



**SPECIAL/REGULAR CITY COUNCIL STUDY SESSION
WEDNESDAY, OCTOBER 16, 2013
LOCATION: BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N., BAINBRIDGE ISLAND, WASHINGTON**

AGENDA

- 1. EXECUTIVE SESSION:** Property Disposition (RCW 42.30.110(1)(c))
6:30 PM
- 2. CALL TO ORDER / ROLL CALL**
7:00 PM
Mayor: Steven Bonkowski
Councilmembers: Anne Blair Debbi Lester
Sarah Blossom Bob Scales
Kirsten Hytopoulos David Ward
- 3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
7:05 PM
- 4. STAFF INTENSIVE**
7:10 PM
 - A. Subject:** Head-of-the-Bay Boundary Line Adjustments, AB 13-146 – Executive – 5 min.
Discussion Leader: Executive
Discussion Goal: Consider approval.
 - B. Subject:** Comprehensive Plan Amendments – 20 min.
 - Ordinance No. 2013-18, Historic Preservation – CPA18503, AB 13-149
 - Ordinance No. 2013-16, McNabb/Bainbridge Marina – CPA/REZ13220B, AB 13-148**Discussion Leader:** Planning
Discussion Goal: Information. Consider scheduling first readings for November 13, 2013.
 - C. Subject:** Ordinance No. 2013-25, Housing Design Demonstration Project Revisions, AB 09-010 – 15 min.
Discussion Leader: Planning
Discussion Goal: Information.
 - D. Subject:** Permitting System Contract, AB 13-144 – 10 min.
Discussion Leader: Executive
Discussion Goal: Consider scheduling on October 23, 2013 consent agenda.
 - E. Subject:** Police Department Update, AB 13-151 – 30 min.
Discussion Leader: Police
Discussion Goal: Information.
 - F. Subject:** Ordinance No. 2013-26, 2014-2019 Capital Facilities Plan, AB 13-145 – 30 min.
Discussion Leader: Executive
Discussion Goal: Information.



Times listed on this agenda are approximate. Public Comment may be limited to allow time for Council to deliberate.

Americans with Disabilities Act (ADA) accommodations provided upon request. Those requiring special accommodations, please contact the City Clerk at 206-842-2545 (cityclerk@bainbridgewa.gov) by noon on the day preceding the Meeting.

G. Subject: 2014 Utility Rates – 10 min.

- Ordinance No. 2013-28, Eliminating the Automatic Annual Fee Adjustment of the City's Water Utility Rates for 2014, AB 13-126
- Ordinance No. 2013-29, Eliminating the Automatic Annual Fee Adjustment of the City's Sewer Utility Rates for 2014, AB 13-127
- Ordinance No. 2013-30, Eliminating the Automatic Annual Fee Adjustment of the City's SSWM Rates for 2014 AB 13-128

Discussion Leader: Finance

Discussion Goal: First reading. Consider scheduling second readings for November 13, 2013.

H. Subject: Ordinance No. 2013-27, Property Tax Levy for Collection in 2014, AB 13-125 – 5 min.

Discussion Leader: Finance

Discussion Goal: First reading. Consider scheduling public hearing on November 13, 2013.

I. Subject: Resolution No. 2013-16, Authorizing Investment in the State Treasurer's Local Government Investment Pool, AB 13-122 – 5 min.

Discussion Leader: Finance

Discussion Goal: Consider scheduling on October 23, 2013 consent agenda.

J. Subject: Resolution No. 2013-17, Approving an Interlocal Agreement with Association of Washington Cities Employee Benefit Trust, AB 13-137 – 5 min.

Discussion Leader: Finance

Discussion Goal: Consider scheduling on October 23, 2013 consent agenda.

5 COUNCIL DISCUSSION

9:25 PM

A. Subject: Review LTAC Application Changes, AB 13-131 – 10 min.

Discussion Leader: Council

Discussion Goal: Consider approval.

6. CITY MANAGER'S REPORT

9:35 PM

7. COMMITTEE REPORTS

9:40 PM

8. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS

9:45 PM

9. FOR THE GOOD OF THE ORDER

9:50 PM

10. ADJOURNMENT

9:55 PM



Times listed on this agenda are approximate. Public Comment may be limited to allow time for Council to deliberate.

Americans with Disabilities Act (ADA) accommodations provided upon request. Those requiring special accommodations, please contact the City Clerk at 206-842-2545 (cityclerk@bainbridgewa.gov) by noon on the day preceding the Meeting.

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Head of the Bay Boundary Line Adjustment	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: 13-146
Proposed By: Executive	Referral(s):

BUDGET INFORMATION

Department:	Fund:	Munis Contract #
Expenditure Req:	Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

Study Session	Recommendation:
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

Consideration of Head of the Bay Boundary Line Adjustment.

History:

The City owns two parcels with Kitsap County Assessor's Parcel Nos. 272502-2-050-2009 and 272502-2-016-2002. Carmella Lane, a private road owned by Carmella Houston, dips into the northernmost portion of the City's parcels. In order to resolve this encroachment, it is proposed that the City transfer the northern portion of the City's property with the road to Carmella Houston in exchange for an access, utility and non-motorized easement along Carmella Lane. This easement has been identified as a potential trail corridor connecting the Bethany Lutheran Church easement with the Lost Valley trail system. In addition, the City would benefit from the ability to use the utility easement for a water line, and obtaining an established northern access to the City's parcels enhances their property value.

There is also an encroachment along the southern border of the City's parcels. A workshop owned by Jack Colegrove and Gayle Schweizer was constructed on the City's property. It is proposed that the City exchange the portion of land with the workshop for an equivalent portion of land from the Colegrove/Schweizer property. This exchange will provide the City with better access to the stream.

Finally, the boundary line adjustment will carve out a well protection area around the City's Head of the Bay wells.

RECOMMENDED ACTION

Motion:

I move that the City Council approve the Head of the Bay Boundary Line Adjustment and authorize the City Manager to execute the related agreements substantially in the form presented.

REAL PROPERTY EXCHANGE AGREEMENT

This **Real Property Exchange Agreement** (this "Agreement") is made and entered by and between the **City of Bainbridge Island, Washington**, a municipal corporation (the "City"), and **Carmella Houston**, a single individual ("Houston"), with regard to the following:

RECITALS:

A. The City is the owner of certain real property located in Bainbridge Island, Kitsap County, Washington, as legally described on **Exhibit A**, attached hereto and incorporated by this reference (the "City Property").

B. Houston is the owner of certain real property located in Bainbridge Island, Kitsap County, Washington, as legally described on **Exhibit B**, attached hereto and incorporated by this reference (the "Houston's Property").

C. Access to the Houston's Property currently dips into the northernmost portion of the City Property.

D. Houston desires to transfer to the City, and the City desires to accept from the Houston, a non-exclusive perpetual access, utility and non-motorized easement over, upon and across that portion of the Property legally described on **Exhibit C**, attached hereto and incorporated by this reference (the "City Easement"), in accordance with the terms and conditions set forth in this Agreement.

E. The City has determined that the City Easement has great potential as a trail corridor connecting the Bethany Lutheran Church easement with the Lost Valley trail system, that the City would benefit from the ability to use the utility easement for a water line and, in addition, that a northern access to the City Property enhances the property value of the City Property.

F. In exchange for the City Easement, the City desires to transfer to Houston, and Houston desires to accept from the City, the northernmost portion of the parcel bearing Kitsap County Assessor's Parcel No. 272502-2-050-2009 and a strip of land on the north side of the parcel bearing Kitsap County Assessor's Parcel No. 272502-2-016-2002, as legally described on **Exhibit D** attached hereto and incorporated by this reference (the "Transferred Property").

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows:

1. **Real Property Exchange.** Subject to the contingencies set forth in Section 3 below, and in accordance with the terms of this Agreement, the City shall transfer to Houston the Transferred Property in exchange for the City Easement. Subject to the contingencies set forth in Section 3 below, and in accordance with the terms of this Agreement, Houston shall transfer to the City the City Easement in exchange for the Transferred Property.

2. **Consideration.** The parties agree to exchange their respective property and easement rights without further remuneration to the other, and they acknowledge that the consideration for the exchange shall be the value of the property and easement rights received by each party hereunder and the covenants set forth herein.

3. **Contingencies.** The parties' respective obligations under this Agreement shall be subject to the following contingencies:

3.1 **The City's contingencies.** The City's obligations hereunder are expressly contingent upon the City determining in its sole discretion to waive each of the following contingencies. The City shall have the below-described time periods from the date of mutual execution of this Agreement to waive and remove the City contingencies:

3.1.1 **City Council Approval.** This Agreement is subject to the approval of the City Council of Bainbridge Island, which approval is expected to occur no more than forty-five (45) days following the expiration of all of the City's Contingencies set forth in this Section 3.

3.1.2 **Condition of Title.** Upon mutual execution of this Agreement, the City shall, at its option, request a title report from Pacific Northwest Title (the "Title Company") (the "City's Title Report"). The City shall have five (5) days after delivery of the City's Title Report within which to notify Houston, in writing, of the City's disapproval of any exceptions shown on the City's Title Report.

If the City disapproves any of the exceptions or defects set forth in the City's Title Report, Houston shall have ten (10) days from delivery of the City's notice to notify the City that Houston will eliminate or cause to be eliminated any disapproved exceptions.

If Houston fails to notify the City within ten (10) days of the Houston's willingness to remove such exceptions prior to Closing, or if Houston notifies the City in writing that Houston will not eliminate the same, then this Agreement shall terminate, and neither Houston nor the City shall have any further rights, duties or obligations hereunder, unless within two (2) days after the earlier of (i) the expiration of said ten (10) day period, or (ii) the date that Houston notifies the City that Houston will not eliminate the disapproved exceptions, the City waives its prior disapproval and elects to proceed with Closing subject to the disapproved exceptions. Those exceptions accepted by the City pursuant to this Section 3.1.2 shall be referred to herein as the "Permitted Exceptions".

3.1.3 **Inspection.** The City shall have fifteen (15) days from the mutual execution of this Agreement to fully examine all aspects and conditions of the Property and to determine, in the City's sole discretion, that the City Easement area and the conditions thereof are fully acceptable for the City's intended purpose. If the City does not notify Houston of its disapproval of the inspection within the deadline set forth herein, this contingency shall be deemed waived.

3.1.4 Lender Subordination. To the extent that Houston's Property is encumbered by any mortgage or other monetary lien, Houston shall, upon the City's request and at Houston's sole cost and expense, endeavor to obtain from any mortgagee or creditor of Houston an executed subordination agreement in a form acceptable to the City, pursuant to which such mortgagee or creditor agrees to subordinate its interests in Houston's Property to the City's interests in the City Easement.

3.1.5 Waiver of Contingencies. The conditions contained in this Section 3.1 are intended solely for the benefit of the City. If the City notifies Houston in writing that the contingencies set forth herein have been waived, or if the contingencies otherwise are satisfied or expire on their own terms, the Closing of this transaction shall thereafter proceed in accordance with the terms hereof. If this Agreement is terminated due to the failure of any City contingency, neither party shall have further recourse against the other pursuant to this Agreement.

3.2 Houston's contingencies. Houston's obligations hereunder are expressly contingent upon Houston determining in her sole discretion to waive each of the following contingencies. Houston shall have the below-described time periods from the date of mutual execution of this Agreement to waive and remove Houston's contingencies:

3.2.2 Condition of Title. Upon mutual execution of this Agreement, Houston, at her option, shall request a title report from the Title Company for the Transferred Property, together with full copies of any exceptions set forth therein (the "Houston's Title Report"). Houston shall have five (5) days after delivery of Houston's Title Report within which to notify the City, in writing, of the Houston's disapproval of any exceptions shown on the Houston's Title Report.

If Houston disapproves any of the exceptions or defects set forth in the Houston's Title Report, the City shall have ten (10) days from delivery of the Houston's notice to notify Houston that the City will eliminate or cause to be eliminated any disapproved exceptions.

If the City fails to notify Houston within ten (10) days of the City's willingness to remove such exceptions prior to Closing, or if the City notifies Houston in writing that the City will not eliminate the same, then this Agreement shall terminate, and neither the City nor Houston shall have any further rights, duties or obligations hereunder, unless within two (2) days after the earlier of (i) the expiration of said ten (10) day period, or (ii) the date that the City notifies Houston that the City will not eliminate the disapproved exceptions, Houston waives her prior disapproval and elects to proceed with Closing subject to the disapproved exceptions. Those exceptions accepted by the City pursuant to this Section 3.2.2 shall be referred to herein as the "Permitted Exceptions".

3.2.3 Inspection. Houston shall have fifteen (15) days from the mutual execution of this Agreement to fully examine all aspects and conditions of the Transferred Property and to determine that Transferred Property and the conditions thereof are fully acceptable for Houston's intended purpose, in Houston's sole discretion. If Houston does not notify the City of her disapproval of the inspection within the deadline set forth herein, this contingency shall be deemed waived.

3.2.4 Waiver of Contingencies. The conditions contained in this Section 3.2 are intended solely for the benefit of Houston. If Houston notifies the City in writing that the contingencies set forth herein have been waived, or if the contingencies otherwise are satisfied or expire on their own terms, the Closing of this transaction shall thereafter proceed in accordance with the terms hereof. If this Agreement is terminated due to the failure of any Houston contingency, neither party shall have further recourse against the other pursuant to this Agreement.

4. Closing

4.1 Boundary Line Adjustment. The City has engaged a surveyor, at the City's expense, to prepare the boundary line adjustment to adjust the property line as described herein (the "BLA"). The City and Houston, at the City's expense, shall submit an application for a BLA to the City's Department of Planning & Community Development. The parties acknowledge and agree that, although the City's Department of Planning & Community Development is responsible for processing and approving BLA applications for property located within its jurisdictional boundaries, the City has made no warranties, representations or promises relating to the BLA or the City's consideration of the BLA, and the City does not guarantee that the BLA will be approved. The BLA shall be processed in accordance with the City's standard practices and procedures.

4.2 Closing Date. The transaction set forth in this Agreement shall be closed as soon as reasonably possible following review and approval of this transaction by the City Council of the City and the completion of the BLA ("Closing Date") subject only to the satisfaction of the contingencies set forth herein.

4.3. Conveyance of Title. On the Closing Date, the City shall convey to Houston title to (a) the Transferred Property by quit claim deed, subject only to the exceptions to title approved by Houston (the "Quit Claim Deed"), subject only to the Permitted Exceptions.

On the Closing Date, Houston shall convey to the City title to the City Easement by an Access, Utility and Non-Motorized Trail Easement in substantially similar form as that set forth in **Exhibit E** attached hereto and incorporated by this reference (the "Access, Utility and Non-Motorized Trail Easement"), subject only to the Permitted Exceptions.

4.4 Closing Costs. At Closing, the City shall pay all recording fees, survey costs and costs associated with the boundary line adjustment.

With respect to the Transferred Property, the City shall pay all real estate excise taxes associated with the transfer of the Transferred Property, if any.

With respect to the City Easement, Houston shall pay all real estate excise taxes associated with the transfer of the City Easement, if any.

Each party shall be responsible for securing and paying for any title insurance desired in connection with the property or easement received from the other.

4.5 Closing Obligations of the City. On or before Closing, the City shall deliver duly executed and acknowledged documents (where appropriate) as follows:

4.5.1 The Boundary Line Agreement.

4.5.2 The Quit Claim Deed.

4.5.3 A Real Estate Excise Tax Affidavit executed by the City.

4.5.4 Any other documents necessary to effect the transaction contemplated in this Agreement.

4.6 Closing Obligations of Houston. At Closing, Houston shall deliver the following duly executed and acknowledged documents (where appropriate):

4.6.1 The Boundary Line Agreement.

4.6.2 The Access, Utility and Non-Motorized Trail Easement.

4.6.3 A Real Estate Excise Tax Affidavit executed by Houston.

4.6.4 Any other documents necessary to effect the transaction contemplated in this Agreement.

4.7 Possession. The City shall be entitled to possession of the City Easement and Houston shall be entitled to possession of the Transferred Property upon Closing. "Closing" means the date on which all documents are recorded.

5. **Default.** In the event that either party breaches this Agreement, the non-defaulting party shall have the right to pursue all rights and remedies now or hereafter available at law or in equity or by statute, including, but not limited to, enforcing specific performance of this Agreement and bringing suit for monetary damages.

6. **The City's Representations and Warranties.** The City represents and warrants to Houston as follows:

6.1 Ownership; Non-Foreign Status. The City owns the Transferred Property and the City Property and has the right to transfer the Transferred Property in accordance with this Agreement.

6.2 Hazardous Substances. To the City's actual knowledge, there is no hazardous substance, petroleum, hydrocarbon, underground storage tanks or toxic materials of any kind ("Hazardous Substances") in, on or about the Transferred Property. The City has not

knowingly allowed the deposit, release or storage of Hazardous Substances in, on or about the Transferred Property area prior to the effective date of this Agreement, and the City shall not knowingly allow the deposit, release or storage of Hazardous Substances in, on or about the Transferred Property during the term of this Agreement.

6.3 Property Information. To the best of the City's knowledge, the information regarding the Transferred Property as provided by the City is complete, accurate, true and correct and does not fail to state any fact without which such information would be misleading.

6.4 Survival of Warranties. All of the City's representations and warranties provided in this Agreement shall survive Closing.

6.5 Condition of Transferred Property - AS IS WHERE IS. Except as otherwise stated in this Agreement, Houston accepts the Transferred Property in their present condition AS IS WHERE IS, without warranty or representation except as specifically set forth herein.

7. **Houston's Representations and Warranties.** Houston represents and warrants to the City as follows:

7.1 Ownership; Non-Foreign Status. Houston owns the Houston's Property and has the right to transfer the City Easement in accordance with this Agreement.

7.2 Hazardous Substances. To the Houston's actual knowledge, there is no hazardous substance, petroleum, hydrocarbon, underground storage tanks or toxic materials of any kind ("Hazardous Substances") in, on or about the City Easement area. Houston has not knowingly allowed the deposit, release or storage of Hazardous Substances in, on or about the City Easement area prior to the effective date of this Agreement, and Houston shall not knowingly allow the deposit, release or storage of Hazardous Substances in, on or about the City Easement during the term of this Agreement or for the duration of the City Easement.

7.3 Property Information. To the best of Houston's knowledge, the information regarding the City Easement area as provided by Houston is complete, accurate, true and correct and does not fail to state any fact without which such information would be misleading.

7.4 Survival of Warranties. All of Houston's representations and warranties provided in this Agreement shall survive Closing.

6.5 Condition of City Easement - AS IS WHERE IS. Except as otherwise stated in this Agreement, the City accepts the City Easement in its present condition AS IS WHERE IS, without warranty or representation except as specifically set forth herein.

7. **Miscellaneous.**

7.1 **Attorneys' Fees.** In the event of any dispute, including mediation, arbitration or litigation concerning this Agreement or if this Agreement is otherwise placed with an attorney for action, then the prevailing party shall be awarded all litigation costs and expenses, and reasonable attorneys' fees. In the event of trial, the amount of the attorneys' fees shall be fixed by the court. The venue of any such suit shall be Kitsap County, Washington.

7.2 **Entire Agreement.** This Agreement constitutes the full and entire understanding between Houston and the City. There are no verbal agreements that modify or affect this Agreement.

7.3 **Binding Effect.** This Agreement applies to, inures to the benefit of, and is binding on not only the parties hereto, but on their heirs, devisees, legatees, administrators, executors and assigns.

7.4 **Computation of Time.** Any time limit in or applicable to a notice shall commence on the day following receipt of the notice and shall expire at midnight of the last calendar day of the specified period of time, unless the last day is Saturday, Sunday or legal holiday as defined in RCW 1.16.050, in which event the time limit shall expire at midnight of the next business day. Any specified period of five (5) days or less shall include business days only. Time is of the essence in this Agreement.

7.5 **Notices.** All notices, demands, consents, approvals and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be hand delivered or sent by United States regular mail, postage prepaid, return receipt requested, addressed to the appropriate party at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered or three days after mailing to the following addresses:

To the City:	Attn: City Manager 280 Madison Avenue North Bainbridge Island, Washington 98110 (206) 842-2545 (206) 780-8600 facsimile
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To Houston:	Carmella Houston 8244 NE Carmella Lane Bainbridge Island, WA 98110
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This Agreement is accepted without further change or counteroffer this ____ day of _____, 2013, which shall be deemed the date of mutual acceptance of this Agreement.

THE CITY:

CITY OF BAINBRIDGE ISLAND,
WASHINGTON, a municipal corporation:

By _____
Douglas Schulze, City Manager

HOUSTON:

By _____
Name: Carmella Houston

EXHIBIT A
To
Real Property Exchange Agreement

LEGAL DESCRIPTION OF CITY PROPERTY

Parcel No. 272502-2-050-2009

TH PTN OF W1/2 SW1/4 NW1/4 DAF BAT NW COR OF SW1/4 NW1/4 TH S89°32'51E 315FT TH S0°00'02E 722.01FT TH S88°18'40E 49.38FT TO NW COR OF PRTY CNVYD TO ELMER SWEDINE BY DEED RECD SEPT 11 1961 UNDER AUD NO 754980 TH S1°21'20W 112.11FT TH S66°40'20W 162.82FT TH N74°49'30W 219.64 FT M/L TO W SEC LN TH N0°03'02W 850.75FT ALG SD SEC LN TO TPOB EXC N 15FT OF E 179.76FT ALSO EXC A STRIP OF LAND 30FT IN WIDTH FOR RD PURP CTRLN OF WH IS DAF BAT NW COR OF SW1/4 NW1/4 TH S89°32' 51E 660.97FT M/L TO NE COR OF W1/2 SW 1/4 NW1/4 TH S0°04'46E 729.50FT TH N88° 18'40W 312.12FT BEING TPOB OF 30FT STRIP TH S1°21'20W 103.62FT TH S66° 40'20W 146.73FT TH N74°41'39W 95FT M/L TO E LN OF EXST R/W ALSO EXC ESMT FOR RD PURP RECD UNDER AUD NO 422781 ALSO EXC ESMT FOR UTIL PURP RECD UNDER AUD NO 782718 ALSO EXC BUCKLIN HILL RD TGW ESMT OVER STRIP OF LAND 30FT WIDE FOR RD PURP CTRLN DAF BAAP 15FT W OF SE COR OF W1/2 SW1/4 NW1/4 TH N0°04'46W 247.0 FT M/L TH N85°25'W 492FT TH N26°50'W 120FT TH N7°00'E 70FT M/L TO ABV DESC CO PRTY

Parcel No. 272502-2-016-2002

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 89°32'51" EAST 660.97 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 0°04'46" EAST 729.50 FEET; THENCE NORTH 88°18'40" WEST 297.12 FEET; THENCE SOUTH 1°21'20" WEST 112.11 FEET; THENCE SOUTH 66°40'20" WEST 162.82 FEET; THENCE NORTH 74°49'30" WEST 219.64 FEET, MORE OR LESS, TO THE SECTION LINE; THENCE NORTH 0°03'02" WEST 850.75 FEET ALONG THE SECTION LINE TO POINT OF BEGINNING CONTAINING 12.3 ACRES, MORE OR LESS;

EXCEPT THAT PORTION CONVEYED TO THE CITY OF WINSLOW PER STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NO. 8309270152;

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER AND ACROSS A STRIP OF LAND 30 FEET WIDE, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 15 FEET WEST FO THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE ABOVE MENTIONED SECTION AND RUNNING; THENCE NORTH 0°04'46" WEST 247.0 FEET, MORE OR LESS; THENCE NORTH 85°25' WEST 492 FEET; THENCE NORTH 26°50' WEST 120 FEET; THENCE NORTH 7°00' EAST 70 FEET, MORE OR LESS, TO ABOVE DESCRIBED COUNTY PROPERTY.

**EXHIBIT B to
Real Property Exchange Agreement**

LEGAL DESCRIPTION OF HOUSTON'S PROPERTY

Parcel Number 272502-2-011-2007

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, STATE OF WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTH 15 FEET OF THE SOUTH QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON; EXCEPT THAT PORTION OF SAID SOUTH 15 FEET LYING WITHIN THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27; AND EXCEPT THAT PORTION LYING WITHIN FINCH ROAD ON THE EAST.

**EXHIBIT C to
Real Property Exchange Agreement**

LEGAL DESCRIPTION FOR EASEMENT (NE CARMELLA LANE)

An easement for ingress, egress and utilities, over, under and across that portion of the Northwest quarter of the Northwest quarter and of the Southwest quarter of the Northwest quarter, all in Section 27, Township 25 North, range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the West quarter corner of said Section 27;
Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter of the Northwest quarter of Section 27;
Thence along the North line of said subdivision, South 87°53'21" East 661.04 feet to the Northeast corner of the West one-half of said Southwest quarter of the Northwest quarter of Section 27 and the True Point of Beginning;
Thence North 87°53'21" West 75.00 feet;
Thence South 88°07'00" West 200.71 feet;
Thence South 82°00'00" West 77.00 feet;
Thence South 68°00'00" West 151.00 feet;
Thence South 88°26'00" West 60.00 feet;
Thence North 01°34'00" West 15.00 feet;
Thence North 88°26'00" East 21.25 feet;
Thence on a 200.00 foot radius curve to the left through a central angle of 20°26'00" an arc distance of 71.33 feet;
Thence North 68°00'00" East 114.09 feet;
Thence North 82°00'00" East 79.64 feet;
Thence North 88°07'00" East 202.04 feet to a point on a line which is parallel to and 15.00 feet North of the North line of said Southwest quarter of the Northwest quarter of Section 27;
Thence along said parallel line, South 87°53'21" East 706.28 feet, more or less to the West right of way of Finch Road NE;
Thence along said West right of way, South 01°02'38" West 15.00 feet to said North line of the Southwest quarter of the Northwest quarter of Section 27;
Thence along said North line, North 87°53'21" West 631.04 feet to the True Point of Beginning.



9/18/13

**EXHIBIT D to
Real Property Purchase and Sale Agreement**

LEGAL DESCRIPTION OF TRANSFERRED PROPERTY

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the West quarter corner of said Section 27;

Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter of the Northwest quarter of Section 27 and the True Point of Beginning;

Thence along the North line of said subdivision, South 87°53'21" East 586.04 feet;

Thence South 88°07'00" West 200.71 feet;

Thence South 82°00'00" West 77.00 feet;

Thence South 68°00'00" West 151.00 feet;

Thence South 88°26'00" West 170.75 feet to a point on the West line of said Section 27;

Thence North 01°05'11" East 100.15 feet to the True Point of Beginning.



9/18/13

EXHIBIT E
to
Real Property Exchange Agreement

FORM OF CITY EASEMENT

AFTER RECORDING, PLEASE RETURN TO:

Roz Lassoﬀ, City Clerk
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110

ACCESS, UTILITY AND NON-MOTORIZED TRAIL EASEMENT

Grantor: Carmella Houston, a single individual

Grantee(s): City of Bainbridge Island, a Washington municipal corporation

Short Legal Description: Northwest Quarter of Section 27, Township 25, North Range 2
East, W.M., Kitsap County, Washington
(Complete legal description on Exhibit B)

Assessor's Property Tax
Parcel/Account Number(s): 272502-2-016-2002, 272502-2-050-2009 and 272502-2-011-2007

Reference Number(s) of
Documents Assigned
or Released: N/A

THIS ACCESS, UTILITY AND NON-MOTORIZED TRAIL EASEMENT (this "Agreement") is made this ____ day of _____, 2013, by and between Carmella Houston, a single individual ("Grantor") and the City of Bainbridge Island, Washington, a municipal corporation ("Grantee"). The parties agree as follows:

1. Grantor's Real Property. Grantor is the fee owner of the real property which is legally described on **Exhibit A**, attached hereto and incorporated herein ("Grantor's Real Property").

2. Grant of Perpetual Access Easement. Grantor, for valuable consideration, the receipt of which is hereby acknowledged, conveys and warrants to Grantee, their successors and assigns, a perpetual, nonexclusive access easement for the purpose of ingress and egress to the parcels under, over, through, and across the portion of Grantor's Real Property which is legally described on **Exhibit B** and shown on **Exhibit C**, attached hereto and incorporated herein ("Access Easement") for the benefited parcels described on **Exhibit D** attached hereto.

3. Grant of Perpetual Utilities Easement. Grantor, for valuable consideration, the receipt of which is hereby acknowledged, conveys and warrants to Grantee, its successors and assigns, a perpetual, nonexclusive utilities easement for the purpose of vehicular and pedestrian access for the construction, installation, operation, maintenance, removal, repair, replacement, and grading relating to City utilities and all appurtenances thereto ("Facilities") ("Utilities Easement") under, over, through, and across the portion of Grantor's Real Property which is legally described on Exhibit B and shown on Exhibit C ("Utilities Easement").

4. Utility Access. Grantee shall have the right, without prior institution of any suit or proceeding at law, to enter upon the Utilities Easement area as necessary for constructing, installing, operating, maintaining, removing, repairing, replacing and using the Facilities.

5. Restoration. If the Utilities Easement area is disturbed by the construction, installation, operation, maintenance, removal, repair, replacement or use of the Facilities, Grantee shall restore the surface of same as nearly as possible to the condition in which it existed at the commencement of the construction, installation, operation, maintenance, removal, repair, replacement or use.

6. Protection of Facilities. Grantor covenants that no digging, tunneling or other form of construction activity shall be done on Grantor's Real Property or the Utilities Easement area that would disturb, damage, unearth, or undermine the Facilities, or endanger the lateral support to the Facilities.

7. Grant of Trail Easement. Grantor hereby declares and grants to Grantee, for the benefit of Grantee, and all members of the public, a permanent, non-exclusive, non-motorized easement over, under, across and upon those portions of Grantor's Property legally described on Exhibit B and shown on Exhibit C (the "Trail Easement").

8. Purpose of Trail Easement. Grantor and Grantee acknowledge and agree that the purpose of the Trail Easement is to provide for a permanent, non-exclusive, non-motorized public recreational trail, and to provide access from the Bethany Lutheran Church trail to the Lost Valley trail system. Grantee may permit, in its sole discretion, public access to the Trail Easement only for pedestrian or non-motorized recreational activities, such as walking, bicycling, jogging, running, and horseback riding.

9. The City shall have the right to erect reasonable signs that describe trail location or features ("Permitted Signs"). The City shall install at least one Permitted Sign along the Trail Easement that specifically admonishes all users of the Trail Easement to not stray from the Trail,

and that specifically prohibits entry onto or use of any portion of Grantor's Property outside of the actual boundaries of the Trail Easement.

10. Assignment. Grantee may, in Grantee's sole discretion and without prior consent of Grantor, assign its rights to the Trail Easement under this Agreement to any municipality or governmental agency, including but not limited to the Bainbridge Island Metropolitan Park and Recreation District. Except as permitted herein, Grantee shall not assign its rights under this Agreement without the written consent of Grantor, which consent shall not be unreasonably withheld, conditioned or delayed.

11. Reservation of Rights. All right, title and interest, which may be used and enjoyed without interfering with the Access Easement, the Utilities Easement and the Trail Easement, are reserved to Grantor.

12. Indemnity. By accepting and recording this Agreement, Grantee agrees to defend, indemnify, and hold harmless Grantor from any and all claims for injuries or damages suffered by any person or property which may be caused by the Grantee's exercise of the rights granted herein.

13. Maintenance and Improvements of Easement Area. Grantor and Grantees shall maintain the Access Easement, Utility Easement and Trail Easement area (the "Easement Area") in a serviceable condition to all Grantor and Grantee properties and agree to contribute an equitable portion of the costs associated with routine and non-routine maintenance or repair of the Easement Area as set forth in Exhibit E hereto. Road maintenance will be completed to maintain the road in its present condition on an as needed basis but not less than annually with a copy of written bids provided to Grantee by Grantor no later than 30 days prior to commencement of work. Grantor and Grantee shall pay their equitable portion within 30 days of work completion. Grantor and Grantee agree that any maintenance or repair shall not unreasonably restrict the normal use of the Easement Area to any Grantor or Grantee property. For purposes of resolving any dispute hereunder, the standard shall be whether the proposed maintenance or repair is reasonably necessary to restore and/or maintain the Easement Area in serviceable condition, as measured by general construction standards in light of the actual purpose and use of the Easement Area.

If the parties are unable to resolve a disagreement regarding any maintenance or repair, the parties agree to immediately refer the matter to mediation and to participate in mediation at the earliest practical date. The parties shall mutually agree upon the selection of a mediator. The parties shall equally share the costs of mediation services but each party shall be responsible for its own attorneys' fees and costs incurred in said mediation process. No party shall initiate legal action to enforce any right or obligation arising out of this Agreement until ten (10) days after a good faith attempt to settle the dispute through mediation has been completed.

For all other improvements not considered to be a routine or non-routine maintenance or repair, Grantor and Grantee shall endeavor to collaborate with one another on the plans, specifications, task responsibilities, contribution of materials or resources, and selection of contractors to accomplish an improvement. Grantor and Grantee shall not be required to share in the costs of an improvement but may individually or collectively pay for or share in the costs.

Grantor and Grantee agree that any improvement shall not unreasonably restrict the normal use of the Easement Area to any Grantor or Grantee property.

14. Binding Effect. This Agreement and the rights and obligations under this Agreement are intended to and shall run with the land and shall benefit and bind the parties and their respective successors and assigns.

15. Good Title. Grantor warrants that it has good title to Grantor's Real Property and warrants Grantee title to, and quiet enjoyment of, the Access Easement, Utility Easement and Trail Easement conveyed in this Agreement.

16. Complete Agreement. This Agreement represents the complete agreement of the parties regarding the matters described herein. There are no other verbal or written agreements regarding the easement rights and obligations set forth herein, except as contained in this Agreement. This Agreement may only be modified by a written document signed by the parties.

17. Authority. Each party signing this Agreement, if on behalf of an entity, represents that they have full authority to sign this Agreement on behalf of such entity.

18. Attorneys' Fees. If either party brings any suit or other proceeding arising out of or in connection with this Agreement, the prevailing party (as determined by the court or other authority before which such suit or proceeding is commenced) shall, in addition to such other relief as may be awarded, be entitled to recover reasonable attorneys' fees and costs.

19. Severability. If any provision of this Agreement is prohibited by law or otherwise determined to be invalid or unenforceable by a court of competent jurisdiction, such provision shall not affect the validity of the remaining provisions of this Agreement.

20. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

IN WITNESS WHEREOF the undersigned have executed this Agreement as of the date indicated above.

GRANTOR:

GRANTEE:

CITY OF BAINBRIDGE ISLAND

By: _____
Carmella Houston

By: _____
Douglas Schulze, City Manager

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Carmella Houston is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: _____

NAME: _____

(Print Name)

Notary Public in and for the State of Washington.

Commission Expires: _____

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Douglas Schulze is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the City Manager of the CITY OF BAINBRIDGE ISLAND, Washington, a municipal corporation, to be the free and voluntary act of such municipal corporation for the uses and purposes mentioned in the instrument.

DATED: _____

NAME: _____

(Print Name)

Notary Public in and for the State of Washington.

Commission Expires: _____

**EXHIBIT A TO
ACCESS, UTILITY AND NON-MOTORIZED TRAIL EASEMENT**

LEGAL DESCRIPTION OF GRANTOR'S REAL PROPERTY

Parcel Number 272502-2-011-2007

Parcel I

That portion of the Northwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, more particularly described as follows:

The West half of the Southwest quarter of the Southwest quarter of the Northwest quarter of the Northwest quarter

AND the South 15 feet of the South quarter of the Northwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington.

EXCEPT that portion of said South 15 feet lying within the West half of the Southwest quarter of the Southwest quarter of the Northwest quarter of the Northwest quarter of said Section 27.

AND EXCEPT that portion lying within Finch Road on the East.

Parcel II

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the West quarter corner of said Section 27;

Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter of the Northwest quarter of Section 27 and the True Point of Beginning;

Thence along the North line of said subdivision, South 87°53'21" East 586.04 feet;

Thence South 88°07'00" West 200.71 feet;

Thence South 82°00'00" West 77.00 feet;

Thence South 68°00'00" West 151.00 feet;

Thence South 88°26'00" West 170.75 feet to a point on the West line of said Section 27;

Thence North 01°05'11" East 100.15 feet to the True Point of Beginning.

**EXHIBIT B TO
ACCESS, UTILITY AND NON-MOTORIZED TRAIL EASEMENT**

LEGAL DESCRIPTION FOR EASEMENT (NE CARMELLA LANE)

An easement for ingress, egress and utilities, over, under and across that portion of the Northwest quarter of the Northwest quarter and of the Southwest quarter of the Northwest quarter, all in Section 27, Township 25 North, range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

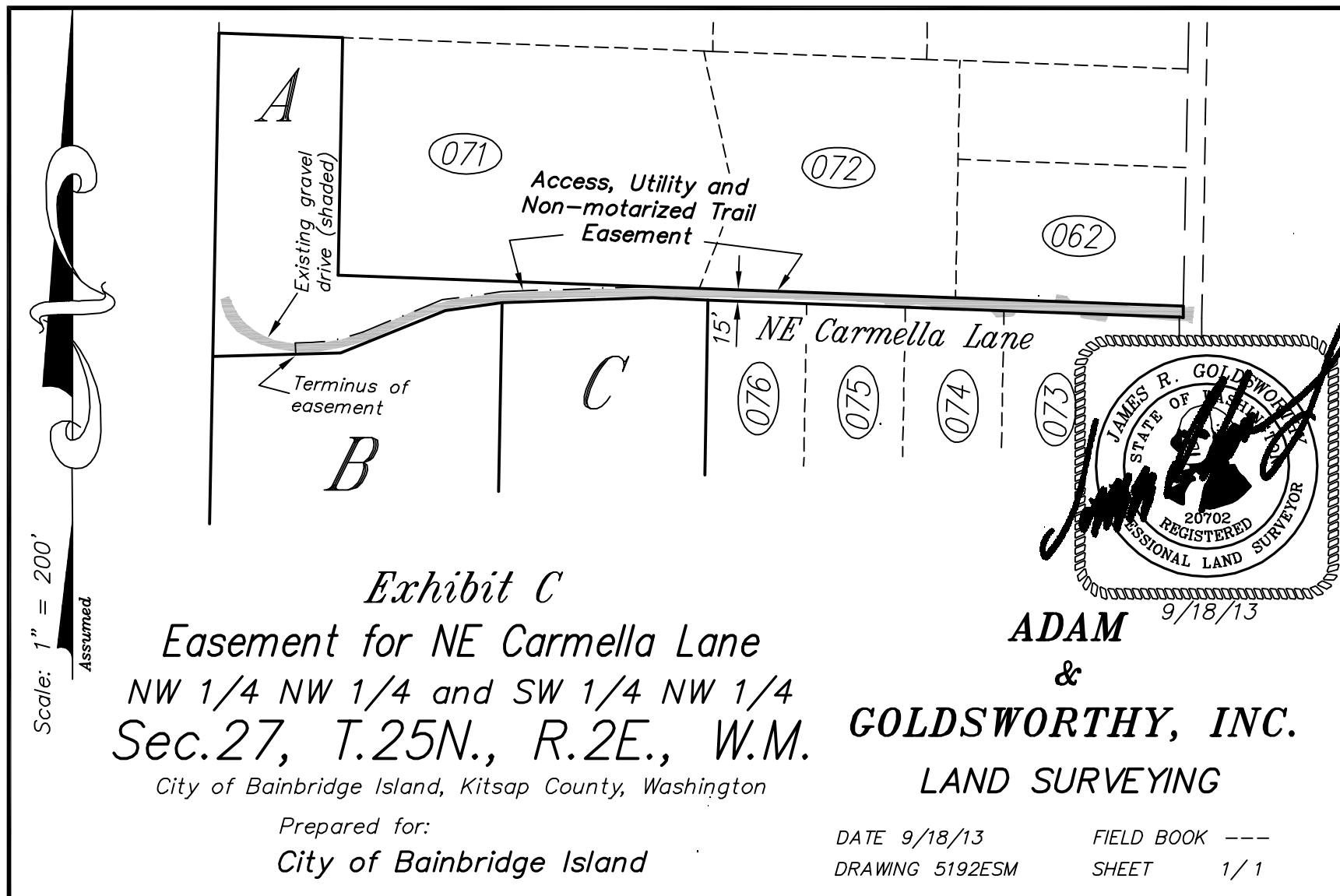
Beginning at the West quarter corner of said Section 27;
Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter of the Northwest quarter of Section 27;
Thence along the North line of said subdivision, South 87°53'21" East 661.04 feet to the Northeast corner of the West one-half of said Southwest quarter of the Northwest quarter of Section 27 and the True Point of Beginning;
Thence North 87°53'21" West 75.00 feet;
Thence South 88°07'00" West 200.71 feet;
Thence South 82°00'00" West 77.00 feet;
Thence South 68°00'00" West 151.00 feet;
Thence South 88°26'00" West 60.00 feet;
Thence North 01°34'00" West 15.00 feet;
Thence North 88°26'00" East 21.25 feet;
Thence on a 200.00 foot radius curve to the left through a central angle of 20°26'00" an arc distance of 71.33 feet;
Thence North 68°00'00" East 114.09 feet;
Thence North 82°00'00" East 79.64 feet;
Thence North 88°07'00" East 202.04 feet to a point on a line which is parallel to and 15.00 feet North of the North line of said Southwest quarter of the Northwest quarter of Section 27;
Thence along said parallel line, South 87°53'21" East 706.28 feet, more or less to the West right of way of Finch Road NE;
Thence along said West right of way, South 01°02'38" West 15.00 feet to said North line of the Southwest quarter of the Northwest quarter of Section 27;
Thence along said North line, North 87°53'21" West 631.04 feet to the True Point of Beginning.



9/18/13

**EXHIBIT C
TO
ACCESS, UTILITY AND NON-MOTORIZED TRAIL EASEMENT**

MAP OF ACCESS, UTILITIES AND TRAIL EASEMENT



**EXHIBIT D TO
ACCESS, UTILITY AND NON-MOTORIZED TRAIL EASEMENT**

LEGAL DESCRIPTION OF BENEFITED PARCELS

Parcel No. 272502-2-050-2009

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the West quarter corner of said Section 27;
Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter of the Northwest quarter of Section 27;
Thence along the North line of said subdivision, South 87°53'21" East 586.04 feet;
Thence South 88°07'00" West 200.71 feet to the True Point of Beginning;
Thence South 01°03'54" West 711.76 feet;
Thence North 87°09'55" West 21.53 feet;
Thence South 02°29'33" West 112.10 feet;
Thence South 67°48'33" West 162.82 feet;
Thence North 00°47'32" West 272.40 feet;
Thence North 88°54'49" West 203.00 feet to a point on the West line of said Section 27;
Thence along said West line, North 01°05'11" East 535.99 feet;
Thence North 88°26'00" East 170.75 feet;
Thence North 68°00'00" East 151.00 feet;
Thence North 82°00'00" East 77.00 feet to the True Point of Beginning.

Parcel No. 272502-2-016-2002

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the West quarter corner of said Section 27;
Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter of the Northwest quarter of Section 27;
Thence along the North line of said subdivision, South 87°53'21" East 586.04 feet to the True Point of Beginning;
Thence continuing South 87°53'21" East 75.00 feet to the Northeast corner of the West one-half of said Southwest quarter of the Northwest quarter of Section 27;
Thence along the East line of said subdivision, South 01°03'54" West 876.41 feet;
Thence leaving said East line, North 87°10'27" West 101.54 feet;
Thence North 00°40'00" West 238.35 feet;
Thence North 87°10'27" West 166.82 feet;
Thence North 01°03'54" East 620.96 feet;
Thence North 88°07'00" East 200.71 feet to the True Point of Beginning.

**EXHIBIT E TO
ACCESS, UTILITY AND NON-MOTORIZED TRAIL EASEMENT**

ROAD MAINTENANCE

ASSESSOR'S PARCEL NO.	HOUSE NUMBER	PROPERTY OWNER	EQUITABLE PORTION
272502-2-011-2007	8244	Carmella Murphy Houston	15%
272502-2-040-2002	8222	Simon Blackwell & Juliana Perez	15%
272502-2-009-2001	8210	Todd S. McVane	15%
272502-2-071-2004	8264	Kathleen S. Keegan & James W. Halbrook	8%
272502-2-076-2009	8263	Hans Joseph Swenson	8%
272502-2-072-2003	8270	Richard P. & Michele R. Maffaletto	6%
272502-2-075-2000	8275	Linda G. Hart	6%
272502-2-062-2001	8287	Croley Carter	4%
272502-2-062-2005	7595 Finch	Thomas M. McDonald	3%
272502-2-016-2002	N/A	City of Bainbridge Island	10%
272502-2-050-2009	N/A	City of Bainbridge Island	10%

AFTER RECORDING RETURN TO:
City of Bainbridge Island, Washington
Attn: City Manager
280 Madison Avenue North
Bainbridge Island, Washington 98110

BOUNDARY LINE AGREEMENT PURSUANT TO RCW 58.04.007(1)

Grantors: City of Bainbridge Island, a Washington municipal corporation
Carmella Houston
John Colegrove and Gayle Schweizer

Short Legal Description: Portion of the Northwest Quarter of Section 27, Township 25
North, Range 2 East, W.M., Kitsap County, Washington

Assessor's Property Tax Parcel/Account Number(s): 272502-2-050-2009, 272502-2-016-2002 and 272502-2-036-
2008 (City), 272502-2-011-2007 (Houston) and 272502-2-
017-2001 (Colegrove/Schweizer)

Reference Number(s) of
Documents Assigned
or Released:

THIS BOUNDARY LINE AGREEMENT PURSUANT TO RCW 58.04.007(1) (this "Agreement") is made this ____ day of _____, 2013 by the CITY OF BAINBRIDGE ISLAND, WASHINGTON, a municipal corporation ("City"), CARMELLA HOUSTON ("Houston") and JOHN COLEGROVE and GAYLE SCHWEIZER, husband and wife ("Colegrove/Schweizer").

Recitals

A. The City is the owner of certain real property located on Bainbridge Island, Kitsap County, Washington, as legally described on **Exhibit A**, attached hereto and incorporated by this reference (the "City Property").

B. Houston is the owner of certain real property located on Bainbridge Island, Kitsap County, Washington, as legally described on **Exhibit B**, attached hereto and incorporated by this reference (the "Houston Property").

C. Colegrove/Schweizer are the owners of certain real property located on Bainbridge Island, Kitsap County, Washington, as legally described on **Exhibit C**, attached hereto and incorporated by this reference (the “Colegrove/Schweizer Property”).

D. The City Property and the Houston Property and the City Property and the Colegrove/Schweizer Property are contiguous parcels of real property.

E. The City and Houston and the City and Colegrove/Schweizer wish to amicably resolve the location of the common property line between their parcels and eliminate any encroachments arising from the existing boundary line between their parcels.

F. The City wishes to carve out a well protection area by adjusting the boundary line between Kitsap County Assessor’s Parcel Nos. 272502-2-050-2009 and 272502-2-036-2008.

F. The City, Houston and Colegrove/Schweizer, in accordance with RCW 58.04.007(1) and WAC 458-61A-109, are executing and recording this Agreement to clear title to and resolve the common boundaries between their respective properties.

NOW THEREFORE, the City, Houston and Colegrove/Schweizer agree as follows:

1. The City, Houston and Colegrove/Schweizer agree that the survey prepared by Adam & Goldsworthy on June 20, 2013, and recorded on _____, 2013 under Kitsap County Auditor’s File No. _____ (“Survey”) accurately depicts the location of the agreed common property line between their parcels. The Survey is attached hereto as **Exhibit D**.

2. The City, Houston and Colegrove/Schweizer intend by this Agreement to fix the common boundary line between their respective parcels in accordance with the provisions of RCW 58.04.007(1) and WAC 458-61A-109.

3. After recording of the Survey and this Agreement, the Resultant City Parcels shall be legally described as set forth on the attached **Exhibit E**, the Resultant Houston Parcel shall be legally described as set forth on the attached **Exhibit F** and the Resultant Colegrove/Schweizer Parcel shall be legally described as set forth on the attached **Exhibit G**.

4. The City shall quit claim and convey to Houston the northernmost portion of the parcel bearing Kitsap County Auditor’s No. 272502-2-050-2009 and a strip of land on the north side of the parcel bearing Kitsap County Auditor’s No. 272502-2-016-2002.

5. Colegrove/Schweizer shall quit claim and convey to the City the eastern portion of the Colegrove/Schweizer Property.

6. The City shall quit claim and convey to Colegrove/Schweizer a portion of the southern portion of the City property.

7. If, after the recording of this Agreement, a party questions the location of the agreed common property line between the parcels, then such party may, at their expense, retain Adam & Goldsworthy to re-stake the common property line depicted by Adam & Goldsworthy (or another licensed surveyor active on Bainbridge Island if Adam & Goldsworthy is no longer in business); PROVIDED, however that the surveyor uses the same methodology as that used by Adam & Goldsworthy when preparing its original survey and seeks only to retrace the original agreed common property lines drawn by Adam & Goldsworthy.

8. Any dispute arising under or in connection with this Agreement shall be initially submitted to mediation under the auspices of the Kitsap County Dispute Resolution Center. If the parties cannot resolve the dispute through mediation, the unresolved issues shall be arbitrated by a single arbitrator again under the auspices of Kitsap County Dispute Resolution Center, using its commercial arbitration rules. Any party may submit a dispute under this Agreement to mediation then arbitration after first attempting to resolve the matter directly with the other party or through their attorneys. The mediator or arbitrator shall resolve only matters before him or her in accordance with the rules of law and equity. The mediator or arbitrator may only resolve the questions submitted to arbitration and shall include as part of his or her consideration a full review of this Agreement and all material incorporated herein by reference.

9. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Washington.

10. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver.

11. If any provision or provisions of this Agreement or of any amendment hereto shall be held by a court of competent jurisdiction to be invalid, void or illegal, the remaining provisions hereof shall nevertheless remain in full force and effect to the maximum extent permitted by law and shall not be affected thereby.

12. This Agreement contains the entire understanding between the parties and supersedes any prior understandings and agreements between them respecting the subject matter hereof. There are no other representations, oral or written, between and among the parties hereto or any of them relating to the subject matter of this Agreement.

13. This Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. The right and duties of the owners of each of the parcels specified herein shall run with the land and be binding on all their successors-in-interest.

14. Each party agrees to take such action and to execute, acknowledge and deliver all documents and instruments as may be reasonably requested by the other party to effectuate the purposes of this Agreement.

15. This Agreement may be amended or modified only by a written instrument executed by the parties.

16. In the event of arbitration, the substantially non-prevailing party shall pay the reasonable attorneys' fees and costs of the substantially prevailing party.

17. This Agreement may be executed in any number of counterparts and all counterparts shall be deemed to constitute a single agreement. The execution of one counterpart by any party shall have the same force and effect as if that party had signed all other counterparts.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

CITY OF BAINBRIDGE ISLAND

By: _____
Douglas Schulze, City Manager

Carmella Houston

Jack Colegrove

Gayle Schweizer

STATE OF WASHINGTON)
) ss
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Douglas Schulze is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the City Manager of City of Bainbridge Island, Washington to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

DATED: _____

NAME: _____
(Print Name)

Notary Public in and for the State of
Washington
Commission Expires: _____

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Carmella Houston is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: _____

NAME: _____
(Print Name)

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Jack Colegrove and Gayle Schweizer are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: _____

NAME: _____

(Print Name)

Notary Public in and for the State of
Washington.

Commission Expires: _____

EXHIBIT A

EXISTING LEGAL DESCRIPTION OF CITY PROPERTY

Parcel No. 272502-2-050-2009

TH PTN OF W1/2 SW1/4 NW1/4 DAF BAT NW COR OF SW1/4 NW1/4 TH S89°32'51E 315FT TH S0°00'02E 722.01FT TH S88°18'40E 49.38FT TO NW COR OF PRTY CNVYD TO ELMER SWEDINE BY DEED RECD SEPT 11 1961 UNDER AUD NO 754980 TH S1°21'20W 112.11FT TH S66°40'20W 162.82FT TH N74°49'30W 219.64 FT M/L TO W SEC LN TH N0°03'02W 850.75FT ALG SD SEC LN TO TPOB EXC N 15FT OF E 179.76FT ALSO EXC A STRIP OF LAND 30FT IN WIDTH FOR RD PURP CTRLN OF WH IS DAF BAT NW COR OF SW1/4 NW1/4 TH S89°32' 51E 660.97FT M/L TO NE COR OF W1/2 SW 1/4 NW1/4 TH S0°04'46E 729.50FT TH N88° 18'40W 312.12FT BEING TPOB OF 30FT STRIP TH S1°21'20W 103.62FT TH S66° 40'20W 146.73FT TH N74°41'39W 95FT M/L TO E LN OF EXST R/W ALSO EXC ESMT FOR RD PURP RECD UNDER AUD NO 422781 ALSO EXC ESMT FOR UTIL PURP RECD UNDER AUD NO 782718 ALSO EXC BUCKLIN HILL RD TGW ESMT OVER STRIP OF LAND 30FT WIDE FOR RD PURP CTRLN DAF BAAP 15FT W OF SE COR OF W1/2 SW1/4 NW1/4 TH N0°04'46W 247.0 FT M/L TH N85°25'W 492FT TH N26°50'W 120FT TH N7°00'E 70FT M/L TO ABV DESC CO PRTY

Parcel No. 272502-2-016-2002

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 89°32'51" EAST 660.97 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 0°04'46" EAST 729.50 FEET; THENCE NORTH 88°18'40" WEST 297.12 FEET; THENCE SOUTH 1°21'20" WEST 112.11 FEET; THENCE SOUTH 66°40'20" WEST 162.82 FEET; THENCE NORTH 74°49'30" WEST 219.64 FEET, MORE OR LESS, TO THE SECTION LINE; THENCE NORTH 0°03'02" WEST 850.75 FEET ALONG THE SECTION LINE TO POINT OF BEGINNING CONTAINING 12.3 ACRES, MORE OR LESS;

EXCEPT THAT PORTION CONVEYED TO THE CITY OF WINSLOW PER STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NO. 8309270152;

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER AND ACROSS A STRIP OF LAND 30 FEET WIDE, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

Parcel 272502-2-036-2008

PT OF SW 1/4 NW 1/4 DES AS FOLS BEG AT W 1/4 COR OF SD SEC 27 TH ALG W LN OF SD SEC 27 N 1*03'02 W 480.20FT TO TPOB TH S 74*49'30 E 219.64FT TH S 3*18'30 E 232.30FT TH S 84*34'07 W 226.13FT TO W LN OF SD SEC 27 TH N 0*03'02 W 310.81FT TO TPOB

EXHIBIT B

EXISTING LEGAL DESCRIPTION OF HOUSTON PROPERTY

Parcel Number 272502-2-011-2007

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, STATE OF WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTH 15 FEET OF THE SOUTH QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON; EXCEPT THAT PORTION OF SAID SOUTH 15 FEET LYING WITHIN THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27; AND EXCEPT THAT PORTION LYING WITHIN FINCH ROAD ON THE EAST.

EXHIBIT C

EXISTING LEGAL DESCRIPTION OF COLEGROVE/SCHWEIZER PROPERTY

THAT PORTION OF THE WEST ONE HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 27; THENCE ALONG THE WEST LINE OF SAID SECTION 27, S1*05'30 W 1331.10 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27; THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION S87*53'35 E 661.02 FEET TO THE NORTHEAST CORNER OF SAID WEST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ALONG THE EAST LINE OF SAID SUBDIVISION S1*04'02 W 729.47 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S1*04'02 W 147.18 FEET; THENCE N87*10'08 W 300.79 FEET; THENCE N2*29'52 E 147.11 FEET; THENCE S87*10'08 E 297.11 FEET TO THE TRUE POINT OF BEGINNING; SUBJECT TO AND TOGETHER WITH EASEMENTS OF RECORD.

EXHIBIT D

SURVEY

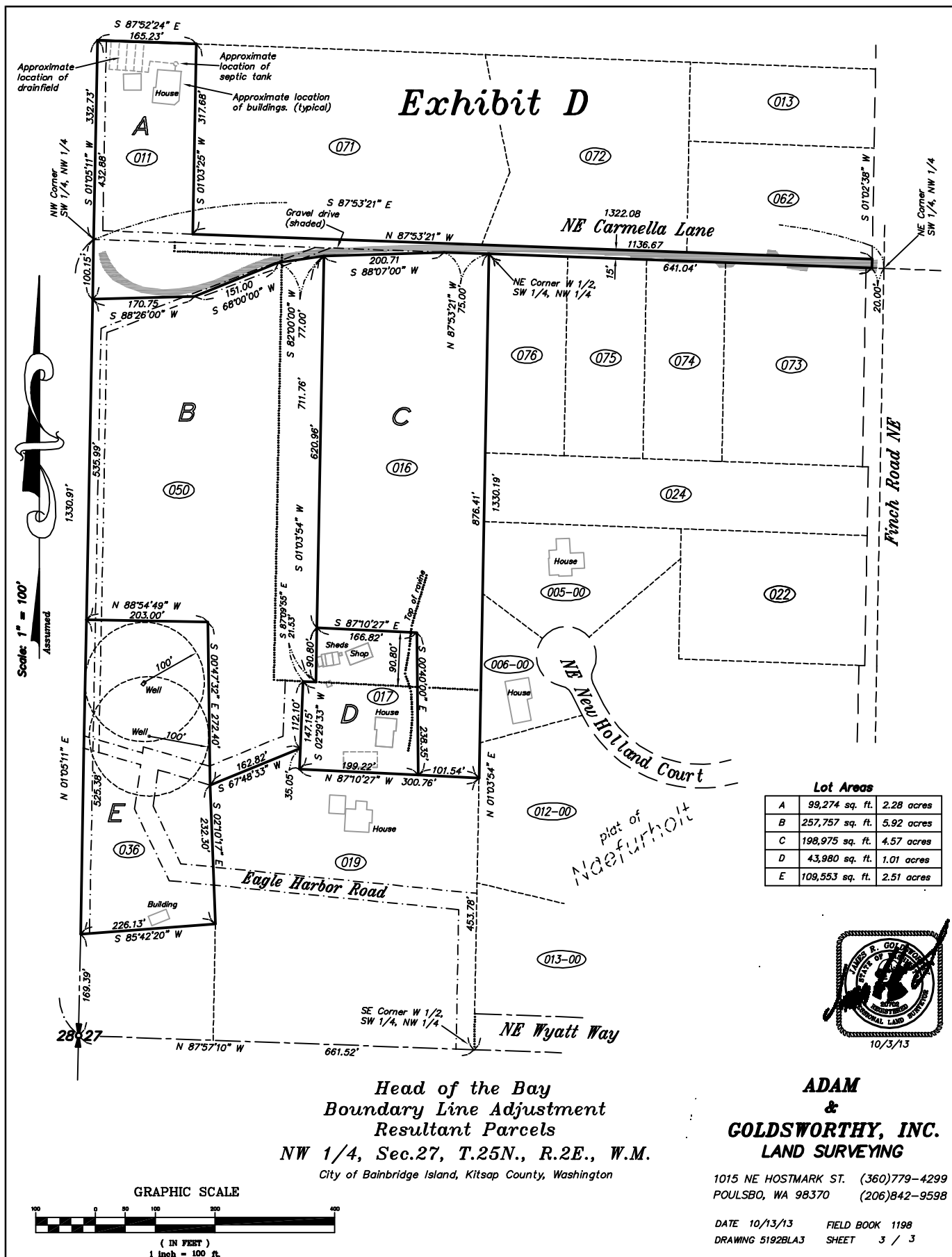


EXHIBIT E

RESULTANT CITY PARCELS

RESULTANT PARCEL B

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the West quarter corner of said Section 27;
Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter of the Northwest quarter of Section 27;
Thence along the North line of said subdivision, South 87°53'21" East 586.04 feet;
Thence South 88°07'00" West 200.71 feet to the True Point of Beginning;
Thence South 01°03'54" West 711.76 feet;
Thence North 87°09'55" West 21.53 feet;
Thence South 02°29'33" West 112.10 feet;
Thence South 67°48'33" West 162.82 feet;
Thence North 00°47'32" West 272.40 feet;
Thence North 88°54'49" West 203.00 feet to a point on the West line of said Section 27;
Thence along said West line, North 01°05'11" East 535.99 feet;
Thence North 88°26'00" East 170.75 feet;
Thence North 68°00'00" East 151.00 feet;
Thence North 82°00'00" East 77.00 feet to the True Point of Beginning.

RESULTANT PARCEL C

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the West quarter corner of said Section 27;
Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter of the Northwest quarter of Section 27;
Thence along the North line of said subdivision, South 87°53'21" East 586.04 feet to the True Point of Beginning;
Thence continuing South 87°53'21" East 75.00 feet to the Northeast corner of the West one-half of said Southwest quarter of the Northwest quarter of Section 27;
Thence along the East line of said subdivision, South 01°03'54" West 876.41 feet;
Thence leaving said East line, North 87°10'27" West 101.54 feet;
Thence North 00°40'00" West 238.35 feet;

Thence North 87°10'27" West 166.82 feet;
Thence North 01°03'54" East 620.96 feet;
Thence North 88°07'00" East 200.71 feet to the True Point of Beginning.

RESULTANT PARCEL E

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the West quarter corner of said Section 27;
Thence along the West line of said Section 27, North 01°05'11" East 694.77 feet to the True Point of Beginning;
Thence South 88°54'49" East 203.00 feet;
Thence South 00°47'32" East 272.40 feet;
Thence South 02°10'17" East 232.30 feet;
Thence South 85°42'20" West 226.13 feet to a point on said West line of Section 27;
Thence North 01°05'11" East 525.38 feet to the True Point of Beginning.

EXHIBIT F

RESULTANT HOUSTON PARCEL

Parcel I

That portion of the Northwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, more particularly described as follows:

The West half of the Southwest quarter of the Southwest quarter of the Northwest quarter of the Northwest quarter

AND the South 15 feet of the South quarter of the Northwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington.

EXCEPT that portion of said South 15 feet lying within the West half of the Southwest quarter of the Southwest quarter of the Northwest quarter of the Northwest quarter of said Section 27.

AND EXCEPT that portion lying within Finch Road on the East.

Parcel II

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the West quarter corner of said Section 27;

Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter of the Northwest quarter of Section 27 and the True Point of Beginning;

Thence along the North line of said subdivision, South 87°53'21" East 586.04 feet;

Thence South 88°07'00" West 200.71 feet;

Thence South 82°00'00" West 77.00 feet;

Thence South 68°00'00" West 151.00 feet;

Thence South 88°26'00" West 170.75 feet to a point on the West line of said Section 27;

Thence North 01°05'11" East 100.15 feet to the True Point of Beginning.

EXHIBIT G

RESULTANT COLEGROVE/SCHWEIZER PARCEL

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the West quarter corner of said Section 27;
Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter of the Northwest quarter of Section 27;
Thence along the North line of said subdivision, South 87°53'21" East 661.04 feet to the Northeast corner of the West quarter of the Southwest quarter of the Northwest quarter of Section 27;
Thence along the West line of said subdivision, South 01°03'54" West 876.41 feet;
Thence North 87°10'37" West 101.54 feet to the True Point of Beginning;
Thence North 00°40'00" West 238.35 feet;
Thence North 87°10'27" West 166.82 feet;
Thence South 01°03'54" West 90.80 feet;
Thence North 87°09'55" West 21.53 feet;
Thence South 02°29'33" West 147.15 feet;
Thence South 87°10'27" East 199.22 feet to the True Point of Beginning.

AFTER RECORDING, PLEASE RETURN TO:

City of Bainbridge Island, Washington
Attn: City Manager
280 Madison Avenue North
Bainbridge Island, Washington 98110

QUIT CLAIM DEED

Grantor: City of Bainbridge Island, Washington, a municipal corporation

Grantee: Carmella Houston, a single individual

Short Legal Description: Northwest Quarter of Section 27, Township 25, North Range 2 East, W.M., Kitsap County, Washington

[Complete legal description on Exhibit A hereto.]

Tax Parcel Number: 272502-2-050-2009 and 272502-2-016-2002

**Reference Number(s) of
Related Documents:** _____

WITNESSETH, that the GRANTOR, **CITY OF BAINBRIDGE ISLAND, WASHINGTON**, a municipal corporation, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, by these presents does convey and quit claim to GRANTEE, **CARMELLA HOUSTON**, that certain real property located in Kitsap County, State of Washington and legally described on **Exhibit "A"** attached hereto.

Dated this _____ day of _____, 2013.

GRANTOR:

CITY OF BAINBRIDGE ISLAND, WASHINGTON

By _____
Douglas Schulze, City Manager

STATE OF WASHINGTON)
COUNTY OF KITSAP) ss

I certify that I know or have satisfactory evidence that Douglas Schulze is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the City Manager of the City of Bainbridge Island to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

DATED: _____

NAME: _____

(Print Name)

Notary Public in and for the State of Washington

Commission Expires: _____

EXHIBIT "A"
TO
QUIT CLAIM DEED

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Beginning at the West quarter corner of said Section 27;

Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter of the Northwest quarter of Section 27 and the True Point of Beginning;

Thence along the North line of said subdivision, South 87°53'21" East 586.04 feet;

Thence South 88°07'00" West 200.71 feet;

Thence South 82°00'00" West 77.00 feet;

Thence South 68°00'00" West 151.00 feet;

Thence South 88°26'00" West 170.75 feet to a point on the West line of said Section 27;

Thence North 01°05'11" East 100.15 feet to the True Point of Beginning.



9/18/13

AFTER RECORDING, PLEASE RETURN TO:

City of Bainbridge Island, Washington
Attn: City Manager
280 Madison Avenue North
Bainbridge Island, Washington 98110

QUIT CLAIM DEED

Grantor: City of Bainbridge Island, Washington, a municipal corporation

Grantee: John Colegrove and Gayle Schweizer, a married couple

Short Legal Description: Northwest Quarter of Section 27, Township 25, North Range 2 East, W.M., Kitsap County, Washington

[Complete legal description on Exhibit A hereto.]

Tax Parcel Number: 272502-2-016-2002

**Reference Number(s) of
Related Documents:** _____

WITNESSETH, that the GRANTOR, **CITY OF BAINBRIDGE ISLAND, WASHINGTON**, a municipal corporation, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, by these presents does convey and quit claim to GRANTEE, **JOHN COLEGROVE AND GAYLE SCHWEIZER**, that certain real property located in Kitsap County, State of Washington and legally described on **Exhibit "A"** attached hereto.

Dated this _____ day of _____, 2013.

GRANTOR:

CITY OF BAINBRIDGE ISLAND, WASHINGTON

By _____
Douglas Schulze, City Manager

STATE OF WASHINGTON)
) ss
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Douglas Schulze is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the City Manager of the City of Bainbridge Island to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

DATED: _____

NAME: _____

(Print Name)

Notary Public in and for the State of Washington

Commission Expires: _____

EXHIBIT "A"
TO
QUIT CLAIM DEED

**PARCEL TO BE CONVEYED FROM CITY OF BAINBRIDGE ISLAND TO
COLGROVE/SCHWEIZER**

That portion of the Southwest quarter of the Northwest quarter of Section 27,
Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County,
Washington, described as follows:

Beginning at the West quarter corner of said Section 27;
Thence North 01°05'11" East 1330.91 feet to the Northwest corner of said Southwest quarter
of the Northwest quarter of Section 27;
Thence along the North line of said subdivision, South 87°53'21" East 661.04 feet to the
Northeast corner of the West quarter of the Southwest quarter of the Northwest quarter of
Section 27;
Thence along the West line of said subdivision, South 01°03'54" West 876.41 feet;
Thence North 87°10'27" West 101.54 feet;
Thence North 00°40'00" West 147.40 feet to the True Point of Beginning;
Thence continuing North 00°40'00" West 90.95 feet;
Thence North 87°10'27" West 166.82 feet;
Thence South 01°03'54" West 90.80 feet;
Thence South 87°09'55" East 169.57 feet to the True Point of Beginning.



10/4/13

AFTER RECORDING, PLEASE RETURN TO:

City of Bainbridge Island, Washington
Attn: City Manager
280 Madison Avenue North
Bainbridge Island, Washington 98110

QUIT CLAIM DEED

Grantor: John Colegrove and Gayle Schweizer, a married couple

Grantee: City of Bainbridge Island, Washington, a municipal corporation

Short Legal Description: Northwest Quarter of Section 27, Township 25, North Range 2 East, W.M., Kitsap County, Washington

[Complete legal description on Exhibit A hereto.]

Tax Parcel Number: 272502-2-017-2001

**Reference Number(s) of
Related Documents:** _____

WITNESSETH, that the GRANTOR, **JOHN COLEGROVE AND GAYLE SCHWEIZER CITY OF BAINBRIDGE ISLAND, WASHINGTON**, a municipal corporation, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, by these presents does convey and quit claim to GRANTEE, **CITY OF BAINBRIDGE ISLAND, WASHINGTON**, a municipal corporation, that certain real property located in Kitsap County, State of Washington and legally described on **Exhibit "A"** attached hereto.

Dated this _____ day of _____, 2013.

GRANTOR:

CITY OF BAINBRIDGE ISLAND, WASHINGTON

By _____
Douglas Schulze, City Manager

[illegible]

I certify that I know or have satisfactory evidence that **John Colegrove** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: _____

NAME: _____
(Print Name)

Notary Public in and for the State of
Washington.

Commission Expires: _____

[illegible]

I certify that I know or have satisfactory evidence that **Gayle Schweizer** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it as her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: _____

NAME: _____
(Print Name)

Notary Public in and for the State of
Washington.

Commission Expires: _____

EXHIBIT "A"
TO
QUIT CLAIM DEED

**PARCEL TO BE CONVEYED FROM COLEGROVE/SCHWEIZER TO
CITY OF BAINBRIDGE ISLAND**

That portion of the West one-half of the Southwest quarter of the Northwest quarter of Section 27, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington described as follows:

Beginning at the West quarter corner of said Section 27;
Thence along the West line of said Section 27, North 01°05'11" East 1330.91 feet to the Northwest corner of the Southwest quarter of the Northwest quarter of Section 27;
Thence along the North line of said subdivision, South 87°53'21" East 661.04 feet to the Northeast corner of said West one-half of the Southwest quarter of the Northwest quarter;
Thence along the East line of said subdivision, South 01°03'54" West 729.23 feet to the True Point of Beginning;
Thence continuing South 01°03'54" West 147.18 feet;
Thence North 87°10'27" West 101.54 feet;
Thence North 00°40'00" West 147.40 feet;
Thence South 87°09'55" East 106.00 feet to the True Point of Beginning.



10/4/13

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2013-18, Historic Preservation, CPA18503	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: 13-149
Proposed By: Planning Director, Kathy Cook and Associate Planner, Heather Beckmann	

BUDGET INFORMATION

Depart/Fund:

Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No
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REFERRALS/REVIEW

Study Session:

Recommendation:

City Manager ☐ Yes ☐ No ☒ N/A	Legal ☒ Yes ☐ No N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item:

The purpose of the Council study session is to discuss CPA18503, and answer any questions the City Council may have on the amendment.

Background:

This Comprehensive Plan Amendment application has been submitted by the City's Historic Preservation Commission, and requests to replace the existing introduction, goals and policies with the proposed language. In summary, the CPA application requests to:

- Maintain and support the existing historic preservation program;
- Maintain and support the City's status as a Certified Local Government;
- Identify and evaluate historic resources, including the addition of a new category of historic structures, known as "iconic";
- To preserve and enhance historic resources; and
- Strengthen the community's commitment to historic preservation by increasing public participation.

RECOMMENDED ACTION

Motion:

I move that the City Council forward to first reading Ordinance No. 2013-18, Historic Preservation, CPA18503 to first reading on November 13, 2013.



STAFF REPORT

*City of Bainbridge Island
Department of Planning
and Community Development*

Project: City of Bainbridge Island Historic Preservation Amendment:
Amendments to Land Use Element Introduction (Historic Preservation),
Historic Preservation Goals 1-3 and Policies HP 1.1-1.4, 2.1-2.9 & 3.1-3.2

File number: CPA18503

Date: September 26, 2013

To: City of Bainbridge Island City Council

From: Katharine Cook, Director of Planning and Community Development

Planner: Heather Beckmann, Associate Planner

I. INTRODUCTION

Applicant: **Historic Preservation Commission**
City of Bainbridge Island
Department of Planning and Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110

Request: Amend Comprehensive Plan Land Use Element Introduction (Historic Preservation), Historic Preservation goals 1-3 and policies HP 1.1-1.4, 2.1-2.9 and 3.1-3.2 (Attachment A).

Location: The amendments to the Land Use Element Introduction (Historic Preservation), Historic Preservation goals 1-3 and policies HP 1.1-1.4, 2.1-2.9 and 3.1-3.2 would apply Island-wide.

Zoning Designation: Not applicable, as this amendment applies Island-wide.

Comprehensive Plan Designation: Not applicable, as this amendment applies Island-wide.

Environmental Review: The State Environmental Policy Act (SEPA) Checklist was submitted with the application (Attachment B). A Determination of Non-significance was issued on March 29, 2013 and the comment period ended on April 19, 2013. No public comments were submitted.

Staff

Recommendation: Staff recommends approval of CPA18503 amending Land Use Element Introduction (Historic Preservation), Historic Preservation goals 1-3 and policies HP 1.1-1.4, 2.1-2.9 and 3.1-3.2 and replacing with new goals 1-4 and new policies HP 1.1-1.4, 2.1-2.5, 3.1-3.6 and 4.1-4.4.

Planning Commission

Review: The Planning Commission reviewed CPA 18503 at a study session on May 9, 2013 and held a public hearing on the amendment on June 27, 2013. After holding the public hearing, the Planning Commission recommended to approve CPA 18503 without any changes to the HPC's proposal.

II. DETAILED AMENDMENT REQUEST:

The proposed amendments to the Land Use Element Introduction (Historic Preservation), goals 1-3 and policies HP 1.1-1.4, 2.1-2.9 and 3.1-3.2 will be completely updated by removing and replacing the existing policies and goals with new Goals 1-4 and new Policies HP 1.1-1.4, 2.1-2.5, 3.1-3.6 and 4.1-4.4. The proposed goals and policies are included below. The existing Introduction, Goals and Policies are included as an attachment (Attachment C).

A. Add new Introduction:

(Land Use Element, Introduction)
Historic Preservation

Historic Preservation Goals and Policies recognize the importance of archaeological, cultural, and historic resources on the island. Bainbridge Island is a Certified Local Government (CLG) with a Historic Preservation Commission (HPC). Responsibilities of a CLG, and its HPC, include establishing an historic preservation commission, surveying local historic properties, enforcing state or local preservation laws, reviewing nominations for the state and national historic registers, maintaining a Local Historic Register and providing resources and advocacy for historic preservation.

The City is committed to the preservation and enhancement of Bainbridge Island's historic character. Historic resources, including archaeological sites, cultural places, and historic structures are important community assets. The City recognizes that these places are an essential part of Bainbridge Island's character and shall be identified, evaluated, and preserved.

B. Add new Goal I and related policies:

Goal 1 – Maintain and Support a Historic Preservation Program -A successful historic preservation program requires on-going support of the community, as well as the City government and its designated departments.

HP 1.1

The City shall maintain its status as a Certified Local Government (CLG), thereby promoting collaboration among City departments, boards and commissions.

HP 1.2

The City and HPC shall continue to inventory historic resources, thereby maintaining an up-to-date site database using the latest affordable technologies available.

HP 1.3

The City and the HPC shall develop the City's preferred method of project compliance review and reporting, consistent with state laws and local ordinances.

HP 1.4

The City and HPC shall coordinate with tribal communities and other interested stakeholders who have an interest in historic resources on the Island.

C. Add new Goal 2 and related policies:

Goal 2 -Identification and Evaluation of Historic Resources-Historic property inventory and context statements inform planning efforts by identifying areas where resources worthy of preservation exist or are likely to occur.

HP 2.1

The City and HPC shall recognize that historic resources listed on, or eligible for, the local registry as significant historic properties.

HP2.2

The City and HPC shall continue to inventory historic resources, thereby maintaining an up-to-date site database using the latest affordable technologies available.

HP2.3

The City and HPC shall continue to support and expand the Local Historic Register program.

HP2.4

The City and the HPC shall develop protocols for the consistent evaluation of historic resources on the Island.

HP2.5

The City and HPC shall define and identify its "iconic" structures and sites, which are deemed essential elements of the community's character, history and identity.

D. Add new Goal 3 and related policies

Goal 3- Preservation and Enhancement of Historic Resources - An effective historic preservation program provides meaningful and practical incentives and policies for property owners and developers to preserve historic resources.

HP3.1

The City shall encourage preservation of existing historic structures and sites as an important element tool in building sustainable and unique communities.

HP3.2

The City shall encourage the preservation, rehabilitation and restoration of existing structures through the adoption and implementation of the International Existing Building Code (IEBC).

HP3.3

The City and HPC shall collaborate with the Design Review Board to develop design guidelines for projects within or adjacent to significant historic properties and/or neighborhoods to ensure compatible development.

HP3.4

The City and HPC shall develop guidelines to ensure review of potential direct and indirect impacts to significant historic properties when planning and/or permitting projects.

HP3.5

The City and HPC shall identify and support practical owner/operator economic incentives and policies to encourage the rehabilitation and preservation of significant historic resources.

HP 3.6

The City shall engage in cooperative efforts with owners to encourage the preservation of historic resources.

E. Add new Goal 4 and related policies:

Goal 4 -Public Participation-Establishing a broad base of support from citizens and their city government will strengthen the community's commitment to historic preservation.

HP4.1

The City and HPC shall support an on-going education program to increase awareness of the historic resources on the Island.

HP4.2

The City and HPC shall support efforts to publicly recognize preservation efforts within the Island community.

HP4.3

The City and HPC shall collaborate with interested stakeholders to promote historic preservation on the Island.

HP4.4

The City and HPC shall identify, and give public access to, an appropriate repository for curating historic preservation records and documentation.

III. PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the HPC CPA 18503 at a study session on May 9th and a public hearing on June 27th, 2013. Please see Planning Commission minutes for those meetings attached to the 2013 Comprehensive Plan Amendments cover memorandum included in the packet for the October 2nd Council meeting. The Planning Commission agreed with the staff recommendation on this CPA application and recommended approval on June 27th.

IV. PUBLIC COMMENT

The City has not received any public comment on this Comprehensive Plan Amendment.

V. FINDINGS

A. History of Comprehensive Plan Amendment Request (CPA18503)

1. A pre-application meeting was held between the Historic Preservation Commission and the City on February 5, 2013.
2. A Comprehensive Plan amendment request application and SEPA checklist were submitted by the Historic Preservation Commission on February 21, 2013.
3. The City issued a Determination of Non-significance on April 30, 2013 and the comment period ended on May 21, 2013. No comments or appeals were received.
4. The Planning Commission held a study session on May 9th, 2013.
5. The Planning Commission held a public hearing on June 27th, 2013. The Commission recommended approval of the HPC CPA after holding a public hearing.

B. Background

On January 15, 2004, the City of Bainbridge Island implemented Comprehensive Plan policy HP 1.2 by adding a Historic Preservation Program Chapter to the Bainbridge Island Municipal Code (originally adopted as Chapter 18.76, updated with the 2012

Land Use Code Update to Chapter 18.24).

Following the adoption of this Ordinance, the Historic Preservation Commission (HPC) was formed. This seven-member commission meets monthly and has duties including, but not limited to, the review of applications for the local historic register, for major renovation or demolition of registered properties and for special tax valuations.

On July 7, 2004, the City received its approval to be a Certified Local Government (CLG) under a program managed by the National Park Service and the Washington State Office of Historic Preservation. As a CLG, the Commission is able to provide technical assistance to owners of historic properties and to create a local register of historic properties with the approval of the property owner.

To encourage and promote historic preservation on the Island, the HPC has recently discussed amending the land use regulations of the Municipal Code. Before pursuing these amendments and to set the stage, the Commission has proposed the following Comprehensive Plan amendments. The Commission has opted to replace the entire Comprehensive Plan Historic Preservation Introduction, Goals and Policies with this proposal.

C. Decision Criteria for Comprehensive Plan Policy Amendment Request (CPA18503)

This Comprehensive Plan Amendment request has been processed as outlined in BIMC Section 2.16.190.G. The planning commission and city council shall base their respective recommendation or decision on a proposed comprehensive plan amendment on the following criteria:

1. Compliance with Law: Amendments to the Comprehensive Plan shall comply with the Growth Management Act and other state and federal laws.

This Comprehensive Plan amendment complies with the Growth Management Act, and all state and federal laws.

2. Resources:

- a. The City must have resources, including staff and budget, necessary to implement the proposal.

Staff Response: With the exception of some of the Policies under Goal 2, the majority of the proposed amendments are implemented by the Historic Preservation Program, Chapter 18.24 of the Bainbridge Island Municipal Code, the City's status as a Certified Local Government and the Historic Preservation Commission's Rules and Standards.

The policies that have been identified as requiring resources from the City are HP 2.3, HP 2.5, HP 3.3 and HP 3.4. Proposed HP 2.3 will support and expand the local historic register program. The expansion of the local register program will involve staff time to analyze the buildings/places proposed for the register, creation of a staff report and review by the Commission (and possibly Building Official) for any building permit applications proposed for

alteration and/or demolition of these buildings. The addition of more buildings on the register will require more review by staff and the Commission. However, staff does not anticipate that the potential number of new buildings proposed for the register will put an undue burden on staff and hence the budget.

HP 2.5 proposes the addition of "iconic" structures and sites to the register. The Policy recognizes that the first step will involve defining "iconic" and then identifying those structures and sites. At a minimum, the implementation of this policy will require an amendment to the Bainbridge Island Municipal Code, Chapter 18.24 to define "iconic" and create criteria for eligibility.

Policy HP 3.3 and 3.4 will require collaborative efforts between the Design Review Board and the Historic Preservation Commission for the creation of design guidelines for projects within or adjacent to significant historic properties to ensure compatible development. A working relationship has been established between these two citizen advisory groups through the update and adoption of the Mixed Use Town Center and Ericksen Avenue Design Guidelines. The difference is that this amendment could result in new preservation guidelines, whereas previous collaborative efforts involved revisions to existing guidelines. Additional resources could be necessary to create new, versus revising existing guidelines.

If these policies are adopted, the City should consider how the additional register applications, defining of iconic buildings and creation of design guidelines fits into the Planning Department's work plan and budget in the coming years.

- b. The amendment will not result in development that has significant adverse effects on community resources, including but not limited to: water resources, utilities, transportation, parks or schools.

Staff Response: The amendment will not result in development that has significant adverse effects on community resources. The amendments will act to encourage the preservation of community resources by encouraging property owners to maintain their historic buildings. Generally, it is anticipated that less resources will be needed and development patterns will be maintained by the preservation of historic buildings rather than the construction of new buildings.

- c. The amendment must not adversely affect the City's ability to provide the full range of public facilities and services at the planned level of service, or consume public resources otherwise needed to support Comprehensive Plan implementation strategies.

Staff Response: The amendment does not adversely impact the City's ability to provide planned services or implement the Comprehensive Plan. The planned amendment encourages the preservation of existing structures, the promotion of historic preservation and an increase in the public's awareness of

our historic resources.

3. Internal Consistency: Amendments shall be consistent with the Comprehensive Plan including:

- a. Land uses and growth projections that are the basis of the Comprehensive Plan;

Staff Response: As stated in staff response B.3, the proposed amendment does not change allowed densities or permitted uses amongst the different zoning districts and therefore is consistent with the land use and growth projections that underlie the Comprehensive Plan.

- b. The overall intent of the Comprehensive Plan, including the community vision, overriding principles, and overall goals that guide the plan.

Staff Response: While this amendment does not result in an immediate protection of historic resources, the policies are designed to encourage and promote preservation. The anticipated impact of these policies is an increase in historic buildings added to the Register with the hopes that these buildings will be maintained. If this result is realized, then this amendment meets the intent, community vision, principles and goals that guide the plan.

As indicated in the Comprehensive Plan Vision statement, the Island should preserve its heritage, which is rooted in its open spaces, winding roads, and small-scale agricultural establishments. The act of preservation includes the protection of existing buildings and landscapes. The preservation of existing buildings and landscapes ensures that early development patterns on the Island are protected, thus supporting this Vision statement.

The preservation of existing building and landscapes also support the first overriding principle guiding the Comprehensive Plan: "Special character of the Island ..." The character of the island is defined by both the natural and the man-made environments. The historic buildings and landscapes that populate the Island tell the story of the Island's special, rural and agricultural character. The preservation of the historic buildings and landscapes also supports the fifth principle of the Comprehensive Plan "Development should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level". The preservation of existing buildings often results in less impact to the landscape and environmental resources, through the preservation of existing resources and land development patterns.

The proposed amendment also supports the Goals of the Comprehensive Plan. For example, a goal to "encourage the retention of a small -scale service center outside Winslow" is met through the addition of buildings in these service centers to the local register. In the Rolling Bay service center,

the Bay Hay and Feed store was recently added to the local register. In Lynwood Center, the Lynwood Center building was added. These prominent, historic structures have and continue to act as an anchor to the Rolling Bay and Lynwood Center service centers, and their addition to the local register will help to ensure that they remain and that any improvements maintain the character of those buildings.

4. Cumulative Effect. All amendments must be considered concurrently in order to evaluate their cumulative effect on the Comprehensive Plan text and map, development regulations, capital facilities program, adopted environmental policies and other relevant implementation measures.

Staff Response: Of the five comprehensive plan amendments currently under consideration, one is to amend the Land Use Map of the Comprehensive Plan and the City's Official Zoning Map. The other amendments are to the Nonmotorized Transportation Plan, a subelement of the Transportation Element, a correction of three errors on the Comprehensive Plan Land Use Map, and to change references from "Light Manufacturing" to Business Industrial" in the Comprehensive Plan. None of the amendments are affected by this Historic Preservation Amendment.

5. Land Use Impact. Amendments shall not adversely affect public health, safety or welfare. An amendment must be compatible with neighboring land uses and surrounding neighborhoods, if appropriate. In addition, applications should be reviewed for their cumulative land use impacts.

VI. CONCLUSIONS

This Comprehensive Plan amendment is intended to maintain and support the existing historic preservation program, including the City's status as a CLG; to identify and evaluate historic resources; to preserve and enhance historic resources; and to strengthen the community's commitment to historic preservation by increasing public participation. Many of the proposed policies are already being met through the land use regulations. The end result will be the protection and enhancement of historic resources on the island. The proposed amendment is consistent with the Comprehensive Plan goals and policies and meets the review criteria for amendments to the Comprehensive Plan. Staff recommends approval of the policy amendments, amending the introduction, removing the existing goals and policies and replacing with the new language.

VII. ATTACHMENTS

- A. Comprehensive Plan Application CPA18503
- B. SEPA Checklist
- C. Existing Comprehensive Plan Historic Preservation Introduction, Goals and Policies
- D. Existing Historic Preservation Program, Bainbridge Island Municipal Code, Chapter 18.24



APPLICATION

Page 1

Original

Project Name: HISTORIC PRESERVATION CPA

Date Received: 2/21/2013

Project Number: PRJ-0018503

Case Number: CPA18503

Primary Parcel Number: NOTAXLOT

Site address: Comp Plan Text Amendment

Case Description: 2/21/2013, Heather Beckmann. Amendment to the Comprehensive Plan, Land Use Element Introductions (Page 4) and Historic Preservation Goals 1, 2 and 3 (Pages 34-36) to be updated to reflect the existence of the Historic Preservation Commission, its statutory role and the city's historic preservation ordinance.

CITY OF
BAINBRIDGE ISLAND

FEB 21 2013

DEPT OF PLANNING &
COMMUNITY DEVELOPMENT

People associated with case:

01. File Name
HISTORIC PRESERVATION
COMMISSION
COMP PLAN TEXT AMENDMENT
BAINBRIDGE ISLAND WA 98110

04. Applicant
HISTORIC PRESERVATION
COMMISSION
10715 ARROW POINT DRIVE
BAINBRIDGE ISLAND WA 98110
PHONE: 206-842-4879

05. Contact
DAVID WILLIAMS, CHAIRMAN
10715 ARROW POINT DRIVE NE
BAINBRIDGE ISLAND WA 98110
PHONE: 206-842-4879

07. City Planner
HEATHER BECKMANN

Parcel Numbers:

NOTAXLOT

Tax Parcel Owner(s):

NOTAXLOT
CITY OF BAINBRIDGE ISLAND
280 MADISON AVENUE NORTH
BAINBRIDGE ISLAND, WA 98110

Fee History for Case:

Description	Amount	Receipt No.	Due

**CITY OF BAINBRIDGE ISLAND
COMPREHENSIVE PLAN AMENDMENT APPLICATION**
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PENCIL WILL NOT BE ACCEPTED.



DATE STAMP FOR CITY USE ONLY C.O.B.I. FEB 21 2013 RECEIVED PCD	<u>TO BE FILLED OUT BY APPLICANT</u> PROJECT NAME: HISTORIC PRESERVATION COMP PLAN REVISION TAX ASSESSOR'S NUMBER: _____ _____ _____ PROJECT STREET ADDRESS OR ACCESS STREET: _____ _____													
	<u>FOR CITY USE ONLY</u> FILE NUMBER: CTA18503 PROJECT NUMBER: PRJ-0018503 DATE RECEIVED: 2.21.2013 APPLICATION FEE: n/a TREASURER'S RECEIPT NUMBER: n/a													
	SUBMITTAL REQUIREMENTS <table border="1"> <tr> <td data-bbox="180 1024 451 1129">APPLICATION</td> <td data-bbox="456 1024 1430 1129"><i>One original (which must contain an original signature) and three copies</i> must be provided. Whenever possible, originals must be <i>signed in blue</i>. Please identify the original document.</td> </tr> <tr> <td data-bbox="180 1136 451 1213">SUPPORTING DOCUMENTS</td> <td data-bbox="456 1136 1430 1213"><i>One original (which must contain an original signature)</i>, where applicable, and <i>three copies</i> (if an original is not applicable, <i>four copies</i> must be provided).</td> </tr> <tr> <td data-bbox="180 1220 451 1262">MAPS</td> <td data-bbox="456 1220 1430 1262">Site-specific applications must include vicinity maps.</td> </tr> <tr> <td data-bbox="180 1268 451 1388">SUBMITTING APPLICATIONS</td> <td data-bbox="456 1268 1430 1388">Applications <i>must be submitted in person</i> by either the owner or the owner's designated agent. Should an agent submit the application, a <i>notarized Owner/Agent Agreement</i> must accompany the application (owner/app agreement attached). Please call (206) 780-3762 to make an appointment to submit your application.</td> </tr> <tr> <td data-bbox="180 1394 451 1514">FEES</td> <td data-bbox="456 1394 1430 1514">Please call the Department of Planning & Community Development for submittal fee information. Review by the Kitsap County Health Department may require additional fees and processing time.</td> </tr> <tr> <td data-bbox="180 1520 451 1583">SEPA</td> <td data-bbox="456 1520 1430 1583">State Environmental Policy Act Checklist (SEPA) is required (only for site-specific applications).</td> </tr> <tr> <td data-bbox="180 1589 451 1694">ATTACHED SUBMITTAL CHECKLIST</td> <td data-bbox="456 1589 1430 1694">Please refer to attached Submittal Fact Sheet for further information. NOTE: When submitting this application, please do not copy or include the Submittal Fact Sheet attached to the back of this application.</td> </tr> </table>	APPLICATION	<i>One original (which must contain an original signature) and three copies</i> must be provided. Whenever possible, originals must be <i>signed in blue</i> . Please identify the original document.	SUPPORTING DOCUMENTS	<i>One original (which must contain an original signature)</i> , where applicable, and <i>three copies</i> (if an original is not applicable, <i>four copies</i> must be provided).	MAPS	Site-specific applications must include vicinity maps.	SUBMITTING APPLICATIONS	Applications <i>must be submitted in person</i> by either the owner or the owner's designated agent. Should an agent submit the application, a <i>notarized Owner/Agent Agreement</i> must accompany the application (owner/app agreement attached). Please call (206) 780-3762 to make an appointment to submit your application.	FEES	Please call the Department of Planning & Community Development for submittal fee information. Review by the Kitsap County Health Department may require additional fees and processing time.	SEPA	State Environmental Policy Act Checklist (SEPA) is required (only for site-specific applications).	ATTACHED SUBMITTAL CHECKLIST
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**CITY OF BAINBRIDGE ISLAND
COMPREHENSIVE PLAN AMENDMENT APPLICATION
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A. GENERAL INFORMATION

1. Name of property owner: Historic Preservation Commission (David C. Williams-Chair)
Address: 10715 Arrowpoint Drive NE
Phone: 206-842-4879 Fax: _____
E-mail: Dwilli1179@aol.com
Name of property owner: n/a
Address: _____
Phone: _____ Fax: _____
E-mail: _____

If the owner(s) of record as shown by the county assessor's office is (are) not the agent, the owner's (owners') signed and notarized authorization(s) must accompany this application.

2. Authorized Agent/Project Contact: _____
Address: _____
Phone: _____ Fax: _____
E-mail: _____

3. Does the amendment request concern a specific property (or properties)? ☐ YES ☒ NO

4. Does the request relate to a specific area of the island? ☐ YES ☒ NO (If yes, provide a description of the area or a map indicating the area.)

5. Does this proposal include an amendment to the Land Use Map of the Comprehensive Plan?

☐ YES ☒ NO If so, please
describe: _____

6. Is a Rezone Request associated with this Comprehensive Plan Amendment request?

☐ YES ☒ NO

CITY OF BAINBRIDGE ISLAND
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7. Provide a reference to the element(s) of the Comprehensive Plan that is proposed for amendment and pages of the plan, if applicable.

Land Use Element Introduction (Page 4)

Historic Preservation: Goals 1, 2 and 3 are updated (Pgs 34-36)

8. Provide proposed amendatory language. See attached
-
-
-

9. Explain the reasons behind this amendment proposal. The current plan, which was last revised in 2004, needs to be updated to reflect the existence of the Historic Preservation Commission, its statutory role and the city's historic preservation ordinance.

Likewise, now that the City of Bainbridge Island is a Certified Local Government (CLG) the Comprehensive Plan needs to reflect the duties and responsibilities of a CLG.

Not only do the roles of the community and city government in meeting the historic preservation goals of the Comprehensive Plan need clarification but, as historic resources are coming under increased pressure, a stronger commitment to reasonable preservation measures is needed to assure those goals are met. The recommended changes are in total alignment with the original vision of the Comprehensive Plan and our community's values.

B. In order to assist the Planning Commission and the City Council in their selection of comprehensive plan amendments, please describe how your proposed amendment meets the selection criteria.

1. Consideration of the previous record, if the amendment was reviewed and denied during

CITY OF BAINBRIDGE ISLAND
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previous comprehensive plan review:

N/A

2. The proposed amendment advances goals and policies of the Comprehensive Plan (please cite the goal or policy that supports the amendment):

The first overriding principle of the Comprehensive Plan is to "preserve the special character of the island". A clearer statement of goals, policies and responsibilities, with respect to historic preservation, will increase the likelihood of achieving that goal. Goals 1, 2 and 3 of the current Historic Preservation section of the Plan (pgs. 34-36) are clarified and strengthened.

Also, the History and Heritage section of the Plan, CUL 6.1-6.5 (pgs 9-10) will have much greater prospects of being fully realized if the proposed changes are adopted.

Additionally, to the extent that historic preservation advances sustainability, another overriding principle of the Plan will be advanced.

3. The proposed amendment is consistent with the goals and regulations of the Growth Management Act:

Yes

4. The relationship of the proposed amendment to other City codes and regulations:

The proposed amendment does not immediately change codes and regulations but possible code and regulation revisions could ensue if preservation goals are to be achieved. The current historic preservation ordinance could be most subject to change.

5. The cumulative effects of all requests for plan amendments: Stronger community and City support for historic preservation which will lead to maintaining the unique character of historic neighborhoods and a greater likelihood of preserving our island's "special character".

**CITY OF BAINBRIDGE ISLAND
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I hereby certify that I have read this application and know the same to be true and correct.

David C. Williams
*Signature of owner or authorized agent

2-19-13
Date

David C. Williams
Please print name

*Signature of owner or authorized agent

Date

Please print name

**If signatory is not the owner of record, the attached "Owner/Agent Agreement" must be signed and notarized*

To: LEGAL NOTICES

Publication Date:

March 29, 2013

Issuance Date: March 29, 2013

NOTICE OF DETERMINATION OF NONSIGNIFICANCE (DNS)

The City of Bainbridge Island has received the following land use application:

Date: March 29, 2013
Applicant/Owner: City of Bainbridge Island- Historic Preservation Commission
Project Name: Historic Preservation Comprehensive Plan Amendment
File Numbers: CPA 18503
Permit Request: Comprehensive Plan Amendment application requesting amendments to the Land Use Element.
Description of Proposal: Amendment to the Comprehensive Plan, Land Use Element Introductions and Historic Preservation Goals 1,2 and 3 to reflect the existence of the Historic Preservation Commission, that the City is a Certified Local Government and to add a public participation goal to promote and recognize historic resources.

Location of Proposal: City of Bainbridge Island- this policy amendment would apply Citywide.

SEPA Decision: The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment. This DNS is issued under WAC 197-11-340 (2). This determination was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) c.
Comments must be submitted by no later than 4:00 p.m. on April 19, 2013. The lead agency will not act on this proposal for 21 days.

Responsible Official: Katharine Cook, Planning Director
Department of Planning & Community Development
Address: City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110, (206) 842 - 2552

Signature: Katharine Cook Date: 03-25-13

APPEAL: You may appeal this determination by filing a written appeal and paying the appropriate fee to the City Clerk, at 280 Madison Avenue North, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 16.04.170 **no later than 4:00 p.m. on April 19, 2013. You should be prepared to make specific factual objections. If you have any questions concerning this application, contact:**

Heather Beckmann, Associate Planner
Department of Planning & Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110
(206) 780-3754 Fax: (206) 780-0955
Email: pcd@bainbridgewa.gov

CITY OF BAINBRIDGE ISLAND

ENVIRONMENTAL (SEPA) CHECKLIST

FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.

PENCIL WILL NOT BE ACCEPTED.



PLEASE READ THE FOLLOWING CAREFULLY BEFORE FILLING OUT THE CHECKLIST

PURPOSE OF THE CHECKLIST:

The State Environmental Policy Act (SEPA), chapter 43.21 RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with possible significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

INSTRUCTIONS FOR APPLICANTS:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

USE OF CHECKLIST FOR NONPROJECT PROPOSAL:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." In addition, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D). For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area" respectively.

C.O.B.I.

FEB 21 2013

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
280 MADISON AVENUE NORTH • BAINBRIDGE ISLAND, WA • 98110-1812
PHONE: (206) 842-2552 • FAX: (206) 780-0955 • EMAIL: pcd@bainbridgewa.gov
www.ci.bainbridge-isl.wa.us

RECEIVED PCD

 ENTERED

Historic Preservation
CPA 18503

C.O.B.I.

MAR 20 2013

CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

RECEIVED PCP FOR STAFF USE ONLY

A. Background

1. Name of proposed project, if applicable:

Comprehensive Plan Amendment Re:
Historic Preservation

2. Name of applicant:

Historic Preservation Commission

3. Address and phone number of applicant and contact person:

Applicant: DAVID C. WILLIAMS - Chair

10715 NE Arrowpoint Drive

Contact: BAINBRIDGE ISL. WA

98110

842-4879

4. Date checklist prepared: 2-21-13

5. Agency requesting checklist: City of Bainbridge Island

6. Proposed timing or scheduling (including phasing, if applicable)

N/A

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

N/A

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

N/A

CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

FOR STAFF USE ONLY

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

N/A

10. List any governmental approvals or permits that will be needed for your proposal, if known.

Planning Commission
City Council

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

N/A

12. Location of proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

N/A

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

FOR STAFF USE ONLY

B. Environmental Elements

1. Earth *N/A*

- a. General description of the site (circle one):
flat, rolling, hilly, steep slopes, mountainous
Other: _____
- b. What is the steepest slope on the site (approximate percentage of slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

The Island is characterized by an irregular coastline of approx. 53 miles w/ numerous bays & inlets. The topography is generally of low rolling hills w/ several ridges oriented mostly N to S @ 250'-300' in elevation.

→ Slopes vary across the island w/ the steepest slopes generally occurring along the shoreline in ravines, & along the eastern & western sides of N to S running ridges. The steepest @ almost 90%

→ Soils & soil types are not impacted by this non project action. An extensive discussion of soils & their properties can be found @ USPA Soil Survey of K.C.

→ Unstable soils & steep slopes occur @ numerous locations on the Island. This non-project action is not site-specific

→ No fill or grade is proposed for this non-project action

→ No clearing or construction is proposed as part of this non-project action

→ No construction is proposed as part of this non-project action. Impervious surfaces are reviewed through the City's stormwater man. reg's, BPMC chapters 15.20 & 15.21

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

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- h. Proposed measures to reduce or control erosion, or impacts to the earth, if any:

No specific erosion control measures are proposed as part of this non-project action. Any future development projects will be evaluated as part of site specific project review for SEPA & stormwater compliance.

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

→ This non-project action will have no adverse impact on air quality.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

→ This non-project action will not have any adverse impact on off-site sources of emissions or odor.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

→ This non-project action will have no adverse impact on air quality. Air quality will be evaluated as part of site specific project review & SEPA as applicable.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The Island is surrounded by numerous bays, inlets & lagoons as well as the main body of P.S. The Island also has numerous streams, some of which are fish bearing. Additionally there are numerous wetlands, including salt marshes that are connected directly & indirectly to streams & marine waters.

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

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- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
 - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
 - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
 - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
 - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the types of waste and anticipated volume of discharge.
- b. Ground
- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

This non-project action will not require any ~~fill or dredge~~ work over, in or adjacent to these waters.

→
This non-project action will not require any filling or dredging.

→
This non-project action will not require any surface water withdrawals or diversions.

→
Several portions of the Island are within the 100 yr flood plain as defined in the Fed. Flood Disaster Protection Act of 1973 as outlined in the revised Dec. 2007 ARM. This non-project action will not impact flood areas specifically.

→
This non-project action will not require discharge of materials to surface waters. Surface water quality will be evaluated as part of site-specific project review & SEPA analysis.

→
This non-project action will not require any withdrawal of groundwater or discharge to groundwater.

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

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- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

This non-project action will not affect discharge of waste materials to ground or surface waters.

→

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

This non project action will not produce stormwater runoff.

→

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

This non project action will not affect discharge of waste materials to ground or surface waters.

→

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

No adverse impacts to surface, ground or runoff waters will occur from this non-project action. Future development shall be evaluated as part of site specific project review & SEPA analysis BIRC chapters 15.20 & 15.21.

→

4. Plants

- a. Check or circle types of vegetation found on the site:

- _____ deciduous tree: alder, maple, aspen, other
_____ evergreen tree: fir, cedar, pine, other
_____ shrubs
_____ grass
_____ pasture
_____ crop of grain
_____ wet soil plants: cattail, buttercup, bulrush, skunk cabbage
_____ water plants: water lily, eelgrass, milfoil, other
_____ other types of vegetation

This non-project action will have no specific effect on vegetation removal or alteration. Vegetation will be evaluated as part of site-specific project review & SEPA analysis.

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

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FOR STAFF USE ONLY

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

N/A

a. Circle any birds and animals that have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds,

Other: deer

Mammals: deer, bear, elk, beaver,

Other: river otter, seal, sea lion, mink, muskrat, weasel, raccoon

Fish: bass, salmon, trout, herring, shellfish,

Other: long nose skate, big skate.

b. List any threatened or endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any:

6. Energy and Natural Resources

N/A

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Known

threatened or endangered plant species on Bainbridge Island will not be impacted by this non-project action.

No landscaping is proposed as part of these non-project action.

→ This non-project action will have no impact on migration patterns.

Chinook, coho, steelhead & Orca whales

Puget Sound is an important nesting place, feeding area & wintering ground for birds in the Pacific Flyway & a migratory corridor for salmonids & marine animals.

→ No energy is required for this non-project action

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- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

This non-project action will not impact solar energy.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

The City uses the NW energy Code to enhance electricity conservation. Energy conservation will be evaluated as part of site specific project review & EIR as applicable.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

This non project action will not pose a threat of env. health hazards

- 1) Describe special emergency services that might be required.

No emergency service is required for this non-project action.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

No measures are necessary for this non-project action.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment operation, other)?

This non-project action is not site specific & is not impacted by existing noise levels.

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- 2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from this site.

this non-project action will not have an impact on noise levels.

- 3) Proposed measures to reduce or control noise impacts, if any:

→

Noise controls are regulated by ch. 16.16 of the BMC. Future proposals will be evaluated as part of site specific project review SEPA.

8. Land and Shoreline Use N/A

- a. What is the current use of the site and adjacent properties?

→ The Island is primarily residential w/ commercial + light industry in distinct areas.

- b. Has the site been used for agriculture? If so, describe.

→ There are approx. 450 acres of active agriculture land on the Island.

- c. Describe any structures on the site.

→ The majority of structures are single farm residences.

- d. Will any structures be demolished? If so, what?

→ This nonproject action requires no demolition + will hopefully encourage preservation of structures.

- e. What is the current zoning classification of the site?

→ Current zoning is reflected in the official zoning map.

- f. What is the current comprehensive plan designation of the site?

→ Comp Plan designations are reflected in the official comp Plan Land Use Map.

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- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally critical" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
- 9. **Housing**
 - a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Current SMP designations are presented in the official Comp Plan Land Use Map.
→
The Island has numerous env. sensitive critical areas including streams, wetlands, geohazards, aquifer recharge & fish & wildlife conservation areas.
→
Not applicable to this non-project action
→
This non-project action will not displace anyone
→
This non-project action will not displace anyone, therefore no measures are needed.
→
Env. review of impacts associated w/ land & shoreline uses will be performed on a project specific basis, as needed & required.
→
This non-project action will not provide any housing units.

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- b. Approximately how many units, if any, would be eliminated?
Indicate whether high, middle, or low-income housing?

No units will be eliminated
& may be protected by the
preservation of historic
housing units

- c. Proposed measures to reduce or control housing impacts, if
any:

→ The amendment may
preserve historic housing &
could be a measure to
control housing impacts.

10. Aesthetics N/A

- a. What is the tallest height of any proposed structure(s), not
including antennas; what is the principal exterior building
material(s) proposed?

→ This non-project action
is not specific to a
particular building

- b. What views in the immediate vicinity would be altered or
obstructed?

→ This non-project action will
not impact any specific
views & could maintain
existing view with the protection
of historic structures.

- c. Proposed measures to reduce or control aesthetic impacts, if
any:

→ The non-project will not
directly impact aesthetics.

11. Light and Glare N/A

- a. What type of light or glare will be the proposal produce?
What time of day would it mainly occur?

→ This non-project action
will not produce light or
glare.

- b. Could light or glare from the finished project be a safety
hazard or interfere with views?

→ This non-project action
will not produce a
safety hazard or interfere
w/ views.

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c. What existing off-site sources of light or glare may affect your proposal?

This non project action will not be impacted by off-site sources of light or glare

d. Proposed measures to reduce or control light and glare impacts, if any:

→ This non project action will not produce any significant light and/or glare.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

→ The Island has state & municipal parks in addition to shoreline access from city owned road ends. This non project action will not displace any existing rec. uses.

b. Would the proposed project displace any existing recreational uses? If so, describe.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

→ Any potentially displaced rec. uses will be evaluated as part of any future site specific project review & SEPA analysis.

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

→ Archeological & historic resources are recorded at the Department of Archeology & Hist. Preservation, in All Historic Resource Survey of BI, March 1987, Boyle, Wagoner & on the local & fed registers.

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- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

There are numerous historic, archaeological, scientific & cultural resources on & around the Island.

- c. Proposed measures to reduce or control impacts, if any:

This amendment could encourage new resources on the local register & could create a new landmark designation, both acting as a mitigation measure.

14. Transportation N/A

- a. Identify public streets and highways serving the site, and describe the proposed access to the existing street system. Show on site plans, if any.

→ The Island is served by the Ferries in downtown Winslow. State Route 308 connects the ferry to Poulsbo. The Island has an extensive system of arterials, suburban & local public streets.

- b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

→ Kitsap Transit & the Ferries serve the Island.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

→ No parking spaces will be impacted by this non-project action.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

→ This non-project action will not impact roads, streets or driveways.

C. Signature

I swear under penalty of perjury that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:

Pat. Wilkin - Chair

Date submitted: original submission on 2-21-13 / copy of 3-20-13

Any comments or changes made by the department are entered in the body of the checklist and contain the initials of the review.

This checklist was reviewed by:

Deborah Burkman
Planner, Department of Planning and Community Development

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS
COMPLETED BY HEATHER BECKMANN, ASSOCIATE PLANNER
DATE March 25, 2013

For Comprehensive Plan Amendment HPC18420- Historic Preservation Goals 1, 2 and 3, a subelement of the Land Use Element; to reflect the existence of the Historic Preservation Commission, that the City is a Certified Local Government and to add a public participation goal to promote and recognize historic resources.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This proposed amendment to the City's Land Use Element and Historic Preservation Goals, a non-project action, will not have an immediate impact on discharge to water; emissions to air; production, storage, release of toxic/hazardous substances, or production of noise. This amendment supports the preservation of historic resources, which once fully developed, could result in the reduction of air emissions and the production, storage, or release of toxic or hazardous substances associated with the demolition of historic structures and preservation of existing structures as opposed to the construction of new ones.

Proposed measures to avoid or reduce such increases are:

This comprehensive plan amendment is a non-project action that does not require any mitigation measures, and the proposed amendment could be viewed as a measure to avoid or reduce such increases.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This Comprehensive Plan Amendment, a non-project action, seeks to encourage the preservation of historic structures Citywide. This amendment supports the preservation of historic resources, which once fully developed, could result in the preservation of existing plants that may otherwise be removed to make room for a new and/or larger homesite area.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

This is a non-project action that does not require any mitigation measures, and could be viewed as a mitigation measure itself. Impacts to plants, animals, fish or marine life from future development will be reviewed as part of site-specific development review or SEPA analysis.

3. How would the proposal be likely to deplete energy or natural resources?

This Comprehensive Plan Amendment, improving the Historic Preservation Goals does not deplete energy or natural resources. By promoting the preservation of historic structures, energy conservation is encouraged.

Proposed measures to protect or conserve energy and natural resources are:

This non-project action does not require any mitigation measures. This comprehensive plan amendment itself will help to conserve energy and natural resources by promoting preservation of historic resources citywide.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This non-project action promotes historic preservation citywide, and could positively affect historic or cultural areas designated or eligible for government protection. However, this non-project action does not specifically affect environmentally sensitive areas, prime farmland, floodplains or other areas designated for governmental protection. These areas are protected through other regulations, such as the Critical Areas Ordinance (BIMC Chapter 16.20).

Proposed measures to protect such resources or to avoid or reduce impacts are:

This amendment could protect historic or cultural resources. No adverse impact to environmentally sensitive areas is anticipated from this non-project action. Any impacts to environmentally sensitive areas will be reviewed as part of site-specific development review and SEPA analysis.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This amendment could promote existing land and shoreline uses through the preservation of existing structures.

