@cairncross.com

With a copy via email to:

Todd McKittrick  
Email: todd@millennialbuilders.com

If to **City:**

Joe Levan  
City Attorney, City of Bainbridge Island  
280 Madison Ave. N  
Bainbridge Island, WA 98110  
(206) 780-8622  
Email: jlevan@bainbridge.wa.gov

With a copy via email to:

Doug Schulze  
City Manager, City of Bainbridge Island  
Email: dschulze@bainbridgewa.gov

*[Signature Pages Follow]*

EXECUTED by the Parties on the dates set forth below.

**CITY:**

The City of Bainbridge Island, a  
Washington municipal corporation

By:   
Print name: **DOUGLAS SCHULZE**  
Its: **CITY MANAGER**  
Date signed: **3/15/18**

**OHRT:**

Gary and Susan Ohrt, a married couple

  
Gary Ohrt  
Date signed: **03/15/2018**

**MADISON LANDINGS COMPANY:**

**Madison Landings Inc.,** a  
Washington corporation

By:   
Print name:  
Its:

  
Susan Ohrt  
Date signed: **03/15/2018**

**CCHD:**

CCHD, a Washington limited liability  
company

By:   
Print name: **Lanya McKittrick**  
Its: Manager  
Date signed: **03/15/2018**

**MATTIS:**

Mattis, a Washington limited liability  
company

By:   
Print name: **Todd McKittrick**  
Its: Manager  
Date signed: **03/15/2018**

## PUBLIC BENEFIT, DEVELOPMENT AND PERMIT PROCESSING AGREEMENT

### (Central Highlands, Wallace, Madison, and City)

THIS PUBLIC BENEFIT, DEVELOPMENT AND PERMIT PROCESSING AGREEMENT (“**Agreement**”) is made and entered into by and between the City of Bainbridge Island, a Washington municipal corporation (“**City**”), Central Highlands Inc., a Washington corporation (“**Central Highlands**”), Wallace Cottages, LLC, a Washington limited liability company (“**Wallace**”), and Madison Place, LLC, a Washington limited liability company (“**Madison**”) (each a “**Party**” and together the “**Parties**”). The effective date (“**Effective Date**”) of this Agreement shall be the date of complete execution hereof.

### RECITALS

- A. Central Highlands and Wallace are proposing a 19-lot preliminary plat subdivision (Project No. PLN50589 SUB) located on tax parcels 27250210232005, 27250211552005, 27250211542006, and 27250211532007 (“**Wallace Cottages**”). Wallace Cottages is proposing to obtain access from the existing right-of-way located at the intersection of Nakata Ave NW, Wallace Way NW, and Taurnic PL NW (“**Wallace Cottages Wallace Way Access**”). The homeowners in the community adjacent to the Wallace Cottages Wallace Way Access objected to authorizing access through their neighborhood and requested that Central Highlands find a way to obtain primary access from Madison Avenue (“**Wallace Cottages Madison Avenue Access**”). The Wallace Cottages property includes a lot that connects to Madison Avenue but the portion of that property that connects to Madison Avenue is only 15 feet wide and therefore is not wide enough to provide the desired Wallace Cottages Madison Avenue Access.
- B. Central Highlands and Madison are proposing an 18-lot preliminary plat subdivision (Project No. PLN50892 SUB) located on tax parcel 27250210602009 (“**Madison Place**”).
- C. Mattis Consulting Group LLC, a Washington limited liability company (“**Mattis**”), is the consulting company working with DeNova Northwest LLC, a Washington limited liability company (“**DeNova**”) regarding its approved 12-lot preliminary plat subdivision (Project No. PLN50622 SUB) located at 7340 Finch Road NE (“**The Reserve at Winslow**”).
- D. CCHD LLC, a Washington limited liability company (“**CCHD**”), is the consulting company working with Gary and Susan Ohrt, a married couple (“**Ohrt**”), the applicants for the proposed 8-lot Madison Grove subdivision (Project No. PLN50667 SUB) (“**Madison Grove Project**”) and the forthcoming townhouse project (PLN50879SPR) (“**Madison Landing**”). Both the Madison Grove Project and Madison Landing will occur on property located between Madison Avenue N. and Nakata Avenue NW in the City of Bainbridge Island. The Madison Grove subdivision is planned to include tax parcels 27250211262001, 27250211402003, 27250211412002, and 27250212142004 (“**Madison Grove Property**”). Madison Landing is planned to include tax parcels 27250210662003, 27250210212007, and 27250210222006 (“**Madison Landing Property**”).

