



**PLANNING COMMISSION SPECIAL MEETING
THURSDAY, SEPTEMBER 09, 2021**

THE PLANNING COMMISSION WILL HOLD THIS MEETING USING A VIRTUAL ZOOM WEBINAR PLATFORM. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO VIEW THE MEETING VIA THE CITY'S WEBSITE STREAMING WILL BE ABLE TO CALL IN TO THE ZOOM MEETING.

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AGENDA

1. CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW - 6:00 PM

We would like to begin by acknowledging that the land on which we gather is within the ancestral territory of the Suquamish, "People of Clear Salt Water." Expert fishermen, canoe builders and basket weavers, the Suquamish live in harmony with the lands and waterways along Washington's Central Salish Sea as they have for thousands of years. Here, the Suquamish live and protect the land and waters of their ancestors for future generations as promised by the Point Elliot Treaty of 1855.

2. PLANNING COMMISSION MEETING MINUTES - 6:05 PM

Review and approve meeting minutes.

2.a (6:05 PM) - Meeting Minutes from August 12 and September 2, 2021. 5 Minutes

[Planning Commission Meeting Minutes DRAFT 081221.pdf](#)

[Planning Commission Meeting Minutes DRAFT 090221.pdf](#)

3. PUBLIC COMMENT - 6:10 PM

Public comment on off-agenda items.

.PUBLIC HEARING - 6:25 PM

(6:25 PM) - Public Hearing on proposed amendment to BIMC Chapter 16.18. Tree Removal, Forest Stewardship and Vegetation Maintenance RE: Permit exemption for defensible space wildfire

mitigation activities (Ordinance No. 2021-07, Exhibit A)

20 Minutes

Ordinance No. 2021-07 Wildfire Mitigation Aug 12 PC

Ex_A_Ordinance_2021-07_Sept_2021.docx

4. UNFINISHED BUSINESS - 6:45 PM

4.a (6:45 PM) - Planning Commission Deliberation & Recommendation on Wintergreen Townhomes Subdivision, Site Plan Review and Conditional Use Permit Adjustment (PLN51836 SUB SPR CUPA)

2 Hours

Wintergreen SUB_SPR_CUPA Staff Report_PC Revised 31AUG2021.pdf

51836 SPR CUPA SUB Public Comment.pdf

REVISED Wintergreen Prelim Plat Dwgs 20210831

Preliminary Plat Drawings 20210325

SITE PLAN Depicting Affordable Units

REVISED Renderings 083121

Renderings 20210521

3 Story 1&2 BR Plan 20210831

2 Story 1&2 BdRm Plan 20210831

Wintergreen Townhomes Schematic Landscape 20210628

Wintergreen Landscape Rendering 20210628

UTILITY PLAN

Civil Plan sheet 4 dated 16MAR2021.pdf

SEWER CONNECTION PLAN

Soil Map 20201204

Wintergreen SEPA Environmental Checklist

Trip Generation Memo

Design for Bainbridge Worksheet with Applicant's Response 06142021

Design for Bainbridge Worksheet Final by DRB 20210621

Aerial Photo with 25' setback

Building Height 20210827

305-Wintergreen Cross Section

Income Limits

Environmental Noise Study 20210206

Noise Barrier Fencing

Comprehensive Plan affordable housing provisions from Applicant

Background 17734 HEX Decision

Background HEX Reconsideration

Relationship of the Visconsi to Wintergreen Approval

Visconsi Sepa checklist staff comment 20130424

Visconsi Final Plat Set Sheets C-1-5, 20130909

Visconsi Final Plan Set Sheets L-1, 2, 3, 4, 5, 10, 12 20130909

VISCONSI MDNS 20131122

GIS Aerial 2018 25' and 50' from SR305

Comments from Joe Dunstan 20210829

EMAIL from Joe Dunstan re: Final DRB thoughts RE wintergreen project 20210829

EMAIL from Joe Dunstan re: Wintergreen setback correction for PC meeting

Sept 2 - 7 Corr involving public, DRB Chair and member, Councilmember, and Planning

Commissioner.pdf

Corr from applicant dated 07SEP2021.pdf

07SEP2021 Corr between Planning Director and Planning Commissioner.pdf
Sept 6-8, 2021 Corr between City Planner and Planning Commissioners.pdf
Community Space Management and Maintenance Plan submitted 08SEP2021.pdf
08SEP2021 Corr between Planning Commissioners and Planning Director.pdf
08SEP2021 Corr from applicant 2 with three attachments.pdf
Public comment received since 16AUG2021.pdf

5. PLANNING DIRECTOR'S REPORT - 8:45 PM

6. FOR THE GOOD OF THE ORDER - 8:50 PM

7. ADJOURNMENT - 9:00 PM

GUIDING PRINCIPLES

Guiding Principle #1 - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

Guiding Principle #2 - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

Guiding Principle #4 - Consider the costs and benefits to Island residents and property owners in making land use decisions.

Guiding Principle #5 - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



Planning Commission meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the Planning & Community Development Department at (206) 780-3750 or pcd@bainbridgewa.gov by noon on the day preceding the meeting.

Public comment may be limited to allow time for the Commissioners to deliberate. To provide additional public comment, email your comment to pcd@bainbridgewa.gov or mail it to Planning and Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: September 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (6:05 PM) - Meeting Minutes from August 12 and September 2, 2021.

AGENDA CATEGORY: Minutes

PROPOSED BY: Jane Rasely

**PREVIOUS PLANNING COMMISSION
REVIEW DATE(S):**

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

I move approval of the meeting minutes from August 12 and September 2, 2021.

SUMMARY:

BACKGROUND:

ATTACHMENTS:



Planning Commission Special Meeting August 12, 2021

Meeting Minutes

1) CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW

Chair Kimberly McCormick Osmond called the meeting to order at 6:01 PM. Commissioners in attendance were Vice-chair Joe Paar, William Chester, Lisa Macchio, Sarah Blossom, Ashley Mathews and Yesh Subramanian. City Staff present were Planning Manager David Greetham, Senior Planner Kelly Tayara and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The Land Acknowledgement was read and the agenda reviewed. There were not any conflicts of interest noted.

2) PLANNING COMMISSION MEETING MINUTES

2.a Review and approve meeting minutes for June 24, July 8, July 22, and July 29, 2021.

Cover Page

Planning Commission Meeting Minutes DRAFT 062421.pdf

Planning Commission Meeting Minutes DRAFT 070821.pdf

Planning Commission Meeting Minutes DRAFT 072221.pdf

Planning Commission Meeting Minutes DRAFT 072921.pdf

Motion: I move to adopt the meeting minutes for June the 24, July the 8, of July the 22 and July the 29, 2021.

McCormick Osmond/Macchio: Passed Unanimously

3) PUBLIC COMMENT

None.

4) UNFINISHED BUSINESS

4.a Review and consider proposed amendment to BIMC Chapter 16.18. Tree Removal, Forest Stewardship and Vegetation Maintenance re: an exemption from a permit for defensible space (Ordinance No. 2021-07)

Cover Page

Ordinance No. 2021-07 Wildfire Mitigation Aug 12 PC

Ex A Ordinance 2021-07

Planning Manager David Greetham provided an overview of the changes made to the existing code for fire safety practices. Bainbridge Island Fire Department Chief Hank Teran was available to answer questions.

Motion: I make a motion to accept the language as you (McCormick Osmond) have just read out. ("First, we are discussing changing the language in the first paragraph

to read ‘Voluntary wildfire mitigation activity other than tree removals or vegetation clearing requiring a permit in BIMC 16.18.050.a or in BIMC 16.32 within a 30’ defensible space around a structure [also known as the immediate and intermediate zone in Firewire USA] including the following and then it has these four bullet points that are currently in the language we’re looking at. I would suggest we change the last word in bullet four from residence to structure just for consistency. So that’s the first set of changes. The second set would be to add a sentence that says, ‘Landowners are encouraged to obtain assistance from the Fire District Deputy Marshal and the City Arborist before undertaking wildfire mitigation activities.’ The third change would be to add a requirement of mandatory yearly review by the Fire Department Deputy Fire Marshal and Planning Department and then the fourth change would be to add a reference to the fire code section that addresses wildfire mitigation activities and also a separate sentence incorporating by reference the Climate Action Plan and the Bainbridge Island Community Wildfire Protection Plan as resources for further information on wildfire mitigation activities.”
Subramanian/Paar: Passed 5-2

The Planning Commission asked for a public hearing to be scheduled for September 9, 2021.

5) NEW BUSINESS

5.a Buxton Center for Bainbridge Performing Arts Major Adjustment to a Site Plan Review Permit (PLN51828 SPRA)

Cover Page

SPRA PC staff report Buxton for BPA .pdf

DESIGN REVIEW BOARD MEETING MINUTES 05032021 (3).pdf

K. Narrative_Updated Decision Criteria Statement (1).pdf

A. Site Plan_Update 2 (3).pdf

51828 SPRA O. Architectural Drawings (5).pdf

51828 SPRA D. Landscape Plans (6).pdf

51828 SPRA S. Site Lighting Plan.pdf

51828 SPRA B. Civil Site and Utilities Plans.pdf

SEPA Checklist - Bainbridge Performing Arts - 2021-03-25_Signed (3).pdf

Senior Planner Kelly Tayara provided an overview of the proposed project and introduced applicant representatives Julie Adams and Mark Tumiski from LMN Architects.

Public Comment

Ralph Spillinger – Stated BPA shared the same philosophy on bicycle spacing the Commissioners had expressed and would come back with a solution that is coincident with what they had spoken about. He also spoke about bringing the portables up to code and the use of a more modern air-conditioning system that would be quieter as well as having a sound wall around it to eliminate some of the noise for the neighbors to the north of the building.

See attached recorded motion for recommendation.

6) PLANNING DIRECTOR’S REPORT

Planning Manager David Greetham provided an update on items of interest to the Planning Commission including the Council decision to continue remote meetings utilizing the Zoom meeting platform.

7) **FOR THE GOOD OF THE ORDER**

8) **ADJOURNMENT**

The meeting was adjourned at 8:14 PM.

Kimberly McCormick Osmond, Chair

Jane Rasely, Administrative Specialist

PLANNING COMMISSION RECORDED MOTION

Planning Commission Meeting Date:	August 12, 2021
Project Proposal Name and Number:	Buxton Center for Bainbridge Performing Arts/PLN51828 SPRA
Documents available at:	Online Permit Portal
Decision Maker:	Planning Director

Purpose: The purpose of the Planning Commission's review and recommendation is to determine if a proposed project is consistent with the comprehensive plan and applicable design guidelines, BIMC Titles 17 and 18.

Consideration: The Planning Commission shall consider the project application at a public meeting where public comment will be taken. The Planning Commission shall recommend approval, approval with conditions, or denial of the proposed project.

The Planning Commission will adopt written findings of facts and conclusions and determine if the project is consistent with Bainbridge Island Municipal Code and the comprehensive plan. This motion will be included in the staff report transmitted to the reviewing bodies and decision maker.

Findings of Fact and Reasons for Action

1. The project, as conditioned, is found to meet all the applicable decision criteria.
2. The project, as conditioned, is found to be compliant and consistent with the comprehensive plan.
3. The project, as conditioned, is found to meet all other applicable laws.
4. The project is either :

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

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

- a.
- b.
- c.

Recommendation: I move that we recommend approval to the Planning Director for this project as presented conditioned to include additional parking for bikes and E-bikes.

Paar/Blossom: Passed Unanimously

PLANNING COMMISSION RECORDED MOTION

The Planning Commission recommends the Director:

- Approve the proposal as recommended.
- X Approve the proposal with the following changes:
- a. With additional condition regarding bikes and E-bikes based on current and forward looking forecasts of usage by different segments of those using facility.

Recorded motion on August 12, 2021:

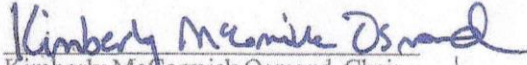
Planning Commission Record of Vote:

Commissioner	Support	Oppose	Absent	Abstain
McCormick Osmond	X			
Paar	X			
Chester	X			
Macchio	X			
Blossom	X			
Mathews	X			
Subramanian	X			
Total	7			

CITY OF BAINBRIDGE ISLAND PLANNING COMMISSION



Jane Rasely, Administrative Specialist



Kimberly McCormick Osmond, Chair



Planning Commission Special Meeting September 2, 2021

Meeting Minutes

1) CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW /CONFLICT DISCLOSURE

Chair Kimberly McCormick Osmond called the meeting to order at 6:03 PM. Commissioners in attendance were Vice-chair Joe Paar, William Chester, Sarah Blossom, Ashley Mathews and Yesh Subramanian. Lisa Macchio was absent and excused. City Staff present were Planning & Community Development Director Heather Wright, Engineering Manager Paul Nylund, Senior Planner Kelly Tayara and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The Land Acknowledgement was read and the agenda reviewed. There were not any conflicts disclosed.

2) NEW BUSINESS

2.a Review, Public Comment & Recommendation on Wintergreen Townhomes Subdivision, Site Plan Review and Conditional Use Permit Adjustment (PLN51836 SUB SPR CUPA)

Cover Page

Wintergreen SUB_SPR_CUPA Staff Report_PC Revised 31AUG2021.pdf

51836 SPR CUPA SUB Public Comment.pdf

REVISED Wintergreen Prelim Plat Dwgs 20210831

Preliminary Plat Drawings 20210325

SITE PLAN Depicting Affordable Units

REVISED Renderings 083121

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Wintergreen Landscape Rendering 20210628

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Trip Generation Memo

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Aerial Photo with 25' setback

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[Income Limits](#)
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[Noise Barrier Fencing](#)
[Comprehensive Plan affordable housing provisions from Applicant](#)
[Background 17734 HEX Decision](#)
[Background HEX Reconsideration](#)
[Relationship of the Visconsi to Wintergreen Approval](#)
[Visconsi Sepa checklist staff comment 20130424](#)
[Visconsi Final Plat Set Sheets C-1-5, 20130909](#)
[Visconsi Final Plan Set Sheets L-1, 2, 3, 4, 5, 10, 12 20130909](#)
[VISCONSI MDNS 20131122](#)
[GIS Aerial 2018 25' and 50' from SR305](#)
[Comments from Joe Dunstan 20210829](#)
[EMAIL from Joe Dunstan re: Final DRB thoughts RE wintergreen project 20210829](#)
[EMAIL from Joe Dunstan re: Wintergreen setback correction for PC meeting](#)

Director Heather Wright provided history for the site of the project permit application. Senior Planner Kelly Tayara presented an overview of the proposed project. Applicant representative Hayes Gori gave a presentation on project plans. David Smith (Central Highlands, Inc., and Phedra Elliott and Dean Nail of Housing Resources Bainbridge spoke about their partnership in previous and this current affordable housing project.

Public Comment

Greg Spils - Spoke in favor of project mentioning dedicated bike trail to ferry terminal and wondered why the DRB would pick the high end of the range.

Barry Andrews - Stated he had never been opposed to the Wintergreen project but had questions about the project. He welcomed the passion of Mr. Gori and the others for affordable housing but was concerned about traffic situation.

Michael Cyger - Spoke in favor of the project stating it aligned with the Comprehensive Plan.

Jon Quitslund - Stated it was the Planning Commission's responsibility to determine if the project met City code, not the applicant's responsibility. Mr. Quitslund said he disagreed with Mr. Gori's statement that the DRB was poised to recommend approval before they ultimately recommended denial.

Dave Shorett - Spoke in support of the project mentioning that the City only paid lip service to effort for affordable housing.

Linda Andrews - Asked why this project was a single-family subdivision instead of a multi-family project and asked what type of CC&R's would be written to support the upkeep or limit vacation rental possibilities.

Elizabeth Doran - Stated she was concerned about safety in many zones of this development, especially the use of Polly Lane to access High School Road at certain times of the day as well as heavy trucks driving through the middle of the development.

Betty Wiese - Asked the Planning Commission to be creativity and use their abilities to get to "Yes" on this project because she wanted to get affordable housing in there as opposed to other types of development.

Karen Bazar - Spoke in support of this project and the homes it would provide under a price point of \$500,000 and stated she loved the design but it was really about the need in the community for these homes.

It was decided the Planning Commission would deliberate on this project at their next meeting on September 9, 2021.

3) ADJOURNMENT

Meeting adjourned at 8:41 PM.

Kimberly McCormick Osmond, Chair

Jane Rasely, Administrative Specialist



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: September 9, 2021

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: (6:25 PM) - Public Hearing on proposed amendment to BIMC Chapter 16.18. Tree Removal, Forest Stewardship and Vegetation Maintenance RE: Permit exemption for defensible space wildfire mitigation activities (Ordinance No. 2021-07, Exhibit A)

AGENDA CATEGORY: Ordinance

PROPOSED BY: David Greetham

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): July 8, 2021

August 12, 2021

PREVIOUS COUCIL REVIEW DATE(S): July 20, 2021

August 10, 2021

RECOMMENDED MOTION:

Hold a public hearing on proposed Ordinance No. 2021-07 and Exhibit A. Recommend adoption of proposed Ordinance No. 2021-07 and Exhibit A, as amended.

SUMMARY:

The Planning Department has partnered with the Fire Department to add specificity to the tree and vegetation activities that bring a property up to the minimum standards of Firewise USA within a 30-foot defensible space around primary structures. Such activities are proposed to be added to the list of permit exempt vegetation maintenance activities at BIMC 16.18.040.

BACKGROUND: On July 8, 2021, the Planning Commission made a recommendation to consider on an emergency basis an exemption from certain permitting requirements set forth in Chapter 16.18 BIMC to allow for a defensible space related to wildfire mitigation activities. On July 20, 2021, the City Council discussed this request from the Planning Commission and directed the City Manager to work with the City Attorney to proceed with drafting an ordinance for the July 27, 2021 Council meeting.

On August 10, 2021, the City Council considered Resolution No. 2021-13. Resolution No. 2021-13 directs the City Manager to work with the City Attorney and other City staff to develop specific regulations for the Council to consider that would revise the Bainbridge Island Municipal Code to include provisions that will result in enhanced fire safety measures

and wildfire mitigation activities on Bainbridge Island, and for the City Manager to work with City staff to bring a proposed ordinance to the Council in the future for the Council's consideration in that regard.

On August 12, 2021, the Planning Commission considered draft ordinance no. 2021-07, Exhibit A relating to a permit exemption for specified vegetation management activities related to wildfire mitigation. The Commission recommended several text revisions and requested that a public hearing be set to consider the amended draft ordinance. The proposed new code language is shown in yellow highlight (Exhibit A).

ATTACHMENTS:

ORDINANCE NO. 2021-07

AN ORDINANCE of the City Council of Bainbridge Island, Washington, relating to fire safety measures and wildfire mitigation activities for residents of Bainbridge Island.

WHEREAS, on May 7, 2019, the City Council instructed City staff to draft a new ordinance to revise the City’s tree and vegetation regulations; and

WHEREAS, on February 25, 2020, the City Council endorsed the continuing work by City staff and the City Arborist to draft an ordinance that would include changes to Chapter 16.18 of the Bainbridge Island Municipal Code (“BIMC”) (Tree Removal, Forest Stewardship, and Vegetation Maintenance), Chapter 16.32 BIMC (Protection of Landmark Trees), and BIMC 18.15.010 (Development Standards and Guidelines); and

WHEREAS, at public meetings of the Planning Commission, City staff provided information and materials to the Planning Commission and the Planning Commission considered draft regulations related to draft Ordinance No. 2020-28 (which was renumbered in 2021 to Ordinance No. 2021-07) on August 13, September 10, October 29, November 11, and December 10, 2020; and

WHEREAS, on December 17, 2020, the Planning Commission held a public hearing to consider draft Ordinance No. 2020-28, including Exhibits A – E, received public input, and after closing the public hearing, made a recommendation of approval of draft Ordinance No. 2020-28 to the City Council; and

WHEREAS, included in the draft ordinance was an exemption from permitting requirements related to applicable properties with a primary structure to perform work within a 30-foot defensible space pursuant to minimum standards of Firewise USA®, the Bainbridge Island Community Wildfire Protection Plan, or as recommended by the Bainbridge Island Fire Department; and

WHEREAS, the City notified the Department of Commerce on January 21, 2021 of its intent to revise its development regulations relating to tree removals and vegetation management practices; and

WHEREAS, the City issued a State Environmental Policy Act (“SEPA”) Determination of Non-Significance for Ordinance No. 2021-07 (formerly Ordinance No. 2020-28) on January 29, 2021; and

WHEREAS, on April 27, 2021 at a regular business meeting, the City Council considered Ordinance No. 2021-07, took no action on the ordinance, and the Council expressed a collective interest in further considering the ordinance at a future meeting; and

WHEREAS, on May 13 and 27, 2021, City staff returned to the Planning Commission to discuss additional revisions to draft Ordinance No. 2021-07 based on City Council comments; and

WHEREAS, Kitsap County Fire District No. 2, which is commonly known as the Bainbridge Island Fire Department (“Fire Department”), has identified the need for reasonable provisions for wildfire mitigation and forest stewardship that support responsible wildfire mitigation and provide a pathway for wider forest stewardship planning; and

WHEREAS, at a public meeting on July 8, 2021, the Planning Commission discussed and requested that the City Council take immediate action on an amendment to Chapter 16.18 BIMC, Tree Removal, Forest Stewardship and Vegetation Maintenance, to adopt the recommended exemption from permitting requirements related to allowing certain fire safety activities within a 30’ defensible space; and

WHEREAS, on July 6, 2021, Governor Inslee signed an emergency order declaring a wildfire state of emergency for Washington State; and

WHEREAS, on July 14, 2021, the Washington State Department of Ecology issued a drought advisory for numerous counties in Washington State; and

WHEREAS, on July 20, 2021 at a regular meeting, the City Council discussed the recommendation of the Planning Commission and directed the City Manager to work with the City Attorney to prepare for the Council’s consideration at its July 27, 2021 meeting an ordinance to adopt the recommendation of the Planning Commission; and

WHEREAS, the revisions to the Bainbridge Island Municipal Code recommended by the Planning Commission required additional legal review to ensure that the intended regulations were clear for the public and City staff to understand and for City staff to enforce, as applicable; and

WHEREAS, on August 10, 2020 the City Council adopted Resolution No. 2021-13 to direct the City Manager to work with City staff to work and coordinate with the Fire Department, on a high-priority basis, to provide information and outreach to the Bainbridge Island community regarding the importance of fire safety measures and wildfire mitigation activities, including specific actions residents can take to help protect their property and the community from fires, including vegetation and structure fires; and

WHEREAS, pursuant to Resolution No. 2021-13, City staff coordinated with the Fire Department to outline the tree and vegetation activities allowed within 30’ of the primary residence without a permit that reflect the best practices recommended by Firewise USA®, the Bainbridge Island Community Wildfire Protection Plan; and

WHEREAS, on August 12, 2020 at a regular business meeting, the Planning Commission considered Ordinance No. 2021-07, Exhibit A and recommended moving the draft forward for a public hearing; and

WHEREAS, on September 9, 2021 at a regular business meeting, the Planning Commission held a public hearing on Ordinance No. 2021-07, Exhibit A and made a recommendation of approval to the City Council; and

WHEREAS, on September X, at a regular business meeting, the City Council considered Ordinance No. 2021-07, and recommended that it be forwarded to consent agenda on X; and

WHEREAS, on X, at a regular business meeting, the City Council adopted Ordinance No. 2021-07 and Exhibit A on the consent agenda; and

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as findings of fact in support of this ordinance, as well as supplemental findings of fact to the related ordinances that preceded this ordinance regarding the interim official control regulating Landmark Trees as described herein.

Section 2. Chapter 16.18 of the Bainbridge Island Municipal Code is hereby amended and revised as set forth in the attached Exhibit A, which is incorporated by reference as if fully set forth herein.

Section 3. Interpretive Authority. The City of Bainbridge Island Director of Planning and Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

PASSED by the City Council this ____ day of _____, 2021.

APPROVED by the Mayor this ____ day of _____, 2021.

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

By: _____

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	, 2021
PASSED BY THE CITY COUNCIL:	_____, 2021
ORDINANCE NO.	2021-07

Exhibit A:

EXHIBIT A

Chapter 16.18 TREE REMOVAL, FOREST STEWARDSHIP, AND VEGETATION MAINTENANCE

Sections:

- 16.18.010 Overview.**
- 16.18.020 Findings.**
- 16.18.025 Purposes.**
- 16.18.030 Applicability.**
- 16.18.040 Activities allowed without a permit.**
- 16.18.050 Activities requiring a permit.**
- 16.18.060 General regulations and standards.**
- 16.18.070 Tree removal/vegetation maintenance permit administration and review process.**
- 16.18.080 After-the-fact tree removal/vegetation maintenance permit.**
- 16.18.090 Mitigation and restoration.**
- 16.18.100 Performance assurance.**
- 16.18.110 Appeals.**
- 16.18.120 Violations, restoration and enforcement.**
- 16.18.130 Definitions.**

16.18.010 Overview.

A. The policies presented in this chapter rest on an assumption that in, the care of trees and vegetation on their property, citizens will be guided by common sense and best practices, responsive to the purposes stated in BIMC [16.18.025](#). Sanctions shall be applied to activities that are found by the planning director to be reckless and destructive, and to any action or negligence that adversely affects a neighboring property, pursuant to the provisions of BIMC [16.18.120](#) and other applicable provisions of the code.

B. To a large extent, work carried out in landscaped yards and forested areas does not require a permit (see BIMC [16.18.040](#)). However, property owners who are considering major changes to the landscape and trees on their property should seek advice and professional services from a licensed arborist who is certified by the American Society of Consulting Arborists or the International Society of Arboriculture, or a landscape professional who is certified by the city.

C. This chapter is one of several in the municipal code that pertain to the care of trees, vegetation, and forested areas on Bainbridge Island. Its policies and nonregulatory provisions pertain especially to the plans and ongoing activities of island residents, outside of their homes or places of business but on their

own property, when the use and enjoyment of the property involves stewardship and maintenance of trees and vegetation. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.020 Findings.

A. Forested areas and trees on individual lots are integral parts of Bainbridge Island's character; they enhance the city's appearance and livability, as well as providing significant environmental benefits and natural resource values.

B. Conserving and managing the island's forested areas and native vegetation is a central goal of the Bainbridge Island Comprehensive Plan: see Guiding Principles 1 and 5 and related Policies; Goals LU-6, 12 and 13; EN-3, 4, 5, 18 and 19; WR-3 and 4; and Policies LU 4.10 and EN 15.3.

C. Trees are valued by homeowners and, when well cared for, enhance property values.

D. Removal of trees and understory vegetation, combined with extensive disturbance of soils, cause loss of habitat and wildlife, runoff and soil erosion, degradation of surface water and aquifer recharge, and adverse impacts on air quality, as well as loss of aesthetic appeal.

E. The community forest resources of the island are best understood as a mosaic, with some large and many small pieces, on publicly owned and private properties. When clearing for development further fragments the mosaic, both individual and community interests are affected.

F. On Bainbridge Island and elsewhere, examples exist to demonstrate that development for residential and other uses can be compatible with careful conservation of forest conditions and other natural features; and that such development can be cost-effective, attractive, energy-efficient, and well adapted to our climate. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.025 Purposes.

This chapter is adopted for the following purposes:

A. To promote the public health, safety, and general welfare of Bainbridge Island citizens without preventing the reasonable use of private property.

B. To preserve and enhance the city's physical and aesthetic character, to promote the healthy functioning of our island's natural systems, and to provide economic benefits to the community, for the sake of present and future generations.

C. To implement the purposes of the State Growth Management Act relating to conservation of natural resources, pursuant to Chapter [36.70A](#) RCW.

D. To implement goals and policies in the current comprehensive plan, the Community Forest Management Plan (2006), the Bainbridge Island Open Space Study (October 2008), and the Bainbridge Island Community Wildfire Protection Plan (2010), or subsequent updated versions.

E. To promote forest stewardship practices and carefully planned development that results in minimal disturbance to the prior conditions of a property and neighboring properties.

F. To implement a long-range policy of maintaining the island's forest canopy cover while taking measures to prevent wildfires and protect structures in accordance with recommendations of the Bainbridge Island fire department.

G. To allow limited tree and vegetation removal to provide for solar access, agriculture and gardens.

H. To promote infiltration of stormwater and aquifer recharge; to minimize erosion and prevent pollution; to prevent landslides; to protect the waters of Puget Sound and the quality and quantity of water in wells.

I. To maintain in a healthy state significant trees, clusters of trees, and forested areas, allowing for thinning, pruning, removal of invasive and undesirable vegetation, selective harvest and replanting, developing and maintaining trails, and removal of dead or dangerous trees. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.030 Applicability.

Provisions of this chapter apply citywide to all properties where trees and naturally occurring vegetation are found, except where the following chapters of the municipal code apply:

A. This chapter does not apply to any portion of a parcel that is identified as a critical area pursuant to Chapter [16.20](#) BIMC, Critical Areas, including buffers or setbacks, or that is designated as an Aquifer Recharge Protection Area (ARPA). However, this chapter does apply to parcels that are defined as a critical area under Chapter 16.20 BIMC for the sole reason that they are located in an aquifer recharge area, including designated aquifer recharge protection areas (ARPAs) or prescribed critical area buffers or setbacks. Chapter [16.20](#) BIMC applies to critical areas, designated ARPAs, and buffer zones, and critical area setbacks.

B. This chapter does not apply to the portion(s) of a shoreline property within 200 feet landward of an ordinary high water mark, where the regulations of Chapter [16.12](#) BIMC (the Shoreline Master Program) apply. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.040 Activities allowed without a permit.

The following activities are allowed without a tree removal/vegetation maintenance permit, subject to any other applicable city regulations:

A. Routine landscaping and maintenance of vegetation, such as pruning and planting, removal of invasive/exotic species, management of brush and seedling trees. Pruning should comply with ANSI A300 (Part 1 – 2017), Tree, Shrub and Other Woody Plant Management – Standard Practices, to maintain long term health. This includes maintenance of trees and vegetation required to be retained or planted through a land use permit such as a subdivision, site plan review, or conditional use permit.

B. Outside of the Mixed Use Town Center and High School Road zoning districts, removal of some healthy significant trees (see BIMC [16.18.130](#), Definitions) is allowed without a permit, except for trees required to meet any tree retention provisions of this chapter, BIMC [18.15.010](#) (Landscaping, screening, and tree retention, protection and replacement), Chapter [17.12](#) BIMC (Subdivision Design Standards) or other applicable provisions of the code.

1. On a lot that is larger than one acre, a property owner may remove up to six significant trees in any 36-month period without a permit.

2. On a lot one acre or less in size, a property owner may remove up to three significant trees in any 36-month period without a permit.

3. After the tree removal limits of this section have been reached, see BIMC [16.18.050](#), [16.18.060](#), and [16.18.070](#) related to obtaining a tree removal/vegetation maintenance permit.

C. Removal of trees and ground cover in emergency situations involving immediate danger to life or structure or substantial fire hazards. If this activity would ordinarily require a tree removal/vegetation maintenance permit, it shall be obtained as soon as possible after the emergency situation is stabilized.

D. Removal of dead or fallen trees. The city encourages property owners to leave dead trees in place for ecological benefit such as wildlife snags or nurse logs where possible. If a standing dead tree poses a hazard, creating a shorter wildlife snag is recommended.

E. Routine maintenance activities in rights-of-way and required roadside buffers, including removal of hazard trees and invasive/exotic species, trimming of overgrown hedges, thinning and planting to replace removed vegetation to control vegetation on road and utility rights-of-way (see Chapter [12.04](#) BIMC).

F. The installation and maintenance of fire hydrants, water meters, and pumping stations, and street furniture by the city or utility companies or their contractors.

G. Pruning and limbing of significant trees that are required to be retained, to remove dead or hazardous branches, and to improve the tree's form and long-term vitality, provided that such work is done by an ISA certified arborist. (Ord. 2018-19 § 1 (Exh. A), 2018)

H. Voluntary wildfire mitigation activities, other than tree removals requiring a permit in BIMC 16.18.050.A or BIMC 16.32 (Protection of Landmark Trees), within a 30-foot defensible space including the following:

- 1) Vegetation removal underneath a propane tank;
- 2) Pruning of trees up to six to ten feet from the ground to remove ladder fuels. For shorter trees (less than 30 feet in height), do not exceed 1/3 of the overall tree height;
- 3) Removal of trees to provide space of 18 feet between crowns with the distance increasing with the percentage of slope;
- 4) Removal of trees within 5' of the of the furthest attached exterior point of the structure.

Landowners may obtain assistance with wildfire mitigation activities from the Bainbridge Island Fire Department Deputy Fire Marshall and the City Arborist. Further information can be obtained from the applicable sections of the Fire Code, the Climate Action Plan and the Bainbridge Island Community Wildfire Protection Plan. The Fire Department and Department of Planning and Community Development will maintain a checklist to provide guidance in implementing wildfire mitigation, and both the checklist and this code section will be reviewed annually to ensure they are consistent with best practices to mitigate wildfire danger.

16.18.050 Activities requiring a permit.

The following activities require an applicant to obtain a tree removal/vegetation maintenance permit prior to commencing:

A. A permit is required for any tree removal or vegetation maintenance in an area required to be retained or planted, pursuant to BIMC [18.15.010](#), through a land use permit such as a subdivision, a site plan review, or a conditional use permit. Tree retention requirements for the R-2.9, R-3.5 and R-4.3 single-family residential zones (subsection E of this section) also apply (see below).

B. For developed properties located within the Mixed Use Town Center and High School Road zoning districts, a tree removal/vegetation maintenance permit is required for removing any tree eight inches in diameter or greater, measured four and one-half feet above grade. The applicant must demonstrate that the requested removal meets one of the following criteria:

1. The tree is dead, or determined to be hazardous, as certified by an International Society of Arboriculture (ISA) Tree Risk Assessment Qualified (TRAQ) arborist; or
2. The removal is necessary to allow reasonable use or enable permitted construction, and no alternative is feasible; or

3. The removal is necessary to maintain utilities, provide access, or fulfill the terms of an easement or covenant recorded prior to the adoption of the ordinance codified in this chapter.

C. For undeveloped properties within the Mixed Use Town Center and High School Road zoning districts, a tree removal/vegetation maintenance permit is required to remove any tree except trees that are hazardous, dead, fallen, or contributing to an emergency. The tree removal permit will be reviewed for consistency with any applicable provisions of BIMC [18.15.010](#) that would apply to future development permits.

D. For properties located outside of the Mixed Use Town Center and High School Road zoning districts, a tree removal/vegetation maintenance permit is required for removing more than the number of significant trees allowed without a permit, pursuant to BIMC [16.18.040](#). B. A permit is required:

1. On a lot that is larger than one acre, a property owner needs an approved permit to remove seven or more significant trees in any 36-month period, up to any retention requirements of subsection E of this section (if applicable).

2. On a lot one acre or less in size, a property owner needs an approved permit to remove four or more significant trees in any 36-month period, up to any retention requirements of subsection E of this section (if applicable).

E. In the R-4.3, R-3.5 and R-2.9 zoning districts, existing single-family residential development, developing single-family residences and vacant parcels shall retain at least 30 tree units per acre, or at least as many tree units as the property had on October 31, 2018, pursuant to BIMC [18.15.010](#). G. Replanting may be required as described in BIMC [18.15.010](#). G. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.060 General regulations and standards.

A. While nonnative and invasive species should be kept under control and eradicated if possible, native understory vegetation shall be maintained and land disturbing activity shall be kept to a minimum. Stump pulling and use of heavy equipment is only allowed if the activity will not affect the health of adjacent trees.

B. An applicant shall protect any trees or landscaped area that must be retained during approved tree removal or vegetation maintenance work, pursuant to the protection provisions of BIMC [18.15.010](#). C.4.

C. Once a portion of a property is cleared, the property owner shall ensure that invasive species do not reestablish or expand into cleared areas.

D. Any tree or vegetation removal or maintenance undertaken without a permit pursuant to this section shall be done to ensure long-term health of the trees or vegetation. A property owner shall follow the ANSI A300 (Part 1 – 2017), Tree, Shrub and Other Woody Plant Management – Standard Practices (Pruning), or 60 percent live-crown ratio, whichever standard is more appropriate for the species.

E. A forest practice permit from the State Department of Natural Resources may be required pursuant to Chapter [76.09](#) RCW. Failure to obtain a forest practice permit when applicable shall be grounds for denial of all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of the land for a period of six years, in accordance with RCW [76.09.060](#). (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.070 Tree removal/vegetation maintenance permit administration and review process.

A. For activities requiring a permit, the process begins with submission of a complete permit application, usually after discussion of the proposed activity with a member of the planning staff.

B. Tree removal and vegetation maintenance activities shall comply with this chapter's provisions for permits and related regulations. Permits for tree removal/vegetation maintenance may require the planting of replacement trees and/or other city permits such as a site assessment review (Chapter [15.19](#) BIMC).

C. The planning director shall grant a tree removal/vegetation maintenance permit if the application meets the requirements of this chapter and is consistent with other relevant city codes, including but not limited to Chapters [15.19](#), [15.20](#), [16.12](#), [16.20](#) and [17.12](#) BIMC and BIMC [18.15.010](#). If the tree removal permit application is denied, the decision may be appealed pursuant to BIMC [16.18.110](#).

D. No work authorized by a tree removal/vegetation maintenance permit shall commence until a permit notice has been posted by the applicant at a conspicuous location on the subject property. The notice shall describe specific plans for tree removal and land disturbing activity and shall remain posted in said location until the authorized tree removal has been completed.

E. Any tree removal/vegetation maintenance permit granted under this chapter shall expire one year from the date of issuance. Upon a showing of good cause, the permit may be extended for six months by the planning director. Approved tree removal permits shall not be amended without authorization of the planning director.

F. A tree removal/vegetation maintenance permit may be suspended or revoked by the planning director because of incorrect information supplied or any violation of the provisions of this chapter. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.080 After-the-fact tree removal/vegetation maintenance permit.

A. In response to a report that one or more trees have been removed improperly or vegetation maintenance activity did not comply with requirements of this code, the city's code enforcement officer shall investigate. If in fact the reported activity was legitimate without a permit, no action will be taken. If the reported activity would have been allowed if a permit had been applied for, an after-the-fact tree removal/vegetation maintenance permit shall be issued. The person or persons responsible for unauthorized tree removal shall be made aware of all the conditions for approval and any applicable regulations and remedies. The fee for an after-the-fact permit shall be established by a resolution of the city council.

B. If the reported activity would not have been permitted, entirely or in some particulars, the code enforcement officer, in consultation with the planning director or the city attorney, shall follow the procedures for enforcement and penalty in BIMC [16.18.120](#). (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.090 Mitigation and restoration.

A. For alterations to or removal of significant trees or vegetation that require a permit under this chapter, the following minimum performance standards for mitigation shall be met when replanting or other mitigation is required; provided, that if the applicant can demonstrate that greater functions or values can be obtained through the application of different standards, these standards may be modified:

1. Historic structural and functional values shall be restored, including water quality and habitat functions;
2. Historic soil types and configuration shall be replicated;
3. The disturbed area shall be replanted with vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration;
4. Any applicable tree retention or replanting requirements shall be met through restoration, if required.

B. Information demonstrating compliance with the requirements of this section shall be submitted to the director. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.100 Performance assurance.

A. The planning director may require, as a condition for the granting of a permit, that the applicant furnish a performance assurance in a form approved by the planning director, in order to obligate the applicant,

after the approved tree removal has been accomplished, to complete all required replanting, erosion control, and cleanup on the property. The surety device shall be in an amount equal to the estimated cost of such services, with surety and conditions satisfactory to the planning director.

B. In order to stay enforcement, the director may choose to enter into a voluntary correction agreement (VCA). This is a civil contract entered between the city and the applicant. The VCA will outline several performance items that will be required within an agreed-upon time frame. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.110 Appeals.

Appeals of the planning director's decision on a tree removal/vegetation maintenance permit application shall be in accordance with the administrative decision procedures established in Chapter [2.16](#) BIMC. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.120 Violations, restoration and enforcement.

A. It is a violation of this chapter for any person to fail to comply with a requirement of this chapter. It is also a violation of this chapter for any person to:

1. Initiate or maintain, or cause to be initiated or maintained, the removal of significant tree(s) or native vegetation within the city without first obtaining permits or authorizations required by this chapter, or in a manner that violates the terms or conditions of such permits or authorizations or this chapter;
2. Misrepresent any material fact in any application, plans or other information submitted to obtain permits or authorizations under this chapter; or
3. Remove or deface any sign, notice, complaint, or order required by or posted in accordance with this chapter.

B. When a significant tree or vegetation has been removed or altered in violation of this chapter, all ongoing development work shall stop, and the significant tree or vegetation shall be restored or replaced. The city shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this chapter.

C. Restoration Plan Required. All development work shall remain stopped until a restoration plan is prepared and approved by the director. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements

described in BIMC [16.18.090](#). The director shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

D. Site Investigations. The director is authorized to make site inspections and take such actions as are necessary to enforce this chapter. The director shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

E. Penalties. Any development or activity carried out contrary to the provisions of this chapter shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington. Enforcement of this chapter and the imposition of penalties for violations of this chapter shall be as provided for in Chapter [1.26](#) BIMC; provided, that in addition to the civil penalties provided for in BIMC [1.26.090](#), an additional penalty shall be imposed on any person, party, firm, corporation, property owner, or other legal entity who fails to complete a required restoration plan, who conducts any disturbance (including cutting or removing trees or vegetation) in violation of this chapter, or who is otherwise in violation of this chapter.

For such violations, the additional penalty shall be in the amount equal to 200 percent of the cost of restoration as approved under a restoration plan pursuant to subsections B and C of this section for a minor violation. For a major violation, the additional penalty shall be in the amount equal to 200 percent of the cost of restoration as approved under a restoration plan pursuant to subsections B and C of this section, or \$2,500, whichever is greater. The director shall determine whether the disturbance is a minor or major violation. Any person, party, firm, corporation, or other legal entity who knowingly and willfully refuses to complete a required restoration pursuant to subsections C and D of this section shall be guilty of a misdemeanor punishable by not more than 30 days in jail and/or not more than a \$1,000 fine. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.130 Definitions.

“Applicant” means a person, corporation, or organization that files an application for a land use or development permit with the city: either the owner of the land in question, or the authorized agent of such a person.

“Aquifer recharge protection area (ARPA)” means a portion of a development site comprised of native or equivalent vegetation in which existing vegetation, topography and supporting soils are free of development, uses or activities detrimental to the aquifer recharge of the total site area.

“Arborist” means an individual engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for or supervise the management

of trees and other woody plants. Must be concurrently an International Society of Arboriculture (ISA) Certified Arborist to perform any role required of a Certified Arborist.

“Arborist, ISA Certified” means an arborist holding a current International Society of Arboriculture (ISA) Certified Arborist credential.

“Arborist, Tree Risk Assessment Qualified (TRAQ)” means an arborist who has successfully completed the International Society of Arboriculture (ISA) TRAQ training course and assessment and holds a valid ISA TRAQ credential.

“Clearing” means the destruction and removal of vegetation by manual, mechanical, or chemical methods.

“Defensible space” means an area either natural or manmade where material capable of causing a fire to spread has been treated, cleared, reduced, or changed to act as a barrier between an advancing wildfire and the loss to life, property, or resources. In practice, “defensible space” is defined as an area a minimum of 30 feet around a structure that is cleared of flammable brush or vegetation.

“Invasive/exotic species” means opportunistic plant species (either native or non-native) that colonize disturbed ecosystems and may come to dominate the plant community in ways that are seen by us as reducing the values provided by the previous plant community.

“Ladder fuels” means fuels which provide vertical continuity between strata, thereby allowing fire to carry from surface fuels into the crowns of trees or shrubs with relative ease. They help initiate and assure the continuation of crowning.

“Land disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

“Low impact development (LID)” means a stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Low impact development best management practices (LID BMPs)” means distributed stormwater management practices, integrated into a project design, that emphasize predisturbance hydrologic

processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, improvements to soil quality and depth, minimal excavation foundations, vegetated roofs, and water reuse.

“Significant tree” means a: (1) a live evergreen tree 10 inches in diameter or greater, measured four and one-half feet above existing grade; or (2) a live deciduous tree 12 inches in diameter or greater, measured four and one-half feet above existing grade; or (3) in the Mixed Use Town Center and High School Road zoning districts, any live tree eight inches in diameter or greater, measured four and one-half feet above existing grade; or (4) any live trees located within a required critical area or critical area buffer as defined in Chapter [16.20](#) BIMC.

“Vegetation” means plant matter, including trees, shrubs and ground cover. (Ord. 2018-19 § 1 (Exh. A), 2018)



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: September 9, 2021

ESTIMATED TIME: 2 Hours

AGENDA ITEM: (6:45 PM) - Planning Commission Deliberation & Recommendation on Wintergreen Townhomes Subdivision, Site Plan Review and Conditional Use Permit Adjustment (PLN51836 SUB SPR CUPA)

AGENDA CATEGORY: Report

PROPOSED BY: Kelly Tayara

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): February 25, 2021, Public participation meeting with the Planning Commission
September 2, 2021

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

Deliberate and make a recommendation to the Director of Planning and Community Development.

SUMMARY:

The applicant requests consolidated review of applications for Preliminary Subdivision, amendment to a Site Plan and Design Review permit (major adjustment) and an amendment (major adjustment) to an existing Conditional Use permit to subdivide two lots into 73 lots and construct 73 single-family townhomes within multiple buildings comprised of 42 market rate and 31 affordable units.

BACKGROUND: The Planning Commission held a public meeting to discuss the proposal on September 2, 2021. The meeting included presentations from staff and the applicant, including members from the Housing Resource Board and Housing Kitsap. Public comments were accepted and some clarifying questions were asked by the Planning Commission to staff and the applicant. The meeting concluded with the Planning Commission requesting this item return for Planning Commission deliberation before they ultimately make their recommendation on the project to the Planning Director before the Hearing before the Hearing Examiner.

The Wintergreen Townhome project is proposed on two lots that are part of a group of lots which received land use permit approval for commercial development in 2014 (the "Visconsi Master Plan"). The applicant requests approval to construct residential units in place of the commercial development approved for the two lots.

The Visconsi Master Plan was approved on March 27, 2014 for a commercial complex comprised of seven buildings with a 61,890 square foot combined floor area and 248 parking spaces on five parcels totaling 8.16 acres. Proposed uses

included retail sales and services, restaurants, professional services and health care facilities. The development was approved through consolidated review, recommendation and decision on Site Plan and Design Review (SPR) and Conditional Use (CUP) permits (City File No. SPR/CUP17734). The SPR was required for new construction of nonresidential buildings. The CUP was required because, while a retail building with a footprint up to 5,000 square feet are a permitted use in the High School Road II district, a retail building with a footprint between 5,000 and 14,000 square feet requires a CUP.

ATTACHMENTS:



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

Date: August 27, 2021 (*Revised August 31, 2021*)
To: Planning Commission
From: Kelly Tayara, Senior Planner
Project: Wintergreen Townhomes Subdivision
File Number: PLN51836 SUB / SPR / CUPA

Staff Report Revision

The applicant submitted numerous documents August 27th through August 31st, including a revised plat. Where feasible given time constraints, staff has updated information in this staff report to reflect additional and/or revised submittal documents. Agency and staff review comments and recommended conditions contained in this report, including Design Review Board and Development Engineering / Public Works, occurred prior to receipt of these documents and therefore are not necessarily reflective of final review comments. Changes to the original staff report are italicized.

Planning Commission Review

Planning Commission review and recommendation of this application is governed under the provisions of BIMC 2.16.030.D.3, 2.16.040.E.5, 2.16.110.E.3 and 2.16.125.E.5.

The purpose of Planning Commission review and recommendation is to review a proposed project for consistency with applicable design standards and the Comprehensive Plan. The Commission shall consider the application at a public meeting where public comments will be taken. The Commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the Commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the Design Review Board (DRB). The DRB recommendation shall hold substantial weight in the consideration of the application by the Commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

If the applicable criteria are not met, the Commission shall recommend the proposal be modified or denied. The Commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the Comprehensive Plan, and their recommendation, including any conditions attached by the Commission and DRB, to the staff planner for inclusion in the staff report transmitted to the Director of Planning and Community Development. The recommendation shall be given substantial weight by the Director. A Planning Commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

Summary of Request

The applicant requests consolidated review of applications for Preliminary Subdivision, amendment / major adjustment to a Site Plan and Design Review permit and an amendment / major adjustment to an

existing Conditional Use permit to subdivide two lots into 73 lots and construct 73 single-family townhomes within multiple buildings comprised of market rate (42) and affordable (31) units.

Background

The Wintergreen Townhome project is proposed on two lots that are part of a group of lots which received land use permit approval for commercial development in 2014 (the “Visconsi Master Plan”). The applicant requests approval to construct residential units in place of the commercial development approved for the two lots.

The Visconsi Master Plan was approved on March 27, 2014 for a commercial complex comprised of seven buildings with a 61,890 square foot combined floor area and 248 parking spaces on five parcels totaling 8.16 acres. Proposed uses included retail sales and services, restaurants, professional services and health care facilities. The development was approved through consolidated review, recommendation and decision on Site Plan and Design Review (SPR) and Conditional Use (CUP) permits (City File No. SPR/CUP17734). The SPR was required for new construction of nonresidential buildings. The CUP was required because, while a retail building with a footprint up to 5,000 square feet are a permitted use in the High School Road II district, a retail building with a footprint between 5,000 and 14,000 square feet requires a CUP.

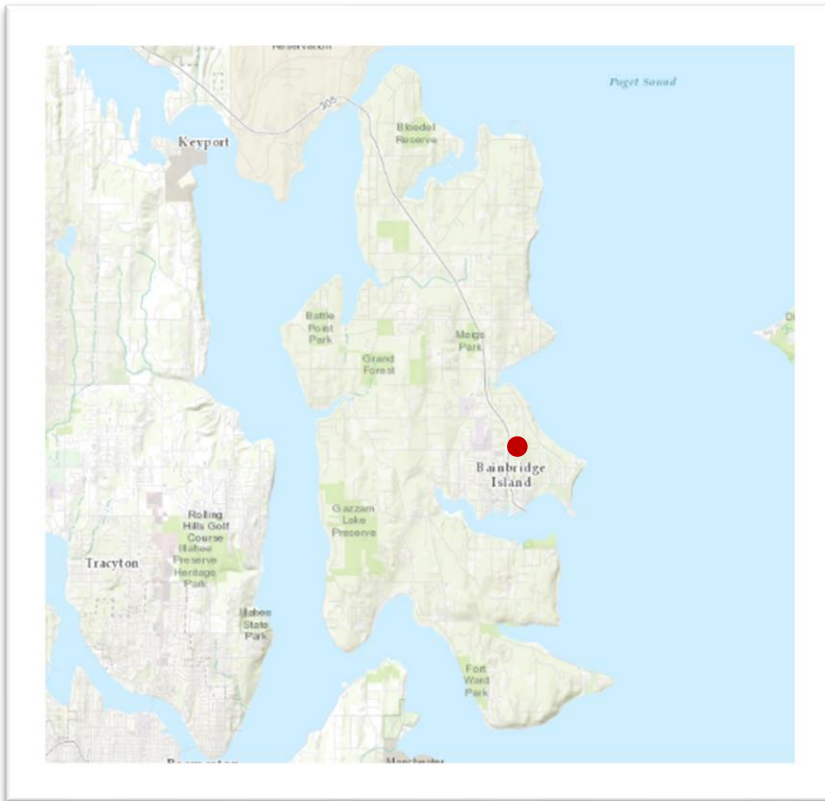
Part I: Land Use Process / Application History

Date:	Action:
October 5, 2020	Preapplication Conceptual Proposal Review meeting held
November 2, 2020	Preapplication Design Guidance Review meeting held
January 5, 2021	Preapplication conference held
February 10, 2021	Land Use Application submitted
February 25, 2021	Preapplication Public Participation meeting held
March 9, 2021	Notice of Incomplete Application issued
March / April, 2021	Additional / revised application materials submitted
April 15, 2021	Notice of Complete Application issued
April 30, 2021	Notice of Application / SEPA Comment Period / Public Hearing published
August 31, 2021	SEPA MDNS published

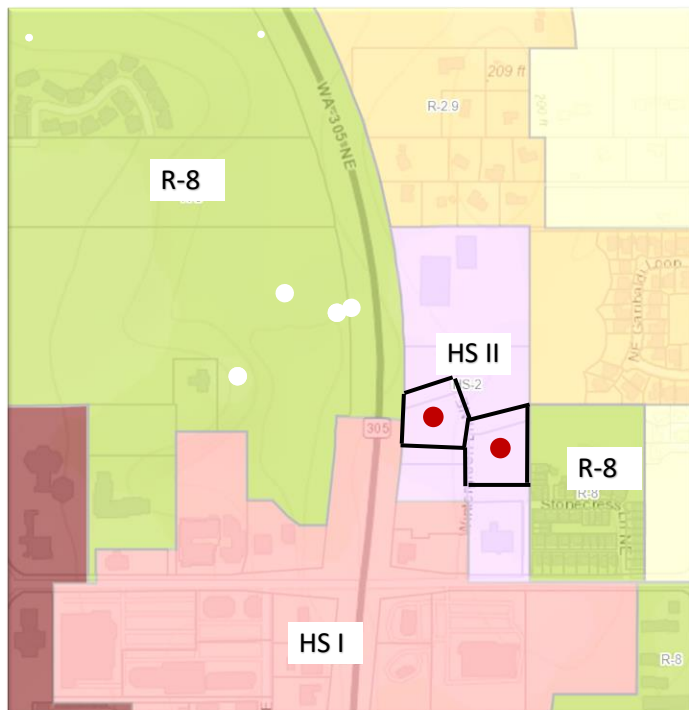
Part II: General Information and Site Characteristics

Assessor’s Record Information:	
Tax lot numbers	232502-3-094-2009 (Lot D) and 232502-3-092-2001 (Lot A)
Site Address	1320 (Lot D) and 1343 (Lot A) Wintergreen Lane
Owner of record	VWA-BI-Lots LLC
Site size	2.95 acres (128,266 square feet)
Existing Use:	
Existing development on the site includes a paved private roadway and through the middle of the site (Wintergreen Lane) and a parking lot which is located on Lot D. The roadway serves adjacent commercial development to the north and south.	

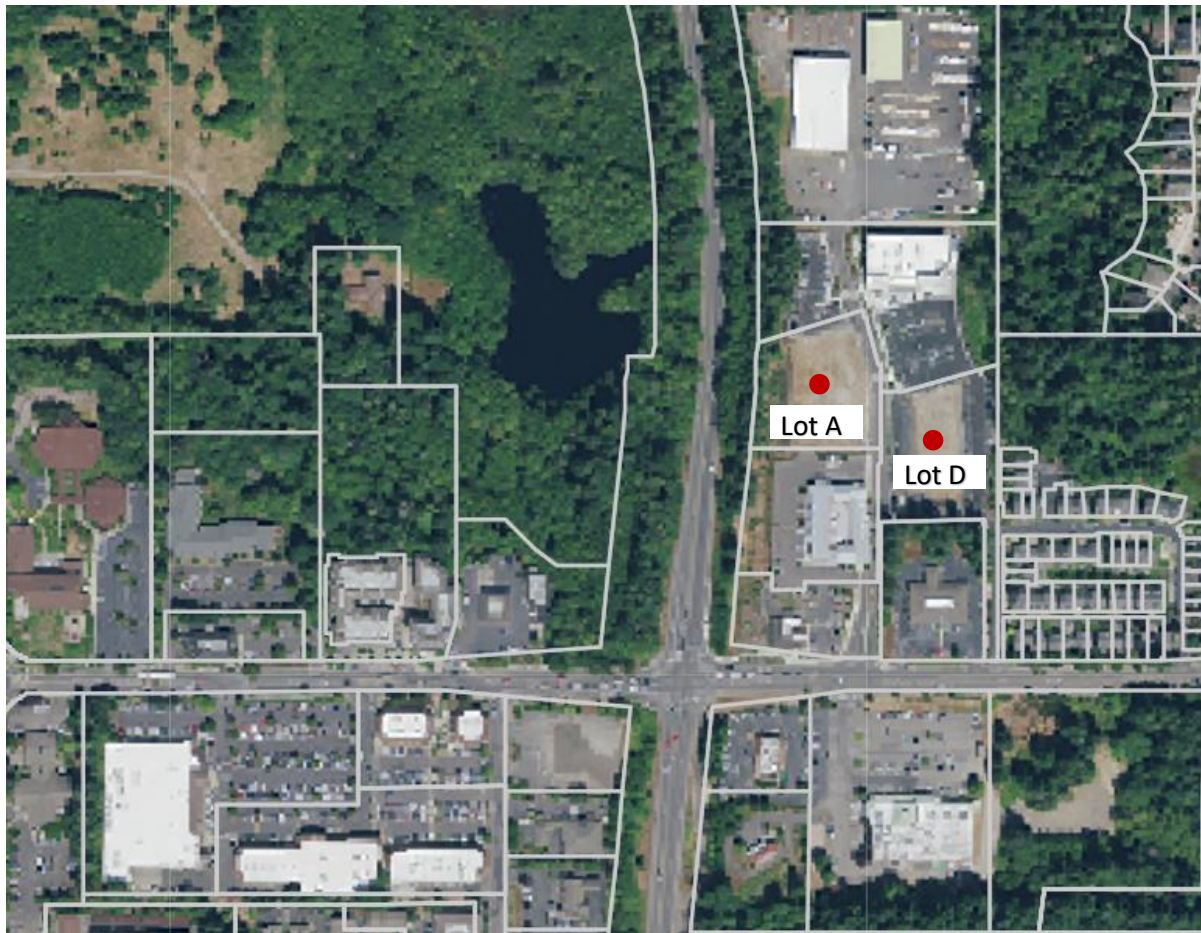
Zoning and Comprehensive Plan Designation:				
High School Road II zoning district / High School Road Comprehensive Plan designation				
Terrain:				
The site is generally flat. A wetland buffer associated with a wetland located on the Stonecress Townhomes development to the east encumbers a 135 square-foot area in the northeast corner of lot D. A steep cut within the SR 305 right-of-way that borders the west is not geologically hazardous.				
Soils:				
Kapowsin gravelly ashy loam with an area of Harstine gravelly ashy sandy loam along State Route 305				
Access:				
Access is from Wintergreen Lane, a private road, via High School Road. Egress is also via Polly’s Lane.				
Public Services:				
Police	City of Bainbridge Island Police Department			
Fire	Bainbridge Island Fire District			
Schools	Bainbridge Island School District			
Water	City of Bainbridge Island			
Sewer	City of Bainbridge Island			
Surrounding Properties - Use, Zoning, and Comprehensive Plan Designation:				
	Use	Zoning District		Comprehensive Plan
North	Health Care Facility (Virginia Mason)	High School Road II		High School Road
East	Multi-family (Stonecress Townhomes)	R-8		Urban Multi-family R-8
South	Professional Service (KeyBank)	Southeast	High School Road II	High School Road
	Retail (Walgreens)	Southwest	High School I / II (split-zone)	High School Road
West	State Route 305 / Public Park (Sakai Park)	North 40 feet	R-8	Urban Multi-family R-8
		South 160 feet	High School Road I	High School Road



Vicinity Map



Zoning Designation



Aerial Image

Part III: Public and Agency Comment

1. Public Comment

32 public comments were received, many containing multiple signatures. Many comments emphasized the need for affordable housing on the Island. Commenters who expressed unqualified support for the project overwhelmingly describe it as appealing in design and one that meets or exceeds regulations and standards. A number of commenters identified significant concerns about the project: Commonly shared concerns among these commenters include: Existing traffic and safety problems on Polly's Lane, Wintergreen Lane and High School Road that will be exacerbated by the project; Inadequacy of parking facilities to serve the project and surrounding commercial development; Health impacts to potential residents and residents of the Stonecress Townhome Community primarily due to noise and congested and chaotic living conditions. Commenters also state that it unclear what mechanism ensures the number and quality of the affordable units, nor how they remain affordable.

Comments in support of the proposal state that it is one of the best proposed on the Island: They state that the proposal meets and exceeds Design for Bainbridge Standards, that the proposal is an inclusive community which provides 31 affordable housing units and that the aesthetic and design is on par with recent residential projects in the Winslow Core district. They state that the proposed fee-simple form of ownership is much better than condominium ownership, and that the residential buildings are better than buildings with mixed residential and commercial use. The commenters add that affordable housing is vital to the Island, stating that low and moderate wage earners on the

Island, including essential workers such as teachers, health care workers, and first responders, deserve to live on the Island and be true stakeholders in the community.

Additional comments in support of the project state that it is an ideal location for residential development, and within walking distance of amenities, schools and the ferry. Commenters expressed concern about the need for affordable housing on the Island, stating that this project would allow those who work on the Island, including civil servants, teachers and service industry employees, to also live on the Island. Cited positive aspects include the attractive aesthetic of the project, that the attached townhome style adds to the diversity of available housing, that there is additional vegetation screening proposed along State Route (SR) 305, and that the lots are already cleared so no vegetation will be removed to accommodate the project. Commenters state that the project meets or exceeds Municipal Code requirements, such as natural area and community space that well exceed minimum requirements. Commenters additionally state that approval of the project would effectuate many of the goals, policies and action items in the Comprehensive Plan, and that this project is an opportunity for the City to live up to its stated aspiration to provide affordable housing.

Many of the comments in support of the proposal came from Island employers. Further comments in support of the project cited business concerns that, for example, half of their employees live off-Island because it is impossible to find “blue collar” housing on the Island. Commenters highlighted the need for affordable housing, one stating, “While I am not usually a fan of continued development, I believe this project is an exception to how I normally view real estate projects. Bainbridge Island needs a balance of housing opportunities for all instead of the higher income class that we seem to be attracting lately”.

Commenters expressed the following concerns about the project:

The variety of uses in the neighborhood are incompatible. Wintergreen Lane is a busy road which bisects the development. Safety and pedestrian movement are compromised by the volume of ambulances, patient and employee vehicles associated with Virginia Mason (VM), trucks to Builders FirstSource, delivery trucks, maintenance vehicles, landscapers, and Walgreens staff. The addition of residents and guests associated with 73 housing units is a recipe for disaster.

The project inherits problems resulting from the Visconsi development that were never remedied, including existing problems caused by traffic in and out of the Visconsi development, and the proposal offers no mitigation. The streets serving the development are inadequate. There are dangerous traffic conflicts on High School Road and the two intersections leading to and from this development. As those familiar with the off-set intersection connecting Wintergreen Lane, Ace Hardware and High School Road are aware, adding vehicles for 73 units will further complicate ingress and egress to the development.

City resources may be required to address traffic impacts of residential development and traffic safety measures along High School Road, and the City may face liability due to pedestrian and bicyclist hazards; for example: 14 families in Stonecress with small children play in and around the private roads; while there is a plan for bike racks, there is no path for bikes other than on the narrow street shared with semi-trucks.

The project may lead to increased need for emergency services; for example: The traffic conflicts on High School Road and the two intersections leading to and from the development will contribute to accidents; The proposed 750-square-foot two-level units and proximity to other units may lead to mental and emotional unrest of the residents; The crowded, chaotic, congested environment, with VM sirens and large lumber trucks along Wintergreen Lane and a busy highway, would result in mental and physical health issues for new residents.

The parking facilities are inadequate. There is limited shared parking for VM, Walgreens, maintenance workers, residents, and guests. VM parking already takes up most of the area that is allocated to the Wintergreen development, and it appears that there is a net loss in parking. Motorists may have to park off-site, increasing both conflict with neighboring commercial and residential developments and pedestrian presence on SR 305. Since the living spaces are so small, the units that have their one car garage will likely use them for added storage.

Residential development of properties that were formally approved for commercial use is contemplated without due consideration for new residents, residents of Stonecress, and noise, light and other impacts to nearby homes and businesses. The VM generator operates during non-emergency test and exercise events at noise levels exceeding 85 decibels. Currently there is also grounds cleaning of the VM parking lot that uses a large, loud street sweeping vehicle and an even louder gasoline powered leaf blower.

Stonecress residents will be impacted by odors, noise and pests from garbage and recycling dumpsters proposed within 50 feet of Stonecress townhomes. Added noise will be generated by residents of 73 units using the dumpsters and trucks emptying the dumpsters. Noise from SR 305 and High School Road will impact new residents, and sound reduction windows are only proposed for west-facing units. Limited landscaping and common space is provided for outdoor activities.

Homes constructed over stormwater facilities could pose a threat or cause rupture to existing and proposed underground stormwater vaults, thereby adversely impacting wetlands on the Stonecress and Hamlet developments to the east that flow to Eagle Harbor. It is unclear how critical infrastructure would be accessed for maintenance or during other emergencies.

Requirements and standards should not be relaxed in order to provide affordable housing. The project does not comply with Design for Bainbridge guidelines relative to massing, siting, and scale: Why should people who qualify for affordable housing be expected to live in conditions that do not measure up to Design for Bainbridge standards? Housing should be not only affordable, but also attractive, safe, and with ample space for outdoor play.

2. Design Review Board Recommendation

The Design Review Board recommends denial citing the following deficiencies:

- A. Does not meet the 23 Design Standards listed in the Design for Bainbridge book.
- B. Other deficiencies include:
 - 1) Does not meet 50' buffer from SR305 which was determined by the DRB at the request of the Director based on pg. 62 in the Design for Bainbridge book
 - 2) Lack of updated landscaping plan
 - 3) The unit floor plan should be on the landscape plan to assess exit and entrance questions.
 - 4) Without substantial screening on both the north and south side of the development, this project lacks a sense of community and feels like it is existing in the middle of a parking lot
 - 5) The articulation on all building ends remain incomplete
 - 6) Materials and colors (colorboard and samples never presented)—final colors and materials never chosen. All drawings need to consistently reflect new color and material selections and will be the final plans they will use
 - 7) Acknowledging the Visconsi plan, the DRB is still concerned with the traffic flow in and out of the development through commercial parking lots; it meets what has been approved with Visconsi plan for commercial use. This is not acceptable for a housing project.

C. Additional Comments:

- 1) E-bike storage and charging system is required
- 2) Charging abilities for autos is required
- 3) Add bike lane working with other property owners to implement safe non-motorized uses
- 4) Shingles should be made out of recycled materials
- 5) Solar wiring; all buildings should be pre-wired to allow solar panels to be installed at later date
- 6) More clarity and location on design of garbage/recycling bins
- 7) The High School Rd and Wintergreen intersection remains a concern due to traffic use

3. Agency Comment

A. The Kitsap Public Health District has not completed review.

B. The Fire Marshal recommends approval subject to the following conditions:

- The proposed project shall comply with all applicable provisions of the adopted Fire Code.
- Fire sprinklers and a fire alarm system to monitor the fire sprinkler system will be required.
- Fire flow may be met through existing hydrants. Developer to verify available fire flow for the site.
- Dead end access roads over 150 feet in length require a turn around.

Part IV: Comprehensive Plan Goals and Policies

The Comprehensive Plan designation for the site is High School Road. The subject property is within the High School Road II zoning district, which is a “designated center” in the Comprehensive Plan and within an area commonly referred to as Winslow. The Comprehensive Plan guiding principles, goals, and policies, along with implementing regulations in the Municipal Code, are used to evaluate the proposal and weigh project impacts. While the Comprehensive Plan establishes the overall framework for the City, including Winslow, the Winslow Master Plan refines the goals and policies of the Comprehensive Plan as they relate to Winslow. The following guiding principles, goals and policies apply to the proposal:

An analysis of Comprehensive Plan goals and policies was submitted by the applicant and included in the Planning Commission materials.

1. Land Use Element

A. Policy LU 5.1: Winslow is the urban core of the Island while the neighborhood centers are smaller-scale mixed-use centers. In order to achieve the goals of the Growth Management Act this Plan:

- 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 space
 - Maintains and enhances fish and wildlife habitat
- B. Policy LU 5.3: Encourage residential uses in a variety of forms and densities as part of the use mix in Winslow and neighborhood centers
- C. Policy LU 5.4: Sustainable development and redevelopment will be focused in the designated centers through a combination of intergovernmental and public-private partnerships, affordable housing programs, “green” capital projects and low impact development standards.
- D. Policy LU 5.7: Encourage the design of buildings in designated centers for a long life and adaptability to successive uses over time.
- E. Goal LU-6: Ensure a development pattern that is true to the vision for Bainbridge Island by reducing the conversion of undeveloped land into sprawling development. Encourage improvement of aging or underutilized developments over development of previously undeveloped property.
- 1) Policy LU 6.2: Promote dense residential and commercial development and encourage human activity within Winslow, the heart of Bainbridge Island. In order to create a vibrant City center direct growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing and absorb growth that would otherwise be scattered in outlying areas. Plan for adequate parking in Winslow to accommodate residents and visitors who drive downtown for shopping, participation in local government, attendance at cultural events and centers, and to use other resources in Winslow.
- F. Goal LU-8: The High School Road district is intended to provide mixed use and commercial development in a pedestrian-friendly retail area.
- 1) Policy LU 8.2: Promote pedestrian-oriented mixed use and residential development to offer a variety of housing types and sizes.
- 2) Policy LU 8.4: To visually screen development year-round, properties with frontages along SR 305 shall provide a vegetated buffer along the highway that includes the preservation and protection of existing vegetation. Access to these properties should not be directly from SR 305.
2. Housing Element
- A. Goal HO-3: Promote and maintain a variety of housing types to meet the needs of present and future Bainbridge Island residents at all economic segments in a way that is compatible with the character of the Island and encourages more socio-economic diversity. Partner with community non-profit organizations and local and regional private and public entities in carrying out the following policies.
- 1) Policy HO 3.1: Encourage innovative zoning regulations that increase the variety of housing types and choices suitable to a range of household sizes and incomes in a way that is compatible with the character of existing neighborhoods. Examples of innovative approaches are cottage housing development, conservation villages, stacked or common-wall housing, tiny houses and accessory dwelling units.
- 2) Policy HO 3.4: Partner with non-profit housing organizations, churches, the development community, local lending institutions, elected officials and the community at large to assist in meeting affordable housing goals and implementing strategies.

- 3) Policy HO 3.5: Support the efforts of community non-profit housing organizations and local and regional public and private entities in developing and managing affordable housing on Bainbridge Island.
- B. Goal HO-6: Facilitate the provision of a diverse affordable housing stock in all geographic areas of the community.
- 1) Maintain an innovative housing program and clarify or adopt new flexible permit processes in all designated centers to promote an increase in the supply, diversity and access to housing including affordable housing.

Part V: Land Use Code Analysis

The following Bainbridge Island Municipal Code (BIMC) regulations apply to the proposal:

1. BIMC 16.20 Critical Areas

Standard	Requirement	Proposed / Permitted
Aquifer Recharge Area BIMC 16.20.100	Preserve the volume of recharge available to the aquifer system and protect groundwater from contamination.	The City Development Engineer finds that, provided recommended Public Works conditions are adopted, the site plan conforms to regulations concerning drainage in BIMC 15.20 and 15.21
Wetland Buffers BIMC 16.20.140.I	A 100 foot buffer and 15 foot structure / hard surfaces setback from the wetland on the Stonecress property.	The buffer encumbers a triangular area which is 135 square feet in size in the northeast corner of lot D, the east lot. The buffer and setback are currently vegetated, and both are within a proposed protected vegetation area (i.e. a designated subdivision "Natural Area").

2. BIMC 17.12 Subdivision Standards

Standard	Requirement	Proposed Plat
Design Standards BIMC 17.12.020	Attached single-family residential development must comply with <i>"Design for Bainbridge"</i> Chapters 1, 2, 3, 4 and 5".	The submitted application materials include the checklist required to document consistency with Design for Bainbridge.
Four-step Design Process BMC 17.12.030	1) delineate natural area 2) locate homesites and community space 3) define access 4) draw lot lines	The applicant documented the four-step design process.
Administrative Departure	Departures from	No departures are requested from Title 17

BIMC 17.12.040	standards in BIMC 17.12.050, through 17.12.070 may be permitted.	regulations.
Natural Area BIMC 17.12.050.A	5% minimum percentage of total site	<i>Revised plat received 8/27/2021:</i> <i>Lot D 12,796</i> <i>Lot A 6,677</i> <i>Total 19,473 square feet / 15.18 %</i>
Community Space BIMC 17.12.050.B	10 % minimum percentage of total site	<i>Revised plat received 8/27/2021:</i> <i>Lot D 7,673</i> <i>Lot A 10,157</i> <i>Total 17,830 square feet / 13.9 %</i>
Home Site BIMC 17.12.060 / Table 17.12.060-1	2,250 square feet maximum	<i>Lot sizes range between 498 and 716 square feet in size.</i>
Dimensional Standards BIMC Table 17.12.070-1		
Lot Area	No minimum if public sewer	The subdivision is proposed with public sewer and therefore there is no minimum lot area.
Home Size	1,600 square feet maximum	Homes are less than 1,000 square feet in size.
Setbacks	Building to SR305 right-of-way: 25' Building to access road: 5'	Minimum setbacks are listed on the plat as follows: Building to SR305 right-of-way: 25' Building to access road: 5' <i>Lot lines are depicted as set back 33 feet from SR305 and at least 15 feet from the access road.</i>
Streets and Vehicle Access BIMC 17.12.070.J	City of Bainbridge Island Design and Construction Standards and Specifications Island-Wide Transportation Plan	The City Development Engineer finds that, provided recommended Public Works conditions are adopted, the site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications and the streets and pedestrian ways as conditioned are adequate to accommodate anticipated traffic.
Parking and Garages BIMC 17.12.070.K	Parking shall be consistent with BIMC 18.15.020 unless modified by BIMC 17.12.070.K	The project provides a mix of remote parking and individual garages. Proposed parking spaces total 90, 42 single car garages and 48 open parking spaces.
Circulation and Access BIMC 17.12.070.L	A system of walkways that interconnect lots, common spaces, and access facilities.	The project provides walkways that interconnect lots, common spaces and access facilities.

Perimeter Buffers BIMC 17.12.070.O	The minimum width of perimeter buffers for single-family subdivisions shall be the width of the minimum homesite boundary to exterior plat boundary required in accordance with Table 17.12.070-1 .	The homesite to exterior plat boundary is 0 feet and therefore no perimeter buffer is required. <i>A protected vegetated strip is proposed along the Stonecress property frontage: This strip is protected through Natural Area designation (see BIMC 17.12.050.A)</i>
Roadside Buffers BIMC 17.12.070.P	Roadside buffers are not required.	The property is in the High School Road II district and no roadside buffer is required. <i>A protected vegetated strip is proposed along the SR 305 property frontage: This strip is protected through Natural Area designation (see BIMC 17.12.050.A)</i>

3. BIMC Title 18 Zoning

Standard	Requirement	Proposed
Single-Family Dwelling BIMC 18.09.020	"Single-family dwelling" is defined as: A structure containing one dwelling unit on one lot and having a permanent foundation.	73 single-family dwellings
Dimensional Standards BIMC Table 18.12.020-3		
Base Floor Area Ratio	Maximum .3	Base FAR 38,419 square feet (.3)
Floor Area Bonus	Maximum .3 Bonus densities must comply with BIMC 18.12.030.E	Bonus FAR 23,389 square feet (.18)
Lot Coverage	50 % maximum	If the lots are covered by buildings in their entirety, lot coverage (the area covered by buildings) for the 73 lots depicted on the revised plat is 41,105 square feet or 32 percent.
Building Height	35 feet base / 45 feet maximum bonus if parking under building Table 18.12.020-3 Height regulations	35 feet or 45 feet with underbuilding parking Compliance with this standard is ensured during building permit review.

Additional Dimensional Provisions: Bonus Density in High School Road Districts BIMC 18.12.030.E	Bonus density shall be dedicated to affordable housing. A portion of the total floor area that is of common use and benefit to the entire development (e.g. interior halls, stairwells, laundry rooms, exercise rooms) may be included in the affordable housing calculation at the same percentage as the affordable housing provided. Development shall be in accordance with BIMC 18.21 and Table 18.12.030 .	All bonus FAR (23,389 square feet) dedicated to affordable housing. The applicant states: The goal is to sell 31 units through the Homeownership Program administered by Housing Resources Bainbridge (HRB) and the self-help program administered by Housing Kitsap. The units will be permanently affordable as part of the HRB Community Land Trust. It is unknown at this time whether all units can be sold in this manner. The ability to do so is dependent on the availability of grants and subsidized financing in addition to the subsidy provided by the developer.
Optional Affordable Housing Bonus Summary BIMC Table 18.12.030	Residential development more than 60,000 sq. ft. Must comply with following ratios: • 0.1 of bonus for extremely low, very low or low income groups; • 0.6 of bonus for moderate income group; and • 0.3 of bonus for middle income group	1.00 to "low-income" buyers (under 80 percent of Area Median Income)
Perimeter Buffers BIMC 18.15.010.D	Perimeter buffers for residential and commercial subdivisions are required pursuant to BIMC 17.12.070.O .	A 0 foot perimeter buffer is required pursuant to BIMC 17.12.070.O (above). <i>A protected vegetated strip is proposed along the Stonecress property frontage: This strip is protected through Natural Area designation (see BIMC 17.12.050.A)</i>
Roadside Buffers BIMC 18.15.010.E	Roadside buffers for residential subdivisions are required pursuant to	No roadside buffer is required pursuant to BIMC 17.12.070.P (above). <i>A protected vegetated strip is proposed along</i>

	BIMC 17.12.070.P.	<i>the Stonecress property frontage: This strip is protected through Natural Area designation (see BIMC 17.12.050.A)</i>
Parking Lot Landscaping BIMC 18.15.010.F.2.d	One tree for every eight parking stalls, evergreen ground cover and/or shrubs and landscape areas at the end of aisles.	The submitted landscape and planting plan depicts parking lot landscaping which includes trees, shrubs, groundcover and landscape areas at the end of aisles.
Total Site Tree Unit Requirements BIMC 18.15.010.G	40 tree units per acre or the same number pre- and post-development	118 tree units (40 tree units per acre)
Parking Spaces BIMC Table 18.15.020-2	One space per studio or 1 bedroom unit, two spaces for all other units. BIMC Table 18.15.020-2	73 one-bedroom units are proposed, and the standard required parking is 73 spaces. Proposed parking spaces total 90, 42 single car garages and 48 open parking spaces.
Allowed Modification to Parking Space Standards	Guest parking up to an additional .5 stall per unit, if there is inadequate guest parking on the subject property.	The project provides 17 parking spaces over the standard number required. The applicant proposes a parking agreement with the Visconsi group / Virginia Mason to address guest parking.
Bicycle Facilities BIMC 18.15.030.B	All parking facilities, except those serving single-family residences shall contain bicycle parking facilities that allow secure locking of both the frame and wheels of a bicycle. One bicycle space shall be provided for every five parking spaces with a minimum of four spaces provided for each parking lot.	There is no requirement to provide bicycle parking for single-family development. However, if a parking lot serves commercial development (see above), the lot must provide a minimum of four bicycle spaces for each lot. An applicant may request, and the Director may approve, a reduction or waiver of this requirement, based on the following considerations: (a) the population to be served by the proposed use and the likelihood of demand for the bicycle facilities by that population, (b) the provision of alternative on-site area available for bicycle storage or security, or (c) the operational characteristics of a proposed use and their effect on the likelihood or suitability of bicycle use.
Design Standards BIMC 18.18 / Design for Bainbridge	In event of a conflict between two or more design standards or regulations, the design review regulations, "Design for Bainbridge," shall	The Design Review Board (DRB) finds conflict between the design standards and setback and buffer regulations in Municipal Code Title 17, Subdivisions and Title 18 Zoning. Design for Bainbridge contains the table directly below. The table is entitled "Building Frontages". The introductory paragraph refers

	apply.	to setback, but not buffers. The table, however, contains a column entitled, "Vegetated Buffer". The Municipal Code contains setback and buffer regulations: These are not referred to as "building frontages" in the Municipal Code. According to Title 17 / Title 18 Municipal Code requirements, the building setback from State Route 305 is 25 feet (BIMC Table 17.12.070-1), and no buffer is required (BIMC 17.12.070.P / BIMC 18.15.010.E). The DRB interprets the required buffer from State Route 305 to be a minimum of 25 feet and a maximum of 50 feet based on the table, and finds that the proposal is deficient because it does not provide a 50 foot buffer.
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Building Frontages

Each street type is associated with a set of building frontages that would be permitted along streets of that type. Permitted frontage types for designated street typology, and the setbacks for each frontage type are shown in Table 1 below.

Each building frontage specifies an appropriate setback that applies across all street types. **On designated streets these required setbacks will supersede setback requirements contained in the Bainbridge Island Municipal Code.**

TABLE 1:

PERMITTED FRONTAGES BY STREET TYPE & SETBACKS

	LINEAR / STOREFRONT	LANDSCAPE	PLAZA	FORECOURT	STOOP / TERRACE	VEGETATED BUFFER
STATE ROUTE						☑
MAIN STREET	☑		☑	☑		
NEIGHBORHOOD MAIN STREET	☑		☑	☑		
NEIGHBORHOOD MIXED-USE	☑	☑	☑	☑	☑	
MIXED-USE ARTERIAL	☑	☑	☑	☑	☑	
RURAL BY DESIGN		☑				☑
SETBACK BY FRONTAGE	0 FT	10 FT - 20 FT	10 FT - 20 FT	0 FT	5 FT - 15 FT	25 FT - 50 FT

COURTYARD WIDTH: 10 FT - 30 FT
COURTYARD DEPTH: 10 FT - 30 FT

Affordable Housing BIMC 18.21	Affordable housing created as a result of the provisions of BIMC 18.21 shall remain affordable as	The application was submitted on February 10, 2021 and deemed complete on April 15, 2021. Therefore, the application is subject to this provision which require a 99 year duration for affordable home ownership units.
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	follows: For development projects that filed a complete land use permit application with the City after February 11, 2021: • Affordable rental housing units shall remain affordable for 50 years and shall be secured by covenant.* • Affordable home ownership units shall remain affordable for 99 years and shall be secured by covenant.* *A unit that is owned or sponsored by a public or private nonprofit agency that already restricts benefit and resale is exempt from these rules.	Furthermore, BIMC 18.21 requires if a project is to be phased, the portion of affordable units to be completed with each phase shall be determined as part of the phasing plan approved by the Director. <i>The preliminary plat depicts a phased plan: Phase I is the eastern portion and Phase II the western portion. 17 affordable housing units are in Phase I, and 14 in Phase II.</i> <i>A recommended condition requires that the applicant submit and commit to a phasing schedule which ensures that the affordable units are constructed in conjunction with the market rate units and that the market rate unit permits will not receive certificate of occupancy until the affordable units have begun construction.</i>
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4. Land Use Permit Review and Decision Criteria

A. BIMC 2.16.170 Consolidated Project Review

A consolidated project review process which encompasses any combination of land use applications is available at the applicant's option when a proposed development requires multiple approvals listed in BIMC [2.16.010](#). A consolidated project permit application shall follow the application and notice procedure listed below that results in the most extensive review and decision process. For purposes of consolidated project review, the ranking of review and approval procedures, in order from least to most extensive, is: Administrative review; Planning Commission review; Hearing Examiner review.

The applicant submitted a consolidated land use application.

B. BIMC 2.16.040 Site Plan and Design Review

A major adjustment to an approved Site Plan and Design Review permit are those that change the basic design, intensity, density, or character of the use. Major adjustments require a new or amended application as determined by the Director of Planning and Community Development.

The Planning Commission and the Director shall base their respective recommendations or decisions on site plan and design review applications on the criteria that follows.

The major adjustment to the existing Site Plan and Design Review permit is processed as a new application, as determined by the Director.

1) BIMC 2.16.040.E.6 Review and Recommendation by Planning Commission

The purpose of the Planning Commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines and the Comprehensive Plan. In making a recommendation, the Commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the Design Review Board (DRB). The DRB recommendation shall hold substantial weight in the consideration of the application by the Commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

The Planning Commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the Comprehensive Plan, and their recommendation, including any conditions attached by the Planning Commission and DRB, to the staff planner. The Planning Commission's written findings will be included in the staff report transmitted to the Director. The Planning Commission's recommendation shall be given substantial weight by the Director.

The Design Review Board recommends denial, citing deficiencies listed on page six of this report.

2) BIMC 2.16.040.F Decision Criteria

- a. The site plan and design is consistent with all applicable provisions of the BIMC; and
Zoning standards, including dimensional standards, design standards, landscaping and parking requirements, are provided in this report. Compliance with standards and project conditions is ensured upon completion of land use and building permit review.
- b. The locations of the buildings and structures, open spaces, and landscaping result in a context-sensitive design; and
Site redevelopment was discussed during several public meetings with the Design Review Board and the DRB recommends denial of the application.
- c. The Kitsap public health district has determined that the proposal conforms to current standards regarding domestic water supply and sewage disposal; and
The Kitsap Public Health District has not completed review.
- d. The streets and nonmotorized facilities, as proposed, are adequate to accommodate anticipated traffic; and
The City Development Engineer finds that the streets and pedestrian ways as conditioned are adequate to accommodate anticipated traffic.
- e. The City Engineer has determined that the site plan and design meets the following decision criteria:
 - i. The site plan and design conforms to regulations concerning drainage in BIMC [15.20](#) and [15.21](#) and will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use of properties downstream;

- ii. The streets, nonmotorized facilities, locations of the buildings, structures, and vehicular circulation systems as proposed align with and are otherwise coordinated with streets and nonmotorized facilities serving adjacent properties and are adequate, safe, efficient and consistent with the Island-Wide Transportation Plan;
- iii. If a traffic study shows that the proposed development will have an adverse impact on traffic, including nonmotorized traffic, the impact shall be mitigated as required by the City Engineer;
- iv. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the required service(s) can be made available at the site;
- v. The site plan and design conforms to the "City of Bainbridge Island Engineering Design and Construction Standards and Specifications," unless the City Engineer has approved a deviation from the standards;

The City Development Engineer makes the following findings:

- **The site plan as conditioned conforms to regulations concerning drainage in BIMC 15.20 and 15.21.**
- **The site plan will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream.**
- **Previous land use approvals for the subject lots were subject to concurrency review and a traffic impact analysis (TIA) was required (Transpo Group, 2013) and a concurrency certificate issued. The TIA was revised in 2016 after partial project buildout and the current proposal included a trip generation analysis to account for the proposed changes in land use on the two subject lots. A concurrency certificate exists for previously approved land uses and was issued based on a total build out projection of 242 peak PM trips. The previously approved retail build out could be permitted without any additional traffic impact analysis or review. The proposed residential uses are projected to result in a reduction in peak PM trip counts from 242 to 214. Additional traffic impact analysis was not required based on this reduction.**
- **Due to anticipated increases in pedestrian traffic generated by residential uses, the applicants traffic engineering consultant considered a mid-block signalized pedestrian crossing across High School Road to the south in the vicinity of Wintergreen Lane and the commercial entrance to Ace Hardware/McDonalds parking lots to the south. The anticipated pedestrian traffic (nine trips in peak PM hour) did not meet the accepted warrant level (20 pedestrian trips) for a signalized crossing as recommended by the Institute for Transportation Engineers (ITE) Traffic Control Handbook. The Manual on Uniform Traffic Control Devices (MUTCD) also does not recommend any signalized crossing within 300' of an existing crossing such as the one at High School Road and State Route 305, approximately 250' to the west of the potential crossing at Wintergreen Lane. Further, the MUTCD recommends no driveways within 100' of proposed signalized crossing, and there are multiple driveways within 100' of the proposed crossing between Wintergreen Lane and**

Polly's Lane to the east.

- The streets and pedestrian ways as conditioned are adequate to accommodate anticipated traffic.
 - Transportation Impact Fees (TIF) per BIMC 15.30 are assessed based on the land use categories in the Fee Schedule. Previous land use approvals resulted in building permit submittals for the 2 lots in this proposal with retail-oriented land use codes, but ultimately those permits were not issued and no TIFs were collected. Resultant lots will be subject to TIF as conditioned below.
 - The site will rely on public water and sewer services. A preliminary utility plan was provided for review. There is adequate capacity in the water and sewer system and those services can be made available at the site as conditioned by the non-binding water/sewer commitment letter issued 15 April 2021 under file number PW21 0016.
 - Site was reviewed for geologically hazardous areas. COBI critical area mapping indicates some steep slopes between the western lot and SR305. The geotechnical engineering report from the original land use permitting process (Aspect, 2013) was reviewed and the mapped steep slopes were evaluated as stable cut slopes resulting from SR305 construction. They were assessed as not geologically hazardous and no additional geotechnical analysis regarding geologically hazardous areas is required.
 - The site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications, as conditioned, and any proposed deviation from the standards shall be approved by City Development Engineering prior to construction.
 - The site plan and the associated design is in conformance with the applicable portions of the Comprehensive Plan pertaining to streets, roads, and utilities.
- f. The site plan and design is consistent with applicable design guidelines in BIMC Title 18; and
- The DRB recommends denial, citing deficiencies listed on page seven of this report. The DRB recommendation specifically states that the proposal does not meet the 23 Design Standards listed in the Design for Bainbridge Manual.**
- g. No harmful or unhealthful conditions are likely to result from the proposed site plan; and
- The applicant proposes noise reduction windows and fencing along the west units (along SR 305). The Public Works department recommends conditions to provide adequately for transportation and access, including pedestrian and emergency services access, in addition to water, sanitation, and stormwater facilities. SEPA conditions are imposed to address fugitive dust and noise for homes along SR305.***
- h. The site plan and design is consistent with the Comprehensive Plan and other applicable adopted community plans; and

Applicable Comprehensive Plan goals and policies are listed on pages 8-9 of this report.

- i. If the subject property contains a critical area or buffer, as defined in BIMC 16.20, the site plan and design review permit conforms to all requirements of that chapter; and
Recommended Public Works conditions incorporate protections for aquifer recharge and groundwater protections.
- j. The Bainbridge Island Fire District has reviewed the application and determined that the site plan has been properly designed to ensure fire protection; and
The Fire Marshal recommends approval subject to the conditions in this report.
- k. The site plan and design has been prepared consistent with the purpose and review procedures of this chapter.

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

The proposal followed the preapplication review process identified in BIMC 2.16.040.D and thus far the application process in accordance with the provisions of BIMC 2.16.040.E.

C. BIMC 2.16.110.J Amendments to an Approved Major Conditional Use Permit

Major adjustments to an approved major conditional use permit require an amended application and shall be processed in the same manner as a new conditional use permit application. Major adjustments are those that change the basic design, intensity, density, and/or use.

1) BIMC 2.16.110.E.3 / 4 Review and Recommendation by Planning Commission and Director

In making a recommendation, the Planning Commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the Design Review Board (DRB).

The DRB recommendation shall hold substantial weight in the consideration of the application by the Commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

The Planning Commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the Comprehensive Plan, and their recommendation, including any conditions attached by the Commission and DRB, to the staff planner. The Commission's written findings will be included in the staff report transmitted to the Director of Planning and Community Development. The Commission's recommendation shall hold substantial weight in the consideration of the application by the Director.

2) BIMC 2.16.110.F Decision Criteria

A conditional use may be approved or approved with conditions as follows below.

- a. The conditional use is consistent with applicable design guidelines in BIMC Title [18](#). The conditional use is compatible with the established and intended character of the neighborhood, considering factors that include, but are not limited to, hours of operation, the type of activities generated by the use, and the predictable levels of any adverse impacts; and

The Design Review Board recommends denial, citing deficiencies listed on page seven of this report.

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

Public Works recommends conditions to provide for public health, safety and welfare, and public use and interest. Compliance with decision criteria is ensured upon completion of land use review.

- c. The conditional use is consistent with the Comprehensive Plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and

The City Development Engineer finds that the site plan and the associated design is in conformance with the applicable portions of the Comprehensive Plan pertaining to streets, roads, and utilities.

- d. The conditional use complies with all other applicable provisions of the BIMC; and

Zoning standards, including dimensional standards, design standards, landscaping and parking requirements, are provided in this report. Compliance with standards and project conditions is ensured upon completion of land use and building permit review.

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

Public Works recommends conditions to provide for public health, safety and welfare, and public use and interest. Compliance with decision criteria is ensured upon completion of land use review.

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

All activities must be compliant with current noise regulations.

- g. The streets and nonmotorized facilities as proposed are adequate to accommodate anticipated traffic; and

The City Development Engineer finds that the streets and pedestrian ways as conditioned are adequate to accommodate anticipated traffic.

- h. The City Engineer has determined that the conditional use meets the following decision criteria:

- i. The conditional use conforms to regulations concerning drainage in BIMC [15.20](#) and [15.21](#); and will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use of properties downstream;
- ii. The streets, nonmotorized facilities, locations of the buildings, structures, and vehicular circulation systems as proposed align with and are otherwise coordinated

- with streets and nonmotorized facilities serving adjacent properties and are adequate, safe, efficient and consistent with the Island-Wide Transportation Plan;
- iii. If a traffic study shows that the use will have an adverse impact on traffic, including nonmotorized traffic, the impact shall be mitigated as required by the City Engineer;
 - iv. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the required service(s) can be made available at the site;
 - v. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Construction Standards and Specifications” unless the City Engineer has approved a deviation to the standards;

The City Development Engineer makes the following findings:

- **The site plan as conditioned conforms to regulations concerning drainage in BIMC 15.20 and 15.21.**
- **The site plan will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream.**
- **Previous land use approvals for the subject lots were subject to concurrency review and a traffic impact analysis (TIA) was required (Transpo Group, 2013) and a concurrency certificate issued. The TIA was revised in 2016 after partial project buildout and the current proposal included a trip generation analysis to account for the proposed changes in land use on the two subject lots. A concurrency certificate exists for previously approved land uses and was issued based on a total build out projection of 242 peak PM trips. The previously approved retail build out could be permitted without any additional traffic impact analysis or review. The proposed residential uses are projected to result in a reduction in peak PM trip counts from 242 to 214. Additional traffic impact analysis was not required based on this reduction.**
- **Due to anticipated increases in pedestrian traffic generated by residential uses, the applicants traffic engineering consultant considered a mid-block signalized pedestrian crossing across High School Road to the south in the vicinity of Wintergreen Lane and the commercial entrance to Ace Hardware/McDonalds parking lots to the south. The anticipated pedestrian traffic (nine trips in peak PM hour) did not meet the accepted warrant level (20 pedestrian trips) for a signalized crossing as recommended by the Institute for Transportation Engineers (ITE) Traffic Control Handbook. The Manual on Uniform Traffic Control Devices (MUTCD) also does not recommend any signalized crossing within 300’ of an existing crossing such as the one at High School Road and State Route 305, approximately 250’ to the west of the potential crossing at Wintergreen Lane. Further, the MUTCD recommends no driveways within 100’ of proposed signalized crossing, and there are multiple driveways within 100’ of the proposed crossing between Wintergreen Lane and Polly’s Lane to the east.**
- **The streets and pedestrian ways as conditioned are adequate to accommodate anticipated traffic.**

- **Transportation Impact Fees (TIF) per BIMC 15.30 are assessed based on the land use categories in the Fee Schedule. Previous land use approvals resulted in building permit submittals for the 2 lots in this proposal with retail-oriented land use codes, but ultimately those permits were not issued and no TIFs were collected. Resultant lots will be subject to TIF as conditioned below.**
 - **The site will rely on public water and sewer services. A preliminary utility plan was provided for review. There is adequate capacity in the water and sewer system and those services can be made available at the site as conditioned by the non-binding water/sewer commitment letter issued 15 April 2021 under file number PW21 0016.**
 - **Site was reviewed for geologically hazardous areas. COBI critical area mapping indicates some steep slopes between the western lot and SR305. The geotechnical engineering report from the original land use permitting process (Aspect, 2013) was reviewed and the mapped steep slopes were evaluated as stable cut slopes resulting from SR305 construction. They were assessed as not geologically hazardous and no additional geotechnical analysis regarding geologically hazardous areas is required.**
 - **The site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications, as conditioned, and any proposed deviation from the standards shall be approved by City Development Engineering prior to construction.**
 - **The site plan and the associated design is in conformance with the applicable portions of the Comprehensive Plan pertaining to streets, roads, and utilities.**
- i. The Kitsap Public Health District has determined that the conditional use conforms to current standards regarding domestic water supply and sewage disposal; and
- The Kitsap Public Health District has not completed review.**
- j. The Bainbridge Island Fire Department has reviewed the application and determined that the conditional use will ensure fire protection.
- The Fire Marshal recommends approval subject to the conditions recommended in this report.**
- k. A conditional use may be approved, or recommended for approval, with conditions. If no reasonable conditions can be imposed that ensure the permit meets the decision criteria of this chapter, then the permit shall be denied.

The application is before the Planning Commission for review and recommendation.

D. BIMC 2.16.125 Preliminary Long Subdivision

1) BIMC 2.16.125.E.5 Review and Recommendation by Planning Commission

The purpose of Planning Commission review and recommendation is to review a proposed project for consistency with applicable design guidelines, BIMC Titles [17](#) and [18](#), and the Comprehensive Plan.

The Commission shall consider the application at a public meeting where public comments will be taken. The Commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the Commission shall consider the

applicable decision criteria, all other applicable law, and the recommendation of the Design Review Board (DRB). If the applicable criteria are not met, the Commission shall recommend that the proposal be modified or denied. The DRB recommendation shall hold substantial weight in the consideration of the application by the Commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

The Commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the Comprehensive Plan, and their recommendation, including any conditions attached by the Commission and DRB to the staff planner. The planning commission's written findings, conclusions, and recommendation will be included in the staff report transmitted to the Director of Planning and Community Development. The Planning Commission's recommendation shall hold substantial weight in the consideration of the application by the Director.

2) BIMC 2.16.125.F Decision Criteria

- a. The applicable subdivision design guidelines and development standards of BIMC Titles [17](#) and [18](#) are satisfied; and

The Design Review Board recommends denial, citing deficiencies listed on page seven of this report. Subdivision and zoning standards, including dimensional standards, design standards, landscaping and parking requirements, are provided in this report. Compliance with standards and project conditions is ensured upon completion of land use and building permit review.

- b. The preliminary long subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW [58.17.110](#); and

The Public Works department recommends conditions to provide adequately for transportation and access, including pedestrian and emergency services access, in addition to water, sanitation, and stormwater facilities. A SEPA condition is imposed to address fugitive dust.

- c. The preliminary long subdivision has been prepared consistent with the requirements of the four-step design process; and

The application materials document the four-step design process.

- d. Any portion of a long subdivision that contains a critical area, as defined in BIMC [16.20](#), conforms to all requirements of that chapter; and

The site plan depicts the required buffer and setback from a wetland on the adjacent property.

- e. The City Engineer's recommendation contains determinations that the following decision criteria are met and such determinations are supported by substantial evidence within the record:
 - i. The long subdivision meets the requirements of BIMC [17.12](#) related to streets and pedestrian access, and water, stormwater, and septic facilities; and
 - ii. The long subdivision conforms to regulations concerning drainage in BIMC [15.19](#), [15.20](#) and [15.21](#), will not cause an undue burden on the drainage basin

or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and

- iii. If the long subdivision will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the long subdivision, and the applicable service(s) can be made available at the site; and
- iv. The proposal complies with all applicable provisions of this code; Chapters [36.70A](#) and [58.17](#) RCW; and all other applicable provisions of state and federal laws and regulations; and

The City Development Engineer makes the following findings:

- **The site plan as conditioned conforms to regulations concerning drainage in BIMC 15.20 and 15.21.**
- **The site plan will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream.**
- **Previous land use approvals for the subject lots were subject to concurrency review and a traffic impact analysis (TIA) was required (Transpo Group, 2013) and a concurrency certificate issued. The TIA was revised in 2016 after partial project buildout and the current proposal included a trip generation analysis to account for the proposed changes in land use on the two subject lots. A concurrency certificate exists for previously approved land uses and was issued based on a total build out projection of 242 peak PM trips. The previously approved retail build out could be permitted without any additional traffic impact analysis or review. The proposed residential uses are projected to result in a reduction in peak PM trip counts from 242 to 214. Additional traffic impact analysis was not required based on this reduction.**
- **Due to anticipated increases in pedestrian traffic generated by residential uses, the applicants traffic engineering consultant considered a mid-block signalized pedestrian crossing across High School Road to the south in the vicinity of Wintergreen Lane and the commercial entrance to Ace Hardware/McDonalds parking lots to the south. The anticipated pedestrian traffic (nine trips in peak PM hour) did not meet the accepted warrant level (20 pedestrian trips) for a signalized crossing as recommended by the Institute for Transportation Engineers (ITE) Traffic Control Handbook. The Manual on Uniform Traffic Control Devices (MUTCD) also does not recommend any signalized crossing within 300' of an existing crossing such as the one at High School Road and State Route 305, approximately 250' to the west of the potential crossing at Wintergreen Lane. Further, the MUTCD recommends no driveways within 100' of proposed signalized crossing, and there are multiple driveways within 100' of the proposed crossing between Wintergreen Lane and Polly's Lane to the east.**
- **The streets and pedestrian ways as conditioned are adequate to accommodate anticipated traffic.**
- **Transportation Impact Fees (TIF) per BIMC 15.30 are assessed based on the**

land use categories in the Fee Schedule. Previous land use approvals resulted in building permit submittals for the 2 lots in this proposal with retail-oriented land use codes, but ultimately those permits were not issued and no TIFs were collected. Resultant lots will be subject to TIF as conditioned below.

