



**PLANNING COMMISSION REGULAR MEETING
THURSDAY, FEBRUARY 22, 2024**

BAINBRIDGE ISLAND CITY HALL
COUNCIL CHAMBERS
280 MADISON AVENUE N
BAINBRIDGE ISLAND, WASHINGTON

AND

ZOOM WEBINAR
[HTTPS://BAINBRIDGEWA.ZOOM.US/J/81285913438](https://bainbridgewa.zoom.us/j/81285913438)
OR TELEPHONE: US: +1 253 205 0468
WEBINAR ID: 812 8591 3438

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.

- 2a. Minutes** 5 Minutes
[PC Minutes 01112024.pdf](#)

3. PUBLIC COMMENT - 6:10 PM

- 3a. Public Comment** 10 Minutes
[Instructions for Providing Public Comment at Hybrid Meetings.pdf](#)

5. PUBLIC HEARING - 6:20 PM

(6:20) Bates Open Space Current Use Taxation Application 20 Minutes
[Bates PC Staff Memo.docx](#)
[Bates Property Critical Areas and Aerial Photo.pdf](#)
[Bates Open Space Site Plan.pdf](#)

[Bates Current Use Application.pdf](#)
[Pictures of Bates Property.pdf](#)
[County Assessor Current Use Tax Shift Estimate.pdf](#)

4. PUBLIC PARTICIPATION MEETING - 6:40 PM

(6:40) Helpline House Public Participation Meeting 30 Minutes
[Helpline House - Project Narrative submitted Feb052024.pdf](#)
[Helpline House - DRB Design Guidancen 030424 - REV Site Plan.pdf](#)
[PLN52710 Preapplication letter.pdf](#)

7. NEW BUSINESS - 7:10 PM

(7:10) PSE Municipal Code Amendment Request 30 Minutes
[Staff_Memo_to_Planning_Commission_22FEB2024__1_.pdf](#)
[PSE Proposed Code Language.pdf](#)

8. PLANNING DIRECTOR'S REPORT - 7:40 PM

9. FOR THE GOOD OF THE ORDER - 7:45 PM

10. ADJOURNMENT - 7:50 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 Regular Meeting Agenda Bill

MEETING DATE: February 22, 2024

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Minutes

AGENDA CATEGORY: Minutes

PROPOSED BY: Renee Argetsinger

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

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

I move to approve the January 11, 2024, Meeting Minutes as presented.

SUMMARY:

BACKGROUND:

ATTACHMENTS:



Planning Commission January 11, 2024

Meeting Minutes

1) **CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW**

Vice Chair Sarah Blossom called the meeting to order at 6:03 PM and read the land acknowledgement. She will be acting Planning Commission Chair until the vacancies on the Planning Commission can be filled and new officers can be appointed now that previous Chair - Ashley Mathews, has been voted to her new position on the City Council.

Present in Chambers were Commissioners Sarah Blossom, Ariel Birtley, Benjamin Deines, Peter Schaab, and Yesh Subramanian. Excused was Commissioner Sean Sullivan. Commissioner Deines stated a conflict of interest and recused himself during the Public Participation Meeting (PPM) portion of the meeting. COBI staff in attendance were Planning and Community Development Director – Patty Charnas, and Senior Planners - Kelly Tayara and Jennifer Sutton.

2) **PLANNING COMMISSION MEETING MINUTES**

2.a [Planning Commission Meeting Minutes - Dec. 14, 2023](#)
[Cover Page](#)
[12142023 PC Meeting Minutes.pdf](#)

MOTION: I move to approve the December 14, 2023, meeting minutes as presented.

Schaab/Subramanian: The motion carried unanimously, 5 - 0.

3) **PUBLIC COMMENT**

3.a [Public Comment](#)
[Cover Page](#)
[Instructions for Providing Public Comment at Hybrid Meetings.pdf](#)

No public comments.

4) **PUBLIC PARTICIPATING MEETING (PPM)**

4.a [XX PM - Pleasant Beach Village South Subdivision Public Participation Meeting](#)
[Cover Page](#)
[Pleasant Beach South PLN52657 Preapplication Summary Letter.pdf](#)
[Conceptual Design_Narrative_10-21-23.pdf](#)
[Conceptual Design_drawings .pdf](#)

Acting Chair - Sarah Blossom opened the Public Participation Meeting, introduced Senior Planner - Kelly Tayara who briefed the Planning Commission on the project and introduced Charlie Wenzlau of Wenzlau Architects, who presented the project and then answered questions of the public and the Planning Commission.

PPM Public Comments:

1. Michael Schwank - spoke against the project, asked about the base zoning of the project and ERUs.
2. Heidi Huber - Asked about the ferry land property. Inquired as to who the target customers for these units? Students? Families? Commented that noise is already a factor in the neighborhood and additional units could increase the noise levels.
3. Marilyn McLauchlan - Expressed concerns about access to the property, additional traffic, traffic flows, and increased noise levels.
4. George Cole offered comments on what the Bainbridge Island community gains from the project.

Commissioner Blossom asked Senior Planner Tayara about Pleasant Beach Village's "useless" parking situation. Also discussed was Remote Parking, Guest Parking, and does the code allow for parking on residential properties from neighboring commercial properties.

Acting Chair Blossom closed the PPM at 7:32 PM and invited Commissioner Ben Deines to rejoin the meeting.

5) NEW BUSINESS

5.a Code Amendment Requests from Puget Sound Energy Cover Page

Acting Chair Blossom introduced Senior Planner - Jennifer Sutton, to discuss some potential code changes. The City received a code amendment application from Puget Sound Energy (PSE), requesting some code changes related to Critical Area Ordinance and ARPA. It's a legislative process where the Planning Commission will review the ordinance and make recommendations to the City Council. A public hearing is required with prior study sessions as an overview.

6) PLANNING DIRECTOR'S REPORT

Director Patty Charnas discussed the process to fill the Planning Commission vacancies and that it is a priority. Discussion about the vacancies and the appointment process followed.

7) FOR THE GOOD OF THE ORDER

Director Patty Charnas provided an update on the Deercliff project that was a Public Participation Meeting (PPM) at the December 14, 2023, Planning Commission meeting. There currently has been no formal application submitted and additional analysis will be required, including a traffic study, if the project moves forward. Commissioners requested to revisit the question of access for this project and possibly come up with creative options for the residents

of the neighborhood that would also include COBI Public Works Development Engineers. Council Liaison - Jon Quitslund added the traffic concerns are part of the Winslow Subarea Plan and improving access in the Winslow area.

On a separate note: Councilman Quitslund shared that this is likely his last Planning Commission meeting as Liaison, and that Ashley Mathews will be assuming this role moving forward.

8) ADJOURNMENT - 7:20 PM

Sarah Blossom, Acting Chair of the Planning Commission

Renee Argetsinger, Clerk to the Planning Commission



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 22, 2024

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: Public Comment

AGENDA CATEGORY: Discussion

PROPOSED BY: Renee Argetsinger

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

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:
Instructions for providing Public Comment.

SUMMARY:

BACKGROUND:

ATTACHMENTS:

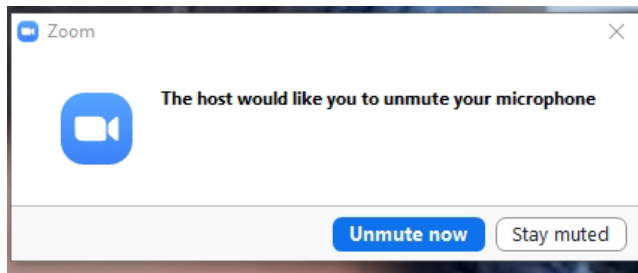


PLANNING AND COMMUNITY DEVELOPMENT

Members of the public are encouraged to submit written public comment to the Planning Commission at any time by emailing Commissioners directly or sending comments to pcd@bainbridgewa.gov and City staff will forward your comment directly to Commissioners on your behalf. Members of the public who wish to provide public comment may attend the meeting in Council Chambers or may participate remotely by following the instructions outlined below. If you are attending in-person, please sign up to speak on the sign-in sheet by the Chamber doors. The Chair or Acting Chair will call the people signed up on the sign-in sheet in Council Chambers first, and speakers will have three minutes to speak from the podium. Following the in-person comment, people who have raised their hands in the Zoom meeting will be called on next. A timer on the screen will indicate when 3 minutes have elapsed. Guidelines for public comment are also attached.

INSTRUCTIONS FOR PROVIDING PUBLIC COMMENT REMOTELY

1. Join the Zoom webinar by following the link posted on the agenda and on the City calendar.
2. Sign in to Zoom with your full name.
3. The Chair will indicate when it is time for public comment.
4. Attendee indicates desire to speak by clicking on “Raise Hand” option at the bottom of the screen. If you are calling in by phone and would like to make a comment, *6 mute/unmute *9 raise/lower hand to be called on to speak.
5. Attendee clicks button “Unmute now” after they are called to speak by the Chair.



6. Attendee will appear on screen with other panelists, but without video, just name.

IMPORTANT NOTE: If you do not have the latest version of Zoom, you will be promoted to panelist. You will then appear with video enabled. Look for the video icon in the bottom left-hand corner of the screen to turn off your video.

7. Attendee provides comment.
8. A timer on the screen will track your time.
9. Stop speaking when the timer reaches the 3-minute mark.
10. Attendee is returned to attendee group, and microphone is muted.
11. Public comment is simply received by the Planning Commission, with no response.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 22, 2024

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: (6:20) Bates Open Space Current Use Taxation Application

AGENDA CATEGORY: Review and
Recommendation

PROPOSED BY: Jennifer Sutton

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

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

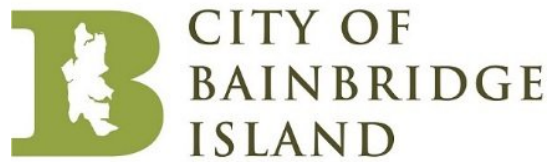
I move to recommend approval of the Bates current use application to the City Council and County Commission.

SUMMARY:

The applicant has submitted an application to classify 10.36 acres of a 13.5 acre undeveloped property as “Open Space Land” for current use assessment under Revised Code of Washington (RCW) Chapter 84.34. This state program, implemented on Bainbridge Island in coordination with Kitsap County, provides for a reduction in taxable property value for the area designated as “Open Space” in exchange for preservation of natural features and resources. The rest of the property, 3.14 acres, includes an existing driveway, and is identified in the application as a potential future residential area. The property is located at 6367 NE Eagle Harbor Drive.

BACKGROUND:

ATTACHMENTS:



Department of Planning and Community Development

Memorandum

Date: February 22, 2024
To: Planning Commission
From: Jennifer Sutton, AICP
Senior Planner
Project: Bates Current Use Application
File Number: PLN 52652 OS

Summary of Request

The applicant has submitted an application to classify 10.36 acres of a 13.5 acre undeveloped property as “Open Space Land” for current use assessment under [Revised Code of Washington \(RCW\) Chapter 84.34](#). This state program, implemented on Bainbridge Island in coordination with Kitsap County, provides for a reduction in taxable property value for the area designated as “Open Space” in exchange for preservation of natural features and resources. The rest of the property, 3.14 acres, includes an existing driveway, and is identified in the application as a potential future residential area.