- E. Ohrt is a party to a purchase and sale agreement for the purchase of Kitsap County parcel no. 27250210222006 (the “**Vet Clinic Property**”), which is the southernmost lot of the Madison Landing Property. Ohrt anticipates closing on the Vet Clinic Property on March 21, 2018. Ohrt anticipates conveying the Madison Landing Property to Madison Landings Inc., a Washington corporation (“**Madison Landings Company**”).
- F. The City, Ohrt, CCHD, and Mattis are parties to that certain Agreement for Improvement to Public Trail and Processing of Vacation of Disputed Street, dated December 1, 2017 (the “**Trail Connection Agreement**”). The Trail Connection Agreement was entered into, in part, to resolve a dispute between the parties thereto regarding whether a right-of-way (the “**Disputed Street**”) exists on the Madison Grove Property. Among other things, the Trail Connection Agreement provides that the City would process a street vacation for the Disputed Street and, in exchange, Ohrt, CCHD, and Mattis would waive their potential claims against the City and Ohrt would construct certain public trail improvements which would result in a continuous public trail system between Sportsman Club Road and Weaver Road (“**Public Trail Connection**”), which trail would include a bridge over Hirawaka Creek.
- G. The City approved the street vacation in City Ordinance No. 2018-04 (“**Vacation Ordinance**”) within the initial time required by the Trail Connection Agreement but, in doing so, imposed a condition on the vacation. The ordinance provides that the vacation is effective upon the satisfaction of the following condition: “The vacation of [the Disputed Street] is conditioned upon the grant of a right-of-way consisting of the south 15 feet of parcel number 272502-1-022-2006.” In imposing the condition, the City Council indicated that the public benefit related to the vacation of Duane Lane would best be served if Ohrt granted sufficient right-of-way to allow Central Highlands and Wallace to achieve the Wallace Cottages Madison Avenue Access described in Recital A above.
- H. Central Highlands, Wallace, and Madison are entering into this Agreement to resolve the City’s concerns and the neighbors’ concerns regarding the Wallace Cottages Wallace Way Access, as well as mitigate their losses and provide for certain assurances regarding the processing of permits and for clear permit processing timelines for Wallace Cottages and Madison Place.
- I. Central Highlands and Wallace are entering into a separate agreement with Ohrt, Madison Landings and CCHD titled “MADISON AVENUE ACCESS AGREEMENT” and dated March 16, 2018 (“**Madison Avenue Access Agreement**”). The Madison Avenue Access Agreement is intended to achieve the construction and use of the Wallace Cottages Wallace Way Access.
- J. Ohrt, Madison Landings, CCHD, and Mattis are entering into another separate agreement with the City titled “PUBLIC BENEFIT, DEVELOPMENT AND PERMIT PROCESSING AGREEMENT” dated March 15, 2018 (“**Ohrt Permit Processing Agreement**”), in order to effectuate the vacation of the Disputed Street and resolve and fully consummate the Trail Connection Agreement, as well as to mitigate their losses and provide for certain assurances regarding the processing of permits and for clear permit processing timelines for Madison Grove, The Reserve at Winslow, and Madison Landing.

- K. The City is entering into this Agreement and the Ohrt Permit Processing Agreement to achieve certain public benefits, including the completion of the Public Trail Connection, the release of potential claims by Ohrt, CCHD, Mattis, Central Highlands, Wallace, and Madison, and to achieve the Wallace Cottages Madison Avenue Access desired by the City and the neighborhood.
- L. The Parties are entering into this Agreement to set forth the terms and conditions under which the issues described above shall be resolved to their mutual satisfaction.

## **AGREEMENT**

NOW THEREFORE, in consideration of the mutual promises and considerations set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Madison Avenue Access. Pursuant to the Madison Avenue Access Agreement, Central Highlands, Wallace, CCHD, Ohrt, and the Madison Landings Company have agreed to process a boundary line adjustment to incorporate the eastern panhandle portion of Kitsap County parcel no. 272502-1-023-2005 (approximately the eastern 240 feet thereof) (the **“Panhandle”**) into the Vet Clinic Property, and CCHD, Ohrt and the Madison Landings Company have agreed to grant a thirty (30) foot right-of-way (the **“ROW Property”**) over the south boundary of the Vet Clinic Property (as enlarged by inclusion of the Panhandle via the boundary line adjustment). The City shall process a boundary line adjustment prior to the vacation of the Disputed Street, which shall incorporate into the Madison Landing Property those portions of Kitsap County parcel no. 272502-1-126-2001 and 272502-1-214-2004 that are zoned Madison Avenue District (**“Duane Lane BLA Property”**). The boundary line adjustments involving the ROW Property and the Duane Lane BLA Property may be included in the same application or applications submitted together. Prior to the vacation of the Disputed Street and prior to or after the dedication of a right-of-way on the ROW Property, the City shall allow Madison Landing to include the ROW Property and the Duane Lane BLA Property in its calculation of the floor area ratio for Madison Landing. The City agrees that the ROW Property, once dedicated, shall be sufficient to serve both Wallace Cottages and Madison Landing, and no additional right-of-way shall be required for the Madison Landing project. The City shall not require stormwater detention related to the ROW Property to occur within the ROW Property or within the Madison Landing Property; provided that a bioretention system may be located within the portion of the roadway located on the ROW Property. The City shall require setbacks no greater than 7.5 feet on the Madison Landing Property from the ROW Property and from any right-of-way along the north boundary of the Madison Landing Property. If the applicant applies for a variance to authorize a 5-foot setback from such adjacent rights-of-way, then the City shall support such variance application throughout the City’s variance processing procedures.

