



**CITY OF BAINBRIDGE ISLAND
REGULAR PLANNING COMMISSION MEETING
THURSDAY, JULY 23, 2015
6:00 p.m.-9:00 p.m.
CITY COUNCIL CHAMBER
280 MADISON AVE N
BAINBRIDGE ISLAND, WASHINGTON**

- 6:00 PM CALL TO ORDER**
Call to Order, Agenda Review, Conflict Disclosure
- 6:05 PM PUBLIC COMMENT**
Accept public comment on off agenda items
- 6:10 PM ORDINANCE 2015-23, WIRELESS COMMUNICATIONS REGULATIONS**
Study Session
- 7:00 PM PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**
- 7:10 PM 2016 COMPREHENSIVE PLAN UPDATE: *Land Use Element***
1. Confirm Drafting committee Proposed Revisions re: Islandwide Conservation Strategy, High School Road District and Food Security Policies
2. Comprehensive Plan Amendment Applications Under Consideration
 - Submitted by S. Thomas, to change the designation from OSR-2 to NSC for a property located at 4552 Point White Drive, immediately west of the Lynwood Center NSC area
 - Submitted by A. Cainion, to change the designation from OSR-0.4 to NSC for a property on Fletcher Bay Road, immediately south of the Island Center NSC area
 - Submitted by BI Metro Park and Recreation District, to create a new “Park” Zone for parks
- 8:25 PM PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**
- 8:40PM ORDINANCE 2015-04, TREE AND LANDSCAPING REGULATIONS**
Study Session
- 8:55 PM NEW/OLD BUSINESS**
- 9:00 PM ADJOURN**

****TIMES ARE ESTIMATES***

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

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



City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Planning Commission
Kathy Cook, Planning Director
Jennifer Sutton, Project Planner

FROM: Lisa Marshall, City Attorney

DATE: July 17, 2015

RE: Ordinance establishing new wireless regulations to comply with Section 6409 of the Spectrum Act.

Bainbridge Island's Existing Wireless Regulations and Coverage Issues

The City Manager has been tasked by the City Council to improve wireless and cellular coverage on Bainbridge Island in 2015. Poor wireless coverage continues to be a primary complaint from citizens heard by the City Manager. The City's current regulations for the siting of new wireless facilities and for the modification of existing facilities is located in BIMC 18.09.030(F)(3). These regulations were adopted on May 1, 1997. Since then, wireless engineering and technology has changed dramatically and are not in compliance with existing Federal law. Current regulations categorize wireless facilities into as follows:

- Facility I: Permitted in all zones but must be located on buildings, structures. Height and area must not exceed 580 square inches, and facilities must be separated by 500 linear feet;
- Facility II: Permitted in R-.4m, Winslow Mixed Use Center, HSR 1 and 2, WD-1, on buildings and other structures. Height limitation of 12 feet including support structure;
- Facility III: Permitted in R-.4, B/I, WD-1. Height limitation is 15 feet if collocated, facility cannot extend beyond 15 feet of support structure. The height of a monopole is restricted to 60 feet if there is a single carrier and 120 feet if there is more than one carrier. Lattice towers are permitted only in the B/I zone. These are use regulations and not subject to a variance.

The requirements above, also contain shielding, landscaping, and other requirements.

In late 2014, the City was contacted by AT&T by and through its attorneys which had been retained as a consultant to AT&T to confer with jurisdictions having poor or spotty wireless coverage. Poor coverage is the result of various factors, only one of which is the City's current limitations on placement and height of wireless facilities. Another factor contributing to poor coverage is the unique, elevated, and forested topography of the Island. Not only did AT&T consult with the City regarding the manner in which coverage may be improved through changed regulations, but

discussed the Middle Income Tax Relief Act, discussed more thoroughly below, and the need for the City to revise its regulations to comply with its requirements of local jurisdictions processing applications for wireless facilities. (Section 6409 of the Spectrum Act.) AT&T's correspondence to the City is attached as Attachment A.

Changes to Federal Law and the Spectrum Act

In 2012 Congress passed the "Middle Class Tax Relief and Job Creation Act of 2012" (the "Spectrum Act") (Public Law 112-96; codified at 47 U.S.C. § 1455(a)). Section 6409 of the Spectrum Act (hereafter "Section 6409") severely limits local jurisdictions' ability to regulate modifications of existing wireless antenna support structures and base stations. The most significant limitation on cities' regulatory authority states that jurisdictions must approve, and cannot deny, an application requesting modification of an existing tower or base station if such modification does not substantially change the physical dimensions of such tower or base station. The federal rule revisions also include what is referred to as the "shot clock" rule, which limits the time that a local government can take to either grant or deny an application. The state of Washington has added a categorical SEPA exemption for certain antenna installations.

Congress passed the Communications Act in 1934 and amended it in 1996. Under the 1996 Communications Act, the Federal Communications Commission (hereafter "FCC") is tasked with implementing federal legislation concerning communications facilities; the processing of implementation is commonly known in Administrative Law as "rulemaking." Accordingly, on October 21, 2014, the FCC issued a report and order¹ (hereafter "R&O") clarifying and implementing statutory requirements related to state and local government review of infrastructure siting, including Section 6409. In short, the intent behind the Spectrum Act and the R&O is to facilitate and expedite the deployment of equipment and infrastructure to meet the demand for wireless capacity. Furthermore, the Act encourages and facilitates the sharing of infrastructure that supports wireless communications through incentives to collocate on structures that already support wireless facilities.

The R&O is 155 pages long and therefore is not attached here. Attached as Attachment B is a checklist prepared by the National League of Cities and the National Association of Counties which enumerates the required changes. In reviewing the attached Ordinance, be sure to expand the document to enable review of the comments. I have added comments to identify revisions required by the FCC and to identify those areas where the City retains flexibility.

This is a tedious, complicated, and challenging topic. The meeting on July 23rd will include a power point presentation to cover the changes in the law to aid our discussion.

¹ WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59FCC

Lisa Marshall

From: Kim Allen <kim.allen@wirelesscounsel.com>
Sent: Wednesday, September 03, 2014 4:39 PM
To: Lisa Marshall
Cc: Ken Lyons; TAGAYUN, CAROL; Amber Richards; Doug Schulze
Subject: Bainbridge Island Wireless Code Update

Hi Lisa:

We missed you at last week's meeting with Doug Schulze and our AT&T team to discuss the wireless code update. I was the Hearing Examiner in Kitsap for a number of years and took the Fauntleroy run as I commuted to Port Orchard from Redmond. The ferries and island time are often challenging.

I think we had a productive discussion and I wanted to reach out to you to offer to assist in any way we can. We are working with a number of jurisdictions in Washington and Oregon and can offer some model language for you to review. At the the meeting last week, we spoke about how it is often easier to redline your existing code than to start from whole cloth, especially as your existing code is relatively concise already. I thought we could offer the issues below as a starting point for further discussion:

The code permits monopoles and lattice towers with a site plan and design review, on R .04 (1 du/ 4 acres) and B/I zoned properties. Lattice towers are permitted only in the B/I zone. These are use regulations and not subject to a variance. AT&T would like to have a path to permitted use in other zones.

- The code defines antennas as wireless communications facilities and then categorizes them from smallest (I) to largest (III). The larger the antenna, the fewer zones where they are permitted. The SEPA legislation last year, in concert with Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, removed the focus on antenna size. Jurisdictions are prioritizing stealth and camouflage. AT&T would ask that the city focus on what it would like these facilities to look like and incent those with a prioritization hierarchy.
- The separation requirements between WCF II and III by 500 feet from other WCF's in residential zones would effectively bar the deployment of small cell technology in the future. AT&T asks that this requirement be eliminated.
- We have model language to conform the modifications section of your code to comply with Section 6409.
- In residential zones, WCF II and III must be set back 100 feet from each lot line, which would also eliminate the opportunity for small cell technology. We would like to discuss setback options to this 100 foot requirement.
- The height limits are not calculated consistently. For example, Facility I does not include the height of the antenna in the calculation of height. A facility II must comply with the height limitation specified for all zones, except that omnidirectional antennas may exceed the height

limitation by 12 feet, with the permitted antenna height including the wireless communication support structure. Facility III allows an omnidirectional antenna to exceed the height limit by 15 feet.

- The height of a monopole is restricted to 60 feet if there is a single carrier and 120 feet if there is more than one carrier. AT&T would request a maximum height that adds 15 feet to the average tree height if stealth technology or other methods of camouflage are proposed.
- Under your current code, the applicant has only one year to demonstrate that there are multiple carriers on the pole or must take it down to 60 feet. This requirement will discourage colocation with such a short time line and severe consequences.
- Roof mounts require a 10 foot setback from the roof's edge. An emphasis on visual impact is of greater utility than an arbitrary distance.

When you are ready to jump into this project, we would appreciate the chance to meet with you first to discuss the suggestions above and the path forward. We look forward to working with you.

Kimberly Allen

Busch Law Firm PLLC
93 S. Jackson St. #75604
Seattle WA 98104-2818
425-628-2666 Office
kim.allen@wirelesscounsel.com

Lisa Marshall

From: Kim Allen <kim.allen@wirelesscounsel.com>
Sent: Monday, November 03, 2014 1:17 PM
To: Lisa Marshall
Cc: Doug Schulze
Subject: Re: FCC Report and Order dated October 21, 2014

Importance: High

Hi Lisa—

Thanks for reaching out. Per our call, we clarified that AT&T would like to have a path to siting wireless facilities in all zones on Bainbridge Island, especially for stealth facilities that can integrate visually with your heavily forested terrain. Please let me know if you would like proposed language or would like any other input on the code change issues.

Best regards,

Kim
Kimberly Allen
Busch Law Firm PLLC
93 S. Jackson St. #75604
Seattle WA 98104-2818
425-628-2666 Office
kim.allen@wirelesscounsel.com

From: Lisa Marshall <lmarshall@bainbridgewa.gov>
Date: Monday, November 3, 2014 at 12:55 PM
To: Kim Allen <kim.allen@wirelesscounsel.com>
Cc: Doug Schulze <dschulze@bainbridgewa.gov>
Subject: FCC Report and Order dated October 21, 2014

Hi Kim:

I'm assuming you've seen the following FCC Report and Order concerning the acceleration of broadband deployment: http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db1021/FCC-14-153A1.pdf. I sent the attached email on 9/22 containing questions concerning the City of Bainbridge Island's zoning code and your recommended changes thereto. Given the deadline by which the City must revise its wireless regulations, your attention to the attached email would be appreciated. Please do not hesitate to contact me with questions or for clarification.

Thank you,

Lisa Marshall
City Attorney
City of Bainbridge Island
280 Madison Avenue No.
Bainbridge Island, WA. 98110

Wireless Facility Siting: Section 6409(a) Checklist

Note: Use of this checklist is voluntary. It is meant to provide a framework for those jurisdictions needing assistance in complying with Federal timeframes to act on Eligible Facilities Requests for modifications to existing wireless towers or base stations that do not substantially change the physical dimensions of such towers or base stations. This document is not intended to provide legal guidance; jurisdictions are encouraged to consult an attorney on legal matters.

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a), reads in pertinent part:

“...a State or local government may not deny, and **shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change** the physical dimensions of such tower or base station.” (emphasis added).

Initial Application Review

- A jurisdiction should contemplate three types of wireless facility applications:
 - o Collocation or modification that is not a substantial change (“Eligible Facilities Request”);
 - o Collocation or modification that is a substantial change; OR
 - o New facility
- If the application is for a collocation or modification, the documentation provided by the applicant must state whether the collocation or modification is a substantial change. – See Appendix A for definition of “substantial change.”
 - o Note: The FCC has clarified that “collocation” includes the first placement of transmission equipment on a wireless tower or base station.¹
- Appropriate application fee should be in place, if applicable.
- Check application for completeness
 - o Note: Must notify applicant in writing of incomplete application **within 30 days** of submission. This tolls the clock (i.e. stops 60 day deadline from running) provided it identifies the specific material missing from the application and cites the basis for requiring the submission of such material. Once applicant submits supplemental materials, the clock again may be tolled if the state or local government notifies applicant in writing **within 10 days** that supplemental submission is also incomplete. If the application is deemed incomplete, the written notice must specify the missing information and the code, provision, ordinance, application instruction or other publically-stated procedures that requires the information.

¹ See 2014 Infrastructure Order ¶ 179.

Site/Attachment Information

- Summary of site location (address) and ownership of structure to which collocation or modification applies
 - o Examine: Ownership of support structure, dimensions of support structure prior to collocation (to measure whether collocation or modification would constitute a “substantial change”)
 - o Property boundaries, setbacks, elevation and dimensions of collocation or modification project
- Summary and scope of work to be completed on site
- Changes to current site
 - o Examine: Will collocation or modification defeat the effect of existing concealment elements? Concealment elements include, but are not limited to, artificial tree branches or painting to match a supporting façade.²

Equipment Specifications

- Equipment type
- Equipment specifications (Example: dimensions and weight)
- Installation status: E.g., removing, updating, collocating
- Equipment mount type
- FCC antenna structure registration number (if applicable)
- Will collocation equipment require lighting?

Compliance with Federal, State and Local Ordinances and Codes

- Conformance with local zoning and building and safety codes should be reviewed by the jurisdiction’s building or planning department
 - o Examine: E.g., setback requirements, electrical power safety, wind resistance safety
 - o Ensure that facility was lawfully constructed
- Post-installation maintenance schedule
- Any required certifications
 - o Example: Applicant will comply with all applicable federal, state, and local building codes supported by structural analysis

Legal

- Ensure jurisdiction’s applicable insurance/surety bond/other financial requirements are satisfied for installation

Contact Information

- Primary and secondary contact information for wireless facility project coordinators (local government and industry)

² See 2014 Infrastructure Order ¶ 200.

- Emergency contact information in case of tower/collocation disruption

Timeframe³

- Within 60 days of the application filing, accounting for tolling, a state or local government shall approve the application if covered by Section 6409(a).
- Tolling period may commence by (1) mutual agreement, or (2) upon written notice to applicant that application is incomplete within the first 30 days following an application submission, as long as notice identifies the missing information, as well as the code provision, ordinance, or application instruction that requires the submission of the information.
- Local jurisdictions have 10 days to notify the applicant that the supplemental submission (after notification of incomplete application) did not provide the information identified in the original notice that specified the missing information.
- The failure to approve an application within the time for action will result in a deemed grant of the application.
 - o A state or local authority may challenge an applicant's written assertion of a deemed grant in any court of competent jurisdiction when it believes the underlying application did not meet the criteria in Section 6409(a) for mandatory approval, would not comply with applicable building codes or other non-discretionary structural and safety codes, or for other reasons is not appropriately "deemed granted."

³ The rule implementing the 2014 Infrastructure Order, 47 CFR § 1.40001 ("Wireless Facilities Modifications") becomes effective April 8, 2015; however, §§ 1.40001(c)(3)(i), 1.40001(c)(3)(iii), and 1.140001(c)(4) (reproduced below), which have new information collection requirements, will not be effective until approved by the Office of Management and Budget (OMB). The FCC will publish a document in the Federal Register announcing OMB approval and the relevant effective date.

47 CFR 1.40001(c)(3)(i)—To toll the 60-day review timeframe on grounds that an application is incomplete, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of Section 1.140001.

47 CFR 1.140001(c)(3)(iii)—Following a supplemental submission from the applicant, the State or local government will have 10 days to notify the applicant in writing if the supplemental submission did not provide the information identified in the State or local government's original notice delineating missing information. The timeframe for review is tolled in the case of second or subsequent notices of incompleteness pursuant to the procedures identified in paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

47 CFR 1.140001(c)(4)—If a request is deemed granted because of a failure to timely approve or deny the request, the deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

APPENDIX A

How does the FCC define “substantial change”?

The FCC has determined that a modification substantially changes the physical dimension of a wireless tower or base station if it meets ANY of the following criteria:

- ❖ Towers outside public rights of way⁴
 - Increases height by more than 20 feet or 10 percent, whichever is greater;
 - Protrudes from edge of tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
- ❖ Towers in public rights of way and for all base stations
 - Increases height of tower or base station by more than 10 percent or 10 feet, whichever is greater;
 - Protrudes from the edge of the structure more than 6 feet;
- ❖ Involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
- ❖ Entails any excavation or deployment outside the current site of the tower or base station;
- ❖ Would defeat existing concealment elements of the tower or base station; or
- ❖ Does not comply with conditions associated with the prior approval of the tower or base station unless non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.

⁴ Section 6409(a) applies only to state and local governments acting in their role as land use regulators and does not apply to such entities acting in their proprietary capacities, e.g., as owners of support structures or real property. *See* 2014 Infrastructure Order ¶ 239.

APPENDIX B

Application Elements that May Voluntarily be Adopted by Local Jurisdictions

A jurisdiction should review whether existing application processes meet the requirements of the FCC's 2014 Infrastructure Order. A jurisdiction may consider including the following elements in its application form for an Eligible Facilities Request:

1. Applicant's certification that they have the legal authority to collocate/modify support structure which may include approvals from the jurisdiction authorizing the initial placement of transmission equipment on the tower or other structure.
2. The identity of the owner of the parcel.
3. Detailed site plan. Except where the facility will be located entirely within an existing structure or an existing building, a detailed site plan should show:
 - (a) Existing and proposed improvements. The location and dimensions of the existing facility and the maximum height above ground of the facility (also identified in height above sea level).
 - (b) Elevation. The benchmarks and datum used for elevations.
 - (c) Design. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of applicant's existing and proposed antennas and other equipment. The method(s) by which the antennas will be attached to the mounting structure should be depicted.
 - (d) All existing setbacks.
 - (e) Location of accessways. The location of all existing accessways and the location and design of all proposed accessways.

CITY OF BAINBRIDGE ISLAND
WASHINGTON
ORDINANCE NO. 2015-23

AN ORDINANCE OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, RELATING TO WIRELESS COMMUNICATION FACILITIES; ADDING NEW CHAPTERS 18.10 AND 18.11 TO THE BAINBRIDGE ISLAND MUNICIPAL CODE; ESTABLISHING DEVELOPMENT REGULATIONS FOR CO-LOCATION, REMOVAL AND REPLACEMENT OF WIRELESS TRANSMISSION FACILITIES TO CONFORM TO FEDERAL LAW AND REGULATIONS; ESTABLISHING AN APPLICATION PROCESS; PROVIDING FOR TERMINATION OF NON-CONFORMING STRUCTURES; REPEALING BAINBRIDGE ISLAND MUNICIPAL CODE SUBSECTION 18.09.030(F)(3) RELATING TO WIRELESS COMMUNICATION FACILITIES, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in 1934, Congress enacted the Communications Act of 1934, creating the FCC and granting it authority over common carriers engaged in the provision of interstate or foreign communications services; and

WHEREAS, in 1996 Congress enacted Pub. L. No. 104-104, 110 Stat. 70 (the “1996 Act”), amending the Communications Act of 1934 and implementing regulations applicable to both wireless and wireline communications facilities for the purpose of removal of barriers to entry into the telecommunications market while preserving local government zoning authority except where specifically limited under the 1996 Act; and

WHEREAS, in the 1996 Act, Congress imposed substantive and procedural limitations on the traditional authority of state and local governments to regulate the location, construction, and modification of wireless facilities and incorporated those limitations into the Communications Act of 1934; and

WHEREAS, the City has adopted regulations that have been codified as part of the Bainbridge Island Municipal Code establishing local requirements for the location, construction, and modification of wireless facilities; and

WHEREAS, recent SEPA legislation is intended to shift the focus on wireless communication facilities from antenna size to visual stealth and camouflage; and

WHEREAS, the City has been identified by an AT&T Wireless survey as a city with poor wireless phone coverage; and

WHEREAS, the City desires to expand and improve wireless coverage within and around the City; and

WHEREAS, in 2012 Congress passed the “Middle Class Tax Relief and Job Creation Act of 2012” (the “Spectrum Act”) (Public Law 112-96; codified at 47 U.S.C. § 1455(a)); and

WHEREAS, Section 6409 of the Spectrum Act (hereafter “Section 6409”) implements additional substantive and procedural limitations upon state and local government authority to regulate modification of existing wireless antenna support structures and base stations; and

WHEREAS, Congress through its enactment of Section 6409, has mandated that local governments approve, and cannot deny, an application requesting modification of an existing tower or base station if such modification does not substantially change the physical dimensions of such tower or base station; and

WHEREAS, the 1996 Act empowers the Federal Communications Commission (the “FCC”) to prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of the 1996 Act, and subsequently added portions of the 1996 Act such as Section 6409; and

WHEREAS, the FCC, pursuant to its rule making authority, adopted and released a Notice of Proposed Rulemaking in September of 2013 (*In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 13-122) which focused in part upon whether or not the FCC should adopt rules regarding implementation of Section 6409; and

WHEREAS, on October 21, 2014, the FCC issued its report and order, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, in the above described proceeding (the “Report and Order” or “Order”) clarifying and implementing statutory requirements related to state and local government review of infrastructure siting, including Section 6409, with the intent of facilitating and expediting the deployment of equipment and infrastructure to meet the demand for wireless capacity; and

WHEREAS, the rules adopted by the FCC in its Report and Order implementing Section 6409 are intended by the FCC to spur wireless broadband deployment, in part, by facilitating the sharing of infrastructure that supports wireless communications through incentives to collocate on structures that already support wireless facilities; and

WHEREAS, the Report and Order also adopts measures that update the FCC’s review processes under the National Environmental Policy Act of 1969 (“**NEPA**”) and section 106 of the National Historic Preservation Act of 1966 (“**NHPA**”), with a particular emphasis on accommodating new wireless technologies that use smaller antennas and compact radio equipment to provide mobile voice and broadband service; and

WHEREAS, on January 5, 2015, the FCC released an Erratum to the Report and Order making certain amendments to the provisions of the Report and Order related to NEPA and Section 106 of the NHPA; and

WHEREAS, that part of the Report and Order related to implementation of Section 6409, amends 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE) by adding new Subpart CC § 1.40001 and establishing both substantive and procedural limitations upon local government application and development requirements applicable to proposals for modification to an existing antenna support structure or an existing base station (“**Eligible Facility Request Rules**”); and

WHEREAS, the Order, among other things, defines key terms utilized in Section 6409, establishes application requirements limiting the information that can be required from an applicant, implements a 90-day shot clock for permit processing and related tolling provisions, establishes a “deemed approved” remedy for applications not timely responded to, requires cities to approve a project permit application requesting modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, and establishes development standards that govern such proposed modifications; and

WHEREAS, the Report and Order provides that the Eligible Facility Request Rules will be effective 90 days following publication in the Federal Register; and

WHEREAS, the Order was published in the Federal Register on Thursday, January 8, 2015, Federal Register; Vol. 80; No. 5, resulting in the Eligible Facility Request Rules becoming effective on April 8, 2015; and

WHEREAS, the Order is subject to appeal, however, even if an appeal is filed, the appeal will not automatically result in delay of implementation of the Eligible Facility Request Rules; and

WHEREAS, the City Council finds that it is required under Section 6409 of the Spectrum Act and the Eligible Facility Request Rules established in the Order, to adopt and implement local development and zoning regulations that are consistent with Section 6409 and the Order; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (RCW Chapter 43.21C), pursuant to Washington Administrative Code Chapter 197-11, and a determination of Non-Significance (“**DNS**”) was issued on _____, 2015; and

WHEREAS, in accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent to the State of Washington Department of Commerce and to other state agencies to allow for a 60-day review and comment period, which comment period ended prior to adoption of this ordinance; and

WHEREAS, on July 23, 2015, the Planning Commission held a duly noticed public meeting related to the proposed development and zoning regulations set forth in the proposed ordinance; and

WHEREAS, the City Council considered the proposed development and zoning regulations on _____, 2015; and

WHEREAS, the City Council finds that the proposed development and zoning regulations are reasonable and necessary in order bring the City's development regulations into compliance with the mandate imposed upon the City by Congress pursuant to Section 6409 and the regulations imposed upon the City by the FCC pursuant to its Report and Order, and are therefore in the public interest;

NOW, THEREFORE, the City Council of the City of Bainbridge Island, Washington, do ordain as follows:

Section 1. New BIMC Chapter 18.10, "Use Regulations — Wireless Communication Facilities," Added. Title 18 of the Bainbridge Island Municipal Code is hereby amended to add a new Chapter 18.10, Use Regulations — Wireless Communication Facilities, to read as follows:

Use Regulations — Wireless Communication Facilities.

- 18.10.010 Purpose
- 18.10.020 Definitions
- 18.10.030 Permit required
- 18.10.040 Application requirements
- 18.10.050 Permit conditions
- 18.10.060 Permit enforcement
- 18.10.070 Prioritized locations
- 18.10.080 Development standards
- 18.10.090 Electromagnetic field (EMF) standards compliance
- 18.10.100 Facility removal

18.10.010 Purpose.

This chapter addresses the issues of location and appearance associated with wireless communication facilities ("WCFs"). It provides adequate siting opportunities through a wide range of locations and options which minimize safety hazards and visual impacts sometimes associated with wireless communications technology. The chapter encourages siting of facilities on existing buildings or structures, co-location of several providers' facilities on a single support structure, and visual mitigation measures to maintain neighborhood appearance and reduce visual clutter in the City.

Commented [LM1]: It is appropriate to add a new chapter with a revamped wireless code to accomplish the City's and AT&T's goals for improved wireless services based on stealth and camouflage rather than zone-specific size requirements.

This code section will replace the existing 18.09.030(F)(3), which is repealed by this ordinance.

18.10.020 Definitions.

A. "Antenna(s)" means any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points, including, but not limited to:

1. Omni-directional (or "whip") antenna(s), which transmits and receives radio frequency signals in a 360-degree radial pattern;

2. Directional (or "panel") antenna(s), which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees;

3. Parabolic antenna(s) (or "dish") antenna(s), which is a bowl-shaped device for the reception and/or transmission of communications signals in a specific directional pattern; and

4. Ancillary antenna(s), which is an antenna less than 12 inches in its largest dimension and is not directly used to provide personal wireless communications services, such as a global positioning satellite (GPS) antenna.

B. "Co-location" means placing and arranging multiple providers' antennas and equipment on a single support structure or equipment pad area.

C. "Electromagnetic field" or "EMF" means the field produced by the operation of equipment used in transmitting and receiving radio frequency signals.

D. "Equipment facility" means any structure used to house electronic equipment, cooling systems and back-up power systems associated with a WCF, including shelters, enclosures, cabinets and other similar structures.

E. "Facility I" means a wireless communication facility consisting of an antenna that is either: (1) four feet in height and with an area of not more than 580 square inches in the aggregate; or (2) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

F. "Facility II" means a wireless communication facility . . .

G. "Facility III" means a wireless communication facility . . .

H. "Support structure" means any structure, designed and constructed specifically to support an antenna array, including a monopole, self-supporting (lattice) tower, guy-wire support tower and any other similar structures. Any device (attachment device) used to attach a WCF to an existing structure or building (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

I. "Wireless communication facility" or "WCF" means an unstaffed facility for the transmission and/or reception of radio frequency, microwave or other signals for commercial communications purposes, including and typically consisting of antennas, equipment shelter or cabinet, transmission cables, a support structure required to achieve the necessary elevation, and reception and transmission devices and antennas.

J. "Wireless communication services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

Commented [LM2]: Under the existing BIMC 18.09.030(F), the distinction between Facility II and Facility III is defined by the development standards in relation to height (Facility II - structures/antennas that reach no more than 12 feet above the height limitation; Facility III - structures/antennas that reach no more than 15 feet above the height limitation), but the new code moves away from height distinctions as a primary variable in favor of stealth and camouflage instead.

Please consider new classifications based on facility type. For example, in Sammamish, WCFs are classified as:

- Concealed Attached WCFs
- Monopole Style WCFs
- Flush- or Nonflush-mounted antenna on existing support structure
- New concealed antenna support structure

Tukwila and Covington have similar type-oriented classifications.

Another option would be to track Lake Forest Park's classification and definitions, pasted here, but retain COBI's terminology: using "Facility I" instead of "microcell" and "Facility II" instead of "minor facility," and scratching Facility III altogether:

LAKE FOREST PARK DEFINITIONS:

"Microcell" means a wireless communication facility consisting of an antenna that is either: (1) four feet in height and with an area of not more than 580 square inches; or (2) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

"Minor facility" means a wireless communication facility consisting of up to three antennas, each of which is a microcell with associated equipment facilities six feet or less in height and no more than 48 square feet in floor area.

18.10.030 Permit required.

A. A wireless communication facility (WCF) permit shall be required for the location, installation or construction of any new WCF, and for any modification to an existing WCF that is not governed by Chapter 18.11 BIMC.

B. The Planning and Community Development Department may grant permit approval for:

1. A Facility I, II, or III or a monopole or lattice tower located in a nonresidential zone that does not exceed the maximum height of the zone; or

2. A Facility I, II, or III in a multifamily, business, commercial, or town center zone on an existing building or structure; provided, that the facility is no higher than 15 feet above the existing building or structure or the permitted height for the zone, whichever is higher; or

3. A Facility I, II, or III in a residential zone on a nonresidential building or structure; provided that the facility is no higher than 15 feet above the permitted height in the zone.

C. All other WCFs require conditional use permit review and approval by the City hearing examiner.

D. Additions to the height of public safety communications towers are exempt from the WCF permit requirement, and shall be considered a permitted ("P") use in all zones where WCFs are permitted; provided, that building permits are required for these uses.

18.10.040 Application requirements.

All applications for a WCF must include, at a minimum:

A. A diagram or map showing the primary viewshed of the proposed WCF;

B. A map showing the coverage area of the proposed WCF at the requested height;

C. An explanation of the need for the proposed WCF, including an analysis of alternative sites that supports the selected site over other possible locations, particularly locations in a higher priority zone;

D. An inventory of other WCF sites operated by the applicant that are either in the City or within one mile of its borders, including specific information about location, height and design of each facility;

E. A site/landscaping plan showing the specific placement of the WCF on the site; showing the location of existing structures, trees and other significant site features; and indicating type and locations of plant materials used to screen WCF components;

F. Documentation verifying that the proposed WCF complies with any applicable regulations and specifications in accordance with the Federal Aviation Administration (FAA); and

G. Applications for facilities other than Facility I or Facility II shall also contain:

1. Photosimulations of the proposed WCF from affected properties and public rights-of-way at varying distances; and

2. Documentation of efforts to co-locate on existing facilities.

Commented [LM3]: COBI's existing code requires a building permit for wireless facilities. These proposed revisions instead create a WCF permit for new facilities and an EFM permit for modifications subject to Section 6409.

This section also opens up all zones, with the limitation/protection of subsection (B), requiring conditional use permit approval by the Hearing Examiner for WCFs that do not fall into the categorical allowances. It should be emphasized that there is no FCC requirement that facilities be opened up to all zones, but this was suggested by AT&T to address topographical concerns (lots of forests) unique to Bainbridge Island.

Commented [LM4]: As requested by AT&T, these provisions standardize the height restrictions, leaving the emphasis on stealth & camouflage; see .070 and .080 below.

Commented [LM5]: Preserved from 18.09.030(F)(3)(f) of the existing wireless code.

18.10.050 Permit conditions.

Each permit issued by the City shall be conditioned to:

A. Permit Term/Expiration;

B. Require that construction or installation of the WCF must commence within one year from the date of the permit, with opportunity for a one-year extension; otherwise, the permit shall be revoked without further action of the City and the rights and privileges appurtenant to the permit shall be void;

C. Require the permittee to allow co-location of proposed WCFs on the permittee's site, unless the permittee establishes to the City's satisfaction that co-location will technically impair the existing permitted use(s) to a substantial degree;

D. Require the permittee to maintain the WCF in a state of good repair and to maintain or replace, if necessary, vegetation and landscaping required as a condition of approving the permit;

E. Require the permittee to notify the City of any sale, transfer, assignment of a site or WCF within sixty (60) days of such event; and

F. Require the permittee to comply with the provisions of this title and all other applicable City ordinances and rules and regulations.

Commented [LM6]: The City may wish to attach an expiration date to WCF permits, with or without a renewal clause. If so, this would be the place to do that.

18.10.060 Permit enforcement.

The Planning and Community Development Director, or that officer's designee, shall enforce the provisions of this chapter under the code enforcement provisions of the Bainbridge Island Municipal Code. .

18.10.070 Prioritized locations.

The following sites are prioritized in order of preference for locating proposed WCFs and permits shall be issued so that WCFs will be located on the highest priority site feasible:

A. Co-location.

B. Public buildings and structures located in nonresidential zones.

C. Buildings and structures in business and commercial zoned sites used for research and development, commercial and business uses.

D. Buildings and structures in residential zones not used entirely for residential use; provided, that WCFs will not be sited on vacant residential lots.

Commented [LM7]: This accomplishes AT&T's request to remove the focus on antenna size and instead focus on appearance and camouflage with a prioritization hierarchy.

18.10.080 Development standards.

All WCFs shall be constructed or installed according to the following development standards:

A. WCFs must comply with applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), state, and City regulations and standards;

B. Antennas shall be located, mounted and designed so that visual and aesthetic impacts upon surrounding land uses and structures are minimized, and so that they blend into the existing environment. Panel and parabolic antennas shall be screened from residential views and public rights-of-way;

C. WCFs must be screened or camouflaged employing the best available technology, such as compatible materials, location, color, artificial trees and hollow flagpoles, and other tactics to minimize visibility of the facility from public streets and residential properties;

1. A freestanding WCF shall not be allowed whenever an existing structure can meet technical and network location requirements;

2. Monopoles and lattice towers constructed in accordance with subsection (H) of this section shall be the only freestanding support structures allowed in the City, and are the preferred structures where any support structure is necessary, provided that site location and development shall preserve the pre-existing character of the site as much as possible;

3. A freestanding WCF shall comply with all required setbacks of the zoning district in which it is located;

4. WCF shall be designed and placed or installed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures by:

- a. Using existing site features to screen the WCF from prevalent views; and
- b. Using existing site features as a background in a way that the WCF blends into the background;

5. As a condition of permit approval, the City may require the applicant to supplement existing trees and mature vegetation to screen the facility;

6. A WCF shall be painted either in a nonreflective color or in a color scheme appropriate to the background against which the WCF would be viewed from a majority of points within its viewshed, and in either case the color must be approved by the City as part of permit approval;

D. Equipment facilities shall be placed underground if applicable, or, if above ground, shall:

1. Be screened from any street and adjacent property with fencing, walls, landscaping, structures or topography or a combination thereof; and

2. Not be located within required building setback areas;

E. Security fencing shall:

1. Not exceed six feet in height;

2. Be screened from view through the use of appropriate landscaping materials; and

3. If it is a chain-link fence, be camouflaged with appropriate techniques and painted or coated with a nonreflective color;

F. The City shall consider the cumulative visual effects of WCFs mounted on existing structures and/or located on a given permitted site in determining whether the additional permits can be granted so as to not adversely affect the visual character of the City;

G. A WCF shall not be used for mounting signs, billboards or message displays of any kind;

H. In addition to the other development standards of this section, monopoles and lattice towers shall:

Commented [LM8]: This would eliminate the 100-foot setback from residentially zoned property and SR 305, which was a concern for AT&T. However, the City should still review to ensure this new requirement meets both planning purposes as well as the goals for improving wireless services.

Commented [LM9]: Preserved from BIMC 18.09.030(F)(3)(d) of the existing wireless code.

