CITY OF
BAINBRIDGE ISLAND

PLANNING COMMISSION REGULAR MEETING
THURSDAY, JULY 25, 2024

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

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 06272024.pdf

3. **PUBLIC COMMENT - 6:10 PM**

3a. **Public Comment** 10 Minutes
Instructions for Providing Public Comment at Hybrid Meetings 20240709.pdf

4. **PUBLIC PARTICIPATION MEETING - 6:20 PM**

Wing Point Golf & Country Club Public Participation Meeting 30 Minutes
PLN52754_Pre-App Letter_1 (4).pdf
WPG_Site Plan-01-16-24 (6).pdf

5. **NEW BUSINESS - 6:50 PM**

5a. **Discuss SB 5290 Code Amendments** 20 Minutes
SB 5290 07192024.pptx

5b. **Discuss Crematoria Policy Options and Set Public Hearing.** 30 Minutes

Crematorium Memo 07192024

6. **UNFINISHED BUSINESS - 7:40 PM**

Motion to move the Public Hearing for PSE's Legislative Review of Land Use Regulations application. 5 Minutes

7. **PLANNING DIRECTOR'S REPORT - 7:45 PM**

8. **FOR THE GOOD OF THE ORDER - 7:50 PM**

9. **ADJOURNMENT - 7:55 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: July 25, 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 June 27, 2024, minutes as presented.

SUMMARY:

BACKGROUND:

ATTACHMENTS:

CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting
June 27, 2024

Meeting Minutes

DRAFT

1) CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW

Chair Ariel Birtley called the meeting to order at 6:02pm and read the Land Acknowledgement.

Commissioners present in chambers were Ariel Birtley, Sarah Blossom, Alex Preudhomme, and Criss Garcia. Excused were commissioners Ben Deines, Sean Sullivan and Peter Schaab. Council Liaison - Ashley Mathews was not present but Chair Birtley read a statement from her to the Planning Commissioners. City staff present were Director Patricia Charnas, and City Planners Jennifer Sutton and Joanne Mendenhall.

2) PLANNING COMMISSION MEETING MINUTES

2.a Minutes
Cover Page
PC Minutes 06132024.pdf

MOTION: I move to approve the June 13, 2024, minutes as presented.
Garia/Preudhomme - The motion passed unanimously.

3) PUBLIC COMMENT

3.a Public Comment
Cover Page
No public comments were made.

4) UNFINISHED BUSINESS

4.a Puget Sound Energy (PSE) Code Amendment Requests - Draft Ordinance No. 2024-04 for Final Review
Cover Page
DRAFT Ordinance No. 2024-04 Utility Regulations_6.27.2024.pdf
DRAFT Ordinance No. 2024-04 Exhibit A.pdf
DRAFT Ordinance No. 2024-04 Exhibit B.pdf
DRAFT Ordinance No. 2024-04 Exhibit C.pdf
City Presentation_06272024.pdf

Chair Ariel Birtley introduced Planning and Community Development Director - Patty Charnas who introduced Planner Joanne Mendenhall. Planner Joanne Mendenhall provided status of the project and project timeline moving forward.

Vice Chair Sarah Blossom restated her objection to the use of the term "principal use" as it is not used in the BIMC and would rather see "Primary Utility" used in its place.

MOTION: I move to amend draft Ordinance No. 2024-04 by striking the words "adding equipment or" from the definition of upgrade and schedule a public hearing on the amended Ordinance No. 2024-04 for August 8, 2024.
Blossom/Garica - The motion carried unanimously.

4.b Discuss Revising Hotel Definition and/or Use Specific Standards
Cover Page
June 27, 2024, Hotels PC Presentation.pdf

MOTION: Option 2: I move to recommend to the City Council the lodging services definition presented by staff, with use standards related to limiting scale, discouraging vehicle traffic and requiring water conservation.
Garcia/Preudhomme – The motion passed unanimously.

5) PLANNING DIRECTOR'S REPORT & ONGOING DISCUSSION ON SB5290 PERMIT REVIEW TIMES

Director Charnas provided status & next steps on SB 5290, information on upcoming projects, and the status of Comprehensive Plan EIS report.

6) FOR THE GOOD OF THE ORDER - 7:40 PM

Chair offered that the Planning Commission has received additional correspondences from residents following the Public Participation Meeting on the TowerCo. cell tower project. Discussion followed by Planning Commissioners.

7) ADJOURNMENT - 7:15 PM

DRAFT

CITY OF BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: July 25, 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:

CITY OF
BAINBRIDGE ISLAND

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 Planning 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 notified the City in advance will be called on next, provided that the remote commenter displays their true name and has their camera turned on to show their true uncovered face while delivering their comments. 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

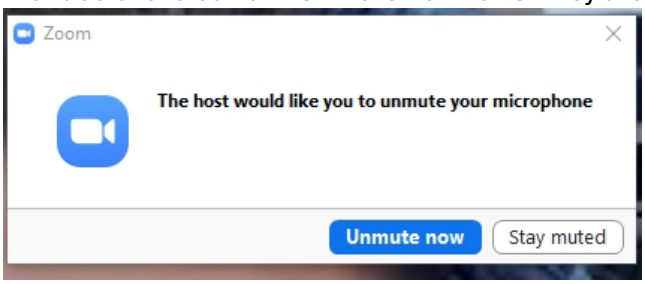
1. Contact the City at cityadmin@brainbridgewa.gov no later than Noon of the day of the meeting. State which meeting you would like to make a public comment and provide your true name. **IMPORTANT:** No remote public comments will be accepted without first registering at the email address above.

2. Join the Zoom webinar by following the link posted on the agenda and on the City calendar. Sign into Zoom. You will need to enter and display your true name on Zoom and your camera needs to be enabled to show your true uncovered face while delivering comments.

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.

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.

Guidelines for Public Comment

These guidelines were established for and approved by the City Council and apply to all advisory boards, committees and commissions of the City Council.

Excerpts from the Governance Manual regarding public comment:

5.6 Respect and Decorum

It is the duty of the Presiding Officer and Councilmembers to maintain dignity and respect for their offices, City staff, and the public. While the Council is in session, the Councilmembers shall preserve civility, order and decorum. No member of the public shall, by conversation or otherwise, delay, disrupt, or interrupt the proceedings of the Council, nor engage in any of the prohibited behavior described below. Councilmembers and the public shall obey the proper orders of the Presiding Officer of the meeting.

