



PLANNING COMMISSION
REGULARLY SCHEDULED MEETING
THURSDAY, AUGUST 8, 2019
6:30 PM – 8:30 PM
COUNCIL CHAMBER
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

AGENDA

- 6:00 PM PUBLIC PARTICIPATION MEETING
Anderson Short Subdivision Preapplication ([PLN51504 PRE](#))
Planner Ellen Fairleigh
- 6:30 PM CALL TO ORDER
Call to Order, Agenda Review, Conflict Disclosure
- 6:35 PM PUBLIC COMMENT
Accept public comment on off agenda items.
- 6:40 PM REVIEW AND APPROVE MINUTES
July 25, 2019
- 6:50 PM SITE PLAN & DESIGN REVIEW/CONDITIONAL USE PERMIT
DECISION CRITERIA
Long Range Senior Planner Jennifer Sutton, AICP
- 8:20 PM CITY COUNCIL UPDATE
Interim Planning Director Heather Wright
- 8:25 PM NEW/OLD BUSINESS
- 8:30 PM ADJOURN

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

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

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

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
REVIEW AND APPROVE MINUTES – July 11, 2019
WINSLOW HOTEL SITE PLAN REVIEW ([PLN50880 SPR](#)) – Review and Recommendation
ADJOURN

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

Chair William Chester called the meeting to order at 7:01 PM. Planning Commissioners in attendance were J. Mack Pearl, Jon Quitslund, Lisa Macchio, Kimberly McCormick Osmond, Don Doman and Joe Paar. City Staff present were Interim Planning Manager David Greetham, Associate Planner Olivia Sontag and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed and amended to include public comment on off-agenda items. There were not any conflicts noted.

REVIEW AND APPROVE MINUTES – July 11, 2019

Motion: I move approval of the minutes for July 11, 2019 as distributed.
Quitslund/Pearl: Passed Unanimously

PUBLIC COMMENT ON OFF AGENDA ITEMS

Dick Haugan, Citizen – Introduced a new idea regarding the SMP: Rewrite the SMP and get it right (see attached).

WINSLOW HOTEL SITE PLAN REVIEW ([PLN50880 SPR](#)) – Review and Recommendation

The Planning Commission discussed changes to their Facts and Findings statement and made a recommendation via recorded motion (attached).

Motion: I move to adopt the amendments to the Winslow Hotel project Findings of Fact and Conclusions prepared by and discussed by the Planning Commission made at this meeting.
McCormick/Pearl: Passed Unanimously

See attached Recorded Motion for recommendation and vote.

Council Agenda items were reviewed by Commissioner Quitslund.

ADJOURN

The meeting was adjourned at 9:28 PM.

Approved by:

William Chester, Chair

Jane Rasely, Administrative Specialist

Planning Commission Recorded Motion

Planning Commission Meeting Date:	July 25, 2019
Project Proposal Name and Number:	Winslow Hotel PLN50880 CUP/SPR
Documents available at:	<u>Online Permit Portal</u>
Public Hearing Date:	To Be Determined
Decision Maker:	Hearing Examiner

Purpose: For major site plan and design review and recommendation and major conditional use permit review and recommendation, the purpose of the Planning Commission's review and recommendation is to determine if a proposed project is consistent with the comprehensive plan and applicable design guidelines, BIMC Title 17.

Consideration: The planning commission shall consider the project application at a public meeting where public comment will be taken. The Planning Commission shall recommend approval, approval with conditions, or denial of the proposed project. In making a recommendation, the planning commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the design review board. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied.

The planning commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the planning commission and design review board, to the staff planner. The planning commission's written findings will be included in the staff report transmitted to the director.

Findings of Fact and Reasons for Action

1. The project is either:

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

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

See attached Findings of Fact and Conclusions dated July 25, 2019.



Planning Commission Recorded Motion

Recommendation:

The Planning Commission recommends the Director of Planning and Community Development and the Hearing Examiner:

- ☐ Approve the proposal as recommended.
☐ Approve the proposal with the following changes:
☒ Deny the proposal for the following reasons:

See attached Findings of Fact and Conclusions dated July 25, 2019.

Recorded motion on July 25, 2019:

I move that we deny the application for a major conditional use permit and a major site plan review for the Winslow Hotel project for the reasons stated in the Findings of Facts and Conclusions attached to this recommendation document.

Motion and second: McCormick Osmond/Paar

Planning Commission Record of Vote:

Commissioner	Support	Oppose	Absent	Abstain
Chester	x			
McCormick Osmond	x			
Pearl	x			
Quitslund	x			
Macchio	x			
Doman	x			
Paar	x			
Total	7			

CITY OF BAINBRIDGE ISLAND PLANNING COMMISSION


Chair

Date: 7/25/2019


Administrative Specialist, Planning and Community Development

Date: 7-25-19

WINSLOW HOTEL PROJECT
FINDINGS OF FACT AND CONCLUSIONS

FINDINGS OF FACT

I. Project Description

1. The applicant submitted a Master Land Use Application, dated December 27, 2018 (MLUA), for the Winslow Hotel project, project numbers PLN50880 SPR and PLN 50880 CUP. The MLUA describes the project as a hotel with approximately 75 rooms, with associated banquet and meeting rooms, restaurant and bar, spa and back of house spaces, with landscaped courtyard and both under building and surface parking. The project is located on two parcels – 272502-4-098-2009 and 272505-4-097-2000.

2. The application was revised on April 26, 2019, to add 12 rooms and 12 parking spaces. The applicant also updated the traffic study, State Environmental Policy Act (SEPA) checklist and water/sewer availability request.

3. The application was revised again on June 4, 2019, to clarify locations of disabled access parking, electric vehicle charging stations, bicycle parking and street trees.

4. The MLUA seeks two land use approvals: (1) a major conditional use permit (CUP) and (2) a major site plan and design review approval. The two land use approvals are being reviewed under the consolidated project review process under BIMC 2.16.040.E(7).

5. The project is subject to SEPA review. The Revised Notice of Application/SEPA Comment Period, renoticed April 26, 2019, describes the project as an 87-room hotel, associated banquet space and meeting rooms, restaurant and bar, spa, and back of house spaces. The hotel is designed around a courtyard that includes preservation of a Giant Sequoia (62.5" in diameter), a reflecting pond, ceremony space, a band shell and landscaping. All parking is located on site, both under the building and in surface parking lots, totaling a minimum of 132 spaces.

6. In a presentation to the Planning Commission on June 13, 2019, the applicant described the project as follows: Redevelopment of two properties with an 87-room hotel, banquet space and meeting rooms, restaurant and bar, and spa. All parking is located on site, both under the building and in surface parking lots, totaling 136 spaces. The landscaped courtyard includes preservation of a giant sequoia and other significant trees, a reflecting pond, and a bandshell. Frontage improvements include a six-foot wide sidewalk, bike lane, two on-street parking spaces, an electric vehicle charging station, planting strips, and street trees.

7. Proposed lot coverage is 39% (31,535 sf) and proposed Floor Area Ratio (FAR) is 0.91 (73,571 sf).

8. The site is directly adjacent to residential townhomes on the west, residential senior housing on the south (four buildings), mixed residential/office to the east, and residential/retail to the north.

9. Proposed building base height is 35 feet, with a bonus height of 45 feet due to proposed underground parking on 12,240 sf. The building as proposed is taller than buildings adjacent to it on all four sides.

10. Base FAR permitted is 0.6 FAR (48,513 sf). Max FAR permitted with bonus is 1.00 FAR (80,855 sf). Proposed FAR is 0.91 (73,571 sf), with hotel use of 57,010 sf; spa of 3,916 sf; event and meeting space of 7500 sf; restaurant/bar/lobby of 2,775 sf; kitchen of 2,370 sf. Total bonus FAR needed is 25,058 sf.

11. Average weekly daily vehicle trips for the hotel are 727, as stated in the SEPA Checklist and the Heath & Associates traffic study submitted by the applicant. Peak hour trips are 52.

12. Proposed parking is 136 parking spaces – 82 under building, 38 surface, 14 service entrance and 2 on-street.

13. Peak occupancy demand for parking is 191 parking spaces (7,350 sf of event space in use and full occupancy of hotel rooms), according to a memorandum from the applicant's parking consultant, Walker Consultants, dated June 12, 2019. It is undecided how the additional 55 parking spaces will be provided.

II. Major Conditional Use Permit

14. BIMC 2.16.110.A. states: "A major conditional use permit is a mechanism by which the city may require specific conditions on development or the use of land to ensure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the subject property. If imposition of conditions will not make a specific proposal compatible the proposal shall be denied."

15. BIMC 18.09.020 classifies a hotel as a conditional use in the Mixed Use Town Center (MUTC), Central Core Overlay District (Core), Gateway and Ferry districts.

16. BIMC 18.09.020 allows a hotel as a permitted use in the High School Road (HSR) I and II districts. BIMC 18.36.030(130) defines "hotel" as "a building or group of buildings containing guest rooms, where, for compensation, lodging is provided for transient visitors. A hotel or motel may contain one or more restaurants. A hotel or motel is not a bed and breakfast lodging or inn as defined and regulated elsewhere in this code. Short-term rental (less than 30 days at a time) of a single-family residence does not constitute a hotel."

17. All of the hotels currently existing in the Winslow area are located in the HSR districts. The project as proposed would be the largest hotel on Bainbridge by 32 rooms and the only full service hotel.

18. BIMC 18.09.020 allows a bed and breakfast as a permitted use in the MUTC and Core district. BIMC 18.36.030(34) defines "bed and breakfast" as "a single-family residence that is owner-occupied and in which (a) three or more guest rooms are provided within the residence or within accessory buildings, for compensation, as overnight accommodations for transient visitors who remain no longer than two weeks in any one visit, and (b) breakfast is customarily included in the charge for the room. A bed and breakfast lodging is not a hotel, motel, inn, home occupation or other use defined or regulated elsewhere in this title, except that bed and breakfast establishments containing one or two sleeping rooms may be considered a minor home occupation as defined and regulated elsewhere in this title."

19. BIMC 18.09.020 allows an inn as a permitted use in the MUTC and Core district. BIMC 18.36.030(132) defines "inn" as "a building or group of buildings containing up to 15 guest rooms, where, for compensation, lodging is provided for transient visitors. An inn may contain a kitchen and/or

dining room for serving meals to its guests. Individual rooms may include a bar-type sink and under-counter refrigerator but may not include a full sink, full-sized refrigerator or cooking range. An inn is not a hotel, motel or bed and breakfast lodging as defined and regulated elsewhere in this title.”

20. The project as proposed includes a hotel with almost 6 times the number of rooms (87) that are permitted in the MUTC and Core district (15 rooms for an inn).

21. Under BIMC 2.16.110.F(2), “if no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.”

22. Under BIMC 2.16.110.F(1), the following criteria are applicable to the proposed Winslow Hotel (emphasis added):

- a. **The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property** and with the physical characteristics of the subject property; . . . and
- b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and
- c. **The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property;** and
- d. **The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan;** and
- e. **The conditional use complies with all other provisions of the BIMC . . . ;** and
- f. **All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property;** and
- g. **Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A;** and
- h. The vehicular, pedestrian, and bicycle circulation meets all applicable city standards, unless the city engineer has modified the requirements of BIMC 18.15.020.B.4 and B.5, allows alternate driveway and parking area surfaces, and confirmed that those surfaces meet city requirements for handling surface water and pollutants in accordance with Chapters 15.20 and 15.21 BIMC; and
- i. The city engineer has determined that the conditional use meets the following decision criteria:
 - i. The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and
 - ii. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
 - iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
 - iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

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

vi. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Development Standards Manual,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.

23. Under BIMC 2.16.110.F(1)(a) and (d), the decision criteria for approval of a major conditional use permit require that the project be harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property, and in accord with the comprehensive plan and other applicable adopted community plans.

24. The 2016 Comprehensive Plan and the Winslow Master Plan, dated May 21, 1998 and updated November 8, 2006, emphasize the importance of maintaining Winslow’s small town atmosphere and maintaining it as place for people to live, shop and work.

25. Comprehensive Plan Guiding Principle #1 states: Preserve the special character of the Island, which includes downtown Winslow’s small town atmosphere and function.

26. Comprehensive Plan Land Use Element states (emphasis added):

- Winslow Town Center – The Winslow Master Plan (Appendix D) encourages development of a neighborhood that contains a strong, vital downtown where people want to live, shop and work.
- Goal LU-7 – 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 Winslow 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 high residential density of Winslow requires the Central Core Overlay District to provide services and products that meet the needs of residents as well as visitors.
- Policy LU 7.1 – Development within the MUTC and High School Road Districts shall be consistent with the Winslow Master Plan. . . . The use of FAR may result in an increase in the base level of development (density) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the goals of this plan.

27. Comprehensive Plan Economic Element states, regarding Tourism (emphasis added):

- Policy EC 11.2 – The predominant focus of downtown Winslow is to serve the commercial and social needs of Island residents. A lively, pedestrian-oriented town center that provides a mix of commercial and residential uses creates a potential tourist destination.
- Policy EC 11.3 – Support the Island as a visitor destination by preserving and enhancing the unique qualities of our community

- Policy EC 11.5 – Encourage bed and breakfasts and other creative tourist accommodations.

28. The Winslow Master Plan (WMP) states (emphasis added):

Winslow Way is the Centerpiece of Downtown: A simple streetscape retains small-town character and a “sense of place.”

- 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, and promoting and retaining visual access to Eagle Harbor
 - Promoting the efficient use of land;
 - Encouraging the retention and expansion of retail that serves the needs of community members and visitors;
 - Providing opportunities for business expansion and private reinvestment;
 - Promoting development that is sustainable and supports community values; and
 - Developing strategies that result in the creation of less expensive housing and retail space, thereby increasing diversity while minimizing dependence on the automobile.
- Goal WMP 2-3: Maintain and **Enhance Community Character** in the Mixed-Use Town Center:
 - 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.
 - 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.
- 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.
- 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.

- Goal WMP 2-5: Determine density and intensity of development in the Mixed Use Town Center and High School Road Districts through the Floor Area Ratio (FAR) method.
- Policy WMP 2-5.1: The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values.
- Policy WMP 2-5.2: Establish maximum FAR levels of development beyond the base for each of the districts through the use of bonus FAR provisions. The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values.

Central Core Overlay District

- **Policy WMP 2-6.1: Establish FARs and development standards that support mixed-use development at a level that encourages downtown living with a variety of housing sizes and types, provides commercial and retail services that meet the needs of the community, and enhances the vitality of the downtown.**

High School Road I and High School Road II Specific Policies

- Policy WMP 2-11.1: Establish FARs and development standards that provide for a variety of commercial uses that complement downtown Winslow and benefit from automobile access near the highway, while creating a pedestrian-friendly retail area.

III. Major Site Plan and Design Review

29. BIMC 2.16.040.C Major site plan and design review requires design review board and planning commission review and recommendation

30. BIMC 2.16.040.E(4) Review and Recommendation by Design Review Board

a. The purpose of the design review board review and recommendation meeting is to review a proposed project for compliance with applicable design guidelines and to ensure that the project reflects any revisions recommended by the design review board at the design guidance review meeting. The design review board will also consider any requested departures from the design guidelines.

b. The design review board will forward written findings, their determination of the project's consistency with the design guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific design guidelines. The design review board's written findings will be included in the staff report transmitted to the director or planning commission.

31. BIMC 2.16.040.E(5) Review and Recommendation by Planning Commission

a. In the case of a major site plan and design review application, the planning commission shall review the application prior to the review and final decision by the director.

b. **The purpose of the planning commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Title 17, and the comprehensive plan.**

c. The planning commission shall consider the application at a public meeting where public comments will be taken. **The planning commission shall recommend approval, approval with conditions or denial of an application.** In making a recommendation, the planning commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the design review board. **If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied.**

d. The design review board's recommendation shall hold substantial weight in the consideration of the application by the planning commission. Any deviation from the recommendations shall be documented in their written findings of facts and conclusion.

32. BIMC 2.16.040.F – Site Plan and Design Review Decision Criteria. The director and planning commission shall base their respective recommendations or decisions on site plan and design review applications on criteria that include:

1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district . . .

5. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18. . . .

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

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

33. Development is governed by both zoning regulations and design guidelines. As explained in the Design Guidelines for Mixed Use Town Center and High School Road Zoning Districts and the Design Guidelines Applicable to the Central Core Overlay District:

- Zoning regulations address standards such as permitted uses, density, building height, parking requirements and building bulk.
- Design guidelines address site design, building design, signs and lighting.
- Projects proposed in the Core must address design guidelines applicable to the Central Core Overlay District, Mixed Use Town Center and Commercial and Mixed Use projects.

34. The DRB considered this project on December 7, 2018; January 7, 2019; May 6, 2019 and June 3, 2019. The DRB reviewed the proposed project's major site plan for consistency with the applicable design guidelines. It did not review the project for consistency with zoning regulations, which includes whether the project is a permitted use in the Core, or whether it is consistent with the Comprehensive Plan or Winslow Master Plan.

35. The Staff Report included DRB Findings and Recommendation, dated June 7, 2019, as an appendix. The DRB finds that the north facing façade on Winslow does not technically meet the MUTC and HSR District Design Guideline 8 requirement for upper level setbacks, but that the purpose of the Design Guideline was met because the building was “very light and airy, lots of glass and contributes to the street rather than creating a corridor affect.” The DRB also finds the east and west facing facades “are large and not well articulated and do not meet this guideline” with respect to Design Guideline 9, but references the addition of trees to break up large linear walls on both facades. The June 7, 2019 DRB Findings and Recommendation also included a recommendation that a study of noise levels should be undertaken because the levels are not known and cannot be evaluated adequately.

36. On June 17, 2019, the DRB issued a second set of Findings and Recommendations regarding the project’s consistency with applicable design guidelines. The DRB found that the project, as conditioned, was consistent with applicable design guidelines and that the project was not proposing any departures from the design guidelines. There was no further discussion of Design Guidelines 8 or 9, referenced in the June 7, 2019 Findings and Recommendation.

37. All of the DRB conditions pertained to the design of the structure itself and were included as proposed Condition 14 in the Staff Report. The DRB did not make any recommendations regarding the project’s consistency with the Comprehensive Plan or Winslow Master Plan, or whether it satisfied the decision criteria for a Major Conditional Use Permit.

38. On June 18, 2019, DRB Chair Joe Dunstan provided an email to the Planning Commission, stating the following as reflecting DRB consensus:

“[D]uring the first few presentations to the DRB the Winslow Hotel project was presented as striving to meet the Living Building Challenge. The targets of collecting rainwater from roofs for all water demands and collecting more energy than is used by the project on an annual basis resonated with the DRB as a means for providing meaningful community benefits and reducing the impact on city infrastructure. Although the sustainability targets are not part of the current design guidelines, it was in this context that the DRB approvals were made for the Winslow Hotel. In the most recent DRB meeting on June 3rd the project as presented as possibly not seeking the Living Building Challenge. As with many aspects of this project, the goals and aspirations of the hotel continue to be moving targets. The Design Review Board encourages the applicant to maintain its previously stated level of commitment to meeting the Living Building Challenge targets and seek certification under this program.”

The applicant’s representative has stated in public comment to the Planning Commission that the applicant is unable to make a commitment to pursue the Living Building Challenge at this time, and there is nothing in the Staff Report indicating that such a commitment has been made or will be a condition of the project.

CONCLUSIONS

Major Conditional Use Permit

1. BIMC 2.16.110.F(1)(a) is not satisfied

*a. The conditional use is **harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property.***

The project as proposed is directly adjacent to residential condominiums to the west, senior housing to the south (four buildings), mixed residential and office to the east and residential to the north. The building includes 87 hotel rooms, which is almost 6 times the number of rooms that is permitted for an inn in the Core district. The building has a height of 45 feet, which is taller than all adjacent buildings, and a proposed Floor Area Ratio (FAR) of 0.91 (73,571 sf). Permitted base FAR is 0.6 FAR (48,513 sf). Permitted max FAR with bonus is 1.00 FAR (80,855 sf). Proposed FAR for the project of 0.91 (73,571 sf) produces hotel use of 57,010 sf; spa of 3,916 sf; event and meeting space of 7500 sf; restaurant/bar/lobby of 2,775 sf; kitchen of 2,370 sf. Total bonus FAR needed is 25,058 sf.

The Winslow Master Plan explains that while bonus FAR is allowed in the MUTC, it is intended to be used to advance Comp Plan and WMP policies and community values, to support greater flexibility in types of housing, and to enhance the vitality of the downtown.

- Comp Plan Policy LU 7.1 -- Development within the MUTC and High School Road Districts shall be consistent with the Winslow Master Plan. . . . **The use of FAR may result in an increase in the base level of development (density) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the goals of this plan.**
- Policy WMP 2-5.1: **The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values.**
- Policy WMP 2-6.1: **Establish FARs and development standards that support mixed-use development at a level that encourages downtown living with a variety of housing sizes and types, provides commercial and retail services that meet the needs of the community, and enhances the vitality of the downtown.**

The FAR bonus is being used here to support hotel rooms, a spa, event and meeting space, a restaurant/bar/lobby and a kitchen. These do not provide greater flexibility in housing, advance specific Comprehensive Plan policies and community values, or encourage downtown living with a variety of housing sizes and types.

The Staff Report states that the project satisfies CUP Decision Criterion (a) because the Comprehensive Plan and BIMC Title 18 identify the Central Core as the most densely developed district and promotes the concentration of nonresidential development that reduces reliance on automobiles. This conclusion is inconsistent with the Comp Plan and WMP policies and goals cited above. The project also does not reduce reliance on automobiles but is projected to add 727 vehicle trips per day to the Winslow Core and MUTC, according to the SEPA Checklist and the Heath & Associates traffic study (pg. 40 – Hotel trip generation per room average rate is 8.36 trips). Staff has added a condition requiring the hotel to operate

an accessible van to shuttle hotel patrons to and from the ferry terminal and other local destinations, but the extent to which this will reduce the number of vehicle trips generated by the project is unclear.

2. BIMC 2.16.110F(1)(c) is not satisfied

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

The Staff Report concludes that CUP Decision Criterion (c) is satisfied because the proposed use will result in impacts including but not limited to noise, light, and traffic, but as conditioned the use will not be materially detrimental to uses or property in the vicinity of the subject property. There is no explanation for this conclusion, particularly in light of (1) the amount of noise that will be generated by the occupants of 87 hotel rooms, people using meeting rooms and conference rooms, the restaurant, bar and spa, and entertainment in the outdoor amphitheater/bandshell; and (2) noise, congestion and air pollution generated by an additional 727 vehicle trips per day.

There is no analysis of the amount of noise generated by the various elements of the project, such as onsite vehicle traffic, including truck traffic associated with garbage collection, linen service and food/beverage delivery; garbage collection activities; loading dock activity; and outdoor events. There is also no analysis of whether the level of noise would be “materially detrimental” to uses or property in the vicinity of the project, or the extent to which the noise will occur continually. The Staff Report includes Project Condition (10) that requires construction activities to comply with noise limitations per BIMC 16.16.020, and prohibits any use from exceeding maximum environmental noise levels pursuant to WAC Chapter 173-60 and BIMC Chapter 16.16, but this condition does not address noise levels generated by project uses and operations.

The Staff Report includes Project Condition (56) that requires a traffic analysis for the site under BIMC 15.32 and 15.40 to evaluate for concurrency, and states that a certificate of concurrency was issued based on the April 24, 2019 Heath & Associates traffic impact analysis. This report, however, did not analyze the impacts to uses or property adjacent to or within the vicinity of the project resulting from the estimated 727 vehicle trips per day generated by the project, or whether those impacts would be “materially detrimental” to those uses or properties. It is also unclear whether the 727 vehicle trips per day includes trips generated by events or represents only trips generated by the hotel and restaurant. The traffic impact study must analyze the number of trips per day generated by all proposed uses of the project to accurately determine whether the traffic impacts will be “materially detrimental” to uses and property adjacent to and in the vicinity of the project. Finally, the traffic impact study did not take into account traffic surges from ferry loading and unloading, which could affect the concurrency determination. .

3. BIMC 2.16.110F(1)(d) is not satisfied

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

Comprehensive Plan Guiding Principle #1 states: Preserve the special character of the Island, which includes downtown Winslow’s small town atmosphere and function.

The Comp Plan Land Use Element states (emphasis added):

- Winslow Town Center – The Winslow Master Plan (Appendix D) encourages development of a neighborhood that contains a strong, vital downtown where people want to live, shop and work.

- **Goal LU-7 – 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 Winslow 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 high residential density of Winslow requires the Central Core Overlay District to provide services and products that meet the needs of residents as well as visitors**
- **Policy LU 7.1 – Development within the MUTC and High School Road Districts shall be consistent with the Winslow Master Plan. . . . The use of FAR may result in an increase in the base level of development (density) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the goals of this plan.**

The Winslow Master Plan (WMP) describes the vision for Winslow as including:

The Island is a complete community: Winslow develops as a sustainable, affordable, diverse, livable and economically vital downtown. Development is allowed in a manner that encourages environmentally and economically sound growth, and also protects and conserves resources and lifestyles that would otherwise be impacted in outlying areas of the Island.

Winslow Way is the Centerpiece of Downtown: Pedestrians gather on a street with vibrant retail and attractive places. A simple streetscape retains small-town character and a “sense of place.”

- **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, and promoting and retaining visual access to Eagle Harbor;

Promoting the efficient use of land;

Encouraging the retention and expansion of retail that serves the needs of community members and visitors;

Providing opportunities for business expansion and private reinvestment;

Promoting development that is sustainable and supports community values;

and

Developing strategies that result in the creation of less expensive housing and retail space, thereby increasing diversity while minimizing dependence on the automobile.

- **Goal WMP 2-3: Maintain and Enhance Community Character in the Mixed-Use Town Center:**

- 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.
- 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.
- Goal WMP 2-5: Determine density and intensity of development in the Mixed Use Town Center and High School Road Districts through the Floor Area Ratio (FAR) method
- Policy WMP 2-5.1: The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values.
- Policy WMP 2-5.2: Establish maximum FAR levels of development beyond the base for each of the districts through the use of bonus FAR provisions. The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values.

Central Core Overlay District Specific Policies

- Policy WMP 2-6.1: Establish FARs and development standards that support mixed-use development at a level that encourages downtown living with a variety of housing sizes and types, provides commercial and retail services that meets the needs of the community, and enhances the vitality of the downtown.

High School Road I and High School Road II Specific Policies

- Policy WMP 2-11.1: Establish FARs and development standards that provide for a variety of commercial uses that complement downtown Winslow and benefit from automobile access near the highway, while creating a pedestrian-friendly retail area.

Both the Comprehensive Plan Land Use Element and the Winslow Master Plan Land Use Chapter emphasize development of a strong, vital downtown in the MUTC and Core where people live, shop and work. Office and retail are encouraged to provide services for residents of downtown and the island. FAR is intended to support mixed-use development that encourages downtown living with a variety of housing types and sizes, and to provide commercial and retail services that meet the needs of the community. Commercial uses that benefit from highway vehicle access are intended to be located in the HSR districts. In contrast, the proposed project provides services primarily for guests of the hotel, and the inclusion of meeting and conference rooms, a restaurant and bar, a spa and an outdoor bandshell suggest it will be an “inclusive” establishment designed to provide all services to guests onsite. It will generate a significant amount of vehicle traffic (727 trips per day for the hotel alone) in the Core and requires an estimated 191 parking spaces during peak event times.

Comprehensive Plan Economic Element states, regarding Tourism (emphasis added):

- Policy EC 11.2 – **The predominant focus of downtown Winslow is to serve the commercial and social needs of Island residents. A lively, pedestrian-oriented town**

center that provides a mix of commercial and residential uses creates a potential tourist destination.

- **Policy EC 11.3 – Support the Island as a visitor destination by preserving and enhancing the unique qualities of our community.**
- **Policy EC 11.5 – Encourage bed and breakfasts and other creative tourist accommodations.**

The Comprehensive Plan Economic Element includes the support of tourism as a key sector of the island's economy, but underscores the predominant focus of downtown Winslow as serving the commercial and social needs of the island's residents and encourages the preservation and enhancement of the unique qualities of the community and the development of bed and breakfasts and creative tourist accommodations. The proposed project does not accomplish these goals because it is designed to be a full service hotel, with most or all of guests' needs met onsite. Its size – almost 6 times the number of rooms that is a permitted use for an inn in the Core district – does not preserve or enhance the unique qualities of the community or provide creative tourist accommodations.

The Staff Report, dated June 7, 2019, concludes that, as conditioned, the proposed development satisfies CUP Decision Criteria (d) because it is in conformance with the Bainbridge Island Comprehensive Plan, the Winslow Master Plan, and the Island-Wide Transportation Plan. This conclusion, however, relies solely on a discussion of street standards, project frontage and public pedestrian easements. It does not address the many ways in which the project's proposed uses are not in accord with the Comprehensive Plan and the Winslow Master Plan. Commercial services in the Core must meet the needs of the community, enhance the vitality of the downtown and contribute to the design for Winslow Way as the community's "living room."

4. **BIMC 2.16.110F(1)(f) is not satisfied**

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

The Staff Report concludes that CUP Decision Criterion (f) is satisfied because, as conditioned, all necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property. The applicant made multiple revisions in response to public comment including keeping all parking on-site, increasing on-site parking, enclosing trash and recycling, adding perimeter landscaping, and adding a bandshell, and eliminating amphitheater seating for outdoor music. The applicant obtained a letter from Bainbridge Disposal, agreeing to limit pick-up times to after 10:00 a.m. to minimize noise. The City has considered all public comment and has proposed conditions to mitigate impacts including a wall along the west property line to mitigate noise, light and exhaust. The applicant has provided greater parking than the minimum recommended by the parking consultant in response to neighborhood concerns about parking shortages.

As discussed above, the proposed 87-room hotel is almost 6 times the size of a 15-room inn that would be a permitted use in the Core. The project also includes meeting rooms, a conference room, restaurant, bar, spa and outdoor entertainment amphitheater/bandshell. There is no analysis of noise impacts generated by all of these proposed uses and there are no daily or hourly restrictions on noise generating activities, with the exception of the time at which garbage will be collected. The traffic impact analysis is

insufficient with respect to both the extent of the traffic impacts that will occur (based on number of vehicle trips generated) and the concurrency determination (failure to consider surge traffic from ferry loading/unloading). Without this important information, it cannot be concluded that all necessary measures have been taken to eliminate or reduce “to the greatest extent possible” the impacts of the proposed uses on the immediate vicinity of the proposed project.

5. BIMC 2.16.110F(1)(g) is not satisfied

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

The Staff Report concludes that CUP Decision Criterion (g) is satisfied because “as conditioned, noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040A.” As discussed above, there is no analysis of the level of noise generated by the proposed uses and therefore no support for this conclusion. Without knowing the level of impact, it is not possible to conclude that the proposed conditions – landscaping green walls, a bandshell, enclosed trash and recycling under the building, building orientation, bandshell orientation and tree retention – will produce the required compliance with BIMC 16.16.020 and 16.16.040A.

6. The project as proposed (87 guest rooms, meeting rooms, conference room, restaurant, bar, spa, outdoor bandshell) is sized and designed as a full service event center to meet the needs of persons from outside the community who seek to hold large events in Winslow. It is almost 6 times larger than the closest permitted use in the Core – a 15-room inn – and also includes a conference center, meeting rooms, a restaurant, a bar, a spa and an outdoor bandshell for entertainment events. As proposed, the project is out of scale with the Core, not compatible with its surroundings (residential to the west, south and north and residential/office/retail to the east) and inconsistent with major elements of the Comp Plan and Winslow Master Plan. Its purpose and function are to serve visitors, which will be at the expense of Island residents. It does not maintain Winslow’s small town atmosphere, and will be materially detrimental to uses and/or property in the vicinity of the project. The project’s noise resulting from the proposed uses, and its estimated generation of 727 vehicle trips per day, will overwhelm the Core and do irreparable harm to Winslow’s small town atmosphere and to the residential communities and office/retail adjacent to and in the vicinity of the project site.

7. Recommendation - For all of the reasons outlined in these findings of fact and conclusions, the Planning Commission concludes that no reasonable conditions can be imposed on the project as proposed that would satisfy the CUP Decision Criteria. As described above, the building is taller (45 feet) than the adjacent buildings on all sides; is too large (73,571 sq. ft., of which 25,058 sq. ft. is bonus FAR); includes an intensity and scale of uses (87 hotel rooms, meeting rooms, conference center, restaurant, bar, outdoor amphitheater/bandshell/courtyard, continuous operations 24/7) that are not compatible with the project’s surroundings; and will result in parking, traffic and noise impacts that either have not been adequately analyzed or are incompatible with the project’s surroundings. Specific conditions cannot remedy these problems without resulting in a significantly different project. The Planning Commission therefore recommends that the application for a Major Conditional Use Permit be denied.

Major Site Plan And Design Review

The major site plan and design review does not meet the following decision criteria in BIMC 2.16.040.F:

1. BIMC 2.16.040 F(1) is not satisfied

1. *The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district*

The requirement for a major conditional use permit is a code provision and development standard for the proposed project in the Winslow Core District. As discussed above, the Planning Commission recommends denial of the application for a major conditional use permit. The site plan and design review consequently is not in conformance with applicable code provisions and development standards requiring a major conditional use permit.

2. BIMC 2.16.040F(5) is not satisfied

5. *The site plan and design is consistent with all applicable design guidelines in BIMC Title 18. . . .*

The DRB has issued two different Findings of Fact and Recommendation documents and also has provided clarifying language that its recommendations were made in the context of the applicant's commitment to pursue the Living Building Challenge. The applicant's representative subsequently has stated to the Planning Commission that the applicant cannot make that commitment. The differences between the two DRB Findings of Fact and Recommendation, and the subsequent DRB clarifying language, create uncertainty about what the DRB ultimately recommends for this project. It is unclear, therefore, whether Decision Criterion 5 is satisfied.

3. BIMC 2.16.040F(7) is not satisfied

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

The findings of fact and conclusion with respect to the Major Conditional Use Permit are also applicable to the Major Site Plan/Design Review with respect to the project's lack of conformity with the Comprehensive Plan and Winslow Master Plan.

4. BIMC 2.16.040F(11) is not satisfied

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

The Winslow Master Plan includes the following open space policies and goals:

- Goal WMP 4-1: Incorporate open space and green spaces throughout Winslow by:
 - enhancing existing parks and developing new parks;
 - providing street trees, small gardens and other landscaping that provides visual relief and enhances the character;
 - providing a series of green spaces, plazas and corridors that connect the community, define character and protect resources; and
 - celebrating and connecting the town to the Harbor and the Ravine.

To address open space policies, goals and requirements, the project proposes an enclosed interior amphitheater/bandshell/courtyard that is accessed by the public through the hotel; street trees; and a 3-foot wider planter strip between the sidewalk and road. The courtyard has been designed for use by hotel guests and visitors, to accommodate activities and events within the event center. The public can access the courtyard only by entering the hotel. This is in contrast to the open plaza at Winslow Green, located northeast of the project, which is used for community gatherings and concerts and is easily accessible to the public. Questions have arisen regarding whether the project has met the open space goals, particularly in light of the project's size and intensity of use.

5. Recommendation – For all of the reasons outlined in these Findings of Fact and Conclusions, the Planning Commission recommends the application for Major Site Plan and Design Review be denied. The project requires a CUP as a condition of approval of the Major Site Plan and Design Review. As described above, the project does not meet the CUP Decision Criteria. The Major Site Plan and Design Review also are not in conformance with the Comprehensive Plan and Winslow Master Plan goals and policies. Finally, while the Planning Commission has given serious consideration to the two DRB Findings and Recommendation documents dated June 7, 2019 and June 17, 2019, there are inconsistencies between them, and the email from the DRB dated June 18, 2019 raises significant questions about the context of the DRB recommendations for approval of the site plan and design review. The Planning Commission therefore does not adopt the DRB recommendations for approval of the Site Plan and Design Review.

City of Bainbridge Island Planning Commission



Chair

7/25/2019
Date



PLEASE PRINT

[illegible]

Planning Commission - July 25, 2019 Meeting

I address you as a long time Bainbridge resident and a member of PRSM – or Preserve Responsible Shoreline Management. PRSM's mission is to identify and implement pragmatic solutions to protect our environment – especially the Salish Sea.