2. City Confirmation Regarding Vested Rights. The City hereby confirms that the City’s Moratorium Ordinance (Ord. No. 2018-05, as amended by Ord. No. 2018-09) and the City’s newly adopted Critical Areas Ordinance (Ord. No. 2018-01) do not and will not apply to Wallace Cottages and Madison Place, and future building permits related thereto, because pursuant to state law said projects became vested to the applicable regulations in effect at the time of submitting a complete preliminary plat application and/or complete building permit

applications, as applicable. The City further confirms that the projects described in this Section 2 shall remain vested despite any revisions resulting from actions necessary or convenient to provide the Wallace Cottages Madison Avenue Access.

3. City Waiver of Transportation Impact Fees. The City shall waive and not require any payment of transportation impact fees associated with Wallace Cottages.

4. City Permit Processing. The City shall process the permits and approvals for the following projects as stated in this Section 4. All review times stated below shall commence on the later of the execution date of this Agreement, submittal date, or resubmittal date.

**Important Note:** Regarding the timelines to follow in this Section 4:

The City's commitments (including timelines) are predicated on timely submittal of complete new or revised documentation from the applicant. City staff do not control the recommendations or action that will be taken by the Planning Commission or the Hearing Examiner, including the availability of those bodies for meetings and the number of meetings those bodies regard as necessary as part of their consideration of subject projects.

a. Wallace Cottages.

- i. Within seven (7) days after the execution of this Agreement, City staff will communicate to the Planning Commission that this Agreement has been executed and that terms in the Agreement could potentially affect the Planning Commission's consideration regarding the Wallace Cottages project, to the extent that the Commission's decision was based on concerns about access to Madison Avenue.
- ii. City staff will schedule a preliminary plat hearing date with the Hearing Examiner as soon as practicable and shall make best efforts to schedule such hearing no later than May 4, 2018.
- iii. Public Works review and comments including bond quantity amounts, permit fees, and related matters shall be ready within fourteen (14) days of the Hearing Examiner's preliminary plat decision and shall allow construction to start as soon as possible upon the City obtaining the required bonds, fees, and agreements. However, if the Hearing Examiner's decision includes conditions that require changes to the civil improvement drawings, the 14-day period will commence at the time of resubmittal of the revised civil improvement drawings to the City. The City shall allow construction to start as soon as possible upon the City obtaining the required bonds, fees, and agreements.
- iv. The City shall complete its reviews and provide its response to the applicant for all building permits submitted for lots within Wallace Cottages within thirty (30) days of submission of a fully completed building permit application. The City shall complete its reviews and provide its response to the applicant within fourteen (14) days of receiving from the applicant a response to a correction notice.

b. Madison Place.

- i. Following the execution of this Agreement, City staff will schedule the Madison Place project for Planning Commission consideration at the Planning Commission's April 26, 2018, meeting, subject to Planning Commission availability.
- ii. The City (Public Works) shall complete review of civil drawings and provide comments to the applicant within fourteen (14) days of submittal. The City shall complete its reviews and provide its response to the applicant within fourteen (14) days of receiving from the applicant a response to a correction notice.
- iii. The City will schedule a preliminary plat hearing date with the Hearing Examiner as soon as practicable and shall make best efforts to schedule such hearing no later than May 18, 2018.
- iv. Public Works review and comments including bond quantity amounts, permit fees, and related matters shall be ready within fourteen (14) days of the Hearing Examiner's preliminary plat decision and shall allow construction to start as soon as possible upon the City obtaining the required bonds, fees, and agreements. However, if the Hearing Examiner's decision includes conditions that require changes to the civil improvement drawings, the 14-day period will commence at the time of resubmittal of the revised civil improvement drawings to the City. The City shall allow construction to start as soon as possible upon the City obtaining the required bonds, fees, and agreements.
- v. The City shall complete its reviews and provide its response to the applicant for all building permits submitted for lots within Wallace Cottages within thirty (30) days of submission of a fully completed building permit application. The City shall complete its reviews and provide its response to the applicant within fourteen (14) days of receiving from the applicant a response to a correction notice.

5. Severability. If any clause, sentence, paragraph, section, or part of this Agreement shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part of this Agreement and to this end the provisions of each clause, sentence, paragraph, section, or part of this Agreement are hereby declared to be severable.

6. Relationship to Other Agreements. The default by Ohrt, Madison Landings, and/or CCHD under the Madison Avenue Access Agreement shall not excuse the performance of an obligation under this Agreement, including, without limitation, the City's obligation to make best efforts to schedule the Hearing Examiner hearings for Wallace Cottages and Madison Place on or before the specified dates, subject to the Hearing Examiner's availability.