- The site will rely on public water and sewer services. A preliminary utility plan was provided for review. There is adequate capacity in the water and sewer system and those services can be made available at the site as conditioned by the non-binding water/sewer commitment letter issued 15 April 2021 under file number PW21 0016.
 - Site was reviewed for geologically hazardous areas. COBI critical area mapping indicates some steep slopes between the western lot and SR305. The geotechnical engineering report from the original land use permitting process (Aspect, 2013) was reviewed and the mapped steep slopes were evaluated as stable cut slopes resulting from SR305 construction. They were assessed as not geologically hazardous and no additional geotechnical analysis regarding geologically hazardous areas is required.
 - The site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications, as conditioned, and any proposed deviation from the standards shall be approved by City Development Engineering prior to construction.
 - The site plan and the associated design is in conformance with the applicable portions of the Comprehensive Plan pertaining to streets, roads, and utilities.
- f. The proposal is consistent with the City's Comprehensive Plan; and
- Applicable Comprehensive Plan goals and policies are listed on pages 8-9 of this report.**
- g. Appropriate provisions for maintenance in perpetuity of natural and/or community space have been made; and
- A management and maintenance plan is listed on the plat.**
- h. The preliminary subdivision design is compatible with the physical characteristics of the proposed subdivision site.
- The applicant followed the four-step design process in BIMC 17.12.030 and documented applicable design standards in Design for Bainbridge, the City's design review regulations.**

Part VI – CONCLUSIONS

This report is a compilation of the applicable decision criteria of the Municipal Code and all other applicable law, and Comprehensive Plan goals and policies. The complete application materials are available to the public and to the Planning Commission.

The application is before the Planning Commission for review and recommendation. A Planning Commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

Upon completion of land use application analysis, any conditions recommended to the Hearing Examiner will reflect consideration of public comment, the character of the area in which the property is located, the Comprehensive Plan, the applicable decision criteria of the Municipal Code and all other applicable law, the Design Review Board recommendation, the Planning Condition recommendation, and the necessary documents and approvals.

SEPA Condition

1. To mitigate air impacts, all sources and emission units are required to meet the emission and ambient air quality standards specified in Chapter 173-400 WAC and administered by the Puget Sound Clean Air Agency (PSCAA) and shall apply to all air contaminants listed in that regulation. The applicant shall submit with application for construction associated with this approval a management plan which is consistent with PSCAA Fugitive Dust Controls.
2. *To reduce noise impacts for those living within the proposed units along SR305, the units shall be constructed with noise reduction mitigation measures as found in Mitigation Measures Environmental Noise Study dated February 16, 2021 and include the following:*
 - ◆ *Windows are required to have a fixed sash or an efficiently weather-stripped, operable sash. The sash shall be rigid and weather-stripped with material that is compressed airtight when the window is closed, so as to conform to an infiltration rate not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.*
 - ◆ *Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomeric gasket or gasket tape.*
 - ◆ *The perimeter of window and door frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal specifications: TT-S-00227, TT-S-00230 or TT-S-00153.*
 - ◆ *In case the ventilation is achieved through slots within the window case, offset vents that maintain the STC rating of the window is recommended.*
3. Exterior trash receptacles/recycling facilities shall be fully screened with solid walls and gates and fully contained with masonry enclosure. The eastern wall of the facilities shall be at least 30 feet from the eastern site property line. The screening enclosures shall be architecturally consistent with the facilities approved in the Visconsi Master Plan. All enclosures serving associated buildings shall be constructed and inspected prior to final inspection of the associated building.

Project Conditions

4. The authorization for construction activities automatically expires and is void if the applicant fails to file for construction permit or other necessary development permit within three years of the effective date of the decision on this application.
5. Plans submitted for construction shall substantially comply with the site, architectural, landscape and civil plans approved through this consolidated land use permit, as modified by these conditions.
6. Prior to any construction, the applicant shall obtain the appropriate permits from the City, including but not limited to clearing, grading, and/or building permits.
7. Lot coverage in compliance with BIMC Table 18.12.020-3 shall be depicted on the final plat.

8. FAR bonus density shall comply with bonus density provisions of BIMC 18.12.030.E, and general provisions for optional affordable housing in BIMC 18.21.020.
 - B. Affordable housing lots shall be identified on the final plat.
 - C. Per-unit and common area floor area bonus shall be allocated on the final plat.
 - D. Construction of affordable units should be roughly proportional to construction of market-rate units. The project shall follow an approved phasing schedule that provides for construction and certificate of occupancy for affordable housing units in proportion to market rate units.
 - E. Affordable housing must comply with the following ratios: 0.1 of bonus for extremely low, very low or low income groups; 0.6 of bonus for moderate income group; and 0.3 of bonus for middle income group
 - F. Affordable housing must comply with preservation of affordability for the following time periods:
 - Affordable rental housing units created as a result of the provisions of BIMC 18.21 shall remain affordable for a period of at least 50 years from the time of first occupancy and shall be secured by a recorded agreement and covenant in accordance with BIMC 18.21.020.C.*
 - Affordable home ownership units created as a result of the provisions BIMC 18.21 shall be sold to income-qualified households and shall remain affordable for a period of 99 years from the time of first occupancy. The affordable housing unit(s) shall be secured by a recorded agreement and covenant in accordance with BIMC 18.21.020.C.*

*A unit that is owned or sponsored by a public or private nonprofit agency that already restricts benefit and resale is exempt from these requirements.

 - If the applicant sells the individual lots created as a result of the provisions of this chapter, it is the responsibility of the applicant to arrange for the affordable units to be built.
9. If a parking lot serves commercial development, the lot must provide a minimum of four bicycle spaces for each lot.
10. If any historical or archaeological artifacts are uncovered during excavation or construction, work shall immediately stop and the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation shall be immediately notified. Construction shall only continue thereafter in compliance with the applicable provisions of law.
11. Required plantings shall be installed or installation financially assured in accordance with BIMC 18.15.010.H. prior to occupancy of any of the new buildings. After installation approval by the Department, maintenance financial assurance shall be required in accordance with BIMC 18.15.010.H.
12. The project shall comply with the following conditions to the satisfaction of the Fire Marshal:
 - A. The project shall comply with all applicable provisions of the adopted Fire Code.
 - B. Fire sprinklers and a fire alarm system to monitor the fire sprinkler system will be required.
 - C. Fire flow may be met through existing hydrants. Developer to verify available fire flow for the site.
 - D. Dead end access roads over 150' in length require a turn around.
13. The project shall comply with the following conditions to the satisfaction of the City Engineer:
 - A. Every lot corner shall be staked by a three-quarter-inch galvanized iron pipe or equivalent

approved by the City, driven into the ground and marked or tagged with the certificate number of the surveyor setting said monument. The position and type of every permanent monument shall be noted on the plat. Perimeter and public street monuments (if required) shall be twenty-four inches long, set in concrete, or shall be constructed of an equivalent approved by the City.

- B. Civil improvement plans, reports, and computations prepared by a civil engineer registered in the State of Washington shall be submitted with the application to the City for a plat utility review and associated Commercial Grade and Fill or Building Permit(s). Plans to construct all necessary infrastructure including site drainage, grading, and utilities serving the divided lots will be reviewed and approved by the City Engineer prior to issuance of any construction permit.
- C. On-site water and sanitary sewer main extensions shall be publicly owned and maintained. Water and sanitary sewer main extensions shall be located in 15 foot wide easements and shall be accessible by maintenance vehicles to the satisfaction of the City Engineer.
- D. Developer Extension Agreements (DEA) pursuant to BIMC §13.32 shall be executed prior to or in conjunction with the plat utility review and associated construction permits. Agreements required for any public road extensions are separate from those for utility (water/sewer/storm) extensions and both (if necessary) will include the 3% fee and any potential latecomer agreement application as desired by the applicant as part of the utility extension(s).
- E. The final utility report/plans shall reflect conditions on utility service imposed under the non-binding Water/Sewer Availability commitment letter issued 15 April 2021 by COBI Public Works under designated file number PW21 0016.
- F. The final Civil plan design and supporting drainage report submitted with construction permitting documents shall demonstrate project compliance with all applicable minimum requirements (1-9) as required by BIMC 15.20. The report shall include evaluation of the design capacity of the existing stormwater system as it relates to the proposed hard surfaces of this project. An off-site analysis to assess the potential impacts to the storm conveyance downstream regarding issues with capacity, erosion, water quality threats, localized flooding, etc. is required consistent with BIMC §15.20.060(H).
- G. Site Plan indicates that greater than one acre will be disturbed during construction. To comply with Department of Ecology Phase II NPDES Permittee requirements, coverage under the Construction General Stormwater Permit (CGSP) from Department of Ecology is required for the duration of the project and shall be in place prior to any clearing, grading, or other land disturbing activities.
- H. A Construction Stormwater Pollution Prevention Plan (SWPPP) is required prior to construction activities resultant from the plat utility review approval, including clearing, grading, or civil improvements. Stormwater quality treatment and erosion and sedimentation control shall be designed in accordance with BIMC 15.20. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington.
- I. The face of the plat shall indicate that all on-site stormwater facilities serving the divided lots resulting from the proposed subdivision shall remain privately owned and operated/maintained. The owner shall be responsible for maintenance of the stormwater facilities following construction per BIMC 15.21 to include annual inspection and maintenance reports provided to the COBI NPDES Coordinator.

- J. A Declaration of Covenant for Maintenance and Operation of Storm Drainage facilities shall be recorded prior to issuance of any certificate of occupancy. Required text for the Declaration of Covenant is found in BIMC 15.21, Exhibit A.
- K. The face of the plat shall indicate that on-site stormwater runoff resulting from future development on individual resultant lots shall be managed in a manner compliant with BIMC 15.20 and DOE Stormwater Management Manual for Western Washington (2014) pursuant to issuance of follow-on building permits.
- L. The face of the plat shall indicate that all internal roadways shall remain privately owned and maintained. Roadway plans, sections, and alignment requirements submitted by the Civil Engineer of Record shall be consistent with HEX conditions for the original Visconsi approvals unless modifications are approved by the City Engineer.
- M. Resultant lots will be subject to Transportation Impact Fees per BIMC 15.30 and in accordance with the TIF Rate Schedule (or the optional independent calculation method) in effect at the time of permit issuance. Transportation Impact Fees shall be due in full at the time of building permit issuance.
- N. The primary walkways throughout the development shall meet accessibility requirements and be surfaced with nonskid hard surfaces, providing a minimum of 5 feet of unobstructed width.
- O. A mid-block pedestrian crossing across High School Road to the south was not warranted nor recommended by the consulting Traffic Engineer (Transpo Group), primarily due to existing signalized crosswalks at the intersection of High School Road and SR 305 and the presence of adjacent uncontrolled driveways. In lieu of a mid-block crosswalk, applicant shall consider a pedestrian connection from the southwest corner of the west lot to the sidewalk within the High School Road right-of-way (ROW) adjacent to the signalized intersection with SR 305, aligned west of the Walgreens and Key Bank lots and located within WSDOT ROW (A WSDOT ROW permit would be required). This consideration shall be documented to the satisfaction of the City Engineer prior to the issuance of permits to complete proposed civil improvements under a plat utility review.
- P. A right-of-way construction permit (ROW) or road approach application (RAA) is required prior to construction activities within the right-of-way (primarily utility connections). The ROW/RAA permit will be subject to separate conditions and bonding requirements.
- Q. Installation of improvements and creation of as-built engineered plans must be completed prior to approval of final plat. In lieu of completion of those improvements and as-builts consistent with the conditions of a preliminary short plat approval, the City engineer may accept an assurance device, in an amount and in a form determined by the City, but not to exceed 125 percent of the established cost of completing the infrastructure that secures and provides for the actual construction and installation of the improvements or the performance of the conditions within one year, or such additional time as the City Engineer determines is appropriate, after final plat approval.
- R. Mailbox locations, relocations, and clustering shall be approved by the local postmaster and shall conform to the Standards for mailbox placement per standard drawings DWG. 8-220, DWG. 8-230, DWG. 8-240, and DWG. 8-250. Mailbox relocations shall be the financial responsibility of the developer if required.

May 10, 2021

Dear Planning Commissioners, Bainbridge City Council Members, and Hearing Examiner:

I have an environmental concern regarding the Wintergreen Development proposal.

The Wintergreen application states that the new development will be located on two lots on the Visconsi site. Yet a site map (see attached) locates one row of the townhomes off the eastern lot and onto what is currently a paved area.

A stormwater vault is located under one of those potential homes and other detention tanks are located under the paved area. This stormwater system cleans, retains, and manages the flow of water collected from the hard surfaces and disperses it into the wetlands to the east. It is critical to protecting the Stonecress wetlands, the Hamlet wetlands, and water flow further east and into Eagle Harbor.

Building over these structures brings up two concerns:

- Will home construction over the area pose a threat to the system? Could the process of building cause a rupture?
- Quick access to these structures is important in the case of a failure of any part of the system. Pavement can be dug up fairly quickly if a serious problem occurs, and failures of pipes and tanks and other equipment are not unusual. Quick access is not possible if the structures are under a house.

The Environmental Review responses by the builder skip over this issue:

Surface Water:

“A WETLAND IS LOCATED OFFSITE TO THE EAST WITH COBI APPROVED BUFFERS THAT DO NOT AFFECT THE TOWNHOME PROJECT’S BUILDABLE AREA ON EITHER LOT.”

Yet the builder is planning to build east of the building lot, over existing structures that protect that wetland.

Please require that home construction be limited to the actual building lots.

Sincerely,

Linda Andrews
719 Daylily Lane

From: [Linda Andrews](#)
To: ktayara@bainbridge.gov; [PCD](#)
Subject: Wintergreen
Date: Monday, May 10, 2021 9:36:12 AM
Attachments: [SEPA- Wintergreen .pdf](#)

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

To Kelly Tamara and others who may be concerned:

Attached are my environmental concerns regarding the Wintergreen Townhomes development plan. I understand that this Friday, May 14, is the last opportunity to submit comments for the June 24 Hearing Examiner meeting, scheduled for 1:00 PM. Is there another Planning Commission meeting before then?

Please distribute my letter to the Planning Commission and the City Council as well as the Hearing Examiner.

Sincerely,
Linda Andrews
719 Daylily Lane
Bainbridge Island

From: [stephanie steele](#)
To: [PCD](#)
Subject: Wintergreen..
Date: Friday, May 7, 2021 11:42:03 PM

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I am opposed to putting this Wintergreen Development into such a very crowded, and chaotic environment..it's going to be right in the middle of VM sirens, large lumber loaded trucks, many many! cars moving through the property... day and night..!
plus, added to this mix will be a busy and congested highway only 25 to 50 feet away.
(...you know how awful this is already! don't you...?)

but wait, there's more...

Have you read the studies about cacophony and congestion...they contribute substantially to mental and physical health issues...
this environment will be friendly to no one..so why put it here at all?
....because David Smith got a great deal on the land, he's going to make a ton of money, and because 'affordable housing' is such a siren song and a thorn in the side of our guilt-laden council members.....who have accomplished NOTHING in this arena...

My bet is that the 'affordable housing' part either gets dumped or is made smaller and even more uncomfortable ..bye bye quality of life...
and the reason will be escalating building costs...
which is already a concern now..
...Are the 'affordability' units guaranteed? What are the parameters...?
I guess it doesn't matter...the current council members will be long gone when this travesty is finally built..
.. the new council members will scratch their heads and wonder why and how this monster was ever approved....
Sound familiar?? the Harrison/Police Dept debacle comes to mind..

The egress for Wintergreen is through the parking lot!! of Walgren's and a Bank...this is a very small, busy area already,..
the housing design is set up to be 'individually owned' units...how does that work politically, economically and socially when there are common walls, and common roofs overhead...??
This is going to be a failed project in so many ways ..the homes are teensy tiny, where will the children play on a nice day, where will anyone park..?
The units that have their one car garage will use them for added storage...since living space is miniscule...parking is going to be a huge problem...!

But you all have your own agendas..you don't care about the people who actually have to try and LIVE at Wintergreen..
you'll approve this sad, unfortunate development..and you won't ever look back...

Stephanie Steele

Stonecress Lane

May 11, 2021

Dear Planning Commissioners, Design Review Board Members, Bainbridge City Council Members, and Hearing Examiner:

I am a resident of the Stonecress neighborhood adjacent to the proposed Wintergreen housing project. I want to make it clear that I am not opposed to development on the site and that I am in favor of affordable housing on Bainbridge Island. But the project has some serious problems which the Design Review Board has pointed out. Many of these problems have to do with failure to comply with Design for Bainbridge guidelines relative to massing, siting, and scale. Other issues include safety and pedestrian movement compromised by the busy road bisecting the development which carries big trucks to Pro-Build and ambulances to Virginia Mason. Also, there is limited landscaping and common space for outdoor activities.

Parking is certain to be a problem. One space is allocated to each unit, but some units include office space for commercial activities without additional parking for guests and/or client customers. Moreover, parking for VM already takes up most of the area that is allocated to the Wintergreen development. As those familiar with the off-set intersection connecting Wintergreen Lane, Ace Hardware and High School Road are aware, adding vehicles for 70-plus units will further complicate ingress and egress to the development. Although it is about a mile from the ferry, it is unlikely that very many residents will choose to walk rather than drive. Pedestrian access to Ace and McDonalds will require a crosswalk across High School Road where there is a lot of high-speed traffic.

Another issue has to do with affordability. The pricing of the units is promoted as affordable, but only a very limited number—five or so—will continue to be affordable. The rest will be bought and sold, many of them by LLCs that will put them on the rental market. Do we wish to compromise the Design for Bainbridge standards for such a small number of units, or can the development be built on a smaller scale in accordance with the guidelines with the same number of permanently affordable units?

The only part of the Wintergreen development proposal that directly impacts the Stonecress neighborhood has to do with trash collection. As currently designed, a single trash receptacle for garbage and recycling is located within fifty feet of Stonecress townhomes. This collection area is expected to accommodate trash collection for 70-plus units. It will attract area rats, be smelly, and noisy as trucks load up and cart away all the refuse. City requirements are intended to guard against such impacts on neighboring residential areas.

The issues raised by the proposed Wintergreen development are not minor ones. Why should people who qualify for affordable housing be expected to live in conditions that do not measure up to Design for Bainbridge standards? I, for one, would welcome housing that is not only affordable, but also attractive, safe, and with ample space for outdoor play.

Sincerely,
Barry Andrews
719 Daylily Lane

From: [BARRY ANDREWS](#)
To: [PCD](#)
Subject: Wintergreen project
Date: Tuesday, May 11, 2021 7:54:45 AM
Attachments: [Planning Commission letter.pdf](#)

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commissioners, et al.:

Please consider the issues relative to the Wintergreen development raised in the later attached.

Yours,
Barry Andrews
719 Daylily Lane
Bainbridge Island WA 98110

From: [Paul Hausmann](#)
To: [Kelly Tavara](#); [PCD](#)
Subject: Wintergreen Townhomes PLN51836
Date: Tuesday, May 11, 2021 10:36:55 AM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Kelly, I am writing to express concern about the above project, particularly nuisance noises that will negatively impact the future residents of the townhomes that warrant mitigation and consideration.

1. Negative Impacts from Noise to the Planned Project. There will be a recurring problem with noise at the townhomes caused by the CHI Virginia Mason emergency generator in a manner inconsistent with the City's noise ordinance. The noise levels at the townhomes will be in excess of regulatory requirements during exercising and maintenance of the generator. The generator operates during non emergency test and exercise events at a noise level of >85 decibels. The proximity between the generator and the townhomes will result in noise impacts. Who will erect a noise attenuation structure around the generator to mitigate the noise impact to the townhomes? If something this simple was missed in the SEPA process, are there other noise issues that were excluded?

Paul Hausmann

Dear Planning Commission,

Please consider the following comments as part of your SEPA review of the Wintergreen Townhomes development proposal:

- A. City resources may be required to address increased traffic resulting from the residential development
- B. City resources may be required to address traffic safety measures resulting from dangerous traffic conflicts along High School Road. These measures may include expenditures for planning, design and construction of a signal crossing to include a pedestrian crossing.
- C. Proposed location of buildings over storm drain catchment systems threatens wetlands and creates challenges for future management and maintenance.
- D. Inadequate parking for occupants of the proposed 73-unit development, VM visitors, VM employees, Walgreens employees may lead to conflict with neighboring property owners including the Stonecress Townhome Community, Kitsap Bank and ACE Hardware. The parking shortage could force motorists to park in the Safeway plaza and increase pedestrian presence on Hwy 305.
- E. The City faces increased liability with increased pedestrian use of marked and unmarked crosswalks.
- F. Impacts to nearby homes within the 44-unit Stonecress Townhome Community include additional traffic using Polly's lane and illegal turns onto Stonecress Lane which already occur as vehicles seek shorter wait time to turn onto High School Road. This increases safety concerns for the Stonecress community includes approximately 14 families with small children who cycle and play in and around the private roads serving the community.
- G. Impacts to the Stonecress Townhome Community from noise and pests generated by the location of garbage and recycling dumpsters at the eastern edge of the proposed Wintergreen development.
- H. 24/7 use of a property that was approved for commercial not residential use, will create noise and light pollution for nearby homes and businesses unless adequate green space is incorporated in the final design. Greenspace that includes an adequate play area will make the development a more attractive affordable housing resource for families.

Thank you for your consideration.

Regards,

Elizabeth Doran, owner
1368 and 1372 Stonecress Lane
Bainbridge Island, WA 98110

From: [ED](#)
To: [PCD](#); [Stonecress Condos HOA](#)
Subject: Wintergreen Townhome Development SEPA comments
Date: Friday, May 14, 2021 1:50:28 PM
Attachments: [SEPA - Planning Commission.docx](#)

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission,
Please accept my comments in the attached document as part of your SEPA review.

Regards,
Elizabeth

From: [Cyndi Merritt](#)
To: [PCD](#)
Cc: [Stonecress Condos HOA Board](#)
Subject: Wintergreen Townhomes SEPA comments
Date: Friday, May 14, 2021 12:13:03 AM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Greetings Planning Commission,

I offer the following comments for your SEPA review of the Wintergreen Townhomes proposal.

The amount of **building and paved area appears to exceed the stated 60%** on land that is designated by Kitsap County as a **critical aquifer**.

Additional City emergency services may be required:

- Dangerous traffic conflicts on High School Road at the two intersections leading to and from this development will contribute to accidents and the need for emergency services.
- 73 units with no backup source of heat will impact city emergency resources during power failures ("possible" wiring for future solar hookups is noted in the application, though small roof areas per each unit does not appear to support solar power).
- 750 square foot units are split into two levels. The resulting sensation of confinement in a 375 square foot space coupled with tightly packed neighboring homes may lead to mental and emotional unrest as some studies have pointed to, that would require emergency services.
- Parking spots currently occupied by VM staff and patients are being designated for residents in the application. It appears that there IS a net loss of parking.
- Inadequate limited shared parking for VM, Walgreens, townhome residents, guests and maintenance workers may create a need for City support.
- The daily volume of semi trucks to Builders First Source and emergency vehicles to and from VM, along with delivery trucks, maintenance vehicles, moving trucks, landscapers, and vehicles from VM, Keybank, Walgreens staff, patients and customers, plus 73 units of residents and guest cars, will create traffic and safety hazards for all.
- While there is a plan for bike racks, there is no path for bikes other than on the narrow street shared with semi trucks.
- Documents show buildings over the storm drain catchment systems that support and protect the adjacent wetland. How will that critical infrastructure be accessed for maintenance, earthquake, buildings settling on buried structures or other emergency?

Noise hazards for residents -

- VM generator: far in excess of OSHA standards due to location of the units so close to VM generator which runs monthly for an hour and 24/7 during power failures/surges/interruptions.
- Highway 305 and High School Road traffic noise will have a significant impact on residents.
- Only west facing units are expected to have sound reduction windows.
- what type of "fenced sound barrier" are they proposing to install on the highway side of the property that won't take away from the natural buffer required and present an eyesore?

Environmental impact on Stonecress neighbors:

traffic-

- increased traffic from High School Road is likely to travel through private Stonecress Lane as it becomes a "turning lane" for cars unable to make left turns at the intersection of Ace, McDonald's and the development because of 73 more households and the associated vehicles that support them.
- increased traffic noise and lights next to Stonecress homes
- increased hazard to children, pedestrians and bikers on Polly's Lane
- difficulty for Stonecress residents to make left turns to High School Road because of additional traffic from the development on top of existing and ferry traffic on High School Rd

dumpster proposed to be located directly next to Stonecress homes-

- 24/7 noise from 73 units of residents using the dumpster
- noise of trucks emptying the dumpster multiple times per week
- smells
- rodents
- crows scattering garbage

light from new parking lot lamps

Removal of 10 trees and 10 bushes is expected on the west side. Relatively speaking, for that entire project area which currently has grass and very few shrubs, that represents a large loss to the landscape, and replacements would likely provide neither an equivalent nor an improvement.

Thank you for accepting these comments.

Kind regards,

Cyndi Merritt
1348 Stonecress Lane
Bainbridge Island, WA 98110

From: [Debra Sherbina](#)
To: [PCD](#)
Subject: SEPA Review: Proposed Wintergreen Townhomes Development Comments
Date: Friday, May 14, 2021 6:26:18 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hello COBI Planning Division,

Please accept my comments below in light of the current SEPA review period for the proposed Wintergreen Townhomes Development.

Traffic and Parking Issues

- Dangerous traffic conflicts on High School Road at the two intersections leading to and from this development are highly likely to contribute to accidents.
- Parking spots currently occupied by Virginia Mason staff and patients are being designated for residents in the application. It appears that there IS a net loss of parking.
- Inadequate limited shared parking for VM, Walgreens, townhome residents, guests and maintenance workers may create a need for City support.
- The daily volume of semi trucks to Builders First Source and emergency vehicles to and from VM, along with delivery trucks, maintenance vehicles, moving trucks, landscapers, and vehicles from VM, Keybank, Walgreens staff, patients and customers, plus 73 units of residents and guest cars, will create traffic and safety hazards for all. The location for this new townhome complex was not well thought through considering the huge variety of uses, existing inadequate surface streets, and inadequate parking. It's a recipe for traffic density and potential accidents.
- While there is a plan for bike racks, there is no path for bikes other than on the narrow street shared with semi trucks. This creates danger for cyclists.

Noise hazards for residents -

- VM generator: far in excess of OSHA standards due to location of the units so close to VM generator which runs monthly for an hour and 24/7 during power failures/surges/interruptions.
- Highway 305 and High School Road traffic noise will have a significant impact on residents.
- Only west facing units are expected to have sound reduction windows.

- what type of "fenced sound barrier" are they proposing to install on the highway side of the property that won't take away from the natural buffer required and present an eyesore?

Environmental impact on Stonecress neighbors:

Traffic

- increased traffic from High School Road is likely to travel through private Stonecress Lane as it becomes a "turning lane" for cars unable to make left turns at the intersection of Ace, McDonald's and the development because of 73 more households and the associated vehicles that support them.
- increased traffic noise and lights next to Stonecress homes.
- increased danger to children, pedestrians and bikers on Polly's Lane. At this time, 20 young children live in the Stonecress community and enjoy playing outdoors in the warm spring and summer months. More children are present if residents have visitors.
- difficulty for Stonecress residents to make left turns to High School Road because of additional traffic from the development on top of existing and ferry traffic on High School Road.

Dumpster proposed to be located directly next to Stonecress homes

- 24/7 noise from 73 units of residents using the dumpster
- noise of trucks emptying the dumpster multiple times per week
- smells
- rodents
- crows scattering garbage

Light from new parking lot lamps

Removal of 10 trees and 10 bushes is expected on the west side. Relatively speaking, for that entire project area which currently has grass and very few shrubs, that represents a large loss to the landscape, and replacements would likely provide neither an equivalent nor an improvement.

Thank you for considering these comments.

Respectfully,

Debra Sherbina
1324 Stonecress Lane
Bainbridge Island, WA 98110

From: [stephanie steele](#)
To: [PCD](#)
Subject: Wintergreen
Date: Friday, May 14, 2021 1:46:17 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear PCD,

I have commented before about the overall cynicism of this proposed project.,
please refer to others' letters about the specific problems regarding 'quality of life standards'
that are sorely lacking in this design review..

It will be a tragedy for all Bainbridge residents, and should be particularly concerning for you,
if basic human needs are not respected and provided for at Wintergreen..

..a SEPA review should be mandatory here.

This project is an embarrassment..

S. Steele
Stonecress Ln

From: [Chris/Lisa Neal](#)
To: [Michael Pollock](#); [Joe Deets](#); [Kirsten Hytopoulos](#); [Rasham Nassar](#); [Brenda Fantroy-Johnson](#); [Leslie Schneider](#); [Christy Carr](#)
Cc: [Joe Levan](#); [PCD](#)
Subject: August 17, 2021 Meeting - Wintergreen Project
Date: Sunday, August 15, 2021 3:13:10 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

As you consider the agenda item, please note:

Last November, the developer stated all 74 units would be “affordable” (up to middle income, but within the BIMC section regarding affordable housing). The highest cost unit was \$439k.

https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/749907/PPM_PlanningCommission_Presentation_1.pdf

That appears to have changed, with only 31 units now to be “affordable” for low-income buyers under BIMC 18.21.020 (subject to the note below), with the rest planned to be market rate.

It is very important to note that the affordability of the 31 units is not guaranteed (Agreement Sec. 3).

Please do not set the precedent of relaxing our guidelines and other requirements (environmental regulations will be next) in order to “get” affordable housing, especially where the ever-declining number of units is not even guaranteed.

This project has many problems that have never been remedied, including the traffic issue. We already avoid that area because of the traffic in and out of Visconsi. Seventy-five to 140 more cars/trips out of that area will make traversing that area impossible. The developer has never offered any mitigation, to my recollection.

Also, the City should not set the precedent of providing guaranteed timelines for planning. The project owners appear to be attempting to skirt the regulatory process here. Speed will result in mistakes or in waiving our usual requirements. Attorneys fees would be awardable if there is any delay, regardless of why (Agreement Sec. 8). The Agreement provides it supersedes all others - have there been other communications and agreements regarding this project? Likely - but all such permitting activities will be nullified by this agreement.

Finally, I would further remind you that Visconsi was to be all commercial. Lacking takers, the project owner has moved on to housing to make more money. Gone are the 800 trees that took carbon out of the air, gone for our lifetimes. The aggressive attitude of the project representative (even threatening suit in the proposal document) suggests there is more to this story, including the need to get money in the door. Please do not be bullied into making a bad decision.

If I were the lawyer for the City, I would advise it to *not* sign such an agreement. We urge you to reject this proposal. Thank you.

Lisa Neal

From: [Nancy Rudman](#)
To: [PCD](#)
Subject: Re: Comments and Concerns on Wintergreen Townhomes Project
Date: Friday, May 14, 2021 6:34:49 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for letting me know. Below is the text about concerns with the Wintergreen Townhomes project.
Nancy Rudman

May 14, 2021

Dear Planning Commissioners, Bainbridge City Council Members, and Hearing Examiner: I have concerns regarding the Wintergreen Development proposal.

One of these concerns is the stormwater/wetlands issue brought up by Linda Andrews of Daylily Road in the Stonecress community and submitted to you as follows:

"The Wintergreen application states that the new development will be located on two lots on the Visconsi site. Yet a site map (see attached) locates one row of the townhomes off the eastern lot and onto what is currently a paved area. A stormwater vault is located under one of those potential homes and other detention tanks are located under the paved area. This stormwater system cleans, retains, and manages the flow of water collected from the hard surfaces and disperses it into the wetlands to the east. It is critical to protecting the Stonecress wetlands, the Hamlet wetlands, and water flow further east and into Eagle Harbor. Building over these structures brings up two concerns: • Will home construction over the area pose a threat to the system? Could the process of building cause a rupture? • Quick access to these structures is important in the case of a failure of any part of the system. Pavement can be dug up fairly quickly if a serious problem occurs, and failures of pipes and tanks and other equipment are not unusual. Quick access is not possible if the structures are under a house. The Environmental Review responses by the builder skip over this issue: Surface Water: "A WETLAND IS LOCATED OFFSITE TO THE EAST WITH COBI APPROVED BUFFERS THAT DO NOT AFFECT THE TOWNHOME PROJECT'S BUILDABLE AREA ON EITHER LOT." Yet the builder is planning to build east of the building lot, over existing structures that protect that wetland. Please require that home construction be limited to the actual building lots. Sincerely, Linda Andrews 719 Daylily Lane"

Other issues of concern are traffic, noise, parking.

I live at 1363 Stonecress which is on the corner of Polly Lane and have a unique vantage point of the property, roads & traffic movement as compared with the other homes in the area.

Since early on in the pandemic (early 2020), the parking lot for Virginia Mason and the Urgent Care facility has been in full use with little extra parking. I am concerned about adding 74 more units to this already full parking area.

The traffic in and out of the parking lot is also a concern as I already am seeing an increased amount of traffic driving down Polly Lane (the wrong way on a one-way street) and entering the Virginia Mason parking lot through the Do Not Enter sign, as well as traffic continuing on through the Stonecress property. With 74 units and only one access road into the property, Polly Lane and Stonecress will likely be stressed with more traffic through the community.

Another concern is the noise that will be surrounding these 74 units and how that will impact the quality of life for the people living there. There are tractor trailer trucks that drive right through where the units will be and they are

active very early in the morning, as well as throughout the day. Add to that the medical emergency vehicles coming to Virginia Mason and Urgent Care (with sirens on).
Currently there is also grounds cleaning of the Virginia Mason parking lot that uses a large, loud street sweeping vehicle and an even louder gasoline powered leaf blower - at night...

There have also been issues with the noise level of the generator at Virginia Mason. It is very loud to the Stonecress/Daylily/Polly Lane homes and the new units will be even closer to that noise.

My hope is that you will take into consideration the quality of living for the people in this new development and for the surrounding homes which will be impacted by a more congested living area.

Nancy Rudman
1363 Stonecress Lane NE
Bainbridge Island, WA

On Fri, May 14, 2021 at 6:03 PM PCD <PCD@bainbridgewa.gov> wrote:

Ms. Rudman,

We are unable to open the document attached to your e-mail below. Please provide the text in an e-mail as you proposed and we will make sure it is received in the public comment as you did try to send it to us within the timeframe provided.

Thank you,



JANE RASELY

Administrative Specialist

www.bainbridgewa.gov

facebook.com/citybainbridgeisland/

206.780.3758 (office) 206.780.5104 (fax)

Planning and Community Development Service Hours

Due to the City's COVID-19 response, the Planning and Community Development Department (PCD) has modified its operations. Please see the PCD webpage (<https://www.bainbridgewa.gov/154/Planning-Community-Development>) for current information.

From: Nancy Rudman <nancyrudmanrmt@gmail.com>
Sent: Friday, May 14, 2021 8:58 AM
To: PCD <PCD@bainbridgewa.gov>
Subject: Comments and Concerns on Wintergreen Townhomes Project

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

To Kelly Tayara and others who may be concerned:

Attached are my concerns regarding the Wintergreen Townhomes development plan. I understand that Friday, May 14, is the last opportunity to submit comments for the June 24 Hearing Examiner meeting, scheduled for 1:00 PM. If you can not open this Pages file, please let me know and I will send the full document through email.

Please distribute my letter to the Planning Commission and the City Council as well as the Hearing Examiner.

Sincerely,
Nancy Rudman
1363 Stonecress Lane NE
Bainbridge Island

To:
City Council,
Planning Commission,
Planning Department,
Members of the Bainbridge Island Race Equity Advisory Committee

July 13th, 2021

Reference: Wintergreen Center Townhome Project

We, as residents and members of the Bainbridge Island business community, are requesting your support of the Wintergreen Center Townhome project.

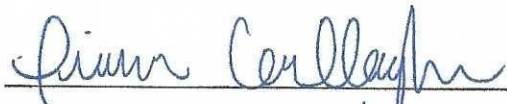
A recommendation for approval by you to the City Council, Planning Commission and Planning Department is urgently needed. Time is of the essence in this matter as the Developer's Purchase & Sale Agreement expires at the end of August.

This is simply one of the best mix use projects that has been proposed on Bainbridge Island. The aesthetics and design of this inclusive community that includes thirty-one Affordable Housing homes, and forty-two market value homes, is on par with many of the recent residential projects in the Winslow core. In terms of design, the Developer has corrected all the items noted as deficiencies by the Design Review Board (DRB), even though those items are not required by the Bainbridge Island Municipal Code (BIMC).

The Wintergreen townhomes will each be on a fee simple ownership lot gathered around own common areas. This inclusive community design is much better than the condominium form of ownership with the residential units often in the same building with commercial use space.

Affordable Housing is vital to Bainbridge Island and to both low income and moderate wage earners that also reside on Bainbridge Island. These workers and residents cannot afford the current and fast increasing home rental and home purchase prices, thus need your help. Affordable Housing buyers include, teachers, health care workers, first responders, retirees, and much of the workforce on Bainbridge Island. They deserve your support to enable them to live and work on Bainbridge Island and be true stakeholders in our community.

Thank you for considering our request,



Tiana Gallagher
7/13/21

#206.595.3242

Broker at Coldwell Banker Bain.

To:
City Council,
Planning Commission,
Planning Department,
Members of the Bainbridge Island Race Equity Advisory Committee

July 13th, 2021

Reference: Wintergreen Center Townhome Project

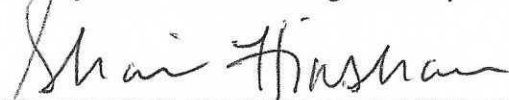
We, as residents and members of the Bainbridge Island business community, are requesting your support of the Wintergreen Center Townhome project. A recommendation for approval by you to the City Council, Planning Commission and Planning Department is urgently needed. Time is of the essence in this matter as the Developer's Purchase & Sale Agreement expires at the end of August.

This is simply one of the best mix use projects that has been proposed on Bainbridge Island. The aesthetics and design of this inclusive community that includes thirty-one Affordable Housing homes, and forty-two market value homes, is on par with many of the recent residential projects in the Winslow core. In terms of design, the Developer has corrected all the items noted as deficiencies by the Design Review Board (DRB), even though those items are not required by the Bainbridge Island Municipal Code (BIMC).

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Affordable Housing is vital to Bainbridge Island and to both low income and moderate wage earners that also reside on Bainbridge Island. These workers and residents cannot afford the current and fast increasing home rental and home purchase prices, thus need your help. Affordable Housing buyers include, teachers, health care workers, first responders, retirees, and much of the workforce on Bainbridge Island. They deserve your support to enable them to live and work on Bainbridge Island and be true stakeholders in our community.

Thank you for considering our request,



SHARI HIRSHMAN
CB BAIN BROKER
206-321-6008

To:
City Council,
Planning Commission,
Planning Department,
Members of the Bainbridge Island Race Equity Advisory Committee

July 13th, 2021

Reference: Wintergreen Center Townhome Project

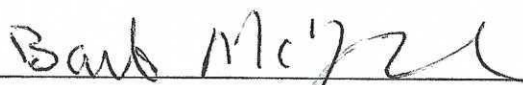
We, as residents and members of the Bainbridge Island business community, are requesting your support of the Wintergreen Center Townhome project. A recommendation for approval by you to the City Council, Planning Commission and Planning Department is urgently needed. Time is of the essence in this matter as the Developer's Purchase & Sale Agreement expires at the end of August.

This is simply one of the best mix use projects that has been proposed on Bainbridge Island. The aesthetics and design of this inclusive community that includes thirty-one Affordable Housing homes, and forty-two market value homes, is on par with many of the recent residential projects in the Winslow core. In terms of design, the Developer has corrected all the items noted as deficiencies by the Design Review Board (DRB), even though those items are not required by the Bainbridge Island Municipal Code (BIMC).

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Affordable Housing is vital to Bainbridge Island and to both low income and moderate wage earners that also reside on Bainbridge Island. These workers and residents cannot afford the current and fast increasing home rental and home purchase prices, thus need your help. Affordable Housing buyers include, teachers, health care workers, first responders, retirees, and much of the workforce on Bainbridge Island. They deserve your support to enable them to live and work on Bainbridge Island and be true stakeholders in our community.

Thank you for considering our request,



Managing Broker
Coldwell Banker Bain

To:
City Council,
Planning Commission,
Planning Department,
Members of the Bainbridge Island Race Equity Advisory Committee

July 13th, 2021

Reference: Wintergreen Center Townhome Project

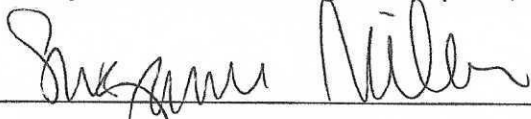
We, as residents and members of the Bainbridge Island business community, are requesting your support of the Wintergreen Center Townhome project. A recommendation for approval by you to the City Council, Planning Commission and Planning Department is urgently needed. Time is of the essence in this matter as the Developer's Purchase & Sale Agreement expires at the end of August.

This is simply one of the best mix use projects that has been proposed on Bainbridge Island. The aesthetics and design of this inclusive community that includes thirty-one Affordable Housing homes, and forty-two market value homes, is on par with many of the recent residential projects in the Winslow core. In terms of design, the Developer has corrected all the items noted as deficiencies by the Design Review Board (DRB), even though those items are not required by the Bainbridge Island Municipal Code (BIMC).

The Wintergreen townhomes will each be on a fee simple ownership lot gathered around own common areas. This inclusive community design is much better than the condominium form of ownership with the residential units often in the same building with commercial use space.

Affordable Housing is vital to Bainbridge Island and to both low income and moderate wage earners that also reside on Bainbridge Island. These workers and residents cannot afford the current and fast increasing home rental and home purchase prices, thus need your help. Affordable Housing buyers include, teachers, health care workers, first responders, retirees, and much of the workforce on Bainbridge Island. They deserve your support to enable them to live and work on Bainbridge Island and be true stakeholders in our community.

Thank you for considering our request,



Suzanne Miller
206. 920. 8796
Caldwell Banker Bain

To:
City Council,
Planning Commission,
Planning Department,
Members of the Bainbridge Island Race Equity Advisory Committee

July 13th, 2021

Reference: Wintergreen Center Townhome Project

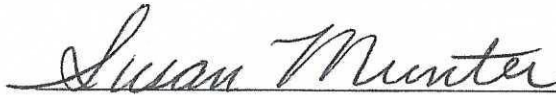
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Thank you for considering our request,


206-842-1733
Caldwell Banker Bain

To:
City Council,
Planning Commission,
Planning Department,
Members of the Bainbridge Island Race Equity Advisory Committee

July 13th, 2021 Reference: Wintergreen Center Townhome Project

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Thank you for considering our request,

 7/13/2021

Lisa Paxson
Coldwell Banker Bain

To:
City Council,
Planning Commission,
Planning Department,
Members of the Bainbridge Island Race Equity Advisory Committee

July 13th, 2021

Reference: Wintergreen Center Townhome Project

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Thank you for considering our request,



Anne Reichard

630-842-6294

To:
City Council,
Planning Commission,
Planning Department,
Members of the Bainbridge Island Race Equity Advisory Committee

July 13th, 2021

Reference: Wintergreen Center Townhome Project

We, as residents and members of the Bainbridge Island business community, are requesting your support of the Wintergreen Center Townhome project. A recommendation for approval by you to the City Council, Planning Commission and Planning Department is urgently needed. Time is of the essence in this matter as the Developer's Purchase & Sale Agreement expires at the end of August.

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Thank you for considering our request,


12490 N. Madison Ave NE
B1 WA 98110
(206) 380-6098
Realtor CB Bair

To: City Council,

Planning Commission,

Planning Department,

Members of the Bainbridge Island Race Equity Advisory Committee

July 9th, 2021 Reference: Wintergreen Center Townhome Project

We, as residents and members of the Bainbridge Island business community, are requesting your support of the Wintergreen Center Townhome project. A recommendation for approval by you to the City Council, Planning Commission and Planning Department is urgently needed. Time is of the essence in this matter as the Developer's Purchase & Sale Agreement expires at the end of August.

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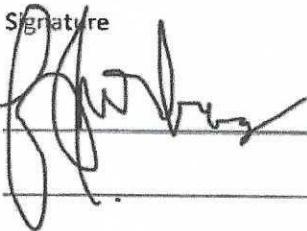
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Thank You

Signature

Addresss

Phone Number



4565 Flying Goat Ave B220, Bainbridge Island WA 98110

206.909.0865

To: City Council,

Planning Commission,

Planning Department,

Members of the Bainbridge Island Race Equity Advisory Committee

July 9th, 2021 Reference: Wintergreen Center Townhome Project

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Thank You

Signature

Address

Phone Number



3845 Pleasant Beach Dr. B.I.

206-321-8124



3845 Pleasant Beach Dr. B.I.

206-321-8122

To:
City Council,
Planning Commission,
Planning Department,
Members of the Bainbridge Island Race Equity Advisory Committee

July 13th, 2021

Reference: Wintergreen Center Townhome Project

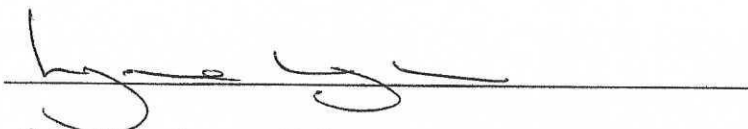
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Thank you for considering our request,

A handwritten signature in black ink, appearing to be "Lynn Lynn", written over a horizontal line.

206 303 9304

Bainbridge Island Resident.

To: City Council,

Planning Commission,

Planning Department,

Members of the Bainbridge Island Race Equity Advisory Committee

July 9th, 2021 Reference: Wintergreen Center Townhome Project

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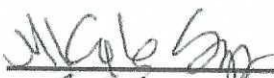
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Thank You

Signature

Addresss

Phone Number

 13353 STONEBRIDGE LN NE 206 617 8558

 13353 Stonebridge Ln NE 206 842-7820

 7222 NE Ables Dr 206-310-1471

To: City Council,

Planning Commission,

Planning Department,

Members of the Bainbridge Island Race Equity Advisory Committee

July 9th, 2021 Reference: Wintergreen Center Townhome Project

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Thank You

Signature

Addresss

Phone Number

Mike Scott

5157 Soundview
Dr. NE

206-406-3194

Dan Zimm

10058 NE Lakemore Ave. B1

206-488-8632

To:
City Council,
Planning Commission,
Planning Department,
Members of the Bainbridge Island Race Equity Advisory Committee

July 13th, 2021

Reference: Wintergreen Center Townhome Project

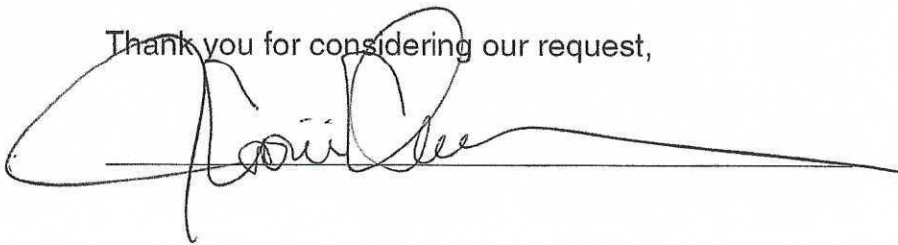
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Thank you for considering our request,

A handwritten signature in black ink, appearing to read "Paul Lee", written over a horizontal line.

To: City Council,
Planning Commission,
Planning Department,
Members of the Bainbridge Island Race Equity Advisory Committee

July 9th, 2021 Reference: Wintergreen Center Townhome Project

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Thank You

Signature

Addresss

Phone Number

Authentisign®

Marie Sinclair-Bennett

240 Winslow Way Bainbridge Island, WA 98110 206-390-2754

7/13/2021 10:57:25 AM PDT

To: City Council,

Planning Commission,

Planning Department,

Members of the Bainbridge Island Race Equity Advisory Committee

July 9th, 2021 Reference: Wintergreen Center Townhome Project

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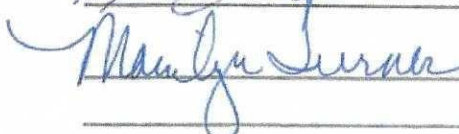
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Thank You

Signature

Addresss

Phone Number

	2069 Greenwood Ave	206 842-0842
	2006 North Town Dr	206-542-0328
	2653 Washington Ave NE	503-327-6482

Dear City of Bainbridge Island,

I write to support the Wintergreen Townhome project proposed on High School Road near Walgreen's and Virginia Mason because the project:

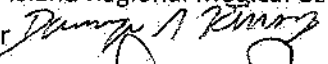
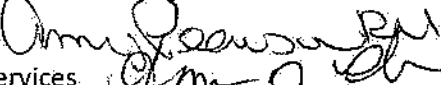
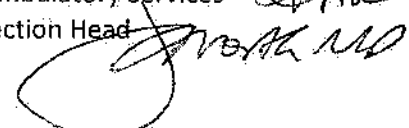
- Is in an ideal location for residential, nestled in a site that is entirely commercial in the downtown core (not in anyone's backyard), and within walking distance of amenities, schools, and the ferry landing.
- Will bring much-needed affordable housing to Bainbridge Island so that many people who now work here – civil servants, teachers, service industry employees, etc. – will also be able to live here.
- Includes homes that will be modestly priced by Bainbridge Island standards – under \$500,000 – which will allow many people to become homeowners on Bainbridge Island who might not otherwise be able to.
- Has an attractive aesthetic individually and collectively, with nice design touches, and the attached townhome style adds to the diversity of available housing.
- Will be built on lots that are already clear cut, so no additional trees and vegetation will be removed, and in the buffer along SR 305 new trees will be planted.
- Contains considerably more natural area and community space than is required by code.

This project meets or exceeds code and effectuates many of the goals, policies and action items of the City's Comprehensive Plan. Among other things, this project is an opportunity for the City, at long last, to live up to its stated aspiration of providing affordable housing.

For all of these reasons, I believe this project will greatly enrich our community, and I urge the City to approve it without delay.

Thank you.

Virginia Mason Franciscan Health, Bainbridge Island Regional Medical Center

- Dominique Kinsey, Supervisor 
- Amy Pearson, RN Operations Manager 
- Somer Shields, Director, Ambulatory Services 
- Jillian Worth, Physician, Section Head 

From: [Shields, Somer](#)
To: [PCD](#); [Kelly Tayara](#); [David Greetham](#)
Subject: Support for Wintergreen Townhomes Project
Date: Monday, June 21, 2021 1:29:46 PM
Attachments: [image001.png](#)
[Wintergreen Townhomes Support Letter 6-2021.pdf](#)

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern – please see attached letter of support for this new home project.

Somer D. Shields, MBA, CMPE

Director, Ambulatory Services
Bainbridge Island Regional Medical Center

Phone: (206) 223-6966 | Cell: (971) 221-2180
1344 Wintergreen Ln NE, MailStop: A-Bain
Bainbridge Island, WA 98110
vmfh.org



Confidentiality Disclaimer:

The information contained in this e-mail may be confidential. If you received this in error, please call the Virginia Mason Privacy Officer at (206) 223-7505.

E-mail is not considered secure. By choosing to communicate with Virginia Mason by e-mail, you will assume the risk of a confidentiality breach. Please do not rely on e-mail communication if you or a family member is injured or is experiencing a sudden change in health status.

If you need emergency attention, call 911.

From: [Matt Paige](#)
To: [PCD](#); [Kelly Tavera](#)
Subject: Affordable Housing - Wintergreen Townhome Project
Date: Monday, February 22, 2021 12:11:38 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear City of Bainbridge Island,

I write to support the Wintergreen Townhome project proposed on High School Road near Walgreen's and Virginia Mason. This is an ideal location for residential, nestled in a site that is entirely commercial in the downtown core, and within walking distance of amenities, schools, and the ferry landing. Also, the project will bring much-needed affordable housing to Bainbridge Island so that many people who now work here – civil servants, teachers, service industry employees, etc. – will also be able to live here. Also, the other homes in the project will be modestly priced by Bainbridge Island standards – under \$500,000 – which will allow many people to become homeowners on Bainbridge Island who might not otherwise be able to. Also, the project will be built on lots that are already clear cut, so no additional trees and vegetation will be removed, and in the buffer along SR 305 new trees will be planted. Also, the project contains considerable more natural area and community space than is required by code. All of this is consistent with the City's Comprehensive Plan.

For all of these reasons, I believe this project will greatly enrich our community, and I urge the City to approve it without delay.

Thank you,

Matt

--



Matt Paige | Broker
Realogics Sotheby's International Realty
240 Winslow Way E, Bainbridge Island 98110
m 360.259.1804 **f** 206.842.2718 **w** dennisp Paige.com



From: [Carl Sussman](#)
To: [PCD](#); [Kelly Tayara](#)
Subject: Urgent Affordable Houseing
Date: Monday, February 22, 2021 2:33:09 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear City of Bainbridge Island,

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For all of these reasons, I believe this project will greatly enrich our community, and I urge the City to approve it without delay.

Thank you.

Carl Sussman



Carl Sussman

From: [Georg Syvertsen](#)
To: [PCD; Kelly Tavera](#)
Subject: Affordable Housing
Date: Monday, February 22, 2021 11:36:47 AM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear City of Bainbridge Island,

I write to support the Wintergreen Townhome project proposed on High School Road near Walgreen's and Virginia Mason. This is an ideal location for residential, nestled in a site that is entirely commercial in the downtown core, and within walking distance of amenities, schools, and the ferry landing. Also, the project will bring much-needed affordable housing to Bainbridge Island so that many people who now work here – civil servants, teachers, service industry employees, etc. – will also be able to live here. Also, the other homes in the project will be modestly priced by Bainbridge Island standards – under \$500,000 – which will allow many people to become homeowners on Bainbridge Island who might not otherwise be able to. Also, the project will be built on lots that are already clear cut, so no additional trees and vegetation will be removed, and in the buffer along SR 305 new trees will be planted. Also, the project contains considerable more natural area and community space than is required by code. All of this is consistent with the City's Comprehensive Plan.

For all of these reasons, I believe this project will greatly enrich our community, and I urge the City to approve it without delay.

Thank you.



Georg Syvertsen | Managing Broker
Realogics Sotheby's International Realty
240 Winslow Way East, Bainbridge Island 98110
m 206.660.1340 **o** 206.842.0842 **f** 206.842.2718
w [rsir.com](#)



From: [Steve Sutorius](#)
To: [PCD](#); [Kelly Tayara](#)
Subject: Wintergreen townhome endorsement
Date: Tuesday, February 23, 2021 11:43:26 AM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

As residents and business owners here on Bainbridge Island my wife Kerry and I wholeheartedly support this Wintergreen townhouse project. We NEED more affordable housing here on Bainbridge - half of my employees live off-island because it's impossible to find "blue collar" housing on Bainbridge Island. Please back this project and future projects that incorporate income qualified affordable housing.

Best regards,

Steve & Kerry Sutorius

--



From: [Jim Beatie](#)
To: [PCD](#)
Subject: Wintergreen Townhomes Project
Date: Wednesday, February 24, 2021 1:40:17 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hello: I am writing to let your group know that I very much support this project being approved by the City. Bainbridge Island needs more affordable housing to better provide for some members of our community who currently can't afford the hefty price of real estate on our Island. While I am not usually a fan of continued development, I believe this project is an exception to how I normally view real estate projects. Bainbridge Island needs a balance of housing opportunities for all instead of the higher income class that we seem to be attracting lately.

Please vote to approve this project.

Thank you,

Jim Beatie

James W. Beatie

Claims Manager

Physicians Insurance A Mutual Company

1301 Second Ave, Ste 2700

PO Box 91220

Seattle, WA 98111

T (206) 343-7300 (800) 962-1399 | F (206) 343-7100

NOTICE: This communication may contain privileged or other confidential information. This e-mail does not bind, cancel, or alter coverage, and it does not establish the standard of care or mandate individual practice. It is not legal advice; legal inquiries about topics covered in this e-mail should be directed to your attorney. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Please indicate to the sender that you have received this e-mail in error and delete the copy you received.

*Preliminary Plat of Wintergreen Townhomes,
A Plat Community*

SE 1/4, SW 1/4

Sec.23, T.25N., R.2E., W.M.

City of Bainbridge Island, Kitsap County, Washington

Declarant Declaration

The undersigned owner or owners of the interest in the real estate described herein hereby declare this map and dedicate the same for a common interest community named Plat of Wintergreen Townhomes, a Plat Community, as that term is defined in the Washington Uniform Common Interest Ownership Act, solely to meet the requirements of the Washington Uniform Common Interest Ownership Act and not for any public purpose. This map and any portion thereof is restricted by law and the Declaration for Plat of Wintergreen Townhomes, a Plat Community, recorded under Kitsap County Auditor's File No. _____

In witness whereof we have hereunto set our hands and seals.

Acknowledgment

*State of Washington
County of Kitsap*

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

Dated: _____

*Notary Public in and for the State of Washington
My appointment expires _____*

Surveyors Certificate

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of Central Highland Homes in March, 2021. I hereby certify that this map for Wintergreen Townhomes, A Plat Community is based upon an actual survey of the property herein described; that the bearings and distances are correctly shown; that all information required by the Washington Uniform Common Interest Ownership Act is supplied herein; and that all horizontal and vertical boundaries of the units, to the extent such boundaries are not defined by physical monuments, such boundaries are shown on the map.

*Gavin M. Oak, PLS
Registered Land Surveyor
Certificate No. 45168*

Acknowledgment

*State of Washington
County of Kitsap*

I certify that I know or have satisfactory evidence that Gavin M. Oak is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

*Notary Public in and for the State of Washington
My appointment expires _____*

Approvals

Engineer

Approved by the City Engineer this _____ day of _____, 2021.

Mike Michael, PE

Health District

Examined and approved by the Bremerton-Kitsap County Health District this _____ day of _____, 2021.

Eric Evans, R.S.
Director, Environmental Health

Planning and Community Development

Approved by the Director of Planning and Community Development this _____ day of _____, 2021.

Heather Wright, A.I.C.P.
Director Planning and Community Development
City of Bainbridge Island

City Council

Approved by the City Council of Bainbridge Island this _____ day of _____, 2021.

Leslie Schneider
City of Bainbridge Island

Treasurer's Certificate

I, Meredith Green, Treasurer of Kitsap County, Washington, hereby certify that all taxes on the above described property are fully paid up to and including _____.

Meredith Green
Kitsap County Treasurer

Recording Certificate

Filed for record at the request of _____, on this _____ day of _____, 2021 recorded in Volume _____ of plats, Pages _____ records of Kitsap County, Washington.

Paul Andrews
Kitsap County Auditor

Attest: _____
Deputy



ADAM • GOLDSWORTHY • OAK
A G O LAND SURVEYING, LLC

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

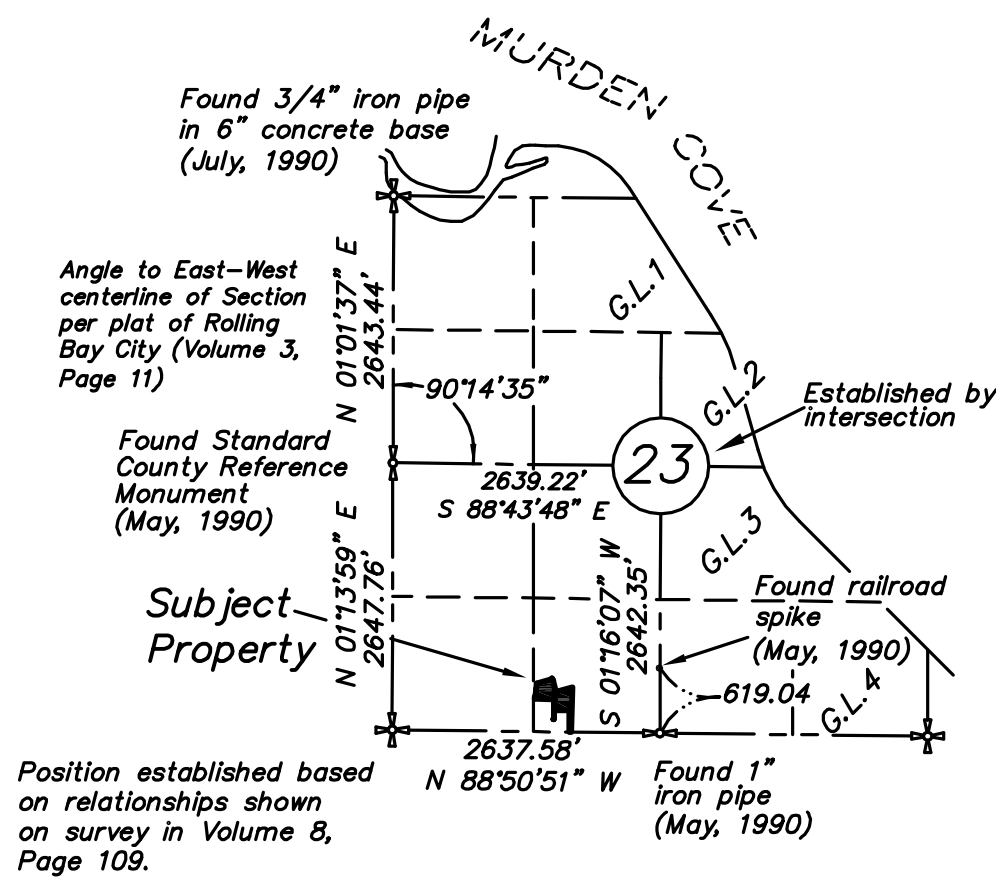
DATE 3/25/21 FIELD BOOK --
DRAWING 6877PP1 SHEET 1/8

*Preliminary Plat of Wintergreen Townhomes,
A Plat Community
SE 1/4 SW 1/4, Sec.23, T.25N., R.2E., W.M.
City of Bainbridge Island, Kitsap County, Washington*

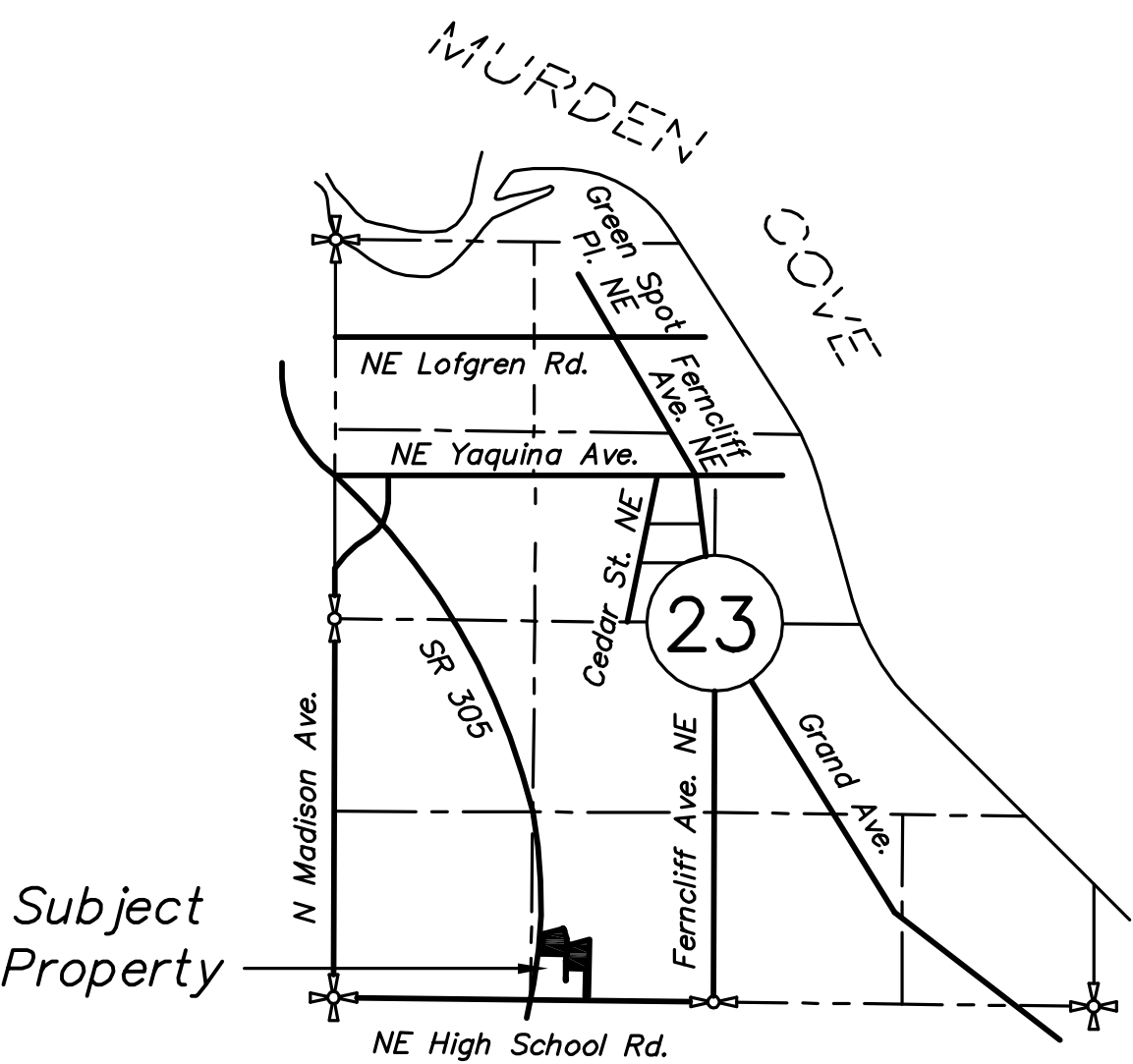
Owner:	VWA-BI-LOTS LLC 30050 Chagrin Blvd Suite 360 Suite 360 Cleveland, OH 44124
Applicant:	Central Highland Homes P.O. Box 2879 Poulsbo, WA. 98370 360-779-7157
Current use:	Undeveloped
Proposed water service:	City of Bainbridge Island
Proposed sewer service:	City of Bainbridge Island
Assessor's Account Nos.	232502-3-092-2001; 232502-3-094-2009
Zoning:	HS-2
Comprehensive Plan:	HS-2
Compliance with the fire flow requirements of BIMC 20.04 will be by on-site fire hydrant with fire flow from the City water system.	
Application File No.	

Notes

- 1) This survey was accomplished by field traverse with a three second total station.
- 2) This survey conforms to the minimum field traverse standards for land boundary surveys as listed in WAC 332-130-090.



*Section Subdivision
Section 23, T.25N., R.2E., W.M.
(no scale)*



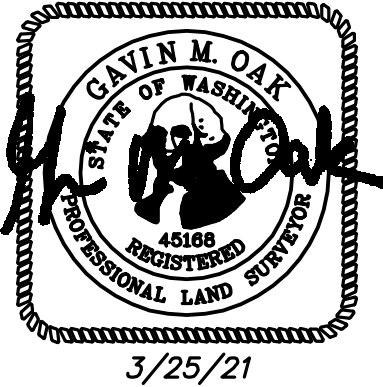
*Vicinity Map
Section 23, T.25N., R.2E., W.M.
(no scale)*

Legal Description

Resultant Parcels A and D of the Boundary Line Adjustment recorded under Auditor's File No. 201607270165 and as depicted on survey recorded under Auditor's File No. 201607270166, in Volume 82 of surveys, Page 209, records of Kitsap County, Washington, being a portion of the Southeast quarter of the Southwest quarter of Section 23, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington.

**National Flood Insurance
Program Designation**

Zone X
Flood Insurance Rate Map 53035C0244F
Effective Date: February 3, 2017



ADAM • GOLDSWORTHY • OAK
A G O LAND SURVEYING, LLC
1015 NE HOSTMARK ST. (360)779-4299
POULSBORO, WA 98370 (206)842-9598

DATE 3/25/21 FIELD BOOK --
DRAWING 6877PP2 SHEET 2 / 8

*Preliminary Plat of Wintergreen Townhomes,
A Plat Community
SE 1/4 SW 1/4, Sec.23, T.25N., R.2E., W.M.
City of Bainbridge Island, Kitsap County, Washington*

NATURAL AREA MANAGEMENT PLAN

CONDITIONS

NATURAL AREA OWNERSHIP AND MANAGEMENT ENTITY:

The natural area will be privately owned and managed by the Homeowners Association. Natural area access is restricted to the lot owners of the plat and their invited guests. The Homeowners Association shall be responsible for the maintenance of the natural area in accordance with the Natural Area Management Plan.

APPROVED USES WITHIN NATURAL AREA

1. Passive recreation, including pervious trails.
2. Agricultural uses and fencing necessary for animal control, excepting those agricultural uses that require permanent buildings.
3. Potable water wells and well houses.
4. Low impact fencing or signs marking the open space boundary.
5. On-site sewage treatment system use approved by the Director (Consistent with BIMC 17.12.050.A.9.e).
6. Storm drainage system use approved by the Director (Consistent with BIMC 17.12.050.A.9.f).
7. Playgrounds and tot lots, picnic shelters and benches, community gardens, bus shelters, community art, or fountains may be allowed within a designated natural area, provided the proposed use will not adversely affect the function or characteristics of the specific natural area.
8. Solar panels, small wind energy generators, composting bins, rainwater harvesting barrels, cisterns, and rain gardens/swales, as defined in BIMC 18.36, may be allowed within a designated natural area, provided the proposed feature will not result in the damage or removal of significant trees.
9. Planting of native vegetation.
10. Planting of non-invasive, non-native vegetation.
11. Removal of invasive vegetation.

NATURAL AREA MANAGEMENT PLAN

LIMITATIONS

1. Buildings are not permitted within any natural areas (except well houses and picnic shelters).
2. Existing vegetation shall be retained and maintained except for City-approved driveways, utility corridors, and trails. No cutting or clearing or other removal of existing and/or native vegetation shall be allowed in the designated open space in order to provide lawns, gardens, patios, decks, recreation facilities or other built features.
3. All trees within the natural area are required to be retained in perpetuity. Hazard tree removal may be allowed only with city approval and appropriate replanting provisions in BIMC 18.15.010.C. If trees required to be retained are not retained or if protection measures are not fully implemented, requirements for unauthorized removal provided in BIMC 18.15.010.C shall apply.
4. No construction activities or staging shall be permitted in the natural area. Prior to construction, temporary chain link fencing, orange construction fencing, or other construction fencing satisfactory to the Director, shall be placed around all of the natural space. Hazard trees within the natural area can and should be removed with the approval of the Director during the clearing and grading phase of construction.

NATURAL AREA MAINTENANCE PLAN

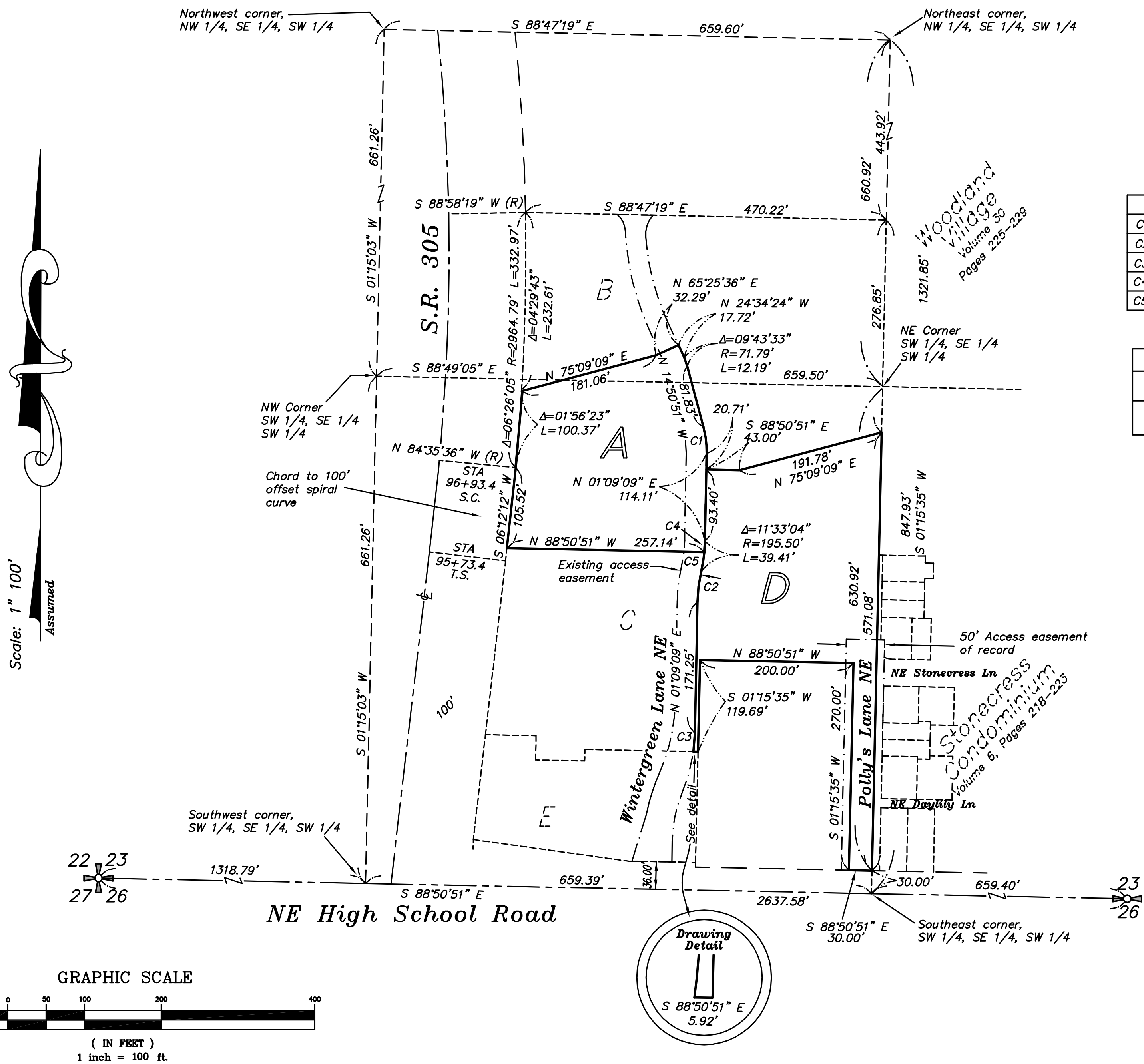
The natural area shall be maintained by the Homeowners Association. Maintenance activities shall include, at a minimum, annual inspections of natural area for compliance with the Natural Area Management Plan. If the natural area is not maintained consistent with this Natural Area Management Plan, the City shall have the right to provide the maintenance thereof and bill the owner for the cost of the maintenance.



ADAM • GOLDSWORTHY • OAK
A G O LAND SURVEYING, LLC
1015 NE HOSTMARK ST. (360)779-4299
POULSB0, WA 98370 (206)842-9598

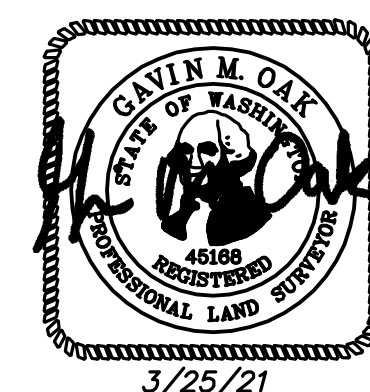
DATE 3/25/21 FIELD BOOK --
DRAWING 6877PP3 SHEET 3 / 8

*Preliminary Plat of Wintergreen Townhomes,
A Plat Community
SE 1/4, SW 1/4, Sec.23, T.25N., R.2E., W.M.
City of Bainbridge Island, Kitsap County, Washington*



C1	$\Delta=16^{\circ}00'00''$	$R=126.50'$	$L=35.33'$
C2	$\Delta=11^{\circ}33'04''$	$R=199.50'$	$L=40.22'$
C3	$\Delta=06^{\circ}26'19''$	$R=215.50'$	$L=24.22'$
C4	$\Delta=04^{\circ}10'57''$	$R=195.50'$	$L=14.27'$
C5	$\Delta=07^{\circ}22'06''$	$R=195.50'$	$L=25.14'$

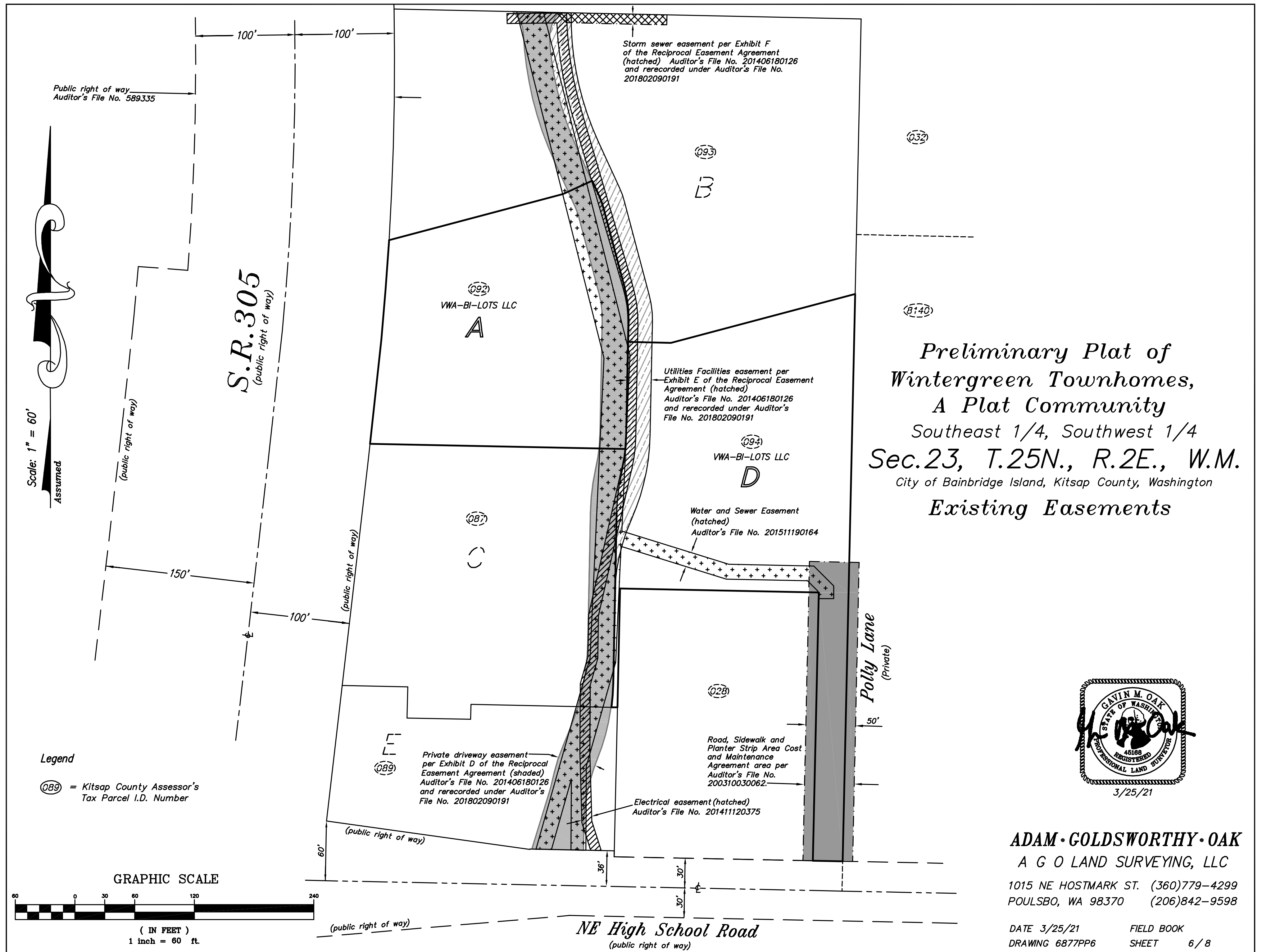
<i>Parcel Areas</i>		
<i>A</i>	<i>57,452 sq. ft.</i>	<i>1.32 Acres</i>
<i>D</i>	<i>70,814 sq. ft.</i>	<i>1.63 Acres</i>



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A G O LAND SURVEYING, LLC

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

DATE 3/25/21 FIELD BOOK
DRAWING 6877PP4 SHEET 4 / 8



Preliminary Plat of Wintergreen Townhomes,
A Plat Community

SE 1/4 SW 1/4, Sec.23, T.25N., R.2E., W.M.

City of Bainbridge Island, Kitsap County, Washington

Phase 2

Building Setbacks

Building to homesite boundary: 3 feet minimum, 10 feet total
Building outside homesite to exterior boundary line (Net building size 200 sq. ft. or less): 5 feet
Building outside homesite to exterior boundary line (Net building size 201 sq. ft. or more): 5 feet
Homesite to exterior plat boundary line: 0 feet
Any building to SR 305 right-of-way: 25 feet
Homesite to edge of arterial and collector right-of-way: 10 feet
Building outside homesite to edge of arterial and collector right-of-way: 10 feet
Any building, other than shared garage, to subdivision access road: 5 feet
Shared garage to subdivision access road: 0 feet

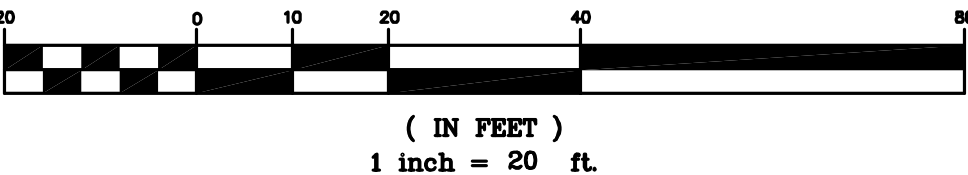


Scale: 1" = 20'
Assumed

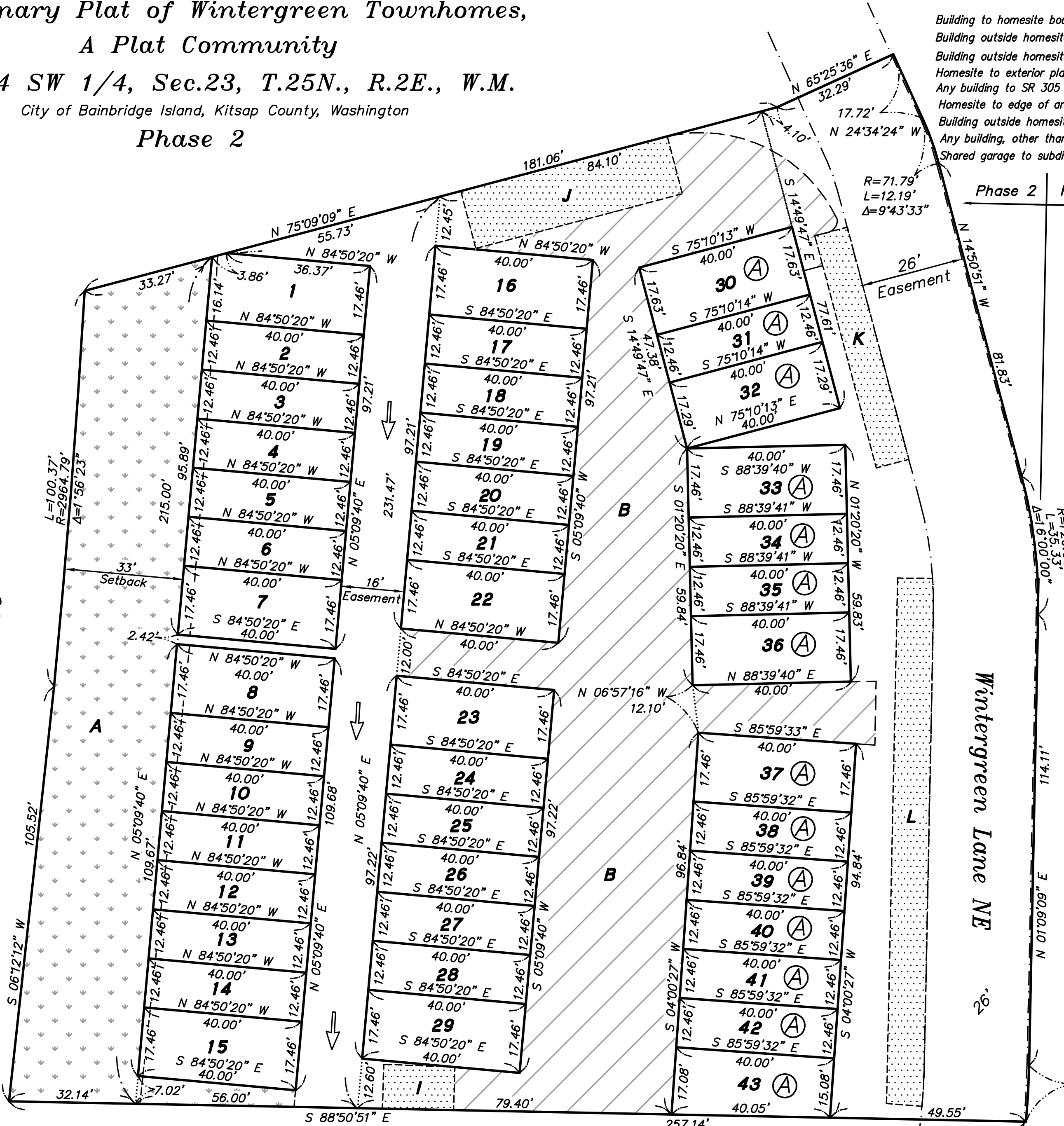
Legend

- = Community Space Tract
- = Parking Tract
- = Natural Area Tract
- = Affordable townhouse

GRAPHIC SCALE



SR 305



Phase 2 Phase 1

Lot Areas

1	674 sq. ft.	23	698 sq. ft.
2	498 sq. ft.	24	498 sq. ft.
3	498 sq. ft.	25	498 sq. ft.
4	498 sq. ft.	26	498 sq. ft.
5	498 sq. ft.	27	498 sq. ft.
6	498 sq. ft.	28	498 sq. ft.
7	698 sq. ft.	29	698 sq. ft.
8	698 sq. ft.	30	705 sq. ft.
9	498 sq. ft.	31	498 sq. ft.
10	498 sq. ft.	32	692 sq. ft.
11	498 sq. ft.	33	698 sq. ft.
12	498 sq. ft.	34	498 sq. ft.
13	498 sq. ft.	35	498 sq. ft.
14	498 sq. ft.	36	698 sq. ft.
15	698 sq. ft.	37	698 sq. ft.
16	698 sq. ft.	38	498 sq. ft.
17	498 sq. ft.	39	498 sq. ft.
18	498 sq. ft.	40	498 sq. ft.
19	498 sq. ft.	41	498 sq. ft.
20	498 sq. ft.	42	498 sq. ft.
21	498 sq. ft.	43	643 sq. ft.
22	698 sq. ft.		

Areas

Resultant Lot A	57,452 sq. ft.
Natural Area	6,677 sq. ft.
Community Space	10,157 sq. ft.
Parking Tracts	2,765 sq. ft.



8/27/21

ADAM • GOLDSWORTHY • OAK
A G O LAND SURVEYING, LLC

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

DATE 8/27/21 FIELD BOOK
DRAWING 6877PP7 SHEET 7/8

Preliminary Plat of Wintergreen Townhomes,
A Plat Community
SE 1/4 SW 1/4, Sec. 23, T.25N., R.2E., W.M.
City of Bainbridge Island, Kitsap County, Washington
Phase 1

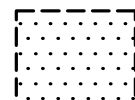
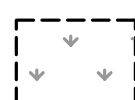
Lot Areas

44	678 sq. ft.	60	500 sq. ft.
45	498 sq. ft.	61	500 sq. ft.
46	498 sq. ft.	62	575 sq. ft.
47	498 sq. ft.	63	500 sq. ft.
48	498 sq. ft.	64	680 sq. ft.
49	498 sq. ft.	65	698 sq. ft.
50	698 sq. ft.	66	498 sq. ft.
51	716 sq. ft.	67	498 sq. ft.
52	525 sq. ft.	68	498 sq. ft.
53	536 sq. ft.	69	498 sq. ft.
54	547 sq. ft.	70	498 sq. ft.
55	558 sq. ft.	71	498 sq. ft.
56	569 sq. ft.	72	498 sq. ft.
57	815 sq. ft.	73	698 sq. ft.
58	700 sq. ft.		
59	500 sq. ft.		

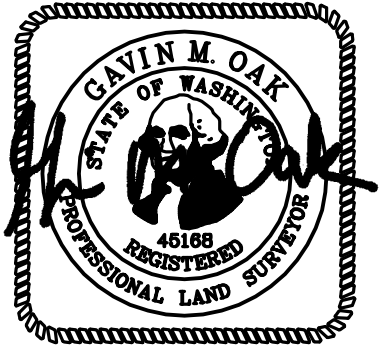
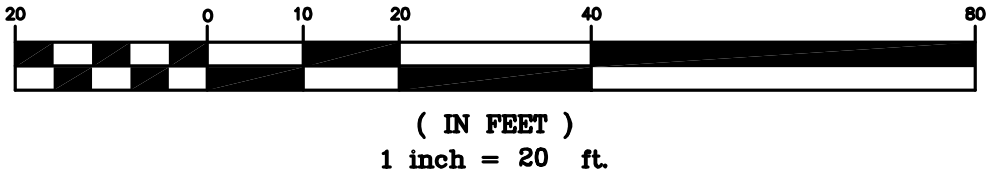
Areas

Resultant Lot D	70,814 sq. ft.
Natural Area	12,796 sq. ft.
Community Space	7,673 sq. ft.
Parking	12,560 sq. ft.

Legend

-  = Community Space Tract
-  = Parking Tract
-  = Natural Area Tract
-  = Affordable townhouse

GRAPHIC SCALE

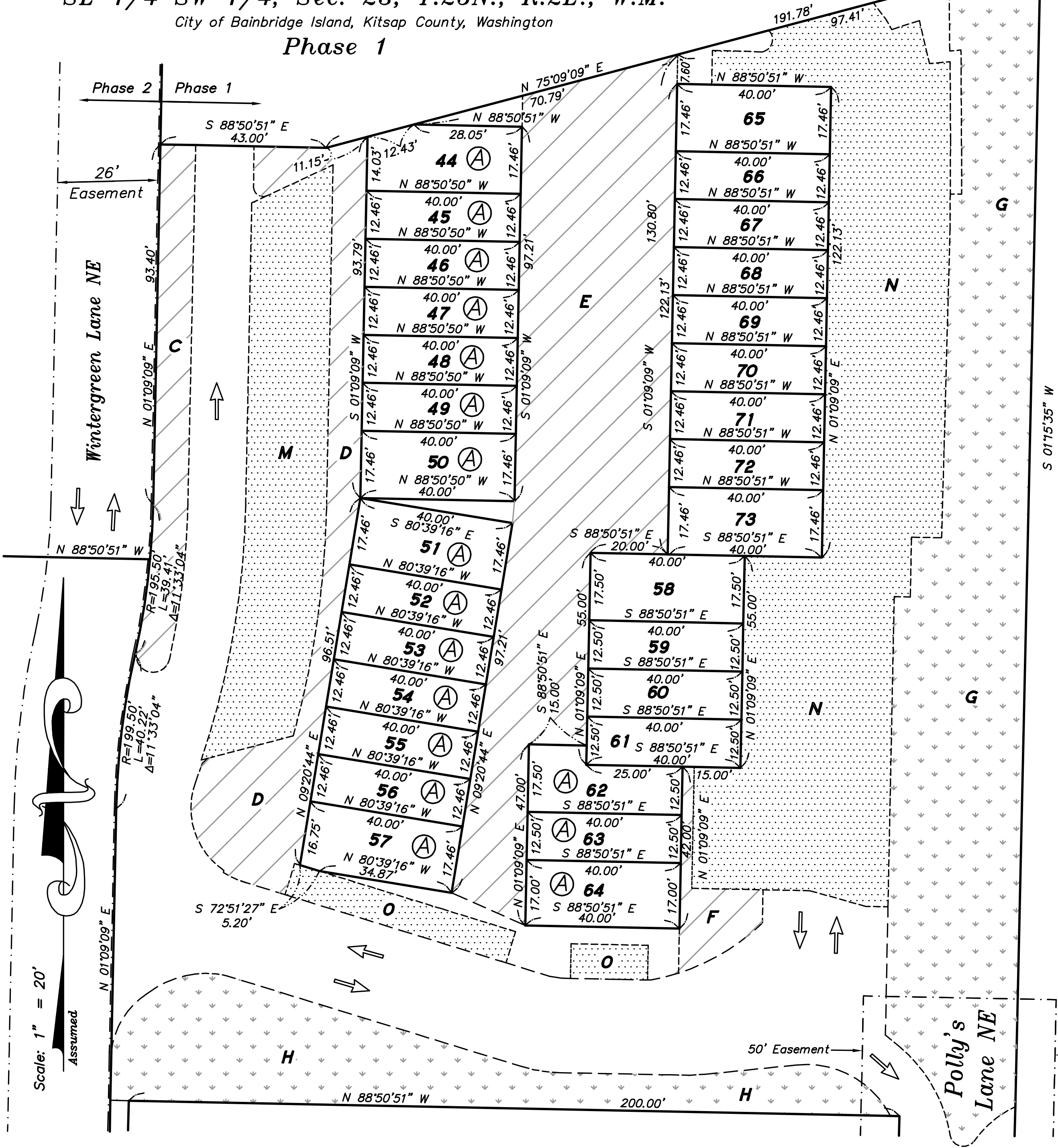


ADAM • GOLDSWORTHY • OAK

A G O LAND SURVEYING, LLC

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

DATE 8/27/21 FIELD BOOK
DRAWING 6877PP8 SHEET 8/8



Scale: 1" = 20'
Assumed

Preliminary Plat of Wintergreen Townhomes,
A Plat Community
SE 1/4, SW 1/4
Sec.23, T.25N., R.2E., W.M.
City of Bainbridge Island, Kitsap County, Washington

Declarant Declaration

The undersigned owner or owners of the interest in the real estate described herein hereby declare this map and dedicate the same for a common interest community named Plat of Wintergreen Townhomes, a Plat Community, as that term is defined in the Washington Uniform Common Interest Ownership Act, solely to meet the requirements of the Washington Uniform Common Interest Ownership Act and not for any public purpose. This map and any portion thereof is restricted by law and the Declaration for Plat of Wintergreen Townhomes, a Plat Community, recorded under Kitsap County Auditor's File No. _____

In witness whereof we have hereunto set our hands and seals.

Acknowledgment

State of Washington
County of Kitsap

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

Dated: _____

Notary Public in and for the State of Washington
My appointment expires _____

Surveyors Certificate

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of Central Highland Homes in March, 2021. I hereby certify that this map for Wintergreen Townhomes, A Plat Community is based upon an actual survey of the property herein described; that the bearings and distances are correctly shown; that all information required by the Washington Uniform Common Interest Ownership Act is supplied herein; and that all horizontal and vertical boundaries of the units, to the extent such boundaries are not defined by physical monuments, such boundaries are shown on the map.

Gavin M. Oak, PLS
Registered Land Surveyor
Certificate No. 45168

Acknowledgment

State of Washington
County of Kitsap

I certify that I know or have satisfactory evidence that Gavin M. Oak is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Notary Public in and for the State of Washington
My appointment expires _____

Approvals

Engineer
Approved by the City Engineer this _____ day of _____, 2021.

Mike Michael, PE

Health District

Examined and approved by the Bremerton-Kitsap County Health District this _____ day of _____, 2021.

Eric Evans, R.S.
Director, Environmental Health

Planning and Community Development

Approved by the Director of Planning and Community Development this _____ day of _____, 2021.

Heather Wright, A.I.C.P.
Director Planning and Community Development
City of Bainbridge Island

City Council

Approved by the City Council of Bainbridge Island this _____ day of _____, 2021.

Leslie Schneider
City of Bainbridge Island

Treasurer's Certificate

I, Meredith Green, Treasurer of Kitsap County, Washington, hereby certify that all taxes on the above described property are fully paid up to and including _____.

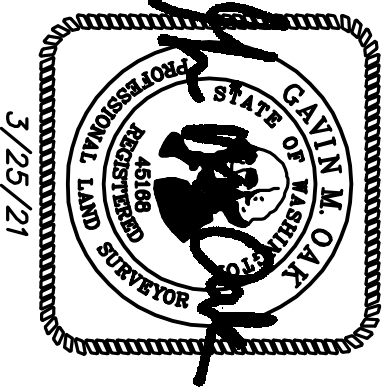
Meredith Green
Kitsap County Treasurer

Recording Certificate

Filed for record at the request of _____, on this _____ day of _____, 2021 recorded in Volume _____ of plats, Pages _____ records of Kitsap County, Washington.

Paul Andrews
Kitsap County Auditor

Attest: _____
Deputy



ADAM•GOLDSWORTHY•OAK

A G O LAND SURVEYING, LLC

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

DATE 3/25/21 FIELD BOOK ---
DRAWING 6877PP1 SHEET 1 / 8

Preliminary Plat of Wintergreen Townhomes,
A Plat Community
SE 1/4 SW 1/4, Sec.23, T.25N., R.2E., W.M.
City of Bainbridge Island, Kitsap County, Washington

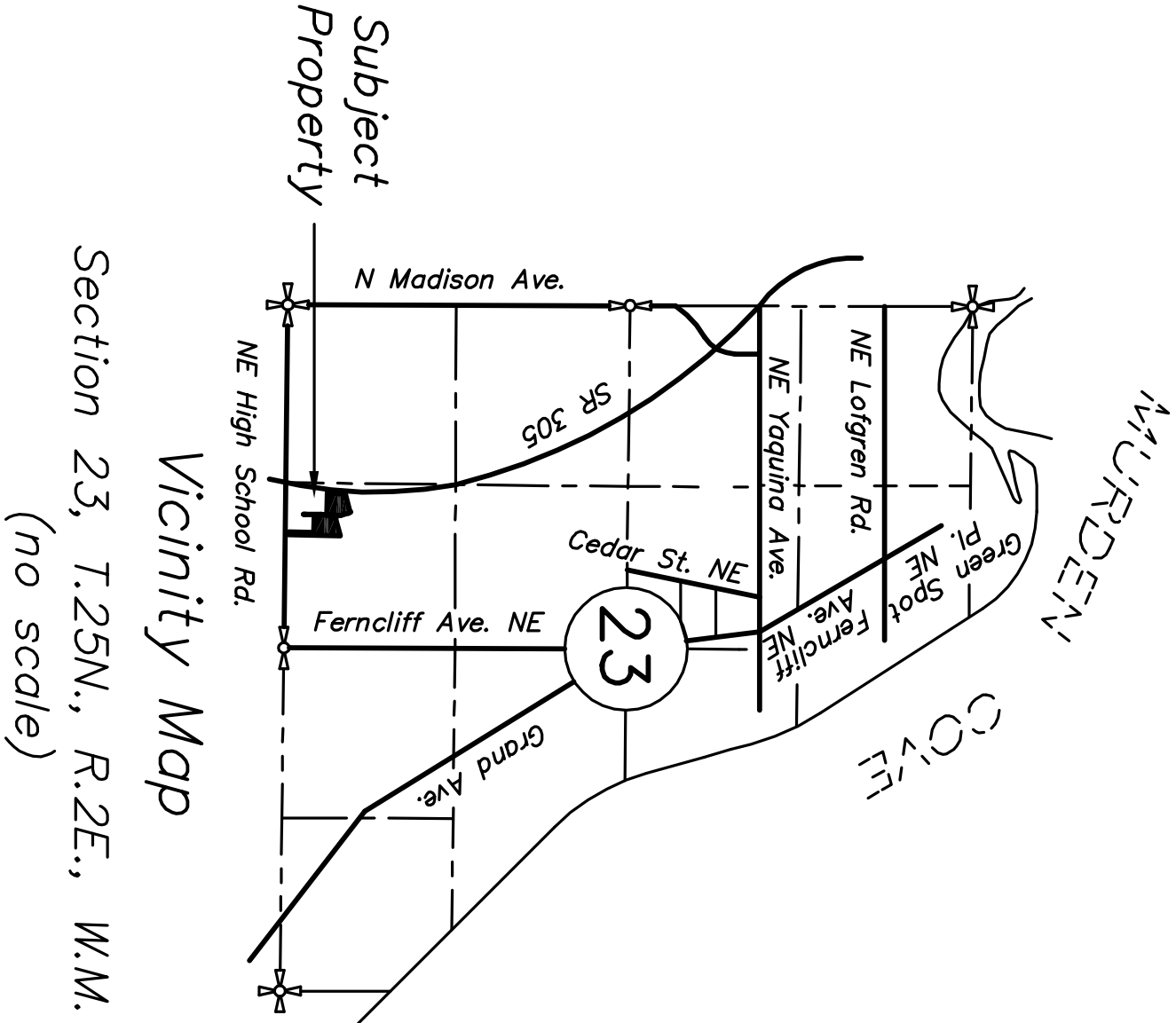
Owner:	WMA-BI-LOTS LLC 30050 Chagrin Blvd Suite 360 Cleveland, OH 44124
Applicant:	Central Highland Homes P.O. Box 2879 Poulsbo, WA. 98370 360-779-7157
Current use:	Undeveloped
Proposed water service:	City of Bainbridge Island
Proposed sewer service:	City of Bainbridge Island
Assessor's Account Nos.	232502-3-092-2001; 232502-3-094-2009
Zoning:	HS-2
Comprehensive Plan:	HS-2
Compliance with the fire flow requirements of BMC 20.04 will be by on-site fire hydrant with fire flow from the City water system.	
Application File No.	