Proposed measures to avoid or reduce shoreline and land use impacts are:

This amendment does not require any mitigation to avoid or reduce shoreline and land use impacts. Impacts from future development will be reviewed as part of site-specific development review or SEPA analysis.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This policy amendment to the City's Land Use Element and Historic Preservation Goals will have no negative effect on transportation, public services, or utilities. This amendment supports the preservation of existing historic resources, which is not expected to have an additional impact on transportation infrastructure.

Proposed measures to reduce or respond to such demand(s) are:

This is a non-project action that does not require any mitigation measures. Impacts to transportation, public services, or utilities from future development will be reviewed as part of site-specific development review or SEPA analysis.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This Comprehensive Plan Amendment does not conflict with local, state or federal requirements for the protection of the environment.

Existing Comprehensive Plan Land Use Element Introduction, Goals and Policies

Historic Preservation

Historic Preservation Goals and Policies recognize the importance of archaeological, cultural, and historic resources on the Island. The Plan recommends examining the feasibility of a local historic registry program and the creation of a local Historic Preservation ordinance which would provide incentives for preservation of historic resources.

GOAL 1

Archaeological, cultural, and historic structures or places are an important community asset, are a part of Bainbridge Island's character, and should be identified, evaluated, and preserved.

HP 1.1 The City, in conjunction with the Bainbridge Island Historical Society, should identify and seek funding to continue the historic survey begun by the Washington State Department of Community Development. (Refer to Figure 11, Inventory of Historic Resources.)

HP 1.2 If feasible, the City should implement a local, historic registry program and/or the creation of a landmark commission.

HP 1.3 If feasible, the City should implement a local historic preservation ordinance.

HP 1.4 The City should encourage the preservation and rehabilitation of historic structures through the adoption of building code amendments for historic structures.

HP 1.5 Where feasible, owners of historic properties should receive tax advantages for maintenance and rehabilitation of historic structures through the adoption of building code amendments for historic structures.

GOAL 2 Historic structures or places are an important feature of community design and should be preserved and enhanced.

HP 2.1 Standards should be developed for design of projects adjacent to a historic structure to ensure that new development is compatible with the structure and that its surroundings are preserved.

HP 2.2 The impact to historic structures should be considered when establishing road placement, widths, and design.

HP 2.3 The city should establish a program to use incentives for rehabilitation of historic structures.

HP 2.4 Since a number of historic structures are located along Ericksen Avenue, specific development standards which ensure the protection of those historic structures should be developed for Ericksen Avenue.

HP 2.5 Preserve the historic character of the Fort Ward District by developing specific design and development guidelines that recognize and unique qualities of this district.

HP 2.6 The City should conduct a survey to identify all historic sites and structures, all archaeological sites and areas of suspected archaeological remains.

HP 2.7 To ensure the preservation of the historic character of the Lynwood Center building, the Pleasant Beach Grill and the Serenity House, any additions to, or redevelopment of, the existing structures should be located to the rear and should be consistent with the character of the older structure, if possible. The City should engage in cooperative efforts with owners to encourage preservation of the older structures.

GOAL 3

Archaeological resources found on Bainbridge Island should be identified, preserved, and/or left undisturbed.

HP 3.1 The City should determine the feasibility of developing a set of criteria to establish the City's preferred method of archaeological review and reporting consistent with state laws.

HP 3.2 The City, in cooperation with the Bainbridge Island Historical Society, shall develop an education program to increase awareness of the archaeological and/or historic resources on the Island.

Chapter 18.24

HISTORIC PRESERVATION PROGRAM

Sections:

- [18.24.010](#) Purpose and relationship to zoning and building codes.
- [18.24.020](#) Historic preservation commission.
- [18.24.030](#) Register of historic places.
- [18.24.040](#) Changes or alterations to properties located on local register.
- [18.24.050](#) Appeal of denial of a waiver or a certificate of appropriateness.
- [18.24.060](#) Review and monitoring of properties for special property tax valuation.
- [18.24.070](#) Fort Ward historic overlay district.

18.24.010 Purpose and relationship to zoning and building codes.

A. Purpose. The purpose of this chapter is to provide the process and standards for identifying, evaluating and protecting historic resources within the city, and for preserving and rehabilitating eligible historic properties within the city for future generations through a special valuation tax incentive in order to:

1. Safeguard the heritage represented by those buildings, objects, sites and structures that reflect significant elements of the city's history;
2. Foster civic and neighborhood pride in the beauty and accomplishments of the past;
3. Stabilize or improve the aesthetic and economic vitality and values of such buildings, objects, sites and structures;
4. Assist, encourage and provide incentives to private owners for the preservation, restoration, redevelopment and use of historic buildings, objects, sites and structures;
5. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and
6. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

This chapter also sets forth the provisions of the Fort Ward historic overlay district.

B. Relationship to Zoning and Building Codes. Nothing contained in this chapter shall be construed to repeal, modify or waive any zoning, land use or building codes, laws, ordinances or regulations that are otherwise applicable to property listed on the local register. (Ord. 2011-02 § 2 (Exh. A), 2011)

18.24.020 Historic preservation commission.

A. Creation. The Bainbridge Island historic preservation commission is hereby established, to operate and act in accordance with the provisions of this chapter.

B. Composition of the Commission.

1. The commission shall consist of seven members, who shall be appointed by the mayor and approved by the city council in accordance with this chapter. The commission shall include at least three members who have experience in identifying, evaluating and protecting historic resources and who are selected from among the disciplines of history, architecture, landscape architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, biology, geography, cultural geography, American studies, law, and real estate, referred to in this chapter as the "professional positions." An action taken by the commission shall not be invalid due to the temporary vacancy of any or all of the professional positions, unless the certification agreement between the city and the State Historic Preservation Office (SHPO) provides otherwise.
2. All members of the commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.
3. All members of the commission shall serve without compensation.
4. In making appointments to the commission, the mayor may consider names submitted from any source; provided, that the mayor shall notify the Bainbridge Island Historical Society and other appropriate community organizations of any vacancies on the commission, so that these organizations may submit the names of qualified individuals for consideration along with names from any other source. The mayor also shall publish notice of such vacancies and the procedure for submitting nominations.
5. The commission shall select from among its members a chairperson and such other officers as may be necessary to conduct the commission's business.

C. Term of Commission Members. The initial appointment of members to the commission shall be as follows: three members shall be appointed for two years; two members shall be appointed for three years; and two members shall be appointed for four years. Thereafter, appointments shall be made for three-year terms. Vacancies to the commission shall be filled by the mayor for the unexpired term of that position.

D. Powers and Duties. The commission shall:

1. Establish, maintain and periodically update a local historic inventory, which inventory shall be maintained in a form compatible with the state inventory, and may cooperate with, and advise the city council as requested on contracting with, the Bainbridge Island Historical Society or others, in connection with the establishment and maintenance of the inventory;
2. Establish and maintain the local register of historic places, as provided in BIMC [18.24.030](#);

3. Review nominations to the local register and designate properties for listing on the register, in accordance with BIMC [18.24.030](#);
4. Participate in the review process for nominations to the National Register of properties within the city's boundaries, in accordance with the procedures established by the SHPO;
5. Review proposals to construct or reconstruct upon, change the use of, alter, restore, remodel, repair, move or demolish properties on the local register as provided in BIMC [18.24.040](#);
6. Conduct all commission meetings in compliance with Chapter 42.30 RCW;
7. Provide resources and advocacy for historic preservation consistent with comprehensive plan policy HP 1.2, which may include but are not limited to:
 - a. Participation in or promotion of public educational programs;
 - b. Fostering historic preservation through recognition of excellence in restoration of historic buildings, structures or sites;
 - c. Advising the city council or the planning commission as requested on matters of city history and historic preservation or actions affecting the historic resources of the city; and
 - d. Maintaining information on federal or state historic preservation programs, funding sources or incentives; and
8. Serve as the local review board for the special valuation of historic property, and in that capacity determine and monitor the eligibility of historic property for special valuation in accordance with BIMC [18.24.060](#).

E. Rules and Standards of Commission. The commission shall establish and adopt rules prescribing forms, standards and procedures consistent with applicable law, as necessary to carry out its duties. Standards for review under BIMC [18.24.030](#).A and BIMC [18.24.040](#) shall be based in part, and to the extent applicable, on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, 48 CFR 44716, as updated and supplemented by the National Park Service, and the Secretary of the Interior's Standards for Rehabilitation, 37 CFR 67, as amended. All actions of the commission shall be carried out in accordance with its rules. (Ord. 2011-02 § 2 (Exh. A), 2011)

18.24.030 Register of historic places.

A. Criteria for Designating Properties for Listing on the Local Register. Any building, structure, site or object, whether publicly or privately owned, may be designated for listing on the local register if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; it has physical integrity; it is at least 50 years old or is of lesser age but has exceptional importance; and it qualifies as at least one of the following:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;
3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;
4. Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering, or architectural history;
5. Is associated with the lives of persons significant in national, state, or local history;
6. Has yielded or may be likely to yield important archaeological information related to history or prehistory;
7. Is a building or structure removed from its original location but that is significant primarily for architectural value, or that is the only surviving structure significantly associated with an historic person or event;
8. Is a birthplace or grave of an historical figure of outstanding importance;
9. Is a cemetery that derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
10. Is a reconstructed building that has been executed in an historically accurate manner on the original site;
11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and that does not fit into formal architectural or historical categories; or
12. Is listed on the National Register or the State Register.

B. Process for Designating Properties for Listing on the Local Register.

1. Any person, including the commission or any commission member, may nominate a building, structure, site, or object for listing on the local register; provided, that no property shall be nominated without the prior written consent of the owner.

2. The nomination shall include, when possible, the tax parcel number (and the UTM reference, if required for compatibility with the State Register) and a description of all interior and exterior features and outbuildings that contribute to its designation.

3. In reviewing the nomination, the commission shall consider the local inventory and the city's comprehensive plan, and the merits of the nomination, according to the criteria in subsection A of this section, and shall proceed according to the nomination review standards established in the commission's rules.

4. The commission shall provide public notice of the date, time and location of the meeting during which it will consider the designation nomination. Written notice of the date, time and location of the meeting shall be provided no later than 10 days prior to the meeting to the nominator, the owner(s) of public record and the lessees, if any, of the subject property. The commission shall further publish at least one notice of the meeting in a newspaper of general circulation in the city. The commission shall also post a notice on a conspicuous location on the subject property.

5. If the commission finds that the nominated property is eligible for listing on the local register, the commission shall list the property on the register, with the consent of the owner of the property. The commenters, property owner, nominator and lessees, if any, shall be notified in writing of the listing no later than 30 days after the listing.

6. Properties listed on the local register shall be identified in the planning database maintained by the city and the listing shall be forwarded to the Kitsap County assessor for identification of the historical property in the Kitsap County zoning records.

C. Removal of Properties from the Local Register. Properties listed on the local register may be removed from the register only by the commission in accordance with this section. The commission may remove any property from the local register, with or without the owner's consent, if the commission deems the property no longer appropriate for designation to the local register because it no longer satisfies the original criteria in support of its designation. The procedure for removal shall be established by the commission and shall include the procedures for notification to the public and interested parties set forth in subsection B.4 of this section. (Ord. 2011-02 § 2 (Exh. A), 2011)

18.24.040 Changes or alterations to properties located on local register.

A. Review Required. No person shall perform any work to a property listed on the local register, other than ordinary repair or maintenance, emergency repair measures, or total or partial demolition, without a review by, and issuance of a certificate of appropriateness from, the commission. In the case of a total or partial demolition of the property, a waiver of the certificate of appropriateness must be obtained from the commission prior to the demolition, in accordance with subsection B of this section. Failure to obtain the required certificate of appropriateness or waiver from the commission shall be grounds for removal of the property from the local register.

B. Review Process.

1. The building official shall notify the commission of any application for a permit to perform work on or to demolish a property listed on the local register. If the activity is not exempt from review, the commission shall notify the applicant of the review requirements. The building official shall not issue any permit until the required certificate of appropriateness or waiver is received from the commission.
2. The applicant shall apply to the commission for a review of the proposed work to the property listed on the local register, and request a certificate of appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by all information required by the commission pursuant to its established rules for review.
3. The commission shall meet with the applicant and review the proposed work in accordance with the standards established in the commission's rules. Unless required by another ordinance or law, the commission shall not be required to provide public notice of the application. In the case of an application to perform work to the property, the commission shall complete its review and make its decision within 45 days after the date of receipt of the application. If the commission is unable to process the request within this time period, the commission may reasonably extend its review period for another 15 days upon written notice to the applicant. If the commission fails to issue a decision within 60 days of receiving the application, the application shall be deemed approved and the commission shall issue a certificate of appropriateness.
4. As part of the review process for an application to demolish or partly demolish the property, the applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 days from the initial meeting with the commission, unless either party requests an extension, in which case the negotiations may be extended for up to an additional 30 days. If no alternative to demolition has been agreed to within 45 days from the initial meeting with the commission, plus any extension, the commission shall approve or deny the application for a waiver and advise the official in charge of issuing a demolition permit of the decision. If the commission fails to issue a decision within 45 days from the initial meeting with the commission, plus any extensions, the application shall be deemed approved and the commission shall issue an unconditional waiver. When issuing a waiver, the commission may reasonably impose conditions designed to mitigate the loss of the property from the register. Property that is wholly demolished shall be removed from the register. Property that is partially demolished may be removed from the register, if deemed appropriate by the commission.
5. The commission's decision on any application shall be in writing and shall state the findings of fact and the basis for its decision. Any conditions to the certificate of appropriateness or waiver recommended by the commission and accepted by the applicant in this review process shall

become conditions of approval of the permits issued. If the owner accepts the commission's recommendations and conditions, a certificate of appropriateness or a waiver shall be issued by the commission according to standards established in the commission's rules.

6. The commission's determination, recommendations and, if awarded, the certificate of appropriateness or a waiver shall be transmitted to the building official. If a certificate of appropriateness or waiver is awarded, the building official may then issue the permit.

7. If a certificate of appropriateness or waiver is denied, the building official shall not issue the permit.

a. If a property is added to the historic register a notice of that status shall be added on the property title records.

b. Removal from Historic Register. If a property is removed from the historic register a notice of that change in status shall be added to the title records. (Ord. 2011-02 § 2 (Exh. A), 2011)

18.24.050 Appeal of denial of a waiver or a certificate of appropriateness.

The commission's denial of any application for a certificate of appropriateness or waiver may be appealed by the applicant to the city council within 10 days of the date of the commission's decision. The appeal shall be filed with the city clerk and shall clearly state the grounds upon which the appeal is based. The appeal shall be reviewed by the council only upon the records of the commission. The council's decision on the appeal may be appealed by the applicant to the Kitsap County superior court within 21 days after the date of the decision issued by the council. (Ord. 2011-02 § 2 (Exh. A), 2011)

18.24.060 Review and monitoring of properties for special property tax valuation.

A. Special Valuation Program Established. Pursuant to Chapter 84.26 RCW, a local option program is hereby established that shall make available to owners of historic property a special tax valuation for the rehabilitation of the historic property, as set forth in Chapter 84.26 RCW and this section.

B. Application Process for Special Property Tax Valuation.

1. An applicant desiring to obtain special property tax valuation for historic property shall file a complete application with the Kitsap County assessor no later than October 1st of the year immediately preceding the first assessment year for which special valuation classification is requested. Applications filed after the October 1st deadline shall not be considered for special property tax valuation until the following year.

2. Complete applications shall include the following information and documentation:

a. A legal description of the historic property;

- b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;
- c. Architectural plans or other legible drawings depicting the completed rehabilitation work;
- d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed, with documentation of both to be made available to the commission upon request; and
- e. For properties located within National Register historic districts, a statement from the Secretary of the Interior, indicating the property is a certified historic structure as defined in WAC 254-20-030(2).

3. The Kitsap County assessor shall forward to the commission all complete applications for special property tax valuation for historic property within 10 days after receiving such applications.

C. Review Process.

1. The commission shall review each application for special tax valuation and determine: if the application is complete; if the subject property meets the criteria set forth in RCW 84.26.030 and WAC 254-20-070(1); and if the subject property meets the criteria set forth in subsection D of this section. The commission shall review all timely applications, and shall enter a determination on the application no later than December 31st of the calendar year in which the application is made.
2. If the commission finds that a subject property is eligible and meets all criteria set forth in this section, the commission shall enter into an historic preservation special valuation agreement with the owner of the subject property, which agreement shall contain all terms required by WAC 254-20-120. Upon mutual execution of such an agreement, the commission shall approve the application.
3. If the commission determines that the subject property does not meet all the requirements of this section, the commission shall deny the application.
4. Commission decisions to approve or deny applications for special tax valuation shall be in writing, shall describe the facts upon which the determination is based, and shall be filed with the Kitsap County assessor within 10 days after the date of the decision.
5. For those applications approved by the commission, the commission shall forward a copy of the applicable historic preservation special valuation agreement, the application and all supporting documentation to the Kitsap County assessor. The commission shall also notify the State Review Board that the subject property has been approved for special valuation and shall

monitor the subject property for continued compliance with the historic preservation special valuation agreement throughout the 10-year special valuation period.

6. The commission shall determine whether a property is disqualified from special valuation either because of the owner's failure to comply with the terms of the historic preservation special valuation agreement or because of a loss of historic value resulting from physical changes to the building or site. In the event that the commission concludes that a property is no longer qualified for special valuation, the commission shall notify the owner, the Kitsap County assessor and the State Review Board in writing and state the facts supporting its findings.

D. Criteria.

1. Historic Property Criteria. Until the city becomes a certified local government, the class of historic property eligible for special valuation in the city includes all properties listed on the National Register or certified as contributing to a National Register historic district that have been substantially rehabilitated at a cost and within a time period that meets the requirements set forth in Chapter 84.26 RCW. After the city becomes a certified local government, the class of historic property eligible for special valuation in the city includes all properties listed on the local register that have been substantially rehabilitated at a cost and within a time period that meets the requirements set forth in Chapter 84.26 RCW.

2. Property Review Criteria. In its review of an application for special valuation of an historic property, the commission shall determine if the subject property meets each of the following criteria:

- a. The property is an historic property;
- b. The property is included within a class of historic property determined eligible for special valuation pursuant to subsection D.1 of this section;
- c. The property has been rehabilitated at a cost that meets the definition set forth in RCW 84.26.020(2) within 24 months prior to the date of application; and
- d. The property has not been altered in any way that adversely affects those elements that qualify it as historically significant, as determined by applying the standards set forth in WAC 254-20-100(1).

3. Rehabilitation and Maintenance Criteria. The commission shall use the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties set forth in WAC 254-20-100 as the minimum requirements for determining whether an historic property is eligible for special valuation and whether the property continues to be eligible for special valuation once it has been so classified.

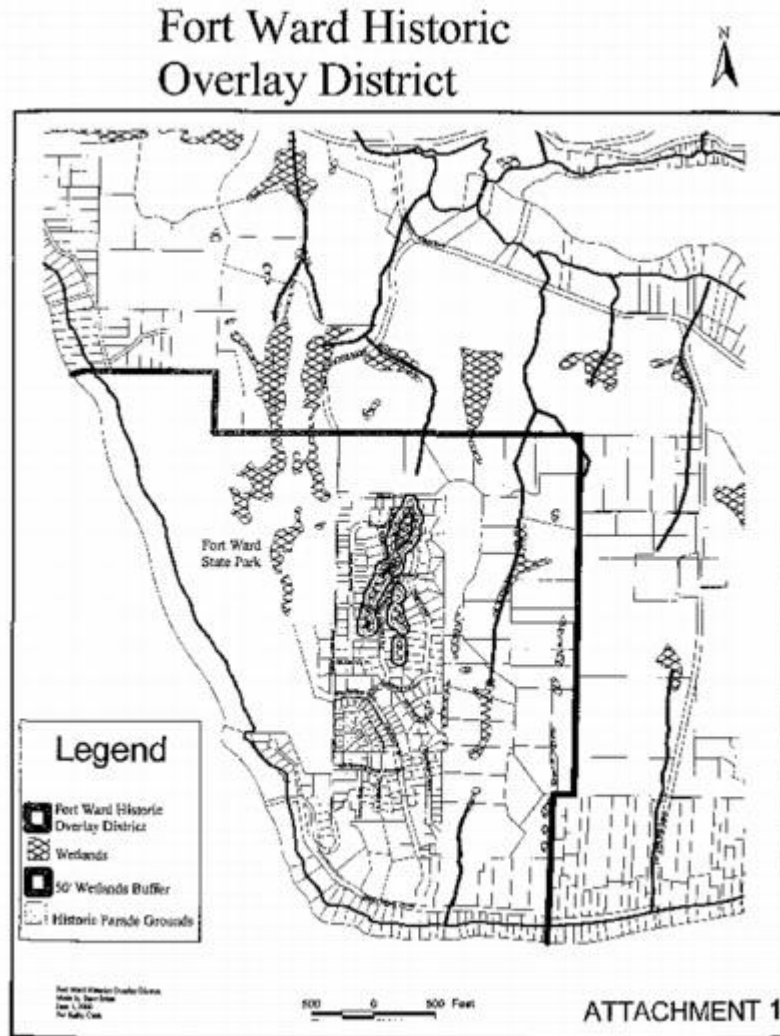
E. Agreement. The commission shall use the historic preservation special valuation agreement set forth in WAC 254-20-120 as the minimum agreement required by this section.

F. Appeals. A decision of the commission on an application for classification as historic property eligible for special valuation may be appealed to the Kitsap County superior court under RCW 34.04.510 through 34.05.598 in addition to any other legal remedy. Any decision of the commission on the disqualification of historic property as being eligible for special valuation, or any other dispute, may be appealed to the Kitsap County board of equalization in accordance with RCW 84.40.038. (Ord. 2011-02 § 2 (Exh. A), 2011)

18.24.070 Fort Ward historic overlay district.

The following regulations apply to the Fort Ward historic overlay district and supplement those general standards contained in BIMC [18.24.010](#) through [18.24.060](#). In the case of conflict between the provisions of this section and the provisions of previous sections of this chapter, the provisions of this section shall apply. Any applications for development within the Fort Ward historic overlay district not subject to the provisions of this section shall comply with the regulations for the underlying zone (R-2).

A. Establishment of Boundaries. The provisions of this section shall apply to the Fort Ward study area as shown on the following page, referred to as the Fort Ward historic overlay district.



B. Increases in Density.

1. Availability. Residential density bonuses may be available for providing affordable housing pursuant to Chapter [18.21](#) BIMC.

2. Building 16. The property tax identified as tax parcel number 112402-3-004-2003 containing a building of historical interest, identified as Building 16 on Attachment 2, shall be permitted an increase in density up to a total of eight units; provided, that the majority of the dwelling units are located inside Building 16; and provided, that the following development standards are met:

a. The exterior of the building is rehabilitated and maintained in accordance with the standards established in subsection D of this section.

b. The proposed work is reviewed by the historic preservation commission, and a certificate of review is issued, in accordance with subsection E of this section.

c. A minimum of five feet of partial screen perimeter landscaping shall be provided along side and rear property lines. This requirement may be met by retaining existing vegetation on the property, or planting new vegetation. The perimeter landscaping requirement may be waived as part of the final decision on the permit, upon written agreement from adjoining property owners.

d. Surface parking is encouraged to be located behind the building. Any surface parking that is adjacent to residential uses shall be fully screened so as to prevent headlights from shining on the adjacent residential uses.

e. Parking may be located along the south property line; provided, that it is enclosed within a structure.

f. The applicant shall provide community meeting space of not less than 500 square feet. This community meeting space may be provided within Building 16, or, upon approval by the city, this requirement may be met by the applicant making a financial contribution equal to the cost of constructing a 500-square-foot meeting space and one unisex bathroom stall within Building 16. If the financial contribution option is used:

i. The applicant shall submit current cost estimates to the city building official for the construction of the meeting space, as described in subsection B.2.f of this section, meeting all code requirements and the same level of finishes and quality of construction as used elsewhere in the interior of the building;

ii. The payment shall be held in a reserve account and may only be expended in support of the construction of a community meeting space in the Fort Ward historic overlay district;

iii. The payment shall be expended in all cases within five years of collection; and

iv. Any payment not so expended shall be refunded with interest to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

g. The applicant complies with the requirements of subsection G of this section prior to issuance of an occupancy permit.

3. Other Properties. Certain properties within the Fort Ward historic overlay district that contain a structure of historic interest, as identified on Attachment 2, shall be permitted to develop to the historic density as shown in Table 18.24.070-1; provided, that:

- a. The exterior of the building is rehabilitated and maintained in accordance with the standards established in subsection D of this section.
- b. The proposed work is reviewed by the historic preservation commission, and a certificate of review is issued, in accordance with subsection E of this section.
- c. The applicant complies with the requirements of subsection G of this section.

**Table 18.24.070-1: Fort Ward Historic
Overlay District Additional Densities**

Building Number	Tax Parcel Number	Density
Building 13	11240230022005	Up to 3 units
Building 18	41470050010004	2 units
Building 19	41470050020102	2 units
Building 20	41470050030002	2 units
Building 21	41470050040001	2 units

C. Maintenance and Rehabilitation of Buildings of Historic Interest.

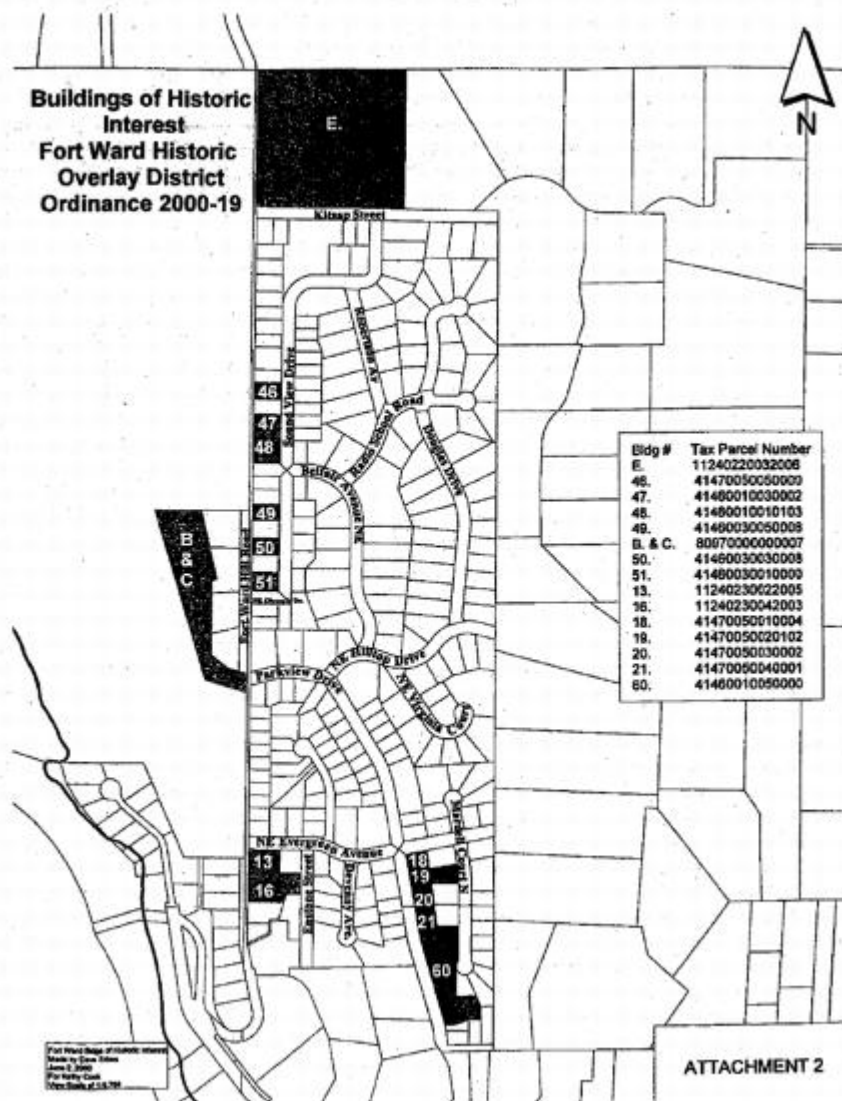
1. Buildings B and C. Buildings B and C (tax parcel number 80970000000007, a total of 10 units), as identified on Attachment 2, are buildings of historic interest that contribute to the character of the Fort Ward historic overlay district. Any project to alter, reconstruct, remodel, or restore the exterior of the subject buildings that requires permits from the city shall require review by the Fort Ward historic design review committee for compliance with the standards established in subsection D of this section and issuance of a certificate of review in accordance with the procedures established in subsection E of this section.

2. Other Buildings. The buildings shown in Table 18.24.070-2, and identified on Attachment 2, are buildings of historic interest that contribute to the character of the Fort Ward historic overlay district. The rehabilitation and maintenance of these buildings is to be encouraged. Any owner who wishes to alter, reconstruct, remodel, or restore the exterior of the subject buildings in a manner that maintains its historic character may request the review services of the historic preservation commission. The commission shall be available to review the proposed changes, and to advise the applicant as to design elements, construction techniques and materials that would be compatible with the historic character of the specific building.

**Table 18.24.070-2: Fort Ward Historic
Overlay District Other Buildings of Historic
Interest**

Building Number	Tax Parcel Number
Building E	11240220032006
Building 46	41470050050000
Building 47	41460010030002
Building 48	41460010010103
Building 49	41460030050006
Building 50	41460030030008
Building 51	41460030010000
Building 60	41460010050000

The rehabilitation and maintenance of any other buildings of historic interest within the Fort Ward historic overlay district is to be encouraged. Any owner who wishes to alter, reconstruct, remodel, or restore the exterior of these buildings in a manner that maintains its historic character may also request the review services of the historic preservation commission.



D. Standards for Maintenance or Rehabilitation of the Exteriors of Buildings of Historic Interest.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its context.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Many properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated architectural features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of buildings, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
10. New additions and related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

E. Application and Review by the Fort Ward Historic Review Committee.

1. Certificate of Review Required. No applicant shall alter, reconstruct, remodel, or restore the exterior of the subject buildings pursuant to subsection B.2, B.3 or C.1 of this section, and no city permit or approval of such activity shall be issued without review by the historic preservation commission and without issuance of a certificate of review by the commission.
2. Preliminary Review. Upon submittal of application for site plan and design review permit or building permit, the applicant shall schedule a preliminary review meeting with the commission. A staff planner shall also attend the preliminary design review meeting. Prior to the review meeting, the applicant shall provide commission members with "as is" photographs of the subject building and site; a site plan showing the location of the building or buildings; the proposed method of cleaning and treating masonry and other surfaces; exterior elevations of the front and side with a description of the proposed type and finished color of exterior siding, proposed windows and roofing to be used; and proposed architectural features and trim. All diagrams shall be drawn to scale. The commission may request additional information and/or a site visit as

necessary for their review and recommendation. Any conditions agreed to in this meeting shall become conditions of approval of the permits granted.

3. Final Review. Prior to issuance of permits, the applicant shall schedule a final review meeting with the commission. A staff planner shall also attend the final review meeting. Upon determination that conditions specified in the preliminary design review and the requirements of this chapter are met, the commission shall issue a final certificate of review in a form to be approved by the city. The final certificate of review shall be attached to the building permit.

4. Exemptions. Emergency repairs, ordinary repair and maintenance and interior remodeling shall not require a certificate of review.

F. Notice on Title. Prior to issuance of building permit, the owner of any property seeking an increase in density pursuant to subsection B of this section shall record with the Kitsap County auditor a restrictive covenant in a form approved by the city. Such document shall provide notice in the public record of the requirement that any alteration, reconstruction, remodel, repair, or restoration of the exterior of the subject buildings must comply with the provisions of this chapter. The applicant shall submit proof to the city that the restrictive covenant has been filed. The covenant shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter.

G. Design Guidelines. In addition to complying with all other applicable provisions of this chapter, permitted development, redevelopment, and exterior renovation in the Fort Ward district shall comply with those regulations contained in the "Fort Ward Design Guidelines." (Ord. 2011-02 § 2 (Exh. A), 2011)

ORDINANCE NO. 2013-18

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to historic preservation; amending and restating the Comprehensive Plan Land Use Element Introduction (Historic Preservation), repealing Historic Preservation Goals 1-3 and Policies HP 1.1-1.5, 2.1-2.7 and 3.1-3.2; and adopting Historic Preservation Goals 1-4 and Policies HP 1.1-1.4, 2.1-2.5, 3.1-3.6 and 4.1-4.4 in their place.

WHEREAS, the City Council is authorized to modify the City's Comprehensive Plan in accordance with Washington State laws; and

WHEREAS, the Historic Preservation Commission has recommended revising the Historic Preservation Element (a) to reflect the existence of the Historic Preservation Commission and the fact that the City is a Certified Local Government and (b) to add a public participation goal to promote and recognize historic resources; and

WHEREAS, the Planning Commission conducted a study session on the proposed language on May 9, 2013; and

WHEREAS, the Planning Commission conducted a public hearing on June 27, 2013, considered the decision criteria for the amendment request, and forwarded their recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing on this proposed Comprehensive Plan amendment on November 13, 2013 and considered the decision criteria; and

WHEREAS, notice was give on September 4, 2013 to the Office of Community Development in conformance with RCW 36.70A.106; and

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

Section 1. The City Council finds that this Comprehensive Plan amendment is in conformance with the Comprehensive Plan and all applicable laws in effect at the time of approval.

Section 2. The Historic Preservation introduction on page 4 of the Comprehensive Plan is hereby amended and restated to read as follows:

Historic Preservation

Historic Preservation Goals and Policies recognize the importance of archaeological, cultural and historic resources on the island. Bainbridge Island is a Certified Local Government (CLG) with a Historic Preservation Commission (HPC). Responsibilities of a CLG, and its HPC, include

establishing an historic preservation commission, surveying local historic properties, enforcing state or local preservation laws, reviewing nominations for the state and national historic registers, maintaining a Local Historic Register and providing resources and advocacy for historic preservation.

The City is committed to the preservation and enhancement of Bainbridge Island's historic character. Historic resources, including archaeological sites, cultural places, pastoral landscapes and historic structures are important community assets. The City recognizes that these places are an essential part of Bainbridge Island's character and shall be identified, evaluated, and preserved.

Section 3. The Historic Preservation Goals 1-3 and Policies HP 1.1-1.5, 2.1-2.7 and 3.1-3.2 of the Land Use Element of the Comprehensive Plan (pages 34-36) are hereby repealed and the Historic Preservation Goals and Policies set forth below are adopted in their place:

Historic Preservation

GOAL 1

Maintain and Support a Historic Preservation Program – A successful historic preservation program requires on-going support of the community, as well as the City government and its designated department.

HP 1.1

The City shall maintain its status as a Certified Local Government (CLG), thereby promoting collaboration among City departments, boards and commissions.

HP 1.2

The City and its HPC shall regularly review the local historic preservation ordinance and update where necessary to assure that it achieves the Comprehensive Plan's goals and policies.

HP 1.3

The City and the HPC shall develop the City's preferred method of project compliance review and reporting, consistent with state laws and local ordinances.

HP 1.4

The City and HPC shall coordinate with tribal communities and other interested stakeholders who have an interest in historic resources on the Island.

GOAL 2

Identification and Evaluation of Historic Resources – Historic property inventory and context statements inform planning efforts by identifying areas where resources worthy of preservation exist or are likely to occur.

HP 2.1

The City and HPC shall recognize historic resources listed on, or eligible for, the local registry as significant historic properties.

HP 2.2

The City and HPC shall continue to inventory historic resources, thereby maintaining an up-to-date site database using the latest affordable technologies available.

HP 2.3

The City and HPC shall continue to support and expand the Local Historic Register program.

HP 2.4

The City and HPC shall develop protocols for the consistent evaluation of historic resources on the Island.

HP 2.5

The City and HPC shall define and identify its “iconic” structures and sites (those intended for permanent preservation), which are deemed essential elements of the community’s character, history and identify.

GOAL 3

Preservation and Enhancement of Historic Resources – An effective historic preservation program provides meaningful practical incentives and policies for property owners and developers to preserve historic resources.

HP 3.1

The City shall encourage preservation of existing historic structures and sites as an important tool in building a sustainable and unique community.

HP 3.2

The City shall encourage the preservation, rehabilitation and restoration of existing structures through the adoption and implementation of the International Existing Building Code (IEBC).

HP 3.3

The City and HPC shall collaborate with the Design Review Board to develop design guidelines for projects within or adjacent to significant historic properties and/or neighborhoods to ensure compatible development.

HP 3.4

The City and HPC shall develop guidelines to ensure review of potential direct and indirect impacts to significant historic properties when planning and/or permitting projects.

HP 3.5

The City and HPC shall identify and support practical owner/operator economic incentives and policies to encourage the rehabilitation and preservation of significant historic resources.

HP 3.6

The City shall engage in cooperative efforts with owners to encourage the preservation of historic resources.

GOAL 4

Public Participation – Establishing a broad base of support from citizens and their city government will strengthen the community's commitment to historic preservation.

HP 4.1

The City and HPC shall support an on-going education program to increase awareness of the historic resources on the Island.

HP 4.2

The City and HPC shall support efforts to publicly recognize preservation efforts within the Island community.

HP 4.3

The City and HPC shall collaborate with interested stakeholders to promote historic preservation on the Island.

HP 4.4

The City and HPC shall identify, and give public access to, an appropriate repository for curating historic preservation records and documentation.

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

PASSED BY THE CITY COUNCIL this ____ day of ____, 2013.

APPROVED BY THE MAYOR this ____ day of ____, 2013

Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE

Rosalind E. Lassoff, City Clerk

FILED WITH THE CITY CLERK: October 10, 2013

PASSED BY THE CITY COUNCIL: ____, 2013

PUBLISHED: ____, 2013

EFFECTIVE DATE: ____, 2013

ORDINANCE NUMBER: 2013-18

HISTORIC PRESERVATION

CPA18503



Historic Preservation Commission



- Established in 2004
- Comprehensive Plan Policy HP 1.2
- 7 Member Commission
- Meets Monthly
- Grants
- Bainbridge Island Local Register

Certified Local Government

- 2004
- National Initiative,
National Park Service
& State Historic
Preservation Office
- Grants - Winslow
Inventory, Farm History



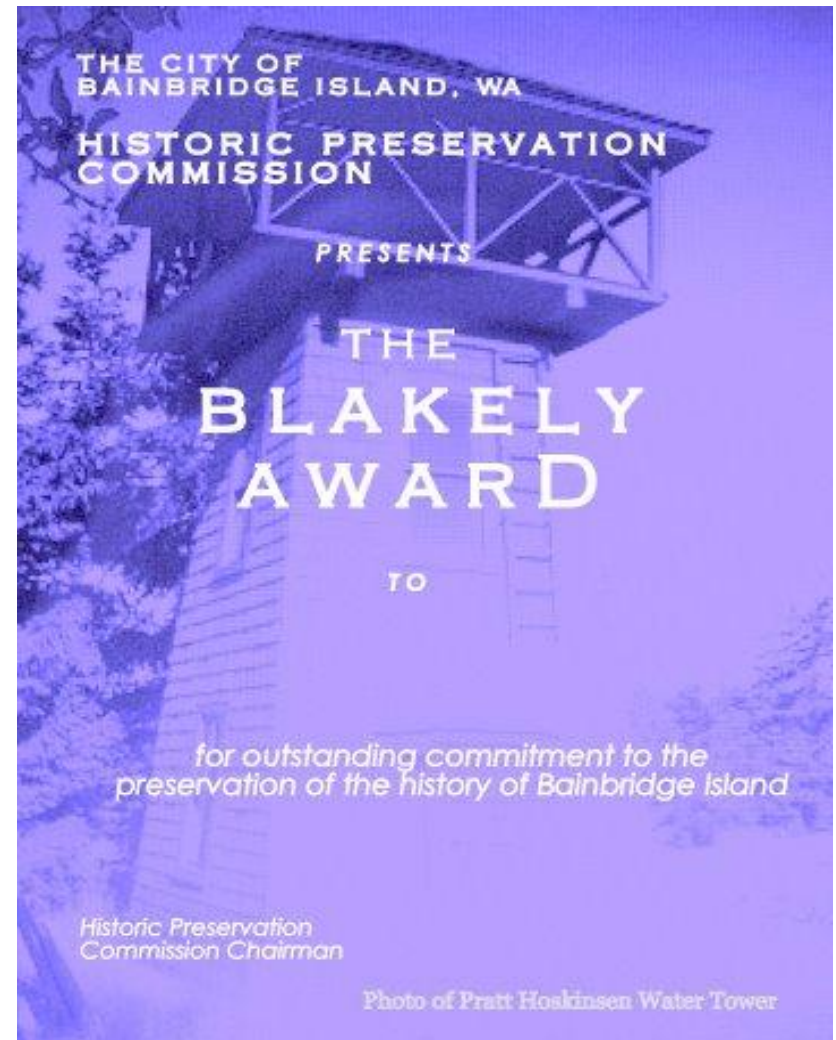
Local Register

- 27 properties
- Discount Card
- Special Tax Advantage
- Plaque



Blakely Award

- Began 2011
- Preservation Leader
- Project of Excellence



Review of Amendment

- Historic Preservation Commission Driven
- Reviewed by Staff
- Planning Commission
 - ▣ Two Recommendations
 - Iconic
 - Pastoral
- City Council

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2013-16, McNabb/Bainbridge Marina, Comprehensive Plan Amendment/Rezone Request 13220B

Date: October 16, 2013

Agenda Item: Staff Intensive

Bill No.: 13-148

Proposed By: Planning Director Kathy Cook

BUDGET INFORMATION

Depart/Fund:

Expenditure Req:

Budgeted? ☐ Yes ☐ No

Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

Study Session:

Recommendation:

City Manager ☒ Yes ☐ No N/A

Legal ☒ Yes ☐ No N/A

Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

The purpose of the Council study session on October 16th is to discuss Comprehensive Plan Amendment/Rezone Request 13220B, and answer any questions the City Council may have on the amendment request.

Background:

As part of the City's 2013 Comprehensive Plan amendment cycle, Mr. Darrell McNabb submitted an application to amend the Land Use Map of the Comprehensive Plan, to change the designation of two parcels from Open Space Residential (OSR-2) to Water Dependent-Industrial (WDI). Altogether, the property proposed to become WD-I is approximately 1.59 acres in size.. The property is located on the south side of Eagle Harbor, at 4200 Eagle Harbor Drive, Bainbridge Island.

The applicant further requests an associated Site-Specific Rezone that would amend the City's Official Zoning Map to change the zoning of the same two parcels from Residential, Two Units per Acre (R-2) to Water Dependent-Industrial (WD-I).

The attached staff memo includes a summary of the property's history, an explanation of the nature and purpose of the requested amendments to the City's Land Use Map and Zoning Map, and a discussion of the recommendations from the staff, Planning Commission and Hearing Examiner.

RECOMMENDED ACTION

Motion:

I move that the City Council forward Ordinance No. 2013-16 pertaining to the McNabb/Bainbridge Marina, Comprehensive Plan Amendment/Rezone Request 13220B to first reading on November 13, 2013.



STAFF REPORT

*City of Bainbridge Island
Department of Planning
and Community Development*

Project: Bainbridge Marina--McNabb
Comprehensive Plan Amendment & Rezone Application

File number: CPA/REZ 13220B

Date: October 16, 2013

To: City Council

From: Kathy Cook
Planning Director

I. INTRODUCTION

Applicant: Darrell McNabb
P.O. Box 10325
Bainbridge Island, WA 98110

Owner: Darrell & Vannee McNabb
P.O. Box 10325
Bainbridge Island, WA 98110

Request: The applicant requests an amendment to the Land Use Map of the Comprehensive Plan, to change the designation of two parcels from Open Space Residential (OSR)-2 to Water Dependent-Industrial (WD-I). The Comprehensive Plan amendment application was submitted as part of the City's 2013 amendment cycle, and is being reviewed pursuant to BIMC Section 2.16.190. The application and map showing the subject property and its vicinity are attached (Attachment A and C). The properties are located at 4200 Eagle Harbor Drive, Bainbridge Island.

The applicant submitted a Site-Specific Rezone application to amend the City's Official Zoning Map, concurrently with the Comprehensive Plan amendment described above. The rezone application is being reviewed pursuant to BIMC Section 2.16.140 (Attachment D). The rezone application requests changing the zoning of the same two parcels from

Residential, Two Units per Acre (R-2) to Water Dependent-Industrial (WD-I). The rezone application and map showing the subject property and its vicinity are attached (Attachments B and C).

Location: 4200 Eagle Harbor Dr. NE
Parcel A: Tax Parcel No.: 352502-2-003-2007 (aggregated with Lots 001 and 002 under Tax Parcel No 352502-2-086-2007)
Parcel B: Tax Parcel No.: 352502-2-004-2006

Zoning Designation: Residential-2 (R-2) Two Units Per Acre

Comprehensive Plan Designation: Open Space Residential-2 (OSR-2)

Environmental Review: After review of a State Environmental Policy Act (SEPA) Checklist, a Determination of Nonsignificance (DNS) was issued on March 29, 2013 (Attachment F).

Staff Recommendation: Comprehensive Plan Amendment Request: Staff recommends approval of the Comprehensive Plan Land Use Map amendment for Parcel A, and conditional approval of the Comprehensive Plan Land Use Map amendment for Parcel B.

Site-Specific Rezone Request: Staff recommends approval of the Site-specific rezone application for Parcel A, and conditional approval of the Site-Specific rezone for Parcel B.

As described more fully elsewhere in this report, staff's recommendation for final approval of the proposed change in the land use designation and zoning for Parcel B is dependent on the applicant securing approval for a change in the shoreline designation to Urban. Under the City's current Shoreline Master Program, adopted in 1996, the Shoreline Designation for Parcel B is Natural. The City's draft SMP Update proposes a change in designation to Shoreline Residential Conservancy. The applicant is seeking a change to an Urban shoreline designation through the Department of Ecology's review of the City's proposed SMP Update, currently underway.

Planning Commission

Recommendation: Comprehensive Plan Amendment Request: The Planning Commission considered the Comprehensive Plan amendment request (CPA 13220B) submitted by Mr. McNabb at a study session on May 23, 2013 and conducted a public hearing on June 27, 2013. The Planning Commission

recommended approval of the change in the land use designation for Parcel A, and conditional approval of the change in the land use designation for Parcel B. (Please see Attachment G, Planning Commission meeting minutes.)

Site-Specific Rezone Request: While the Comprehensive Plan Amendment request and the Site-Specific Rezone request were submitted concurrently and are interrelated, the Planning Commission's role as specified in the Municipal Code is to make a recommendation to the City Council on the Comprehensive Plan Amendment request and not on the Site-Specific Rezone request. The Hearing Examiner is responsible for reviewing staff's recommendation on the Site-Specific Rezone request and making a recommendation to the City Council.

**Hearing Examiner
Recommendation:**

Comprehensive Plan Amendment Request: While the Comprehensive Plan Amendment request and the Site-Specific Rezone request were submitted concurrently and are interrelated, the Hearing Examiner's role as specified in the Municipal Code is to make a recommendation to the City Council on the Site-Specific Rezone request, and not on the Comprehensive Plan Amendment request (See Attachment D, BIMC Section 2.16.140). However, please note that the Hearing Examiner's "Findings, Conclusions and Recommendation to City Council," dated September 23, 2013 (Attachment H) does include some suggestions regarding the Comprehensive Plan Amendment request as it relates to the rezone request.

Site-Specific Rezone Request: The Hearing Examiner considered the Site Specific Rezone Request and conducted a Public Hearing on August 9, 2013. The Hearing Examiner issued "Findings, Conclusions and Recommendation to City Council," on September 23, 2013 (Attachment H) recommending that for **Parcel A**, "the Water Dependent-Industrial (WD-I) zoning shall become effective immediately upon City Council approval of Comprehensive Plan amendment CPA 13220B."

For **Parcel B**, the Hearing Examiner recommends that the Water Dependent-Industrial (WD-I) zoning shall become effective upon City Council approval of Comprehensive Plan amendment CPA 13220B and "satisfaction of, or subject to, any contingencies and conditions stated therein limiting or modifying such approval."

II. DETAILED AMENDMENT REQUEST

The applicant requests an amendment to the Land Use Map of the Comprehensive Plan, to change the designation of two parcels from Open Space Residential (OSR)-2 to Water Dependent-Industrial (WDI). Altogether, the property proposed to become WD-I is approximately 1.59 acres in size. The application and map showing the subject property and its vicinity are attached (Attachment A and C). The property is located at 4200 Eagle Harbor Drive, Bainbridge Island.

The applicant further requests an associated Site-Specific Rezone that would amend the City's Official Zoning Map to change the zoning of the same two parcels from Residential, Two Units per Acre (R-2) to Water Dependent-Industrial (WD-I). The rezone application (Attachment B) and map showing the subject property and its vicinity are attached (Attachment C).

III. BACKGROUND

Darrell McNabb has owned four properties on the south side of Eagle Harbor since 1977, before the City of Bainbridge Island incorporated and zoning and permitting on Bainbridge Island were under Kitsap County. The four parcels comprise approximately 2.71 acres and include associated tidelands. The two parcels that are the subject of the Comprehensive Plan amendment request and Site-Specific Rezone request approximate 1.59 acres.

In 1980, Mr. McNabb applied to Kitsap County for a Shoreline Substantial Development Permit (SSDP346) for a marina, dry boat storage, and boat repair facility. In July 1981, Mr. McNabb applied to Kitsap County for an Unclassified Public Use Permit (UPUP) to construct and operate a marina and boatyard. A Final Environmental Impact Statement for the applications was issued in August, 1981. The Kitsap County Hearing Examiner approved the UPUP/Site Plan in November 1981, and the Kitsap County Board of Commissioners approved SSDP 346 in November 1981. The marina use was subsequently established on Tax Parcels 352502-2-001-2007 and 352502-2-002-2006, and 352502-2-004-2006. The Parcels 001 and 002 are currently zoned Water Dependent-Industrial and Parcel 004 is currently zoned R-2.

In 1990, the citizens of Bainbridge Island voted to incorporate, and the City of Bainbridge Island assumed authority for zoning and permitting for the entire Island. Mr. McNabb continued to pursue with the City completion of the development projects authorized under the County permits. Although the County permits were issued in 1981, the City stipulated in October 2007 that the County-approved site plan was in full force and effect, and re-stipulated to this in January 2013.

Two of the properties owned by Mr. McNabb are currently designated on the City's Comprehensive Land Use map as Water Dependent-Industrial, and two of the properties are designated as Residential/2 units per acre (R-2). Similarly, these first two parcels are designated on the City's official Zoning Map as being zoned Water-Dependent Industrial, and the second two parcels are zoned Residential, R-2. Over the years, there has been disagreement between the City and Mr. McNabb over whether these latter two parcels were incorrectly zoned as Residential by the City. While the current land use and zoning maps designates them as R-2, a

review of the City's previous Comprehensive Plan Land Use Maps, Zoning Maps and associated ordinances indicates that the properties were not consistently designated. In some instances, the properties are shown as residentially zoned, in others they are shown as Water-Dependent Industrial. Because the most recent zoning maps show the properties as residentially zoned, Mr. McNabb has been precluded from submitting permits for further development of a water-dependent industrial nature.

In 2005, the City advised Mr. McNabb that further development of the residentially zoned properties would require a Comprehensive Plan amendment and rezone, and in June 2005, Mr. McNabb submitted a Comprehensive Plan amendment request to this effect.

At that time, the City had a two-phased review process for Comprehensive Plan amendment requests. The purpose of Phase I was to determine which amendments warranted further review under Phase II. Amendment requests that were not forwarded to Phase II were considered to be denied. In the case of Mr. McNabb's 2005 amendment request, staff recommended that the request should not be forwarded to Phase II, as it would be more appropriate to integrate review of the request into the upcoming Shoreline Master Program update, which was scheduled to begin in 2007 (later deferred to 2009). The Planning Commission concurred, and forwarded the recommendation to the City Council. The City Council did not agree with the recommendation, and in November 2005 voted to forward the McNabb request to Phase II, and directed staff to consider the amendment request in conjunction with Pritchard Park and the Japanese American Memorial site to explore the full range of opportunities offered by the Eagle Harbor south shore properties. Planning Director Larry Frazier informed Mr. McNabb that Phase II review would begin in the fourth quarter of 2006.

The McNabb amendment request was subsequently deferred by the Planning Department for a variety of reasons and ultimately never processed. In addition, while the Eagle Harbor south shore properties were considered along with all island shorelines during the City's 2009-2013 Shoreline Master Program Update, the McNabb properties were not reviewed in light of the original 2005 amendment request. In January 2013, the City entered into an agreement with Mr. McNabb that stated he would submit a new amendment request as part of the 2013 Comprehensive Plan amendment cycle, and that the City would process the request in good faith.

IV. ANALYSIS

As discussed above, two of the Eagle Harbor south shore properties owned by Mr. McNabb are designated WD-I and two are designated R-2 (Attachment C). Mr. McNabb is seeking to have all properties designated WD-I so that he can expand the current marina/boatyard operation and bring the zoning into conformance with the land use permits and site plan approved by Kitsap County.

Goal 6 of the Land Use Element of the Comprehensive Plan states the purpose of the Water-Dependent Industrial District:

Allow for the continuation of water-dependent industrial uses on Bainbridge Island in order to preserve elements of a working waterfront within the urban shoreline area.

Water-dependent uses require direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of the operation.

Expansion of the Bainbridge Marina is consistent with the overall Goal for the Water-dependent Industrial District. It should also be noted that the current marina/boatyard development is in character with the zoning and development in this section of the south shore of Eagle Harbor. The property to the east is zoned Water-Dependent Industrial. While the properties to the west are zoned residential, much of the shoreline is developed with non-residential uses of a water-dependent industrial nature, including three other marinas.

Parcel A is directly south of the two existing Water-Dependent Industrial properties that are currently developed with the marina and associated facilities. Changing the land use designation for this parcel from Residential to Water-Dependent Industrial would allow for a logical extension of the existing marina/boatyard facilities. In addition, Parcel A does not seem to be an appropriate or attractive location for single-family residential development, given its adjacency to an existing water-dependent industrial use. Therefore, staff is recommending that the land use designation and zoning for Parcel A be changed to Water-Dependent Industrial. In arriving at this recommendation, staff considered the existing use, location and size of the property, surrounding uses, public comment, and Comprehensive Plan policies that support both changing and not changing the land use designation to WDI (Attachment I).

Parcel B is located to the west of the Water-Dependent Industrial property that is currently developed with the marina/boatyard and associated facilities. It is currently developed with a caretaker unit/office that are accessory to the marina facilities. In addition, nearly half of the marina slips lie within the tidelands extension of Parcel B.

Upland land use and zoning designations must be consistent with shoreline designations. The current shoreline designation for Parcel B is "Natural." As part of the City's ongoing SMP Update, the "Natural" shoreline designation is recommended to be changed to the less restrictive "Shoreline Residential Conservancy" designation. However, neither a "Natural" nor a "Shoreline Residential Conservancy" is consistent with a Water-Dependent Industrial zoning designation or marina uses. Therefore, Mr. McNabb is pursuing a change in the shoreline designation for Parcel B through the SMP Update process, and submitted written and oral public comment to this effect to the City Council. The City Council did not recommend changing the designation, and voted on May 15 to forward the draft SMP Update to the Department of Ecology (DOE) for further review. Staff's understanding is that Mr. McNabb participated in the DOE's public comment process to advocate for a change in the shoreline designation for Parcel B and is awaiting a recommendation from DOE.

Staff recommends that changing the land use and zoning designation of Parcel B from Residential to Water-Dependent Industrial must be contingent on Mr. McNabb securing a change in the shoreline designation through the SMP Update process. (It should be noted that the Hearing Examiner comments that changing the land use and zoning designation for this parcel from Residential to Water-Dependent Industrial would accommodate a further upland extension of the existing marina and boatyard facilities from Parcel A, even if no new shoreline development were contemplated, and that the City could consider changing the land use/zoning

designations with the condition that no shoreline permit applications could be processed unless the shoreline designation is changed.)

V. FINDINGS

A. Site Characteristics

1. ASSESSOR'S RECORD INFORMATION:

Parcel A: Tax Parcel No.: 352502-2-003-2007 (aggregated with Lots 001 and 002 under Tax Parcel No 352502-2-086-2007)

Parcel B: Tax Parcel No.: 352502-2-004-2006

2. TERRAIN:

Property A (eastern) slopes gently down from Eagle Harbor Drive, from south to north. Property B (western) slopes moderately from the southwest to north and gets steeper in the northwestern portion of the property and towards the water. A review of City records and maps indicate there may be a landslide hazard area (as defined in BIMC Chapter 16.20 *Critical Areas*), and therefore a landslide hazard buffer area may apply. There is some vegetation along the road on both properties.

3. SITE DEVELOPMENT

The "Marina" lots (tax parcels # 352502-2-001-2009, 352502-2-002-2008) were developed with a marina/boatyard and associated facilities under Kitsap County permits. Parcel A (tax parcel # 352502-2-003-007) contains a retaining wall, developed under a City of Bainbridge Island permit. Parcel B (tax parcel (tax parcel 352502-2-004-2006) is developed with a caretaker unit/office and two small historic cabins. Nearly half of the marina slips lie within the tidelands extension of Parcel B.

4. ACCESS:

The subject properties are on the south side of Eagle Harbor. The existing access is from Eagle Harbor Drive.

5. PUBLIC SERVICES:

- a. Police- Bainbridge Island Police Department
- b. Fire- Bainbridge Island Fire Department
- c. Schools- Bainbridge Island
- d. Water- Private Well, Class I
- e. Sewer- On-site septic

6. SURROUNDING USES, COMPREHENSIVE PLAN DESIGNATION & ZONING:

- a. North: Eagle Harbor
- b. East: Japanese-American Memorial Park, WD-I, Water Dependent Industrial
- c. South: Single-family residential/ OSR-2/ R-2
- d. West: Single-family residential/ OSR-2/ R-2

B. History of CPA/REZ 13220B)

- 1. Mr. McNabb met with City staff on February 12, 2013 for a pre-application conference.

2. Mr. McNabb submitted the Comprehensive Plan Amendment and a Site-Specific Rezone application to the Department of Planning and Community Development on February 13, 2013 (Attachment A, B & C).
3. Following the Comprehensive Plan Amendment process outlined in BIMC Section 2.16.190.G, staff began reviewing the amendment, including State Environmental Policy Act (SEPA) review. After a review of the SEPA checklist, SEPA Official/ Director Kathy Cook issued a Determination of Nonsignificance (DNS) on March 29, 2013 (Attachment F). Because this is a site-specific amendment, the DNS was mailed to property owners within 500 feet of the three subject properties, as required by BIMC Section 16.04.130.A.2. A “CPA Courtesy Notice” was included with the DNS mailing to provide a fuller explanation of the Comprehensive Plan Amendment proposal and process. The comment and appeal period ended on April 19th. Three written comments were submitted (Attachment J). Public Comment is discussed below. No appeal was filed on the SEPA decision.
4. The Kitsap Public Health District submitted a “no comment” (April 29, 2013) on the proposal to change the Zoning and Comprehensive Plan Land Use Maps (Attachment K).
5. The Planning Commission considered the Comprehensive Plan amendment request submitted by Mr. McNabb at a study session on May 23, 2013 and conducted a public hearing on June 27, 2013. The Planning Commission recommended approval of the change in the land use designation for Parcel A, and conditional approval of the change in the land use designation for Parcel B.
6. The Hearing Examiner considered the Site Specific Rezone Request and conducted a Public Hearing on August 9, 2013. The Hearing Examiner issued “Findings, Conclusions and Recommendation to City Council,” on September 23, 2013 (Attachment H), recommending approval for Parcel A and conditional approval for Parcel B.

C. Public Comment

Three written comments were submitted on this application:

1. One commenter expressed concern that the existing development is “non-conforming” and that amending the land use designation will lead to similar development that will have potentially negative impacts on the neighborhood. This commenter also stated that the property is currently unsightly.

Staff Response: The existing marina development on Tax Parcel 352502-2-001-2009, zoned Water Dependent-Industrial is conforming. The City has stipulated that land use permits and site plan approved by the County that would allow further development of water dependent industrial nature are in full force and effect. Mr. McNabb has submitted this amendment request to bring the zoning of Parcels A and B into conformance with the approved permits and site plan.

2. Another commenter expressed concern that the applicant is seeking a change from a “Natural” Shoreline Designation to an “Urban” Shoreline Designation through the City’s ongoing SMP Update process, noting there could be environmental impacts.

Staff Response: Mr. McNabb is requesting an amendment to the Land Use Map of the Comprehensive Plan, to change the designation of 2 parcels from Open Space Residential (OSR)-2 to Water Dependent-Industrial (WDI). As discussed elsewhere in this staff report, changing the land use designation of Parcel B to WDI will require a change in the

designation to “Urban”; Mr. McNabb is pursuing this request separately through the City’s ongoing SMP Update process. The change in shoreline designation is currently before the Department of Ecology.

3. A third commenter questioned whether the “Non-Project” SEPA analysis was appropriate for an amendment request that could lead to a rezone, and expressed concern about Mr. McNabb’s request to change the shoreline designation of Parcel B from “Natural” to “Urban.”

Staff Response: Processing a Non-Project SEPA Checklist is the standard approach for changes to the Comprehensive Plan Land Use Map. The concern regarding shoreline designation is addressed to the staff response to comment b), above.

VII. BAINBRIDGE ISLAND MUNICIPAL CODE REVIEW

A. Use Regulations: BIMC Section 18.09

The Use Table, BIMC Table 18.09.020, showing the permitted, conditional, and not permitted uses by zoning district is included as Attachment L. The table should be used for comparing the uses of the R-2 and WD-I districts.

B. Development Standards BIMC Table 18.12.020 & Landscaping BIMC Section 18.15.010

The table below compares the development standards and required landscaping for development within the R-2 and Water-Dependent/ Industrial zoning districts.

Development Standard	R-2	WD/ I
Density	3 dwellings: Single Family and Multi-family	Residential Not Permitted
Front Setback	25 ft (50 ft w/ SPT)	40 ft.
Side Setback**	5 min/15 combined (15 ft w/ SPT)	40 ft to West (Residential Zone) 10 ft to East (Pritchard Park)
Rear Setback**	Native Vegetation Zone (SMP) for western property, 15 ft. for eastern property	Native Vegetation Zone (SMP) for western property, 10 ft. for eastern property
Lot Coverage	20%	50%
Building Height**	30 ft. 35 feet for nonresidential uses with CUP	35 ft. base; 45 ft with Major CUP
Parking Requirements	2 per primary dwelling unit OR for nonresidential CUP depends on use- see BIMC Table 18.15.020-1	Depends on use- see BIMC Table 18.15.020-1
Design Guidelines (DG)	No DG for residential use; new CUP would use Commercial/Mixed Use DG	Commercial/ Mixed Use Design Guidelines
Roadside Buffer	50 ft. (mature veg.) or 25 ft. full screen SPT only;	35 ft. min./50 ft. max. partial screen
Other Perimeter Buffer	25 ft. filtered screen to Pritchard Park and if using “cluster” SPT	5 ft. min./10 ft. max. full screen to east (Pritchard Park) 20 ft. min./40 ft. max. full screen to West (residential zone)

Development Standard	R-2	WD/ I
Total Site Tree Unit Requirement?	No for Residential Yes for Nonresidential CUP	No
Parking Lot Landscaping	No for Residential Yes for Non-Residential	Yes
Abbreviations: Conditional Use Permit (CUP), Short Plat (SPT), Multifamily (MF), Single-family (SF), Shoreline Master Program (SMP) **May be modified by Shoreline Master Program regulations		

C. Comprehensive Plan Land Use Map Amendments: BIMC Section 2.16.190.D

Changes to the land use map may only be approved if the proponent has demonstrated that all of the following are true **(staff response in bold)**:

1. The designation is in conformance with the appropriate land use designation purpose statement identified in the comprehensive plan; and
2. The map amendment or site is suitable for the proposed designation; and

Expanding the existing marina/boatyard development would allow continuation of a working waterfront, and would provide the preferred urban waterfront uses identified in the Comprehensive Plan.

3. The map amendment implements applicable comprehensive plan policies better than the current map designation.

A portion of Mr. McNabb's property is currently developed with uses of a water-dependent industrial nature. Changing the land use designation for Parcel A would allow for a logical extension of the existing development; expanding existing Water-Dependent Industrial developments is seen in the Comprehensive Plan as being preferred to creating new industrial facilities. The existing development on Parcel B are accessory uses to the adjacent marina/boatyard. As discussed above, staff recommends that changing the land use designation for Parcel B is contingent on securing a change in the shoreline designation to "Urban."

D. Decision Criteria for Site-Specific Rezones: BIMC 2.16.140.H

The following criteria shall be considered in any review for a site-specific rezone in order to establish a recommendation to approve, disapprove or approve with conditions: **(staff response in bold)**:

1. The site-specific rezone will not be materially detrimental to the public welfare or injurious to the property or improvements in the immediate vicinity and zone in which the property is located; and

Allowing an expansion of the current marina/boatyard development would be consistent with the zoning and development in this section of the south shore of Eagle Harbor. The property to the east is zoned Water-Dependent Industrial. While the property to the west is zoned residential, much of the shoreline is developed with non-residential uses of a water-dependent industrial nature, including three other marinas.

The WDI zoning regulations include a number of zone-specific performance standards relating to pollution, noise, lighting, waste storage and disposal, air

quality emissions, ground and soil contamination, outdoor storage and trash disposal that are intended to protect the public welfare and offset potential impacts to properties in the immediate vicinity.

The Kitsap County Health District had no comment on this CPA and Rezone Application (Attachment K).

2. The site-specific rezone is warranted because of changed circumstances and the proposed designation is appropriate for reasonable development of the subject property, or because of a need for additional property in the proposed zone, and the proposed designation is appropriate for reasonable development of the subject property; and

As described in this report, the site-specific rezone would allow for a logical expansion of the current marina/boatyard operation and bring the zoning into conformance with the land use permits and site plan approved by Kitsap County.

It is also consistent with Goal 6 of the Land Use Element of the Comprehensive Plan, which states the purpose of the Water-Dependent Industrial District is to allow for the continuation of water-dependent industrial uses in order to preserve elements of a working waterfront, and with Policy W 6.5, which states in part that expansion of existing facilities should be encouraged over the addition of new facilities.

For further information on relevant Comprehensive Plan policies, please refer to Attachment I.

3. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning designation; and

The subject property could be further developed under the WDI zoning and meet the required standards, provided that the applicant is able to secure a change in the shoreline designation for Parcel B from the Shoreline Conservancy designation (proposed as part of the City's SMP Update) to an Urban designation.

4. The property will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities for the intensity to which it is being rezoned; and

Public facilities will be evaluated when a specific development proposal is applied for, and the property must be able to accommodate required facilities. The property is served by a Class 1 private well and on-site septic; the Health District had no comments on the rezone application. The property is accessed by Eagle

Harbor Drive. The City's Development Engineer reviewed the application, please refer to Attachment M.

5. The site-specific rezone is in accord with the Comprehensive Plan; and

This rezone application is in accord with the City's Comprehensive Plan in that it promotes the continuation of a working waterfront and the expansion of an existing facility rather than creation of new facilities. As an all-island city, Bainbridge Island has an active boating community which will have a continued (and growing need) for marina and boatyard facilities.

6. The site-specific rezone complies with all other applicable criteria and standards of the city; and

Future development would need to comply with all other applicable standards of the Bainbridge Island Municipal Code. As discussed in this report, a change in the land use and zoning designation for Parcel B is predicated on a change in the shoreline designation.

7. The site-specific rezone would not devalue surrounding or nearby property; and

The McNabb property is currently developed with marina/boatyard facilities, a caretaker's unit and related facilities. The City has stipulated that permits and a site plan approved by Kitsap County are in full force and effect; the proposed rezone would bring the property into conformance with those permits.

8. The site-specific rezone will not result in an adverse environmental consequence. **A Final Environmental Impact Statement for the Kitsap County applications was issued in August, 1981. Additional environmental review would likely be required for any future new WDI development.**

- E. Decision Criteria for Comprehensive Plan Policy Amendments: BIMC Section 2.16.190.H
This Comprehensive Plan Amendment request has been processed as outlined in BIMC Section 2.16.190.G. The Planning Commission and City Council shall base their respective recommendation or decision on a proposed Comprehensive Plan amendment on the following criteria **(staff response in bold)**:

1. Compliance with Law: Amendments to the comprehensive plan shall comply with the Growth Management Act and other state and federal laws.
This Comprehensive Plan amendment as it applies to Parcel A complies with the Growth Management Act, and other state and federal laws. In order to be compliant with the Growth Management Act, staff recommends that the amendment request as it applies to Parcel B must be accompanied by a change to

the shoreline designation. The Hearing Examiner has suggested a possible alternate approach, as explained in Attachment H.

2. Resources

- a. The city must have the resources, including staff and budget, necessary to implement the proposal.
- b. The amendment will not result in development that has significant adverse effects on community resources, including but not limited to: water resources, utilities, transportation, parks or schools.
- a. The amendment must not adversely affect the city's ability to provide the full range of public facilities and services at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

This amendment requests a change to the Land Use Map of the Comprehensive Plan, which can be updated by City staff without unduly affecting resources at this time.

3. Internal Consistency: Amendments shall be consistent with the land uses and growth projections that are the basis of the comprehensive plan and with the overall intent of the comprehensive plan, including the community vision, overriding principles, and overall goals that guide the plan.

This amendment is consistent with the overall community vision as adopted in the City's Comprehensive Plan by promoting the preservation of a working waterfront, and supporting the expansion of existing Waterfront-Dependent Industrial development over creating new WD-I developments

4. Cumulative Effect: All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, adopted environmental policies and other relevant implementation measures.

This Comprehensive Plan amendment request does not conflict with any of the other amendments submitted during the 2013 Comprehensive Plan Amendment cycle. This amendment is unrelated to the other Comprehensive Plan Amendments.

5. Land Use Impacts: Amendments shall not adversely affect public health, safety or welfare. An amendment must be compatible with neighboring land uses and surrounding neighborhoods, if appropriate. In addition, applications should be reviewed for their cumulative land use impacts.

The Kitsap County Health District had no comment on this CPA (Attachment K). Any proposed development must be able to provide the water and on-site septic required given the size and use of the property.

VIII. CONCLUSIONS

The proposed amendment furthers overall goals and policies of the Comprehensive Plan that promote the preservation of a working waterfront and the expansion of existing WD-I facilities over the creation of new ones, with the caveat that a change in the land use designation and zoning for Parcel B must be accompanied by a change in the shoreline designation to "Urban".

As discussed in this report, this proposed amendment is consistent with the Comprehensive Plan goals and policies and meets the review criteria for an amendment to the Comprehensive Plan. The associated proposed rezone is consistent with the review criteria for a site-specific rezone. The staff and Planning Commission have recommended approval of the Land Use Map amendment for Parcel A, and for Parcel B if the applicant is able to secure a change in the shoreline designation. The staff also recommended approval of the zoning amendment for Parcel A, and for Parcel B if the applicant is able to secure a change in the shoreline designation. The Hearing Examiner recommended approval of the rezone request for Parcel A, if the change Comprehensive Plan land use designation is approved. The Hearing Examiner further recommended a conditioned approval of Parcel B, as discussed in Attachment H.

IX. ATTACHMENTS

- A. CPA Application *CPA 13220B*
- B. Site-Specific Rezone Application *REZ 13220B*
- C. CPA/REZ Applications Aerial Photo & Maps; County approved Site Plan
- D. BIMC Section 2.16.140 *Site-Specific Rezones*
- E. Draft Ordinance 2013-16
- F. Determination of Non-significance and SEPA Checklist
- G. Planning Commission meeting minutes: May 23rd and June 27th
- H. Hearing Examiner Recommendation and Exhibit List, 9/23/13
- I. Comparison of Comprehensive Plan Goals and Policies
- J. Public Comment
- K. Kitsap County Health District Comment
- L. Permitted Use Table BIMC 18.09.020
- M. City Development Engineer Janelle Hitch Review



APPLICATION

Page 1

Original

Project Name: BAINBRIDGE MARINA/MCNABB CPA
Date Received: 2/13/2013
Project Number: PRJ-0013220
Case Number: CPA13220B
Primary Parcel Number: 35250220042006
Site address: 4200 Eagle Harbor Drive
Case Description: 2/13/2013, Kathy Cook, 4200 Eagle Harbor Drive. Comprehensive plan amendment to change the zoning of all parcels to Water Dependent Industrial.

CITY OF
BAINBRIDGE ISLAND

FEB 13 2013

DEPT OF PLANNING &
COMMUNITY DEVELOPMENT

People associated with case:
01. File Name
BAINBRIDGE MARINA/MCNABB
4200 EAGLE HARBOR DRIVE
BAINBRIDGE ISLAND WA 98110
03. Owner
VANNEE & DARRELL MCNABB
POST OFFICE BOX 10325
BAINBRIDGE ISLAND WA 98110
PHONE: 206-953-6767
05. Contact
DARRELL MCNABB
POST OFFICE BOX 10325
BAINBRIDGE ISLAND WA 98110
PHONE: 206-953-6767
07. City Planner
KATHY COOK

Parcel Numbers:

35250220032007
35250220042006
35250220862007

Tax Parcel Owner(s):

35250220042006
VANNEE & DARRELL MCNABB
POST OFFICE BOX 10325
BAINBRIDGE ISLAND, WA 98110

Fee History for Case:

Description	Amount	Receipt No.	Due

**CITY OF BAINBRIDGE ISLAND
COMPREHENSIVE PLAN AMENDMENT APPLICATION**
FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.
PENCIL WILL NOT BE ACCEPTED.



DATE STAMP FOR CITY USE ONLY CITY OF BAINBRIDGE ISLAND FEB 13 2013 DEPT OF PLANNING & COMMUNITY DEVELOPMENT	TO BE FILLED OUT BY APPLICANT PROJECT NAME: <u>BAINBRIDGE MARINA-McMABBB</u> TAX ASSESSOR'S NUMBER: <u>352502-2-086-2007</u> <u>(352502-2-001,002,</u> <u>003,004)</u> <u>352502-2-004</u> PROJECT STREET ADDRESS OR ACCESS STREET: <u>4200 EAGLE HARBOR DR.</u> <u>BAINBRIDGE IS. WA 98110</u> FOR CITY USE ONLY FILE NUMBER: <u>CPA132203</u> PROJECT NUMBER: <u>PRJ-0013220</u> DATE RECEIVED: <u>2.13.2013</u> APPLICATION FEE: <u>n/a</u> TREASURER'S RECEIPT NUMBER: <u>n/a</u>
SUBMITTAL REQUIREMENTS	
APPLICATION	<i>One original (which must contain an original signature) and three copies must be provided. Whenever possible, originals must be signed in blue. Please identify the original document.</i>
SUPPORTING DOCUMENTS	<i>One original (which must contain an original signature), where applicable, and three copies (if an original is not applicable, four copies must be provided).</i>
MAPS	Site-specific applications must include vicinity maps.
SUBMITTING APPLICATIONS	Applications <i>must be submitted in person</i> by either the owner or the owner's designated agent. Should an agent submit the application, a <i>notarized Owner/Agent Agreement</i> must accompany the application (owner/app agreement attached). Please call (206) 780-3762 to make an appointment to submit your application.
FEES	Please call the Department of Planning & Community Development for submittal fee information. Review by the Kitsap County Health Department may require additional fees and processing time.
SEPA	State Environmental Policy Act Checklist (SEPA) is required (only for site-specific applications).
ATTACHED SUBMITTAL CHECKLIST	Please refer to attached Submittal Fact Sheet for further information. NOTE: When submitting this application, please do not copy or include the Submittal Fact Sheet attached to the back of this application.

CITY OF BAINBRIDGE ISLAND
COMPREHENSIVE PLAN AMENDMENT APPLICATION
FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.
PENCIL WILL NOT BE ACCEPTED.



A. GENERAL INFORMATION

1. Name of property owner: DARRELL & VANNEE MCNABB
Address: P.O. BOX 10325, BAINBRIDGE IS, WA 98110
Phone: 206-953-6767 Fax: 206-352-3933
E-mail: DMCNABB@AUTOSCANING.COM
Name of property owner: _____
Address: _____
Phone: _____ Fax: _____
E-mail: _____

If the owner(s) of record as shown by the county assessor's office is (are) not the agent, the owner's (owners') signed and notarized authorization(s) must accompany this application.

2. Authorized Agent/Project Contact: _____
Address: _____
Phone: _____ Fax: _____
E-mail: _____

3. Does the amendment request concern a specific property (or properties)? ☒ YES ☐ NO

4. Does the request relate to a specific area of the island? ☒ YES ☐ NO (If yes, provide a description of the area or a map indicating the area.)

SEE ATTACHMENTS: 1 - SITE PLAN - ADA
2 - LEGAL & SURVEY - ADA

5. Does this proposal include an amendment to the Land Use Map of the Comprehensive Plan?

☒ YES ☐ NO If so, please describe: THIS AMENDMENT REQUEST

PROPOSES THAT THE LAND USE DESIGNATION FOR TWO
TAX PARCELS CONTAINED WITHIN THE SITE PLAN OF FOUR
TAX PARCELS, SPECIFICALLY 352502-2-003-2007 AND
352502-2-004-2006, BE CHANGED FROM RESIDENTIAL
(R-2) TO WATER DEPENDANT INDUSTRIAL, WD-I, SITE PLAN:
[352502-086-2007 CONTAINS -001,002,003] & 352502-2-004-2006

6. Is a Rezone Request associated with this Comprehensive Plan Amendment request? (ATTACHMENT 2)
☒ YES ☐ NO

CITY OF BAINBRIDGE ISLAND
COMPREHENSIVE PLAN AMENDMENT APPLICATION
FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.
PENCIL WILL NOT BE ACCEPTED.



7. Provide a reference to the element(s) of the Comprehensive Plan that is proposed for amendment and pages of the plan, if applicable.

THIS REQUEST IS FOR AN AMENDMENT TO THE
LAND USE MAP OF THE COMPREHENSIVE PLAN.
NO TEXT AMENDMENTS ARE PROPOSED.

8. Provide proposed amendatory language. NOT APPLICABLE

9. Explain the reasons behind this amendment proposal. THE PROPERTY SITE PLAN
INCLUDES USES CONSISTENT WITH WD-I FOR A
MARINA, BOATYARD AND FACILITY CARETAKERS
QUARTERS/OFFICE USES AND DESIGNATIONS.
CURRENT MAPS SHOW PARCELS 003 + 004 AS RESIDENTIAL.

B. In order to assist the Planning Commission and the City Council in their selection of comprehensive plan amendments, please describe how your proposed amendment meets the selection criteria.

1. Consideration of the previous record, if the amendment was reviewed and denied during previous comprehensive plan review:

NOT APPLICABLE

2. The proposed amendment advances goals and policies of the Comprehensive Plan (please cite the goal or policy that supports the amendment): YES,

SEE LAND USE ELEMENT, WATER DEPENDENT INDUSTRIAL
DISTRICT, GOALS AND RELATED POLICIES, GOAL 6,
GOAL 6, POLICIES W6.1 + W6.3. (SEE ATTACHMENT 3)

3. The proposed amendment is consistent with the goals and regulations of the Growth Management Act: YES, THE PROPOSED AMENDMENT IS CONSISTENT
WITH AN ORDERLY AND COHESIVE DEVELOPMENT OF RELATED
FACILITIES AND USES UNDER THE SITE PLAN AND IS
APPROPRIATE FOR WD-I EXISTING AND PROPOSED
USES.

CITY OF BAINBRIDGE ISLAND
COMPREHENSIVE PLAN AMENDMENT APPLICATION
FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.
PENCIL WILL NOT BE ACCEPTED.



4. The relationship of the proposed amendment to other City codes and regulations:

THIS PROPOSED AMENDMENT IS CONSISTENT
WITH ALL CODES AND REGULATIONS,

5. The cumulative effects of all requests for plan amendments: NOT APPLICABLE

I hereby certify that I have read this application and know the same to be true and correct.

Darrell A. McNabb
*Signature of owner or authorized agent

2/12/2013
Date

DARRELL A. McNABB
Please print name

*Signature of owner or authorized agent

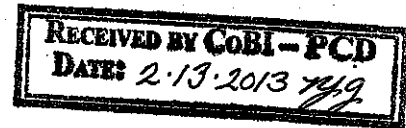
Date

Please print name

**If signatory is not the owner of record, the attached "Owner/Agent Agreement" must be signed and notarized*

- ATTACHMENT 1 BAINBRIDGE ISLAND MARINA SITE PLAN
(JAN 2013 - ADA)
- ATTACHMENT 2 BAINBRIDGE ISLAND MARINA SURVEY
+ SITE PLAN LEGAL W/TAX PARCELS
- ATTACHMENT 3 LAND USE ELEMENT, DECEMBER 2004
(3-1, 3-2) WATER-DEPENDENT INDUSTRIAL DISTRICT

- Open space.
- Road access and internal circulation including pedestrian connections on all sides of the retail area from the high density housing adjacent to High School Road; developing more pedestrian crossings; and requiring parking in the rear wherever possible.
- Signage.
- Additional transit stops on both sides of SR 305.



W 5.5

Properties with frontage along SR 305 shall provide a vegetated buffer along the highway that shall include the preservation and protection of existing vegetation, to visually screen the development year-round from the highway. Access to these properties shall not be directly from SR 305.

W 5.6

If an existing development redevelops or expands its gross floor area (GFA), compliance with current development standards shall be based on the size of the redevelopment or expansion. A range of compliance requirements shall be established to correspond with range in levels of redevelopment or expansion.

Water-dependent Industrial District

GOAL 6

Allow for the continuation of water-dependent, industrial uses on Bainbridge Island in order to preserve elements of a working waterfront within the urban shoreline area. Water-dependent uses require direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of the operation.

W 6.1

The Water-dependent Industrial District is intended primarily to provide for ship and boat building and boat repair yards. Preference should be given to small, local, boat haul-out and repair facilities, and water-oriented industry which serves boating needs.

W 6.2

Water-dependent industrial development shall not be located on sensitive and ecologically valuable shorelines such as natural accretion shore forms, marshes, bogs, swamps, salt marshes and tidal flats, and wildlife habitat areas, nor on shores inherently hazardous to such development, such as flood and erosion prone areas and steep and unstable slopes.

W 6.3

Industrial uses shall employ best management practices (BMPs) and best available facilities practices and procedures concerning the various services and activities performed and their impacts on the surrounding water quality. (For example, practices and procedures include safe handling of fuels and toxic hazardous materials to prevent them from entering the water and providing optimum means to provide prompt and effective clean-up of spills that do occur.)

W 6.4

Regional and statewide needs for industrial facilities should be carefully considered in reviewing new proposals, as well as in allocating shorelines for such development. Such reviews or allocations should be coordinated with port districts, adjacent counties and cities, and the State in order to minimize new industrial development that would unnecessarily duplicate under-utilized facilities elsewhere in the region, or result in unnecessary adverse impacts.

W 6.5

Expansion or redevelopment of existing, legally established industrial areas, facilities, and services with the possibility of incorporating mixed use development should be encouraged over the addition and/or location of new or single-purpose industrial facilities. Such development or redevelopment for mixed use should occur through a master planned development process in areas designated appropriate for such urban shoreline uses.

W 6.6

Joint use of piers, cargo handling, storage, parking, and other accessory facilities among private or public entities should be strongly encouraged or required in waterfront industrial areas.

W 6.7

New or expanded industrial development should be required to provide physical and/or visual access to shorelines and visual access to facilities whenever possible, and when such public access does not cause significant interference with operations or hazards to life and property.

W 6.8

The land use designation for the Wyckoff site should reflect what types of land use activities would be appropriate for the site based, in part, on historical significance, habitat mitigation implemented and performed on the property and the development restrictions required by the Environmental Protection Agency.

Discussion: EPA has begun cleanup at the Wyckoff Superfund Site and constructed a habitat mitigation beach along the western portion of the site. The Japanese American WWII Exclusion Memorial is proposed on the site and the adjacent Taylor Avenue. A public park is proposed for the remainder of the site. Mixed use development may be appropriate if public acquisition is not successful. Current actions by EPA focus on removal and containment of contamination. Future land use of the site may be affected by EPA's final cleanup action, the technologies used, and the time required to complete the cleanup.

Winslow Residential Districts

GOAL 7

The Urban Multi-Family District is intended to provide for moderate to high-density residential development that may include some office and governmental uses, and are permitted as conditional uses.

CITY OF BAINBRIDGE ISLAND

REZONE APPLICATION

FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.
PENCIL WILL NOT BE ACCEPTED.



DATE STAMP FOR CITY USE ONLY CITY OF BAINBRIDGE ISLAND FEB 13 2013 DEPT OF PLANNING & COMMUNITY DEVELOPMENT	TO BE FILLED OUT BY APPLICANT PROJECT NAME: <u>BAINBRIDGE MARINA-MCNAUL</u> TAX ASSESSOR'S NUMBER: <u>352502-2-086-2007</u> <u>(352502-2-001,002,</u> <u>003,004)</u> <u>352502-2-004</u> PROJECT STREET ADDRESS OR ACCESS STREET: <u>4200 EAGLE HARBOR DR.</u> <u>BAINBRIDGE IS. WA 98110</u> FOR CITY USE ONLY FILE NUMBER: <u>REZ13220</u> PROJECT NUMBER: <u>PRJ-0013220</u> DATE RECEIVED: <u>2.13.2013</u> APPLICATION FEE: <u>N/A</u> TREASURER'S RECEIPT NUMBER: <u>N/A</u>
---	---

SUBMITTAL REQUIREMENTS	
APPLICATION	One original (which must contain an original signature) and six copies must be provided. Whenever possible, originals must be <i>signed in blue</i> . Please identify the original document.
SUPPORTING DOCUMENTS	One original (which must contain an original signature), where applicable, and six copies (if an original is not applicable, nine copies must be provided).
FULL-SIZE DRAWINGS	Seven copies of the required drawings must be provided. Drawings must not exceed 18" x 24" in size. No construction drawings will be accepted unless specifically requested.
REDUCED DRAWINGS	Two copies of the drawings reduced to 11" x 17" must be provided.
SUBMITTING APPLICATIONS	Applications must be submitted in person by either the owner or the owner's designated agent. Should an agent submit the application, a <i>notarized Owner/Applicant Agreement</i> must accompany the application (owner/app agreement attached). Please call (206) 780-3762 to set up an appointment to submit the application.
FEES	Please call the Department of Planning & Community Development for submittal fee information. Review by the Kitsap County Health Department may require additional fees and processing time.
ATTACHED SUBMITTAL CHECKLIST	Please refer to attached Submittal Checklist for further information. NOTE: when submitting this application, please do not copy or include the Submittal Checklist sheets attached to the back of this application.

APPLICATIONS WILL NOT BE ACCEPTED
unless these basic requirements are met and the submittal packet is deemed counter complete.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
280 MADISON AVENUE NORTH • BAINBRIDGE ISLAND, WA
PHONE: (206) 842-2552 • FAX: (206) 780-0955 • EMAIL: pcd@
www.ci.bainbridge-isl.wa.us

CITY OF BAINBRIDGE ISLAND

REZONE APPLICATION

FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.
PENCIL WILL NOT BE ACCEPTED.



A. GENERAL INFORMATION

1. Name of property owner: DARRELL + VANNEE MCNABB
Address: P.O. BOX 10325, BAINBRIDGE IS, WA 98110
Phone: 206-953-6767 Fax: 206-322-3933
E-mail: DMCNABB@AUTOSCAN/INC.COM

Name of property owner: _____
Address: _____
Phone: _____ Fax: _____
E-mail: _____

Name of property owner: _____
Address: _____
Phone: _____ Fax: _____
E-mail: _____

*If the owner(s) of record as shown by the county assessor's office is (are) not the agent,
the owner's (owners') signed and notarized authorization(s) must accompany this application.*

2. Applicant/agent: _____
Address: _____
Phone: _____ Fax: _____
E-mail: _____

3. Project contact: _____
Address: _____
Phone: _____ Fax: _____
E-mail: _____

4. Planning department personnel familiar with site: _____

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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CITY OF BAINBRIDGE ISLAND

REZONE APPLICATION

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5. Description of proposal: PROPOSAL TO REZONE TWO PARCELS OF A FOUR PARCEL SITE PLAN FROM R-2 TO WD-I.

6. Driving directions to site: 4200 EAGLE HARBOR DR. N.E.

7. Legal description(s) (or attach): SEE ATTACHMENT 1

8. Proposed zone classification: WD-I

9. Proposed density: _____

10. Parcel information:

Assessor's parcel number	Parcel owner	Is property developed
<u>352502-2-086</u> <u>(001,002,003)</u>	<u>DARRELL + VANNEE McNABB</u>	<u>(Y) N</u>
		Y / N
		Y / N
<u>352502-2-004</u>		<u>(Y) N</u>

11. Current comprehensive plan, zoning and shoreline designations and use of subject parcel(s):

Lot Number	Comp Plan Designation	Zoning Designation	Shoreline Designation	Current Use
Lot <u>001</u>	<u>WD-I</u>	<u>WD-I</u>	<u>URBAN</u>	<u>MARINA + BOATYARD</u>
Lot <u>002</u>	<u>WD-I</u>	<u>WD-I</u>	<u>URBAN</u>	<u>" "</u>
Lot <u>003</u>	<u>R-2</u>	<u>R-2</u>	<u>N/A</u>	<u>" "</u>
Lot <u>004</u>	<u>R-2</u>	<u>R-2</u>	<u>NATURAL</u>	<u>MARINA + CARETAKERS OFFICE</u>

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CITY OF BAINBRIDGE ISLAND

REZONE APPLICATION

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12. Current comprehensive plan, zoning and shoreline designations and use of adjacent properties:

Property	Comp Plan Designation	Zoning Designation	Shoreline Designation	Current Use
North	—	—	—	EAGLE HARBOR
South	R-2	R-2	NA	PRICHARD PARK
East	WD-I	WD-I	URBANA	
West	R-2	R-2	URBAN	MARINA, TUEE, EAGLEDALE
TUEE YACHT CLUB MARINA (SEE ATTACHMENT 2) MARINA				

13. Does the site contain an environmentally sensitive area as defined in Critical Areas Ordinance (Bainbridge Island Municipal Code Chapter 16.20)?

☐ yes ☐ no ☒ unknown

If yes, check as appropriate:

☐ wetland*	☐ geologically hazardous area**
☐ wetland buffer*	☐ zone of influence**
☒ stream* SEASONAL	☐ slope buffer**
☐ stream buffer*	☐ fish and wildlife habitat area

* If your site includes a wetland or wetland buffer, a wetland report is required with your application.

**If your site includes a geologically hazardous area or is within the zone of influence as defined in Bainbridge Island Municipal Code 16.20, a geotechnical report may be required with your application.

14. Are there underlying/overlying agreements on the property? ☒ yes ☐ no ☐ unknown

If yes, check as appropriate and provide a copy of the decision document:

☒ CUP Conditional Use Permit	☐ SPR Site Plan Review
☐ MPD Master Planned Development	☐ SPT Short Plat
☐ PUD Planned Unit Development	☒ SSDP Shoreline Permit 346 + EXTENSIONS
☐ REZ Contract Rezone	☐ SUB Prior Subdivision
☐ RUE Reasonable Use Exception	☒ VAR Zoning Variance
	☐ Other:

Under which jurisdiction was the approval given?

☒ City of Bainbridge Island ☒ Kitsap County

2013 + 1993-94 1981
(SEE ATTACHED)

Approval date:

PERMIT DOCUMENTS
(SEE ATTACHMENTS 3+4)
(ATTACHMENT 5)

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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CITY OF BAINBRIDGE ISLAND

REZONE APPLICATION

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B. Technical Information

1. Name of water purveyor: BAINBRIDGE IS. MARINA + BOATYARD
If a private well, what class? CLASS 1
2. Type of sewage disposal: ☒ on-site septic ☐ off-site septic ☐ sewer
Sewer district: ☐ City of Bainbridge Island ☐ Sewer District 7
3. Flood plain designation: ☐ A ☐ AE ☒ X
4. Any terms, conditions, covenants and agreements or other documents regarding the intended development, if applicable (or attach):
SSDP 346, RES 366-1981-UPUP + CUP FOR SITE PLAN FOR BOATYARD + MARINA + SUPPORTING STRUCTURES (ATTACHED)
5. List other applications submitted in conjunction with this rezone request:
COMPREHENSIVE PLAN AMENDMENT
6. Is there any other information which is pertinent to this project? ☒ yes ☐ no
If yes, please explain: A CHANGE OF ZONING TO WD-1 ALLOWS THE DEVELOPMENT OF THE SITE PLAN TO BE ORDERLY AND COHESIVE IN COMPLETING THE RELATED FACILITIES AND IS CURRENTLY APPROPRIATE FOR WD-1 ZONE.

C. REZONE CRITERIA

In accordance with Bainbridge Island Municipal Code Chapter 2.16.140.H, the applicant must answer the following questions (attach additional sheets if there is not enough room provided for your answers):

1. Will the uses permitted in the proposed zone be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located? If not, why?
NO. WD-1 USES ARE CONSISTENT WITH CURRENTLY PERMITTED USES AND THE EXISTING SITE PLAN. NO CHANGES IN INTENSITY OF EXISTING USES IS PLANNED, EXCEPT THE ADDITION OF PARKING.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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CITY OF BAINBRIDGE ISLAND

REZONE APPLICATION

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2. What changes have occurred in the character, conditions or surrounding neighborhood that would justify or otherwise substantiate the rezone?

N/A

3. How is the property more suitable for the development in general conformance with zoning standards under the proposed zoning designation? Explain how the relationship to arterials, surrounding use of land, topography, etc., justifies this rezone.

THE SITE PLAN IS COMPOSED OF TWO PARCELS DESIGNATED WD-I AND TWO PARCELS DESIGNATED W-2. THE DEVELOPMENT OF THE SITE PLAN FOR MARINA + BOATYARD SERVICES REQUIRES THE SAME ZONING FOR USES REQUIRED.

4. Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject property? If not, why?

NO, THE REZONE PROPOSED IS ISOLATED TO THE EXISTING SITE PLAN AND POSES NO MATERIAL DETRIMENT TO ADJOINING WD-I, CITY STREETS, NOR R-2 PROPERTIES TO THE SOUTH OR YACHT CLUB TO THE WEST.

5. How will the property be served by adequate public facilities, including roads, water, fire protection, sewage disposal and storm drainage for the intensity to which it is being rezoned?

THE PROPERTY IS PRESENTLY SERVED BY ALL OF THE ABOVE SERVICES. TO ACCOMMODATE EXISTING WD-I USES, THERE IS NO MATERIAL INCREASE IN THE INTENSITY DEMAND FOR SERVICES CAUSED BY REZONE TO WD-I NOT PREVIOUSLY PLANNED OR PROVIDED PREVIOUSLY.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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CITY OF BAINBRIDGE ISLAND

REZONE APPLICATION

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PENCIL WILL NOT BE ACCEPTED.



6. Explain how the rezone is in accord with the Comprehensive Plan.

MARINA AND BOATYARD USES ARE
CONSISTENT WITH WD-I COMPREHENSIVE
PLAN AND WD-I ZONING USES.

7. How does the rezone comply with all other applicable criteria and standards of the city?

MARINA AND BOATYARD USES IN WD-I ZONE
MEETS ALL CRITERIA & STANDARDS OF THE CITY.
THE SAME USES MEET WD-I REQUIREMENTS
IN THE ^{EXISTING} R-2 (two) ZONED PARCELS OF THE SITE PLAN.

8. Explain how the rezone would not devalue surrounding or nearby property.

N/A SURROUNDING PROPERTIES VALUES HAVE
CONTINUED TO INCREASE IN VALUE ALONG WITH THE
VALUE OF THE SITE PLAN PARCELS. ALL USES OF
THE PROPERTY HAVE EXISTED FOR MANY YEARS.

9. Explain how the rezone will not result in an adverse environmental consequence.

N/A THIS NON PROJECT ACTION SHALL NOT
CREATE ADVERSE ENVIRONMENTAL CONSEQUENCE,
ANY FUTURE IMPACTS OF PROJECT PROPOSALS WILL
BE CONSIDERED.

10. How will a down-zone diminish the value of the subject or surrounding properties? By how much?

N/A

CITY OF BAINBRIDGE ISLAND

REZONE APPLICATION

FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.
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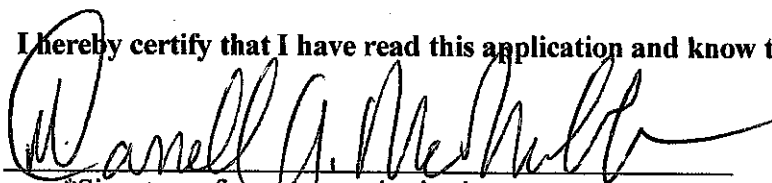
11. The extent to which the diminished value promotes the public health, safety, morals or welfare:

UNKNOWN N/A

12. How will the proposed restrictions on the property to be down-zoned preclude its use for any purpose to which it is reasonably suited?

N/A

I hereby certify that I have read this application and know the same to be true and correct.



*Signature of owner or authorized agent

2/18/2013

Date

DARRELL A. McNABB

Please Print

**If signatory is not the owner of record, the attached "Owner/Agent Agreement" must be signed and notarized*

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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KITSAP COUNTY

614 DIVISION STREET

PORT ORCHARD, WA 98366

AREA CODE 206, 876-7146

November 23, 1981

BOARD OF COMMISSIONERS

JOHN HORSLEY

District 1

WILLIAM H. MAHAN

District 2

GENE LOBI

District 3

Mr. Darrell McNabb
3700 West Commodore Way
Seattle, Washington 98199

Dear Mr. McNabb:

Enclosed is a copy of your Substantial Development Permit for your proposed project.

The Board of Kitsap County Commissioners, at its regular meeting held November 23, 1981 held a Public Hearing on the above-noted matter and voted to recommend approval of your proposed project.

If there is anyway in which this office can be of further assistance to you, please do not hesitate to call.

Sincerely,

John Horsley, Chairman
KITSAP COUNTY BOARD OF COMMISSIONERS

JH:j

Enclosure

SHORELINE MANAGEMENT ACT OF 1971
PERMIT FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT

NOTE - THIS PAGE FOR
LOCAL GOVERNMENT USE
ONLY

APPLICATION NO. 346

Administering Agency Kitsap County

Date Received December 2, 1980

Approved XXXX Denied

Date November 23, 1981

Type of Action (Check if appropriate)

- ☒ Substantial Development Permit
☐ Conditional Use
☐ Variance

Pursuant to Chapter 90.58 RCW, a permit is hereby granted to

Darrell McNabb (Bainbridge Island Boatyard)
(Name of Applicant)

3700 West Commodore Way, Seattle, Washington 98199

to undertake the following development (Please be specific)

For the construction or development of boat moorage, storage, and
repair facilities.

upon the following property (please list the legal description, i.e., section to
the nearest quarter section, township, range)

Located Taylor Avenue and Eagle Harbor Drive within Section 31 of Township
25 North, Range 2 W.W.M., near Winslow, Bainbridge Island, Kitsap County,
Washington. Said development is proposed to be within Eagle Harbor and/or
its associated wetlands.

The project will (be/not be) WILL BE within shorelines of statewide significance
(RCW 90.58.030). The project will be located within a (environment) SEMI-RURAL
designation. The following master program provisions are applicable to this development
(please state the master program section or page number)

Use Activities V & XII Boating Facilities, Marinas & Shoreline Works, Dredg
Pages 7-12 & 7-34

Development pursuant to this permit shall be undertaken pursuant to the following terms and conditions

SEE EXHIBIT "A"

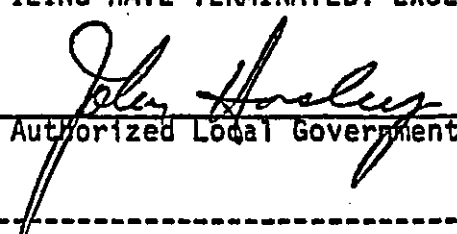
This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL THIRTY (30) DAYS FROM THE DATE OF FILING THE FINAL ORDER OF THE LOCAL GOVERNMENT WITH THE REGIONAL OFFICE OF THE DEPARTMENT OF ECOLOGY, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED: EXCEPT AS PROVIDED IN RCW 90.58.140(5) (a) (b) (c).

November 23, 1981

(Date)


(Signature of Authorized Local Government Official)

THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A SUBSTANTIAL DEVELOPMENT PERMIT WITH A CONDITIONAL USE OR VARIANCE.

Date received by Department of Ecology _____

Approved _____

Denied _____

This substantial development permit with conditional use/variance is approved by the department of ecology pursuant to chapter 90.58 RCW. Development shall be undertaken pursuant to the following additional terms and conditions:

EXHIBIT "A"

CONDITIONS

1. Temporary erosion control techniques be used during the dredge of the Moorage Basin Area.
2. The dredge shall be done in a manner so that a uniform plan at -11 feet occurs throughout the dredge envelope (moorage basin), thus avoiding a bathtub effect on the tidelands or bedlands of Eagle Harbor.
3. During the dredge phase of the project every effort shall be made to stabilize the dredge envelope slopes to avoid damage to adjacent tidelands and/or Taylor Creek.
4. The parking lots shall be gravelled with a minimum of 2" of gravel and catch basins leading to an oil silt separator prior to entering Eagle Harbor.
5. The parking area general lighting shall be placed in such a manner to avoid high glare to the surface water of Eagle Harbor and Taylor Creek.
6. The applicant shall designate seven (7) parking spaces that can be used by the public.
7. The public shall have the right to use the public pier, ramp and float during normal operating hours of the Boatyard, both for fishing and boating purposes.
8. The dredge and/or construction of all facilities shall occur between 8:00 a.m. to 5:00 p.m. Monday-Friday.
9. The sewage pump-out facility shall be installed and operating at the completion of one or both piers and further, the general public shall be allowed use of it for an appropriate fee.
10. Existing natural vegetation and trees shall be used where ever feasible to incorporate into natural buffer areas along the property lines and internal to the site; a landscape plan and planting shall be used where it is deemed appropriate and is compatible with the surrounding area.
11. The moorage facility floats shall have low level light standards for pedestrian use.
12. The facility shall conform to the Fire Protection standards of Kitsap County Fire Protection Bureau.
13. The facility shall conform to the health standards of the Bremerton-Kitsap County Health Department for all water and sewage disposal systems.

KITSAP COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Planning Administration Division

APPLICATION FOR
SHORELINE MANAGEMENT
SUBSTANTIAL DEVELOPMENT PERMIT

DEC 2 1981

FOR OFFICE USE

- ☒ Substantial Development Permit
☐ Conditional Use Permit
☐ Variance

FOR OFFICE USE

Application Rec'd. December 2/81

Received by [Signature]

Receipt No. 8556

Date of Receipt December 2, 1981

TO THE APPLICANT: This is an application for a Substantial Development Permit and is authorized by the Shoreline Management Act of 1971. It is suggested that you check with the appropriate local, State or Federal officials such as the Army Corps of Engineers, Health Department, etc., to determine whether your project falls within any other permit systems, since a permit under the Shoreline Management Act will not excuse the applicant from compliance with any other local, State or Federal ordinances, regulations or statutes applicable to the project. If additional space is required, please attach separate pages showing the number of the question being answered.

1. Name of Applicant: J.W. ADAMS
2. Mailing Address: 3202 SMITH TOWN SEATTLE 98104
3. Relation of applicant to subject property:
Owner: _____
Lessee: _____
Contract Purchaser: _____
Other (specify): ARCHT
4. Name and address of owner, if other than applicant: _____
DARRELL M^CNABB 3700 W. COMMADORE WAY, SEATTLE 98199
5. Assessor's Account Number(s): _____
6. General location of proposed project (give street address if known, City or town, and County. Otherwise, give distance and direction to nearest town):
FOOT OF TAYLOR AVE, SOUTH SHORE OF
EAGLE HARB, BAIN ISL.

7. Legal description of property (if not enough room, attach full legal description):
SEE ATTACHED
8. Name of water area and/or wetlands within which development is proposed:
EAGLE HARBOR
9. Current use of the property with existing improvements: _____
EXIST. BOAT BUILDING SHEDS & MARINE RAILWAY
10. Proposed use of the property: _____
BOAT MOORAGE, REPAIR & DRY STORAGE
11. Describe the proposed project: REMOVE EXIST. BLDGS, & RAILWAY
CONSTR. BLEND, DREDGING, MOORAGE & UPLAND BLDGS
12. Additional permits and/or approvals required by local, State or Federal agencies:
COE
13. (To be completed by local official). Nature of the existing shoreline (describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, rip-rap; and extent and type of bulkheading, if any): Marine Shoreline
Low bank, sand & mud beach; bulkhead
shown as a part of this application 11/10/81
14. (To be completed by local official). In the event that any of the proposed buildings or structures will exceed a height of thirty-five (35) feet above the existing grade level, indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view. average grade level determination: The natural or existing topography of the portion of the lot, parcel or tract of real property which will be directly under the proposed structure shall be used in calculating average grade level. "Natural or existing topography" shall mean the topography of the building site prior to any excavation, grading or filling. Calculation of average grade level shall be made by averaging the elevations at the center of all exterior walls of a building or structure. None

11/10/81

125473 Boat Shop

Order No. 125473

DESCRIPTION

PARCEL I:

All that portion of Government Lot 2, Section 35, Township 25 North, Range 2 East, W. M., described as follows:

Beginning at the point of intersection of the meander line of said Section with the East line of said Lot 2;
thence South along said East line 720 feet, more or less, to the Southeast corner of said Lot;
thence North $88^{\circ}27'$ West 185 feet;
thence North $01^{\circ}03'$ East 365.98 feet to an angle point;
thence North $20^{\circ}57'$ West 70 feet, more or less, to the said meander line;
thence Northeasterly along said meander line 340 feet, more or less, to the point of beginning;

EXCEPT the South 260 feet thereof;

TOGETHER WITH tide lands of the second class, as conveyed by the State of Washington, situate in front of, adjacent to or abutting thereon;

Situate in Kitsap County, Washington.

PARCEL II:

That portion of Government Lot 2, Section 35, Township 25 North, Range 2 East, W. M., described as follows:

Beginning at a point on the East line of said Lot, North $1^{\circ}27'$ East 180 feet from the Southeast corner of said Lot;
thence North 88° West 186.46 feet;
thence North $1^{\circ}03'$ East 80 feet;
thence South $88^{\circ}27'$ East 187.02 feet;
thence South $1^{\circ}27'$ West 80 feet to the point of beginning;

Situate in Kitsap County, Washington.

Brown Isl. Boat Sht

Order No. 125378

DESCRIPTION

That portion of Government Lot 2, Section 35, Township 25 North, Range 2 East, W. M., described as follows:

Beginning at the Southeast corner of said Government Lot 2;
thence North $88^{\circ}27'00''$ West along the South line thereof, 185 feet;
thence North $1^{\circ}03'00''$ East 365.98 feet to the true point of beginning;
thence South $1^{\circ}03'00''$ West 365.98 feet to the South line of said Government Lot 2;
thence North $88^{\circ}27'00''$ West 55.60 feet;
thence North $1^{\circ}33'00''$ East 205.00 feet;
thence North $61^{\circ}16'00''$ West 117.60 feet;
thence North $31^{\circ}14'00''$ West 87 feet, more or less, to the Government meander line;
thence Northeasterly along said Government meander line 200 feet, more or less, to a point which bears North $20^{\circ}57'00''$ West from the true point of beginning;
thence South $20^{\circ}57'00''$ East 70 feet, more or less, to the true point of beginning;

TOGETHER WITH tide lands of the second class as conveyed by the State of Washington situate in front of, adjacent to or abutting thereon;

Situate in Kitsap County, Washington.

15. PROJECT DIAGRAMS: Draw all site plans and maps to scale, clearly indicating scale on lower right-hand corner, and attach them to the application.

A. SITE PLAN. Include on plan:

- (1) Site boundary
- (2) Property dimensions in vicinity of project.
- (3) Ordinary high-water mark and natural line of vegetation
- (4) Typical cross-section or sections showing:
 - (a) Existing ground elevations
 - (b) Existing grade level underneath all proposed structures
 - (c) Proposed ground elevation
 - (d) Height of existing structures.
 - (e) Height of proposed structures
- (5) Where appropriate, proposed land contours using five-foot intervals in water area and ten-foot intervals on area landward of ordinary high-water mark if development involves grading, cutting, filling, or other alteration of land contours.
- (6) Show dimensions and locations of existing structures which will be maintained.
- (7) Show dimensions and locations of proposed structures with property line setbacks.
- (8) Describe materials comprising proposed fill or extraction, if any.
- (9) State amount of fill or extraction (in tons and cubic yards).
- (10) Location of proposed utilities, such as sewer, septic tanks and drainfields.
- (11) If the development proposes septic tanks, indicate average year-round depths of the water table, tank location and drainfield location.
- (12) Shoreline designation according to master program.
- (13) Show which areas are shorelines and which are shorelines of Statewide significance.
- (14) Location of existing adjacent property owner structure, including setbacks, height and dimensions.
- (15) Location of tidelands involved in the project (owned or leased from State or local agencies).

B. VICINITY MAP

- (1) Indicate site location using natural points of reference (roads, State Highways, prominent land marks, etc.)
- (2) If the development involves the removal of any soils by dredging, or otherwise, please identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the site and its distance to the nearest city or town.
- (3) Give a brief narrative description of the general nature of the improvements and land use within one thousand feet in all directions from development site (i.e., residential to the north, commercial to the south, etc.).

CITY OF
BAINBRIDGE ISLAND

FEB 13 2013

RESOLUTION NO. 366-1981

DEPT OF PLANNING &
COMMUNITY DEVELOPMENT

A RESOLUTION APPROVING UNCLASSIFIED PUBLIC USE PERMIT

WHEREAS, Dr. Darrell A. McNabb, 3700 West Commodore, Seattle, WA 98199 has initiated a request for approval of an Unclassified Public Use Permit to construct, operate and maintain a business to be known as Bainbridge Island Boatyard located on property described in said petition, and all legal requirements have been performed; and

WHEREAS, the Kitsap County Hearing Examiner has transmitted to the Board of County Commissioners, Kitsap County, Washington, a copy of the Kitsap County Hearing Examiner's findings and recommendations and for the reasons stated therein;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners does hereby adopt the findings and recommendations of the Hearing Examiner as its own (as shown on the attached material entitled "Exhibit A") and does hereby approve the Unclassified Public Use Permit.

PASSED this 16th day of November, 1981.

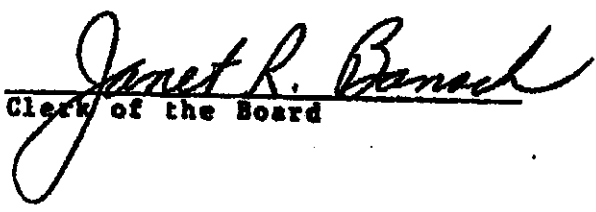
BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON


Chairman of the Board
(acting)

Commissioner


Commissioner

ATTEST:


Clerk of the Board

KITSAP COUNTY HEARING EXAMINER

RE: APPLICATION OF DARRELL A McNABB FOR AN UNCLASSIFIED PUBLIC USE PERMIT AND CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A BUSINESS TO BE KNOWN AS "BAINBRIDGE ISLAND BOATYARD	) NO. 810924068 FINDINGS OF FACT, CONCLUSIONS A RECOMMENDATIONS TO THE KITSAP COUNTY BOARD OF COMMISSIONERS
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INTRODUCTION

Application was made on or about July 29, 1981 by Dr. Darrell A. McNabb for an Unclassified Public Use Permit and Conditional Use Permit to construct, operate, and maintain a business to be known as Bainbridge Island Boatyard.