7. Cooperation. The Parties agree to cooperate and work together in good faith and without delay to take the actions and issue the approvals described in this Agreement.

8. Attorneys' Fees. In any court proceeding brought to enforce or interpret this Agreement, the substantially prevailing party (as determined by the court) shall recover from the other party its costs and reasonable attorneys' fees, including costs and fees on appeal.

9. Governing Law. This Agreement shall be governed and interpreted in accordance with the laws of the State of Washington. In any action brought to enforce or interpret the provisions of this Agreement, venue shall be exclusively in Kitsap County Superior Court.

10. Time. Time is of the essence for all provisions of this Agreement.

11. Headings. The headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.

12. Binding Effect. This Agreement shall be binding on and inure to the benefit of the parties and their respective successors and assigns.

13. Entire Agreement; Amendment. This Agreement represents the entire agreement of the Parties and supersedes any prior communications, written or oral. This Agreement is the product of negotiation and shall not be construed against either party as the drafter hereof. No amendment, modification, or waiver of any rights hereunder shall be binding unless in writing and signed by the party or parties potentially adversely affected hereby.

14. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one instrument.

15. Authority. Each party signing this Agreement, whether signing individually or on behalf of an entity, represents that he/she has full authority to sign this Agreement on behalf of himself/herself or such entity.

16. Calculation of Time. Unless clearly stated otherwise in this Agreement, all references to days shall be to calendar days, not business days.

17. Notices. All notices, requests, and other communications that may be or are required to be given hereunder or with respect hereto shall be in writing and shall be given by overnight delivery service and by electronic mail, and shall be deemed to have been given on the next day following the date such notice was sent by overnight delivery service. Such notices, requests, and other communications shall be addressed as follows:

If to **Central Highlands, Wallace, or Madison:**

Hayes Gori  
Law Office of Hayes Gori, PLLC  
271 Wyatt Way NE, #112  
Bainbridge Island, WA 98110  
Phone: 206-842-6462  
Email: hayes@hayesthelawyer.com

With a copy via email to:

David Smith  
Email: smithhouse4@comcast.net

If to **City**:

Joe Levan  
City Attorney, City of Bainbridge Island  
280 Madison Ave. N  
Bainbridge Island, WA 98110  
(206) 780-8622  
Email: jlevan@bainbridge.wa.gov

With a copy via email to:

Doug Schulze  
City Manager, City of Bainbridge Island  
Email: dschulze@bainbridgewa.gov

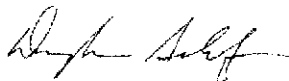
***[Signature Pages Follow]***

EXECUTED by the Parties on the dates set forth below.

**CITY:**

The City of Bainbridge Island, a  
Washington municipal corporation

By:



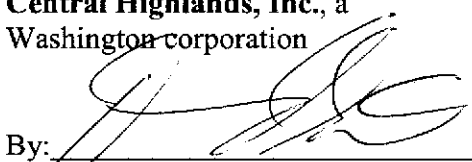
Print name: Douglas Schulze  
Its: City Manager

Date signed: March 16, 2018

**CENTRAL HIGHLANDS:**

Central Highlands, Inc., a  
Washington corporation

By:

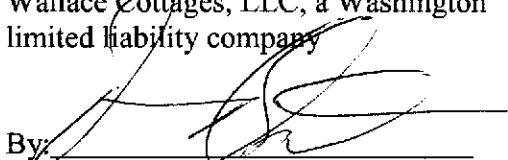
  
Print name: David Smith  
Its: President

Date signed: 3-16-18

**WALLACE:**

Wallace Cottages, LLC, a Washington  
limited liability company

By:

  
Print name: David Smith  
Its: Manager

Date signed: 3-16-2018

**MADISON:**

Madison Place, LLC, a Washington  
limited liability company

By:

  
Print name: David Smith  
Its: Manager

Date signed: 3-16-2018

## MADISON AVENUE ACCESS AGREEMENT

### (Ohrt, Madison Landings Company, CCHD, Central Highlands, and Wallace Cottages)

THIS MADISON AVENUE ACCESS AGREEMENT (“**Agreement**”) is made and entered into by and between Gary and Susan Ohrt, a married couple (“**Ohrt**”), Madison Landings Inc., a Washington corporation (“**Madison Landings Company**”), Central Highlands Inc., a Washington corporation (“**Central Highlands**”), Wallace Cottages, LLC, a Washington limited liability company (“**Wallace**”), and CCHD LLC, a Washington limited liability company (“**CCHD**”) (each a “**Party**” and together the “**Parties**”). The effective date (“**Effective Date**”) of this Agreement shall be the date of complete execution hereof.