Notes

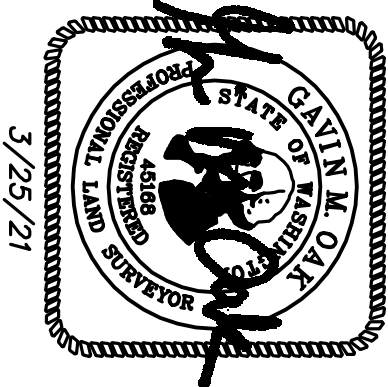
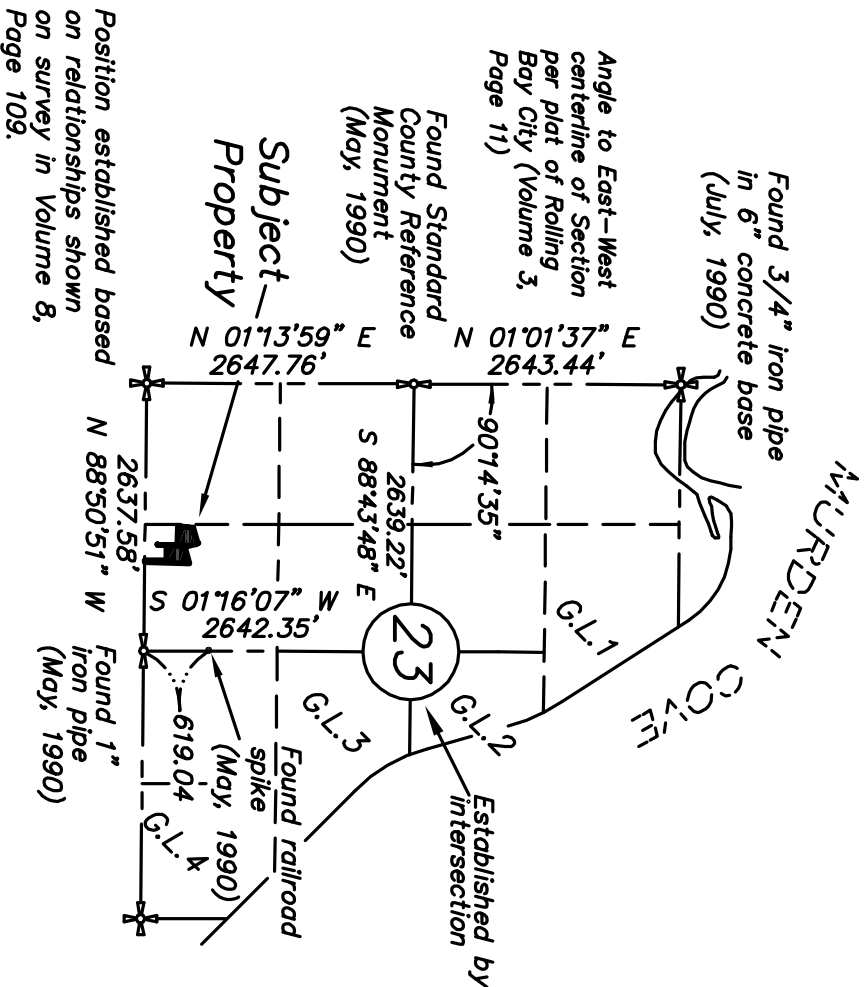
- 1) This survey was accomplished by field traverse with a three second total station.
- 2) This survey conforms to the minimum field traverse standards for land boundary surveys as listed in WAC 332-130-090.

Legal Description
Resultant Parcels A and D of the Boundary Line Adjustment recorded under Auditor's File No. 201607270165 and as depicted on survey recorded under Auditor's File No. 201607270166, in Volume 82 of surveys, Page 209, records of Kitsap County, Washington, being a portion of the Southeast quarter of the Southwest quarter of Section 23, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington.

National Flood Insurance Program Designation
Zone X
Flood Insurance Rate Map 53035C0244F
Effective Date: February 3, 2017



Section Subdivision
Section 23, T.25N., R.2E., W.M.
(no scale)



ADAM•GOLDSWORTHY•OAK
A G O LAND SURVEYING, LLC
1015 NE HOSTMARK ST. (360)779-4299
POULSBORO, WA 98370 (206)842-9598
DATE 3/25/21 FIELD BOOK --
DRAWING 6877PP2 SHEET 2 / 8

Preliminary Plat of Wintergreen Townhomes,
A Plat Community
SE 1/4 SW 1/4, Sec.23, T.25N., R.2E., W.M.
City of Bainbridge Island, Kitsap County, Washington

NATURAL AREA MANAGEMENT PLAN

NATURAL AREA OWNERSHIP AND MANAGEMENT ENTITY:

The natural area will be privately owned and managed by the Homeowners Association. Natural area access is restricted to the lot owners of the plat and their invited guests. The Homeowners Association shall be responsible for the maintenance of the natural area in accordance with the Natural Area Management Plan.

CONDITIONS

APPROVED USES WITHIN NATURAL AREA

1. Passive recreation, including pervious trails.
2. Agricultural uses and fencing necessary for animal control, excepting those agricultural uses that require permanent buildings.
3. Potable water wells and well houses.
4. Low impact fencing or signs marking the open space boundary.
5. On-site sewage treatment system use approved by the Director (Consistent with BIMC 17.12.050.A.9.e).
6. Storm drainage system use approved by the Director (Consistent with BIMC 17.12.050.A.9.f).
7. Playgrounds and tot lots, picnic shelters and benches, community gardens, bus shelters, community art, or fountains may be allowed within a designated natural area, provided the proposed use will not adversely affect the function or characteristics of the specific natural area.
8. Solar panels, small wind energy generators, composting bins, rainwater harvesting barrels, cisterns, and rain gardens/swales, as defined in BIMC 18.36, may be allowed within a designated natural area, provided the proposed feature will not result in the damage or removal of significant trees.
9. Planting of native vegetation.
10. Planting of non-invasive, non-native vegetation.
11. Removal of invasive vegetation.

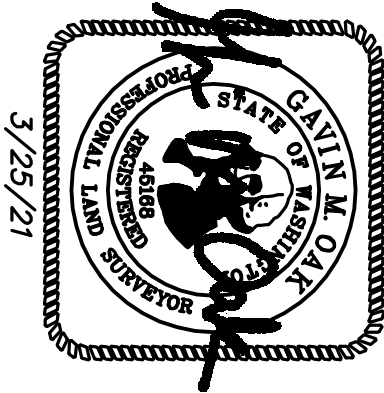
NATURAL AREA MANAGEMENT PLAN

LIMITATIONS

1. Buildings are not permitted within any natural areas (except well houses and picnic shelters).
2. Existing vegetation shall be retained and maintained except for City-approved driveways, utility corridors, and trails. No cutting or clearing or other removal of existing and/or native vegetation shall be allowed in the designated open space in order to provide lawns, gardens, patios, decks, recreation facilities or other built features.
3. All trees within the natural area are required to be retained in perpetuity. Hazard tree removal may be allowed only with city approval and appropriate replanting provisions in BIMC 18.15.010.C. If trees required to be retained are not retained or if protection measures are not fully implemented, requirements for unauthorized removal provided in BIMC 18.15.010.C shall apply.
4. No construction activities or staging shall be permitted in the natural area. Prior to construction, temporary chain link fencing, orange construction fencing, or other construction fencing satisfactory to the Director, shall be placed around all of the natural space. Hazard trees within the natural area can and should be removed with the approval of the Director during the clearing and grading phase of construction.

NATURAL AREA MAINTENANCE PLAN

The natural area shall be maintained by the Homeowners Association. Maintenance activities shall include, at a minimum, annual inspections of natural area for compliance with the Natural Area Management Plan. If the natural area is not maintained consistent with this Natural Area Management Plan, the City shall have the right to provide the maintenance thereof and bill the owner for the cost of the maintenance.



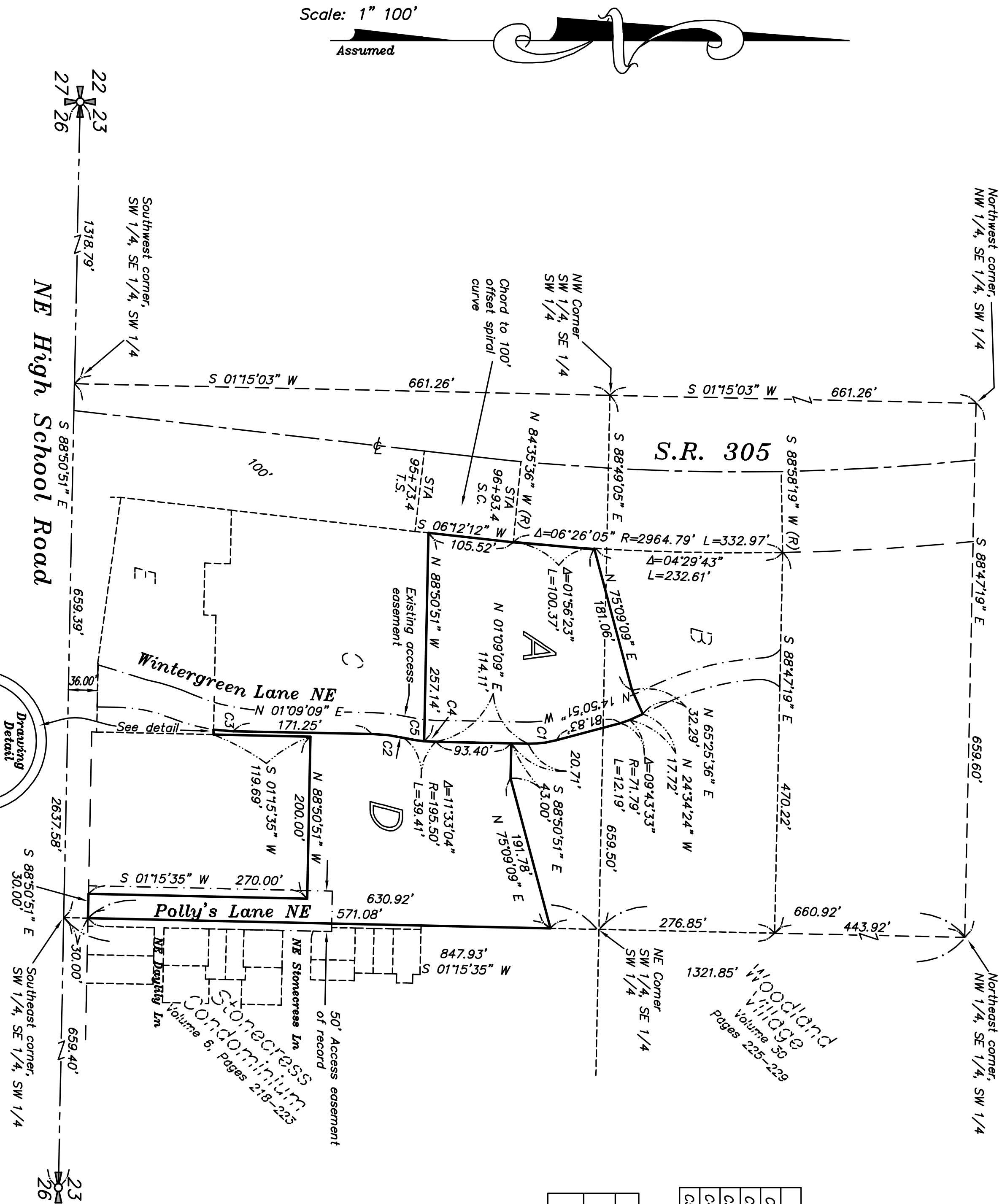
ADAM•GOLDSWORTHY•OAK

A G O LAND SURVEYING, LLC

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

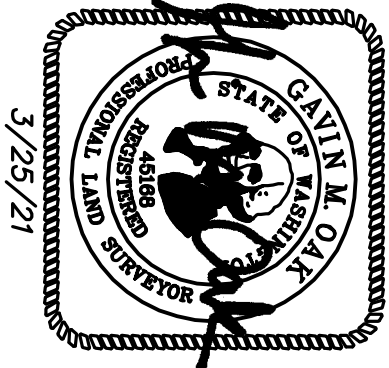
DATE 3/25/21 FIELD BOOK --
DRAWING 6877PP3 SHEET 3 / 8

Preliminary Plat of Wintergreen Townhomes,
A Plat Community
SE 1/4, SW 1/4, Sec.23, T.25N., R.2E., W.M.
City of Bainbridge Island, Kitsap County, Washington

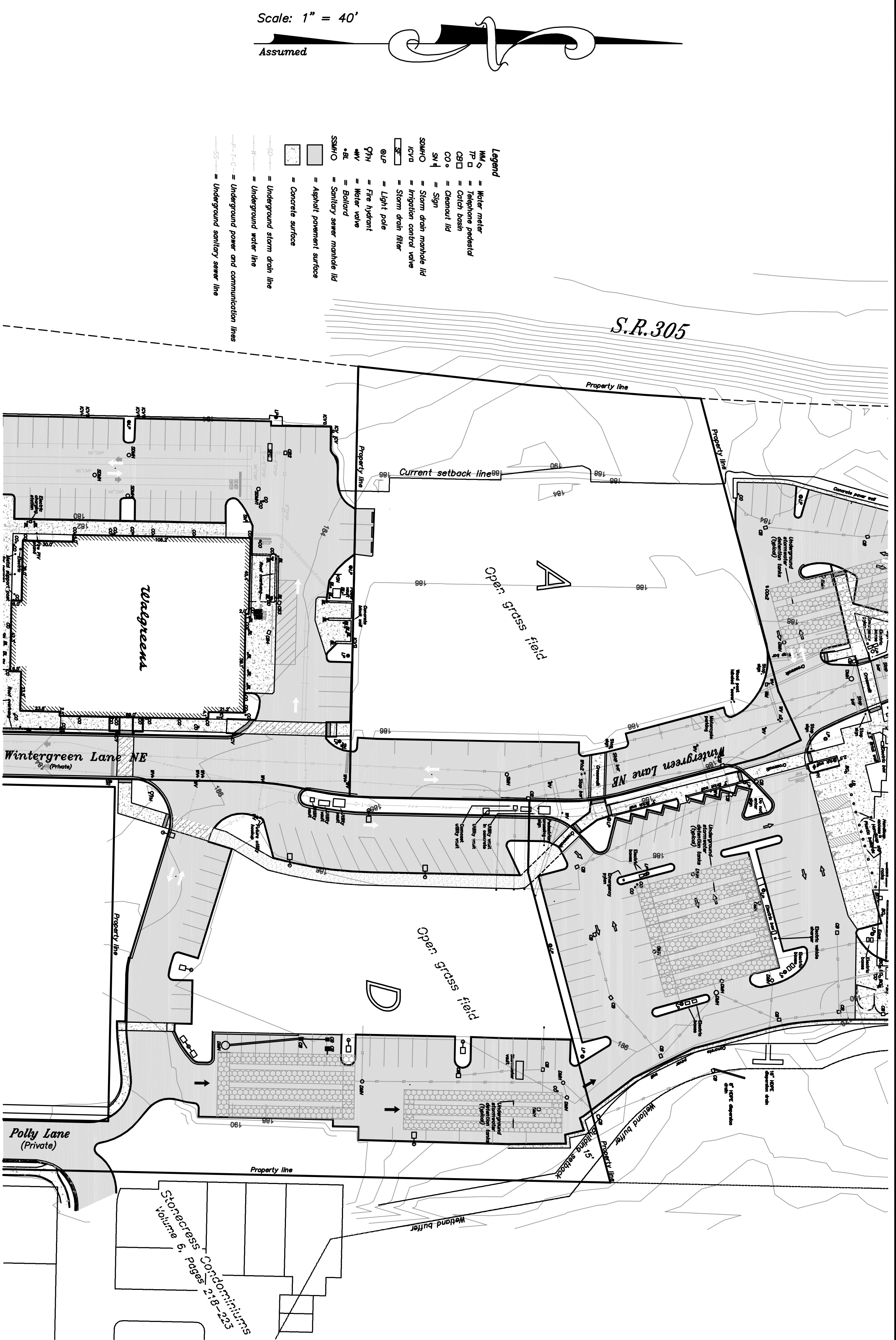


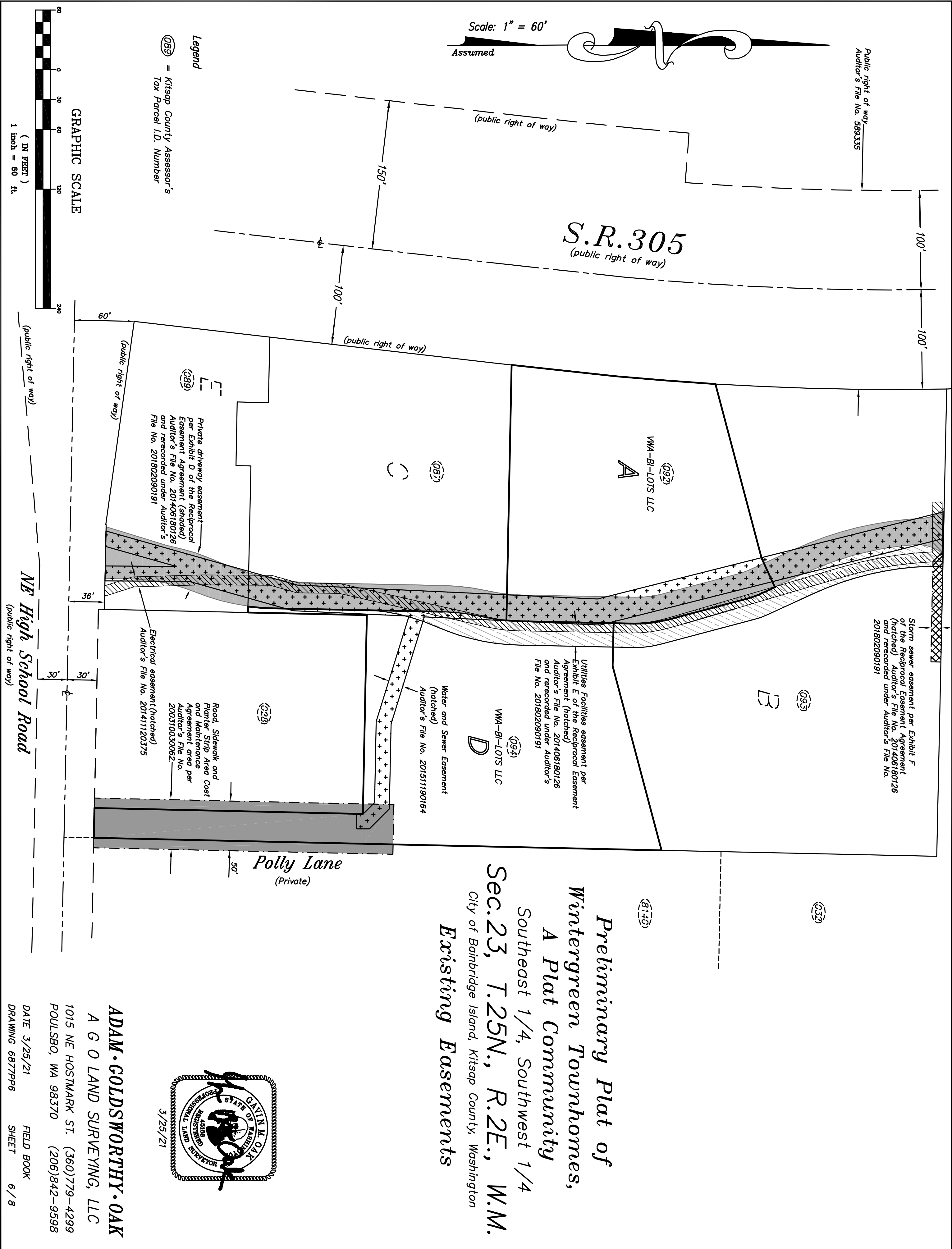
Curve Table			
C1	$\Delta=16^{\circ}00'00''$	$R=126.50'$	$L=35.33'$
C2	$\Delta=11^{\circ}33'04''$	$R=199.50'$	$L=40.22'$
C3	$\Delta=06^{\circ}26'19''$	$R=215.50'$	$L=24.22'$
C4	$\Delta=04^{\circ}10'57''$	$R=195.50'$	$L=14.27'$
C5	$\Delta=07^{\circ}22'06''$	$R=195.50'$	$L=25.14'$

Parcel Areas		
A	57,452 sq. ft.	1.32 Acres
D	70,814 sq. ft.	1.63 Acres



ADAM•GOLDSWORTHY•OAK
A G O LAND SURVEYING, LLC
1015 NE HOSTMARK ST. (360)779-4299
POULSBORO, WA 98370 (206)842-9598
DATE 3/25/21 FIELD BOOK
DRAWING 6877PP4 SHEET 4 / 8



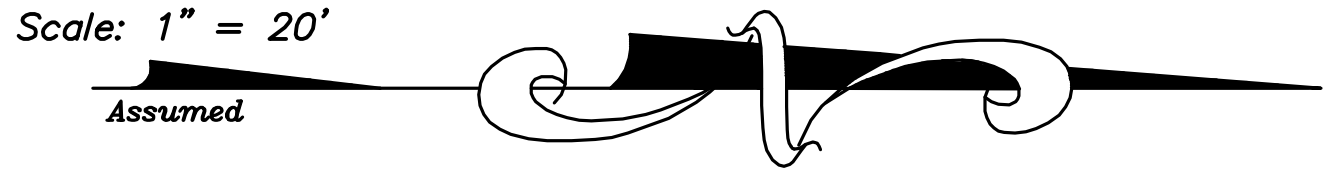


Preliminary Plat of Wintergreen Townhomes,
A Plat Community
SE 1/4 SW 1/4, Sec.23, T.25N., R.2E., W.M.
City of Bainbridge Island, Kitsap County, Washington
Phase 2

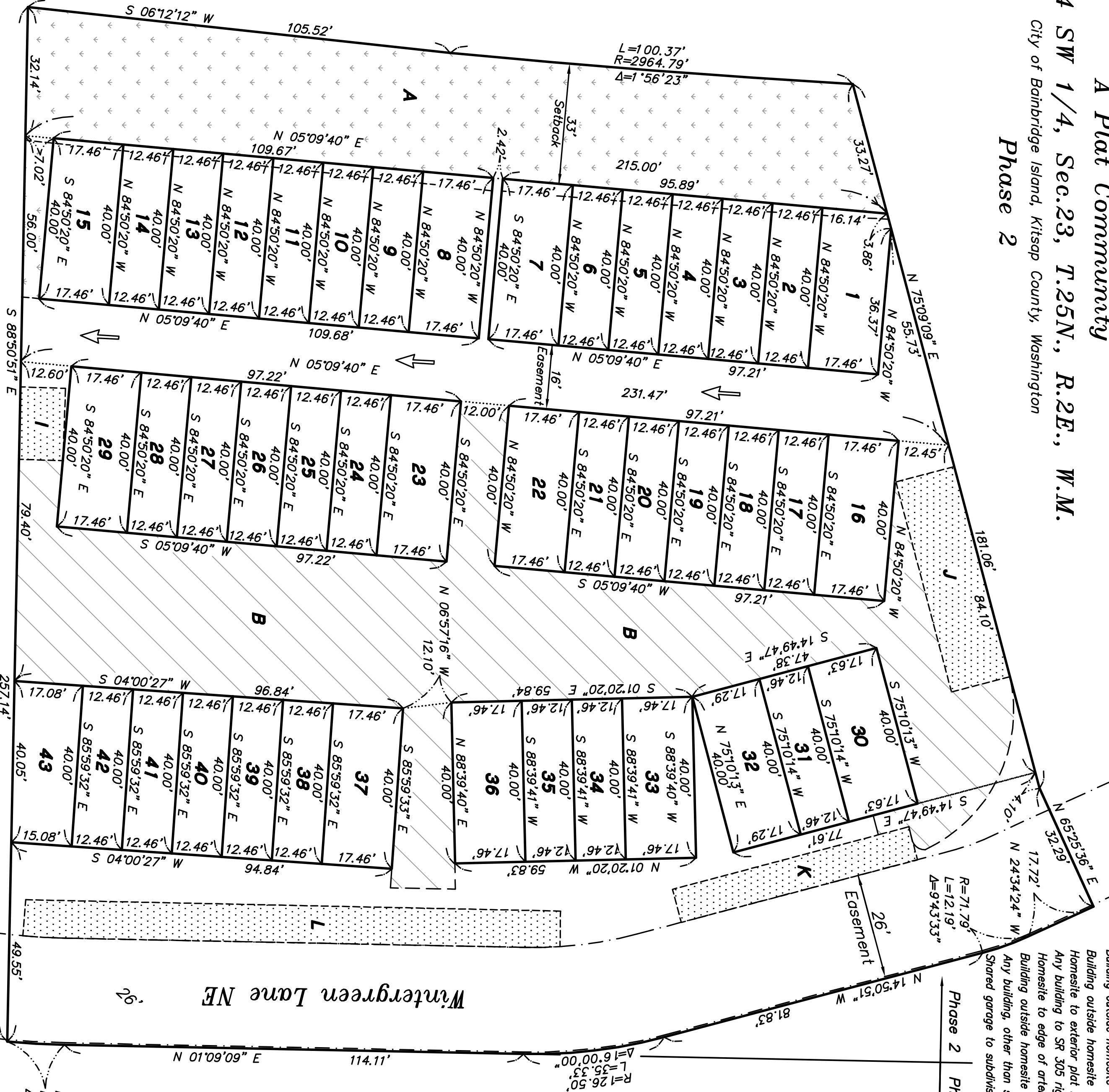
Building Setbacks

Building to homestead boundary: 3 feet minimum, 10 feet total
Building outside homestead to exterior boundary line (Net building size 200 sq. ft. or less): 5 feet
Building outside homestead to exterior boundary line (Net building size 201 sq. ft. or more): 5 feet
Homestead to exterior plat boundary line: 0 feet
Any building to SR 305 right-of-way: 25 feet
Homestead to edge of arterial and collector right-of-way: 10 feet
Building outside homestead to edge of arterial and collector right-of-way: 10 feet
Any building, other than shared garage, to subdivision access road: 5 feet
Shared garage to subdivision access road: 0 feet

Phase 1 Phase 2



SR 305



Lot Areas			
1	674 sq. ft.	23	698 sq. ft.
2	498 sq. ft.	24	498 sq. ft.
3	498 sq. ft.	25	498 sq. ft.
4	498 sq. ft.	26	498 sq. ft.
5	498 sq. ft.	27	498 sq. ft.
6	498 sq. ft.	28	498 sq. ft.
7	698 sq. ft.	29	698 sq. ft.
8	698 sq. ft.	30	705 sq. ft.
9	498 sq. ft.	31	498 sq. ft.
10	498 sq. ft.	32	692 sq. ft.
11	498 sq. ft.	33	698 sq. ft.
12	498 sq. ft.	34	498 sq. ft.
13	498 sq. ft.	35	498 sq. ft.
14	498 sq. ft.	36	698 sq. ft.
15	698 sq. ft.	37	698 sq. ft.
16	698 sq. ft.	38	498 sq. ft.
17	498 sq. ft.	39	498 sq. ft.
18	498 sq. ft.	40	498 sq. ft.
19	498 sq. ft.	41	498 sq. ft.
20	498 sq. ft.	42	498 sq. ft.
21	498 sq. ft.	43	643 sq. ft.
22	698 sq. ft.		

Areas	
Resultant Lot A	57,452 sq. ft.
Natural Area	6,677 sq. ft.
Community Space	10,157 sq. ft.
Parking Tracts	2,765 sq. ft.

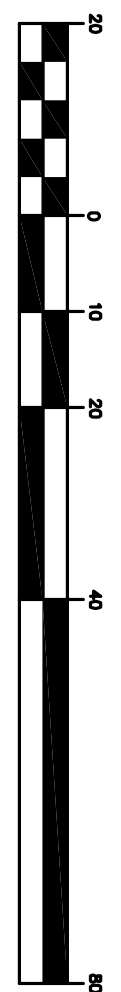


3/25/21

ADAM GOLDSWORTHY OAK
A G O LAND SURVEYING, LLC

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

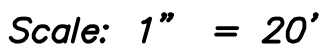
DATE 3/25/21 FIELD BOOK
DRAWING 6877PPT SHEET 7 / 8



GRAPHIC SCALE

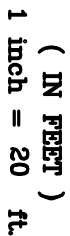
(IN FEET)
1 inch = 20 ft.

City of Bainbridge Island, Kitsap County, Washington

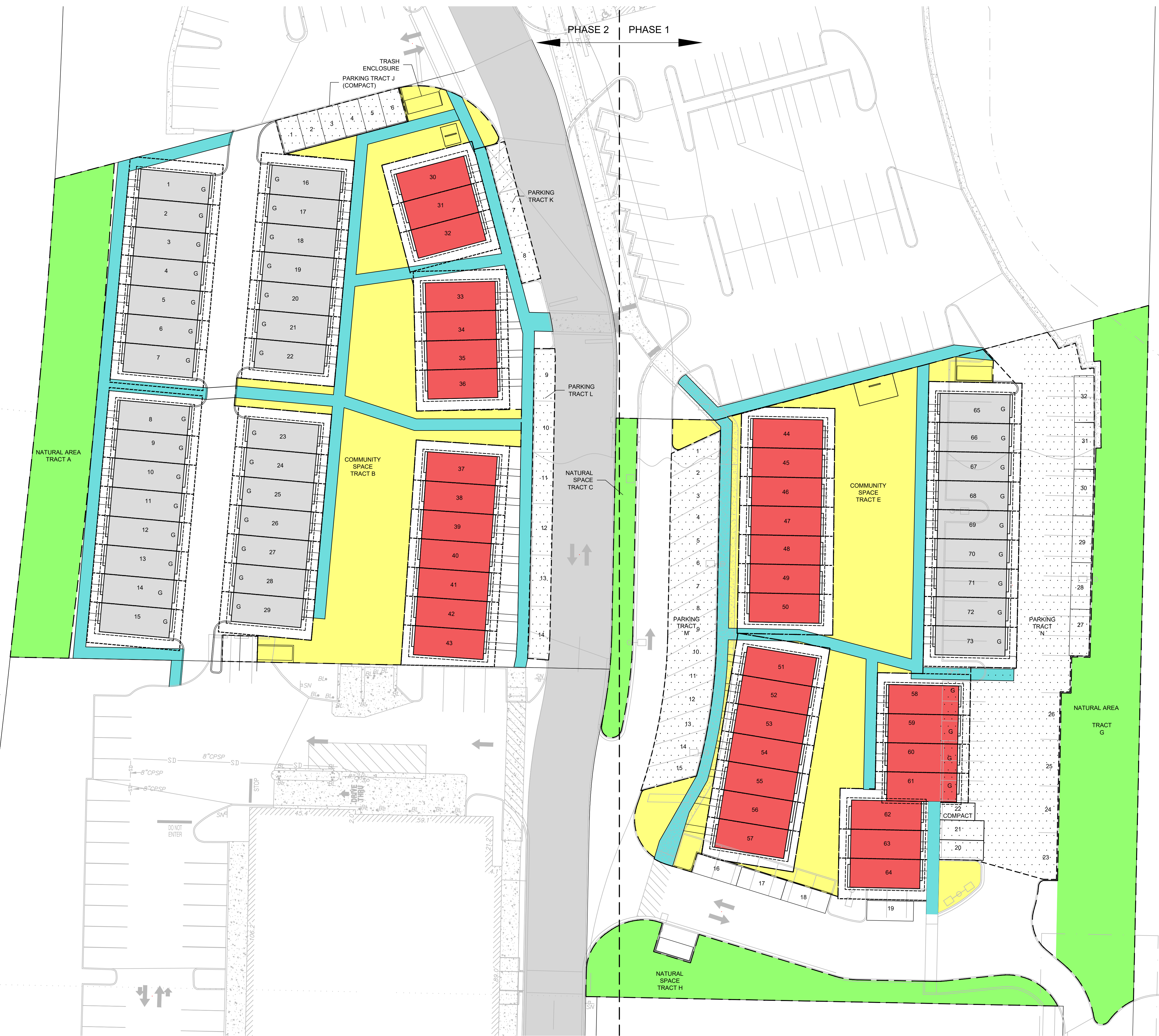


60	538 sq. ft.
61	549 sq. ft.
62	560 sq. ft.
63	571 sq. ft.
64	808 sq. ft.
65	698 sq. ft.
66	498 sq. ft.
67	498 sq. ft.
68	498 sq. ft.
69	498 sq. ft.
70	498 sq. ft.
71	498 sq. ft.
72	498 sq. ft.
73	698 sq. ft.

Areas



DATE 3/25/21
DRAWING 6877



SINGLE FAMILY RESIDENTIAL SUBDIVISION
ZONING = HS II

BUFFERS AND SETBACKS
FULL SCREEN LANDSCAPE BUFFER = 20' BETWEEN HS II AND R-6 (18.15.010-3)
BUILDING SETBACK FROM SR 305 = 25' (17.20.070-1)

PERIMETER BUFFER IN HS II ZONE = 0' (17.12.070.O.2)
ROADSIDE BUFFER IN HS II ZONE = 0' (17.12.070.P)

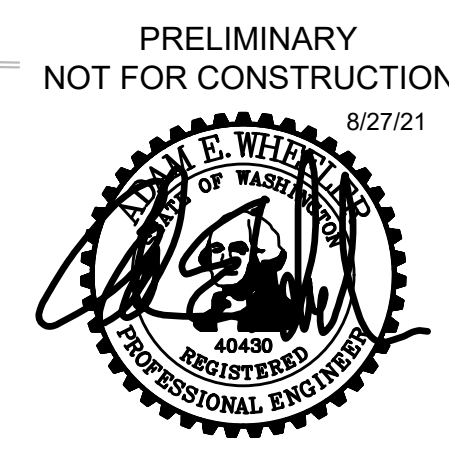
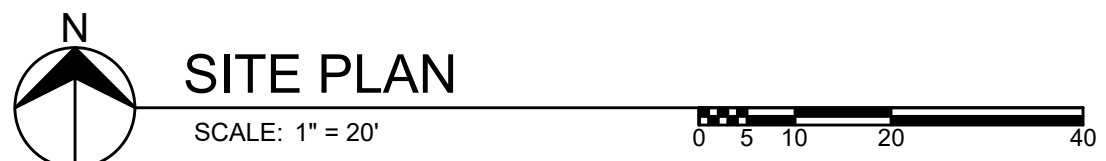
NO WILDLIFE CORRIDORS

NATURAL AND COMMUNITY SPACE
WEST LOT 57,499SF
NATURAL AREA (5%) = 2875 SF REQUIRED
5264 SF PROPOSED
COMMUNITY SPACE (10%) = 5750 SF REQUIRED
9755 SF PROPOSED

EAST LOT 70,567 SF
NATURAL AREA (5%) = 3528 SF REQUIRED
12,796 SF PROPOSED
COMMUNITY SPACE (10%) = 7057 SF REQUIRED
10580 SF PROPOSED

LEGEND

- 3 STORY TOWNHOUSE
1 CAR GARAGE PARKING
- 2 STORY TOWNHOUSE
1 OPEN PARKING SPACE
AFFORDABLE UNIT
- NATURAL SPACE
- COMMUNITY SPACE
- PATHS AND SIDEWALKS
- PARKING TRACT
- PROPERTY LINE



PRELIMINARY
NOT FOR CONSTRUCTION

REVISION 2 8/27/21 AEW ADDED AFFORDABLE UNIT NOTE
REVISION 1 3/17/21 AEW ADDED SHEET

**SITE PLAN IN COLOR
WINTERGREEN TOWNHOMES
PRELIMINARY PLAT**

**BROWNE • WHEELER
ENGINEERS, INC**
241 ERICKSEN AVENUE NE
BAINBRIDGE ISLAND, WA 98110
P 206.842.0605 INFO@BrowneWheeler.COM

CENTRAL HIGHLANDS
BUILDERS, INC
PO BOX 2879
POULSBORO WA 98370

DATE 3/18/21
DESIGNED AEW
DRAWN NDW
CHECKED AEW
PROJECT # CE02-008

C5
5 OF 7





































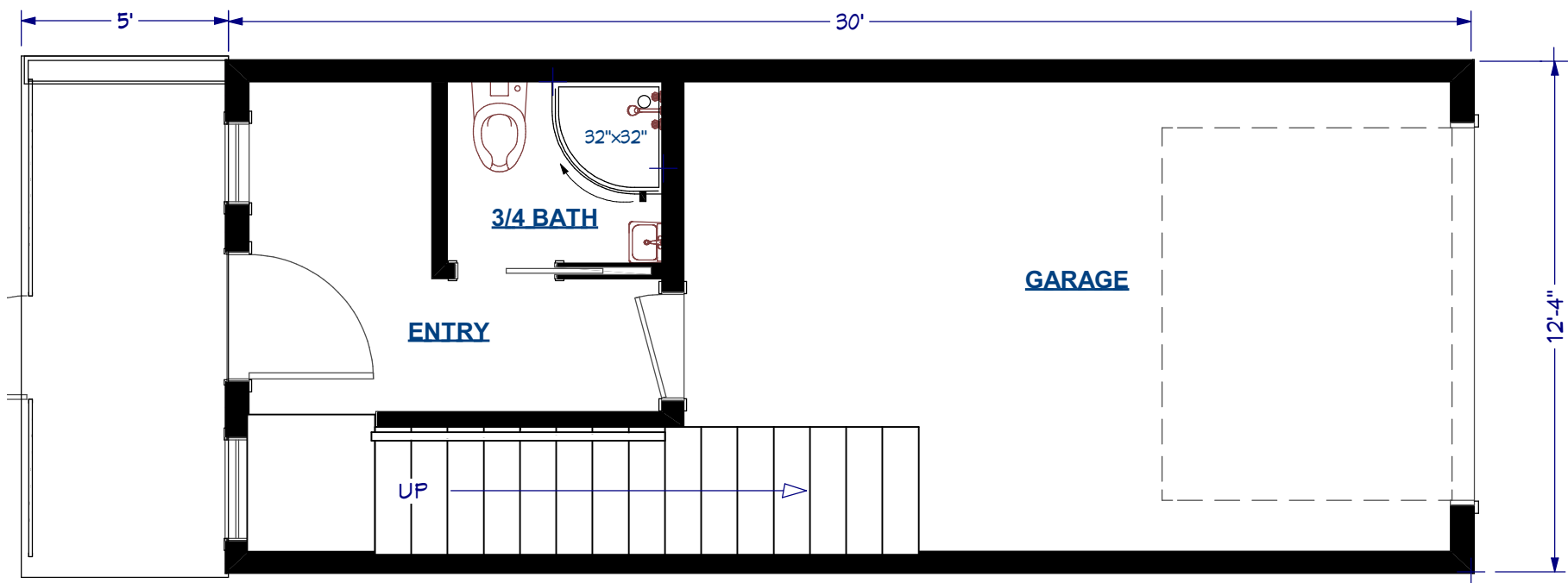






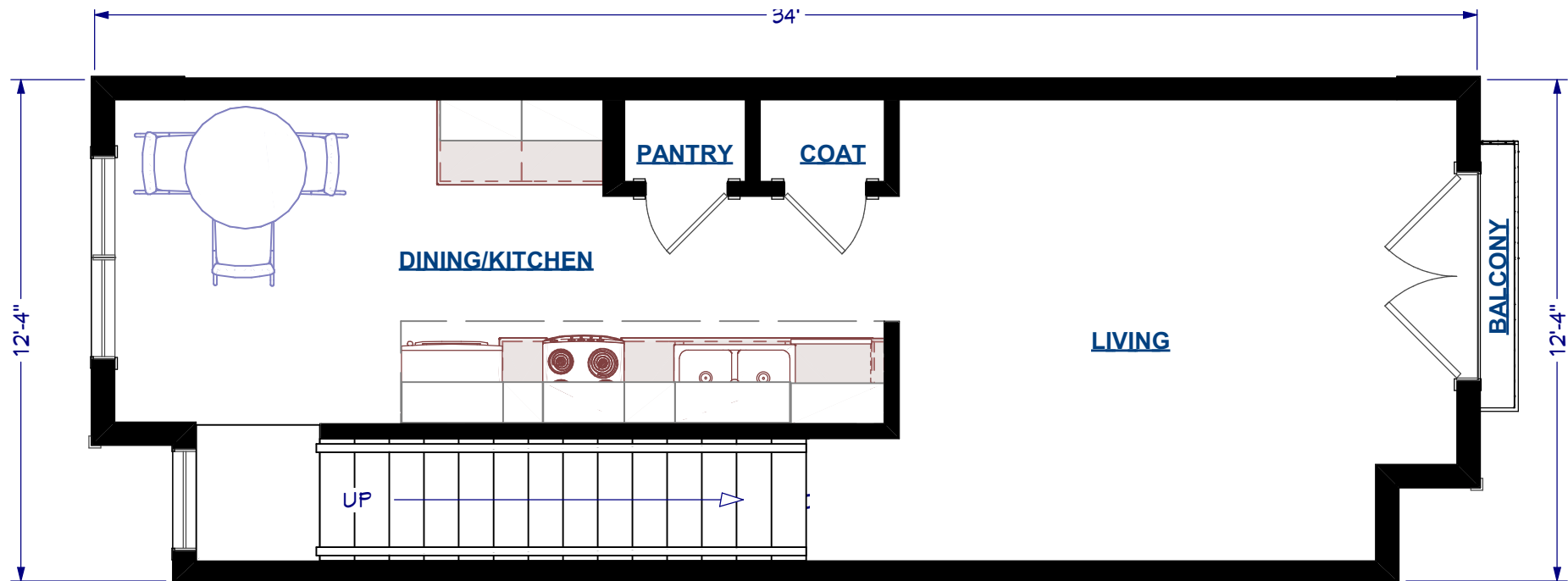






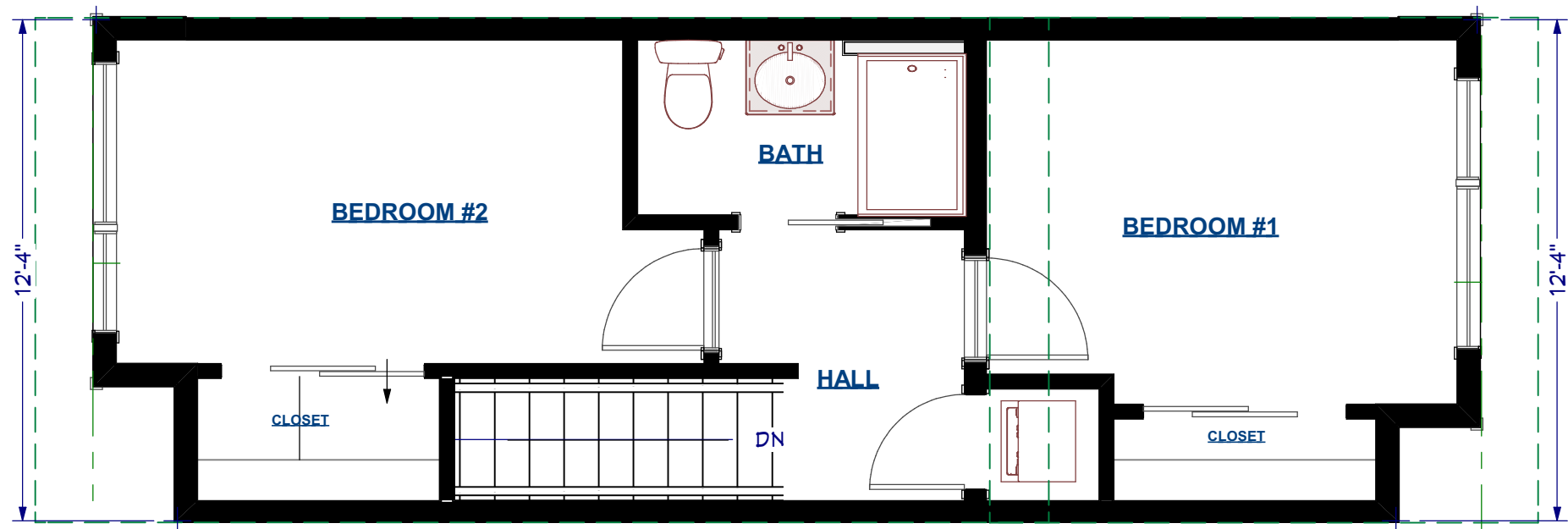
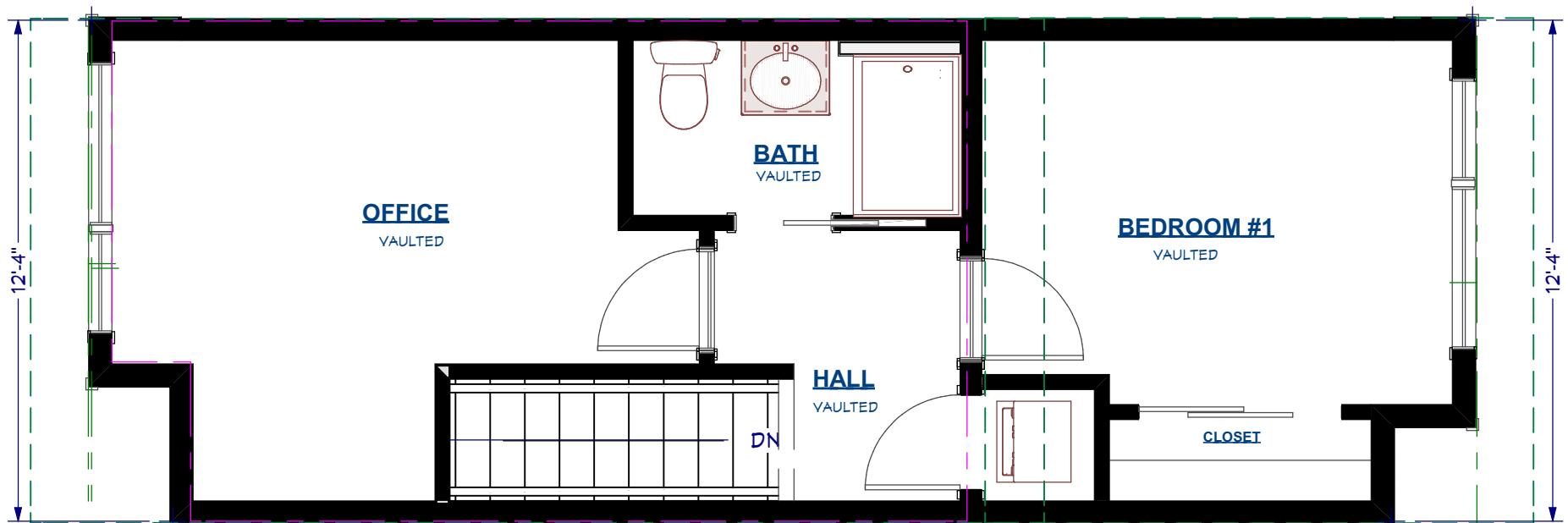
FIRST FLOOR ENTRY LEVEL

SCALE 1/4"=1'-0"



SECOND STORY MAIN LIVING LEVEL

SCALE 1/4"=1'-0"



THIRD STORY BEDROOM LEVEL

SCALE 1/4"=1'-0"



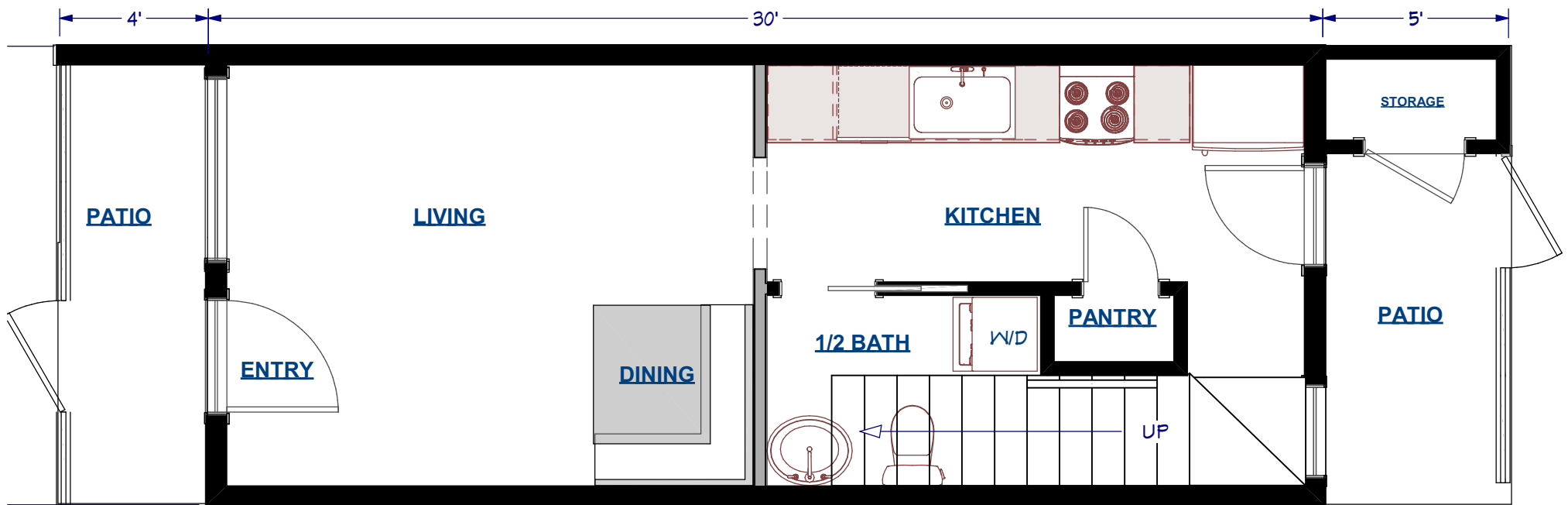
FRONT ELEVATION



REAR ELEVATION

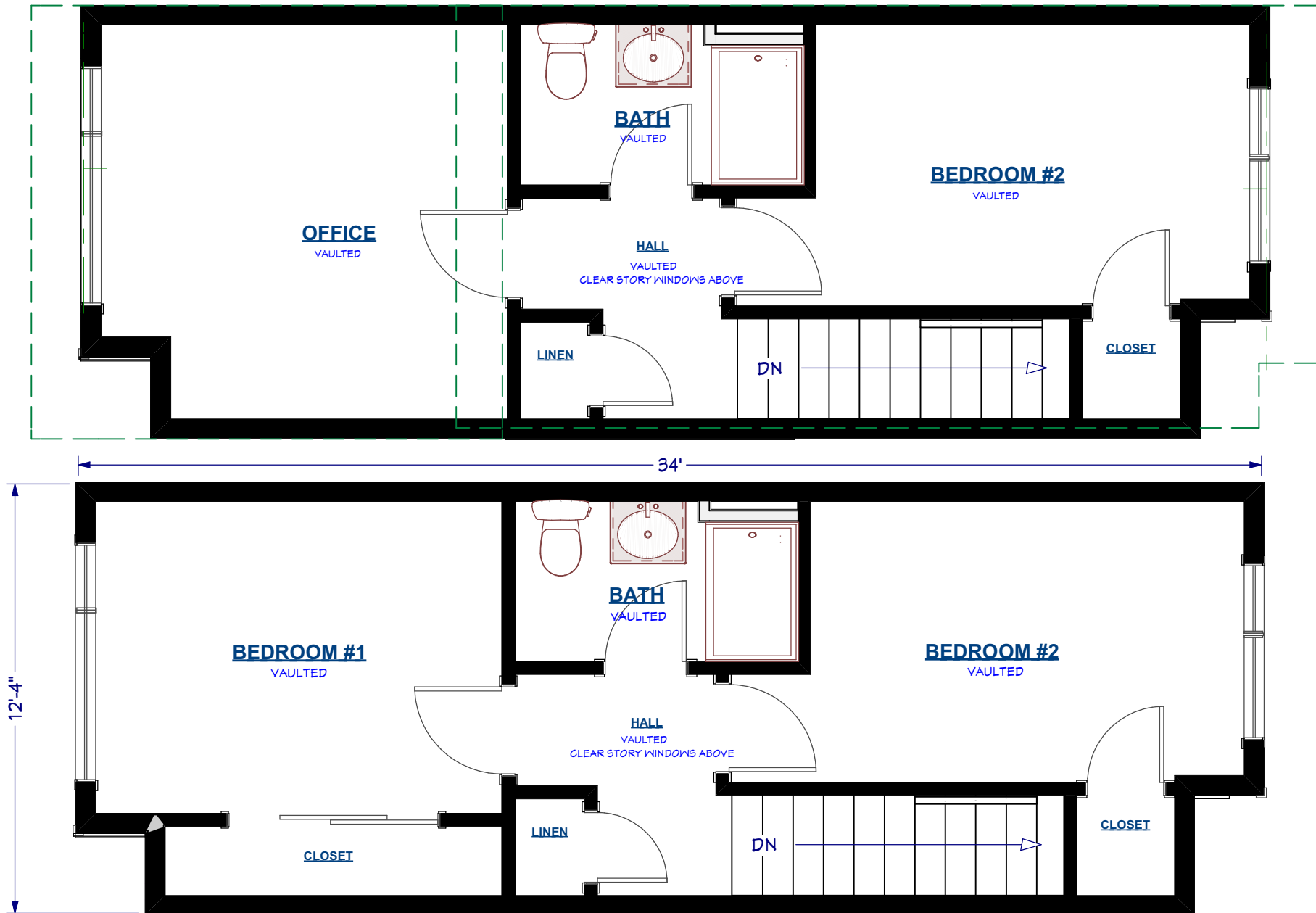


TYPICAL END UNIT ELEVATION



FIRST FLOOR ENTRY LEVEL

SCALE 1/4"=1'-0"



SECOND FLOOR BdRm LEVEL

SCALE 1/4"=1'-0"



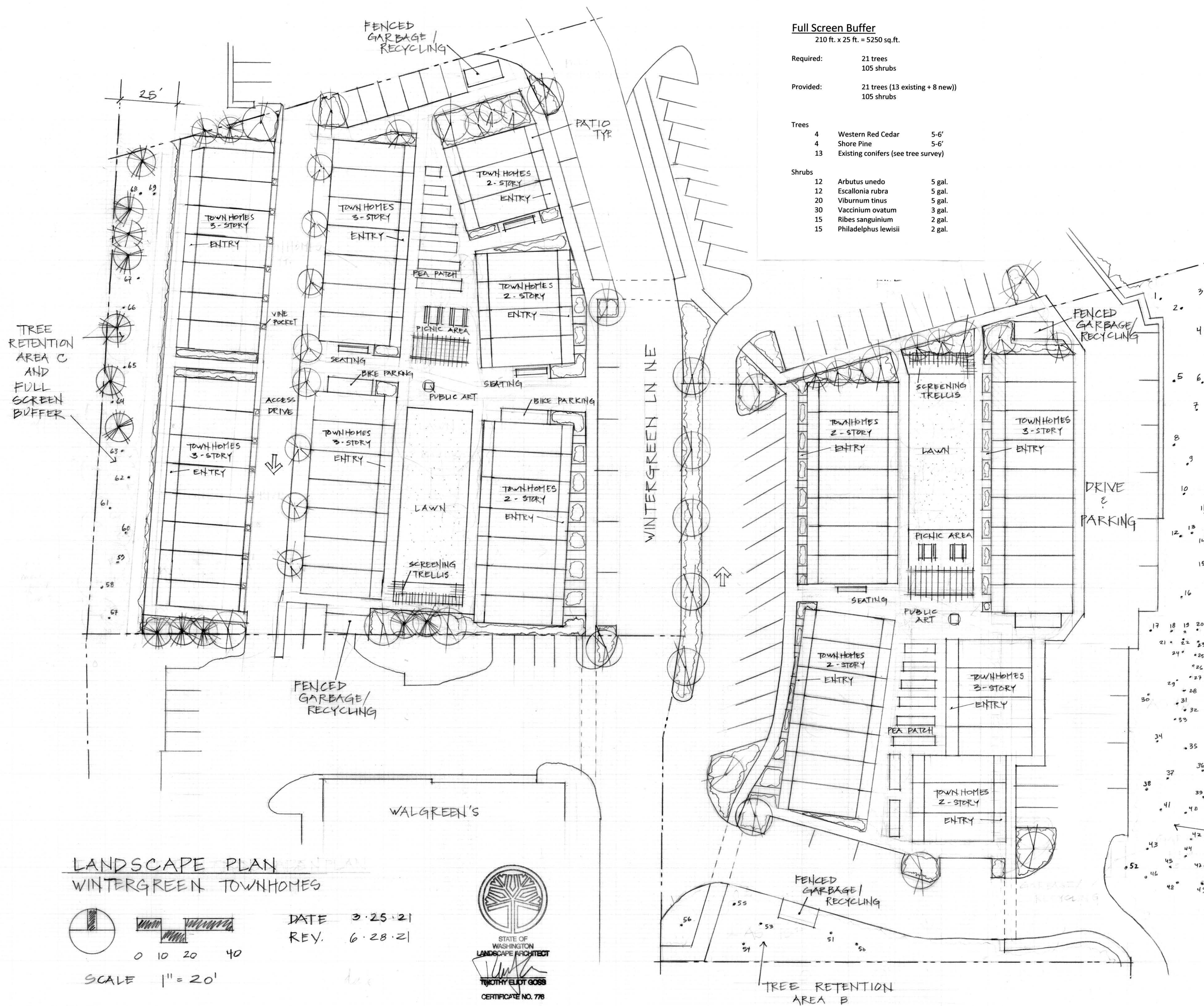
FRONT ELEVATION



REAR ELEVATION



TYPICAL END UNIT ELEVATION



Full Screen Buffer			
210 ft. x 25 ft. = 5250 sq.ft.			
Required:	21 trees		
	105 shrubs		
Provided:	21 trees (13 existing + 8 new))		
	105 shrubs		
Trees			
4	Western Red Cedar	5-6'	
4	Shore Pine	5-6'	
13	Existing conifers (see tree survey)		
Shrubs			
12	Arbutus unedo	5 gal.	
12	Escallonia rubra	5 gal.	
20	Viburnum tinus	5 gal.	
30	Vaccinium ovatum	3 gal.	
15	Ribes sanguinum	2 gal.	
15	Philadelphus lewisii	2 gal.	

Symbol	Description	Species	Common Name
	Small Deciduous Tree 15 gal.	Acer circinatum Crataegus phaenopyrum Cornus kousa Malus sargentii Styrax japonica	Vine Maple Washington Hawthorne Korean Dogwood Sargent Crabapple Japanese Snowbell
	Street Tree Deciduous 2" cal.	Fraxinus oxycarpa 'Flame' Pyrus calleryana Carpinus betulus	Flame Ash Flowering Pear European Hornbeam
	Screening Conifers 5-6'	Thuja plicata Pseudotsuga menziesii Pinus contorta	Western Red Cedar Douglas Fir Shore Pine
	Large Shrubs 5 gal.	Arbutus unedo Escallonia rubra Rhododendron spp. Syringa vulgaris Philadelphus lewisii	Strawberry Tree Lilac Mock Orange
	Medium Shrubs 2-3 gal.	Eonymus alata Vaccinium ovatum Ribes sanguineum Taxus baccata repandens Hydrangea spp. Viburnum spp.	Burning Bush Evergreen Huckleberry Red Flowering Currant Spreading Yew
	Small Shrubs 1 gal.	Rosa spp. Spiraea japonica Lavandula Salvia Mahonia Potentilla Miscanthus Hebe buxifolia	Shrub Rose Lavender Sage Oregon Grape Cinquefoil Maidenreass
	Groundcover 4" - 1 gal.	Gaultheria shallon Lithodora Rubus calycinoides Cotoneaster Ceanothus gloriosus	Salal Creeping Raspberry Pt. Reyes Ceanothus
	hydroseed	Lawn	

Notes:

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

Amend all planting areas with 3" of compost e.g. Cedar Groves compost or Gro-co.

Mulch all planting beds with 3" wood or bark mulch.

Provide establishment irrigation for new plantings.

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

Stake new trees as necessary

Plant substitutions are o.k. if confirmed by L.A.

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

Avoid planting in summer months.

Do not work in Tree retention areas and buffer zones except as shown in the site plan. Protect these areas with perimeter fencing.



Full Screen Buffer
210 ft. x 25 ft. = 5250 sq. ft.

Required: 21 trees
105 shrubs

Provided: 21 trees (13 existing + 8 new)
105 shrubs

Trees	4 Western Red Cedar	5-6'
	4 Shore Pine	5-6'
	13 Existing conifers (see tree survey)	

Shrubs	12 Arbutus unedo	5 gal.
	12 Escallonia rubra	5 gal.
	20 Viburnum tinus	5 gal.
	30 Vaccinium ovatum	3 gal.
	15 Ribes sanguinum	2 gal.
	15 Philadelphus lewisii	2 gal.

Symbol	Description	Species	Common Name
	Small Deciduous Tree 15 gal.	Acer circinatum	Vine Maple
		Crataegus phaenopyrum	Washington Hawthorne
		Cornus kousa	Korean Dogwood
		Malus sargentii	Sargent Crabapple
		Styrax japonica	Japanese Snowbell
	Street Tree Deciduous 2" cal.	Fraxinus oxycarpa 'Flame'	Flame Ash
		Pyrus calleryana	Flowering Pear
		Carpinus betulus	European Hornbeam
	Screening Conifers 5-6'	Thuja plicata	Western Red Cedar
		Pseudotsuga menziesii	Douglas Fir
		Pinus contorta	Shore Pine
	Large Shrubs 5 gal.	Arbutus unedo	Strawberry Tree
		Escallonia rubra	
		Rhododendron spp.	
		Syringa vulgaris	Lilac
		Philadelphus lewisii	Mock Orange
	Medium Shrubs 2-3 gal.	Eonymus alata	Burning Bush
		Vaccinium ovatum	Evergreen Huckleberry
		Ribes sanguineum	Red Flowering Currant
		Taxus baccata repandens	Spreading Yew
		Hydrangea spp.	
	Small Shrubs 1 gal.	Rosa spp.	Shrub Rose
		Spiraea japonica	
		Lavandula	Lavender
		Salvia	Sage
		Mahonia	Oregon Grape
	Groundcover 4" - 1 gal.	Potentilla	Cinquefoil
		Miscanthus	Maidenegrass
		Hebe buxifolia	
		Gaultheria shallon	Salal
		Lithodora	
	hydroseed	Rubus calycinoides	Creeping Raspberry
		Cotoneaster	
		Ceanothus glaucosus	Pt. Reyes Ceanothus
		Lawn	

Notes:

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

Amend all planting areas with 3" of compost e.g. Cedar Groves compost or Gro-co.

Mulch all planting beds with 3" wood or bark mulch.

Provide establishment irrigation for new plantings.

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

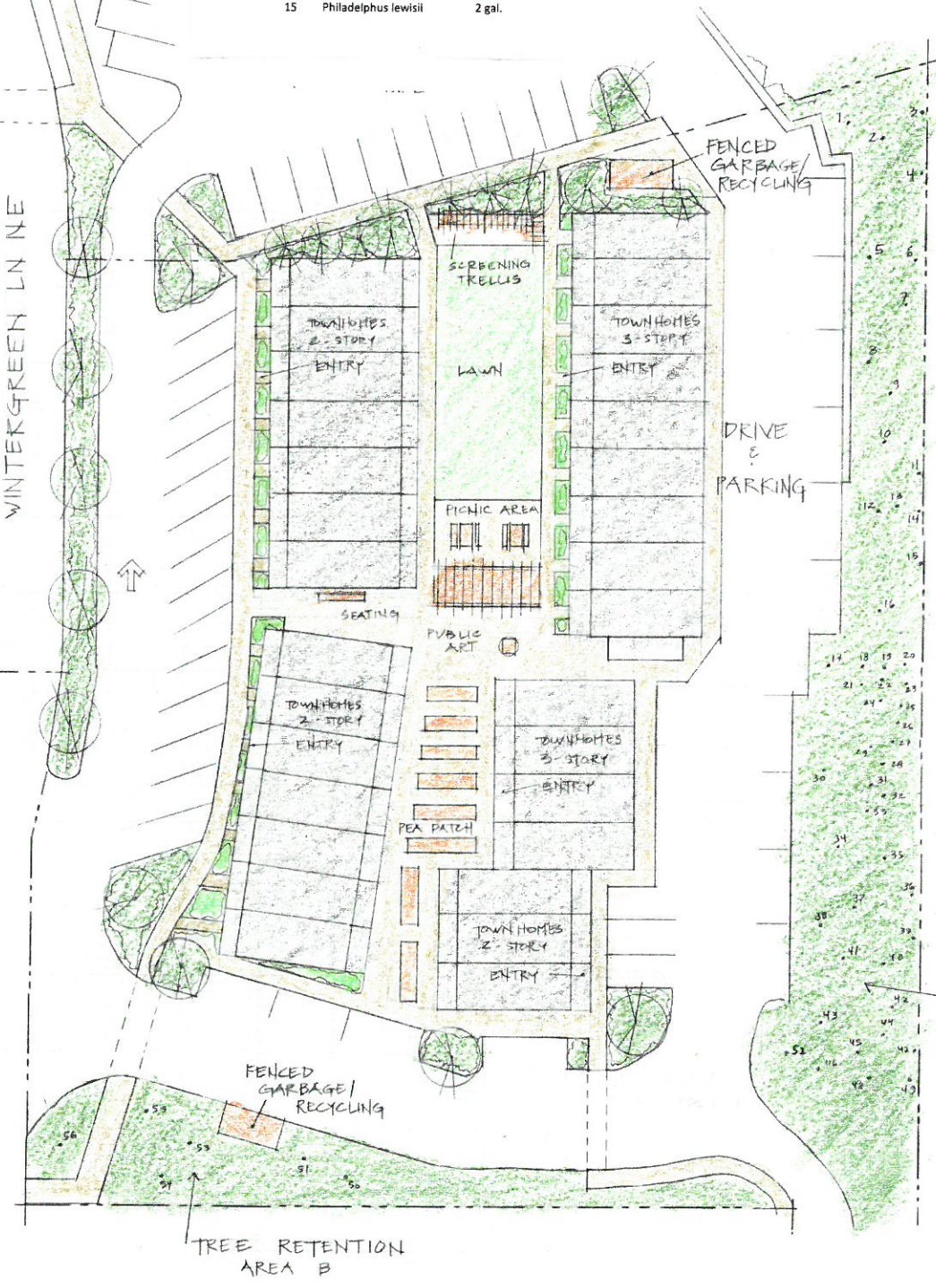
Stake new trees as necessary

Plant substitutions are o.k. if confirmed by L.A.

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

Avoid planting in summer months.

Do not work in Tree retention areas and buffer zones except as shown in the site plan. Protect these areas with perimeter fencing.

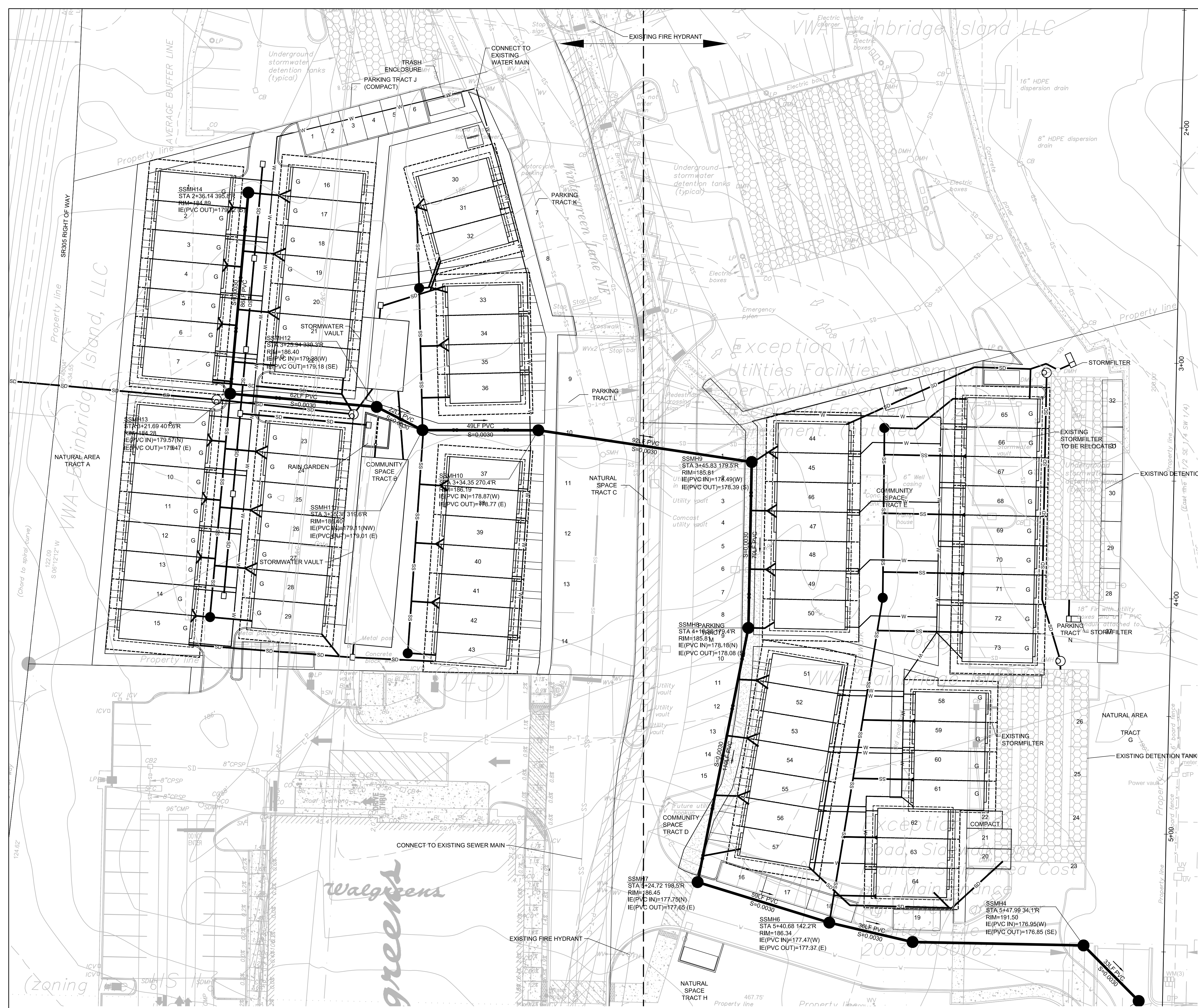


LANDSCAPE PLAN
WINTERGREEN TOWNHOMES

DATE 3.25.21
REV. 6.28.21

SCALE 1" = 20'

STATE OF WASHINGTON
LANDSCAPE ARCHITECT
TIMOTHY ELIOT GOSS
CERTIFICATE NO. 778



LEGEND

- WATER METER
- ✕ GATE VALVE
- CATCH BASIN
- STORM DRAIN MANHOLE
- ◆ FIRE HYDRANT
- SD PROPOSED STORM DRAIN
- W PROPOSED WATER
- SS PROPOSED SANITARY SEWER

NOTES:

1. STORMWATER MITIGATION MEASURES
- WATER QUANTITY:
DETENTION TANK SYSTEMS DESIGNED TO MEET CITY OF BAINBRIDGE ISLAND DURATION STANDARD
- LOT A DETENTION VAULTS
- LOT D 2 EXISTING DETENTION TANK SYSTEMS
- WATER QUALITY:
CARTRIDGE FILTER SYSTEMS DESIGNED TO MEET CITY OF BAINBRIDGE ISLAND TREATMENT STANDARD
- LOT A RAIN GARDEN W/ AN UNDER DRAIN
- LOT D 1 EXISTING STORMFILTER UNIT AND 2 NEW STORMFILTER UNITS
2. DETAILED EROSION CONTROL PLAN WILL BE DESIGNED AND SUBMITTED WITH THE BUILDING PERMIT
3. POWER, TELEPHONE AND CABLE WILL BE DESIGNED BY OTHERS

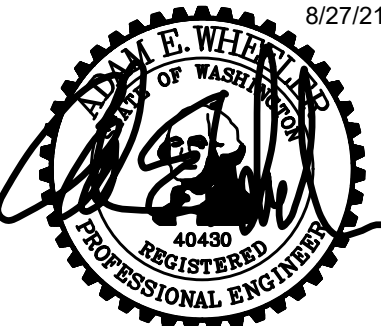


UTILITY PLAN

SCALE: 1" = 20'

PRELIMINARY
NOT FOR CONSTRUCTION

REVISION 13/16/21 AEW MODIFIED LAYOUT.



UTILITY PLAN
WINTERGREEN TOWNHOMES
PRELIMINARY PLAT

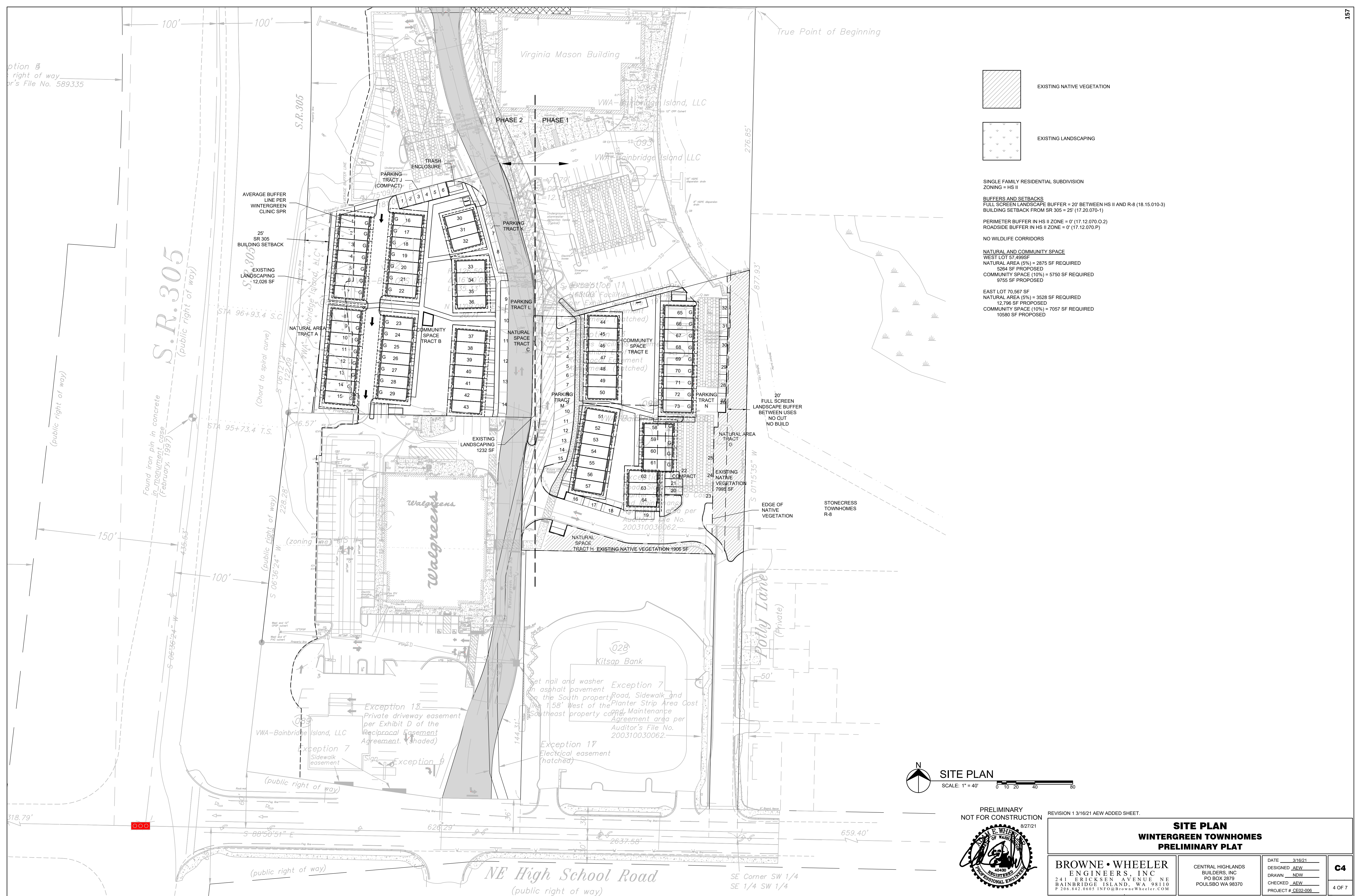
BROWNE • WHEELER
ENGINEERS, INC
2411 ERICKSEN AVENUE NE
BAINBRIDGE ISLAND, WA 98110
P 206.842.0605 INFO@BrowneWheeler.COM

CENTRAL HIGHLANDS
BUILDERS, INC
PO BOX 2879
POULSBORO WA 98370

DATE 2/18/21
DESIGNED AEW
DRAWN NDW
CHECKED AEW
PROJECT # CE02-008

C3

3 OF 7



EXISTING NATIVE VEGETATION

EXISTING LANDSCAPING

SINGLE FAMILY RESIDENTIAL SUBDIVISION
ZONING = HS II

BUFFERS AND SETBACKS
FULL SCREEN LANDSCAPE BUFFER = 20' BETWEEN HS II AND R-8 (18.15.010-3)
BUILDING SETBACK FROM SR 305 = 25' (17.20.070-1)

PERIMETER BUFFER IN HS II ZONE = 0' (17.12.070.O.2)
ROADSIDE BUFFER IN HS II ZONE = 0' (17.12.070.P)

NO WILDLIFE CORRIDORS

NATURAL AND COMMUNITY SPACE
WEST LOT 57 499SF
NATURAL AREA (5%) = 2875 SF REQUIRED
5254 SF PROPOSED
COMMUNITY SPACE (10%) = 5750 SF REQUIRED
9755 SF PROPOSED

EAST LOT 70 567 SF
NATURAL AREA (5%) = 3528 SF REQUIRED
12796 SF PROPOSED
COMMUNITY SPACE (10%) = 7057 SF REQUIRED
10580 SF PROPOSED

N

SITE PLAN

SCALE: 1" = 40'

0 10 20 40 80

PRELIMINARY
NOT FOR CONSTRUCTION

REVISION 1 3/16/21 AEW ADDED SHEET.

8/27/21



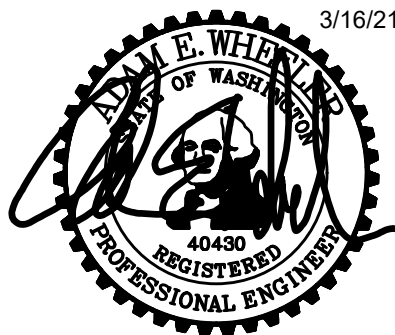
SITE PLAN WINTERGREEN TOWNHOMES PRELIMINARY PLAT		
BROWNE • WHEELER ENGINEERS, INC 241 ERICKSEN AVENUE, NE BAINBRIDGE ISLAND, WA 98110 P 206.842.0605 INFO@BrowneWheeler.COM	CENTRAL HIGHLANDS BUILDERS, INC PO BOX 2879 POULSBORO WA 98370	DATE 3/16/21 DESIGNED AEW DRAWN NDW CHECKED AEW PROJECT # CE02-008
		C4 4 OF 7



 **SEWER CONNECTION PLAN**
SCALE: 1" = 40'

PRELIMINARY
NOT FOR CONSTRUCTION

REVISION 1 AEW ADDED SHEET.



**SEWER CONNECTION PLAN
WINTERGREEN TOWNHOMES
PRELIMINARY PLAT**

BROWNE • WHEELER
ENGINEERS, INC.
241 ERICKSEN AVENUE, NE
BAINBRIDGE ISLAND, WA 98110
P 206.842.0605 INFO@BrowneWheeler.COM

CENTRAL HIGHLANDS
BUILDERS, INC
PO BOX 2879
POULSBORO WA 98370

DATE 3/16/21
DESIGNED AEW
DRAWN NDW
CHECKED AEW
PROJECT # CE02-006

C6

6 OF 7

Soil Map—Kitsap County Area, Washington



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Kitsap County Area, Washington

Survey Area Data: Version 16, Jun 4, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 9, 2018—May 23, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
16	Harstine gravelly ashy sandy loam, 15 to 30 percent slopes	0.0	1.3%
22	Kapowsin gravelly ashy loam, 0 to 6 percent slopes	2.7	98.7%
Totals for Area of Interest		2.8	100.0%

[{HYPERLINK "https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance"}](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance) **ENVIRONMENTAL CHECKLIST**

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

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

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [{HYPERLINK \l "Part"}](#) . Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable: WINTERGREEN TOWNHOMES - LOCATED ON THE 2 REMAINING LOTS IN THE WINTERGREEN CENTER

2. Name of applicant: CENTRAL HIGHLANDS, INC.
3. Address and phone number of applicant and contact person: DAVID SMITH 360-779-7157
ADDRESS FOR CENTRAL HIGHLANDS - PO BOX 2879 POULSBO, WA 98370
4. Date checklist prepared: JANUARY 30, 2021
5. Agency requesting checklist: PLANNING DEPT, COBI
6. Proposed timing or schedule (including phasing, if applicable): PHASE 1; EAST LOT - PLAT UTILITY/SITE WORK JULY 2021- 30 TOWNHOME CONST. 10-21 TO 4-2022
PHASE II: WEST LOT PLAT UTILITY/SITE WORK 10-2021 - 43 TOWNHOME CONST. 2-2022 TO 10-2022
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. NO
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. 2013 SEPA FOR THE VISCONSI MASTER PLAN, PREPARED BY CHARLES WENZLAU, ARCHITECT. COBI ISSUED MDNS 2013
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. NO
10. List any government approvals or permits that will be needed for your proposal, if known. SPR, PRELIMINARY PLAT APPROVAL, FINAL PLAT APPROVAL AND BUILDING PERMITS
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
THE WINTERGREEN TOWNHOMES WILL BE BUILT ON THE 2 REMAINING LOTS WITH 30 TOWNHOMES ON THE EAST LOT AND 43 TOWNHOMES ON THE WEST LOT FOR A TOTAL OF 73 TOWNHOMES. 38 3STORY TOWNHOMES WITH 1 CAR GARAGES UNDER AND 35 2 STORY TOWNHOMES WITH 53 OPEN PARKING SPACES. THE PROJECT WILL HAVE 31 BIMC QUALIFIED AFFORDABLE TOWNHOMES WITH THE ALLOWED BONUS FAR.
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. THE WINTERGREEN TH PROJECT IS LOCATED ON THE 2 REMAINING LOTS IN THE WINTERGREEN CENTER, BAINBRIDGE WA. AT THE NE CORNER OF HIGH SCHOOL RD. AND HWY 305

B. Environmental Elements

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other FLAT

b. What is the steepest slope on the site (approximate percent slope)? 1%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. TYPICAL NW GLACIAL TILL

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. NONE

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. THE LOTS HAVE BEEN GRADED AND DO NOT REQUIRE ANY ADDITIONAL GRADING.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. EROSION CONTROLS WILL BE ESTABLISHED TO CONTROL STORM RUNOFF FROM FOUNDATION EXCAVATION AND ROAD CONSTRUCTION.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? 60% WITH ROOFS, SIDEWALKS, PARKING LOTS AND ACCESSWAYS.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: A COBI APPROVED EROSION CONTROL PLAN WILL BE INCLUDED IN A PLAT UTILITY PLAN PREPARED BY CIVIL ENGINEER, ADAM WHEELER.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. EMISSIONS FROM CONSTRUCTION EQUIPMENT IN UNKNOWN QUANTITIES AND MINOR DUST.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. NO

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

CONSTRUCTION EQUIPMENT WILL BE WELL MAINTAINED AND DUST CONTROL MEASURES WILL BE USED.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. NO SURFACE WATER ON SITE. A WETLAND IS LOCATED OFF SITE TO THE EAST WITH COBI APPROVED BUFFERS THAT DO NOT AFFECT THE TOWNHOME PROJECT'S BUILDABLE AREA ON EITHER LOT.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

WETLAND BUFFERS ARE ESTABLISHED AND PROJECT CONSTRUCTION WILL REMAIN OUTSIDE OF THE BUFFERS.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. NA

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. NO

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. NO

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. NO

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. NO

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

c. Water runoff (including stormwater):

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

COBI APPROVED STORM DRAINAGE FLOWS TO THE WSDOT DRAINAGE SYSTEM ALONG HWY 305. THE EAST LOT COBI APPROVED DRAINAGE FLOWS TO THE WETLAND TO THE EAST.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. NO
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. NO

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: THE APPROVED STORM WATER BIOFILTRATION AND DETENTION WILL BE INSTALLED IN ACCORDANCE WITH THE COBI APPROVED PLAN FOR THE WEST LOT. THE STORM SYSTEM FOR THE EAST LOT WAS PREVIOUSLY INSTALLED.

4. Plants

- a. Check the types of vegetation found on the site:
- {ADVANCE \U 4.55} ☒ deciduous tree: alder, maple, aspen, other
____ ☒ evergreen tree: fir, cedar, pine, other
{ADVANCE \U 4.55} ☒ shrubs
{ADVANCE \U 4.55} ☒ grass
{ADVANCE \U 4.55} _____ pasture
{ADVANCE \U 4.55} _____ crop or grain
____ Orchards, vineyards or other permanent crops.
{ADVANCE \U 4.55} _____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage,
other
{ADVANCE \U 4.55} _____ water plants: water lily, eelgrass, milfoil, other
{ADVANCE \U 4.55} _____ other types of vegetation
- b. What kind and amount of vegetation will be removed or altered? EAST LOT: THERE IS NO VEGETATION IN THE BUILDABLE AREA . WEST LOT: THE REQUIRED SETBACK/BUFFER WILL REQUIRE REPLACING 10 SMALL/YOUNG BROADLEAF TREES AND 10 SHRUBS.
- c. List threatened and endangered species known to be on or near the site. NONE KNOWN
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: BOTH THE EAST AND WEST LOTS WILL HAVE NATURAL AREAS AND COMMUNITY SPACES WITH DROUGHT RESISTANT PLANTING AND GRASS AREAS.
- e. List all noxious weeds and invasive species known to be on or near the site. NONE KNOWN

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. {HYPERLINK
"https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidancel" \1 "5. Animals" }

Examples include:

birds: hawk, heron, eagle, songbirds, other: SONGBIRDS
mammals: deer, bear, elk, beaver, other: DEER
fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site. NONE KNOWN
- c. Is the site part of a migration route? If so, explain. NOT KNOWN
- d. Proposed measures to preserve or enhance wildlife, if any: ESTABLISHED COBI
APPROVED BUFFERS FOR THE EAST WETLAND. NATIVE DROUGHT RESISTANT
LANDSCAPING TO SUPPORT NATIVE WILDLIFE.
- e. List any invasive animal species known to be on or near the site. NONE KNOWN

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. THE TOWNHOMES WILL BE ALL ELECTRIC AND POSSIBLY WIRED FOR FUTURE SOLAR HOOKUP.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. NO
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: ALL TOWNHOMES TO BE BUILT TO "BUILT GREEN LEVEL 4" AND WILL PROVIDE BICYCLE RACKS.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. NO
- 1) Describe any known or possible contamination at the site from present or past uses.
NONE
 - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
NONE NEEDED

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. NONE KNOWN TO BE USED DURING CONSTRUCTION OR OCCUPANCY OF THE TOWNHOMES BY FUTURE OWNERS.
- 4) Describe special emergency services that might be required. NONE
- 5) Proposed measures to reduce or control environmental health hazards, if any: NONE NEEDED

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? TRAFFIC NOISE
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. CONSTRUCTION NOISE WILL OCCUR DURING CONSTRUCTION. SOME ADDITIONAL TRAFFIC NOISE WILL RESULT IN THE PROJECT FROM HOMEOWNER AUTO USE.
- 3) Proposed measures to reduce or control noise impacts, if any: TRAFFIC NOISE FROM SR 305 WILL BE REDUCED OUTDOORS IN THE BACKYARDS OF THE WESTERN ROW OF TOWNHOMES WITH A FENCED SOUND BARRIER ALONG WITH NOISE DAMPENING WINDOWS ON THE WEST SIDE TO REDUCE INTERIOR NOISE.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. THE 2 LOTS ARE SURROUNDED BY COMMERCIAL USE ON THE NORTH AND SOUTH. THE STORMECRESS RESIDENTIAL PROJECT IS ON THE EAST SIDE. THE STONECRESS PROJECT IS SEPARATED FROM THE WINTERGREEN TH PROJECT BY A MATURE TREE SCREEN.
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? NO
 - 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: NO
- c. Describe any structures on the site. THE 2 LOTS ARE VACANT
- d. Will any structures be demolished? If so, what? NO

- e. What is the current zoning classification of the site? HS I AND II COMMERCIAL AND RESIDENTIAL USES ARE ALLOWED
- f. What is the current comprehensive plan designation of the site? HS I AND II
- g. If applicable, what is the current shoreline master program designation of the site? NA
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. THE EAST LOT HAS AN APPROVED BUFFER TO PROTECT THE EASTERN WETLAND
- i. Approximately how many people would reside or work in the completed project? 180 RESIDENTS ARE ESTIMATED TO OCCUPY THE 73 TOWNHOMES.
- j. Approximately how many people would the completed project displace? NONE
- k. Proposed measures to avoid or reduce displacement impacts, if any: NONE NEEDED
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: THE PROJECT EXCEEDS BIMC REQUIREMENTS AND EFFECTUATES COMP PLAN GOALS AND POLICIES (INCLUDING A HIGH PRIORITY POLICY) FOR BOTH AFFORDABLE AND ATTAINABLE WORKFORCE HOUSING
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: NONE NEEDED

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. THE PROJECT WILL INCLUDE 31 TOWNHOMES THAT ARE BIMC QUALIFIED AFFORDABLE HOMES ALONG WITH 42 ATTAINABLE OPEN MARKET TOWNHOMES.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. NONE
- c. Proposed measures to reduce or control housing impacts, if any: THIS PROJECT WILL HELP PROVIDE DESPERATELY NEEDED AFFORDABLE AND ATTAINABLE HOUSING

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? THE 3 STORY TOWNHOMES WILL BE UP TO 38' HIGH AND THE 2 STORY UNITS WILL BE 28' HIGH. HARDI PLANK SIDING AND WOOD TRIM ARE THE PRIMARY EXTERIOR PRODUCTS USED ON THE EXTERIOR.
- b. What views in the immediate vicinity would be altered or obstructed? NONE

- c. Proposed measures to reduce or control aesthetic impacts, if any: NONE NEEDED

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? THERE ARE PARKING LOT LAMPS THAT WILL BE LIT DURING THE NIGHT. SOME ADDITIONAL FRONT PORCH LIGHTS WILL BE LIT DURING THE EVENING AND NIGHT.
- b. Could light or glare from the finished project be a safety hazard or interfere with views? NO
- c. What existing off-site sources of light or glare may affect your proposal? NONE KNOWN
- d. Proposed measures to reduce or control light and glare impacts, if any: NONE NEEDED

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? THE PROJECT WILL PROVIDE COMMUNITY SPACES ON BOTH LOTS WITH GAZEBOs, SITTING AREAS, AND HORSESHOE PITS. THE PROJECT IS PROVIDING AMPLE SIDEWALKS FOR PEDESTRIAN USE AS WELL AS BIKING USE. THE NATURAL AREAS ON BOTH LOTS ARE AVAILABLE FOR PERMISSIBLE PASSIVE USES.
- b. Would the proposed project displace any existing recreational uses? If so, describe. NO
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: SEE A ABOVE

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe. NO
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. NO
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
NONE NEEDED
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.
NONE NEEDED

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
THE PROJECT'S INTERNAL PRIVATE LANE, WINTERGREEN LN., CONNECTS TO HIGH SCHOOL RD AND THENCE TO HWY 305 AND THE BAINBRIDGE NETWORK OF ROADWAYS.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? THERE IS A BUS STOP ON HWY 305 ADJACENT TO THE PROJECT THAT IS ABOUT 1/4 MILE AWAY.
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? 53 OPEN PARKING SPACE AND 38 ONE-CAR GARAGES WITHIN THE PROJECT, AND THERE ARE THERE ARE CROSS-PARKING RIGHTS ON ADJACENT LOTS WITHIN THE LARGER VISCONSI SITE BY VIRTURE OF THE CC&Rs. THERE IS NO LOSS OF PARKING SPACES
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). NONE KNOWN
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. YES, TRANSIT IS 1/4 MILE DISTANT, AND THE LANDING FOR THE WA STATE FERRY TO SEATTLE IS 1 MILE DISTANT.{HYPERLINK "<https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>" \ "14. Transportation"}
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? SEE ATTACHED TRANSPORATION TRAFFIC STUDY. AM AND PM PEAK HOUR TRAFFIC GENERATED BY THIS PROJECT IS .5 CAR TRIPS PER TOWNHOME. THUS THE TOTAL PEAK HOUR TRAFFIC GENERATED BY THE PROJECT IS 73 X .5 = 37 PEAK HOUR TRIPS TOTAL. THEREFORE, THE PEAK HOUR TRIPS FOR THIS PROJECT WILL BE CONSIDERABLY LESS THAN WHAT WAS APPROVED FOR THE ORIGINAL PROPOSED COMMERCIAL USE FOR THESE 2 LOTS.
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. NO
- h. Proposed measures to reduce or control transportation impacts, if any: THE CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL WILL REDUCE THE PEAK HOUR TRAFFIC ORIGINALLY PROJECTED FOR THE ALL-COMMERCIAL CENTER.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. NO

- b. Proposed measures to reduce or control direct impacts on public services, if any. NONE
NEEDED

16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other ELECTRIC, WATER , REFUSE SERVICE, TELEPHONE, SEWER AND STORM
SYSTEMS
- b. Describe the utilities that are proposed for the project, the utility providing the service,
and the general construction activities on the site or in the immediate vicinity which might
be needed. PSE WILL PROVIDE ELECTRIC POWER, AND COBI WILL PROVIDE WATER,
SEWER AND REFUSE SERVICE. COMCAST AND OR CENTURY LINK WILL PROVIDE
TELEPHONE.

C. Signature

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

Signature: _____

Name of signee: DAVID SMITH, PRESIDENT, CENTRAL HIGHLANDS, INC.

Position and Agency/Organization: COBI PLANNING DEPARTMENT

Date Submitted: 3-18-, 2021

MEMORANDUM

Date:	February 2, 2021	TG:	1.21026.00
To:	Kelly Tayara – City of Bainbridge Island		
From:	Kassi Leingang, PE – Transpo Group		
cc:	David Smith – Central Highland Homes		
Subject:	Wintergreen Townhomes – Updated Visconsi Trip Generation Evaluation		

This memorandum summarizes the proposed land use changes to construct townhomes within the Visconsi development and resulting changes to overall trip generation relative to the previously approved thresholds.

Project Background and Description

The Visconsi development is located northeast of the State Route (SR) 305/High School Road intersection in the City of Bainbridge Island. A Master Plan was previously completed and approved for the development in 2013¹ with an updated traffic impact analysis (TIA) reflecting updated land use sizes completed in 2016².

The current proposal would develop the last two remaining lots (see Figure 1) within the Visconsi development as 74 townhomes with 36 designated as affordable and the remaining designated as market rate. The previous approved uses included restaurant and shopping center spaces totaling 21,700 square-feet (sf). Note that the remaining land uses assumed in the previous analyses including the medical office building, pharmacy, and bank have been constructed and are in operation (see Figure 1).

A summary of the approved land uses and the current plans as described above are included in Table 1.



Figure 1 –Wintergreen Townhomes Site Plan

¹ *Visconsi Master Plan Transportation Impact Analysis* (Transpo Group, April 2013). Herein referred to as the 2013 Visconsi Master Plan.

² *Visconsi TIA Update* (Transpo Group, March 2016). Herein referred to as the 2016 Visconsi TIA Update.

Table 1. Land Use Summary and Comparison

Proposed Land Use	2013 Visconsi Master Plan	2016 Visconsi TIA Update	Current Proposed Development
Medical Office Building (LU 720)	20,000 sf	30,000 sf	30,000 sf (<i>Occupied</i>)
Pharmacy with Drive Thru (LU 881)	14,490 sf	14,475 sf	14,475 sf (<i>Occupied</i>)
Shopping Center (LU 820)	16,300 sf	12,700 sf	-
Restaurant (LU 932)	7,800 sf	9,000 sf	-
Bank with Drive Thru (LU 912)	3,300 sf	3,210 sf	3,210 sf (<i>Occupied</i>)
Townhomes (LU 230)	-	-	74 DU

Notes: sf = square-feet, DU = dwelling unit

Trip Generation

To provide a comparative trip generation estimate for the proposed change in land use, the project trip generation was estimated consistent with the previous analysis methodology; inclusive of accounting for internal capture within the overall Visconsi development as well as pass-by trips for the commercial uses. Consistent with the previous analyses, the reduction for internalization of trips has been limited to 15 percent. The weekday PM peak hour trip rate assumed for the proposed townhomes were based on ITE's Residential Condominium/Townhouse (Land Use #230). Note that no reduction in the trip generation was applied to the affordable units.

Table 2 summarizes the updated weekday PM peak hour vehicle trip generation for the entire site. A detailed trip generation summary is provided in Attachment A. Table 2 provides a comparison to the current approved trip generation threshold per the 2016 Visconsi TIA Update of 242 weekday PM peak hour trips.

Table 2. Weekday PM Peak Hour Trip Generation Summary

Proposed Land Use	Size	Total Trips ¹	Internal Trips ²	Pass-by Trips ³	New Trips		
					Total	In	Out
Medical Office Building (LU 720)	30,000 sf	99	-12	0	87	24	63
Pharmacy with Drive Thru (LU 881)	14,475 sf	143	-24	-58	61	31	30
Townhomes (LU 230)	74 DU	38	-6	0	32	21	11
Bank with Drive Thru (LU 912)	3,210 sf	78	-12	-32	34	17	17
Subtotal		359	-54	-90	214	93	121
<i>Less existing land use on-site to be removed (Coldwell Banker-McKenzie)⁴</i>					12	2	10
Current Proposed Development Net New Trips					202	91	111
2016 Visconsi TIA Update Net New Trips					242	109	133
Net New Trips Difference <i>(2021 Update relative to 2016 TIA)</i>					-40	-18	-22

Notes: sf = square-feet, DU = dwelling unit

1. Trip rate based on ITE Trip Generation Manual, 9th Edition (2012).

2. Internal capture rate based on ITE Trip Generation Handbook rates for multi-use developments, proportionately capped at 15%.

3. Pass-by trip rate based on ITE Trip Generation Handbook.

4. Based on actual counts.

As shown in Table 2, the updated trip generation for the overall Visconsi development reflecting the change in land use is anticipated to be up to 202 weekday PM peak hour trips. This total is 40 fewer weekday PM peak hour trips relative to the 2016 Visconsi TIA Update approved trip generation total.

Conclusion

The overall Visconsi development reflecting the current proposed development of 74 townhomes as well as the previously constructed medical office building, pharmacy, and bank, is forecast to generate up to 202 weekday PM peak hour trips. This is a reduction of 40 weekday PM peak hour trips relative to the previously approved trip generation total of 242 trips per the 2016 Visconsi TIA Update. With this reduction in trip generation, the forecast impact with the project would be less than previously evaluated in the 2016 Visconsi TIA Update.

Attachment A:
Detailed Trip Generation

Visconsi Master Plan Trip Generation

PM Peak Hour Trip Generation

Proposed Land Use	LU Code	Size	Units	Trip Rate ¹	Total Unadjusted Veh. Trips	Reduction for Internal Capture			Pass-by Rate ²	Reduction for Pass-by	New PM Peak Hour Trips ⁴		
						In	Out	Subtotal			Total	In	Out
Medical Office Building	#720	30,000	1,000 gsf	EQN	99	5	7	87	0%	0	87	24	63
Pharmacy (with Drive-Thru)	#881	14,475	1,000 gsf	9.91	143	12	12	119	49%	58	61	31	30
Residential Condo/Townhome	#230	74	DU	0.52	38	4	2	32	0%	0	32	21	11
Bank (with Drive-Thru)	#912	3,210	1,000 gsf	24.30	78	6	6	66	47%	32	34	17	17
Sub-Total					359	27	27	304	1	90	214	93	121
Less Existing Land Use to be Removed (Based on actual Counts)											12	2	10
Total											202	91	111

1. Trip Rate from ITE Trip Generation Manual, 9th Edition (2012).

2. Pass-by rate based on ITE Trip Generation Handbook.

3. Internal capture based on capture rates published by ITE; however was capped at 15 percent consistent with previous analyses and coordination with the City of Bainbridge Islands.

