



CITY OF
BAINBRIDGE ISLAND

PLANNING COMMISSION PUBLIC PARTICIPATION
AND SPECIAL MEETING
THURSDAY SEPTEMBER 26, 2019
6:00 – 9:00 PM
COUNCIL CHAMBER
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

AGENDA

- 6:00 PM **PUBLIC PARTICIPATION MEETING**
Thompson Short Plat ([PLN51397 PRE/SPT](#))
Senior Planner Kelly Tayara
- 6:30 PM **CALL TO ORDER**
Call to Order, Agenda Review, Conflict Disclosure
- 6:35 PM **REVIEW AND APPROVE MINUTES**
September 5, 2019
September 12, 2019
- 6:40 PM **PUBLIC COMMENT**
Accept public comment on off agenda items.
- 6:45 PM **OPEN GOVERNMENT MEETING TRAINING**
Workshop
Deputy City Attorney Robbie Sepler
- 7:30 PM **SPR/CUP DECISION CRITERIA UPDATE**
Recommendation
Long Range Senior Planner Jennifer Sutton
- 7:45 PM **AVETERRA CODE REQUEST**
Study Session
Planner Annie Hillier
- 8:55 PM **NEW/OLD BUSINESS**
- 9:00 PM **ADJOURN**

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

Public comment time at meeting may be limited to allow time for Commissioners to deliberate. To provide additional comment to the City outside of this meeting, e-mail us at pcd@bainbridgewa.gov 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 206-780-3750 or at pcd@bainbridgewa.gov**

PUBLIC PARTICIPATION MEETING – COBI Police-Court Facility ([PLN51524 PRE](#))
CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
REVIEW AND APPROVE MINUTES
PUBLIC COMMENT ON OFF AGENDA ITEMS
DESIGN GUIDELINES UPDATE PUBLIC HEARING – Review and Recommendation
SPR/CUP DECISION CRITERIA UPDATE – Review and Recommendation
CITY COUNCIL UPDATE
NEW/OLD BUSINESS
ADJOURN

PUBLIC PARTICIPATION MEETING – COBI Police-Court Facility ([PLN51524 PRE](#))
Chair William Chester opened the meeting at 6:03 PM.

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

Chair William Chester called the meeting to order at 7:03 PM. Planning Commissioners in attendance were J. Mack Pearl, Jon Quitslund, Lisa Macchio, Kimberly McCormick Osmond, Don Doman and Joe Paar. City Councilor Sarah Blossom was present. City Staff present were Interim Planning Director Heather Wright, Acting Interim Planning Manager Kelly Tayara, Long Range Senior Planner Jennifer Sutton, Planner Ellen Fairleigh, and Administrative Specialist Carla Lundgren who monitored recording and prepared minutes.

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

REVIEW AND APPROVE MINUTES – August 8 and 22, 2019

Motion: I move approval of the meeting minutes from the special meeting on August 8, 2019.

Quitslund/Pearl: Passed Unanimously

Motion: I move approval of the meeting minutes from the special meeting on August 22, 2019.

Quitslund/Pearl: Passed Unanimously

PUBLIC COMMENT ON OFF AGENDA ITEMS

None.

DESIGN GUIDELINES UPDATE PUBLIC HEARING – Review and Recommendation

Long Range Senior Planner Jennifer Sutton facilitated discussion.

The Public Hearing opened at 7:08pm.

Sarah Blossom, City Council Member and liaison for the Historic Preservation

Commission: Ms. Blossom provided feedback from the Historic Preservation Commission. The HPC has concerns that the new design guidelines in Ericksen and Fort Ward will make it easier for new development to come in. The HPC has requested involvement in the design review process in historic areas like Ericksen and Fort Ward.

The Public Hearing closed at 9:16pm.

Motion: We'd like to recommend approval of Ordinance No. 2019-25 as amended to include only the draft Section 1 and draft Section 7, as modified to change the last sentence in Section 7 to "in the event of a conflict between two or more design standards or regulations, the 2019 Design for Bainbridge shall apply." All other existing portions of the draft ordinance would be deleted. We further move to recommend approval of the document Design for Bainbridge 2019, as revised during our Planning Commission discussion.

Osmond/Quitslund: Passed Unanimously

SPR/CUP DECISION CRITERIA UPDATE – Review and Recommendation

Moved to next available meeting date due to time constraints.

CITY COUNCIL UPDATE

Interim Planning & Community Development Director Heather Wright provided a synopsis of Council activity of interest to the Planning Commission.

NEW/OLD BUSINESS

None.

ADJOURN

The meeting was adjourned at 9:35pm.

Approved by:

William Chester, Chair

Carla Lundgren, Administrative Specialist

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
PUBLIC COMMENT ON OFF AGENDA ITEMS
HYLA MIDDLE SCHOOL ([PLN51288 SPR/CUP](#)) – Review and Recommendation
SMALL WIRELESS FACILITIES - Presentation
AVETERRA CODE REQUEST – Study Session
CITY COUNCIL UPDATE
NEW/OLD BUSINESS
ADJOURN

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

Chair William Chester called the meeting to order at 6:03 PM. Planning Commissioners in attendance were J. Mack Pearl, Lisa Macchio, Kimberly McCormick Osmond, Jon Quitslund and Don Doman and Joe Paar. City Staff present were Deputy City Attorney Robbie Sepler, Interim Planning Manager David Greetham, Planner Annie Hillier and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. Commissioner McCormick Osmond disclosed that one of her clients was Tiltz, a waste facility on Miller Road but which was not involved in the project in any way.

PUBLIC COMMENT ON OFF AGENDA ITEMS

None.

HYLA MIDDLE SCHOOL ([PLN51288 SPR/CUP](#)) – Review and Recommendation

Senior Planner Kelly Tayara introduced the project and Brandon Hogg (Studio Hamlet Architects) made the presentation (see attached).

Motion: See attached Recorded Motion.

SMALL WIRELESS FACILITIES - Presentation

Deputy City Attorney Robbie Sepler introduced the project and Daniel Kenny from Ogden Murphy Wallace made the presentation (see attached).

AVETERRA CODE REQUEST – Study Session

Planner Annie Hillier presented the code amendment request and introduced Mollie Bogardus from Aveterra (see attached). The Planning Commission asked for a second study session.

Public Comment

Nick Masla, Citizen – Spoke against the project and said there were already restrictions on his property due to the previous dump and landfill located nearby and was worried as to what impacts this project could have.

Sarah Blossom, City Council but speaking for herself – Spoke in favor of the facility and mentioned that during the recent comprehensive plan update, a citizen actually stated they were surprised there was not a composting facility on the island given the nature of the comprehensive plan.

CITY COUNCIL UPDATE

Interim Planning Manager David Greetham provided a briefing on the current building moratorium, tiny homes and RVs, the new consultant for the Island Center Subarea Planning Process and an invitation to the next City Council meeting to hear the presentation on inclusionary zoning and the multi-family tax exemption.

NEW/OLD BUSINESS

None.

ADJOURN

The meeting was adjourned at 9:26 PM.

Approved by:

William Chester, Chair

Jane Rasely, Administrative Specialist



August 15, 2019

Karen Sorenson and Jeff Thompson
9864 Hilltop Drive NE
Bainbridge Island, WA 98110

Re: Preapplication Conference Summary: Thompson / PLN51397 PRE

Dear Ms. Sorenson and Mr. Thompson,

Thank you for meeting with City staff on March 26 to discuss the proposed development. This letter provides a summary of the conference discussion, City staff review, outside agency review, and submittal requirements for land use application. The summary reflects the information and level of detail provided for the conference, existing codes and standards, and generally available information about the site and environs.

The proposal to divide a 5.01-acre lot with an existing single family residence into two lots requires Short Plat approval and is subject to State Environmental Policy Act (SEPA) review.

Please note that significant changes to development regulations are of late frequently adopted and subsequently modified by City Council. Examples include:

- Redevelopment is subject to recent changes to the land use review process ([BIMC 2.16.070](#)). Prior to short plat application, a Public Participation Meeting before the Planning Commission is required.
- The City Council is considering changes to subdivision design standards which may significantly impact the proposal. Although undetermined at this time by the Interim Planning Director, it is likelier than not that a second preapplication conference will be required once the new regulations are passed.

Changes to the subdivision regulations were last discussed at the July 23 City Council meeting. The link to the meeting agenda, which within it contains links to the documents and exhibits reviewed by Council, can be accessed here <https://d3n9y02raazwpg.cloudfront.net/bainbridgewa/355eaab2-f42f-11e8-9afa-0050569183fa-1288c45d-5d3e-46ae-af61-2e888e37b46d-1563577634.pdf> You can listen to the City Council discussion here http://bainbridgewa.granicus.com/player/clip/105?view_id=1

The subdivision ordinance is going to City Council for public hearing on August 27. The agenda, with associated links, will be available on August 23 (generally after 5 pm) by following this link <http://www.ci.bainbridge-isl.wa.us/1101/City-Council-Agendas>

- Applications are generally subject to regulations in effect at the time of complete application for land use permit. Within 28 days after receiving the short plat application, I will notify you if the application is complete (i.e. all materials identified in the Administrative Manual for Land Use Permits were submitted) or incomplete.

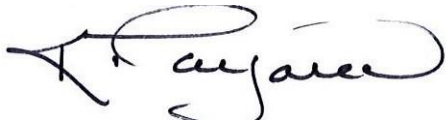
Please take special note of the following:

- Any portion of a subdivision that contains critical areas must conform to all requirements of BIMC 16.20. Please depict wetland buffers in their entirety (e.g. the access and utilities easement does not constitute a break in the buffer).

Please note that information provided at the pre-application conference and in this letter reflects existing codes and standards, currently available information about the site and environs, and the level of detail provided in the pre-application conference submittal. Comments provided pursuant to pre-application review shall not be construed to relieve the applicant of conformance with all applicable fees, codes, policies, and standards in effect at the time of complete land use permit application. The comments on this proposal do not represent or guarantee approval of any project or permit. While we have attempted to cover as many of the Planning, Engineering, Building and Fire related aspects of your proposal as possible during this preliminary review, subsequent review of your land use permit application may reveal issues not identified during the initial review. If the city's pre-application review indicates that the City intends to recommend or impose one or more conditions of permit approval, and if the applicant objects to any of said conditions, the applicant is hereby requested and advised to provide written notice to the City of which conditions the applicant objects to and the reasons for the applicant's objections.