BASIS FOR ACCEPTANCE

The authority of the Hearing Examiner's Office to conduct Hearings and issue recommendations on Unclassified Public Use Permits and render decisions on Conditional Use Permits is derived from Kitsap County Code Section 2.60.010 et. seq.

BACKGROUND

~~The subject property is Assessor's Account Numbers 352502-2-004; 352502-2-001; 352502-2-002; 352502-2-003.~~ The subject property is 2.71 acres in size and is irregularly shaped. It does contain the remains of an old boat manufacturing facility. The subject property is located on the south shore of Eagle Harbor on Bainbridge Island near the intersection of Eagle Harbor Drive and Taylor Avenue.

A Final Environmental Impact Statement for the subject project was drafted dated August, 1981.

A site inspection of the subject property was conducted by the Hearing Examiner on August 27, 1981.

A Public Hearing on the subject proposal was held by the Kitsap County Hearing Examiner at approximately 3:00 p.m. on September 24, 1981 in the Commissioner's Chambers of the Kitsap County Courthouse, Port Orchard, Washington.

During the Public Hearing the following exhibits were received and entered into the record:

- A. The Notice of Hearing dated September 10, 1981
- B. The application for Unclassified Public Use Permit
- C. The site plan for the subject proposal
- D. The Staff Report, including recommendations

"EXHIBIT A"

BAINBRIDGE ISLAND BOATYARD

BACKGROUND, Cont.

- E. The Final Environmental Impact Statement dated August, 1981**

The following document was received at the Public Hearing and made a part of the record by the Hearing Examiner:

- G. A letter dated September 18, 1981 from the State of Washington Department of Fisheries setting forth their comments concerning the Environmental Impact Statement**

Oral testimony was taken at the Public Hearing as follows:

- 1. Joyce Merkel, Planning Staff
Kitsap County Department of Community Development
Port Orchard, Washington 98366**

Mrs. Merkel presented the Staff Report, including the recommendations. She gave background information concerning the property. On the property at the present time are the remains of a dilapidated building which was once used as a boat works. There are also fifty-one pilings in the vicinity in the water. The property is zoned, at the present time, as Light Manufacturing. The purpose of the Unclassified Public Use Permit Hearing is to review the upland portion of the proposal to create a marina. The property is located two miles, by road, from Winslow, but almost directly across Eagle Harbor from the Ferry Terminal. The property is within the Light Manufacturing designation of the Bainbridge Island Subarea Plan. The Staff, having reviewed the application and the site, is recommending that the Unclassified Public Use Permit and Conditional Use Permit be approved, subject to the conditions set forth in the Staff Report.

- 2. Darrell A. McNabb
3700 Commodore
Seattle, Washington 98199**

Dr. McNabb stated he is the applicant herein and wished to make a presentation about hopes and plans for this project. He first introduced an aerial photo of Eagle Harbor showing the location of the subject property as well as other properties in the area. He indicated that the goal of this project is to, in effect, renovate the Foss boat building yard which was located on the property some years ago. The addition of moorage on the water side of the property will be to support that boat repair facility. Essentially, Dr. McNabb indicated he is attempting to provide a service that is needed on Bainbridge Island and Kitsap County and that it will be a small operation. There will be a thirty ton haul out that should have the capability to haul out most boats in the Eagle Harbor and Kitsap County vicinity. It is also designed to give smaller boat owners the opportunity to work on their own boats under cover. He indicated that he has not received any negative comments to speak of, concerning this project and hopes the Examiner will rule favorably on it as soon as possible.

BAINBRIDGE ISLAND BOATYARD

BACKGROUND, Cont.

- 3. Darrell L. Palmer
Wycoff Company
5350 Creosote Place NE
Bainbridge Island, Washington 98110**

Mr. Palmer indicated that he is a representative of the Wycoff Company and was authorized to speak on their behalf. Essentially, the company has three concerns that need to be raised concerning this proposal. Briefly stated, those issues are: One, Literal Drift; Two, current in the Bay down the south shore; and Three, vehicular traffic in the area.

As it relates to Literal Drift, Mr. Palmer indicated that the water action in the area is moving sand along the south harbor line in a generally westerly direction in the amount of about 20,000 yards per annum. It cannot be stopped and the Wycoff Company is concerned about the impact on the dock and on the log dump. The dredging line proposed by the applicant may not have taken this Literal Drift into consideration and, if not, a maintenance problem may be in the process of being created by the approval of this application. The second item of concern is the current in the Bay, down the south shore of Eagle Harbor. With the high Winter tides and the wind that sometimes comes up, a breakway line of pier should be installed to prevent any potential problems with logs drifting into the marina. This, in Mr. Palmer's view, would be basically self protecting type dolphins or pilings.

The third concern relates to vehicular flow. Wycoff Company is a pole and piling company and has delivered to its facilities poles up to 125 feet long. When these lengths of poles are being delivered, the trucks and the poles together end up being approximately 147 feet long. In the Wycoff Company's point of view, the turn at Eagle Harbor and Taylor and the turn on Taylor toward the Wycoff Company needs to be open. The turn off Taylor toward the Wycoff Company may require a right-of-way from the Boatyard to allow the overhang of the poles as the trucks make the turn. Any adverse impact on the vehicular flow should be mitigated in approving this application.

- 4. Evelyn Henderson
16465-6th SW
Seattle, Washington 98166**

Mrs. Henderson indicated that she is a property owner in the area. She owns a cabin to the west of the subject property. She is concerned about the dredging that may occur. The cabin that she owns is on pilings and she wants to make sure that there are no adverse impacts from dredging on the cabin. She's also concerned about lighting and noise. She wishes to have the facility screened from her cabin. She also would like the operation to be kept as small as possible and that her access from the water not be impeded.

BAINBRIDGE ISLAND BOATYARD

BACKGROUND, Cont.

5. Alex Weber
1731-1st Avenue S.
Seattle, Washington 98199

Mr. Weber indicated he is a property owner directly in back of the boatyard. He inquired as to the height restrictions for buildings this type and also wishes to have any lighting from the property screened toward his property. He also believes that this project would be an improvement to the area.

6. Doris Van Kirk
P.O. Box 10637
Bainbridge Island, Washington 98110

Mrs. Van Kirk indicated that she is the adjacent property owner west of the subject property. She has no objection to the plans for several reasons. There are vandals in the area now, she thinks that this type of activity will eliminate vandalism. She also enjoys boats and boatyards. She is also concerned that the cove on which her property is located be protected. At low tide, it is a mud flat. She contends ~~there is still going to be a lot of woods in the area and she is satisfied that the cove would not be damaged by this proposal.~~

7. Dr. Darrell McNabb

Dr. McNabb indicated that he has no intention of building large boats and he is also concerned about noise in the area and will do all that is possible to keep the noise to a minimum. The height restrictions will be complied with. Dr. McNabb's understanding is that buildings can be 35 feet high and the proposed buildings are not going to be that high. He also indicated that as much screening as possible will be kept to make the project as compatible with the neighborhood as humanly possible.

8. Russell Akerman
17005-67th
Edmonds, Washington 98020

Mr. Akerman indicated he is the Vice Commodore of the Tyee Yacht Club. While he is not able to speak on behalf of the Yacht Club, he has no objection to the applicant's proposal and feels that it would be an improvement to the area and an advantageous project to the Tyee Yacht Club. He indicated he hoped that the project would be approved.

9. Joyce Merkel, Planning Staff

Mrs. Merkel indicated that the height restrictions in the Light Manufacturing zone are 35 feet in terms of building height.

BAINBRIDGE ISLAND BOATYARD

BACKGROUND, Cont.

Policies and regulations applicable to the instant proposal:

A. KITSAP COUNTY ZONING ORDINANCE

- (1) Section 3.2.11 Light Manufacturing Zone
- (2) Section 4.4 Unclassified Public Uses
- (3) Section 5.3 Conditional Use Permits
- (4) Section 3.2.13 Lot dimension, yard and building height requirements table

B. KITSAP COUNTY COMPREHENSIVE PLAN

(1) Bainbridge Island Subarea Plan

Light Manufacturing Goal - Provide for an area where low impact industrial activities can be concentrated where access, traffic congestion, visual and other impacts on the surrounding neighborhood can be minimized.

Policy LM-2: ~~Heavy natural screening should be required~~ around the periphery of this area with partial screening required within to separate conflicting uses

Policy LM-4: Lighting should not interfere with or conflict with adjacent properties (screening may be required where there is potential conflict).

Policy LM-5: Signing shall be controlled and limited to informational types (no large billboard-type advertising), and shall not exceed 40 square feet off the building and 20 square feet on the building.

Recreational Goal - Provide for adequate and varied recreation resources and activities on Bainbridge Island.

FINDINGS OF FACT

1. The subject property is irregularly shaped and slopes gently to the north. It contains the remains of an old boat manufacturing facility (Foss Boat Building Yard). The remains include an 11,000 square foot dilapidated building, 2 marine railways extending into the intertidal zone and 51 pilings emplaced in the intertidal sediments.
2. The subject property is zoned Light Manufacturing. The parcel to the east is zoned Manufacturing and contains a lumber mill (Wycoff Company). The remaining surrounding use is zoned RS-20,000 and is developed in semi-rural single-family dwellings.

BAINBRIDGE ISLAND BOATYARD

FINDINGS OF FACT, Cont.

3. The community facilities are generally adequate for the proposed use. Public sewer and water use are not available, however, the proposed use will not require additional need of these services. Potable water and sewage pumping services will be provided.
4. The site is located approximately 2 miles from Winslow urban center, however, it is located directly across Eagle Harbor from the Ferry terminal.
5. The subject property is on the west side of Taylor Avenue. Access to the subject property is from Taylor Avenue north of Eagle Harbor Drive which serves the subject property and the Wycoff mill company property.
6. The subject is within the Light Manufacturing designation on the Bainbridge Island Subarea Comprehensive Plan.
7. The applicant proposes the construction of a 57 slip marina and associated dry storage and maintenance and repair facilities on the subject property on Bainbridge Island. Included with the proposal is the proposed construction of 2 structures, parking and installation of haul-out facilities for recreational boats. Before construction, the remains of the former boat manufacturing facility will be demolished and removed which would also include the removal of the marine railways also present. Construction of the facility will require dredging of 30,000 cubic yards of sand and mud and the emplacement of 100 cubic yards of fill behind 370 lineal feet of pre-cast concrete bulkhead, minor regarding and removal of interior vegetation, primarily successional understory species.
8. In conjunction with the instant application, the applicant is in process of seeking Substantial Development Permit approval.
9. An Environmental Impact Statement was prepared and circulated. The Final Environmental Impact Statement was issued August 19, 1981.
10. The use of the upland area for haul-out repair and maintenance facilities is consistent with the Light Manufacturing zoning. Therefore, the commercial marina facility is the portion which requires approval and Unclassified Public Use Permit as it relates to County zoning.

CONCLUSIONS

1. While the proposed uses, i.e., haul-out, repair and maintenance facility and the commercial marina facility, are somewhat separate, they are also inter-related. The Examiner agrees with the applicant's position that each activity is necessary for the success of the other.

BAINBRIDGE ISLAND BOATYARD

CONCLUSIONS, Cont.

The proposed activity is located near two existing facilities of similar nature and the Examiner concludes that the proposed activity is not incompatible with the uses permitted in the surrounding area.

2. The Examiner concludes that the Unclassified Public Use Permit and Conditional Use Permit is necessary for the preservation and enjoyment of the substantial property right of the petitioner and will not be detrimental to the public welfare nor to the property of other persons located in the vicinity thereof.

RECOMMENDED DECISION

Implementation of the Hearing Examiner system has required the modification of the procedure used for handling requests for Unclassified Public Use Permits and Conditional Use Permits. As it relates to Conditional Use Permits, the Examiner's decision is final except for Appeal to the Superior Court. In the instant case, the application for the Unclassified Public Use Permit and Conditional Use Permit was advertised to the public and consideration of both aspects of this application was given at the Public Hearing. Therefore, the Examiner would recommend as follows:

1. ~~That the Board of County Commissioners approve the application for Unclassified Public Use Permit by the applicant to renovate, remodel, construct and operate the Bainbridge Island Boatyard as submitted in Exhibit B, C and E as requested.~~
2. That the approval of the Unclassified Public Use Permit should be subject to the following conditions which, in effect, would be a Conditional Use Permit:
 - a. Prior to the issuance of any developmental permits, plans and details regarding the following shall be approved by the Department of Community Development:
 - (1) Building plans and elevations
 - (2) Signing and lighting
 - (3) Drainage
 - (4) Landscaping
 - b. The signs shall be consistent with the rural surroundings in terms of size, number, color and material. Sign logo shall be coordinated with the design of the building exteriors. Signs shall not exceed building heights.
 - c. Lighting should be provided in parking areas to ensure personal safety of customers. Lighting should be attractive and shall be so arranged as to prevent nuisance glare on adjacent residences using shaded lamps where ever possible for internal lighting to avoid glare across the water at night and shall be consistent with the requirements of the Kitsap County Zoning Ordinance.

BAINBRIDGE ISLAND BOATYARD

RECOMMENDED DECISION, Cont.

- d. Complete landscape plans with planting specifications be submitted by the applicant for review to the Department of Community Development for recommendations prior to Building Permit approval. The plans should indicate street trees and shrubs which will mitigate the effects of light, glare and noise beyond the boundaries of the project site. The plan should also include all trees as shown on the preliminary plan.
- e. Prior to making any improvement on the property such as land clearing and/or other construction, a silt and erosion control plan shall be submitted to the Kitsap County Department of Public Works, Engineering Division and approved by that office. The facilities must be in operation prior to the issuance of a Building Permit.
- f. A detailed drainage plan must be approved and constructed prior to development permits. All storm drainage facilities shall include oil separators.
- g. ~~That all Kitsap County Health Department requirements and Public Works Department requirements for water service and sewage disposal be adhered to prior to development permits.~~
- h. That the applicant provide fire hydrants, fire flow and fire protection systems to meet the requirements of the Kitsap County Fire Prevention Bureau.

DATED THIS 23rd DAY OF October, 1981.


Leonard W. Costello, HEARING EXAMINER

TRANSMITTED THIS 23rd DAY OF October by mail to the following:

Dr. Darrell McNabb, 3700 W. Commodore, Seattle, WA 98199
Darrell Palmer, Wycoff Co., 5350 Creosote Pl NE, Bainbridge Island 98110
Alex Weber, 1731-1st Ave. S, Seattle, WA
Evelyn Henderson, 16465-6th SW, Seattle, WA 98166
Doris Van Kirk, P.O. Box 10637, Bainbridge Island, WA 98110
Russell Akerman, 17005-67th, Edmonds, WA 98020
Kenneth Ferjancic, 3675 SE Salmonberry Rd., Port Orchard, WA 98366
Kitsap County Health Dept., 109 Austin Dr., Bremerton, WA 98310
Kitsap County Departments as follows:

Public Works
Community Development

BAINBRIDGE ISLAND BOATYARD

NOTICE

Pursuant to Kitsap County Code Section 2.60.150, 2.60.170 and the Land Use Hearing Examiner Rules of Procedure, Sections 5.1, 5.2, 5.3 and 5.4, a request for RECONSIDERATION or alternatively, a request for APPEAL, to the Board of Commissioners of the Examiner's decision or recommendation in this matter must be filed in writing with the Clerk of the Board of County Commissioners on or before November 9, 1981.

LWC:kmj

BAIRBRIDGE ISLAND MARINA & BOAT YARD

SITE PLAN FOR
BAIRBRIDGE ISLAND
BOAT YARD

SCALE 1" = 150'

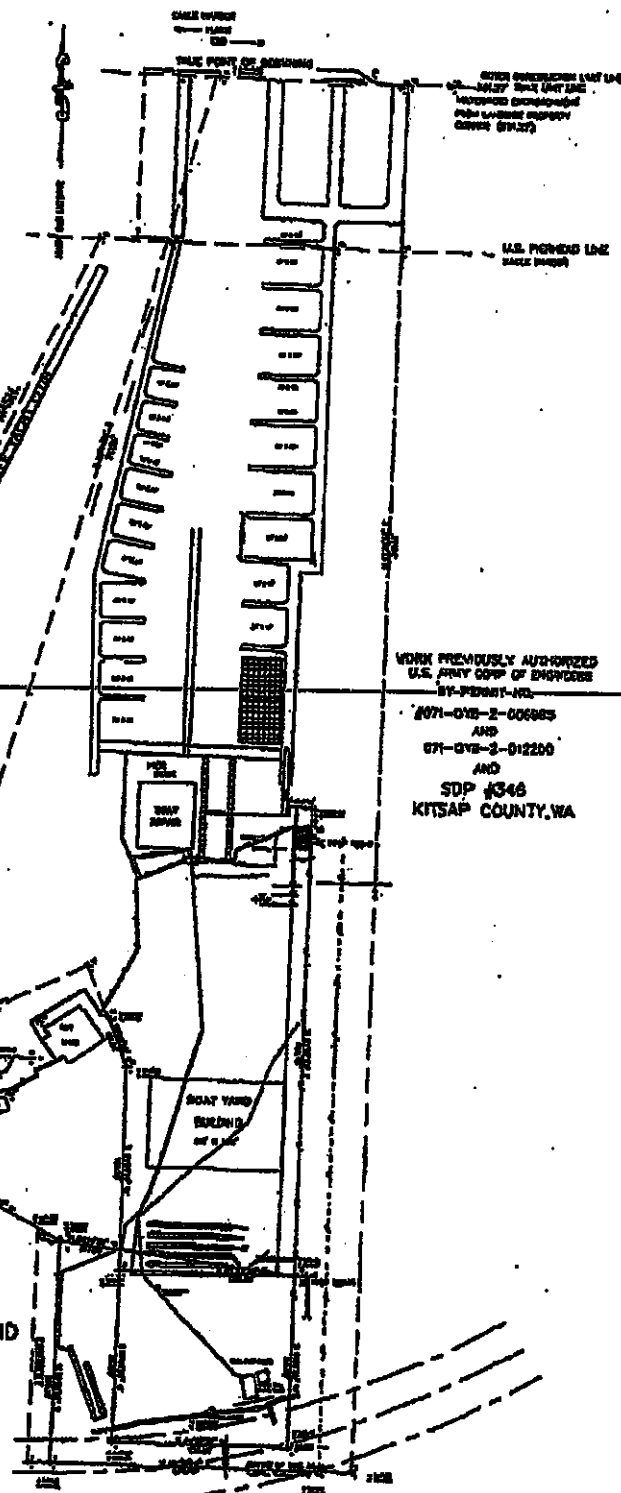
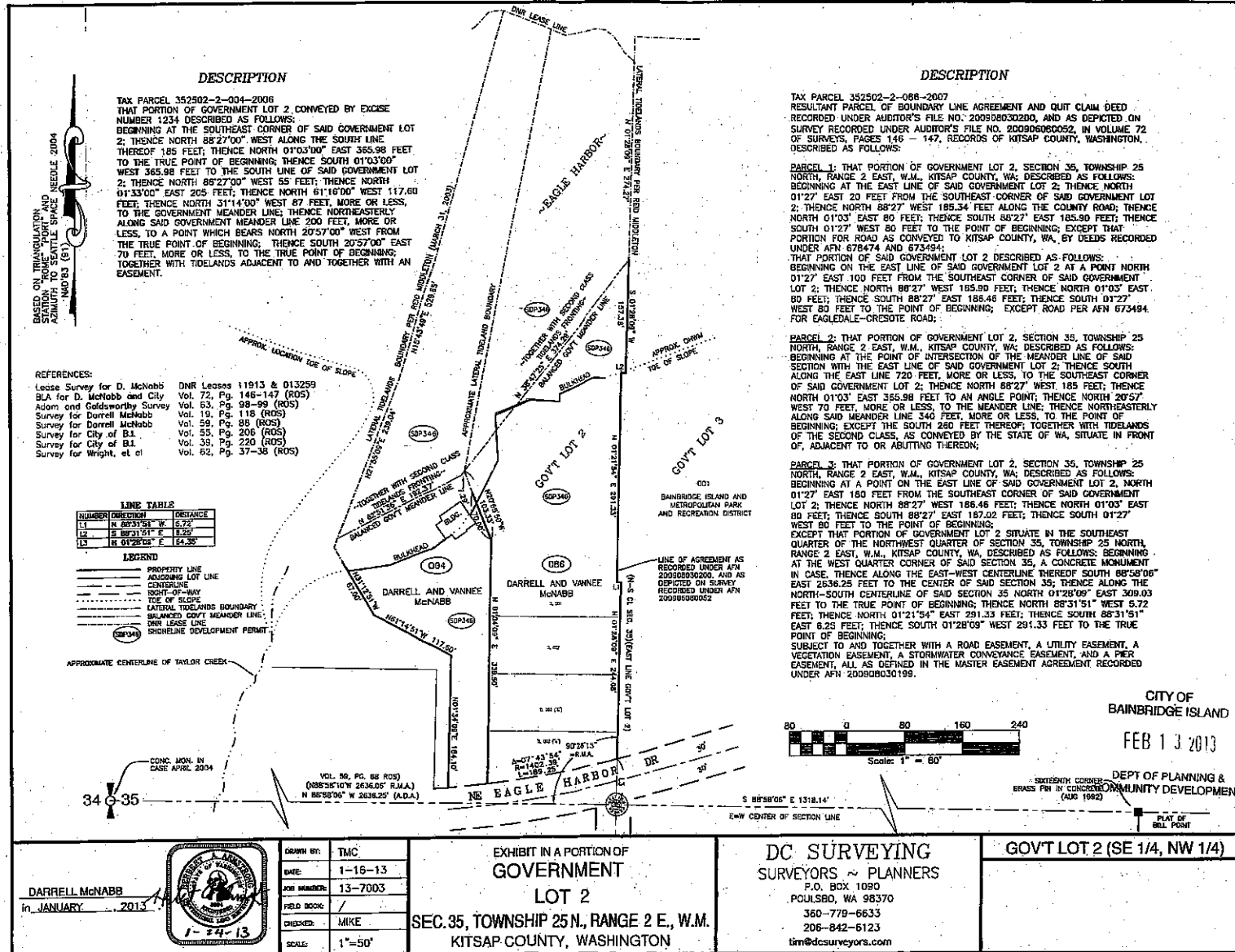


EXHIBIT "B"

ATTACHMENT 2



TAX MAPS 352302, 2-004-0006
THAT PORTION OF GOVERNMENT LOT 2 CONVEYED BY EXCESS
NUMBER 1234 DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT
1, THENCE NORTH 07°00'00" WEST ALONG THE SOUTH LINE
THEREOF 135 FEET; THENCE NORTH 01°00'00" EAST 355.08 FEET,
TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 01°00'00"
WEST 355.08 FEET TO THE SOUTH LINE OF SAID GOVERNMENT LOT
2; THENCE NORTH 07°00'00" EAST 55 FEET; THENCE NORTH
01°00'00" EAST 205 FEET; THENCE NORTH 61°00'00" WEST 117.80
FEET; THENCE NORTH 31°14'00" WEST 87 FEET, MORE OR LESS,
TO THE GOVERNMENT MEANDER LINE; THENCE NORTHEASTERLY
ALONG SAID GOVERNMENT MEANDER LINE 275.70 FEET, MORE
OR LESS, TO THE GOVERNMENT MEANDER LINE 275.70 FEET, MORE
OR LESS, TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 25°07'00" EAST
70 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING;
TOGETHER WITH TIDLANDS ADJACENT TO AND TOGETHER WITH AN

TAX PARCEL 352502-2-086-2007
 RESULTANT PARCEL OF BOUNDARY LINE AGREEMENT AND QUIT CLAIM DEED
 RECORDED UNDER AUDITOR'S FILE NO. 200906030200, AND AS DEPICTED ON
 SURVEY RECORDED UNDER AUDITOR'S FILE NO. 200906080052, IN VOLUME 72
 OF SURVEYS, PAGES 146 - 147, RECORDS OF KITSAP COUNTY, WASHINGTON,
 HEREINAFTER FOLLOWING:

PARCEL 1; THAT PORTION OF GOVERNMENT LOT 2, SECTION 38, TOWNSHIP 26 - NORTH, RANGE 2 EAST, W.M., KITASCO COUNTY, WA, DESCRIBED AS FOLLOWS:
BEGINNING ON THE EAST LINE OF SAID GOVERNMENT LOT 2 THENCE NORTH-
01°27' WEST 93 FT TO A POINT BEING THE SOUTHEAST CORNER OF SAID
LOT 2, THENCE SOUTH 86°27' WEST 183.34 FEET ALONG THE COUNTY ROAD, THENCE
NORTH 01°03' EAST 80 FEET; THENCE SOUTH 86°27' EAST 185.90 FEET THENCE
SOUTH 01°27' WEST 80 FEET TO THE POINT OF BEGINNING, EXCEPT THAT
PORTIONS HEREIN ARE ADJACENT TO KITASCO COUNTY, WA, BY DEEDS REGISTERED
UNDER ACS #B7474 AND B73494.

THAT PORTION OF SAID GOVERNMENT LOT 2 DESCRIBED AS FOLLOWS:
BEGINNING ON THE EAST LINE OF SAID GOVERNMENT LOT 2 AT A POINT NORTH
OF THE FIRST CORNER THEREON, THENCE SOUTH 86°27' WEST 183.34 FEET
ALONG THE COUNTY ROAD TO THE SOUTHEAST CORNER OF SAID GOVERNMENT
LOT 2, THENCE NORTH 86°27' WEST 185.90 FEET; THENCE NORTH 01°03' EAST
80 FEET; THENCE SOUTH 86°27' EAST 188.48 FEET; THENCE SOUTH 01°27'
WEST 80 FEET TO THE POINT OF BEGINNING, EXCEPT ROR APN #B7494.
THE BALANCE FULLY BELONGS TO KITASCO COUNTY, WA.

PARCELS 2, 3: THAT PORTION OF GOVERNMENT LOT 2, SECTION 35, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WA, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE MEANDER LINE OF SAID SECTION WITH THE EAST LINE OF SAID GOVERNMENT LOT 2; THENCE SOUTH ALONG THE EAST LINE 720 FEET, MORE OR LESS, TO THE SOUTHERN MEANDER LINE OF SAID GOVERNMENT LOT 2; THENCE SOUTHWESTERLY ALONG SAID MEANDER LINE 350.00 FEET TO AN ANGLE POINT; THENCE NORTH 20°57' WEST 70 FEET, MORE OR LESS, TO THE MEANDER LINE; THENCE NORTHEASTERLY ALONG SAID MEANDER LINE 340 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, EXCEPT THE SOUTH 250 FEET THEREOF; TOGETHER WITH THOSE PORTIONS OF THE MEANDER LINE OF SAID SECTION 35, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WA, SITUATE IN FRONT OF PARCELS 2 AND 3, ADJUTING THEREIN;

PARCELS 3, THAT PORTION OF GOVERNMENT LOT 2, SECTION 35, TOWNSHIP 25 NORTH, RANGE 2 EAST, W-1/4, KITSAP COUNTY, WA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 2, NORTH 01°03'51" EAST 80.27' FEET; THENCE SOUTHWEST ALONG SAID CURVED EAST LINE OF GOVERNMENT LOT 2; THENCE NORTH 80°27' WEST 185.46' FEET; THENCE NORTH 01°03' EAST 80 FEET; THENCE SOUTH 80°27' EAST 187.02' FEET; THENCE SOUTH 01°27' WEST 80 FEET TO THE POINT OF BEGINNING.

THE CORNER OF SAID GOVERNMENT LOT 2 SITUATE AT THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 2 EAST, W-1/4, KITSAP COUNTY, WA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 2, NORTH 01°03'51" EAST 80.27' FEET; THENCE ALONG THE EAST-WEST CENTERLINE THEREOF SOUTH 88°58'06" EAST 2036.25 FEET TO THE CENTER OF SAID SECTION 35; THENCE ALONG THE NORTH-SOUTH CENTERLINE THEREOF SOUTH 88°58'06" EAST 2036.25 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°51'51" WEST 5.72' FEET; THENCE NORTH 01°21'54" EAST 201.33' FEET; THENCE SOUTH 88°51'51" WEST 6.28' FEET; THENCE SOUTH 01°28'08" WEST 291.33' FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER TO AND WITH A ROAD EASEMENT, A UTILITY EASEMENT, A VEGETATION EASEMENT, A STORMWATER CONVEYANCE EASEMENT, AND A PIER EASEMENT, ALL AS DEFINED IN THE MASTER EASEMENT AGREEMENT, RECORDED

REFERENCES:

Lease Survey for D. McNabb	DNR Leases	11913 & 013259
BIA for D. McNabb, and City	Vol. 72, Pg.	148-147 (ROS)
Adam and Goldsworthy Survey	Vol. 83, Pg.	98-99 (ROS)
Survey for Darrell McNabb	Vol. 18, Pg.	118 (ROS)
Survey for Darrell McNabb	Vol. 58, Pg.	86 (ROS)
Survey for City of B.I.	Vol. 56, Pg.	208 (ROS)
Survey for City of B.I.	Vol. 39, Pg.	220 (ROS)
Survey for Wright, et al	Vol. 62, Pg.	37-38 (ROS)

NUMBER	DIRECTION	DISTANCE
L1	N 65°31'51" W.	5.72
L2	S 85°31'51" E	6.25
L3	N 01°25'00" E	64.35

•

PROPERTY LINE
ADJOINING LOT LINE
CENTERLINE
RIGHT-OF-WAY
TOP OF SLOPE
LATERAL TIDELANDS BOUNDARY
BALANCED GOVT MEASUR LINE
DNR LEASE LINE
SHORELINE DEVELOPMENT PERMIT

APPROXIMATE CENTERLINE OF TAYLOR CREEK

34 G-3

VOL. 59, PG. 88 (RDS)
H85E8'10"W 2836.05' R.M.A.)
D6'58'06" W 2838.25' (A.D.A.)

A SOUTHERN C
BRASS FIRM IN CO
(AUG)

PLAY OF
BILL POINT

DARRELL McNABB
In JANUARY.



DRAWN BY:	TMC
DATE:	1-16-13
JOB NUMBER:	13-7003
FIELD BOOK:	/
CHECKED:	MIKE
SCALE:	1" = 50'

EXHIBIT IN A PORTION OF
GOVERNMENT
LOT 2

SEC. 35, TOWNSHIP 25 N., RANGE 2 E., W.M.
KITSAP COUNTY, WASHINGTON

DC SURVEYING
SURVEYORS & PLANNERS
P.O. BOX 1090
POULSBORO, WA 98370
360-779-8633
206-842-6123
tim@dcsurveyors.com

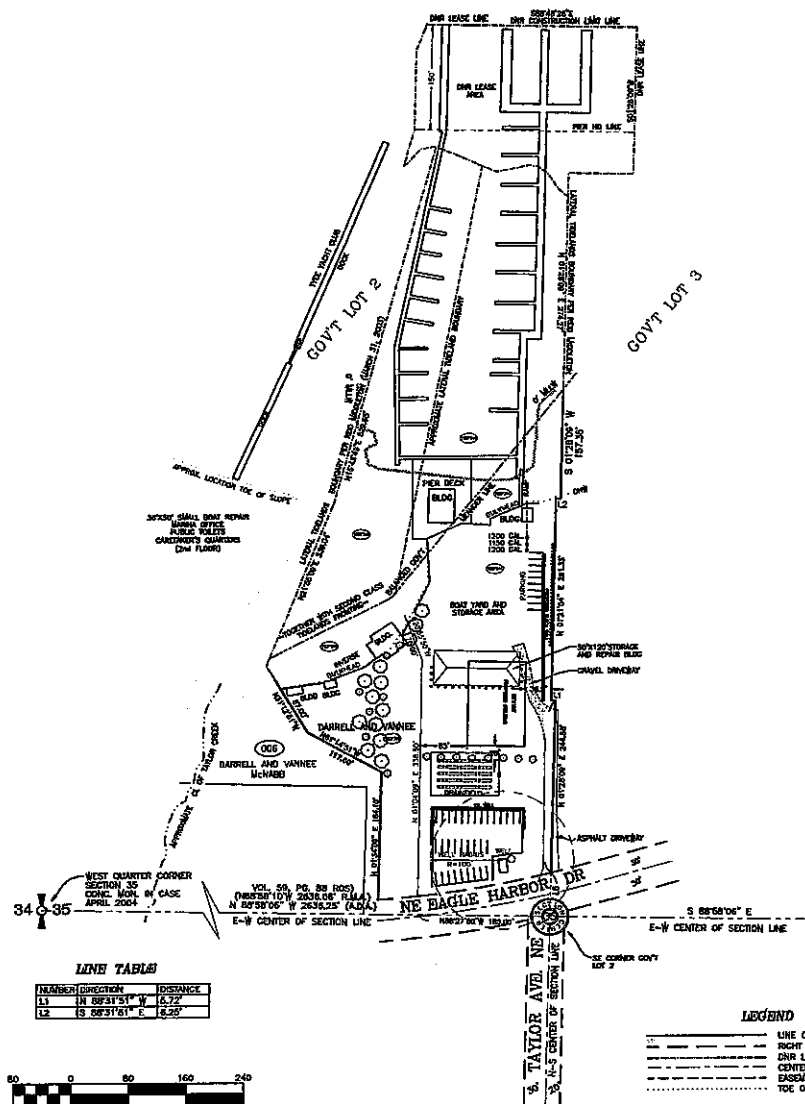
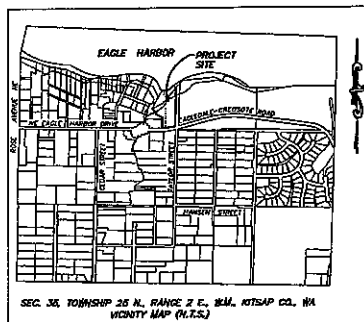
GOV'T LOT 2 (SE 1/4, NW 1/4)

CITY OF
BAINBRIDGE ISLAND

FEB 13 2013

DEPT OF PLANNING &
COMMUNITY DEVELOPMENT

BASED ON TRIANGULATION
 STATION "HOME PORT" AND
 AZIMUTH TO SEATTLE SPACE
 NEEDLE 2004
 MAG'83 (81)



LOT AREA CALCULATIONS

For Lot	Square Footage	Acres
001	57,547 sq. ft.	1.32
002	14,823 sq. ft.	0.34
003	10,437 sq. ft.	0.24
004	14,978 sq. ft.	0.34
005	33,188 sq. ft.	0.76
006	---	---
008	97,506 sq. ft.	2.25
009	1,320 sq. ft.	0.03

**CITY OF
BAINBRIDGE ISLAND**

FEB 13 2013

DEPT OF PLANNING &
COMMUNITY DEVELOPMENT

NUMBER	DIRECTION	DISTANCE
11	N 88°31'51" W	8.72'
12	S 88°31'51" E	8.26'



LEGEND

LINE OF AGREEMENT/SURVEYED PROPERTY LINE
RIGHT OF WAY
ONR LEASE LINE
CENTERLINE
EASEMENT
TOP OF SLOPE (OHM)

DARRELL McNABB

**SITE PLAN
BAINBRIDGE ISLAND MARINA
EAGLE HARBOR**

SE 1/4, NW 1/4, Q.L. 2 AND SW 1/4, NE 1/4, Q.L. 3

SEC. 36 TOWNSHIP 26 N., RANGE 2 E., W.M., KITAPPA COUNTY, WA.

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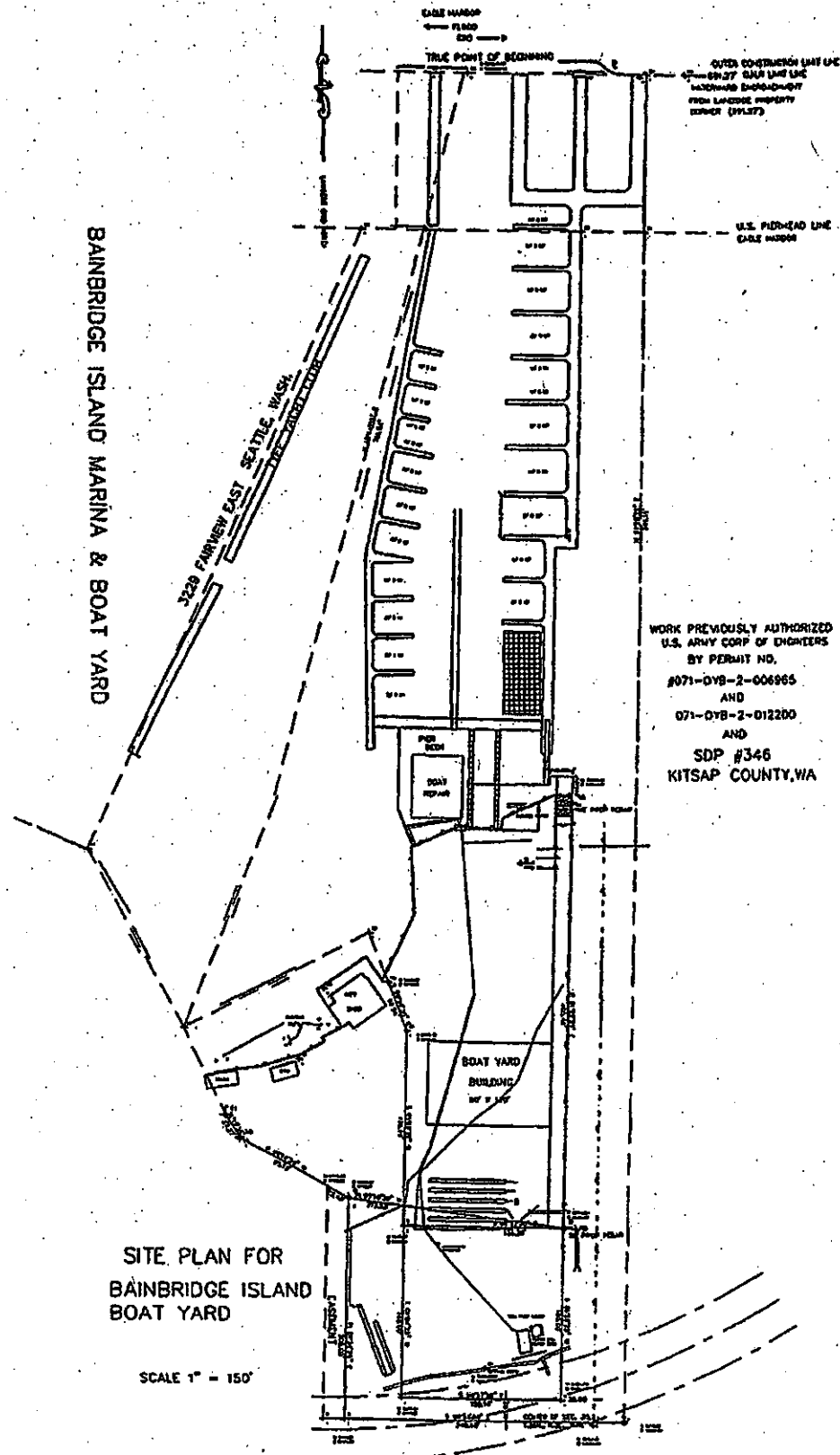
A.D.A. ENGINEERING, LLC

DRG# TUC	CHECKED: MIKE	SCALE 1"=80'	JOB NO: 15-7053
DESIGNED: McNAB	DATE: JAN 2013	SHEET 1 OF 1	FIG. 2004/38-40

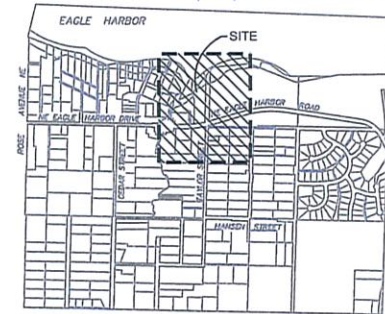
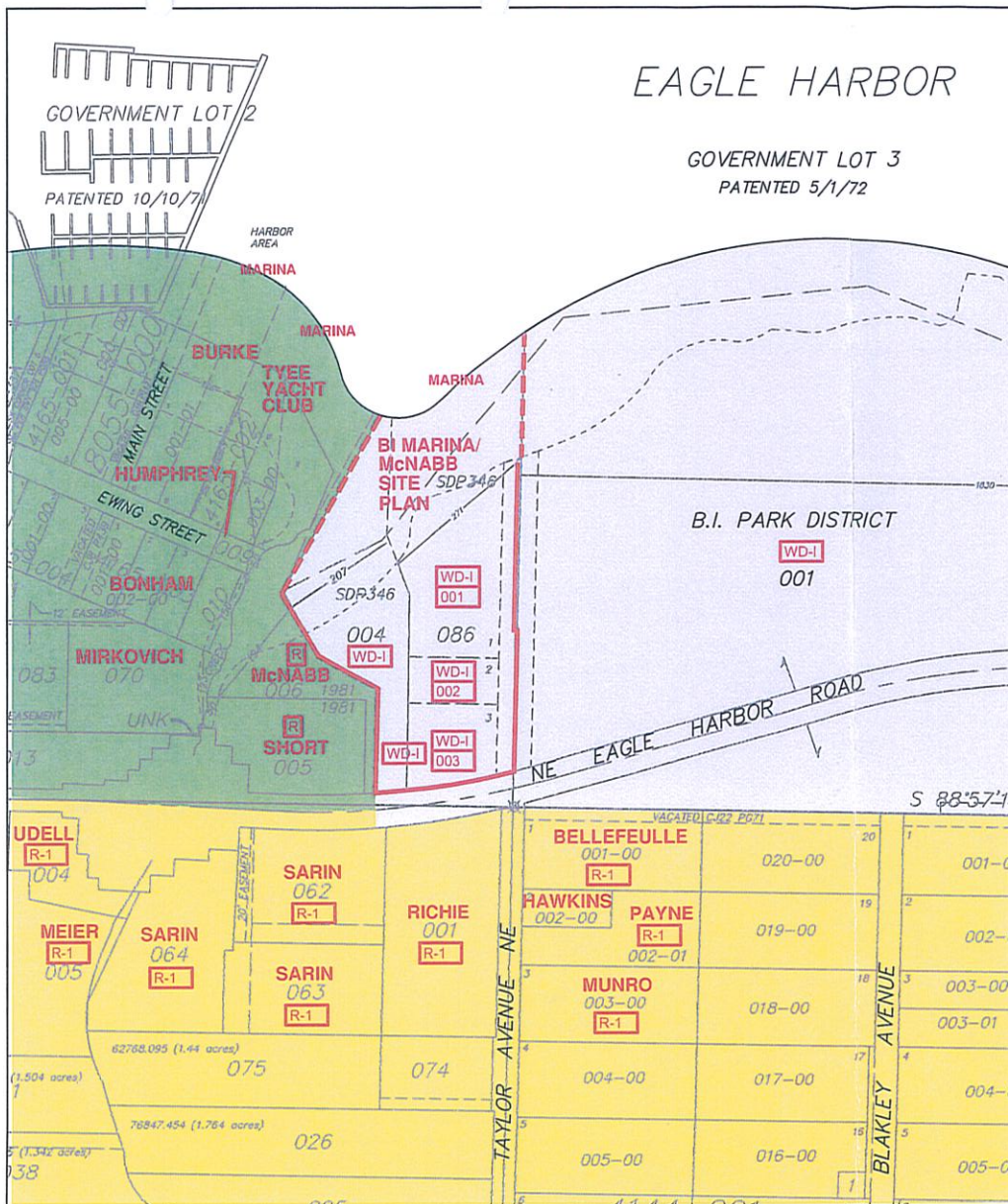
BAINBRIDGE ISLAND MARINA & BOAT YARD

SITE PLAN FOR
BAINBRIDGE ISLAND
BOAT YARD

SCALE 1" = 150'



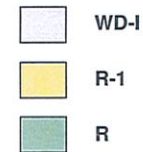
WORK PREVIOUSLY AUTHORIZED
U.S. ARMY CORP OF ENGINEERS
BY PERMIT NO.
#071-DYB-2-006965
AND
071-DYB-2-012200
AND
SDP #346
KITSAP COUNTY, WA



SEC. 35, TOWNSHIP 25 N., RANGE 2 E., W.M., KITSAP CO., WA

VICINITY MAP
N.T.S.

LEGEND



CITY OF
BAINBRIDGE ISLAND

FEB 13 2013

DEPT OF PLANNING &
COMMUNITY DEVELOPMENT

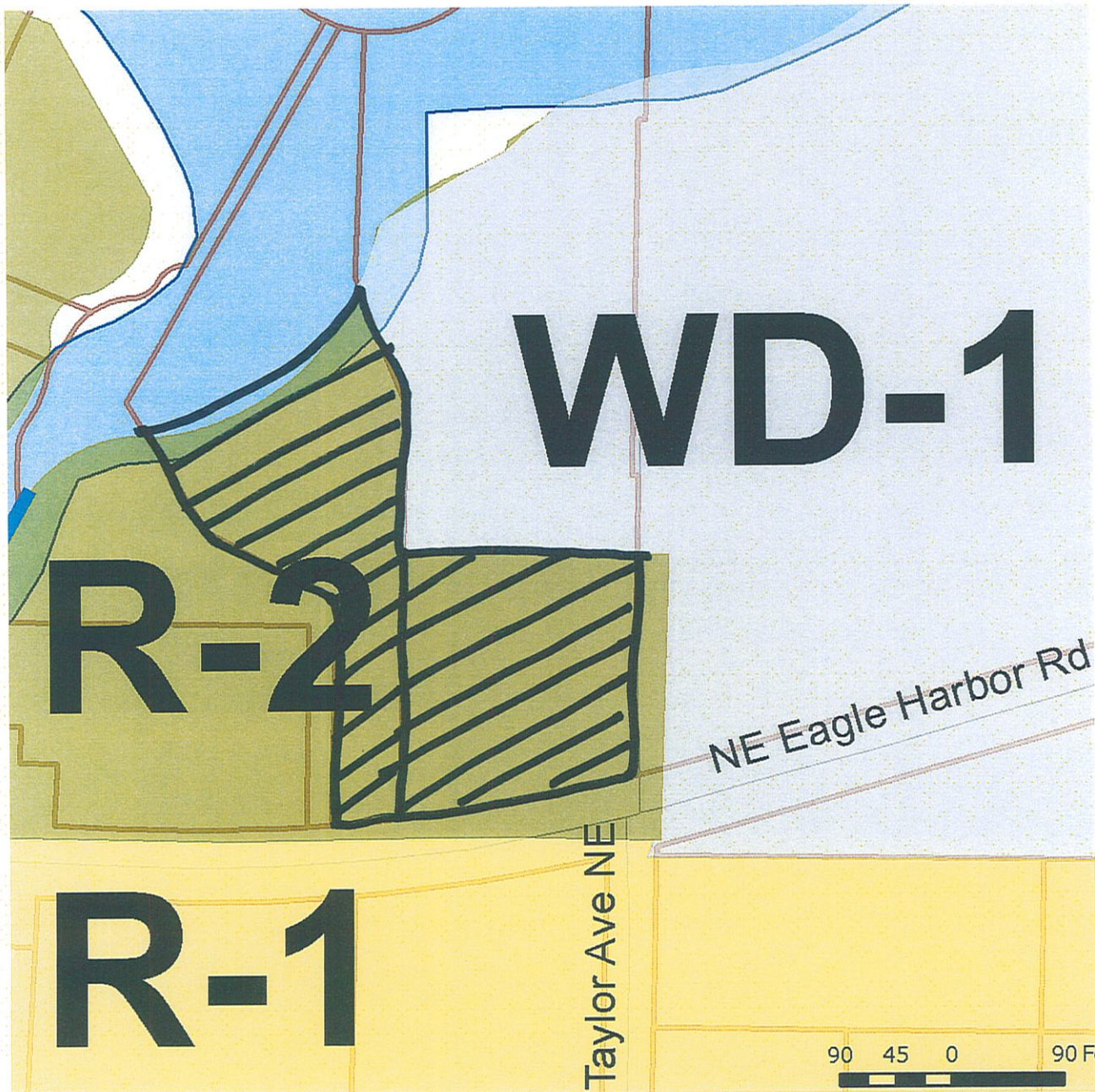
DARRELL McNABB

PROPOSED ZONING
BAINBRIDGE ISLAND MARINA
EAGLE HARBOR

SE 1/4, NW 1/4, G.L. 2 AND SW 1/4, NE 1/4, G.L. 3

SEC. 35 TOWNSHIP 25 N., RANGE 2 E., W.M., KITSAP COUNTY, WA

DRAWN: EPG	CHECKED: XX	SCALE: NTS	JOB NO.: 13-7003
DESIGNED: McNABB	DATE: FEB 2013	SHEET: 1 OF 1	FILE: 2294/24-40



CITY OF
BAINBRIDGE ISLAND

FEB 13 2013

DEPT OF PLANNING &
COMMUNITY DEVELOPMENT

2.16.140 SITE-SPECIFIC REZONES

A. PURPOSE

This chapter establishes the process and criteria for changing the zoning classification of specific property from one zoning designation to another, or to change conditions imposed in a development agreement. A property rezone may reflect changed circumstances or new land use needs and shall be consistent with the city's current comprehensive plan. (Ord. 96-20 § 13, 1996; Ord. 92-08 § 2, 1992)

B. APPLICABILITY

This procedure shall apply whenever one or more private property owners or the city apply for an amendment of the official zoning map to redesignate one or more parcels of property from one zone district designation to another.

C. PROCEDURE

1. Site-specific rezones shall be approved through the general quasi-judicial city council review procedures described in BIMC 2.16.130 except as described below.
2. The provisions of this section 2.16.140 supplement those of BIMC 2.16.020 and 2.16.130 when the application is for a site-specific rezone. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.130 and 2.16.140, the provisions of this section shall govern.

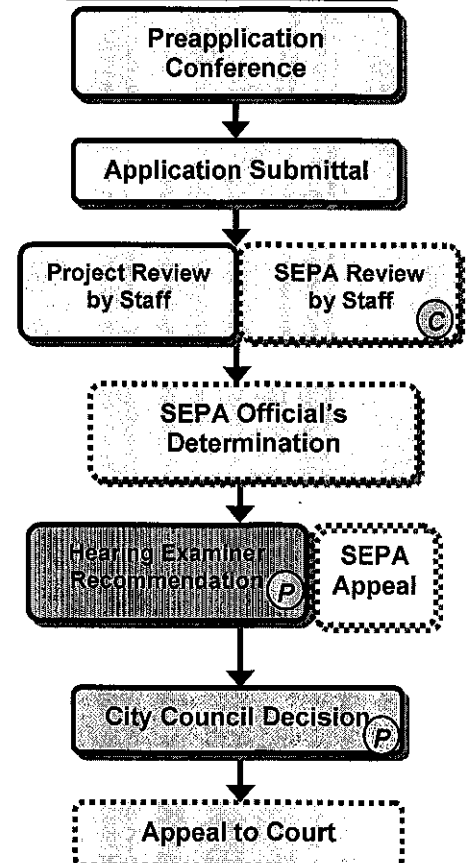
D. WHO MAY APPLY

1. Any owner or authorized agent, or group of owners of contiguous property acting jointly and representing at least 75 percent of the assessed valuation of the subject property or properties, or their authorized agent(s), may apply for a site-specific rezone. (Ord. 96-20 § 14, 1996; Ord. 92-08 § 2, 1992) In the case of a site-specific rezone initiated by a property-owner(s), the applicant shall pay the fee for a rezone application set forth in the Administrative Manual.
2. The city may apply for a rezone of one or more properties as necessary to improve consistency between the official zoning map and the comprehensive plan. In order to maintain consistency between the zoning map and a successful city-initiated comprehensive plan amendment, the owner(s) of the property or properties involved in the rezone shall not be required to pay the rezoning fee.

E. APPLICATION

An application for a rezone may be filed only if the proposal is consistent with the Bainbridge Island Comprehensive Plan. If it is not consistent with the comprehensive plan, a comprehensive plan amendment shall be filed concurrently with the rezone. The applicant shall pay the fees for any rezone

Site Specific Rezoning



(P) = Opportunity for public participation or comment

[] = Required Open Hearing

(C) = Notice and 14 day public comment period

application and any comprehensive plan amendment required to maintain consistency with the rezone. The city may defer review of a rezone proposal if that area is scheduled for comprehensive plan review or review of the comprehensive plan is reasonably likely to occur within the following year. (Ord. 2003-44 § 4, 2004; Ord. 96-20 § 15, 1996; Ord. 92-08 § 2, 1992)

F. PUBLIC HEARING BEFORE HEARING EXAMINER

Within 30 days after receipt of a complete application for a site-specific rezone, the department shall forward its findings and recommendations to the hearing examiner, who shall conduct a public hearing in accordance with the hearings procedures set forth in BIMC 2.16.130. (Ord. 96-20 § 16, 1996; Ord. 92-08 § 2, 1992)

G. COUNCIL ACTION

1. Within 30 days after receipt of the recommendation of the hearing examiner on a site-specific rezone, the council, in accordance with the procedures set forth in BIMC 2.16.130, shall, in a public meeting, make a decision on the rezone or remand the application to the hearing examiner. (Ord. 96-20 § 17, 1996; Ord. 92-08 § 2, 1992)
2. If the council approves a site-specific rezone, the council shall adopt an ordinance that makes the appropriate changes on the official zoning map as required in BIMC 18.03.
3. The council may reverse an earlier approval of a site-specific rezone by approving a subsequent rezone of the property back to its former zone district as provided in this section 2.16.140 and related provisions in 2.16.020. (Ord. 92-08 § 2, 1992) However, if the applicant has defaulted or failed to perform his or her duties under a development agreement as described in subsection I, only subsections D through F shall apply.

H. DECISION CRITERIA

The following criteria shall be considered in any review for a site-specific rezone in order to establish a recommendation to approve, disapprove or approve with conditions:

1. The site-specific rezone will not be materially detrimental to the public welfare or injurious to the property or improvements in the immediate vicinity and zone in which the property is located; and
2. The site-specific rezone is warranted because of changed circumstances and the proposed designation is appropriate for reasonable development of the subject property; or, because of a need for additional property in the proposed zone and the proposed designation is appropriate for reasonable development of the subject property; and
3. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning designation; and
4. The property will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities for the intensity to which it is being rezoned; and
5. The site-specific rezone is in accord with the comprehensive plan; and
6. The site-specific rezone complies with all other applicable criteria and standards of the city; and
7. The site-specific rezone would not devalue surrounding or nearby property; and
8. The site-specific rezone will not result in an adverse environmental consequence. (Ord. 92-08 § 2, 1992)

I. DEVELOPMENT AGREEMENTS

1. Any applicant for a rezone of any property shall be subject to the signing of a development agreement as a condition to the council's granting the rezone when the council finds that such an agreement is necessary to protect the public health, safety or general community welfare. Whenever such an agreement is signed, it shall be recorded with the Kitsap County auditor and officially entered as a covenant upon the land. Any purchaser of such property is subject to the development agreement. The applicant may be required to pay the cost of the preparation of the development agreement. (Ord. 92-08 § 2, 1992)
2. When the justification for a site-specific rezone includes an intended use or development of the property, a development agreement shall be used to require the applicant to proceed with specific development consistent with the rezone within a time period agreed upon by the city and the developer. In that case, upon the expiration of the agreed-upon time limit after the rezone approval, if construction is not underway, the director shall institute proceedings to rezone the property to its prior classification; provided, however, that if the landowner, within that agreed-upon time period, demonstrates to the satisfaction of the director that he or she has in good faith attempted to begin construction as contemplated by the rezone, the director may defer instituting the proceedings for up to one year. If the latest rezone classification is found to be the most appropriate for the property, the director may elect not to institute the rezone proceedings. The time period prescribed in this section shall not commence until the completion of any court challenges to the rezone.

ORDINANCE NO. 2013-16

AN ORDINANCE of the City of Bainbridge Island, Washington, to amend the Land Use Map of the Comprehensive Plan to change the designation from Open Space Residential-2 (OSR-2) to Water-Dependent Industrial (WD-I) for two properties located on the south shore of Eagle Harbor.

WHEREAS, Darrell McNabb owns two properties located at 4200 Eagle Harbor Drive NE, Tax Parcel 352502-2-003-2007 (aggregated with Lots 001 and 002 under Tax Parcel No 352502-2-086-2007) and Tax Parcel No. 352502-2-004-2006 (referred to hereafter as "subject property") which are currently designated Open Space Residential-2 (OSR-2) on the Land Use Map of the Comprehensive Plan; and

WHEREAS, Darrell McNabb has applied for a Comprehensive Plan Amendment during the 2013 Comprehensive Plan Amendment cycle requesting to change the designation of the subject property from OSR-2 to WD-I on the Land Use Map of the Comprehensive Plan; and

WHEREAS, the Planning Commission conducted a study session on this proposed Comprehensive Plan Amendment on May 23, 2013; and

WHEREAS, the Planning Commission conducted a public hearing on June 27, considered the decision criteria for the amendment request, and forwarded their recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing on this proposed Comprehensive Plan Amendment on _____, 2013 and considered the decision criteria; and

WHEREAS, notice was given on June 28, 2013 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

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

Section 1. The City Council finds that this Comprehensive Plan Amendment is in conformance with the Comprehensive Plan and all applicable state laws in effect at the time of approval.

Section 2. The land use designation for the subject property shall be changed from Open Space Residential-2 (OSR-2) to Water-Dependent Industrial on the Land Use Map of the Comprehensive Plan as described above and shown on Exhibit A.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this ____ day of ____, 2013.

APPROVED BY THE MAYOR this ____ day of ____, 2013.

Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoﬀ, CMC, City Clerk

FILED WITH THE CITY CLERK: _____, 2013

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NUMBER: 2013-16

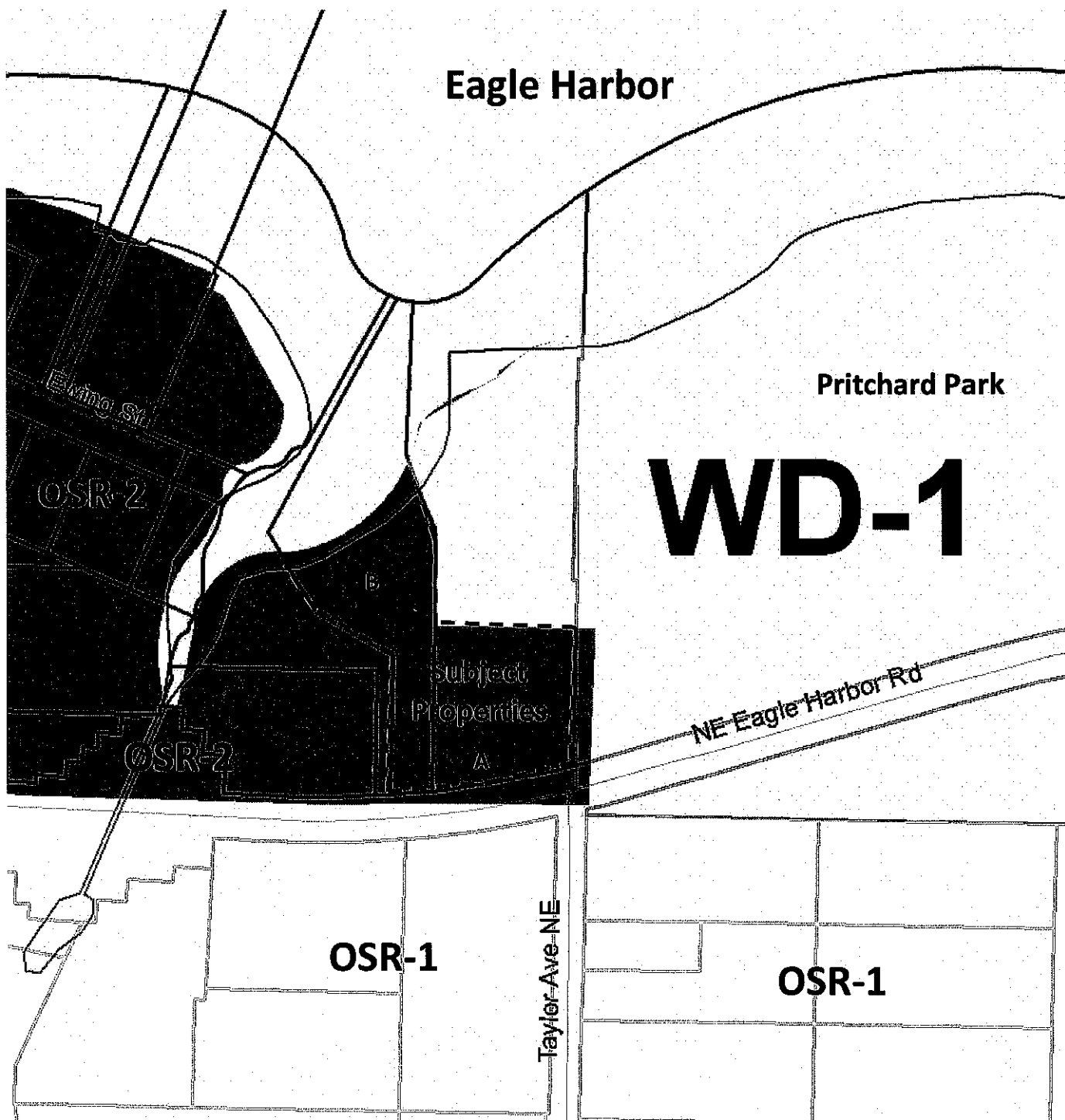


Exhibit A

To: LEGAL NOTICES

Publication Date: March 29, 2013

Issuance Date: March 29, 2013

NOTICE OF DETERMINATION OF NONSIGNIFICANCE (DNS)

The City of Bainbridge Island has received the following land use application:

Date: March 29, 2013
Applicant: Darrell McNabb
Owner: Darrell McNabb
Project Name: Bainbridge Island Marina and Boatyard Comprehensive Plan Amendment and Rezone Application
File Numbers: CPA 13220B & REZ 13220
Permit Request: Comprehensive Plan Amendment application requesting an amendment to the Land Use Map of the Comprehensive Plan & a concurrent Rezone application requesting an amendment to the City's Official Zoning Map.

Description of Proposal: The applicant requests a Comprehensive Plan Map Amendment and Rezoning of two adjacent properties, changing the Land Use Map designation from Open Space Residential, Two Units per Acre (OSR-2) to Water Dependent Industrial (WD-I) and changing the City's Official Zoning Map for the same two parcels from Two Units per Acre (R-2) to Water Dependent Industrial (WD-I). The two properties total approximately 1.59 acres in size.

Location of Proposal: City of Bainbridge Island, Tax Parcel Nos. 352502-2-004-2006 & approximately the southern half of 352502-2-086-2007; 4250 and 4200 NE Eagle Harbor Drive, respectively. The two parcels are located on the south side of Eagle Harbor

SEPA Decision: The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment. This DNS is issued under WAC 197-11-340 (2). This determination was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) c.

Comments must be submitted by no later than 4:00 p.m. on April 19, 2013.
The lead agency will not act on this proposal for 21 days.

Responsible Official: Katharine Cook, Planning Director
Department of Planning & Community Development
Address: City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110, (206) 842 - 2552

Signature: Katharine Cook

Date: 03-25-13

APPEAL: You may appeal this determination by filing a written appeal and paying the appropriate fee to the City Clerk, at 280 Madison Avenue North, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 16.04.170 no later than 4:00 p.m. on April 19, 2013. You should be prepared to make specific factual objections. If you have any questions concerning this application, contact:

Jennifer Sutton, AICP, Special Project Planner
Department of Planning & Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110
(206) 780-3772 Fax: (206) 780-0955
Email: pcd@bainbridgewa.gov

Attachment F

CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

FOR STAFF USE ONLY

A. Background

1. Name of proposed project, if applicable:

BAINBRIDGE ISLAND MARINA
AND BOATYARD PROJECT

2. Name of applicant:

DARRELL MCNABB

3. Address and phone number of applicant and contact person:

Applicant: P.O. BOX 10325

BAINBRIDGE IS. WA 98110

Contact:

DARRELL MCNABB

4. Date checklist prepared: FEBRUARY 16, 2013

5. Agency requesting checklist: City of Bainbridge Island

6. Proposed timing or scheduling (including phasing, if applicable)

N/A

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

AN EXISTING BUILDING
APPLICATION HAS BEEN FILED
WITH COBIDN EXISTING SITE
PLAN.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

THIS SEPA CHECKLIST IS RELATED
TO NON PROJECT RE ZONE
APPLICATION FOR THE SITE PLAN,
AND A NON PROJECT COMP PLAN
APPLICATION FOR THE SITE PLAN.

CITY OF
BAINBRIDGE ISLAND

FEB 13 2013

DEPT OF PLANNING &
COMMUNITY DEVELOPMENT

The City Council will
review the 2013
Comprehensive Plan
Amendments in
August - Sept 2013.

A clearing permit
has also been
issued for the subject
property

An Environmental
Impact Statement was
prepared in 1981, in
association with
development permits
issued by Kitsap County
including an
Unclassified Use Permit
Site Plan Approval
(Nov 16 1981) and
Conditional Use Permit
(Oct. 23 1981)

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

FOR STAFF USE ONLY

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. *YES, AN APPLICATION FOR NON PROJECT ACTION TO CHANGE MAP DESIGNATION FOR SITE PLAN TO WD-I*

See answer to #10 below

10. List any governmental approvals or permits that will be needed for your proposal, if known.

CHANGE COMPLAN AND ZONING MAP DESIGNATIONS - BOTH ARE NON-PROJECT ACTIONS

Applicant is seeking change in shoreline designation for tax parcel (-004-) from Natural to Urban. Must be approved by DOE as part of City Shoreline Master Program Update.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

THIS PROPOSAL IS A NON PROJECT ACTION TO CHANGE THE DESIGNATION OF 2 PARCELS OF THE SITE PLAN FROM R-2 TO WD-I, FOR MARINA BOATYARD

✓ Total parcel acreage = 1.59 acres

12. Location of proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

4200 EAGLE HARBOR DRIVE N.E

SEE ATTACHMENTS

*LEGAL DESCRIPTION
SITE PLAN - VICINITY MAP*

✓

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

FOR STAFF USE ONLY

B. Environmental Elements

1. Earth

a. General description of the site (circle one): flat, rolling, hilly, steep slopes, mountainous

Other: SLOPING FROM SOUTH TO NORTH

b. What is the steepest slope on the site (approximate percentage of slope)?

N/A

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

N/A

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

N/A

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

N/A

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

2.71 ACRES N/A

15,000^{sq} ROOFS

BUILDING

ROOFS ONLY

80 X 160 = 12,800^{sq} P
20 X 20 = 400^{sq} EX
30 X 60 = 1,800^{sq} P
15,000

NON PROJECT CHANGE
IN MAP DESIGNATIONS
TO WDI FOR
SITE PLAN

✓

Eastern property - Harstine
Western property - Gravelly
sandy loam
Dystic
X200thents

(USDA Soils Survey,
Kitap County)
A review of City records
and maps indicate there
may be a landslide
hazard area (as defined
by BMC 16.20) on a
portion of tax parcel #
352502-2-004-2006.

✓ Non-project action
involving no construction

Lot coverage limit
in the WBI zone
is 50%.

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

FOR STAFF USE ONLY

- h. Proposed measures to reduce or control erosion, or impacts to the earth, if any:

SEE 1.a...h ABOVE

IMPACTS WILL BE ADDRESSED
WHEN THERE IS A PROJECT
ACTION PROPOSED.

✓ This is a non-project
action that does
include a construction
project.

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

N/A

✓ This is a non-project
action that does not
include a project
or construction.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A

✓ See above

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A SEE 2.a...c ABOVE
IMPACTS WILL BE ADDRESSED
WHEN THERE IS A PROJECT ACTION
PROPOSED.

✓ See above

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

EAGLE HARBOR + SEASONAL
DRAINAGE/STREAM/STORMWATER
LABELED "WHISKEY CREEK" ON
NORTH WEST CORNER OF MAP.

✓ Small wetland at
Pritchard Park to
the east; would
not be impacted
by development at
this site.

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

FOR STAFF USE ONLY

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A NON PROJECT
PROPOSAL
"NPP"

✓ This is a non-project
action

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A NON PROJECT
PROPOSAL

✓ " " "

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A NON PROJECT
PROPOSAL

✓ " " "

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

YES, SEE SITE PLAN
NPP

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the types of waste and anticipated volume of discharge.

NO/NON PROJECT
MAP DESIGNATION

✓ " " "

b. Ground

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

NO, NON PROJECT
PROPOSAL

✓ " " "

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

FOR STAFF USE ONLY

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

NPP - N/A

✓ This is a non-project action.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

NPP - N/A

✓ " " "

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

NPP / N/A

✓ " " "

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

NPP / N/A

✓ " " "

4. Plants

- a. Check or circle types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other
☒ evergreen tree: fir, cedar, pine, other
☒ shrubs
☒ grass
_____ pasture
_____ crop of grain
_____ wet soil plants: cattail, buttercup, bulrush, skunk cabbage
_____ water plants: water lily, eelgrass, milfoil, other
☒ other types of vegetation

NPP / N/A

✓

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

FOR STAFF USE ONLY

- b. What kind and amount of vegetation will be removed or altered?
NPP/NA NOMINAL
- c. List threatened or endangered species known to be on or near the site.
NPP/NA NONE
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
NPP/NA PRESERVATION OF SITE VEGETATION
5. Animals NPP/NA
- a. Circle any birds and animals that have been observed on or near the site or are known to be on or near the site:
Birds: hawk, heron, eagle, songbirds,
Other: _____
Mammals: deer, bear, elk, beaver,
Other: _____
Fish: bass, salmon, trout, herring, shellfish,
Other: _____
- b. List any threatened or endangered species known to be on or near the site.
UNKNOWN (see 5a)
- c. Is the site part of a migration route? If so, explain.
UNKNOWN
- d. Proposed measures to preserve or enhance wildlife, if any:
MEASURES WILL BE ADDRESSED WHEN THERE IS A PROJECT ACTION
6. Energy and Natural Resources
- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
NPP/NA EXISTING SITE PLAN MARINE FACILITIES

✓ Non-project action

Puget Sound Chinook & Coho, Orca Whales

✓ Non-project action

✓

Salmon, trout, shellfish

Puget Sound Chinook & Coho, Orca Whales

Bainbridge Island is part of the Pacific Flyway bird migration route.

✓

✓

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

FOR STAFF USE ONLY

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

NO

✓ Non-project action

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

NPP/NA

✓ Non-project action

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

NPP NO

✓ Non-project action

- 1) Describe special emergency services that might be required.

NPP N/A

✓ Non-project action

- 2) Proposed measures to reduce or control environmental health hazards, if any:

NPP N/A

✓ Non project action.
Environmental hazards will be reviewed during project specific SEPA review.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment operation, other)?

NPP N/A EXISTING USES
CREATE SOME NOISE.

✓ Future WDI development could have increased noise compared to residential development which may require mitigation

CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST

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FOR STAFF USE ONLY

- 2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from this site.

NPP/NA

- 3) Proposed measures to reduce or control noise impacts, if any:

NPP/NA

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

MARINA + BOATYARD + MAELINE
SALES, CARPENTERS QUARTERS,
ON SITE PLAN - ADJ SOUTH R-1, R-2

- b. Has the site been used for agriculture? If so, describe.

NO

WEST, R-2

- c. Describe any structures on the site. WELL HOUSE,
CARPENTERS QTRS/OFFICE BLDG,
LAUNDRY, RESTROOMS, UTILITY BUILDING
SHOP, CLUBHOUSE

- d. Will any structures be demolished? If so, what?

NO

NPP/NA

- ~~EXISTING~~ What is the current zoning classification of the site?

SITE PLAN WD-1, R-2
(001,002) (003,004)

- f. What is the current comprehensive plan designation of the site?

WD-1, R-2
(001,002) (003,004)

✓
Future WDI development may have increased noise levels compared to residential development; which may require mitigation.

✓ East-zoned WDI.
Site of the Japanese-American Memorial park
✓ West, zoned Residential but with non-residential uses along shoreline, including 3 marinas.
North - Eagle Harbor
South - residential uses

✓ Not as part of this non-project action.

This request applies only to parcels currently designated Residential.

OSR-2

CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST

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- g. If applicable, what is the current shoreline master program designation of the site?

SITE PLAN - URBAN, RURAL

- h. Has any part of the site been classified as an "environmentally critical" area? If so, specify.

NO

- i. Approximately how many people would reside or work in the completed project?

NPP / NA

- j. Approximately how many people would the completed project displace?

NPP NONE

- k. Proposed measures to avoid or reduce displacement impacts, if any:

NPP / IMPACTS WILL BE
ADDRESSED WHEN THERE IS A
PROJECT ACTION

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

NPP / NA

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

NPP / NA

Urban & Natural
Applicant is seeking
redesignation of Natural
portion to Urban; must
be approved by DOZ

A review of the City's
records & maps indicates
there may be a landslide
hazard area on a
portion of the parcel
352502-2-004-2006

✓

✓ Non-project action

✓ Non-project action

✓

✓ Non-project action

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

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FOR STAFF USE ONLY

- b. Approximately how many units, if any, would be eliminated?
Indicate whether high, middle, or low-income housing?

NPP/NA

✓ Non-project action

- c. Proposed measures to reduce or control housing impacts, if any:

NPP/NA

✓ Non-project action

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

NPP/NA

Height limit in the R-2 zone is 30 ft. Height limit in WDI zone is 35 ft.

- b. What views in the immediate vicinity would be altered or obstructed?

NPP/NA

(30 feet in shoreline jurisdiction) May go to 45 feet with a Conditional Use Permit if views are not substantially reduced.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

NPP/NA

Non-project action does not impact aesthetics. Design Review will be required with any development application.

11. Light and Glare

- a. What type of light or glare will be the proposal produce? What time of day would it mainly occur?

NPP/NA

This non-project action does not create any light or glare. Sight-specific analysis and design review would be part of any development application.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

NPP/NA

**CITY OF BAINBRIDGE ISLAND
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FOR STAFF USE ONLY

- c. What existing off-site sources of light or glare may affect your proposal?

NPP/NA

✓ Non project action

- d. Proposed measures to reduce or control light and glare impacts, if any:

NPP/NA

✓ Non project action

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

BAINBRIDGE PARKS & REC.
PRICHARD PARK

4 existing marinas to the north along shoreline
Japanese American Memorial (passive) to the east

- b. Would the proposed project displace any existing recreational uses? If so, describe.

NPP/NA NO

Pritchard Park to the east of the memorial.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

NPP/NA IMPACTS WILL BE ADDRESSED WHEN THERE IS A PROJECT ACTION

✓

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

BAINBRIDGE PARKS & RECREATION
PRICHARD PARK & MEMORIAL SITE

✓

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

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FOR STAFF USE ONLY

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

BAINBRIDGE PARK S
PRICHARD PARK & MEMORIAL

✓

- c. Proposed measures to reduce or control impacts, if any:

NPP/NA

✓

14. Transportation

- a. Identify public streets and highways serving the site, and describe the proposed access to the existing street system. Show on site plans, if any.

NPP/NA SEE SITE PLAN
EAGLE HARBOR DR. N.E.

✓

- b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

NPP/NA TWO BLOCKS

✓

- c. How many parking spaces would the completed project have? How many would the project eliminate?

NPP/NA

✓ Non-project action
Parking requirements
will be calculated
with the submittal of
any development
application

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

NPP/NA

✓ Non-project action

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FOR STAFF USE ONLY

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

NPP/NA

✓ Non-project action

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur?

NPP/NA

✓ Non-project action

- g. Proposed measures to reduce or control transportation impacts, if any.

NPP/NA

This non-project action does not impact transportation. Transportation will be evaluated during site-specific SEPA review for a development proposal.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

NPP/NA

✓ Non-project action

- b. Proposed measures to reduce or control direct impacts on public services, if any.

NPP/NA

✓ Non-project action

16. Utilities

- a. Circle utilities currently available at the site: electricity, PROpane, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other. FULLY DEVELOPED UTILITIES EXIST

✓

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

NPP/NA

✓ Non-project action

C. Signature

I swear under penalty of perjury that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:

Danell A. McHale

Date submitted: 2/19/2013

Any comments or changes made by the department are entered in the body of the checklist and contain the initials of the review.

This checklist was reviewed by:

Jennifer C. Sutton 3/22/13
Planner, Department of Planning and Community Development

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

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FOR STAFF USE ONLY

A. Supplemental Sheet for Nonproject Actions
(Do not use this sheet for project actions.)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities like to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

THIS NONPROJECT ACTION WILL ASSIST IN ENSURING THAT FUTURE PROJECT DEVELOPMENT WILL BE UTILIZING THE EXISTING SITE PLAN AND USES TO MANAGE TO ACHIEVE "NO DISCHARGE" RESULTS BY USES PROPOSED.

Proposed measures to avoid or reduce such increases are:

MINIMIZE THE CHANGES TO THE EXISTING VEGETATION ON THE SITE PLAN.

2. How would the proposal be likely to affect plants, animals, fish, or marine life? ANY FUTURE PROJECT ACTIONS OR IMPACTS WILL BE ADDRESSED PROSPECTIVELY, AND ADDRESSED WHEN THERE IS A PROPOSED PROJECT ACTION.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

MINIMIZE THE CHANGES TO THE EXISTING VEGETATION ON THE SITE.

see attached staff's
Supplemental Responses

CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST

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FOR STAFF USE ONLY

3. How would the proposal be likely to deplete energy or natural resources?

ANY FUTURE PROJECT ACTIONS WILL
BE DESIGNED TO NOT DEplete ENERGY
OR NATURAL RESOURCES.

Proposed measures to protect or conserve energy and natural resources are:

MINIMIZE THE CHANGES TO THE
EXISTING SITE, CONTINUE CONSERVATION
OF NATURAL RESOURCES.

4. How would the proposal be likely to use or affect environmentally critical areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

THE NONPROJECT PROPOSAL DOES
NOT CHANGE THE CURRENT OR LIKELY
FUTURE USES OF THE SITE.

Proposed measures to protect such resources or to avoid or reduce impacts are:

AS FUTURE ISSUES
BECOME APPARENT, THEY + THEIR
IMPACTS WILL BE ADDRESSED IN
ANY PROJECT ACTION

5. How would the proposal be likely to affect land and shoreline uses, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

NO CHANGES ARE EXPECTED
TO OCCUR THAT ALTER THE
EXISTING + PROPOSED WD USES

Proposed measures to protect or reduce shoreline and land use impacts are:

ALL IMPACTS ASSOCIATED
WITH ANY FUTURE PROJECT
ACTIONS WILL BE ADDRESSED.

**CITY OF BAINBRIDGE ISLAND
ENVIRONMENTAL (SEPA) CHECKLIST**

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

FOR STAFF USE ONLY

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

*NO ADDITIONAL DEMANDS
ARE EXPECTED.*

Proposed measures to reduce or respond to such demand(s) are:

NPP/NA

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

NPP/NA

P:\Current Planning- Applications\Environmental_Checklist_July_2010.doc

DATE 3/22/13

**For Comprehensive Plan Amendment and Rezone Request CPA 13220B, Bainbridge Marina)
Requesting to change from OSR-0.4(Residential) to Water Dependent Industrial on the
Comprehensive Plan Land Use Map & Official Zoning Map**

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This proposal requests that the Land Use Map of the Comprehensive Plan and the City's zoning map be amended to change the designation of two parcels, totaling approximately 1.59 acres, from OSR-2, a residential designation, to Water Dependent Industrial (WDI) district. The WDI district is intended to preserve elements of the working waterfront by providing commercial, public and recreational uses that require direct contact with the water. The application does not propose any new development. Eventual development proposals allowed under the WDI designation could increase the level of noise, pollution, or discharge compared to a residential development. As a non-project action, this Comprehensive Plan Amendment and rezone request will not have any direct impact on discharge to water; emissions to air; production, storage, release of toxic/hazardous substances, or production of noise. Specific impacts on discharge to water; emissions to air; production, storage, release of toxic or hazardous substances, or production of noise will be reviewed as part of site-specific development review and SEPA analysis.

Proposed measures to avoid or reduce such increases are:

This is a non-project action that does not require any mitigation measures. Specific measures to reduce or control the impact of environmental emissions will be evaluated as part of future site-specific development review and SEPA analysis.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This Comprehensive Plan Amendment and rezone request would make changes to the Land Use Map of the Comprehensive Plan and the City's Official Zoning Map, and will have no effect on plants, animals, fish or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

This is a non-project action that does not require any mitigation measures. Impacts to plants, animals, fish or marine life will be reviewed as part of site-specific development review and SEPA analysis and/or future building permits.

3. How would the proposal be likely to deplete energy or natural resources?

This Comprehensive Plan Amendment and rezone request would make changes to the Land Use Map of the Comprehensive Plan and the City's Official Zoning Map, and will have no effect on energy or natural resources. Eventual development proposals allowed under the WDI designation would likely increase the energy use or impacts to natural resources, compared to a residential development.

Proposed measures to protect or conserve energy and natural resources are:

This non-project action does not require any mitigation measures. Impacts to energy and natural resources will be reviewed as part of site-specific development review and SEPA analysis.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This non-project action does not affect environmentally sensitive areas. These areas are protected through City regulations, such as the Shoreline Master Program (BIMC 16.12) and the Critical Areas Ordinance (BIMC 16.20). A review of the City's records and maps indicate that there may be a landslide hazard area (as defined by BIMC 16.20) on a portion of tax parcel number 352502-2-004-2006, and therefore a landslide hazard buffer area may apply

should the property be developed.

Proposed measures to protect such resources or to avoid or reduce impacts are:

No adverse impact to environmentally sensitive areas is anticipated from this non-project action, nor from any eventual development proposal. Any impacts to environmentally sensitive areas will be reviewed as part of site-specific development review and SEPA analysis.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

A portion of the westerly property (352502-2-004-2006) is located within Shoreline Management Act jurisdiction, and any development would be required to comply with the provisions of the City's Shoreline Management Program.

This Comprehensive Plan Amendment and rezone request review will evaluate whether or not the proposal to change the designation from OSR-2 to Water Dependent Industrial will be compatible with the existing land use plan. Two parcels immediately to the north of one of the subject properties, and in common ownership, are designated WDI and developed with a marina, boatyard and related uses. The property to the east is designated WDI, and is the site of the Japanese American Memorial. Pritchard Park lies further to the east. Although the property to the west is generally zoned residential (OSR-2), there a number of non-residential uses along the shoreline in this area, including the Tyee Yacht Club, Eagledale Moorings and the Eagle Harbor Marina. These existing, non-residential uses are all permitted under WDI zoning regulations. Therefore, the proposed WDI designation, which would allow some expansion of the existing Bainbridge Marina, is appropriate.

This proposal is a non-project action. Environmental review of impacts associated with land use will also be performed on a development project specific basis, as required. Project-specific development must comply with the City's *Shoreline Master Program* (BIMC 16.12), *Critical Areas Ordinance* (BIMC Chapter 16.20), Title 18 *Zoning*, and the State Environmental Policy Act.

Proposed measures to avoid or reduce shoreline and land use impacts are:

This non-project action does not propose any mitigation for shoreline or land use impacts. Any development project would have to go through a building permit, Site Plan Review and/or Conditional Use Permit process and impacts would be mitigated through this site-specific analysis. Project-specific development must comply with BIMC Title 18 *Zoning*, the City's *Shoreline Management Program* (BIMC 16.12) the City's *Critical Areas Ordinance* (BIMC Chapter 16.20, if applicable), and the State Environmental Policy Act.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The current applications do not propose any new development. This non-project action will have no impact on transportation, public services, or utilities. However, increasing the amount of land designated WDI by approximately 1.59 acres would eventually lead to an increase in commercial development, and consequently, increase demands on transportation facilities, public services, and utilities.

Proposed measures to reduce or respond to such demand(s) are:

This non-project action does not increase in demand on transportation, public services, or utilities. If the rezone/comprehensive plan amendment is approved, and a commercial development permit is eventually submitted, a traffic impact analysis may be required, and the impact to public services and utilities would be analyzed at that time.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The applicant is concurrently seeking approval from the City and Department of Ecology to have the shoreline designation for tax parcel 352502-2-004-2006 changed from Natural to Urban. The Comprehensive Plan amendment request to change the land use designation to WDI for this parcel is dependent on approval of the change in the shoreline designation.

Any development project proposed on either of the two subject properties must comply with the City's *Shoreline Master Program* (BIMC 16.12), *Critical Areas Ordinance*, BIMC Chapter 16.20 (if applicable), BIMC Title 18 *Zoning* and complete project specific SEPA review, if necessary.

**PLANNING COMMISSION SPECIAL MEETING
MAY 23, 2013**

DISCUSSION ITEMS

1. CALL TO ORDER
2. PUBLIC COMMENT – ITEMS NOT ON THE AGENDA
3. 2013 COMPREHENSIVE PLAN AMENDMENTS
 - CPA 18573, Land Use Map Corrections
 - CPA 18572, Business/Industrial District
 - CPA 13220B, McNabb/Bainbridge Island Marina
4. NEW/OLD BUSINESS
5. ADJOURNMENT

1. CALL TO ORDER

Chair Michael Lewars called the special meeting of the Bainbridge Island Planning Commission to order at 6:30 p.m. A quorum was established with all Commissioners in attendance:

Michael Lewars	Maradel Gale
J. Mack Pearl	Jon Quitslund
Scott Hicks	Kate Kelly

Chair Lewars announced that the Lynwood Center triangle Comprehensive Plan amendment request had been withdrawn and would not be discussed.

No Commissioner reported a conflict of interest.

Commissioner Quitslund moved to approve the minutes for the meeting of May 9, 2013, as submitted. Commissioner Hicks seconded the motion, which then carried unanimously.

6:32 p.m. After introducing himself, City Manager Doug Shultze gave the Commission an overview of the general sewer plan process, which he described as creating a comprehensive plan for the sewer system. The City's goal is to have the document ready to send to the Department of Ecology in June, 2014.

There are a number of financial, environmental, and land use policies that must be considered in developing a sewer service plan. The City Council decided to invite all members of three advisory groups – the Planning Commission, the Utilities Advisory Committee, and the Environmental Technical Advisory Committee – to a series of workshops with the City's consultant, Corolla Engineers, and staff.

The Tuesday evening meetings in July and August will focus on the future sewer district boundaries and move into other policy issues in December. Recognizing that this is a significant time commitment and that not all members are likely to be able to attend all the meetings, it has been decided to videotape the meetings.

In response to questions from the Commissioners, City Manager Schulze said that John Cunningham, the Interim Public Works Director who begins work on June 3rd, will take the lead. The liaison to each of the invited committees (Steve Bonkowski for Planning Commission, Sarah Blossom for the Utility Advisory Committee, and a yet-to-be-named councilmember for the Environmental Technical Advisory Committee) will also participate.

**PLANNING COMMISSION SPECIAL MEETING
MAY 23, 2013**

The City Manager told the Commissioners more information with a list of meeting dates will be sent out.

2. PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

There were no public comments at this time.

3. 2013 COMPREHENSIVE PLAN AMENDMENTS

- *CPA 18573, Land Use Map Corrections*

Special Project Planner Jennifer Sutton said the city initiated this comprehensive plan amendment request to correct three errors on the comprehensive plan map – two properties in the Lynwood Center neighborhood service center (NSC) that were incorrectly identified as residential instead of NSC and an incorrectly split shoreline designation on Richard Burke's property on Eagle Harbor. (The latter currently shows as being split between semi-rural and natural when the entire property is currently designated as semi-rural.)

Based on the Planning Commission and Council decisions that all existing marinas should be designated as urban, Director Cook noted that the shoreline designation will go to urban under the proposed update to the Shoreline Master Program. This is an interim correction.

- *CPA 18572, Business/Industrial District*

Planner Sutton explained that this is a housekeeping amendment to incorporate the name change from the code update and to clarify the uses of the business/industrial district. Staff and the Commissioners briefly discussed the allowed uses in Business/Industrial.

- *CPA 13220B, McNabb/Bainbridge Island Marina*

Director Cook told the Planning Commission this amendment request was submitted by Darrell McNabb, who was unable to attend and noted that his representative may have additional information if they have questions.

Projecting an aerial photograph with property lines drawn on it, Director Cook reported parcel A and parcel B are currently shown as R-2 and the applicant is requesting a designation change to water-dependent industrial to match the properties to the north.

The applicant was granted a conditional use permit by Kitsap County to develop a marina and had not finished the development prior to incorporation. Since then there have been two basic disagreements between the applicant and the City:

- Whether the site plan approved by the county applied to all four properties. (After studying all the documentation, Director Cook believes that it did.)
- What the City intended the land use designation to be. The applicant believes they were intended to be industrial and the city appears to have intended them to be residential, a disagreement that is complicated by inconsistencies in city maps.

Mr. McNabb applied for a Comprehensive Plan amendment in 2004 when there was a two-phase process. Both staff and the Planning Commission recommended that the amendment request not go forward. The City Council disagreed and directed staff to do the full analysis. Mr. McNabb

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was told that the amendment request would be on the 2006 work plan for the Planning Department and, for a variety of reasons, it did not get done.

7:05 p.m. Planner Sutton displayed an aerial of the site on the overhead and described the property. Commissioner Pearl asked if the stream is year-round and was told that it is.

Director Cook reviewed a map, describing parcel A as residentially zoned, the lots that are developed as the marina, and a funnel-shaped parcel where the caretaker/office is located. She went on to say that the shoreline designation on the marina lots is urban. The funnel parcel is currently designated Natural is proposed to become Shoreline Residential Conservancy as part of the Shoreline Master Plan (SMP) update.

Director noted that the zoning and shoreline designations need to be consistent under the Growth Management Act. Neither Natural nor Shoreline Conservancy is consistent with a water-dependent upland designation. Parallel to pursuing the Comprehensive Plan amendment, Mr. McNabb is pursuing a change in the shoreline designation and any change to the Comprehensive Plan designation is dependent on getting that shoreline designation change.

7:09 p.m. Staff's recommendation is that parcel A is appropriate for water-dependent industrial use, which would allow expansion of the marina and boatyard facilities. The Comprehensive Plan has a preference for expanding existing facilities over creating new ones. The staff recommendation on parcel B is dependent upon what happens with the shoreline designation.

Commissioner Gale said that during the discussions about particular parcels during the SMP process, Whiskey Creek (the stream) was considered critical habitat. That's why it was designated as Natural. The Commissioners discussed the stream, asking about the length and nature of the stream.

Andrew Laing, speaking on behalf of Mr. McNabb, said that the stream is seasonal. What runs along the right-of-way is a culvert that has failed a couple of times. Like a parcel of streams on Bainbridge Island, sometimes it is a stream and sometimes it is part of the City's stormwater conveyance system.

Mr. Laing also spoke briefly about the history of the property and the proposed development, including the development of the caretaker's unit through a shoreline conditional use permit. He concluded by saying that the existing permits and uses would be nonconforming with the zoning.

7:19 p.m. Chair Lewars iterated that any decision on parcel B has to wait until the SMP Update is approved. Director Cook responded that the Planning Commission could make a recommendation conditional on the change in the shoreline designation. Commissioner Gale said that the other option is to not recommend that the designation be changed and leave it as residential.

Commissioner Gale asked Mr. Laing what the plan is for the parcel with the caretaker's unit. Mr. Laing replied that some of the upland area would be subject to a site plan review and there are no plans to continue more development in the shoreline jurisdiction. He suggested the

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Planning Commission might recommend changing the area outside of the shoreline jurisdiction to water-dependent industrial (WDI). The McNabb's concern is the viability of the caretakers' residence over the long term.

7:24 p.m. Commissioner Pearl remarked that it seems logical for all the property be the same designation, adding that he hates to expand it when it is such a mess. Mr. Laing answered that there are pending permit applications and a beautiful site plan. It's been very difficult to get financing on the split zoning.

Commissioner Gale asked if there is a reason that both properties need to be the same the designation or parcel b could be left as it is. In response the ensuing conversation, Director Cook said that she would provide a clear delineation of the shoreline jurisdiction for the public hearing.

Mr. Laing said that another concern is that if the parcel is residential conservancy, the western slips would become nonconforming. The overall goal is to have the zoning match the Comprehensive Plan designation.

Commissioner Gale said that it makes sense to extend the designation to Taylor Avenue on parcel A and not mess around with parcel b.

Commissioner Hicks asked for a staff comment on splitting parcel b. Director Cook said that splitting the property would require a boundary line adjustment to create two parcels with the upland portion WDI.

Commissioner Pearl stated that he sees two options – create two lots or put a conservation easement on the part of the property that the Planning Commission doesn't want to see become WDI. Commissioner Gale added that the community can't depend on a future property owner to not want to develop that part of the property west of the existing building. Mr. Laing said that he thinks the McNabbs would be agreeable to a boundary line adjustment.

Commissioner Quitslund asked for clarification on the access. Mr. Laing responded that there is no direct access from Eagle Harbor Drive. All other roadways are internal and there are no plans for additional access.

7:40 p.m. Commissioner Pearl said that a boundary line adjustment isn't feasible when it would create an unbuildable property. Commissioner Quitslund suggested that a conservancy easement could be placed on that part of the property and Commissioner Gale agreed that it such an easement would protect the habitat area.

Commissioner Hicks asked if the site plan extends to the edge of parcel b and asked if there would be a buffer between that property and the adjacent property. Looking at the site plan, Mr. Laing said that part of it extends to parcel b. Director Cook told the Planning Commission that a corrected site plan could be provided for the public hearing.

7:48 p.m. Commissioner Kelly pointed out the Planning Commission is considering the designation of the property, regardless of the site plan or who owns the property. Director Cook

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suggested that the Commission might want to look at the uses would be allowed with the different designations. ~~Staff will bring the list of permitted and conditional uses for each~~ designation to the next meeting.

7:50 p.m. Charles Schmid said the applicant shouldn't be negotiating with the Planning Commission. He complained that SEPA was non-project and this amendment request seems so linked to a specific project. Director Cook noted that an EIS was done for the Kitsap County site plan review.

Mr. Schmid suggested that staff and the Planning Commission might want to look at a court case involving the Army Corps of Engineers related to this property. He also remarked that WDI has to be on the water and talked about the importance of the creek.

In response to a question from Mr. Schmid, Director Cook said that a clearing permit has been issued along Taylor Avenue and north.

7:57 p.m. Commissioner Pearl expressed some concern that, if the designation remains the same and financing is difficult, it's unlikely that there will be any improvement. Chair Lewars said that the Commission owes it to themselves and the property owner to clarify the zoning on those lots.

4. NEW/OLD BUSINESS

No old or new business was discussed.

5. ADJOURNMENT

The regular meeting of the Planning Commission adjourned at 8:00 p.m. The next regular meeting, scheduled for June 13, has been cancelled. The public hearing on the Comprehensive Plan amendment requests has been scheduled for June 27, 2013.

**PLANNING COMMISSION SPECIAL MEETING
JUNE 27, 2013**

DISCUSSION ITEMS

- 1. CALL TO ORDER**
- 2. PUBLIC COMMENT – ITEMS NOT ON THE AGENDA**
- 3. DISCUSSION OF SEPA PROCESS FOR NON-PROJECT ACTIONS**
- 4. PUBLIC HEARING – 2013 COMPREHENSIVE PLAN AMENDMENT REQUESTS**
 - Ord. 2013-15, Rolling Bay Rentals
 - Ord. 2013-16, McNabb/Bainbridge Island Marina
 - Ord. 2013-17, Non-motorized Transportation Plan
 - Ord. 2013-18, Historic Preservation Policies
 - Ord. 2013-19, Land Use Map Corrections
 - Ord. 2013-20, Business/Industrial District Name
- 5. NEW/OLD BUSINESS**
- 6. ADJOURNMENT**

1. CALL TO ORDER

Chair Michael Lewars called the special meeting of the Bainbridge Island Planning Commission to order at 6:35 p.m. A quorum was established with all Planning Commissioners in attendance.

There were no conflicts of interest disclosed.

The minutes for the meeting May 23rd minutes were unanimously approved upon motion by Commissioner Gale which was seconded by Commissioner Quitslund.

2. PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

There was no public comment.

3. DISCUSSION OF SEPA PROCESS FOR NON-PROJECT ACTIONS

6:36 p.m. Director Cook said there have been a number of questions about the SEPA process for non-project actions. The SEPA regulations are contained in Chapter 197-11 of the Washington Administrative Code (WAC).

There are two general types of proposals that are subject to SEPA review – project proposals that involve changes to the physical environment and non-project proposals which are the development of plans or regulations. All the Comprehensive Plan amendment requests currently under consideration by the Planning Commission are non-project proposals.

Director Cook went on to explain that early in the process, staff reviews an application to determine if a proposal requires a SEPA review and, if one is required, the appropriate level of review. The various threshold determinations include:

- Determination of Non-significance (DNS), no mitigation is required
- Mitigated Determination of Non-significance (MDNS), conditions are required to mitigate for impacts
- Determination of Significance (DS), an environmental impact statement (EIS) is required because the proposal is likely to have a significant impact for which conditions are not easily identified.

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A Determination of Non-significance was issued for each of the Comprehensive Plan amendment requests, raising a lot of questions about how a change in land use designation from residential to commercial can be considered "nonsignificant." Under WAC 197-11-16, the local agency must consider whether federal, state, or local requirements would cover any impacts. Zoning, shoreline, and critical areas regulations; design guidelines; the city's light and noise ordinances, stormwater and traffic analysis requirements, as well as zone-specific performance standards, were taken into consideration in determining that existing regulations would mitigate the impacts.

Director Cook also consulted with the city attorney and the Department of Ecology to verify that the process was done correctly.

6:45 p.m. Commissioner Gale is concerned that smaller projects here have a proportionally larger impact because it is a smaller community. The point is how to protect the community environment even though the projects are not that large a scale. Director Cook replied the agency has to be able to prove that the mitigation for impacts cannot be easily identified and mitigated.

Commissioner Gale said there needs to be some way to look more closely at the projects that the community has identified through their concerns as having more than an insignificant impact. Director Cook responded that the staff analysis of SEPA checklists could be better articulated.

When Commissioner Gale asked if Bainbridge Island allows spot zoning, Director Cook said that any rezone must go through the Comprehensive Plan amendment and rezone process to be approved. Most of the "spot zoning" on the Island was inherited. Commissioner Gale feels that a rezone on a single parcel requires a higher level of review and scrutiny.

Commissioner Quitslund thanked Director Cook for the discussion and asked what sort of non-project action would give rise to a requirement for an EIS and if the precautionary principle is considered in making such a determination. Director Cook replied that the original Comprehensive Plan, the Winslow Master Plan, and the Ferry Terminal/Gateway projects each required an EIS.

6:53 p.m. Commissioner Gale commented that, when the Planning Commission deal with comp plan amendments that are not associated with a specific project, that is one of the most egregious things we do because the project that is already planned is not considered in part of this process. Special Project Planner said that is why it is so important to consider the permitted and conditional uses.

4. PUBLIC HEARING – 2013 COMPREHENSIVE PLAN AMENDMENT REQUESTS

- Ord. 2013-15, Rolling Bay Rentals

6:57 p.m. Planner Sutton said that this request has two parts – a change in the land use designation on a 2-acre property just south of the Neighborhood Service Center and a request to change policies to allow some expansion without going through the Special Planning Area process. Staff is recommending approval with a slight change to the language and is recommending changing Island Center policies to match. A revised DNS was issued to reflect

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the latter designation and the residents of Island Center were added to the mailing list for that notice.

7:01 p.m. Charles Schmid said that he is fine with proposal for Rolling Bay, but objects to taking out the special planning area process. He feels that the process has always worked, is really important, and could be done without staff.

7:04 p.m. Howard Block, the owner of Rolling Bay Rentals, addressed concerns heard at the last meeting and reported on discussions with Chris Hammer about improvements to the corner to restrict parking, possibly moving the stop bar out, and reducing the speed limit to 25 mph.

7:07 p.m. Debbie Vann agrees with Charles that the special planning area process needs to be kept. The neighborhood service centers serve the entire island and affects neighbors most.

7:10 p.m. Jane Myers is concerned about the risk of piecemeal expansion although she supports this particular rezone. Her concern about dropping the special planning area process is that minor changes in use on the existing commercial properties can have some significant impacts on the neighborhood.

7:10 p.m. Olaf Ribeiro has been monitoring the Rolling Bay area for 20 years. His main concern is to have the community really look at how that corner is going to be redesigned.

Commissioner Quitslund commented that making a recommendation on this request is really hard, not because of what is planned on this property but because of the larger implications.

When Commissioner Kelly asked staff why they are recommending incremental changes, Planner Sutton responded that the three parameters that were integrated (adjacent, no environmental impacts, compatible with neighboring commercial uses) will limit how many properties may be incorporated into the neighborhood service centers. She also pointed out the City will be taking a comprehensive look at the entire island before more requests are allowed.

7:21 Commissioner Pearl feels that allowing expansion without going through the special planning area process is creating a big change for a small proposal, which he thinks is fine.

Commissioner Gale could not support taking out the special planning area process.

Commissioner Hicks noted that the big concern is incremental growth and asked if there is some way to geographically limit that by specifying the area that can be considered for expansion. Director Cook responded that such limitations would require going through the special planning area process. Staff proposed the policy change to keep the neighborhood service centers from being "frozen" until the city can engage in the special planning area process. Commissioner Quitslund remarked that it might be wise to focus on the planning process and how to simplify it.

7:32 p.m. After more discussion about the special planning area process, Commissioner Gale moved that the Planning Commission recommend denial of the Comprehensive Plan Amendment request because it does not conform to the Comprehensive Plan. Commissioner

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Quitslund seconded the motion. The motion failed with 2 in favor (Gale, Quitslund) and three opposed (Pearl, Kelly, Hicks).

7:38 p.m. Commissioner Pearl moved to recommend approval because this is a logical expansion. Commissioner Kelly seconded the motion. Commissioner Gale moved to amend the motion to remove the language for Island Center and Commissioner Pearl agreed. Commissioner Hicks seconded the friendly amendment. The motion carried with three (Pearl, Hicks, Kelly) in favor and two (Gale, Quitslund) against.

The Planning Commission took a break at 7:43 and reconvened at 7:47 p.m.

7:58 p.m. Commissioner Gale made a new motion to ask the staff to look at the potential inconsistencies in the NSC policies and make a recommendation on how to allow the Rolling Bay proposal without changing the special planning area process. Commissioner Quitslund seconded the motion, which passed with three (Hicks, Gale, Quitslund) in favor and two votes against (Kelly, Pearl).

- Ord. 2013-16, McNabb/Bainbridge Island Marina

Director Cook told the Planning Commission that Mr. McNabb owns four parcels on the south side of Eagle Harbor – two classified as water-dependent industrial (WDI) and two classified as open space residential. Mr. McNabb is requesting all four parcels to be classified as WDI to bring the classification into conformance with a site plan approved by Kitsap County. Director Cook added, as previously discussed, there is a long history to this property with some legal disagreement.

8:04 p.m. Dennis Reynolds, speaking on behalf of Mr. McNabb, said the applicant is the victim of spot zoning and a series of mistakes and wants to implement and affirm the long-range planning process that happened in Kitsap County and the early city. He is not looking at a new project and mitigation and restoration can occur through the permit process. Mr. Reynolds added that encouraging development of existing businesses is part of the Growth Management Act.

8:08 p.m. John Grinter spoke about the shortage of good marine facilities on the Island and feels the city should be encouraging more boating facilities. Therefore, he encouraged the Planning Commission to recommend approval of the application.

8:11 p.m. Darryl McNabb understood from the previous study session there were some questions about the stream and wanted to address them, showing photographs and speaking about culvert and the tidal estuary with a constant salt/freshwater mix.

8:32 p.m. In response to a question from Commissioner Hicks about how the property lines in the tidelands affect the conformity of the marina, Dennis Reynolds said that the property's special use permit is actually a form of zoning, so that the marina is not nonconforming as long as the permits have continued to be used.

8:39 p.m. Commissioner Gale moved that the Planning Commission support the staff recommendation for lot A and leave lot B with a residential designation. Commissioner

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Quitslund seconded the motion. The motion failed with two in favor (Gale, Quitslund) and three against (Pearl, Kelly, Hicks).

Commissioner Gale moved to support the staff recommendation for parcel A and condition approval of the change for parcel b dependent on change in shoreline designation. Commissioner Kelly seconded the motion, which carried with four (Pearl, Hicks, Kelly, and Quitslund) in favor and one against (Gale).

- Ord. 2013-20, Business/Industrial District Name (*moved forward on request*)

8:52 p.m. Sheri Watson spoke about the amendment request submitted by the city to change the Light Manufacturing (LM) designation to Business/Industrial (B/I) in the Comprehensive Plan. She remarked that the tables in the code are old and undated - there is still a need for light manufacturing.

8:57 p.m. Commissioner Kelly moved that the Planning Commission recommend approval of Ordinance 2013-20. Commissioner Pearl seconded the motion, which passed unanimously.

- Ord. 2013-17, Non-motorized Transportation Plan

Don Willott introduced himself as the vice-president of the North Kitsap Trails Association and a member of the Non-motorized Transportation Committee, spoke briefly about an email he sent earlier about the complete streets program, and offered to serve as a resource for any questions.

Elise Wilton, a member of the Non-motorized Transportation Committee, spoke about the requested amendment as the first step in the development of a complete streets ordinance with context sensitive design.

9:00 p.m. John Grinter, chair of the Non-motorized Transportation Committee, said that he was here as a resource regarding the maps. He added that it is important to maintain strong non-motorized policies.

Commissioner Gale moved to approve staff recommendations on Ordinance 2013-17. Commissioner Pearl seconded the motion, which carried unanimously.

- Ord. 2013-18, Historic Preservation Policies

9:11 p.m. Historic Preservation Commission Chair David Williams said the purpose of the amendment is to update the policies, recognize the existence of the Historic Preservation Commission, and to strengthen the preservation policies.

9:14 p.m. Commissioner Kelly moved to recommend approval of Ordinance 2013-18 and Commissioner Hicks seconded the motion, which carried unanimously.

- Ord. 2013-19, Land Use Map Corrections

9:16 p.m. Richard Burke told the Commission that his particular boundary line was mis-located on a previously adopted map and thanked Kathy Cook, Jennifer Sutton, and Ryan Ericson for discovering how the error took place.

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9:18 p.m. Commissioner Gale moved to recommend approval of Ordinance 2013-19 and
~~Commissioner Kelly seconded the motion, which carried unanimously.~~

5. NEW/OLD BUSINESS

No new or old business was discussed.

6. ADJOURNMENT

The special meeting of the Bainbridge Island Planning Commission adjourned at 9:19 p.m. The next regular meeting is scheduled for July 11, 2013 at 7:00 p.m.

September 23, 2013

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

**FINDINGS, CONCLUSIONS AND
RECOMMENDATION TO CITY COUNCIL**

Project: McNabb (Bainbridge Marina)
Site-Specific Rezone Application

File number: REZ 13220

Applicant: Darrell McNabb
P.O. Box 10325
Bainbridge Island, WA 98110

Owner: Darrell & Vannee McNabb
P.O. Box 10325
Bainbridge Island, WA 98110

Request: The applicant requests a Site-specific Rezone to the City's Official Zoning Map, to change the zoning of 2 parcels totaling 1.59 acres from Residential, Two Units per Acre (R-2), to Water Dependent-Industrial (WD-I). The properties are located at 4200 Eagle Harbor Drive, Bainbridge Island.

The applicant submitted a Comprehensive Plan amendment applications (CPA 13220B) concurrently with the site-specific rezone request, as specified in BIMC Section 2.16.140.E. The Comprehensive Plan amendment application was submitted as part of the City's 2013 amendment cycle and is being reviewed pursuant to BIMC Section 2.16.190. The Comprehensive Plan amendment application requests a change in the land use designation for the two subject parcels from Open Space Residential (OSR-2) to Water Dependent-Industrial (WD-I) on the Land Use Map of the Comprehensive Plan.

Location: 4200 Eagle Harbor Dr. NE
Parcel A: Tax Parcel No.: 352502-2-003-2007 (aggregated with Lots 001 and 002 under Tax Parcel No 352502-2-086-2007)
Parcel B: Tax Parcel No.: 352502-2-004-2006

Current Zoning Designation: Residential-2 (R-2) Two Units Per Acre

Current Comprehensive**Plan Designation:** Open Space Residential-2 (OSR-2)**Environmental****Review:** Based on review of a State Environmental Policy Act (SEPA) checklist, a Determination of Nonsignificance (DNS) was issued on March 29, 2013.**Planning Commission****Recommendation:** The Planning Commission considered the Comprehensive Plan amendment request (CPA 13220B) submitted by Mr. McNabb at a study session on May 23, 2013 and conducted a public hearing on June 27, 2013. The Planning Commission recommended approval of the change in the land use designation for Parcel A, and conditional approval of the change in the land use designation for Parcel B.

FINDINGS OF FACT**Site Characteristics**

1. **ASSESSOR'S RECORD INFORMATION:**
Parcel A: Tax Parcel No.: 352502-2-003-2007 (aggregated with Lots 001 and 002 under Tax Parcel No 352502-2-086-2007)
Parcel B: Tax Parcel No.: 352502-2-004-2006
2. **TERRAIN:**
Parcel A (eastern) slopes gently down from Eagle Harbor Drive, from south to north. Parcel B (western) slopes moderately from the southwest to north, becoming steeper in the northwestern portion of the property and toward the water. City records and maps indicate a landslide hazard area (as defined in BIMC Chapter 16.20 *Critical Areas*) may exist and a landslide hazard buffer area therefore may apply. Some vegetation exists near the road on both properties.
3. **SITE DEVELOPMENT:**
The "Marina" lots (tax parcels # 352502-2-001-2009, 352502-2-002-2008) were developed with a marina and boatyard and associated facilities under Kitsap County permits. Parcel A (tax parcel # 352502-2-003-007) contains a retaining wall, developed under a City of Bainbridge Island permit. Parcel B (tax parcel (tax parcel 352502-2-004-2006) is developed with a caretaker unit and office and associated uses and also contains two small historic cabins.
4. **ACCESS:**
The subject properties are located on the south side of Eagle Harbor and obtain road access from Eagle Harbor Drive.
5. **PUBLIC SERVICES:**
 - a. Police- Bainbridge Island Police Department
 - b. Fire- Bainbridge Island Fire Department
 - c. Schools- Bainbridge Island
 - d. Water- Private Well, Class I
 - e. Sewer- On-site septic

6. SURROUNDING USES, COMPREHENSIVE PLAN DESIGNATION & ZONING:
- a. North: Eagle Harbor
 - b. East: Japanese-American Memorial Park, WD-I, Water Dependent Industrial
 - c. South: Single-family residential/ OSR-2/ R-2
 - d. West: Single-family residential/ OSR-2/ R-2

Procedural History

7. Darrell McNabb has owned four properties on the south side of Eagle Harbor since 1977, before the City of Bainbridge Island incorporated. Zoning and permit issuance on Bainbridge Island were then regulated by Kitsap County. The four parcels comprise approximately 2.71 acres and include associated tidelands. The two parcels subject to this rezone application total approximately 1.59 acres.