5.6.1 Orderly Behavior and Civility in Remarks

Any person disrupting the business of the Council, either while addressing the Council or attending the proceedings, shall be asked to leave, or be removed from the meeting. Continued disruptions may result in a point of order by the Presiding Officer or a Councilmember pursuant to the Council’s parliamentary rules, or a recess, forced removal, or adjournment as described elsewhere in this manual. Disruptive behavior includes, but is not limited to, the following:

a) Speaking without being recognized by the Presiding Officer.

b) Continuing to speak after the allotted time has expired.

c) Speaking on an item at a time not designated for discussion by the public of that item, such as speaking on a quasi-judicial item at a time other than during a public hearing or closed record proceeding on the matter.

d) Throwing objects.

e) Speaking on an issue that is not a public topic, in violation of Section 9.12.2.

f) Speaking in favor of or in opposition to a ballot proposition or a candidate for public office, provided, that public comment is allowed when the City Council is considering taking a collective position in favor of or in opposition to a ballot proposition as authorized in RCW 42.17A.555.

g) Impersonating a City Councilmember or a member of the City staff.

h) Shouting or otherwise engaging in loud or boisterous behavior.

i) Continuing to make repetitive remarks after being requested not to do so by the Presiding Officer or a majority of the City Council.

j) Attempting to engage the audience rather than the Council, e.g., asking audience members to stand, clap, boo or otherwise express collective support or opposition to any matter.

k) Booing, hissing, or otherwise disrupting the comments of another speaker.

l) Using racial slurs or other slurs directed at the color, creed, religion, ancestry, gender, sexual orientation, gender expression or identity, national origin, citizenship or immigration status, or mental, physical, or sensory disability of any individual or group, under circumstances where such words constitute "fighting words" under constitutional law.

m) Refusing to modify conduct after being advised by the Presiding Officer that the conduct is disrupting the meeting or disobeying any other lawful order of the Presiding Officer or a majority of the City Council.

5.6.2 Permission Required to Address the Council

Persons other than Councilmembers and Administration shall be permitted to address the Council only upon recognition and introduction by the Presiding Officer of the meeting.

9.12.2 Subjects – Whether or Not on the Current Agenda

Public comments received during the public comment period may be on any public topic, whether or not on the agenda, but a comment on the subject that is covered by a public hearing at that meeting must be made during the period of the public hearing. All public comments shall be made consistent with Section 5.6.

9.12.3 Use of Microphones

Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. No comments shall be made from any other location.

CITY OF BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: July 25, 2024 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: Wing Point Golf & Country Club Public Participation Meeting

AGENDA CATEGORY: Discussion **PROPOSED BY:** Auburn Lovett

PREVIOUS PLANNING COMMISSION REVIEW DATE(S): None

PREVIOUS COUCIL REVIEW DATE(S): None

RECOMMENDED MOTION:
Presentation and Discussion

SUMMARY:
The proposed improvements include relocating the pro-shop from its current location in the clubhouse to a new building adjacent to the clubhouse. The existing maintenance building will be removed and replaced. The existing parking will be reconfigured to enable access from the proposed north access. Other minor site improvements are proposed as well.

BACKGROUND: This Public Participation Meeting (PPM) is for the Wing Point Golf & Country Club Site Plan Review and Conditional Use Permit for new pro shop, maintenance building, and boundary line adjustment. A preapplication conference was held on March 12, 2024. The PPM is required as part of the preapplication phase; the proposal requires Planning Commission and Director recommendations for decision by the Hearing Examiner. This project was scheduled to go to Design Review Board, however, due to a lack of quorum, was not able to proceed on schedule, and will be rescheduled in the near future.

ATTACHMENTS:

CITY OF BAINBRIDGE ISLAND
PLANNING & COMMUNITY DEVELOPMENT
280 MADISON AVENUE NORTH | BAINBRIDGE ISLAND, WA 98110
206.780.3750 | PCD@BAINBRIDGEWA.GOV | WWW.BAINBRIDGEWA.GOV

March 26, 2024

Wing Point Golf & Country Club
Attn: Charles Wenzlau,
PO BOX 10460,
BAINBRIDGE ISLAND, WA 98110

Re: Preapplication Conference Summary: Wing Point Golf & Country Club/ PLN52754 PRE

Dear Mr. Wenzlau,

Thank you for meeting with City staff on March 12, 2024, to discuss your proposal for a new pro shop, demolition and replacement of the existing maintenance building, and a boundary line adjustment. This letter provides a summary of the conference discussion, City staff review, outside agency review, and submittal requirements for land use application. The summary reflects the information and level of detail provided for the conference, existing codes and standards, and generally available information about the site and environs.

The site is within the Semi-urban 2.9 zoning district; use as a club requires a conditional use within the district. A Conditional Use Permit and a building permit were granted in 1994 to construct a 500 square foot addition to the existing 5,367 square foot clubhouse. In 1995, a Conditional Use Permit was granted to construct a maintenance building and relocate maintenance operations to two adjacent quarter-acre parcels located north of the subject property. In 1997, a Conditional Use Permit was granted to expand the golf course with the addition of a half-acre lot located south of the existing course.

There is an existing maintenance building on T.P.N 5253-000-002-0001 and construction of the new 55' x 80' (aprox. 4400 sf) pro shop/maintenance building is proposed on neighboring lot 262502-1-003-2000. During the meeting, the applicant clarified that the existing maintenance building will be replaced with a new building of the same size. The applicant also clarified that the BLA will consolidate three parcels (262502-1-003-2000, 5253-000-001-0002, & 5253-000-002-0001) and adjust 262502-1-003-2000 with the neighboring 262502-1-011-2000 to allow for zoning setbacks.

This project, as proposed, will require a Major Site Plan and Design Review (SPR), Major Conditional Use permit (CUP) and a Boundary Line Adjustment (BLA). Major Conditional Use Permits are approved by the Hearing Examiner. The proposal is subject to State Environmental Policy Act (SEPA) Review.

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 is initial review. If the City's pre-application review indicates that the City intends to recommend

or impose one or more conditions of permit approval, and if the applicant objects to any of said conditions, the applicant is hereby requested and advised to provide written notice to the City of which conditions the applicant objects to and the reasons for the applicant's objections.

Please do not hesitate to contact me at alovett@bainbridgewa.gov or 206.780.3773 if you have any questions.

Sincerely,

R. Auburn Lovett, City Planner

General Information
Pre-Application Conference Date: March 12, 2024
Project Name and Number: Wing Point Golf & Country Club PLN52754
Project Description: The proposed improvements include relocating the pro-shop from its current location in the clubhouse to a new building adjacent to the clubhouse. The existing maintenance building will be demolished and replaced. The clubhouse kitchen will be remodeled once the pro-shop portion of the work is completed. The existing parking will be reconfigured to enable access from the proposed north access. Other minor site improvements are proposed as well.
Project Address: 811 CHERRY AVE NE
Tax Parcel Number: 262502-1-011-2000, 262502-1-003-2000, 5253-000-001-0002, & 5253-000-002-0001
Lot Size: 24.49**,** 4.03, 0.26, and 0.26 acres
Zoning / Comprehensive Plan: R-2.9/ Semi-Urban 2.9
City Project Manager: R. Auburn Lovett, City Planner alovett@bainbridgewa.gov
Land Use Review Process
Applicable Land Use Application / Review

Review or Permit Required	Process	Recommendation/Decision	Fee $
Preapplication Conference		-	2,850.00 (pd)
DRB – Conceptual Review Meeting	BIMC 2.16.040	DRB / -	970.00
Public Participation Meeting		-	970.00
DRB – Design Guidance Review Meeting		DRB / -	All DRB meetings are

DRB – Final Review and Recommendation Meeting		DRB / -	covered by a single fee
Conditional Use Permit (Major) +	BIMC 2.16.110	PCD Director/ Hearing Examiner	20,940.00
Site Plan & Design Review (Major) +	BIMC 2.16.040	Planning Commission / PCD Director	18,335.00
Boundary Line Adjustment +	BIMC 2.16.090	- / PCD Director	2,100.00
Health District Review	-	-	

+ Consolidated Project Review (BIMC 2.16.170): This section is available to any applicant for a single project proposal requiring multiple land use applications who chooses to follow the consolidated project review process. A consolidated project shall follow the application and notice procedure that results in the most extensive review and decision process. The charge is the highest permit applied for plus one-third of all other permit applications.