Please do not hesitate to contact me at ktayara@bainbridgewa.gov or 206.780.3787 in the event you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Tayara', with a stylized flourish at the end.

Kelly Tayara, Senior Planner

General Information

Pre-Application Conference Date: March 26, 2019

Project Name and Number: Thompson PLN51397

Project Description: Two lot short plat of a 5.01 acre lot with an existing home

Project Address: 9864 Hilltop Drive

Tax Parcel Number: 112402-3-021-2002

Lot Size: 5.01 acres

Zoning/Comp Plan Designation: R-0.4 / Residential – 0.4

City Project Manager: Kelly Tayara, Senior Planner ktayara@bainbridgewa.gov 206.780.3787

Land Use Review Process

Required Land Use Application / Review

Review / Permit	Process	Recommendation / Decision	Fee \$
Conceptual Proposal Review Meeting	N/A – 2.16.070.D.2		
Design Guidance Review Meeting			
Public Participation Meeting*	BIMC 2.16.070.D.3		250.00
Short Plat - Preliminary ⁺	BIMC 2.16.070	- / PCD Director	6,063.00
Short Plat – Final		- / PCD Director	-
Health District Review (public w/s)			210.00

* One-time fee due with preapplication or prior to application submittal

To Submit Application

- You may schedule application submittal appointment by following this link to [Online Appointments](#). If you have any questions about the appointment, please contact the Planning Technician at 206.780.3770. Please bring all information identified in the [Administrative Manual for Land Use Permits](#) to avoid having to reschedule the submittal appointment. Electronic copies of all required documents must be provided with application.
- **Additional required plans, studies, reports, and any other requirements for application submittal:**
 - [Master Land Use Application](#)
 - Public Participation Meeting minutes
 - Non-binding water / sewer availability letter for the new lot and a water/sewer service letter for the existing residence.
 - Addendum to wetland report (see Department / Agency comments below)

Bainbridge Island Municipal Code Requirements

Critical Areas BIMC 16.20

- Wetlands [BIMC 16.20.140](#)
- Geologically Hazardous Areas [BIMC 16.20.130](#)
 - Geological Hazards Assessment is required
 - Landslide Hazard Areas include any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of competent consolidated rock

Short Subdivisions [BIMC 2.16.070](#)

Subdivision Design Standards [BIMC 17.12](#)

Significant changes to the design standards are under consideration by City Council.

Dimensional Standards [BIMC 18.12](#)

- Rules of Measurement [BIMC 18.12.050](#)
 - “Lot area” means the total horizontal area within the lot lines, excluding any area seaward of the line of the ordinary high water mark, and excluding private streets and lot area in panhandles or flag lots narrower than 30 feet. Interim Director Heather Wright determined that the extent of the area that must be excluded as a “private street” is a 20 foot width within the 60 foot width access and utilities easement which encumbers the property.
- [Table 18.12.020-1 Flexlot Subdivision Dimensional Standards for Residential Zone Districts](#)
 - Lot Coverage: 10 % of lot area (prior to right-of-way dedication) – see Rules of Measurement
 - Setbacks
 - Building – to – exterior plat boundary: 25 feet
 - Building – to – open space or access easement: 10 feet
 - Building Height
 - Maximum 30 feet – see Rules of Measurement
- Modifications to required setbacks and height [BIMC 18.12.040](#)

Department/Agency Comments

Public Works Department:

Development Engineers Peter Corelis and Paul Nylund provided the comment during the conference and Mr. Nylund provided the attached comment. Mr. Nylund can be reached at 206.780.3783 or pnylund@bainbridgewa.gov and Mr. Corelis can be reached at 206.780.3759 or pcorelis@bainbridgewa.gov

Bainbridge Island Fire District Comment:

Deputy Fire Marshal Eric Dieffenbach provided the attached comment and can be reached at 206.842.7686 or edieffenbach@bifd.org

Bainbridge Island Natural Resources Planner Comment:

David Greetham provided the following comment and can be reached at 206.780.3765 or dgreetham@bainbridgewa.gov

Confirm with wetland consultant that outfall of Wetland A isn't impounded at driveway culvert(s). Wetland Report otherwise appears complete with supporting documentation, including utilization of Ecology's updated (2018) habitat ratings.



Department of Public Works - Engineering
Memorandum

Date: June 12, 2019
To: Kelly Tayara, Planner, Planning and Comm. Development
From: Paul Nylund, E.I.T., Development Engineer
Subject: PLN51397 PRE – Thompson Short Plat

Project Description:

The proposal is to subdivide one (1) parcel into two (2) resultant parcels. The subject parcel is identified by tax ID 112402-3-021-2002 and is located at 9864 Hilltop DR NE in the City of Bainbridge Island (COBI).

Comments:

1. No building permit, subdivision, short subdivision, or planned unit development shall be approved or granted until the owner of the affected property dedicates to the city the portion of land required by the COBI Design and Construction Standards and Specifications (DCSS) as an extension of the street right-of-way (ROW) [BIMC 12.30.010] which currently terminates at the western boundary of the subject property. Hilltop Drive NE in this location is classified as a suburban local access residential roadway, requiring 30' ROW per DCSS drawing 7-060.
2. Hilltop DR NE currently exists as a gravel road of varying width within a 60' access and utilities easement. Both easement and existing gravel roadway cross the property from the approximate center of the western edge exiting through the eastern portion of the southern edge where it continues onto the adjacent property. The dedicated ROW shall be located to encompass the existing gravel road corridor and any associated utilities (non-COBI) currently existing. The 60' easement shall continue to be valid unless extinguished through methods external to this project.
3. Hilltop Dr NE shall be improved to meet COBI DCSS for a suburban residential local access road per drawing 7-060 or 7-065/66/67 except as noted in (a) below
 - a. At the applicant's discretion, the existing gravel road may remain as a gravel road but will be required to meet all fire marshal conditions regarding width, clearance and hydrant availability. Additionally, streets within a short subdivision shall not be maintained by the city unless such streets have been improved to city standards (i.e. paved) and have been accepted as part of the approved short subdivision. Unless accepted, the responsibility for maintenance shall lie with the owners of the lots. In such case, the face of the short subdivision shall contain the following disclaimer: "Responsibility and expense for maintenance of streets serving lots within this short subdivision (unless such roads have been accepted by the city) shall rest with the lot owners." (BIMC 2.16.070.M)

- b. Should applicant decide to maintain the gravel surface of Hilltop Dr NE per 3.a above, a road maintenance agreement will be required as a condition of the preliminary short subdivision.
4. Following approval of the preliminary short subdivision the applicant must apply for a plat utility permit detailing all the necessary civil improvements to serve the development. The submittal shall contain 100% level civil engineering plans and reports. All public improvements required as conditions of a preliminary short subdivision approval must be completed prior to application for a final short subdivision. No construction on or to the site may take place until civil engineering plans have been received and approved by the city. After the preliminary short subdivision and civil engineering plans have been approved the subdivider is authorized to develop the subdivision's facilities and improvements in strict accordance with BIMC 2.16 and related standards found in BIMC titles 17 and 18, to include any conditions imposed.
5. In lieu of completing the improvements approved in a plat utility permit, a subdivision performance bond may be written to assure successful completion of the facilities. The improvements secured by the bond must be completed within 1 year of the final plat approval, or the bond will be called upon by the City to complete the improvements [BIMC 2.16.070.N].
6. The preliminary short plat application shall demonstrate how storm water shall be handled in conformance with current Bainbridge Island Municipal Code (BIMC) 15.20.
 - a. In addition, the face of the short subdivision shall indicate how stormwater shall be handled for each resultant lot, and clearly indicate if and how civil improvements for the short subdivision are designed to be used in meeting applicable minimum requirements for improvements on the resultant lots.
7. The site assessment review (SAR) required per BIMC 15.20.060(1) has the goal to recommend actions that will mimic the site's natural hydrology, implement low impact development (LID) to the maximum extent feasible, and preserve native vegetation. The SAR has been completed for this property and the resultant recommendations letter has been provided to the applicant under separate correspondence from COBI Public Works – Development Engineering dated 11 June 2019.
8. The site is not located within the COBI water or sewer service areas but contains significant infrastructure belonging to water and sewer service purveyors. Private utilities may not be placed in public ROW except as franchised in accordance with Revised Code of Washington 35A.47.040. Ongoing maintenance of such authorized private utilities shall be the owner's responsibility including the requirement to repair any damages to public property (BIMC12.38.040).

Please note that information provided in this letter reflects existing codes and standards, currently available information about the site and environs. Comments provided pursuant to preapplication review shall not be construed to relieve the applicant of conformance with all applicable fees, codes, policies, and standards in effect at the time of complete land use permit application. The comments on this proposal do not represent or guarantee approval of any project or permit. While we have attempted to cover as many of the Planning, Engineering, Building and Fire related aspects of your proposal as possible during this preliminary review, subsequent review of your land use permit application may reveal issues not identified during the initial review.



MEMO

Date: March 27, 2019
To: Kelly Tayara, Planning Department
From: Eric Dieffenbach, Deputy Fire Marshal
Re: 9864 Hilltop

PLN51397

The submittal has been reviewed resulting in the following comments:

1. The proposed project shall comply with all provisions of the adopted Fire Code including the following as applicable:
2. The grade of existing private fire apparatus access roads shall not exceed 12%. Private fire apparatus access roads where grades are greater than 12% but not exceeding 15% shall be paved, or in lieu of paving, shall have an automatic fire sprinkler system installed in any new structure. Grades exceeding 15% will require the fire apparatus access road to be paved, all new structures to be equipped with automatic fire sprinkler systems, and special approval by the fire code official.
3. Fire apparatus access roads shall be not less than 12 foot drivable width with 13.5 feet of overhead clearance for the entire length.

Preapplication Drawing Thompson Short Plat
NE 1/4 SW 1/4 & NW 1/4 SW 1/4 & SW 1/4 SW 1/4 & SE 1/4 SW 1/4
Sec.11, T.24N., R.2E., W.M.