8. In 1980, Mr. McNabb applied to Kitsap County for a Shoreline Substantial Development Permit (SSDP346) for a marina, dry boat storage and a boat repair facility. In July, 1981, Mr. McNabb also applied to Kitsap County for an Unclassified Public Use Permit (UPUP) to construct and operate a marina and boatyard. A Final Environmental Impact Statement for the application package was issued in August, 1981. The Kitsap County Hearing Examiner approved the UPUP/Site Plan in November, 1981, and the Kitsap County Board of Commissioners approved SSDP 346 in November, 1981. Marina and boatyard uses were subsequently established on Tax Parcels 352502-2-001-2007, 352502-2-002-2006 and 352502-2-004-2006. Parcels 001 and 002 are currently zoned Water Dependent-Industrial and Parcel 004 is zoned R-2.

9. In 1990 the citizens of Bainbridge Island voted to incorporate, and the City of Bainbridge Island assumed authority for zoning and permitting for the entire Island. Mr. McNabb continued to pursue with the City completion of the development projects authorized under the County permits. A rich trove of historical materials documents thirty years of effort both to define what Kitsap County approved in 1981 and to ascertain Mr. McNabb's success in complying with the original regulatory framework. In 2006 the City and Mr. McNabb engaged in a contested code enforcement episode. The City stipulated in October, 2007, and reaffirmed in January, 2013, that a County-approved site plan as elaborated in various updates remains in full force and effect.

10. Two of the properties owned by Mr. McNabb are currently designated on the City's zoning map as Water Dependent-Industrial, and two others as Residential/2 units per acre (R-2). Over the years the City and Mr. McNabb have disagreed whether these latter two parcels had been incorrectly deemed zoned Residential by the City. While the current zoning map designates them as R-2, a review of the City's previous Comprehensive Plan Land Use Maps, Zoning Maps and associated ordinances indicates that the properties were not consistently so described. In some instances, the properties were shown as residentially zoned, in others as Water-Dependent Industrial. Mr. McNabb is seeking to have all properties designated WD-I so that he can expand the current marina and boatyard operations and bring the zoning into conformance with the land use permits and site plans approved by Kitsap County.

11. Because the most recent zoning maps show the application properties as residentially zoned, Mr. McNabb is presently legally constrained in his efforts to submit permit applications for further water-dependent industrial development. In 2005 the City advised Mr. McNabb that further development of the residentially zoned properties would require a Comprehensive Plan amendment and rezone, and in response Mr. McNabb submitted at that time a Comprehensive Plan amendment request to effect such change.

12. In 2005 the City was employing a two-phased process for reviewing Comprehensive Plan amendment requests, with phase I to determine which amendments warranted further review under phase II. Amendment requests that were not forwarded to phase II were deemed denied. In the case of Mr. McNabb's 2005 amendment request, staff recommended that the request should not be forwarded to phase II, preferring instead to integrate review of the request into the City's upcoming Shoreline Master Program update then scheduled to begin in 2007. The Planning Commission concurred, forwarding its recommendation to the City Council. But the City Council did not adopt this recommendation, voting in November 2005 to forward the McNabb request to phase II and directing staff to review it in the context of its relationship to the Pritchard Park and the Japanese American Memorial sites to the east. Planning Director Larry Frazier informed Mr. McNabb that phase II review would begin in the fourth quarter of 2006.

13. The McNabb amendment request was deferred by the Planning Department and never processed. Nor in the City's recently completed Shoreline Master Program Update were the McNabb properties reviewed within the framework of the original 2005 amendment request. In January, 2013, the City entered into a broad settlement agreement with Mr. McNabb, specifying that he could submit a new amendment request as part of the 2013 Comprehensive Plan amendment cycle and the City would process such request in good faith.

14. The January, 2013, settlement agreement between the City and Mr. McNabb also provided that Mr. McNabb could pursue a change in the shoreline designation for Parcel B through the SMP Update process. Mr. McNabb submitted written and oral public comments to such effect to the City Council in early 2013. The City Council declined to change the Parcel B shoreline designation to Urban and on May 15th forwarded the City's draft SMP Update to the Department of Ecology (DOE) for its review. The Department of Ecology opened a public comment period on the City's draft SMP Update that commenced on July 23, 2013.

15. Mr. McNabb submitted Comprehensive Plan Amendment and Site-specific Rezone applications to the Department of Planning and Community Development on February 13, 2013. After a review of the SEPA checklist, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) on March 29, 2013. As a site-specific amendment, the DNS was mailed to property owners within 500 feet of the subject properties as required by BIMC Section 16.04.130.A.2. The comment and appeal period ended on April 19, 2013. No SEPA appeals were filed.

16. The Planning staff recommended that rezoning Parcel B from Residential to Water Dependent-Industrial should be contingent on Mr. McNabb securing a change in the shoreline designation to Urban through the SMP Update process now being conducted by DOE. This proposed contingency mimics the Planning Commission recommendation for the companion Comprehensive Plan land use map amendment affecting Parcel B. Within the instant proceeding Mr. McNabb's attorney has requested deletion of the contingency tying the effectiveness of the Parcel B rezone to a shoreline redesignation. At the end of the August 9, 2013, rezone public hearing the Examiner left the record open for the receipt of briefing from the City and the applicant on potential legal consequences arising from inconsistencies between zoning and shoreline regulations affecting the same parcel. As argued within the applicant's brief, the City Attorney's memorandum should be regarded as an "advocacy document", not as a formal legal opinion.

Regulatory Requirements

17. The process for reviewing a site-specific rezone application is specified in BIMC Section 2.16.140.H. All the italicized regulatory standards quoted below must be met for a rezone application to be approved.

The following criteria shall be considered in any review for a site-specific rezone in order to establish a recommendation to approve, disapprove or approve with conditions:

- 1. The site-specific rezone will not be materially detrimental to the public welfare or injurious to the property or improvements in the immediate vicinity and zone in which the property is located;*

Allowing a further expansion of the current marina and boatyard development would be generally consistent with the existing development pattern for this section of the south shore of Eagle Harbor. The property to the east is zoned WaterDependent-Industrial. The property to the west is zoned residential but much of the shoreline is presently developed with non-residential uses of a water-dependent industrial nature, including three other marinas. The WD-I zoning regulations undertake to mitigate offsite impacts and include a number of zone-specific performance standards designed to control pollution, noise and lighting impacts, waste storage and disposal, air quality emissions, ground and soil contamination, outdoor storage and trash disposal. The Kitsap County Health District did not comment on either the CPA or rezone applications for the McNabb property.

Parcel A is directly south of Mr. McNabb's two existing Water Dependent-Industrial properties that are currently developed with the marina and its associated facilities. Changing the land use designation for this parcel from Residential to Water Dependent-Industrial would allow for an orderly extension of the existing marina and boatyard. In addition, Parcel A is no longer an appropriate or attractive location for single-family residential development due to its adjacency to an existing water-dependent industrial use.

Parcel B is located west of the currently developed Water-Dependent Industrial property with which it shares about 200 feet of upland boundary. In addition to a caretaker and office unit accessory to the marina facilities, nearly half of the marina boat slips lie within the tidelands extension of Parcel B. Changing the zoning designation from Residential to Water Dependent-Industrial on Parcel B would accommodate a further upland expansion of the existing marina and boatyard facilities from the adjacent parcel even if no new shoreline development were contemplated.

- 2. The site-specific rezone is warranted because of changed circumstances and the proposed designation is appropriate for reasonable development of the subject property, or because of a need for additional property in the proposed zone, and the proposed designation is appropriate for reasonable development of the subject property;*

The site-specific rezone is appropriate for the property because it would allow for normal expansion of the current marina and boatyard operations, bringing the zoning into conformance with the land use permits and site plan approved by Kitsap County in 1981 and recognized as valid by the City. The changed circumstance of greatest importance is that, after many years of controversy, the applicant and City have resolved most of the disputed issues concerning the regulatory framework applicable to this site. This process has been aided by recent surveys of the applicant's parcels that have corrected longstanding confusion as to the precise locations of existing site development.

3. *The subject property is suitable for development in general conformance with zoning standards under the proposed zoning designation;*

The McNabb property has been approved for water-dependent commercial development since 1981 and its Eagle Harbor location is suitable for such use. The site's overall existing development pattern could be further extended under the proposed WD-I zoning consistent with required standards.

4. *The property will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities for the intensity to which it is being rezoned;*

The McNabb parcels lie outside the City's water and sewer service area and are currently served by a Class 1 private well and an on-site septic system. The property is accessed by Eagle Harbor Drive. As noted by the City's Development Engineer, facilities will be evaluated for adequacy when a specific development proposal is submitted. No obvious infrastructure deficiencies have been identified. The Health District offered no comments on the rezone application.

5. *The site-specific rezone is in accord with the comprehensive plan;*

In general policy terms, this rezone application is consistent with the vision stated in the City's Comprehensive Plan in that it promotes the continuation of a working waterfront and the expansion of an existing facility, rather than creation of new facilities at a commercially undeveloped location. As such, it is consistent with Goal 6 of the Land Use Element of the Comprehensive Plan, which identifies the purpose of the Water Dependent-Industrial District as the continuation of water-dependent industrial uses so that the Island's remaining working waterfront can be preserved. Further, Policy W 6.5 states in part that expansion of existing facilities should be encouraged over the addition of new facilities. Bainbridge Island has an active boating community but extensive stretches of high-bank and erosional shorelines where private single-dock development is either infeasible or expensive and environmentally impactful. It is anticipated that the Island will have a continued, and indeed growing, need for marina and boatyard facilities.

In the immediate context, concurrent approval by the City Council of the McNabb Comprehensive Plan map amendment applications constitute a necessary predicate for a finding of consistency. Logically, the Comprehensive Plan amendments precede the rezone approval. The rezone cannot be granted without the Plan changes. Thus, as will be discussed below in the Conclusions section, the terms of the rezone must conform to the terms of the Plan amendment, not the other way around. The finding of consistency with the Comprehensive Plan presupposes Council approval of the Plan amendments and a harmonious relationship between the two actions.

6. *The site-specific rezone complies with all other applicable criteria and standards of the city;*

Future uses consistent with the 1981 Kitsap County permits and approved site plans are authorized for the McNabb parcels. Specific proposals will need to comply with the current development standards contained in the Bainbridge Island Municipal Code.

7. *The site-specific rezone would not devalue surrounding or nearby property;*

The McNabb parcels are bounded on the east by City parks property. Properties immediately to the

west are zoned residential but in actuality developed with marina facilities similar to and compatible with current development on the McNabb property, as well as its anticipated future expansion.

8. The site-specific rezone will not result in an adverse environmental consequence.

A Final Environmental Impact Statement for the Kitsap County applications issued in August, 1981, provided environmental review of the impacts of full development of the marina and boatyard as proposed and remains valid for those impacts reviewed. Approval of the current rezone application would authorize build-out of the 1981 proposal. Additional environmental review would be required for future WD-I development applications proposing impacts beyond the scope of the 1981 permits.

CONCLUSIONS

1. The Hearing Examiner has jurisdiction over this rezone proceeding for purposes of making a recommendation to the City Council. Public notice hearing requirements have been met.

2. As documented within the findings above, the requirements stated at BIMC 2.16.140.H for rezone approval are rather easily met by the McNabb application, provided questions of underlying Comprehensive Plan consistency are addressed. Review of the McNabb rezone request apart from the need to reconcile the various regulatory regimes affecting the property raised no serious issues. Boatyard and marina uses have been authorized on this property since 1981 and its actual development pattern is consistent with these earlier approvals. Existing uses are harmonious with the proposed Water Dependent-Industrial zoning designation and in conflict with the current R-2 Residential designation. As the attorney for the applicants related in his August 22, 2013, letter, "All my clients are seeking is to have the zoning match the uses that are allowed by the land use approvals issued by Kitsap County, which the City of Bainbridge Island concedes are in full force and effect."

3. The problems posed by this rezone application thus arise entirely from its broader regulatory context. BIMC 2.16.140.H(5) predicates the rezone approval upon a finding that the "site-specific rezone is in accord with the comprehensive plan." Since the current Comprehensive Plan designation for the subject property is Open Space Residential-2 (OSR-2), approval of the rezone presupposes concurrent (or prior) amendment of the Plan from a residential to the Water Dependent-Industrial designation in order for the consistency requirement of BIMC 2.16.140.H(5) to be met. And, in a general sense, this process is indeed going forward as required: CPA 13220B is a concurrent Comprehensive Plan amendment request to effect a WD-I designation on the McNabb parcels.

4. But the devil is in the details. The proposal to rezone Parcel A presents no obstacles to approval because it involves an entirely upland property; the Planning Commission has recommended unconditionally that Parcel A be redesignated to WD-I in the Comprehensive Plan. Parcel B, however, also possesses some 200 feet of Eagle Harbor shoreline plus associated tidelands. This Parcel B shoreline area also lies just east of the mouth of Taylor Creek. On the City's existing (pre-Update) shoreline map, while the shoreline immediately east of Parcel B is designated Urban and further west is Semi-rural, the mouth of Taylor Creek (including the Parcel B frontage) is currently designated Natural. In the City's SMP Update presently under review by DOE, the area at the mouth of Taylor Creek has been recommended for a Shoreline Residential Conservancy designation. But neither the old Natural nor the new Shoreline Residential Conservancy designations support marina and boatyard development.

5. In response to this potential conflict between zoning and shoreline use designations, the

Planning Commission accepted the staff recommendation to make approval of the change in Parcel B's Comprehensive Plan designation to WD-I conditional on first obtaining from DOE a change in the adjacent shoreline designation to Urban. Since the City's SMA Update presently before DOE proposes a residential shoreline designation for Parcel B, the effect of the Planning Commission condition is to require the applicant to convince DOE through the public comment process to reject the City's own officially preferred designation – a daunting task any way you slice it. Hence the applicant's attempt to obtain through the instant rezone an approval unburdened by the recommended disabling contingency.

6. Whatever the ultimate merits of designating the Parcel B shoreline as Urban or Natural (or something in between), it seems clear that a rezone approval that creates an inconsistency between the zoning and Comprehensive Plan designations would cause more problems than it would solve. The zoning and Plan designations need to be harmonious. Under Washington's land use scheme the Plan designation is primary, and the zoning implements the Plan. It is not the function of a rezone approval to leverage a Plan change, no matter how desirable that change may seem. Thus the conditions of rezone approval must not conflict with parallel conditions placed on the concurrent Plan amendment.

7. Having noted that critical limitation, there nonetheless may be more flexible and less drastic ways to resolve the problems attendant to potential regulatory inconsistencies affecting a single piece of property. First, a conditional rezone need not adopt the specific substantive requirements recommended by the Planning Commission for placement on the concurrent Plan amendment. It is sufficient simply to require the rezone to be activated by the same set of contingencies imposed on the Plan amendment – whatever such contingencies ultimately may turn out to be. This approach recognizes that the City Council Plan amendment approval could involve revision of the Planning Commission recommendation.

8. In reviewing the Planning Commission recommendation on the proposed CPA 13220B Comprehensive Plan amendment, the City Council might wish to take into account the fact that additional marina and boatyard development can occur on Parcel B without further construction on the shoreline itself. This is because after approval of the Parcel A rezone the entire eastern flank of Parcel B will lie adjacent to McNabb properties zoned WD-I. Marina and boatyard development to the east could be extended onto upland portions of Parcel B without triggering a requirement for a shoreline permit. But the absolute terms of the Planning Commission recommended condition preclude this kind of unconflicted upland marina and boatyard development from taking place because the condition requires all of Parcel B to remain in residential zoning until the shoreline designation is changed.

9. A more targeted solution consistent with the facts on the ground might involve the following: approval of the immediate Comprehensive Plan and zoning redesignation of Parcel B to WD-I subject to a condition that no shoreline permit applications will be processed or approved until the shoreline designation is changed to Urban. This would avoid the potential conflicts between shoreline and zoning permitted uses that are of concern to the Planning Commission without unnecessarily tying up the whole parcel in the process.

In closing, it is important to emphasize that the foregoing scenario for altering the proposed Plan amendment condition merely offers a friendly suggestion to help untangle a regulatory snarl that has plagued Island residents for more than thirty years. The Hearing Examiner has no jurisdiction regarding the Comprehensive Plan amendment process, and this suggestion cannot and does not comprise part of the formal rezone recommendation.

RECOMMENDED DECISION

The Hearing Examiner recommends that the Bainbridge Island City Council APPROVE the McNabb Site-Specific Rezone (file no. REZ 13220), subject to the following conditions precedent:

For Parcel A: Water Dependent-Industrial (WD-I) zoning shall become effective immediately upon City Council approval of Comprehensive Plan amendment CPA 13220B.

For Parcel B: Water Dependent-Industrial (WD-I) zoning shall become effective upon City Council approval of Comprehensive Plan amendment CPA 13220B and satisfaction of, or subject to, any contingencies and conditions stated therein limiting or modifying such approval.

Recommended September 23, 2013.



Stafford L. Smith, Hearing Examiner
City of Bainbridge Island

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

EXHIBIT LIST

McNabb CPA 13220B & REZ 13220

Staff Contact:
Jennifer Sutton, AICP
Special Project Manager

Public Hearing: 08/09/2013 at 9:00 am
Location: City of Bainbridge Island
City Hall Council Chamber

Hearing Examiner: Stafford Smith

EXHIBIT NO.	DOCUMENT DESCRIPTION	DATE	NO. OF PAGES
1	Staff Report to the City of Bainbridge Island Planning Commission Re CPA 13220B (with Attachments A – G)	05/23/2013	10
	A. CPA Application for CPA 13320B	02/13/2013 (received)	5
	B. CPA Application Aerial Photo & Map	02/13/2013 (received)	3
	C. Determination of Nonsignificance and SEPA Checklist (with Affidavit of Notification)	03/29/2013 (dated)	34
	D. Comparison of Comprehensive Plan Goals and Policies	(undated)	4
	E. CPA Courtesy Notice	03/29/2013 (published)	2
	F. Public Comment	04 & 05/2013	2
	G. Kitsap County Health District Comment	04/29/2013	1
2	COBI Development Engineer Project Review	05/24/2013	1
3	Public Comment Emails	03 – 08/2013	19
4	Application and SEPA Checklist – Re REZ 13220 (with Attachments A – E)	02/13/2013 (received)	28
	A. Site Map	02/13/2013	2
	B. Existing and Proposed Vicinity Maps	02/13/2013	2
	C. Memorandum to Mayor West re SSDP #346	06/16/1994 (dated)	28
	D. Resolution 366-1981	11/16/1981 (dated)	11
	E. Notice to Title	08/17/2010	7
5	Planning Commission Minutes	05/23/2013 & 06/27/2013	11
6	Certification of Distribution and Posting of Notice and Signs	07/24/2013 & 07/25/2013	7
7	Settlement Agreement (with attached Exhibits 1 – 6)	01/31/2013 (dated)	
8	Memo to Planning Commission from Director Cook re CPA Review	05/09/2013	21
9	ADA Site Plan	01/2013 (dated)	2
10	Stipulation and Agreement to Resolve Certain Issues on Appeal	10/22/2007 (dated)	44
11	Notice to Title of Administrative Zoning	02/07/2013 (filed)	9
12	Letter to Jack Johnson from Dennis Reynolds re Marina (with Exhibits)	05/27/2011 (dated)	120
13	COBI Comprehensive Plan Land Use Map	09/01/1994 & 03/20/1997	2
14	Two Photographs submitted by citizen	08/09/2013 (submitted)	1
15	Staff Report	08/09/2013	11
16	Memorandum to Hearing Examiner Smith from City Attorney Haney Re Zoning Designation of Property	08/15/2013	3

EXHIBIT LIST

McNabb CPA 13220B & REZ 13220

Staff Contact:
Jennifer Sutton, AICP
Special Project Manager

Public Hearing: 08/09/2013 at 9:00 am
Location: City of Bainbridge Island
City Hall Council Chamber

Hearing Examiner: Stafford Smith

Bainbridge Island Marina-McNabb Rezone	
Comp. Plan Policies Supporting	Comp. Plan Policies NOT Supporting
Overall Comp Plan Goals Foster the diversity of the residents of the Island, its most precious resource.	Overall Comp Plan Goals Preserve open space and the character of the natural landscape.
Overall Comp Plan Principles 3. Foster diversity of the residents of the Island, its most precious resource. 4. The costs and benefits to property owners should be considered in making land use decisions. 5. Development should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.	Overall Comp Plan Principles 5. Development should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.
Land Use Element	
WDI GOAL 6 Allow for the continuation of water-dependent, industrial uses on Bainbridge Island in order to preserve elements of a working waterfront within the urban shoreline area. Water-dependent uses require direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of the operation.	
W 6.1 The Water-dependent Industrial District is intended primarily to provide for ship and boat building and boat repair yards. Preference should be given to small, local, boat haul-out and repair facilities, and water-oriented industry which serves boating needs.	

W 6.2 Water-dependent industrial development shall not be located on sensitive and ecologically valuable shorelines such as natural accretion shore forms, marshes, bogs, swamps, salt marshes and tidal flats, and wildlife habitat areas, nor on shores inherently hazardous to such development, such as flood and erosion prone areas and steep and unstable slopes. STAFF COMMENT: Parcel A is directly south of a waterfront parcel developed with a marina/boatyard and associated facilities. The shoreline designation for this parcel is “Urban.”	W 6.2 Water-dependent industrial development shall not be located on sensitive and ecologically valuable shorelines such as natural accretion shore forms, marshes, bogs, swamps, salt marshes and tidal flats, and wildlife habitat areas, nor on shores inherently hazardous to such development, such as flood and erosion prone areas and steep and unstable slopes. STAFF COMMENT: Parcel B has a current shoreline designation of “Natural”; it is recommended to be changed to “Shoreline Residential Conservancy” as part of the City’s SMP Update. The applicant is seeking a change to “Urban”; the physical and ecological characteristics of the shoreline must be considered as part of this process.
W 6.3 Industrial uses shall employ best management practices (BMPs) and best available facilities practices and procedures concerning the various services and activities performed and their impacts on the surrounding water quality. (For example, practices and procedures include safe handling of fuels and toxic hazardous materials to prevent them from entering the water and providing optimum means to provide prompt and effective clean-up of spills that do occur.)	
W 6.4 Regional and statewide needs for industrial facilities should be carefully considered in reviewing new proposals, as well as in allocating shorelines for such development. Such reviews or allocations should be coordinated with port districts, adjacent counties and cities, and the State in order to minimize new industrial development that would unnecessarily duplicate under-utilized facilities elsewhere in the region, or result in unnecessary adverse impacts. STAFF COMMENT: This amendment request would result in an expansion of existing waterfront industrial facilities, not new facilities. If the entire amendment request is approved, an additional 1.59 acres of WDI zoned land would be added to the existing marina/boatyard facility. Staff does not feel that this Comprehensive Plan policy anticipated a review of regional and statewide needs for a relatively minor expansion.	

W 6.5 Expansion or redevelopment of existing, legally established industrial areas, facilities, and services with the possibility of incorporating mixed use development should be encouraged over the addition and/or location of new or single-purpose industrial facilities. Such development or redevelopment for mixed use should occur through a master planned development process in areas designated appropriate for such urban shoreline uses. STAFF COMMENT: The applicant is seeking to implement land use permits and a site plan approved by Kitsap County. While mixed-use is not a component of those permits, the amendment request would result in an expansion/redevelopment of an existing waterfront-dependent facility. In addition, there is nothing to preclude the possibility of future mixed-use development at the property.	
W 6.7 New or expanded industrial development should be required to provide physical and/or visual access to shorelines and visual access to facilities whenever possible, and when such public access does not cause significant interference with operations or hazards to life and property.	
Economic Element	
FRAMEWORK: Retain and enhance an economy that reinforces Bainbridge Island's diverse character and capitalizes on its assets, including: history and heritage, high educational attainment, diverse skills, artistic creativity, rural quality, agricultural base, natural resources, maritime orientation, and proximity to the metropolitan area.	
FRAMEWORK 2. The Island's economic future should include diverse enterprises by type and scale, local ownership and control; offer a variety of employment and housing options; and encourage a broad range of income and skill levels.	
FRAMEWORK 3. Bainbridge Islanders are enterprising and are establishing small scale businesses which create jobs and grow bigger businesses.	

ECONOMIC ELEMENT GOAL 1 Retain and enhance a diversified local economy. Discussion: By providing for a diversity of enterprises which both serve and employ local residents, Bainbridge Island is better able to withstand fluctuations in the larger regional economy. In addition, people who live and work in their community are available to invest time and money in their families, organizations, and community life. A key to a successful, diverse local economy is to create and undertake business opportunities as they arise. A diverse local economy will include economic activity along a continuum, from land-based businesses such as agriculture and home-based businesses, to small scale business, retail, professional and personal services, technology and knowledge based businesses and light manufacturing.	
E 1.1 The city should embrace diverse and innovative business opportunities compatible with the community and develop programs to make Bainbridge Island an attractive location for those businesses. Discussion: Bainbridge Island is affected by regional, national, international and global trends that change over time. Many of the current economic conditions were not predicted at the time the City incorporated and unforeseen changes are to be expected in the future. While we cannot control global economic conditions we can support the local economy by providing policy direction and land use infrastructure to allow for and encourage robust economic activity.	
E 1.1 The city should embrace diverse and innovative business opportunities compatible with the community and develop programs to make Bainbridge Island an attractive location for those businesses. Discussion: Bainbridge Island is affected by regional, national, international and global trends that change over time. Many of the current economic conditions were not predicted at the time the City incorporated and unforeseen changes are to be expected in the future. While we cannot control global economic conditions we can support the local economy by providing policy direction and land use infrastructure to allow for and encourage robust economic activity.	
Environmental Element	
EN 1.1 Land use decisions shall be made seriously considering the overall goal of the Comprehensive Plan in protecting the Island's natural environment.	

Theresa Rice

From: Brooke Drury [surfdrury@msn.com]
Sent: Wednesday, April 10, 2013 9:52 AM
To: PCD
Subject: McNabb Comprehensive Plan Amendment Proposal CPA13220B

Dear Ms. Cook:

I am writing to register my concern over what Mr. McNabb is trying to do with his properties on Eagle Harbor Drive, which we have known since our arrival in Eagledale in 2001 as not much more than a dump for old cars, transformers, jersey barriers and other large scale, industrial detritus. I understand that current use of this property, including the multi-story building that also lies on the property, is considered to be non-conforming.

As a neighbor, I am concerned that by applying for this amendment to the CPA, Mr. McNabb is simply trying to bring his current use of the property and the structures thereon into conformity with COBI code. This seems counter to the interests of my neighbors and myself as nearby property owners. (What else might Mr. McNabb be able to do with his property once his amendment request has been granted?) Also, if the current uses of the property are indeed non-conforming, granting this application would seem to be a very bad precedent -- very much counter to the letter and spirit of the laws and policies so painstakingly put together in the form our our Comprehensive Plan.

As Islanders, we trust you, the Department of Planning and Community Development and the COBI to make sure that we and our neighborhood and property values are protected from non-conforming uses of property.

While I don't feel I know enough to support or oppose this proposal, I am very much concerned about the implications of it being approved. I urge you and your colleagues to ask the necessary and difficult but important questions of Mr. McNabb regarding his proposal as well as the non-conforming uses of his parcels on Eagle Harbor Drive. I would also like to be kept informed of any future developments regarding this application.

Thank you.

Sincerely,

Brooke M. Drury

5481 Welfare Avenue NE
Bainbridge Island, WA 98110
206-780-2292 (h)
206-595-3373 (m)
surfdrury@msn.com
LinkedIn: Brooke (Martic) Drury

To: Jennifer Sutton, Senior Planner;
Kathy Cook, Planning Director
City of Bainbridge Island

From: Charles E. Schmid, Secretary/Treasurer
Association of Bainbridge Communities
PO Box 10999
Bainbridge Island, WA 98110

Subject: 1) DNS for CPA 16146 & REZ16146
2) DNS for CPA 13220B & 13220

Date: 16 April 2012



ABC
MEMO

References: 1) DNS Lynwood Center Triangle Comp Plan Amendment and Rezone Application (CPA 16146 & REZ16146)
2) DNS Bainbridge Island Marina and Boatyard Comprehensive Plan Amendment and Rezone Application (DNS for CPA 13220B & 13220)
3) Bainbridge Island Comprehensive Plan ("Comp Plan" 1994
4) Bainbridge Island Shoreline Master Plan ("SMP") 1996

Observations Applicable to both Applications

If approved both these two applications will have significant impact on the environment. My first concern is that notes by staff on the SEPA checkoff lists don't adequately state the potential impacts, often employing the words "non-project" to not cover potential impacts. While I know this approach is used for ordinances and other legislation covering multiple parcels around the Island with a large variety of conditions, these two applications are for small pieces of contiguous properties, each with one owner and environmental conditions. I would recommend that the City attorney be consulted to verify "non-project" is correctly applied to these two situations. That aside, these changes to the Comp Plan, Zoning Ordinance and SMP will affect the environment. Please make sure the B.I. Environment Technical Advisory Committee (ETAC) receives a copy of these two applications for review. Finally related requirements from past applications MUST be entered into the file, if not done already. Have the requirements for restoring the Lynwood Triangle site been completed and approved? Have you located the early reasons for designating the Boatyard Natural, which I recall were provided by the Army Corp of Engineers and a Shoreline permit?

1) DNS Lynwood Center Triangle Comp Plan Amendment and Rezone Application (CPA 16146 & REZ16146)

a) High Aquifer Recharge Area. Figure 5 of the Comp Plan Water Resource Element shows that this property lies in the Highly Susceptible Recharge Area. This area is one of the sandier places on the Island, and has been so designated since water flows easily down through sand. The Comp Plan has numerous references to protecting our water sources, mostly in the Water Resources Element of the Comp Plan. On Page 3 of that document it states "In the development of policies related to the management of our Island water resources, it is important to understand the links between water resources and land use and links between water quality, quantity and growth. Most water quality problems are caused by the way land is used." This rezone will have impact on the way it is used, and must be considered BEFORE a rezone is considered.

b) Other LM Land Available. The development of the Comp Plan required compromise to allow additional land to be zoned LM. This is covered in LM 2 of the Land Use Element of the Comp Plan. Discussion of the 35 acres north of Day Road and west of SR 35 describes the requirements for developing these parcels which were part of the compromise. There is ample land available for LM at this site. No new rezones are required for LM.

c) Location of LM. Goal 3 of the LM Land Use Element states: "Discourage the inappropriate designation of isolated Light Manufacturing Districts." This was inserted in part to prevent sprawl of LM zones. The Comp Plan and Zoning ordinance recognized there were isolated parcels which did not fit into this goal and needed to be "grandfathered." The LM zone north of the applicants site was "contract" zoned LM when it was a furniture refinishing shop at the time the City annexed the entire island in 1991. Later the "contract" label removed. It was an isolated LM zone as is this application. Hence this application fails to meet Goal 3.

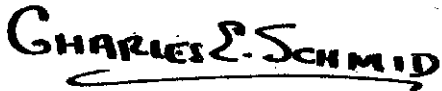
d) Considerations for LM. The Economic Element E2.5 provides many criteria on which LM designations apply, including: 1) Proximity to existing LM, 2) Reasonable proximity to SR 305, and 3) availability of water and sewer, and non-point sewer pollution. These are not met at the current location of the application.

2) DNS Bainbridge Island Marina and Boatyard Comprehensive Plan Amendment and Rezone Application (DNS for CPA 13220B & 13220)

The staff notes under Item 10 of the SEPA checklist that : "Applicant is seeking change in shoreline designation for tax parcel (-004) from Natural to Urban. Must be approved by DOE as part of City Shoreline Master Plan Program Update." However the cover page only describes the applicant only requests zoning and Comp Plan changes from OSR-2 Residential to Water Dependent Industrial (WD-I). If this parcel was designated Natural, then there must be definite reasons for this which must be brought up. (I haven't reviewed the files with 1981 documents yet. Were the Shoreline permits and Army Corp of Engineer documents included?) The map indicates (it is not very clear) that one parcel abuts an inlet. Allowing heavier development at this site is bound to affect fish and wildlife.

CONCLUSION

Given the environmental situations for both these applications (LM in aquifer recharge and change from Natural to Urban for a boatyard) I frankly find it hard to understand the City's conclusion for each that: "The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment. Please reconsider your determination.

A handwritten signature in black ink that reads "CHARLES E. SCHMID". The signature is written in a cursive, slightly slanted style with a horizontal line underneath the name.

Charles Schmid

cc: Dale Spoor, President ABC



ENTERED

CPA 13220B

Theresa Rice

From: Sanjay Pal [sanjaypal@gmail.com]
Sent: Friday, August 09, 2013 4:44 AM
To: Deborah Rose
Cc: PCD; Krista Pal; Art & Mary Mirkovich
Subject: Re: McNabb CPA 13220B & REZ 13220
Attachments: DSC_3585.jpg; Scan.pdf

Dear Mr. Smith,

I would like to add one more picture to the letter and picture I had sent yesterday. The additional photo serves to further reinforce my assertion that the boat house has created undesirable views at the expense of other property owners.

A question was raised as to whether my written comments and photos would be officially received by your office for consideration into this matter and entered into the public record. The attached notice for the public hearing makes no mention of any time period in advance of when written comments can be submitted, but rather simply says written comments may be submitted prior to the hearing date.

I sincerely appreciate your time and consideration in this matter.

Best regards,

Sanjay Pal
310 701 4329

On Thu, Aug 8, 2013 at 4:51 PM, Sanjay Pal <sanjaypal@gmail.com> wrote:

Dear Mr. Stafford Smith,

I do not support the Comprehensive Plan Amendment application submitted by Mr. McNabb. Mr. McNabb's current operations have already served to de-value my property (5650 Ward Avenue NE) by obstructing desirable views, by creating views which are not desirable, and by the lack of care given to the parcels currently under consideration for re-zoning in the Comprehensive Plan Amendment. To that end any further development will only serve to exacerbate the problem at significant cost to myself and other property owners in the area. **(please reference attached picture)**

Mr. McNabb's boat house has, for all intents and purposes, usurped the view of Eagle Harbor that was a very valuable feature of my property and of others in the area. As well, in addition to the loss of an item of value we have been shackled with a view of a large building strewn with mechanical equipment around it and parcels of land (i.e. the parcels for which the application is being made) which are treated like a landfill. Our neighborhood is a residential one, and primary consideration should be given to that fact, which is a segue for why I am very concerned by the logic and analysis presented by the Staff Report in support of approving the application. Below are questions and concerns I have regarding Staff Report which will also serve to further register my strong belief that this application should not be approved:

Page #4 of the Staff Report

1. In the second paragraph, the Staff asserts that the ***“Expansion of the Bainbridge Marina is consistent with the overall Goal for the Water-Dependent Industrial District. It should also be noted that the current marina development is in character with the zoning and development in this section of the south shore of Eagle Harbor.”***

The comment is made with no basis in fact and is followed up with an especially frail argument that since other components of the south shore are zoned similarly, then it must be logical that any expansion of the current Bainbridge Marina must follow. The Marina, which is actually an industrial repair facility, is surrounded by residential homes, a nationally recognized monument, a public park and other marina's which primarily serve recreational needs. To rely on purely zoning labels, such as Water-Dependent Industrial, to conclude that expansion is warranted without peeling back the onion as to what exactly is going on in this area is a disservice to the process and results in erroneous conclusions. Said differently, just because the zoning is similar, it cannot be concluded that the “character” of Bainbridge Marina is consistent with this section of the south shore. Again, the Marina is surrounded by residential homes, a nationally recognized monument, a public park and other marina's which primarily serve recreational needs, while Bainbridge Marina is operating a boat repair operation on an industrial scale. Perhaps I have an overdeveloped sense of what is the character of my property and the neighborhood at large, but I welcome the chance to understand how parcels of land strewn with industrial debris and a very large industrial boathouse with industrial equipment is similar in character.

Furthermore Goal 6 of the Land Use Element of the Comprehensive Plan calls for the “.... **continuation** of water-dependent industrial uses on Bainbridge Island in order to preserve elements of a working waterfront”. Did the Staff analyze the question of whether the lack of re-zoning Mr. McNabb's parcels is inhibiting the **continuation** of operations at the Bainbridge Marina? Is there a risk to the business if this application is not approved? Goal 6 says nothing about promoting growth of such businesses, and though Goal 6 may provide a window in support of the Bainbridge Marina's existence it definitely does not support growth for growth's sake. Consideration needs to be given to the shared costs that the adjacent residences are bearing, which in essence serves to subsidize Bainbridge Marina's existence.

2. In the third paragraph on page #4, the Staff concludes that **“Parcel A does not seem to be an appropriate or attractive location for single-family residential development, given its adjacency to an existing water-dependent industrial use. Therefore, staff is recommending that the land use designation for Parcel A be changed to Water-Dependent Industrial.”** Under this line of reasoning, the staff is acknowledging what a detriment the Bainbridge Marina's operations are to the attractiveness of residential property, but at the same time is using this conclusion to support further development? Was any thought given to the fact that the development of Parcel A will serve to transfer and expand the scope of Parcel A's affliction to the surrounding area? The staff is essentially making a circular, untenable argument that any land adjacent to an industrial area is not attractive and thus should be allowed to be zoned as industrial. The Staff goes on to say that they considered “surrounding uses” and Comprehensive Plan policies as detailed in Attachment D to buttress their conclusion. However, I fail to see how they can come to the conclusion to recommend approval if they actually did make such consideration and did follow the letter and spirit of the Comprehensive Plan. The Bainbridge Marina is not consistent with the land-use of the area within it operates and has a negative effect on the attractiveness of near-by residences.

Regarding attachment D, I would like to understand in greater detail how the following Comprehensive Plan policies are in support of Mr. McNabb's application:

- How does this application foster the diversity of the residents of the island? I would think maintaining and increasing the supply of land available for residential development would go much farther in fostering development of diversity of residents as opposed to supporting further development of an industrial-scale boat repair business.
- Regarding the policy that costs and benefits to property owners should be considered in making land use decisions, was this accomplished? Has any thought or analysis been given to the effect on property values in the surrounding area with the proposed re-zone? I urge you and city officials to consider the fact that the largest economic engine, by far, driving the sustainable development on Bainbridge Island is residential property ownership and thus industrial development in a residential and recreational neighborhood by definition comes at significant cost to both the nearby residents and the island as a whole. This is an economic fact and its analysis should not be taken lightly.
- How does McNabb rezone support development that is based on the principle that the island's environmental resources are finite and must be maintained at a sustainable level?
- Regarding Goal #6 how does not approving the McNabb rezone not support the continuation and preservation of a working waterfront in Urban shoreline areas?
- How does the McNabb rezone retain and enhance an economy that reinforces Bainbridge Island's diverse character and capitalizes on its assets, including: history and heritage, high educational attainment, diverse skills, artistic creativity, rural quality, agricultural base, natural resources, maritime orientation, and proximity to the metropolitan area. How does not approving the McNabb rezone, not achieve this as well?

3. Regarding the Bainbridge Island Municipal Code Review, I would like to understand in greater detail how the Staff came to their conclusions.

C. 2. How does the expansion allow continuation of a working waterfront? Is the current business unable to perform without the expansion?

D. 3. How does the expansion preserve a working waterfront? Again, is the current business faltering or suffering hardship without the expansion?

Additional questions and concerns include:

- The re-zoning of such property will invariably cause more commercial truck traffic on Eagle Harbor Drive. Has a traffic impact analysis been performed?

- Is Mr. McNabb's current boat house in compliance with height standards of the BIMC?

At the end of the day, this application serves to benefit one party at the expense of many and I respectfully ask that the Hearing Examiner not recommend approval to the City Council. Thank you for your time and consideration.

Sincerely,

Sanjay Pal

5650 Ward Avenue NE

Bainbridge Island, WA 98110

310 701 4329

NOTICE OF PUBLIC HEARING CITY OF BAINBRIDGE ISLAND HEARING EXAMINER

McNabb CPA 13220B & REZ 13220

YOU ARE HEREBY NOTIFIED that the City of Bainbridge Island Hearing Examiner will conduct a PUBLIC HEARING at 9:00 a.m. on Friday, August 9, 2013, in the Council Chamber, City Hall, 280 Madison Avenue N, Bainbridge Island, Washington, pursuant to BIMC Section 2.16.100, Section 2.16.140 and Section 2.16.190, to consider a Comprehensive Plan Amendment application requesting an amendment to the Land Use Map of the Comprehensive Plan to change the land use designation from Open Space Residential, Two Units per Acre (OSR-2) to Water Dependent Industrial (WD-I) and a concurrent Rezone application requesting an amendment to the City's Official Zoning Map for the same two parcels from Two Units per Acre (R-2) to Water Dependent Industrial (WD-I).

Owner: Darrell McNabb

Location of Proposal: City of Bainbridge Island, Tax Parcel Nos. 352502-2-004-2006 & 352502-2-003-2007 (aggregated with Lots 001 and 002 under Tax Parcel No 352502-2-086-2007); 4250 and 4200 NE Eagle Harbor Drive.

YOU ARE INVITED to attend the hearing and make oral and written comments. The Hearing Examiner has discretion to limit testimony to relevant, non-repetitive comments and to set time limits. If you are unable to attend, written comments, photographs or other exhibits on the application may be submitted prior to the hearing date. All such submissions should state the specific case and be directed to the Hearing Examiner's Clerk at City Hall.

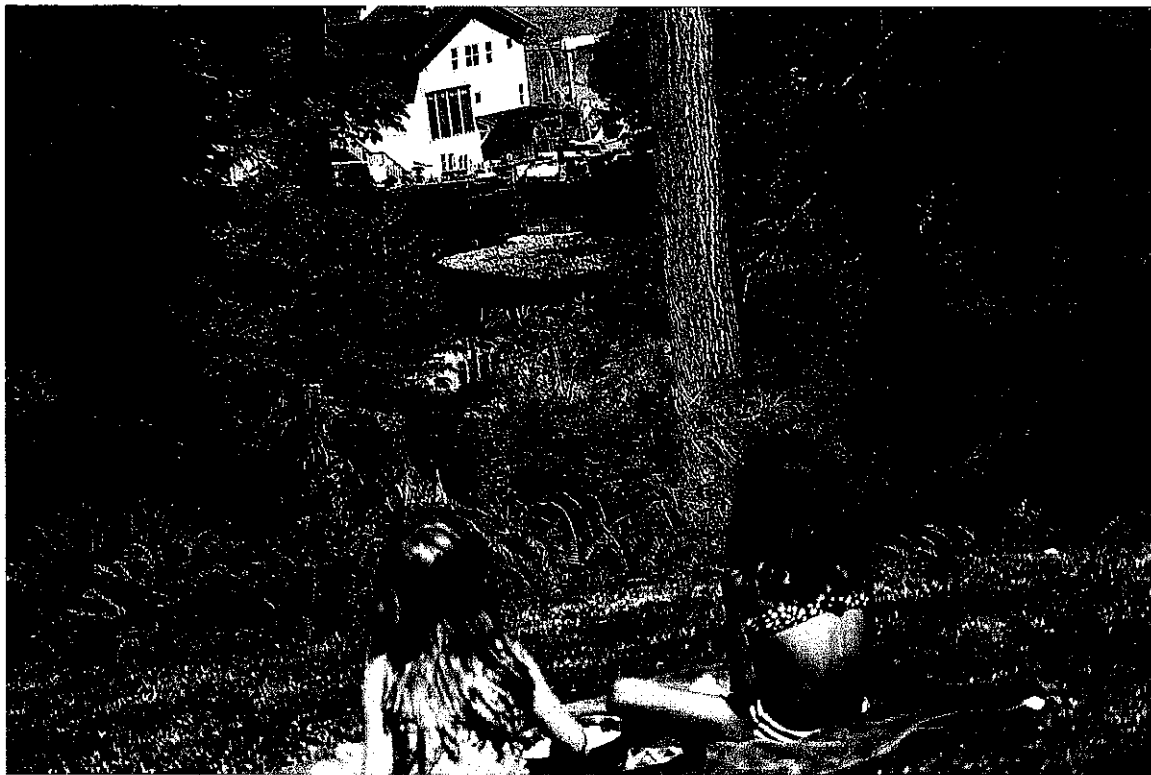
The Mitigated Determination of Nonsignificance (MDNS), filed under the State Environmental Policies Act (SEPA), was issued on March 29, 2013. The appeal period ended on April 19, 2013. *droseba m' v. go) Mr. Staff*

QUESTIONS may be directed to and the file accessed from Jennifer Sutton, AICP, Special Project Planner, Department of Planning and Community Development at (206)780-3772.
Email: pcd@bainbridgewa.gov

CITY OF BAINBRIDGE ISLAND
STAFFORD SMITH
HEARING EXAMINER

Date of Publication: July 19, 2013

CAT#7 - Approval -
- (South main)
- west
(Urban)



Theresa Rice

From: Kathy Cook
Sent: Friday, September 13, 2013 9:41 AM
To: Theresa Rice
Subject: FW: Bainbridge Island Marina
Attachments: HE Stafford re BIM Rezone 082213.pdf

This should go in the McNabb CPA/rezone file. Thanks,

Kathy Cook
Director, Planning and Community Development
City of Bainbridge Island
280 Madison Avenue No.
Bainbridge Island, WA. 98110
206-842-2552

From: Christy Reynolds [<mailto:christy@ddrlaw.com>]
Sent: Friday, August 23, 2013 11:56 AM
To: Deborah Rose
Cc: Kathy Cook; jhaney@omwlaw.com; Laing, Aaron M.; 'Dennis D. Reynolds Law Office'; Rob Palmer; karen@ddrlaw.com
Subject: Bainbridge Island Marina

By Email (drose@bainbridgewa.gov) and Hand Delivery
Stafford Smith, Hearing Examiner
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 989110

Re: Bainbridge Island Marina Re-Zone Matter

Dear Examiner Smith: Attached please find Mr. Reynolds' letter on behalf of Bainbridge Island Marina and Darrell McNabb in reply to the City of Bainbridge Island's memorandum submitted to the Examiner dated August 15, 2013. The original is being hand delivered to the Hearing Examiner's Office today. Thank you.

Christy
Christy Reynolds, Legal Assistant
Dennis D. Reynolds Law Office
200 Winslow Way West, #380
Bainbridge Island, WA 98110
(206) 780-6777, tel / (206) 780-6865, fax

This message and any attachments hereto are intended only for use by the addressee(s) named herein. It may contain confidential, proprietary or legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any copying, distribution or dissemination of this communication, and any attachments hereto, is strictly prohibited. If you have received this communication in error, please immediately notify sender and permanently delete the original message from your computer and delete any copy or printout thereof. We reserve the right to monitor all email communications. Although we believe this email and any attachments are virus-free, we do not guarantee that it is virus-free, and we accept no liability for any loss or damage arising from its use. Thank you for your courtesy and cooperation



Dennis D. Reynolds Law Office

200 Winslow Way W. Suite 380 Bainbridge Island, WA 98110

Land Use • Fisheries Law • Environmental Law • Business Law • Indian Law • Real Estate
206.780.6777 206.780.6865 fax www.ddrlaw.com

August 22, 2013

By Email (drose@bainbridgewa.gov) and Hand Delivery

Stafford Smith, Hearing Examiner

City of Bainbridge Island

280 Madison Avenue North

Bainbridge Island, WA 989110

Re: Bainbridge Island Marina Re-Zone Matter

Dear Examiner Smith:

Please treat this letter as the reply to the City of Bainbridge Island's memorandum submitted to the Examiner dated August 15, 2013 ("the Memorandum"). The Memorandum is assigned Hearing Exhibit No. 16.

First, Bainbridge Island Marina and Mr. McNabb object to consideration of the Memorandum to the extent that the City Attorney, Mr. James Haney, is providing a "legal opinion" to the Examiner.

Mr. Haney has advised the City on zoning and other issues relating to Bainbridge Island Marina and the McNabb property. It is respectfully submitted that if the Memorandum is treated as a legal opinion, instead of an advocacy document, then the Examiner must request and obtain an opinion from independent counsel. In so stating, my clients (and my law firm) do not impugn Mr. Haney's ethics or integrity in the slightest.

Second, the City states in its "Zoning Letter" that all of the property used by Bainbridge Marina and owned by Mr. and Mrs. McNabb is allowed "WD-I" uses. *See* Hearing Exhibit 11. *See also* Hearing Exhibit 7, attached Exhibit 6. The proposed rezone if granted simply affirms the existing use of the McNabb parcel.

All my clients are seeking is to have the zoning match the uses that are allowed by the land use approvals issued by Kitsap County, which the City of Bainbridge Island concedes are in full force and effect. A rezone would be unnecessary had Kitsap County not attached the wrong property description and tax parcel map to the unclassified use permit it issued.

Third, with due respect, the Memorandum misses the point that the McNabbs and Bainbridge Marina are trying to change the planning level designations to fit the long-established permits and uses of the parcel. The question before the Examiner is whether the proposed rezone fits the criteria, not broad considerations of "consistency." Indeed, consistency is relevant only in the context of the Shoreline Master Program update, a matter not before the Examiner.

The criteria for a rezone states:

H. Decision Criteria. The following criteria shall be considered in any review for a site-specific rezone in order to establish a recommendation to approve, disapprove or approve with conditions:

1. The site-specific rezone will not be materially detrimental to the public welfare or injurious to the property or improvements in the immediate vicinity and zone in which the property is located; and
2. The site-specific rezone is warranted because of changed circumstances and the proposed designation is appropriate for reasonable development of the subject property, or because of a need for additional property in the proposed zone, and the proposed designation is appropriate for reasonable development of the subject property; and
3. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning designation; and
4. The property will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities for the intensity to which it is being rezoned; and
5. The site-specific rezone is in accord with the comprehensive plan; and
6. The site-specific rezone complies with all other applicable criteria and standards of the city; and
7. The site-specific rezone would not devalue surrounding or nearby property; and
8. The site-specific rezone will not result in an adverse environmental consequence.

BIMC § 2.16.140(H).

There is no requirement for a site-specific rezone that the subject parcel needs to be in accord with the Shoreline Management Act designations, either existing or proposed. As the City's Shoreline Master Program designations are currently in flux, it is respectfully suggested that the City avoid compounding (or confusing) the issue until the SMP is approved in a final form by the State of Washington Department of Ecology.

The yet adopted Draft SMP would require keeping all parcels within the marina as "Urban Shoreline Designation." Thus, the Examiner should recommend approval of the rezone to avoid perpetuating the issue of the appropriate "to be adopted" shoreline designation.

The rezone criteria specifically require accordance with the Comprehensive Plan. The uncontroverted record is that the requested WD-I zoning for both "Parcel A" and "Parcel B" is in accord with the City's current Comprehensive Plan. *See* Hearing Exhibit 13 (COBI Comprehensive Plan Land Use Map, 9/1/1994), assigning a WD-I land use designation under the Comprehensive Plan.

The City's Memorandum addresses "consistency," emphasizing the Growth Management Act. However, the GMA also encourages economic development, including "the retention and expansion of existing businesses." *See* RCW 36.70A.020(5).

The City's approach would leave a portion of the McNabb property potentially nonconforming. This unfavorable status must be avoided since the City concedes that the uses of the McNabb property are "conforming." *See* City Zoning Letter Hearing Exhibit 7, p.4. In addition, the GMA encourages retention and development of existing businesses, and a nonconforming status is inconsistent with the stated GMA goal.

Bainbridge Island Marina and the McNabbs urge the Examiner to enter findings along the lines set out below, explaining (1) the history of the property, (2) the City's recognition of WD-I uses as set out in the approved site plan, and (3) that there is a vested entitlement to develop and redevelop the McNabb parcel:

- The McNabbs are owners of a certain real property located at 4200 Eagle Harbor Drive, City of Bainbridge Island, Kitsap County, Washington, 98110, Kitsap County aggregated tax parcel number 352502-2-086-2007 (352502-2-002-2008, 352502-2-001-2009, 352502-2-003-2007) and tax parcel number 352502-2-004-2006, comprising approximately 2.71 acres and including associated tidelands.
- The City of Bainbridge Island has entered into a stipulation dated October 22, 2007 (Hearing Exhibit 10) with Mr. and Mrs. McNabb and Bainbridge Island Marina that the following permits issued by Kitsap County are still in effect:
 - Conditional Use Permit No. 810924068 (issued November 16, 1981),
 - Unclassified Use Permit No. 810924038 (issued October 23, 1981),
 - Shoreline Substantial Development Permit No. 346 (issued November 23, 1981),
 - Shoreline Variance No. 830623251 (issued November 23, 1981),
 - Septic and Drainage Plans issued in 1989;

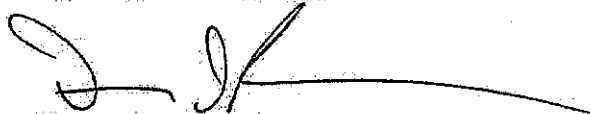
Stafford Smith
Bainbridge Island Hearing Examiner
August 22, 2013
Page 4

- Bainbridge Island Marina has also been issued State Hydraulic Code, Control No. B2-12200-03 (issued March 2, 1992, reissued February 1, 1994), and Shoreline Variance No. 830623251 (issued July 14, 1983).
- The City acknowledges the approved site plan for the entire McNabb parcel as transmitted to the City by Kitsap County on July 27, 1993. The City further agrees that the approved site plan allows WD-I uses on the entirety of the McNabb ownership and development and redevelopment of the McNabb property is consistent with the approved site plan.
- The land use approvals issued by Kitsap County created a vested entitlement to Bainbridge Island Marina and the McNabbs to develop, construct, operate and maintain a business known commonly as Bainbridge Island Boatyard, including the commercial marina/boatyard and accessory uses of the upland area for haul-out, repair, maintenance and storage of boats and associated parking to serve the stated use. The vested entitlement is broadly worded, and should be construed as such.

Thank you for your kind attention to these comments.

Very truly yours,

DENNIS D. REYNOLDS LAW OFFICE



Dennis D. Reynolds

cc: Kathy Cook (by email kcook@bainbridgewa.gov)
James Haney, City Attorney (by email jhaney@omw.com)
Aaron Laing (by email, alaing@schwabe.com)
Darrell McNabb (by email)

DDR/cr

Theresa Rice

From: Brown, Steve [steve.brown@kitsappublichealth.org]
Sent: Monday, April 29, 2013 11:32 AM
To: PCD
Subject: Attn Cathy Cook

Project Name: Bainbridge Marina CPA
Project Number: PRJ-0013220

The Health District has no comments on this proposed CPA.

Steven J. Brown, R.S.

Inspector, On-Site Sewage Program
Kitsap Public Health District
345 6th Street, Suite 300
Bremerton, WA 98337-1866
360-337-5277 office
360-475-9264 fax

PERMITTED USE TABLE

Title 18

Table 18.09.020 Use Table

"P" = Permitted Use

"C" = Conditional Use

Blank = Prohibited Use

"CA" = Conditional Accessory Use

"T" = Temporary Use

"A" = Accessory Use

Additional Use restrictions for BIMC 16.12 and 16.20 may apply to shoreline or critical area properties

ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
USE CATEGORY / TYPE																				
PRINCIPAL USES																				
AGRICULTURAL Note: Agricultural uses may be subject to additional requirements in BIMC 16.12.220 Forest Practices. All agricultural uses are subject to the Critical Area regulations in BIMC 16.20. Agricultural uses are not allowed within the shoreline jurisdiction pursuant to BIMC 16.12.																				
Agriculture, Animal	P	P	P	C	C	C	C										P			A-1
Agriculture, Crop	P	P	P	P	P	P	P	P	P	P							P			A-2
Agriculture Research Facility	C	C	C																	A-3
Agricultural Processing																P		P		
RESIDENTIAL Note: Residential uses may be subject to additional requirements in BIMC 16.12.260 Residential development																				
Household Living																				
Single-family Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			B-1
Single-family Dwelling existing on April 15, 1996											P	P	P							B-1
Multifamily Dwellings	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P			B-2
Commercial/Residential Mixed-Use Developments																	P	P		B-3
Group Living																				
Foster Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P			

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
USE CATEGORY / TYPE																				
Small Group Living Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Group Care Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	P	P	C	C	
PUBLIC AND INSTITUTIONAL																				
Community and Educational Facilities																				
Educational Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C	C	C	C-1
Governmental Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C	C	C	C-2
Religious Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C	C	C	C-3
Parks and Park-related																				
Note: Parks and Park-related uses may be subject to additional requirements in B/MC 16.12.250 Recreational Development																				
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C-4
Park, Active Recreation	P	P	P	C	C	C	C	C	C	C	P	P	P	P	P	P	P		P	
Park, Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	
Recreation Activity, Indoor	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	C	C	P	
Recreation Activity, Outdoor	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
Other Public and Institutional																				
Cemetery	C	C	C																	
Day Care Center	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P			C-5
Family Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C-6

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Title 18

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ZONING DISTRICT USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-1	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Healthcare Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	P	P	C		C-7
CULTURAL AND ENTERTAINMENT																				
Artist Studio											P	P	P	P	P	P	P	P		
Club	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P			
Commercial Amusement											P	P	P	P	P	P	C			
Cultural Facility	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	C	C	C	
Entertainment Facility											P					P	C			
COMMERCIAL SALES AND SERVICE																				
Note: Commercial Sales and Service uses may be subject to additional requirements in BIMC 16.12.200 Commercial development																				
Accommodation																				
Bed and Breakfast (3+ bedrooms)	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P			
Inn											P	P	P	P	P	P	P			
Hotel											C			C	C	P				D-1
Animal Sales and Service																				
Equestrian Facility	C																	P		
Kennel, Indoor	C																	P		
Kennel, Outdoor	C																	C		
Veterinarian Clinic or Office	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	P	C	P		

Title 18

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ZONING DISTRICT USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD- I	Use Specific Standards 18.09.030
	CC	MA	EA	Gate	Ferry [1]															
Food and Beverage																				
Formula Take-Out Restaurant															P					D-2
Restaurant												P	P	P	P	P	P			
Food Service Establishment																		P		D-3
Mobile Retail Food Establishment												P	P	P	P	P	P	P	P	D-4
Offices and Services																				
Personal Service												P	P	P	P	P	P			D-5
Professional Service												P	P	P	P	P	P	C		D-6
Retail																				
Commuter-Oriented Retail Sales															P					D-7
Open-air Sales for Garden Supply	C	C	C														P			
Retail Sales												P	P	P	P		P	P		D-8
PRIVATE MOTOR VEHICLE RELATED																				
Note: Private Motor Vehicle Related uses may be subject to additional requirements in BIMC 16.12.270 Transportation facilities																				
Auto Repair Services																C	C			E-1
Car Wash Facility, Manual or Automatic																C	C	C		
Commercial Parking Structure												C								

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Commercial Parking, Surface											P			P						E-2
Ferry Commuter Parking											P			P	P					E-3
Gasoline Service Station																C	C			
Motor Vehicle Sales																C				E-4
Non-commuter Ferry Parking														C						E-5
Park and Ride Facility/Lot	C	C	C													C	C	C	C	E-6
Park and Ride Lot, Shared-use	C	C	C	C	C	C	C	C	C	C						C	C	C	C	E-7
Small Engine Repair																C	C			
Transport and Delivery Service																P	C	P		E-8
Motor Vehicle-Related Services, Not Including Retail and Not Otherwise Listed																C				
UTILITY AND TELECOMMUNICATIONS																				
Note: Utility and Telecommunications uses may be subject to additional requirements in BIMC 16.12.280.																				
Communication Tower or Antenna																		P		
Monopole or Lattice Tower	P																	P		
Small Wind Energy Generator	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P/C	P/C	P/C	F-1
Solar Panel	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utility, Primary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	F-2

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Blank = Prohibited Use

"CA" = Conditional Accessory Use

"T" = Temporary Use

ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
USE CATEGORY / TYPE																				
Wireless Communication Facilities, Facility I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	F-3	
Wireless Communication Facilities, Facility II	P											P	P	P	P	P	P	P	F-3	
Wireless Communication Facilities, Facility III	P																P	P	F-3	
INDUSTRIAL USES																				
Note: Industrial uses may be subject to additional requirements in BIMC 16.12.230 Industry																				
Manufacturing and Production																				
Manufacturing, Small-scale																C	P			
Manufacturing, Light																	P			
Manufacturing, General																	C			
Mining and Quarrying	C	C	C																G-1	
Research and Development																	P			
Waste and Salvage																				
Recycling Center	C	C										C			C		C		G-2	
Waste Transfer Facility	C																		G-3	
Warehouse and Freight Movement																				
Commercial Moving and Freight Terminal																	C			

Title 18

"P" = Permitted Use
 "C" = Conditional Use
 Blank = Prohibited Use
 "CA" = Conditional Access
 "T" = Temporary Use

Additional Use restrictions for BMC 16.12 and 16.20 may apply to shoreline or critical area properties

[illegible]

Table 18.09.020 Use Table

 $\text{P}^{\text{H}} = \text{Permitted Use}$

"A" = Accessory Use

"C" = Conditional Use

Additional Use restrictions for BMC 16.12 and 16.20 may apply to shoreline or critical area properties

Blank = Prohibited Use

"CA" = Conditional Accessory Use

"T" = Temporary Use

[illegible]

PERMITTED USE TABLE

Title 18

Table 18.09.020 Use Table

"P" = Permitted Use

"A" = Accessory Use

"C" = Conditional Use

Additional Use restrictions for BMC 16.12 and 16.20 may apply to shoreline or critical area properties

Blank = Prohibited Use

"CA" = Conditional Accessory Use

"T" = Temporary Use

ZONING DISTRICT USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Temporary Ferry Commuter Parking											T			T	T					J-5
Temporary Non-Commuter Parking															T					J-6
Temporary Seasonal Sales	T	T	T								T				T	T	T	T		J-7

[1] In the Ferry Terminal District, all development shall include at least 10 percent of landscaped or naturally vegetated open space. Parking may be located under the open space. Development south of Winslow Way shall include pedestrian walkways that connect to Winslow Way East and Olympic Drive Southeast, and/or that align with Cave Avenue and Ferncliff Avenue.



City of Bainbridge Island
Department of Planning & Community Development
280 Madison Ave. N.
Bainbridge Island, WA 98110
(206) 842-2552 www.ci.bainbridge-island.wa.us

**Development Engineer
Project Review**

To: Jennifer Sutton, Planning
From: Janelle Hitch, Development Engineer *JCH*
Date: May 24, 2013
Re: McNabb - Comprehensive Plan Amendment 13220B

The proposal is to amend the Comprehensive Plan to rezone the McNabb property from R-2 to Water Dependent Industrial. The property is bordered by Eagle Harbor Road to the south, city parkland to the east, water dependent industrial land to the north, Eagle Harbor to the northwest and R-2 residential to the west.

Comments:

The Development Engineer has completed a review of the above referenced proposal and informational materials and has the following comments.

Sewer Impacts:

The affected property is outside of the City's sewer service area. Any development on the site would require an evaluation of the existing and proposed septic systems by the county department of health.

Water Impacts:

The affected property is outside of the City's water service area.

Stormwater Impacts:

Any development of the site would have to meet with BIMC 15.20 and 15.21. Stormwater impacts would be addressed on-site.

Traffic Impacts:

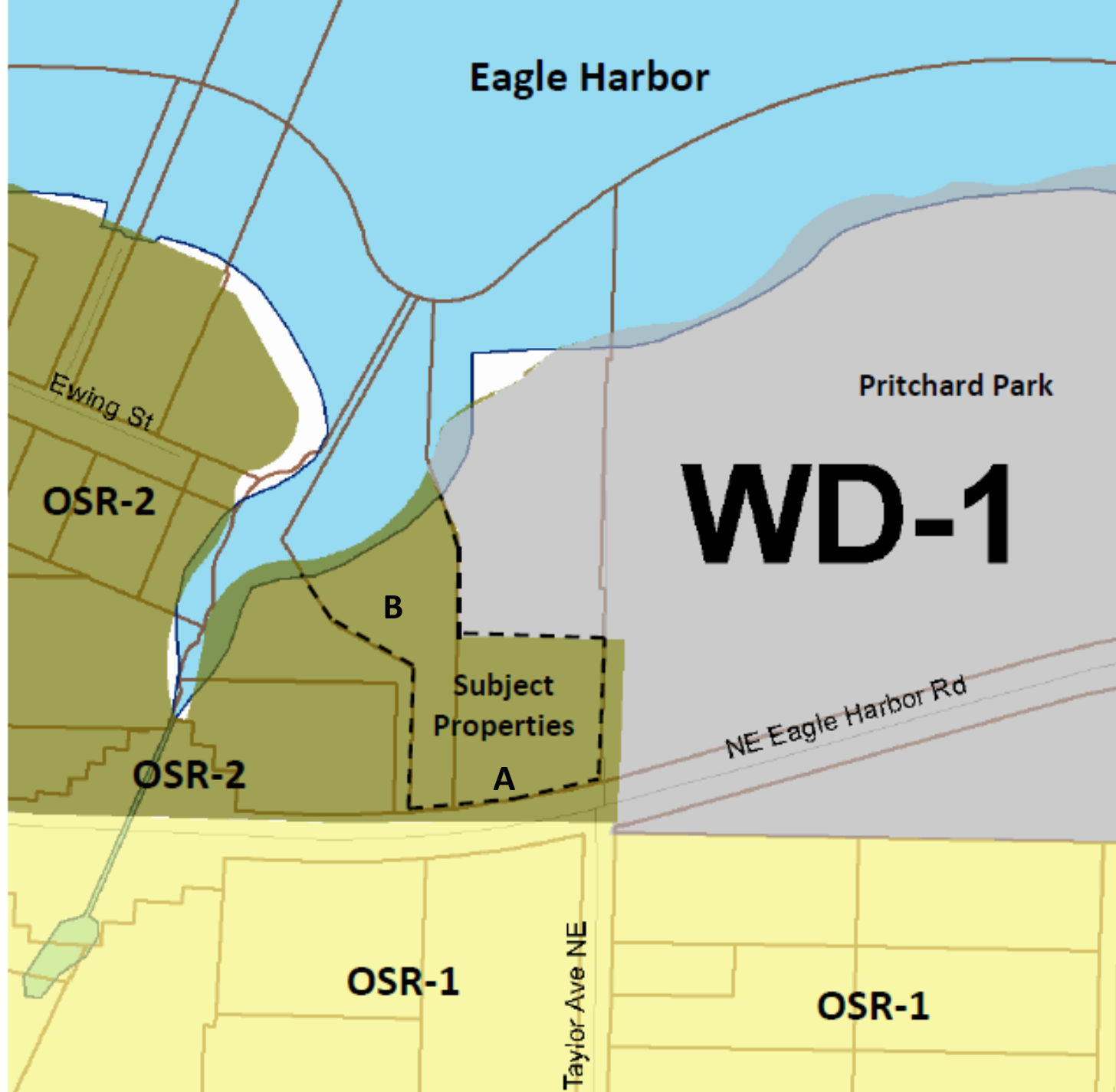
Any site development would be required to meet traffic concurrency standards. Depending on the type of development and the anticipated traffic generation that is determined using the ITE Trip Generation Manual, there will be an analysis of the impact on the city's traffic system. Mitigation measures will be required if a development will significantly degrade the traffic system conditions in the vicinity of the project or on Bainbridge Island.

Attachment M

Bainbridge Marina/ McNabb CPA/Rezone Application

City Council Study Session

October 16, 2013







NE Eagle Harbor Rd

Ward Ave NE

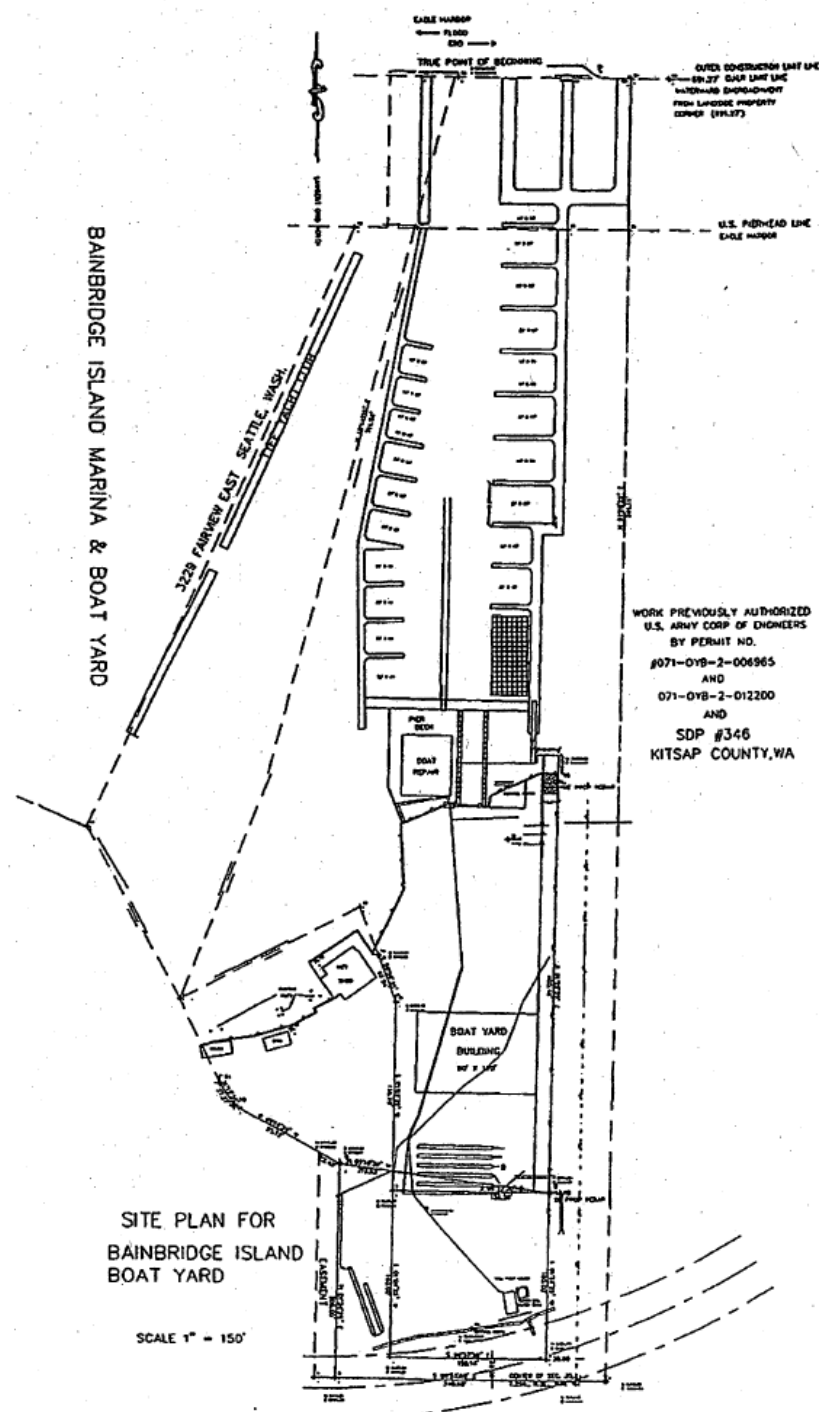
Ewing St

200 100 0 200 Feet

BAINBRIDGE ISLAND MARINA & BOAT YARD

SITE PLAN FOR
BAINBRIDGE ISLAND
BOAT YARD

SCALE 1" = 150'



CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance 2013-25 Housing Design Demonstration Project (HDDP) Program Revisions	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: 09-010
Proposed By: Planning Director Kathy Cook and Special Project Planner Jennifer Sutton	

BUDGET INFORMATION

Depart/Fund:

Expenditure Req: Budgeted? ☐ Yes ☐ No Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

Study Session: Recommendation:

City Manager ☐ Yes ☐ No ☒ N/A Legal ☒ Yes ☐ No N/A Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

The purpose of the Council study session on October 16 is to discuss Ordinance 2013-25, and answer any questions the City Council may have about the revisions to the HDDP Program.

Background:

The Housing Design Demonstration Project program utilizes incentives to promote green building techniques and increasing housing stock diversity and affordability. The program currently applies in the greater Winslow area, and was originally approved in 2009 as a demonstration program, with a sunset date of August 2012. After much discussion in the spring of 2012 about the fate of the program, the City Council approved Ordinance 2012-09 extending the program until the end of 2013, and convening an Ad Hoc Committee to review and make recommendations on the program by spring 2013. The Ad Hoc Committee was comprised of 3 Councilmembers (Lester, Blossom, Ward), Maradel Gale of the Planning Commission, Jim McNett of the Design Review Board, and Bill Luria of the Housing Resources Board. Architect and HRB Board member Charlie Wenzlau also participated in many of the meetings.

The Ad Hoc Committee met 10 times from October 2012 through April 2013, and came up with a number of recommendations. Staff integrated those recommendations into Ordinance 2013-25 (see staff report). The Planning Commission reviewed Ordinance 2013-25 at four study sessions in July and August and conducted a public hearing on September 26. The Planning Commission recommended approval of the ordinance after conducting the public hearing, largely leaving the Ad Hoc Committee recommendations unchanged. The Commission recommended some other changes to the program, notably: to make the program permanent, change the name to the Housing Diversity Program (HDP), apply the program to the Lynwood Center NSC and R-5 zoning districts, to allow Tier 4 (high level green building) HDP projects in the Island Center and Rolling Bay NSC zoning districts, and to cap the HDP density incentive to not be higher than other density incentives already in the BIMC .

RECOMMENDED ACTION

Information only.

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT



MEMORANDUM

TO: City Council

FROM: Kathy Cook, Planning Director
Jennifer Sutton, Special Projects Planner

DATE: October 10, 2013

RE: Revisions the Housing Design Demonstration Project (HDDP) Program
City Council Study Session—October 16, 2013

Background

On July 18, 2012, the Council approved Ordinance 2012-09, which extended the Housing Design Demonstration Project (HDDP) program to December 31, 2013. The City Council also authorized the creation of an HDDP Ad Hoc Committee, consisting of three Council members (Blossom, Ward, and Lester), a single member each from the Planning Commission, Design Review Board (DRB) and the Housing Resources Board (HRB) to consider whether the program should be continued as is, modify the existing program, or that the program be allowed to sunset.

Ad Hoc Committee

The Ad Hoc Committee began meeting in October 2012, and met a total of 10 times. The Committee reviewed the purpose of the HDDP program; the current project review process; the four HDDP projects submitted to date; the structure of each tier in the three-tiered system; the incentives offered to developers in each tier; the public benefit offered by each tier; and the point scoring system. The Ad Hoc Committee recommended changes to the program, as opposed to elimination of the program. Much of the Committee's discussion focused on whether the public benefit generated by HDDP projects is commensurate with the incentives offered to developers, particularly in cases where a density bonus is available. To that end, the Ad Hoc Committee recommended combining the green building and housing diversity paths in each tier, so that all projects must provide some level of green building and housing diversity. The Committee also recommended clarifying and adding some definitions, and strengthening the review process to ensure that the Design Review Board and Planning Commission review all projects. Finally, the Committee agreed that the HDDP program should include a stronger income-qualified affordable housing program by requiring at least 10% affordable housing for Tier 2 projects.

The Substantive recommendations from the Ad Hoc Committee (with ordinance page numbers) are further described below.

- Sections 1 and 2 (pages 2-3) clearly adds Planning Commission and Design Review Board review and recommendation for all HDP projects, including subdivisions, to the program. These reviews are new for stand-alone Subdivision applications, such as the Madrona Townhomes application. Review by the Planning Commission and Design Review Board is more clearly integrated into the *Review Process* (pages 4-6). However, an additional recommendation from the Design Review

Board is that only staff, not the Design Review Board “score” the Innovative Site Development category, because the category is prescriptive in nature (bottom of page 5).

- The Ad Hoc Committee discussed, but did not recommend, allowing Tier 4 projects in the Neighborhood Service Center (NSC) areas (*Applicability* section on page 4). The current program applies within the Winslow Master Plan Study Area. The Planning Commission recommended adding the Lynwood Center NSC and R-5 zoning districts to the HDP program and allow Tier 4 projects only in the Rolling Bay and Island Center NSC zoning districts. City staff mailed a notice about the addition of these NSC areas to the program to NSC/ R-5 property owners, and property owners within 500 feet of the affected properties on October 10, 2013 (Attachment E).
- The *Permit Decision* section (page 6) has been amended to clarify that recorded covenants may be required to ensure that HDP required components are implemented (i.e. car sharing program or pea patch).
- The *Common Open Space* (page 8) component is proposed to make it clear that critical areas/ buffers and roadside buffers do not count towards “common open space” under the HDP program.
- On page 9, the *Composting* component has been relocated to the *Common Open Space* section, and the *Biodiversity Offsets* component has been eliminated, as recommended by the Ad Hoc Committee. The *Innovative Building Design* section has been simplified to rely on the adopted green building certification programs alone, without any additional specifications by the City.
- The Ad Hoc Committee concurred with staff’s recommendation to remove one of the HDP decision criteria (pages 9-10) because it is too subjective and hard to apply. The Conditional Use Permit decision criteria is similar, and will remain. Also, required Design Guidelines will be evaluated where applicable.
- The Ad Hoc Committee recommended changes to the *Development Standard Incentives* (pages 10-13), including differentiating the incentives between properties in the MUTC and Residential Zones. New subsection 7 for residential zones (bottom of page 11) shows changes to the incentives compared to the program.
- The Ad Hoc Committee recommended merging the green building and housing paths within each Tier to increase the community benefit created by each HDP project. For simplicity, the ordinance replaces the original density incentive table (page 15-16) with a new table (pages 13-14) clearly showing the new tier system.
- Ordinance Section 7 shows Exhibit A (page 22 and attached), changing the permitted use table to allow for new Accessory Dwelling Units (ADUs) in the Mixed Use Town Center (MUTC) areas through a HDP subdivision. The table in Exhibit A must be read in conjunction with the *Use Specific Standards* for ADU’s (section 8, page 22). This is a “cleanup” change- new single-family subdivisions are not allowed in the MUTC unless as part of HDP subdivision, and since the HDP promotes ADUs as a part of housing diversity, this section clarifies that they would be allowed for those HDP projects.
- Section 9 shows Exhibit B (page 23 and attached) creates a cross-reference footnote between the FAR provisions of the MUTC development standards and the HDP program; this is desired

because the density bonus for a Tier 2, 3, or 4 HDP project in the MUTC is that the maximum mixed-use FAR could be all residential (mixed-use FAR is allowed to be higher than purely residential or commercial FAR throughout the MUTC areas).

- Section 10 (page 21) adds the HDP program-related definitions recommended by the Ad Hoc Committee.

Planning Commission Review and Recommendation

The Planning Commission reviewed the Ad Hoc Committee's recommendations on revising the program at study sessions on July 11 and 25, August 8 and 22, and at a public hearing on September 26th. The Commission largely agreed with the Ad Hoc Committee's recommendations, and made additional recommendations improving the clarity of the ordinance (see meeting minutes, Attachment C; and the table showing a comparison of the Planning Commission's recommendation regarding capping the density incentive, Attachment D). The substantive recommendations made by the Planning Commission (with ordinance page numbers) were:

1. Make the program permanent (page 17) and change the name from the Housing Design Demonstration Project program to the Housing Diversity Program (HDP, changed throughout ordinance).
2. Change the way stormwater management is evaluated in the program to be more holistic (DRAFT Scoring System, page 8 of ordinance). The *Low Impact Development (LID)*, *Impervious Surfaces*, and *Landscaping* sections of the Innovative site Development Section have been modified to combine landscaping and stormwater management into 2 new components- Stormwater Quantity and Stormwater Quality. This change is made in response to comments that the existing low impact development measurements were hard to measure, and the updated stormwater manual, Dept. of Ecology's 2012 Stormwater Management Manual for Western Washington will be adopted in the coming years, but the City is not certain as to when. Although the current manual encourages LID practices through its methodology, the new manual does to an even greater extent. Although the current and future stormwater manuals are referenced in the new "scoring system", City staff, with help from Engineer Adam Wheeler, Browne Wheeler Engineers, Inc, have developed a more holistic way of promoting water quantity and quality. This section would need to be revisited and modified prior to the City adopting the updated stormwater manual.
3. Add the Lynwood Center NSC and R-5 zoning districts to the HDP program and allow Tier 4 projects within the Rolling Bay and Island Center NSC zoning districts (page 4, see the September 26 meeting minutes, Attachment C). The City has mailed a notice to the affected property owners, and property owners within 500 feet of the affected property owners on October 10th (Attachment E).
4. Require at least 20 points in the innovative site development category for Tier 1 projects (DRAFT scoring sheet, ordinance page 14).
5. Cap HDP density incentives to be no greater than other existing density incentives in the BIMC (ordinance page 13-14, DRAFT scoring sheet). Existing density incentives are available for affordable housing, using the transfer of development rights program, open space (R-8, R-14 zones) or for doing a mixed-use development (NSC zones). This recommendation decreases the density incentives for the HDP program compared to the existing program (Attachment D).

6. Clarify that the “Passive House International” certification, not just Passive House US, is an acceptable green building certification in Tier 4 (DRAFT scoring sheet, pages 9 and 13).

Design Review Board

Staff briefed the Design Review Board on the revisions proposed to the HDP, and how the Board’s review responsibilities are recommended to be broadened to include HDP subdivisions. The Board suggested modifying the way the number of required affordable housing units is calculated and eliminating the front yard setback reduction in the Mixed-Use Town Center districts.

City Council Schedule

Staff has scheduled two City Council study sessions to review Ordinance 2013-25, October 16th and November 6th. 1st Reading is currently scheduled for November 13th, and 2nd Reading/ Public Hearing for November 25th.

Attachments

- A. Draft Ordinance 2013-25
- B. Draft HDP Evaluation Scoring System
- C. Planning Commission Meeting Minutes: July 25th, August 8th and 22nd, and September 26th
- D. Density Incentive Comparison Table- Planning Commission Recommendation
- E. Notice to NSC areas
- F. SEPA Checklist and Determination of Nonsignificance
- G. Public Comment

ORDINANCE NO. 2013-25

AN ORDINANCE of the City of Bainbridge Island, Washington, updating the Housing Design Demonstration Project program and amending Bainbridge Island Municipal Code Sections 2.14.020, 2.16.020, 18.09.020, 18.09.030, and 18.36.030.

WHEREAS, the City of Bainbridge Island has the authority to adopt zoning provisions pursuant to RCW 36.70A.390; and

WHEREAS, on August 12, 2009, the City Council adopted Ordinance No. 2009-06, establishing a pilot Housing Design Demonstration Project (HDDP) program to allow for the development of a limited number of projects to increase the variety of housing choices available to residents of all economic segments and to encourage sustainable development through the use of development standard incentives; and

WHEREAS, Ordinance No. 2009-06 established a sunset date of August 26, 2012 for the HDDP program; and

WHEREAS, the City Council approved Ordinance No. 2012-09 on July 18, 2012 extending the HDDP program until the end of 2013, to allow time for the City to further evaluate the program; and

WHEREAS, the City Council convened an Ad Hoc Committee made up of a Planning Commissioner, three City Council members, a Design Review Board member, and a representative from the Housing Resources Board to evaluate and make recommendations on the HDDP program; and

WHEREAS, the Ad Hoc Committee met 10 times between October 2012 and April 2013 and produced a variety of recommendations to improve the HDDP program; and

WHEREAS, the Planning Commission conducted study sessions on July 11, 25, and August 8th and 22nd, 2013 to review the recommendations from the HDDP Ad Hoc Committee, and

WHEREAS, the Planning Commission conducted a public hearing on September 26, 2013 and forwarded their recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing on the proposed changes to the HDDP program on _____, 2013; and

WHEREAS, notice was given on September 18, 2013 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

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

Section 1. Section 2.14.020.B of the Bainbridge Island Municipal Code is amended to read as follows:

2.14.020 Planning commission.

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

1. Participate in the preparation and review of the comprehensive plan for the city; and
2. Review and make recommendations on all applications for amendments to the comprehensive plan, official zoning map and official zoning ordinance of the city pursuant to Table 2.16.010-1; and
3. Review and make recommendations on all housing diversity program project applications pursuant to BIMC 2.16.020.Q, including those housing diversity program project applications involving land subdivision, based on a comprehensive review of the project at a public meeting; and
- ~~4~~ 3. Such other advisory duties as may be assigned to it by the city council or the mayor, or as specified in the BIMC.
- ~~5~~ 4. The title “planning commission” is substituted for the title “planning agency” in all city ordinances and other documents approved prior to the effective date of the ordinance codified in this chapter.
- ~~6~~ 5. Create the planning commission agenda per director recommendation.

Section 2. Section 2.16.020.F of the Bainbridge Island Municipal Code is amended to read as follows:

2.16.020 General Provisions

F. Design Review Board Review.

1. The design review board shall review and make recommendations on all land use applications as set forth in this section. This design process reflects a collaborative effort between an applicant, the design review board, and the community to better incorporate the vision of the city as outlined in the adopted comprehensive plan and regulations. (See Table 2.16.010-1.)
2. In order to identify potential design issues and opportunities, planning staff shall direct a prospective applicant to meet with the board during the conceptual stages of development formulation. This initial review is ~~optional, but~~ strongly recommended, and shall occur prior to the proposal’s preapplication conference. The applicant shall submit

conceptual drawings and diagrams as well as site information (topographic, existing development, surrounding development, and critical area information). Following this optional, initial review, an applicant may proceed with the design of the project, including development of the site plan and elevations that must be submitted as part of the preapplication materials.

3. Subsequent to submittal of preapplication materials, the board shall review a proposal for conformance with applicable design guidelines. ~~For housing design demonstration projects, the board shall evaluate the criteria outlined in subsection Q.4 of this section in addition to any applicable design guidelines.~~ The board's written recommendations shall be attached to the formal preapplication letter generated by planning staff.
4. Subsequent to submittal of the site plan and design review and/or conditional use permit application, the board shall review a proposal for incorporation of the board's previous comments into the project's design. For all housing diversity program design demonstration projects, including subdivisions, the board shall serve in an advisory and review capacity, in addition to analyzing any applicable design guidelines also evaluate the criteria outlined in subsection Q.4 of this section. At the conclusion of its consideration, the board shall submit to the director a recommendation of approval, approval with modifications, or denial of the application based on compliance with design guidelines. The director shall consider the board recommendation prior to making a decision on the application.
5. A board recommendation is not a decision and there is no city appeal of the recommendation.

Section 3. Section 2.16.020.Q of the Bainbridge Island Municipal Code is amended to read as follows:

2.16.020Q. Housing Diversity Program Design Demonstration Projects—

1. Purpose and Goals

The purpose of this section 2.16.020.Q is to allow the development of ~~a limited number of housing design demonstration projects to that~~ increase the variety of housing choices available to residents across underserved portions of all the socio-economic spectrum, segments and to promote compact, low-impact encouraging sustainable development through the use of development standard incentives where it is most appropriate. ~~Further, its purpose is The goals of this chapter are to encourage high quality and innovation in building design, site development, and 'green' building practices.~~

The goals of this program are to in housing projects by increasing the housing supply and the choice of housing styles available in the

community; by to promoting socio-economic diversity by adding to the stock of income-qualified housing; to encourage development of in housing affordability and choice by encouraging smaller homes, at reasonable prices, in neighborhoods attractive to a and more varied home sizes and mixes of income and age levels; and by promoting high quality design to demonstrate that innovative design and building techniques (conserving water and energy, using sustainably sourced materials, limiting environmental impacts) are compatible with market considerations.

~~An additional goal is to encourage the use of innovative site development practices and green building practices by encouraging the use of conservation design methods and principals such as, low impact development techniques, green building materials, and water and energy conservation, and mitigation that offsets impacts to biodiversity. Two final goals are to help identify any zoning code amendments that are necessary to support the development of innovative housing choices on Bainbridge Island, and to identify effective incentives to encourage green building and low impact development standards. The demonstration projects developed under this chapter shall use innovative design and development techniques to achieve these goals.~~

2. Applicability

This section 2.16.020.Q is applicable to all properties located within the Winslow Study Area of the Winslow Master Plan, ~~and the Winslow Sanitary Sewer System Service Area, the Lynwood Center Neighborhood Service Center (NSC), and R-5 zoning districts. The Rolling Bay and Island Center NSC zoning districts are eligible for Tier 4 housing diversity program projects as described in this section 2.16.020.Q. An application for a housing diversity program design demonstration project may be applied to single-family residential subdivisions, mixed-use/ multifamily and multifamily developments. The maximum density bonus for a housing diversity program project may not exceed existing density bonuses outlined elsewhere in the BIMC, see section 2.16.020.Q.8. Since the purpose is to provide housing projects as demonstrations, the city will accept projects for consideration and approval prior to the sunset date of this ordinance. The city will limit acceptance of Tier 3 density incentive projects outlined in this section to three projects.~~

3. Review and Approval Process

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

- a. Conceptual Proposal Review. Applicants proposing a ~~demonstration~~ housing diversity program project shall meet with city staff during the conceptual phase to discuss the goals and evaluation parameters of the proposed project. The conceptual proposal review is an informal discussion between the applicant and city staff regarding a proposed project. There are no required application materials for this stage. Applicants shall contact the Planning Department staff to request a meeting, and the meeting shall be scheduled by staff for no more than three weeks after the request date. The purpose of the conceptual proposal review is to determine if the proposal is eligible to be considered as an application for a housing diversity program ~~design demonstration~~ project and to assist the applicant by identifying (1) requirements for submittal, including types of supplemental materials for application; (2) compliance with applicable city plans, goals, policies, codes, or guidelines and possible revisions to the project that will enhance the proposal with respect to these requirements; (3) areas of Title 18 Zoning and Title 17 Subdivisions where the applicant seeks flexibility; and (4) required plans studies, reports, and /or other materials specific to the proposal that will provide necessary information for staff and the design review board, and to review the project under the criteria outlined in BIMC 2.16.020.Q.4.
- b. Public Participation Program. The applicant is required to participate in one or more community meetings, either through the City's 1) Public Participation Program following the procedures outlined in Resolution Nos. 2010-32 and 2001-11, or 2) an equivalent public meeting that includes participation by city staff, as approved by the director.
- c. Preapplication Conference. The applicant shall apply for a preapplication conference pursuant to BIMC 2.16.020.G. Housing diversity program projects shall be reviewed by both staff and the design review board, pursuant to BIMC 2.16.020.F. The applicant shall submit a ~~HDDP~~ housing diversity program project proposal consistent with the requirements in the Administrative Manual. The applicant shall consider input received during the public meetings and conceptual review with city staff in the crafting the proposal. The proposal will be evaluated pursuant to BIMC 2.16.020.Q.4 by city staff with and the Design Review Board serving in an advisory role, in addition to their review of applicable design guidelines at one meeting. ~~The evaluation factors outlined in BIMC 2.16.020.Q.4 related to housing diversity and innovative building design practice shall be evaluated by the director, and those related to innovative site development practices shall be evaluated by the director and the design review board.~~ The director shall prepare written findings of facts, and applicants will receive preliminary notification from the director whether the proposal will qualify as a housing diversity program ~~design demonstration~~ project, or feedback about how to improve the proposal to qualify. If the applicant changes the proposal in any significant manner

other than a response to feedback from the public meeting, conceptual review, or the preapplication review, an additional preapplication conference may be required.

- d. Application Submittal. An applicant may submit a land use permit application (Subdivision, Site Plan and Design Review, or Conditional Use Permit) for a housing diversity program design-demonstration project after completion of a required conceptual and preapplication review and notification by the city that the proposal qualifies as a housing diversity program design-demonstration project. Upon receipt of an application, the director shall provide notice to the applicant and public in accordance with BIMC 2.16.020.K, and commence the application review process. Housing diversity program projects that require more than one land use permit must utilize the Consolidated Project Review process outlined in BIMC 2.16.170. All housing diversity program project applications, including subdivisions, shall be reviewed by the design review board and the planning commission at public meetings. The design review board and the planning commission shall make recommendations on all housing diversity program projects.
- e. Permit Decision. The decision to approve or deny a housing diversity program design-demonstration project shall be made as part of underlying land use permit approval. The decision shall be based upon the decision criteria of the underlying planning permit, and the decision criteria outlined in BIMC 2.16.020.Q.5. Housing diversity program design-demonstration project approval conditions shall be included in the final permit approval and shall address any ongoing compliance requirements including compliance with approved design plans. The city may require that the applicant record covenants to ensure ongoing compliance or maintenance for required project components.
- f. Building Permit. The applicant shall submit a building permit that is consistent with all conditions of the land use permit approval. The applicant shall also submit documentation that the project has applied for required certification by a green building rating system, such as Evergreen Sustainable Development, LEED, or BuiltGreen. Proof of ongoing certification shall be required during construction and project certification must be completed prior to final occupancy.
- g. Living Building Challenge. For projects pursuing the Living Building Challenge standard of the International Living Building Institute, the applicant must show proof of pursuing ongoing certification during construction for all required elements. After construction and prior to issuance of the certificate of occupancy, the applicant must show proof of initial project compliance as to the Site, Materials, Indoor Quality and Beauty/ Inspiration components of the Living Building Challenge and that

the project is likely to achieve the elements of energy and water following 12 months of occupancy as required under Living Building Challenge certification. For those elements of energy and water that require occupancy of the building for 12 months for Living Building Challenge certification, the applicant must submit a report to the city following 12 months of occupancy, demonstrating its progress towards meeting these remaining elements of the Living Building Challenge standard. If certification of those elements has not been achieved, the applicant must provide quarterly reports of progress towards certification of these elements, including additional steps and timeline that will be taken to achieve certification.

4. Evaluation Method

Each project will be evaluated for innovation and achievement of the goals of BIMC 2.16.020.Q using a number of factors. The evaluation factors are divided into three categories. ~~If a project does not meet a required evaluation factor, the applicant is required to provide a written explanation about why the evaluation factor is not appropriate or cannot be met in this instance.~~ Examples of sustainable development methods do not limit other mechanisms of meeting the evaluation factor. The city council will pass a resolution to adopt a quantitative system to implement this evaluation method. Projects that qualify as housing diversity program projects are eligible to use the flexible development standard incentives outlined in subsections 6 and 7 below. Projects qualifying as a Tier 2, 3, or 4 project are eligible for the residential incentives outlined below in subsection 8. ~~That evaluation method may include a reference to an established third party green building checklist such as the Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, LEED or BuiltGreen.~~

a. Housing Diversity. Evaluation will review:

- i. Unit Type: The project includes a variety of unit types, for example, single-family, townhomes, flats, duplex, ~~live/work~~, cottages, age-in-place or accessory dwelling units.
- ii. Unit Size: The project includes a variety of housing unit sizes that provide for a broad mix of income levels and family size; and
- iii. Affordable Housing: The project includes housing units that are affordable to the spectrum of income levels as defined in ~~BIMC Chapter 18.21 BIMC~~, Affordable Housing. Designated affordable housing shall remain affordable for 50 years from the time of final inspection on the affordable unit. The applicant shall record covenants that demonstrate how the unit will remain affordable and be managed for 50 years.

b. Innovative Site Development. Evaluation will review:

- i. Low Impact Development/Storm Water Quantity. The project reduces the quantity of storm water produced by a development project. Methods could include using a low impact development approach to storm water management through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater, such as (a) using rain gardens and other water absorbent plant growth media, with drought tolerant native plants, combined with curb cuts and other proven low impact development techniques for rainwater catchment and absorption, to lessen storm water runoff (invasive species shall not be planted; (b) Where there is to be an earthen separation between the street and sidewalk and bioswales, (c) amended soils, reusing greywater within buildings, or directing storm water into cisterns for use on site .
- ii. Impervious Surfaces Storm Water Quality. The project reduces water quality impacts from impervious surfaces through use of techniques such as covering pollution-generating surfaces like parking spaces, treating water to a higher standard than required under the Chapters 15.20 and 15.21 BIMC and using “green roofs” (a) porous asphalt, paver blocks or large aggregate pervious concrete for parking and highly used bicycle and pedestrian areas; (b) lattice blocks (or similar products) that permit grass growth for fire lanes and overflow parking; (c) crushed stone or brick for lightly used pedestrian paths; and (d) recycled asphalt and recycled concrete in the base course of pervious and/or impervious surfaces.
- iii. Landscaping. The project uses low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that are climate appropriate. The project limits the amount of “lawn” in private yards in favor of common open space. Projects are encouraged to use cisterns to collect rainwater for irrigation or garden use.
- iv. Common Open Space. The project provides connected common open space area set aside as active open space and designed and integrated into the project. The open space could include active elements such as a neighborhood garden/ pea patch and composting facilities, or a playground. Critical areas and their buffers and required roadside buffers do not contribute to “common open space” under the housing diversity project program.
- v. Transportation. The project (a) uses a design that provides enhanced sensitivity to pedestrian travel; (b) internally preserves existing informal, internal connection to external trail(s), or creates new connections where appropriate, to implement the Non-motorized Transportation Plan (NMTP); (c) reduces reliance on automobiles and trip counts, and promotes alternative transportation and public transit, (d) minimizes the visual dominance of automobiles throughout the project, or (e) the project accommodates needs of alternative vehicles through techniques such as

parking and charging facilities for electric cars, locating rechargeable electric vehicle (EV) parking in a conspicuous and preferred location close to a main building entrance, ~~using parking spaces designed for sub-compact vehicles, such as smart™ cars, and~~ integrating a parking space for a vehicle sharing program, such as zipcar™.

- ~~vi. Composting: The project designates an area where residents can compost their food and yard waste. The compost area may be located in active open space areas.~~
- ~~vii. Biodiversity: The development addresses biodiversity issues by incorporating development impact offsets as outlined in the policies of the Environmental Element of the Comprehensive Plan.~~
- c. Innovative Building Design. The project is constructed under a green building certification program that requires third-party verification such as the Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, Passive House Institute US/ International, LEED or the BuiltGreen Program of the Master Builder's of King and Snohomish Counties. ~~Evaluation will review:~~
 - ~~Alternative Energy: The project utilizes, at least in part, alternative power and heat technologies including, but not limited to solar, passive solar, wind, and geothermal.~~
 - ~~Energy Efficiency: The project exceeds base energy efficiencies required by the Building Code by integrating energy efficient building design and appliances.~~
 - ~~Water Efficiency: The project uses water efficiently by integrating low-flow water fixtures and/or water re-use systems (i.e. greywater for toilets, landscaping).~~
 - ~~Green Building Materials: The project utilizes sustainable or 'green' building materials internally and externally.~~
 - ~~Accessibility: The project design incorporates access for residents of all ages and mobility inside and outside the home.~~

5. Approval Criteria

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

- a. The applicant clearly demonstrates evaluation factors listed in BIMC 2.16.020.Q.4 as shown in the housing diversity program project scoring system ~~as evaluated by the design review board and the planning department;~~
- b. The applicant has demonstrated how relief from specific development standards, including setback reductions, lot coverage and/or design guidelines,

is needed to achieve the desired innovative design and the goals of this chapter;

- ~~c. The project is harmonious in design and appearance with the intended character and quality of development in the immediate vicinity of the subject property, and with the physical characteristics of the subject property;~~
- ~~dc.~~ The project does not adversely impact existing public service levels for surrounding properties;
- ~~ed.~~ The project complies with all other portions of the BIMC, except as modified through this housing diversity design demonstration project process;
- ~~fe.~~ If a project will be phased, each phase of a proposed project must contain adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the project to stand alone if no other subsequent phases are developed; and
- ~~gf.~~ The applicant is meeting required housing diversity standards.

6. Development Standard Incentives: Development Projects in the Mixed-Use Town Center

The applicant may request that development standards from Titles 17 and 18 be modified as part of a housing diversity program design demonstration project. The city will review the request to modify development standards through the project review process outlined in BIMC 2.16.020.Q.3 ~~and considered in relation to all required decision criteria~~. Requirements of Title 16 may not be modified. The following development standards may be modified.

- a. Minimum lot dimensions and size. Reductions in lot size or dimensions are subject to approval by Kitsap County Health District.
- b. Maximum lot coverage. Maximum lot coverage can be increased by 5% for Tier 1 projects, and 10% for Tier 2 project. For example, for a Tier 1 project in the Madison Overlay District, the 35% lot coverage limit may be increased to 40%. Increases in maximum lot coverage will be evaluated pursuant to the innovative site development evaluation criteria in BIMC 2.16.020.Q.4.
- c. Open Space. For MUTC demonstration projects developed under BIMC Title 17 Flexible Lot Subdivision, the prescriptive open space requirements in BIMC 17.12.030.A do not apply, and open space incorporated into the project shall be evaluated pursuant to the evaluation criteria in 2.16.020.Q.4. Instead, the project shall integrate at least 50 square feet of open space per unit. The open space shall be located along a public or private street or driveway, or public walkway.
- d. Residential Parking. The parking requirements outlined in BIMC 18.15.020 may be modified to require 1 parking space for homes under 800 square feet;

1.5 parking spaces for homes between 800-1,250 square feet. This reduction may not be combined with any other reductions to result in less than 1 space per unit, and additional guest parking may be required pursuant to BIMC Table 18.15.020-1. A limited number of parking spaces may be designed to accommodate alternative fuel or sub-compact vehicles such as smart™ cars, with parking stall dimensional standards reduced from the standards outlined in BIMC 18.15.020.J. The applicants are encouraged to work with neighboring property owners to ensure street parking is not overburdened. If the project is requesting a reduction in required parking through the housing diversity program, then the development shall integrate at least 1 guest parking space for every 5 dwelling units.

~~e. Commercial Parking. A reduction in commercial parking requirements may be granted for live-work project proposals that contain integrated living and working space, or other commercial components primarily serving an immediate neighborhood. Proposed reductions shall be reviewed pursuant to provisions for other uses and special cases in BIMC Table 18.15.020-1.~~

~~fe. Setbacks. Unless required for public safety purposes, such as sight distance, required BIMC Title 18 in any district other than the Mixed-Use Town Center or the High School Road zoning district may be reduced as described below. Additional vegetative landscaping screen may be required by director when reducing setbacks. The section does not supersede lesser setback requirements in the MUTC/HS Road District Zones, as outlined in BIMC 18.12.020-3.~~

Zoning Setback Reductions

- i. Front setback within project: 10 feet
- ii. Rear setback within project: minimum of 5 feet
- iii. Side setback within project: minimum of 5 feet

Subdivision Setback Reductions

- i. All interior subdivision setbacks: 0 feet
- ii. Building to exterior subdivision boundary: 5 feet
- iii. Building to right-of-way or on-site private access: 10 feet

~~f. Roadside Buffers. A reduction in required roadside buffers will consider existing vegetation and the buffering provided by surrounding properties.~~

~~hf. Building Height. Existing bonus height may be achieved as outlined below. Buildings within the Mixed-Use Town Center or High School Road districts may achieve a maximum building height not to exceed the optional height outlined in BIMC Table 18.12.020-3.~~

7. Development Standard Incentives: Development Projects in Residential Zones
The applicant may request that development standards from Titles 17 and 18 be modified as part of a housing diversity program project. The city will review the request to modify development standards through the project review process

outlined in BIMC 2.16.020.Q.3. Requirements of Title 16 may not be modified. The following development standards may be modified.

- a. Minimum lot dimensions and size. Reductions in lot size or dimensions are subject to approval by Kitsap County Health District.
- b. Maximum lot coverage. Maximum lot coverage can be increased by 5% for Tier 1 projects, and 10% for Tier 2 projects. For example, for Tier 1 projects in the R-4.3 District, the 25% lot coverage limit may be increased to 30%. Increases in maximum lot coverage will be evaluated pursuant to the innovative site development evaluation criteria in BIMC 2.16.020.Q.4.
- c. Open Space. For residentially zoned demonstration projects developed under BIMC Title 17 Flexible Lot Subdivision, the prescriptive open space requirements in BIMC 17.12.030.A do not apply, and open space incorporated into the project shall be evaluated pursuant to the evaluation criteria in 2.16.020.Q.4. Instead, the project shall integrate at least 400 square feet of open space per unit. The open space shall be located along a public or private street or driveway, or public walkway. This common consolidated open space would be in addition to any protected critical areas or buffers.
- d. Residential Parking. The parking requirements outlined in BIMC 18.15.020 may be modified to require 1 parking space for homes under 800 square feet; 1.5 parking spaces for homes between 800-1,250 square feet. This reduction may not be combined with any other reductions to result in less than 1 space per unit, and additional guest parking may be required pursuant to BIMC Table 18.15.020-1. A limited number of parking spaces may be designed to accommodate alternative fuel or sub-compact vehicles such as smart™ cars, with parking stall dimensional standards reduced from the standards outlined in BIMC 18.15.020.J. The applicants are encouraged to work with neighboring property owners to ensure street parking is not overburdened. If the project is requesting a reduction in required parking through the housing diversity project program, then the development shall integrate at least 1 guest parking space for every 5 dwelling units.
- e. ~~Commercial Parking: A reduction in commercial parking requirements may be granted for live-work project proposals that contain integrated living and working space, or other commercial components primarily serving an immediate neighborhood. Proposed reductions shall be reviewed pursuant to provisions for other uses and special cases in BIMC Table 18.15.020-1.~~
- f. Setbacks. Unless required for public safety purposes, such as sight distance, ~~in any district other than the Mixed-Use Town Center or the High School Road-zoning district and subdivision setbacks required by BIMC Title 18 may be reduced as described below. Additional vegetative landscaping screen may~~

be required by the director when reducing setbacks. ~~The section does not supersede lesser setback requirements in the MUTC/HS Road District Zones.~~

Zoning Setback Reductions

- i. ~~Front setback to on-site access within project: 10 feet~~
- ii. ~~Rear setback within project: minimum of 5 feet~~
- iii. ~~Side setback within project: minimum of 5 feet~~

Subdivision Setback Reductions

- i. All interior subdivision setbacks: 0 feet
- ii. ~~Building to exterior subdivision boundary: 5 feet~~
- iii. ~~Building to right-of-way or on-site private access: 10 feet~~

~~f. Roadside Buffers. A reduction in required roadside buffers will consider existing vegetation and the buffering provided by surrounding properties.~~

~~g. Building Height. Existing bonus height may be achieved as outlined below.~~

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

7.8.Density Bonus Incentives

An increase in residential base density may be permitted as outlined below. The city council adopted Resolution No. 2009-25, updated by Resolution No. 2013-XX, containing a quantitative evaluation method that links maximum residential bonus density to varying levels of green building and affordable housing provided, as outlined in Table 2.16.020.Q-1 below. The maximum density bonus for a housing diversity program project may not exceed existing density bonuses outlined elsewhere in the BIMC.

Table 2.16.020.Q-1: Housing Diversity Program Project Density Bonuses		
<u>Density Incentives</u>	<u>Requirements to Receive Incentives</u>	
	<u>Green Building & Innovative Site Development</u>	<u>Housing Diversity</u>
<u>Tier 4</u>		
2.5 x Base Density (not to exceed existing avail. bonus density) OR Max. Bonus Mixed-Use FAR (all	<u>Living Building Challenge (ILFI)</u> OR <u>Passive House (Passive House Institute US/ International)</u> AND <u>Minimum Required Points in Innovative Site Development Practices</u>	• <u>Home size not greater than 1600 sq. ft.</u> • <u>10% of units affordable housing</u>

Table 2.16.020.Q-1: Housing Diversity Program Project Density Bonuses

<u>Density Incentives</u>	<u>Requirements to Receive Incentives</u>	
	<u>Green Building & Innovative Site Development</u>	<u>Housing Diversity</u>
residential)		
<u>Tier 3</u>		
2.5 x Base Density (not to exceed existing avail. bonus density) OR Max. Bonus Mixed-Use FAR (all residential)	LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development AND Minimum Required Points in Innovative Site Development Practices	• 50% affordable housing • Home size not larger than 1600 sq. ft.
<u>Tier 2</u>		
• 1.5 x Base Density (NSC, R-5, R-8 & R-14) • 2.0 x Base Density not to exceed R-8 density (R-2, R-2.9, R-3.5, & R-4.3) • Max. Bonus Mixed-Use FAR (all residential)	LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development AND Minimum Required Points in Innovative Site Development Practices	• Home size not greater than 1600 sq. ft. • 10% of units affordable housing • 2 points in “Unit Size” category • Projects with ≥ 20 units must get 3 points in “Unit Type” category
<u>Tier 1</u>		
NO Density Bonus	LEED Certification, BuiltGreen 4, or Evergreen Sustainable Development AND Minimum Required Points in Innovative Site Development Practices	• Home size not greater than 1600 sq. ft. • 4 points (Projects with ≤ 20 units) in “Housing Diversity” category • 5 points (Projects with ≥ 20 units) in “Housing

Table 2.16.020.Q-1: Housing Diversity Program Project Density Bonuses

<u>Density Incentives</u>	<u>Requirements to Receive Incentives</u>	
	<u>Green Building & Innovative Site Development</u>	<u>Housing Diversity</u>
		<u>Diversity” category</u> • <u>Projects with ≥ 20 units must get 2 points in “Unit Type” category</u>

Table 2.16.020.Q-1: Housing Design Demonstration Project Density Bonuses

Incentives In addition to Flexible Development Standards in BIMC 2.16.020.Q.6		Requirements to Receive Incentives	
		Innovative Site Development (BIMC 2.16.020.Q.4.b) and Innovative Building Design Practices/ Green Building (BIMC 2.16.020.Q.4.c)	Housing Diversity Requirement (BIMC 2.16.020.Q.4.a and 18.21)
TIER 3			
Green	2.5 x Base Density OR Max. Bonus Mixed-Use FAR	Living Building Challenge: Net zero energy and water documentation, Qualifies in all six performance areas with required 16 pre-requisites: site (3), energy (1), materials (5), water (2), indoor quality (3), and beauty and inspiration (2).	NA
Housing	2.5 x Base Density OR Max. Bonus Mixed-Use FAR	LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development AND Achieve Minimum Required Points in Innovative Site Development Practices	50% affordable housing AND Home size not larger than 1600 sq. ft.
TIER 2			
Green	1.5 x Base Density	LEED Platinum or Gold, or Built Green 5	Home size not

Table 2.16.020.Q 1: Housing Design Demonstration Project Density Bonuses

Incentives In addition to Flexible Development Standards in BIMC 2.16.020.Q.6		Requirements to Receive Incentives	
		Innovative Site Development (BIMC 2.16.020.Q.4.b) and Innovative Building Design Practices/ Green Building (BIMC 2.16.020.Q.4.c)	Housing Diversity Requirement (BIMC 2.16.020.Q.4.a and 18.21)
Housing	OR Max. Bonus Mixed-Use FAR	- For projects pursuing LEED, applicant must check off within the LEED checklist a minimum threshold for 20-30% water use reduction - For projects pursuing Built Green, applicant must achieve 20-30% water use reduction - For projects pursuing LEED or Built Green, applicant shall seek to achieve within the checklist a minimum threshold for 25-30% improved energy performance AND Achieve Minimum Required Points in Innovative Site Development Practices	greater than 1600 sq. ft. AND 4 points in Housing Diversity category
	1.5 x Base Density (Zones R-8 & R-14) OR 2.0 x Base Density not to exceed R-8 density (Zones R-2, R-2.9, R-3.5, & R-4.3) OR Max. Bonus Mixed-Use FAR	LEED Silver or Built Green 4 - For projects pursuing LEED, applicant must check off within the LEED checklist a minimum threshold for 20-30% water use reduction - For projects pursuing Built Green, applicant must achieve 20-30% water use reduction - For projects pursuing LEED or Built Green, applicant shall seek to achieve within the checklist a minimum threshold for 20-25% improved energy performance AND Achieve Minimum Required Points in Innovative Site Development Practices	Home size not greater than 1600 sq. ft. AND 10 pts. of affordable housing subcategory AND 17 pts. total in Housing Diversity category
TIER 1			
Green	NO Density Bonus	LEED Certification	NA
Housing	NO Density Bonus		Home size not

Table 2.16.020.Q-1: Housing Design Demonstration Project Density Bonuses

Incentives In addition to Flexible Development Standards in BIMC 2.16.020.Q.6	Requirements to Receive Incentives		
	Innovative Site Development (BIMC 2.16.020.Q.4.b) and Innovative Building Design Practices/ Green Building (BIMC 2.16.020.Q.4.c)	Housing Diversity Requirement (BIMC 2.16.020.Q.4.a and 18.21)	
		NA	greater than 1,600 sq. ft. AND 7 points in Housing Diversity category

8.9. Evaluation Scoring System

For the purposes of implementing this section 2.16.020.Q, city council has adopted an evaluation scoring system in ~~Resolution No. 2009-25~~ dated November 9, 2009, updated by Resolution No. 2013-XX in 2013. ~~Evaluation of Applications for housing diversity program design demonstration programs projects~~ shall be evaluated pursuant to that scoring matrix as applied to this section 2.16.020.Q, and in case of inconsistency between the provisions of that resolution and this section, the provisions of the resolution shall govern.