I am introducing a new idea concerning the Shoreline Master Program or SMP. As new ideas go it will likely take a few times to get this idea to resonate. *Please keep an open mind.*

Here is the deal. You are currently involved with a complex review of the SMP. This review is required by the Department of Ecology. The City, the Planning Commission, the Planning department and the public are reviewing the entire SMP.

Included with that review is inclusion of Climate Change which I and PRSM support.

Here is the rub. The SMP is complex 414 page document which the Planning department, the Planning Commission, the City Council and, most importantly the public, all agree needs revision. Since it took nine months to review and modify nine SMP pages on “non-conforming language” review of the entire SMP will not get done in this lifetime.

Here is the idea. Rewrite the SMP.

You have the “Thomas Jefferson” of the Planning Commission, Jon Quitsland, with the unique linguistic ability (and perhaps the incentive) to take all the things an SMP is supposed to do to protect the environment and put it in an understandable document that ALL can support.

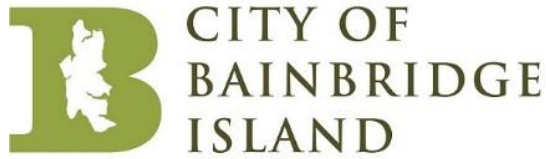
Before you say “now that is a dumb idea”, the reality is that you will spend less time re-writing than editing. The document is too big and too convoluted. The Planning Department is on record to reduce the size of the SMP by 50%. How do you do that without a rewrite?

If policies are changed, such as incorporating climate change and maybe storm water runoff, you are required to have public process anyway so why not get the whole thing right.

We all want to protect the environment. Let's take our best thinking, our best policies and our best practices to write an SMP that will serve as a model for the other 261 SMP's in the State of Washington.

Remodels are tough. But this is not starting from scratch... Consider the current SMP a rough draft.

Rewrite the SMP and get it right.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: August 8, 2019
To: Planning Commission
From: Jennifer Sutton, AICP, Senior Planner
Subject: **Development Moratorium Work Plan:
Site Plan and Design Review and Conditional Use Permit Decision Criteria**

I. BACKGROUND

The City Council adopted a [development moratorium in January 2018 on certain land use permits](#). Since then, City staff have been working to modifying the City Code to address the concerns identified in the development moratorium. [The development moratorium is set to expire on October 3, 2019](#).

Moratorium related work includes:

- Updated Land Use Review Procedures ([Ordinance 2018-20](#)) that were approved at the end of 2018. These changes expanded the role of the Planning Commission;
- The [Subdivision Design Standards and Guidelines](#) are nearing the end of their City Council review; a public hearing is scheduled for August 27, and approval is expected before the moratorium expires.
- The Design Review Board has been working with staff and a consultant to [update the City's Design Guidelines](#); the draft guidelines will begin Planning Commission review at the August 22 meeting, and the City is working to approve the update to the guidelines before the moratorium expires.
- The City Council continues to discuss how to address affordable housing, including inclusionary zoning.

Consideration of revisions to site plan and design review (SPR) and conditional use permit (CUP) decision criteria is a moratorium work plan item. The intent of any potential revisions is to (a) minimize “wiggle room” and subjectivity for the decision maker and (b) ensure that decision criteria result in project outcomes reflective of the City’s Comprehensive Plan. This work, together with the Land Use Review procedures changes approved with [Ordinance 2018-20](#), implements [Land Use Element Policies LU 6.5 and LU 6.8](#).

The Planning Commission first discussed how to update the decision criteria at the March 14, 2019 meeting. A descriptive staff memo and helpful materials can be found [here](#) and are attached to this memo. Background material provided for your review includes:

- Existing decision criteria in the [Bainbridge Island Municipal Code \(BIMC\)](#)
 - BIMC 2.16.040.F – Site Plan and Design Review
 - BIMC 2.16.050.D – Minor Conditional Use Permit
 - BIMC 2.16.110.F – Major Conditional Use Permit

- Table 18.09.020 – Permitted Use Table
- Recent SPR and CUP staff and Hearing Examiner reports that include response/analysis of the existing decision criteria

The March 14 meeting can be heard via the [City's website](#), this agenda item discussion begins 40 minutes into the meeting. The full [Comprehensive Plan](#) is also on the City's website.

II. ALTERNATIVES FOR REVISIONS TO DECISION CRITERIA

The Planning Commission requested that staff bring back examples of decision criteria from other jurisdictions, and staff is attaching examples of Conditional Use Permit decision criteria from Redmond, King County and Port Townsend (see attached). The Commission also suggest that staff bring back proposed revisions to the decision criteria to address the corrections and clarification changes described in the memo. These changes are attached to this memorandum, and potential revisions to achieve these intended results include:

- Eliminate or define subjective terms, such as “harmonious and compatible,” “materially detrimental,” and “intended character and quality of development in the vicinity.”
- Define area of impact – “immediately surrounding area,” “immediate vicinity of project area,” “in the vicinity of the subject property;” for example, are all used.
- Use consistent terms, such as “in accord with” vs. “in conformance with” the Comprehensive Plan
- Clarify when an application can be denied.
- Consolidate major and minor CUP decision criteria and otherwise eliminate duplication.

Note: Additional standards and sometimes, decision criteria, for specific uses can be found in [BIMC Section 18.09.030 Use Specific Standards](#). These standards, like all other applicable criteria, must be met under the existing SPR and CUP decision criteria.

III. NEXT STEPS

The Planning Commission should discuss the drafted amendments to the Site Plan and Design Review and Conditional Use Permit decision criteria, and provide staff with any additional modifications. Staff will integrate the Planning Commission changes into a DRAFT ordinance. A public hearing will be scheduled on the DRAFT ordinance for the August 22 Planning Commission meeting, and the Planning Commission can consider further changes at the public hearing.

2.16.040 – Site Plans and Design Review

- F. Decision Criteria. The director and planning commission shall base their respective recommendations or decisions on site plan and design review applications on the following criteria:
1. The site plan and design is in conformance with all applicable ~~code~~ provisions of the BIMC ~~and development standards of the applicable zoning district~~, unless a standard has been modified as a housing design demonstration project pursuant to BIMC [2.16.020.S](#);
 2. The locations of the buildings and structures, open spaces, ~~and landscaping, pedestrian, bicycle and vehicular circulation systems~~ are adequate, safe, ~~and efficient and in conformance with the Island-Wide Transportation Plan~~; **MOVED DOWN TO SECTION 4.C**
 3. ~~The Kitsap County Public Health District~~ has determined that the site plan and design meets the following decision criteria:
 - a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.
 - b. If the health district recommends approval of the application with respect to those items in subsection ~~EF.3.a~~ of this section, the health district shall so advise the director.
 - c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director;
 4. The city engineer has determined that the site plan and design meets the following decision criteria:
 - a. The site plan and design conforms to regulations concerning drainage in Chapters [15.20](#) and [15.21](#) BIMC; and
 - b. The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use ~~and enjoyment~~ of properties downstream; and
 - c. The streets and pedestrian ways ~~, locations of the buildings, structures, bicycle and vehicular circulation systems~~ as proposed align with and are otherwise coordinated with streets serving adjacent properties ~~and are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan~~;
 - d. The streets, ~~bicycle facilities~~ and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
 - e. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the applicable service(s) can be made available at the site; and
 - f. The site plan and design conforms to the “City of Bainbridge Island Design and Construction Standards,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets ~~the purposes-provisions of the BIMC overall Title 18~~;
 5. The site plan and design is consistent with all applicable design guidelines in BIMC Title [18](#), unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC [2.16.020.S](#);
 6. No harmful or unhealthful conditions are likely to result from the proposed site plan;
 7. The site plan and design is ~~consistent in conformance~~ with the comprehensive plan and other applicable adopted community plans;
 8. Any property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter [16.20](#) BIMC, conforms to all requirements of that chapter;
 9. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter [16.12](#) BIMC, conforms to all requirements of that chapter;
 10. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC [17.20.020.C](#), the requirements of BIMC [17.20.020.D](#) have been met;

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

NOTE: RECOMMEND MAKING CRITERIA FOR MINOR CUP (SECTION D) IDENTICAL WITH MAJOR CUP (SECTION F)

2.16.050 – Minor conditional use permit

D. Nonagricultural Minor Conditional Use Decision Criteria. A nonagricultural minor conditional use or an agricultural research facility may be approved if:

1. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC 2.16.020.S shall not result in denial of a conditional use permit for the project;
2. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; **NOTE: DUPLICATIVE WITH CITY ENGINEER/HEALTH DISTRICT SUBSECTIONS.**
3. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; **DUPLICATIVE WITH SUBSECTION 4**
- 2.4. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan;
- 3.5. The conditional use complies with all other applicable provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.S;
- 4.6. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property;
- 5-7. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A;
- 6-8. The city engineer has determined that the conditional use meets the following decision criteria:
 - a. The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and
 - b. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
 - c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
 - d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
 - e. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; and
 - f. The conditional use conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the provisions purposes of the BIMC overall Title 18.
7. The Kitsap-Public Health District has determined that the site plan and design meets the following decision criteria:
 - a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

b. If the health district recommends approval or disapproval of the application the health district shall so advise the director.

8. The Bainbridge Island Fire Department has reviewed the application and determined that the conditional use will be properly designed to ensure fire protection.

9. If a minor conditional use is processed as a housing design demonstration project pursuant to BIMC [2.16.020.S](#), the above criteria will be considered in conjunction with the purpose, goals, policies, and decision criteria of BIMC [2.16.020.S](#).

10. A conditional use may be approved with conditions. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.

E. Agricultural Conditional Use Decision Criteria.

1. As agriculture is a preferred use, conditional uses that are listed as agricultural uses in Table 18.09.020 (except for agricultural research facilities) may be approved if:

- a. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- b. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and
- c. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and
- d. The conditional use complies with all other provisions of the BIMC.

2. Animal agricultural conditional uses that are in compliance with an existing conditional use permit may expand any structure or area used in the operation of the conditional use on January 1, 2012 (effective date of adoption), by up to 25 percent without applying for a new conditional use permit.

3. Crop agriculture conditional uses that are in compliance with an existing conditional use permit may expand an unlimited amount without an additional conditional use permit, given they comply with the standards in BIMC Titles [16](#) and [18](#).

2.16.110 Major conditional use permit

F. Decision Criteria. A conditional use may be approved or approved with conditions if:

1. ~~A conditional use may be approved or approved with conditions if:~~

a. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18. The conditional use is ~~harmonious and~~ compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC [2.16.020.Q](#) shall not result in denial of a conditional use permit for the project; and

b. ~~The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and~~ **DUPLICATIVE WITH SUBSECTION 6**

c. ~~The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and~~ **DUPLICATIVE WITH SUBSECTION 4**

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

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

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

5.g. Noise levels shall be in compliance with BIMC [16.16.020](#) and [16.16.040.A](#); and

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

SUBSECTION 6

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

a.i. The conditional use conforms to regulations concerning drainage in Chapters [15.20](#) and [15.21](#) BIMC; and

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

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

d.iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

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

f.vi. The conditional use conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the **provisions purposes of the BIMC overall Title 17.**

7. The Kitsap-Public Health District has determined that the site plan and design meets the following decision criteria:

a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

b. If the health district recommends approval or disapproval of the application the health district shall so advise the director.

8. The Bainbridge Island Fire Department has reviewed the application and determined that the conditional use will be properly designed to ensure fire protection.

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

10.2. A conditional use map be approved with conditions. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.

G. Additional Decision Criteria for Institutions in Residential Zones. Applications to locate any of those uses categorized as educational facilities, governmental facilities, religious facilities, health care facilities, cultural facilities, or clubs in Table 18.09.020 in residential zones shall be processed as major conditional use permits and shall be required to meet the following criteria, in addition to those in subsection D of this section:

1. All sites must front on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map. **CONSIDER MOVING THIS SECTION TO 18.09.030 USE SPECIFIC STANDARDS.**

2. If the traffic study shows an impact on the level of service, those impacts have been mitigated as required by the city engineer.

3. If the application is located outside of Winslow study area, the project shall provide vegetated perimeter buffers in compliance with BIMC ~~18.15.010~~. **DUPLICATIVE- PERIMETER LANDSCAPING REQUIREMENTS IN 18.15.010**

4. The proposal meets the requirements of the commercial/mixed use design guidelines in BIMC ~~18.18.030~~. **C. DUPLICATIVE TO DESIGN GUIDELINES CRITERIA ABOVE**

3.5. The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area, **as reviewed with the design guidelines.**

4.6. If the facility will have attendees and employees numbering fewer than 50 or an assembly seating area of less than 50, the director may waive any or all the above requirements in this subsection **G-E**, but may not waive those required elsewhere in the BIMC.

5.7. Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located, except that public schools and governmental facilities, as defined in BIMC Title [18](#), that are located in the R-0.4 zoning district shall be allowed 150 percent of the lot coverage established in the R-0.4 zoning district, and such public schools and governmental facilities located in other zoning districts shall be allowed 100 percent of the lot coverage established in the underlying zoning district in which the facility is located, unless, regardless of which zoning district such a facility is located, conditions are required to limit the lot coverage to mitigate impacts of the use.

H. Approval of Additional Height in Nonresidential Districts.

1. In the NC zone district a maximum height of 45 feet for nonresidential uses can be approved through the major conditional use permit process if the director determines that: (a) view opportunities are not substantially reduced; (b) fire flow is adequate; and (c) solar access of neighboring lots is not substantially reduced.

2. In the B/I zone district a maximum height of 45 feet can be approved through the major conditional use process if the director determines that: (a) view opportunities are not substantially reduced; (b) fire flow is adequate; (c) solar access of neighboring lots is not reduced; and (d) the appearance of the neighborhood will not substantially change.

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

Redmond Zoning Code 21.76

Conditional Use Permit Decision Criteria. The City may approve or approve with modifications the conditional use only if the applicant demonstrates that:

- a. The conditional use is consistent with the RZC and the Comprehensive Plan;
- b. The conditional use is designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;
- c. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- d. The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses minimize unusual hazards or characteristics of the use that would have adverse impacts;
- e. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
- f. The conditional use will be supported by adequate public facilities or services, and will not adversely affect public services to the surrounding area or conditions are established to mitigate adverse impacts on such facilities.

King County Zoning 21A.44

21A.44.040 Conditional use permit. A conditional use permit shall be granted by the county, only if the applicant demonstrates that:

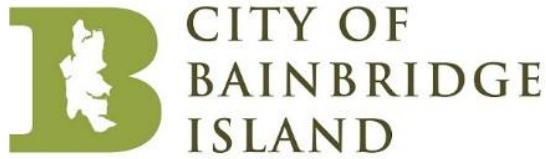
- A. The conditional use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;
- B. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- C. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- D. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- E. The conditional use is not in conflict with the health and safety of the community;
- F. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
- G. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities; and
- H. The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.

Port Townsend Conditional Use Permit Criteria

17.84.050 Approval criteria.

The city may approve or approve with modifications an application for a conditional use permit if the following criteria are satisfied:

- A. The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property; and
- B. The conditional use will be served by adequate public facilities including streets, fire protection, water, sanitary sewer, and storm water control; and
- C. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject parcel; and
- D. The conditional use has merit and value for the community as a whole; and
- E. The conditional use is consistent with the goals and policies of the Port Townsend Comprehensive Plan; and
- F. The conditional use complies with all other applicable criteria and standards of the Port Townsend Municipal Code; and
- G. That the public interest suffers no substantial detrimental effect. Consideration shall be given to the cumulative impact of similar actions in the area.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: March 14, 2019
To: Planning Commission
From: Christy Carr, AICP, Senior Planner
Subject: **Site Plan and Design Review and Conditional Use Permit Decision Criteria**

I. BACKGROUND

Consideration of revisions to site plan and design review (SPR) and conditional use permit (CUP) decision criteria is a moratorium work plan item. The intent of any potential revisions is to (a) minimize “wiggle room” and subjectivity for the decision maker and (b) ensure that decision criteria result in project outcomes reflective of the City’s Comprehensive Plan.

Background material provided for your review includes:

- Existing decision criteria in the Bainbridge Island Municipal Code (BIMC)
 - BIMC 2.16.040.F – Site Plan and Design Review
 - BIMC 2.16.050.D – Minor Conditional Use Permit
 - BIMC 2.16.110.F – Major Conditional Use Permit
- Table 18.09.020 – Permitted Use Table
- Recent SPR and CUP staff and Hearing Examiner reports that include response/analysis of the existing decision criteria

Site Plan and Design Review (BIMC 2.16.040)

The purpose of the site plan and design review process is to:

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

Site plan and design review is required in any of the following circumstances:

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

The following types of activities do not require site plan and design review:

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

There are two methods of site plan and design review, major and minor:

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

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

Decisions on site plan and design review applications are administrative, made by the Director of Planning Community Development (Director). Major SPRs require review and recommendation meetings by the Design Review Board and Planning Commission, both of which are optional for minor SPRs.

Conditional Use Permit – Minor (BIMC 2.16.050)

A minor conditional use permit is a mechanism by which the city may require specific conditions on development or the use of land to ensure that designated uses or activities are compatible with other

uses in the same zone and in the vicinity of the subject property. If imposition of conditions will not make a specific proposal compatible the proposal is to be denied.

The minor conditional use procedure applies to:

- All conditional uses listed as agricultural uses in Table 18.09.020 (*attached for quick reference*);
- Conditional uses listed in Table 18.09.020 other than an educational, cultural, governmental, religious, or health care facility, where the director determines that the anticipated impacts of those conditional uses will be minor or minimal; or
- Uses that are clearly consistent and compatible with other uses in the same zone or vicinity.

Decisions on minor conditional use applications are administrative, made by the Director. Review and recommendation meetings by the Design Review Board and Planning Commission are optional.

Conditional Use Permit – Major (BIMC 2.16.110)

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

The major conditional use procedure applies to establishing or expanding a use according to situations that include, but are not limited to:

- The proposed use or expansion covers 50 percent or greater of the total lot area;
- The proposed use is accessed by a local or private road;
- The proposed use or expansion generates more than 36 total trips per day;
- The proposed use or expansion contains four or more units in a multifamily dwelling;
- The proposed use or expansion of educational, cultural, governmental, religious, or health care facility or
- Requests for additional nonresidential building height pursuant to Table 18.12.020-1, 18.12.020-2, or 18.12.020-3.

Decisions on major conditional use permit applications are quasi-judicial, made by the Hearing Examiner. Major CUPs require review and recommendation meetings by the Design Review Board and Planning Commission.

II. ALTERNATIVES FOR REVISIONS TO DECISION CRITERIA

As stated earlier, the intent of any revisions to the decision criteria is to minimize “wiggle room” and subjectivity for the decision maker and (b) ensure that decision criteria result in project outcomes reflective of the City’s Comprehensive Plan. It is also a good opportunity for “housekeeping” revisions including corrections/clarifications. Potential revisions to achieve these intended results include:

- Eliminate or define subjective terms, such as “harmonious and compatible,” “materially detrimental,” and “intended character and quality of development in the vicinity.”
- Define area of impact – “immediately surrounding area,” “immediate vicinity of project area,” “in the vicinity of the subject property;” for example, are all used.
- Use consistent terms, such as “in accord with” vs. “in conformance with” the Comprehensive Plan
- Clarify when an application can be denied.
- Consolidate major and minor CUP decision criteria and otherwise eliminate duplication.

- Develop decision criteria for specific uses.

2.16.040 – Site Plans and Design Review

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

1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC [2.16.020.S](#);
2. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan;
3. The Kitsap County health district has determined that the site plan and design meets the following decision criteria:
 - a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.
 - b. If the health district recommends approval of the application with respect to those items in subsection E.3.a of this section, the health district shall so advise the director.
 - c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director;
4. The city engineer has determined that the site plan and design meets the following decision criteria:
 - a. The site plan and design conforms to regulations concerning drainage in Chapters [15.20](#) and [15.21](#) BIMC; and
 - b. The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
 - c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
 - d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
 - e. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the applicable service(s) can be made available at the site; and
 - f. The site plan and design conforms to the “City of Bainbridge Island Design and Construction Standards,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title [18](#);
5. The site plan and design is consistent with all applicable design guidelines in BIMC Title [18](#), unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC [2.16.020.S](#);
6. No harmful or unhealthful conditions are likely to result from the proposed site plan;
7. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans;
8. Any property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter [16.20](#) BIMC, conforms to all requirements of that chapter;
9. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter [16.12](#) BIMC, conforms to all requirements of that chapter;

10. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC [17.20.020.C](#), the requirements of BIMC [17.20.020.D](#) have been met;
11. The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals.

2.16.050 – Minor conditional use permit

D. Nonagricultural Minor Conditional Use Decision Criteria. A nonagricultural minor conditional use or an agricultural research facility may be approved if:

1. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC [2.16.020.S](#) shall not result in denial of a conditional use permit for the project;
2. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities;
3. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
4. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan;
5. The conditional use complies with all other provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC [2.16.020.S](#);
6. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property;
7. Noise levels shall be in compliance with BIMC [16.16.020](#) and [16.16.040.A](#);
8. The city engineer has determined that the conditional use meets the following decision criteria:
 - a. The conditional use conforms to regulations concerning drainage in Chapters [15.20](#) and [15.21](#) BIMC; and
 - b. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
 - c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
 - d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
 - e. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; and
 - f. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Development Standards Manual,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title [18](#).
9. If a minor conditional use is processed as a housing design demonstration project pursuant to BIMC [2.16.020.S](#), the above criteria will be considered in conjunction with the purpose, goals, policies, and decision criteria of BIMC [2.16.020.S](#).

10. A conditional use may be approved with conditions. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.

E. Agricultural Conditional Use Decision Criteria.

1. As agriculture is a preferred use, conditional uses that are listed as agricultural uses in Table 18.09.020 (except for agricultural research facilities) may be approved if:
 - a. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
 - b. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and
 - c. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and
 - d. The conditional use complies with all other provisions of the BIMC.
2. Animal agricultural conditional uses that are in compliance with an existing conditional use permit may expand any structure or area used in the operation of the conditional use on January 1, 2012 (effective date of adoption), by up to 25 percent without applying for a new conditional use permit.
3. Crop agriculture conditional uses that are in compliance with an existing conditional use permit may expand an unlimited amount without an additional conditional use permit, given they comply with the standards in BIMC Titles [16](#) and [18](#).

2.16.110 Major conditional use permit

F. Decision Criteria.

1. A conditional use may be approved or approved with conditions if:
 - a. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC [2.16.020.Q](#) shall not result in denial of a conditional use permit for the project; and
 - b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and
 - c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and
 - d. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and
 - e. The conditional use complies with all other provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC [2.16.020.Q](#); and
 - f. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property; and
 - g. Noise levels shall be in compliance with BIMC [16.16.020](#) and [16.16.040.A](#); and
 - h. The vehicular, pedestrian, and bicycle circulation meets all applicable city standards, unless the city engineer has modified the requirements of BIMC [18.15.020.B.4](#) and [B.5](#), allows alternate driveway and parking area surfaces, and confirmed that those surfaces meet

city requirements for handling surface water and pollutants in accordance with Chapters [15.20](#) and [15.21](#) BIMC; and

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

i. The conditional use conforms to regulations concerning drainage in Chapters [15.20](#) and [15.21](#) BIMC; and

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

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

iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

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

vi. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Development Standards Manual,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title [17](#).

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

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

G. Additional Decision Criteria for Institutions in Residential Zones. Applications to locate any of those uses categorized as educational facilities, governmental facilities, religious facilities, health care facilities, cultural facilities, or clubs in Table 18.09.020 in residential zones shall be processed as major conditional use permits and shall be required to meet the following criteria, in addition to those in subsection D of this section:

1. All sites must front on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map.

2. If the traffic study shows an impact on the level of service, those impacts have been mitigated as required by the city engineer.

3. If the application is located outside of Winslow study area, the project shall provide vegetated perimeter buffers in compliance with BIMC [18.15.010](#).

4. The proposal meets the requirements of the commercial/mixed use design guidelines in BIMC [18.18.030.C](#).

5. The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area.

6. If the facility will have attendees and employees numbering fewer than 50 or an assembly seating area of less than 50, the director may waive any or all the above requirements in this subsection E, but may not waive those required elsewhere in the BIMC.

7. Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located, except that public schools and governmental facilities, as defined in BIMC Title [18](#), that are located in the R-0.4 zoning district shall be allowed 150 percent of the lot coverage established in the R-0.4 zoning district, and such public schools and governmental facilities located in other zoning districts shall be allowed 100 percent of the lot coverage

established in the underlying zoning district in which the facility is located, unless, regardless of which zoning district such a facility is located, conditions are required to limit the lot coverage to mitigate impacts of the use.

H. Approval of Additional Height in Nonresidential Districts.

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

Table 18.09.020 Use Table

“P” = Permitted Use		“A” = Accessory Use										Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties									
“C” = Conditional Use		“CA” = Conditional Accessory Use																			
Blank = Prohibited Use		“T” = Temporary Use																			
ZONING DISTRICT USE CATEGORY/TYPE	R- 0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030	
											CC	MA	EA	Gate	Ferry [1]						
PRINCIPAL USES																					
AGRICULTURAL																					
Note: Agricultural uses may be subject to additional requirements in BIMC 16.12.040.E, Forest Practices.																					
All agricultural uses are subject to the critical area regulations in Chapter 16.20 BIMC.																					
Agricultural uses are not allowed within the shoreline jurisdiction pursuant to Chapter 16.12 BIMC.																					
Agriculture, Animal	P	P	P	C	C	C	C										P			A-1	
Agriculture, Crop	P	P	P	P	P	P	P	P	P	P							P			A-2	
Agriculture Research Facility	C	C	C																	A-3	
Agricultural Processing																P		P/C		A-4	
RESIDENTIAL																					
Note: Residential uses may be subject to additional requirements in BIMC 16.12.040.I, Residential Development.																					
Household Living																					
Single-Family Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			B-1	
Single-Family Dwelling existing on April 15, 1996											P	P	P							B-1	
Multifamily Dwellings	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P			B-2	
Commercial/Residential Mixed Use									P	P	P	P	P	P	P	P	P			B-3	

“P” = Permitted Use		“A” = Accessory Use									Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties									
“C” = Conditional Use		“CA” = Conditional Accessory Use																		
Blank = Prohibited Use		“T” = Temporary Use																		
ZONING DISTRICT USE CATEGORY/TYPE	R- 0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Developments																				
Live/Work Units																	P		B-4	
Group Living																				
Foster Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P			
Small Group Living Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Group Care Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	P	P		C	
PUBLIC AND INSTITUTIONAL																				
Community and Educational Facilities																				
Educational Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C		C	C-1
Vocational/Trade Instruction Facilities	C																P			
Governmental Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C		C	C-2
Religious Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C		C	C-3
Parks and Park-Related																				
Note: Parks and park-related uses may be subject to additional requirements in BIMC 16.12.040.H, Recreational Development.																				
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C-4
Park, Active Recreation	P	P	P	C	C	C	C	C	C	C	P	P	P	P	P	P	P		P	
Park, Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	

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ZONING DISTRICT USE CATEGORY/TYPE	R- 0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Recreation Activity, Indoor	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P		
Recreation Activity, Outdoor	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		P	
Other Public and Institutional																				
Cemetery	C	C	C																	
Day Care Center	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P			C-5
Family Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C-6
Health Care Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	P	P			C-7
CULTURAL AND ENTERTAINMENT																				
Artist Studio											P	P	P	P	P	P	P	P		
Club	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P			
Commercial Amusement											P	P	P	P	P	P	C			
Cultural Facility	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	C		C	
Entertainment Facility											P					P	C			
COMMERCIAL SALES AND SERVICE																				
Note: Commercial Sales and Service uses may be subject to additional requirements in BIMC 16.12.040.D, Commercial Development.																				
Accommodation																				
Bed and Breakfast (3+ bedrooms)	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P			

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											CC	MA	EA	Gate	Ferry [1]					
Inn											P	P	P	P	P	P	P			
Hotel											C			C	C	P				D-1
Animal Sales and Service																				
Equestrian Facility	C																	P		
Kennel, Indoor	C										P	P	P	P	P	P	P	P		
Kennel, Outdoor	C																	C		
Veterinarian Clinic or Office	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	P	C	P		
Food and Beverage																				
Formula Take-Out Restaurant																P				D-2
Restaurant											P	P	P	P	P	P	P			
Food Service Establishment																		P		D-3
Mobile Retail Food Establishment											P	P	P	P	P	P	P	P	P	D-5
Craft Food and Beverage											P	P	P	P	P	P	P	P		D-4
Offices and Services																				
Personal Service											P	P	P	P	P	P	P			D-6
Professional Service											P	P	P	P	P	P	P	P		D-7
Retail																				

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											CC	MA	EA	Gate	Ferry [1]					
Commuter-Oriented Retail Sales															P					D-8
Open-Air Sales for Garden Supply	C	C	C														P			
Retail Sales											P	P	P	P		P	P	A		D-9
PRIVATE MOTOR VEHICLE-RELATED																				
Note: Private motor vehicle-related uses may be subject to additional requirements in BIMC 16.12.030.C.6, Transportation Facilities.																				
Auto Repair Services																C	C	P/C		E-1
Car Wash Facility, Manual or Automatic																C	C	C		
Commercial Parking Structure											C									
Commercial Parking, Surface											P			P						E-2
Ferry Commuter Parking											P			P	P					E-3
Gasoline Service Station																C	C			
Motor Vehicle Sales																C				E-4
Noncommuter Ferry Parking														C						E-5
Park and Ride Facility/Lot	C	C	C													C	C		C	E-6
Park and Ride Lot, Shared Use	C	C	C	C	C	C	C	C	C	C						C	C		C	E-7

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											CC	MA	EA	Gate	Ferry [1]					
Small Engine Repair																C	C	P		
Transport and Delivery Service																P	C	P		E-8
Motor Vehicle-Related Services, Not Including Retail and Not Otherwise Listed																C				
UTILITY AND TELECOMMUNICATIONS																				
Note: Utility and telecommunications uses may be subject to additional requirements in BIMC 16.12.030.C.7.																				
Monopole or Lattice Tower	P																	P		
Small Wind Energy Generator	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P/C	P/C	P/C	F-1
Utility, Primary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	F-2
Public Communications Tower	P	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	A	F-3
Wireless Communication Facilities, Facility I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wireless Communication Facilities, Facility II	P										P	P	P	P	P	P	P	P	P	
Wireless Communication Facilities, Facility III	P																	P	P	
INDUSTRIAL USES																				
Note: Industrial uses may be subject to additional requirements in BIMC 16.12.040.F, Industrial Development.																				

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ZONING DISTRICT USE CATEGORY/TYPE	R- 0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Manufacturing and Production																				
Manufacturing, Small-Scale																	C	P		
Manufacturing, Light																		P		
Manufacturing, General																		C		
Mining and Quarrying	C	C	C																	G-1
Research and Development																	P	P		
Waste and Salvage																				
Recycling Center	C	C									C				C		C	C		G-2
Waste Transfer Facility	C																			G-3
Warehouse and Freight Movement																				
Commercial Moving and Freight Terminal																		C		
Self-Service Storage Facility																	C	P		G-4
Warehouse																		P		
Ferry- and Waterfront-Related																				
Note: Ferry- and waterfront-related uses may be subject to additional requirements in BIMC 16.12.040.C, Boating Facilities; and 16.12.050.C, Overwater Structures.																				
Barge Moorage and Off-Load Ships																			C	H-1
Boat Building																		P/C	C	H-2

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											CC	MA	EA	Gate	Ferry [1]					
Boat Repair Facility																		P/C	P	H-3
Cross Harbor Passenger-Only Ferry Terminal and Associated Parking																			C	
Dry Storage for Boats and Marine Equipment																			P	
Ferry Terminal and Associated Docks, Ramps, Walkways, Trails, Waiting Rooms, and Holding Areas														P						
Ferry Slips and Repair Facility																			P	H-4
Marine Rental and Sales																			P	
Marine Way																			C	
Pleasure and Commercial Vessel Moorage																			P	
Small Boat Haul-Out Facility																			P	
Water-Related Supply and Retail Sale																			P	
ACCESSORY USES																				
Accessory Agricultural Education	A	A	A	A	A	A	A										A			I-1
Accessory Agricultural	A	A	A	A	A	A	A										A			I-2

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											CC	MA	EA	Gate	Ferry [1]					
Retail, Minor																				
Accessory Agricultural Retail, Major	CA	CA	CA	CA	CA	CA	CA										CA		I-3	
Accessory Agricultural Special Event	A	A	A	A	A	A	A										A		I-4	
Accessory Agricultural Tourism	A	A	A	A	A	A	A										A			
Accessory Composting Bin	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Accessory Dwelling Unit (outside shoreline jurisdiction)	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A		I-5	
Accessory Dwelling Unit (within shoreline jurisdiction)	CA	CA	CA	CA	CA	CA	CA		CA	CA							CA		I-5	
Accessory Agricultural Processing and Livestock and Poultry Slaughtering	A	A	A	A	A	A	A										A		I-6	
Accessory On-Site Treatment and Storage Facilities for Hazardous Wastes																	A	A	I-7	
Accessory Outdoor Storage																	A	A	I-8	
Accessory Rain Garden/Swale	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Accessory Rainwater Harvesting Barrel	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	I-9	

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											CC	MA	EA	Gate	Ferry [1]					
Accessory Security Residence																		P		I-10
Accessory Small Wind Energy Generator	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	I-10
Accessory Solar Panel	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Accessory Uses to Agriculture (not otherwise listed)	A	A	A	A	A	A	A										A			
Accessory Utilities	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	I-11
Bed and Breakfast (1 – 2 bedrooms)	A	A	A	A	A	A	A	A	A	A							A			
Minor Home Occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			I-12
Major Home Occupations	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA			I-13
Nonagricultural Accessory Uses and Structures (not otherwise listed)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	I-14
TEMPORARY USES																				
Temporary Construction Building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-1
Temporary Container Storage	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-2
Temporary Commercial Parking											T	T	T	T	T	T				J-3
Temporary Public Events or Gatherings	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		J-4

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											CC	MA	EA	Gate	Ferry [1]					
Temporary Ferry Commuter Parking											T				T	T				J-5
Temporary Noncommuter Parking															T					J-6
Temporary Seasonal Sales	T	T	T								T				T	T	T	T		J-7
Temporary Homeless Encampment	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-8
MARIJUANA-RELATED USES																				
Marijuana Retailer																		P		K
Marijuana Processor																		P		K
Marijuana Producer																		P		K
Collective Garden																				
[1] In the ferry terminal district, all development shall include at least 10 percent of landscaped or naturally vegetated open space. Parking may be located under the open space. Development south of Winslow Way shall include pedestrian walkways that connect to Winslow Way East and Olympic Drive Southeast, and/or that align with Cave Avenue and Ferncliff Avenue.																				

(Ord. 2018-13 § 3 (Exh. A), 2018; Ord. 2017-14 § 2 (Exh. A), 2017; Ord. 2017-02 § 1, 2017; Ord. 2015-10 § 1 (Exh. A), 2015; Ord. 2014-14 § 1 (Exh. A), 2014; Ord. 2014-26 § 1 (Exh. A), 2014; Ord. 2013-25 § 4 (Exh. A), 2013; Ord. 2012-12 § 1, 2012; Ord. 2011-17 § 1, 2011; Ord. 2011-02 § 2 (Exh. A), 2011)

February 13, 2017

**CITY OF BAINBRIDGE ISLAND, WASHINGTON
HEARING EXAMINER**

REPORT AND DECISION

Project: Montessori Country School
Conditional Use Permit / Site Plan and Design Review

File Number: PLN17677 CUP/ SPR

Applicant: Montessori Country School
10994 Arrow Point Drive NE
Bainbridge Island, WA 98110

Location: 10994 Arrow Point Drive NE

Request: Increase campus student population from 83 to 146 and staff from 10 to 18. Construct six new buildings (in addition to the existing building), expanding floor area from 3,550 square feet to 11,853 square feet. Modify existing parking lot and access drive dimensions.

SEPA Review: A Mitigated Determination of Non-Significance was issued on December 21, 2016.