City of Bainbridge Island, Kitsap County, Washington

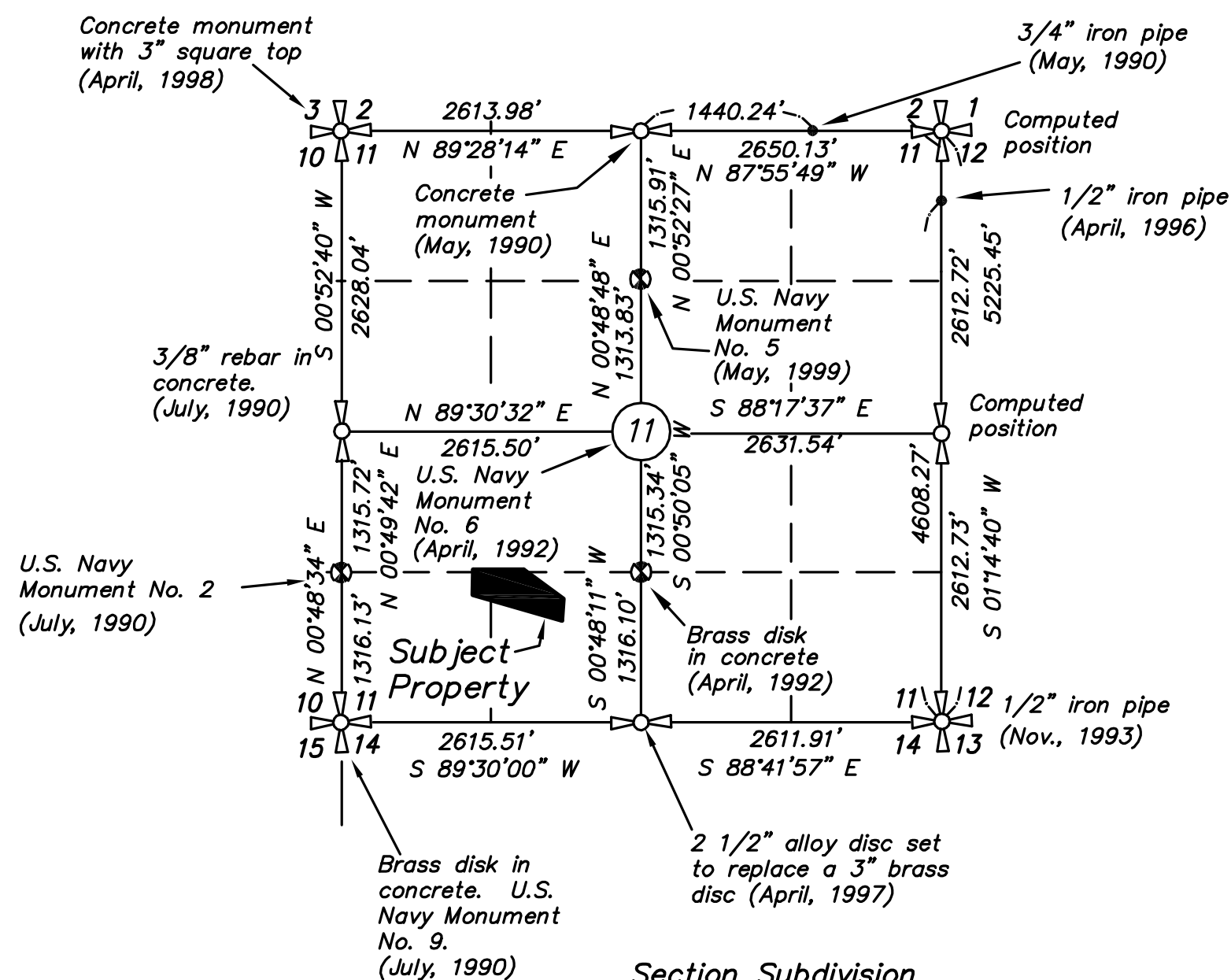
Owner: Jeff and Karen Thompson 9864 Hilltop Drive NE Bainbridge Island, WA, 98110 206-999-6784 occdoc56@me.com
Current use: Single family residential
Proposed water service: Kitsap P.U.D.
Proposed sewer service: Kitsap County Sewer District 7
Assessor's Account No. 112402-3-021-2002
Zoning: R-0.4
Comprehensive Plan: OSR-0.4
Compliance with the fire flow requirements of BIMC 20.04 will be by fire hydrant on Kitsap P.U.D. water system
Soils: Cathcart Silt Loam, Bedrock Soils
Application File No.

Legal Description

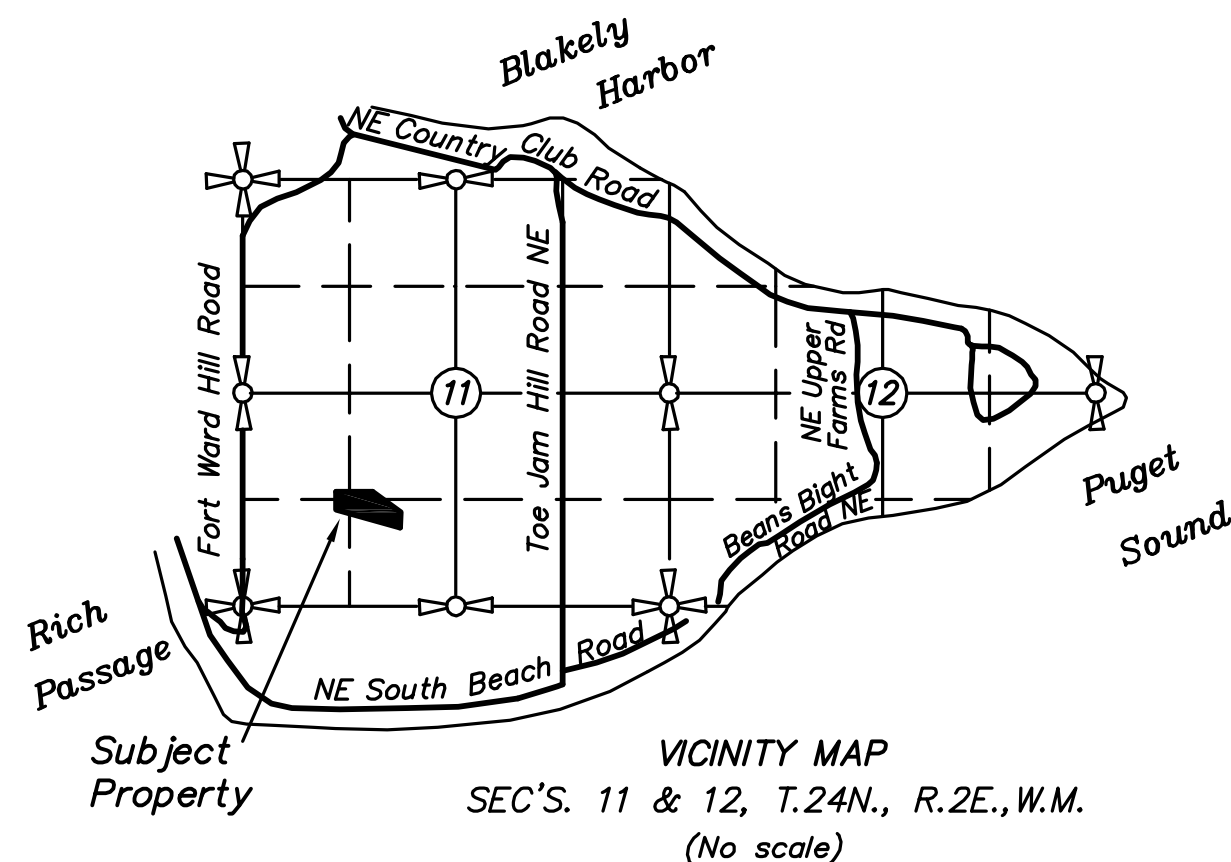
Lot 14 of Large Lot No. 88R-2, recorded in Volume 3 of large lots, Page 44, under Auditor's File No. 201805170087, being an alteration of Volume 1 of large lot subdivisions, Page 186, under Auditor's File No. 9102270177/78 being an amendment of Auditor's File No.'s 8902090121 and 9001120059, being a portion of Southwest quarter of Section 11, Township 24 North, Range 2 East, W.M., Kitsap County, Washington.

**National Flood Insurance
Program Designation**

Zone X
Flood Insurance Rate Map 53035C0384F
Effective Date: February 3, 2017



**Section Subdivision
&
Indexing Vicinity Map**
Sec.11, T.24N., R.2E., W.M.
City of Bainbridge Island, Washington



**City of
Bainbridge Island**
Kitsap County, Washington
Assessor's Account No. 112402-3-021-2002

Director's Approval

Approved for recording pursuant to Bainbridge
Island Municipal Code, Chapter 17.12.

Gary Christensen, A.I.C.P.
Director of Planning and Community Development
Date: _____

Notice

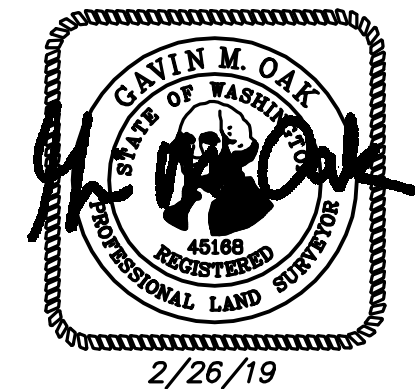
1. Responsibility and expense for maintenance of streets serving lots within this Short Subdivision (unless such roads have been accepted by the City) shall rest with the lot owners.
2. Any further subdivision of lots within this Short Subdivision shall be subject to the requirements of Section 2.16.070.L of the Bainbridge Municipal Code.

Treasurer's Certificate

I hereby certify that real property taxes are current for the subdivided property shown hereon to:
Date: _____

Kitsap County Treasurer

Surveyor's Certificate



2/26/19

I, Gavin M. Oak, registered as a professional land surveyor by the State of Washington, hereby certify that this Short Plat is based upon an actual survey of the land described herein, conducted by me, or under my direct supervision, during the period of February, 2019 through February, 2019, that the distances, courses and angles are shown hereon correctly, and that the lot corners have been staked on the ground as depicted hereon

Gavin M. Oak, P.L.S. 45168 Date _____

Auditor's Certificate

Filed for record this ____ day of _____
2019, at ____ M. in Book ____ of Short Plats,
Page ____, at the request of A G O Land
Surveying LLC., and under Auditor's File No.