1. Require site plan and design review pursuant to BIMC 2.16.040 to balance the potential impacts upon adjoining and surrounding land uses;
2. Be constructed on legally conforming lots;
3. Be integrated through location, design, and color to blend in with the existing site characteristics to the greatest extent practical. Existing vegetation around the WCF shall be preserved or improved upon to provide vegetative screening over a minimum of two-thirds of the height of the monopole or lattice tower;
4. Be subject to additional screening requirements by the planning director to mitigate visual impacts to adjoining properties or public rights-of-way as determined by site-specific conditions; and
5. Not utilize equipment operated above 45 dB, as measured from the nearest property line on which the attached WCF is located.

18.10.090 Electromagnetic field (EMF) standards compliance.

A. All WCFs shall be operated in compliance with federal standards for EMF emissions. Within six months after the issuance of its operational permit, the applicant shall submit a project implementation report which provides cumulative EMF power densities of all antennas installed at the subject site. The report shall quantify the EMF emissions and compare the results with established federal standards. Said report shall be subject to review and approval by the City for consistency with the project proposal report and the adopted federal standards. If on review the City finds that the WCF does not meet federal standards, the City may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to comply with the federal standards. If the permit is revoked, then the facility shall be removed.

B. All WCFs shall be operated in a manner that the WCF will not cause localized interference with the reception of area television or radio broadcasts, garage door openers, portable phones and other similar FCC approved devices. If on review of a registered complaint the City finds that the WCF interferes with such reception, the City may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to correct the interference. If the permit is revoked, then the facility shall be removed.

18.10.100 Facility removal.

A. A WCF shall be removed within ninety (90) days of the date the site's use is discontinued, it ceases to be operational, or the permit is revoked; or if the facility falls into disrepair and is not maintained, within ninety (90) days of a notice from the City to effect repairs and maintenance to the satisfaction of the City. The operator of a WCF shall notify the City upon the discontinued use of a particular facility.

B. Should the operator fail to remove the WCF as required herein, and the property owner fails to remove the WCF within ninety (90) days of the date the City notifies the property owner to remove the WCF, then the WCF shall be a nuisance and subject to appropriate legal proceeding.

Section 2. New BIMC Chapter 18. 11, “Eligible Facilities Modifications,” Added.

Title 18 of the Bainbridge Island Municipal Code is hereby amended to add a new Chapter 18.11, Eligible Facilities Modifications, to as follows:

Eligible Facilities Modifications

- 18.11.010 Title
- 18.11.020 Adoption of findings and conclusions.
- 18.11.030 Purpose and intent
- 18.11.040 Definitions
- 18.11.050 Applicability - Relationship to other rules and regulations
- 18.11.060 Permit classification
- 18.11.070 Application submittal requirements
- 18.11.080 Review of application; Approval
- 18.11.090 Substantial change criteria
- 18.11.100 Nonconforming structure; Termination
- 18.11.110 Enforcement

18.11.010 Title.

This chapter shall be known and referred to as the “Eligible Facilities Modification Code” or “EFM Code.”

18.11.020 Adoption of findings and conclusions.

The recitals set forth in the ordinance adopting this code are adopted as findings and conclusions of the City Council.

18.11.030 Purpose and intent.

The purposes and intent of this chapter are to:

A. To implement Section 6409 of the “Middle Class Tax Relief and Job Creation Act of 2012” (the “Spectrum Act”) (Public Law 112-96; codified at 47 U.S.C. § 1455(a)) which requires the City to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station;

B. To implement the FCC rules set forth at 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE) new Subpart CC § 1.40001 (Wireless Facility Modifications), which rules implement Section 6409 of the Spectrum Act (“Section 6409”);

C. To establish procedural requirements and substantive criteria applicable to review and approval or denial of applications for an eligible facilities modification;

D. To ensure that application submittal requirements are related to information reasonably necessary to the determination of whether or not the proposed modification will result in a substantial change in the physical dimensions of the eligible support structure;

E. To exempt those facilities modifications approved under this chapter as eligible facilities requests from zoning and development regulations that are inconsistent with or preempted by Section 6409;

F. To preserve the City's right to continue to enforce and condition approvals under this chapter on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety;

G. To promote timely decisions under this chapter;

H. To ensure that decisions are made consistently and predictably;

I. To incorporate provisions of RCW 43.21C.0384 that exempt eligible facilities modifications from review under RCW 43.21C.030(2)(c), (State Environmental Policy Act);

J. To recognize that Section 6409(a)(1) of the Spectrum Act operates to preempt any provision of the State Environmental Policy Act (RCW Ch. 43.21C) to the extent that any such provision, including RCW 43.21C.030(2)(c), would prohibit a City from approving any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station; and

K. To provide for termination of eligible facilities modifications approved pursuant to this chapter as nonconforming structures in the event that Section 6409(a) of the Spectrum Act is found to be unconstitutional or otherwise determined to be invalid or unenforceable and such modifications would otherwise have been in derogation of development regulations in place at the time of receipt of a completed application.

18.11.040 Definitions..

The following definitions shall apply in the interpretation and enforcement of this chapter, unless the context clearly requires otherwise. Any term or phrase not defined herein, shall have the meaning that is given to that term or phrase in Chapter 18.36 BIMC. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory and the word "may" is always discretionary. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law, regulation or rule referred to herein be renumbered or amended, then the reference shall be read to refer to the renumbered or amended provision.

A. "Approval authority" is the Planning and Community Development Director or other public official, or his or her designee, who has authority under the City code to administratively issue project permit approvals.

B. "Applicant" shall mean and refer to the person, and such person's successor in interest, owning and/or operating the transmission equipment proposed in an eligible facilities modification application to be collocated, removed or replaced.

C. "Authorized person" is the person, employees, agents, consultants, and contractors, authorized in writing by an applicant to complete and submit an

Commented [LM10]: For the most part, the definitions below are taken or derived from the FCC's 10/21/2014 Report and Order ("R&O") or have been prepared to give clear meaning to the procedural requirements.

Commented [LM11]: Note that the current land use code may define the terms below differently than the definitions contained herein. The definitions adopted in this chapter are intended to apply only to this chapter.

eligible facilities modification application on behalf of an applicant and who is authorized to receive any notices on behalf of an applicant of any action taken by the City regarding the application.

D. “Base station” shall mean and refer to the structure or equipment at a fixed location that enables wireless communications, licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time an eligible facilities modification application is filed with the City under this Chapter, supports or houses equipment described in paragraphs (i)–(ii) above, and that has been reviewed and approved under the applicable zoning or siting process, or under another State, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time a completed eligible facilities modification application is filed with the City under this section, does not support or house equipment described in paragraphs (i)–(ii) above.

E. “City” shall mean and refer to the City of Bainbridge Island.

F. “City Code” shall mean and refer to the ordinances of the City.

G. “Co-location” shall mean and refer to the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

H. “Conceal” or “Concealment” shall mean and refer to eligible support structures and transmission facilities designed to look like some feature other than a wireless tower or base station.

I. “Deemed approved” shall mean and refer to an eligible facilities modification application that has been deemed approved upon the City’s failure to act, and has become effective, as provided pursuant the FCC Eligible Facilities Request Rules.

J. “Eligible facilities modification application” or “application” shall, unless the context clearly requires otherwise, mean and refer to a written document submitted to the City pursuant to this chapter for review and approval of a proposed facilities modification.

K. “Eligible facilities modification” shall mean and refer to any proposed facilities modification that has been determined pursuant to the provisions of this

Commented [LM12]: Note that the definition of base station includes any structure such as a building, a light pole, a utility pole or a transmission tower, if that structure at the time of the application supported transmission equipment. Also note that the definition of transmission equipment is very broad and is not limited to personal mobile communications. It includes any equipment use in connection with any FCC authorized wireless transmission, including commercial mobile, private mobile, broadcast and public safety services along with fixed wireless services such as microwave backhaul or fixed broadband. See R&O, § 146.

Commented [LM13]: This is the definition from the FCC Rules, 1.4001(b)(2).

Commented [LM14]: This definition is how the FCC described concealed or stealth facility. See R&O, § 200. Unfortunately, this narrow definition would exclude other concealment requirements such as requiring flush mounted antennas. This was certainly purposeful because otherwise, local governments that currently require all antennas to be flush mounted could prohibit any modifications that would otherwise be allowed under Section 6409. This also means that local governments likely cannot require co-location of antennas and replacement of antennas under this chapter to be flush mounted because of the provisions allowing new antennas to be protrude as much as 6-20 feet from the edge of the structure depending upon the type and location of the structure. See, FCC Rules, 1.4001(b)(7). [rule of statutory construction *expressio unius est exclusio alterius*]

Commented [LM15]: The R&O provides for a deemed approved remedy for failure to timely act. See, R&O, § 216 – 233. The FCC rules set forth a process for giving notice of the deemed granted remedy by the applicant and a process for review of this determination. This process is discussed and described at R&O, §§ 234 – 236. Under this process, the City can file suit in a court of competent jurisdiction to challenge the applicant’s assertion of a deemed granted remedy. The lawsuit must be filed within 30 days of the date of notification by the applicant of a deemed granted remedy. This notice must be in writing. See, FCC rules, Section 1.40001(c)(4). “(4) Failure to Act. In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.”

Note: The R&O and FCC rules do not address whether or not a deemed approved remedy is tolled pending a challenge by the City. In the event of a challenge, the City would likely need to contemporaneously seek a stay of the remedy pending resolution of the legal challenge.

chapter to be subject to this chapter and which does not result in a substantial change in the physical dimensions of an eligible support structure.

L. “Eligible facilities modification permit” or “permit” shall, unless the context clearly requires otherwise, mean and refer to a written document issued by the approval authority pursuant to this chapter approving an eligible facilities modification application.

M. “Eligible support structure” shall mean and refer to any existing tower or base station as defined in this chapter, provided that it is in existence at the time the eligible facilities modification application is filed with the City under this chapter.

N. “Existing” shall, for purpose of this chapter and as applied to a tower or base station, mean and refer to a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the City, or under another State, county or local regulatory review process; provided that, a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

O. “Proposed facilities modification” shall mean and refer to a proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409, and involving:

- (i) Co-location of new transmission equipment;
- (ii) Removal of transmission equipment; or
- (iii) Replacement of transmission equipment.

P. “FCC” shall mean and refer to the Federal Communications Commission or its successor.

Q. “FCC Eligible Facilities Request Rules” shall mean and refer to 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE), Subpart CC § 1.40001 as established pursuant to its Report and Order in, *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.

R. “Section 6409” shall mean and refer to Section 6409 of the Spectrum Act, defined below.

S. “Site” shall, for towers other than towers in the public rights-of-way, mean and refer to the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, shall mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.

T. “Small cell facility” shall mean and refer to a personal wireless services facility that meets both of the following qualifications:

- (i) Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

Commented [LM16]: The FCC explicitly found that Section 6409 allows City to require permits for applications covered under Section 6409. The FCC recognized that local governments must have an opportunity to review applications to determine whether they are covered by Section 6409. See R&O, § 211.

Commented [LM17]: This definition is from the R&O. It should be noted that the FCC’s intent was to ensure that with a structure not built primarily for the purpose of housing transmission equipment, the City retains the right to determine if the structure should house transmission equipment. See R&O, § 168.

Commented [LM18]: Note that Section 6409 only applies to one of these three modifications.

Commented [LM19]: This is the definition from the FCC Rules, 1.4001(b)(6). This definition is important in determining whether or not the proposed facilities modification meets the substantial change criteria. Excavation and protrusions that extend beyond the site boundaries may not meet the substantial change criteria.

Commented [LM20]: Taken from SEPA statute. RCW 43.21C.0384.

(ii) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

U. “Small cell network” shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services.

V. “Spectrum Act” shall mean and refer to the “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).

W. “Substantial change criteria” shall mean and refer to the criteria set forth in this Chapter at BIMC 18.11.090.

X. “Transmission Equipment” shall mean and refer to equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Y. “Tower” shall mean and refer to any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

18.11.050 Applicability - Relationship to other rules and regulations.

A. Sole and Exclusive Procedure. Except as may be otherwise provided in this chapter, and notwithstanding any other provisions in the City code, the provisions of this chapter shall be the sole and exclusive procedure for review and approval of a proposed facilities modification which the applicant asserts is subject to review under Section 6409. To the extent that other provisions of the City code establish a parallel process for review and approval of a project permit application for a proposed facilities modification, the provisions of this chapter shall control. In the event that any part of an application for project permit approval includes a proposed facilities modification, the proposed facilities modification portion of the application shall be reviewed under the provisions of this chapter. In the event that an application for project permit approval includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409, such proposal shall not be subject to review under this chapter and may be subject to review under other applicable provisions of the City code.

B. Non-Conforming Structures. This chapter shall not apply to a proposed facility modification to an eligible support structure that is not a legal conforming or legal non-conforming structure at the time a completed eligible facilities

Commented [LM21]: Taken from SEPA statute. RCW 43.21C.0384.

Commented [LM22]: This is the definition from the FCC Rules, 1.4001(b)(8).

Commented [LM23]: This is the definition from the FCC Rules, 1.4001(b)(9).

Commented [LM24]: The intent of this section is to provide guidance regarding how this chapter relates to other chapters of the City Code, and to incorporate some of the provisions of the R&O that describe proposed modifications that are not subject to Section 6409. We have included specific provisions here at (C) and (D) to recognize provisions in the R&O that are not clearly spelled out in the FCC rules.

Commented [LM25]: The intent of this provision is to provide that this chapter shall be the sole and exclusive process for review of an eligible facilities request and that no other development regulations shall apply. It may be that other provisions of the City code will need to be amended to make reference to this chapter to ensure there is no ambiguity in the event of a conflict.

Commented [LM26]: See R&O, Section 201 This chapter does not apply to proposed modifications to structures that are not a legal conforming or a legal nonconforming structure.

modification application is filed with the City. To the extent that the non-conforming structures and use provisions of the City code would operate to prohibit or condition approval of a proposed facilities modification application otherwise allowed under this chapter, such provisions are superseded by the provisions of this chapter and shall not apply.

C. Replacement of Eligible Support Structure. This chapter shall not apply to a proposed facility modification to an eligible support structure that will involve replacement of a tower or base station.

D. First Deployment; Base Station. This chapter shall not apply to a proposed facility modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed within or upon, or attached to, the structure.

E. Interpretation. Interpretations of this chapter shall be guided by Section 6409; the FCC Eligible Facilities Request Rules, the FCC's Report and Order in, *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153; and BLMC §§ 18.11.020 and 18.11.030.

F. SEPA Review. Unless otherwise provided by law or regulation, decisions pertaining to an eligible facilities modification application are not subject to, and are exempt from, the requirements of RCW 43.21C.030(2)(c), if:

1. The proposed facilities modification would not increase the height of the eligible support structure by more than ten percent, or twenty feet, whichever is greater; or

2. The mounting of equipment that would involve adding an appurtenance to the body of the eligible support structure would not protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater;* or

3. The authority to condition or deny an application pursuant to Chapter 43.21 RCW is preempted, or otherwise supplanted, by Section 6409 of the Spectrum Act.

*Note: See, RCW 43.21C.0384 and WAC 197-11-800(25)

G. Reservation of Authority. Nothing herein is intended or shall operate to waive or limit the City's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

18.11.060 Permit classification.

An eligible facilities modification permit shall be classified as an administrative permit subject to review and approval or denial by the approval authority.

18.11.070 Application submittal requirements; Determination of completeness.

A. Purpose. This section sets forth the submittal requirements for an eligible facilities modification application ("EFM application"). The purpose of the submittal requirements is to ensure that the City has all information and documentation that is reasonable necessary to determine if the applicant's proposed facilities modification will substantially change the physical dimensions

Commented [LM27]: This provision addresses the FCC interpretation that replacement of the tower or base station constitutes a substantial change. See R&O, § 180.

Commented [LM28]: This section recognizes and implements the definition of base station which requires that a structure can constitute a base station only if it already supports or houses base station equipment. See R&O, § 179. In other words, a structure cannot constitute a base station for purpose of this Chapter, unless that structure already supports transmission equipment. Note that towers are not included because by definition, a tower is constructed for the purpose of supporting transmission equipment and thus was pre-approved for that purpose.

Commented [LM29]: The R&O recognizes that the FCC would not allow transmission equipment that has been unlawfully installed to transform a structure into a base station. Accordingly, requiring a showing that transmission equipment was lawfully installed is a reasonable requirement consistent with the FCC rules. See R&O, § 179.

Commented [LM30]: Although it is not required to incorporate the SEPA exemptions in the code, this section is added here to highlight these exemptions that were recently enacted (2013) by the state legislature.

Commented [LM31]: This provision is added in to recognize the possibility that Section 6409 likely preempts SEPA. Section 6409 appears to preclude environmental review under SEPA if the proposal qualifies as a eligible facilities modification.

Commented [LM32]: See, R&O §§ 21 and 188, "... for applications covered by Section 6409(a), States and localities may continue to enforce and condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety. ..."

Commented [LM33]: The intent of Section 6409 and the FCC rules is to limit review and approval to objective criteria and essentially ministerial review, i.e., checking the boxes to determine if the substantial change criteria have been met. See, R&O, § 227, "The provision [6409(a)] states without equivocation that the reviewing authority 'may not deny, and shall approve' any qualifying application. This directive leaves no room for a lengthy and discretionary approach to reviewing an application that meets the statutory criteria; once the application meets these criteria, the law forbids the State or local government from denying it."

Commented [LM34]: It should be noted that although the FCC imposed this standard in the R&O, it also recognized that, under this standard, State or local governments have considerable flexibility in determining precisely what information or documentation to require. See R&O, § 214.

of an eligible support structure. The submittal requirements are not intended to require the applicant to establish the need for the proposed modifications or to justify the business decision to propose such modifications.

B. Submittal Requirements. No EFM application shall be deemed complete unless it is in writing; accompanied by the applicable application and review fee; includes the required submittals; and attested to by the authorized person certifying the truth and accuracy of the information provided in the application. The application shall include the following submittals, unless waived by the approval authority:

1. The following contact information for the authorized person:
 - a. Name;
 - b. Title;
 - c. Mailing address;
 - d. Phone number; and
 - f. E-mail address (optional);
2. The following contact information for the applicant:
 - a. Legal and dba names, and if applicable, all states of incorporation;
 - b. Mailing address;
 - c. Contact phone number(s);
 - d. Washington State tax identification number;
 - e. The name and address of applicant's registered agent; and
 - f. The names and home addresses of all principals or managing members if applicant is a non-corporate entity, such as a partnership or limited liability company;
3. An assertion that the proposed facilities modification is subject to review under Section 6409 of the Spectrum Act;
4. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE), Section 1.1307, as amended, or, in the event that an FCC environmental assessment is not required, a statement that described the specific factors that obviate the requirement for an environmental assessment;
5. *If the applicant is not the owner or person in control of the eligible support structure and/or site* — an attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facilities modification. If the eligible support structure is located in a public right of way, the applicant must also attest that applicant has authorization to install, maintain and operate transmission equipment in, under and above the public right of way;
6. *If the applicant proposes a modification involving co-location of transmission equipment or the replacement of transmission equipment* — Complete copies of the underlying land use approvals for siting of the tower or base station proposed to be modified, establishing that, at the time of submittal of the application, such tower or base station constituted an eligible support structure;
7. *If the applicant proposes a modification that will result in an increase in height of the eligible support structure* — Record drawings, as-built plans, or

Commented [LM35]: The intent of the draft submittal requirements is to require information only when it is pertinent to determining if the proposal meets the substantial change criteria.

Note: the City may want to consider less burdensome application requirements for a replacement of equipment with like-sized or smaller equipment. Additionally, it should be noted that when the application proposes removal of existing transmission equipment, the application requirements and review criteria are very limited because such work would never trigger any of the substantial change criteria. However, the City would still have an interest in ensuring that the removal of transmission equipment does not affect public safety.

Commented [LM36]: The adopted rules at subsection (c)(1) provide that the local government obligations are triggered when the applicant asserts in writing that a request for modification is covered by these rules. Accordingly, the written assertion is made a submittal requirement.

Commented [LM37]: This requirement is often overlooked in applications to install or modify wireless facilities, especially for applications in the public right of way.

Commented [LM38]: This requirement is intended to require documentation establishing that the tower or base station was in existence at the time of the application (i.e. not to be constructed or replaced) and that it was a legal conforming use.) See R&O, ¶ 201. This requirement would not apply if the proposal involves only the removal of existing transmission equipment.

the equivalent, showing the height of the eligible support structure (a) as originally constructed and granted approval by the City or other applicable local zoning or similar regulatory authority; or (b) as of the most recent modification received by the City, or other local zoning or regulatory approval, prior to the passage of the Spectrum Act, whichever height is greater;

8. *If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to pre-existing restrictions or requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the City code, or an ordinance or a municipal code of another local government authority — A copy of the document (e.g., CUP or SUP) setting forth such pre-existing restrictions or requirements together with a certification that the proposed facilities modification conforms to such restrictions or requirements; provided that, such certification shall have no application to the extent the proposed facilities modification relates solely to an increase in height, increase in width, addition of cabinets, or new excavation, that does not result in a substantial change in the physical dimensions of the eligible support structure;*

9. *If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to pre-existing concealment restrictions or requirements, or was constructed with concealment elements — Applicant shall set forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing concealment elements of the eligible support structure. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, applicant shall include a detailed visual simulation depicting how the eligible support structure will appear after the proposed modification is complete. The visual simulation shall depict to scale the eligible support structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure;*

10. *If the applicant proposes a modification that will protrude from the edge of a non-tower eligible support structure — Record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification;*

11. *If the applicant proposes a modification to an eligible support structure that will (a) include any excavation; (b) would result in a protrusion from the edge of a tower that exceeds an existing protrusion of any transmission equipment attached to a tower; or (c) would protrude from the edge of a non-tower eligible support structure — A description of the boundaries of the site together with a scale drawing based on an accurate traverse, with angular and lineal dimensions, depicting the boundaries of the site in relation to the tower or base station proposed to be modified and depicting the proposed location, elevation and dimensions of the new or replacement transmission equipment. The City may require a survey by a land surveyor licensed in the state of Washington when, in the judgment of the approval authority, a survey is reasonably necessary to verify the boundaries of the site to determine if the proposed facilities*

Commented [LM39]: This provision address the evidence required to ensure the proposed modification does not violate the limitations in the Rules upon cumulative changes. See R&O, §§ 196 & 197. For each application, changes in height are measured from the height of the structure as originally approved, or as it may have been modified prior to passage of the Spectrum act in 2012. To ensure that the City can evaluate whether or not the proposal conforms to the cumulative height limitation requirement, the City will need to know the existing approved height of the structure

Commented [LM40]: This paragraph is added to address conditions that are imposed under a conditional or special use permit or other approval imposing restrictions or conditions. Such conditions will continue to apply with the exception of certain modifications delineated by the FCC. See R&O, § 200. This would also include stealth or concealment requirements

Commented [LM41]: This submittal is required when the existing tower or base station is concealed. The R&O provides that a modification would constitute a substantial change if it would defeat the existing concealment elements. See R&O, § 200. Accordingly, the City should require a submittal showing the modification to a concealed facility if the exterior dimensions or appearance would be altered. Further, because the R&O does not establish an objective standard, this ordinance will include a process for determining if the proposal would “defeat” the concealment elements.

Commented [LM42]: This provision addresses the evidence required when the proposed modification would extend beyond the edge of the non-tower structure which protrusion is limited to 6 feet. See R&O, § 194. To ensure that the City can evaluate whether or not the proposal conforms to this requirement, it will need to know where the edge of the building is in relation to the proposed structure.

Commented [LM43]: This limitation is included because if the modification involves replacement of existing transmission equipment that would not increase the protrusion from the structure, it is probable that an applicant could contest this requirement as not being reasonably related to a determination regarding whether or not the proposal meets the substantial change criteria.

modification would result in a substantial change in the physical dimensions of the eligible support structure;

12. *If the applicant proposes a modification to the eligible support structure that includes hardening through structural enhancement* — A technical report by a qualified engineer accredited by the state of Washington, demonstrating that the structural enhancement is performed in connection with and is necessary to support the proposed co-location, removal, or replacement of transmission equipment and conforms to applicable code requirements. The City may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of necessity.

13. *If the applicant proposes a modification to a tower* — A stamped report by a Washington State-registered professional engineer demonstrating that the tower with the proposed modifications will comply with applicable structural, electrical and safety codes, including by way of example, and not limitation, EIA/TIA-222-Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the tower is located, and describing the general structural capacity of the tower with the proposed modifications, including:

- a. The number and type of antennas that can be accommodated;
- b. The basis for the calculation of capacity; and
- c. A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards.

The City may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of compliance;

14. *If the applicant proposes a modification to a base station* — A stamped report by a Washington State-registered professional engineer demonstrating that the base station, with the proposed modifications, will comply with applicable structural, electrical and safety codes;

15. *If the applicant proposes a modification requiring, alteration to the eligible support structure, excavation, installation of new equipment cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site* — A detailed site plan and drawings, showing the true north point, a graphic scale and, drawn to an appropriate decimal scale, indicating and depicting:

- a. The location, elevation and dimensions of the existing eligible support structure;
- b. The location, elevation and dimensions of the existing transmission equipment;
- c. The location, elevation and dimensions of the transmission equipment, if any, proposed to be collocated or that will replace existing transmission equipment;
- d. The location, elevation and dimensions of any proposed new equipment cabinets and the intended use of each;

Commented [LM44]: This provision is intended to address hardening of support structures. The R&O provides that unless the hardening is necessary to support the proposed modification, it would constitute a Substantial Change. See R&O, ¶ 180. Accordingly, the city must require this information and then must determine if the standard has been met. This requires a process in the code to address this determination.

Commented [LM45]: This section is added to ensure that the applicant establishes the proposed modification complies with wind standards adopted by the FCC. The R&O provides that local governments may continue to require compliance with—and condition approval on compliance with—generally applicable building, structural, electrical and safety codes and with other laws codifying objective standards reasonably related to health and safety. See R&O, ¶ 188.

Commented [LM46]: The City resolution adopting application fees will need to, include cost recovery for consultants retained to evaluate the application.

Commented [LM47]: See comment to paragraph 14 above. Note that there are provisions for waiver of the submittal requirements in subsection (C) below, in the event such information is determined not to be necessary.

- e. Any proposed modification to the eligible support structure;
- f. The location of existing structures on the site, including fencing, screening, trees, and other significant site features; and
- g. The location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

C. Waiver of Submittal Requirement. The approval authority may waive any submittal requirement upon determination that the required submittal, or part thereof, is not reasonably related to the substantial change criteria. A waiver, to be effective, must be in writing and signed by the approval authority.

D. When Received. An EFM application, and any supplemental submittals, shall be deemed received by the City upon the date such application or supplemental submittal is filed with the Planning and Community Development Department. An application, and any supplemental submittals, must be filed in person during regular business hours of the City and must be accompanied by the applicable permit review fee(s). Any application received by the City without contemporaneous payment, or deposit, of the applicable permit review fees will be rejected.

E. Completed Application; Determination; Tolling.

1. Determination of Completeness. The approval authority shall, within thirty (30) days of receipt of the application, review the application for completeness. An EFM application is complete if it includes the applicable permit review fee(s) and contains all of the applicable submittal requirements set forth at BIMC 18.11.070(B) of this chapter, unless waived by the approval authority pursuant to BIMC 18.11.070(C). The determination of completeness shall not preclude the approval authority from requesting additional information or studies either at the time of the determination of completeness or subsequently if new or additional information is required, or substantial changes in the proposed action occur, or the proposed facilities modification is modified by applicant, as determined by the approval authority.

2. Incomplete Application. The approval authority shall notify the applicant within thirty (30) days of receipt of the application that the application is incomplete. Such notice shall clearly and specifically delineate all missing documents or information.

3. Tolling Timeframe for Review. The application review period begins to run when the application is received, and may be tolled when the approval authority determines that the application is incomplete and provides notice as set forth below. The application review period may also be tolled by mutual agreement of the approval authority and applicant. The timeframe for review is not tolled by a moratorium on the review of eligible facility modification applications.

a. To toll the timeframe for review for incompleteness, the approval authority must provide written notice to the applicant within thirty (30) days of the date of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to

Commented [LM48]: These rules are taken from the R&O and thus, there is little room for modification. If the City does not take action within 60 days, the door is opened for the application to be deemed approved. Accordingly, it is prudent that the City take particular care to make sure the rules are carefully drafted to avoid pitfalls and loopholes that may put the City in a position of having to accept a deemed-approved remedy.

Commented [LM49]: See R&O, § 217 and FCC rules, 1.40001 (c)(3).

submittals set forth in BIMC 18.11.070(B) and any supplemental information requested by the approval authority that is reasonably related to determining whether the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

b. The timeframe for review begins running again when the City is in receipt of applicant's supplemental submission in response to the approval authority's notice of incompleteness.

c. Following a supplemental submission, the approval authority shall have ten (10) days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (3)(c). Except as may be otherwise agreed to by the applicant and the approval authority, second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

d. A notice of incompleteness from the City will be deemed received by the applicant upon the earlier of personal service upon the authorized person, delivery by electronic mail to the authorized person (if such delivery is authorized for receipt of notice by the authorized person), or three (3) days from deposit of the notice in the United States Mail, postage prepaid, in an envelope properly addressed to the authorized person using the address set forth in the application.

4. Modification of Application. In the event that after submittal of the application, or as a result of any subsequent submittals, applicant modifies the proposed facilities modification described in the initial application, the application as modified will be considered a new application subject to commencement of a new application review period; provided that, applicant and the approval authority may, in the alternative, enter into a mutually agreeable tolling agreement allowing the City to request additional submittals and additional time that may be reasonably necessary for review of the modified application.

18.11.080 Review of application; Approval.

A. Review of Application. The approval authority shall review an EFM application to determine if the proposed facilities modification is subject to this chapter, and if so, if the proposed facilities modification will result in a substantial change to the physical dimensions of an eligible support structure.

B. Timeframe for Review. Within sixty (60) days of the date on which the City receives an EFM application, less any time period that may be excluded under the tolling provisions of this chapter or a tolling agreement between the applicant and the approval authority, the approval authority shall approve the application and contemporaneously issue an eligible facilities modification permit ("EFM permit") unless the approval authority determines that the application is not subject to this chapter, or the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

C. Approval; Denial. An EFM application shall be approved, and an EFM permit issued, upon determination by the approval authority that the proposed facilities modification is subject to this chapter and that it does not substantially

Commented [LM50]: Note that this is the poison pill that the FCC included in the rules. If the City overlooks a required submittal in the initial notice of incompleteness, it cannot later ask for it. The "except as" language is added so that the parties can allow requests for additional submittals by agreement, such as a tolling agreement.

Commented [LM51]: The R&O does not address in its rule making what constitutes receipt of filing or notice. Accordingly, we have included a definition in subsection (D) above and have addressed the time frame for calculating the tolling period in this subsection (E).

Commented [LM52]: Language is included here to address what happens to the 60 day review period if the application proposal is amended. Given the short time period for review, it seems prudent to want to address this issue. Further, the City is limited in what information it can ask for after an initial notice of incompleteness. Accordingly, the City needs to be able to ask for more information if it is warranted. Please note that the R&O does not address the issue of how the 60 day review period applies if the application is modified. This leaves it up to the City to decide what process is appropriate.

change the physical dimensions of an eligible support structure. An EFM application shall be denied upon determination by the approval authority that the proposed facilities modification is not subject to this chapter or will substantially change the physical dimensions of an eligible support structure. A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the substantial change criteria as defined in BIMC 18.11.090.

D. Deemed Approved Application. Pursuant to the FCC Eligible Facilities Request Rules, an EFM application may be deemed approved upon the City's failure to act. An application that has been deemed approved shall be and constitute the equivalent of an eligible facilities modification permit, except as may be otherwise determined by a court of competent jurisdiction, and shall be subject to generally applicable enforcement and compliance requirements in the same manner as an EFM permit issued pursuant to this chapter.

E. Denial of Application. A written denial of an EFM application setting forth the reasons for the denial shall be provided to the applicant.

F. Code Requirements. Any EFM permit issued pursuant to this chapter, and any application that has been deemed approved, shall be and is conditioned upon compliance with any generally applicable building, structural, electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety. Violation of any such applicable code or standard shall be deemed to be a violation of the eligible facilities modification, permit, or deemed approved application.

G. Term of Eligible Facilities Modification Permit. An EFM permit issued pursuant to this chapter, and any deemed approved application, shall be valid for a term of 180 days from the date of issuance, or the date the application is deemed approved.

H. Remedies. Notwithstanding any other provisions in the City code, no administrative review is provided for review of a decision to condition, deny or approve an application. Applicant and the City retain any and all remedies that are available at law or in equity, including, by way of example and not limitation, those remedies set forth in the FCC Eligible Facilities Request Rules and remedies available under the Land Use Petition Act. In the event no other time period is provided at law for bringing an action for a remedy, any action challenging a denial of an application or notice of a deemed approved remedy, shall be brought within thirty (30) days following the date of denial or following the date of notification of the deemed approved remedy.*

*Note: The FCC Report and Order in, *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, Par's 234 – 236, provides that the City shall have 30 days from the date of notification by the applicant of a deemed granted remedy to bring a legal action in a court of competent jurisdiction to challenge the deemed granted remedy, and that the applicant shall have 30 days from the date of denial to bring a legal action in a court of competent challenging a denial of the application.

18.11.090 Substantial change criteria.

Commented [LM53]: The intent here is to provide authority for enforcement of a deemed approved application. Additionally, in the event that a deemed approved remedy is subject to challenge by the City, this language takes into account the possibility of a court issuing a stay upon enforcement of the deemed approved remedy, or issuing an order that the application should not have been deemed approved.

Commented [LM54]: See, R&O §§ 21 and 188, "... for applications covered by Section 6409(a), States and localities may continue to enforce and condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety. ..."

Commented [LM55]: The 180 days is a suggested time period. The R&O and FCC rules do not specify a time frame for which a deemed approved application or permit is valid to install the modification. In the absence of such a rule or other applicable restriction, it seems prudent to impose a time period to ensure such applications are not open-ended, especially one that is deemed approved. Of course, this provision is potentially subject to challenge.

Commented [LM56]: The criteria are taken directly from the FCC rules.

A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the following criteria:

A. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;

B. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;*

C. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

D. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure; and:

1. It entails any excavation or deployment outside the current site;

2. It would defeat the concealment elements of the eligible support structure; or

3. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in this section BIMC 18.11.090.

*Note: The FCC rules refer to the date of passage of the Spectrum Act. The Spectrum Act was enacted on February 22, 2012. Presumably the FCC intended to refer to the date of enactment as the date of passage.

18.11.100. Non-conforming structure; Termination.

A. Application. The provisions of this section BIMC 18.11.100 shall apply to any facilities modification constructed, installed, placed or erected pursuant to an eligible facilities modification permit, or pursuant to a deemed approved remedy, which facilities modification did not conform to zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible facilities modification application was filed.

Commented [LM57]: This provision is intended to protect the city in the event that Section 6409(a) is later invalidated. It provides a mechanism for terminating such modifications in such event. It is likely that carriers will object to this provision because the FCC rules do not allow the City to terminate such modifications as non-conforming uses. However, the intent here is to provide the City with the option of providing notice of non-conformance and termination only if Section 6409(a) is found unconstitutional. Presumably, no person can have standing to challenge this provision because no controversy would be ripe until the City exercises its rights under this provision.

The City may choose to leave this provision out. In such event, the City could still amend its code later, in the event of invalidation of Section 6409(a) making the modification a non-conforming structure and providing for termination. The advantage of including this language now is that the court have looked more favorably upon termination provisions in which the applicant made the improvement with notice that termination was possible. See *Paradise, Inc. v. Pierce County*, 124 Wn. App. 759 (2004).