Zoning and Plan Designations: R-1, Residential zone, one unit per acre
OSR-1, Open Space Residential, one unit per acre

FINDINGS OF FACT

Site Characteristics

1. Tax Assessor Information:
 - a. Tax Lot Number: 172502-1-087-2000
 - b. Owner of record: Montessori Country School
 - c. Lot size: 4.38 acres
 - d. Land use: Community and Educational / Educational Facility
2. Background: The Montessori Country School is a non-profit private school that is currently located on two campuses. The school requests approval to expand its Arrow Point Drive campus in order to serve the entire student population on a single site. In 1990 the school revised an existing

Kitsap County Unclassified Use Permit, receiving approval for two preschool sessions per weekday at a maximum of 34 students per session plus an elementary program at a maximum of 30 students (98 students total).

3. Zoning and Comprehensive Plan Designation: The subject property is within the R-1 district and the Open Space Residential (OSR-1) designation. The properties to the north and east are similarly designated. Properties to the west, across Arrow Point Drive, and to the south are zoned R-0.4 with a Comprehensive Plan designation of OSR-0.4.

4. Existing Development: The property contains a private school campus with a school building and associated development, including a parking lot and playground. The property to the north is undeveloped. The property to the east contains single-family residential development. The property to the west is a public park (Battle Point Park). Both properties to the south contain single-family residential development.

5. Access: Vehicular access is provided from Arrow Point Drive via a one-way loop.

6. Soils and Terrain: Site soils are composed of ice-contact deposits overlying Vashon till. The existing school building, parking lot and playground are located in the southwestern portion of the site and the existing septic system is located further east within the southern portion. The remainder of the site is heavily wooded with second growth forest.

The topography of the western third of the site is relatively flat. The remainder of the parcel slopes west to east with inclinations ranging from 10 to 40 percent. A small area in the middle of the site contains a slope that exceeds 40 percent but has no individual section greater than ten feet in height. The geotechnical reconnaissance indicates that this slope is relatively stable, with no groundwater seepage observed and no adverse geologic strata sequencing evident. The geotechnical engineer concluded that no regulated geologically hazardous areas are present on the property.

7. Public Services and Utilities:

- a. Police: City of Bainbridge Island Police Department.
- b. Fire: Bainbridge Island Fire District.
- c. Water: On-site well.
- d. Sewer / Septic: On-site septic system.
- e. Storm drainage: On-site dispersion is proposed for the parcel's eastern basin and on-site detention for the western basin.

Procedural History

8. A pre-application conference was held on October 20, 2015, with a public participation meeting convened on January 4, 2016. Applications for Site Plan Review and Conditional Use Permit were received on June 15, 2016, and deemed complete on July 5, 2016. Public meetings were also held before the Design Review Board and the Planning Commission.

9. The project is subject to State Environmental Policy Act (SEPA) review. Utilizing the optional DNS process provided in WAC 197-11-355, the City issued a combined Notice of Application/SEPA comment period on July 15, 2016. The 14-day comment period ended on July 29, 2016. The City, acting as lead agency, issued a SEPA Mitigated Determination of Nonsignificance (MDNS) for this

proposal on December 21, 2016. The SEPA appeal period expired on January 4, 2017, with no appeals having been filed.

10. Regarding agency comments, the Kitsap Public Health District has approved the application, with subsequent building permits also subject to Health District approval. The Bainbridge Island Fire District has approved the project as conditioned. Both the Design Review Board and the Planning Commission reviewed the proposal. At a public meeting on January 12, 2017, the Planning Commission unanimously recommended approval subject to modified conditions regarding construction fencing and to incorporate septic drainfields into a covenant protecting forested areas associated with stormwater requirements.

11. Two public comments were received prior to the public hearing. One commenter requested assurances that the well, septic and stormwater facilities will be adequate to serve the project. A second neighbor to the south, who also spoke at the public hearing, expressed concern over increased risks to groundwater and aquifers and whether noise levels from the children's play area would interfere with telephone conversations held in her home office.

12. BIMC 2.16.170 allows an applicant for a single project proposal requiring more than one major City land use application to request them all to be processed together within a consolidated project review. A consolidated public hearing on the Montessori Country School applications for Site Plan and Design Review and Conditional Use Permit approvals was held by the City's Hearing Examiner on February 1, 2017.

Comprehensive Plan Consistency

13. The staff report documents project consistency with the Land Use, Economic and Cultural Elements of the Comprehensive Plan. Promoting economic diversity and the non-profit sector are favored goals under the Economic Element. The school's emphasis on arts education and inclusion of the natural environment into the program support Cultural Element goals.

Regulatory Compliance

14. Educational facilities are listed as conditionally permitted in the R-1 district under the BIMC 18.09.020 Use Table, to be processed as major conditional uses in residential zones (BIMC 18.09.030). Kitsap County granted an Unclassified Use Permit to the Montessori Country School in 1990 to serve preschool and elementary-age children. .

15. Under BIMC 18.12.020-2 the maximum allowable coverage for residential lots in the R-1 district is 15 percent, with institutions not to exceed 50 percent of the allowable lot coverage (i.e. 7.5 percent). The parcel is 4.38 acres in size and proposed lot coverage is 13,660 square feet, or 7.1 percent of the lot area, therefore meeting this requirement. A small portion of the existing building encroaches three feet into the ten-foot side setback now required along the south property line. All other existing or proposed structures to be located within the setbacks, such as fencing and walkways, are authorized as setback modifications under BIMC Table 18.12.040. All proposed new buildings will lie outside required setbacks.

16. Pursuant to BIMC 18.15.010, a 25 foot wide full screen buffer is required along the perimeter of a non-residential use located within a residential district, which buffer may be reduced via averaging to accommodate a unique situation so long as a minimum ten foot width is maintained. The 25 foot wide partial screen required along rights-of-way also may be averaged. The site must provide at least 40 tree

units per acre following redevelopment, with trees within required landscape buffers not counting toward the tree unit total.

17. The perimeter buffer is proposed to be averaged, as permitted by code. Buffer widths along the northwest and southwest will be reduced in three locations to 15 feet, resulting in a total reduction of 7,650 square feet. As compensation, buffer widths will be increased along the northeast, southeast and east property boundaries to provide a contiguous 35 foot width boundary, providing a total increase of 8,700 square feet. The project is conditioned to maintain the buffers for the life of the project. The development is mandated to provide 177 total tree units (40 X 4.42 acres) to meet the tree retention requirements of BIMC Chapter 18.15. The tree retention schedule specifies that the project will provide 199 tree units. Parking lot landscaping will also be required.

18. During construction the applicant must also identify areas of prohibited disturbance, generally corresponding to the driplines or critical root zones of the existing vegetation to be retained, plus future rain gardens and larger planting areas. Temporary fencing must be installed and 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 are to be allowed within any protected area defined by construction fencing.

19. BIMC 18.15.020 requires an elementary school to provide one parking space per 50 students plus one space per employee. The proposed development will serve 146 students and 18 staff, resulting in a parking requirement of 21 spaces. The proposed parking lot will supply 26 spaces, including one handicapped-accessible parking space. Additionally, to accommodate all-school events the applicant has a long-standing agreement with the Parks District to use the parking facilities at Battle Point Park across Arrow Point Drive for overflow.

20. The project will provide pedestrian access from Arrow Point Drive through the parking lot plus a second pedestrian access from the parking lot alone, both connecting to the internal sidewalk that fronts the buildings. A dedicated drop-off / pick-up lane will allow students to exit directly onto the internal sidewalk, avoiding interaction between students and vehicles in the parking lot. Walkways and decks will create pedestrian connectivity between buildings. The project conditions mandate appropriate curbs, walkway dimensions and surfacing meeting the requirements of BIMC 18.15.030, as approved by the City Engineer. A bicycle rack is proposed for the southeast side of the parking lot, with the project conditioned to provide at least six bicycle spaces.

21. All outdoor lighting must result in no light trespass, as defined by BIMC 18.15.040. Outdoor lighting is proposed on buildings and along walkways. The project is conditioned to demonstrate compliance with lighting regulations at the time of building permit application.

22. The project is subject to the General and Commercial and Mixed Use Design Guidelines stated at BIMC Chapter 18.18. The Design Review Board reviewed the proposal and unanimously recommended approval. The proposed site redevelopment will provide a 25-foot width vegetated buffer along Arrow Point Drive, with the parking lot lying between the buffer and the buildings, all of which will be set back at least 80 feet from the right-of-way. Parking facilities will provide an appropriate separation between vehicular traffic and the campus. Parking spaces will be grouped into clusters interspersed with landscape areas.

23. In addition to sidewalks, the development will include other outdoor spaces such as playgrounds, play fields and trails. Most will be located behind the buildings in order to efficiently serve the student population, with one courtyard sited prominently in front to create a terminus for the

pedestrian walkway connection to Arrow Point Drive.

24. Buildings designs are encouraged to utilize features such as massing, materials, windows, canopies, and pitched or terraced roof forms to create a visually distinct base and cap. Variations in texture and elevations help to avoid massive scales. The architect's stated goal is to create a campus that manifests environmentally aware building practices and design. Buildings will be oriented to capture natural light and provide views of the outdoors. Building materials include natural wood siding, corrugated metal, cement board, recycled wood trim and decking, and reclaimed timber. All buildings will be single story with no blank walls. Covered walkways, porches and canopies will afford protection from the elements. No rooftop mechanical equipment is proposed.

Neighborhood Impacts

25. The City's Development Engineer has concluded that, as conditioned, the project can meet applicable stormwater requirements without causing either undue burdens on the affected drainage systems or interference with the use and enjoyment of properties downstream. The site is divided into eastern and western basins. The western basin outlets to a swale along Arrow Point Road, then flows are conveyed beneath the road to a seasonal pond in Battle Point Park and eventually discharged to Fletcher Bay. This conveyance system has potential capacity and maintenance problems at a number of points but appears to function adequately. The applicant proposes to detain stormwater onsite and release it at flow rates that match predevelopment peaks, thereby not increasing downstream impacts.

26. As originally proposed, stormwater within the eastern basin was to be directed to an off-site stormwater pond and then to an outfall at Manzanita Bay. But staff determined that the proposed release to Manzanita Bay would be prohibited by the Shoreline Master Program and requested the applicant to revise the stormwater plan for the eastern basin. The new proposal is to disperse stormwater onsite via four 50 foot long dispersion pipes located on the wooded eastern side of the property.

27. The onsite portion of eastern basin presents a number of challenges. It is mostly forested, with slopes in the 8 to 20 percent range. The slopes are underlain by impermeable glacial till at relatively shallow depths, making the site a poor candidate for either infiltration or dispersion trenching. The four dispersion pipes proposed to be laid on the ground surface represent the maximum number feasible on the site and are modeled to be able to handle 14,000 square feet of roof runoff. That appears to leave 300 square feet of impervious surface flows unaccounted for, as well as 2000 square feet of landscaping. The nearest residence downslope to the east is over 100 feet away from the proposed dispersion pipe array and is partially protected by an upslope curtain drain at the project site boundary.

28. The project engineer's proposed solution to the pipe capacity shortfall includes detaining flows above the 14,000 square foot limit to meter a slower release rate plus installing a second curtain drain upslope from the septic drainfield. This approach could well prove to be adequate but offers no margin of safety. The City Development Engineer has also expressed concerns about the available forested cover being adequate to meet dispersion requirements. A condition has been added to the approval (no. 6.1) to create a five-year stormwater system monitoring plan to verify the system's adequacy in actual practice.

29. Arrow and Battle Points are relatively isolated locations and traffic volumes on the roads

serving the site are generally light. The school staggers its morning student dropoff times to avoid creating congestion either on the site itself or in its environs. As noted, reserve parking is available across the street at Battle Point Park; the school's usage of the park facility does not overlap heavy recreational periods. A certificate of traffic concurrency has been issued for the proposal.

30. Since 2015 Denise McDonnell has been the school's neighbor adjacent to the south. She both commented on the application and offered testimony at the public hearing. She operates a virtual office in her home and is concerned that noise from the existing playground near the site's southern boundary will increase after school expansion and interfere with her business conversations. The staff report discussed this concern, from which the following descriptive observations were selected:

The commenters' residence was constructed in 2015. The existing play area on the subject property is 170 feet from the commenters' residence. No change to the play area or playground equipment is proposed within 270 feet of the residence; the proposed development adds two play fields beyond that distance.

... Additionally, there is a vegetated swath 55 feet in width between the play area and the commenters' property, and an additional 25 foot width vegetation buffer on the commenters' property.

Noise levels exceeding 70 decibels are loud enough to be considered annoying, intrusive, and interfere with telephone use. By comparison, the sound of a dishwasher is 80 dba at a distance of 16 feet; 70 dba is the sound emanating from a freeway at a distance of 50 feet. Noise levels of children on playgrounds can approach 115 dba, equivalent to the level of noise experienced standing three feet from a power mower.

Decibel levels are reduced by approximately 6 dba for every doubling of the distance from the noise source.... The exterior walls of a home typically provide noise level reduction of 25 – 30 dba...

31. When at the public hearing the Examiner expressed skepticism that the noise levels of children playing could "approach 115 dba", staff made reference to a World Health Organization training slide presentation, *Children and Noise*, as authority for the statement. Staff has submitted a print-out of the slide show to the record. In addition, the Examiner has taken notice of noise documentation literature readily accessible on the internet. The City regulates noise under BIMC Chapter 16.16, which largely tracks the state regulatory scheme set forth at WAC Chapter 173-60.

32. The notion that a small children's playground will generate noise in the 115 dBa range is unsupported by the technical literature and contradicted by common sense. A standard reference, Cowan's *Handbook of Environmental Acoustics*, characterizes "amplified rock music" at 110 dBa and a "busy city street" and a "loud shout" both at 80 dBa. Specific studies of playground noise (mainly from Britain) describe measured levels starting within the 56 – 57 dBa range and rising to about 65 dBa. A February 22, 2016, preliminary noise study done for a proposed private school in San Diego County displayed the virtues of being both recently performed and encompassing assumptions comparable to the Montessori context. It is worth quoting:

Noise level measurements were taken at an existing school facility (The Classical Academies) with approximately 400 students, located in Escondido, CA on September 19, 2012 by Ldn Consulting. Short term measurements were conducted of the children playing in the larger play field. The results of the noise measurements varied between 60-64 dBa for the children playing at a distance of 25 feet from the main activities in the center of the playing field. For purposes

of this analysis and to be conservative, the higher noise level of 64 dBA will be utilized for each of the playing areas and the courtyard. The nearest property line to the playground area is approximately 150 feet to the west... The outdoor play area is located 150-feet from the nearest property line to the east. Based on the distance separation the noise levels would diminish to 47 dBA at the property lines.

33. Based on these comparable noise generation and attenuation assumptions, the noise level at the existing Montessori playground might reach as high as 65 dBA at the nearby southern property line but would be expected to decrease to less than 47 dBA at the McDonnell residence. By way of context, the difference between 65 dBA and 115 dBA sound sources is far bigger than the raw numbers suggest. The sound energy represented by the decibel scale doubles with every 10 dBA increase. So while 115 dBA looks like it should represent less than a doubling of the 65 dBA sound energy level, in actuality it is 32 times greater.

34. More fundamentally, from a regulatory standpoint the McDonnell factual situation does not support remedial action by the City. First, the playground at issue is an existing facility, not a new facility to be constructed under the school expansion proposal. It would thus not be subject to regulation within this proceeding unless credible evidence was offered that its expanded use would create significant additional noise impacts above their current level. The applicant's administrative head, Meghan Skotheim, testified that because additional new playground facilities will be built under the current proposal, the existing facility nearest the McDonnell residence will be used in the future by larger numbers of children at any single time but for fewer daily play periods. These facts are not sufficient to support an inference of increased overall impacts.

35. Finally, the relevant state noise standards do not by their own terms pertain to a school playground use of the type encountered here. WAC 173-60-040 describes the noise standards to be used in a regulatory analysis but the following section, WAC 173-60-050, limits their scope by supplying a list of exemptions from such standards. WAC 173-60-050(4)(k) provides that “[t]he following shall be exempt from all provisions of WAC 173-60-040:...(k) Sounds caused by natural phenomena and unamplified human voices.” In the absence of evidence that the school employs sound amplification equipment in conjunction with its playground activities, the state noise standards as written do not apply.

CONCLUSIONS

1. BIMC 2.16.040E states the following criteria to be applicable to a site plan and design review approval:

1. *The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q;*
2. *The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the nonmotorized transportation plan;*
3. *The Kitsap County health district has determined that the site plan and design meets the following decision criteria:*
 - a. *The proposal conforms to current standards regarding domestic water supply and sewage*

disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

b. If the health district recommends approval of the application with respect to those items in subsection E.3.a of this section, the health district shall so advise the director.

c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director.

4. The city engineer has determined that the site plan and design meets the following decision criteria:

a. The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and

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

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

d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

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

f. The site plan and design conforms to the "City of Bainbridge Island 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 18.

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

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

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

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

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

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

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

12. For applications in the B/I zoning district, the site plan and development proposal include means to integrate and re-use on-site storm water as site amenities.

2. As summarized in the findings above and documented in both the staff report and the materials submitted by the applicant, the proposal, as conditioned, is in conformance with the Bainbridge Island Comprehensive Plan and Municipal Code. The proposed development provides for the expansion of an existing educational facility, a use conditionally allowed by the Municipal Code within the R-1 zoning district. The requirements of BIMC 17.20.020 are not relevant to this application because the proposal contains no new dwelling units and is not located within the B/I zoning district.
3. The Health District reviewed the project and raised no objections. The City's Development Engineer reviewed the submitted civil plans and, subject to appropriate conditions, found them to be consistent with applicable requirements. The proposed development was reviewed and recommended for approval by the Design Review Board. The designs of the building form, wall articulation, roof form, landscaping and overall layout are consistent with the intent of the applicable design guidelines.
4. The proposed site plan provides building layout, parking and circulation systems that are an efficient use of the available land while providing required setbacks and screening from the adjacent properties as well as open space. No critical areas issues have been identified. The proposed site plan was prepared consistent with the overall purpose and goals of the Site Plan and Design Review process. This process provided a means for guiding the development in a logical, safe, attractive and expedient manner. The requirements of BIMC 2.16.040E for a site plan and design review approval have been met by the proposal.
5. BIMC 2.16.110D and E provide the decisional criteria governing approval of a major conditional use permit application in a residential zone:

D. Decision Criteria.

1. A conditional use may be approved or approved with conditions if:

- a. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC 2.16.020.Q shall not result in denial of a conditional use permit for the project; and*
- b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and*
- c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and*
- d. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the nonmotorized transportation plan; and*
- e. The conditional use complies with all other provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q; and*
- f. All necessary measures have been taken to eliminate or reduce to the greatest extent*

possible the impacts that the proposed use may have on the immediate vicinity of the subject property; and

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

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

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

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

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

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

iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

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

vi. The conditional use conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.

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

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

E. Additional Decision Criteria for Institutions in Residential Zones.

Applications to locate any of those uses categorized as educational facilities, governmental facilities, religious facilities, health care facilities, cultural facilities, or clubs in Table 18.09.020 in residential zones shall be processed as major conditional use permits and shall be required to meet the following criteria, in addition to those in subsection D of this section:

1. All sites must front on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map.

2. If the traffic study shows an impact on the level of service, those impacts have been mitigated

as required by the city engineer.

3. If the application is located outside of Winslow study area, the project shall provide vegetated perimeter buffers in compliance with BIMC 18.15.010.

4. The proposal meets the requirements of the commercial/mixed use design guidelines in BIMC 18.18.030.C.

5. The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area.

6. If the facility will have attendees and employees numbering fewer than 50 or an assembly seating area of less than 50, the director may waive any or all the above requirements in this subsection E, but may not waive those required elsewhere in the BIMC.

7. Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located, except that existing public schools and governmental facilities, as defined in BIMC Title 18, shall be allowed 100 percent of the lot coverage established in the underlying zoning district in which it is located unless conditions are required to limit the lot coverage to mitigate impacts of the use.

6. The proposed development is for the expansion of an existing private school. With few surrounding single-family residential uses, the Montessori Country School, which has been in existence and operation at this location for many years, fits well into the neighborhood pattern. Other adjacent developments include a few larger lot residences and a public park to the west across Arrow Point Drive. The proposed conditional use is consistent with the goals and policies of the Comprehensive Plan.

7. As conditioned, the proposed use will be adequately served by public roads, water, sewer, fire protection and storm drainage facilities. Allowing the expansion of the school will not be materially detrimental to existing uses in the vicinity because the site's function, although intensified, will continue much as it has for many years. Proper access, parking, circulation, landscaping are being provided. The conditional use complies, as do the buildings analyzed within the Site Plan Review, with all applicable provisions of the BIMC. The DRB reviewed the project and provided a recommendation of approval.

8. The Site Plan Review and Conditional Use Permit applications have been reviewed by the City's development engineer and, as conditioned, the vehicular, pedestrian, and bicycle facilities plans meet all applicable City standards and pollution controls. The project trip generation data did not demonstrate an increased level of service impact requiring mitigation.

9. Neighborhood impacts of potential concern included stormwater management in the site's eastern basin and the possibility of noise impacts to the residential property adjacent to the south. As conditioned, stormwater runoff in the eastern basin can be dispersed onsite. Proper analysis indicated that the alleged noise impacts had been incorrectly characterized both as to their intensity and regulatory consequences.

10. Based on the record as a whole, the school expansion application meets the requirements of BIMC 2.16.110D and E for the issuance of a major conditional use permit.

DECISION

The Montessori Country School Conditional Use Permit and Site Plan and Design Review applications (file no. PLN17677 CUP/ SPR) are APPROVED, subject to the following conditions:

SEPA Conditions

1. To avoid impacts to vegetation, no construction activity shall occur in landscape buffers or within the critical root zone of significant trees within landscape buffers, including staging, storage, materials laydown, parking, construction vehicle turnaround, or equipment.
2. To avoid impacts to historic and cultural resources, work shall immediately stop if any historical or archaeological artifacts are uncovered during excavation or construction 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.

Project Conditions

3. The authorization for construction activities automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the Site Plan and Design Review and Conditional Use permits except: The applicant must file for building permit to accommodate phased construction of building six within ten years of the effective date of this permit or the authorization to construct building six expires.
4. Construction plans shall substantially conform to plans submitted on June 15, 2016, except for modifications reflecting compliance with these conditions of approval, and except as follows: Sheet A-0.1 submitted on July 11, 2016; Sheets A-1.2, C1, C2, L1 and L2 submitted on January 24, 2017.
5. 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.
6. The project shall comply with the following conditions of the City Engineer:
 - a. Final civil improvement plans shall be submitted with building permit application. Upon approval to construct, all necessary infrastructure serving the site must be completed prior to the first final building inspection.
 - b. As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to the first final building inspection.
 - c. The preconstruction condition of Arrow Point Drive fronting the property shall be photo-documented to the satisfaction of the City Engineer prior to issuance of any permit. Prior to the final inspection of the final building damage to the road caused by heavy construction equipment and traffic shall be fixed by the permit holder.

- d. Shoulder improvements along the frontage of Arrow Point Drive are required as a condition of development to include construction of a three-to-five foot width gravel shoulder.
 - e. Paved driveway aprons matching the surfacing on Arrow Point Drive shall be provided from the roadway for a distance of 20 feet from the edge of the Arrow Point pavement.
 - f. A maintenance plan for the internal roadway and parking lot is required with the first building permit. Track-out of dirt and silt from the site onto the roadway is not allowed. Cloudy runoff leaving the site is not allowed.
 - g. All on-site stormwater facilities shall remain privately owned and maintained.
 - 1) The applicant shall submit an operation and maintenance plan for the on-going maintenance of the storm drainage systems to the satisfaction of the City Engineer with the first building permit application.
 - 2) Annual inspection and maintenance reports shall be provided to the City.
 - 3) A recorded Declaration of Covenant for Stormwater System Operation and Maintenance will be required prior to the first final building inspection. The approved language for the Declaration of Covenant is found in BIMC Chapter 15.21, Exhibit A.
 - h. Prior to the first final building inspection the applicant shall provide a recorded covenant protecting the forested area as identified in Sheet C2 Utility and Drainage Plan submitted to the City on January 24, 2017. The covenant should be carefully worded to allow for installation and maintenance of stormwater facilities and drainfield facilities which are within the area proposed for retention of significant trees and understory.
 - i. A right-of-way construction permit is required prior to any construction activities within the right-of-way and is subject to separate conditions and bonding requirements.
 - j. A Stormwater Conveyance System Connection Application shall be submitted with the right-of-way construction permit application for locations where stormwater will enter the City system.
 - k. The project requires a Construction Stormwater General Permit from the Washington State Department of Ecology. No land clearing or construction permits shall be issued prior to obtaining the State permit.
 - l. Prior to the first final building permit inspection, the applicant's civil engineer shall submit to the City Engineer a plan for assessing the adequacy of the site's eastern basin stormwater dispersion system to be based on its actual performance over a five-year period of usage. This plan shall describe feasible options for system modification and remediation if within the five-year assessment period its dispersion pipes demonstrate a lack of capacity to accommodate satisfactorily all eastern basin flows and avoid downslope impacts. As a condition of approving the proposed assessment plan, the City Engineer may require the applicant to post a bond sufficient to cover the cost of implementing a feasible system modification option if such remediation should become necessary.
7. The project shall comply with the following conditions of the Fire Marshal:
- b. The project shall be equipped throughout with a monitored fire alarm system.
 - c. All classrooms shall exit directly outside.

- d. Occupant load shall be determined by the Building Official.
 - e. Any building or room with an occupant load greater than 50 shall be equipped with an automatic fire sprinkler system and panic hardware on approved exit doors.
 - f. All access roads shall be designed to accommodate fire apparatus (load, width, grade, angle of approach and departure).
 - g. Minimum 12-foot access road width shall not be diminished by parked vehicles. No Parking / Fire Lane signage is required in areas where this could occur.
 - h. Fire lane on north side of property shall be marked 'No Parking / Fire Lane'.
 - i. All fire apparatus access roads shall have a clear overhead height of not less than 13.5 feet.
8. Vehicle parking or standing, and / or construction staging, shall be prohibited within the right-of-way during the construction period unless specifically authorized by the Public Works Department.
 9. A total of six bicycle spaces must be provided at a minimum. Bicycle facilities shall allow secure locking of both the frame and wheels of a bicycle.
 10. With application for any construction activity, including grading and/or vegetation removal, the applicant shall provide plans that identify areas of prohibited disturbance which are necessary to preserve ecological function, including but not limited to: The dripline or critical root zone (as identified by a consulting arborist) of significant trees, areas proposed for other retained vegetation, future raingarden areas, and future planting areas which are larger than 400 square feet in size. The plans shall label fencing required through these conditions of approval, along with any vegetation protection measures identified by the applicant's arborist.
 11. Prior to any construction activity, a clearing permit shall be obtained authorizing fencing to be erected and posted with signs to protect areas of prohibited disturbance. Protective fencing shall remain in place until construction is complete; earlier removal of any portion of the fencing is subject to approval of the Planning Division.
 - a. Fencing location, materials and signage shall be approved by the Planning Division prior to installation.
 - b. Temporary chain link fence a minimum five feet in height with tubular steel poles or "T" posts shall delineate the area of prohibited disturbance that lies within the perimeter boundary of the roadside buffer, the area of existing vegetation to be retained between the roadside buffer and the parking lot, and the interior landscape perimeter buffer adjacent to the southernmost parking spaces. The fencing shall be configured to provide for installation of the driveway, path and stormwater pipe through the buffer. Special care shall be taken to protect the significant trees and vegetation adjacent to the driveway.
 - c. Orange plastic fencing shall delineate the perimeter landscape buffer adjacent to the proposed primary drainfield.
 12. Roadside and perimeter landscape buffers shall be maintained for the life of the project: At a minimum, roadside buffers shall meet the full-screen standard and perimeter buffers shall meet the partial screen standard of BIMC 18.15.

13. New plantings shall be the following heights at time of planting: Evergreen trees shall be not less than six feet in height; Deciduous trees shall be not less than two-inch dbh; Evergreen shrubs shall be not less than 18 inches in height.
14. All plantings shall be installed or installation financially assured in accordance with BIMC 18.15.010.H. prior to occupancy of any of the new buildings. Subsequent to installation approval by the Department, maintenance assurity shall be required in accordance with BIMC 18.15.010.H.
15. Internal walkways shall be surfaced with nonskid hard surfaces, meet handicapped-accessibility requirements and be designed to provide a minimum of five feet of unobstructed width.
16. Where walkways cross vehicular driving lanes, the walkways shall be constructed of contrasting materials or with maintained painted markings. The walkway adjacent to the pick-up / drop-off lane shall be curbed and raised six inches above adjacent vehicular surface grade, except where required to meet accessibility standards.
17. Except in locations where protection of existing trees may be compromised, raised curbs shall be used to define driveways from the public right-of-way, landscape areas within the parking lot, the ends of parking aisles, and the vehicular circulation pattern.
18. Outdoor lighting fixture shall meet the standards contained in BIMC 18.15.040.
19. Outdoor trash / recycle receptacles shall be enclosed with a solid structure / gated and screened from view with evergreen vegetation.
20. Prior to building permit issuance, the landowner must record a notice on title listing these conditions of approval with the Kitsap County Auditor.

ORDERED February 13, 2017.



Stafford L. Smith, Hearing Examiner
City of Bainbridge Island

The Hearing Examiner is authorized to make the City of Bainbridge Island's final decision on conjoined Conditional Use Permit and Site Plan and Design Review applications. A party with standing may seek judicial review of this decision by filing a timely suit in Kitsap County Superior Court under the Land Use Petition Act.

The exhibit list prepared by the Clerk of the Hearing Examiner's Office is attached.

EXHIBIT LIST

Montessori Country School PLN 17677 SPR / CUP

Staff Contact:
Kelly Tayara, Planner

Public Hearing:
February 1, 2017

Hearing Examiner: Stafford L. Smith

NO.	DOCUMENT DESCRIPTION	DATE
1	Application – Conditional Use Permit	06/15/2016 Received
2	Application – Site Plan and Design Review	06/15/2016 Received
3	MCS Parent Handbook (excerpt) regarding Traffic Flow	06/15/2016 Received
4	Traffic Plan	06/15/2016 Received
5	Parking Agreement with the Parks Dept.	06/15/2016 Received
6	Browne Wheeler Engineers Inc. Drainage Report dated March 7, 2016	06/15/2016 Received
7	Environmental (SEPA) Checklist with Staff Comments	06/15/2016 Prepared
8	Landscape Plans	01/24/2017 Revised
9	Existing Conditions Drawings	06/15/2016 Received
10	Civil Plans	01/24/2017 Revised
11	Architectural Drawings	06/15/2016, 07/11/2016 and 01/24/2017
12	Bainbridge Island Fire Department Memos	06/24/2016 Dated
13	Vegetation Protection Sign	N/A
14	Health District Review Comments	07/08/2016 Dated
15	Public Comment Emails	07/2016 and 08/2016 Dated
16	Notice of Application and SEPA Comment Period and Affidavit of Publication	07/15/2016 Published
17	Browne Wheeler Engineers, Inc. Memorandum – East Drainage Basin	09/21/2016 Dated
18	Building Site Application for On-Site Sewage System (Health District)	09/21/2016 Received
19	Browne Wheeler Engineers, Inc. – Modified Utility Plan – West Basin Revision	09/22/2016 Dated

02/01/2017

EXHIBIT LIST

Montessori Country School PLN 17677 SPR / CUP

Staff Contact:
Kelly Tayara, Planner

Public Hearing:
February 1, 2017

Hearing Examiner: Stafford L. Smith

NO.	DOCUMENT DESCRIPTION	DATE
20	Kitsap County Unclassified Use Permit	1990 Dated
21	Design Review Board Minutes and Recommendation	10/17/2016 Dated
22	Development Engineer Information Request to Complete Review	11/07/2016 Dated
23	Browne Wheeler Engineers, Inc. Memorandum in response to Development Engineer 11/07/2016 Request	11/14/2016 Dated
24	Geotechnical Engineering Report from Aspect Consulting	11/14/2016 Received
25	Transportation Solutions Inc. Traffic Analysis	12/14/2016 Dated
26	Certificate of Traffic Concurrency	
27	Development Engineer Memorandum Comments and Recommendations	12/19/2016 Dated
28	Email to Planner from Development Engineer re: Condition Number 5 of 12/19/2016 Recommendation	12/21/2016 Dated
29	SEPA Mitigated Determination of Nonsignificance	12/21/2016 Dated
30	Certificate of Distribution and Posting	01/11/2017 Dated
31	Notice of Hearing and Affidavit of Publication	01/13/2017 Published
32	Planning Commission Meeting Minutes	01/12/2017 Dated
33	Certificate of Posting Signs	01/17/2017 Dated
34	Development Engineer Memorandum Modifying 12/19/2016 Recommendations	01/20/2017 Dated
35	Staff Report	01/25/2017 Dated
36	Children and Noise Information Package – World Health Organization	2/1/2017 Admitted

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF BAINBRIDGE ISLAND**

In the Matter of an Application for a	)	
Conditional Use Permit, Site Plan and	)	PLN 18970B SPR/CUP
Design Review for	)	
	)	FINDINGS OF FACT,
MADRONA SCHOOL	)	CONCLUSIONS OF LAW.
	)	ORDER AND PARTIAL REMAND
For Construction of a New PK-8 Private	)	
School at 11478 N. Madison Avenue NE	)	
_____	)	

SUMMARY

Applicant:	Madrona School 219 Madison Avenue S. Bainbridge Island, WA 98110
Project Location;	11478 North Madison Avenue NE
Zoning:	R-1
Summary of Proposal:	To build and operate a new PK-8 private Waldorf school, able to accommodate up to 200 students, consisting of three buildings erected in three phases. Vehicular access will be from N. Madison Avenue NE via separate in and out driveways.
SEPA Compliance:	Mitigated Determination of Non-Significance (MDNS) issued February 27, 2017. No appeals.
Public Hearing:	May 4, 2017. Testimony by staff, applicant, and consultants. Public comment from 25 persons.
Decision:	Phases I and II and approved. Phase III is remanded to the City for further consideration..

PROCEDURE

The applicant engaged in a pre-application conference with the City on October 8, 2013. A public participation meeting was held on July 18, 2016. A second pre-application conference was held on July 19, 2016. Applications for Site Plan Review and Conditional Use Permit were received on August 2, 2016.

A combined Notice of Application and SEPA comment period was issued on October 14, 2016. The City issued a Mitigated Determination of Non-Significance (MDNS) on February 27, 2017. The MDNS was not appealed.

The Design Review Board recommended approval of the project on December 19, 2016.

The proposal was discussed before the Planning Commission on March 9, March 23, and April 13, 2017. The Planning Commission recommended approval with additional conditions.

Between receipt of the application and the Hearing Examiner hearing, the City received an extraordinary outpouring of public comment, enough to fill an oversized three-ring binder. The Examiner visited the site and environs.

The Hearing Examiner hearing was held on May 4, 2017. The City was represented by Josh Machen, Planning Manager. Missy Goss, school headmistress, and John Kennedy, architect, represented the applicant. Testimony was also presented by Jeff Hee, PE, of Transportation Solutions Inc. Twenty-four citizens and Bryan Telegin, counsel for the property owners in the Windsong development testified.

FINDINGS OF FACT

1. Factual matters in the foregoing Summary and Procedure are hereby adopted as findings.
2. Madrona School seeks to relocate from downtown Winslow to a 4.79-acre site at 11478 N. Madison Avenue NE within a more lightly settled area of residences, farms and woods. The proposal is to create a new facility, eventually consisting of three buildings, parking and drop off areas, and playfields.
3. The site is zoned R-1 single family residential and is surrounded by such zoning. To the west of the site across North Madison is the Windsong residential development. To the immediate south is a residence owned by Dana and Pam Halvorsen. Within the R-1 zone schools are allowed as a Conditional Use. There is no zone specifically for schools.
4. The plan is to build in three phases. Phase One will be an 11,000 square foot building on two levels, to consist of nine classrooms for grades 1 through 8 and four administrative

) offices. Phase Two will involve the construction of a separate 5,000 square foot building, also on two levels, containing four classrooms for early childhood activities. Phase Three will involve a third building -- a two-level 10,000 square foot gymnasium/auditorium with three classrooms, a kitchen and an apartment. On completion of the project, the total square footage in buildings will be 26,000. The footprint of these buildings will take up slightly less than 7.5% of the total area.