4. In/out percentages based on ITE Trip Generation Manual, 9th Edition (2012).



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

INTRODUCTION

Design for Bainbridge (DforB) provides guidance for applicants to successfully navigate the design review process. The design review process, standards, and guidelines are structured to support good design and a deliberate design process from context and site down to design detailing. Design review is an iterative process intended to help applicants apply relevant standards and guidelines and develop designs for the project that fit Bainbridge Island and the unique context of the site. This iterative process contains three touch points with the Design Review Board (DRB). This worksheet is used to capture design information to be presented to the DRB at each step in the iterative process.

#1 Conceptual Proposal Review Meeting

The conceptual proposal review meeting is an informal meeting between the applicant and the Design Review Board to review site-specific conditions and contextual considerations for the design of development on site. This discussion is intended to inform strategies for site planning and massing that respond sensitively to the neighborhood context.

Applicant Submittal Requirements

- See DforB pages 12 & 16

#2 Design Guidance Review Meeting

Design guidance review meetings with the Design Review Board offer guidance to potential applicants during the design process on conceptual alternatives. The purpose of the design guidance review meeting is to review how the proposed alternatives fit the surrounding context with a focus on the development's program, uses, site plan, and massing. The DRB will also consider any requested departures, the rationale for those departures and their consistency with the intent and principles of the guidelines.

Applicant Submittal Requirements

- See DforB page 13
- Initial Design for Bainbridge Worksheet (below)



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

#3 Final Design Review Meeting

At this meeting, the Board will review the application plans for compliance with Design Standards and Design Guidelines and ensure that the project reflects any revisions recommended by the Board at previous meetings. The Board will document its findings and transmit a written recommendation to the Planning Commission. The Board's recommendation may include conditions to ensure compliance with all standards.

Applicant Submittal Requirements

- See DforB page 15
- Final Design for Bainbridge Worksheet (below)

NOTE: Submittal materials should be transmitted as individual pdfs, not as one large file.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

PROJECT: Wintergreen Townhome Subdivision (PLN51836)
PROJECT ADDRESS or PARCEL: 23250230942009 ; 23250230922001
DATE: 03/01/2021
PROJECT PLANNER: Kelly Tayara
Design Review Board Meeting Dates: 10/05/20 ; 11/02/20 ; 02/01/21 ; 02/16/21 ; 03/01/21

CONTEXT ANALYSIS

C1) NATURAL SYSTEMS: The only natural system affecting the Wintergreen Center is the wetland corridor that is addressed in C-2. All of the projects that have been built that surround the wetland corridor have preserved the corridor with buffers that extend into perpetuity.

APPLICANT 06/14/2021: The site planning for the overall 8-acre project site was approved under the prior SPR. That application addressed adjacent wetlands and its relationship to stormwater management. The proposed design may consider site scaled features such as rain gardens if feasible for on-site infiltration. Original project approvals did not anticipate nor require adding to natural areas. Wetlands and SR305 buffer are not intended to be used as open space.

DRB 02/16/21: The applicant did not discuss the offsite wetlands or forest area whose attributes could be used as a site amenity. Need to see more of a balance between natural and indigenous landscaping as there was a forest at one time on this site. We have not seen accurate drawings that show the context, how people navigate the site via sidewalks, etc.; the drawings are lacking, and this really affects the design process. How do we take advantage of the natural systems? Need to integrate into the site proposal. There needs to be some restoration of this site of what had been there.

C2) WILDLIFE HABITAT & CORRIDORS: The wetland corridor that extends from the eastern edge of the Wintergreen Center along the Virginia Mason property to Ferncliff Avenue is bracketed between Pro-Build Lumber, Stonecress on the north and Woodland Village on the south. The wetland and buffers extend to Ferncliff Ave. and provide a habitat for a number of wetland plantings and animal life. The Wintergreen TH project's 2 lots remaining buildable areas are beyond the buffers affecting the Wintergreen Center. There are no other natural systems affecting the Wintergreen Center and/or the 2 lots the Wintergreen TH project will



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

occupy. This wetland corridor provides a wonderful natural system and green space corridor that benefits all of the various projects that are adjacent.

APPLICANT 06/14/2021: The off-site wetlands to the east of the project site shall remain per the original SPR as protected open space and critical areas. Those areas will continue to support wildlife habitat and protect the forested areas. The project site is separated by an exiting retaining wall and parking area from above mentioned open space.

DRB 02/16/21: The applicant did not discuss the adjoining wetlands or forest area that could be used as a site amenity enhancement. Need to see more of a balance between natural and indigenous landscaping and there was a forest at one time. We have not seen accurate drawings that show the context, how people navigate the site via sidewalks, etc.; the drawings are lacking, and this really affects the design process. How do we take advantage of the natural systems? Need to integrate into the site proposal. There needs to be some restoration of this site of what had been there. We do not agree with the statement "There are no other natural systems affecting the Wintergreen Center and/or the 2 lots the Wintergreen TH project will occupy." Designer should look for ways to heal and repair the island's natural systems that have been impacted by previous development.

C3) UNIQUE & PROMINENT FEATURES: The Wintergreen TH project's west lot is adjacent to the 75' wide mature tree canopy that is in the HWY 305 Right of Way corridor. This tree canopy is located on the 15' high slope bank next to the paved portion of HWY 305 and provides a robust visual buffer. The east lot is adjacent to the extended natural area that leads to the wetland corridor and is a mature tree canopy that screens the Stonecress project from the Wintergreen Center.

APPLICANT 06/14/2021: The project site does not exhibit any unique or prominent features described in the guideline. The original site design was entirely commercial and was focused on to the central access lane and related public spaces.

DRB 02/16/21: The forest that remains is unique and the wetlands to the east are unique and should be extended into the site proposal. Some trees could be added to the west side, but we are concerned about the south side without any tree screening. We do not agree with the statement "provides a robust visual buffer". We can't rely on the adjacent properties buffer to satisfy buffer for this project.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

C4) BUILT ENVIRONMENT: The Wintergreen Center is currently only a commercial center with Key Bank adjacent to High School Rd. Walgreens and Virginia Mason surround the 2 lots that will be the Wintergreen TH project. By introducing the residential component, the Wintergreen Center will become mixed use, thus adding a neighborhood context to the commercial center.

APPLICANT 06/14/2021: The massing of the proposed residential units is intended to create a contrast to the larger scaled commercial uses on the other portions of the site. The residential units along the central access alone are two stories in height, similar in scale to the adjacent commercial uses. The taller three-story buildings are placed to the edges of the site helping keep a lower scale at the site interior. The positions of the buildings serves two purposes: to define the street edge, and to help shape the semi-private open spaces behind. The open spaces originally located along the access lane (per the original SPR approval) are relocated to better serve the residents. The vehicle traffic is separated from the open spaces.

DRB 02/16/21: The DRB per the code requires a 50' buffer. The residential piece does not need to mimic the commercial area; it is not very inviting. There are no plans to mitigate massing, scale or the appropriateness of the adjacent use. What are the connections back to High School Rd, for example? They have not dealt with restoration. The site was intended to be commercial; the residents should not have to be subjected to local traffic driving thru the residential neighborhood. The exit should not be through a commercial parking lot. The commercial and car-oriented activities surrounding the site should not be carried through the residential area.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

C5) PUBLIC REALM: By introducing a COBI approved affordable residential project within walking distance of downtown, local shopping and the ferry, much needed affordable housing will contribute housing opportunities for working families that cannot afford the relatively expensive Bainbridge housing. Though the project requires high density and somewhat larger residential structures to achieve a cost per unit that will allow affordable pricing, it is surrounded by both tree canopies and the existing commercial buildings, which will lessen the visual impact to the community.

APPLICANT 06/14/2021: As described above the key attribute of the public realm is the central access lane. This will be the predominant north south pedestrian route through the site. The residential uses will support this edge with small front door yards and related entries. Minor pedestrian connections are provided between the sidewalk and the courtyard gardens. The gardens are accessible to the public for passive uses. The landscape design will respond to the unique uses within these spaces, with the street being more urban and the courtyard more informal.

DRB 02/16/21: Part of the public realm is creating a system of pathways that connect spaces and people. Applicant did not understand or identify public realm, which is the spaces around buildings that are publicly accessible and support public life and social interaction. Need more work on defining the public realm and how this project would be an asset to the community. The public realm includes Wintergreen Lane, and they should address the quality of the experience moving through Wintergreen Lane.

C6) SYSTEMS OF MOVEMENT & ACCESS: Because the Wintergreen TH project is less than 1 mile from the ferry and downtown Winslow, and 1/4 mile from the Safeway shopping center, pedestrian access and movement is ample, safe and convenient. Both public transportation and private auto access is adequate and largely safe with the signaled intersection at High School Rd. and Hwy 305. The Wintergreen Lane access from High School Rd. can be difficult, especially at peak ferry traffic periods; however, the future Wintergreen TH residents will be able to use the alternative one-way Polly's Lane (restricted to just auto traffic, no trucks) to more safely exit to High School Rd. during high traffic periods.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

APPLICANT 06/14/2021: The approved SPR went through an in-depth analysis to implement safe and efficient access both for vehicle and pedestrians. The proposed street design and related pedestrian facilities are existing and consistent with prior approvals. The central access lane along with side parking lane was requested by the neighbors during the prior review process. No new access lanes are proposed. The trail along SR305 was relocated to the opposite side of the highway unrelated to this application.

DRB 02/16/21: High School Rd is currently difficult access from Wintergreen, very difficult to turn left, traffic backs up. There may be less traffic than commercial but will add more than there is now. The traffic study should be done looking at 2021 conditions, not 2013. The sewer is a problem, High School Rd sewer line is at capacity and cannot be connected to; will have to catch sewer at Ferncliff through the wetlands, a pump station may need to be installed. At the south end next to High School Road, there needs to be a crosswalk at Wintergreen Ln. On the east side, as proposed in the site plan, the auto traffic exiting Virginia Mason must pass through the proposed residential area. There needs to be a crosswalk adjacent to Polly's Lane, again at High School Road. There should be a comprehensive analysis of delivery vehicles, commercial vehicles, residential vehicles, and pedestrians. The traffic from the northern commercial area (lumber yard and medical clinic) will drive through the center of the residential area. A lot of attention needs to be paid to the design regarding movement through the site.

Context Analysis Complete:

Yes: ☐ No: ☒

If no, required additional information:

See DRB 02/16/21 comments above and review Design for Bainbridge starting with pages 18, 19, 20.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

SITE DESIGN STANDARDS

- S1 PROTECT AND REPAIR NATURAL SYSTEMS
- S2 PRESERVE AND ENRICH WILDLIFE HABITAT
- S3 RESPECT AND MAGNIFY UNIQUE ASPECTS OF SITE AND CONTEXT
- S4 COMPLEMENT AND CONTRIBUTE TO THE BUILT ENVIRONMENT AND LOCAL IDENTITY
- S5 FIT THE PROJECT INTO THE SYSTEMS OF ACCESS AND MOVEMENT, PRIORITIZING PEDESTRIANS AND BICYCLES
- S6 SUPPORT AND CONTRIBUTE TO A VIBRANT PUBLIC REALM

Applicant Response:

S1) VEGETATION – EAST LOT: The east lot is subject to a natural green belt on the east side with natural plants and mature trees in accordance with the prior approved Visconsi site plan review. The proposed town homes will occupy the remaining "buildable" land area that is covered with an erosion control grass mix. The buildable land is surrounded by parking lots with planted borders. The south side adjacent to Kitsap Bank has a narrow natural preserve of mature trees and native plants. The townhouse project will preserve all of these natural and planted trees and plantings. Additionally, the East lot will have a common area with grass and plantings surrounded by the townhomes. WEST LOT – The west lot is adjacent to an approximately 75-foot full screen buffer in the HWY 305 right of way, which will be supplemented by a 25-foot buffer on the wet lot, which will be full screen as well. The proposed town homes will occupy the buildable area, which is largely flat and grassed. In addition to the open space buffer, there will be community space between the two-story units and the middle row of three-story units.

SOLAR ACCESS: The rows of the townhomes are aligned north and south to maximize solar access and the sun moves east to west across the horizon. Though the townhomes are not planned for solar panels, they will be built to GREEN BUILT LEVEL 4.

WIND: Wind is not a significant issue because our project benefits from being surrounded by both mature tree growth and substantial existing buildings that will provide "windbreaks" allowing a relatively calm living area.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

STORMWATER: The East lot will utilize existing storm detention tanks with previously COBI approved discharge to the east. The west lot will construct detention and storm discharge in accordance with the prior approved stormwater plan that was approved by COBI public works. OTHER: The Wintergreen Center, including these 2 lots and our proposed project, do not have flooding problems

APPLICANT 06/14/2021: The project site was cleared and graded as part of the original site improvements. The hydrological functions were addressed under a prior application as part of the storm drainage design. The critical areas described above were designated and protected as part of the prior site approvals and related improvements. Proposed landscaping will include native planting attractive to birds and wildlife. These features shall be integrated into proposed buffers and opens spaces while maintaining useable open space for residents.

S2) All of the mature trees and vegetation in the previously approved Wintergreen Center's natural areas will be preserved

APPLICANT 06/14/2021: All of the mature trees and vegetation in the previously approved Wintergreen Center's natural areas will be preserved. Proposed landscaping will include native planting attractive to birds and wildlife. These features shall be integrated into proposed buffers and opens spaces while maintaining useable open space for residents. Critical area fencing was approved and installed as part of prior site improvements. Wildlife corridors are related to protected critical areas per prior approvals.

S3) Because the townhome project will be in the center of the Wintergreen Commercial Center, it will achieve the mixed-use goal while providing its own common areas that will provide attractive and functional living for the future owners.

APPLICANT 06/14/2021: The overall site design for Wintergreen was established as part of the prior approvals. The salient features of the site include the central access spine, and forested areas associated with adjacent wetlands areas and SR305 buffer. There are no views from site or nearby landmarks.

S4) The townhome project will be the same scale as the current commercial buildings, Key Bank, Walgreen's, and Virginia Mason. By adding a residential component to the commercial buildings, the Wintergreen Center will achieve a "mixed use" project that was the preferred project by the public rather than the original single use "commercial" project. The roof line of the townhome rows will complement roof line design of both Walgreens and Virginia Mason. With the individual front yards facing Wintergreen Ln., that friendly aesthetic will provide a quieter neighborhood feeling to the current bustling commercial uses.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

APPLICANT 06/14/2021: The original design concept for the architecture within the Wintergreen center was a modern agrarian theme. The drugstore and bank followed the original aesthetic direction. The health clinic was a departure and has a more monolithic commercial presence with its singular form and predominant flat roofs. The proposed residential units are more finely grained, and thereby distinct from the adjacent commercial uses. They are more in keeping with the adjacent Stonecress residential neighbor directly east of the site. The townhouse forms are further broken into discrete building creating pedestrian passages to the internal courtyards. The proposed building colors add variety to the current predominant pallet of reds and browns.

S5) The rows of 2 story townhomes are aligned along Wintergreen Ln. with a patio style entrance fronting on pedestrian walkways that will create a pleasant neighborhood aspect to the commercial uses that surround the townhomes. The project has paths and sidewalks that complement the existing access system.

APPLICANT 06/14/2021: The primary pedestrian and vehicle access routes are existing and oriented towards the central access spine. The proposed site design will create additional pedestrian routes between buildings which connect to the existing infrastructure. All new systems will be accessible. Residential parking will use either existing parking spaces or be integrated below the proposed residential units. No new garages will be visible to central access lane. Covered bicycle parking will be provided adjacent to courtyard open spaces. As described above, the courtyards will be pedestrian oriented with no vehicle access.

S6) By having a major residential component to the Wintergreen Center, there will be more human activity in the center as well as a creating modest customer base for the current commercial businesses and health center.

APPLICANT 06/14/2021: The integration of residential units was something requested by neighbors during the initial approval process. The residential units will add vitality to the daily life in the Wintergreen site. The residential units are set close to the street creating a public front. The proposed garages and related access lanes are removed from the public front. The courtyard entrances are placed for direct access from the central access lane with drive aisles set further behind.

The submittal has been revised to include a more detailed streetscape to visually break up the expanse of paving at the west access lane. Proposed features include change in paving from pedestrian sidewalks to drive lane, small landscape areas (vine pockets and trellis), street trees, and lighting.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

DRB Discussion:

S1) Proposed site plan does not address healing of the site from prior projects (i.e. clear cutting).

Design for Bainbridge pg. 23: “designers should look for ways to heal and repair the island’s natural systems that have been impacted by previous development”

Proposed site plan shows buffers and separation of the natural and built environment which does not allow integration of natural systems within the site plan. Applicant needs to make effort to include onsite water retention to protect wetlands.

Due to the bulk and massing of the buildings there is no opportunity to provide adequate natural areas and access to nature by residents.

Need clarification on Green Built for Level 4 vs. Level 5

S2) Lack of tree canopy, lack of wetland species does not promote wildlife corridors. The existing forest needs to be incorporated in the site plan.

S3) The former forest provided privacy; the building massing does not offer privacy. The parking lot to the East completely blocks off the wetlands and does not allow integration of natural systems into the site.

There is not a sense of character out of this project, more design intent needed. This is an opportunity to introduce residential character. The built environment should be the true enhancement of the site to create natural character to promote contact with nature for the residents.

Add wood fencing at the ground floor units to promote privacy.

See DRB Discussion comments under C3, above.

S4) Project does not create a sense of place that is distinct from the commercial buildings and that is walkable, bikeable and safe; it is car oriented. The scale is too large, project is designed 2-dimensional not 3-dimensional thinking, and it is not domestic-scale.

Shadow from overhangs on existing commercial buildings and variety of roof lines need to be less monolithic in new project.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

S5) High School Zones are car-oriented, by definition. This project does not prioritize safe bicycling or walking over automobiles. There is no walking trail separate from the road or sidewalk. There is a tremendous amount of impervious cover. There needs to be more analysis and integration of all the traffic patterns on site.

Residential requires a different design than commercial. There is no attempt to provide easier access to existing surrounding businesses.

The design is not inviting to pedestrians and bicycles. Pedestrians are forced to use streets and parking lots rather than safe trails and bike lanes separate from automobiles.

See DRB Discussion comments under C6, above

S6) This project did not understand the intent of Standard S6, Support and Contribute to a Vibrant Public Realm, and no understanding of public realm. Proposed project did not minimize vehicular presence in the public realm. Autos are the dominant presence, not pedestrians. Some of the units have parking garages, there should be more of these. Almost all of these sites are affected by commercial traffic and the residents will need to enter and exit their neighborhood through commercial parking lots.

Commercial traffic will be driving through their community, including semi-trucks and ambulances.

Human activity does not enhance the public realm, by default.

Building orientation is north south which creates various different environments, that should be addressed and thought through as they relate to creating their own public realm. The project needs to address the hierarchy of spaces, possible change in scale or orientation of buildings. The architecture on site needs to create unique environment.

See DRB Discussion comments under C5, above

DRB Findings:

The project did not meet S1-S6



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

PUBLIC REALM STANDARDS

- P1 CREATE A SAFE AND COMFORTABLE ENVIRONMENT FOR WALKING AND CYCLING
- P2 MINIMIZE IMPACT OF VEHICLES ON THE PUBLIC REALM
- P3 DESIGN TO SUPPORT A LEGIBLE HIERARCHY OF PUBLIC SPACES
- P4 STRENGTHEN PUBLIC SPACE CONNECTIONS
- P5 DRAW FROM AND ENHANCE EXISTING BLOCK PATTERNS
- P6 FOSTER INTEREST AND ACTIVITY ALONG COMMERCIAL STREETS

Applicant Response:

P1) The Wintergreen Center has well designed pedestrian sidewalks and composite trails, along with roadways with adequate width for safe cycling. The Wintergreen Townhome project has designed internal walkways that go the length of the project as well as walkways that cross the project, all of which will connect to the existing Wintergreen Center's walkways and roadways. The future homeowners will be able to walk or cycle throughout both the townhome project as well as the entire Wintergreen Center comfortably and safely. For example, Wintergreen Ln. has a pedestrian trail along its East side behind the diagonal existing parking lot, from which trail the 2 story townhomes will have their patio entrances accessed. The townhome project will add a sidewalk along the west side of Wintergreen Ln., which will be the access to the 2 story townhomes' front patio entrances.

P2) The project does not alter the existing roadways or drive aisles for the existing parking lots on the east lot.

APPLICANT 06/14/2021: The project does not alter the existing roadways or drive aisles. All new garages will be placed behind building to minimize visibility from public spaces. Proposed pedestrian access will be accessible and have dark sky compliant lighting for safety. Residential entries are focused towards public realm (street and courtyards). Bicycle parking shall be provide at ends of courtyard spaces.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

The submittal has been revised to include a more detailed streetscape to visually break up the expanse of paving at the west access lane. Proposed features include change in paving from pedestrian sidewalks to drive lane, small landscape areas (vine pockets and trellis), street trees, and lighting.

P3) The project leaves the existing open spaces and natural areas that provide a minimal landscape scene for the current commercial buildings and parking lots. The townhome project provides a series of front patio entrances along both sides of Wintergreen Ln. that will add to the landscape effect to soften the harsher impact of the current all commercial centers.

APPLICANT 06/14/2021: As described above, the two key public opens spaces are the central access spline and the adjacent courtyards. The edges of the public spaces are defined by the adjacent residential buildings. The site has no other street network or off-site vistas. The crosswalks were completed as part of the original approvals. The courtyard spaces will be visible and provide seating opportunities for non-residents to feel comfortable.

P4) The townhome project with the additional sidewalk added to the west side of Wintergreen Ln. will add to the pedestrian access from High School Rd. to provide a safer and more accessible pedestrian commute.

APPLICANT 06/14/2021: As stated above, the residential units each have entries facing public spaces. Pedestrian passageways link the central sidewalks to the adjacent courtyards. The sidewalk design shall include street furniture to encourage direct engagement with street and pedestrian activity. Seating elements will be located adjacent to pedestrian passageways.

P5) By aligning the townhome rows parallel to Wintergreen Ln., the 2 story townhome rows fronting on Wintergreen Ln. will screen the massing of the interior rows of buildings to reduce the impact of the size of the project. All the rows of townhome buildings have been divided to allow for sidewalks to cross the projects on each lot. The 2 story rows on each side of Wintergreen Ln. have been angled to reduce the linear impact of long rows of buildings, which was suggested by the Design Review Board.

APPLICANT 06/14/2021: The townhome rows facing Wintergreen Ln. have been angled to follow the road alignment which reduce the linear impact of long rows of buildings. The buildings within the site provide for multiple pedestrian passageways. The proposed pattern of buildings will be finer grained than the adjacent larger commercial uses. The facades facing the street will have smaller pedestrian scaled features including the entry porch, fenestration and off-sets.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

P6) Adding the residential townhome project, which will dominate the center of the Wintergreen commercial center, will result in much more human activity and interest added to the current auto-centric commercial center.

APPLICANT 06/14/2021: Adding the residential townhomes at the center of the Wintergreen commercial center will result in much more human activity and interest added to the current auto-centric commercial center. The residential units will provide “eyes on the street”. The residential units provide multiple entries. Garbage areas will be located to minimize their visibility.

DRB Discussion:

P1) & P2) The primary entrance to this proposed project is the most active public street, Wintergreen Lane. There is no separation of bike and pedestrians from the roadway. This project forces bikes and pedestrians toward cars, not meeting P1. Ambulances traveling at faster speeds can be entering this site.

Wintergreen Lane handles large vehicles and semi-trucks. Front yards and patios facing Wintergreen Lane are not conducive for residential. Design needs to avoid that part of the road for safety.

Dealing with access to parking within the two sites and not relying on the adjoining commercial parking lots to be major drive avenues is critical to meeting several Design for Bainbridge Standards including P1 and P2. Do not use parking lots as street access. Clear legible site plan is needed, difficult to understand the plan. It is difficult to understand the circulation of pedestrians from their car to their homes and to adjacent facilities.

P3) Many of the previous comments document the reasons the project does not meet this section's guidance.

The community space has not been thought through. There are no design elements shown on the site plan. The site plan cannot be distinguished from the utility plan. Applicant must provide an illustrative site plan for DRB review. The city has somehow allowed the applicant to include parking lot landscape areas and 3-foot-wide buffers and call it community space, which it is not. It is not clear if the common spaces are public or community only. If community only, what is the strategy to keep them private. Community space is not designed in the site plan. What elements are included in the community space (i.e., bike racks, benches, fire pits, picnic tables, etc.)? Garbage/recycling receptacles are prominent and need better screening or a different location, ideally.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

Condition: the applicant should re-calculate community square feet separate from landscaping (i.e., 3-ft road buffers and traffic bulbs and sidewalks)

P4) Project does not contribute to the character to the public realm of Wintergreen Lane.

Wintergreen Lane is a private road and will be maintained as a private road. A road maintenance agreement would dictate how all neighbors participate. This additional cost will be the responsibility of future homeowners.

The public space is not well-defined or designed. There is nothing proposed on Wintergreen Lane to indicate this is a neighborhood, a special place; just a sign is not enough. The design needs to have a neighborhood character that contributes to public spaces/public realm. From the street side, there has been no strengthening of the public space.

See DRB Discussion comments under C4, above

P5) The pathways and sidewalks shown do not connect to anything. Project is car-oriented and does not foster safety or separation for pedestrians. There are sidewalks, but that is not a pedestrian realm. The massing of buildings has not been broken down, except on Wintergreen Lane. They do not have any focal points to indicate this is a neighborhood.

There is no legible hierarchy, and the plan does not respond to Standard P5 goals and intent.

P6) This project is an opportunity to enrich public realm connection through adding small seating areas and small public spaces – this will enhance walking experience north-south on Wintergreen.

See DRB Discussion comments under C5 and S6, above

DRB Findings:

The project did not meet P1-P6.

The images and documents are not coordinated, a cohesive design has not been presented addressing these issues.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

BUILDING DESIGN STANDARDS

- B1 EXPRESS A CLEAR ORGANIZING ARCHITECTURAL CONCEPT
- B2 USE AN ARCHITECTURAL LANGUAGE APPROPRIATE TO BAINBRIDGE ISLAND
- B3 CREATE WELL COMPOSED FACADES AT ALL SCALES
- B4 CELEBRATE AND PROMINENTLY FEATURE SUSTAINABLE DESIGN
- B5 USE HIGH QUALITY MATERIALS AND WELL-CRAFTED DETAILS

Applicant Response:

B1) By aligning the buildings parallel to Wintergreen Ln. and dividing the rows into separate buildings, the 2 story townhomes will have close access to their parking spaces in the existing parking lots. This alignment also provides efficient sidewalk frontage for every townhome row without requiring double-sided sidewalks, which reduces impervious surfaces. By utilizing all the existing parking lots and access aisles with the townhome row alignment, only one additional access aisleway was required to serve the west and middle rows of townhome garages.

APPLICANT 06/14/2021: The site plan is organized to define the public street edge and to shape the outdoor open spaces. The site context is defined by surrounding commercial building and related parking, restricting any direct connections between uses. The residential units are organized to place the more public living spaces at the lower level adjacent to exterior public spaces. The small dooryards will help establish a degree of privacy between. The building modules express the units within and the nature of the use.

B2) The townhome building rows require the efficient rectangular design to minimize cost to allow the pricing required for affordable homes. The buildings utilize the "clere-story" roof design that complements the roof designs of both the Virginia Mason and Walgreen's buildings. The individual townhomes feature a cantilevered extension to emphasize their single-family character. The "clere story" roof design provides an area for windows and light to the middle area of the townhomes where the two different pitched roof angles meet.



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APPLICANT 06/14/2021: The architectural language draws most closely from the adjacent Stonecress neighborhood, with its multi-colored semi-attached homes. The style is derived from craftsman or simplified farmhouse motifs common to recent residential homes built on the island.

The exterior design has been modified to incorporate more natural materials (Cedar). The color scheme has been simplified as well (fewer colors and elimination of white trim) giving a more contemporary feel like the commercial buildings next to the site. Entry canopies have been added to the courtyard entries.

Note: The Design Guidelines do not prescribe architectural styles, but projects are expected to have an attractive and coherent style that fits well with the climate and context of Bainbridge Island. See page 38 of Design for Bainbridge 2019.

B3) The facades with the cantilevered sections in each townhome enable each townhome to have a visual separation from its neighbor. The 2 story townhome rows that front on Wintergreen Ln. have no garages, which allows all the architectural features to be presented in the facade along Wintergreen Ln. Even with parking lots along Wintergreen Ln., the front elevation facades will be the dominant view shed for both pedestrian and auto traffic.

APPLICANT 06/14/2021: The facades along the public ways and courtyards have a vertical proportion expressing the individual units within. The façades are further defined by use of bay windows, roof overhangs, entry canopies and changes in materials. The use of horizontal siding and natural Cedar is consistent with the adjacent commercial buildings. The overall massing is predominantly horizontal consistent with scale and massing of the adjacent commercial buildings. The buildings along the central access lane will help from vista to the prominent corner of the VM clinic as you enter the site, an original design intention for the clinic design. The level of detail at the pedestrian scale is provided with low height metal fences, dooryards, window fenestration and the entry canopies.

B4) With the 2 story townhome rows fronting on Wintergreen Ln. with the existing adjacent parking lots and spaces, it will minimize the auto-centric and minimal landscaping of the existing commercial buildings with their patio style entrances. The 2



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story rows of buildings all face either natural or landscape existing areas or ample landscaped common areas. The 2 story townhomes have both a front patio entrance and rear open patio area. The 3 story townhomes have a patio style front entrance and a balcony over the rear garage.

APPLICANT 06/14/2021: One of the key aspects of the project's sustainability is the integration of housing into a mixed-use setting, where residents can walk to shopping and transit. Secondly, the small efficient units will help add density without excessive material consumption and reduce energy usage. The project will be solar ready and be constructed to a more rigorous Built Green 4 Star standard. The north south orientation of the buildings will enhance daylighting to units from both east and west and minimize north facing orientations. Similarly, the north south orientation of the courtyards will minimize shading to public spaces.

B5) The townhome rows will utilize similar lap siding featured in the existing commercial buildings, along with a complimentary siding material to provide a more interesting design. The material and painted color palette will feature more, but complimentary, colors to the front facade of each townhome to emphasize their individual nature. Though the townhomes will emphasize their individuality, they will bring a human scale effect to the current all-commercial building structures.

APPLICANT 06/14/2021: The project will use durable materials typically found on residential projects within the adjacent area. These include horizontal cement board siding, cedar siding, metal roofing, and dark frame windows.

DRB Discussion:

B1) It appears the architectural concept is to include as many homes as possible on the site. They have not shown more than one design alternative over the many meetings. Their organizing concept is not elegant, not interesting, not inviting. It is car-oriented, not pedestrian friendly.

B2) Building massing is overdone and needs to be broken into smaller units, preferably no more than 3-5 units grouped together. The units are narrow, and they have a staircase spanning three flights. We have only seen one layout, there is no horizontal plan to meet ADA requirements. Older residents want to down-size but may not be able to climb stairs. Bland facades, disproportionate scales of natural spaces do not work to reflect Bainbridge architecture, no variety. There is no discussion of locally



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sourced materials. No overhang noticed on buildings for rain protection or climate control. The project conforms to commercial, does not reflect residential qualities.

B3) Due to the confusion with the site plans, the DRB is guessing on the renderings, what this is going to look like. There is not an understanding of a strong façade. The application is not complete as of today (03/01/2021).

The windows show no recessing or detailing, mostly flush. There is approximately over 110' feet of flat wall, this project needs more articulation of the flat face, little or no fenestration, texture or depth. Buildings are imposing on the site and no details on doors, windows, siding, or trim are provided.

B4) Sustainable design has not been discussed. Many of the outdoor community spaces between buildings will be in the shade. The project is non-responsive to this requirement. The project mentions a green building level, not sure if it is 4 or 5, but not evident in the plan.

B5) There is no list of materials, no quality of materials, no details at all. There is a moving target of amount of affordable housing in this project. Because this is an affordable project, quality materials and workmanship should be of highest order. No detail on the expansion joints between units or sound lessening measures.

DRB Findings:

The project did not meet the intent of Building Design Standards B1-B5.



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LANDSCAPE STANDARDS

- L1 INTEGRATE THE LANDSCAPE CONCEPT TO COMPLEMENT THE ARCHITECTURAL CONCEPTS
- L2 SUPPORT THE PUBLIC REALM WITH THE LANDSCAPE DESIGN
- L3 INTEGRATE SUSTAINABLE FEATURES INTO THE LANDSCAPE AND MAKE THEM VISIBLE WHEREVER POSSIBLE
- L4 INTEGRATE AND HIGHLIGHT GREEN INFRASTRUCTURE PRACTICES
- L5 SUPPORT HEALTHY HABITAT IN THE LANDSCAPE
- L6 PRESERVE AND ENHANCE IMPORTANT VIEWS AND VIEW CORRIDORS

Applicant Response:

L1) The patio style entrances will feature built-in planters surrounding a hard surface area for a chair or two to create a front porch effect. There will be no changes or deletions of the existing natural areas or landscaped areas in the developed areas of the Wintergreen Center. Both the east and west lots will have common areas with some grass areas bordered by drought-resistant landscaped areas. Though these areas contrast with the landscape design for the existing commercial buildings, these added common areas are screened by the townhome rows facing Wintergreen Ln., leaving just the 2 story townhome rows of patio entrances facing Wintergreen Ln. The patio style entrances provide a better landscape design transition to the commercial buildings minimal landscape design.

APPLICANT 06/14/2021: The landscape design will focus on defining the public realm: the streetscape and interior courtyards. Secondary landscape areas include pedestrian connections between these and dooryards separating the units from the public spaces. The dooryards also serve the function of providing screening buffer to public edges.

L2) The public realm will be enhanced with the residential character and human scale patio style entrances, all of which are accessed from pedestrian walkways along Wintergreen Ln. The walkability within the project, along with the additional sidewalk on the west side of Wintergreen Ln., will improve the safety and comfort of pedestrian traffic from High School Rd. The townhome owners will also benefit with the increased pedestrian access along Wintergreen Ln. to the HWY 305 pedestrian path to the ferry.



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APPLICANT 06/14/2021: As described above, the landscaping is focused along the public spaces throughout the project site. These include primarily building frontages, public gathering spaces (courtyard gazebo) and semi-private gardens at each unit. These landscaped areas will encourage interaction between pedestrians and residents along pathways, private gardens and courtyard gathering spaces.

The submittal has been revised to include a more urban approach to courtyard environment which will support a more diverse set of activities and higher intensity of use. Courtyard features include common area picnic BBQ, play areas, seating and pea patches.

L3) The existing landscape and natural areas are well designed and provide an attractive if minimal landscape for the current commercial buildings. The patio style entrances will provide an attractive landscaped entrance that will enhance the existing landscape along Wintergreen Ln. This will provide an interesting and more varying landscape effect along Wintergreen Lane. For example, the Winslow Green mixed use project's condominium balconies that face the commercial plaza add a varied mix of potted plants and outdoor living features, which adds a friendly human activity to the entire project.

APPLICANT 06/14/2021: The planting materials will emphasize native plantings. The project site will have minimal wind exposure due to adjacent forested areas. The proposed street trees and building forms will reduce heat gain to paved surfaces.

L4) Because the townhome project will meet Built Green Level 5, the added landscaping will utilize low impact development design.

APPLICANT 06/14/2021: The primary site infrastructure was designed as part of the prior approvals. Stormwater will be recharged to adjacent wetlands areas as part of existing infrastructure improvements.

L5) The existing natural and landscaped areas are well maintained by the Wintergreen Owners Association. The project's landscaped areas will feature drought-resistant landscape common areas, except for the grass areas, which will require irrigation and a



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higher level of maintenance. The future Wintergreen HOA will provide the required maintenance to the project's landscaped areas.

APPLICANT 06/14/2021: As described above, the project will use native plantings which will in part provide food sources for local wildlife (songbirds, etc.). The original site approvals identified and preserved existing tree stands within critical areas (wetlands) and SR 305 buffer.

L6) All or a portion of the views of the existing natural area will be preserved due to the height of the existing tree canopies on the east and west side. The existing landscape areas will not be blocked by the project.

APPLICANT 06/14/2021: The proposed project will not alter adjacent tree stands or existing views. The siting of the buildings will fulfill goal to frame vista into the site looking towards VM clinic, as anticipated in prior site plan approvals.

DRB Discussion:

L1) No strong architectural concept or landscaping concept. No softening of the building mass, no focal points, did not emphasize home entries through plantings and did not use plantings to enhance privacy. More detailed, scaled drawings needed to show entry and patios layout and design. Incomplete landscape design overall.

L2) There are no seating areas, the community space is not designed, there is no landscaping, landmarks, wayfinding, or other items that help create sense of place. The landscape plan uses some natives, but mostly ornamentals and did not take advantage of the wetland species or the forest trees and canopy from SR 305 within the site. They did not meet the public realm standards and landscape plan does not support the public realm either.

L3) Did not respond to any sustainable features (bioswales, raingardens, etc.).

L4) A lack of drawing details does not allow us to assess existing stormwater system and its use and how the existing infrastructure meets this standard. Hydrological functions, did not improve stormwater, no mention of raingardens, bioswales, etc. The story of why this site works has not been told.

L5) Do not see a lot of groundcover, mostly grass. Landscape plan does not promote biodiversity and the attraction of birds, pollinators, and wildlife. More canopy is



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needed, more street trees to support wildlife and shade. Need to bring in some of the original forested ecology back into the site plan.

L6) On the east side, the buildings separate the wetlands from the site. There is no connections to the wetlands. The proposed noise barrier fencing is not attractive, and it interferes with wildlife corridors and we are not sure of the extent of the fencing. If proposed, landscape plan does not show beginning, end, or height of noise barrier. Needs further review of all details. Better views from homes and community spaces, utilizing natural existing views.

DRB Findings:

The project did not meet the intent of Landscape Design Standards L1-L6. The landscape plan does not tell a story of including the natural features of the surrounding areas. The narrative, the worksheet responses and the plan need to make us love this project.



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STREET TYPES AND FRONTAGES

Street Types: State Route, Main Street, Neighborhood Main Street, Neighborhood Mixed Use, Mixed Use Arterial, Rural by Design, Green Street Rural Green Street

Applicant Response:

The project fronts on Wintergreen Ln., which is a private road on an easement that serves the entire commercial center as well as the Pro Build commercial project adjacent at the north end of the site. The east lot's south end faces the connecting roadway to Polly's Ln. and the aisle way that serves the eastern parking lot. The west side of the east lot has an aisleway that serves the diagonal style parking lot that fronts the east side of Wintergreen Ln. There will be no added paving or roadways to the east lot. The west lot will add a one-way (north to south) aisleway to serve the garages of the west and middle row of townhomes.

APPLICANT 06/14/2021: The project site is adjacent to SR305. Per the prior approvals, the existing buffer was retained. Secondly the pedestrian trail along SR305 is in the process of being relocated to serve as part of the STO trail. No additional access is proposed into the buffer. The applicable street type is neighborhood mixed-use. Consistent with the guidelines, a landscape buffer is provided. The residential uses will add to the varied character along the street.

The new internal access lane will be designed as a Green Street, using the Shared Alley Access concept. The street will have varied paving surfaces and plantings along frontage.

The submittal has been revised to include a more detailed streetscape to visually break up the expanse of paving at the west access lane. Proposed features include change in paving from pedestrian sidewalks to drive lane, small landscape areas (vine pockets and trellis), street trees, and lighting.

DRB Discussion:

The drawings are incomplete regarding identification of interior streets and treatment of the streets. Applicant needs to address new interior street with green street guidelines. This includes stormwater infiltration and retention in landscape areas, minimizing paved areas, and consider permeable paving. Need more detail related to new interior street, there are standards that need to be met. The project must meet #7 rural green street guidelines (pg. 59-60). Maintenance of Wintergreen Lane and interior roads and parking areas burdens future homeowners.



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DRB Findings:

Lack of information in site plan is problematic. Applicant is using the utility plan as a site plan rather than an illustrative plan to explain their ideas. DRB is unable to make any determinations and findings regarding Street Types and Frontages.

Frontages: Linear / Storefront, Landscape, Plaza, Forecourt, Stoop / Terrace, Vegetated Buffer, Parking

Applicant Response:

As noted before, the 2 story townhome rows with patio style entrances will front on Wintergreen Ln. There are both parking stalls and a parking lot fronting on Wintergreen Ln. on the west and east lots that precede the entrances to the townhomes.

APPLICANT 06/14/2021: The associated building frontage is a stoop/terrace which meets the 5' minimum depth.

DRB Discussion:

None

DRB Findings:

The frontages cannot be determined based on drawings.



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SUBDIVISION GUIDELINES

APPLICANT NOTE 06/14/2021: Per BIMC 17.12.020.B, attached single-family residential development shall comply with Chapters 1, 2, 3, 4 and 5 of Design for Bainbridge 2019. Since our project is attached single-family residential, Chapter 6 of Design for Bainbridge 2019 is not applicable to our project.

ISLAND CHARACTER PRESERVE AND MAINTAIN ISLAND CHARACTER

Applicant Response:

The east lot comprises 31 zero lot line townhome lots that are 12.5' wide by 30' deep. The west lot has 43 zero lot line townhome lots that are also 12.5' wide and 30' deep. All the townhome structures are 12.5' wide and 20' long. Though the townhomes are somewhat narrower than the existing townhomes on Bainbridge, their location in the Wintergreen commercial center with their planned architectural styling will maintain the Island's character.

The Wintergreen subdivision has followed the 4-step design process:

1. NATURAL AREAS: Because the Wintergreen subdivision is 2 lots that are a part of the previously approved Wintergreen commercial center, all of the natural areas have been designated. The two Wintergreen town home lots do encompass more natural area than required. The west lot has 4957sf of natural area (only 2875sf required). The east lot has 7995sf of natural area (only 3528sf required).
2. HOMESITES AND COMMUNITY SPACE: The townhome homesites were designed to provide ample community/common areas on each lot. The west lot has 10,560sf of community/common area (only 5750sf required). The east lot has 12,992sf of community/common area (only 7057sf required).
3. ACCESS: The access for auto traffic is completed for the Wintergreen center and for the east lot. The west lot will have a one-way access to serve the garages for the west and middle row of townhomes, which complies with the Wintergreen center's CC+Rs.
4. LOT LINES: The west lot encompasses 43 townhome zero lot line lots, and the east lot has 31 zero lot line lots, for a grand total of 74 townhome zero lot line lots.

APPLICANT 06/14/2021: The proposed project meets the objectives of the WMP and Comprehensive Plan by integrating compact infill close to transit and shopping. The low scale townhouse style design is consistent with multiple other infill projects within the town center, and supports the character associated with the project area.



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The Wintergreen subdivision has followed the 4-step design process:

1. NATURAL AREAS: The site preserves all existing significant trees (within SR 305 Buffer and critical areas).
2. HOMESITES AND COMMUNITY SPACE: The homesites are located to maximize access to community spaces.
3. ACCESS: The access uses existing site improvements and proposes one new lane to minimize new impervious surfaces.
4. LOT LINES: The west lot encompasses 43 townhome zero lot line lots, and the east lot has 30 zero lot line lots, for a grand total of 73 townhome zero lot line lots.

DRB Discussion:

4-step design process is referred to, but drawings don't reflect subdivision details and calculations. No natural areas are defined or calculated.

Some of the categories have not been addressed, so cannot review island character for scale, materiality, detail, etc.

Details are missing for zero-lot lines.

This project could exist in any suburban area. There is no uniqueness or individuality to this project.

See DRB Discussion comments under B1-B5, above

NEIGHBORHOOD CONTEXT TO REFLECT AND/OR ENHANCE THE CONTEXT
PROVIDED BY EXISTING ROADWAY CHARACTER AND NEIGHBORING PROPERTIES

Applicant Response:

The Wintergreen townhome project will create a neighborhood within the existing Wintergreen commercial center. Because it is surrounded by the commercial buildings and mature tree canopies on the east and west, it is isolated from the Stonecress neighborhood. Nevertheless, by adding a residential component to the Wintergreen Center, the resulting mixed use Wintergreen center is a less dramatic change in land use compared to the Stonecress residential land use. The increased pedestrian access added by the Wintergreen project should encourage the Stonecress residents to walk to and use the Wintergreen commercial center.

APPLICANT 06/14/2021: The Wintergreen townhome project will create a neighborhood within the existing Wintergreen commercial center. Because it is surrounded by the commercial buildings and mature tree canopies on the east and west, it is isolated from the Stonecress neighborhood. The site design as described above will define public spaces including streetscape and outdoor spaces. The scale and character



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of the residential homes is consistent with adjacent Stonecress neighborhood. The transitions to surrounding uses and neighborhood was defined as part of the prior site approvals. These include SR305 buffer, screening to Stonecress neighborhood and preservation of tree stands within wetland areas. No additional screening is proposed within the overall master plan.

DRB Discussion:

Need to better articulate a neighborhood within the commercial center. Need to design a better sense of place, with an identified neighborhood hierarchy of public realm/spaces. This project could exist in any suburban area. There is no uniqueness or individuality to this project.

NATURAL AREA TO INCORPORATE FORESTED AND/OR OTHER NATURAL AREAS INTO SITE DESIGN IN SUCH A WAY THAT ECOLOGICAL AND AESTHETIC INTERGRITY, QUALITIES, AND VALUES ARE PRESERVED OR RESTORED

Applicant Response:

As noted before, the Wintergreen townhome project is overlaid on an approved and completed commercial center wherein the natural areas have been designated and preserved in perpetuity. The homesite layout design has the townhomes facing either natural areas or the proposed internal community/common areas in order to give all the future homeowners a green view shed, rather than just opposing buildings. The west lot will have a BIMC-permitted 25' setback/buffer along HWY 305 (see page 5 of the City's Preapplication Conference Summary letter dated January 26, 2021), which also serves as open/natural space for project, and which facilitates the approximately 40' average width community/common area in the middle of the rows of townhomes, which is needed to allow the middle row to have a view shed of a green landscape.

APPLICANT 06/14/2021: The critical areas and mature trees including those within roadside buffer will be protected.

DRB Discussion:

DRB was tasked by COBI Planning Department to determine the appropriate Hwy 305 setback for this residential project. DRB determined in a public meeting that a 50' setback to the SR305 right of way was appropriate and required for a residential project. See



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02/01/2021 Design Review Board Meeting minutes for more details. Did not integrate ecological processes in the site design.

See DRB Discussion comments under L1-L5, above

NATURAL SITE CONDITIONS TO PRESERVE AND INTEGRATE EXISTING NATURAL SITE PATTERNS AND FEATURES THROUGHOUT THE SITE

Applicant Response:

As previously noted, all the natural areas have been designated, and they are thriving. The previously approved Wintergreen center's natural areas that adjoin the Wintergreen town home project will be an attractive view shed for the future homeowners.

APPLICANT 06/14/2021: The project site has been cleared and graded consistent with prior planning approvals. All existing vegetation will be preserved consistent with prior conditions of approval.

DRB Discussion:

See DRB Discussion comments under Natural Area, above.

HISTORIC AND CULTURAL RESOURCES TO PRESERVE IMPORTANT HISTORIC AND CULTURAL RESOURCES

Applicant Response:

Not applicable

DRB Discussion:

Not applicable



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STORMWATER INTEGRATE STORMWATER FACILITIES IN SITE DESIGN WITH EMPHASIS ON INFILTRATION AND DISPERSION PRACTICES

Applicant Response:

The Wintergreen townhome project is subject to the previously approved stormwater design. The east lot's stormwater system has been completed, and the stormwater system on the west lot will be installed in accordance with the previously approved stormwater plan.

DRB Discussion:

Lack of information on infiltration systems including bioswales and raingardens to protect the adjoining wetland to the east.

See DRB Discussion comments under L1-L6, above

SEPTIC SYSTEMS TO MINIMIZE IMPACT OF SEPTIC FACILITIES

Applicant Response:

Not applicable. The project will be connected to the COBI public sewer system.

DRB Discussion:

Unclear from Public Works on the strategy to accomplish this. Applicant was told by Public Works that the sewer line to High School Road was at capacity and a new line east through the wetlands to Ferncliff Avenue would be required with a new costly pump station.



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WATER CONSERVATION TO PROTECT THE ISLAND'S FINITE GROUNDWATER
RESOURCES AND ADAPT TO THE IMPACTS OF A CHANGING CLIMATES

Applicant Response:

The proposed landscape plantings, except for the grass areas, will be drought resistant. The townhomes are being built to Built Green level 4, which utilizes current low flow plumbing features.

DRB Discussion:

See DRB Discussion comments under L1-L6, above

COMMUNITY SPACE TO PROMOTE A SHARED SENSE OF COMMUNITY

Applicant Response:

The community/common areas with the Wintergreen townhome project will be largely used by the future homeowners. There will be a partial view shed from Virginia Mason of the landscaped community/common areas to offset the massing of the townhome rows.

APPLICANT 06/14/2021: The community/common areas with the Wintergreen townhome project are centrally located to allow all home to have direct access.

DRB Discussion:

Community space is not designed and not well articulated/identified. Site plan should show all landscape elements including benches, firepits, playgrounds, sitting areas, and focal points for community-based activities. Community space should not be calculated using traffic-focused landscape areas. Difficult to understand what the project goals are.



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CLUSTER HOMESITES TO PROMOTE INTERACTION WITHIN THE COMMUNITY AND FACILITATE THE EFFICIENT USE OF LAND BY REDUCING DISTURBED AREAS, IMPERVIOUS SURFACES, UTILITY EXTENSIONS AND ROADWAYS

Applicant Response:

As discussed previously, the townhome homesites are aligned in rows and divided in the middle to allow pedestrian walkways across and lengthwise to connect to the existing Wintergreen center's walkways. The Wintergreen townhome homesites are designed to use only the remaining buildable areas of the 2 lots in order to retain the previously approved Wintergreen center's preserved natural areas. The Wintergreen center's commercial buildings utilize open parking lots that require substantial impervious surfaces. The Wintergreen townhome 3-story townhomes with single car garages on the first floor will reduce the size of the previously planned parking lot for a commercial building. Thus, the impervious surfaces of the Wintergreen townhome project will be reduced and/or replaced with cleaner runoff from roofs. Only one new one-way accessway for the west lot will be required, thus maximizing the use of the existing accessways and roadways.

APPLICANT 06/14/2021: Due to the urban nature of the site all homes are clustered.

DRB Discussion:

Design is not setup to promote community interaction. Utility information is not available to review.



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SOLAR ACCESS TO PROVIDE SOLAR ACCESS FOR WELLBEING AND ENERGY PRODUCTION

Applicant Response:

The Wintergreen project's town home rows are aligned north and south to allow sunlight to reach all the homes and landscaped areas the entire year. Though the units do not include future solar features to utilize solar access for energy, the units are being built to meet Built Green level 4 standards.

APPLICANT 06/14/2021: The Wintergreen project's town home rows are aligned north and south to allow sunlight to reach all the homes and landscaped areas the entire year. The units include future solar features to utilize solar access for energy, and the units are being built to meet Built Green level 4 standards.

DRB Discussion:

Units should be pre-wired for optional solar access. Some of the community spaces are in the shade most of the year.

ACCESS AND CIRCULATION TO PROVIDE A PRACTICAL AND PLEASANT NETWORK OF MULTI-MODAL CIRCULATION

Applicant Response:

The Wintergreen townhome project is located near the busiest intersection on Bainbridge: High School Rd. and HWY 305. Thus, it will be served by all forms of public transportation, including buses and ferries. Pedestrian and cycling networks connect directly to the proposed project, which can safely and comfortably be used to commute via the impervious pathway along HWY 305 to either downtown or the ferry. Safe pedestrian sidewalks with signaled crosswalks provide pedestrian access to the Safeway commercial center, which will help reduce auto use for living essentials.

DRB Discussion:

HS I and HS II are suburban auto oriented zones. It is not conducive to a residential, pedestrian safe project. Industrial trucks and ambulances from Pro-Build and VMMC, respectively, use Wintergreen Lane and will impact the residential neighborhood with regard to noise and safety. Most of the comments from applicant above relate to off the



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site conditions, attention to on-site conditions is needed. Crosswalk or possible traffic signal/other facility at High School Road and Wintergreen Lane should be investigated. See DRB Discussion comments under C5 and S5, above.

MOTOR VEHICLES TO MINIMIZE THE PROMINENCE OF MOTOR VEHICLE USE AND STORAGE

Applicant Response:

The Wintergreen townhome project is required by the Wintergreen center CC+Rs to utilize the existing parking lots. However, by placing single car garages on the first floor of the 3-story townhomes in the interior rows of townhomes on both lots, the project has hidden from public view about two-thirds of the homeowners' cars.

APPLICANT 06/14/2021: The Wintergreen townhome project is required by the Wintergreen center CC+Rs to utilize the existing parking lots. However, by placing single car garages on the first floor of the 3-story townhomes in the interior rows of townhomes on both lots, the project has hidden from public view about two-thirds of the homeowners' cars. The project will retain existing site improvements include traffic calming, bike access and pedestrian facilities.

DRB Discussion:

Possibly limit the number of cars allowed per unit. Reduce the impact of automobiles within the site. Need some accounting of spaces per unit and where these extra spaces are located. Need to see overall parking program with total numbers of spaces identified. Impervious roadway is extensive and must be reduced or minimized. Actions must be taken to ensure there is no impact on neighborhood parking areas.



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HOMESITE DESIGN TO EFFICIENTLY CONFIGURE BUILDING FOOTPRINT(S) AND
ALLOWED USES WITHIN A HOMESITE

Applicant Response:

The Wintergreen townhome homesites were designed to provide a private open space in the patio entrance and backyard for the 2-story townhomes. The 3-story townhomes also have a private patio entrance with a balcony extending over the rear driveway to the garage. The project does utilize almost all of the allowed FAR building area in order to provide the lower cost per unit that will allow home sales in accordance with the COBI affordable home guidelines. Nevertheless, there is more natural area and community/common area provided than required.

APPLICANT 06/14/2021: The site is densely configured and utilizes small footprint attached housing. Housing is configured to define streetscape and interior open spaces.

DRB Discussion:

Minor home occupation allowed; Bainbridge code definition should be included in CC&R's to avoid future impact on parking and traffic.

DIVERSITY IN HOUSE DESIGN TO PROVIDE A RANGE OF HOME SIZES AND
DESIGNS TO ACHIEVE DIVERSITY IN VISUAL APPEARANCE AND AFFORDABILITY

Applicant Response:

The Wintergreen townhome home designs include a 2-story townhome with 1 BR plus den, with a limited number of 2BR models. The 3-story townhomes have a multi-use room on the 1st floor next to the garage where the home is entered through the front door. This room can be used as a home office, which will allow client visits (permitted in the Wintergreen commercial center). The 2nd and 3rd floor can be either a 1 bedroom or 1 bedroom and den.

APPLICANT 06/14/2021: The project is not subject to this standard. It will however provide two housing types.

DRB Discussion:

There are only a couple of unit types. Perhaps studios could be an option. More variety and/or detail in design of units.

The DRB is in support of affordable, attainable, and equitable housing.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

Minor home occupation allowed; Bainbridge code definition should be included in CC&R's to avoid future impact on parking and traffic.
See DRB Discussion comments under B1-B5, above.

FACING PUBLIC STREETS TO REINFORCE NEIGHBORLINESS OF HOMES ALONG A PUBLIC STREET

Applicant Response:

As noted previously, the rows of 2-story townhomes facing Wintergreen Ln. have their patio entrances facing the street with either a pedestrian path or sidewalk to serve pedestrian access to their homes. This feature will add a friendly neighborhood aspect to the commercial center.

APPLICANT 06/14/2021: The proposed design is consistent with street type guidelines. As noted previously, the rows of 2-story townhomes facing Wintergreen Ln. have their patio entrances facing the street with either a pedestrian path or sidewalk to serve pedestrian access to their homes. This feature will add a friendly neighborhood aspect to the commercial center.

The submittal has been revised to include a more detailed streetscape to visually break up the expanse of paving at the west access lane. Proposed features include change in paving from pedestrian sidewalks to drive lane, small landscape areas (vine pockets and trellis), street trees, and lighting.

DRB Discussion:

While we support access from Wintergreen, the lack of open space and landscaping along Wintergreen negatively impact public realm.
See DRB Discussion comments under P1-P5, above

DRB Findings:

The site plans did not include the 4-step process and supporting drawings.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

LARGER SITES

- STANDARD1 DESIGN THE SITE BY CLUSTERING BUILDINGS AND ARRANGING THEM WITH FRONTAGES ON PUBLIC STREETS, PUBLIC SPACES, OR OPEN SPACE.
- STANDARD2 DESIGN SITES TO MINIMIZE THE VISUAL IMPACT OF PARKING ON THE PUBLIC REALM.

Applicant Response:

Standard 1) As previously discussed, the townhome rows have been designed to front on Wintergreen Ln., natural areas, or community/common areas.

Standard 2) Though the project must use the existing parking lots, all of the 3-story townhomes have single car garages on the first floor, thus eliminating open parking stalls and reducing the impact of garages by having them in interior townhome rows.

APPLICANT 06/14/2021:

Standard 1) Proposed new parking shall be located to the rear of the site so it will not be visible from center access lane. All other parking is existing.

Standard 2) All buildings have been designed to face public streetscape and to define central outdoor spaces.

DRB Discussion:

Standard 1) No frontage on Wintergreen and not enough open space along Wintergreen. Planted buffer between patios, sidewalk and parking is needed, more design and study of this space.

Standard 2) Add more buffer and grading to hide or create barrier for parking areas.

DRB Findings:

More study is needed to better design private and public space interfaces and define the public realm.
See DRB Discussion comments above



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

HISTORIC PLACES

- STANDARD1 DESIGN THE SITE, BUILDING(s), AND LANDSCAPE TO BE COMPATIBLE WITH HISTORIC BUILDINGS WITHOUT DIRECTLY MIMICKING HISTORIC ARCHITECTURAL STYLES.
- STANDARD2 MAINTAIN THE HISTORIC INTEGRITY OF BUILDINGS OVER 50 YEARS OLD LISTED OR ELIGIBLE FOR THE NATIONAL OR LOCAL REGISTER OF HISTORIC PLACES.

Applicant Response:

Standard 1) Not applicable

Standard 2) Not Applicable

DRB Discussion:

Standard 1)
Not applicable

Standard 2)
Not applicable

DRB Findings:

Not applicable



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

CIVIC USES

- STANDARD1 DESIGN CIVIC USES AND SITES TO REFLECT AND CONTRIBUTE TO THEIR FUNCTION AND ROLE IN THE COMMUNITY WHILE BEING CLEARLY IDENTIFIABLE AS A CIVIC USE.
- STANDARD2 DESIGN CIVIC SITES AND BUILDINGS TO SERVE MULTIPLE FUNCTIONS SUCH AS PUBLIC SPACE, COMMUNITY GATHERINGS, PUBLIC ART, AND OTHER COMPATIBLE USES.

Applicant Response:

Standard 1) Not applicable

Standard 2) Not applicable

DRB Discussion:

Standard 1)
Not applicable

Standard 2)
Not applicable

DRB Findings:

Not Applicable



DESIGN for BAINBRIDGE
WORKSHEET
Bainbridge Island, Washington

This project is recommended for:

Approval ☐

Approval with the following conditions: ☐

Denial with the following deficiencies: ☐

SIGNATURE: _____
Chair, Design Review Board

DATE:



DESIGN for BAINBRIDGE WORKSHEET

Bainbridge Island, Washington

INTRODUCTION

Design for Bainbridge (DforB) provides guidance for applicants to successfully navigate the design review process. The design review process, standards, and guidelines are structured to support good design and a deliberate design process from context and site down to design detailing. Design review is an iterative process intended to help applicants apply relevant standards and guidelines and develop designs for the project that fit Bainbridge Island and the unique context of the site. This iterative process contains three touch points with the Design Review Board (DRB). This worksheet is used to capture design information to be presented to the DRB at each step in the iterative process.

#1 Conceptual Proposal Review Meeting

The conceptual proposal review meeting is an informal meeting between the applicant and the Design Review Board to review site-specific conditions and contextual considerations for the design of development on site. This discussion is intended to inform strategies for site planning and massing that respond sensitively to the neighborhood context.

Applicant Submittal Requirements

- See DforB pages 12 & 16

#2 Design Guidance Review Meeting

Design guidance review meetings with the Design Review Board offer guidance to potential applicants during the design process on conceptual alternatives. The purpose of the design guidance review meeting is to review how the proposed alternatives fit the surrounding context with a focus on the development's program, uses, site plan, and massing. The DRB will also consider any requested departures, the rationale for those departures and their consistency with the intent and principles of the guidelines.

Applicant Submittal Requirements

- See DforB page 13
- Initial Design for Bainbridge Worksheet (below)



DESIGN for BAINBRIDGE WORKSHEET

Bainbridge Island, Washington

#3 Final Design Review Meeting

At this meeting, the Board will review the application plans for compliance with Design Standards and Design Guidelines and ensure that the project reflects any revisions recommended by the Board at previous meetings. The Board will document its findings and transmit a written recommendation to the Planning Commission. The Board's recommendation may include conditions to ensure compliance with all standards.

Applicant Submittal Requirements

- See DforB page 15
- Final Design for Bainbridge Worksheet (below)

NOTE: Submittal materials should be transmitted as individual pdfs, not as one large file.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

PROJECT: Wintergreen Townhome Subdivision (PLN51836)
PROJECT ADDRESS or PARCEL: 23250230942009 ; 23250230922001
DATE: 06/21/2021
PROJECT PLANNER: Kelly Tayara
Design Review Board Meeting Dates: 10/05/20 ; 11/02/20 ; 02/01/21 ; 02/16/21 ; 03/01/21 ; 06/21/21

CONTEXT ANALYSIS

C1) NATURAL SYSTEMS: The only natural system affecting the Wintergreen Center is the wetland corridor that is addressed in C-2. All of the projects that have been built that surround the wetland corridor have preserved the corridor with buffers that extend into perpetuity.

APPLICANT 06/14/2021: The site planning for the overall 8-acre project site was approved under the prior SPR. That application addressed adjacent wetlands and its relationship to stormwater management. The proposed design may consider site scaled features such as rain gardens if feasible for on-site infiltration. Original project approvals did not anticipate nor require adding to natural areas. Wetlands and SR305 buffer are not intended to be used as open space.

DRB 02/16/21: The applicant did not discuss the offsite wetlands or forest area whose attributes could be used as a site amenity. Need to see more of a balance between natural and indigenous landscaping as there was a forest at one time on this site. We have not seen accurate drawings that show the context, how people navigate the site via sidewalks, etc.; the drawings are lacking, and this really affects the design process. How do we take advantage of the natural systems? Need to integrate into the site proposal. There needs to be some restoration of this site of what had been there.

C2) WILDLIFE HABITAT & CORRIDORS: The wetland corridor that extends from the eastern edge of the Wintergreen Center along the Virginia Mason property to Ferncliff Avenue is bracketed between Pro-Build Lumber, Stonecress on the north and Woodland Village on the south. The wetland and buffers extend to Ferncliff Ave. and provide a habitat for a number of wetland plantings and animal life. The Wintergreen TH project's 2 lots remaining buildable areas are beyond the buffers affecting the Wintergreen Center. There are no other natural systems affecting the Wintergreen Center and/or the 2 lots the Wintergreen TH project will



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

occupy. This wetland corridor provides a wonderful natural system and green space corridor that benefits all of the various projects that are adjacent.

APPLICANT 06/14/2021: The off-site wetlands to the east of the project site shall remain per the original SPR as protected open space and critical areas. Those areas will continue to support wildlife habitat and protect the forested areas. The project site is separated by an existing retaining wall and parking area from above mentioned open space.

DRB 02/16/21: The applicant did not discuss the adjoining wetlands or forest area that could be used as a site amenity enhancement. Need to see more of a balance between natural and indigenous landscaping and there was a forest at one time. We have not seen accurate drawings that show the context, how people navigate the site via sidewalks, etc.; the drawings are lacking, and this really affects the design process. How do we take advantage of the natural systems? Need to integrate into the site proposal. There needs to be some restoration of this site of what had been there. We do not agree with the statement "There are no other natural systems affecting the Wintergreen Center and/or the 2 lots the Wintergreen TH project will occupy." **Designer should look for ways to heal and repair the island's natural systems that have been impacted by previous development.**

C3) UNIQUE & PROMINENT FEATURES: The Wintergreen TH project's west lot is adjacent to the 75' wide mature tree canopy that is in the HWY 305 Right of Way corridor. This tree canopy is located on the 15' high slope bank next to the paved portion of HWY 305 and provides a robust visual buffer. The east lot is adjacent to the extended natural area that leads to the wetland corridor and is a mature tree canopy that screens the Stonecress project from the Wintergreen Center.

APPLICANT 06/14/2021: The project site does not exhibit any unique or prominent features described in the guideline. The original site design was entirely commercial and was focused on to the central access lane and related public spaces.

DRB 02/16/21: The forest that remains is unique and the wetlands to the east are unique and should be extended into the site proposal. Some trees could be added to the west side, but we are concerned about the south side without any tree screening. We do not agree with the statement "provides a robust visual buffer". We can't rely on the adjacent properties buffer to satisfy buffer for this project.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

C4) BUILT ENVIRONMENT: The Wintergreen Center is currently only a commercial center with Key Bank adjacent to High School Rd. Walgreens and Virginia Mason surround the 2 lots that will be the Wintergreen TH project. By introducing the residential component, the Wintergreen Center will become mixed use, thus adding a neighborhood context to the commercial center.

APPLICANT 06/14/2021: The massing of the proposed residential units is intended to create a contrast to the larger scaled commercial uses on the other portions of the site. The residential units along the central access alone are two stories in height, similar in scale to the adjacent commercial uses. The taller three-story buildings are placed to the edges of the site helping keep a lower scale at the site interior. The positions of the buildings serves two purposes: to define the street edge, and to help shape the semi-private open spaces behind. The open spaces originally located along the access lane (per the original SPR approval) are relocated to better serve the residents. The vehicle traffic is separated from the open spaces.

DRB 02/16/21: The DRB per the code requires a 50' buffer. The residential piece does not need to mimic the commercial area; it is not very inviting. There are no plans to mitigate massing, scale or the appropriateness of the adjacent use. What are the connections back to High School Rd, for example? They have not dealt with restoration. The site was intended to be commercial; the residents should not have to be subjected to local traffic driving thru the residential neighborhood. The exit should not be through a commercial parking lot. The commercial and car-oriented activities surrounding the site should not be carried through the residential area.



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C5) PUBLIC REALM: By introducing a COBI approved affordable residential project within walking distance of downtown, local shopping and the ferry, much needed affordable housing will contribute housing opportunities for working families that cannot afford the relatively expensive Bainbridge housing. Though the project requires high density and somewhat larger residential structures to achieve a cost per unit that will allow affordable pricing, it is surrounded by both tree canopies and the existing commercial buildings, which will lessen the visual impact to the community.

APPLICANT 06/14/2021: As described above the key attribute of the public realm is the central access lane. This will be the predominant north south pedestrian route through the site. The residential uses will support this edge with small front door yards and related entries. Minor pedestrian connections are provided between the sidewalk and the courtyard gardens. The gardens are accessible to the public for passive uses. The landscape design will respond to the unique uses within these spaces, with the street being more urban and the courtyard more informal.

DRB 02/16/21: Part of the public realm is creating a system of pathways that connect spaces and people. Applicant did not understand or identify public realm, which is the spaces around buildings that are publicly accessible and support public life and social interaction. Need more work on defining the public realm and how this project would be an asset to the community. The public realm includes Wintergreen Lane, and they should address the quality of the experience moving through Wintergreen Lane.

C6) SYSTEMS OF MOVEMENT & ACCESS: Because the Wintergreen TH project is less than 1 mile from the ferry and downtown Winslow, and 1/4 mile from the Safeway shopping center, pedestrian access and movement is ample, safe and convenient. Both public transportation and private auto access is adequate and largely safe with the signaled intersection at High School Rd. and Hwy 305. The Wintergreen Lane access from High School Rd. can be difficult, especially at peak ferry traffic periods; however, the future Wintergreen TH residents will be able to use the alternative one-way Polly's Lane (restricted to just auto traffic, no trucks) to more safely exit to High School Rd. during high traffic periods.



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APPLICANT 06/14/2021: The approved SPR went through an in-depth analysis to implement safe and efficient access both for vehicle and pedestrians. The proposed street design and related pedestrian facilities are existing and consistent with prior approvals. The central access lane along with side parking lane was requested by the neighbors during the prior review process. No new access lanes are proposed. The trail along SR305 was relocated to the opposite side of the highway unrelated to this application.

DRB 02/16/21: High School Rd is currently difficult access from Wintergreen, very difficult to turn left, traffic backs up. There may be less traffic than commercial but will add more than there is now. The traffic study should be done looking at 2021 conditions, not 2013. The sewer is a problem, High School Rd sewer line is at capacity and cannot be connected to; will have to catch sewer at Ferncliff through the wetlands, a pump station may need to be installed. At the south end next to High School Road, there needs to be a crosswalk at Wintergreen Ln. On the east side, as proposed in the site plan, the auto traffic exiting Virginia Mason must pass through the proposed residential area. There needs to be a crosswalk adjacent to Polly's Lane, again at High School Road. There should be a comprehensive analysis of delivery vehicles, commercial vehicles, residential vehicles, and pedestrians. The traffic from the northern commercial area (lumber yard and medical clinic) will drive through the center of the residential area. A lot of attention needs to be paid to the design regarding movement through the site.

Context Analysis Complete:

Yes: ☐ No: ☒

If no, required additional information:

See DRB 02/16/21 comments above and review Design for Bainbridge starting with pages 18, 19, 20.



DESIGN for BAINBRIDGE WORKSHEET

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SITE DESIGN STANDARDS

- S1** PROTECT AND REPAIR NATURAL SYSTEMS
- S2** PRESERVE AND ENRICH WILDLIFE HABITAT
- S3** RESPECT AND MAGNIFY UNIQUE ASPECTS OF SITE AND CONTEXT
- S4** COMPLEMENT AND CONTRIBUTE TO THE BUILT ENVIRONMENT AND LOCAL IDENTITY
- S5** FIT THE PROJECT INTO THE SYSTEMS OF ACCESS AND MOVEMENT, PRIORITIZING PEDESTRIANS AND BICYCLES
- S6** SUPPORT AND CONTRIBUTE TO A VIBRANT PUBLIC REALM

Applicant Response:

S1) VEGETATION – EAST LOT: The east lot is subject to a natural green belt on the east side with natural plants and mature trees in accordance with the prior approved Visconsi site plan review. The proposed town homes will occupy the remaining "buildable" land area that is covered with an erosion control grass mix. The buildable land is surrounded by parking lots with planted borders. The south side adjacent to Kitsap Bank has a narrow natural preserve of mature trees and native plants. The townhouse project will preserve all of these natural and planted trees and plantings. Additionally, the East lot will have a common area with grass and plantings surrounded by the townhomes. WEST LOT – The west lot is adjacent to an approximately 75-foot full screen buffer in the HWY 305 right of way, which will be supplemented by a 25-foot buffer on the wet lot, which will be full screen as well. The proposed town homes will occupy the buildable area, which is largely flat and grassed. In addition to the open space buffer, there will be community space between the two-story units and the middle row of three-story units.

SOLAR ACCESS: The rows of the townhomes are aligned north and south to maximize solar access and the sun moves east to west across the horizon. Though the townhomes are not planned for solar panels, they will be built to GREEN BUILT LEVEL 4.

WIND: Wind is not a significant issue because our project benefits from being surrounded by both mature tree growth and substantial existing buildings that will provide "windbreaks" allowing a relatively calm living area.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

STORMWATER: The East lot will utilize existing storm detention tanks with previously COBI approved discharge to the east. The west lot will construct detention and storm discharge in accordance with the prior approved stormwater plan that was approved by COBI public works.

OTHER: The Wintergreen Center, including these 2 lots and our proposed project, do not have flooding problems

APPLICANT 06/14/2021: The project site was cleared and graded as part of the original site improvements. The hydrological functions were addressed under a prior application as part of the storm drainage design. The critical areas described above were designated and protected as part of the prior site approvals and related improvements. Proposed landscaping will include native planting attractive to birds and wildlife. These features shall be integrated into proposed buffers and opens spaces while maintaining useable open space for residents.

S2) All of the mature trees and vegetation in the previously approved Wintergreen Center's natural areas will be preserved

APPLICANT 06/14/2021: All of the mature trees and vegetation in the previously approved Wintergreen Center's natural areas will be preserved. Proposed landscaping will include native planting attractive to birds and wildlife. These features shall be integrated into proposed buffers and opens spaces while maintaining useable open space for residents. Critical area fencing was approved and installed as part of prior site improvements. Wildlife corridors are related to protected critical areas per prior approvals.

S3) Because the townhome project will be in the center of the Wintergreen Commercial Center, it will achieve the mixed-use goal while providing its own common areas that will provide attractive and functional living for the future owners.

APPLICANT 06/14/2021: The overall site design for Wintergreen was established as part of the prior approvals. The salient features of the site include the central access spine, and forested areas associated with adjacent wetlands areas and SR305 buffer. There are no views from site or nearby landmarks.

S4) The townhome project will be the same scale as the current commercial buildings, Key Bank, Walgreen's, and Virginia Mason. By adding a residential component to the commercial buildings, the Wintergreen Center will achieve a "mixed use" project that was the preferred project by the public rather than the original single use "commercial" project. The roof line of the townhome rows will complement roof line design of both Walgreens and Virginia Mason. With the individual front yards facing Wintergreen Ln., that friendly aesthetic will provide a quieter neighborhood feeling to the current bustling commercial uses.

APPLICANT 06/14/2021: The original design concept for the architecture within the Wintergreen center was a modern agrarian theme. The drugstore and bank followed the



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original aesthetic direction. The health clinic was a departure and has a more monolithic commercial presence with its singular form and predominant flat roofs. The proposed residential units are more finely grained, and thereby distinct from the adjacent commercial uses. They are more in keeping with the adjacent Stonecress residential neighbor directly east of the site. The townhouse forms are further broken into discrete building creating pedestrian passages to the internal courtyards. The proposed building colors add variety to the current predominant pallet of reds and browns.

S5) The rows of 2 story townhomes are aligned along Wintergreen Ln. with a patio style entrance fronting on pedestrian walkways that will create a pleasant neighborhood aspect to the commercial uses that surround the townhomes. The project has paths and sidewalks that complement the existing access system.

APPLICANT 06/14/2021: The primary pedestrian and vehicle access routes are existing and oriented towards the central access spine. The proposed site design will create additional pedestrian routes between buildings which connect to the existing infrastructure. All new systems will be accessible. Residential parking will use either existing parking spaces or be integrated below the proposed residential units. No new garages will be visible to central access lane. Covered bicycle parking will be provided adjacent to courtyard open spaces. As described above, the courtyards will be pedestrian oriented with no vehicle access.

S6) By having a major residential component to the Wintergreen Center, there will be more human activity in the center as well as a creating modest customer base for the current commercial businesses and health center.

APPLICANT 06/14/2021: The integration of residential units was something requested by neighbors during the initial approval process. The residential units will add vitality to the daily life in the Wintergreen site. The residential units are set close to the street creating a public front. The proposed garages and related access lanes are removed from the public front. The courtyard entrances are placed for direct access from the central access lane with drive aisles set further behind.

The submittal has been revised to include a more detailed streetscape to visually break up the expanse of paving at the west access lane. Proposed features include change in paving from pedestrian sidewalks to drive lane, small landscape areas (vine pockets and trellis), street trees, and lighting.



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DRB Discussion:

S1) Proposed site plan does not address healing of the site from prior projects (i.e. clear cutting).

Design for Bainbridge pg. 23: "designers should look for ways to **heal** and repair the island's natural systems that have been impacted by previous development"

Proposed site plan shows buffers and separation of the natural and built environment which does not allow integration of natural systems within the site plan. Applicant needs to make effort to include onsite water retention to protect wetlands.

Due to the bulk and massing of the buildings there is no opportunity to provide adequate natural areas and access to nature by residents.

Need clarification on Green Built for Level 4 vs. Level 5

S2) Lack of tree canopy, lack of wetland species does not promote wildlife corridors. The existing forest needs to be incorporated in the site plan.

S3) The former forest provided privacy; the building massing does not offer privacy. The parking lot to the East completely blocks off the wetlands and does not allow integration of natural systems into the site.

There is not a sense of character out of this project, more design intent needed. This is an opportunity to introduce residential character. The built environment should be the true enhancement of the site to create natural character to promote contact with nature for the residents.

Add wood fencing at the ground floor units to promote privacy.

See DRB Discussion comments under C3, above.

S4) Project does not create a sense of place that is distinct from the commercial buildings and that is walkable, bikeable and safe; it is car oriented. The scale is too large, project is designed 2-dimensional not 3-dimensional thinking, and it is not domestic-scale.

Shadow from overhangs on existing commercial buildings and variety of roof lines need to be less monolithic in new project.



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S5) High School Zones are car-oriented, by definition. This project does not prioritize safe bicycling or walking over automobiles. There is no walking trail separate from the road or sidewalk. There is a tremendous amount of impervious cover. There needs to be more analysis and integration of all the traffic patterns on site.

Residential requires a different design than commercial. There is no attempt to provide easier access to existing surrounding businesses.

The design is not inviting to pedestrians and bicycles. Pedestrians are forced to use streets and parking lots rather than safe trails and bike lanes separate from automobiles.

See DRB Discussion comments under C6, above

S6) This project did not understand the intent of Standard S6, Support and Contribute to a Vibrant Public Realm, and no understanding of public realm. Proposed project did not minimize vehicular presence in the public realm. Autos are the dominant presence, not pedestrians. Some of the units have parking garages, there should be more of these. Almost all of these sites are affected by commercial traffic and the residents will need to enter and exit their neighborhood through commercial parking lots.

Commercial traffic will be driving through their community, including semi-trucks and ambulances.

Human activity does not enhance the public realm, by default.

Building orientation is north south which creates various different environments, that should be addressed and thought through as they relate to creating their own public realm. The project needs to address the hierarchy of spaces, possible change in scale or orientation of buildings. The architecture on site needs to create unique environment.

See DRB Discussion comments under C5, above

DRB Findings:

The project did not meet S1-S6



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

PUBLIC REALM STANDARDS

- P1** CREATE A SAFE AND COMFORTABLE ENVIRONMENT FOR WALKING AND CYCLING
- P2** MINIMIZE IMPACT OF VEHICLES ON THE PUBLIC REALM
- P3** DESIGN TO SUPPORT A LEGIBLE HIERARCHY OF PUBLIC SPACES
- P4** STRENGTHEN PUBLIC SPACE CONNECTIONS
- P5** DRAW FROM AND ENHANCE EXISTING BLOCK PATTERNS
- P6** FOSTER INTEREST AND ACTIVITY ALONG COMMERCIAL STREETS

Applicant Response:

P1) The Wintergreen Center has well designed pedestrian sidewalks and composite trails, along with roadways with adequate width for safe cycling. The Wintergreen Townhome project has designed internal walkways that go the length of the project as well as walkways that cross the project, all of which will connect to the existing Wintergreen Center's walkways and roadways. The future homeowners will be able to walk or cycle throughout both the townhome project as well as the entire Wintergreen Center comfortably and safely. For example, Wintergreen Ln. has a pedestrian trail along its East side behind the diagonal existing parking lot, from which trail the 2 story townhomes will have their patio entrances accessed. The townhome project will add a sidewalk along the west side of Wintergreen Ln., which will be the access to the 2 story townhomes' front patio entrances.

P2) The project does not alter the existing roadways or drive aisles for the existing parking lots on the east lot.

APPLICANT 06/14/2021: The project does not alter the existing roadways or drive aisles. All new garages will be placed behind building to minimize visibility from public spaces. Proposed pedestrian access will be accessible and have dark sky compliant lighting for safety. Residential entries are focused towards public realm (street and courtyards). Bicycle parking shall be provide at ends of courtyard spaces.



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The submittal has been revised to include a more detailed streetscape to visually break up the expanse of paving at the west access lane. Proposed features include change in paving from pedestrian sidewalks to drive lane, small landscape areas (vine pockets and trellis), street trees, and lighting.

P3) The project leaves the existing open spaces and natural areas that provide a minimal landscape scene for the current commercial buildings and parking lots. The townhome project provides a series of front patio entrances along both sides of Wintergreen Ln. that will add to the landscape effect to soften the harsher impact of the current all commercial centers.

APPLICANT 06/14/2021: As described above, the two key public opens spaces are the central access spline and the adjacent courtyards. The edges of the public spaces are defined by the adjacent residential buildings. The site has no other street network or off-site vistas. The crosswalks were completed as part of the original approvals. The courtyard spaces will be visible and provide seating opportunities for non-residents to feel comfortable.

P4) The townhome project with the additional sidewalk added to the west side of Wintergreen Ln. will add to the pedestrian access from High School Rd. to provide a safer and more accessible pedestrian commute.

APPLICANT 06/14/2021: As stated above, the residential units each have entries facing public spaces. Pedestrian passageways link the central sidewalks to the adjacent courtyards. The sidewalk design shall include street furniture to encourage direct engagement with street and pedestrian activity. Seating elements will be located adjacent to pedestrian passageways.

P5) By aligning the townhome rows parallel to Wintergreen Ln., the 2 story townhome rows fronting on Wintergreen Ln. will screen the massing of the interior rows of buildings to reduce the impact of the size of the project. All the rows of townhome buildings have been divided to allow for sidewalks to cross the projects on each lot. The 2 story rows on each side of Wintergreen Ln. have been angled to reduce the linear impact of long rows of buildings, which was suggested by the Design Review Board.

APPLICANT 06/14/2021: The townhome rows facing Wintergreen Ln. have been angled to follow the road alignment which reduce the linear impact of long rows of buildings. The buildings within the site provide for multiple pedestrian passageways. The proposed pattern of buildings will be finer grained than the adjacent larger commercial uses. The facades facing the street will have smaller pedestrian scaled features including the entry porch, fenestration and off-sets.



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P6) Adding the residential townhome project, which will dominate the center of the Wintergreen commercial center, will result in much more human activity and interest added to the current auto-centric commercial center.

APPLICANT 06/14/2021: Adding the residential townhomes at the center of the Wintergreen commercial center will result in much more human activity and interest added to the current auto-centric commercial center. The residential units will provide "eyes on the street". The residential units provide multiple entries. Garbage areas will be located to minimize their visibility.

DRB Discussion:

P1) & P2) The primary entrance to this proposed project is the most active public street, Wintergreen Lane. There is no separation of bike and pedestrians from the roadway. This project forces bikes and pedestrians toward cars, not meeting P1. Ambulances traveling at faster speeds can be entering this site.

Wintergreen Lane handles large vehicles and semi-trucks. Front yards and patios facing Wintergreen Lane are not conducive for residential. Design needs to avoid that part of the road for safety.

Dealing with access to parking within the two sites and not relying on the adjoining commercial parking lots to be major drive avenues is critical to meeting several Design for Bainbridge Standards including P1 and P2. Do not use parking lots as street access. Clear legible site plan is needed, difficult to understand the plan. It is difficult to understand the circulation of pedestrians from their car to their homes and to adjacent facilities.

P3) Many of the previous comments document the reasons the project does not meet this section's guidance.

The community space has not been thought through. There are no design elements shown on the site plan. The site plan cannot be distinguished from the utility plan. Applicant must provide an illustrative site plan for DRB review. The city has somehow allowed the applicant to include parking lot landscape areas and 3-foot-wide buffers and call it community space, which it is not. It is not clear if the common spaces are public or community only. If community only, what is the strategy to keep them private. Community space is not designed in the site plan. What elements are included in the community space (i.e., bike racks, benches, fire pits, picnic tables, etc.)? Garbage/recycling receptacles are prominent and need better screening or a different location, ideally.



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Condition: the applicant should re-calculate community square feet separate from landscaping (i.e., 3-ft road buffers and traffic bulbs and sidewalks)

P4) Project does not contribute to the character to the public realm of Wintergreen Lane.

Wintergreen Lane is a private road and will be maintained as a private road. A road maintenance agreement would dictate how all neighbors participate. This additional cost will be the responsibility of future homeowners.

The public space is not well-defined or designed. There is nothing proposed on Wintergreen Lane to indicate this is a neighborhood, a special place; just a sign is not enough. The design needs to have a neighborhood character that contributes to public spaces/public realm. From the street side, there has been no strengthening of the public space.

See DRB Discussion comments under C4, above

P5) The pathways and sidewalks shown do not connect to anything. Project is car-oriented and does not foster safety or separation for pedestrians. There are sidewalks, but that is not a pedestrian realm. The massing of buildings has not been broken down, except on Wintergreen Lane. They do not have any focal points to indicate this is a neighborhood.

There is no legible hierarchy, and the plan does not respond to Standard P5 goals and intent.

P6) This project is an opportunity to enrich public realm connection through adding small seating areas and small public spaces – this will enhance walking experience north-south on Wintergreen.

See DRB Discussion comments under C5 and S6, above

DRB Findings:

The project did not meet P1-P6.

The images and documents are not coordinated, a cohesive design has not been presented addressing these issues.



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BUILDING DESIGN STANDARDS

- B1** EXPRESS A CLEAR ORGANIZING ARCHITECTURAL CONCEPT
- B2** USE AN ARCHITECTURAL LANGUAGE APPROPRIATE TO BAINBRIDGE ISLAND
- B3** CREATE WELL COMPOSED FACADES AT ALL SCALES
- B4** CELEBRATE AND PROMINENTLY FEATURE SUSTAINABLE DESIGN
- B5** USE HIGH QUALITY MATERIALS AND WELL-CRAFTED DETAILS

Applicant Response:

B1) By aligning the buildings parallel to Wintergreen Ln. and dividing the rows into separate buildings, the 2 story townhomes will have close access to their parking spaces in the existing parking lots. This alignment also provides efficient sidewalk frontage for every townhome row without requiring double-sided sidewalks, which reduces impervious surfaces. By utilizing all the existing parking lots and access aisles with the townhome row alignment, only one additional access aisleway was required to serve the west and middle rows of townhome garages.

APPLICANT 06/14/2021: The site plan is organized to define the public street edge and to shape the outdoor open spaces. The site context is defined by surrounding commercial building and related parking, restricting any direct connections between uses. The residential units are organized to place the more public living spaces at the lower level adjacent to exterior public spaces. The small dooryards will help establish a degree of privacy between. The building modules express the units within and the nature of the use.

B2) The townhome building rows require the efficient rectangular design to minimize cost to allow the pricing required for affordable homes. The buildings utilize the "clere-story" roof design that complements the roof designs of both the Virginia Mason and Walgreen's buildings. The individual townhomes feature a cantilevered extension to emphasize their single-family character. The "clere story" roof design provides an area for windows and light to the middle area of the townhomes where the two different pitched roof angles meet.



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APPLICANT 06/14/2021: The architectural language draws most closely from the adjacent Stonecress neighborhood, with its multi-colored semi-attached homes. The style is derived from craftsman or simplified farmhouse motifs common to recent residential homes built on the island.

The exterior design has been modified to incorporate more natural materials (Cedar). The color scheme has been simplified as well (fewer colors and elimination of white trim) giving a more contemporary feel like the commercial buildings next to the site. Entry canopies have been added to the courtyard entries.

Note: The Design Guidelines do not prescribe architectural styles, but projects are expected to have an attractive and coherent style that fits well with the climate and context of Bainbridge Island. *See page 38 of Design for Bainbridge 2019.*

B3) The facades with the cantilevered sections in each townhome enable each townhome to have a visual separation from its neighbor. The 2 story townhome rows that front on Wintergreen Ln. have no garages, which allows all the architectural features to be presented in the facade along Wintergreen Ln. Even with parking lots along Wintergreen Ln., the front elevation facades will be the dominant view shed for both pedestrian and auto traffic.

APPLICANT 06/14/2021: The facades along the public ways and courtyards have a vertical proportion expressing the individual units within. The façades are further defined by use of bay windows, roof overhangs, entry canopies and changes in materials. The use of horizontal siding and natural Cedar is consistent with the adjacent commercial buildings. The overall massing is predominantly horizontal consistent with scale and massing of the adjacent commercial buildings. The buildings along the central access lane will help from vista to the prominent corner of the VM clinic as you enter the site, an original design intention for the clinic design. The level of detail at the pedestrian scale is provided with low height metal fences, dooryards, window fenestration and the entry canopies.

B4) With the 2 story townhome rows fronting on Wintergreen Ln. with the existing adjacent parking lots and spaces, it will minimize the auto-centric and minimal landscaping of the existing commercial buildings with their patio style entrances. The 2



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story rows of buildings all face either natural or landscape existing areas or ample landscaped common areas. The 2 story townhomes have both a front patio entrance and rear open patio area. The 3 story townhomes have a patio style front entrance and a balcony over the rear garage.

APPLICANT 06/14/2021: One of the key aspects of the project's sustainability is the integration of housing into a mixed-use setting, where residents can walk to shopping and transit. Secondly, the small efficient units will help add density without excessive material consumption and reduce energy usage. The project will be solar ready and be constructed to a more rigorous Built Green 4 Star standard. The north south orientation of the buildings will enhance daylighting to units from both east and west and minimize north facing orientations. Similarly, the north south orientation of the courtyards will minimize shading to public spaces.

B5) The townhome rows will utilize similar lap siding featured in the existing commercial buildings, along with a complimentary siding material to provide a more interesting design. The material and painted color palette will feature more, but complimentary, colors to the front facade of each townhome to emphasize their individual nature. Though the townhomes will emphasize their individuality, they will bring a human scale effect to the current all-commercial building structures.

APPLICANT 06/14/2021: The project will use durable materials typically found on residential projects within the adjacent area. These include horizontal cement board siding, cedar siding, metal roofing, and dark frame windows.

DRB Discussion:

B1) It appears the architectural concept is to include as many homes as possible on the site. They have not shown more than one design alternative over the many meetings. Their organizing concept is not elegant, not interesting, not inviting. It is car-oriented, not pedestrian friendly.

B2) Building massing is overdone and needs to be broken into smaller units, preferably no more than 3-5 units grouped together. The units are narrow, and they have a staircase spanning three flights. We have only seen one layout, there is no horizontal plan to meet ADA requirements. Older residents want to down-size but may not be able to climb stairs. Bland facades, disproportionate scales of natural spaces do not work to reflect Bainbridge architecture, no variety. There is no discussion of locally



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sourced materials. No overhang noticed on buildings for rain protection or climate control. The project conforms to commercial, does not reflect residential qualities.

B3) Due to the confusion with the site plans, the DRB is guessing on the renderings, what this is going to look like. There is not an understanding of a strong façade. The application is not complete as of today (03/01/2021).

The windows show no recessing or detailing, mostly flush. There is approximately over 110' feet of flat wall, this project needs more articulation of the flat face, little or no fenestration, texture or depth. Buildings are imposing on the site and no details on doors, windows, siding, or trim are provided.

B4) Sustainable design has not been discussed. Many of the outdoor community spaces between buildings will be in the shade. The project is non-responsive to this requirement. The project mentions a green building level, not sure if it is 4 or 5, but not evident in the plan.

B5) There is no list of materials, no quality of materials, no details at all. There is a moving target of amount of affordable housing in this project. Because this is an affordable project, quality materials and workmanship should be of highest order. No detail on the expansion joints between units or sound lessening measures.

DRB Findings:

The project did not meet the intent of Building Design Standards B1-B5.



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LANDSCAPE STANDARDS

- L1** INTEGRATE THE LANDSCAPE CONCEPT TO COMPLEMENT THE ARCHITECTURAL CONCEPTS
- L2** SUPPORT THE PUBLIC REALM WITH THE LANDSCAPE DESIGN
- L3** INTEGRATE SUSTAINABLE FEATURES INTO THE LANDSCAPE AND MAKE THEM VISIBLE WHEREVER POSSIBLE
- L4** INTEGRATE AND HIGHLIGHT GREEN INFRASTRUCTURE PRACTICES
- L5** SUPPORT HEALTHY HABITAT IN THE LANDSCAPE
- L6** PRESERVE AND ENHANCE IMPORTANT VIEWS AND VIEW CORRIDORS

Applicant Response:

L1) The patio style entrances will feature built-in planters surrounding a hard surface area for a chair or two to create a front porch effect. There will be no changes or deletions of the existing natural areas or landscaped areas in the developed areas of the Wintergreen Center. Both the east and west lots will have common areas with some grass areas bordered by drought-resistant landscaped areas. Though these areas contrast with the landscape design for the existing commercial buildings, these added common areas are screened by the townhome rows facing Wintergreen Ln., leaving just the 2 story townhome rows of patio entrances facing Wintergreen Ln. The patio style entrances provide a better landscape design transition to the commercial buildings minimal landscape design.

APPLICANT 06/14/2021: The landscape design will focus on defining the public realm: the streetscape and interior courtyards. Secondary landscape areas include pedestrian connections between these and dooryards separating the units from the public spaces. The dooryards also serve the function of providing screening buffer to public edges.

L2) The public realm will be enhanced with the residential character and human scale patio style entrances, all of which are accessed from pedestrian walkways along Wintergreen Ln. The walkability within the project, along with the additional sidewalk on the west side of Wintergreen Ln., will improve the safety and comfort of pedestrian traffic from High School Rd. The townhome owners will also benefit with the increased pedestrian access along Wintergreen Ln. to the HWY 305 pedestrian path to the ferry.



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APPLICANT 06/14/2021: As described above, the landscaping is focused along the public spaces throughout the project site. These include primarily building frontages, public gathering spaces (courtyard gazebo) and semi-private gardens at each unit. These landscaped areas will encourage interaction between pedestrians and residents along pathways, private gardens and courtyard gathering spaces.

The submittal has been revised to include a more urban approach to courtyard environment which will support a more diverse set of activities and higher intensity of use. Courtyard features include common area picnic BBQ, play areas, seating and pea patches.

L3) The existing landscape and natural areas are well designed and provide an attractive if minimal landscape for the current commercial buildings. The patio style entrances will provide an attractive landscaped entrance that will enhance the existing landscape along Wintergreen Ln. This will provide an interesting and more varying landscape effect along Wintergreen Lane. For example, the Winslow Green mixed use project's condominium balconies that face the commercial plaza add a varied mix of potted plants and outdoor living features, which adds a friendly human activity to the entire project.

APPLICANT 06/14/2021: The planting materials will emphasize native plantings. The project site will have minimal wind exposure due to adjacent forested areas. The proposed street trees and building forms will reduce heat gain to paved surfaces.

L4) Because the townhome project will meet Built Green Level 5, the added landscaping will utilize low impact development design.

APPLICANT 06/14/2021: The primary site infrastructure was designed as part of the prior approvals. Stormwater will be recharged to adjacent wetlands areas as part of existing infrastructure improvements.

L5) The existing natural and landscaped areas are well maintained by the Wintergreen Owners Association. The project's landscaped areas will feature drought-resistant landscape common areas, except for the grass areas, which will require irrigation and a



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higher level of maintenance. The future Wintergreen HOA will provide the required maintenance to the project's landscaped areas.

APPLICANT 06/14/2021: As described above, the project will use native plantings which will in part provide food sources for local wildlife (songbirds, etc.). The original site approvals identified and preserved existing tree stands within critical areas (wetlands) and SR 305 buffer.

L6) All or a portion of the views of the existing natural area will be preserved due to the height of the existing tree canopies on the east and west side. The existing landscape areas will not be blocked by the project.

APPLICANT 06/14/2021: The proposed project will not alter adjacent tree stands or existing views. The siting of the buildings will fulfill goal to frame vista into the site looking towards VM clinic, as anticipated in prior site plan approvals.

DRB Discussion:

L1) No strong architectural concept or landscaping concept. No softening of the building mass, no focal points, did not emphasize home entries through plantings and did not use plantings to enhance privacy. More detailed, scaled drawings needed to show entry and patios layout and design. Incomplete landscape design overall.

L2) There are no seating areas, the community space is not designed, there is no landscaping, landmarks, wayfinding, or other items that help create sense of place. The landscape plan uses some natives, but mostly ornamentals and did not take advantage of the wetland species or the forest trees and canopy from SR 305 within the site. They did not meet the public realm standards and landscape plan does not support the public realm either.

L3) Did not respond to any sustainable features (bioswales, raingardens, etc.).

L4) A lack of drawing details does not allow us to assess existing stormwater system and its use and how the existing infrastructure meets this standard. Hydrological functions, did not improve stormwater, no mention of raingardens, bioswales, etc. The story of why this site works has not been told.

L5) Do not see a lot of groundcover, mostly grass. Landscape plan does not promote biodiversity and the attraction of birds, pollinators, and wildlife. More canopy is



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needed, more street trees to support wildlife and shade. Need to bring in some of the original forested ecology back into the site plan.

L6) On the east side, the buildings separate the wetlands from the site. There is no connections to the wetlands. The proposed noise barrier fencing is not attractive, and it interferes with wildlife corridors and we are not sure of the extent of the fencing. If proposed, landscape plan does not show beginning, end, or height of noise barrier. Needs further review of all details. Better views from homes and community spaces, utilizing natural existing views.

DRB Findings:

The project did not meet the intent of Landscape Design Standards L1-L6.
The landscape plan does not tell a story of including the natural features of the surrounding areas. The narrative, the worksheet responses and the plan need to make us love this project.



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STREET TYPES AND FRONTAGES

Street Types: State Route, Main Street, Neighborhood Main Street, Neighborhood Mixed Use, Mixed Use Arterial, Rural by Design, Green Street Rural Green Street

Applicant Response:

The project fronts on Wintergreen Ln., which is a private road on an easement that serves the entire commercial center as well as the Pro Build commercial project adjacent at the north end of the site. The east lot's south end faces the connecting roadway to Polly's Ln. and the aisle way that serves the eastern parking lot. The west side of the east lot has an aisleway that serves the diagonal style parking lot that fronts the east side of Wintergreen Ln. There will be no added paving or roadways to the east lot. The west lot will add a one-way (north to south) aisleway to serve the garages of the west and middle row of townhomes.

APPLICANT 06/14/2021: The project site is adjacent to SR305. Per the prior approvals, the existing buffer was retained. Secondly the pedestrian trail along SR305 is in the process of being relocated to serve as part of the STO trail. No additional access is proposed into the buffer. The applicable street type is **neighborhood mixed-use**. Consistent with the guidelines, a landscape buffer is provided. The residential uses will add to the varied character along the street.

The new internal access lane will be designed as a Green Street, using the Shared Alley Access concept. The street will have varied paving surfaces and plantings along frontage.

The submittal has been revised to include a more detailed streetscape to visually break up the expanse of paving at the west access lane. Proposed features include change in paving from pedestrian sidewalks to drive lane, small landscape areas (vine pockets and trellis), street trees, and lighting.

DRB Discussion:

The drawings are incomplete regarding identification of interior streets and treatment of the streets. Applicant needs to address new interior street with green street guidelines. This includes stormwater infiltration and retention in landscape areas, minimizing paved areas, and consider permeable paving. Need more detail related to new interior street, there are standards that need to be met. The project must meet #7 rural green street guidelines (pg. 59-60). Maintenance of Wintergreen Lane and interior roads and parking areas burdens future homeowners.



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DRB Findings:

Lack of information in site plan is problematic. Applicant is using the utility plan as a site plan rather than an illustrative plan to explain their ideas. DRB is unable to make any determinations and findings regarding Street Types and Frontages.

Frontages: Linear / Storefront, Landscape, Plaza, Forecourt, Stoop / Terrace, Vegetated Buffer, Parking

Applicant Response:

As noted before, the 2 story townhome rows with patio style entrances will front on Wintergreen Ln. There are both parking stalls and a parking lot fronting on Wintergreen Ln. on the west and east lots that precede the entrances to the townhomes.

APPLICANT 06/14/2021: The associated building frontage is a **stoop/terrace** which meets the 5' minimum depth.

DRB Discussion:

None

DRB Findings:

The frontages cannot be determined based on drawings.



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SUBDIVISION GUIDELINES

APPLICANT NOTE 06/14/2021: Per BIMC 17.12.020.B, attached single-family residential development shall comply with Chapters 1, 2, 3, 4 and 5 of Design for Bainbridge 2019. Since our project is attached single-family residential, **Chapter 6 of Design for Bainbridge 2019 is not applicable to our project.**

ISLAND CHARACTER PRESERVE AND MAINTAIN ISLAND CHARACTER

Applicant Response:

The east lot comprises 31 zero lot line townhome lots that are 12.5' wide by 30' deep. The west lot has 43 zero lot line townhome lots that are also 12.5' wide and 30' deep. All the townhome structures are 12.5' wide and 20' long. Though the townhomes are somewhat narrower than the existing townhomes on Bainbridge, their location in the Wintergreen commercial center with their planned architectural styling will maintain the Island's character.