General Information	
Tax lot number	342502-2-052-2008
Site address	6367 NE Eagle Harbor Drive
Owner of record	Cynthia Bates
Property size	13.5 acres
Zoning and Land Use Plan Map Designation	<i>Split Zoned:</i> The northern 4.33 acres is zoned R-1, 1 unit per 40,000 sq. ft., and the southern 9.17 acres is zoned R-0.4, 1 unit per 100,000 sq. ft.
Property Description	The property is undeveloped, except for a paved driveway and flagstone patio area. The paved driveway was installed several years ago in preparation for development that did not occur. An existing footpath connects the driveway to a flatter area in the center of the property where a flagstone patio area is located. The property is forested, and the driveway slopes steeply up from the south side of Eagle Harbor Drive. The western portion of the property is a steep geologically hazardous area, and a fish bearing stream, and small wetland within the ravine. See site plan.

Recommendation

After walking the subject property, City Arborist Drue Morris commented, "The property is comprised of a high diversity of tree species and ages with ample native understory vegetation. I would consider this a good quality forested area ideal for preservation." Based on the analysis of the application, existing critical areas, staff recommends approval of the Bates application to classify a portion of their property as "Open Space Land" pursuant to several characteristics identified in RCW 84.34.020(1)(b) (see below, also codified in [Kitsap County 18.12.020.A.2](#)).

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or (b) any land area, the preservation of which in its present use would

- (i) conserve and enhance natural or scenic resources, or
- (ii) protect streams or water supply, or
- (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or
- (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or
- (v) enhance recreation opportunities, or
- (vi) preserve historic sites, or
- (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or
- (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification.

Analysis & Findings

City of Bainbridge Island Comprehensive Plan

The subject property is located in the *Conservation Area*, as identified and described in the [Land Use Element of the Comprehensive Plan](#). The *Conservation Area* is identified as appropriate for low-density, residential development and a variety of agricultural and forestry uses and the preservation of open space. The Land Use Element identifies several different tools that the City should utilize to encourage land conservation within this area, including the *Current Use* taxation tool that is the subject of this application- see Land Use Element Policy 12.2 below.

Policy LU 12.2 Protect open space, critical areas and agricultural uses through public and private initiatives such as open space tax incentives, conservation villages, PUDs, transfer and purchase of development rights, public land acquisition, greenways, conservation easements, landowner compacts or limiting the amount of lot coverage.

Ms. Bates is separately pursuing a conservation easement for the subject property with the Bainbridge Island Land Trust.

Zoning and Land Use

The 13.5 acre property is *split zoned*:

- the northern 4.33 acres is zoned R-1, and
- the southern 9.17 acres is zoned R-0.4.

The property is undeveloped, except for a paved driveway and flagstone patio area. The paved driveway was installed several years ago in preparation for development that did not occur. The R-1 portion of the property theoretically could yield 5 units, however the majority of the property is a geologically hazardous area, and it is unknown if that many units could built while meeting critical area regulations, see [BIMC 16.20.130](#). The R-0.4 portion of the property theoretically could yield 4 units, the eastern half

of this area is relatively flat. The 3.14 acre area as a potential future residential area is mostly in the R-1 portion of the property

An unnamed fish bearing stream and a small unrated wetland is at the bottom of a ravine in the southwestern portion of the property. Surrounding the stream and required buffers to the stream and wetland. [BIMC 16.20.110.E.5.b. Streams in Ravines – Buffers](#) requires that this stream buffer would extend 25 feet beyond the top of the ravine. The stream, wetland, and geologically hazardous areas would be further reviewed by the City if a development permit was submitted.

A property qualifies for designation as open space land by preserving at least two listed priority natural resources, as identified in Kitsap County Code 18.12.020.B.3. The Bates property has a fish-bearing stream, wetland, and those buffers, identified as high priority resources. The scenic value and steep slopes of the property qualify as low priority resources.

Current Use Tax Reduction

As described above, the number and type of natural resources proposed for preservation by the Bates application qualifies for the open space current use. Pursuant to Kitsap County Code 18.12.030, this designation will reduce the taxable value of the designated open space area by 50%. The Kitsap County Assessor's Office has provided an estimate of property tax comparison (attached) to assist understanding of the tax implications of the Bates Current Use Assessment application to categorize approximately 10.4 acres as "open space land" eligible for a 50% reduction in taxable value.

An additional 10% reduction of taxable value may be granted if public access is allowed. Staff is not recommending pursuing this to the applicant as the subject property is not adjacent to any public recreation land or identified existing or planned public nonmotorized facilities.

Findings

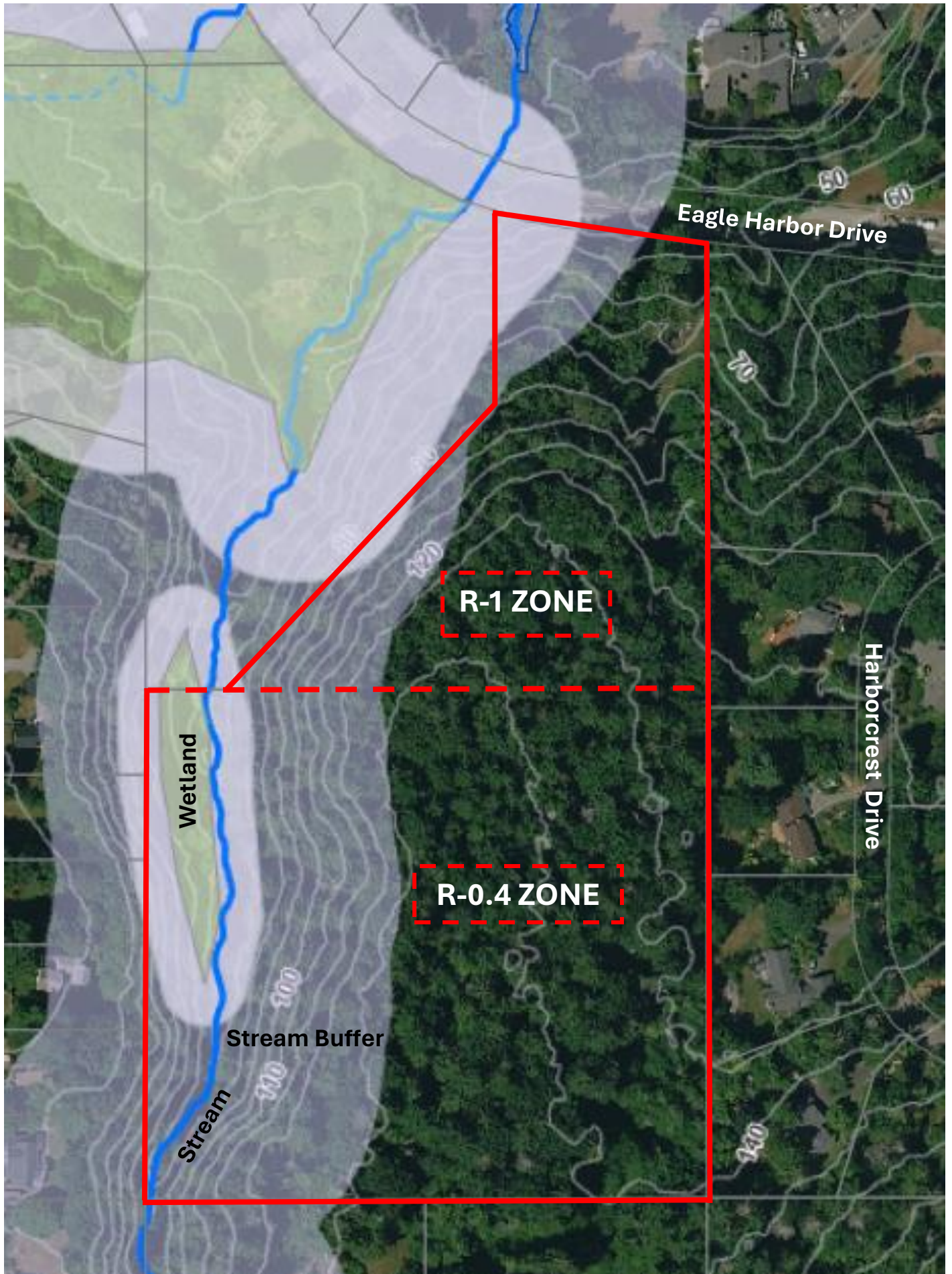
The application has been reviewed for consistency with the Kitsap County Open Space Plan (adopted 1987, amended 2022) and Chapter 84.34 RCW and found to meet the criteria for current use assessment for Open Space Classification- *Open Space Land*. The Bates property currently has two high priority natural resources- the fish bearing stream, wetland, those buffers.