5. The closest classroom building to adjacent property will be 28 feet from the north property line. The proposed gymnasium/auditorium will be 32 feet from the south property line.

6. Eventually, the school will be able to accommodate 200 students and 27 teachers and staff. Two people will reside on the property, initially in the existing residence and ultimately in a two bedroom apartment, if and when the auditorium building in Phase Three is built.

7. The proposed new school site is the former Lowery Farm property located on the east side of North Madison between NE Roberts Road and NE Valley Road. In the 1960's and 1970's this property housed a riding club and the owner gave horseback riding lessons.

8. The site is currently developed with a house and associated outbuildings. The central portion is mowed grass and a large vegetable garden. The southeast, east, north and northwest portions of the site have mature stands of forest. Most of the new site development will occur in areas already cleared. The existing house and outbuildings are proposed to be demolished with the construction of Phase Three.

9. The tallest height of the proposed structures will be 30 feet to the top of sloped roofs. The buildings are designed to settle in to the landscape. Because of this and because of vegetation around the property edges, the buildings will scarcely be visible from off-site. A dense buffer of existing trees and shrubs along N. Madison Avenue will screen most of the property from the views of those driving by.

10. Existing trees will also largely screen the site from neighboring properties, except to the southwest. There the plan is to plant a full-screen landscape buffer to separate the school from the Halvorsen property. This buffer will be 15 feet wide at the entry drive and 25 feet wide beyond that. A six-foot high solid wood fence will be erected on the school side of the tree strip.

11. The buildings will be finished in natural tones that blend with the surroundings. The Examiner finds that that the project will not constitute an incompatible visual intrusion. It will be aesthetically harmonious with its setting.

12. The property is generally flat in the middle with a gradual slope to the southwest and southeast. The project will capture storm water on the site and convey it to a stormwater detention pond. It will be released at no more than the pre-project flow rate. Released stormwater will be dispersed through a dispersion tee located within 25 feet of the north-eastern property line. A stormwater management plan was prepared by a licensed professional engineer. The City Engineer has found that the project conforms to stormwater requirements.

13. Potable water to the developed facilities will be provided by an on-site well. Sewage treatment will be provided by an on-site septic system. The Kitsap Public Health District has determined that the proposed site has sufficient area, soil, topographic and drainage characteristics to permit such a system.

14. Other usual public services and utilities such as electricity, police and fire protection, will be provided and are adequate to meet the impacts of this development.

15. The R-1 zoning of the property could support up to five single-family homes, each with an accessory dwelling unit and associated outbuildings. The lot coverage allowed for the proposed school is half the amount that would be allowed if single-family home and accessory structures were proposed.

16. The nearest existing neighbor's house is over 100 feet away from any play area at the school. During recess periods, the noise of children at play may be audible off site. It is unlikely that such noise will be significantly intrusive, but in any event, sound made by unamplified human voices is exempt from adopted noise limits. WAC 173-60-050(4)(k).

17. The applicant submitted a lighting plan with proposed fixtures. Only a few low bollard lights are proposed around the parking area and along pedestrian paths. Some entry sconces will be attached to the buildings. The proposed fixtures are all shielded. No high field lights will be allowed. As the project is proposed, light intrusion from the school will not occur.

18. The existing house on the site is a historic home, eligible for the local register. However, it is not in a condition to be preserved. To ensure historic and cultural resource preservation, a completed Washington State Historic Property Inventory Field Form is to be recorded with the State Department of Archaeology and Historic Preservation prior to demolition.

19. A Boundary Line Adjustment combining the present lots on-site will be required prior to building permit issuance.

20. Buffer averaging will reduce buffer widths along the northwest and southwest from 25 to 15 feet in three locations. Buffer widths are increased along the northeast and southeast portions of the property, providing a 35-53 foot width boundary. This will preserve existing mature trees. A Tree Retention Plan calls for retaining 640 tree units. Landscaping will add trees within the parking areas and buffers.

21. The project, as conditioned, provides for multiple pedestrian walkways from the parking lot to the school buildings. The drop off/pick up spaces will allow students to exit directly onto a sidewalk avoiding interaction between students and vehicles. Appropriate curbs, walkway dimensions and surfacing will be provided. The City Engineer has determined that the internal streets and pedestrians ways are well-defined, safe and efficient.

22. The site is unencumbered by critical areas or their buffers. The property is not within shoreline jurisdiction.

23. The overriding concern of the neighbors of the new school is its impact on traffic. North Madison Avenue NE is classified as a secondary arterial, appropriate for the location of a school under the City Code. The road is oriented north-south at the school site and includes one lane in each direction. At the school site, the road includes a two-foot wide paved shoulder on both sides. On the west side this widens to about 20 feet in the vicinity of Windsong Loop NE, just south of the school site. There are bus stops in the vicinity of the Windsong Loop entry.

24. Cars will enter the school property at the site of the current driveway near the southern boundary. Traffic will then be routed to drop off and parking areas, eventually exiting at an "out only" driveway near the north boundary. Initially traffic will be allowed to turn both ways from this exit, although a right-turn only regime during busy hours may be imposed if experience requires it.

25. The design provides for a curbside drop off area along the driveway on the west side of the school. The drop off area is intended to be large enough to accommodate the anticipated queue of cars at the start of the school day and at its close. There will on site queueing space for 27 cars. Backups on North Madison, if they occur, should be minimal and short-lived. To reduce the possibility that such backups might occur, the school has agreed to a carpooling/rideshare program to limit traffic and has also agreed to staggered start times.

26. On-site parking space will be provided for 39 vehicles, with five additional parking spaces located in the curbside drop off area. No parking will be allowed in these five spaces during the drop off and pick up periods. Two handicapped accessible parking spaces and a minimum of nine bicycle spaces will be provided. Parking for events, such as open houses will be accommodated by overflow parking within the playfield.

27. No drop-off, pick-up or parking will be allowed on North Madison Avenue or anywhere within the Windsong Loop neighborhood. Assuming that significant queues do not develop along Madison, congestion caused in the immediate vicinity of the site should be minimal.

28. The Police Department will be asked to reduce the speed limit on North Madison in the school's vicinity to reflect a school zone.

29. However, traffic concerns are not limited to the road alongside the school. Area residents emphasized that during the morning rush, traffic at the major intersection to the south—the SR 305 and Sportsman Club Road and Madison Avenue South intersection—there is a problem even now. A video taken at rush hour by a neighbor demonstrates that presently cars have to wait several cycles to get through the light there. The implication is that the school will make the situation worse.

30. Responsive to this concern, Transportation Solutions, Inc. performed a study which showed that with the school in operation in 2018, traffic at this intersection will satisfy relevant

level of service standards. But, their analysis also showed that, with or without the school, traffic at the SR 305 intersection will soon be at Level of Service F – below acceptable. Clearly the school will contribute to this. Yet, the overall picture is one of ongoing general traffic growth that will occur even if the school is not built.

31. The Examiner finds that the traffic impacts of the new school during normal operating hours have been adequately analyzed and that the design and the conditions of operation imposed herein appropriately accommodate the high-use periods of the day. The City Engineer issued a Certificate of Concurrency in relation to this proposal.

32. However, there is a significant blank in the traffic analysis presented. It did not address potential after-hours traffic impacts stemming from the operation of the proposed auditorium to be completed in Phase Three. Both the accommodation of cars on-site and their effect on roadway conditions before and after auditorium events need to be analyzed.

33. The school will not be allowed to rent out its facilities to commercial businesses, but non-profit clubs and religious groups may be allowed to use it during off hours. And the school itself may wish to schedule events in the evening or on weekends. All functions on the property must end by 9 p.m. But up to that time, the record contains no information on the traffic impacts of use of the site when school is not in session, and of the auditorium in particular.

34. The Hearing Examiner takes notice that schools are more often than not located in residential areas. The plans presented go to considerable length to assure that during normal hours the new school will fit in.

35. The proposed school development is part of an overall pattern of growth. In the larger development picture, the school actually represents the retention of open space, as compared with standard residential development. 92.5% of the property will remain open. This applicant, a Waldorf School, is particularly sensitive to concerns for preservation of natural conditions because nature plays an important role in its instructional program.

36. Looking at the record as a whole, the Examiner finds that the proposed use in Phases I and II is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity and with the physical characteristics of the site. With respect to these phases, measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity.

37. However, the Examiner has no basis for concluding that the operation of the auditorium facility will not be materially detrimental to uses or property in the immediate vicinity. Analysis is needed on traffic impacts from uses made of the auditorium.

38. Also, the record contains no analysis of the effects of glare from headlights in homes adjacent to the site. Given the invention of curtains, this is not a make it or break it issue for the school. However, it is a matter that should be addressed in analyzing Phase Three traffic.

39. Any conclusion herein which may be deemed a finding is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over these proceedings.
2. The City staff analyzed the application in light of goals and policies of the Comprehensive Plan and found it to be consistent with them. The Examiner concurs.
3. Education facilities are allowed as conditional uses in the R-1 District. BIMC 18.09.020.
4. The project, as conditioned, will meet relevant land use provisions of the Bainbridge Island Municipal Code (BIMC).
 - a) The combined lots meet the minimum lot size requirement. The proposal will meet the maximum lot coverage limit, and the buildings will be within the maximum building height limit. All proposed buildings will meet minimum building setbacks. BIMC 18.12.020.
 - b) The development will meet the Code requirements for landscaping, screening and tree care. BIMC 18.15.010.
 - c) Adequate parking will be provided for the non-auditorium operations. BIMC 18.15.020
 - d) The design meets requirement for pedestrian circulation and walkways for non-residential development, as well as requirements for bicycle facilities. BIMC 18.15.030.
 - e) Proposed downward directed outdoor lighting meets applicable regulations. BIMC 18.15.040.
5. As indicated by the approval of the Design Review Board, the project meets applicable Design Guidelines. Chapter 18.18 BIMC.
6. The project is consistent with decision criteria for Site Plan and Design Review. BIMC 2.16.04(E)
7. Phase I and II of the project, as conditioned, meet the decision criteria for a Conditional Use Permit. BIMC 2.16.050(D).
8. The proposal for Phase III should be remanded to the City for review of the traffic impacts associated with use of the auditorium proposed for construction during that phase. Conditional Use approval for Phase III is, therefore, withheld pending results of the remand.
9. Any finding herein which may be deemed a conclusion is hereby adopted as such.

PHASE I AND II CONDITIONS OF APPROVAL

SEPA Conditions (from MDNS issued February 27, 2017).

1. To avoid impacts to vegetation, no construction activity shall occur in landscape buffers or within the critical root zone of significant trees within landscape buffers, including staging, storage, materials laydown, parking, construction vehicle turn around, or equipment.
2. Prior to clearing permit or construction permit issuance, fencing shall be erected and posted with signage to protect areas of prohibited disturbance. Signs shall be affixed to the fence every 50 feet indicating the protected area. Fencing shall remain in place until construction is complete, and removal shall be subject to approval of the Planning Division. No construction activities, including grading and/or vegetation removal, shall occur prior to 'area of disturbance' plan approval and inspection and approval of the fencing installation, by the Planning Division.
3. A temporary chain link fence, a minimum five feet in height with tubular steel poles or "T" posts, shall delineate the area of prohibited disturbance in the following locations:
 - a. At the edge of the drip line of trees proposed to be preserved between N. Madison Avenue and the proposed access drive. Special care shall be taken to protect the significant trees, vegetation, and rain garden area adjacent to the driveway.
 - b. Along the buffer adjacent to the north property line.
4. Orange plastic fencing shall delineate the perimeter buffer where chain link fencing is not required and where existing vegetation is being preserved to meet the buffer requirement.
5. All graded materials removed from the subject property shall be hauled to and deposited at City approved locations. (Note: local regulations require that a grade/fill permit is obtained for any grading or filling of 50 cubic yards of material or more if the grading or filling occurs on sites that have not been previously approved for such activities. A SEPA Threshold Determination is required for any fill over 100 cubic yards on sites that have not previously received a SEPA determination.)
6. Contractor is required to stop work if any historical or archaeological artifacts are uncovered during excavation or construction and immediately notify the City Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation.
7. To mitigate possible impact on adjacent properties from light and glare, all exterior lighting shall be hooded and shielded so that the bulb is not visible from adjacent properties. All landscape lighting shall be downcast and lighting within surface parking lots shall be no higher than 5 feet above grade. All exterior lighting shall comply with BIMC Chapter 15.34.

8. All on-site stormwater facilities shall remain privately owned and maintained. The owner 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 issuance of occupancy permits. The approved language for the Declaration of Covenant is found in BIMC 15.21.

9. Stormwater detained in the proposed detention pond will be released at a controlled rate through a control structure and ultimately out through a dispersion tee located within 25 feet of the north-eastern property line. The nearest residence downgradient of the dispersion tee is within 50 feet. The release of stormwater from the detention pond shall be monitored for a minimum of 5 years to ensure proper function of pond and control structure and to ensure stormwater release is not detrimental to the neighboring property or structures. The monitoring plan shall be developed by the project stormwater engineer, reviewed and approved by the City, and included with the overall stormwater operation and maintenance plan.

10. The applicant shall be responsible for verifying water pressure and fire flows are adequate from connections to water mains.

11. All construction activities shall comply with the construction operating hours limitations contained in BIMC Chapter 16.16.

12. Noise produced by this development must comply with the maximum environmental noise levels established by the Washington Administrative Code 173-60 or its successor.

Examiner imposed conditions

13. To ensure that the Madrona School facility remains compatible with the surrounding neighborhood, the school is limited to an occupancy of 200 students and 27 teachers for standard school days. (This limitation does not apply to special events or functions.

14. To ensure historic and cultural resource preservation, a completed Washington State Historic Property Inventory Field Form shall be recorded with the State Department of Archaeology and Historic Preservation prior to the demolition of the historic home on the property.

15. A National Pollutant Discharge Elimination System (NPDES) permit from the Department of Ecology will be required prior to ground disturbing activities.

16. A Right-of-Way permit will be required prior to any work within the right of way. The ROW permit will be subject to separate conditions and bonding requirements.

17. Except for modifications reflecting compliance with these conditions of approval, building plans shall substantially conform to plans submitted on August 2, 2016, except as follows: Sheet A-1.00 submitted on September 22, 2016; Sheet C1-C3 submitted on January 10, 2017.

18. 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.

19. The project shall comply with the following conditions of the Fire Marshall:

- a. The project shall comply with all applicable provisions of the adopted Fire Code.
- b. All driving lanes within the project are considered Fire Lanes and shall be labeled as such by the Fire Marshal.
- c. Landscaping shall not impede access of fire department apparatus and personnel.

20. Prior to building permit issuance, a Boundary Line Adjustment shall be submitted and approved. The structures on any resultant lot must meet zoning requirements.

21. A minimum of nine bicycle spaces must be provided. Bicycle facilities shall allow secure locking of both frame and wheels of a bicycle.

22. In order to screen the proposed school from the adjacent single-family home to the south, a six-foot high solid wood fence shall be erected at the inner edge of the buffer on the south side of the property, prior to final inspection of the first phase of the project. (Note: this condition may be waived upon written request of the property owner to the south.)

23. All perimeter buffers shall be planted to the full screen landscape requirements in accordance with the submitted landscaping plan during the first planting season following the grading and access construction phase.

24. Landscape buffers shall be maintained for the life of the project.

25. New plantings shall be the following heights at time of planting: evergreen trees shall not be less than six feet in height; deciduous trees shall not be less than two-inch caliper dbh, evergreen shrubs shall be not less than 18 inches in height.

26. All plantings shall be installed or installation financially assured in accordance with BIMC 18.15.010(H) prior to occupancy of any of the new buildings. Subsequent to installation approval by the Department, maintenance assurity shall be required in accordance with BIMC 18.15.010(H).

27. The primary internal walkways shall be surfaced with nonskid hard surfaces (asphalt pavement or concrete), meet handicapped accessibility requirements and be designed to provide a minimum of five feet of unobstructed width.

28. The walkway adjacent to the pick up/drop off lane shall be curbed and raised six inches above adjacent vehicular surface grade, except where required to meet accessibility standards.

29. Raised curbs shall be used to define driveways from the public right-of-way, landscape areas within the parking lot, the ends of parking aisles, and the vehicular circulation pattern.

30. No parking or pick-up/drop-off shall occur on Madison Avenue or within the Windsong Loop neighborhood.

31. Outdoor trash/recycle receptacles shall be enclosed within solid, gated structure that is screened from view with evergreen vegetation.

32. No high field lights shall be allowed.

33. The project may have one sign at the entrance to the school. The sign shall be located outside of the public right-of-way and shall not exceed 10 feet square in size. It shall be constructed of natural materials. The height of the sign shall not exceed five feet from existing grade.

34. Prior to the issuance of any building permit, the landowner must record a notice of title listing these conditions of approval with the Kitsap County Auditor.

35. Prior to issuance of a building permit for Phase I or for Phase II, approval of a Building Site Application for on-site sewer and water facilities shall be obtained from the Kitsap Public Health District.

36. The applicant shall review experience at the exit from the site, and if this experience so indicates, shall limit exiting to right-turn only during pick-up and/or drop-off times.

37. The Tree Retention Plan, as accepted by the City, shall be adhered to during all phases of construction and in the future. Deviations therefrom may be allowed by the City only for good cause shown.

38. The school may not allow use of its facilities for commercial purposes. Non-profit organizations or religious groups may be permitted after-hour use of the Phase I and II facilities, provided that no function may continue beyond 9:00 p.m. and all functions shall be subject to strict conditions on noise and on the size of gatherings in order to minimize any disturbance of area neighbors.

39. The applicant shall request the Police Department to declare the area adjacent to the school on North Madison Avenue a school zone and to impose a speed limit appropriate to the zone. Signs reflecting the zone and the allowable speed should be installed.

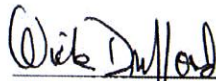
40. Summer school sessions shall be limited so that no more than 40 students are in attendance on campus at any time.

ORDER

The application of Madrona School for Phase I and II Site Plan and Design Review and for a Conditional Use Permit (PLN 18970B SPR/CUP) is approved, subject to the conditions set forth above.

Phase III of the proposed project is remanded to the City for further investigation of the traffic impacts of the operation of the proposed auditorium.

SO ORDERED, this 23rd day of May, 2017.



Wick Dufford, Hearing Examiner Pro Tempore



Department of Planning and Community Development

Staff Recommendation

Date: March 17, 2017
To: City of Bainbridge Island Planning Commission
From: Joshua Machen, AICP, Planning Manager
Gary R. Christensen, AICP, Director
Project: Madrona School
File No: PLN 18970B SPR / CUP

Applicant: Madrona School
219 Madison Avenue S.
Bainbridge Island, WA 98110

Request: Construction of a new PK-8 private school, which includes classrooms, offices, and a gymnasium/auditorium. Site improvements include 39+ parking spaces, play field, stormwater facilities and on-site septic system. An existing residence, barn and two sheds will be demolished (Reference Documents A, B, & C)

Location: 11478 N. Madison Avenue NE

Consolidated Project Review:

In accordance with regulations contained in BIMC 2.16.170, an applicant for a single project proposal requiring more than one of the land use applications identified in BIMC 2.16.010 may be processed under the consolidated project review process. The applicant requests consolidated review of the applications for Site Plan and Design Review and Conditional Use Permit.

Public Notice / Environmental Review:

The first pre-application conference was held on October 8, 2013. No formal plans had been developed, so the discussion was generally about zoning and the process. A second pre-application conference was held on July 19, 2016. A public participation meeting was held on July 18th, 2016. Applications for Site Plan Review and Conditional Use Permit were received on August 2, 2016.

After deeming the application complete the City determined that the project is subject to State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11-800). Utilizing the **optional DNS process** provided in WAC 197-11-355, the City issued a combined Notice of Application/SEPA comment period on October 14, 2016 (Reference Document D). The 14-day comment period ended on October 28, 2016; public comment is discussed in Section I.C. of this report. The City, acting as lead agency, issued a SEPA threshold determination for this proposal on February 27, 2017 (Reference Document E). No appeals were filed.

Planning Commission Review:

The Planning Commission shall provide a recommendation to the Hearing Examiner pursuant to BIMC 2.14.020, BIMC 2.16.040.C.2, and BIMC 2.16.110.C.

Recommendation:

Approval of the request subject to the following conditions:

SEPA CONDITIONS

1. To avoid impacts to vegetation, no construction activity shall occur in landscape buffers or within the critical root zone of significant trees within landscape buffers, including staging, storage, materials laydown, parking, construction vehicle turnaround, or equipment.
2. Prior to clearing permit or construction permit issuance, fencing shall be erected and posted with signage to protect areas of prohibited disturbance. Signs shall be affixed to the fence every 50 feet indicating the protected area. Fencing shall remain in place until construction is complete, and removal shall be subject to approval of the Planning Division. No construction activities, including grading and/or vegetation removal, shall occur prior 'area of disturbance' plan approval, and inspection and approval of the fencing installation, by the Planning Division.
3. Temporary chain link fence a minimum five feet in height with tubular steel poles or "T" posts shall delineate the area of prohibited disturbance in the following locations:
 - a. At the edge of the drip line of trees proposed to be preserved between N. Madison Avenue and the proposed access drive. Special care shall be taken to protect the significant trees, vegetation, and rain garden area adjacent to the driveway.
 - b. Along the buffer adjacent to the north property line.
4. Orange plastic fencing shall delineate the perimeter buffer where chain link fencing is not required and where existing vegetation is being preserved to meet the buffer requirement.
5. All graded materials removed from the subject property shall be hauled to and deposited at City approved locations (Note: local regulations require that a grade/fill permit is obtained for any grading or filling of 50 cubic yards of material or more if the grading or filling occurs on sites that have not been previously approved for such activities. A SEPA Threshold Determination is required for any fill over 100 cubic yards on sites that have not been previously received a SEPA determination).
6. Contractor is required to stop work if any historical or archaeological artifacts are uncovered during excavation or construction and immediately notify the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation.
7. To mitigate the possible impact on adjacent properties from light and glare, all exterior lighting shall be hooded and shielded so that the bulb is not visible from adjacent properties. All landscape lighting shall be downcast and lighting within surface parking lots shall be no higher than 5 feet above grade. All exterior lighting shall comply with BIMC Chapter 15.34.

8. All on-site stormwater facilities shall remain privately owned and maintained. The owner 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 issuance of occupancy permits. The approved language for the Declaration of Covenant is found in BIMC 15.21 Exhibit A.
9. Stormwater detained in the proposed detention pond will be released at a controlled rate through a control structure and ultimately out through a dispersion tee located within 25 feet of the north-eastern property line. The nearest residence downgradient of the dispersion tee is within 50 feet. The release of stormwater from the detention pond shall be monitored for a minimum of 5 years to ensure proper function of pond and control structure and to ensure stormwater release is not detrimental to the neighboring property or structures. The monitoring plan shall be developed by the project stormwater engineer, reviewed and approved by the city, and included with the overall stormwater operation and maintenance plan developed under condition number 1 above.
10. The applicant shall be responsible for verifying water pressure and fire flows are adequate from connections to water mains.
11. All construction activities shall comply with the construction operating hours limitations contained in BIMC Chapter 16.16.
12. Noise produced by this development must comply with the maximum environmental noise levels established by the Washington Administrative Code 173-60 or its successor.

PROJECT CONDITIONS

13. To ensure the Madrona School facility remains compatible with the surrounding neighborhood, the school is limited to an occupancy of 200 students and 27 teachers for standard school days (this limitation does not apply to special events or functions).
14. To ensure historic and cultural resource preservation, a completed Washington State Historic Property Inventory Field Form shall be recorded with the State Department of Archeology and Historic Preservation prior to the demolition of the historic home on the property.
15. A NPDES permit from the Department of Ecology will be required prior to ground disturbing activities.
16. A Right-of-Way permit will be required prior to any work within the right of way. The ROW permit will be subject to separate conditions and bonding requirements.
17. Except for modifications reflecting compliance with these conditions of approval, building plans shall substantially conform to plans submitted on August 2, 2016, except as follows: Sheet A-1.00 submitted on September 12, 2016; Sheet C1-C3 submitted on January 10, 2017.
18. 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.

19. The project shall comply with the following conditions of the Fire Marshal:
 - a. The project shall comply with all applicable provisions of the adopted Fire Code.
 - b. All driving lanes within the project are considered Fire Lanes and shall be labeled as such as directed by the Fire Marshal.
 - c. Landscaping shall not impede access of fire department apparatus and personnel.
20. Prior to building permit issuance a Boundary Line Adjustment shall be submitted and approved. The structures on any resultant lot must meet zoning requirements.
21. A minimum of nine bicycle spaces must be provided. Bicycle facilities shall allow secure locking of both the frame and wheels of a bicycle.
22. In order to screen the proposed school from the adjacent single-family home to the south, a six-foot high solid wood fence shall be erected along the property line adjacent to the parking lot and play field prior to final inspection of the first phase of the project. (Note: this condition may be waived upon written request from the property owner to the south).
23. All perimeter buffers shall be planted to the full screen landscape requirements in accordance with the submitted landscaping plan during the first planting season following the grading and access construction phase.
24. Landscape buffers shall be maintained for the life of the project.
25. New plantings shall be the following heights at time of planting: Evergreen trees shall be not less than six feet in height; Deciduous trees shall be not less than two-inch (caliper in diameter?) dbh; Evergreen shrubs shall be not less than 18 inches in height.
26. All plantings shall be installed or installation financially assured in accordance with BIMC 18.15.010.H. prior to occupancy of any of the new buildings. Subsequent to installation approval by the Department, maintenance assurity shall be required in accordance with BIMC 18.15.010.H.
27. The primary internal walkways shall be surfaced with nonskid hard surfaces (asphalt pavement or concrete), meet handicapped-accessibility requirements and be designed to provide a minimum of five feet of unobstructed width.
28. The walkway adjacent to the pick-up / drop-off lane shall be curbed and raised six inches above adjacent vehicular surface grade, except where required to meet accessibility standards.
29. Raised curbs shall be used to define driveways from the public right-of-way, landscape areas within the parking lot, the ends of parking aisles, and the vehicular circulation pattern.
30. No parking or pick-up/drop-off shall occur on Madison Avenue or Windsong Loop.
31. Outdoor trash / recycle receptacles shall be enclosed with a solid structure / gated and screened from view with evergreen vegetation.
32. No high field lights are allowed for the school.
33. The project is allowed one sign at the entrance to the school. The sign shall be located outside of the public right-of-way and not exceed 10 square feet in size and shall be constructed of natural materials. The height of the sign shall not exceed five feet from existing grade.
34. Prior to building permit issuance of any phase, an approved building site application for on-site septic system and water availability shall be obtained from the Kitsap Public Health District.

35. Prior to building permit issuance, the landowner must record a notice on title listing these conditions of approval with the Kitsap County Auditor.

Staff Analysis

I. Findings of Fact

A. Site Characteristics

1. Tax Assessor Information:

- a. Tax Lot Numbers: 112502-3-099-2008
112502-3-102-2003
112502-3-1003-2005
112502-3-001-2004
- b. Owner of record: Center Tree LLC
- c. Lot size: the total of the four lots is 4.79 acres
- d. Existing land use: Single -family residence and associated outbuildings.

2. Background

The Madrona School is a non-profit private school that is currently located in the congregational church in downtown Winslow. The school is proposing to relocate to the North Madison Avenue property to accommodate their increase in student population and to address learning needs that their own campus can provide that the constrained property in Winslow can't provide. The proposed school is designed to accommodate up to 200 students and 27 teachers and administration personnel.

The proposed school is proposed to be developed in three phases as follows:

Phase 1: Grades 1-8, Administrative Offices

Nine classrooms and four offices -11,000 square feet on two levels

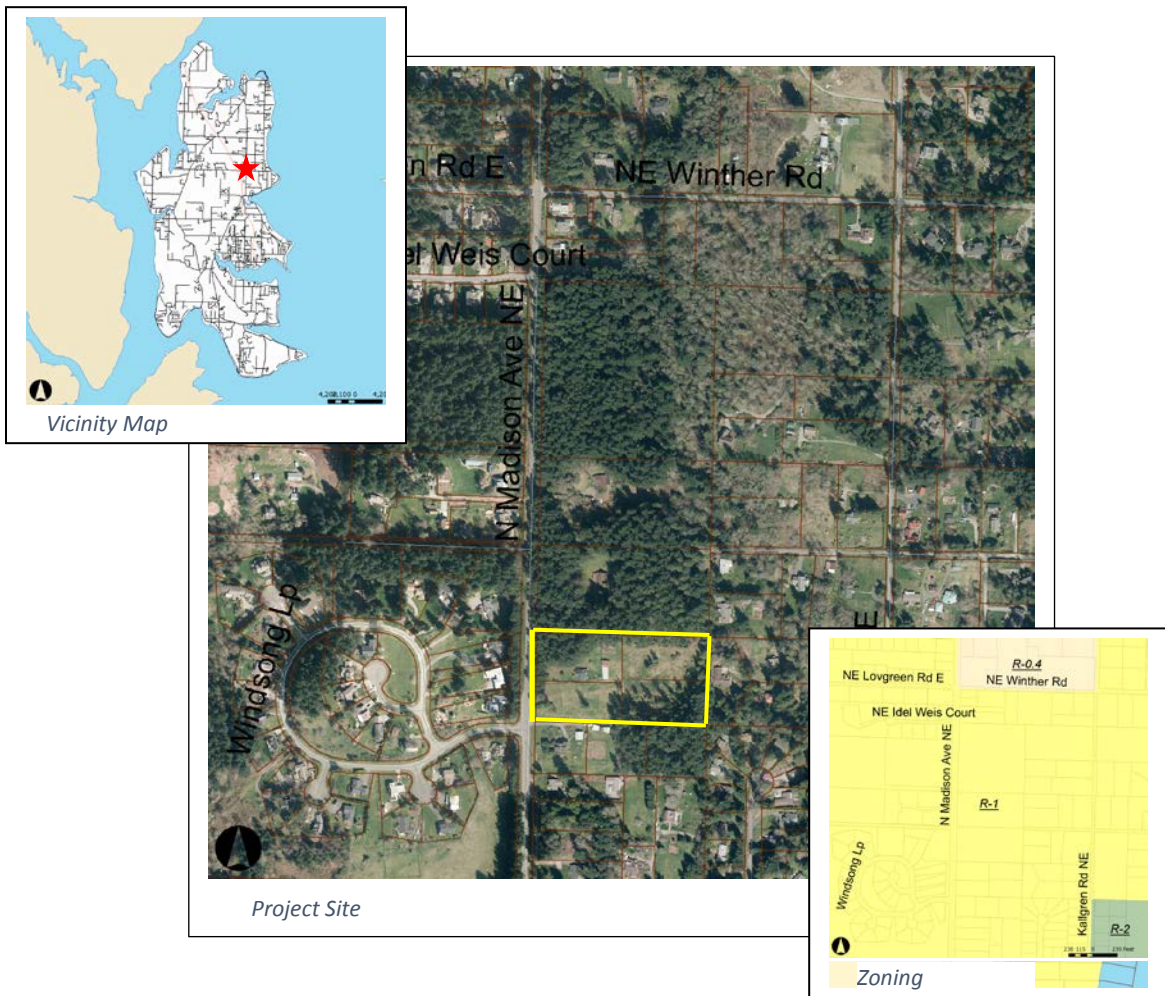
Phase 2: Early Childhood

Four classrooms -5,000 square feet on two levels

Phase 3: Gymnasium/Auditorium

GYM, three classrooms, kitchen, and apartment- 10,000 square feet on two levels

The existing house on the site will be demolished with the construction of Phase 3. No off-site road construction is proposed, other than entry and exit drive aprons connecting to N. Madison Avenue NE.



3. Zoning and Comprehensive Plan Designation: The subject property is within the R-1 district and the Open Space Residential (OSR-1) designation. All the surrounding properties are also zoned R-1 and the Comprehensive Plan Designation is OSR-1.
4. Existing Development: The property contains an existing single-family residence and accessory buildings. The surrounding properties are either developed with single-family homes or are currently undeveloped.
5. Access: Vehicular access is provided from N. Madison Avenue NE.
6. Soils and Terrain:

Site soils are composed of Harstine and Ragnar gravelly/sandy loams. Much of the site is cleared pasture/grass area with a perimeter buffer of trees around the property except the southwest portion of the site which is cleared pasture area adjacent to the adjoining property's access driveway and garage/outbuilding.

The topography of the site is generally flat in the middle with a gradual slope to the southwest and southeast.

7. Public Services and Utilities:

- a. Police: City of Bainbridge Island Police Department
- b. Fire: Bainbridge Island Fire District
- c. Water: On-site Well
- d. Sewer / Septic: On-site Septic
- e. Storm drainage: On-site detention and dispersion is proposed for the east side of the site, and on-site detention for the west side.

B. Comprehensive Plan Goals and Policies

1. Land Use Element

- a. Historic Preservation - Goal 3

Archaeological resources should be identified, preserved, and / or left undisturbed.

The site contains a historic home that the City has found to be eligible for the local register. The applicant has indicated they intend to maintain the house during the first two phases of construction, but that the house is not in a condition to be preserved into the future and would be demolished during the third phase. To ensure historic and cultural resource preservation, a completed Washington State Historic Property Inventory Field Form shall be recorded with the State Department of Archeology and Historic Preservation prior to the demolition of the historic home on the property (Condition 14).

Should any historical or archaeological artifacts be uncovered during excavation or construction, project work must stop and the applicant must notify the Department of Planning and Community Development and the Washington State Office of Archeology and Historic Preservation. (Condition 6)

2. Economic Element

- a. Economic Element - Goal 1

Retain and enhance a diversified local economy. The City should embrace diverse and innovative business opportunities compatible with the community and develop programs to make Bainbridge Island an attractive location for those businesses.

The development provides for a private not-for-profit elementary and pre-school educational facility.

3. Cultural Element

- a. Arts Education - Goal 2

Demonstrate commitment to quality arts education and lifelong learning by advocating for comprehensive inclusion of the arts in our schools and community settings. Support a comprehensive quality arts education program in the schools and the community.

The development provides for a learning environment that emphasis the natural environment and the arts.

b. Humanities - Goal 7

Foster the spirit of community in which the richness of human experience is explored and nurtured through ongoing analysis and exchange of ideas about the relation to self, others and the natural world.

The school relies on the natural environment to address Waldorf education principles and methods. The Waldorf program provides a broad curriculum, including academics, art and music education, physical education, and emotional and social education.

The project emphasizes outdoor spaces and the discovery of the natural world. For example: The proposed development provides playgrounds with all-natural materials, a campus with trails through a natural environment. Buildings are oriented to capture natural light and to fit into the natural topography of the land avoiding competition with the natural setting.

C. Public / Agency Comment

Multiple public comments were received. The comments are summarized as follows:

1. **Neighborhood/Zoning Compatibility:**

Several public comments were received regarding the scale of the proposed development and the structures are too large and non-compatible with the existing residential neighborhood character. **The school does represent a distinct change from the single-family homes within the immediate vicinity. The property upon which the school is proposed is 4.79 acres in total which under current zoning could support up to five single-family residences each with an accessory dwelling unit and associated out buildings. Under the conditional use permit requirements, the allowed lot coverage (the area of the lot allowed to be covered by buildings) is limited to half the amount that would be allowed if single-family homes and accessory structures were proposed on this same site.**

Multiple comments suggested that the zoning should not allow a use that is like a commercial development and questioned why private schools are allowed in a residential zone. **The zoning for the subject property is R-1, Residential one unit per acre zone. However, the R-1 zone allows schools (public or private) under the provisions of obtaining a conditional use permit. Washington State laws grant local jurisdictions (i.e., city) land use regulatory authority. The elected City Officials of Bainbridge Island have adopted zoning definitions for commercial and educational development and adopted zoning regulations as to where these uses may be allowed, or allowed through a conditional use permit. Educational facilities are an allowed use in the R-1 zone through the issuance of a conditional use permit.**

2. **Traffic and vehicular trips:**

Several public comments expressed concern regarding the number of vehicular trips proposed to the subject property each day and the impact those trips may have on adjacent roadways and transportation systems. **The school facility poses a significant increase in vehicular trips per day when compared to single-family homes. The submitted traffic study indicates the school at full capacity is expected to generate 720 daily trips, 360 in and 360 out. Educational facilities requiring a conditional use permit and must be located on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map. N. Madison Avenue NE is listed as an arterial road on the classification map. Two traffic studies were performed to address the issue of traffic generation and the impact that the proposed**

development would have on surrounding roadways. Typically, traffic calculations look at the PM peak hour because that is the hour of highest congestion. The proposed development's typical traffic patterns fall outside of this peak hour, so the school is likely to have little to no impacts on the PM peak hour. However, in consideration of public comments received a second traffic study was performed to analyze the morning peak hour and specifically the potential impact on the Sportsman's Club/SR305 intersection (Reference Document H). The traffic studies indicate that this intersection will fail in the year 2040 with or without the proposed school. The City has generally accepted that improvements at major intersections that serve large populations of the island are a City and State responsibility and that individual project are not expected to make the improvements when their portion of the impact is very minimal.