Resolution ~~2009-25~~ No. 2013-XX contains definitions that are to be used only for purposes of the evaluation scoring matrix, and in case of inconsistency between those definitions and the definitions in BIMC 18.36, the provisions in the resolution shall govern, but only as they apply to evaluations for applications for housing diversity program projects ~~design demonstration programs~~.

9.10. Housing Diversity Program ~~Demonstration~~ Project Visit

In order to learn from the innovative design practices used, all ~~demonstration~~ projects completed under this section 2.16.020.Q shall allow city staff to conduct occasional site tours. City staff will make a request of the property owner prior to conducting a tour and will not access the properties for tours more than once every three months. The site tours will be limited to the exterior and common grounds of the property, and conducted during regular business hours. Visits will

be coordinated through the staff and property owner, and the owner will receive written notice no less than two weeks in advance of each visit. Any additional access to private property or at alternative times shall be at the permission and cooperation of the individual homeowner only.

10. Demonstration Period

~~This section 2.16.020.Q and related provisions of BIMC Title 2, Title 17, and Title 18 shall expire on August 26, 2012.~~

Section 4. Section 2.16.040.E of the Bainbridge Island Municipal Code is amended to read as follows:

E. Decision Criteria

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

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

- d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
 - e. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the applicable service(s) can be made available at the site; and
 - f. The site plan and design conforms to the “City of Bainbridge Island Engineering Design and Development Standards Manual,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of Title 18.
- 5. The site plan and design is consistent with all applicable design guidelines in Title 18 of this code, unless strict adherence to a guideline has been modified as a housing diversity program ~~design demonstration~~ project pursuant to BIMC 2.16.020.Q;
 - 6. No harmful or unhealthful conditions are likely to result from the proposed site plan;
 - 7. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans;
 - 8. Any property subject to site plan and design review that contains a critical area or buffer, as defined in BIMC 16.20, conforms to all requirements of that chapter;
 - 9. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in BIMC 16.12, conforms to all requirements of that chapter;
 - 10. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met;
 - 11. The site plan and design have been prepared consistent with the purpose of the site design review process and open space goals;
 - 12. For applications in the B/I zoning district, the site plan and development proposal include means to integrate and re-use on-site storm water as site amenities.

Section 5. Section 2.16.110.D of the Bainbridge Island Municipal Code is amended to read as follows:

D. Decision Criteria

1. A conditional use may be approved or approved with conditions if:
 - a. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property provided, that in the case of a housing diversity program ~~design demonstration~~ project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC 2.16.020.Q shall not result in denial of a conditional use permit for the project; and
 - b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and
 - c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and
 - d. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the nonmotorized transportation plan; and
 - e. The conditional use complies with all other provisions of BIMC, unless a provision has been modified as a housing diversity program ~~design demonstration~~ project pursuant to BIMC 2.16.020.Q; and
 - f. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property; and
 - g. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A.
 - h. The vehicular, pedestrian, and bicycle circulation meets all applicable city standards, unless the city engineer has modified the requirements of BIMC 18.15.030.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 BIMC 15.20 and 15.21; and
 - i. The city engineer has determined that the conditional use meets the following decision criteria:
 - i. The conditional use conforms to regulations concerning drainage in BIMC 15.20 and 15.21; and
 - ii. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
 - iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
 - iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

- v. If the conditional use will rely on public water or sewer services, there is capacity to in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; and
 - vi. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Development Standards Manual,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of Title 17.
 - j. If a major conditional use is processed as a housing diversity program ~~design demonstration~~ project pursuant to BIMC 2.16.020.Q, the above criteria will be considered in conjunction with the purpose, goals, policies, and decision criteria of BIMC 2.16.020.Q.
2. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.

Section 6. Section 2.16.125.H of the Bainbridge Island Municipal Code is amended to read as follows:

H. Decision Criteria for Preliminary Long Subdivisions

The hearing examiner’s decision shall include findings of fact that the application meets all the requirements of the following subsections:

- 1. The preliminary long subdivision may be approved or approved with modification if:
 - a. The applicable subdivision development standards of BIMC Titles 17 and 18 are satisfied; and
 - b. The preliminary long subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW 58.17.110; and
 - c. The preliminary long subdivision has been prepared consistent with the requirements of the flexible lot design process, unless a flexible lot standard has been modified as part of a housing diversity program ~~design demonstration~~ project pursuant to BIMC 2.16.020.Q; and
 - d. Any portion of a long subdivision that contains a critical area, as defined in BIMC 16.20 conforms to all requirements of that chapter; and
 - e. Any portion of a long subdivision within shoreline jurisdiction, as defined in BIMC 16.12 conforms to all requirements of that chapter; and
 - f. The city engineer’s recommendation contains determinations that the following decision criteria are met and such determinations are supported by substantial evidence within the record.
 - i. The long subdivision conforms to regulations concerning drainage in BIMC 15.20 and 15.21; and

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

Section 7. Section 18.09.020 of the Bainbridge Island Municipal Code is amended as shown in Exhibit A.

Section 8. Section 18.09.030 of the Bainbridge Island Municipal Code is amended to read as follows:

18.09.030 Use Specific Standards

I. Accessory Uses

5. Accessory Dwelling Unit

- a. An Accessory Dwelling Unit may be created within, or detached from, any Single-family Dwelling, whether existing or new, as a subordinate use, where permitted (“P”) by this chapter.
- b. In the shoreline jurisdiction, an Accessory Dwelling Unit may be created within, or detached from, any Single-family Dwelling,

whether existing or new, as a subordinate use, where conditional (“C”) pursuant to this chapter. See BIMC 16.12 for shoreline conditional use process.

- c. Only one Accessory Dwelling Unit may be created per parcel.
- d. No variances shall be granted for an Accessory Dwelling Unit.
- e. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling.
- f. Accessory Dwelling Units shall be designed to maintain the appearance of the primary dwelling as a Single-family Dwelling containing 800 sq. ft. of floor area or less. If a separate outside entrance is necessary for an Accessory Dwelling Unit located within the primary dwelling, that entrance must be located either on the rear or side of the building.
- g. If an accessory dwelling unit is constructed in conjunction with a garage, the square footage of the garage shall not count towards the 800 square-foot limitation.
- h. An accessory dwelling unit not attached to the single-family dwelling may not contain any accessory use other than a garage.
- i. No recreational vehicle shall be an accessory dwelling unit.
- j. When stairs utilized for the ADU are enclosed within the exterior vertical walls of the building, they shall count towards the floor area of the ADU.
- k. The ADU shall share a single driveway with the primary dwelling.
- l. School impact fees and qualified exemptions from those fees as provided in BIMC 15.28 shall apply.
- m. All other applicable standards including, but not limited to, lot coverage, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.
- n. In the Mixed Use Town Center, new accessory dwelling units are only permitted as part of a housing diversity program project single-family subdivision approved pursuant to BIMC 2.16.020.Q.

Section 9. Section 18.12.020-3 of the Bainbridge Island Municipal Code is amended as shown in Exhibit B.

Section 10. Section 18.36.030 of the Bainbridge Island Municipal Code is amended to read as follows:

18.36.030 Definitions

Age-in-place: A dwelling qualifies as an age-in-place unit , a specific unit type under the housing diversity program (BIMC 2.16.020.Q), if it qualifies as a “Accessible Dwelling Unit” pursuant to the Building Code , and furthers the ability to live in one's own home and community safely, independently, and comfortably, regardless of age or ability level.

Cottage: A dwelling unit qualifies as a cottage – a specific unit type under the housing diversity program (BIMC Section 2.16.020.Q) – if it has all of the following elements:

1. Maximum Unit Size: 1,200 square feet floor area
2. 2nd floor area no more than 50% of the 1st floor area
3. Pitched roofs with a minimum 4:12 roof pitch
4. Maximum Building Height: 20 feet with a roof pitch less than 6:12. See *Building Height* BIMC Section 18.12.050.C. Maximum ridge height is 25 feet.
5. Front Porch at least 80 square feet in size, and face a street or common open space.
6. Garages must be detached. Shared carport building with other units or surface parking is allowed.

Neighborhood Community Garden: An area set aside within a development that can be used as a viable growing space for residents of the neighborhood. The area shall have solar exposure, water availability, a tool storage area, and be easily accessible to residents. Preservation of an existing orchard does not count towards the area of a designated neighborhood community garden under the housing diversity program (BIMC 2.16.020.Q).

Section 11. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2013.

APPROVED BY THE MAYOR ____ day of _____, 2013.

Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	October 10, 2013
PASSED BY THE CITY COUNCIL:	
PUBLISHED:	
EFFECTIVE DATE:	
ORDINANCE NUMBER:	2013-25

Table 18.09.020 Use Table

"P" = Permitted Use

"A" = Accessory Use

"C" = Conditional Use

Blank = Prohibited Use

"CA" = Conditional Accessory Use

"T" = Temporary Use

Additional Use restrictions for BIMC 16.12 and 16.20 may apply to shoreline or critical area properties

ZONING DISTRICT USE CATEGORY/ TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR 1 & 2	NSC	B/I	WD-I	USE SPECIFIC STANARDS 18.09.030
											CC	MA	EA	GATE	FRY					
ACCESSORY USES																				
Accessory Agricultural Education	A	A	A	A	A	A	A										A			I-1
Accessory Agricultural Retail, Minor	A	A	A	A	A	A	A										A			I-2
Accessory Agricultural Retail, Major	CA	CA	CA	CA	CA	CA	CA										CA			I-3
Accessory Agricultural Special Event	A	A	A	A	A	A	A										A			I-4
Accessory Agricultural Tourism	A	A	A	A	A	A	A										A			
Accessory Composting Bin	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Accessory Dwelling Unit (outside shoreline jurisdiction)	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A			I-5
Accessory Dwelling Unit (within shoreline jurisdiction)	CA	CA	CA	CA	CA	CA	CA		CA	CA							CA			I-5
Accessory Agricultural Processing and Livestock and Poultry Slaughtering	A	A	A	A	A	A	A										A		A	I-6
Accessory On-site Treatment and Storage Facilities for Hazardous Wastes																	A	A	A	I-7
Accessory Outdoor Storage																	A	A	A	I-8

EXHIBIT A

ZONING DISTRICT DIMENSIONAL STANDARD	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
MAXIMUM FAR (Floor Area Ratio) [1]									
Basic Maximum									
Commercial and Other Non-Residential Uses	0.6	0.4	0.3	0.15	0.1	0.3	No Max; Limited by Other Standards		
Residential	0.4	0.4	0.3	0.5	0.4	0.3	No FAR limit: R-2 Standards Apply		
Mixed Use [2]	1.0	0.5	0.5	0.5	0.5	0.3	No Max; Limited by Other Standards		
Maximum With Bonus									
Commercial and Other Non-Residential Uses	1.0	0.6	0.6	0.3	0.2	0.6	Bonus Densities Require Compliance with Section 18.12.030.D	N/A	N/A
								Bonus densities require compliance with BIMC 18.12.030.E	
Residential	1.0	0.6	0.6	1.0	1.1	0.6		N/A	N/A
								Bonus densities require compliance with BIMC 18.12.030.E	
Mixed Use [2]	1.5	1.0	1.0	1.0	1.3 (1.5 pursuant to note [3])	1.0		N/A	N/A
								Bonus densities require compliance with BIMC 18.12.030.E	

EXHIBIT B

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
[1] If the existing FAR for a developed property as of May 21, 1998 is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property. Total FAR may not be exceeded. [2] In mixed use development, the established FAR in the residential and commercial components shall not be exceeded. For the residential FAR Bonus provisions for qualifying Housing Diversity Program project, refer to the bonus density provisions in BIMC 2.16.020.Q.8. [3] In mixed use development in the ferry terminal district, an additional 0.2 FAR is permitted in accordance with BIMC 18.12.030.E.7. The additional FAR may be applied to either the residential or commercial component of the mixed use development. [4] When property adjoins a single-family residential zone, building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements. [5] When property adjoins a lower density residential zone, except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the Mixed Use Town Center and High School Road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, reference BIMC 18.12.030.C. [6] The bonus height is only available for the entire building if parking is located under more than 50% of the building footprint. If parking is located under 50% or less of the building footprint, the bonus may only be used for a portion of the building footprint twice as large as the area with parking located beneath.									

EXHIBIT B

HDP EVALUATION SCORING SYSTEM (BIMC 2.16.020.Q) <i>DRAFT PC RECOMMENDATION</i> 10/1/13			
INCENTIVES		REQUIREMENTS TO MEET INCENTIVES	
T I E R	FLEXIBLE DEVELOPMENT STANDARD INCENTIVES & BONUS DENSITY INCENTIVE	INNOVATIVE BUILDING DESIGN PRACTICES/ GREEN BUILDING & INNOVATIVE SITE DEVELOPMENT	HOUSING DIVERSITY REQUIREMENT
T I E R 4	Flexible Development Standards & 2.5 x Base Density (not to exceed existing avail. bonus density) OR Max. Bonus Mixed-Use FAR	LIVING BUILDING CHALLENGE (International Living Future Institute) OR Passive House (Passive House Institute US/ International) AND 36 Points in Innovative Site Development Category	• Home size not larger than 1600 sq. ft. • All projects must get 10 pts/ 10% in “Affordable Housing”
T I E R 3	Flexible Development Standards & 2.5 x Base Density (not to exceed existing avail. bonus density) OR Max. Bonus Mixed-Use FAR	LEED Silver, BuiltGreen 4, OR Evergreen Sustainable Development AND 36 Points in Innovative Site Development Category	• 50 % affordable housing • Home size not larger than 1600 sq. ft.
T I E R 2	Flexible Development Standards & Density Bonus: • Max MU FAR-MUTC • 1.5x (NSC, R-5, R-8, R-14) • 2.0x (R-2 & R- 2.9, 3.5 & 4.3 not to exceed R-8 density)	LEED Silver, BuiltGreen 4 OR Evergreen Sustainable Development, AND 30 Points in Innovative Site Development Category	• Home size not greater than 1600 sq. ft. • All projects must get 10 pts/ 10% in “Affordable Housing” • All projects must get 2 pts in “Unit Size” • Projects with ≥ 20 units must get 3 pts in “Unit Type”
T I E R 1	Flexible Development Standards NO Density Bonus	LEED Certification, BuiltGreen 4, OR Evergreen Sustainable Development AND 20 Points in Innovative Site Development Category	• Home size not greater than 1600 sq. ft. • 4 pts (projects with < 20 units) in Housing Diversity category • 5 pts (projects with ≥ 20 units) in Housing Diversity category • Projects with ≥ 20 units must get 2 pts in “Unit Type”

HOUSING DIVERSITY SCORING METHOD									
Description		Affordable Housing Project includes a number of housing units that are designated affordable for a period of fifty years to the spectrum of income levels as defined by BIMC Sections 18.36.030.16 and 18.21.020.A.		Unit Size Project includes a variety of unit sizes, excluding garages, that provide for a broad mix of income levels and family size. In order to score a point in a unit size range, the project shall provide at least 10% of the total number units in that range. For example, in a 40 unit development, at least 4 units sized between 1001-1200 ft ² would be needed to score points in that range. <i>FLEXIBLE: Where unit size is used to calculate housing diversity points, there is not a minimum point threshold, the category is flexible. This is separate from the requirement that all units must be less than 1600 square feet in size.</i>			Unit Type Unit Type: Project includes a variety of housing unit types (i.e. single-family style, townhouse, flat, age-in-place_ADUs, cottages) or innovative type of housing. In order to score points for different unit types, the project shall provide at least 10% of the total number units of that type. For example, in a 40 unit development of townhomes and duplexes, at least 4 units of townhomes would be needed to score points for having 2 different unit types. <i>FLEXIBLE: Where unit type is used to calculate housing diversity points, there is not a minimum point threshold, the category is flexible.</i>		
Point Value	Total Housing Diversity Points Required	% of Affordable Units Value 10%10 11-15%12 16-20%14 21-25%16 More than 25%20		Unit Size Range Value < 800 ft²1 801-1000 ft²1 1001- 1200 ft²1 1201-1400 ft²1 1401-1600 ft²1			Number of Different Unit Types Value 22 33 44 55		Points Earned
TIER		Minimum % Required	Pts Earned	SIZE REQUIREMENT	Min. Pts. Required	Pts. Earned	Min. Pts. Required	Pts Earned	
4	10 pts	10%		Max. Home size 1600 sq. ft.	NA		NA		
3	20 pts	50%		Max. Home size 1600 sq. ft.	NA		NA		
2	12 pts (projects <20 units) 15 pts (projects ≥ 20 units)	10 %		Max. Home size 1600 sq. ft.	2 pts		Projects ≥ 20 units must get 3 pts in “unit type”		
1	4 pts (projects <20 units) 5 pts (projects ≥ 20 units)	NA		Max. Home size 1600 sq. ft..	NA		Projects ≥ 20 units must get 2 pts in “unit type”		

INNOVATIVE SITE DEVELOPMENT SCORING METHOD																																															
		Decreasing Stormwater Quantity The project uses a variety of methods to decrease stormwater quantity by a variety of methods, including LID, rainwater collection or reuse methods. Low Impact development approach to storm water management through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater. Invasive species shall not be incorporated into low impact development plantings.		Improving Water Quality Project should limit stormwater runoff from pollution generating surfaces, and treat water quality on site. Low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that are climate and site appropriate. Projects should be carefully designed to minimize disruption to existing appropriate vegetation. To support healthy vegetation, the project provides adequate soil volume to sustain root development.		Common Open Space Project provides well-designed common open space, with at least 5 percent of the gross land area, set aside as open space and designed as an integrated part of the project rather than an isolated element. The common open space must be outside of critical areas and their buffers and required roadside buffers. Appropriate community amenities such as playgrounds, composting and neighborhood gardens promoting the production of locally grown food are encouraged. Resident neighborhood community gardens shall be appropriately located for solar exposure, and include water availability, soil amenities, and storage for garden tools. Required growing space for neighborhood gardens is 60 square feet per dwelling unit, not including any existing orchard area. Open space dedicated to the public pursuant to the standards of BIMC Sections 17.12.030. A1, A2, A3, A6 & A7 is encouraged.			Transportation Project design provides enhanced sensitivity to pedestrian and bicycle travel to promote the people getting around without a car, a reduced carbon footprint, improved health of humans, and lower pollution levels. Project internally preserves existing informal internal connection to external non-motorized facilities, furthering the Non-motorized Transportation Plan (NMTP) and using such solutions as woonerfs, green streets, and natural trails and paths. Project reduces reliance on automobiles and trip counts, and promotes alternative transportation, such as integrating parking and charging facilities for electric cars, or bus shelters.																																						
Point Value		Requirement	Value	Requirement	Value	<table><thead><tr><th>% of Open Space</th><th>Value</th><th>Value if Public</th></tr></thead><tbody><tr><td>5-10%</td><td>2</td><td>4</td></tr><tr><td>11-15%</td><td>4</td><td>6</td></tr><tr><td>16-20%</td><td>6</td><td>8</td></tr><tr><td>21-25%</td><td>8</td><td>10</td></tr><tr><td>Greater than 25%</td><td>10</td><td>12</td></tr><tr><td>Incorporates neighborhood garden</td><td>2</td><td></td></tr><tr><td>Preserves tree that qualifies as a “Heritage tree” under City Program. The tree is not otherwise required to be preserved.</td><td>2 per tree</td><td></td></tr></tbody></table>			% of Open Space	Value	Value if Public	5-10%	2	4	11-15%	4	6	16-20%	6	8	21-25%	8	10	Greater than 25%	10	12	Incorporates neighborhood garden	2		Preserves tree that qualifies as a “Heritage tree” under City Program. The tree is not otherwise required to be preserved.	2 per tree		<table><thead><tr><th>Transportation Components</th><th>Value</th></tr></thead><tbody><tr><td>Project preserves, creates and integrates internal and external non-motorized connections.</td><td>2</td></tr><tr><td>Provides walkways, separated paths, or bike lanes within or adjacent to the right-of-way. No points for facilities required by NMTP.</td><td>3</td></tr><tr><td>On-site car sharing program</td><td>1 per each car</td></tr><tr><td>Electric vehicle charging stations for 3% of vehicle parking capacity.</td><td>3</td></tr><tr><td>Covered, consolidated bike parking for subdivisions</td><td>3</td></tr></tbody></table>		Transportation Components	Value	Project preserves, creates and integrates internal and external non-motorized connections.	2	Provides walkways, separated paths, or bike lanes within or adjacent to the right-of-way. No points for facilities required by NMTP.	3	On-site car sharing program	1 per each car	Electric vehicle charging stations for 3% of vehicle parking capacity.	3	Covered, consolidated bike parking for subdivisions	3	60 total pts. available
		% of Open Space	Value	Value if Public																																											
		5-10%	2	4																																											
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		Project follows WA State DOE 2012 Stormwater Management Manual for Western Washington	4	Treat 91% of total runoff volume with 90% TSS removal (Level 1 Treatment)	2																																										
				Treat 95% of total runoff volume with 90% TSS removal (Level 2 Treatment)	4																																										
Project integrates cisterns: % of total roof area directed to cisterns:		All Private yard areas ≤ 20% turf	2																																												
20%	1	Project landscaping integrates at least 60% native or drought tolerant plants	2																																												
21-40%	2																																														
41-60%	3	Percentage of total parking spaces that are covered (i.e. parking garage, carport):																																													
Over 61%	4	10%	1																																												
		11-20%	2																																												
		21-30%	3																																												
		31-40%	4																																												
		41-50%	5																																												
		Over 51%	6																																												
		Percentage of total roof area qualifying as “green roofs”:																																													
		20 %	1																																												
		21-40%	2																																												
		41-60%	3																																												
		Over 61%	4																																												

TOTAL SCORE SUMMARY	
CATEGORY	SCORE
Housing Diversity	
Innovative Site Development	
Green Building Certification Program	
Tier Level Achieved	
QUALIFY AS HDP?	Y OR N
Density Incentive Achieved?	

Definitions/ Terms Used in Scoring System

Affordable housing
BIMC 18.36.030.16 “Affordable housing” or “affordable dwelling unit” (formerly “HUD-defined affordable housing”) means a dwelling unit for use as primary residence by a household in any of the income groups described below, which may be rented or purchased (including utilities other than telephone and cable TV) without spending more than 30 percent of monthly household income. Income level eligibility threshold levels shall be set using HUD levels for the Seattle Metropolitan Statistical Area

BIMC **18.21.020.A** The department of planning and community development shall calculate and publish annually the maximum purchase prices and maximum rents applicable to each of the following income groups:
Extremely low < 30% of median income household income
Very low income 31% – 50% of median household income
Low income 51% – 80% of median household income
Moderate income 81% – 95% of median household income
Middle income 96% – 120% of median household income

BIMC 18.36.030.151 “Median household income” means the amount calculated and published by the United States Department of Housing and Urban Development (“HUD”) each year for the Seattle Metropolitan Statistical Area (MSA) as the median household or family income, adjusted by HUD for household size. (Ord. 99-14 § 1, 1999; Ord. 97-15 § 1, 1997; Ord. 96-08 § 3, 1996)

Cottage: a dwelling unit qualifies as a cottage – a specific unit type under the Housing Design Demonstration Program (BIMC Section 2.16.020.Q) – if it has all of the following elements:

1. Maximum Unit Size: 1,200 square feet floor area
2. 2nd floor area no more than 50% of the 1st floor area
3. Pitched roofs with a minimum 4:12 roof pitch
4. Maximum Building Height: 20 feet with a roof pitch less than 6:12. See *Building Height* BIMC Section 18.12.050.C. Maximum highest ridge height is 25 feet.
5. Front Porch at least 80 square feet in size, and face a street or common open space.
6. Garages must be detached. Shared carport building with other units or surface parking is allowed.

Age-in-place dwelling: A dwelling qualifies as an age-in-place unit , a specific unit type under the Housing Diversity Program (BIMC Section 2.16.020.Q), if it qualifies as a “Accessible Dwelling Unit” pursuant to the Building Code , and furthers the ability to live in one's own home and community safely, independently, and comfortably, regardless of age or ability level.

Dedicated public open space
Open space dedicated to the public meeting the requirements on BIMC 17.12.030. A1, A2, A3, A6 & A7

Neighborhood Community Garden
An area set aside through within a development that can be used as a viable growing space for residents of the neighborhood. The area shall have solar exposure, water availability, a tool storage area, and be easily accessible to residents. Preservation of an existing orchard does not count towards the area of a designated “neighborhood community garden”.

**PLANNING COMMISSION REGULAR MEETING
JULY 25, 2013**

DISCUSSION ITEMS

1. CALL TO ORDER
2. RODRIGUEZ OPEN SPACE APPLICATION
3. REVISIONS TO THE HOUSING DESIGN DEMONSTRATION PROJECT (HDDP) ORDINANCE
4. NEW/OLD BUSINESS
5. ADJOURNMENT

1. CALL TO ORDER

Chair Michael Lewars called the regular meeting of the Bainbridge Island Planning Commission to order at 7:07 p.m. A quorum was established with the following commissioners in attendance: Michael Lewars, J. Mack Pearl, Jon Quitslund, Kate Kelly, and Maradel Gale.

There were no changes to the agenda and no conflicts of interest. The minutes for the meeting of June 27, 2013, were approved as distributed upon motion by Commissioner Quitslund, seconded by Commissioner Gale.

2. RODRIGUEZ OPEN SPACE APPLICATION

7:10 p.m. Associate Planner Ryan Ericson briefly spoke about the purpose of open space applications and the reduction in taxes based on current use. The applicant is requesting re-classification from agriculture to traditional agriculture. Staff is recommending denying the application because the property does not meet the guidelines as a traditional farm.

Planning Commissioners questioned whether or not the property could have been a Japanese farm prior to their internment, how much of the property would be classified as open space, and the significance of denial. Planner Ericson responded that the 1.5 acres of property currently classified as open space could lose its open space status if it is not reclassified and the property owner sells less than \$1500 of agricultural products.

The Commissioners were concerned about how the city can support this kind of agricultural activity if the application is denied.

7:37 p.m. Sally Adams told the Commissioners that the applicant has been farming for at least 10 years and agreed that the City wants to support farming as much as possible.

7:39 p.m. Commissioner Quitslund will check the museum's map of Japanese farms to see if the Rodriguez property is listed and the Commission asked staff to research how much difference open space status makes in the property taxes. The Commission deferred making a decision until the additional information is available and directed staff to add this item to the next agenda.

3. REVISIONS TO THE HOUSING DESIGN DEMONSTRATION PROJECT (HDDP) ORDINANCE

7:44 p.m. Special Project Planner Jennifer Sutton briefly reviewed the materials that had been provided – recommendations about changes to the scoring system, incentives, and process changes – before reviewing the recommendations.

**PLANNING COMMISSION REGULAR MEETING
JULY 25, 2013**

- One Tier 1 that combines affordable housing and green building was recommended with lower green building certification requirements and at least some housing diversity. Planner Sutton noted that there is no density bonus proposed for a Tier 1 development.
- Tier 2 would also be merged, requiring both green building and housing diversity components.
- Tier 3 would need more green building points than Tier 2 and would require 50% affordable housing.
- Tier 4 could be used in the Neighborhood Service Centers (Rolling Bay, Lynwood Center, and Island Center) and emphasizes a high level of green building.

8:04 p.m. When asked if the builder must meet any built green requirement or all of them, Planner Sutton responded that all of the programs have third-party evaluation requirements and only one certification would be required. Another recommendation was to have clear recorded covenants prior to building permit issuance.

Planner Sutton noted that most of the buildings that have been completed under the living building challenge have been institutional, so residential structures built under that program would be truly innovative.

8:13 p.m. Referring to the housing diversity page, Planner Sutton said that the number of points can change and highlighted the maximum home size of 1600 square feet. She also referred to the recommendations to change the range of unit sizes under housing diversity and types of housing (eliminating live-work and modular) that qualify, as well as the suggestions to develop definitions for cottages and age-in-place units.

Turning to the innovative design category, Planner Sutton said Tier 1 projects are not required to score any points in this category and the Ad Hoc Committee did not recommend changing that. Deleting the biodiversity offset was recommended because it is unlikely to be used in the more urban area in which the HDDP is permitted.

The Commission reviewed the proposed definition of dedicated common open space. Planner Sutton told the Commissioners that a minimum amount of open space per unit has been proposed.

Commissioner Pearl asked if the stormwater requirements exceed what is otherwise required. Planner Sutton responded that it did back when it was developed in 2009 and that she will verify with the development engineer. Charles Wenzlau explained that the purpose is to promote on-site infiltration and smaller retention facilities.

Charles Wenzlau, architect and member of the Ad Hoc Committee, said that he doesn't remember the committee recommending changes in the number of innovative design points required for Tier 2 or Tier 3. Planner Sutton replied that it was a recommendation from one of the last of the committee's meeting.

Commissioner Gale asked why there is a difference between new development and previously developed sites. Planner Sutton responded that it's more difficult to do with a previously

**PLANNING COMMISSION REGULAR MEETING
JULY 25, 2013**

developed site. Commissioner Pearl suggested defining the difference between previously developed and new development sites better, perhaps with a percentage of previously developed area.

8:37 p.m. Jennifer suggested that neighborhood green building certification and infill could be considered as factors in this category. Charles Wenzlau said that may overlap with infill. Sally Adams commented that promoting infill may reduce the green in the downtown area that everyone wants to keep.

8:40 p.m. The Commission asked staff to come back with a proposed scoring system.

Commissioner Pearl asked about the point of this program. Planner Sutton reported that the 2025 study determined that 50% of the growth is occurring in the core and suggested promoting affordable housing, infill, and green building. Charles Wenzlau and Bill Luria commented briefly about the market for affordable housing and the need for more, particularly for affordable rentals.

When asked about a separate tier just for affordable housing, Mr. Luria said that 100% of the Housing Resource Board's units will be affordable and green because green building is required by their funding sources.

9:00 p.m. NEW/OLD BUSINESS

Commissioner Gale told the Commission that Planning Director Kathy Cook asked her to discuss this issue in her absence. Commissioner Gale questioned the viability of Island Center as a Neighborhood Service Center and feels that Lynwood Center is as nice as it is because of the special planning area process. She said that Charles Schmid feels the Rolling Bay expansion could happen without amending the Comprehensive Plan.

Commissioner Quitslund concurs with the director's analysis and feels that "may" was a mistake. He feels that the language could be retained if an alternative is added. Chair Lewars does not want to reconsider the motion, but would be willing to discuss a language change that allows the base decision to stand.

Commissioner Quitslund suggested, "Any changes to the boundaries may be determined during the special planning process or, when small changes are requested, the Planning Director and Planning Commission are satisfied that the requirements for participation by neighborhood citizens have been satisfied." Chair Lewars asked Commissioner Quitslund to discuss it with Director Cook.

9:10 p.m. – Sally Adams told the Commission that what the Commission has done is make major changes based on inaccurate information and without public comment. It's all about citizen participation. More substantial changes in these particular venues are supposed to be vetted more and have more public participation. Reconsideration is essential.

Planner Sutton responded that the applicant requested a change to the policy. That application, including the policy change, were noticed and published as well as being emailed to more than

**PLANNING COMMISSION REGULAR MEETING
JULY 25, 2013**

500 people, including the residents of Island Center. Chair Lewars added that the Planning Commission also had a public hearing and accepted public comment at both meetings.

5. ADJOURNMENT

The regular meeting of the Bainbridge Island Planning Commission adjourned at 9:15 p.m. The next regular meeting is scheduled for August 8th at 7:00 p.m. in the Council Chamber.

**PLANNING COMMISSION SPECIAL MEETING
AUGUST 8, 2013**

DISCUSSION ITEMS

1. CALL TO ORDER
 2. PUBLIC COMMENT – ITEMS NOT ON THE AGENDA
 3. 2014-2019 CAPITAL FACILITIES PLAN/CIP
 4. RODRIQUEZ OPEN SPACE APPLICATION
 5. ROCKAWAY BEACH REPAIR NOISE VARIANCE
 6. REVISIONS TO THE HOUSING DESIGN DEMONSTRATION PROJECT (hddp)
ORDINANCE
 7. NEW/OLD BUSINESS
 8. ADJOURNMENT
-

1. CALL TO ORDER

Chair Michael Lewars called the regular meeting of the Bainbridge Island Planning Commission to order at 7:05 p.m. A quorum was established with the following members in attendance: Michael Lewars, J. Mack Pearl, Jon Quitslund, Maradel Gale, and Scott Hicks.

Commissioner Quitslund moved to approve the minutes for the meeting of July 25, 2013, with the addition of the word “eliminating” in the parenthesis on page 2. Commissioner Pearl seconded the motion to approve the minutes as amended and the motion carried unanimously.

2. PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

There was no public comment on off-agenda topics.

3. 2014-2019 CAPITAL FACILITIES PLAN/CIP

Deputy City Manager Morgan Smith introduced the Capital Facilities Plan process, telling the Commission that the CIP (Capital Improvement Plan) includes only items with identified funding whereas the 14-year CFP (Capital Facilities Plan) includes those without funding. Deputy Manager Smith then reviewed the following changes from the 2013 CIP:

Transportation

- Adjusted annual road program
- Graduated Valley and Wardwell for 2014
- Assigned rough priority to remaining construction projects

Non-motorized

- Graduated wing pt way reconstruction to CIP, beginning in 2013
- Added sound-to-Olympics project, in segments
- Top 5 road safety projects shown as a group

Facilities

- Added waterfront park/city dock
- Added road ends projects
- Added waterfront park pedestrian bridge
- Added police station repair/replacement
- Removed small projects in cfp pending comprehensive assessment

**PLANNING COMMISSION SPECIAL MEETING
AUGUST 8, 2013**

Fleet & equipment

- O&M fleet replacement reflects 2013 status
- Police fleet replace reflects 2013 status
- IT – objective is to move toward cloud technology

Commissioner Gale asked about the status of the city properties that were considered for transfer to the Bainbridge Island Metropolitan Parks District and remarked that the City might be better off keeping some of the waterfront properties for future shoreline restoration. Deputy Manager Smith replied that the proposed transfers are currently on hold and added that some of the road ends are also candidates for shoreline restoration.

7:37 p.m. Commissioner Gale remarked there needs to be more sidewalks considering the 150 miles of bicycle lanes and only 7.6 miles of pedestrian pathways. When Commissioner Quitslund talked about the need to develop pedestrian access for roadways under development, Deputy Manager Smith explained the need for advanced planning to achieve that aim.

In response to a question from the Commission, Development Engineer Janelle Hitch verified that developers are required to develop non-motorized transportation facilities when a project will impact existing facilities.

Deputy Manager Smith confirmed that right-of-way acquisition for the Wing Point Way improvements will be funded with public monies.

7:50 p.m. Commissioner Pearl noted road designations don't seem to change and asked if anyone ever reviews those classifications. John Cunningham, Interim Director of Public Works gave an overview of how roadway classification is based on the use of the road as well as the volume of traffic on the road.

Deputy City Manager Smith closed her presentation by asking the Planning Commissioners to let her know if they have questions about the CIP or the CFP. The public hearing on the proposed changes has been scheduled for September 8th.

4. RODRIQUEZ OPEN SPACE APPLICATION

Commissioner Quitslund reported that the Rodriquez property was not one of the traditional Japanese farms on the museum's inventory.

Associate Planner Ericson told the Commission that the applicant has agreed to write a letter to qualify him under other provisions. The application can then be brought back for the first meeting in September. The Commission agreed.

5. ROCKAWAY BEACH REPAIR NOISE VARIANCE

8:02 p.m. Referring to BIMC 16.16, Planning Director Cook told the Commission that a noise variance can be granted from hours of operation and/or from noise levels and noted that all approved noise variances have been for public projects.

**PLANNING COMMISSION SPECIAL MEETING
AUGUST 8, 2013**

Project Manager Larry Ward, project manager for the Rockaway Beach road repair, credited Engineering Manager Chris Hammer with successfully obtaining several permits from a variety of agencies in the last few days so that the project can be completed this year. He then went on to explain that the City has less than a month to get it done within the permitted timeframe and is requesting a variance to allow work from 5:00 a.m. to 11:00 p.m. if necessary.

The City doesn't want to need the variance but has to ask for it in case double shifts are necessary to get the construction done on time. In response to a question from Commissioner Hicks, Technician Ward said that the work will be tied to low tides.

Commissioner Gale moved to approve the noise variance and Commissioner Hicks seconded the motion, which was unanimously approved.

The Commission recessed at 8:16 and resumed at 8:27 p.m.

**6. REVISIONS TO THE HOUSING DESIGN DEMONSTRATION PROJECT (HDDP)
ORDINANCE**

Because both the Visconsi site plan review and the public hearing for the 2014-2019 Capital Facilities Plan have been delayed, Planning Director Cook recommended dedicating the next meeting to the HDDP ordinance. The Planning Commission unanimously agreed.

Responding to questions about the Low Impact Development (LID) elements raised at the last study session, Development Engineer Hitch said that the 2012 revised stormwater regulations (which must be adopted by 2015) will require the use LID techniques unless they won't work on a particular site. With that in mind, she recommends looking at other avenues to reduce the impact of an HDDP project. Engineer Hitch did note that it might do some good until the new stormwater regulations are enacted.

Adam Wheeler of Browne Wheeler Engineers told the Commission he has worked on three existing HDDP developments, each with a different tier. From that experience he learned the scoring is vague enough to make it difficult to determine what was to be achieved.

Mr. Wheeler told the Commission the soils in the Core (primarily where HDDP development is permitted) are not good for infiltration and LID relies on infiltration. He suggested looking at reducing the area of impervious surfaces and re-using water. When asked, Mr. Wheeler readily agreed to provide technical input on the ordinance prior to the next meeting.

Charlie Wenzlau, local architect and member of the Ad Hoc Committee, commented that covering parking is a great way to capture the pollutant run-off, adding the water coming off the roof is clean and can be captured for other uses. He suggested offering additional points for covered parking as an alternative to bonus height.

At the end of the discussion, Special Project Planner Jennifer Sutton suggested leaving the LID portion in the ordinance and reviewing it again when the new stormwater manual is adopted or tying it to the new manual.

**PLANNING COMMISSION SPECIAL MEETING
AUGUST 8, 2013**

Robert Dashiell said there has to be something about Low Impact Development in the ordinance now because it will be several years before the new stormwater manual is implemented.

Jim Laughlin said he has been real estate development for some time and is a proponent of LID. He suggested the ordinance could create an opportunity for pervious surface in parking lots by giving credits regardless of the rate of infiltration.

Staff agreed that the name of the revised ordinance should be changed to reflect that it is no longer implementing a pilot project, but is a housing diversity ordinance.

The Commission unanimously agreed to the verbiage proposed by Commissioner Quitslund for the purpose statement and introduction of the ordinance.

7. NEW/OLD BUSINESS

There was no new or old business discussed.

8. ADJOURNMENT

The meeting adjourned at 9:12 p.m. The next regular meeting is scheduled for August 22, 2013, at 7:00 p.m. in the Council Chamber.

**PLANNING COMMISSION REGULAR MEETING
AUGUST 22, 2013**

DISCUSSION ITEMS

1. CALL TO ORDER
2. **ORDINANCE 2013-25, REVISIONS TO THE HOUSING DESIGN DEMONSTRATION PROJECT (HDDP) ORDINANCE**
3. NEW/OLD BUSINESS
4. ADJOURNMENT

1. CALL TO ORDER

Chair Michael Lewars called the regular meeting of the Bainbridge Island Planning Commission to order at 7:04 p.m. A quorum was established with the following commissioners in attendance: Michael Lewars, J. Mack Pearl, Kate Kelly, Jon Quitslund, and Maradel Gale.

The minutes for the meeting of August 8, 2013 were unanimously approved upon motion by Commissioner Quitslund and second by Commissioner Pearl.

2. **ORDINANCE 2013-25, REVISIONS TO THE HOUSING DESIGN DEMONSTRATION PROJECT (HDDP) ORDINANCE**

7:11 p.m. Special Project Planner Jennifer Sutton reported that she and Development Engineer Janelle Hitch discussed the stormwater issues with Adam Wheeler to determine the best way to encourage progressive stormwater measures. Staff is recommending a different approach with water quality and water quantity with greywater approaches as an option, not a requirement.

Planner Sutton reviewed changes to the goals and purpose section:

- Replace “demonstration” with “diversity”
- Remove the reference to the Housing Resources Board as the administering agency
- Clarify that the housing developed is available to a range of incomes
- Clarify the roles of the Planning Commission and the Design Review Board on HDP projects

7:31 p.m. The Commission invited architect Jeb Thornburg to speak about his comment on allowing housing diversity program projects in neighborhood service centers (NSCs), particularly Lynwood Center. Mr. Thornburg noted that, in order to reach the highest tier, the highest density will be required and feels the other tiers offer incremental benefit to the NSCs. He also remarked one significant limitation for such projects is going to be access to public utilities.

Commissioners discussed NSCs and their boundaries and considered the benefits of extending the HDP to R-5. There was some feeling that it is too soon to expand in Rolling Bay and Island Center but that Lynwood Center would be okay.

Planning Director Cook told the Commission that one of the lessons learned from the Rolling Bay Comprehensive Plan Amendment request was there is no support for rezoning one parcel in Rolling Bay without a special planning area process.

At the end of the discussion staff was directed to ask the city attorney if the HDP could be allowed in Lynwood Center in light of the approved plan for that NSC.

**PLANNING COMMISSION REGULAR MEETING
AUGUST 22, 2013**

The Commission took recessed at 8:27 p.m. and reconvened at 8:38 p.m.

Special Project Planner Jennifer Sutton reviewed proposed changes to the sections on building permits and common open space, as well as differentiating development standard incentives between mixed use town center and residential parcels.

Vice Chair Pearl seconded a motion by Commissioner Gale to require 10% affordable housing for Tier 4 projects. The motion carried unanimously.

The Commission discussed Adam Wheeler's comments about how to better incorporate low impact development into HDP projects and felt that it would raise the bar for getting points.

The Commission unanimously passed motions to remove parking spaces for subcompact cars and add points for providing covered parking in the transportation scoring and to provide points for tree retention in common open space with more points for heritage trees than significant trees.

3. NEW/OLD BUSINESS

Commissioner Quitslund lauded Jennifer for her diligence, patience, and attention to detail in working on the HDP ordinance and the other Commissioners agreed.

4. ADJOURNMENT

The meeting adjourned at 9:09 p.m. The regularly scheduled meeting of September 12th has been cancelled to allow the city to hold an economic development forum, so the next regular meeting will be September 26th.

DISCUSSION ITEMS

1. CALL TO ORDER
2. PUBLIC HEARING – ORDINANCE 2013-26, 2014-2019 CAPITAL FACILITIES PLAN
3. PUBLIC HEARING - ORDINANCE 2013-25, REVISIONS TO THE HOUSING DESIGN DEMONSTRATION PROJECT (HDDP) ORDINANCE
4. OLD/NEW BUSINESS
5. ADJOURNMENT

1. CALL TO ORDER

Chair Michel Lewars called the regular meeting of the Bainbridge Island Planning Commission to order at 7:05 p.m. A quorum was established with the following Commissioners in attendance: Michael Lewars, J. Mack Pearl, Maradel Gale, and Julie Kriegh. Commissioner John Thomas arrived a few minutes later.

New Planning Commissioners Julie Kriegh and John Thomas were welcomed.

No conflicts were reported.

2. PUBLIC HEARING – ORDINANCE 2013-26, 2014-2019 CAPITAL FACILITIES PLAN
7:06 p.m. Deputy City Manager Morgan Smith briefly reviewed the format of the proposed Capital Facilities Plan (CFP) and Capital Improvement Plan (CIP) and highlighted changes from last year's plan, Deputy Manager Smith then reviewed the projects and the funding for those.

When Commissioner Gale asked about trail maintenance, Deputy Manager Smith replied that maintenance would be in the operating budget under Operations and Maintenance rather than the capital plan.

7:24 p.m. The public hearing was opened at 7:24 p.m.

Ross Hathaway, President of Squeaky Wheels, remarked that he was encouraged to see how the CIP is put together and encouraged the city to accelerate non-motorized transportation projects as much as possible.

Don Willett, Vice President of the North Kitsap Trails Committee and a member of the Olympics to Sound Trail Committee, wanted to share that it seems likely that the city's grant application for Phase II of the Olympics to Sound Trail will be funded.

7:30 p.m. There being no other comments, the public hearing was closed at 7:30 p.m.

Because it will help accomplish the goals of the Comprehensive Plan, Commissioner Gale moved that the Planning Commission recommend approval of the 2014-2019 Capital Facilities Plan as presented. Vice Chair Pearl seconded the motion, which was unanimously approved.

PLANNING COMMISSION REGULAR MEETING
SEPTEMBER 26, 2013

3. PUBLIC HEARING - ORDINANCE 2013-25, REVISIONS TO THE HOUSING DESIGN
DEMONSTRATION PROJECT (HDDP) ORDINANCE

7:33 *p.m.* Special Project Planner Jennifer Sutton gave a brief history of the ordinance and the proposed revisions to the ordinance. She noted the Planning Commission has largely kept the Ad Hoc Committee's recommendations.

Special Project Planner Sutton reported the city attorney confirmed that the revised ordinance could be applicable in the Lynwood Center neighborhood service center in light of the adopted Lynwood Center Plan.

Chair Lewars asked why only Tier 4 was being included in the neighborhood service centers. Planner Sutton replied that it was discussed by the Ad Hoc Committee, who felt that a Tier 4 project might be more acceptable to the neighborhood service center communities. She added that, based on the last discussion and the city attorney's opinion, the current draft of the ordinance would allow the Housing Diversity Program to apply in the Lynwood Center neighborhood service center but not in Rolling Bay or Island Center.

Commissioner Gale suggested specifying the Lynwood Center NSC zone and the R-5 zone within the Lynwood Center special planning area.

Commissioner Thomas asked for the rationale for including the R-5 zone and Vice Chair Pearl replied that the Commissioners felt that including it would provide some opportunity to achieve some affordable housing in Lynwood Center.

Commissioner Pearl questioned using the Seattle index rather than the Bremerton index. Planning Director responded that affordable housing agencies have to use the Bremerton index and the Seattle index allows private developers to create a wider range of units.

Commissioner Kriegh remarked that Tier 4 projects might be appropriate for the Island Center and Rolling Bay neighborhood service centers. After some discussion, the Planning Commission decided to allow Tier 4 projects in Rolling Bay and Island Center.

In response to questions from the Commissioner, Special Project Planner Sutton reported that two of the four existing HDDP projects used Tier 1 for their developments. She added that affordable housing is not required for Tier 1, although a mix of housing types is. Director Cook added the Ad Hoc Committee felt there should be an entry-level tier to allow participation without the required affordable housing. Planner Sutton also confirmed that there are no density bonuses for Tier 1.

Commissioner Thomas said his interest would be how to measure the success of the program. Director Cook replied that the Ad Hoc Committee's recommendations were the result of looking at the HDDP projects, including what public benefit was (or would be) derived from each. Special Project Planner Sutton added that three of the current HDDP projects will have green certification.

PLANNING COMMISSION REGULAR MEETING
SEPTEMBER 26, 2013

A discussion about the benefits and requirements ensued. Commissioner Kriegh feels that every HDP project should have affordable housing, green building, and low impact development components. She suggested layering in structure placement and open space as considerations. Staff distributed copies of the City of Seattle's Green Factor scorecard. Commissioner Kriegh is also interested in strengthening the requirements.

Commissioner Pearl suggested adding a minimum number of points in innovative site design be required for Tier 1. The Commission agreed to add 20 points as a minimum number of points for Tier 1 innovative site development.

The public hearing was opened at 8:18 p.m.

Paul DeJong of Indigo Architecture clarified that all tiers are being proposed for Lynwood Center.

Sara Blossom, speaking as a citizen, disclosed that she owns property in Lynwood Center and could benefit from the proposed change. Ms. Blossom said that she has never liked the HDDP program but felt like she could live with it as long as no density would be available beyond what would be allowed through other bonuses. She asked that language be added clarifying that no density can exceed what could be achieved through other bonuses.

Belinda Thornburg of Indigo Architecture disclosed that she is also a property owner in the Lynwood Center. She thinks the HDP is an opportunity to forward the vibrancy of Lynwood Center.

The public hearing was closed at 8:30 p.m.

Commissioner Kriegh questioned calling out green roofs on page 7. She suggested changing the "or green roofs" to "such as green roofs." Other questions were related to open house, expanding Passive House to include international Passive House, the size limitation on unit sizes, and integrated processes.

8:51 p.m. Special Project Planner Sutton reviewed the recommendations from the discussion:

- All tiers of the program can be used in the Lynwood Center NSC and R-5 zones.
- The density for HDP projects in the Lynwood Center R-5 zone will be limited to 1.5 times the base density.
- Tier 4 projects could be developed in the Island Center and Rolling Bay NSCs.
- A minimum of 20 points in the innovative site design category will be required for Tier 1 projects.
- The ordinance should include language indicating that the increase in density allowed through HPD can't exceed what would be allowed through other bonus programs.
- Add a reference to Passive House International and the other clarifications requested by Commissioner Kriegh.

~~PLANNING COMMISSION REGULAR MEETING~~
~~SEPTEMBER 26, 2013~~

8:53p.m. Commissioner Pearl moved that the Planning Commission send the HDP ordinance to the City Council, as amended, with a recommendation for approval. Commissioner Gale seconded the motion, which was unanimously approved.

4. OLD/NEW BUSINESS

Planning Director Cook reminded the Commissioners that the October 10th meeting is scheduled to begin at 6:00 p.m.

5. ADJOURNMENT

The meeting adjourned at 8:54 p.m. The next meeting is scheduled for 6:00 p.m. on October 10, 2013.

Res. Zone	Current HDDP Density Incentive		PC Density Recommendation	
	Tier 2	Tier 3	Tier 2	Tier 3/4
R-2	2.0	2.5	1.5**	1.5**
R-2.9*	2.0	2.5 (R-7.25)	2.0	2.5 (R-7.25)
R-3.5*	2.0	2.5	2.0	2.29 (R-8)
R-4.3*	1.86 (R-8)	2.5	1.86 (R-8)	1.86 (R-8)
R-5	--	--	1.5 (R-7.5)**	1.5 (R-7.5)**
R-8	1.5	2.5	1.5***	1.5***
R-14	1.5	2.5	1.5***	1.5***
NSC	--	--	1.5****	2.5 (Lynwood Center)**** 1.5 (RB, Isl. Cntr.)****
*R-8 overlay district bonus **existing bonus from Affordable Housing (AH) *** existing 1.5x bonus for Open Space ****existing NSC bonus for Mixed Use, AH, or TDR's				

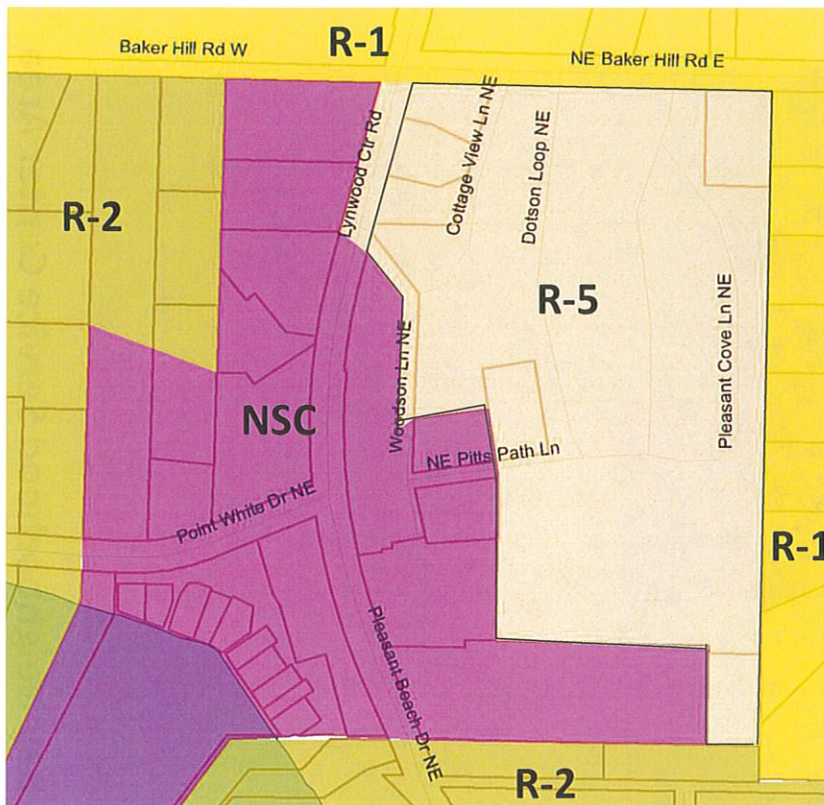


REVISIONS TO THE HOUSING DESIGN DEMONSTRATION PROJECT (HDDP) PROGRAM: ORDINANCE 2013-25

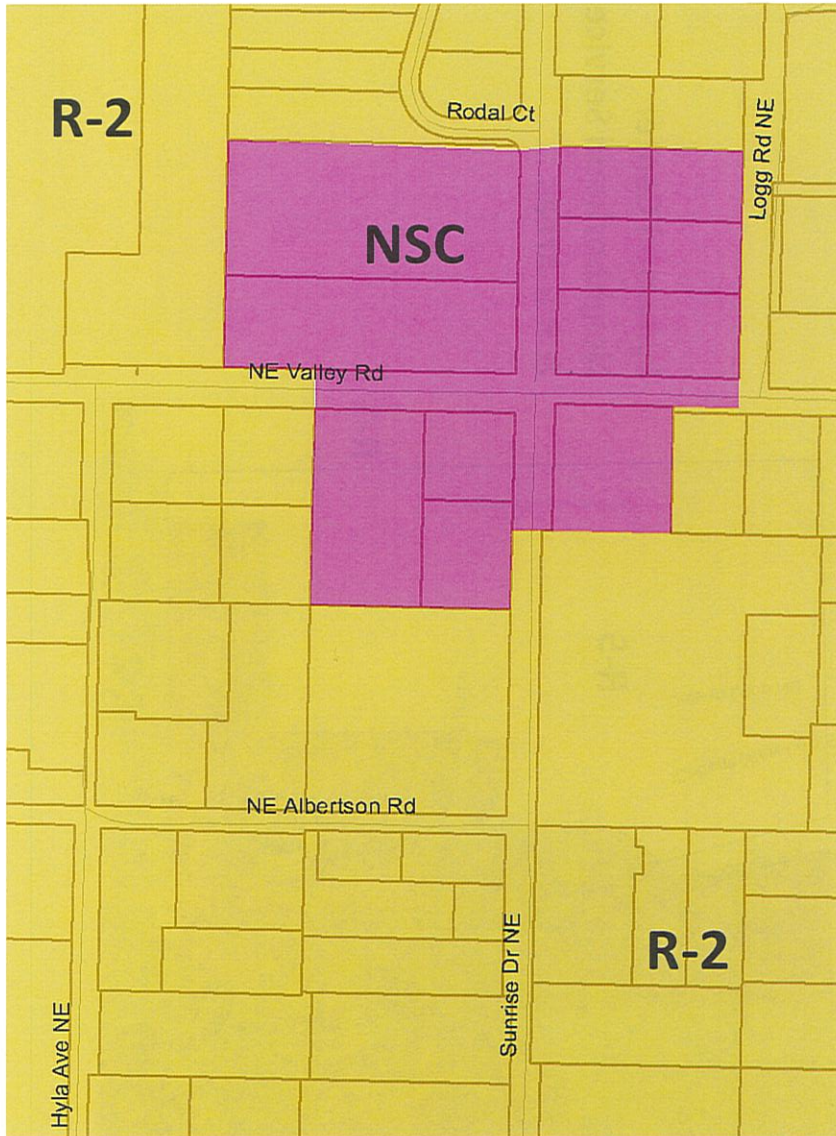
Description of Proposal: The City is currently reviewing an update to the Housing Design Demonstration Project (HDDP) program. The program is intended to encourage a variety of housing sizes and types, including income-qualified affordable housing, and to encourage the use of sustainable site development practices and green building techniques. A HDDP development may achieve flexibility in development standards and density increases in return for meeting the program's goals. The HDDP program currently applies within the greater Winslow area. The Planning Commission has recommended that the program become permanent, and be expanded to the Neighborhood Service Center (NSC) areas along with the R-5 zone at Lynwood Center. The Rolling Bay and Island Center NSC areas would only be eligible for a "Tier 4" project- by achieving a high level of green building. **A map showing the Lynwood Center NSC & R-5 zone is below, Rolling Bay and Island Center NSC areas are on the back.**

Review Process: This ordinance is scheduled for a study session at the City Council on **October 16th** and at a public hearing on **November 25th**.

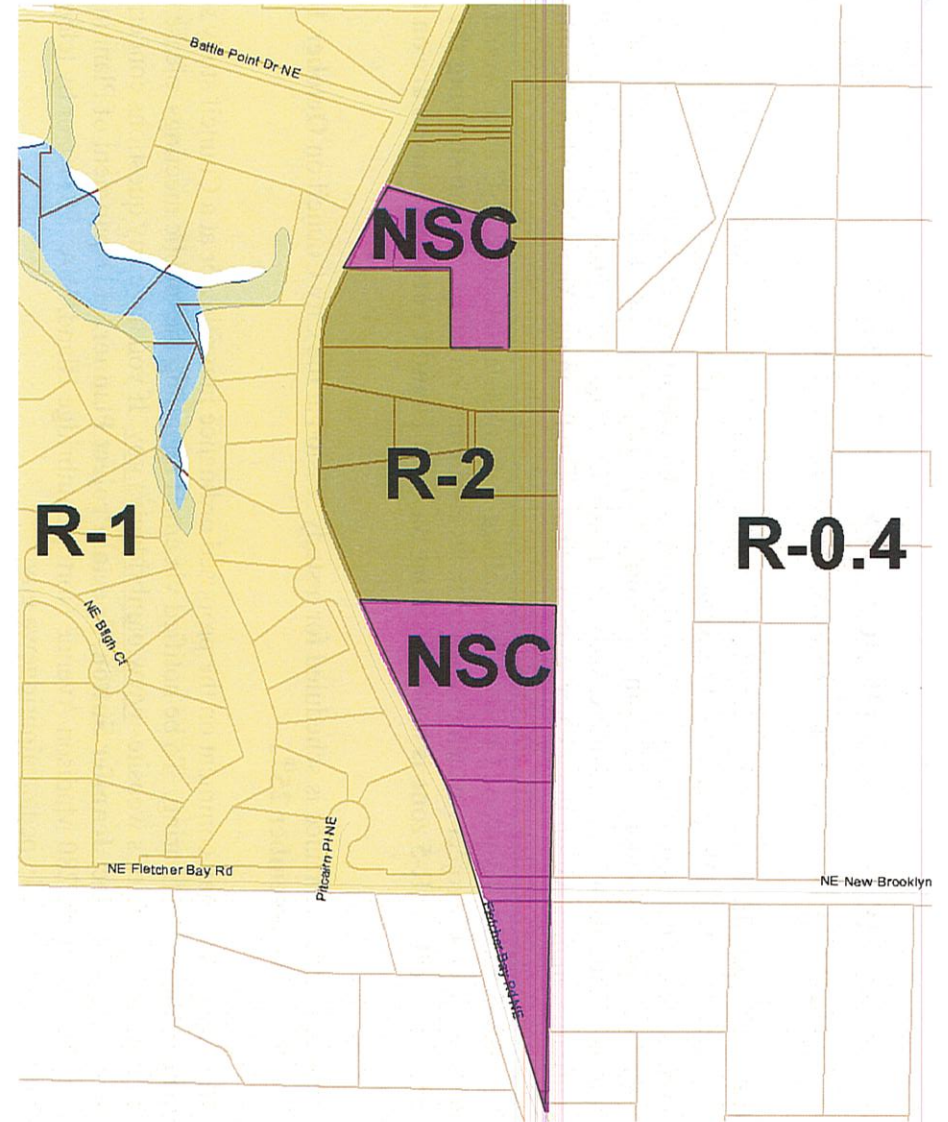
Comment: Any person may comment on the proposed ordinance in writing or at a Council study session or participate in the public hearing. To be notified via email regarding the public meetings, please sign up for the listserv on the City's website- www.bainbridgewa.gov. If you have any questions concerning this ordinance, please contact **Jennifer Sutton, Special Project Planner**, at Department of Planning & Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110, or by telephone at (206) 780-3772, or Email: pcd@bainbridgewa.gov



**Lynwood Center
Neighborhood Service Center
& R-5 Areas**



Rolling Bay Neighborhood Service Center Area



Island Center Neighborhood Service Center Area

To: LEGAL NOTICES

Publication Date: September 20, 2013

Issuance Date: September 20, 2013

NOTICE OF DETERMINATION OF NONSIGNIFICANCE (DNS)

The City of Bainbridge Island has made a decision concerning the following non-project action:

Applicant: City of Bainbridge Island
Project Name: Ordinance 2013-25 Revisions to the Housing Design Demonstration Program
Description of Proposal: A non-project action ordinance amending the Bainbridge Island Municipal Code (BIMC) to revise the Housing Design Demonstration Program by amending BIMC Sections 2.14.020, 2.16.020.Q, 18.09.020, 18.09.030, and 18.36.030. There are many changes to the voluntary program in the ordinance, including becoming part of the City's permanent development regulations.

Location of Proposal: City of Bainbridge Island

SEPA Decision: The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment. This DNS is issued under WAC 197-11-340 (2). This determination was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) c.

The lead agency will not act on this proposal for 14 days. Comments must be submitted by no later than 4:00 p.m. on October 4, 2013.

Responsible Official: Katharine Cook, Director
Department of Planning & Community Development

Address: City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
Email: pcd@bainbridgewa.gov

Signature: _____

Katharine Cook Date: 09-16-13

APPEAL: You may appeal this determination by filing a written appeal and paying the appropriate fee to the City Clerk, at 280 Madison Avenue North, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 16.04.170 **no later than 4:00 p.m. on October 4, 2013. You should be prepared to make specific factual objections.**

If you have any questions concerning the non-project action, contact:

Jennifer Sutton, Special Project Planner
Department of Planning & Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110
(206) 780-3772; Fax: (206) 780-0955
Email: pcd@bainbridgewa.gov

Attachment F

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

Ordinance 2013-25

2. Name of applicant:

City of Bainbridge Island

3. Address and phone number of applicant and contact person:

280 Madison Avenue N

Bainbridge Island, WA 98110

Attn: Jennifer Sutton, AICP Special Project Planner

206-780-3772 jsutton@bainbridgewa.gov

4. Date checklist prepared:

Checklist prepared September 16, 2013; DNS published on September 20, 2013

5. Agency requesting checklist:

City of Bainbridge Island

6. Proposed timing or schedule (including phasing, if applicable):

The proposed date for the City Council to adopt Ordinance 2013-25 is November 25, 2013.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

This ordinance applies to properties within the Winslow Study Area of the Winslow Master Plan, the Winslow Sanitary Sewer System Service Area, or the Lynwood Center Neighborhood Service Center zoning district. A Comprehensive Plan Update Supplemental EIS was issued in 2004. A Final EIS was issued for the Winslow Master Plan in 1997, and that FEIS adopted and addendums added in 1999 and 2006.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No, this non-project action is a regulation change that would apply to all properties within the Winslow Study Area of the Winslow Master Plan, the Winslow Sanitary Sewer System Service Area, or the Lynwood Center Neighborhood Service Center zoning district and would not affect a specific property.

10. List any government approvals or permits that will be needed for your proposal, if known.

City of Bainbridge Island City Council adoption.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Ordinance 2013-25 modifies and makes permanent the *Housing Design Demonstration Projects* (HDDP), and described in BIMC Section 2.16.020.Q; the ordinance also changes the name to the *Housing Diversity Program* (HDP). The HDP program utilizes incentives to promote development of innovative residential housing projects that provide a greater diversity of housing options and affordability to Island residents and utilize progressive sustainable development practices. The incentives created by the ordinance are flexibility in development standards such as setbacks and lot coverage and an increase in density- up to 2.5 times the base density. A HDP proposal that meets specific evaluation factors and is allowed to proceed will be reviewed concurrent with the underlying land use permit, such as subdivision, site plan and design review, or conditional use permit.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This non-project action is a demonstration project ordinance that would apply to properties in the Neighborhood Service Centers, the Winslow Study Area of the Winslow Master Plan, the Winslow Sanitary Sewer System Service Area, or the Lynwood Center Neighborhood Service Center zoning district.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other .

The City (Island) is characterized by an irregular coastline of approximately 53 miles with numerous bays and inlets. The topography is generally of low rolling hills with several ridges oriented mostly north to south at 250 to 300 feet in elevation. The Greater Winslow area generally slopes gently north to south. Lynwood Center, a Neighborhood Service Center, is adjacent to the shoreline, with a steep hill landward of the shoreline.

b. What is the steepest slope on the site (approximate percent slope)?

Slopes vary across the Island with the steepest slopes generally occurring along the shoreline, in ravines, and along the eastern or western sides of north to south running ridges. The steepest slope would be almost 90%.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Soils and soil types are not generally impacted by this non-project action. An extensive discussion of the soils and their properties for the Island can be found in the *USDA Soil Survey of Kitsap County*.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Unstable soils and steep slopes occur at numerous locations on the Island. However this non-project action is not site-specific.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

No filling or grading is proposed as part of this non-project action.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No clearing or construction is proposed as part of this non-project action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No construction is proposed as part of this non-project action.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No specific erosion control measures are proposed as part of this non-project action. Any future development projects will be evaluated as part of site-specific project review for compliance with SEPA and applicable regulations.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

This non-project action will have no adverse impact on air quality.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

There are not any off-site sources of emissions/odors that affect this proposal.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

This non-project action will have no adverse impacts on air quality. Air quality will be evaluated as part of site-specific project review and SEPA analysis. In order to qualify as a HDP, a residential project has to qualify in several sustainable development categories, such as green building, non-motorized facility development, and promoting alternative transportation. Therefore, residential units developed through a HDP will have better indoor air quality, and less reliance on single-occupancy vehicles than traditional residential units.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Bainbridge Island is surrounded by numerous bays, inlets and lagoons as well as the main body of Puget Sound. The Island has numerous streams, some of which are fish bearing. Additionally, there are numerous wetlands, including salt marshes that are connected directly and indirectly to streams and marine waters.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

This non-project action will not require any work over, in or adjacent to these waters.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

This non-project action will not require any filling or dredging.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

This non-project action will not require any surface water withdrawals or diversions. Surface water withdrawals will be evaluated as part of site-specific project review and SEPA analysis.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Several areas of the Island are identified as lying within the 100-year flood plain as defined in the Federal Flood Disaster Protection Act of 1973 and as outlined in the recently revised December 2007 Flood Insurance Rate Maps (FIRM). This non-project action does not impact flood areas specifically.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

This non-project action will not require discharge of materials to surface waters. Surface water quality will be evaluated as part of site-specific project review and SEPA analysis.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

This non-project action will not require any withdrawal of groundwater or discharge to groundwater. Impacts to groundwater will be evaluated as part of site-specific project review and SEPA analysis. HDP residential projects would be in areas served by public water.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

This non-project action will not require any discharge of waste material to groundwater. Future residential projects developed under this ordinance may use on-site septic, and any waste material discharge will be evaluated as part of site-specific project review and SEPA analysis.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

This non-project action will not alter stormwater runoff and/or disposal.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

This non-project action will not affect discharge of waste materials to ground or surface waters.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

This non-project action will not have any adverse impact on surface, ground or runoff waters. Water quality impacts would be evaluated as part of site-specific project review and SEPA analysis.

4. Plants

a. Check or circle types of vegetation found on the site:

Bainbridge Island is home to many types of vegetation, including:

- ☒ deciduous tree: alder, maple, aspen, other
☒ evergreen tree: fir, cedar, pine, other
☒ shrubs
☒ grass
☐ pasture
☐ crop or grain
☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
☐ water plants: water lily, eelgrass, milfoil, other
☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

This non-project action will have no specific effect on vegetation removal or alteration. Vegetation will be evaluated as part of site-specific project review and SEPA analysis.

c. List threatened or endangered species known to be on or near the site.

There are no known threatened or endangered plant species on Bainbridge Island.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

No landscaping is proposed as part of this non-project action.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

The City of Bainbridge Island is home to the animals shaded below.

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other: river otter, harbor seal, sea lion, muskrat, weasel, raccoon

fish: bass, salmon, trout, herring, shellfish, other: long nose skate, big skate

b. List any threatened or endangered species known to be on or near the site.

Puget Sound Chinook, Puget Sound Coho, Puget Sound Steelhead, Orca whales, and bald eagles are known to occur on and around Bainbridge Island.

c. Is the site part of a migration route? If so, explain.

Puget Sound, including Bainbridge Island, is an important nesting place, feeding area, and wintering ground for thousands of birds in the Pacific Flyway and is a migratory corridor for salmonids and some marine mammals.

d. Proposed measures to preserve or enhance wildlife, if any:

This non-project action will have no significant adverse impact on animals or birds. Impacts of individual proposals on wildlife and wildlife habitat will be evaluated as part of any future site-specific project review and SEPA analysis.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

No energy is required for this non-project action.

- b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe.

This non-project action will not impact solar energy use.

- c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

This non-project action does not provide specific energy conservation features. However, the draft ordinance promotes the integration of energy conservation features into housing development projects utilizing the HDP program. The City uses the Northwest Energy Code to enhance electricity conservation. Energy conservation features will be specifically evaluated as part of site-specific project review and SEPA analysis. In order to qualify as a HDP, a residential project must qualify in several sustainable development categories, such as green building and alternative energy. Therefore, residential units developed through a HDP will have more energy conservation features than traditional residential units.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?

If so, describe.

This non-project action poses no significant threat of environmental health hazards.

- 1) Describe special emergency services that might be required.

This non-project action will not require any special emergency services.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

No specific measures to reduce or control environmental health hazards are necessary as part of this non-project action. Environmental health impacts of future individual development proposals will be evaluated as part of site-specific project review and SEPA analysis.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

This non-project action is not site-specific and therefore is not affected by existing noise levels.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

This non-project action will not create any noise or affect noise levels.

- 3) Proposed measures to reduce or control noise impacts, if any:

Noise levels on Bainbridge Island are regulated under Chapter 16.16 of the Bainbridge Island Municipal Code.

Noise impacts of future HDP residential projects will be evaluated as part of site-specific project review and SEPA analysis.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

This non-project action is not site-specific. Bainbridge Island is primarily in residential use, with commercial and light industrial uses in a few distinct areas.

- b. Has the site been used for agriculture? If so, describe.

This non-project action is not site-specific. There are approximately 450 acres of active agricultural land on Bainbridge Island.

- c. Describe any structures on the site.

This non-project action is not site-specific.

d. Will any structures be demolished? If so, what?

This non-project action requires no demolition.

e. What is the current zoning classification of the site?

This non-project action will not modify current zoning classifications. Current zoning classifications are presented in the official zoning map available from the Department of Planning & Community Development.

This ordinance applies to properties in the Winslow Study Area, Winslow Sanitary Sewer System Service Area, or the Lynwood Center Neighborhood Service Center (NSC) zoning district. That greater Winslow area has many zoning districts: the five Mixed-Use Town Center Overlay Districts (Core, Madison, Ericksen, Gateway, and Ferry Terminal), High School Road Districts I & II, R-2, R-2.9, R-3.5, R-4.3, R-8, and R-14.

f. What is the current comprehensive plan designation of the site?

This non-project action will not modify current comprehensive plan land use designations. Current comprehensive plan land use designations are presented in the official City of Bainbridge Island Comprehensive Plan Land Use Map, available from the Department of Planning & Community Development.

This ordinance applies to limited areas of the City. The Comprehensive Plan designations in those areas are Neighborhood Service Center, Mixed-Use Town Center Overlay Districts (Core, Madison, Ericksen, Gateway, and Ferry Terminal), High School Road Districts I & II, Urban Residential, and Semi-Urban Residential. A small number of properties in those limited areas are zoned Open Space Residential-2.

g. If applicable, what is the current shoreline master program designation of the site?

These non-project actions will not modify current Shoreline Master Program designations. Current Shoreline Master Program designations are presented in the official City of Bainbridge Island Comprehensive Plan Land Use Map, available from the Department of Planning & Community Development.

The greater Winslow area has shoreline areas designated Urban, Semi-rural and Natural. Lynwood Center, a Neighborhood Service Center, has an Urban shoreline designation.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Bainbridge Island has numerous environmentally sensitive areas, including streams, wetlands, geologically hazardous areas, aquifer recharge areas, as well as fish and wildlife habitat conservation areas. This non-project action does not apply to a specific property.

i. Approximately how many people would reside or work in the completed project?

No development is proposed as part of this non-project action.

j. Approximately how many people would the completed project displace?

This non-project action will have no effect on population displacement.

k. Proposed measures to avoid or reduce displacement impacts, if any:

This non-project action will have no adverse impact on population displacement. This ordinance promotes diverse residential projects. The number of people residing in future housing projects will be evaluated as part of site-specific project review and SEPA analysis.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This proposal is a non-project action. Environmental review of impacts associated with land and shoreline use will be performed on a project specific basis, as required. This ordinance to promote diverse and sustainable housing projects applies only to the Winslow Study Area, the Winslow Sanitary Sewer Service Area, and the Lynwood

Center Neighborhood Service Center zoning district. Those areas of the City are already zoned for higher density residential and/or multifamily developments, and focusing growth to those areas is outlined in the City's Comprehensive Plan.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

This non-project action will not create additional housing units.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

This non-project action will not eliminate any housing units.

- c. Proposed measures to reduce or control housing impacts, if any:

This non-project action does not adversely impact housing. Conversely, the ordinance is intended to promote housing by providing incentives for creating housing that is diverse in size, type and affordability. Future impacts to housing will be evaluated as part of site-specific project review and SEPA analysis.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

This non-project action does not propose any new structures.

- b. What views in the immediate vicinity would be altered or obstructed?

This non-project action will not alter or obstruct any views.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

This non-project action will not impact aesthetics. This ordinance promotes residential housing projects. Future aesthetic impacts will be evaluated as part of site-specific project review and SEPA analysis.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

This non-project action will not produce light or glare.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

This non-project action will not produce light or glare.

- c. What existing off-site sources of light or glare may affect your proposal?

This non-project action will not be affected by any light or glare.

- d. Proposed measures to reduce or control light and glare impacts, if any:

This non-project action will not produce light or glare. This ordinance promotes residential housing projects. Light and glare impacts will be evaluated as part of any future site-specific project review and SEPA analysis.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Bainbridge Island has state and municipal parks in addition to shoreline access from many city-owned road ends. There are golf courses, tennis courts, and youth play fields on the island. This non-project action will have no effect on the recreational uses on Bainbridge Island.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

This non-project action will not displace any existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

This non-project action will not adversely impact recreation. This ordinance promotes the integration of active open space on HDP residential projects. Displacement of existing recreational facilities will be evaluated as part of any future site-specific project review and SEPA analysis.

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

The City of Bainbridge Island does have buildings and places on the local, state and federal historic registers. Archeological and historic resources are recorded at the State of Washington Departments of Commerce, and Archeology and Historic Preservation and in *All Historic Resources Survey of Bainbridge Island, March, 1987*, Boyle Waggoner Architects. This non-project action does not apply to a specific property.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

There are numerous historic, archaeological, scientific, and cultural resources on and around Bainbridge Island. This non-project action applies Island-wide, and does not involve a specific property.

- c. Proposed measures to reduce or control impacts, if any:

This non-project action does not specifically impact resources of historic, cultural, archaeological or scientific importance. Impacts to such resources will be evaluated as part of any future site-specific project review and SEPA analysis.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system.

Show on site plans, if any.

Bainbridge Island is served by the Washington State Ferries which docks in the downtown Winslow area. State Route 305 connects the ferry terminal with State Route 3 in Poulsbo via the Agate Pass Bridge. In addition, the Island has an extensive system of arterials, suburban and local public streets.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Bainbridge Island is served by Kitsap Transit and the Washington State Ferry Service. Kitsap Transit operates a commuter system which is coordinated with the ferry schedule in addition to a dial-a-ride service. Transit stops are supplemented by riders flagging down buses on their routes.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

This non-project action does not construct or eliminate any parking spaces. However, the ordinance could result in an decrease in the amount of parking spaces required for some residential projects- reduced from 2 spaces to 1 for residences under 800 square feet. The impacts of new or lost parking spaces would be evaluated as part of any future site-specific project review and SEPA analysis.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

This non-project action does not affect roads or driveways.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

This non-project action will generally not affect transportation. The ordinance applies to limited areas of Bainbridge Island, including the greater Winslow area. That area is no further than 2 miles from the Washington State ferry terminal.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

This non-project action will not generate any vehicular trips per day.

- g. Proposed measures to reduce or control transportation impacts, if any:

This non-project action will not have adverse transportation impacts. Future development proposals will assess potential impacts associated with transportation and parking through future site-specific project review and SEPA analysis.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

This non-project action will not increase the need for public services.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

This non-project action will have no significant adverse effect on public services. Specific measures to reduce or control the impact on public services will be evaluated as part of future site-specific project review and SEPA analysis.

16. Utilities

- a. Circle utilities currently available at the site: Island utilities include electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

This non-project action does not propose any utilities, and there is not any construction proposed.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:

Jennifer E. Sutton

Date Submitted:

9-16-13

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The Housing Diversity Program (HDP) ordinance 2013-25 applies to residential development projects, so any increase in discharge to water or emissions to air, would be typical for new residential development. However, this ordinance promotes diverse and sustainable residential development, in the City's urban area, including development practices that reduce impacts to water quality, air emissions and release of toxic substances.

Proposed measures to avoid or reduce such increases are:

In order to qualify for as an HDP, a residential development project has to integrate sustainable development practices above and beyond what the building code and current stormwater management regulations require. This includes the integrating low-VOC (volatile organic compounds) or non-toxic building materials and finishes, and native or low-maintenance landscaping will use less water and herbicides.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Ordinance 2013-25 promotes the use of native plants, low-VOC/non-toxic building materials, and low-impact development techniques for managing stormwater runoff in residential projects. It does not alter the City's significant tree retention requirement. Consequently, any vegetation removed through the construction of new residential units would be replaced with native or low-maintenance plants. Stormwater runoff from new impervious surfaces must be managed on-site, and by promoting LID techniques such as rain gardens, fewer toxic chemicals will make their way into Puget Sound.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

In order to qualify for as an HDP, a residential development project has to integrate sustainable development practices above and beyond what the building code and current stormwater management regulations require. This includes the integrating low-VOC (volatile organic compounds) or non-toxic building materials and finishes, and native or low-maintenance landscaping will use less water and herbicides. HDP projects must manage some of the stormwater runoff through low-impact development (LID) methods, slowing down the release of stormwater to off-site facilities. Altogether, the ordinance promotes the conservation and creation of habitat, and will result in fewer toxics in any stormwater runoff, both during and after construction.

3. How would the proposal be likely to deplete energy or natural resources?

Ordinance 2013-25 promotes diverse and sustainable residential development. Although more residential units could be built as a result of this ordinance, those units are likely to be more energy efficient than the current Building Code requires because of green building certification requirements.

Proposed measures to protect or conserve energy and natural resources are:

In order to qualify for as an HDP, a residential development project that achieves increasing levels of green building certification. The ordinance also promotes the use of small-scale alternative energy generation within a residential development such as passive solar, solar collection, wind, and geothermal heat pumps. The ordinance also promotes the integration of garden space into a residential development, which would decrease the amount of energy used to bring food to the residents. On the macro scale, the HDP ordinance promotes residential development in the City's urban areas, fostering a more walkable community.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Ordinance 2013-25 does not affect any of these areas. These areas are protected through the City's other regulations, such as the Critical Areas Ordinance (BIMC Chapter 16.20, and Historic Preservation Program (BIMC Chapter 18.24). Those ordinances are not changed through ordinance 2013-25, and HDP projects must comply with those portions of the BIMC.

Proposed measures to protect such resources or to avoid or reduce impacts are:

No additional protection measures are proposed through Ordinance 2013-25. These areas are protected through the City's other regulations, such as the Critical Areas Ordinance (BIMC Chapter 16.20, and Historic Preservation Program (BIMC Chapter 18.24). No adverse impact is anticipated by proposal.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Ordinance 2013-25 applies within the Winslow Study Area of the Winslow Master Plan, and the Lynwood Center Neighborhood Service Center zoning district. Those two areas are targeted to receive more than 50% of the City's population growth. The areas are more urban and therefore have urban services such as public water and sewer, sidewalks and bike lanes. Therefore the density increases that may be obtained through an HDP project are furthering the city's growth strategy. A density bonus of up to R-8 is already in place for those areas, through the use of transferred development rights (TDR). Project-specific development must comply with the City's Shoreline Management Master Program (SMMP, BIMC Chapter 16.12), the City's Critical Areas Ordinance (BIMC Chapter 16.20), and the State Environmental Policy Act. Therefore Ordinance 2013-25 is compatible with the existing land use and shoreline plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The density increases that may be obtained through an HDP project are furthering the city's growth strategy, resulting in a more efficient use of land. Although Ordinance 2013-25 applies to some shoreline properties, it is unlikely that any of them would be able to use the ordinance for residential development. This is because relative small property size and application of the Shoreline Management Master Program.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Ordinance 2013-25 promotes diverse and sustainable HDP residential development through the use of incentives and applies to those properties that are closer to urban services, and within the greater Winslow area, closer to the Washington State Ferry terminal. The Lynwood Center Neighborhood Service Center area is served by Kitsap Transit during commuting times.

Proposed measures to reduce or respond to such demand(s) are:

In order to qualify as an HDP, the project would have to integrate sustainable development techniques to reduce reliance on the single-occupancy vehicle and promote energy efficiency. For instance, a HDP shall integrate such transportation tools such as enhanced non-motorized facilities, covered bus stops and bike parking, traffic calming, or car-sharing programs. Additionally, these HDP projects must complete a traffic study through the land use permit process, and meet a traffic concurrency test. Units constructed under this ordinance will not only be more energy efficient than a conventional unit and more likely to integrate alternate sources of energy, such as solar or geothermal heat, they will be smaller than the average dwelling unit in the City. Altogether, the ordinance would not likely increase demands on transportation, public services, or utilities.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Ordinance 2013-25 does not conflict with local, state or federal requirements for the protection of the environment. Any residential project proposed under this ordinance must comply with the City's Critical Areas Ordinance, BIMC Chapter 16.20, and complete project specific SEPA review.

August 22, 2013

Memorandum

To: CoBI Planning Commissioners
c/o Jennifer Sutton, CoBI Special Project Planner
jsutton@bainbridgewa.gov

From: Jeb Thornburg, Architect
jebt@beingindigo.com

RE: HDDP Ordinance Update/Applicability to NSC Zones

Planning Staff and Commissioners:

My name is Jeb Thornburg and I have lived on Bainbridge Island for 20 years. I have been the owner of a Bainbridge Island based architectural practice for over 14 years, and have been an active supporter of the HDDP Ordinance from its inception.

From a professional planning perspective, as well as from the perspective of an island citizen, I believe the HDDP objectives to provide the best opportunity for sustainable and affordable housing stock to be built in our community is commendable and in practice, showing signs of success during its first 3-year tenure.

I have been an observer and participant in the public planning process for years in many jurisdictions and I am well aware that change of any nature is inherently challenging and often met with resistance, for that I commend your diligence in seeing through such an innovative planning program.

In specific I am writing to you now concerning the HDDP update and its potential applicability to the Neighborhood Service Center (NSC) Zoning Classification.

I understand from reviewing the DRAFT revisions to the HDDP/(HDP) Ordinance that there is proposed language included to allow Tier 4 (ONLY) of the HDP to be applicable to NSC Zoned parcels.

I support this, but further, would encourage you to consider supporting the applicability of ALL Tiers of the HDP Ordinance to the NSC Study Areas. This would be consistent with the application of the HDP's applicability to the Winslow Study Area.

I believe inherent to the HDP's Ordinance's Tiered System is a thoughtful and flexible structure that allows for the marketplace to have a broad enough toolbox from which to work to creatively address a variety of situations to further the broader Comp Plan Objectives of creating vibrant village hubs. ***To limit the applicability to only Tier 4 in the NSCs is to do a disservice to a carefully crafted system that has already been tested, and has fostered a variety of desired housing outcomes at a variety of densities.***

The Tiered system is self-regulating by design. Limiting the Tiers, actually limits the possibility for diverse outcomes that it is designed to foster.

If the spirit of the Island Comp Plan and Zoning District Mapping is to create the opportunity for thriving village centers in the NSC sub-hubs, a degree of flexibility needs to be built into the system, to address a variety of situations.

August 22, 2013

Memorandum

In specific, as both a student and professional practitioner of planning I would point out that thriving and vibrant neighborhood "village hubs" consistently include a mix of both commerce AND higher density housing stock at a variety of price points.

While none of us can foresee every possible variant of how the HDP will play out, I think it important for the Planning Commission to consider its most important role in the process; to be thoughtful stewards of the Community Created Comp Plan Objectives and to provide the OPPORTUNITY for the (NSC) village hubs to thrive.

There are innumerable market facets beyond the HDP Ordinance that will shape development in the NSCs, and chief among them, is the availability of sewer and water services. I mention this, as I do not believe that applicability of all Tiers of the HDP versus just a single Tier will trigger a flood of density. On the contrary, I believe applicability of all Tiers will be a more successful first step in motivating the marketplace to try to solve a variety of problems that have previously been hurdles to the NSC's developing into the Comp Plan Vision. Specifically, and as you know, no public water or sewer services exist in either the Island Center or Rolling Bay NSC areas; whereas, there are such utility services in the Lynwood Center NSC area. Such utilities are nearly compulsory for density of any measure beyond R-2.

Lastly, while the Rolling Bay and Island Center Study Areas are limited to just the specific NSC parcels, a broader group of parcels of multiple zoning classifications and densities were grouped within the Lynwood Center district to create a Study Area more similar to the Winslow Study area. (see fig 3 attached).

This Study Area is bounded to the West and North by Schel-Chelb estuary and its drainage basin, on the East by the current Pleasant Beach Village Development, and to the South by the former Serenity House site, and the Pleasant Beach Shoreline. The variety of parcels within these existing natural and man made boundaries have already been established as playing an important and integral role in creating the desired village hub outcome.

I think it is critical that the applicability of the HDP be to the entire Study Area in order to be consistent with the Comp Plan Vision.

Within the Lynwood Study Area there are a variety of unique parcels that each have the opportunity to play a different role in the district's success, at a variety of densities, and with a variety of outcomes, each critical in creating community vibrancy. I strongly urge you to have the long-range vision to support ALL Tiers of the HDP for all parcels in the NSC Study areas, as that will truly further the Comp Plan Goals.

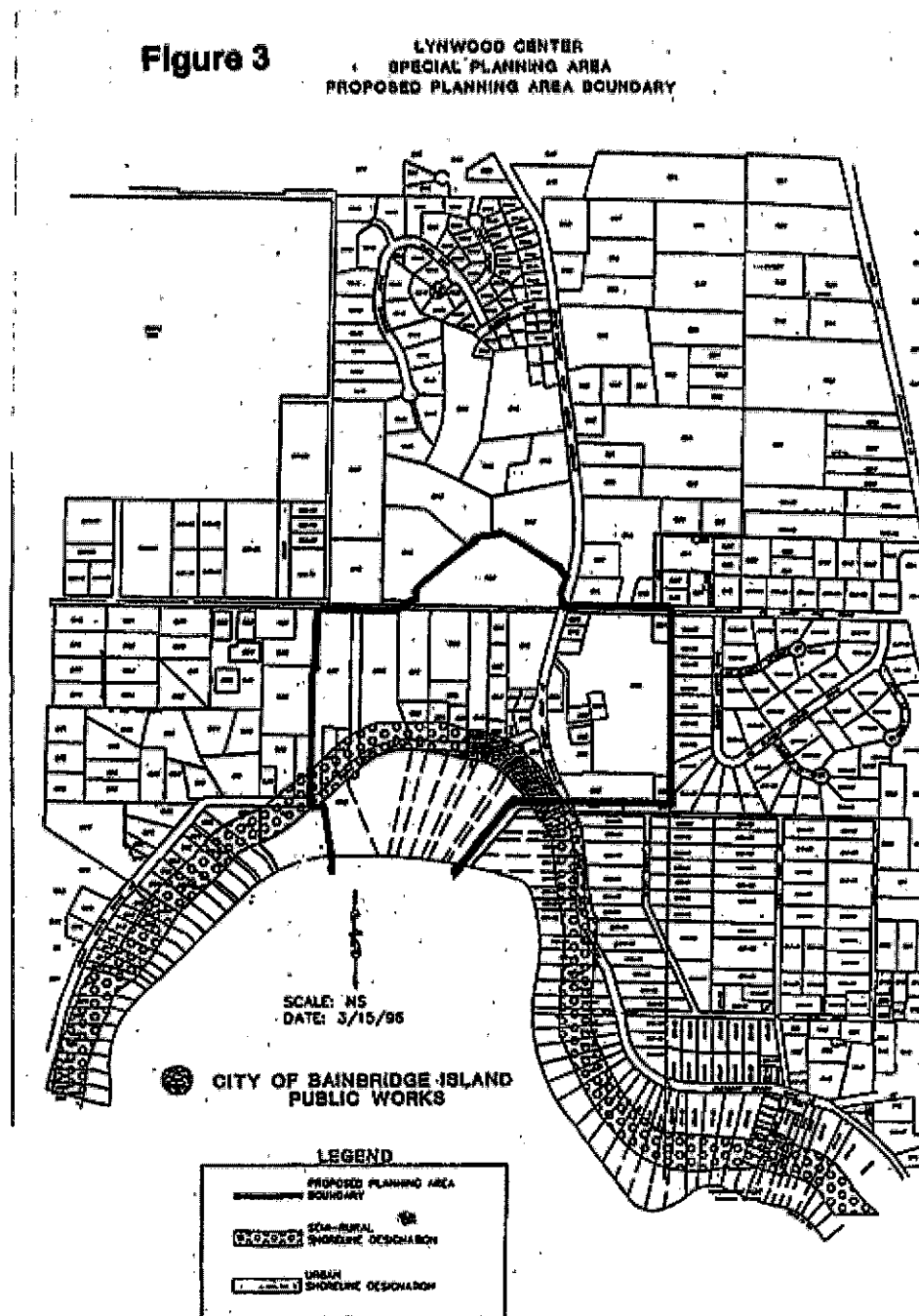
I thank you both for your commitment to this effort and for your consideration.

Sincerely,

Jeb Thornburg

August 22, 2013

Memorandum



December, 2004

Land Use Element

From: Robert Dashiell
To: PCD
Subject: Public Comments on Ordinance 2013-25, Revisions to the Housing Design Demonstration Project (HDDP)
Date: Wednesday, September 25, 2013 2:57:08 PM

Planning: Please pass to Planning Commission members.

Members of the Planning Commission,

I am submitting public comment for the subject Public Hearing because I am unable to attend the meeting in person.

I have five specific points I wish to convey to the Commission for their considerations.

Point 1.

In the big picture, I don't believe anyone can say the HDDP program has yet been a success or has even been a positive for the community.

No HDDP project has yet to be even half completed.

No affordable housing has been added to Bainbridge Island that would not have been added without the HDDP. Ferncliff Village is the only project that has affordable housing, and that was going to be affordable housing with or without the HDDP. All HDDP added was the ability to put in the next more controversial part of the plan ... the rental apartments. I have talked to individuals living in Ferncliff Village, and they are pleased. I have talked to individuals in the surrounding community ... they are not nearly as pleased because of the look of the project and the fact the project has turned out to be considerably less visually pleasing than what the original pitch to the public presented.

The Grow Ave. project has interesting environmental aspects, but there is nothing that has been done there that I believe couldn't have been done without HDDP. And the big visual impacts with three story condo buildings parallel to Wyatt are yet to break ground. And of course, the project concept has changed considerably since the initial concept was presented to the public, and it's still in some transition. That is probably driven by project profit ... usually referred to as changing or evolving market conditions. The original planning statements were that HDDP did not add density to the total building acreage ... so what did HDDP do for this project site that could not have been done without an HDDP program?

Ketchel and Erickson ... 3 story small houses, appear to be lacking character, none affordable. Is there any real public positive having this cluster development, other than it's fairly close together housing infill?

So ... **I would recommend the HDDP name not change** until some point of time in the future when the public, Planning Commission, and City Council can judge if these projects are really a civic positive. HDDP is worth continuing on for a while to see some actual final results, but it's too early to codify the concept as permanent.

Point 2.

Para. 6 a. (Page 9) and Para.7a, (Page 10): Minimum lot dimensions and size. Reductions in lot size or dimensions are subject to approval by Kitsap County Health District.

Comment: I don't believe the Health District has any approval say about lot sizes that are serviced by public sewer (and water). True or false?

Point 3.

Para 6 b. (Page 9) and Para 7b, (Page 10): Maximum lot coverage.

Comment: First, I think lot coverage means the big picture lot (or lots) that set the project boundaries. I find this confusing, because there are a series of small lots created when these projects are planned, and the lot coverage applies not to the newly created lots. but to the area of the original project. And to add to the confusion, why even have a lot coverage number? Hard surface roads are excluded ... parking lots excluded ... the 'coverage" is only for a footprint of built structures. A project could be 35% building footprint and 65% blacktop and cement and meet the 35% lot coverage requirement.

I think the City Planning staff and the Planning Commission need to better understand **why** there is a maximum lot coverage percentage, and if the Municipal Code as written is doing whatever maximum lot coverage was intended to accomplish.

Point 4.

Para 18.09.030 Accessory Dwelling Units

Comment. If an ADU can be incorporated in an HDDP house, how many square feet can the house be?

I believe this could be gamed by developers to build a house that they will say is a house and an ADU, say 1600 s.f + 800 s.f. = 2400 s.f.?

Essentially, it's creating an apartment in a house. Guess that's OK, but I think a separated housing unit should be titled Accessory Dwelling Unit, and an inclusive apartment type unit should have some other nomenclature.

Point 5.

Affordability should be based on Kitsap County, not King County. Bainbridge Island is part of the Bremerton HUD district. PLanning has said HRB is required to use the Bremerton (Kitsap County) affordability calculations.

Kitsap County had the third highest rate in the state of Washington ... it's largely a federal supported area, and the income levels are quite substantial.

This has been a point of discussion for years ... I thought it had finally been settled with the HUD legal district that Bainbridge is currently located in. If the island eventually incorporates with King County, then the Seattle baseline would then be appropriate.

Affordable housing gets more expensive the higher the income level of the calculated area ... if

you want the projects to provide affordable housing, select the income area that creates housing at the more affordable income level so houses don't cost quite as much.

.....

Final point is a legal one, and some may consider it a bit out there.

City Council appointed an ad- hoc committee that apparently met 10 times. I never once saw an HDDP meeting scheduled on the City's website, and I don't believe I missed those postings. If the ad-hoc committee took any public comment, which I suspect they likely may have from either developers or HRB or housing advocates or any past Council members, then Washington State court decisions make such ad-hoc committee meeting subject to the Open Public Meetings Act, and if they were not posted on the City's website, they would have failed the public notice requirement.

Given what is going on in this City, I think this should be reviewed by the City Attorney. In Lakewood, an ordinance (more controversial ... strip club locations) that was drafted with background recommendations from an ad-hoc committee was voided by the court because the ad-hoc committee took public testimony but failed to conduct their meetings under OPMA rules. That was a new ordinance and this is an ordinance revision, but I think it would serve the Planning Commission well to get a legal opinion since the Commission is now in a decision and recommendation phase for this ordinance to go to the full council.