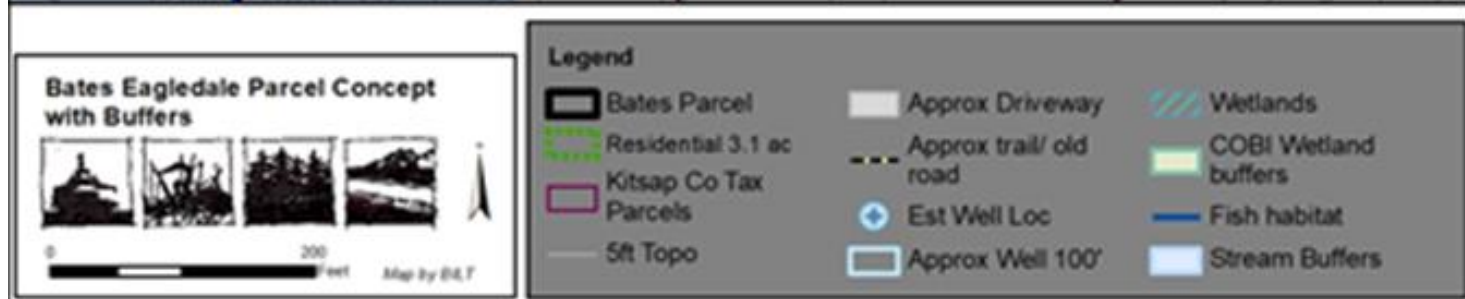
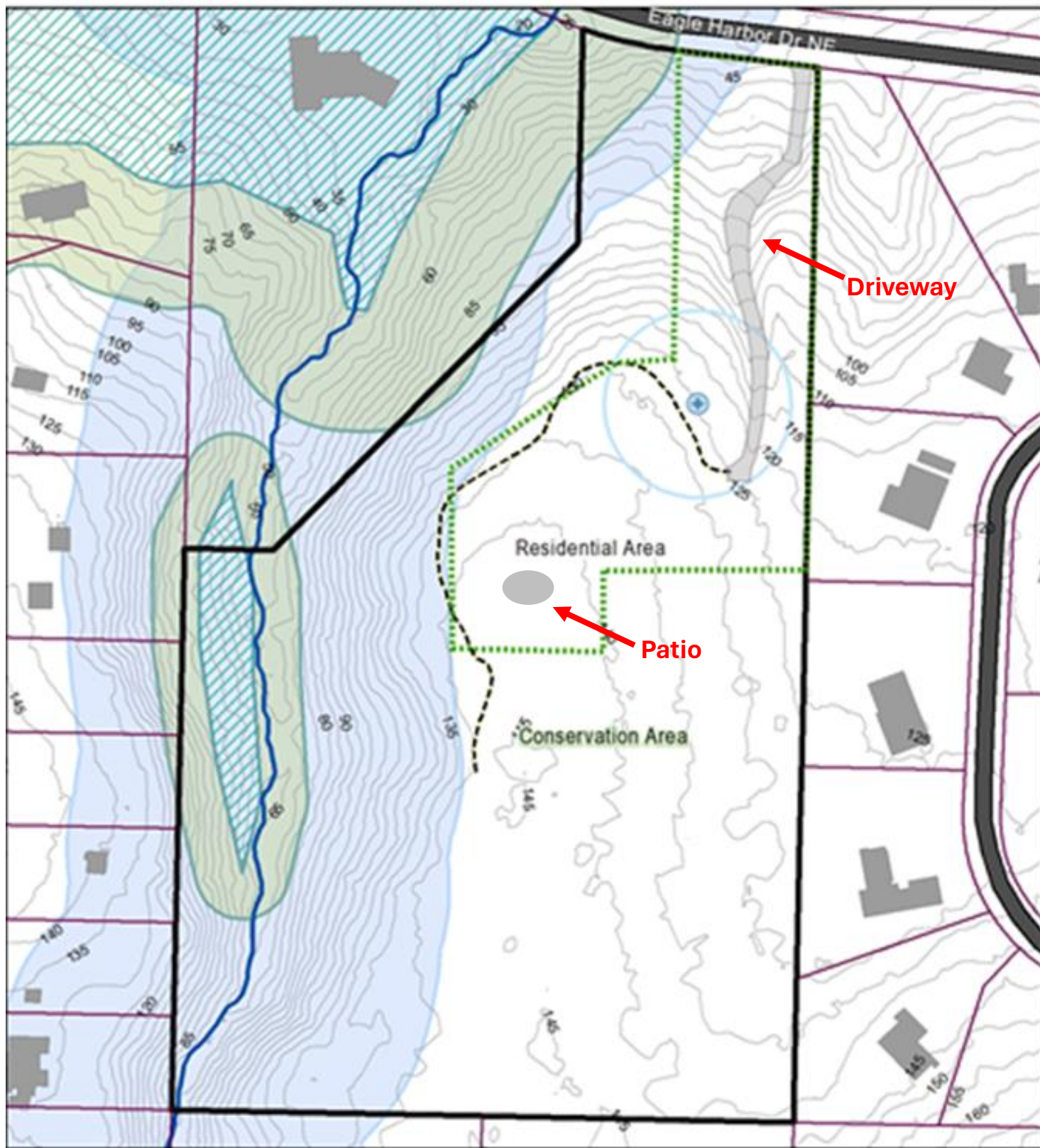
Planning Commission Review

The Planning Commission's is responsible for reviewing, holding a public hearing, and making recommendations on all Open Space Classification applications in the City of Bainbridge Island. The Commission's recommendation is forwarded on to a joint meeting of County Commissioners and City Council for a decision.

Next Steps

Once the Planning Commission has completed its recommendation, city staff will coordinate with the City Clerk and County Commissioner staff to schedule a joint meeting to consider this application.







Your Submission Details

Submission Number:

SUBMISSION-2023-3452

Status:

In Review

Message:

Applicant Name:

Cynthia Bates

Applicant Email:

cbates@mba1993.hbs.edu

Submission Type:

Environmental > Open Space

Last Updated:

June 16, 2023

Submission URL:

<https://app.oncamino.com/kitsapcounty/dashboard/225968/guide>

Contact the agency for more help



(360) 337-5777



help@kitsap1.com



619 Division St,
Port Orchard

① Project Information

✓ Property Owner Details

Step is Completed By: Applicant

Please complete the details below.

✓ Open Space Details

Step is Completed By: Applicant

Please complete the details below.

② Submittal Items

✓ Site Plan for Open Space

Step is Completed By: Applicant

Please upload a Site Plan in PDF format and include the following:

- North Arrow
- Plan drawn to scale and list the scale
- Home Location and any other existing buildings (e.g., Garage, Shed, Well House, etc.)
- Area proposed for Open Space
- Location of any Critical Areas (Wetlands, Streams, Shorelines, Steep Slopes, etc.)
- Any easements

✓ Photographs of the Open Space

Step is Completed By: Applicant

Please provide photos in PDF format of the proposed Open Space area, showing any critical areas, if applicable.

✓ Additional Technical Reports

Step is Completed By: Applicant

If you have any of the reports listed below, or any additional pertinent documentation, please upload them now in PDF format and then click "Mark as Complete" above. If you do not have any of the below documentation, please click "Mark as Complete" above now. Please note, you may be informed during permit review if it's determined that one or more of the below reports are needed.

Additional reports may be required based on site conditions:

- Flood Elevation Certification
- Soil Management Plans
- Engineered Drainage Plans
- Engineered Drainage Report
- Infiltration Test Worksheet
- No Net Loss (Shoreline)
- Habitat Management Plan
- Shoreline, wetland, or stream habitat report
- Geotechnical Report
- Wetland Delineation Report

③ Go to the Online Permit Center - A Separate Website

✓ Contact Information

Step is Completed By: Applicant

The Online Permit Center is different than the Permit Application Portal you are currently using!

An [Online Permit Center](#) account is **required** in order to get an official permit number, pay fees, issue permits, check status, and schedule inspections.

Before filling out the form below, you must visit this separate website: <https://co-kitsap-wa.smartgovcommunity.com/Public/Home>

To create your required Online Permit Center account, you can follow the link [HERE](#). If you need additional assistance, you can check out the step-by-step instructions located [HERE](#).

④ What Happens Next?

✓ Ready to submit or still working on your application?

Step is Completed By: Applicant

If You Are Ready To Submit Your Application:

Click submit and a Permit Technician will be contacting you.

- If your application is deemed complete by the Permit Technician, you will then be given a permit number to continue with

your process.

- If additional information or changes to your application are needed, you will receive an email detailing what is still required.
- Current permit intake processing times are approximately 10-14 days.

If You Are Still Working On Your Application:

You can log back in to resume your submittal at any point.

If you do not submit your application, your proposed project will not be reviewed and you will be unable to move forward with your project.

If you have any questions please reach out to us! You can find our contact page [HERE](#). We look forward to working with you!

Please select "Mark as Complete" above to move forward with your application.

Questions and Answers

1 Is this application to designate the open space as Farm and Agriculture Conservation Land?

Yes

No

2 Is the land subject to a lease or agreement which permits any other use than its present use?

Yes

No

Data Fields

Open Space Details

1 Parcel Number(s)

342502-2-052-2008

2 Category

Protect Streams, Stream Corridors, Wetlands, Natural Shorelines or Aquifers

3 Present Use

I purchased the land two years ago to preserve it (a NY developer was the other offer). I use it for walking on the one small trail and am laying a small stone patio. I'm a volunteer docent at Islandwood and may look for opportunities to leverage the land in partnership with them. A long driveway was put in by a previous developer planning to build multiple houses, and a well drilled but not activated. There is a remote chance I will build a small cabin in the future but most likely will keep undeveloped. I'm working with BI Land Trust to preserve 10.36 acres under a conservation easement. We'll close either this fall or in January.

4 Proposed Acreage

10.36

5 Jurisdiction

City of Bainbridge Island

Property Owner Details

1 Name

Cynthia L Bates

2 Email Address

cbates@mba1993.hbs.edu

3 Phone

425-301-9044

Disclaimer

This PDF was generated on June 16, 2023 and may be out of date.



Online Permit Center Contacts



My Portal

View your applications and inspection results

GO »



Public Notices

Find and review public notice announcements

GO »



Parcel Search

Find and review parcel information

GO »

Welcome to the Kitsap County
Online Permit Center

Primary Contact Information

Please confirm the name and the email address associated with the primary contact's Online Permit Center account.

Email: cbates@mba1993.hbs.edu

Name: Cynthia Bates

Phone Number: 425-301-9044

Additional Contact Information

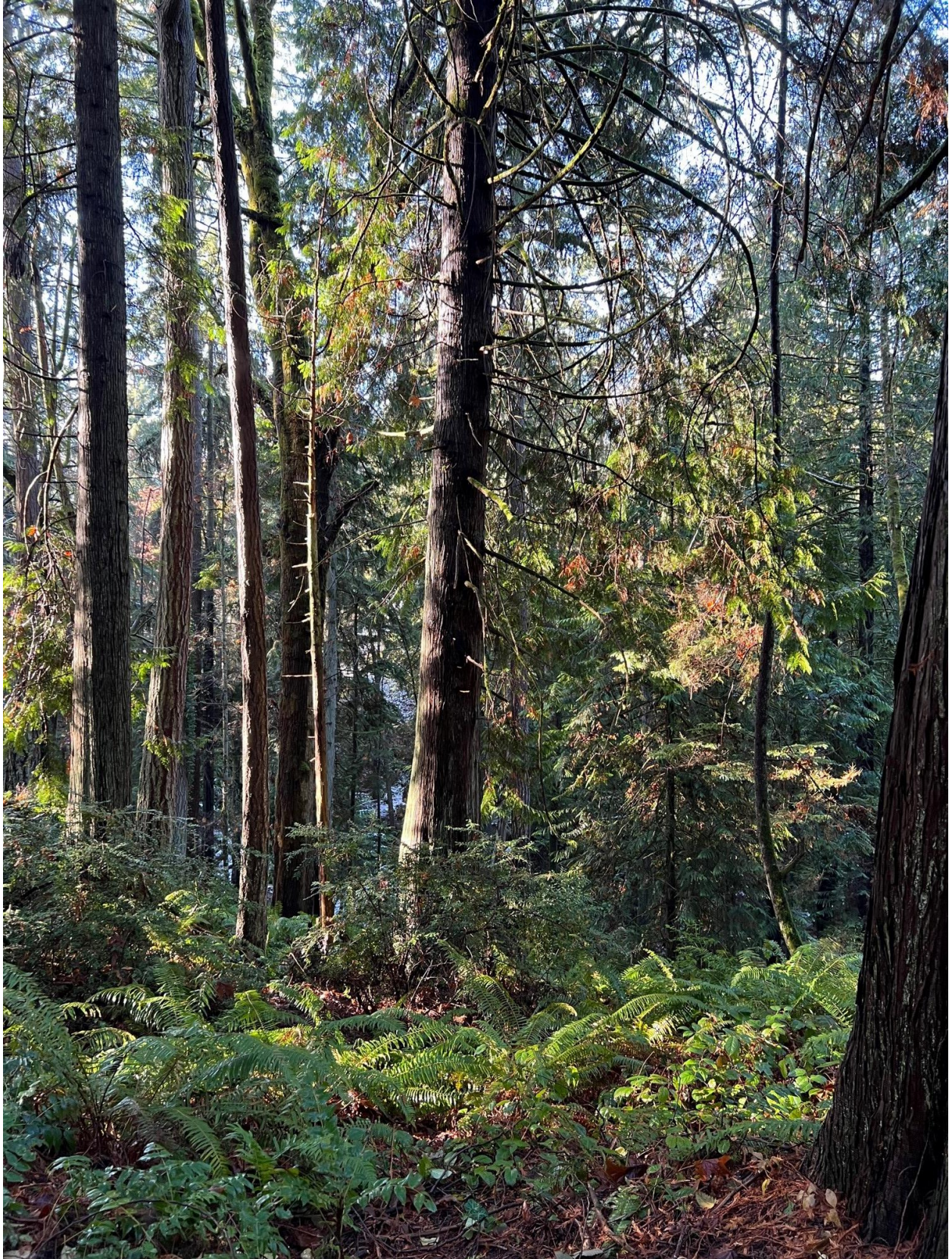
Adding additional contacts will allow them to pay fees, issue permits, check status, and schedule inspections. Any contacts listed below must have an Online Permit Center account or they cannot be added.