The Wintergreen subdivision has followed the 4-step design process:

1. **NATURAL AREAS:** Because the Wintergreen subdivision is 2 lots that are a part of the previously approved Wintergreen commercial center, all of the natural areas have been designated. The two Wintergreen town home lots do encompass more natural area than required. The west lot has 4957sf of natural area (only 2875sf required). The east lot has 7995sf of natural area (only 3528sf required).
2. **HOMESITES AND COMMUNITY SPACE:** The townhome homesites were designed to provide ample community/common areas on each lot. The west lot has 10,560sf of community/common area (only 5750sf required). The east lot has 12,992sf of community/common area (only 7057sf required).
3. **ACCESS:** The access for auto traffic is completed for the Wintergreen center and for the east lot. The west lot will have a one-way access to serve the garages for the west and middle row of townhomes, which complies with the Wintergreen center's CC+Rs.
4. **LOT LINES:** The west lot encompasses 43 townhome zero lot line lots, and the east lot has 31 zero lot line lots, for a grand total of 74 townhome zero lot line lots.

APPLICANT 06/14/2021: The proposed project meets the objectives of the WMP and Comprehensive Plan by integrating compact infill close to transit and shopping. The low scale townhouse style design is consistent with multiple other infill projects within the town center, and supports the character associated with the project area.



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The Wintergreen subdivision has followed the 4-step design process:

1. **NATURAL AREAS:** The site preserves all existing significant trees (within SR 305 Buffer and critical areas).
2. **HOMESITES AND COMMUNITY SPACE:** The homesites are located to maximize access to community spaces.
3. **ACCESS:** The access uses existing site improvements and proposes one new lane to minimize new impervious surfaces.
4. **LOT LINES:** The west lot encompasses 43 townhome zero lot line lots, and the east lot has 30 zero lot line lots, for a grand total of 73 townhome zero lot line lots.

DRB Discussion:

4-step design process is referred to, but drawings don't reflect subdivision details and calculations. No natural areas are defined or calculated.

Some of the categories have not been addressed, so cannot review island character for scale, materiality, detail, etc.

Details are missing for zero-lot lines.

This project could exist in any suburban area. There is no uniqueness or individuality to this project.

See DRB Discussion comments under B1-B5, above

NEIGHBORHOOD CONTEXT TO REFLECT AND/OR ENHANCE THE CONTEXT PROVIDED BY EXISTING ROADWAY CHARACTER AND NEIGHBORING PROPERTIES

Applicant Response:

The Wintergreen townhome project will create a neighborhood within the existing Wintergreen commercial center. Because it is surrounded by the commercial buildings and mature tree canopies on the east and west, it is isolated from the Stonecress neighborhood. Nevertheless, by adding a residential component to the Wintergreen Center, the resulting mixed use Wintergreen center is a less dramatic change in land use compared to the Stonecress residential land use. The increased pedestrian access added by the Wintergreen project should encourage the Stonecress residents to walk to and use the Wintergreen commercial center.

APPLICANT 06/14/2021: The Wintergreen townhome project will create a neighborhood within the existing Wintergreen commercial center. Because it is surrounded by the commercial buildings and mature tree canopies on the east and west, it is isolated from the Stonecress neighborhood. The site design as described above will define public spaces including streetscape and outdoor spaces. The scale and character



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of the residential homes is consistent with adjacent Stonecress neighborhood. The transitions to surrounding uses and neighborhood was defined as part of the prior site approvals. These include SR305 buffer, screening to Stonecress neighborhood and preservation of tree stands within wetland areas. No additional screening is proposed within the overall master plan.

DRB Discussion:

Need to better articulate a neighborhood within the commercial center. Need to design a better sense of place, with an identified neighborhood hierarchy of public realm/spaces. This project could exist in any suburban area. There is no uniqueness or individuality to this project.

NATURAL AREA TO INCORPORATE FORESTED AND/OR OTHER NATURAL AREAS INTO SITE DESIGN IN SUCH A WAY THAT ECOLOGICAL AND AESTHETIC INTERGRITY, QUALITIES, AND VALUES ARE PRESERVED OR RESTORED

Applicant Response:

As noted before, the Wintergreen townhome project is overlaid on an approved and completed commercial center wherein the natural areas have been designated and preserved in perpetuity. The homesite layout design has the townhomes facing either natural areas or the proposed internal community/common areas in order to give all the future homeowners a green view shed, rather than just opposing buildings. The west lot will have a BIMC-permitted 25' setback/buffer along HWY 305 (see page 5 of the City's Preapplication Conference Summary letter dated January 26, 2021), which also serves as open/natural space for project, and which facilitates the approximately 40' average width community/common area in the middle of the rows of townhomes, which is needed to allow the middle row to have a view shed of a green landscape.

APPLICANT 06/14/2021: The critical areas and mature trees including those within roadside buffer will be protected.

DRB Discussion:

DRB was tasked by COBI Planning Department to determine the appropriate Hwy 305 setback for this residential project. DRB determined in a public meeting that a 50' setback to the SR305 right of way was appropriate and required for a residential project. See



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02/01/2021 Design Review Board Meeting minutes for more details. Did not integrate ecological processes in the site design.

See DRB Discussion comments under L1-L5, above

NATURAL SITE CONDITIONS TO PRESERVE AND INTEGRATE EXISTING NATURAL SITE PATTERNS AND FEATURES THROUGHOUT THE SITE

Applicant Response:

As previously noted, all the natural areas have been designated, and they are thriving. The previously approved Wintergreen center's natural areas that adjoin the Wintergreen town home project will be an attractive view shed for the future homeowners.

APPLICANT 06/14/2021: The project site has been cleared and graded consistent with prior planning approvals. All existing vegetation will be preserved consistent with prior conditions of approval.

DRB Discussion:

See DRB Discussion comments under Natural Area, above.

HISTORIC AND CULTURAL RESOURCES TO PRESERVE IMPORTANT HISTORIC AND CULTURAL RESOURCES

Applicant Response:

Not applicable

DRB Discussion:

Not applicable



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STORMWATER INTEGRATE STORMWATER FACILITIES IN SITE DESIGN WITH EMPHASIS ON INFILTRATION AND DISPERSION PRACTICES

Applicant Response:

The Wintergreen townhome project is subject to the previously approved stormwater design. The east lot's stormwater system has been completed, and the stormwater system on the west lot will be installed in accordance with the previously approved stormwater plan.

DRB Discussion:

Lack of information on infiltration systems including bioswales and raingardens to protect the adjoining wetland to the east.

See DRB Discussion comments under L1-L6, above

SEPTIC SYSTEMS TO MINIMIZE IMPACT OF SEPTIC FACILITIES

Applicant Response:

Not applicable. The project will be connected to the COBI public sewer system.

DRB Discussion:

Unclear from Public Works on the strategy to accomplish this. Applicant was told by Public Works that the sewer line to High School Road was at capacity and a new line east through the wetlands to Ferncliff Avenue would be required with a new costly pump station.



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WATER CONSERVATION TO PROTECT THE ISLAND'S FINITE GROUNDWATER RESOURCES AND ADAPT TO THE IMPACTS OF A CHANGING CLIMATES

Applicant Response:

The proposed landscape plantings, except for the grass areas, will be drought resistant. The townhomes are being built to Built Green level 4, which utilizes current low flow plumbing features.

DRB Discussion:

See DRB Discussion comments under L1-L6, above

COMMUNITY SPACE TO PROMOTE A SHARED SENSE OF COMMUNITY

Applicant Response:

The community/common areas with the Wintergreen townhome project will be largely used by the future homeowners. There will be a partial view shed from Virginia Mason of the landscaped community/common areas to offset the massing of the townhome rows.

APPLICANT 06/14/2021: The community/common areas with the Wintergreen townhome project are centrally located to allow all home to have direct access.

DRB Discussion:

Community space is not designed and not well articulated/identified. Site plan should show all landscape elements including benches, firepits, playgrounds, sitting areas, and focal points for community-based activities. Community space should not be calculated using traffic-focused landscape areas. Difficult to understand what the project goals are.



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CLUSTER HOMESITES TO PROMOTE INTERACTION WITHIN THE COMMUNITY AND FACILITATE THE EFFICIENT USE OF LAND BY REDUCING DISTURBED AREAS, IMPERVIOUS SURFACES, UTILITY EXTENSIONS AND ROADWAYS

Applicant Response:

As discussed previously, the townhome homesites are aligned in rows and divided in the middle to allow pedestrian walkways across and lengthwise to connect to the existing Wintergreen center's walkways. The Wintergreen townhome homesites are designed to use only the remaining buildable areas of the 2 lots in order to retain the previously approved Wintergreen center's preserved natural areas. The Wintergreen center's commercial buildings utilize open parking lots that require substantial impervious surfaces. The Wintergreen townhome 3-story townhomes with single car garages on the first floor will reduce the size of the previously planned parking lot for a commercial building. Thus, the impervious surfaces of the Wintergreen townhome project will be reduced and/or replaced with cleaner runoff from roofs. Only one new one-way accessway for the west lot will be required, thus maximizing the use of the existing accessways and roadways.

APPLICANT 06/14/2021: Due to the urban nature of the site all homes are clustered.

DRB Discussion:

Design is not setup to promote community interaction. Utility information is not available to review.



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SOLAR ACCESS TO PROVIDE SOLAR ACCESS FOR WELLBEING AND ENERGY PRODUCTION

Applicant Response:

The Wintergreen project's town home rows are aligned north and south to allow sunlight to reach all the homes and landscaped areas the entire year. Though the units do not include future solar features to utilize solar access for energy, the units are being built to meet Built Green level 4 standards.

APPLICANT 06/14/2021: The Wintergreen project's town home rows are aligned north and south to allow sunlight to reach all the homes and landscaped areas the entire year. The units include future solar features to utilize solar access for energy, and the units are being built to meet Built Green level 4 standards.

DRB Discussion:

Units should be pre-wired for optional solar access. Some of the community spaces are in the shade most of the year.

ACCESS AND CIRCULATION TO PROVIDE A PRACTICAL AND PLEASANT NETWORK OF MULTI-MODAL CIRCULATION

Applicant Response:

The Wintergreen townhome project is located near the busiest intersection on Bainbridge: High School Rd. and HWY 305. Thus, it will be served by all forms of public transportation, including buses and ferries. Pedestrian and cycling networks connect directly to the proposed project, which can safely and comfortably be used to commute via the impervious pathway along HWY 305 to either downtown or the ferry. Safe pedestrian sidewalks with signaled crosswalks provide pedestrian access to the Safeway commercial center, which will help reduce auto use for living essentials.

DRB Discussion:

HS I and HS II are suburban auto oriented zones. It is not conducive to a residential, pedestrian safe project. Industrial trucks and ambulances from Pro-Build and VMMC, respectively, use Wintergreen Lane and will impact the residential neighborhood with regard to noise and safety. Most of the comments from applicant above relate to off the



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

site conditions, attention to on-site conditions is needed. Crosswalk or possible traffic signal/other facility at High School Road and Wintergreen Lane should be investigated. See DRB Discussion comments under C5 and S5, above.

MOTOR VEHICLES TO MINIMIZE THE PROMINENCE OF MOTOR VEHICLE USE AND STORAGE

Applicant Response:

The Wintergreen townhome project is required by the Wintergreen center CC+Rs to utilize the existing parking lots. However, by placing single car garages on the first floor of the 3-story townhomes in the interior rows of townhomes on both lots, the project has hidden from public view about two-thirds of the homeowners' cars.

APPLICANT 06/14/2021: The Wintergreen townhome project is required by the Wintergreen center CC+Rs to utilize the existing parking lots. However, by placing single car garages on the first floor of the 3-story townhomes in the interior rows of townhomes on both lots, the project has hidden from public view about two-thirds of the homeowners' cars. The project will retain existing site improvements include traffic calming, bike access and pedestrian facilities.

DRB Discussion:

Possibly limit the number of cars allowed per unit. Reduce the impact of automobiles within the site. Need some accounting of spaces per unit and where these extra spaces are located. Need to see overall parking program with total numbers of spaces identified. Impervious roadway is extensive and must be reduced or minimized. Actions must be taken to ensure there is no impact on neighborhood parking areas.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

HOMESITE DESIGN TO EFFICIENTLY CONFIGURE BUILDING FOOTPRINT(S) AND ALLOWED USES WITHIN A HOMESITE

Applicant Response:

The Wintergreen townhome homesites were designed to provide a private open space in the patio entrance and backyard for the 2-story townhomes. The 3-story townhomes also have a private patio entrance with a balcony extending over the rear driveway to the garage. The project does utilize almost all of the allowed FAR building area in order to provide the lower cost per unit that will allow home sales in accordance with the COBI affordable home guidelines. Nevertheless, there is more natural area and community/common area provided than required.

APPLICANT 06/14/2021: The site is densely configured and utilizes small footprint attached housing. Housing is configured to define streetscape and interior open spaces.

DRB Discussion:

Minor home occupation allowed; Bainbridge code definition should be included in CC&R's to avoid future impact on parking and traffic.

DIVERSITY IN HOUSE DESIGN TO PROVIDE A RANGE OF HOME SIZES AND DESIGNS TO ACHIEVE DIVERSITY IN VISUAL APPEARANCE AND AFFORDABILITY

Applicant Response:

The Wintergreen townhome home designs include a 2-story townhome with 1 BR plus den, with a limited number of 2BR models. The 3-story townhomes have a multi-use room on the 1st floor next to the garage where the home is entered through the front door. This room can be used as a home office, which will allow client visits (permitted in the Wintergreen commercial center). The 2nd and 3rd floor can be either a 1 bedroom or 1 bedroom and den.

APPLICANT 06/14/2021: The project is not subject to this standard. It will however provide two housing types.

DRB Discussion:

There are only a couple of unit types. Perhaps studios could be an option. More variety and/or detail in design of units.

The DRB is in support of affordable, attainable, and equitable housing.



DESIGN for BAINBRIDGE WORKSHEET Bainbridge Island, Washington

Minor home occupation allowed; Bainbridge code definition should be included in CC&R's to avoid future impact on parking and traffic.
See DRB Discussion comments under B1-B5, above.

FACING PUBLIC STREETS TO REINFORCE NEIGHBORLINESS OF HOMES ALONG A PUBLIC STREET

Applicant Response:

As noted previously, the rows of 2-story townhomes facing Wintergreen Ln. have their patio entrances facing the street with either a pedestrian path or sidewalk to serve pedestrian access to their homes. This feature will add a friendly neighborhood aspect to the commercial center.

APPLICANT 06/14/2021: The proposed design is consistent with street type guidelines. As noted previously, the rows of 2-story townhomes facing Wintergreen Ln. have their patio entrances facing the street with either a pedestrian path or sidewalk to serve pedestrian access to their homes. This feature will add a friendly neighborhood aspect to the commercial center.

The submittal has been revised to include a more detailed streetscape to visually break up the expanse of paving at the west access lane. Proposed features include change in paving from pedestrian sidewalks to drive lane, small landscape areas (vine pockets and trellis), street trees, and lighting.

DRB Discussion:

While we support access from Wintergreen, the lack of open space and landscaping along Wintergreen negatively impact public realm.
See DRB Discussion comments under P1-P5, above

DRB Findings:

The site plans did not include the 4-step process and supporting drawings.



DESIGN for BAINBRIDGE WORKSHEET

Bainbridge Island, Washington

LARGER SITES

STANDARD1 DESIGN THE SITE BY CLUSTERING BUILDINGS AND ARRANGING THEM WITH FRONTAGES ON PUBLIC STREETS, PUBLIC SPACES, OR OPEN SPACE.

STANDARD2 DESIGN SITES TO MINIMIZE THE VISUAL IMPACT OF PARKING ON THE PUBLIC REALM.

Applicant Response:

Standard 1) As previously discussed, the townhome rows have been designed to front on Wintergreen Ln., natural areas, or community/common areas.

Standard 2) Though the project must use the existing parking lots, all of the 3-story townhomes have single car garages on the first floor, thus eliminating open parking stalls and reducing the impact of garages by having them in interior townhome rows.

APPLICANT 06/14/2021:

Standard 1) Proposed new parking shall be located to the rear of the site so it will not be visible from center access lane. All other parking is existing.

Standard 2) All buildings have been designed to face public streetscape and to define central outdoor spaces.

DRB Discussion:

Standard 1) No frontage on Wintergreen and not enough open space along Wintergreen. Planted buffer between patios, sidewalk and parking is needed, more design and study of this space.

Standard 2) Add more buffer and grading to hide or create barrier for parking areas.

DRB Findings:

More study is needed to better design private and public space interfaces and define the public realm.

See DRB Discussion comments above



DESIGN for BAINBRIDGE WORKSHEET

Bainbridge Island, Washington

HISTORIC PLACES

- STANDARD1** DESIGN THE SITE, BUILDING(s), AND LANDSCAPE TO BE COMPATIBLE WITH HISTORIC BUILDINGS WITHOUT DIRECTLY MIMICKING HISTORIC ARCHITECTURAL STYLES.
- STANDARD2** MAINTAIN THE HISTORIC INTEGRITY OF BUILDINGS OVER 50 YEARS OLD LISTED OR ELIGIBLE FOR THE NATIONAL OR LOCAL REGISTER OF HISTORIC PLACES.

Applicant Response:

Standard 1) Not applicable

Standard 2) Not Applicable

DRB Discussion:

Standard 1)
Not applicable

Standard 2)
Not applicable

DRB Findings:

Not applicable



DESIGN for BAINBRIDGE WORKSHEET

Bainbridge Island, Washington

CIVIC USES

- STANDARD1** DESIGN CIVIC USES AND SITES TO REFLECT AND CONTRIBUTE TO THEIR FUNCTION AND ROLE IN THE COMMUNITY WHILE BEING CLEARLY IDENTIFIABLE AS A CIVIC USE.
- STANDARD2** DESIGN CIVIC SITES AND BUILDINGS TO SERVE MULTIPLE FUNCTIONS SUCH AS PUBLIC SPACE, COMMUNITY GATHERINGS, PUBLIC ART, AND OTHER COMPATIBLE USES.

Applicant Response:

Standard 1) Not applicable

Standard 2) Not applicable

DRB Discussion:

Standard 1)
Not applicable

Standard 2)
Not applicable

DRB Findings:

Not Applicable



**DESIGN for BAINBRIDGE
WORKSHEET
Bainbridge Island, Washington**

This project is recommended for:

Approval ☐

Approval with the following conditions: ☐

Denial with the following deficiencies: ☒

Does not meet the 23 Design Standards listed in the Design for Bainbridge book.

Other deficiencies include:

- 1) Does not meet 50' buffer from SR305 which was determined by the DRB at the request of the Director based on pg. 62 in the Design for Bainbridge book
- 2) Lack of updated landscaping plan
- 3) The unit floor plan should be on the landscape plan to assess exit and entrance questions.
- 4) Without substantial screening on both the north and south side of the development, this project lacks a sense of community and feels like it is existing in the middle of a parking lot
- 5) The articulation on all building ends remain incomplete
- 6) Materials and colors (colorboard and samples never presented)—final colors and materials never chosen. All drawings need to consistently reflect new color and material selections and will be the final plans they will use
- 7) Acknowledging the Visconsi plan, the DRB is still concerned with the traffic flow in and out of the development through commercial parking lots; it meets what has been approved with Visconsi plan for commercial use. This is not acceptable for a housing project.

Additional Comments:

- E-bike storage and charging system is required
- Charging abilities for autos is required
- Add bike lane working with other property owners to implement safe non-motorized uses
- Shingles should be made out of recycled materials
- Solar wiring; all buildings should be pre-wired to allow solar panels to be installed at later date
- More clarity and location on design of garbage/recycling bins
- The High School Rd and Wintergreen intersection remains a concern due to traffic use

SIGNATURE:

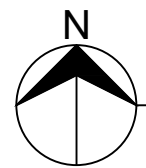
JOE DUNSTAN

Chair, Design Review Board

DATE: 06/21/2021

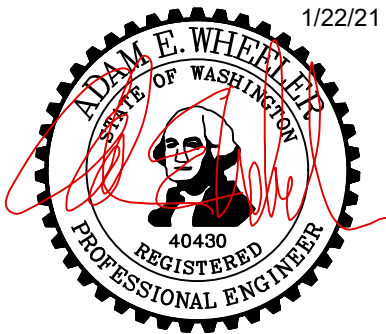


PRELIMINARY
NOT FOR CONSTRUCTION



SITE PLAN

SCALE: 1" = 30'
0 5 10 20 30 60
PROPERTY LINES AND EDGE OF PAVEMENT BASED ON ADAM & GOLDSWORTHY, INC DRAWING DATED 8/7/14. AERIAL PHOTOGRAPHY FROM GOOGLE MAPS.



1/22/21

EXISTING CONDITIONS
WINTERGREEN TOWNHOMES
PUBLIC PARTICIPATION MEETING

BROWNE • WHEELER
ENGINEERS, INC
241 ERICKSEN AVENUE NE
BAINBRIDGE ISLAND, WA 98110
P 206.842.0605 INFO@BrowneWheeler.COM

CENTRAL HIGHLANDS
BUILDERS, INC.
PO BOX 2879
POULSBOROUGH WA 98370

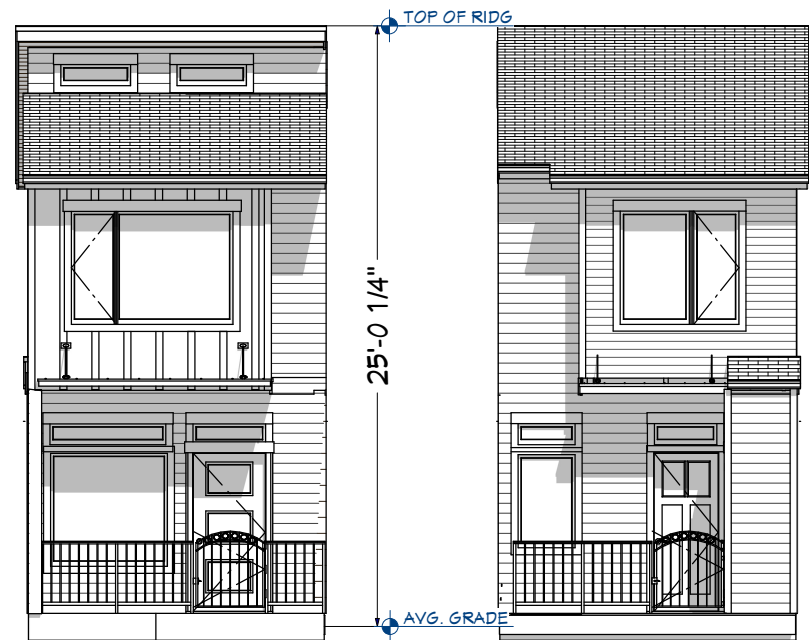
DATE 1/22/21
DESIGNED AEW
DRAWN NDW
CHECKED AEW
PROJECT # CE02

C4



3 STORY FRONT

3 STORY REAR

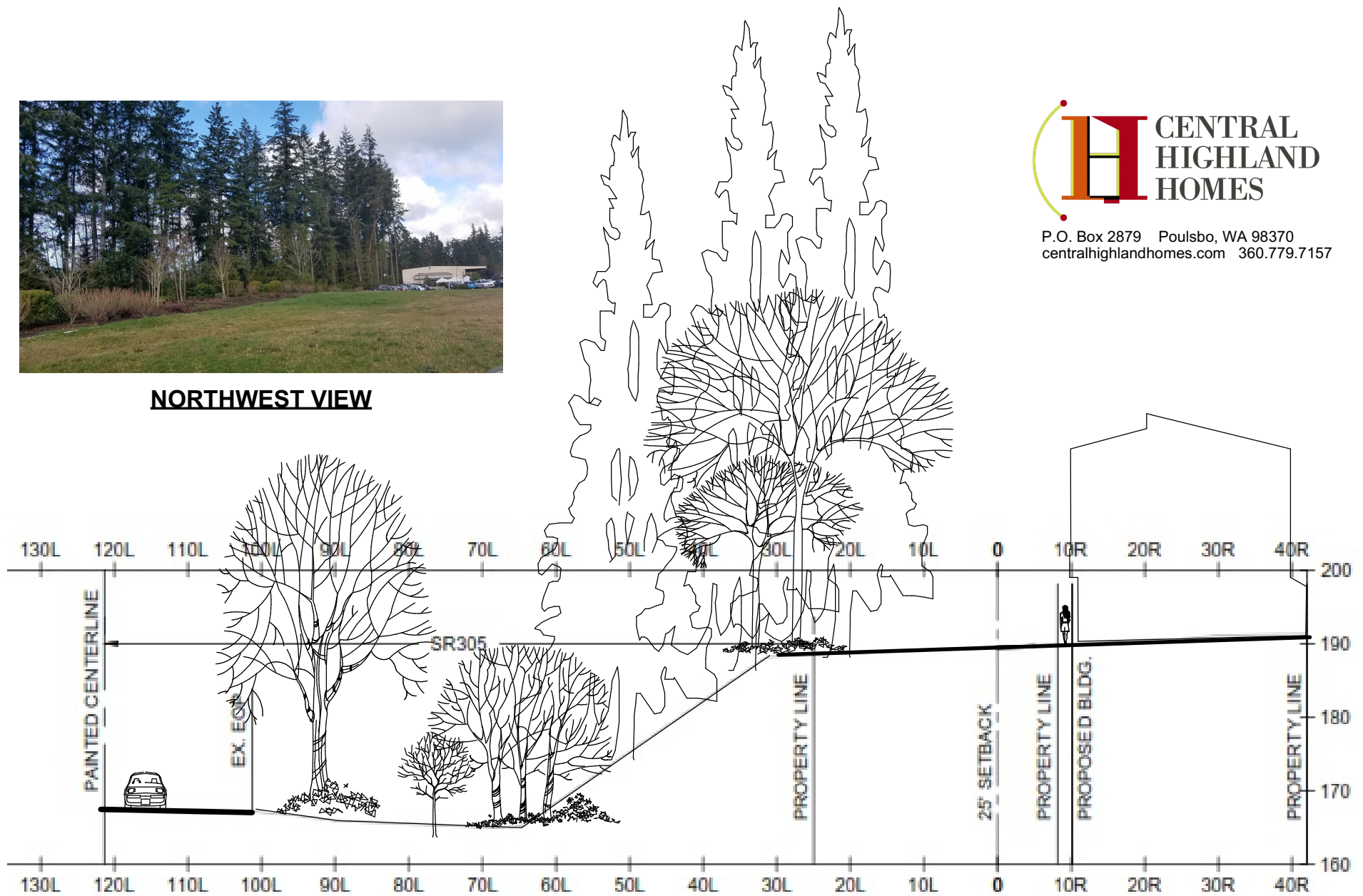


2 STORY FRONT

2 STORY REAR



NORTHWEST VIEW



WINTERGREEN-HWY 305 CROSS SECTION

SCALE: 1"=20'

2



CITY OF
BAINBRIDGE ISLAND

CITY OF BAINBRIDGE ISLAND 2019 MEDIAN INCOME LIMITS BY HOUSEHOLD SIZE BREMERTON-SILVERDALE MSA (HUD)

Maximum Income Limits by Category (BIMC 18.21.020)	Household Size							
	1	2	3	4	5	6	7	8
100% of Median Household Income	\$59,875	\$68,438	\$77,000	\$85,500	\$94,063	\$102,606	\$111,150	\$119,694
Extremely Low Income: ≤ 30% of Median Household Income	\$18,000	\$20,550	\$23,100	\$25,650	\$27,750	\$29,800	\$31,850	\$33,900
Very Low Income: 31% - 50% of Median Household Income	\$29,950	\$34,200	\$38,500	\$42,750	\$46,200	\$49,600	\$53,050	\$56,450
Low Income: 51% - 80% of Median Household Income	\$47,900	\$54,750	\$61,600	\$68,400	\$73,900	\$79,350	\$84,850	\$90,300
Moderate Income: 81% - 95% of Median Household Income	\$56,881	\$65,016	\$73,150	\$81,225	\$89,359	\$97,476	\$105,592	\$113,709
Middle Income: 96% - 120% of Median Household Income	\$71,850	\$82,126	\$92,400	\$102,600	\$112,876	\$123,127	\$133,380	\$143,633

WINTERGREEN TOWNHOMES

1329-1332 WINTERGREEN LN NE
BAINBRIDGE ISLAND, WA 98110

ENVIRONMENTAL NOISE STUDY

Submitted to:

Nicholas Smith
Central Highlands Builders, Inc.
P.O. Box 2879
Poulsbo, WA 98370

Submitted by:

A³ Acoustics, LLP
241 S Lander St., Suite 200
Seattle, WA 98134

16 February 2021



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1. INTRODUCTION

This letter serves to document the environmental noise assessment for Wintergreen Townhomes, a residential development proposed at 1329-1332 Wintergreen Lane NE in Bainbridge Island, WA. The goal of the noise assessment is to ensure that environmental noise in the future residences meets industry standard noise criteria.

The main environmental noise source at the site is State Highway 305 NE, which lies approximately 100' west of the Wintergreen Townhomes property line. To analyze existing environmental noise at the site, a 3D environmental noise model is built using Computer Aided Noise Abatement software (Cadna A, Datakustik GmbH). The model utilizes freely available GIS data, including traffic counts, topography and building cover from the Kitsap County to predict noise the noise impact at the proposed site and building envelope. 24-hour noise measurements were taken at the site from 02-09-2021 to 02-10-2021 to verify the model. Based on the model, noise mitigation recommendations are made to ensure adequate attenuation is achieved to meet the noise criteria.

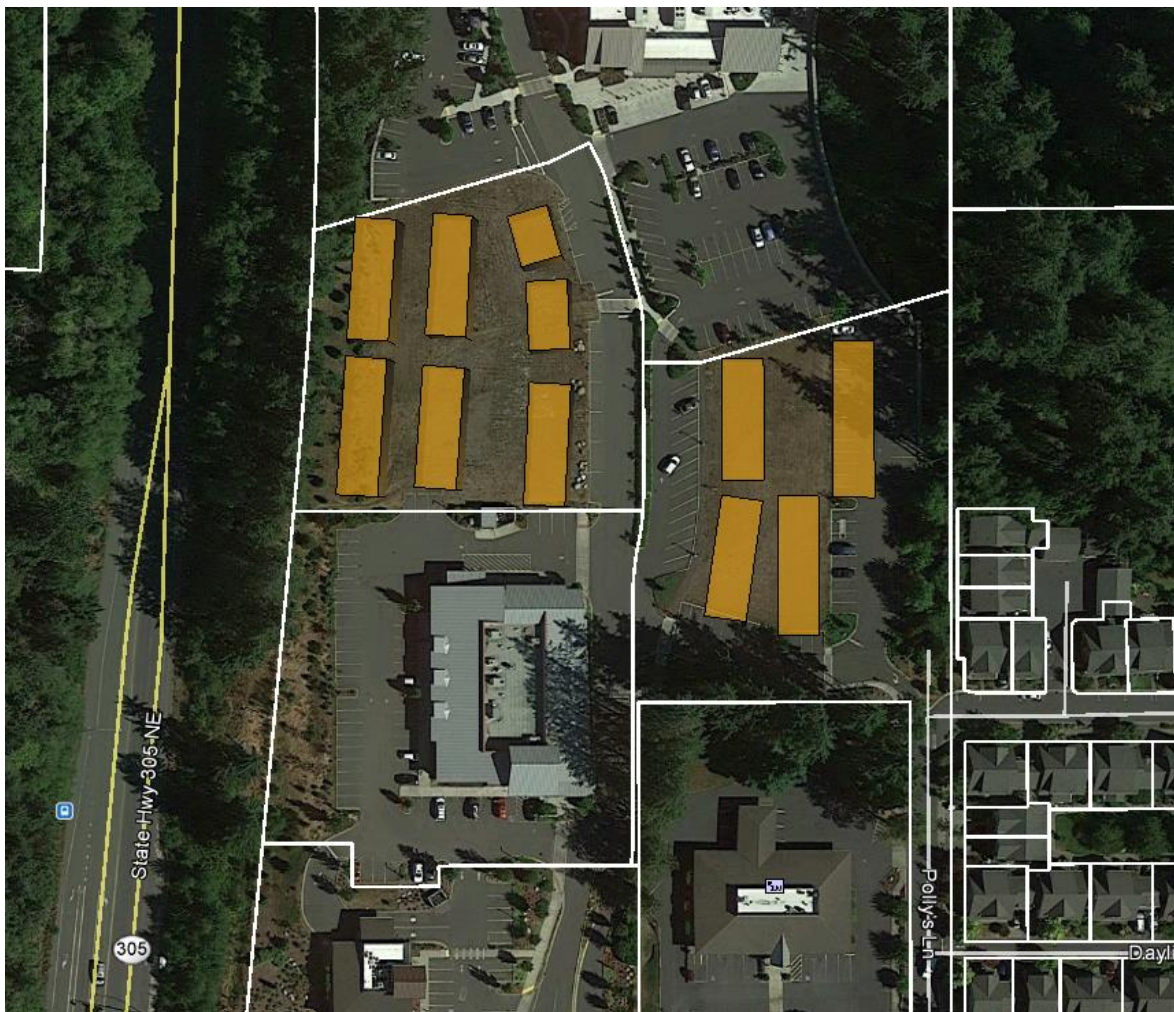


Figure 1 – Wintergreen Townhomes Site Vicinity – Proposed Building Envelope Shown in Orange

2. NOISE CRITERIA

Bainbridge Island and Kitsap County do not specify a code requirement for environmental noise intrusion or environmental noise levels in outdoor use areas such as patios and yards but the minimum interior noise criteria adopted nationally by many other municipalities is taken from the United States Department of Housing and Urban Development (HUD) noise standard, which defines noise level maximums for residential interiors and outdoor use areas.

2.1. Interior Noise

The HUD noise standard specifies that interior noise levels should not exceed a day-night average level (DNL or L_{DN}) of 45. Environmental noise should not exceed this level within the residential interior spaces; existing environmental noise levels exceeding 65 L_{DN} typically require noise mitigation to meet this criteria.

2.2. Exterior Noise

HUD noise guidelines specify that noise levels in outdoor use areas should not exceed 65 L_{DN} .

3. ANALYSIS METHODOLOGY

Using traffic volumes for the State Highway 305 obtained from the Washington Department of Transportation, noise emissions are modeled using Cadna A.

Software calculations predict the noise emissions from the roadways considering overall traffic count, heavy vehicle percentage, speed limit, road type and road gradient. The topography and building cover in the site vicinity is modeled from GIS data available from the Kitsap County and the Washington Department of Natural Resources. Additionally, the model is calibrated and verified with 24-hour noise measurements taken at the site with a type I precision sound level meters (measurement data included in appendix). Based on the calibrated model, the noise propagation is mapped on the proposed Wintergreen Townhomes site in a three-dimensional receiver grid. This model is used to map the predicted noise received at the proposed building façade to recommend the minimum exterior attenuation required to meet the interior noise level goals.

4. NOISE MODEL RESULTS

Figure 2 shows the western elevation of the 3D noise model. Noise emissions (shown as L_{DN}) from State Highway 305 are mapped on the proposed building façade.

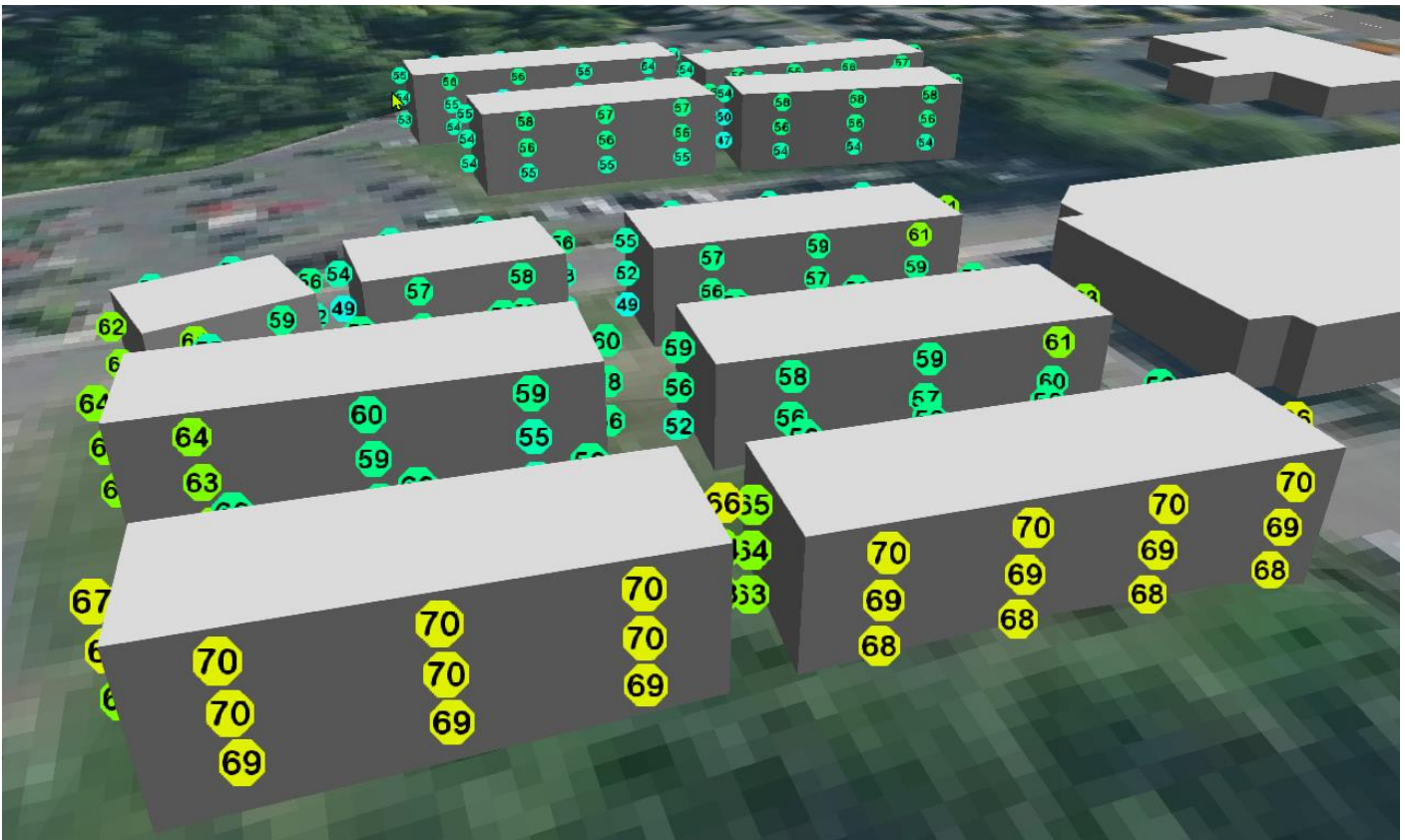


Figure 2 –Environmental Noise Model, West Elevation – Predicted L_{DN} Shown at Building Façade Points

5. MITIGATION MEASURES

5.1. Interior Noise

Due to the layout of the site and proximity to State Highway 305, building a 10-15' tall noise barrier or setting the building back an additional 25-50 feet would have a negligible effect on reducing interior noise in the proposed 3-story townhomes. Accordingly, we recommend installing windows in the locations shown in Figure 3 with a minimum lab-tested Sound Transmission Class (STC) rating of 35, which will reduce interior noise levels 8-10 dB relative to standard windows and reduce noise levels to below the industry standard criteria of 45 L_{DN} . Based on the site plan and noise model, standard windows in all other locations are adequate to achieve the interior noise criteria.

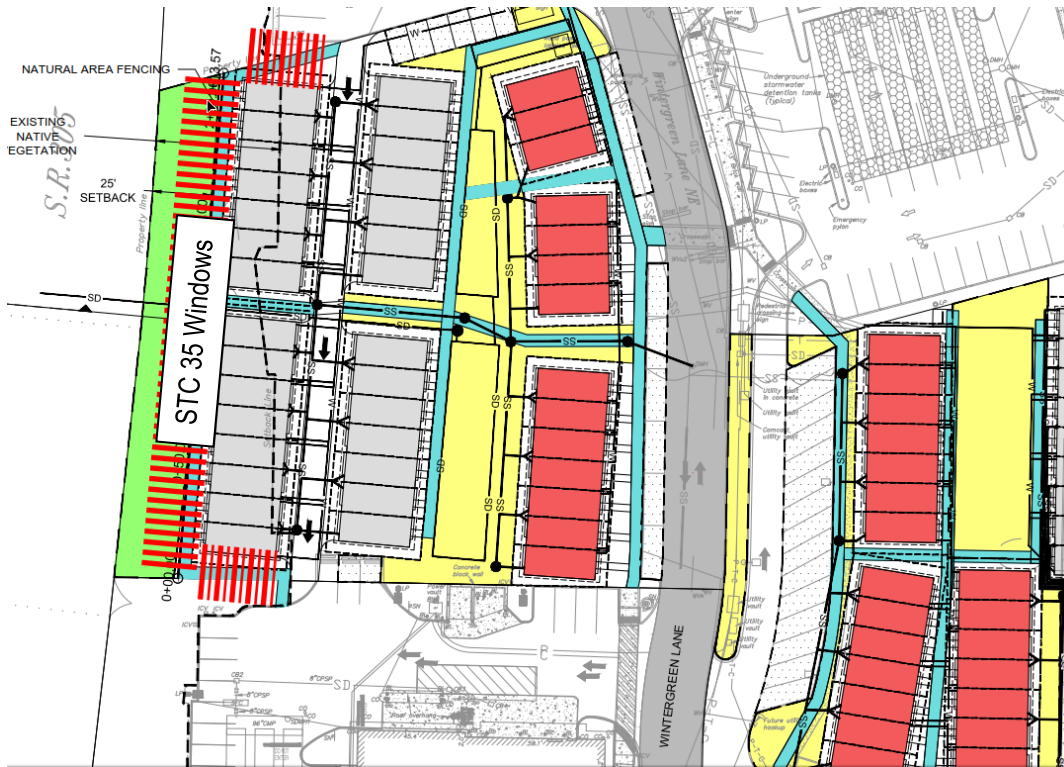


Figure 3 – Wintergreen Townhomes Window Recommendations

Notes:

- ◆ Windows are required to have a fixed sash or an efficiently weather-stripped, operable sash. The sash shall be rigid and weather-stripped with material that is compressed airtight when the window is closed, so as to conform to an infiltration rate not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.
- ◆ Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomeric gasket or gasket tape.
- ◆ The perimeter of window and door frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal specifications: TT-S-00227, TT-S-00230 or TT-S-00153.
- ◆ In case the ventilation is achieved through slots within the window case, we recommend using offset vents that maintain the STC rating of the window. Please note that a standard trickle vent is a straight hole in the window, which reduces the acoustical performance of the window significantly.

5.2. Exterior Noise

Noise levels in the back yards of the westernmost proposed townhomes exceed the 65 L_{DN} noise criteria. To reduce noise levels in these areas, construct a continuous noise barrier completely enclosing the back yards of these townhomes. The barrier should have a minimum height of 8', minimum density of 4 lb/psf and should be continuous with no gaps at the bottom or between panels. Noise levels at ground level, in L_{DN} , are shown in Figures 4 and 5 with and without a barrier.

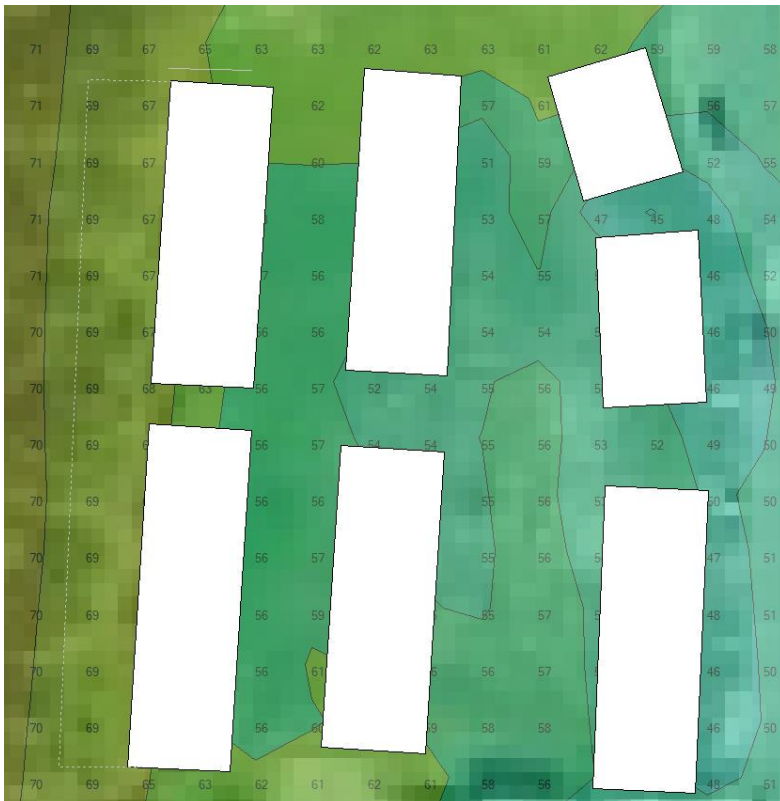


Figure 4 – Ground Level Noise Levels (L_{DN}), No Barrier

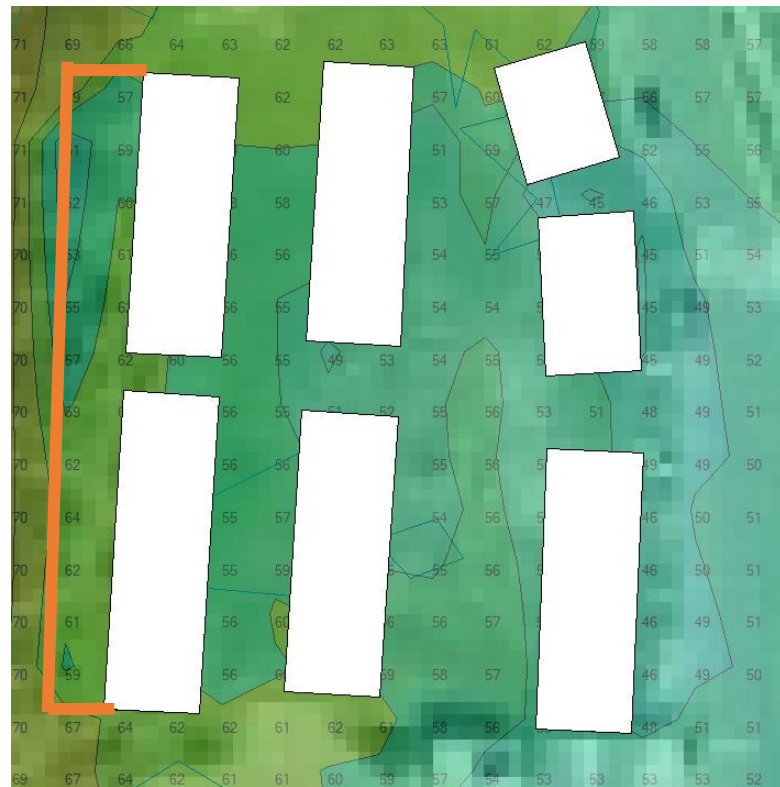


Figure 5 – Ground Level Noise Levels (L_{DN}), 8' Noise Barrier

6. SUMMARY

Existing noise levels at the Wintergreen Townhomes site are within a range that will require noise mitigation to meet the interior design criteria and outdoor use area noise criteria, which are 45 L_{DN} and 65 L_{DN} , respectively. Noise mitigations such as constructing a noise barrier or setting the building back will have a negligible impact to the interior noise levels in the residences. The noise mitigations outlined in Section 5 will ensure noise levels in residential interiors and outdoor use areas will meet industry-standard noise criteria.

Sincerely,



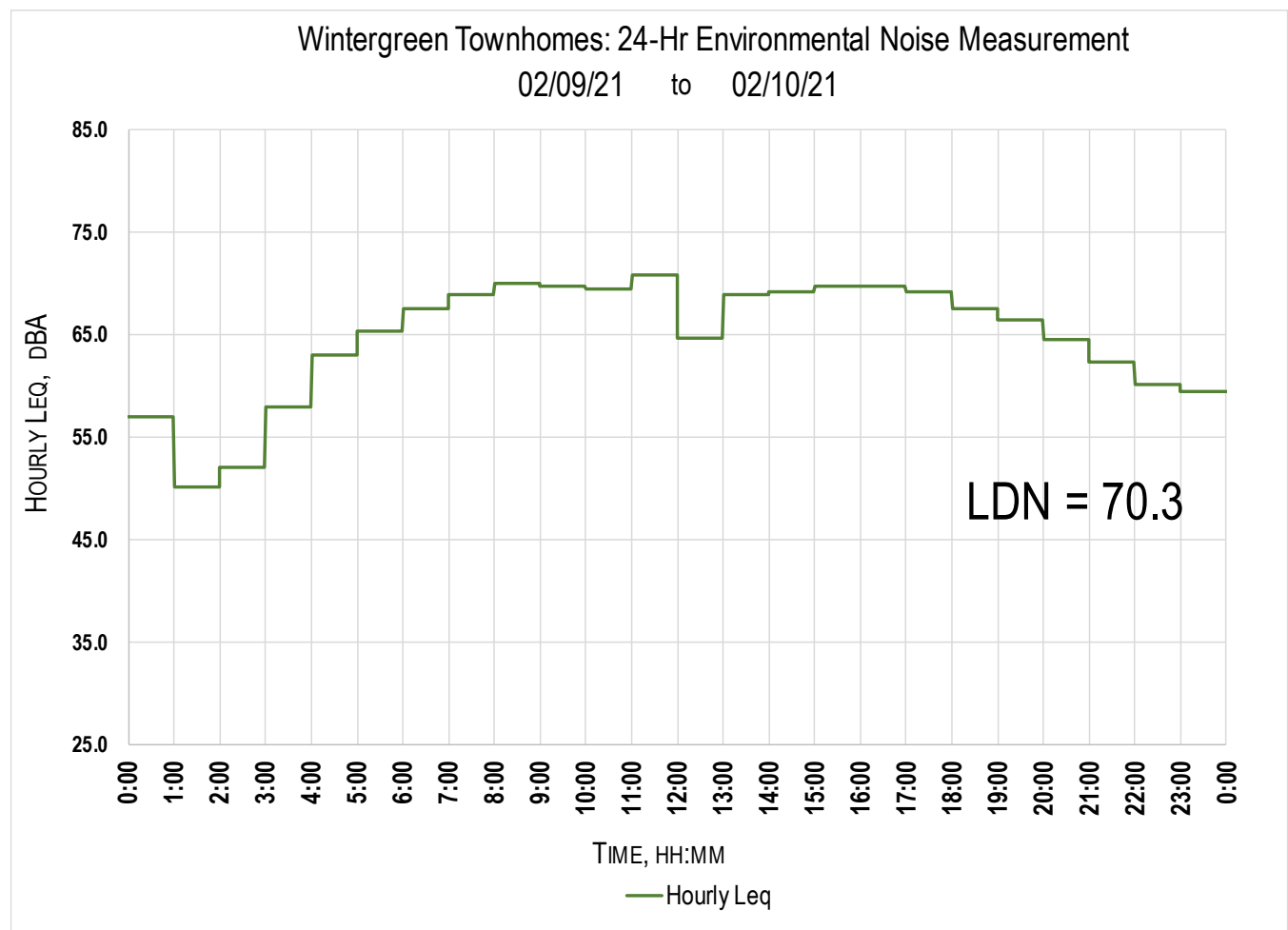
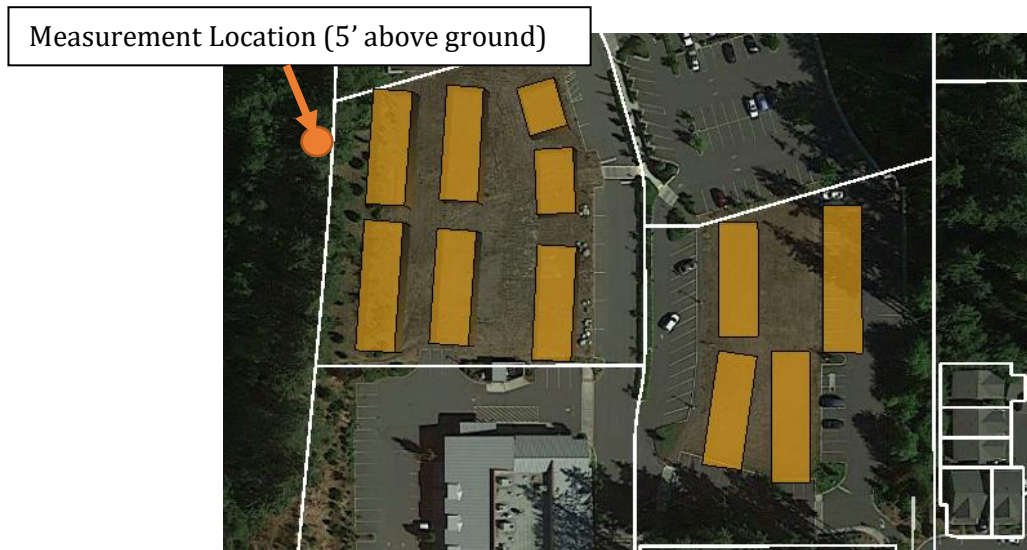
JOHN DAVENPORT
ACOUSTICAL CONSULTANT



MOHAMED AIT ALLAOUA
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mohamed@a3acoustics.com

APPENDIX – ON-SITE NOISE MEASUREMENTS



APPENDIX – NOISE DESCRIPTORS

Sound Pressure Level and Decibels

Sound propagating through the environment is quantified in terms of sound pressure level (SPL), which is the pressure in Pascals (Pa) of the medium that the sound is travelling through at a specified point. Expressing sound in terms of Pascals would be very cumbersome, as the range of the majority of day to day sounds would be 0.001 Pa to 0.2 Pa, and the total range of human hearing would be 0.00002 Pa to 200+ Pa. Accordingly, sound pressure levels are described with a logarithmic relationship, the decibel. The decibel on its own does not represent any physical unit – it requires a reference value and value that is being compared to the reference. Specifically, a sound pressure level, in decibels (dB SPL) is calculated as follows:

$$SPL = 20 \log_{10} \left(\frac{X}{0.00002 Pa} \right)$$

Where X is the measured sound pressure and 0.00002 Pa, the threshold of hearing, is the reference pressure.

A-Weighting

The perception of “loudness” of a sound is dependent on frequency (in cycles per second or Hz) as well as the overall sound pressure. In general, the healthy human ear is most sensitive to sounds between 1 kHz and 5 kHz and perceives lower frequency (less than 500 Hz) sounds of the same sound pressure as being less loud. In order to better relate noise to the characteristics of this equal loudness perception across frequencies, a frequency-dependent weighting scale, “A-Weighting,” is used. Usually, when using the dB SPL to quantify environmental noise, A-Weighting is assumed, but it is also written as dB(A).

Equivalent Sound Level (L_{EQ})

Many noise sources produce levels that fluctuate over time, such as mechanical equipment that cycles on and off, construction work, or passing cars and trucks. The equivalent sound level (L_{EQ}) describes the continuous sound level that is equivalent in terms of the total sound emission to a time-variant source in the same time period. While dB SPL signifies an instantaneous sound pressure level and is only able to quantify sound pressure for a brief moment, the L_{EQ} metric is able to quantify the total sound pressure over an extended period of time. Like dB SPL, L_{EQ} can be A-Weighted and may be written as LA_{EQ} . L_{EQ} is used when describing traffic noise to better quantify long-term noise impact, as a single number can be used to quantify the noise impact over the course of a few hours or days.

Day-Night Average Noise Level (L_{DN})

The Day-Night Average Noise Level (L_{DN}) is a measure of the cumulative 24-hour noise exposure that considers not only the variation of the A-weighted noise level but also the duration and the time of day of the disturbance. The L_{DN} is derived from the twenty-four A-weighted 1-hour L_{EQ} periods that occur in a day, with a 10 dB penalty added to the 22:00 to 7:00 hourly L_{EQ} periods to account for increased noise sensitivity during nighttime hours. The formula to calculate L_{DN} is as follows:

$$LDN = 10 \log_{10} \left\{ \left(\frac{1}{24} \right) \left(\sum_{7:00}^{21:00} 10^{\frac{x}{10}} \right) + \left(\sum_{22:00}^{6:00} 10^{\frac{x+10}{10}} \right) \right\}$$

where x equals the hourly L_{EQ} from 0:00 through 23:00 in the same 24-hour period.

Traffic Noise Barrier Fencing




[Acoustiblok](#)
[Acoustiblok Products](#)
[Acoustiblok Demo](#)
[Thermablok](#)


Introducing Acoustifence® Acoustic Fence

Originally developed by the Acoustiblok corporation for outdoor noise abatement, Acoustic fence has had proven success in many demanding applications. [World Fence News](#) defined Acoustifence as a "new defense against outdoor noise pollution". Commonly used at industrial sites, alongside highways, around construction sites, along mass transit rail lines and even around dog kennels, it is now available for residential use. Acoustifence is a simple and economical first step in noise reduction which can truly make an improvement in your life and increase your privacy. [Take a look at our Acoustifence photo gallery to see how customers have used this product to stop their noise problems.](#)



Acoustifence is a unique 1/8th inch, 6' x 30' (3mm x 1.83m x 9.14m) heavy mineral filled visco elastic acoustical material. Longer lengths are available. It is made in the U. S. A. from all USA materials. Unlike fences or shrubs, this material does extraordinarily well in not only blocking

[Acoustic Fence](#)

Request a Quote

 First Name *

 Last Name *

 Email *

 Phone *

 Address

 City

 State

 Zip

 Business

 Subject *

 Message *

direct sound, but also has a tendency to reduce noise by keeping sound from reflecting off it. This occurs as the flexible heavy mass Acoustifence material actually vibrates from sound, transforming some of it into inaudible trace amounts of heat (sheet lead works in the same manner). Considering that the ideal sound reducing construction is heavy, limp and air tight, the 1 lb. per sq. ft. flexible Acoustifence can be an excellent first step in reducing your noise level. It has acoustical properties that provide a lab-certified STC (**sound transmission classification**) of 28. While a 28 dB reduction represents a decrease of 85% to the human ear, this will be very relevant to surrounding objects from which sound will reflect over or around your fence.

Acoustifence material is extremely strong and engineered to withstand outdoor construction sites, highway environments, and most other outdoor applications. Full exposure to dirt, grease, oil, mold is not a problem for Acoustifence. You can even drive over it without decreasing it's effectiveness.

Having black anodized brass eyelets every 6 inches on the top edge and some on the bottom, allows easy hanging or attaching of the fence to just about anything. Heavy duty nylon wire ties are supplied with the fence and stainless wire ties are available at additional cost. Multi-level construction projects can easily overlap multiple lengths of Acoustifence attached to scaffolding to achieve many floors of vertical height sound blockage.

Staggered wood shadow box privacy fences (which of course provide no acoustical privacy) can easily incorporate Acoustifence without changing the visual appearance. Simply remove the vertical wood slats on your side of the fence, install the Acoustifence and reinstall the wood vertical slats. This is very easily done and leaves the appearance intact while adding acoustical privacy. A hammer, small crowbar, screw gun and some non rusting screws should be all the tools required.

A small rectangular image showing a section of the Acoustic Fence product, which is a heavy, flexible material with eyelets.A small rectangular image showing a section of the Acoustic Fence product, which is a heavy, flexible material with eyelets.

Shadow box fences are easy to convert to an acoustical sound barrier with Acoustic fence. For added aesthetics, the Acoustifence can be painted with an outdoor latex based paint.

Decibel Level Comparison Chart

Environmental Noise	<i>dBA</i>
Jet engine at 100'	140
Pain Begins	<i>125</i>
Pneumatic chipper at ear	120
Chain saw at 3'	110
Power mower	107
Subway train at 200'	95
Walkman on 5/10	94
<i>Level at which sustained exposure may result in hearing loss</i>	<i>80-90</i>
City Traffic	85
Telephone dial tone	80
Chamber music, in a small auditorium	75-85
Vacuum cleaner	75
Normal conversation	60-70
Business Office	60-65
Household refrigerator	55
Suburban area at night	40
Whisper	25
Quiet natural area with no wind	20
Threshold of hearing	0

Note: dBA = Decibels, A weighted

Comprehensive Plan

Introduction

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 affordable housing.

Land Use Element

GOAL LU-8 The High School Road District is intended to provide mixed use and commercial development in a pedestrian-friendly retail area.

Policy LU 8.1 The High School Road District includes a diversity of types of shopping and employment. A variety of commercial uses are allowed which offer goods and services for the convenience of Island residents.

Policy LU 8.2 Promote pedestrian-oriented mixed use and residential development to offer a variety of housing types and sizes.

Economic Element

JOBS/HOUSING BALANCE

GOAL EC-5

Provide a variety of affordable housing choices so that more people who work on Bainbridge Island can live here. The Housing Element of the comprehensive plan provides several options for the development of affordable housing on the Island.

Policy EC 5.1 Continue to monitor the progress in implementing the Housing Element and evaluate new ways of providing affordable housing.

Policy EC 5.2 In concert with the Housing Element's Goals and Policies, pursue a housing strategy that seeks to accommodate a wide variety of housing options, both in design and affordability, to meet the demands of the full range of the population including service sector employees, retirees, students, artists, farmers and craftspeople.

SERVICES SECTOR

GOAL EC-9

Grow a healthy service sector to increase employment opportunities, enhance local revenues, and meet emerging needs of the Island's changing demographics.

Policy EC 9.1 Increase availability of housing to enable service sector employees to live on the Island.

Housing Element

Introduction

Decent and safe housing is a basic human need increasingly unavailable to many Americans, including many Bainbridge Island residents and workers. The Washington State Growth Management Act (GMA) provides direction for cities to address these needs in the Housing Element of the Comprehensive Plan. Many of the Plan's Guiding Principles and Policies carry this direction forward to be addressed in various Elements, including Housing.

The HNA (Housing Needs Assessment) analysis of Workforce Housing Affordability indicates that there is a gap in housing affordable for the Island's workforce in service professions (e.g., restaurant workers, bank tellers, retail clerks, school bus drivers). Many of these workers are obliged therefore to commute from less-expensive off-Island housing, which increases their transportation costs, congestion on SR 305 and greenhouse gas emissions.

Housing Vision 2036

Bainbridge Island in the year 2036 provides a broad diversity of housing. The broadest variety of housing types including rental homes, exists within the compact, walkable, transit-served, mixed-use designated centers. These include small detached homes on small lots, attached and detached accessory dwelling units, cottage housing, common-wall duplexes, triplexes and row houses, and stacked units on the upper floors of mixed-use, mid-rise buildings.

GOAL HO-1

Make steady progress toward the following aspirational targets for increasing the diversity of housing types and the supply of affordable housing.

Policy HO 1.1 Decrease to 20% or less the number of cost burdened families living in rental housing (down from 40%).

Policy HO 1.2 Decrease to 18% or less the number of cost burdened families owning homes (down from 34%).

Policy HO 1.3 Increase rental housing units to at least 11% of total housing units (up from 7%).

Policy HO 1.4 Increase the Island's percentage of multifamily homes to 18% or more of all homes (up from 16%).

Policy HO 1.5 Increase the number of senior housing units to 600 or more (up from 344.) HOUSING VISION 2036 GOALS & POLICIES 2/28/17 2016 COMPREHENSIVE PLAN HO-4 HOUSING ELEMENT

Policy HO 1.6 Change today's 89/11% housing split between the Mixed Use Town Center and Neighborhood Centers to 80/20% by 2036.

Policy HO 1.7 Achieve a jobs-housing balance of .8 (up from 0.59).

GOAL HO-2

Beginning in 2019, prepare biennial reports on the status of housing on Bainbridge Island. The report shall describe progress toward achieving the targets set forth in Policies HO 1.1 through HO 1.7.

Policy HO 2.1 The Housing report shall address the following aspects of housing:

1. Housing trends in general both regionally and on Bainbridge Island.
2. The number and location of housing types constructed or active applications in the permit process in the preceding two years.
3. An evaluation of the effectiveness of the City's measures and identification of additional or revised measures or targets.
4. The vacancy rate for rental apartments.
5. The number of cost burdened and extremely cost burdened households.
6. The status of efforts to address housing needs at the regional level.
7. The housing availability for special needs or difficult to serve populations.
8. The condition of the local housing market and the number of new housing units publicly and privately funded.
9. The use of density bonuses and the number of for-purchase affordable housing units provided in new developments.
10. A description of the various initiatives supporting affordable housing including activities of community non-profit organizations and local and regional entities.
11. Programs of housing repair and renovation that improve accessibility.
12. An analysis of how property taxes impact housing affordability.
13. If insufficient progress is made toward meeting the targets in Policies HO 1.1 through HO 1.7, determine what actions are not working and make adjustments.

Policy HO 2.2 Make the Biennial Housing Reports available to the public in various ways such as notice in the local newspaper, on the City's web page and on local media outlets. This Biennial Housing Report will be part of a comprehensive update of the Housing Needs Assessment in order to inform the next state-mandated update of the Comprehensive Plan in 2024.

GOAL HO-3

Promote and maintain a variety of housing types to meet the needs of present and future Bainbridge Island residents at all economic segments in a way that is compatible with the character of the Island

and encourages more socio-economic diversity. Partner with community non-profit organizations and local and regional private and public entities in carrying out the following policies.

Policy HO 3.1 Encourage innovative zoning regulations that increase the variety of housing types and choices suitable to a range of household sizes and incomes in a way that is compatible with the character of existing neighborhoods. Examples of innovative approaches are cottage housing development, conservation villages, stacked or common-wall housing, tiny houses and accessory dwelling units. Housing types are illustrated in: Figs. HO-1 through HO-3 (detached housing); Figs. HO-4 through HO-6 (attached housing); and Figs. HO-7 through HO-9 (stacked housing). Fig. HO-1 Single-family Home Fig. HO-2 Cottage Housing Fig. HO-3 Tiny House/ADU Fig. HO-4 Duplex Fig. HO-5 Row House Fig. HO-6 Zero Lot Line Fig. HO-7 Garden Apartment Fig. HO-8 Mixed-use, Mid-rise Fig. HO-9 Micro Units 2/28/17 2016 COMPREHENSIVE PLAN HO-6 HOUSING ELEMENT Fig. HO-10 Live-aboard Unit

Policy HO 3.2 Recognize that the City shares a housing and employment market as well as a transportation network with the larger region. Therefore, the City should work with the Kitsap Regional Coordinating Council and other regional entities to develop an equitable and effective countywide planning policies and other strategies to locate, finance and build affordable housing.

Policy HO 3.3 Designate the appropriate staff or organizational entity to assist and advise the community, landowners and private and public entities about options for affordable housing, financing strategies and funding sources.

Policy HO 3.4 Partner with non-profit housing organizations, churches, the development community, local lending institutions, elected officials and the community at large to assist in meeting affordable housing goals and implementing strategies.

Policy HO 3.5 Support the efforts of community non-profit housing organizations and local and regional public and private entities in developing and managing affordable housing on Bainbridge Island.

Policy HO 3.6 Develop standards to encourage development of small to mid-size single-family housing units. These provisions may include a framework to permit small-unit housing development such as tiny houses, micro units and cottage housing.

Policy HO 3.7 Expand opportunities for infill in the residential neighborhoods of the Winslow Master Plan study area and the Neighborhood Centers. Allow the creation of small lots (e.g., in the 3,000 square foot range) as well as smaller footprint homes (e.g., under 1,200 square feet).

GOAL HO-5

Maintain the existing stock of affordable and rent-assisted housing, in partnership with community non-profit organizations and local and regional public and private entities.

Policy HO 5.1 Develop a continuing strategy to maintain the Rural Development Agency and HUD subsidies on existing rent-assisted housing. The primary strategy shall be to support Housing Kitsap and non-profit organizations such as Housing Resources Bainbridge to purchase the units through the provisions of the 1990 Housing Act.

Policy HO 5.2 In the event of the potential loss of privately-owned subsidized housing, work with the appropriate public agencies and local non-profits to pursue the preservation of the subsidized units or relocation assistance for the residents.

Policy HO 5.3 Support water-based (live-aboard) housing as a viable component of the present and future housing stock of Bainbridge Island, subject to applicable environmental protection, seaworthiness, sanitation and safety standards, and authorized moorage.

GOAL HO-6

Facilitate the provision of a diverse affordable housing stock in all geographic areas of the community.

Policy HO 6.1 Encourage housing created by agencies such as a community land trust.

Policy HO 6.2 In order to provide for permanently affordable housing pursue effective strategies to reduce the land cost component of affordable housing which may include alternative land use zoning, density bonuses and other incentives.

Policy HO 6.3 Maintain an innovative housing program and clarify or adopt new flexible permit processes in all designated centers to promote an increase in the supply, diversity and access to housing including affordable housing.

Policy HO 6.4 Create a new conservation villages permit process to apply outside of designated centers to increase housing choices including affordable housing and requiring green building practices while better conserving open space.

Policy HO 6.5 Develop regulations and provide incentives to construct affordable housing for farm workers on or near farmlands.

Policy HO 6.6 Consider the merits of programs and regulations pioneered by other communities to discourage the land, energy and natural resource consumptive pattern of large single-family homes. Adopt amendments to City programs and development regulations as appropriate.

Policy HO 6.7 Support the development of livable neighborhoods.

GOAL HO-7

Promote and facilitate the provision of rental and for-purchase housing that is affordable to income-qualified households with a variety of income levels.

Policy HO 7.1 Exempt from City impact fees and other administrative development fees housing developments where all units are limited to residents in specified income groups.

Policy HO 7.2 All income-qualified rental housing units created as a result of the policies of this Housing Element shall remain affordable to income-qualified households for a period of not less than 50 years from the time of first occupancy.

Policy HO 7.3 Explore measures and the merits of source-of-income discrimination controls.

GOAL HO-9

Explore the use of the City's bonding capacity and pursue other resources to support the creation of affordable housing.

Policy HO 9.1 The City recognizes the need to provide financing assistance for affordable housing. Accordingly, the City will actively pursue public and private funds that may include but are not limited to, real estate excise tax, grants and other available resources.

Policy HO 9.2 The City in partnership with local agencies producing affordable housing, may issue a General Obligation Bond to increase the production of housing affordable to households at or below 80% of median income for Kitsap County.

Policy HO 9.3 Consider the issuance of Limited Tax General Obligation Bonds (also called councilmanic bonds or non-voted debt) to support the development of housing affordable to households at or below 80% of median income for Kitsap County.

Policy HO 9.4 Increase City support of the Housing Trust Fund and explore new sources of funding for the development and preservation of affordable housing.

Policy HO 9.5 Consider the options for making City-owned land or air-space available through long-term leases or other mechanisms for the purpose of creating income-qualified housing and support other public entities that wish to use publicly-owned land for this purpose. Take into consideration however, the full range of uses that City-owned properties may serve over the long-term.

HIGH PRIORITY ACTIONS

HO Action #1 Set targets for increasing the supply of moderately priced and affordable housing, measure progress, and if insufficient progress is being made toward meeting the housing targets, determine what actions are not working and make appropriate adjustments.

GOAL HO-1 Make steady progress toward the following aspirational targets for increasing the diversity of housing types and the supply of affordable housing.

GOAL HO-2 Beginning in 2019, prepare biennial reports on the status of housing on Bainbridge Island. The report shall describe progress toward achieving the targets set forth in Policies HO 1.1 through HO 1.7.

HO Action #2 Amend the City's development code to facilitate an increase in the diversity of housing types and supply of affordable housing.

Policy HO 3.6 Develop standards to encourage development of small to mid-size single-family housing units. These provisions may include a framework to permit small-unit housing development such as tiny houses, micro units and cottage housing.

Policy HO 4.2 Increase the efficiency of the review process and revise development standards for the High School Road and Ferry Terminal districts and other portions of the Winslow Area Master Plan to encourage the transformation of these areas from auto-oriented, low-rise, homogeneous commercial land use districts into walkable, transit-served, mid-rise, mixed-use neighborhood with affordable housing.

Policy HO 6.3 Maintain an innovative housing program and clarify or adopt new flexible permit processes in all designated centers to promote an increase in the supply, diversity, and access to housing, including affordable housing.

Policy HO 6.4 Create a new conservation villages permit processes to apply outside of designated centers to increase housing choices, including affordable housing and requiring green building practices, while better conserving open space.

HO Action #3 Partner with other jurisdictions, the development community, and nonprofit organizations to increase the diversity of housing types and supply of affordable housing.

Policy HO 3.4 Partner with non-profit housing organizations, churches, the development community, local lending institutions, elected officials and the community at large to assist in meeting affordable housing goals and implementing strategies.

Policy HO 4.3 Partner with non-profit or for-profit housing sector to create new multifamily housing in designated centers including a percentage of affordable housing, through the joint or exclusive use of surplus publicly owned property or air space.

Policy HO 4.4 Partner with the for-profit sector to create affordable housing through the targeted use of the multifamily property tax exemptions in designated centers.

Policy HO 9.5 Consider the options for making City- owned land or air-space available through long-term leases or other mechanisms for the purpose of creating income-qualified housing and support other public entities that wish to use publicly-owned land for this purpose. Take into consideration however, the full range of uses that City-owned properties may serve over the long-term.

HO Action #4 Consider actions that can be taken to reduce financial barriers that inhibit the desired increase in diverse and affordable housing.

Policy HO 5.2 In the event of the potential loss of privately-owned subsidized housing, work with the appropriate public agencies and local non-profits to pursue the preservation of the subsidized units or relocation assistance for the residents.

Policy HO 7.1 Exempt from City impact fees and other administrative development fees housing developments where all units are limited to residents in specified income groups.

Policy HO 9.2 The City in partnership with local agencies producing affordable housing, may issue a General Obligation Bond to increase the production of housing affordable to households at or below 80% of median income for Kitsap County.

Policy HO 9.3 Consider the issuance of Limited Tax General Obligation Bonds (also called councilmanic bonds or non-voted debt) to support the development of housing affordable to households at or below 80% of median income for Kitsap County.

HO Action #5 Create a short-term (60-90 days) citizen affordable housing task force to consider the revised Housing Element and provide specific recommendation for near term action.

Policy HO 3.3 Designate the appropriate staff or organizational entity to assist and advise the community, landowners and private and public entities about options for affordable housing, financing strategies and funding sources.

HO Action #6 Review and revise City regulations related to permissible live-aboard capacity in City marinas.

Policy HO 5.3 Support Water-based (live-aboard) housing as a viable component of the present and future housing stock of Bainbridge Island, subject to applicable environmental protection, seaworthiness, sanitation and safety standards, and authorized moorage.

MEDIUM PRIORITY ACTIONS

HO Action #7 Focus additional city and other financial resources to help increase the supply of affordable housing.

Policy HO 9.4 Increase City support of the Housing Trust Fund and explore new sources of funding for the development and preservation of affordable housing.

Policy HO 7.1 Exempt from City impact fees and other administrative development fees housing developments where all units are limited to applicants of specified income groups.

HO Action #8 Look for ways to reduce the cost of multifamily housing, particularly affordable housing.

Policy HO 4.5 Remove barriers to the creation of new multi-family housing, particularly affordable housing through a variety of actions such as the adoption of regulations that “right-size” parking requirements, reduce certain impact fees, and the encourage the use of parking management programs to enable the more efficient use of parking.

OTHER PRIORITY ACTIONS

HO Action #9 Identify ways to achieve local results with and through regional actions.

Policy HO 3.2 Recognize that the City shares a housing and employment market, as well as a transportation network, with the larger region. Therefore, the City should work with the Kitsap Regional Coordinating Council and other regional entities to develop equitable and effective county-wide planning policies and other strategies to locate, finance and build affordable housing.

March 27, 2014

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

REPORT AND DECISION

Project: Visconsi Master Plan
*Conditional Use Permit and Site Plan Review
SEPA Threshold Determination Appeal*

File number: SPR/CUP 17734

Appellant: Islanders for Responsible Development

*represented by Ryan Vancil, Attorney
266 Ericksen Avenue NE
Bainbridge Island, WA 98110*

Applicant: Visconsi Companies LTD
360 Corporate Circle
Pepper Pike OH 44124-57042420

*represented by Dennis D. Reynolds, Attorney
200 Winslow Way W, #380
Bainbridge Island, WA 98110*

Owners: Deschamps Partnership LP
16213 Agatewood Road NE
Bainbridge Island, WA 98110

Suzanne Kelly
16213 Agatewood Road NE
Bainbridge Island, WA 98110

Location of Subject Property: 10048 High School Road (NE Corner of High School
Road and SR 305)

**Zoning and Comprehensive Plan
Designations:**

Mixed-Use Town Center, High School Road Districts
I & II (MUTC HSR-I and HSR-II)

Environmental Review:

A SEPA Mitigated Determination of Non-significance was
issued November 22, 2013, and an appeal filed on
December 6, 2013.

Request:

Site Plan Review and Conditional Use Permit applications
were submitted for approval of a commercial complex
comprising seven buildings with a 61,890 square foot
combined floor area and 248 parking spaces, on five
parcels totaling 8.16 acres. Proposed uses include retail
sales and services, restaurants, professional services and
health care facilities .

FINDINGS AND CONCLUSIONS

Site and Proposal Characteristics

1. Assessor's Record Information:

232502-3-026-2002	Suzanne Kelly	0.92 acres
232502-3-027-2001	Deschamps Partnership	1.16 acres,
232502-3-030-2006	Suzanne Kelly	0.49 acres,
232502-3-036-2000	Suzanne Kelly	2.83 acres
232502-3-043-2001	Suzanne Kelly	2.76 acres

Total: 8.16 acres

1. The property is relatively flat with a knoll towards the center, then gently slopes in all directions. Part of the buffer for a wetland lying off-site to the northeast is on the applicant parcel. The northern half of the property, except for the access road to the Pro Build lumber yard, is mostly covered with second or third-growth evergreen trees with an understory dominated by invasive ivy, scotch broom and holly. The site presently contains an approximately 4,600 square foot commercial building on the corner of High School Road and Highway 305 that will be removed. There is also an older small cabin near High School Road that the applicant is offering to donate to an interested resident or group.

2. A private access road to the Pro Build commercial development currently bisects the property and is proposed to be relocated further east as part of this proposal. Vehicular access to the site will be from High School Road, and non-motorized access will be from improved sidewalks along High School Road and a non-motorized trail to be constructed parallel to Highway SR 305.

3. The applicant site contains HSR-I and HSR-II (High School Road I and II overlay districts) zoning and Comprehensive Plan designations. Surrounding uses and zoning include a commercial business, Pro Build Development (HSR-II) to the north, the Stonecress Multi-family Development (R-

8/UMF) and Woodland Village Subdivision (R-2.9/SUR) to the east, retail commercial (McDonalds, Ace Hardware) across High School Road to the south (HSR-I), and a wooded undeveloped area (HSR-I, R-8/UMF) west across SR 305.

4. The parcel is currently owned by the Kelly/Deschamps family, with the Visconsi Companies holding an option to purchase it once required permits have been secured. Thus tenant commitments have yet to be legally formalized. But it is generally anticipated that the Key Bank facility currently located south of High School Road will relocate to the 3300 square-foot building #1 proposed at the corner of SR 305 and High School Road in the HSR-I zone, and a Bartell's Drugstore will occupy the 14,475 square-foot building #2 to its north that straddles the HSR-I and II zone boundary. The 20,000 two-storey building #5 proposed to be located in the site's northeast corner next to the wetland buffer is being viewed as a future medical office facility, while four other single-storey retail buildings ranging in size between 4800 and 7200 square feet have yet to be publicly identified as to their expected tenancies. All buildings except the bank and the southern half of the pharmacy are proposed for the HSR-II zoned portion of the property.

5. The site circulation design for the proposed Visconsi project that has generated so much controversy has been driven by neighborhood limitations largely of human rather than natural origin. The site's access problems are ultimately the consequence of the Washington Department of Transportation's (WSDOT) policy restricting the creation of further road or driveway cuts to SR 305 in order to maximize flow capacity for vehicles approaching and departing its ferry terminal. This policy historically required the ProBuild lumber yard to obtain access south to High School Road through the applicant's site, thus resulting in the future vehicle and pedestrian conflicts that potentially impact proposed retail development. Access options are further constrained by an offsite wetland near the site's northeast corner, plus existing development for Kitsap Bank and the adjacent narrow Polly's Lane roadway, which together occupy the eastern half of the original High School Road property frontage, provide no suitable opportunities for a commercial second access.

Procedural History

6. An initial pre-application conference was held June 1, 2012, and a public participation meeting on June 18, 2012. On May 20, 2013 the applicant first presented the project concept to the Design Review Board (DRB). Slightly less than a year later, on April 24, 2013, formal applications for the site plan and design review approval and for a conditional use permit (CUP) were submitted. The need for a conditional use permit was triggered by the proposed construction of four retail buildings in the HSR-II zone with footprints exceeding 5000 square feet. On May 22, 2013 the application was deemed complete by the project planner. The application was circulated for agency and departmental comments to, among others, the Health District, Fire Department, Kitsap Transit and the City Development Engineer.

7. A Notice of Application and SEPA comment period was published and mailed on June 7, 2013. After the applicant presented a modified proposal to the Design Review Board on June 17, 2013, a revised Notice of Application/SEPA comment period was issued July 5, 2013. Multiple public comments were received. A SEPA Mitigated Determination of Non-significance containing nine conditions was issued November 22, 2013, and timely appealed by the Islanders for Responsible Development (IRD).

8. A pre-hearing conference was held by the City Hearing Examiner on December 20, 2013, and a pre-hearing order issued on December 29, 2013, for a consolidated public hearing on the applications and SEPA appeal. Although the legal standards for each decision differ, the underlying factual issues substantially overlap and a single consolidated hearing record has been created. The pre-hearing order undertook to clarify the issues within the SEPA appeal and supplied a process for furthering that purpose. A supplement to the pre-hearing order was issued on January 6, 2014. In addition, a motion from the applicant's attorney seeking dismissal of the SEPA appeal was denied by the Examiner pursuant to an order dated January 9, 2014.

9. As specified in the pre-hearing order, the public hearing opened at Bainbridge Island City Hall on the evening of January 16, 2014. Due to the widespread community interest in this proceeding, public testimony was taken at the opening of hearing, followed by testimony on the two applications and finally from the witnesses for the SEPA appeal. Hearing testimony was received on January 16, 17, 20, 21, 22, 26, 27 and 28, 2014. In addition, the record was held open for submission of additional specified documents and for legal briefing from the parties. The final deadline for briefing was February 18, 2014, at which time the record closed.

10. As noted above, a single consolidated hearing record was established for all the applications and SEPA appeal issues. After engaging the public participation process, substantive factual topics will be taken up within related groupings and specific factual determinations made for each. Discussion of the legal consequences of such determinations will be deferred to the Conclusions section, where the differences in the specific standards applicable respectively to the conditional use permit, site plan review and SEPA appeal will be elaborated. Within the Findings issues related to the natural environment have been grouped with drainage questions that are of interest primarily in relation to their potential for imposing effects on the nearby wetland. Most of the impacts of importance from the Visconsi proposal fall within the realm of the human or built environment, including traffic and circulation issues and potential impacts to Stonecress.

Public Participation

11. Bainbridge Island values public participation in its civic decision-making, and the City's land use procedures provide multiple opportunities for such participation to occur. Before a project such as the Visconsi proposal arrives at the Hearing Examiner level, it will have already undergone public informational meetings as well as review by the City's advisory Design Review Board and Planning Commission (PC). These procedures offered occasions for public participation and resulted for the Visconsi applications in both more detailed project studies and important revisions to the proposal.

12. The DRB's first involvement with the project was at a conceptual stage on March 26, 2012. Over the course of more than a year it devoted five meetings to discussion of the Visconsi proposal, voting at its final meeting on June 17, 2013, in favor of a "recommendation of approval with comments." As recorded in its minutes, at its first meeting with Visconsi representatives the DRB encouraged the applicant in its design to "consider the special character of the island" but also noted that the "current context of High School road corridor is lacking in this respect." It also identified the design of the spine road serving ProBuild as "critical to the success of the project" and suggested approaching its development as "a central pedestrian open space as a 'retail destination'."

13. These initial DRB observations were of importance in shaping the conceptual site design. In

the context of planning a medium-scale retail and office development, a driveway used primarily by large and small trucks to access a lumber yard is an anomalous feature. To succeed the site design either needs to tame and embrace this feature or turn away and avoid it. Turning away from the spine road would likely either require creating a much longer loop road design with the bulk of commercial development clustered in a central complex facing inward or, alternatively, two separate commercial pods both facing away from the spine road with minimal structural interconnectivity. In the latter instance, overcoming the resultant sense of separation would probably require installation of a dramatic linkage element such as a pedestrian overpass joining multiple-storey buildings located on either side of the road. While either conceptual alternative could end up trading one set of problems for another, both of these approaches would more explicitly eliminate conflicts between trucks and pedestrians from the site design.

14. With DRB encouragement, Visconsi's design team chose the path of subduing the negative qualities of the ProBuild spine road and converting it from a truck route into a "Main Street" setting. One might wonder whether at the time of this design decision either Visconsi or the DRB fully appreciated the challenges that such a choice might present. The City contracted with the Transpo Group for a rather narrowly defined traffic study that was not published until late April, 2013, which study initially dismissed the importance of truck traffic to and from ProBuild. These potential vehicle and pedestrian conflict issues did not really garner serious attention in the review process until later brought before the Planning Commission by community activists. Thus the split between DRB and the PC over whether to recommend approval for the Visconsi project could ultimately reflect their respective evaluations of (and perhaps knowledge about) the project plan's capacity to deal successfully with traffic and circulation issues that only fully came to light relatively late in the process.

15. Other elements of the DRB review worthy of special mention were its consistent attention to the need for the project to modulate and vary the shapes and surfaces of buildings to create visual interest and its particular attention to visual impacts at the High School Road/SR 305 intersection and along the SR 305 corridor. The property's location and elevated topography serve to minimize impacts to offsite views. To the north is the ProBuild lumber yard, and a wooded wetland lies to the northeast between the site and a single-family neighborhood. Directly east there are potential visual impacts to the adjacent Stonecress residential development, a matter to be discussed later in this report. Retention of a tree buffer along the SR 305 corridor can largely mitigate view impacts to the west. Indeed, probably the most serious project view impacts will occur immediately south across High School Road from the proposed bank and be suffered by customers of the McDonald's drive-in restaurant – a constituency (perhaps the only one) whose cause has yet to be championed.

16. Based on the project checklists the DRB ultimately graded the Visconsi site design as acceptable in all guideline categories. It gave it particularly high marks to the Visconsi design for its modulation of building facades to avoid a massive appearance and limit offsite visual impacts. The DRB specifically agreed with the applicant that "it is better that the corner bank building be low key [pun likely not intended] and smaller in scale," foregoing the creation of a landmark presence. But aware of the limitations of its advisory role, the DRB also expressed concern that the harmoniously integrated building profiles featured in the Visconsi design package might not actually get built, that eventual site retail tenants might express preference for more conventional commercial designs different from those in the Visconsi presentation drawings. Accordingly, the DRB suggested that further design review be incorporated into the construction permit review process.

17. The City's Planning Commission reviewed the Visconsi project proposal at meetings held in October and November, 2013. According to the meeting minutes topics of primary concern were traffic circulation, pedestrian safety, economic impacts, and proposed building size, design and use and their relationship to the City's Design Guidelines. The discussion consensus was that the proposal's impacts could not be adequately mitigated. Based on proposed findings drafted by Commissioner Maradel Gale, the Planning Commission voted unanimously on November 14, 2013, to recommend denial of the Visconsi site plan and conditional use permit applications. But also, in the event its recommendation for project denial was not adopted, the PC proposed four further project conditions relating to utility equipment visibility, wetland mitigation timing, a crosswalk on High School Road and truck traffic use of Polly's Lane.

18. Commissioner Gale's written findings regarding the deficiencies of the Visconsi proposal were accepted by the Planning Commission as the basis for its recommendation of denial. Her analysis acknowledged the challenges presented by the site's location and the existing neighborhood development pattern ("the architect has faced an impossible task") and concluded that the critical problems had not been satisfactorily addressed by either the proponent or City staff. Her main emphasis was on safety issues – conflicts between ProBuild truck traffic and pedestrians both internally on the site and on the surrounding road system, vehicle circulation and movement issues, and sight distance problems. She was particularly sensitive to the questions of how vehicle circulation obstacles onsite, and through the site to and from ProBuild, could push frustrated drivers east onto narrow Stonecress streets that were not designed for expanded levels of non-residential usage and attendant increases in adverse impacts.

19. In addition, Commissioner Gale's analysis discussed the Visconsi proposal at some length in the context of the City's Comprehensive Plan and the Plan's relationship to the conditional use permit review standards. This discussion served to inform much of the public testimony received at the recently completed permit and appeal hearing and anticipated many of the critical legal issues to be reviewed below in the Conclusions section of this report.

20. At each stage of review – DRB, Planning Commission and Hearing Examiner – the Visconsi site design proposal has undergone modification in response to concerns expressed by the advisory groups and the public. The initial April, 2013, design assumed that ProBuild traffic would only comprise a relatively minor pedestrian complication, with the north/south spine road meandering peacefully through a central plaza located along both sides featuring angle parking and four convenient pedestrian crosswalks.

21. The September, 2013, site plan iteration presented to the Planning Commission undertook to respond to emerging ProBuild truck traffic concerns by adding a divider along a now more straightened spine road's east side to create a separate through-lane and a buffer protecting the proposal's three easterly buildings. The plaza area on the west side was reduced and most of its parking spaces converted from angle to parallel configuration, with deleted spaces east of the pharmacy relocated west adjacent to the SR 305 buffer. The September version also featured an enlarged buffer in the site's northeast corner in response to a consensus reclassification of the offsite wetland to Category I; increased tree retention within the western boundary buffer along SR 305; and installation of a full planting screen in the buffer section adjacent to Stonecress residences. Finally, the January, 2014, version recently submitted to the permit hearing record added a multi-modal trail next to the SR 305 corridor, reconfigured the crosswalks east of the pharmacy and added a crosswalk across Polly's Lane

into Stonecress.

22. Large numbers of Bainbridge Island residents participated in the multiple phases of the review process for the Visconsi applications – before the Design Review Board, the Planning Commission and Hearing Examiner. Most expressed opposition to the proposal. Some submitted written comments, others offered oral testimony, and many did both. Many comments were short and concerned mostly with the bottom-line outcome, while others were lengthy, detailed and specifically targeted on particular problems. The more site-specific comments were clustered around topics such as traffic congestion, pedestrian safety and circulation, wetland protection, tree removal and the various potential impacts of commercial development on the nearby Stonecress neighborhood.

23. The broader and more programmatic comments were often anchored by references to different goals and policies within the City's Comprehensive Plan. There may be no other place on the planet where a Comprehensive Plan seems as much a living document as on Bainbridge Island. The conceptual critiques included broad assertions of the project's failure to complement the Island's unique character, the lack of an economic need for another shopping center, the absence of a residential component in the project's mix of uses, a shortage of environmentally friendly sustainable features, claims of atavistic adherence to an outmoded auto-centric commercial paradigm and related accusations of strip mall development practices imposing unwanted urban sprawl. There were frequent references to Kitsap County's earlier approval of the Safeway shopping center located further west on High School Road, a community trauma that was a seminal event in the decision to incorporate the entire island as a city and which remains fresh in the collective memory. Since the Bainbridge Safeway development is ugly even by Safeway standards, the widespread community desire to avoid repeating this experience is understandable.

The Offsite Wetland

24. The character of the Visconsi site and its attendant development constraints have largely been determined by the glacial till layer that underlies the property at depths ranging from two to five feet. Water perched above the till layer has created the wetland offsite to the northeast, and the till's low permeability precludes significant infiltration of runoff generated by the proposed development. Beneath the forest duff layer on the property's east side also lies a thin layer of fill generally identified as the remnant of earlier farming activity. Test holes excavated for the applicant by Aspect Consulting did not encounter significant ground water. The geotechnical evaluation concluded that the onsite till soils would provide suitable materials for building foundations and structural fill.

25. An approximately three-acre depressional wetland within the Woodland Village subdivision lies close enough to the Visconsi property that its regulatory buffer extends onto the site's northeast quadrant. A disagreement over the exact classification of the wetland was resolved on August 5, 2013, when City's wetland planner and a wetland specialist representing the subdivision's homeowners' association jointly investigated the wetland and agreed that it merited a Category I rating requiring a 100 foot buffer plus a 15 foot building setback. Because the understory for the onsite forested portion of the buffer is impacted by invasive plants such as holly and ivy, wetland enhancement will be required in the form of invasives removal and replanting with native vegetation.

26. Although lacking in special characteristics and already subject to impacts from existing nearby residential development and its untreated runoff releases, the wetland was deemed basically healthy

with good plant diversity, snags and large woody debris. Beyond implementation of the enhancement plan, development activities potentially having direct impacts to the onsite wetland buffer include installation of drainage lines connecting to a dispersal trench and clearing within the adjacent building setback. It also appears that a new drainage pipe will be installed to transport offsite flows entering from the ProBuild site and discharge them into the buffer.

27. As described by the preliminary drainage report performed by Browne Wheeler Engineers dated April 24, 2013, the Visconsi project is proposed to be constructed in phases, with the first phase comprising "the construction of the road and the utility mains, mass grading of the entire project, and construction of the buildings and parking lots on lots 1 and 2." Although there is hope that onsite cuts and fills will balance out overall, no detailed grading plan for the entire site has yet been created. According to the April 17, 2013, Aspect Consulting report, the earthwork anticipated for lot 2 (the pharmacy) near the southwest site corner "appears to range from 3 feet of cut to 4 feet of fill for the general lot."

28. There was concern expressed at the public hearing, primarily by neighborhood residents. Christina Doherty and Chuck Depew, that a proposed project condition tying implementation of the wetland enhancement plan to construction of nearby proposed building 5 might allow early phase construction impacts to go unremedied for an unacceptable length of time and result in buffer degradation. The applicant did not object to rescheduling the mitigation to an earlier point. In view of the plan for initial mass grading of the entire site and uncertainty about when building 5 actually will be constructed, identifying an earlier trigger for replanting the buffer understory appears to be prudent.

Stormwater Management

29. In the current state, stormwater runoff from the Visconsi site is divided among three basins – a southwest basin of about four acres, a northeast basin of about three acres and a northwest basin at about one and a half acres. Both west side basins discharge to the roadside ditch along SR 305, with the northwest basin flows culverted under SR 305 to the Sakai Pond on its west side. Flows from the two western basins rejoin just southwest of the SR 305/High School Road intersection and then travel south toward the Winslow Ravine. There are reports of existing minor erosion in the upper reaches of the Ravine system, and the SEPA appeal suggested the possibility of potential harm to fish habitat. But the record contains no documentation of fish resources in the Winslow Ravine.

30. After site grading, the three basins would remain about the same size but their boundaries would be slightly adjusted. Most notably, the design shifts part of the existing northeast basin that normally would have contained the northern end of the spine road to the northwest basin, compensating for this loss with additional area from lot 7. Each basin will have its own separate detention and treatment system, consisting typically of detention facilities (vaults, tanks or pond), a flow control structure, a StormFilter cartridge water treatment system to remove total suspended solids (TSS), and a discharge pipe to the roadside ditch (western basins) or a dispersion trench (northeast basin). In addition, the access road runoff will receive enhanced water quality treatment by passing it through a rain garden.

31. Most of the hearing testimony focused on the northeast site basin, which discharges to a much larger neighborhood basin that also contains Woodland Village, its Category I wetland, the eastern half of ProBuild and the Stonecress Townhomes. The Visconsi northeast basin appears to comprise about

15% of this total neighborhood basin. Releases from the Visconsi northeast basin stormwater system will pass through the wetland buffer to the wetland, skirt the Stonecress detention pond, continue east into a second wetland located adjacent to Ferncliff Avenue north of its High School Road intersection, then pass under Ferncliff in an 18-inch culvert. From there flows continue east through a third wetland to a drainage swale over another 1200 foot span before turning south and traversing a series of channels, ponds and wetlands to Eagle Harbor.

32. Potential impacts to the Woodland Village wetland from northeast basin flows are to be mitigated by the flow control and water quality treatment requirements and natural filtration through the wetland buffer. The Department of Ecology (DOE) has accepted the Stormfilter cartridge technology as capable of meeting its 80% TSS removal target under specified conditions. Further, Visconsi's design decision to eliminate the entire spine road from the northeast site basin will have the beneficial water quality effect of removing ProBuild truck traffic pollution from flows discharging to the wetland buffer.

33. Before 1990 most municipalities simply authorized direct stormwater discharges to ditches and streams without either detention or treatment. In urban basins these practices resulted in erosion, flooding and the scouring of stream beds – in other words, the total obliteration of any remaining fish habitat. Now computerized continuous flow models that mimic Western Washington's maritime weather, which is characterized less by isolated storm events than by a series of storms over an extended period of time, are employed to calculate the capacities of required stormwater detention facilities. A primary consequence of a series of storms is that later in the storm cycle a new event will encounter soils that are already saturated and a detention pond that is no longer empty. Thus a small event encountered late in the cycle can have impacts more typical of a larger storm. While earlier single-event models assumed an empty pond and unsaturated soils, the continuous flow model takes cumulative storm effects into account in the design of facility capacities. The result has been new detention facility capacities that are many times larger than those required in the 1990s.

34. Continuous flow modeling underpins detention pond capacity and release requirements throughout the Puget Sound area as specified by the minimum standards stated in DOE's 2005 Stormwater Management Manual for Western Washington, which has been adopted (with some modifications) by the City as its regulatory framework. There is also now a 2012 update of the Manual that offers some technical refinements but does not alter the essential analytical approach. Under the 2005 standards Visconsi would be required to release detained stormwater at durations that do not exceed 50% of the 2-year storm.

35. The applicable 2005 release rates are calculated to maintain storm flow durations at the predevelopment level. In so doing they also automatically reduce flow peaks below the levels naturally occurring. Because elevated flow durations and peaks are the primary causes of flooding and erosion within a drainage system downstream, release of development flows at the maximums authorized should not increase downstream damage and may in some instances actually diminish it. This means in most cases that detailed evaluation of the conveyance capacity of distant downstream channels, streams, ponds and wetlands is no longer required. And one further beneficial effect of requiring flow durations to mimic the natural condition is that base flows to wetlands and streams will be better maintained.

36. An issue raised by residents in the immediate vicinity of the Woodland Village wetland was that

increased flows from the Visconsi northeast basin might cause flooding damage while passing through an allegedly malfunctioning stormwater pond complex on the Stonecress site. And Stonecress residents expressed a fear that increased flows from Visconsi would erode an already stressed pond berm, a concern mostly based on an assumption that the eight-inch pipe through the berm designed to by-pass wetland flows is undersized and will flood during major storm events. A resident who lives near the pond in the Hamlet subdivision, Philip O'Hartigan, speculated that Stonecress pond overflow might cause flooding damage to his property. As a remedy Mr. O'Hartigan suggested that northeast basin flows from Visconsi be rerouted west to the SR 305 roadside ditch.

37. One of the cardinal principles of stormwater system design is that post-development drainage basins should generally replicate in size the pre-development condition and effect releases offsite at the pre-development locations. The basic insight is that a substantial reallocation of runoff between drainage basins usually just shifts problems from one place to another. Responding to Mr. O'Hartigan's concerns in a May 28, 2013, letter, Visconsi's engineer Adam Wheeler made this fundamental point in rejecting the suggested westerly reassignment of flows from the northeast basin. In addition, after noting that "our firm provided the drainage designs for the Hamlet and Stonecress communities," Mr. Wheeler went on to make the following observations about the Stonecress pond:

"The drainage system for the Stonecress community was designed to collect water leaving the wetland before it entered the detention pond and route it around the pond and discharge the water to the east. The detention pond was designed to accommodate the runoff from the Stonecress community only. If this is not the case, the City should investigate the issue to determine if the drainage system needs to be repaired or maintained."

38. At this point we have learned two things. First, we know that the Visconsi drainage system is required to be designed so that, when functioning properly, its flow durations will not exceed the pre-existing rate and thus not increase impacts to the downstream conveyance system. Second, from the Stonecress experience we also know that even a well-designed system may not always be built, or may not forever perform, according to plan. So the question becomes whether these facts combine to give rise to any responsibility on the part of Visconsi to fix what may either be an improper routing of flows in the existing downstream system from the Woodland Village wetland through the Stonecress pond or an under-capacity bypass line.

39. Section 2.5.4 of the state Manual containing "Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls," states that "[n]atural drainage patterns shall be maintained...to the maximum extent practicable" and the "manner by which runoff is discharged from the project site must not cause a significant adverse impact to...downgradient properties." Since, strictly speaking, natural drainage patterns in an urban area (even a low density one) will have been to a major extent long ago altered, the term probably needs to be understood as mandating the preservation of the drainage patterns in existence immediately before site development.

40. Some context for understanding the terminology quoted above is also supplied by the approval standards stated at BIMC 15.20.060.H, which state that "[d]evelopment projects that discharge stormwater off-site shall submit an off-site analysis report that assesses the potential off-site water quality, erosion, slope stability, and drainage impacts associated with the project and that proposes appropriate mitigation of those impacts" Also, "[p]rojects shall be required to initially submit, with the permit application, a qualitative analysis of each downstream system leaving a site" which should

include as Task 4 a description of "the drainage system, and its existing and predicted problems" and for each potential issue "[w]hether the project is likely to aggravate the problem or create a new one."