To Submit Land Use Application

- Link to submit applications or meeting requests Submitting a Land Use Permit Application
- Additional required plans, studies, reports, and other requirements for land use application submittal:
  - Building plans: Elevation drawings, exterior lighting plans, and include trash / recycling areas and outdoor structures / equipment, whether on the ground or on the rooftop or otherwise attached to a building, in plans.
  - Site Assessment Review (SAR) or SAR exemption submittal requirement waived
  - State Environmental Policy Act (SEPA) Checklist
  - Trip generation calculations in accordance with the Institute of Traffic Engineers (ITE) Trip Generation Manual, 7th Edition (or later)
  - TIF worksheet/application

Bainbridge Island Municipal Code Requirements

Critical Areas BIMC 16.20

N/A

Permitted Use Table BIMC 18.09.020

- Cultural and Entertainment/ Club – Conditional Use
- "Club" means a meeting place for an incorporated or unincorporated association of persons organized for some common purpose, including social, educational, literary, political, or charitable purpose, operated by a private nonprofit or noncommercial organization.

Subject to Use-Specific Standards in BIMC 18.09.030.C.2
"8. Clubs. Lot coverage for clubs in residential zones is reduced by 50 percent of the allowable lot coverage in the zone where the club is located. See Table 18.12.020-2 for lot coverage standards in residential zones."

Dimensional Standards BIMC 18.12

- Floor Area – No maximum
- Lot Dimensions – 15,000 square feet minimum
- Lot Coverage (area covered by buildings) - 25% of the Lot Area

(Planner Note: Lot coverage reduced by 50% as "club" BIMC 18.09.030.C.8)

Setbacks:

Setbacks	
Front	25 feet minimum

Side	5 feet minimum, 15 feet total
Rear	15 feet

- Building Height: 30 feet maximum – see Rules of Measurement
- Modifications to required setbacks and height BIMC 18.12.040
- Rules of Measurement BIMC 18.12.050

Development Standards and Guidelines BIMC 18.15

Landscaping, Screening and Tree Retention, Protection and Replacement BIMC 18.15.010

- For nonresidential uses outside the Winslow Mixed Use Town Center, High School Road I and II, NC, B/I, and WD-I districts, the intent is to retain the natural landscape qualities of the island by retaining existing vegetated buffers to screen views of structures and parking areas and to buffer between areas of high and low intensity uses.
- Tree Retention, Protection and Replacement BIMC 18.15.010.C
- Perimeter Buffering and Screening BIMC 18.15.010.D / BIMC Table 18.15.010-3
  Nonresidential Uses in Areas outside Winslow Mixed Use, HSR, NC, B/I, WS-I Districts – Full Screen – Standard 25 feet, minimum 25 feet (Abuts R-2.9)
  Nonindustrial Use – N/A
- Street Frontage Landscaping BIMC 18.15.010.E
  Adjacent right of way: Cherry Avenue NE— 25' Partial Screen/15' Minimum
  Required landscape buffer widths may be reduced to the minimum widths stated in Table 18.15.010-4 through buffer averaging in accordance with the criteria in subsection D.5 (BIMC 18.15.010.D.5) of this section.
- Parking Lot Landscaping BIMC 18.15.010.F
  BIMC 18.15.010.F.1 "NC, B/I, and WD-I Districts and Nonresidential Uses Outside Winslow Mixed Use Town Center Overlay Districts and High School Road Mixed Use Districts. All applicants in these areas shall provide the following types and amounts of landscaping. Parking lots shall meet the requirements of BIMC 18.15.020. Applicants may refer to the standards contained in this section for optional planting locations within parking areas."
- Total Site Tree Unit Requirements BIMC 18.15.010.G / BIMC Table 18.15.010-5
- Planting, Irrigation, and Maintenance Requirements BIMC 18.15.010 H – J (if planting required)
- Screening for trash dumpsters, outdoor equipment

Parking and Loading BIMC 18.15.020

- Parking BIMC Table 18.15.020-1

  For special cases not covered by this table, parking requirements shall be established by the Director of Planning and Community Development. 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.

- EV Charging BIMC 18.15.030.C.3 (Based on parking required for new building only)

Table 18.15.020-3: Electric Vehicle ("EV") Charging Infrastructure

Building Code Occupancy	Number of EVSE Parking Spaces	Number of EV-Ready Parking Spaces	Number of EV-Capable Parking Spaces
Group A, B, E, F, H, I, M, and S occupancies (nonresidential buildings)			
New buildings	10% of total parking spaces	30% of total parking spaces	20% of total parking spaces

Mobility and Access (including bicycle facilities) BIMC 18.15.030

One bicycle space for every five parking spaces with a minimum of four spaces for each parking lot. Bicycle facility should be covered, or located indoors.

Outdoor Lighting BIMC 18.15.040

Signs BIMC 18.15.050

BIMC 18.18.030 – Design Standards

Design for Bainbridge

Department/Agency Comments

Public Works Department:

Survey Program Manager Rob Grant requested that survey base map information be provided, and can be reached at 206.780.3742 or rgrant@bainbridgewa.gov

Development Engineer Kenton Bruno provided comment during the conference along with the attached comment and can be reached at 206.780.3779 or kbruno@bainbridgewa.gov

Development Engineering Manager Paul Nylund provided additional comment during the conference and can be reached at 206.780.3783 or pnylund@bainbridgewa.gov

City Engineer Peter Corelis may be contacted for fire flow information at 206.780.3759 or pcorelis@bainbridgewa.gov

Bainbridge Island Fire District Comment:

Fire Marshal Jackie Purviance provided comment during the conference along with the attached comment and can be reached at 206.842.7686 or jpurviance@bifd.org

Building Official Comment:

Building Official Blake Holmes provided the attached comment and can be reached at 206.780.3715 or bholmes@bainbridgewa.gov

CITY OF BAINBRIDGE ISLAND

MEMO

Date: March 12, 2024

To: Auburn Lovett, Planning Department

From: Blake Holmes, Building Official

Re: Wing Point Golf & Country Club PRE PLN 52754

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

1. A building permit will be required based on the scope of work.

2. The purposed project shall comply with the 2021 ICC Building Codes primarily the 2021 IBC, 2021 WSEC and 2017 ICC A117.1 for accessibility.