Name	Email	Role in the project*	Online Permit Center Account Created ☒

*Available role choices are listed below

Engineer	Architect	Authorized Agent	Business Owner	Business Name	Biologist	Designer
Geologist	Inspection Contact	Project Manager	Property Manager	Property Owner	Surveyor	Tenant











TAX SHIFT ESTIMATE

Owner
Tax Account

Current Use Acres

Total Acreage

Land Market Value

Homesite (or fully taxable acreage) Acreage

Homesite (or fully taxable acreage) Market Value

Open Space Land Reduction Factor

Farm Land Value

Desig Forest Land AV

Improvement Value

Taxes based a on levy rate of

Tax Year

BATES CYNTHIA		
342502-2-052-2008		
DFL	Farm	OpenSpace
0.00	0.00	10.40
13.50		
\$1,013,750		
3.10	acre(s)	
\$376,610		
50%		
\$0		
\$0		
\$0		
7.524659		
2024		

Taxable Value				Tax Year 2024	
				Value	Tax
CURRENT	Land			1,013,750	
	Improvements			0	
	Total			1,013,750	
	Taxes				7,628.12
PROPOSED	Homesite	Ac	Value	376,610	
		3.10	\$376,610		
	Designated Forest Land	Ac	Approx Rate	0	
		0.00	\$125		
	CU Farm & Agricultural	Ac	Value	0	
		0.00	\$664		
	CU Open Space	Ac	Value	318,570	
		10.40	\$637,140		
	Improvements			0	
	Total			695,180	
Taxes					5,230.99
Difference				318,570	2,397.13
Owner's Taxes DECREASE By					2,397.13

	Acreage	Total Land AV
Total Land:	13.50	= \$1,013,750
Homesite (taxable land):	3.10	= \$376,610

Land Value less the homesite (taxable land):	\$637,140
Reduced value with exemption:	\$318,570

Adjusted Land Value:	\$318,570
At the 2023 Tax Rate of :	7.524659
The Estimated Tax Shift (tax reduced by) =	\$2,397



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 22, 2024

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (6:40) Helpline House Public Participation Meeting

AGENDA CATEGORY: Discussion

PROPOSED BY: Jo Mendenhall

**PREVIOUS PLANNING COMMISSION
REVIEW DATE(S):** None

PREVIOUS COUCIL REVIEW DATE(S): None

RECOMMENDED MOTION:
Presentation and Discussion

SUMMARY:

This Public Participation Meeting (PPM) is for Helpline House's proposed new building, demolition of an existing storage building, and for changing the property from a commercial use to a mixed use. The PPM is required as part of the preapplication phase of the site plan and design review process.

BACKGROUND: Helpline House is proposing a two phased project. The first phase proposes to remove an existing storage building and to construct a new, two-story, 12,750 square foot building where Helpline House's food bank and social services will take place. A second phase will convert the existing 3,276 square foot commercial building into four units of affordable housing. The construction project, demolition of the storage building and changing the property's use from commercial to mixed use requires a major Site Plan and Design Review permit. It is subject to the State Environmental Policy Act (SEPA) review. A preapplication conference was held with city staff on December 19, 2023, at which time the applicant learned that code requires either a mixed use project or a commercial project to be submitted and that uncertainty regarding whether the eventual project would be commercial or mixed use would need to be resolved before submitting for a permit. Subsequent to the preapplication conference, the applicant chose to submit a mixed use project which is the subject of tonight's PPM. The applicant participated in a Conceptual Design Review meeting with the Design Review Board on February 5, 2024. Next steps include Design Guidance meeting and Final Review and Recommendation meeting with the Design Review Board prior to land use application, and Planning Commission review and recommendation on the land use permit.

ATTACHMENTS:

Project Narrative

PROPERTY

The property, currently owned by Helpline House, is a developed 1.08-acre parcel located at 282 Knechtel Way NE. There is an existing, forty-year-old two-story commercial food bank/office building (aka the House) and a two-story storage building (aka the Barn) at the north end of the property. At the south end there is an informal, 30 space (approx.) gravel parking lot connected by a paved driveway to Knechtel Way. The property is bordered on three sides by housing developments, including Winslow Co-Housing to the north and west and Housing Resources Bainbridge affordable housing to the west and east. Across the street to the south is an apartment complex. The area of the existing property is 47,044.8 SF, per COBI GIS.

The south end of the site is relatively flat. There is a stand of younger trees near the entrance drive and a number of several larger, healthy trees along the property lines to the north. The site steps up to the north, with about 10' of elevation gain, to another flat area where the existing office building is located. The existing storage building is built on this step, with access on both upper and lower levels.



Helpline House
New Two-Story Commercial Building - PLN52710
APN 262502-2-017-2002
282 Knechtel Way NE
Bainbridge Island, WA 98110

Revision	Date

DRB - Concept Meeting
Project Narrative
Scale as Noted
February 5, 2024

DRB-C 2

Davis Studio Architecture + Design, LLC
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Bainbridge Island, WA 98110
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Project Narrative

PROPOSED PROJECT

Helpline House has outgrown its existing facility. A community survey indicated that the need for the food bank and social services is rapidly increasing as the cost of living continues to increase. In addition, the existing buildings and the site are not accessible and are difficult for many of the clients, staff and volunteers to navigate. Helpline House has decided to build a new building to house its food bank services, along with its growing social services. A new, two-story 12,750 gross square foot (11,745 net sf) building is being proposed.

Included in the project it is proposed to remove the existing storage building (the Barn) along with the covered walkway. At this time, Helpline House is considering the feasibility of retaining the office/food bank building (the House). If a partner can be found, the building could possibly be converted to four residential units potentially operated as affordable housing. Given its age, and change of use, the existing building would require extensive exterior and interior remodeling and renovation to convert it into residential use. Any such renovation would be done under a separate building permit, at a future date, and would be in keeping with the look and feel of the new building. If a suitable partner is not found or the conversion is not feasible the building would be demolished.

PROJECT CONCEPT

The new two-story building will be located in the southwest quadrant of the property, 15 feet from the front property line, per code. This allows a presence of Helpline House closer to the sidewalk and helps reinforce the street edge. A new paved 54 space parking lot will be located along the entire east side of the property, connected to Knechtel Way with a driveway in approximately the same location as the current driveway.

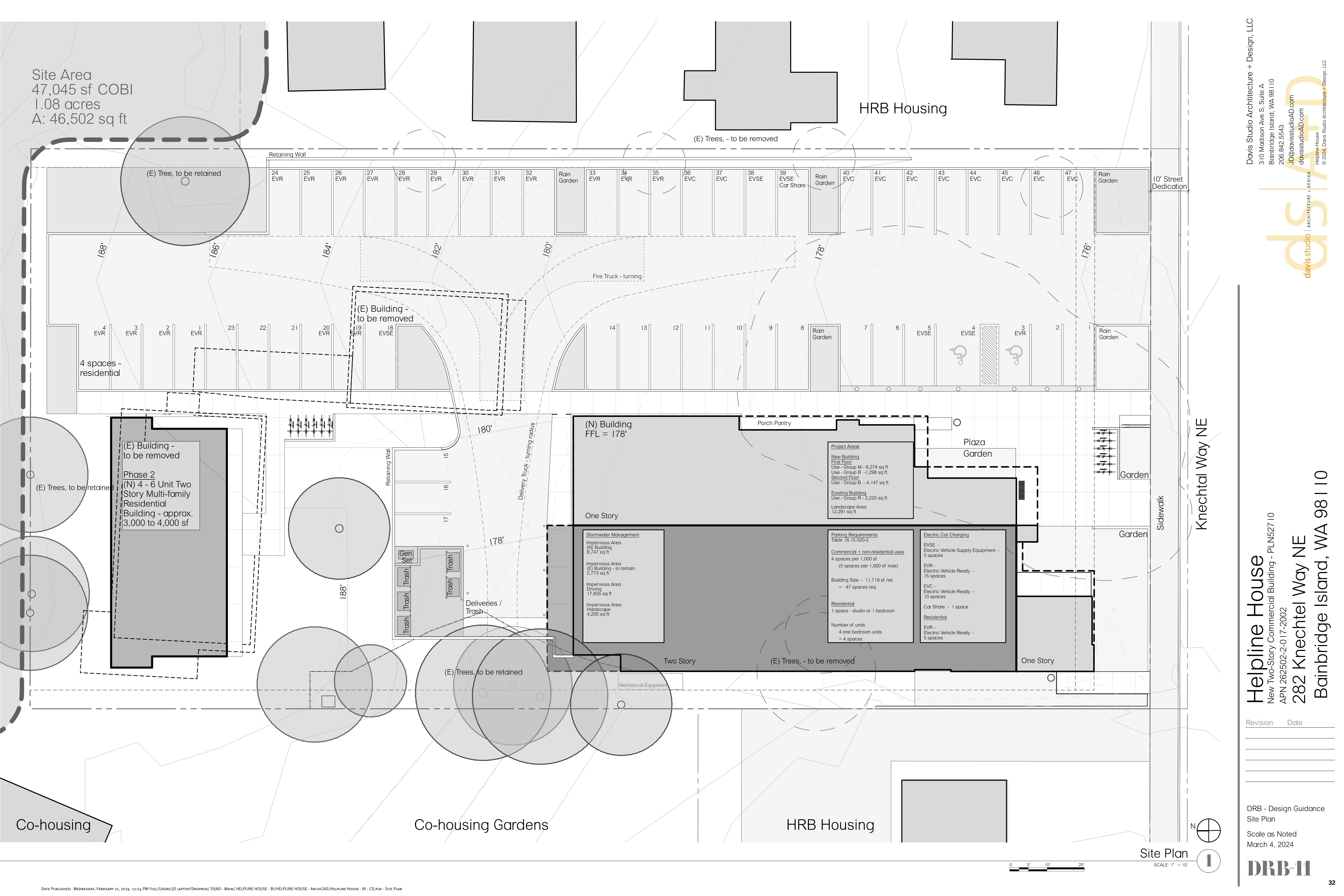
The proposed new building is a two-story building; the second story is only a partial floor which will be located towards the rear and west side of the building. One-story elements will front Knechtel Way around a paved and landscaped entry plaza and gardens, giving the new building an appropriate scale and character for the neighborhood.

The functions of the building are arranged around the flow of clients entering at the front of the building from the sidewalk and parking area through "one front door" into a common lobby that serves both the food bank and the social services offices. The delivery of food is from the rear, into the warehouse space and preparation areas and then into the Market. A delivery area in the rear allows the deliveries to be separated from pedestrians and traffic will be adjacent to the Co-Housing gardens, buffered by existing trees, to limit disturbance of the surrounding residential neighbors.