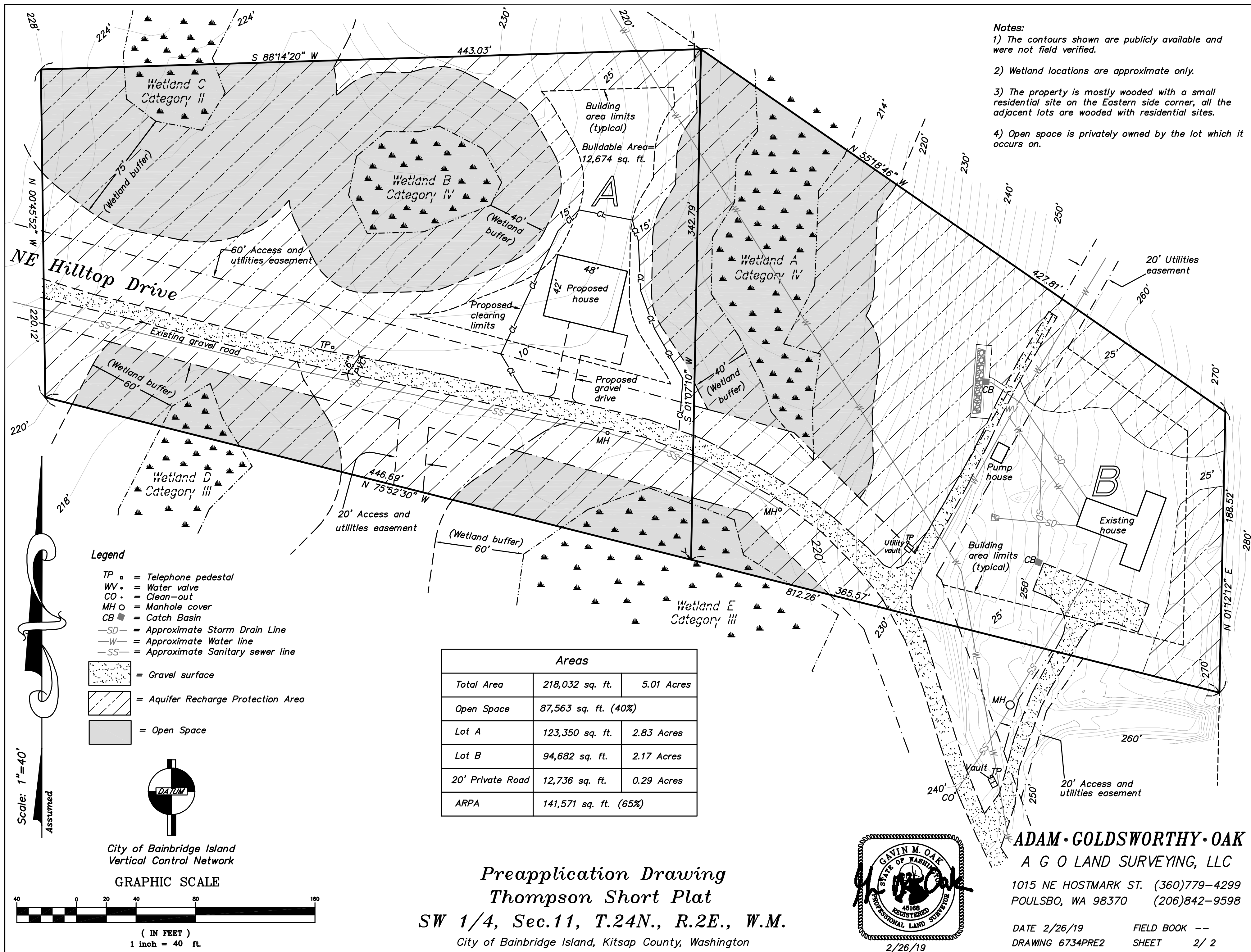
County Auditor Deputy Auditor

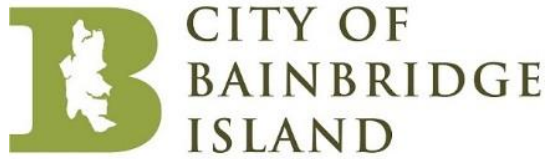
ADAM • GOLDSWORTHY • OAK

A G O LAND SURVEYING, LLC

1015 NE HOSTMARK ST. (360)779-4299
POULSBORO, WA 98370 (206)842-9598

DATE 2/26/19 FIELD BOOK --
DRAWING 6734PRE1 SHEET 1 / 2





DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: September 20, 2019
To: Planning Commission
From: Jennifer Sutton, AICP, Senior Planner
Subject: **Development Moratorium Work Plan:
Ordinance 2019-24
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 was held August 27, and will continue on the September 24 Council meeting; 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 began Planning Commission review at the August 22 meeting and the Planning Commission will hold a public hearing on September 5. 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 “wobble 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](#).

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

II. PLANNING COMMISSION DISCUSSION OF DECISION CRITERIA

On August 22 Commission deeply discussed the City Engineer portion of decision criteria for SPRs and CUP in relation to transportation facilities (including nonmotorized facilities), including bike and pedestrian levels of service. Department of Public Works Development Engineering staff was in attendance to answer questions from the Commission.

Bike and Pedestrian Level of Service

In February 2017, the City Council approved the [Island-wide Transportation Plan \(IWTP\)](#). Discussion of the [IWTP](#) was concurrent with 2016 Comprehensive Plan Update process, and improvements for bicycling and pedestrian safety was a top community concern. Therefore, the approved [IWTP](#) included new bicycle and pedestrian levels of service (BLOS/PLOS) (see [IWTP Chapter 6 pages 17-18](#)) that are evaluated by City Development Engineers when reviewing land use permits, such as short plats, SPRs or CUPs. However, the number of land use permits that have been evaluated using the BLOS or PLOS standards is relatively small, since a development moratorium on most land use projects has been in place since January 2018.

After closing the public hearing, the Planning Commission requested to continue discussion to September 5 to affirm that their desired changes have been made. Commissioners McCormick Osmond and Quitslund submitted additional written changes to staff in advance at that meeting. This topic was not discussed on September 5, and the Commission affirmed that the clarifying changes from Commissioners McCormick Osmond and Quitslund should be made to Exhibit A. The clarifying changes the proposed have been made to Exhibit A and **highlighted green**. Some of their suggested changes will require additional discussion with the full Commission- see attached.

Other draft changes to the decision criteria that are different than the August 22 Planning Commission meeting draft are **highlighted** in Ordinance Exhibit A.

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 agree on any additional modifications. The Planning Commission is scheduled to complete their review of Ordinance 2019-24 on September 26, making a recommendation to the City Council.

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 development standards, must be met under the existing SPR and CUP decision criteria.

ORDINANCE NO. 2019-24

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to Site Plan and Design Review and Conditional Use Permit Decision Criteria, revising Sections 2.16.040, 2.16.050, 2.16.110 and 18.36.030, of the Bainbridge Island Municipal Code.

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

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

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

WHEREAS, the development moratorium has been extended several times while the City works to complete the moratorium work program to address the issues identified by the development moratorium; and

WHEREAS, Ordinance 2018-20 was approved at the end of 2018, and updated the review procedures for Short Plats, Subdivisions, Site Plan and Design Review, and Conditional Use Permits; and

WHEREAS, in addition to updating standards, guidelines and procedures, the City is updating decision criteria for Site Plan and Design Review and Conditional Use Permits to ensure that future development is rigorously analyzed; and

WHEREAS, the Planning Commission held a public hearing on Ordinance 2019-24 on August 22, 2019; and

WHEREAS, the Planning Commission continued to discuss Ordinance 2019-24 on September 26, 2019, and recommended approval to the City Council after completing discussion at that meeting; and

WHEREAS, notice was given on September 3, 2019, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the City Council considered this ordinance at its meeting on October XX; and

WHEREAS, the City Council held a public hearing on Ordinance 2019-24 on November XX; and

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

Section 1. Sections 2.16.040.F, 2.16.050.D, 2.16.110.F, 2.16.110.G and 2.16.110.H of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A.

Section 2. Section 18.36.030 of the Bainbridge Island Municipal Code is hereby amended as follows.

XX. Context Sensitive Design: Site, landscaping, architectural, or engineering design that is compatible with a development's setting, the contours of the land and natural systems on-site and immediately off-site, and that is compatible with the character, location and configuration of improvements and uses on adjacent properties.

Section 3. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall take effect and be in force five (5) days after its passage, approval, and publication as required by law.

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

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

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	_____, 2019
PASSED BY THE CITY COUNCIL:	_____, 2019
PUBLISHED:	_____, 2019
EFFECTIVE DATE:	_____, 2019
ORDINANCE NUMBER:	2019-24

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~~ consistent 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; and
2. The locations of the buildings and structures, open spaces, and landscaping, ~~pedestrian, bicycle and vehicular circulation systems~~ result in a context sensitive design; and are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan;
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; and
 - 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; and
 - c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director; and

4. The streets, bicycle facilities and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

~~5.4.~~ 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, nonmotorized facilities and pedestrian ways, locations of the buildings, structures, and vehicular circulation systems as proposed align with and are otherwise coordinated with streets serving adjacent properties and are adequate, safe, efficient and consistent with the Island-Wide Transportation Plan; and
- ~~d. The streets, and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and~~
MOVE OUT OF CITY ENGINEER SECTION
- ~~d.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 required service(s) can be made available at the site; and
- ~~e.f.~~ The site plan and design conforms to the “City of Bainbridge Island Engineering Design and Construction Standards and Specifications,” unless the city engineer has approved a variation deviation from to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 18; and

~~6.5.~~ 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; and

~~7.6.~~ No harmful or unhealthful conditions are likely to result from the proposed site plan; and

~~8.7.~~ The site plan and design is consistent in conformance with the comprehensive plan and other applicable adopted community plans; and

~~9.8.~~ Any if the subject property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, the site plan and design review permit conforms to all requirements of that chapter; and