Note that if this section is removed, section 030(k) which makes reference to this section will also need to be removed.

B. Non-Conforming Structure Determination. A facilities modification to which this section applies is subject to termination as a non-conforming structure upon the following conditions:

1. Final, Non-Appealable Decision. An appellate court, in a final and non-appealable decision, determines that Section 6409(a)(1) of the Spectrum Act is unconstitutional or otherwise determined to be invalid or unenforceable; and

2. Notice of Non-Conforming Structure Determination. The City provides written notice to the applicant that the City has determined that the facilities modification did not conform to zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible facilities modification application was filed and that the facilities modification constitutes a non-conforming structure pursuant to the provisions hereof and must be made conforming or the facilities modification terminated.

C. Conformance; Termination. Upon receipt of notice of the City's non-conforming structure determination, applicant shall abate the non-conformance by either conforming the site to the zoning and development regulations in effect at the time the completed eligible facilities modification application was filed, or removing the facilities modification and returning the site to the condition that existed prior to the construction, installation, placement or erection of the facilities modification. The time period for conformance shall be one (1) year from the date of the City's notice of the non-conforming structure determination.

D. Health and Safety Codes. Nothing in this section shall relieve the applicant from compliance with applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

E. Administrative Appeal. The applicant, or its successors or assigns, may appeal the City's determination of non-conformance to the City Hearing Examiner by filing a notice of appeal within fourteen (14) calendar days of the date of the determination of non-conformance, excluding holidays.

18.11.110 Enforcement; Violation.

Compliance with the provisions of this chapter is mandatory. Any violation hereof is subject to enforcement under the code enforcement provisions set forth in City Code.

Section 3. Repealer. Bainbridge Island Municipal Code Subsection 18.09.030(F)(3), entitled "Wireless Communications Facility," is hereby repealed in its entirety.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE ____ DAY OF _____, 2015.

CITY OF BAINBRIDGE ISLAND

Anne Blair, Mayor

ATTEST/AUTHENTICATED:

Rosalind Lassoff, City Clerk

Filed with the City Clerk: _____

Passed by the City Council: _____

Ordinance No.: _____

Date of Publication: _____

Effective Date: _____



City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Planning Commission

FROM: Jennifer Sutton, AICP
Special Project Planner

Kathy Cook
Director

DATE: July 23, 2015

RE: Study Session on Comprehensive Plan Update: Land Use Element

At the July 9th Study Session, the Planning Commission requested that the drafting committee work on draft policies regarding the Islandwide Conservation Strategy, High School Road District, and Food/Agriculture. The Commission also requested additional information regarding the Thomas and Cainion Comprehensive Plan Amendment requests. Possible Planning Commission action is outlined for each topic below.

I. Confirm Drafting Committee's Work

The drafting committee (Commissioners Gale and Quitslund) worked with staff and consultant Joe Tovar on policy language at their meeting on July 14th. The committee focused on policies regarding:

- Islandwide Conservation Strategy (see Attachment A, memo from Mr. Tovar; LU Element Goals LU 1-5, pp 7-12)
- High School Road District (LU Element Goal LU 20, pp 25-27)
- Food/Agriculture (see Attachment B, memo from Mr. Tovar)

Their recommendations shown in strikethrough/underline formatting in the draft *Land Use Element*. The drafting committee discussed both the food and agriculture policies proposed by Ms. Goodwin, Alcala, and Maron and the Puget Sound Regional Council (PSRC). As explained in Mr. Tovar's memo, some food/agriculture policies are better suited to the *Economic, Environmental, or Human Service* Elements.

Planning Commission Action: Confirm amendments to the *Land Use Element* proposed by the drafting committee. The changes are shown in strikethrough/underline formatting. Due to time considerations, staff is recommending that the Planning Commission not walk through each change at the July 23rd meeting. Instead, please be prepared to identify any changes that raise questions or concerns. Please

also review the food/agriculture policies outlined in Mr. Tovar's attached memo, and confirm which policies, if any, should be added to the *Land Use Element*.

II. Comprehensive Plan Amendment (CPA) Applications

The Commission reviewed the six amendment applications, hearing comments from applicants, at their July 9th meeting. The Commission recommended approval of the BI Metro Park and Recreation District request to create a new "Park" Zone for parks (see Attachment D). The Commission also determined that Mr. Schmid's amendment will be addressed through the creation of a "Park" Zone. The Commission recommended that Mr. Anderson's Island Center application should be considered through a future Special Planning Area process (SPA). Discussion of Mr. Moore's request to change the designation of the "triangle" property from R-0.4 to Business/Industrial (B/I) will be part of the Commission's review of the *Economic Element*, along with the B/I policy discussion.

The Commission requested additional information from Staff regarding the Thomas and Cainion applications.

A. Thomas Lynwood Center Amendment Request

Question. Have there been other Lynwood NSC Area CPA/Rezone requests since the 2004 Comprehensive Plan was adopted?

Answer. Yes. In 2005, both Blue Moon Land Co. and Mr. Masland requested that their R-2 designated properties be changed to R-5. The Blue Moon Land Co. property (2.46 acres) is split-zoned, with NSC designation on the southern half. Mr. Masland owned 2 properties zoned R-2 totaling 1.2 acres and one property designated NSC (0.83 acres). Neither amendment was approved, and the Planning Commission and City Council recommended that they be considered through the 2025 Population Allocation Study. The study didn't specifically address the 2005 Blue Moon and Masland CPA applications. That report's *Preferred Alternative* was to focus residential growth in Winslow, NSC, and future Center areas. In 2013, the City submitted a CPA to correct a mapping error to show correct NSC designation as shown in the Lynwood Subarea Plan. This CPA was approved affected only a portion of the Blue Moon and Masland properties.

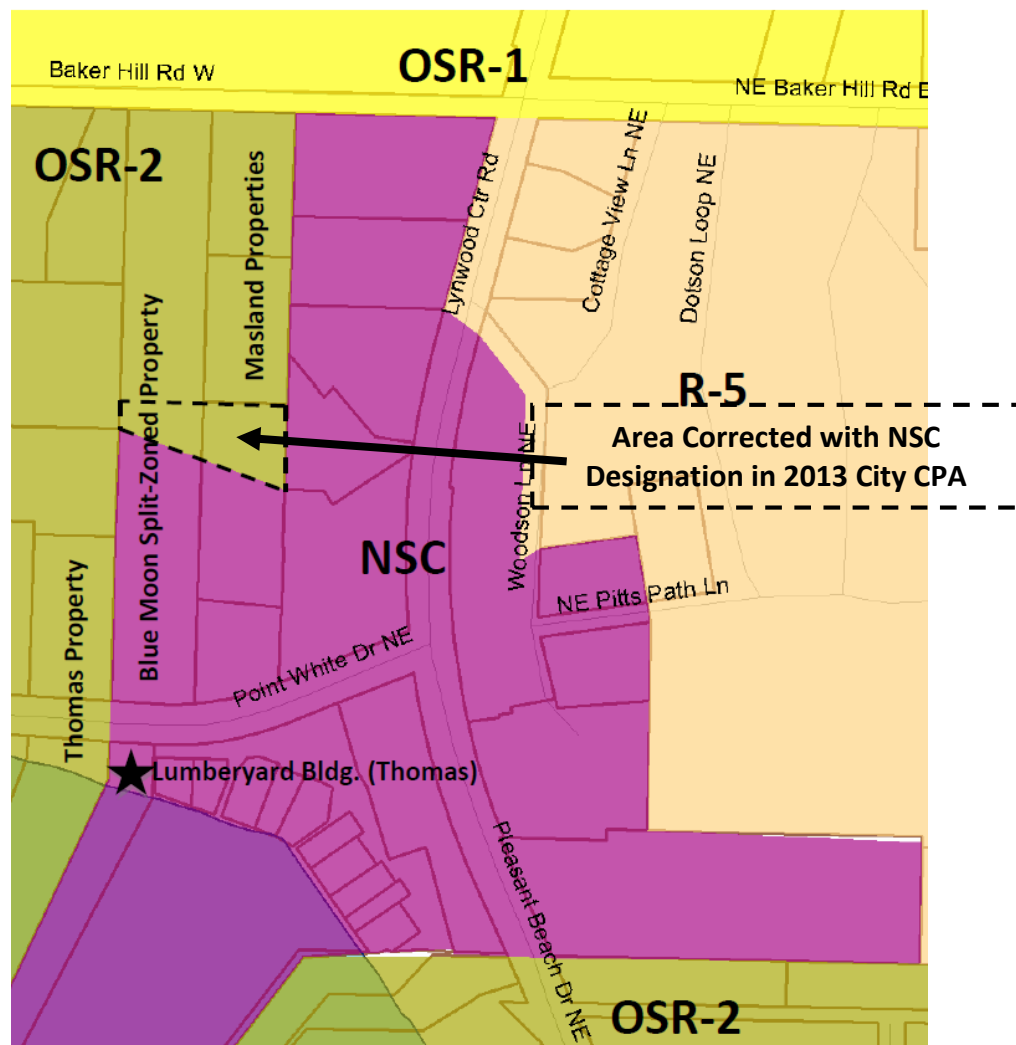
The two maps below show Lynwood Center NSC area amendment requests, and existing development patterns in the area.

Question: What does the 1996 Lynwood Center Subarea Plan say about the Thomas Property?

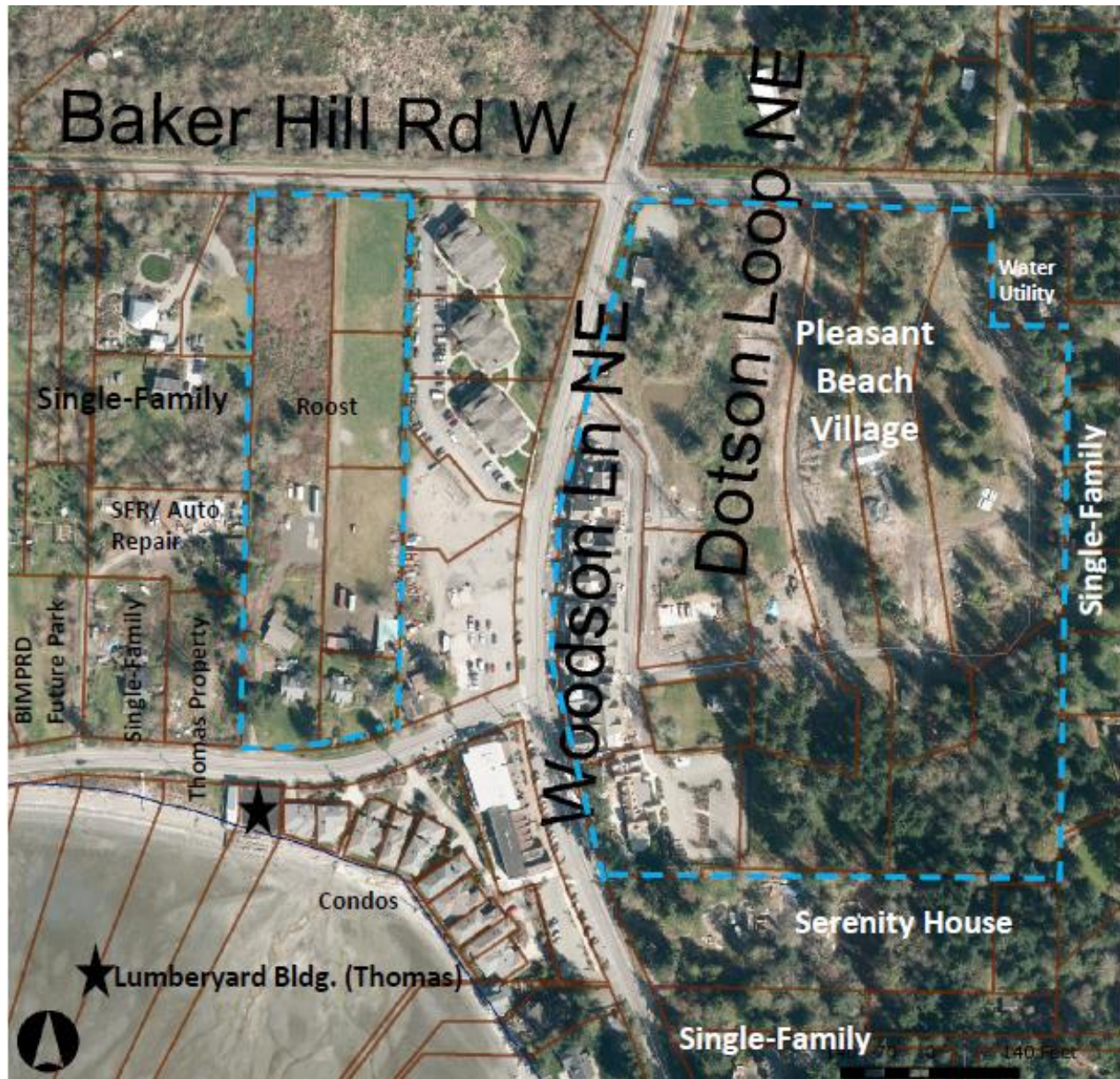
Answer: Ms. Thomas owns two properties in Lynwood Center. Please see attached Thomas letter (Attachment E). The "Lumberyard" property (tax ID -019-2009) is a NSC designated shoreline property. The property that is the subject of her CPA request (tax ID -021-2005, 0.77 acres) is immediately west of the Lumberyard property and designated R-2, with an upland portion on the north side of Point White Dr. and a shoreline portion south of Point White Dr. The two properties were addressed specifically in the Lynwood Subarea Plan, and the same language was added to current Land Use Element policy NSC 1.2 (see below).

NSC 1.2 (excerpt) “Allow the existing lumberyard pier (Tax Parcel # 042402-1-019-2009) to be rebuilt with commercial uses consistent with the Bainbridge Island Shoreline Management Master Program, 1996. Parking for this use must be located either on the parcel directly north of this parcel (Tax Parcel # 042402-1-046-2006 **now Roost**) or on that parcel to the west (Tax Parcel # 042402-1-021-2005 **Thomas upland property**). The City should pursue public funds, whether from the sale of road-end property or other sources, to combine with private funds to construct a public access pier or acquire other public beach access.

The parcel of land located on Point White Drive, directly adjacent to the western boundary of the NSC, as shown on the Land Use Map (Tax Parcel # 042402-1-021-2005), is designated OSR-2 with the provision that density may be increased to 3 units per acre on the condition that a public access easement be granted for that portion of the parcel that lies to the south of Point White Drive along the waters of Rich Passage and adjacent to the old lumberyard pier.”



Lynwood Center Area CPA requests



Existing Development- Lynwood Center NSC Area

B. Cainion Island Center Amendment Request

Question: Have there been other Island Center NSC Area CPA/Rezone requests since the 2004 Comprehensive Plan was adopted?

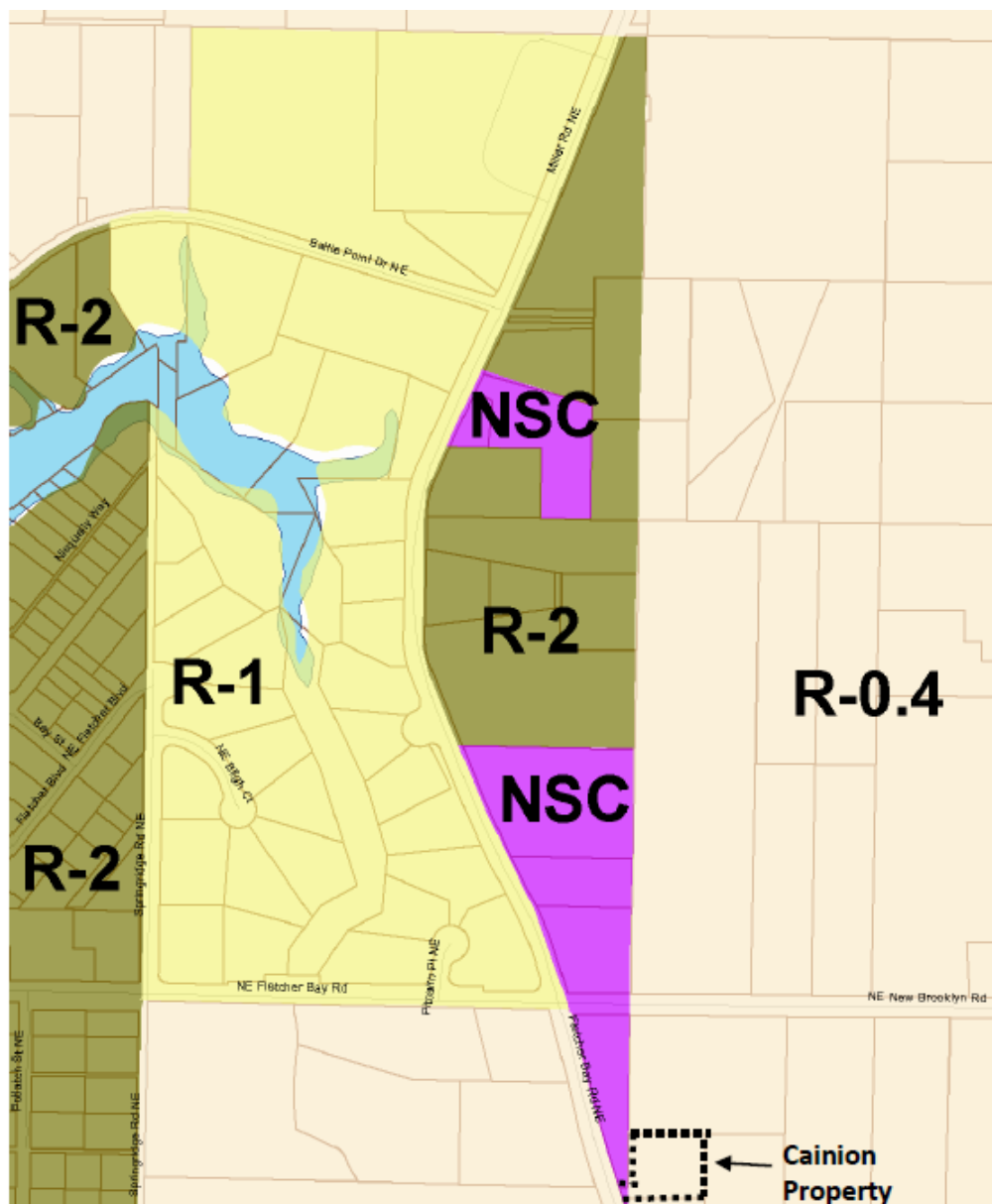
Answer: Yes. There is a current application submitted by Mr. Anderson to change a 10 acre property on the north side of New Brooklyn Road from R-0.4to NSC, and the Planning Commission has recommended this be considered as part of a future Special Planning Area (SPA) process. Mr. Cainion applied in 2007 and 2010 for a CPA to change the designation of his 0.88 acre parcel from R-0.4 to NSC. The 2007 application was denied by the City Council pending the SPA. In 2010, the Planning Commission recommended approval of the application and changes to NSC policies to allow for

expansion of the NSC boundary (outside of the SPA process) when the following three parameters were met:

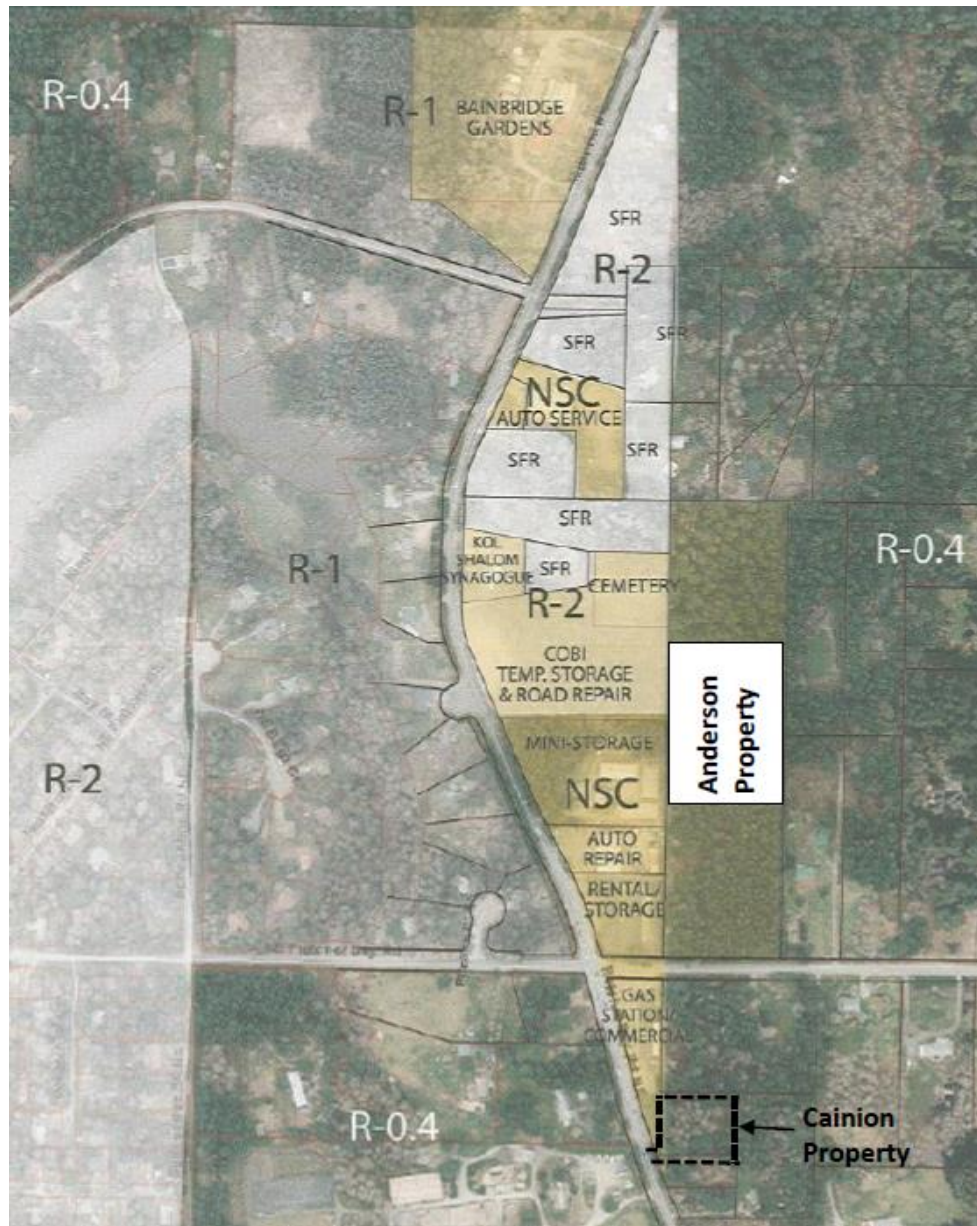
1. Parcels less than one acre abutting NSC designated property;
2. Not encumbered by critical areas; and
3. Represent a logical extension of current, existing commercial development in abutting NSC area

The City Council did not accept the Planning Commission's recommendation, and denied the 2010 Cainion request, upholding the requirement for a SPA process for any expansion of the NSCs.

Island Center NSC Area CPA Amendments



Island Center NSC Area Existing Development



Planning Commission Action: The Commission should discuss and make recommendations on the Thomas and Cainion application to the City Council.

III. Next Steps

Environmental Element: Wednesday, July 22 6:30-8:30 PM

Economic Element: Wednesday, July 29 6:30-8:30 PM

At the August 13th Planning Commission meeting, staff will bring back the next draft of the *Land Use Element* reflecting the changes recommended by the Commission at the July 23rd meeting. The drafting committee will work on the changes at their next meeting on Tuesday, July 28th.

The August 13th meeting will also begin review of the *Environmental Element*, following the July 22nd Workshop.

IV. Attachments

- A. Islandwide Conservation Strategy Memo from Mr. Tovar
- B. Food Policy Memo from Mr. Tovar
- C. DRAFT *Land Use Element*
- D. Map showing “Park Zone” properties
- E. Copy of 1994 letter from Thomas to Planning Commission



TO: Bainbridge Island Planning Commission
FROM: Joseph W. Tovar, FAICP
DATE: July 23, 2015
SUBJ: Revised Island-wide Land Use Strategy

I. Overview

At the July 9 Planning Commission meeting, the staff and I reviewed proposed new Land Use Policies LU-1 through LU-4 that, collectively, describe an “Island-wide Land Use Strategy.” The Commission agreed that the map and concept would serve well as a preamble to the rest of the Land Use Element. Hence, in the attached revised draft they are labeled as Goals LU-1 through LU-4.

The additional edits suggested by the Planning Commission Drafting Committee at their meeting of July 14 are highlighted with yellow in Attachment #1. In reviewing the rest of the Land Use Element edits, the staff and I concluded that Goal LU-8, which discusses the island-side land use pattern, would also fit well with the high-level perspective provided by these first four Goals. So we propose moving it forward as Goal LU-5. The rest of the Land Use Goals and Policies would then be consecutively re-numbered beginning with Goal LU-6.

For ease of reference, the sources of policy direction for this section of the Land Use Element that were included in the July 9 Planning Commission packet are repeated in this memo below.

II. Sources of policy direction for Goals LU-1 through LU-5 and related policies

A. Direction from draft Guiding Principles and Policies

Principle #1 - Preserve the special character of the Island, which includes the small town atmosphere of downtown Winslow, forested areas, meadows, farms, marine views, scenic and winding roads that support all forms of transportation.

Guiding Policy 1.1

Adopt an island-wide conservation plan to identify and apply effective strategies to preserve the natural and scenic qualities that make the Island a special place.

Guiding Policy 1.2

Accommodate new growth in central places that meet the Island’s identified needs for housing, services and jobs while respecting conservation and environmental protection priorities.

Guiding Policy 1.3

Identify appropriate land use patterns and building form alternatives to achieve the Island's priorities for both conservation and development.

Principle # 3 - Foster diversity and meet the human needs of the residents of the Island, its most precious resource.

Guiding Policy 3.1

Ensure a variety of housing choices to meet the needs of present and future residents in all economic segments and promote plans, projects and proposals to create a significant amount of affordable housing.

Principle # 5 - Recognize that the Island's environmental resources are finite and must be maintained-at a sustainable level.

Principle #6 - Meet the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Policy 6.1

Look beyond the state's mandated 20-year plan horizon in order to recognize the longer term life cycles of natural systems, green building practices, and public infrastructure investments.

B. Policies suggested by the Island Architects group

Proposed Policy #1 - To help protect our limited water supply, the City shall establish water conservation and re-use practices for new construction and provide educational outreach for all existing uses.

Proposed Policy #2 – The City shall recognize green infrastructure as a complementary approach to tree preservation in the Mixed Use Town Center. Valued features may include green roofs, vegetated walls, and building integrated planters.

Proposed Policy #3 - To promote non-motorized modes of travel, the City shall evaluate reducing residential parking requirements for projects that provide alternative measures to reduce vehicle use and have direct proximity to Ferry Terminal District.

Proposed Policy #4 - The City shall work with the County Health Department to allow innovative solutions for on-site sewage treatment, including community septic and greywater systems.

Proposed Policy #5 - At Rolling Bay and Island Center NSC's, the City shall (1) allow alternate solutions to on-site septic (such as community septic), (2) increase density to R-5, and (3) allow HDDP (Housing Design Demonstration Program).

Proposed Policy #6 – In order to encourage compact and green land use, the City shall adapt HDDP to outlying areas of the island.

Proposed Policy #7 - The City shall revise development standards for High School Road (HS) -1 and HS-2 districts to promote pedestrian oriented-mixed use development in lieu of current auto-oriented uses.

Proposed Policy #8 – The City of Bainbridge Island shall implement a green building code for both commercial and residential projects requiring a building permit.

Proposed Policy #9 – The City shall allow a density bonus in exchange for putting a portion of property into conservation as open space, farmland, or public access. Homes must be built green and small with significant reduction in resource uses.

C. Recommendations and concepts from the Final Report of the 2025 Growth Advisory Committee

- Cluster Growth in Winslow and Neighborhood Centers. (p. 1)
- Cluster housing in the three existing Neighborhood Centers and in new Neighborhood Centers that might emerge. (p. 2)
- Encourage density increases in existing Rolling Bay and Island Center Neighborhood Centers. (p. 3)
- Initiate special planning processes for Neighborhood Centers in Rolling Bay and Island Center to identify areas for clustered development and determine the infrastructure needed to support development. Also address mechanisms for retaining and preserving open space in the vicinity of Neighborhood Centers (p. 3)
- The special planning process should also begin to identify other areas where clustered development would be appropriate within another twenty-year planning period. (p. 3)
- Adopt criteria for the designation of emerging Neighborhood Centers [such as] location of a public transit hub, geographic factors and feasibility of water and sewer infrastructure. (p. 3).
- Encourage low impact development, green building methods and other innovative programs and initiatives that reduce community development impacts to the natural and built environment. (p. 4)
- Map emerging centers for Sustainable Community Development.

D. Concepts from the Bainbridge Island Land Trust Conservation Plan (2012)

The Conservation Plan identifies strategic conservation priorities and implementation actions. The Plan briefly describes the tools available for implementing preservation efforts, along with potential next steps (including potential partners). Two priority ecological systems are identified for increased attention and action:

1. **Wildlife Networks:** Systems of large ecologically functioning habitat blocks and connecting wildlife corridors that support sustainable populations of diverse and abundant wildlife species and provide opportunities for wildlife to move between large habitat blocks. These areas contain valuable critical habitats, including forests, wetlands, streams, and riparian areas. These networks provide some watershed protection and can provide public access, when compatible with conservation objectives, via well-planned trails and other amenities.

2. **Shorelines:** Dynamic habitat systems that contain highly valuable critical habitats, including tidelands, estuaries, lagoons, nearshore, marine riparian and adjoining upland areas, important to a high diversity of aquatic and terrestrial species. Shorelines can provide public access, when compatible with conservation objectives, via well planned trails and other amenities. We recognize the Island's 58 miles of shoreline are integral to the larger Puget Sound ecosystem which gives added significance and importance to our shoreline conservation efforts. Page 4.

VISION STATEMENT

The Bainbridge Island Land Trust envisions a future:

- In which the rural character and scenic beauty of our Island endures and enriches the lives of all,
- Where the Island's natural systems continue to sustain the interconnected life that inhabits this special place in Puget Sound,
- Where our level and pattern of development preserves important resources for future generations,
- Where biologically diverse communities of native plants flourish in a natural landscape, and wildlife has enough contiguous natural open space to roam and thrive,
- Where public natural areas and trails form an extensive, interconnected system which is well cared for by, and supports the well-being of the community,
- Where working farms remain strong and valued contributors to our economy and way of life,
- Where water is pure and plentiful.

Forest Cover

Forests are very abundant, covering 70% of Bainbridge Island or 12,190 acres according to the latest data available from 1999, and are obvious while traveling around most of the Island and in aerial photos (Map 1, Map 9). Of course, the semi-rural development pattern across most of the Island has caused fragmentation of forest habitats. A significant amount of previous conservation efforts have protected forest habitats, including several large habitat blocks (e.g. Grand Forest, Gazzam Lake, Island Wood, Fort Ward Park).

In total, 20% (2,466 acres) of all forest resources have “Some Level of Protection” (Map 10). For comparison, this represents an astonishing 14% of Island-wide acreage. Almost an equal amount of forest habitat (22% or 2,716 acres) remains “Undeveloped and Unprotected”. Plan, page 16.

Scenic Vistas

This resource has not been defined and there is no inventory. Therefore, no analysis was possible. Status and trends are unknown. We recognize Highway 305, which bisects the Island, as a State scenic byway that provides those traveling with a visually pleasing, tree lined transportation route.

Additionally, we realize there are key scenic views from the ferry to the Island as well as along local roadways. Plan, page 17.

Wildlife Corridors

Fragmented and linear wildlife corridors do not provide a proportional amount of their intended functions, so even a corridor that is 80% protected does not provide 80% of desired function. Additional landscape-based analysis, and interaction with resource managers and stakeholders, will be necessary to identify with the best and most feasible unfragmented routing, habitat values, watershed protection attributes, and, when well sited, additional public access through trails.. This effort will likely result in fewer corridors than the 2000 plan.

BILT believes that wildlife corridors should be considered an integrated component of a larger system of wildlife networks. The systematic linking of large functioning habitats with perhaps smaller strategically placed ones. Bainbridge Island Land Trust Conservation Plan (March 2012) would likely result in more acres being identified as needing to be protected, and include areas of focus, such as the mid-section of the island, where BILT has worked extensively to protect a wildlife network, and other areas stretching north to south, and other east to west networks.

Recreational Trails

Recreational trails have been a public use resource of growing importance on Bainbridge Island. In recent years, trail inventories have been completed and trail networks have begun to be pieced together. Leaders in this effort have been the Bainbridge Island Metro Park and Recreation District and the City of Bainbridge Island. Each of these organizations:

- Supports their own committee specifically focused on this topic;
- Has prepared their own comprehensive plan for recreational trails and other non-motorized facilities;
- Acquires property or easements; and
- Builds recreational trails and other non-motorized facilities.

The City also facilitates the development of recreational trail and other non-motorized facilities through its land use permitting process. A number of citizen groups also work to help promote trails and safe routes for various modes of non-motorized transportation.

Animals have been documented utilizing human trails in conservation lands. Locating

trails, to not bisect habitat functions (such as bird nesting areas), can provide access to humans while protecting conservation resources. An analysis of this resource (existing trails, growth of trails) was not possible during this phase of planning because data was not available. Future phases of our conservation planning effort will include consultation with existing trail plans and partners to examine ways to optimize trail development with conservation values and identify where compatible (with BILT priorities) trail development could occur, as well as the examination of status and trends of trails

Conservation Tools

Tools	How the tool can be applied
Conservation easements, including resource lands, agricultural lands, and trails	Primary tool for permanent protection. Includes both donated and purchased easements. To date, BILT has not purchased a conservation easement.
Acquisition	Use where significant threat of conversion to high priority ranked property exists and where conservation easements are not a viable option.
Land Swaps/Land Sales	Trading/Selling/Swapping a non-conservation property or partner property for a priority conservation property.
Mitigation	Land can be protected as part of a mitigation need.
Development of a Revolving Fund	Through BILT's Legacy Program, develop a fund available for strategic property purchases, including acquisitions for the purpose of resale with conservation easement protections added.
Current use tax assessment	Low cost tool for medium-to-high priority ranked properties. Typically not permanent (see Leadership section)
Restoration	In a highly developed landscape like BI, restoration could be
Leadership on public policy that supports conservation projects	• Transfer of Development Rights (TDR) • Public Support of Open Space Purchases (such as bond, excise tax on property sales, levy lid lifts) • Updates to land protection regulations: • Comprehensive Plan/SMP, Zoning, Critical Areas, Shorelines • Capital projects (COBI, WSDOT, Utilities) • Stormwater utility • Current use tax assessment program • Could be improved for more urban use, joint/adjacent designations for small parcels, shoreline riparian areas
Leveraging	Area partners and their endeavors can be linked with the endeavors of BILT

III. Attachments

Attachment #1 - Proposed Island-wide Land Use Strategy.