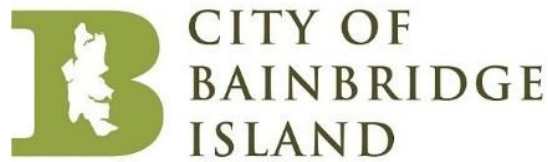
The design goals for the new building include: an accessible and inclusive building that serves people of all abilities; a net zero energy building that is comfortable and cost effective to operate; and a building that will accommodate the expansion of Helpline House’s services over the next decades. The building is located on the site so as to provide maximum accessibility. The roof is designed to accommodate the amount of solar needed to provide for the energy needs of the building operations. The building has been carefully designed and sized for the specific needs of the food bank and the social services both now and in the future. The floor plan has been designed in partnership with all stakeholders including the staff, volunteers and users of the building through a series of iterative design conversations.

Revision	Date

Site Area
47,045 sf COBI
1.08 acres
A: 46,502 sq ft



Revision	Date



January 5, 2024

Jonathan Davis
310 Madison Avenue South, Suite A
Bainbridge Island, WA 98110
sent via email: jd@davisstudioad.com

Re: Mixed use development with new 2 story commercial building

Dear Applicant,

Thank you for meeting with staff on December 19, 2023 to discuss the proposed mixed use project on parcel # 262502-2-017-2002. A summary of the land use review process, applicable Bainbridge Island Municipal Code (BIMC) regulations, comments from reviewers, fees, submittal requirements, and next steps is provided below.

General Information			
Pre-Application Conference Date: December 19, 2023			
Project Name and Number: Helpline House / PLN 52710			
Project Description: Mixed use development with a new 2 story commercial building.			
Project Address: 282 Knechtel Way NE			
Tax Parcel Number(s): 262502-2-017-2002			
Tax Parcel Size: Approx. 1.08 acres or 47,045 sq. ft.			
Zoning/Comp Plan Designation: EA/Erickson Avenue District			
Planning Contact: Joanne Mendenhall			
Development Engineer: Kenton Bruno			
Land Use Review Process			
Applications Required			
Review/Permit	Process	Recommendation / Decision	Current Fee*
Preapplication Conference	BIMC 2.16.020.I	N/A	\$2,850.00 (paid)
DRB Conceptual Review Meeting**	BIMC 2.16.040.D	N/A	\$930.00 (paid)
Public Participation Meeting		N/A	\$930.00 (paid)
DRB Guidance Meeting**		N/A	
DRB Final Review Meeting**		DRB	
Site Plan and Design Review (Major)	BIMC 2.16.040	Planning Commission / PCD Director	\$18,335.00 (major)
Health District Review	Dependent on final design. Contact Health District for process and fee.		
Building Permit Fees	Cost based on project valuation		

Planning and Community Development
280 Madison Avenue North
Bainbridge Island, Washington 98110-1812
www.bainbridgewa.gov
206.842.7633

- * Please verify permit fees at the time of application submittal.
- ** All DRB meetings are included in the one-time fee.

Application Submittal Requirements

- DRB meetings: Follow the instructions on the City’s website [Submitting a Building or Land Use Permit Application](#). If you have any questions about submittal, please contact a permit specialist through permittingsubmittal@bainbridgewa.gov or telephone 206.780.3770. Please submit all information identified in [Design for Bainbridge](#), Appendix A.
- Public Participation Meeting: This meeting is scheduled with the Planning Commission; it meets the 2nd and 4th Thursday of each month. Contact the project planner at least three weeks ahead of the requested meeting to schedule. There are no submittal requirements, but Planning Commission expects that the applicant will make a brief presentation, and is typically provided the applicant’s proposal from the preapplication or conceptual meeting materials. Please note that the previous use of an “open house” format for Public Participation Meetings has been discontinued.
- Land use application: Follow the instructions on the City’s website [Submitting a Building or Land Use Permit Application](#). If you have any questions about submittal, please contact a permit specialist through permittingsubmittal@bainbridgewa.gov or telephone 206.780.3770. Please submit all information identified in the [Administrative Manual for Land Use Permits](#), in addition to submittals listed below.
- **Additional required plans, studies, reports, and any other requirements for complete land use application submittal:**
 - Master Land Use Application
 - Preapplication conference summary
 - Public participation meeting summary
 - SEPA Checklist
 - Current Tree Inventory
 - Traffic Impact Analysis (contact Department of Public Works for scope approval)
 - Property line survey with engineer’s scale and lot area identified (Survey provided with the Pre-App Packet did not include a scale)
 - Non-binding water and sewer availability letters.

Bainbridge Island Municipal Code Requirements

BIMC 2.16 – Land Use Review Procedures

Review procedure and decision criteria for major Site Plan review are outlined in [BIMC 2.16.040](#).

BIMC 16.04 – Environmental Policy

The project is subject to the State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11-800).

- **A complete SEPA checklist is required at the time of application submittal.**

The northern portion of the project site is in a mapped erosion hazard area due to soil type and 15 – 30% slopes nearby. However, the project site itself does not appear to have steep slopes and the disturbance in the mapped critical area is minor. The Development Engineer

does not require a geotechnical report with initial submittal requirements. However, these conditions will need to be addressed by erosion control BMPs during construction.

BIMC 16.18 – Tree Removal, Forest Stewardship and Vegetation Maintenance

At the pre-application conference, the applicant indicated that some tree removal is proposed. Please note per [BIMC 16.18.050.B](#) that a tree removal/vegetation maintenance permit (TRVM permit) is required prior to 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.

[BIMC 18.09](#) – Use Regulations

“Commercial/Residential Mixed-Use Developments” are a permitted use in the Ericksen Avenue Overlay.

[BIMC 18.12](#) – Dimensional Standards

Maximum Floor Area Ratio: 0.5 total* In mixed use development, the established FAR in the residential and commercial components shall not be exceeded.

- 0.3 maximum for Commercial and Other Nonresidential Uses
- 0.3 maximum for Residential Uses

Maximum Lot Coverage: 35%*

***Surveyed lot area needed to determine specific allowed square footage. COBI GIS provides a general estimate, but does not represent a survey and is not intended to be used as a survey product. Survey provided with the Pre-App Packet did not include a scale or lot area.**

Front Yard Setback: **15 feet** minimum, **20 feet** maximum

Side Yard Setback: **5 feet** minimum

Rear Yard Setback: **0 feet** (rear setback does not abut central core or Madison Avenue overlay districts)

- Proposed site location is outside of setbacks.

Max Building & Structure Height: **25 feet**

Bonus height of 35 feet is available if parking is located underground or under the occupiable space of the planned building. If parking is located under 50 percent or less of the occupiable space, the bonus may only be used for a portion of the building footprint twice as large as the area with parking located beneath.

BIMC 18.15 – Development Standards and Guidelines

- [BIMC 18.15.010](#) Landscaping, screening, and tree retention, protection and replacement.

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

- No cutting of trees shall be allowed on a site until the tree retention and planting plans have been approved by the director and a clearing, grading or building permit issued.
 - In order to preserve future ecological function, the applicant shall identify areas of prohibited disturbance, generally corresponding to the dripline or critical root zone

(as identified by a consulting arborist) of the existing vegetation, trees and/or tree canopy of tree stands to be retained, buffers, areas of existing vegetation to be maintained, future LID BMPs, and future planting areas larger than 400 square feet (i.e., landscape islands in parking lots). The prohibited disturbance areas shall be reviewed and approved by the director as part of the land use permit review process.

- Protection of the prohibited disturbance areas during construction shall comply with the requirements of BIMC 18.15.010.C.4
- Perimeter Buffer is not required as the project is not abutting a single-family residential zone.
- Roadside buffer is not required as the project is not adjacent to Highway 305.
- **Parking Lot Landscaping is required in the Winslow Mixed Use Town Center Overlay districts in compliance with BIMC 18.15.010.F.2**
- Total Site Tree Units Required: **40 tree units** are required. Please see BIMC Table 18.15.010-5 for the Tree Unit Conversion Table for Preserved Trees.

As an alternative to the 40 tree unit requirement, and at the applicant's option, the development parcel will contain at least the same number of tree units after the proposed redevelopment as it had before the redevelopment.

- Current proposal does not include planting new trees to meet the tree unit requirement. If that changes, the requirements of BIMC 18.15.010.H-J would need to be met.

- **BIMC 18.15.020 Parking and Loading.**

Driveways, parking, and walkways shall accommodate pedestrians, motor vehicles and bicycles used by occupants or visitors of a structure or use.

- When new or expanded development is required to provide parking for more than 10 cars, the development shall integrate electric vehicle charging infrastructure. **BIMC 18.15.020.C.3 Electric Vehicle Charging Infrastructure will apply to this project.**
- When a new development is required to provide parking for more than 25 cars, at least one parking space near the entrance must be reserved and signed for use by a shared-car program. All parking spaces reserved and signed for use by a shared-car program must also be EV-capable.
- For all development except for single-family residential, the required parking for two or more complementary uses may be reduced up to 50 percent when provided by a common parking lot, but may not be reduced below the highest parking requirement.
- All parking lots shall comply with the minimum requirements for handicapped parking spaces, as required by Washington State regulations related to barrier-free facilities.
- Off Street Parking Spaces Required:
 - Commercial/nonresidential Uses: Minimum of four spaces per 1,000 square feet of building. Maximum above-ground spaces is five per 1,000 square feet of building.
 - For residential uses: minimum of one space per primary dwelling unit that is a studio or one bedroom unit, and two spaces for all other primary dwelling units. The maximum above-ground spaces per unit is two. The director may require guest parking in excess of the required parking spaces, whether or not the required parking is reduced pursuant to BIMC 18.15.020.B.12, up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.
 - Residential parking requirements may be reduced by 25 percent for dwelling units located between one-half mile and a one-mile radius of the ferry terminal providing scheduled service to Seattle. This provision may not be used in conjunction with senior housing or other parking reduction arrangements, and the required number of parking spaces shall not be reduced below one space per parking unit. This provision does not preclude the authority of the director to require guest parking.
 - Other uses and special cases – Applicant has indicated they don't feel the proposed

use falls under the “office and services” category for parking requirements. For special cases not covered by BIMC Table 18.15.020-2, parking requirements shall be established by the director. For determination by the director, the applicant shall supply (a) documentation regarding actual parking demand for the proposed use; or (b) technical studies prepared by a qualified professional relating to the parking need for the proposed use; or (c) required parking for the proposed use as determined by other comparable jurisdictions.

- Parking in the Mixed Use Town Center and High School Road I and II zoning districts shall be located behind, to the side of or under buildings. Parking shall not be located between a building and the front lot line, unless an applicant can demonstrate that locating parking between a building and the front lot line is the only feasible location.

Current proposal locates the parking to the side of the new building.

- The city may waive the limits on contiguous stalls and may approve reductions of up to 50 percent of the parking lot setback requirements if significant trees are saved and incorporated in the design of circulation and parking.
- **BIMC 18.15.020.J Design Standards apply.**

- [BIMC 18.15.030](#) Mobility and Access.

- **BIMC 18.15.030.A Circulations and Walkways will apply to the commercial portion of the project.**

- Bicycle Facilities - all parking facilities, except those serving single-family residences (including any use accessory thereto), 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.

- An applicant may request, and the director may approve, a reduction or waiver of the bicycle facilities requirements, 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.

- [BIMC 18.15.040](#) Outdoor lighting.

All outdoor lighting fixtures and accent lighting shall be designed installed, located and maintained such that there is no light trespass. Outdoor fixtures and accent lighting must be shielded and aimed downward. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky. Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge. Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent (2,220 lumens output) and comply with other standards in BIMC 18.15.040.

- [BIMC 18.15.050](#) Signs.

All development shall comply with those sign regulations contained in [BIMC 15.08](#).

[BIMC 18.18.030](#)– Design Standards and Guidelines

All development subject to design review shall comply with the requirements of the Bainbridge Island design review standards and guidelines, “[Design for Bainbridge](#).” In the event of a conflict between two or more design standards or regulations, the Bainbridge Island design review standards and guidelines, “Design for Bainbridge,” shall apply.

BIMC 20.04 – City Fire Code

The project shall comply with all applicable provisions of the adopted Fire Code (International Fire Code, 2018 Edition). *Please note, The City intends to update code requirements to the 2021 edition in March of 2024.

Department/Agency Comments**Development Engineer Comment:**

Development Engineer, Kenton Bruno, provided the attached comments. Kenton can be reached at (206) 780-3779 or kbruno@bainbridgewa.gov

Building Official Comment:

Building Official, Blake Holmes, provided the attached comments. Blake can be reached at (206) 780-3715 or bholmes@bainbridgewa.gov.

Bainbridge Island Fire District Comment:

Fire Marshal, Jackie Purviance, provided the attached comments. Jackie can be reached at (206) 451-2033 or jpurviance@bifd.org

City Survey Program Manager Comment:

The City Survey Program Manager reviewed the provided documents and has the following note:
All plans using information shown on the survey map shall note / reference the source.
Rob can be reached at (206) 842-3742 or rgrant@bainbridgewa.gov.

Kitsap Public Health District Comment:

Richard Bazzell can be reached at (360) 728-2308 or richard.bazzell@kitsappublichealth.org

Please review the City's Administrative Manual

(<https://www.bainbridgewa.gov/DocumentCenter/View/16245/Administrative-Manual-PDF>) for all submittal requirements. If you have any questions, please contact me at (206) 780-3771 or jmendenhall@bainbridgewa.gov.

Sincerely,



Joanne Mendenhall

Planner

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



DEPARTMENT OF PUBLIC WORKS – ENGINEERING

MEMORANDUM

Date: January 1, 2024
To: Joanne Mendenhall, Planner, Planning and Community Development
From: Kenton Bruno, P.E., Development Engineer, Public Works
Subject: PLN52710 PRE – Helpline House (SPR) PW-DE Comments

Background:

Following the pre-application conference held on 19 December 2023 (remotely), Public Works Development Engineering (PW-DE) has completed a review of the subject project materials and submits the following comments to be included with and/or attached to the pre-application summary letter generated by Planning and Community Development. As noted below, a Site Assessment Review was completed as part of this review and these comments serve in lieu of a stand-alone SAR letter of recommendation from COBI Development Engineering for any future permit application submittal requirements for a project substantively conforming to this proposal.

Brief Project Description:

The project proposes construction of a mixed-use development (~30,800sf of new plus replaced hard surface area) including a new 2 story commercial building and remodel of the existing 2 story commercial building for residential use including additional parking and the required utility infrastructure. The project site is located at 282 Knechtel Way NE on an approximately one-acre rectangular parcel (TPN 26250220172002). The parcel is fronted on the south by Knechtel Way NE (Public Right of Way (ROW), residential urban), and bounded by similar residential parcels on all other sides.

Comments:

Please note that the information provided in this letter reflects existing codes and standards, currently available information about the site, and the nature of the immediate environment. Comments provided pursuant to preapplication review shall not be construed to relieve the applicant of conformance with all applicable fees, codes, policies, and standards in effect at the time of complete land use permit application. The comments on this proposal do not represent or guarantee approval of any project or permit. While covering as many of the Planning, Engineering, Building, and Fire related

aspects of the proposal as possible during this preliminary review, please be advised that subsequent review of any land use permit application may reveal issues not identified during this initial review.

1. Trip generation calculations in accordance with the Institute of Traffic Engineers (ITE) Trip Generation Manual, 7th Edition (or later) shall be provided for review with the subsequent land use applications. If calculations indicate net trip generation will be beyond the threshold of 50 average daily trips (ADT) or five or more AM or PM peak-hour trips added as a result of this project, a Traffic Impact Analysis (TIA) sufficient for the City Engineer to perform a concurrency test will be required per BIMC 15.40 unless specifically waived by COBI Development Engineering during the land use permit review process. If required, the TIA shall be submitted for review prior to issuance of any land use permitting.
2. If required, the applicant shall select a consultant to perform the TIA and submit the proposed scope of work for review by COBI Development Engineering prior to executing the field work and subsequent analysis. The scope shall include but not be limited to discussion of the following: Intersections to be analyzed for Level of Service (LOS) calculations, analysis of pedestrian movement on to, off, and through the site, line-of-sight considerations for vehicular traffic exiting onto Hildebrand, and considerations to reduce vehicular/pedestrian conflicts throughout the site, but especially from the project site crossing Hildebrand to retail spaces located to the west of the project.
3. Project is subject to evaluation for Transportation Impact Fees (TIFs) based on the net trip generation calculations. Fees are generally due at time of subsequent building permit issuance. A preliminary TIF worksheet/application will be required with subsequent land use applications.
4. Consistent with the decision criteria considered to recommend approval of a preliminary commercial Site Plan Review (SPR) found in BIMC 2.16 and the COBI Design and Construction Standards and Specifications, public frontage improvements may be required. Existing frontages are well developed and generally within standards, so no significant frontage improvements are expected to be required. If any are required or proposed, such improvements shall be consistent with COBI's design and construction standards for the roadway they are adjacent to, or consistent with proposed deviations to the standards as approved by COBI engineering during the land use and/or building permit review process.
5. The project parcel is located within/adjacent to trail connection zone per the City of Bainbridge Island non-motorized transportation plan. Trail connection zones indicate broad areas where trail connections are desired as part of the City's non-motorized network. Specifically in this case, the City desires north/south mid-block connection between Madison to the west and Ericksen to the east. The project narrative for the required land use permits shall document how the project proponents considered the feasibility of providing a non-motorized public connection across the property to enable a connection between Knechtel Way NE and Wallace Way to the north.
6. Adequate right of way exists along the Knechtel Way NE frontage. No additional ROW dedication is anticipated.
7. The proposed project will create more than 5000 SF of new and replaced hard surfaces. The land use and subsequent building permit submittals shall demonstrate project compliance with applicable minimum requirements of the City's current stormwater manual as adopted in BIMC 15.20 at the time of building permit submittal.

8. A Site Assessment Review (SAR) is required per BIMC 15.20.060(1) with the goal to mimic the site's natural hydrology, implement low impact development (LID) to the maximum extent feasible, and preserve native vegetation on site. A SAR application was received with the preapplication conference documentation, and a SAR has been completed in conjunction with this preapplication review. Preapplication materials did not fully indicate LID principles proposed for the site. Follow on applications shall ensure that LID principles are incorporated in all phases of development and will be reviewed with that expectation. **No further SAR analysis or review is required.** These comments **serve in lieu of a stand-alone SAR letter of recommendation from COBI Development Engineering** for any future submittal requirements for a project substantively conforming to this proposal
9. The site is located within the COBI water and sewer service areas and is currently being served with both water and sanitary sewer from COBI. Any utility improvements shall conform with COBI Design and Construction Standards and Specifications (Standards).
10. A water/sewer availability (WSA) worksheet application is required prior to applying for subsequent land use permitting. The resultant final WSA letter is independent of the permitting process and will be provided to applicant for use in the subsequent land use applications.
11. Proposed changes in Drainage Fixture Units and associated sanitary sewer connections and appurtenances shall be calculated, designed, reviewed, installed, and inspected per COBI Design and Construction Standards and Specifications and any other Federal, State or Local regulatory standards. This will include a TV inspection of the side sewer connection(s) prior to reconnection as a condition of inspection on the subsequent building permit. The existing sewer service shall conform to the Standards and any deficiencies with the existing side sewer shall be corrected prior to permit closeout.
12. Any civil improvements required as conditions of a preliminary site plan review approval to be constructed in the Public Right of Way (ROW) require a ROW use permit subject to independent review and additional fee/submittal requirements.
13. As built, verified civil construction plans to include all utility connections, floor drainage plans, stormwater BMP's, and surface features along ROW frontages and in vicinity of project access points shall be provided by the applicant prior to issuance of final certificate of occupancy for the project unless otherwise specifically waived by COBI Engineering.



MEMO

Date: December 7, 2023
To: Planner, Joanne Mendenhall
From: Jackie Purviance, Fire Marshal
Re: Helpline House PRE PLN52710

The submittal has been reviewed resulting in the following comments:

1. Any future development shall comply with all provisions of the adopted Fire Code.
2. Fire apparatus access for commercial projects shall be an unobstructed width of 20 feet and meet the adopted road standards of the City of Bainbridge Island. Access roads exceeding 150 feet in length are required to be provided with an approved turnaround.
3. Automatic fire sprinklers are required for the proposed new structure that is over 3,600 square feet. The existing structure proposed be changed from commercial to residential units will require automatic fire sprinklers if the total square foot exceeds 3,600. If the total square foot does not exceed 3,600 square feet, the fire department highly recommends the installation of a system.
4. A fire alarm system is required to monitor an automatic fire sprinkler system.

MEMO

Date: January 2, 2024

To: Joanne Mendenhall, Planning Department

From: Blake Holmes, Building Official

Re: Helpline House Pre-APP PLN 52710

The project has been reviewed and building has the following comments:

This project requires a building permit, the following code(s) are required to be met:

1. The purposed project shall comply with the 2018 ICC Building Codes and Washington State Energy Code when applying for a building permit if submittal is before March 15, 2024.
2. If applying after March 15, 2024 project shall comply with 2021 ICC Building Codes and Washington State Energy Code.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 22, 2024

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (7:10) PSE Municipal Code Amendment Request

AGENDA CATEGORY: Presentation

PROPOSED BY: Jo Mendenhall

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): January 11, 2024

PREVIOUS COUCIL REVIEW DATE(S): None

RECOMMENDED MOTION:

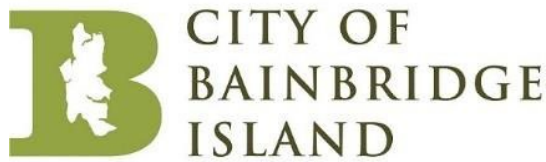
Information only.

SUMMARY:

PSE wishes to upgrade and improve maintenance on their linear electrical distribution and transmission line infrastructure on Bainbridge Island. PSE submitted an application for amendments to the following codes: BIMC 16.20.100 regarding Aquifer Recharge Protection Area dedications on land not owned by PSE (easements).; BIMC 16.20.140 addressing the prohibition on utilities in Category I and Category II wetlands; BIMC 18.12.020 regarding height limits and Conditional Use Permit requirements; BIMC Table 18.12.040. regarding setbacks and height exemptions; and BIMC 2.16.020 on the definitions of permit applicants relative to underlying property owners.

BACKGROUND: Puget Sound Energy (PSE) submitted an application for code amendments under Bainbridge Island Municipal Code (BIMC) 2.16.180 which normally follows a study session with the Planning Commission followed by a public hearing and Planning Commission recommendation to the City Council. The code amendments are requested to support the installation, upgrade and maintenance of PSE's linear distribution and transmission line infrastructure. PSE has a variety of projects planned that accordingly cannot go forward with out amendments to current code.

ATTACHMENTS:



Department of Planning and Community Development

Memorandum

Date: February 22, 2024
To: Planning Commission
From: Joanne Mendenhall, Planner
Subject: PSE Municipal Code Amendment Request

Background

The City has received an updated code amendment request by Puget Sound Energy (PSE). Pursuant to BIMC 2.16.180, the request comes before the Planning Commission for discussion, a public hearing, and ultimately, a recommendation to the City Council. The initial request was received April 20, 2022. A SEPA comment period was opened May 9th, 2022. Two comments were received, both in favor of the initial request. The original request included two amendments. However, through further conversations with city staff, four additional amendments were identified as necessary to support the intention of the applicant.

At the January 11th, 2024 Planning Commission meeting, there was a brief overview provided regarding the pending updates to this application. No action was requested or taken at that time. The applicant provided updated submittal documents on February 6, 2024. PSE is requesting code amendments related to:

1. An exception from the need to dedicate an Aquifer Recharge Protection Area on land not owned by PSE (easements). Currently, any development or activity that requires a site assessment review within zones R-0.4, R-1, and R-2, is also required to designate an Aquifer Recharge Protection Area (ARPA). An ARPA is a portion of a development site, up to 65% of a property, set aside to preserve existing vegetation to promote groundwater recharge. As written, the regulation would require PSE to encumber properties they do not own.

2. Adjustment to the prohibition on primary utilities in Category I and Category II wetlands. Per [BIMC 16.20.140.G.2](#), new primary utilities are not allowed in Category I and Category II wetlands. Through the list of exempt activities in critical areas, normal and routine repair and maintenance of existing structures is allowed as long as the activity will not further impact or alter the critical area or its buffer. PSE upgrade projects are treated as “new” and therefore do not fall into the exemption.

3. Clarification regarding the need for a Conditional Use Permit if the project is allowed encroachments on height limits under BIMC Table 18.12.040. Tables under [BIMC 18.12.020](#) list dimensional standards for each zone (example: required setbacks, height limits, floor area limitations, etc.). Both tables mention that alternative height limits may apply for nonresidential uses if additional conditional use permit provisions are met. The same section also says that some encroachments on height are permitted through [BIMC Table 18.12.040](#). BIMC Table 18.12.040 lists permitted setback and height modifications. These various regulations do not provide clarity on allowed heights for PSE poles.

4. Allow overhead and underground primary utilities in setbacks. [BIMC Table 18.12.040](#) lists permitted setback and height modifications. Currently, only overhead and underground *accessory* utilities are permitted in setbacks. Per the definition in [BIMC 18.36.030](#), accessory utilities are “small-scale distribution systems directly serving a permitted (“P”) or conditional (“C”) use.” PSE facilities are defined as primary utilities and are therefore not clearly permitted in setbacks, despite that they are typically located in setbacks (in easements).

5. Inclusion of new poles being added along an existing distribution or transmission line corridor in the list of height exemptions for distribution and transmission utility poles. [BIMC Table 18.12.040](#) currently allows a height exemption only for *replacement* distribution and transmission utility poles being moved less than 20 feet from its original location.

6. Allow PSE to apply for permits without providing owner/agent agreements. Per [BIMC 2.16.020](#), only the following individuals may apply for a permit: A property owner, a contract purchaser, or an agent of the owner with authorized written proof of agency may apply for any type of permit. This prevents PSE from applying for permits for projects that span multiple properties with varied states of easement rights.

It should be noted that as proposed, the code amendments referencing “primary utilities” would be applicable to *all* primary utilities, not just PSE infrastructure. Per the definition from [BIMC 18.36.030](#), a primary utility is a facility “that produce, transmit, carry, store, distribute, or process electric power, gas, water, sewage, or information and do not meet the definition of an accessory utility. Primary utilities include solid waste handling and disposal facilities, wastewater treatment facilities, utility lines, electrical power generating or transfer facilities, radio cellular telephone and microwave towers, and gas distribution and storage facilities.” Staff will analyze the impacts of all proposed code amendment language and may recommend alternate language to ensure appropriate applicability.

Next Steps

Staff will prepare a draft ordinance and staff recommendation. The ordinance will undergo State Environmental Policy Act review. A public hearing is tentatively scheduled for April 11, 2024. Staff is available to discuss the proposal with the Planning Commission further before the public hearing, if desired.

Summary of Materials

PSE Proposed Code Language

The entire project file in SmartGov can be viewed using this link: https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitLandingPagePublic/Index/1e06cbdb-de92-4b42-8b13-ae7d017a72c2?_conv=1

2.16.020 General provisions.

A. Jurisdiction. Jurisdiction of the department director or the hearing examiner is limited to those issues where ordinance or other appropriate authority grants the authority to issue a decision, recommendation, or issue an order.

B. State Environmental Policy Act May Apply. The State Environmental Policy Act (SEPA) and the Bainbridge Island SEPA ordinance (Chapter 16.04 BIMC) may also apply to applications processed under this section. For a consolidated land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, the SEPA threshold determination shall be issued and any required public comment period shall be completed prior to a public hearing.

C. Types of Land Use Applications. Land use applications are classified into four major categories based on the review process: (1) administrative, (2) quasi-judicial decisions by a hearing examiner, (3) quasi-judicial decisions by city council, and (4) legislative approvals. The specific types of applications in each category are shown in the table in BIMC 2.16.010.

1. Administrative land use decisions are made by a department director pursuant to the process in BIMC 2.16.030, and pursuant to specific standards in BIMC 2.16.040 through 2.16.090 as applicable.

2. Quasi-judicial decisions by a hearing examiner are made pursuant to the process in BIMC 2.16.100, and pursuant to specific standards in BIMC 2.16.110 through 2.16.120 as applicable.

3. Quasi-judicial decisions by city council are made pursuant to the process in BIMC 2.16.130, and pursuant to specific standards in BIMC 2.16.140 through 2.16.160 as applicable. This category includes consolidated project review, which is an option available for a land use proposal that requires more than one related land use permit, and in which decisions are made pursuant to BIMC 2.16.170. In some cases, consolidated project reviews may be quasi-judicial decisions by a hearing examiner.

4. Legislative approvals are non-site-specific decisions related to land use in the city but not related to a specific land use application filed by a property owner. These decisions are made pursuant to BIMC 2.16.180, and pursuant to specific standards in BIMC 2.16.180 through 2.16.210 as applicable.

D. Who Can Apply.

1. A property owner, a contract purchaser, or an agent of the owner with authorized written proof of agency may apply for any type of permit.

2. A resident who is not the owner of the dwelling may apply for permits and licenses pertaining to a home occupation.

3. A public or private utility that provides written documentation of their authority to exercise eminent domain under Title 8 RCW.

34. Any person may request an interpretation of the zoning code, shoreline master program, or subdivision regulations. The director of planning and community development may issue interpretations of the zoning code, shoreline master program, or subdivision regulations as needed, and shall post issued interpretations on the city website.

Staff NOTE: Information below provided for background. A [Site Assessment Review \(SAR, BIMC Chapter 15.19 and 15.20\)](#) is required for any development or clearing unless project scope is LESS THAN THRESHOLDS below:

Project Type	Area of New and Replaced Hard Surface is...	And Total Area Being Disturbed is...
Redevelopment	Less than 800 sq. ft.	Less than 7,000 sq. ft.
New Development	Less than 1300 sq. ft.	Less than 7,000 sq. ft.

If a SAR is required AND the property is in the R-0.4, R-1 or R-2 zones, then an Aquifer Recharge Protection Area (ARPA) must be designated unless exempted below by BIMC 16.20.100.E.1.a-d.

BIMC 16.20.190.A.8 Definitions “Aquifer recharge protection area” 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.

PSE Proposed Code Language for BIMC 16.20.100.E.1 Aquifer Recharge Protection Area

16.20.100 Aquifer recharge areas.

A. Applicability. Aquifer recharge areas are areas that have a critical recharging effect on groundwater used for potable water supplies and/or that demonstrate a high level of susceptibility or vulnerability to groundwater contamination from land use activities. In accordance with WAC 365-190-100, the entirety of Bainbridge Island is classified as an aquifer recharge area to preserve the volume of recharge available to the aquifer system and to protect groundwater from contamination.

E Development Standards – Aquifer Recharge Protection Area (ARPA).

1. Any proposed development or activity requiring a site assessment review (SAR) pursuant to Chapters 15.19 and 15.20 BIMC located within the R-0.4, R-1 or R-2 zoning designations requires designation of an ARPA; **except, designation of an ARPA is not required for the following:**

- a. Removal of invasive species;
- b. Construction of public trails provided the standards set forth in BIMC 16.20.110.G.5.a through e are met;
- c. Replacement of hard surfaces; and
- d. Development and activities located on properties protected in perpetuity by a legal instrument acceptable to the city attorney wherein at least 65 percent of the site meets the development standards for aquifer recharge protection areas of this section; **and**
- e. Activities related to the installation, upgrade and maintenance of utility facilities and corridors, when located on property not owned by the utility provider.**

2. ARPA General Requirements.

- a. The location and configuration of the ARPA shall be determined through completion of a site assessment review (SAR) in accordance with Chapter 15.19 BIMC. The city may require a professional forester, ISA-certified arborist or landscape architect to determine the location and configuration of the ARPA if needed to ensure the ARPA design standards set forth in subsections E.3.a through c of this section are met;

- b. The ARPA shall include all existing native vegetation on a site, up to a maximum of 65 percent of the total site area. A lower percentage is allowed if necessary to achieve a development area of at least 12,500 square feet on a parcel;
- c. The maximum area of the required ARPA may be reduced to 50 percent for public schools and public parks allowed in the underlying zoning district;
- d. The location and configuration of the ARPA may change over time; however, the total area required pursuant to subsection E.2.b of this section shall be retained once established. Any alteration to the location or configuration of the ARPA shall be approved by the director and documented on a site plan included with a notice to title in accordance with BIMC 16.20.070.G. The city may require an ARPA stewardship plan prior to approving a change to the location and configuration of the ARPA.

3. ARPA Design Standards.

- a. Healthy, existing trees and vegetation should be retained to the maximum extent possible. Healthy significant trees shall be priority trees for retention. Trees shall be retained in one or more stands or clusters.
- b. The ARPA shall be delineated to include:
 - i. A low perimeter-to-area ratio;
 - ii. A minimum width of 12 feet; and
 - iii. The critical root zone of all significant trees.
- c. The ARPA shall be contiguous with abutting, off-site areas of other ARPAs, open space or critical areas to the extent feasible.
- d. The ARPA may include landscaping or open space requirements pursuant to BIMC 18.15.010.D and E and Chapter 17.12 BIMC, respectively, and other critical areas and their buffers or setbacks pursuant to other sections of this chapter.

4. ARPA Use Standards. The following developments and activities are allowed within a designated ARPA:

- a. Any structure or activity as long as the new structure or activity is shown to not negatively impact the amount of groundwater recharge on the site. Specifically, any structure or activity is allowed as long as the structure or activity (including mitigation measures, if any are needed) maintains 100 percent of the annual average groundwater recharge volume that existed on the site prior to the structure or activity as demonstrated by the 2012 Western Washington Hydrology Model (WWHM2012) recharge module, as amended.
- b. Tree and vegetation activities specified in BIMC 16.20.090.
- c. Installation of native plants.
- d. Removal of invasive plant species.
- e. Passive recreation, including pervious trails.
- f. Potable water wells and well houses.
- g. Low impact fencing or signs marking the ARPA boundary.
- h. On-site sewage drainfield facilities, if construction of the system will not require the use of heavy equipment or removal of significant trees.

- i. Storm drainage facilities if the applicant can demonstrate that (i) the system meets the low impact design (LID) standards of Chapter 15.20 BIMC, and (ii) construction of the system will not require the use of heavy equipment or removal of significant trees.
- j. Accessory solar panels, small wind energy generators, composting bins, rainwater harvesting barrels, and cisterns, as defined in Chapter 18.36 BIMC.
- k. Other structures or hard surfaces with a total footprint of no greater than 200 square feet.
- l. Driveways may be allowed to pass through the ARPA if (i) siting of the driveway within the ARPA is determined by the director to be necessary to achieve greater native vegetation retention and use of nonstructural low impact design practices, (ii) site utilities are installed within the footprint of the driveway, (iii) siting of the driveway avoids removal of significant trees to the maximum extent feasible and (iv) the total area required pursuant to subsection E.1 of this section is achieved, which may require replanting of areas comprised of nonnative vegetation.
- m. Removal of any significant tree, other than hazard tree removal, with city review and preapproval of an aquifer recharge protection area stewardship plan prepared in accordance with BIMC 16.20.180.H.

5. ARPA Protection.

- a. The ARPA, including the critical root zone of significant trees, shall be protected during construction as provided in BIMC 18.15.010.C.4 or as specified by an ISA-certified arborist.
- b. The ARPA shall be documented on a site plan included with a notice to title in accordance with BIMC 16.20.070.G.

G. Prohibited Activities.

1. The following development, uses and activities are prohibited in all wetlands:
 - a. Draining, excavation, placement of fill material and flooding not associated with an exempt or regulated use;
 - b. Forest Practices – Class IV general or conversion option harvest plan;
 - c. New or expanded agriculture; or
 - d. On-site sewage facility.
2. The following development, uses and activities are prohibited in Category I and II wetlands:
 - a. Fish hatchery;
 - b. Golf course;
 - c. Mineral extraction;
 - d. Public facility;
 - e. Public communications tower;
 - f. New public road/street;
 - g. New private access road or driveway;
 - h. Stormwater retention/detention facility; or
 - i. New pPrimary utility not within or directly adjacent to an existing road right-of-way in Category II wetlands. New primary utilities are prohibited in Category I wetlands.

NOTE: BIMC 16.20.140.H.5 from the Critical Area Regulations Provided for Background

H. Standards for Specific Development, Uses and Activities. The following development, uses and activities may be allowed within wetlands and their required buffers. Any proposal for the following development, uses and activities requires a critical area permit pursuant to subsection F of this section and shall comply with the standards of this section and other applicable state, federal and local regulations.

- 5. Utilities.** Installation of utilities within wetlands or their required buffers may be allowed when the following standards are met:
- a. Construction of new utilities outside the road right-of-way or an existing utility corridor may be permitted in wetlands or wetland buffers, only when no reasonable alternative location is available and the utility meets the requirements for installation, replacement of vegetation and maintenance outlined below, and as required in the filing and approval of applicable permits and special reports required by this chapter.
 - b. Sewer or On-Site Sewage Utility. Construction of sewer lines or on-site sewage systems may be permitted in wetland buffers only when:
 - i. The applicant demonstrates it is necessary to meet state and/or local health code minimum design standards (not requiring a variance for either horizontal setback or vertical separation); and/or

- ii. There are no other practicable or reasonable alternatives available and construction meets all other applicable requirements of this section. Joint use of the sewer utility corridor by other utilities may be allowed.
- c. New utilities shall not be allowed when the wetland or buffer has known locations of federal- or state-listed endangered, threatened, monitored or sensitive species, heron rookeries or nesting sites of raptors which are listed as species of concern, except in those circumstances where an approved habitat management plan indicates that the utility corridor will not significantly impact the wetland or wetland buffer.
- d. New utility construction and maintenance shall protect the wetland and buffer environment by utilizing the following methods:
 - i. New utilities shall be aligned to avoid tree removal to the greatest extent practicable.
 - ii. Any area of disturbance resulting from installation of a utility shall be revegetated with appropriate native or equivalent vegetation at preconstruction densities or greater, immediately upon completion of construction, or as soon thereafter as possible, if due to seasonal growing constraints. The utility or landowner responsible for installation shall ensure that such vegetation survives.
 - iii. Any access for maintenance shall be provided as much as possible at specific points, rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than 15 feet; and shall be contiguous to the location of the utility corridor on the side away from the wetland. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.
 - iv. The director may require additional mitigation measures.
 - v. Utility maintenance shall include the following measures to protect the wetland and buffer environment:
 - A. Painting of utility equipment such as power towers shall not be sprayed or sandblasted. Lead-based paints are prohibited.
 - B. No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the U.S. Environmental Protection Agency (EPA) and Washington Department of Ecology and applied by a licensed applicator in accordance with the safe application practices on the label.

PSE Proposed Code Language for BIMC Table 18.12.020 Tables of Dimensional Standards

18.12.020 Tables of dimensional standards.

Tables 18.12.020-2 and 18.12.020-3 set forth applicable dimensional standards. Where a property is located in more than one zone district, units permitted by density calculations within each zone district must be constructed on the portion of the property located within that zone district and required setbacks for each zone district must be met. Permitted densities are not “blended” across the zone district line.

Table 18.12.020-1. *Repealed by Ord. 2019-03.*

Table 18.12.020-2 Standard Lot Dimensional Standards for Residential Zone Districts EXCERPTED

[Numbers in brackets indicate additional requirements listed at the end of the table]

ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
DIMENSIONAL STANDARD										
MAXIMUM BUILDING AND STRUCTURE HEIGHT [4]										
Note: Bonus may not be available in the shoreline jurisdiction										
All lots										
Base	30 ft.	30 ft.		25 ft.				30 ft.	35	
Bonus for Nonresidential Uses If Conditional Use Permit Conditions Met	35 ft.	35 ft.		30 ft.				35 ft.	40 ft.	40 ft. See BIMC 18.12.030.B
Exemption	Alternative height limits may apply for nonresidential uses if additional conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040 without conditional use permit approval.									
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 16.12.030.B.3.i, Regulations – Shoreline Structure Setback View Requirement.									

[4] For community and educational facilities (as listed in Table 18.09.020), spires, towers and other vertical features with horizontal cross-sections no more than five percent of the footprint of the primary structure may have a maximum height of 10 feet above the maximum base height, and shall be reviewed through a conditional use permit.

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts EXCERPTED

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MAXIMUM BUILDING AND STRUCTURE HEIGHT [5]									
Note: Bonus may not be available in the shoreline jurisdiction									
Base	35 ft.; 25 ft. max. south of Parfitt	25 ft.; 35 ft. north of High School Road	25 ft.	35 ft.	BIMC 18.12.030.C standard height north of Winslow Way; 35 ft. south of Winslow Way	35 ft.	35 ft.	35 ft.	35 ft. except that Chapter 16.12 BIMC applies within shoreline jurisdiction
Bonus 1 if parking under building [6]	45 ft.; 35 ft. south of Parfitt	35 ft.; 45 ft. north of High School Road	35 ft.	45 ft.	BIMC 18.12.030.C optional height north of Winslow Way; 45 ft. south of Winslow Way	45 ft.			
Bonus 2 for Nonresidential Uses with Major Conditional Use Permit							45 ft.	45 ft.	45 ft.
Bonus 3 Structure Height	Alternative height limits may apply if the conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040 without conditional use permit approval.								

[5] When property adjoins a lower density residential zone, except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the mixed use town center and high school road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, reference BIMC 18.12.030.C.

[6] The bonus height is available when parking is located underground or under the occupiable space of the planned building. If parking is located under 50 percent or less of the occupiable space, the bonus may only be used for a portion of the building footprint twice as large as the area with parking located beneath.

PSE Proposed Code Language for BIMC Table 18.12.040 Permitted Setback/Height Modifications

18.12.040 Modifications to required setbacks and heights.

A. Permitted Setback/Height Modifications. Minimum and maximum setbacks and maximum heights established in Tables 17.12.070-1, 18.12.020-2, and 18.12.020-3 and in BIMC 18.12.030 may be encroached as set forth in Table 18.12.040 and may also be modified by applicable provisions of adopted fire codes, the shoreline master program, and/or the building code. These modifications are not permitted in required perimeter or roadside buffers.

Table 18.12.040: Permitted Setback/Height Modifications EXCERPTED

Type of Encroachment	Encroachment Permitted	Conditions
Permitted Setback Modifications		
Overhead or underground <u>primary or accessory utilities that are not the primary use of the site.</u>	In any required setback, perimeter or roadside buffer	Must conform to Chapters 16.12 and 16.20 BIMC. Does not apply to above ground utilities such as propane tanks.
Permitted Height Modifications		
Distribution utility poles	Up to 55 feet in height above grade	Replacement poles over 55 feet in height, see BIMC 18.09.030.F.2.b. For new distribution utility facilities or corridors, see Table 18.09.020. Poles shall not be moved more than 20 feet from the original location <u>or a new pole added along an existing distribution line corridor</u> unless permitted under BIMC 18.09.030.F.2.b.
Transmission utility poles	Up to a 25 percent increase above existing pole height above grade with a maximum height of 100 feet	Replacement poles over the 25 percent increase or 100 feet in height, see BIMC 18.09.030.F.2.b. For new transmission utility facilities or corridors, see Table 18.09.020. Poles shall not be moved more than 20 feet from the original location <u>or a new pole added along an existing transmission line corridor</u> unless permitted under BIMC 18.09.030.F.2.b.
<u>Utility structures existing on the effective date of the ordinance codified in this subsection</u>	<u>Existing height</u>	<u>May also be replaced or modified; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location.</u>

See cross-referenced BIMC 18.09.030.F.2 Utility and Telecommunications (below) for background

2. Utility, Primary.

- a. Primary utility facilities and equipment are subject to standards in BIMC 16.12.030.C.7, Utilities (Primary and Accessory), and BIMC 16.20.130.C.11, critical areas regulations.
- b. Replacement, maintenance or upgrade of existing poles and equipment within a utility corridor or right-of-way is considered a permitted ("P") use.
 - i. Replacement of a distribution utility pole or a transmission utility pole exceeding the height and/or location standards established in Table 18.12.040 shall require minor site plan review approval in accordance with BIMC 2.16.040 prior to installing the replacement pole.