- ~~10.9.~~ Any If the subject property ~~subject to site plan and design review~~ that is within ~~the~~ shoreline jurisdiction, as defined in Chapter [16.12](#) BIMC, the site plan and design review permit conforms to all requirements of that chapter; and
- ~~11.10.~~ 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;
- ~~12.~~ The Bainbridge Island Fire Department has reviewed the application and determined that the site plan has been properly designed to ensure fire protection; and
- ~~13.11.~~ 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 conditional use 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 established and intended character of the neighborhood, considering factors that include but are not limited to, hours of operation, the type of activities generated by the use, and the predictable levels of any adverse impacts 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; and
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.**

~~2.3.~~ The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

~~3.4.~~ The conditional use is ~~in accord~~ consistent with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and

~~4.5.~~ 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; and

~~5.6.~~ 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; and

~~6.7.~~ Noise levels shall be in compliance with BIMC [16.16.020](#) and [16.16.040](#).A; and

~~7.~~ The streets, bicycle facilities and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

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 nonmotorized facilities ~~pedestrian ways~~ as proposed align with and are otherwise coordinated with streets serving adjacent properties and are adequate, safe, efficient and consistent with the Island-Wide Transportation Plan; and
- d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic;

~~and~~ **MAKE SUBSECTION 7**

~~d.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~~ required service(s) can be made available at the site; and

~~e.f.~~ The conditional use conforms to the “City of Bainbridge Island Engineering Design and Development Standards and Specifications Manual,” unless the city engineer has approved a ~~variation~~ deviation ~~from to~~ the ~~road~~ standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 18; and

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

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

~~11. 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; and

~~12. 10.~~ A conditional use may be approved ~~or approved~~ with conditions. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the permit ~~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 conditional use 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 established and intended character of the neighborhood, considering factors that include but are not limited to, hours of operation, the type of activities generated by the use, and the predictable levels of any adverse impacts 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**
- 2.c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and
- 3.d. The conditional use is ~~in accord~~ consistent with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and
- 4.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
- 5.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
- 6.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**
- 7. The streets, bicycle facilities and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and**
- 8.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, nonmotorized facilities, and pedestrian ways~~ locations of the buildings, structures, and vehicular circulation systems as proposed align with and are otherwise coordinated with streets serving adjacent properties and are adequate, safe, efficient and consistent with the Island-Wide Transportation Plan; and
 - iv. **The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and MOVE OUT OF 6, MAKE SUBSECTION 5.**
 - d.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 required** service(s) can be made available at the site; and
 - e.vi. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Construction Development Standards and Specifications Manual,” unless the city engineer has approved a ~~variation deviation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.~~
9. The conditional use meets any applicable requirements of the Kitsap-Public Health District has determined that 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.

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

11 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.

12 2. A conditional use may be approved, or recommended for approval, with conditions. If no reasonable conditions can be imposed that ensure the ~~application~~ permit meets the decision criteria of this chapter, then the ~~application~~ permit 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 F E 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 adverse impact on the level of service, all adverse 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.~~ **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 all conditional use permit requirements are met and 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 all conditional use permit requirements are met and 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 **all conditional use permit requirements are met and 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.

Jennifer Sutton

From: Kimberly McCormick Osmond
Sent: Tuesday, September 3, 2019 7:08 PM
To: Jennifer Sutton
Subject: Ordinance No. 2019-24

Hi Jennifer,

I have some suggestions/questions regarding the draft Ordinance for the site plan and design review and CUP decision criteria:

1. Under Section 1, you need to add 2.16.110.G and 2.16.110H
2. Under Section 2, what is the reference to 18.36.030 and the citation? I don't recall discussing this, so I would appreciate some discussion at our meeting.

Lisa Macchio's comment regarding terminology is a good one. In 2.16.040.F and 2.16.050.D we use "streets, bicycle facilities and pedestrian ways" in one subsection and "nonmotorized facilities" in another subsection (pertaining to city engineer determinations). 17.12.070.K.2 uses "multimodal facilities." We need to use the same terminology for all of those to avoid confusion and provide clarity, and include a definition of whatever terminology is selected.

In 2.16.110.G.2, why is the mitigation of adverse impacts limited to adverse impacts on LOS? Shouldn't all adverse impacts related to traffic that are shown in a traffic study be mitigated?

In 2.16.110.F.10, I believe the wording should be changed to "the conditional use will ensure fire protection." Conditional uses are not "designed" so the existing language does not make sense.

In 2.16.110.G, opening paragraph, the reference should be to subsection F, not subsection D.

In 2.16.040.F.10, the language should read "that the site plan and design review have been properly designed to ensure fire protection."

In 2.16.050.D.2, the word "and" should be added at the end of the sentence.

In 2.16.110.F.8, the lettering needs to be fixed. It should be a-e.

Thanks Jennifer – just trying to cut down on the amount of time we will need at the meeting to discuss revisions.

All the best,
Kim

Sent from [Mail](#) for Windows 10

September 5, 2019

TO: Planning Commissioners

FROM: Jon Quitslund

I have made a list of fine points (mostly minuscule, but some with substance) that still need to be fixed in Ordinance 2019-24 (Decision Criteria).

#1. Several references to HDD projects: in 2.16.040.F(1) & F(6); in 2.16.050.D(1) & D(4) – but keep D(11); in 2.16.110.F(1) & F(4) – but keep F(11). These awkward and fussy references are unnecessary; they are artifacts from a time when the HDDP program was an oddity that seemed to need special protection. I thought there was general agreement with me on this point, but Jennifer's notes from our earlier discussion don't reflect that.

#2. In 2.16.040.F(6), "deviation to" should be "deviation from."

#3. At the top of p. 2, items numbered 9, 10, 10, 11 should be numbered 10 through 13. In the first item, "within shoreline" should be "within the shoreline." In the second #10 (now #12), strike out "and design review permit."

#4. In 2.16.050.D, add "or approved with conditions" to be identical with Major CUP language.

#5. In 2.16.050.D(2), add "and" at the end.

#6. At the top of p. 3, e. & f. should be d. & e. In e., it's "Design and Construction," not "Design and Development." Change "deviation to" to "deviation from."

#7. In 2.16.050.E(2), we might want to consider if expansion "by up to 25 percent" is appropriate: this means that the bigger your pen or field for animals is, the more you can expand without so much as a minor CUP review. If this subsection is deleted, what would be the consequences? In subsection 3, I don't have as much of a problem, but I prefer "as long as" to "given."

#8. On p. 4, in 2.16.110.F(8), what's now e. & f. should be d. & e. In e., again, "deviation from." At the bottom, F(9) makes no sense; use the language from p. 3 for the Minor CUP.

#9. On p. 5, changes proposed for subsection G (Additional Decision Criteria) are in my memo dated September 3. Perhaps #2 of the criteria should read, "If the traffic study shows that the institutional use will have an adverse impact on traffic, the impact shall be mitigated as required by the city engineer." Finally, I am now inclined to recommend that #5 of the criteria should be omitted: all of this belongs in Dimensional Standards, in my opinion, and there are policy issues to be settled.

Department of Planning and Community Development**Memorandum**

Date: September 26, 2019
To: Planning Commission
From: Annie Hillier, Planner
Subject: Aveterra Code Amendment Request / Response to Planning Commission Questions

Recap of September 12, 2019 study session

On September 12, 2019 a study session was held to consider the potential impacts of a future compost facility on the triangle property. As a part of that session, the planning commission posed several questions to city staff, which this memorandum responds to. The purpose of the second study session, on September 26, 2019, is to review the items that have not yet been discussed – in particular, 1. whether to specifically exclude the triangle property from the 500' setback provision in BIMC 18.090.030.G.3.a., and 2. whether to include a parcel- or use-specific dimensional standard for a greater lot coverage allowance than provided in BIMC Chapter 18.12. During the second study session, the planning commission should also indicate when they would like to hold the required public hearing (the earliest opportunity would be October 24, 2019, due to the legal noticing requirement).

Planning commission review and recommendation – summary of options

In making a recommendation on a proposed code amendment, “the planning commission shall consider applicable decision criteria of this chapter, all applicable law, the comprehensive plan, public comment, and any necessary documents and approvals.” ([BIMC 2.16.180.E.1](#)) (Note: there are no decision criteria for legislative reviews of land use regulations). The planning commission has received an analysis of the proposal with respect to the comprehensive plan and the municipal code, and the applicant has prepared a narrative of the proposal and a SEPA checklist. Following a public hearing where public comment will be received, the planning commission has the option of making a recommendation on the proposed code amendment based on the criteria cited above. The written recommendation shall contain (a) a statement recommending that the proposed amendment be approved, approved as amended, or denied, and (b) a statement of facts upon which the recommendation is based and the conclusions derived from those facts.

However, given that the BIMC gives the planning commission the authority to ask for any documents or approvals that are necessary for their recommendation, additional information may be requested before making a recommendation. As discussed during the first study session, the planning commission may wish to require a hydrogeologic assessment (discussed in further detail below) before making a recommendation. This would allow the planning commission to determine if the future compost facility poses a significant risk to groundwater or surface water quality or quantity that cannot be satisfactorily mitigated. Note that the before requiring this assessment, the planning commission should decide if the

code amendment request can otherwise be supported after taking into consideration public comment, the comprehensive plan, and the other criteria referenced above.

Hydrogeologic assessment – overview of requirements

A hydrogeologic assessment is required for any development, use or activity not associated with a residential use that has the potential to generate a pollutant identified as a potential source of drinking water contamination or known to be deleterious to the environment or human health ([BIMC 16.20.100.B.3.b](#)). The elements of the assessment are found in [BIMC 16.20.180.A](#), which include potential or probable contaminant pathways to both surface and groundwater, the characteristics of the aquifer, and an assessment of cumulative impacts for multi-phased development. For proposals that require mitigation measures, the applicant must also develop for approval by the city a mitigation plan for the proposed development, including a monitoring program to measure potential impacts of the development to underlying aquifer(s) and surface water ([BIMC 16.20.180.B](#)).

The scope of the hydrogeologic assessment is typically determined during Site Assessment Review (SAR), before a project application is submitted. However, because of the implications that the assessment has on site feasibility, the planning commission may wish to require this before making a recommendation on the code amendment, provided the code amendment request can otherwise be supported. The city development engineers, the affected public water purveyor, the affected tribes, and the Kitsap Public Health District would determine the required elements of the assessment and would also be invited to comment on any mitigation plan. The city has the right to reject any proposal that poses significant risk to groundwater or surface water quality or quantity that cannot be satisfactorily mitigated.