3. **Noise from children:**

Only a couple of public comments expressed concern regarding noise emanating from children's play. **While many of the surrounding properties are developed with single-family homes, only one is in proximity to the playfield to be impacted by noise from children's play.** The closest house is approximately 75 feet away from the property line and the proposed playfields would be over 100 feet from the residence and will have a new 15-foot landscape buffer and possible fence between the properties. In accordance with a recent City of Bainbridge Island Hearing Examiner Decision and Analysis on the Montessori Country School, noise from children (unamplified human noise) is exempt from noise standards of the Municipal Code or state law. In that same decision, the examiner referred to a noise study at an existing school of 400 students and the noise from an active play area at 25 feet was 60-64 dBA. Since the nearest existing house is over 100 feet away and will be screened with vegetation and a fence, it is likely that the noise would be significantly diminished not having an adverse impact on the neighbor.

4. **Visual impact:**

A few public comments received expressed concern that the proposed school would have a negative visual impact on the surrounding residential neighborhood character. **As proposed and required by the municipal code, the proposed project is providing a dense buffer of existing trees and shrubs along N. Madison Avenue. The closest parking spaces will be almost 45 feet back from the edge of right-of-way. Existing native tree and shrub buffer also exists along the north, east and half of the south property lines. Where no buffer exists along a portion of the south property line a new 15-foot full screen buffer will be planted as part of this proposed development. These buffers will help ensure the residential nature of area is not visually altered by the proposed private school.**

5. **Lighting:**

Concerns were raised that the school may employ high intruding parking lot lighting or lighting for the play fields that would adversely impact surrounding properties. **As part of their application the school was required to submit a lighting plan with proposed fixtures. As proposed, only a few low bollard lights are proposed around the parking area and pedestrian paths and there are some entry sconces proposed on the buildings. The proposed fixtures are all shielded and downlight only.**

6. **Parking:**

Public comments were received regarding the adequacy of the number of parking spaces being provided, especially for large events involving the whole school. **The proposed school is providing 39 parking stalls in addition to five load/unload spaces that would be available for long-term parking outside of pick-up/drop-off times. The number of stalls is consistent with the City's regulations for schools including staff, parents, and visitors. The school has recognized for large**

events alternative parking would be necessary. For these events, the school play field could be accessed and used for overflow parking in addition to shuttle programs from either Rolling Bay Presbyterian Church or from the Grange Hall parking lot.

7. **Signs:**

Concerns were raised that a large lighted sign at the entrance of the school on Madison could detract from the residential neighborhood character. **A school sign, consistent with the municipal code and as specified in a conditional use permit, would be limited in size, and be required to meet lighting requirements, and to assure compatibility with the surrounding neighborhood. Any sign not visible from the public right-of-way or adjacent property is not considered a regulated sign under the City's regulations.**

8. **No rental clause:**

A concern was raised that the school would rent out their space to commercial endeavors during non-school hours causing additional traffic and potential impacts on the surrounding properties. **Often schools or other public facilities are rented out to other non-profit clubs or religious groups for use on off hours. No commercial businesses would be allowed to use the school facilities as this would be a violation of the municipal code. Other uses wanting to rent space from the school would have to demonstrate that their intended use would not adversely affect the neighborhood, cause a burden on parking or have any other impact greater than the school use.**

9. **Support for Waldorf education/school-**

Many comments were received that expressed their support of both the school and the Waldorf education the school is proposed to provide. The commenters indicated school provides a different type of education offered at other private or public schools on the island. **The Madrona School, which offers a Waldorf education system has operated on Bainbridge Island for many years in the church at the corner of Winslow Way and Madison Avenue in downtown Winslow. Due to space constraints and the desire to connect the children with the land and natural environment, they are proposing to relocate to the "Lowery Farm" property. As a private school offering a Waldorf education they provide an educational diversity on the island that would be lost if they were unable to maintain their school on the Island. Many citizens have indicated that this large clear farm property is a suitable location for the school, as it is centrally located on an arterial road, while providing a natural setting for educational needs of the children without having to remove a significant amount of existing significant trees to build the facilities.**

D. Land Use Code Analysis

1. BIMC Title 18 Zoning

a. BIMC 18.09.020 Use Table

Educational facilities are conditional uses in the R-1 district, and shall be processed as major conditional uses in residential zones (BIMC 18.09.030). **The applicant has properly applied for a major conditional use permit along with a site plan and design review application.**

b. BIMC 18.12.020-2 Standard Lot Dimensional Standards for Residential Districts

i. Lot Size, Lot Coverage and Building Height Requirements

Minimum lot size is 40,000 square feet in the R-1 district, and minimum lot width is 80 feet. Lot coverage is the portion of the lot area that may be covered by buildings

(BIMC 18.12.050.K). Maximum lot coverage for lots in the district is 15 percent provided, institutions located in residential districts may not exceed 50 percent of the allowable lot coverage (i.e. 7.5 percent). Maximum building height is 30 feet.

The combined lots are 4.79 acres in size, and therefore meets the minimum lot size requirement (Note a Boundary Line Adjustment combining the lots will be required prior to building permit issuance-Condition #20). The lot width well exceeds the required 80 feet. Proposed lot coverage is 16,260 square feet 7.4 percent of lot area, and therefore meets this requirement. All existing and proposed buildings are less than 30 feet in height.

ii. Setbacks

The front lot line setback is a minimum of 25 feet. The minimum side setback is ten feet, and side setbacks must total 25 feet. The rear lot line setback is a minimum of 15 feet.

All proposed buildings exceed the minimum building setbacks. The closest classroom building is 28 feet to the north property line. The proposed gymnasium/auditorium building is 32 feet from the south property line.

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

A 25-foot width full screen buffer is required along the perimeter of the property for non-residential use in residential districts; this buffer may be averaged to provide not less than a 15-foot width to accommodate a unique situation, such as continuation of an existing use or to incorporate existing trees. A 25-foot width partial screen is required along rights-of-way; this buffer may be averaged to provide not less than a 15 foot width. The site must have at least 40 tree units per acre following redevelopment (BIMC 18.15.010.G.4.ii).

Parking lots adjacent to the right-of-way must provide one tree for every four parking stalls; a minimum of 30 percent of the trees must be evergreen. Deciduous trees must be at least two-inch caliper and evergreen at least six feet high at time of planting. Evergreen shrubs must be at least 18 inches in height at time of planting and spaced no more than three feet on center to provide a continuous hedge. Evergreen ground cover must be planted and spaced to achieve total coverage within two years. The parking lot must provide a landscaped area at the end of parking aisles.

To protect retained vegetation within buffers, raingarden areas, and planting areas which are larger than 400 square feet in size, the applicant must identify areas of prohibited disturbance, generally corresponding to the dripline or critical root zone of the trees as identified by a consulting arborist. A temporary five-foot high chain link fence with tubular steel poles or "T" posts shall delineate the area of prohibited disturbance, unless the Director approves use of a four-foot high plastic net fence as an alternative, and the fencing must be posted with signage denoting the protection area.

Buffer averaging reduces buffer widths along the northwest and southwest from 25 feet to 15 feet in three locations. Buffer widths are increased along the northeast and

southeast property boundaries to provide a contiguous 35-53-foot width boundary. The averaging considers the preservation of existing mature trees and vegetation.

The proposed development provides adequate parking lot and buffer landscaping. The project is conditioned to identify areas of prohibited disturbance, and to adequately protect those areas. (Conditions 1-4)

Non-residential development within the R-1 zone requires 40 tree units per acre to either be preserved or planted. The subject property is 4.79 acres in size requiring 192 tree units. **In accordance with the submitted Tree Retention Plan (Reference Document B), the proposed development is retaining 640 tree units. Most of these preserved trees are within expanded/averaged buffers along Madison Avenue and surrounding the proposed school. In addition to the existing trees, the proposal will plant over 40 new trees within the buffers and parking areas (Reference Document B).**

c. BIMC 18.15.020 Parking Spaces Required

Elementary school must provide one space per 50 students and one space per employee. Parking lots must comply with State minimum requirements for handicapped-accessible parking spaces. Above-ground parking lots exceeding the number of spaces required by this section are not allowed unless approved by the Planning Commission.

The proposed development serves a maximum of 200 students and 27 staff (Condition #13). The required parking is 40 spaces. The proposed parking lot provides 39 dedicated spaces and an addition five load/unload spaces that will be available for long term parking outside of the pick-up/drop-off periods. The parking lot includes two handicapped-accessible parking space. Additionally, to accommodate all-school event parking, such as an open house, the school has identified overflow parking within the playfield and a possible shuttle service program from Rolling Bay Presbyterian Church or the Grange.

d. BIMC 18.15.030 Mobility and Access

i. Circulation and Walkways for Non-residential Development

Parking lots and driveways shall provide well-defined, safe and efficient circulation for motor vehicles, bicycles and pedestrians. Entrances from the right-of-way, ends of parking aisles and the circulation pattern shall be defined by landscaped areas with raised curbs. Pedestrian walkways should be provided around buildings to assure safe access. Internal walkways shall be surfaced with nonskid hard surfaces, meet accessibility requirements and provide at least five feet of unobstructed width. Walkways that cross driving lanes shall be constructed of contrasting materials or maintained painted markings. Walkways must be curbed and raised six inches above adjacent vehicular surface grade, except where the walkway crosses vehicular driving lanes or to meet accessibility standards.

The project provides vehicular and pedestrian access from N. Madison Avenue through one way entrance and exiting lanes to the parking lot. The proposal includes multiple pedestrian walkways from the parking lot to all the school buildings. Dedicated drop-off / pick-up parking spaces allows students to exit

directly onto the internal sidewalk, avoiding interaction between students and vehicles in the parking lot. Internal walkways provide pedestrian connectivity between buildings.

The project conditions provide appropriate curbs, walkway dimensions and surfacing. As determined by the City Engineer, the streets and pedestrian ways that serve the site are well-defined, safe, and efficient. (Conditions #27-29)

ii. Bicycle facilities

The development must provide one bicycle space for every five vehicle parking spaces, with a minimum of four spaces provided for each parking lot.

A bicycle rack is proposed on the north side of the entry plaza. Based on the number of vehicular parking spaces, nine bicycle spaces are required. The project is conditioned to provide nine bicycle spaces at a minimum. (Condition #21)

e. BIMC 18.15.040 Outdoor Lighting

All outdoor lighting must result in no light trespass. Outdoor lighting must be shielded and aimed downward, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky or onto adjacent properties. Spotlighting on landscaping and foliage is limited to 150 watts incandescent (2,220 lumens output).

Outdoor lighting is proposed on buildings with downlight scone fixtures and along walkways with downlight bollard type light fixtures. As proposed, the lighting meets regulations. The project is conditioned to demonstrate compliance with these regulations at time of building permit application. (Condition #7)

f. BIMC Chapter 18.18 Design Guidelines

The project is subject to the General and Commercial and Mixed Use Guidelines.

The Design Review Board reviewed the proposal and unanimously recommended approval on December 19, 2017 (Reference Document L).

- i. Site Design. Create small parking clusters connected by vegetated landscaping and pedestrian walkways. Parking lots should be located behind or to the side of buildings. Pedestrian walkways should offer connections to adjoining properties. Exterior lighting should not exceed 14 feet in height and should incorporate shields. Trash containers should be shielded from view.

The development provides a buffer more than 25-feet wide from N. Madison Avenue, and the parking lot lies between the buffer and the buildings, which are set back over 185 feet from the right-of-way. Parking facilities are in a manner that provides appropriate separation between vehicular traffic and the campus. The parking lot is comprised of grouped spaces which are separated by landscape areas.

Pedestrian walkways provide internal connection between the buildings and between the parking lot and the buildings. The development provides numerous outdoor spaces, including playgrounds, play fields and trails; while most are

oriented to the side of the buildings to serve the student population, one plaza feature is prominently in front of the buildings and is to provide a waiting area for parents to pick-up their children on the pick-up loop.

The proposed outdoor lighting appears to meet design guidelines, and the project is conditioned to demonstrate compliance with regulations at time of building permit application. Trash containers are in a screened service area between the grades building and the early childhood building. The proposed screening appears meet design guidelines; the project is conditioned to demonstrate compliance with this guideline at time of building permit application. (Conditions #31)

- 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.

The architect's goal is to create a campus that exemplifies environmentally aware building practices and design. Buildings are oriented to capture natural light and provide views of the outdoors. Building materials include natural wood siding and large windows that let in natural light and views of the natural landscape. While the buildings are two-story, they use the natural topography to blend in to the site, and no blank walls are proposed. Covered walkways, porches and canopies afford protection from the elements. The roof form or parapet walls properly screen roof top mechanical equipment. Other mechanical equipment is to the side of the building and is screened by landscaping.

2. BIMC 2.16 Decision Criteria

This staff report shall be considered the written findings of fact and conclusions of law for Site Plan and Design Review and Conditional Use Permit. As conditioned, the development meets the decision criteria for approval:

a. BIMC 2.16.040.E Site Plan and Design Review – Decision Criteria

- i. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district.

All proposed improvements and buildings meet applicable development standards, including but not limited to: setbacks, height limitations, and lot coverage. Landscape buffer widths are averaged as provided in BIMC 18.15.010, and where necessary, the project is conditioned to specify vegetation protection. The project provides adequate parking facilities, including overflow parking for

events. The development meets applicable design guidelines, and is conditioned to meet lighting regulations. (Conditions #7)

- ii. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Non-Motorized Transportation Plan.

The City Engineer finds that as conditioned, the project provides adequate circulation systems. (Condition #29)

- iii. The Kitsap County Health District has determined that the site plan and design meets the following decision criteria: The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

The Kitsap Public Health District has determined that the proposed lot has sufficient area, soil, topographic and drainage characteristics to permit on-site sewage disposal systems. While final on-site septic system designs and binding water availability are not yet approved, the project is conditioned to obtain an approved building site application for on-site septic and water supply prior to building permit issuance (Condition #34).

- iv. The City Engineer has determined that the site plan and design meets the following decision criteria: The site plan and design conforms to regulations concerning drainage in BIMC 15.20 and 15.21; The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; 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; The site plan and design conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual".

The City Engineer finds that, as conditioned, the project 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 stormwater management plan is prepared by a licensed professional engineer in accordance with BIMC 15.20. On-site stormwater is managed through dispersion, infiltration, and detention. The applicant's model demonstrates that surface and stormwater that flows off-site mimics pre-developed conditions. The stormwater management system must be monitored and maintained as required in BIMC 15.20 / 15.21.

The traffic impact analysis provides adequate information to demonstrate that the impact of development passes the concurrency test (BIMC 15.32.020), and the City Engineer issued a Certificate of Concurrency (Reference Document K).

- v. The site plan and design is consistent with applicable design guidelines.

The Design Review Board recommends approval of the project as proposed.

- vi. No harmful or unhealthful conditions are likely to result from the proposed plan.

Adequate provision is made for the public health, safety and welfare, and public use and interest. The project is conditioned to ensure adequate access, including emergency services, water, septic, and stormwater facilities. (Conditions #19 &34)

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

The project provides for relocation of a not-for-profit educational facility which includes an arts education program and fosters appreciation of the natural environment. Which is consistent with the goals and policies of the comprehensive plan.

- viii. Any property subject to site plan and design review that contains a critical area or buffer conforms to all requirements of that chapter.

The site is unencumbered by critical areas or their buffers.

- ix. Any property subject to site plan and design review that is within shoreline jurisdiction conforms to all requirements of that chapter.

The property is not within shoreline jurisdiction.

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

The purpose of Site Plan and Design Review to establish a comprehensive site plan and design review process that ensures compliance with the adopted plans, policies, and ordinances of the City. This application for Site Plan and Design Review permit is reviewed consistent with the adopted review process to ensure compliance with current plans, policies, and regulations.

b. BIMC 2.16.050.D Conditional Use Permit – Decision Criteria

- i. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property.

The school is located on a 4.79-acre property that is adjacent to N. Madison Avenue, a secondary arterial road. The proposed buildings are two-story buildings that conform to the natural topography of the land and are designed to complement the natural setting. The total building coverage is half that could be approved if this was a residential development. The building design is residential in nature as the building architecture breaks the buildings up into smaller units with shed roofs and the building are set into the sloping topography giving the appearance of single story buildings from several elevations. The development will remove few trees for the access road and siting of the structures while preserving existing native vegetation buffers around the perimeter of the perimeter. Where no trees exist or the trees do not provide a full screen within the buffers, additional trees and shrubs are proposed to be planted (Condition #23). The house on the property to the north will be over 200 feet from the back

of the school building. The closest house to the proposed school is on the property to the south of the subject property, which is over 100 feet to the play field and over 200 feet from the school buildings. As proposed and conditioned, a full screen buffer of new trees and shrubs along with a solid fence will be placed between on the subject property between the school facilities and this property to the south (Conditions #22).

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

The City Engineer finds that the access and pedestrian ways are coordinated with Madison Avenue, which is a secondary arterial which serves the subject property. Per the city contracted traffic engineer and the City's Development Engineer the existing roads are adequate to accommodate anticipated traffic. The project will also be adequately served by public water, fire protection, on-site septic and storm drainage facilities. As conditioned, the City Engineer recommends project approval.

Prior to building permit issuance the applicant is required to obtain approval of their on-site septic system and obtain a binding water availability letter from KPUD (Condition #34). The Fire Marshal finds that as conditioned, the development provides adequate fire protection facilities (Condition #19).

- iii. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property.

The proposed school is providing significant setbacks, landscape screening and fencing to ensure the development will not be materially detrimental to uses or property in the immediate vicinity. The stormwater system has been designed by a professional engineer and requires monitoring to ensure that water leaving the site is not increased due to the development. All outdoor lighting will be down lite and will not intrude on to neighboring properties. No high field lights will be permissible (Condition #32).

- iv. The conditional use is in accord with the Comprehensive Plan and other applicable adopted community plans, including the Non-Motorized Transportation Plan.

The development is in accord with economic and cultural goals contained in the Comprehensive Plan. The Madrona School provides a diverse Waldorf educational experience that is not available elsewhere on the Island.

- v. The conditional use complies with all other provisions of the Bainbridge Island Municipal Code.

The project complies with all applicable provisions of the municipal code as discussed in Section I.D.2.g. of this report.

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

The project is conditioned to take special care to protect retained trees and

vegetation within buffers. The school has agreed to a carpooling/rideshare program to limit traffic and to staggered start times to ensure that traffic along N. Madison Avenue is not adversely affected during drop-off and pick-up times. The school has also provided a shuttle plan for alternative parking for large school events. Off-site parking and shuttle could occur from the Rolling Bay Presbyterian Church or Grange if the school and those facilities can come to a common agreement. No parking or drop-off/pick-up is allowed on Madison Avenue or Windsong loop (Condition #30)

- vii. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A.

All development within the City is subject to noise limitations in BIMC 16.16.

- vii. The City Engineer has determined that the conditional use meets the following decision criteria: The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; 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; If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; The conditional use conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the City Engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 18.

The City Engineer finds that, as conditioned, the project 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 stormwater management plan follows BIMC 15.20 and utilizes on-site dispersion, infiltration, and detention. Post-development off-site flows mimic pre-developed conditions. Ongoing monitoring and maintenance is required once the stormwater facilities are place (BIMC 15.20 / 15.21).

The traffic impact analysis demonstrates that the project passes the concurrency test, and the City Engineer issued a Certificate of Concurrency. Access to the public streets are located to have minimal impacts and meet safety requirements. Water and septic systems provide adequately for the site and as conditioned, the project conforms to the City Design and Construction Standards and Specifications manual. As conditioned, the City Engineer recommends project approval. (Conditions #8-10 and 34)

- viii. A conditional use may be approved with conditions. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.

The project is conditioned to ensure compliance with all applicable regulations and address environmental impact (Conditions #1 – 12).

ix. Additional Decision Criteria for Institutions in Residential Zones:

- a) All sites must front on roads classified as residential suburban, collector or arterial on the Bainbridge Island functional road classification map.

The property fronts N. Madison Avenue NE classified as a secondary arterial road, and therefore the site meets this requirement.

- b) If the traffic study shows an impact on the level of service, those impacts have been mitigated as required by the City Engineer.

The City Engineer finds the traffic study shows an acceptable level of service impact with the conditional use and issued a certificate of concurrency.

- c) If the application is located outside the Winslow Study Area, the project shall provide vegetated perimeter buffers in compliance with BIMC 18.15.010.

The site is outside the Winslow Study Area. As provided in BIMC 18.15.010, buffer averaging is utilized to reduce the buffers to the minimum allowed width of 15 feet, while increasing the buffer in the areas that have existing mature trees and shrubs.

- d) The proposal meets the Commercial / Mixed Use Design Guidelines.

Compliance with the Commercial / Mixed Use guidelines, is discussed in Section D.1.f of this report above. The Design Review Board unanimously recommends approval of the project.

- e) The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area.

The buildings are two- story and incorporate various materials designed to be compatible with the natural/residential setting.

- f) If the facility will have attendees and employees numbering fewer than 50 or an assembly seating area of less than 50, the Director may waive any or all of the additional decision criteria requirements for institutions in residential zones.

This criterion is not applicable, as there are more than 50 students and staff.

- g) Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located.

Maximum lot coverage in the R-1 zoning district is 15 percent; institutions including religious facilities may not exceed 50 percent of the allowable lot coverage (i.e. 7.5 percent). Lot coverage is approximately 16,260 square feet, or 7.4 percent of the lot area, and therefore meets this requirement.

II. Conclusions

As conditioned, the proposed development is consistent with the Comprehensive Plan and zoning regulations. The project meets the decision criteria of BIMC 2.16.040 Site Plan and Design Review and BIMC 2.16.050 Conditional Use Permit.

Appropriate notice of application was made and comments were considered. The application is properly before the Planning Commission for recommendation to the Hearing Examiner.

A land use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the permit unless the applicant has received an extension for the permit in accordance with BIMC 2.16.020.2.

Reference Documents:

(note all reference material may be accessed via the City's Website Online Permit Portal-Smartgov or by clicking on the Hyper-links below)

Madrona School Site Plan Review

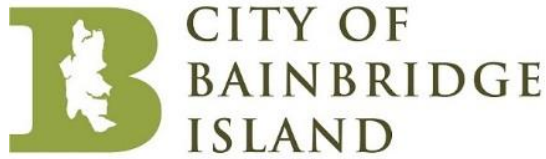
(The following reference documents can be found under the "submittals" and "notes" sections under this file number: [PLN18970B SPR](#))

- A. 18970B SPR MADRONA SCHOOL APP
- B. 18970 CUP set (Drawings)

Madrona School Conditional Use Permit

(The following reference materials can be found under the "submittals" and "notes" sections under this file number: [PLN18970B C UP](#))

- C. 18970B CUP MADRONA SCHOOL APP
- D. 18970B CUP SPR NOA for Mailing 101416
- E. 18970B CUP SPR Madrona School MDNS
- F. 18970 Traffic Impact Analysis
- G. 18970B CUP Traffic and parking mitigation plan
- H. 2017-01-24 Madrona School SR 305 Analysis
- I. 18970 CUP-SPR DE COA
- J. 18970B CUP Traffic and parking mitigation plan
- K. 18970 COC
- L. 18970B CUP Draft Design Review Board minutes



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

Date: June 13, 2017
To: Planning Commission
From: Heather Wright, Senior Planner
Gary Christensen, AICP, Director of Planning and Community Development
Project: ROOST SPR & SSDP
File Number: PLNSPR & SSDP50076 B

Applicant: Roost Brick House LLC and Blue Moon Land Co

Location: The 2.47 acre rectangular site is located in Lynwood Center fronting Point White Drive NE.

Request: The site is currently developed with two historic homes and the applicant is requesting to remove and relocate one off-site and to retain and renovate the other into a lobby/office to support a proposed inn. The applicant is also requesting to construct the following in two phases:

Phase 1). Four, three-story buildings each with three townhouses and commercial space on the ground level for a total of twelve townhouses; and,

Phase 2). Renovate the existing historic home into a lobby/office for the proposed inn, construct an inn composed of eleven, detached, one-story rooms and a three-story building with four inn rooms, and a two-story restaurant.

A portion of the site is within the shoreline jurisdiction. The proposed uses within the shoreline jurisdiction include the restaurant and portions of the inn and accessory parking along Point White Drive.

Environmental Review: The project is subject to State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11). Utilizing the optional DNS process provided in WAC 197-11-355, the City issued a combined Notice of Application/SEPA comment period on January 27, 2017. The 30-day comment period ended on February 27, 2017.

Recommendation:

In the case of a major site plan and design review application, the **planning commission** shall review the application prior to the final decision by the director. The director shall determine the major issues and specific aspects of the project that the planning commission should review, and shall forward this review directive to the planning commission. The **planning commission** shall **review the application** based on **the director's review directive, the DRB recommendation, and the decision criteria**, consider the **application at a public meeting where public comments will be taken**, and **forward its recommendation to the director** in accordance with BIMC [2.16.030.C](#) through E. The Planning Commission's recommendation is not a final decision and is not subject to appeal. The Planning Commission's written recommendation and other documents upon which its recommendation is based shall be transmitted to the director (Planning and Community Development).

Staff recommends approval of the Roost project subject to the following conditions:

SEPA CONDITIONS

1. Civil construction plans, sections, profiles and details for all driveways and parking areas; detailed storm drainage facilities and water facilities and appurtenances, prepared by the developer's engineer shall be submitted with the 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.
2. Engineer certified as-built construction plans shall be provided by the applicant prior to the first buildings final inspection.
3. Prior to any construction activities, the applicant shall apply for a Department of Ecology General Stormwater Construction Permit.
4. To ensure the protection of significant trees during construction, the applicant shall protect the identified areas of prohibited disturbance of the significant trees to be retained, buffers, areas of existing vegetation to be maintained, and future planting areas larger than 400 square feet. The applicant shall have an arborist on-site or available to monitor the site during grading activities within the critical root zones. In addition, the contractors shall follow the protection methods as outlined in BIMC 18.15.010 during construction and as indicated in the report provided by Fischer Bouma Partnership titled *Site Plan Review Landscape Plan Supplemental Information*.
5. The limits of clearing and grading shall be clearly marked in the field and inspected by the City of Bainbridge Island prior to any clearing or grading on site.
6. An ADA compliant access path available to the public shall be provided through the project site serving both public accessibility ADA egress through, connecting off the site and for accessible building egress and exit discharge.
7. The site contains a historic home that the Historic Preservation Commission has found to be eligible for the local register. The applicant has indicated they intend to relocate the house to a neighboring property. To ensure historic and cultural resource preservation, should the home not be relocated to the intended site, the home shall be offered for sale for relocation. To satisfy this condition, the applicant shall provide copies of any attempts to sale prior to receiving approval of a demolition permit for the home.

8. The contractor is required to stop work and immediately notify the Department of Planning and Community Development and the Washington State Department of Archaeology and Historic Preservation if any historical or archaeological artifacts are uncovered during excavation or construction.
9. All construction activities shall comply with the construction operating hours limitations contained in BIMC Chapter 16.16. Noise produced by this development must comply with the maximum environmental noise levels established by the Washington Administrative Code 173-60 or its successor.
10. All graded materials removed from the subject property shall be hauled to and deposited at City approved locations (Note: local regulations require that a grade/fill permit is obtained for any grading or filling of 50 cubic yards of material or more if the grading or filling occurs on sites that have not been previously approved for such activities. A SEPA Threshold Determination is required for any fill over 100 cubic yards on sites that have not been previously received a SEPA determination).
11. To mitigate the possible impact on adjacent properties from light and glare, all exterior lighting shall be hooded and shielded so that the bulb is not visible from adjacent properties. All landscape lighting shall be downcast and lighting within surface parking lots shall be no higher than 14 feet above grade. All exterior lighting shall comply with BIMC Chapter 15.34.
12. No use in this development shall produce emissions of smoke, dust and/or odors beyond the property boundary that may unreasonably interfere with any other property owners' use and enjoyment of his/her property. In addition, all sources and emission units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Puget Sound Air Pollution Control Authority (PSAPCA), and shall apply to all air contaminants listed in that regulation.
13. On site mobile fueling from temporary tanks are prohibited unless the applicant provides and is granted approval for a Permit and Best Management Plan that addresses proposed location, duration, containment, training, vandalism and cleanup. (Reference 1. Uniform Fire Code 7904.5.4.2.7 and 2. Department of Ecology, Stormwater Management Manual, August 2001, see Volume IV "Source Control BMPs for Mobile Fueling of Vehicles and Heavy Equipment".) (Chapter 173-304 WAC)
14. To mitigate impacts on air quality during earth moving activities, contractors should conform to Puget Sound Air Pollution Control Agency Regulations which insure that reasonable precautions are taken to avoid dust emissions.
15. To mitigate potential impacts on air quality, cleared vegetation shall be removed from the site, processed by chipper or processed using other methods of disposal that does not require burning.

NON-SEPA CONDITIONS

16. The project shall meet the requests of the fire marshal including: the applicable provisions of the fire code, fire flow, and provide for fire hydrants, fire sprinkler and alarm systems for proposed buildings and underground parking.
17. Prior to issuance of a building permit, the applicant shall provide binding commitments for the water and sewer demands of the project.

18. The structural building permit plans shall meet the recommendations of the geotechnical engineer to ensure safety during a seismic event, unless other approved recommendations are made. These recommendations include: 1) piling foundations used for building support, 2) re-use of near-surface fill soils only if at or near optimum moisture content and free of organic material; and, 3) performing earth work activities during the drier season (rainy season is Apr 1 –Oct 31). Prior to issuance of the building permits, the applicant shall record indemnification agreements.
19. The proposed buildings shall not exceed the following height restrictions: 30' maximum for those buildings within the shoreline and 35' maximum for the remaining proposed buildings. The project shall be reviewed for compliance at building permit submittal.
20. The uses shall meet the performance standards for noise, glare and heat, ground vibrations, water storage and disposal, air quality emissions, ground and soil contamination, electrical interference, fire and explosive hazards, lighting, outdoor storage and trash dumpsters and drainage as provided in BIMC 18.06.050. Building permit applications shall be reviewed for compliance with these standards and verified prior to final on a building permit.
21. The applicant shall receive a business license for each business proposed. The license shall be reviewed to ensure the proposed uses meet the permitted uses for those buildings within shoreline jurisdiction (water related and enjoyment) and zoning for those outside of shoreline jurisdiction.
22. The inn shall not exceed 15 guest rooms. Individual rooms may include a bar-type sink and under-counter refrigerator but may not include a full sink, full sized refrigerator or cooking range.
23. A shared or electric charging parking space shall be provided and indicated on the building permit and reviewed for construction prior to the Certificate of Occupancy on the first building.
24. Prior to issuance of a building permit, the applicant shall pay required traffic impacts fees associated with the building permit.
25. Internal pathways shall provide signage to indicate they are public at each entry point around the perimeter of the site and shall be surfaced with nonskid hard surfaces and be designed to provide a minimum of seven to not exceed ten feet of unobstructed width along the main pathways (Point White frontage and those between the inn units).
26. The applicant shall install landscaping as indicated on the approved landscaping plans, with the exception of the 10 foot buffer along Point White Drive. The landscape plans shall be revised to meet the filter screen requirement.
27. All landscaping shall be installed, or a performance assurance device shall be submitted and approved, prior to final inspection of the final building within the phase being constructed. The installation of landscaping shall be verified by the Landscape Professional or owner and a landscaping declaration shall be signed.
28. Landscape buffers shall be maintained with a maintenance assurance device for a period of three years. No vegetation within the buffers shall be disturbed without approval of the Department of Planning and Community Development through an approved clearing, grading or civil plan.
29. Unauthorized removal of trees shall result in at least one-and-one-half times (150 percent) of the

number of tree units removed. The trees removed shall be replaced with trees of the same type, evergreen or deciduous. Native shrubs and ground cover shall also be replaced when replacing tree stands due to unauthorized removal. Shrubs shall be one-gallon size planted four feet on center spacing; ground cover shall be one-gallon size planted three feet on center spacing. The shrubs and ground cover shall be planted within the limits of the previous tree stand canopy.

A property owner may request removal of trees required to be retained pursuant to this chapter by applying for a clearing permit with a replanting plan. Trees will be approved for removal only if they meet the hazard tree requirements.

Failure to retain, replace or transplant trees will be enforced as follows; provided, that any fine shall be no less than three times the value of the trees, as determined by the current standards of the International Society of Arboriculture. The city may issue the following; stop work orders, injunction or abatement or any other appropriate action in courts and/or a civil infraction, subject to enforcement and fines.

30. Bicycle storage shall be provided to accommodate at least 11 bicycles.
31. Any changes in the design of the buildings are subject to the Lynwood Center Design Guidelines and may require additional review and approval from Staff and the Design Review Board to ensure consistency with the guidelines.
32. Given the complexity of the proposal, prior to submitting any building permit applications, the applicant shall schedule a pre-submittal meeting outlining the order of development improvements and buildings on the site. The applicant shall include information on the location of parking for construction vehicles, and all construction vehicle parking shall remain on-site.
33. Any proposed intensity of uses at the site will require analysis and a new evaluation to determine concurrency.
34. Proposed roadways and parking stalls shall be paved with asphalt, concrete or pervious pavement.
35. A right-of-way construction permit shall be required prior to any construction activities within the Point White Drive right-of-way. The ROW permit may be subject to separate conditions and bonding requirements.

Staff Analysis

LAND USE CODE ANALYSIS

I. FINDINGS OF FACT

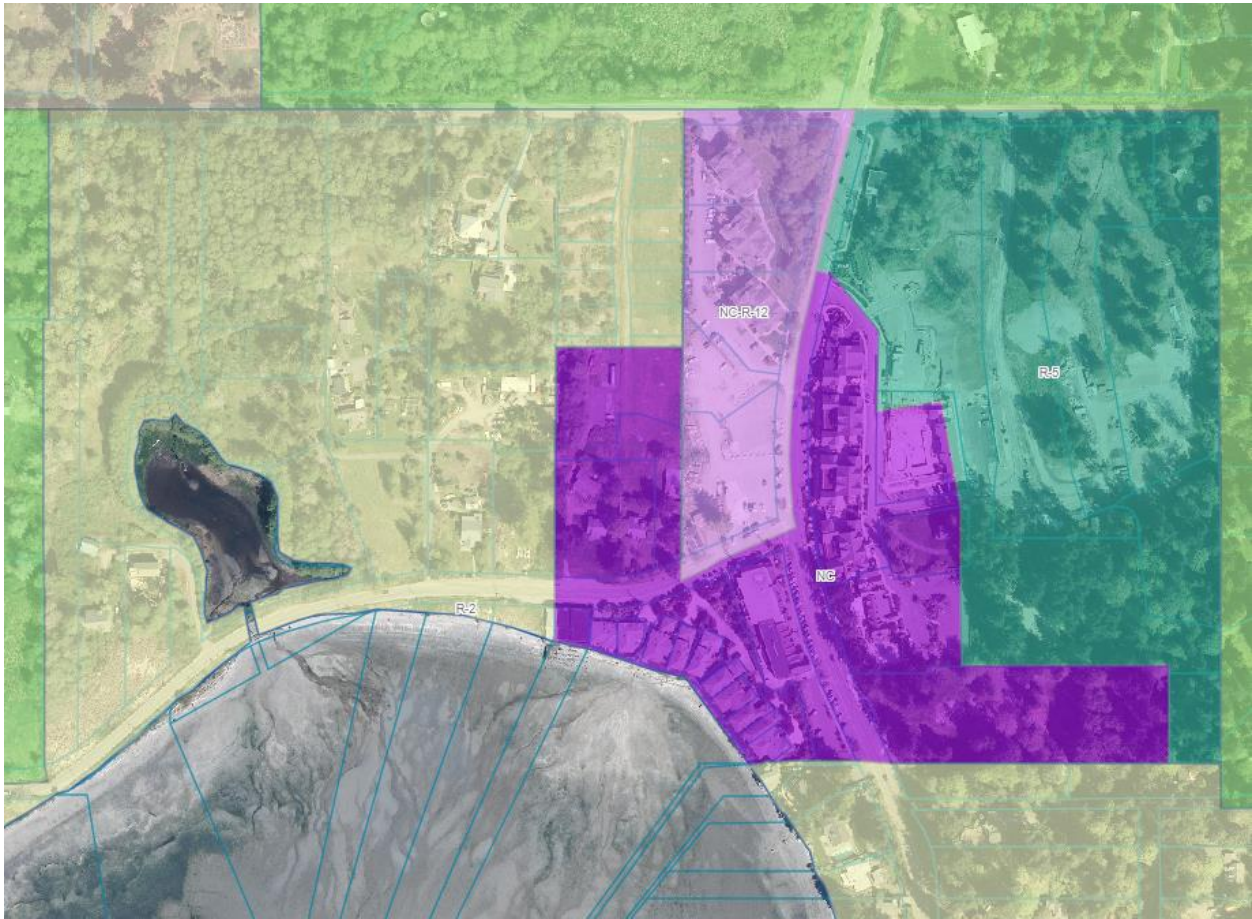
1. Site Characteristics:

Tax Assessor Information:

- A. **Tax Lot Numbers:** 8528-000-001-0005 (.99 ac), 8528-000-000-0006 (.47 ac), 8528-000-002-0004 (1.01 ac)
- B. **Owners of Record:** Roost Brick House LLC (8528-000-001-0005), BLUE MOON LAND CO LLC (8528-000-002-0004 & 8528-000-000-0006)
- C. **Lot Size:** 2.47 acres or 107,593 square feet
- D. **Land Use:** Residential.