### RECITALS

- A. CCHD is the consulting company working with Ohrt, the applicant for the proposed 8-lot Madison Grove subdivision (Project No. PLN50667 SUB) (“**Madison Grove Project**”) and forthcoming townhouse project (PLN50879SPR) (“**Madison Landing**”). Both the Madison Grove Project and Madison Landing will occur on property located between Madison Avenue N. and Nakata Avenue NW in the City of Bainbridge Island. The Madison Grove subdivision is planned to include tax parcels 27250211262001, 27250211402003, 27250211412002, and 27250212142004 (“**Madison Grove Property**”). Madison Landing is planned to include tax parcels 27250210662003, 27250210212007, and 27250210222006 (“**Madison Landing Property**”).
- B. Ohrt is a party to a purchase and sale agreement for the purchase of Kitsap County parcel no. 27250210222006 (the “**Vet Clinic Property**”), which is the southernmost lot of the Madison Landing Property. Ohrt anticipates closing on the Vet Clinic Property on March 21, 2018. Ohrt anticipates conveying the Madison Landing Property to the Madison Landings Company.
- C. Central Highlands and Wallace are proposing a 19-lot preliminary plat subdivision (Project No. PLN50589 SUB) located on tax parcels 27250210232005, 27250211552005, 27250211542006, and 27250211532007 (“**Wallace Cottages**”). Wallace Cottages is proposed to take access from the existing right-of-way located at the intersection of Nakata Ave NW, Wallace Way NW and Taurnic PL NW (“**Wallace Cottages Wallace Way Access**”). The homeowners in the community adjacent to the Wallace Cottages Wallace Way Access vociferously objected to authorizing access through their neighborhood and requested that Central Highlands find a way to take primary access from Madison Avenue (“**Wallace Cottages Madison Avenue Access**”). The Wallace Cottages property includes a lot that connects to Madison Avenue but the portion of that property that connects to Madison Avenue is only 15 feet wide and therefore is not wide enough to provide the desired Wallace Cottages Madison Avenue Access.
- D. The City of Bainbridge Island (“**City**”), Ohrt, CCHD, and Mattis Consulting Group, a Washington limited liability company (“**Mattis**”) are parties to that certain Agreement for Improvement to Public Trail and Processing of Vacation of Disputed Street, dated December 1, 2017 (the “**Trail Connection Agreement**”). The Trail Connection

Agreement was intended to resolve a dispute between the parties thereto regarding whether a right-of-way (the “**Disputed Street**”) exists or does not exist on the Madison Grove Property. Among other things, the Trail Connection Agreement provided that the City would process a street vacation for the Disputed Street and, in exchange, Ohrt, CCHD and Mattis would waive their potential claims against the City and Ohrt would construct certain public trail improvements which would result in a continuous public trail system between Sportsman Club Road and Weaver Road (“**Public Trail Connection**”), which trail would include a bridge over Hirawaka Creek.

- E. The City did not approve the street vacation within the initial time required by the Trail Connection Agreement. Instead, the City approved City Ordinance No. 2018-04 (“**Vacation Ordinance**”), which provides approval of the street vacation if the following condition is met: “The vacation of [the Disputed Street] is conditioned upon the grant of a right-of-way consisting of the south 15 feet of parcel number 272502-1-022-2006.” The right-of-way grant stated in the condition is intended to force Ohrt to grant sufficient right-of-way to allow Central Highlands and Wallace to achieve the Wallace Cottages Madison Avenue Access described in Recital C above.
- F. There is no legal requirement for Ohrt to grant a right-of-way or otherwise solve Central Highlands’ access issue. Ohrt’s Madison Landing already has been designed and building permits have been submitted. If Ohrt granted the right-of-way requested by the City in the Vacation Ordinance, then Ohrt would need to redesign Madison Landing at an additional cost of more than \$100,000. To incentivize Ohrt to enter into this Agreement, the City and Central Highlands have proposed certain terms under which Ohrt’s additional project costs would be mitigated.
- G. Ohrt, CCHD, the Madison Landings Company, Central Highlands and Wallace are entering into this Agreement to achieve the construction and use of the Wallace Cottages Madison Avenue Access as described herein.
- H. Ohrt, CCHD, Mattis and the City of Bainbridge Island (“**City**”) have entered into a separate agreement titled “Public Benefit, Development and Permit Processing Agreement” dated March 15, 2018 (“**Ohrt Permit Processing Agreement**”) in order to effectuate the vacation of the Disputed Street and resolve and fully consummate the Trail Connection Agreement, as well as to mitigate their losses and provide for certain assurances regarding the processing of permits and for clear permit processing timelines for Madison Grove, the approved 12-lot preliminary plat subdivision (Project No. PLN50622 SUB) located at 7340 Finch Road NE (“**The Reserve at Winslow**”), and Madison Landing.
- I. Central Highlands, Wallace and Madison have entered into another separate agreement with the City titled “Central Highlands Permit Processing Agreement” and dated March 16, 2018 (“**Central Highlands Permit Processing Agreement**”). The Central Highlands Permit Processing Agreement is intended to resolve the City’s concerns and the neighbors’ concerns regarding the Wallace Cottages Wallace Way Access, as well as mitigate their losses and provide for certain assurances regarding the processing of

permits and for clear permit processing timelines for Wallace Cottages and Madison Place.