Attachment #1 – Proposed Island-wide Land Use Strategy

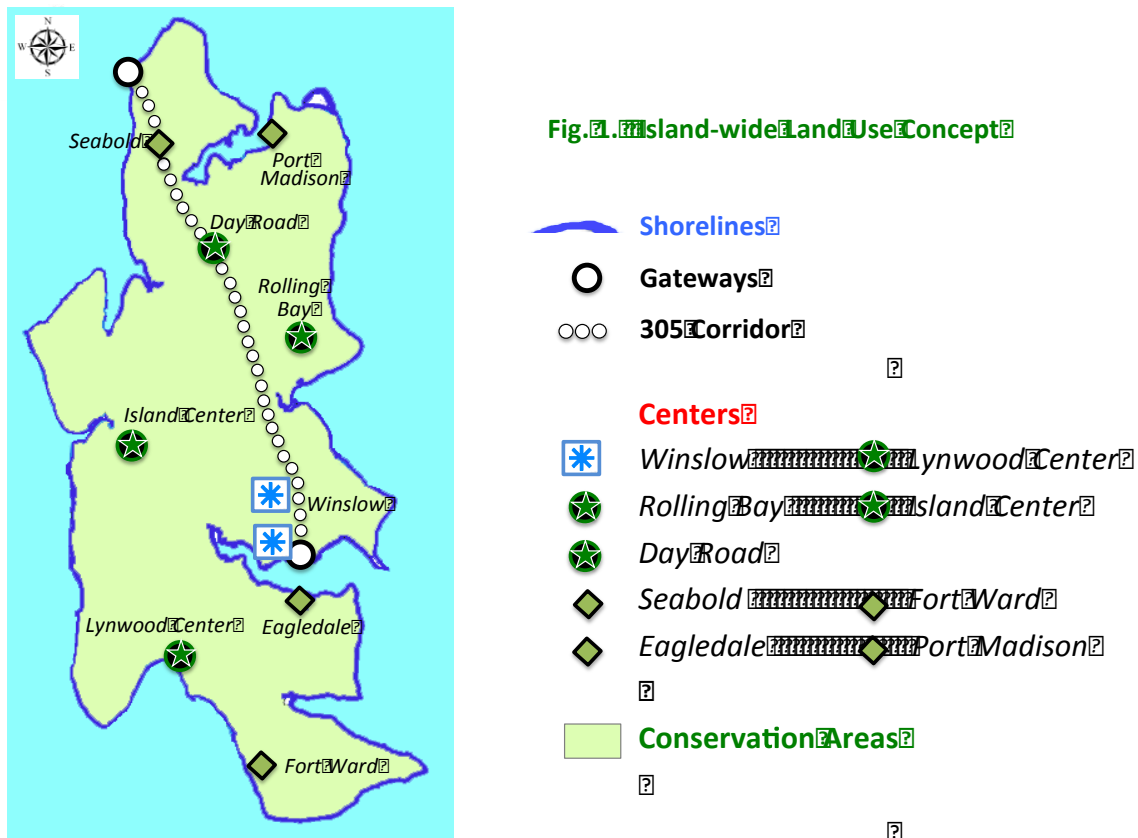
Island-Wide Land Use Strategy

GOAL LU-1

Island-wide Sustainable Conservation and Development Strategy

As part of a long-term, Island-wide, Conservation and Development Strategy, focus urban development in designated centers and conserve the Island's ecosystems and the green, natural and open character of its visual landscape.

Policy LU 1.1 Map emerging centers for Sustainable Community Development. See Fig. 1. [2025 Growth Advisory Committee Final Report, p. 1]



Policy LU 1.2 The majority of development and redevelopment on the Island will should be accommodated over the next fifty years in central places (i.e., centers) that have or will have urban levels of governmental services and infrastructure. These “central places” should conform to the following hierarchy of centers:

- Downtown Winslow Master Plan Study Area
- Lynwood Center
- Neighborhood Service Centers with a residential component
- Neighborhood Service Centers without a residential component
- Small scale commercial/service neighborhood “nodes”

GOAL LU-2

Conserve the Island's ecosystems and the green, natural, open character of its landscape

Policy LU 2.1 Preserve the open space area outside Winslow and the Neighborhood Service Centers through a land use pattern which will enhance the character of the area – forested areas, meadows, farms, scenic and winding roads that support all forms of transportation – and the valuable functions the open space area serves on the Island (i.e., aquifer recharge, fish and wildlife habitat, recreation). Preservation and protection of the open space area is also addressed elsewhere in this Element of the Plan in the Environmental, Greenways, Forest Lands and Agricultural Lands sections.

[Former Goal LU-25]

Policy LU 2.2 Protect open space, critical areas, and agricultural uses through public and private initiatives such as including open space tax incentives, cluster development, PUDs, transfer and purchase of development rights, public land acquisition, greenways, conservation easements, landowner compacts, limiting the amount of lot coverage, and other techniques.

[Former Policy LU 25.1]

Policy LU 2.3 Encourage the aggregation of nonconforming lots of record and undeveloped subdivisions and short plats in order to achieve a development pattern that is consistent with goals of the Plan to preserve open space, provide a greenways through the Island, protect environmentally sensitive areas, and protect the water resources.

[Former Policy LU 25.2]

Policy LU 2.4 Map the six-existing aquifers and their recharge areas on the Island and utilize the best available science to design and adopt Aquifer Conservation Zone regulations to protect the Island's water supply.

Policy LU 2.5 Establish appropriate procedures to monitor the effect of water drawdowns within and between aquifers, and adopt programs and regulations to preclude groundwater contamination, and to encourage water conservation and enhanced aquifer recharge.

Policy LU 2.6 Provide more detailed goals and policies to protect the Island's ecosystems in the Environmental and Water Resources Element.

Policy LU 2.7 The City shall work with the County Health Department to allow innovative solutions for on-site sewage treatment, including community septic and grey water systems.

[Island Architects Proposed Policy #8]

Policy LU 2.8 Allow a density bonus in exchange for putting dedicating a portion of property into conservation as open space, farmland, or public access. Homes must be built green and small with significant reduction in resources in order to qualify for a bonus. *[Island Architects Proposed Policy #9]*

GOAL LU-3

Adopt landscape design standards and identify and protect public vantage points, view corridors and scenic vistas to increase support the Island's sense of place, identity and orientation.

Policy LU 3.1 Existing vegetated buffers should be retained managed to preserve the Island's character and the forested view from the road. Invasive species should be removed in order to keep the native vegetation healthy.

[Former Policy LU 25.4]

Policy LU 3.2 New development should be designed to respond strive to be responsive to the natural landscape and should be sited so as to have the least visual and environmental impact on the Island landscape. Features that enhance the Island's character such as barns, fences, fruit or vegetable stands, should be retained and encouraged.

[Former Policy LU 25.5]

Policy LU 3.3 Map tree-covered hillsides and hilltops, particularly the ridgelines so valued by the community, shall be particularly protected and adopt regulations and programs to protect them for their visual and aesthetic benefits to the Island as well as their functions as wildlife habitat and erosion and runoff retardation.

[Former Policy LU 25.6]

GOAL LU-4

Focus urban development in designated centers

Policy LU 4.1 Adopt a multi-year work program to undertake the "Special Planning Area Process" for the Centers. For each Center, this process shall engage residents, landowners, businesses and other stakeholders in envisioning the appropriate extent, scale, use mix, and the desired and required services and infrastructure to serve the selected use mix and intensity. The product of the "Special Planning Area Process" will be Subarea Plans that will be adopted as part of the Comprehensive Plan.

Policy LU 4.2 The Subarea Plans adopted through the Special Planning Area Process shall be implemented by appropriate amendments to the development code, capital and operating budgets.

Policy LU 4.3 Sustainable development and redevelopment will be focused in the centers through a combination of intergovernmental and public-private partnerships, affordable housing incentive programs, "green" capital projects, and low impact development standards.

Policy LU 4.4 Implement a green building code or "green factor" for both commercial and multifamily residential projects requiring a permit.

[Island Architects proposed Policy #8]

Policy LU 4.5 Address mechanisms for retaining and preserving open space in the vicinity of centers.

[2025 Growth Advisory Committee Final Report, p. 3]

Policy LU 4.6 Design buildings in centers for a long life and adaptability over time to successive uses.

Policy LU 4.7 Adopt development standards and program public improvements to encourage walkability within each center and to the surrounding areas **within an easy walk.**

Policy LU 4.8 Development should be designed and located so as to avoid or minimize potential conflicts with agricultural activities, and right-to-farm ordinances must be recognized by any development located adjacent to agricultural **land uses.**

[Former Policy LU 25.8]

Policy LU 4.9 Amend the Non-Motorized Transportation Plan to link **the centers and** reduce vehicle miles traveled and greenhouse gas emissions.

GOAL LU-8.1

GOAL LU-5

Ensure a development pattern that is true to the vision for Bainbridge Island by reducing the inappropriate conversion of undeveloped land into **through sprawling development.**

LU 1.1 Policy LU 8.1 Policy LU 5.1

Land use designations should reflect the priority of Bainbridge Island to remain primarily residential, with nonresidential development **outside of the Winslow area** concentrated in **the service-e designated Centers. and at the designated Business/Industrial areas.**

LU 1.2 Policy LU 8.2 Policy LU 5.2

Winslow is the heart of Bainbridge Island. Higher intensity residential and commercial development and human activity is encouraged within Winslow's central core to create a vibrant city center, direct place growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing, and absorb growth that would otherwise be scattered in outlying areas.

LU 1.3 Policy LU 8.3 Policy LU 5.3

The Neighborhood Service Centers of Island Center, Rolling Bay, and Lynwood Center offer small-scale, commercial and service activity outside of Winslow. These Neighborhood Service Centers should be allowed to develop at slightly higher densities to reinforce their roles as small-scale, community centers.

LU 1.4 Policy LU 8.4 Policy LU 5.4

New **commercial** centers should be considered only after detailed analysis of the economic impact of the new development shows there will be no significant, adverse impact on the existing commercial centers, including Winslow.

LU 1.5 Policy LU 8.5 Policy LU 5.5

The areas at Day Road and Sportsman Club Road designated as Business/Industrial are intended to augment the Winslow Core and the Neighborhood Service Centers and serve an important function that allows a diverse economy with business retention, growth and innovation on the island.

The comprehensive land use plan for Bainbridge Island strives to provide for the full range of community needs. The Business/ Industrial District can provide economic activity that includes a variety of low-impact, nonpolluting uses that reflect and respond to changing market conditions and are compatible with the community. [NOTE: IT MAY BE APPROPRIATE TO REVISIT THIS POLICY AFTER DISCUSSION OF THE ECONOMIC ELEMENT]

LU 1.6 Policy LU 8.6 Policy LU 5.6

Development outside of Centers ~~Winslow and the neighborhood centers~~ should be compatible with the distinctive valued features of the Island's open spaces, harbors, winding roads, small-scale agricultural establishments, natural landscape, and distinctive neighborhoods communities.

LU 1.7 Policy LU 8.7 Policy LU 5.7

The Future Land Use Map adopted in this Plan ~~shall~~ establishes the future distribution, extent, and location of generalized land uses. Uses of land on Bainbridge Island should reflect the intent of the vision, goals, and policies as well as the Land Use Map.

LU 1.8 Policy LU 8.8 Policy LU 5.8

Applications for development approval on Bainbridge Island should be processed within the timelines established in the City's land development regulations in order to ensure affordability, fairness, and predictability in the land development process.



TO: Bainbridge Island Planning Commission

FROM: Joseph W. Tovar, FAICP

DATE: July 23, 2015

SUBJ: Potential Comprehensive Plan Food Policy Goals and Policies

I. Overview

At the July 9 Planning Commission meeting, remarks were presented by Ms. Carolyn Goodwin in support of including Plan language addressing Food Policy. Ms. Goodwin, together with Kathleen Alcala and Sallie Maron first raised this concept in remarks they offered at the first Land Use Workshop. Their original recommended language is in section III below.

The Planning Commission referred the matter to the Drafting Committee. This memo summarizes potential language borrowed from other sources, most prominently the Food Policy Resource Council, an advisory group to the Puget Sound Regional Council.

We reviewed this issue, and the referenced resources, with the Drafting Committee on July 13. The Committee has offered for the full Commission's consideration the potential Bainbridge Island Comprehensive Plan Policies shown in Attachment #1.

Although we are presently reviewing the Land Use Element, it may be appropriate to consider placing some of the policy language in other Elements of the Plan. Attachment #1 therefore lists potential Food Policy language that could reside in the Land Use, Economic, Environmental, and Human Service Elements.

II. PSRC background information and model plan language

The Puget Sound Regional Council produced an issue paper (Attachment #2) and a PowerPoint (Attachment #3) on this topic. Those documents provide an overview of the issue as well as model goal and policy language to include in comprehensive plans. These include:

A. Food policy concepts that could be included in various Plan Elements

1. Land Use

- Community Gardening
- Agriculture and Urban Agriculture
- Healthy Food Access

2. Transportation
 - Healthy Food Access and Distribution
3. Housing
 - Healthy Housing
3. Economic Development
 - Local Food Distribution and Sales
 - Procurement
4. Environment/Sustainability
 - Waste-Diversion-Composting
5. Human Development
 - Community Food Security
 - Food Assistance Programs
 - Emergency Planning
 - Coordination and Joint Planning

B. PSRC recommended conceptual language to include in a Land Use Element

Goal:

Promote food security, local food production, and public health by encouraging locally based food production, distribution, and choice through urban agriculture, community gardens, farmers markets, and food access initiatives. Establish partnerships and share resources to promote food access and production.

Policies:

- Agriculture and community gardening
- Work with residents to evaluate and remove barriers to food production.
- Minimize conflict between agricultural and non-agricultural uses through maintaining a Right-to-Farm Ordinance.
- Expand community gardening through city land, including parks and surplus property.
- Support the development and adoption of joint-use agreements on publicly owned sites or institutional facilities to allow gardens, distribution and sales.
- Promote inter-agency and intergovernmental cooperation and resource-sharing to expand community gardening opportunities.

C. Examples from the King County Comprehensive Plan

Rural Legacy and Natural Resource Lands Policies

R-517 King County should explore ways of creating and supporting community gardens, farmers' markets, produce stands and other similar community based food-growing projects to provide and improve access to healthy food for all rural residents.

R-665 The County should develop incentives that support local food production and processing to increase food security and provide a healthy local food supply, and reduce energy use.

R-674 King County should work with farmers and ranchers to better understand the constraints to increased food production in the county and develop programs that reduce barriers and create incentives to growing food crops and raising food-producing livestock.

R-675 King County should prioritize its programs to help build and support a sustainable, reliable, equitable, and resilient local food system.

R-676 King County should consider adopting procurement policies that would encourage purchases of locally grown fresh foods.

R-677 King County should promote local food production and processing to reduce the distance that food must travel from farm to table.

R-678 King County should collaborate with other organizations to further the development of programs that increase the ability of shoppers to use food assistance benefits and the ability of farmers to accept electronic and other forms of payment at farmers' markets and farm stands.

III. Specific language recommended by Sallie Maron, Carolyn Goodwin and Kathleen Alcala at the Bainbridge Island Land Use Workshop

1. The City of Bainbridge Island supports an economically, environmentally, and socially sustainable local food system.
2. Every citizen has a right to an adequate supply of nutritious, affordable, and culturally appropriate food, both during times of plenty and during states of emergency as possible.
3. The city will work to reduce barriers to local food production, and reduce the distance that food must travel from farm to table.
4. The City supports the right-to-farm ordinance of the Conservation District; an ordinance discouraging or prohibiting the use of neonic pesticides on the island; value-added facilities in which local farmers can process food; gleaning; and community gardens.
5. As density on the island increases, the city will require the inclusion of land for community gardens in new housing developments, and in the management of open space by the city.

6. The city will encourage demonstration projects for the development and adoption of joint-use agreements on publicly owned sites or institutional facilities to allow gardens, distribution, and sales.
7. The city will support the local food economy through local retail sales, distribution, and processing of locally grown food, and encouraging community-supported agricultural programs.
8. The city supports agricultural tourism as both an economic and educational process that will promote local business and disseminate information about local production of food.
9. The city and those operating within it will provide adequate compensation to workers in all aspects of food production, service, and distribution.
10. The city will continue to support the local farmers market and the direct connection between consumers and farmers.
11. The city encourages local institutions such as schools, nursing homes, churches, educational and sports facilities, as well as parks and Helpline House to seek and provide healthy, regional, and local food in their services.
12. Part of healthy eating is active living, and the city encourages a link between local food cultivation and active living in homes, schools, nursing homes and other community facilities.
13. The city supports related programs that enhance the walkability of the island, reduce emissions and power usage, provide agricultural education in schools, and connect elders to young people as a way to continue food ways and knowledge.
14. To that end, the city will appoint a Food Policy Council within a year of adopting this statement as part of the Comprehensive Plan. This inclusive group of Island citizens will set priorities each year concerning topics pertaining to our food supply.
15. Because the City of Bainbridge Island has no topic that addresses food policies per se in its Comprehensive Plan, elements of this document may fall under topics such as safety, land use, and human services.

IV. Attachments

- #1 Potential Bainbridge Comp Plan Food Policies by Element
- #2 PSRC Model Food Policies
- #3 Food Policy Council PowerPoint re: Comprehensive Plans and Food Policy

Attachment #1
Potential Bainbridge Island Comp Plan Food Policies by Element

LAND USE ELEMENT

Goal LU 36

Promote food security, local food production, and public health by encouraging locally-based food production, distribution, and choice through urban agriculture, community gardens, farmers markets, farmers markets, and food access initiatives. Establish partnerships and share resources to promote food access and production.

Policy LU 36.1

Allow community gardening on public land where appropriate.

Policy LU 36.2

Encourage the development of neighborhood community gardens.

Policy LU 36.3

Promote interagency and intergovernmental cooperation and resource-sharing to expand community gardening opportunities.

Policy LU 36.4

Promote the inclusion of land for community gardens in new housing developments.

Policy LU 36.5

Support the local farmers market and the direct connection between consumers and farmers.

ECONOMIC ELEMENT

Goal EC-8

Support the local food economy through local retail sales, distribution, and processing of locally grown food and encouraging community-supported agricultural programs.

Policy EC 8.1

Support retail sales and local food economy by encouraging locally based food production, distribution, and choice through the support of community gardens, farmers or public markets, and other small-scale, collaborative initiatives.

Policy EC 8.2

Support agricultural tourism as both an economic and educational process that will promote local business and disseminate information about local production of food.

Policy EC 8.3

Explore economic development opportunities related to local agriculture. Assess and plan for community-supported agriculture programs, and local food processing, wholesaling, and distribution facilities to connect local agriculture to markets such as retailers, restaurants, schools, hospitals and other institutions.

HUMAN SERVICES ELEMENT**Goal HS-9**

Protect and enhance the right of every citizen to an adequate supply of nutritious, affordable, and culturally appropriate food, both during times of plenty and during states of emergency.

Policy HS 9.1

Support healthy eating and active living, encourage a link between local food cultivation and active living in homes, schools, nursing homes, and other community facilities.

Policy HS 9.2

Support related programs that enhance the walkability of the Island, reduce emissions and power usage, provide agricultural education in schools, and connect elders to young people as a way to continue food ways and knowledge.

ENVIRONMENT ELEMENT**Goal EN-7**

The City supports ordinances discouraging or prohibiting the use of neonic pesticides on the island; value-added facilities in which local farmers can process food; gleanings; and community gardens.

Comprehensive Plan Policies

Background

Planning for food is increasingly a topic of interest both locally and around the country. Supporting local food is important for the local rural economy, for community food security and for reducing the distance food travels from farm to table. Local governments can play a significant role in supporting local agriculture, promoting public health, improving access to healthy and affordable food, reducing environmental impacts, and diverting food waste from landfills.

Supporting the local food system with comprehensive planning can have economic, quality of life, and environmental benefits.

- Creating and sustaining farm income
- Living-wage food production, processing, and sales jobs
- Improving the economic viability of local agriculture
- More efficiently using vacant or underutilized parcels through urban agriculture
- Increasing access to healthy food choices in all neighborhoods

Regional and countywide planning also provides direction to local jurisdictions in addressing the food system. VISION 2040 is the central Puget Sound region's long-range growth management, transportation, and economic development framework. It addresses the importance of conserving agricultural land, supporting the local food economy, and building healthy communities. Each central Puget Sound county has countywide planning policies that discuss the food system in some capacity. Depending on the county, these policies look at production, food access, local food procurement, and agriculture.

The examples below focus on supporting food access and the local food economy. In other parts of the country, some jurisdictions have also chosen to address disincentives to unhealthy food in their communities. If jurisdictions choose to incorporate policies regarding "healthy" and "unhealthy" foods, they should consider defining these terms.

Resources are available to help local jurisdictions evaluate food access in their communities and potentially establish quantifiable measures to track changes. Several jurisdictions have found the Retail Food Environment Index (RFEI) to be a useful indicator of the availability of healthy and unhealthy retail. The RFEI is calculated by dividing the total number fast-food restaurants and convenience stores by the total number of supermarkets and produce vendors. More information and state-by-state maps of the Retail Food Environment Index are available [online](#).

For suggested implementation actions, see sections on [Urban Agriculture](#), [Farmers Markets](#), and [Local Food Procurement](#).

Recommendation: *Incorporate supportive policies in the comprehensive plan.*

Land Use Element

Goal: Promote food security, local food production, and public health by encouraging locally-based food production, distribution, and choice through urban agriculture, community gardens, farmers markets, and food access initiatives. Establish partnerships and share resources to promote food access and production.

Policies:

- Agriculture and community gardening
 - Work with residents to evaluate and remove barriers to food production.
 - Minimize conflict between agricultural and non-agricultural uses through maintaining a Right-to-Farm Ordinance.
 - Expand community gardening through city land, including parks and surplus property.
 - Support the development and adoption of joint-use agreements on publicly owned sites or institutional facilities to allow gardens, distribution and sales.
 - Promote inter-agency and intergovernmental cooperation and resource-sharing to expand community gardening opportunities.

- Healthy food access
 - Explore incentives or regulatory changes to encourage location of food purveyors in underserved areas.
 - Prioritize low-income areas as potential locations for community gardens, farmers markets, and food access programs.

Economic Development Element

Goal: Support the local food economy. Seek ways to expand capacity to grow, process, distribute, and access local foods. Establish partnerships and share resources to support the local food economy.

Policies:

- Local food economy
 - Support retail sales and local food economy by encouraging locally based food production, distribution, and choice through the support of community gardens, farmers or public markets, and other small-scale, collaborative initiatives.
 - Explore economic development opportunities related to local agriculture. Assess and plan for community-supported agriculture programs, and local food processing/wholesaling/distribution facilities to connect local agriculture to markets such as retailers, restaurants, schools, hospitals, and other institutions.
 - Encourage business, programs and uses that support local food production.
- Farmers markets
 - Support farmers markets as means to encourage community-building, support local agriculture and economic development.
 - Identify potential farmers' market sites on public property, community facilities, and, where feasible, on streets using temporary street closures. Encourage new farmers markets in neighborhoods with low food access.
- Procurement
 - Explore procurement policies that favor local and regional food sourcing of healthy food in city or county services.

Local Examples: Healthy Des Moines Element

The adopted [Healthy Des Moines Plan Element](#) shows how food policies have been integrated in an element focused on health and well-being.

12-03 POLICIES

12-03-01 Healthy Eating

- (1) Support policy, systems, and environmental changes that result in increased access to healthy foods for the most at risk populations in the City, with an emphasis on school-age children.
- (2) Provide healthy food and beverages in City programs and facilities to promote healthy eating habits.
- (3) Support the Des Moines Food Bank, Farmers Market and other organizations that help provide food assistance to low-income residents so that all families, seniors, schools, and community-based organizations are able to access, purchase, and increase intake of fresh fruits, vegetables, and other nutritious foods.

12-04 STRATEGIES

12-04-01 Healthy Eating

- (1) Adopt a Healthy Food Resolution and create a long-term action plan to ensure commitment to healthy food access beyond CPPW funding.
- (2) Evaluate, adopt and implement nutritional standards and healthy food procurement policies in City owned and operated facilities and across departments.

12-04-02 Active Living

- (1) Develop and implement a communication plan and Healthy Des Moines website with information and links about healthy eating, active living and related events.

Local Examples: King County Comprehensive Plan

The [King County Comprehensive Plan](#) provides examples of supportive food policies that have been integrated throughout plan elements.

Rural Legacy and Natural Resource Lands

R-517 King County should explore ways of creating and supporting community gardens, farmers' markets, produce stands and other similar community based food growing projects to provide and improve access to healthy food for all rural residents.

R-665 The county should develop incentives that support local food production and processing to increase food security and provide a healthy local food supply, and reduce energy use.

R-674 King County should work with farmers and ranchers to better understand the constraints to increased food production in the county and develop programs that reduce barriers and create incentives to growing food crops and raising food-producing livestock.

R-675 King County should prioritize its programs to help build and support a sustainable, reliable, equitable, and resilient local food system.

R-676 King County should consider adopting procurement policies that would encourage purchases of locally grown fresh foods.

R-677 King County should promote local food production and processing to reduce the distance that food must travel from farm to table.

R-678 King County should collaborate with other organizations to further the development of programs that increase the ability of shoppers to use food assistance benefits and the ability of farmers to accept electronic and other forms of payment at farmers' markets and farm stands.

Environment

E-455 King County shall work with regional stakeholders to ensure a viable and safe organics recycling infrastructure that allows for yard, food, wood, biosolids, manure and other organic wastes to be turned into resources benefiting climate change, soil health, water quality, and maximizing landfill diversion.

Economic Development

ED-602f King County will explore opportunities to support agricultural tourism and value-added program(s) related to the production of food, flowers, and wine in the county. These partnership venues should be educational and include information on the diversity of products available in the county and the importance of buying local.

ED-603 King County should partner with other Puget Sound counties and businesses to analyze the need and possible sites for regional agricultural (including beef and poultry) and forest product processing facilities that may require regional demand to make them economically feasible. The county should also explore options and incentives to encourage entrepreneurs to invest in mobile forest and food production processing facilities that can serve the region.

ED-604 King County will continue to partner with organizations that support programs and strategies that strengthen the interdependence and linkage between the rural and urban economies, such as the Regional Food Policy Council and Puget Sound Fresh.

Other Resources

[Food Access Policy and Planning Guide](#) – University of Washington Northwest Center for Livable Communities (2011)

[Integrating Food Policy in Comprehensive Planning: Resources for the City of Seattle](#) – Puget Sound Regional Council (2012)

[Planning to Eat? Innovative Local Government Plans & Policies to Build Healthy Food Systems in the United States](#) - SUNY – Buffalo (2011)

[Planning for Food Access and Community-Based Food Systems: A National Scan and Evaluation of Local Comprehensive and Sustainability Plans](#) – American Planning Association (2012)



Comprehensive Plans + Food Policy

Discussion Item

Regional Food Policy Council
March 14, 2014

Overview

- **Comp Plan Background**
- **Food Policy Role**
- **Resources and Outreach**
- **Next Steps**

Background

Food Policy

Resources

Next Steps

Comprehensive Planning Under GMA

20-year vision for growth and development

Required by the Growth Management Act in central Puget Sound cities and towns

Required elements

- Land Use
- Transportation
- Housing
- Capital Facilities
- Utilities
- Rural (Counties)

Periodic updates due in 2015 & 2016 (Kitsap only)

Background

Food Policy

Resources

Next Steps

Central Puget Sound Region



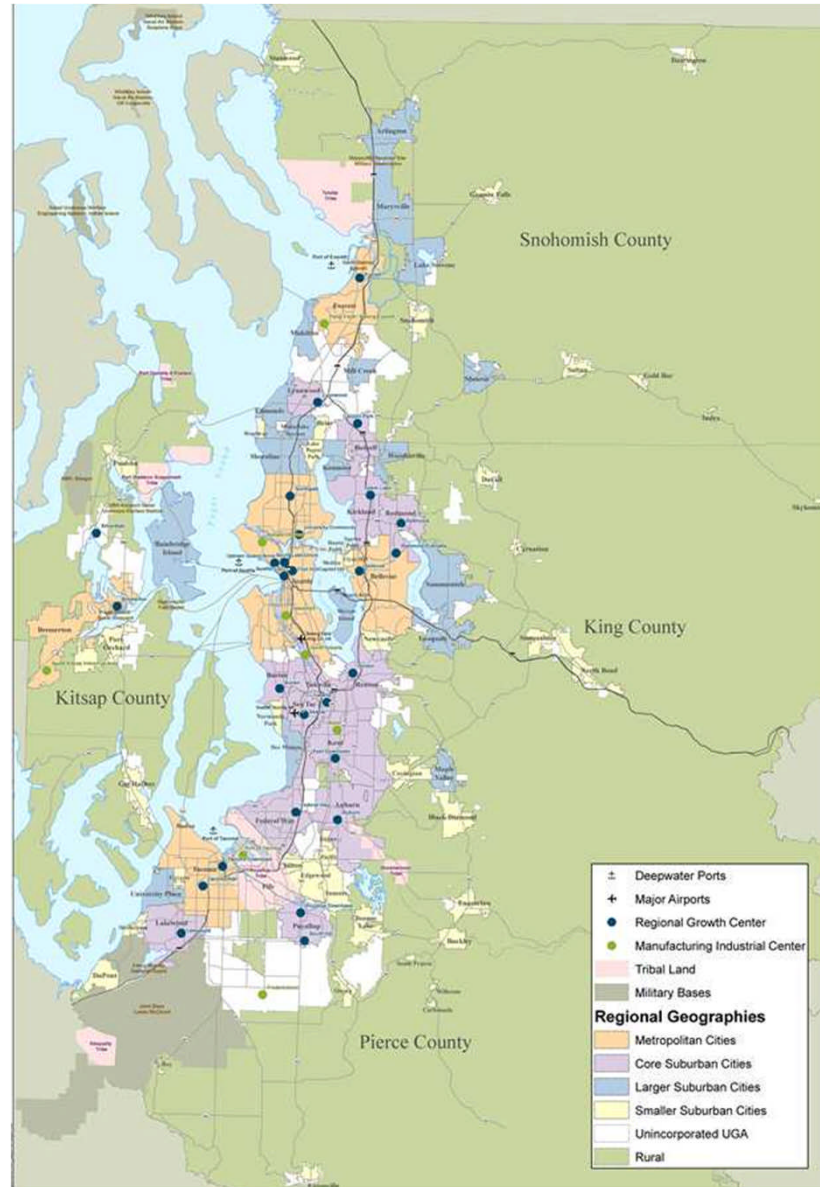
Background

Food Policy

Resources

Next Steps

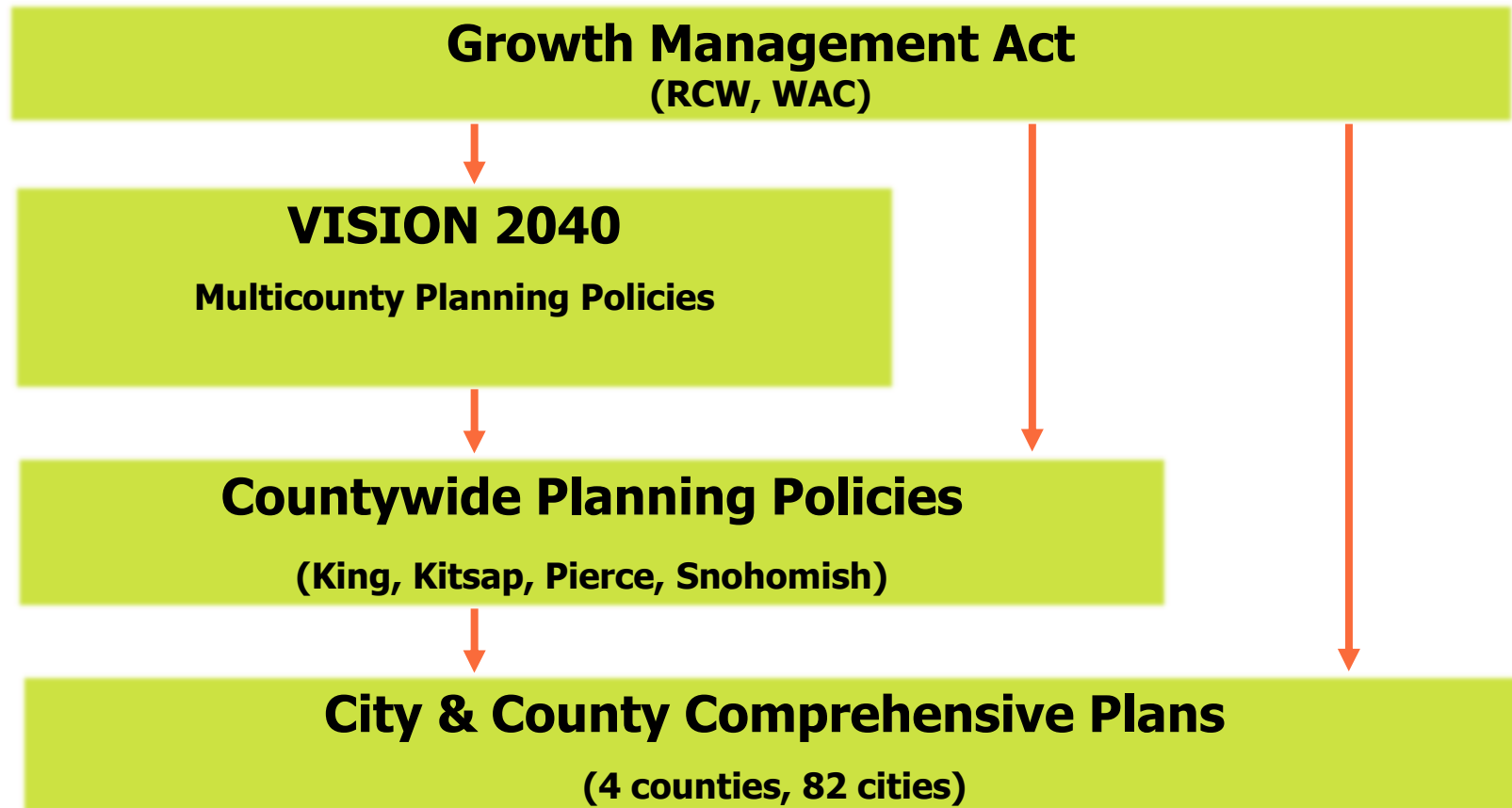
PSRC



4 Counties

82 Cities & Towns

Framework to Ensure Consistency



PSRC Roles

- Establish multicounty planning policies
- Certify countywide planning policies and transportation-related provisions of comprehensive plans

Policy Blueprint

Background

Supportive Policies

Land Use

- *Agriculture and community gardening*

- *Healthy food access*

Economic Development

- *Local food economy*
- *Farmers markets*
- *Procurement*

Examples

- Des Moines
- King County

Background

Food Policy

Resources

Next Steps

Comprehensive Plan Policies

Background

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Agri bus/AgriCool

Food Policy Concepts by Element

Land Use

- Community Gardening
- Agriculture and Urban Agriculture
- Healthy Food Access

Transportation

- Healthy Food Access and Distribution

Housing

- Healthy Housing

Economic Development

- Local Food Distribution and Sales
- Procurement

Environment/Sustainability

- Waste – Diversion- Composting

Human Development

- Community Food Security
- Food Assistance Programs
- Emergency Planning
- Coordination and Joint Planning

Background

Food Policy

Resources

Next Steps

Resources

Background

Food Policy

Resources

Next Steps



Integrating Food Policy in Comprehensive Planning:
Strategies and Resources for the City of Seattle

A CONTRACT PROJECT FOR THE CITY OF SEATTLE

Comprehensive Plan Policies

Background

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For suggested implementation actions, see sections on [Urban Agriculture](#), [Farmers Markets](#), and [Local Food Procurement](#).