41. In view of the foregoing, one should expect that, over a reasonable time span and after full development, discharges from the northeast basin of the Visconsi site (despite engineering calculations) could at times exceed pre-development rates and volumes, thereby placing additional pressure on an already distressed Stonecress stormwater system which appears now to be receiving flows that either the pond or a bypass pipe were not designed to handle. One also notes that the Stonecress pond receives runoff from Polly's Lane, which roadway will produce a higher runoff pollutant load if it carries future traffic generated by Visconsi commercial development.

42. The Stonecress pond and bypass system lie in the immediate downstream conveyance path for the Visconsi commercial development, so any potential aggravation of an existing malfunction cannot be simply be dismissed as someone else's problem. The intent of the drainage regulations is for new development to responsibly manage its additional contribution to stormwater impacts, including being served by an at least minimally functional conveyance system. For Visconsi to meet this standard would require determining whether flows from the Woodland Village wetland are either exceeding the capacity of the Browne-Wheeler engineered bypass line or otherwise improperly entering the Stonecress pond. If one or both of these conditions are found to exist, corrective measures should be taken, most probably involving installation of a larger flow bypass pipe.

Tree Retention

43. Somewhat more than half of the Visconsi site is currently covered with second or third growth tree stands, beginning on the north end contiguous to ProBuild and the Woodland Village wetland and extending south. Douglas fir appears to be the most numerous species, followed by hemlock and cedar. Deciduous trees consist mainly of bigleaf maple, red alder and madrona. Even though the understory is dominated by invasives, the tree stand overall appears healthy. No unique species or critical habitats have been identified.

44. All trees in the central portion of the site are planned to be removed to accommodate the seven proposed commercial buildings plus nearby driveways and parking areas. Trees slated for retention lie at the site perimeters -- within the western buffer adjacent to SR 305, the wetland buffer in the northeast corner and the eastern buffer separating homes within Stonecress from a site parking lot. No tree removal is proposed within the wetland buffer. The applicant's tree survey designates the 15-foot building setback next to the wetland buffer as an area to be cleared, but the landscape architect thought it possible that some setback trees could also be retained.

45. The Visconsi proposal is falls under the City's interim tree ordinance, now codified within BIMC 18.15.010. The ordinance regulates development on the basis of "tree units," the award of which increases with tree size. Existing trees are assigned units based on their diameter at breast height (DBH). Thus a tree under 5 inches DBH only receives one tree unit while a tree over 30 inches DBH counts for 8.2 units. Units awarded for replacement trees are discounted compared to those for existing trees. A replacement tree receives one tree unit if will attain a height at maturity of more than 40 feet and only half a unit if it won't. Units for retained trees occurring within a tree stand or grove are also eligible for a 1.2 multiplier bonus.

46. The Visconsi project is subject to an ordinance requirement to provide 40 tree units per acre, or 326.4 tree units for the entire site. According to the applicant's tree retention analysis, the unit value for the trees proposed to be retained onsite is 508.9 tree units, which number increases to 608.4 after application of the tree stand bonus factor. To this number are added 136 tree units for the replacement trees to be planted, for a grand site total 744.4 tree units. This sum is more than twice the 326.4 required by BIMC 18.15.010.

47. While at the hearing many Island residents rued the quantity of tree removal proposed, the accuracy of the applicant's tree survey or the unit totals calculated under the analysis mandated by the ordinance were not credibly challenged. Olaf Ribiero, a plant pathologist and arborist who specializes in tropical vegetation, testified at the hearing on tree issues on behalf of appellant IRD. Like many other residents Dr. Ribiero mostly spoke in general terms about the ecological benefits of trees, how they contribute to health through ozone and particulate removal and carbon dioxide sequestration, and their value in maintaining soil structure and infiltration capacity. Dr. Ribiero's site-specific comments were mostly directed toward the importance of creating an effective tree screen between the Visconsi project and the Stonecress residences to the east.

48. Beneath the somewhat artificial tree ordinance methodology, the raw numbers look something like this. According to the tree survey, there are 1132 trees (of all kinds and sizes) presently on the Visconsi site. Of these 917 are slated for removal and 215 will remain. Plus 313 new replacement trees will be planted, resulting in a total after development of 528 trees, or 46.6% of the number present now. Focusing strictly on the biggest trees, there are currently onsite 30 trees measuring 30 inches DBH or greater, and after development 12 will remain and 18 will have been removed.

Traffic and Circulation

49. The Visconsi traffic issues come in two varieties, level of service (LOS) impacts and questions of safety. They are fundamentally different in character. Safety issues focus on whether a development will contribute to conditions that create an unacceptable risk of personal harm. These issues focus on matters such as conflicts between vehicle and pedestrian uses, vehicle sight and stopping distances, dangerous road conditions and risks to pedestrians. In other words, the emphasis is on tangible real-world situations.

50. Level of service issues, on the other hand, are entirely comprised of social constructs. The focus here is on analyzing how much time a driver will have to wait at an intersection to perform a specified vehicle maneuver and assessing whether such level of delay is acceptable. The determination of what is or is not an acceptable delay is obviously a social decision that can vary from location to location and community to community. In North America communities mostly make these decisions by referencing nationally promulgated standards contained in the Highway Capacity Manual (HCM). Almost all communities have concluded that an LOS F as defined by the HCM is an unacceptable level of intersection delay. But as provided in the Comprehensive Plan and BIMC 15.32.020, Bainbridge Island has adopted a more stringent HCM standard, LOS D, at the SR 305/High School Road intersection. This standard tolerates for signalized intersections an average vehicle delay not to exceed 55 seconds.

51. LOS impacts at the SR 305/High School Road intersection were alleged to be significant by IRD in its SEPA appeal and raised by citizen testimony both at the public hearing and on the Planning

Commission level. The LOS argument was not further pursued by IRD in its closing brief, suggesting either that it has been abandoned or, at the very least, accorded diminished weight. But the sheer quantity of public attention paid to these issues requires that they be understood. There are two basic reasons why the LOS issues ultimately failed to gain traction in this review. First, the contrarian analyses offered were not adequately grounded in HCM methodology. Second, despite a rather narrow and formulaic initial scope of work provided by the City to its transportation engineering firm, Transpo, the LOS cushion at the SR 305/High School Road intersection was found to be sufficiently great that relatively minor assumption modifications were unlikely to alter the ultimate result.

52. Everyone understands that traffic on Bainbridge Island along the SR 305 corridor is subject to some unusual circumstances. First and foremost, high traffic volume pulses of 10 to 15 minutes duration each occur throughout the day when the Seattle ferry come and goes. These pulses become longer during the summer tourist season, especially on weekends. Endemic ferry traffic problems along the SR 305 corridor as it currently exists were acknowledged in 2004 in the introduction to the Comprehensive Plan's Transportation Element: "While the existing configuration of two lanes is adequate during off-peak hours, peak hour traffic coupled with surges from exiting ferry activities have resulted in high levels of congestion at multiple locations."

53. These ferry-induced traffic surges often result in avoidance behaviors, most notably (for our review purposes) that many walk-on commuters who park east of SR 305 in the lot next to the terminal will exit north via Ferncliff Avenue rather than going directly over to SR 305. Then further north they will cut back to SR 305 via High School Road, creating lengthy queues on the east side of the SR 305/High School Road intersection that can back up past the newly planned Visconsi access driveway. Indeed, the hearing record contains multiple reports from area residents of having observed even longer backups, sometimes all the way east to Polly's Lane in Stonecress.

54. An analytical problem arises for project opponents because the factors just described above are deemed anomalies under the HCM methodology, which instead seeks to review what it considers to be more normal patterns. As described in a November 8, 2013, Transpo memo, "summer periods of high volumes are not considered to be representative of typical traffic," and "[t]raffic counts are typically taken mid-week, non-holiday, and not during the school summer break." Plus the late afternoon commuter rush hour period is now almost universally assumed by traffic engineers to provide the optimal peak volume measurement. The essential principle underlying the HCM approach is that it seeks to avoid overbuilding traffic infrastructure in response to exceptional conditions. But this is not to suggest that the City could not decide to adopt regulations deviating from the HCM and tailor its traffic LOS computations to the Island's special circumstances. The essential point is that the City deliberately has chosen not to do so. As stated at BIMC 15.32.020, the City's LOS "[d]escriptions and measuring methodology...are in accordance with" the HCM.

55. Turning from the general framework to specific issues, the Transpo traffic study issued in April, 2013, and relied upon by the City for issuance of a transportation concurrency certificate has been criticized by numerous Island residents, including IRD's consultant Ross Tilghman. These criticisms suggest in various ways that the study underestimates the number of total vehicle trips traveling through the critical SR 305/High School Road intersection, as well as the new vehicle trips that will be generated by construction of the Visconsi development in the project's 2015 horizon year. The estimation of traffic demand at any location will need to consider four major components: baseline traffic volumes, background growth rates, project trip generation and project trip distribution.

56. One issue raised early in the review by Mr. Tilghman and others was that the March 12, 2013, traffic counts that provided the baseline data for the Transpo study were unreliably low as shown by comparing them to a June 19, 2013, count done by IRD. The IRD count, measured between 4 and 5 PM, enumerated a total of 2087 vehicles passing through the SR 305/High School Road intersection, while the earlier Transpo count, done between 4:15 and 5:15 PM, only registered 1870 vehicles. Transpo and the City staff declined to regard the IRD June count as more reliable for the reasons suggested above: it was adjudged atypical based on summer seasonal factors. It is also worth noting that Mr. Tilghman later commissioned a followup traffic count on September 17, 2013 – in other words, after the summer season had ended. The vehicle total generated by this later count was less than one percent greater than the March number. In a September 20, 2013, letter to Ron Peltier of IRD, Mr. Tilghman concluded that “[t]he September count shows that the March volume was not an aberration.”

57. A related assertion that also emphasized exceptional circumstances over routine conditions was that the LOS calculation should not be driven by the figures for the entire PM peak hour but by the highest 15-minute segment within the peak hour. Except in congested urban areas, traffic volumes will generally fluctuate within the PM peak hour, and the relationship between highest quartile and the average for the entire hour is known as the “peak hour factor” (PHF). Where there is no deviation between the quartile and the peak hour average, the PHF equals 1.0. As the deviation increases, the PHF becomes smaller. Being a suburban system subject to ferry traffic surges, Bainbridge Island roads typically will experience PHFs in the lower coefficient range.

58. Mr. Tilghman argued that, being predictably recurrent, the higher ferry surge 15-minute segment of the PM peak hour should have been used as the basis for LOS calculations. He produced a worksheet projecting an intersection LOS E at the SR 305/High School Road intersection during a PM ferry surge peak quartile. Both Scott Lee of Transpo and Janelle Hitch from City staff defended the traffic study's peak hour methodology as actually including the worst ferry surge 15-minute segment but generating a more representative overall picture. Mr. Lee pointed out that the reliability of any specific peak quartile assessment on SR 305 will be compromised by the fact that individual movement peaks will vary depending on whether a the ferry included in the quartile is arriving or departing. While the PHF is a concept referenced in the HCM literature, Mr. Tilghman cited no authority for the proposition that the HCM mandates its use for an LOS calculation under the circumstances encountered here.

59. While Mr. Tilghman did not dispute that the SR 305/High School Road intersection in 2015 will function at LOS D when the intersection as a whole is analyzed under standard HCM procedures, he pointed out that individual turning movements now operate at LOS F and will become even worse in the project's horizon year. He argued that these failing individual movements should be viewed as providing the basis for evaluating the project's LOS impacts. The individual movements of major concern are the north and southbound left turns from SR 305 to High School Road. As shown by the Transpo LOS work sheets, the SR 305 northbound left turn currently operates at LOS F with an 88.4 second delay per vehicle and will go to a deeper F at a 134.1 second delay in 2015 when Visconsi project traffic is added to the mix. For the SR 305 southbound left turn movement the comparable figures are 94.4 seconds delay now and 167.4 seconds in 2015 with the project. By comparison, the overall vehicle delay average for the intersection as a whole was calculated by the Transpo study to be 35.7 seconds now and 45.8 seconds in 2015 with the project, both figures falling comfortably within the LOS D range.

60. The HCM is explicit that for signalized intersections the average control delay per vehicle for the intersection as a whole is the correct figure to use in determining the level of service. The reasons for this are easy to discern. Signal timing for each movement is adjusted ("optimized") to create the best overall operational result for the entire intersection. By giving signal preference to those movements that carry the largest traffic volumes, the average delay per vehicle can be reduced. Since the biggest volumes are encountered in the through-movements, the optimization program will necessarily assign them the lion's share of green-light time, a process which concurrently reduces signal time for low volume movements and forces them to wait longer. In other words, at a signalized intersection such as SR 305/High School Road, individual movement delays (and their resultant LOS descriptors) are purely an artifact of the signal optimization procedure. These delays do not directly reflect project impacts.

61. The SR 305/High School Road intersection work sheet numbers perfectly demonstrate this process. For the SR 305 northbound left turn movement Transpo's optimized delay figures show an 88.4 second wait under current conditions, rising to 104.8 seconds in 2015 without the project, then increasing further to 134.1 seconds when project traffic is added. An uninformed interpretation of these figures would lead one to expect that the Visconsi project will be contributing significant numbers of vehicles to the SR 305 northbound left turn delay, resulting in the rather substantial 30-second increase in wait time over the 2015 baseline condition. But is that actually true? How many vehicles headed for the Visconsi site will be in the SR 305 northbound left turn movement? The answer is zero. These northbound vehicles are all turning west on High School Road away from the project site. Does this mean that Visconsi traffic has no impact on individual intersection movement delays? No. It simply means that the correct measure of project traffic impact is the increase in average vehicle delay for the intersection as a whole. Individual movement delays are solely a product of the signal optimization procedure and do not accurately describe project impacts.

62. Another variable in calculating the new vehicle trips that a proposal will generate derives from the recognition that different kinds of businesses and facilities will typically attract different levels of traffic. Here also national data are most often used as the basis for making these volume assumptions, in this case the Trip Generation Manual published by the Institute of Transportation Engineers (ITE), which provides trip ratios either per unit or based on square footage. Trip generation rates can vary significantly according to the type of enterprise. Based on Visconsi's current plans, the PM peak hour trip generation rates employed by the traffic study ranged from a high of 24.31 trips per 1000 square feet for the proposed bank with a drive-through window to a low of 3.57 trips per 1000 square feet for a medical office building. As project critics correctly pointed out, if at a proposed 20,000 square feet of floor area building 5 became a medical clinic rather than medical offices, the trip generation rate for the structure would increase. For this and other reasons, a proposed change of use for building 5 should require additional review. But based on current information and assumptions, the trip generation rates used in the traffic study appear reasonable.

63. Mr Tilghman also criticized the Transpo study on the basis that its estimation of project traffic volumes failed to correctly apply a pass-by trip reduction process. Some trips to a retail facility will be made by drivers who are going to be on the road anyway heading for other destinations and who make a shopping stop en route. Consequently they will not contribute new vehicle trips on the road system as a whole. There are two procedures that deal with the process of adjusting the new trip total to reflect this reality. In our context the conventional method would be to describe vehicles already on High

School Road that stop at the Visconsi retail site as pass-by trips, while vehicles turning off SR 305 to High School Road to access the site would be termed diverted link trips. To make a long story short, due to the site's proximity to SR 305 corridor and its far greater traffic volumes, Transpo opted to aggregate all detoured vehicle movements as pass-by trips, eliminating a separate diverted link adjustment altogether. But the effect of this decision was to overestimate the number of net new trips generated by the Visconsi project, not underestimate them as Mr. Tilghman suggested.

64. Finally, brief mention should be made of two remaining elements of the traffic impact analysis that were not challenged by project opponents but are nonetheless capable of skewing the outcome if improperly done. After the number of new project-generated trips are calculated, they must be allocated to the road network — east, west, north and south. As described by the City's Development Engineer in a memo summarizing the scope of work for the Transpo study, the consultant was commissioned to create a project trip distribution and assignment that would "distribute and assign PM peak hour project traffic onto the surrounding roadway network based on the City's travel demand model, turning movement counts, and local travel patterns adjacent to the site." The Transpo study itself cited turning movement counts and "observed travel patterns within the project vicinity" as the basis for its trip distribution. Since no further reference has been made anywhere to a City travel demand model, one assumes that it only presently exists as a future task on someone's "to do" list.

65. Transpo's PM peak hour trip distribution chart for the Visconsi project shows 25% of the vehicles distributed north of the site on SR 305, 45% west of SR 305 on High School Road, and 15% each south on SR 305 and east on High School Road. The two 15% distributions are generally consistent with the March 12, 2013, baseline traffic counts done for the traffic study, and a higher north side than south side flow on SR 305 likely reflects the afternoon commuter pattern. But the trip distribution departs from the traffic counts in distributing 45% of project traffic on High School Road west of SR 305 (24% in the traffic count) and 25% north on SR 305 (41% in the count).

66. A consequence of distributing 45% of project traffic on High School Road west of SR 305 is that the predicted level of services for the two Madison Avenue intersections included in the traffic study are not likely to have been understated. But since these intersections are of minimal interest under any scenario, providing a safeguard there should have been deemed a low priority concern. The essential rationale, no doubt, for the 45% westward distribution was that traffic would shuttle between the two neighboring shopping centers. While that may prove to be a reasonable assumption, it would have been helpful if the Transpo report had spelled out just how it reached the 45% figure. If it turns out to be an overestimate, the most likely result would be higher project traffic volumes on SR 305 north of High School Road.

67. A final level of service item of concern is the background growth rate. Performing LOS calculations for the 2015 horizon year requires not only assigning a correct amount of project traffic to affected intersection movements but also adding in background growth from other sources. The Transpo study factored in a 1% annual growth rate above the 2012 baseline figures plus one development project in the City's permitting pipeline, Madrona Townhomes. Since the Madison Avenue/Wyatt Way intersection was a traffic study location, the City Development Engineer was asked at the hearing why the 45-unit Grow Community currently under construction (which can be seen from the Madison/Wyatt intersection) was not included as a pipeline project. A satisfactory explanation was not received, which leads one to wonder if other projects under construction were improperly excluded from the pipeline count. Another imponderable is of course whether the 1% background growth rate

will prove to be an accurate assumption. Since 2008 the national economy has limped along at an anemic growth rate just above the recessionary level, and the traffic study appears to assume an indefinite continuance of this low rate of growth. So if a sudden spurt of affluence is unexpectedly experienced, the traffic study's assumption of a 1% growth rate could prove to be understated.

68. In summary, traffic level of service projections are mostly about predicting human behavior, always a perilous task. Added to this are inevitable uncertainties about economic trends. Thus traffic demand engineering can never be an exact science, and the best studies will be hedged by conservative assumptions. The Transpo study for the Visconsi project followed accepted industry practices and was performed using current modeling technology. Its weakest points appear to be a potentially understated pipeline analysis and background growth rate, plus a lack of clarity as to trip distribution methodology. The City's traffic review regulations adopt national standards and methodologies, which means that they do not accord special weight either to periodic traffic surges generated by ferry traffic or to off-peak or seasonal events.

69. The maximum average vehicle delay permitted in the PM peak hour at the SR 305/High School Road signalized intersection under the applicable LOS D standard is 55 seconds. According to the Transpo study, the existing average vehicle delay at the intersection is currently 35.7 seconds, will go to 36.6 seconds in 2015 without the project, and to 45.8 seconds with the Visconsi development. While there are surely places in the traffic study where the Transpo data assumptions might be questioned, no basis appears in the record for concluding that the corrections potentially indicated could push the average vehicle delay calculation up to, or even near, the 55 second LOS D upper boundary.

70. Unlike the theoretical constructs that dominate the traffic demand analysis, questions about onsite access and circulation, pedestrian safety, and impacts to offsite neighborhoods are experiential and practical. They focus on matters as they exist on the ground. And as nearly everyone who is neither on the Visconsi nor City payrolls has commented, the Transpo study initially failed to adequately identify and address these types of issues. The City neglected to highlight these questions in its traffic study scope of work, and the Transpo engineers sitting in their offices across the water in Redmond had no independent knowledge of them. So an important determination to be made here is – when in the middle of the review process these circulation and safety questions finally received their due, were adequate answers provided? The City's Planning Commission, before whom these issues were first seriously engaged, found the answers to be wanting.

71. At the outset we alluded to the fact that the circulation issues confronting the Visconsi site are created by the pattern of existing development and its attendant constraints. SR 305 adjacent to the west is a state highway mainly oriented toward moving vehicles to and from the state ferry terminal in the most efficient manner possible. To that end WSDOT views unfavorably proposals to add new intersection or driveway cuts to SR 305. So it is unlikely that either Visconsi or its existing neighbor to the north, ProBuild, will ever be permitted to develop a direct access west. Properties immediately to the east are a mixture of residential developments and unbuildable wetlands. Kitsap Bank, which occupies the southeast corner of what at some earlier point was undoubtedly a portion of the current Visconsi parcel, possesses its own separate access driveway system. While the Deschamps interests retained a right for commercial use of Polly's Lane lying between Kitsap Bank and Stonecress, they lacked the foresight to create a right-of-way with sufficient width to both handle commercial traffic volumes and buffer residential development further east.

72. So the access opportunities available to Visconsi consist of about 300 feet of relatively unconstrained frontage along High School Road between the SR 305 intersection and Kitsap Bank plus a legal right of dubious practical value for commercial use of Polly's Lane east of the bank. In addition, as everyone understands, ProBuild must use an easement driveway through the Visconsi site for access to its lumberyard, and the traffic on this driveway contains a significant percentage of both large and small trucks. The large trucks deliver construction inventory in bulk to ProBuild, and smaller trucks are driven by the contractors and home repair enthusiasts who purchase portions of this inventory and cart it away. Since Visconsi's initial "Main Street" site plan concept envisioned customers strolling across the ProBuild access driveway from one shop to another, concerns inevitably arose about potential conflicts between pedestrians and trucks.

73. Visconsi proposes to outlet the ProBuild access further east on High School Road and reconfigure it into a gentle arc. This relocation will have circulation benefits that appear not to have been widely appreciated. An exit further east would allow storage lanes for both right and left turn movements from High School Road to SR 305 to become longer, and the current offset between the ProBuild and Ace Hardware driveways on either side of High School Road can be eliminated. While some project opponents have argued that eliminating the driveway offset will result in turning movements becoming more dangerous, such contention finds no support in the accepted engineering lore. Directly opposing streets and driveways are universally regarded as creating intersection operations that are safer and more efficient than offsets. Finally, the relocated access road will be curved west into High School Road so that 4 or more-axle trucks should be able to make a right-turn exit without having to cross over into the oncoming eastbound lane of traffic (as they often do now). In short, the revised geometry of the access road connection to High School Road should represent a substantial upgrade in maneuverability over the existing situation.

74. Whether or not the Transpo study should have anticipated potential truck and pedestrian conflicts along the spine road, it is beyond dispute that current ProBuild vehicle volumes are not substantial. The traffic counts performed on November 4th and 5th, 2013, both generated totals of less than 700 vehicles per day. The greatest numbers were bunched in the mid-day span between 9 AM and 4 PM, with lower volumes in the PM peak hour. The percentage of trucks in the mix exceeded 50% for both days. A total of 12 double unit truck trips were counted, with 10 occurring on Monday, November 4th. During the eight hours experiencing the heaviest volumes, the average count was 73 vehicles per hour, or an average of one vehicle trip every 50 seconds.

75. Project opponents suggested that ProBuild traffic volumes are likely to be lower when they were counted in November than they will be in the late spring and summer construction season, which seems a reasonable observation. The traffic count data also suggests that Monday is probably a busier than average inventory delivery day. A further basic question would be whether ProBuild traffic can be expected to increase significantly in the future, and whether such increase would create more serious conflicts for Visconsi pedestrians. The early signals appear to be that ProBuild is not unhappy about the prospect of the Visconsi project coming on line next door. It no doubt expects a percentage of Visconsi customers to drift into its yard and spend money. If so, an eventual expansion of ProBuild's general hardware offerings could result. Major lumber purchases are typically neither very elastic as to demand nor do they constitute pass-by phenomena, especially in this location since ProBuild has no nearby lumberyard competition. But hand tools and paintbrushes are a different matter. For our purposes an expansion of the ProBuild hardware business would most likely result in an increase in smaller vehicle traffic into the lumberyard, with much of it consisting of spillover trips from the

Visconsi site. That would mean increased traffic volumes at the north end of the spine road but not necessarily more large truck conflict issues for onsite pedestrians.

76. Perhaps the most comprehensive description of the circulation and conflict issues inhering in the Visconsi site plan is contained in Ross Tilghman's November 12, 2013, letter to the Planning Commission. In his letter Mr. Tilghman identifies location and spacing problems within the crosswalk system proposed for the ProBuild spine road, spots where protective buffering for pedestrians should be added, and flaws in entering driveway configurations, including driveway offsets that exacerbate vehicle and pedestrian conflicts. He also made a case for placing a pedestrian crosswalk across High School Road somewhere within the 1200-foot gap between SR 305 and Ferncliff Avenue, observing that the "Winslow Master Plan envisions a pedestrian crossing network with minimum spacing of 330 feet on streets more than 2,500 average daily vehicles."

77. In general, Visconsi's architect, Charlie Wenzlau, was receptive to altering the site plan proposal to respond to the various criticisms directed at it concerning the function of the spine road. Exhibit 42 presented to the January, 2014, public hearing represented his most recent site plan iteration. Comparing it to earlier versions one observes that a divider has been added on the north side of the spine road to separate through-vehicle traffic to ProBuild from the building 5, 6 and 7 cluster. The divider not only insulates pedestrians from the traffic flow but for the northern crosswalks creates a refuge island midway. Adding the divider meant eliminating a western tier of angle parking spaces. The latest site plan further attempts to remedy conflicts in the vicinity of the driveway adjacent to the north side of the Kitsap Bank property by consolidating the crosswalks earlier depicted at the two east side corners of the building 2 pharmacy into a single crossing at the pharmacy midpoint. This would allow pedestrians to effect a protected crossing of the spine road from building 7 in two short, less conflicted operations, first south to the Kitsap Bank side of the driveway, then west across the access spine road to the pharmacy.

78. Overall, the site plan revision succeeds in improving safety for pedestrians traversing the spine road and creates a more sheltered, pedestrian-friendly environment for the eastern cluster of buildings. West of the spine road buildings 4 and 5 will lose a slight amount of roadside plaza space and adjacent angle parking. For buildings 2, 3 and 4 most parking is now proposed further west next to SR 305. Relocating parking to the west will result in some loss of "Main Street" ambience for the western cluster of buildings. Consolidating the crosswalks serving the pharmacy will reduce conflicts at the driveway located south of building 7. The current site plan retains a slight offset between this driveway and the one between buildings 2 and 3 across the spine road, but conflicts should be minimized by limiting the latter to one-way movements in (west) toward the pharmacy drive-through window.

79. Regarding the revised spine road layout, the biggest problems now appear to exist at its northern end near crosswalk A as shown on the exhibit 42 plan. As presently conceived, this proposed crosswalk cuts through the divider to link the northwest corner of building 5 with the northeast corner of building 4 to its west. Among the unresolved issues remaining in this area are the following: the two-way driveways planned both east and west of the spine road are significantly offset, creating movement conflicts; the northern bulb end of the divider prevents vehicles exiting the angle parking next to buildings 5, 6 and 7 from easily making a U-turn to depart the site via the spine road, encouraging them instead to circle east to exit via Polly's Lane; and on busy days large trucks delivering inventory to ProBuild will occasionally be forced to queue south of crosswalk A next to the divider, creating visibility problems for both pedestrians and other vehicles entering the spine road

from the sides.

80. The logical solution here would seem to be to eliminate crosswalk A and shorten the divider so that it does not extend further north than the northeast corner of building 4. The need for crosswalk A at the outer extremity of the retail area appears to be minimal; certainly, pedestrians heading from the medical building to the pharmacy would find crosswalk B to be more convenient. Reducing the northern extension of the divider (and eliminating the bulb) would increase the U-turn radius and create more maneuverability overall at this driveway intersection, as well as encouraging ProBuild overflow delivery trucks to queue a little further south.

81. Providing two conspicuous and well-protected crosswalks traversing the spine road about 300 feet apart seems to be a better concept than the four crossings originally envisioned. If each crosswalk is elevated 6 inches above grade, constructed out of material that contrasts with the roadway and protected on both sides by speed humps or tables, the crossings and the pedestrians will become more visible, the pedestrians themselves will have a better view of traffic, and the humps or tables (plus appropriate signage) will moderate vehicle speeds. Finally, while early versions of the site plan showed a walkway from the Visconsi site to the ProBuild yard running along the eastern side of the spine road next to the rain garden, later editions appear to have dropped it; this offsite pedestrian connection should be restored. In summary, even with a modest increase in ProBuild activity, the spine access will never serve more than a handful of businesses and is not likely to ever become a busy road. Rather, it will be a low-volume road with a higher than normal percentage of larger vehicles. Creating safe pedestrian facilities in this environment is not an insurmountable hurdle.

82. One of the real challenges facing the Visconsi project is to avoid imposing unreasonable commercial impacts on the Stonecress neighborhood to the east. The most serious aspect of this task results from the risk that, due to access constraints, commercial traffic will spill over into the neighborhood. The key variable in addressing this issue is the function of Polly's Lane on the eastern project boundary. Polly's Lane is a 30-foot two-lane private roadway within a 50-foot shared access easement and currently provides one of two accesses to High School Road for the Stonecress Townhomes development. One Stonecress residence fronts directly onto and obtains sole access from Polly's Lane, while for the 16 homes on narrow Daylily Lane it provides the only vehicle exit route from the neighborhood. Lots within Stonecress are small, and the three residences closest to Polly's Lane are only set back about 25 feet from the pavement edge. At present no properties outside of Stonecress actively utilize Polly's Lane or the other roads within the development for access.

83. So even though Polly's Lane was originally created out of property owned by the Deschamps interests, who have retained its legal ownership as well as a right to use it for commercial purposes, unlimited employment of Polly's Lane for access to and from a new retail shopping center could impose a rude and perhaps devastating intrusion into the lives of many Stonecress residents. And Visconsi itself agrees that this possibility is an outcome to be avoided. The question is, given site access constraints, can commercial traffic impacts to Stonecress be held to an acceptable level?

84. Visconsi's stance going into the public hearing was to preserve Polly's Lane as a back door to the commercial site but to exclude delivery vehicles by imposing lease restrictions on site tenants, provide screening to Stonecress where possible, and blanket the neighborhood with signs discouraging retail customer use. The biggest concern regarding this strategy centers on the possibility that, despite good intentions, congestion encountered at the main spine road entry onto High School Road will impel

customers in large numbers to seek out a backdoor route further east through Stonecress.

85. Transpo's modeling projections notwithstanding, it is clear that during ferry traffic surges vehicles heading west on High School Road now often back up from SR 305 past the proposed new access entry and on occasion even reach Polly's Lane. It is feared that if queues begin to regularly achieve such lengths, more traffic will use Polly's Lane to access the Visconsi site, and perhaps even Stonecress Lane further east. In the worst-case scenario traffic approaching from Ferncliff Avenue to the east might simply develop a habit of cutting through the neighborhood via Stonecress Lane to and from the Visconsi site. This would not only greatly expand the area of the neighborhood exposed to commercial traffic but place at risk children using the playground located close to the northeast bend of Stonecress Lane.

86. One response to this problem discussed at the public hearing was to limit Polly's Lane to one-way out movements and configure the site exit at the Polly's Lane/Stonecress Lane intersection so that traffic from Stonecress Lane could not enter the Visconsi site. Thus Visconsi customers would be able to exit via Polly's Lane and turn either left or right at High School Road, but they could not enter the retail complex from either Polly's or Stonecress Lanes. This would operate to prevent neighborhood cut-through maneuvers entirely. It obviously would also inconvenience Stonecress residents to the extent that their entry into the neighborhood would then become restricted to Stonecress Lane. But most Stonecress residents who commented on this potential solution at the hearing seemed to feel the tradeoff on balance would be advantageous to the neighborhood.

87. Restricting Polly's Lane to outbound traffic would assign a small amount of further traffic to the spine entry road volumes. Using the Transpo study figures, the total PM peak hour volumes turning into and out of the main site entry on High School Road would rise by 16 vehicles if the inbound trips to Polly's Lane were reallocated. According to the study's trip generation numbers, Transpo estimated 429 Visconsi trips would use the site entry in the PM peak hour. Adding to this figure the 16 trips reassigned from Polly's Lane plus 30 trips to ProBuild would bring the total PM peak hour volume at the spine road entry to 475 vehicles. Should this total be a cause for concern?

88. Comparing the Visconsi site to the Safeway shopping center west of SR 305 with its four access driveways to serve about 84,000 square feet of retail floor area, former City Council member Debbie Vann suggested that the number of accesses to Visconsi might be inadequate. But there are two variables that need to be considered in making this comparison. First, a supermarket at 9.48 trips per 1000 square feet has a relatively high vehicle trip generation rate. The approximately 47,000 square-foot Safeway is calculated by itself to generate 446 PM peak hour trips. Second, the efficiency of a parking lot driveway is heavily affected by its relationship to the lot's parking maneuvers. When angle-parked cars are allowed to back into the driveway itself, congestion is usually the consequence of parking maneuvers rather than a function of driveway capacity. While the City has opted to classify the Visconsi spine road as a driveway for regulatory purposes, its width and a minimal amount of proposed roadside parking will enlarge its effective flow capacity and allow it to function more like a street. This fact argues against comparing the Visconsi access to the Safeway driveways. The critical blockage problem here derives from queue formation along High School Road.

89. In this context a further matter to be considered is the sufficiency of lane configurations on High School Road. Viewing the site mapping and aerial photographs, High School Road immediately east of the SR 305 intersection has four lanes extending to the existing ProBuild driveway – consisting of east

and westbound through lanes plus westbound right and left turn lanes. But east of the existing ProBuild driveway the right turn lane begins to taper out. This means that any queue extending past the current ProBuild driveway will contain both through vehicles plus some waiting to make a right turn on SR 305 but as yet unable to access the dedicated right turn lane. This is a queueing problem that can be reduced. If the right turn lane is extended east to the new driveway cut for the Visconsi site, vehicles exiting the spine road will be able to make unimpeded right turns, and other vehicles already on High School Road can more efficiently queue up. This may require dedication of additional right-of-way from the applicant. While further removed from the SR 305 intersection, the proposed new spine road exit still will occupy a constrained location and all reasonable efforts, particularly those that decrease the likelihood that retail traffic will divert to Polly's Lane, need to be pursued to maximize its operational efficiency.

90. The City has adopted strong policies supporting the creation of a pedestrian-friendly environment in its downtown retail area. But it is fair to say that currently not much exists in the High School Road area that qualifies for a friendliness label. There are signalized crosswalks at the SR 305/High School Road intersection that facilitate safe pedestrian crossings, but due to its heavy traffic volumes and multiple travel lanes, a crosswalk at this intersection will never be deemed an appealing amenity. Along High School Road over the 1200 foot stretch between SR 305 and Ferncliff Avenue there are presently no crosswalks. Jaywalking now occurs mid-block at the entry driveway to Ace Hardware and McDonalds, and with Visconsi proposing a second retail destination across the street the temptation to jaywalk could increase. Most project critics have argued that a mid-block crosswalk should be installed, and Visconsi is willing to provide one if the City supports it. But the City's Development Engineer expressed skepticism that pedestrian volumes in the near term would be sufficient to justify a crosswalk.

91. No City-adopted crosswalk siting standards currently exist. As identified by the Development Engineer, factors to be considered in determining need and safety include roadway geometry, speed and volumes, projected pedestrian use, nearby crossings, driver expectancy, lighting and crossing type. Taking a longer range view, WSDOT's 1997 Pedestrian Facilities Guidebook includes as factors consideration of pedestrian/vehicle conflicts, land use patterns and a potential need to identify an optimal crossing location. Before a final approval is conferred, these elements would need to be reviewed by the City in the framework of establishing an acceptable design.

92. It is generally agreed that the section of High School Road directly adjacent to the opposing Ace Hardware and new Visconsi driveways would not be a good crosswalk location because of potential conflicts between pedestrians and turning vehicles and a poor sight distance to the east due to topography. From these standpoints a crosswalk further east at the Polly's Lane intersection would be a safer location. But the concern here is whether a Polly's Lane crossing would actually attract pedestrians owing to the fact that there is now neither a walkway downslope to the northeast corner of the Ace hardware store parking lot nor as yet any development on the commercially zoned property lying immediately to its east.

93. If creating a pedestrian-friendly neighborhood environment in this portion of the High School Road district is an important community goal, this opportunity to establish a mid-block crosswalk at Polly's Lane should be accepted. It is evident that no better location for a mid-block crossing of High School Road exists. While it may prove true that initially the crosswalk will be underutilized, in the longer term the now undeveloped HSR-I property will likely get built and Ace could decide that

providing a pathway from the crosswalk into its lot makes good business sense. At some future date the crosswalk will provide a useful link in an emerging network of public pedestrian amenities.

94. By way of context, City staff seems happy enough at the prospect that Visconsi will construct a multi-use trail segment along the edge of the SR 305 right-of-way where it adjoins the site. In fact construction of this trail has been imposed as a SEPA requirement "[i]n order to be consistent with the adopted codes and Comprehensive Plan policies and to provide non-motorized connections to the proposed development." It will connect to the crosswalk at the High School Road intersection as well as to the Visconsi project via an easterly spur between buildings 4 and 5, and at some future date this multi-modal segment will likely become a link in the Sound to Olympics regional trail network. But at the moment of its construction this trail facility will have little actual function, with no immediate connections to other major trail segments either north or south. So, like the mid-block crosswalk traversing High School Road under discussion above, the multi-modal trail is to be valued for its future contribution to a non-motorized transportation network being assembled piece by piece as opportunities arise.

Noise

95. The IRD SEPA appeal alleged that the Visconsi project would have unmitigated adverse noise impacts to residential neighborhoods lying east of the site, principally in Stonecress. SEPA Condition No. 7 was imposed by the City in order to protect adjacent properties from noise from site construction and later operational activities, as provided by BIMC Chapter 16.16. Since the City has adopted by reference the applicable state standards, the requirement is that noise produced by the development comply with the maximum environmental noise levels established by WAC 173-60-040(2). Under this Code section, noise generated by commercial properties may not lawfully exceed 57 dBA when measured at the boundary of adjacent residential properties during the daytime and 47 dbA when measured between the hours of 10:00 p.m. and 7:00 a.m.

96. IRD presented the testimony of Dr. Charles Schmid, a fellow of the Acoustical Society of America with a Ph.D. in engineering. Dr. Schmid did not prepare a site noise study nor specify typical noise levels to be expected from sources of concern but rather generally identified several noise generators likely associated with the Visconsi project. These included traffic, HVAC equipment, garbage and recycling operations, and street sweepers. The thrust of Dr. Schmid's testimony was that a computerized noise study should be performed before Visconsi project approval.

97. In response to Dr. Schmid, Visconsi presented the testimony of Errol Nelson, P.E., an engineer with a specialty in acoustics. At the time of the hearing Mr. Nelson had not yet visited the site, but he presented estimates of existing noise levels deemed representative in view of the location's characteristics. Mr. Nelson testified from his experience that the baseline pre-development noise levels at the project site were likely to be about 58 dBA at the site entry on High School Road and 63 dBA along the western site boundary with SR 305. In Mr. Nelson's view the baseline noise levels along the eastern boundary of the site adjacent to Stonecress were likely to be 50 dBA or less. He also predicted that these baseline levels would likely not be exceeded after noise generated by the completed Visconsi project was factored in, or at most exceeded by a single decibel. Mr. Nelson testified that with today's technology noise from HVAC systems and other rooftop equipment was easily controlled.

98. As agreed to by the parties, after the hearing Mr. Nelson visited the Visconsi project site and

took actual baseline noise readings to be submitted to the record, the results of which were generally consistent with his earlier testimony and predictions. The measured baseline noise levels were 56 dBA at the site entry on High School Road, 67 dBA along the western boundary of the ProBuild site adjacent to SR 305, and just above 46 dBA at the northern end of Polly's Lane. After considering this additional data, Mr. Nelson concluded that noise levels at the residences along the eastern boundary are currently well below the 57 dBA regulatory maximum and should not rise appreciably after development. He predicted that the project should easily comply with City of Bainbridge Island noise regulations. In addition, as voluntary mitigation Visconsi has agreed to perform followup noise measurements during the first year of full retail operations to assure that acceptable levels are actually being achieved.

99. Traffic noise, which is exempt from direct regulation by the City, is the potential impact source of greatest worry to Stonecress residents. Stonecress is already bounded on its western edge by a commercial property, Kitsap Bank, that has a drive-through lane near its eastern line. If business traffic use of Polly's Lane can be limited, and traffic cutting through the Stonecress neighborhood avoided, traffic noise impacts should not noticeably exceed current levels. Restricting Polly's Lane to one-way outbound traffic should provide the requisite mitigation for all project traffic impacts of concern, including traffic noise. In addition, Visconsi has agreed to a condition excluding project commercial truck traffic from using Polly's Lane, and a 15 mph speed limit can be imposed as well. In combination these measures should operate acceptably to minimize traffic noise impacts to Stonecress.

Light and Glare

100. In support of its contention that the Visconsi Project will have a probable significant adverse impact as the result of light and glare, IRD presented the testimony of Barry Andrews, a resident of the Stonecress neighborhood. Mr. Andrews showed night-time photos of the illuminated Safeway commercial development located west of SR 305 on the south side of High School Road and expressed concern that the light and glare generated by the project would have similar impacts on residents living in Stonecress. SEPA condition 3 provides that to protect adjacent properties from light and glare, all exterior lighting is to be hooded and shielded, all landscape lighting downcast, and lighting within parking lots no higher than 14 feet above grade. In addition, all exterior lighting is generally required to comply with BIMC Chapter 15.34 (now BIMC 18.15.040).

101. Joshua Machen, the City's Planning Manager, testified that compliance with this condition will result in the Visconsi Project being "nothing like" the Safeway development as far as light and glare are concerned. The Safeway development was vested and built under the Kitsap County regulations in effect prior to the 1991 incorporation of Bainbridge Island. Current Bainbridge Island lighting regulations provide significant protection for adjacent properties. The applicable standards are found in BIMC 18.15.040(D), which in addition to limiting heights and requiring shielding, prohibit "light trespass." This means that the indirect light visible at the Visconsi property line can be no more bright or intense than a 60-watt bulb viewed at a distance of 25 feet.

102. Mr. Andrews also expressed concern about the impacts from the headlights of vehicles using parking lots near Stonecress and exiting to Polly's Lane. While the City code exempts headlights from regulation, Visconsi's proposed voluntary mitigations undertake to address this question. The voluntary conditions exclude installation of streetlights on Polly's Lane if the City approves and require posting a "no trucks" sign at the site exit to Polly's Lane plus a board fence and landscaping buffer opposite the

easternmost Visconsi parking lot. This buffer section adjacent to the northern end of Polly's Lane now contains mature trees that will be retained. As for night-time traffic on Polly's Lane itself, the logic of the situation suggests that headlight impacts should not cause a major impact. After 6 PM the proposed medical offices and many retail shops will likely be closed and any general traffic congestion dissipated. Relatively few customers will remain, and those that do will have no obvious incentive to avoid using the main access driveway. Certainly, if the pharmacy remains open late, its customers can be expected to exit directly south to High School Road rather than loop around Kitsap Bank to Polly's Lane.

Aesthetics

103. Aesthetics is an element of the environment to be analyzed during SEPA review, but the term "aesthetics" is not defined as to its regulatory application. The IRD appeal made a general allegation that the Visconsi project would have adverse aesthetic impacts, and this assertion was partially refined in the pre-hearing order to specifically include view impacts from SR 305, High School Road and nearby residential properties. In addition, at the public hearing IRD witness Ron Peltier contended that the realm of aesthetic impacts should be extended to cover a much broader range of issues. Mr. Peltier characterized all of the following as impacts to "aesthetic and scenic values":

- 1) The scale and intensity of the Visconsi project;
- 2) Loss of aesthetic values from tree removal;
- 3) Lack of harmony between the Visconsi project and adjacent uses;
- 4) Failure of the project to create a pedestrian friendly environment;
- 5) Lack of sustainability;
- 6) Failure to preserve the Island's special character; and
- 7) Failure of the project to complement downtown Winslow.

104. The brief submitted by the City Attorney undertook to relate this rather open-ended set of allegations to some sort of workable review framework. Starting with a dictionary definition of "aesthetics" as meaning "of or relating to artistic expression," the brief moved on to consider the aesthetics-related environmental checklist questions specified at WAC 197-11-960. These questions target structural heights and exterior building materials plus the alteration or obstruction of "views in the immediate vicinity." Based on these sources the City's brief argued that under SEPA "aesthetics involves consideration of the negative visual impacts of the proposal" and "cannot and should not go beyond the visual." By comparison, an inclusive definitional statement of the concepts underlying Mr. Peltier's list might be that an aesthetic impact is one that adversely affects a community's pleasurable and healthy sense of harmony.

105. Applying its definition to Mr. Peltier's list, the City's brief rejected intensity, tree removal, disharmonious sprawl, pedestrian orientation, sustainability, and failure to preserve the Island's special character or complement downtown Winslow as allegations not raising aesthetic impact issues under SEPA because they are divorced from visual effects. Employing the City brief's standard, the Examiner

would agree to all the exclusions except for the blanket rejection of tree removal. Tree removal, per se, is not a potential aesthetic impact. But tree removal in the context of a valuable view might be. For example, if someone's prized view is of Mt. Rainier framed by mature conifers, a proposal involving removal of those viewscape trees could result in an aesthetic impact. The City's tree ordinance is not oriented toward preserving trees for view protection, so it cannot be logically cited as providing effective mitigation for the potential view impacts of tree removal.

106. Before proceeding further, it is perhaps important to emphasize the boundaries of this discussion. Some items on Mr. Peltier's list are factors that may be considered apart from SEPA within the site plan and conditional use permit review processes. The question here is limited to whether they also comprise elements of the environment within the meaning of SEPA. In general, the City's analysis that an aesthetic impact under SEPA must have a visual component is persuasive. See, *Cingular Wireless, LLC v. Thurston County*, 131 Wn.App. 756, 770 (Wash.App. Div. 2) (2006). But the basic principle needs to be fleshed out. A visual impact implies a viewer who will be affected. Something ugly does not create an aesthetic impact if no one sees it. Also, the degree of impact must be assessed. In our Mt. Rainier view example above, the adverse visual impact of tree-cutting might be quite substantial if the viewscape at issue is observed from a dozen homes through the bay windows of their living rooms. On the other hand, the impact will be far less significant if the viewscape can only be observed from a small third-floor bathroom window on the backside of a single residence.

107. Turning to the visual impacts of the Visconsi proposal itself, its site plan depicts a relatively compact development with substantial screening buffers along both its western boundary with SR 305 and its eastern boundary with adjacent residential properties. Visual impacts to the east are blocked by the forested offsite wetland and its buffer located at the site's northeast corner plus the intervening Kitsap Bank occupying the southeast quadrant of the development rectangle. In between, a forested buffer will also be provided to mask the adjacent parking lot and the eastern tier of project buildings. To the north lies the ProBuild lumberyard, and to the south across High School Road are located Ace Hardware and a McDonald's drive-in.

108. The larger buildings are proposed to be clustered at the center of the site away from neighborhood streets and will be screened by other buildings. The most visible structure will be the building 1 bank located near the main SR 305/High School Road intersection. At 3300 square feet it will also be the smallest. The largest footprint belongs to the building 2 pharmacy at 14,475 square feet. It will be set back 200 feet from High School Road and about 150 feet from SR 305, where it will also be screened by a 50-foot vegetated buffer. The 20,000 square-foot two-story building 5 medical center will be tucked away in the site's northeast quadrant, visually buffered on all sides except the north by trees and other buildings; its only offsite visibility will be from the ProBuild yard.

109. It is perhaps possible to fault Mr. Wenzlau's site plan from the perspective of its failure to successfully address, certainly initially, some circulation issues relating to potential vehicle and pedestrian conflicts. But from the standpoint of avoiding adverse offsite visual effects, his design comes about as close to zero-impact as it is possible to get. The only open visual exposure to the project will be from the High School Road frontage, and in this portion of the project the smallest proposed structure will be placed. No other project buildings will have more than minor offsite visibility. No views of consequence will be affected. IRD and its supporters have made generalized allegations of project aesthetic harm but have been unable to identify any unmitigated project visual impacts to substantiate their claims. Mr. Peltier's idealized vision of what the essence of Bainbridge

Island life embraces may be compelling but, in the SEPA context at least, it is not compulsory. Some of the questions he raises will be revisited, however, in the discussion of the regulatory role of the Comprehensive Plan.

Economic Factors

110. The allegation of an “urban blight” environmental impact within the IRD SEPA appeal has been a controversial topic from the beginning. Visconsi's attorney moved to dismiss the issue from the appeal at the pre-hearing level, arguing it was simply a subterfuge for improperly inserting economic competition as a SEPA issue. It is well understood that the effect of economic competition is not in itself a SEPA issue and can only give rise to an environmental impact in the extreme situation where it causes identifiable degradation to the physical environment – hence the common use of the term “urban blight.” In a supplement to the pre-hearing order dated January 6, 2014, the Examiner ruled that as a matter of pleading the blight allegation qualified as an appeal issue and declined to speculate whether IRD later would be capable of producing credible evidence to support it.

111. At the public hearing many residents commented to the effect that the Island has no need for more banks, medical offices or drugstores. Many pointed out that three drugstores already exist and worried that a landmark downtown independent business, Vern's Winslow Drugs, might be driven under by the arrival of another major chain outlet. Similar sentiments were also expressed concerning the economic viability of small independent businesses generally in the downtown retail core. A somewhat contrarian viewpoint was offered by the City's Planning Director who opined that, due to its proximity to the waterfront and the ferry, the downtown Winslow district attracts more of a tourist clientele than would Visconsi further up SR 305 at High School Road.

112. IRD's primary witness on economic impacts was Hilde Chichester, who has a background in marketing. Ms. Chichester researched the availability of empty retail spaces on the Island both through real estate listings and her own investigations. She composed a list of retail and office spaces currently for lease totaling approximately 70,440 square feet. The list contains one large retail and office facility at 34,500 square feet, plus about 33,000 square feet of empty space in the Safeway/Hildebrand area that includes four units in the Safeway Shopping Center. While her presentation was well-organized and informational, Ms. Chichester made no attempt to evaluate the significance of her numbers for the Bainbridge economy overall or for its downtown commercial district, forthrightly admitting that such analysis was beyond her expertise.

113. A number of IRD witnesses commented about the sustainability of the proposal, but it is unclear where in this report a discussion of such a subject properly belongs. The Examiner, somewhat arbitrarily, has opted to include it under the economic heading based on a sense that it refers most fundamentally to the ability of an enterprise to survive over the long term, in the context of both wise resource use and its fitness to serve the needs of the community. As Mr. Peltier has pointed out, in the resource conservation realm BIMC 18.18.020 suggests that “site designs of all developments and redevelopments are encouraged to accommodate solar panels, small wind energy generators, and rain gardens/swales where practical.”

114. While Visconsi seems to have taken awhile to respond to (or even comprehend) the prodding and encouragement it has received from the Island's pervasively green culture, it eventually has managed to climb on board. Its project proposal now proudly incorporates electric car charging

stations, bicycle racks and rain gardens. In addition, during the hearing Visconsi further offered to incorporate into its design "green roofs," high efficiency windows, recycled products and other sustainability measures as voluntary mitigations.

115. The economic heading might also be an appropriate place to ponder a few factors that could be important to the success of the project but normally escape attention because they bear no direct relationship to regulatory review standards. One factor is the posture of the developer, more particularly, whether it appears to be a solid firm that is going to remain involved with the development over the long term. Some developers specialize in securing options on commercial real estate, obtaining the necessary development permits, then flipping the project to a new owner that will actually build and operate (or resell) the new facilities. In that situation, problems of reliability can arise because the smiling guy at the hearing making all the big promises won't be sticking around long enough to be held accountable.

116. Visconsi does not seem to fall into this category, appearing to be a reasonably stable and financially sound company with a long track record of building and operating shopping centers. One surmises that it expects to be involved over the long term and answerable for its behavior. The company should have the financial strength necessary to deliver on its promises to the community. Ohio-based Visconsi is also in the early stages of expanding into West Coast markets. The potential benefit to Bainbridge from this fact is that the performance of Visconsi's early projects in this part of the world will largely define its regional reputation. From a public relations standpoint, the company should be motivated to avoid having an early project turn into a conspicuous disaster that could reverberate throughout the area. The Examiner is well aware that in the public perception all developers are often tarred with the same uncomplimentary brush. But in reality some are better than others – and on a challenging site such as this one, such differences can prove critical.

117. A second hidden beneficial factor is that the long-time Bainbridge Island property owners, whose option issued to Visconsi will convert to a sale only if the necessary City permits are granted, have been firm in their insistence that the entire eight-acre parcel should be developed as a single project. While this has made review of the Visconsi proposal into a controversial, high-profile public event, a benefit lies in the possibility of creating an integrated site design that deals in some intelligent way with the property's locational constraints.

118. Visconsi's interest in Bainbridge Island seems to have been triggered by its relationship to Key Bank, which requested the developer to find it a new facility site. Absent the Kellys' insistence that the parcel under review be purchased in its entirety, Visconsi likely would have been satisfied to simply secure for the bank a small corner lot at or near the SR 305/High School Road intersection. Pursuing that strategy to its logical conclusion, the eight acres of the site over the years would have been developed piecemeal into separate businesses on a number of smaller parcels, each new site having minimal design continuity with the others and no project being large enough by itself to register on the public review radar. If anyone is unsure how that scenario plays out, just take a look at Kitsap Bank next door and multiply by six.

Stonecress

119. If the Visconsi retail project ends up generating direct and tangible adverse consequences to the surrounding community, the 45-unit Stonecress residential neighborhood to its east would probably

bear the brunt of these impacts. Most of these matters have been explored above under other headings, but it is also useful to revisit them collectively. While many Stonecress residents testified at the public hearing and submitted written comments to the record on particular issues, Barry and Linda Andrews on Daylily Lane within Stonecress undertook to monitor the process as it developed and provided a valuable overview picture. In her capacity as president of the Home Owners Association, Linda Andrews spoke at the opening night hearing, emphasizing traffic and drainage issues. She expressed concern that "commercial center traffic will interfere with our access, particularly during times when traffic backs up on High School Road and shoppers take the Polly's Lane access road in preference to the main entrance to the commercial center," positing as a worst-case scenario the emergence of Stonecress Lane further east as an additional cut-through route. Regarding runoff, Ms. Andrews described the wetland overflow problems that appear to threaten the stability of the Stonecress stormwater pond berm.

120. Later in the hearing Barry Andrews offered an updated summary of Stonecress concerns that to some degree reflected the neighborhood's response to the discussion that had been taking place over the prior few days. His list of issues included the need for effective privacy and lighting screening on Polly's Lane, night-time light pollution effects generally, traffic and HVAC noise levels, runoff impacts to the Stonecress detention pond, and the need for a pedestrian crosswalk across High School Road. Mr. Andrews supported proposed limitations designed to decrease commercial use of Polly's Lane, at one point stating that "making Polly's Lane one-way would address many of these concerns."

121. Reviewing these comments, it seems clear that restricting commercial truck traffic usage of Polly's Lane and making both it and the connecting Visconsi parking lot exit one-way outbound are the mechanisms that would offer the greatest mitigation value to Stonecress. In addition to the traffic volumes themselves, many of the other impacts under discussion – noise and lights in particular – would mostly be the secondary effects of increased vehicle use of Polly's Lane. If the commercial vehicle flow can be held to an acceptable level, these secondary effects become far more manageable. Regarding noise, baseline levels have been established and followup measurements will be required once the site is fully operational.

122. A buffer that retains existing mature trees and is augmented by a solid wooden fence will be installed adjacent to the Stonecress homes north of Polly's Lane. It is reasonable to also require that this buffering be created early in the site development process. No one has argued that these measures cannot be effective. As for Mr. Andrews's general concern about night-time light pollution, BMC 18.15.040(D) as noted above limits light leaving the site to an impact equivalent to a 60-watt bulb. Mr. Andrews contended that "what's at issue is not simply whether or not street lights conform to city codes," but his assertion is not entirely correct. Regulatory mitigations are deemed legally adequate for their intended purposes until someone proves that they in fact are not. No such proof has been offered here. Commercial zoning on the Visconsi site has been in existence since well before Stonecress was built. While Stonecress residents are surely entitled to a permit review outcome that reasonably insulates them from the inevitable arrival of retail development next door, they cannot expect that such review will perpetually guarantee them a wilderness experience.

123. If permits are granted, a crosswalk will be required across High School Road at Polly's Lane as suggested by Stonecress residents as well as numerous others. The Examiner's evaluation is that when the main site access to High School Road is functioning efficiently and unimpaired by congestion, few vehicles exiting the Visconsi site should be motivated go out of their way to use Polly's Lane. So in

addition to restrictions directly limiting the use of Polly's Lane, any decision should also undertake to reduce congestion on High School Road by optimizing vehicle movements at the main site entrance. To that end the right-turn exit lane from the site needs both to be configured to accommodate the large trucks serving ProBuild and extended from the site west to the SR 305 intersection. Finally, as discussed earlier, the outlet from the Woodland Village wetland through Stonecress forms part of the nearby downstream conveyance system for Visconsi runoff flows, and assuring its proper functioning should be a Visconsi responsibility.

CONCLUSIONS

The Review Framework

1. The public hearing and the resultant Hearing Examiner report cover three decisional components – a SEPA threshold determination appeal and applications for a conditional use permit and for site plan review. These procedures have been consolidated into a single review process pursuant to BIMC 2.16.170. The review pecking order stated at BIMC 2.16.170.C places responsibility for conducting the consolidated review on the Hearing Examiner based primarily on having jurisdiction over the conditional use permit element of the process. The procedures stated in BIMC 2.16.040.D also contemplate that a consolidated review might accommodate a prior administrative site plan review decision by the Planning Director. But the parties stipulated at the pre-hearing conference as a more efficient process that the initial site plan review decision also would be deferred to the Hearing Examiner as part of the consolidated review. Thus for both applications the Community Development Department's role is to make a staff recommendation to the Examiner.
2. Prior to arriving at the public hearing stage each application in the consolidated process was subject to its own detailed review procedures. For both applications a review and recommendation from the Design Review Board was required, and for the conditional use permit application the additional step of a Planning Commission review was mandated. So the CUP arrived before the Examiner with three separate recommendations – from the DRB for approval, from the Planning Commission for denial and lastly from the Planning staff for approval. While none of these recommendations carry any formal legal weight under City code, Visconsi has argued that the two project approval recommendations are to be accorded some level of deference.
3. The reasons offered by Visconsi for mandatory deference are not persuasive. First, the appellate cases cited are inapposite; they arise out of situations where a court was reviewing a decision of an administrative agency. Here the agency of concern is the City of Bainbridge Island. The Design Review Board, Planning Commission, Planning and Community Development Department and Hearing Examiner are all sub-parts of COBI, not separate agencies in themselves. For purposes of judicial review the final agency action will be the Hearing Examiner decision. Visconsi's related contention, that code interpretations made by the Planning Director are deemed conclusive by BIMC 18.03.090, also misses the mark. The code interpretations authorized by this section are provided as a service in response to formal public requests for prospective permitting guidance. These interpretations also may be appealed to the Hearing Examiner, who is authorized to overturn them. Nothing in this section suggests that routine staff report analyses or hearing testimony containing code interpretations are entitled to automatic deference.
4. But even though not mandatory, deference may at times be appropriate based on the expertise of

knowledgeable persons operating within the realm of their competence. This is especially true when the standards to be applied rely on value judgments or discretionary elements. On this basis, some deference is surely due the DRB evaluation and recommendation as to overall project compliance with applicable Design Guidelines. This would recognize the expertise of the DRB members, as well the rather discretionary nature of the review process as elaborated in the Guidelines introduction:

Design guidelines are not intended to be like quantitative, fixed zoning standards. They are to be applied with an attitude of flexibility. Each development site and project will have particular characteristics that may suggest that some guidelines be emphasized and others de-emphasized.

5. The Visconsi brief also argues for a categorical preference to be accorded expert testimony over that of neighborhood residents. The City's rules governing hearings supply no process for qualifying individuals as experts. Thus the term "expert" cannot be assigned definitive legal content in this proceeding because the qualifications of the various candidates are never meaningfully tested or determined. All witnesses are subject to evaluation individually based on their actual knowledge and credibility. The outcome of such evaluation often varies with the topic, its complexity and the specific context. For example, the traffic level of service calculations of an engineer conversant with the Highway Capacity Manual and Synchro 8.0 software are inevitably going to carry more weight than the observations of a lay witness familiar with neither. On the other hand, someone who has lived in the project vicinity and observed actual traffic movement patterns for years will know elements of neighborhood history that an out-of-town engineer who has only visited the site a few times has no way to access. There is no one-size-fits-all rule for evaluating administrative hearing testimony. Each witness presents a unique circumstance.

6. Finally, one fundamental principle of general applicability needs to be acknowledged. The High School Road district is an area of the City that is challenged by less than optimal historic development patterns. The temptation therefore exists to try to make proponents of new development bear the entire burden of correcting conditions, including past mistakes, created at various times by the City, Kitsap County, WSDOT and earlier developers. Both the federal and state constitutions, as interpreted by their respective appellate court systems, tell us that this is a temptation to be resisted. New development can only be tasked with mitigating its own impacts, which may include a proportionate share of the cost of addressing larger impacts to which it may contribute. A development proposal cannot be denied on the basis of pre-existing problems that it did not create and indeed may have only limited power to influence.

The Role of the Comprehensive Plan in Permit Review

7. In Washington state the conventional relationship between a comprehensive plan and a zoning code is that the plan provides a general policy matrix upon which the zoning regulations are based. Thus the rule of thumb for development applications is that the code is regulatory but the plan is not. The pristine simplicity and clarity of this arrangement has been compromised, however, by zoning codes that undertake to give concurrent regulatory effect to comprehensive and community plans. This is the situation on Bainbridge Island regarding the decisional criteria governing both conditional uses and site plan review. For issuance of a major conditional use permit BMC 2.16.110.D(1)(d) requires a finding that the "conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the nonmotorized transportation plan," while BMC 2.16.040.E(7) specifies a determination that the "site plan and design is in conformance with the comprehensive plan

and other applicable adopted community plans.”

8. The state's appellate courts recently have undertaken to assess the actual regulatory effect of this type of incorporating reference. The outcomes appear to vary with the specific circumstances. The courts generally agree that such incorporating references are effective on some level:

To the extent a comprehensive plan prohibits a use that the zoning code permits, the use is permitted. *Lakeside Indus. v. Thurston County*, 119 Wash.App. 886, 895, 83 P.3d 433, review denied, 152 Wash.2d 1015, 101 P.3d 107 (2004). But where, as here, the zoning code itself expressly requires that a proposed use comply with a comprehensive plan, the proposed use must satisfy both the zoning code and the comprehensive plan (citations omitted). *Cingular Wireless, LLC v. Thurston County*, 131 Wn.App. 756, 770 (Wash.App. Div. 2) (2006).

9. The Division 2 Court of Appeals decided both *Lakeside* and *Cingular* based on its interpretation of the Thurston County comprehensive and sub-area plans and zoning regulations – and in the two cases came to opposite conclusions regarding their regulatory effects. So the *Cingular* opinion goes to great length to harmonize the two different outcomes. Based on *Cingular* and a handful of earlier appellate opinions (and leavened with a drop of common sense), the following general principles applicable to defining the interplay between the Bainbridge Island's zoning regulations and its Comprehensive and Winslow Master Plans can be derived:

- *A comprehensive or community plan provision should not be given regulatory effect if it is primarily intended to operate in the planning context.* Comprehensive plans are a mixture of directives for further future planning and policy statements about specific desirable outcomes that can reasonably be given immediate regulatory effect. Some plans separate these different types of expressions. In the Bainbridge plans they tend to be mixed together. Directives for future planning should not be assigned a present regulatory function.
- *Plan policies should be interpreted within the context that they appear.* Planning is all about linking elements together in a coherent pattern to form a larger picture. It is therefore nonsensical and self-defeating to read plan policies (let alone particular words and phrases) in isolation from related concepts. This is especially true when the purpose of the policy under consideration is to elaborate or explain a larger goal.
- *To have a regulatory effect in evaluating a development proposal a plan policy must be capable of being applied to a factual situation in a way that permits objective discrimination between what is required and what is not.* Generic value statements of a visionary character usually lack the specificity necessary for objective and predictable practical application.
- *To have regulatory effect within a decision-making proceeding the application of a plan policy must be supported by site-specific factual findings.* A permit application cannot be denied based on abstractions unrelated to any unique facts pertaining to the proposal.
- *A plan policy cannot be given regulatory effect if it conflicts with, or operates to nullify,*

a more specific code provision or plan policy. The legal process consistently holds that an action or use listed as specifically permitted is to be deemed a more clearly intended outcome than an implication derived from a general principle.

Plan-based Regulatory Issues Affecting the Visconsi Proposal

10. The employment of comprehensive and community plan policies in the permit review process typically involves treating them as development standards that supplement or clarify zoning code requirements. Opponents of the Visconsi project have undertaken to elevate plan compliance requirements to include the more fundamental inquiry into whether the proposed uses can be permitted at all. On the level of greatest generality, project opponents have proposed that approval of the Visconsi project should be rejected because of its alleged violation of the "Five Overriding Principles that Guide the Plan" stated in the COBI Comprehensive Plan introductory chapter:

- 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.*

11. Of these Principles 2 and 3 would not appear to be, on their face, directly applicable to the Visconsi proposal under any interpretation, and Principle 4 suggests (if anything) some modest need to take the applicant's interests into consideration. This leaves for discussion Principles 1 and 5. Principle 1 speaks to the "special character of the Island "in the context of "forested areas, meadows, farms, marine views, and winding roads bordered by dense vegetation." Project opponents focused on the fact that the application property has a large stand of mature trees that will be reduced by site development. The contention put forward is that the tree cutting necessary for retail center development requires project denial because it is not in harmony with the first Plan Overriding Principle. In Principle 5 the opposition emphasis has been placed on the word "sustainable" and its connotations for green development.

12. Taken as a group the "Five Overriding Principles" are intended to inform the future planning process. Though repeated elsewhere in the various topical elements, they are first articulated and explained in the Comprehensive Plan's introduction. Their purpose is identified as guidance, not regulation. None of the five lends itself to creating an intelligible standard for the development review process nor for discriminating application to a factual situation. Not much raw land could ever be commercially developed if applicants were forbidden to cut any trees, an outcome that would negate commercial zoning generally. The basic planning sense of Principle 1 is that the overall rural ambience of the Island is best preserved by concentrating urban development within discrete smaller areas, an objective that is perhaps most clearly expressed at General Land Use Policy LU 1.6. The "Five Overriding Principles that Guide the Plan" are plainly intended to function only as broad directives for future planning, not as development standards to be applied to individual proposals in the permit

review process.

13. A second broadside attack on Visconsi project approval launched by opponents based on Comprehensive Plan language is premised on the potential regulatory application of General Land Use Policy 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."* The debate here involves whether the Visconsi project constitutes a "new commercial center" that only can be approved after an economic analysis is performed regarding its potential impacts on existing Winslow businesses. Much of the party briefing has focused somewhat inconclusively on the meaning of the word "center," both its use generally and within other parts of the Plan.

14. As the Visconsi brief suggests, a rational interpretation of Policy LU 1.4 necessitates relating it to its Plan context. It is one of nine policies set forth in elaboration of General Land Use 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."* In support of Goal 1, Policy LU 1.1 states that "land use designations" should preserve the predominant Island residential character, "with nonresidential development outside of the Winslow area concentrated in the service centers and at the designated light manufacturing areas." Policies LU 1.2, 1.3 and 1.5 then provide more specific planning guidance regarding Winslow, the Neighborhood Service Centers and the Day and Sportmans Club Road light manufacturing areas respectively. Policies LU 1.4, 1.6, 1.7 and 1.9 lay out the procedures to followed if the creation of new areas for non-residential uses is to be entertained.

15. Viewed in their entirety, General Land Use Goal 1 and its supporting nine policies are focused almost exclusively on the process of authorizing new non-residential zoning designations. None of the discussion is oriented toward specific development proposals except LU 1.8, and the spotlight there is on appropriate application procedures and not on development standards. In such context it seems unlikely that the intent of Policy LU 1.4 was to impose an economic study as a project development requirement. A reading more consistent with the thrust overall of the Goal 1 discussion is that no new areas should be zoned for commercial uses unless a study demonstrates enough market demand that existing commercial areas will not be harmed. The use of the word "center" likely reflects the consistent Plan emphasis on restricting non-residential development to compact areas. Also, the notion that the High School Road District in its entirety is deemed by the Plan an existing rather than a potential new commercial center is suggested by Winslow Goal 5, which explicitly refers to the area as the "Commercial High School Road District."

16. Moreover, there is a second line of reasoning that compels rejecting the contention that Policy LU 1.4 should be deemed a development requirement. What would be the practical consequences of performing the economic study that project opponents are requesting? If it concluded that no harm would befall downtown Winslow if the Visconsi project were built, the study likely would have no real effect at all. Time and money might have been expended, but the project would go forward as proposed. But if, on the other hand, the economic study concluded that the Bainbridge Island economy can in fact support no further retail development, the practical effect of that determination would be to nullify existing retail zoning on all currently undeveloped parcels on the Island. No doubt this would seem an attractive prospect to project opponents. But one of the few certainties found in the Washington appellate case law dealing with the plan and zoning relationship is that a plan policy cannot validly prohibit a use which the zoning specifically allows. All the proposed Visconsi retail uses

are specifically permitted by code in the High School Road zoning district. The Comprehensive Plan can confer no power to categorically invalidate such a legislative use authorization within an administrative permit review proceeding, either directly or by implication.

17. Winslow Goal 5 within the Comprehensive Plan states that “[t]he Commercial High School Road District is intended to provide for commercial uses that complement downtown Winslow and benefit from automobile access near the highway, while creating a pedestrian-friendly retail area.” Obviously there is a tension between recognizing the suitability of properties adjacent to the SR 305 corridor for automobile-dependent uses and access while at the same time requiring them to maximize pedestrian-friendly development. A balance needs to be established. In numerous ways the Comprehensive and Winslow Master Plans encourage developments on the Island to accommodate and facilitate pedestrian access, movement and safety. But it is also a fact that, among the various Winslow Overlay Districts, High School Road is the sole zoning designation receptive on a regulatory level to automobile-based commercial development. Any attempt to assess within a permitting review the regulatory balance between auto-centric and pedestrian-friendly claims must necessarily take this fact into consideration.

18. The tables provided at BIMC 18.09.020 list the permitted and conditional uses for each City zone. The following are the auto-centric uses allowed to be sited in the High School Road District but prohibited in all five designations that comprise the Winslow Mixed Use Town Center classification: auto repair services, car washes, gasoline service stations, vehicle sales, park and ride lots, small engine repair service, transport and delivery service, and a catch-all category of unlisted non-retail “motor vehicle-related services.” Any realistic imposition of pedestrian-friendly development requirements must necessarily accommodate the fact that the High School Road District is to a substantial degree one of the few zones on the Island that is tolerant of automobile uses. And looking at the range of uses allowed in the district, the Visconsi project with two of seven buildings having accessory drive-up windows is far less auto-centric than many other use configurations arguably permitted under the zoning regulations.

19. As IRD's attorney has noted, there is an apparent regulatory conflict regarding the allowability of drive-through facilities in the High School Road District. Among the uses listed above, it seems indisputable that some, such as an automatic car wash, could not exist other than as a drive-through facility. Plus the purpose statement set forth at BIMC 18.06.040.A specifically provides that for the High School Road zones a “variety of commercial uses are allowed that offer goods and services for the convenience of Island residents and that may have an auto orientation and a drive-through facility.” Yet further along in the chapter devoted to use regulations one encounters the following statement at BIMC 18.09.030.D(8)(d) limiting retail uses: “In the Madison Avenue, Ericksen Avenue, Gateway, High School Road I and II, and central core districts, drive-through businesses are not permitted.”

20. Both the applicant and City staff contend that any resolution of the purported conflict between BIMC 18.09.030.D(8)(d) and the use tables and purpose statement for the High School Road zones must give effect to the overall regulatory scheme and not simply focus on one provision to the total exclusion of all others. An outcome that the Planning staff has embraced is to distinguish between a business based squarely on a drive-in model and a more general retail enterprise that has a secondary or incidental drive-up window component. Since this is a fact-sensitive approach where multiple design interpretations appear possible, deference to Planning staff practice appears to be a defensible option. Certainly the site's location immediately adjacent to the SR 305 intersection supports a flexible

interpretation, as does the fact that for some medical center patients with mobility issues having to park and exit an automobile to pick up a pharmacy prescription could impose a hardship. But for such a compromise to be acceptable, strict limitations on the size and scope of drive-up facilities should be imposed.

21. The High School Road District in the vicinity of the Visconsi project cannot presently be described as a pedestrian-friendly neighborhood. The proposal is conditioned to improve the existing circumstance by upgrading a transit facility along SR 305 adjacent to the site, constructing a section of a regional multi-modal trail in the adjacent SR 305 right-of-way, connecting the multi-modal trail section to the site interior by a pathway, providing walkways and crosswalks linking the site to Stonecress, and pursuant to this review installing a mid-block crosswalk on High School Road. Will these facilities result in an immediate and total transformation of the High School Road neighborhood east of SR 305? Hardly. The full effectiveness of many of these improvements will only be realized later when other players contribute necessary connecting links.

22. Upgrading the pedestrian functionality of the High School Road area must be viewed as a long term community goal. The improvements required of Visconsi will be a reasonable first step in this direction and satisfy Plan pedestrian and circulation policies applicable to development review, including Comprehensive Plan Land Use Element Winslow Goal 5 and Policies W 5.4 and W 5.5; Transportation Element Policy TR 1.3, Goal 3 and Policy TR 3.3, Goal 4 and Policy TR 4.1, and Goal 9 and Policy TR 9.1; Non-Motorized Transportation Policies NM 5.2 and 5.6; and Winslow Master Plan Goals WMP 2-1, 2-2, 6-1, 6-2, 6-8 and 6-10 and Policies WMP 2-2.3, 2-11.1, 6-2.2, 6-2.5, 6-2.8, 6-2.9, 6-8.2 and 6-10-2.

23. In addition, regarding pedestrian circulation through the site interior, a large quantity of review effort has gone into the question of how best to provide safe crossings of the internal spine road used by ProBuild truck traffic. This ProBuild traffic, it must be remembered, is a pre-existing condition, not an impact caused by the proposed Visconsi development. The review discussion has generated multiple adjustments of the site plan layout that will collectively result in safe pedestrian crossings of the spine road, consistent with Comprehensive Plan Policies W 5.4 and TR 1.3.

Site Plan Review

24. BIMC 2.16.040.E contains the standards for approval of a site plan review application:

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

1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q;

2. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the nonmotorized transportation plan;

3. The Kitsap County health district has determined that the site plan and design meets the

following decision criteria:

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

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

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

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

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

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

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

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

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

f. The site plan and design conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 18.

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

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

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

8. Any property subject to site plan and design review that contains a critical area or buffer, as

defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;

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

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

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

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

25. Subsections 3, 4 (e) and (f), 8, 9, 10 and 12 state technical requirements that either are not in serious dispute or are inapplicable to this proposal. No allegations of "harmful or unhealthful conditions" have been made apart from the conventional development impacts more properly addressed elsewhere. BIMC 2.16.040.F provides that "[c]onditions may be imposed to enable the proposal to meet the standards of the decision criteria."

26. The analysis of "applicable code provisions and development standards" (subsection 1) and "conformance with the comprehensive plan and other applicable adopted community plans" (subsection 7) was combined to a substantial degree in the previous section because the controversy about their interaction is central to this proceeding and affects all its components. As discussed therein, the Visconsi site plan complies with general Comprehensive and Winslow Master Plan goals and policies to the extent that they are applicable to individual project review.

27. The previous section also described and documented the proposal's compliance with Plan goals and policies for pedestrian-friendly development, which has been a primary project review emphasis and an area where the Plan offers specific standards capable of being applied to the development review process. Comprehensive Plan policies also support the imposition of conditions to mitigate project traffic and safety impacts, as follows: reconfiguration of the spine access road and its pedestrian amenities is authorized by Policies W 5.4 and TR 1.3; requiring the construction of a full right-turn lane on High School Road between the site access driveway and SR 305 is authorized by Policies TR 4.1 and TR 4.7 plus Winslow Master Plan Policy WMP 2-2.3; limiting Polly's Lane to one-way out traffic and imposing street lighting restrictions are authorized by Policies TR 1.4, TR 3.1, TR 3.3 and TR 5.2; and requiring a mid-block crosswalk to be installed on High School Road is authorized by Policies W 5.4, TR 1.3 and TR 9.1.

28. As discussed above in the findings, runoff discharged from the Visconsi site's northeast drainage basin will pass through Stonecress after exiting the Woodland Village wetland, plus Visconsi traffic will add to the pollutant load for Polly's Lane runoff entering into the Stonecress stormwater system. As part of the nearby downstream conveyance system for the Visconsi site, project approval necessitates that this conveyance function properly. Placing on Visconsi the responsibility for assuring satisfactory downstream conveyance of flows through Stonecress is authorized by Comprehensive Plan Policies AQ 1.4, SD 1.3 and TR 2.1, section 2.5.4 of DOE's 2005 Stormwater Management Manual for Western

Washington, and BIMC 15.20.060.H.

29. Both Plan Policies W 5.5 and TR 1.5 require a vegetated buffer along the site's SR 305 boundary and Winslow Master Plan Policy WMP 2-2.4 specifies that it should be "full-screen." The IRD brief raises a design issue with respect to this buffer, noting that the site plans depict it terminating nearly 100 feet short of the SR 305/High School Road intersection, creating not coincidentally a commercially desirable roadway exposure for the proposed corner bank building. IRD argues that the SR 305 buffer needs to be extended to the intersection, relying primarily on the code definition for "full-screen." While this definition deals with buffer composition and not length, the specification within the BIMC 18.15.010-5 note that the "buffer will provide as much screening of site activities from Highway 305 as practicable in light of site topography and conditions" discloses the relevant regulatory intent. The major variable here is the need to guarantee safety at a busy intersection. The buffer should be extended toward the intersection as far as feasible consistent with the requirements for safety and efficient circulation, as determined by Staff review.

30. Decision criteria 5 and 11 within BIMC 2.16.040.E require that the Visconsi site plan demonstrate consistency with the site design review process and applicable design guidelines. As noted previously, the City's process before the Design Review Board both relies upon the expertise of the Board members and confers discretion to de-emphasize certain guidelines to achieve an overall design suitable to the site and its constraints. In this regard, the Visconsi site design explicitly eschewed seeking compliance with High School Road guideline 7 encouraging building facades to be located close to the right-of-way and guideline 10 promoting "visually prominent architecture" near the SR 305 intersection. Instead, the site design with DRB approval opted for a layout focused on converting the internal spine road into a "Main Street" environment. Guidelines 7 and 10 were thus not ignored but rather waived by the DRB in favor of alternative concept deemed a better fit for this particular site.

31. Unless the record demonstrates that the DRB has egregiously neglected an adverse impact created by a site design choice, it is not the Hearing Examiner's role to second-guess the design review process. The Planning Commission, of course, came to the conclusion that pedestrian safety along the spine road constituted precisely the kind of deal-breaking issue that demands exceptional intervention – that these adverse pedestrian impact issues simply could not be resolved. While the spine road safety issues are of genuine concern, and they surely generated a need to reconfigure the original site design, the record does not support a conclusion that the obstacles are insurmountable. Large trucks to and from ProBuild will continue to use the spine road, but their numbers are small and unlikely to become much larger. Crossing the spine road will not be like trying to walk across I-5 as it passes through downtown Tacoma. In their zeal project opponents exaggerated the spine road safety problems.

32. The Visconsi design team fully participated in the design review process and amended the site design in response to DRB suggestions and public comments. Within the guideline checklist completed at the end of the design review, the DRB comments were favorable overall and most remaining concerns were oriented toward details. Whether or not one believes the ultimate Visconsi site design has achieved the perfect approach, the evidence supports conclusions that Visconsi submitted in good faith in the DRB process and that the resultant design is feasible overall and duly responsive to the challenges of the site. As such, it meets the requirements of site plan review decision criteria 5 and 11.

33. Decision criteria 2, 3b and 3c mostly relate to the responsiveness of the site design to the

pedestrian and traffic circulation issues that have dominated the discussion presented in the findings above, and whether the proposed facilities and their locations will be suitable to the demands of the project. For the reasons cited previously, and as conditioned to mitigate project impacts, these decision criteria are also met by the Visconsi site plan. In like manner, criterion 4b requires a determination that the site design will not unduly burden the affected drainage basin nor unreasonably interfere with the enjoyment of downstream properties; mandating that Visconsi assure the function of the downstream flow bypass line through Stonecress will satisfy this requirement.

34. Overall, the decision criteria specified in BIMC 2.16.040.E will be met by the Visconsi site plan if it is revised to meet the conditions stated below. The internal spine road features, the alterations to access to and movements on Polly's Lane, the improvements to High School Road and the stormwater conveyance system upgrades required by the conditions below all are necessary to make the application compliant with the site plan review decision criteria.

Conditional Use Permit

35. Various participants this proceeding have raised issues concerning the proper scope of conditional use permit review. Visconsi points out that its project could be built without a conditional use permit if it simply revised its site plan slightly to reduce some building footprints and shift the location of the proposed pharmacy. It argues that review should therefore be limited to evaluating the quantity of impacts that will result from exceeding the development level allowed without a CUP. The Planning staff notes that, as related in the Comprehensive Plan, the stated purpose for requiring a CUP for larger buildings in the High School Road II zone is to protect nearby single-family zoned properties. Since the Stonecress Townhomes project lies within a zoning district designated by the City for multi-family development, staff has taken the position that potential Visconsi impacts to Stonecress need not be considered within the CUP review. Finally, some citizens opposed to the Visconsi proposal have opined that since a CUP approval confers some sort of discretionary "exception" or "variance," the City has the option to deny the project for any reason it likes – or indeed, for no reason at all.

36. A conditional use is not an exception or privilege that the City may grant or deny based on whim or caprice. It is a use permitted in a zone where the City has determined a process of special review and adjustment is required to assure that it will be a proper fit for its location. The normal expectation and practice is that a CUP will be granted subject to appropriate conditions designed mitigate its neighborhood impacts. The City can deny a CUP only if it determines no practical and feasible way exists to condition the proposal to reduce its impacts to an acceptable level. BIMC 2.16.110.A states that "[i]f imposition of conditions will not make a specific proposal compatible the proposal shall be denied." The converse proposition is that if reasonable conditions can in fact make the proposal compatible with other uses in the vicinity, the CUP is to be granted. See BIMC 2.16.110.D(2). As specified by the state Supreme Court, "[a] building or use permit must issue as a matter of right upon compliance with the ordinance." *Mission Springs, Inc. v. City of Spokane*, 134 Wn.2d 947, 960-61 (1998).

37. The Staff's perspective that Visconsi's impacts on the Stonecress neighborhood do not need to be considered within the City's CUP review is derived from a discussion note appended to Comprehensive Plan Policy W 5.3, which provides that within the High School Road District II retail uses between 5,000 and 14,400 square feet require a conditional use permit. The note observes that the High School Road District II "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.” Based on this comment, staff concluded that the intent of the policy was limited to providing CUP protection to single-family neighborhoods.

38. The staff interpretation conflates the rationale for the policy with the policy itself. Neither Policy W 5.3 nor any later regulatory iteration of it limits the CUP analysis to effects on single-family residential zones. The discussion note itself has no independent regulatory status. Thus if a limitation of review to single-family zone impacts were actually to be imposed, the policy itself would need to articulate it, which it does not do. The policy rationale may inform the review process as to concerns of particular importance, but it does not comprise a legal constraint on CUP review. Once the CUP process is invoked, all impacts caused by the proposal within the CUP scope of review are subject to consideration and mitigation.

39. *Hansen v. Chelan County*, 81 Wash.App. 133, (1996), cited by the Visconsi brief, stands for the proposition that a conditional use permit cannot be denied in the absence of evidence the CUP proposal would have greater impacts than uses otherwise permitted outright. The regulatory trigger for CUP review of the Visconsi project was the proposal within the High School Road II portion of the site to construct retail buildings in excess of a 5000 square foot threshold. The argument is that the City's CUP analysis therefore encompasses only the impacts attributable to the parts of the project that lie in the High School Road II zone and then only to the extent that the retail buildings under review will be larger than 5000 square feet.

40. In evaluating this contention, the critical issue to be determined is which elements of the Visconsi proposal qualify for treatment as “permitted outright.” At the point of consolidated project review the answer is that there are as yet no buildings or uses permitted outright. Pursuant to BIMC 2.16.040.B(1)(a), all proposals for new construction of nonresidential buildings are required to obtain site plan review approval before issuance of any construction permits. While the BIMC 2.16.040.E site plan review decision criteria discussed above contain some routine elements, there are also clearly discretionary standards as well, including especially those requiring conformance with the City's design guidelines and comprehensive and community plans. Imposition of this type of approval standard necessitates that a site plan review be classified as a discretionary permit. This means that until site plan review approval is obtained, no commercial uses or structures can be deemed permitted outright. At this stage the CUP review encompasses the entire Visconsi project – all proposed structures and uses in both zones.

41. The following decision criteria for approval of a conditional permit application are stated at BIMC 2.16.110.D:

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

a. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC 2.16.020.Q shall not result in denial of a conditional use permit for the project; and

- b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and*
- c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and*
- d. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the nonmotorized transportation plan; and*
- e. The conditional use complies with all other provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q; and*
- f. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property; and*
- g. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A; and*
- h. The vehicular, pedestrian, and bicycle circulation meets all applicable city standards, unless the city engineer has modified the requirements of BIMC 18.15.020.B.4 and B.5, allows alternate driveway and parking area surfaces, and confirmed that those surfaces meet city requirements for handling surface water and pollutants in accordance with Chapters 15.20 and 15.21 BIMC; and*
- i. The city engineer has determined that the conditional use meets the following decision criteria:*
 - i. The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and*
 - ii. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and*
 - iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and*
 - iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and*
 - v. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; and*
 - vi. The conditional use conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a*

variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.

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

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

42. The criteria stated at BIMC 2.16.110.D(1)(b), (d), (e), (g) and (h) overlap or replicate standards required above for site review approval, and the determinations of compliance stated for BIMC 2.16.040.E in the preceding section are also applicable to the above CUP criteria and are therefore incorporated by reference. No regulatory distinction exists between a conclusion that the proposal is in "conformance" with the Comprehensive Plan and one that it is in "accord" with the Plan. The City Engineer has determined that the Visconsi proposal will meet the infrastructure requirements specified in BIMC 2.16.110.D(1)(i), which requirements have also been reviewed in this proceeding where specific impacts have been alleged and will be augmented, as needed, by additional conditions of mitigation; on that basis, they can be found compliant with all relevant regulatory standards. The conditional use review criteria remaining to be discussed are thus BIMC 2.16.110.D(1)(a), (c) and (f).

43. The requirement that the proposed Visconsi project be "harmonious and compatible in design, character and appearance" imposes a primarily visual standard, particularly with respect to impacts on offsite properties. The evaluation is to be made from two standpoints – that of the "intended character and quality of development in the vicinity" and of the "physical characteristics of the subject property." The word "intended" indicates that attention should be focused on the nature of the surrounding zoning as well as on existing development patterns, a context that might, for example, diminish the consideration due a neighboring non-conforming use no longer permitted by the zoning.

44. As discussed above in the findings, the offsite visibility of the proposed Visconsi site buildings and parking lots will be relatively minimal. The site's entire boundary along SR 305 will be screened by existing trees to be supplemented with new plantings. Both ProBuild to the north and Kitsap Bank to the southeast have some onsite vegetative screening lying between their commercial facilities and the proposed Visconsi buildings and parking areas. The visual impact to the McDonald's drive-in to the south and the motoring public on High School Road will consist of the view of the proposed single-story 3300 square-foot building 1 bank structure along the frontage just east of SR 305. No one has argued that these visual impacts will be significant or inappropriate, or even greater than the impacts currently generated by the building now at the corner of the site slated for removal.

45. Residentially-zoned properties lie along the Visconsi site's eastern property line, but the northern half of the boundary is occupied by a large wetland and its buffer that will render commercial facilities invisible from houses located east of the wetland. The residences in Stonecress lying north of Stonecress Lane will be screened from the adjacent Visconsi parking lot by a sight-obscuring vegetated buffer. The narrow width of Polly's Lane precludes placing additional screening there, but most views from that location will be across the Kitsap Bank property, with night-time glare impacts mitigated by lighting restrictions and traffic diversion strategies.

46. To the extent that CUP review is focused specifically on the offsite impacts of buildings larger than 5000 square feet, the site plan responded to this concern by placing the two largest project structures at locations well removed from all offsite views. But IRD has also argued that, from a purely regulatory standpoint, the building 2 pharmacy, proposed at 14,750 square feet in floor area and straddling the line between the High School Road I and II zones, cannot be permitted to exceed 14,400 square feet. This contention is based on language limiting retail uses in the High School Road II zone found in both Comprehensive Plan Policy W 5.3 and Winslow Master Plan Policy WMP 2-11.1 ("retail uses shall be limited to 14,400 sq. ft."). The regulatory expression of these policies is stated at BIMC 18.09.030.D(8)(b): "In the HSR II district: i. Retail buildings are a permitted ("P") use up to 5,000 square feet. ii. Retail buildings with a footprint between 5,000 square feet and 14,400 square feet are permitted through a conditional use permit."

47. The use standards enacted at BIMC 18.09.030.D(8)(b) can be viewed as expanding the scope of retail uses allowed in the High School Road II zone beyond the level initially contemplated by the Comprehensive Plan. The introductory sentence of Policy W 5.3 reads as follows: "The properties designated on the Land Use Map as High School Road District II shall be limited to no more than 14,400 square feet of retail use." By stating that the "*properties...shall be limited*," Policy W 5.3 can be read as saying that the totality of retail use should not exceed 14,400 square feet for the entire High School Road II zone. By way of context, the Visconsi project proposes over 24,000 square feet of retail space in High School Road II without counting any part of the pharmacy, and over 30,000 square feet of retail if half the pharmacy is included. And since the High School Road II zone also includes ProBuild which has an existing retail store attached to the lumberyard, presumably the 14,400 square feet district total otherwise available to Visconsi would have to be reduced by ProBuild's current retail space.

48. But BIMC 18.09.030.D(8)(b) clearly shifts the regulatory emphasis from retail uses on properties generally to such uses in "retail buildings" as measured by building footprints. If one were to conclude that a conflict exists between the zoning code use standard and the earlier Comprehensive Plan policy, the use standard would be deemed controlling because it is more specific and later in time. So the current operative regulatory formula for the High School Road II zone is that each building size is addressed individually, and any upper retail limit for either the zone or the site overall is imposed by the Floor Area Ratio (FAR) calculation, not a 14,400 square foot cap.

49. The question of whether an individual building can be permitted to exceed the 14,400 square-foot High School Road II zone upper limit by straddling the district line is a different (and less consequential) issue. The IRD brief offers in support of its position the following language from BIMC 18.06.100.G, which addresses sites that contain more than one zoning designation: "[E]ach portion of the site shall contain only those uses, structures, and density permitted within that zoning designation." But the brief fails to explain why this phrase should be read as precluding the allocation of floor space between the two zones when a building straddles the district line. An unadorned reference to the term "permitted within that zoning designation" simply begs the ultimate question: is a straddling strategy allowed in the zone?

50. The Examiner's view is that, in the absence of either a more explicit regulatory instruction or an obvious adverse consequence to be avoided, questions of zone-straddling impacts can be adequately assessed within the CUP review framework on an *ad hoc* basis. Placing a building on the district line shared with a less restrictive zone in order to garner more lenient development standard treatment is

usually also going to mean that the impacts of the proposed building are well removed from the more sensitive offsite amenities of critical review concern, which certainly would be the case here with Stonecress and the pharmacy. Allowing the proposed pharmacy to slightly exceed a 14,400 square foot limit by straddling a zone line would appear to entail no adverse impacts.

51. Providing compatibility with the physical characteristics of the Visconsi site itself mostly involved dealing with limitations imposed by existing development patterns and critical areas – resulting in the inability to create a new site access route anywhere but to the south and having to share that access with ProBuild. Vast quantities of review time have been expended in exploring the best ways to deal with this fundamental limitation; as conditioned the resulting approach will reduce traffic impacts and conflicts to a manageable level and adequately protect pedestrian safety. The new spine road configuration will better accommodate large truck movements to and from ProBuild and will constitute an improvement over the current situation. As conditioned, the Visconsi proposal will meet the design, character and appearance compatibility criteria of BIMC 2.16.110.D(1)(a).

52. BIMC 2.16.110.D(1)(c) requires that the proposed conditional use “not be materially detrimental to uses or property in the vicinity of the subject property.” If any compelling basis were to exist in the record sufficient to deny outright the Visconsi conditional use application in its entirety (as opposed to imposing mitigating conditions), it would need to be premised on a conclusion that there is simply no satisfactory way for the project to avoid creating impacts materially detrimental to Stonecress. As elaborated in the findings above, a number of conditions have been identified over the course of the City's review process to deal with various Stonecress issues. Surely the most devastating potential threats to the Stonecress residential neighborhood arise from the risk that unacceptable levels of Visconsi traffic would use Stonecress's narrow streets to circumvent congestion at the site's main access driveway. Visconsi vehicles diverted through Stonecress in significant numbers could cause noise and light pollution and endanger pedestrians and neighborhood children. If they were to reach extreme levels, these impacts could compromise the livability of the neighborhood.

53. Conditions have been devised to discourage inappropriate use of Stonecress streets by Visconsi traffic. Visconsi will require its tenants to prohibit delivery trucks from using Polly's Lane. The site's exit to Polly's Lane and the road itself will be restricted to outbound vehicles, with the exit configured to dissuade site entry from Stonecress Lane. A full right-turn lane with a tapered approach for large trucks exiting the spine road will be constructed along High School Road westbound between the main access and SR 305. The new exit configuration will prevent large trucks from having to cross into adjoining lanes to make right-turns from the spine road and under normal conditions should offer an unimpeded route from the site to SR 305. In addition, the longer dedicated right turn lane should operate to reduce abnormal queue lengths west of the SR 305/High School Road intersection by allowing right-turning vehicles to depart the queue at an earlier point.

54. As described in the findings above, noise and light impacts from within the Visconsi site itself will be regulated and monitored, with a screening buffer installed along the eastern site boundary adjacent to the nearest Stonecress residences. Before stormwater flows from the project can be released offsite to the northeast, the downstream conveyance system through Stonecress will be evaluated and upgraded, as needed, to assure that flows from the wetland do in fact bypass the Stonecress detention pond and that the conveyance system has adequate capacity. Overall, these mitigations will assure that the offsite impacts from the Visconsi project will not be materially detrimental to the Stonecress neighborhood.

55. BIMC 2.16.110.D(1)(f) mandates that all necessary measures be taken “to eliminate or reduce to the greatest extent possible” project impacts on the immediate vicinity. This requirement overlaps the discussion just concluded regarding the mitigation measures to be imposed on the Visconsi project to protect the Stonecress neighborhood. The analysis supports a conclusion that the requirements to be imposed as conditions of project approval include all measures that can realistically be deemed as feasible within the constraints of the site and the neighborhood. As such, they will reduce project impacts to the greatest extent possible and operate to effect overall project compliance with the full range of requirements for conditional use permit approval set forth in the BIMC 2.16.110.D decision criteria. More specifically, the internal spine road features, the alterations to access to and movements on Polly's Lane, the improvements to High School Road and the stormwater conveyance system upgrades required by the conditions below all are necessary to make the application compliant with the conditional use permit decision criteria.

SEPA Threshold Determination Appeal

56. The Mitigated Determination of Nonsignificance (MDNS) issued by the City on November 22, 2013, for the Visconsi proposal was appealed by the Islanders for Responsible Development. The rather generic allegations of adverse environmental impacts contained in the December 6, 2013, IRD SEPA appeal were clarified during the pre-hearing process and, as further specified in the pre-hearing orders, provided the basis for review within this appeal proceeding.

57. An MDNS is a determination by the SEPA responsible official that a proposal will not have a significant adverse environmental impact if certain mitigating conditions are imposed. WAC 197-11-350; see, e.g., *Anderson v. Pierce County*, 86 Wn. App. 290, 303, 936 P.2d 432 (1997). Under BIMC § 16.04.040.A, the SEPA responsible official for the City is the Director of Planning and Community Development.

58. The responsible official's decision to issue an MDNS and not require an Environmental Impact Statement (EIS) is to be accorded substantial weight in any administrative appeal. RCW 43.21C.075(3)(d); WAC 197-11-680(3)(a)(iii); BIMC 16.04.170.E. The substantial weight requirement mandates review of the responsible official's decision under the “clearly erroneous” standard. See, e.g., *Wenatchee Sportsmen Ass'n. v. Chelan County*, 141 Wn.2d 169, 176, 4 P.3d 123 (2000). A decision is deemed clearly erroneous only when, although there is evidence to support it, the reviewing body is “left with the definite and firm conviction that a mistake has been committed.” *Norway Hill Preservation & Protection Ass'n. v. King County Council*, 87 Wn.2d 267, 274, 552 P.2d 674 (1976)). Consistent with the foregoing, in a SEPA appeal the appellant carries the burden of proof.

59. The IRD appeal alleged that the Visconsi project would cause unmitigated significant adverse impacts to traffic, which issue was refined in the pre-hearing order to include LOS impacts at the SR305/High School Road intersection and pedestrian safety impacts both on and offsite. The project traffic study concluded that during the proposal's horizon year the SR305/High School Road intersection would operate at a LOS deemed acceptable under the City's regulations and policies, and IRD failed to introduce persuasive evidence to the contrary. Pedestrian safety issues will be addressed by the applicant through the installation of both onsite and offsite crosswalks, supplemented by traffic calming measures along the internal spine road. No evidence was adduced that these measures would be inadequate to mitigate potential pedestrian safety impacts.

60. The IRD appeal further alleged that the Visconsi project would cause unmitigated significant adverse impacts to the environment resulting from the "plan to remove large amounts of trees." In the pre-hearing order these allegations were identified as involving potential impacts to aesthetics, air quality and increased stormwater runoff. No evidence of view impacts from tree removal was introduced, nor does any seem likely given that substantial tree buffers will be retained on the west side of the site next to SR 305 and on the east next to Stonecress. Air quality issues were only addressed by IRD in terms of the ecological role of trees generally, with nothing offered about impacts from this site specifically. The drainage conditions explicitly require the project to release flows offsite at or below pre-development rates, with or without tree removal, and to assure the functionality of the flow conveyance system immediately downstream. The record demonstrated that Visconsi site tree removal will comply with the City's tree retention requirements. No site-specific unmitigated adverse impacts from tree removal were demonstrated.

61. IRD's allegation of drainage impacts was refined to focus on the possibility that Winslow Ravine downstream from the site contains a fish-bearing habitat. No evidence was introduced in support of this contention. Concerns about wetland mitigation timing will be resolved by requiring the mitigation plan to be executed at an early project stage.

62. No evidence of specific project noise and lighting impacts exceeding the City's regulatory limits was introduced by IRD, nor was any attempt made to establish that these regulatory limits will be incapable of keeping such impacts at a nonsignificant level. A baseline noise study was conducted by the applicant, and followup measurements will be made after the project is occupied. An IRD allegation of adverse impact to the utility infrastructure serving the City was abandoned.

63. IRD allegations of aesthetic harm to views from nearby residential properties, High School Road and SR 305 were not supported by site-specific testimony about visual impacts. The level of perimeter screening required of the project plus the site plan's relationship to surrounding development suggest that specific adverse aesthetic impacts will be minimal or nonexistent.

64. IRD allegations that the Visconsi project will create urban blight were supported by testimony and graphics showing that vacant commercial properties presently exist on Bainbridge Island. No attempt was made to calculate an overall vacancy rate or to demonstrate that such rate should be considered sufficiently elevated to indicate a threat to the community's economic health.

65. Overall, with a few exceptions mostly involving traffic and circulation questions, IRD's evidence in support of its SEPA appeal consisted primarily of statements of general concern that were never quantified in terms of, nor always even concretely related to, the Visconsi proposal and its likely effects. As such, the IRD appeal failed to meet its burden of proof to demonstrate that the Visconsi proposal, as mitigated, would cause probable significant adverse environmental impacts or that the City's MDNS should be deemed clearly erroneous based on the record as a whole. The IRD appeal of the City's SEPA threshold determination issued for the Visconsi proposal thus must be denied.

Project Conditions

66. The conditions attached to this decision are a combination of SEPA mitigation requirements, project conditions recommended by City staff, voluntary mitigations offered by the applicant at the

hearing, and new and modified conditions imposed by the Hearing Examiner determined necessary to make the proposal compliant with site plan review and conditional use permit decisional criteria. While the SEPA conditions remain as promulgated by the City's Responsible Official, the various new conditions mostly have been integrated into the staff conditions format in those places where they expand on matters already under consideration.

67. All the voluntary mitigations have been included as project conditions except Visconsi condition number one, which contemplates a payment from the developer to the Stonecress Home Owners Association. This has been excluded for two reasons. First, the relationship of the payment amount to any actual mitigation costs is unclear, so the City's regulatory connection to the transaction is tenuous. Second, the payment is partly focused on stormwater system issues, which is the subject of a new Examiner-imposed condition. In view of its now increased stormwater mitigation obligation, Visconsi may conclude that its voluntary payment to Stonecress needs to be adjusted. The City has no legitimate role to play in any such negotiation.

68. The Examiner's new conditions and efforts at integrating the Visconsi voluntary mitigations into the overall permit format may inspire the parties to suggest some adjustments regarding procedures, timing and staff responsibilities. The voluntary mitigations contain a number of generic references to "the City of Bainbridge Island's approval" where it is not clear exactly what process is being contemplated. In addition, implementation of a one-way regime for Polly's Lane involves obtaining the agreement of entities that are not formal parties to this proceeding, plus thinking about how to proceed if a key player balks. Condition no. 44 below undertakes to address this circumstance.

69. The new conditions contain details that parties may believe are less than optimal in their consequences and thus in need of revision. The mechanism for seeking such revisions is a request for reconsideration filed before the expiration of the LUPA appeal period. If specific language amendments can be suggested for the conditions at issue, such will likely make the process more efficient. A request for reconsideration will *not* automatically stay the filing deadline for judicial appeals. No such stay will likely be granted unless all parties stipulate to it.

Final Observations

70. An observer cannot avoid being impressed with the depth of dedication and enthusiasm Bainbridge Island residents bring to the public participation process. But there are areas of concern as well. In particular, there is a widespread misconception about what role a comprehensive plan can play in the site-specific development review process. To oversimplify slightly, once the zoning code identifies the uses permitted in a zoning district, the comprehensive plan can be employed to supply certain refinements that operate as development standards for regulating the establishment of such uses. But if the zoning code clearly permits a use, it cannot simply be denied outright based on alleged conflict with comprehensive plan policies.

71. By Bainbridge Island standards, the High School Road zoning districts are relatively tolerant of and friendly toward a broad range of commercial development. So if there really is a popular consensus that the Island already has (for example) more than enough drugstores, the easy and effective way to address this issue is to amend the zoning code permitted use chapter to delete drugstores from the list. But if the code allows a drugstore as a use in a zone, an applicant is entitled to receive a permit based on a successful running of the regulatory maze – regardless of whether it's a popular idea or not.

72. Turning to the Visconsi experience specifically, a long and involved process will not necessarily be a successful one if its key elements are out of sequence. While the Design Review Board and Planning Commission review procedures worked remarkably well overall in ferreting out issues of primary importance, there was one big conceptual glitch. On this highly constrained development parcel access limitations and traffic impacts were obviously going to drive the site design process, but these problems were not fully identified and fleshed out until midway through the review chain. The project's transportation impact analysis didn't appear until the DRB process was already well under way, and even then its initial iteration failed to come to terms with all ramifications of the site access and circulation issues. By the time a clearer picture had emerged, both the applicant and DRB were committed to the "Main Street" concept and didn't want to rethink it. A better process would have produced a complete and adequate traffic study at the very beginning of the review so that it could have informed the conceptual site design discussion before a preferred design option had become entrenched.

73. In closing, a reference to an old query may be in order – whether, in this particular instance, one should regard the development review glass as being half full or half empty. Project opponents may be expected to continue to make the case for half-empty. Here is the case for half-full: the current zoning would support approval of a much more intense and aggressive commercial project than Visconsi is proposing. Except for the small bank on the corner, the project buildings will be nearly invisible from neighboring roads. The largest retail building will be the pharmacy at just under 15,000 square feet – less than one-third of Safeway. Whatever else it may be, this is not a replay of Safeway. In fact if one compares this proposal with what currently exists in the greater High School Road district, the Visconsi project would deserve to be adjudged superior in almost every way to the the jumble of retail and office facilities now gracing the neighborhood. So while it may fall short of some ultimate vision of perfection, the facts on the ground strongly suggest that this project comprises praiseworthy movement in the right direction.

DECISION

The SEPA Threshold Determination appeal of the Islanders for Responsible Development is DENIED, and the Site Plan Review and Conditional Use Permit applications of the Visconsi Companies LTD (file no. SPR/CUP 17734) for commercial development at 10048 High School Road are GRANTED, subject to the following conditions of permit approval:

SEPA Conditions

1. All graded materials removed from the subject property shall be hauled to and deposited at City approved locations (Note: local regulations require that a grade/fill permit is obtained for any grading or filling of 50 cubic yards of material or more if the grading or filling occurs on sites that have not been previously approved for such activities. A SEPA Threshold Determination is required for any fill over 100 cubic yards on sites that have not been previously received a SEPA determination).
2. Contractor is required to stop work and immediately notify the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation if any historical or archaeological artifacts are uncovered during excavation or construction.

3. To mitigate the possible impact on adjacent properties from light and glare, all exterior lighting shall be hooded and shielded so that the bulb is not visible from adjacent properties. All landscape lighting shall be downcast and lighting within surface parking lots shall be no higher than 14 feet above grade. All exterior lighting shall comply with BIMC Chapter 15.34 (Note: BIMC 15.34 was repealed now BIMC 18.15.040).
4. In order to mitigate the impacts from light, glare, noise and human presence on the off-site wetland, the prescribed wetland buffer understory shall be enhanced by the removal of all invasive species (primarily English Ivy and Holly) and the replanting of native shrubs, plants and trees. A wetland buffer enhancement mitigation plan shall be submitted and approved by the Planning Department prior to construction of building #5 adjacent to the wetland buffer. All invasive species removal and restoration shall occur or an assurance device shall be provided prior to final inspection of building #5.
5. Prior to any clearing or grading on the site, chain-link construction fencing shall be installed and inspected by the City at the edge of the tree's dripline for trees being preserved as part of the development and along the 100 foot wetland buffer. Signs shall be affixed to the fence every 50 feet indicating the protected area.
6. No disturbance of the wetland buffer shall occur, except for buffer enhancement activities and the installation of a utility stormwater dispersal line to return treated stormwater to the wetland. Prior to installation, the applicant shall apply and receive approval of a Special Use Review. Proper buffer restoration/enhancement shall be proposed and implemented as part of the Special Use review.
7. All construction activities shall comply with the construction operating hours limitations contained in BIMC Chapter 16.16. Noise produced by this development must comply with the maximum environmental noise levels established by the Washington Administrative Code 173-60 or its successor.
8. No use in this development shall produce emissions of smoke, dust and/or odors beyond the property boundary that may unreasonably interfere with any other property owners' use and enjoyment of his/her property. In addition, all sources and emission units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Puget Sound Air Pollution Control Authority (PSAPCA), and shall apply to all air contaminants listed in that regulation.
9. In order to be consistent with the adopted codes and Comprehensive Plan policies and to provide non-motorized connections to the proposed development, the applicant is required to construct a multi-use trail from the High School Road intersection/crosswalk to the extent of the northern property line of the development. The trail shall be located within the Washington State Department of Transportation (WSDOT) right-of-way and shall meet the minimum standards for a shared-use path contained in the WSDOT Design Manual Chapter 1515 (minimum of 10 feet wide) (Attachment NN). The trail design shall tie into the cross walk at High School Road and shall to the maximum extent feasible be located away from the highway driving lane, but then returning to the highway at the northern extent, allowing users to return to the paved roadside shoulder.

Project Conditions:

10. Except as modified by the conditions below, the site shall be developed in substantial conformance with the site plans and building elevations date stamped received April 25, 2013, as modified by sheet A17 submitted June 11, 2013, revising sheet A3.0; and further modified by the following later revised sheets submitted September 9, 2013 (A0.2, A1.0, L1, L2, L3, L4, L5, L10, L12 and C1-C5) and hearing exhibits 41 and 42 dated January 21, 2014.
11. (a) The full landscape screen ranging in width from 20-30 feet and the 50-foot averaged full landscape screen along Highway SR305, as shown on the submitted plans, shall be planted and maintained between the proposed development and the Stonecress development to the east and the development and Highway SR 305 to the west. All existing trees within the required buffers shall be retained and protected during construction.

(b) A 120 LF 6' high board on board fence starting just north of the Applicant's Development connection to Polly's Lane and running north along the west property line of Stonecress shall be installed adjacent to the 30' buffer to provide additional screening for the Stonecress homes. The fence will be placed on Stonecress's west property line prior to final inspection of the first building in this development.
12. The applicant shall obtain an approved building and/or grading permit from the Department of Planning and Community Development, prior to any construction activities on the site.
13. The demolition of structures that required a permit to construct will require a demolition permit from the City. All debris shall be properly disposed of at approved locations. The applicant's construction contracts shall provide that a minimum of 75% of construction waste will be recycled, composted, reused or diverted from land fill.
14. An approved Boundary Line Adjustment shall be recorded with the Kitsap County Auditor prior to the issuance of any building permits where buildings are proposed over property lines or existing lines preclude meeting lot coverage, FAR or other zoning regulations.
15. Prior to building permit issuance, the applicant shall satisfy the concerns listed in Bainbridge Island Fire Department Memo of May 8, 2013. Specifically the following comments shall be addressed to the Fire Marshal's satisfaction:
 - a. Project shall comply with the applicable provisions of the adopted Fire Code.
 - b. Fire sprinkler and fire alarms as required for new structure(s).
 - c. No Parking Fire Lane signage will be required.
 - d. Proposed hydrant locations and access appear acceptable.
16. Sign permits for each sign shall be required under the City of Bainbridge Island Municipal Code Section 15.08.
17. No signs are permitted to be placed within the 50-foot full screen buffer adjacent to Highway SR305.
18. Signs having internal illumination and standard metal can or plastic panel signs are not allowed, and any new signs shall comply with the Mixed Use Town Center Design Guidelines.
19. After roadway designs required by condition 23 are approved by the City and consistent therewith, the proposed bank building on the corner of High School Road and SR305 shall either be relocated to meet the maximum 10-foot front yard setback from the sidewalk or the existing

sidewalk shall be relocated to provide a planting strip between the side walk and High School Road so that the side walk is within 10 feet of the building. The sidewalk along High School Road shall be a minimum of 8 feet wide. If any portion of the sidewalk is on private property an easement to the City for public access shall be granted.

20. The site and buildings shall meet all accessibility standards of the Building Code.
21. The only drive-through lanes authorized are for the building 1 bank and the building 2 pharmacy. The drive-through window associated with the pharmacy may only be used for delivery of prescription medications from a licensed pharmacist. No building may be served by more than one drive-through lane.
22. No outdoor storage related to retail businesses is permitted.
23. Except as modified herein, all the conditions and recommendations of Engineering Development Review shall be satisfied prior to the issuance of any construction permits (Attachment Z). Civil construction plans for all roads, storm drainage facilities, sanitary sewer and water facilities, and appurtenances shall be prepared by a civil engineer licensed in the state of Washington and shall be submitted to the City for review and approval. No building permits shall be issued and no construction shall be started prior to plan approval by the Development Engineer.

Specifically the following conditions shall apply:

Stormwater Management:

The following shall be provided with the building permit application or prior to final inspection of the first building as indicated:

- A. The site plan indicates that greater than one acre will be disturbed during construction. To comply with Phase II Department of Ecology requirements, a General Construction Stormwater Permit (NPDES) will be required prior to construction plan approval. The permit is required prior to any clearing, grading or other land-disturbing activities.
- B. A Temporary Erosion and Sediment Control Plan will be needed with the building permit application. The plan shall be prepared by a civil engineer licensed in the state of Washington.
- C. Civil plan design and supporting drainage report for all proposed storm water facilities shall be provided. The design must successfully demonstrate that the project meets the design requirements per BIMC Chapters 15.20 and 15.21. Underground detention tanks for stormwater control and storage shall be used to the maximum extent feasible.
- D. All on-site stormwater facilities shall remain privately owned and maintained. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Annual inspection and maintenance reports shall be provided to the City. A Declaration of Covenant for stormwater system operation and maintenance will be required to be recorded before issuance of occupancy permits. The

approved language for the Declaration of Covenant is found in BIMC Chapter 15.21, Exhibit A.

E. An easement and agreement with WSDOT will be needed for drainage pipes within WSDOT right of way (ROW) and for accepting stormwater runoff from the pipes, respectively.

F. With the prior consent of the Stonecress Home Owners Association, the northeast site basin downstream conveyance system shall be inspected and evaluated between the Woodland Village wetland outlet to Stonecress and Ferncliff Avenue. Adequate flow capacity shall be provided at all locations and existing conveyance structures replaced as needed. No site flows shall be allowed to enter the Stonecress detention pond.

Traffic and Roads:

G. The Certificate of Concurrency issued for this project is valid for the uses described in the traffic impact analysis by the Transpo Group, Inc., dated April 2013 (Attachments L & AA).

H. All internal roadways will be privately owned.

I. Internal roadway plan and sections to be submitted with the initial Building Permit to match the Preliminary Utility Plan, which may be modified to provide consistency with these conditions.

J. For the Primary Access Road ("the spine road"), submit a final design which includes the addition of a planter strip between the Primary Access Road and sidewalk to the east of the drugstore building and proposed relocation of crosswalks by the drugstore as set out in Hearing Exhibit No. 53. As approved by the City Development Engineer, the layout depicted in exhibit 42 shall be modified to eliminate crosswalk A; shorten the divider strip so that its northern tip does not extend north of the northeast corner of building 4 and the bulb is removed; reduce the intersection offset for the driveways north of buildings 4 and 5; and provide a pedestrian walkway along the western edge of the rain garden north to the ProBuild entry. Crosswalks B and D shall be elevated 6 inches above adjacent grade where they cross the spine road, be constructed from materials that contrast with the driving surface, and be flanked on both approaches by speed humps or tables. The spine road will be posted with a 15 mph speed limit, but the speed limit will not be enforced by the City of Bainbridge Island.

K. A safety study and facility design shall be submitted by the applicant for construction of a crosswalk on High School Road at the Polly's Lane intersection. Study and design parameters will be established by the City's Development Engineer.

L. A full right-turn lane shall be constructed by the applicant on High School Road between the spine road exit and SR 305, as approved by the City Development Engineer. This may require the dedication of additional right-of-way and relocation of sidewalks and curbs.

M. A turning radius analysis and design shall be submitted for construction of the right-turn exit from the spine road to High School Road that will allow 5-axle semi-trailer trucks to depart the site westward without crossing out of the right-turn lane on High School Road.

N. The facilities required by subsections K, L and M above shall be installed prior to occupancy of the first site building. The facilities required by subsection J shall be installed before occupancy of the first building located east of the spine road.

O. The applicant is responsible for all regulatory and street names signs in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and City requirements.

P. Show the location of mailboxes for all buildings within the site plan.

Q. A design for limiting Polly's Lane to one-way southbound traffic use, with left and right turn movements provided to High School Road and a 20 mph speed limit, shall be submitted to the City Development Engineer for approval. The applicant will install "One Way" and "Do Not Enter" signs. The design shall also prohibit placement of street lights along Polly's Lane. The design features listed above will also require Fire Marshal review and approval. A "Local Traffic Only" sign shall be placed on the corner of the intersection of Stonecress Drive and High School Road, and a "No Trucks" sign shall be placed at the Applicant's Development exit to Polly's Lane. The site development exit design shall include features for preventing or discouraging entry from Stonecress Lane. A crosswalk shall be placed just south of Stonecress Drive across Polly's Lane. Once the conceptual approvals required by condition 44 below have been obtained, the facilities required by this condition all shall be installed prior to the connection of the Applicant's Development to Polly's Lane.

Water and Sewer Improvements:

R. On-site water and sanitary sewer main extensions shall be publicly owned and maintained.

S. Consistent with Bainbridge Island Municipal Code Section 13.18.010, the water main shall be extended from High School Road the full length of the property. A gate valve shall be installed on the water main on the northern property line as to not limit future main extensions.

T. Consistent with Bainbridge Island Municipal Code Section 13.18.010, the sewer main shall be extended from High School Road the full length of the property. A manhole shall be installed on the end of the sewer main on the northern property line to facilitate future expansion. The sewer main from the manhole on High School Road shall be placed at minimum slope requirements as listed for 8-inch pipe within the Washington State Department of Ecology, Orange Manual as to not limit future gravity sewer extensions.

U. Water and sewer main extension shall be located in 15-foot wide easements. All mains shall be accessible by maintenance vehicles to the satisfaction of the City Engineer.

V. A water and sewer availability application, binding commitment limited reservation shall be completed for Site Plan Review and a binding commitment unlimited reservation completed prior to building permit issuance.

Permits Required:

X. As stated above, a NPDES permit from the Department of Ecology will be required prior to ground disturbing activities.

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

24. Parking shall be improved in substantial conformance with the approved site plan. Parking area shall be paved, all stalls shall be striped to their full dimensions and appropriate signage shall be placed at each handicap stall(s). Each parking stall is to meet the dimensional standards of BIMC Table 18.15.020-3 outside of required driving aisles or minimum sidewalk width of five feet.
25. The site shall provide parking spaces and charging stations for at least one electric car per building as well as five (5) parking spaces for motorcycles.
26. No more than 30 percent of the required parking spaces may be designated as compact spaces. All compact spaces shall be property identified as "compact".
27. The primary walkways throughout the development shall meet accessibility requirements and shall be surfaced with nonskid hard surfaces and provide a minimum of five feet of unobstructed width.
28. As shown on the site plan, where pedestrian walkways cross driving aisles, contrasting construction material, such as stamped concrete or pavers shall be used for the cross walk.
29. A minimum of 53 bicycle spaces are required for this development; a proportional number of spaces are to be installed in conjunction with the completion of each building. The racks or wall hangers need to provide the ability to lock wheel and frame of bicycle. At a minimum there should be bicycle racks associated with each building within the development. The site will provide a commuter bike shelter accommodating 8 bicycles prior to the last building receiving a certificate of occupancy.
30. A bus shelter shall be constructed within close proximity of the existing bus stop along Highway SR305. The shelter shall be of similar quality and architectural style as the rest of the Visconsi Master Plan or shall meet the Kitsap Transit standard and shall be constructed prior to final occupancy of any building within the development. Appropriate permits from Washington Department of Transportation shall be obtained prior to construction.
31. Prior to issuance of any building permit, a final landscaping plan shall be submitted and approved for any buildings and landscaping work within that phase.
32. Prior to issuance of any building permit, a final landscaping plan shall be submitted and approved for both the full landscaping screen along the east edge of the property adjacent to the Stonecress

development and the averaged 50-foot full-screen landscaping buffer along Highway SR 305. The SR 305 full-screen buffer shall project south toward the High School Road intersection to the maximum extent feasible consistent with traffic and pedestrian safety, as determined by the City's Development Engineer.

33. All landscaping plans shall be in substantial conformance with the preliminary landscaping plan (Sheet L4) date stamped received September 9, 2013, except that street trees shall be provided along High School Road on 30-foot centers.
34. All landscaping shall be installed per the approved landscaping plans for each phase or a performance assurance device shall be submitted and approved, prior to final inspection of any building. The installation of landscaping shall be verified by the Landscape Professional and the landscaping declaration shall be signed.
35. Prior to the final inspection of the first building within this development the full landscaping screen along the east edge of the property adjacent to the Stonecress development and the 50 averaged foot full screen along Highway SR305 shall be installed or a performance assurance device shall be submitted and approved.
36. Prior to temporary occupancy of any building, a landscaping maintenance assurance device for the required landscaping shall be provided to the City for a period of three years. All landscaping and buffers shall be maintained for the life of the project.
37. In order to define the circulation system and pedestrian separation, raised curbs shall be used to separate landscaping and raised walkways from parking stalls and drive aisles.
38. Exterior trash receptacles/recycling facilities shall be fully screened with solid walls and gates. The screening enclosures shall be architecturally consistent with the adjacent structures. All enclosures serving associated buildings shall be constructed and inspected prior to final inspection of the associated building.
39. At the time of building permit submittal, detailed lighting plans demonstrating compliance with the lighting standards shall be submitted for review and approval by the City
40. All mechanical equipment shall either be located underground, incorporated into landscaping or integrated within the building or roof form of the building. Parapet walls may be used to screen roof top mechanical equipment as long as equipment is completely obscured from view and the parapet does not substantially detract from the building architecture.
41. A minimum of 40 tree units per acre shall be maintained across the Visconsi Master Plan Development either through preservation of existing trees or planting of new trees (326.4 tree units as defined by BIMC Chapter 18.15).
42. The wetland buffer enhancement mitigation plan shall be approved and all invasive species removal and wetland restoration completed prior to occupancy of the first building on the site. This deadline requirement implements (but does not contradict) SEPA condition no. 4.
43. The applicant shall verify compliance with the City's Noise Ordinance by conducting two (2) site visits by a certified noise expert during first year of full project occupancy, taking readings during a Friday P.M. peak traffic hour. If noise readings show the site is not in compliance, the applicant will be required to bring the site into compliance via noise softening measures.

44. In addition to Fire Marshal approval as specified by condition 23(Q) above, conversion of Polly's Lane to a one-way outbound roadway is deemed to require the consent of the Stonecress Home Owners Association (SHOA) and Kitsap Bank. If all consents and approvals necessary for this conversion have not been secured within one year of the date of this decision (which will be considered final for such purposes when all reconsideration procedures and judicial appeals have been concluded), the following procedures shall apply:

A. If SHOA consent has been withheld, this shall constitute implied SHOA acceptance of the impacts of the Visconsi development under Stonecress road conditions as they presently exist, compliance with condition 23(Q) above shall be deleted as a development requirement for the Visconsi project, and construction may proceed under the remaining terms of this approval; provided that, the following requirements of condition 23(Q) shall continue to apply: the 20 mph speed limit and crosswalk for Polly's Lane and the "No Trucks" and "Local Traffic Only" signage.

B. If either Kitsap Bank consent or Fire Marshal approval is withheld, the hearing will be reopened to explore alternative options for limiting site traffic impacts to Stonecress. Due to its limited interest in Polly's Lane, consent by Kitsap Bank may be determined unnecessary, and other access solutions may exist that satisfy the Fire Marshal's concerns.

C. Hearing Examiner jurisdiction over this proceeding is retained for the limited purpose of entertaining alternative access options if required consents to convert Polly's Lane to one-way use and implement the other related requirements of condition 23(Q) cannot be secured. During retention of this jurisdiction any party may request the hearing to be reopened for the purposes specified, which may include requests that conditions be modified because other parties are failing to act in good faith. Condition 23(Q) may be revised and new conditions added pertaining to Polly's Lane access, if required.

D. Hearing Examiner jurisdiction will terminate automatically upon receipt of all necessary consents and approvals as described above, or otherwise upon the Examiner's order.

45. The applicant will establish and staff a 24-hour complaint hot line, to be commenced at a time mutually agreed to with the Planning Director.

46. Prior to issuance of a building permit for any structure, the applicant shall demonstrate that as installed any proposed HVAC units will comply with the City of Bainbridge Island Noise Ordinance.

47. Applicant shall state within an appropriate legal document that any vehicle larger than a single unit – three-axle truck will be prohibited on Polly's Lane and that service and delivery vehicles will be restricted to the hours of 7 a.m. to 9 p.m.

48. Applicant will state within an appropriate legal document its commitment that any tenant shall utilize the latest in Green Building techniques to the extent feasible. Pursuant to such document, the tenant will be encouraged to use proven techniques such as high-efficiency windows, recycled

building products, and occupancy lighting controls in order to reduce energy consumption.

49. A. A change of use approval from City is required before any building use is converted. Conversion of the proposed medical center (building 5) to a retail use is prohibited, and its conversion to a permitted use with an ITE trip generation rate higher than 5.0 trips per 1000 square feet shall require a new conditional use permit.

B. Site plan review approval is predicated upon the visual integrity of the site design and its success in establishing a harmonious relationship among the component structures, as elaborated in the City's Design Guidelines and generally represented in exhibits 28-1 through 28-18. For each building permit application the Planning Staff shall determine whether the proposed development's design is consistent with the design concepts illustrated in exhibits 28-1 through 28-18 and, based on an affirmative determination, may issue the permit. Staff may consult with the Design Review Board in making this determination. If Staff concludes the requisite design harmony and integrity are lacking and a determination of inconsistency is indicated, the application shall be returned to the applicant with suggestions describing the changes necessary to create design consistency. Alternatively, the applicant may request an adjustment to an approved site plan pursuant to BIMC 2.16.040.G.

50. Within 60 days from the Hearing Examiner project approval date, the Applicant will consent to having an interested citizen remove for his or her own re-use the existing green structure located near the current ProBuild entrance on High School Road. The Applicant will not dismantle the structure. After consent is obtained, the interested citizen will have 15 days to remove the structure from the property.

ORDERED March 27, 2014



Stafford L. Smith, Hearing Examiner
City of Bainbridge Island

The Hearing Examiner is authorized to make the City of Bainbridge Island's final decisions regarding the Visconsi site plan review and conditional use permit applications and SEPA threshold determination appeal. A party with standing may seek judicial review of these decisions by filing a timely suit in Kitsap County Superior Court under the Land Use Petition Act.

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

May 5, 2014

MAY - 5 2014

Dept. of Planning &
Community Development**OFFICE OF THE HEARING EXAMINER
CITY OF BAINBRIDGE ISLAND, WASHINGTON****ORDER ON RECONSIDERATION**

Project: Visconsi Master Plan
Conditional Use Permit and Site Plan Review
SEPA Threshold Determination Appeal

File number: SPR/CUP 17734

Appellant: Islanders for Responsible Development

Applicant: Visconsi Companies LTD

Owners: Deschamps Partnership LP and Suzanne Kelly

Location of Subject Property: NE Corner of High School Road and SR 305

1. The applicant, Visconsi Companies LTD, and the SEPA appellant, Islanders for Responsible Development ("IFRD"), filed timely motions for reconsideration of certain conditions appended to the Hearing Examiner's March 27, 2014, decision approving the Visconsi site plan review and conditional use permits and denying the IFRD SEPA appeal. IFRD has also requested amendment of findings related to noise regulation and the Planning Commission review process. A notice dated April 14, 2014, authorized written comments to be submitted by the parties and the public through April 25, 2014, in response to these motions. Timely comments were received from Stonecress residents Linda and Barry Andrews and Margaret Tchakerian and from the applicant. Comments will be considered to the extent that they relate to the issues identified within the motions; new issues cannot be raised through commenting.
2. Most of the requested changes to the March 27, 2014, decision targeted the project conditions, but two of IFRD's requests were for revisions to language contained in the report's findings. The first seeks modification of language within the findings describing the process pursuant to which the Planning Commission's recommendation for project denial was reached. The gist of IFRD's contention is that the Examiner's discussion overstated the role played by Commissioner Maradel Gale in the process and "marginalizes the rest of the Planning Commission."
3. Finding number 17 states that "[b]ased on proposed findings drafted by Commissioner Maradel

Gale, the Planning Commission voted unanimously on November 14, 2013, to recommend denial of the Visconsi site plan and conditional use permit applications.” The opening sentence of finding 18 relates that “Commissioner Gale's written findings regarding the deficiencies of the Visconsi proposal were accepted by the Planning Commission as the basis for its recommendation of denial.” This finding and the next one then further discuss the Planning Commission's written recommendation in the context of it being based on Commissioner Gale's analysis. This characterization was deemed appropriate because Commissioner Gale was identified as the principal author of the written recommendation and appeared at the public hearing before the Examiner to both explain and vigorously defend the Planning Commission position. One other Planning Commissioner, Jon Quitslund, also participated in the hearing, but he spoke before Commissioner Gale's appearance and only briefly described the Commission process in general terms.

4. Notwithstanding IFRD's displeasure, the findings stated in the March 27, 2014, decision relating to the Planning Commission process neither were materially inconsistent with the hearing record nor did the matters related therein have any actual effect on the ultimate permitting or appeal decisions. It is uncontested that Commissioner Gale was mainly responsible for drafting the recommendation, the Commission adopted it as presented, and only Commissioner Gale described and explained it at the hearing. The Planning Commission recommendation eventually was rejected by the Hearing Examiner, but that outcome depended in no way on questions of authorship or attribution. Thus in terms of the decisional process, IFRD's request appears to be inconsequential; it adds up to nothing more than a complaint about style and emphasis. In other words, it is an effort at political spin. The request will be denied.

5. The IFRD request for reconsideration of finding number 99 is more substantive. This finding contains language implying that traffic noise generated by vehicles on the private Visconsi site would not be subject to noise control regulations. WAC 173-60-050(4)(a) exempts from regulation noise generated by any vehicles on public highways subject to WAC Chapter 173-62, and the noise exemption for vehicles on private property stated at WAC 173-60-050(4)(f) does not apply if the receiving properties are residential. Visconsi points out that it has volunteered to be subject to noise monitoring and suggests the matter should be deemed moot. But even so, the exemption reference in finding 99 is inaccurate and should be corrected, as requested by IFRD.

6. Regarding IFRD's various requests for amended language within the permit conditions, Visconsi has agreed to the proposed changes involving conditions 11(b) (fence extension), 23(J) and (Q) (speed limits) and 47 (service delivery hours). These requests will be granted as proposed. Condition 23(J) is also the topic of Visconsi's sole reconsideration proposal, which seeks increased flexibility with regard to the design of safety features for crosswalks C and D traversing the internal spine road. No one has objected to this request, and it also will be granted.

7. IFRD has requested modification of condition number 21, which places limitations on the drive-through windows proposed for site buildings 1 and 2. IFRD is concerned that if in the future the currently anticipated uses for these buildings change, the City may fail to make a necessary new determination as to the appropriateness of retaining the drive-through facility. This circumstance is covered by condition number 49(A), which requires the City to review a proposal for a building conversion and issue a change of use approval. Modification of condition 21 is therefore unnecessary, and the IFRD reconsideration request pertaining thereto will be denied.

8. The IFRD request regarding condition number 25 is that the requirement for five motorcycle parking spaces serving the site as a whole be expanded to encompass five spaces for each building or building cluster, which would raise the total to at least 20 and perhaps 35 spaces. IFRD also seeks to add to the condition some sort of design requirement to address the visibility of motorcycles to other “maneuvering vehicles within the parking area.” Condition 25 is a voluntary mitigation offered by Visconsi; it was never formally requested by IFRD (see exhibit 52) nor discussed at any length at the hearing. As a result, the record provides an insufficient basis for concluding that five stalls is an inadequate number of motorcycle parking spaces. Further, IFRD's stated rationale for the design component of its request – that the condition as written poses a “great risk of injury to motorcycles and riders” – relies on a factual contention that was never elaborated within the hearing testimony. As such, this request must be denied as unsupported by the hearing record.

9. A stronger case exists in support of IFRD's request for modification of condition number 29 to include language linking the commuter bike shelter location to existing bus stops. The exhibit 52 summary of the IFRD project conditions testimony identified a need to provide of “a community bike shelter in order to reduce ferry congestion downtown.” Condition 29, which incorporates language from the Visconsi voluntary mitigation proposal, specifies a bike shelter but not its location. Visconsi's objection to the IFRD request is mostly based on speculation about whether WSDOT would in fact permit a bike shelter to be sited within the SR 305 right-of-way. A further unknown is the precise future location of the bus shelter required by condition number 30. Since the logic of a “commuter” bike shelter is that it be convenient to public transportation, in principle the IFRD request is reasonable and should be granted in some form. But the language of the condition needs to be flexible enough to accommodate currently unknown design factors.

10. IFRD contends that condition number 38, which requires that “[e]xterior trash receptacles/recycling facilities shall be fully screened with solid walls and gates,” does not go far enough to protect Stonecress residents from site-generated noise and that such facilities therefore should be moved further away from the eastern property line. The IFRD motion mischaracterizes the record in attributing to the Visconsi sound engineer a statement to the effect that the currently proposed location of the facilities “would have a significant negative impact on the adjacent neighborhood.” What Mr. Nelson actually suggested was that without sound attenuation some noise from clanging receptacle lids would likely be perceptible offsite. The Visconsi response to the IFRD motion states that the “masonry enclosure for the trash/recycle receptacles will be held a minimum of 30 feet from the Stonecress property line;” condition 38 will be modified to include this information. Also on this subject, Linda and Barry Andrews have proposed in their comment that a requirement for trash receptacle covers be added to condition 38 based on a representation made by Visconsi at a meeting with Stonecress homeowners. But because this meeting took place outside the public hearing framework, any private agreements reached in that forum cannot supply a legal basis for permit conditions unless the parties specifically so stipulated.

11. Controlling truck traffic usage of Polly's Lane on the western boundary of Stonecress is at best a complicated and uncertain task. Ultimately the most effective measures will be those that bar entry from High School Road to Polly's Lane and operate to assure the functionality of the main access spine road so that the motivation to seek out an alternative route will be minimized. While these primary mitigations will be supported by provisions for “no trucks” signage at the Visconsi exit to Polly's Lane (condition 23(Q)) and Visconsi's voluntary mitigation condition for limiting the size of vehicles under its control (condition 47), the effective value of these two secondary conditions will mainly be

informational. No sentry is going to be posted at the site exit to enforce the no truck access signage, and the condition 47 truck size limitation will not apply to non-Visconsi vehicles such as contractors exiting from ProBuild.

12. The IFRD reconsideration motion queries whether conditions 23(Q) and 47 are inconsistent and suggests modifying condition 47 to make it applicable to all commercial delivery vehicles rather than just those larger than a single unit three-axle truck. There are two basic reasons why this suggestion should be rejected. First, as noted above, while the comprehensive “no trucks” signage will convey potentially effective information to the public generally, it is likely to have little actual regulatory consequence and thus does not provide a workable template for narrower conditions of a more mandatory nature. Second, the position taken by IFRD at the hearing as documented in exhibit 52 was that “all large truck traffic” should be prohibited on Polly's Lane. A last minute attempt by IFRD to move the goal posts further back should not be accommodated absent a truly compelling rationale. Condition 47 as written, insofar as these matters lie within Visconsi's control, gives IFRD exactly what it originally requested.

13. IFRD's final reconsideration request, also supported by the email from Barry and Linda Andrews, is that Visconsi be required to pay one-third of the annual costs for maintaining the Stonecress stormwater system based on the fact that 5 of the 15 Stonecress roadway catch basins are located within Polly's Lane, which will inevitably handle some traffic exiting the Visconsi site. But a proposal to allocate the responsibility for stormwater maintenance based on nothing more than a catch basin count suffers from multiple deficiencies. Here are a few. First, the record provides no information on what the overall costs of Stonecress stormwater system maintenance are and what percentage of such costs should reasonably be assigned to catch basin and culvert functions. Second, Visconsi will not add new flow volumes to the Stonecress system but only a marginal increase in pollution to existing flows; no information exists in the record as to actual pollution quantities or the nature of Stonecress runoff pollution treatment facilities (if any) and their maintenance costs. Third, extrapolating from the project traffic study, the percentage of Visconsi traffic using Polly's Lane should constitute about one-third of the total volumes for the road, but the IFRD formula assumes (without offering any justification) that 100 percent of the maintenance costs to the stormwater system attributable to all vehicle use of Polly's Lane should be imposed on Visconsi. Finally, as noted by Visconsi's response, while Polly's Lane may possess one-third of the system's catch basins, it only comprises about 10% of Stonecress's impervious area, thus further undercutting a conclusion that a simple catch basin count supplies a logical mitigation trigger.

14. But even if the proposed IFRD formula were rationally defensible, there is also a consideration of overall fairness that argues persuasively against imposing additional stormwater facility costs on Visconsi. Because Stonecress lies within the nearby downstream conveyance system for the Visconsi northeast drainage basin, condition number 23(F) requires the developer to assure adequate stormwater flow capacity through Stonecress. While the exact nature of the problem remains to be determined, the thrust of the neighborhood hearing testimony was that the Stonecress system downstream from the Woodland Village wetland is *presently* malfunctioning – either wetland flows are not bypassing the pond or the bypass pipe is undersized. Condition 23(F) requires Visconsi to assess and fix this problem, a problem that it obviously did nothing to create. This requirement will confer a significant benefit on Stonecress above and beyond any mandated project impact mitigation effects. This benefit will surely exceed any rationally demonstrable new maintenance costs imposed on Stonecress resulting from a minor additional contribution to runoff pollution loads on Polly's Lane.

ORDER

On reconsideration, the Hearing Examiner's March 27, 2014, decision is modified as follows:

1. The first sentence of finding number 99 on page 24 is revised to read as follows:

“Traffic noise is the potential impact source of greatest worry to Stonecress residents.”

2. Condition number 11(b) on page 51 is revised as follows:

(b) A 150 LF 6' high board on board fence starting just north of the Applicant's Development connection to Polly's Lane and running north along the west property line of Stonecress shall be installed adjacent to the 30' buffer to provide additional screening for the Stonecress homes. The fence will be placed on Stonecress's west property line prior to final inspection of the first building in this development.

3. Condition 23(J) on page 53 is revised as follows:

J. For the Primary Access Road (“the spine road”), submit a final design which includes the addition of a planter strip between the Primary Access Road and sidewalk to the east of the drugstore building and proposed relocation of crosswalks by the drugstore as set out in Hearing Exhibit No. 53. As approved by the City Development Engineer, the layout depicted in exhibit 42 shall be modified to eliminate crosswalk A; shorten the divider strip so that its northern tip does not extend north of the northeast corner of building 4 and the bulb is removed; reduce the intersection offset for the driveways north of buildings 4 and 5; and provide a pedestrian walkway along the western edge of the rain garden north to the ProBuild entry. Crosswalks B and D shall be elevated 6 inches above adjacent grade where they cross the spine road, be constructed from materials that contrast with the driving surface, and be flanked on both approaches by speed humps or tables; provided that, in the alternative the applicant with City Development Engineer approval may install stop signs at crosswalks B and D in lieu of an elevated crosswalk flanked by speed humps or tables. The spine road will be posted with a 15 mph speed limit, but the speed limit will not be enforced by the City of Bainbridge Island.

4. Condition 23(Q) on page 54 is revised as follows:

Q. A design for limiting Polly's Lane to one-way southbound traffic use, with left and right turn movements provided to High School Road and a 15 mph speed limit, shall be submitted to the City Development Engineer for approval. The applicant will install “One Way” and “Do Not Enter” signs. The design shall also prohibit placement of street lights along Polly's Lane. The design features listed above will also require Fire Marshal review and approval. A “Local Traffic Only” sign shall be placed on the corner of the intersection of Stonecress Drive and High School Road, and a “No Trucks” sign shall be placed at the Applicant's Development exit to Polly's Lane. The site development exit design shall include features for preventing or discouraging entry from Stonecress Lane. A crosswalk shall be placed just south of Stonecress Drive across

Polly's Lane. Once the conceptual approvals required by condition 44 below have been obtained, the facilities required by this condition all shall be installed prior to the connection of the Applicant's Development to Polly's Lane.

5. Condition 29 on page 54 is revised as follows:

A minimum of 53 bicycle spaces are required for this development; a proportional number of spaces are to be installed in conjunction with the completion of each building. The racks or wall hangers need to provide the ability to lock wheel and frame of bicycle. At a minimum there should be bicycle racks associated with each building within the development. The site will provide a commuter bike shelter accommodating 8 bicycles prior to the last building receiving a certificate of occupancy. The location of the bike shelter is to be determined after the location for the bus shelter required by condition 30 below has been decided and, to the extent reasonably feasible, shall be accessible an existing bus stop, as approved by the Planning Director.

6. Condition 38 on page 56 is revised as follows:

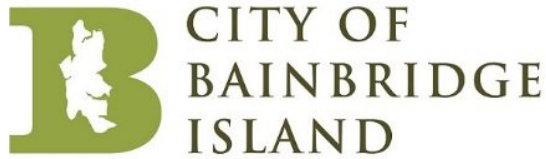
Exterior trash receptacles/recycling facilities shall be fully screened with solid walls and gates and fully contained within a masonry enclosure, the eastern wall of which shall be at least 30 feet from the closest point along the eastern site property line. The screening enclosures shall be architecturally consistent with the adjacent structures. All enclosures serving associated buildings shall be constructed and inspected prior to final inspection of the associated building.

7. Condition 47 on page 57 is revised as follows:

All site service and delivery vehicle operations will be restricted to the hours of 7 a.m. to 9 p.m. The applicant shall state within an appropriate legal document that any vehicle larger than a single unit – three-axle truck will be prohibited on Polly's Lane.

ORDERED May 5, 2014.

/s/ Stafford L. Smith
Stafford L. Smith, Hearing Examiner
City of Bainbridge Island



Department of Planning and Community Development

Memorandum

Date: August 27, 2021
To: Planning Commission
From: Heather Wright, AICP Director
Subject: Relationship of the Visconsi Master Plan Approval and the proposed Wintergreen project

I. Background

The Visconsi Master Plan was approved on March 27, 2014 with an order on reconsideration dated May 5, 2014 for a commercial complex comprised of seven buildings with a 61,890 square foot combined floor area and 248 parking spaces on five parcels totaling 8.16 acres. Proposed uses included retail sales and services, restaurants, professional services and health care facilities.

The development was approved through consolidated review, recommendation and decision on Site Plan and Design Review (SPR) and Conditional Use (CUP) permits (City File No. SPR/CUP17734). The SPR was required for new construction of nonresidential buildings. The CUP was required because, while a retail building with a footprint up to 5,000 square feet are a permitted use in the High School Road II district, a retail building with a footprint between 5,000 and 14,000 square feet required a CUP.

The two subject lots of the proposed Wintergreen project were previously approved for commercial use and are proposed for a subdivision of 73 parcels to accommodate single family residential in attached townhomes comprised of market rate (42) and affordable (31) units. As a result of this proposal, there will be a 21,700 square foot reduction in proposed commercial square footage and a 61,808 square foot increase in residential square footage.

II. Effect of Previous Conditional Use and Proposed Subdivision

Pursuant to BIMC 2.16.110.I, Effect of Approval, once a conditional use is approved, no building, use or development shall occur contrary to that specified in the conditional use permit. However, BIMC 2.16.110.J.2 further outlines the process for minor and major adjustments to an approved conditional use. Specifically, a major adjustment to an approved major conditional use permit requires an amended application and shall be processed in the same manner as a new conditional use permit application. Further it describes a major adjustment as “those that change the basic design, intensity, density, and/or use”.

By means of this section, a conditional use can be amended with a minor or major adjustment and the adjustment shall be processed in the same manner as a new conditional use.

While single family residential use does not require a conditional use, pursuant to BIMC 2.16.200, the director may require a conditional use if the proposed use or expansion generates more than 36 total trips per day. For this reason, the Director is requiring the amended application to be processed as a new conditional use and the project is subject to the conditional use criteria.

Additionally, the proposed Wintergreen project is no longer bound to the conditions of the previous approval because the application is for a subdivision. Subdivisions shall be considered under the subdivision ordinance and zoning or other land use control ordinances in effect on the land at the time of fully completed application for preliminary plat approval of the subdivision (RCW 58.17.033).

However, the previous hearing examiner conditions have been reviewed to ensure that the project continues to meet the conditions of the previous approval independent of this project and that no portion of the project is made nonconforming.

III. Visconsi Consistency and Conditions of Approval

Staff reviewed the previously approved Visconsi project against the proposed Wintergreen development to ensure that the previously approved Visconsi project is not made nonconforming by this development. The areas of focus included density, buffers and parking. Additionally, the proposed Wintergreen project was reviewed against the previous conditions to determine if any should still apply.

A. Consistency Analysis:

1. Density:

The Visconsi site was 8.16 acres. With the two lots removed for the Wintergreen subdivision, the Visconsi site is 5.12 acres. The density allowed is 72,773 square feet. The proposed project would preclude the development of 4 commercial buildings, and the density approved for the Visconsi site was 60,434. The remaining Visconsi parcels are not made nonconforming with this proposal.

2. Buffer:

The project was approved for a 50' full screen averaged buffer along SR 305. The Code at the time allowed the 50' full screen buffer to be reduced to 35'. The project site plans depict a 50' buffer between SR 305 and the subject lots. The applicant is proposing a 35' buffer and the final determination on the buffer width will be determined by the Hearing Examiner and could range from 35' to 50'. The recommendation from the Design Review Board is 50' and the Planning Commission is requested to make a recommendation to the Examiner.

3. Parking:

The total site was approved for 248 parking spaces. The developed uses include a 30,000 square foot medical office building, a 14,475 square foot pharmacy with drive thru and a bank of 3,210 square feet for a total of 47,685 square feet of commercial development. The commercial uses require 4 spaces per 1,000 square feet or 191 spaces. The applicant has indicated that the CC and R's for the project substantiate that the appropriate number of spaces are provided in the Visconsi site plan. Staff has not yet been able to verify that the Visconsi site will continue to provide its required amount of spaces with this development.

B. Visconsi conditions of approval impacted by Wintergreen project

Condition 29 of the Hearing Examiner Reconsideration dated May 5, 2014 required “a minimum of 53 bicycle spaces are required for this development; a proportional number of spaces are to be installed in conjunction with the completion of each building. The racks or wall hangers need to provide the ability to lock wheel and frame of bicycle. At a minimum there should be bicycle racks associated with each building within the development. The site will provide a commuter bike shelter accommodating 8 bicycles prior to the last building receiving a certificate of occupancy. The location of the bike shelter is to be determined after the location for the bus shelter required by condition 30 below has been decided, and to the extent reasonably feasible, shall be accessible to an existing bus stop, as approved by the Planning Director”.

If the Wintergreen project is approved, then there will not be any additional commercial buildings and the last commercial building would have been completed with the Virginia Mason building. Therefore, the bike shelter is still required to be constructed. Staff will work with the Visconsi property owners to ensure this condition is met.

For project design continuity, staff proposes that Condition 38 continue to apply:

Exterior trash receptacles/recycling facilities shall be fully screened with solid walls and gates and fully contained with masonry enclosure, the eastern wall of which shall be at least 30 feet from the closest point along the eastern site property line. The screening enclosures shall be architecturally consistent with the adjacent structures. All enclosures serving associated buildings shall be constructed and inspected prior to final inspection of the associated building. (Source, Order on Reconsideration dated May 5, 2014).

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A. Background

1. Name of proposed project, if applicable:
Visconsi Master Plan

2. Name of applicant:
Charles Wenzlau AIA, Wenzlau Architects

3. Address and phone number of applicant and contact person:
Applicant:
490 Madison Avenue North, Suite 105, Bainbridge Island WA

Contact:
Charles Wenzlau AIA

4. Date checklist prepared:
April 3, 2013

5. Agency requesting checklist:
City of Bainbridge Island

6. Proposed timing or scheduling (including phasing, if applicable)
Construction is set to begin on the Phase 1 portion of the project late Spring 2014. Timing for additional phasing is not determined at this time.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
NO

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
Wetlands Report by Christy Carr dated June 1, 2012.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
NO

C.O.B.I.

APR 24 2013

RECEIVED PCD

✓

✓

✓

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✓

✓

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

Building Permits, Conditional Use Permit

✓

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

Proposal is to construct (7) commercial buildings with 61,890sf combined floor area and 261 parking spaces. Proposed uses include retail sales, restaurants, professional services and health care facilities. Project approval will require CUP for (4) retail buildings within HS-2 zone.

✓

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

NE Corner of High School Road and Highway 305

✓

B. Environmental Elements

1. Earth

a. General description of the site (circle one):

flat, rolling, hilly, steep slopes, mountainous

Other: Rolling_____

b. What is the steepest slope on the site (approximate percentage of slope)? 10%

✓

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- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Sand (SM) and silt (ML) per soils report by Aspect Consulting.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None known

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Approximately 22,000 cy of grading will occur onsite. Of that volume 10,000 cy will be exported and approximately 6,500 cy will be imported material. The source of this material is not yet determined.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Yes, erosion could occur as a result of clearing and construction, but not use, as the site will be stabilized prior to use. Best Management Practices will be designed and implemented during construction to minimize the risk of turbid water and sediments leaving the site.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

63.5 %

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

A detailed erosion control plan will be developed during design and implemented during construction. The plan will include best management practices to provide a stabilized construction access, stabilization of disturbed soils, prevent offsite movement of sediment by trapping and perimeter fencing, and schedule construction to minimize erosion potential.

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, odors, industrial wood smoke) during



- mit. gate off site
export location / haul
route.



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construction and when the project is completed? If any, generally describe and give approximate quantities if known.
Emissions from construction equipment in unknown quantities.
Some additional dust prior to stabilization of soil on site.

✓

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
NO

✓

c. Proposed measures to reduce or control emissions or other impacts to air, if any:
Construction equipment will be well maintained, and dust control measures will be taken to reduce dust.

✓

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
No surface body of water was found on the site. A wetland is located off site to the east. See the wetlands report – enclosed.

✓

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
YES. Wetland buffer is identified on site plans.

✓

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
NONE

✓

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
NO

✓

5) Does the proposal lie within a 100-year floodplain? If so,

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note location on the site plan.

NO

✓

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the types of waste and anticipated volume of discharge.

✓

NO

b. Ground

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

✓

NO

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

✓

NONE

c. Water Runoff (including storm water):

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

The grade on the site divides the site into three drainage basins: northeast, southwest and northwest. Water in the northeast basin is either generated from rain fall on the basin or water entering the site from the ProBuild site from the north. This water flows to the east into a wetland on the adjacent parcel to the east. This wetland is part of a series of wetlands in the Wing Point Country Club golf course. This system eventually discharges into the Halls wetland before draining into Eagle Harbor.

✓

Water in the southwest basin is generated from rainfall on the area.

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This water flows to the southwest and enters the City system at High School Road. This system eventually discharges into Ravine Creek. The stormwater from the northwest basin drains to the WSDOT drainage system along SR305. This system crosses SR305 and drains into the Sakai Wetland.

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

NO

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

A stormwater system will be constructed that provides water quality and quantity mitigation in accordance with the City code. The system will be divided into separate systems for each building site and one for the north portion of the access road. The systems will consist of a collection and conveyance system that will discharge into a water quality treatment system. The water quality treatment system will discharge into a detention system that will reduce the flow rate of the water before being discharged from the site.

4. Plants

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

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

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

Native broadleaved deciduous and evergreen coniferous trees will be retained within required buffers along Hwy 305, adjacent to the wetland, and at required landscape screen along southern portion of east property line. (See Tree Retention Plan.) The trees will be removed in and around the building footprints, proposed paved areas, and where required to modify site grades. Trees will be evaluated individually based upon root habit, age and health of tree to determine

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viability as retention trees. Other vegetation, within buffers, will be retained except for non-natives which may be removed.

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

NONE KNOWN

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

In general, the proposed landscape for the site is meant to preserve the landscape character of the community, improve the aesthetic quality of the built environment, promote retention and protection of existing vegetation where possible, reduce the impacts of development on wetlands and the natural environment, and provide vegetated screening between residential and nonresidential areas.

Specifically, the landscape for this site has been defined by various planting categories and contains prescriptions for planting in each as found in BIMC Section 18.15.010. These categories include the Highway 305 Full Screen Planting, Parking Lot Landscaping and Street Frontage Landscaping, East Property Line Full Screen Planting, and Wetland Buffer Setback Filtered Screen Planting.

In each of these categories native vegetation, drought resistant plant material, and adapted ornamentals will be specified to promote plant establishment, increase the likelihood of long-term planting success, reduce water consumption, and promote habitat. The quantity, species, and density of plants in each of these areas will meet the City's code for each category and plant selection will be based on the plant list in Appendix 2: Suggested Landscape Materials Matrix as provided in the COBI Administrative Manual.

The landscape plan also retains existing vegetation, specifically large trees in stands of trees as required by code. Trees will be retained primarily on the northwest corner of the site along Highway 305 and in the northeast corner of the site within the wetland buffer.

Design of site features such as roads, buildings, and retaining walls takes into consideration the root zones of existing trees to be

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retained and minimizes disturbance to vegetation through design. Protection of existing vegetation and significant trees will occur throughout the construction process using standard tree protection measures and best management procedures.

5. Animals

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

Birds: hawk, heron, eagle, **songbirds**,

Other: _____

Mammals: **deer**, bear, elk, beaver,

Other: _____

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

Other: _____

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

NONE

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

NO

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

Use of native vegetation and buffer protection.

6. Energy and Natural Resources

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

Project will utilize electricity and propane for heating, cooling and lighting.

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

NO

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

Building will meet state energy requirements. Site will include an electric vehicle charging station and bicycle parking.

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7. Environmental Health

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

NO

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

NONE

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

NONE

b. Noise

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

Street noise from adjacent streets and adjacent properties.

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

Construction noise (operation hours to be limited) would occur as a short-term noise issue. Long-term noise types would include auto traffic & landscape maintenance.

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

Construction activities will be limited to normal hours.

8. Land and Shoreline Use

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

Current use of the site is limited to a real estate office. Adjacent uses include: to the east a bank, residential neighborhood (Stonecrest) and large vacant tract (wetland); to the north is a lumber yard, to the west across HWY 305 is commercial, and to the south across High School Road is commercial.

✓
construction hours limited.

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

LEFT COLUMN TO BE COMPLETED BY APPLICANT.	FOR STAFF USE ONLY
b. Has the site been used for agriculture? If so, describe. NOT KNOWN	✓
c. Describe any structures on the site. The real estate office and a small shed.	✓
d. Will any structures be demolished? If so, what? The real estate office and a small shed.	✓
e. What is the current zoning classification of the site? HS-1 and HS-2	✓
f. What is the current comprehensive plan designation of the site? HS-1 and HS-2	✓
g. If applicable, what is the current shoreline master program designation of the site? NA	✓
h. Has any part of the site been classified as an "environmentally critical" area? If so, specify. The site has a buffer associated with an off-site wetland to the Northeast.	✓
i. Approximately how many people would reside or work in the completed project? 60-80 estimated	✓
j. Approximately how many people would the completed project displace? Tenants at the existing real estate office (number not known).	✓
k. Proposed measures to avoid or reduce displacement impacts, if any: NONE	✓
l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: Comply with existing land use regulations and design guidelines.	✓

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

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9. Housing

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

NONE

✓

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

NONE

✓

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

NONE

✓

10. Aesthetics

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

35'. Exterior materials include concrete block, metal siding, wood siding, painted horizontal siding and exposed wood structural features.

✓

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

NONE

✓

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

Buildings are clustered at the center of the site except for the smallest structure which is located at the main intersection. The largest buildings are setback from the street and are screened by other proposed buildings. Each building has a different exterior appearance and all share a common theme which is based on a "rural agricultural" aesthetic based on older farm structures.

✓

11. Light and Glare

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

Illumination from project site will occur at night due to interior lighting, site signage and outdoor lighting.

✓

- b. Could light or glare from the finished project be a safety

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

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hazard or interfere with views? NO	✓
c. What existing off-site sources of light or glare may affect your proposal? NONE	✓
d. Proposed measures to reduce or control light and glare impacts, if any: All exterior lighting will comply with city's dark sky guidelines to minimize light spill off-site and upward to sky.	✓
12. Recreation	
a. What designated and informal recreational opportunities are in the immediate vicinity? Playfields at the High School and Ray Williamson Swim Center.	✓
b. Would the proposed project displace any existing recreational uses? If so, describe. NO	
c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: Project site will provide public open space in excess of code minimum. Open space will be focused at center of retail area to support outdoor seating and gatherings. Site will also include a public trail along HWY 305.	✓
13. Historic and Cultural Preservation	
a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. NO	✓
b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. NONE KNOWN	✓
c. Proposed measures to reduce or control impacts, if any:	

Mitigate for any inadvertent discovery.

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

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NONE

14. Transportation

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

Site is adjacent to SR 305 and High School Road. Project site also includes Polly's lane to the East.

✓

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

Site is served by Kitsap Transit which has a bus stop at the corner of SR 305 and High School Road. The site is served by 7 transit routes.

✓

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

261 spaces are proposed. 19 spaces would be eliminated.

✓

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

NO. Proposed measures will be required per the attached traffic analysis.

✓

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The Washington State Ferry terminal is approximately ¾ miles away.

✓

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur?

The project is anticipated to generate 215 trips during the weekday PM peak hour with 101 inbound trips and 114 outbound trips.

✓

- g. Proposed measures to reduce or control transportation impacts, if any.

Project will include a network of pedestrian paths connecting to SR305 and bicycle parking spaces. Additional measures will be as per traffic analysis.

✓

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

LEFT COLUMN TO BE COMPLETED BY APPLICANT.

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15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

NO

- b. Proposed measures to reduce or control direct impacts on public services, if any.

NONE

16. Utilities

- a. Circle utilities currently available at the site: **electricity**, natural gas, **water**, **refuse service**, **telephone**, **sanitary sewer**, septic system, other.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Proposed utilities include: Sewer and water (City of Bainbridge Island), electrical (PSE), phone, cable (Comcast).

C. Signature

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

Signature:

Charles P. Wunnam

Date submitted: 4-19-13

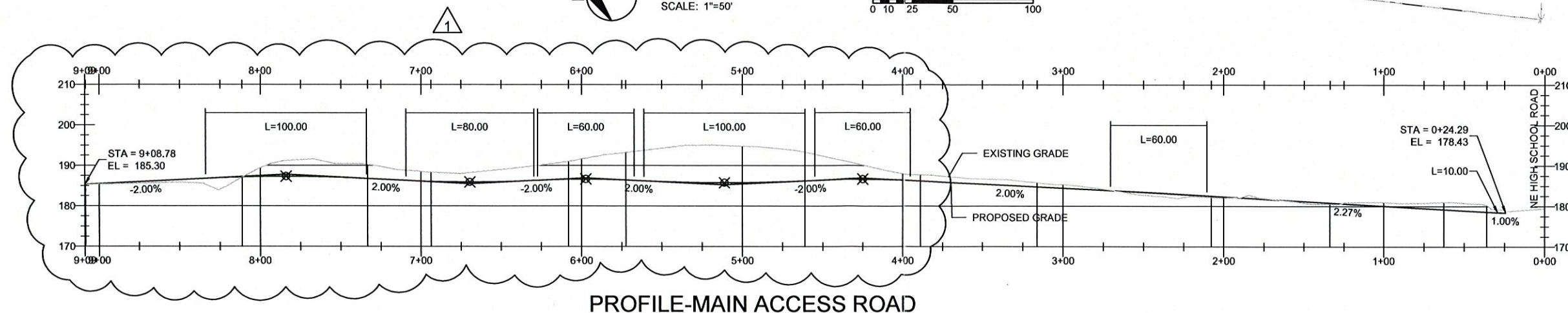
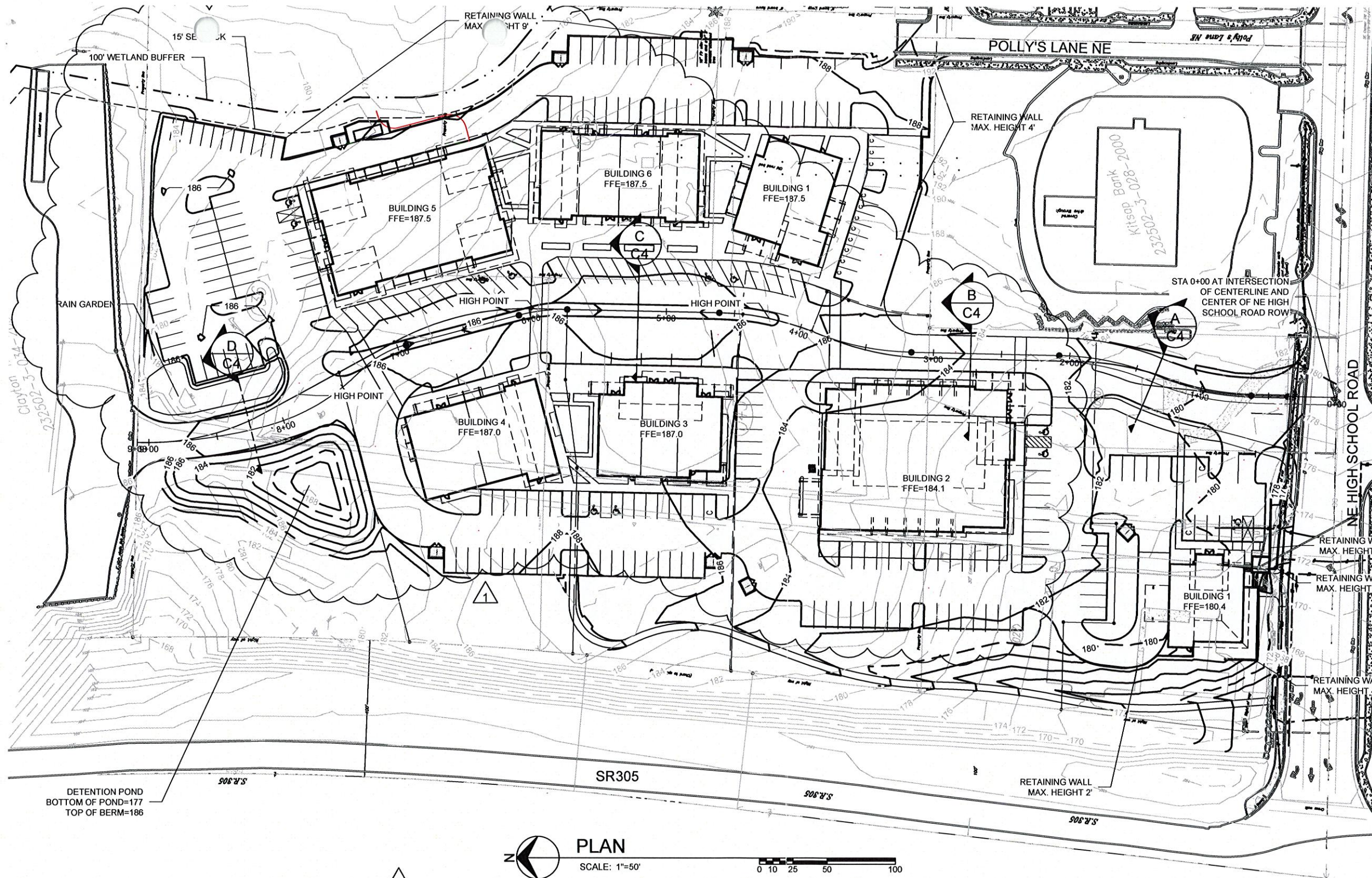
Any comments or changes made by the department are entered in the body of the checklist and contain the initials of the review.

This checklist was reviewed by:

Joshua Macten
Planner, Department of Planning and Community Development

6/6/13

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT



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NO.	DESCRIPTION	DATE
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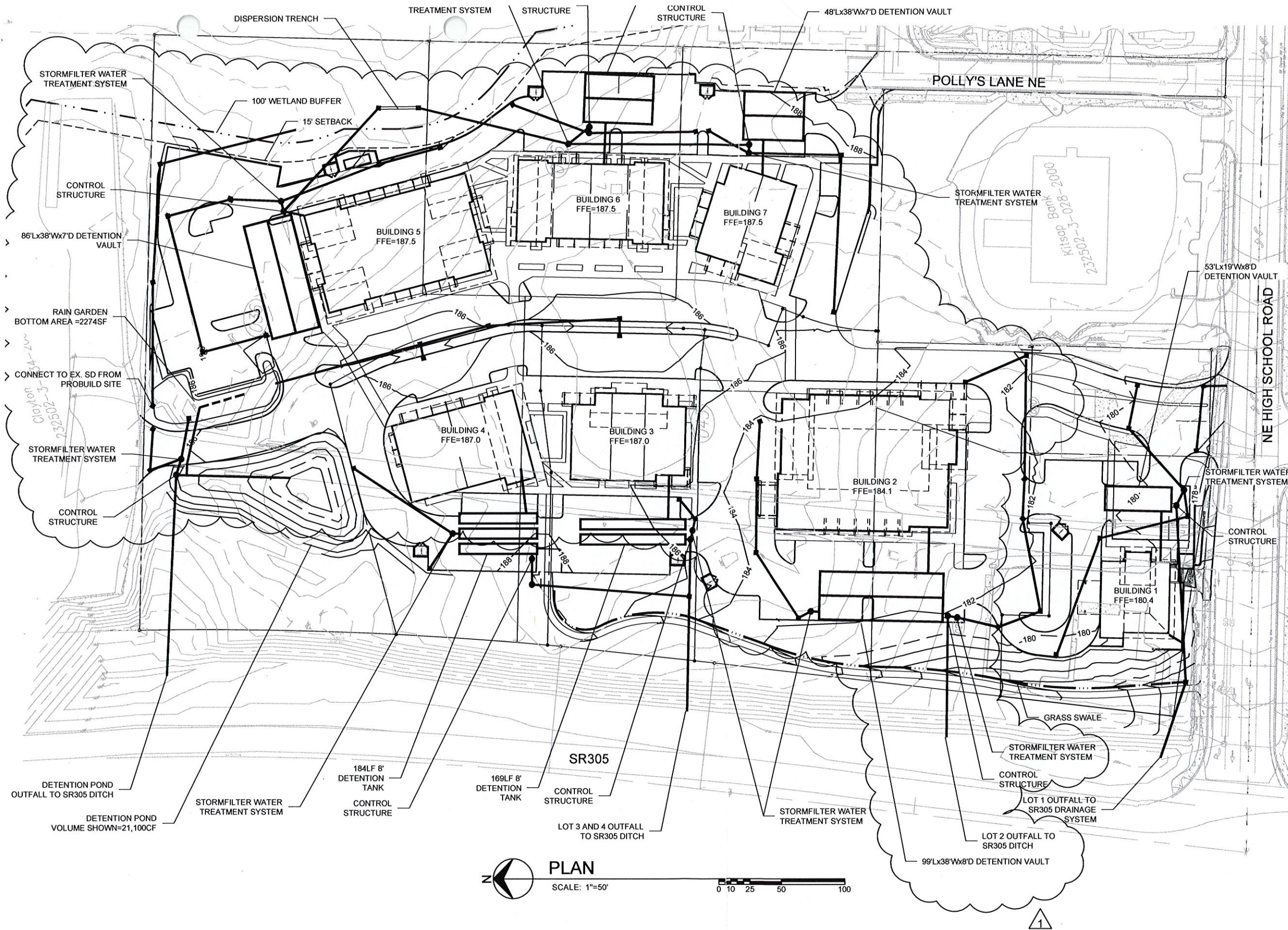
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GRADING PLAN

C1

ATTACHMENT H



PLAN
 SCALE: 1"=50'
 0 10 25 50 100

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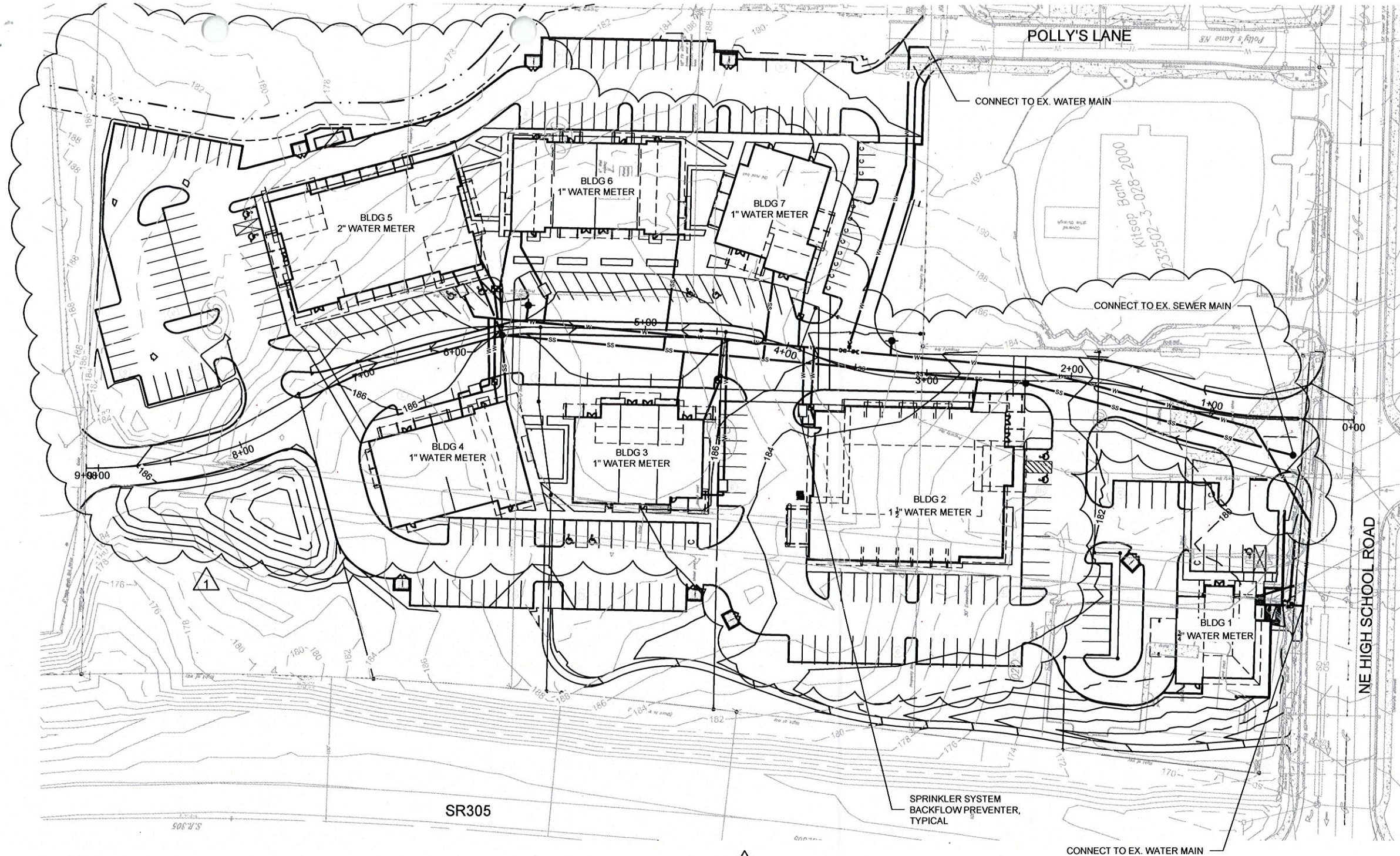
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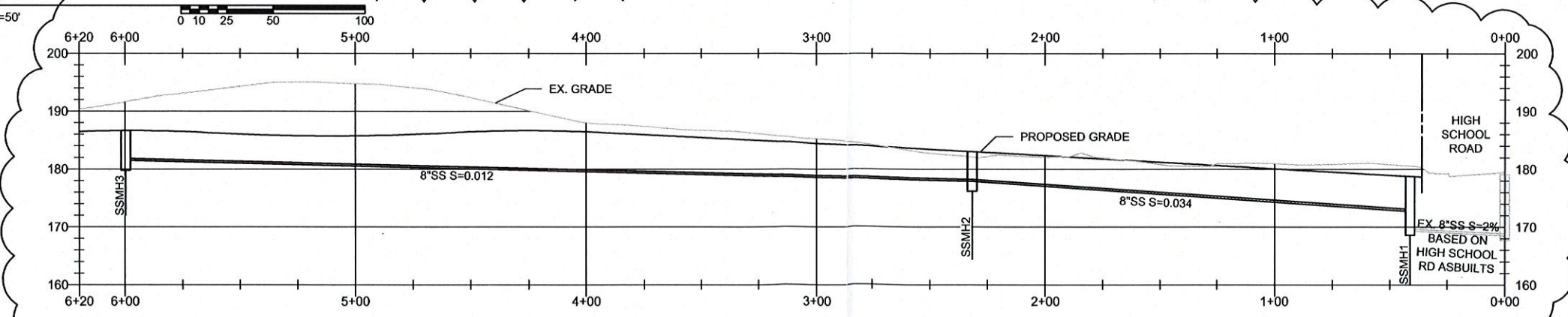
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DRAINAGE PLAN



SITE PLAN
SCALE: 1"=50'



SEWER PROFILE
SCALE: 1"=50' H
1"=20' V

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UTILITY PLAN

C3

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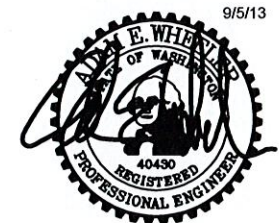
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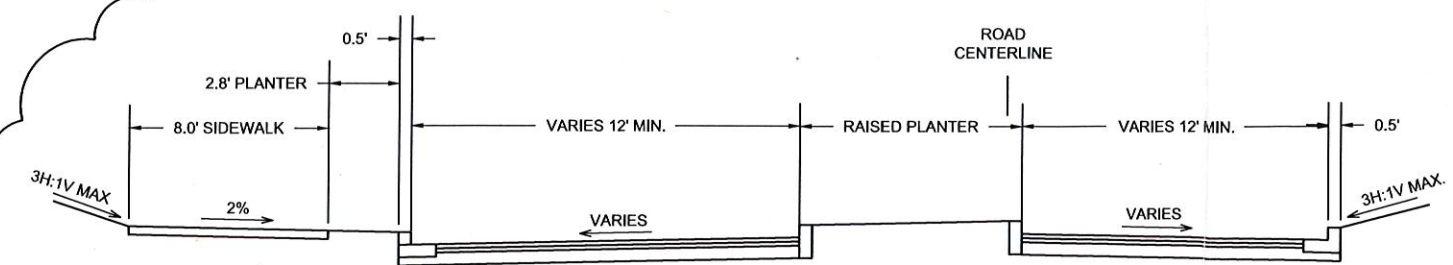
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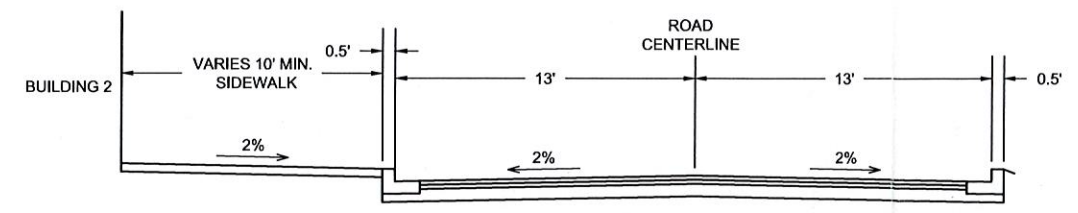


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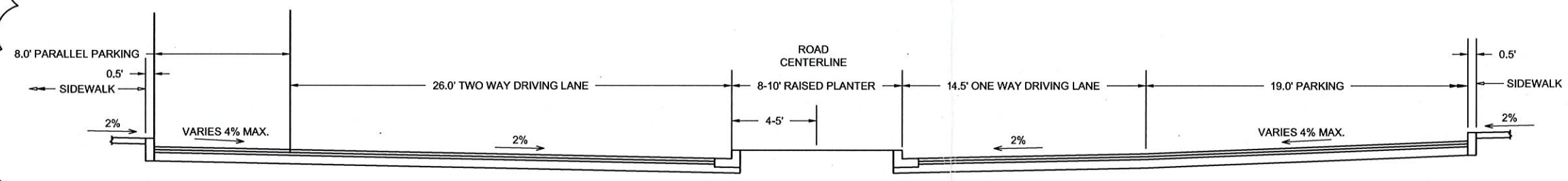
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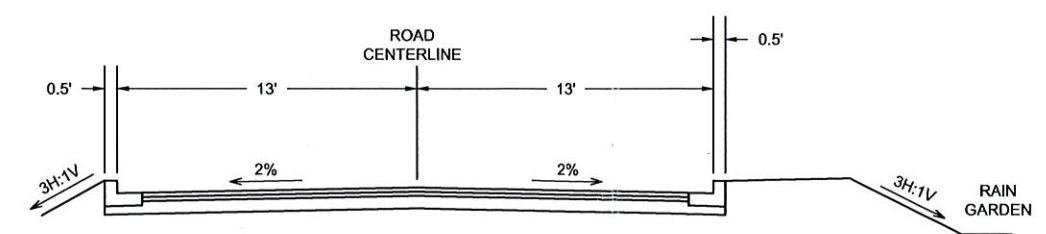
A
C4
ROAD SECTION
NO SCALE



B
C4
ROAD SECTION
NO SCALE

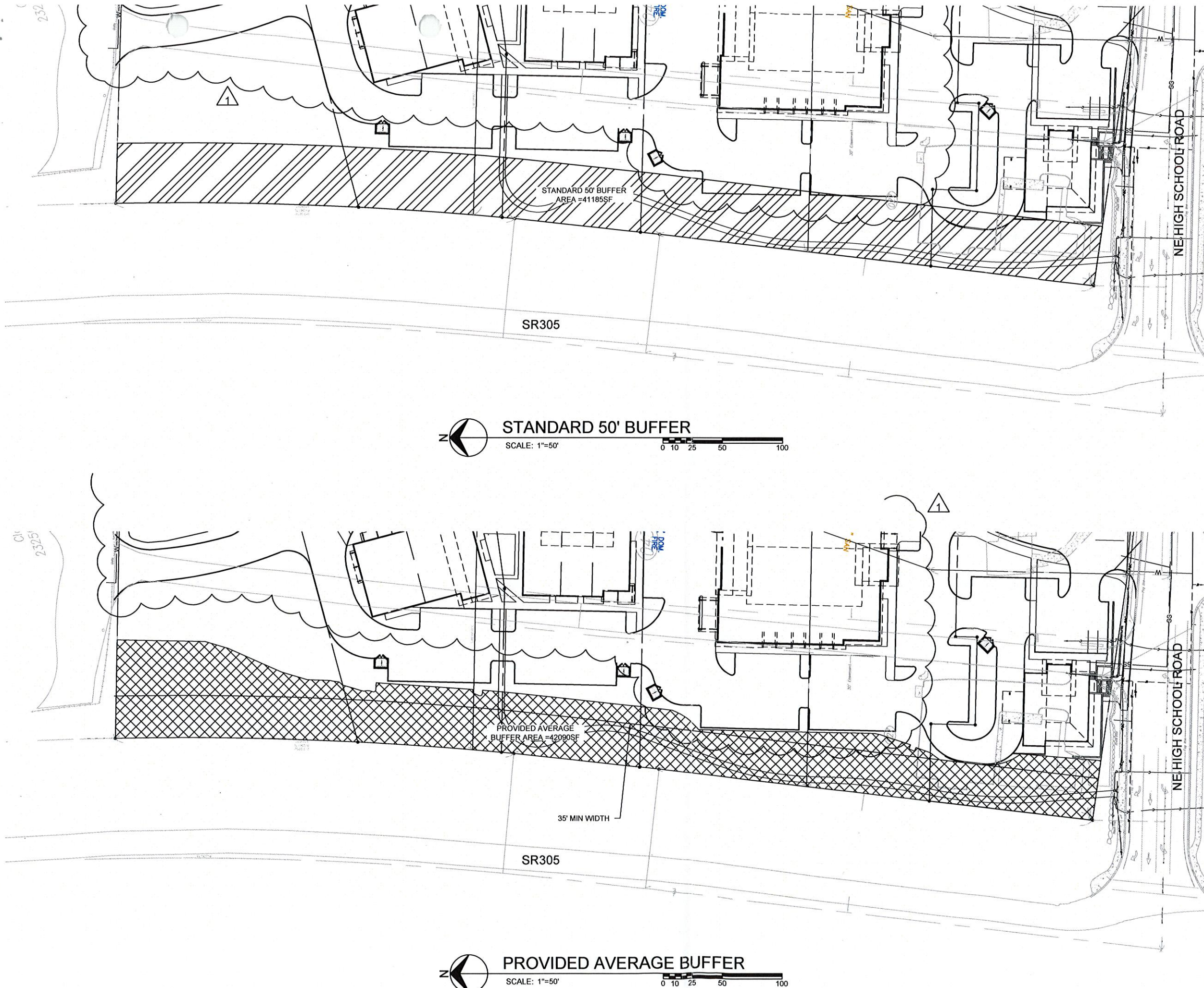


C
C4
ROAD SECTION
NO SCALE



D
C4
ROAD SECTION
NO SCALE

1



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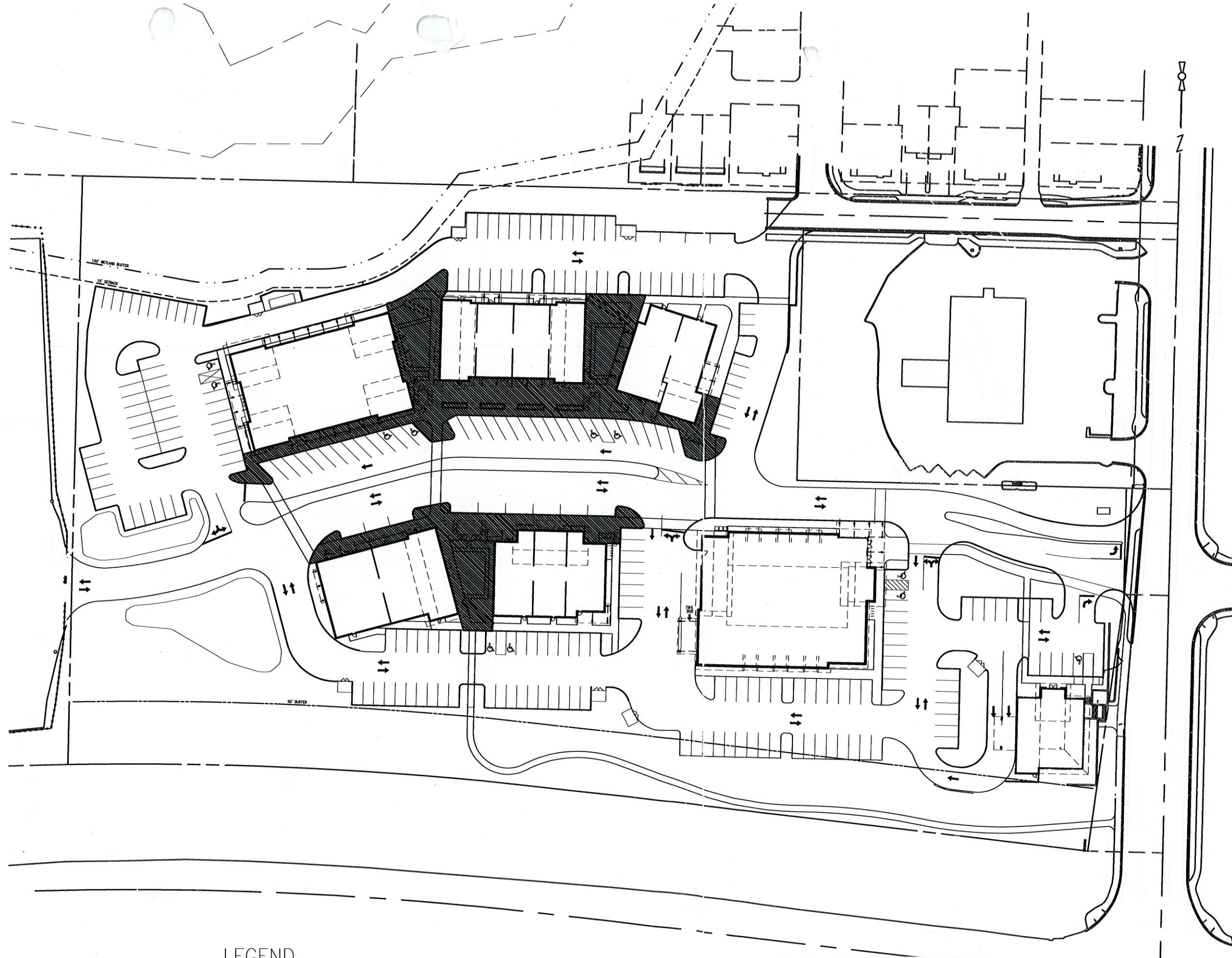


SR305 BUFFER
PLAN

C.5

SHEET SIZE - 18" x 24"

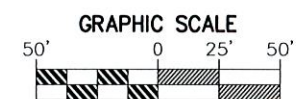
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LEGEND

 CENTRAL OPEN SPACE AREA - PEDESTRIAN PLAZA & PLANTED LANDSCAPE
21,552 SF

ATTACHMENT G



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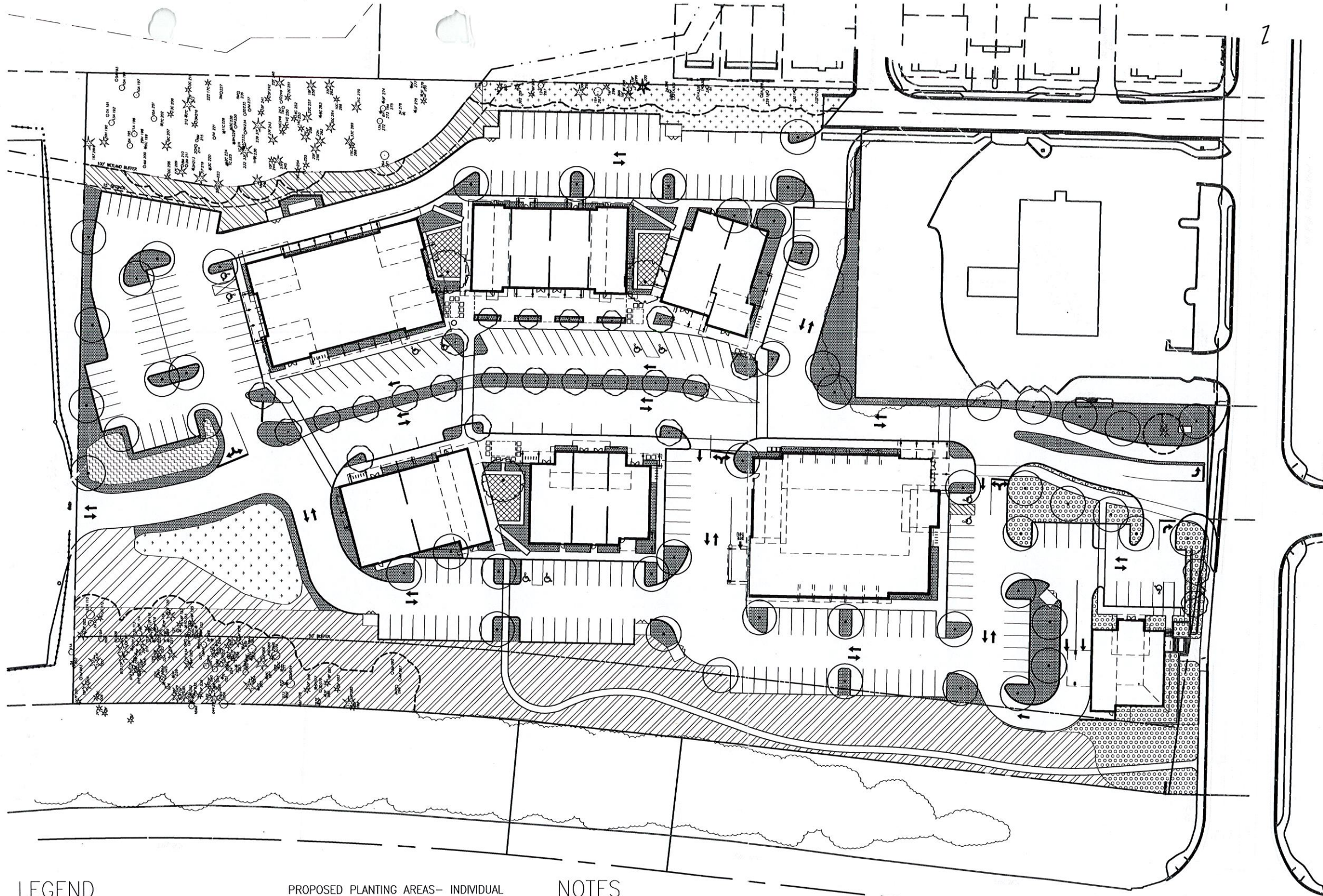
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Open Space Diagram

L1

SHEET SIZE - 18" x 24"

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LEGEND

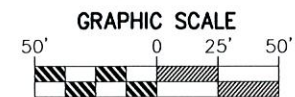
- EXISTING SURVEYED TREE TO BE RETAINED & PROTECTED
- TREE PROTECTION BOUNDARY
- APPROX. TREE CANOPY FROM TREES OUTSIDE PROPERTY LINE PER AERIAL
- PROPOSED STREET TREE, TYPICAL
- PROPOSED SITE TREE, TYPICAL
- PROPOSED SPECIALTY TREE

PROPOSED PLANTING AREAS- INDIVIDUAL TREES AND PLANTS NOT SHOWN

- INTERNAL SITE PLANTING TYPE 1
- INTERNAL SITE PLANTING TYPE 2
- HWY 305 FULL SCREEN PLANTING
- RESTORATION PLANTING
- EAST SIDE FULL SCREEN PLANTING
- WETLAND BUFFER SETBACK PLANTING
- DETENTION POND HYDROSEEDING
- RAIN GARDEN
- TURF

NOTES

- TREE SURVEY AND INVENTORY PROVIDED BY ADAM & GOLDSWORTHY, INC. LAND SURVEYING IN MARCH 2013.
- TREE UNITS REQUIRED TO BE RETAINED IS 326.4. SITE IS 8.16 AC x 40 TU PER ACRE AS REQUIRED BY BAINBRIDGE ISLAND CITY CODE 18.15.010 SECTION G.4.a.ii.
- TREE RETENTION SURVEY, ANALYSIS, & TREE UNIT CALCULATIONS PER BAINBRIDGE ISLAND CITY CODE 18.15.010 SECTION C AND G.
- ONLY TREES TO BE RETAINED & PROTECTED ARE SHOWN ON THIS TREE RETENTION PLAN PER COBI ADMINISTRATIVE MANUAL (2012) PART 2.D.1.B.iii.
- REFER TO THE APPENDIX FOR TREE UNIT REQUIREMENTS & CALCULATION DATA TABLES.
- PROPOSED TREES HAVE BEEN INCLUDED IN THE TREE UNIT CALCULATIONS.
- TREE PROTECTION PER BAINBRIDGE ISLAND CITY CODE 18.15.010 SECTION C. TO BE PLACED AT CANOPY DRIPLINE/ROOTZONE OF TREE, BOUNDARY ON PLAN SHOWN AS 15' FROM TRUNK



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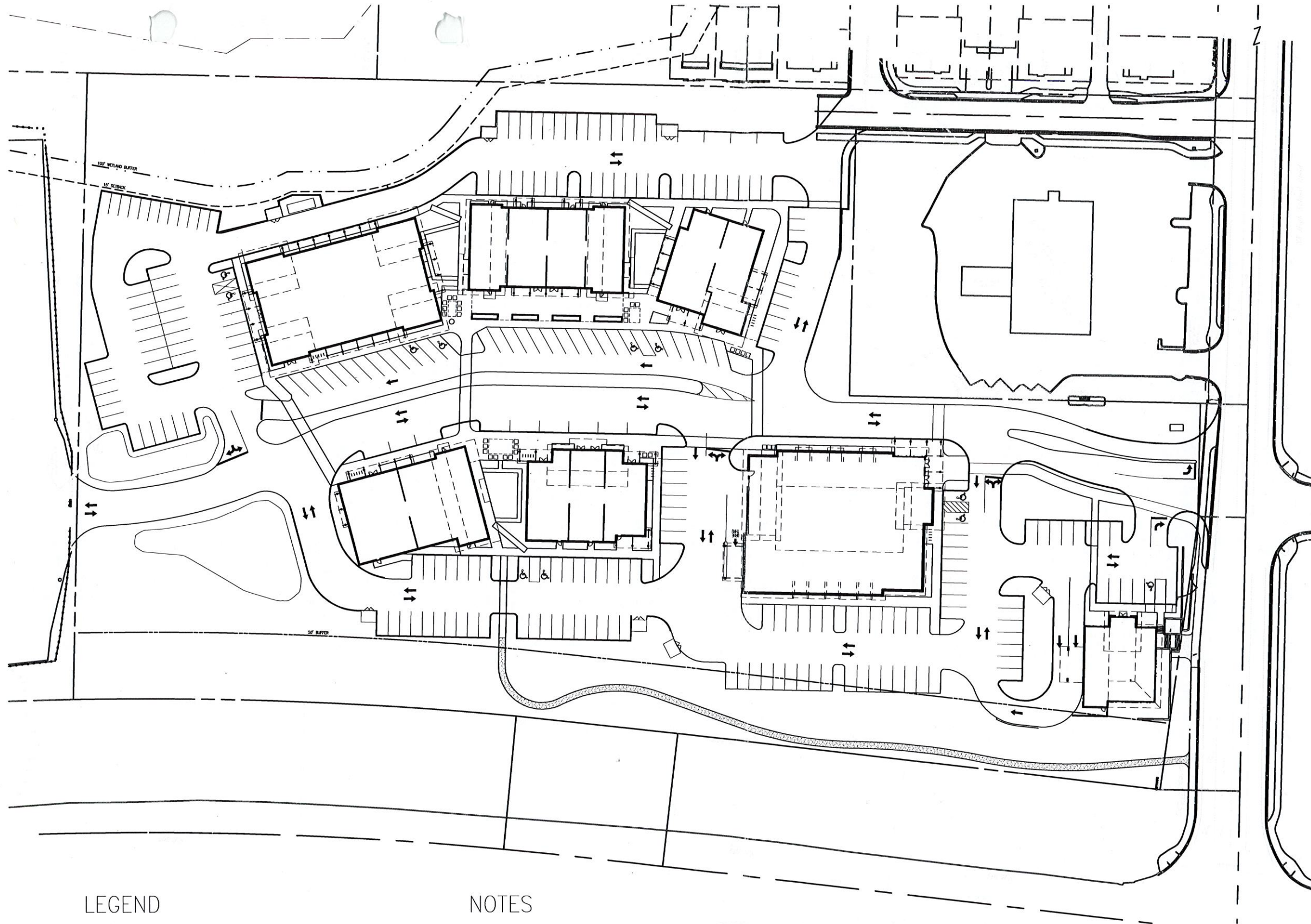
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Tree Retention Plan

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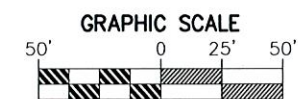


LEGEND

-  SEATING
-  PEDESTRIAN GATHERING SPACES
-  BIKE RACKS
-  DELINEATION BETWEEN CONCRETE WALKWAY AND PAVERS- SEE ILLUSTRATIVE PLANS FOR MORE DETAIL
-  PLANTER WALLS- SEE CIVIL FOR LARGER SITE WALLS
-  GRAVEL TRAIL

NOTES

1. REFER TO OTHER "L" SHEETS FOR TREE RETENTION PLAN AND LANDSCAPE/PLANTING PLANS.
2. REFER TO "C" SHEETS FOR GRADING, DRAINAGE, SITE WALLS, AND UTILITIES INFO.
3. PEDESTRIAN WALKWAYS & PLAZAS PRIMARILY STANDARD CONCRETE PAVING. SECONDARY PAVEMENT SYSTEM MAY BE USED IN PEDESTRIAN 'GATHERING AREAS.'
4. REFER TO ILLUSTRATIVE SITE PLAN AND SITE ENLARGEMENT SKETCHES FOR MORE DETAIL.



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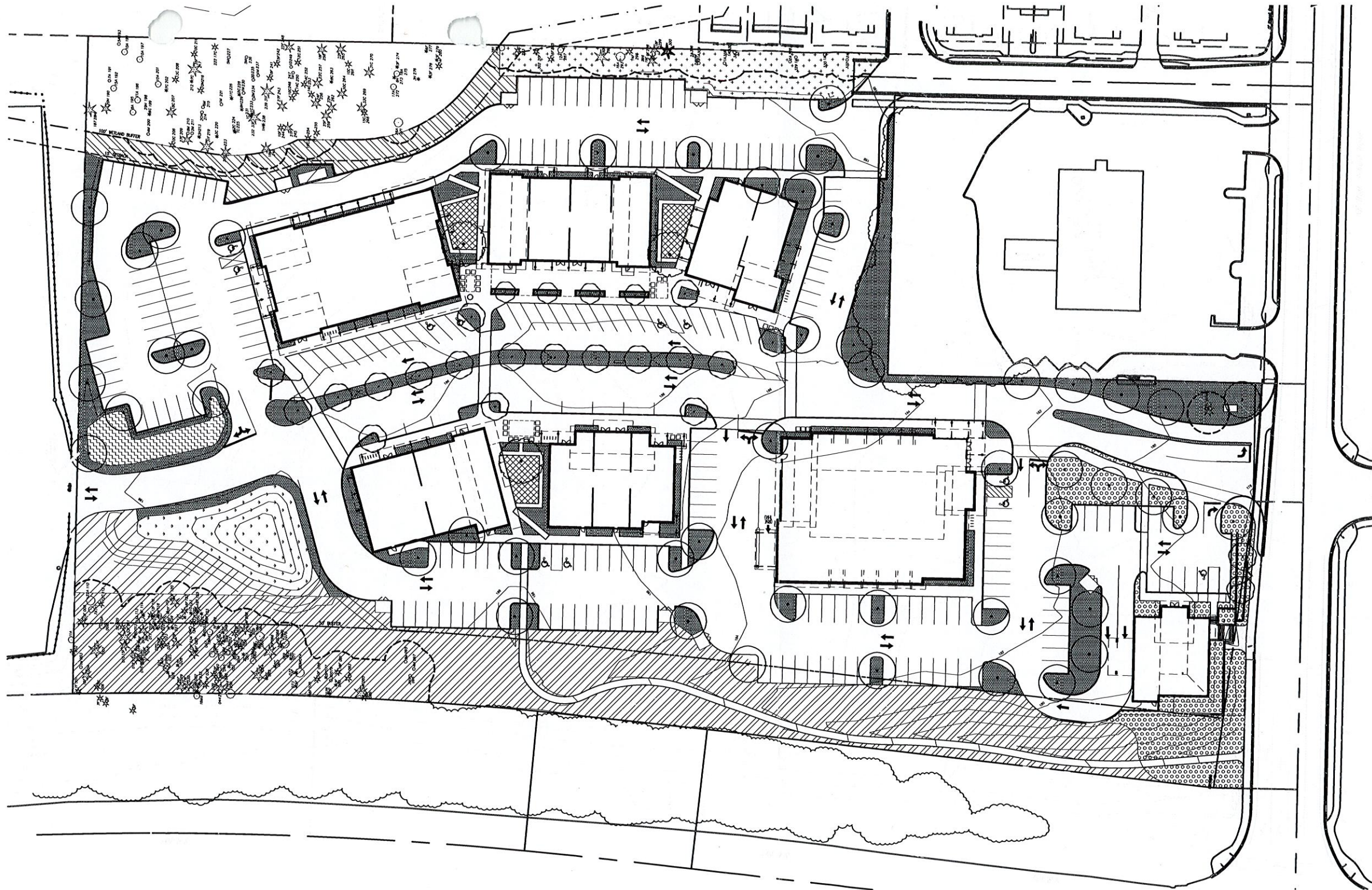
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Site Hardscape Plan

13

374

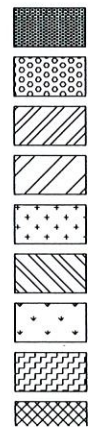
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LEGEND

- EXISTING SURVEYED TREE TO BE RETAINED & PROTECTED
- TREE PROTECTION BOUNDARY
- APPROX. TREE CANOPY FROM TREES OUTSIDE PROPERTY LINE PER AERIAL
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PROPOSED PLANTING AREAS- INDIVIDUAL TREES AND PLANTS NOT SHOWN



INTERNAL SITE PLANTING TYPE 1
INTERNAL SITE PLANTING TYPE 2
HWY 305 FULL SCREEN PLANTING
RESTORATION PLANTING
EAST SIDE FULL SCREEN PLANTING
WETLAND BUFFER SETBACK PLANTING
DETENTION POND HYDROSEEDING
RAIN GARDEN
THIRP

PLANTING PER BIMC 18.15.010 SECTION:

F.2.D
F.2.C
E.1
H.2
D.4.a
D.6.b
F.2.C & D
NA
NA

SQUARE FEET

31,779
9,612
40,888
5,506
7,257
6,531
5,104
2,274
2,150

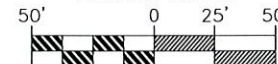
IRRIGATION STRATEGY

PERMANENT - DRIP AND/OR SPRAY
PERMANENT - DRIP AND/OR SPRAY
TEMPORARY - MANUAL
TEMPORARY - MANUAL
TEMPORARY - MANUAL
TEMPORARY - MANUAL
NONE
PERMANENT - DRIP
PERMANENT - SPRAY

NOTES

- REFER TO APPENDIX FOR LIST OF SPECIES FOR EACH PLANTING CATEGORY.
- PLANT QUANTITIES, SPACING, AND DENSITY FOR EACH CATEGORY AS REQUIRED IN APPLICABLE BIMC SECTIONS IDENTIFIED FOR EACH IN THE LEGEND.
- REFER TO THE TREE RETENTION PLAN FOR TREE PROTECTION BOUNDARIES. TREE PROTECTION PER BAINBRIDGE ISLAND CITY CODE 18.15.010 SECTION C. TO BE PLACED AT CANOPY DRIPLINE/ROOTZONE OF TREE, BOUNDARY ON PLAN SHOWN AS 15' FROM TRUNK.
- EXISTING 5' CONTOURS SHOWN IN DASHED GRAY. PROPOSED 2' CONTOURS SHOWN IN SOLID BLACK.