- J. The Parties are entering into this Agreement to set forth the terms and conditions under which the issues described above shall be resolved to their mutual satisfaction.

## AGREEMENT

NOW THEREFORE, in consideration of the mutual promises and considerations set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Boundary Line Adjustment. As soon as practicable after execution of this Agreement, Ohrt and Central Highlands and Wallace shall prepare, sign, and take all such other actions as are necessary or convenient to submit to and obtain approval from the City a boundary line adjustment to incorporate the eastern panhandle portion of Kitsap County parcel no. 272502-1-023-2005 (approximately the eastern 240 feet thereof) (the “**Panhandle**”) into Kitsap County parcel no. 272502-1-022-2006 (“**Vet Clinic Property**”). In other words, the boundary line adjustment will effectively add the Panhandle to the Vet Clinic Property. Ohrt shall be responsible for the costs of processing the boundary line adjustment, provided that Ohrt may use and Central Highlands and Wallace shall provide any survey, topographical data or other applicable plans or work product related to the properties involved in such boundary line adjustment that are controlled or possessed by Central Highlands and Wallace and that may be useful in the application for or completion of the boundary line adjustment.

2. Ohrt to Grant 30-foot Right-of-Way to City Providing the Wallace Cottages Madison Avenue Access. In conjunction with the development of Madison Landing and Wallace Cottages, Ohrt shall grant to the City a thirty (30) foot right-of-way over the south boundary of the Vet Clinic Property (as enlarged by inclusion of the Panhandle via the boundary line adjustment described in Section 1 herein) (“**Vet Clinic ROW**”); provided that the property included in said right-of-way shall first be included in the floor area ratio calculation for Madison Landing. The Parties agree that Ohrt shall have no obligation to grant more than the 30-feet of right-of-way described in this Section 2.

3. Design and Construction of 30-Foot Right of Way. Central Highlands and/or Wallace shall be responsible for the design, including all costs related thereto, of the Wallace Cottages Madison Avenue Access, including that portion occurring within the Vet Clinic ROW (“**Vet Clinic Street**”). Central Highlands and/or Wallace shall coordinate with Ohrt regarding such design and Ohrt must first approve the design prior to final approval by the City. If the Vet Clinic Street has not been designed and constructed prior to the time when Ohrt is ready to proceed with construction on Madison Landing, then Ohrt may pursue a permit for the construction of the Vet Clinic Street and authorize the remaining portion of the Wallace Cottages Madison Avenue Access to be permitted separately and at a later time. Ohrt and Central Highlands and/or Wallace shall share equally the construction costs for the Vet Clinic Street, including costs for curb/gutter/pavement/water/sewer/sidewalks/grading/landscaping/required bonding, and any other related construction costs. Within five (5) business days of the permit for the Vet Clinic Street improvements being issued for whichever Party is first to construct, the

other Party shall deposit into escrow fifty percent (50%) of the estimated construction cost. No increase over the estimated construction cost resulting from a change order or other action shall be approved unless the increase is first approved by all Parties. Upon completion of the construction of the Vet Clinic Street, the escrow funds shall be released to the constructing Party and any overpayment or underpayment resulting from the difference between the estimated and actual construction costs shall be paid to the appropriate Party within fourteen (14) days of notice by the Party that was underpaid or the Party that overpaid. If Ohrt disapproves of the design of the Wallace Cottages Madison Avenue Access, Ohrt will notify Central Highlands immediately and the Parties will mutually agree upon required design changes. Upon such agreement, Central Highlands and/or Wallace will have the plans amended to include the agreed upon changes at its expense within thirty (30) days.

4. Central Highlands Payment to Ohrt. Within seven (7) calendar days of recording of the deed conveying the Vet Clinic Property to Ohrt or Madison Landings Company, Central Highlands and/or Wallace shall pay to Ohrt the sum of Seventy-One Thousand Two Hundred Forty Dollars (\$71,240.00) (the “**Payment Amount**”).

5. Interest. Any required payment under this Agreement that remains unpaid after such payment is due shall accrue interest at a rate of twelve percent (12%) per annum.

6. Severability. If any clause, sentence, paragraph, section or part of this Agreement shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part of this Agreement and to this end the provisions of each clause, sentence, paragraph, section or part of this Agreement are hereby declared to be severable.

7. Cooperation. The Parties agree to cooperate and work together in good faith and without delay to take the actions and issue the approvals described in this Agreement.

8. Specific Performance. The Parties acknowledge that this Agreement contemplates the conveyance of certain real property which is critical to each Party’s interest, including access, development rights and the public interest. As such, the Parties agree that monetary damages may not sufficiently compensate for a breach or default by a Party and that specific performance would be an appropriate remedy for the failure to convey or dedicate any portion of the Vet Clinic ROW in accordance with the terms and conditions of this Agreement.

9. Attorneys’ Fees. In any court proceeding brought to enforce or interpret this Agreement, the substantially prevailing party (as determined by the court) shall recover from the other party its costs and reasonable attorneys’ fees, including costs and fees on appeal.