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

BAINBRIDGE ISLAND FIRE DEPARTMENT

MEMO

Date: February 22, 2024

To: COBI Planning Department

From: Jackie Purviance, Fire Marshal

Re: Wing Point Golf & Country Club PRE PLN52754

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 roads shall have an unobstructed width of not less than 20 feet with 13.5 feet overhead clearance. BIMC 20.04.080 503.2.1

3. An automatic fire sprinkler system designed, installed and tested pursuant to the current edition of NFPA 13 shall be installed in all new buildings over 3,600sf. BIMC 20.04.100 903.2.13 A 1 (Fire areas shall be defined as the total floor areas of all floor levels within the exterior walls, including mezzanines, as well as all areas under the horizontal projections of the roof of a building (such as a connecting breezeway or carports open on two sides). Fire walls shall not define separate buildings.)

4. Storage and battery charging of micromobility devices shall be in accordance with the current edition of the International Fire Code as amended by Washington State at time of construction.

CITY OF BAINBRIDGE ISLAND

DEPARTMENT OF PUBLIC WORKS - ENGINEERING

MEMORANDUM

Date: March 20, 2024

To: Auburn Lovett, Planner, Planning and Community Development

From: Kenton Bruno, P.E., Development Engineer, Public Works

Subject: PLN52754 PRE – Wing Point Golf & Country Club Improvements

Background:
Following the pre-application conference held on March 12th, 2024 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 improvements to the existing Wing Point Golf & Country Club along with new structures for the relocation of the existing pro-shop and maintenance facilities. The project will also modify the existing parking and access points. The proposed expansions and new facilities will create approximately 35,000sf of new plus replaced hard surface area per the submitted SAR application. The project site is located at 811 Cherry Ave NE on (Tax Parcel 26250210032000) fronted by Cherry Ave NE to the east, Wing Point Golf Course to the West and residential parcels to the north and south.

Comments:

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. Project is subject to evaluation for Transportation Impact Fees (TIFs) based on the net trip generation calculations. Fees are generally due at the time of subsequent building permit

issuance. A preliminary TIF worksheet/application will be required with subsequent land use applications.

3. 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 are required. The existing frontage is partially improved with an existing sidewalk adjacent to the northern edge of the subject property. A sidewalk extension and shoulder improvements along the project frontage are expected. These 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.

4. Adequate right of way exists along the Cherry Ave frontage. No additional ROW dedication is anticipated.

5. Section 6-06 of the Standards standardizes the number of access points for a commercial or industrial property use to one two-way access point or two one-way access points per 500feet of total property frontage. If desired, additional access points for commercial property uses may be considered provided permit submittals indicate that more than one access point is required to adequately handle specific site conditions. Public Works – Development Engineering will consider a requested deviation from standards and approve/deny the request in conjunction with permit review process. Factors considered will include but not be limited to site geometry, expected traffic density adjacent to project, and minimizing detrimental effects on traffic flow on adjacent roads.

6. The proposed project creates greater than 5000sf of new and replaced hard surfaces. The land use and subsequent building permit submittals shall demonstrate how the project complies with Minimum Requirements 1-9 with the Department of Ecology's Stormwater Management Manual of Western Washington (SWMMWW) as adopted in BIMC 15.20.

    - The project shall also include a downstream analysis as part of the drainage submittal as required per BIMC 15.20 and SWMMWW Section I-3.5.3 guidelines. Part of this analysis shall be to assesses whether the current on-site ponds are part of the overall drainage system and whether they have capacity for increased flows.

7. 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.

8. The site is located within the COBI water or sanitary sewer service areas. Both services are and may continue to be available to the proposed project. All utility connections, improvements, or

expansions shall conform with COBI Design and Construction Standards and Specifications. The SPR application submittal shall include a conceptual utility plan to include but not be limited to proposed water, sewer, stormwater, power, and telecom utility installations.

9. 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.

10. 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. These calculations shall be submitted with the WSA application.

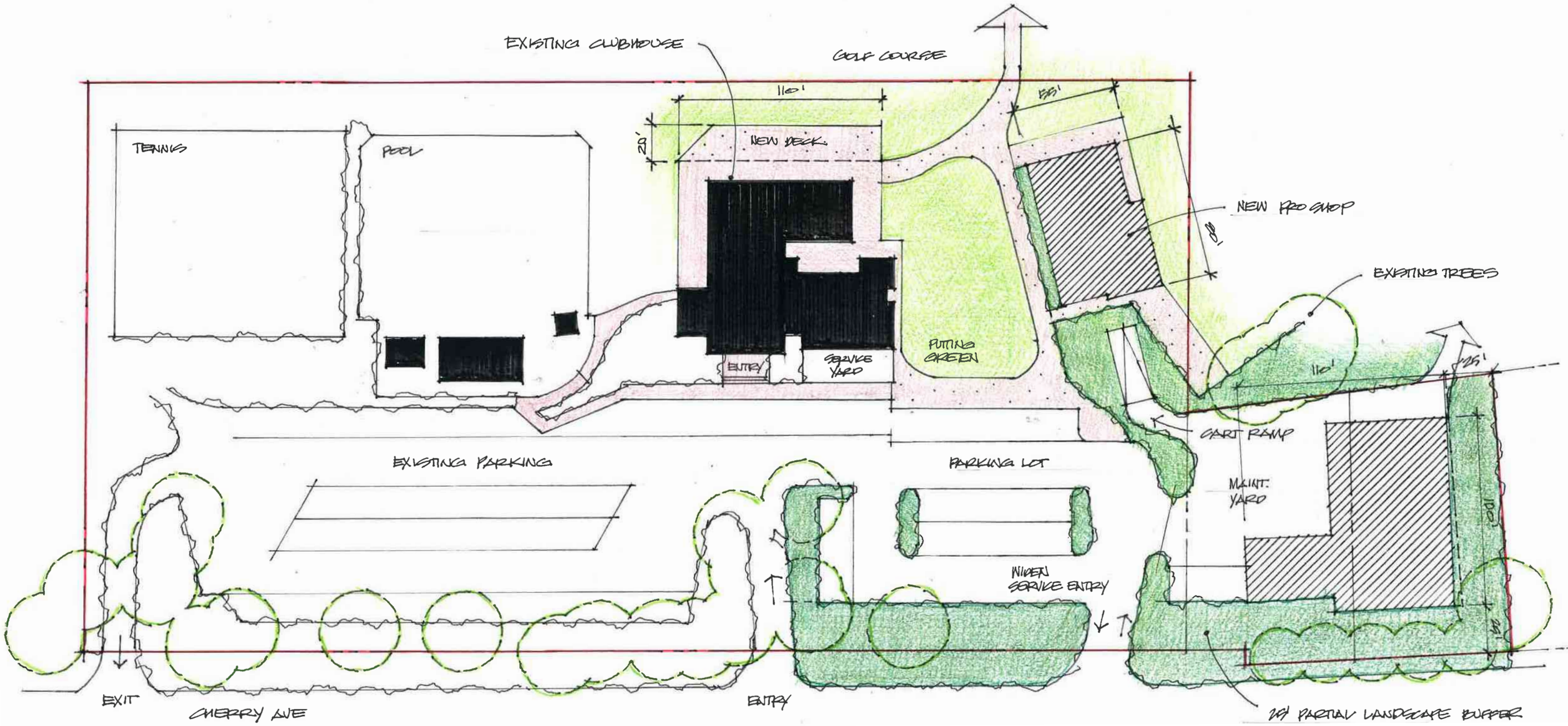
11. The City is anticipating adoption of a wastewater pretreatment ordinance in 2024. The ordinance will result in wastewater discharge from commercial and industrial sewer customers (both new and existing) being subject to sampling requirements, and the resultant findings will determine if the wastewater discharges from subject properties meet or exceed waste strength limits as set by the ordinance. Commercial and industrial sewer customers that exceed local limits may be required to install pretreatment. It is encouraged that these requirements are considered planning for this maintenance facility project, as any required structural pre-treatment elements would be best coordinated during construction rather than installed retroactively. City staff are available to discuss the upcoming requirements and provide guidance to the agency on recommended next steps.