Changing definitions – clarification on this option

During the first study session, one commissioner indicated interest in addressing compost facilities in the municipal code. Please note that the applicant's code amendment request does not include revising the definition of "waste-transfer facility" or creating a new definition for "compost facility", amending the permitted use table, and creating a new set of development standards. To pursue this option, the planning commission would need to recommend denial of the applicant's request, and include in that recommendation an alternative approach for the city council to consider. The city council would decide if creating a new set of standards for composting fits within the city's current workplan.

Feasibility of other locations

The planning commission indicated interest in the city's Vincent Rd. property as a possible site for the applicant's future compost facility. As present to the city council in June 2018, the city intends to discuss a comprehensive project at this location, that may include a digester for energy generation, a composting component, and new approaches to the community's waste collection. The next step is for the city to initiate a site study in 2020 to better understand what type of construction may be feasible at this site, and at what cost. This effort is listed within the [city's annual workplan](#) under public works. (See Attachment A for an email from the city manager.) Without a better understanding of the range of options that are possible for the site and their impacts on the island's waste stream, the city is not prepared to offer its Vincent Rd. property for use by a private business at this time.

In order to prepare for planning commission's review of the proposed code amendment, the city performed a preliminary search for lots (other than the Vincent Rd. property) that could support a similarly-sized compost facility and meet the 500' setback from zoning districts other than R-0.4. To perform this search, a number of lots were immediately eliminated because of their low likelihood to support a compost facility. These included developed lots, lots containing critical areas, open space

associated with subdivisions, and lots owned by Bainbridge Island Land Trust or Bainbridge Island Metro Park and Recreation District. After these lots were excluded, staff found that there are approximately 18 lots located on the island that meet the code as written and meet the applicant's minimum size requirement (5 acres). Of these, all but 2 lots are heavily vegetated. (Attachment B)

Reclamation process of the sand mine

A copy of the surface mining reclamation permit and a 2017 inspection report are attached (Attachment C), and additional information about surface mining and reclamation can be found on [DNR's website](#). The applicant would be required to obtain written approval from DNR prior to any change or departure from the approved reclamation plan, which may be necessary given the applicant's future plans for the site. For example, the surface mining reclamation permit for the triangle property provides that revegetation must be completed after slopes have been created and topsoil distributed. The applicant is prepared to share any additional information she has about how the future plans for development relate to the reclamation plan and permit at the second study session.

Traffic impacts and landscaping

During the first study session, questions about traffic impacts and landscaping were raised. A traffic impact analysis will be required as a part of any future project application for a major conditional use permit (CUP) and a major site plan and design review (SPR). Similarly, landscaping requirements will be reviewed during the project application, which specify a 50' full screen landscaped buffer ([BIMC 18.15.010.D.4.a](#)) around the perimeter of the site. The tree unit requirement is 40 units per acre, or the applicant has the option of retaining the same number of tree units after the proposed development as it had before that development. Additional conditions related to traffic, landscaping, or other issues that are identified during review of the project may be imposed either through the CUP, to ensure compatibility with other uses in the vicinity, or through SEPA environmental review, to mitigate for probable impacts to the environment. If imposition of conditions will not make the future project proposal compatible with other uses in the same zone and vicinity, the CUP criteria require that the proposal be denied.

Stream and wetland considerations

The triangle lot is located outside of the prescriptive buffers for the nearby wetland and stream, and the applicant has no intention of impacting either critical area. This will be verified with the hydrogeologic assessment, which will identify potential adverse quality and quantity impacts to groundwater and surface water features within 1,000' of the subject property.

Reason for 500' setback

Staff reviewed the planning commission minutes for the meetings and public hearing leading up to adoption of ordinance 2011-02, which adopted the 500' setback regulation. This particular topic is not mentioned in the minutes, and it does not appear that the regulation was carried over from the previous code. City staff reached out to the Solid Waste Facilities Specialist at the Department of Ecology (ECY) for additional information on where the setback could have come from (see Attachment D). ECY provided that the 500' setback may have originated from the state standards for a municipal solid waste landfill, which have a 150m (490') setback requirement in the state regulations. Because the 500' setback does not apply to properties located in the R-0.4 zoning district, the setback may also be intended to "buffer" the denser zoning districts from waste transfer facilities, where theoretically more lots could be impacted. ECY also provided that different types of solid waste facilities have different setbacks in the state regulations, and that the 490' setback is intended for protection from landfill gas

migration, which is not a concern at a compost facility. The applicant is prepared to share additional information about setbacks and waste facilities during the second study session.

From: Morgan Smith
Sent: Monday, April 9, 2018 2:57 PM
To: Ron Peltier
Cc: Doug Schulze
Subject: RE: Composting Facility Proposal

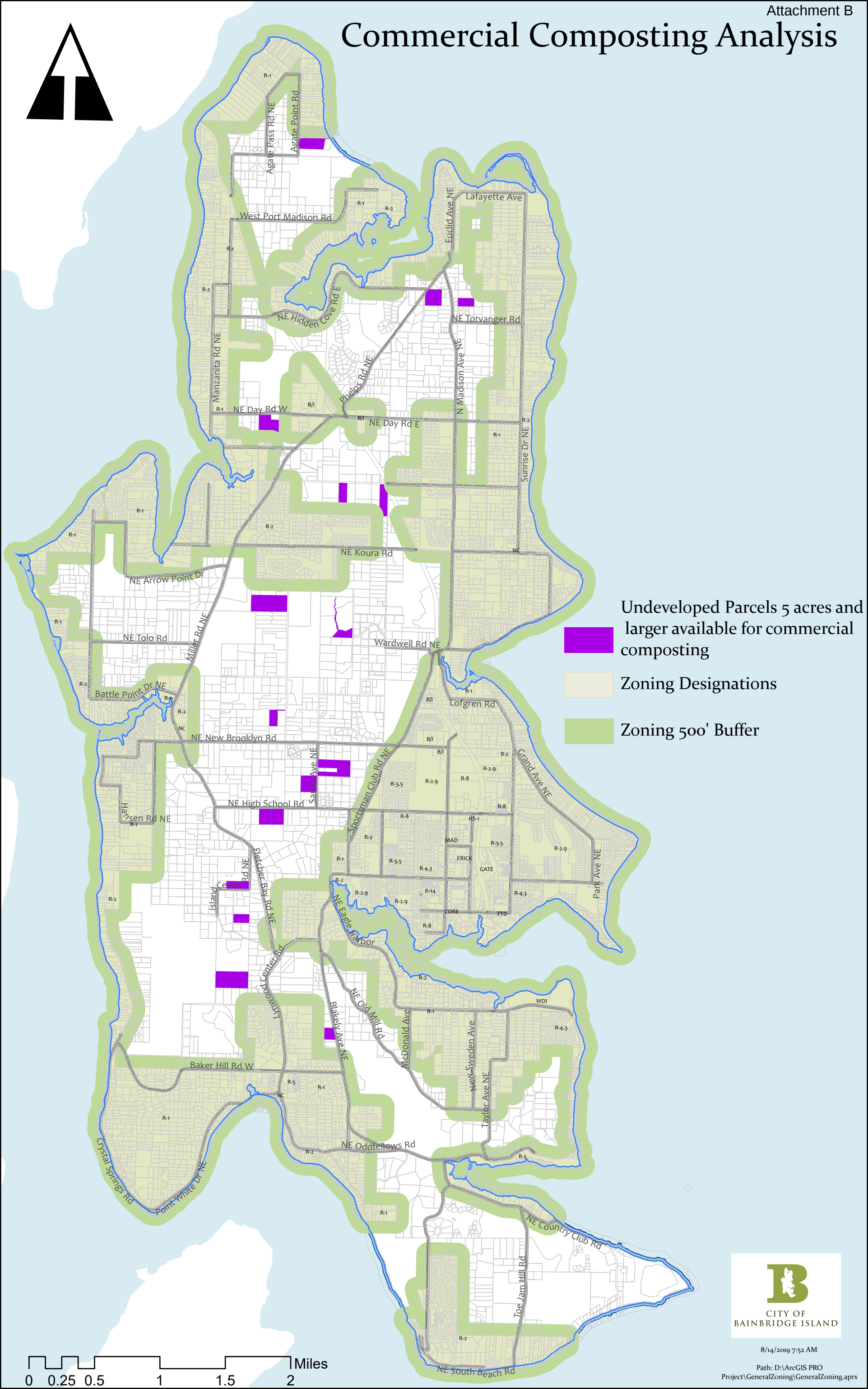
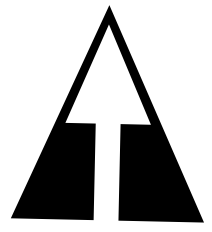
Ron:

Both Doug and I have spent a good deal of time on the possibility that we might be able to use the Vincent Rd. site for sustainable infrastructure, and also how to move towards more innovative approaches to the community's waste management. We are looking forward to bringing some information on this to the City Council in Q2. We are planning to discuss a comprehensive project that might include a digester with electricity generation, a composting component, and new approaches to the community's waste collection, which is provided by Bainbridge Disposal. We have had several conversations about feasibility with PSE, Bainbridge Disposal, and Mollie. With support from Council and the community, this project might be an important part of our long-term planning for community sustainability and resilience.

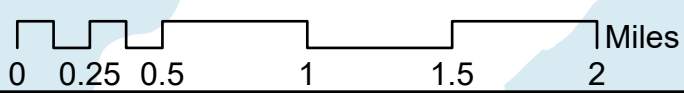
The original project Aveterra proposed was limited to a for-profit composting facility, and would have required extensive tree removal at the site. I believe the City and stakeholders are better served by investigating a more comprehensive project that will address a range of concerns, and will potentially make effective re-use of the capped portion of the site without significant tree removal. I have had several discussions with Mollie to explain that planned approach, and I hope that Aveterra can play an important role in the potential partnerships. Because their initial proposal was more limited in scope, and required extensive tree removal to facilitate their for-profit business, it was not as compelling as the more comprehensive plan for the site, which we hope may position our community waste management plans to adopt significant improvements for the future.