10. Governing Law. This Agreement shall be governed and interpreted in accordance with the laws of the State of Washington. In any action brought to enforce or interpret the provisions of this Agreement, venue shall be exclusively in Kitsap County Superior Court.

11. Time. Time is of the essence for all provisions of this Agreement.

12. Headings. The headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.

13. Binding Effect. This Agreement shall be binding on and inure to the benefit of the Parties and their respective successors and assigns. It is anticipated that Ohrt will transfer the Madison Landing Property to the Madison Landings Company and any obligations of Ohrt's with respect to such property shall be binding upon Madison Landings Company.

14. Entire Agreement; Amendment. This Agreement represents the entire agreement of the Parties and supersedes any prior communications, written or oral. This Agreement is the product of negotiation and shall not be construed against either Party as the drafter hereof. No amendment, modification, or waiver of any rights hereunder shall be binding unless in writing and signed by the Party or Parties potentially adversely affected hereby.

15. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one instrument.

16. Authority. Each Party signing this Agreement, whether signing individually or on behalf of an entity, represents that he/she has full authority to sign this Agreement on behalf of himself/herself or such entity.

17. Calculation of Time. Unless clearly stated otherwise in this Agreement, all references to days shall be to calendar days, not business days.

18. Notices. All notices, requests, and other communications that may be or are required to be given hereunder or with respect hereto shall be in writing and shall be given by overnight delivery service and by electronic mail, and shall be deemed to have been given on the next day following the date such notice was sent by overnight delivery service. Such notices, requests, and other communications shall be addressed as follows:

**If to Ohrt, CCHD, or Madison Landings Company:**

Randall P. Olsen  
Cairncross & Hempelmann, P.S.  
524 Second Ave., Suite 500  
Seattle, WA 98104-2323  
Phone: 206-254-4418  
Email: [rolsen@cairncross.com](mailto:rolsen@cairncross.com)

With a copy via email to:

Todd McKittrick  
Email: [todd@millennialbuilders.com](mailto:todd@millennialbuilders.com)

**If to Central Highlands, Wallace, or Madison:**

Hayes Gori  
Law Office of Hayes Gori, PLLC  
271 Wyatt Way NE, Suite 112  
Bainbridge Island, WA 98110  
(206) 842-6462  
[hayes@hayesthelawyer.com](mailto:hayes@hayesthelawyer.com)

With a copy via email to:

David Smith  
Email: [smithhouse4@comcast.net](mailto:smithhouse4@comcast.net)

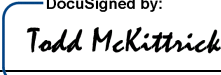
Nick Smith  
Email: [nick.centralhighlands@gmail.com](mailto:nick.centralhighlands@gmail.com)

***[Signatures on Following Page]***

EXECUTED by the Parties on the dates set forth below.

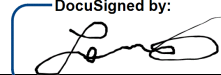
**MADISON LANDINGS COMPANY:**

**Madison Landings Inc., a**  
Washington corporation

By:   
Print name: 5EDFE466D979411...  
Its: President

**CCHD:**

CCHD, a Washington limited liability  
company

By:   
Print name: 1DC2201E40FE4D1...  
Its: Manager  
Date signed: 3/16/2018

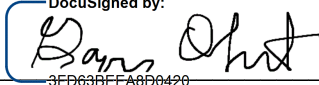
**CENTRAL HIGHLANDS:**

Central Highlands Inc., a  
Washington corporation

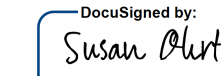
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**OHRT:**

Gary and Susan Ohrt, a married couple

DocuSigned by:  
  
3FD63BEEA8D0420...  
Gary Ohrt

Date signed: 3/16/2018

DocuSigned by:  
  
3FD63BEEA8D0420...  
Susan Ohrt

Date signed: 3/16/2018

**WALLACE:**

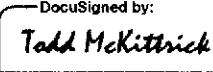
Wallace Cottages, LLC, a  
Washington limited liability corporation

Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

EXECUTED by the Parties on the dates set forth below.

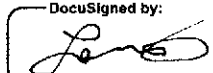
**MADISON LANDINGS COMPANY:**

**Madison Landings Inc., a**  
Washington corporation

By:   
Print name: Todd McKittrick  
Its: President

**CCHD:**

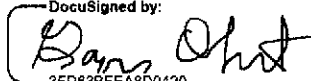
**CCHD, a Washington limited liability**  
company