GRAPHIC SCALE



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Landscape Plan

L4

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Illustrative Site Plan

L5

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LEGEND

- PARKING LOT & STREET LIGHTING
- PEDESTRIAN PATHWAY LIGHTING
- ▲ SIGN LIGHTING
- ◆ EXTERIOR WALL MOUNT LIGHTING
- SOFFIT LIGHTING- FIXTURE TYPE WILL NOT BE VISIBLE



Scale: 1" = 40'-0"

0 20 40 80 Feet

VISCONSI MASTER PLAN

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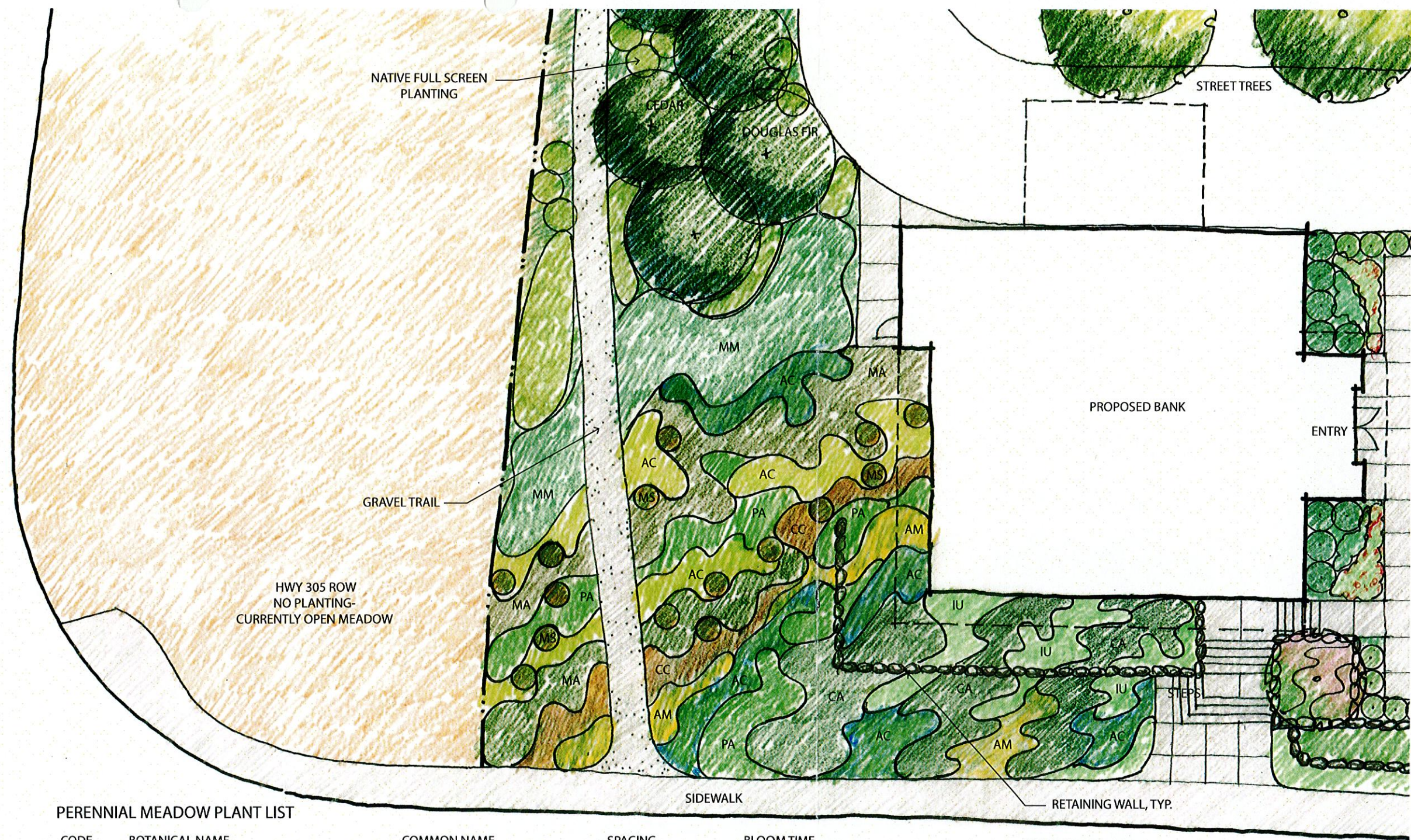
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Lighting Plan

L10

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VISCONSI MASTER PLAN

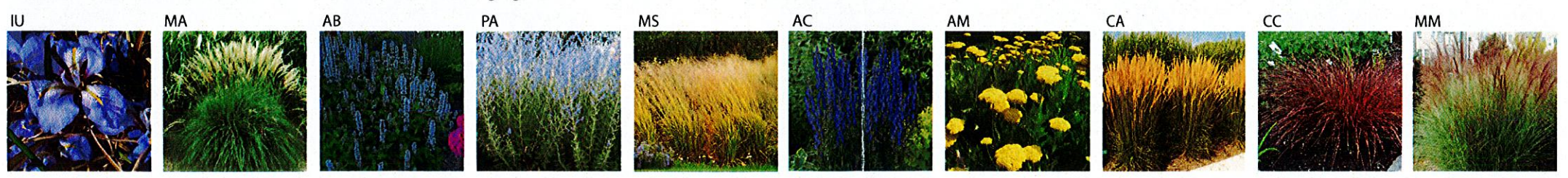
BAINBRIDGE ISLAND, WA 98110

VISCONSI COMPANIES, LTD

PERENNIAL MEADOW PLANT LIST

CODE	BOTANICAL NAME	COMMON NAME	SPACING	BLOOM TIME
IU	IRIS UNGUICOLRIS	Winter Blooming Algerian Iris	12" OC	EARLY SPRING
MA	MISCANTHUS SINENSIS 'ADAGIO'	Maiden Hair 'Adagio'	30" OC	SPRING
AB	AGASTACHE 'BLUE WONDER'	Blue Hyssop	12" OC	SPRING - LATE SUMMER
PA	PEROVSKIA ATRIPLICIFOLIA	Russian Sage	18" OC	EARLY SUMMER - LATE SUMMER
MS	MOLINIA ARUNDINACEA 'SKYRACER'	Tall Moor Grass	12" OC	MID SUMMER
AC	ACONITUM NAPELLUS	Monkshood	12" OC	MID SUMMER
AM	ACHILLEA 'MOONSHINE'	Yarrow	12" OC	MID SUMMER
CA	CALMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	Feather Reed Grass	12" OC	LATE SUMMER
CC	CAREX COMANS	Bronze New Zealand Hair Sedge	12" OC	LATE SUMMER
MM	MISCANTHUS SINENSIS 'MORNING LIGHT'	Maiden Hair 'Morning Light'	12" OC	LATE SUMMER

ALSO INCLUDE BULBS:
 NARCISSUS 'SUZY' Daffodil
 ALLIUM 'PURPLE SENSATION' Flowering Onion



SPR/CUP APPLICATION		
PROJECT	VISCONSI MASTERPLAN	
DATE	SEPTEMBER 4, 2013	
NO.	DESCRIPTION	DATE

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Landscape Enlargement
 Plan for Corner

L12

**NOTICE OF SEPA
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

The City of Bainbridge Island made a threshold determination concerning the following land use application:

Owner: Deschamps Partnership LP
Applicant: Visconsi Companies LTD

Permit Request: Visconsi Master Plan Site Plan and Design Review and Conditional Use Permit
fn: SPR/CUP17734

Description of Proposal: Construction of seven commercial buildings with 61,890 square feet of combined floor area and 261 parking spaces on five parcels totaling 8.16 acres. The proposed uses include retail sales, restaurants, professional services and health care facilities.

Location of Proposal: 10048 High School Road, located in Section 23, Township 25, Range 2E TA# 232502-3-026-2002 232502-3-027-2001, 232502-3-030-2006, 232502-3-036-2000 and 232502-3-043-200.

SEPA Decision: The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment, if measures to mitigate the proposal are used. This DNS is issued under WAC 197-11-355. This determination was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)c.

Comment: **There is no comment period for this action.**

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

Katharine Cook
Signature

11-22-13
Date

APPEAL: You may appeal this determination by filing a written appeal and paying the appropriate fee to the City Clerk, at 280 Madison Ave. N., Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 16.04.170, no later than December 6, 2013. You should be prepared to make specific factual objections.

If you have any questions concerning this application, contact:
Joshua Machen, AICP, Planning Manager
Department of Planning & Community Development
280 Madison Ave. N.
Bainbridge Island, WA 98110 (206) 780-3765
Fax: (206) 780-0955
Email: pcd@bainbridgewa.gov

Conditions for Visconsi Master Plan Mitigated Determination of Non-significance UP17734

SEPA Conditions

1. All graded materials removed from the subject property shall be hauled to and deposited at City approved locations (Note: local regulations require that a grade/fill permit is obtained for any grading or filling of 50 cubic yards of material or more if the grading or filling occurs on sites that have not been previously approved for such activities. A SEPA Threshold Determination is required for any fill over 100 cubic yards on sites that have not been previously received a SEPA determination).
2. Contractor is required to stop work and immediately notify the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation if any historical or archaeological artifacts are uncovered during excavation or construction.
3. To mitigate the possible impact on adjacent properties from light and glare, all exterior lighting shall be hooded and shielded so that the bulb is not visible from adjacent properties. All landscape lighting shall be downcast and lighting within surface parking lots shall be no higher than 14 feet above grade. All exterior lighting shall comply with BIMC Chapter 15.34.
4. In order to mitigate the impacts from light, glare, noise and human presence on the off-site wetland, the prescribed wetland buffer understory shall be enhanced by the removal of all invasive species (primarily English Ivy and Holly) and the replanting of native shrubs, plants and trees. A wetland buffer enhancement mitigation plan shall be submitted and approved by the Planning Department prior to construction of building #5 adjacent to the wetland buffer. All invasive species removal and restoration shall occur or an assurance device shall be provided prior to final inspection of building #5.
5. Prior to any clearing or grading on the site, chain-link construction fencing shall be installed and inspected by the City at the edge of the tree's dripline for trees being preserved as part of the development and along the 100 foot wetland buffer. Signs shall be affixed to the fence every 50 feet indicating the protected area.
6. No disturbance of the wetland buffer shall occur, except for buffer enhancement activities and the installation of a utility stormwater dispersal line to return treated stormwater to the wetland. Prior to installation, the applicant shall apply and receive approval of a Special Use Review. Proper buffer restoration/enhancement shall be proposed and implemented as part of the Special Use review (BIMC 16.20.160 G.).
7. All construction activities shall comply with the construction operating hours limitations contained in BIMC Chapter 16.16. Noise produced by this development must comply with the maximum environmental noise levels established by the Washington Administrative Code 173-60 or its successor.
8. No use in this development shall produce emissions of smoke, dust and/or odors beyond the property boundary that may unreasonably interfere with any other property owners' use and enjoyment of his/her property. In addition, all sources and emission units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Puget Sound Air Pollution Control Authority (PSAPCA), and shall apply to all air contaminants listed in that regulation.
9. In order to be consistent with the adopted codes and Comprehensive Plan policies and to provide non-motorized connections to the proposed development, the applicant is required to construct a multi-use trail from the High School Road intersection/crosswalk to the extent of the northern property line of the development. The trail shall be located within the Washington State Department of Transportation (WSDOT) right-of-way and shall meet the minimum standards for a shared-use path contained in the WSDOT Design Manual Chapter 1515 (minimum of 10 feet wide). The trail design shall tie into the crosswalk at High School Road and shall to the maximum extent feasible be located away from the highway driving lane, but then returning to the highway at the northern extent, allowing users to return to the paved roadside shoulder.

SR 305 right-of-way
Width 200 - 250 feet

'25

50'

DRB recommendation of project denial:

After exhaustive review of the Wintergreen townhouse project , where the applicant had numerous many opportunities to present a final plan that met the Design Standards and failed to do so, the DRB recommended denial of this project. As of this date, none of the 23 Design Standards have been met for this project.

Yet the applicant has continued since the final DRB review to tell City Council members, the public and others that they have addressed some or all of these deficiencies. These statements are not accurate, and not a true representation of events. Since the DRB recommendation of denial, the applicant has not presented any revised, new or additional plans that meet the design standards. The DRB worksheet (50 pages in length) included in the project staff report are accurate representation of the DRB thoughts and decision-making, resulting in a recommendation of denial for this project.

In addition, there are a couple of issues we would like to bring to the attention of the planning commission. They include the following:

Total long-term costs for Affordable Housing:

Bainbridge Island needs affordable housing and the DRB supports these efforts. DRB particularly supports the Housing Vision 2036 and comprehensive goals HO-1 through HO-9. However, affordability should not be based on monthly payments alone but should look beyond just the initial purchase costs.

Each housing unit (31 total) will be burdened by Homeowners Association dues including that for exterior maintenance (roofing repair, gutter and sidewalk cleaning, landscaping, exterior painting, etc.). Each townhouse unit will also carry a share of the routine maintenance cost of the storm water retention system as well as for Wintergreen Lane, as a private roadway (asphalt pothole repair, periodic seal coating, striping, etc.). What will these routine costs be per month/year, and will the Wintergreen Townhouse Association be building a reserve for long term repairs such as reroofing and repainting?

The developer has to date, not presented the proposed CCRs specific to Wintergreen. They did present Wallace Cottages CCRs, but they are NOT applicable to the townhouse layouts. For example, the current CCRs have no terms to address possible maintenance and repairs inside the airspace, located between the respective exterior townhouse wall(s), and the zero lot, property line(s).

Natural Area / Community Space – 17.12.050 A&B: Natural area/community space calculations:

This has been a concern of DRB throughout this project. To our knowledge, the developer has not presented an updated site plan that deletes from these calculations the square footage allocated to required parking lot landscaping as requested by the DRB. Parking lot landscaping is not a natural area or community space and should not be considered as such.

SR 305 Buffer and Setback Confusion:

This has been a long-term concern for the DRB throughout this project. These terms have been used interchangeably by the applicant which has caused great confusion. A natural vegetative buffer does not allow improvements or landscape elements of any kind. A setback identifies the edge of a building but does allow some improvements and landscape elements such as sidewalks etc. While you can locate sidewalks and other landscape elements in a setback you cannot do so in vegetated buffer.

The applicant has consistently asked for a 25 foot LANDSCAPE BUFFER from 305. The DRB has recommended a 50 foot BUFFER. The applicant then includes a BIMC required 10 foot SETBACK from that 25 foot line claiming they are providing 35 feet of area from the SR 305 ROW. Applicant then argues that the applicant and DRB are not far apart; only 15 feet apart in our discussion. This is incorrect and not accurate. The DRB has recommended a 50 foot vegetative buffer and BIMC requires a 10 foot setback for a total for a total of 60 feet of open area from the SR 305 ROW. Thus the difference is 25 feet which the applicant has said is not acceptable to them. The 2013 Visconsi HEX decision specified a 50 foot vegetative buffer. If that was the minimum requirement for a commercial project, it seems illogical to reduce the buffer for residential use where there are children playing and people living in their units 24 hr/day. That was the basis of the DRB recommendation for 50 foot vegetative buffer.

Proposed noise-barrier perimeter fence within the vegetative buffer along SR 305

As part of the discussion regarding the vegetative buffer along SR305 the applicant proposed a noise-barrier, perimeter fence. This fence will restrict wildlife habitat travels between SR-305 area, and the Wintergreen project site. This proposal does not conform to Part IV: Comp Plan Goals and Policies

1A. DRB rejected this proposal as a mitigating technique to reduce the 50 foot vegetative buffer that DRB has recommend.

Respectfully submitted,

Joe Dunstan
Chair, COBI Design Review Board.

From: Joseph Dunstan
Sent: Sunday, August 29, 2021 6:38 PM
To: Kimberly McCormick Osmond; William Chester; Ashley Mathews; Sarah Blossom; Joe Paar; Lisa Macchio; Yesh Subramanian
Cc: Christy Carr; Heather Wright; David Greetham; Bob Russell; Vicki Clayton
Subject: Final DRB thoughts RE: wintergreen townhouse project
Attachments: DRB cmts Aug 29 final.docx

HI all, In anticipation of the special scheduled PC meeting this week I am enclosing a short list of additional items of concern and clarification of statements made by the applicant at recent City Council meetings and other public venues. It was intended to be part of the project file for your review. Thank you for taking the time to read this before you meet on this project this week.

Respectfully submitted,
Joe

From: Joseph Dunstan
Sent: Friday, August 27, 2021 9:22 PM
To: Heather Wright; David Greetham
Cc: Kimberly McCormick Osmond; Lisa Macchio; Sarah Blossom
Subject: Wintergreen setback correction for PC meeting

Hi all, I received this email from Bob Russell Friday night and am sending it along for your review. for the PC review of the wintergreen project. This has been an on-going issue that needed constant clarification during the DRB review. I agree with Bob's assessment of the applicant's statements and intentions with regard to the setback.

I would remind everyone that the SR 305 hwy setback for the commercial use as decided by the 2013 HEX decision was 50 ft. We should not accept less for residential than for Commercial use.

Joe

Joe,

I believe Heather's buffer summary in Visconsi Master Plan Approval vs Wintergreen Proposal, Section III, proposed Applicant Buffer from SR-305, is incorrect, and needs to be changed prior to PC Meeting.

Heather says Applicant is proposing a 350' buffer. This is incorrect! The applicant is proposing only a 250' buffer.

The applicant has been ~~deceitful~~ all along, by always saying they are proposing a 350' buffer. The buffer by code, stops at the edge of the proposed improvements, the west-side of the new sidewalk. The building exterior is another 100' in ($250' + 100' = 350'$). This is not how code arrives at a buffer stopping point.

I think Heather got caught up in the Applicant talk, and NEVER checked the proposed site plan buffer width. The proposed Site Plan clearly indicates a 250' buffer.

I am sure Heather was rushing, and over-looked the site plan, is my guess. The applicant ~~speak~~ on the west buffer, has ALWAYS been BS, incorrect, and very deceitful. The Applicant just kept repeating this falsehood of 350' to anyone that would listen, over, and over, and over..

Heather needs to be reminded, so she can correct. The buffer dimension is probably the DRB's biggest issue, and from the very ~~get-go~~, so DRB needs this corrected, and quickly.

Sincerely,
Bob Russell
...and Have a great day!

Kelly Tayara

From: David Greetham
Sent: Tuesday, September 7, 2021 8:21 AM
To: Heather Wright; Kelly Tayara; Paul Nylund
Subject: RE: Wintergreen Townhomes CLARIFICATION

Categories: Entered in SG

Heather,
Good morning and will do!
Dave

From: Heather Wright <hwright@bainbridgewa.gov>
Sent: Tuesday, September 7, 2021 7:30 AM
To: David Greetham <dgreetham@bainbridgewa.gov>; Kelly Tayara <ktayara@bainbridgewa.gov>; Paul Nylund <pnylund@bainbridgewa.gov>
Subject: FW: Wintergreen Townhomes CLARIFICATION

Good morning team. Wanted you to be aware of the discussions on Wintergreen. Dave, would you respond to Kim re: the change is process and DRB discussion today by letting her know what I think is the truths that 1) the drb wanted to discus the change in subdivision process and 2) that the city did immediately tranmit the PC rec to the CC and that due to other competing items on the CC agenda and waiting on the consultant to complete the D4B manual changes, the item is scheduled for the 14th. Thanks.

HEATHER WRIGHT, AICP
Director of Planning and Community Development

www.bainbridgewa.gov

facebook.com/citybainbridgeisland/

206.780.3754 (office)

206.471-2721 (cell)



The Planning and Community Development Department (PCD) counter is now open for general questions Monday – Friday, 8 am to Noon. All permits require an [appointment](#) for submittal. If you have questions you want answered virtually, schedule an afternoon [appointment](#).

From: Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>
Sent: Tuesday, September 7, 2021 5:38 AM
To: Vicki Clayton <vicki.clayton@cobicommittee.email>; Joseph Dunstan <joseph.dunstan@cobicommittee.email>; Joe Deets <jdeets@bainbridgewa.gov>; Heather Wright <hwright@bainbridgewa.gov>
Cc: Todd Thiel <todd.thiel@cobicommittee.email>; Blair King <bking@bainbridgewa.gov>
Subject: Re: Wintergreen Townhomes CLARIFICATION

Hello all,

On July 8, 2021, the Planning Commission unanimously recommended that the proposed pre-application process improvements referenced by Vicki be immediately forwarded to the City Council for review and approval. I do not know why they are back before the Design Review Board.

As Vicki notes, these changes are very important to the City process for reviewing and approving project applications and I join Vicki in urging their adoption.

All the best,
Kim

From: Vicki Clayton <vicki.clayton@cobicommittee.email>

Sent: Monday, September 6, 2021 6:16 PM

To: Joseph Dunstan <joseph.dunstan@cobicommittee.email>; Joe Deets <jdeets@bainbridgewa.gov>; Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Heather Wright <hwright@bainbridgewa.gov>

Cc: Todd Thiel <todd.thiel@cobicommittee.email>; Blair King <bking@bainbridgewa.gov>

Subject: Re: Wintergreen Townhomes CLARIFICATION

I have been thinking about this for the entire day and want to address this a bit prematurely as an "after action report" as it relates to Wintergreen.

But first, I am a strong supporter of the need for affordable housing. With that being said, at this point, the proposed Wintergreen project is laboring under the pressure from affordable housing advocates to do this project in spite of its flaws. The task in front of the Planning Commission obviously has a focus on that 305 buffer but also the requirements of a subdivision (among other issues.) I want to continue to be supportive in any way I can in the PC deliberations, and I am in complete concurrence with Joe's comments below.

Related to moving forward, in July 2020, the DRB proposed a change in the sequence of meetings related to the project review process with which they are tasked. Huge progress has been made in actualizing this. At the DRB meeting tomorrow, this is again an agenda item. It is imperative that this new process be approved by the City Council asap. The ordinance is written. **What remains to be done?** If this new process had been in place at the very first Wintergreen meeting October 5, 2020, so much of this confusion perhaps could have been avoided. The applicant (including its non-profit partner HHB,) would have critical information, such as the need to review it as a subdivision, as well as buffer and setback requirements, and it goes on and on. This clarity of information would have allowed the applicant to **factually proceed forward in a due diligence mode to decide if the project was feasible on many fronts.** Time has been expended (or even wasted) by so many parties - the City staff, HRB, the applicant, the DRB and now the PC as well as the public. This is counterproductive and also costly.

I look forward to the DRB meeting tomorrow and hope we can make final progress forward to getting this new ordinance (related to the new process sequence) in the queue for Council approval ASAP. Please let me know if you have any questions and thank you in advance for reviewing this.

From: Joseph Dunstan <joseph.dunstan@cobicommittee.email>

Sent: Monday, September 6, 2021 11:06 AM

To: Joe Deets <jdeets@bainbridgewa.gov>; Vicki Clayton <vicki.clayton@cobicommittee.email>; Kimberly McCormick

Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Heather Wright <hwright@bainbridgewa.gov>

Subject: Re: Wintergreen Townhomes CLARIFICATION

Hi all, in an effort to quickly respond to Joe Deet's request for comments on Val Tollfeson's comments on the Wintergreen Project I made an erroneous statement that the four step subdivision review was not completed. I would like to correct this now. In my notes it is clear that the DRB and the city DID require a four step subdivision review and this was completed. (reference pg 28 of the DRB project worksheet). However in our DRB comments we noted that this project did not adequately address many of the issues in the four step process. Specifically, drawings did not reflect subdivision details and calculations. No natural areas were defined or calculated other than the required natural buffer from SR 305. Some of the categories have not been addressed and DRB could not review island character for scale, materiality, detail. Details are missing for zero-lot lines. This was particularly a problem for DRB review of design standard B-1 through B-5. this missing information contributed to a recommendation of denial for this project. The question of whether this project is a subdivision or MF project continues to be distraction in this review process. I apologize if this was confusing and I hope I have clarified this now.

Any questions, please do not hesitate to contact me

thank you

Joe

From: Joseph Dunstan <joseph.dunstan@cobicommittee.email>

Sent: Monday, September 6, 2021 9:19 AM

To: Joe Deets <jdeets@bainbridgewa.gov>; Vicki Clayton <vicki.clayton@cobicommittee.email>; Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Heather Wright <hwright@bainbridgewa.gov>

Subject: Re: Wintergreen Townhomes

Hi Joe and Vicki,

on Setback: Two days ago I found out the setback To SR305 for Vineyard Lane residential project is 50 ft thus bolstering the DRB recommendation of a similar 50 ft for Wintergreen project as a residential project. The site plan proposed by developer will have to be adjusted if there is a 50 ft setback and there will be some loss of units. This is why the developer is so adamant about a smaller setback. A smaller setback is not a good precedent along the SR 305 corridor for sure.

On traffic study: This has always been a problem. Wintergreen developers believe there will be less cars with 73 homes than with any commercial. Rationally, I don't see how this could be true. If you have kids you typically take 3-4 trips/day shuttling them to school, sports and music lessons. This would only add daily trips at this intersection. The existing situation at Wintergreen lane/Ace hardware intersection is very problematic right now. I do not believe the city traffic or state traffic engineers would allow a roundabout so close to the

signal intersection. Coming out of Ace parking lot is often very backed up from the signal and not possible to make a left hand turn. A roundabout won't help this constant problem.

on Multi-family vs Single family: This is a real problem in the COBI code. Any rational person looking at this project would think of it as MF not SF subdivision. No question. However COBI code allows subdivisions with zero lot lines and attached units in this zone.. The code should be amended to eliminate this . There is no reason in a high density zone that we should allow developers to propose a subdivision. Also the normal review process for a subdivision includes the four step process, where we prioritize open space and preservation of trees over location of homes. In this case there are no trees because 800 trees were cut down in 2013 for commercial project. Using a four step process a developer would be required to have much less density than currently being proposed. Why has this project not been required to follow the same subdivision process? I think this is a flawed review process. City should change to code to eliminate subdivisions in these zones.

My \$0.02 worth.

Joe

From: Joe Deets <jdeets@bainbridgewa.gov>
Sent: Sunday, September 5, 2021 4:31 PM
To: Joseph Dunstan <joseph.dunstan@cobicommittee.email>
Subject: FW: Wintergreen Townhomes

Joe and Vicki,

The message below from Val Toffefson to the Planning Commission was forwarded to me. I would be grateful for your thoughts.

Many thanks,

Joe

From: [G Val Tollefson](#)
Sent: Thursday, September 2, 2021 4:55 PM
Subject: Wintergreen Townhomes

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission,

I am writing strongly in support of the Wintergreen Townhomes subdivision, with several caveats.

There has been little meaningful progress on increasing the affordable housing base on Bainbridge Island in spite of years of effort by previous City Councils and Affordable Housing Task Forces. There are many reasons for this failure, and it serves no purpose to rehash them at this particular juncture.

If I understand the lay of the land correctly, there is concern that if Housing Resources Bainbridge (or some similarly situated entity) cannot raise funds to buy an interest in the property sufficient to establish Community Land Trust ownership to enable the affected properties to be affordable in perpetuity, then there

is a chance that the initially affordable units will soon become market rate units. While that is a legitimate concern, I personally think there is little realistic chance of that bad result. While the City / Planning Commission should insist on the affordability of the units for a substantial period of time while HRB raises the necessary funds, the history of funding good works on Bainbridge Island is such that HRB will ultimately succeed.

Having said that, my caveats are:

1. The City / Planning Commission should insist on the 50' setback from Hwy 305 as ordered by the hearing examiner. That setback is there to protect the interest of the citizens of Bainbridge Island in a view-shed along the highway, and the City has no business in negotiating that view-shed away.
2. Concerns about traffic/safety impacts on High School Road are legitimate, but could be largely mitigated by the installation of a mini-roundabout, similar to the one at Madison/Wyatt. Costs of any such improvements should be born by the developer.

A final comment/question: There seems to be some maneuvering around the question of whether this development is attached single family development or multi-family development. While I haven't found definitions in the Municipal Code or the Design for Bainbridge manual, it seems pretty obvious to me that attached single-family units are a multi-family development. A single family house stands by itself, everything else is multi-family.

Thanks for working on this. If you are successful, and you should be, you will have finally made some meaningful progress on this thorny problem of affordable housing.

Val Tollefson

Kelly Tayara

From: Hayes Gori <hayes@hayesthelawyer.com>
Sent: Tuesday, September 7, 2021 10:23 PM
To: Heather Wright
Cc: Kelly Tayara; David Greetham; BARBARA SMITH
Subject: Wintergreen Townhomes

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hello Heather,

We will be sending you a memo tomorrow with input on some of the salient issues for distribution to the Planning Commission.

Have you asked the Planning Commission about our having 10 minutes to speak at the beginning of the meeting, and whether they will take public comment?

Also, are all letters sent to pcd@bainbridgewa.gov being forwarded to the Planning Commission? Will all of the letters that have come in since the agenda packet was sent to the PC in late August be collected and send to the PC in a single file, perhaps by COB tomorrow?

Thanks,
Hayes

Law Office of Hayes Gori, PLLC
271 Wyatt Way NE, Suite 112
Bainbridge Island, WA 98110
(206) 842-6462
Fax: (206) 842-8238
<http://www.hayesthelawyer.com/>

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Kelly Tayara

From: Kimberly McCormick Osmond
Sent: Tuesday, September 7, 2021 8:20 AM
To: Heather Wright; Kelly Tayara; David Greetham
Subject: Re: Wintergreen Project - 18.12.030.E requirements

Thank you Heather - that's very helpful. Kim

Get [Outlook for iOS](#)

From: Heather Wright <hwright@bainbridgewa.gov>
Sent: Tuesday, September 7, 2021 7:22:06 AM
To: Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Kelly Tayara <ktayara@bainbridgewa.gov>; David Greetham <dgreetham@bainbridgewa.gov>
Subject: RE: Wintergreen Project - 18.12.030.E requirements

Great question. As you may know, this is the first project to utilize the FAR bonus by providing affordable pursuant to 18.12.030 bonus. The Section states you also have to meet 18.21, Affordable Housing. 18.21 does not have the break down of units. It does have one section that seems to provide the flexibility to allow units lower than the maximum threshold and that is 18.21.020.BH, Definition of Benefit which states "Where the code limits benefits to households whose incomes are at or below a specified income, the purpose is to include all categories of income, as defined in Chapter [18.36](#) BIMC, below the category specified. For example, if the benefit limit is, "to those households whose incomes are at or below low-income," households who are extremely low income, very low income and low income may benefit."

Please let me know if you have any questions.

Sincerely,
Heather

HEATHER WRIGHT, AICP
Director of Planning and Community Development

www.bainbridgewa.gov

facebook.com/citybainbridgeisland/

206.780.3754 (office)

206.471-2721 (cell)



The Planning and Community Development Department (PCD) counter is now open for general questions Monday – Friday, 8 am to Noon. All permits require an [appointment](#) for submittal. If you have questions you want answered virtually, schedule an afternoon [appointment](#).

From: Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>
Sent: Tuesday, September 7, 2021 5:28 AM
To: Kelly Tayara <ktayara@bainbridgewa.gov>; Heather Wright <hwright@bainbridgewa.gov>; David Greetham <dgreetham@bainbridgewa.gov>
Subject: Wintergreen Project - 18.12.030.E requirements

Good morning,

At the September 2 Planning Commission meeting, the Wintergreen Project applicant (Hayes Gori) suggested that the project may need a variance from 18.12.030.E, which requires that an optional FAR bonus for affordable housing for residential development more than 60,000 sf "must comply" with the following ratios - 0.1 for low income, 0.6 for moderate income and 0.3 for middle income. The project applicant stated that all 31 homes being proposed as affordable would be for "low income" groups.

Can you explain what would be required for the Wintergreen Project to be able to use the 18.12.030.E FAR bonus density provisions solely for "low income" groups?

Thanks very much,
Kim

Kelly Tayara

From: Kimberly McCormick Osmond
Sent: Wednesday, September 8, 2021 12:53 PM
To: Kelly Tayara; Lisa Macchio; Heather Wright
Subject: Re: Wintergreen and Community Space

Thank you Kelly - very much appreciated. Kim

From: Kelly Tayara <ktayara@bainbridgewa.gov>
Sent: Wednesday, September 8, 2021 12:47 PM
To: Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Lisa Macchio <lisa.macchio@cobicommittee.email>; Heather Wright <hwright@bainbridgewa.gov>
Subject: RE: Wintergreen and Community Space

Hello,
The applicant submitted a Community Space Management / Maintenance Plan today and it will be in your agenda packet for tomorrow's meeting.

Thank you,

 CITY OF
BAINBRIDGE
ISLAND
KELLY TAYARA
Senior Planner

www.bainbridgewa.gov
facebook.com/citybainbridgeisland/
206.780.3787 (office) 206.780.3750 (Planning Department)

From: Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>
Sent: Wednesday, September 8, 2021 3:57 AM
To: Kelly Tayara <ktayara@bainbridgewa.gov>; Lisa Macchio <lisa.macchio@cobicommittee.email>; Heather Wright <hwright@bainbridgewa.gov>
Subject: Re: Wintergreen and Community Space

Hi Kelly,
As the Community Space Maintenance Plan is a requirement of the preliminary plat application, I believe the Planning Commission will want to see that as part of their review/recommendation for this Project.
Thanks,
Kim

From: Kelly Tayara <ktayara@bainbridgewa.gov>
Sent: Tuesday, September 7, 2021 4:20 PM
To: Lisa Macchio <lisa.macchio@cobicommittee.email>; Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Heather Wright <hwright@bainbridgewa.gov>
Subject: RE: Wintergreen and Community Space

Hello,

A Community Space maintenance plan is required. It does not appear that this was submitted, but it is certainly a condition that would be appropriate to add prior to final plat or, if revisions to the preliminary plat are substantial or significant, prior to preliminary plat approval. As part of the analysis of the proposal, I will review the natural area management / maintenance plan for consistency with the regulations in BIMC 17.12.

Thank you,

 CITY OF
BAINBRIDGE
ISLAND
KELLY TAYARA
Senior Planner

www.bainbridgewa.gov
facebook.com/citybainbridgeisland/
206.780.3787 (office) 206.780.3750 (Planning Department)

From: Lisa Macchio <lisa.macchio@cobicommittee.email>
Sent: Monday, September 6, 2021 4:10 PM
To: Kelly Tayara <ktayara@bainbridgewa.gov>; Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Heather Wright <hwright@bainbridgewa.gov>
Subject: Wintergreen and Community Space

Kelly,

I've attached an excerpt regarding community space for subdivisions from the relevant Bainbridge Code. I read this part of the code as I was reviewing the staff report, the site plans and other materials and did not find what I think is a required community space maintenance plan regarding the proposed Wintergreen development consistent with 17.12.050 B requires. Can you help me understand if there was a community space maintenance plan submitted by the applicant?

I did see what appears to be the applicant's natural area management plan on sheet 3/8 of the applicant's Preliminary Plat, dated 3/25/21. However, I did not find one for the community space.

Thanks in advance for any details or insight you can provide to me.

Lisa Macchio

Sent from [Mail](#) for Windows

Kelly Tayara

From: BARBARA SMITH <smithhouse4@comcast.net>
Sent: Wednesday, September 8, 2021 10:53 AM
To: Kelly Tayara
Cc: Gavin Oak; hayes@hayesthelawyer.com
Subject: Re: WINTERGREEN TOWNHOME -COMMUNITY SPACE MAINTENANCE PLAN

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Kelly,

Please let me know if I need to add anything to the CSMP. I am ready to make corrections immediately.

Thanks, David

On 09/08/2021 10:49 AM BARBARA SMITH <smithhouse4@comcast.net> wrote:

WINTERGREEN TOWNHOME COMMUNITY SPACE MAINTENANCE PLAN

APPROVED USES: The approved uses include a pea patch in the West Lot's community area as well as sitting, grass play areas and patios with picnic and gathering areas in both the East and West Lot's community areas. The Wintergreen Landscape plan graphically shows the approved uses.

MAINTENANCE PLAN: The community areas will be maintained by the Wintergreen Townhome HOA on a bimonthly schedule. The scope of the maintenance activities, as listed in BIMC 17.12.05 Section B and the Bainbridge Island Administrative Manual will be adopted verbatim in the Wintergreen Townhome's CC+Rs. The final Wintergreen Townhome plat will also include the approved Community Space Maintenance Plan.

CSMP FILED WITH KITSAP COUNTY AUDITOR WITHIN 30 DAYS OF FINAL PLAT: Upon final plat approval of the Wintergreen plat the plat will be filed and recorded with the Kitsap County Auditor within 30 days.

Kelly Tayara

From: Heather Wright
Sent: Wednesday, September 8, 2021 1:28 PM
To: Kelly Tayara; David Greetham
Subject: Fwd: Wintergreen - Question from Applicant

Please see request from Chair on topics to be covered, and the agenda revision.
Get [Outlook for iOS](#)

From: Joe Paar <joe.paar@cobicommittee.email>
Sent: Wednesday, September 8, 2021 6:06:23 AM
To: Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>
Cc: Heather Wright <hwright@bainbridgewa.gov>
Subject: Re: Wintergreen - Question from Applicant

I agree with Kim and I think we need to plan for a third meeting and end the meeting at the time stated in the agenda.

I can do the call at 9:45 tomorrow, but I have a meeting starting at 10 so I'll only be available for 15 minutes which should be fine.

Best regards,

Joe Paar
206.830.0929

On Sep 8, 2021, at 3:52 AM, Kimberly McCormick Osmond
<Kimberly.McCormick.Osmond@cobicommittee.email> wrote:

Hi Heather,

I would like to focus this meeting on Planning Commission discussion and the two "big picture" issues for this project - the 31 affordable homes and the SR 305 vegetated buffer. Toward that end, my intent was to start the meeting with an overview of those two issues and a summary of the factual issues associated with them. After that summary, the applicant could speak if it would be helpful/relevant to the PC's discussions. I want to try and avoid repeating what we already heard from the project applicant last week, as we have limited time and would like to make as much progress as we can on forming consensus around a recommendation. It is given that the Planning Commission supports affordable housing - our job is to review the project and provide a recommendation based on the Comprehensive Plan, the Design for Bainbridge guidelines and standards and applicable code provisions, including the decision criteria for a site plan review, conditional use permit and residential subdivision.

We will be taking public comment and I would like to have the agenda revised to reflect that when Kelly reissues the agenda packet. It would also be helpful to include that information in any revised City Manager Report that is issued to correct last Friday's report regarding the

Planning Commission's September 9 agenda. Finally, I anticipate we will need one more meeting to finish our work on this project and would like to request that it be included on the September 23 agenda.

Moving our agenda setting call on Thursday to 9:45 a.m. works for me.

I hope this helps.

Kim

From: Heather Wright <hwright@bainbridgewa.gov>
Sent: Tuesday, September 7, 2021 10:40 PM
To: Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Joe Paar <joe.paar@cobicommittee.email>
Subject: Wintergreen - Question from Applicant

Hello Kim and Joe,

The applicant has requested that they speak for 10 minutes before the PC deliberates on Thursday evening. They also want to know if the public will be able to speak at the meeting. Would you please let me know the answer to these two questions?

Also, I am going to ask that Kelly compile the comments received to date and amend the PC packet so that the PC and public are informed with the same information as there have been many emails coming in on this project and I don't want anyone left out.

Finally, may we move our start time on Thursday from 9:30 to 9:45? I am in a conference this week and the break is from 9:45 to 10 am.

Thanks for considering.

Sincerely,

Heather

HEATHER WRIGHT, AICP

Director of Planning and Community Development

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206.780.3754 (office)

206.471-2721 (cell)

<image001.jpg>

The Planning and Community Development Department (PCD) counter is now open for general questions Monday – Friday, 8 am to Noon. All permits require an [appointment](#) for submittal. If you have questions you want answered virtually, schedule an afternoon [appointment](#).

Hello Heather,

Please forward this memo to the Planning Commission for their consideration before the September 9 meeting. In this memo we address several issues that have been under discussion.

Departure/variance request to allow all 31 affordable units to be sold to low income households is not necessary. Thank you for pointing out the verbiage in BIMC 18.12.030.E.1.a that provides: “*Development of the optional affordable housing shall be in accordance with Chapter 18.21 BIMC **and** Table 18.12.030.*” (emphasis mine)

Chapter 18.21 BIMC, which governs affordable housing constructed pursuant to density bonuses (which is the case with our project) provides as follows: “*Where the code limits benefits to households whose incomes are at or below a specified income, the purpose is to include all categories of income, as defined in Chapter [18.36](#) BIMC, below the category specified. For example, if the benefit limit is, “to those households whose incomes are at or below low-income,” households who are extremely low income, very low income and low income may benefit.*” See BIMC 18.21.020.H.

Table 18.12.030 provides as follows (yellow highlights are applicable):

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
Affordable Housing FAR Bonus	Must provide 100 percent of bonus square footage for extremely low, very low, or moderate income groups.	Must comply with following ratios: (a) 100 percent of bonus for all moderate; OR (b) 0.2 of bonus for extremely low, very low, or low income groups; 0.5 of bonus for moderate income group; and 0.3 of bonus for middle income group.	Must comply with following ratios: 0.1 of bonus for extremely low, very low or low income groups; 0.6 of bonus for moderate income group; and 0.3 of bonus for middle income group.

Per BIMC 18.12.030.E.1.a, Table 18.12.030 must be read in light of BIMC 18.21.020.H, which means that “moderate income group” and “middle income group” in the table both include all lower income groups. Thus, the code allows us to sell 100% of the affordable units to low income households. No departure or variance from the code is necessary.

The natural areas and community spaces are consistent with the code. Per BIMC 17.12.070.E, in all residential subdivisions, “*Any area not designated as a public or private access, buffers, lots or utility tracts shall be designated as either natural area or community space, in accordance with the objectives in either BIMC 17.12.050.A.1 or 17.12.050.B.1.*” This is what we have done.

The natural areas are all inside roadside buffers, and therefore the minimum width is 5 feet (see BIMC 17.12.050.A.5.e and Table 17.12.070-1). The natural areas meet one or more of the following objectives: preserve and protect natural resources and ecological functions; preserve and protect native soils and topography;

preserve and protect scenic views along roads; promote interconnected open space, wildlife corridors, and undeveloped areas; and promote a development pattern consistent with island character. And the natural areas, to the extent feasible, are concentrated in large consolidated areas (with perimeter-to-area ratios that are as low as feasible); connect to adjacent off-site open space areas, designated wildlife corridors and trails, and/or critical areas; and preserve views from off site of the subject property.

There is no minimum width for community space. The community spaces in the project meet one or more of the following objectives: provide a place for residents to gather in shared space; provide common buildings, open space, or gardens; provide space for unstructured recreation; enhance a felt and actual sense of security, identity, and community; and provide a protected, traffic-free environment. And the community spaces adjoin 59 of the 73 lots, and the non-adjacent lots have easy access by way of sidewalks.

As stated in the staff report, our project exceeds what is required by code in terms of natural area and community space:

Natural Area: 15.18% (5% required by code)

Community Space: 13.9% (10% required by code)

This is so because the project is using only about 75% of the allowed density. This allowed us to design the project such that every unit either fronts or backs onto a natural area or community space.

The project will generate less traffic than commercial development, and it will have less traffic, and lower speeds, than other residential projects on the Island. The City Engineer finds that, provided recommended conditions are adopted, the site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications, and that the streets and pedestrian ways as conditioned are adequate to accommodate anticipated traffic. The traffic study indicates that our project will generate substantially less traffic than commercial development. And within the site, the only traffic will be residents, and Lumbermen's and VM customers. There are multiple traffic controls within the site (3 stop signs the length of our project alone), which serve to keep vehicle speeds under 20mph. This is a much better safety profile than projects that front Madison Avenue and High School Road for example. (NOTE: The overall safety of the project will be greatly enhanced if the courtyard area on the west lot is preserved – see Buffer discussion below.)

The applicable guidance requires a 25-foot vegetated buffer along SR 305, and a wider buffer would only serve to degrade quality of life for the residents. At the September 2 meeting the Planning Director and the Chair of the Design Review Board clarified that the DRB's recommendation of a 50-foot vegetated buffer along SR 305 was just that, a recommendation, and not a mandate that had been laid down by the DRB. This is consistent with BIMC 2.16.125.E.5, which provides that the DRB is an advisory body, and that its recommendations are not final decisions. The Planning Commission must determine how much weight to give to the DRB's recommendation of a 50-foot buffer.

With respect to the buffer along SR 305, the guidance we have is the table on page 62 of the Design for Bainbridge Manual (which provides a range of 25 to 50 feet for the width of the buffer), and Table 17.12.070-1 (which provides a minimum building setback of 25 feet to SR 305). In accordance with rules of statutory construction, we have to interpret the two tables in relation to each other and in a way that all provisions are harmonized and given effect. In other words, if there's a way to interpret the two tables such that there's no conflict between them (and therefore no need for one to supersede the other), then that's what we must do. Under these guidelines, the only way to harmonize and give effect to the two tables is to interpret them, collectively, to require a 25-foot vegetated buffer. A buffer wider than 25 feet results in conflict between the two tables in that it overrides Table 17.12.070-1's allowance that the buildings can be within 25 feet of SR 305. In other words, a buffer wider than 25 feet negates the 25-foot setback set forth in Table 17.12.070-1 and effectively rewrites it to the recommended width of the buffer. (NOTE: It's not always possible to harmonize statutory provisions. For

instance, if Table 17.12.070-1 provided for, say, a 10-foot setback, then we would not be able to harmonize the two tables and give effect to both. But that's not the case here. Here, we can harmonize, and we must do so.) Thus, the appropriate recommendation for the vegetated buffer along SR 305 is 25 feet as it harmonizes and gives effect to the two applicable tables. (NOTE: We are proposing a 25-foot vegetated buffer and a 35-foot building setback along SR 305.)

The foregoing interpretation is warranted for other reasons. First, if the DRB's recommendation of a 50-foot buffer were to be adopted, as stated above, it would effectively rewrite Table 17.12.070-1. However, citizen advisory committees do not have the authority to override city code, to legislate. Legislative powers reside exclusively with City Council. Second, developers, as a matter of due process, are entitled to know with certainty which development standards apply to their project. See RCW 58.17.033 (land use applications are to be considered under the ordinances in effect at the time a fully completed application is submitted). We started our design work in the Fall of 2020, and we had a 25 foot buffer along SR 305 from the get-go in reliance on the applicable guidance. The Pre-Application Conference confirmed the validity of the 25-foot buffer in conjunction with Table 17.12.070-1. Then, five months into the land use review, the DRB recommended a 50-foot buffer. Thus, when we submitted our application in February 2021, and when it was deemed complete in April 2021, we still did not have certainty on the buffer – rather, we had unclear and conflicting guidance from City staff and the DRB. This is the opposite of certainty, and it highlights the problems with the interplay between the Design for Bainbridge Manual and BIMC. Third, in the absence of the ability to harmonize the two tables, which fortunately we are able to do here, there is inadequate guidance in the table in the Design for Bainbridge Manual explaining how the DRB should exercise its discretion in terms of selecting the high end of a range versus the low end. This puts the DRB in an untenable position and arguably renders this delegation of authority to the DRB constitutionally infirm.

Not only is a 25-foot vegetated buffer required by the applicable guidance, but also it is the correct thing to do from a design standpoint. Attached are two site plans, both prepared by our engineer. The one in color is the one we are proposing with a 25-foot vegetated buffer and 35-foot building setback from SR 305 on the west lot. The other one shows the west lot with the 50-foot vegetated buffer proposed by the DRB, which results in a 60-foot building setback from SR 305. If you do a side by side comparison of the site plans (specifically the west lots), the destructive effects of the 50-foot buffer are obvious. Among other things, the 50-foot buffer results in the following: loss of 3 affordable units, loss of 5 parking spaces, reduction of the courtyard area in the west lot from approximately 40 feet to 14 feet (eliminating or reducing amenities), and relocation of detention tanks in the buffer along SR 305 because there is nowhere else for storm drainage. These changes would reduce the amount of sunlight in the west lot, result in less vegetation (including trees) in the courtyard area, and force residents (including children) to find other places to gather and play, which could result in more crossings of Wintergreen Lane, thereby reducing overall safety. Also, as set forth in the noise engineer's report, increasing the width of the buffer has only a negligible impact on noise reduction. According to Mr. Dunstan at the September 2 meeting, the rationale for a wider buffer was to heal the land by replanting trees. However, as shown in the attached site plan, the detention tanks have to be moved into the buffer, and no trees can be planted over the tanks, which rules out replanting trees in about half of the added buffer width.

NOTE: We are environmental builders, and thus we are sensitive to the loss of trees on the site (even though not by our hand). As a gesture of good faith, we have put a lot in Fort Ward under contract (about 0.2 of an acre) for \$95,000 with the intent of putting a conservation easement over it to replicate the trees that would have been added in a wider buffer. The property is covered with existing mature trees. If this is of interest to the PC, we can discuss it further at the September 9 meeting.

The DRB's recommendation is incomplete and inconsistent. The Planning Commission is required to give weight to the DRB's recommendation. This guidance begs the questions: What is the recommendation? How much weight is to be given to it? As to the first question, the answer is only the video of the June 21 meeting, and the last page of the D for B Worksheet. That's it. This is so because the land use review process is divided into two phases: proposal and application. During the proposal phase the DRB gives the applicant guidance. The applicant then takes that guidance and prepares a land use application. This is exactly what happened here. In

the course of preparing our land use application, we consulted extensively with architect Charlie Wenzlau, who is not only a talented architect with intimate knowledge of the Design for Bainbridge Manual, but who also was the architect for the Visconsi Group in 2013-2014 when the overall site plan was approved, and thus he is intimately familiar with the site and the prior approval. Our application was deemed complete by the City on April 15, 2021, and we had our final meeting with the DRB on June 21, 2021, which was over 3 ½ months since we had last met with the DRB. In those 3 ½+ months we made many design changes (suggested by the DRB and Charlie Wenzlau), and prepared and submitted, with Charlie Wenzlau's assistance, copious application documents, including a Statement of Design Intent and detailed comments in the D for B Worksheet (designated **APPLICANT 06/14/2021**) explaining why the project meets all 23 Design Standards. Thus, when the DRB reviewed the project on June 21, 2021, it was the first time they had seen it during the application phase, and it was considerably different, improved and polished since they'd last seen it. Per the Design for Bainbridge Manual and BIMC, the DRB was charged with reviewing the project and, more specifically, *"The design review board will forward written findings, their determination of the project's consistency with the design guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner."* See BIMC 2.16.125.E.4.b (emphasis added). The DRB failed to follow this guidance in that they did not respond at all to our June 14, 2021 comments in the D for B Worksheet. All of the DRB's comments in the worksheet are from February or March, months before our application was deemed final. Thus, the PC has no written comments specific to our project, as submitted in April 2021, regarding its consistency with the design guidelines. This is the critical information that the PC is supposed to give weight to. But it's non-existent. All we have is the video of the June 21 meeting, which hopefully the PC members have had a chance to watch, or at least the portion from the 2:32 mark to the 2:50 mark, and the last page of the D for B Worksheet. As for the video, what is undisputed is that the DRB was prepping an "Approval with Conditions" very late into the meeting – which means a majority of the DRB was supportive of this recommendation, and which recommendation necessarily means that the project meets all 23 Design Standards – when a discussion of the vegetated buffer along SR 305 ensued. Following this discussion, the recommendation changed to "Denial with Deficiencies" and included the statement "Does not meet the 23 Design Standards listed in the Design for Bainbridge book."

As for the stated deficiencies, we have addressed/remedied them as follows:

23 Design Standards: Our June 14, 2021 comments in the D for B Worksheet are the only comments the PC has as to compliance with the Design Standards with respect to the project we submitted (as opposed to the conceptual and necessarily incomplete materials we submitted during the proposal phase).

50-foot buffer – This is discussed above. It's a legal issue more than a design issue, and as such is not within the DRB's purview, and therefore is not something the PC and other reviewing bodies should give weight to. But even if viewed as a design issue, as discussed above it is not something to be endorsed.

Lack of updated landscaping plan – Remedied

Unit floor plan on landscape plan – Remedied

Screening on north and sound sides - Remedied

Articulation on building ends - Remedied

Materials and colors – Remedied (there is a materials/colors palette at City Hall for the PC to view)

Traffic flow – As stated above, the City Engineer approves of the traffic flow, and as the DRB notes it is consistent with the Visconsi approval.

In legal parlance, where, as here, the record from below is not developed enough to allow for deference to the lower body's decision, the reviewing court must necessarily do a *de novo* review. That's the position the PC

largely finds itself in. The video sheds light on the DRB's thinking separate and apart from the buffer issue, there is nothing from the DRB regarding the project's compliance with the Design Standards (other than the circumstantial evidence of the DRB prepping an "Approval with Conditions" during the June 21 meeting), and we have addressed or remedied all of the identified deficiencies.

Clarification. – In a local newspaper article and elsewhere, there have been comments to the effect that we are asking for compromises in terms of the review process and the code. Not true. Although the Comp Plan calls for flexible permitting processes for affordable housing projects (and the PC can certainly factor this into its review), we have gone through normal permitting process (and then some), and we believe our project meets code without any "affordable housing discount." And although the Comp Plan calls for financial assistance for affordable housing projects, other than the bonus FAR, we are receiving no financial contributions from the City or otherwise. In this regard, it's important to note that affordable housing projects do not happen without significant financial contributions. For instance, Ferncliff Village was made possible by private donation of the land. Here, with our project, we are contributing over \$400k to HRB and Housing Kitsap to cover their costs and then some, and we are subsidizing the sale of the affordable units to low income buyers (about \$50k per unit for the 28 units that could be sold to moderate and middle income households).

Kelly Tayara

From: Hayes Gori <hayes@hayesthelawyer.com>
Sent: Wednesday, September 8, 2021 1:43 PM
To: Heather Wright
Cc: Kimberly McCormick Osmond; Joe Paar; Lisa Macchio; William Chester; Ashley Mathews; Yesh Subramanian; Sarah Blossom; Kelly Tayara; David Greetham; Blair King; PCD
Subject: Wintergreen Townhomes - Memo to Planning Commissioners
Attachments: Applicant Memo to Planning Commission - 9-8-2021.pdf; APPLICANT'S SITE PLAN WITH 25 FOOT BUFFER.pdf; SITE PLAN WITH DRB RECOMMENDED 50 FOOT BUFFER.pdf

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Hello Heather,

Attached is a memo (and two associated site plans) discussing various salient issues for the Planning Commissioners' review in advance of the meeting tomorrow night. I hope they find it helpful. Since you are out of office, I am copying the Planning Commissioners in the interest of time.

Also, I request that the attached memo (and the two associated site plans) be included in the City's files for the project.

Thanks,
Hayes

Law Office of Hayes Gori, PLLC
271 Wyatt Way NE, Suite 112
Bainbridge Island, WA 98110
(206) 842-6462
Fax: (206) 842-8238
<http://www.hayesthelawyer.com/>

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SITE PLAN

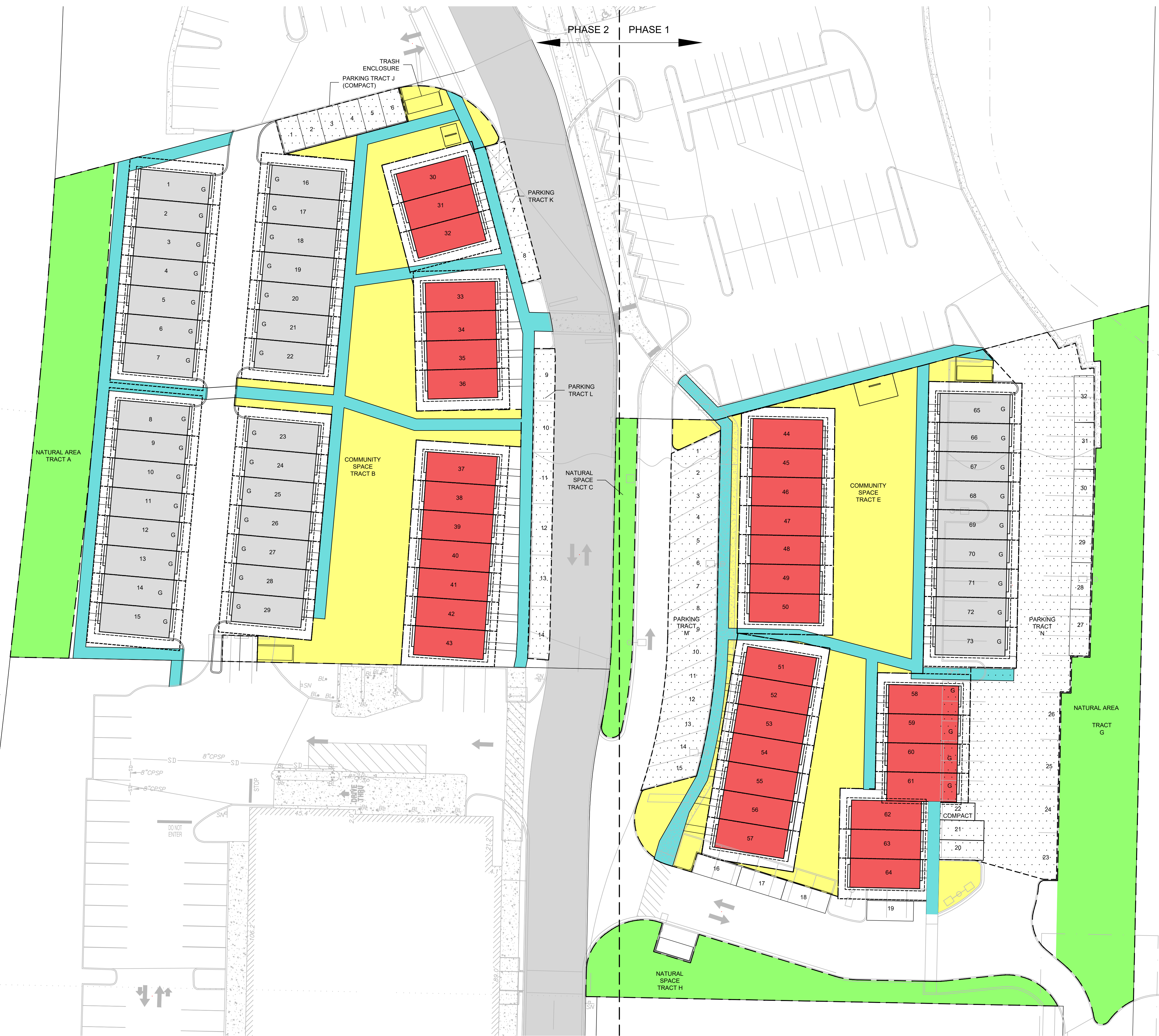
SCALE: 1" = 20'

0 5 10 20 40

PRELIMINARY
NOT FOR CONSTRUCTION



SITE PLAN 50' BUFFER WINTERGREEN TOWNHOMES PLANNING COMMISSION			
BROWNE • WHEELER ENGINEERS, INC 241 ERICKSEN AVENUE NE BAINBRIDGE ISLAND, WA 98110 P 206.842.0605 INFO@BrowneWheeler.COM	CENTRAL HIGHLANDS BUILDERS, INC PO BOX 2879 POULSBORO WA 98370	DATE 9/7/21	PC1



SINGLE FAMILY RESIDENTIAL SUBDIVISION
ZONING = HS II

BUFFERS AND SETBACKS
FULL SCREEN LANDSCAPE BUFFER = 20' BETWEEN HS II AND R-6 (18.15.010-3)
BUILDING SETBACK FROM SR 305 = 25' (17.20.070-1)

PERIMETER BUFFER IN HS II ZONE = 0' (17.12.070.O.2)
ROADSIDE BUFFER IN HS II ZONE = 0' (17.12.070.P)

NO WILDLIFE CORRIDORS

NATURAL AND COMMUNITY SPACE
WEST LOT 57,499SF
NATURAL AREA (5%) = 2875 SF REQUIRED
5264 SF PROPOSED
COMMUNITY SPACE (10%) = 5750 SF REQUIRED
9755 SF PROPOSED

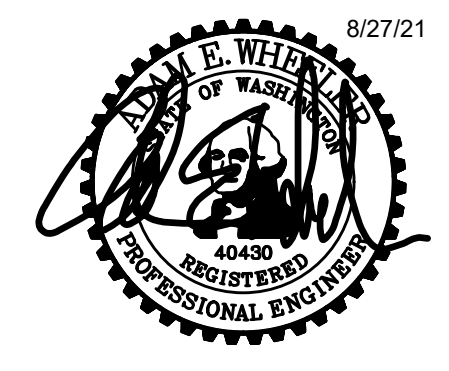
EAST LOT 70,567 SF
NATURAL AREA (5%) = 3528 SF REQUIRED
12,796 SF PROPOSED
COMMUNITY SPACE (10%) = 7057 SF REQUIRED
10580 SF PROPOSED

LEGEND

- 3 STORY TOWNHOUSE
1 CAR GARAGE PARKING
- 2 STORY TOWNHOUSE
1 OPEN PARKING SPACE
AFFORDABLE UNIT
- NATURAL SPACE
- COMMUNITY SPACE
- PATHS AND SIDEWALKS
- PARKING TRACT
- PROPERTY LINE

PRELIMINARY
NOT FOR CONSTRUCTION

REVISION 2 8/27/21 AEW ADDED AFFORDABLE UNIT NOTE
REVISION 1 3/17/21 AEW ADDED SHEET



SITE PLAN IN COLOR WINTERGREEN TOWNHOMES PRELIMINARY PLAT		
BROWNE • WHEELER ENGINEERS, INC 241 ERICKSEN AVENUE NE BAINBRIDGE ISLAND, WA 98110 P 206.842.0605 INFO@BrowneWheeler.COM	CENTRAL HIGHLANDS BUILDERS, INC PO BOX 2879 POULSBORO WA 98370	DATE <u>3/18/21</u> DESIGNED <u>AEW</u> DRAWN <u>NDW</u> CHECKED <u>AEW</u> PROJECT # <u>CE02-008</u>
		C5 5 OF 7

From: [Tina](#)
To: [PCD](#)
Cc: [Phedra Elliott](#)
Subject: Wintergreen Project
Date: Thursday, September 2, 2021 6:39:46 PM

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Members of the Planning Commission

Having lived on the Island for 31 years and been on the HRB Board for a great portion of that time, I recommend approval of the Wintergreen Project.

I feel it meets Guiding Principles 3,4 and 6. HRB is a good partner in this project, which would make the 31 homes affordable in perpetuity.

We all know what a crisis housing is on Bainbridge. Approval of this project may help to alleviate some of this stress.

Thank you

Tina Gilbert

HRB Board Member

BYS Board President

And a proud member of the Bainbridge Community

From: [G Val Tollefson](#)
To: [Kimberly McCormick Osmond](#); [Sarah Blossom](#); [Ashley Mathews](#); [Yesh Subramanian](#); [William Chester](#); [Lisa Macchio](#); [Joe Paar](#)
Cc: [Christy Carr](#); [PCD](#)
Subject: Wintergreen Townhomes
Date: Thursday, September 2, 2021 4:55:48 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission,

I am writing strongly in support of the Wintergreen Townhomes subdivision, with several caveats.

There has been little meaningful progress on increasing the affordable housing base on Bainbridge Island in spite of years of effort by previous City Councils and Affordable Housing Task Forces. There are many reasons for this failure, and it serves no purpose to rehash them at this particular juncture.

If I understand the lay of the land correctly, there is concern that if Housing Resources Bainbridge (or some similarly situated entity) cannot raise funds to buy an interest in the property sufficient to establish Community Land Trust ownership to enable the affected properties to be affordable in perpetuity, then there is a chance that the initially affordable units will soon become market rate units. While that is a legitimate concern, I personally think there is little realistic chance of that bad result. While the City / Planning Commission should insist on the affordability of the units for a substantial period of time while HRB raises the necessary funds, the history of funding good works on Bainbridge Island is such that HRB will ultimately succeed.

Having said that, my caveats are:

1. The City / Planning Commission should insist on the 50' setback from Hwy 305 as ordered by the hearing examiner. That setback is there to protect the interest of the citizens of Bainbridge Island in a view-shed along the highway, and the City has no business in negotiating that view-shed away.
2. Concerns about traffic/safety impacts on High School Road are legitimate, but could be largely mitigated by the installation of a mini-roundabout, similar to the one at Madison/Wyatt. Costs of any such improvements should be born by the developer.

A final comment/question: There seems to be some maneuvering around the question of whether this development is attached single family development or multi-family

development. While I haven't found definitions in the Municipal Code or the Design for Bainbridge manual, it seems pretty obvious to me that attached single-family units are a multi-family development. A single family house stands by itself, everything else is multi-family.

Thanks for working on this. If you are successful, and you should be, you will have finally made some meaningful progress on this thorny problem of affordable housing.

Val Tollefson

From: [Mary Ellen Coupland](#)
To: [PCD](#)
Subject: Affordable Housing Supporter
Date: Wednesday, September 1, 2021 7:54:50 PM

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Hello,

I wanted to just take a moment to say a few words.

I have been a happy resident of Bainbridge for 20+ years and we have raised our family here. Our kiddos went through the full K-12 from Ordway, Sakai, Woodward and BHS, and graduated 2020 and 2021 respectively.

Bainbridge Island is a great community, and we support each other through a myriad of causes.

Affordable Housing on Bainbridge is a necessity. I would like to lend my voice in support of the Wintergreen Townhomes development that is proposed between Walgreens & Virginia Mason near HWY 305 & High School Road.

Building a project like this supports those workers that we depend on for our everyday needs such as grocery clerks, educators, civil servants and more.

My understanding is that this project will designate approx 42% of the townhomes to low income households (with an annual income qualifier in place) and those townhomes will be placed in the Housing Resources Bainbridge Community Land Trust so they will be affordable in perpetuity.

Our lack of affordable housing on Bainbridge is in crisis and I would like to see the Planning Commission seriously consider this project and give it the approval to move forward.

So many will benefit from this project's approval and moving forward.

Thank you for your time and consideration, and I sincerely hope you make the right choice and give this project the "**Green Light on Wintergreen!**"

Mary Coupland
206-321-8016

From: [Catherine Freudenberg](#)
To: [PCD](#)
Subject: Approve Wintergreen Townhomes
Date: Tuesday, August 31, 2021 6:19:23 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

It's time to move the Wintergreen Townhome project forward. In fact, it's long past the time to move it forward. There is a serious lack of affordable housing in the community. Even people working fulltime can't afford to live here but it's not just the workers. Housing affordability affects the entire community. It drives up the costs of goods and services. Businesses struggle to retain and attract employees. Teachers, first responders and even City employees struggle to live in the communities they serve. Young families can't afford to live here, so school enrollment declines and that affects school funding and programs. Seniors struggle with rising costs - how many can live on their social security? So, the question is are we going to continue to admire the problem or are we going to start taking steps to fix it?

There's another side to this issue though. It's how diversity enriches the community. I'm a Bainbridge Island graduate. My first jobs were on the Island. Finding an apartment or small house to rent wasn't unattainable back then. People that worked in the community, mostly lived in the community. I think we can agree that things are much different today; heck, much of the multifamily costs as much as a single-family home. The result is that the housing needs gap has grown. It's time to stop kicking the can down the road and actually address the gaps.

Will some people be unhappy? Most definitely. They were unhappy when Safeway and McDonalds came to town. It isn't the job of the Planning Commission or the City Council to pander to any faction on the Island. It is your job to serve the needs of the community, ALL of the community. It is your job to uphold the current Comprehensive Plan. Let's stop admiring and talking about the problem and actually take a step towards fixing it, please.

Sincerely,

Catherine Freudenberg
4500 Palomino Drive NE
Bainbridge Island, WA 98110

August 31, 2021

From: Richard Potter
831 Deercliff Road
BI, WA

Bainbridge Island Planning Commission

Wintergreen Townhomes
1332 Wintergreen Lane

This is a project that **MUST** be approved for BI. Here is a private developer contributing to the low income housing 'issue' with no City funding necessary. The location is perfect for many of the residence as it is near schools, retail and services. They can also walk to the ferry boat for trips to Seattle.

The City needs more of these types of developments. Since the Wintergreen Townhomes project is front and center, it should be **APPROVED** for the good of the community.

Regards,

Richard Potter
Island Resident

From: [Cyndi Merritt](#)
To: [PCD](#)
Subject: Planning Commission Meeting 9/2/21 public comment on Wintergreen Townhomes
Date: Tuesday, August 31, 2021 11:58:41 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

To the Planning Commission:

I recognize and appreciate all the work that has gone into addressing the many concerns about this development.

I'd like to offer two additional suggestions:

One: that noise reduction windows be considered for all units rather than only for the units next to Hwy 305, to mitigate the noise from the VM generator, especially since the generator is quite a bit louder than Hwy 305. Perhaps the City and/or HRB could apply for grant money to subsidize the cost. When I look at University and government sponsored noise testing studies online, the 85 decibels estimate noted in the City Engineer's report seems to greatly underestimate the volume from the generator. The studies cite *food blenders operating at 88 decibels, mowers at 96 decibels, and leaf blowers at 106 decibels...* The huge VM generator is louder than any of those. The former Code Enforcement Officer apparently was not able to get an actual reading from the VM generator at the proposed residential site because its monthly run time is after business hours. It also runs 24/7 whenever power fails, and it has run at least 3 times for up to 7 hours during the night because of various problems. It seems that a decision to approve affordable housing directly next to an unmitigated known environmental hazard, would undermine the City's goals regarding equity issues.

I'd also like to suggest that to alleviate noise from garbage dumpsters, plastic tight covered bins be considered in the enclosed and covered structures rather than metal dumpsters.

With gratitude for all your efforts,
Cyndi Merritt

From: [BILLIE NASH Owner](#)
To: [PCD](#)
Subject: Wintergreen
Date: Wednesday, September 1, 2021 11:22:50 AM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to support Central Highlands developer David Smith and his proposed development called Wintergreen. The possibility of 31 affordable homes is very exciting. I purchased my home in 1984 for 85K. I was a single parent on a moderate income, but I had a decent down payment and qualified for state bond financing as a first-time home buyer. A few month's ago my neighbor two doors down sold his home for 1.25 million. My home would not fetch that price, but I could certainly get 850K for it. That would be out of the reach of someone like me were I still running a home day care.

Our island needs diversity, but right now there's no way a family on a moderate income could afford to buy a home here. David Smith and his company are well able to build an attractive community of affordable homes, as they have done a short distance from here. I firmly support this proposal.

Billie Nash
Nakata Ave.

From: [Janaea Barnard](#)
To: [PCD](#)
Subject: affordable housing
Date: Wednesday, September 1, 2021 12:16:46 PM

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Hi,

My husband and myself have owned a business on Bainbridge for over 6 years. That being said, we cannot afford to live here. We have been looking throughout the country at affordable housing as I believe we do qualify. Of course, we would love to have our actual home be on Bainbridge as it is where our heart is. If we do not figure this out soon, we will be selling or leaving our business as it has become impossible to keep commuting.

Please consider this move to affordable housing as it is really time. I hate that Bainbridge has become so exclusive truthfully. My husband and I had lived on Bainbridge or Poulsbo for many years. It is all just so out of reach anymore for us. We are older so again this is very important. I am letting you know this and hope you seriously consider such a positive move for many like ourselves. Please keep me in this loop as well. Most Sincerely, Janaea

August 31, 2021

Dear Planning Commissioners, Bainbridge City Council Members, and Hearing Examiner:

I have a serious environmental concern regarding the Wintergreen Development proposal that has not been addressed by the mitigations listed in the COBI Planning Department email.

The Wintergreen application states that the new development will be located on two lots on the Visconsi site. Yet a site map (see attached) locates one row of the townhomes off the eastern lot and onto what is currently a paved area.

A stormwater vault is located under one of those potential homes and other detention tanks are located under the paved area. This stormwater system cleans, retains, and manages the flow of water collected from the hard surfaces and disperses it into the wetlands to the east. It is critical to protecting the Stonecress wetlands, the Hamlet wetlands, and water flow further east and into Eagle Harbor.

Building over these structures brings up two concerns:

- Will home construction over the area pose a threat to the system? Could the process of building cause a rupture?
- Quick access to these structures is important in the case of a failure of any part of the system. Pavement can be dug up fairly quickly if a serious problem occurs, and failures of pipes and tanks and other equipment are not unusual. Quick access is not possible if the structures are under a house.

The Environmental Review responses by the builder skip over this issue:

Surface Water:

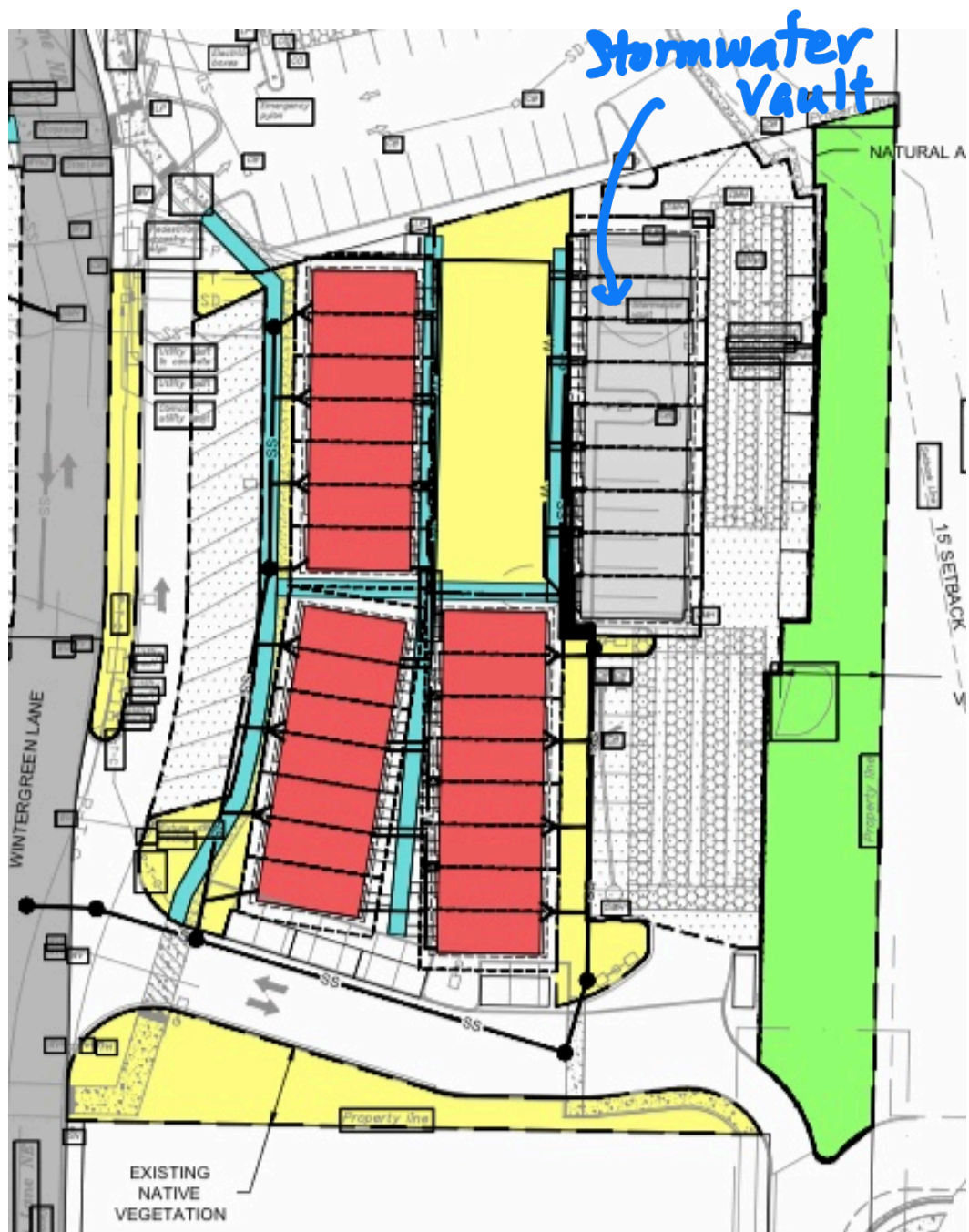
“A WETLAND IS LOCATED OFFSITE TO THE EAST WITH COBI APPROVED BUFFERS THAT DO NOT AFFECT THE TOWNHOME PROJECT’S BUILDABLE AREA ON EITHER LOT.”

Yet the builder is planning to build east of the building lot, over existing structures that protect that wetland.

Please require that home construction be limited to the actual building lots.

Sincerely,

Linda Andrews



719 Daylily Lane

From: [Linda Andrews](#)
To: [PCD](#)
Cc: [Kelly Tavara](#)
Subject: SEPA- Wintergreen
Date: Tuesday, August 31, 2021 2:49:46 PM
Attachments: [SEPA- Wintergreen .pdf](#)

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commissioners,

Two issues concern me regarding the Wintergreen development:

- 1) Noise from Virginia Mason's generator is above allowed decibels as measured by iPhones, yet the city has never done the test requested over a year ago. Living near it would be intolerable and low income people should not be expected to do so.
- 2) The area labeled as community area at the south of the project was designed by Visconsi to slow traffic along the border with Kitsap Bank and control the access to Polly's Lane. It includes retaining walls and trees but is not a gathering place. It should not be counted as community space nor should the lane dividers. Actual usable community space should be required.
- 3) Trash storage areas are shown in varied locations in each iteration of the drawings. The mitigation suggested by the city planning department is for trash placement 30 feet away from the eastern property line, the width of existing green space next to Stonecress. That is not enough, given the issue with noise that carries much further. Dumpsters are quite a bit noisier than individual garbage cans, especially when they are being emptied. Let's make sure trash is located as far as possible from existing homes.
- 4) Finally, my concerns in a previous letter regarding the storm water treatment facilities that drain into the Stonecress and Hamlet wetlands has not been addressed. I have updated and attached it.

Sincerely,
Linda Andrews
719 Daylily Lane

From: [Georg Syvertsen](#)
To: [PCD](#)
Subject: Wintergreen Townhomes
Date: Tuesday, August 31, 2021 12:39:53 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

I am in full support of the proposed Wintergreen Townhomes project,

We are in dire need of affordable housing on Bainbridge Island and here we have an opportunity to put a big dent in the problem.

I sincerely believe we may not see an opportunity like this again for years. It's in the best interest of our community to see this project approved and move forward.

Sincerely,

Georg Syvertsen
13353 Stonebridge Ln NE
Bainbridge Is., WA 98110
206-842-7820

From: [BETTY WIESE](#)
To: [PCD](#)
Cc: [Kimberly McCormick Osmond](#); [Sarah Blossom](#); [Ashley Mathews](#); [yesh.subramanian%20@cobicommittee.email](#); [William Chester](#); [Lisa Macchio](#); [Joe Paar](#)
Subject: Public Comment - Wintergreen Project
Date: Tuesday, August 31, 2021 12:49:08 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

I ask the Planning Commission to approach your review of this project from a problem solving perspective and to be as creative and flexible as possible within the rules to support getting additional affordable housing units for Bainbridge. This project should be evaluated on its merits, not colored by past community objections to the 2014 Visconsi project approval.

I believe something will be developed on that property with the associated problems/concerns about "development" (traffic, noise, etc). I prefer getting more affordable housing as an important community benefit for those development impacts.

Betty Wiese
Nakata Avenue
Bainbridge Island

Kelly Tayara

From: PCD
Sent: Wednesday, September 8, 2021 3:29 PM
To: Ashley Mathews; Christy Carr; David Greetham; Heather Wright; Jennifer Sutton; Joe Paar; Kimberly McCormick Osmond; Lisa Macchio; Peter Best; Sarah Blossom; William Chester; Yesh Subramanian
Cc: Kelly Tayara
Subject: FW: Wintergreen Project
Attachments: Planning Commission Ltr re Affordable Housing.pdf

Good Afternoon,

Please see public comment below and attached.

Thank you,



JANE RASELY

Administrative Specialist

www.bainbridgewa.gov

facebook.com/citybainbridgeisland/

206.780.3758 (office) 206.780.5104 (fax)

The Planning and Community Development Department (PCD) counter is now open for general questions Monday – Friday, 8 am to Noon. All permits require an [appointment](#) for submittal. If you have questions you want answered virtually, schedule an afternoon [appointment](#).

Happy with your service? Let my supervisor know at hwright@bainbridgewa.gov

From: Sherrie Zollinger <shezollinger@gmail.com>
Sent: Wednesday, September 8, 2021 3:22 PM
To: PCD <PCD@bainbridgewa.gov>; hayes@hayesthelawyer.com; phedra@housingresourcesbi.org
Subject: Wintergreen Project

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Attached is a letter for your consideration concerning the Wintergreen Project.

Thanks for your attention.

Sherrie Zollinger

From: [Council](#)
To: [Blair King](#); [Ellen Schroer](#); [Heather Wright](#); [PCD](#)
Subject: FW: AH at Wintergreen as well as other previously developed pieces of land
Date: Tuesday, September 7, 2021 3:04:27 PM

From: Mary Clare Kersten <mckersten@gmail.com>
Sent: Tuesday, September 7, 2021 1:23 PM
To: Council <Council@bainbridgewa.gov>; City Manager <CityManager@bainbridgewa.gov>
Subject: AH at Wintergreen as well as other previously developed pieces of land

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Council Members:

First, I want to thank you for all the hard work.

I understand that you are discussing the proposal to place Affordable Housing in the Wintergreen Shopping Center, aka Visconsi.

I favor your pursuit of this idea. Wintergreen is a scar on our community, in my opinion. It was supposed to have been screened from 305 by foliage, which was eliminated. Note how all the trees were removed so that the lighted Walgreen's sign is highly visible.

I've read some of the material related to this project. I, too, don't really like the idea of housing being so close to the highway. However, it's already an unattractive corner, and the housing might actually improve it. I'm trying to say that this corner cannot get much worse. At least it won't be surrounded by chain link fencing.

The fact is that Wintergreen has already been clear cut and re-graded, and provides no environmental benefit to the island. Affordable Housing will go a long way toward redeeming a development that many find offensive. It's also within true walking distance of a supermarket, health services, several banks, and a busy bus stop, and more.

While I'm on this subject, I also advocate for developing two other major properties in the Winslow Core, both of which have been destroyed to such an extent as to have no environmental value at all.

One is the Safeway Shopping Center. It's ugly. No one finds that it nourishes the soul. I advocate that it be repurposed with a large development. The ground floor can have acres of covered parking and retail stores, such as Rite-Aid and Safeway plus the smaller businesses. Above the parking lot and stores can be two floors of high-density Affordable Housing, possibly with an attractive roof deck. Again, residents will be close to shopping, the hardware store, banks, etc. And we would eliminate an eye sore.

The second piece of land is our ferry parking lot. It is an asphalt dessert. It's truly ugly, especially when they indiscriminately take a chainsaw to the trees in order to prune them cheaply. It's also a poorly designed lot, and the entrance/exit to the ferry terminal does not function well. I have heard council members say that it's too hard to work with the different

owners of the lots. It seems to me that a lawyer could help the city with that. I like to think that this is a problem with a positive solution. The parking could be below, and housing could be built above. Residents would be within walking distance of the ferry terminal, the bus stops, and all of downtown.

I know that developers value having a beautiful wooded piece of land, or field, or neighborhood that they can develop. But really.... Does it make sense to preserve the ferry parking lot, the Safeway Shopping Center and Wintergreen so that we can develop the kind of land that feeds our souls and has a clear environmental purpose?

Anyway... these are my ideas about where Affordable Housing will work best for the island, and more important, for the residents. Please reconsider the Wintergreen location and try to make it work.

Thanks for reading and considering,

Mary Clare Kersten

145 Ferncliff Ave. NE

***Vote Ron Peltier for City Council--Honest Stewardship to
Protect Our Quality of Life www.peltier4council.com***

From: [Linda Lincoln](#)
To: [PCD](#)
Cc: [Linda Lincoln](#)
Subject: Wintergreen Townhome Project and Affordable Housing
Date: Tuesday, September 7, 2021 4:19:22 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

It is my understanding that the agenda for the Planning Commission meeting being held this Thursday will discuss the Wintergreen Project. I would like to weigh in on the discussion and consideration of this project.

For the purpose of this communication I am speaking for myself and myself only. However, with full disclosure I am currently a sitting member of the board of directors for Housing Resources Bainbridge and past chair of the board. I also serve on the board of directors for the Bainbridge Island Chamber of Commerce. For background, it is important for you to also understand that I represent an employer that has had significant difficulty in finding and hiring qualified workers. We most often are hiring for entry level positions (we pay a good wage and provide full benefits) most of the time our employee's commute to Bainbridge Island, as they cannot find or afford the high rental costs or the high cost to purchase. We have also tried at every opportunity to hire from within the Bainbridge community, unfortunately with little success. Currently, 60% of the employees working at our Bainbridge Island branch commute to Bainbridge (let's not get started on the impact to the carbon footprint). As a manager I am not alone with the challenge of hiring a workforce. In general this challenge effects every business on Bainbridge Island, up to and including schools, medical community, restaurants, shop owners and manufacturers. The topic of housing affordability and availability comes up in many meetings within the business community. The Island faces an ongoing challenge to secure a long term workforce and this project can go a long way in addressing a very urgent need for affordable housing.

The current Wintergreen Townhome project has significant impact on the Bainbridge Island community in a very positive way. With the collaboration of Housing Resources Bainbridge, Housing Kitsap and Central Highlands; 31 units will be made affordable to the community. This is NOT a one-time affordability, this is "in perpetuity affordability". The Housing Resources Bainbridge land trust model has had proven success with the Ferncliff Village community. Several re-sales have occurred since the inception of the project, allowing new homebuyers that meet the affordability criteria to purchase their home, while sellers receive an agreed upon percentage of equity at the time of sale. WIN-WIN for both the buyer and seller as well as the entire community.

I am not oblivious to the challenges you face in consideration of this project, however I believe that all challenges can be worked through with conversation and compromise. Holding a hard fast line of decline is NOT in the best interest of this community (reference:

<https://www.bainbridgereview.com/news/attorney-tired-of-lip-service-for-affordable-housing/>). I

sincerely request that you view the Wintergreen project with new eyes and open mind. That you look for ways to proceed forward with a project that will be of long term benefit to this community and provide much needed housing affordability. My sincerest hope is that this project will move forward for the greater good of the Bainbridge Island community.

Best regards,

Linda M. Lincoln
Vice President & Branch Manager
NMLS 539573

Direct: 206.319.1130
Branch: 206.842.6929



Bainbridge Island Office
921 Hildebrand Lane NE Suite 100
Bainbridge Island, WA 98110

From: [Amy Aspell](#)
To: [PCD](#)
Subject: Input on the Wintergreen Project and Affordable Housing
Date: Tuesday, September 7, 2021 7:48:02 PM

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Dear Planning Commission,

The part of the Wintergreen plan that I am disappointed in is that more units are not going to be secured as affordable into the future. As the recent article in Yes! Magazine states, it is the Community Land Trust portion of the plan which really maintains the housing's affordability. I'd love to see ALL the units placed into the Community Land Trust even if some are left to be sold at market prices. I hope you will consider this .

Amy Aspell

From: [Kathleen Thorne](#)
To: [PCD](#)
Subject: September 9 Planning Commission Deliberation & Recommendation on Wintergreen Townhomes Project
Date: Tuesday, September 7, 2021 8:37:55 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear COBI Planning Commission –

At your September 9 meeting, please recommend approval of the Wintergreen Townhomes project. It has the potential to give a significant boost to the dismal state of affordable housing on Bainbridge Island. From what I can tell from press and social media reports, the development team appears to be bending over backwards to fit the Wintergreen project to the city's code requirements and the community's needs.

Here are some additional things to consider about this particular affordable housing project:

- The development team (which is comprised of Kitsap County residents) is contributing/subsidizing upwards of \$2 million to facilitate the project by way of (i) over \$400k in cash payments to Housing Resources Bainbridge (HRB) and Housing Kitsap upon the sale of units and (ii) price reductions for the affordable units (about \$50k apiece for 28 of the 31 units) so that all of them can be sold to low income households.
- According to HRB, there are currently more than 30 households that are qualified and waiting, or are in the process of qualifying, to purchase an HRB home, but HRB currently has no homes for sale.
- The Wintergreen plan is to sell all 31 affordable units to low income households and to place them in Housing Resources Bainbridge's Community Land Trust so they will remain affordable in perpetuity.

The City's Comprehensive Plan recognizes the problems caused by the lack of affordable housing on Bainbridge and calls for urgent action to address them. This is our chance.

Thank you.

Kathleen Thorne
Bainbridge Island, WA

From: [Karla Sammons](#)
To: [PCD](#)
Subject: Affordable but not Livable
Date: Tuesday, September 7, 2021 8:46:03 PM

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Committee members,
May I bring something to your attention about the designing.

Wintergreen may allow more people to live there financially but only if they are:

1. Not handicapped
2. Not elderly

All of these Townhouses have stairs to climb, do they not?

What about one story dwellings?

Please let me know why these spaces are not user friendly for many lower income individuals who are physically challenged.

Thanks
Karla Sammons
Sent from my iPhone

From: [Sharon Gilpin](#)
To: [PCD](#)
Subject: Wintergreen Development
Date: Wednesday, September 8, 2021 9:01:06 AM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Chair and Members of the Planning Commission:

I sat on our Affordable Housing Task Force and am dismayed at the long, long lag in actually approving and actually building some affordable housing on our Island. I do understand all the environmental constraints that we face, however, there are very creative ways to build affordable housing here. An ADU here and there with tax benefits for 10 years; allowing churches to build some Senior Housing.

The Wintergreen Development's plan to build 31 units is a very sweet deal for us. And we should approve it and get it done. I am watching working people - carpenters, cooks, restaurant workers leaving their rentals in droves this year to find affordable housing. off Island. We are becoming a stagnant community without any diversity in class.

Before I moved to BI 23 years ago, I lived in Santa Monica, CA where I worked with a Developer Team on a Development Agreement that provided a percentage of the City's expected revenue from a proposed shopping center project that would be dedicated to affordable housing. We raised over \$17 million bucks in 20 years. All money was spent on affordable housing. It takes time to accumulate but much of it was used to boost grants, etc along the way.

We need to get a bit more creative on this stuff, land costs are not going down, willing developers are not begging to build affordable housing, we need to create partnerships.

I hope you will approve Wintergreen - the area is already just commercial enough, near transit and has had most trees removed. It is 'urban core' so to speak and would 'fit'.

Thanks for listening,

Sharon Gilpin
1568 Parkview Dr NE
Bainbridge Island WA 98110
206 780 9115

From: [Heather Wright](#)
To: [Jane Rasely](#)
Cc: [Kelly Tavara](#); [Paul Nylund](#); [David Greetham](#)
Subject: FW: Affordable Housing - Public Comment
Date: Tuesday, September 7, 2021 9:12:32 PM

Hello Jane,
Would you please make sure the PC receives this public comment?
Thank you!
Heather

HEATHER WRIGHT, AICP
Director of Planning and Community Development

www.bainbridgewa.gov
facebook.com/citybainbridgeisland/
206.780.3754 (office)
206.471-2721 (cell)



The Planning and Community Development Department (PCD) counter is now open for general questions Monday – Friday, 8 am to Noon. All permits require an [appointment](#) for submittal. If you have questions you want answered virtually, schedule an afternoon [appointment](#).

From: Christine Brown <cbrown@bainbridgewa.gov>
Sent: Tuesday, September 7, 2021 3:27 PM
To: City Council Distribution Group <CityCouncilDistributionGroup@bainbridgewa.gov>
Cc: Blair King <bking@bainbridgewa.gov>; Ellen Schroer <eschroer@bainbridgewa.gov>; Heather Wright <hwright@bainbridgewa.gov>
Subject: FW: Affordable Housing - Public Comment

Please see public comment below.

Best regards,



CHRISTINE BROWN, CMC, CPRO

City Clerk
www.bainbridgewa.gov
facebook.com/citybainbridgeisland/
206.780.8618

From: AMY BILL CHAMBERLAIN <studio5637@msn.com>

Sent: Tuesday, September 7, 2021 3:21 PM

To: Christine Brown <cbrown@bainbridgewa.gov>

Subject: Affordable Housing - Public Comment

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commissioners and City Counselors,

I would like to comment on the affordable housing community which is planned for the Visconsi site on High School Road. An active lumberyard existed when the project was designed, and a "pedestrian friendly" community was planned along the entrance road to the busy commercial site. Public comment brought attention to the inherent public safety risks, but the project was built.

At this time, the same problem exists. The lumberyard is actively used by contractors and homeowners on the island and a number of cars, trucks, vans and commercial flatbed vehicles drive through the development each day. In addition, large tractor-trailers (single and double) routinely run through the development to deliver materials. All this heavy traffic runs directly through the heart of the "pedestrian friendly" community which is being planned for Wintergreen Lane. My question for the City and Planning Commission is "Why concentrate pedestrian traffic with dense affordable housing, in a location that is directly in the path of heavy commercial vehicles?"

The promotional video presented for the Wintergreen project shows young families with babies in strollers, adults on bicycles and small slow-moving cars in an idyllic scene. The developers hope you won't notice what wasn't included, which is the reality that heavy commercial traffic currently flows through Wintergreen Lane. It won't stop when the new residential community is built, it will just expose many more young families to a difficult reality.

The project being proposed is a bit different than other locations around the island. In Winslow, shoppers expect to cross the main street carefully with cars present. In the Wintergreen project, a residential community is being proposed where large commercial vehicles run through the middle of the neighborhood. Will young children at play understand the risks in the same way that adult shoppers in downtown Winslow do?

If the lumberyard access road can be relocated, the Visconsi site would be an ideal location for affordable housing. If the access road remains in its current location, the site does not seem compatible with dense residential development.

Thank you,

Amy Chamberlain
5637 Old Mill Road
Bainbridge Island

From: [Christine Brown](#)
To: [Jane Rasely](#)
Subject: FW: Wintergreen Townhomes project.
Date: Wednesday, September 8, 2021 9:36:50 AM

From: Michael Kessler <michael@biom.net>
Sent: Wednesday, September 8, 2021 1:11 AM
To: Christine Brown <cbrown@bainbridgewa.gov>
Subject: Wintergreen Townhomes project.

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Greetings Christine Brown,

My name is Michael Kessler, and I am a supporter and admirer of former councilman Ron Peltier. Ron is asking for support for his ideas being presented to the planning commission concerning the Wintergreen Townhomes project. In this regard, I am seconding what Ron is suggesting in his letter below. Would you please forward my opinion to the planning commissioners for their consideration?

Thank you very much,

Michael Kessler

Dear Planning Commissioners,

For all its deficiencies I believe the Wintergreen proposal presents an opportunity to create a model affordable housing project in a highly suitable location:

1. Close to schools.
2. Close to goods and services.
3. Close to transit and a bike trail to Winslow.
4. Close to parks (right across the highway).
5. An already developed site where trees will not need to be removed.

The ideal Wintergreen Project

Please set aside your feelings about the developer and the deficiencies of the Wintergreen project as proposed to consider what could be a model development we can all be proud of. This is what that model project would look like:

1. One that addresses the concerns of the Design Review Board.
2. Fewer housing units with a higher percentage of them deed restricted affordable units.

3. Reclamation of the barren area on either side of Wintergreen lane with trees for cooling and sound buffering, additional open space, a landscaped connection to the buffers, and a community garden, along with compact affordable housing.
4. Thoughtful internal circulation for bikes and pedestrians, while minimizing parking to encourage the use of transit and non-motorized travel.
5. Homes screened from Wintergreen Lane with fencing or landscaping.

So how is this possible? It's only possible through a financial partnership with the City of Bainbridge Island

There is only one way to make the Wintergreen project one we can all support and be proud of. That is through a financial commitment from the City of Bainbridge Island. All of the proposed project's design issues are about the "bottom line". The City's financial participation in the project could address those limitations.

What you can do

You can recommend approval with a list of conditions that includes the applicant reaching out to the City for a financial partnership to make Wintergreen an exceptional project. For all the talk about affordable housing, and a rare opportunity before the City, it's time to step up and seize the moment.

Sincerely,
Ron Peltier

From: [Christine Brown](#)
To: [Jane Rasely](#)
Subject: FW: Wintergreen Lane
Date: Wednesday, September 8, 2021 9:35:17 AM

Public comment for distribution.

Thanks.

Christine

-----Original Message-----

From: Peter Perry <peteralanperry@aol.com>
Sent: Wednesday, September 8, 2021 8:46 AM
To: Christine Brown <cbrown@bainbridgewa.gov>
Subject: Wintergreen Lane

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

I am writing in support of the Ron Peltier proposal to redesign the project with city participation in the landscaping and support proposals.

As an x-design review board member I Agee that the fundamentals are there for a successful and much needed development if modifications suggested can be implemented.

The project should not be approved without such changes.

Peter Perry

Mandus Olson rd.

BI

Sent from my iPhone

From: [Christine Brown](#)
To: [Jane Rasely](#)
Subject: Fwd: Wintergreen Project Comments for PC
Date: Tuesday, September 7, 2021 2:01:02 PM

Another email for PC.

Thanks.

Christine

Get [Outlook for iOS](#)

From: Kent Scott <quincefarm@gmail.com>
Sent: Tuesday, September 7, 2021 1:56:03 PM
To: Christine Brown <cbrown@bainbridgewa.gov>
Subject: Wintergreen Project Comments for PC

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Christine -

Please forward to the PC.

I have reviewed the DRB's review of the Wintergreen Project and have looked at the developer's documents and proposals.

The DRB was clear - the project does not satisfy any of the 23 criteria it uses for review of design compliance.

What is more, the documents submitted by the developer are vague and incomplete.

After over three decades of professional work akin to the development and the same living on the Island it would be an unfortunate outcome for the project to proceed.

So many things are not right with the plan. It is an illusion that the development is pedestrian friendly and connected to transit and shopping in a meaningful way. It is hardly true that the development has public open space. It is hardly true that the proposed circulation for vehicles or peds works and ensures public safety, a walkable community or contributes to a stronger overall high school road community. I would challenge the thinking that car trips will be significantly reduced and its location on High School Road across from Ace and McDonalds and access into Lumbermans and Walgreens - already a mess will be worse. Further the intersection at 305 and HSR, already very unfriendly to non-motorized use, will become more so.

The proposed development smacks of a 1970 solution - low density with lots of asphalt.

The conundrum - the project contains needed affordable housing.

Believing affordable housing rules the roost the project has some merit. But reviewing the

goals of the Comp Plan - sustainable development, climate change, Island character - affordable housing is a distant consideration in this location with this density and with this design.

Certainly COBI land use policies and codes allow this type of development as it did Visconsi. Visconsi was sold as a 'ped friendly' development. I say it was not.

I ask that you consider all merits and liabilities of the Wintergreen Project and trust that you will vote to reject it for the clear need for a better development that accommodates and embraces the tenets and goals of the Comp Plan.

Respectfully.

Kent Scott
Quince Farm
206.228.2341

From: [Christine Brown](#)
To: [Jane Rasely](#)
Subject: FW: Please forward to Planning Commission
Date: Tuesday, September 7, 2021 11:03:07 AM

Please see request below. Would you like me to forward the message or is it better if it comes from you?

Thanks.

Christine

From: Ron Peltier <peppermelly@gmail.com>
Sent: Tuesday, September 7, 2021 10:24 AM
To: Christine Brown <cbrown@bainbridgewa.gov>
Subject: Please forward to Planning Commission

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hi Christine,

Please forward the following message to the members of the Planning Commission ahead of their meeting on Thursday night. Please confirm you are able to do this so can alternatively send individual messages if necessary.

Thanks,

Ron Peltier

Dear Planning Commissioners,

For all its deficiencies I believe the Wintergreen proposal presents an opportunity to create a model affordable housing project in a highly suitable location:

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What you can do

You can recommend approval with a list of conditions that includes the applicant reaching out to the City for a financial partnership to make Wintergreen an exceptional project. For all the talk about affordable housing, and a rare opportunity before the City, it's time to step up and seize the moment.

Sincerely,
Ron Peltier

From: [Careen Foster](#)
To: [PCD](#)
Subject: Wintergreen development
Date: Tuesday, September 7, 2021 10:00:09 AM

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Hello

I am writing in support of the proposed development near Walgreens that would include affordable housing. Requested accomadations seem reasonable. I wish it would be 50% median income instead of ?80% —but anything is welcome and needed!

Please support!

Cary Foster

From: [Janet Kragen](#)
To: [PCD](#)
Subject: Affordable housing near Walgreens
Date: Monday, September 6, 2021 2:28:13 PM

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

My husband and I drive by the intersection of the high school and the highway frequently, and we know building more housing units there would add to traffic at that spot. Nevertheless, it seems like a sensible location for a project of this type.

To help with the increased traffic, maybe we need a roundabout or other traffic feature where the new traffic would emerge.

We both wholeheartedly support adding permanent and significant affordable housing on Bainbridge.

Janet Kragen