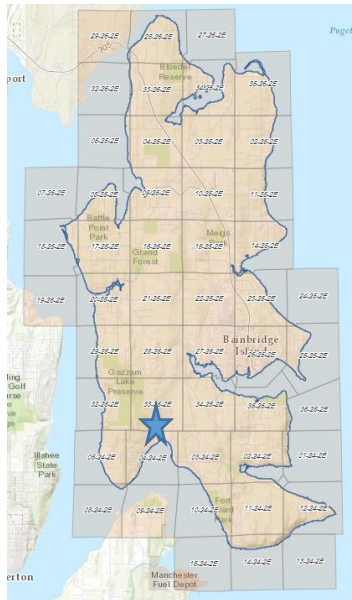
2. **Terrain:** The site is generally flat with a less than 10 feet vertical feet of elevation change.

3. **Soils:** The site is underlain by uncontrolled fill and zones of loose, saturated sand that is prone to liquefaction and differential settlement.
4. **Existing Site Development:** The applicant submitted a report from Cultural Resource Consultants, Inc (ref doc J) that analyzed existing development and the potential for archeological remains. The report concluded that the house at 4569 Point White Drive NE has retained a high level of integrity and is a good example of a 1940's era Tudor Composite Style residence. The house is recommended eligible for the National Register of Historic Places (NRHP). The second home at 4565 Point White Drive NE also has a high level of integrity. It is also recommended for the NRHP as a good example of a 1930's era Tudor Composite style design.
5. **Proposed Access:** The proposed development will be accessed from Point White Drive NE, and connect through to Baker Hill Road.
6. **Public Services and Utilities:** City of Bainbridge Sewer and KPUD water.
7. **Zoning/Comprehensive Plan Designation:** The subject property is zoned Neighborhood Center (NC)
8. **Surrounding Zoning/Comprehensive Plan Designation:**
 - A. North: R-2, single family
 - B. South: Neighborhood Center (NC)
 - C. East: Neighborhood Center (NC) – R-12
 - D. West: R-2, OSR-2 units per acre



9. **Surrounding Uses:**
- A. North: Single-family residential with accessory dwelling units
 - B. South: Multi-family, Commercial
 - C. East: Commercial
 - D. West: Single-family residences

Vicinity Map



Aerial Photograph



II. HISTORY

The original site plan and design review application was applied for in 2015 concurrently with an application to vacate the existing four lot subdivision and re-divide the lots into their current configuration. The underlying short plat was vacated and the site was subdivided on September 27, 2016 (PLN50076FSUB, ROOST). The subdivision was approved for five lots in the R-2 district and one lot in the NC district. The five R-2 lots are each under construction with a single family residence and an accessory dwelling unit.

During staff's review of the site plan application, the then recently constructed and operational Pleasant Beach Village pool (summer 2015) caused the sewer system to overload and utilized all existing conveyance capacity. The pool modified their filter system to mitigate maximum flow rates.

In parallel, the City Council authorized the Department of Public Works to begin pre-design studies for the modification to the sewer system. The City was authorized and successfully completed efforts to increase conveyance capacity via maintenance and repair efforts.

Due to the requirement for binding sewer availability letters for a site plan and design review application, the project was deemed incomplete. The applicant withdrew their application in April 2016. Following withdrawal of the application, the city revised the administrative manual to remove the requirement for binding sewer availability letters at project submittal but rather required them prior to building permit issuance. The applicant submitted their revised site plan application on December 22, 2016 (reference doc's A-M). The following chronology is specific to this site plan review application.

1. On January 20, 2017, the application was deemed complete.
2. On January 27, 2017, a joint notice of application and SEPA comment period was issued. The comment period ended on February 27, 2017 (reference doc R).
3. On February 17 and March 20, 2017, the project was reviewed by the Design Review Board (DRB) (reference doc U).

4. On April 20, 2017, revisions to the project to address DRB comments and design guidelines were received (reference doc V).

III. PUBLIC/AGENCY COMMENT

1. Agency/Public Comment.

Agency Comment.

Fire Marshal: On July 22, 2016, the fire marshal submitted the following comments (reference doc O): 1) the project shall comply with all applicable provisions of the adopted Fire Code and; 2. Fire flow is required for this project. Fire flow shall be not less than 1000 gpm and shall be demonstrated to the satisfaction of the Fire Marshal, 3) The proposed fire hydrants shall be located to the satisfaction of the Fire Marshal. An additional hydrant will be required to serve the “bunkhouses”. The hydrant can be located on Point White Drive and; 4) Residential fire sprinklers will be required for multi-family (>2) dwelling or buildings greater than 5,000 square feet of fire area; and, 5) Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Access to the “Bunkhouses” shall be along normal routes of travel. This provision may be extended if residential fire sprinklers are installed. Access to the “Bunkhouses” shall comply with this comment. A possible solution is moving the proposed bollards farther into the project and improving the path to support fire apparatus BIMC 20.04.080; and 6) Access to the “Bunkhouses” will require a named street and appropriate addresses. BIMC 12.16.050. **The project is conditioned to meet the fire code, fire flow, provide hydrants, fire sprinkler, fire access roads and road naming (Condition 16).**

Kitsap County Health District: The City received a no comment from the Health District on February 7, 2017 (ref doc S). As this project is served by City sewer and KPUD water, the applicant submitted a Non-binding water availability letter from KPUD dated November 8, 2016 (ref doc K). The applicant also submitted a binding unlimited reservation and approval to connect for sewer availability letter dated October 30, 2015 (ref doc L). **Prior to issuance of a building permit, the applicant shall provide binding commitments for the water and sewer demands for the development (Condition 17).**

Historic Preservation Commission: The Historic Preservation Commission (HPC) was interested in the historic homes on the project site. They requested that the applicant provide a report so that the HPC could determine the impact on historic resources. The applicant consulted with Cultural Resource Consultants (CRC) to provide a report (ref doc J). CRC completed a historic property inventory update and evaluation of significance for the 4569 Point White Drive NE and 4565 Point White Drive NE and determined that they both have a high level of integrity and are good examples of a 1940's era Tudor Composite Style residence 1930's era Tudor Composite style design. The 4565 (1930's) residence is proposed for relocation and the 4569 (1940's) residence is proposed for retention. This information has been added to the historic property inventory record for the building on file in DAHP's online database, WISAARD. The Commission required this as a SEPA condition with the subdivision approval. **In the event the attempt to relocate the proposed home is unsuccessful, the applicant shall attempt to relocate to another site (Condition 7).**

Development Engineer: The City Engineer contracted with Heath & Associates, Inc for a traffic impact analysis. This analysis was received on May 9, 2017 (reference doc P). The report provided information on existing peak hour volumes and patterns, roadway improvements, pedestrian and

bicycle activity, public transit and existing level of service. The report concluded that based on field notes, sight distance is acceptable at the proposed accesses onto NE Baker Hill Road and Point White Drive NE. Existing delays at the studied intersections near the site, given in Table 1, are mild at LOS A to LOS B. Future 2017 and 2030 LOS delays will remain mild at LOS B or better. A left turn lane is not warranted at either project entrance based on 2030 PM peak hour volumes with project traffic included. Overall, the project will have a minimal impact on the surrounding roadway system. Based on the findings of the report the recommended mitigation for the site is as follows: Pay traffic impacts fees to the City of Bainbridge Island per Ordinance No. 2015-07. Exact fees and calculations will be determined by the City and no other mitigation was suggested.

The Development Engineer also recommended conditional approval of the project on June 13, 2017 (reference doc P). Along with this conditional approval (Conditions 1-3 & 33-35), the Engineer issued a certificate of concurrency for the project (reference doc P).

Public Comment: One public comment letter was received (reference doc T) for the proposed site plan application. The commenter expressed concerns about traffic and pedestrian safety, stormwater and pollution run off, groundwater recharge, local endangered species flooding, earthquake and tsunami risk, and native peoples historical significance. The applicant provided a response to the concerns voiced. The applicant expressed that they place a high value on being good stewards of the environment and are actively pursuing elements such as:

- Stormwater/groundwater recharge and potentially storage and reuse
- Runoff water quality care/management
- Preservation of open space/public access
- Low energy consumption buildings
- Traffic calming measures

Specific to these items concerns, the applicant provided information on specific project plans they were working on. Below is a write up from the applicant on how they plan on mitigating these concerns:

1. *They will be providing pet waste collection stations.*
2. *They will be minimizing impervious hardscape, and emphasizing walking paths and landscaping that promote aquifer recharge.*
3. *All phases of our project has extensive publicly accessible interconnected open/greenspace, including trails and includes wetland habitat preservation as part of PH1A of our project; that is not part of the project under the NC SPR Application.*
4. *The anchoring landscape element of the project is an active watercourse that may serve dual purpose as an aesthetic element as well as a rain garden to filter and return stormwater to the ground.*
5. *They also are investigating collecting roof runoff and reusing for landscape irrigation, as well as to use the water feature as a flow mitigator during heavy storm surges.*
6. *All or our building will use low flow plumbing fixtures, and they are advertising an ethos of conservation as part of their project marketing.*

In their adjoining Roost residential project, not subject to the SPR Application, the applicants used advanced building envelope construction and high performance HVAC equipment, when combined with the offered PV panel system, should yield net zero energy performance. They plan to use the same construction methods on all building in the NC zoned portion of the project as well; again, emphasizing an ethos of environmental stewardship as a core neighborhood value. While they have not to date sought

certification from a specific sustainability standard, they have employed many of the best practices of a variety of these standards, and have indicated to the City that they plan to continue to do so throughout their projects continued development.

Additionally, specific to traffic concerns, the applicant offered the following response:

1. *They expect that the dwelling units in their project will generate less than average trips per day, as the project lies at the center of a “walking village” that encourages residents to walk to incidental services that are immediately adjacent. Furthermore, they are providing an extensive set of inviting sidewalks, trails and walking paths that encourage, and make more enjoyable the prospect of walking vs getting in a vehicle.*
2. *As far as traffic speeds along Pt White Drive; the applicants believe there is a lot of engineering and planning data to support the notion that street parking combined with sidewalks actually promotes driver awareness of potential dangers, slows traffic, and provides pedestrians a safe walking path separated from traffic.*
3. *The applicants have been involved in many conversations surrounding neighbor concerns about traffic speeds near the public beach and new park near the estuary, and share those concerns. They hope that their project is the first piece in a safer walk and bikeway from Lynwood Center proper all the way to the beach and the park. The applicant, who is an avid cyclist, indicated that they will assure bike safety along the road frontage and will have conversations with neighbors to extend a safe bike path along the public beach frontage to the west.*
4. *While the applicants do not control the properties to the west, they hope to be able to collaborate with City of Bainbridge Island and their westerly neighbors to extend a broader safer district pedestrian and bike path network.*
5. *The applicants have indicated a desire work with City of Bainbridge Island to address traffic speed and bike safety along the Point White frontage of the property, and to add a textured and colored paving scheme to promote traffic slowing, and make drivers extra attentive to bike and pedestrian presence. **Of the proposals offered by the applicant to address the concerns voiced, they are not code requirements and the City is not currently proposing to condition the project to provide any of these improvements. However, these efforts are encouraged and supported by Staff.***

IV. COMPREHENSIVE PLAN GOALS AND POLICIES

The project is located in the Lynwood Center Special Planning Area (reference doc W). As such, the project was reviewed against both the Comprehensive Plan and the Lynwood Master Plan.

1. Land Use Element, Neighborhood Center (NC)

- A. **NC 1.2, Lynwood Center**, Any new development or expansion of existing development in Lynwood Center will be required to connect to public sewer when available or meet other Health District requirements, when appropriate. **A shoreline exemption was secured and improvements were made to the sewer system to connect the site to public sewer as part of the plat utility permit improvements for the subdivision.**

2. Lynwood Center, Special Planning Area Report & Recommendations Transportation Element

A. Traffic Circulation – Pedestrian/Bicycles

Pedestrian and bike trails will go on the south side of Baker Hill Road. A pedestrian trail connecting Baker Hill Road and Point White Drive shall be located either along the City’s unvacated portion of Baker Hill Road and around the Schel-chelb estuary or along the stream corridor associated with the estuary. **The subdivision was approved to provide Design Standard C improvements to**

the south side of Baker Hill Road right-of-way. A neighborhood led effort by abutting property owners has resulted in a concerted movement for easements and the construction of trail thru the subject property to Lynwood Center to the east and Schel Chelb Park to the west. The Parks District helped coordinate this effort and as a result, the applicant agreed to provide a trail that bisects the property and runs east west. Proposed Point White Drive frontage improvements include the addition of a sidewalk along the project frontage and additional parking in the right-of-way.

V. LAND USE CODE ANALYSIS

1. BIMC 16.20 Critical Areas

The site does contains a liquefaction hazard critical area as found in BIMC 16.20. Liquefaction hazard areas are defined as areas of cohesionless, loose or soft, saturated soils of low density in association with a shallow groundwater table that are subject to settlement and/or liquefaction from ground shaking. **The applicant submitted a report with recommendations from Coastal Solutions LLC (reference doc M). These recommendations include: 1) piling foundations used for building support, 2) re-use of near-surface fill soils only if at or near optimum moisture content and free of organic material, and 3) performing earth work activities during the drier season.** To ensure the buildings are constructed safely, the building design shall follow the recommendations in the report, unless other recommendations are made and approved by the geotechnical and City Engineers (Condition 18).

2. BIMC 16.12 Shoreline Master Program

The southernmost portion of the site closest to Point White Drive is within the 200' shoreline jurisdiction. The portion of the project within shoreline jurisdiction is separated from the shoreline community by Point White Drive, two residential homes, and the Bainbridge Lumber building.

The Shoreline Designation is Urban. The purpose of the urban designation is to provide for high-intensity water-oriented commercial, transportation, industrial, mixed-use, multifamily residential, public access and recreational uses while protecting existing natural resources, ecological functions and ecosystem-wide processes, and restoring ecological functions in areas that have been previously degraded. **The proposed mixed use project meets the purpose of the Urban designation by providing high-intensity, water-oriented commercial, mixed-use, and multifamily residential. Additionally, the four-unit inn building also proposes a viewing area and kayak rentals to maximum public access and recreational uses along the waterfront. Since this project is separated from the shoreline by a road and development, the opportunity to restore ecological functions is not feasible.**

Table 16.12.030-1. Shoreline Use and Modification

Water related or enjoyment commercial development is a permitted use in the Urban shoreline designation. Parking is an accessory use to the proposed water enjoyment uses.

Water-enjoyment use is defined as: a recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use, or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as general characteristic of the use and which through the location, design, and operation ensure the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public, and the shoreline-oriented space

within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers, and other improvements facilitating public access to shorelines of the state. General water-enjoyment uses may include, but not limited to, restaurants, museums, aquariums, educational/scientific reserves, resorts, and mixed use commercial, provided that such uses conform to the above water-enjoyment specifications and the provisions of the Master Program.

The proposed restaurant (greenhouse) and inn (shed) are general water-enjoyment uses that are permitted in the shoreline Urban environments.

Table 16.12.030-2. Dimensional Standards

Water Related or enjoyment commercial development has a 50' setback from the Ordinary High Water Mark (OHWM). The maximum height for these uses is 30'. Accessory parking shall be a minimum of 50' from OHWM. **The proposed buildings are found to meet and are conditioned to comply with these dimensional standards.**

The proposed water enjoyment uses are setback between 130 and 170 feet from OHWM, exceeding the 50' minimum setback. The accessory parking is approximately 100' from the OHWM, exceeding the 50' minimum.

Table 16.12.030-3. Shoreline Buffer Standards

The subject property is developed property with a shoreline Upland designation of Urban. It has a shoreline buffer requirement of 30' from the OHWM and does not extend onto the project site. **Buffers function to limit human intrusion when there are dense vegetation communities which humans cannot penetrate. The Roost project site is buffered by existing homes, which will lessen the impact to the shoreline by preventing noise and light impacts from reaching the shoreline environment.**

C. BIMC Section 16.12.030 (B)2: Environmental Impacts

Compliance with the applicable provisions of Section 4.1.2 are summarized below, including: impact analysis and no net loss standard, revegetation standards, mitigation standards and sequencing, surety and monitoring and maintenance.

All shoreline development, uses and activities are required to result in no net loss of ecological functions and processes necessary to sustain shoreline resources. In order to demonstrate compliance with this provision, an applicant is required to submit either a site-specific impact analysis and mitigation plan, when needed, or may use the Standard Residential Mitigation Manual (standard manual). **The applicant submitted a site specific impact analysis prepared by Ecological Land Services (reference doc x) that demonstrates that the project will result in no net loss of shoreline ecological values. The report looked at the shoreline environment, wildlife inventory and buffer functions. It concluded the existing residential development between the project area and the shoreline will provide a buffer to the construction activities and prevent impacts to the shoreline environment. Particularly, noise generated during onsite construction will not affect use of the shoreline environment because the homes will function to filter noise generated during construction. The site will not generate any new pollutants or sediments and there will be no change to the buffer functions. No special management recommendations were recommended for this project because there are no endangered, threatened, sensitive species or rare habitat areas in the immediate project area and no significant adverse impacts are**

anticipated.

D. BIMC Section 16.12.030(B)3: Vegetation Management

Development within the shoreline jurisdiction must be located and designed to protect existing native vegetation from disturbance and to mitigate impacts to existing vegetation. **The project proposes development on the landward side of substantial development that comprises most of the shoreline buffer. Residential development lies between the project area and the shoreline so there is no functional vegetative buffer. There are a total of seven trees within the shoreline jurisdiction and the proposal included the removal of three significant trees. Following conversations with the applicant, they have proposed to retain these trees. In the event the applicant chooses to pursue their removal, the downed trees have to either be retained on the site to provide or enhance wildlife or marine habitat and/or be topped for safety and remain as a wildlife snag. Additionally, mitigation would be required and should be included with any clearing permit.**

E. BIMC Section 16.12.030 (B)5: Water Quality and Stormwater Management

The project connects to existing water, storm sewer and sewer municipal systems. The stormwater generated at the site will be conveyed to the existing storm sewer system. Stormwater from pollution generating surfaces on the site will be filtered prior to entering the storm sewer. Impact to the water quality of the shoreline will be negligible. While not required, the applicant is proposing to anchor the landscape element of the project as an active watercourse that may serve dual purpose as an aesthetic element as well as a rain garden to filter and infiltrate stormwater. The applicant is also investigating collecting roof runoff and reusing for landscape irrigation, this water feature may also provide for mitigation of heavy storm surges. Finally, to reduce water consumption, all the buildings will use low-flow plumbing fixtures, and the applicants are advertising an ethos of conservation as part of their project marketing.

F. BIMC Section 16.12.060: Critical Areas

Shoreline-specific critical areas policies and regulations apply to critical areas within the shoreline designation. Development proposals located on or within geologically hazardous areas must prepare a geotechnical analysis addressing the impacts the proposal may have on the critical area. **The site is identified as liquefaction, a seismic hazard area. The applicant submitted a geotechnical report with recommendations on the foundations for the proposed development. The applicant shall record an indemnification agreement for all building permits (Condition 18) and follow all geotechnical recommendations (Condition 18).**

3. BIMC Title 18 Zoning

A. BIMC 18.06.050, Neighborhood Center (NC)

The purpose of the neighborhood center is to provide a mix of neighborhood-scale residential, commercial, and service activity that is compatible with the scale, character, and intensity of the surrounding residential neighborhood and that minimizes the impact of noise, odor, lighting, fire hazard, and transportation on the neighborhood and the impact on water quality, stormwater runoff, and critical areas. **The proposed mixed use development proposes a mix of neighborhood-scale residential, commercial and service activity that is compatible with the neighborhood. The project is an expansion of development patterns that have been occurring within this service center. Along Point White Drive, the buildings have been designed to exhibit a Tudor architectural design, while the buildings removed from the**

(name) street will feature fewer Tudor design elements. The proposal will create a site that provides cohesiveness and yet distinction from the neighboring developments by proposing a style unique from its neighbors, while providing a mix of similar and compatible uses.

B. Performance Standards. All uses allowed in the NC district shall conform to the performance standards of this section. It shall be the responsibility of the operator and/or the proprietor of any allowed use to provide such reasonable evidence and technical data as the director may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards. Failure of the director to require such information shall not be construed as relieving the operator and/or proprietor from compliance with all applicable environmental performance standards of this code.

1. Noise. All uses shall comply with the noise performance standards of BIMC 18.06.030.B.1.
2. Glare and Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.
3. Ground Vibrations. No ground vibration other than that caused by highway vehicles or construction activity shall be permitted that is discernible, without instruments, at or beyond the property line for the use concerned.
4. Waste Storage and Disposal, Including Hazardous Waste. The storage or disposal of industrial waste shall be in compliance with the regulations and requirements of the Kitsap County health district, the State Department of Ecology, and Chapter [70.105](#) RCW as amended, and the BIMC.
5. Air Quality Emissions. All uses shall comply with air quality emissions standards of BIMC 18.06.030.B.2.
6. Ground and Soil Contamination. Materials used or produced in any manufacturing process shall be handled in such a manner as to prevent ground or soil pollution that destroys or endangers the support of natural vegetation or that may contaminate underground aquifers, or other natural drainage systems.
7. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, or nuclear equipment uses or processes with electrical apparatus in nearby buildings or use areas.
8. Fire and Explosive Hazards. The manufacture, use, processing or storage of flammable liquids or materials, liquids or gases that produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the adopted fire code and the building code. A hazardous materials impact analysis, conforming to the requirements of the Bainbridge Island fire district, shall be required to determine potential off-site impacts and mitigation precautions.
9. Lighting. Lighting standards set forth in BIMC [18.15.040](#) shall apply to the NC district.
10. Outdoor Storage and Trash Dumpsters.

- a. Screening of Outdoor Storage. The screen height is determined by the height of the material or equipment being screened. Chain-link fencing with neutral colored slating is permitted along with vegetative screening when vegetative screening alone is not sufficient to block the outdoor storage from public view and where the fencing is not visible from the street. Exterior storage should be confined to portions of the site least visible from public view. **No outdoor storage is currently proposed.**
- b. Trash dumpsters or any outdoor equipment, whether on the roof or side of a structure or on the ground, shall be screened from view. Screening shall be architecturally consistent with the adjacent structure in terms of materials. Mechanical equipment should be located below the highest vertical element of the building. **The applicant is proposing to enclose trash and recycling on site abutting landscaping.**

To ensure compliance with these development standards, each building permit shall be reviewed to ensure the use meets these standards (conditions 1-3, 9, 11, 13-15 & 20).

Natural Resource Protection Standards. The following provisions are intended to supplement those natural resource protection standards and requirements contained in BIMC Titles [16](#) (Environment) and [17](#) (Subdivisions), and specifically to supplement those provisions in Chapters [16.12](#) (Shoreline Master Program) and [16.20](#) BIMC (Critical Areas), which remain the primary source of regulation in those areas. In the event of a conflict between the provisions of this section and the provisions of BIMC Title [15](#) (Buildings and Construction) or Chapter [16.12](#) or [16.20](#) BIMC, the provisions of BIMC Title [15](#) or [16](#) shall apply.

1. Drainage. Surface and stormwater shall be managed in accordance with the management standards in Chapter [15.20](#) BIMC. Stormwater runoff shall be detained and disposed of on site or disposed of in a system designed for such runoff and that does not flood or damage adjacent properties. Systems designed for runoff detention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter [15.20](#) BIMC, pertaining to community facilities. **In May, 2015 the City undertook a stormwater pipe project that bisected the lower portion of the site and terminated at Rich Passage, across the street and to the west of the project site. The project involved the removal of a restriction in the pipe, replacement and reorientation of the pipe and the installation of a tidal valve at the pipe's terminus. The project was completed in July 2015 and has resolved some localized flooding on Point White Drive as well as eliminated odors from the backing up of deleterious materials. The project also resulted in the addition of a stormwater easement in the lower southeast corner of the project site.**
2. Industrial Wastewater Disposal. Industrial wastewater shall not be discharged into an on-site septic system. Other relevant sections of the BIMC shall apply. **This condition is not applicable as the project is not proposing industrial wastewater disposal and the project is serviced by sewer.**

C. BIMC 18.09.02 Use TABLE

Multifamily, Restaurants, an Inn and Offices for Personal and Professional Uses are permitted uses in the NC district.

For clarification, personal and professional services and inn's are defined as:

“Personal service” means an establishment that provides on-site service(s) in a nonoffice environment including, but not limited to, beauty shops, shoe repair, laundry, dry cleaning services, animal care services, and tanning salons. Auto repair and body shops are not included under this definition.

“Professional service” means a business or agency that provides services in an office environment and includes, but is not limited to, legal services, counseling services, real estate offices, financial services, insurance services, and government offices. Professional service does not include a health care clinic.

“Inn” means a building or group of buildings containing up to 15 guest rooms, where, for compensation, lodging is provided for transient visitors. An inn may contain a kitchen and/or dining room for serving meals to its guests. Individual rooms may include a bar-type sink and under-counter refrigerator but may not include a full sink, full-sized refrigerator or cooking range. An inn is not a hotel, motel or bed and breakfast lodging as defined and regulated elsewhere in this title.

Prior to establishing uses in the mixed-use buildings, each occupant shall obtain a business license from the City of Bainbridge Island (Condition 21). The inn rooms shall be reviewed for compliance with these standards at building permit submittal (Condition 22).

D. BIMC 18.09.030 Use-specific standards.

Multifamily Dwellings: Multifamily dwellings must be in accordance with zoning in the R-2 district, except that bonus densities may be obtained if applicable under BIMC [18.12.020](#) and 18.12.030.D.

Commercial Residential Mixed Use Development. In the NC district, residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed use projects, if the building fronts on a local or private street, residential units can be located on the ground floor. Density for mixed use projects in the NC district shall be calculated pursuant to BIMC 18.12.030.D. **The applicant is proposing residential units (townhomes) above commercial and is proposing to utilize the density bonus available in BIMC 18.12.030.D. See analysis below.**

E. **BIMC 18.12.020-3, Standard Lot Dimensional Standards for Residential Zone Districts**

a. **Maximum Residential FAR:** In the NC district there is no FAR limit, limited by other standards.

Maximum with Bonus: Bonus densities require compliance with BIMC 18.12.030.D.

b. **Minimum Lot Dimensions.** There are not any area, depth or width requirements in this zoning district.

c. **Maximum Lot Coverage:** The maximum lot coverage was established with the underlying Roost subdivision. The maximum lot coverage for this Lot is 37,609 square feet. **The proposed lot coverage is less than this maximum at approximately 20,901 square feet.**

d. **Minimum Setbacks.** Setbacks were established in the Roost Subdivision and include the following: 15’ rear (NC to R-2), 20’ western side yard, and 10’ buffer to Point White Drive. The proposed driveway has a 10’ setback on either side. **The project is found to meet all setback requirements.**

e. **Maximum Building Height.** The maximum building height in this district is 35’, however buildings within the shoreline jurisdiction are limited to 30’. Therefore, the shed and greenhouse are limited to 30’ in height and the mixed use and inn units are limited to 35’ outside of the shoreline jurisdiction.

- F. **BIMC 18.12.030 Additional dimensional provisions.** Bonus Density in NC District. Bonus density shall be available in the NC district as follows:

Three units per acre if the development is commercial/residential mixed use and public sewer and public water are not provided, or five units per acre if the mixed use development is on public water and sewer. The residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed use projects, if the building fronts on a local or private street, residential units can be located on the ground floor.

Since this is a mixed use development served by public sewer and water, it can achieve a maximum density of 13 units (R-5 zoning). The applicant is proposing 12 units total, with three units in each mixed use building.

2. **BIMC 18.15 Development Standards and Guidelines**

C. **BIMC 18.15.010: Landscaping and Screening**

a. **Landscape Requirements by Zone District**

Landscaping standards were established with the Roost subdivision approval and include the following:

Perimeter Buffer: A 20' full screen buffer is required when NC abuts residential development that is not zoned NC. This buffer was applied to the western border and northern border of the NC portion of the site. Also, a 10' filtered screen is required when NC abut NC. This applies to Point White Drive. **The site plan does not meet the filtered screen requirement and shall be revised at building permit submittal to demonstrate compliance with the filtered screen requirement (Condition 26).**

Tree Units: The applicant provided a survey of all the existing trees to be retained as part of the proposed development, including the species and dbh. The applicant is proposing as many tree units after the proposed development as it had before the development. Existing and new trees in roadside and perimeter buffers do not count towards the tree unit requirements. Conversely, the existing trees in those protected areas and buffers will not count towards the "pre-development" amount of tree units. The site currently has 23.4 tree units for 10.3 tree units per acre. The applicant originally proposed retaining 6.2 tree units, and has since agreed to retain 3 more trees within the shoreline jurisdiction. More than 50 new trees are proposed outside of the landscape buffer and parking lot landscaping, doubling the minimum requirement.

Parking Lot Landscaping. Parking lot landscaping standards are specific to the Neighborhood Center Overlay District and the proximity of the buildings and the parking lot to the public rights of way. The project proposes internal parking. The Code requires the following standard for parking lots not abutting the right-of-way:

- i. One tree for every eight parking stalls; and
- ii. One hundred percent of the trees may be deciduous; and
- iii. Deciduous trees minimum two-inch caliper, evergreen trees minimum four feet height at the time of planting; and

- iv. Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years; and
- v. A landscaped area at the end of parking aisles.

The landscape plan shows that there is more than one tree for every eight parking stall and landscaped areas as the end of the parking aisles. As proposed, the parking lot landscaping is exceeding the minimum landscaping requirements.

Performance Assurance. Performance assurance is required to assure the city that the landscaping required by this section is properly installed, will become established and adequately maintained. The required landscaping shall be installed prior to the issuance of a temporary certificate of occupancy for the project. A Washington landscape architect, Washington certified nursery professional or Washington certified landscaper shall submit a landscaping declaration to the department to verify installation in accordance with the approved plans. **The project is conditioned to meet this requirement (Condition 27).**

Maintenance Assurance. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan. A maintenance assurance device shall be required for a period of three years after acceptance by the city of the new planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance. **The project is conditioned to meet this requirement (Condition 28).**

Enforcement: Unauthorized removal or trees required for protection are subject to enforcement and fines as provided in the municipal code and condition 29.

D. BIMC 18.15.020 Parking and Loading

- a. **General Requirements.** When a new commercial or mixed use development is required to provide parking for more than 25 cars, at least one parking space near the entrance must be reserved and signed for use by a shared-car program or electric vehicle charging station. **The project is conditioned to meet this requirement (Condition 23).**
- b. **Number of Spaces Required.** Above-ground parking lots exceeding the number of spaces required by this section are not allowed unless approved by the planning commission; spaces provided in underground parking garages are exempt from parking maximums.

The Code requires the following amount of spaces:

- 1 space per primary dwelling unit Dwelling units situated directly above a commercial use or directly above parking serving a commercial use in the NC district.
- The director may require guest parking up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.
- Retail, commercial and personal service in a building with 1,000 square feet of floor or more requires 4 spaces per 1,000 square feet of floor area.
- Places of public accommodation serving food and beverage require 1 space for each 4 occupants.

- Inns require 1 space per sleeping room

Building/Unit Type	Units/Square footage proposed	Space Requirement	Amount of spaces required
Residential	12	1/unit	12
Guest Parking	12	.5/unit	6
Retail, Personal Service	5,640 sq ft	4/1000 square feet	23
Public accommodation	1,803 square feet	1 space/4 occupants	74 occupants/4= 18
Inn	15	1/sleeping room	15
Total:			74

Spaces are proposed on Point White Drive (13 total), on-site and for each residential use within the parking garage (12). **Staff finds that each townhome unit is providing two parking spaces per unit within an under unit garage and a driveway that could accommodate an additional 18 spaces for a total of 42 residential spaces.**

The site is providing 57 spaces along the drive aisle and Point White Drive to accommodate the retail, restaurant and inn uses. In total, the site is providing 99 spaces while 74 are required. The applicant is seeking approval from the planning commission on this increase in parking spaces.

Location of Spaces. Parking shall be located behind, to the side of or under buildings. Parking shall not be located between a building and the front lot line, unless an applicant can demonstrate that locating parking between a building and the front lot line is the only feasible location. **Design Guideline #2 encourages parking to be placed behind buildings or in a single row along the street. The project is providing parking along the street. The streetscape is dominated by buildings, with parking perpendicular to the road, along the proposed internal road.**

For on-street parking spaces, handicap parking shall be distributed throughout the street and shall be separated from other handicap parking spaces by at least 10 nonhandicap spaces, or as required by the building official. **One on-street handicap parking space is proposed and the project shall be reviewed at building permit to ensure accessibility standards are being met for the proposed mixed use buildings.**

- c. **Design Standards.** Space depth shall be measured exclusive of access drives, aisles and other physical obstructions. Small car spaces may total no more than 30 percent of the required number. **The site plan depicts 90 and 45 degree parking as well as parallel. The spaces meet the depth and aisle width requirements. The aisle width is 20' when there is no parking spaces and 24' where there are parking spaces utilizing the aisle. The proposed 17 compact spaces are found to not exceed 30% maximum.**

E. BIMC 18.15.030 Mobility and Access

- a. **Circulation and Walkways.** The Municipal Code addresses safety, efficiency and the buffering of parking lots through landscaping. It also provides standards for pedestrian and internal walkways. **The project is providing permeability through the site, and is connecting the site to adjacent paths and development. Specifically, the northern portion of the site that abuts the Roost single family development is providing trail connectivity to Lynwood Center and Schel Chelb Park. The project is conditioned to provide the internal walkways with nonskid hard surfaces, to meet accessibility requirements and to provide a minimum of seven not to exceed ten feet of unobstructed width for the main internal walkways (not those in front of the townhouse buildings and the drive aisles) as depicted on revised Sheet A 0.21 (Condition 25) (as encouraged by Design Guideline #4).**
- b. **Bicycle Facilities.** One bicycle space shall be provided for every five parking spaces with a minimum of four spaces provided for each parking lot. **The site plan (Revised Sheet A 0.21) shows two bicycle racks. The project is conditioned to ensure a minimum of 11 spaces (57 spaces/5) are provided prior to the CO on the last building (Condition 30).**

F. BIMC 18.15.040 Lighting.

- a. **General Standards.** All outdoor lighting fixtures installed on private property shall comply with this chapter. The Municipal Code provides for general standards for outdoor lighting to prevent light trespass and pollution. **The project shall provide a lighting plan at building permit submittal and the project shall be reviewed for compliance with the lighting guidelines (Condition 11).**

G. BIMC 18.18.030 Specific Design Regulations and Guidelines

Design guidelines were developed specific for Lynwood Center. The project was reviewed for consistency with those guidelines at three Design Review Board meetings, and various iterations of the building design were submitted to address DRB concerns. The design guideline that warranted the most conversation and resulted in revisions was in regards to building design and specific to guideline # 3 “the Tudor character should be retained with features such as pitched roofs, a mix of external materials, exposed timbering and small, mullioned windows. Restoration of the existing Tudor building is encouraged”. Staff and the DRB were initially concerned that the project did not meet this guideline as this project is not traditional Tudor and was initially described by the applicant as ‘Tudor deconstructed’; and now is being described as ‘modern Tudor’.