By:   
Print name: Lanya McKittrick  
Its: Manager

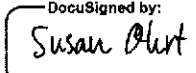
Date signed: 3/16/2018

**OHRT:**

**Gary and Susan Ohrt, a married couple**

By:   
Print name: Gary Ohrt

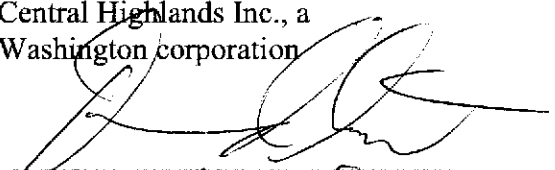
Date signed: 3/16/2018

By:   
Print name: Susan Ohrt

Date signed: 3/16/2018

**CENTRAL HIGHLANDS:**

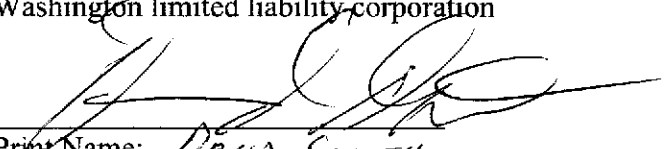
**Central Highlands Inc., a**  
Washington corporation

By:   
Print Name: DAVID SMITH  
Its: PRESIDENT

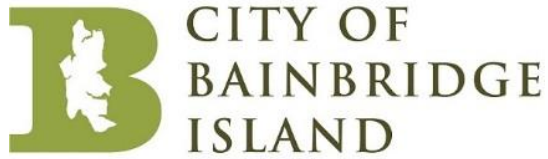
DATE: 3-16-2018

**WALLACE:**

**Wallace Cottages, LLC, a**  
Washington limited liability corporation

By:   
Print Name: DAVID SMITH  
Its: PRESIDENT

DATE: 3-16-2018



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

### MEMORANDUM

**Date:** April 26, 2018  
**To:** Planning Commission  
**From:** Christy Carr, AICP  
Senior Planner  
**Subject:** Shoreline Master Program Amendment – Critical Areas Ordinance Integration

---

Staff will review the approach and timeline for the SMP amendment to integrate updated critical areas regulations.

The updated critical areas regulations (effective April 23, 2018) are available online at:  
<http://www.bainbridgewa.gov/898/Critical-Areas-Ordinance-Update>

The existing SMP is available online at: <http://www.bainbridgewa.gov/DocumentCenter/View/3741>.  
*Critical areas are addressed in SMP Section 4.1.5 and Appendix B.*

How each section of the critical areas ordinance is proposed to be integrated into the SMP is shown in the attached table.

### **SMP Amendment – Draft CAO Integration**

- Integrate CAO directly into SMP Section 4.1.5; delete Appendix B
- Removal all references to critical area permits, review procedures, administration – use SMP process and process and permit mechanisms
- Eliminate duplication (e.g. applicability, definitions)

| <b>Section</b> | <b>Title</b>                                 | <b>Integration</b>                                                                                           |
|----------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 16.20.010      | Purpose and intent                           | Include                                                                                                      |
| 16.20.020      | Applicability                                | Exclude; applicability section in SMP Section 4.1.5 sufficient                                               |
| 16.20.030      | Protection of critical areas                 | Include                                                                                                      |
| 16.20.040      | Exemptions                                   | Exclude; review for any activities to allow that aren't already exempt or do not require review in shoreline |
| 16.20.050      | Standards for existing development           | Exclude; existing development will be reviewed under nonconforming structures, lots, and uses                |
| 16.20.060      | Administration                               | Exclude; critical areas will be reviewed through SMP process                                                 |
| 16.20.070      | Review procedures                            | Exclude; critical areas will be reviewed through SMP process but approval CAO criteria will be retained      |
| 16.20.080      | Reasonable use exceptions                    | Exclude; will be reviewed through encumbered lot and/or shoreline variance provisions                        |
| 16.20.090      | Trees and vegetation                         | Exclude from critical areas section; integrate into SMP Section 4.1.3, Vegetation Management                 |
| 16.20.100      | Aquifer recharge areas                       | Include                                                                                                      |
| 16.20.110      | Fish and wildlife habitat conservation areas | Include; exclude standards for specific development (already covered in SMP) and outright buffer reduction   |
| 16.20.120      | Frequently flooded areas                     | Exclude – CAO already references BIMC 15.16                                                                  |
| 16.20.130      | Geologically hazardous areas                 | Include                                                                                                      |
| 16.20.140      | Wetlands                                     | Include; exclude standards for specific development (already covered in SMP) and outright buffer reduction   |
| 16.20.150      | The Winslow Ravine                           | Include                                                                                                      |
| 16.20.160      | Performance and maintenance surety           | Exclude; SMP Section 4.1.2 to be referenced                                                                  |
| 16.20.170      | Compliance and enforcement                   | Exclude; SMP Section 7.0 to be referenced                                                                    |
| 16.20.180      | Critical area reports                        | Include                                                                                                      |
| 16.20.190      | Definitions                                  | Exclude; add any missing definitions to SMP Section 8.0, Definitions, necessary for CAO interpretation       |

## **Timeline**

4/19 – Planning Commission study session

**4/26 – Planning Commission study session**

5/4 – Publish 30-day joint comment period

**5/17 – Joint public hearing**

6/11 -- Send local response to comments to ECY

7/12 -- ECY initial determination, unless extended

7/24 -- Council study session

8/7 -- Council adoption