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. No construction on or to the site may take place until the civil improvement plans have been reviewed and approved by the City as part of a construction permit to include but not limited to Building, Grade and Fill, or Right of Way Use permits.

14. 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.

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 environs. Comments provided pursuant to preapplication review shall not be construed to relieve the applicant of conformance with all applicable fees, codes, policies, and standards in effect at the time of complete land use permit application. The comments on this proposal do not represent or guarantee approval of any project or permit. While 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.



SITE PLAN 1

WING POINT GOLF AND COUNTRY CLUB

811 Cherry Ave NE
Bainbridge Island, WA

01/16/24
Pre-Application

WENZLAU ARCHITECTS

CITY OF BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: July 25, 2024 **ESTIMATED TIME:** 20 Minutes

AGENDA ITEM: Discuss SB 5290 Code Amendments

AGENDA CATEGORY: Discussion **PROPOSED BY:** HB Harper

PREVIOUS PLANNING COMMISSION REVIEW DATE(S):

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:
Information only

SUMMARY:
Staff have been working with legal assistance to develop code changes in response to Senate Bill 5290, which changed permit review procedures including new permit review timelines. Anticipated code changes include clarifying the determination of completeness requirements for applications, codifying permit review timelines, and adopting suggested measures to provide prompt and coordinated review of project permit applications. Most of these changes will be to Chapter 2.16 of the Bainbridge Island Municipal Code. Supporting work includes data collection, time tracking, process improvement, updates to forms, and other procedural changes.

BACKGROUND: Senate Bill 5290 (SB 5290) was enacted by the Washington State Legislature in 2023, amending Chapter 36.70B Revised Code of Washington, which establishes the required processes for reviewing land use permits. SB 5290 updates significant sections of the land use permit process, which means that the City needs to update its corresponding code provisions to remain compliant with state law.

ATTACHMENTS:

SB 5290 Code Amendments

City of Bainbridge Island Planning Commission
July 25, 2024

Emily Romanenko, City Attorney's Office

OGDEN MURPHY WALLACE
ATTORNEYS

What is SB 5290?

- Senate Bill 5290 (SB 5290) was enacted by the Washington State Legislature in 2023.
- SB 5290 amends Chapter 36.70B RCW, which establishes the required processes for reviewing land use permits.
- SB 5290 changes the requirements for determinations of completeness for project permit applications.
- SB 5290 also changes maximum permit review timelines (shot clocks)
- Most section of SB 5290 went into effect July 23, 2023 but Section 7 (shot clocks) goes into effect January 1, 2025.

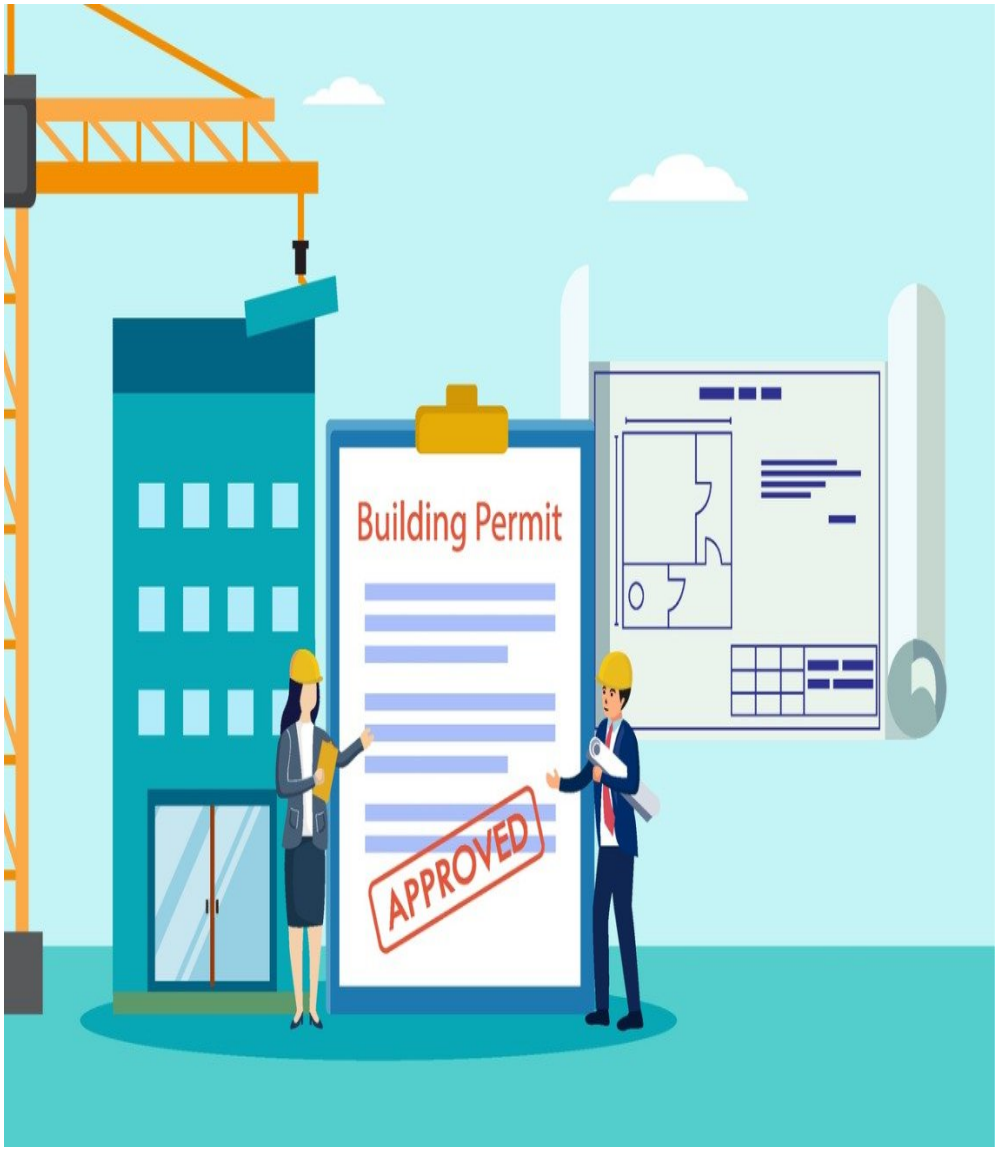
How does SB 5290 Impact the City?