On February 17, 2017, staff met with the DRB and both parties expressed concern that the design did not meet the traditional Tudor design. The applicant introduced their project to the DRB and described their building design as ‘sympathetic to Tudor style’. Their approach was to provide Tudor design buildings along Point White Drive and less so toward the interior of the project. Based on the DRB’s pre-application conference suggestions, they had changed the pitch of the roof of their buildings. Following discussions, the DRB asked that they return with a revised plan that better met the Design Guidelines.

The applicant returned with revised plans on March 20, 2017. The revisions included reduction in length of some of the buildings to create a more upright, narrow appearance, revising the pitch of the roof and the use of asphalt shingles. The revised design also included a variety of materials, small pane windows and stairwells constructed with crisscross bracing

materials to imply a Tudor pattern. It was suggested that the applicants reduce the width of the road and due to the angle of parking on Point White Drive and the pedestrian activity, a crosswalk should be added to their design.

The traffic impact analysis did provide information about pedestrian and bicycle activity. It noted that the site supported a moderate amount of pedestrian traffic. It also noted that existing crosswalks were available in close proximity to the site. It was expected that Roost project patrons would continue to use these existing crosswalk facilities. Site distance along Point White Drive was also analyzed. No safety issues were anticipated or detected with the proposed layout and location. As such, no crosswalk was suggested. The road is as narrow as allowed by the Code, and is not recommended for reduction.

The DRB made a unanimous motion to recommend approval of the project. Staff believes that this project has created a new, modern Tudor style that is sympathetic to Tudor while not meeting the traditional design. Staff recommends that any revisions to the building design be reviewed by staff and or possibly the DRB to ensure that the proposed Tudor elements continue to meet the guidelines (Condition 31).

1. **BIMC 2.16.040 Site Plans and Design Review**

Decision Criteria.

- i. The site plan and design is in conformance with the Bainbridge Island Municipal Code, unless a standard has been modified as a Housing Design Demonstration Project pursuant to BIMC 2.16.020. **As conditioned, the proposal complies with all applicable provisions of the Code. The uses, their location, the density and the style of development has been reviewed against the Code and the recorded subdivision and found to comply with the standards without modification.**
- ii. The location of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe and efficient. **The project was designed to provide safe and efficient pedestrian and bicycle passage through the site with limited vehicle interaction. The internal site provides centrally located public open space comprised of a park. The site provides pedestrian, bicycle and vehicular circulation that is found to be adequate, safe and efficient. The site will provide two-way vehicular traffic through the site to Point White Drive and Baker Hill Road. Sidewalks are proposed through the development and along Point White Drive frontage. The applicant shall coordinate with the City's Public Works Department to determine if a cross walk would be warranted.**
- iii. The proposal will be served by adequate public facilities including roads, transit, water, fire protection, sewage disposal facilities and storm drainage facilities. **As conditioned, the existing and proposed infrastructure is adequate for the traffic impacts, fire protection, water, sewage disposal and storm drainage needs of the project as discussed under the land use code analysis of this report. As conditioned, the development has received approval from the Bainbridge Island Fire District and the Development Engineer. (Conditions 1-3, 16 & 33-35)**
- iv. The site plan and design is consistent with the design guidelines contained in BIMC 18.18.030.B unless strict adherence to a guideline has been modified as a Housing Design Demonstration Project pursuant to BIMC 18.38. **The proposed residential designs were reviewed in accordance with the Lynwood Center design guidelines at**

three DRB meetings. The project is found to be in compliance with the design guidelines, as recommended by the DRB.

- v. No harmful or unhealthful conditions are likely to result from the proposed site plan. **No harmful or unhealthful conditions are likely to result from the proposed site plan. Infrastructure improvements are provided to ensure that water and sewer and storm systems continue to operate without causing any harm. The project is also conditioned to comply with SEPA requirements to avoid or mitigate any potentially harmful impacts.**
- vi. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans. **Staff has determined that the site plan and design is in conformance with the Comprehensive Plan and other adopted community plans. The project provides mixed uses (residential and personal/professional services), a restaurant and an inn within the Neighborhood Center. It also provides non-motorized improvements and internal, publicly accessible pathways to encourage neighbors to utilize non-motorized transportation options for recreation and to patronize local businesses. The project also encourages the preservation of historic resources by repurposing a historic home into a lobby/office for the proposed inn, the relocation of the other historic residence and the recording of historical documents at the State database.**
- vii. Property which contains a critical area as defined in BIMC 16.20 conforms to all requirements of that chapter. **The subject property contains liquefaction and all structures will be reviewed at building permit to ensure that they are constructed using methods to ensure safety during a seismic event. (Condition 18)**

2. **BIMC 2.16.165 Shoreline Substantial Development Permit (SSDP) Decision Criteria**

The decision criteria for SSDP's outlined in BIMC 2.16.165.F.3.b is described below. In making the decision, the administrator may approve, approve with modifications, or deny any substantial development permit. In making the decision, the administrator shall grant a substantial development permit only when the development proposed is consistent with the following:

(A) The applicable policies, guidelines, and regulations of the Shoreline Management Act of 1971; Chapter [90.58](#) RCW, as amended; and Chapters [173-26](#) and [173-27](#) WAC or their successors; **The Bainbridge Island SMP is consistent with the SMA; as such, compliance with the local program demonstrates consistency with the SMA.**

(B) The goals, policies, objectives and regulations of the city of Bainbridge Island shoreline master program; **Compliance with the Bainbridge Island SMP is outlined (in Section IV, below.)**

(C) The city of Bainbridge Island comprehensive plan and municipal code; all other applicable law; and any related documents and approvals. **The proposal was reviewed for consistency with the Bainbridge Island Comprehensive Plan and was found to support its goals for open space residential development, environmental protection and aquatic resources and avoids adverse impacts to shoreline ecological functions and ecosystem-wide processes. The proposal was reviewed for consistency with the Bainbridge Island Municipal Code (BIMC) and found to meet all use and dimensional and use standards.**

The administrator shall also consider whether the cumulative impact of additional past and future requests that reasonably may be made in accordance with the comprehensive plan, or similar planning document, for like actions in the area will result in substantial adverse effects on the shoreline environment and shoreline resources. **Staff considered whether approval of the applicant's proposal would lead to similar request from owners on adjacent or nearby lots. Very few NC lots exist that could support such uses. However, the proposed uses are encouraged and supported as they are 1) proposed across from the shoreline and bifurcated by the street, and 2) provide public enjoyment of the water. Uses that provide public enjoyment are encouraged by the shoreline master program.**

CONCLUSIONS

As conditioned, the proposed development is consistent with the Comprehensive Plan and the applicable standards of BIMC Chapter 18.09, *Zoning*; BIMC Chapter 2.16.040, *Site Plan Review*; and BIMC Chapter 2.16.165, *Shoreline Substantial Development Permit*.

Reference Documents:

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

[ROOST PLN50076B SPR](#)

(The following reference materials can be found under the "submittals" and "notes" and "approval steps" sections under this file number: PLN50076B SPR)

Submittals

- A. Tree valuation report received 12/22/2016
- B. Erosion control plans received 12/22/2016
- C. Elevation plans received 12/22/2016
- D. Outdoor lighting plans received 12/22/2016
- E. Stormwater management plans (SWM) Plan received 12/22/2016
- F. Design guideline checklist received 12/22/2016
- G. Traffic impact analysis received 12/22/2016
- H. Landscape plans received 12/22/2016
- I. Tree retention plan received 12/22/2016
- J. Project narrative received 12/22/2016
- K. Water availability letter received 12/22/2016
- L. Sewer availability letter received 12/22/2016
- M. Project application received 12/22/2016
- N. Site plan received 12/22/2016

APPROVAL STEPS

- O. Fire Department Review
- P. Development Engineer Review

NOTES

- Q. Material Palette A0.61
- R. Memo from Planner Notice of Application dated 1/27/2017
- S. Health Comments on SPR 2/7/2017

- T. Public Comment attached 2/18/2017
- U. Design Review Board Minutes 3/20/2017
- V. Revised Site Plan Sheets to respond to DRB 4/20/2017



Department of Planning and Community Development

Staff Report

Date: March 12, 2018
To: Planning Commission
From: Kelly Tayara, Associate Planner
Project: Wyatt Apartments
File No: PLN 50165B SPR

Request: The Department of Planning and Community Development requests Planning Commission recommendation on application for Site Plan and Design Review permit for Wyatt Apartments, a 42-unit multi-family development comprised of a 36-unit apartment building and six townhomes.

As provided in BIMC 2.16.040, in the case of a major Site Plan and Design Review (SPR) application, the Planning Commission ("Commission") shall review the application prior to the final decision by the Department of Planning and Community Development Director ("Director"). The Director shall determine the major issues and specific aspects of the project that the Commission should review, and shall forward this review directive to the Commission. The Commission shall review the application based on the Director's review directive, the Design Review Board (DRB) recommendation, and the decision criteria, consider the application at a public meeting where public comments will be taken, and forward its recommendation to the Director in accordance with BIMC 2.16.030.C through E. The director will make the final decision based on the decision criteria in BIMC 2.16.040.E, the recommendation of the Planning Commission, the DRB recommendation, and consideration of any public comments received.

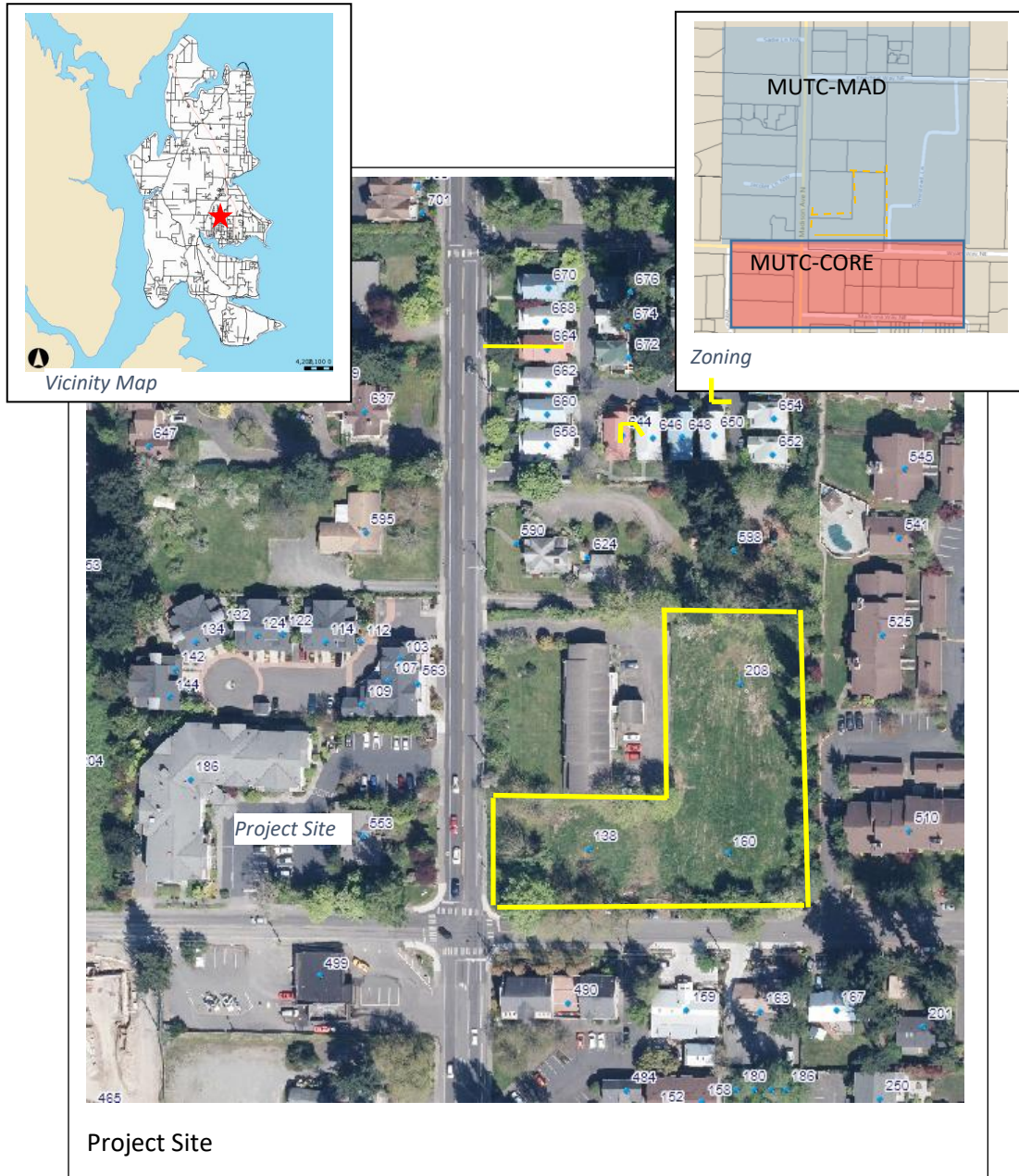
Applicant: Madison Avenue Development Inc.
2930 Westlake Ave N
Seattle, WA 98109

Location: 138 Wyatt Way NE

Part I: General Information and Site Characteristics

1. Tax Assessor Information:

- a. Tax Lot Number: 262502-2-129-2007
- b. Site Address: 138 Wyatt Way NE
- c. Owner of record: Madison Avenue Development Inc.
- d. Lot size: 1.38 acres
- e. Land use: Currently undeveloped / Multi-family residential use proposed



2. Zoning Designation:

The subject property is within the Mixed Use Town Center – Madison Avenue Overlay District (MUTC-MAD). Except for properties to the south which are within the Mixed Use Town Center - Core Overlay District (MUTC-CORE), the surrounding properties are also designated MUTC-MAD.

3. Comprehensive Plan Designation:

The Comprehensive Plan designation for the subject property is MUTC-MAD district and except for properties to the south which are designated MUTC-CORE, the surrounding properties are also designated MUTC-MAD.

4. Existing Development:

The subject property is undeveloped. One property to the north is a park (Madison Avenue Tot Lot) and one contains a multi-family building. The property to the east contains multi-family buildings. Of the properties to the south, across Wyatt Way, one contains a mixed-use commercial and multi-family development, one houses a yoga studio, and one is developed with a funeral home. To the west, across Madison Avenue, one property contains a retirement center and one is developed with an automobile repair shop and carwash facility.

In 2016 the property received Site Plan and Design Review approval for Wyatt Cottages, a 28-unit development, but that project was not pursued (City File No. PLN50165 SPR).

5. Access:

Vehicular access is proposed from Wyatt Way with additional emergency service access via access easement from Madison Avenue.

6. Soils and Terrain:

Site soils are composed of Ragnar Fine Sandy Loam. The site gently slopes down from south to north at approximately six percent.

7. Public Services and Utilities:

- a. Police: City of Bainbridge Island Police Department
- b. Fire: Bainbridge Island Fire District
- c. Water: City of Bainbridge Island
- d. Sewer / Septic: City of Bainbridge Island
- e. Storm drainage: Storm drainage connects to existing systems in Wyatt Way and Madison Avenue. Pervious pavement with under-drain collection system is used for the parking facility.

Part II: Comprehensive Plan Guiding Principles, 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 land use Comprehensive Plan guiding principles, goals and policies apply to the development proposal:

1. Comprehensive Plan Land Use Element

- a. 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.
- b. 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.
- c. 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.

Part III: Public Notice and Agency Review:

1. Environmental Review / Public Notice

A pre-application conference was held on April 17, 2017. A public participation meeting was held on May 22. Application for Site Plan and Design Review was received on June 28; the application was deemed incomplete on July 25 and, after receipt of additional information, deemed complete on August 21. A public meeting was held with the Design Review Board on September 18 and the applicant presented the project to the Planning Commission during a public meeting on March 8, 2018.

The project is subject to State Environmental Policy Act (SEPA) review (WAC 197-11-800). Utilizing the optional DNS process (WAC 197-11-355), the City issued a combined Notice of Application/SEPA comment period on September 1, 2017. The 14-day comment period ended on September 15, 2017. The City, acting as lead agency, will issue a SEPA threshold determination with decision.

2. Public Comment Summary

Four public comments were received, as summarized below:

- A roundabout should replace the four-way stop sign at the intersection of Madison Avenue and Wyatt Way as a mitigation measure for increased traffic congestion.
- The Fire District should review the site and ensure adequate turn radius for fire trucks, and the development should provide a fire prevention system with alarm and monitoring capabilities.
- The applicant should provide a public trail along the east side of the development to connect to the existing trail which emanates on the northeast side of City Hall and terminates at Wyatt Way.
- The proposal is different than the project approved in 2016.
- There are insufficient water aquifer resources available on the Island to support further development.

Staff response: The City is constructing a roundabout, and construction is likely to occur after the project utility work. The Island Wide Transportation Plan identifies a trail on the adjacent property for the length of the east property line. The City has not determined that Island aquifer resources are insufficient to support future development.

3. Agency Comment

Kitsap Transit requested that the development provide an improved bus stop along Madison Avenue to improve the transit access: The existing bus stop is served by Route 90, linking the project site to Poulsbo, and an additional bus stop across Madison Avenue allows passengers access to the Ferry terminal. The agency provided specifications and commented that they are open to any applicant design that accommodates Americans with Disability Act (ADA) requirements.

The Kitsap Public Health District approved the application, and subsequent building permits are subject to Health District approval.

The Bainbridge Island Fire District commented as follows: The project must comply with the Fire Code; residential fire sprinklers and fire hydrants are required; Madison Avenue access must meet District standards; Class I standpipes are required where the floor level of the highest story is located more than 30 feet above the lowest level of District vehicle access; aerial fire apparatus is required along Wyatt Way; overhead utility and power lines shall not be located over the access road or between the aerial fire apparatus road and the building; tree retention on Wyatt Way shall not impede aerial access to the building; landscaping shall provide for clear access and a minimum of 36-inch clearance around all fire appliances including hydrants, connections, post indicator valves and all other fire/life safety equipment.

Part IV: Land Use Code Analysis

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

1. BIMC Title 18 Zoning

a. BIMC 18.09.020 Use Table

Multi-family use is permitted in the Mixed Use Town Center.

b. BIMC 18.12.020-3 Dimensional Standards Table

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 22,498 square feet (56,245 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 proposed development seeks full bonus FAR to 33,552 square feet (56,245 x .6).
Lot Dimensions	N/A	There are no standards for the district.
Lot Coverage	35% maximum	Proposed lot coverage is 25.1% (approximately 14,270 sf) and complies with this requirement.
Front Setback	10 feet minimum 20 feet maximum	The property fronts both Madison Avenue and Wyatt Way. The proposed setback is ten feet and meets this requirement.
Side Setback	0 feet	For properties with more than one front lot line, the remaining lot lines are sides (BIMC 18.12.050). The proposal meets this requirement.
Building Height	25 feet maximum	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. Grade at elevation 141 for the multi-family building is depicted on Sheet D 3. Based on the information on Sheet D 1, grade for the townhomes is approximately elevation 151. While building height is not depicted in compliance with the Rules of Measurement (BIMC 18.12.050), information submitted on Sheets D 1, D 3 and D 5 is sufficient to determine that the multi-family building height is 24.5 feet and the townhomes are approximately 20 feet in height. Compliance with height requirements is verified during building permit review.

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

In the Mixed Use Town Center Madison Overlay districts, the intent is to retain the character of landscape front yards and to provide landscape development to screen uses from single-family residential properties and to soften the appearance of surface parking areas.

Development within this district is subject to landscaping, screening and tree retention requirements identified in BIMC Table 18.15.010-1.

1) Tree Retention, Protection and Replacement

Trees and tree stands located in the perimeter areas required to be landscaped pursuant to BIMC 18.15.010.D, Perimeter Buffering and Screening, and BIMC 18.15.010.E, Street Frontage Landscaping, shall be retained and protected as described in BIMC 18.15.010.C.4.

Because the property is not adjacent to a single-family residential district, perimeter buffers are not required (BIMC Table 18.15.010-3). Unless a property abuts State Route 305, roadside buffers are not required (BIMC Table 18.15.010-4) in the Mixed Use Town Center.

2) Total Site Tree Unit Requirements

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 may choose to retain trees or to plant new trees to meet this requirement.

Sheet L 4 contains the tree unit calculation. The project requires 56 tree units to meet total tree unit requirements (1.38 x 40). The parking lot tree requirements (paragraph below) are added to this total, so altogether 62 tree units are required. The project retains 5.8 tree units, comprised of a big-leaf maple and several cedar trees. A total of 73 new trees are proposed, which exceeds total site tree unit requirements. For trees to be retained, the applicant is required to provide International Society of Arboriculture valuation of the trees.

3) Parking Lot Landscaping

Requirements for parking lots located behind buildings and not adjacent to rights-of-way:

- One tree for every eight parking stalls
- One hundred percent of the trees may be deciduous
- Deciduous trees minimum two-inch caliper, evergreen trees minimum four feet height at the time of planting
- Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years
- A landscaped area at the end of aisles
- Standards:
 - Maintain shrubs at a maximum three feet height within parking lots so views between vehicles and pedestrians will not be blocked.
 - Landscape in planting islands or strips shall have an area of at least 100 square feet and with a narrow dimension of not less than five feet if wheel stops are provided to prevent vehicle overhang. A narrow dimension of not less than eight feet may be provided if the vehicle overhang area is included in the planting area.

- Provide permanent curbs or wheel stops to protect the plantings from vehicle overhang.
- Significant trees and tree stands may be used in lieu of new landscape requirements if they are in addition to the significant tree and tree stand retention requirements.
- Clustering of new plant material within parking lots may be approved or required by the director if the intent of this section is met.
- Refer to the suggested landscape materials matrix in the administrative manual for tree species appropriate for parking lots.

The landscape plans are contained on Sheets L 1 – L 4. For 42 parking spaces, at least six trees are required. The proposed trees are six-to-eight feet in height at time of planting, and the landscape plan contains evergreen shrubbery designed to adequately vegetate landscaping areas.

4) 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 two arborist’s evaluations. 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 50 percent for dwelling units located within a one-half-mile radius and 25 percent for dwelling units located between one-half mile and a one-mile radius of the ferry terminal providing scheduled service to Seattle. This provision may not be used in conjunction with senior housing or other parking reduction arrangements, and the required number of parking spaces shall not be reduced below one space per parking unit. This provision does not preclude the authority of the Director to require guest parking as described in the table.

Small car spaces may total no more than 30 percent of the required number of parking spaces.

The project provides three two-bedroom, 29 one-bedroom and four studio units within the apartment building and six two-bedroom townhome units. The required parking is 52 units $[(32 \times 1) + (10 \times 2) = 52]$. The property is located less than one-half mile from the ferry terminal, and therefore parking requirements may be reduced by 25 percent, to not less than 39 spaces $(52 \times .75 = 39)$. The proposal provides 42 on-site spaces and four off-site street parking spaces on Madison Avenue. Based on the number of required parking spaces, a maximum of 15 compact car spaces are allowed $(52 \times .3)$, and 14 are proposed, as depicted on Sheet D 2.

e. BIMC 18.15.030 Mobility and Access

1) Circulation and Walkways for Non-residential Development

Parking lots and driveways shall provide well-defined, safe and efficient circulation for motor vehicles, bicycles and pedestrians. Entrances from the right-of-way, ends of parking aisles and the circulation pattern shall be defined by landscaped areas with raised curbs. Pedestrian walkways should be provided around buildings to assure safe access. Internal walkways shall be surfaced with nonskid hard surfaces, meet accessibility requirements and provide at least five feet of unobstructed width. Walkways that cross driving lanes shall be constructed of contrasting materials or maintained painted markings. Walkways must be curbed and raised six inches above adjacent vehicular surface grade, except where the walkway crosses vehicular driving lanes or to meet accessibility standards.

The City Development Engineer finds that the site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications. 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 raised curbs and walkways should be constructed and maintained to meet Municipal Code and ADA requirements.

2) Bicycle facilities

The development must provide one bicycle space for every five vehicle parking spaces, with a minimum of four spaces provided for each parking lot.

Based on the 42 on-site vehicle parking spaces proposed, nine bicycle spaces are required; a proposed 14-bicycle rack is depicted on Sheet D 2.

f. BIMC 18.15.040 Outdoor Lighting

All outdoor lighting must result in no light trespass. Outdoor lighting must be shielded and aimed downward, with no escaping direct light permitted to contribute to light pollution by

shining upward into the sky or onto adjacent properties. Spotlighting on landscaping and foliage is limited to 150 watts incandescent (2,220 lumens output).

The applicant proposes tree and entry downlighting as depicted in lighting plan Sheet D 10.

g. 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'.

- i. Site Design. Development should provide facilities near or visible from the sidewalk for outdoor public use (such as seating areas, courtyards, small plazas). Development should include pedestrian walkways, raised and separated from traffic lanes, that offer access from the public sidewalk to the main entrance to the building. Pedestrian walkways should offer connections to adjoining properties. Parking lots should be located behind or to the side of buildings. Within parking lots, pedestrian walkways should allow people to traverse the lot without being forced to use vehicular aisles. Most common open space serving residents should be designed to allow walking throughout the development, to any adjacent commercial or recreational areas, and to surrounding streets. 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.

The Design Review Board (DRB) met on September 18, 2017 to review the proposal and provided the following recommendations: The project should advance as submitted with recommendations of widening the driveway, including canopies on both south and north elevations, considering contrasting pavement in the entry drive, considering moving the handicapped accessible parking space to the west, planting larger caliper trees and retention of existing willow trees.

In response to the DRB comments, on December 14, the applicant submitted two new plan sheets (D 2 and D 4) which contain a potential reconfiguration of the northerly townhomes with the intent of breaking up the scale of the buildings along with entry cover over common entries along Wyatt Way, modification to the rain screen siding and modified fencing design.

2. BIMC 2.16.040.E Site Plan and Design Review - Decision Criteria

The Commission shall review the application based on the Director's review directive, the Design Review Board (DRB) recommendation, and the decision criteria below:

- a. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district.

Consistency with zoning standards, including dimensional standards, design guidelines, landscaping and parking requirements, is discussed above in Part IV 1. Continued compliance with standards and any project conditions is ensured at time of building permit review.

- b. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan.

The City Development Engineer finds that the site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications. The Island Wide Transportation Plan identifies a "Trails School/Pvt Maintained" along the length of the east property line.

- c. The Kitsap County Health District has determined that the site plan and design meets the following decision criteria: The proposal conforms to current standards regarding domestic water supply and sewage disposal.

The Kitsap Public Health District recommends approval of the proposal.

- d. The City Engineer has determined that the site plan and design meets the following decision criteria: The site plan and design conforms to regulations concerning drainage in BIMC 15.20 and 15.21; The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; 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; The site plan and design 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 18.

The City Development Engineer completed review of the project materials received on June 28th, 2017 with revisions received on December 14th, 2017. The Development Engineer recommends conditioned approval based on the following findings:

- **The site plan conforms to regulations concerning drainage in BIMC 15.20 and 15.21;**
- **The site plan 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 are adequate to accommodate anticipated traffic;**
- **The site will rely on public water and sewer services. There is adequate capacity in the water and sewer system and those services can be made available at the site;**
- **The site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications, "the Standards", except as noted;**

- The site plan and design is in conformance with the applicable portions of the comprehensive plan pertaining to streets, roads, and utilities.

In 2016 the property received Site Plan and Design Review approval for Wyatt Cottages, a 28-unit development, but that project was not pursued (City File No. PLN50165 SPR). During the review process for that permit, a willow tree located along Wyatt Way was the subject of considerable discussion: City staff recommended that the tree be removed, and the Planning Commission recommended that it be retained. The Development Engineer provides the following discussion regarding the willow tree:

The Development Engineer does not recommend retention of the willow tree on the southeast corner of the lot. Replacement with a more appropriate street tree is recommended to minimize pedestrian and traffic hazards and limit potential damage to the proposed street improvements caused by its toppling or future removal. An arborist was commissioned by the City in 2014 to assess the willow. The assessment was triggered by citizen concerns about safety. The arborist recommended that the tree be removed. The arborist assessed a risk rating of 10 (on a scale of 3 to 12), meaning, *"The assessed issues have now become very clear. The probability of failure is now getting serious, or the target rating and/or site context have changed such that mitigation measures should now be on a schedule with a clearly defined timeline for action."*

The applicant provided two additional reports with this application, one prepared in 2015 and another in 2016 by the same author of the 2014 study referenced above. The 2015 report found no signs of insects, decay, fungi or sap flow in the trunk and included recommendations to prune out dead branches, cable the tree to address safety concerns, and boost vigor prior to development. The 2016 report found for a second time the willow to be in poor condition with multiple areas of rot with extensive dieback and poor structure, noted it is a poor candidate for retention, and recommended removal prior to construction activities.

In addition to the arborist reports, the City Public Works Department has reported drainage issues with a culvert adjacent to the tree being clogged by roots and causing flooding issues. No information has been provided by the applicant on the effect of installing new storm drain pipes, an 8-inch water line proposed as part of the development, and curb and road construction on the tree's further health or viability. Tree failure is expected in the near-term and would result in possible damage to City facilities and put financial liability on the citizens to repair what appears to be avoidable damage.

- e. The site plan and design is consistent with applicable design guidelines.

The Design Review Board recommended approval of the project and recommended that the driveway be widened, canopies be included on both the south and north elevations, contrasting pavement be considered in the entry drive, moving the handicapped accessible parking space to the west be considered, planting larger caliper trees and retaining existing willow trees.

- f. No harmful or unhealthful conditions are likely to result from the proposed plan.

This staff report identifies the regulations and provides reviewer comments regarding public health, safety and welfare, and public use and interest. Specifically, the report addresses

transportation, access, including pedestrian and emergency services access, water, sewer, and stormwater facilities.

- g. The site plan and design is in conformance with the Comprehensive Plan and other applicable adopted community plans.

The project provides for residential development within the Mixed Use Town Center which meets the intent of the district.

- h. Any property subject to site plan and design review that contains a critical area or buffer conforms to all requirements of that chapter.

The site is unencumbered by critical areas or their buffers.

- i. Any property subject to site plan and design review that is within shoreline jurisdiction conforms to all requirements of that chapter.

The property is not within shoreline jurisdiction.

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

The purpose of Site Plan and Design Review to establish a comprehensive site plan and design review process that ensures compliance with the adopted plans, policies, and ordinances of the City. This application for Site Plan and Design Review permit is reviewed consistent with the adopted review process to ensure compliance with current plans, policies and regulations.

Part V. 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.

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 mitigate transportation and public service impacts, the project shall provide a bus shelter on Madison Avenue. The bus shelter shall meet Americans with Disabilities Act (ADA) requirements, and the shelter design and installation shall be coordinated with Kitsap Transit and City Public Works Department. The shelter shall be installed and achieve final inspection prior to occupancy of any buildings.

PROJECT CONDITIONS

2. The authorization for construction activities automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the Site Plan and Design Review permit.
3. Construction plans shall substantially conform to plans submitted with application as revised by sheets submitted on August 9, 2017 (Sheets D1, D1.1, D1.2, D1.3, D2, D3, D4, D8, D11) as further revised by sheets submitted on December 14, 2014 (Sheets D2, D4).
4. 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.
5. The project shall comply with the following conditions of the City Survey Program Manager:
 - a. Right-of-Way Dedication
 - 1) Madison – 5.00' dedication for a total of 30.00' from section line between Sections 26 & 27
 - 2) Wyatt – 30.00' dedication north of the East-West centerline of Section 26 (this will include any right-of-way previously dedicated or granted)
 - 3) Additional right-of-way or easements may be required accommodate the Wyatt Way Reconstruction Project
6. The project shall comply with the following conditions of the City Engineer:
 - a. General
 - 1) Civil improvement plans, reports, and computations, prepared by a civil engineer registered in the State of Washington shall be submitted with the application(s) for a construction permit (building, grading, ROW, etc.) to COBI for review and approval to construct all necessary infrastructure and utilities serving the site. Certificate of occupancy will not be issued for any building until all civil improvements are completed and finalized.
 - 2) As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final.
 - b. Facilities Extension
 - 1) A Developer Extension Agreement (DEA) shall be executed at the site utilities construction permitting application phase for the construction of utilities to be inspected and accepted by the City.
 - 2) A right-of-way (ROW) construction permit will be required prior to any construction activities within the right-of-way in addition to completing the DEA and obtaining other

necessary construction permits. The ROW permit will be subject to separate conditions and bonding requirements.

- 3) Coordination of construction phasing with the adjacent Wyatt Way Improvement Project, including the planned construction of a roundabout at the intersection of Wyatt Way NE and Madison Avenue North, shall be undertaken prior to or at the time of executing the DEA. A moratorium on pavement cuts within the newly constructed roundabout improvements will require coordination of all utility extensions, frontage improvements, and bus shelter construction.
- 4) ROW dedication shall be required consistent with the City's survey program manager's requirements. The public sidewalk along Wyatt Way NE must be located within a City ROW or an easement granted to the City for public pedestrian access. Coordination for ROW dedication shall occur with the Wyatt Way Improvement project.
- 5) ROW improvements along Wyatt Way NE shall conform to the Standards for an urban collector roadway that requires a 10-foot travel lane, and a 3-foot paved shoulder clear of the parallel parking stalls. Parallel parking stall width shall comply with the minimums stated in BIMC 18.15.

c. Access

- 1) Access to the site shall be provided as modeled in the traffic impact analysis with primary ingress and egress from Wyatt Way NE. The emergency fire access at the northwestern corner of the project shall be marked with signage or bollards precluding non-emergency access from the adjacent parcel via Madison Avenue North.

d. Utilities

- 1) Trenching and excavation work performed within the drip line or critical root zone of significant trees to be retained shall be monitored by a certified arborist.
- 2) Abandonment and/or removal of the existing 4-inch asbestos concrete (AC) water main in Wyatt Way NE shall be performed by a contractor certified in asbestos abatement and removal.
- 3) On-site water main extensions shall include a utility easement granted to the City to the meters and/or backflow prevention devices.
- 4) Retention of the willow tree on the southeast corner of the lot is not recommended per the project arborist's report. Replacement with a more appropriate street tree is recommended to minimize pedestrian and traffic hazards and limit potential damage to the proposed street improvements caused by its toppling or future removal.

e. Stormwater

- 1) 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.
- 2) A final stormwater report shall be submitted with the building permit detailing compliance with all applicable minimum requirements as required by BIMC 15.20, prepared by a civil

engineer licensed in the State of Washington.

- 3) Prior to building permit final, the applicant shall submit an operation and maintenance plan for the on-going maintenance of the storm drainage system.
- 4) New and replaced hard surfaces associated with frontage improvements, including on-street parallel parking stall construction shall be subject to on-site and water quality stormwater requirements per BIMC 15.20. Treatment shall be provided for these surfaces.
- 5) 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.

f. Permitting

- 1) Application for a building permit shall require binding water and sewer availability letters from the City.
- 2) 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.

7. The project shall comply with the following conditions of the Fire Marshal:

- a. The project must comply with the Fire Code
- b. Residential fire sprinklers are required in all buildings
- c. Fire hydrants are required
- d. Access from Madison Avenue must meet Fire District standards
- e. Class I standpipes are required where the floor level of the highest story is located more than 30 feet above the lowest level of Fire District vehicle access
- f. Aerial fire apparatus access is required along Wyatt Way
- g. Overhead utility and power lines shall not be located over the access road or between the aerial fire apparatus road and the building
- h. Tree retention on Wyatt Way, at the east end of the project, shall not impede aerial access to the building, as required
- i. Landscaping plans shall provide for a minimum of 36" clearance around all fire department appliances including fire hydrants, fire department connections, post indicator valves and other fire and life safety equipment. Clear access shall also be provided to such appliances and equipment.