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Page last updated 2014

Planning to Eat?

Innovative Local Government Plans and Policies to Build Healthy Food Systems in the United States



Food Access Policy and Planning Guide



Eva Ringstrom and Branden Born
UW Northwest Center for Livable Communities

Policy Blueprint Outreach

- ✓ PSRC Growth Management Policy Board
 - ✓ PSRC Executive Board
 - ✓ PSRC Regional Staff Committee
 - ✓ Kitsap Regional Coordinating Committee
 - ✓ Sound Cities Public Issues Committee
 - ✓ Kirkland City Council
 - ✓ SeaTac City Council
-
- ✓ Posted on PSRC Food Policy and Comprehensive Plan Resources pages
-
- ✓ Distributed to King County Planning Directors by Sound Cities

Background

Food Policy

Resources

Next Steps

Involvement

Update Process

- Scoping
- Visioning
- Policy Development
- Draft Plan & Environmental Review
- Adoption

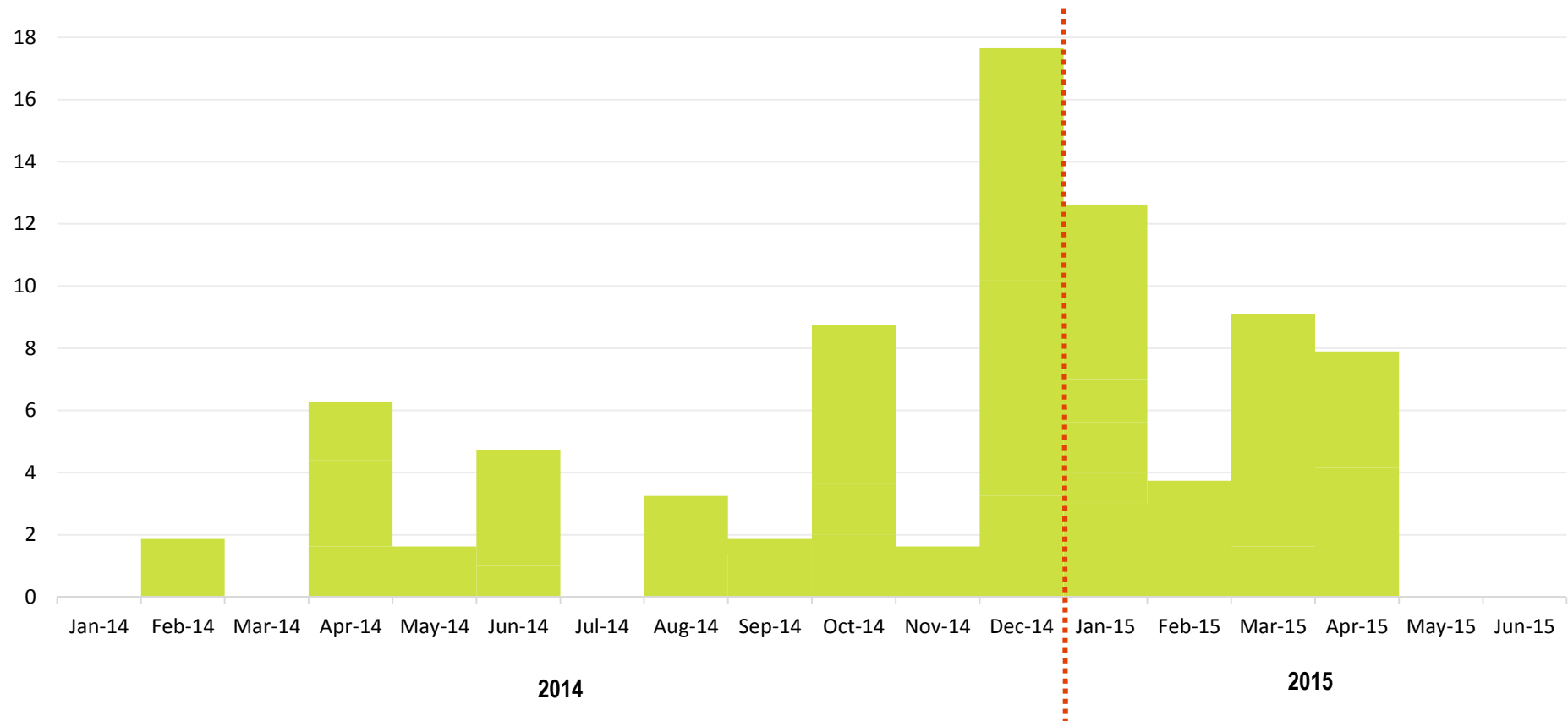
Background

Food Policy

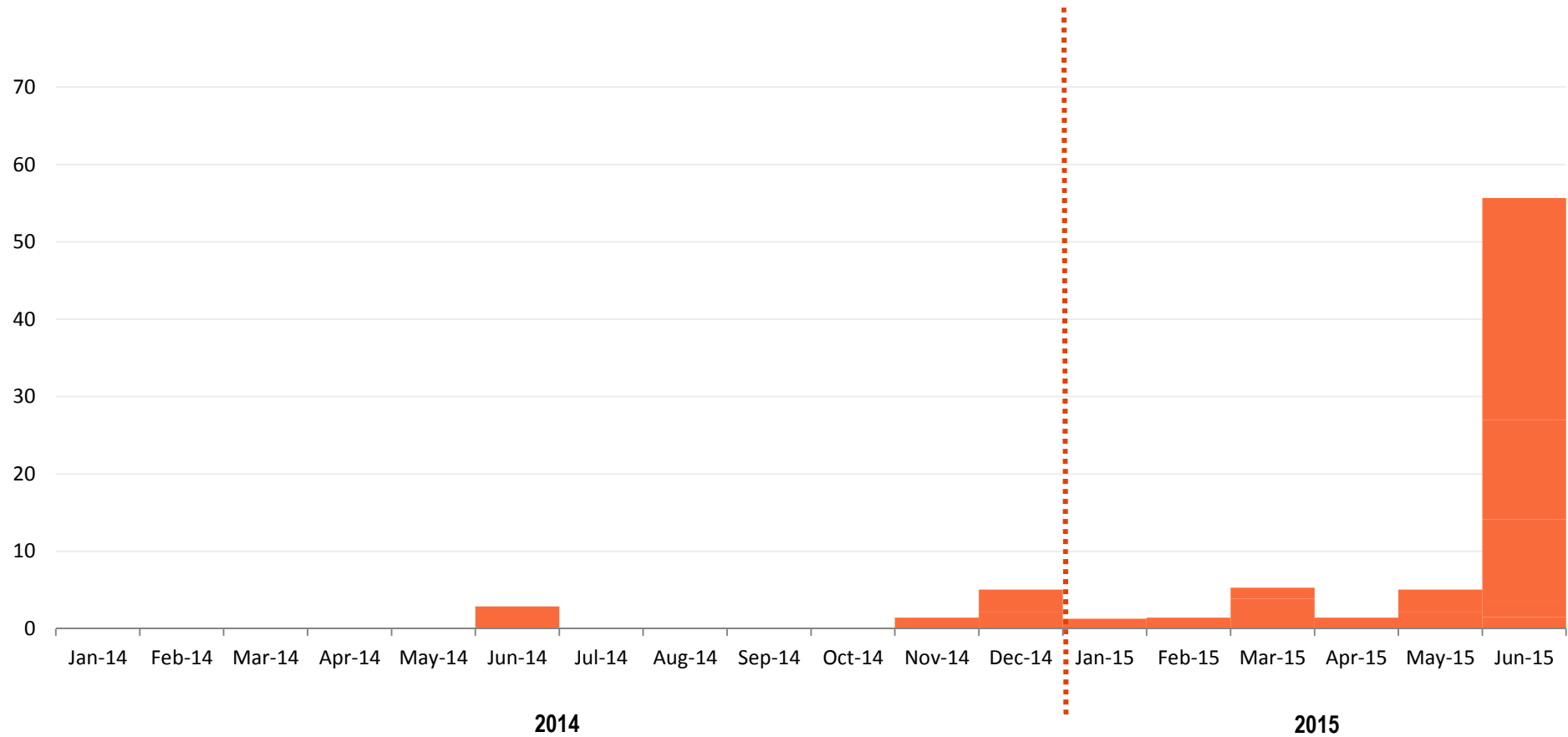
Resources

Next Steps

Survey - Estimated Plan Draft Available



Survey - Estimated Plan Adoption Date





For More Information

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Puget Sound Regional Council
PSRC

LAND USE ELEMENT

TABLE OF CONTENTS

NOTE: UPDATE PAGE #s AFTER PLANNING COMMISSION REVIEW COMPLETE

Introduction.....	1
Goals and Policies.....	5
Framework of the Plan.....	5
General Land Use	9
Winslow	13
Neighborhood Service Centers	23
Business/ Industrial.....	26
Residential Open Space	23
Historic Preservation.....	34
Siting of Essential Public Facilities	36
Existing Conditions.....	1
The Built Environment	1
2004 Update – The Built Environment.....	4
Figures.....	

LAND USE ELEMENT

INTRODUCTION

The Land Use Element and Environmental Element are at the heart of the Comprehensive Plan. Together they describe the balance between the distribution, location, preservation and protection of uses of land, including housing, commerce, light manufacturing, recreation, open spaces, natural resources, public utilities, public facilities, and other land uses necessary to plan for future growth in a manner that reflects the overall vision of the Comprehensive Plan.

~~The first section of the Land Use Element provides an overview of the existing pattern of development: 1) how much of the land is currently devoted to residential, commercial, light manufacturing, public facilities, and agricultural uses, 2) where these uses are located, 3) how much of the land is vacant, and 4) the future development potential on the Island.~~

~~The second section of the Element contains the goals and policies, which provide guidance for future land use.~~

Framework of the Plan

~~The Framework Goals and Policies establish the overall approach to managing growth on Bainbridge Island. As a city, Bainbridge Island is an urban growth area under GMA. However, future growth on Bainbridge will be accommodated in a manner that is consistent with the requirements of GMA, yet retains the Island's character and quality of life that its residents so highly value.~~

~~Five overriding principles guide the Plan:~~

- ~~1) Preserve the special character of the Island which includes forested areas, meadows, farms, marine views, and roads that support all forms of transportation.~~
- ~~2) Protect the water resources of the Island.~~
- ~~3) Foster the diversity of the residents of the Island.~~
- ~~4) Balance the costs and benefits to property owners in making land use decisions.~~
- ~~5) The Island's environmental resources are finite and must be maintained at a sustainable level.~~

NOTE: GUIDING PRINCIPLES ARE LOCATED IN THE INTRODUCTION TO THE COMPREHENSIVE PLAN

There is another important concept in the Plan. Due to the Island's ability to accommodate the anticipated growth through the number of existing platted lots on the Island and the unused capacity under current zoning, increase in density over current zoning should further a public purpose. The public purposes identified in the Plan are:

- 1) Shift density from critical areas and farmland to Winslow or other designated sites, such as current or future Neighborhood Service Centers.
- 2) Provide affordable housing.

- 3) Contribute to public infrastructure and public amenities in excess of what is needed to mitigate the impacts of development.

Another important component of the Plan's framework is an emphasis on establishing benchmarks against which to assess the continued viability of the Plan. A monitoring program must be created to track the success of the City in achieving the vision and goals of the Plan.

Winslow

Winslow is the area of urban concentration on the Island. The 2004 Comprehensive Plan created a *Mixed Use Town Center* (MUTC) ~~which is intended to be the vibrant, pedestrian-oriented core of Winslow, and also recommends a change of approximately 46 acres of multi-family residential designation to the *Mixed Use Town Center*. In the MUTC, densities of up to 28 units per acre or the equivalent in floor area ratio are recommended, but only if the increase in density over existing zoning is achieved through the use of transfer development rights (TDRs) or by providing affordable housing or contributions to infrastructure in excess of what is needed to mitigate the impacts of development.~~

NOTE: THIS CONCEPT OF BONUS FAR IS ADDRESSED IN MUTC GOALS/POLICIES

Five overlay districts are designated to address the distinct neighborhoods and commercial areas within the Mixed Use Town Center:

- *Central Core Overlay District* – To provide the commercial center; residential uses are encouraged, but not required.
- *Ericksen Avenue Overlay District* – To preserve the unique and historical features of Ericksen Avenue; retail is permitted only if on the ground floor with residential or office development above.
- *Madison Avenue Overlay District* – To provide a mix of residential and small-scale, nonresidential uses; all retail and office development must contain a residential component.
- *Gateway Overlay District* – To protect the ravine and provide low-intensity, tourist-oriented commercial, multi-family and agricultural uses.
- *Ferry Terminal* – To provide ferry and associated transportation-oriented uses and a residential/office neighborhood with limited retail adjacent to the terminal to serve commuters.

The High School Road District is meant to provide commercial uses that complement the Town Center and that benefit from auto access near SR 305. Special planning considerations are provided for coordinated development for the area in and around the ferry terminal, and for properties which abut Eagle Harbor. ~~A master plan for~~ The Winslow Master Plan ~~will be was developed approved in 1998 to implement the goals and policies of the Plan. The Winslow Master Plan has been since amended, including a substantial update in 2006.~~

The Plan recognizes the existing residential districts in Winslow and suggests that the urban Multi-family District could be appropriate for an increase in density with the use of TDRs ~~after monitoring the success of the TDR program in the Mixed Use Town Center.~~

Neighborhood Service Centers

The Neighborhood Service Centers will continue to serve as small-scale commercial activity centers. The base residential density within the service centers would remain at two units per acre.

Island Center

Expansion of the boundaries of Island Center would be considered part of a special planning-area process. ~~A contract zoning district for~~ The 10-acre site on the northwest corner of Miller and Battle Point Roads would be established to may continue with garden supply sales, nursery, and related uses, and provide for some possible expansion of those uses under a contract zoning district.

Lynwood Center

~~The Plan recommends one change for Lynwood Center. This change is the removal of the 10-acre parcel currently designated for commercial development in Lynwood Center and designating the parcel as appropriate for increased residential density of up to five units per acre with public water and sewer. The Lynwood Center Subarea Plan was approved in 1997 after a~~ A special planning area process (Appendix XX) is also recommended for Lynwood Center.

Rolling Bay

Expansion of the boundaries of Rolling Bay would be considered as part of a special planning area process.

Business/Industrial (B/I)

~~The Plan recommends expansion of the existing Business/ Industrial District at Day Road by an additional 35 acres. Business/Industrial (B/I) designated land is concentrated in three distinct areas:~~

- Day Road, east and west of SR 305
- Sportsman Club Road, between New Brooklyn and SR 305
- New Brooklyn Road, west of Madison Avenue

There is an isolated B/I parcel located at the intersection of Fletcher Bay and Bucklin Hill Roads. It was designated as such to recognize an existing development pattern.

Federal, state, and local regulations govern the handling and disposal of hazardous substances and hazardous waste and will be used to evaluate ~~guide~~ future business/ industrial development.

Areas Outside Winslow, NSCs, and B/I

The areas of the Island outside Winslow, the neighborhood centers, and the business/ industrial areas are designated *Residential Open Space* and are characterized by forest lands, meadows, small-scale farms, and narrow, winding heavily-vegetated roadways. These areas also contain much of the Island's sensitive areas. These include aquifer recharge areas and wetlands and streams, which serve a variety of important functions, and also serve as fish and wildlife habitat. The Plan attempts to encourage a pattern of development which will preserve and protect these areas.

The City's subdivision and short plat design standards and processes should ~~Plan recommends the creation of flexible lot design subdivision and short plat processes that will encourage a more creative approach than the traditional lot-by-lot development, while, This method address~~ es lot design, building placement, and circulation. Clustering of lots is encouraged, with varying lot sizes, to provide open space and protect the Island's natural systems and critical areas.

~~A Critical Areas Overlay District is created for the protection of certain critical areas (wetlands and high vulnerability recharge areas). The underlying base density is retained, but development is subject to the requirements of the overlay district. Development through clustering by using the Flexible Lot Design Subdivision Process, or the use of TDRs, is at the underlying base density. If the owner of property located in an area currently designed for development at one unit per 2.5 acres chooses to develop through a standard subdivision process, then density would be limited to one unit per ten acres.~~

NOTE: THE CRITICAL AREAS OVERLAY DISTRICT (DELETED ABOVE) IS RELEVANT ONLY AS A SENDING AREA FOR A TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM.

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.

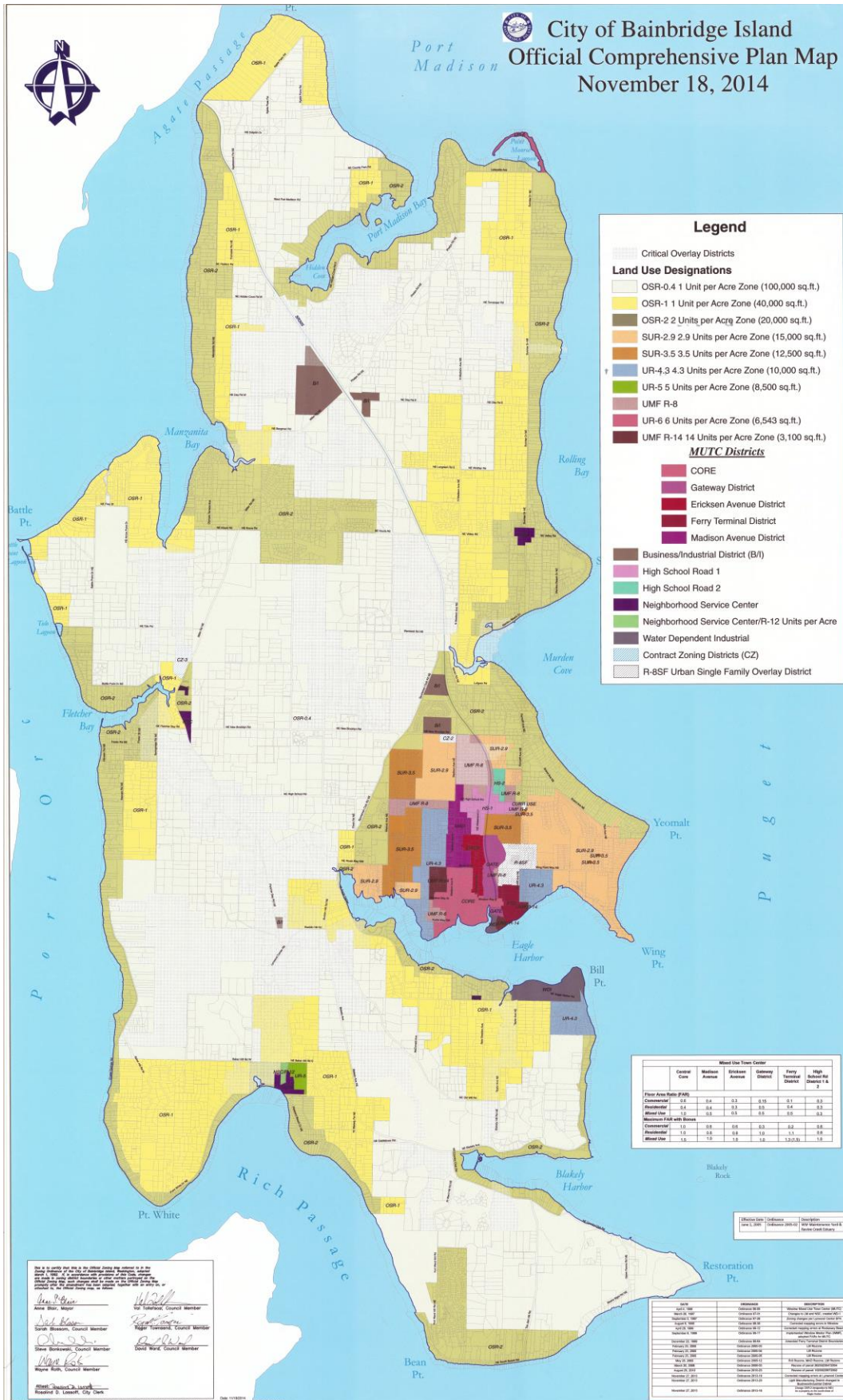
The City is committed to the preservation and enhancement of Bainbridge Island's historic character. Historic resources, including archaeological sites, cultural places, pastoral landscapes and historic structures are important community assets. The City recognizes that these places are an essential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

Siting of Essential Public Facilities

~~The Plan requires the creation of a Facility and Site Evaluation Committee (composed of citizens, City staff, and elected officials) to review the siting of proposed essential public facilities. The Plan also requires that each public agency develop a notification and communications plan to ensure early public review of proposed essential public facilities and promote trust between government agencies and the community.~~

Comprehensive Plan Land Use Map

The Comprehensive Plan Land Use maps are ~~is~~ part of the Land Use Element.



GOALS AND POLICIES

Framework of the Plan

The GMA requires Bainbridge Island to plan, at a minimum, for the growth in population allocated to it by the Washington State Office of Financial Management and the Kitsap County Regional Planning Council. Bainbridge Island's Comprehensive Plan does accommodate projected growth in a way which is consistent with the requirements of the GMA, yet true to the community's vision and overall goals for the future.

NOTE: Guiding Principles in Introduction chapter

~~Five overriding principles goals guide the Plan:~~

- ~~1) Preserve the special character of the Island which includes forested areas, meadows, farms, marine views, and winding roads bordered by dense vegetation.~~
- ~~2) Protect the water resources of the Island.~~
- ~~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.~~

Island-Wide Land Use Strategy

GOAL LU-1

Island-wide Sustainable Conservation and Development Strategy

As part of a long-term, Island-wide, Conservation and Development Strategy, focus urban development in designated centers and conserve the Island's ecosystems and the green, natural and open character of its visual landscape.

Policy LU 1.1 Map emerging centers for Sustainable Community Development. See Fig. 1. [2025 Growth Advisory Committee Final Report, p. 1]

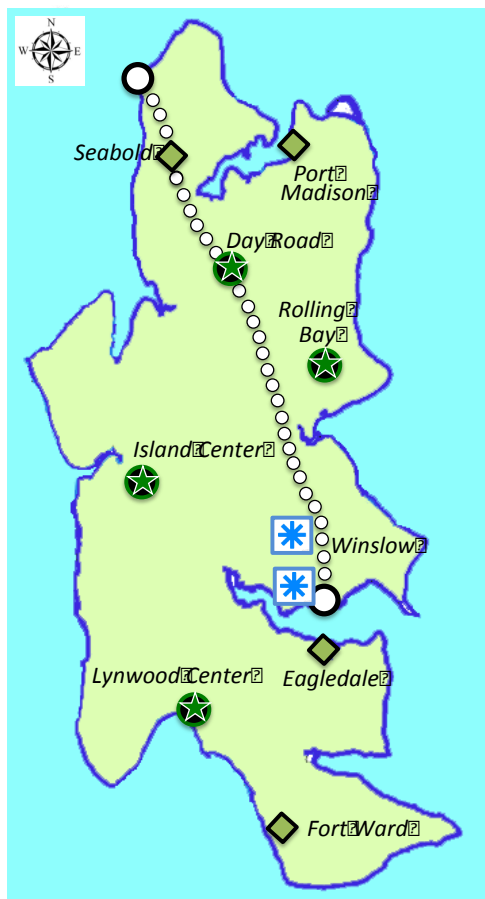
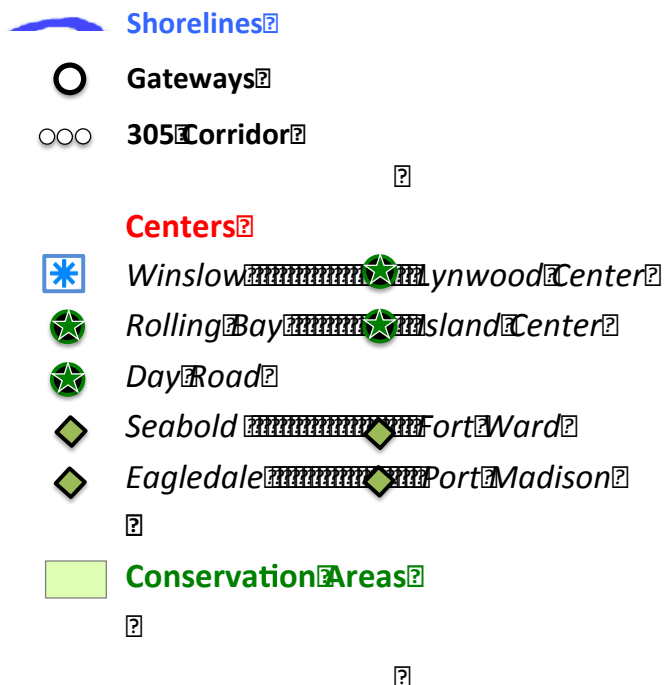


Fig. 1.11 Island-wide Land Use Concept



Policy LU 1.2 The majority of development and redevelopment on the Island will should be accommodated over the next fifty years in central places (i.e., centers) that have or will have urban levels of governmental services and infrastructure. These “central places” should conform to the following hierarchy of centers:

- Downtown-Winslow Master Plan Study Area
- Lynwood Center
- Neighborhood Service Centers with a residential component
- Neighborhood Service Centers without a residential component
- Small scale commercial/service neighborhood “nodes”

GOAL LU-2

Conserve the Island’s ecosystems and the green, natural, open character of its landscape.

Residential Open Space Goal 1 Policy LU 2.1 Preserve the open space area outside Winslow and the Neighborhood Service Centers through a development land use pattern which will that enhances the character of the area – forested areas, meadows, farms, narrow roads bordered by dense vegetation scenic and winding roads that support all forms of transportation – and the valuable functions the open space area serves on the Island (i.e., aquifer recharge, fish and wildlife habitat, recreation). Preservation and protection of the

open space area is also addressed elsewhere in this Element of the Plan in the Environmental, Greenways, Forest Lands and Agricultural Lands sections of the Environmental Element.

OS 1.1 Policy LU 2.2 Protect open space, critical areas, and agricultural uses through public and private initiatives such as including open space tax incentives, cluster development, PUDs, transfer and purchase of development rights, public land acquisition, greenways, conservation easements, landowner compacts, and limiting the amount of lot coverage, and other techniques.

OS 1.2 Policy LU 2.3 Encourage the aggregation of nonconforming lots of record and undeveloped subdivisions and short plats in order to achieve a development pattern that is consistent with goals of the Plan to preserve open space, provide a greenways through the Island, protect environmentally sensitive areas, and protect the water resources.

Policy LU 2.4 Map the six existing aquifers and their recharge areas on the Island and utilize the best available science to design and adopt Aquifer Conservation Zone regulations to protect the Island's water supply.

Policy LU 2.5 Establish appropriate procedures to monitor the effect of water drawdowns within and between aquifers, and adopt programs and regulations to preclude groundwater contamination, and to encourage water conservation and enhanced aquifer recharge.

Policy LU 2.6 Provide more detailed goals and policies to protect the Island's ecosystems in the Environmental and Water Resources Element.

Policy LU 2.7 The City shall work with the County Health Department to allow innovative solutions for on-site sewage treatment, including community septic and grey water systems. *[Island Architects Proposed Policy #8]*

Policy LU 2.8 Allow a density bonus in exchange for putting dedicating a portion of property into conservation as open space, farmland, or public access. Homes must be built green and small with significant reduction in resources in order to qualify for a bonus. *[Island Architects Proposed Policy #9]*

GOAL LU-3

Adopt landscape design standards and identify and protect public vantage points, view corridors and scenic vistas to increase support the Island's sense of place, identity and orientation.

OS 1.4 Policy LU 3.1 Existing vegetated buffers should be retained managed to preserve the Island's character and the forested view from the road. Invasive species should be removed in order to keep the native vegetation healthy.

OS 1.5 Policy LU 3.2 New development should be designed to respond ~~strive to be responsive~~ to the natural landscape and should be sited so as to have the least visual and environmental impact on the Island landscape. Features that enhance the Island's character such as barns, fences, fruit or vegetable stands, should be retained and encouraged.

~~OS 1.6~~ **Policy LU 3.3** ~~Map~~ Tree-covered hillsides and hilltops, particularly the ridgelines so valued by the community, ~~shall be particularly protected~~ and adopt regulations and programs to protect them for their visual and aesthetic benefits to the Island as well as their functions as wildlife habitat and erosion and runoff retardation.

GOAL LU-4

Focus urban development in designated centers

Policy LU 4.1 Adopt a multi-year work program to undertake the “Special Planning Area Process” for the Centers. For each Center, this process shall engage residents, landowners, businesses and other stakeholders in envisioning the appropriate extent, scale, use mix, and the desired and required services and infrastructure to serve the selected use mix and intensity. The product of the “Special Planning Area Process” will be Subarea Plans that will be adopted as part of the Comprehensive Plan.

Policy LU 4.2 The Subarea Plans adopted through the Special Planning Area Process shall be implemented by appropriate amendments to the development code, capital and operating budgets.

Policy LU 4.3 Sustainable development and redevelopment will be focused in the centers through a combination of intergovernmental and public-private partnerships, affordable housing incentive programs, “green” capital projects, and low impact development standards.

Policy LU 4.4 Implement a green building code or “green factor” for both commercial and multifamily residential projects requiring a permit.

[Island Architects proposed Policy #8]

Policy LU 4.5 Address mechanisms for retaining and preserving open space in the vicinity of centers.

[2025 Growth Advisory Committee Final Report, p. 3]

Policy LU 4.6 Design buildings in centers for a long life and adaptability over time to successive uses.

Policy LU 4.7 Adopt development standards and program public improvements to encourage walkability within each center and to the surrounding areas within an easy walk.

~~OS 1.8~~ **Policy LU 4.8** Development should be designed and located so as to avoid or minimize potential conflicts with agricultural activities, and right-to-farm ordinances must be recognized by any development located adjacent to agricultural land uses.

Policy LU 4.9 Amend the Non-Motorized Transportation Plan to link the centers and reduce vehicle miles traveled and greenhouse gas emissions.

General Land Use GOAL 1**GOAL LU-5**

Ensure a development pattern that is true to the vision for Bainbridge Island by reducing the inappropriate conversion of undeveloped land into sprawling development.

LU 1.1 Policy LU 5.1

Land use designations should reflect the priority of Bainbridge Island to remain primarily residential, with nonresidential development ~~outside of the Winslow area~~ concentrated in ~~the service-designated Centers~~ and at the designated Business/Industrial areas.

LU 1.2 Policy LU 5.2

Winslow is the heart of Bainbridge Island. Higher intensity residential and commercial development and human activity is encouraged within Winslow's central core to create a vibrant city center, direct place growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing, and absorb growth that would otherwise be scattered in outlying areas.

LU 1.3 Policy LU 5.3

The Neighborhood Service Centers of Island Center, Rolling Bay, and Lynwood Center offer small-scale, commercial and service activity outside of Winslow. These Neighborhood Service Centers should be allowed to develop at slightly higher densities to reinforce their roles as small-scale, community centers.

LU 1.4 Policy LU 5.4

New ~~commercial~~ centers should be considered only after detailed analysis of the economic impact of the new development shows there will be no significant, adverse impact on the existing commercial centers, including Winslow.

LU 1.5 Policy LU 5.5

The areas at Day Road and Sportsman Club Road designated as Business/Industrial are intended to augment the Winslow Core and the Neighborhood Service Centers and serve an important function that allows a diverse economy with business retention, growth and innovation on the island.

The comprehensive land use plan for Bainbridge Island strives to provide for the full range of community needs. The Business/ Industrial District can provide economic activity that includes a variety of low-impact, nonpolluting uses that reflect and respond to changing market conditions and are compatible with the community. [NOTE: IT MAY BE APPROPRIATE TO REVISIT THIS POLICY AFTER DISCUSSION OF THE ECONOMIC ELEMENT]

LU 1.6 Policy LU 5.6

Development outside of ~~Centers Winslow and the neighborhood centers~~ should be compatible with the distinctive valued features of the Island's open spaces, harbors, winding roads, small-scale agricultural establishments, natural landscape, and distinctive neighborhoods ~~communities~~.

LU 1.7 Policy LU 5.7

The Future Land Use Map adopted in this Plan ~~shall~~ establishes the future distribution, extent, and location of generalized land uses. Uses of land on Bainbridge Island should reflect the intent of the vision, goals, and policies as well as the Land Use Map.

LU 1.8 Policy LU 5.8

Applications for development approval on Bainbridge Island should be processed within the timelines established in the City's land development regulations in order to ensure affordability, fairness, and predictability in the land development process.

OS 1.3 Policy LU 5.9

To reflect the policies in the Housing Element to provide for a variety of housing options in areas designated for residential development, including residential open space, accessory dwelling units shall be considered allowed uses in all residential zoning districts except R-6. (See Housing Element policy H 3.2)

OS1.7 Policy LU 5.10

Water or wastewater infrastructure, which may contribute to system capacity exceeding local need, shall not be used to justify development counter to the City-wide land use policies.

LU 1.9 Policy LU 5.11**Special Planning Areas**

A Special Planning Area is an area which reflects uses and/or conditions which are unique to that area and would benefit from a local and/or neighborhood planning process. The Special Planning Area process would address such issues as current use, future mix and location of uses and densities, transportation, public facilities, services and amenities, and protection of natural systems. The Special Planning Area process would include property owners and neighborhood participation, and may include mediation as a means to resolve significant issues, if directed by the City Council. The end result of a special planning process would be a "neighborhood," "subarea" ~~or site-specific plan which is will require~~ an amendment to the Comprehensive Plan, ~~unless no changes to the Plan's policies are proposed.~~

General Land Use**GOAL 1 LU-6**

The City of Bainbridge Island will plan for growth based on the growth targets established by the Kitsap Regional Planning Council: 5,635 ~~7,430~~ additional residents from 2010-2036 ~~1992 to 2012~~ and, at the same time, promote and sustain high standards that will not diminish the quality of life and/or degrade the environment of the Island.

FRW 1.1 Policy LU 6.1

The City accepts the Kitsap Regional Planning Council (KRPC) population allocations and will continue to analyze the impacts of these allocations as the Comprehensive Plan is implemented.

On September 24, 2013 ~~June 7, 1995~~, the KRCC amended the Kitsap Countywide Planning Policies to revise the 20-year planning horizon under GMA and to revise the population forecast for the County and the subarea allocation for each of the local jurisdictions within the County. Bainbridge Island was allocated a population of ~~24,280~~ 28,660 by the year ~~2012~~ 2036. The City Council ratified the amended Countywide Planning Policies on December 11, 2013 by approving Resolution 2013-22. The ~~2010–1992~~ Island population was ~~23,025~~ 16,850 persons. With an allocation of 28,660 ~~24,280~~, the Island must plan for an increase in population of 5,635 ~~7,430~~ persons by the year ~~2036~~ 2012 (the difference between the 20-year allocated population of ~~24,280~~ and the 1992 population of 16,850). See Introduction and Land Use Element Appendices J XX

This Comprehensive Plan allocates more than enough development capacity to accommodate the target patterns, and opportunities for choice in residential location and lifestyle. Finally, the Plan acknowledges the planning constraints, which result from the large number of existing nonconforming and previous platted lots.

FRW 1.2 Policy LU 6.2

As a city, Bainbridge Island constitutes an urban growth area under the GMA. Although an urban growth area, future growth on Bainbridge will be accommodated in a manner, ~~which that~~ is consistent with the requirements of the GMA, and yet retains the Island's character and the quality of life, ~~which that~~ its residents so highly value.

Consistent with the Growth Management Act, all land within the City of Bainbridge Island is included in the City's urban growth area. While Bainbridge is an ~~island-wide~~ City, it is not characterized by urban development with a full range of urban facilities and services, but contains a variety of development patterns that range from urban to less intense development. Winslow is the urban center of the Island. The existing Neighborhood Service Centers supplement Winslow's commercial activity, with the Business/Industrial District providing a location for environmentally sound manufacturing businesses.

Outside of Winslow and the Neighborhood Service Centers, the Island has a rural appearance with forested areas, meadows, farms, and winding, narrow, and heavily vegetated roadways. These characteristics represent the Island character that is so highly valued by its residents. As important as preserving Island character is to its residents, of equal importance is the protection of the Island's environmentally sensitive areas. These outlying areas contain much of the Island's sensitive areas – the major recharge areas for the Island's aquifers, wetlands, and streams ~~which that~~ serve a variety of important functions. Much of the area serves as fish and wildlife habitat. There is strong public support to encourage a pattern of development which preserves and protects this portion of the Island.

FRW 1.3 Policy LU 6.3

The residential densities in the Plan focus residential growth in Winslow and other current and future centers with urban services, such as the Neighborhood Service Centers. This is a change from the 1994 and 2004 Plans, which specified a numeric growth strategy as follows: targets Winslow to accommodate 50% of the population growth in Winslow through the year 2012, and

~~accommodate 5% of population growth in with~~ the Neighborhood Service Centers to ~~accommodate up to 5%.~~ The balance of the growth ~~would~~ was to be absorbed throughout the remainder of the Island. For purposes of allocating 50% of the growth, Winslow ~~was~~ shall be defined as Winslow Master Plan Study Area. (Figure 2.3 of the Winslow Master Plan.)

~~The 1992 population of Winslow was 3,397 persons. Fifty percent of the Island's 2012 population allocation is 3,715. Winslow is therefore targeted for a 2012 population of 7,112 persons. The 2003 population estimate for the City of Bainbridge Island as provided by the Washington State Office of Financial Management (OFM) is 21,350 people.~~

The Winslow Master Plan study area ~~is intended to~~ encourages development of a neighborhood of the Island which contains a strong ~~strengthened~~, vital downtown where people want to live, shop and work. Outside the mixed use, higher density center, there would be a variety of housing choices, from higher density multi-family areas immediately adjacent to the downtown to single family residential neighborhoods.

GOAL 2 LU-7

Establish areas of urban concentration where public facility and service capacities already exist, or are being developed, and which are characterized by growth that will be served by a combination of existing and new public facilities and services.

FRW 7.1 Policy LU 7.1

Winslow is the urban core of the Island, while the existing Neighborhood Service Centers are small-scale centers. In order to achieve the goals of the GMA this Plan ~~would~~:

- Encourages development in areas where public facilities and services exist or can be provided in an efficient and effective manner.
- Provides a vibrant, pedestrian-oriented core.
- Reduces sprawl.
- Provides choice of housing location and lifestyle.
- Maintains and protects environmentally sensitive and resource lands.
- Encourages the retention of open spaces.
- Maintains and enhances the fish and wildlife habitat.

FRW 2.2 Policy LU 7.2

Increased density over and above the existing zoning in the NSCs should only occur through a shift in density from critical areas overlay districts and farms through TDRs and through the use of density bonuses for affordable housing.

Development within the MUTC and High School Road Districts shall be consistent with the Winslow Master Plan (contained in the Subarea chapter of this Plan). The level of development ~~shall be is~~ determined by using Floor Area Ratio (FAR) rather than dwelling units per acre. The use of FAR may result in an increase in the base level of development (density) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the goals of this Plan.

A base level of commercial and residential density within the overlay districts of the MUTC

and the High School Road districts ~~shall be established as~~ is described in the Winslow Master Plan, with an increase in the FAR allowed through the use of:

- Affordable housing.
- TDRs (transferable development rights).
- Contributions to public infrastructure and public amenities in excess of what is required to mitigate the impacts of development.
- Transfer of density within the MUTC and within the High School Road Districts.
- Preservation on-site of historic structures eligible for inclusion on a local, state or federal register of historic places.
- Locating ferry-related parking under building.

FRW-2.3 Policy LU 7.3

Phasing mechanisms and/or incentives should be developed to promote the timely and logical progression of commercial and residential development.

GOAL 3-LU-8

This Comprehensive Plan recognizes and affirms that, as an Island, the City has natural constraints based on the carrying capacity of its natural systems. The Plan strives to establish a development pattern that is consistent with the goals of the community and compatible with the Island's natural systems.

FRW-8.1 Policy LU 8.1

Recognizing that the carrying capacity of the Island is not known, the citizens of Bainbridge Island should strive to conserve and protect its natural systems, within the parameters of existing data. Revisions to the Plan should be made as new information becomes available.

The carrying capacity of Bainbridge Island is determined by many factors, including the supply of limited resources (particularly water), changes in patterns of consumption, and technological advances. This Plan acknowledges that, with current information, the carrying capacity of the Island is not known. During the timeframe of this Plan, additional information on the carrying capacity of the Island should be developed. The Plan seeks to take a balanced and responsible approach to future development. As our understanding of the Island's capacity changes, the recommendations of this Plan should be reconsidered to ensure that they continue to represent a responsible path for the long-range future of the Island.

FRW-3.2 Policy LU 8.2

A public education program should be established to foster the community's understanding of the natural systems on the Island and their carrying capacity.

FRW-3.3 Policy LU 8.3

This Plan recognizes that stewardship of the land is a responsibility of individual citizens and the community as a whole. Through its status as an employer and landowner, the City ~~shall~~ should take advantage of its opportunities to be an example of environmental stewardship so that others will be encouraged to follow suit.

FRW 3.4 Policy LU 8.4

The City ~~shall~~ should develop a program which recognizes and rewards stewardship so that others will be encouraged to follow suit.

GOAL 4-LU-9

Ensure that the community vision and goals embodied in this plan are realized ~~actually obtained~~.

FRW 4.1 Policy LU 9.1

Develop a series of benchmarks against which to measure the Plan's continued viability and ensure that continued public input is part of the monitoring program.

FRW 4.2 Policy LU 9.2

The Action Plan to implement the Comprehensive Plan should be reviewed yearly to determine if whether the actions described in the Action Plan have been accomplished.

GOAL 5 LU-10

Strive to ensure that basic community values and aspirations are reflected in the City's planning program while recognizing the rights of individuals to use and develop private property in a manner that is consistent with City regulations. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

GOAL 6 LU-11

All government entities should strive to cooperate and serve their constituents in a fiscally sound manner.

In addition to the City government, there are three special purpose districts and the Bremerton-Kitsap County Health District and Sewer District #7 which all serve the citizens of Bainbridge Island, as well as a number of state and county agencies. This goal addresses the need for cooperation and coordination in order to serve the Island's citizens in the most cost effective manner.

GOAL-7 LU-12

Develop a meaningful process for citizen participation which includes ~~tries to obtain~~ participation from all segments of the Island community.

General Land Use

Note: this goal/policies were moved up to become Goal/Policy LU 5/LU5.1 etc.

GOAL 1-

~~Ensure a development pattern that is true to the vision for Bainbridge Island by reducing the inappropriate conversion of undeveloped land into sprawling development.~~

LU 1.1-

~~Land use designations should reflect the priority of Bainbridge Island to remain primarily~~

residential, with nonresidential development outside of the Winslow area concentrated in the service centers and at the designated Business/Industrial areas.

~~LU 1.2~~

~~Winslow is the heart of Bainbridge Island. Higher intensity residential and commercial development and human activity is encouraged within Winslow's central core to create a vibrant city center, place growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing, and absorb growth that would otherwise be scattered in outlying areas.~~

~~LU 1.3~~

~~The Neighborhood Service Centers of Island Center, Rolling Bay, and Lynwood Center offer small scale, commercial and service activity outside of Winslow. These Neighborhood Service Centers should be allowed to develop at slightly higher densities to reinforce their roles as small-scale, community centers.~~

~~LU 1.4~~

~~New commercial centers should be considered only after detailed analysis of the economic impact of the new development shows there will be no significant, adverse impact on the existing commercial centers, including Winslow.~~

~~LU 1.5~~

~~The areas at Day Road and Sportsman Club Road designated as Business/Industrial are intended to augment the Winslow Core and the Neighborhood Service Centers and serve an important function that allows a diverse economy with business retention, growth and innovation on the island.~~

~~The comprehensive land use plan for Bainbridge Island strives to provide for the full range of community needs. The Business/ Industrial District can provide economic activity that includes a variety of low impact, nonpolluting uses that reflect and respond to changing market conditions and are compatible with the community.~~

~~LU 1.6~~

~~Development outside of Winslow and the neighborhood centers should be compatible with the distinctive features of the Island's open spaces, harbors, winding roads, small scale agricultural establishments, natural landscape, and distinctive communities.~~

~~LU 1.7~~

~~The Future Land Use Map adopted in this Plan shall establish the future distribution, extent, and location of generalized land uses. Uses of land on Bainbridge Island should reflect the intent of the vision, goals, and policies as well as the Land Use Map.~~

~~LU 1.8~~

~~Applications for development approval on Bainbridge Island should be processed within the timelines established in the City's land development regulations in order to ensure~~

affordability, fairness, and predictability in the land development process.

LU 1.9-

Special Planning Areas

A Special Planning Area is an area which reflects uses and/or conditions which are unique to that area and would benefit from a local and/or neighborhood planning process. The Special Planning Area process would address such issues as current use, future mix and location of uses and densities, transportation, public facilities, services and amenities, and protection of natural systems. The Special Planning Area process would include property owners and neighborhood participation, and may include mediation as a means to resolve significant issues, if directed by the City Council. The end result of a special planning process would be a “neighborhood,” “subarea” or site specific plan which will require an amendment to the Comprehensive Plan, unless no changes to the Plan’s policies are proposed.

Residential Goals and Policies

A specific set of residential policies are contained in the Housing Element. Goals and policies related to residential development are also located throughout the Land Use Element (e.g. Winslow, Neighborhood Service Centers and the Open Space Residential).

Commercial and Mixed Use Goals and Policies

GOAL 2 LU-13

Provide attractive, conveniently located, commercial development that is appropriate in scale, configuration, and location. Such development ~~shall~~is be limited to the commercial and mixed use districts, and the Neighborhood Service Centers, ~~and home occupations.~~

LU 2.1 Policy LU 13.1

The major center for new commercial development ~~shall be~~is the Mixed Use Town Center and the other commercial districts in Winslow.

LU 2.2 Policy LU 13.2

The Neighborhood Service Centers should provide Island-wide small-scale commercial and service activity and mixed use development outside Winslow.

LU 2.3 Policy LU 13.3

~~Nonresidential uses~~ Development should be oriented toward the pedestrian. Retail uses shall ~~should~~ be encouraged on the ground-floor to prevent blank walls with little visual interest for the pedestrian. Offices and/or residential uses should be encouraged above ground floor retail.

LU 2.4 Policy LU 13.4

Home occupations provide employment opportunities and should be permitted where they are compatible with surrounding neighborhoods and the environment.

Parking

GOAL 3 LU-14

Parking lots shall be constructed to minimize visual and environmental impacts.

LU 3.1

~~Landscaping standards shall be established for the parking lots of multi-family, commercial, office, and mixed-use developments to provide visual screening and to limit the impacts of impervious surfaces. Consideration should be given to the use of street trees which will allow solar access.~~

LU 3.2 Policy LU 14.1

Encourage parking in the rear or side yards of multi-family, commercial, and mixed use developments. Parking lots should be pedestrian-oriented and should provide pedestrian and bicycle routes between the street, the parking area, and the main entrance, and consideration should be given to the use of trees that allow solar access.

GOAL 4 LU-15

Prioritize program goals and establish and maintain planning tools, including a purchase and transfer of development rights program, that which implements the goals and policies of this Plan and to allow transferring development rights from areas intended for conservation, and promoting development in areas suitable for development.

LU 4.1 Policy LU 15.1

~~Maintain and improve t~~The City's Purchase of Development Rights (PDR) and should develop a Transfer of Development Rights (TDR) program to enable transferring development rights from areas intended for conservation to areas suitable for development, which establishes requirements and procedures for transfer of development rights from sending areas to receiving areas. The TDR program should contain provisions for the sale and purchase of development rights.

LU 4.2 Policy LU 15.2

The City recognizes the need to take a proactive role in the purchase and transfer of development rights and such a program should include:

- 1) Designating appropriate staff resources to promote the program;
- 2) Providing for the outright purchase of development rights by the City and establishing a fund for banking development rights; and
- 3) Creating a ~~mechanism~~ process that coordinates the purchase and transfer of development rights.
- 4) Initiating an outreach program to educate property owners and potential buyers about the use of the Purchase and Transfer of Development Rights program.

Discussion: ~~This policy should be undertaken only after implementation of Policy LU 4.3 has been completed and the TDR program has been determined to be feasible.~~

LU 4.3 Policy LU 15.3

The City ~~should undertake a study to~~ has identified appropriate TDR sending areas and prioritized areas (or resources) of the Island that are valued by the community and are appropriate for conservation through the PDR purchase and/or the transfer of development rights (TDR) programs. ~~These areas or resources shall be identified as appropriate “sending areas” in the TDR program.~~

Discussion: Appropriate sending areas for example, could contain sensitive lands that are not protected by the critical areas regulations, priority links in the Wildlife Corridor, priority open space lands, or historic resources. Determination of appropriate sending areas should also be coordinated with the development of an Island-wide open space plan.

LU 4.4 NOTE: MOVED TO POLICY 15.2 ABOVE

~~The City should initiate an outreach program to educate property owners and potential buyers about the use of the Purchase and Transfer of Development Rights program.~~

Winslow*Winslow Mixed Use and Commercial Districts***GOAL 1 LU-16**

The Winslow mixed use and commercial districts are designed to strengthen the vitality of downtown Winslow as a place for people to live, shop, and work. The Mixed Use Town Center is intended to have a strong, residential component to encourage a lively community during the day and at night. The most intense commercial area in Winslow is in the Central Core Overlay District. In this area, a vertical mix of uses is encouraged, but exclusively retail and/or office uses are permitted as well. In other areas of the Mixed Use Town Center District, office and retail uses should include a residential component.

W 1.1 Policy LU 16.1

The Mixed Use Town Center is intended for select areas within one mile of the ferry terminal and particularly the downtown core area, which is within one-half mile of the ferry terminal, that are suitable for pedestrian-oriented development.

W 1.2 Policy LU 16.2

The Mixed Use Town Center District includes diversity in types of housing, shopping, civic facilities, recreation, and employment. A variety of land uses are allowed which promote a pedestrian atmosphere, enhance the viability of the Town Center and can be developed in a manner ~~which that~~ is harmonious with the scale of the Town Center. Land uses which require outdoor storage or which have primarily an auto orientation, such as drive-through establishments, are not permitted within the Mixed Use Town Center.

W 1.3 Policy LU 16.3

To ensure the visual appeal and pedestrian-orientation of the land uses, the land development regulations ~~shall~~ include design standards for:

- Building height, bulk, and placement.

- Landscaping.
- Land coverage.
- Open space.
- Parking requirements.
- Signage.
- Street improvements.

W-1.4 Policy LU 16.4

The base levels of development in the Mixed Use Town Center and High School Road Districts ~~shall be~~ are determined by the floor area ratios (FAR) established in the Winslow Master Plan. A maximum level of development may be achieved through the use of FAR bonus provisions established in the Winslow Master Plan, including Transfer Development Rights, an affordable housing density bonus or contributions to public infrastructure or public amenities in excess of what is required to mitigate development impacts.

W-1.5 Policy LU 16.5

The area north of Bainbridge Performing Arts to High School Road, between Madison and Ericksen Avenues, is most appropriate for high-density, residential uses.

W-1.6

~~The permanent location of City Hall should be in downtown Winslow.~~

W-1.7

~~A master plan for Winslow will be developed to implement the goals and policies of this Plan.~~

W-1.8 Policy LU 16.6

Develop a parking plan for the Mixed Use Town Center District in order to ensure the viability of the Center. The Plan should include provision for shared parking, parking opportunities off Winslow Way, reduction of the parking requirements for areas within the Center, and identification of areas which could be developed as small, public parking lots to serve the businesses, and the Plan should consider the use of street trees that allow solar access. Establish a public/private partnership, such as a Parking Authority, to implement the parking plan.

A Parking Authority could assist with funding, site acquisition, planning, engineering, and traffic studies, and create an overall integrated plan of action with sequential implementation.

W-1.9 Policy LU 16.7

Monitor the success in achieving the Plan's goal to increase the vitality of the Mixed Use Town Center and the effectiveness of the bonus density program. The monitoring program ~~shall include~~ tracking the use of TDRs, the affordable-housing density bonus and bonuses for contributions to public facilities, the types of businesses which are located in the Town Center, and the number and frequency of business changes.

~~There is some concern that the increased density in the Town Center will not be achieved if it~~

~~can only be accomplished through the use of TDRs or an affordable housing density bonus. Through a regular monitoring program, an assessment can be made as to whether the goals of the Plan are being achieved and if not, corrective measures should be taken.~~

W-1.10 Policy LU 16.8

Pursue the construction of a complete waterfront trail system.

GOAL 2 LU-17

Maintain ~~Develop~~ overlay districts to that distinguish among the ~~distinct~~ neighborhoods and commercial areas within the Mixed Use Town Center.

There are a number of distinct neighborhoods or commercial centers within the Mixed Use Town Center. Development within the Town Center should reflect the different qualities and characteristics of these distinct areas. Except where explicitly stated, the permitted uses and densities are uniform throughout the Mixed Use Town Center. However, design standards and mix of uses may vary. The overlay districts establish these variations. Also, the goal of achieving pedestrian-oriented development is sought throughout the Town Center.

W-2.1 Policy LU 17.1

Encourage neighborhood participation in defining the design standards for each overlay district.

Central Core Overlay District

W-2.2 Policy LU 17.2

The Central Core Overlay District is the most densely developed and dynamic ~~intense~~ district within the Mixed Use Town Center. Within this overlay district, residential uses are encouraged, but exclusive office and/or retail uses are permitted.

W-2.3 Policy LU 17.3

Design standards, including open space, parking and landscaping, ~~which~~ recognize the urban character of the Central Core Overlay District and apply to future development, ~~shall be developed.~~

Discussion: In general, open space and landscaping standards may be more relaxed in this district in favor of building placement and lot coverage standards which create a continuous urban façade.

W-2.4 Policy LU 17.4

Mixed Use developments within the Central Core Overlay District that include a residential component may be exempt from requirements to provide off-street parking for the residential component of the project. When establishing the parking requirements for such a project, the City ~~shall~~ should consider the extent to which the shared parking will satisfy residents' parking demand.

W-2.5

~~The existing mobile home park in the Central Core District provides an affordable housing~~

~~alternative and should be encouraged to remain. With retention of these mobile homes, the unused development potential from the parcels on which the mobile home park is located may be transferred to another parcel within the MUTC and a mechanism should be established to allow the permanent preservation of the mobile homes to be used as an affordable housing bonus on another parcel within the MUTC.~~

~~**Discussion:** Specific policies which relate to the mobile home park are contained in the Housing Element.~~

W-2.6 Policy LU 17.5

~~Provide improved pedestrian and visual access to the waterfront from the Central Core.~~

Ericksen Avenue Overlay District

W-2.7 Policy LU 17.6

The Ericksen Avenue Overlay District is intended to preserve the unique and historical features of the Ericksen Avenue neighborhood and to provide for a mix of residential and small-scale, nonresidential development, with provision for open space.

W-2.8 Policy LU 17.7

~~New multi-story r~~Retail development is permitted within the Ericksen Avenue Overlay District only ~~if it is ground floor retail with a residential component or residential and office development in the upper floors.~~

W-2.9 Policy LU 17.8

Historic (pre-1920) single-family, residential structures on Ericksen may be converted to nonresidential use. However, any additions to the structure must be added to the rear and must be compatible with the character of the original structure. ~~Exceptions may be made, when appropriate, through a variance process. Policies related to the historic structures on Ericksen Avenue are contained in the Historic Preservation section of this Element.~~

~~**Discussion:** Policies related to the historic structures on Ericksen Avenue are contained in the Historic Preservation section of this Element.~~

W-2.10 Policy LU 17.9

New buildings within the Ericksen Overlay District must be constructed so that the overall character of the street, including traditional building forms, roof shapes, and relationship of building to street, is compatible with that of the historic structures on Ericksen Avenue. The mass of the new building, its relation to open spaces, and its doors, windows, and openings should be visually compatible with the historic structures on Ericksen.

~~**Discussion:** The mass of the new building, its relation to open spaces, and its doors, windows, and openings should be visually compatible with the historic structures on Ericksen.~~

Madison Avenue Overlay District

W-2.11 Policy LU 17.10

The Madison Avenue Overlay District is intended to provide for a mix of residential and small-scale, nonresidential development.

W-2.12 Policy LU 17.11

~~Within the Madison Avenue Overlay District, all retail and office development shall include a residential component~~ mixed-use development is encouraged. New multi-story retail development is permitted only if it is ground-floor retail with a residential component or ~~residential and office development on the upper floors.~~

Gateway Overlay District

W-2.13 Policy LU 17.12

The area along SR 305 from Winslow Way ~~to the northern boundary of John Nelson Park past the Vineyard Lane to the north~~ is the gateway to Bainbridge Island and should be developed to utilized in a way which enhances its this role as the gateway.

W-2.14 Policy LU 17.13

The Gateway Overlay District ~~would~~ provides protection for the ravine. The District ~~would~~ permits low-intensity, tourist-oriented, commercial, multi-family, and agricultural uses ~~which would that~~ have limited parking and minimum traffic impact. Limited, impervious surface coverage ~~would be~~ is allowed. If changes to SR 305 are made, then the uses permitted in the District will be re-examined.

W-2.15 Policy LU 17.14

The ravine is an important, natural feature of Bainbridge Island and ~~should~~ must be protected. A high priority ~~should be given is~~ to purchase ~~ing~~ properties or obtaining conservation easements where the ravine is located to provide a permanent open space and connect a trail along the ravine.

Commercial-Ferry Terminal District

GOAL 3 LU-18

The Ferry Terminal Overlay District is intended to provide an attractive setting for ferry and associated transportation-oriented uses and serve as the entry point into Winslow. This District is also intended as a pedestrian and transit oriented, mixed- use neighborhood that complements the character and vitality of the core and serves the neighborhood and commuters.

W-3.1 Policy LU 18.1

Limit commuter parking and locate parking underground below new residential/office development in the ferry terminal wherever feasible.

W-3.2 Policy LU 18.2

Require new development to provide landscaping, landscape buffers and signage that enhances

the setting of this visually important area, and limits the undesirable visual impacts of parking lots.

W-3.3 Policy LU 18.3

Protect adjacent, residential zones from the encroachment of parking, traffic impacts, and development.

W-3.4 Policy LU 18.4

Landscaping and signage standards should provide an attractive entry point that emphasizes Winslow's intimate character and natural setting.

Ferry Terminal Planning Area GOAL 4 LU-19

Planning for the Ferry Terminal and Gateway Districts should be coordinated

W-4.1 Policy LU 19.1

The Ferry Terminal and Gateway Districts ~~should be~~ are developed in cooperation with the City, Washington State Department of Transportation, Kitsap Transit, and the private landowners to ensure coordinated and consistent development. The Ferry Terminal plan should address such issues as design standards, coordinated transportation analysis, pedestrian and visual connections between the ferry terminal and the Winslow Way retail center, and environmental ~~review~~ protection.

~~Commercial~~ High School Road District GOAL 5 LU-20

~~The Commercial High School Road District is intended to provide for~~ mixed-use and commercial development uses that complement downtown Winslow and benefit from automobile access near the highway, while creating in a pedestrian-friendly retail area.

W-5.1

~~The Commercial High School Road District is intended for the area that is suitable for commercial development near the intersection of High School Road and SR 305.~~

W-5.2 Policy LU 20.1

The ~~Commercial~~ High School Road District includes a diversity in types of shopping and employment. A variety of commercial uses are allowed which offer goods and services for the convenience of Island residents ~~and which may have an automobile orientation. Housing at a density of 8 units per acre is also permitted.~~

Policy LU 20.2

Auto-oriented uses and drive-through businesses that benefit from access to SR305 shall be limited to the area shown on Figure 2.



Figure 2. Yellow Dotted Line shows area where auto-oriented uses and drive-through businesses are allowed

Policy LU 20.3

Development in the High School Road District should promote pedestrian-oriented mixed-use and residential development that offers a variety of housing types and sizes.

W-5.3 Policy LU 20.4

The properties designated on the Land Use Map as High School Road District II ~~shall be~~ are each limited to no more than 14,400 square feet of retail use. Retail use between 5,000 and 14,400 square feet ~~shall~~ requires a conditional use permit.

Discussion: This portion of High School Road, designated High School Road District II on the Land Use Map, is immediately adjacent to a semi-urban, residential area of 2.9 to 3.5 units per acre and should have less intense uses than the remainder of the High School Road district. Since existing businesses are located in this area and infrastructure is in place, this Plan recommends the area for the High School Road designation, but with a limitation on the size of retail uses.

W-5.4 Policy LU 20.5

To ensure visual appeal and pedestrian and bicycle safety, the land development regulations ~~shall~~ include design standards for:

- Building height, bulk, and placement.
- Landscaping, including screening of parking lots, and development of pedestrian oriented streetscape with building and landscaping (including trees) located at the street edge.
- Lot coverage.
- 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 Policy LU 20.6

~~To visually screen development year-round, p~~Properties with frontage along SR 305 shall provide a vegetated buffer along the highway that ~~shall~~ includes the preservation and protection of existing vegetation, ~~to visually screen the development year-round from the highway.~~ Access to these properties shall should not be directly from SR 305.

W-5.6 Policy

~~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 LU-21

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 Policy LU 21.1

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 Policy LU 21.2

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 Policy LU 21.3

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 optimal~~um~~ means ~~to~~ for provide prompt and effective clean-up of spills that do occur.)

W-6.4 Policy LU 21.4

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 Policy LU 21.5

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 Policy LU 21.6

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 Policy LU 21.7

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 LU-22

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.

Most of the residential districts include some office and governmental uses that are permitted as conditional uses.

W-7.1 Policy LU 22.1

Residential development within the Urban Multi-Family District ~~shall be~~ is served by public facilities and services normally associated with urban area development.

W-7.2 Policy LU 22.2

Retain the existing densities of residential uses which range from 8 to a maximum of 14 units per acre within the Urban Multi-Family District.

~~**Discussion:** The monitoring program to be established for the Mixed Use Town Center will help assess whether the Urban Multi-Family District should be designated for additional density through the use of TDRs.~~

W-7.3 Policy LU 22.3

Provide landscape buffers between any multi-family and existing single family homes.

W-7.4 Policy LU 22.4

To ensure the compatibility of multi-family developments with adjacent uses and retain the scale of development in Winslow, land use regulations ~~shall~~ include design standards for:

- Building height, bulk, massing, and articulation to promote a pedestrian scale and to ensure adequate light, air, and view corridors between lots.
- Parking requirements, including location of parking to the rear or side yards.
- Landscaping, including parking lots.
- Lighting standards that prevent unnecessary glare on neighboring residential properties.
- Location and screening of service areas such as dumpsters.
- Open space.
- Pedestrian linkages between multi-family buildings and the street edge and adjacent residential or commercial properties.

Urban Residential District

GOAL 8 LU-23

The Urban Residential District is intended for moderate density urban residential development.

W-8.1 Policy LU 23.1

Residential development within the Urban Residential District ~~shall be~~ is served by public facilities and services normally associated with urban area development.

W-8.2 Policy LU 23.2

Densities of residential use within the Urban Residential District ~~shall~~ range from 4.3 to a maximum of 6 units per acre.

~~**W-8.3**~~

~~The Urban Residential District on the Point Monroe sand spit is intended for small, beach-oriented residences that are compatible with its sensitive environmental setting.~~

~~**W-8.4**~~

~~New development or expansion of development in the Urban Residential District on the Point Monroe sand spit shall consider the cumulative impacts of additional requests for like~~

~~actions on the remainder of lots on the sand spit. The total of new development on the sand spit shall not produce substantial adverse effects on the shoreline environment or neighborhood character, and shall prevent or minimize flood damage through use of non-structural methods, such as increased setbacks and vegetated buffers, in addition to design measures such as pile foundations and elevated floor levels.~~

Semi-Urban Residential District

GOAL ~~9~~ LU-24

The Semi-Urban Residential District is intended to provide for vital residential neighborhoods in a semi-urban setting.

W-9.1 Policy LU 24.1

The Semi-Urban Residential District is located in areas that are suitable to provide a transition from urban uses to the less intensely developed areas of the Island.

W-9.2 Policy LU 24.2

Density of residential use within the Semi-Urban Residential District ~~shall~~ range from 2.9 to a maximum of 3.5 units per acres.

~~W-9.3~~

~~High School Road/Ferncliff Avenue~~

~~The 9+ acres located at the northwest corner of High School and Ferncliff Roads is designated as R-2, with the six western acres (approximately) of the nine acres designated as R-8. No density bonuses will be permitted on either portion of the site and development of this site is encouraged to be clustered on the western portion of the property, with a significant buffer retained along the eastern boundary of the site along Ferncliff Avenue.~~

~~**Discussion:** The density bonus restriction is due to the property's transitional location, between the high-intensity commercial area on High School Road and the lower-density residential area associated with Ferncliff Avenue.~~

Neighborhood Service Centers

The Neighborhood Service Centers provide Island-wide commercial and service activity outside Winslow. These areas should be developed at slightly higher densities to reinforce their roles as community service centers. The service centers will also help reduce traffic congestion by providing an alternative to shopping in Winslow.

GOAL ~~1~~ LU-25

Encourage the development of the Neighborhood Service Centers at Rolling Bay, Lynwood, and Island Centers, as designated on the Land Use Map, as areas with small-scale, ~~Island-wide~~, commercial, mixed use and residential development outside Winslow.

NSC 1.1 Policy LU 25.1

Allow development of Neighborhood Service Centers in areas designated on the Land Use Map.

NSC 1.2 Policy LU 25.2 Lynwood Center

Any new development or expansion of existing development in Lynwood Center will be required to connect to public sewer, when available, or meet other Health District requirements, when appropriate.

Lynwood Center is designated as a Special Planning Area, and a subarea plan was completed in 1997.

~~Reduce the commercial area of Lynwood Center as shown on the Land Use Map. Allow R-5 is allowed with public water and sewer in the area. that has been changed from commercial to residential use. The use of TDRs or affordable housing bonus density would not be required, but affordable housing would be encouraged.~~

~~Rezone the Island Trade District to Neighborhood Service Center to ensure coordinated and compatible uses in the neighborhood service center. Allow up to 12 residential units per acre along with commercial uses (if served by public sewer and water) on the commonly owned parcels on Lynwood Center between Baker Hill Road and Point White Drive, as shown on the Land Use Map (Tax Parcel #s 042402-1-012-2006, 042402-1-047-2005, 042402-1-048-2004, 042402-1-049-2003, 042402-1-050-2009), provided that a community center is constructed that is of similar style and quality to the entire development. Higher density may be achieved with affordable housing.—~~

~~Allow the existing lumberyard pier (Tax Parcel # 042402-1-019-2009) to be rebuilt with commercial uses consistent with the Bainbridge Island Shoreline Management master Program, 1996. Parking for this use must be located either on the parcel directly north of this parcel (Tax Parcel # 042402-1-046-2006) or on that parcel to the west (Tax Parcel # 042402-1-021-2005). The City should pursue public funds, whether from the sale of road-end property or other sources, to combine with private funds to construct a public access pier or acquire other public beach access.~~

~~The parcel of land located on Point White Drive, directly adjacent to the western boundary of the NSC, as shown on the Land Use Map (Tax Parcel # 042402-1-021-2005), is designated OSR-2 with the provision that density may be increased to 3 units per acre on the condition that a public access easement be granted for that portion of the parcel that lies to the south of Point White Drive along the waters of Rich Passage and adjacent to the old lumberyard pier.~~

~~Any future development adjacent to the Shel-chelb estuary and associated stream corridor should consider the sensitive nature of this unique environmentally sensitive area.~~

The *Lynwood Center Report and Final Recommendations* is included in the section of the Comprehensive Plan entitled Subarea Plans.

NSC 1.3 Policy LU 25.3 Island Center

Island Center is designated as a Special Planning Area. The boundaries for Island Center are

as shown on the Land Use Map. Any changes to the boundaries may be determined during the special planning process.

NSC-1.4 Policy LU 25.4 NSC Contract Zone: Miller Road/Battle Point Drive

The 16.7-acre site on Miller Road ~~will be~~ is designated a contract zone to recognize the activities currently occurring on-site under the provisions of an Unclassified Use Permit and to consider some expansion of those activities.

NSC-1.5 Policy LU 25.5 Rolling Bay

The Neighborhood Service Center boundaries are as shown on the Land Use Map. Rolling Bay is designated as a Special Planning Area. Any changes to the boundaries may be determined during the special planning process.

NSC-1.3 Policy LU 25.6

The Neighborhood Service Centers should achieve a mix of neighborhood-scale businesses, public uses, and housing which are compatible with the scale and intensity of the surrounding residential neighborhood and which minimize the impact of noise, odor, lighting, fire safety, and transportation on the neighborhood

NSC-1.7 Policy LU 25.7

Mixed use development is encouraged but not required.

NSC-1.8 Policy LU 25.8

Proposed uses must consider the impact on water quality, stormwater runoff, and environmentally sensitive areas such as wetlands, streams and high vulnerability recharge areas.

NSC-1.9 Policy LU 25.9

The land use regulations ~~shall have~~ include design standards for:

- Building height, bulk, massing and articulation to promote a pedestrian scale.
- Parking requirements, including location of parking to the rear or side yards, unless otherwise provided for in a Special Planning Area plan. Landscaping, including parking lots and buffer areas between higher and lower intensity uses and consideration of trees that allow solar access.
- Lighting standards that prevent unnecessary glare on neighboring residential properties.
- Location and screening of service areas such as dumpsters.
- Open space.
- Pedestrian linkages.

Discussion: These standards ~~should be established to~~ ensure that development will be designed to fit into the scale and character of the existing centers and the adjacent residential neighborhoods. The City ~~should~~ developed design prototypes or illustrated design guidelines for each of the three service centers to serve as a visual reference for the future development of the community. These design guidelines ~~should~~ recognize the distinct qualities of the three service centers.

NSC 1.10 Policy LU 25.10

Encourage neighborhood participation in defining the design standards for each service center.

NSC 1.11 Policy LU 25.11

Establish and implement a street tree plan and planting program for major roadways at the Neighborhood Service Centers.

NSC 1.12 Policy LU 25.12

Develop a parking plan, if appropriate, for each service center.

NSC 1.13 Policy LU 25.13

Opportunities for providing a neighborhood commons or meeting place should be considered with any proposal for major redevelopment of an existing neighborhood service center or as part of development of a new neighborhood service center to encourage the use of the neighborhood service center by surrounding residents.

GOAL 2 LU-26

Infill within the boundaries of the Neighborhood Service Centers, as designated on the Land Use Map, through the transfer of development rights from TDR Sending Areas of the Island or through an affordable housing bonus density.

NSC 2.1 Policy LU 26.1

The base density of residential development in the Neighborhood Service Centers, as designated on the Land Use Map, ~~shall be~~ is 3 units per acre in areas not served by public water and sewer systems and using TDRs or an affordable-housing bonus density, provided state and local Health District regulations can be met. Allow up to R-5 with public water and sewer.