I hope this helps to explain where things stand at this point. I'm looking forward to discussing in more detail in the next few months. Thanks, Morgan

Commercial Composting Analysis



- Undeveloped Parcels 5 acres and larger available for commercial composting
- Zoning Designations
- Zoning 500' Buffer





WASHINGTON STATE DEPARTMENT OF
Natural Resources

PETER GOLDMARK
Washington State Commissioner of Public Lands

January 30, 2009

Nelson Wood and Glass
4760 Lynnwood Center Road NE
Bainbridge Island, WA 98110

RE: Surface Mining Reclamation Permit Number 70-013120

Ladies and Gentlemen:

Enclosed is Surface Mining Reclamation Permit Number 13120, which authorizes surface mining reclamation within a 4.2-acre portion of the northeast quarter in Section 33, Township 25 North and Range 02 East, Willamette Meridian, Kitsap County. Please refer to the permit number listed above when submitting inquiries or reports.

RCW 78.44 requires that reclamation of each segment of the permitted area shall be completed within two years of cessation of mining in that segment. We strongly recommend, however, that reclamation of each segment occur concurrent with the removal of the minerals.

The Department acknowledges reclamation performance security number 7150-00-53588 issued by Frontier Bank in the amount of \$19,500.00 dated January 27, 2009. This security has been approved and accepted by the Department.

You are required to mail a Permit-Fee Invoice and Reclamation Report (Form SM-7) annually to Washington Department of Natural Resources. The form must be completed and returned to the department with the appropriate annual permit fee prior to the anniversary date of the permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew I. Brookshier", written over a horizontal line.

Matthew I. Brookshier
Surface Mining Reclamation Program
Division of Geology & Earth Resources

Enclosures

c: City of Bainbridge Island Planning
William Moore, Landowner
Financial Institution
File No. 70-013120



WASHINGTON STATE DEPARTMENT OF
Natural Resources

**SURFACE MINING
RECLAMATION
PERMIT
(Form SM-9)**

☐ name change ☐ transfer ☐ revision

Permit holder: Nelson Wood and Glass

Mailing address: 4760 Lynnwood Center Road NE, Bainbridge Island, WA 98110

Pursuant to RCW 78.44, a Reclamation Permit is hereby granted to the above-named permit holder to engage in surface mining on the property described in the application and material on file under this permit. The total area to be disturbed by surface mining, including the deposition of surface-mining refuse, shall be in accordance with the reclamation plan filed with and approved by the Department of Natural Resources under this permit, and in accordance with the conditions and descriptions set forth in Exhibit "A" attached hereto and made a part hereof, and RCW 78.44.

TERM OF PERMIT

This permit shall be in effect from the date of issuance and shall remain in effect so long thereafter as the permit holder pays the annual basic fee for each site, complies with the Surface Mining Act and the rules promulgated thereunder, complies with the reclamation plan, and maintains a performance security as required by the Act.

CHANGE OR MODIFICATION OF RECLAMATION PLAN

The permit holder shall obtain written approval from the Department prior to any change or departure from the approved reclamation plan.

PERFORMANCE SECURITY

A performance security shall be submitted to and approved by the Department prior to commencement of surface mining. The permit holder may submit a cash deposit, assignment of a savings account or certificate of deposit, bank letter of credit, negotiable securities, assignments of interest in real property within the state, or a corporate surety bond in the amount specified. The amount of the performance security shall be subject to adjustment according to RCW 78.44.

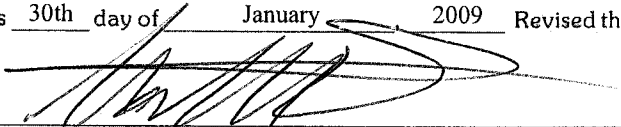
TRANSFER OF PERMIT

The transfer of this permit to another permit holder shall not be made unless approved in writing by the Department. A transfer shall not be approved unless the successor permit holder assumes all duties of the former permit holder to complete the reclamation of the land and the Department approves the successor permit holder's performance security.

PENALTIES

The Department may suspend surface mining or impose civil penalties if the permit holder conducts surface mining in any manner not authorized by RCW 78.44, the rules adopted thereunder, the approved reclamation plan, or this permit.

Permitted this 30th day of January, 2009 Revised this _____ day of _____

Signature  NE $\frac{1}{4}$ Sec 33, T 25 N, R 02 E

Name (type or print) Matthew I. Brookshier $\frac{1}{4}$ Sec _____, T _____ N, R _____

Title Geologist, Surface Mining Reclamation Program $\frac{1}{4}$ Sec _____, T _____ N, R _____

Division of Geology and Earth Resources $\frac{1}{4}$ Sec _____, T _____ N, R _____

TOTAL ACREAGE AND DEPTH OF PERMIT AREA (Include all acreage to be disturbed by mining, setbacks, and buffers, and associated activities during the life of the mine.) (See SM-8A.)

Total area disturbed will be 4.2 acres.

Maximum vertical depth below pre-mining topographic grade is 50 feet

Maximum depth of excavated mine floor is 140 feet relative to mean sea level

DNR Reclamation Permit No.
70 - 013120

EXHIBIT A

Conditions of the Permit

Surface Mining Reclamation Permit # 70-013120

January 30, 2009

1. This surface mining reclamation permit applies to the following permit area: a 4.2-acre portion of the northeast quarter in Section 33, Township 25 North and Range 02 East, Willamette Meridian, Kitsap County.
2. All mining and reclamation shall comply with the rules and regulations pursuant to Chapter 78.44 RCW and Chapter 332-18 WAC.
3. All mining and reclamation shall comply with the reclamation plan dated September 5, 2008 by the permittee and approved by the Department of Natural Resources on January 30, 2009. Any amendment or change to the plan must be submitted to and approved in writing by the Department. The Reclamation Plan consists of the following documents:
 - Permit Letter, dated January 30, 2009
 - Surface Mining Reclamation Permit (Form SM-9) dated January 30, 2009
 - Exhibit A, listing 13 conditions of the permit
 - Standard Reclamation Plan
 - Application for Reclamation Permit (Form SM-8A) dated by the permittee on September 5, 2008
 - Municipality Approval for Surface Mining (Form SM-6) dated by the permittee on August 26, 2008 and approved by the City of Bainbridge Island on October 9, 2008
 - Three reclamation maps: Sheet 1 of 2 and Sheet 2 of 2 from Aspect Consulting and Sheet 1 of 1 from MAP Ltd date stamped by Geology and Earth on January 15, 2008
4. If there is any conflict between the conditions in Exhibit A and any other language of the approved reclamation permit (which includes the reclamation plan), the language in Exhibit A will prevail.
5. The permit holder shall mark the perimeter of the 4.2-acre permit area with easily visible, permanent metal posts as described in Form SM-8A where the permit boundary is not already fenced. Posts shall be driven into the ground and extend at least three feet above the ground surface. A sufficient number of boundary markers shall be used to delineate the permit boundary enabling the operator, permittee and the Department of Natural Resources (DNR) to monitor the progress of mining and reclamation. Permanent boundary markers shall be visible from one to the next, such that the entire perimeter of the site could be reestablished using the Global Positioning System, if the boundary markers were destroyed. All permit area posts shall be maintained for the duration of this reclamation permit.

6. The permitted depth at this site is 50 vertical feet from the original ground surface. No excavation shall occur below an elevation of 140-feet mean sea level (msl). If additional mining depth is anticipated the reclamation plan shall be revised prior to exceeding the permitted depth.
7. All remaining topsoil and subsoil shall be excavated, stockpiled and maintained on site for use in final reclamation. Stockpiles shall be seeded with grasses during storage to prevent erosion. Soil shall not be removed or sold as a product from the permit area. Soil shall be replaced as described in the SM-8A subsequent to ripping over-compacted native material.
8. Best Management Practices shall be implemented to prevent erosion and loss of topsoil stockpiles. Adjacent properties to the permit area shall not be accessed to perform reclamation activities. Permit holder shall ensure that adequate area is left in the setback to perform earthwork activities.
9. Soil material imported into the permit area shall include only natural soil material, clay, silt, sand, gravel and rock. Contaminated material, concrete, asphalt, wood waste, construction or demolition debris is prohibited from importation to the site for use in reclamation. Any imported material determined by the Department to be unacceptable shall be removed from the permit area within 72-hours of a Department directive to do so.
10. Reclaimed slopes shall vary between 2-feet horizontal to 1-foot vertical (2:1) and 3:1 and shall not exceed 2:1. Reclaimed slope faces shall not be straight or planar and shall incorporate a break in slope ratio, or other best management practice, to dissipate runoff energy. Slopes and benches in basalt shall be constructed such that the overall gradient does not exceed 2:1 from the top of the slope to the bottom of the slope. Slope faces shall be sinuous and variable and right angles and shall be eliminated. All reclaimed slopes must remain stable upon completion of reclamation.
11. The total area disturbed, at any one time, is to be minimized by progressive reclamation and slope construction. Reclamation activities shall be, to the extent feasible, conducted simultaneously with the surface mining.
12. Revegetation shall be completed as detailed in Form SM-8A. Revegetation shall commence during the first proper growing season after slope creation and topsoil distribution. Noxious weeds shall not be considered acceptable vegetation and natural revegetation only shall not be deemed satisfactory.
13. The permit holder or operator shall maintain a complete copy of this permit, including these conditions and the approved reclamation plan with additions and amendments, at the mine site during all mining and reclamation activities.



WASHINGTON STATE DEPT OF
**NATURAL
RESOURCES**

WASHINGTON GEOLOGICAL SURVEY
1111 WASHINGTON ST SE
MAIL STOP 47007
OLYMPIA, WA 98504-7007

September 5, 2017

LIDEN LAND DEV & EXCAV
12968 OLD MILITARY RD NE
POULSBO, WA 98370-7985

**RE: INSPECTION REPORT FOR SURFACE MINE RECLAMATION
PERMIT #70-013120 (BUCKLIN HILL LYNNWOOD CENTER TRIANGLE)**

Dear Permit Holder:

A review of your permit file and inspection on 8/30/2017 has been completed for the Department of Natural Resources (DNR) Surface Mine Reclamation Permit located in a portion of Section 33, Township 25 North, Range 02 East, W.M., Kitsap County, Washington.

Enclosed is the Inspection Report (Form SM-7A) for your Department of Natural Resources Surface Mine Reclamation Permit. Please review the report carefully to determine if any corrective actions are in order.