8. The project may achieve a maximum level of development above the base Floor Area Ratio (FAR) in BIMC Table 18.12.020-3 by using one, or a combination of, the FAR bonus provisions identified in BIMC 18.12.030.E. FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total residential FAR exceed the maximum FAR as provided for in BIMC Table 18.12.020-3.
9. Bicycle facilities shall allow secure locking of both the frame and wheels of a bicycle.
10. All trees that are required to be retained through this approval shall be depicted on the site plan, civil plan and landscape plan submitted for building permit.
11. Building permit application shall include the International Society of Arboriculture valuation for trees which are required to be retained through this approval.
12. The project is subject to tree retention replacement, enforcement and penalty regulations in BIMC 18.15.010.C.
13. The civil plan submitted with building permit shall identify the dripline or critical root zone (as identified by a consulting arborist) of trees and /or tree canopy of tree stands required to be retained, future rain gardens, and future planting areas larger than 400 square feet (i.e. landscape islands in parking lots).
 - a. These areas shall be identified as no-disturbance or for soil amendment, as applicable.
 - b. Temporary chain link fencing a minimum five feet in height with tubular steel poles or "T" posts shall delineate the area of prohibited disturbance.
 - c. Prior to permit issuance for any construction activity, fencing shall be erected and posted with signs to protect no-disturbance areas. Protective fencing and signage shall remain until construction is complete, and removal of any portion of the fencing is subject to approval of the Department of Planning and Community Development.
 - d. Fencing materials and signage shall be approved by the Planning Division prior to installation.
14. All plantings shall be installed or installation financially assured in accordance with BIMC 18.15.010.H. prior to occupancy of any of the new buildings. After installation approval by the Department, maintenance assurity shall be required in accordance with BIMC 18.15.010.H.
15. Internal walkways shall be surfaced with nonskid hard surfaces, meet handicapped-accessibility requirements and be designed to provide a minimum of five feet of unobstructed width.
16. Where walkways cross vehicular driving lanes, the walkways shall be constructed of contrasting materials or with maintained painted markings. The walkway adjacent to the pick-up / drop-off lane shall be curbed and raised six inches above adjacent vehicular surface grade, except where required to meet accessibility standards.
17. Raised curbs shall be used to define driveways from the public right-of-way, landscape areas within the parking lot, the ends of parking aisles, and the vehicular circulation pattern.
18. Outdoor trash / recycle receptacles shall be enclosed with a solid structure / gated and screened from view with evergreen vegetation.

**CITY OF BAINBRIDGE ISLAND, WASHINGTON
HEARING EXAMINER**

REPORT AND DECISION

Project:	Blakely Elementary School Conditional Use Permit/Site Plan and Design Review/Habitat Management Plan
File Number:	PLN50767SPR, CUP & HMP
Applicant:	Bainbridge Island School District #303
Location:	4704 Blakely Avenue, bordered on the west side by Blakely Avenue NE, with Islandwood on the remaining three sides.
Request:	The existing Captain Johnson Blakely School is proposed for demolition and replacement by a new school building of approximately 65,000 square feet. Because portions of the existing development lie within a Category I/II wetland habitat buffer and will be redeveloped, the proposal includes a habitat management plan (HMP) to mitigate wetland habitat buffer impacts. The school also requires a conditional use permit (CUP), which as a bonus allows its height to be increased from 30 feet to 35 feet. The northern access drive to the school is to be realigned opposite to NE Baker Hill Road. The existing school is proposed to remain in operation until the summer of 2019, to be demolished when the replacement development is completed.
SEPA Review:	A Mitigated Determination of Non-Significance was issued on November 1, 2017.
Zoning and Plan Designations:	R-0.4, Residential zone, one unit per 2.5 acres OSR-0.4, Open Space Residential, one unit per 2.5 acres

FINDINGS OF FACT

Site Characteristics

1. Tax Assessor Information:

Tax Lot Numbers: 032402-2-004-2005

Owners of Record: Bainbridge Island School District

Lot Size: 12.17 acres or 530,125 square feet

Land Use: Educational, Public School

2. Terrain: The western half of the site, now occupied by the existing school building, parking areas and south play field, slopes gently to the southwest from elevation 276 feet down to elevation 266 feet. The eastern and western portions of the site are separated by a 10-foot-tall, west-facing, 25 percent slope (14 degrees). East of this west-facing slope the topography is generally flat.
3. Soils: Soil mapping indicates that is the predominant soil type on the site is Kapowsin gravelly ashy loam (Soil Survey of Kitsap County Area, Washington; U.S. Department of Agriculture, Soil Conservation Service, 1977).
4. Existing Site Development: The site is currently developed with the Captain Johnson Blakely Elementary School, which is situated in the western and southern portions of the site. The one-story, 41,259 square-foot school was constructed in 1963. Play fields occupy the eastern and southern portions of the site. The existing school facilities will remain open and occupied during the design and construction of the new elementary school, with anticipated demolition occurring in the summer of 2019.
5. Proposed Access: The proposed development will be publicly accessed from Blakely Avenue NE, with a new access drive proposed directly across from Baker Hill Road.
6. Public Services and Utilities: Two abandoned septic drainfields are located in the southwestern and southeastern corners of the site beneath grass-covered play fields. The school is now served by a City of Bainbridge Island (COBI) public sewer. A water main extends through the site from west to east, passing south of the existing school building; this water line is also present in the northern half of the site along the east boundary. A well to be decommissioned also exists on the property.
7. Zoning/Comprehensive Plan Designation: The subject property is zoned R-0.4 and OSR-0.4.
8. Surrounding Zoning/Comprehensive Plan Designation:
 - North: R-0.4, One unit per 2.5 acres
 - South: R-0.4, One unit per 2.5 acres
 - East: R-0.4, One unit per 2.5 acres
 - West: R-1, One unit per 1 acre
9. Surrounding Uses:
 - North: Islandwood
 - South: Islandwood
 - East: Islandwood
 - West: Blakely Avenue NE and single family residential

Procedural History

10. A pre-application conference was held on March 14, 2017, following a public participation meeting on March 6, 2017. Applications for Site Plan Review and a Conditional Use Permit were received on April 20, 2017. The original HMP was submitted on July 1, 2017, and, after a series of revisions, was ultimately determined to be adequate by staff on October 26, 2017. Public meetings were held before the Design Review Board and the Planning Commission.

11. The project is subject to State Environmental Policy Act (SEPA) review. Utilizing the optional DNS process provided in WAC 197-11-355, the City first issued a combined Notice of Application/SEPA comment period on May 6, 2017, with a revised notice issued on July 21, 2017. The City, acting as lead agency, issued a SEPA Mitigated Determination of Nonsignificance (MDNS) for this proposal on November 1, 2017. The SEPA appeal period expired on November 15, 2017, with no appeals having been filed.

12. As provided in BIMC 2.16.170, an applicant for a single project proposal requiring more than one of the land use applications identified at BIMC 2.16.010 may request processing pursuant to consolidated project review. The applicant has requested consolidated review of the Site Plan and Design Review, Conditional Use Permit and the Habitat Management Plan applications. Based on the requirements for CUP review, a consolidated public hearing on the conjoined applications was held by the Hearing Examiner on November 22, 2017.

13. At the public participation meeting held in March, 2017, and during the public comment period questions were raised about use of outdoor play areas during construction, construction impacts to the neighborhood, potential impacts to the wetland and the buffer, and tree preservation. After consultation with the Fire Marshal the fire access road location was revised to minimize impacts to the wetland buffer while still meeting the fire access requirements. During review of the building permit application, the Kitsap County Health District indicated it will require an existing well on the site to be decommissioned.

14. The Design Review Board (DRB) first reviewed the application at a meeting held during the pre-application phase. The DRB review was centered primarily on the location of the proposed entrance and exit driveway for the school. The DRB strongly suggested that the Board realign the driveway to place its entrance directly opposite the Baker Hill Road intersection, a recommendation that would also impact utilities, result in additional clearing of trees and create additional stormwater requirements. The DRB approved a final re-design conditioned on adding a footpath from the southwest corner of the site to the east side of the bus parking area and for further development of the landscaping plan as it affects the main entry “spine” of the campus.

15. The City’s development engineer completed a preliminary review of the project on October 13, 2017, focusing primarily on stormwater and traffic issues. Since current site development is unsupported by any significant stormwater management infrastructure, its proposed redevelopment will entail a major upgrade. Stormwater detention will reduce offsite peak flows after development to below existing levels and water quality treatment will be provided.

16. The original site traffic analysis was erroneously predicated on an increase of site use to accommodate 600 students rather than the currently planned 450. This further expansion could occur under a subsequent addition but is not part of the present project. The report's recommendation to meet concurrency at the Blakely Avenue NE / NE Bucklin Hill Road intersection by having the applicant construct a new roundabout, while perhaps identifying an eventual necessity, is not a

requirement triggered by the amount of new traffic to be generated by the current proposal.

Comprehensive Plan Consistency

17. The staff report at pages 12 and 13 documents project consistency with the Capital Facilities, Economic, Land Use and Environmental Elements of the Comprehensive Plan. This discussion is satisfactory and adopted herein by reference.

Regulatory Compliance

BIMC Title 18 Zoning

18. Educational Facilities are a conditional use in the R-0.4 zoning district pursuant to the BIMC 18.09.020 Use Table. The maximum lot coverage permitted for educational buildings is 15% (BIMC 2.16.110). The existing site contains 12.17 acres or 530,125 square feet. The allowable lot coverage is thus 79,519 square feet, with the lot coverage proposed being 53,566 square feet or approximately 10.1%. The proposed school building meets or exceeds standard zoning minimum setbacks.

19. The base building height for this district is 30 feet, but a 5 foot bonus for nonresidential uses is allowed with a conditional use permit. The School District is proposing to have portions of the building extend to a height of nearly 35 feet. There is no evidence that adverse visual impacts to offsite properties will result from either relocation of the school buildings as proposed or a small increase in their overall height.

20. As a nonresidential use in a residential district Blakely School is mandated to comply with the following requirements of BIMC Chapter 18.15: significant tree and tree stand retention, perimeter landscaping, parking lot landscaping, total site tree unit requirements, and planting, irrigation and maintenance requirements.

21. Significant trees and tree stands may be removed only if a consulting arborist determines that the vegetation is a safety hazard or comprises a damaged, diseased or dead tree. The original site plan proposed trees for removal near the southern site boundary in order to accommodate a fire lane. After meeting with the Fire Marshal, the District modified its plan to relocate the fire lane away from existing trees within the wetland buffer. The project will also be conditioned to protect retained trees during the construction phase.

22. Pursuant to BIMC Table 18.15.010-3, nonresidential uses in areas outside Winslow require 25 foot full screen landscaping where the site's perimeter abuts residential development. The surrounding properties are zoned residential and the 25 foot full screen buffer requirement has been determined by staff to apply along the perimeter of the site. The full screen requirement mandates planting "*one tree for every 10 feet of buffer length*" (BIMC 18.15.010.D(4)(iv)). Supplemental plantings are thus required and proposed along Blakely Avenue. An overlapping but less stringent requirement is set forth in BIMC Table 18.15.010-4 for street frontage landscaping, where the 25 foot buffer requirement may be met by partial screen landscaping.

23. The School District would like to obtain relief from the rigid necessity of planting a tree every 10 feet along its Blakely Avenue frontage within a limited section where the direct view from the street is toward the main school building without any intervening driveway or parking lot development. Aside from aesthetic factors, the District contends that having a limited visual opening to the street would enhance both school security and site surveillance for arriving first responders. The District is willing to plant the total number of trees required but is seeking some flexibility as to their specific

placement.

24. The District's request is a reasonable one within the context of Blakely School's particular circumstances but problematic as a precedent for City review of future similar proposals at other locations because it seeks to alter an explicit code requirement. The more relaxed standard of BIMC Table 18.15.010-4 appears unavailable because it is designed to apply to interior street frontages within a subdivision that do not also lie on the project perimeter. A better solution from the standpoint of avoiding creation of a potentially troublesome precedent would be for the applicant to consider seeking a variance from the strict application of BIMC 18.15.010.D or submitting to the City Council a code amendment authorizing some landscaping flexibility for public facilities with security concerns.

25. Parking lot landscaping meeting code standards is proposed for both sides of the parking areas to provide a continuous canopy and shade along the eastern edge of the parking lot. The western edge, which is in close proximity to the perimeter landscape buffer, is to be enhanced with additional trees and shrubs.

26. The District proposal is to have at least the same number of tree units onsite after redevelopment as it had before. The plan is to remove 58 existing trees from the site with a total tree unit value of 199.8. The District intends to fully replace these tree units to meet code requirements; meeting this standard is also a condition for approving the applicant's final landscaping plan.

27. BIMC 18.15.020 requires the following amount of parking spaces: 1 space per 50 students and 1 space per employee. The new campus is forecasted to serve 450 students by 2019. The current site plan shows 67 marked vehicle spaces in the primary lot, including 48 angled parking spaces for staff and teacher parking and 19 parallel spaces for student pick-up and drop-off. The amount of spaces proposed substantially exceeds the minimum requirement. With Planning Commission support the District is requesting approval of the additional spaces to accommodate potential peak demands and provide parallel parking for safe drop-off and pick-up of students.

28. As noted, the northern driveway will be relocated to become effectively the eastern extension of Baker Hill Road. The new onsite eastern leg is proposed to have a right-turn lane for vehicles exiting to the north and a shared through-left turn lane. The northern driveway will provide access to the primary public parking lot and be oriented for one-way counterclockwise traffic circulation. The existing southern driveway will be retained, with its service area reconfigured for school buses and some staff parking (five spaces). The bus area will accommodate drop-off, pick-up and bus parking.

29. The project is conditioned to construct its internal walkways with nonskid hard surfaces, to meet accessibility requirements and to provide a minimum of five feet of unobstructed width. Bicycle facilities are required to accommodate security locking of both the frame and wheels. Covered bicycle parking is proposed near the entrance of the school. A minimum of 13 bicycle parking spaces are required. The District has submitted a lighting plan to be reviewed with its building permit submittal for compliance with guidelines for avoiding adverse outdoor lighting impacts.

BIMC Chapter 16.20 Critical Areas

30. The site is located in a seismically active area within the Seattle Fault zone, a shallow crustal tectonic structure that has the potential to cause future earthquakes. The recurrence interval of earthquakes in this fault zone is believed to be on the order of a thousand years or more. The site also lies within an area at risk from strong shaking from subduction zone earthquakes, with a recurrence interval on the order of about 500 years. The most recent subduction zone earthquake occurred in 1700. Deep intraslab earthquakes also occur in the region every decade or two, including the 2001 Nisqually

earthquake. These deeper earthquakes are generally less severe than the shallow crustal and subduction zone earthquakes but have the potential to cause damage to older structures.

31. The Municipal Code requires a 50-foot setback from known active faults. While the preliminary investigation by Aspect Consulting did not identify an active fault on the site, inherent data uncertainties and limitations suggest it would be prudent to locate the proposed school building as far north on the site as practical, at a minimum 50 feet north of the southern site boundary. The proposed placement of the school meets this minimum distance requirement. Regarding construction, in the opinion of Aspect designing the new structures to comply with the current version of the International Building Code (IBC) will mitigate seismic hazards to acceptable risk levels.

32. The adjoining Islandwood property located east and northeast of the site contains a large wetland area. The east side of the Blakely School site contains portions of a 300-foot Category I/II Wetland buffer (consisting of a 100-foot inner water quality buffer plus a 200-foot outer habitat buffer). Currently, the buffer comprises forest/shrub cover, lawn play areas and the eastern edge of the existing school and its hardscape. Construction proposed within the buffer includes a new waterline, a fire lane and portions of the proposed school, totaling approximately 34,200 square feet.

33. The applicant submitted a Habitat Management Plan to mitigate for the impacts of its proposal to construct new facilities within the outer 200 foot wetland habitat buffer. Approval of the HMP pursuant to BIMC 16.20.060.A requires that the applicant *“shall clearly demonstrate that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers.”*

34. Based on staff review and agency comments, early iterations of the HMP were found to be inadequate. A final plan addendum submitted on October 25, 2017 by Raedeke Associates, Inc. included the following: 29,968 square feet of buffer restoration/enhancement to establish a full native forest/shrub community within the degraded portions of the habitat and water quality buffers that now consist of lawn and play areas. This proposed additional forested area exceeds the amount of new buildings and hardscape (26,126 square feet) planned for the buffer. Further, relocation of portions of the new buildings and the now smaller fire lane will eliminate the need to cut trees within the undisturbed forest portion of the buffer.

35. After review of these latest modifications, staff currently recommends approval of the revised HMP as compliant with the standard set forth at BIMC 16.20.060.A. A detailed narrative of the HMP review process and applicable implementation, maintenance and monitoring requirements is provided in the staff report at pages 13 through 22.

36. The revised HMP will achieve a greater net critical areas function by preserving existing high functioning forest/shrub habitat and enhancing currently low functioning habitat (lawn and areas dominated by invasive species) through new native forest/shrub plantings. Under the plan, the proposed forest/shrub plantings would eventually increase the total area of higher functioning buffer from a current level of 45.8% to over 60%. Thus the proposed mitigation provides habitat functions and values that will become greater after development than would occur if the prescribed buffers were simply retained.

CONCLUSIONS

1. BIMC 2.16.040E states the following criteria to be applicable to a site plan and design review approval:

1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC [2.16.020.Q](#);
2. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the nonmotorized transportation plan;
3. The Kitsap County health district has determined that the site plan and design meets the following decision criteria:
 - a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.
 - b. If the health district recommends approval of the application with respect to those items in subsection E.3.a of this section, the health district shall so advise the director.
 - c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director.
4. The city engineer has determined that the site plan and design meets the following decision criteria:
 - a. The site plan and design conforms to regulations concerning drainage in Chapters [15.20](#) and [15.21](#) BIMC; and
 - b. The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
 - c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
 - d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
 - e. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the applicable service(s) can be made available at the site; and
 - f. The site plan and design conforms to the “City of Bainbridge Island 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 [18](#).
5. The site plan and design is consistent with all applicable design guidelines in BIMC Title [18](#), unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC [2.16.020.Q](#);
6. No harmful or unhealthful conditions are likely to result from the proposed site plan;
7. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans;

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

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

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

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

12. For applications in the B/I zoning district, the site plan and development proposal include means to integrate and re-use on-site storm water as site amenities.

2. As summarized in the findings above and documented in both the staff report and the materials submitted by the applicant, the proposal, as conditioned, is in conformance with the Bainbridge Island Comprehensive Plan and Municipal Code, with the exception of building height, which is subject to modification through the conditional use approval. The proposed development provides for the replacement of an existing educational facility, a use conditionally allowed by the Municipal Code within the R-0.4 zoning district. The requirements of BIMC 17.20.020 are not relevant to this application because the proposal contains no new dwelling units and is not located within the B/I zoning district.

3. The Health District reviewed the project and raised no objections. The City's Development Engineer reviewed the submitted civil plans and, subject to appropriate conditions, found them to be consistent with applicable requirements. The proposed development was evaluated and recommended for approval by the Design Review Board. The proposed school building was reviewed against the Commercial and Mixed Use design guidelines at two Design Review Board meetings. All suggestions made by the DRB were implemented by the applicant. The project is found to be in compliance with the City's design guidelines, as recommended and conditioned by the Design Review Board.

4. The proposed site plan provides building layout, parking and circulation systems that are an efficient use of the available land while providing required setbacks and screening from the adjacent properties as well as open space. The subject property contains geologically hazardous and wetland buffer critical areas. The geologically hazardous fault zone requires a 50' buffer. After extensive review, wetland buffer impacts will be mitigated through an HMP such that greater protection of the functions and values of the critical area will be achieved than would be obtained through providing the prescribed habitat buffers

5. The proposed site plan was prepared consistent with the overall purpose and goals of the Site Plan and Design Review process. This process provided a means for guiding the development in a logical, safe, attractive and expedient manner. The requirements of BIMC 2.16.040E for a site plan and design review approval have been met by the proposal.

6. BIMC 2.16.110D and E provide the decisional criteria governing approval of a major conditional use permit application in a residential zone:

D. Decision Criteria.

1. A conditional use may be approved or approved with conditions if:

- a. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC [2.16.020.Q](#) shall not result in denial of a conditional use permit for the project; and*
- b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and*
- c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and*
- d. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the nonmotorized transportation plan; and*
- e. The conditional use complies with all other provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC [2.16.020.Q](#); and*
- f. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property; and*
- g. Noise levels shall be in compliance with BIMC [16.16.020](#) and [16.16.040.A](#); and*
- h. The vehicular, pedestrian, and bicycle circulation meets all applicable city standards, unless the city engineer has modified the requirements of BIMC [18.15.020.B.4](#) and [B.5](#), allows alternate driveway and parking area surfaces, and confirmed that those surfaces meet city requirements for handling surface water and pollutants in accordance with Chapters [15.20](#) and [15.21](#) BIMC; and*
- i. The city engineer has determined that the conditional use meets the following decision criteria:*
 - i. The conditional use conforms to regulations concerning drainage in Chapters [15.20](#) and [15.21](#) BIMC; and*
 - ii. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and*
 - iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and*
 - iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and*
 - v. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; and*

vi. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Development Standards Manual,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title [17](#).

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

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

E. Additional Decision Criteria for Institutions in Residential Zones.

Applications to locate any of those uses categorized as educational facilities, governmental facilities, religious facilities, health care facilities, cultural facilities, or clubs in Table 18.09.020 in residential zones shall be processed as major conditional use permits and shall be required to meet the following criteria, in addition to those in subsection D of this section:

1. All sites must front on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map.

2. If the traffic study shows an impact on the level of service, those impacts have been mitigated as required by the city engineer.

3. If the application is located outside of Winslow study area, the project shall provide vegetated perimeter buffers in compliance with BIMC [18.15.010](#).

4. The proposal meets the requirements of the commercial/mixed use design guidelines in BIMC [18.18.030.C](#).

5. The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area.

6. If the facility will have attendees and employees numbering fewer than 50 or an assembly seating area of less than 50, the director may waive any or all the above requirements in this subsection E, but may not waive those required elsewhere in the BIMC.

7. Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located, except that existing public schools and governmental facilities, as defined in BIMC Title [18](#), shall be allowed 100 percent of the lot coverage established in the underlying zoning district in which it is located unless conditions are required to limit the lot coverage to mitigate impacts of the use.

7. The proposed development is for the replacement of an older existing public school with a modestly larger similar new facility. With few nearby single-family residential uses, the Blakely School, which has been in existence and operation at this location since 1963, fits well into the neighborhood pattern. Adjacent properties to the east are dominated by a large wetland and its buffer. Development proposed within the onsite portion of the wetland buffer will be satisfactorily mitigated under an approved HMP. No offsite residential impacts have been identified. No offsite impacts are associated with the proposed minor increase in building height. The proposed conditional use is consistent with the goals and policies of the Comprehensive Plan.

8. As conditioned, the proposed use will be adequately served by public roads, water, sewer, fire protection and storm drainage facilities. Allowing the replacement of the school will not be materially detrimental to existing uses in the vicinity because the site's function, although slightly intensified, will continue much as it has for many years. Proper access, parking, circulation, landscaping are being provided. The conditional use complies, as do the buildings analyzed within the Site Plan Review, with applicable provisions of the BIMC. The DRB reviewed the project and provided a recommendation of approval.

9. The Site Plan Review and Conditional Use Permit applications have been reviewed by the City's development engineer and, as conditioned, the vehicular, pedestrian, and bicycle facilities plans meet all applicable City standards and pollution controls. The project trip generation data did not demonstrate an increased level of traffic requiring mitigation. New site stormwater management facilities will both increase water quality and decrease peak flows for runoff leaving the site.

10. Based on the record as a whole, the school replacement application meets the requirements of BIMC 2.16.110D and E for the issuance of a major conditional use permit.

DECISION

The Blakely School Conditional Use Permit and Site Plan and Design Review applications, including the Habitat Management Plan element (file no. PLN50767SPR/ CUP/ HMP), are APPROVED, subject to the following conditions:

SEPA Conditions

1. To avoid impacts to vegetation, no construction activity shall occur in landscape buffers or within the critical root zone of significant trees within the forested wetland buffer, landscape buffers, including staging, storage, materials laydown, parking, construction vehicle turnaround, or equipment unless otherwise approved by the Department of Planning and Community Development.
2. Prior to clearing permit or construction permit issuance, fencing shall be erected and posted with signage to protect areas of prohibited disturbance to include a chain link fence around the dripline or critical root zone, whichever is greater. Signs shall be affixed to the fence every 50 feet indicating the protected area. Fencing shall be inspected and remain in place until construction is complete, and removal shall be subject to approval of the Department of Planning and Community Development. No construction activities, including grading and/or vegetation removal, shall occur prior to a 'area of disturbance' plan approval, and inspection and approval of the fencing installation, by the Department of Planning and Community Development.
3. Prior to commencing any construction activity, the District shall have the proposed habitat wetland buffer, as shown in the Habitat Management Plan Addendum, dated October 25, 2017, temporarily fenced between the areas of construction activity. The location of the fence shall be reviewed with the building permit application documents. The fence shall be made of durable material and shall be highly visible. The fence shall be inspected as part of the building

permit. The temporary fencing shall be removed once the construction activity is complete and replaced with permanent fencing.

4. A split-rail type fence shall be installed along the edge of the wetland buffer mitigation area. The fence may contain gates to access the restoration area and shall provide a clear distinction between native vegetation buffer area and any future landscaped area. The rails shall be high enough to allow small mammals and wildlife to pass through. The fence shall be indicated on the building permit application and in place prior to final inspection of the building permit.
5. Prior to issuing a final on a building permit, signs indicating the presence of a protected wetland buffer shall be placed on the fence. Signs shall be made of metal or similar durable material and shall be between 64 and 144 square inches in size.
6. All graded materials removed from the subject property shall be hauled to and deposited at City approved locations (Note: local regulations require that a grade/fill permit is obtained for any grading or filling of 50 cubic yards of material or more if the grading or filling occurs on sites that have not been previously approved for such activities. A SEPA Threshold Determination is required for any fill over 100 cubic yards on sites that have not been previously received a SEPA determination).
7. To meet the requests of the Department of Ecology, all mercury containing lights shall be properly disposed of, and any lead or asbestos building materials shall be managed appropriately and disposed at approved disposal locations.
8. All construction activities shall comply with the construction operating hours limitations contained in BIMC Chapter 16.16. Noise produced by this development must comply with the maximum environmental noise levels established by the Washington Administrative Code 173-60 or its successor.
9. Contractor is required to stop work if any historical or archaeological artifacts are uncovered during excavation or construction and immediately notify the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation.
10. To address the concerns of the Historic Preservation Commission, the school shall install historical photographs within the school prior to the final on the building permit.
11. To mitigate the possible impact on adjacent properties from light and glare, all exterior lighting shall be hooded and shielded so that the bulb is not visible from adjacent properties. All landscape lighting shall be downcast and lighting within surface parking lots shall be no higher than 20 feet above grade. All exterior lighting shall comply with BIMC Chapter 15.34. High field lights are not permissible.
12. Prior to building permit issuance, the District shall submit a revision to Section 8.0, Wetland Buffer Mitigation Plan, of the July 19, 2017 Critical Areas and Habitat Management Report (HMP) prepared by Raedeke Associates, Inc. that includes:
 - a. Project revisions provided in the October 25, 2017 Addendum to the HMP prepared by Raedeke Associates, Inc. The mitigation plan shall include an updated figure depicting the “restoration planting area” of approximately 30,000

square feet including native species appropriate to the site and sufficient to provide wetland protection and forested buffer functions. The mitigation plan shall be in substantial compliance with BIMC 16.20.110 – Mitigation Plan Requirements and guidance provided in [Wetland Mitigation in Washington State: Part 2 - Developing Mitigation Plans](#) (Version 1, March 2006, Publication #06-06-011b); and

b. Recommendations as provided in the Habitat Buffer Functional Assessment prepared by City staff dated October 26, 2017; including; 1) Ensure measures to minimize impacts of adjacent land use are required to the extent feasible; 2) Maximize structural diversity in planting plan; consider adding emergent or groundcover species; 3) Increase number of plant species in planting plan; 4) Consider enhancement to existing forested habitat buffer; 5) Include special habitat features; e.g., downed large woody debris in restoration planting area; 6) Require low-impact fencing at edge of restoration planting area (in accordance with Condition 4, above); 7) Further refine non-planting mitigation measures (e.g.; soil amendment, invasive species removal); and 8) Explore potential to provide shrub plant community instead of “ecolawn”.

The Department of Planning and Community Development shall approve the revised wetland mitigation plan as part of the building permit review and plantings shall be installed or bonded for prior to final building permit inspection.

13. To reduce impacts from light and glare on the wetland and its buffer, the applicant shall limit the amount of lighting on the exterior of the school and shall have only motion sensor lights to the rear of the school facing the wetland.
14. A wetland buffer monitoring report shall be submitted annually, on or before December 31st of each monitoring year, for a period of seven years. A restoration maintenance assurance device shall be submitted and accepted prior to the completion of the restoration and shall be held during the monitoring period.
15. Due to the seismic hazard, an indemnification or hold harmless agreement shall be required prior to the commencement of construction or site alteration. The building permit shall follow the recommendations of their geotechnical engineer to ensure the school is safely constructed to meet all geotechnical requirements of the building code.
16. The district shall create a plan with the Fire Department to notify neighbors for updates on construction and potential impacts to the neighborhood.
17. School staff and teachers shall assist with site vehicle and pedestrian traffic circulation during student drop-off and pick-up times. School administrators shall as part of the standard operating procedures at the school regularly remind parents of students to utilize on-site parking and pick-up/drop-off areas (not permissible on Blakely) so as not to impact adjacent neighborhoods.
18. Blakely Avenue NE fronting the property to the west is classified as a secondary arterial suburban roadway per the City of Bainbridge Island Comprehensive Plan. A 6-foot wide paved bike lane and 3-foot gravel shoulder shall be provided along the adjacent full frontage of the property per the Standards detail drawing for a secondary arterial suburban roadway, DWG. 7-

020.

19. Additional supporting design information shall be submitted by the applicant with a building permit application to show that the site accesses are designed appropriately and that the median bisecting the north driveway is reasonable to accommodate vehicle paths, turn movements, and clearances.

Project Conditions

20. Civil improvement plans ready for construction shall be submitted with an application for a building permit to the City of Bainbridge Island for review and approval to construct all necessary infrastructure serving the school.
21. As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final occupancy.
22. A Developer Extension Agreement shall be executed for offsite construction of roads and utilities to be inspected and accepted by the City prior to final on the school.
23. Issuance of a building permit will be subject to islandwide Transportation Impact Fees (TIFs) pursuant to BIMC 15.30. The fee will be based on the cost of additional trips set at the time of building permit application. The net additional trips proposed by the project is estimated at 53. Credits towards the TIFs will be given only for land, improvements, and/or facility construction for system improvements listed in the TIF rate study.
24. To ensure the Blakeley Elementary School facility remains compatible with the surrounding neighborhood, the school is limited to an occupancy of 450 students and 27 teachers for standard school days (this limitation does not apply to special events or functions).
25. The site currently has 14 Equivalent Residential Units (ERUs) for sewage participation with the City of Bainbridge Island and the Sewer District 7 wastewater treatment plant. The school expansion will require a total of 20 ERUs. The 6 additional ERUs can be made available to the applicant.
26. 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.
27. 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.
28. Pollution generating pervious surfaces (PGPSs), such as play and sports fields (including natural or artificial turf) or areas subject to use of pesticides, fertilizer, or loss of soil shall be subject to Minimum Requirement No. 6 - Runoff Treatment. Water quality facilities shall be provided for these project surfaces where there will be a surface discharge in a natural or man-made conveyance from these areas.

29. With the building permit submittal, the applicant shall submit an operation and maintenance plan for the on-going maintenance of the on-site storm drainage system.
30. 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 building occupancy.
31. A right-of-way (ROW) construction permit will be required prior to any construction activities within the right-of-way. The ROW permit will be subject to separate conditions and bonding requirements.
32. Application for a building permit shall require binding sewer and water availability at building permit submittal.
33. A separate grade and fill permit shall be submitted for all sitework not associated with a permittable structure.
34. 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.
35. Except for modifications reflecting compliance with these conditions of approval, building plans shall substantially conform to plans submitted on October 11, 2017.
36. Prior to any construction activities, the applicant shall obtain the appropriate permits from the City of Bainbridge Island.
37. Raised curbs shall be used to define driveways from the public right-of-way, landscape areas within the parking lot, the ends of parking aisles, and the vehicular circulation pattern.
38. Internal pathways shall be surfaced with nonskid hard surfaces, meet accessibility requirements and be designed to provide a minimum of five feet of unobstructed width.
39. The project shall meet the requests of the fire marshal to address of the fire code and fire flow.
40. The applicant shall record a notice to title of the presence of the wetland, the mitigation area and shall include a note that the area limits the use of pesticides prior to the issuance of the building permit.
41. The applicant shall provide landscaping as indicated on the landscaping plans dated October 10, 2017. As indicated and conditioned, the plans shall meet the landscaping screening requirements along the perimeter of the site, parking lot landscaping and tree unit requirements.
42. All landscaping shall be installed, or a performance assurance device shall be submitted and approved, prior to final inspection of the final building within the phase being constructed.

The installation of landscaping shall be verified by the Landscape Professional or owner and a landscaping declaration shall be signed.

43. Landscape buffers shall be maintained with a maintenance assurance device for a period of three years. No vegetation within the buffers shall be disturbed without approval of the Department of Planning and Community Development through an approved clearing, grading or civil plan.
44. The District shall provide their contractor a sheet with the trees proposed for retention and removal clearly marked. The following regulations shall be included on that sheet:

Unauthorized removal of trees shall result in at least one-and-one-half times (150 percent) of the number of tree units removed. The trees removed shall be replaced with trees of the same type, evergreen or deciduous. Native shrubs and ground cover shall also be replaced when replacing tree stands due to unauthorized removal. Shrubs shall be one-gallon size planted four feet on center spacing; ground cover shall be one-gallon size planted three feet on center spacing. The shrubs and ground cover shall be planted within the limits of the previous tree stand canopy.

A property owner may request removal of trees required to be retained pursuant to this chapter by applying for a clearing permit with a replanting plan. Trees will be approved for removal only if they meet the hazard tree requirements.

Failure to retain, replace or transplant trees will be enforced as follows; provided, that any fine shall be no less than three times the value of the trees, as determined by the current standards of the International Society of Arboriculture. The city has the authority to administer the following; stop work orders, injunction or abatement or any other appropriate action in courts and/or a civil infraction, subject to enforcement and fines.

Exception to discretion statement above: Any tree identified on a development project's required landscaping plan as retained and given a monetary value per subsection G.3.a.iii of this section that is removed, or dies during the surety period due to improper protection during construction, shall be subject to an automatic fine of three times the tree's stated value. All of the project's active permits shall also be suspended until the fine is paid and all restoration work completed.

45. Parking space and aisle dimensions shall meet the design standards in BIMC 18.15.020.J. Spaces for compact cars shall not exceed 30% of the amount of spaces.
46. A minimum of 13 bicycle parking facilities are required to be provided prior to certificate of occupancy of the school.
47. Prior to the issuance of the building permit, a well decommission application shall be reviewed and approved by the Kitsap Health District.
48. Minor adjustments to an approved major conditional use permit or site plan review may be made after review and approval by the director. Minor adjustments are those that entail small changes in dimensions or siting of structures or the location of public amenities, but do not entail changes to the intensity or character of the use.
49. Major adjustments to an approved major conditional use permit or site plan review require an

amended application and shall be processed in the same manner as a new conditional use or site plan review application. Major adjustments are those that change the basic design, intensity, density, and/or use.

ORDERED December 4, 2017.

Stafford L. Smith, Hearing Examiner
City of Bainbridge Island

The Hearing Examiner is authorized to make the City of Bainbridge Island's final decision on conjoined Conditional Use Permit and Site Plan and Design Review applications. A party with standing may seek judicial review of this decision by filing a timely suit in Kitsap County Superior Court under the Land Use Petition Act.

The exhibit list prepared by the Clerk of the Hearing Examiner's Office is attached.