Business/ Industrial**GOAL 1 LU-27**

The Business/ Industrial ~~District~~ Zone (B/I) is intended to provide opportunities for expansion of existing Island businesses, for diversity of jobs and for low-impact industrial activity that contributes to well-paying jobs, where traffic congestion, visual, and other impacts on the surrounding neighborhood can be minimized.

B/I 1.1 Policy LU 27.1

The Business/ Industrial District is for non-polluting, light manufacturing development as well as other uses that add to the diversity of economic activity on the island and are compatible with other uses in the Business/ Industrial District and neighboring zones.

B/I 1.2 Policy LU 27.2

New manufacturing businesses that plan to utilize toxic/hazardous substances must list these

substances and quantities projected for annual usage; demonstrate compliance with all Federal, State and Bremerton-Kitsap County Health District requirements for their handling; and receive a City business license. Development proposals are evaluated using performance standards for the B/I district. ~~(Definitions and quantity limits of toxic/hazardous substances are set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended [42 U.S.C. Section 9601] et seq. [“CERCLA”], the Superfund Amendments and Reauthorization Act of 1986, Pub. L No. 99-499 [“SARA”], the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801 et seq., the Resource Conservation and Recovery Act, 49 U.S.C. Section 6901 et seq. or other applicable State or Federal laws, rules or regulations adopted in accordance with those statutes).~~ Uses of certain toxic/hazardous substances can disqualify the application from approval because of potential environmental impact. However, ~~the City would consider proposals that use toxic/hazardous substances defined in the above references may be approved upon review of factors such as quantity used, adequacy of storage, containment, spill management, and waste disposal plans in reviewing such a proposal.~~

B/I 1.3 Policy LU 27.3

~~The City shall coordinate with the Bainbridge Island Fire Department when reviewing development proposals. The Fire Marshall shall receive copies of publicly available reports concerning hazardous substances and prepare a summary of those reports that can be published in order to avoid revealing confidential or sensitive information about other aspects of those businesses.~~

B/I 1.4 Policy LU 27.4

Applications for development approval within the Business/ Industrial District must show that adequate water, wastewater, transportation, fire, and storm drainage services are available to serve the development.

B/I 1.5 Policy LU 27.5

The City should ensure the adequate monitoring and enforcement of hazardous material regulations.

B/I 1.6 Policy LU 27.6

Performance standards for the Business/ Industrial District(s) ~~shall~~ address odor, lighting, noise, vibration, signage, traffic volumes, ingress and egress, parking, delivery and loading areas, and pedestrian and vehicle ~~site~~ circulation, to create safe, efficient, compatible conditions among a variety of on-site uses and to protect adjacent residential neighborhoods.

B/I 1.7 Policy LU 27.7

Business/ Industrial uses ~~shall~~ must be visually screened the development year-round from adjacent, non-industrial properties and from adjacent roadways.

Discussion: This policy establishes a performance standard – Business/ Industrial uses must be visually screened from the roadway and from adjacent non- Business/ Industrial development. The visual screening could be achieved through a combination of vegetation and building setback which would add depth to the buffer. ~~A minimum 50-foot native, vegetated buffer should be considered in drafting the development regulations.~~

B/I 1.8

~~Any Business/ Industrial District with more than one business should be encouraged to form and participate in a business park management association and neighborhood association in order to institute a self-enforcement program.~~

B/I 1.9

~~If an existing project redevelops or expands its gross floor area (GFA), compliance with current development standards shall be are based on the size of the redevelopment or expansion. A range of compliance requirements shall be established to correspond with the range in levels of redevelopment or expansion.~~

~~**Discussion:** If an expansion comprises no more than 15%, only limited compliance with current standards would be required (i.e., landscaping, parking). An expansion of 50% or more would require that the entire project be brought into full compliance.~~

GOAL 2 LU-28

Provide appropriate land for Business/ Industrial in order to provide opportunities for small manufacturing businesses on the Island to expand, and to provide additional employment opportunities.

B/I 2.1

~~The 35 acres adjacent to the Business/ Industrial area north of Day Road and west of SR 305 are designated as Business/ Industrial on the Land Use Map, and development within this 35-acre Business/ Industrial area must utilize the Site Plan Review process for project review to address open space, trail connections and environmental impacts associated with proposed development.~~

B/I 2.2

~~Any additional Business/ Industrial should not be designated until the City completes an Economic Development Element.~~

~~**Discussion:** The City will monitor achievement of this goal. Details of the monitoring program will be enumerated in an Economic Development Element.~~

GOAL 3 LU-29

Discourage the inappropriate designation of isolated Business/ Industrial Districts.

While seeking to limit isolated Business/ Industrial uses, this Plan also recognizes the concerns of property owners to continue existing businesses at those locations as non-conforming uses. Discussion included designation of certain businesses and nonconforming uses. However, owners were concerned about the ability to obtain financing in the future. This Plan seeks to reach a compromise.

B/I 3.1 Policy LU 29.1

Isolated Business/ Industrial ~~zones~~ activities are designated to reflect historical use and the designation should not be expanded.

The overall framework of the Plan is to concentrate Business/ Industrial activity at Day Road and to acknowledge the existing, isolated Business/ Industrial activity.

Residential Open Space

NOTE: Goal 1, Policies OS1.1 & OS1.2 Moved to Goal LU 2

GOAL 1

~~Preserve the open space area outside Winslow and the Neighborhood Service Centers through a development pattern which will enhance the character of the area—forested areas, meadows, farms, narrow roads bordered by dense vegetation—and the valuable functions the open space area serves on the Island (i.e., aquifer recharge, fish and wildlife habitat, recreation).~~

Preservation and protection of the open space area is also addressed elsewhere in this Element of the Plan in the Environmental, Greenways, Forest Lands and Agricultural Lands sections.

OS 1.1

Protect open space, critical areas, and agricultural uses through public and private initiatives, including open space tax incentives, cluster development, PUDs, transfer and purchase of development rights, public land acquisition, greenways, conservation easements, landowner compacts, limiting the amount of lot coverage, and other techniques.

OS 1.2

Encourage the aggregation of nonconforming lots of record and undeveloped subdivisions and short plats in order to achieve a development pattern that is consistent with goals of the Plan to preserve open space, provide a greenway through the Island, protect environmentally sensitive areas, and protect the water resources.

Discussion: The proliferation of approved short plats and the existence of standard subdivisions on the Island present a major obstacle to the preservation of the Island's character and the protection of its natural systems. The City should encourage the creation of landowner compacts where adjacent landowners collectively aggregate and develop their properties under a unified development plan. This could involve innovative, joint partnerships between nonprofit organizations and developers interested in preserving open space and promoting sensitive development. The City should work with nonprofit agencies to identify techniques for establishing landowner compacts and potential lands that could be aggregated under a compact.

OS 1.3

To reflect the policies in the Housing Element to provide for a variety of housing options in areas designated for residential development, including residential open space, accessory dwelling units shall be considered allowed uses in all residential zoning districts except R-6. (See Housing Element policy H 3.2)

OS 1.4—Moved to LU 3.1

~~Existing vegetated buffers should be retained and augmented where necessary to preserve the Island's character and the forested view from the road.~~

OS1.5—Moved to LU 3.2

~~New development should strive to be responsive to the natural landscape and should be sited so as to have the least visual and environmental impact on the Island landscape. Features which enhance the Island's character, such as barns, fences, fruit or agricultural stands, should be retained and encouraged.~~

OS1.6—Moved to LU 3.3

~~Tree-covered hillsides and hilltops, particularly ridge lines so valued by the community, shall be particularly protected for their visual and aesthetic benefits to the Island as well as their functions as wildlife habitat and erosion and runoff retardation.~~

OS1.7—Moved to LU 5.10

~~Water or wastewater infrastructure, which may contribute to system capacity exceeding local need, shall not be used to justify development counter to the City-wide land use policies.~~

OS1.8—Moved to LU 4.8

~~Development should be designed and located so as to avoid or minimize potential conflicts with agricultural activities, and right to farm ordinances must be recognized by any development located adjacent to agricultural land.~~

OS 1.9

~~The City shall develop a Flexible Lot Design Subdivision process that integrates a cluster-zoning requirement in the subdivision process and ensures that the approval process is timely and efficient.~~

~~**Discussion:** This process would permit development flexibility that will encourage a more creative approach than lot-by-lot development, including lot design, placement of buildings, use of open spaces, and circulation that best addresses the site characteristics of geography, topography, size, or shape. This method permits clustering of lots, with a variety of lot sizes, to provide open space and protect the Island's natural systems. The criteria for the layout and design of lots, including a minimum lot size for each zone, would be set out in the zoning ordinance.~~

OS 1.10

~~In designing a Flexible Lot Design Subdivision process, areas of site disturbance shall be laid out in consideration of the following criteria:~~

- ~~• Location of the most suitable soils for individual, on-site septic systems.~~
- ~~• Location of greenway overlay.~~
- ~~• Location of scenic views from the roadway.~~
- ~~• Location of wooded slopes—trees should not be removed from ridges and structures should not be placed on ridge lines.~~
- ~~• Establishment of perimeter buffers.~~
- ~~• Segregation of farmland.~~
- ~~• Encourage common access.~~

OS 1.11

The Flexible Lot Design Subdivision shall include:

- Adequate open space—open space should be of a quality, quantity, and configuration to ensure that a significant portion of the site is designated for conservation, passive recreation, and active recreation (where appropriate), and that the open space is reasonably related to all house lots.
- Consideration for dedication of open space for public use.
- Protection of critical areas.
- Preservation of significant trees.
- Creative site design including placement of structures, circulation systems, and utilities that minimize land alteration (e.g., a variety of lot sizes, building types, scale, and design to reduce the bulk of structures).
- Pedestrian orientation, including trails and walking paths.
- Adequate provision of public facilities and amenities.
- Preservation of natural features.
- Preservation or creation of farmland.
- Limited impervious surface/area of site disturbance.
- Public waterfront access and/or view.

OS 1.12

Land that is designated as permanent open space within Flexible Lot Design Subdivisions shall be used only for recreational, conservation, or agricultural use. This land shall be:

- Owned jointly or in common by the owners of the building lots.
- Dedicated to the City, Park District, or to a private, nonprofit organization, subject to acceptance.
- Retained by the original landowner and protected through a permanent conservation easement.

GOAL 2—

Create a Critical Areas Overlay District to protect sensitive areas through TDRs, flexible lot design, and through reducing development pressure within the open space area.

OS 2.1

The Critical Areas Overlay District is designated for areas which may have limited development potential due to environmental sensitivity, including critical aquifer recharge areas, and priority wetlands. These areas should be included as primary sending areas for TDRs. These areas will be shown on the Land Use Map as a Critical Areas Overlay District.

Discussion: Under the Agricultural Lands policies, a farm owner outside of the designated TDR-Sending Area would be able to opt into the TDR program. (See Agricultural Lands Policy.)

OS 2.2

The Critical Areas Overlay District is limited to activities compatible with the conservation

and protection of sensitive areas, including residential use, passive recreation, and agriculture, using Best Management Practices.

OS 2.3

~~Because of the sensitivity of land within the Critical Areas Overlay District, use of TDRs and other means of preservation are preferable to site development and should be implemented wherever possible.~~

OS 2.4

~~Properties within the Critical Areas Overlay District retain the underlying zoning, but are subject to the requirements of the Overlay District. The Overlay District is intended to encourage a pattern of development which will protect and enhance the sensitive areas. The property owner may choose one of several techniques to realize development potential on the site:~~

- ~~1) An applicant may choose to use the Flexible Lot Design Process to accommodate innovation, creativity, and design flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, but shall not exceed the underlying base density.~~
- ~~2) An applicant may choose to transfer the development rights of the parcel to preserve the land as open space. Under this option, the development rights would be calculated assuming the development potential allowed by the zoning district.~~

GOAL 3 LU-30

Preserve the character of the interior areas of Bainbridge Island through establishment of an Open Space Residential District.

OS 3.1 Policy LU 30.1

The Open Space Residential District is designated for less intensive, residential development and a variety of agricultural and forestry uses.

OS 3.2 Policy LU 30.2

Residential development ~~shall~~ should be compatible with the preservation of open space, forestry, agricultural activities, and natural systems. Accessory farm buildings and uses are allowable.

OS 3.3 Policy LU 30.3

The overall density for residential use ~~shall be~~ is a maximum of one unit per 2.5 acres. However, the landscape should maintain the natural and scenic qualities of the Island.

OS 3.4

~~Development of the 40 acres of City-owned land located on Vincent Road (former site of the County landfill) SHALL/SHOULD be subject to a comprehensive and coordinated planning process that addresses such issues as, but is not limited to, compatibility and location of~~

~~current and proposed uses, on-site circulation, off-site pedestrian connections, public amenities, landscaping, lighting and traffic. The planning process SHALL/SHOULD include a public outreach program that seeks the participation and input of both the immediate neighborhood and the larger Island wide community.~~

GOAL 4 LU-31

The Residential-1 (R-1) and Residential-2 (R-2) Districts are intended to recognize an existing development pattern in the Open Space areas of the Island.

OS 4.1 Policy LU 31.1

The R-1 District is intended to recognize an existing development pattern of one unit per acre.

OS 4.2 Policy LU 31.2

The R-2 District is intended to recognize an existing development pattern of two units per acre.

OS 4.3 Policy LU 31.3

The City should consider the development of subarea plans that establish land use policies and development standards tailored to the individual communities. Neighborhood participation in development of subarea plans should be encouraged.

GOAL 5 LU-32

Maintain and enhance the unique character of Fort Ward Planning Area (see Figure 4A) ~~due to~~ recognize the history and natural landscape of the area and the sense of community that exists, including an open space system made up of wetlands, a neighborhood park, the historic marching fields, unbuildable slopes and the State Park (see Figure 4B). The Fort Ward Action Plan is a part of the Plan (Appendix XX).

OS 5.1

~~Through an LID, grants or public or private funding sources, if funding occurs, or through the use of such techniques as cluster development or transfer of development rights within the Fort Ward area:~~

- ~~1) Preserve the parade marching fields as public open space, as well as street, trail and sidewalk improvements identified in the Fort Ward Action Plan, and~~
- ~~2) Protect and enhance the wetlands and associated buffers for a new community park which will include the natural systems from Kitsap Avenue, southwest past Belfair, as identified in the Fort Ward Action Plan.~~

~~Establish a mechanism to expedite the necessary changes to the Bainbridge Island Municipal Code to allow:~~

- ~~1) Transfer of density from the wetland area or parade grounds to elsewhere within the Fort Ward Core Area as shown on Figure 4A.~~
- ~~2) Replatting of the wetland area to avoid, as much as possible, development in the wetlands and buffer area and to preserve the parade grounds.~~

- ~~3) Development of a wetland overlay master plan to include a landscape reclamation plan, planting alternatives, access, use, drainage and building envelopes.~~

~~After years of limited development, Fort Ward could be facing a dramatic increase in construction of new residential development. Many of the undeveloped lots in the Fort Ward planning area are non-conforming due to their small size. Many of these lots contain wetland or buffer area and may be developed using the Reasonable Use Exception of the Bainbridge Island Municipal Code. This policy provides mechanisms to minimize the impacts of future development on the wetlands. The parade grounds are an important historical feature of Fort Ward and a focal point of the community that also provides recreational opportunities for the residents of Fort Ward. This policy provides mechanisms to further maintain and enhance the unique character, historical value, sense of community and natural landscape of the Fort Ward Planning Area.~~

OS 5.2

~~In order to preserve historic structures within the Fort Ward Historic District, as shown on Fort Ward Navy Additions Map Figure 4C:~~

- ~~1) The original density for Buildings E, 13, 18, 19, 20, 21, 46, 47, 48, 49, 50, and 51 and the existing density of Buildings B and C (10 units in total), Building 60 (12 units) and Building 65 (19 units) SHALL/SHOULD be permitted if the structure is maintained in a manner that would preserve the building's historic character and any renovation is conducted in accordance with a standard designated by the City; and~~
- ~~2) Building 16 SHALL/SHOULD be designated as appropriate for multi-family use of up to 8 dwelling units, provided that a portion of the building is dedicated as a community meeting place.~~

OS 5.3 Policy LU 32.1

Where possible, create tax incentives and encourage private purchase and renovation of historic structures. Transfer density within the Fort Ward Study Area as incentives for the preservation of historic structures.

~~OS 5.4~~

~~Develop specific design and development guidelines that recognize the unique qualities of the Fort Ward District and respond to the scale and natural features of the lots.~~

OS 5.5: MOVE POLICY TO HOUSING ELEMENT

Maintain housing opportunities for a range of economic levels. Provide exceptions to the design guidelines in order to meet the American with Disabilities Act while maintaining the character of the community.

Historic Preservation

GOAL 1 LU-33

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 Policy LU 33.1

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

HP 1.2 Policy LU 33.2

The City and its HPC ~~shall~~should 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 Policy LU 33.3

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

HP 1.4 Policy LU 33.4

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-LU-34

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 Policy LU 34.1

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

HP 2.2 Policy LU 34.2

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 Policy LU 34.3

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

HP 2.4 Policy LU 34.4

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

HP 2.5 Policy LU 34.5

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 identity.

GOAL 3 LU-35

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 Policy LU 35.1

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 Policy LU 35.2

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 Policy LU 35.3

The City and HPC shall collaborate with the Historic Preservation Commission and 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 Policy LU 35.4

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 Policy LU 35.5

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 Policy LU 35.6

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

GOAL 4 LU-36

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 Policy LU 36.1

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

HP 4.2 Policy LU 36.2

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

HP 4.3 Policy LU 36.3

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

HP 4.4 Policy LU 36.4

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

Siting of Essential Public Facilities**GOAL 1 LU-37**

The needs of the community ~~shall~~ should be met by providing essential public facilities and services that are equitably distributed throughout the community; that are located and designed to be safe and convenient to the people they serve; that provide flexibility of use and maximum efficiency; and that are compatible with adjacent uses, the environment, and preservation of public health and safety.

Discussion: The Growth Management Act requires that all jurisdictions planning under the Act must provide a process for siting essential public facilities such as airports, correctional facilities, sewage treatment plants. These goals and policies are intended to guide the siting process, and therefore, in accordance with RCW 36.70A.200(2), they do not preclude the siting of essential public facilities. Site specific consideration of a proposed essential public facility would occur during the development application review process.

PF 1.1 Policy LU 37.1

The City ~~shall~~ should develop a list of essential public facilities of a local nature that may potentially be sited on Bainbridge Island and coordinate with the Kitsap Regional Coordinating Council in the development of a list of state and countywide public facilities.

PF 1.2 Policy LU 37.2

When an essential public facility of a statewide or countywide nature is proposed for Kitsap County, the City ~~shall~~ should appoint representatives as members of the Facility Analysis and Site Evaluation Advisory Committee or any other established siting committee to evaluate proposed public facility siting.

PF 1.3 Policy LU 37.3

New essential public facilities shall not be located in designated resource lands, and critical areas, ~~or other areas where the siting of such facilities would be incompatible.~~

GOAL 2 LU-38

The process for siting essential public facilities ~~shall~~ should create an environment of cooperation and include adequate and early public review to promote trust between government agencies and the community.

PF 2.1 Policy LU 38.1

If an essential public facility is proposed for Bainbridge Island that is an “essential public facility,” as defined in RCW 36.70A.200, the City Mayor ~~shall~~ should create ~~appoint,~~ and the City Council confirm, a Facility Analysis and Site Evaluation Committee composed

of citizens, City staff, elected officials and appropriate technical experts which ~~shall~~ should consider in determining a recommendation to City Council, at a minimum, the following:

- Analysis of the need for such facility;
- The development of specific siting criteria for the proposed project;
- Identification, analysis, and ranking of potential sites;
- Consistency with the goals and policies of the City's Comprehensive Plan;
- Identification of potential physical impacts including, but not limited to, those relating to land use, the environment, transportation, utilities, noise, odor and public safety;
- Identification of potential cumulative impacts, including the likelihood of a related development locating in proximity to the proposed essential public facility;
- Identification of potential fiscal impacts to the local economy; and
- Measures to minimize and/or mitigate such impacts.

PF 2.2 Policy LU 38.2

The City or other government agency, if responsible for construction of an essential public facility, shall develop a community notification and communications plan that will ensure ongoing contact with the community during the planning and construction phase of a project. The plan should include identification of all departments that will play a role in the planning or construction of an essential public facility; identify other governmental regulatory requirements; identify strategies for coordinating interdepartmental and interagency activities and strategies for responding to emergency or problem situations; and identify a conflict resolution process.

EXISTING CONDITIONS

Note: this section moved to Appendix

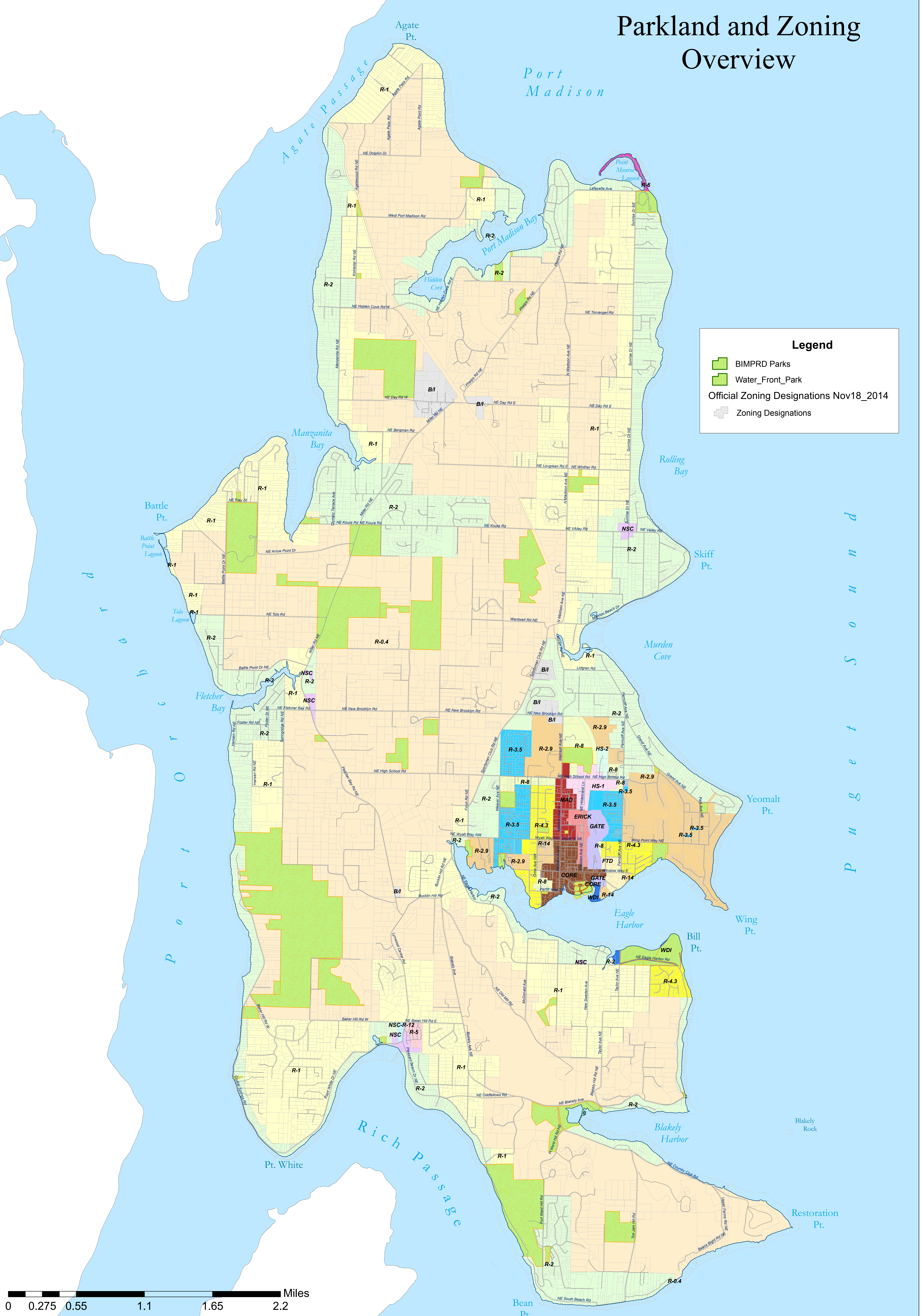
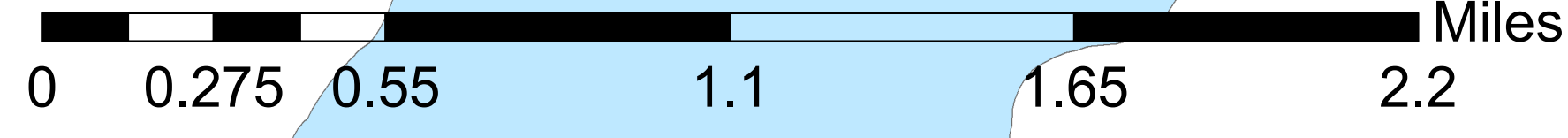
Parkland and Zoning Overview

BIMPRD Parks

Water_Front_Park

Official Zoning Designations Nov18_2014

Zoning Designations



SOURCE: BIMPRD PARK, RECREATION AND OPEN SPACE

COMPREHENSIVE PLAN 2014 - CHAPTER 2

GOALS & OBJECTIVES

GOAL: RECREATION AND OTHER PROGRAMS

The Park Zone facilitates for designated land that BIMPRD will coordinate, assist, program, and operate recreational and cultural programs and outreach activities of special interest and benefit for island residents at island park sites and community centers.

BIMPRD will coordinate, promote, and work to provide recreation programs with other public, non-profit, and for-profit agencies, organizations, and vendors such as Bainbridge Island Senior Center Non-Profit (BISCC), Bainbridge Island School District (BISD), and others whose agency goals fit the mission statement to advance common community recreation goals. Such programs may be directed towards athletic leagues and sport groups (such as youth soccer, little league, lacrosse, and football), teen and senior age groups, special populations, and island residents of all ages who will benefit from these activities.

Recreation Programs

- Seek to designate and preserve appropriate sites as well as facilitate agreements with user groups and league organizations to operate such recreation activities as basketball, volleyball, tennis, soccer, baseball, softball, and other instruction and participatory programs for all age, skill level, and income groups on the island.

GOAL: CULTURAL ARTS PROGRAMS & HISTORICAL RESOURCES

The Park Zone facilitates for designated portions of land that BIMPRD will organize, coordinate, and selectively develop high quality, diversified cultural arts facilities and programs that increase awareness, attendance, and participation opportunities at BIMPRD parks and properties.

Programs

- Support successful collaborations between BIMPRD, public agencies, non-profits, the business community, service groups, schools, arts patrons, and artists that optimally utilize artistic resources and talents at BIMPRD parks and properties.

Artworks

- Where appropriate, incorporate public artworks including paintings, sculptures, exhibits, and other media for indoor and outdoor display to expand resident access and appropriately furnish public places in BIMPRD parks and properties

- Support the preservation of historical and cultural elements to develop and display artifacts, reports, and exhibits; and conduct lectures, classes, and other programs that document and develop awareness of the island's heritage at BIMPRD park sites and properties.

GOAL: NATURAL AREA PARKS & OPEN SPACE

The Park Zone facilitates for designated land BIMPRD will assume a primary responsibility for the planning, coordination, and preservation of unique environmental areas, wetlands, wildlife habitat, open spaces, forestlands, and scenic areas.

Work with other public and mission related non-profit and private agencies, such as Kitsap County, Washington State Departments of Fish & Wildlife, Natural Resources, and such non-profits as IslandWood, Bloedel Reserve, Bainbridge Island Land Trust and others, to create an effective approach to the following conservation issues and identifying key habitat concerns.

Wildlife habitat

- Identify and conserve critical wildlife habitat including nesting sites, foraging areas, and migration corridors within or adjacent to natural areas, open spaces, and buffers from developing urban areas.
- Preserve sensitive habitat sites that support threatened species and urban wildlife habitat.

Natural areas

- Preserve and protect significant environmental features including unique wetlands, open spaces, woodlands, shorelines, waterfronts and other characteristics that support wildlife and reflect the island's environmental systems.
- Provide public access to environmentally significant areas and sites that are especially unique to the island.

Forest lands

- Identify and conserve forest cover and the scenic attributes woodlands provide.
- Identify and preserve prime examples of heritage forestlands on the island.
- Manage forests for a healthy sustainable ecosystem.

Open spaces

- Define and conserve a system of open space corridors or separators to provide definition between natural areas and urban land uses on the island consistent with public values and State of Washington Growth Management Act strategies.
- Increase natural area and open space linkages to and within the developing urbanizing areas and surrounding neighborhoods such as Rolling Bay, Island Center, Winslow, and Lynwood Center.

Urban growth preserves and set-asides

- Cooperate with other public and private agencies, such as the Bainbridge Island Land Trust, and with private landowners to set aside land and resources necessary to provide high quality open space, trail, and park facilities before the most suitable sites are lost to development, and particularly private lands in and around significant wildlife, woodlands, and shoreline areas.
- Preserve unique environmental features or areas in future land developments and increase public use and public access. Cooperate with other public and private agencies and with private landowners to set aside unique features or areas as publicly accessible resources, such as non-profits, IslandWood and the Bloedel Reserve.

GOAL: RECREATIONAL SHORELINE

The Park Zone facilitates for designated land that BIMPRD will assume a primary responsibility for the planning, development, and operation of a variety of recreational shoreline oriented facilities. These facilities may include fishing sites, boat launch ramps, swimming beaches, picnicking areas, and possibly campgrounds. Recreational shoreline parks provide recreational facilities that are directly related to environmental and especially shoreline resources.

BIMPRD will work with other public and private agencies, particularly COBI, Kitsap County, Washington State Park & Recreation Commission, and WA State Departments of Fish & Wildlife and Natural Resources, to develop and operate appropriate recreational shoreline parks.

Waterfront access and facilities

- Acquire and develop additional shoreline access for fishing, beachcombing, beach walks, wading, swimming, small crafts center related activities and other related recreational activities and pursuits.

Picnicking and day use activities

- Acquire and develop additional island-wide picnic sites, shelters, and day-use group picnic grounds at major natural area and recreational shoreline parks throughout the island.

GOAL: RECREATIONAL TRAILS

The Park Zone facilitates for designated land that BIMPRD is responsible for the planning, development, and operation of recreational trails. Recreational trails may also include water trails. COBI is responsible for on-road bicycle planning, transportation and touring routes, and scenic drives.

BIMPRD will work with other public and private agencies to achieve these goals.

Water trails

- Incorporate and improve a water system of boat ramps, landings, and other improvements to public facilities for appropriate non-motorized craft for a water trail around the island and as an extension of the Cascade Marine Trail from Canada to the southern reaches of Puget Sound and public enjoyment.
- Where appropriate incorporate and extend a water trail network for hand-carry or car-top craft including canoes and kayaks for the circumference of the island using BIMPRD parks, designated COBI road-ends, and Washington State Department of Fish & Wildlife and Natural Resources sites and tidelands.

Off road trail systems

- Create a comprehensive system of trails appropriate to hike, bike, equestrian experiences that access scenic, environmental, historical, and open space attributes on the island, and expand and link the existing trail systems to create island-wide networks.
- Develop a series of trailheads, trailside rest stops, viewpoints, interpretive exhibits, and trail signage systems that integrate hike, bike, and horse trails with specific historical, cultural, environmental, and scenic points of interest, such as former boat landings, sawmills, farmsteads, roads, and bridges, among others.
- Where appropriate, complement continuous trail corridors and/or loop routes with parks, other public facilities, historical sites, and the Winslow urban center, and link to COBI's non-motorized plan.

- Furnish trails with appropriate supporting trailhead improvements where appropriate that include interpretive and directory signage systems, rest stops, restrooms, parking and loading areas, water, and other services.
- Where appropriate, link to trailheads at or in conjunction with park sites, and other community facilities to increase local area access to island-wide trail systems and reduce duplication of supporting improvements.
- Develop trail improvements of a design and development standard that is easy to maintain and access by maintenance, security, and other appropriate personnel, equipment, and vehicles.
- Develop and support a Trails Committee and support volunteer Adopt-A-Trail programs for citizens and organizations to provide park maintenance and litter pick-up activities.

GOAL: PLAYGROUND & ATHLETIC FACILITIES

The Park Zone facilitates for designated land that BIMPRD will assume a primary responsibility for the development of an integrated system of local neighborhood playgrounds, fields, and courts that are of most interest to island residents. It will assume responsibility for the planning of a system of local and regional athletic park facilities including recreational soccer, lacrosse, softball, and baseball fields that are of interest to island residents and league participants.

BIMPRD will work as appropriate with other public and private agencies to achieve these goals, including BISD and island youth sports league organizations. In conjunction with these agencies, BIMPRD will work to site and sponsor the development of major recreational outdoor and indoor athletic facilities for all age and skill groups that are on the island.

Playgrounds and tot lots

- Develop and designate a network of local play sites and facilities that meet playing standards and requirements for all age groups and skill levels.

Athletic fields

- Designate a network of sites that can be developed for organized sports leagues (such as soccer, lacrosse, softball, and baseball fields) to meet the highest quality recreational practice and playing standards and requirements for all age groups, skill levels, and recreational interests, including recreational field sites at Battle Point Park, Strawberry Hill Park, Hidden Cove Ballfield, Sands Avenue Ballfields, and Rotary Park.

GOAL: INDOOR FACILITIES & COMMUNITY CENTERS

The Park Zone facilitates for designated land that BIMPRD will assume a primary responsibility for the planning, development, and operation of specialized indoor facilities including aquatic facilities, gymnasiums, arts and crafts facilities, classrooms, meeting rooms for special populations, youths and teens, seniors, and general population, that are of major interest to island residents of all ages.

BIMPRD will work in conjunction by agreement with other public agencies such as BISD and mission related non-profits among others, to realize the following effective facilities and services are within reasonable geographic service areas of neighborhoods.

Aquatics center

- Continue to develop and maintain the multiple use indoor aquatics center that provides instruction, aerobics, recreation, and competition facilities for all age groups, skill levels, and aquatics interests on a year-round basis, working with groups such as BISD, mission related nonprofits, and other private organizations.

Community recreation centers

- Continue to maintain multiple use indoor recreational centers that provide gymnasiums, physical conditioning, recreational courts, and other athletic spaces for all age groups, skill levels, and community interests on a year-round basis, working with groups such as COBI, BISD, the Teen and Senior Centers and where appropriate non-profit groups to assess need, evaluate alternatives with one alternative to possibly include a new consolidated BIMPRD Community Recreation Center facility within the Winslow urban area.

Community centers and multiple purpose facilities

- Develop and designate a network of multipurpose community center type facilities that can provide arts and crafts, music, classroom instruction, meeting facilities, cooking and health care, daycare, latch key, and other spaces for all age groups including preschool, youth, teens, and seniors on a year-round basis such as the Teen and Senior Centers.
- Support the continued development of relationships with BISD, IslandWood, Bloedel Reserve, and other organizations of special meeting, assembly, and other community facilities that provide general support to school age populations and community-at-large functions.
- Establish a centrally located community recreation center that incorporates athletic and cultural arts facilities.

Arts centers

- Continue to develop, maintain, and support special indoor and outdoor cultural and performing arts facilities including performing arts center and outdoor amphitheater that enhance and expand music, dance, drama, cultural and historical interpretations, and other audience and participatory opportunities for the island at large working where appropriate with others such as the Bainbridge Performing Arts Cultural Center (BPA) and COBI in providing special/festival events within the Winslow urban center.

GOAL: SPECIAL PURPOSE FACILITIES

The Park Zone facilitates for designated land BIMPRD will assume some responsibility, including working with public facilities districts (PFD) and/or participating in joint efforts where appropriate, for the development and operation of facilities that have special or unique interests, impacts or relevance to island residents that may not be provided by another public or private agency.

If practical, BIMPRD will work with other public and private agencies in these joint efforts, including public facilities districts (PFD), COBI, Kitsap County, and WA State historical societies, among others, as well as interpretive centers, museums, and other specialized facilities.

Special enterprises

- Where appropriate and economically feasible (self-supporting), support the operation of specialized and special interest recreational facilities such as historical museums and exhibits, retreats and conference centers, art and performing theaters for these interests in the general population.
- Where appropriate, participate in joint planning and operating programs with other public and private agencies for special activities such as conference and retreat centers, waterfront landings, and day-camping on the island.

GOAL: SUPPORT FACILITIES

The Park Zone facilitates for designated land BIMPRD will continue to be responsible for facilities that provide auxiliary support to BIMPRD service functions such as administrative building, park maintenance facilities, and caretaker residences in parks.

For: Kathy Cook

From: Susan Thomas
842-3517

City of Bainbridge Island

JUL 15 2015

Kc/JS
Planning and
Community Development

JUL 14 2015

To : Bainbridge Island Planning Commission
 From : Mr. Walter Thomas
 Regarding : Bainbridge Lumberyard renovation
 Draft Comprehensive Plan NSC boundaries

City of Bainbridge Island

Date : 02.21.94

JUL 15 2015

Planning and Community Development

Commission members;

I am the owner of the Bainbridge Lumberyard property at Lynwood Center. This property actually is comprised of three contiguous properties bisected by Point White Drive; parcel A, which is waterfront currently zoned IBD commercial and has an existing commercial structure which is currently occupied by several retail and commercial tenants and has been for many, many years; parcel B is also waterfront and currently zoned R-2, lastly there is parcel C which is not waterfront. Parcel C is immediately north across Point White Drive, it is currently zoned R-2. Please find the enclosed plat map with parcels A, B and C identified which should help make the situation clear. Also indicated on the enclosed map is the current IBD boundary area as well as the draft proposed NSC area and the amendments I am requesting. I previously have written to Mr. Wayne Daley, with regard to the zoning status of my properties under the draft comprehensive plan. Please find a copy of my previous correspondence of 12.23.93 enclosed for your information if you have not already been provided with a copy. I received no acknowledgment as to receipt of my previous letter. No action, to my knowledge, was taken by the Planning Commission at the hearing to review NSC's. I am writing again trusting that this occurrence was simply a missed communication as a result of your busy schedule and the appointment of yourself as new chair of the Planning Commission.

As I stated in my December letter I am aware that the Lynwood Center Area is scheduled to be changed from a designation of (Island Business District) IBD to (Neighborhood Service Center) NSC under the draft Comprehensive Plan. I am formally requesting that my parcels B and C (tax numbers 042402-1-2005 and 042402-1-021-2005) be included in this recommended enhancement of the NSC district.

I believe this request to be consistent with the intent of the draft comprehensive plan. Current language of the draft comprehensive plan mandates five percent of Bainbridge Island growth to occur in the existing NSC's of Island Center, Lynwood Center and Rolling Bay. Bainbridge Island mandated growth for the next twenty years under the Growth Management Act is six thousand people. Five percent of six thousand is three hundred, if this number is divided equally among the three existing NSC areas it calculates to one hundred new people for each NSC. I am proposing a mixed use facility and I believe my proposal to be harmonious with this mandate from the GMA as well consistent with the stated goals and objectives of the draft comprehensive plan.

The Lynwood Center NSC is the only area on Bainbridge Island (that I am aware of) excepting old Winslow currently scheduled to receive public sewer service (sewer district seven is currently under court order to provide service to this area). Lynwood Center is also served by a public water system, South Bainbridge Water. There is currently and has been for many years a commercial structure and continuous intensive commercial occupancy and use on my property (parcel A), as well as parking and storage across the street on parcel C.

Under the draft comprehensive plan language additional NSC's goals are to "offer small scale commercial and service activity outside Winslow, offer specialty goods and services that cater to an island wide clientele and basic goods and services for the convenience of near by residences. These areas should be allowed to develop at slightly higher densities to reinforce their rolls as community service centers". My proposed renovation of the Bainbridge Lumberyard complies exactly with the previously stated goal of the plan. Additionally, the draft comprehensive plan calls for "expansion of existing businesses in areas adjacent to existing service centers in the areas designated on the Land Use Map". This language is exactly consistent to what I am proposing with the renovation. To renovate and improve a pre-existing commercial/retail building housing several Island businesses and employing local Island people. The parcels I am requesting to be included

In the draft comprehensive plan for the Lynwood Center NSC would be used in a support function for the renovation of the Bainbridge Island Lumberyard; as a parking area and effluent disposal and would have no structures on it. All buffers would be as per CoBI standards, all storm water retention and treatment will be per CoBI engineering requirements. I have engaged the services of Mr. Charles Pollmar a septic designer generally regarded as the finest and most knowledgeable in the Kitsap County area. Mr. Pollmar has reviewed parcel C, and calculated effluent quantities based on projected occupancy types and square footage's. Mr. Pollmar derived preliminary septic calculations and area/site capacities based upon soil testing and actual field conditions encountered. Mr. Pollmar's analysis indicate that a system using a sand filtration pre-treatment can be situated on parcel C with parking and storm water retention/treatment as projected per CoBI standards with no reductions or exceptions required. This system as proposed would have no harmful effects on the environment. Effluent produced from a sand filter pre-treatment system of this design is technically potable and may be distributed in several environmentally friendly methods, some quite beneficial. All runoff will be managed by on site drainage/storm water treatment system. Existing site conditions (for parcel C) are an existing dirt parking lot and storage area that has existed on site for many years. Thickets of thorn bushes and tall weeds make up the remainder of the site with the exception of a large stump pile of concrete abandoned on the site. New landscaping would be class two as required by CoBI standards, and no doubt far superior to the existing conditions.

I would also like to point out the fact that under a (Conditional Use Permit) CUP a park and ride facility is an allowed use for this site. It would appear to me that a park and ride location presents a identical but, more intense use of this parcel than my proposal. This raises the question, why is a park and ride facility allowed under the auspices of a CUP and a parking lot excluded?. I do not understand the logic that supports this contradictory regulation.

Finally, I would point to the advise offered by Mr. Randall Arendt in his review and comments of the site and proposed renovation from a site visit with Ms. Jane Allen on 10.20.93 (please find copy enclosed). Mr. Arendt is a very well credentialed and highly respected planning consultant with a national reputation, hired as an expert consultant by the CoBI for his specific expertise and recommendations with regard to the crafting of the Comprehensive Plan. Mr. Arendt suggests to locate the parking away from the waterfront areas to across the street on the *"other side of the road"* (parcel C). Mr. Arendt further suggests that *"rather than rezoning the parcel as commercial, perhaps the code could be modified"* to allow for parking and effluent to occur on parcel C in support of the renovation of the Lumberyard structure. Mr. Arendt further states that the *"the difficulty is more a legal technicality than a practical engineering problem"*.

Please consider carefully these facts and their supporting data with regard to my proposed inclusion of my parcels B and C into the Lynwood Center NSC designation under the Draft Comprehensive Plan currently under review by the Planning Commission. Options must be considered under the stipulated goals and objectives of the draft comprehensive plan. I believe that this proposed renovation is completely consistent with the goals as described in the draft plan as well as harmonious with the intent of the draft plan. I ask that the Planning Commission make a recommendation to include parcels number 042402-1-2005 and 042402-1-021-2005 (parcels B&C) in the Draft Comprehensive Plan Lynwood Center NSC.

If you have any questions or concerns do not hesitate to contact me directly.

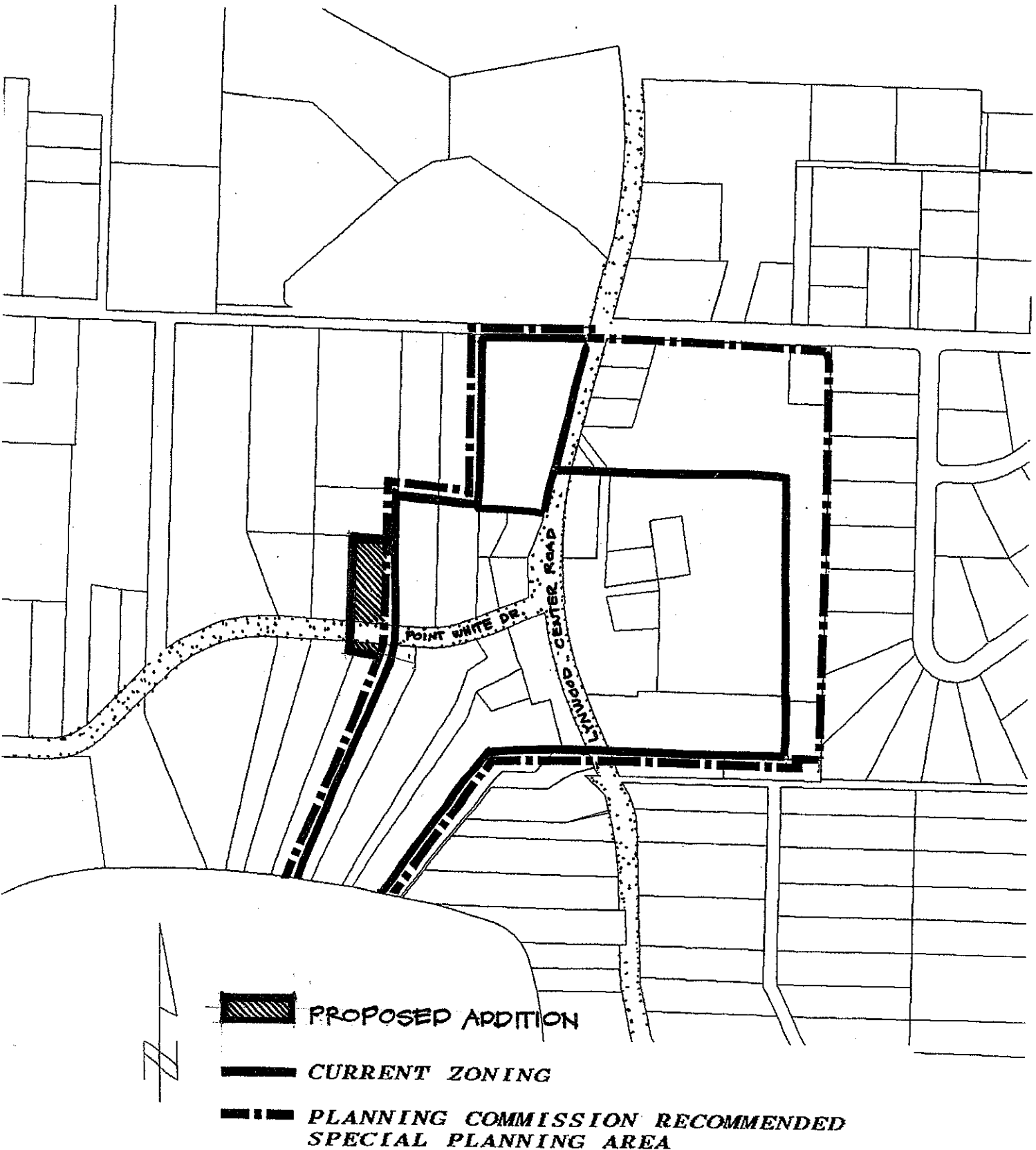
Respectfully,

Mr. Walter Thomas
12202 Sunrise Drive
Bainbridge Island, WA. 98110

LYNWOOD CENTER

Draft Comprehensive Plan

January 1994 Planning Commission Proposed Changes



Walter & Susan Thomas City of Bainbridge Island
12202 Sunrise Drive N.E. JUL 15 2015
Bainbridge Island, WA. 98110
Phone (206) 842-3517 Planning and
Community Development

Mr. Wayne Daley, Chairman
Bainbridge Island Planning Commission
City of Bainbridge Island
Bainbridge Island, WA. 98110

December 23, 1993

Dear Mr. Daley,

We are the owners of the Bainbridge Lumberyard property in Lynnwood Center which includes two waterfront parcels and a property on the north side of Point White Drive across from the existing building.

Currently this northerly parcel is vacant but is used primarily for parking the cars of the building users. Please see the enclosed site plan for the location of the properties and building.

As we know that the Island Business District zone will be changed to Neighborhood Service Center under the new comprehensive plan, I request that the vacant parcel be rezoned from its current R-2 zoning and be included in the NSC zone.

The rezone will allow the parcel to continue to support the existing building with parking and improved septic disposal. This will allow the property to support the goals of the comprehensive plan by providing small-scale commercial and low-density residential development.

Thank you for your consideration of this important matter.

I know that the Planning Commission is currently reviewing all parts of the comprehensive plan in depth and has little time to complete this important study.

We would, however, greatly appreciate that you seriously consider this request.

Sincerely,



Walter Thomas

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT



MEMORANDUM

TO: Planning Commission

FROM: Jennifer Sutton, AICP
Special Project Planner

DATE: July 23, 2015

RE: Study Session on Ordinance 2015-04 Tree and Landscaping Regulations

The Planning Commission held study sessions on this ordinance on April 9th and 23rd, and a public hearing on May 28th. At that meeting, the Commission had questions regarding two issues:

- Whether or not the director should have flexibility during code enforcement situations when applying penalties and restoration requirements (BIMC Section 18.15.010.C.3 *Enforcement and Penalties*, page 4).
- Should trees in areas required to be preserved (e.g. roadside or critical area buffers) count towards meeting the tree unit requirements of 18.15.010.G.4 *Tree Unit Requirements* (pages 7-8).

The Ad Hoc Committee discussed these issues on June 16th, 30th and on July 14th, and decided to add language modifying the Director's discretion, and recommended "No" on counting the trees in required buffers towards meeting the tree unit requirement. The draft ordinance in front of you tonight reflects that direction, and are highlighted.

The Ad Hoc Committee has begun to review the regulations that apply to other districts- Neighborhood Service Center, Business/ Industrial, and Residential zoning districts. Any recommended changes to those standards will be brought to the Planning Commission and City Council in a new ordinance at a later date.

Attachments

DRAFT Ordinance 2015-04

ORDINANCE NO. 2015-04

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to tree and landscaping maintenance and requirements; amending Bainbridge Island Municipal Code Sections 18.12.030, 18.15.010 and 18.36.030.

WHEREAS, in January 2014, the City Council convened an Ad Hoc Committee consisting of two Planning Commissioners and three to review and make recommendations on the City's tree regulations; and

WHEREAS, the Ad Hoc Committee organized their review by first focusing on regulations that apply to the Mixed Use Town Center and High School zoning districts; and

WHEREAS, the Ad Hoc Committee presented their recommended changes to date to the City Council September 2, 2014; and

WHEREAS, the City Council directed staff bring forward ordinances to implement the suggested changes; and

WHEREAS, the City Council conducted a public hearing on Ordinance 2015-04 on XXXX, 2015; and

WHEREAS, notice was given on XXXX, 2015 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 18.12.030 of the Bainbridge Island Municipal Code is amended to read as follows:

E. Bonus Density in Winslow Mixed Use and High School Road Districts. Eligible properties may achieve a maximum level of development above the base FAR, as provided for in Table 18.12.020-3, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.

3. Public Amenities and/or Infrastructure. At the applicant's option, a portion of the bonus may be earned through the provision of public amenities, ~~and/or~~ infrastructure, and/or preservation of a Heritage Tree(s) on site, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:
 - a. Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or

infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.

- b. In lieu of the contribution of funds as provided for in subsection E.3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the preservation of a Heritage Tree(s) on site, construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.

Section 2. Section 18.15.010 of the Bainbridge Island Municipal Code is amended to read as follows:

- C. Tree Retention, Protection and Replacement. Where Table 18.15.010-1 indicates that development must comply with the requirements of this subsection C, all development shall comply with the following requirements. These requirements are intended to supplement any regulations in Chapters 16.12 (Shoreline Master Program) and 16.20 BIMC (Critical Areas), which remains the primary source of regulation for environmentally sensitive areas in Bainbridge Island. In the event of any inconsistency between the requirements of this subsection C and the requirements of Chapters 16.12 and 16.20 BIMC, the requirements of Chapters 16.12 and 16.20 BIMC shall apply.

3. Enforcement and Penalties. Failure to retain, replace or transplant trees will be enforced as follows; provided, that any fine shall be no less than three times the value of the trees, as determined by the current standards of the International Society of Arboriculture. If unauthorized tree(s) or vegetation removal occurs within the public right-of-way, all permits in force on the subject property shall be suspended and no new permits issued until the tree(s) or vegetation has been replaced or all penalties have been satisfied. The director is authorized to make site inspections and take such actions as are necessary to enforce this title in accordance with Chapters 1.16, 1.24, and 1.26 BIMC. The director may require an evaluation by a tree professional, a qualified engineer, landscape architect, soils engineer, testing lab, or other specialist at any time during the tree plan review process or tree removal inspection as necessary to ensure compliance with the provisions of this subsection C and/or the terms of the clearing permit. Applicant shall be responsible for any associated costs.

- a. Civil Citation. It is unlawful for any person to:
 - i. Initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this subsection C.

- ii. Misrepresent any material fact in any application, plans or other information submitted to obtain permits or authorizations under this title or not following the conditions of an approval.
 - iii. Remove or deface any sign, notice, complaint, or order required by or posted in accordance with this subsection C.
 - iv. Fail to submit or implement a planting plan as required by this section.
- b. Stop Work Orders. The city shall have the authority to issue a stop work order to cease all development work, and order restoration, rehabilitation, or replacement measures, including applicable sureties, at the owner's or other responsible party's expense to compensate for the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this subsection C.
- c. Additional Remedies. In addition to any other remedy provided by this subsection C or under the BIMC, the city may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this subsection C to prevent, enjoin, abate, and/or terminate violations of this title and/or to restore a condition which existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of this subsection C shall be liable for the costs and reasonable attorneys' fees incurred by the city in bringing, maintaining and/or prosecuting such action.
- d. Civil Infraction. Except as provided in subsection C.3.f of this section, conduct made unlawful by the city under this subsection C shall constitute a civil infraction and is subject to enforcement and fines as provided in BIMC [1.26.035](#), and additionally, is subject to fines as provided in Table 18.15.010-2. A civil infraction under this section shall be processed in the manner set forth in Chapter [1.26](#) BIMC.
- e. Civil Penalty.
 - i. In addition to any civil infraction fine, criminal penalty, and/or other available sanction or remedial procedure, any person engaging in conduct made unlawful by this subsection C shall be subject to a cumulative civil penalty in the amount of \$1,000 per day for each violation from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC [1.26.090](#).
 - ii. A person who fails to comply with the requirements of this subsection C or the terms of a permit issued hereunder, who undertakes an activity regulated by this subsection C without obtaining a permit, or fails to comply with a cease and desist or stop work order issued under this subsection C shall be subject to a civil penalty as set forth in Table 18.15.010-2. Each unlawfully removed or damaged tree shall constitute a separate violation.
 - iii. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.
 - iv. In addition to the penalties addressed under subsection C.3.e.ii of this section, failure to **retain**, replace or transplant trees will be enforced as provided in this code; provided, that any financial penalty assessed will be the greater of the amount indicated in Table 18.15.010-2 or three times the

value of the trees, as determined by the current standards of the International Society of Arboriculture, whichever is greater. The director may elect not to seek penalties if he or she determines that the circumstances do not warrant imposition of civil penalties in addition to restoration.

Exception to Directors discretion statement above: Any tree identified on a development project's required Landscaping Plan as retained and given a monetary value per G.3.b.iii, that is removed, or dies during the surety period due to improper protection during construction, shall be subject to an automatic fine of (3) times the trees stated value. All of the projects active permits shall also be suspended until the fine is paid and all restoration work completed.

Table 18.15.010-2: Penalties

Types of Violations	Allowable Fines per Violation
1. Removal of tree(s) approved to be removed, but prior to final tree retention and planting plan approval or issuance of a city tree removal permit	\$100.00 per tree
2. Removal or damage of tree(s) that are or would be shown to be retained on an approved tree retention and planting plan or any other violation of approved tree protection plan	\$1,000 per tree
3. Removal of tree(s) without applying for or obtaining a required city land use permit	\$1,000 per tree
4. Removal of tree(s) without applying for or obtaining a required city clearing permit	\$1,000 per tree

- f. Repeat Offenders. Any person who again violates this subsection C within 12 months after having been found by the Bainbridge Island municipal court to be in violation of this subsection C commits a misdemeanor and any person who is convicted of that misdemeanor shall be punished as provided in BIMC [1.24.010.A](#).

4. Protection During Construction and Development.
- a. Intent. The intent of these regulations is to provide the best protection for significant trees and tree stands, including protection for trees on adjacent properties.
 - b. Requirements.
 - i. No cutting of significant trees shall be allowed on a site until the tree retention and planting plans have been approved by the director.
 - ii. In order to preserve future ecological function, the applicant shall identify ~~An~~ areas of prohibited disturbance, generally corresponding to the dripline or critical root zone (as identified by a consulting arborist) of the significant trees and/or tree canopy of tree stands to be retained, buffers,

areas of existing vegetation to be maintained, future raingardens, and future planting areas larger than 400 square feet (i.e. landscape islands in parking lots), shall be identified by the applicant and approved by the prohibited disturbance areas shall be reviewed and approved by the director as part of the land use permit review process.

- iii. A temporary five-foot-high chain link fence with tubular steel poles or “T” posts shall delineate the area of prohibited disturbance defined in subsection C.4.b.ii of this section, unless the director has approved the use of a four-foot-high plastic net fence as an alternative. The fence shall be erected before construction starts and shall remain in place until construction has been completed, and shall at all times have affixed to it a sign indicating the protected area.
- iv. No impervious surfaces, fill, excavation, vehicle operations, compaction, removal of native soil or storage of construction materials shall be permitted within the area defined by the required construction fencing. If avoiding construction and compaction in areas of future planting is unavoidable, the landscape plan for the project shall include methods for aerating and/or augmenting compacted soil to prepare for new planting, pursuant to Section 18.15.010.H.2.
- v. A rock well shall be constructed if the grade level around the tree is to be raised more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline or critical root zone (as identified by a consulting arborist) of the tree or tree canopy of tree stands.
- vi. The grade level shall not be lowered within the larger of (A) the dripline or critical root zone (as identified by a consulting arborist) of the tree, or the tree canopy of tree stands, or (B) the area recommended by a consulting arborist.
- vii. Alternative protection methods may be used if recommended by a consulting arborist and determined by the director to provide equal or greater tree protection.
- viii. Wherever this subsection C.4 allows or requires the involvement of a consulting arborist, that individual shall be selected from the city’s list of current arborists certified by the American Society of Consulting Arborists and his or her services shall be paid for by the applicant.

D. Perimeter Buffering and Screening.

- 1. Intent. The intent of this subsection D is to provide an effective vegetated screen over time between uses or land use districts, to screen parking areas and structures located adjacent to public rights-of-way, and to allow visual and physical access to pedestrian and other nonmotorized oriented uses, such as a multipurpose trail or bikeway if those trails could be accommodated without compromising significant vegetation or hazardous slopes. Additional buffers may be required per BIMC 16.20.170, The Winslow Ravine – Special rules in Mixed Use Town Center.

4. General Requirements.
 - a. Full Screen. Where full screen perimeter landscaping is required, the applicant must provide:
 - i. Minimum 70 percent evergreen trees ranging in height from four feet to six feet at the time of planting with at least 50 percent being six feet high; and
 - ii. Deciduous trees with a caliper of at least two inches at the time of planting; and
 - iii. At least 20 percent of the trees shall be native species and drought resistant; and
 - iv. The number of trees is determined by dividing the length of the landscape perimeter by 10 feet; and
 - v. Evergreen shrubs at least 21 inches in height at the time of planting, spaced no more than three feet on center, to achieve minimum ~~four~~ six feet height at maturity; and
 - vi. The number of shrubs is determined by dividing the length of the perimeter by four feet; and
 - vii. Living ground cover shall be planted and spaced to achieve total coverage within three years; and
 - viii. Plants may be clustered within the perimeter to screen structures and parking areas.
 - b. Partial Screen. Where partial screen perimeter landscaping is required, the applicant must provide:
 - i. Minimum 50 percent evergreen trees ranging in height from four feet to six feet at the time of planting with at least 50 percent being six feet high; and
 - ii. Deciduous trees with a caliper of at least two inches at the time of planting; and
 - iii. At least 20 percent of the trees shall be native species and drought resistant; and
 - iv. The number of trees is determined by dividing the length of the landscape perimeter by 20 feet; and
 - v. Evergreen shrubs at least 21 inches in height at the time of planting, spaced no more than three feet on center, to achieve minimum ~~four~~ six feet height at maturity; and
 - vi. The number of shrubs is determined by dividing the length of the landscape perimeter by five feet; and
 - vii. Living ground cover shall be planted and spaced to achieve total coverage within three years; and
 - viii. Plants may be clustered within the landscape perimeter to screen structures and parking areas.
 - c. Filtered Screen. Where filtered screen perimeter landscaping is required, the applicant must provide:
 - i. One hundred percent deciduous trees two-inch caliper spaced no more than 30 feet on center; and

- ii. Evergreen shrubs minimum 21 inches in height at the time of planting spaced no more than three feet on center to provide a continuous hedge achieving a maximum height of ~~three~~ six feet at maturity; and
- iii. Living ground cover shall be planted and spaced to achieve total coverage within three years.

G. Total Site Tree Unit Requirements.

1. Intent. The overall purpose of Section 18.15.010 is to preserve the landscape character of the community through development standards by encouraging the retention of existing vegetation and significant trees by incorporating them into site design. The intent of this subsection G is to ensure that, to the degree practicable, (a) each development approval in the MUTC, HSR I and II, R-8, R-14, and NSC zone districts and (b) each development approval for nonresidential development in the R-5, R-4.3, R-3.5, R-2.9, R-2, R-1, and R-0.4 zone districts leaves the development parcel with at least a specified minimum amount of tree coverage, measured in tree units per acre, that reflects the degree of tree coverage prior to development or redevelopment and that discourages avoidable site disturbances that would require tree removal.
2. Applicability. The regulations of this subsection G apply to each development application involving (a) any modification to a development parcel located in the MUTC, HSR I and II, R-8, R-14, or NSC districts or (b) a permitted nonresidential development in the R-5, R-4.3, R-3.5, R-2.9, R-2, R-1, and R-0.4 zone districts. If a significant portion of a significant tree trunk, dripline and/or critical root zone extends onto an adjacent property, both properties may use the tree units for retaining the trees to meet the requirements of subsection 4. These provisions shall not apply to projects involving only interior renovation of existing buildings.
3. Site Specific Evaluation of Total Impact on Tree Coverage.
 - a. Prior to the submission of a development application involving any modification to a development parcel that has less than 50 percent tree canopy cover prior to the proposed development or redevelopment, the applicant shall complete an inventory of all existing trees on the site indicating the species and the diameter at breast height (DBH) for each existing tree.
 - b. In order to show how the Tree Unit Requirements of subsection 4 below are being met, As part of any development application the applicant shall submit the following information as part of the landscaping plan information for a land use permit application:
 - i. Identify and survey all existing trees to be ~~removed~~ retained as part of the proposed development; ~~and~~
 - ii. If opting to meet Tree Unit Requirements pursuant to 4.a.iii below, the applicant shall identify the species and DBH of each tree to be removed.
 - iii. The applicant shall also submit valuation of all trees to be retained, using the valuation standards of the International Society of Arboriculture (see Administrative Manual for submittal requirements for Landscaping Plans).

4. Requirements.

- a. A development application covered by subsection G.2 of this section shall only be approved if it complies with the requirements of subsections C (Tree Retention, Protection, and Replacement), D (Perimeter Buffering and Screening), E (Street Frontage Landscaping), and F (Parking Lot Landscaping) of this section, and also complies with subsection G.4.a.i, ii or iii of this section.
 - i. In the MUTC central core and ferry terminal overlay districts, the development parcel shall have at least 30 tree units per acre following the proposed development or redevelopment.
 - ii. In the MUTC Ericksen Avenue, Madison Avenue, and gateway overlay districts, and each site in the R-8, R-14, HSR I and II, and NSC districts, and for permitted nonresidential development in the R-5, R-4.3, R-3.5, R-2.9, R-2, R-1, and R-0.4 zone districts, the development parcel shall have at least 40 tree units per acre following the proposed development or redevelopment.
 - iii. As an alternative to subsections G.4.a.i and ii of this section, and at the applicant's option, the development parcel will contain at least the same number of tree units after the proposed development or redevelopment as it had before that development or redevelopment.
- b. Existing and new trees in areas that must be preserved, such as roadside or critical area buffers, do not count towards meeting the tree unit requirements required under this section. If an applicant is choosing to meet their tree unit requirements using subsection a.iii above, the existing trees in those buffers will not count towards the "pre-development" amount of tree units. All existing trees preserved and all new trees planted on the site, including but not limited to those required to be preserved pursuant to subsection C of this section or those required to be replaced or planted pursuant to subsection D, E, or F of this section, shall count towards the required number of tree units.

5. Calculation of Tree Units.

- a. Each tree preserved on a development parcel shall earn the number of tree units shown in Table 18.15.010-7, based on its diameter at breast height (DBH) as measured in inches. If the DBH measurement results in a fraction, the requirement shall be rounded to the nearest whole number (greater than or equal to 0.5 is rounded up; less than 0.5 is rounded down).

Table 18.15.010-7: Tree Unit Conversion Table for Preserved Trees [1]

DBH	Tree Units	DBH	Tree Units	DBH	Tree Units
4 – 5	1.0	16 – 18	3.2	27 – 28	7.0
6 – 10	1.2	19 – 20	3.8	29 – 30	7.8
11 – 12	1.4	21 – 23	4.6	30+	8.2
13 – 15	2.0	24 – 26	6.2		

[1] For multi-stemmed trees, measure the DBH of each trunk separately, multiply each of these measurements by itself, add up these amounts, and calculate the square root of that total to find the DBH for the tree as a whole.

- b. Tree Retention Bonus.
 - i. If retained trees occur in a tree stand, they shall earn 1.2 times the tree unit value shown in Table 18.15.010-7. This bonus does not apply to tree stands that must be retained anyway, such as trees in a roadside or wetland buffer area.
 - ii. If the retained trees occur in a tree stand that is adjacent to a tree stand on an adjacent lot that is already protected as part of a land use permit or conservation easement, they shall earn 1.5 times the tree unit value shown in Table 18.15.010-7 instead of the bonus described in subsection G.5.b.i. of this section. This bonus does not apply to tree stands that must be retained anyway, such as trees in a roadside or wetland buffer area.
 - iii. If the retained tree is one designated through the City's Heritage Tree Program it shall earn ~~1.5~~ two (2) times the tree unit value shown in Table 18.15.010-7, and the tree shall not receive additional bonus in subsections G.5.b.1 and 2 of this section for location in a tree stand.
 - iv. If the retained tree is located within a designated Wildlife Corridor Network, it shall earn 1.5 times the tree unit value shown in Table 18.15.010-7.
- c. Each new or replacement tree planted shall earn ~~the following number of one tree unit, credits:~~ New trees planted to meet the minimum parking lot landscaping requirements of Section 18.15.010.F BIMC do not count towards meeting tree unit credits under this section. New trees planted in or around a parking lot that exceed the minimum requirements of subsection F can be counted towards meeting required tree units.
 - ~~i. Each tree with a height at maturity of 40 feet or less shall be equal to one-half tree unit. Height at maturity shall be as defined in the current edition of the Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation and Uses, Michael A. Dirr.~~
 - ~~ii. Each tree with a height at maturity of more than 40 feet shall be equal to one tree unit.~~
- d. If, after complying with subsections C, D, E, and F of this section, additional trees need to be planted to meet the minimum tree unit requirements in subsection G.3 of this section:
 - i. In the MUTC central core and ferry terminal overlay districts, those trees may be planted either at ground level or above ground level (such as a patio, terrace, or rooftop); and
 - ii. In the MUTC Ericksen Avenue, Madison Avenue, and gateway overlay districts, R-8, R-14, HSR I and II, NSC districts, as well as for nonresidential developments within residential districts, those trees shall be planted at ground level.

H. Planting Requirements.

1. Intent. The intent of this section is to encourage the use of native species and recommend planting conditions adaptive to Bainbridge Island.
2. Requirements. Landscape designs shall conform to the following provisions:

- a. Areas not devoted to landscape required by this chapter, parking, structures and other site improvements are encouraged to be planted or remain in existing vegetation.
- b. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of the coastal region of the Puget Sound Region.
- c. New plant materials shall consist of drought resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.
- d. New tree plantings shall be a minimum of two inches in caliper if deciduous or six feet in height if evergreen. New shrubs planted in roadside or perimeter buffers shall be of a variety that achieves a minimum six feet height at maturity. Soil planting types and depth shall be sufficient for tree planting.
- e. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows.
- f. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.
- g. Grass may be used as a ground cover where existing or amended soil conditions assure adequate moisture for growth.
- h. Ground cover areas shall contain at least two inches of composted organic mulch at finish grade to minimize evaporation. Mulch shall consist of materials such as composted yard waste, composted sawdust, and/or manure that are fully composted.
- i. Existing and/ or compacted soils may need to be augmented with fully composted organic material or aerated.
- j. Specific submittal requirements for landscaping plans (tree protection, retention and planting plans) are included in the city's administrative manual.

3. Performance Assurance.

- a. Performance assurance is required to assure the city that the landscape, required by this section, is properly installed, will become established and be adequately maintained.
- b. The required landscape shall be installed prior to the issuance of a temporary certificate of occupancy for the project. The Washington landscape architect, Washington certified nursery professional or Washington certified landscaper shall submit a landscaping declaration to the director to verify installation in accordance with the approved plans.
- c. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season as approved if the director determines that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the city. The performance assurance device shall be for 150 percent of the cost of the work or improvements covered by the assurance device. In no case may the property owner delay performance for more than one year.
- d. The form and type of the performance assurance device shall be determined by the director.

4. Maintenance Assurance.

- a. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan.
- b. A maintenance assurance device shall be required for a period of five ~~three~~ years after acceptance by the city of the new planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance.
- c. The maintenance assurance device amount shall not be less than 20 percent of the cost of replacing materials covered by the assurance device.
- d. The form and type of the maintenance assurance device shall be determined by the director.

Section 3. Section 18.36.030 of the Bainbridge Island Municipal Code is amended to read as follows:

“Heritage Tree” means a tree that has been nominated and approved as such through the Heritage Tree Program, Resolution 2014-19.

“Significant tree” means: (a) an evergreen tree 10 inches in diameter or greater, measured four and one-half feet above existing grade; or (b) a deciduous tree 12 inches in diameter or greater, measured four and one-half feet above existing grade; ~~or~~ (c) in the Mixed Use Town Center and High School Road zoning districts, any tree 8 inches in diameter or greater, measured four and one-half feet above existing grade; or (d) all trees located within a required critical area buffer as defined in Chapter 16.20 BIMC.

Section 4. 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 _____, 2015.

APPROVED BY THE MAYOR this ____ day of _____, 2015.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK: XXXX, 2015
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2015-04