Chapter 36.70B Revised RCW establishes the standards for processing land use permits for all cities and counties in Washington.

SB 5290 updates significant sections of the land use permit process, which means that the City needs to update its corresponding code provisions to remain compliant with state law.

Notably, this means clarifying the determination of completeness requirements for applications, codifying permit review timelines, and adopting suggested measures to provide prompt and coordinated review of project permit applications.

Most of these changes will be to Chapter 2.16 BIMC



Code Amendment Process

- Obtain data points regarding permit review timelines
  - Track how long City staff take to review each permit type
  - Track how long an applicant takes to respond to requests for revisions
- Codify permit review timelines via interim ordinance
  - Protect City from shorter statutory shot clocks
  - Allow more time to review existing processes and procedures
- Undergo comprehensive code review for permanent changes
  - Consolidate and streamline requirements
  - Remove superfluous language and processes
  - Amend application forms
  - Revise to reflect other statutory changes including design review

Recommended Code Changes

Code Section	Title	Proposed Amendments
BIMC 2.16.020(I)	Preapplication Procedure	Amend to exclude interior site alterations from site plan review. Consider making pre-apps optional instead of required (per Section 8 of SB 5290)
BIMC 2.16.020(J)(1)	Application Submittal Requirements	Revise to reference applicable application checklist (rather than relying on administrative manual) and clarify when additional info can be required
BIMC 2.16.020(J)(2)	Determination of Complete Application	Revise for consistency with BIMC 2.16.020(M)(3) and to reflect new standard for a complete application
BIMC 2.16.020(J)(3)	Voiding Application due to Inactivity	Revise to add additional 30 extra days to the permit review shot clocks for the City to issue a final decision

BIMC 2.16.020(L)(1)	Application Time Frames (reference to statutory timelines)	• Clarify that days means "calendar" days
		• Update subsection to codify extra review time permit types based on factors such as:
		  • Shoreline jurisdiction
		  • Aquifer recharge areas
		  • Wetland/landslides
		  • Pending code enforcement matters

Recommended Code Changes

Code Section	Title	Proposed Amendments
BIMC 2.16.020(L)(2)	Application Time Frames (conflict precedence)	Revise this subsection to clarify that local ordinance governs over statutory timelines
BIMC 2.16.020(L)(3)	Application Time Frames (pauses in shot clock)	Update to reflect new times when shot clock can be paused
BIMC 2.16.020(L)(4)	Exemptions to Time Limits (shot clocks)	Revise to add additional exemptions from SB 5290 (if an applicant proposes a change in use; if the applicant requests suspension of review; non-responsive applicant; require meeting to resolve outstanding issues during the review process, (per Section 8 of SB 5290)
BIMC 2.16.020(M)(3)	Notice Requirements (notice of complete application)	Revise for consistency with BIMC 2.16.020(J)(2) and to reflect new standard for a complete application
BIMC 2.16.040(B)(2)	Exemptions from Site Plans Review and Design Review	Clarify what project types are exempt from site plan and design review to be consistent with SB 5290

Next Steps 2024

September 12
- Study session at PC

October 10
- Public hearing at PC

October 22
- City Council review of PC recommendations

November 12
- City Council adoption

Next Steps 2025

Spring 2025

- Continue collecting permit review timelines data
- Comprehensive review of code

Summer 2025

- Staff prepares initial scope of revisions
- Meeting with stakeholders

Fall 2025

- Staff prepares updated code
- SEPA/GMA Review

Winter 2025

- Final outreach with stakeholders
- Legislative review with PC/CC

Emily Romanenko
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OGDEN MURPHY WALLACE
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CITY OF BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: July 25, 2024 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: Discuss Crematoria Policy Options and Set Public Hearing.

AGENDA CATEGORY: Discussion **PROPOSED BY:** HB Harper

PREVIOUS PLANNING COMMISSION REVIEW DATE(S):

PREVIOUS COUCIL REVIEW DATE(S): April 23, 2024, May 28, 2024, June 25, 2024

RECOMMENDED MOTION:
MOTION: I move to schedule a public hearing on August 22, 2024, or the next available agenda, on an ordinance implementing the staff recommendation to prohibit crematoria on Bainbridge Island.

SUMMARY:
At this time, the City does not have any zoning regulations specific to crematoria. The City has six months to consider and adopt crematoria-specific regulations per the adopted moratorium.

Staff have been collecting and reviewing public comment, conducting preliminary research and carrying out an initial review of potential options for locating, constructing and operating a crematorium on Bainbridge Island.

Staff preliminarily analyzed three alternatives for addressing crematoria in the City's development regulations:
1. to prohibit crematoria throughout Bainbridge Island;
2. to allow crematoria in the Business/Industrial zone, and consider additional use-specific standards for protecting air quality, screening, and/or an additional setback of 100 feet from residentially zoned properties;
3. to regulate crematoria in the same manner as Kitsap County by allowing as a conditional use in the R-0.4, R-1, R-2 and commercial zones, with crematoria structures required to have a 200-foot setback from residentially zoned properties.

A majority of public concern with the siting, construction and operation of a crematorium on Bainbridge Island has focused on potential human health impacts from crematorium air emissions during combustion. Other concerns included the reliance on propane and increased greenhouse gas emissions and to a lesser extent, the diminishment of property values due to becoming in proximity of a crematorium. Some public comment in support of the siting, construction and operation of a crematorium on Bainbridge Island stated that there was insufficient information on any potential negative air quality of human health impacts and a desire to have cremation services available on Bainbridge Island rather than using off-island cremation services elsewhere in Kitsap and King Counties. Staff have prepared preliminary analysis in response to these comments, as well as analysis of the City's Comprehensive Plan.

A suitable staff recommendation for Planning Commission and ultimately City Council must be defensible and thoroughly researched. At this time, given the level of research already conducted, staff cannot fully quantify the impacts of Alternatives 2 and 3. Significant unidentified resources would be needed to thoroughly research the likely and anticipated

impacts and associated concerns of these two alternatives. Pre-existing commitments and mandates obligate existing staff resources well into and past 2025; the issues surrounding acceptable risk, the necessary research and reassurances that any staff proposal must attend to will not be resolved within the time of the existing moratorium nor within a moratorium extension.

Staff recommends prohibiting the siting, construction and operation of crematorium anywhere on Bainbridge Island.

BACKGROUND: The City Council adopted Ordinance No. 2024-11 on April 23, 2024, imposing a six-month moratorium on the acceptance and processing of development permit applications related to crematoria, and held a public hearing as required by law on May 28, 2024. On June 25, 2024, the City Council referred the topic to the Planning Commission.

ATTACHMENTS:

CITY OF BAINBRIDGE ISLAND

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Date: July 12, 2024

To: Planning Commission and City Council

From: HB Harper, Planning Manager and Patricia Charnas, Planning Director

Re: Crematoria

Background

The City Council adopted a six-month moratorium on the acceptance and processing of development permit applications related to crematoria on April 23, 2024. The City does not have any zoning regulations specific to crematoria.