Respectfully,

Robert Dashiell
6370 NE Tolo Road
206-855-8112

Housing Design Demonstration Project

OVERVIEW

- **3 Year Pilot Program in the greater Winslow area**
- **City Council extended until December 31, 2013**
- **Promote green building and increase housing affordability using incentives**
- **3 Tiers- Each with a Green Building & Housing Diversity Option**
- **Density incentives scaled to amount of Green Building & Housing Diversity**

AD HOC COMMITTEE RECOMMENDATIONS

- **Require Design Review Board & Planning Commission review for all HDP projects**
- **Merge Green Building & Housing Paths: *Tiers 1 and 2***
- **Tier 3 - Green Building becomes Tier 4 utilizing *Passive House* or *Living Building Challenge* certifications**
- **Reduce Flexible Development Standard Incentives & *differentiate between properties in Residential zones/ MUTC***
- **Require 10% Affordable Housing for Tier 2 projects**
- **Add Definitions for “Cottage” “Age-in-place” & “Neighborhood Community Garden”**

PLANNING COMMISSION RECOMMENDATIONS

- Largely kept all Ad Hoc Committee recommendations
- Program would become permanent, name change to *Housing Diversity Program* (HDP)
- Change how stormwater management techniques are measured to score HDP points
- Require 10% Affordable Housing for Tier 4 projects
- Require 10 points in Site Development category for Tier 1 projects
- Add Lynwood Center NSC & R-5 zones to HDP- all tiers
- Tier 4 HDP projects allowed in Isl. Center and Rolling Bay NSC zones
- Cap HDP density incentive bonus to not exceed other existing density bonuses

Res. Zone	Current HDDP Density Incentive		PC Density Recommendation	
	Tier 2	Tier 3	Tier 2	Tier 3/4
R-2	2.0	2.5	1.5**	1.5**
R-2.9*	2.0	2.5 (R-7.25)	2.0	2.5 (R-7.25)
R-3.5*	2.0	2.5	2.0	2.29 (R-8)
R-4.3*	1.86 (R-8)	2.5	1.86 (R-8)	1.86 (R-8)
R-5	--	--	1.5 (R-7.5)**	1.5 (R-7.5)**
R-8	1.5	2.5	1.5***	1.5***
R-14	1.5	2.5	1.5***	1.5***
NSC	--	--	1.5****	2.5 (Lynwood Center)**** 1.5 (RB, Isl. Cntr.)****

***R-8 overlay district bonus**

****existing bonus from Affordable Housing (AH)**

***** existing 1.5x bonus for Open Space**

******existing NSC bonus for Mixed Use, AH, or TDR's**

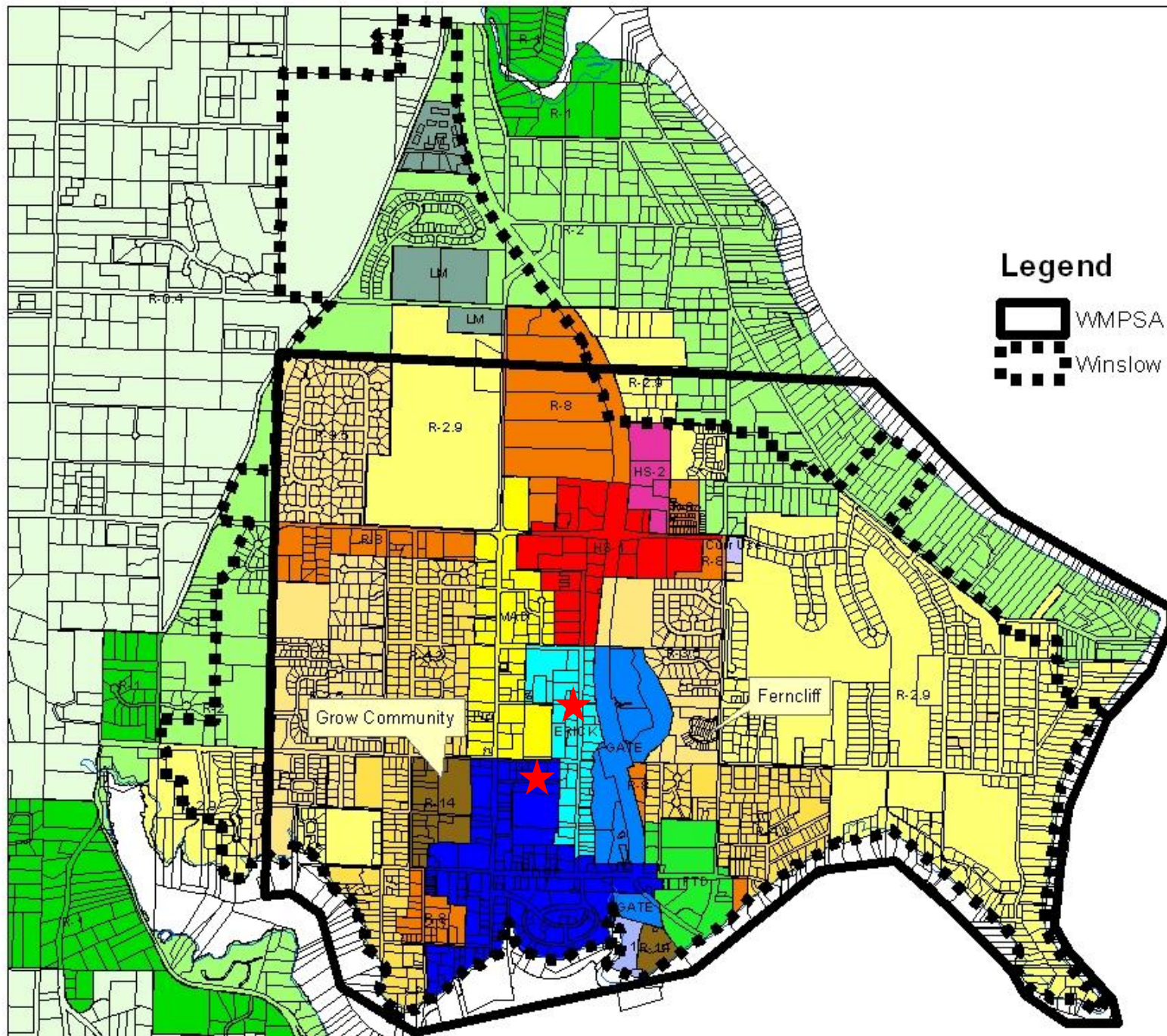


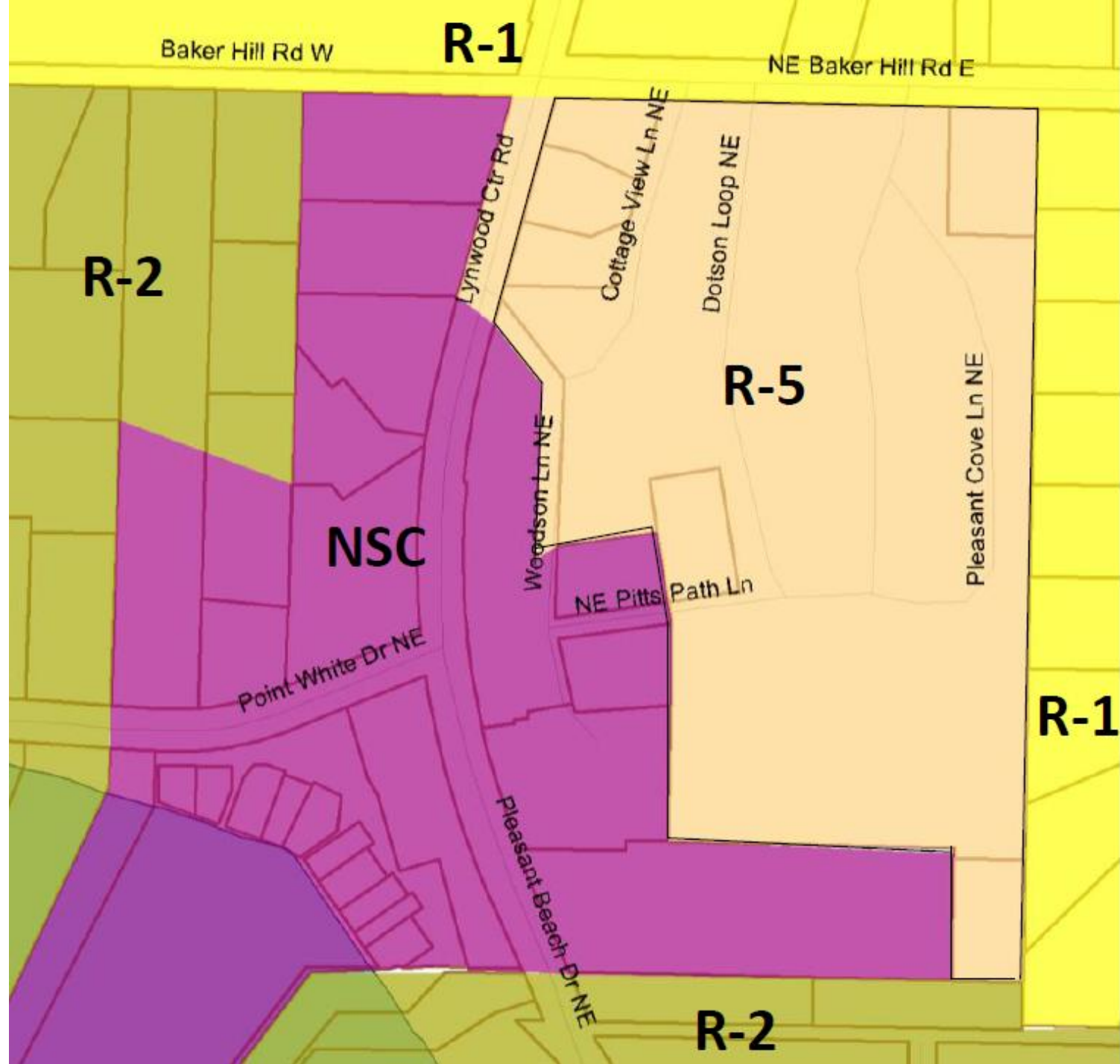
Legend



WMPSA

Winslow Sewer Boundary





R-2

Rodal Ct

Logg Rd NE

NSC

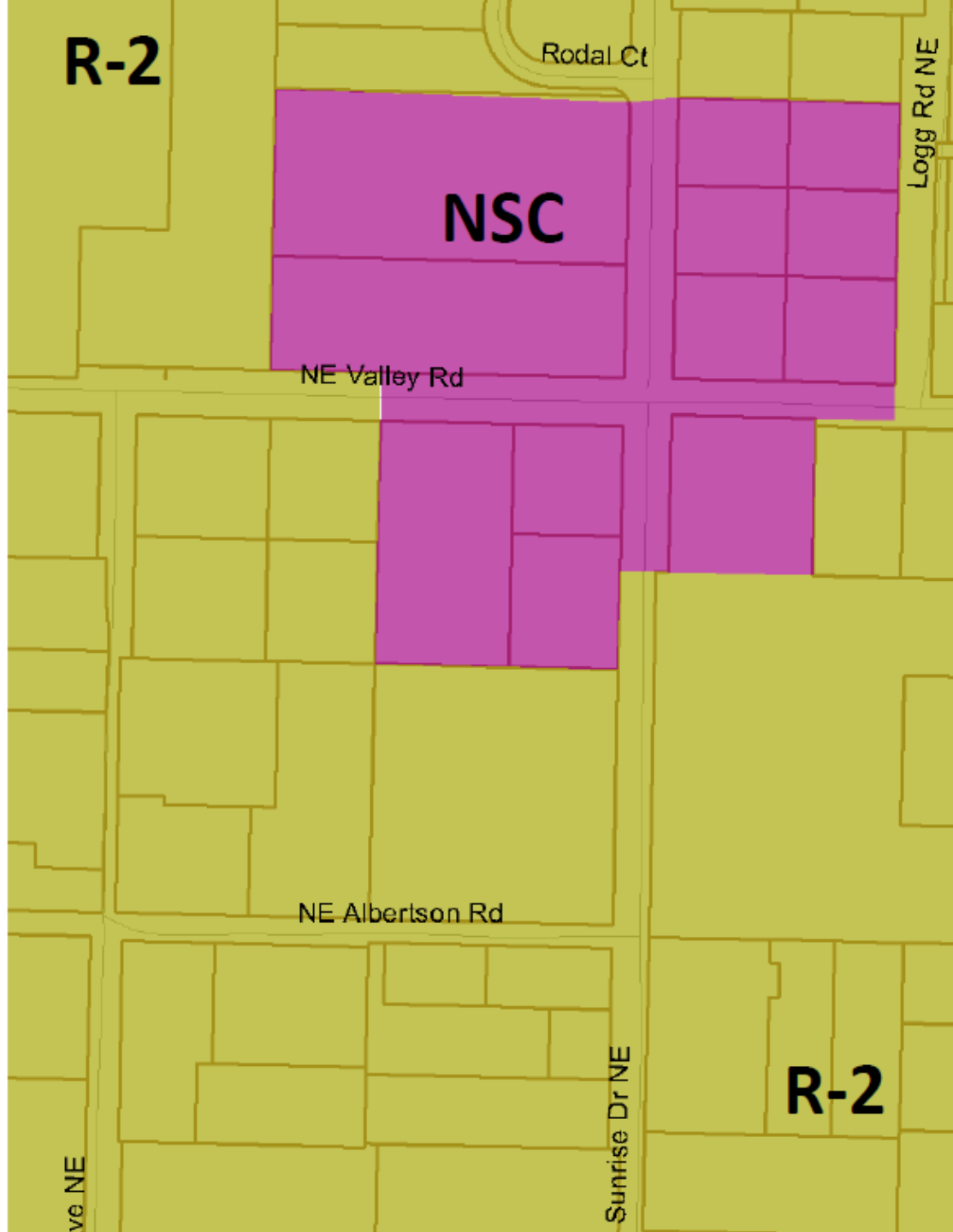
NE Valley Rd

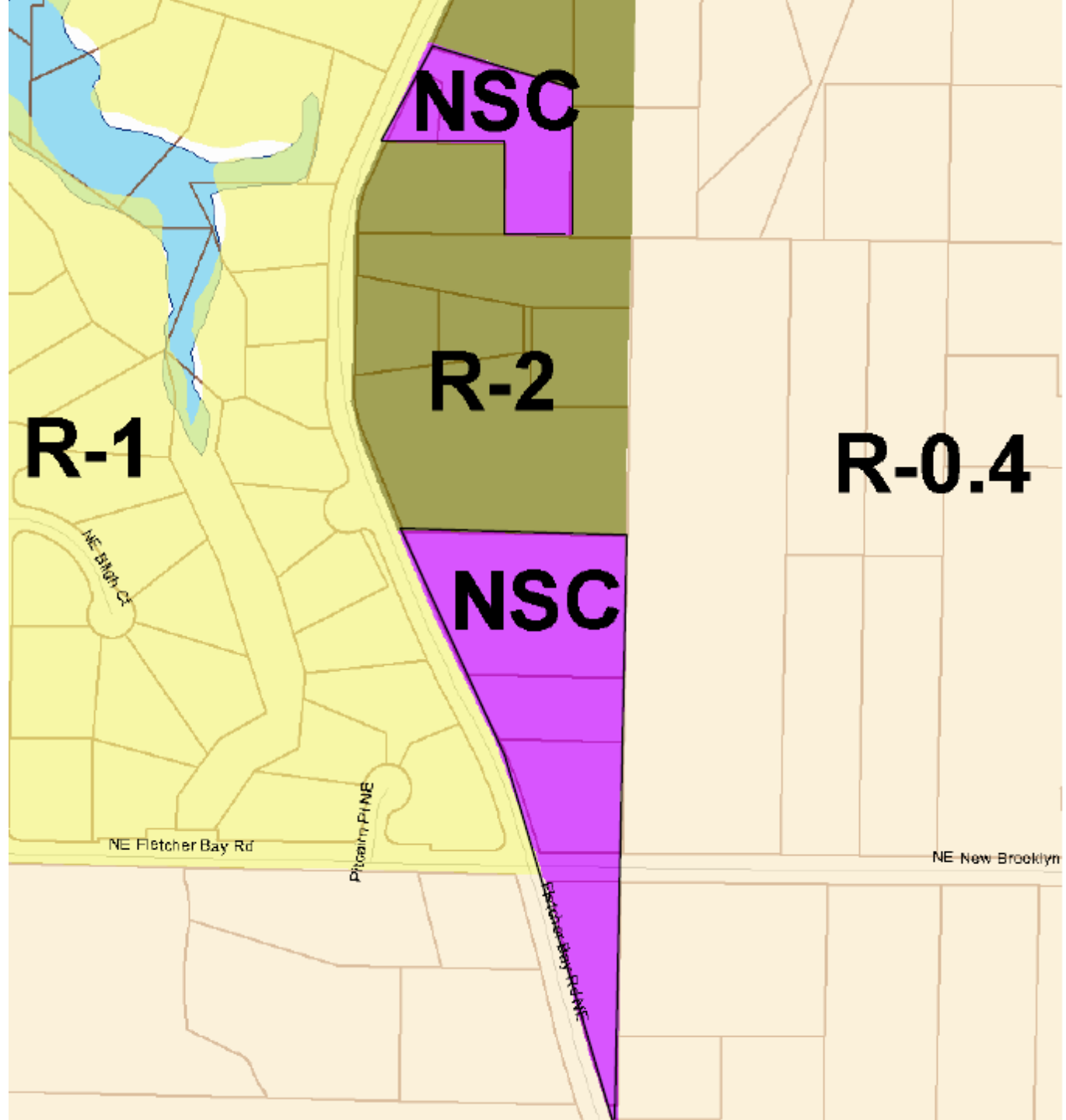
NE Albertson Rd

Sunrise Dr NE

R-2

ve NE





Housing Design Demonstration Project

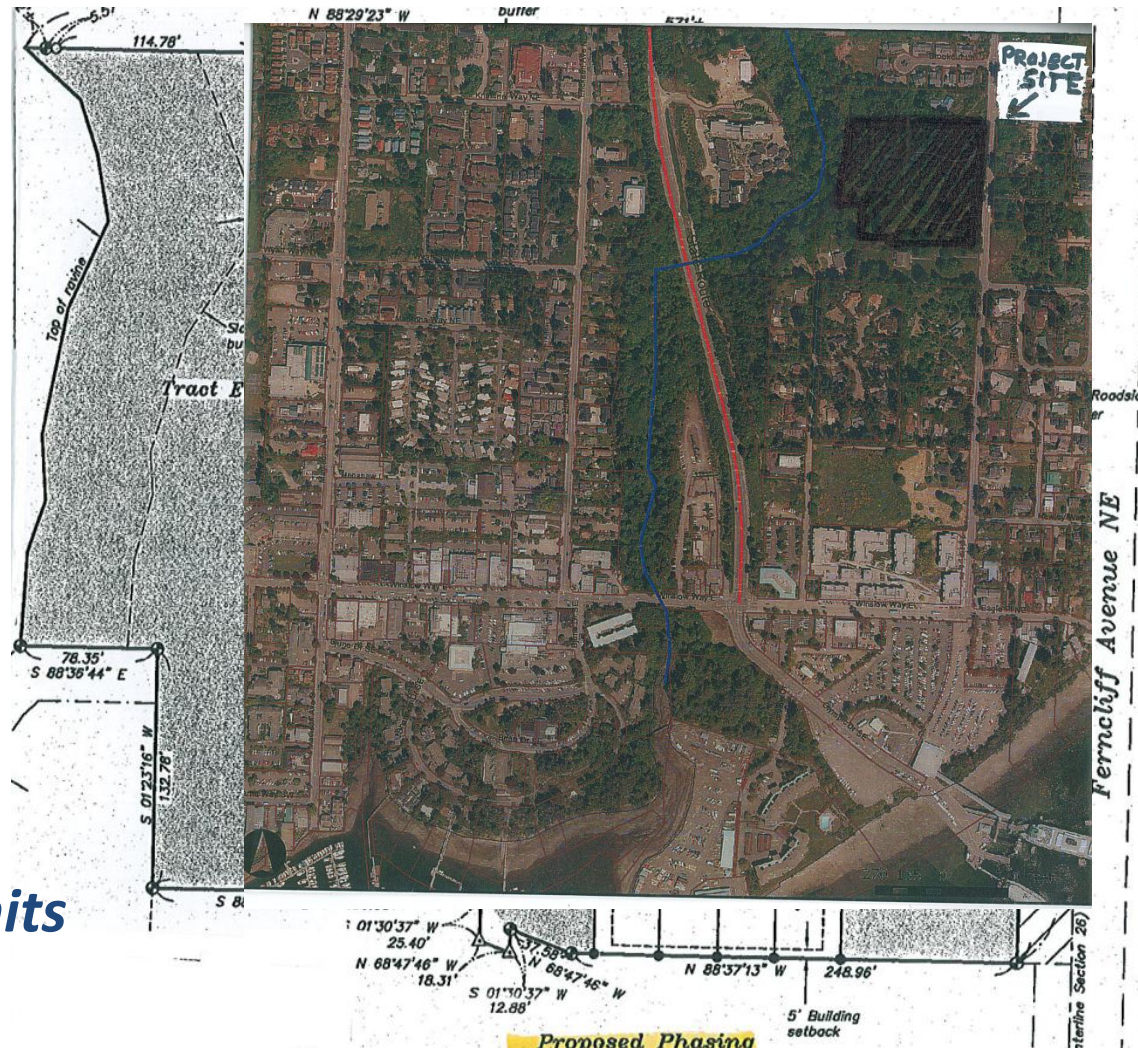
FERNCLIFF VILLAGE

Tier 3: Housing
Housing Resources Board

Phase I 24 SFR
under construction

Phase II 24 Multifamily
being redesigned

R-3.5 Zone
Base Density = 20 units
Max Density Bonus= 50 units



Housing Design Demonstration Project

GROW COMMUNITY

Tier 2: Green Building
131 Total Units

Phase I 25 SFR, 20 Multifamily
under construction

Phase II Multifamily
being redesigned

R-14 Zone

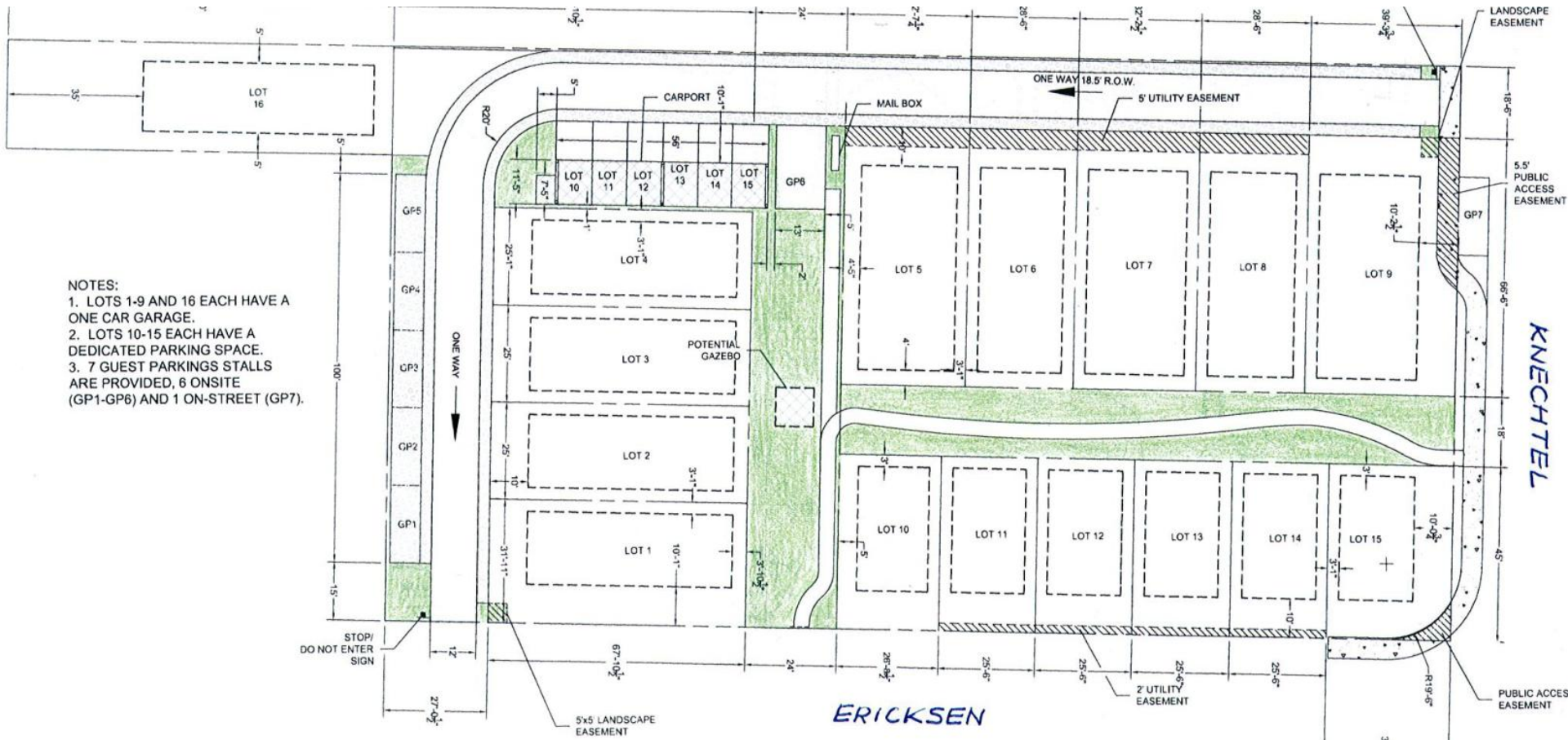
Base Density = 112 units

Max Density Bonus = 168 units



Housing Design Demonstration Project

ERICKSEN URBAN COTTAGES

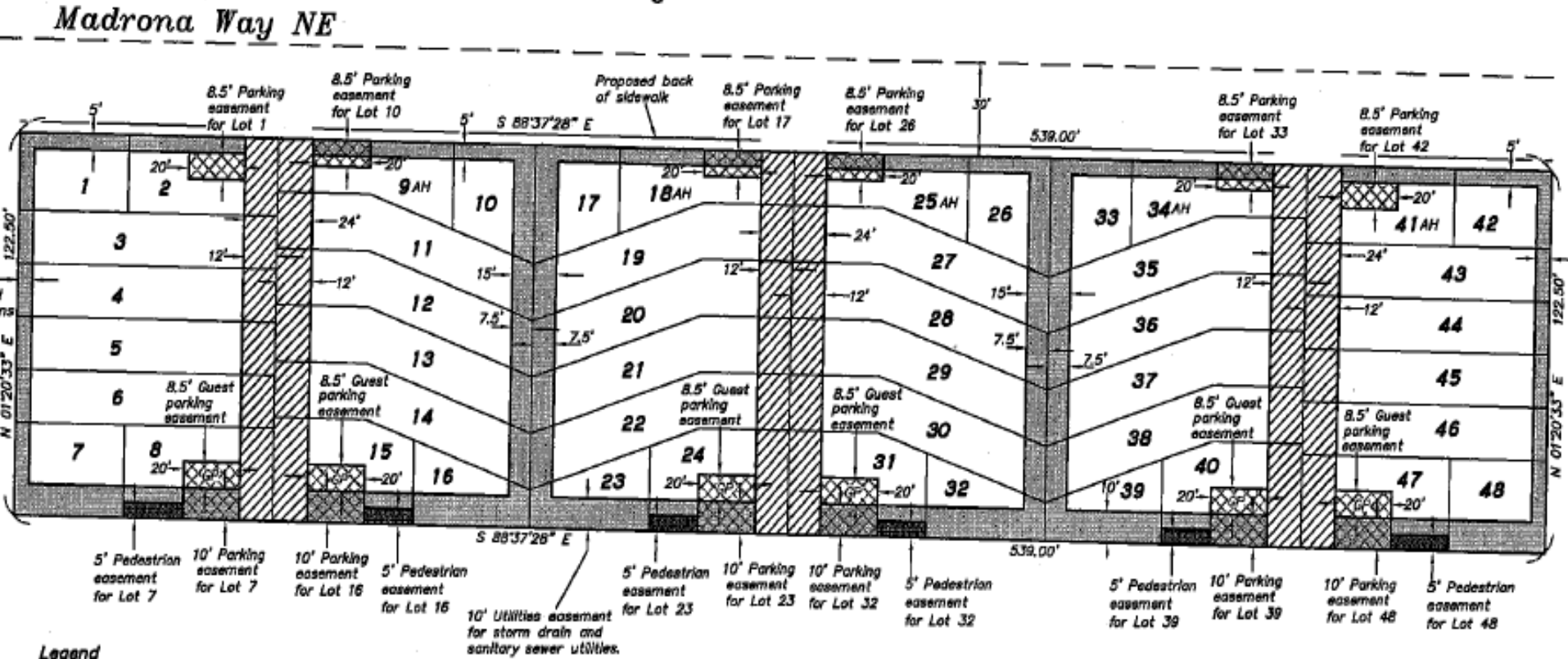


Tier 1 Green Building: LEED Certification
MUTC- Ericksen District

16 Lot SF Subdivision

Housing Design Demonstration Project

MADRONA TOWNHOMES



Tier 1 Housing: 10% Affordable Housing (5 lots)
MUTC- Core District

48 Lot SF Subdivision

Green Building Certification	# of units
Evergreen Sustainable Development	48
LEED Certified	16
Built Green 5	131
Total	195
Designated Affordable Housing	53

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Permitting System Contract Information	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: 13-144
Proposed By: Steve Miller, IT Manager	Referral(s): Doug Schulze, City Manager

BUDGET INFORMATION

Department: Executive	Fund: General	Munis Contract # N/A
Expenditure Req: \$74,108	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☒ Yes ☐ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A
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DESCRIPTION/SUMMARY

Action Item:

This item supports the purchase and implementation of Paladin SMARTGov software to replace the City's permitting system. The new software includes features such as; public portal, electronic payments, GIS integration, and remote access for building inspectors. Additionally, it is a cloud-hosted (SaaS) solution, and includes a connector to the Kitsap County Assessor data to maintain current parcel information. Implementation can begin prior to the end of the year, and should be completed within 3 to 4 months.

History:

The existing permitting system software (Tidemark) was installed in 2000, is well beyond its lifespan, and is no longer supported by the vendor. Following numerous conversations with peers, and recognizing that Kitsap County, Bremerton, and Port Orchard are all using Paladin products, it made sense to focus on the SMARTGov platform as a replacement.

Interim City Attorney Jim Haney is currently negotiating several provisions in the contract. It is suggested that Council forward the contract in the form approved by the Interim City Attorney to the October 23, 2013 consent agenda.

Budget:

The pricing within the contract is defined in three categories; SaaS Subscription, Smart Connectors, and Professional Services. Smart Connectors and Professional Services represent the cost for software implementation and installation, which will be funded from the 2013 Capital Budget. The SaaS Subscription is the ongoing annual maintenance cost, and will be funded from the Information Technology Software Maintenance budget. The total cost is \$74,108 (\$68,239 + \$5,869 WA ST sales tax). The acquisition and implementation costs are included in the 3rd quarter budget adjustments.

RECOMMENDED ACTION

Motion:

I move that the City Council forward the contract with Paladin Data Systems in the form approved by the Interim City Attorney to the October 23, 2013 Consent Agenda.

Paladin Data Systems Corporation
Master SaaS Subscription and Professional Services Agreement

THIS MASTER SOFTWARE AS A SERVICE (SaaS) SUBSCRIPTION AND PROFESSIONAL SERVICES AGREEMENT ("AGREEMENT") GOVERNS YOUR ACQUISITION AND USE OF OUR SaaS SUBSCRIPTION AND PROFESSIONAL SERVICES. BY EXECUTING A SALES ORDER THAT REFERENCES THIS AGREEMENT, YOU AGREE TO THE TERMS OF THIS AGREEMENT. IF YOU ARE ENTERING INTO THIS AGREEMENT ON BEHALF OF A COMPANY OR OTHER LEGAL ENTITY, YOU REPRESENT THAT YOU HAVE THE AUTHORITY TO BIND SUCH ENTITY AND ITS AFFILIATES TO THESE TERMS AND CONDITIONS, IN WHICH CASE THE TERMS "YOU" OR "YOUR" WILL REFER TO SUCH ENTITY AND ITS AFFILIATES. IF YOU DO NOT HAVE SUCH AUTHORITY, OR IF YOU DO NOT AGREE WITH THESE TERMS AND CONDITIONS, YOU MUST NOT ACCEPT THIS AGREEMENT AND MAY NOT USE THE SaaS SUBSCRIPTION OR THE PROFESSIONAL SERVICES.

You may not access the SaaS Subscription if You are Our direct competitor, except with Our prior written consent. In addition, You may not access the SaaS Subscription for purposes of monitoring availability, performance or functionality, or for any other benchmarking or competitive purposes.

This Agreement was last updated on August 28, 2013. It is effective between You and Us as of the date of Your acceptance of this Agreement ("**Effective Date**").

1. DEFINITIONS IN addition to the terms defined elsewhere in this Agreement, the following terms have the following meanings:

- 1.1. "**Affiliate**" means any entity which directly or indirectly controls, is controlled by, or is under common control with the subject entity. "Control," for purposes of this definition, means direct or indirect ownership or control of more than 50% of the voting interests of the subject entity.
- 1.2. "**Malicious Code**" means viruses, worms, time bombs, Trojan horses and other harmful or malicious code, files, scripts, agents or programs.
- 1.3. "**Non-SMARTGov Applications**" means online applications and offline software products that are provided by entities or individuals other than Us and are clearly identified as such, and that interoperate with the SaaS Subscription.
- 1.4. "**Party or Parties**" means either We, Us, or Our, as well as You or Your individually or collectively.
- 1.5. "**Professional Services**" means the labor or time and materials work that You or Your Affiliates purchase under a Sales Order.
- 1.6. "**SaaS Subscription**" means the software as a service ("**SaaS**") products ordered by You on a Sales Order and made available by Us online via the customer login link and/or other web pages designated by Us, including associated offline components, as described in the User Guide. SaaS Subscription excludes Non-SMARTGov Applications.
- 1.7. "**Sales Order**" means the documents for placing orders, including addenda thereto, that are entered into between You and Us or any of Our Affiliates from time to time, including addenda and supplements. By entering into a Sales Order, an Affiliate agrees to be bound by the terms of this Agreement as if it were an original party. Sales Orders will be deemed incorporated herein by reference.
- 1.8. "**Third Party**" means any entity or individual other than We, Us, or Our, as well as You or Your.
- 1.9. "**User Guide**" means the online user guide for the SaaS Subscription, accessible via login, as updated from time to time.
- 1.10. "**Users**" means individuals who are authorized by You to use the SaaS Subscription, for whom subscriptions have been ordered, and who have been supplied user identifications and passwords by You (or by Us at Your request). Users may include, but are not limited to Your employees, consultants, contractors and agents, and any Third Party with which You transact business.
- 1.11. "**We,**" "**Us**" or "**Our**" means Paladin Data Systems Corporation described in Section 14.1 (Contracting Seller, Notices, Governing Law and Jurisdiction).
- 1.12. "**You**" or "**Your**" means the company or other legal entity for which you are accepting this Agreement and Affiliates of that company or entity.
- 1.13. "**Your Data**" means all electronic data or information owned by Your company or other legal entity and submitted by You to the SaaS Subscription.

Paladin Data Systems Corporation
Master SaaS Subscription and Professional Services Agreement

2. SaaS SUBSCRIPTION AND PROFESSIONAL SERVICES

2.1. **Provision of SaaS Subscription.** We will make the SaaS Subscription available to You pursuant to this Agreement and the relevant Sales Order during a subscription term. You agree that Your purchases are not contingent on the delivery of any future functionality or features, and not dependent on any oral or written public comments made by Us regarding future functionality or features.

2.2. **User Subscriptions.** Unless otherwise specified in the Sales Order, (i) SaaS Subscription are purchased as User subscriptions and may be accessed by no more than the specified number of Users, (ii) additional User subscriptions may be added during the subscription term at the same pricing as the pre-existing subscriptions, prorated for the remainder of the subscription term in effect at the time the additional User subscriptions are added, and (iii) the added User subscriptions will terminate on the same date as the pre-existing subscriptions. User subscriptions are for designated Users only and cannot be shared or used by more than one User but may be reassigned to new Users replacing former Users who no longer require ongoing use of the SaaS Subscription.

2.3. **Provision of Professional Services.** We will provide to You the Professional Services specified on the Sales Order. The Professional Services are cost estimates based on time and materials work for Your budgeting and Our resource scheduling purposes. If the estimate is exceeded, We will continue to provide the Professional Services on a time and materials basis if a statement of work or purchase order for continuation of the Professional Services is signed by the Parties.

3. USE OF THE SaaS SUBSCRIPTION

3.1. **Our Responsibilities.** We will: (i) provide Our basic support for the SaaS Subscription to You at no additional charge (ii) use commercially reasonable efforts to make the SaaS Subscription available and (iii) We will provide You access to Your Data via a database extract process that enables You to execute and download a current copy of Your Data on demand.

3.2. **Your Responsibilities.** You will (i) be responsible for Users' compliance with this Agreement, (ii) be responsible for the accuracy, quality and legality of Your Data and the means by which You acquired Your Data, (iii) use commercially reasonable efforts to prevent unauthorized access to or use of the SaaS Subscription, and notify Us promptly of any such unauthorized access or use, and (iv) use the SaaS Subscription only in accordance with the User Guide and applicable laws and government regulations, (v) validate for correctness all output and reports and (vi) have sole responsibility for downloading and storing back-up files, (vii) You will NOT (a) make the SaaS Subscription available to anyone other than Users, (b) sell, resell, rent or lease the SaaS Subscription to any Third Party, (c) use the SaaS Subscription to store or transmit infringing, libelous, or otherwise unlawful or tortious material, or to store or transmit material in violation of Third Party privacy rights, (d) use the SaaS Subscription to store or transmit Malicious Code, (e) interfere with or disrupt the integrity or performance of the SaaS Subscription or Third Party data contained therein, or (f) attempt to gain unauthorized access to the SaaS Subscription or their related systems or networks.

4. NON-SMARTGov PROVIDERS

4.1. **Acquisition of SMARTGov Products.** We or a Third Party may from time to time make available to You, Third Party products or services, including but not limited to Non-SMARTGov Applications and implementation, customization and other consulting services. Any acquisition by You of Non-SMARTGov products or services, and any exchange of data between You and any Non-SMARTGov provider, is solely between You and the applicable Non-SMARTGov provider. We do not warrant or support Non-SMARTGov products or services, except as specified in a Sales Order. Subject to Section 4.3 (Integration with Non-SMARTGov Applications), purchase of Non-SMARTGov products is not required to use the SaaS Subscription except for a supported computing device, operating system, web browser and Internet connection.

4.2. **Non-SMARTGov Applications and Your Data.** If You install or enable Non-SMARTGov Applications for use with SaaS Subscription, You acknowledge that We may allow providers of those Non-SMARTGov Applications to access Your Data as required for the interoperability of such Non-SMARTGov Applications with the SaaS Subscription. We will not be responsible for any disclosure, modification or deletion of Your Data resulting from any such access by Non-SMARTGov Application providers. The SaaS Subscription will allow You to restrict such access by restricting Users from installing or enabling such Non-SMARTGov Applications for use with the SaaS Subscription.

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4.3. **Integration with Non-SMARTGov Applications.** The SaaS Subscription may contain features designed to operate with Non-SMARTGov Applications. To use such features, You may be required to obtain access to such Non-SMARTGov Applications from their providers. If the provider of any Non-SMARTGov Application ceases to make the Non-SMARTGov Application available for operation with the corresponding SaaS Subscription features on reasonable terms, We may cease providing such SaaS Subscription features without entitling You to any refund, credit, or other compensation.

5. FEES AND PAYMENT

5.1. **Fees.** You will pay all fees specified in all Sales Orders. Except as otherwise specified herein or in a Sales Order, (i) fees are based on SaaS Subscription and/or Professional Services purchased and not actual usage, (ii) payment obligations are non-cancelable and fees paid are non-refundable, and (iii) the number of User subscriptions purchased cannot be decreased during the subscription term stated on the Sales Order. User subscription fees are based on annual periods that begin on the subscription start date and each annual anniversary; therefore, fees for User subscriptions added in the middle of an annual period will be charged a prorated amount for the remaining subscription term.

(a) If We determine, based on electronic monitoring of Your User subscriptions, the actual number of User subscriptions exceeds the number licensed on a Sales Order, We reserve the right to amend the Sales Order for successive Renewal Terms to increase the number of User subscriptions and the fees.

(b) Professional Service fees do not include travel, lodging or other expenses incurred by Us unless specified on the Sales Order. You will reimburse Us for all travel, lodging, communications, incidentals and other out-of-pocket expenses as they relate to the services rendered by Us to You.

5.2. **Invoicing and Payment.** We will invoice You in advance for SaaS Subscription in accordance with the relevant Sales Order. We will invoice You monthly for Professional Services in accordance with the relevant Sales Order. Unless otherwise stated in the Sales Order, invoiced charges are due net 30 days from the invoice date.

5.3. **Overdue Payments.** If any payments are not received by the due date, then at Our discretion, (a) such overdue payments may accrue late interest at the rate of 1.5% of the outstanding balance per month, or the maximum rate permitted by law, whichever is lower, from the date such payment was due until the date paid, and/or (b) We may condition future subscription renewals and Sales Orders on payment terms shorter than those specified in Section 5.2 (Invoicing and Payment).

5.4. **Suspension of SaaS Subscription or Professional Services.** If any amount owing by You under any agreement is 30 days' overdue, We may, without limiting Our other rights and remedies, accelerate Your unpaid fee obligations so that all such obligations become immediately due and payable, and suspend Our SaaS Subscription or Professional Services to You until such amounts are paid in full.

5.5. **Payment Disputes.** We will not exercise Our rights under Section 5.3 (Overdue Payments) or 5.4 (Suspension of SaaS Subscription or Professional Services) if You are disputing the applicable charges reasonably and in good faith and are cooperating diligently to resolve the dispute.

5.6. **Taxes.** Unless otherwise stated, Our fees do not include any taxes, levies, duties or similar governmental assessments of any nature, including but not limited to value-added, sales, use or withholding taxes, assessable by any local, state, provincial, federal or foreign jurisdiction (collectively, "**Taxes**"). You are responsible for paying all Taxes associated with Your purchases hereunder. If We have the legal obligation to pay or collect Taxes for which You are responsible, the appropriate amount will be invoiced to and paid by You, unless You provide Us with a valid tax exemption certificate authorized by the appropriate taxing authority. For clarity, We are solely responsible for taxes assessable based on Our income, property and employees.

6. PROPRIETARY RIGHTS

6.1. **Reservation of Rights in SaaS Subscription.** Subject to the limited rights expressly granted hereunder, We reserve all rights, title and interest in and to the SaaS Subscription, including all related intellectual property and trademark rights. No rights are granted to You other than as expressly set forth herein.

6.2. **Restrictions.** You will not (i) permit any Third Party to access the SaaS Subscription except as permitted herein or in a Sales Order, (ii) create derivative works based on the SaaS Subscription, (iii) copy, frame or mirror any part or content of the SaaS Subscription, other than copying or framing on Your own intranets or otherwise for Your own internal business purposes, (iv) reverse engineer, decompile or

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otherwise attempt to derive source code, or (v) access the SaaS Subscription in order to (a) build a competitive product or service, or (b) copy any features, functions or graphics of the SaaS Subscription.

6.3. **Ownership.** We retain sole and exclusive ownership of, and all right, title and interest in and to the SaaS Subscription, the documentation User Guide, any modifications and all suggestions, ideas, improvements, feedback, evaluation materials, presentations, designs, technology, inventions, know-how, works of authorship, software, specifications, and other materials, information and any other intellectual property made, developed, conceived or reduced to practice by Us (whether alone, or jointly with You) in the performance of this Agreement.

6.4. **Your Applications and Code.** If You, a Third Party acting on Your behalf, or a User creates applications or program code using the SaaS Subscription, You authorize Us to host, copy, transmit, display and adapt such applications and program code, solely as necessary for Us to provide the SaaS Subscription in accordance with this Agreement. Subject to the above, We acquire no right, title or interest from You or Your licensors under this Agreement in or to such applications or program code, including any intellectual property rights therein.

6.5. **Your Data.** Subject to the limited rights granted by You hereunder, We acquire no right, title or interest from You or Your licensors under this Agreement in or to Your Data, including any intellectual property rights therein. You grant to Us a non-exclusive license to use Your Data for the purposes of performing Our obligations under this Agreement.

6.6. **Our Protection of Your Data.** We receive no ownership rights in Your Data. We will maintain appropriate administrative, physical, and technical safeguards for protection of the security, confidentiality and integrity of Your Data. We will not (a) modify Your Data, (b) disclose Your Data except as compelled by law in accordance with Section 7.3 (Compelled Disclosure) or as expressly permitted in writing by You, or (c) access Your Data except to provide the SaaS Subscription or Professional Services and prevent or address service or technical problems, (d) or at Your request in connection with customer support matters.

6.7. **Report Writer Software.** You acknowledge the SaaS Subscription Service utilizes ad hoc report writer software ("**Ad Hoc**") under a license granted to Us by a Third Party, which licenses Us the right to sublicense the use of the Ad Hoc as part of the Service to You. Such sublicense is nonexclusive and solely for Your internal use and You may not further resell, re-license, or grant any other rights to use such sublicense to any Third Party. You further acknowledge the Ad Hoc licensing Third Party retains all right, title, and interest to the Ad Hoc and all documentation related to the Ad Hoc. All confidential or proprietary information of Ad Hoc licensing Third Party is Confidential Information under the terms of this Agreement.

7. CONFIDENTIALITY

7.1. **Definition of Confidential Information.** "**Confidential Information**" means all confidential information disclosed by a Party ("**Disclosing Party**") to the other Party ("**Receiving Party**"), whether orally or in writing, that is designated as confidential or that reasonably should be understood to be confidential given the nature of the information and the circumstances of disclosure. Your Confidential Information will include, but not be limited to Your Data; Our Confidential Information will include, but not be limited to the SaaS Subscription; and Confidential Information of each Party will include the terms and conditions of this Agreement and all Sales Orders, as well as business and marketing plans, technology and technical information, product plans and designs, and business processes disclosed by such Party. However, Confidential Information will not include any information that (i) is or becomes generally known to the public without breach of any obligation owed to the Disclosing Party, (ii) was known to the Receiving Party prior to its disclosure by the Disclosing Party without breach of any obligation owed to the Disclosing Party, (iii) is received from a Third Party without breach of any obligation owed to the Disclosing Party, or (iv) was independently developed by the Receiving Party.

7.2. **Protection of Confidential Information.** The Receiving Party (i) will use the same degree of care that it uses to protect the confidentiality of its own confidential information of like kind (but in no event less than reasonable care) (ii) will not use any Confidential Information of the Disclosing Party for any purpose outside the scope of this Agreement, and (iii) except as otherwise authorized by the Disclosing Party in writing, will limit access to Confidential Information of the Disclosing Party to its Affiliates' employees, contractors and agents who need such access for purposes consistent with this Agreement. Neither party will disclose the terms of this Agreement or any Sales Order to any Third Party other than its Affiliates and their legal counsel and accountants without the other Party's prior written consent.

7.3. **Compelled Disclosure.** If the Receiving Party is required to disclose any Confidential Information of the other by law, regulation or governmental authority, the Receiving Party will provide reasonable notice

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to Disclosing Party of such required disclosure and reasonably cooperate with the Disclosing Party in preventing or limiting such disclosure, or obtaining an appropriate protective order or other remedy. If a protective order or other remedy is not obtained, then the Receiving Party may disclose such Confidential Information as necessary for compliance with the applicable law, regulation or governmental authority. Notwithstanding such disclosure, such information will remain Confidential Information and subject to the requirements of this Section. We expressly acknowledge that You are subject to the Washington Public Records Act (Chapter 42.56 RCW) which contains broad requirements for release of documents and short time periods in which to respond.

8. WARRANTIES AND DISCLAIMERS FOR SaaS SUBSCRIPTION AND PROFESSIONAL SERVICES

8.1. **Our Warranties for SaaS Subscription.** We warrant that (i) We have the legal power to enter into this Agreement, (ii) the SaaS Subscription will perform materially in accordance with the User Guide, (iii) subject to Section 4.3 (Integration with Non-SMARTGov Applications), the functionality of the SaaS Subscription will not be materially decreased during a subscription term, and (iv) We will not transmit Malicious Code to You, provided it is not a breach of this subpart (iv) if You or a User uploads a file containing Malicious Code into the SaaS Subscription and later downloads that file containing Malicious Code. For any breach of a warranty above, Your exclusive remedy will be as provided in Section 13.4 (Termination for Cause) and Section 13.6 (Refund or Payment upon Termination) below.

8.2. **Our Warranties for Professional Services.** We warrant the Professional Services will be performed consistent with generally accepted industry standards.

8.3. **Disclaimer.** EXCEPT AS EXPRESSLY PROVIDED HEREIN, NEITHER PARTY MAKES ANY WARRANTIES OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, AND EACH PARTY SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES, INCLUDING ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW.

9. LIMITATION ON WARRANTIES FOR PROFESSIONAL SERVICES

YOU MUST REPORT ANY DEFICIENCIES IN THE PROFESSIONAL SERVICES TO US IN WRITING WITHIN THIRTY (30) DAYS OF COMPLETION OF THE PROFESSIONAL SERVICES IN ORDER TO RECEIVE WARRANTY REMEDIES. THE WARRANTY HEREIN IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

10. EXCLUSIVE REMEDY FOR PROFESSIONAL SERVICES

For any breach of the above warranty, Your exclusive remedy, and Our entire liability, will be the re-performance of the Professional Services. If We are unable to re-perform the Professional Services as warranted, You will be entitled to recover the fees paid to Us for the deficient services. IN NO EVENT WILL WE BE LIABLE FOR ANY CONSEQUENTIAL OR INCIDENTAL DAMAGES ARISING FROM ANY PROFESSIONAL SERVICES PROVIDED HEREUNDER, INCLUDING BUT NOT LIMITED TO CLAIMS FOR LOST PROFITS OR OTHER ECONOMIC DAMAGES.

11. LIMITATION OF LIABILITY

11.1. **Limitation of Liability.** NEITHER PARTY'S LIABILITY WITH RESPECT TO ANY SINGLE INCIDENT ARISING OUT OF OR RELATED TO THIS AGREEMENT (WHETHER IN CONTRACT OR TORT OR UNDER ANY OTHER THEORY OF LIABILITY) WILL EXCEED THE AMOUNT PAID BY YOU IN THE 12 MONTHS PRECEDING THE INCIDENT, PROVIDED THAT IN NO EVENT WILL EITHER PARTY'S AGGREGATE LIABILITY ARISING OUT OF OR RELATED TO THIS AGREEMENT (WHETHER IN CONTRACT OR TORT OR UNDER ANY OTHER THEORY OF LIABILITY) EXCEED THE TOTAL AMOUNT PAID BY YOU. THE FOREGOING WILL NOT LIMIT YOUR PAYMENT OBLIGATIONS UNDER SECTION 5 (FEES AND PAYMENT FOR SaaS SUBSCRIPTION).

11.2. **Exclusion of Consequential and Related Damages.** IN NO EVENT WILL EITHER PARTY HAVE ANY LIABILITY TO THE OTHER PARTY FOR ANY LOST PROFITS OR REVENUES OR FOR ANY INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, COVER OR PUNITIVE DAMAGES HOWEVER CAUSED, WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER THEORY OF LIABILITY, AND WHETHER OR NOT THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

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THE FOREGOING DISCLAIMER WILL NOT APPLY TO THE EXTENT PROHIBITED BY APPLICABLE LAW.

12. TERM AND TERMINATION FOR PROFESSIONAL SERVICES

Professional Services will commence on the date specified on the Sales Order. Either Party may terminate Professional Services any time by providing the other Party with at least 14 days written notice. Any Professional Services outstanding at the time of termination will continue to be covered by this Agreement as if it had not been terminated.

13. TERM AND TERMINATION FOR SaaS SUBSCRIPTION

13.1. Term of Agreement. This Agreement commences on the date You accept it and continues until all User subscriptions have expired or been terminated.

13.2. Term of Purchased User Subscriptions. User subscriptions purchased by You commence on the start date specified in the applicable Sales Order and continue for the subscription term specified. Except as otherwise specified in the applicable Sales Order, all User subscriptions will automatically renew for additional periods equal to the expiring one year subscription term, unless either Party gives the other notice of non-renewal at least 30 days before the end of the relevant subscription term. The pricing during any such renewal term will be the same as the prior term unless We have given You written notice of a pricing increase at least 180 days before the end of such prior term, in which case the pricing increase will be effective upon renewal and thereafter.

13.3. Stop in SaaS Subscription. Upon 180 days' prior written notice, We may terminate provision of the SaaS Subscription as a hosted offering. We will export and return Your Data to You via digital media at Our expense. We will refund You any prepaid fees covering the remainder of the term of all subscriptions after the effective date of stop in SaaS Subscription.

13.4. Termination for Cause. A Party may terminate this Agreement for cause: (i) upon 30 days written notice to the other Party of a material breach if such breach remains uncured at the expiration of such period, or (ii) if the other Party becomes the subject of a petition in bankruptcy or any other proceeding relating to insolvency, receivership, liquidation or assignment for the benefit of creditors. In addition, We may terminate this Agreement if You fail to make any payment due hereunder within 30 days after receiving written notice from Us that such payment is delinquent.

13.5. Effect of Termination. Upon termination for any reason, (a) all licenses granted will automatically and immediately terminate, and We may immediately disable and discontinue Your access to and use of the SaaS Subscription without further notice to You, (b) You will promptly return to Us all Documentation and all information and materials that You have acquired pertaining to the SaaS Subscription and any other Confidential Information of Ours and (c) within 30 days of the effective date of such termination, We will export all Your Data then-stored in the Service and ship the information to You in a digital format.

13.6. Refund or Payment upon Termination. Upon any termination by You for cause, We will refund You any prepaid fees covering the remainder of the term of all subscriptions after the effective date of termination. Upon any termination by Us for cause, You will pay any unpaid fees covering the remainder of the term of all Sales Orders after the effective date of termination. In no event will any termination relieve You of the obligation to pay any fees payable to Us for the period prior to the effective date of termination.

13.7. Return of Your Data. Within 30 days after the effective date of termination of SaaS Subscription and upon request by You, We will make available to You for download a file of Your Data. After such 30-day period, We will have no obligation to maintain or provide any of Your Data and will thereafter, unless legally prohibited, delete all of Your Data in Our systems or otherwise in Our possession or under Our control.

13.8. Surviving Provisions. Section 5 (Fees and Payment), 6 (Proprietary Rights), 7 (Confidentiality), 8.3 (Disclaimer), 11 (Limitation of Liability), 13.6 (Refund or Payment upon Termination), 13.7 (Return of Your Data), 14 (Contracting Seller, Notices, Governing Law and Jurisdiction) and 15 (General Provisions) will survive any termination or expiration of this Agreement.

14. CONTRACTING SELLER, NOTICES, GOVERNING LAW AND JURISDICTION

14.1. Seller: Paladin Data Systems Corporation, a Washington corporation.

14.2. Address notices to: 19362 Powder Hill Pl. NW, Poulsbo, WA 98370, Attn: Contracts

14.3. Governing law: Washington and controlling United States federal law

14.4. Exclusive court jurisdiction: Kitsap County, Washington

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14.5. **Manner of Giving Notice.** Except as otherwise specified in this Agreement, all notices, permissions and approvals will be in writing and will be deemed to have been given upon: (i) personal delivery, (ii) the second business day after mailing, (iii) the second business day after sending by confirmed facsimile, or (iv) the first business day after sending by email (provided email will not be sufficient for notices of termination or an indemnifiable claim). Billing-related notices to You will be addressed to the relevant billing contact designated by You. All other notices to You will be addressed to the relevant SaaS Subscription system administrator designated by You.

14.6. **Agreement to Governing Law and Jurisdiction.** Each Party agrees to the applicable governing law above without regard to choice or conflicts of law rules, and to the exclusive jurisdiction of the applicable courts above.

14.7. **Waiver of Jury Trial.** Each Party hereby waives any right to jury trial in connection with any action or litigation in any way arising out of or related to this Agreement.

15. GENERAL PROVISIONS

15.1. **Amendment; No Waiver.** Except as otherwise expressly provided herein, this Agreement may not be amended or modified and the observance of any provision of this Agreement may not be waived except with the written consent of the Parties. No failure by either Party to enforce any rights hereunder will constitute a waiver of such right then or in the future or any other right or remedy hereunder. To the extent the terms and conditions of any Exhibit, attachment, purchase order, invoice, proposal or response to request for proposal, conflict with or are inconsistent with this Agreement, the terms and conditions of this Agreement will control and no such conflicting terms will be deemed as a waiver or amendment of this Agreement.

15.2. **Anti-Corruption.** You have not received or been offered any illegal or improper bribe, kickback, payment, gift, or thing of value from any of Our employees or agents in connection with this Agreement. Reasonable gifts and entertainment provided in the ordinary course of business do not violate the above restriction. If You learn of any violation of the above restriction, You will use reasonable efforts to promptly notify Us.

15.3. **Assignment; Binding Effect.** This Agreement may not be transferred or assigned by either Party without the express written consent of the other, which will not be unreasonably withheld or delayed, except that either Party may, without the consent of the other Party, assign this Agreement in its entirety to a parent, subsidiary or affiliate of such Party or an acquirer of more than 50% of the assigning Party's outstanding voting capital stock or to a purchaser of all or substantially all of the assigning Party's assets. Notwithstanding the foregoing or any other provision of this Agreement, You may not assign, sublicense, delegate or transfer this Agreement or any of its rights or obligations under this Agreement to any competitor of Ours. Any purported transfer or assignment in contravention of this Section will be null and void. This Agreement will inure to the benefit of and be binding upon the Parties and their respective successors and permitted assigns.

15.4. **Basis of Bargain.** The Parties acknowledge that they have entered into this Agreement in reliance upon the disclaimers of warranties and limitations of liability and damages as set forth in this Agreement, and that such provisions form an essential basis of the bargain between the Parties and do not cause this Agreement, or the remedies available hereunder, to fail of its or their essential purpose.

15.5. **Counterparts.** This Agreement may be executed in any number of English language counterparts or duplicate originals, and each such counterpart or duplicate original will constitute an original instrument, but all such separate counterparts or duplicate originals will constitute one and the same instrument.

15.6. **Entire Agreement.** This Agreement, including the Exhibits attached, constitutes the entire Agreement of the Parties concerning its subject matter and supersedes any and all prior or contemporaneous, written or oral negotiations, correspondence, understandings and agreements between the Parties respecting the subject matter of this Agreement.

15.7. **Export Compliance.** The SaaS Subscription, other technology We make available, and derivatives thereof may be subject to export laws and regulations of the United States and other jurisdictions. Each Party represents that it is not named on any U.S. government denied-party list. You will not permit Users to access or use SaaS Subscription in a U.S.-embargoed country or in violation of any U.S. export law or regulation.

15.8. **Force Majeure.** Except with respect to payment obligations, neither Party will be liable for any failure of performance or equipment due to causes beyond such Party's reasonable control, including but not limited to: acts of God, fire, flood or other catastrophes; any law, order, regulation, direction, action, or

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request of any governmental entity or agency, or any civil or military authority; national emergencies, insurrections, riots, wars; unavailability of rights-of-way or materials; or strikes, lock-outs, work stoppages, or other labor difficulties.

15.9. **Headings and Interpretation.** Headings and captions are for convenience only and are not to be used in the interpretation of this Agreement. The words “include,” “includes,” and “including” when used in this Agreement will be treated in each case as followed by the words “without limitation.”

15.10. **Relationship of the Parties.** The parties are independent contractors. This Agreement does not create a partnership, franchise, joint venture, agency, fiduciary or employment relationship between the parties.

15.11. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be contrary to law, the provision will be modified by the court and interpreted so as best to accomplish the objectives of the original provision to the fullest extent permitted by law, and the remaining provisions of this Agreement will remain in effect.

15.12. **Insurance and Risk of Loss.** You bear all responsibility for damages to Your equipment and facilities except where caused by the negligent or willful acts of Our employees or agents.



Sales Order

Paladin Data Systems Corporation
19362 Powder Hill Place NE
Poulsbo, WA 98370-8720
Tel: 360-779-2400 1-800-532-8448
Fax: 360-779-2600

Date: October 3, 2013
Order: 1040
Ordered by: Jon Byrd
Required Date: November 3, 2013

To: City of Bainbridge Island
280 Madison Avenue
Bainbridge Island, WA 98110

Telephone: 206-780-8647
Fax:
Contact Person: Steve Miller, Information Technology Manager
Email: Smiller@ci.bainbridge-island.wa.us

Purpose of this Sales Order:

City of Bainbridge Island, WA, is purchasing a subscription for SMARTGov® Software as a Service (SaaS) which comprises the following core modules: permitting, planning, code enforcement, inspections, licensing, recurring inspections, cashiering, public portal, and GIS mapping. This includes the modification of the following five system reports/output documents to Client's specifications: permit, receipt, certificate of occupancy, inspection results, and inspection hardcard.

In addition, this purchase includes SMARTConnectors, professional services for data migration, configuration, training, and travel expenses as identified below.

This SaaS Subscription includes five free "occasional named users" which individually average less than 30% usage during an 8 hour day.

Start date: TBD **SaaS Subscription Term:** 12 months from the SaaS Subscription start date

Sales tax not included.

If tax exempt, please provide a copy of tax exempt certificate.

Qty	Unit of Issue	Description	Unit Cost	Extended Price
Fees for SMARTGov SaaS Subscription				
15	Users ¹	SMARTGov® SaaS (with public portal)	\$1,257	\$25,000
3	Users ¹	SMARTInspection Assistant	\$600	\$1,800
3	Connectors	SMARTConnector SaaS Transaction	\$350	\$1,050
1st Year promotional discount				(\$7,161)
Subtotal for SMARTGov SaaS Subscription fees for year 1				\$14,539
Fees for SMARTConnectors				
1	Site	GIS Connector 2 Base map GIS layers, connection to 5 GIS web services	\$3,500	\$3,500
1	Site	Parcel Connector Create procedure to import parcel data from master parcel source	\$3,500	\$3,500
1	Site	Financial Connector Create procedure to export financial transaction data into one delimited text file	\$3,500	\$Free

1	Site	Merchant Services Connector Create integration from SMARTGov public portal to merchant services vendor's payment gateway	\$3,500	\$3,500
Subtotal for SMARTConnectors				\$10,500

Fees for Professional Services and Expenses

100	Per Hour	Data Migration ² PTWin data migration only	\$160	\$16,000
40	Per Hour	Report Configuration ²	\$160	\$6,400
40	Per Hour	Fee Configuration ²	\$160	\$6,400
40	Per Hour	General Configuration ² Assist with basic configuration of permit types, fees, and inspections	\$160	\$6,400
40	Per Hour	Training Webinar style training or on site	\$200	\$8,000
0	Per Day	Travel expenses ³ (estimate not to exceed)	\$0	\$0
Subtotal for Professional Services and expenses				\$43,200

Total without sales tax **\$68,239**

SMARTGov SaaS Subscription year 2	\$21,700
SMARTGov SaaS Subscription year 3 and beyond (or the then current fees)	\$21,700

¹ 20 User Subscriptions will be set up in the system and will be subject to monitoring and amendment of the number of User Subscriptions and fees under Section 5.1(a).

² Estimate only. While Paladin makes this estimate in good faith we will not exceed without written confirmation from customer and will notify you as soon as we know that the required work will exceed the original estimate.

³ Travel expenses:

Airfare will be billed according to actual rates; however, PALADIN will purchase coach class tickets.

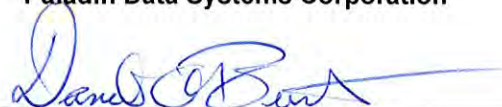
Lodging will be billed according to the actual rates; however, PALADIN agrees to book government rate lodging if available.

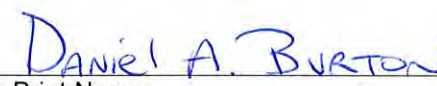
Car rental will be billed according to actual rates; however, PALADIN agrees to rent economy car if available.

Meals and incidental expenses will be billed according to per diem rates as contained in the published GSA per diem rates.

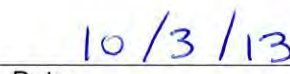
Schedule of Payments	
50% of SMARTGov [®] total (annual SaaS Subscription fees and fees for SMARTGov Connectors). Invoiced upon contract signing.	\$12,519.50
50% of SMARTGov [®] total (annual SaaS Subscription fees and fees for SMARTGov Connectors). Invoiced at start date.	\$12,519.50
100% of SMARTGov [®] SaaS year 2 total due at start date anniversary for renewals.	\$21,700.00
Professional Services and travel expenses to be invoiced monthly as they occur	Monthly

This Paladin Data Systems Corporation Sales Order ("**Sales Order**") is entered into by City of Bainbridge Island, WA ("**CLIENT**") and Paladin Data Systems Corporation ("**PALADIN**" and, together with CLIENT, the "**Parties**" and each a "**Party**") as of the Effective Date. By signing this Sales Order, CLIENT agrees to the terms and conditions contained in this Sales Order and the Master SaaS and Professional Services Agreement, which is incorporated herein by this reference. This Sales Order is effective as of the last date set forth below (the "**Sales Order Effective Date**").

City of Bainbridge Island, WA_____
Signature_____
Print Name_____
Print Title_____
Date**Paladin Data Systems Corporation**

Signature

Print Name

Print Title

Date

CITY OF BAINBRIDGE ISLAND CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Police Department Update	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: 13-151
Proposed By: Matthew Hamner, Chief of Police	Referral(s):

BUDGET INFORMATION

Department: Police	Fund:	Munis Contract #
Expenditure Req: n/a	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item:

Chief Hamner will provide Council with an update on 1) the progress of the Police Department toward addressing concerns and criticisms expressed in this year's LEMAP review and Pendleton study; 2) the department's timeline for implementing the Lexipol program and 3) targeted efforts toward building a framework for the Department's strategic plan, goals and vision.

Schedule/Next Activities:

Chief Hamner intends to continue providing quarterly updates on progress to the council.

Budget:

No budget amendment is necessary.

RECOMMENDED ACTION

Motion: Information only.

City of Bainbridge Island
Department of Public Safety



Memorandum

DATE: October 16, 2013
TO: City Councilmembers
Doug Schulze, City Manager
Morgan Smith, Deputy City Manager
FROM: Matthew Hamner, Chief of Police
RE: Update on Police Department

Let me begin by thanking the City of Bainbridge Island, the council, city manager and its residents for the kindness, openness and generosity I've experienced since my arrival. During these first 100 days, I've spent time getting to know the community leaders, families, businesses, schools, the police staff and residents who take pride in their community and want their police department to be an integral part in preserving its core values.

The goal of the Bainbridge Island Police Department (BIPD) is to earn the community's trust by building relationships, understanding the community's needs and responding to those needs in a compassionate, thoughtful, and professional manner. I am fully committed to this process and believe the transition will build a high-functioning department that emphasizes accountability, transparency, integrity, responsiveness, and efficiency.

The process to implement this transition will draw from resources within the City, especially the leadership and commitment of the department's own personnel. We will also benefit from the support of City leadership, and the ongoing engagement and communication with the broader community.

The intent of this report is to communicate with City leadership and the community on a number of interrelated issues. First, to convey my own perspective on areas of focus and specific next steps I will be taking as Police Chief. I believe we can best achieve real change by providing explicit information on specific plans, and then routinely tracking our progress in these areas. This report is intended to initiate that process. Second, I provide this report as a response to Michael Pendleton's recent review of department issues. I appreciate the significance of the points raised by Dr. Pendleton's report and I intend for the department to move quickly and decisively to change the organizational culture that contributes to many of the report's findings. Third, to communicate department goals and plans so that City leadership, the community, and the department itself can track and measure progress towards those goals and plans.

Introduction

This report is organized to reflect the following areas of emphasis, many of which were highlighted in Dr. Pendleton's report:

- I. Lexipol Implementation
- II. LEMAP Recommendations
- III. Performance Evaluation and Accountability
- IV. Department Leadership
- V. Police Facility
- VI. Police Operations
- VII. Strategic Planning
- VIII. Citizen Oversight

I. Lexipol Implementation

Lexipol is a policy manual that incorporates best practices and encourages scenario-based training in order to reduce risk and avoid litigation for law enforcement agencies. The Lexipol system, purchased by the City in 2010, is tailored to comply with individual state laws and designed as a continuous improvement system. An annual subscription fee ensures that law enforcement subscribers are always up-to-date on federal and state mandates.

What Lexipol does not provide is procedure. Most agencies, like BIPD, rely on a general orders manual (GOM) to guide individual practices. BIPD's GOM, under which we currently operate, incorporates policies and procedures in the same manual. This practice is very common but presents a challenge when attempting to separate standard procedures (which may be updated frequently) from policy statements (which are not updated as frequently). The staff and I have reviewed the BIPD GOM and inserted applicable policy language into the Lexipol format. A copy of the Lexipol manual was provided to the city attorney and the guild for their review and approval. After those approvals are given, the Lexipol manual will become active. The manual is complete regarding state and federal law; however adding policy applicable to Bainbridge Island is an on-going process. As Lexipol's representatives have stated, training is continual as updates occur on a regular basis.

The Pailca report pointed out inconsistencies in our complaint process and recommended that we develop a policy manual. The transition to Lexipol addresses a part of this issue, ensuring that our process is updated to reflect current best practices.

The following pages illustrate our current progress in the transition to Lexipol.

LEXIPOL Status

(10-11-13)

The department currently has a state and federally completed draft Lexipol manual with several BIPD additions. There are many pieces that still needed to be completed; however all the policies have been accepted with some minor revisions. The policies will be revised as they are utilized.

The policies have been reviewed and a spreadsheet compiled to determine what forms, positions and training are needed and in which policies each is needed. The spreadsheet will be used to complete the identified needs.

FORMS

There are approximately 95 forms that are called for in the policies. Of those forms some exist such as daily observation reports for new hires and citizen ride-along forms while others will need to be created such as Impound Warning Notice and Retiree Firearms Certification. Required forms include logs, records and reports. While creating the new forms we will be standardizing all the forms and updating them to be professional and uniformed.

An example of a needed form:

220.5 ISSUANCE OF FIREARMS CERTIFICATE

Retired officers from the Bainbridge Island Police Department may, at the discretion of the Chief of Police, utilize department range facilities for the purpose of a yearly weapons qualification. **The Rangemaster should sign and date the firearms certificate if the retiree successfully completes the required firearms qualification.** The use of department range facilities by retirees is subject to additional restrictions and fees as established by the Chief of Police or authorized designee.

It is the sole responsibility of the retiree to ensure that he/she complies with 18 USC § 926C and other relevant state laws before carrying a concealed handgun in Washington or any other state under this authority.

POSITIONS

There are currently 150 areas in Lexipol that call for specific positions. Some of those positions currently exist while others will need to be implemented while others are not applicable. Those positions include teams, committees, liaisons and supervisors; for example Hostage negotiation team, training committee and crime victim liaison. The implementation process may entail training and other logistics in order to comply with the policies and laws where it is possibly mandated.

Examples of positions outlined in the policy are as follows:

336.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Bainbridge Island Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 SPECIFIC VICTIM LIAISON DUTIES

The victim liaison should:

- (a) Ensure that the Department affords victims and witnesses the rights (RCW 7.69.030).
- (b) Ensure that child victims and witnesses are provided appropriate services and rights (RCW 7.69A.030).
- (c) Coordinate with the County Prosecutor's Office to ensure that all other required notifications are provided to victims and witnesses.

464.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources those are available to the homeless.
- (b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:
 - 1. Proper posting of notices of trespass and clean-up operations.
 - 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with Policy § 804 and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

TRAINING

There are approximately 29 policies calling for training in some fashion. Some of the training is a one-time situation while other policies call for quarterly, bi-annual or annual training. The training will have to be conducted and incorporated into department's annual training plan. There

will also be a need to training on each of the policies in the manual on top of the specific training called out in the individual policies.

Training examples include the following:

904.3.2 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs. If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.

330.11 TRAINING – Child Sex Abuse

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Chapter - Policy Title - Page #	Form Needed	Training Needed	Position Needed	NOTES
	95 - 10/11/13	29 - 10/11/13	150 - 10/11/13	Addition of Chief Preface / Cannons
Chapter 1 - Law Enforcement Role and Authority - (8)				
Giuntoli				
100 - Law Enforcement Authority - (9)				Nothing needed in this section
102 - Law Enforcement Certification - (10)				Nothing needed in this section
104 - Oath of Office - (11)				Nothing needed in this section
106 - Policy Manual - (12)				106.2.3 - typo
Chapter 2 - Organization and Administration - (15)				
Giuntoli				
200 - Organizational Structure and Responsibility - (16)				200.2.2 - typo / 200.2.3 - typo
204 - Departmental Directive - (18)				Nothing needed in this section
206 - Disaster Plan - (19)		206.6 & 206.3 Annual Training on EOC & Plan		Civil Disturbance plan?
208 - Training Policy - (21)			208.8 Training committee	208.4 Training plan for each officer/ 208.5 needs assessment
212 - Electronic Mail - (24)				Nothing needed in this section
214 - Administrative Communications - (26)				Nothing needed in this section
216 - Staffing Levels - (27)				Nothing needed in this section
218 - Concealed Pistol License - (28)				Nothing needed in this section
220 - Retired Officer Firearms Certificate - (32)	220.4 - Retiree ID Card/ 220.5 - Retiree firearms certificate			
Chapter 3 - General Operations - (34)				
Jensen				
	Form	Training	Position	
300 - Use of Force - (35)	300.5, 300.7	300.3.3 on any technique used	300.5 (Supervisor), 300.7.1 (LT)	300.3.4 replace with LVNR, 300.7 recorded interview, notice of potential legal claim
302 - Deadly Force Review - (41)			302.4 Review board, Adminstration Commander	302.4.1 five members for review board
306 - Handcuffing and Restraints - (43)		306.3 on any restraint devise used		306.8 restraint devise use documented in report

308 - Control Devices and Techniques - (47)	308.10 use reported in incident report	308.3 Training is required for any device used	308.4.1 Lt, 308.4.2 Range Master, designated instructor 308.6 Incident Commander, Crisis Response Unit Commander 308.7.2 Supervisor 308.7.3 medical personnel, Training Coordinator,	References Use of Force Police Compliance
309 - TASER® Guidelines - (51)	309.6 and 309.6.1 TASER device report form	309.3 Taser training 309.9 initial, after 6 months without one, yearly recert,	309.5.5 & 309.6 Supervisor 309.7 Medical personnel 309.8 supervisor, rangemaster	309.3 (b)Suggests officers carry two or more cartridges 309.6 references use of force policy
310 - Officer-Involved Shooting - (57)	310.5 reports from all involved officers		310.3.2 Prosecutor, 310.3.4 numerous investigators, 310.4.1 Supervisor, 310.4.2 Lt, 310.4.3 Numerous 310.4.4 PIO 310.4.5 Psychotherapist, 310.5.1 Detectives, 310.5.2 Prosecutor,	

312 - Firearms and Qualification - (64)	312.2 Qualification 312.4 qualification record and training record, 312.7 document in report, use of force form, 312.8 roster of attendees,	312.2.3 qualification, 312.4 qualification- quarterly needs to be changed to twice per year, 312.4 use of force and practical firearms training	312.1 Chief of Police 312.2 Range Master, 312.2 Commander, 312.3.1 (f) Supervisor, 312.3.1 (g) Rangemaster, 312.4 Rangemaster & Training Coordinator, 312.6.1 supervisor, 312.8 Rangemaster, training coordinator 312.9.1 rangemaster	312.2.3 needs reviewed 312.3.1(e) no firearms in jail area (holding cell?)
314 - Vehicle Pursuit Policy - (70)	314.8 crime report, pursuit report, supervisors log (memo)	314.7.4 training on intervention tactics 314.8.1 Pursuit training	314.2.2 & 314.2.3, 314.3, 314.4 Supervisor, 314.1 Lt	
316 - Officer Response to Calls - (81)			316.4 & 316.7 & 316.8 Lt or field supervisor	316.6 indicates dispatch decides code 3 response
318 - Canine Program - (84)	318.2.5 Canine use report 318.7.3 training records, substance abuse training, 318.10 explosives training	318.7 canine and officer, 318.7.1 continued training	318.2.1 Canine handler 318.3 Unit coordinator, Lt, 318.8 canine unit coordinator & patrol commander	
320 - Domestic Violence - (92)	320.10 offense report,		320.10(d) senior executive secretary	
322 - Search & Seizure - (96)		322.2 relevant and current		does not address permission to search documents or search warrants
324 - Temporary Custody of Juveniles - (98)	324.3 detention log, 324.4.5 Juvenile security log report log, inspection log, confinement of juvenile log		324.3 Supervisor, Lt, 324.4.2 Sergeant, 324.4.3 Lt, desk personnel, detective, 324.4.5 Senior executive Secretary	324.4.5 requires video monitoring,

326 - Abuse of Vulnerable Adults - (107)	326.3.1 report to DSHS		326.4.3 patrol supervisor, detective, evidence personnel, DSHS, ombudsman	
328 - Discriminatory Harassment - (111)	328.7 forms ?, 328.8 signed training document,	328.8 New employees, annual		
330 - Child Abuse - (115)		330.7.3 Interviewing children 330.11 training for child abuse investigations	330.3 CPS 330.4 Child interviewers, 330.9.1 Detective supervisor	
332 - Missing Person Reporting - (121)		None ?		332.2 appears to be in conflict with NCIC about taking report
334 - AMBER Alerts - (126)			334.3.2 supervisor, 334.4.2 Lt, supervisor, 334.4.4 Chief of Police	
336 - Victim Witness Assistance - (130)			336.3 crime victim liaison 336.5 Administrative supervisor	
338 - Hate Crimes - (132)				
340 - Disciplinary Policy - (135)				
342 - Department Technology Use - (144)				Presently we can use the internet for reasonable personal uses. Lexipol prohibits use of internet for anything but official purposes. Is this what we want?
344 - Report Preparation - (147)				
346 - News Media Relations - (150)	346.4 Daily media log			
348 - Court Appearance And Subpoenas - (153)			348.3 Subpoena Clerk	
350 - Reserve Officers - (157)				
352 - Mutual Aid and Outside Agency Assistance - (162)				
356 - Community Protection Act - (163)				

358 - Major Incident Notification - (167)			358.4 Lt, 358.4.1 Chief of Police, commander, detective Lt. 358.4.2 Detectives, 358.4.3 Traffic Sergeant, accident investigator, traffic Lt,	
360 - Death Investigation - (169)			360.2 supervisor, 360.2.1 Coroner,	
362 - Identity Theft - (171)				
368 - Limited English Proficiency Services - (172)		368.5 periodic (2 years)	368.5 training coordinator, 368.8 Chief of Police, LEP coordinator	
370 - Hearing Impaired/Disabled Communications - (179)		370.5 period training on policy	370.3.3 Lt, Director	
376 - Chaplains - (183)	376.10 Training determined by department		376.5 Chaplain candidates, 376.6 Chaplain, Chief of Police, Lt, Senior Chanlain	
378 - Public Safety Camera System - (187)				This policy does not apply, we have no camera's placed out in the public that we monitor.
380 - Child Safety Policy - (190)	380.4 policy training			
382 - Service Animals - (193)				
384 - Volunteer Program - (195)	384.2.5 Training of Volunteers	384.1.1 Volunteer, 384.2.1 Volunteer Coordinator, Administrative Commander		
386 - Off-Duty Law Enforcement Actions - (200)				
Chapter 4 - Patrol Operations - (202)				
Hawkins				
	Form	Training	Position	Notes
400 - Patrol Function - (203)				

402 - Bias-Based Profiling - (205)			402.6 Patrol Commander	MAV review doc
404 - Roll Call Training - (207)				
406 - Crime and Disaster Scene Integrity - (208)			406.2 Health Officer	
408 - Crisis Response Unit - (209)		408.7.2	410.1 CRU, CNT, SWAT	Swat, CRU, Comm 9.3
410 - Ride-Along Policy - (219)	410.2 Ride Along			
412 - Hazardous Material Response - (221)				
414 - Hostages and Barricaded Suspects - (223)				
416 - Response to Bomb Calls - (224)			416.3.1 Forensic S S	
418 - Mental Illness Commitments - (227)				
420 - Cite and Release Policy - (231)				
422 - Arrest or Detention of Foreign Nationals - (234)				
424 - Rapid Response And Deployment Policy - (240)			Hostage negotiation team	
426 - Reporting Police Activity Outside of Jurisdiction - (242)				
428 - Immigration Violations - (243)			1.2 Commander	
430 - Emergency Utility Service - (246)				
432 - Patrol Rifles - (247)				
434 - Aircraft Accidents - (249)			2.5 PIO	
436 - Field Training Officer Program - (252)	6.1 DOR		6.3 Field Training Admin	
438 - Obtaining Air Support - (255)				
440 - Detentions And Photographing Detainees - (256)	5.1 Photo form		.7 Gang Unit Sup	
442 - Criminal Street Gangs - (261)	0.8		.4 Gang Unit Sup	
444 - Lieutenants - (265)			4.2 Gang Unit Sup	
446 - Mobile Audio Video Procedure - (266)				not equipt
448 - Mobile Computer Terminals Use - (269)				
450 - Use of Audio Recorders - (271)				
452 - Medical Marijuana - (274)				
454 - Bicycle Patrol Unit - (278)			3.1 Patrol Commander	
456 - Foot Pursuit Policy - (281)				.4.1 C,D typo
462 - Automated License Plate Readers - (285)			Admin Commander	
464 - Homeless Persons - (287)			.2, .4 Homless Liaison Off	
Chapter 5 - Traffic Operations - (290)				
Hawkins				

500 - Traffic Function and Responsibility - (291)	500.7			500.4 Do we seize licenses for DWLS/R?
502 - Traffic Collision Reporting - (295)			502.2/502.3.1 Commander	502.3.3 Typos
510 - Vehicle Towing Policy - (297)	510	510		510.2.1 Rotation? / Typos
512 - Vehicle Impound Hearings - (300)			512.2.1 / Who?	510.2.3 This should be Ofc. Or Det.
514 - Impaired Driving and Evidence Collection - (301)				510 What about impound for DWLS/R?
516 - Traffic Citations - (303)			516.2/516.3 Commander	514.2.2/514.2.3/514.2.5 REWRITE
520 - Disabled Vehicles - (305)				516.6 What about SECTOR NOI's & Cites
524 - Unauthorized 24 Hour Vehicle Violations - (306)	524.2 /524.2.1			524.2.2 TYPO
526 - DUI Vehicle Seizure and Forfeiture - (307)	526.3			526.4 Who does this?
Chapter 6 - Investigation Operations - (310)				
Hawkins				
600 - Investigation and Prosecution - (311)				Nothing needed in this section
606 - Asset Forfeiture Policy - (313)	Forms/log		Commander	606.3(b)/.3.1/.3.2/.3.4
608 - Confidential Informants - (316)	Forms/log/letter		Commander/Chief?	608.2.1/.4/.3(h).5.1/.5.3/.5.4
610 - Eyewitness Identification - (320)				Nothing needed in this section
Chapter 7 - Equipment - (323)				
Burns				

700 - Department Owned and Personal Property - (324)	700.2 (a), 700.3, 700.3.1, 700.4 (b), 700.4.1		700.2 (a) COC, 700.2 (b) Supervisor, 700.2 (d) Propert Authority, 700.2 (e) Supervisor, 700.3 Immediate Supervisor, Commander, Chief of Police or Designee, Finance Department, 700.3.1 Supervisor, 700.4 (a) Supervisor, 700.4.1 Immediate Supervisor, Commander	
702 - Personal Communication Devices - (326)				
704 - Vehicle Maintenance - (328)	704.2		704.2 and 704.6, Supervisor	
706 - Vehicle Use - (330)	706.2.1, 706.2.7, 706.3, 706.7, 706.8		706.2.2, 706.2.3, 706.2.4 Supervisor, 706.3 Sergeant, 706.4 Commander, 706.7 Supervisor	
Chapter 8 - Support Services - (334)				
Burns				

804 - Property Procedures - (335)	804.3, 804.3.1 (a), 804.3.1 (c), 804.3.1 (e), 804.3.2, 804.3.4 (c), 804.4.2, 804.5, 804.6, 804.6.1, 804.6.2, 804.6.3, 804.6.5, 804.7.1, 804.8.1		804.3.1 Supervisor, 804.3.2 Officer, 804.3.2 Records, 804.3.2 Detectives, 804.3.3 Immediate Supervisor, Lieutenant, Bomb Squad, Evidence Custodian, 804.3.4(b) Evidence Custodian, DMV, 804.3.4 (c), Evidence Custodian, 804.3.4 (d) Supervisor, Officer, Lieutenant, 804.3.5 Officer, Detective, Evidence Custodian, 804.4.2 Officer, 804.5 Evidence Custodian, 804.6 Evidence Custodian, Officer, 804.6.1 Supervisor, Detective, Evidence Custodian, 804.6.2 Evidence Custodian, Officer, Records, 804.6.3 Officer, Evidence Custodian, 806.6.4 Detective, 805.6.5 Evidence Custodian, 804.6.6 (b) Chief,	
806 - Records Procedures - (342)				
808 - Restoration of Firearm Serial Numbers - (345)	808.2.1 (c) , 808.2.1 (d), 808.2.2, 808.2.4, 808.2.5		808.2.3 Evidence Custodian, 808.2.5 Evidence Custodian	
810 - Release of Records and Information - (347)				

812 - Criminal History Record Information (CHRI) - (353)		8.12.8	812.4.1 Criminal Records Security Officer, Senior Executive Secretary	
814 - Computers and Digital Evidence - (357)	814.2 (e), 814.2 (h), 814.2.2 (a), 814.2.2 (b), 814.5.4 (c)		814.1 Officers, 814.2 (h) Officer, 814.2.1 Officer, Forensic Computer Examiner, 814.2.2 Forensic Computer Examiner, 814.4 (a) Officer, Forensic Computer Examiner, 814.5 Officer, 814.5 Officer, 814.5.2 (b) Officer, 814.5.2 (c) Camera Operator, 814.5.2 (d) Evidence Technician, 814.5.2 (e) Officer, 814.5.4 (a) Evidence Technician	
822 - Jeanne Clery Campus Security Act - (361)				
Chapter 9 - Custody - (365)				
Giuntoli				
900 - Temporary Holding Facility - (366)	900.3.2-holding facility log / Prisoner Screening form- 900.3.3(b)/ 900.8 - prisoner receipt/900.9.2 (b) prisoner inventory /900.9.2 - (f) - fingerprints/ 900.9.2 (j) Detoxification		900.5.1(c) -Facility Manager/900.6 (f) - facility administrator / 900.9.7 - jail supervisor	900.1-operationand procedure manual /900.6.4 -evacutaion formation area / 900.9.2 (g) - photos info card
902 - Custody Searches - (377)	902.8 - body cavity search			902.6 (c) - metal detector

904 - Custodial DNA Samples - (381)		904.3.2 - buccal swabs		904.3.3 - palm prints
Chapter 10 - Personnel - (383)				
Day				
1000 - Recruitment and Selection - (384)				1000.3.4(a) replace "malingering" with "loitering"
1002 - Evaluation of Employees - (389)			1002.7 Commander	
1004 - Promotional and Transfer Policy - (393)			1004.3 b & c Commander	
1006 - Grievance Procedure - (395)			1006.5 Commander	
1010 - Reporting of Employee Convictions - (397)				
1012 - Alcohol and Drug Use - (398)				
1014 - Sick Leave Reporting - (401)				
1016 - Communicable Diseases - (403)		1016.3.1 & 3.4 No Bio-waste container at office No decon / cleaning / space or equipment in evidence room		1016.2.5 - para 2 - replace "shall" with "should". 1016.3.6 para 2 replace "detergent" with "germicidal detergent" No Biohazard waste bags
1018 - Smoking and Tobacco Use - (410)				
1020 - Personnel Complaint Procedure - (411)	1020.2.4 "Personnel Complaint Form"		1020.3(b) "Commanding Officer"	1020.4 "Supervisor may assign" to Admin Leave - Not in scope of supervisor's authority
1022 - Seat Belts - (418)				
1024 - Body Armor - (420)				
1026 - Peace Officer Personnel Files - (422)			1026.5(b) "Division Commander"	1026.7.2 Replace "Division File" with "Supervisor File"
1028 - Request for Change of Assignment - (430)			1028 "Commander"	
1030 - Employee Commendations - (431)	1030.3.1 "Commendation Incident Report"		3.1(a) "bureau"	Suggest replace policy with submitted draft policy
1032 - Fitness for Duty - (432)			.3(d) "Commander"	
1034 - Meal Periods and Breaks - (435)				1.1 para 2- Does this preclude officers from going off-island to get food to bring back?
1035 - Lactation Break Policy - (436)				
1036 - Time Sheet Procedures - (437)				Scrap whole policy and re-write
1038 - Overtime Payment Requests - (438)				

1040 - Outside Employment - (440)				4.1-Insert basis for action; "a founded complaint" or "Reasonable suspicion"
1042 - On Duty Injuries - (443)			2.4-Sergeant and commander, 2.5 Commander	2.4 Seregant
1044 - Personal Appearance Standards - (446)				
1046 - Uniform Regulations - (448)			2.1(b) Commander"	.2(h) consider deleting, 3.4 insert Marine Officer, .7 & 8 What is the "Uniform and Equipment Specifications"?
1048 - Police Cadets - (453)	.4 Cadet Training Manual		.3-Training Bureau Manager/Program Coordinator	
1050 - Nepotism and Conflicting Relationships - (455)				
1052 - Domestic Violence Involving Law Enforcement Employees - (457)			2.2 "Command Duty Officer", 2.3 "Domestic Violence Specialist" and "DV Unit Supervisor"	
1054 - Department Badges - (463)				
1056 - Modified Duty Assignments - (465)			.4-Commander	
1058 - Performance History Audits - (468)			.2Commander,.5 "The Internal Affairs", .6 "The Internal Affairs", .7 "Commander"	
1060 - Employee Speech, Expression and Social Networking - (471)				
NOTE : Additional work to be completed - Chief's Preface / Add cannons to Code of Ethics				

II. LEMAP Recommendations

A department evaluation was conducted in January, 2013 by members of the Loaned Executive Management Assistance Program (LEMAP) through the Washington Association of Sheriffs and Police Chiefs. The purpose of the program is to provide management consulting and technical assistance to administrators looking for a professional review of their organization's operations and management systems. The evaluation provided a critical look at the department and serves as a guide to identify areas in need of strengthening, provide feedback on things we are doing well, and motivate the department to improve.

The following pages illustrate the areas targeted in the LEMAP review and the BIPD's progress in addressing the review's findings: those which have been completed, those that are still in progress, and those which have yet to be implemented.

LEMAP Status
(10-11-13)

Chapter	Chapter Title	# of Standards	# of Recommendations	# Completed
1	Goals and Objectives	2	3	2 Nov 19 th All Hands complete Chapter
2	Role and Authority	7	5	4 1-Minor change to complete chapter
3	Use of Force	8	6	1
4	Management, Staffing, Organization and Utilization of Personnel	4	6	1 Addressed in Pendleton
5	Records Management	12	1	1
6	Information Technology	5	1	1
7	Unusual Occurrences	4	2	2
8	Health and Safety	8	6	6
9	Fiscal Management	6	5	5
10	Recruitment and Selection	7	4	2
11	Training	8	9	6
12	Performance Evaluation	2	3	3
13	Code of Conduct	4	2	1
14	Internal Affairs	5	9	3
15	Patrol Function	8	4	2
16	Traffic Function	3	1	0
17	Investigation Function	8	5	1
18	Evidence and Property Control Function	22	5	1
19	Prisoner Security	8	4	1
TOTAL		131	81	43

II. Performance Evaluation and Accountability

Both Dr. Pendleton and WASPC highlighted issues related to performance evaluation and accountability. The City has a well-established process for annual performance reviews, and clear policies on how to incorporate performance evaluation into day-to-day management. In recent years, however, the BIPD has failed to follow these policies and City administration has tolerated these lapses. Annual personnel reviews were not delivered on a consistent basis, were not always timely and well-documented, and in some cases were never delivered. The failure to follow through in a consistent and regular manner undermines the ability to recognize good work and limits the opportunity to identify and correct deficiencies.

Ongoing communication and feedback throughout the year are an important part of a well-functioning evaluation system. This aspect has not been consistently emphasized or required from department supervisors. Goals for the coming year were not regularly or explicitly identified, which compromises the City's ability to report on results, measure performance, and generate plans for improvement.

The City is committed to a high degree of accountability at both the individual and organizational level. A well-functioning system for performance evaluation and employee recognition is central to this commitment. The department will take the following steps to ensure that performance evaluation going forward meets the standards that have been established citywide:

- Audit past compliance with existing City personnel review practices. A review of the department's compliance since 2010 will be completed by Human Resources.
- Fully enforce City performance evaluation policies going forward. Department supervisors will receive dedicated training in Q4-2013 to cover City performance evaluation policies, coaching techniques and communication methods. This training will be targeted to prepare supervisors to develop and deliver meaningful, accurate and constructive feedback on employee performance as part of the 2013 annual reviews to be delivered in Q1-2014.

- Achieve 100% compliance for annual reviews due in Q1-2014. Per City policy, annual reviews for line staff are due by the end of February, and reviews for supervisors are due by the end of March. Department supervisors will complete 2013 performance reviews ahead of deadlines. Supervisors will be responsible for providing clear communication on goals for 2014, which will include individual, departmental and citywide objectives. Supervisors will provide specific objectives for improvement for individuals with identified areas of concern. The Chief will review every individual evaluation before it is finalized, to assess consistency with stated policies and department objectives. If necessary, the Chief will work with the supervisors to ensure consistency across the department in how performance standards are applied, communicated and discussed.
- Ensure that regular communication, feedback and coaching is incorporated into 2014 operations. Supervisors will be expected to integrate regular communication about performance into their day-to-day management and interaction with staff. Supervisors will themselves be evaluated on their demonstrated success in this area.
- Employee recognition will be an explicit component of performance management. Positive feedback will be tracked and identified as part of the review process, on an ongoing basis within the year and at the annual review.
- The department will achieve 100% compliance with the required probationary reviews for new employees.
- Internal discipline will be timely, will be consistently applied, and will always involve the participation of the City's Human Resource staff. Internal affairs procedures are fully outlined in GOM chapter 9, which will be converted to SOP once Lexipol is in place.
- The department will end the practice of removing disciplinary incidents from personnel files after one year and will comply with retention requirements outlined by State law.

IV. Department Leadership

A. Organizational Culture

My initial evaluation of the department regarding the organization culture has shown some significant needs in the working relationships between the supervisors and the officers. This is no great surprise to anyone who has looked at the department. There are

many explanations for this but I believe I am making headway with changing this attribute. I am convinced that the department wants to succeed. They want some strong direction and a leader that will lead them to success.

The first step in this process is to provide a template for success. This is accomplished by my leadership and some training from the outside. I have shared with the lieutenants my leadership beliefs and how we should lead. I am a proponent of servant style leadership and I believe that this type of leadership will work here.

I want to bring in an instructor that will teach these leadership skills and show how to become a respected and beloved leader.

The next step will be for me is to challenge them to do better and to hold them accountable. I am convinced that they will live up to the standards I set and will become a much more professional and hard working department.

B. Supervisory Structure

The department currently has 14 officer positions, including two detectives, which report to four lieutenants. Lieutenants also supervise non-patrol staff, including the parking enforcement officer and the harbormaster. In addition to supervisory responsibilities, lieutenants participate in policy development and strategic planning. The four lieutenants currently report directly to the Chief, due to the vacancy in the Commander position.

The Pendleton report identified several areas of concern associated with department supervisors' communication style and management approach. Dr. Pendleton cited the need to ensure that the department's Lieutenants are providing leadership that is professional, engaged, and impartial. The department's response to these concerns will be critical if the City is to establish a leadership culture that is grounded in individual responsibility and professionalism.

Dr. Pendleton's report also highlights issues that are created by the fact that the lieutenants are in the same labor unit as the department's line officers. Concerns raised in the report include the potential for diminished union representation for patrol officers and detectives when the officers disagree with the decision of a lieutenant. In instances in which performance management, including disciplinary action, is warranted, the situation is complicated by having the direct supervisor, who is responsible for deciding on and implementing discipline, to also be part of the union. At this time, two of the three Guild officers are lieutenants. Officers have complained to City management that when discipline is discussed, they do not feel that there is independent union representation available to them.

The department is committed to a leadership culture that relies on each area of the organization to exemplify the attributes of a high-performing police department. It is critical for the lieutenants to lead the way in this effort. To respond to the concerns that have been identified, the following tasks will be completed:

- Lieutenants will be well-trained in their supervisory roles and will be evaluated on their ability to lead and manage personnel, and to direct work groups that achieve department goals. Professional development in specific areas of management and policing will be identified and will be mandatory.
- Lieutenants will be tasked with evaluation and implementation of policing strategies that help the department to quickly move towards best practice operations in priority areas. Lieutenants will be evaluated on their ability to succeed in leading the department forward in these initiatives, with an emphasis on speed and efficiency.
- The City will petition the Public Employment Relations Commission (PERC) to request that the Lieutenant positions be removed from the commissioned bargaining unit on the basis of supervisory status. This change would remove the potential for diminished representation for officers in the instance of disciplinary actions.

C. Commander Position

Department staffing has typically included both a Chief and a second-in-command, which was identified at various times as either the Deputy Chief or the Commander. During the past 10 years, the following variations on the department's leadership structure have been in place:

Year	Executive Leadership	Second in Command	Mid-Management
2003	Chief (filled)	Deputy Chief	Lieutenant (4)
2005	Chief (filled)	Admin Lieutenant	Lieutenant (4)
2007	Chief (filled)	Deputy Chief	Lieutenant (5)
2009	Chief (vacant)	Deputy Chief (acting as Chief)	Lieutenant (5)
Jan. 2010	Chief (filled)	Deputy Chief (vacant)	Lieutenant (5)
	Chief (filled)	Commander (filled)	Lieutenant (4)
2011	Chief (filled)	Commander (filled)	Sergeant (4) – appealed and reverted to Lieutenant
2012	Chief (filled)	Commander (filled)	Lieutenant (4)
2013	Chief (filled)	Commander (vacant)	Lieutenant (4)

In March 2010, as part of a series of motions reducing city spending, the City Council eliminated the Deputy Chief position, created a Captain position, and eliminated a Lieutenant position in the police department. The Captain position was never filled as a Captain. After a recruiting process, the position was filled as a Commander position by an internal candidate.

The Commander position has been vacant since January, 2013. The decision about whether to fill this position is closely tied to decisions regarding the role and structure of the Lieutenants. These topics will be reviewed and evaluated in conjunction with the petition to PERC. Once the City has received the PERC ruling regarding the lieutenants, a determination on the Commander position, the correct position title, and areas of management responsibility will be completed.

V. Police Facilities and Equipment

A. Police Station Facilities

The condition of the current police station is a point of concern and is an important element of any discussion of the near and long-term expectations for the department. The existing building is roughly 45-years old, was not originally designed to serve a police function, and is poorly configured for current needs. Maintenance issues are pervasive, and there have been several major failures/repairs in recent years. Work areas are crowded and awkwardly arranged, which negatively impacts officer morale and impedes collaborative work. The limitations of the building's layout make it very difficult to accommodate public access and also meet security requirements. The building is adjacent to both the Washington State Ferry dock and the major intersection of Winslow Way and Highway 305, which makes vehicle access difficult at peak travel times.

The City is participating in a joint facility assessment with the Bainbridge Island Fire Department that will begin in late 2013. This assessment will develop information on the department's needs as they exist today and will also project the department's future needs. This data will be used to develop an up-to-date facility plan for the police department, so that the City can formally plan for funding and other resources needed to provide a functional, efficient and safe work environment.

Dr. Pendleton's report suggests that the City begin to immediately plan to relocate the police department to City Hall. The information generated by the joint facility assessment will provide specific data on what type of space is needed by the department, and in what configuration, both now and going forward. Once that information is complete, the City can more accurately assess the options for future department facilities and compare the respective cost and functionality of different locations. The following milestones will guide this process:

1. Complete joint facility assessment with BIFD: first quarter, 2014.
2. Compare options for future Police department facilities: mid-2014, complete by end of second quarter, 2014.
3. Determine plan for future department facilities: third quarter, 2014 (to inform development of City biennial budget and Capital Plan update).

B. Police Fleet/Take-Home Vehicles

The City has provided take-home vehicles for its police officers for more than ten years (since 2000). Periodically, the City has reviewed this practice to determine whether other approaches would be more cost-efficient or would better support policing efforts.

As part of the most recent biennial budget development in the fall of 2012, the City developed an updated assessment of the take-home program to compare financial and operational aspects of the existing program against a pool-vehicle program. That analysis concluded that capital and maintenance expenditures for vehicle replacement were roughly the same in either program, while operating costs were higher due to reimbursement for take-home mileage. Other considerations such as response time and facility limitations were also reviewed.

The take-home program is connected with the department's General Orders Manual and the Guild labor agreement. It is also closely tied to decisions about department shift schedules.

This program was reviewed by the Chief as part of his initial assessment of the department. This assessment incorporated the Chief's extensive experience with fleet management in other jurisdictions. The conclusion is that the take-home vehicle program is the preferred practice for the department at this time, given current facilities, size and configuration of the department, and the transition costs associated with a change in the fleet program.

As a related effort, the City has updated the data used to inform management of the Police fleet, and has developed a long-range plan for fleet replacement. The goal is to right-size the vehicle fleet to align with current staffing, to keep patrol vehicles in good working order during their useful life, and to replace vehicles on a regular basis to avoid excessive maintenance costs.

This fleet management plan will guide vehicle purchases going forward. Future vehicle purchases will be for a single make and model, to simplify maintenance and improve the visual consistency of the fleet. After-market modifications will be kept to a minimum, and when feasible, optional equipment from surplus vehicles will be re-used.

C. Equipment

As a small department, there is a need to achieve a balance between understanding what is a need and necessary relative to “nice to have”. The evaluation is taking place and our needs will run concurrently with the strategic plan. Our department needs to be well-equipped to ensure we are prepared to handle our current workload efficiently and professionally.

VI. Police Operations – Best Practices

The department will undertake a top-to-bottom review of policing strategies, service delivery, and internal administration. This will be an iterative process, and will include regular reporting to City leadership and the community, so that improvement opportunities and process changes are well-communicated. The department will take responsibility for timely implementation when new initiatives are identified, and ongoing organizational improvement will be self-driven.

This comprehensive assessment of department operations is underway, and where appropriate will make use of information and suggestions that were identified within previous reviews. Some initial areas of work are identified here; however this effort will certainly expand going forward.

The department assessment of best practices will focus on three key areas of activity:

A. Operations

The operations of the department comprise several facets. Size of department/staffing/patrol levels use of reserve officers, shape of patrol shifts, recruitment /hiring process/background checks, succession planning, canine officer, school resource officer, bicycle patrols, walking beats, emergency preparedness, internal communication, reporting/external communication, automation/IT equipment management, other/new initiatives. Crime and traffic trends will also be evaluated.

B. Training and Professional Development

Training/Professional Development	Notes
Establish Training Standards/Protocols	Ongoing
Manage training plans	Ongoing
Mental health training	Ongoing
SWAT training	Ongoing
Firearms training/certification	Ongoing
Career path/officer development	Ongoing

C. Community Engagement

Community Engagement	Notes
Citizen Review Panel	Conceptual
Town Hall meetings	Ongoing; bi-annual
Chief's Roundtable	Ongoing; bi-monthly
Citizens Academy	Ongoing; bi-annual
Monthly Open Lunch w/Chief	Conceptual
Ongoing Outreach/Misc. Activities	Conceptual
Bicycle patrols/Walking beats	Ongoing
Community Groups e.g. BYS	Ongoing

VII.Strategic Planning

This document represents a road map for a significant set of work that is currently underway in the department and which will continue in the coming months. As such, it stands as the near-term plan for the police department. The areas of work identified here are intended to convey the leadership strategy and operational goals of the department, as well as the resource requirements that are needed to support these efforts.

Completing the steps outlined in this report will lead the department towards a more efficient and professional level of operations. In the longer term, a formal strategic planning process will be established to ensure that this type of review, assessment, and performance monitoring is integrated into the regular operations of the department. A timeline for the integration of a formal strategic planning process is below:

1. Quarterly progress reports on the work identified in this initial review: to begin with report to City leadership and community in Q1-2014 and continue through remainder of 2014,
2. Development of formal short and long-term department goals: Q1, annual, beginning in Q1-2014,
3. Development of performance/progress measures associated with department goals: Q1, annual, beginning in Q1-2014,
4. Development of annual work plans to implement identified priorities, with specific quarterly milestones: Q1, annual, beginning in Q1-2014,
5. Presentation of department strategic plan to City leadership and City Council: mid-year, biennial with annual updates (to align with City budget cycles), beginning in mid-2014,
6. Reporting on progress and performance measures: ongoing, with various data to be provided on a monthly, quarterly, and annual basis. Detailed reporting plan (content, formats, distribution) will be forthcoming as part of operational initiatives described in Section III.

VIII. Citizen Oversight

Dr. Pendleton's report proposed the creation of a formal "Police Commission" to provide citizen oversight to the department in several areas. This recommendation underscores the importance of ongoing and multi-faceted engagement between the department and the community.

Citizen oversight has the potential to add important layers of accountability and transparency to policing issues. But the value added by this function is highly related to the quality of the department's internal systems for accountability, reporting and discipline. It is well-understood that the community has a keen interest in a high-functioning and fully accountable police department. A formal role for citizen oversight is one mechanism for facilitating community engagement. The department's respect for the role of the community is reflected in the extensive resources devoted to ongoing and regular community interaction, and these activities will continue to evolve and expand as opportunities are identified.

In order for citizen oversight to provide meaningful and productive input, the department's own systems for accountability and evaluation must be organized, effective, and fully implemented. That is not currently the case. The department must first complete the work identified in this report to improve the internal leadership culture, correct deficiencies in performance evaluation, and enhance professional standards and practice.

Once the department has resolved the work that is needed in those areas, the recommendation to create a formal mechanism for citizen oversight can be better assessed. At that time, the department and City leadership will work with community representatives to articulate the goals of a citizen oversight function, identify and review structural models from similar communities, and quantify the required financial impact and personnel support.

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2013-26, Adopting the 2014-2019 Six-Year Capital Facilities Plan	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: AB 13-145
Proposed By: Finance Director Ellen Schroer	Referral(s):

BUDGET INFORMATION

Department: PCD	Fund: N/A	Munis Contract #
Expenditure Req: No	Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☒ Yes ☐ No

REFERRALS/REVIEW

Study Session:	Recommendation:
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

Consideration of Ordinance No. 2013-26 adopting the 2014-2019 update of the six-year Capital Facilities Plan and amending the Capital Facilities Element of the Bainbridge Island Comprehensive Plan.

History:

As part of the Growth Management Act (GMA) requirements, the City annually updates the Capital Facilities Element of the Comprehensive Plan to include a six-year financing plan. The GMA (RCW 36.70A.070(3)(d)) states that a jurisdiction develop a “at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes”. On September 26, 2013, the Planning Commission reviewed the six-year plan and recommended approval of the list of proposed programs. As prescribed in the GMA, the Planning Commission’s review only addresses whether the project list provides the infrastructure necessary to implement the Comprehensive Plan. The Capital Facilities Plan update process also requires coordination with other service providers, the status of which is described below:

Status – Bainbridge Island School District – Planned adoption Oct. 2013
Bainbridge Island Fire Department – Planned adoption Dec. 2013
Bainbridge Island Metropolitan Park and Recreation District – Planned adoption Nov. 2013
Sewer District No. 7 (Fort Ward) – Planned adoption Oct. 2013
Kitsap Public Utility District No. 1 – Adopted Oct. 26, 2012 no updates planned for 2013

RECOMMENDED ACTION

I move that the City Council forward Ordinance No. 2013-26, Adopting the 2014-2019 Six-Year Capital Facilities Plan for first reading on October 23, 2013.

City of Bainbridge Island
EXECUTIVE DEPARTMENT



MEMORANDUM

TO: City Councilmembers
Doug Schulze, City Manager

FROM: Morgan Smith, Deputy City Manager

DATE: October 10, 2013

RE: Six-Year (2014-2019) Capital Improvement Plan (CIP)

A draft of the annual update to the city's Capital Improvement Plan (CIP) has been reviewed and approved by the Planning Commission, whose role is to ensure the projects presented in the CIP are aligned with the city's Comprehensive Plan. The City Council will next review the CIP to finalize the planned set of projects for the coming year (2014) and beyond.

This year's update is largely derived from the content developed within the 2013-14 biennial budget as approved in late 2012. An overview of the content of each section of the CIP is provided below, with key changes to the 2013 version identified. Additional detail is available in the current draft version of the document itself, which is attached.

Background

The Growth Management Act requires cities to plan for six-years' worth of capital improvements (e.g. roads, utilities, parks, open space acquisition, and equipment) to ensure that the city can afford to provide and maintain adequate facilities for the projected population growth and land use plan. The City and each of the Island's special districts conduct an annual update of their Capital Facilities Plans (CFPs), which include an inventory of existing capital facilities and a process to identify and prioritize capital projects (Capital Improvement Project lists) as well as the financing capacity to implement those projects over the coming six years.

Highlights of Proposed 2014-2019 Capital Improvement Plan

The CIP represents an important element in the city's long-range and strategic planning. The projects and activities captured in this document should provide a clear articulation of the city's intended use of key resources in the coming six-year period. Per discussions beginning in 2011, staff are working to update the content of the CIP so that projects with identified funding and

near-term timing are identified in the first six years. In this way, the CIP can be used as an actual implementation plan to guide city resources.

Projects and activities with more speculative funding and timing are presented in the remaining 14-year section of the Capital Facilities Plan (CFP). As funding plans and timing are developed, projects will “graduate” from the CFP to the CIP. This approach allows the city to maintain both a CIP that reflects projects that are “shovel-ready” and a CFP to identify priorities for which implementation and funding plans remain unresolved.

In recent years, staff have focused their efforts on updating the content shown for the three tax-supported sections: Transportation, Facilities and Equipment. Capital plans for the city’s three utilities (Water, Sewer and Stormwater) should be based on information developed in the respective system plans for each utility. As the planned updates to these system plans are completed, the city will receive current data on capacity and capital needs and can revise the CIP/CFP to incorporate this information.

The format is intended to provide both a high-level view of the proposed projects and activities as well as detailed information on schedule, estimated costs and phasing. For each section, a “Level One” sheet lists the content for the CIP and CFP. The Level One sheet also indicates whether this item was newly added or was included in the prior year plan. The Comprehensive Plan Designation is also provided, to highlight the type of project being proposed. The following “Level Two” sheet details project costs, fund sources, start year and phasing when appropriate. For projects planned to occur within the current budget (2014), a “Level Three” sheet is provided with additional detail on project timing and budget.

A. Tax-Supported – Transportation

- i. Annual Preservation (patching, chip sealing, overlays) is provided for each year of the CIP and for each year of the CFP. The amount of annual budget approved for 2014 is \$600,000 and expenditure in future years has been escalated for inflation.
- ii. Five road reconstruction projects are included in the CIP:
 - the Madison Avenue overlay project for which the city has received approval for grant funding from the Puget Sound Regional Council (PSRC).
 - Valley Road (Sunrise to Falk) and Wardwell Ave. (Triple Crown to Bucsit) will both begin design in late 2013 with construction planned in 2014.
 - Wing Point Way Reconstruction. The city intends to begin design efforts in 2014 with construction scheduled for 2015.
 - Fort Ward Hill Reconstruction. This project was scheduled for construction in 2013, but required re-design that has led to the decision to delay until 2014.
- iii. Additional priority reconstruction projects are presented in the 20-year CFP. The focus is on projects to address the city’s high-volume roads. These projects were

identified as part of an annual assessment of the backlog of priority road reconstruction needs.

- iv. Annual work to address safety upgrades is represented.
- v. Annual work to begin to address low-volume residential roads is also identified.

B. Tax-Supported – NonMotorized

- i. Olympic Dr./SR305 is a project with significant grant funding that will begin in 2013 and complete in 2014.
- ii. The City has submitted a grant application to support the next phase of the Sound to Olympic Trail. In the event that the grant application is successful, work will begin in late-2013 and continue into 2014 and 2015.
- iii. The Wing Point Way NonMotorized project will include design elements and right-of-way (ROW) acquisition beginning in late-2013 and completing in 2014. The City intends to take-up planning for design and reconstruction of the entire roadway as a major transportation project scheduled for 2015.
- iv. Annual funding of \$50,000 for Spot Projects is proposed in the CIP to allow the city to maximize non-motorized opportunities that arise in conjunction with Annual Road Preservation activities.
- v. Annual funding of \$25,000 for Trail Projects is proposed to support continued expansion of non-motorized trails across the island.
- vi. Additional priority non-motorized projects are included in the 20-year CFP. Projects that were identified as top priority by the Non-Motorized Transportation Committee (NMTC) are noted.

C. Tax-Supported – Facilities

- i. Per Council direction in 2012, the city anticipates support for a redevelopment of Waterfront Park and the City Dock using \$1.85 million in funds received from the Washington State Ferry (WSF) settlement from 2010. Community engagement is underway for this project, and the city expects to seek additional grant funds in 2014, once project design has been initiated. To reflect this activity, this project was added to the CIP.
- ii. Per Council direction in 2012, the city anticipates support for projects at city-owned road ends using \$150,000 in funds from the WSF settlement. To reflect this activity, this was added to the CIP. Specific proposals for project locations and design are under development.
- iii. The CIP includes annual purchases to replace existing city assets at or beyond their life-cycle. Planned purchases address HVAC, alarm, and other systems at both City Hall and the Police Station. In addition, there is a need to address deterioration of the pedestrian bridge located at Waterfront Park. The extent of those repairs is currently being assessed.
- iv. Lighting upgrades are planned to implement recommendations being developed via the Resource Conservation Management grant-funded program.
- v. The city's Police Station is a 44-year old building that has previously been identified as a candidate for either extensive repairs or replacement. While formal plans have not been developed, the city is considering participating in a feasibility study for a shared public safety building with the Bainbridge Island Fire

Department (BIFD). In light of the resumption of discussions and the age and disrepair of the facility, this project has been included in the 20-year CFP, with cost and timing designated as “to be determined.” It is expected that the upcoming feasibility study will provide data to inform a more refined evaluation of the plans and requirements for this facility.

- vi. Placeholder for other annual facilities needs are identified in the 20-year CFP as shown. To address these needs with more specificity, the city should undertake a thorough review of all city facilities and long-range needs. The results of this review could inform a more detailed update this section of the CIP/CFP.

D. Equipment - Tax- & Utility Supported

- i. The CIP includes annual purchases to replace existing city assets at or beyond their life-cycle.
- ii. Planned purchases for O&M equipment address fleet replacement for vehicles that will exceed their scheduled life cycle. Proposed purchases in 2014 of four vehicles is based on a multi-year plan to reduce the overall size of the City fleet while maintaining equipment functionality for vehicles that are most critical to service delivery.
- iii. Planned purchases for Police vehicles reflect fleet replacement for vehicles that will exceed their scheduled life cycle. Proposed purchases in 2014 of three vehicles is based on a multi-year plan to reduce the overall fleet size while maintaining functionality.
- iv. Information technology purchases have been updated to reflect the proposed replacement the City’s Financial software (replacement of the City’s Permitting software replacement will be completed in 2013). Other items have been adjusted to reflect the City’s ongoing transition to increase use of cloud-based storage.
- v. Ongoing annual purchases for fleet and equipment are included in the 20-year CFP.

E. Water Utility

- i. A base level of annual work to improve system infrastructure is included in the CIP.
- ii. A need for emergency power generators has been identified at two well fields: Sands Ave. and Head of the Bay. This will improve system reliability during power outages.
- iii. A placeholder for the Water component of the major Wing Point Way project is shown, with scope and budget to be determined as part of the project’s initial design.
- iv. Other improvement projects shown in the CIP have been previously identified, but information on timing and cost may be outdated.
- v. The system plan for the water utility was last updated in 2007. The development of a new, more current system plan will provide important data on capacity and capital needs. The City intends to begin the Water System Plan Update in late-2013. Once a new system plan is complete, the results of that analysis will be used to inform a more accurate and comprehensive update to this section of the CIP/CFP.

F. Sewer Utility

- i. Annual work to improve system infrastructure is included in the CIP.
- ii. The major project to replace the Eagle Harbor Beach Mains is included in the CIP at an estimated cost in 2014 of \$4 million. Design work is currently underway and construction is expected to complete in 2014.
- iii. Purchase and installation of generator receptacles for two lift-stations is a newly identified need that is included in 2014.
- iv. A placeholder for the Sewer component of the major Wing Point Way project is shown, with scope and budget to be determined as part of the project's initial design.
- v. The system plan for the sewer utility was last updated in 1994 for the Winslow Sewer Service Area and 2002 for the South Island Sewer Contract Sewer Service Area. An update of the sewer system plan will be completed in 2014 and will provide important data on capacity and capital needs of both service areas in one integrated document. Once the new plan is complete, the results of that analysis will be used to inform a more accurate and comprehensive update to this section of the CIP/CFP.

G. Stormwater Utility

- i. Annual work to improve system infrastructure is included in the CIP. Specific projects that have been planned for 2014 (Hidden Cove Estates) and 2015 (Manual Road) are identified.
- ii. Two projects, Lynwood Center Outfall and Dripping Water Creek, were expected to complete in 2013 but have been delayed until 2014.
- iii. Three projects (Wardwell, Valley, Wing Point Way) represent stormwater components of major road reconstruction projects.
- iv. Remaining projects have been previously identified as areas of concern and the most critical of these have been proposed for 2014 completion to begin to resolve an accumulated backlog of system needs.
- v. Future projects are identified in the 20-year CFP, and will be further refined as the City continues to review the policies and operations of the SSWM utility.

Review of Other Special Districts' Capital Plans

Under GMA, the City is supposed to coordinate and review the capital plans from all special purpose districts located within the City's jurisdiction. For Bainbridge Island, the special districts include the School District, Parks District, Fire District, Kitsap County Sewer District, and Kitsap County Public Utilities District. The City must review these plans to ensure they are not inconsistent with the City's CIP, and then include the special districts' capital facilities plans as part of the adopted amendment to the City's Comprehensive Plan.

Each district follows their own procedures for updating their own plan, which can create challenges to coordination and timing. The schedule for the other districts' plan updates is shown below.

District	Capital Plan Document	Status	Est. Completion Date
School District	2013-2020 Capital Plan	Draft	October 2013
BIMPRD	2014 CIP	Draft	November 2013
BI Fire Department	2014 Budget 2013-2022 Strategic Plan	Draft Draft	November 2013 December 2013
Kitsap PUD	Capital Projects for No. Bainbridge or Harborcrest (no projects for Harborcrest)	Final	2011-2015
Sewer District # 7	2014 CIP	Draft	October 2013

I look forward to answering any questions and providing more detail at your September 26 meeting.

City of Bainbridge Island
PUBLIC WORKS OPERATIONS & MAINTENANCE



MEMORANDUM

DATE: August 5, 2013

TO: John Cunningham, Interim Public Works Director

FROM: Chuck Krumheuer, Public Works Manager

RE: Six-Year (2014-2019) Fleet and Equipment Capital Improvement Plan (CIP)

Currently the city fleet is relatively large when compared to the number of city personnel. There are several reasons for this. The city fleet was built up during different times to serve a larger workforce. In recent years, the workforce has declined significantly. During this time work groups have been reorganized, personnel reassigned, and there has been a turnover in key leadership positions with some positions remaining unfilled for extended periods of times.

In addition, the city also has a number of specialized vehicles and equipment. This is necessary to perform essential services in an efficient manner and allow redundancy for emergencies and equipment failures. In addition to daily driver vehicles used to carry out normal work assignments, the fleet includes specialized equipment as well as emergency generators to provide backup power to critical utilities during power outages.

The fleet inventory also includes specialized equipment to perform road grading, shoulder maintenance, overhead tree trimming, ditch line maintenance, roadside mowing, asphalt repair, sign maintenance, snow plowing, ice control, street cleaning, bike lane sweeping, roadside vehicle repair, sewer main cleaning, pipeline video inspection, confined space entry, underground utility repair, engineering survey support, spoils hauling, and storm debris clean up. Specialized equipment and organizational change are important factors addressed in the Six-Year Fleet and Equipment Capital Improvement Plan (CIP).

The proposed 2014-19 CIP represents a return to normal fleet capital asset management activities. Excluding the police patrol fleet, which is addressed in a separate memo, fleet acquisition has been at a standstill for the past five years. As outlined, the CIP presents a plan that will continue to insure the city's ability to perform its essential services while at the same time, improving fleet utilization. The plan has several interwoven goals including:

- Acquisitions focused on core specialty equipment and primary field vehicles
- Reduced fleet inventory through repurposing equipment and use of multi-purpose vehicles
- Asset preservation through vehicle transfers and carefully targeted disposal activities
- Improved asset utilization through right sizing the fleet and partnering with local jurisdictions
- Preservation of fleet assets to insure future flexibility

To support development of the CIP, service life guidelines have been established that take in to account vehicle age, mileage, hours, and repair history. The guidelines are based on various industry standards, approaches used by other entities, as well as the experience of the city fleet maintenance personnel. It is not possible to know with certainty all of the future fleet needs. Each year these listed service life guidelines and actual fleet conditions are intended to be balanced against the current city organizational needs before implementing the annual fleet management plan.

In addition to helping plan for large future capital expenditures for fleet replacements, one of the primary objectives of the Fleet CIP is to schedule fleet replacement and surplus activities to maintain equipment in good working order while minimizing maintenance, insurance, and capital costs. Currently much of the fleet is headed toward common retirement dates. In order to get ahead of the curve, the CIP places first priority on replacement of critical specialty equipment such as the roadside mowers, the street sweeper, the chipper, the commercial mower, and a sewage lift station emergency generator. Second priority is placed on key field vehicles used on a regular basis. Less critical vehicles are not addressed in the current CIP.

In order to maximize fleet utilization, the CIP includes a number of multi-purpose vehicles such as the heavy hook lift truck chassis, 4X4 crew cabs, and the Sprinter van. The hook lift truck will be fitted to interchangeably be used with the existing chipper box, dump box, flat bed, asphalt repair “hot box”, snow plow, and sander attachments. The 4X4 crew cabs will be used as daily crew vehicles and outfitted with small plow and sander attachments to support snow and ice control events. The Sprinter van will be outfitted for confined space entry and pipeline video inspection activities.

The fleet currently has flexibility to adjust to changing conditions. When vehicles are declared surplus and sold at auction, typically the value received is 5-20% of the replacement cost. In order to preserve assets, the CIP takes a conservative approach in this area. Only fleet assets where the useful value cannot be justified against ongoing costs are identified for disposal without replacement. The CIP employs both vehicle transfers and repurposing to maximize fleet utilization and minimize replacement costs. Of the ten vehicles identified as surplus, six will be replaced through transfer and/or refitting of existing vehicles and four will be disposed of without replacement. Thus, there will be a net reduction of four vehicles in 2014. In addition to the equipment included in the current CIP, a number of additional vehicles have been identified for future vehicle transfer or repurposing opportunities.

Whenever possible, the city continues to explore collaborative approaches to equipment sharing and purchase opportunities with other local jurisdictions. In the past the city has provided support to the Bainbridge Island Parks District and has had discussions with the Bainbridge Island School District about storm drainage cleaning services. Currently discussions are underway with the State Department of Transportation regarding asphalt repair equipment sharing possibilities. In addition, discussions are also underway with Kitsap County, Poulsbo, Silverdale and Bremerton regarding sharing of such services as street striping. This exploration of sharing of equipment assets should continue with an eye towards resolution by mid-2014 when budgeting for replacement of some of the City’s larger pieces of specialty equipment in 2015 and beyond will need to begin. Although some opportunities are dependent upon available city manpower, to the extent practicable, the city always stands ready to use their personnel and equipment to provide support to other jurisdictions during emergencies and unforeseen events.

Overall the 2014-19 Fleet CIP presents a multifaceted plan aimed at maintaining critical equipment and maximizing fleet utilization. The stepped approach of the CIP toward right-sizing the fleet and the timing of the schedule preserves assets and provides for future flexibility. This flexibility allows latitude for the Public Works Director position to be filled, reorganization efforts to be completed, and personnel changes to stabilize before final fleet adjustments are made.

City of Bainbridge Island
PUBLIC WORKS OPERATIONS & MAINTENANCE



MEMORANDUM

DATE: October 10, 2013

TO: John Cunningham, Interim Public Works Director

FROM: Chuck Krumheuer, Public Works Manager

RE: Six-Year (2014-2019) Police Fleet Capital Improvement Plan (CIP)

The police fleet consists of specialty vehicles/equipment and patrol ready vehicles. The overarching goal of the 6-year Police Fleet CIP is to maintain mission critical patrol ready vehicles, eliminate underutilized specialty vehicles, and establish standard guidelines to aid fleet management decisions. The CIP reflects a continuation of right-sizing efforts that began in 2012. As a result of these efforts the police fleet will be reduced from a total of 27 patrol vehicles and 6 specialty vehicles in 2011 to a total of 24 patrol vehicles and 5 specialty vehicles by the end of 2013. The total patrol and specialty vehicle count will remain at 29 throughout the 6-year CIP.

Currently police specialty vehicles/equipment consists of one light pick up used for parking enforcement, one 4X4 crew cab pick up used to tow the police boat trailer, one police boat, one police boat trailer, and two radar trailers. The CIP will surplus the 4X4 pick up in 2013 with no purchased replacement. Police will utilize existing Operations and Maintenance vehicles when necessary to tow the boat trailer.

The primary focus of the CIP is to maintain a robust fleet of mission critical patrol ready vehicles. To aid fleet management decisions the following service life and utilization guidelines have been established.

- 125,000 miles service life – Beyond this point maintenance increases and officer safety during critical emergency maneuvers decreases.
- 10 years service life – Beyond this point maintenance increases and auxiliary equipment such as radar, communications, and security features begin to reach the end of their obsolescence curve.
- 21 officer assigned patrol vehicles – Each officer will be assigned a vehicle. To meet the current approved FTE count results in a total of 21 assigned vehicles for the 6-year CIP.
 - Assigned vehicles receive better care that results with an increased lifecycle.
 - Assigned vehicles improve emergency response when an officer is called to an emergency from home.
 - Assigned vehicles comply with the Police Guild labor agreement which provides each officer with a patrol vehicle to drive to and from work.

- 3 patrol ready pool vehicles – Three patrol ready pool vehicles have been established as the ideal target. More than three pool vehicles sit idle too long without use and less pool vehicles do not allow for occasional high demand periods.
 - Pool vehicles allow for maintenance and repair of assigned vehicles.
 - Pool vehicles allow for travel to training.
 - Pool vehicles allow for use by reserve officers.

In order to meet these guidelines three patrol vehicles are planned for replacement each year for the period of 2014 through 2019. To support this plan a number of additional actions were taken in 2012 and are planned for in 2013 and 2014. In 2012 two assigned patrol vehicles were purchased, two previously assigned patrol vehicles were transferred to the patrol pool, and four vehicles assigned to the patrol pool from previous years were sold as surplus. In 2013 no vehicles were purchased and one patrol pool vehicle was sold as surplus.

In 2014 the CIP calls for the purchase of three assigned patrol vehicles, the transfer of two previously assigned patrol vehicles to the patrol pool, the transfer of the police administrative pool vehicle to Planning and Community Development, and the surplus of two of the three vehicles assigned to the patrol pool from the previous years.

Once the initial patrol fleet adjustments are complete the CIP will follow the same general steps for the years 2015 through 2019.

- Three new patrol vehicles will be purchased and assigned to individuals.
- Three previously assigned patrol vehicles will be transferred to the patrol pool.
- Three vehicles assigned to the patrol pool from the previous year will be sold as surplus.
- Vehicles typically remain in the patrol pool assignment for one year before surplus.
- Each year vehicles scheduled for replacement, transfer to the pool, and surplus will be reviewed taking into account vehicle age, mileage, repair history, and overall condition. This information will be compared to utilization guidelines, and the planned schedule for specific vehicles will be adjusted if necessary before implementing the annual fleet plan.

An average total of 265,000 miles is driven annually by the combined patrol fleet. For each patrol vehicle this equates to an average of 11,000 miles per year. The 2012 year end patrol fleet average was 65,000 total accumulated miles for each vehicle. According to the CIP the first patrol vehicles will not be purchased and placed in service until the end of 2014. At that time it is estimated the average will be 87,000 total accumulated miles for each patrol vehicle.

For the patrol vehicles scheduled for surplus, the projected mileage is based on 2012 annual miles driven for each vehicle and 2012 year end total accumulated mileage for each vehicle. Many of the patrol vehicles scheduled for surplus between 2013 and 2019 will be approaching or have exceeded the 125,000 mile service life target. The recommended CIP will result in vehicle age and estimated mileage at surplus as follows:

- Average age at surplus – 9.6 years
- Estimated mileage range at surplus year – 108,000 through 168,000 miles
- Combined estimated average mileage at surplus year – 130,000 miles

City of Bainbridge Island
EXECUTIVE DEPARTMENT



MEMORANDUM

TO: Doug Schulze, City Manager

FROM: Morgan Smith, Deputy City Manager

DATE: August 1, 2013

RE: Response to CIP Questions from Councilmember Lester

This memo provides feedback on questions raised last week related to the current draft of the update to the City's Capital Improvement Plan (CIP). I have drawn the questions below from an email received from Councilmember Lester on July 24. Many of these items were addressed in the discussion at the City Council meeting last week, but for completeness I am including responses (in italics) to all questions from Councilmember Lester's email.

Tax Supported - Transportation

1. In our roads evaluation that accessed the condition of the road and use volume of the road, how did Valley Road (Sunrise to Falk) and Wardwell Avenue (Triple Crown to Buscit) become a high priority? How do these meet the threshold of "high-volume roads"? These seem to fall into the category of "low-volume residential roads".

As discussed at the Council meeting, the City's Public Works staff were asked to identify potential reconstruction projects that could be completed in 2014. Valley and Wardwell have been identified as two smaller projects that would fit into the City's capacity given other work planned for 2014. Additionally, these projects are seen anticipated to be less-competitive for grant funding so, moving these projects to 2014 would not cut off external funding opportunities. The set of potential reconstruction projects under consideration is the list shown in the Transportation section of the CIP, and represents the City's current inventory of identified reconstruction needs.

Public Works staff is still in the process of finalizing the list of proposed roadway projects for 2014, and will continue to evaluate the Wardwell and Valley projects as compared to other potential projects.

2. Wing Point Way Reconstruction is actually a grant for "Non-Motorized Improvements". I understand the City has the goal of repairing and reconstructing the road, but this is actually as called out in the grant title, "Wing Point Way Non-Motorized Improvements". Thank you for placing it in the correct CIP section.

The work planned in 2014 is focused on non-motorized improvements and will be shown as a project in that section of the CIP.

3. Wyatt Way Reconstruction from Madison to Grow and Ericksen to Madison should be considered to be completed in conjunction with the completion of the Grow Community Project. Wyatt being one of the highest-volume roads, the primary connection to the southend, reconstructing it and completing sidewalks and bike lanes in this area should be a priority. Next question relates.

Public Works staff is doing additional research/analysis based on these questions related to the Wyatt Avenue projects.

4. Should we reprogram the Wyatt Reconstruction as that was originally for a roundabout at that intersection? It has a total of \$4,148,000 and reprogramming it might be a completely different number.

See response above.

5. There are roads that are in dire need of repair that are not even identified. Knechtel Way comes immediately to mind as the road is in very, very poor condition and there are issues of poor drainage in the area. Helpline House parking lot and the roadway in front of it often becomes a huge area of standing water. "Knechtel Pond" as the neighbors dubbed it. Would you please provide the roads assessment list and explain how that is feeding in to our CIP.

City staff presented Council with an overview of 2013 road projects on March 20, 2013 as part of the preparation for approving this year's road preservation contracts. The memo included a Section E -- Long-Range Planning: Road Reconstruction Needs that presented a current inventory of identified reconstruction needs (as differentiated from preservation projects). This project list represents the backlog of road reconstruction projects, and was used to populate the transportation section of this year's 2014-2019 CIP. This approach mirrors the process used in 2012, when the then-current inventory of reconstruction projects was presented to City Council in the Spring, and was incorporated into that year's 2013-2018 CIP. It is the City's intent to maintain this list of identified reconstruction projects, subject to annual review, in order to inform long-range planning and annual reporting.

See above response. Public Works staff is still in the process of finalizing the list of proposed roadway projects for 2014, which will include consideration of Knechtel Way. In the event that this project is proposed for 2014, staff indicate that it will likely involve both road and drainage repairs.

Tax-Supported - Non-Motorized

1. Trails recommend to change to "Easement Acquisition and/or Community Connections" as if I remember correctly, this is for those first step actions such as buying the Bethany Lutheran easement that lead to a volunteer constructed separated path. The future should funding be received would be to create a hard surfaced shared-use path. As we did not yet have the money to do that, this first step gets the pathway in and people using it.

The use of the description "Trails" for this item could be broadened or changed as Council prefers. This description was used in the 2013-2018 version of the CIP, and so was repeated in the 2014-2019 draft update. Minutes from November 7, 2012 City Council meeting refer to a proposal to create a "trail" fund with annual funding and to add a new section to the CIP for "trail projects."

During the first year of this fund, City staff have relied on recommendations from the Non-Motorized Transportation Committee (NMTTC) to guide implementation of these funds. The NMTTC proposes to use the 2013 funds towards the construction of a segment of the separated path along Sportsman Club Road. Any unused funds from the 2013 budget will be carried forward to supplement 2014 budget for these activities.

2. Add Wing Point Way Non-Motorized Improvements. Currently it is on there as "contingency list". The project and grant noted on the Tax-Supported - Transportation is as stated above actually this non-motorized grant.

The information on the 2014 project on Wing Point Way will be moved from the Transportation section of the CIP to the Non-Motorized Transportation section of the CIP.

3. Please clarify that the \$303K grant amount is for Project Engineering. The grant itself did not approve the additional \$64K in ROW acquisition funds. So the 2014 amount of \$440 to be spent, does it included City funds for the purchase of the Right of Way (ROW)?

The \$303k shown in the "Grant Awarded" column is intended to highlight the amount of external grant funding received for this project. The amount shown in 2014 (\$440k) reflects the grant funds and the City's local match. The local match (\$137k) will be used for project engineering and ROW acquisition.

In July discussions, City Council indicated a preference for the City to complete as much ROW purchase as possible for this project before the next 2014 grant cycle (Spring 2014). City staff will be able to assess the feasibility of that timeframe as project planning moves forward.

4. Why has the City not included the targeted amount for the full funding for the Sound to Olympics Phase 1 project? Seems it should be acknowledged just the same as was done for the Wing Point Way Non-Motorized Improvements (Wing Point Way Reconstruction) with grant amount shown for Design & ROW for 2014 and then the future construction amount in 2015.

As of the date of publication of this draft, Public Works had not developed a full project cost estimate. As a result, that draft included a rough estimate of the City's expected local match

(\$250k). Once the grant application is completed, staff will update the project information so that the CIP reflects the final scope of the grant application and indicates both the local and grant funds, in a format similar to that shown for the Wing Point Way project.

5. Isn't SR305 Shoulder Improvements Vineyard to High School Road now addressed with the City Council direction to have Sound to Olympic Trail Phase 1 go from Winslow Way to HS Road? In our 2013-2019 CIP though, this was scheduled to be addressed via a grant award and done in 2013 for \$124K. Please explain why it is now pushed out to 2015 with a TBD.

If the Sound-To-Olympic project successfully addresses the SR 305 shoulder improvements, that project will be removed from subsequent CIP's. However it is recommended to continue to identify this need until specific project plans have been developed and implemented, as grant funding may not be forthcoming and/or plans and timing may change.

The 2013-2018 CIP anticipated a grant for this project with estimated funding of \$124k. When this City did not receive this award funding, the project did not move forward. The "TBD" shown in 2015 indicates that we expect to update plans for this project once the results of the current grant-seeking are known. As above, this project may be redundant if the City is successful with the proposed Sound-To-Olympic grant, or it may remain as an indentified need if grant funding is not available.

6. In conjunction with the recommendation to prioritize reconstructing Wyatt Way, we would have the opportunity to dovetail the non-motorized projects of bike lanes and sidewalks. Finally, we would have completed bike lanes and sidewalks with no more missing links from Madison Avenue to around the head of the bay.

Proposed projects for Wyatt Way appear in both the Transportation and Non-Motorized sections of the CIP to reflect the intention that any reconstruction of Wyatt Way will include significant non-motorized elements. See previous response related to further assessment of Wyatt Avenue project(s) generally.

7. Please explain why Bucklin Hill Phase 2 has been moved out to 2019 instead of 2015? Please explain the change from "Blakely to Fletcher Bay"? It is the desire of the Non-Motorized Transportation Committee (NMTC) that we have a safe route all the way to Lynwood Center as described in its previous location title "Blakely to Lynwood Ctr." If it were to have to be phased, getting around the blind curve that runs along Hyla School would be the first priority. Actually the Bucklin Phases seem in need of clarification and consolidation. I now see C40 - Lynwood Center Bucklin to Pt White as \$505K in 2020. Lynwood Center Road is a high priority. 2020 is too far out into the future. Please relook at all the Bucklin/Lynwood Center Road.

Public Works will provide a response to this set of questions once staff have reviewed (Chris Hammer is out of the office until August 12).

8. How are easement negotiations that the City Manager spoke about last week in his Manager's Report being reflected in this Non-Motorized CIP?

The City is currently seeking donated easements along Sportsman Club Road to complete trail segments between High School Road and New Brooklyn Road. These activities are not shown in the CIP because the City is seeking the easements at no cost.

9. I see that Sound to Olympics Trail Phase 2 has been amount has been removed from 2016 and placed with a TBD in 2015. Please explain. Is this to focus on applying for grant for research/design for determining the next phase of the route?

The placeholder for this project was moved up to 2015 to reflect the expectation that project plans would become more detailed and specific as a result of the 2014 project (Phase I). If the City is successful in grant-seeking for Phase I, that effort will inform staging and approach for the next planned segments.

10. Please provide update on N. Madison Ave Shoulder Widening & NMTP Improvements Phase 2. This was awarded funding in November 2012 for \$173K. Is this not listed as it is due to be completed in 2013? If so when in 2013?

This project is underway and is expected to complete by Fall, 2013. The start of project construction was been delayed due to State permit approvals, but is anticipated to begin around mid-September. Project bids are due on August 26th.

11. City Councils previous directive was to target at a minimum of \$700K for non-motorized projects per year through grant applications. Year 2016 only has \$433K and year 2019 only \$75K. Please explain.

Staff are aware of the City's goal to achieve \$700k in annual non-motorized projects. To achieve that scale of activity will require coordinated planning over multiple years, and we are working to identify projects that will meet that goal. Staff are focused on identifying workplans and funding to meet this target in the near years (2104 and 2015). We intend to work with the NMTC to refine planning for the longer term and will update project schedules and estimates as plans are developed.

12. Sportsman Club - Phase 1 from the 2013-2018 CIP - SR305 to Copper T Loop had a grant award of \$167K. The improvement done to date, I thought was a spot improvement. The improvement did not go all the way to Copper Top Loop. Please explain. And if this has not been done, should it be moved to the 2014-2019 CIP?

Public Works staff will review the set of Sportsman Club projects as currently identified.

13. With all the recent improvements and easement negotiations, shouldn't all Sportsman Club Road projects be cued up for completion or grant applications? They are Sportsman Club - Phase 1, Sportsman Club - Phase 2, Sportsman Club Spine Trail.

See response above.

Fleet and Equipment CIP

1. Is it necessary to purchase 4 new trucks?

Recommended purchases are identified in accordance with the City's planned replacement schedules and with a goal of maintaining fleet that is in good working order to meet service delivery needs and is also as cost-effective as possible. Additional detail about the purchase plans developed this year will be provided in separate materials developed by Public Works O&M staff.

2. Please explain the increase from the 2013-2018 of purchase of 10 police cars at \$571K to the 2014-2019 purchase of 18 police cars at \$1,106,000. 80% increase and nearly doubling the previous CIP by \$535K? This goes counter to the City Council directive to review and possibly eliminate the Take Home Car Policy.

Recommended purchases of Police vehicles are derived from Public Works analysis of the minimum vehicle purchases that will maintain the Police fleet at a level of operation that is safe, reliable, and cost-efficient. Additional detail about the purchase plans developed this year will be provided in separate materials developed by Public Works O&M staff.

3. Third to last item above "Fleet Projects - 20-Year CIP" correct to read "Emergency Generator".

The spelling will be corrected.

Water CIP

1. Please explain the Sands Well #2 cost. Is this a rehabilitation or a new well? The \$471K cost seems to be the amount of a new well.

This project represents construction of a new well. Public Works is assessing whether the existing well can be rehabilitated to be more productive. However, impacts from some previous work on the well may impede rehabilitation, resulting in the need to drill a new well. The cost included reflects the worst case of having to drill a new well to replace the existing well in the event the existing well cannot be rehabilitated.

2. High School Reservoir hasn't this been discussed and suggested that it is no longer needed. The \$311K and \$2,266,000 amount should be removed from 2014-2019 CIP.

As discussed, the CIP content for both Water and Sewer utilities includes previously identified projects, and does not reflect up-to-date analysis of system requirements. A more current and comprehensive understanding of each utility's capital plans will result from the update to their respective system plans, which are expected in 2014.

Recent discussions with the KPUD Assistant General Manager clarified the KPUD assessment of the High School Reservoir was based on an assumption of an inter-tie of the City system with KPUD.

Sewer CIP

1. In 2013-2018 CIP, we had noted \$2,000,000 in grant award for Eagle Harbor Sewer Beach Mains Design/Row and \$2,100 in grant award for Eagle Harbor Sewer Beach Mains Construction. Is amount shown to be for Construction. Either remove Design/ROW and Construction or move figures to associated boxes.

Information on this project will be updated from the initial draft CIP to provide a break-out of general cost categories. Changes in timing from the 2012 CIP reflect the delay in the start of project construction.

Stormwater Projects CIP

1. This CIP is very different from 2013-2018. All the SWWM have been increased. Please explain.

Since last Fall, Public Works staff have updated their assessment of priority stormwater projects, timing and cost estimates. The 2012 Stormwater CIP only included annual programmatic work. The 2013 CIP includes that annual system preservation (at the funding levels proposed in 2012) and also identifies specific projects to be undertaken in the near term.

2. Phelps Road has been removed from the list. Did we end up completing it this year instead of 2014 as planned? The last 2013-2018 CIP had it noted in both 2013 and 2014. Please explain.

Public Works staff will be doing some maintenance work on the ditches in the area of this drainage problem this year (2013) to hopefully resolve/reduce the extent of this problem. Further work will depend on the results achieved with the 2013 work.

3. Was Dripping Water Creek moved from 2013 to 2014?

The Dripping Water Creek project was planned for 2013 but was delayed as project planning revealed more complexity than anticipated, necessitating some redesign. In addition, estimated costs were higher than anticipated. The CIP proposes \$200k in funding to complete this project in 2014.

4. Yeomalt was moved from 2013 to 2020-2033. Is this correct? Or did some aspect of Yeomalt get completed in 2013? If moved to 2020, why pushed so far out?

Public Works staff will provide further background on the stormwater projects proposed in this plan. This information will include an update on projects completed or underway in 2013.

5. Blakely Falls Creek moved from 2014-2015.

See response above.

6. I guess my question is what is to be or was completed in 2013 for \$188K?

See response above.

ORDINANCE NO. 2013-26

AN ORDINANCE of the City of Bainbridge Island, Washington, adopting the 2014-2019 update of the six-year Capital Facilities Plan and amending the Capital Facilities Element of the Bainbridge Island Comprehensive Plan.

WHEREAS, in accordance with the Growth Management Act, the City of Bainbridge Island adopted a Comprehensive Plan on September 1, 1994, and revised it on December 8, 2004. The Plan contains a Capital Facilities Element that establishes goals and policies for the provision and financing of capital facilities for the citizens of Bainbridge Island; and

WHEREAS, the Growth Management Act requires that the six-year Capital Facilities Plan be updated at least biennially and adopted as an amendment to the Comprehensive Plan and Comprehensive Plan Policies CF 1.3, 1.4, and 1.5 require an annual update; and

WHEREAS, the 2014-2019 update of the six-year Capital Facilities Plan addresses all of the goals and requirements set forth in the Growth Management Act and the Bainbridge Island Comprehensive Plan; and

WHEREAS, the 2014-2019 update of the six-year Capital Facilities Plan is in accordance with the decision criteria for amendments of the Comprehensive Plan as set forth in BIMC Chapter 2.16.190; and

WHEREAS, the Planning Commission and the City Council have received, discussed, and considered testimony, written comments, and materials from the public; now, therefore,

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

Section 1. The 2014-2019 update of the six-year Capital Facilities Plan of the Capital Facilities Element of the Bainbridge Island Comprehensive Plan, attached as Exhibit A, is adopted as of December ____, 2013.

Section 2. In the event that there are instances where the dollar amounts or timing of capital projects included in this update differ from those in other sections of the Comprehensive Plan, the amounts and timing in this update shall prevail.

Section 3. This ordinance authorizes the reformatting of Exhibit A into a final edition for publication and the reformatting of information and the transmission of this information to the State of Washington as the City's annual State Transportation Improvement Program (STIP).

Section 4. The six-year Capital Facilities Plan of the Bainbridge Island School District No. 303 adopted on October ____, 2013 is adopted by reference.

Section 5. The six-year Capital Facilities Plan of the Bainbridge Island Metropolitan Park & Recreation District adopted by Resolution No. ____ on December ____, 2013 is adopted by reference.

Section 6. The Strategic Plan, 2010-2019 of the Bainbridge Island Fire Department adopted by Resolution No. ____ on November ____, 2013 is adopted by reference.

Section 7. The six-year Capital Facilities Plan of the Kitsap County Sewer District No. 7 for the years 2012-2017 is adopted by reference.

Section 8. The six-year Capital Facilities Plan of the Kitsap County Public Utilities District No. 1 for projects on Bainbridge Island is adopted by reference.

Section 9. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 10. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as required by law.

PASSED by the City Council this ____ day of December, 2013.

APPROVED by the Mayor this ____ day of December, 2013.

Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

Rosalind Lassoff, City Clerk

FILED WITH THE CITY CLERK:	October 10, 2013
PASSED BY THE CITY COUNCIL:	December ____, 2013
PUBLISHED:	December ____, 2013
EFFECTIVE DATE:	December ____, 2013
ORDINANCE NUMBER:	2013-26



CITY OF BAINBRIDGE ISLAND

2014-2019 CAPITAL FACILITIES PLAN UPDATE

October 10, 2013

City Council

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- C. Bainbridge Island Metropolitan Park and Recreation District CIP
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I. INTRODUCTION

Capital Facilities Plans (CFPs) are required under State law to identify capital facility deficiencies needed to serve our existing population, plan for capital facility improvements to meet the needs of our future population, and ensure that local governments have the fiscal capacity to afford to construct and maintain those capital facilities. The 2014 CFP update includes an inventory of existing facilities, a 20-year forecast of capital facility needs, and a 6-year Capital Improvement Plan (CIP) for the years 2014-2019.

The Capital Facilities Plan includes summary details of the major capital projects of the City and a financial capacity analysis. As the general purpose government on Bainbridge Island, the City is required to analyze and integrate the capital facilities plans from special purpose districts (Schools, Parks, Fire, etc) into its Capital Facilities Plan. The City and the special purpose districts continue to work together to integrate their capital planning efforts to provide a more even tax impact and to prioritize their projects while still providing quality facilities and services for the citizens they serve. This is consistent with Goal 6 of the Framework of the Comprehensive Plan:

All government entities strive to cooperate and serve their constituents in a fiscally sound manner; and Policy CF1.10 of the Capital Facilities Element: The City shall coordinate with other public entities which provide public services within the City to ensure that the Capital Facilities Plans of each of these entities are consistent with the City's Comprehensive Plan.

This CFP update has been developed in accordance with the RCW 36.70A, the Growth Management Act (GMA), and WAC 365-196, the Procedural Criteria. It begins with a short review of some of the concepts behind the Capital Facilities Plan.

This Capital Facilities Plan is the product of many separate but coordinated planning documents and planning bodies. Each of the special districts (Schools, Parks, Fire, etc) has its own capital facilities plans, which are attached as appendices to this document. The City's Comprehensive Plan has various elements that relate land use and population growth management to water resources and transportation, which in turn have various adopted plans, including a Non-Motorized Transportation Plan, Water System Plan, a Sewer System Plan, a Storm and Surface Water Management Plan, and a Pavement Management System Plan – each providing an inventory of existing facilities, an analysis of deficiencies and future demand, and recommendation for capital improvements. Most facilities must be planned for years in advance, which means determining not only when a facility will be needed but how it will be financed. For facilities that are projected for four to six years in the future, capital costs are more estimates than actual. As the time for construction nears, actual costs are narrowed as design and engineering are completed. It is important to remember that capital facilities planning is not a once a year or once every two years effort, but an ongoing process requiring continual review as new information becomes available, conditions change, and priorities evolve.

The GMA requires that the Capital Facilities Element contain a financing plan that identifies the type and location of expanded or new capital facilities and the sources of funding that will be used to pay for them. There are two questions that must be satisfactorily answered:

- 1) What is the quantity of the public facilities that will be required during the six years? (identified in the inventory and needs analysis);
- 2) Is it financially feasible to provide the quantity of facilities that are required? (do we now, or will we, have the money to pay for them?)

Dependable revenue sources must be identified that equal or exceed the anticipated costs. If the costs exceed the revenue, the local government must reduce its level of service, reduce its costs (or increase revenue), or modify the land use element of its Comprehensive Plan to bring future development into balance with available or affordable facilities and services. This plan will examine each type of facility separately. The costs of all the facilities will then be added together in order to determine the financial feasibility of the plan. The Capital Facilities Plan is intended to be a planning document. It, therefore, does not contain the level of detail that the annual budget must contain. Some costs in the plan are estimated in order to give citizens a general idea of how much certain types of projects or facilities may cost.

Relationship of Capital Facilities Plan to the Budget

The Capital Facilities Plan and the City's budget serve different but related purposes. The budget authorizes the amount to be spent during the coming biennium; whereas the Capital Facilities Plan identifies needed capital facilities over a six year period. A requirement of the Capital Facilities Plan is that it show how the needed facilities will be paid for during at least a six-year period. Because State law requires that no money can be spent on capital projects which are not shown in the Capital Facilities Plan, it is important that the budget not authorize spending on capital facilities not in the Plan.

What is a Capital Facility?

Capital facilities are those public facilities, including utilities, which are necessary for a government to carry out its functions to provide services to its citizens. Examples are roads, public buildings, schools, parks, water and sewer systems, fire protection and police protection facilities, and libraries. Often the entire collection of these facilities is referred to as infrastructure. Studies or plans (e.g. transportation studies) are not capital facilities and are not included in the Capital Facilities Plan.

There are several categories of capital projects and a key distinction is whether new or expanded facilities will serve existing residents or future population growth. Projects may also be proposed to maintain or repair existing capital facilities (cure deficiencies). The categories are as follows and will be used to identify specific projects proposed in the Plan:

- (M) Major maintenance, repair, renovation, or replacement of an existing facility that do not add additional capacity.
- (E) New facilities or improvements to existing facilities that provide added capacity to serve the existing population.
- (N) New facilities or improvements to existing facilities that are built primarily to provide added capacity to serve future population or employment growth.

How are Capital Facility Projects Identified?

Capital facility projects are generally identified from a planning process for a particular type of facility (e.g. roads, sewer, water, schools, parks, etc) that includes an inventory of existing facilities, an analysis of existing and future demand for service, an analysis of existing or anticipated deficiencies in service (often based on adopted levels of service), and maintenance needs. This planning process is typically incorporated into a local government's Comprehensive Plan or a specific system plan which is then adopted as part of a Comprehensive Plan.

Levels of Service (LOS)

Levels of Service (LOS) are usually quantifiable measures of the amount and/or quality of public facilities or services that are provided to the community and are usually expressed as a ratio of amount of service to a selected demand unit. For example, sewer LOS is expressed as 100 gallon per capita per day, public school LOS may be expressed as the number of square feet available per student or as the number of students per classroom. Police or Fire protection may be expressed as the average response time for emergency calls. Parks LOS is often expressed as the number of acres of park per 1,000 population. Once the level of service is decided upon it can then be determined what capital improvements are necessary to 1) cure any existing deficiencies, and 2) maintain that level as the community grows.

Prioritizing Capital Projects

Since it is unlikely that there is adequate money and resources to implement every capital project in a one-year period, the City goes through a process to prioritize capital projects. The City uses a combination of criteria to prioritize and rank projects that are proposed in a Six-Year Capital Improvement Project (CIP) list, including consistency with the City's Comprehensive Plan, level-of-service deficiency, financial capacity, budgetary policies, and community need. A recommended Capital Facilities Plan is presented to the City Council for consideration and adoption. Public outreach and participation is integrated throughout this process.

II. CAPITAL FACILITIES INVENTORY & PLANNING

The following is the City's capital facilities inventory. The inventory is organized by category and includes a current inventory of facilities, a narrative providing a general background of the planning activities and some discussion of future plans, and a discussion of level of service (LOS), if applicable.

City Offices, Facilities, & Undeveloped Land

City offices are located at several sites due to space constraints at City Hall. Additional City buildings and facilities provide a variety of functions, including public works operations and house cultural and social services. In recent years, the City has also lead an extensive effort to purchase open space and agricultural lands throughout the Island with revenue generated from an \$8 million bond approved by voters in 2001.

Table 1: City Land and Office Facility Inventory

Building and Location	Land Area		Building Area		Owned or Leased	Uses
City Hall						Administration, Finance, Planning, & Engineering
- 280 Madison Ave. N	1.92	Ac	24,107	SqFt	Owned	
Police Station						Police
- 625 Winslow Way E	0.82	Ac	7,000	SqFt	Owned	
Municipal Court						Municipal Court
- 10255 NE Valley Rd.	n/a		2,289	SqFt	Leased	
Subtotal Staff Office Space	2.74	Ac	33,396	SqFt		
Bainbridge Island Commons						Social Services & Public Meetings
- 223 Bjune Ave.	0.38	Ac	4,975	SqFt	Owned	Under renovation in 2012
Bainbridge Performing Arts (land only)						Land leased to BPA for \$1/yr through May, 2081
- 200 Madison Ave. N	2.45	Ac	n/a		Owned	
Public Works Facility						O&M Offices, Shop, and
- 7305 NE Hidden Cove Road	12.62	Ac	22,712	SqFt	Owned	Covered Equipment Storage
Public Works Facility						Covered Storage
- 7305 NE Hidden Cove Road	Included		1,524	SqFt	Owned	
Public Works Facility						Fueling Facility
- 7305 NE Hidden Cove Road	Included		n/a		Owned	
Land with City-owned utilities	15.42	Ac	n/a		Owned	Wells, pump stations, etc.
Total	34.68	Ac	67,007	SqFt		

Table 2: City Public Works Facilities Inventory

Facility	Floor Area		Function
Portable office trailers (4)	2,520	SqFt *	Storage, safety & future parks buildings
Steel shop building	2,400	SqFt	Storage - holds telemetry
PW Facility - Wood Building	100	SqFt	Well house
PW Facility - Shop	7,776	SqFt *	Mechanics Shop / Equipment Maintenance
PW Facility - Covered Equipment Storage	11,520	SqFt *	Covered Equipment Storage
PW Facility - Office Trailer	1,792	SqFt *	O & M Office
Fueling Facility			Vehicle Fueling inside covered equipment storage building
Total	26,108	SqFt	

*These facilities are also counted in the main office inventory above.

Table 3: City Undeveloped Land Inventory

Location / Description	Land Area		Owned or Leased	Uses
High School Rd. near Madison	1.42	Ac	Owned	proposed surplus property
Head of the Bay	30.77	Ac	Owned	Wellhead protection
Lumpkin Property	11.00	Ac	Owned	Transferring to Park District
Suzuki Property	15.00	Ac	Owned	Potential surplus property
Salter Property	5.00	Ac	Owned	Transferring to Park District
Johnson Farm	14.51	Ac	Owned	Agricultural/Open space
Suyematsu Farm	15.00	Ac	Owned	Agricultural land
County Gravel Pit ("Lovgren Pit")	17.00	Ac	Owned	Transferring to Park District
Council Site ("Road Shed")	2.00	Ac	Owned	Proposed surplus property
Council Site ("Myers Pit")	6.00	Ac	Owned	Proposed surplus property
Vincent Road Landfill	34.15	Ac	Owned	Public Works Facility/open space
Manitou Property less tidelands	1.36	Ac	Owned	Open space
M & E Tree Farm	13.00	Ac	Owned	Open space/Agricultural
Morales Property	4.74	Ac	Owned	Agricultural land
Crawford Property	2.30	Ac	Owned	Agricultural land
Near Schel-Chelb ("Cool Property")	0.74	Ac	Owned	Transferring to Park District
Ft. Ward Estates - 5 lots	1.61	Ac	Owned	Transferring to Park District
Ft. Ward Parade Ground - 2 lots	0.28	Ac	Owned	Transferring to Park District
Lost Valley Trail	8.06	Ac +	Owned	Open space
Blossom - Pt White Drive	0.88	Ac	Owned	Transferring to Park District
Blossom - Sullivan Road (take off)	3.32	Ac	Owned	Transferring to Park District
Unocal Site	1.03	Ac	Owned	Park plans in development
Strawberry Plant	4.20	Ac	Owned	Shoreline restoration and park
Bentryn Property	11.50	Ac	Owned	Agricultural land
Pritchard Park Phase II - East	27.18	Ac	Owned	Shoreline restoration and park
Meigs Farm (Cool) & Lowery	24.85	Ac	Owned	Transferring to Park District
Misc. unimproved land	2.24	Ac	Owned	No use specified

Total	259.7	Ac		
Open Space & Future Park Land Included in Above:			152.54	Ac

Parks & Trails

Most of the parks and trails on Bainbridge Island are owned and managed by the Bainbridge Island Metropolitan Park and Recreation District. The City has a few parks which are generally maintained (with the exception of Waterfront Park) by the Park District under contract to the City. During the past several years, the City has acquired or helped the Park District acquire a large amount of open space and park lands. A number of these parcels are being transferred to the Park District based on Resolution Number 2011-16. The City has adopted the Bainbridge Island Park and Recreation District Comprehensive Plan for 2008 to 2014, which establishes levels of service for park and recreation facilities for the Island as summarized below. Note on columns: NPRA is National Park & Recreation Association; RCO is Washington State Recreation & Conservation Office (formerly the Interagency for Outdoor Recreation); BI P& R is property and facilities owned by the Park and Recreation District; All is all properties and facilities on Bainbridge Island; Recommend is the recommended additional properties and facilities included in the plan.

Table 4: Park Facility Levels of Service

	NPRA	RCO	BI P&R	All	Recmmnd.
Acres of Park Land			1413	2506	310
Ratio per Thousand Population	34.45		62.5	110.9	95.48
Waterfront - Freshwater			1	1	0
Ratio per Thousand Population			0.04	0.04	0.03
Waterfront - Saltwater			15	20	0
Ratio per Thousand Population			0.66	0.88	0.68
Kayaking and Canoeing Launch Sites			4	4	7
Ratio per Thousand Population			0.18	0.18	0.37
Boat ramps - saltwater			1	2	0
Ratio per Thousand Population		1.77	0.04	0.09	0.17
Picnic Tables			54	151	106
Ratio per Thousand Population			2.39	6.68	8.71
Picnic Shelters			7	10	8
Ratio per Thousand Population			0.31	0.44	0.61
Multipurpose bike and hike trails (miles)			18.7	20.6	20.7
Ratio per Thousand Population	0.50	0.13	0.83	0.91	1.40
Beach Trail (miles)			1.5	2.6	20.7
Ratio per Thousand Population			0.07	0.12	0.79
Hiking trail (miles)			28.5	34.7	28.1
Ratio per Thousand Population	0.50	0.14	1.26	1.54	2.13
Off-leach dog parks			1	1	4
Ratio per Thousand Population			0.04	0.04	0.17
Playgrounds			8	15	10
Ratio per Thousand Population		0.53	0.35	0.67	0.85
Skateboard courts			1	1	9
Ratio per Thousand Population			0.04	0.04	0.34

Outdoor Basketball Courts			2.5	9.5	12.0
Ratio per Thousand Population	0.30	0.09	0.11	0.42	0.73
Tennis Courts			5	16	6
Ratio per Thousand Population	0.50	0.22	0.22	0.71	0.75
Soccer Fields - Youth			3	7	0
Ratio per Thousand Population			0.13	0.31	0.24
Soccer Fields - Adult			2	4	0
Ratio per Thousand Population	0.10	0.29	0.09	0.18	0.14
Baseball/softball fields - youth			6	10	0
Ratio per Thousand Population			0.27	0.44	0.34
Baseball/softball fields - youth			5	6	0
Ratio per Thousand Population	0.40	0.49	0.22	0.26	0.20
Swimming Pool – sq feet			9400	16400	0
Ratio per Thousand Population	0.05	503	416	725	546
Indoor Recreation Centers (Gymnasium) sq ft			11000	70000	15000
Ratio per Thousand Population			487	3097	2881
Indoor Rec Centers (physical conditioning) Sq Feet			11000	34200	2400
Ratio per Thousand Population			487	1513	1240
Teen Center – sq feet			3000	3000	8000
Ratio per Thousand Population			133	133	373
Senior Center – sq feet			4800	4800	12000
Ratio per Thousand Population			212	212	570
Golf Courses - holes			0	27	0
Ratio per Thousand Population	0.13	0.43		1.19	0.92
Golf Driving Ranges			0	2	0
Ratio per Thousand Population				0.09	0.07

Table 5: Parks & Trails Inventory

Park Site	Owner	Facilities	Size (Acres)
Resource Conservancy :			
Meigs Park	Park District	None as yet	67.0
W. Port Madison Preserve	Park District	Trails, picnic shelters, beach access	13.8
Manzanita Park	Park District	Horse & pedestrian trails	120.0
The Grand Forest	Park District	Horse & pedestrian trails	240.0
Gazzam Lake Preserve (Close, Peters and Veterane)	Park District	Horse & pedestrian trails Beach Access	444.6
Battle Point Park, North	Park District	Fishing pond, trails, picnicking	45.3
Rockaway Beach Parcels	Park District	None as yet - undesignated	0.5
Hawley Cove Park (Eagle Harbor)	Park District	None as yet - undesignated	11.7
Ted Olson Park	Park District	Trails	17.0
Athletic Parks/Playgrounds :			
Battle Point Park, South	Park District	Sport courts, fields, play area, trails, horse arena, maintenance facility	45.0
Strawberry Hill Park	Park District	Sport courts, field sports, classrooms, skate park , picnicking, administrative offices	17.8
Aaron Tot Park	Park District	Children's play structure	0.3

Eagledale Park	Park District	Sport courts, play structure, covered picnic shelter, art center	6.7
Gideon Park	Park District	Trail and playground	2.5
Hidden Cove Park	Park District	Ballfields and trails	7.8
Rotary Park	Park District	Ballfields & children's' play structure	9.8
Sands Road Park	School District	Ballfields	10.0
Resource Activity Parks :			
Camp Yeomalt	Park District	Multi-use bldg, trail, picnicking	3.0
Waterfront Park	City Park	Boat launch, picnicking, tennis courts, playground	8.1
T'Chookwop Park	Park District	Picnicking	0.3
Fay Bainbridge Park	Park District	Picnicking, camping, boat launch, volleyball, sandy beach	16.8
Fort Ward Park	Park District	Boat launch, picnicking, trails, beach access	137.0
Hidden Cove Park (Spargur)	Park District	Shoreline and boat access - to be designed	6.1
Pritchard Park	Park District & City	Shoreline access, WWII Japanese - American Memorial	21.9
Blakely Harbor Park	Park District	Picnicking, hand-carry boat access, shoreline	39.0
Recreation Centers :			
Island Center Park	Park District	Community hall, picnicking	2.5
Linear Park / Trail :			
Fairy Dell Trail Park	Park District	Trail and beach access	2.5
South End Trails	Park District	Trails, easements, trail implementation	4 linear miles
Forest to Sky Trails	Park District	Trails, easements, trail implementation	10.7
Special Use Facility :			
B. I. Aquatic Center	Park District (leased)	Aquatic Center	1.5
Point White Dock	Park District	Dock, fishing, clamming	0.3
Other :			
City Open Space	City	None - Designated for Open Space / Ag	163.72
Total (Acres)			1,470.72

Transportation Facilities (Roads, Bike Lanes, Sidewalks, Trails)

Of the many types of capital facilities that are constructed, operated and maintained by the City, the most costly and most familiar to citizens are the transportation facilities. Where there are facility needs that involve SR305 or the ferries, the Washington State Department of Transportation assumes the costs. Kitsap Transit pays for facilities that support transit service.

The transportation system outside of historic Winslow has suffered from "deferred maintenance." The Pavement Management System (PMS) studies periodically conducted for the City indicated the wearing surface of many of the roads to be at or near failure, especially the smaller suburban roads. Since many of the Island's roads were initially only scraped and then a thin layer of asphalt applied, the maintenance performed by the City is usually more extensive, and costly, than normal maintenance of "paved" roads. Many roads, having no substantial base before

placing asphalt, need considerable base preparation. The PMS study indicated a need for \$600,000 per year for 10-12 years in the annual roads maintenance and repaving program to maintain the roads at the then current status. The City Council recently committed to providing \$600,000 per year for the next 6 years to address annual roads maintenance, and is in the process of identifying additional road reconstruction project needs and associated funds.

A complete inventory of the Island's transportation facilities is contained in the Island-wide Transportation System Study and a complete inventory of the Island's non-motorized transportation facilities is contained in the Non-Motorized Transportation Plan. A summary of those facilities follows:

Table 6: Transportation Facilities Inventory

Type of Facility	Description	Example	Length	
FRC 1 *	State Highway	SR305	6.8	miles
FRC 2 *	Secondary Arterial	Miller Road	35.2	miles
FRC 3 *	Collectors	Oddfellows Road	42.3	miles
FRC 4 *	Residential Urban	Wood Avenue	21.7	miles
FRC 5 *	Residential Suburban	Spargur Loop Road	38.3	miles
FRC 6 *	Unimproved City Roads (gravel)	Walden Lane	10.2	miles
Subtotal			154.4	miles
Without SR305 & gravel roads			137.5	miles
Bike lanes**	Shared roadway on paved shoulders	High School Road	23.5	miles
Sidewalks	Paved walkway	Madison Ave.	7.6	miles
Trails	pedestrian, bike, equestrian, etc.	The Grand Forest	6.9	miles

*FRC = Functional Road Classification; Source: Public Works Department, Pavement Management Program (Klohn Leonoff)

** With the exception of SR305, bike lanes on Bainbridge Island are three to five foot paved shoulders. Bike lanes are reported in lane miles. SR305 is included here.

Water

Domestic drinking water is supplied by the City of Bainbridge Island, Kitsap County P.U.D. No. 1, South Bainbridge Water Company, numerous smaller public water systems (2 or more hookups), and over 1,000 private single-dwelling wells.

The levels of service in the Water Element for water systems on Bainbridge Island are the minimum design standards and performance specifications provided in the 1992 Kitsap County Coordinated Water System Plan. Fire flow requirements were adopted by Ordinance 98-30 and Resolution 98-34 and are tiered based on zoning and type of construction. Residences can satisfy deficiencies by installing individual sprinkler systems. Levels of service are as follows:

Table 7: Water System Levels of Service

Pressure	30 psi residual
Pipe sizing	8" diameter min. (where fire system is required)
Storage	"Sizing Guidelines for Public Water Systems"
Quality	Federal and State minimum standards
Fire Flow	Residential Zone R.04 & R.1 = 500 gpm or sprinkler
Fire Flow	Residential Other Zones = 1,000 gpm or sprinkler
Fire Flow	Commercial & LM = 1,000 gpm or don't build

The Bremerton-Kitsap County Health District records indicate approximately 170 water systems on the Island that have 2 or more households connected. The number of Group A & B systems are listed below and following is a summary of systems with more than 100 connections.

Table 8: Group A & B Water Systems

Group A systems	(15 or more connections)	44
Group B systems	(under 15 connections)	124

Table 9: Waters Systems with over 100 Connections (2005/2006)

System	# Connections	Capacity		Storage
		(ERU)	(MGD)	Volumes (gal.)
Island Utility	140	455	0.43	400,000
PUD #1	1,688	2,028	0.36	860,000
Meadowmeer (MWSA)	279	283	.45	200,000
South Bainbridge	1,395	1,415	0.90	562,000
Winslow (City)	2,184	4,727	1.00	2,800,000
Total	3,791	6,540	2.43	3,597,000

Most existing water systems were established under state and local guidelines and generally provide high quality water at an adequate pressure and flow rate for residential use. However, because of the number of systems on the Island, it must be concluded that there are systems that may not be in compliance with Department of Health water quality requirements and may not meet minimum requirements of pressure and reliability. It is also concluded that most of the

smaller systems have poor or nonexistent fire protection designed into their systems due to the cost of providing large diameter pipes and storage tanks.

Winslow Water System

The Winslow Water System is owned and operated by the City of Bainbridge Island under the direction and control of the Department of Public Works. It serves an area similar to the historic Winslow city limits plus Fletcher Bay and Rockaway Beach. The system gets all of its water from the eleven wells owned by the City as noted below. Water is pumped into the distribution system both directly from the well pumps and by booster pump stations. A detailed inventory is provided in the Winslow Water System Plan, which was accepted by the City Council in 2007. The next update of this plan was scheduled for January of 2013. However, however an extension on this deadline is in process with the Department of Health approved an extension to this deadline in 2013.

Table 10: Winslow Water System Well Inventory

Name	Capacity		Depth		Present Yield	
Head of Bay #1	50	gpm	135	ft.	32	gpm
Head of Bay #1A	150	gpm	145	ft.	135	gpm
Head of Bay #2	215	gpm	50	ft.	184	gpm
Head of Bay #3	100	gpm	50	ft.	270	gpm
Head of Bay #4	138	gpm	150	ft.	115	gpm
Head of Bay #5	96	gpm	160	ft.	111	gpm
Head of Bay #6	110	gpm	70	ft.	91	gpm
Lower Weaver *	80	gpm	135	ft.	47	gpm
Fletcher Bay	688	gpm	1,050	ft.	500	gpm
Sands Ave. #1	288	gpm	1,055	ft.	365	gpm
Sands Ave. #2	600	gpm	1,055	ft.	400	gpm
Commodore Well	100	gpm	190	ft.	47	gpm
Taylor Avenue	80	gpm	600	ft.	56	gpm
Total	2,615	gpm			2,297	gpm

*Not a potable source - used for construction

Under Washington law, water purveyors, including the City, need water rights in order to be assured that it can continue to provide water. The City has "primary" water rights for 2,054 acre-feet per years and "allocated instantaneous capacity" for 3,037 gpm (about 60% over the City's present capacity).

According to the existing Winslow Water System plan, the system's capacity is adequate to serve the needs of the potential build-out population under existing zoning and build-out to the highest density possible (to R-28) in the Land Use Element. The available sources are adequate to serve a potential population of approximately 7,900 or approximately 4,000 units. The system currently serves a population of 3,500 and approximately 3,500 residential equivalent units.

There are, however, upgrades necessary to provide adequate fire flow in areas, more efficiently use existing storage capacity, rehabilitate existing wells, and improve system reliability.

Sanitary Sewage Disposal

The City of Bainbridge Island provides for the collection, treatment, and disposal of effluent in the Winslow service area. The Kitsap County Sewer District #7 treatment plant north of Fort Ward Park serving customers within the District's service area in Fort Ward and the City's sewer service areas in the Emerald Heights, Point White, North Pleasant Beach, and Rockaway Beach neighborhoods and Blakely School. All other residents not within the service areas of the above districts rely upon on-site septic systems that require approval from the Bremerton-Kitsap County Health District.

Levels of service for wastewater treatment systems are typically expressed as the number of gallons of flow per capita per day and the level of treatment provided by the treatment plant. The current and proposed level of service for the Winslow service area follow the Department of Ecology guidelines of 100 gallons per capita per day (flow) and secondary treatment. In areas not served by treatment plants, on-site septic systems must be built to Bremerton-Kitsap County Health District standards that consider combinations of lot size, soil type, infiltration capacity, depth to hardpan, and proximity to surface water among others.

The Winslow sanitary sewer system consists of two separate parts: the collection system, and the treatment plant.

Table 11: Winslow Sewer Facility Inventory

Collection system	15 miles gravity sewer (pipes 8 inches to 12 inches diameter)
	12 miles pressure sewer (pipes 4 inches to 12 inches diameter)
	16 pumping stations (300 to 2,300 gallons per minute)
Treatment plant	Secondary treatment facility located on Donald Place NE (3.9 million gallon per day and 2642 ppd BOD)

The existing system will be able to accommodate projected population growth in the Winslow area through approximately 2018 if maintenance and periodic facility upgrades are performed timely. The sewer system plan was last updated in 1994 and the City began working on the update to the General Sewer Plan in July, 2013. The City's goal is to have the updated General Sewer Plan finalized by June, 2015; the updated plan will document the existing system and needs for new facilities and replacement or upgrading existing facilities during the coming decade. The system plan or a separate study should be done to assess infiltration and inflow (I/I) in the collection system so that an I/I reduction program can be undertaken. All pumping stations are now connected to a Supervisory Control/Data Acquisition (SCADA) system that is operated by the City's utility operations team. The SCADA system allows monitoring and operation of pumping equipment and response to alarms from a central station located at the Winslow Wastewater Treatment Plant (WWTP). Additionally, all of the City's sewer pumping stations are now equipped with emergency generators so that operations continue during power interruptions.

The existing WWTP was designed for a population equivalent of 10,000 and began operation in 1978. The WWTP will have an excess “population equivalent” capacity (including commercial and multi-family customers converted to a level population equivalent) of approximately 1600 for flow and 4260 for BOD at the conclusion of the current improvements. The WWTP was upgraded in 1994 at a cost of \$2.5 million. An engineering assessment in 2003 identified a number of additional upgrades necessary to meet regulatory requirements for effluent disinfection, energy efficiency and for process reliability and redundancy. Some of the identified upgrades (replacing effluent pumps and controls, and conversion from chlorine-based to ultraviolet-based disinfection) were designed and constructed between 2004 and 2007. Engineering and construction documents for the remaining upgrades to the WWTP process, including enhanced odor control, was completed in 2007 and construction in early 2008. This work was completed in 2011 at a cost of approximately \$13.9 million, including engineering and construction management.

An engineering study of the WWTP outfall to Puget Sound was completed in 2008. Planning and decisions regarding future modification of the outfall and related decisions regarding additional WWTP process enhancements, including upgrading the WWTP process to produce Class A effluent and biosolids for discharge or re-use, are proposed future activities.

Surface & Storm Water Management

In the Winslow urban area and a few smaller areas, stormwater is managed by a combination of piped collectors, roadside ditches and natural stream channels. All other watersheds and sub-basins on the Island are drained by natural streams and roadside ditches only. The existing natural drainage system consists of wetlands, streams, springs, ditches, and culverts crossing roadways and is labor intensive to maintain. Surface and storm water is managed by the City as a utility. A recent Surface and Stormwater Management Plan and ongoing system evaluation are used to identify capital projects. In addition, the City places priority on the improvement and restoration of natural stream channels, particularly undersized or perched culverts, for the improvement of fish passage and fish habitat.

III. FINANCIAL CAPACITY ANALYSIS/ SIX-YEAR CAPITAL IMPROVEMENT PLAN

Provided below is the Six-Year Financial Capacity Analysis and Capital Improvement Plan (CIP) for the City of Bainbridge Island. This CIP list shows the anticipated expense and timing of each project and contains a project description, if available, and the results of the Comprehensive Plan consistency review and level of service (LOS) deficiency analysis. The CIP lists for the special districts on Bainbridge Island are provided in the appendices attached to this document. The City conducts a financial capacity analysis in order to evaluate the City's ability to fund capital expenditures along with general operations. The financial capacity analysis is presented first with assumptions and the CIP list follows.



2014 – 2019

Capital Improvement

Project Plan List

Proposed Draft

as of

October 10, 2013

2014 - 2019 Capital Improvement Plan List DRAFT

Comprehensive Plan

PLAN CATEGORIES

- M** Major maintenance, repair, renovation or replacement of an existing facility does not add additional capacity.
- E** New facilities or improvements to existing facilities that provide added capacity to serve the existing population.
- N** New facilities or improvement to existing facilities that are built primarily to provide added capacity to serve future population or employment growth.
- U** Unclassified

PLAN CONSISTENCY CODES

- GC** Generally Consistent with Comp Plan
- SC** Specifically Consistent with Comp Plan
- F** Flagged; may not be consistent with Comp Plan
- I** Inconsistent with Comp Plan
- LOS** Level of Service

Prioritization

Criteria:

- | | |
|----------------------|---|
| Legal | Necessary to comply with a court order, legal mandate or regulation. |
| Preservation | Necessary to preserve function. |
| Deficiency | Necessary to maintain LOS at the state goal. |
| Discretionary | Other considerations to be defined by community, council and administration. Not a legal requirement, preservations need or deficiency. |

Tier:

- | | |
|----------|---|
| 1 | Legal mandate, immediate preservation need, current deficiency. |
| 2 | Preservation required in near future, expected deficiency in near future. |
| 3 | Discretionary |

Priority:

- | | |
|-----------|--------------------------------|
| A. | Immediate Need |
| B. | Required within 4 years |
| C. | Required more than 4 years out |

Section One

2014 – 2019 Capital Improvement Project Plan List

Transportation – Tax Supported

Transportation Tax Supported

Project Title	Fund	From	To	Description of Work	Added for 2014-2019 CIP	Proposed Year	Comments / Grants	Comp. Plan Designation
6 Year CIP:								
Annual Program 2014 Road Preservation -- Country Club Road Overlay	STRTS	Toe Jam Hill	Seawall	Raise roadway to address drainage		2014		M
Annual Program 2015 Road Preservation	STRTS	Various – TBD		Patching, Chip Sealing, Overlay		2015		M
Annual Program 2016 Road Preservation	STRTS	Various – TBD		Patching, Chip Sealing, Overlay		2016		M
Annual Program 2017 Road Preservation	STRTS	Various – TBD		Patching, Chip Sealing, Overlay		2017		M
Annual Program 2018 Road Preservation	STRTS	Various – TBD		Patching, Chip Sealing, Overlay		2018		M
Annual Program 2019 Road Preservation	STRTS	Various – TBD		Patching, Chip Sealing, Overlay	Y	2019		M
Reconstruction Projects								
*** Fort Ward Hill Reconstruc. (Phase II)	STRTS	Bolero	Top of the hill	Restore embankments and roadway		2014		M
*** Madison Avenue Overlay	STRTS/WTR	High School	Winslow Way	Overlay		2014	Y	M
*** Valley Reconstruction	ST/SSWM	Sunrise	Falk	Reconstruction; overlay;	Moved	2014 (design & constr)	Y	M
Mountain View Road Reconstruction	ST/SSWM			Provides for roadway surfacing reconstruction and storm drain improvements	Y	2014 (design & constr)		M/E
*** Wing Point Way Reconstruction	ST/WTR/SW R/SSWM	Ferncliff	Park	Overlay; Water and Sewer main replacement as needed; Storm drainage as needed; in conjunction with Non-motorized project;	Y	2015/16 (constr)	Y	M/E
20 Year CFP: see next page								

*** NOTE: From Proposed Road Reconstruction List

M - Major Maintenance, repair, renovation, or replacement of an existing facility that does not add additional capacity

E - New facilities or improvements to existing facilities that provide added capacity to serve the existing population

N - New facilities or improvements to existing facilities that are built primarily to provide added capacity to serve future population or employment growth

Transportation Tax Supported

Project Title	Fund	From	To	Description of Work	Added for 2014-2019 CIP	Proposed Year	Comp. Plan Designation
20 Year CFP:							
Annual Programs							
Road Preserv. -- Arterials & Collectors	STRTS	Various -- TBD		Activities to maintain/improve PCI		Annual	M
Road Preserv. -- Local Access	STRTS	Various -- TBD		Activities to maintain/improve PCI		Annual	M
Roadside Safety Repairs	STRTS	Various -- TBD		Guardrails, Shoulders, Clear zones, etc.		Annual	M
Reconstruction Projects							
*** Local Access Road Reconstruction	STRTS	Various -- TBD		Reconstruction		Annual - beginning in 2016	M
Manitou Beach Road Stabilization	STRTS	Falk	Skiff	Rebuild Bulkhead		x	M
*** Old Mill Reconstruction	STRTS	Blakely	Blakely Hill	Reconstruction		x	M
Country Club Road Stabilization	STRTS	Shoreline frontage		Seawall Improvements.		x	M
*** Halls Hill Road Reconstruction and Intersection Improvement	STRTS	Blakely Hill	Rockaway Bluff	Reconstruction of roadway and drainage		x	E
Manitou Beach Road Stabilization	STRTS	Murden Cove Dr.	Falk	Seawall Improvements.		x	M
*** Blakely Hill Road	STRTS	Blakely	Top of Hill	Slide Repair		x	M
*** Winslow Way Reconstr. -- Phase II	STRTS, WTR, SW	Madison	Grow	Reconstruction, Sidewalks, Water, Sewer		x	E
*** Wyatt Way Reconstruction	STRTS	Ericksen	Madison	Reconstruction, Intersection Imp, NM		x	E/N
Country Club Road Reconstruction	STRTS	Past Toe Jam	Seawall			x	M
Improvement Projects							
Sportsman's Club & New Brooklyn	STRTS			Intersection Capacity Improvements		x	E/N
Sportsman's Club & High School Rd.	STRTS			Intersection Capacity Improvements		x	E/N

*** NOTE: From Proposed Road Reconstruction List

M - Major Maintenance, repair, renovation, or replacement of an existing facility that does not add additional capacity

E - New facilities or improvements to existing facilities that provide added capacity to serve the existing population

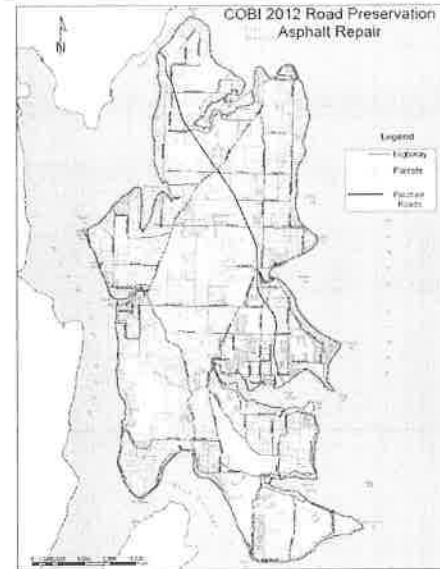
N - New facilities or improvements to existing facilities that are built primarily to provide added capacity to serve future population or employment growth

City of Bainbridge Island
Transportation CIP (2014 - 2019)

Project	Location	Grant Applied	Grant Awarded	Grant Funds	General Comp	Strts Component	Wtr Component	Swr Component	SSWM Comp	2014	2015	2016	2017	2018	2019	2020 - 2033
TRANSPORTATION PROJECTS - 6-YEAR CIP																
Annual Roads Preservation					Y					600	612	624	637	649	662	11,677
Fort Ward Hill Reconstruction	Bolero to top of hill	✓	✓	856	Y			Y		952						
Madison Avenue Overlay	HS to Winslow Way	✓	✓	434	Y					505						
Valley Reconstruction	Sunrise to Falk				Y			Y		83						
Mountain View Reconstruction	Manitou to End				Y			Y		86						
Wing Point Way Reconstruction	Ferncliff to Park				Y	Y	Y	Y		11	75	1,539				
TRANSPORTATION PROJECTS - 20-YEAR CIP																
Annual Road Pres. Arterials & Collectors					Y											8,400
Annual Road Pres. Local Access					Y											TBD
Annual Roadside Safety Upgrades					Y											1,400
Annual Local Access Rd Reconstr.					Y			Y								1,400
Roadway Reconstruction Projects																
Country Club Road	Past Toe Jam to Seawall				Y			Y								TBD
Manitou Beach Stabilization	Falk to Skiff				Y											1,506
Old Mill Reconstruction	Blakely to Blakely Hill				Y			Y								1,632
Wyatt Way Reconstruction	Madison to Grow				Y	Y		Y	Y							2,516
Wyatt Way Reconstruction	Ericksen - Madison				Y	Y		Y	Y							TBD
Blakely Hill Road Reconstr	Halls Hill to top of hill				Y			Y								TBD
Country Club Rd Stabilization	Shoreline frontage				Y											TBD
Halls Hill Road Reconstr	Blakely to top of hill				Y	Y		Y								TBD
Manitou Beach Stablization	Murden Cove - Falk				Y											TBD
Winslow Way Reconstr. -Ph 2	Madison - Grow				Y	Y	Y	Y	Y							TBD
Intersection Improvement Projects																
Sports-Club/N-Brooklyn	Intersection Imprv.				Y											993
HS Rd/Sportsman Club	Intersection Imprv.				Y											TBD
TOTALS										2,237	687	2,163	637	649	662	29,524

City of Bainbridge Island – Capital Project Summary

2014 Annual Roads Program

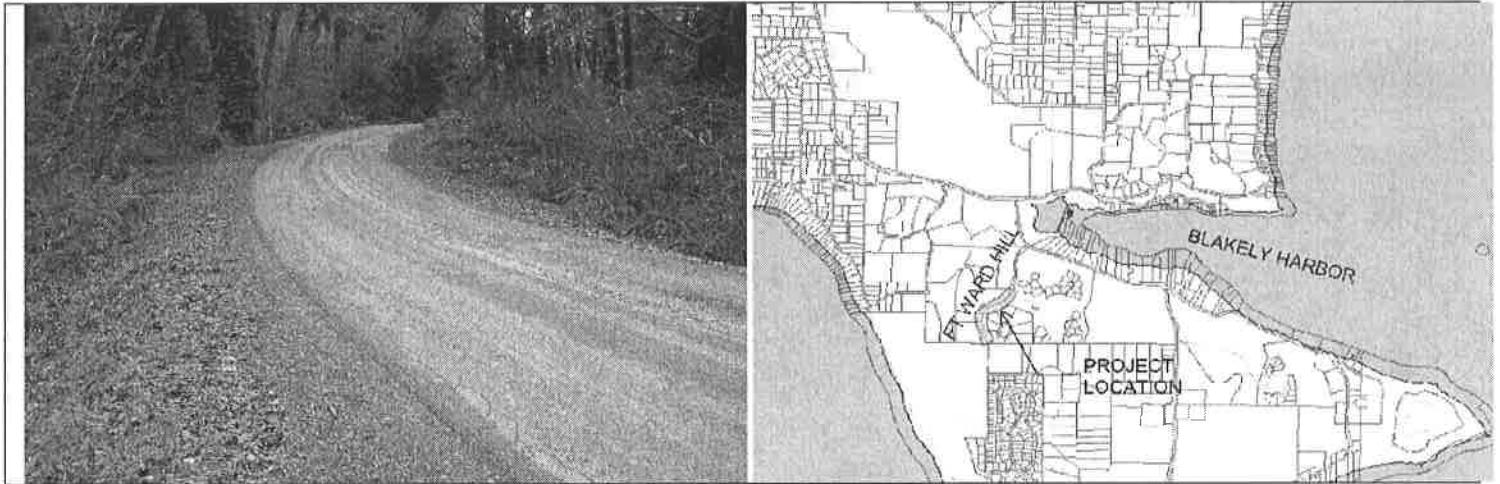


DESCRIPTION	The Annual Roads Preservation Program consists of a combination of 1) grinding & patching roadways and/or 2) chip sealing. Grinding & patching the roadways is a maintenance operation and chip sealing adds a coating of asphalt oil and fine crushed rock over the existing pavement to preserve the street surface and to keep the roads in good drivable condition.
LOCATION POSSIBILITIES	2014 Proposed Roads List has not yet been determined.
BENEFIT	Preservation and prolonged life of the roadway system.
SCHEDULE	Annual, preferably during warm weather construction season.
CATEGORY	Preservation 1A M;GC

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	in-house	in-house	in-house	in-house	in-house	in-house
ROW						
Construction	600	612	624	637	649	662
Sub-total	\$600	\$612	\$624	\$637	\$649	\$662
FUND SOURCES (1,000's)						
Street Fund	600	612	624	637	649	662
Grant						
Sub-total	\$600	\$612	\$624	\$637	\$649	\$662

City of Bainbridge Island — Capital Project Summary

Fort Ward Hill Reconstruction & Shoulder Widening Phase 2 (Sunny Hill to Bolero Drive)

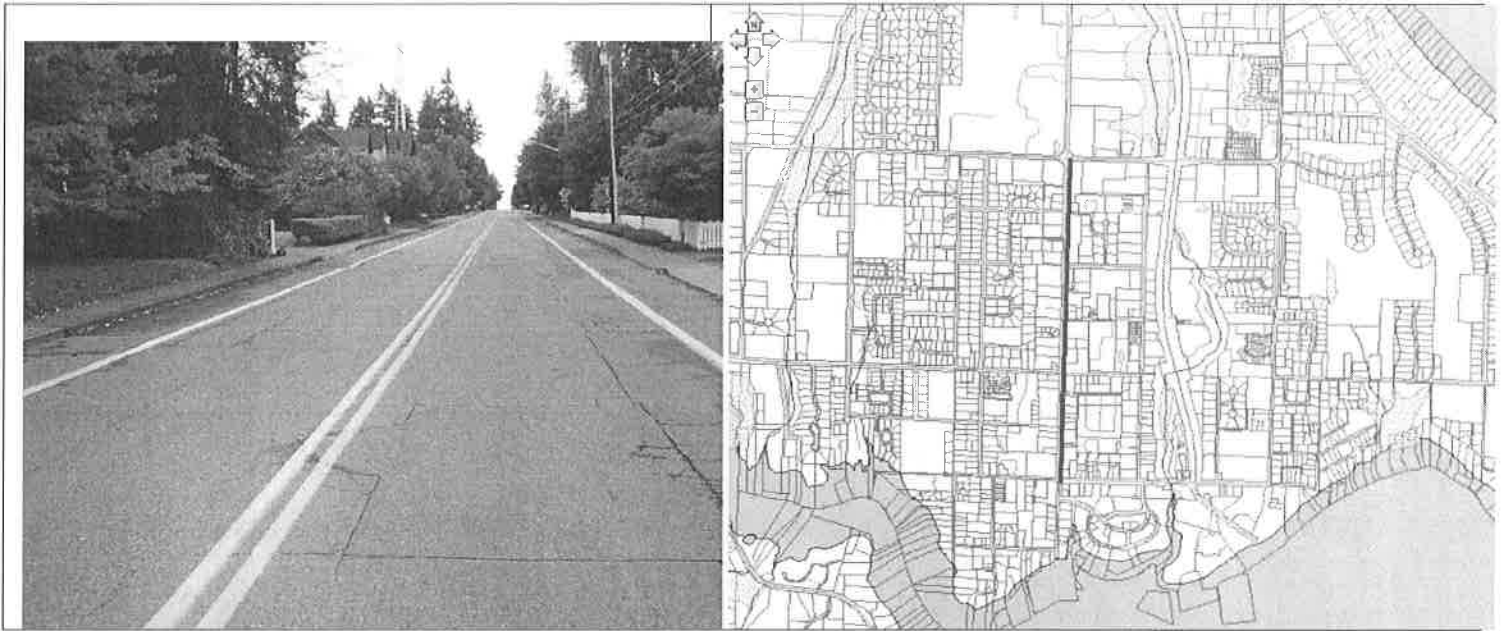


DESCRIPTION	Reconstruction of approximately 1,500 LF of roadway. Improvements consist of repair & paving of two 10' travel lanes with 5' paved shoulders, approximately 700 LF of guardrail, new rockeries, new storm drain systems and two new drainage culvert replacements.
BENEFIT	Preservation, safety enhancement, & non-motorized level of service.
SCHEDULE	Design/permitting phases are estimated to be completed by 2012 year-end with construction to occur in summer of 2014.
CATEGORY	Preservation, 1A, M GC

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	0					
ROW	0					
Construction	965					
Sub-total	\$965	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	96					
SSWM Fund	13					
Grant	856					
Sub-total	\$965	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Madison Avenue Overlay (High School Road to Winslow Way)



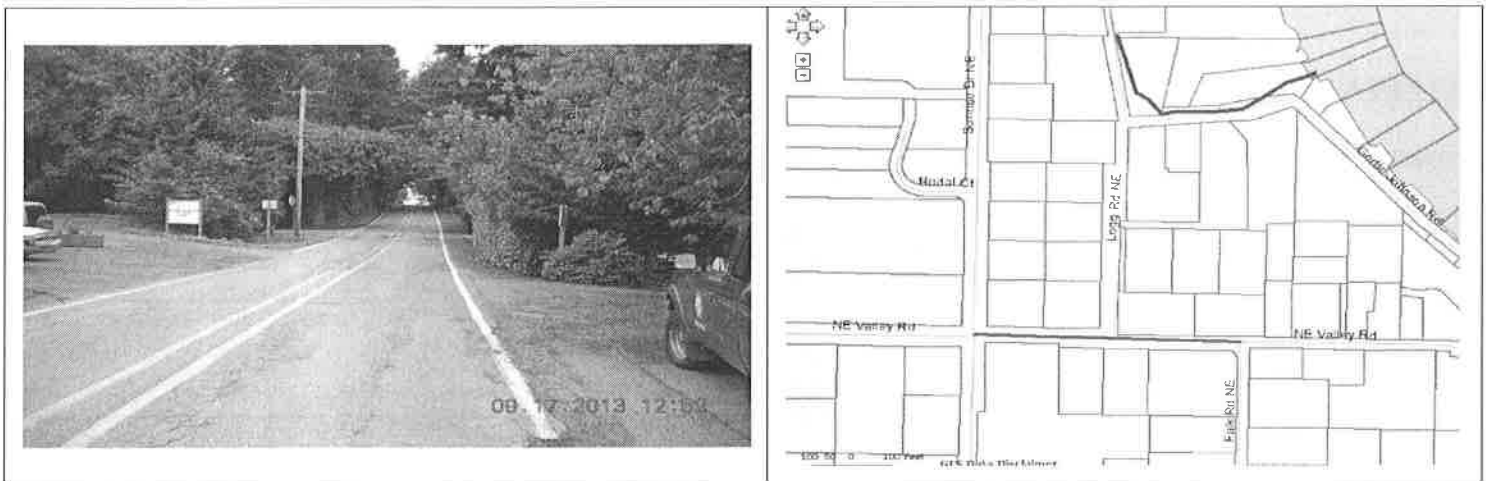
DESCRIPTION	The project will provide for pavement restoration of Madison Avenue, approximately 0.6 miles, from north of Winslow Way to High School Road. Pavement restoration work may include pavement repair excavation, asphalt for pavement repair (including patching, full width traffic lane restoration, and overlay), and pavement marking.
BENEFIT	Preservation
SCHEDULE	Construct in Summer 2014
CATEGORY	M, GC, Tier 1(Preservation), Priority A

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	0					
ROW	0					
Construction	505					
Sub-total	\$505	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	71					
SSWM Fund	0					
Grant	434					
Sub-total	\$505	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Valley Road Reconstruction Project

(From Sunrise to Falk)



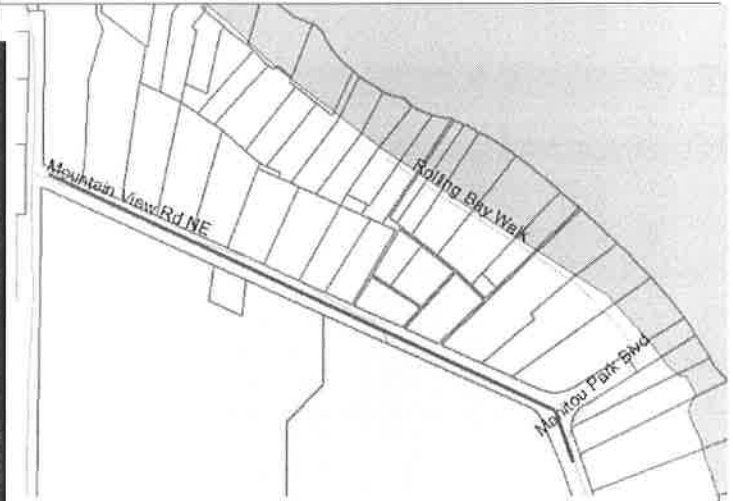
DESCRIPTION	Provides for roadway surfacing reconstruction and storm drainage improvements on Valley, and storm drainage improvements to Logg, and Gertie Johnson Roads. This work was identified in the 2012 Area Drainage Study performed by Brown Wheeler Engineering. Note that the majority of the cost is related to stormwater improvements.
BENEFIT	Preserves surfacing on Valley Road. Addresses stormwater run-off on Valley Road and addresses maintenance problems with the existing storm drainage system at the bottom of Logg Road that have led to overtopping of the conveyance system. Better accommodates fronting property owner stormwater drainage above Gertie Johnson Road which has a history of slides.
SCHEDULE	Design in winter/ spring of 2014 and Construction in fall of 2014.
CATEGORY	M, GC, Tier 1 (Preservation), Priority A

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	59					
ROW	0					
Construction	144					
Sub-total	\$203	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	83					
SSWM Fund	120					
Grant	0					
Sub-total	\$203	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Mountain View Road Reconstruction Project

(From Manitou)



DESCRIPTION	Provides for roadway surfacing reconstruction and storm drainage improvements on Mountain View. Work includes upgrading the inlet condition at the outfall to address a capacity deficiency. This work was identified in the 2012 Area Drainage Study performed by Brown Wheeler Engineering. Note that a significant portion of the work is associated with stormwater improvements.
BENEFIT	Provides for surfacing repairs. Currently the roadway lacks conveyances for storm water. The project provides for conveying storm water and improves the capacity of the existing outfall. Providing conveyances better accommodates fronting property owner stormwater drainage above Gertie Johnson Road and Rolling Bay Walk which has a history of slides.
SCHEDULE	Design in winter/ spring of 2014 and Construction in fall of 2014.
CATEGORY	M/E, GC, Tier 1, Priority A

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	32					
ROW	0					
Construction	107					
Sub-total	\$139	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	86					
SSWM Fund	53					
Grant	0					
Sub-total	\$139	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

WingPointWayReconstruction (From Ferncliff to Park)



DESCRIPTION	Reconstruct roadway surfacing and drainage. Provide sidewalk, on the downhill side, and shoulders, on the uphill side. Water and sewer utility repairs may be added.
BENEFIT	Preservation, safety enhancement, & non-motorized level of service.
SCHEDULE	The City received grant funding for the design phase in the summer of 2013. The City contracted with HDR. Design is starting in late 2013 and will continue with permitting, easement procurement in 2014. The City plans to submit for additional grant funding in 2014 for the construction phase.
CATEGORY	M/E, GC, Tier 1(Current Deficiency), Priority A.

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	371					
ROW	0	75				
Construction	0		*			
Sub-total	\$371	\$75	*	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	48	75	208			
SSWM Fund	0		TBD			
Water	10		TBD			
Sewer	10		TBD			
Grant	303		1331			
Sub-total	\$371	\$75	\$1,539	\$0	\$0	\$0

Section Two

2014 – 2019 Capital Improvement Project Plan List

Non-Motorized Transportation – Tax Supported

NON-MOTORIZED TRANSPORTATION TAX SUPPORTED

Project Title	Fund	From	To	Description of Work	Added for 2014-2019 CIP	Proposed Year	Comments/ Grants	Comp. Plan Designation
6 Year CIP:								
Annual Program 2014 C40 - Spot Projects	STRTS	TBD		Shoulder repairs and infill		Annual		E
Annual Program 2015 C40 - Spot Projects	STRTS	TBD		Shoulder repairs and infill		Annual		E
Annual Program 2016 C40 - Spot Projects	STRTS	TBD		Shoulder repairs and infill		Annual		E
Annual Program 2017 C40 - Spot Projects	STRTS	TBD		Shoulder repairs and infill		Annual		E
Annual Program 2018 C40 - Spot Projects	STRTS	TBD		Shoulder repairs and infill		Annual		E
Annual Program 2019 C40 - Spot Projects	STRTS	TBD		Shoulder repairs and infill	Y	Annual		E
SR305/Olympic Drive	STRTS	Winslow Way	Harbor Drive	Nonmotorized Facilities		2014	\$744 grant received 2013 TAP Grant Application	E
Sound to Olympics Trail - Phase 2	STRTS	Winslow Way	HS Road	Separated Trail	Moved	2014		E/N
Wing Point Way Non-Motorized C40 - Bucklin - Phase 2	STRTS	Ferncliff	Park	Sidewalk, Shoulder widening		2014		E/M
Wyatt Non-motorized - Phase 1	STRTS	Blakely	Fletcher Bay	ROW, Shoulder Improvmnts	Moved	2019		E
SR305 Shoulder Improvements	STRTS	Madison	Grow	Sidewalk & Bike Lane Imprv	Moved	2015		E
C40 - Fletcher Bay Road	STRTS	Vineyard	High School	Sound to Olympics Trail	Moved	2015		E
Sound to Olympics Trail - Phase 2+	STRTS	New Brooklyn	High School Road	Shoulder Improvements	Moved	2016		E
C40 - Miller Road	STRTS	Various		Separated Trail	Moved	2016		E/M
C40 - Eagle Harbor Phase 1	STRTS	Tolo	Pederson Hill	Shoulder Improvements	Moved	2017		E
C40 - Eagle Harbor Phase 2	STRTS	Past Bucklin	Wyatt	Bike Climbing Lane	Moved	2018		E
C40 - Eagle Harbor Phase 2	STRTS	Wyatt	Past Bucklin		Moved	2018		E
Trails	STRTS	TBD				Annual		E
20 Year CFP: see next page								

** NMTAC & Squeaky Wheels Top 5 Core 40 Projects

M - Major Maintenance, repair, renovation, or replacement of an existing facility that does not add additional capacity

E - New facilities or improvements to existing facilities that provide added capacity to serve the existing population

N - New facilities or improvements to existing facilities that are built primarily to provide added capacity to serve future population or employment growth

NON-MOTORIZED TRANSPORTATION TAX SUPPORTED

Project Title	Fund	From	To	Description of Work	Added for 2014-2019 CIP	Proposed Year	Comp. Plan Designation
20 Year CFP:							
Sportsman's Club Spine Trail	STRTS	High School	Sportsman's Pond	ROW, Separated Trail		x	E
C40 - Blakely	STRTS	Bucklin	Baker Hill	Bike Climbing Lane		x	E
C40 - N. Madison	STRTS	SR305	Valley	Climbing Lane		x	E
C40 - Lynwood Center	STRTS	Bucklin	Point White	Shoulder Improvements		x	E
C40 - Sportsman's Club - Phase 2	STRTS	HS	Wyatt	Shoulder Improvements		x	E
Lost Valley Trail - Phase 1	STRTS	Carmella Lane		Trail Access and Improvements		x	E
C40 - Valley	STRTS	N. Madison	Sunrise	Shoulder Improvements		x	E
Grow Avenue NM	STRTS	Winslow Way	Wyatt	Sidewalk Improvements		x	E
Winslow Way Reconstr.-Phase 2	STRTS	Madison	Grow	Sidewalk Improvements		x	E
Wyatt NM	STRTS	Erickson	Madison	Sidewalk Improvements		x	E
Wyatt NM Sidewalk Extension	STRTS	E. of Weaver	Weaver	Sidewalk Improvements		x	E
Knetchel Way NM	STRTS	Erickson	Madison	Sidewalk Improvements		x	E

M - Major Maintenance, repair, renovation, or replacement of an existing facility that does not add additional capacity

E - New facilities or improvements to existing facilities that provide added capacity to serve the existing population

N - New facilities or improvements to existing facilities that are built primarily to provide added capacity to serve future population or employment growth

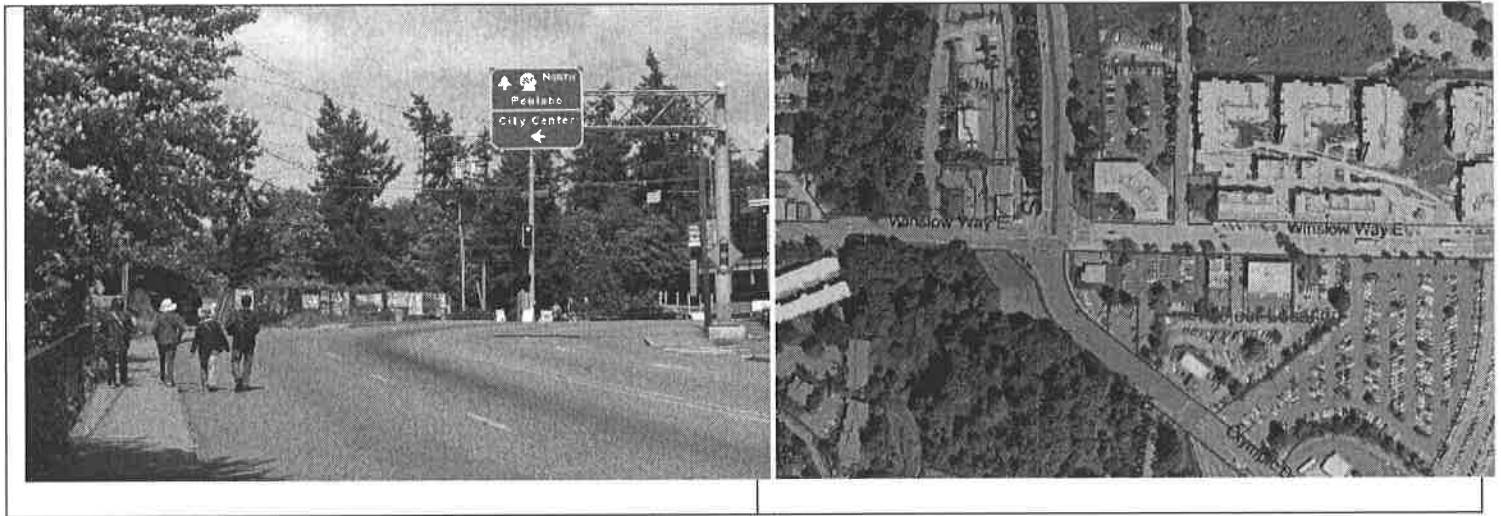
City of Bainbridge Island
Non-Motorized Transportation CIP (2014 - 2019)

Project	Location	Grant Applied	Grant Awarded	Grant Funds	General Comp	Sturts Component	Wtr Component	Swr Component	SSWM Comp	2014	2015	2016	2017	2018	2019	2020 - 2033
NON-MOTORIZED PROJECTS - 6-YEAR CIP																
SR305/Olympic Drive NM	Winslow Way to Harbor Dr	✓	✓	734	Y					90						
Design & ROW										644						
Construction																
Sound to Olympic Trail Phase 2	Winslow Way to HS Road	✓		363	Y					420	1,450					
Wing Point Way Non Motorized	Ferncliff to Park	✓	✓	303	Y	Y	Y	Y		340						
Trails	TBD				Y					25	25	25	25	25	25	375
C40 - Spot Projects	TBD				Y					50	50	50	50	50	50	750
Top 5 Road Safety Projects by NMTC																
**C40 - Miller Road	Tolo to Pederson Hill				Y								882			
**SR305 Shoulder Improvements	Vineyard - High School Road				Y						TBD					
**C40 - Bucklin Phase 2	Blakely - Fletcher Bay				Y										TBD	
**C40 - Eagle Harbor - Phase 2	Wyatt to Past Bucklin				Y									TBD		
**C40 - Fletcher Bay Road	New Brooklyn to HS Rd				Y							358				
Other Non-Motorized Projects																
C40 - Lynwood Center	Bucklin - Pt. White				Y											505
Wyatt Way NM - Phase 1	Madison to Grow				Y						200					
Sound to Olympic Trail - Phase 2+	Various				Y						TBD					
C40 - Eagle Harbor - Phase 1	Past Bucklin to Wyatt				Y									700		
C40 - Blakely	Bucklin - Baker Hill				Y											
C40 - Sportsmans Club - Phase 2	HS to Wyatt				Y											750
C40 - Valley	N. Madison - Sunrise				Y											TBD
C40 - North Madison	SR305 to Valley				Y											TBD
Grow Ave NM	Winslow Way - Wyatt				Y											TBD
Ketchel Way	Erickson - Madison				Y											TBD
Lost Valley Trail - Phase 1	Carmella Lane				Y											TBD
Sportsman Club Spine Trail	HS to Sportsman pond				Y											TBD
Winslow Way Reconstr.- Phase 2	Madison to Grow				Y											750
Wyatt NM - Phase 2	Erickson - Madison				Y											TBD
Wyatt Sidewalk Extension	E of Weaver - Weaver				Y											TBD
TOTALS										1,569	1,725	433	957	775	75	3,130

City of Bainbridge Island — Capital Project Summary

SR305 – Olympic Drive Non-Motorized Improvement Project

Winslow Way to Harbor Drive



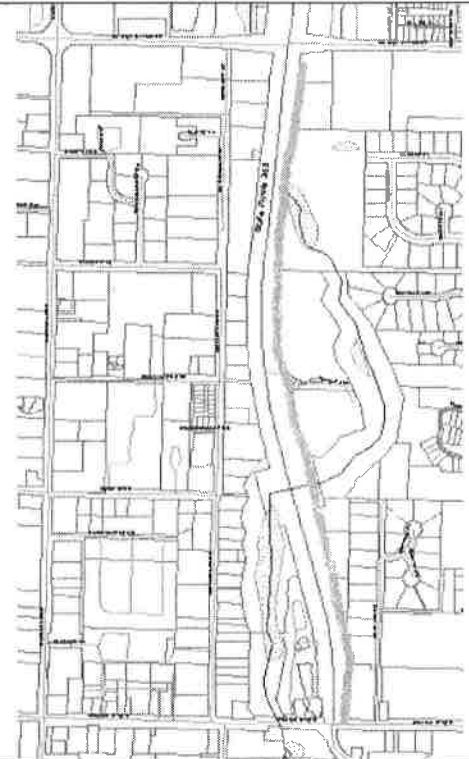
DESCRIPTION	Olympic Drive is a roadway with inadequate pedestrian and bicycle accommodations. This project provides improvements for pedestrian and cyclists along this heavily trafficked roadway.
BENEFIT	Non motorized level of service improvement, safety enhancement
SCHEDULE	Design in late 2013 and early 2014. Construction in 2014.
CATEGORY	Deficiency 1B, E; SC

PROJECT COSTS (1000's)	2014	2015	2016	2017	2018	2019
Design / Permitting	90					
ROW	0					
Construction	644					
Sub-total	\$734	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1000's)						
Street Fund						
Grant	734					
Sub-total	\$734	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Sound to Olympics Trail, Phase 2

Winslow Way to High School Road

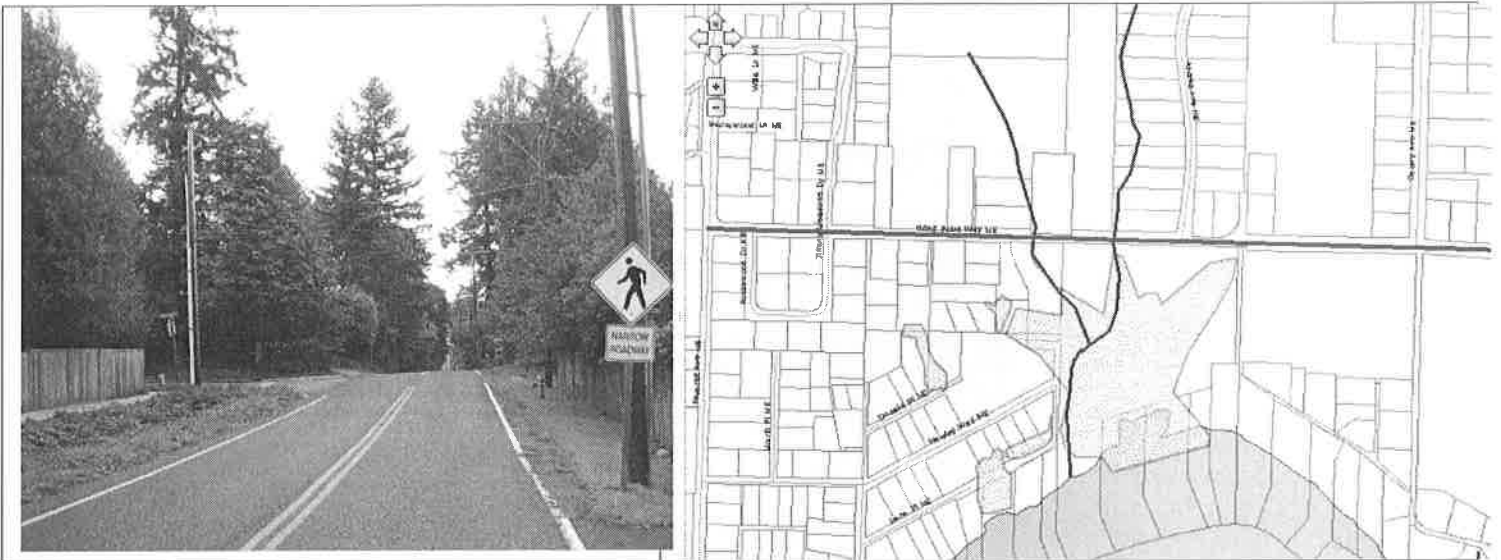


DESCRIPTION	Design of Sound to Olympic trail and study of branch trails. Construction of separated pathway from Winslow Way to the existing Ravine Creek non motorized bridge.
BENEFIT	Non motorized level of service improvement, safety enhancement
SCHEDULE	Design in 2014 and construction in 2015
CATEGORY	E/N, SC, Tier3, Priority C

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	420					
ROW						
Construction		1,450				
Sub-total	\$420	\$1,450	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	57	196				
Grant	363	1,254				
Sub-total	\$420	\$1,450	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

WingPointWayReconstruction (From Ferncliff to Park)



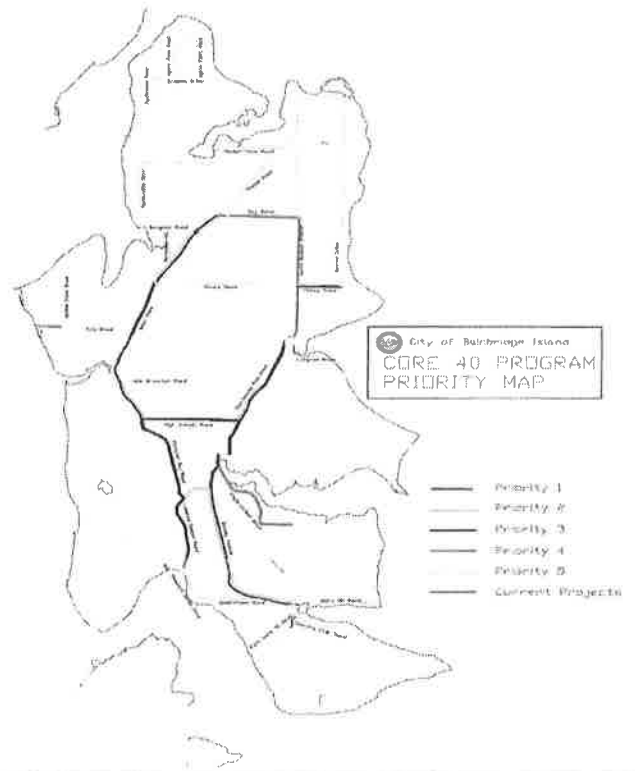
DESCRIPTION	Reconstruct roadway surfacing and drainage. Provide sidewalk, on the downhill side, and shoulders, on the uphill side. Water and sewer utility repairs may be added.
BENEFIT	Preservation, safety enhancement, & non-motorized level of service.
SCHEDULE	The City received grant funding for the design phase in the summer of 2013. The City contracted with HDR. Design is starting in late 2013 and will continue with permitting, easement procurement in 2014. The City plans to submit for additional grant funding in 2014 for the construction phase.
CATEGORY	M/E, GC, Tier 1(Current Deficiency), Priority A.

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	371					
ROW	0	75				
Construction	0		*			
Sub-total	\$371	\$75	*	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	48	75	208			
SSWM Fund	0		TBD			
Water	10		TBD			
Sewer	10		TBD			
Grant	303		1331			
Sub-total	\$371	\$75	\$1,539	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

C40 – Annual Spot Projects

(Various locations)



DESCRIPTION	Supplement the Annual Roads Preservation Program to fund shoulder repairs and to address missing short segments.
BENEFIT	Safety and Non Motorized Transportation Connectivity.
SCHEDULE	Constructed annually.
CATEGORY	E/N, SC, Tier3, Priority C

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	0					
ROW	0					
Construction	50					
Sub-total	\$50	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	50					
SSWM Fund	0					
Grant	0					
Sub-total	\$50	\$0	\$0	\$0	\$0	\$0

Section Three

2014 – 2019 Capital Improvement Project Plan List

Facilities – Tax Supported

FACILITIES TAX - SUPPORTED

Project Title	Fund	Location	Description of Work	Added for 2014-2019 CIP	Proposed Year	Comp. Plan Designation
6 Year CIP:						
Waterfront Park / City Dock	GEN	Waterfront Park	Renovate and/or replace park facilities and existing public dock	Y	2014	N
Road End Improvements	GEN	Island Wide	Design and construct facilities and improvements at various locations	Y	2014	E
Pedestrian Bridge Reconstruction	GEN	Waterfront Park Trail	Preservation and safety upgrades to meet standards	Y	2014	M
Emergency Generator Connection	GEN	City Hall	Install auxiliary connection for a mobile emergency generator	Y	2014	E
2014 HVAC System Equip. Upgrade	GEN	City Hall	Replace 4 heat pumps at end of life cycle		2014	M
2015 HVAC System Equip. Upgrade	GEN	City Hall	Replace 4 heat pumps at end of life cycle		2015	M
2015 RCM Lighting Upgrade	GEN	City Hall	Interior lighting energy refit		2015	M
Playground Fence Replacement	GEN	Waterfront Park	Safety replacement of playground fence		2015	M
2016 HVAC System Equip. Upgrade	GEN	City Hall	Replace 4 heat pumps at end of life cycle		2016	M
2017 HVAC System Equip. Upgrade	GEN	City Hall	Replace 4 heat pumps at end of life cycle		2017	M
2018 HVAC System Equip. Upgrade	GEN	City Hall	Replace 4 heat pumps at end of life cycle		2018	M
Fueling System Upgrade Design	GEN	Public Works Facility	Fueling system upgrade design		2018	M
Playground Equipment Replacement	GEN	Waterfront Park	Safety replacement of playground fence and slide		2018	M
2019 HVAC System Equip. Upgrade	GEN	Public Works Facility	Replace 2 heat pumps at end of life cycle	Y	2019	M
Fueling System Upgrade	GEN	City Hall	Upgrade fueling system tanks and pumps	Y	2019	M
2019 RCM Lighting Upgrade	GEN	Waterfront Park Dock	Replace obsolete dock lighting and energy refit	Y	2019	M
2019 RCM Lighting Upgrade	GEN	Waterfront Park Trail	Replace obsolete trail lighting and energy refit	Y	2019	M
20 Year CFP:						
Police Station Repairs / Replacement	GEN	Police Station	Police - Improve security at Police building	Y	TBD	M/E
Facility Assessment Survey	GEN	City Wide	Facilities assessment to support capital and maint. planning	Y	TBD	M
Facility Improvements Inside/Outside	GEN	City Hall	Pave lower parking lot	Y	TBD	M
City Farmland Infrastructure	GEN	Island Wide	Facilities to support agricultural operations	Y	TBD	M/E
Office Equipment Upgrade	GEN	City Hall	Upgrade/replace office furniture	Y	TBD	E
Confiscated Vehicle Covered Storage	GEN	Vincent Road	Secure facility for impounded vehicles		TBD	M
SCADA Software Upgrade	GEN	City Hall	Replace obsolete HVAC system software		TBD	M
SCADA Software Upgrade	GEN	City Hall	Replace obsolete security card system software		TBD	M

M - Major Maintenance, repair, renovation, or replacement of an existing facility that does not add additional capacity

E - New facilities or improvements to existing facilities that provide added capacity to serve the existing population

N - New facilities or improvements to existing facilities that are built primarily to provide added capacity to serve future population or employment growth

City of Bainbridge Island
Facilities CIP (2014 - 2019)

Project		Grant Applied	Grant Awarded	Grant Funds	General Comp	Sirts Component	Wtr Component	Swr Component	SSWM Comp	2014	2015	2016	2017	2018	2019	2020 - 2033
FACILITIES PROJECTS - 6-YEAR CIP																
Waterfront Park / City Dock Impr.	City Park				Y											
Design										190						
Construction										1,660						
Road End Improvements	Island Wide				Y					150						
Pedestrian Bridge Reconstruction	Waterfront Park Trail				Y					60						
Emergency Generator Connection	City Hall				Y					13						
HVAC System Equip. Upgrade	City Hall				Y					40						
HVAC System Equip. Upgrade	City Hall				Y						41					
RCM Lighting Upgrade	City Hall				Y						25					
Playground Fence Replacement	Waterfront Park				Y						15					
HVAC System Equip. Upgrade	City Hall				Y							42				
HVAC System Equip. Upgrade	City Hall				Y								43			
HVAC System Equip. Upgrade	City Hall				Y									44		
Fueling System Upgrade Design	Public Works Facility				Y									15		
Playground Equipment Replacement	Waterfront Park				Y									15		
HVAC System Equip. Upgrade	Public Works Facility				Y										14	
Fueling System Upgrade	Public Works Facility				Y										75	
RCM Lighting Upgrade	Waterfront Park Dock				Y										6	
RCM Lighting Upgrade	Waterfront Park Trail				Y										60	
FACILITIES PROJECTS - 20-YEAR CIP																
Police Station Repairs / Replacement	Police Station				Y											TBD
Facility Assessment Survey	All Facilities				Y											TBD
Facility Improvements Inside/Outside	City Hall				Y											TBD
City Farmland Infrastructure	Island Wide				Y											TBD
Office Equipment Upgrade	City Wide				Y											TBD
Confiscated Vehicle Covered Storage	Vincent Rd				Y											TBD
SCADA Software Upgrade (HVAC)	City Hall				Y											TBD
SCADA Software Upgrade (Security)	City Hall				Y											TBD
TOTALS										2,113	81	42	43	74	155	TBD

Amounts in thousands

City of Bainbridge Island — Capital Project Summary

Waterfront Park and City Dock Replacement Project

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DESCRIPTION	This project provides for renovations and repairs to the City Dock and elements of the Waterfront Park.
BENEFIT	Maintain utility of public infrastructure associated with the City park and the City dock. Ensure user safety is maintained. Enhance accessibility and utility for various user groups.
SCHEDULE	Design beginning in 2013; additional design and construction to continue in 2014.
CATEGORY	

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	190					
ROW						
Construction	1,660					
Sub-total	\$1,850	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
General Fund	1,850					
Grant						
Sub-total	\$1,850	0	0	0	0	0

City of Bainbridge Island — Capital Project Summary

City Road Ends Improvement Projects

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DESCRIPTION	This project provides for infrastructure enhancement and other projects at various City road ends.
BENEFIT	Expand and maintain utility of a variety of road end locations, some of which provide public access to waterfront. Ensure user safety is maintained. Enhance accessibility and utility for various user groups.
SCHEDULE	Design and construction in 2014.
CATEGORY	

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting						
ROW						
Construction						
Sub-total	\$150	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
General Fund	150					
Grant						
Sub-total	\$150	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Pedestrian Bridge Reconstruction

Waterfront Park Trail

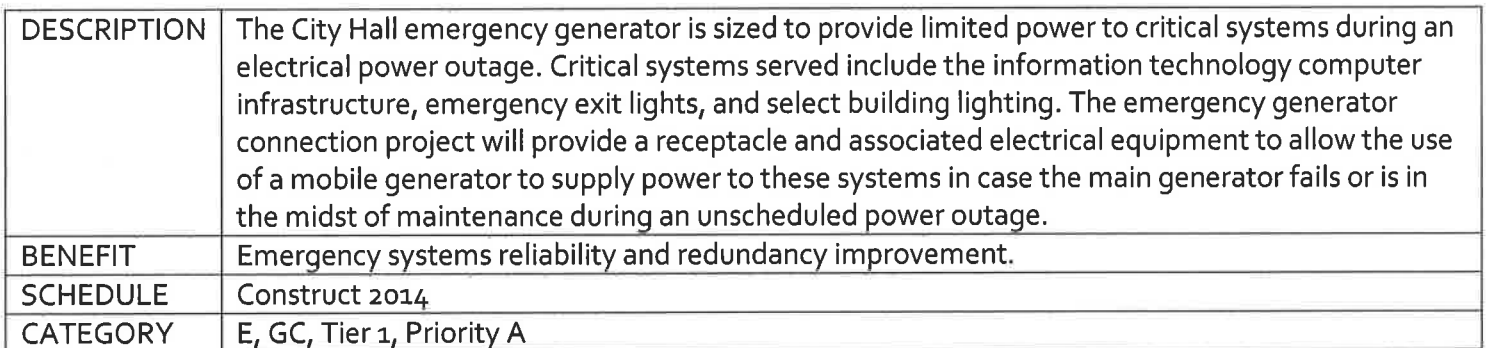
Shannon Drive to Harborview Drive



DESCRIPTION	This Waterfront Park trail pedestrian bridge project is based on an assessment report of the bridge prepared by KPFF Consulting Engineers. The bridge is over 40 years old and is in need of upgrades to preserve the structure. The project consists of preservation activities not covered under the pending emergency pile replacement project. The project will include deck replacement and painting. Because of the sensitive environmental location the work site will be contained from the environment during painting activities.
BENEFIT	Infrastructure preservation and public safety improvement.
SCHEDULE	Construct 2014
CATEGORY	M, GC, Tier 1, Priority A

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	0					
ROW	0					
Construction	60					
Sub-total	\$60	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
General Fund	60					
	0					
	0					
Sub-total	\$60	\$0	\$0	\$0	\$0	\$0

City Hall
280 Madison Avenue



PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	0					
ROW	0					
Construction	13					
Sub-total	\$13	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
General Fund	13					
	0					
	0					
Sub-total	\$13	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

HVAC System Equipment Upgrade

City Hall

280 Madison Avenue

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DESCRIPTION	The City Hall HVAC system upgrade project is based on the recommendation of the city's current HVAC service provider, Air Management Systems Inc. The City Hall is served by 21 individual heat pumps. The heat pumps are currently 13 years old and have an estimated life expectancy of 12 – 15 years. The heat pump that serves the Information Technology room will be replaced in 2013. The City Hall HVAC system upgrade project will replace 4 heat pumps each year from 2014 through 2018. This project will insure systems reliability and avoid costly unscheduled failures.
BENEFIT	Systems reliability.
SCHEDULE	Construct 2014, 2015, 2016, 2017, 2018
CATEGORY	M, GC, Tier 2, Priority B

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	0					
ROW	0					
Construction	40	41	42	43	44	
Sub-total	\$40	\$41	\$42	\$43	\$44	\$0
FUND SOURCES (1,000's)						
General Fund	40	41	42	43	44	
	0					
	0					
Sub-total	\$40	\$41	\$42	\$43	\$44	0

Section Four

2014 – 2019 Capital Improvement Project Plan List

Fleet and Equipment – Tax and Utility Supported

FLEET AND EQUIPMENT TAX AND UTILITY SUPPORTED

Project Title	Fund	Description of Work	Added for 2014-2019 CIP	Proposed Year	Comments	Comp. Plan Designation
6 Year CIP:						
Pickup Truck STRTS (20) / SSWM (80)		Crew Cab w Attachments		2014	Replace 13 yr old vehicle w 105K miles	E
Pickup Truck SSWM		Medium Duty Pick Up Truck		2014	Replace 16 yr old vehicle w 75K miles	E
Crew Cab Pick Up Truck GEN (20) / STRTS (80)		Crew Cab w Attachments		2014	Replace 11 yr old vehicle w 62K miles	E
Light Duty Pick Up Truck GEN		PCD Building Inspector Vehicle		2014	Replace 15 yr old vehicle w 106K miles	E
Police Vehicles (3) GEN PD		Public Safety Vehicle Replacement	Y	2014	Replace vehicles before 125K miles	E
Small Capital Equip <\$10,000 GEN/ST/SSWM/WTR/SWR		Non-fleet Tools, Equipment and Machinery		2014	Obsolescence, breakage, new	E
Permitting and Financial Systems GEN				2014		
Roadside Mower STRTS (80) / SSWM (20)		Tractor Chassis and articulating mower arm		2015	Replaces critical 11 yr mower w 4K hours	E
Medium Duty Pickup Truck GEN (80) / STRTS (20)		Crew Cab w Attachments		2015	Replaces 14 yr old vehicle w 83K miles	E
Police Vehicles (3) GEN PD		Public Safety Vehicle Replacement	Y	2015	Replace vehicles before 125K miles	E
Small Capital Equip <\$10,000 GEN/ST/SSWM/WTR/SWR		Non-fleet Tools, Equipment and Machinery		2015	Obsolescence, breakage, new	E
Sweeper STRTS (20) / SSWM (80)		Streets Sweeping		2016	Replaces critical 13 yr sweeper w 7K hours	E
Police Vehicles (3) GEN PD		Public Safety Vehicle Replacement	Y	2016	Replace vehicles before 125K miles	E
Small Capital Equip <\$10,000 GEN/ST/SSWM/WTR/SWR		Non-fleet Tools, Equipment and Machinery		2016	Obsolescence, breakage, new	E
Phone System GEN				2016		
Cab and Chassis STRTS (50) / SSWM (50)		Dump Truck		2017	Replace 22 yr old vehicle w 63K miles	E
Medium Duty Pickup Truck GEN FAC (50) STRTS (50)		Standard Cab		2017	Replaces 19 yr old vehicle w 44K miles	E
Police Vehicles (3) GEN PD		Public Safety Vehicle Replacement	Y	2017	Replace vehicles before 125K miles	E
Small Capital Equip <\$10,000 GEN/ST/SSWM/WTR/SWR		Non-fleet Tools, Equipment and Machinery		2017	Obsolescence, breakage, new	E
Roadside Mower STRTS (80) / SSWM (20)		Tractor Chassis and articulating mower arm		2018	Replaces critical 14 yr mower w 4K hours	E
Chipper STRTS		Road side chipper		2018	Replaces 14 yr old chipper w 3K hours	E
Commercial Lawn Mower GEN		Facilities Lawn Mower	Y	2018	Replaces mower w 900 hours	E
Police Vehicles (3) GEN PD		Public Safety Vehicle Replacement	Y	2018	Replace vehicles before 125K miles	E
Small Capital Equip <\$10,000 GEN/ST/SSWM/WTR/SWR		Non-fleet Tools, Equipment and Machinery		2018	Obsolescence, breakage, new	E
Roller Compactor w Trailer STRTS			Y	2019	Replaces roller compactor 30 yr	E
Pup Trailer STRTS (50) / SSWM (50)		Critical Trailer	Y	2019	Replaces critical 45yr old trailer	E
Van WTR (80) / SWR (20)		Water/Sewer vehicle		2017	Replaces 16 yr old vehicle w 50K miles	E
Light Duty Pick Up GEN/ST/SSWM/WTR/SWR		Engineering pool vehicle	Y	2019	Replaces 20 yr old vehicle w 64K miles	E
Police Vehicles (3) GEN PD		Public Safety Vehicle Replacement	Y	2019	Replace vehicles before 125K miles	E
Emergency Generator SWR		For OTP Sewer Lift Station	Y	2019	Replaces 25 yr old generator	E
Shoulder Gravel Conveyor STRTS		New Equipment	Y	2019	To improve road shoulder maint efficiency	E
Small Sander Attachment STRTS			Y	2019		E
20 Year CFP:						
Annual - Fleet		Fleet replacement according to "Vehicle Replacement Criteria"				
Annual - Small Equipment		Small Equipment replacement according to "Vehicle Replacement Criteria"				
Annual - IT Equipment		On-going IT Equipment repair and replacement				

M - Major Maintenance, repair, renovation, or replacement of an existing facility that does not add additional capacity

E - New facilities or improvements to existing facilities that provide added capacity to serve the existing population

N - New facilities or improvements to existing facilities that are built primarily to provide added capacity to serve future population or employment growth

City of Bainbridge Island
FLEET and EQUIPMENT CIP (2014 - 2019)

Project	Grant Applied	Grant Awarded	Grant Funds	General Comp	Strts Component	Wtr Component	Swr Component	SSWM Comp	2014	2015	2016	2017	2018	2019	2020 - 2033
FLEET PROJECTS - 6-YEAR CIP															
Crew Cab Truck with plow and tilt bed					13			52	65						
3/4 ton Pickup Truck w/tank								36	36						
Crew Cab Truck with plow and tilt bed				13	52				65						
Police Vehicles (3)				135					135						
Small Capital Equip <\$10,000				10	10	10	10	10	50						
Financial System Replacement				200					200						
Roadside Mower					77			19		96					
Medium Duty Pickup Truck				33	8					41					
Police Vehicles (3)				139						139					
Small Capital Equip <\$10,000				10	10	10	10	10		50					
Sweeper					42			169			211				
Police Vehicles (3)				143							143				
Small Capital Equip <\$10,000				10	10	10	10	10			50				
Phone System				50							50				
Cab and Chassis					88			88				176			
Medium Duty Pickup Truck				22	22							44			
Police Vehicles (3)				147								147			
Small Capital Equip <\$10,000				10	10	10	10	10				50			
Roadside Mower					83			21					104		
Chipper					36								36		
Commercial Lawn Mower				8									8		
Police Vehicles (3)				151									151		
Small Capital Equip <\$10,000				10	10	10	10	10					50		
Roller Compactor w Trailer					35										35
Pup Trailer					29			29							58
Van						33	8								41
Light Duty Pick Up				7	7	7	7	7							35
Police Vehicles (3)				156											156
Emergency Generator							60								60
Shoulder Gravel Conveyor					37										37
Small Sander Attachment					6										6
FLEET PROJECTS - 20-YEAR CIP															
Annual - Fleet Replacement				x	x	x	x	x							TBD
Annual - Small Capital Equip <\$10,000				x	x	x	x	x							700
Annual - IT Equipment Capital Items				350											350
TOTALS									551	326	454	417	349	428	1,050

Amounts in thousands

Section Five

2014 – 2019 Capital Improvement Project Plan List

Water Utility

WATER UTILITY

Project Title	Fund	Location	Description of Work	Added for 2014-2019 CIP	Proposed Year	Comments	Comp. Plan Designation
6 Year CIP:							
2014 Annual Preservation Program	Water		Pipes, valves, meters, pressure reduction		2014	Water System Rehabilitation	M
2015 Annual Preservation Program	Water		Pipes, valves, meters, pressure reduction		2015	Water System Rehabilitation	M
2016 Annual Preservation Program	Water		Pipes, valves, meters, pressure reduction		2016	Water System Rehabilitation	M
2017 Annual Preservation Program	Water		Pipes, valves, meters, pressure reduction		2017	Water System Rehabilitation	M
2018 Annual Preservation Program	Water		Pipes, valves, meters, pressure reduction		2018	Water System Rehabilitation	M
2019 Annual Preservation Program	Water		Pipes, valves, meters, pressure reduction	Y	2019	Water System Rehabilitation	M
Emergency Power Generator	Water		Head of the Bay		2014	Deferred; pending system plan	E
Wing Point Way	Water		TBD		2014	TBD	TBD
Taylor Avenue Well	Water		TBD		2015	Deferred; pending system plan	E/N
Sands Well #2 - Design	Water		New or retrofitted production well		2015	Deferred; pending system plan	E
Sands Well #2 - Construction	Water		New or retrofitted production well		2015	Deferred; pending system plan	E
High School Reservoir - Design	Water		Retrofit		2016	Deferred; pending system plan	E/N
High School Reservoir - Construct	Water		Retrofit		2017	Deferred; pending system plan	E/N
Fletcher Bay Well	Water		Redundancy well		2017	Deferred; pending system plan	E/N
20 Year CFP:							
Annual Preservation Program			2% inflation per year for 14 years			Water System Rehabilitation	E/N
Wyatt High Zone Main		Madison to Grow	Extend high pressure zone further south			Improve customer water pressure	E/N

M - Major Maintenance, repair, renovation, or replacement of an existing facility that does not add additional capacity

E - New facilities or improvements to existing facilities that provide added capacity to serve the existing population

N - New facilities or improvements to existing facilities that are built primarily to provide added capacity to serve future population or employment growth

City of Bainbridge Island
Water CIP (2014 - 2019)

Project	Location	Grant Applied	Grant Awarded	Grant Funds	General Comp	Strts Component	Wtr Component	Swr Component	SSWM Comp	2014	2015	2016	2017	2018	2019	2020 - 2033
WATER PROJECTS - 6-YEAR CIP																
Annual Preservation Program						Y				144	147	148	151	154	157	2,170
Emergency Power Generator	Head of the Bay					Y				105						
Wing Point Way						Y	Y	Y	Y	10	TBD					
Taylor Avenue Well						Y					25	TBD				
Sands Well #2						Y					541					
High School Reservoir						Y						311	2,266			
Fletcher Bay Well						Y							140			
WATER PROJECTS - 20-YEAR CIP																
Wyatt High Zone Main	Madison - Grow					Y	Y	Y								TBD
TOTALS										259	713	459	2,557	154	157	2,170

City of Bainbridge Island — Capital Project Summary

Water System Annual Preservation Program

Water System Wide

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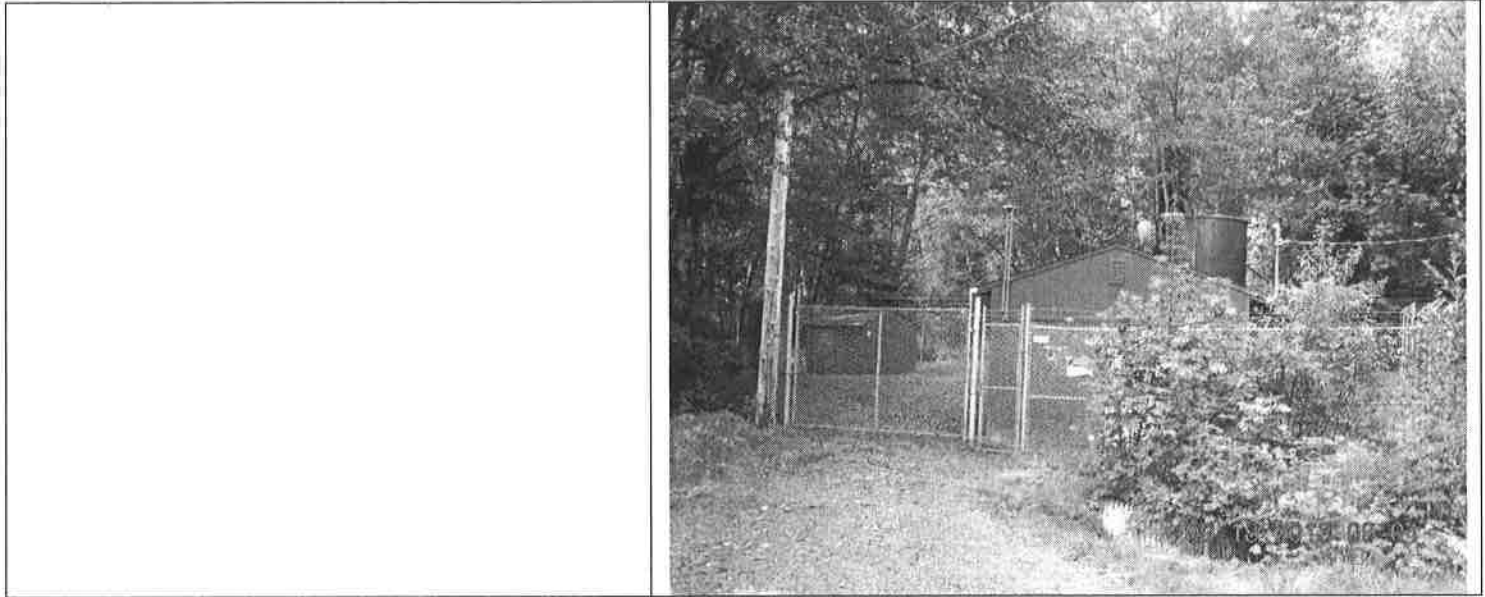
DESCRIPTION	This project addresses water system wide, water system preservation projects. Specific projects are still to be determined. Typical projects will include pipe replacement, water valve replacement/repairs, water meter replacement/repairs, pressure reducing station repairs, etc.
BENEFIT	Improved water system reliability and increased system life.
SCHEDULE	Identify project needs and design and construct in 2014.
CATEGORY	Deficiency 1B, M, SC

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	14	15	15	15	15	16
ROW	0	0	0	0	0	0
Construction	130	132	133	136	139	141
Sub-total	\$144	\$147	\$148	\$151	\$154	\$157
FUND SOURCES (1,000's)						
Water Fund	144	147	148	151	154	157
Grant	0	0	0	0	0	0
Sub-total	\$144	\$147	\$148	\$151	\$154	\$157

City of Bainbridge Island — Capital Project Summary

Emergency Power Generator Installation

Head of the Bay Well Field



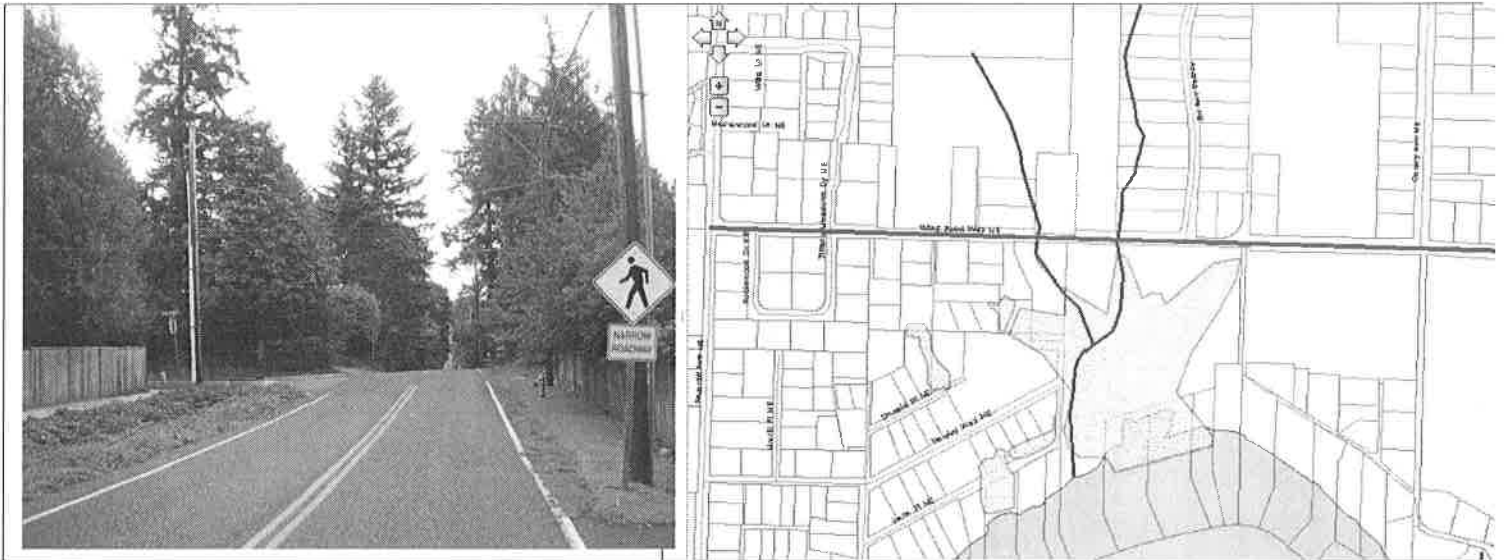
DESCRIPTION	This project will install emergency power generators at the Head of the Bay well field.
BENEFIT	Increased system reliability during power outages.
SCHEDULE	Design and construct one generator in 2014.
CATEGORY	Deficiency 1B,E; SC

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	10					
ROW	0					
Construction	95					
Sub-total	\$105	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Water Fund	105					
Grant	0					
	0					
Sub-total	\$105	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

WingPointWayReconstruction

(From Ferncliff to Park)



DESCRIPTION	Reconstruct roadway surfacing and drainage. Provide sidewalk, on the downhill side, and shoulders, on the uphill side. Water and sewer utility repairs may be added.
BENEFIT	Preservation, safety enhancement, & non-motorized level of service.
SCHEDULE	The City received grant funding for the design phase in the summer of 2013. The City contracted with HDR. Design is starting in late 2013 and will continue with permitting, easement procurement in 2014. The City plans to submit for additional grant funding in 2014 for the construction phase.
CATEGORY	M/E, GC, Tier 1(Current Deficiency), Priority A.

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	371					
ROW	0	75				
Construction	0		*			
Sub-total	\$371	\$75	*	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	48	75	208			
SSWM Fund	0		TBD			
Water	10		TBD			
Sewer	10		TBD			
Grant	303		1331			
Sub-total	\$371	\$75	\$1,539	\$0	\$0	\$0

Section Six

2014 – 2019 Capital Improvement Project Plan List

Sewer Utility

SEWER UTILITY

Project Title	Fund	Location	Description of Work	Added for 2014-2019 CIP	Proposed Year	Comments	Comp. Plan Designation
6 Year CIP:							
2014 Annual Preservation Program	Sewer	TBD	Gravity and force main piping, manholes		2014	Collection system rehabilitation	E/N
2015 Annual Preservation Program	Sewer	TBD	Gravity and force main piping, manholes		2015	Collection system rehabilitation	E/N
2016 Annual Preservation Program	Sewer	TBD	Gravity and force main piping, manholes		2016	Collection system rehabilitation	E/N
2017 Annual Preservation Program	Sewer	TBD	Gravity and force main piping, manholes		2017	Collection system rehabilitation	E/N
2018 Annual Preservation Program	Sewer	TBD	Gravity and force main piping, manholes		2018	Collection system rehabilitation	E/N
2019 Annual Preservation Program	Sewer	TBD	Gravity and force main piping, manholes	Y	2019	Collection system rehabilitation	E/N
Eagle Harbor Sewer Beach Mains	Sewer	Eagle Harbor	Force main replacement		2014	Construction	E/N
Wing Point Way	Sewer	with Non Motorized project	Gravity and force main piping, manholes	Y	2014	Sewer element of project only; needs assessment and design	TBD
Lift Station Generator Plugs	Sewer	Northtown Woods & Lynwood Center	Install portable generator plugs at the 2 lift stations that currently don't have them	Y	2014		M
20 Year CFP:							
Annual Preservation Program			2% inflation per year for 14 years				E/N
Pump Station Upgrade - Various			Mechanical and electrical retrofit			Programmed as part of GSP update	E/N
Pump Station Upgrade - Village	Sewer	SR305 / High School Rd	Mechanical and electrical retrofit			Defer until GSP complete	E/N
WWTP Upgrade - Various			Mechanical and electrical retrofit			Programmed as part of GSP update	E/N

M - Major Maintenance, repair, renovation, or replacement of an existing facility that does not add additional capacity

E - New facilities or improvements to existing facilities that provide added capacity to serve the existing population

N - New facilities or improvements to existing facilities that are built primarily to provide added capacity to serve future population or employment growth

City of Bainbridge Island

Sewer CIP (2014 - 2019)

Project	Location and/or Phase	PWTF Loan	General Comp	Slrts Component	Wtr Component	Swr Component	SSWM Comp	2014	2015	2016	2017	2018	2019	2020 - 2033
SEWER PROJECTS - 6-YEAR CIP														
Annual Preservation Program						Y		146	149	152	155	158	161	2,240
Eagle Harbor Sewer Beach Mains	Eagle Harbor	3,985				Y								
Design / ROW								325						
Construction								4,045						
Portable Generator Plugs	Northtown Woods & Lynwood Center					Y		25						
Wing Point Way Sewer														
Design / ROW				Y	Y	Y	Y	10	TBD					
Construction									TBD					
SEWER PROJECTS - 20-YEAR CIP														
Pump Station Upgrade - Various	Madison - Grow			Y	Y	Y								TBD
Pump Station Upgrade - Village														TBD
WWTP Upgrade - Various														TBD
TOTALS								4,551	149	152	155	158	161	2,240

Amounts in thousands

City of Bainbridge Island — Capital Project Summary

Annual Sanitary Sewer System Rehabilitation Program

Sewer System Wide

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DESCRIPTION	This project addresses sanitary sewer system wide system preservation projects. Specific projects are still to be determined. Typical projects will include pipe repair/replacement, in flow/infiltration elimination, manhole repair, etc.
BENEFIT	Improved system reliability and life span; increased capacity resulting from I&I elimination.
SCHEDULE	Design and construct in 2014
CATEGORY	Deficiency 1B, E/N; SC

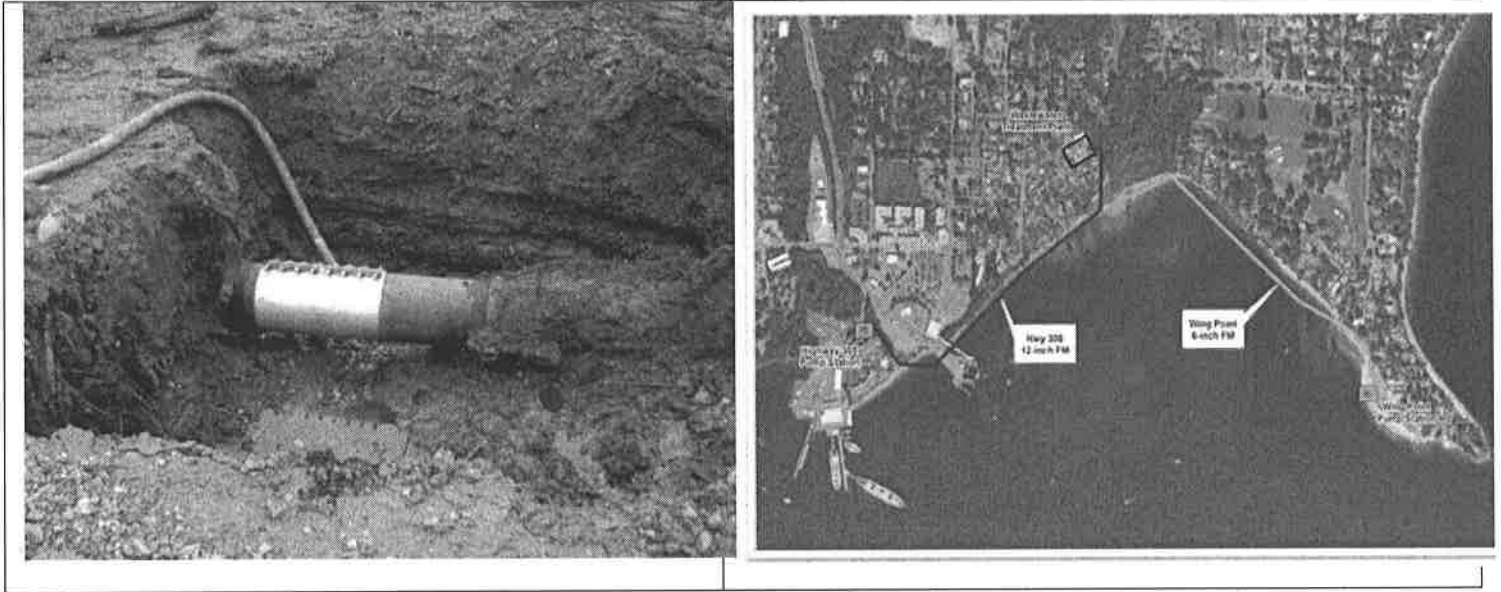
PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	16	15	15	16	16	16
ROW	0					
Construction	130	134	137	139	142	145
Sub-total	\$146	\$149	\$152	\$155	\$158	\$161
FUND SOURCES (1,000's)						
Sewer Fund	146	149	152	155	158	161
Grant						
Sub-total	\$146	\$149	\$152	\$155	\$158	\$161

City of Bainbridge Island — Capital Project Summary

Eagle Harbor Beach Mains Replacement Project

SR 305 & Wing Point Lift Stations to WWTP

WWTP to Wing Point Effluent Outfall



DESCRIPTION	This project provides for replacement of the sewer force mains on the Eagle Harbor Beach from the SR 305 and Wing Point Lift Stations to the WWTP and from the WWTP to the Wing Point effluent outfall line. These existing ductile iron force mains are over 40 years old and have failed a number of times in the past few years spilling raw sewage into Eagle Harbor. The project will replace the existing ductile iron lines with high density polyethylene (HDPE) plastic force mains designed for highly corrosive environments.
BENEFIT	System reliability and environmental improvement.
SCHEDULE	Design and Right of Way 2013/2014 and construct in 2014
CATEGORY	Deficiency 1B, E/N; SC

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	275					
ROW	50					
Construction	4,045					
Sub-total	\$4,370	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Sewer Fund	385					
PWTF Loan	3,985					
	0					
Sub-total	\$4,370	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Lift Station Generator Plugs

North Town Woods and Lynwood Center



DESCRIPTION	This project provides installation of emergency generator plugs at the City's North Town Woods and Lynwood Center sanitary sewer lift stations. These new plugs will allow direct plug in of the City's portable emergency generators at these two lift stations in case of a power outage. Installation of these plugs at these two facilities will mean that all city lift stations using portable generators for their emergency power source will have the same standard generator plug in capability.
BENEFIT	Safety and system reliability
SCHEDULE	Design and construct in 2014
CATEGORY	Deficiency 1B, M; SC

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	2					
ROW	0					
Construction	23					
Sub-total	\$25	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Sewer Fund	25					
Grant	0					
	0					
Sub-total	\$25	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

WingPointWayReconstruction (From Ferncliff to Park)



DESCRIPTION	Reconstruct roadway surfacing and drainage. Provide sidewalk, on the downhill side, and shoulders, on the uphill side. Water and sewer utility repairs may be added.
BENEFIT	Preservation, safety enhancement, & non-motorized level of service.
SCHEDULE	The City received grant funding for the design phase in the summer of 2013. The City contracted with HDR. Design is starting in late 2013 and will continue with permitting, easement procurement in 2014. The City plans to submit for additional grant funding in 2014 for the construction phase.
CATEGORY	M/E, GC, Tier 1(Current Deficiency), Priority A.

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	371					
ROW	0	75				
Construction	0		*			
Sub-total	\$371	\$75	*	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	48	75	208			
SSWM Fund	0		TBD			
Water	10		TBD			
Sewer	10		TBD			
Grant	303		1331			
Sub-total	\$371	\$75	\$1,539	\$0	\$0	\$0

Section Seven

2014 – 2019 Capital Improvement Project Plan List

Stormwater Utility

STORMWATER UTILITY

Project Title	Fund	Location	Description of Work	Added for 2014-2019 CIP	Proposed Year	Comments	Comp. Plan Designation
6 Year CIP:							
2014 Annual Stormwater Preservation			Conveyance, culverts, control structures, ponds, etc.		2014		M
Hidden Cove Estates	SSWM		Pond retro-fit, outlet structure upgrade	Y	2014	Design & construction	M
Fort Ward Hill Reconstruction	SSWM	Sunny Hill to Bolero Drive	New storm drain systems and two new drainage culvert replacements	Y	2014	Construction	M
Lynwood Center Outfall Improvement	SSWM	Pt. White Drive	Water quality outfall retrofit and conveyance improvements	Y	2014	Construction	M/E
Wing Point Way (with reconstruction/non-motorized project)	SSWM	Ferncliff to Park	Conveyance system upgrade needs assessment and design	Y	2014	Stormwater element of project only;	M/E
Dripping Water Creek	SSWM	Sunrise Drive	Replace culvert w/fish passage culvert; remove fish passage barriers	Y	2014	Design & construction	M/E
Valley Reconstruction	SSWM	Sunrise - Falk	Stormwater portion of the roadway reconstruction project	Y	2014	Stormwater element of project only;	M
Wardwell Reconstruction	SSWM	Triple Crown - Bucsit	Stormwater portion of the roadway reconstruction project	Y	2014	Stormwater element of project only;	M/E
Waterfront Park Outfall	SSWM		Reconstruct outfall; install water quality facilities	Y	2014	Design & Construction	M/E
NE Mountain View	SSWM		Conveyance system upgrade	Y	2014	Design & Construction	M
Yeomalt Area	SSWM	Yeomalt	Conveyance Improvements	Moved	2014	Design & Construction	E/N
2015 Annual Stormwater Preservation			Conveyance, culverts, control structures, ponds, etc.		2015		M
Manual Road	SSWM	Manual Road	Culvert Replacement	Moved	2015	Design & Construction	M
Other Projects TBD	SSWM		Culvert replacement	Y	2015	Construction	M
Wing Point Way (with reconstruction/non-motorized project)	SSWM	Ferncliff to Park	Conveyance system construction	Y	2015	Stormwater element of project only;	TBD
Blakely Falls Creek	SSWM	Halls Hill	Culvert Replacement; fish passage;	Moved	2015	Construction	M/E
2016 Annual Stormwater Preservation			Conveyance, culverts, control structures, ponds, etc.		2016		M
Projects TBD	SSWM				2016		M
2017 Annual Stormwater Preservation			Conveyance, culverts, control structures, ponds, etc.		2017		M
Projects TBD	SSWM				2017		M
Emergency	SSWM		Weather or other emergent condition		2017		M
Eagle Harbor Drive	SSWM		Replace blocked culvert	Y	2017	Design & construction	M
2018 Annual Stormwater Preservation			Conveyance, culverts, control structures, ponds, etc.		2018		M
Projects TBD	SSWM				2018		M
Major Stand Alone Projects TBD	SSWM	TBD	TBD	Y	2018	TBD	TBD
2019 Annual Stormwater Preservation			Conveyance, culverts, control structures, ponds, etc.	Y	2019		M
Projects TBD	SSWM			Y	2019		M
Major Stand Alone Projects TBD	SSWM	TBD	TBD	Y	2018	TBD	TBD
20 Year CIP:							
Annual Stormwater Preservation			Conveyance, culverts, control structures, ponds, etc.		2020-2034		M
Wardwell	SSWM	Wardwell	Culvert Replacement - Fish Passage	Moved	2020-2034	Survey/Design/Permitting	M
High School Road/Fletcher Bay	SSWM	Sprbrook Creek	Fish passage; creek restoration;	Y	2020-2034	Design & Construction	M
Pleasant Beach Road	SSWM	S of Oddfellows	Fish passage; culvert replacement; Conveyance system upgrade	Y	2020-2034	Design & Construction	M
Half's Hill	SSWM	Blakely Falls Creek	Conveyance system upgrade; fish passage	Y	2020-2034	Design & Construction	M
Blakely Avenue	SSWM	3T's Drainage area	Conveyance system upgrade; fish passage; water quality upgrades	Y	2020-2034	Design & Construction	M
Country Club Road	SSWM	E of Toe Jam	Roadway & drainage reconstruction	Y	2020-2034	Design & Construction	M
Deep Culvert Preservation Assessment	SSWM	Island Wide	Culvert replacement needs assessment	Y	2020-2034	Assessment	M
Winslow Way East Outfall	SSWM	Outfall to Sound	Water quality improvements	Y	2020-2034	Design & Construction	M
Madison Street Outfall	SSWM	Outfall to Sound	Water quality improvements	Y	2020-2034	Design & Construction	M
Port Orchard Passage TMDL	TBD	Port Orchard passage watershed	TBD	Y	2020-2034	TBD; grant funding related;	TBD

M - Major maintenance, repair, renovation, or replacement of an existing facility that does not add additional capacity

E - New facilities or improvements to existing facilities that provide added capacity to serve the existing population

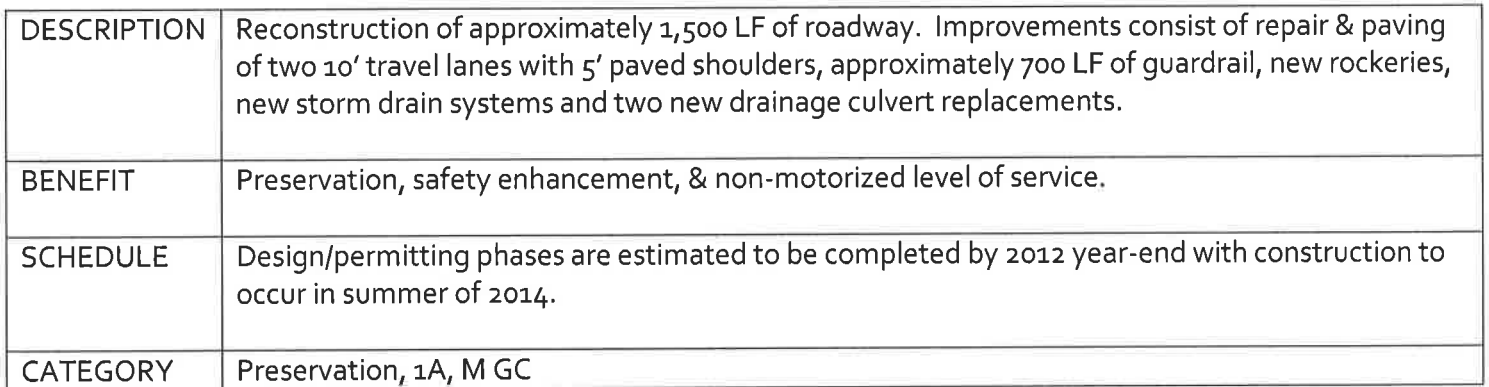
N - New facilities or improvements to existing facilities that are built primarily to provide added capacity to serve future population or employment growth

City of Bainbridge Island
Stormwater CIP (2014 - 2019)

Project	Grant Applied	Grant Awarded	Grant Funds	General Comp	Strts Component	Wtr Component	Swr Component	SSWM Comp	2014	2015	2016	2017	2018	2019	2020 - 2033
STORMWATER PROJECTS - 6-YEAR CIP															
2014 Annual Stormwater Preservation — Hidden Cove Estates (2014)							Y		100						
2015 - 2019 Annual Stormwater Preservation Manual Road (2015)							Y		281	280	285	291	297		
Other Projects TBD															
Fort Ward Hill Reconstruction				Y			Y		13						
Dripping Water Creek							Y		200						
Lynwood Center Outfall	✓	✓	173				Y		231						
Valley (with Reconstruction project)				Y			Y		120						
Wardwell (with Reconstruction project)	✓	✓	60	Y			Y		60						
Waterfront Park Outfall	✓		127				Y		170						
NE Mountain View				Y			Y		53						
Yeomalt Area	✓	✓	60				Y		60						
Blakely Falls Creek							Y		150						
Eagle Harbor Drive							Y					150			
Wing Point Way (with Reconstruction/NM project)				Y	Y	Y	Y		TBD						
STORMWATER PROJECTS - 20-YEAR CIP															
Annual Stormwater Preservation - Projects TBD							Y								5,239
Wardwell							Y								TBD
High School Road/Fletcher Bay							Y								TBD
Pleasant Beach Road							Y								TBD
Hall's Hill							Y								TBD
Blakely Avenue				Y			Y								TBD
Country Club Road				Y			Y								TBD
Deep Culvert Preservation Assessment							Y								TBD
Winslow Way East Outfall				Y	Y	Y	Y								TBD
Madison Street Outfall							Y								TBD
Port Orchard Passage TMDL Related Projects															TBD
TOTALS									1007	431	280	435	291	297	5,239

Amounts in thousands

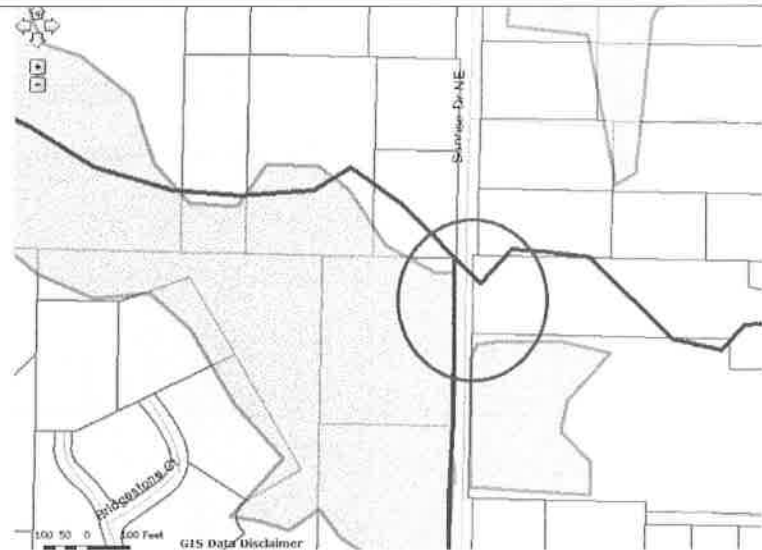
Fort Ward Hill Reconstruction & Shoulder Widening Phase 2 (Sunny Hill to Bolero Drive)



PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	0					
ROW	0					
Construction	965					
Sub-total	\$965	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	96					
SSWM Fund	13					
Grant	856					
Sub-total	\$965	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Dripping Water Creek Fish Passage Culvert Project (Sunrise north of Day)



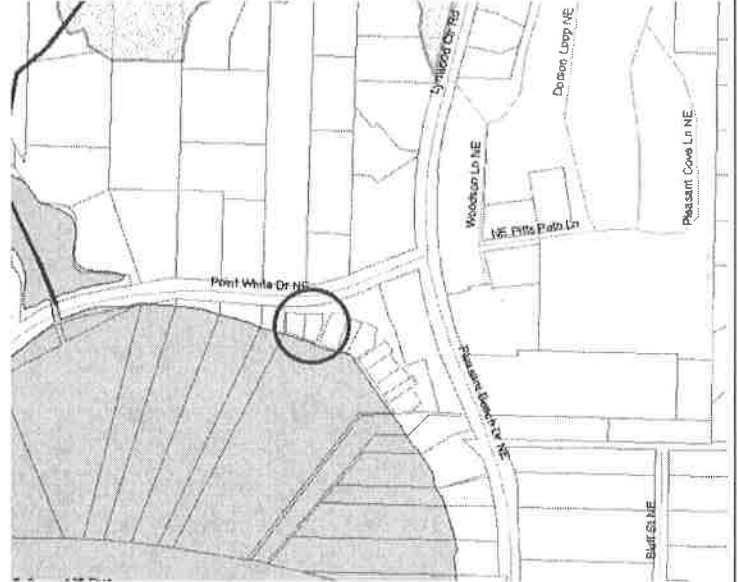
DESCRIPTION	Replacement of a failing culvert with a new fish passage culvert. The design was completed in 2013. Construction has been delayed to 2014 due to higher than anticipated construction costs as better estimate information was developed in design and a funding shortfall in 2013.
BENEFIT	Addresses a priority 1 repair. Replaces a failing culvert and addresses fish passage.
SCHEDULE	Construction in summer of 2014.
CATEGORY	M/E, GC, Tier1, Priority A

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	0					
ROW	0					
Construction	200					
Sub-total	\$200	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	0					
SSWM Fund	200					
Grant	0					
Sub-total	\$200	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Lynwood Center Outfall Improvement Project

(Point White Drive near Lynwood Center)



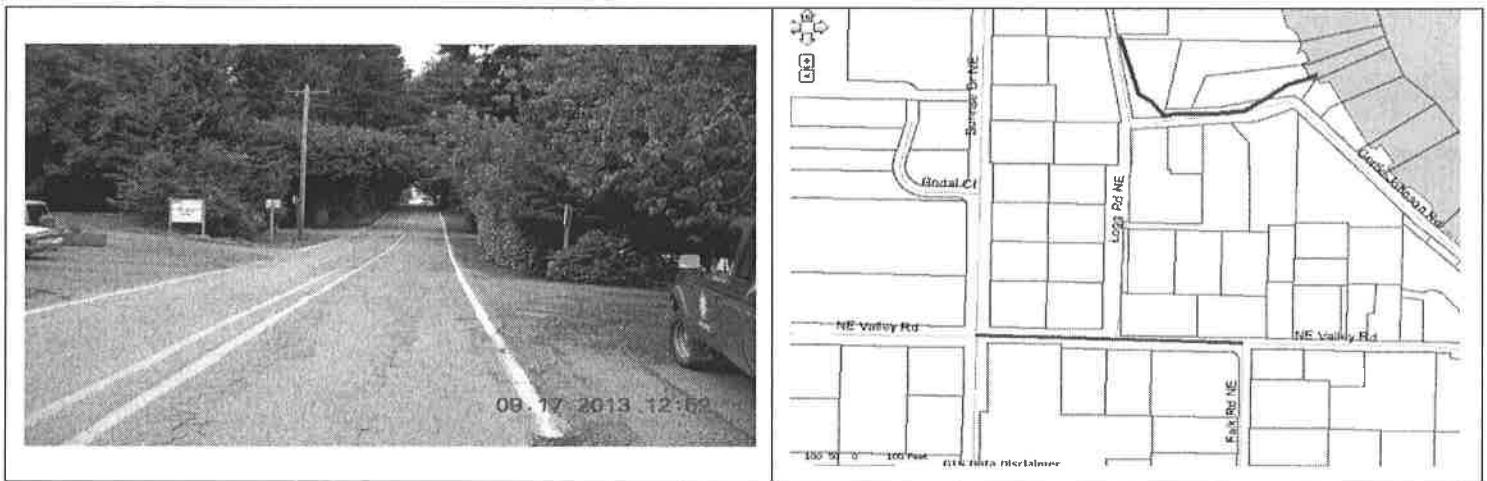
DESCRIPTION	Provides for roadway drainage improvements, upgrading of closed conveyances, and a gate valve at the shoreline outfall to improve water quality. 75% of the project (\$173K) is funded by the DOE Statewide Stormwater Grant Program.
BENEFIT	The project will reduce standing water on Point White Drive and address odor and maintenance problems with the outfall and flat conveyance system.
SCHEDULE	Construction in summer of 2014.
CATEGORY	M/E, GC, Tier 3, Priority C

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	0					
ROW	0					
Construction	231					
Sub-total	\$231	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	0					
SSWM Fund	58					
DOE Grant	173					
Sub-total	\$231	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Valley Road Reconstruction Project

(From Sunrise to Falk)

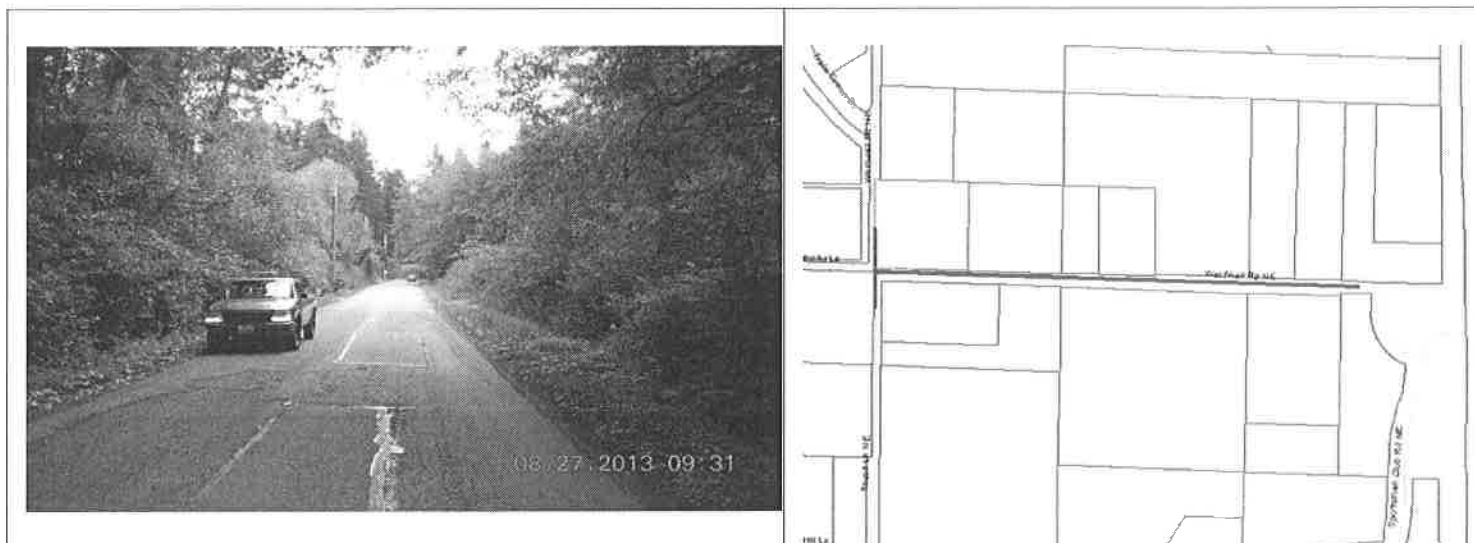


DESCRIPTION	Provides for roadway surfacing reconstruction and storm drainage improvements on Valley, and storm drainage improvements to Logg, and Gertie Johnson Roads. This work was identified in the 2012 Area Drainage Study performed by Brown Wheeler Engineering. Note that the majority of the cost is related to stormwater improvements.
BENEFIT	Preserves surfacing on Valley Road. Addresses stormwater run-off on Valley Road and addresses maintenance problems with the existing storm drainage system at the bottom of Logg Road that have led to overtopping of the conveyance system. Better accommodates fronting property owner stormwater drainage above Gertie Johnson Road which has a history of slides.
SCHEDULE	Design in winter / spring of 2014 and Construction in fall of 2014.
CATEGORY	M, GC, Tier 1 (Preservation), Priority A

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	59					
ROW	0					
Construction	144					
Sub-total	\$203	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	83					
SSWM Fund	120					
Grant	0					
Sub-total	\$203	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Wardwell Road Reconstruction Project (From Short of Sportsman's Club to Triple Crown)



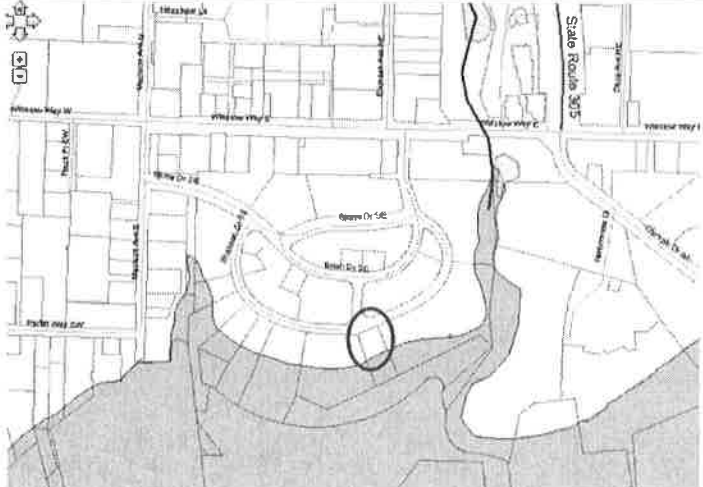
DESCRIPTION	Provides for roadway surfacing reconstruction and storm drainage improvements. The City has received a DOE grant for the design of storm water quality improvements and a fish passage culvert at Woodward Creek.
BENEFIT	Provides for surfacing repairs. Currently the roadway lacks conveyances. The project provides for the construction of the conveyance system for the roadway to reduce ponding and improve water quality. Currently the Woodward Creek culvert overtops during storm events and does not provide for fish passage. The Grant allows the City to comprehensively address road repair and stormwater drainage at a reduced cost for the City.
SCHEDULE	Design in 2014. Candidate for DOE grant funding in 2015.
CATEGORY	M/E, GC, Tier 1, Priority A.

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	60					
ROW	0	*				
Construction	0		*			
Sub-total	\$60	*	*	\$0	\$0	\$0

FUND SOURCES (1,000's)	2014	2015	2016	2017	2018	2019
Street Fund	0		*			
SSWM Fund	0	*				
DOE Grant	60		*			
Sub-total	\$60	*	*	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Waterfront Park Outfall Project (East of Dock)

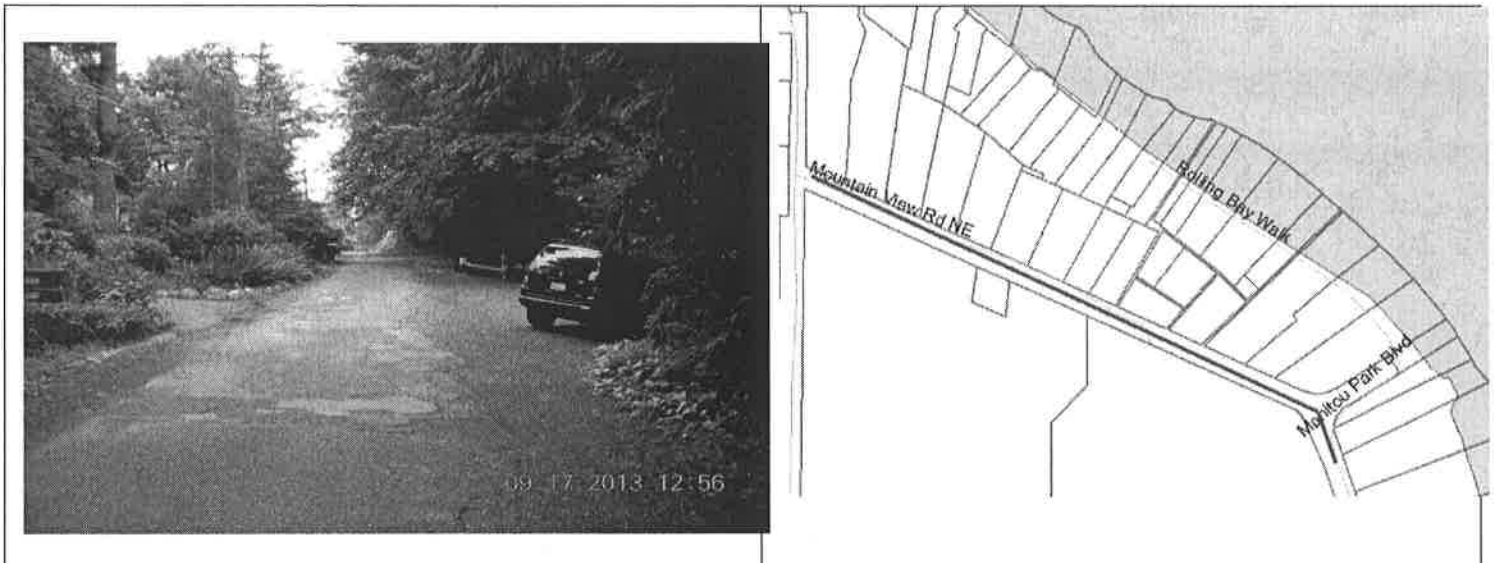
Insert Photo Here	
DESCRIPTION	Provides for a removal of an old deep water outfall and a water quality structure. The Department of Natural Resources has required that the outfall be removed from the aquatic land habitat and conservancy.
BENEFIT	Addresses obligation by the City and provides water quality improvement for a conveyance receiving significant run off from parking areas.
SCHEDULE	Design and Construction in 2014.
CATEGORY	M/E, GC, Tier 1, Priority C.

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	45					
ROW	0					
Construction	125					
Sub-total	\$170	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	0					
SSWM Fund	43					
Grant	127					
Sub-total	\$170	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Mountain View Road Reconstruction Project

(From Manitou)



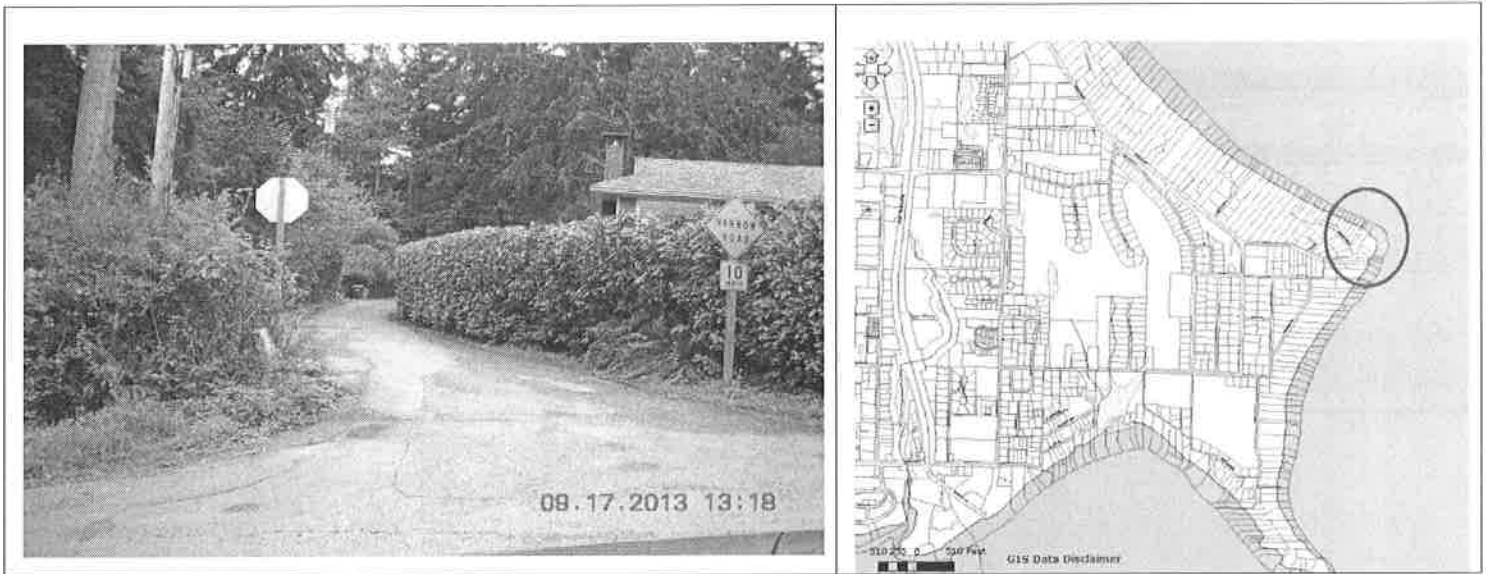
DESCRIPTION	Provides for roadway surfacing reconstruction and storm drainage improvements on Mountain View. Work includes upgrading the inlet condition at the outfall to address a capacity deficiency. This work was identified in the 2012 Area Drainage Study performed by Brown Wheeler Engineering. Note that a significant portion of the work is associated with stormwater improvements.
BENEFIT	Provides for surfacing repairs. Currently the roadway lacks conveyances for storm water. The project provides for conveying storm water and improves the capacity of the existing outfall. Providing conveyances better accommodates fronting property owner stormwater drainage above Gertie Johnson Road and Rolling Bay Walk which has a history of slides.
SCHEDULE	Design in winter / spring of 2014 and Construction in fall of 2014.
CATEGORY	M/E, GC, Tier 1, Priority A

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	32					
ROW	0					
Construction	107					
Sub-total	\$139	\$0	\$0	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	86					
SSWM Fund	53					
Grant	0					
Sub-total	\$139	\$0	\$0	\$0	\$0	\$0

City of Bainbridge Island — Capital Project Summary

Yeomalt Area Drainage Improvements Project

(Area bordered by Cherry, Yeomalt Drive, Madrona, and Wing Point Way)



DESCRIPTION	Provides for storm drainage improvements in the Yeomalt Area. The City has received a DOE grant for the design of storm water quality improvements and fish passage culvert at Ravine Creek. This work was identified in the 2013 Area Drainage Study performed by Browne Wheeler Engineering.
BENEFIT	Much of the Wing Point area above Yeomalt Point was developed before regulations required conveyance systems. Currently there are drainage problems in many areas and or existing conveyances are inadequate. The grant allows the City to begin to comprehensively address roadway drainage in the Yeomalt area. This work will be coordinated with the current Wing Point Way Reconstruction project which will provide for some of the needed improvements.
SCHEDULE	Design in 2014. Possible candidate for grant funding in 2015.
CATEGORY	E/N, GC, Tier 1, Priority A.

PROJECT COSTS (1,000's)	2014	2015	2016	2017	2018	2019
Design/permitting	60					
ROW	0	*				
Construction	0		*			
Sub-total	\$60	*	*	\$0	\$0	\$0
FUND SOURCES (1,000's)						
Street Fund	0		*			
SSWM Fund	0	*				
DOE Grant	60		*			
Sub-total	\$60	*	*	\$0	\$0	\$0

2014 CIP – Transportation



October 16, 2013

Overview

- City has consistently budgeted substantial funds for roadway repair, obtained preservation grant funding, and taken a disciplined systematic approach using pavement management system (PMS) criteria.
- As a result, we have addressed the current preservation needs for most of our major roadways and caught up with the backlog from a three year suspension of the annual roads program due to the economic downturn.
- Increased effort on preservation prevents marginal roads from needing full reconstruction providing for a more financially sustainable approach for preserving the Island's roadway network.

Overview

- Public Works anticipates that we will be able to address most of the current major roadways (secondary arterial and major collectors) by end of 2014.
- We have positioned ourselves to begin to address the backlog of roadway reconstruction projects.
- Anticipate being able to extend the reach of our roadway preservation to address minor roadways over the next year or two.
- Contracting the rating of the roadway network and re-analyzing our PMS financial model late this year and early next.

Annual Preservation

2013 Annual Roads Preservation Results:

➤ Island-wide Asphalt Repair	\$116,083
➤ Island-wide Chip Sealing	\$540,000
➤ Eagle/ Bucklin Intersection Overlay	\$_ 57,000
➤ Sunrise Drive Slide Repair	\$_ 63,000
➤ Crystal Springs Bulkhead Repair	\$_ 83,000
➤ Program Budget	\$1,148,000
➤ Forecasted Costs	\$856,083
➤ Forecasted Remaining	\$291,917

Options for remaining funds

Options evaluated for remaining budget

- Additional Asphalt Repair late in 2013
- Reallocate to 2014 for additional asphalt repair
- Reallocate to 2014 for roadway reconstruction projects

Reasons we recommended reallocating funding for roadway reconstruction projects in 2014:

- Multiple projects under construction – Staffing resources over allocated.
- Accomplished most major roadway preservation goals.
- Roadway reconstruction projects have a storm water element and the City has limited storm water funding.
- Opportunities to address roadway drainage problems in high priority critical areas.
- Opportunity to leverage stormwater DOE grant

New Projects for 2014

Roadway Reconstruction Projects

Mountainview Road Reconstruction Project

- Design and Construction
- Funded by Transportation and Stormwater

Wardwell Road Reconstruction Project – Design

- Design
- Funded by DOE Grant

Valley Road Reconstruction Project

- Design and Construction
- Included Drainage Improvements to Logg and Gertie Johnson
- Funded by Transportation and Stormwater

New Projects for 2014

Stormwater - Water Quality Project

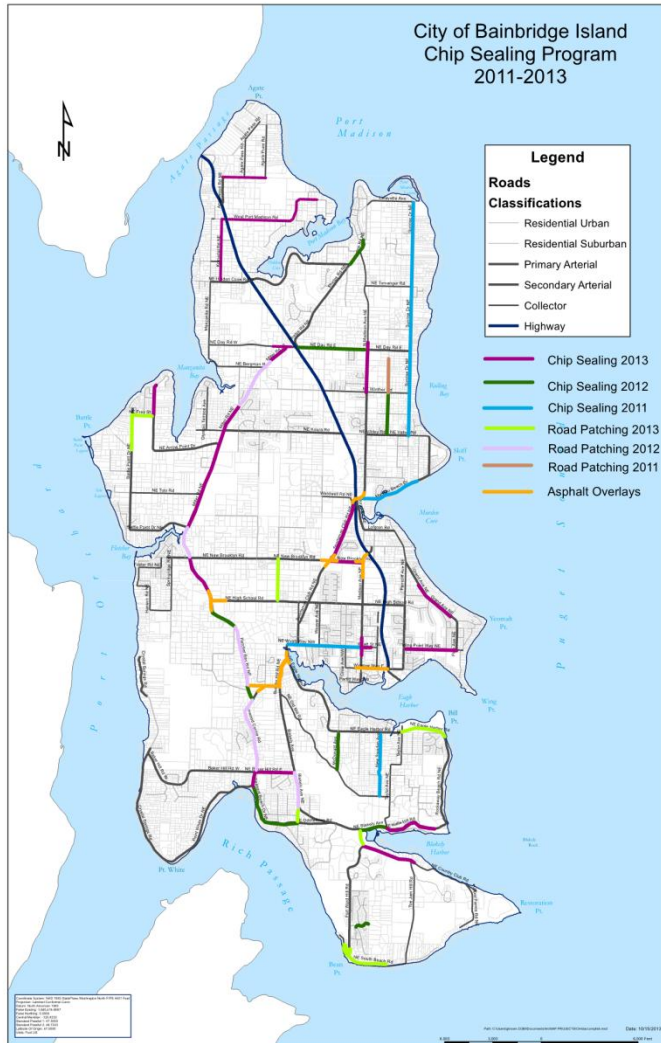
Yeomalt Area Drainage Improvements, Phase 1

- Design – Coordinated with Wing Point Way
- Funded by DOE Grant

Summary

- Annual preservation efforts are delivering good results
- Begin to address the backlog of roadway reconstruction projects
- Begin to address area drainage projects in critical area locations
- Take advantage of DOE grant funding opportunities for water quality improvements.

Transportation Projects Completed 2011 - 2013



Materials Placed:

Asphalt = 6,993 Tons

Emulsion = 998 Tons

Chips = 6,898 Tons

Roadwork Completed:

2011 = \$5,335,000

2012 = \$850,000

2013 = \$2,054,000

Total = \$8,239,000



2014 Utility Rate Ordinances

First Reading

October 16, 2013

Utility Rate Ordinances

Tonight's discussion

- 2014 utility rates for Water, Sewer and SSWM utilities
- Current ordinances provide for no change to rates in any of the City's utilities

Utility Rate Ordinances

- BIMC contains automatic annual rate adjustments for all three City utilities
 - Water and Sewer: Per BIMC 13.16.060, automatic annual rate increase of equal to the annual percentage increase in the United States Consumer Price Index, All Urban Consumers (CPI-U) for November
 - SSWM: Per BIMC 13.24.065, annual rate of increase equal to the annual rate of increase in the Seattle Area Consumer Price Index

Next steps

Requested action

- Move ordinances forward for second reading
- Currently calendared for November 13

Utility Rate Ordinances

Questions/Discussion



2014 Property Tax Levy

First Reading

October 16, 2013

Property Tax Levy

Tonight's discussion

- Property Tax Levy is an annual process
- Increase is limited by voter initiative
- Current 2014 budget assumes 1% increase

Next steps

- Council deliberation
- Schedule second reading and Public Hearing
- Currently calendared for November 13

Questions?



Local Government Investment Pool

October 16, 2013

Local Government Investment Pool

Tonight's discussion

- State Treasurer provides this voluntary investment option
- Wide participation across the state
- State has requested that the City pass a resolution to confirm participation

Next steps

- Council questions
- Move resolution forward for second reading and to consider approval
- Currently calendared for the consent agenda on October 23



AWC Employee Benefit Trust

October 16, 2013

AWC Employees Benefit Trust

Tonight's discussion

- Association of Washington Cities Employees Benefit Trust (EBT) provides health insurance programs, in which City participates
- In 2013, the EBT applied to the State Insurance Commissioner to self-insure

AWC Employees Benefit Trust

Results of AWC-EBT decision to self-insure

- No change to rates for 2014
- All participating cities must approve the resolution and sign an Interlocal Agreement (ILA)

Next steps

- Council questions
- Move resolution forward for second reading and to consider approval
- Currently calendared for the consent agenda on October 23

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2013-28, eliminating the automatic annual fee adjustment to the City's Water Utility Rates for 2014	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: 13-126
Proposed By: Finance Director Schroer	Referral(s):

BUDGET INFORMATION

Department: Public Works	Fund: Water	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A
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DESCRIPTION/SUMMARY

Action Item:

Consideration of Ordinance No. 2013-28, relating to the City Water Utility and eliminating the automatic annual fee adjustment to water utility rates for 2014. If this ordinance is approved, water utility rates will be the same in 2014 as at the end of 2013.

History:

Section 13.16.060 of the Bainbridge Island Municipal Code provides for an annual automatic rate increase of equal to the annual percentage increase in the United States Consumer Price Index, All Urban Consumers (CPI-U) for November of the preceding year unless City Council determines that by December 31st of any year that adjustment shall be another amount or shall not occur for the next year.

RECOMMENDED ACTION

Motion:

I move that the City Council forward Ordinance No. 2013-28 relating to the City Water Utility and eliminating the automatic annual fee adjustment to water utility rates for 2014 to second reading and consideration of approval on November 13, 2013.

ORDINANCE NO. 2013-28

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the City Water Utility and eliminating the automatic fee adjustment for monthly water service rates in 2014.

WHEREAS, a structure for establishing water and sewer rates, charges, and fees was established by Ordinance No. 82-20 and amended by Ordinance No. 2011-26 to provide that water utility rates shall be set forth in Section 12(B) of the city's fee schedule, as amended by ordinance passed by the City Council; and

WHEREAS, Section 13.16.060 of the Bainbridge Island Municipal Code provides for an annual rate of increase equal to the annual percentage increase in the United States Consumer Price Index, All Urban Consumers (CPI-U) for November of the preceding year as shown in the release from the Bureau of Labor Statistics plus two percent, unless City Council determines that by December 31st of any year that adjustment shall be another amount or shall not occur for the next year; and

WHEREAS, the City has determined that no annual increase is necessary for 2014; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. There will be no automatic annual fee adjustment of the City's water utility fees under Section 13.16.060 of the Bainbridge Island Municipal Code for 2014.

Section 2. This ordinance shall take effect and be in force on January 1, 2014 after its passage, approval, and publication as required by law.

Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	October 10, 2013
PASSED BY THE CITY COUNCIL:	November __, 2013
PUBLISHED:	November __, 2013
EFFECTIVE DATE:	January 1, 2014
ORDINANCE NO.:	2013-28

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2013-29, eliminating the automatic annual fee adjustment of the City's Sewer Utility Rates for 2014	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: 13-127
Proposed By: Finance Director Schroer	Referral(s):

BUDGET INFORMATION

Department: Public Works	Fund: Sewer	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A
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DESCRIPTION/SUMMARY

Action Item:

Consideration of Ordinance No. 2013-29, relating to the City Sewer Utility and eliminating the automatic fee adjustment for monthly sewer service rates in 2014. If this ordinance is approved, sewer utility rates will be the same in 2014 as in 2013.

History:

Section 13.16.060 of the Bainbridge Island Municipal Code provides for an annual rate increase equal to the annual percentage increase in the United States Consumer Price Index, All Urban Consumers (CPI-U) for November of the preceding year unless City Council determines that by December 31st of any year that adjustment shall be another amount or shall not occur for the next year.

RECOMMENDED ACTION

Motion:

I move that the City Council forward Ordinance No. 2013-29 relating to the City Sewer Utility and eliminating the automatic fee adjustment for sewer utility rates for 2014 to second reading and consideration of approval on November 13, 2013.

ORDINANCE NO. 2013-29

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the City Sewer Utility and eliminating the automatic fee adjustment for monthly sewer service rates in 2014.

WHEREAS, a structure for establishing water and sewer rates, charges, and fees was established by Ordinance No. 82-20 and amended by Ordinance No. 2011-25 to provide that sewer utility rates shall be set forth in Section 12(B) of the City's fee schedule, as amended by ordinance passed by the City Council; and

WHEREAS, Section 13.16.060 of the Bainbridge Island Municipal Code provides for an annual rate of increase equal to the annual percentage increase in the United States Consumer Price Index, All Urban Consumers (CPI-U) for November of the preceding year as shown in the release from the Bureau of Labor Statistics plus two percent, unless City Council determines that by December 31st of any year that adjustment shall be another amount or shall not occur for the next year; and

WHEREAS, the City has determined that no annual increase is necessary for 2014; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. There will be no automatic annual fee adjustment of the City's sewer utility fees under Section 13.16.060 of the Bainbridge Island Municipal Code for 2014.

Section 2. This ordinance shall take effect and be in force on January 1, 2014 after its passage, approval, and publication as required by law.

PASSED by the City Council this ___ day of November, 2013.

APPROVED by the Mayor this ___ day of November, 2013.

Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	October 10, 2013
PASSED BY THE CITY COUNCIL:	November __, 2013
PUBLISHED:	November __, 2013
EFFECTIVE DATE:	January 1, 2014
ORDINANCE NO.:	2013-29

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2013-30, eliminating the automatic annual fee adjustment of the City's Storm and Surface Water Utility Rates for 2014	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: 13-128
Proposed By: Finance Director Schroer	Referral(s):

BUDGET INFORMATION

Department: Public Works	Fund: SSWM	Munis Contract #
Expenditure Req:	Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A
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DESCRIPTION/SUMMARY

Action Item:

Consideration of Ordinance No. 2013-30, eliminating the automatic annual fee adjustment of the City's storm and surface water management utility fees for 2014. If this ordinance is approved, storm and surface water management utility fees will be the same in 2014 as in 2013.

History:

Section 13.24.065 of the Bainbridge Island Municipal Code provides for an annual rate of increase equal to the annual rate of increase in the Seattle Area Consumer Price Index, unless the City Council determines that by December 31st of any year that the adjustment shall be another amount or shall not occur for the next year.

RECOMMENDED ACTION

Motion:

I move that the City Council forward Ordinance No. 2013-30 eliminating the automatic annual fee adjustment of the City's storm and surface water utility fees for 2014 to second reading and consideration of approval on November 13, 2013.

ORDINANCE NO. 2013-30

AN ORDINANCE of the City of Bainbridge Island, Washington, eliminating the automatic annual fee adjustment of the City's storm and surface water utility fees for 2014.

WHEREAS, RCW Chapter 35.67 provides that cities are authorized to establish storm water ("storm sewer") utilities; and

WHEREAS, the City of Bainbridge Island has had a Storm and Surface Water Management (formerly "Storm Drain") utility since 1987; and

WHEREAS, Section 13.24.065 of the Bainbridge Island Municipal Code provides for an annual rate of increase equal to the annual rate of increase in the Seattle Area Consumer Price Index, unless City Council determines that by December 31st of any year that adjustment shall be another amount or shall not occur for the next year; and

WHEREAS, the City has determined that no annual increase is necessary for 2014; now, therefore,

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

Section 1. There will be no automatic annual fee adjustment of the City's storm and surface water utility fees under Section 13.24.065 of the Bainbridge Island Municipal Code for 2014.

Section 2. This ordinance shall take effect and be in force on January 1, 2014 after its passage, approval, and publication as required by law.

PASSED by the City Council this ___ day of November, 2013.

APPROVED by the Mayor this ___ day of November, 2013.

Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	October 10, 2013
PASSED BY THE CITY COUNCIL:	November __, 2013
PUBLISHED:	November __, 2013
EFFECTIVE DATE:	January 1, 2014
ORDINANCE NO.:	2013-30

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2013-27, Property Tax Levy for Collection in 2014	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: 13-125
Proposed By: Finance Director Ellen Schroer	Referral(s):

BUDGET INFORMATION

Department: Finance	Fund: N/A	Munis Contract # N/A
Expenditure Req: N/A	Budgeted? ☒ Yes ☐ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A
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DESCRIPTION/SUMMARY

Action Item:

Consideration of Ordinance No. 2013-27 to set the Property Tax Levy for collection in 2014.

History:

Part of the process for approving the 2014 Budget includes setting the 2013 Property Tax Levy for collection in 2014. The budget proposes a 0.8615% increase in the dollar amount being collected (plus charges on new construction) which is the amount allowed by Initiative 747. The dollar increase for the property tax levy is \$58,122, the new construction amount is \$42,748 and the tax refund amount is \$7,775 bringing the total levy to \$6,855,226 on the Island's total assessed valuation of \$5,232,645,089. The projected levy rate would increase from \$1.287 to \$1.309 per \$1,000.

In addition, the Ordinance proposes to levy \$607,595 to pay the 2014 debt service cost of the Open Space General Obligation Bonds (the levy is equal to the amount of the debt service) decreasing that levy rate from \$.127 to \$.116.

Budget:

The revenue estimates in the 2014 budget reflect the dollars stated in this agenda bill and Ordinance No. 2013-27.

RECOMMENDED ACTION

Motion:

I move that the City Council forward Ordinance No. 2013-27 relating to the levy of property taxes for the City of Bainbridge Island for the fiscal year commencing January 1, 2014 to second reading and public hearing on November 13, 2013.

ORDINANCE NO. 2013-27

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the levy of property taxes for the City of Bainbridge Island, for the fiscal year commencing January 1, 2014, on all real and personal property within the City that is subject to taxation; levying both general property taxes for the purpose of providing sufficient revenue to carry on the normal activities of the City as required by law, and special levy taxes as authorized by the voters in the November 6, 2001 election.

WHEREAS, the City Council of Bainbridge Island has considered the financial requirements of the City for 2014 as set forth in the City Manager's 2014 Budget, and the amounts necessary and available to be raised by ad valorem taxes on real, personal, and utility property which are included therein; and

WHEREAS, the population of the City is greater than 10,000; and

WHEREAS, the City Council has properly given notice of the public hearing held on November 13, 2013 to consider the City's revenue sources for the City's 2014 General Fund budget; and

WHEREAS, the previous year's actual levy was \$6,746,581; and

WHEREAS, the City Council after hearing and duly considering all relevant evidence and testimony presented, has determined that the City requires an increase in property tax revenue from the previous year equal to 0.8615% of the amount levied for collection in 2014 as authorized by RCW 84.55.005, in addition to the increase resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, in order to discharge the expected expenses and obligations of the City and in its best interest; and

WHEREAS, at an election held on November 6, 2001, the voters of the City approved and authorized the City to issue general obligation bonds to finance the costs of acquiring and preserving forested areas, open space, wildlife habitat, and farms and agricultural lands and creating new trails and passive parks, and to levy excess property taxes to repay such bonds (referred to as the "2002 Unlimited Tax General Obligation Bonds" and the "Unlimited General Obligation Bonds, 2004"); and

WHEREAS, the debt service on such bonds for the year 2014 will be \$607,595; now, therefore,

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

Section 1. The 2013 regular property tax levy for collection in 2014 is declared to be the previous year's levy of \$6,746,581 plus an increase of \$58,122 which is an increase of 0.8615 percent, plus an increase equal to the amount allowed under the new construction provisions of RCW 84.55.010 (\$42,748) and any increase in the value of state-assessed property, and any additional amounts resulting from any refunds made (\$7,775). The total is \$6,855,226.

Section 2. In addition to City's regular property tax levy described in Section 1 above, there is levied for collection in 2014, upon all property, both real and personal within the City and within the area subject to taxation, a voter-approved special levy property tax to pay the debt service on the remaining City's 2004 Unlimited Tax General Obligation Bonds and the amount refunded in 2013. The special levy to pay the 2014 debt service is \$607,595.

Section 3. This ordinance shall be certified to the proper Kitsap County officials, as provided by law. The taxes levied in this ordinance shall be collected and paid to the Director of Finance and Administrative Services of the City of Bainbridge Island at the time and in the manner provided by the laws of the State of Washington for the collection of taxes for non-charter code cities.

Section 4. This ordinance shall take effect on January 1, 2014 after its passage, approval and publication as required by law.

PASSED by the City Council this ____ day of November, 2013.

APPROVED by the Mayor the ____ day of November, 2013.

Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

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

October 10, 2013
November __, 2013
November __, 2013
January 1, 2014
2013-27

2014 TAX YEAR LEVY LIMIT CALCULATION

CITY OF BAINBRIDGE ISLAND

District # 8730

Previous Year's Levy Including Any Refunds & Canceled Taxes Levied = 6,746,581

The district's resolution or ordinance must authorize any increase in terms of both the dollars and percentage over the previous year's levy. This increase is exclusive of new construction, increases in state assessed property (utilities), any annexations and refunds requested.

Highest Allowed Levy Since 1986 = 6,737,330

Differences between this amount and the previous year's levy are refunds and canceled taxes levied last year which are not included in this amount and/or any banked capacity your district may have.

1% Increase to Highest Allowed Levy = 6,804,703

This is the maximum allowed but may change to match what is authorized by resolution or is lawfully allowed for your district. It is exclusive of the items listed under the previous year's levy. The dollar and percent increase over the previous year's actual levy to collect this amount is \$58,122 and 0.86151%.

Amount due to New Construction = 42,748

New construction assessed value 33,116,994 X 1.290820 (the prior year's levy rate) = 42,748

Amount due to Increase in Utilities = 0

This amount will be zero until the values are received from the Department of Revenue. Since this amount may be unknown when you have your budget hearings, you may want to add an amount in your budget or levy certification in order to collect any unknown amount due to an increase in utilities.

AV of Annexed Property = 0

Amount due to Annexations = 0

The amount due for annexations is set when assessed values are final in January. Districts with annexations may want to add an amount in the budget or levy certification for any increases allowed.

Current Total Assessed Value = 5,232,645,089

This amount may fluctuate until values are final in January.

Tax Refunds & Canceled Taxes Less Supplements = 7,775

Please include a dollar amount for refunds and canceled taxes in your budget and or levy certification to show the district's intent to collect these amounts.

Projected Levy Rate = 1.308602

Maximum Levy Rate = 2.299981

Maximum levy rates for cities are estimated until final levy rates for Fire and Library Districts are known.

ESTIMATED TOTAL LEVY LIMIT AMOUNT = 6,855,226

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Resolution 2013-16, Authorizing Investment in the State Treasurer's Local Government Investment Pool	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: AB 13-122
Proposed By: Ellen Schroer, Finance Director	Referral(s):

BUDGET INFORMATION N/A

Department: Finance	Fund: N/A	Munis Contract #: N/A
Expenditure Req: No	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

City Manager ☐ Yes ☐ No ☐ N/A Legal ☐ Yes ☐ No ☐ N/A Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

Consideration of Resolution 2013-16, approving continuing participation in the State Treasurer's Local Government Investment Pool.

History:

The City has invested monies with the Local Government Investment Pool (LGIP) for several decades. The State Treasurer's Office has requested an updated investment authorization resolution.

The LGIP lets local governments use the State Treasurer's resources to safely invest their funds while enjoying the economies of scale available from a \$7-11 billion pooled fund investment portfolio.

Additional information on the Local Government Investment Pool is attached to this agenda bill.

RECOMMENDED ACTION

Motion:

I move that the City Council forward Resolution No. 2013-16, approving continuing participation in the State Treasurer's Local Government Investment Pool, to the consent agenda on October 23, 2013.

RESOLUTION NO. 2013-16

A RESOLUTION of the City of Bainbridge Island, Washington, authorizing investment of monies in the State of Washington's Local Government Investment Pool.

WHEREAS, pursuant to Chapter 294, Laws of 1986, the State Legislature created a trust fund to be known as the public funds investment account (commonly referred to as the Local Government Investment Pool (LGIP)) for the deposit of money by an authorized governmental entity for purposes of investment by the State Treasurer; and

WHEREAS, from time to time it may be advantageous to the City of Bainbridge Island (City), an authorized entity, to deposit funds available for investment in the LGIP; and

WHEREAS, any deposits made on behalf of the City shall be first duly authorized by the City Council, the "governing body" of the City, in this resolution or a subsequent resolution, and a certified copy of said resolution shall be filed with the State Treasurer's Office; and

WHEREAS, the City Council attests by the signature of its Mayor that it is duly authorized and empowered to enter into this agreement, to direct the deposit of City monies, and to delegate certain authority to make adjustments to the incorporated transactional forms, to the individuals designated herein.

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

Section 1. The City Council does hereby authorize the deposit and withdrawal of City monies in the LGIP in the manner prescribed by law, rule, and applicable policies and procedures for the LGIP.

Section 2. That the City Council has approved the Local Government Investment Pool Transaction Authorization Form (Form) as completed by the Director of Finance and Administrative Services and incorporates said form into this resolution by reference and does hereby attest to its accuracy.

Section 3. That the City Council designates the Director of Finance and Administrative Services, the "authorized individual" to authorize all amendments, changes, or alterations to the Form or any other documentation including designating other individuals to make deposits and withdrawals on behalf of the City.

Section 4. That this designation ends upon termination of the authorized individual's relationship with the City or further action by the City terminating the delegation. It is the responsibility of the City to notify the State Treasurer's Office immediately when any action has been taken to end this delegation.

Section 5. That the Form as incorporated into this resolution or hereafter amended by delegated authority or any other documentation signed or otherwise approved by the authorized individual shall remain in effect should the authorized individual's delegate authority be

terminated or otherwise end. No amendments, changes, or alterations shall be made to the Form or any other documentation until the City passes a new resolution naming a new authorized individual.

Section 6. That the City Council acknowledges that neither the State of Washington nor the State Treasurer guarantees any investment made by the City in the LGIP and it is possible to lose money by investing in the LGIP. Therefore, the City agrees to hold the State of Washington, the State Treasurer, and the LGIP harmless from any investment losses incurred as a result of investment with the LGIP.

PASSED by the City Council this _____ of __, 2013.

APPROVED by the Mayor this _____ of __, 2013.

Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	October 10, 2013
PASSED BY THE CITY COUNCIL:	_____, 2013
RESOLUTION NUMBER:	2013-16

Attachment: Exhibit A: Local Government Investment Pool Transaction Authorization Form

LOCAL GOVERNMENT INVESTMENT POOL
TRANSACTION AUTHORIZATION FORM

Please fill out this form completely, including any existing information, as this form will replace the previous form.

Name of Entity:	Mailing Address:
Fax Number:	
E-mail Contact:	

Do you wish to have your monthly LGIP statements faxed to the number listed above?

Please note – if you choose to receive statements via fax, you will not receive another copy via U.S. mail.

☐ YES, please fax statements ☐ No, please send statements via U.S. mail

Bank account where funds will be wired when a withdrawal is requested.

(Note: Funds **will not** be transferred to any account other than that listed).

Bank Name:
Branch Location:
Bank Routing Number:
Account Number:
Account Name:

Persons authorized to make deposits and withdrawals for the entity listed above.

Name	Title	Signature	Telephone Number

By signature below, I certify I am authorized to represent the institution/agency for the purpose of this transaction.

<i>(Authorized Signature)</i>	<i>(Title)</i>	<i>(Date)</i>
<i>(Print Authorized Signature)</i>	<i>(E-mail Address)</i>	<i>(Telephone number)</i>

Any changes to these instructions must be submitted in writing to the Office of the State Treasurer. Please mail this form to the address listed below:

OFFICE OF THE STATE TREASURER
LOCAL GOVERNMENT INVESTMENT POOL
PO BOX 40200
OLYMPIA, WA 98504-0200
FAX: (360) 902-9044

Date Received: ____ / ____ / ____
Fund Number: _____
<i>(for LGIP use only)</i>

State of Washington)
County of _____) ss.

Signed or attested before me by _____.

Dated this ____ day of _____, 20__.

SEAL OR STAMP

Signature of Notary

Typed or printed name of Notary
Notary Public in and for the State of Wash.
My appointment expires: _____

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Resolution No. 2013-17, Approving an Interlocal Agreement with Association of Washington Cities Employee Benefit Trust	Date: October 16, 2013
Agenda Item: Staff Intensive	Bill No.: AB 13-137
Proposed By: Ellen Schroer, Finance Director	Referral(s):

BUDGET INFORMATION N/A

Department: Finance	Fund: N/A	Munis Contract #: N/A
Expenditure Req: No	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

City Manager ☐ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A
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DESCRIPTION/SUMMARY

Action Item:

Consideration of an interlocal agreement with the Association of Washington Cities Employee Benefit Trust Health Care Program.

History:

The City currently participates in health care insurance programs offered by the Association of Washington Cities (AWC). In August 2013, the AWC Trust applied to the State Insurance Commissioner to self-insure certain plans, effective January 2014. In order to continue participating in the City's current health care benefit programs, AWC requires that participants approve the attached resolution and ILA.

Additional information about the changes and the program is provided on the attached AWC Employee Benefit Trust Self-Funded Health Care Program Fact Sheet.

RECOMMENDED ACTION

Motion:

I move that the City Council forward Resolution No. 2013 - 17, approving the Interlocal Agreement with the Association of Washington Cities Employee Benefit Trust, to the consent agenda on October 23, 2013.

Self-Funded Health Care Program

On August 26, 2013, the State Risk Manager approved the AWC Trust's application to self-insure the medical plans through Group Health and Regence Blue Shield, the Vision Service Plan, and Washington Dental Service plan effective January 1, 2014. The remaining insurance products will continue to be fully-insured. This fact sheet is intended to provide background of the Trust and insight into the Board of Trustee conversation ultimately leading to the decision to self-insure.

Trust history

The AWC Employee Benefit Trust is a Voluntary Employees' Beneficiary Association (VEBA), as defined in IRC 501 (c) (9). The Trust was formed in 1970 by the Association of Washington Cities to offer affordable coverage for its cities and towns with participants in Law Enforcement Officers and Fire Fighters Pension Plan 1 (LEOFF 1). Since that time, the Trust has broadened its insured membership to include all walks of municipal government and their families. Today, the Trust serves 275 participating entities and insures approximately 36,000 employees and family members.

The Trust currently offers medical, dental, vision, employee assistance program, life insurance, long-term disability insurance, and long-term care insurance.

In 1984, the Board of Trustees proved to be true visionaries in the health care industry and adopted an innovative health promotion project (wellness) as a cost containment tool. Today, the award-winning Total Health Management services of the Trust (available to Regence and Group Health medical subscribers) continues to reduce health care costs and improve quality of life for our insured members.

The AWC Trust, one of the first of its kind as a municipal league pool, is nationally recognized for excellence and innovation. Industry respect and long-term, stable relationships with insurance carriers, vendors, and consultants have benefited the pool members with quality health care programs, trust-worthy technical assistance and financial predictability. Customer advocacy and member-driven decisions continue to be the cornerstone of the Trust mission, vision and goals.

Planning retreat priority: self-insurance

As one of the highest priorities emerging from the 2011 Long Range Strategic Planning Retreat, the Trustees dedicated its 2013 meetings to learning about the world of self-insurance; hearing in-depth analysis from benefit, legal and actuarial consultants; and weighing the pros and cons of self-insuring the health care plans.

On July 25, Trustees instructed staff and consultants to proceed with a self-insurance application to the State Risk Manager. Approval was granted on August 26, and the Trust will transition its **Regence/Asuris, Group Health, WDS and VSP** plans to self-insurance effective January 1, 2014.

Self-Insurance means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

Cost savings

One of the overriding factors in the decision is the potential for cost savings to members. Self-insurance allows the Trust to eliminate several taxes mandatory for fully insured plans including a 2% state tax and a 2% - 3% new 2014 federal insurer tax. While our retention and stop loss fees were extremely competitive as a fully insured plan, these fees were also lowered with the aid of a competitive self-insurance marketplace. Along with all these cost savings, we'll be able to focus on our own trend line, which has been lower than carriers' trends for many years. This bodes well for not only this year's rate projections, but future year's as well.

continued

The transition to self-insurance will not change the manner in which plans are rated (i.e., the Trust will continue to pool all member claims rather than develop rates based upon individual employer loss experience). However, the discussion of large city claims rating is slated to be discussed by the Board of Trustees in 2014, and being self-insured certainly enables a broader scope of analysis.

With all these factors considered, the Trust's 2014 rate projections are very favorable with 0% increase projected for most plans.

Self-insurance plans		Fully-insured plans	
Regence/Asuris Medical	0%	LEOFF I Medicare Advantage Plan	8%
Group Health Medical	0%	Willamette Dental	0%
WDS Dental	0%	Life & LTD	0%
VSP Vision	0%	EAP	0%

Final rates will be adopted by the Board of Trustees on September 26. Look to our website by end of day on Friday, September 27, for an updated posting.

WellCity rate impact

The WellCity discount is 2% less than the base rate. Ongoing WellCity Award recipients - your current rate will be 2% less than the base rate - which means your rate stays the same. For cities earning the 2013 WellCity Award for the first time, you'll get a 2% discount on the 2014 base rate, meaning your rate this year is actually a 2% savings from your 2013 rate.

Employee impacts

For now, know that the impact to employees and their family members is minimal to none:

- Benefit plan designs remain the same, including the mandated benefit changes under the ACA for 2014
- Employees have access to the same provider networks.
- Claims will be processed by the same carriers.
- It is possible that a new ID card will be generated.

Member employer impacts

Impact to employers is equally minimal:

- Members will still be part of the Trust's large pool, which will now be self-insured.
- The monthly bill will still be generated by NWA and due at the same time as current (by the 10th of the month).
- The most notable change for employers will be the council-adoption by resolution of an Interlocal Agreement between the jurisdiction and the AWC Trust.

Interlocal Agreement

RCW 48.62 authorizes local government entities to self-insure for health care benefits, and delegates rule-making authority and oversight to the Washington State Risk Manager. Chapter 200-110 Washington Administrative Code sets forth that members of the health care program (pool) must be a signatory to the health care program's Interlocal Agreement, and the Interlocal Agreement must be adopted by the local governing body by resolution.

In order for the Trust to meet the state deadlines, member jurisdictions must provide the adopted resolution and Interlocal Agreement no later than **November 15, 2013**.

AWC Employee Benefit Trust Health Care Program reserve funding

Self-insured health care programs must establish reserves necessary to fund the termination costs of the program and to insulate the program against unusual severity or frequency of claims. The Board of Trustees have pledged reserve funds pursuant to actuarially established amounts to satisfy this requirement.

Health Care Program 2014 financials at a glance	
Beginning program deposits/assets ¹	\$15,420,000
Projected employer contributions	\$174,672,167
Projected employee contributions	\$19,408,091
Other projected revenues	\$308,400
Total projected revenues	\$194,388,586
Projected claims payments	\$179,155,972
Projected operational expenses ²	\$12,334,777
Projected Stop Loss Insurance Policy	\$813,875
Projected Wellness Program expenses	\$1,775,561
Total projected annual expenses	\$194,080,186
Projected year-end program assets/reserves	\$15,728,400

¹Projected reserves as of December 31, 2013 are \$75,471,971 of which \$15,420,000 are pledged as beginning health care program assets.

²Includes claims adjudication, broker fee-for-service, actuary, legal, consultants, and operations.

Questions

As always, the Trust is committed to communicating with members. You can expect ongoing communications in upcoming **For Your Health** e-newsletters. If you have any questions regarding the Trust's decision to self-insure, the new rate projections, or the Interlocal Agreement feel free to contact an AWC Trust staff member at 1-800-562-8981 or benefitinfo@awcnet.org.

RESOLUTION NO. 2013-17

A RESOLUTION of the City of Bainbridge Island, Washington authorizing the City Manager to approve an Interlocal Agreement with the Association of Washington Cities Employee Benefit Trust

WHEREAS, the Association of Washington Cities Employee Benefit Trust (the “Trust”) is an entity to which contributions by cities and towns and non-city entities organized and existing under the Constitution or laws of the State of Washington and who are members of the Trust (“Participating Cities and Towns,” and “Participating Non-City Entities”) and their employees can be paid and through which the Board of Trustees of the Trust (“Trustees”) provides one or more insured health and welfare benefit plans or programs to Participating Cities and Towns’ and Non-City Entities’ employees, their dependents and other beneficiaries (“Beneficiaries”), on whose behalf the contributions were paid; and

WHEREAS, the Trust qualifies as a voluntary employee beneficiary association within the meaning of Section 501(c)(9) of the Internal Revenue Code, providing for the payment of life, sick, accident or other benefits to Beneficiaries; and

WHEREAS, the Trust and Participating Cities and Towns and Non-City Entities have determined that it is in the best interest of Participating Cities and Towns and Non-City Entities to jointly self-insure certain health benefit plans and programs for Beneficiaries through a designated account within the Trust, while at the same time having the Trust continue as the entity to which other insured health and welfare benefit program contributions are paid and through which insured health and welfare benefit plans and programs are provided to Beneficiaries; and

WHEREAS, it appears economically feasible and practical for the parties to do so; and

WHEREAS, Chapter 48.62 RCW provides that two or more local government entities may, by Interlocal agreement under chapter 39.34 RCW, jointly self-insure health benefit plans and programs, and/or jointly hire risk management services for such plans or programs by any one or more of certain specified methods; and

WHEREAS, the Association of Washington Cities Employee Benefit Trust Interlocal Agreement (the “Interlocal Agreement”) attached hereto creates a joint self-insured health and welfare benefit program (the “Health Care Program”) to be administered by the Trustees for the purposes of providing self-insured health benefits to Beneficiaries; and

WHEREAS, WAC 200-110-030 requires every local government entity participating in a joint self-insurance health and welfare benefit program to adopt such program by resolution; and

WHEREAS, Chapter 48.62 requires Health Care Program assets to be managed consistent with existing authority over use of municipal funds in RCW 35.39.030. The Trust will manage Health

Care Program reserves in compliance with Chapter 48.62 RCW; RCW 35.39.030, and the Health Care Program Investment Policy; and

WHEREAS, all premium contributions for use in the Health Care Program are deposited into a designated account within the Trust, the Health Care Program Account (the “HCP Account”), and the HCP Account represents a pool of funds that is independent of all other Trust or AWC funds; and

WHEREAS, the Trust intends to manage the HCP Account assets in compliance with federal and state laws and the Interlocal Agreement; and

WHEREAS, the City of Bainbridge Island believes it is in the best interest of the Health Care Program to allow the Trust to manage the HCP Account;

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

Section 1. That the Interlocal Agreement creating the Health Care Program is hereby adopted.

Section 2. That by adopting such Agreement, the City of Bainbridge Island acknowledges that it shall be subject to assessments as required by the Health Care Program.

PASSED by the City Council this ___day of _____, 2013.

APPROVED by the Mayor this ___day of _____, 2013.

By: _____
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

By: _____
Rosalind D. Lassoff, CMC
City Clerk

FILED WITH THE CITY CLERK: October 10, 2013
PASSED BY THE CITY COUNCIL: _____, 2013
RESOLUTION NO. 2013-17

ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST HEALTH CARE PROGRAM INTERLOCAL AGREEMENT
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This Agreement is made and entered into in the State of Washington by and among the Association of Washington Cities Employee Benefit Trust (the “Trust”) and cities and towns, and non-city entities organized and existing under the Constitution or laws of the State of Washington and who are members of the Trust (“Participating Cities and Towns,” or “Participating Non-City Entities”), all of whom are signatories to this Agreement.

RECITALS

WHEREAS, the Trust is an entity to which contributions by Participating Cities and Towns and Non-City Entities (defined below) and Participating Employees (defined below) are paid and through which the Board of Trustees provides one or more insured health and welfare benefit plans or programs to Participating Employees, their covered dependents and other beneficiaries (“Beneficiaries”), on whose behalf the contributions were paid; and

WHEREAS, the Trust qualifies as a voluntary employee beneficiary association within the meaning of Section 501(c)(9) of the Internal Revenue Code (“VEBA”), providing for the payment of life, sick, accident or other benefits to Beneficiaries; and

WHEREAS, the Trust and the Participating Cities and Towns have determined that it is in the best interest of Participating Cities and Towns to jointly self-insure certain health benefit plans and programs for Beneficiaries through a designated account within the Trust, while at the same time having the Trust continue as the entity to which health and welfare benefit plan or program contributions are paid and through which insured health and welfare benefit plans and programs are provided to Beneficiaries; and

WHEREAS, it appears economically feasible and practical for the parties to this Agreement (defined below) to do so; and

WHEREAS, Chapter 48.62 RCW provides that two or more local government entities may, by Interlocal agreement under Chapter 39.34 RCW, jointly self-insure health benefit plans and programs, and/or jointly hire risk management services for such plans or programs by any one or more of certain specified methods; and

WHEREAS, each local government entity that is a signatory hereto, as required by WAC 200-110-030, acts upon the authority of a resolution adopting this Agreement and the Health Care Program (defined below) created herein;

NOW, THEREFORE, for and in consideration of all of the mutual benefits, covenants and agreements contained herein, the parties hereto agree as follows:

ARTICLE 1

DEFINITIONS

The following are definitions of terms used in the Agreement. Unless indicated otherwise, other terms are defined where they are first used. Defined terms are capitalized when used in the defined context.

- 1.1 **Agreement** means this Interlocal Agreement entered into under the authority of Chapter 39.34 RCW and as required by RCW 48.62.031(2) between the Trust and Participating Employers.
- 1.2 **Association of Washington Cities** or **AWC** means the Association of Washington Cities, a not-for-profit membership association established pursuant to the laws of the state of Washington for the purpose of providing various services to and on behalf of its member cities.
- 1.3 **Association of Washington Cities Employee Benefit Trust** or the **Trust** means the trust and all property and money held by such entity, including all contract rights and records, established for the sole purpose of providing life, sick accident or other health and welfare benefits to Participating Employees, their covered dependents and other beneficiaries, and which is approved by the Internal Revenue Service as a VEBA.
- 1.4 **Employee Benefits Advisory Committee** or **EBAC** means the committee defined in Article V of the Trust Agreement that may be delegated responsibility by the Board of Trustees, including but not limited to: overseeing the operations of the Health Care Program, analyzing and developing annual premium levels and benefit coverage changes for recommendation to the Board of Trustees and performing other duties necessary to ensure that the needs of Participating Employers are met and the long-term financial health of the Health Care Program is maintained.
- 1.5 **Health Care Program** means the joint self-insurance program offering self-insured health benefit options through the HCP Account.
- 1.6 **HCP Account** means a designated account within the Trust and created by this Agreement, the Trust Agreement and Trust Health Care Program policies all under the authority of Chapter 48.62 RCW to provide self-insured health benefits to Participating Employees, their covered dependents and other beneficiaries and further described in Article 6.
- 1.7 **Non-City Entity** means any public agency, public corporation, intergovernmental agency or political subdivision, within the state of Washington that meets the requirements of Article IX, Section 1(c)(ii) and (iii) of the Trust Agreement for participation in the Health Care Program.
- 1.8 **Participating City** means any city or town within the state of Washington that meets the requirements of Article IX, Section 1(a) or Section 1(b) of the Trust Agreement.

- 1.9 **Participating Employee** means any individual employed by a Participating Employer and for whom the Participating Employer makes contributions to the Trust, and any individual who may have been so employed but is subsequently laid off, terminated, or retired.
- 1.10 **Participating Employer** means a Participating City or Non-City Entity that is also a party to this Agreement.
- 1.11 **Resolution** means the resolution adopted by each Participating City or Non-City Entity that authorizes the Health Care Program.
- 1.12 **State Risk Manager** or **Risk Manager** means the risk manager of the Risk Management Division within the Department of Enterprise Services.
- 1.13 **Stop Loss Insurance** or **Reinsurance** means a promise by an insurance company that it will cover losses of the Health Care Program over and above an agreed-upon individual or aggregated amount, which definition shall be modified by any changes to the definition of stop loss insurance in WAC 200-110-020.
- 1.14 **Third-Party Administrator** means the independent association, agency, entity or enterprise which, through a contractual agreement, provides one or more of the following ongoing services to the Health Care Program: pool management or administration services, claims administration services, risk management services, or services for the design, implementation, or termination of an individual or joint self-insurance program.
- 1.15 **Trust Agreement** means the Trust Agreement Governing the Trust amended and restated July 1, 2013, and any subsequent amendments thereto.
- 1.16 **Trustees** or **Board of Trustees** means the following individuals and their successors, who together, govern the Trust and the Health Care Program:
- 1.16.1 the AWC President and the AWC Vice President;
- 1.16.2 the EBAC Chair and the EBAC Vice Chair; and
- 1.16.3 an individual elected pursuant to the procedures in Article III, Section 5 of the Trust Agreement to serve as the trustee from one of the following regions:
- (a) North East Region (known as the “North East Region Trustee”);
- (b) North West Region (known as the “North West Region Trustee”);
- (c) South East Region (known as the “South East Region Trustee”); and
- (d) South West Region (known as the “South West Region Trustee”).

Individuals from Non-City Entities are not eligible to serve as Trustees.

ARTICLE 2

PURPOSE

This Agreement is entered into for the purpose of authorizing the Health Care Program created by the Trust to provide self-insured health benefits to Participating Employees, their covered dependents and other beneficiaries. The Health Care Program shall comply with the statutory provisions found in Chapters 48.62 and 39.34 RCW and the regulatory requirements contained in WAC 200-110 applicable to joint self-insurance programs.

ARTICLE 3

PARTIES

Each party to this Agreement certifies that it intends to participate in the Health Care Program. Participating Employers are signatories of this Agreement to become effective on a date to be mutually determined (the "Effective Date") and with such other Participating Cities and Non-City Entities as may later be added to and become signatories to this Agreement.

ARTICLE 4

DURATION OF AGREEMENT

- 4.1 This Agreement shall become effective on the Effective Date.
- 4.2 This Agreement shall have perpetual duration unless terminated as hereinafter provided.

ARTICLE 5

MEMBERSHIP COMPOSITION

The Health Care Program shall be open to Participating Cities and Non-City Entities. Participation in the Health Care Program is voluntary and not a requirement of AWC membership. The Board of Trustees shall provide for the reasonable admission of new Participating Cities and Non-City Entities.

ARTICLE 6

HCP ACCOUNT

- 6.1 All premium contributions by Participating Employers, Non-City Entities and Participating Employees for use in the Health Care Program are deposited into the HCP Account.
- 6.2 The HCP Account represents a pool of funds that is independent of all other Trust or AWC funds and independent of all other Participating Employer and Non-City Entity funds. The funds deposited into the HCP Account are held, managed and expended only for the Health Care Program and reasonable expenses, consistent with applicable state

and federal statutes and rules governing joint self-insurance programs and self-insurance programs generally.

- 6.3 The HCP Account is subject to audit by the State Auditor's Office.

ARTICLE 7

TRUSTEE POWERS RELATED TO HEALTH CARE PROGRAM

The Board of Trustees is provided with the powers and functions established under RCW 48.62.031 to accomplish the following:

- 7.1 Promote the economical and efficient means by which health benefits coverage is made available to Participating Employers and Non-City Entities and provided to Participating Employees, their covered dependents and other beneficiaries;
- 7.2 Protect the financial integrity of the Health Care Program through purchase of Stop Loss Insurance or Reinsurance in such form and amount as needed;
- 7.3 Contract for or otherwise provide risk management and loss control services;
- 7.4 Contract for or otherwise provide legal counsel for the defense of claims and other legal services;
- 7.5 Consult with the state insurance commissioner and the State Risk Manager;
- 7.6 Obligate the Participating Employers and Non-City Entities to pledge revenues or contribute money to secure the obligations or pay the expenses of the Health Care Program, including the establishment of a reserve or fund for coverage; and
- 7.7 Exercise all other powers and perform all other functions reasonably necessary to carry out the purposes of the Health Care Program, Chapter 48.62 RCW and Chapter 200-110 WAC.

ARTICLE 8

ORGANIZATION OF HEALTH CARE PROGRAM

- 8.1 The operations of the Health Care Program are managed by the Board of Trustees or its delegates. The Trustees or any delegates review and analyze Health Care Program-related matters and make operational decisions regarding premium contributions, reserves, plan options and benefits in compliance with Chapter 48.62 RCW.
- 8.2 The Board of Trustees has decision authority consistent with the Trust Agreement, Health Care Program policies, Chapter 48.62 RCW and Chapter 200-110 WAC.

ARTICLE 9

RESPONSIBILITIES OF THE TRUSTEES

- 9.1 The Board of Trustees shall discharge its responsibilities under this Agreement as follows:
 - 9.1.1 Provide for the efficient management and operation of the Health Care Program;
 - 9.1.2 Provide for health benefit coverage options for Participating Employees, their covered dependents and other beneficiaries;
 - 9.1.3 Determine the level of Stop Loss Insurance or Reinsurance coverage for claims expenses above the amounts deemed appropriate for self-insurance;
 - 9.1.4 Ensure that the Health Care Program meets required state and federal statutes and rules;
 - 9.1.5 Contract with vendors required to meet the responsibilities established by the Trust Agreement, Health Care Program policies, and applicable state and federal statutes and rules;
 - 9.1.6 Maintain the balance between meeting the Health Care Program needs of Participating Employers and the long-term financial integrity of the Health Care Program;
 - 9.1.7 Prepare an annual financial report on the operations of the Health Care Program; and
 - 9.1.8 Provide for other services deemed appropriate by the Board of Trustees to meet the purposes of this Agreement.
- 9.2 The Board of Trustees may delegate the responsibilities described in this Article 9 to the EBAC or other delegates at its complete discretion.

ARTICLE 10

RESPONSIBILITIES OF THE PARTICIPATING EMPLOYERS

In order to participate in the Health Care Program, Participating Employers shall:

- 10.1 Be a Participating City or Non-City Entity in good standing and comply with the requirements of admission or qualification as established by the Board of Trustees;
- 10.2 Adopt this Agreement by Resolution, agreeing to its terms and provisions;
- 10.3 Submit the Resolution and Agreement to the Trust;

- 10.4 Read the terms, conditions and representations set forth in the application agreement related to participation in the Health Care Program;
- 10.5 Designate an employee of the Participating Employer to be a contact person for all matters relating to the Participating Employer's participation in the Health Care Program;
- 10.6 Pay premiums for the Health Care Program to the Third-Party Administrator no later than the tenth day of the month in which the premium is due;
- 10.7 By formal action of the legislative body of the Participating Employer, approve policies and procedures necessary to secure protected health information ("PHI") in accordance with Chapter 70.02 RCW and the Health Insurance Portability and Accountability Act ("HIPAA") privacy and security rules, codified at 45 C.F.R. Parts 160-164;
- 10.8 Provide the Health Care Program with such information or assistance as is necessary for the Health Care Program to meet its responsibilities under this Agreement; and
- 10.9 Cooperate with and assist the Health Care Program and any insurer of Stop Loss Insurance or Reinsurance, in all matters relating to the administration and operation of the Health Care Program and all matters relating to this Agreement.
- 10.10 Comply with all bylaws, rules, regulations and policies adopted by the Board of Trustees relating to the Health Care Program.

ARTICLE 11

RESERVE FUND INVESTMENT

All reserve fund investments from the HCP Account shall be made in a manner that is consistent with RCW 48.62.111, Chapter 39.59 RCW, WAC 200-110-090 and the Health Care Program Investment Policy.

ARTICLE 12

FINANCIAL RECORDS

- 12.1 The Board of Trustees shall develop estimated revenue and expenditures to establish a budget for each fiscal year covering January 1 through December 31 annually. Actual Health Care Program revenues and expenditures shall be monitored monthly by the Board of Trustees and reported at its quarterly meetings.
- 12.2 The accounting records of the Health Care Program are maintained in accordance with methods prescribed by the State Auditor's office under the authority of Chapter 43.09 RCW. The Health Care Program also follows applicable accounting standards established by the Governmental Accounting Standards Board ("GASB"). Year-end financial reporting is done on an accrual basis and submitted to the Office of the State Auditor as required by Chapter 200-110 WAC. Once reviewed and approved by the

Office of the State Auditor the year-end financial report is transmitted to the Office of the State Risk Manager.

- 12.3 Financial records of the Health Care Program shall be subject to audit by the Office of the State Auditor. Year-end financial reports and audit results shall be made available to interested parties. The Health Care Program shall provide financial information as required by state statute and rule to the Office of the State Risk Manager.

ARTICLE 13

PARTICIPATING EMPLOYER TERMINATION AND WITHDRAWAL

- 13.1 A Participating Employer must remain in good standing with the Trust and adhere to the requirements of this Agreement. In the event that a Participating Employer fails to be a Participating City or Non-City Entity in good standing, participation in the Health Care Program shall automatically terminate without notice as shall all health and welfare benefits provided through the Health Care Program.
- 13.2 The Board of Trustees may take action to terminate membership or deny membership in the Health Care Program where it determines that such termination or denial is in the best interest of the Health Care Program
- 13.3 When a Participating Employer's eligibility in the Health Care Program is affected due to merger or annexation, the affected Participating Employer may petition the Board of Trustees to remain in the Health Care Program.
- 13.4 A Participating Employer may only withdraw its participation in the Health Care Program at the end of the calendar year and must provide written notice to the Trust at least thirty-one (31) days in advance of the end of the calendar year (December 31st).
- 13.5 In the event of withdrawal or non-renewal, the Health Care Program will cover any of the Participating Employer's remaining outstanding Health Care Program claims expenses incurred prior to the Participating Employer's withdrawal from or non-renewal in the Health Care Program.
- 13.6 No Participating Employer, because of withdrawal or any other reason, has any right or interest in the HCP Account because of its nature as a rate stabilization fund. In the event any Participating Employer withdraws from the Health Care Program, its Participating Employees, their covered dependents and other beneficiaries and any Consolidated Omnibus Budget Reconciliation Act of 1985 as amended (COBRA) participants and contract personnel and dependents approved by the Board of Trustees, shall forfeit all right and interest to the HCP Account.

ARTICLE 14

TERMINATION OF HEALTH CARE PROGRAM

- 14.1 In the event the Health Care Program is terminated, the Board of Trustees shall distribute the remaining funds in the HCP Account to the Trust or any successor association authorized by Chapter 39.34 RCW for like purposes for use in any program with similar purposes.
- 14.2 Upon termination, this Agreement and the HCP Account shall continue for the purpose of paying remaining outstanding claims and expenses and fulfilling all other functions necessary to complete the business of the Health Care Program.

ARTICLE 15

MEETINGS, NOTICES AND COMMUNICATIONS

- 15.1 The Board of Trustees and the EBAC, if any responsibilities for Trust management have been delegated thereto, shall provide notice of their regular and special meetings and hold their meetings in accordance with Chapter 42.30, RCW Open Public Meetings Act.
- 15.2 Communications with Participating Employers may occur using mail, email or posting on the Health Care Program website. The website shall be partitioned to provide information for the general public and information specific to Participating Employers and their employees.
- 15.3 Communications may come directly from the Health Care Program, through the Third-Party Administrator or through another vendor on behalf of the Health Care Program.

ARTICLE 16

AMENDMENTS TO INTERLOCAL AGREEMENT

- 16.1 The Board of Trustees shall review and analyze any proposed amendment to this Agreement. An amendment may be proposed for review by any party to this Agreement.
- 16.2 The Board of Trustees upon its discretion may take action by resolution on any amendment at any regular meeting of the Board of Trustees.

ARTICLE 17

PROHIBITION ON ASSIGNMENT

- 17.1 No Participating Employer may assign any right or claim of interest it may have under this Agreement.

- 17.2 No creditor, assignee or third-party beneficiary of any employer shall have the right, claim or title to any party, share, interest, premium or asset of the Trust, HCP Account or the Health Care Program.

ARTICLE 18

HEALTH CLAIM DISPUTES AND APPEALS

In the event that a dispute arises over a health claim, the procedures, adjudication requirements and administrative remedies shall be found in the Health Care Program's plan document applicable to the Health Care Program covering the claimant.

ARTICLE 19

PLAN ADMINISTRATION DISPUTES AND APPEALS

- 19.1 In the event that a dispute arises between a Participating Employer and the Health Care Program, the Participating Employer shall document the circumstances causing the dispute and submit a written request for review of the disputed circumstances to the Board of Trustees. Upon review of such information, the Board of Trustees shall attempt to resolve the dispute.
- 19.2 If the Board of Trustees' resolution to the dispute is deemed unsatisfactory, then alternative dispute resolution through mediation or binding arbitration may be necessary.

ARTICLE 20

ENFORCEMENT OF TERMS OF AGREEMENT

- 20.1 The Board of Trustees may enforce the terms of this Agreement.
- 20.2 In the event legal action is initiated to enforce any term or provision of this Agreement against any present or previous Participating Employer, the prevailing party shall receive such reimbursement of costs as the court deems reasonable for attorneys' fees and costs related to the relevant legal action.

ARTICLE 21

DEFAULT

- 21.1 If any Participating Employer fails to perform any term or condition of this Agreement and such failure continues for a period of sixty (60) days after the Board of Trustees has given the Participating Employer written notice describing such failure, the Participating Employer shall be considered in default.
- 21.2 Upon default, the Board of Trustees may immediately cancel the Participating Employer's participation in the Health Care Program without additional notice or exercise some other remedy otherwise provided by law.

- 21.3 The rights and remedies of the Board of Trustees are cumulative in nature and pursuit of any particular remedy shall not be deemed an election of remedies or a waiver of any other remedies available hereunder or otherwise available by law.

ARTICLE 22

NO WAIVERS

No waiver or forbearance of a breach of any covenant, term, or condition of this Agreement shall be construed to be a waiver or forbearance of any other or subsequent breach of the same or of any other covenant, term or condition, and the acceptance of any performance hereunder, or the payment of any sum of money after the same has become due or at a time when any other default exists hereunder, shall not constitute a waiver or right to demand payment of all sums owing or a waiver of any other default then or thereafter existing.

ARTICLE 23

CONTRACT MANAGEMENT

The Health Care Program shall designate a person to whom the State Risk Manager shall forward legal process served upon the Risk Manager; **The AWC Chief Executive Officer** (designee or successor). **The Health Care Program Director** shall be responsible for and shall be the contact person for all communications regarding the performance of this Agreement.

ARTICLE 24

SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

ARTICLE 25

COUNTERPART COPIES

This Agreement may be signed in counterpart or duplicate copies and any signed counterpart or duplicate copy shall be equivalent to a signed original for all purposes.

ARTICLE 26

HEADINGS

The Article and Section headings in this Agreement are inserted for convenience only and are not intended to be used in the interpretation of the contents of the Articles and Sections they introduce.

ARTICLE 27

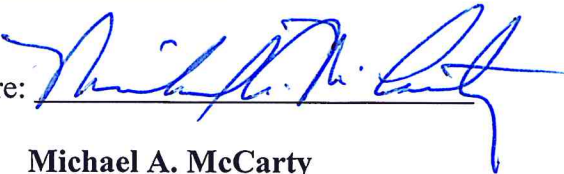
AGREEMENT COMPLETE

This Agreement and the documents referenced herein contains all the terms and conditions agreed to by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the parties hereto.

[Signature page follows]

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement.

Association of Washington Cities
Employee Benefit Trust

Signature: 

Name: **Michael A. McCarty**

Title: Chief Executive Officer

Date: August 30, 2013

Participating Employer

Signature: _____

Name (print): _____

Title: _____

Date: _____

Effective Date: January 1, 2014

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: 2014 LTAC Awards – Application Changes	Date: October 16, 2013
Agenda Item: Council Discussion	Bill No.: 13-131
Proposed By: LTAC Subcommittee Members Mayor Bonkowski and Councilmember Blossom	Referral(s):

BUDGET INFORMATION

Department:	Fund:	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item:

Planning related to upcoming award cycle for LTAC grants.

History:

The City issues an annual RFP for projects to receive LTAC funding. The RFP includes information on the available funds, eligibility, and scoring criteria.

For 2014, staff estimates funding of \$110,000 will be available to distribute to project recipients.

Key changes under consideration for 2014 awards related to eligibility, in-kind matching, and scoring criteria are described in the following memo.

RECOMMENDED ACTION

Motion:

I move the City revise the 2014 RFP for LTAC projects to include the following changes: eligibility as described in Option _____, in-kind matching from contributed goods and services are permissible up to _____% of total project costs, and the scoring criteria for project selection will be as shown in the briefing memo.

City of Bainbridge Island
EXECUTIVE DEPARTMENT



MEMORANDUM

TO: Mayor Steve Bonkowski
Councilmember Sarah Blossom

FROM: Morgan Smith, Deputy City Manager

DATE: October 10, 2013

RE: Proposed changes to 2014 LTAC Application

This memo provides language to capture three proposed changes to the RFP for applicants for the upcoming 2014 LTAC awards:

- Expanded eligibility requirements for recipients. Previous RFP's required applicants to be federally sanctioned nonprofits under either 501.c.3 or 501.c.6.
- Expanded options for recipients to match grant funding. In 2013, the Council approved a new requirement for recipients to demonstrate a 1:1 match for LTAC funding, and allowed up to half of the match to be satisfied by in-kind services and contributions.
- Simplified scoring matrix, with an added criteria to reflect new State reporting requirements.

1. Eligibility

The eligibility language from the City's 2013 LTAC application is below:

- Applicant organizations must be a Washington State Corporation and registered as a federally sanctioned nonprofit under IRS Chapter 501.c.3 or Chapter 501.c.6.
- Individual persons are not eligible for funding.

You requested three options for Council to review for the coming application. I have reviewed these with the Interim City Attorney and he has confirmed that all three are viable options that comply with both City and State statutes.

- A. *Applicants seeking funding for the operation of a tourism-related facility must be registered as a federally sanctioned nonprofit under 26 U.S.C. Sec. 501(c)(3) or 26 U.S.C. Sec. 501(c)(6).*

Note: this would satisfy the State requirement that only 501(c)(3)/501(c)(6) organizations can receive LTAC funding for facility operations. The application would be silent on eligibility for other project types, and any organization or individual could apply.

- B. *Applicants seeking funding for the operation of a tourism-related facility must be registered as a federally sanctioned nonprofit under 26 U.S.C. Sec. 501(c)(3) or 26 U.S.C. Sec. 501(c)(6). Applicants for other types of projects must be registered with the Washington Secretary of State as a Washington State Corporation.*

Note: applicants for other project types would be required to be “corporate” entities with a Washington State registration.

- C. *All applicants must be registered as a federally sanctioned nonprofit under 26 U.S.C. Sec. 501(c)(3) or 26 U.S.C. Sec. 501(c)(6). Applicants must also be registered with the Washington Secretary of State as a Washington State Corporation.*

Note: applicants for other project types would be required to be a federally sanctioned 501(c)(3) or 501(c)(6) with a Washington State registration. This are the eligibility requirements that were used in 2013.

2. Expanded Options for In-Kind Matching

In 2013, the City required project applicants to demonstrate a 50-50 match, to provide their own resources for LTAC projects in an amount equal to the amount of City funding. The application stipulated that up to one-half of the recipient’s match (i.e. 25% of the total project costs) could be from in-kind services and contributions.

For 2014, the proposal is to expand this provision to allow recipients to fully meet the matching requirement (i.e. 50% of the total project costs) with in-kind contributions and services.

3. Simplified Scoring Matrix

The proposed scoring matrix for 2014 awards is provided below, along with the matrix used in 2013.

PROPOSED SCORING - 2014

Lodging Fund Project Evaluation – Basic Criteria		Score
A.	Encourages tourism from visitors traveling more than 50 miles and from visitors traveling from outside Washington State.	20
B.	Expected impact on or increase in overnight stays.	15
C.	Economic impact on Island businesses, facilities, events, and amenities.	20
D.	Potential to draw visitors to the Island and increase overnight stays during the off-season, i.e. Labor Day through Memorial Day.	25
E.	Applicant's demonstrated history of organizational and project success (not necessarily nor solely LTAC-funded project(s)).	10
F.	Partnerships with other organizations and businesses to encourage cooperative tourism marketing and minimize duplication of services.	10
TOTAL POINTS AVAILABLE		100

PREVIOUS SCORING - 2013

Lodging Fund Project Evaluation – Basic Criteria		Score
A.	Expected impact on or increase in tourism.	35
B.	Expected impact on or increase in overnight stays.	30
C.	Economic impact on Island businesses, facilities, events, and amenities.	30
D.	Expected enhancements to tourism-related facilities or infrastructure.	30
E.	Partnerships with other organizations and businesses to encourage cooperative tourism marketing and minimize duplication of services.	20
F.	Project feasibility, including cost effectiveness.	20
G.	Applicant's demonstrated history of organizational and project success (not necessarily nor solely LTAC-funded project(s)).	15
H.	Plan to measure and assess project impacts as presented in Basic Criteria A, B, C, and D.	10
Basic Evaluation Points Available		175
Bonus Considerations		
I.	Potential to draw visitors to the Island and increase overnight stays during the off-season, i.e. Labor Day through Memorial Day.	15
J.	Clarity and quality of in-person presentation of project to the LTAC.	10
Additional Bonus Points Available		25
TOTAL POINTS AVAILABLE		200