The performance security will periodically be adjusted up or down in order to reflect additional development or completed reclamation.

If you have any questions please feel free to contact me by calling 360-688-0724.

Sincerely,

A handwritten signature in black ink that reads "Bryan Massey". The signature is fluid and cursive.

Bryan Massey
Surface Mine Reclamation Program
Washington Geological Survey

Enclosures (2)

c: File #70-013120



WASHINGTON STATE DEPARTMENT OF
NATURAL RESOURCES

**SURFACE MINE RECLAMATION
INSPECTION REPORT
(Form SM-7A)**

Reclamation Permit No. 70-013120

Permit Holder: LIDEN LAND DEV & EXCAV
Mine name: BUCKLIN HILL LYNNWOOD CENTER TRIANGLE
County: Kitsap
Latitude/Longitude: 47.6207, -122.5483

Report Date: 9/5/2017
Inspection Date: 8/30/2017

Acres Permitted: 4.2
Acres Disturbed: 3.3
Acres Reclaimed: 1.2
Depth Permitted: (ft) 50
Depth Mined: (ft) 20

Performance Security:

Current reclamation security: \$19,500.00
Total reclamation security required: \$19,500.00

Annual Fee:

Fees Owed: \$0.00

Inspection Checklist:

Compliant with permit?	<u>Yes</u>	Boundaries/setbacks marked?	<u>Yes</u>	Mining within boundaries?	<u>Yes</u>
Signs of slope instability?	<u>No</u>	Segments need reclamation?	<u>Yes</u>	Topsoil conserved?	<u>Yes</u>

Subsequent Use:

Undeveloped

Inspection Observations and Reclamation Status:

The site was not in operation during the inspection, and no equipment or personnel were present. The disturbed area consists of a pit being backfilled and a large sand stockpile in the east. The material stockpiled for use as backfill is clean and free of debris. During the last inspection, a notice of correction was issued for the disturbed areas beyond the permit boundary. These areas have been graded flat and revegetated. The DNR considers the notice of correction issued on 10/24/2016 resolved. An annual report was not received for this permit, they are to be submitted to the DNR even if no mining occurs. Submit one annually along with your fees.

If you have questions about any of the items detailed in this inspection report, please call SMR representative Bryan Massey at 360-688-0724.



Aerial Photography Report

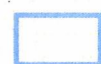


4.2 Permit Map Boundary Acres

3.3 Disturbed Area Acres

1.2 Reclaimed Area Acres

Legend

-  Disturbed Area
-  Reclaimed Area
-  Permit Boundary
-  Proposed Permit Boundary
-  GPS Field Points



Permit Number #70-013120

LIDEN LAND DEV & EXCAV

BUCKLIN HILL LYNNWOOD CENTER
TRIANGLE

Inspected: 08/30/2017
By: Bryan Massey

Annie Hillier

To: Maurer, Dawn (ECY)
Subject: RE: New compost facility on Bainbridge Island

From: Maurer, Dawn (ECY) <dmau461@ECY.WA.GOV>
Sent: Tuesday, September 17, 2019 10:12 AM
To: Annie Hillier <ahillier@bainbridgewa.gov>
Subject: RE: New compost facility on Bainbridge Island

WAC 173-350-100 has the definitions for the solid waste rule. The demolition-type landfill I mentioned is a Limited Purpose Landfill. It can be for any number of limited waste streams, but the most common is for demolition waste. Look for that term – Limited Purpose Landfill. Transfer station is also in there. All the standards for the various types of facilities are in subsequent sections of that same rule – compost under WAC 173-350-220, Transfer Stations under 350-310, and LPL under 350-400.

In 350-100 we have a definition of municipal solid waste and a definition of landfill, but not a definition of MSW landfill. MSW landfills are not regulated under WAC 173-350, they are regulated under WAC 173-351, which is ONLY for MSW landfills. Here is the definition for MSW landfill unit from that rule:

"Municipal solid waste landfill unit (MSWLF unit)" means a discrete area of land or an excavation that receives household waste, and that is not a land application site, surface impoundment, injection well, or pile, as those terms are defined under chapter 173-350 WAC, Solid waste handling standards or chapter 173-218 WAC, Underground injection control program. A MSWLF unit also may receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally-exempt small quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion.

From: Maurer, Dawn (ECY) <dmau461@ECY.WA.GOV>
Sent: Tuesday, September 17, 2019 9:50 AM
To: Annie Hillier <ahillier@bainbridgewa.gov>
Subject: RE: New compost facility on Bainbridge Island

Municipalities and counties are all over the map in how they zone for solid waste handling facilities, what setbacks they have, if any, and how they characterize the various types of solid waste facilities.

Some local jurisdictions treat all solid waste facilities as if they were landfills, and some have a gradation of requirements based on some risk factors. For instance a facility which recycles paper in a warehouse – which IS a solid waste handling facility – could be treated the same as a landfill, or it could have no restrictions other than being zoned industrial.

The facility that is operating at that location is already a solid waste handling facility. It is operating as a permit exempt woodwaste recycling facility, but has also been accepting yard debris materials that do not qualify for the exemption. The facility is requesting to change from a permit exempt woodwaste recycler producing mulch to a permitted compost facility.

I'm guessing your 500ft setback came from the standards for a municipal solid waste landfill, which have a 150m (490ft) setback requirement in the state regs. By comparison, a simple demolition-type waste landfill only has a 100ft setback, and a transfer station has no setback requirements in the state regs. The transfer station buildings in Seattle are likely less than 50ft from the property boundary in places.

I cannot think of any justification for a compost facility having a 500ft setback. Although a compost facility can produce odors, the setback for the MSW landfill is for protection from landfill gas migration, which is not a concern at a compost facility where you aren't burying garbage.

Dawn Marie Maurer

Solid Waste Facilities Specialist
Department of Ecology
Northwest Regional Office
425 649 7192

Annie Hillier

From: john grinter <john_grinter@hotmail.com>
Sent: Wednesday, September 18, 2019 8:58 AM
To: Annie Hillier
Cc: Pamela Grinter; john grinter
Subject: Triangle Lot Compost Facility Re: phone call follow-up

Thank you for the quick follow up. I'm running out the door but here are a few points to consider as cons against approving this proposal:

- Traffic Impact on an already complex and difficult section of roadway. The roads in this area are already considered formally by COBI to be of highest priority as a safety concern. As such it is one of three Core 40 non Motorized projects currently budgeted for repairs. Traffic is already high and complicated due to the strange intersections of the Triangle Lot. The volume of heavy truck traffic and retail automobiles being proposed is significantly larger an impact than that of a few residential homes which the area is zoned for after the mine is remediated.

- This area already has enough modified zoning. It's already a delicate balance between residential and other semi commercial uses. See the map attached for a list of facilities that already impact the area in terms of traffic, and zoning variances/grandfathered uses. Please use caution in allowing yet another non residential use in this area for fear of the unintended consequences of permanently changing the nature of this primarily residential area. As mentioned above, the balance of commercial and non residential here is already delicate.

- Can the facility be located at the Vincent Rd site and an agreement reached with COBI?

- Acquifer recharge - the Triangle Lot and surrounding area is an important recharge area. What are the ramifications for runoff and wastewater treatments for this facility compared residential usage?

- Increased Odors, noise, lights are all additional concerns when compared to residential usage.

On Sep 18, 2019, at 08:25, Annie Hillier <ahillier@bainbridgewa.gov> wrote:

Yes, I can confirm that. The planning commission decided to postpone the hearing and hold a second study session on the 26th instead. You are still welcome to come to the study session – it is a good way to better understand the proposal, and issues like the aquifer will continue to be discussed. I believe this topic is scheduled for 7:30 or 7:45pm, but the agenda will be posted before the end of the day on Friday. Please let me know if you have any other questions. I am happy to assist.
Sincerely,

<image001.jpg>

Annie Hillier

City Planner

www.bainbridgewa.gov

facebook.com/citybainbridgeisland/

206.780.3773 (office) 206.780.0955 (fax)

Planning and Community Development service hours:

- Walk-in customers: 8 a.m. – 12 p.m. Monday-Friday
- Appointments: 8 a.m. – 3 p.m. Monday-Friday

Appointments may be scheduled here: [Planning and Building Submittal Appointment Calendar](#)

From: john grinter <john_grinter@hotmail.com>

Sent: Wednesday, September 18, 2019 8:22 AM

To: Annie Hillier <ahillier@bainbridgewa.gov>

Subject: Re: phone call follow-up

Thank you Annie. Re the public hearing, the notices indicate that the public hearing will occur on the 26th but based on your email it sounds like the public hearing will be later. Can you confirm?

Thanks,

John

On Sep 18, 2019, at 08:07, Annie Hillier <ahillier@bainbridgewa.gov> wrote:

Hi Mr. Grinter,

I've attached the mailing list for the properties within 500' of the triangle lot. If you feel that an error was made, please email PCD@bainbridgewa.gov and the appropriate administrative staff will be contacted. However, please note that there is no noticing requirement for this type of legislative request (other types of applications do, however, have a noticing requirement). The postcard was sent as a courtesy to the neighboring properties.

If you would like to receive updates about the planning commission meetings, please sign up here: <https://www.bainbridgewa.gov/List.aspx>, and scroll to the bottom of the page where you will see the planning commission option. The next study session will be held on September 26th – note that this is not typically an opportunity for public input. Rather, it is an opportunity for the planning commission to understand the proposal, and to ask questions of the applicant and staff. A public hearing will be scheduled for a future date, which is when public comment is received. The planning commission will indicate when the public hearing will take place at the September 26th meeting; the next

regular meeting will be held on October 10th, so it is possible that they will choose that date. But again, please sign up for the notifications and you will stay up to date on their agendas. Also, here is a link to the calendar, which lists all public meetings:

<https://www.bainbridgewa.gov/calendar.aspx?CID=14>.

Sincerely,

<image001.jpg>

Annie Hillier

City Planner

www.bainbridgewa.gov

facebook.com/citybainbridgeisland/

206.780.3773 (office) 206.780.0955 (fax)

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Appointments may be scheduled here: [Planning and Building Submittal Appointment Calendar](#)

<51245 LDR Mailing List 082619 (1).pdf>