The City's Planning and Community Development department was contacted in late 2023 and early 2024 by the current owners/operators of the Cook Family Funeral Home. The Cook Family Funeral Home offers cremation, burial and memorial services for its clients. Cremation is via transportation to an off-site crematory. The current owners of the Cook Family Funeral home requested information about the permitting process to construct and operate a crematorium originally on the site of the Hillcrest cemetery.

During the six-month moratorium, staff has been collecting and reviewing public comment, conducting preliminary research and carrying out an initial review of potential options for locating, constructing and operating a crematorium on Bainbridge Island.

Policy Considerations

Crematoria Policy Alternatives

Staff preliminarily analyzed crematoria locations and regulations in nearby jurisdictions, as well as three policy alternatives for possible locations and regulations within Bainbridge Island:

1. to prohibit crematoria throughout Bainbridge Island;
2. to allow crematoria in the Business/Industrial zone, and consider additional use-specific standards for protecting air quality, screening, and/or an additional setback of 100 feet from residentially zoned properties; or
3. to regulate crematoria in the same manner as Kitsap County by allowing as a conditional use in the R-0.4, R-1, R-2 and commercial zones, with crematoria structures required to have a 200-foot setback from residentially zoned properties.

Crematoria in Other Kitsap County Jurisdictions

Crematoria in nearby jurisdictions include:

- Stone Chapel Poulsbo Mortuary - 22272 Foss Rd Ne, Poulsbo, WA 98370
- Pendleton-Gilchrest Funeral Home, 1151 Mitchell Ave, Port Orchard, WA 98366

- Bradley-Kosec Funeral Home & Crematory 1615 Parkside Dr, Port Townsend, WA 98368

Stone Chapel Poulsbo Mortuary is located in unincorporated Kitsap County (not within Poulsbo city limits) and is zoned Rural Residential and abuts zoned Rural Residential and Rural Industrial. Kitsap County's zoning regulations for crematoria are described below. (There is also a pet crematory in the commercial Gorst area of unincorporated Kitsap County.)

The Pendleton-Gilchrest Funeral Home is zoned Residential 4 and abuts Commercial Mixed Use, Urban Medium Residential and Civic and Institutional areas. In Port Orchard, new crematoria are permitted in commercial, industrial, and civic institutional zones. Therefore, it is likely that this facility predates the zoning and is therefore legally nonconforming.

Bradley-Kosec Funeral Home & Crematory is zoned General Commercial and directly abuts lots zoned Existing Park or Open Space, Public/Infrastructure, and Residential II. In Port Townsend, new crematoria are permitted in Public/Infrastructure zones. Again, it appears likely that this facility predates the zoning and is therefore legally nonconforming.

Kitsap County Regulations: Title 17 Zoning

Definitions and Zoning in Title 17 Zoning

Kitsap County defines Funeral Home as follows: "a building or part thereof used for human funeral services. Such building may contain space and facilities for (1) embalming and the performance of other services used in the preparation of the dead for burial; (2) the performance of autopsies and related surgical procedures; (3) the storage of caskets, funeral urns, and other related funeral supplies; (4) storage of funeral vehicles; and **(5) facilities for cremation"** (emphasis added).

Funeral Homes are allowed as a conditional use in all residential zones. Funeral homes are allowed as an Administrative Conditional Use Permit (no hearing required) or Conditional use in most Commercial zones as well, except Business Park. Finally, funeral homes are a conditional use in most designated Limited Areas of More Intense Rural Development.

Use Specific Standards:

Kitsap County requires that funeral homes meet the following use-specific standards:

- Use shall have its principal access on a county roadway.
- Ingress and egress shall be designed to minimize traffic congestion.
- The use shall provide required off-street parking spaces.
- No mortuary or crematorium in conjunction with a cemetery is permitted within two hundred feet of a lot in a residential zone.

Preliminary Impacts Analysis

Public Comments Regarding Impacts

A majority of public concern with the siting, construction and operation of a crematorium on Bainbridge Island is focused on potential human health impacts from crematorium air emissions during combustion. Other concerns included the reliance on propane and increased greenhouse gas emissions and to a lesser extent, the diminishment of property values due to becoming in proximity of a crematorium. Public comments in favor of the siting, construction and operation of

a crematorium on Bainbridge Island stated that there was insufficient information on any potential negative air quality or human health impacts and a desire to have cremation services available on Bainbridge Island rather than using off-island cremation services elsewhere in Kitsap and King Counties.

Staff has conducted preliminary research into the air quality and human health impacts to address public concerns, as well as a policy analysis related to the Comprehensive Plan and Climate Action Plan.

Preliminary Research Regarding Impacts from Crematory Emissions

The Puget Sound Clean Air Agency (PSCAA) is a special-purpose, regional government agency chartered by Washinton State in 1967. PSCAA oversees King, Pierce, Snohomish and Kitsap Counties. Among its work and responsibilities, PSCAA implements a compliance and permitting process for stationary sources of air pollution. PSCAA ensures compliance with ambient air quality standards through permitting, inspections and enforcement.

Planning and Community Development staff spoke with the Puget Sound Clean Air Agency (PSCAA) regarding air quality permits and monitoring for crematoria. PSCAA has described their process to have crematoria operators apply for permits and to identify and monitor emissions. The principal air quality emissions concerns are aerosolized mercury and mercury-containing compounds, some volatile organic compounds, and other emissions with chlorinated biphenyls and transitional metal (including zinc, lead, manganese and zinc) which can but are not always associated with emissions at a crematorium.

Staff were informed about the ongoing permit process that a funeral home in the City of Everett is currently going through to obtain a permit for a new crematorium. Upon submittal of the permit application, PSCAA used a database to identify emissions estimates for Best Available Control Technologies. These estimates showed that emissions from the proposed crematorium would exceed PSCAA acceptable limits for Chromium, Cadmium, Mercury (elemental), Hydrochloric Acid, and two other dioxins. PSCAA then required the funeral home to perform modeling related to established health-based acceptable source impact levels (ASIL). This showed that the levels for the dioxins, Mercury, and Chromium would still exceed acceptable levels. As a result, they required the business to undergo a health impact assessment.

The health impact assessment determines the potential increase in lifetime cancer risk and other health effects for individuals exposed to higher levels of toxic air pollutants that would occur from operating a crematorium. The cancer and health risks are then compared to the maximum allowable limits set by PSCAA. The health impact assessment must be completed by a consultant and submitted to the Department of Ecology. After the review is complete, the Department of Ecology will report its findings and may recommend additional control conditions required for approval.

Should a crematorium move forward in Everett and be constructed, the facility has 180 days to perform an emissions test. This test will confirm the emissions from the facility are within the limits specified in the approved permits. This limit test is conducted only once. If the crematorium passes the emissions test, it will not be inspected for its emissions limits again unless a complaint is submitted to the PSCAA.

The PSCAA informed staff that if a permit is submitted for a new crematorium on Bainbridge Island, they predict that at minimum the business will need to perform ASIL modeling for the six toxins mentioned above.

Although the high heat levels associated with crematoria typically evaporate most toxins, mercury emissions occur from dental amalgam fillings. The emissions of mercury are subject to a 24-hour rolling limit, and if an individual has a large number of dental fillings, it is possible to exceed this.

Limitations on Further Impacts Analysis

While the above information is useful, staff cannot complete a full impacts analysis for all policy alternatives at this level of research. The information thus far provided by PSCAA and other typical channels of land use research (such as the Municipal Research Service Center), is insufficient to properly quantify the anticipated impacts on nearby properties under the land use scenarios described in Alternatives 2 and 3. For instance, there may be a combination of a certain height (of the stack causing the emissions) with a certain distance of setback that could be documented as mitigating the impacts to human health. However, significant further research would be required to properly assess this. The additional research would of necessity entail continuing to investigate and review written scientific research papers documenting human health and air quality measurements, assessing public health risk and reporting on best available mitigation controls and air quality monitoring and reporting techniques.

Staff capacity to perform further research is severely limited by lack of in-house expertise in the fields of air quality and public health, other mandates and commitments that must be fulfilled, and budgetary constraints.

Comprehensive Plan Analysis Including Climate Action Plan

Climate Action Plan

The City of Bainbridge Island adopted a Climate Action Plan in November 2020. The adopted Climate Action Plan has goals, objectives and monitoring actions that commit city resources to actively lower greenhouse gas emissions (GHG) as a major climate change mitigation action. Similarly, the CAP states a goal to shift existing business and industrial GHG emissions away from fossil-based fuels. Crematoria ovens rely solely on propane. Without specific validation, it has been reported that a crematorium consumes on average 28 gallons of propane per corpse. While propane combustion delivers a more limited breadth of greenhouse gas emissions than gasoline or diesel, and the transport of corpses off-island would involve some GHG emissions as well, propane combustion produces carbon dioxide, some carbon monoxide, and water vapor, all of which add to GHG emissions.

The 2016 Comprehensive Plan

Climate mitigation and other actions appear in the Vision, Guiding Principles and as policies in the Land Use, Economic, Environment and Transportation chapters of the Comprehensive Plan. These policies speak to the need for GHG reductions, mitigation, and community engagement, which would not be supportive of a crematorium.

Adopted policies also call for supporting businesses that are compatible with community values (Policy EC 1.2). Adding a crematorium that relies solely on substantial quantities of propane for

its operations would not be compatible with community values related to climate action. Allowing crematoria would not promote business practices that protect the Island's natural beauty (EC-3).

Regarding business development generally, it does not appear that allowing crematoria would measurably add to the City meeting its employment target, growth of a more diverse workforce or add to local tax bases in any significant fashion (Goals EC-3, EC-7, EC-10).

Related specifically to Alternative 2, the Comprehensive Plan calls for the Business/Industrial zones to provide space for job creating enterprises (Goal EC-15). Allowing a crematorium in these zones would reduce the space available for businesses that provide more jobs.

Related specifically to Alternative 3, Policy LU 4.10 identifies the Conservation Area as appropriate for residential, recreational, agricultural, habitat and open space uses. Allowing a crematorium in the residential zones identified as Conservation Area would not be consistent with this policy, nor the general descriptions of the Conservation Area that occur throughout the Comprehensive Plan.

Adopted policies potentially supportive of allowing crematoria on the island include Policy HS 1.4, related to increasing emergency preparedness and Policy HS 2.1 related to programs that meet the basic needs of survival including access to emergency health care. These policies do not specifically mention crematoria, burial practices, or end of life care, but could be related to the issues raised by proponents, depending on the scale and type of disaster or emergency.

Comprehensive Plan Update

While the 2016 Comprehensive Plan is currently undergoing a periodic review and may be updated, no changes are anticipated that would pertain to this topic in such a way as to indicate more favorability for crematoria on Bainbridge Island. No comments received during scoping indicate a community interest in changing direction on the commitments related to climate change and GHG reductions. Comments were received regarding protecting the Conservation Area. Therefore, the analysis of the 2016 Comprehensive Plan analysis can be relied upon even as that version of the plan is being updated for the periodic review.

Conclusions and Staff Recommendation

Staff preliminarily analyzed three policy alternatives regarding the siting, construction and operation of a crematorium on Bainbridge Island:

1. to prohibit crematoria throughout Bainbridge Island;
2. to allow crematoria in the Business/Industrial zone, and consider additional use-specific standards for protecting air quality, screening, and/or an additional setback of 100 feet from residentially zoned properties;
3. to regulate crematoria in the same manner as Kitsap County by allowing as a conditional use in the R-0.4, R-1, R-2 and commercial zones, with crematoria structures required to have a 200-foot setback from residentially zoned properties.

A suitable staff recommendation for Planning Commission and ultimately City Council must be defensible and thoroughly researched. At this time, given the level of research already conducted, staff cannot fully quantify the impacts of Alternatives 2 and 3. Significant unidentified resources would be needed to thoroughly research the likely and anticipated impacts and

associated concerns of these two alternatives. With respect to the information provided here and based on a limited level of supporting research including an analysis of the Comprehensive Plan, staff do not find a compelling reason to conditionally permit crematoria as a new use.

It should be noted that extending the moratorium would not change the level of additional investigation and research that may still remain at an uncertain or unsatisfactory level and would not change the level or amount of staff resources available to devote time during an extended moratorium. Pre-existing commitments and mandates obligate existing staff resources well into and past 2025. The issues surrounding acceptable risk, the necessary research and reassurances that any staff proposal must attend to will not be resolved within the time of the existing moratorium nor within a moratorium extension.

Staff recommends prohibiting the siting, construction and operation of crematorium anywhere on Bainbridge Island.

CITY OF BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: July 25, 2024 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Motion to move the Public Hearing for PSE's Legislative Review of Land Use Regulations application.

AGENDA CATEGORY: Discussion **PROPOSED BY:** Jo Mendenhall

PREVIOUS PLANNING COMMISSION REVIEW DATE(S): February 22, 2024, March 14, 2024, March 28, 2024, April 25, 2024, May 23, 2024, and June 27, 2024.

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:
In light of the fact that the August 8, 2024 Planning Commission meeting has been cancelled, I make a motion to move the Public Hearing for PSE's Legislative Review of Land Use Regulations application and proposed Ordinance 2024-04, that was previously scheduled for the August 8th meeting, to the August 22, 2024 Planning Commission meeting, or the next available agenda thereafter.

SUMMARY:
After reviewing revisions to the draft Ordinance 2024-04 during the June 27, 2024 Planning Commission meeting, a motion was made and approved to hold a Public Hearing on August 8, 2024. However, the meeting scheduled for August 8, 2024 has since been canceled due to scheduling conflicts. A new Public Hearing date needs to be assigned.

BACKGROUND: The Puget Sound Energy (PSE) application for Legislative Review of Land Use Regulations was first brought to the Planning Commission in February, 2024, and has had six study sessions regarding the requested code changes. As required by Bainbridge Island Municipal Code (BIMC) 2.16.180.D.2, a Public Hearing for the application and draft Ordinance 2024-04 was approved for the August 8, 2024 Planning Commission meeting.

ATTACHMENTS: