



**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, NOVEMBER 09, 2021**

REMOTE MEETING ON ZOOM

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:
[HTTPS://BAINBRIDGEWA.ZOOM.US/J/92947338351](https://bainbridgewa.zoom.us/j/92947338351)
OR TELEPHONE: US: +1 253 215 8782
WEBINAR ID: 929 4733 8351

AGENDA

1. **CALL TO ORDER/ROLL CALL - 6:00 PM**
2. **EXECUTIVE SESSION - 6:05 PM**
 - 2.A **Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency and pursuant to RCW 42.30.110(1)(b), to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, 30 Minutes**
3. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE - 6:35 PM**
4. **PUBLIC COMMENT - 6:40 PM**

Public comment is accepted at this time on any topic of municipal interest. Each commenter will have three minutes to speak. Public comment is not taken on individual agenda items during the meeting. Please refer to guidelines and instructions for public comment attached below.

 - 4.A **Instructions and Guidelines for Providing Public Comment at Remote Meetings - City Clerk, 15 Minutes**
[Instructions for Providing Public Comment at Remote Meetings.pdf](#)
5. **CONSENT AGENDA - 6:55 PM**

All items listed under this section are considered to be routine and will be acted upon with one motion and one vote. There will be no separate discussion of these items unless a member of the City Council, or City Manager so requests, in which event, the item will be considered separately in its normal sequence.

- 5.A Agenda Bill for Consent Agenda, 5 Minutes**

- 5.B Approve Accounts Payable and Payroll,**
AP Report to Council of Cash Disbursements 11-10-21.pdf
Council Report signed PR 11-5-21.pdf

- 5.C Approve City Council Meeting Minutes,**
City Council Study Session Minutes, October 19, 2021.pdf
City Council Business Meeting Minutes, October 26, 2021.pdf

- 5.D Adopt Ordinance No. 2021-31 Providing Relief from City Business and Occupation Taxation for COVID Assistance Grants - Finance, 5 Minutes**
Ordinance No. 2021-31 Providing Relief From B&O Taxation for COVID Assistance Grants.docx
State substitute House Bill 1095-S.SL.pdf

- 5.E Authorize Solicitation for Professional Services to Support Wastewater Beneficial Re-use Opportunities and Constraints Analysis - Public Works **2021-2022 COUNCIL HIGH PRIORITY PROJECT****
RFQ - Wastewater Beneficial Reuse Project.docx

- 5.F Authorize Solicitation for a Professional Services Contract to Support the Design of the Winslow Water Tank Replacement Project - Public Works,**
Winslow Water Tank Replacement Project - 2021 RFQ.docx

- 5.G Authorize Solicitation for a Professional Services Contract to Support the Development of a Stormwater System Plan - Public Works,**
RFQ - Stormwater System Plan.pdf

- 5.H Forward Ordinance No. 2021-37 Relating to the 2021 4th Quarter Budget and Updated Capital Improvement Plan Amendments to the December 14, 2021 Consent Agenda - Finance 5 Minutes**
2021 4th QTR BUA Transmittal Memo.docx
Ordinance No. 2021-37 - 4th QTR Budget and CIP Amendments.docx
ORD 2021-37 Exhibit A - Total Expenditures by Fund.docx
Ord 2021-37 Exhibit B-Q4 Budget Amendments.pdf

- 5.I Consider Next Steps for Defining and Measuring the Climate Impacts of Sustainable Transportation Plan Projects - Public Works, 5 Minutes**
STP Climate Impacts Memo.docx

- 5.J Adopt Ordinance No. 2021-07, Revisions to Chapter 16.18 BIMC Pertaining to Permit Exemption for Defensible Space Wildfire Mitigation Activities and Related Matters - Planning, 5 Minutes**
Ordinance No. 2021-07 - Wildfire Mitigation.docx
Exhibit A to Ordinance No. 2021-07 .docx
Staff Memo - Wildfire Mitigation Revisions Update_10212021.docx

- 5.K **Withdraw Request to Purchase Madison Avenue Tax Title Property - Tax Title Application No. 2021-13 - Executive,** 5 Minutes
Attachment A (Letter to Treasurer Meredith Green)
Attachment B (Hannon Scales Agreement) - Signed.pdf
- 5.L **Authorize the City Manager to Execute the 2022-2024 Fire Safety Services Interlocal Agreement with the Bainbridge Island Fire Department with an Annual Payment of \$190,000 (Escalated by CPI) - Executive,** 5 Minutes
2022-2024 Fire Safety Services Agreement
- 5.M **Cancel November 16, 2021 Study Session**
- 6. **COUNCIL ANNOUNCEMENTS - 7:00 PM**
- 7. **CITY MANAGER'S REPORT - 7:10 PM**
 - 7.A **Receive City Manager's Report,** 5 Minutes
CAP2021 Anniversary Memorandum.docx
PW Springbrook Fish Weir Site Visit Memo 110421.docx
- 8. **PRESENTATION(S)**
 - 8.A **(7:15 PM) Present Proclamation Honoring Veterans Day on November 11, 2021,** 5 Minutes
Veterans Day Proclamation 2021.docx
 - 8.B **(7:20 PM) Approve Proclamation Declaring the Week of November 13 - 19 as "Transgender Awareness Week" and November 20, 2021 as "Transgender Day of Remembrance,"** 5 Minutes
Transgender Awareness Week and Transgender Day of Remembrance Proclamation 2021.docx
 - 8.C **(7:25 PM) Approve Proclamation Celebrating the 30th Anniversary of the Annexation of the City of Bainbridge Island,** 5 Minutes
30th Anniversary Proclamation.docx
 - 8.D **(7:30 PM) Recognition of Service for Councilmember Carr,** 20 Minutes
- 9. **PUBLIC HEARING(S)**
 - 9.A **(7:50 PM) Conduct Public Hearing for Ordinance No. 2021-32 Relating to Unnamed Path, 1912 Chautauqua Replat Street Vacation and Forward Ordinance No. 2021-32 to the December 14, 2021 Consent Agenda - Public Works,** 10 Minutes
Staff Report.docx
Ordinance No. 2021-32.docx
Application Packet.pdf
Comments.pdf

10. UNFINISHED BUSINESS

- 10.A (8:00 PM) Consider Waste Reduction Ordinance No. 2021-34 - Executive, 10 Minutes**
Ordinance No. 2021-34 re Revisions to Chapter 8.24 BIMC
{For Background} Current Chapter 8.24 BIMC.pdf
- 10.B (8:10 PM) Adopt Ordinance No. 2021-23 Creating a Multifamily Tax Exemption Program - Planning, 15 Minutes**
MFTE presentation.pptx
MFTE Staff Memo.docx
Ordinance No. 2021-23 MFTE Program
Exhibit A to Chapter 3.62 BIMC re MFTE
Resolution No. 2021-09-Relating to MFTE Designation Areas-Approved 052521.pdf
- 10.C (8:25 PM) Consider Ordinance No. 2021-33 – Revisions and Updates to Chapter 16.32 BIMC (Protection of Landmark Trees) - Planning, 15 Minutes**
Staff Memo re Ordinance No. 2021-33 - 11052021.docx
Ordinance No. 2021-33 - Chapter 16.32 BIMC - 11052021.docx
Exhibit A to Ordinance No. 2021-33 - Chapter 16.32 BIMC Protection of Landmark Trees - 11052021.docx
Landmark Tree Ordinance slide 11022021.pptx
- 10.D (8:40 PM) Adopt Resolution No. 2021-21 Related to the Process and Schedule for Municipal Court Judge Appointments - Executive, 10 Minutes**
Resolution No. 2021-21 - Procedure and Schedule to Appoint Municipal Judge.docx
Municipal Court Judge Job Description.docx
- 10.E (8:50 PM) Confirm Reappointment of Judge Sara McCulloch as Municipal Court Judge and Authorize the City Manager to Execute an Associated Employment Agreement (\$90,307 per year) - Executive, 10 Minutes**
Municipal Court Judge Employment Agreement - 2022-2025.docx

11. NEW BUSINESS

- 11.A (9:00 PM) Consider Ordinance No. 2021-12, Code Changes Related to Improving the Land Use Preapplication Phase - Planning, 15 Minutes**
PC_Recommendation_20210714.pdf
Ordinance No. 2021-12_110521.docx
Exhibit A to Ordinance No. 2021-12_Design for Bainbridge.pdf
Summary of Revisions to Design for Bainbridge 110521.docx
Project Review Flow Chart_07012021.pdf
- 11.B (9:15 PM) Consider Resolution 2021-07, Update to Public Participation Meeting Process Related to improving the Land Use Preapplication Phase - Planning, 5 Minutes**
Resolution No. 2021-07 - Public Participation Program_110521.docx
Exhibit A to Resolution No. 2021-07_110521.docx

- 11.C (9:20 PM) Consider Resolution 2021-14, Amendment to the Administrative Manual to Support Code Changes Related to Improving the Land Use Preapplication Phase - Planning,** 5 Minutes
Resolution No. 2021-14 - PCD Admin Manual Revisions_110521.docx
Exhibit A to Resolution No. 2021-14_Admin ManualUpdated_110521.docx
- 11.D (9:25 PM) Approve Recommended Appointment to the Design Review Board - Council,** 5 Minutes
Kelly - Design Review Board (Redacted).pdf

12. COMMUNICATIONS

- 12.A (9:30 PM) Receive Planning Commission's Recommendation to the City Council regarding whether "Hotel" as a Use is Consistent with the Goals and Policies of City's Comprehensive Plan and Winslow Master Plan,** 5 Minutes
10142021 Planning Commission Minutes.pdf
Planning Commission Minutes DRAFT 102821.pdf
- 12.B (9:35 PM) Consider Request from Deputy Mayor Pollock to Discuss Opposing the SR305 Roundabouts on a Future Council Agenda,** 5 Minutes
Agenda Request from Deputy Mayor Pollock.pdf

13. COMMITTEE REPORTS - 9:40 PM

14. ADJOURNMENT - 9:45 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.



City Council meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or cityclerk@bainbridgewa.gov by noon on the day preceding the meeting.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency and pursuant to RCW 42.30.110(1)(b), to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price,

SUMMARY: Hold Executive Session.

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION: Discussion only.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: Instructions and Guidelines for Providing Public Comment at Remote Meetings - City Clerk,

SUMMARY: The attached instructions and guidelines explain how to provide public comment in a remote Zoom meeting.

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION: Information only.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[Instructions for Providing Public Comment at Remote Meetings.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



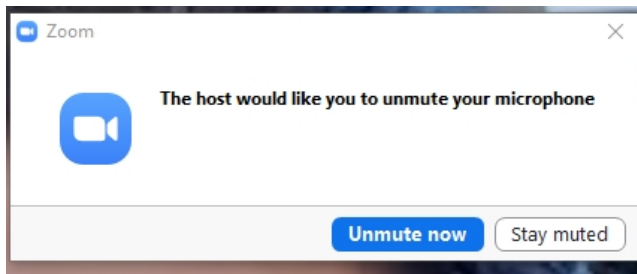
CITY OF
BAINBRIDGE ISLAND

CITY CLERK'S OFFICE

Members of the public are encouraged to submit written public comment to the City Council at any time by emailing Council at council@bainbridgewa.gov or the City Clerk at cityclerk@bainbridgewa.gov. Members of the public who wish to provide public comment during the remote meeting should follow the instructions outlined below.

INSTRUCTIONS FOR PROVIDING PUBLIC COMMENT IN REMOTE MEETINGS

1. Attendees who wish to provide public comment sign in to Zoom with their name.
2. Meeting Chair will indicate when it is time for public comment.
3. Attendee indicates desire to speak by clicking on "Raise Hand" option at the bottom of the screen.
4. Attendee clicks button "Unmute now" after they are called to speak by Meeting Chair.



5. 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, the Clerk will promote you 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.

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

Excerpt 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 within the jurisdiction of the City Council or is otherwise irrelevant to Council business.
- (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, or any other words considered “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.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Agenda Bill for Consent Agenda,

SUMMARY: Consider approval of the following Consent Agenda items:

- B. Accounts Payable and Payroll
- C. Approve City Council Meeting Minutes
- D. Adopt Ordinance No. 2021-31 Providing Relief from City Business and Occupation Taxation for COVID Assistance Grants - Finance
- E. Authorize Solicitation for Professional Services to Support Wastewater Beneficial Re-use Opportunities and Constraints Analysis - Public Works ****2021-2022 COUNCIL HIGH PRIORITY PROJECT****
- F. Authorize Solicitation for a Professional Services Contract to Support the Design of the Winslow Water Tank Replacement Project - Public Works
- G. Authorize Solicitation for a Professional Services Contract to Support the Development of a Stormwater System Plan - Public Works
- H. Forward Ordinance No. 2021-37 Relating to the 2021 4th Quarter Budget and Updated Capital Improvement Plan Amendments to the December 14, 2021 Consent Agenda - Finance
- I. Consider Next Steps for Defining and Measuring the Climate Impacts of Sustainable Transportation Plan Projects - Public Works
- J. Adopt Ordinance No. 2021-07, Revisions to Chapter 16.18 BIMC Pertaining to Permit Exemption for Defensible Space Wildfire Mitigation Activities and Related Matters - Planning
- K. Withdraw Request to Purchase Madison Avenue Tax Title Property - Tax Title Application No. 2021-13 - Executive
- L. Authorize the City Manager to Execute the 2022-2024 Fire Safety Services Interlocal Agreement with the Bainbridge Island Fire Department with an Annual Payment of \$190,000 (Escalated by CPI) - Executive
- M. Cancel November 16, 2021 Study Session

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Executive

RECOMMENDED MOTION: I move to approve the Consent Agenda as presented.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:

Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME:

AGENDA ITEM: Approve Accounts Payable and Payroll,

SUMMARY: Consider approval of payroll and accounts payable.

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Executive

RECOMMENDED MOTION: Approve accounts payable and payroll.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[AP Report to Council of Cash Disbursements 11-10-21.pdf](#)

[Council Report signed PR 11-5-21.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

ACCOUNTS PAYABLE REPORT TO CITY COUNCIL OF CASH DISBURSEMENTS

CHECK RUN: October 25, 2021 - November 8, 2021

CITY COUNCIL: October 26, 2021 - November 9, 2021

Last check from previous run: 357578 dated 10/27/2021 issued to Zee Medical Service for \$95.55

Last ACH from previous run: 473 dated 10/27/2021 issued to Webcheck Inc for \$310.65

Payment Type	Check Date	Check Number	Department/Vendor/Description	Amount
VOID	1/29/2020	352657	Unclaimed Property/Check voided and payment sent to WA ST Dept. of Rev.	N/A
VOID	4/29/2020	353426	Unclaimed Property/Check voided and payment sent to WA ST Dept. of Rev.	N/A
VOID	9/23/2020	354500	Unclaimed Property/Check voided and payment sent to WA ST Dept. of Rev.	N/A
ACH	10/21/2021	474	WA State DOL/Firearm permits - Oct. 2021	489.00
ACH	10/27/2021	475	WA State DOR/2021 Unclaimed property report	309.20
Manual	10/25/2021	357579	ENG/Berk & Associates/PSE franchise agreement	35.00
Manual	10/25/2021	357580	Kitsap County Auditor/2021 Primary elections cost	27,996.02
Manual	10/25/2021	357581	Puget Sound Energy/Green power contract Oct. 2021, Rockaway interite PRV	828.69
Manual	10/29/2021	357582	POL,EOC/AT&T Mobility/Wireless charges	2,316.56
Manual	10/29/2021	357583	CenturyLink/Weaver PRV water telemetry - Oct. 2021	58.32
Manual	10/29/2021	357584	PW/Fremont Analytical/Vincent landfill monitoring service	2,418.50
Manual	10/29/2021	357585	ENG/Seton Construction/Eagle Harbor phase 2 shoulder widening	55,135.34
Manual	10/29/2021	357586	ENG/Skillings/Engineering design services	44,275.20

Total Manual Checks and Electronic Disbursements	133,861.83
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Regular Run Checks	11/10/2021	357587-357679	Total Regular Check Run	408,533.50
Regular Run ACH	11/10/2021	476-489	Total Regular ACH Run	70,205.58
Total Disbursements				612,600.91

Retainage Release	10/26/2021	200	Peninsula Tree Service/Hazardous Tree Removal	1,335.33
Travel Advance	N/A	N/A		N/A

Prepared and Reviewed by  Jacob Kines, Senior Accounting Technician

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished,
the services rendered, or the labor performed as described herein and that the claim
is a just, due, and unpaid obligation against the City of Bainbridge Island,
and that I am authorized to authenticate and certify to said claim.



Karl R. Shaw, Accounting Manager

11/4/2021

Date


10/26/2021 10:55
jkinesCITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNALP 1
apcshdsb

CASH ACCOUNT: 628		111100		CASH-RETAINAGE													
CHECK NO	CHK	DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN					NET		
INVOICE DTL DESC																	
200	10/26/2021	PRTD	8655	PENINSULA TREE SERVI	251483	RETREL-10512021	10/26/2021	RT102621	1,335.33								
Invoice: RETREL-10512021					1,335.33	41628860 586000	RET REL WATERFRONT PARK TREE REMOVAL										
							RETAINAGE RELEASE										
							CHECK	200	TOTAL:	1,335.33							
					NUMBER OF CHECKS	1	*** CASH ACCOUNT TOTAL ***	1,335.33									
							COUNT	AMOUNT									
					TOTAL PRINTED CHECKS	1	1,335.33										
							*** GRAND TOTAL ***	1,335.33									

10/26/2021 10:55
jkines

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

P 2
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JOURNAL ENTRIES TO BE CREATED

CLERK: jkines

YEAR PER SRC ACCOUNT	JNL EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T 0B	DEBIT	CREDIT
2021 10 217									
APP 622-213000	10/26/2021	RT102621	102621			ACCOUNTS PAYABLE AP CASH DISBURSEMENTS JOURNAL		1,335.33	
APP 628-111100	10/26/2021	RT102621	102621			CASH-RETAINAGE AP CASH DISBURSEMENTS JOURNAL			1,335.33
JOURNAL 2021/10/217 TOTAL								1,335.33	1,335.33

10/26/2021 10:55
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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

P 3
apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
622	EXPENDABLE TRUST FUND	2021 10	217	10/26/2021			
	622-213000				ACCOUNTS PAYABLE	1,335.33	
	628-111100				CASH-RETAINAGE		1,335.33
FUND TOTAL						1,335.33	1,335.33

** END OF REPORT - Generated by Jacob Kines **


10/22/2021 14:25
jkinesCITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNALP 1
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CASH ACCOUNT: 635		111100		CASH				INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE						
INVOICE DTL DESC											
474	10/21/2021	MANL	969 DEPARTMENT OF LICENS	251471	OCT21 FA		10/21/2021			FA OCT21	489.00
Invoice: OCT21 FA				489.00	41654860 586000	OCT 2021	CPL				
						GUN PERMIT OUT					
								CHECK	474	TOTAL:	489.00
				NUMBER OF CHECKS	1	*** CASH ACCOUNT TOTAL ***					489.00
						COUNT	AMOUNT				
TOTAL MANUAL CHECKS						1	489.00				
								***	GRAND TOTAL	***	489.00

10/22/2021 14:25
jkines

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

P 2
apcshdsb

CLERK: jkines

JOURNAL ENTRIES TO BE CREATED

YEAR PER JNL	SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T 0B	DEBIT	CREDIT
2021 10 199	APP 650-213000	10/21/2021	FA OCT21	FA ACH			ACCOUNTS PAYABLE AP CASH DISBURSEMENTS JOURNAL		489.00	
APP 635-111100	10/21/2021	FA OCT21	FA ACH				CASH AP CASH DISBURSEMENTS JOURNAL			489.00
GENERAL LEDGER TOTAL									489.00	489.00
APP 631-130000	10/21/2021	FA OCT21	FA ACH				DUE TO/FROM CLEARING		489.00	
APP 650-130000	10/21/2021	FA OCT21	FA ACH				DUE TO/FROM CLEARING			489.00
SYSTEM GENERATED ENTRIES TOTAL									489.00	489.00
JOURNAL 2021/10/199 TOTAL									978.00	978.00

10/22/2021 14:25
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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

P 3
apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
631	CLEARING FUND	2021	10	199	10/21/2021			
	631-130000					DUE TO/FROM CLEARING	489.00	
	635-111100					CASH		489.00
						FUND TOTAL	489.00	489.00
650	AGENCY FUND	2021	10	199	10/21/2021			
	650-130000					DUE TO/FROM CLEARING		489.00
	650-213000					ACCOUNTS PAYABLE	489.00	
						FUND TOTAL	489.00	489.00

10/22/2021 14:25
jkines

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

P 4
apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
631	CLEARING FUND	489.00	
650	AGENCY FUND		489.00
TOTAL		489.00	489.00

** END OF REPORT - Generated by Jacob Kines **


10/27/2021 13:24
jkinesCITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNALP 1
apcshdsb

CASH ACCOUNT: 635			111100		CASH				INV DATE	PO	CHECK RUN	NET	
CHECK NO	CHK DATE	TYPE	VENDOR NAME		VOUCHER	INVOICE							
INVOICE DTL DESC													
475	10/27/2021	MANL	124	WA ST DEPT OF REVENUE	251517	UCP2021	10/27/2021	ACH-UCP				309.20	
Invoice: UCP2021						20.95	411	122100	2021 UNCLAIMED PROPERTY REMITTANCE				
						38.75	411	122100	WATER ACCOUNTS RECEIVABLE				
						249.50	411	122100	WATER ACCOUNTS RECEIVABLE				
										CHECK	475 TOTAL:	309.20	
NUMBER OF CHECKS							1	*** CASH ACCOUNT TOTAL ***				309.20	
							COUNT	AMOUNT					
TOTAL MANUAL CHECKS							1	309.20					
										*** GRAND TOTAL ***	309.20		

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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CLERK: jkines

JOURNAL ENTRIES TO BE CREATED

YEAR	PER	JNL	SRC	ACCOUNT	EFF	DATE	JNL	DESC	REF	1	REF	2	REF	3	ACCOUNT	DESC	LINE	DESC	T	OB	DEBIT	CREDIT
2021	10	248	APP	401-213000	10/27/2021	ACH-UCP	ACHUCP								ACCOUNTS PAYABLE						309.20	
			APP	635-111100	10/27/2021	ACH-UCP	ACHUCP								AP CASH DISBURSEMENTS JOURNAL							309.20
															CASH							
															AP CASH DISBURSEMENTS JOURNAL							
															GENERAL LEDGER TOTAL						309.20	309.20
			APP	631-130000	10/27/2021	ACH-UCP	ACHUCP								DUE TO/FROM CLEARING						309.20	
			APP	401-130000	10/27/2021	ACH-UCP	ACHUCP								DUE TO/FROM CLEARING							309.20
															SYSTEM GENERATED ENTRIES TOTAL						309.20	309.20
															JOURNAL 2021/10/248						618.40	618.40
															TOTAL							

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
401 WATER OPERATING FUND 401-130000 401-213000	2021 10	248	10/27/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	309.20	309.20
				FUND TOTAL	309.20	309.20
631 CLEARING FUND 631-130000 635-111100	2021 10	248	10/27/2021	DUE TO/FROM CLEARING CASH	309.20	309.20
				FUND TOTAL	309.20	309.20

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
401	WATER OPERATING FUND		309.20
631	CLEARING FUND	309.20	
TOTAL		309.20	309.20

** END OF REPORT - Generated by Jacob Kines **


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jkinesCITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNALP 1
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CASH ACCOUNT: 635		111100	CASH																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						</
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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

P 2
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CASH ACCOUNT: 635		111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET	
INVOICE DTL DESC										
483	11/10/2021	EFT	672 DSC INC	251439	101681	10/13/2021		11/07/21	23.21	
Invoice: 101681				23.21	73638935 531100	PW/FEMALE JIC 37 SWIVEL				
						O&M-STD ALLOCATION-SUPPLIES				
								CHECK	483 TOTAL:	23.21
484	11/10/2021	EFT	5781 EXTERMINATION SERVIC	251500	39737	10/26/2021		11/07/21	94.83	
Invoice: 39737				94.83	73011215 541100	PW/625 WINSLOW WAY OCT FULL SERVICE				
						O&M-C/E-POLICE FAC-PROF SVCS				
Invoice: 39760				251501	39760	10/26/2021		11/07/21	364.06	
						PW/WASTE TREATMENT PLANT OCT SERVICE				
						O&M-WWTP-PROF SVCS				
								CHECK	484 TOTAL:	458.89
485	11/10/2021	EFT	9509 FIREWALLS.COM INC	251442	2021-134673	10/19/2021		11/07/21	4,771.80	
Invoice: 2021-134673				4,771.80	81011881 541100	IT/ANNUAL FIREWALL UPDATE, MAINTENANCE				
						IT - C/E PROF SERVICES				
								CHECK	485 TOTAL:	4,771.80
486	11/10/2021	EFT	199 KITSAP ECONOMIC DEVE	251481	BI-3Q-21	10/14/2021		11/07/21	2,500.00	
Invoice: BI-3Q-21				2,500.00	31011586 54110000297	EX/ECONOMIC DEVELOPMENT SRVCS 3Q-21				
						EX-GF-ECON DEV PLANNING				
								CHECK	486 TOTAL:	2,500.00
487	11/10/2021	EFT	1851 KRAZAN & ASSOCIATES	251446	J602784-5873	09/30/2021		11/07/21	5,106.50	
Invoice: J602784-5873				5,106.50	72111421 54110001173	ENG/ONCALL SERVICES CONTRACT FOR T				
						2021 ANNUAL ROADS PRGM-PRO SVC				
								CHECK	487 TOTAL:	5,106.50
488	11/10/2021	EFT	5730 SUMMIT LAW GROUP	251477	130264	10/22/2021		11/07/21	1,809.00	
Invoice: 130264				1,809.00	32011152 54111000870	LEGAL/PROFESSIONAL SRVCS SEP21				
						LGL-HR (NON-BARGAINING)				
Invoice: 130265				251478	130265	10/22/2021		11/07/21	4,708.80	
						LEGAL/PROFESSIONAL SRVCS SEP21				
						LGL-LABOR NEGOTIATIONS				
								CHECK	488 TOTAL:	6,517.80

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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CASH ACCOUNT: 635
CHECK NO CHK DATE

111100 CASH
TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

NET

INVOICE DTL DESC

489	11/10/2021	EFT	9373 VISIT BAINBRIDGE	251469	112	09/30/2021	11/07/21	22,780.04
Invoice: 112				22,780.04	91140573 541100	MULTI-MEDIA DESTINATION MARKET GG-TOUR-PROF SERVICES		

CHECK 489 TOTAL: 22,780.04

NUMBER OF CHECKS 14 *** CASH ACCOUNT TOTAL *** 70,205.58

	COUNT	AMOUNT
TOTAL EFT'S	14	70,205.58

*** GRAND TOTAL *** 70,205.58

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JOURNAL ENTRIES TO BE CREATED

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YEAR PER SRC ACCOUNT	JNL EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T OB	DEBIT	CREDIT
2021 11 25									
APP 001-213000	11/10/2021	11/07/21	111021			GENERAL - ACCOUNTS PAYABLE		20,982.61	
APP 635-111100	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
APP 401-213000	11/10/2021	11/07/21	111021			CASH			70,205.58
APP 402-213000	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
APP 301-213000	11/10/2021	11/07/21	111021			ACCOUNTS PAYABLE		4,753.29	
APP 631-213000	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
APP 101-213000	11/10/2021	11/07/21	111021			ACCOUNTS PAYABLE		6,664.93	
APP 104-213000	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
						ACCOUNTS PAYABLE		9,895.00	
						AP CASH DISBURSEMENTS JOURNAL			
						ACCOUNTS PAYABLE		23.21	
						AP CASH DISBURSEMENTS JOURNAL			
						STREETS - ACCOUNTS PAYABLE		5,106.50	
						AP CASH DISBURSEMENTS JOURNAL			
						CIVIC IMPR - ACCOUNTS PAYABLE		22,780.04	
						AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								70,205.58	70,205.58
APP 631-130000	11/10/2021	11/07/21	111021			DUE TO/FROM CLEARING		70,182.37	
APP 001-130000	11/10/2021	11/07/21	111021			GENERAL - DUE TO/FROM CLEARING			20,982.61
APP 401-130000	11/10/2021	11/07/21	111021			DUE TO/FROM CLEARING			4,753.29
APP 402-130000	11/10/2021	11/07/21	111021			DUE TO/FROM CLEARING			6,664.93
APP 301-130000	11/10/2021	11/07/21	111021			DUE TO/FROM CLEARING			9,895.00
APP 101-130000	11/10/2021	11/07/21	111021			STREETS - DUE TO/FROM CLEARING			5,106.50
APP 104-130000	11/10/2021	11/07/21	111021			CIVIC IMPR DUE TO/FROM CLEAR'G			22,780.04
SYSTEM GENERATED ENTRIES TOTAL								70,182.37	70,182.37
JOURNAL 2021/11/25 TOTAL								140,387.95	140,387.95

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND 001-130000 001-213000	2021 11	25	11/10/2021	GENERAL - DUE TO/FROM CLEARING GENERAL - ACCOUNTS PAYABLE	20,982.61	20,982.61
				FUND TOTAL	20,982.61	20,982.61
101 STREET FUND 101-130000 101-213000	2021 11	25	11/10/2021	STREETS - DUE TO/FROM CLEARING STREETS - ACCOUNTS PAYABLE	5,106.50	5,106.50
				FUND TOTAL	5,106.50	5,106.50
104 CIVIC IMPROVEMENT FUND 104-130000 104-213000	2021 11	25	11/10/2021	CIVIC IMPR DUE TO/FROM CLEAR'G CIVIC IMPR - ACCOUNTS PAYABLE	22,780.04	22,780.04
				FUND TOTAL	22,780.04	22,780.04
301 CAPITAL CONSTRUCTION FUND 301-130000 301-213000	2021 11	25	11/10/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	9,895.00	9,895.00
				FUND TOTAL	9,895.00	9,895.00
401 WATER OPERATING FUND 401-130000 401-213000	2021 11	25	11/10/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	4,753.29	4,753.29
				FUND TOTAL	4,753.29	4,753.29
402 SEWER OPERATING FUND 402-130000 402-213000	2021 11	25	11/10/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	6,664.93	6,664.93
				FUND TOTAL	6,664.93	6,664.93
631 CLEARING FUND 631-130000 631-213000 635-111100	2021 11	25	11/10/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE CASH	70,182.37 23.21	70,205.58
				FUND TOTAL	70,205.58	70,205.58

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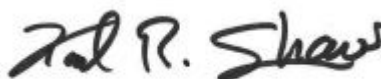
 CITY OF BAINBRIDGE ISLAND
 A/P CASH DISBURSEMENTS JOURNAL

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 apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		20,982.61
101	STREET FUND		5,106.50
104	CIVIC IMPROVEMENT FUND		22,780.04
301	CAPITAL CONSTRUCTION FUND		9,895.00
401	WATER OPERATING FUND		4,753.29
402	SEWER OPERATING FUND		6,664.93
631	CLEARING FUND		
		70,182.37	
TOTAL		70,182.37	70,182.37

** END OF REPORT - Generated by Jacob Kines **



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jkinesCITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

10/27/2021

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CASH ACCOUNT: 635			111100		CASH															
CHECK NO	CHK	DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE			INV DATE	PO	CHECK RUN						NET		
INVOICE DTL DESC																				
352657	01/29/2020	VOID	9374	BRENT, WILLIAM & JOC		237229	83344			01/10/2020								-20.95		
Invoice: 83344						-20.95	411	122100	UB 12524 8174	IRVING LANE NE										
									WATER ACCOUNTS RECEIVABLE											
									CHECK	352657	TOTAL:								-20.95	
353426	04/29/2020	VOID	9443	BRANNON, JACOB		239802	85829			04/14/2020								-38.75		
Invoice: 85829						-38.75	411	122100	UB 11291 8128	HIGH SCHOOL LOOP NE										
									WATER ACCOUNTS RECEIVABLE											
									CHECK	353426	TOTAL:								-38.75	
354500	09/23/2020	VOID	4532	CENTRAL HIGHLANDS		242878	88798			09/15/2020								-249.50		
Invoice: 88798						-233.82	411	122100	UB 13234 771	FORDS COURT NW										
						-15.68	411	122100	WATER ACCOUNTS RECEIVABLE											
									WATER ACCOUNTS RECEIVABLE											
									CHECK	354500	TOTAL:								-249.50	
						NUMBER OF CHECKS		3	*** CASH ACCOUNT TOTAL ***										-309.20	
									COUNT	AMOUNT										
						TOTAL VOIDED CHECKS		3	309.20											
									*** GRAND TOTAL ***										-309.20	


 All three checks have been submitted to WA ST DOR as Unclaimed Property on 10/27/2021. Attached is the Summary File and the Payment Confirmation. Due diligence letters were mailed to the payees on 9/13/21 & 9/14/21, but COBI did not receive any responses.

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jkines

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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CLERK: jkines

JOURNAL ENTRIES TO BE CREATED

YEAR PER JNL	SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T 0B	DEBIT	CREDIT
2021 10 240	APP 401-213000	10/27/2021	352657 VOID				ACCOUNTS PAYABLE AP CASH DISBURSEMENTS JOURNAL			309.20
APP 635-111100	10/27/2021	352657 VOID				CASH AP CASH DISBURSEMENTS JOURNAL		20.95		
APP 635-111100	10/27/2021	353426 VOID				CASH AP CASH DISBURSEMENTS JOURNAL		38.75		
APP 635-111100	10/27/2021	354500 VOID				CASH AP CASH DISBURSEMENTS JOURNAL		249.50		
GENERAL LEDGER TOTAL									309.20	309.20
APP 631-130000	10/27/2021	01/26/20 VOID				DUE TO/FROM CLEARING				309.20
APP 401-130000	10/27/2021	01/26/20 VOID				DUE TO/FROM CLEARING		309.20		
SYSTEM GENERATED ENTRIES TOTAL									309.20	309.20
JOURNAL 2021/10/240 TOTAL									618.40	618.40

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
401 WATER OPERATING FUND 401-130000 401-213000	2021 10	240	10/27/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	309.20	309.20
				FUND TOTAL	309.20	309.20
631 CLEARING FUND 631-130000 635-111100	2021 10	240	10/27/2021	DUE TO/FROM CLEARING CASH	309.20	309.20
				FUND TOTAL	309.20	309.20

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CITY OF BAINBRIDGE ISLAND
 A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
401	WATER OPERATING FUND		309.20
631	CLEARING FUND	309.20	
TOTAL		309.20	309.20

** END OF REPORT - Generated by Jacob Kines **



Department of Revenue - Unclaimed Property

The Department of Revenue's company ID number for ACH debit transactions is 9196000000. Provide this filter number to your bank, if necessary.



Your payment has been successfully processed. Please make a note of the confirmation number shown below or print this page for your records. A confirmation email has also been sent to the email address shown below. Please call us on 1-360-534-1502 if there is a problem with this payment.

Confirmation Number:

ID27XCVS3L

Account Details

FEIN:

91-6001663

Email Address:

ACCOUNTSPAYABLE@BAINBRIDGEWA.GOV

Payment Details

Payment Method:

Checking ending in 9677

Payment Type:

One Time

Payment Amount:

\$309.20

Payment Date:

10/27/2021

MANUAL ONLINE REPORTING

Note: This is your last opportunity to print a summary for your records.



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Report Successfully Submitted For Processing

To Pay By:

- ACH Debit (E-Check), debit card, or credit card payment, click [HERE](#).
 - You will be charged a 3.5% transaction fee for paying with a debit or credit card.
- ACH Credit or wire transfer, click [How To Make A Payment](#).
- Check, print this holder summary and mail it to our office along with the check. Failure to pay electronically will result in a 5% penalty. You will receive a bill charging you the 5% penalty.

Department of Revenue

Unclaimed Property

PO Box 34053

Seattle, WA 98124-1053

The reporting process is complete. [Return to the Home Page](#).

Please click "Print Summary" to retain a copy of this page for your records.

Holder Info:

Holder Name: City of Bainbridge Island
Contact Address 1: 280 Madison AveN
Contact Zip: 98110

Holder Tax ID: 916001663
Contact City: Bainbridge Island
Contact Phone: (206) 780-8612

Contact Name: Jacob Kines
Contact State: WA
Contact Email: accountspayable@bainbridgewa.gov

Summary Record:

No. of Owners: 4
No. of Properties: 3
No. of Tangibles: 0

No. of Shares: 0
No. of Shares Due: 0

Amount Reported: \$309.20
Amount Due: \$309.20

- Record # 1

Owners:

Owner	Owner Name	Owner Address	Relationship Code
Primary	William Brent	PO BOX 1308	SO
Additional	Jocelyn Brent	PO BOX 1308	SO

Properties:

Property	Property Type	Amount Reported	Amount Due	No. of Shares	No. of Shares Due
1	CK13	\$20.95	\$20.95	N/A	N/A

- Record # 2

Owners:

Owner	Owner Name	Owner Address	Relationship Code
Primary	Jacob Brannon	305 Edgewood Circle	SO

Properties:

Property	Property Type	Amount Reported	Amount Due	No. of Shares	No. of Shares Due
1	CK13	\$38.75	\$38.75	N/A	N/A

- Record # 3

Owners:

Owner	Owner Name	Owner Address	Relationship Code
Primary	Central Highlands	PO BOX 1306	SO

Properties:

Property	Property Type	Amount Reported	Amount Due	No. of Shares	No. of Shares Due
1	CK13	\$249.50	\$249.50	N/A	N/A

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jkinesCITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNALP 1
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CASH ACCOUNT: 635		111100	CASH								
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE		INV DATE	PO	CHECK RUN		NET
INVOICE DTL DESC											
357579	10/25/2021	PRTD	7769 BERK & ASSOCIATES, I	251473	10580-07-21		08/06/2021		M102521		35.00
Invoice: 10580-07-21						ENG/PSE	FRANCHISE AGREEMENT		- PW		
				35.00	72011593 54245001160	PSE	FRANCHISE-OUTREACH				
CHECK 357579 TOTAL:											35.00
357580	10/25/2021	PRTD	4109 KITSAP COUNTY AUDITO	251474	10/22/2021		10/22/2021		M102521		27,996.02
Invoice: 10/22/2021						2021	PRIMARY ELECTIONS COST				
				27,996.02	91011117 551000		COUNCIL - ELECTION SERVICES				
CHECK 357580 TOTAL:											27,996.02
357581	10/25/2021	PRTD	1205 PUGET SOUND ENERGY	251475	1716SEP21		10/08/2021		M102521		16.69
Invoice: 1716SEP21						ROCKAWAY INTERITE PRV					
				16.69	91415345 547100		GG-ROCKAWAY BCH-UTILITIES				
				251476	220001310		10/18/2021		M102521		812.00
Invoice: 220001310						OCT21	GREEN POWER CONTRACT				
				812.00	91011189 547101		ELECTRIC-GREEN POWER				
CHECK 357581 TOTAL:											828.69
NUMBER OF CHECKS 3 *** CASH ACCOUNT TOTAL ***											28,859.71
						COUNT	AMOUNT				
TOTAL PRINTED CHECKS						3	28,859.71				
*** GRAND TOTAL ***											28,859.71

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

YEAR PER JNL SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T 0B	DEBIT	CREDIT
2021 10 206									
APP 001-213000	10/25/2021	M102521	102521			GENERAL - ACCOUNTS PAYABLE AP CASH DISBURSEMENTS JOURNAL		28,843.02	
APP 635-111100	10/25/2021	M102521	102521			CASH AP CASH DISBURSEMENTS JOURNAL			28,859.71
APP 401-213000	10/25/2021	M102521	102521			ACCOUNTS PAYABLE AP CASH DISBURSEMENTS JOURNAL		16.69	
GENERAL LEDGER TOTAL								28,859.71	28,859.71
APP 631-130000	10/25/2021	M102521	102521			DUE TO/FROM CLEARING		28,859.71	
APP 001-130000	10/25/2021	M102521	102521			GENERAL - DUE TO/FROM CLEARING			28,843.02
APP 401-130000	10/25/2021	M102521	102521			DUE TO/FROM CLEARING			16.69
SYSTEM GENERATED ENTRIES TOTAL								28,859.71	28,859.71
JOURNAL 2021/10/206 TOTAL								57,719.42	57,719.42

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND 001-130000 001-213000	2021 10	206	10/25/2021	GENERAL - DUE TO/FROM CLEARING GENERAL - ACCOUNTS PAYABLE	28,843.02	28,843.02
				FUND TOTAL	28,843.02	28,843.02
401 WATER OPERATING FUND 401-130000 401-213000	2021 10	206	10/25/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	16.69	16.69
				FUND TOTAL	16.69	16.69
631 CLEARING FUND 631-130000 635-111100	2021 10	206	10/25/2021	DUE TO/FROM CLEARING CASH	28,859.71	28,859.71
				FUND TOTAL	28,859.71	28,859.71

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CITY OF BAINBRIDGE ISLAND
 A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		28,843.02
401	WATER OPERATING FUND		16.69
631	CLEARING FUND	28,859.71	
TOTAL		28,859.71	28,859.71

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 CITY OF BAINBRIDGE ISLAND
 A/P CASH DISBURSEMENTS JOURNAL

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CASH ACCOUNT: 635		111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN		NET
INVOICE DTL DESC										
357582	10/29/2021	PRTD	6420 AT&T MOBILITY	251642	287287004732X101921	10/11/2021		M102921		2,316.56
Invoice: 287287004732X101921				2,208.27	91011215 542100	POL, EOC/WIRELESS CHARGES				
				108.29	31011256 542100	GG-C/E-PD-PHONE				
						EX-GF-EMERG PREP-PHONE				
								CHECK	357582 TOTAL:	2,316.56
357583	10/29/2021	PRTD	551 CENTURYLINK	251643	61240CT21	10/16/2021		M102921		58.32
Invoice: 61240CT21				58.32	91411891 542100	WEAVER PRV WATER TELEM				
						GG-WTR-FAC-PHONE				
								CHECK	357583 TOTAL:	58.32
357584	10/29/2021	PRTD	6940 FREMONT ANALYTICAL	251644	2106304	06/29/2021		M102921		2,418.50
Invoice: 2106304				2,418.50	73011370 54110000261	PW/VICNENT LANDFILL GROUNDWATER				
						BI LANDFILL MONITORING-PRO SVC				
								CHECK	357584 TOTAL:	2,418.50
357585	10/29/2021	PRTD	1488 SETON CONSTRUCTION I	251645	PAYREQ4-01077	10/22/2021		M102921		55,135.34
Invoice: PAYREQ4-01077				55,135.34	72334562 66300001077	ENG/EH PH2 SHOULDER WIDENING				
						C40-EAGLE HARBOR PH2-CONSTR				
								CHECK	357585 TOTAL:	55,135.34
357586	10/29/2021	PRTD	7173 SKILLINGS	251646	12993	07/20/2021		M102921		44,275.20
Invoice: 12993				3,010.39	72423434 64110001085	ENG/Engineering Design Services fo				
				1,228.25	72424435 64110000989	SUNDAY COVE GRAVITY MAIN-PRO S				
				3,586.22	72423434 64110001086	SUNDAY COVE PUMP REHAB-PROF SV				
				33,920.14	72423434 64110000990	LOWER LOVELL SLS-PROF SVCS				
				2,530.20	72423434 64110000820	WOOD AVE PUMP STA-PROF SVCS				
						REHAB WING PT PUMP STATION-DES				
								CHECK	357586 TOTAL:	44,275.20
NUMBER OF CHECKS						5	*** CASH ACCOUNT TOTAL ***			104,203.92
						COUNT	AMOUNT			
TOTAL PRINTED CHECKS						5	104,203.92			
								*** GRAND TOTAL ***		104,203.92

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

YEAR	PER	JNL	SRC	ACCOUNT	EFF DATE	JNL	DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T	OB	DEBIT	CREDIT
2021	10	296													
APP	001-213000				10/29/2021	M102921		102921			GENERAL - ACCOUNTS PAYABLE			4,735.06	
APP	635-111100				10/29/2021	M102921		102921			AP CASH DISBURSEMENTS JOURNAL				
APP	401-213000				10/29/2021	M102921		102921			CASH				104,203.92
APP	301-213000				10/29/2021	M102921		102921			AP CASH DISBURSEMENTS JOURNAL			58.32	
APP	402-213000				10/29/2021	M102921		102921			ACCOUNTS PAYABLE			55,135.34	
APP	402-213000				10/29/2021	M102921		102921			AP CASH DISBURSEMENTS JOURNAL			44,275.20	
					10/29/2021	M102921		102921			ACCOUNTS PAYABLE				
					10/29/2021	M102921		102921			AP CASH DISBURSEMENTS JOURNAL				
											GENERAL LEDGER TOTAL			104,203.92	104,203.92
APP	631-130000				10/29/2021	M102921		102921			DUE TO/FROM CLEARING			104,203.92	
APP	001-130000				10/29/2021	M102921		102921			GENERAL - DUE TO/FROM CLEARING				4,735.06
APP	401-130000				10/29/2021	M102921		102921			DUE TO/FROM CLEARING			58.32	
APP	301-130000				10/29/2021	M102921		102921			DUE TO/FROM CLEARING			55,135.34	
APP	402-130000				10/29/2021	M102921		102921			DUE TO/FROM CLEARING			44,275.20	
					10/29/2021	M102921		102921							
											SYSTEM GENERATED ENTRIES TOTAL			104,203.92	104,203.92
											JOURNAL 2021/10/296 TOTAL			208,407.84	208,407.84

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND 001-130000 001-213000	2021 10	296	10/29/2021	GENERAL - DUE TO/FROM CLEARING GENERAL - ACCOUNTS PAYABLE	4,735.06	4,735.06
				FUND TOTAL	4,735.06	4,735.06
301 CAPITAL CONSTRUCTION FUND 301-130000 301-213000	2021 10	296	10/29/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	55,135.34	55,135.34
				FUND TOTAL	55,135.34	55,135.34
401 WATER OPERATING FUND 401-130000 401-213000	2021 10	296	10/29/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	58.32	58.32
				FUND TOTAL	58.32	58.32
402 SEWER OPERATING FUND 402-130000 402-213000	2021 10	296	10/29/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	44,275.20	44,275.20
				FUND TOTAL	44,275.20	44,275.20
631 CLEARING FUND 631-130000 635-111100	2021 10	296	10/29/2021	DUE TO/FROM CLEARING CASH	104,203.92	104,203.92
				FUND TOTAL	104,203.92	104,203.92

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CITY OF BAINBRIDGE ISLAND
 A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		4,735.06
301	CAPITAL CONSTRUCTION FUND		55,135.34
401	WATER OPERATING FUND		58.32
402	SEWER OPERATING FUND		44,275.20
631	CLEARING FUND	104,203.92	
TOTAL		104,203.92	104,203.92

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 CITY OF BAINBRIDGE ISLAND
 A/P CASH DISBURSEMENTS JOURNAL

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CASH ACCOUNT: 635		111100	CASH			INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INVOICE DTL DESC			
357587	11/10/2021	PRTD	5 ACE HARDWARE	251428	496181	10/13/2021		11/07/21	62.65
	Invoice: 496181			62.65	73111264 531100	PW/BOLT 5/16"X2X4.75"			
						O&M-STREET-TRAF CONTROL-SUPPLY			
	Invoice: 496291			251429	496291	10/14/2021		11/07/21	19.61
				19.61	73011768 531100	PW/TOILET PLUNGER BEEHIVE			
						O&M-C/E-PARKS-SUPPLIES			
	Invoice: 496331			251430	496331	10/15/2021		11/07/21	38.12
				38.12	73411345 531100	PW/GLUE EPOXY, CLAMPLAMP			
						OFFICE SUPPLIES			
	Invoice: 496511			251431	496511	10/19/2021		11/07/21	46.17
				46.17	73011183 531100	PW/FASTENERS, WALL CLOCK			
						O&M-C/E-CH FAC-SUPPLIES			
	Invoice: 496561			251432	496561	10/19/2021		11/07/21	26.15
				26.15	73111264 531100	PW/BIT DRILL #1 UNIBIT			
						O&M-STREET-TRAF CONTROL-SUPPLY			
	Invoice: 496101			251459	496101	10/13/2021		11/07/21	71.87
				71.87	73011215 531100	PW/BATTERY PHOTO 3V CR 2			
						O&M-C/E-POLICE FAC-SUPPLIES			
	Invoice: 496651			251484	496651	10/20/2021		11/07/21	54.49
				54.49	73111290 531100	PW/SOCKET/RATCH SET			
						O&M-STREET-MAINT O/H-SUPPLIES			
	Invoice: 496711			251485	496711	10/21/2021		11/07/21	79.50
				79.50	73431835 531100	PW/CLEANING TOWELS, PROVE SET, EPOXY			
						OFFICE SUPPLIES			
	Invoice: 496851			251486	496851	10/22/2021		11/07/21	30.51
				30.51	73011183 531100	PW/HWH NEO TEK 10-16X1			
						O&M-C/E-CH FAC-SUPPLIES			
	Invoice: 496701			251669	496701	10/21/2021		11/07/21	14.15
				14.15	51011215 531100	POL/CLEANING SUPPLIES			
						POLICE - C/E FACIL SUPPLIES			
	Invoice: 497021			251670	497021	10/26/2021		11/07/21	9.12
				9.12	51011215 531100	POL/EMPTY PAINT CAN			
						POLICE - C/E FACIL SUPPLIES			
	Invoice: 497251			251714	497251	10/29/2021		11/07/21	9.80
				9.80	73411345 531100	PW/ACID MURIATIC GAL			
						OFFICE SUPPLIES			
CHECK 357587 TOTAL:									462.14

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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CASH ACCOUNT: 635		111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET	
INVOICE DTL DESC										
357588	11/10/2021	PRTD	18 ALTEC INDUSTRIES	251433	11757247	10/21/2021		11/07/21	653.79	
Invoice: 11757247				653.79	73111427 531100	PW/SLOT LOCK CRIBBING BLOCK OFFICE SUPPLIES				
						CHECK	357588	TOTAL:	653.79	
357589	11/10/2021	PRTD	7166 AMERICAN MESSAGING	251715	W4104492VK	11/01/2021		11/07/21	94.16	
Invoice: W4104492VK				94.16	73637891 542100	PW/MESSAGING SERVICE NOV 2021 O&M - ALLOC FACIL TELEPHONE				
						CHECK	357589	TOTAL:	94.16	
357590	11/10/2021	PRTD	4710 ASSOCIATED PETROLEU	251434	0394740-IN	10/12/2021		11/07/21	1,037.06	
Invoice: 0394740-IN				685.00	73638932 532000	PW/REGULAR & DIESEL FUEL				
				352.06	73638893 532000	O&M-FUEL ALLOC TO OTH DEPTS				
						O&M-FUEL USE-ALLOCATION				
Invoice: 0396463-IN				251716	0396463-IN	10/19/2021		11/07/21	1,785.50	
				1,160.00	73638932 532000	PW/REGULAR & DIESEL FUEL				
				625.50	73638893 532000	O&M-FUEL ALLOC TO OTH DEPTS				
						O&M-FUEL USE-ALLOCATION				
Invoice: 0396650-IN				251717	0396650-IN	10/21/2021		11/07/21	1,053.81	
				790.00	73638932 532000	PW/REGULAR & DIESEL FUEL				
				263.81	73638893 532000	O&M-FUEL ALLOC TO OTH DEPTS				
						O&M-FUEL USE-ALLOCATION				
						CHECK	357590	TOTAL:	3,876.37	
357591	11/10/2021	PRTD	7821 ARAMARK	251435	512000161041	10/07/2021		11/07/21	60.36	
Invoice: 512000161041				60.36	73638893 589310	PW/COAT LAB SPUN, COVR FR LAUNDRY SERVICES				
Invoice: 512000166240				251488	512000166240	10/14/2021		11/07/21	60.36	
				60.36	73638893 589310	PW/COAT LAB SPUN, COVR FR LAUNDRY SERVICES				
Invoice: 512000170974				251718	512000170974	10/21/2021		11/07/21	60.36	
				60.36	73638893 589310	PW/COAT LAB SPUN, COVR FR LAUNDRY SERVICES				
						CHECK	357591	TOTAL:	181.08	
357592	11/10/2021	PRTD	4396 ARCOSA AGGREGATES	251719	JAJ-60361	10/28/2021		11/07/21	416.55	
Invoice: JAJ-60361				416.55	91111427 547900	DUMP FEE - ASPHALT 27.77 TONS GG-STREET-ROADSIDE-GARBAGE				

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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CASH ACCOUNT: 635
CHECK NO CHK DATE

111100 CASH
TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

NET

INVOICE DTL DESC

CHECK 357592 TOTAL: 416.55

357593 11/10/2021 PRTD 9886 DARCY E THOMPSON 251436 UBI602136314 10/20/2021 11/07/21 65.00
Invoice: UBI602136314 65.00 01131 316100 UBI 602136314 FEE REFUND B&O TAX

CHECK 357593 TOTAL: 65.00

357594 11/10/2021 PRTD 6492 ASSOCIATED EARTH SCI 251736 056596 10/27/2021 11/07/21 2,500.00
Invoice: 056596 2,500.00 72655860 58600000370 ENG/3RD PARTY GEOTECHNICAL REVIEW GEO TECCH-3RD PARTY REVIEWS

CHECK 357594 TOTAL: 2,500.00

357595 11/10/2021 PRTD 4365 AUTOMATIC FUNDS TRAN 251713 BAIN2110028 10/29/2021 11/07/21 150.00
Invoice: BAIN2110028 150.00 41011141 541100 FIN/B&O OCT 2021 FIN - C/E ADMIN PROF SERVICES

CHECK 357595 TOTAL: 150.00

357596 11/10/2021 PRTD 4861 AXON ENTERPRISES, IN 251671 INUS022136 10/01/2021 11/07/21 19,597.20
Invoice: INUS022136 7,602.84 53011212 54850000956 POL/EVIDENCE, COM YEAR 4 AXON CAMERA SYSTEMS-MAINT
11,994.36 53011212 53510000956 AXON CAMERA SYSTEMS-SOFTWARE

CHECK 357596 TOTAL: 19,597.20

357597 11/10/2021 PRTD 8904 BAINBRIDGE CHORALE 251518 F20213 10/26/2021 11/07/21 1,250.00
Invoice: F20213 1,250.00 31011732 54110000297 EX/2020-21 CULTURAL FUNDING: OPER EX-GF-CULTURAL ARTS & SCIENCES

CHECK 357597 TOTAL: 1,250.00

357598 11/10/2021 PRTD 54 BAINBRIDGE RENTAL IN 251489 CON#79725 10/25/2021 11/07/21 70.27
Invoice: CON#79725 70.27 73431835 531100 PW/CHAIN LOOP OFFICE SUPPLIES

CHECK 357598 TOTAL: 70.27

357599 11/10/2021 PRTD 55 SOUND PUBLISHING, IN 251460 BIR940377 10/15/2021 11/07/21 45.33
Invoice: BIR940377 45.33 11011113 544000 CC/ORDINANCE 2021-28 6 YEAR CIP COUNCIL - LEGAL NOTICES

Invoice: BIR940380 251461 BIR940380 10/15/2021 11/07/21 77.92
CC/ORDINANCE 2021-27 PUBLIC HEARING

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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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CASH ACCOUNT: 635
CHECK NO CHK DATE

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TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

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INVOICE DTL DESC

				77.92	11011113	544000	COUNCIL - LEGAL NOTICES		
Invoice: BIR940396				251462	BIR940396		10/15/2021	11/07/21	94.92
				94.92	11011113	544000	CC/ORDINANCE 2021-26 PUBLIC HEARING		
							COUNCIL - LEGAL NOTICES		
Invoice: BIR940399				251463	BIR940399		10/15/2021	11/07/21	94.92
				94.92	11011113	544000	CC/ORDINANCE 2021-29 PUBLIC HEARING		
							COUNCIL - LEGAL NOTICES		
Invoice: BIR940403				251464	BIR940403		10/15/2021	11/07/21	86.42
				86.42	11011113	544000	CC/PUBLIC HEARING - ROAD VACATION		
							COUNCIL - LEGAL NOTICES		
Invoice: BIR941449				251700	BIR941449		10/29/2021	11/07/21	63.75
				63.75	11011113	544000	CC/ORDINANCE 2021-26 SUMMARY		
							COUNCIL - LEGAL NOTICES		
Invoice: BIR941459				251701	BIR941459		10/29/2021	11/07/21	48.17
				48.17	11011113	544000	CC/ORDINANCE 2021-27 MID BIENNIUM MODIFY		
							COUNCIL - LEGAL NOTICES		
Invoice: BIR941461				251702	BIR941461		10/29/2021	11/07/21	63.75
				63.75	11011113	544000	CC/ORDINANCE 2021-29 WIRELESS COMM		
							COUNCIL - LEGAL NOTICES		
							CHECK	357599 TOTAL:	575.18
357600 11/10/2021 PRTD	3390	BAINBRIDGE SELF STOR	251672	3551			10/30/2021	11/07/21	1,181.00
Invoice: 3551							EXCC/NOV-DEC 2021 FILE STORAGE RENT		
				1,181.00	36011143	541100	CLERK-C/E-PROF SVCS		
							CHECK	357600 TOTAL:	1,181.00
357601 11/10/2021 PRTD	7179	BAINBRIDGE YOUTH SER	251647	Q3-2021			10/25/2021	11/07/21	12,813.00
Invoice: Q3-2021							EX/2021 COMMUNITY SERVICES CONTRA		
				12,813.00	31017526	54110000297	EX-BYS-YOUTH COUNS & JOB OPP		
							CHECK	357601 TOTAL:	12,813.00
357602 11/10/2021 PRTD	9856	BARR-TECH LLC	251490	7256			09/30/2021	11/07/21	4,286.10
Invoice: 7256							PW/BIOSOLIDS PROCESSED SEP 2021		
				4,286.10	73425358	54790100551	BIOSOLIDS WASTE DISPOSAL		
							CHECK	357602 TOTAL:	4,286.10

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CASH ACCOUNT: 635		111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET	
INVOICE DTL DESC										
357603	11/10/2021	PRTD	57 BAY HAY & FEED	251491	1673399	10/20/2021		11/07/21	35.74	
Invoice: 1673399				35.74	73111423 531100	PW/PROPANE 7.9 GALLONS				
						OFFICE SUPPLIES				
						CHECK	357603	TOTAL:	35.74	
357604	11/10/2021	PRTD	5412 BENEFIT ADMINISTRATI	251472	2110509	10/21/2021		11/07/21	266.20	
Invoice: 2110509				23.15	21011125 520000	HSA/FSA BENEFITS				
				34.72	31011131 520000	COURT - BENEFITS				
				34.72	41011141 520000	EX-GF-BEN				
				40.51	51011211 520000	FIN - C/E ADMIN BENEFITS				
				34.72	61011581 520000	PD-C/E ADMIN-BENEFITS				
				86.80	71011321 520000	PCD - C/E ADMIN BENEFITS				
				11.58	81011881 520000	PW - C/E BENEFITS				
						IT - C/E ADMIN BENEFITS				
						CHECK	357604	TOTAL:	266.20	
357605	11/10/2021	PRTD	971 BAINBRIDGE ISLAND HI	251492	983	10/18/2021		11/07/21	3,000.00	
Invoice: 983				3,000.00	31011732 54110000297	EX/2020-21 CULTURAL FUNDING: OPER				
						EX-GF-CULTURAL ARTS & SCIENCES				
Invoice: 984				251519	984	10/18/2021		11/07/21	3,750.00	
				3,750.00	91140573 541100	OPERATIONAL SUPPORT (TOURISM R				
						GG-TOUR-PROF SERVICES				
						CHECK	357605	TOTAL:	6,750.00	
357606	11/10/2021	PRTD	7183 BI SPECIAL NEEDS FOU	251734	2773	11/02/2021		11/07/21	3,750.00	
Invoice: 2773				3,750.00	31017686 54110000297	EX/2021 COMMUNITY SERVICES CONTRA				
						HOPE HS/BI SP NEEDS/ISLANDTIME				
						CHECK	357606	TOTAL:	3,750.00	
357607	11/10/2021	PRTD	64 BAINBRIDGE ISLAND AR	251479	2050	09/20/2021		11/07/21	3,750.00	
Invoice: 2050				3,750.00	31011732 54110000297	EX/0-21 CULTURAL FUNDING: OPER				
						EX-GF-CULTURAL ARTS & SCIENCES				
						CHECK	357607	TOTAL:	3,750.00	
357608	11/10/2021	PRTD	9262 BOULDER PARK INC	251493	3694	10/14/2021		11/07/21	2,307.69	
Invoice: 3694				2,307.69	73425358 54790100551	PW/SOLIDS HAULED TO LANDFILL SEP 2021				
						BIOSOLIDS WASTE DISPOSAL				

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CASH ACCOUNT: 635
CHECK NO CHK DATE

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TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

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INVOICE DTL DESC

CHECK 357608 TOTAL: 2,307.69

357609 11/10/2021 PRTD 9901 BRITTANY A KIRK 251703 0000082 10/31/2021 11/07/21 641.25
Invoice: 0000082
641.25 31011732 54110000297 EX/PROF SRVCS SEP-OCT 2021
EX-GF-CULTURAL ARTS & SCIENCES

CHECK 357609 TOTAL: 641.25

357610 11/10/2021 PRTD 78 BROWNE WHEELER ENGIN 251521 10329 10/18/2021 11/07/21 2,512.50
Invoice: 10329
2,512.50 72431835 54110001174 ENG/2021 ANNUAL DRAINAGE PROFESSIO
2021 ANNUAL DRAIN PRGM-PRO SVC

Invoice: 10332
251522 10332 10/18/2021 11/07/21 4,827.50
4,827.50 72431835 54110001174 ENG/2021 ANNUAL DRAINAGE PROFESSIO
2021 ANNUAL DRAIN PRGM-PRO SVC

Invoice: 10334
251523 10334 10/18/2021 11/07/21 700.00
700.00 72431835 54110001174 ENG/SEABORN RD DRAINAGE
2021 ANNUAL DRAIN PRGM-PRO SVC

CHECK 357610 TOTAL: 8,040.00

357611 11/10/2021 PRTD 360 BUILDERS FIRSTSOURCE 251494 84357416 10/22/2021 11/07/21 145.78
Invoice: 84357416
145.78 73431835 531100 PW/2X2X16 GRADE STAKE
OFFICE SUPPLIES

Invoice: 84359178
251495 84359178 10/22/2021 11/07/21 173.09
173.09 73011189 531100 PW/2X4-20 STD&BTR DF
O&M - C/E FACIL OFC SUPPLIES

Invoice: 54602435
251704 54602435 09/08/2021 11/07/21 7,992.73
7,992.73 73111264 531100 PW/WRCKTS4064043 X91
O&M-STREET-TRAF CONTROL-SUPPLY

CHECK 357611 TOTAL: 8,311.60

357612 11/10/2021 PRTD 2133 CALPORTLAND CO 251437 95225389 10/07/2021 11/07/21 1,785.70
Invoice: 95225389
1,785.70 73111261 531100 PW/5.0 SK 3/8" 3/4" AEA
OFFICE SUPPLIES

CHECK 357612 TOTAL: 1,785.70

357613 11/10/2021 PRTD 9889 CAROLINE FLOHR DESIG 251499 BLD25816 R-ALT STFI 10/26/2021 11/07/21 623.19
Invoice: BLD25816 R-ALT STFI
623.19 47148 345830 PERMIT BLD25816 R-ALT STFI REFUND
PLAN CHECKING FEES

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CASH ACCOUNT: 635
CHECK NO CHK DATE

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TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

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INVOICE DTL DESC

CHECK 357613 TOTAL: 623.19

357614 11/10/2021 PRD 551 CENTURYLINK
Invoice: 03990CT21

251705 03990CT21

10/23/2021 11/07/21

3,032.17

1,563.08 91425358 542100
846.13 91411891 542100
78.54 91011755 542100
160.81 91011189 542100
243.68 91011897 542100
76.22 91011255 542100
63.71 91011215 542100

CITYWIDE TELEMETRY & FAX SRVC
GG-WWTP-TELEPHONE/FAX
GG-WTR-FAC-PHONE
GG-C/E-COMMONS-PHONE
GG-C/E-CITY HALL-PHONE
GG-C/E-O&M YARD FAC-PHONE
GG-C/E-COURT BLDG-PHONE
GG-C/E-PD-PHONE

CHECK 357614 TOTAL: 3,032.17

357615 11/10/2021 PRD 2495 CH20 INTERNATIONAL
Invoice: 309053

251496 309053

06/16/2021 11/07/21

1,002.70

1,002.70 73011183 531100

PW/6322 40 LB, UNIBROM 50 LB
O&M-C/E-CH FAC-SUPPLIES

CHECK 357615 TOTAL: 1,002.70

357616 11/10/2021 PRD 8253 CHS POULSBO
Invoice: 43220/H

251438 43220/H

10/01/2021 11/07/21

912.24

912.24 73411345 531100

PW/SALT BAG EX COARSE
OFFICE SUPPLIES

CHECK 357616 TOTAL: 912.24

357617 11/10/2021 PRD 102 CITY OF BAINBRIDGE I
Invoice: RETREQ1-FINAL-01163

251535 RETREQ1-FINAL-01163

10/25/2021 20210035 11/07/21

2,489.00

2,489.00 73311448 66300001163

PW/RED HAWK FIRE PREVENTION - RET
PWY-DRY FIRE SYS REPL-CONSTR

CHECK 357617 TOTAL: 2,489.00

357618 11/10/2021 PRD 102 CITY OF BAINBRIDGE I
Invoice: RETREQ3-818/821

251667 RETREQ3-818/821

10/29/2021 20210037 11/07/21

531.45

228.52 72413434 66300000818
302.93 72423434 66300000821

ENG/BI ELECTRIC - RETAINAGE
SCADA UPGRADES WTR CONSTRUC
SWR-SCADA UPGRADES-CONSTR

CHECK 357618 TOTAL: 531.45

357619 11/10/2021 PRD 103 CITY OF BAINBRIDGE I
Invoice: 23000377

251541 23000377

10/26/2021 11/07/21

55.90

55.90 41141 34345800510

BACKFLOW FOR 7215 VINENT RD
BACKFLOW TEST-CUST FEES

CHECK 357619 TOTAL: 55.90

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CASH ACCOUNT: 635
CHECK NO CHK DATE

111100 CASH
TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

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INVOICE DTL DESC

357620	11/10/2021	PRTD	6920	COMCAST	251673	NOV21	10/20/2021	11/07/21	11.23
Invoice: NOV21					11.23	51011211 545000	POL/HD CONVERTER BOX		
							PD-C/E-ADMIN RENTS/LEASE		
							CHECK	357620 TOTAL:	11.23
357621	11/10/2021	PRTD	142	COPIERS NORTHWEST IN	251480	INV2343660	08/24/2021	11/07/21	454.50
Invoice: INV2343660					227.25	31011131 545000	EX,FIN/COPIER LEASE		
					227.25	41011141 545000	EX-GF-RENTS & LEASES		
							FIN - C/E ADMIN RENTS & LEASES		
Invoice: INV2351064					251524	INV2351064	08/31/2021	11/07/21	241.65
					120.82	61011581 531100	PCD,ENG/PRINTER PLOTTER SUPPLIES OCE PRINTER		
					120.83	72011321 531100	PCD - C/E ADMIN SUPPLIES		
							ENG - C/E ADMIN SUPPLIES		
							CHECK	357621 TOTAL:	696.15
357622	11/10/2021	PRTD	4950	CORRECT EQUIPMENT IN	251497	45219	10/19/2021	11/07/21	3,627.52
Invoice: 45219					3,627.52	73426355 54810000562	PW/ROCKAWAY BEACH 2000 SERIES PUMP		
							GRINDER PUMP MAINT CONTRACT		
							CHECK	357622 TOTAL:	3,627.52
357623	11/10/2021	PRTD	5132	CRYSTAL SPRINGS	251652	5228674 102021	10/20/2021	11/07/21	43.89
Invoice: 5228674 102021					43.89	21011125 531100	CRT/WATER SUPPLIES		
							COURT - SUPPLIES		
							CHECK	357623 TOTAL:	43.89
357624	11/10/2021	PRTD	6363	LN CURTIS & SONS	251674	INV534586	10/14/2021	11/07/21	295.76
Invoice: INV534586					295.76	53011212 531100	POL/CHEVRONS, HASHMARKS		
							PD-C/E-PATROL SUPPLIES		
Invoice: INV535326					251675	INV535326	10/18/2021	11/07/21	474.14
					474.14	53011212 520000	POL/UNIFORM COAT/BURNHAM		
							POLICE - C/E PATROL BENEFITS		
Invoice: INV535347					251676	INV535347	10/18/2021	11/07/21	246.29
					246.29	53011212 520000	POL/UNIFORM JACKET/LASNIER		
							POLICE - C/E PATROL BENEFITS		
Invoice: INV535979					251677	INV535979	10/19/2021	11/07/21	61.16
					61.16	53011212 520000	POL/UNIFORM NAME PINS X4		
							POLICE - C/E PATROL BENEFITS		

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CASH ACCOUNT: 635
CHECK NO CHK DATE

111100 CASH
TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

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INVOICE DTL DESC

CHECK 357624 TOTAL: 1,077.35

357625 11/10/2021 PRTD 7144 DTMICRO, INC
Invoice: 5844

251498 5844
136.25 91011215 542100

10/15/2021 11/07/21
POLICE NETWORK CONNECTION TO KC
GG-C/E-PD-PHONE

136.25

CHECK 357625 TOTAL: 136.25

357626 11/10/2021 PRTD 9905 FAGET ENGINERRING
Invoice: UBI604581686

251737 UBI604581686
13.24 01131 316100

10/25/2021 11/07/21
UBI604581686 REFUND FEE
B&O TAX

13.24

CHECK 357626 TOTAL: 13.24

357627 11/10/2021 PRTD 1953 FERGUSON ENTERPRISES 251721 1039331
Invoice: 1039331

49.57 73411345 531100

10/12/2021 11/07/21
PW/2 PVC S80 SXSXS TEE
OFFICE SUPPLIES

49.57

Invoice: 1039507

251722 1039507
326.90 73431835 531100

10/13/2021 11/07/21
PW/STRAW WATTLE, SILT FENCE WIRE BLAC
OFFICE SUPPLIES

326.90

Invoice: 1043475

251723 1043475
289.46 73411345 531100

10/26/2021 11/07/21
PW/BLND FLG, BUT/BLT SET, GSKT
OFFICE SUPPLIES

289.46

CHECK 357627 TOTAL: 665.93

357628 11/10/2021 PRTD 1953 FERGUSON ENTERPRISES 251440 1036555
Invoice: 1036555

2,541.98 73411345 531100

10/11/2021 11/07/21
PW/PVC IPS COMP COUP, S80 ELL
OFFICE SUPPLIES

2,541.98

Invoice: 1040209

251441 1040209
81.95 73411345 531100

10/15/2021 11/07/21
PW/6 FT TAPE MEASURE
OFFICE SUPPLIES

81.95

Invoice: 1041294

251502 1041294
78.18 73411345 531100

10/22/2021 11/07/21
PW/3 DI C110 125# BLND FLG
OFFICE SUPPLIES

78.18

Invoice: 1041298

251503 1041298
12.24 73411345 531100

10/19/2021 11/07/21
PW/NUT/BLT SET, GSKT
OFFICE SUPPLIES

12.24

Invoice: 1042586

251504 1042586
903.43 73431835 531100

10/21/2021 11/07/21
PW/ULTRA DRN GUARD, STRAW WATTLE
OFFICE SUPPLIES

903.43

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CASH ACCOUNT: 635		111100	CASH			INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INVOICE DTL DESC			
						CHECK	357628	TOTAL:	3,617.78
357629	11/10/2021	PRTD	1517 GUARDIAN SECURITY SY	251679	1184705	11/01/2021		11/07/21	47.96
Invoice: 1184705				47.96	51011215 541100	POL/ALARM MONITORING			
						POLICE - C/E FACIL	PROF SVCS		
						CHECK	357629	TOTAL:	47.96
357630	11/10/2021	PRTD	253 HACH COMPANY	251443	12678522	10/08/2021		11/07/21	1,794.14
Invoice: 12678522				1,794.14	73425358 548100	PW/SC1000 DISPLAY, PROBE	MODULE FLAT RATE		
						O&M-WWTP-REPAIRS			
						CHECK	357630	TOTAL:	1,794.14
357631	11/10/2021	PRTD	4850 HOME DEPOT CREDIT SE	251506	10/26/2021	10/26/2021		11/07/21	380.19
Invoice: 10/26/2021				380.19	73111290 531100	PW/ENERGIZER MAX BATTERIES, DRILL			
						O&M-STREET-MAINT	O/H-SUPPLIES		
Invoice: 647659689				251507	647659689	10/18/2021		11/07/21	3,451.99
				3,451.99	73637948 531100	PW/BLACK LINER, PAPER TOWELS, TISSUE			
						O&M ALLOC-CITY WIDE SUPPLIES			
						CHECK	357631	TOTAL:	3,832.18
357632	11/10/2021	PRTD	268 HOUSING RESOURCES BA	251467	9668	10/14/2021		11/07/21	3,217.14
Invoice: 9668				3,217.14	31017592 54130600297	EX/2021 COMMUNITY SERVICES CONTRA			
						HOMESHARE/HOME FINDING			
Invoice: 9669				251468	9669	10/14/2021		11/07/21	3,217.15
				3,217.15	31017592 54130600297	EX/2021 COMMUNITY SERVICES CONTRA			
						HOMESHARE/HOME FINDING			
Invoice: 9066				251508	9066	09/30/2021		11/07/21	10,221.18
				10,221.18	31017592 54130100297	EX/2021 COMMUNITY SERVICES CONTRA			
						INDEPENDENT LIVING PRGM			
Invoice: 9681				251509	9681	06/30/2021		11/07/21	1,125.00
				1,125.00	31180592 54130200297	EX/2021 Q2 MANAGEMENT FEES			
						IMHP MNGT FEES			
Invoice: 9682				251510	9682	09/30/2021		11/07/21	1,125.00
				1,125.00	31180592 54130200297	EX/2021 Q3 MANAGEMENT FEES			
						IMHP MNGT FEES			
Invoice: 9067				251525	9067	09/30/2021		11/07/21	21,845.47
				21,845.47	31017592 54130100297	EX/2021 COMMUNITY SERVICES CONTRA			
						INDEPENDENT LIVING PRGM			

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CASH ACCOUNT: 635
CHECK NO CHK DATE

111100 CASH
TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

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INVOICE DTL DESC

CHECK 357632 TOTAL: 40,750.94

357633 11/10/2021 PRTD 333 KITSAP COUNTY AUDITO 251444 579542
Invoice: 579542
210.50 72011768 541100

09/01/2021 11/07/21
ENG/TEMPORARY CONSTRUCTION EASEMENT AGRMNT
ENG-GF-PARKS & OS-PROF SVCS

210.50

CHECK 357633 TOTAL: 210.50

357634 11/10/2021 PRTD 2306 KITSAP COUNTY PROSEC 251706 NOV21
Invoice: NOV21
9,346.77 32011521 541112

11/01/2021 11/07/21
LEGAL/PROSECUTION SRVCS NOV 2021
LGL-OUTSIDE PROSECUTOR

9,346.77

CHECK 357634 TOTAL: 9,346.77

357635 11/10/2021 PRTD 4740 KITSAP COUNTY PUBLIC 251707 CINV-2021-00273
Invoice: CINV-2021-00273
2,818.65 72431832 54110000872

10/26/2021 11/07/21
ENG/Q3 2021 WSSOG
H2O/SSWM GROUP-PROF SVCS

2,818.65

CHECK 357635 TOTAL: 2,818.65

357636 11/10/2021 PRTD 338 KITSAP COUNTY SHERIF 251681 20210065
Invoice: 20210065
4,593.71 51011236 551000

10/22/2021 11/07/21
POL/PRISONER BOARD/SEP
POLICE - C/E PRISONER DETENT'N

4,593.71

CHECK 357636 TOTAL: 4,593.71

357637 11/10/2021 PRTD 8546 KITSAP 911 PUBLIC AU 251682 BIPD2021-11
Invoice: BIPD2021-11
8,159.32 53011286 551000
3,496.85 52011286 551000

10/15/2021 11/07/21
POL/CALL CENTER SERVICES
POLICE - C/E PATROL CENCOM
POLICE - C/E - INVEST CENCOM

11,656.17

CHECK 357637 TOTAL: 11,656.17

357638 11/10/2021 PRTD 1802 KITSAP CONSERVATION 251666 2021-5
Invoice: 2021-5
4,122.00 72011593 55100000871
4,122.00 72431835 55100000871

10/08/2021 11/07/21
ENG/FARMLAND SSWM PLANNING
FARMLAND SSWM PLANNING-KCDONLY
FARMLAND SSWM PLANNING-KCDONLY

8,244.00

CHECK 357638 TOTAL: 8,244.00

357639 11/10/2021 PRTD 579 KITSAP SUN 251526 0004099493
Invoice: 0004099493
388.95 11011113 544000

09/30/2021 11/07/21
CC/BKS BAINBRIDGE ISLANDER 9/10, 9/17
COUNCIL - LEGAL NOTICES

388.95

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CASH ACCOUNT: 635		111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET	
INVOICE DTL DESC										
						CHECK	357639	TOTAL:	388.95	
357640	11/10/2021	PRTD	6577 LAKESIDE INDUSTRIES	251724	178733	10/23/2021		11/07/21	128.50	
	Invoice: 178733			128.50	73111423 531100	PW/SHIINE ASPHALT PLANT OFFICE SUPPLIES				
						CHECK	357640	TOTAL:	128.50	
357641	11/10/2021	PRTD	8375 MOORE IACOFANO GOLTS	251447	0071836	10/19/2021		11/07/21	370.00	
	Invoice: 0071836			370.00	72321951 64110000708	ENG/DESIGN OF WYATT WAY RECONSTRUC WYATT-MAD TO LOVELL-ENG/DESIGN				
						CHECK	357641	TOTAL:	370.00	
357642	11/10/2021	PRTD	9254 NELSON NYGAARD CONSU	251665	80629	10/27/2021		11/07/21	9,565.00	
	Invoice: 80629			9,565.00	72111444 54110001018	ENG/SUSTAINABLE TRANSPORTATION PLA SUSTAINABLE TRANS-PROF SVC				
						CHECK	357642	TOTAL:	9,565.00	
357643	11/10/2021	PRTD	5403 CHAD CROKER	251708	PAYREQ2-FINAL-1157	10/14/2021		11/07/21	545.00	
	Invoice: PAYREQ2-FINAL-1157			545.00	73011757 54810001157	PW/PLACE 2 SAFETY BUOYS IN BLAKEL BLAKELY HARBOR BUOYS-R&M				
						CHECK	357643	TOTAL:	545.00	
357644	11/10/2021	PRTD	2430 OGDEN MURPHY WALLACE	251709	855525	10/21/2021		11/07/21	14,610.00	
	Invoice: 855525			63.00	32470152 54111100892	LEGAL/PROF SRVCS SEP 2021				
				949.00	32011152 54111001046	LIT-CAINION SUP CT WRIT				
				242.00	32011152 54111001131	LGL-PSE FRANCHISE				
				4,756.50	32011152 541110	ETHICS BOARD LEGAL ADVISOR				
				976.50	91011211 541110	LGL-GF-LEGAL ADVICE				
				7,623.00	32470152 54111100897	GG-C/E-CIVIL SVC-LEGAL ADVICE PRES RESP SHORE(CT OF APPEALS)				
						CHECK	357644	TOTAL:	14,610.00	
357645	11/10/2021	PRTD	4111 OLYMPIC SPRINGS INC	251683	342082	10/01/2021		11/07/21	88.84	
	Invoice: 342082			88.84	51011215 531100	POL/PURIFIED WATER POLICE - C/E FACIL SUPPLIES				
				251684	342844	10/31/2021		11/07/21	114.83	
	Invoice: 342844			114.83	51011215 531100	POL/PURIFIED WATER POLICE - C/E FACIL SUPPLIES				
				251725	342845	10/31/2021		11/07/21	60.66	

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CASH ACCOUNT: 635
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TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

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INVOICE DTL DESC

						CHECK 357652 TOTAL:		5,450.00
357653	11/10/2021 PRTD Invoice: 10/29/2021	8229	PIPER THORNBURGH	251651	10/29/2021	10/29/2021	11/07/21	60.00
				60.00	21011125 541210	CRT/1 HOUR PRO TEMPORE COURT - JUDGE PRO TEMPORE SVCS		
						CHECK 357653 TOTAL:		60.00
357654	11/10/2021 PRTD Invoice: 2D84230	8922	REXEL USA INC.	251514	2D84230	10/22/2021	11/07/21	89.65
				89.65	73011189 531100	PW/GEE 57822 5.5PLS, LEV 26720-400 O&M - C/E FACIL OFC SUPPLIES		
						CHECK 357654 TOTAL:		89.65
357655	11/10/2021 PRTD Invoice: 1504990126	9349	PROPANE NORTHWEST	251727	1504990126	10/18/2021	11/07/21	182.46
				182.46	91011897 547200	PROPANE 86.50, HAZMAT CHARGE GG-C/E-O&M YARD FAC-PROPANE		
						CHECK 357655 TOTAL:		182.46
357656	11/10/2021 PRTD Invoice: 2021-559	2203	PST INVESTIGATIONS	251448	2021-559	10/18/2021	11/07/21	279.00
				279.00	91011211 549100	2021 Q3 SUBSCRIPTION FEES, TESTING GG-C/E-CIVIL SVC-DUES/SUBS		
						CHECK 357656 TOTAL:		279.00
357657	11/10/2021 PRTD Invoice: PAYREQ1-FINAL-01163	9776	RED HAWK FIRE PROTEC	251534	PAYREQ1-FINAL-01163	10/25/2021	11/07/21	51,771.20
				51,771.20	73311448 66300001163	PW/REPLACEMENT OF O&M DRY FIRE SY PWY-DRY FIRE SYS REPL-CONSTR		
						CHECK 357657 TOTAL:		51,771.20
357658	11/10/2021 PRTD Invoice: 82955	5612	RH2 ENGINEERING INC	251710	82955	08/12/2021	11/07/21	310.98
				310.98	73414434 64110000987	PW/CHLORINE GENERATOR UPGRADES CHLORINE GEN UPGRADE-PROF SVCS		
						CHECK 357658 TOTAL:		310.98
357659	11/10/2021 PRTD Invoice: 092821	2409	RIVER OAKS COMMUNICA	251711	092821	09/28/2021	11/07/21	6,903.25
				6,903.25	32011152 54110001082	EX/COMCAST FRANCHISE RENEWAL COMCAST FRANCHISE RENEWAL		
						CHECK 357659 TOTAL:		6,903.25

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CASH ACCOUNT: 635		111100	CASH			INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INVOICE DTL DESC			
357660	11/10/2021	PRTD	7173 SKILLINGS	251641	13134	10/25/2021		11/07/21	65,717.44
	Invoice: 13134					ENG/Engineering Design Services fo			
				15,107.24	72423434 64110001085	SUNDAY COVE GRAVITY MAIN-PRO S			
				3,113.51	72424435 64110000989	SUNDAY COVE PUMP REHAB-PROF SV			
				17,139.61	72423434 64110001086	LOWER LOVELL SLS-PROF SVCS			
				30,204.08	72423434 64110000990	WOOD AVE PUMP STA-PROF SVCS			
				153.00	72423434 64110000820	REHAB WING PT PUMP STATION-DES			
						CHECK	357660	TOTAL:	65,717.44
357661	11/10/2021	PRTD	8040 SOLENIS LLC	251449	131882855	10/13/2021		11/07/21	5,241.81
	Invoice: 131882855					PW/PRAESTOL K 279 FLX IBC			
				5,241.81	73425358 531100	O&M-WWTP-SUPPLIES			
						CHECK	357661	TOTAL:	5,241.81
357662	11/10/2021	PRTD	8132 SPECTRA LABORATORIES	251450	21-07651	10/13/2021		11/07/21	38.64
	Invoice: 21-07651					PW/CONDUCTIVITY, CHLORIDE TESTING			
				38.64	73411345 54110000391	LAB SVCS-WATER			
	Invoice: 21-07682					10/13/2021		11/07/21	190.44
				190.44	73411345 54110000391	PW/TOTAL COLIFORM, E COLI TESTING			
						LAB SVCS-WATER			
	Invoice: 21-07726					10/14/2021		11/07/21	1,067.20
				1,067.20	73411345 54110000391	PW/TOTAL TRIHALOMETHANES, HALOACETIC ACIDS			
						LAB SVCS-WATER			
	Invoice: 21-07800					10/18/2021		11/07/21	63.48
				63.48	73411345 54110000391	PW/FLOURIDE TESTING			
						LAB SVCS-WATER			
	Invoice: 21-07858					10/18/2021		11/07/21	21.16
				21.16	73411345 54110000391	PW/TOTAL COLIFORM, E COLI TESTING			
						LAB SVCS-WATER			
	Invoice: 21-07911					10/21/2021		11/07/21	616.40
				616.40	73011897 54110000391	PW/HERBICIDE, PESTICIDES TESTING			
						LAB SVCS-PWY FAC			
	Invoice: 21-08046					10/27/2021		11/07/21	63.48
				63.48	73415345 541100	PW/FLUORIDE, IRON, MANGANESE TESTING			
						PROFESSIONAL SERVICES			
						CHECK	357662	TOTAL:	2,060.80

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CASH ACCOUNT: 635
CHECK NO CHK DATE

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TYPE VENDOR NAME

VOUCHER INVOICE

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INVOICE DTL DESC

357663	11/10/2021	PRTD	2467	STAPLES	251482	8063786399	10/02/2021	11/07/21	357.98
Invoice: 8063786399							FIN, EX, LEGAL/TONER, BADGE HOLDER, DIGITAL CLOCK		
					164.55	41011141 531100	FIN - C/E ADMIN SUPPLIES		
					18.09	41011141 531100	FIN - C/E ADMIN SUPPLIES		
					28.33	31011252 53110001069	COVID19-SUPPLIES		
					9.70	31011131 531100	EX-GF-SUPPLIES		
					31.00	32011152 531100	LGL-GF-SUPPLIES		
					9.70	41011141 531100	FIN - C/E ADMIN SUPPLIES		
					22.88	31011131 531100	EX-GF-SUPPLIES		
					28.33	32011152 531100	LGL-GF-SUPPLIES		
					45.40	31011131 531100	EX-GF-SUPPLIES		
CHECK 357663 TOTAL:									357.98
357664	11/10/2021	PRTD	9358	STRUCTURED COMMUNICA	251529	0216356-IN	09/09/2021	11/07/21	10,988.84
Invoice: 0216356-IN							IT/WIRELESS ACCESS POINTS		
					10,988.84	81011881 53550001167	WIRELESS UPGRADE-IT EQUIPMENT		
					251530	0216625-IN	09/22/2021	11/07/21	2,504.42
Invoice: 0216625-IN							IT/WIRELESS ACCESS POINTS		
					2,504.42	81011881 53550001167	WIRELESS UPGRADE-IT EQUIPMENT		
					251531	0217479-IN	10/27/2021	11/07/21	35.38
Invoice: 0217479-IN							IT/SHIPPING OF WIRELESS ACCESS POINTS		
					35.38	81011881 53550001167	WIRELESS UPGRADE-IT EQUIPMENT		
CHECK 357664 TOTAL:									13,528.64
357665	11/10/2021	PRTD	4271	JOHN SUTTON	251455	Q3-2021	10/15/2021	11/07/21	445.50
Invoice: Q3-2021							Q3 2021 LEOFF 1 MEDICAL REIMBURSEMENTS		
					445.50	91029211 521500	POLICE - INS ADD MEDICAL COSTS		
CHECK 357665 TOTAL:									445.50
357666	11/10/2021	PRTD	8199	SYSTEMS FOR PUBLIC S	251650	39716	10/25/2021	20210016 11/07/21	11,613.39
Invoice: 39716							PW/FORD F150 UPFIT		
					11,613.39	73501448 66400001110	2021 MED DUTY P/U		
CHECK 357666 TOTAL:									11,613.39
357667	11/10/2021	PRTD	565	TACOMA SCREW PRODUCT	251729	140025312-00	10/27/2021	11/07/21	108.43
Invoice: 140025312-00							PW/HEX FULL NUTS, THREADED ROD, STORAGE BIN		
					108.43	73411345 531100	OFFICE SUPPLIES		
CHECK 357667 TOTAL:									108.43

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CASH ACCOUNT: 635		111100	CASH			INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INVOICE DTL DESC			
357668	11/10/2021	PRTD	9887 TARBILL, JOSEPH VON	251516	10/25/2021	10/26/2021		11/07/21	182.81
	Invoice: 10/25/2021			182.81	41011141 549900	FIN/REFUND CREDIT CARD CONV FEE			
						FIN-C/E-MISC EXP			
						CHECK	357668	TOTAL:	182.81
357669	11/10/2021	PRTD	6714 TOSHIBA FINANCIAL SE	251528	30340953	10/25/2021		11/07/21	224.23
	Invoice: 30340953			224.23	73637891 545000	PW/COPIER LEASE			
						RENTS & LEASES - OPERATING			
				251688	30340954	10/25/2021		11/07/21	234.42
	Invoice: 30340954			234.42	51011211 545000	POL/COPIER LEASE			
						PD-C/E-ADMIN RENTS/LEASE			
						CHECK	357669	TOTAL:	458.65
357670	11/10/2021	PRTD	6088 ULINE SHIPPING SUPPL	251456	139600455	10/06/2021		11/07/21	64.24
	Invoice: 139600455			64.24	51011191 531100	POL/EVIDENCE BOXES			
						PD-C/E-PROP RM-SUPPLIES			
				251689	139774597	10/11/2021		11/07/21	82.70
	Invoice: 139774597			82.70	51011191 531100	POL/EVIDENCE SUPPLIES			
						PD-C/E-PROP RM-SUPPLIES			
						CHECK	357670	TOTAL:	146.94
357671	11/10/2021	PRTD	2190 UNITED PARCEL SERVIC	251457	000028Y3Y1411	10/09/2021		11/07/21	13.69
	Invoice: 000028Y3Y1411			13.69	91011215 542500	POL/SHIPPING			
						GG-C/E-PD-POSTAGE			
						CHECK	357671	TOTAL:	13.69
357672	11/10/2021	PRTD	952 WA ST PATROL	251712	I22002214	11/02/2021		11/07/21	166.75
	Invoice: I22002214			166.75	41654861 586100	FIN/BACKGROUND CHECKS			
						AGENCY DISBURSEMENTS			
						CHECK	357672	TOTAL:	166.75
357673	11/10/2021	PRTD	4513 WM CORPORATE SERVICE	251532	0039220-1048-7	10/01/2021		11/07/21	1,057.18
	Invoice: 0039220-1048-7			1,057.18	73425358 54790100551	PW/SOLID WASTE DISPOSAL			
						BIOSOLIDS WASTE DISPOSAL			
						CHECK	357673	TOTAL:	1,057.18

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CASH ACCOUNT: 635
CHECK NO CHK DATE

111100 CASH
TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

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INVOICE DTL DESC

357674	11/10/2021	PRTD	9891	WESCHLER, JUN	251649	LIC FEE REBATE	2021	10/27/2021	11/07/21	10.00
		Invoice: LIC FEE REBATE 2021			10.00	17131 317600		TRANSP BENEFIT DIST REBATE		
								TBF-VEHICLE FEES		
								CHECK	357674 TOTAL:	10.00
357675	11/10/2021	PRTD	2175	WEST SOUND WILDLIFE	251664	Q3-2021		10/30/2021	11/07/21	2,137.50
		Invoice: Q3-2021			2,137.50	91011393 541100	Q3 2021	WILDLIFE CONTROL SRVCS		
								FIN - C/E ANIMAL CONTROL FEES		
								CHECK	357675 TOTAL:	2,137.50
357676	11/10/2021	PRTD	499	WESTBAY AUTO PARTS I	251536	671143		10/12/2021	11/07/21	120.06
		Invoice: 671143			120.06	73638935 531100		PW/TRIANGLE, SILICONE TAPE-BLACK		
								O&M-STD ALLOCATION-SUPPLIES		
		Invoice: 672935			251537	672935		10/20/2021	11/07/21	36.43
					36.43	73638935 531100		PW/NAPA EXACTFIT DRIVERS		
								O&M-STD ALLOCATION-SUPPLIES		
		Invoice: 672940			251538	672940		10/20/2021	11/07/21	182.14
					182.14	73638935 531100		PW/28IN EXACTFIT-BEAM		
								O&M-STD ALLOCATION-SUPPLIES		
		Invoice: 672952			251539	672952		10/20/2021	11/07/21	337.12
					337.12	73421355 531100		PW/PERKINS ALTERNATOR, FREIGHT		
								WIN COLL-SUPPLIES		
		Invoice: 674144			251540	674144		10/26/2021	11/07/21	95.75
					95.75	73638935 531100		PW/BUE DEF 2.5 GAL		
								O&M-STD ALLOCATION-SUPPLIES		
								CHECK	357676 TOTAL:	771.50
357677	11/10/2021	PRTD	7046	WESTERN SYSTEMS	251458	0000048974		10/11/2021	11/07/21	3,032.95
		Invoice: 0000048974			3,032.95	73111264 531100		PW/SIDE OF POLE MOUNT, HOLE PLUG KIT		
								O&M-STREET-TRAF CONTROL-SUPPLY		
								CHECK	357677 TOTAL:	3,032.95
357678	11/10/2021	PRTD	7175	WINERY ALLIANCE OF B	251533	1082		09/20/2021	11/07/21	3,000.00
		Invoice: 1082			3,000.00	91140573 541100		WINE ON THE ROCK EVENT		
								GG-TOUR-PROF SERVICES		
								CHECK	357678 TOTAL:	3,000.00

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CASH ACCOUNT: 635		111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN		NET
INVOICE DTL DESC										
357679	11/10/2021	PRTD	650 YWCA-KITSAP COUNTY	251470	QTR 3 2021	10/21/2021		11/07/21		5,615.87
Invoice: QTR 3 2021						EX/2021 COMMUNITY SERVICES CONTRA				
				5,615.87	31017219 54110000297	EX-YWCA-ALIVE/DOM VIOLENCE				
CHECK 357679 TOTAL:										5,615.87
				NUMBER OF CHECKS	93	*** CASH ACCOUNT TOTAL ***				408,533.50
						COUNT	AMOUNT			
TOTAL PRINTED CHECKS						93	408,533.50			
*** GRAND TOTAL ***										408,533.50

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CLERK: jkines

JOURNAL ENTRIES TO BE CREATED

YEAR PER SRC ACCOUNT	JNL EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T OB	DEBIT	CREDIT
2021 11	24								
APP 101-213000	11/10/2021	11/07/21	111021			STREETS - ACCOUNTS PAYABLE		32,151.40	
APP 635-111100	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
APP 001-213000	11/10/2021	11/07/21	111021			CASH			408,533.50
APP 401-213000	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
APP 403-213000	11/10/2021	11/07/21	111021			GENERAL - ACCOUNTS PAYABLE		166,595.22	
APP 631-213000	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
APP 650-213000	11/10/2021	11/07/21	111021			ACCOUNTS PAYABLE		7,007.90	
APP 402-213000	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
APP 104-213000	11/10/2021	11/07/21	111021			ACCOUNTS PAYABLE		16,506.53	
APP 407-213000	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
APP 301-213000	11/10/2021	11/07/21	111021			ACCOUNTS PAYABLE		8,262.21	
APP 108-213000	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
APP 501-213000	11/10/2021	11/07/21	111021			ACCOUNTS PAYABLE		3,119.25	
APP 171-213000	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
	11/10/2021	11/07/21	111021			ACCOUNTS PAYABLE		86,295.67	
	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
	11/10/2021	11/07/21	111021			CIVIC IMPR - ACCOUNTS PAYABLE		11,782.54	
	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
	11/10/2021	11/07/21	111021			ACCOUNTS PAYABLE		8,309.19	
	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
	11/10/2021	11/07/21	111021			ACCOUNTS PAYABLE		54,630.20	
	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
	11/10/2021	11/07/21	111021			AFFORD HSG - ACCOUNTS PAYABLE		2,250.00	
	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
	11/10/2021	11/07/21	111021			ER&R-ACCOUNTS PAYABLE		11,613.39	
	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
	11/10/2021	11/07/21	111021			TBF-A/P		10.00	
	11/10/2021	11/07/21	111021			AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								408,533.50	408,533.50
APP 631-130000	11/10/2021	11/07/21	111021			DUE TO/FROM CLEARING		400,271.29	
APP 101-130000	11/10/2021	11/07/21	111021			STREETS - DUE TO/FROM CLEARING			32,151.40
APP 001-130000	11/10/2021	11/07/21	111021			GENERAL - DUE TO/FROM CLEARING			166,595.22
APP 401-130000	11/10/2021	11/07/21	111021			DUE TO/FROM CLEARING			7,007.90
APP 403-130000	11/10/2021	11/07/21	111021			DUE TO/FROM CLEARING			16,506.53
APP 650-130000	11/10/2021	11/07/21	111021			DUE TO/FROM CLEARING			3,119.25
APP 402-130000	11/10/2021	11/07/21	111021			DUE TO/FROM CLEARING			86,295.67
APP 104-130000	11/10/2021	11/07/21	111021			CIVIC IMPR DUE TO/FROM CLEAR'G			11,782.54

11/03/2021 10:32
jkines

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

P 21
apcshdsb

JOURNAL ENTRIES TO BE CREATED

YEAR PER SRC ACCOUNT	JNL EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T 0B	DEBIT	CREDIT
APP 407-130000	11/10/2021	11/07/21	111021			DUE TO/FROM CLEARING			8,309.19
APP 301-130000	11/10/2021	11/07/21	111021			DUE TO/FROM CLEARING			54,630.20
APP 108-130000	11/10/2021	11/07/21	111021			AFFORD HSG DUE TO/FROM CLEAR'G			2,250.00
APP 501-130000	11/10/2021	11/07/21	111021			ER&R-DUE TO/FROM CLEARING			11,613.39
APP 171-130000	11/10/2021	11/07/21	111021			TBF-DUE TO/FROM CLEARING			10.00
						SYSTEM GENERATED ENTRIES TOTAL		400,271.29	400,271.29
						JOURNAL 2021/11/24 TOTAL		808,804.79	808,804.79

11/03/2021 10:32
jkines

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

P 22
apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND 001-130000 001-213000	2021 11	24	11/10/2021	GENERAL - DUE TO/FROM CLEARING GENERAL - ACCOUNTS PAYABLE	166,595.22	166,595.22
				FUND TOTAL	166,595.22	166,595.22
101 STREET FUND 101-130000 101-213000	2021 11	24	11/10/2021	STREETS - DUE TO/FROM CLEARING STREETS - ACCOUNTS PAYABLE	32,151.40	32,151.40
				FUND TOTAL	32,151.40	32,151.40
104 CIVIC IMPROVEMENT FUND 104-130000 104-213000	2021 11	24	11/10/2021	CIVIC IMPR DUE TO/FROM CLEAR'G CIVIC IMPR - ACCOUNTS PAYABLE	11,782.54	11,782.54
				FUND TOTAL	11,782.54	11,782.54
108 AFFORDABLE HOUSING FUND 108-130000 108-213000	2021 11	24	11/10/2021	AFFORD HSG DUE TO/FROM CLEAR'G AFFORD HSG - ACCOUNTS PAYABLE	2,250.00	2,250.00
				FUND TOTAL	2,250.00	2,250.00
171 TRANSP BEN FUND 171-130000 171-213000	2021 11	24	11/10/2021	TBF-DUE TO/FROM CLEARING TBF-A/P	10.00	10.00
				FUND TOTAL	10.00	10.00
301 CAPITAL CONSTRUCTION FUND 301-130000 301-213000	2021 11	24	11/10/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	54,630.20	54,630.20
				FUND TOTAL	54,630.20	54,630.20
401 WATER OPERATING FUND 401-130000 401-213000	2021 11	24	11/10/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	7,007.90	7,007.90
				FUND TOTAL	7,007.90	7,007.90
402 SEWER OPERATING FUND 402-130000 402-213000	2021 11	24	11/10/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	86,295.67	86,295.67
				FUND TOTAL	86,295.67	86,295.67
403 STORM & SURFACE WATER FUND	2021 11	24	11/10/2021			

11/03/2021 10:32
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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
403-130000 403-213000				DUE TO/FROM CLEARING ACCOUNTS PAYABLE	16,506.53	16,506.53
				FUND TOTAL	16,506.53	16,506.53
407 BUILDING & DEVELOPMENT FUND 407-130000 407-213000	2021 11	24	11/10/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	8,309.19	8,309.19
				FUND TOTAL	8,309.19	8,309.19
501 EQUIPMENT RENTAL & REVOLVING 501-130000 501-213000	2021 11	24	11/10/2021	ER&R-DUE TO/FROM CLEARING ER&R-ACCOUNTS PAYABLE	11,613.39	11,613.39
				FUND TOTAL	11,613.39	11,613.39
631 CLEARING FUND 631-130000 631-213000 635-111100	2021 11	24	11/10/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE CASH	400,271.29 8,262.21	408,533.50
				FUND TOTAL	408,533.50	408,533.50
650 AGENCY FUND 650-130000 650-213000	2021 11	24	11/10/2021	DUE TO/FROM CLEARING ACCOUNTS PAYABLE	3,119.25	3,119.25
				FUND TOTAL	3,119.25	3,119.25

11/03/2021 10:32
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CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

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apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		166,595.22
101	STREET FUND		32,151.40
104	CIVIC IMPROVEMENT FUND		11,782.54
108	AFFORDABLE HOUSING FUND		2,250.00
171	TRANSP BEN FUND		10.00
301	CAPITAL CONSTRUCTION FUND		54,630.20
401	WATER OPERATING FUND		7,007.90
402	SEWER OPERATING FUND		86,295.67
403	STORM & SURFACE WATER FUND		16,506.53
407	BUILDING & DEVELOPMENT FUND		8,309.19
501	EQUIPMENT RENTAL & REVOLVING		11,613.39
631	CLEARING FUND	400,271.29	
650	AGENCY FUND		3,119.25
	TOTAL	400,271.29	400,271.29

** END OF REPORT - Generated by Jacob Kines **

PAYROLL

PAYROLL CHECK RUN: 11 - 05 - 2021

Run Type	Run Date	Check # Sequence	Comments	Amount
Normal	11/5/2021	52418 - 52547	Regular check run (Direct Dep)	322,885.37
Normal	11/5/2021	109720	Regular check run (Paper Checks)	2,094.13
Vendor	11/5/2021	109721 - 109731	Vendor check run (Paper Checks)	301,371.70
EFTPS	11/5/2021	N/A	Federal Tax Electronic Transfer	115,973.96
			TOTAL:	742,325.16

Prepared and Reviewed by:  Date 11-4-21
Brenda Landolt, Payroll Specialist

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Bainbridge Island, and that I am authorized to authenticate and certify to said claim.

 Date 11/4/2021
Kim Dunscombe, Budget Manager



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME:

AGENDA ITEM: Approve City Council Meeting Minutes,

SUMMARY: Council will consider approval of meeting minutes.

AGENDA CATEGORY: Minutes

PROPOSED BY: Executive

RECOMMENDED MOTION: Approve City Council meeting minutes.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[City Council Study Session Minutes, October 19, 2021.pdf](#)

[City Council Business Meeting Minutes, October 26, 2021.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY COUNCIL STUDY SESSION
TUESDAY, OCTOBER 19, 2021

MEETING MINUTES

1) [CALL TO ORDER / ROLL CALL](#)

Deputy Mayor Pollock called the meeting to order at 6:00 p.m. on the Zoom webinar platform.

Mayor Nassar, Deputy Mayor Pollock, and Councilmembers Carr, Deets, Fantroy-Johnson, Hytopoulos, and Schneider were present.

2) [APPROVAL OF AGENDA/CONFLICT OF INTEREST DISCLOSURE](#)

Councilmember Deets moved and Councilmember Fantroy-Johnson to approve the agenda as presented. The motion carried unanimously, 7-0.

There were no conflicts of interest disclosed.

3) [NEW BUSINESS](#)

3.A [Discuss Eagle Harbor Drive Phase I Non-Motorized Improvements Project Alternatives - Public Works](#)

[Cover Page](#)

[EH PH I Option 101921.pptx](#)

City Manager King introduced the agenda item. Public Works Director Wierzbicki provided a presentation, and Council discussed the project.

MOTION: I move to authorize the City Manager to hold a public meeting on the concept development of a two-way multi-use path for Eagle Harbor Drive Phase I.

Nassar/Hytopoulos: The motion carried unanimously, 7-0.

City Manager King proposed providing for additional public input and engagement, and Council concurred.

3.B [Receive Report on 2020 Census- Planning](#)

[Cover Page](#)

[Oct 19, 2021, City Council Presentation re Census Results.pptx](#)

City Manager King introduced the agenda item. Senior Planner Sutton provided a presentation on the topic and addressed Council's questions.

CITY MANAGER REPORT [ADDED]

City Manager King introduced Climate Mitigation Officer Salamack.

4) COMMUNICATIONS

4.A Consider Request from Councilmembers Schneider and Hytopoulos to Schedule a Discussion on a Future Council Agenda on Dedicated Resources Toward Setting Goals for the 2022 Legislative Agenda

[Cover Page](#)

[Request from Councilmembers Schneider and Hytopoulos.pdf](#)

Councilmember Schneider introduced the agenda item, and Council discussed the request. There was consensus to schedule this item on a future Council agenda.

4.B Consider Request from Deputy Mayor Pollock and Councilmember Carr to Schedule a Discussion on a Proposal to Define Sustainable Transportation on a Future Council Agenda

[Cover Page](#)

[Agenda Request from Deputy Mayor Pollock and Councilmember Carr – Sustainable Transportation.pdf](#)

Deputy Mayor Pollock introduced the agenda item, and Council discussed the request. There was consensus to add this item to a future Council agenda.

4.C Consider Request from Deputy Mayor Pollock and Councilmember Carr to Schedule a Discussion on a Proposal to Remove or Substantially Modify BIMC 2.16.210 Subarea Planning Process on a Future Council Agenda

[Cover Page](#)

[Agenda Request from Deputy Mayor Pollock and Councilmember Carr – Subarea Planning Process.pdf](#)

Deputy Mayor Pollock introduced the agenda item, and Council discussed the request. There was consensus to add this item to a future Council agenda.

4.D Consider Request from Deputy Mayor Pollock and Councilmember Carr to Schedule a Discussion on a Proposal to Declare a Fish Passage Emergency on the Springbrook Creek Fish Ladder/Weir on a Future Council Agenda

[Cover Page](#)

[Agenda Request from Deputy Mayor Pollock and Councilmember Carr - Springbrook Creek.pdf](#)

Deputy Mayor Pollock introduced the agenda item. Councilmember Carr provided additional information, and Council discussed the request. There was consensus to add this to a future Council agenda.

4.E Consider Request from Deputy Mayor Pollock and Councilmember Carr to Schedule a Discussion on Developing Policy Guidance for Managing Non-Conforming Lots in the Island's Conservation Areas on a Future Council Agenda

[Cover Page](#)

[Agenda Request from Deputy Mayor Pollock and Councilmember Carr - Non-Conforming Lots.pdf](#)

Deputy Mayor Pollock introduced the agenda item. Councilmember Carr provided additional information, and Council discussed the request. There was consensus to add this to a future Council agenda.

5) **ADJOURNMENT**

Deputy Mayor Pollock adjourned the meeting at 8:09 p.m.

Rasham Nassar, Mayor

Christine Brown, CMC, City Clerk



CITY COUNCIL BUSINESS MEETING
TUESDAY, OCTOBER 26, 2021

MEETING MINUTES

1) [CALL TO ORDER/ROLL CALL](#)

Mayor Nassar called the meeting to order at 6:00 p.m. on the Zoom webinar platform.

Mayor Nassar, Deputy Mayor Pollock, and Councilmembers Carr, Deets, Fantroy-Johnson, Hytopoulos, and Schneider were present.

2) [EXECUTIVE SESSION](#)

2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency
[Cover Page](#)

Mayor Nassar adjourned the meeting to an executive session pursuant to RCW 42.30.110(i). Council returned from executive session at 6:31 p.m., and Mayor Nassar reconvened the meeting.

3) [APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE](#)

Councilmember Carr moved and Deputy Mayor Pollock seconded to pull item 12.B from the agenda. The motion failed 3-4 with Mayor Nassar, Deputy Mayor Pollock, and Councilmember Carr voting in favor.

Councilmember Fantroy-Johnson moved and Deputy Mayor Pollock seconded to add the confirmation of two additional applicants for the Cultural Funding Task Force. The motion was approved unanimously, 7-0.

Deputy Mayor Pollock asked to pull item 5.K from the Consent Agenda.

Councilmember Deets moved and Deputy Mayor Pollock seconded to approve the agenda as amended. The motion carried unanimously, 7-0.

There were no conflicts of interest disclosed.

4) [PUBLIC COMMENT](#)

4.A Instructions and Guidelines for Providing Public Comment at Remote Meetings - City Clerk

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

Phedra Elliott spoke in favor of the Bethany Lutheran affordable housing proposal.

David Swartling spoke in favor of the Bethany Lutheran affordable housing proposal.

Pastor Paul Stumme-Diers spoke in favor of the Bethany Lutheran affordable housing proposal.

Jonathan Davis spoke in favor of the Bethany Lutheran affordable housing proposal.

Lisa Neal raised concerns about the Bethany Lutheran affordable housing proposal.

Pascal Schuback spoke about the importance of the Washington State Ferry system and affordable housing.

Sal DeRosalia spoke about the Bethany Lutheran affordable housing proposal and thanked Council for considering his appointment to the Cultural Funding Task Force.

5) CONSENT AGENDA

5.A Agenda Bill for Consent Agenda
[Cover Page](#)

MOTION: I move to approve the Consent Agenda as modified.
Pollock/Fantroy-Johnson: The motion carried unanimously, 7-0.

5.B Approve Accounts Payable and Payroll
[Cover Page](#)
[AP Report to Council of Cash Disbursements 10-27-21.pdf](#)
[Council Report PR 10-20-21.pdf](#)

5.C Approve City Council Meeting Minutes
[Cover Page](#)
[City Council Business Meeting Minutes, October 12, 2021.pdf](#)

5.D Authorize the City Manager to Execute an Inter-agency Agreement with the Washington State Traffic Safety Commission in Support of Multi-jurisdictional Grant-funded High-visibility Emphasis Activities and Target Zero Campaigns - Police
[Cover Page](#)
[2022 WTSC Target Zero High Visibility Emphasis Patrols Agreement Region 9.pdf](#)

5.E Accept Department of Ecology Grant Award (\$112,500) and Authorize the City Manager to Prepare a Budget Amendment (\$111,000) for Green Stormwater Upgrades to the Lower City Hall Parking Lot for a Total Project Amount of \$223,500 in 2022 - Public Works
[Cover Page](#)
[DOE Letter re: Funding for Lower City Hall Parking Lot LID Retrofit](#)
[City Hall Parking Lot Retrofit](#)

- 5.F Authorize the City Manager to Proceed with the Development of a Transfer of Development Rights (TDR) Program Using the Services of ECONorthwest for an amount not to exceed the Fees Currently Included in ECONorthwest's Professional Services Agreement **COUNCIL 2021 HIGH PRIORITY PROJECT****

[Cover Page](#)

[TDR Scope of Work .docx](#)

- 5.G Authorize the City Manager to Execute the Second Amendment to Legal Services Agreement with the Kitsap County Prosecuting Attorney's Office, Extending Prosecution Services through December 31, 2022 (\$122,811.56) - Executive**

[Cover Page](#)

[Second Amendment to Agreement with Kitsap County for Prosecution Services \(for 2022\)](#)

[\[Background\] Agreement with Kitsap County for Prosecution Services \(for 2020\)](#)

[\[Background\] First Amendment to Agreement with Kitsap County for Prosecution Services \(for 2021\)](#)

- 5.H Authorize the City Manager to Execute Amendment No. 2 to Agreement for Professional Services for the City of Bainbridge Island Hearing Examiner with Sound Law Center, LLC, Extending Hearing Examiner Services through December 31, 2023 (\$175.00/Hour) - Executive**

[Cover Page](#)

[Amendment No. 2 to Agreement for Professional Services for the Hearing Examiner.docx](#)

[\[Background\] Hearing Examiner Professional Services Agreement \(Full Contract\).pdf](#)

[\[Background\] Amendment No. 1 to Hearing Examiner Professional Services Agreement - Extending Through December 31, 2021 - \(Fully Executed\).pdf](#)

- 5.I Approve Recommended Appointments to the Cultural Funding Advisory Task Force - Council**

[Cover Page](#)

[Chandrasekaran - Cultural Funding \(Redacted\).pdf](#)

[Denis - Cultural Funding \(Redacted\).pdf](#)

[Douglass-Resnik - Cultural Funding \(Redacted\).pdf](#)

[Reynolds-Gooch - Cultural Funding \(Redacted\).pdf](#)

- 5.J Adopt Final Goals and Objectives for the Groundwater Management Plan - Public Works **COUNCIL 2021 HIGH PRIORITY PROJECT****

[Cover Page](#)

[Memo_CityCouncilFeedback_GWMP_Goals_21Oct2021.doc](#)

ITEM REMOVED FROM THE CONSENT AGENDA

- 5.K Schedule Public Hearing on Ordinance No. 2021-30 Extending the Landmark Tree Ordinance - Planning**

[Cover Page](#)

[Ordinance No. 2021-30 Extending Landmark Tree Regulations](#)

[Exhibit A to Ordinance No. 2021-30 - Updated Workplan](#)

[Exhibit B - Winslow Master Plan Study Area](#)

[Ordinance No. 2021-17 Relating to Extending Landmark Tree Regulations Winslow Area-Approved 060821.pdf](#)

Deputy Mayor Pollock asked for an explanation on the need for an extension. Planning Director Wright and City Attorney Levan provided additional information.

MOTION: I move to have staff develop an ordinance for Council consideration to adopt a permanent Landmark Tree ordinance in BIMC 16.32.

Carr/Pollock: The motion carried 5 – 2.

AYES: Rasham Nassar, Joe Deets, Michael Pollock, Christy Carr, Brenda Fantroy-Johnson
NOES: Leslie Schneider, Kirsten Hytopoulos
ABSENT: None
ABSTAIN: None

6) COUNCIL ANNOUNCEMENTS

Councilmember Fantroy-Johnson mentioned the Kitsap Strong event.

Deputy Mayor Pollock provided an update on the Springbrook Creek fish passage.

Councilmember Deets mentioned the American Public Transportation Conference he will attend.

Councilmember Fantroy-Johnson reported on a Housing Kitsap tour in South Kitsap.

7) CITY MANAGER'S REPORT

7.A Receive City Manager's Report

Cover Page

Sands Avenue Well High Priority Rehabilitation (102621 Council Meeting Memo).docx

PW Well Rehab Memo 101821.docx

University of Washington Livable City Year -LCY- (102621 Council Meeting Memo).docx

City Manager King alerted Council to an emerging issue on the Sands Avenue Well and provided information on the University of Washington Livable City Year program.

8) PRESENTATION(S)

8.A Accept the Washington State Auditor's Annual Audit Report for the Fiscal Year Ended December 31, 2020 - Finance

Cover Page

Audit Presentation for COBI.pdf

City Manager King introduced the agenda item. Finance Director Pitts introduced Amy Strzalka and Tammy Lane from the State Auditor's Office, and they provided a presentation on the audit results.

9) PUBLIC HEARING(S)

9.A Hold Public Hearing for Ordinance No. 2021-26 Relating to the Property Tax Levy for Collection in 2022 and Consider Adoption of Ordinance No. 2021-26 - Finance

Cover Page

Ordinance No. 2021-26 Relating to the Levy of Property Taxes for Collection in 2022.docx

City of Bainbridge Island Levy Limit 10 11 21 TY2022.docx

Property Tax CC 102621.pptx

City Manager King introduced the agenda item.

Mayor Nassar opened the public hearing at 7:59 p.m.

Public Comment

Ron Peltier spoke against the property tax increase.

Mayor Nassar closed the public hearing at 8:02 p.m.

MOTION: I move to adopt Ordinance No. 2021-26 relating to the property tax levy for collection in 2022.
Fantroy-Johnson/Schneider: The motion carried unanimously, 7-0.

9.B Hold Public Hearing on Ordinance No. 2021-27 Relating to 2022 Mid-Biennium Budget Modifications and Consider Adoption of Ordinance No. 2021-27 - Finance

[Cover Page](#)

[Ordinance No. 2021-27 Adopting Mid-Biennium Modifications to Final Budget ending December 2022.docx](#)

[2022 Expenditures by Fund Exhibit A.pdf](#)

[2022 Budget Modification Memo.pdf](#)

[2021 Budget Presentation for CC 102621.pptx](#)

[PW Main Worker Memo 101921.docx](#)

City Manager King introduced the agenda item.

Mayor Nassar opened the public hearing at 8:10 p.m. There was no public comment. Mayor Nassar closed the public hearing at 8:10 p.m.

MOTION: I move to adopt Ordinance No. 2021-27 relating to 2022 Mid-Biennium Budget Modifications.
Schneider/Carr: The motion carried 6 – 1.

AYES: Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Christy Carr, Brenda
Fantroy-Johnson
NOES: Rasham Nassar
ABSENT: None
ABSTAIN: None

9.C Hold the Public Hearing on Ordinance No. 2021-29, Extending Small Wireless Facilities Design Standards Interim Official Control and Consider Adoption of Ordinance No. 2021-29 - Executive

[Cover Page](#)

[Ordinance No. 2021-29 Extending Interim Control - Small Wireless Facilities \(102621\)](#)

[Ordinance No. 2021-14-Relating to Extending Interim Control of Small Wireless Facilities-
Approved 042721](#)

City Manager King introduced the agenda item. City Manager Levan provided information on the status of small wireless facilities standards, and Council discussed the item.

Mayor Nassar opened the public hearing at 8:20 p.m. There was no public comment. Mayor Nassar closed the public hearing at 8:21 p.m.

MOTION: I move to adopt Ordinance No. 2021-29.

Deets/Fantroy-Johnson: The motion carried 5 – 2.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Brenda Fantroy-Johnson

NOES: Michael Pollock, Christy Carr

ABSENT: None

ABSTAIN: None

10) UNFINISHED BUSINESS

10.A Consider Draft Ordinance No. 2021-23 Creating a Multifamily Tax Exemption Program - Planning

Cover Page

MFTE presentation.pptx

MFTE Staff Memo.docx

Draft Ordinance No. 2021-23 MFTE Program.docx

Exhibit A to Chapter 3.62 BIMC re MFTE.docx

Exhibit B Greater Winslow Area.pdf

Exhibit C Lynwood Center Area.pdf

Resolution No. 2021-09-Relating to MFTE Designation Areas-Approved 052521.pdf

[For Background] 2021 WA ESD Occupational employment and wage estimates Bremerton Silverdale MSA.pdf

[For Background] PSRC Summary Multifamily Tax Exemption

[For Background] 2019 Dept of Commerce MFTE Report

City Manager King introduced the agenda item. Planning Director Wright provided additional information.

MOTION: I move to schedule further City Council discussion and consideration regarding draft Ordinance No. 2021-23 at the November 9, 2021 Council meeting.

Pollock/Schneider: The motion carried unanimously, 7-0.

10.B Consider Ordinance No. 2021-07, Revisions to Chapter 16.18 BIMC Pertaining to Permit Exemption for Defensible Space Wildfire Mitigation Activities and Related Matters - Planning

Cover Page

Ordinance No. 2021-07 - Wildfire Mitigation.docx

Exhibit A to Ordinance No. 2021-07 .docx

Staff Memo - Wildfire Mitigation Revisions Update_10212021.docx

Planning Commission Meeting Minutes_09092021.pdf

City Manager King introduced the agenda item.

MOTION: I move to forward for approval with the November 9, 2021 Consent Agenda Ordinance No. 2021-07.

Pollock/Deets: The motion carried unanimously, 7-0.

10.C Consider confirmation of appointments to Cultural Funding Task Force [Added]

Mayor Nassar introduced the agenda item.

MOTION: I move to confirm the appointment of Sal DeRosalia to the Cultural Funding Advisory Task Force, position 3.

Fantroy-Johnson/Deets: The motion carried unanimously, 7-0.

MOTION: I move to confirm the appointment of Holly Francisco Maynes to the Cultural Funding Advisory Task Force, position 6.

Fantroy-Johnson/Deets: The motion carried unanimously, 7-0.

11) NEW BUSINESS

11.A Respond to Council Request to Discuss Increased Density Bonus for Affordable Housing Development on Property Owned by Religious Organizations

[Cover Page](#)

[Staff Memo - Density Bonus for Affordable Housing for Religious Organizations.docx](#)

[RCW 36.70A.545 Increased density bonus for affordable housing located on property owned by a religious organization.pdf](#)

City Manager King introduced the agenda item. Planning Director Wright provided information on the agenda item, and Council discussed the topic.

Deputy Mayor Pollock moved and Councilmember Deets seconded to refer this topic to the Planning Commission to work with City staff to prepare an ordinance to effectuate what is intended by RCW 36.70A.545, including to develop implementing regulations consistent with local needs.

Deputy Mayor Pollock moved and Councilmember Carr seconded to amend the motion that is on the floor to specifically to focus on the Bethany Lutheran property as a pilot project. The amendment carried unanimously, 7-0.

AMENDED MOTION: I move to refer this topic to the Planning Commission to work with City staff to prepare an ordinance to effectuate what is intended by RCW 36.70A.545, including to develop implementing regulations consistent with local needs, specifically to focus on the Bethany Lutheran property and to consider that as a pilot project.

Pollock/Deets: The motion carried 6 – 1.

AYES: Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Christy Carr, Brenda Fantroy-Johnson

NOES: Rasham Nassar

ABSENT: None

ABSTAIN: None

Mayor Nassar adjourned the meeting for a break at 9:08 p.m. and reconvened the meeting at 9:13 p.m.

11.B Confirm Reappointment of Judge Sara McCulloch as Municipal Court Judge and Authorize the City Manager to Execute an Associated Employment Agreement (\$90,307 per year) - Executive

[Cover Page](#)

[Municipal Court Judge Employment Agreement - 2022-2025.docx](#)

City Manager King introduced the agenda item.

Councilmember Deets moved and Councilmember Carr seconded to confirm the reappointment of Sara McCulloch as Municipal Court Judge and authorize the City Manager to execute an associated employment agreement for years 2022-2025 in substantially the form as included with this agenda item.

Following discussion about the process, Councilmember Deets withdrew his motion, and Councilmember Carr concurred. There was consensus to discuss the reappointment further at the November 9, 2021 Council meeting.

12) COMMUNICATIONS

12.A Authorize Mayor to Sign a Letter to City of Glasgow Requesting a Meeting with a Member from the Climate Change Advisory Committee

[Cover Page](#)

[Letter to City of Glasgow.docx](#)

MOTION: I authorize the Mayor to sign a letter to City of Glasgow requesting a meeting with John Kydd, from the Climate Change Advisory Committee.

Fantroy-Johnson/Pollock: The motion carried unanimously, 7-0.

12.B Authorize Letter Requesting Full Return of Washington State Ferry Service to 2019 Levels

[Cover Page](#)

[Letter to WSF Requesting Restoration of Service Levels for CC 10262021.pdf](#)

City Manager King introduced the agenda item, and Council discussed the proposed letter.

MOTION: I move to authorize Councilmember Deets, Councilmember Schneider, Councilmember Hytopoulos and Councilmember Fantroy-Johnson to sign the letter requesting full return of Washington State Ferry service to 2019 levels.

Deets/Nassar: The motion carried 6-1.

AYES: Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Christy Carr, Brenda Fantroy-Johnson, Rasham Nassar
NOES: Michael Pollock
ABSENT: None
ABSTAIN: None

13) COMMITTEE REPORTS

Councilmember Deets provided an update on the biodigester project.

14) ADJOURNMENT

Mayor Nassar adjourned the meeting at 9:41 p.m.

Rasham Nassar, Mayor

Christine Brown, CMC, City Clerk



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Adopt Ordinance No. 2021-31 Providing Relief from City Business and Occupation Taxation for COVID Assistance Grants - Finance,

SUMMARY: This Ordinance will exempt businesses from City B&O taxation on COVID relief grants or COVID debt forgiveness. Examples of such funds would include COVID relief funds under the CARES Act, forgiveness of federal PPP loans, and COVID relief Business grants received from the City in 2021.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Finance & Administrative Services

RECOMMENDED MOTION: Adopt Ordinance No. 2021-31 providing relief from City Business and Occupation Taxation for COVID Assistance Grants.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	Unknown
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	No

BACKGROUND: Under Bainbridge Island Municipal Code (BIMC) 5.05.050, a Business and Occupation (B&O) tax is levied on every organization engaging in business activities within the City with gross revenues greater than \$150,000 at a rate of 1/10 of 1% of taxable revenue. The definition of "engaging in business" is defined as total gross revenue on the island without regard to the place of delivery of articles, commodities or merchandise sold. Certain deductions and exemptions are allowed under the BIMC 5.05.090 and 5.05.100. This ordinance will allow a new exemption for monies received as a result of the COVID-19 pandemic. Examples of such funds would include COVID relief funds under the CARES Act, forgiveness of federal PPP loans, or COVID relief Business grants received from the City in 2021.

ATTACHMENTS:

[Ordinance No. 2021-31 Providing Relief From B&O Taxation for COVID Assistance Grants.docx](#)

[State substitute House Bill 1095-S.SL.pdf](#)

FISCAL DETAILS: This ordinance will result in a reduction in Business and Occupation (B&O) tax revenue. Total B&O revenue for 2021 is estimated at \$500,000 or about 2% of the general fund budget revenues. The total amount of decrease cannot be estimated but is not expected to result in a material decrease to B&O revenue.

Fund Name(s): General Fund

Coding:

ORDINANCE NO. 2021-31

AN ORDINANCE of the City of Bainbridge Island, Washington, amending Chapter 5.05, *Business and Occupation Tax*, of the Bainbridge Island Municipal Code to provide relief from taxation of COVID-19 assistance grants, or the cancellation of COVID-19 indebtedness, as income on persons engaging in business on Bainbridge Island.

WHEREAS, on March 11, 2020, the World Health Organization announced that the novel coronavirus (COVID-19) is officially a global pandemic; and

WHEREAS, on February 29, 2020, the Governor of the state of Washington issued Proclamation 20-05, proclaiming a state of emergency for all counties throughout the state of Washington in response to new cases of COVID-19; and

WHEREAS, these actions are appropriate for public health reasons, but result in severe economic impacts on the economies of the United States of America and Bainbridge Island; and

WHEREAS, in response to the economic fallout of the global pandemic, the 116th Congress of the United States passed the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), an economic stimulus bill; and

WHEREAS, under the CARES Act, the Small Business Administration (SBA), in consultation with the Department of the Treasury, administers the Paycheck Protection Program (PPP) for economic relief; and

WHEREAS, under Section 1102 of the CARES Act, PPP authorizes loans designed to provide a direct incentive for small businesses to keep their workers on the payroll; and

WHEREAS, under Section 1102 of the CARES Act, the SBA will forgive repayment of the PPP loans if all employee retention criteria are met, and the funds are used for eligible expenses; and

WHEREAS, under Section 1105(i) of the CARES Act, cancellation of indebtedness is excluded from gross income for purposes of the Internal Revenue Code; and

WHEREAS, in response to the economic fallout of the global pandemic, the 117th Congress of the United States passed the American Rescue Plan Act (“ARP Act”), an economic stimulus bill, portions of which include economic relief for American businesses; and

WHEREAS, on February 23, 2021, the City Council of the City of Bainbridge Island passed Resolution No. 2021-05 establishing a small business relief grant program to provide business expense assistance in response to the public health emergency resulting from the COVID-19 pandemic; and

WHEREAS, under Chapter 5.05 of the Bainbridge Island Municipal Code, grants and cancellation of indebtedness would be included in gross income for purposes of the Bainbridge Island Business and Occupation Tax.

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

Section 1. Section 5.05.090 of the Bainbridge Island Municipal Code, is hereby amended to read as follows:

5.05.090 Exemptions

The provisions of this chapter shall not apply to the following:

S. This chapter shall not apply to any person with respect to the value proceeding or accruing from grants, or relief from debt or other legal obligation, that:

1. Does not otherwise qualify for an exemption or deduction under this Chapter 5.05;

2. Is received directly from the United States government, the state of Washington or any of its municipal corporations or political subdivisions, or a federally recognized Indian tribe located at least partially within the geographical boundaries of the state of Washington;

3. Is provided to address the impacts of conditions arising from the state of emergency related to the COVID-19 pandemic, as proclaimed in Proclamation 20-05, by the Governor of this state, on February 29, 2020.

Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

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

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

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	November 5, 2021
PASSED BY THE CITY COUNCIL:	_____, 2021
PUBLISHED:	_____, 2021
EFFECTIVE DATE:	_____, 2021
ORDINANCE NUMBER:	2021-31

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1095

Chapter 4, Laws of 2021

67th Legislature
2021 Regular Session

EMERGENCY GRANTS--TAX EXEMPTION

EFFECTIVE DATE: February 19, 2021

Passed by the House January 22, 2021
Yeas 98 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 10,
2021
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved February 19, 2021 1:11 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1095** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

February 19, 2021

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1095

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Finance (originally sponsored by Representatives Walen, Boehnke, Ryu, Leavitt, Corry, Wicks, Tharinger, Ortiz-Self, Callan, Graham, Fey, Frame, Stokesbary, Orwall, Rule, Bergquist, and Pollet; by request of Department of Revenue)

READ FIRST TIME 01/21/21.

1 AN ACT Relating to the taxation of governmental financial
2 assistance programs addressing the impacts of conditions giving rise
3 to a gubernatorial or presidential emergency proclamation by creating
4 state business and occupation tax and state public utility tax
5 exemptions, a sales and use tax exemption for the receipt of such
6 financial assistance, and clarifying the sales and use tax
7 obligations for goods and services purchased by recipients of such
8 financial assistance; amending RCW 82.04.050; amending 2020 c 80 s 62
9 (uncodified); adding a new section to chapter 82.04 RCW; adding a new
10 section to chapter 82.16 RCW; adding a new section to chapter 82.08
11 RCW; creating new sections; repealing 2020 c 80 s 58; and declaring
12 an emergency.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

14 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.04
15 RCW to read as follows:

16 (1) This chapter does not apply to any person with respect to the
17 value proceeding or accruing from a qualifying grant received on or
18 after February 29, 2020.

19 (2) For purposes of this section, "qualifying grant" means an
20 amount received, or relief from debt or other legal obligation
21 received, that:

1 (a) Is received under a government-funded program either directly
2 from a government entity, or through a nongovernmental third-party
3 entity authorized by a government entity to distribute the program
4 funds, or, in the case of relief from debt or other legal obligation,
5 is received from a private entity under circumstances where, in
6 exchange for providing the relief, the private entity receives some
7 form of direct financial benefit from a government entity;

8 (b) Is provided to address the impacts of conditions giving rise
9 to an official proclamation of a national emergency by the president
10 of the United States or an official proclamation of a state of
11 emergency by the governor of this state; and

12 (c) Is not an amount received:

13 (i) Under a contract, including a sole source contract, for the
14 acquisition of specific goods or services, or both, by purchase,
15 lease, or barter, that was solicited and established in accordance
16 with procurement laws or regulations; or

17 (ii) For manufacturing, extracting, or making sales of products,
18 when the amount received is determined based on the quantity of
19 products manufactured, extracted, or sold. For purposes of this
20 subsection (2)(c)(ii), "products" has the same meaning as in RCW
21 82.32.023.

22 (3) For purposes of a grant awarded to address the impacts of
23 conditions giving rise to a national emergency or state of emergency,
24 the exemption under this section applies only if the legislation
25 authorizing the grant or the associated legislative history, public
26 records created by the grantor, or the terms of the underlying grant
27 agreement between the grantor and grantee, clearly indicate that the
28 grant was established to address the impacts of conditions giving
29 rise to a national emergency or state of emergency.

30 (4) For purposes of this section, "government" means any
31 national, tribal, state, or local government.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.16
33 RCW to read as follows:

34 (1) This chapter does not apply to any person with respect to the
35 value proceeding or accruing from a qualifying grant received on or
36 after February 29, 2020.

37 (2) For purposes of this section, "qualifying grant" means an
38 amount received, or relief from debt or other legal obligation
39 received, that:

1 (a) Is received under a government-funded program either directly
2 from a government entity, or through a nongovernmental third-party
3 entity authorized by a government entity to distribute the program
4 funds, or, in the case of relief from debt or other legal obligation,
5 is received from a private entity under circumstances where, in
6 exchange for providing the relief, the private entity receives some
7 form of direct financial benefit from a government entity;

8 (b) Is provided to address the impacts of conditions giving rise
9 to an official proclamation of a national emergency by the president
10 of the United States or an official proclamation of a state of
11 emergency by the governor of this state; and

12 (c) Is not an amount received:

13 (i) Under a contract, including a sole source contract, for the
14 acquisition of specific goods or services, or both, by purchase,
15 lease, or barter, that was solicited and established in accordance
16 with procurement laws or regulations; or

17 (ii) When the amount received or accrued during a tax reporting
18 period is determined based on the amount of business actually
19 conducted during that tax reporting period, such as the quantity,
20 volume, or weight of products sold or transported, or the number of
21 passengers transported. For purposes of this subsection (2)(c)(ii),
22 "products" has the same meaning as in RCW 82.32.023 and includes
23 electrical energy, water, natural gas, manufactured gas, and
24 transporting persons or property.

25 (3) For purposes of a grant awarded to address the impacts of
26 conditions giving rise to a national emergency or state of emergency,
27 the exemption under this section applies only if the legislation
28 authorizing the grant or the associated legislative history, public
29 records created by the grantor, or the terms of the underlying grant
30 agreement between the grantor and grantee, clearly indicate that the
31 grant was established to address the impacts of conditions giving
32 rise to a national emergency or state of emergency.

33 (4) For purposes of this section, "government" means any
34 national, tribal, state, or local government.

35 **Sec. 3.** RCW 82.04.050 and 2017 3rd sp.s. c 37 s 1201 are each
36 amended to read as follows:

37 (1)(a) "Sale at retail" or "retail sale" means every sale of
38 tangible personal property (including articles produced, fabricated,
39 or imprinted) to all persons irrespective of the nature of their

1 business and including, among others, without limiting the scope
2 hereof, persons who install, repair, clean, alter, improve,
3 construct, or decorate real or personal property of or for consumers
4 other than a sale to a person who:

5 (i) Purchases for the purpose of resale as tangible personal
6 property in the regular course of business without intervening use by
7 such person, but a purchase for the purpose of resale by a regional
8 transit authority under RCW 81.112.300 is not a sale for resale; or

9 (ii) Installs, repairs, cleans, alters, imprints, improves,
10 constructs, or decorates real or personal property of or for
11 consumers, if such tangible personal property becomes an ingredient
12 or component of such real or personal property without intervening
13 use by such person; or

14 (iii) Purchases for the purpose of consuming the property
15 purchased in producing for sale as a new article of tangible personal
16 property or substance, of which such property becomes an ingredient
17 or component or is a chemical used in processing, when the primary
18 purpose of such chemical is to create a chemical reaction directly
19 through contact with an ingredient of a new article being produced
20 for sale; or

21 (iv) Purchases for the purpose of consuming the property
22 purchased in producing ferrosilicon which is subsequently used in
23 producing magnesium for sale, if the primary purpose of such property
24 is to create a chemical reaction directly through contact with an
25 ingredient of ferrosilicon; or

26 (v) Purchases for the purpose of providing the property to
27 consumers as part of competitive telephone service, as defined in RCW
28 82.04.065; or

29 (vi) Purchases for the purpose of satisfying the person's
30 obligations under an extended warranty as defined in subsection (7)
31 of this section, if such tangible personal property replaces or
32 becomes an ingredient or component of property covered by the
33 extended warranty without intervening use by such person.

34 (b) The term includes every sale of tangible personal property
35 that is used or consumed or to be used or consumed in the performance
36 of any activity defined as a "sale at retail" or "retail sale" even
37 though such property is resold or used as provided in (a)(i) through
38 (vi) of this subsection following such use.

1 (c) The term also means every sale of tangible personal property
2 to persons engaged in any business that is taxable under RCW
3 82.04.280(1) (a), (b), and (g), 82.04.290, and 82.04.2908.

4 (2) The term "sale at retail" or "retail sale" includes the sale
5 of or charge made for tangible personal property consumed and/or for
6 labor and services rendered in respect to the following:

7 (a) The installing, repairing, cleaning, altering, imprinting, or
8 improving of tangible personal property of or for consumers,
9 including charges made for the mere use of facilities in respect
10 thereto, but excluding charges made for the use of self-service
11 laundry facilities, and also excluding sales of laundry service to
12 nonprofit health care facilities, and excluding services rendered in
13 respect to live animals, birds and insects;

14 (b) The constructing, repairing, decorating, or improving of new
15 or existing buildings or other structures under, upon, or above real
16 property of or for consumers, including the installing or attaching
17 of any article of tangible personal property therein or thereto,
18 whether or not such personal property becomes a part of the realty by
19 virtue of installation, and also includes the sale of services or
20 charges made for the clearing of land and the moving of earth
21 excepting the mere leveling of land used in commercial farming or
22 agriculture;

23 (c) The constructing, repairing, or improving of any structure
24 upon, above, or under any real property owned by an owner who conveys
25 the property by title, possession, or any other means to the person
26 performing such construction, repair, or improvement for the purpose
27 of performing such construction, repair, or improvement and the
28 property is then reconveyed by title, possession, or any other means
29 to the original owner;

30 (d) The cleaning, fumigating, razing, or moving of existing
31 buildings or structures, but does not include the charge made for
32 janitorial services; and for purposes of this section the term
33 "janitorial services" means those cleaning and caretaking services
34 ordinarily performed by commercial janitor service businesses
35 including, but not limited to, wall and window washing, floor
36 cleaning and waxing, and the cleaning in place of rugs, drapes and
37 upholstery. The term "janitorial services" does not include painting,
38 papering, repairing, furnace or septic tank cleaning, snow removal or
39 sandblasting;

1 (e) Automobile towing and similar automotive transportation
2 services, but not in respect to those required to report and pay
3 taxes under chapter 82.16 RCW;

4 (f) The furnishing of lodging and all other services by a hotel,
5 rooming house, tourist court, motel, trailer camp, and the granting
6 of any similar license to use real property, as distinguished from
7 the renting or leasing of real property, and it is presumed that the
8 occupancy of real property for a continuous period of one month or
9 more constitutes a rental or lease of real property and not a mere
10 license to use or enjoy the same. For the purposes of this
11 subsection, it is presumed that the sale of and charge made for the
12 furnishing of lodging for a continuous period of one month or more to
13 a person is a rental or lease of real property and not a mere license
14 to enjoy the same;

15 (g) The installing, repairing, altering, or improving of digital
16 goods for consumers;

17 (h) Persons taxable under (a), (b), (c), (d), (e), (f), and (g)
18 of this subsection when such sales or charges are for property, labor
19 and services which are used or consumed in whole or in part by such
20 persons in the performance of any activity defined as a "sale at
21 retail" or "retail sale" even though such property, labor and
22 services may be resold after such use or consumption. Nothing
23 contained in this subsection may be construed to modify subsection
24 (1) of this section and nothing contained in subsection (1) of this
25 section may be construed to modify this subsection.

26 (3) The term "sale at retail" or "retail sale" includes the sale
27 of or charge made for personal, business, or professional services
28 including amounts designated as interest, rents, fees, admission, and
29 other service emoluments however designated, received by persons
30 engaging in the following business activities:

31 (a) Abstract, title insurance, and escrow services;

32 (b) Credit bureau services;

33 (c) Automobile parking and storage garage services;

34 (d) Landscape maintenance and horticultural services but
35 excluding (i) horticultural services provided to farmers and (ii)
36 pruning, trimming, repairing, removing, and clearing of trees and
37 brush near electric transmission or distribution lines or equipment,
38 if performed by or at the direction of an electric utility;

39 (e) Service charges associated with tickets to professional
40 sporting events;

1 (f) The following personal services: Tanning salon services,
2 tattoo parlor services, steam bath services, turkish bath services,
3 escort services, and dating services; and

4 (g)(i) Operating an athletic or fitness facility, including all
5 charges for the use of such a facility or for any associated services
6 and amenities, except as provided in (g)(ii) of this subsection.

7 (ii) Notwithstanding anything to the contrary in (g)(i) of this
8 subsection (3), the term "sale at retail" and "retail sale" under
9 this subsection does not include:

10 (A) Separately stated charges for the use of an athletic or
11 fitness facility where such use is primarily for a purpose other than
12 engaging in or receiving instruction in a physical fitness activity;

13 (B) Separately stated charges for the use of a discrete portion
14 of an athletic or fitness facility, other than a pool, where such
15 discrete portion of the facility does not by itself meet the
16 definition of "athletic or fitness facility" in this subsection;

17 (C) Separately stated charges for services, such as advertising,
18 massage, nutritional consulting, and body composition testing, that
19 do not require the customer to engage in physical fitness activities
20 to receive the service. The exclusion in this subsection
21 (3)(g)(ii)(C) does not apply to personal training services and
22 instruction in a physical fitness activity;

23 (D) Separately stated charges for physical therapy provided by a
24 physical therapist, as those terms are defined in RCW 18.74.010, or
25 occupational therapy provided by an occupational therapy
26 practitioner, as those terms are defined in RCW 18.59.020, when
27 performed pursuant to a referral from an authorized health care
28 practitioner or in consultation with an authorized health care
29 practitioner. For the purposes of this subsection (3)(g)(ii)(D), an
30 authorized health care practitioner means a health care practitioner
31 licensed under chapter 18.83, 18.25, 18.36A, 18.57, (~~18.57A,~~)
32 18.71, or 18.71A RCW, or, until July 1, 2022, chapter 18.57A RCW;

33 (E) Rent or association fees charged by a landlord or residential
34 association to a tenant or residential owner with access to an
35 athletic or fitness facility maintained by the landlord or
36 residential association, unless the rent or fee varies depending on
37 whether the tenant or owner has access to the facility;

38 (F) Services provided in the regular course of employment by an
39 employee with access to an athletic or fitness facility maintained by

1 the employer for use without charge by its employees or their family
2 members;

3 (G) The provision of access to an athletic or fitness facility by
4 an educational institution to its students and staff. However,
5 charges made by an educational institution to its alumni or other
6 members of the public for the use of any of the educational
7 institution's athletic or fitness facilities are a retail sale under
8 this subsection (3)(g). For purposes of this subsection
9 (3)(g)(ii)(G), "educational institution" has the same meaning as in
10 RCW 82.04.170;

11 (H) Yoga, chi gong, or martial arts classes, training, or events
12 held at a community center, park, school gymnasium, college or
13 university, hospital or other medical facility, private residence, or
14 any other facility that is not operated within and as part of an
15 athletic or fitness facility.

16 (iii) Nothing in (g)(ii) of this subsection (3) may be construed
17 to affect the taxation of sales made by the operator of an athletic
18 or fitness facility, where such sales are defined as a retail sale
19 under any provision of this section other than this subsection (3).

20 (iv) For the purposes of this subsection (3)(g), the following
21 definitions apply:

22 (A) "Athletic or fitness facility" means an indoor or outdoor
23 facility or portion of a facility that is primarily used for:
24 Exercise classes; strength and conditioning programs; personal
25 training services; tennis, racquetball, handball, squash, or
26 pickleball; or other activities requiring the use of exercise or
27 strength training equipment, such as treadmills, elliptical machines,
28 stair climbers, stationary cycles, rowing machines, pilates
29 equipment, balls, climbing ropes, jump ropes, and weightlifting
30 equipment.

31 (B) "Martial arts" means any of the various systems of training
32 for physical combat or self-defense. "Martial arts" includes, but is
33 not limited to, karate, kung fu, tae kwon do, Krav Maga, boxing,
34 kickboxing, jujitsu, shootfighting, wrestling, aikido, judo, hapkido,
35 Kendo, tai chi, and mixed martial arts.

36 (C) "Physical fitness activities" means activities that involve
37 physical exertion for the purpose of improving or maintaining the
38 general fitness, strength, flexibility, conditioning, or health of
39 the participant. "Physical fitness activities" includes participating
40 in yoga, chi gong, or martial arts.

1 (4) (a) The term also includes the renting or leasing of tangible
2 personal property to consumers.

3 (b) The term does not include the renting or leasing of tangible
4 personal property where the lease or rental is for the purpose of
5 sublease or subrent.

6 (5) The term also includes the providing of "competitive
7 telephone service," "telecommunications service," or "ancillary
8 services," as those terms are defined in RCW 82.04.065, to consumers.

9 (6) (a) The term also includes the sale of prewritten computer
10 software to a consumer, regardless of the method of delivery to the
11 end user. For purposes of (a) and (b) of this subsection, the sale of
12 prewritten computer software includes the sale of or charge made for
13 a key or an enabling or activation code, where the key or code is
14 required to activate prewritten computer software and put the
15 software into use. There is no separate sale of the key or code from
16 the prewritten computer software, regardless of how the sale may be
17 characterized by the vendor or by the purchaser.

18 (b) The term "retail sale" does not include the sale of or charge
19 made for:

20 (i) Custom software; or

21 (ii) The customization of prewritten computer software.

22 (c) (i) The term also includes the charge made to consumers for
23 the right to access and use prewritten computer software, where
24 possession of the software is maintained by the seller or a third
25 party, regardless of whether the charge for the service is on a per
26 use, per user, per license, subscription, or some other basis.

27 (ii) (A) The service described in (c) (i) of this subsection (6)
28 includes the right to access and use prewritten computer software to
29 perform data processing.

30 (B) For purposes of this subsection (6) (c) (ii), "data processing"
31 means the systematic performance of operations on data to extract the
32 required information in an appropriate form or to convert the data to
33 usable information. Data processing includes check processing, image
34 processing, form processing, survey processing, payroll processing,
35 claim processing, and similar activities.

36 (7) The term also includes the sale of or charge made for an
37 extended warranty to a consumer. For purposes of this subsection,
38 "extended warranty" means an agreement for a specified duration to
39 perform the replacement or repair of tangible personal property at no
40 additional charge or a reduced charge for tangible personal property,

1 labor, or both, or to provide indemnification for the replacement or
2 repair of tangible personal property, based on the occurrence of
3 specified events. The term "extended warranty" does not include an
4 agreement, otherwise meeting the definition of extended warranty in
5 this subsection, if no separate charge is made for the agreement and
6 the value of the agreement is included in the sales price of the
7 tangible personal property covered by the agreement. For purposes of
8 this subsection, "sales price" has the same meaning as in RCW
9 82.08.010.

10 (8)(a) The term also includes the following sales to consumers of
11 digital goods, digital codes, and digital automated services:

12 (i) Sales in which the seller has granted the purchaser the right
13 of permanent use;

14 (ii) Sales in which the seller has granted the purchaser a right
15 of use that is less than permanent;

16 (iii) Sales in which the purchaser is not obligated to make
17 continued payment as a condition of the sale; and

18 (iv) Sales in which the purchaser is obligated to make continued
19 payment as a condition of the sale.

20 (b) A retail sale of digital goods, digital codes, or digital
21 automated services under this subsection (8) includes any services
22 provided by the seller exclusively in connection with the digital
23 goods, digital codes, or digital automated services, whether or not a
24 separate charge is made for such services.

25 (c) For purposes of this subsection, "permanent" means perpetual
26 or for an indefinite or unspecified length of time. A right of
27 permanent use is presumed to have been granted unless the agreement
28 between the seller and the purchaser specifies or the circumstances
29 surrounding the transaction suggest or indicate that the right to use
30 terminates on the occurrence of a condition subsequent.

31 (9) The term also includes the charge made for providing tangible
32 personal property along with an operator for a fixed or indeterminate
33 period of time. A consideration of this is that the operator is
34 necessary for the tangible personal property to perform as designed.
35 For the purpose of this subsection (9), an operator must do more than
36 maintain, inspect, or set up the tangible personal property.

37 (10) The term does not include the sale of or charge made for
38 labor and services rendered in respect to the building, repairing, or
39 improving of any street, place, road, highway, easement, right-of-
40 way, mass public transportation terminal or parking facility, bridge,

1 tunnel, or trestle which is owned by a municipal corporation or
2 political subdivision of the state or by the United States and which
3 is used or to be used primarily for foot or vehicular traffic
4 including mass transportation vehicles of any kind.

5 (11) The term also does not include sales of chemical sprays or
6 washes to persons for the purpose of postharvest treatment of fruit
7 for the prevention of scald, fungus, mold, or decay, nor does it
8 include sales of feed, seed, seedlings, fertilizer, agents for
9 enhanced pollination including insects such as bees, and spray
10 materials to: (a) Persons who participate in the federal conservation
11 reserve program, the environmental quality incentives program, the
12 wetlands reserve program, and the wildlife habitat incentives
13 program, or their successors administered by the United States
14 department of agriculture; (b) farmers for the purpose of producing
15 for sale any agricultural product; (c) farmers for the purpose of
16 providing bee pollination services; and (d) farmers acting under
17 cooperative habitat development or access contracts with an
18 organization exempt from federal income tax under 26 U.S.C. Sec.
19 501(c)(3) of the federal internal revenue code or the Washington
20 state department of fish and wildlife to produce or improve wildlife
21 habitat on land that the farmer owns or leases.

22 (12) The term does not include the sale of or charge made for
23 labor and services rendered in respect to the constructing,
24 repairing, decorating, or improving of new or existing buildings or
25 other structures under, upon, or above real property of or for the
26 United States, any instrumentality thereof, or a county or city
27 housing authority created pursuant to chapter 35.82 RCW, including
28 the installing, or attaching of any article of tangible personal
29 property therein or thereto, whether or not such personal property
30 becomes a part of the realty by virtue of installation. Nor does the
31 term include the sale of services or charges made for the clearing of
32 land and the moving of earth of or for the United States, any
33 instrumentality thereof, or a county or city housing authority. Nor
34 does the term include the sale of services or charges made for
35 cleaning up for the United States, or its instrumentalities,
36 radioactive waste and other by-products of weapons production and
37 nuclear research and development.

38 (13) The term does not include the sale of or charge made for
39 labor, services, or tangible personal property pursuant to agreements
40 providing maintenance services for bus, rail, or rail fixed guideway

1 equipment when a regional transit authority is the recipient of the
2 labor, services, or tangible personal property, and a transit agency,
3 as defined in RCW 81.104.015, performs the labor or services.

4 (14) The term does not include the sale for resale of any service
5 described in this section if the sale would otherwise constitute a
6 "sale at retail" and "retail sale" under this section.

7 (15)(a) The term "sale at retail" or "retail sale" includes
8 amounts charged, however labeled, to consumers to engage in any of
9 the activities listed in this subsection (15)(a), including the
10 furnishing of any associated equipment or, except as otherwise
11 provided in this subsection, providing instruction in such
12 activities, where such charges are not otherwise defined as a "sale
13 at retail" or "retail sale" in this section:

14 (i)(A) Golf, including any variant in which either golf balls or
15 golf clubs are used, such as miniature golf, hitting golf balls at a
16 driving range, and golf simulators, and including fees charged by a
17 golf course to a player for using his or her own cart. However,
18 charges for golf instruction are not a retail sale, provided that if
19 the instruction involves the use of a golfing facility that would
20 otherwise require the payment of a fee, such as green fees or driving
21 range fees, such fees, including the applicable retail sales tax,
22 must be separately identified and charged by the golfing facility
23 operator to the instructor or the person receiving the instruction.

24 (B) Notwithstanding (a)(i)(A) of this subsection (15) and except
25 as otherwise provided in this subsection (15)(a)(i)(B), the term
26 "sale at retail" or "retail sale" does not include amounts charged to
27 participate in, or conduct, a golf tournament or other competitive
28 event. However, amounts paid by event participants to the golf
29 facility operator are retail sales under this subsection (15)(a)(i).
30 Likewise, amounts paid by the event organizer to the golf facility
31 are retail sales under this subsection (15)(a)(i), if such amounts
32 vary based on the number of event participants;

33 (ii) Ballooning, hang gliding, indoor or outdoor sky diving,
34 paragliding, parasailing, and similar activities;

35 (iii) Air hockey, billiards, pool, foosball, darts, shuffleboard,
36 ping pong, and similar games;

37 (iv) Access to amusement park, theme park, and water park
38 facilities, including but not limited to charges for admission and
39 locker or cabana rentals. Discrete charges for rides or other
40 attractions or entertainment that are in addition to the charge for

admission are not a retail sale under this subsection (15)(a)(iv). For the purposes of this subsection, an amusement park or theme park is a location that provides permanently affixed amusement rides, games, and other entertainment, but does not include parks or zoos for which the primary purpose is the exhibition of wildlife, or fairs, carnivals, and festivals as defined in (b)(i) of this subsection;

(v) Batting cage activities;

(vi) Bowling, but not including competitive events, except that amounts paid by the event participants to the bowling alley operator are retail sales under this subsection (15)(a)(vi). Likewise, amounts paid by the event organizer to the operator of the bowling alley are retail sales under this subsection (15)(a)(vi), if such amounts vary based on the number of event participants;

(vii) Climbing on artificial climbing structures, whether indoors or outdoors;

(viii) Day trips for sightseeing purposes;

(ix) Bungee jumping, zip lining, and riding inside a ball, whether inflatable or otherwise;

(x) Horseback riding offered to the public, where the seller furnishes the horse to the buyer and providing instruction is not the primary focus of the activity, including guided rides, but not including therapeutic horseback riding provided by an instructor certified by a nonprofit organization that offers national or international certification for therapeutic riding instructors;

(xi) Fishing, including providing access to private fishing areas and charter or guided fishing, except that fishing contests and license fees imposed by a government entity are not a retail sale under this subsection;

(xii) Guided hunting and hunting at game farms and shooting preserves, except that hunting contests and license fees imposed by a government entity are not a retail sale under this subsection;

(xiii) Swimming, but only in respect to (A) recreational or fitness swimming that is open to the public, such as open swim, lap swimming, and special events like kids night out and pool parties during open swim time, and (B) pool parties for private events, such as birthdays, family gatherings, and employee outings. Fees for swimming lessons, to participate in swim meets and other competitions, or to join a swim team, club, or aquatic facility are not retail sales under this subsection (15)(a)(xiii);

1 (xiv) Go-karting, bumper cars, and other motorized activities
2 where the seller provides the vehicle and the premises where the
3 buyer will operate the vehicle;

4 (xv) Indoor or outdoor playground activities, such as inflatable
5 bounce structures and other inflatables; mazes; trampolines; slides;
6 ball pits; games of tag, including laser tag and soft-dart tag; and
7 human gyroscope rides, regardless of whether such activities occur at
8 the seller's place of business, but not including playground
9 activities provided for children by a licensed child day care center
10 or licensed family day care provider as those terms are defined in
11 RCW ((43.215.010)) 43.216.010;

12 (xvi) Shooting sports and activities, such as target shooting,
13 skeet, trap, sporting clays, "5" stand, and archery, but only in
14 respect to discrete charges to members of the public to engage in
15 these activities, but not including fees to enter a competitive
16 event, instruction that is entirely or predominately classroom based,
17 or to join or renew a membership at a club, range, or other facility;

18 (xvii) Paintball and airsoft activities;

19 (xviii) Skating, including ice skating, roller skating, and
20 inline skating, but only in respect to discrete charges to members of
21 the public to engage in skating activities, but not including skating
22 lessons, competitive events, team activities, or fees to join or
23 renew a membership at a skating facility, club, or other
24 organization;

25 (xix) Nonmotorized snow sports and activities, such as downhill
26 and cross-country skiing, snowboarding, ski jumping, sledding, snow
27 tubing, snowshoeing, and similar snow sports and activities, whether
28 engaged in outdoors or in an indoor facility with or without snow,
29 but only in respect to discrete charges to the public for the use of
30 land or facilities to engage in nonmotorized snow sports and
31 activities, such as fees, however labeled, for the use of ski lifts
32 and tows and daily or season passes for access to trails or other
33 areas where nonmotorized snow sports and activities are conducted.
34 However, fees for the following are not retail sales under this
35 subsection (15)(a)(xix): (A) Instructional lessons; (B) permits
36 issued by a governmental entity to park a vehicle on or access public
37 lands; and (C) permits or leases granted by an owner of private
38 timberland for recreational access to areas used primarily for
39 growing and harvesting timber; and

1 (xx) Scuba diving; snorkeling; river rafting; surfing;
2 kiteboarding; flyboarding; water slides; inflatables, such as water
3 pillows, water trampolines, and water rollers; and similar water
4 sports and activities.

5 (b) Notwithstanding anything to the contrary in this subsection
6 (15), the term "sale at retail" or "retail sale" does not include
7 charges:

8 (i) Made for admission to, and rides or attractions at, fairs,
9 carnivals, and festivals. For the purposes of this subsection, fairs,
10 carnivals, and festivals are events that do not exceed twenty-one
11 days and a majority of the amusement rides, if any, are not affixed
12 to real property;

13 (ii) Made by an educational institution to its students and staff
14 for activities defined as retail sales by (a)(i) through (xx) of this
15 subsection. However, charges made by an educational institution to
16 its alumni or other members of the general public for these
17 activities are a retail sale under this subsection (15). For purposes
18 of this subsection (15)(b)(ii), "educational institution" has the
19 same meaning as in RCW 82.04.170;

20 (iii) Made by a vocational school for commercial diver training
21 that is licensed by the workforce training and education coordinating
22 board under chapter 28C.10 RCW; or

23 (iv) Made for day camps offered by a nonprofit organization or
24 state or local governmental entity that provide youth not older than
25 age eighteen, or that are focused on providing individuals with
26 disabilities or mental illness, the opportunity to participate in a
27 variety of supervised activities.

28 (16)(a) The term "sale at retail" or "retail sale" includes the
29 purchase or acquisition of tangible personal property and specified
30 services by a person who receives a qualifying grant exempt from tax
31 under section 1 or 2 of this act, except for transactions excluded
32 from the definition of "sale at retail" or "retail sale" by any other
33 provision of this section. Nothing in this subsection (16) may be
34 construed to limit the application of any other provision of this
35 section to purchases by a recipient of a qualifying grant exempt from
36 tax under section 1 of this act or by any other person.

37 (b) For purposes of this subsection (16), "specified services"
38 means:

39 (i) The constructing, repairing, decorating, or improving of new
40 or existing buildings or other structures under, upon, or above real

1 property, including the installing or attaching of any article of
2 tangible personal property therein or thereto, whether or not such
3 personal property becomes a part of the realty by virtue of
4 installation;

5 (ii) The clearing of land or the moving of earth, whether or not
6 associated with activities described in (b)(i) of this subsection
7 (16);

8 (iii) The razing or moving of existing buildings or structures;
9 and

10 (iv) Landscape maintenance and horticultural services.

11 NEW SECTION. Sec. 4. A new section is added to chapter 82.08
12 RCW to read as follows:

13 (1) The tax levied by RCW 82.08.020 does not apply to a grantee's
14 receipt of a qualifying grant that is exempt from business and
15 occupation tax under section 1 of this act.

16 (2) Nothing in this section may be construed to:

17 (a) Imply that the tax levied by RCW 82.08.020 applies to any
18 circumstance not described in subsection (1) of this section; or

19 (b) Provide an exemption from the tax levied by RCW 82.08.020 for
20 the grantee's use of a qualifying grant to acquire products in a
21 transaction meeting the definition of "retail sale" in RCW 82.04.050.

22 (3) For purposes of this section, the following definitions
23 apply:

24 (a) "Grantee" means the recipient of a qualifying grant.

25 (b) "Product" means the same as in RCW 82.32.023.

26 (c) "Qualifying grant" means the same as in section 1 of this
27 act.

28 NEW SECTION. Sec. 5. 2020 c 80 s 58 is repealed.

29 **Sec. 6.** 2020 c 80 s 62 (uncodified) is amended to read as
30 follows:

31 Sections 12 through 57 and 59 of this act take effect July 1,
32 2022.

33 NEW SECTION. Sec. 7. This act applies both prospectively and
34 retroactively to February 29, 2020.

1 NEW SECTION. **Sec. 8.** The provisions of RCW 82.32.805 and
2 82.32.808 do not apply to this act.

3 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of
5 the state government and its existing public institutions, and takes
6 effect immediately.

Passed by the House January 22, 2021.
Passed by the Senate February 10, 2021.
Approved by the Governor February 19, 2021.
Filed in Office of Secretary of State February 19, 2021.

--- END ---



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME:

AGENDA ITEM: Authorize Solicitation for Professional Services to Support Wastewater Beneficial Re-use Opportunities and Constraints Analysis - Public Works **2021-2022 COUNCIL HIGH PRIORITY PROJECT**

SUMMARY: Staff are requesting the authority to solicit for professional services to support wastewater beneficial re-use opportunities and constraints analysis.

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Public Works

RECOMMENDED MOTION: Authorize the City Manager to solicit for professional services to support wastewater beneficial re-use opportunities and constraints analysis.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	N/A
Ongoing Cost:	N/A
One-Time Cost:	N/A
Included in Current Budget?	Yes

BACKGROUND: On September 28, 2021, the City Council authorized \$1,000,000 for a wastewater beneficial reuse project. Following that action, staff are now requesting the authority to solicit for professional services to support an opportunities and constraints analysis for the project.

As outlined in the attached draft RFQ, this initial phase of the work would include technical analysis and community engagement leading to a range of potential project alternatives for further consideration by the Council. The estimated cost range for this initial phase of work is approximately \$100,000.

ATTACHMENTS:

[RFQ - Wastewater Beneficial Reuse Project.docx](#)

FISCAL DETAILS: This project was funded by the City Council with American Rescue Plan Act funding in the amount of \$1,000,000.

Fund Name(s): General Fund

Coding:

Request for Qualifications (RFQ)

City of Bainbridge Island Wastewater Beneficial Re-Use Analysis

The City of Bainbridge Island (City) is soliciting qualifications from consultant firms with experience in the beneficial re-use of wastewater. The City recently set aside American Rescue Plan Act funding for an initial review of this concept, and is seeking a consultant that could lead an effort to identify beneficial wastewater re-use “opportunities and constraints”, including engagement and input from the community.

The City envisions that the deliverable from this “opportunities and constraints” phase of work will inform the development of next steps, such as a feasibility study, preliminary cost estimates, and eventually a concept design or programmatic planning effort. Re-use concepts are envisioned to include, but are not limited to, efforts that would support irrigation, stream flow restoration, groundwater re-charge, or tertiary treatment for return to Puget Sound.

The City is open to a wide range of outside-the-box thinking on the project, including the re-use of wastewater from the City’s primary wastewater treatment plant, a partnership with plant facilities not owned and operated by the City, and/or satellite facilities that interact with concentrations of neighborhood septic systems.

A link to the City’s General Sewer Plan, which contains more information about the existing collection and treatment systems, can be found at the following link: <https://www.bainbridgewa.gov/679/General-Sewer-Plan-Final-Draft---March-2>

Requirements for Qualifications Responses (as applicable)

- Identify each person involved with the project including any technical partners and describe their respective roles, including:
 - a. Information regarding each member’s experience and qualifications.
 - b. Resume of key team members.
 - c. Description of how the team will be organized and led.
- Identify the project lead and their relationship to other members of the team.
- Describe the consultant’s relevant project experience with similar projects. Projects described must illustrate the consultant’s experience with preparing documents, designs and plans similar in scope to the proposed project. Provide client references for relevant projects.

Evaluation Criteria

Evaluation of RFQ responses will be based upon the following:

- Success in developing similar projects.
- Quality of representative projects.
- Qualifications of project team and key project managers, including references.
- Demonstrated creativity and outside-the-box thinking.

General Provisions and Conditions

The City reserves the right to:

- Reject any and all responses.
- Waive minor irregularities in a response.
- Cancel, revise, or extend this solicitation.

- Request additional information on any response beyond that required by this RFP.
- Have the final decision on the selection.
- Modify the timeline and to issue addenda to this document.

Schedule

This project is scheduled to start in February 2022 and extend for approximately one-year.

Proposals Due	January 7, 2022
Consultant Interviews	Week of January 24, 2022
Consultant Selected	Week of January 31, 2022
Contract Executed	February 2022

If you are interested in pursuing this project, we invite you to submit a proposal.

Budget

The budget project this project will be based on a project plan negotiated after the selection of the consultant.

Submission Requirements

Interested consultants must submit an electronic copy of the response to the RFQ. The City will become owner of all submitted materials and will not pay any costs related to any responses to the RFQ. All consultants must demonstrate compliance with the City's insurance requirements at the time of contract approval and obtain a City Business License.

The deadline for this RFP is 4:00 PM, Friday January 7, 2022, Pacific Standard Time. Only emailed submissions will be accepted.

Contact Information

Christopher Wierzbicki, PE
Public Works Director
206.780.3718 (Direct)

cwierzbicki@bainbridgewa.gov

City of Bainbridge Island
Public Works Dept.

208 Madison Ave N
Bainbridge Island, WA 98110

Americans with Disabilities Act (ADA) Information

The City of Bainbridge Island in accordance with Section 504 of the Rehabilitation Act (Section 504) and the Americans with Disabilities Act (ADA), commits to nondiscrimination on the basis of disability, in all its programs and activities. This material can be made available in an alternate format by emailing cityclerk@bainbridgewa.gov or by calling collect 206.842.2545.

Title VI Notice: The City of Bainbridge Island in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin or sex in consideration for an award.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME:

AGENDA ITEM: Authorize Solicitation for a Professional Services Contract to Support the Design of the Winslow Water Tank Replacement Project - Public Works,

SUMMARY: Staff are requesting the authority to solicit for professional services, in an amount greater than \$100,000, to support the design of the Winslow Water Tank Replacement Project.

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Public Works

RECOMMENDED MOTION: Authorize the City Manager to solicit for professional services, in an amount greater than \$100,000, to support the design of the Winslow Water Tank Replacement Project.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	N/A
Ongoing Cost:	N/A
One-Time Cost:	N/A
Included in Current Budget?	Yes

BACKGROUND: The City of Bainbridge Island is seeking an engineering consultant for the design of the demolition and replacement of the City's 1 MG standpipe reservoir with a 2 MG elevated tank reservoir. See the attached RFQ for additional information.

ATTACHMENTS:

[Winslow Water Tank Replacement Project - 2021 RFQ.docx](#)

FISCAL DETAILS: This professional services contract is budgeted as part of CIP. The total budget for this project is \$11.6 million.

Fund Name(s): Water Fund

Coding: N/A

WINSLOW WATER TANK REPLACEMENT PROJECT

The City of Bainbridge Island is seeking an engineering consultant for the design of the demolition and replacement of the City's 1 MG standpipe reservoir with a 2 MG elevated tank reservoir.

The Winslow Water System serves 2,450 customers in the Winslow and Fletcher Bay areas. The system consists of a High-Pressure Zone and a Low-Pressure Zone. The source of supply for the water system is groundwater supplied by eleven active wells located at four well sites. The total storage available to the Winslow Water System is provided by the two High School reservoirs (1 MG and 1.5 MG). They are of the standpipe design and are hydraulically connected.

This project will provide for demolition and replacement of the older 1 MG reservoir with a 2 MG elevated reservoir. The 1.5 MG reservoir will be deactivated and left in place. A pre-development report on the water tank replacement project has been developed and submitted to the Washington State Department of Health for review and approval, which is anticipated before the end of the year.

Firms interested in pursuing this project are invited to submit a statement of qualifications (SOQ).

The deadline for this RFQ is 4:00 PM, December 17, 2021, Pacific Standard Time. Please email proposals to cmunter@bainbridgewa.gov.

REQUIREMENTS FOR QUALIFICATION RESPONSES

- A. Identify each person involved with the project team including technical partners (architects, engineers, others), and briefly describe their respective roles, including:
 - a. Information regarding the team member's experience and qualifications.
 - b. Resume of key team members.
 - c. Description of how the team will be organized and led.
- B. Identify the project lead and their relationship to other members of the team.
- C. Describe the consultant's relevant project experience with similar projects. Projects described must illustrate the consultant's experience with preparing strategies and plans similar in scope to the proposed project.

EVALUATION CRITERIA

Evaluation of RFQ responses will be based upon the following:

- A. Consultant Experience:

- a. Success in developing similar projects
- b. Quality of representative projects
- c. Qualifications of project team and key project managers
- d. References

GENERAL PROVISIONS AND CONDITIONS

The City reserves the right to:

- Reject any and all responses.
- Waive minor irregularities in a response.
- Cancel, revise, or extend this solicitation.
- Request additional information on any response beyond that required by this RFQ.

SCHEDULE

Proposals Due	December 17, 2021
Consultant Interviews	Week of January 17, 2022
Consultant Selected	Week of January 24, 2022
Contract Executed	February 22, 2022

SELECTION

The City of Bainbridge Island shall have the final decision on the selection.

SUBMISSION REQUIREMENTS, NOTIFICATIONS AND SCHEDULE

Interested consultants must submit an electronic copy of the response to the RFQ. There are no limitations on page amounts. The City will become owner of all submitted materials and will not pay any costs related to any responses to the RFQ.

Interviews of a select number of firms will be scheduled shortly after receipt of the SOQs.

All consultants must demonstrate compliance with the City's insurance requirements at the time of contract approval.

The City reserves the right to modify the timeline and to issue addenda to this document.

CONTACT INFORMATION

Chris Munter, PE
206.780.3720
cmunter@bainbridgewa.gov

City of Bainbridge Island
280 Madison Ave N
Bainbridge Island, WA 98110

Americans with Disabilities Act (ADA) Information

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CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME:

AGENDA ITEM: Authorize Solicitation for a Professional Services Contract to Support the Development of a Stormwater System Plan - Public Works,

SUMMARY: Staff are requesting the authority to solicit for professional services, in an amount greater than \$100,000, to support the development of a Stormwater System Plan.

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Public Works

RECOMMENDED MOTION: Authorize the City Manager to solicit for professional services, in an amount greater than \$100,000, to support the development of a Stormwater System Plan.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	N/A
Ongoing Cost:	N/A
One-Time Cost:	N/A
Included in Current Budget?	Yes

BACKGROUND: City staff are prepared to begin soliciting qualifications from consultant firms with experience in stormwater planning and asset management to support the preparation of the City's Stormwater System Plan. The plan will provide a comprehensive approach for managing stormwater and related surface water on Bainbridge Island.

The Stormwater System Plan will inform stormwater quality improvement initiatives, capital improvement program; facilities monitoring and maintenance; financial elements, and regulation of new developments. The Stormwater System Plan will address climate change impacts and considerations for future development, and will be linked with ongoing efforts such as the development of the City's Groundwater Management Plan.

ATTACHMENTS:

[RFQ - Stormwater System Plan.pdf](#)

FISCAL DETAILS: This professional services contract is budgeted at \$125,000 in 2021 and \$125,000 in 2022. Staff anticipate expending a portion of these funds in 2022 to support the subject contract.

Fund Name(s): SSWM Fund

Coding: N/A

City of Bainbridge Island Stormwater System Plan

The City of Bainbridge Island (City) is soliciting qualifications from consultant firms with experience in stormwater planning and asset management to support the preparation of the City's Stormwater System Plan. The plan will provide a comprehensive approach for managing stormwater and related surface water on Bainbridge Island.

The Stormwater System Plan will inform stormwater quality improvement initiatives, capital improvement program; facilities monitoring and maintenance; financial elements, and regulation of new developments. The Stormwater System Plan will address climate change impacts and considerations for future development and will be linked with ongoing efforts such as the development of the City's Groundwater Management Plan.

The City is looking for input to the approach and scope of the Stormwater System Plan as well as support for development of the plan.

Project Description

The work to be performed by the consultant consists of four distinct, but related efforts:

1. **Complete stormwater asset inventory and GIS mapping.**
2. **Stormwater System Plan approach / scope development support** including but not limited to:
 - a. Summarize status of recommended actions contained in the City of Bainbridge Island Surface Water Management Plan 2001.
 - b. Complete a gap analysis to identify changes required for compliance with Ecology's Stormwater Management Manual for Western Washington (SWMMWW, 2012, amended in 2014) as well as looking ahead to the 2019 version which is anticipated to be adopted before July 2022 and the City of Bainbridge Island Municipal Code Title 15 Chapter 15.20 Surface and Stormwater Management.
3. **Stormwater System Plan preparation support** including but not limited to:
 - a. Summarize the interface with NPDES Phase II Permit requirements, Ecology's SWMMWW, City of Bainbridge Island Climate Action Plan, the City's forthcoming Groundwater Management Plan, and other applicable City plans, codes and policies.
 - b. Recommend improvements to current stormwater monitoring program / asset management program.
 - c. Recommend actions to improve stormwater water quality.
 - d. Recommend actions to address climate change impacts including sea level rise and increased storm intensities.
 - e. Develop a Stormwater Management Action Plan (SMAP) consistent with the City's NPDES permit requirements.
 - f. Provide a prioritized project list from the City's current Capital Facilities Plan.
 - g. Recommend additional projects, as needed including ballpark budget estimates, resource requirements, rationale and general timing, differentiate 'have to' vs 'nice to have' projects, and general cost benefit considerations.

- h. Prepare an Implementation Plan and Plan Effectiveness Monitoring Plan.
- 4. **Community engagement support** and coordination with City Advisory Committees, which will be led by the City.

Requirements for Qualifications Responses (as applicable)

- Identify each person involved with the project including any technical partners and describe their respective roles, including:
 - a. Information regarding each member's experience and qualifications.
 - b. Resume of key team members.
 - c. Description of how the team will be organized and led.
- Identify the project lead and their relationship to other members of the team.
- Describe the consultant's relevant project experience with similar projects. Projects described must illustrate the consultant's experience with preparing documents, designs and plans similar in scope to the proposed project. Provide client references for relevant projects.

Evaluation Criteria

Evaluation of RFQ responses will be based upon the following:

- Success in developing similar projects.
- Quality of representative projects.
- Qualifications of project team and key project managers, including references.
- Demonstrated creativity and outside-the-box thinking.

General Provisions and Conditions

The City reserves the right to:

- Reject any and all responses.
- Waive minor irregularities in a response.
- Cancel, revise, or extend this solicitation.
- Request additional information on any response beyond that required by this RFQ.
- Have the final decision on the selection.
- Modify the timeline and to issue addenda to this document.

Schedule

This project is scheduled to start in early February 2022 and be completed by February 2023.

Submittals Due	December 3, 2021
Consultant Interviews	Week of December 13, 2021
Consultant Selected	Week of December 20, 2021
Contract Executed	Week of January 24, 2022

If you are interested in pursuing this project, we invite you to submit qualifications.

Budget

The budget project this project is anticipated to be in the range of \$200,000.

Submission Requirements

Interested consultants must submit an electronic copy of the response to the RFQ. The City will become owner of all submitted materials and will not pay any costs related to any responses to the RFQ. All consultants must demonstrate compliance with the City's insurance requirements at the time of contract approval and obtain a City Business License.

The deadline for this RFQ is **4:00 PM, Friday December 3, 2021**, Pacific Standard Time. **Only emailed submissions will be accepted.**

Contact Information

Maureen Whalen (Hydrogeologist)
206.780.3730 (Direct)
mwhalen@bainbridgewa.gov

City of Bainbridge Island
Public Works Dept.
208 Madison Ave N
Bainbridge Island, WA 98110

Americans with Disabilities Act (ADA) Information

The City of Bainbridge Island in accordance with Section 504 of the Rehabilitation Act (Section 504) and the Americans with Disabilities Act (ADA), commits to nondiscrimination on the basis of disability, in all its programs and activities. This material can be made available in an alternate format by emailing cityclerk@bainbridgewa.gov or by calling collect 206.842.2545.

Title VI Notice: The City of Bainbridge Island in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin or sex in consideration for an award.

DRAFT



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Forward Ordinance No. 2021-37 Relating to the 2021 4th Quarter Budget and Updated Capital Improvement Plan Amendments to the December 14, 2021 Consent Agenda - Finance

SUMMARY: This agenda item is for the City Council to consider amendments to the City's 2021 budget and the update to the Capital Improvement Plan. Included with this item is a consolidated ordinance capturing decisions which have been made previously by the Council for the fourth quarter budget amendments.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Finance & Administrative Services

RECOMMENDED MOTION: Forward Ordinance No. 2021-37 relating to the 2021 4th Quarter Budget and Updated Capital Improvement Plan Amendments for adoption with the December 14, 2021 consent agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	4,836,153
Ongoing Cost:	
One-Time Cost:	4,836,153
Included in Current Budget?	No

BACKGROUND: Please see the attached transmittal memo for a detailed overview of all requested items. Please see Exhibit A, attached and incorporated into this ordinance by reference, for the revised 2021 budget summary by fund. Please see attached Exhibit B for more details explaining the changes incorporated in Exhibit A.

ATTACHMENTS:

[2021 4th QTR BUA Transmittal Memo.docx](#)

[Ordinance No. 2021-37 - 4th QTR Budget and CIP Amendments.docx](#)

[ORD 2021-37 Exhibit A - Total Expenditures by Fund.docx](#)

[Ord 2021-37 Exhibit B-Q4 Budget Amendments.pdf](#)

FISCAL DETAILS: Increase in appropriation authority for the following funds:

Street Fund \$250,000

Real Estate Excise Tax Fund \$1,000,000

Capital Construction Fund \$504,500

Sewer Fund \$3,031,653

Storm and Surface Water Management Fund \$50,000

Fund Name(s):

Coding: Various



Finance and Administrative Services Department

Memorandum

Date: November 9, 2021

To: City Council
Blair King, City Manager

From: Kim Dunscombe, Budget Manager

Subject: 4th Quarter Budget Amendments

The Finance and Administrative Services Department brings budget adjustments to Council for consideration on a regular basis. Attached for Council's consideration is an ordinance with fourth quarter budget amendments. The proposed ordinance also includes one amendment to the 2021 – 2026 Capital Improvement Plan (CIP) that will be incorporated in the next updated version. The following 7 budget amendments are proposed:

Capital Requests – 3 items, Total of \$504,500

- *Country Club Bulkhead Spot Repairs: \$101,000 Increase – Capital Construction Fund:*
Country Club Bulkhead Spot Repair project includes repair and replacement of portions of the existing bulkhead adjacent to the roadway. One lane of the roadway has been closed since June 2020 due to failing pavement caused by shoreline erosion. This amendment was approved at the August 24th City Council Regular Business Meeting, for \$101,000, for a total cost of \$400,000. This increase was included in the 2022 update of the 2021-26 six-year CIP via Ordinance No. 2021-28 approved by council on October 12, 2021.
Supporting funds: General.
- *High School Road Safety Improvements: \$180,000 Increase – Capital Construction Fund:*
High School Road Safety Improvement project is included in the City's CIP for construction in 2021. The project consists of crosswalk warning signs, upgrading safety and accessibility between SR305 and Grow Avenue. The sole bid for this contract came in higher than the engineers' estimate. Award of the contract and Capital budget amendment was approved on the August 24th City Council Regular Business Meeting, for \$180,000, bringing total project cost to \$444,000. The increase was included in the 2022

update of the 2021-26 six-year CIP via Ordinance 2021-28 approved by council on October 12, 2021.

Supporting funds: General, Real Estate Excise Tax (REET).

- *Green Stormwater Upgrades to lower City Hall Parking Lot: \$223,500 Increase – Capital Construction Fund:* The 2021-2026 Adopted Budget CIP has this item scheduled for 2023. The project involves upgrading the parking lot with rain gardens and other upgrades to the existing stormwater system to prevent sediment and contaminants from entering Puget Sound. The City has recently been awarded a grant from the Department of Ecology for \$112,500 to support green infrastructure upgrades to the lower City Hall parking lot. The award will be received in 2022 and must be spent by 2027. The amendment, which was approved at the October 26th Regular Business Meeting, accelerates the start of the project from 2023 to 2022. This item was not included in the 2022 update of the 2021-26 six-year CIP but will be included in the next CIP update draft.

Supporting Funds: Real Estate Excise Tax (REET).

Operating Request – 4 items, \$4,331.653

- *Real Estate Excise Tax (REET) Fund operating transfer: \$1,000,000 Increase – REET Fund:* Appropriation in the REET fund consists solely of transfers out to support other fund expenditure activity; typically the Streets and Capital funds. The main revenue sources in the Street Fund are commercial parking tax, fuel tax and transfers in from the REET fund. As noted in the mid-year review, parking taxes have dropped significantly from pre pandemic levels. This appropriation increase in the REET fund is to continue to support the Streets Fund activity.
- *Emergency Repair, Critical Slope Failure on NE Yeomalt Point Drive: \$250,000 Increase – Street Fund:* The roadway embankment south of 11778 NE Yeomalt Point Drive experienced landslide activity in the early spring of 2021. Resolution 2021-17, declaring an emergency and authorizing the budget amendment to mitigate the failure, was approved at the September 28th Regular Business Meeting.
Supporting funds: Real Estate Excise Tax (REET).
- *Bond Refunding, Wastewater Treatment Plant Bond: \$3,031,653 Increase – Sewer Fund:* Ordinance 2021-19 approved by Council on July 13, 2021 increases appropriation authority and amends the 2021 budget in relation to the 2021 Wastewater Treatment Plant Bond Refunding. This appropriation increase is needed to pay off the old, refunded bonds.
- *Department of Ecology National Pollutant Discharge grant: \$50,000 Increase – SSWM Fund:* Increase appropriation authority and amend the 2021 budget for National

Pollutant Discharge Elimination System (NPDES) grant offered through the Department of Ecology for fiscal years 2021-2023. This item was approved at the September 14th Regular Business Meeting.

Thank you for your consideration of these requests.

ORDINANCE NO. 2021-37

AN ORDINANCE of the City of Bainbridge Island, Washington, amending the 2021-2022 biennial budget and associated provisions of the 2021-2026 Capital Improvement Plan and providing for uses not foreseen at the time the budget was adopted.

WHEREAS, on November 24, 2020, the City Council adopted the 2021-2022 biennial budget via Ordinance No. 2020-31; and

WHEREAS, on February 23, 2021, the City Council adopted funding for carryover items for work funded in 2020 but to be performed in 2021 via Ordinance No. 2021-08; and

WHEREAS, on May 25, 2021, the City Council adopted first quarter budget and updated capital improvement plan amendments via Ordinance No. 2021-15; and

WHEREAS, on August 24, 2021, the City Council adopted second quarter budget and updated capital improvement plan amendments via Ordinance No. 2021-24; and

WHEREAS, on October 12, 2021, the City Council adopted the 2022 Update of the 2021 – 2026 Capital Improvement Plan via Ordinance No. 2021-28; and

WHEREAS, a number of situations have occurred during 2021 which require the City to expend money on items, projects, and categories not included in the 2021 budget and to adjust the 2021-2026 Capital Improvement Plan accordingly.

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

Section 1. Ordinance No. 2020-31 and the 2021 budget, as modified by Ordinance Nos. 2021-08, 2021-15, and 2021-24, are amended as shown in the attached Exhibit B, which is hereby incorporated fully into this ordinance.

Section 2. Attached hereto as Exhibit A (to the 2021 Revised Budget) are the totals of budgeted expenditures for each separate fund and the aggregate totals for all such funds combined in summary form for the revised budget.

Section 3. In that some of the budget expenditures that are the subject of this ordinance directly relate to the City's 2021-2026 Capital Improvement Plan, the 2021-2026 Capital Improvement Plan is hereby correspondingly amended as to the related expenditures that are the subject of this ordinance, as described and shown in the attached Exhibit B.

Section 4. The City's Finance Director is authorized and directed by this ordinance to make the necessary changes to the 2021-2022 biennial budget and the 2021-2026 Capital Improvement Plan. The Finance Director is further directed to make sufficient interfund equity transfers from the appropriate funds to cover the added amounts authorized by this ordinance.

Section 5. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

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

APPROVED by the Mayor this ____ day of _____ 2021.

Rasham Nassar, Mayor

ATTEST / AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	November 3, 2021
PASSED BY THE CITY COUNCIL:	_____, 2021
PUBLISHED:	_____, 2021
EFFECTIVE DATE:	_____, 2021
ORDINANCE NO:	2021-37

Attached: Exhibit A
 Exhibit B

CITY OF BAINBRIDGE ISLAND – 2021 REVISED BUDGET
SUMMARY BY FUND

Exhibit A
ORDINANCE NO. 2021-37

CITY FUNDS		2021 EXPENDITURES
001	GENERAL FUND	21,608,173
101	STREET FUND	4,046,967
103	REAL ESTATE EXCISE TAX FUND	4,261,697
104	CIVIC IMPROVEMENT FUND	280,387
108	AFFORDABLE HOUSING FUND	117,620
171	TRANSPORTATION BENEFIT FUND	630,000
173	TRANSPORTATION IMPACT FEE FUND	607,072
201	GO BOND FUND	1,556,995
203	LID BOND FUND	42,480
301	CAPITAL CONSTRUCTION FUND	15,613,249
401	WATER FUND	3,612,262
402	SEWER FUND	10,566,374
403	STORM & SURFACE WATER FUND	3,358,364
407	BUILDING & DEVELOPMENT FUND	3,340,542
501	EQUIPMENT RENTAL & REVOLVING FUND	773,000
	TOTAL EXPENDITURES	70,415,182

Exhibit B to Ordinance No. 2021-37

2021 BUDGET AMENDMENTS

Presented to City Council

Approved on December ____, 2021

SUBJECT	DESCRIPTION	FUND / Department	Change amount requested	Change to Appropriation	On-going
Yeomalt Point Drive - critical slope failure on NE Yeomalt Point Drive	This item increases appropriation authority and amends the 2021 budget for the Yeomalt Point Drive roadway embankment which experienced landslide activity spring of 2021. This increase is a result of emergency declaration 2021-17 to repair the road. <i>Approved at September 28, 2021 Regular Business Meeting</i>	Street/Public Works	\$ 250,000	Increase	One-time
TOTAL STREET FUND EXPENDITURE INCREASE			\$ 250,000		
REET Operating Transfer	This item increases appropriation authority and amends the 2021 budget for REET operating transfer to support street activity due to loss of parking tax revenue.	REET/Finance	\$ 1,000,000	Increase	One-time
TOTAL REAL ESTATE EXCISE TAX FUND EXPENDITURE INCREASE			\$ 1,000,000		
Country Club Bulkhead Spot Repairs contract	This item increases appropriation authority and amends the 2021 budget, which has already been approved by Council in the 2022 Update to the CIP on October 12, 2021 via Ordinance 2021-28 for construction contract increase to repair portions of existing bulkhead adjacent to roadway. <i>Approved on October 12, 2021 via Ordinance 2021-28</i>	Capital/Public Works	\$ 101,000	Increase	One-time
High School Road Safety Improvements	This item increases appropriation authority and amends the 2021 budget, which has already been approved by Council in the 2022 Update to the CIP on October 12, 2021 via Ordinance 2021-28 to reflect increase in bids received. The bid received for this project was in excess of the engineer's estimate. An adjustment is needed to reflect this increase. Staff is asking the WSDOT for additional grant funds to help fund this increase. A general fund transfer may be needed to cover the additional cost until such time as grant monies are received. <i>Approved on October 12, 2021 via Ordinance 2021-28</i>	Capital/Public Works	\$ 180,000	Increase	One-time
Green Stormwater Upgrades to lower City Hall Parking Lot	This item increases appropriation authority and amends the CIP for a grant the City received from the State Department of Ecology Stormwater Assistance grant program to support green infrastructure upgrades to the lower City Hall parking lot. <i>Approved at October 26, 2021 Regular Business Meeting</i>	Capital/Public Works	\$ 223,500	Increase	One-time
TOTAL CAPITAL CONSTRUCTION FUND EXPENDITURE INCREASE			\$ 504,500		
Bond Refunding	This item increases appropriation authority and amends the 2021 budget in relation to Ordinance 2021-19 Wastewater Treatment Plant Bond Refunding. <i>Approved July 13, 2021 with Ord 2021-19</i>	Sewer/Finance	\$ 3,031,653	Increase	One-time
TOTAL SEWER FUND EXPENDITURE INCREASE			\$ 3,031,653		
DOE Grant	This item increases appropriation authority and amends the 2021 budget for National Pollutant Discharge (NPDES) grant offered through the Department of Ecology for SFY 2021-23. <i>Approved at September 14, 2021 Regular Business Meeting</i>	SSWM/Public Works	\$ 50,000	Increase	One-time
TOTAL STORM AND SURFACE WATER FUND EXPENDITURE INCREASE			\$ 50,000		
TOTAL BUDGET AMENDMENTS			\$ 4,836,153		



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Consider Next Steps for Defining and Measuring the Climate Impacts of Sustainable Transportation Plan Projects - Public Works,

SUMMARY: The City Council will consider next steps for defining and measuring the climate impacts of Sustainable Transportation Plan projects.

AGENDA CATEGORY: Review and Recommendation

PROPOSED BY: Public Works

RECOMMENDED MOTION: I move to authorize the City Manager to engage the Climate Change Action Committee on defining and measuring the climate impacts of Sustainable Transportation Plan projects, and report back to the City Council their findings and recommendations.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	N/A
Ongoing Cost:	N/A
One-Time Cost:	N/A
Included in Current Budget?	No

BACKGROUND: At the October 19, 2021 City Council meeting, the Council expressed an interest in discussing a proposal for defining and measuring Sustainable Transportation Plan projects. See the attached memo for additional information.

ATTACHMENTS:

[STP Climate Impacts Memo.docx](#)

FISCAL DETAILS: N/A

Fund Name(s):

Coding:



Department of Public Works Memorandum

Date: October 25, 2021
To: Honorable Mayor and City Council
From: Christopher Wierzbicki, Public Works Director, Via Blair King, City Manager
Subject: Discussion on a Proposal to Defining and Measuring Sustainable Transportation Plan Projects

Background

At the October 19, 2021 City Council meeting, the Council expressed an interest discussing a proposal for defining and measuring Sustainable Transportation Plan projects. The proposal was stated as follows:

Define sustainable transportation to mean an action related to transportation that is likely to result in a reduction in greenhouse gas emissions within a ten-year time frame. This will require that the city estimate the reduction in GHGs due to a reduction in car trips/car miles traveled resulting from a sustainable transportation project. It will also require that the city estimate the GHGs embodied in the materials used in a project (e.g. concrete) and in the GHGs produced during the planning/construction process.

Recommendation

Based on the Council's discussion on October 19, this item could be referred to Climate Change Action Committee (CCAC) for consideration and development of a recommendation for the Council's future consideration. The CCAC discussion could consider the two main points in the recommendation, recognizing that providing infrastructure that supports reduced vehicle-miles traveled (VMT) in the community is a critical action to support the Climate Action Plan.

Specifically, the CCAC could investigate and recommend options for estimating reduced VMT associated with projects, like new bicycle facilities, including identifying the resources needed to collect data specific to each project location and/or agree to a set of assumptions to complete those calculations. Additionally, the CCAC could develop steps that should be taken to make infrastructure as sustainable as possible, which includes looking at environmental impacts, long-term durability and maintenance costs associated with different materials and methods of design/construction - potentially using existing certifications or other programmatic calculators.

The Committee will also want to consider thresholds for project sizes, types, materials, location, etc. to ensure a meaningful effort that is aligned with available staff and financial resources.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Adopt Ordinance No. 2021-07, Revisions to Chapter 16.18 BIMC Pertaining to Permit Exemption for Defensible Space Wildfire Mitigation Activities and Related Matters - Planning,

AGENDA CATEGORY: Ordinance

PROPOSED BY: David Greetham

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): July 8, 2021

August 12, 2021

September 9, 2021

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

August 10, 2021

RECOMMENDED MOTION:

Adopt Ordinance No. 2021-07.

SUMMARY:

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

In addition, proposed code revisions include clarification of applicability to critical areas (BIMC 16.18.030), and added definitions for the terms "defensible space" and "ladder fuels" (BIMC 16.18.130).

Staff is requesting a revision to the Planning Commission's recommendation to limit the exemption to "habitable" structures versus all structures to reduce the amount of vegetation removed without a permit.

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

On August 10, 2021, the City Council considered Resolution No. 2021-13. Resolution No. 2021-13 directed the City Manager to work with the City Attorney and other City staff to develop specific regulations for the Council to consider that would revise the Bainbridge Island Municipal Code to include provisions that will result in enhanced fire safety measures and wildfire mitigation activities on Bainbridge Island, and for the City Manager to work with City staff to bring a proposed future ordinance to the Council for the Council's consideration in that regard.

On August 12, 2021, the Planning Commission considered draft Ordinance No. 2021-07 relating to a permit exemption for specified vegetation management activities related to wildfire mitigation. The Planning Commission recommended several revisions and requested that a public hearing be set to consider the amended draft ordinance.

On September 9, 2021, the Planning Commission held a public hearing and recommended approval of the code revisions set forth in Ordinance No. 2021-07. For reference, the applicable Planning Commission meeting minutes are attached.

The proposed new code language in Exhibit A is shown with yellow highlight, with green highlight for the additional staff recommended term "habitable" (see staff memo).

ATTACHMENTS:

ORDINANCE NO. 2021-07

AN ORDINANCE of the City of Bainbridge Island, Washington, revising and amending Chapter 16.18 of the Bainbridge Island Municipal Code related to the applicability of that chapter, fire safety measures and wildfire mitigation activities for residents of Bainbridge Island, and the definitions section of that chapter.

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

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

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

WHEREAS, on December 17, 2020, the Planning Commission held a public hearing to consider draft Ordinance No. 2020-28, including Exhibits A – E, received public input, and after closing the public hearing, made a recommendation of approval of draft Ordinance No. 2020-28 (which was renumbered in 2021 to Ordinance No. 2021-07) to the City Council; and

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, on August 12, 2021, the Planning Commission considered proposed Ordinance No. 2021-07 and recommended moving the draft forward for a public hearing; and

WHEREAS, on September 9, 2021, the Planning Commission held a public hearing on proposed Ordinance No. 2021-07 and made a recommendation of approval to the City Council; and

WHEREAS, on October 26, 2021, the City Council considered this Ordinance No. 2021-07 and received public input related to the ordinance; and

WHEREAS, on November 9, 2021, the City Council further considered this Ordinance No. 2021-07 and adopted the ordinance.

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

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

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

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

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

Section 5. This ordinance shall take effect and be in force five (5) days from and after its passage and publication as required by law.

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

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

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

By: _____

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER:
ATTACHED:

October 21, 2021

_____, 2021

_____, 2021

_____, 2021

2021-07

Exhibit A: Revised and Amended Chapter 16.18
BIMC (Tree Removal, Forest Stewardship, and
Vegetation Maintenance)

EXHIBIT A
To Ordinance No. 2021-07

**Chapter 16.18
TREE REMOVAL, FOREST STEWARDSHIP, AND VEGETATION MAINTENANCE**

Sections:

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

16.18.010 Overview.

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

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

C. This chapter is one of several in the municipal code that pertain to the care of trees, vegetation, and forested areas on Bainbridge Island. Its policies and nonregulatory provisions pertain especially to the plans and ongoing activities of island residents, outside of their homes or places of business but on their own property, when the use and enjoyment of the property involves stewardship and maintenance of trees and vegetation. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.020 Findings.

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

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

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

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

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

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

16.18.025 Purposes.

This chapter is adopted for the following purposes:

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

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

- C. To implement the purposes of the State Growth Management Act relating to conservation of natural resources, pursuant to Chapter 36.70A RCW.
- D. To implement goals and policies in the current comprehensive plan, the Community Forest Management Plan (2006), the Bainbridge Island Open Space Study (October 2008), and the Bainbridge Island Community Wildfire Protection Plan (2010), or subsequent updated versions.
- E. To promote forest stewardship practices and carefully planned development that results in minimal disturbance to the prior conditions of a property and neighboring properties.
- F. To implement a long-range policy of maintaining the island's forest canopy cover while taking measures to prevent wildfires and protect structures in accordance with recommendations of the Bainbridge Island fire department.
- G. To allow limited tree and vegetation removal to provide for solar access, agriculture and gardens.
- H. To promote infiltration of stormwater and aquifer recharge; to minimize erosion and prevent pollution; to prevent landslides; to protect the waters of Puget Sound and the quality and quantity of water in wells.
- I. To maintain in a healthy state significant trees, clusters of trees, and forested areas, allowing for thinning, pruning, removal of invasive and undesirable vegetation, selective harvest and replanting, developing and maintaining trails, and removal of dead or dangerous trees. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.030 Applicability.

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

- A. This chapter does not apply to any portion of a parcel that is identified as a critical area pursuant to Chapter 16.20 BIMC, Critical Areas, including buffers or setbacks, or that is designated as an Aquifer Recharge Protection Area (ARPA). However, this chapter does apply to parcels that are designated as a critical area under Chapter 16.20 BIMC for the sole reason that they are located in an aquifer recharge area, including designated aquifer recharge protection areas (ARPAs) or prescribed critical area buffers or setbacks. Chapter 16.20 BIMC applies to critical areas, designated ARPAs, and buffer zones, and critical area setbacks.
- B. This chapter does not apply to the portion(s) of a shoreline property within 200 feet landward of an ordinary high water mark, where the regulations of Chapter 16.12 BIMC (the Shoreline Master Program) apply. (Ord. 2018-19 § 1 (Exh. A), 2018)

16.18.040 Activities allowed without a permit.

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

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

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

1. On a lot that is larger than one acre, a property owner may remove up to six significant trees in any 36-month period without a permit.
2. On a lot one acre or less in size, a property owner may remove up to three significant trees in any 36-month period without a permit.
3. After the tree removal limits of this section have been reached, see BIMC 16.18.050, 16.18.060, and 16.18.070 related to obtaining a tree removal/vegetation maintenance permit.

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

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

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

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

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

H. Voluntary wildfire mitigation activities, other than tree and vegetation removals requiring a permit in BIMC 16.18.050.A. or Chapter 16.32 BIMC (Protection of Landmark Trees), within a 30-foot defensible space of **habitable** structures, including, but not limited to, the following:

- 1) Vegetation removal underneath a propane tank;
- 2) For trees less than 30 feet in height, pruning up to ten feet from the ground to remove ladder fuels, as long as pruning doesn't exceed 1/3 of tree height;
- 3) Removal of trees to provide at least 18 feet between crowns;
- 4) Removal of trees within 5 feet of the furthest attached exterior point of a **habitable** structure.

Property owners may obtain assistance with wildfire mitigation activities from the Bainbridge Island Fire Department, the City Arborist, and private tree professionals in accordance with City prepared guidance. Further information can be obtained from the applicable sections of the Fire Code (Chapter 20.04 BIMC), the Climate Action Plan, and the Bainbridge Island Community Wildfire Protection Plan. The Fire Department and Department of Planning and Community Development will maintain a checklist to provide guidance in implementing wildfire mitigation, and it is the intent that both the checklist and this code section will be reviewed annually to ensure they are consistent with best practices to mitigate wildfire danger.

16.18.050 Activities requiring a permit.

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

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

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

1. The tree is dead, or determined to be hazardous, as certified by an International Society of Arboriculture (ISA) Tree Risk Assessment Qualified (TRAQ) arborist; or
2. The removal is necessary to allow reasonable use or enable permitted construction, and no alternative is feasible; or
3. The removal is necessary to maintain utilities, provide access, or fulfill the terms of an easement or covenant recorded prior to the adoption of the ordinance codified in this chapter.

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

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

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

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

16.18.060 General regulations and standards.

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

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

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

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

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

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

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

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

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

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

E. Any tree removal/vegetation maintenance permit granted under this chapter shall expire one year from the date of issuance. Upon a showing of good cause, the permit may be extended for six months by the

planning director. Approved tree removal permits shall not be amended without authorization of the planning director.

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

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

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

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

16.18.090 Mitigation and restoration.

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

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

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

16.18.100 Performance assurance.

A. The planning director may require, as a condition for the granting of a permit, that the applicant furnish a performance assurance in a form approved by the planning director, in order to obligate the applicant, after the approved tree removal has been accomplished, to complete all required replanting, erosion control, and cleanup on the property. The surety device shall be in an amount equal to the estimated cost of such services, with surety and conditions satisfactory to the planning director.

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

16.18.110 Appeals.

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

16.18.120 Violations, restoration and enforcement.

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

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

B. When a significant tree or vegetation has been removed or altered in violation of this chapter, all ongoing development work shall stop, and the significant tree or vegetation shall be restored or replaced. The city shall have the authority to issue a stop work order to cease all ongoing development work, and

order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this chapter.

C. Restoration Plan Required. All development work shall remain stopped until a restoration plan is prepared and approved by the director. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in BIMC16.18.090. The director shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

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

E. Penalties. Any development or activity carried out contrary to the provisions of this chapter shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington. Enforcement of this chapter and the imposition of penalties for violations of this chapter shall be as provided for in Chapter 1.26 BIMC; provided, that in addition to the civil penalties provided for in BIMC1.26.090, an additional penalty shall be imposed on any person, party, firm, corporation, property owner, or other legal entity who fails to complete a required restoration plan, who conducts any disturbance (including cutting or removing trees or vegetation) in violation of this chapter, or who is otherwise in violation of this chapter.

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

16.18.130 Definitions.

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

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

“Arborist” means an individual engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for or supervise the management of trees and other woody plants. Must be concurrently an International Society of Arboriculture (ISA) Certified Arborist to perform any role required of a Certified Arborist.

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

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

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

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

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

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

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

“Low impact development (LID)” means a stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration

by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Low impact development best management practices (LID BMPs)” means distributed stormwater management practices, integrated into a project design, that emphasize predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, improvements to soil quality and depth, minimal excavation foundations, vegetated roofs, and water reuse.

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

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

Department of Planning and Community Development

Memorandum

Date: October 21, 2021

To: City Council

From: Heather Wright, AICP, Director
Nicholas Snyder, City ArboristSubject: Ordinance No. 2021-07 – Updates to Proposed Wildfire Regulations in Chapter 16.18 BIMC
(Tree Removal, Forest Stewardship, and Vegetation Maintenance)

This memo is to address a specific aspect of the proposed revisions to Chapter 16.18 BIMC which are proposed via Ordinance No. 2021-07.

The proposed revisions to BIMC 16.18.040.H.4 and BIMC 16.18.130 as recommended by the Planning Commission would allow an exemption from a permit for tree removals within 5 feet of a structure and thinning to 18 feet between canopies within 30 feet of a structure. These standards are in accordance with *Firewise USA* standards and the recommendation of the Bainbridge Fire Department (“BIFD”).

A structure is commonly defined as a person-made assemblage of goods (BIMC 18.36.030). As written, property owners could remove trees that are within 30 feet of structures including but not limited to fences, tool sheds, wellhouses, workshops, garages, swimming pools, chicken coops, barns, carports, and even underground septic systems.

Based on City staff’s further work with the BIFD, such a broadly written exemption doesn’t seem to meet the intent of the proposed regulations. Staff has worked with the Chief and Deputy Chief at BIFD to refine the characterization of the types of structures that the BIFD will typically expend resources on to save in a wildfire situation. Staff is recommending that the term “habitable structures” be used, which includes homes, ADUs, and garages.

City staff is recommending that the term “habitable structure” be used in the proposed regulations. For ease of reference, the word “habitable” is highlighted in green in Exhibit A to Ordinance No. 2021-07. Based on the Council’s direction, staff will prepare the ordinance for Council action at a future meeting (November 9, 2021) accordingly.



Planning Commission Special Meeting September 9, 2021

Meeting Minutes

1) CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW

Chair McCormick Osmond called the meeting to order at 6:00 PM. Commissioners in attendance were Vice-chair Joe Paar, William Chester, Lisa Macchio, Sarah Blossom, Ashley Mathews and Yesh Subramanian. City Staff in attendance were Planning & Community Development Director Heather Wright, Planning Manager David Greetham, Engineering Manager Paul Nylund, Senior Planner Kelly Tayara and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

2) PLANNING COMMISSION MEETING MINUTES

2.a Meeting Minutes from August 12 and September 2, 2021.

[Cover Page](#)

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

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

**Motion: I move to approve the meeting minutes from August 12 and
September 2, 2021**

Mathews/Chester: Passed Unanimously

3) PUBLIC COMMENT

None.

PUBLIC HEARING

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

[Cover Page](#)

[Ordinance No. 2021-07 Wildfire Mitigation Aug 12 PC](#)

[Ex_A_Ordinance_2021-07_Sept_2021.docx](#)

Planning Manager David Greetham provided a review of proposed changes to the Tree and Vegetation Code.

Public Hearing was opened at 6:08 PM.
There was not any public comment.
Public Hearing was closed at 6:09 PM.

Motion: I make a motion that we approve all of the discussed changes that come from, I think, the majority of Katy's points, the additions you have made, potentially a review of the checklist that Lisa suggested and any of the other references that Chief Teran as well as David had made. There's a bunch of things we've discussed, but put all that in, I make a motion to move forward.

Subramanian/Paar: Passed Unanimously

4) UNFINISHED BUSINESS

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

Cover Page

Wintergreen SUB_SPR_CUPA Staff Report_PC Revised 31AUG2021.pdf

51836 SPR CUPA SUB Public Comment.pdf

REVISED Wintergreen Prelim Plat Dwgs 20210831

Preliminary Plat Drawings 20210325

SITE PLAN Depicting Affordable Units

REVISED Renderings 083121

Renderings 20210521

3 Story 1&2 BR Plan 20210831

2 Story 1&2 BdRm Plan 20210831

Wintergreen Townhomes Schematic Landscape 20210628

Wintergreen Landscape Rendering 20210628

UTILITY PLAN

Civil Plan sheet 4 dated 16MAR2021.pdf

SEWER CONNECTION PLAN

Soil Map 20201204

Wintergreen SEPA Environmental Checklist

Trip Generation Memo

Design for Bainbridge Worksheet with Applicant's Response 06142021

Design for Bainbridge Worksheet Final by DRB 20210621

Aerial Photo with 25' setback

Building Height 20210827

305-Wintergreen Cross Section

Income Limits

Environmental Noise Study 20210206

Noise Barrier Fencing

Comprehensive Plan affordable housing provisions from Applicant

Background 17734 HEX Decision

Background HEX Reconsideration

Relationship of the Visconsi to Wintergreen Approval

Visconsi Sepa checklist staff comment 20130424

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

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

VISCONSI MDNS 20131122

GIS Aerial 2018 25' and 50' from SR305
Comments from Joe Dunstan 20210829
EMAIL from Joe Dunstan re: Final DRB thoughts RE wintergreen project 20210829
EMAIL from Joe Dunstan re: Wintergreen setback correction for PC meeting
Sept 2 - 7 Corr involving public, DRB Chair and member, Councilmember, and Planning Commissioner.pdf
Corr from applicant dated 07SEP2021.pdf
07SEP2021 Corr between Planning Director and Planning Commissioner.pdf
Sept 6-8, 2021 Corr between City Planner and Planning Commissioners.pdf
Community Space Management and Maintenance Plan submitted 08SEP2021.pdf
08SEP2021 Corr between Planning Commissioners and Planning Director.pdf
08SEP2021 Corr from applicant 2 with three attachments.pdf
Public comment received since 16AUG2021.pdf

Public Comment

Ron Peltier - Stated he thought it was a great site for affordable housing but there were too many units being proposed for the site.

Helen Stone - Stated she was a resident of Ferncliff Village and without affordable housing, she would not be able to live here and that there was a disconnect between what the Comprehensive Plan says the community wants and what is acted upon by those who are in a position to do so.

Dawn Janow - Supported the statement Ms. Stone made and said if this project didn't pass, what project would?

Michael Cyger - Supported the statement Ms. Stone made and said this was a tremendous opportunity for the city to come together and they had to trust staff and their review.

Greg Spils - Supported Ms. Stone's statements and spoke about the ambiguity around the setback and wondered why that was a reason to kill the project.

Mike Spence - Stated support for the project and spoke about the loss of students in the schools and the lack of teacher applications in recent years because of the cost of housing. He said affordable housing would go a long way to promoting diversity in the schools.

Lisa Neal - Asked the Planning Commission to consider snide comments she said the applicant had made over the past year. She stated she didn't want the Planning Commission to be fooled that this project was about anything other than money. She thought it was unfair to build units for people at certain income levels and think that they are not entitled to the same environmental and quality of life protections that everyone else received when something was built.

Phedra Elliott - Thanked the Planning Commission for continuing to discuss this and working hard to get to, "Yes."

The Planning Commission provided staff a list of items they were hoping to have more information about at the next meeting.

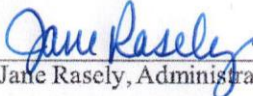
5) PLANNING DIRECTOR'S REPORT

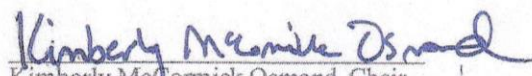
Planning & Community Development Director Heather Wright provided an update on items of interest to the Planning Commission.

6) **FOR THE GOOD OF THE ORDER**

7) **ADJOURNMENT**

Meeting was adjourned at 9:21 PM.


Jane Rasely, Administrative Specialist


Kimberly McCormick Osmond, Chair



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Withdraw Request to Purchase Madison Avenue Tax Title Property - Tax Title Application No. 2021-13 - Executive,

SUMMARY: As described in more detail in the Background section, this item is for the City Council to consider withdrawing its request to purchase certain tax title property from Kitsap County, for the reasons described below.

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Executive

RECOMMENDED MOTION: Withdraw the request to Kitsap County to purchase property held in trust by Kitsap County identified as the Madison Avenue Tax Title Property or as Tax Title Application No. 2012-13.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	The purchase price is \$23,352. The cost of improvement and future maintenance have not been estimated.
Ongoing Cost:	N/A
One-Time Cost:	N/A
Included in Current Budget?	No

BACKGROUND: On July 13, 2021, the City Council directed the City Manager to purchase property identified as Madison Avenue Tax Title Property or Tax Title Application No. 2012-13 for an amount of \$23,352. This unnamed County property is used as a road to provide ingress and egress to properties fronting the tax title property. A dispute had arisen among the fronting property owners with regard to the right to access the County owned property. The City Council found that acquisition of the property would improve circulation and allow the City to specifically improve pedestrian circulation and therefore directed the City Manager to acquire the property.

On August 27, 2021, the City Manager sent a formal letter to the Kitsap County Treasurer requesting to purchase the property (see Attachment A).

On September 8, 2021, in response to the City's offer to purchase the property, Kitsap County requested that the City enter into mediation through the Dispute Resolution Center of Kitsap County. On October 12, the City

Council was scheduled to respond to the mediation request by Kitsap County. Prior to the Council's consideration, the property owners informed the Council that all parties with access to tax title property had reached consensus and executed a Settlement and Access Agreement (see Attachment B). The Council tabled its consideration to allow staff to review the new information.

Staff has reviewed the agreement and concludes that all parties have voluntarily signed the Settlement and Access Agreement, and with this agreement the dispute among the property owners has been resolved. Consequently, it may be difficult for the City to realize its goals of improving circulation as the party from which a pedestrian easement was requested may now be reluctant to voluntarily provide this access. Without verification, it is assumed that all property owners are reluctant to allow the City to improve the Tax Title property. It is recommended that the City withdraw its request to acquire the Tax Title Property.

ATTACHMENTS:

[Attachment A \(Letter to Treasurer Meredith Green\)](#)

[Attachment B \(Hannon Scales Agreement\) - Signed.pdf](#)

FISCAL DETAILS: The cost to acquire the property from Kitsap County is \$23,352. The cost of future maintenance and repair is unknown at this time.

Fund Name(s):

Coding:



August 27, 2021

Meredith Green
Kitsap County Treasurer
614 Division Street, MS-32
Port Orchard, WA 98366-4692

Provided via email to mgreen@co.kitsap.wa.us

Re: Possible Purchase by the City of Bainbridge Island of Tax Title Property which is the Subject of Kitsap County Tax Title Application No. 2021-13.

Ms. Green:

As the City Manager of the City of Bainbridge Island ("City"), I am formally communicating the City's interest in purchasing the tax title property which is the subject of Kitsap County Tax Title Application No. 2021-13 ("Property"). See attached Exhibit A (Kitsap County Parcel Map with the Property, identified as the "Unnamed Road," highlighted in yellow).

On July 13, 2021, the Bainbridge Island City Council voted 6-1, by motion, to direct me as City Manager to move forward with the purchase of the Property. Kitsap County ("County") is offering the Property to the City for the price of \$23,352. The City Council agenda packet materials for that meeting, as well as a recording of the meeting, can be accessed on the City's website via the following links: Agenda – Agenda Item 8.B. – [City Council Regular Business Meeting Agenda granicus production attachments.s3.amazonaws.com](#)); Video of Agenda Item – [City Council Regular Business Meeting \(granicus.com\)](#); City webpage for Council proceedings – [City Council & Planning Commission Agendas, Minutes & Meeting Videos | Bainbridge Island, WA - Official Website \(bainbridgewa.gov\)](#).

Since that meeting, the City Attorney's Office has been in communication with County Deputy Prosecuting Attorney Alan Miles, and the City's Public Works Department has been in communication with the County, including the County Treasurer's Office. Based on those communications, it is the City's understanding that the County is pursuing this transaction in accordance with Chapter 36.34 RCW, including RCW 36.34.130, and Chapter 36.35 RCW. More specifically, it is the City's understanding that the County is pursuing this transaction in accordance with RCW 36.35.150(1) as a disposal of tax foreclosed property by means of a "private negotiation ... for not less than the principal amount of the unpaid taxes ... (a) When the sale is to any governmental agency and for public purposes;"

In deciding to pursue the purchase of the Property, the City Council ("Council") at its meeting on July 13, 2021 expressed several reasons that the Council regards the purchase as constituting a

purchase for public purposes. Key public purposes expressed by the Council at that meeting include:

- To provide improved connectivity as part of the City's street system, given that the Property has been used for roadway purposes for many years. The City intends to use the Property as a street to allow right of way uses that would benefit all of the properties that abut and/or adjoin the Property as well as to benefit the public more generally. After assessing the condition of the roadway, the City intends on determining an appropriate level of maintenance for the roadway consistent with how it will be used.
- To provide environmental benefits to the community and pursue goals and policies set forth in the City's Comprehensive Plan, including policies LU 2.3, LU 4.10, and LU 4.11 related to protecting the environment and advancing environmental stewardship, by allowing right of way access in a manner that potentially reduces environmental impacts, including by felling fewer trees and removing less vegetation than would occur otherwise through development of the Hannon property if that development occurred via access to Ellingsen Road to the west rather than via the Property. The City has been in communication with Tyler Hannon, the owner of the property at the western end of the Property, about such potential development.
- To provide an additional trail as part of the City's network of trails. Based on communication between Tyler Hannon and the City, Mr. Hannon has committed to conveying to the City a trail easement that would be located on his property and provide a potential future link between the Property and Ellingsen Road. The City intends on purchasing the Property in connection with a perpetual conveyance from the Hannons to the City of such a trail easement.

Additionally, the City's Public Works Director in introducing the agenda item to the Council at the July 13, 2021 Council meeting described various criteria for the Council to consider related to determining whether public purposes are served by the purchase at issue. Included in that criteria was a consideration related to whether the Property serves the public transportation network, including motorized and non-motorized transportation. Here, the Council stated an intention that the Property would not only be used for vehicular access, but also for a public access trail that would allow for non-motorized purposes, so this consideration would be met.

Another consideration included in the criteria related to whether the Property serves four or more existing or potential lots. This is based on the definition of a public "street" that is set forth in the Bainbridge Island Municipal Code ("BIMC"), specifically BIMC 18.36.030, and the City's Design and Construction Standards. Here, the Property would directly serve eleven lots, so this consideration would be met in the context of a City street serving all of the lots that abut the roadway.



As above described, the Council regards the purchase of the Property as serving multiple public purposes. Based on those public purposes, the City is seeking to purchase the Property from the County for \$23,352.

Please advise me regarding the next steps in this process from the County's perspective.

Please feel free to contact me with any questions or if you would like to discuss this further.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Blair King'.

Blair King
Bainbridge Island City Manager

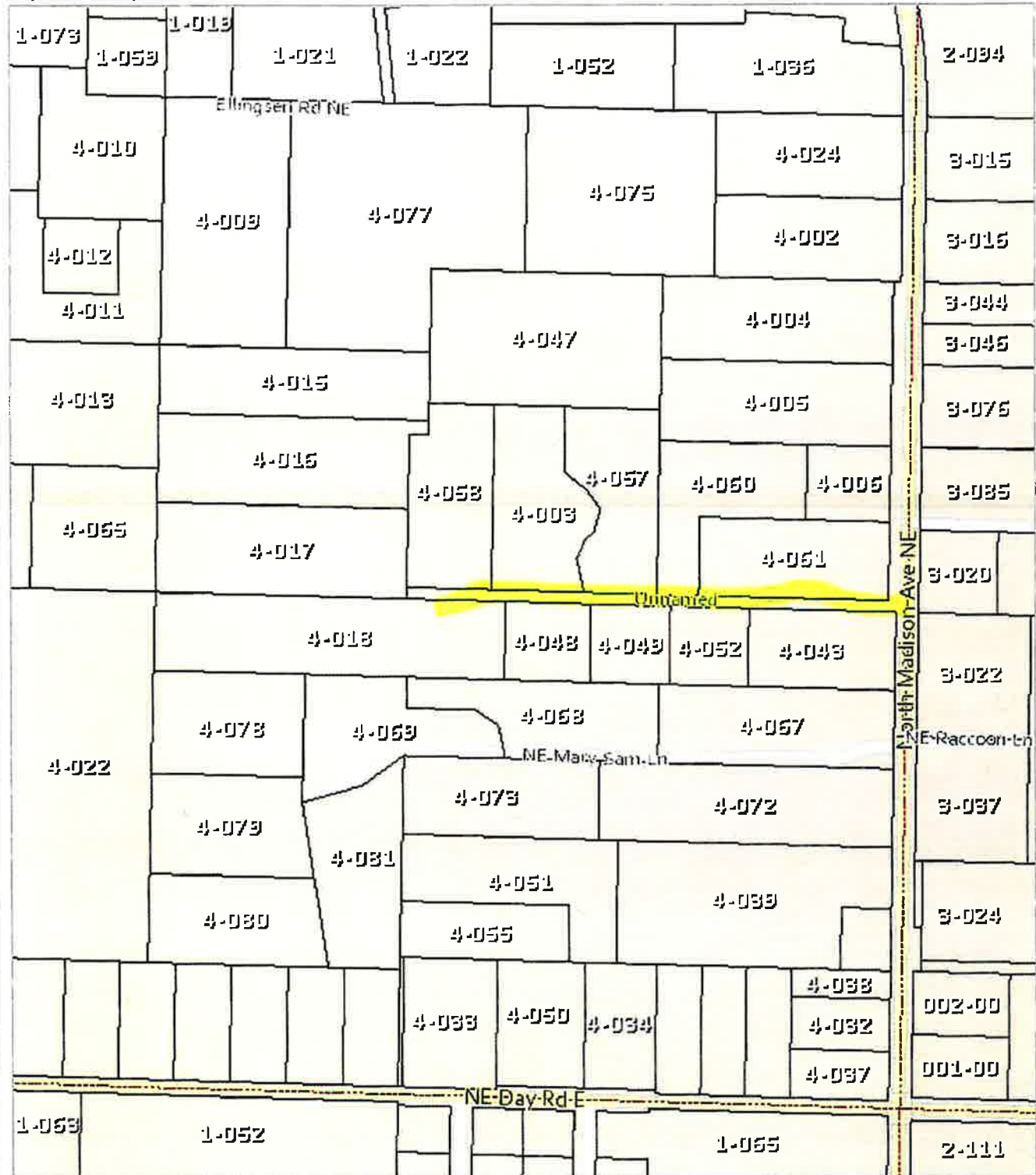
Attachment: Exhibit A (Kitsap County Parcel Map)

cc: Bainbridge Island City Council

Exhibit A

Map Scale: 1 : 4,800

Printed: Thursday, Aug 26, 2021

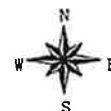


** This map is not a substitute for field survey **

0 200 400ft



Comments



SETTLEMENT AND ACCESS AGREEMENT

This Settlement and Access Agreement (hereinafter “Agreement”) is dated October 12, 2021 for reference purposes, and is entered into by and between Robert Scales (“Scales”), on the one hand, and Tyler and Alexandra Hannon (the “Hannons”), on the other. Scales and the Hannons are collectively referred to herein as the “Parties.”

I. RECITALS

1. Scales together his spouse, Deborah Jenkins, owns a parcel at 13197 Madison Ave NE, Bainbridge Island, Washington, Kitsap Parcel No. 03502-4-048-2008 (the “Scales Parcel”).

2. The Scales Parcel and six neighboring parcels share a privately-maintained lane for access (the “Lane”), pursuant to a Road Maintenance Agreement first recorded with the County in 1984 (the “Road Maintenance Agreement”).

3. The Lane lies mainly upon a strip of land now owned by Kitsap County (the “Tax Title Property”), more fully described as follows:

THE SOUTH 30 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 3, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON.

EXCEPT THE EAST 50 FEET THEREOF.

4. The Hannons own an undeveloped parcel designated as Kitsap County Parcel No. 032502-4-017-2005 (the “Hannon Parcel”). The Hannon Parcel is adjacent to the Tax Title Property, but is not a party to the Road Maintenance Agreement. The Hannon Parcel holds an easement for access by way of Ellingsen Road NE, to the north and west of the Hannon Parcel.

5. The Hannons have recently taken steps to begin development of the Hannon Parcel, and have expressed an interest in use of the Lane for construction, access, and utilities. Scales and other parties to the Road Maintenance Agreement have expressed concerns about the Hannons’ potential use of the Lane.

6. In April 2021, Scales filed an application with the County to purchase the Tax Title Property for the benefit of the existing parties to the Road Maintenance Agreement. Sale of the property to Scales was tentatively scheduled to go before the Board of County Commissioners on July 12, 2021.

7. Meantime, the County notified the City of Bainbridge Island that the Tax Title Property was available for purchase. City officials expressed concern that Scales’ purchase of the Tax Title Property would preclude access by the Hannons. County officials elected to delay sale of the Property to Scales, pending resolution of a potential competing proposal from the City.

8. On July 13, 2021, the Bainbridge Island City Council directed the City Manager to take steps to purchase the Property. On August 27, the City submitted a formal letter to the County reflecting the City's interest in purchasing the Property.

9. Kitsap County officials have encouraged the Parties to mediate in attempt to resolve issues relating to the competing purchase proposals and future use of the Lane.

The Parties now wish to resolve the matter as provided in this Agreement.

II. AGREEMENT

1. **Purchase of Tax Title Property.** Scales will take steps to proceed with purchase of the Tax Title Property from the County. The Hannons will inform the County and the City that they do not object to purchase by Scales, as specified in Section 6 below.

2. **Primary Access to the Hannon Parcel.** The Hannons will develop regular vehicle access to the Hannon Parcel by way of Ellingsen Road NE. The address for the Hannon Parcel will be on Ellingsen Road NE.

3. **The Hannons' Use of Lane.** Scales will grant the Hannons a limited easement for use of the Tax Title Property and the Lane as follows:

- a. *Ingress/egress.* The Hannons will be entitled to use the Lane for non-motorized ingress and egress purposes (*i.e.*, pedestrian and bicycle access). The Hannons will not use the Lane for vehicle access.
- b. *Utilities.* The Hannons will be entitled to use the Tax Title Property for underground utilities. Utilities shall include, but are not limited to water, electricity, and cable, subject to the conditions below.

4. **Utility Access.** The Hannons will consult with the Bainbridge Island City Arborist prior to conducting any trenching or excavation for utilities. The Hannons will follow any mitigation measures recommended by the City Arborist, *provided* that the cost of the project including such measures does not exceed 150% of the typical trenching and installation costs. If the costs exceed 150% of typical costs, Scales will have the option of requiring those mitigation measures and shall be responsible for paying the portion of the costs that exceeds 150% of the typical costs. If the required mitigation costs exceed 150% of the typical costs, Scales will be responsible for paying all costs in excess of 150% of the typical costs.

5. **Survey.** The Parties will conduct and share the costs of a survey to determine the boundaries of the western 700 feet of the Tax Title Property. The Parties will share the costs of the survey equally between them. The Hannons agree that the underground utilities will be located only within the boundaries of the Tax Title Property.

6. **Withdrawal of Objection.** The Hannons will notify the City and the County that they withdraw any objection to Scales' purchase of the County property. The Hannons will join Scales and other neighbors in a letter to the City, substantially in the form of Exhibit A.

7. **Contingency.** This Agreement is contingent on Scales' acquisition of the Tax Title Property. If Scales is unable to purchase the property, then this agreement shall be null and void.

8. **Binding Effect.** This Agreement shall inure to the benefit of and be binding upon each party's heirs, successors, and assigns.

9. **No Third-Party Beneficiaries.** The provisions of this Agreement are for the exclusive benefit of the Parties hereto and their heirs, successors, and assigns, and are not for the benefit of any third person. This Agreement shall not be deemed to have conferred any rights, express or implied, upon any third person.

10. **Amendment.** No amendment of or supplement to this Agreement shall be valid or effective unless made in writing and executed by all of the Parties hereto subsequent to the date of this Agreement.

11. **Tax Effect.** No Party has made or is making any representation to any other Party concerning any of the tax effects of the transactions provided for in this Agreement. No Party shall be liable for or in any way responsible to any other Party because of any tax effect resulting from the transactions provided for in this Agreement.

12. **Other Necessary Documents.** The Parties agree to promptly execute all necessary documents to accomplish the intent of this Agreement.

13. **Execution in Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to constitute an original Agreement, and all of which shall constitute a single Agreement. Copies of executed counterparts and/or facsimile signatures shall be deemed to have the same force and effect as the original executed counterpart. Copies of all counterparts of the Agreement shall be provided to all of the Parties and/or their attorneys.

14. **Representation.** Scales represents that to the best of his knowledge, understanding and belief, based on reasonable inquiry, the parties to the Road Maintenance Agreement accept and are in agreement with the material terms of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date written below.

Dated 10/12/2021 | 4:18 PM PDT

DocuSigned by:
Robert Scales
DA50FED912944A8...

Robert Scales

Dated 10/12/2021 | 4:44 PM PDT

DocuSigned by:
Tyler Hannon
BEC4BDA0702B4B6...

Tyler Hannon

DocuSigned by:
Alexandra Hannon
9A3ED275386B45A...

Alexandra Hannon

Certificate Of Completion

Envelope Id: FF1807C226314CF692CE2239289ACD3C

Status: Completed

Subject: Please DocuSign: Hannon Scales Agreement - Final 2.docx

Source Envelope:

Document Pages: 3

Signatures: 3

Certificate Pages: 2

Initials: 0

AutoNav: Enabled

Envelope Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Envelope Originator:

Robert Scales

13197 N Madison Ave NE

Bainbridge Island, WA 98110

bob@policestrategies.com

IP Address: 73.53.21.107

Record Tracking

Status: Original

10/12/2021 4:06:06 PM

Holder: Robert Scales

bob@policestrategies.com

Location: DocuSign

Signer Events

Alexandra Hannon

alexandranoellehannon@gmail.com

Security Level: Email, Account Authentication
(None)**Signature**DocuSigned by:

9A3ED275386B45A...Signature Adoption: Drawn on Device
Using IP Address: 67.182.133.81
Signed using mobile**Timestamp**

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Viewed: 10/12/2021 4:46:05 PM

Signed: 10/12/2021 4:47:21 PM

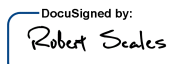
Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Robert Scales

bob@policestrategies.com

CEO

Police Strategies LLC

Security Level: Email, Account Authentication
(None)DocuSigned by:

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Using IP Address: 73.53.21.107

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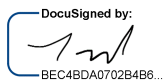
Viewed: 10/12/2021 4:18:44 PM

Signed: 10/12/2021 4:18:51 PM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Tyler Hannon

tyler.r.hannon@gmail.com

Security Level: Email, Account Authentication
(None)DocuSigned by:

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Using IP Address: 67.182.133.81

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Viewed: 10/12/2021 4:20:32 PM

Signed: 10/12/2021 4:44:40 PM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign**In Person Signer Events****Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp**

Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	10/12/2021 4:20:32 PM
Signing Complete	Security Checked	10/12/2021 4:44:40 PM
Completed	Security Checked	10/12/2021 4:47:21 PM
Payment Events	Status	Timestamps



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Authorize the City Manager to Execute the 2022-2024 Fire Safety Services Interlocal Agreement with the Bainbridge Island Fire Department with an Annual Payment of \$190,000 (Escalated by CPI) - Executive,

SUMMARY: The City contracts with the Bainbridge Island Fire Department for certain fire safety services, including plan reviews, fire safety inspections, and outdoor burn permits. The current agreement expires on December 31, 2021. Attached for the City Council's consideration is a new three-year agreement with the Fire Department for these services, which would replace the expiring agreement.

De minimis changes have been made to the agreement to clarify the city's ability to unilaterally settle claims for which it assumes court and legal services costs, and to ensure prompt attention to final inspections for permanent certificate of occupancies.

The annual payment will be \$190,000, escalated at CPI.

AGENDA CATEGORY: Interlocal Agreement

PROPOSED BY: Executive

RECOMMENDED MOTION: Authorize the City Manager to execute the Fire Safety Services Interlocal Agreement with the Bainbridge Island Fire Department in substantially the form attached to this agenda bill.

STRATEGIC PRIORITY: Safe City

FISCAL IMPACT:

Amount:	\$190,000
Ongoing Cost:	\$190,000
One-Time Cost:	
Included in Current Budget?	Yes

BACKGROUND: The City contracts with the Bainbridge Island Fire Department, a separate municipal corporation, for certain fire safety services, including plan reviews, fire safety inspections, and outdoor burn permit administration. The current agreement expires on December 31, 2021.

Attached for the City Council's consideration is a new three-year agreement with the Fire Department for these services, which would replace the expiring agreement. As part of the Fire Department's normal operations, and without cost to the City, the Fire Department provides the following basic services within the City:

- Fire Suppression Services;
- Emergency Medical Services;
- Hazardous Material Incident Response Services;
- International Fire Code Fire Investigation Services; and
- Training.

In addition, the Fire Department and the City collaborate to provide the following shared services as part of each jurisdiction's general service delivery:

- Fire Prevention Services;
- Fire Code Policy Development; and
- Outdoor Burning Complaint Investigation & Enforcement.

The proposed Interlocal Agreement for Fire Safety Services sets forth the terms under which the Fire Department will provide certain other services to the City above and beyond those basic or shared services described above. Attachment A to the proposed Interlocal Agreement describes these services in more detail.

For reference, the current agreement with the Fire Department was for a three-year term, expiring on December 31, 2021, with an annual service fee of \$180,000. This payment, pursuant to the terms of the agreement, was adjusted for inflation in 2020 and again in 2021, resulting in the City paying an annual service fee of \$184,891 in 2021.

ATTACHMENTS:

[2022-2024 Fire Safety Services Agreement](#)

FISCAL DETAILS: There is \$200,000 budgeted in the Public Safety Budget in 2022 that will cover the cost of this contract.

Fund Name(s): General Fund

Coding:

Interlocal Agreement for Fire Safety Services

THIS INTERLOCAL AGREEMENT FOR FIRE SAFETY SERVICES (“Agreement”) is made and entered into by and between the City of Bainbridge Island, a Washington State municipal corporation, (“City”) and Kitsap Fire Protection District No. 2, a Washington State municipal corporation, (“Bainbridge Island Fire Department” or “Fire Department”). This Agreement is entered into pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

1. PURPOSE OF AGREEMENT

As part of the Fire Department’s normal operations, and without cost to the City, the Fire Department provides the following basic services within the City:

- Fire Suppression Services;
- Emergency Medical Services;
- Hazardous Material Incident Response Services;
- International Fire Code Fire Investigation Services; and
- Training.

In addition, the Fire Department and the City collaborate to provide the following shared services as part of each jurisdiction’s general service delivery:

- Fire Prevention Services;
- Fire Code Policy Development; and
- Outdoor Burning Complaint Investigation & Enforcement.

This Agreement sets forth the terms under which the Fire Department will provide certain other services to the City above and beyond those basic or shared services described above.

2. TERM AND TERMINATION

A. This Agreement shall be effective January 1, 2022, and, unless terminated as provided under this Agreement, shall continue in full force and effect through December 31, 2024.

B. This Agreement may be terminated by either party without cause upon 180 days’ written notice to the other party. In the event of termination, all finished or unfinished documents, reports, or other material or work of the Fire Department pursuant to this Agreement shall be submitted or returned to the City, and the Fire Department will be entitled to just and equitable compensation in the form of a percentage of the annual lump sum payment owed under this Agreement. Such percentage shall correspond to the number of months in the year that any satisfactory work was completed prior to the date of termination, with the remainder of the annual lump sum payment being returned to the City.

3. PAYMENT

A. In consideration of the services provided by the Fire Department under this Agreement, the City shall, beginning January 1, 2022, annually make a lump sum payment of one hundred and ninety thousand dollars (\$190,000) to the Fire Department for the duration of this Agreement.

B. The annual lump sum payment will be adjusted on January 1, 2023, and then again on January 1, 2024, based on the June to June Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the Seattle-Tacoma-Bellevue metropolitan statistical area. This adjustment shall be not less than 0% and not more than 3% annually.

4. FIRE DISTRICT RESPONSIBILITIES

The Fire Department shall provide the services described in **Attachment A** to the City pursuant to the terms of this Agreement.

5. CITY RESPONSIBILITIES

A. The City agrees that it will designate the Fire Chief and the Fire Marshal of the Fire Department as the Fire Chief and Fire Marshal of the City for the purpose of enforcing the International Fire Code pursuant to this Agreement.

B. The City agrees that in the event that the Fire Department requests police assistance at the scene of any emergency within the City limits, the City shall exercise best efforts to provide the necessary police support services, if available.

C. For the term of this Agreement, the City agrees to enact and apply the International Building Code and the International Fire Code at a level at least equal to the codes required under state law.

D. The City agrees that all court costs and other legal services incurred in the enforcement of the International Fire Code within City limits shall be paid by the City and shall not be considered an operating expense of the Fire Department. The City shall have sole settlement authority regarding any claims or judgments.

E. The City agrees to consult with the Fire Department in the preparation and enactment of any codes relating to access for emergency vehicles, addressing, fire flow requirements, general fire safety, fire protection system requirements, and wildfire mitigation.

F. The City agrees to not issue building permits for any new or remodeled building or structure subject to the requirements of the International Fire Code until the Fire Department has reviewed and approved a fire protection plan for the building or structure. The Fire Department agrees that its approval or disapproval will issue within four weeks from the time a fully completed fire protection plan is received by the Fire Department.

G. The City agrees that the City Building Official will not issue a temporary or a permanent certificate of occupancy for any new or remodeled building or structure subject to the requirements of the International Fire Code until the Fire Department has conducted a final inspection of all fire protection requirements and verified that the requirements are met, provided that the Fire Department shall conduct a final inspection after receiving a notification from the City Building Official to carry out a final inspection in accordance with current policy and practice. The Fire Department agrees that it will make every effort to have staff available to perform this inspection each of the 52 weeks of the year.

H. Pursuant to BIMC 20.12.050 and BIMC 20.12.060, the City agrees to designate the Fire Chief as its agent for administration of outdoor burning permits, which shall include responsibility for the issuance of outdoor burning permits, investigation of complaints regarding outdoor burning, and the determination of whether instances of outdoor burning are legal or illegal.

I. The City agrees to be responsible for initiating or conducting any court proceedings for the enforcement of the International Fire Code and the requirements of the City Code.

J. The City may charge developers or property owners for services related to this Agreement, as provided for in the most current fee schedule adopted by the City Council. All fee collections will be administered by the City, unless delegated by the City in writing, and all revenues will be deposited in City funds. The Fire Department shall not charge developers or property owners for services related to this Agreement, unless authorized in writing by the City.

K. The City agrees to notify the Fire Department by telephone and in writing (letter or email) if the City: makes any changes in the road or street network within the City; temporarily or permanently closes any road or street to vehicular traffic; or becomes aware of any changes or interruptions in the water service to any area within the City.

6. CHANGES TO CITY CODE

If the City adopts any ordinance that changes the scope of services provided by the Fire Department under the terms of this Agreement, the parties agree to renegotiate the affected provisions of this Agreement as well as the payment provisions of this Agreement.

7. HOLD HARMLESS AND INDEMNIFICATION

A. The Fire Department shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits, including attorney fees, arising out of or resulting from the acts, errors, or omissions of the Fire Department in performance of this Agreement, except for injuries and damages caused by the negligence, criminal acts, or willful misconduct of the City. If such claims, injuries, damages, losses, or suits, including attorney fees, are caused by or result from the concurrent negligence of the City, its officers, agents, employees, or volunteers, then this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Fire Department.

B. The City shall defend, indemnify, and hold the Fire Department, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits, including attorney fees, arising out of or resulting from the acts, errors, or omissions of the City in performance of this Agreement, except for injuries and damages caused by the negligence, criminal acts, or willful misconduct of the Fire Department. If such claims, injuries, damages, losses, or suits, including attorney fees, are caused by or result from the concurrent negligence of the Fire Department, its officers, agents, employees, or volunteers, then this indemnity provision shall be valid and enforceable only to the extent of the negligence of the City.

C. It is further specifically and expressly understood that the indemnification provided herein constitutes each party's waiver of immunity under industrial insurance, Title 51 RCW, solely to carry out the purposes of this indemnification clause. The parties further acknowledge that they have mutually negotiated this waiver.

D. The provisions of this section shall survive the expiration of this Agreement and shall also survive and remain in effect in the event that a court or other entity with jurisdiction determines that this Agreement or any portion thereof is not enforceable.

8. INSURANCE

The Fire Department shall provide insurance coverage for all operations, facilities, equipment, and personnel of the Department. The insurance shall include all risk property insurance, insuring Fire Department equipment and buildings at replacement cost; comprehensive general liability insurance with a minimum policy limit of \$2,000,000 per occurrence; errors and omissions insurance including civil rights coverage, covering the actions of the Fire Department and the legislative body of the Fire Department; auto insurance, including comprehensive and collision coverage at agreed replacement cost and liability coverage with a minimum policy limit of \$2,000,000 per occurrence; boiler and machinery insurance and a fidelity bond covering the actions of Fire Department personnel. The Department shall furnish to the City appropriate documentation showing that such coverage is in effect and that the City is named as an additional insured on the policies where permitted by the insurance carrier.

9. NOTICES

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City: City of Bainbridge Island
 280 Madison Avenue North
 Bainbridge Island, WA 98110
 Attention: City Manager

To the Fire Department: Bainbridge Island Fire Department
 8895 Madison Ave, NE
 Bainbridge Island WA 98110
 Attention: Fire Chief

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

10. NON-EXCLUSIVE AGREEMENT

This Agreement does not preclude either party from entering into similar agreements with other municipal corporations, provided that any such agreements entered into by the Fire Department shall not result in any decrease in service to the City under this Agreement.

11. COMPLIANCE WITH RCW 39.34.040

Pursuant to RCW 39.34.040, this Agreement shall be filed with the Kitsap County Auditor.

12. NO SEPARATE ENTITY

It is not contemplated that, as a result of this Agreement, any property, real or personal, will be jointly acquired by the parties to this Agreement. This Agreement does not establish or create a separate fund or legal entity. Neither party is authorized to bind the other to any contract or obligation. Each party to this Agreement shall be responsible for its own budgeting.

13. SEVERABILITY

If a court of competent jurisdiction holds any part, term, or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected if both parties agree, in writing, that such remainder continues to serve the purposes and objectives of both parties.

14. EXTENT OF AGREEMENT AND MODIFICATION

This Agreement, together with **Attachment A**, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties.

15. GOVERNING LAW

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

16. VENUE

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

17. NO THIRD-PARTY BENEFICIARY

This Agreement is entered into for the benefit of the City and the Fire Department only. In executing this Agreement, the City and the Fire Department do not confer any benefits, direct or implied, on any third parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the later of the signature dates included below.

BAINBRIDGE ISLAND FIRE DEPARTMENT

CITY OF BAINBRIDGE ISLAND

Date: _____

Date: _____

By: _____

By: _____

Hank Teran, Fire Chief

Blair King, City Manager

Attachment A
Fire Department Scope of Services

The Fire Department will provide the following services to the City under the terms of this Agreement.

1. ON-SITE CONSTRUCTION INSPECTIONS

The Fire Department will ensure that fire protection systems are installed according to plan and observe field tests to ensure systems are working properly. The Fire District will make sure that all general fire protection requirements have been met and approve a certificate of occupancy.

2. COMMERCIAL BUILDING FIRE SAFETY INSPECTION PROGRAM

A. To ensure compliance with the International Fire Code, the Fire Department will conduct annual inspections of both commercial and multi-family residential properties located on Bainbridge Island. Violations of the International Fire Code will be addressed in accordance BIMC 20.04.040 and related provisions of the International Fire Code, City Code, and state law.

B. If the Fire Chief determines, in good faith, that circumstances are such that annual inspections of all commercial and multi-family residential properties within the City are not feasible due to resource constraints, the Fire Chief may prioritize inspections of commercial and multi-family residential properties that pose the greatest hazard to public safety and welfare. At the request of the City Manager, the Fire Chief will, in writing, outline and describe such resource constraints and, if requested, provide related records to the City for inspection.

3. BUSINESS LICENSE INSPECTIONS

At the time of the annual fire and life safety inspections of commercial properties, the Fire Department shall confirm that each business has a valid City of Bainbridge Island business license. If a business is operating without a business license, the Fire Department will notify the City's Finance Director, or her or his designee.

4. CONFIDENCE TESTING OF AUTOMATED FIRE PROTECTION SYSTEMS

As required by the International Fire Code, the Fire Department will review submitted confidence test reports of automated fire protection systems in commercial and multi-family buildings.

5. DEVELOPMENT PLAN REVIEW AND INSPECTIONS

The Fire Department will attend pre-application meetings as requested by the City. The Fire Department will review development plans, including, but not limited to: site plan reviews, subdivisions, short and long plats, conditional use permits, ~~planned-unit-developments~~ building permits, and variances. The Fire Department will consult with property owners, developers, architects, engineers, and contractors as requested. The Fire Department's review will focus on conformance with the City's fire code, and the review will include such items as access for emergency vehicles, adequacy of water supply for fire suppression, general life safety requirements, and fire protection system requirements involving such items as sprinklers, fire hydrants, underground waterlines, alarms and wildfire mitigation support and consultation.

6. CONSTRUCTION DRAWING PLAN REVIEWS

The Fire Department will review detailed construction drawings associated with new or existing structures and fire protection systems subject to the requirements of the City's fire code. The Fire Department will consult with property owners, developers, architects, engineers, and contractors as requested. The Fire Department will review other types of construction drawings as requested by the City when Fire Department expertise is needed. The Fire Department will ensure that any building and required fire protection system complies with the International Fire Code and other applicable City ordinances. Fire protection systems may include one or more of the following elements depending on the type of occupancy: sprinklers, fire alarms, fixed extinguishing systems (e.g., range hood systems), hydrants, and underground waterlines.

7. FIRE FLOW TESTING SERVICES

When requested by the City, the Fire Department will review proposed extensions of, or modifications to, existing water systems to assess the adequacy of existing water supply for fighting fires.

8. OUTDOOR BURNING PERMITS

A. As allowed by state law and the Bainbridge Island Municipal Code, the Fire Department will issue written permits for legal forms of outdoor burning. An applicant for an outdoor burning permit may only be charged the fee or fees authorized by City resolution, in accordance with BIMC 20.12.050.C.

B. The Fire Department will respond to complaints regarding outdoor burning and determine whether the outdoor burning is legal or illegal. The Fire Department will take any corrective actions necessary to control or extinguish an illegal or out of control fire.

C. The Fire Department will report violations of the City's outdoor burning regulations to the City's Code Enforcement Officer, who will enforce the City's outdoor burning regulations in accordance with the provisions of the City Code, including BIMC 20.12.060.

9. ADDRESS ISSUANCE

A. In accordance with Chapter 12.16 BIMC, the City has the sole authority to assign an address to structures within the City. When the City receives a request for a new address, the City shall refer the request to the Fire Department for investigation and an address recommendation. The Fire Department will investigate the structure requiring a new address, recommend to the City an address that would comply with the requirements of the City Code, update Kitsap Site Address Manager (KSAM) and notify all other agencies. The City will retain discretion to adopt or reject the Fire Department's recommendation.

B. The Fire Department will report to the City any instances of a structure that is not correctly addressed or is not using the correct address.

10. FIRE DEPARTMENT PERSONNEL PERFORMING SERVICES UNDER THIS AGREEMENT

A. The Fire Chief, or the Fire Chief's designee, will establish the training levels, experience, and certification requirements for Fire Department personnel performing services under the terms of this Agreement and will notify the City Manager, or the City Manager's designee, of these requirements and any changes thereto that occur during the term of this Agreement.

B. Fire Department personnel and City staff shall cooperate as needed to carry out the purposes of this Agreement. The City and the Fire Department agree that operational procedures shall be jointly prepared to govern the scheduling and performance of services performed under this Agreement.

11. ANNUAL AND QUARTERLY REPORTS

The Fire Department agrees to provide the City with a copy of its annual report, together with quarterly reports within forty-five days of the end of each calendar quarter indicating the number and nature of the responses by the Fire Department that occur each quarter within the City. The Fire Department shall keep records of its services for the City.

12. CITY COUNCIL AND FIRE COMMISSIONER MEETINGS

The Fire Chief and the City Manager will make themselves available to attend meetings of the respective governing bodies, at mutually agreed upon times, when requested to do so.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME:

AGENDA ITEM: Cancel November 16, 2021 Study Session

SUMMARY: Council will consider canceling the November 16, 2021 Study Session.

AGENDA CATEGORY: Discussion

PROPOSED BY: City Council

RECOMMENDED MOTION: Cancel November 16, 2021 Study Session.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Receive City Manager's Report,

SUMMARY: Please see attached memoranda.

AGENDA CATEGORY: Presentation

PROPOSED BY: Executive

RECOMMENDED MOTION: Information only.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[CAP2021 Anniversary Memorandum.docx](#)

[PW Springbrook Fish Weir Site Visit Memo 110421.docx](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



Memorandum

Date: November 4, 2021
To: Honorable Mayor and Council
From: Blair King, City Manager
Subject: First Anniversary of the Climate Action Plan

On November 10, 2020, the City Council adopted the Climate Action Plan (CAP). This month marks the one-year anniversary. The 2020 CAP has three overarching goals:

1. Reduce greenhouse gas emissions by 90% by 2045 compared to 2014 levels, with interim milestones of 25% reduction by 2025 and 60% by 2035;
2. Ensure Bainbridge Island is climate savvy and can withstand the impacts of climate change; and
3. Inspire community action and partner with local and regional organizations to take meaningful and equitable climate change mitigation and adaptation actions.

The CAP outlines actions in multiple sectors, including energy, building efficiency, waste, environmental resilience, and transportation, with 18 priority actions identified for implementation in the first year. While some actions were delayed as we worked to hire staff to coordinate implementation of the plan, initial steps were taken to both educate the community about the plan and initiate actions, as noted below.

Climate Officer Autumn Salamack has prepared a summary of actions taken to implement the Climate Action Plan.

2021 Actions in Support of the Climate Action Plan

- In January, the Climate Change Advisory Committee (CCAC) hosted two online events with more than 55 attendees to provide an overview of the CAP and answer questions from the community (Action 8.A.1.d).
- In June, Council passed Ordinance No. 2021-18, which updated the City's municipal code ([BIMC 8.24](#)) to only allow single-use food service products to be provided when a customer asks or confirms they would like to use them (Action 7.A.2.a). Additional actions to reduce waste-related emissions are scheduled before the City Council.
- The City opened the Senior Community Center as a cooling center in June and August in response to excessive heat warnings. Air conditioning and water were available for visitors, and BI Ride and Island Volunteer Caregivers provided rides to the Center as needed (pertains to overarching CAP goal 2).
- In September, Council allocated over \$2 million in American Rescue Plan Act funds for CAP-related activities, including:

- o \$250,000 to install solar panels and storage batteries at a limited number of emergency hubs across the island (Action 8.C.2.a), and
 - o \$2 million for implementation of projects recommended in the forthcoming Sustainable Transportation Plan (Action 4.A.1.a).
- In September, we substantially completed the construction of separated bike lanes on a portion of Eagle Harbor Drive, and in November, we celebrated the opening of the next segment of the Sound to Olympics Trail, a major sustainable transportation network providing a separated shared-use pathway along the SR305 Corridor (Action 4.A.1.a).
- In October, the Climate Mitigation and Adaptation Officer began work to coordinate activities in support of the CAP (Action 8.C.1.b).
- In October, staff submitted a Department of Ecology grant application to help fund work related to mapping sea level rise vulnerabilities and gathering geographic-specific community feedback (Actions 5.B.1.a/b, 5.B.2.a. and 8.A.1.e/f).
- In October, staff submitted a draft Partnership Agreement to Puget Sound Energy to accompany their Franchise Agreement with the City. The Partnership Agreement seeks collaborative action between the City and PSE to address climate change by both reducing GHG emissions and improving the safety and reliability of electricity on the Island (Action 3.B.1.a).
- In October, staff developed Goals and Objectives for a Groundwater Management Plan, including reducing and adapting to climate change impacts (Action 6.B.2.a).
- In November, staff began evaluating the conversion of gas-powered landscaping tools to electric (Action 4.B.1.a).
- Staff is currently finalizing a municipal GHG emissions inventory using 2019 data to evaluate changes in climate pollution resulting from City activities and operations (Action 2.A.2.a).
- The draft Sustainable Transportation Plan, currently planned for submittal to Council in December, includes weighted Climate Action and Resilience criteria to evaluate and rank potential projects and programs using a climate lens (Action 4.A.1.c).

Next Steps

The City's Climate Officer is currently working with staff and the CCAC to develop a 2022 work plan and budget to accelerate implementation of the CAP and provide meaningful opportunities for residents to help us meet our climate action goals. The Climate Officer will also work with the CCAC to produce a brief CAP progress report in early 2022 to be posted on the City website and presented at a future City Council meeting.



Department of Public Works Memorandum

Date: November 4, 2021
To: Blair King, City Manager
From: Christopher Wierzbicki, Public Works Director
Subject: Follow-up on Springbrook Creek Fish Passage Site Visit

Purpose

The purpose of this memo is to document a site visit held on Friday, October 29, 2021, when City staff (Blair King, Chris Wierzbicki, Paul Nylund and Christian Berg) met with Councilmember Michael Pollack at the Springbrook culvert/fish weir near Fletcher Bay Road.

Observations/Discussion

The site visit participants observed the Springbrook Creek fish weir flowing at approximately 4 cubic feet per second - an average flowrate for the stream at the observed time of year – and having been recently improved with temporary sandbags by City staff and volunteers. The temporary improvements were necessary to maintain a proper water depth in each of the weir pools, and to prevent spilling and channelization of flow outside of the weirs, which is occurring due to the deterioration of the structure. No fish were observed at the time of the site visit, but a salmon was observed upstream of the weir and culvert the day prior to the drafting of this memo.

During the visit, Councilmember Pollack offered observations and suggestions regarding the future improvements to the weir and culvert. One suggestion was exploring whether the potential future project scope could be concentrated entirely on improving the reach downstream of the culvert to create a more natural stream channel and leaving the existing culvert – which is not in a failing condition - in place. The City staff agreed to consider these suggestions as part of the project planning.

Next Steps

There are no immediate plans for physical improvements to the facilities, however, the following next steps are planned in 2022:

- Initiate the planned project scoping and pre-design with Mid-Sound Fisheries Enhancement Group using the Council-authorized grant funding;
- As part of that scoping work, explore project scope alternative opportunities and constraints, including a focus only on downstream improvements;
- Implement liner replacement and other more semi-permanent improvements prior to the next spawning season;
- Continue pursuing grant opportunities to support larger project funding.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (7:15 PM) Present Proclamation Honoring Veterans Day on November 11, 2021,

SUMMARY: Council will present a proclamation honoring Veterans Day on November 11, 2021. This proclamation is one of the annual proclamations that may be signed by the Mayor without further Council action.

AGENDA CATEGORY: Proclamation

PROPOSED BY: Executive

RECOMMENDED MOTION: Presentation only.

STRATEGIC PRIORITY: Safe City

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[Veterans Day Proclamation 2021.docx](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



PROCLAMATION

A PROCLAMATION by the City Council of the City of Bainbridge Island, Washington, honoring Veterans Day.

WHEREAS, our nation was founded on the belief that all citizens are guaranteed the inalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS, this freedom we enjoy as Americans does not come without a price; and

WHEREAS, our nation's military veterans have sacrificed to preserve and protect those rights from all enemies foreign and domestic; and

WHEREAS, in 1919, November 11th was initially proclaimed as "Armistice Day" to honor our country's World War I veterans on the one-year anniversary of the signing of the armistice which brought an end to that war; and

WHEREAS, in 1954, President Dwight D. Eisenhower signed legislation which proclaimed every November 11th as a day to honor all veterans of the United States Armed Forces; and

WHEREAS, residents of Bainbridge Island serve and have served in the United States Armed Forces; and

WHEREAS, American Legion, Colin Hyde Post #172, will present a two-part program to commemorate Veterans Day on Thursday, November 11, 2021 with a Veterans Day Program for American Legion members and veterans from the community from 10:45 am to 12:00 pm, and an American Legion Open House from 12:00 to 2:00 pm.

NOW THEREFORE, I, Rasham Nassar, Mayor of the City of Bainbridge Island, on behalf of the City Council, hereby recognize November 11, 2021, as

VETERANS DAY

in the City of Bainbridge Island and encourage all residents to join us in this special observance thanking all veterans for their sacrifice and service to our country.

SIGNED this 9th day of November, 2021.

Rasham Nassar, Mayor



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (7:20 PM) Approve Proclamation Declaring the Week of November 13 - 19 as "Transgender Awareness Week" and November 20, 2021 as "Transgender Day of Remembrance,"

SUMMARY: The attached proclamation declares the week of November 13-19 as "Transgender Awareness Week" and November 20, 2021 as the "Transgender Day of Remembrance." Council added the proclamation for Transgender Awareness Week to the list of annual proclamations that may be signed without further Council action in 2018. The proclamation has been updated this year to add recognition of the Transgender Day of Remembrance.

AGENDA CATEGORY: Proclamation

PROPOSED BY: City Council

RECOMMENDED MOTION: I move to approve the proclamation declaring the week of November 13-19 as "Transgender Awareness Week" and November 20, 2021 as the "Transgender Day of Remembrance" and to add this proclamation to the list of annual proclamations that may be signed by the Mayor without further Council action.

STRATEGIC PRIORITY: Healthy and Attractive Community

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[Transgender Awareness Week and Transgender Day of Remembrance Proclamation 2021.docx](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



PROCLAMATION

A PROCLAMATION by the City Council of the City of Bainbridge Island, Washington, declaring November 13-19, 2021, as “Transgender Awareness Week” and November 20, 2021 as the “Transgender Day of Remembrance.”

WHEREAS, our nation was founded upon the declaration that all people are created equal; that life, liberty, and the pursuit of happiness are among the inalienable rights of every person; and that each person shall be accorded the equal protection of the law; and

WHEREAS, one of the guiding principles of the City of Bainbridge Island is to foster the diversity of the residents of the Island; and

WHEREAS, there are 1.4 million transgender, gender nonconforming people in the United States, but only 16% of Americans say they personally know someone who is transgender, while 87% of Americans say they personally know someone who is gay or lesbian; and

WHEREAS, transgender, gender nonconforming people in the City of Bainbridge Island are our neighbors and are valued and important members of our community; and

WHEREAS, Transgender Awareness Week is a time for transgender, gender nonconforming people and their allies to take action and bring attention to their community by educating the public and advancing advocacy around the issues of prejudice, discrimination, and violence that transgender people face; and

WHEREAS, Transgender Awareness Week is the prelude to the Transgender Day of Remembrance on November 20, 2021; and

WHEREAS, on Saturday, November 20, 2021, the Bainbridge Island Museum of Art will hold a public panel discussion on Transgender experience across generations at 11:00 am, together with a show of the art of Molly Vaughn, a fabric installation honoring Transwomen murdered between 2008 and 2012; and

WHEREAS, a number of Bainbridge Island churches and temples have joined in the Transgender Day of Remembrance Faith Project, sponsored by Bainbridge Pride and Rainbow Crew NW to bring awareness of the Transgender Day of Remembrance into their regular service groups so that Trans and Non-binary youth know their churches see and accept them.

NOW THEREFORE, I, Rasham Nassar, Mayor of the City of Bainbridge Island, on behalf of the City Council, do hereby proclaim November 13-19, 2021, as Transgender Awareness Week and

November 20, 2021 as the Transgender Day of Remembrance in the City of Bainbridge Island and encourage all residents to celebrate the progress within our culture toward justice, equality, and full civic recognition for transgender, gender nonconforming persons and to join them in the fights that remain to be won.

SIGNED this 9th day of November, 2021.

Rasham Nassar, Mayor



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (7:25 PM) Approve Proclamation Celebrating the 30th Anniversary of the Annexation of the City of Bainbridge Island,

SUMMARY: The attached proclamation honors the 30th anniversary of the completion of the annexation of the unincorporated territory of Bainbridge Island to the City of Winslow.

AGENDA CATEGORY: Proclamation

PROPOSED BY: City Council

RECOMMENDED MOTION: I move to approve the attached proclamation celebrating the 30th anniversary of the annexation of the City of Bainbridge Island.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[30th Anniversary Proclamation.docx](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



PROCLAMATION

A PROCLAMATION by the City Council of the City of Bainbridge Island, Washington, Celebrating the 30th Anniversary of the completion of the annexation of the City of Bainbridge Island.

WHEREAS, the opening meeting of the Bainbridge Island Home Rule Committee was held in December 1988; and

WHEREAS, the Home Rule Committee presented a petition for annexation to the Winslow Council on April 6, 1989, which was unsuccessful; and

WHEREAS, on a second attempt for annexation, Mayor Sam Granato and the City Council determined and found that the best interests and general welfare of the City of Winslow and the unincorporated territory of Bainbridge Island would be served by the annexation of that unincorporated territory to the City of Winslow and adopted Resolution No. 90-18, on March 14, 1990; and

WHEREAS, Governor Gardner signed House Bill 6980 which allowed residents to vote on incorporation; and

WHEREAS, at a special election held on November 6, 1990, a majority of the voters residing in the unincorporated territory of Bainbridge Island approved the annexation of that territory to the City of Winslow; and

WHEREAS, the unincorporated territory of Bainbridge Island was annexed to the City of Winslow at 12:01 a.m. on February 28, 1991; and

WHEREAS, at the general election on November 5, 1991, the question of whether the name of the City of Winslow should be changed to the City of Bainbridge Island was approved by the voters; and

NOW, THEREFORE, I, Rasham Nassar, Mayor of the City of Bainbridge Island, on behalf of the City Council, do hereby present this proclamation in honor of the 30th anniversary of the completion of the annexation of the unincorporated territory of the City of Bainbridge Island to the City of Winslow and recognize the considerable achievements of the residents, Mayor, and Council members who worked to accomplish the annexation.

DATED this 26th day of October, 2021

Rasham Nassar, Mayor



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: (7:30 PM) Recognition of Service for Councilmember Carr,

SUMMARY: Council, staff, and the community will recognize Councilmember Carr for her service on Council from May 2020 to November 2021.

AGENDA CATEGORY: Presentation

PROPOSED BY: City Council

RECOMMENDED MOTION: Presentation.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (7:50 PM) Conduct Public Hearing for Ordinance No. 2021-32 Relating to Unnamed Path, 1912 Chautauqua Replat Street Vacation and Forward Ordinance No. 2021-32 to the December 14, 2021 Consent Agenda - Public Works,

SUMMARY: Conduct public hearing, review staff report and forward Ordinance No. 2021-32, based on criteria outlined in BIMC 12.34.110, to the December 14, 2021 business meeting for approval with the consent agenda.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Public Works

RECOMMENDED MOTION: Conduct public hearing and forward Ordinance No. 2021-32 for approval with the December 14, 2021 consent agenda.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	N/A
Ongoing Cost:	N/A
One-Time Cost:	N/A
Included in Current Budget?	No

BACKGROUND: A petition to vacate a portion of Unnamed Path, 1912 Chautauqua Replat was received by the City on September 7, 2021, from Petitioner JOMOJO Hawaii LLC.

Resolution No. 2021-12 set a public hearing date of November 9, 2021, and all public notices were published, posted, and mailed in accordance with BIMC 12.34.080 and state law.

City staff prepared a staff report (attached) which addresses the criteria outlined in BIMC 12.34.110 to be considered by the City Council in determining whether to vacate the street or alley and submitted said staff report in advance of the public hearing in accordance with BIMC and state law. To date, City staff has not received any objections and/or protests to this proposed street vacation.

Pursuant to BIMC 12.34.140, the Director of Public Works has accepted the appraisal prepared by George A. Brooks as of August 11, 2021 in the fair market value amount of \$11,500.00.

Public Works staff has reviewed the proposed street vacation, along with comments received to date, and recommends approval of Ordinance No. 2021-32

Following the public hearing, and consideration of the criteria and other provisions of BIMC 12.34.110, it is recommended that the City Council forward Ordinance No. 2021-32 to the December 14, 2021 business meeting for consideration of approval and resultant vacation of Unnamed Path, 1912 Chautauqua Replat, portion of.

Note: Pursuant to BIMC 12.34.130, prior to the passage of Ordinance No. 2021-32, the full cost of the appraised value of \$11,550 needs to be paid in full as this proposed road vacation area has been a dedicated public right-of-way for more than 25-years. Also, per BIMC 12.34.150, the City Finance Director shall make a written report of the payment to City Council.

ATTACHMENTS:

[Staff Report.docx](#)

[Ordinance No. 2021-32.docx](#)

[Application Packet.pdf](#)

[Comments.pdf](#)

[Appraisal.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



Public Works Department Memorandum

Date: September 17, 2021
To: City Council
From: Chris Wierzbicki, Public Works Director
Subject: Unnamed Path, 1912 Chautauqua Replat (AKA Mountain View Road NE)
Staff Report

Background

The City of Bainbridge Island received a petition to vacate a portion of Mountain View Road NE on May 28, 2021, and then resubmitted on September 7, 2021. City staff has verified the petition to be sufficient and to move forward with a resolution to set a public hearing date.

Proposed Resolution No. 2021-12 is pending approval at the September 28, 2021 Business Meeting, setting a public hearing date of November 9, 2021.

The following tax parcels abut the proposed vacation area: 4140-010-004-0305 and 4140-009-004-0109. See attached map depicting the proposed right-of-way vacation area.

BIMC 12.34.080

Upon passage of Resolution No. 2021-12 setting a public hearing date, City staff shall publish a written notice in the city's official newspaper of record, place signage at each end of the area to be vacated, and mail written notices to all petitioners and all owners of property abutting the street or alley to be vacated 20 days prior to the public hearing date.

Easements

The proposed road vacation ordinance contains a provision retaining or requiring conveyance of easements for construction, repair, and maintenance of existing and future utilizes and services. Currently, there is one existing utility easement for Kitsap Public Utility (KPU) water services.

Appraisal:

The Director of Public Works has accepted the appraisal prepared by George A. Brooks on August 11, 2021, in the fair market value of \$11,550.00. The Applicant will need to pay the

appraised value amount prior to the adoption of the final reading of the proposed road vacation ordinance.

Flagging:

The Applicant's surveyor has flagged the proposed road vacation area.

BIMC 12.34.110 – City Council decision - Criteria:

Following the public hearing and receipt of the staff report, the City Council shall determine whether to vacate the street or alley and forward the proposed road vacation ordinance for a second and final reading to a future business meeting. The determination shall include, but not be limited to, consideration of the following criteria:

- A. Whether a change of use or vacation of the street or alley will better serve the public
The vacation will better serve the public by allowing compensation in lieu of the path that no member of the public is known to have ever used. The path is partially covered by a residential structure and the path to the northwest was vacated in 2009 and the path to the Southeast is partially covered by the neighboring property owner's home (Lot B). A better use to serve the public would be compensation.
- B. Whether the street or alley is no longer required for public use or public access
The path dedicated has had no known use by the public and is not anticipated to have a use in the future given its location dividing the applicant's parcels and the vacated status of the adjacent former path of the northwesterly parcel (Parcel 4140-009-006-0107).
- C. Whether the substitution of a new and different public way would be more useful to the public
A new and different public way, not located the applicant's parcels, would be more useful because it would allow for use, whereas this path has a house that has stood in the path for over 60 years, and it does not provide access anywhere.
- D. Whether conditions may so change in the future as to provide a greater use or need than presently exists
There are no conditions that may change in the future to provide any use or need, the path has never been used as such and a home is built in the path.
- E. Whether objections to the proposed vacation are made by owners of private property (exclusive of petitioners) abutting the street or alley or other governmental agencies or members of the public
The adjacent owners are supportive of the path vacation. The owners to the northwest, Cichowski/Rejzek, completed a vacation of the path that connected to the current path on their property in 2009, (Ordinance No. 2009-08). The owner to the southeast, Bockus, has no objection. No objections to the vacation are known.

If the city council determines to grant the vacation, the action shall be made by ordinance with such conditions or limitations as the city council deems necessary and proper to

preserve any desired public use or benefit. The ordinance may contain a provision retaining or requiring conveyance of easements for construction, repair and maintenance of existing and future utilities and services.

Public, Utility, Agency & Departmental Comments:

Comments regarding the proposed right-of-way vacation were solicited and received from other agencies, utility companies and city departments. The Public Works Department received the following comments to date. See attachments.

Planning and Community Development Department (Heather Wright):

Due to the steepness of the property, the likelihood of there ever being opened (and safely) is nil, plus our reg's (SMP & CAO) would make that challenging. I have no objections.

Police Department (Joseph Clark):

No comments

Bainbridge Island Fire Department (Jackie Purviance):

I don't see any issue with vacating this.

Bainbridge Island Metropolitan Park & Recreation District (BIMPRD) (Perry Barrett):

The highlighted area as shown in yellow (proposed road vacation area) is not a concern to Parks nor to the Park Foundation.

Kitsap Public Utility District (KPUD) (Mike Flaherty):

KPUD has existing infrastructure that runs within this easement. Kitsap PUD has three (3) water meters that are served from the 1 ¼ inch water main. Kitsap PUD is open to relocation of this infrastructure to within the Mountain View Road NE and individual service lines being installed to serve each property. To be clear, Kitsap PUD is open to relocation of this infrastructure, but it would be at the Property Owner/Developer's expense.

Kitsap Public Utility District (KPUD) (Bill Whitely):

I spoke with Mike Flaherty about this and agree with his earlier response. We have no objections to the vacation of the Path R/W, as long as a Utility Easement remains for our active water services. Can you provide us a copy of the Utility Easement?

Puget Sound Energy (PSE) (Kitty Ogg):

This strip appears to have been established when this plat was originally established from my research. I have also researched, through our facility maps, and see that the service to the property is an overhead service. I did not find any reference to any electrical facilities within this area – but would always caution anyone doing any digging in this area to call for locates to verify the location of any underground services. This vacate is recommend by PSE. At any time in the future, the property owner is requiring some electrical service, PSE can obtain an easement if required at that time.

Comcast:

Comcast has no plans in the area and does not require an easement.

Century Link (Don Twiggs):

Century Link via Letter: Qwest Corporation d/b/a CENTURY LINK QC (Century Link) has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit A attached hereto and incorporation by this reference. It is the intent and understanding of Century Link that this vacation shall not reduce our rights to any other existing easement or rights we have on the site or in the area. This vacation response is submitted with the stipulation that if Century Link facilities are found and/or damaged within the vacated area as described, the applicant will bear the cost of relocation and repair of said facilities.

Century Link via Email: Century Link does not have any facilities lying within the proposed vacation area. Our "No Objection to Vacate" mentions that an easement will need to be reserved if any facilities are found within the proposed vacation area. This is to protect anything that may not be mapped in our system. However, our infrastructure map identifies all of our facilities are located within the Mountain View Road NE. Our response is not requiring an easement at this time.

Public Works Staff Recommendation:

Public Works has no objections to this proposed road vacation.

AFTER RECORDING, PLEASE RETURN TO:

Deputy City Clerk
City of Bainbridge Island
280 Madison Ave. North
Bainbridge Island, WA 98110

ORDINANCE NO. 2021-32

Documents Referenced,
Assigned or Released:

N/A

Grantor(s):

City of Bainbridge Island, a Washington State municipal
corporation

Grantees:

JOMOJO HAWAII LLC

Short Legal Description:

Parcel #: 4140-009-004-0109

Res. Parcel C, BLA AFN 200905180311, ptn. Chautauqua Replat
Vol. 4, pg. 15 plats, records Kitsap County,
Ptn. G.L 1, (NE ¼, NE ¼,) Sec. 14, T.25N., R.2E., W.M.
City of Bainbridge Island, Kitsap County, WA.

Parcel #: 4140-010-004-0305

Res. Parcel A, agreement AFN 202105050344, ptn. Chautauqua
Replat Vol. 4, pg. 15 plats, records Kitsap County,
Ptn. G.L 1, (NE ¼, NE ¼,) Sec. 14, T.25N., R.2E., W.M.
City of Bainbridge Island, Kitsap County, WA.

Assessor's Property Tax

Parcel/Account Number(s): 4140-009-004-0109 and 4140-010-004-0305

ORDINANCE NO. 2021-32

AN ORDINANCE of the City of Bainbridge Island, Washington, vacating a portion of Unnamed Path, 1912 Chautauqua Replat abutting Tax Lot Nos. 4140-009-004-0109 and 4140-010-004-0305.

WHEREAS, on September 7, 2021, JOMOJO HAWAII LLC (“Petitioners”) filed a petition to vacate a portion of dedicated right-of-way abutting Unnamed Path, 1912 Chautauqua Replat as shown on **Exhibit B** attached hereto; and

WHEREAS, the vacation of the portion of the street at issue has never been used as public right-of-way; and

WHEREAS, the vacation of the portion of the street at issue is to correct the use as currently there is a residential structure over the path as depicted on **Exhibit B**; and

WHEREAS, on September 22, 2021, the Director of Public Works certified that the petition was legally sufficient having been signed by 100% of the owners of property abutting said right-of-way, exceeding the two-thirds requirement of Bainbridge Island Municipal Code (“BIMC”) 12.34.060; and

WHEREAS, by Resolution No. 2021-12, the City Council set a public hearing before the Council on the proposed vacation for November 9, 2021; and

WHEREAS, City staff posted, published, and mailed notices of the public hearing in accordance with BIMC 12.34.080; and

WHEREAS, BIMC 12.34.110 authorizes the vacation of the portion of the street at issue here and further authorizes the City Council to retain easements for construction, repair, and maintenance of existing and future utilities and services as well as to condition or limit a street vacation as the Council deems necessary to preserve any desired public use or benefit; and

WHEREAS, the City Council held the public hearing at the scheduled time and heard testimony from all interested parties on November 9, 2021; and

WHEREAS, the City Council has considered any objections to the proposed vacation that were made as part of this process by owners of private property abutting the street or other governmental agencies or members of the general public; and

WHEREAS, a vacation of the right-of-way will better serve the public as it’s a correction measure due to it has never been used as public right-of-way and a residential structure currently resides over the path as depicted on **Exhibit B**; and

WHEREAS, the City Council has considered whether conditions may change in the future as to provide a greater use or need than presently exists; and

WHEREAS, the City Council has considered the criteria set forth in BIMC 12.34.110 to determine whether to vacate portion of Unnamed Path, 1912 Chautauqua Replat at issue here; and

WHEREAS, the City Council desires to vacate a portion of Unnamed Path, 1912 Chautauqua Replat legally described on **Exhibit A** and depicted on **Exhibit B**; now therefore,

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

Section 1. Criteria. The City Council considered the criteria set forth in BIMC 12.34.110 to determine whether to vacate the portion of the right-of-way at issue here, including whether the substitution of a new and different public way would be more useful to the public.

Section 2. Findings, Declarations, and Statements. The City Council adopts the following findings, makes the following declarations, and enters the following statements, which address the requirements of BIMC 12.34.110:

A. The City Council does not expect that conditions may so change in the future as to provide a greater use or need than presently exists; and

B. The City Council has considered any objections to the proposed vacation made by owners of private property (exclusive of Petitioners) abutting the street, as well as any objections made by other governmental agencies or members of the general public.

Section 3. Vacation. The portion of right-of-way abutting Tax Lot No. 4140-009-004-0109 and Tax Lot No. 4140-010-004-0305 and as described on **Exhibit A** (legal description) and depicted on **Exhibit B** (map) attached and incorporated by reference, is vacated to JOMOJO HAWAII LLC subject to compliance with the provisions of Chapter 12.34 of the Bainbridge Island Municipal Code, including payment of the full appraised value of the right-of-way.

Section 4. Reservation of Easements. The City Council conditions the vacation on the reservation and retention of any existing easements benefitting the City in the street vacation area, recognizing the Kitsap Public Utility District (KPUD) has an existing easement for water facilities recorded within the street vacation area. Any existing utilities located in the roadway area that will be dedicated to the City as part of this vacation will continue to be governed by franchise or similar agreements.

Section 5. Recording. The City Clerk is authorized and directed to record a certified copy of this ordinance and the deed with the Kitsap County Auditor's office.

Section 6. Effective Date. This ordinance shall be effective five (5) days from and after its passage, approval, and publication as required by law.

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

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

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NUMBER: 2021-32

ATTACHMENTS: Exhibits A – B

EXHIBIT A

LEGAL DESCRIPTION OF RIGHT-OF-WAY VACATION AREA

ADAM • GOLDSWORTHY • OAK
A G O Land Surveying, LLC

1015 NE Hostmark Street, Suite 103
Poulsbo, WA 98370
360.779.4299 206.842.9598
WWW.AGOLS.COM

DATE: May 12, 2021
CLIENT: Jomojo Hawaii LLC
JOB NO: 20-7246

LEGAL DESCRIPTION OF RIGHT OF WAY VACATION AREA

That portion of Resultant Parcel A (Jomojo Hawaii LLC) of the Agreement to Settle Boundary Line recorded under Kitsap County Auditor's File No. 202105050344, and situate in Government Lot 1, Section 14, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Commencing at the North quarter corner of said Section 14, a Standard County Reference Monument, from which the Northwest corner of said Section 14, a Standard County Reference Monument bears North 88°40'52" West 2647.77 feet;
Thence South 88°42'01" East 1319.72 feet to the Northwest corner of said Government Lot 1;
Thence along the West line of said Government Lot 1, South 00°55'50" West 392.30 feet;
Thence along the Northeasterly right of way of Mountain View Road and the Westerly extension thereof, South 65°33'10" East 674.80 feet to the Southwesterly corner of said Resultant Parcel A;
Thence leaving said right of way along the West line of said Resultant Parcel A, North 30°19'20" East 64.59 feet to the True Point of Beginning;
Thence leaving said West line, South 57°04'47" East 100.54 feet;
Thence North 39°07'36" East 5.03 feet;
Thence North 57°04'47" West 101.31 feet to the said West line;
Thence along said West line, South 30°19'20" West 5.00 feet to the True Point of Beginning.



5/12/21

EXHIBIT B

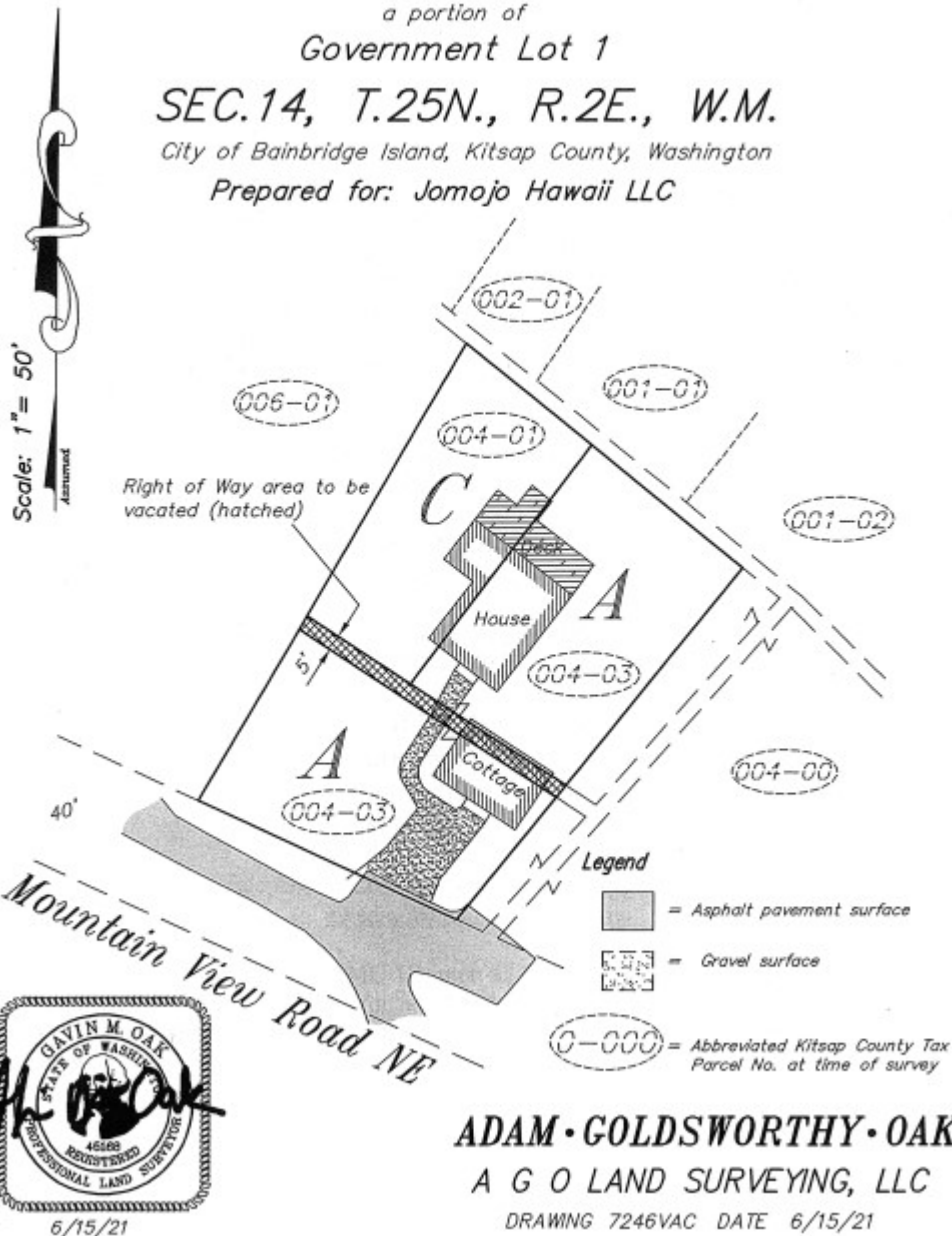
Right of Way Vacation

a portion of
Government Lot 1

SEC.14, T.25N., R.2E., W.M.

City of Bainbridge Island, Kitsap County, Washington

Prepared for: Jomojo Hawaii LLC



- Application
- Petition
- Legal Description
- Replat
- Survey
- Flagging Confirmed

21 SEP 7 PM 3:16



RIGHTS-OF-WAY VACATION

GENERAL

City rights-of-way are established to provide public access to private property and to provide a corridor for utilities. When a portion of the rights-of-way is undeveloped, or is otherwise surplus to the City's needs, the adjacent property owners may petition the City to vacate the rights-of-way. Vacation of rights-of-way is governed by Bainbridge Island Municipal Code (BIMC), Chapter 12.34 and requires a public process that includes an application, a petition, survey & survey data, review by City staff, and ultimately a public hearing and approval by the City Council. At the City Council Hearing, the determination on the vacation will consider, at a minimum, the following criteria per BIMC 12.34.110:

- A. How will change of use or vacation of the street or alley better serve the public?
- B. Is street or alley no longer required for public use or public access?
- C. Whether future conditions would provide a greater use or need than presently exists.
- D. Any objections to the proposed vacation by owners of private property, other governmental agencies or members of the general public.

Compensation for the right-of-way is required. Applications are available at the Public Works Engineering Division, or you may call 206/842-2016 with any questions you may have.

City of Bainbridge Island
Department of Public Works
Engineering Division
280 Madison Avenue North
Bainbridge Island, WA 98110-1812
Telephone: 206/842-2016 — Fax: 206/780-3710
pwadmin@bainbridgewa.gov

This handout is a summary of BIMC Chapter 12.34 to assist in understanding the process. Applicants are directed to the BIMC for full detail of the rights-of-way vacation process. Public Works staff are available to meet with applicants to discuss this process prior to making an application.

APPLICATION

The attached Rights-of-Way Vacation Application shall be submitted to the Engineering Division. A complete application shall include the following information:

- **Petition** – The petition for the vacation, signed by more than two-thirds of the property owners abutting the street or alley to be vacated (the two-thirds is determined on a front footage basis). Note: All of the owners of a property signing the petition must be listed as the property owners with the Kitsap County Treasurer's office.
- **Legal description** – A legal description of the proposed vacation area prepared by a registered land surveyor.
- **Plat Map** – A plat map indicating the proposed vacation area and the specific parcels (showing each parcel's front footage) abutting the proposed vacation area prepared by a registered land surveyor along with a vicinity map.
- **Comment Letter** – A comment letter from each utility company serving the area describing their facilities in the proposed vacation area, and whether an easement must be retained as part of the vacation.
- **Fee** – A non-refundable application fee of \$250.00.
- **Flagging** – The boundaries of the proposed vacation area must be flagged and/or staked by a registered land surveyor. The applicant may be required to maintain or replace the stakes and flagging if it deteriorates or is damaged.
- **Survey** – Per BIMC 12.34.050
- **Vicinity Map** – Per BIMC 12.34.050

PROCESSING

Upon receipt of the application, the City shall review it for completeness, verify the petition signatures, check the legal description, and inspect the proposed vacation area. The applicant will be notified of any errors or additional information that may be required to complete the application. The required information must be provided within 60 days of the request or the application will be terminated and the fee shall be forfeited by the applicant.

ESTABLISHING THE HEARING DATE

Upon verification of the completeness of the petition, and within 30 days of the City's receipt of the completed petition, the Engineering Division shall prepare a Council Agenda Bill and Resolution that establishes the City Council or Public Works Committee hearing date for the proposed vacation. The hearing will occur between 20 to 60 days after the City Council approves the Resolution establishing the hearing date.

PRE-HEARING ACTIVITIES

Once the hearing date is established a number of things will occur at least 20 days prior to the hearing date. The City Clerk and/or the Engineering Division will post a Notice of Hearing in three public places and in a conspicuous place on the area to be vacated. The City shall mail a Notice of Hearing to all of the property owners that abut the right-of-way and all of the utility companies providing service to the area. Notice shall also be published once in the City's official newspaper. The Engineering Division shall prepare a staff report, Council Agenda Bill, and Ordinance for the hearing.

VACATION HEARING

At the Street Vacation Hearing, the staff report shall be presented to the City Council. The staff report shall include discussion of the criteria for city council decision as outlined in BIMC 12.34.110. The City Council shall hear public testimony at the hearing. The City Council may accept, reject, adjust or conditionally approve the street vacation request. The conditional approval may require resolution of conditions that the City Council established to address any issues that the public or the property owners presented at the hearing.

If the hearing is heard before the City Council Public Works Committee, the same procedures for a vacation hearing before the City Council shall be used. Following the conclusion of the hearing, the Public Works Committee shall report its recommendation on the petition to the City Council, which may adopt or reject the recommendation or modify the conditions of the vacation. If a hearing is held before the Public Works Committee, it shall not be necessary to hold a hearing before the City Council.

If the City Council decides to approve the vacation or accept a recommendation for vacation by the Public Works Committee, the City Council shall, by motion, approve such vacation subject to the owners' Determination of Compensation (discussed below), timely payment of the compensation and satisfaction of all other imposed conditions, if any.

DETERMINATION OF COMPENSATION

The value of the vacated property shall be determined prior to the final reading of the vacation ordinance by an appraisal of the property. The appraisal shall be performed by a State certified real estate appraiser who has an MAI or SRA designation from the Appraisal Institute. The appraiser shall be selected from a City list of approved appraisers. The applicant shall pay for the appraisal.

If the Public Works Director is not satisfied with the appraisal, the Director may order a second appraisal from a state-certified appraiser who has an MAI or SRA designation from the Appraisal Institute. The City shall pay for this second appraisal. The Public Works Director shall use the appraisal having the highest value for the area vacated.

The compensation for the vacated area shall be as follows:

- Compensation for the vacated area shall be 50% of the appraised value if the vacated area was not acquired by the City at public expense.
- Compensation for the vacated area shall be 100% of the appraised value if the vacated area was acquired by the City at public expense.
- Compensation for any area abutting a body of water shall be at 100% of the appraised value of the vacated area.

After making the Determination of Compensation, the Public Works Director shall notify the applicant of the compensation amount. Payment of the compensation amount shall be delivered to the Public Works Department, which shall deposit the payment with the City treasurer upon receipt. The Public Works Director shall notify the City Council of payment of the compensation amount.

VACATION ABUTTING A BODY OF WATER

The City is limited in its authority to vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water. Such a vacation may be approved only if:

- 1) The vacation is sought to enable the City to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation or educational purposes, or other public uses;
- 2) The City Council declares by resolution that the street or alley sought to be vacated is not presently being used as a street or alley and that the street or alley is not suitable for port, beach or water access, boat moorage, launching sites, park, public view, recreation or education; or
- 3) The vacation is sought to enable the city to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the street or alley sought to be vacated abut, had the property included in the plan not been vacated.

All applications and petitions for the vacation of a street or alley which abuts, in any part, a body of fresh or salt water shall be subject to the additional research, hearing and compensation requirements set forth in RCW 35.79.035 and Chapter 12.34 BIMC.

PASSAGE OF THE VACATION ORDINANCE

Upon verification from the Public Works Department that such compensation has been fully paid, (per BIMC 12.34130A), and that all other imposed conditions to the vacation, if any, have been satisfied, an ordinance vacating the proposed vacation area shall be placed on the City Council's next consent agenda. The vacation ordinance shall be approved by the City Council without further consideration.

RECORDING OF THE VACATION ORDINANCE

The City Clerk will record the Vacation Ordinance and easements after all conditions of the approval are met. No further City Council action is required.



City of Bainbridge Island Application for Rights-of-Way Vacation

To: City Clerk, City of Bainbridge Island

APPLICANT: JOMOJO Hawaii LLC

ADDRESS: 11000 Mountain View Road NE, Bainbridge Island, WA 98110

Phone: 425-822-5518

Fax: _____

Fax: _____ Cell Phone: 206-972-7040 E-Mail: Jbenoliel67@gmail.com

- | | |
|---|--|
| ☒ Survey | ☒ Flagging |
| ☒ Vicinity Map | ☒ Petition to vacate the rights-of-way |
| ☒ Plat Map showing area to be vacated & front footages per tax parcel | ☒ Application Fee (Non-Refundable) |
| ☒ Legal description of area to be vacated | ☒ Utility & Other Agency Comment Letters |

PARCEL LOCATION: (Give brief description of geographic location) The parcel is located in the
Rolling Bay area, mid-island.

The parcel is the second to the last along Mountain View Road before the end of the street. Access is by way
of Manitou Beach Dr. NE.

Fronting Street: Mountain View Road NE

Adjacent or Nearest Street Intersection: Manitou Beach Drive NE

Comprehensive Plan Map Designations: Residential

Current Zoning: R-2

Explain basis for request to vacate the City rights-of-way: In 1912 the Chautauqua replat was recorded.

On the face of the plat is a path that bi-sects the lots, this path was dedicated to the use of the public. The 5' wide
path is not used by the public. A residential structure was built in the 1960's in the path. The primary
residence is going to be remodeled and the expansion of the footprint may be in the path.

List any easement and/or existing utilities either public or private that abut or cross the proposed vacation: There is an easement benefitting PSE for Electric and/or gas transmission lines, AFN 200902180312,
the exact location is not sufficient for title to determine the scope, but the power poles that supply
power to the residents are on the neighboring parcel (Lot B) to the Southeast. This service does not
utilize the proposed vacation area. See Puget Sound Energy comment letter. There is a new
easement recorded benefitting KPUD to allow for water lines that are presently serving the subject
property located in the proposed vacation area. The easement is attached with the application and
included with the KPUD comment letter. It is recorded under AFN 202109010102.

EXPLANATIONS RELATING TO BIMC 12.34.110:

Explain whether a change of use or vacation of the street or alley will better serve the public:
The vacation will better serve the public by allowing compensation in lieu of the path that no member of the
public is known to have ever used. The path is partially covered by a residential structure and the path to the
northwest was vacated in 2009 and the path to the Southeast is partially covered by the neighboring
property owner's home (Lot B). A better use to serve the public would be compensation.

Explain whether the street or alley is no longer required for public use or public access:
The path dedicated has had no known use by the public and is not anticipated to have a use in the future given
its location dividing the applicant's parcels and the vacated status of the adjacent former path of the
northwesterly parcel (Parcel 4140-009-006-0107).

Explain whether the substitution of a new and different public way would be more useful to the Public: A new and different public way, not located the applicant's parcels, would be more useful because it
would allow for use, whereas this path has a house that has stood in the path for over 60 years and it
does not provide access anywhere.

Describe whether conditions may so change in the future as to provide a greater use or need than presently exists: There are no conditions that may change in the future to provide any use or need, the
path has never been used as such and a home is built in the path.

Discuss whether objections to the proposed vacation are made by owners of private property (exclusive of petitioners) abutting the street or alley or other governmental agencies or members of the general public: The adjacent owners are supportive of the path vacation. The owners to
the northwest, Cichowski/Reizek, completed a vacation of the path that connected to the current path on their
property in 2009. The owner to the southeast, Bockus, has no objection. No objections to the vacation are
known.

PROPERTY OWNERS: List names, mailing addresses of all owners of the abutting property(s) that will receive vacated area property:

n/a - only the applicant will receive vacated area property.

(Attach additional sheets if necessary)

CONTACT PERSON: (to receive all correspondence, advisory reports, hearing notice, etc. via mail and to be primary phone and correspondence contact):

Name: Piper Thornburgh

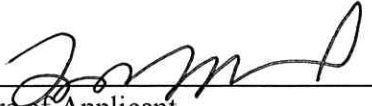
Mailing Address: 180 Ericksen Avenue NE

City: Bainbridge Island State: WA Zip: 98110

Phone: 206-866-6138 Fax: _____

Fax: _____ Cell Phone: 206-910-5943 E-Mail: piper@piperthornburghlaw.com

I hereby state that I am the Applicant, or an Agent for the Applicant, listed above and that the foregoing statements and answers herein made, and all information and evidence herein made, and all information and evidence herewith submitted are in all respects and to the best of my knowledge and belief, true and complete. I understand that the filing fee accompanying this application is non-refundable and is only for the purpose of partially defraying the normal administrative expenses of processing the application, and that the payment of said fee does not result in automatic approval of the vacation requested in this application.


Signature of Applicant

9/7/21
Date

Joe Benoliel Managing Member, JOMOJO Hawaii LLC
Printed Name of Applicant



CITY OF
BAINBRIDGE ISLAND

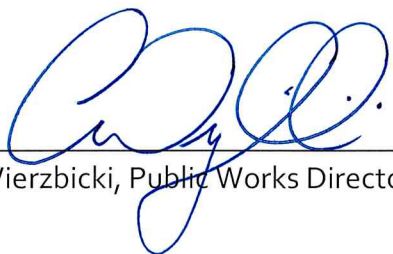
CERTIFICATION OF SUFFICIENCY

Road Vacation for Unnamed Path, 1912 Chautququa Replat (AKA Mountain View Road NE)

<u>Tax Lot #</u>	<u>Ownership of Record</u>	<u>Front Footage</u>	<u>Petition Signed ?</u>	<u>% Signing</u>
4140-009-004-0109	JOMOJO HAWAII LLC	40.46	Yes	19.97%
4140-010-004-0305	JOMOJO HAWAII LLC	60.85	Yes	30.03%
4140-010-004-0305	JOMOJO HAWAII LLC	101.31	Yes	50.00%
	Totals:	202.62		100.00%

Pursuant to RCW 35A.01.040, total required for sufficiency is signed by more than two-thirds of the property owners abutting the street or alley to be vacated.

I certify to the best of my knowledge that this petition is sufficient.


Chris Wierzbicki, Public Works Director


Date

DATE: May 12, 2021
CLIENT: Jomojo Hawaii LLC
JOB NO: 20-7246

LEGAL DESCRIPTION OF RIGHT OF WAY VACATION AREA

That portion of Resultant Parcel A (Jomojo Hawaii LLC) of the Agreement to Settle Boundary Line recorded under Kitsap County Auditor's File No. 202105050344, and situate in Government Lot 1, Section 14, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington, described as follows:

Commencing at the North quarter corner of said Section 14, a Standard County Reference Monument, from which the Northwest corner of said Section 14, a Standard County Reference Monument bears North $88^{\circ}40'52''$ West 2647.77 feet;
Thence South $88^{\circ}42'01''$ East 1319.72 feet to the Northwest corner of said Government Lot 1;
Thence along the West line of said Government Lot 1, South $00^{\circ}55'50''$ West 392.30 feet;
Thence along the Northeasterly right of way of Mountain View Road and the Westerly extension thereof, South $65^{\circ}33'10''$ East 674.80 feet to the Southwesterly corner of said Resultant Parcel A;
Thence leaving said right of way along the West line of said Resultant Parcel A, North $30^{\circ}19'20''$ East 64.59 feet to the True Point of Beginning;
Thence leaving said West line, South $57^{\circ}04'47''$ East 100.54 feet;
Thence North $39^{\circ}07'36''$ East 5.03 feet;
Thence North $57^{\circ}04'47''$ West 101.31 feet to the said West line;
Thence along said West line, South $30^{\circ}19'20''$ West 5.00 feet to the True Point of Beginning.

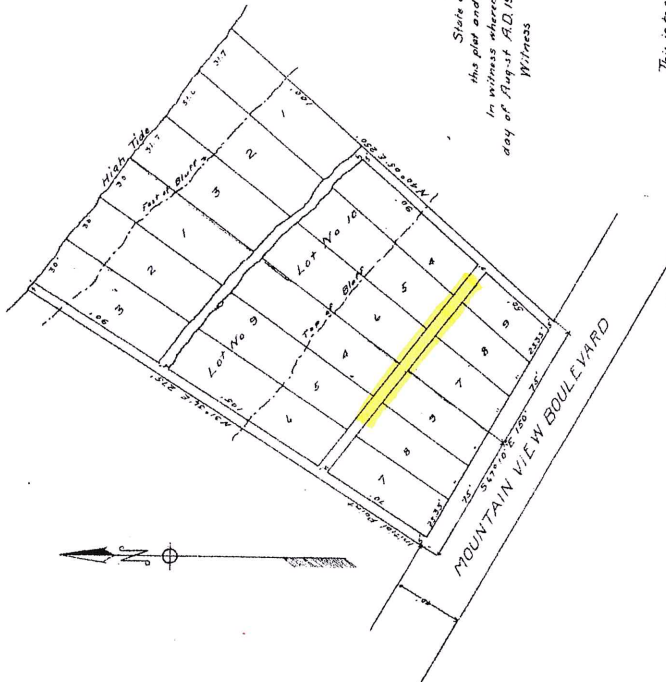


5/12/21

CHAUTAUQUA REPLAT

or
Lots 9 and 10, Block 1 of Manitou Park

Scale 1/320=1"



DESCRIPTION

This trust embraces all of lots 9 and 10 Block 1 of Manitou Park. The dimensions of lots and the widths of all streets and paths are as shown upon the plat. The Initial Point is the SW corner of Lot 9.

DEDICATION

Know all Men by these Presents - that the H.B. Adams Co a corporation, duly organized and existing under and by virtue of the laws of the State of Washington and having its principal place of business in the City of Seattle, Washington, owner in fee simple of the above described tract, does hereby dedicate this plot and hereby dedicate to the use of the public forever all paths shown thereon. In witness whereof the said corporation has caused its name to be subscribed hereunto and its Corporate seal to be affixed by its President on this 29th day of August AD 1912.

H.B. Adams Co
per H.B. Adams PRESIDENT

ACKNOWLEDGMENT

This is to certify that on this 29th day of August AD 1912 before me a Notary Public in and for the State of Washington, residing at Seattle, personally appeared H.B. Adams in me known to be the President of the corporation that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the use and purposes therein mentioned and on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said Corporation.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year first above written.
Chas. B. West
NOTARY PUBLIC

DEDICATION

Know all men by these presents: That the Title Trust Co. a corporation, duly organized and existing under and by virtue of the laws of the State of Washington and having its principal place of business in the City of Seattle, Washington, owner of the above described tract, does hereby dedicate this plot and hereby dedicate to the use of the public forever all paths shown thereon. In witness whereof the said Corporation has caused its name to be subscribed hereunto and its corporate seal to be affixed by its Secretary on this 29th day of August AD 1912.

J. W. Maxwell
PRESIDENT
W.S. Howard
ASST. SECRETARY

ACKNOWLEDGMENT

This is to certify that on this 29th day of August AD 1912 before me a Notary Public in and for the State of Washington, residing at Seattle, personally appeared J. W. Maxwell & W.S. Howard to me known to be the President & Assistant Secretary of the corporation that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said Corporation for the use and purposes therein mentioned and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said Corporation.

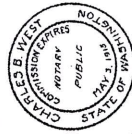
In witness whereof I have hereunto set my hand and affixed my official seal the day and year first above written.
Chas. B. West
NOTARY PUBLIC

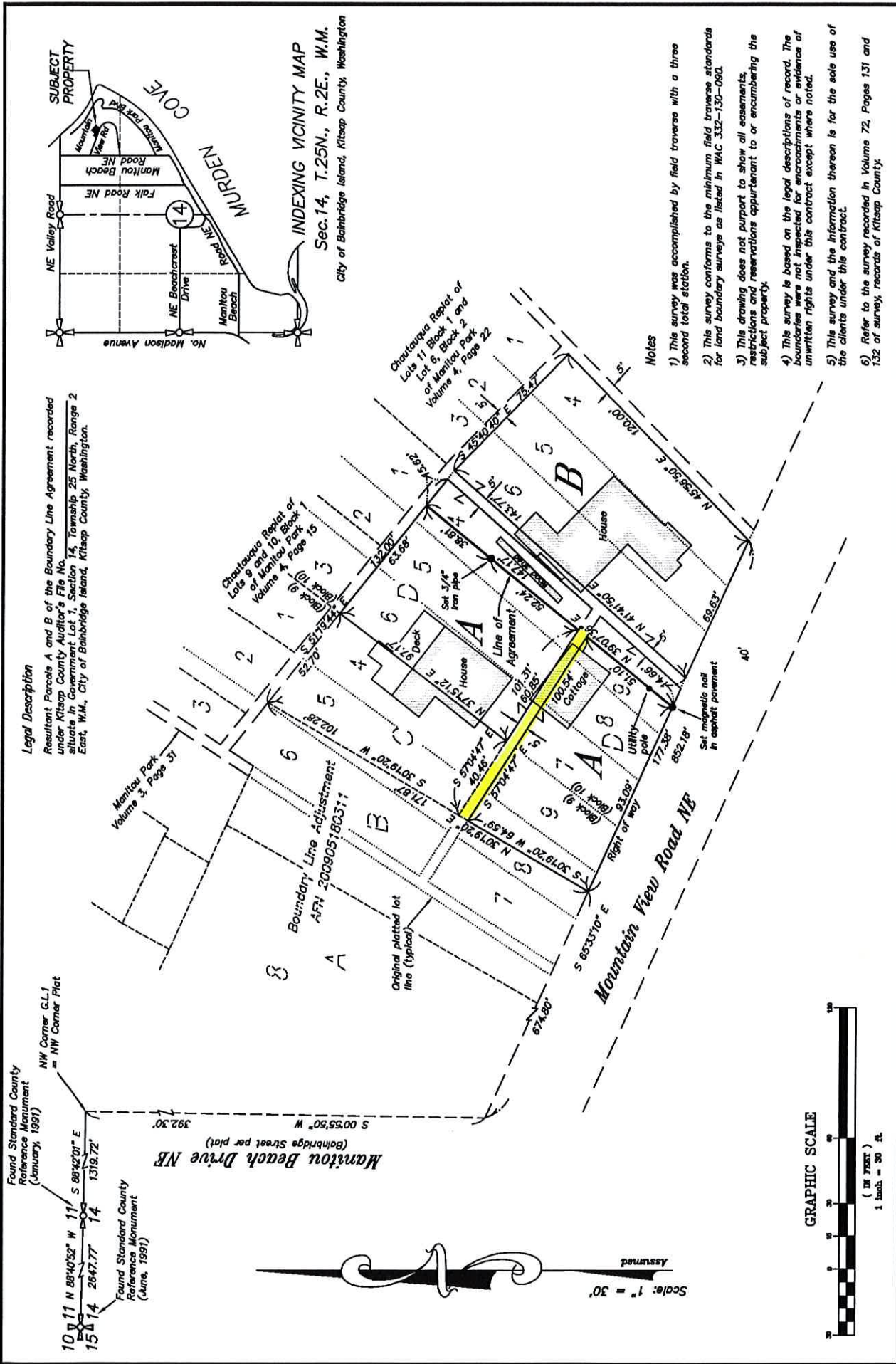
Examined and approved this 31st day of Sept AD 1912
R. Strait
COUNTY ENGINEER

Examined and approved by the Board of County Commissioners on this 30th day of September AD 1912.
A.J. Schold Chairman

Filed for record at request of H.B. Adams Co Sept. 3, 1912 at 3:40 P.M.

By J.M. Peterson Deputy
J.M. Peterson County Auditor
F.F. Wild Civil Engineer
Hoge Blag Seattle





AUDITOR'S CERTIFICATE Filed for record this _____ day of _____, 2021, at _____ in Volume _____ of surveys, Page _____, and under Auditor's File No. _____, at the request of A G O Land Surveying LLC		SURVEYOR'S CERTIFICATE This map correctly represents a survey made by me or under my direction in accordance with the requirements of the Survey Recording Act at the request of Jomob Hawaii LLC in Feb., 2021	
County Auditor _____	Deputy _____	Govin M. Oak, P.L.S. 45168	Date 4/23/21
ADAM • GOLDSWORTHY • OAK A G O LAND SURVEYING, LLC 1015 NE HOSTMARK STREET POULSBORO, WA 98370 (360)779-4299 (206)842-9598		a survey of a portion of Government Lot 1 (NE 1/4 NE 1/4) SEC. 14, T. 25N., R. 2E., W.M. City of Bainbridge Island Kitsap County, Washington	
DATE 4/23/21	DWG. NO. 7246S	FIELD BOOK 1608	SHEET 1/1

FW: Flagging needed for 11000 Mountain View Road/ Joel Benoliel



Piper Thornburgh <piper@piperthornburghlaw.com>

To  Joan Haase

 You forwarded this message on 9/16/2021 3:18 PM.

From: "Gavin Oak, A G O Land Surveying, LLC" <gavin@agols.com>
Date: Friday, July 16, 2021 at 2:52 PM
To: Piper Thornburgh <piper@piperthornburghlaw.com>
Cc: Joel Benoliel <jbenoliel67@gmail.com>
Subject: RE: Flagging needed for 11000 Mountain View Road/ Joel Benoliel

Hi Piper,

The right of way vacation area has been flagged up. Please let me now if you have any questions.

Thanks
Gavin

From: Piper Thornburgh <piper@piperthornburghlaw.com>
Sent: Tuesday, July 6, 2021 1:30 PM
To: Gavin Oak, A G O Land Surveying, LLC <gavin@agols.com>
Cc: Joel Benoliel <jbenoliel67@gmail.com>
Subject: Re: Flagging needed for 11000 Mountain View Road/ Joel Benoliel

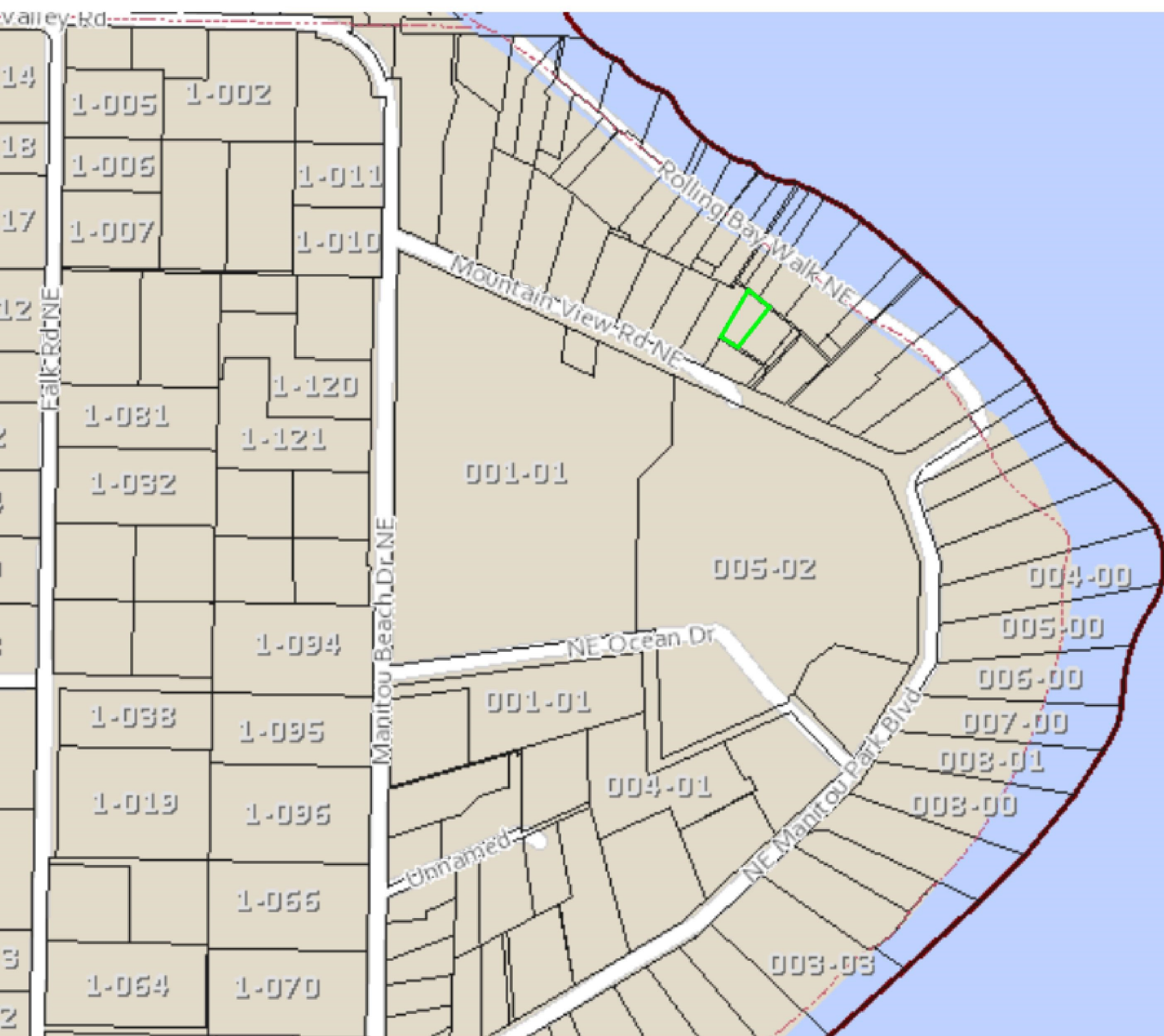
Thank you!

From: "Gavin Oak, A G O Land Surveying, LLC" <gavin@agols.com>
Date: Tuesday, July 6, 2021 at 12:56 PM
To: Piper Thornburgh <piper@piperthornburghlaw.com>
Cc: Joel Benoliel <jbenoliel67@gmail.com>
Subject: RE: Flagging needed for 11000 Mountain View Road/ Joel Benoliel

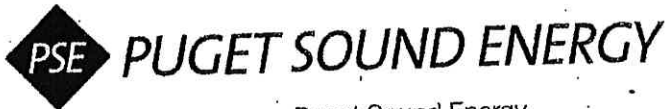
Hi Piper,

I have it on the schedule for next week.

Thanks
Gavin



Comment Excerpts



Puget Sound Energy
6522 Kitsap Way
Bremerton, WA 98312
PSE.com

May 6, 2021

RE: Vacate Southerly Strip (Road) Adjacent to 11000 Mountain View Rd NE

To Whom It May Concern,

Puget Sound Energy received a request to review and report any concerns that we might have regarding the vacation of this road and was given a copy of Boundary Line Adjustment 200905180311 with the area highlighted.

This strip appears to have been established when this plat was originally established from my research. I have also research through our facility maps and see that the service to the above mentioned property is an overhead service. I did not find any reference to any electrical facilities within this area – but would always caution anyone doing any digging in this area to call for locates to verify the location of any underground services (as they may not appear on our maps).

This vacate is recommended by Puget Sound Energy. At any time in the future the property owner is requiring some electrical service, PSE can obtain an easement if required at that time.

Sincerely,

Kitty Ogg
Sr. Real Estate Representative
Puget Sound Energy
Kitsap Service Center
Kitty.ogg@pse.com



CenturyLink

6/7/2021

Piper Thornburgh Law LLC
ATTN: Piper Thornburgh
182 Ericksen Avenue NE
Bainbridge Island, WA. 98110

Property Owner:
Jomojo Hawaii, LLC,
A Washington Limited Liability Company

No Reservations/No Objection

SUBJECT: Proposed partial road vacation affecting PTN Lots 4, 5, 8 & 9, and Lots 4-9, Blk 10, all in Chautauqua Replat of Lots 9 & 10, Block 1 of Manitou Park, a part of Section 14, Township 25 North, Range 02 East located in Kitsap County, State of Washington.

APN: 4140-010-004-0305 and 4140-009-004-0109

To Whom It May Concern:

Qwest Corporation d/b/a CENTURYLINK QC ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

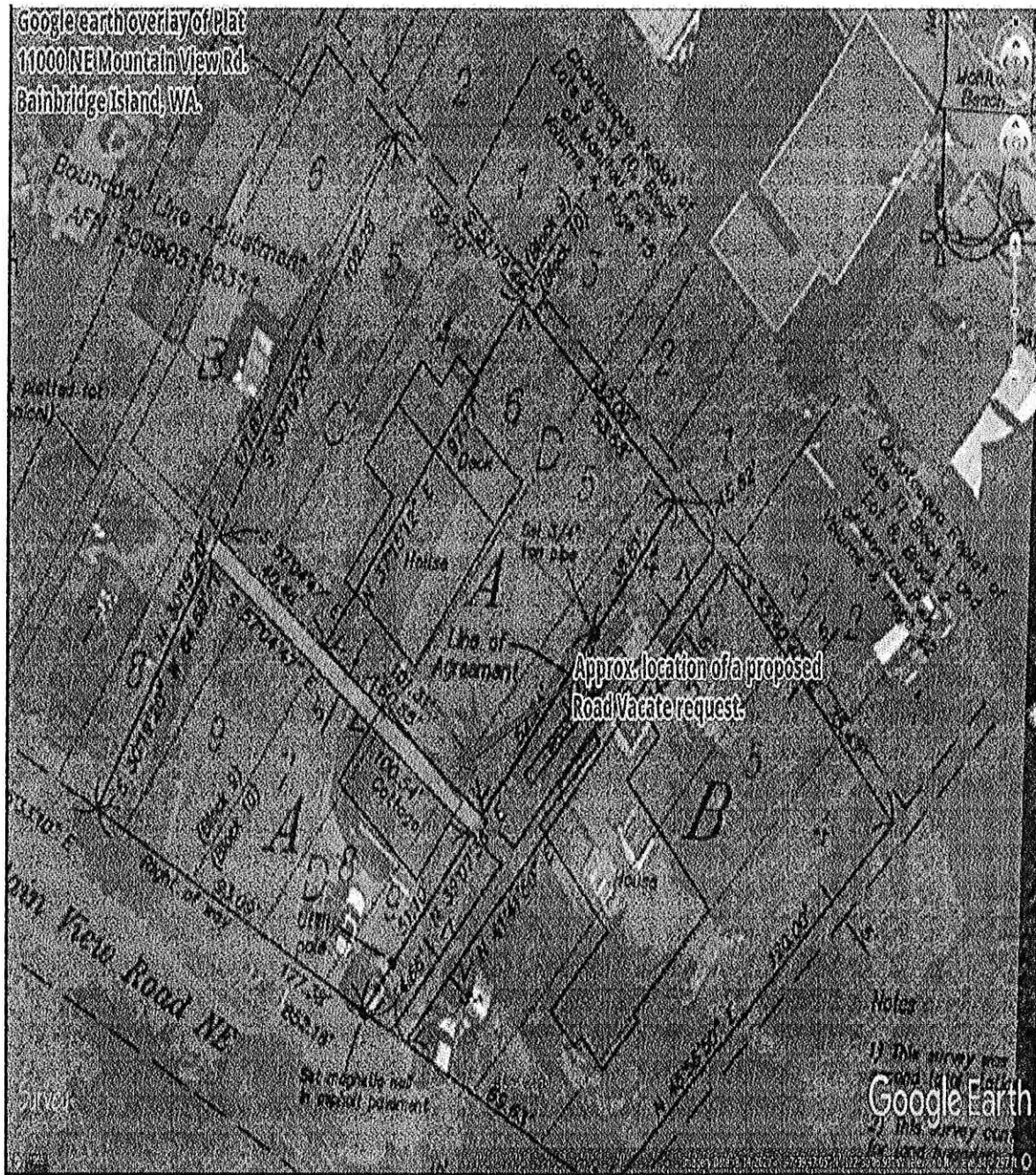
It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

Sincerely yours,

Don Twiggs
Network Infrastructure Services
CenturyLink
P836736

Exhibit A



Subject: RE: P836736 / Comment sought road vacation
Date: Wednesday, July 21, 2021 at 11:04:16 AM Pacific Daylight Time
From: Twiggs, Don <Don.Twiggs@lumen.com>
To: Piper Thornburgh <piper@piperthornburghlaw.com>
Attachments: image004.jpg, image006.jpg, image008.png, image009.png, image001.jpg, image002.jpg

Mrs. Thornburgh,

CenturyLink does not have any facilities lying within the proposed vacation area. Our No Objection to Vacate mentions that an easement will need to be reserved, IF any facilities are found within the proposed vacation area. This is to protect anything that may not be mapped in our system. However, our infrastructure map identifies all of our facilities are located within the Mountain View Rd. Right of Way. Our response is not requiring an easement at this time.

Please call if you need more clarification.



Don Twiggs
Contractor - ROW Agent – Network Infrastructure
Services
8021 SW Capitol Hill Rd, Portland, OR. 97219
Cell: 425-480-1204
Don.Twiggs@lumen.com

From: Piper Thornburgh <piper@piperthornburghlaw.com>
Sent: Thursday, July 8, 2021 10:25 AM
To: Twiggs, Don <Don.Twiggs@lumen.com>
Subject: Re: P836736 / Comment sought road vacation

Dear Mr. Twiggs,
Can you please see attached correspondence and provide a response. Further information is required.
Thank you,
Piper

Piper M. Thornburgh
PIPER THORNBURGH LAW PLLC
180 Ericksen Avenue NE
Bainbridge Island, WA 98110
(206) 866-6138

Subject: RE: Comment sought road vacation

Date: Friday, July 9, 2021 at 7:37:18 AM Pacific Daylight Time

From: LeCompte, Jim <Jim_Lecompte@comcast.com>

To: Piper Thornburgh <piper@piperthornburghlaw.com>

Comcast have no plant in the area and does not require an easement

Thank you

Jim LeCompte

Comcast Cable

Construction Specialist 2

Cell (360)340-1288

Jim_lecompte@cable.comcast.com

From: Piper Thornburgh <piper@piperthornburghlaw.com>

Sent: Thursday, July 8, 2021 10:27 AM

To: LeCompte, Jim <Jim_Lecompte@cable.comcast.com>

Subject: [EXTERNAL] Re: Comment sought road vacation

Dear Mr. LeCompte,

Can you please see attached correspondence and provide a response. Further information is required.

Thank you,

Piper

Piper M. Thornburgh
PIPER THORNBURGH LAW PLLC
180 Ericksen Avenue NE
Bainbridge Island, WA 98110
(206) 866-6138
www.piperthornburghlaw.com

From: "LeCompte, Jim" <Jim_Lecompte@comcast.com>

Date: Thursday, May 13, 2021 at 11:28 AM

To: Piper Thornburgh <piper@piperthornburghlaw.com>

Subject: RE: Comment sought road vacation

Thank you

Jim LeCompte

Comcast Cable

Construction Specialist 2

Cell (360)340-1288

Jim_lecompte@cable.comcast.com

Subject: RE: comment sought road vacation

Date: Thursday, May 13, 2021 at 12:10:08 PM Pacific Daylight Time

From: Perry Barrett <perry@biparks.org>

To: Piper Thornburgh <piper@piperthornburghlaw.com>

The highlighted area as shown in yellow is not a concern to Parks nor to the Park Foundation, according to Barb Trafton.

Perry

From: Piper Thornburgh <piper@piperthornburghlaw.com>

Sent: Thursday, May 13, 2021 11:09 AM

To: Perry Barrett <perry@biparks.org>

Subject: FW: comment sought road vacation

Hello,

Just sending this email again in follow up as I did not receive a response.

Could you please review and supply comment.

Thank you,

Piper M. Thornburgh
PIPER THORNBURGH LAW PLLC
182 Ericksen Avenue NE
Bainbridge Island, WA 98110
(206) 866-6138
www.piperthornburghlaw.com

*** CONFIDENTIALITY NOTICE ***

PRIVILEGED AND CONFIDENTIAL

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This electronic message is privileged and confidential attorney work product that is intended solely for the use of the individuals and/or entities named above. If you are not a named and intended recipient, you are hereby advised that any use, dissemination, distribution or copying of this communication is prohibited without the express authorization of the sender. If you have received this electronic message in error, please immediately notify the sender by telephone and delete the electronic message from your inbox.

SPECIAL NOTICE TO CLIENTS: If you are my client and this email is directed to you, DO NOT FORWARD to any other party, or you could be waiving the attorney-client privilege.

From: Piper Thornburgh <piper@piperthornburghlaw.com>

Date: Thursday, May 6, 2021 at 10:53 AM

To: "perry@biparks.org" <perry@biparks.org>

Subject: comment sought road vacation

RE: Proposed Road Vacation for a portion of Property Located at 11000 Mountain View Road (see attached)

Subject: FW: Comment sought road vacation
Date: Monday, May 10, 2021 at 7:20:38 AM Pacific Daylight Time
From: Jackie Purviance <jpurviance@bifd.org>
To: Piper Thornburgh <piper@piperthornburghlaw.com>
Attachments: image001.png, Survey showing area of vacation, Plat Map .pdf

Good morning Piper,

Jared sent this over to me. I don't see any issue with vacating this. Please let me know if you have any questions.

Jackie Purviance
Deputy Fire Marshal

Bainbridge Island Fire Department

8895 Madison Ave NE
Bainbridge Island, WA 98110
Phone 206-451-2033
Fax 206-842-7695
www.bifd.org



From: Jared Moravec <jmoravec@bifd.org>
Sent: Thursday, May 6, 2021 11:03 AM
To: Jackie Purviance <jpurviance@bifd.org>
Subject: Fwd: Comment sought road vacation

For you...

Sent from my iPhone

Begin forwarded message:

From: Piper Thornburgh <piper@piperthornburghlaw.com>
Date: May 6, 2021 at 10:55:20 MST
To: Jared Moravec <jmoravec@bifd.org>
Subject: Comment sought road vacation

RE: Proposed Road Vacation for a portion of Property Located at 11000 Mountain View Road (see attached)

To Whom It May Concern:

Thank you,
Piper

Piper M. Thornburgh
PIPER THORNBURGH LAW PLLC
180 Ericksen Avenue NE
Bainbridge Island, WA 98110
(206) 866-6138
www.piperthornburghlaw.com

From: Mike Flaherty <mflaherty@kpud.org>
Date: Thursday, May 27, 2021 at 9:55 AM
To: Piper Thornburgh <piper@piperthornburghlaw.com>
Cc: Jeff Holt <jholt@kpud.org>, Bill Whiteley <bwhiteley@kpud.org>
Subject: FW: comment sought on road vacation

Piper,

To be clear. Kitsap PUD is open to the relocation of this infrastructure, but it would be at the Property Owner/Developer expense.

Thank you,
Mike Flaherty
360 626-7725
mflaherty@kpud.org
www.kpud.org



From: Mike Flaherty
Sent: Thursday, May 27, 2021 9:12 AM
To: Piper Thornburgh <piper@piperthornburghlaw.com>
Cc: Jeff Holt <jholt@kpud.org>; Bill Whiteley <bwhiteley@kpud.org>
Subject: RE: comment sought on road vacation

Hi Piper,

KPUD has existing infrastructure that runs within this easement. Kitsap PUD has 3 water meters that are served from the 1 1/4" water main. Kitsap PUD is open the relocation of this infrastructure to within the Mountain View ROW and individual service lines being installed to serve each property. If you have questions please let me know.

Thank you,

Subject: RE: comment sought on road vacation
Date: Tuesday, July 6, 2021 at 12:52:52 PM Pacific Daylight Time
From: Bill Whiteley <bwhiteley@kpud.org>
To: Piper Thornburgh <piper@piperthornburghlaw.com>
CC: Jeff Holt <jholt@kpud.org>, Mike Flaherty <mflaherty@kpud.org>, Bill Broughton
(bill@kitsaplawgroup.com) <bill@kitsaplawgroup.com>
Attachments: image003.jpg, image004.jpg, image005.jpg

Dear Piper,

I spoke with Mike about this, and agree with his earlier response. We have no objection to the vacation of the path R/W, as long as a Utility Easement remains for our active water services.

Can you provide us a copy of the Utility Easement you are referring to?

Best wishes,

Bill Whiteley, PE

District Engineer
Kitsap PUD
1431 Finn Hill Rd.
Poulsbo, WA 98370
Office (360)626-7747



Kitsap PUD #1 is subject to the Washington Public Records Act, RCW 42.56. Therefore, this email, and its attachments if any, may be disclosed as a public record.

From: Piper Thornburgh <piper@piperthornburghlaw.com>
Sent: Tuesday, July 6, 2021 11:16 AM
To: Mike Flaherty <mflaherty@kpud.org>
Cc: Jeff Holt <jholt@kpud.org>; Bill Whiteley <bwhiteley@kpud.org>
Subject: Re: comment sought on road vacation

Dear Mike,

I am writing in follow up to a request for Utility comment on a ROW vacation petition at the request of the City for clarification. You previously advised that there is existing infrastructure in the location (see below emails and attached KPUD map), what I need clarification on is whether KPUD has any objection to the requested 5' path being vacated (see attached drawing of area to be vacated).

As I understand it, the main water lines are within the five foot utility easement under the power lines; the easement is not being affected. The vacation requested does not impact existing lines as far as I can see. However, I have been advised by my client that some of the meters may not be in the easement. It appears some of the meters may relate to beach homes below on Rolling Bay Walk.

Please send a comment on whether KPUD objects to the vacation request.

*After recording, return to:
Piper Thornburgh Law, PLLC
182 Ericksen Avenue NE
Bainbridge Island, WA 98110*

EASEMENT FOR WATER FACILITIES

GRANTOR(S): JOMOJO Hawaii, LLC
GRANTEE(S): Public Utility District No. 1 of Kitsap County

**Legal Descriptions
(abbreviated):** PTN Lots 4, 5, 8 & 9, Blk 9, and Lots 4-9, Blk 10, all in
Chatauqua Replat of Lots 9 & 10 Block 1 of Manitou Park

Tax Parcel Number(s): 4140-010-004-0305, 4140-009-004-0109

EASEMENT FOR WATER FACILITIES

THIS EASEMENT AGREEMENT is made this 25th day of August, 2021, between **JOMOJO Hawaii, LLC**, a limited liability company of the State of Washington, herein referred to as "GRANTOR", and **Public Utility District No. 1 of Kitsap County**, a municipal corporation, herein referred to as "GRANTEE," for the purpose of addressing existing infrastructure located in a dedicated Right of Way that is being petitioned to the City of Bainbridge Island to be vacated. This easement allows the existing infrastructure (underground water lines and any above ground meters) and its appurtenant structures to remain in place as presently constructed.

RECITALS

WHEREAS, GRANTOR is the legal owner in fee of the certain real property and improvements commonly known as and located at 11000 Mountain View Road, NE, Bainbridge Island, Washington ("JOMOJO Parcel") and legally described in **Exhibit A** attached hereto and by reference made a part of this Easement.

WHEREAS, the Kitsap PUD has a portion of its water lines and meters located on, over, above, across and below the JOMOJO Parcel; and

Excise Tax Exempt
2021-08-31
HBEYL

WHEREAS an approximate location of the infrastructure is depicted on the attached drawing, attached hereto as **Exhibit B**; and

WHEREAS, for valuable consideration, the GRANTOR agrees for purposes stated herein to grant an easement to allow that portion of said lines and meters and its appurtenant structures to remain as constructed subject to the conditions contained within the grant of Easement herein, for the benefit of the GRANTEE.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

EASEMENT

1. Grantors' Real Property. JOMOJO Hawaii, LLC ("Grantors"), are fee owners of the real property which is legally described **Exhibit A**.
2. Grant of Easement. In consideration of one and no 100th Dollars (\$1.00), and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, and the terms and conditions of this Agreement, JOMOJO Hawaii, LLC, GRANTOR, hereby grants to Public Utility District No. 1 of Kitsap County, GRANTEE, a non-exclusive, perpetual easement ("Easement") within a portion of the real property in Kitsap County, Washington, legally described in Exhibit A (the "Property" herein) where it is located within an area of five feet (5') in width. The approximate location is depicted in the attached drawing as **Exhibit B** ("Easement Area").
3. Binding Effect. This Easement and the rights and obligations under this grant of Easement are intended to and shall run with the land and shall benefit and bind the parties and their respective successors and assigns.
4. Purpose, Access, Duration. The Easement described herein is for the use of GRANTEE to allow the lines and meters and its appurtenant structures to remain in place as presently constructed and to allow for pedestrian access in and around the Easement Area for the purpose of inspection and maintenance of the lines and meters and its appurtenant structures. GRANTEE shall have the right of access to the Easement Area over and across the Property to enable Grantee to exercise its rights hereunder, provided that GRANTEE shall compensate GRANTORS for any damage to the Property caused by the exercise of said right of access. No expansion or further encroachment of the lines and meters or its appurtenant structures is allowed beyond the Easement Area. This Easement shall terminate if the lines and meters are relocated and the GRANTOR assumes ownership of the lines.
5. Obstructions, Landscaping. GRANTEE may from time to time remove trees, bushes, or other obstructions within the Easement Area and may level and grade the Easement Area to the extent reasonably necessary to carry out the purposes set forth in paragraph 4 hereof, provided, that following any such work, GRANTEE shall, to the extent reasonably practicable, restore the Easement Area to the condition it was immediately prior to such work.

6. GRANTOR'S Use of Easement. GRANTOR reserves the right to use the Easement Area for any purpose not inconsistent with the rights herein granted, provided; that Grantor shall not construct or maintain any building or other structure within the Easement Area which would interfere with the exercise of the rights herein granted, except that the existing structure shall remain in place and does not need to be removed or altered by the grant of this Easement; that no digging, tunneling or other form of construction activity shall be done to the Property which would disturb the compaction or unearth GRANTEE'S facilities within the Easement Area, or endanger the lateral support to said facilities; and that no blasting shall be done within one hundred fifty (150) feet of the Easement Area.

7. Governing Law. The place of making this Agreement shall be deemed the County of Kitsap, State of Washington, and the legal rights and obligations of the parties provided for herein shall be determined in accordance with the laws of the State of Washington.

8. Recitals and Headings. The statements made by the parties in the Recitals above are a part of this Easement are true and correct and hereby incorporated by reference into this Agreement. Headings in the Easement are for convenience only and shall not be used to interpret or construct its provisions.

9. Counterparts and Facsimile signatures. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Facsimile signatures of this Agreement shall be permitted and shall be deemed original signatures for purposes of this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the later of the signature dates below.

GRANTORS:

JOMOJO Hawaii, LLC
Joel Benoliel, Its Member

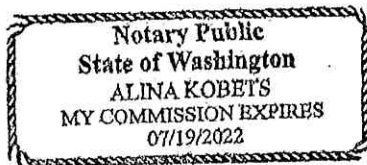
By: Joel Benoliel, (Date) August 19, 2021

STATE OF WASHINGTON)

KING) ss
COUNTY OF ~~KITAP~~)

On this 19th day of August 2021, before me personally appeared Joel Benoliel to me known to be a member of the JOMOJO Hawaii LLC and that he executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of the LLC, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

GIVEN under my hand and official seal this 19th day of August, 2021.



[Signature]

~~Piper M. Thornburg~~ Alina Kobets
NOTARY PUBLIC in and for the State of
Washington Belleve
Residing at Bainbridge Island, WA.

My commission expires ~~April 20, 2023~~ 07/19/2022

GRANTEE(S):
Kitsap PUD

By: *[Signature]*, (Date) 8/25/2021

STATE OF WASHINGTON)
COUNTY OF KITSAP) ss

On this 25 day of August, 2021, before me personally appeared Peter Hunter, to me known to be the manager of Kitsap PUD that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said entity, for the uses and purposes therein mentioned, and on oath stated that he or she was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]

William Broughton [Signature]
[Print Name]

NOTARY PUBLIC in and for the State of
Washington
Residing at Bremerton,
WA.
My commission expires 8/16
2024

Exhibit A

Parcel I:

Resultant Parcel C of Boundary Line Adjustment recorded under Auditor's File Nos. 200905180311 and 200905180312, being a portion of Lots 4 and 5, Block 9, Plat of Chautauqua Replat of Lots 9 and 10, Block 1 of Manitou Park, according to the plat recorded in Volume 4 of Plats, page 15, records of Kitsap County, Washington.

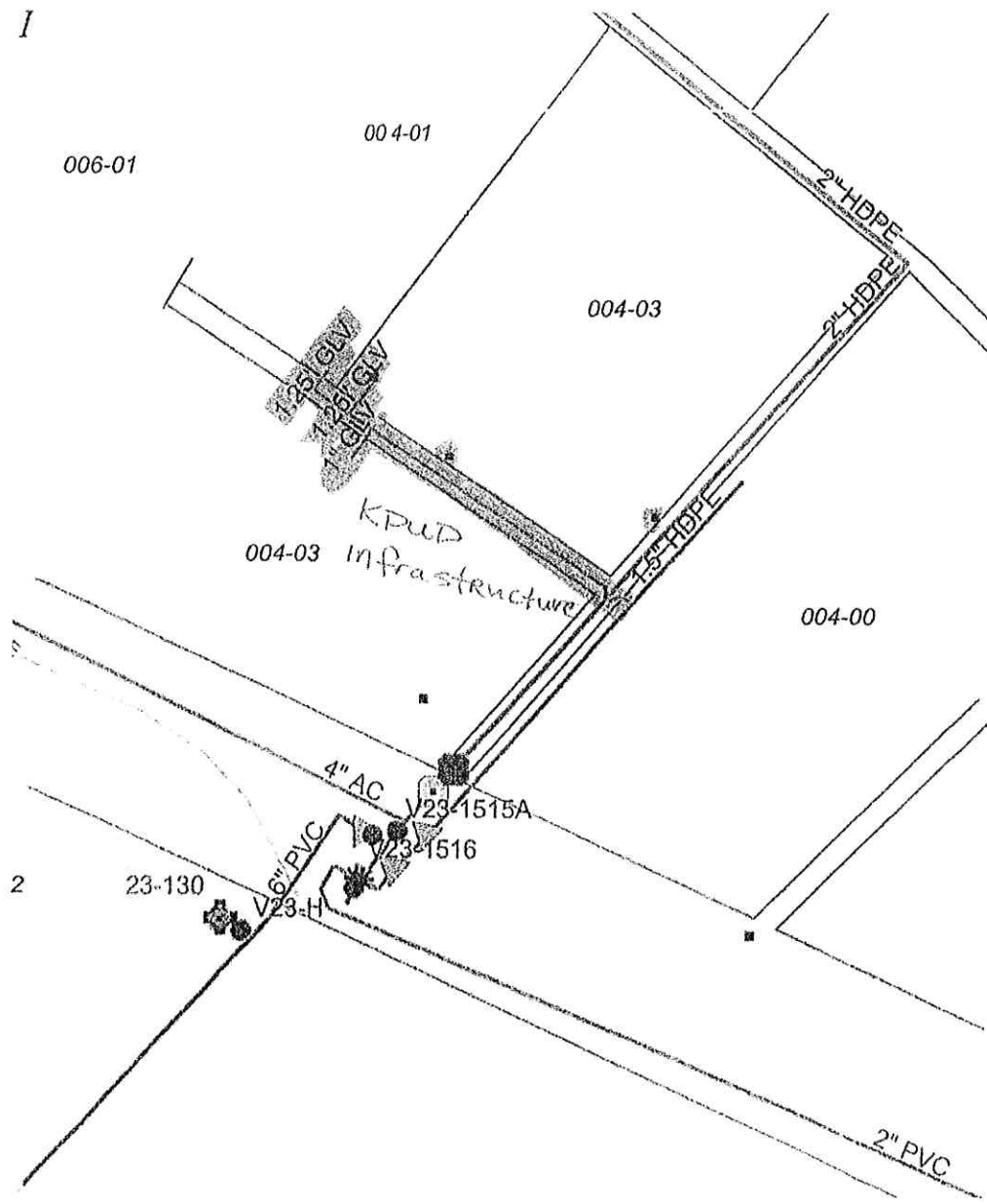
Parcel II:

Resultant Parcel D of the Boundary Line Adjustment recorded under Auditor's File No. 200905180311, and as depicted on survey recorded under Auditor's File No. 200905180312 in Volume 72 of surveys, Pages 131-132, records of Kitsap County, and situate in Government Lot 1, Section 14, Township 25 North, Range 2 East, W.M., City of Bainbridge Island, Kitsap County, Washington.

EXCEPT that portion lying Southeasterly of the following described line:

Commencing at the North quarter corner of said Section 14, a Standard County Reference Monument, from which the Northwest corner of said Section 14, a Standard County Reference Monument bears North 88°40'52" West 2647.77 feet;
 Thence South 88°42'01" East 1319.72 feet to the Northwest corner of said Government Lot 1;
 Thence along the West line of said Government Lot 1, South 00°55'50" West 392.30 feet;
 Thence along the Northeasterly right of way of Mountain View Road and the Westerly extension thereof, South 65°33'10" East 767.89 feet to a magnetic nail set in asphalt pavement by A G O Land Survey, LLC in February, 2021 and the True Point of Beginning;
 Thence leaving said right of way, North 39°07'36" East 108.37 feet to a ¾" iron pipe set by A G O Land Surveying, LLC in February, 2021;
 Thence continuing North 39°07'36" East 38.81 feet to the Northeasterly line of said Resultant Parcel D and the terminus.

Exhibit B



Joan Haase

From: Joe Clark
Sent: Tuesday, May 11, 2021 7:44 AM
To: Joan Haase
Subject: RE: Comment sought for proposed road vacation

We have no comments.

JOSEPH N CLARK JR, CHIEF OF POLICE

Bainbridge Island Police Department
625 Winslow Way East
Bainbridge Island, WA 98110
www.bainbridgewa.gov
206.842.5211 (Office)
206.780.4686 (Desk)
206.887.8097 (Mobile)

From: Joan Haase <jhaase@bainbridgewa.gov>
Sent: Tuesday, May 11, 2021 7:36 AM
To: Joe Clark <jclark@bainbridgewa.gov>
Subject: FW: Comment sought for proposed road vacation

From: PWAdmin
Sent: Thursday, May 6, 2021 12:13 PM
To: Engineering Distribution Group <EngineeringDistributionGroup@bainbridgewa.gov>; Charles Krumheuer <ckrumheuer@bainbridgewa.gov>; Dave Marquis <dmarquis@bainbridgewa.gov>; Aaron Claiborne <aclaiborne@bainbridgewa.gov>; Joel Goodwin <jgoodwin@bainbridgewa.gov>
Cc: Administrative Team Distribution Group <AdministrativeTeamDistributionGroup@bainbridgewa.gov>
Subject: FW: Comment sought for proposed road vacation

Please let me know if you have any comments regarding this proposed 5' Pathway (see map showing highlighted proposed road vacation area)
By Friday, May 14th.

Thanks,
--Joan

From: Piper Thornburgh <piper@piperthornburghlaw.com>
Sent: Thursday, May 6, 2021 10:57 AM
To: PWAdmin <PWAdmin@bainbridgewa.gov>
Subject: Comment sought for proposed road vacation

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

Joan Haase

From: Heather Wright
Sent: Thursday, July 22, 2021 5:52 PM
To: Joan Haase; Joe Clark
Cc: Rob Grant
Subject: RE: Comments sought for proposed road vacation (Photo Attached)

Thanks for the opportunity to comment. Due to the steepness of the property, the likelihood of this ever being opened (and safely) is nill, plus our reg's (SMP & CAO) would make that challenging. I have no objections.

Thanks,
Heather

HEATHER WRIGHT, AICP

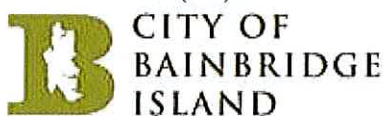
Director of Planning and Community Development

www.bainbridgewa.gov

facebook.com/citybainbridgeisland/

206.780.3754 (office)

206.471-2721 (cell)



The Planning and Community Development Department (PCD) counter is now open for general questions Monday – Friday, 8 am to Noon. All permits require an [appointment](#) for submittal. If you have questions you want answered virtually, schedule an afternoon [appointment](#).

From: Joan Haase <jhaase@bainbridgewa.gov>
Sent: Tuesday, July 20, 2021 11:58 AM
To: Heather Wright <hwright@bainbridgewa.gov>; Joe Clark <jclark@bainbridgewa.gov>
Cc: Rob Grant <rgrant@bainbridgewa.gov>
Subject: RE: Comments sought for proposed road vacation (Photo Attached)

Hi Heather,

I stopped by but you look busy so I'm sending a photo that better shows the situation.

The proposed road vacation is abutting two lots owned by same property owner.

4140-009-004-0109 JOMOJO HAWAII LLC
4140-010-004-0305 JOMOJO HAWAII LLC

The photo shows lot # 004-03 (L-shaped); then 004-01. There're two existing houses that both share a driveway to access Mountainview.

The 5' strip has never been used as ROW; and as you can see by the pic goes through the lower house.

Map Scale: 1 : 1,200

Printed: Tuesday, Jul 20, 2021



** This map is not a substitute for field survey **

0 50 100ft



Comments



RECEIVED

SEP 07 2021

EXECUTIVE DEPT.

RESTRICTED APPRAISAL REPORT

of

**JOMOJO RIGHT OF WAY VACATION
11000 MOUNTAIN VIEW ROAD NE
BAINBRIDGE ISLAND, WA 98110**

as of

August 11, 2021

Prepared for

Piper M. Thornburgh
Piper Thornburgh Law PLLC
180 Ericksen Avenue NE
Bainbridge Island, WA 98110

Prepared by

George A. Brooks, Appraiser

ComPraise

*425 Ericksen Avenue NE, Suite 215
Bainbridge Island, Washington 98110*

Ref. 2117

ComPraise

425 Ericksen Avenue NE, Suite 215
Bainbridge Island, WA 98110

George A. Brooks
(206) 201-3557
Email: george@compraise.com

August 17, 2021

Piper M. Thornburgh
Piper Thornburgh Law PLLC
180 Ericksen Avenue NE
Bainbridge Island, WA 98110

RE: **Kitsap County Tax ID Nos. 4140-010-004-0305 & 4140-009-004-0109**
Bainbridge Island, WA

Dear Ms. Thornburgh:

At your request, I have prepared an appraisal of the above-referenced property that is described in the attached report. As requested, I have estimated the increase in market value to the subject real estate resulting from the prospective vacation of a portion of a Right Of Way (ROW) for a path which bisects the subject property. The proposed vacation of the path ROW is the result of the fact that the ROW was granted in the 1900's, currently bisects a structure on the subject property and has not been used for decades. The owner of the subject desires to purchase this portion of the path ROW since it is not currently utilized as a walking path and there are no plans to reuse the path. It has been researched and written in conformity with the current requirements of the Uniform Standards of Professional Appraisal Practice (USPAP), as formulated by the Appraisal Foundation. This appraisal is presented as a restricted report, which is the least expansive report permitted under USPAP, and recognizes the client's familiarity with the subject. Such a report is not intended to be used nor would it be readily understood by anyone not familiar with the subject. The date of value of this appraisal is August 11, 2021 which is the date of the most recent inspection of the subject.

Identity of Subject Property

The subject of this appraisal includes two tax parcels in eastern Bainbridge Island that is identified by the Kitsap County Assessor's tax identification numbers 4140-010-004-0305 and 4140-009-004-0109. The subject totals about 16,118 square feet of land which is improved with a 1,312 square foot house and a 740 square foot cottage. It should be noted that although the subject has existing residential improvements it is being valued under a hypothetical condition as if it is in a vacant condition at the direction of the client. In my opinion, this results in a credible opinion regarding the value impact of the prospective partial acquisition because the effective utility and value contribution of the improvements is not altered from the vacation of the ROW.

Purpose of Appraisal

The purpose of this appraisal is to establish the increase in the market value of the subject property resulting from the proposed partial acquisition of a portion of the adjacent Right of Way to be acquired by the subject owner.

The term "market value" is defined as follows:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date, and the passing of title from seller to the buyer under conditions whereby:

- a. the buyer and seller are typically motivated;*
- b. both parties are well informed or well advised, and acting in what they consider their own best interests;*
- c. a reasonable time is allowed for exposure in the open market;*
- d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
- e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."*

Source: Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions [f].

Property Rights Appraised

This is an appraisal of the fee simple interest in the subject property in the before condition, and the fee simple interest in the subject property in the after condition recognizing the proposed vacation of a portion of the path ROW by the subject owner.

Intended Use/User of Appraisal

The intended user of this report is the client, Piper Thornburgh, attorney for JOMOJO Hawaii LLC, owner of the subject, and her authorized associates, employees, representatives or agents. This appraisal will be used to determine the increase in market value to the subject real estate resulting from the prospective vacation of a portion of the path ROW. This appraisal is not intended or authorized for any other use or users.

Scope of Appraisal

The scope of work performed in this appraisal is in compliance with the specific guidelines of the Uniform Standards of Professional Appraisal Practice (USPAP) to produce a credible value opinion that meets the expectations of parties who are regularly intended users of similar appraisal assignments and is also in accord with the analysis that the appraiser's peers would perform in a similar appraisal assignment.

The direct sales comparison approach is used to value the subject in both the before and after conditions. The cost approach is not appropriate because the subject is being valued as if in an unimproved condition. The income capitalization approach is not appropriate because the subject is not income producing property.

A subdivision analysis is not performed in this analysis since the subject property has no subdivision potential.

Report Type

This analysis is presented in a report format that meets the requirements for a *restricted* report under USPAP guidelines. This concise report format is not intended for and would not be readily understood by anyone unfamiliar with the subject. Discussions and analysis are abbreviated in this document, with supporting data retained in my files for reference.

Inspection of Property/Notice of Contact with Property Owner

I performed an unaccompanied inspection of the subject property on August 11, 2021. One of the owners of JOMOJO Hawaii LLC, Joe Benoliel, was contacted prior to the inspection and declined to attend.

Location and Description of Subject Property

The subject consists of about 16,118 square feet of land that is located in a residential neighborhood in the eastern portion of Bainbridge Island, which is located in the northeast portion of Kitsap County in western Puget Sound. The subject lot is adjacent to Mountain View Road NE along its south boundary. Electrical power is provided by Puget Sound Energy and public water is provided by KPUD. Waste would be accommodated by on-site septic systems which is typically used in this area.

The survey drawing on the following page shows the location of the path ROW on the subject property and the area proposed for vacation by the owner of the subject. This drawing was provided by the A G O Land Surveying, LLC. I have modified the drawing to illustrate the subject property. There is no change to the subject land area in the after condition. Rather, the subject owner will remove the unused path ROW to remove this encumbrance on the property. This partial vacation includes a strip of land bisecting the property totaling about 550 square feet. While this will result in the addition of unencumbered land to the subject, it will not alter the property rights associated with the subject.

The subject is located at the crest of a steep hillside along the northeast boundary. The southeast portion of the subject is identified by Kitsap County as having a high hazard for landslides soil and erosion. These hazard areas could impact development of the property.

Zoning

The subject falls within the City of Bainbridge Island's R-2 zoning designation. This is a residential zoning designation permitting a maximum density of two unit per acre. The Bainbridge Island Municipal Code states that the purpose of this zoning designation is:

"to provide residential neighborhoods in an environment with special Island character consistent with other land uses such as agriculture and forestry, and the preservation of natural systems and open space, at a somewhat higher density than the R-1 district."

EXHIBIT A
Right of Way Vacation

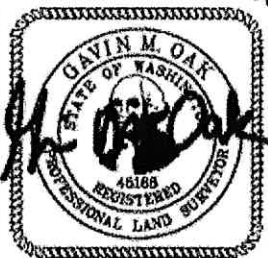
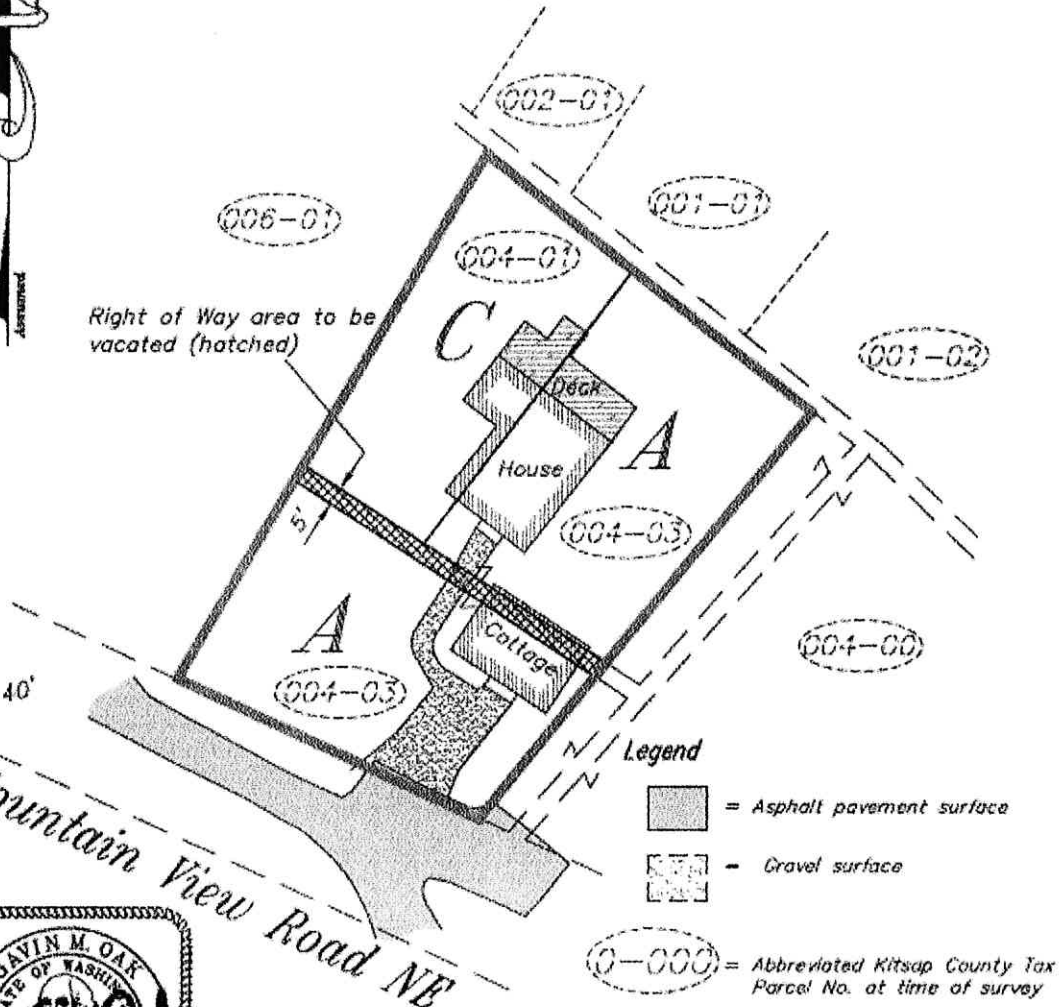
a portion of
Government Lot 1

SEC.14, T.25N., R.2E., W.M.

City of Bainbridge Island, Kitsap County, Washington

Prepared for: Jomojo Hawaii LLC

Scale: 1" = 50'



6/15/21

ADAM • GOLDSWORTHY • OAK

A G O LAND SURVEYING, LLC

DRAWING 7246VAC DATE 6/15/21

SURVEY DRAWING

Covenants, Conditions, Restrictions and Easements

I have not been provided a title report for the subject. I have obtained a copy of a Statutory Warranty Deed, dated August 28, 2020, when the current owner obtained title to the subject. This deed included one encumbrance which would impact the highest and best use of the property and is addressed in the valuation of the subject. Namely, a "Notice To Title" was required by the Kitsap County Health District to limit the total bedrooms in all structures on the property to a total of three. This document was dated December 25, 2008.

Extraordinary Assumptions & Hypothetical Conditions

The conclusions drawn by this appraisal have been arrived at with the following extraordinary assumption in place:

- It is an extraordinary assumption of this appraisal that there are no additional covenants, conditions, restrictions or easements on the subject property other than those previously identified in the Statutory Warranty Deed dated August 28, 2020 that would affect the highest and best use of the subject.
- It is an extraordinary assumption of this appraisal that, in the after condition, the parcel acquisition has occurred to remove the path ROW on the subject property. This assumption is considered appropriate since the purpose of this appraisal is to determine the increase in market value of the subject after the proposed ROW vacation.

The conclusions drawn by this appraisal have been arrived at with the following hypothetical condition in place.

- While the subject has existing residential improvements it is being valued under a hypothetical condition as if it is in a vacant condition at the direction of the client. In my opinion, this results in a credible opinion regarding the value impact of the prospective partial acquisition because the effective utility and value contribution of the improvements is not altered from the increase in the amount of land included in the subject.

Highest and Best Use

"Highest & Best Use" is defined by The Appraisal Institute as:

"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest value. The four criteria the highest and best use must meet are: legal permissibility, physical possibility, financial feasibility and maximum profitability."

Source: The Dictionary of Real Estate Appraisal, Third Edition, Copyright 1993, published by the Appraisal Institute.

The highest and best use analysis provides the foundation for a value conclusion by identifying the specific market position of a subject and thereby specifying appropriate market comparisons for it, as well as the relevant approaches to value. It is governed by consideration of the property's legal, physical and economic potential. If the property is improved the process requires separate analysis of the land as though vacant

and the land as improved. This provides the basis for a conclusion as to whether the improvements adequately contribute to overall value as to continue to be the preferred use, or whether an alternate use would better support the land value. In this case, the subject is considered to have no improvements.

Highest and Best Use – Before Condition

The aerial photograph and maps included at the end of this report illustrate that the subject is located in a residential neighborhood in the eastern portion of Bainbridge Island. In the before condition, the subject is encumbered with a path ROW which limits the use of the area covered by the ROW. Given the positive attributes of the subject's location in an established residential community, the highest and best use is for residential development.

Highest and Best Use – After Condition

In the after condition, a proposed partial acquisition will remove an encumbrance on about 550 square feet in the existing path ROW area. Consequently, there is no increase in the number of allowable development rights that can be obtained under the R-2 zone. The aerial photograph and maps included at the end of this report illustrate that the subject is located in a residential neighborhood in the south portion of Bainbridge Island. Given the positive attributes of the subject's location in an established residential community, the highest and best use is for residential development.

Property Valuation Analysis

Introduction

The established methodology for determining the loss of value and damages to remainder property resulting from a partial acquisition is the before/after approach. This requires a valuation of the entire subject property in the as is "before" condition and then again in the "after" condition recognizing the impact of removal of the path ROW. The difference in the before and after values represents any compensation that may be due from the vacation of the path ROW including loss of property or property rights and damage to the remainder property.

The most typical valuation methodology applicable to the subject is the direct land sales comparison approach. The income capitalization approach and the cost approach were not used because the property is assumed to be vacant.

BEFORE CONDITION ANALYSIS

Identifying differences in the relevant elements of comparison between a given subject and the sale comparison properties is essential in the valuation process and any significant differences must be adjusted either quantitatively or qualitatively in the analysis. Therefore, it is important to have a good understanding of the comparable properties' attributes. On page 15 of this report, I have provided a map showing the location of three comparables relative to the subject. Following that is an adjustment grid for that describes each comparable's physical and location attributes relative to the subject and maps of the comparables.

Analysis of the comparable sales is based upon the elements of comparison noted on the adjustment summary grids. These are the various property characteristics as well as the variables inherent in property transactions that determine the difference in prices paid for comparable properties relative to a given

subject. In this analysis the price per square foot (\$/sf) is the most relevant unit of comparison. In arriving at this conclusion I am aware that there are some instances in which other units of value such as \$/unit or *total sale price* may be more appropriate. However, in this instance \$/unit is not relevant since the lots cannot be subdivided. The adjustment grid provides specific data and descriptions of each comparable as well as the subject and then makes appropriate adjustments. The information and adjustments are based upon the appraiser's personal inspection of each property, as well as data provided by the Kitsap County Assessor, Northwest Multiple Listing Service and discussion with a party involved in the various transactions when possible. It should be noted that the comparables are adjusted to correspond to the subject. Thus if the comparable has a superior attribute to the subject the adjustment is negative, and vice versa.

The Uniform Appraisal Standards of Professional Appraisal Practice allows that an elements of comparison analysis may be based upon either quantitative or qualitative adjustments (or a combination of both). With regard to costs that may be associated with existing improvements on a property or expenditures after a sale such as the removal of obsolete improvements, these may be relatively easy to quantify. Alternately, the various differences in physical and locational characteristics between the subject and the comparables may be difficult to quantify and are therefore dealt with through a qualitative analysis.

The first element of comparison, expenditures after the sale, refers to costs incurred by the buyer immediately after the transaction. Typically, this pertains to costs to correct issues of deferred maintenance that were known to need attention at the time of sale and therefore would be considered a cost of acquiring the property. Since the subject and all of the comparables had no expenditures after the sale, no adjustments are warranted.

The next element of comparison addresses on-site improvements. Since the subject is assumed to be vacant and all of the comparables were vacant land parcels, no adjustments are warranted.

All of the comparable transactions were of the fee simple interest, as would be the case for the subject. Therefore, no adjustments are warranted for property rights. Similarly, all of the comparables transacted on a cash equivalent basis, which would be the expectation for the subject, so no adjustments are needed for financing.

Conditions of sale pertains to the motivation of the buyer and seller. Typical market transactions are at arm's length in which both parties are inclined to maximize their economic gain and have no unusual influences or motivations. The market definition used in this report assumes any transaction of the subject would be under these circumstances and this was the case for all comparables.

With regard to market conditions, one of the comparables transacted in 2020, one in 2019 and one in 2018. A market adjustment is not actually based upon the passage of time, but rather upon appreciation or depreciation that may have occurred. Appreciation is the result of positive changes with respect to a property that results in increased demand for it (by means other than a change in the utilization of the property), whereas depreciation is the opposite. Given the recessionary market and difficult environment for financing real estate over the past few years, it is very reasonable to consider a factor for depreciation.

The best way to document changes in market conditions for land is through matched pair analysis of the sale and resale of the same property or the sale of two very similar properties at different times. In my examination of land sales similar to the subject, I did not find any reliable matched pairs from which to derive an appropriate market conditions adjustment. However, based on my independent research, it

appears that after significant depreciation in the local housing market through 2012, this has since stabilized in 2013 and has steadily appreciated until 2019 when it has stabilized. The local housing market has shown a steady increase since the beginning of 2020. Based on this information, I consider the comparable which sold less than 12 months prior to the date of value to be similar, comparables which sold between 12 and 24 months to be somewhat inferior and more than 24 months to be inferior to the subject.

The location of all comparables are considered similar to the subject and no adjustments are warranted.

The subject and all comparables are accessed from a paved roads and no adjustments are warranted.

The topography of property can affect the locations of house sites as well as negatively impact development costs. The subject is mostly level in the west portion and has steep slopes along the northeast boundary. All of the comparables are slightly sloping and are considered somewhat superior to the subject in this regard.

Ground cover is a relevant element of comparison in that the presence of trees on a residential lot provides an aesthetic amenity and a privacy buffer, whereas open pasture requires expensive landscaping and time for vegetation to grow in order to create privacy. The subject and all of the comparables were either mostly or partially cleared and no adjustments are warranted.

The category for extraordinary site conditions considers unusual physical conditions, both positive and negative, that are not accounted for in the other elements of comparison that would impact the highest and best use of a property and therefore its value. The subject is limited to a total of three bedrooms in all structures located on the property. All comparables have no such conditions and all are considered somewhat superior to the subject in this respect.

The impact from environmentally critical areas such as wetlands or being within a shoreline management zone may result in a reduction in useable area. The subject is identified by Kitsap County as having a high landslide and erosion hazard potential along the northeast portion of the property. All comparables have no critical area impacts and are considered somewhat superior to the subject in this regard.

View quality is another factor that typically has a significant impact upon property value. The subject and comparables 2 and 3 have unobstructed views of Puget Sound as well as a major Cascade mountain and no adjustments are warranted. Comparable a has a partial view of Puget Sound as well as Mt. Rainier and is considered somewhat inferior to the subject in this respect.

The next element of comparison addresses the accessibility of water and sewer infrastructure. The subject and all comparables have power and PUD water available and are therefore considered similar to the subject in this regard.

The next element of comparison addresses the shapes of the lots which could affect the usability of the entire property. The subject and all comparables have rectangular or mostly rectangular shapes and no adjustments are warranted.

The final element of comparison pertains to total land area. Generally speaking, smaller properties tend to trade for higher unit values than larger properties on a \$/sf pricing basis. There are a number of reasons for this trend including the fact that smaller properties tend to be more affordable to prospective bidders in the market place which drives up the unit price (i.e. \$/sf basis). Further, the concept of diminishing margin benefit suggests that a buyer will tend to pay less on a \$/unit basis for additional units of land area and therefore a larger property is considered to be inferior to a smaller one in this respect. While there are

exceptions to this real estate axiom, based on our experience, smaller properties in the subject's market area do tend to sell for higher dollar per square foot prices than larger properties. Appropriate adjustments for total land area are applied in the adjustment grid.

The various quantitative and qualitative adjustments for each comparable are shown on the adjustment grid on page 16. At the bottom of the grid the "Quantitative Adjusted Sale Price" is shown for each comparable. The final step in the analysis is to apply the qualitative adjustments summarized at the bottom of the grid to these values. The resulting "Overall Value Indication" column shows how each comparable's unit value fares as a relative indication for the subject. Comparable 1 is considered a somewhat high value indicator at \$22.62/sf. Comparables 2 is considered a balanced value indicator at \$20.75/sf. Comparable 3 is considered to be a high value indicator at \$28.79/sf. Based upon the foregoing analysis I have concluded with a value for the subject of \$21/sf. I placed the most weight on comparables 1 and 2 because close proximity to the subject

Fee Simple Market Value of Subject – Before Condition

\$21/sf

AFTER CONDITION ANALYSIS

Introduction

The after condition analysis is intended to fully account for the addition of value to the subject from the impacts of the vacation of the path ROW which covers about 550 square feet. The typical appraisal methodology would be to measure the resulting loss in value through a sales comparison analysis based upon comparable properties that sold in a similar condition to the subject. While it is possible to perform a sales comparison valuation analysis to determine the value of the property in the after condition, in some circumstances it is appropriate to perform an alternate "strip take" analysis.

Utilization of a strip take analysis is permissible under the standards of both the Washington State Department of Transportation and the Uniform Appraisal Standard for Federal Land Acquisitions. It is typically used instead of the before/after methodology for property with a minimal take area in which there is no consideration of damages to the remainder property (or where there is consideration of damages that can be easily addressed through a cost to cure or similar analysis), and no consideration of special benefits. In such circumstances the appropriate methodology is to appraise the subject only in the before condition and to apply a pro rata value to the area taken.

With the foregoing analysis in mind, the value of the subject in the after condition as if about 550sf of land has been added to the area of the subject property by a partial vacation of the path ROW located on the subject property. The value of the subject land after addition of the vacated path ROW is determined by applying the previously derived value of \$21/sf to the 550sf of land. This amounts to \$11,550.

Damage to Remainder Area Analysis

The foregoing analysis has derived a market value estimate for the vacation of the path ROW on 550sf at \$11,550. However, the damages to the remainder area must also be accounted for in the analysis. The remainder area after vacation of the path ROW is not considered to have any other damages.

FINAL VALUE ESTIMATE

The value impact of the partial vacation of the Right of Way adjacent to the subject has been analyzed by considering the increase in the subject's value resulting from vacation of the path ROW on 550sf of land to the subject property.

Total Compensation Due From Partial Right of Way Vacation

\$11,550

Reasonable Exposure Time

The Uniform Standards of Professional Appraisal Practice requires an estimate of reasonable exposure time. USPAP defines this as *"the estimated length of time the property interest being appraised would have been offered on the market prior to a hypothetical consummation of a sale at market value on the effective date of appraisal. This is a retrospective opinion based upon an analysis of past events assuming a competitive and open market."*

Based upon the market conditions discussed in this report I have estimated the reasonable exposure time of the subject at 6 months.

Effective Date of Value

The effective date of value is August 11, 2021.

Date of Appraisal

This appraisal was performed in August of 2021.

Closing

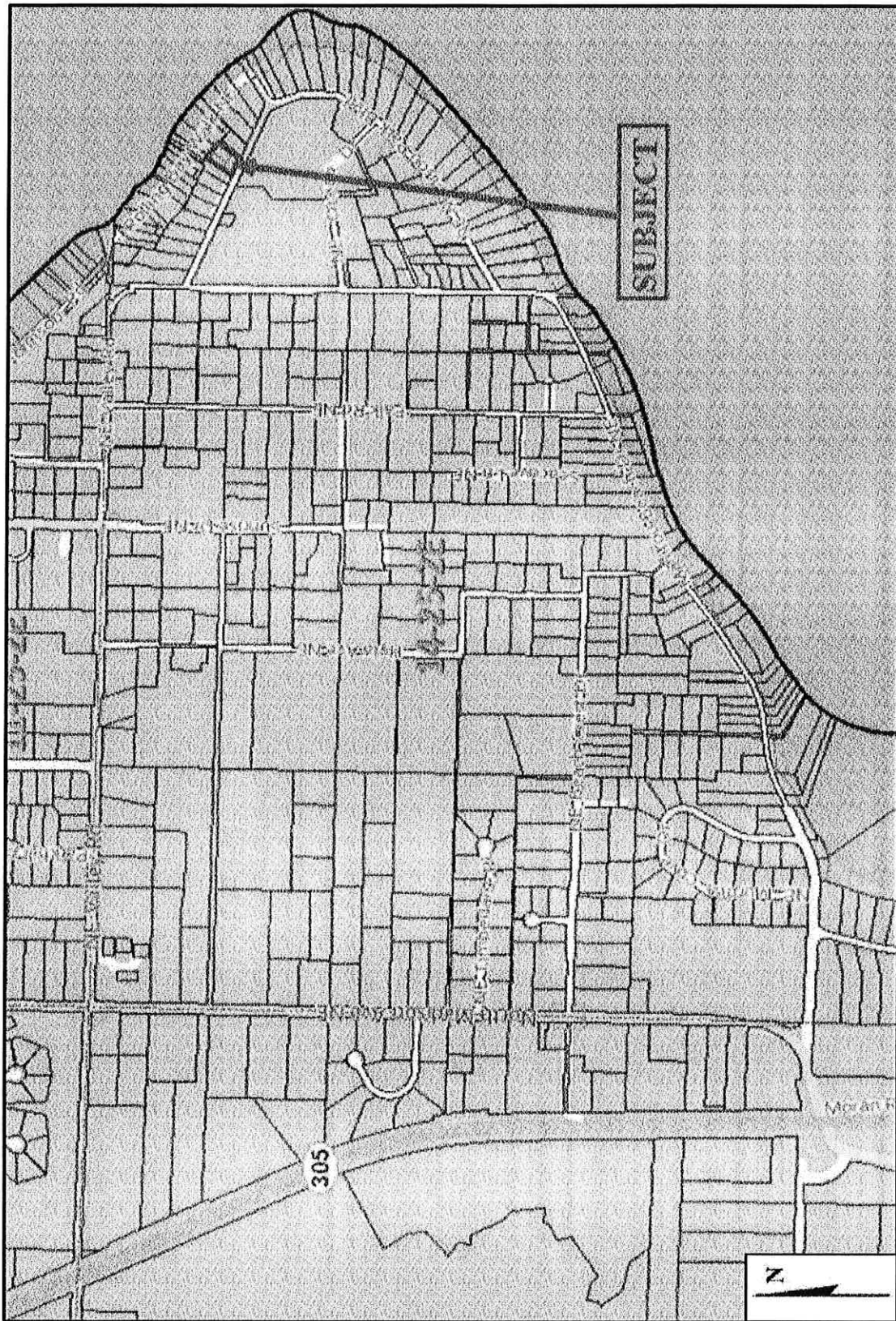
If you have any further questions or concerns, please do not hesitate to call.

Respectfully submitted,



George A. Brooks, Appraiser

Ref: 2117



AREA MAP



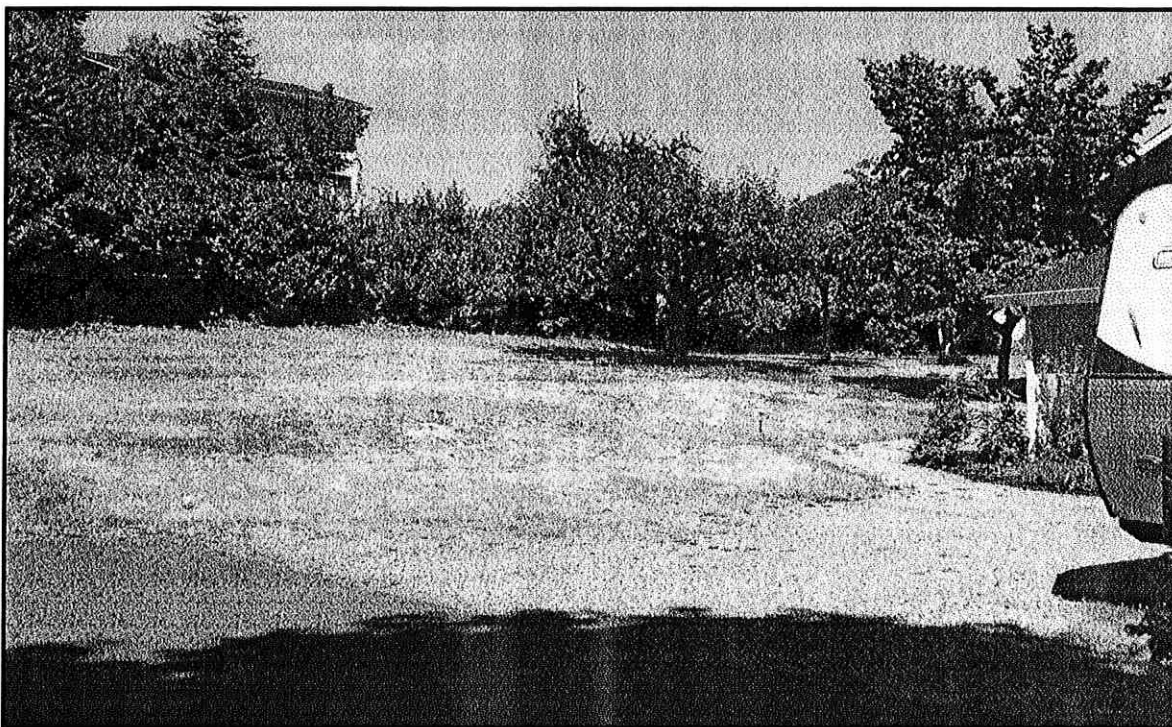
AERIAL MAP



A view of the Mountain View Road NE facing northwest with the subject on the right.



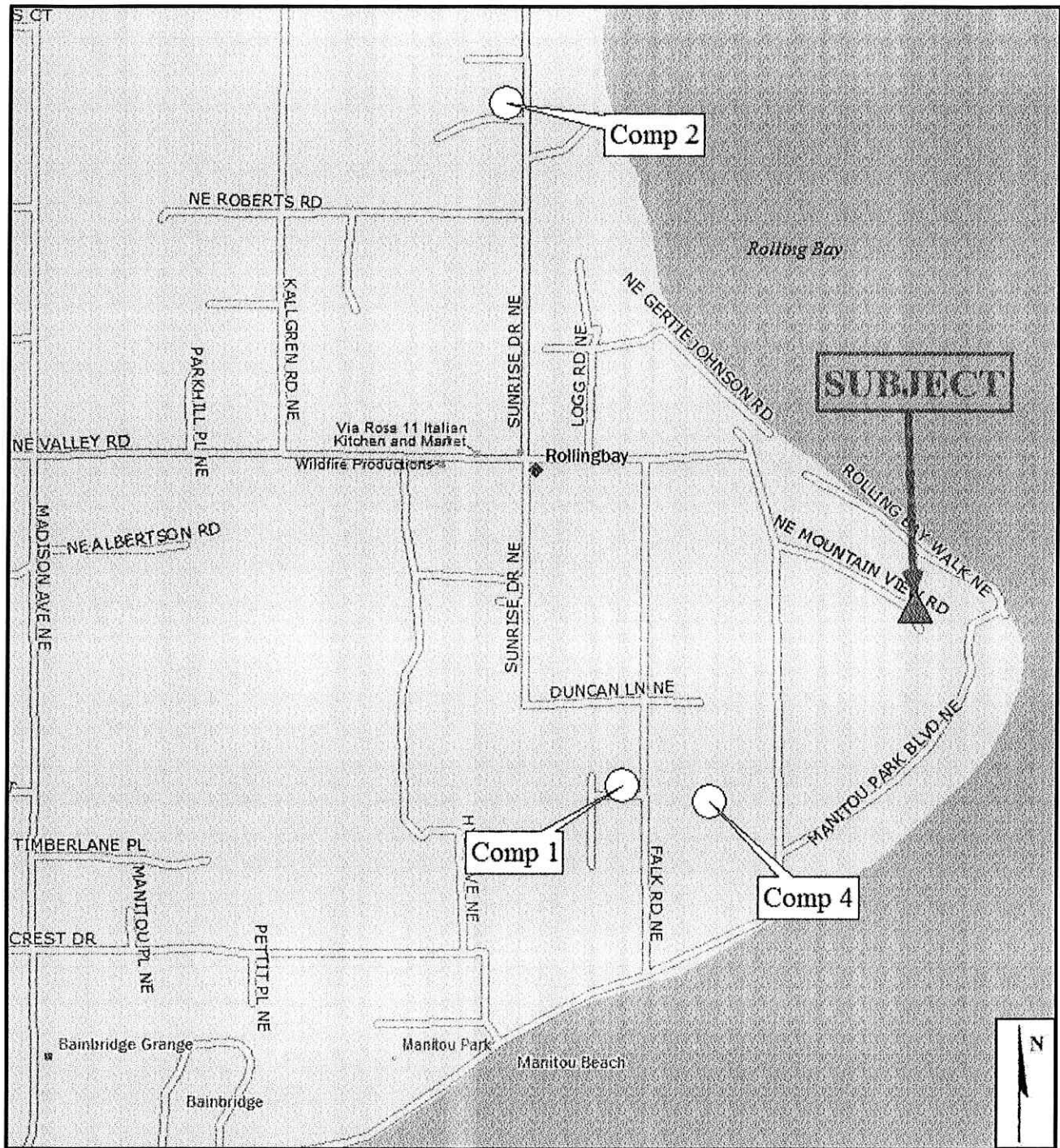
A view of the improvements on the subject facing north.



A view of the front yard of the subject facing northwest.



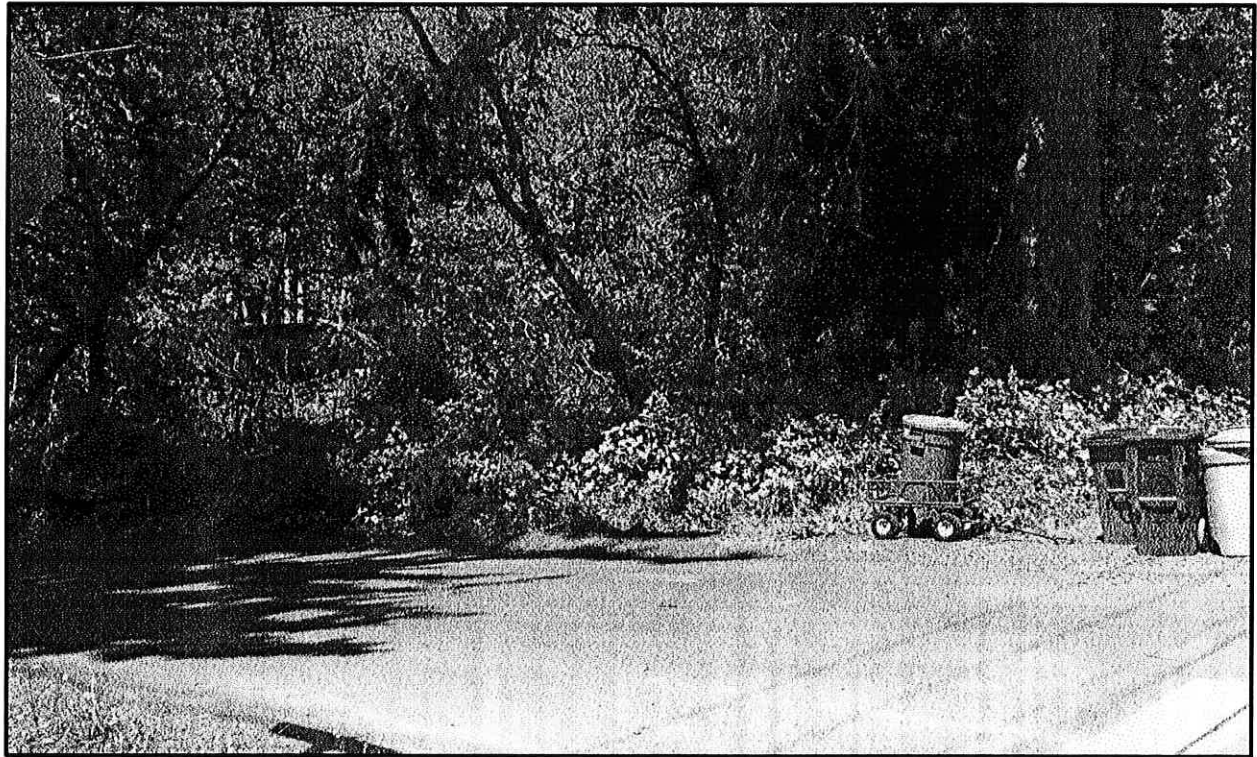
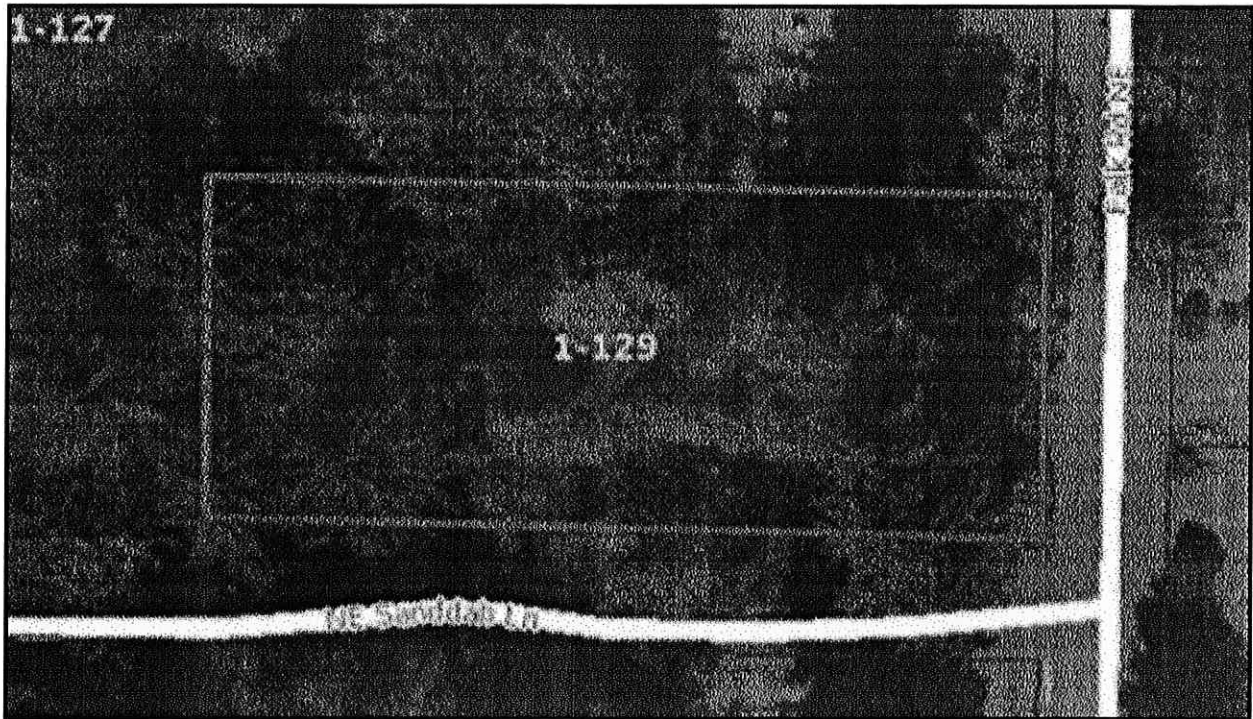
The view of Puget Sound and Mt. Baker from the subject facing northeast.



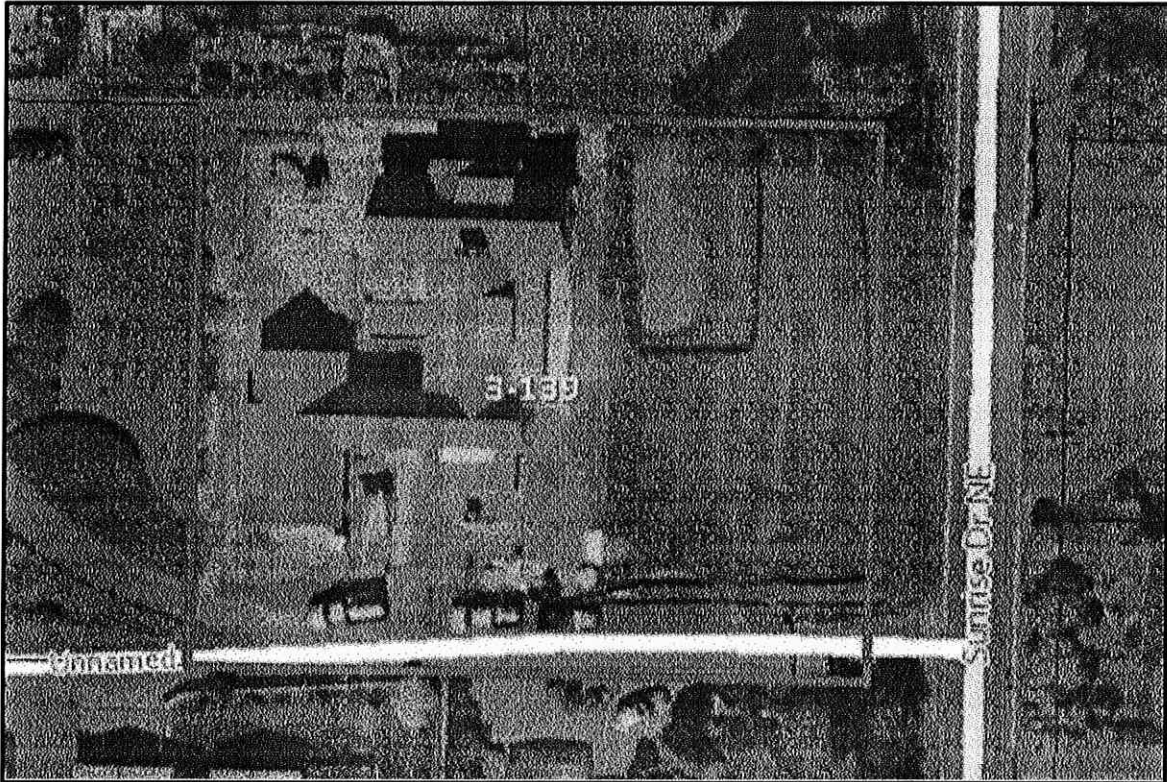
SALES COMPARISONS MAP

BEFORE CONDITION SALES ADJUSTMENT GRID

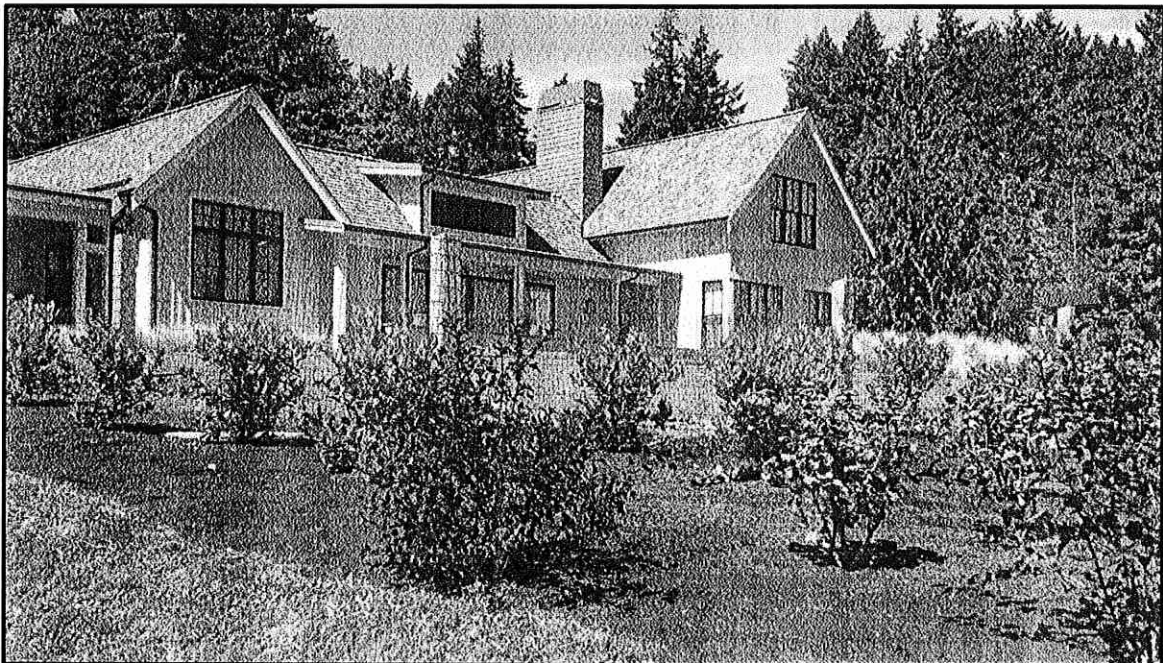
	Subject	Comparable 1	Comparable 2	Comparable 3
Tax No.	4140-009-004-0109 & 4140-010-004-0305	142502-1-129-2003	12502-3-139-2004	142502-1-124-2008
Location	Bainbridge Island	Bainbridge Island	Bainbridge Island	Bainbridge Island
Sale Price	Appraisal	\$383,000	\$550,000	\$489,000
Date	Aug-21	Oct-19	Sep-18	Dec-20
Expenditure After Sale	None	None	None	None
Adjustment		\$0	\$0	\$0
Adj \$		\$383,000	\$550,000	\$489,000
Site Improvements	None	None	None	None
Adjustment		\$0	\$0	\$0
Adj \$		\$383,000	\$550,000	\$489,000
Property Rights	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Comparison		Similar	Similar	Similar
Adjustment		No Adj	No Adj	No Adj
Financing	Cash Equiv	Cash Equiv	Cash Equiv	Cash Equiv
Comparison		Similar	Similar	Similar
Adjustment		No Adj	No Adj	No Adj
Condition of Sale	Arm's Length	Arm's Length	Arm's Length	Arm's Length
Comparison		Similar	Similar	Similar
Adjustment		No Adj	No Adj	No Adj
Market Conditions	Aug-21	22 mo	35 mos	8 mos
Comparison		Somewhat Inferior	Inferior	Similar
Adjustment		Somewhat Upward	Upward Adj	No Adj
Location	Rolling Bay Area	Rolling Bay Area	Rolling Bay Area	Rolling Bay Area
Comparison	Bainbridge Island	Bainbridge Island	Bainbridge Island	Bainbridge Island
Adjustment		Similar	Similar	Similar
		No Adj	No Adj	No Adj
Access	Paved Public Road	Paved Public Road	Paved Public Road	Paved Private Road
Comparison		Similar	Similar	Similar
Adjustment		No Adj	No Adj	No Adj
Topography	Level in West Portion,	Slightly Sloping	Slightly Sloping	Slightly Sloping
Comparison	Steep Slopes Along NE Boundary	Somewhat Superior	Somewhat Superior	Somewhat Superior
Adjustment		Somewhat Downward	Somewhat Downward	Somewhat Downward
Ground Cover	Mostly Cleared	Partially Cleared	Mostly Cleared	Mostly Cleared
Comparison		Similar	Similar	Similar
Adjustment		No Adj	No Adj	No Adj
Extraordinary Conditions	Limited to Total of 3 Bedrooms	None	None	None
Comparison		Somewhat Superior	Somewhat Superior	Somewhat Superior
Adjustment		Somewhat Downward	Somewhat Downward	Somewhat Downward
Critical Areas	Landslide & Erosion Hazards	None	None	None
Comparison	Along NE Boundary	Somewhat Superior	Somewhat Superior	Somewhat Superior
Adjustment		Somewhat Downward	Somewhat Downward	Somewhat Downward
View	Unobstructed Puget Sound & Mt. Baker	Partial Puget Sound & Mt. Ranier	Unobstructed Puget Sound & Mt. Baker	Unobstructed Puget Sound & Mt. Ranier
Comparison		Somewhat Inferior	Similar	Similar
Adjustment		Somewhat Upward	No Adj	No Adj
Available Utilities	Power & Water	Power & Water	Power & Water	Power & Water
Comparison		Similar	Similar	Similar
Adjustment		No Adj	No Adj	No Adj
Lot Shape	Mostly Rectangular	Rectangular	Rectangular	Mostly Rectangular
Comparison		Similar	Similar	Similar
Adjustment		No Adj	No Adj	No Adj
Total Land Area	16,188sf	16,930sf	26,500sf	16,988sf
Comparison		Similar	Somewhat Inferior	Similar
Adjustment		No Adj	Somewhat Upward	No Adj
Quantitative Adjusted Price		\$383,000	\$550,000	\$489,000
Quantitative Adjusted Price \$/sf		\$22.62/sf	\$20.75/sf	\$28.79/sf
	Property Rights	No Adj	No Adj	No Adj
	Financing	No Adj	No Adj	No Adj
	Condition of Sale	No Adj	No Adj	No Adj
	Market Conditions	Somewhat Upward	Upward Adj	No Adj
	Location	No Adj	No Adj	No Adj
	Access	No Adj	No Adj	No Adj
	Topography	Somewhat Downward	Somewhat Downward	Somewhat Downward
	Ground Cover	No Adj	No Adj	No Adj
	Extraordinary Conditions	Somewhat Downward	Somewhat Downward	Somewhat Downward
	Critical Areas	Somewhat Downward	Somewhat Downward	Somewhat Downward
	View	Somewhat Upward	No Adj	No Adj
	Available Utilities	No Adj	No Adj	No Adj
	Lot Shape	No Adj	No Adj	No Adj
	Total Land Area	No Adj	Somewhat Upward	No Adj
Overall Value Indication	\$21.00/sf	Somewhat High Indicator	Balanced Indicator	High Indicator



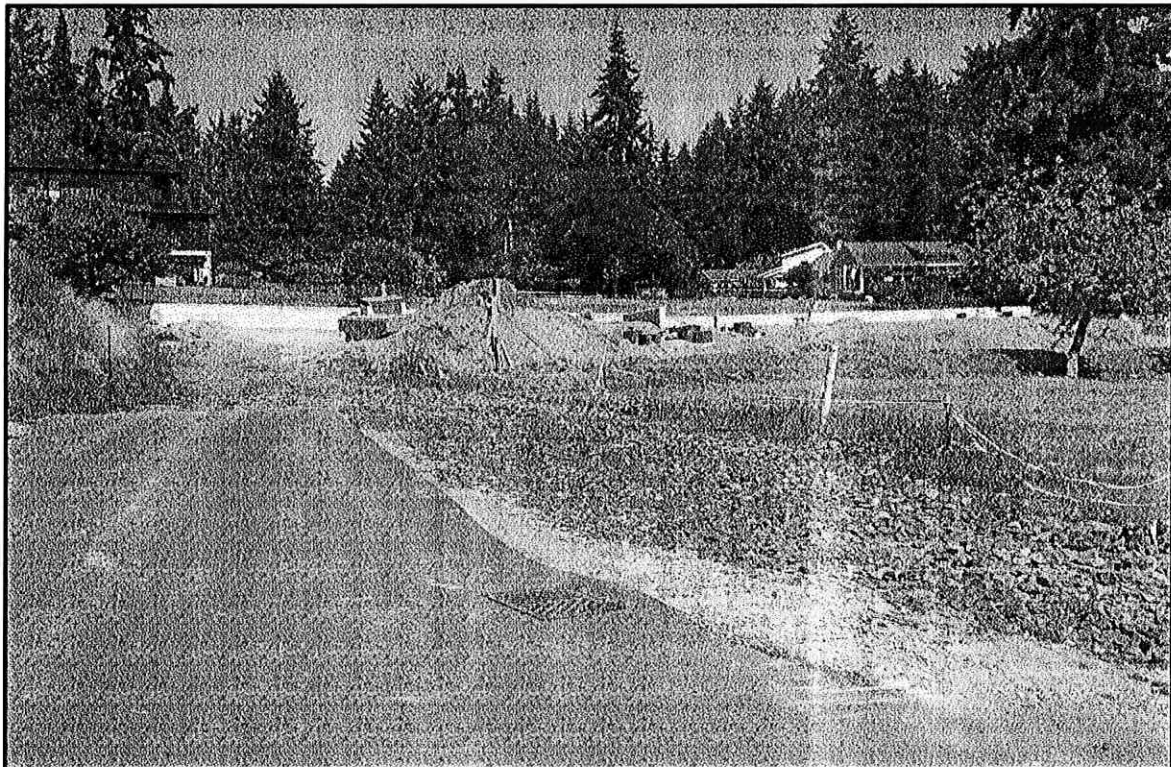
COMPARABLE 1 MAP & PHOTO



Note: New residence was built after land purchase.



COMPARABLE 2 MAP & PHOTO



COMPARABLE 3 MAP & PHOTO

General Assumptions and Limiting Conditions

This appraisal report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description provided or for matters pertaining to legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.
5. All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.
7. It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.
8. It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless a non-conformity has been identified, described, and considered in this appraisal report.
9. It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the opinion of value contained in this report is based.
10. It is assumed that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
11. Unless otherwise stated in this report, the existence of hazardous materials, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation and other potentially hazardous materials may affect the value of the property. The value estimated is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for such conditions or for any expertise or engineering knowledge required to discover them. The intended user is urged to retain an expert in this field, if desired.

This appraisal report has been made with the following general limiting conditions:

1. If the subject is improved: Any allocation of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

2. Possession of this report, or a copy thereof, does not carry with it the right of publication.
3. The appraiser, by reason of this appraisal, is not required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent of the appraiser

The following assumptions and limiting conditions may apply to this assignment:

1. Any opinions of value provided in the report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the opinion of value, unless such proration or division of interests has been set forth in the report.
2. In the case of proposed developments: If only preliminary plans and specifications were available for use in the preparation of this appraisal; the analysis, therefore, is subject to a review of the final plans and specifications when available.
3. In the case of proposed developments, and the assignment of values to a property at the completion of construction, all proposed improvements are assumed to have been completed unless otherwise stipulated, so any construction is assumed to conform with the building plans referenced in the reports.
4. In the case of improved property: The appraiser assumes that the reader or user of this report has been provided with copies of available building plans and all leases and amendments, if any, that encumber the property.
5. If no legal description or survey was furnished, the appraiser used the county tax plat to ascertain the physical dimensions and acreage of the property. Should a survey prove this information to be inaccurate, it may be necessary for this appraisal to be adjusted. If a legal description has been provided, the appraiser is not responsible for the accuracy of the description. The property appraised is assumed to be as delineated on county maps, as noted in this appraisal.
6. The forecasts, projections, or operating estimates contained herein are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions.
7. If the subject is improved: The Americans with Disabilities Act (ADA) became effective January 26, 1992. The appraiser has not made a specific compliance survey or analysis of any improvements on the property to determine whether or not it is in conformity with the various detailed requirements of ADA. It is possible that a compliance survey of the property and a detailed analysis of the requirements of the ADA would reveal that the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative impact upon the value of the property. Since the appraiser has not direct evidence relating to this issue, possible noncompliance with the requirements of ADA was not considered in estimating the value of the property.

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- ◆ The statements of fact contained in this appraisal are true and correct;
- ◆ The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conclusions, and are the personal, unbiased professional analyses, opinions, and conclusions of the appraiser;
- ◆ The appraiser has no present or prospective interest in the property appraised, and no personal interest or bias with respect to the parties involved;
- ◆ The compensation received by the appraiser for the appraisal is not contingent on the analyses, opinions or conclusions reached or reported;
- ◆ The appraisal report was prepared in conformity with the Appraisal Foundation's Uniform Standards for Professional Appraisal Practice (USPAP);
- ◆ The appraiser made a personal inspection of the property appraised and the property owner or his/her designated representative was given the opportunity to accompany the appraiser on the property inspection;
- ◆ Persons providing significant professional assistance to the appraiser in preparing this report are identified herein;
- ◆ This appraisal has been made in conformity with the appropriate State and Federal laws and requirements, and complies with the contract between the agency and the appraisers;
- ◆ I have not performed appraisal services regarding the property that is the subject of this report within the past three years.
- ◆ I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by authorized representatives.
- ◆ I have the requisite education and experience to competently value the type of property in this appraisal.
- ◆ I understand that an intentionally false overstatement of property value may subject me to a civil penalty for aiding and abetting understatement of tax liability;
- ◆ I am not an excluded individual, as that term is defined by Treasury Regulation Section 1.170A-13;
- ◆ As of the date of this report, I have completed the requirements under the continuing education program of the Appraisal Institute.

Name: **George A. Brooks**
Washington State Certification # 1102323

Signature: *George A. Brooks*

Date Signed: August 17, 2021

ComPraise

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Bainbridge Island, WA 98110

George A. Brooks
(206) 201-3557
Email: george@compraise.com

In September of 2015, George A. Brooks established the firm **ComPraise**. Prior to that he worked with Stephen Shapiro Commercial Appraisal, LLC from 2011-2015

Mr. Brooks has held a variety of professional positions throughout his career, including environmental engineer, hazardous waste engineer, environmental consultant, environmental manager and general contractor. Prior to becoming a certified general appraiser he managed his own contracting company, Sound Earth Services.

Mr. Brooks has a broad range of appraisal experience over a variety of property types including office and industrial buildings, commercial land, residential subdivision property, natural resource and habitat land, timberland and high-end estate homes. He has appraised numerous properties for conservation easements as well as right of way acquisitions under eminent domain.

Mr. Brooks is licensed as a certified general real estate appraiser by the State of Washington (License no. 1102323). He has successfully completed the following courses approved by the State of Washington:

- Basic Appraisal Principles
- Basic Appraisal Procedures
- Standards of Professional Appraisal Practice, Parts A and B
- General Appraisal Market Analysis Highest and Best Use
- General Appraisal Sales Comparison Approach
- General Appraisal Site Valuation and Cost Approach
- General Report Writing and Case Studies
- Commercial Appraisal Review - Subject Matter Elective
- General Appraisal Income Approach
- Expert Witness for Commercial Appraisal - Subject Matter Electives
- Statistics, Modeling and Finance
- Uniform Appraisal Standards for Federal Land Acquisitions
- Appraisal of Assisted Living Facilities

Education:

West Virginia University, M.S., Chemical Engineering, 1974; Virginia Military Institute, B.S. Civil Engineering, 1973.

Mr. Brooks has performed appraisal services for a wide variety of clients, and a partial client list follows:

Municipal and Public

- City of Bainbridge Island
- WA State Department of Natural Resources
- WA State Department of Fish & Wildlife
- Kitsap County Dept. Parks and Recreation
- Kitsap County Department of Public Works
- Edmonds Park, Recreation & Cultural Services
- King Count Dept. Natural Resources & Parks
- City of Poulsbo
- Colville Confederated Tribes
- Jefferson County Environmental Health Department
- City of Gig Harbor
- Clallam County Public Works Department
- Jamestown S'Klallam Tribe

Private Companies

- Pope Resources, Inc.
- Green Diamond Resources Company
- Voyager Montessori Elementary School
- Fowler Creek LP
- The Pazooki Group
- Gary Merlino Construction Company
- Gray & Osborne, Inc.
- Northwest Investment Company
- Whidbey Institute
- Port Gardiner Processing, LLC
- Dock Street Bldg LLC

Banks

- Kitsap Bank
- Union Bank
- Parkside Financial Bank & Trust
- Financial Funding LLC

Conservation Organizations

- Trust For Public Land
- The Nature Conservancy
- Bainbridge Island Land Trust
- Forterra
- Great Peninsula Conservancy
- Whidbey Camano Land Trust
- Methow Conservancy
- Northwest Watershed Institute
- Capitol Land Trust
- Jefferson Land Trust
- Nisqually Land Trust
- North Olympic Land Trust
- Center for Natural Lands Management
- Heernet Environmental Foundation
- Northwest Rangeland Trust
- Chehalis River Basin Land Trust
- Coastal Watershed Institute

Law Firms

- Rodgers Deutsch & Turner
- Lee Smart, P.S., Inc.
- Williams & Williams PSC
- Law Office of Richard B. Shattuck
- Miller Nash LLP
- Skadden, Arps, Slate, Meagher & Flom LLC



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (8:00 PM) Consider Waste Reduction Ordinance No. 2021-34 - Executive,

SUMMARY: The City Council will consider an ordinance that retitles, amends, and expands Bainbridge Island Municipal Code ("BIMC") Chapter 8.24. The draft is based on considerations from the adoption process related to Ordinance No. 2021-18, recommendations from the Plastic and Waste Reduction Task Force ("Task Force"), which was created at the time Ordinance No. 2021-18 was adopted, and community input.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Executive

RECOMMENDED MOTION: I move to forward Ordinance No. 2021-34 for consideration of approval with the Consent Agenda on December 14, 2021.

Alternative Recommendation:

I move to adopt Ordinance No. 2021-34.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND: On May 18, 2021, the Council considered a memo authored by Councilmember Carr intended to initiate City Council consideration of a local single-use plastics ordinance to supplement the state-level bill that passed in this year's legislative session, SB 5022. The Council adopted a motion to direct City staff to develop and bring back to the City Council a draft local plastics ordinance based on policy direction from the same meeting.

On June 8, 2021, the Council considered a first draft of Ordinance No. 2021-18, which was based on direction from the May 18, 2021, Council meeting. The Council adopted a motion to direct the City Attorney to bring back a new draft ordinance that would apply solely to activities that would otherwise be preempted by SB 5022 as of July 1, 2021.

On June 15, 2021, the Council considered a revised draft of Ordinance No. 2021-18. At that time, the Council's consensus was to modify the draft to include prohibitions against offering plastic utensils in bins, beverage cups, and asking customers if they would like a utensil. The Council also discussed other related topics, including regarding on-premises dining.

On June 22, 2021, the Council adopted an amended Ordinance No. 2021-18. It also adopted a motion to create a Task Force, composed of 2-3 Councilmembers, 2-4 individuals with expertise in plastic and waste reduction, and 2-4 individuals representing the affected business community. The scope of the Task Force was to deliver recommendations to the full Council no later than September 28, 2021, on measures to reduce plastic and waste in retail food establishments within the City.

On July 13, 2021, the Council approved the form of the Task Force. It also adopted a motion to appoint Councilmember Deets, Councilmember Hytopoulos, and Councilmember Schneider to the Task Force.

On September 28, 2021, the Council approved by consent a motion to extend the term and date to receive Task Force recommendations.

On October 12, 2021, the Council considered the Task Force's recommendations. It then adopted a motion to direct the City Manager to develop an ordinance to incorporate the recommendations from the Task Force for Council consideration.

The ordinance that is included with this agenda item, Ordinance No. 2021-34, is a product of the Task Force and work by the City Attorney's Office. The ordinance would make significant revisions to Chapter 8.24 BIMC. Due to the breadth of the new regulations and the need for a transition period for those who will be impacted by the regulations, it is recommended that the new changes go into effect on January 1, 2023. In the interim, City staff and others will focus on providing outreach to the community regarding the changes so that the new regulations are known, understood, and effective in accomplishing the City Council's desired effects.

For reference, Chapter 8.24 BIMC as it currently exists is included as an attachment.

ATTACHMENTS:

[Ordinance No. 2021-34 re Revisions to Chapter 8.24 BIMC](#)

[{For Background} Current Chapter 8.24 BIMC.pdf](#)

FISCAL DETAILS: When the Council considered the topic of waste reduction on June 8, 2001, the Council was advised that gross costs for education and monitoring was not expected to exceed \$10,000. Based upon subsequent actual experience, the estimated cost to provide education and training, in preparation for the effective date of January 1, 2023 is \$20,000. Partnerships with Zero Waste Bainbridge, the Chamber of Commerce, and Bainbridge Island Downtown Association have been productive in providing education for the business community.

Fund Name(s):

Coding:

ORDINANCE NO. 2021-34

AN ORDINANCE of the City of Bainbridge Island, Washington, amending Chapter 8.24 of the Bainbridge Island Municipal Code.

WHEREAS, the production, management, and consumption associated with disposable food service ware, typically used for only a few minutes before being discarded, have significant environmental impacts, including environmental contamination, consumption of precious resources such as energy and water, emissions of greenhouse gases, air and water pollution, litter on streets, and plastic pollution in waterways and oceans; and

WHEREAS, one of the leading contributors to plastic waste in the world's oceans is packaging and utensils from take-out food and beverages; and

WHEREAS, the City of Bainbridge Island has a longstanding commitment to reducing single use plastic products, including by banning polystyrene food packaging in 1989 and single-use plastic bags in 2012, and limiting the distribution of single-use utensils starting in 2022; and

WHEREAS, the Bainbridge Island Climate Action Plan, adopted by the City Council in 2020, has as one of its "immediate actions" to be implemented by November 2021 the development of an ordinance reducing the use of single-use plastics; and

WHEREAS, the most effective ways to reduce the negative impacts of disposable food service ware are, in order of priority, using reusable food service ware, using compostable materials, and recycling food service ware; and

WHEREAS, virtually all food service products such as cups, plates, bowls, clamshell containers, lids, and utensils are now available in paper, sugarcane, bamboo, wheat stalk/straw, and other blends of natural plant fibers that do not contain toxic chemicals and that safely degrade in soil and marine environments; and

WHEREAS, so-called "compostable plastic" food service products are primarily only compostable where consumers have access to industrial composting facilities and such composting is currently not available to residents of Bainbridge Island; and

WHEREAS, regardless of the availability of industrial composting, most "compostable plastic" food service products pose a similar threat as petrochemical-based plastic, particularly to the marine environment, when not properly disposed of; and

WHEREAS, certain disposable food service ware, including compostable paperboard containers, may contain fluorinated chemicals, also known as per- and polyfluorinated alkyl substances ("PFAS"), which are synthetic chemicals commonly used in disposable food service ware to repel water and grease and which pose a public health risk as they have been linked to serious health effects including kidney and testicular cancer, thyroid disruption, delayed puberty, and obesity; and

WHEREAS, confusion created by the bioplastics industry regarding the term “compostable” created the need for a new term describing products that will biodegrade in a safe and timely manner outside of an industrial composting facility; and

WHEREAS, the term “home compostable” has been recognized internationally and by a growing number of states and municipalities, and an increasing number of cities and counties are banning both petroleum plastic and “compostable plastic” food service ware; and

WHEREAS, studies have demonstrated that fees are more effective than discounts in programs aimed at incentivizing the use of reusable cups; and

WHEREAS, an estimated 5 billion single use personal care products in plastic bottles provided by lodging establishments are disposed of annually; and

WHEREAS, the States of California and New York have recently banned the distribution of single use personal care products in plastic bottles and lodging establishments are increasingly replacing single use bottles with refillable dispensers; and

WHEREAS, the City Council adopted preliminary changes to Chapter 8.24 BIMC on June 22, 2021, with the intent to consider certain additional amendments by the end of 2021.

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

Section 1. The title of Chapter 8.24 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

Chapter 8.24

~~SINGLE USE FOODWARE~~DISPOSABLE FOOD SERVICE WARE AND WASTE REDUCTION

Section 2. The table of contents of Chapter 8.24 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

Sections:

8.24.005 Definitions.

8.24.010 ~~Restrictions on Food and Beverage Containers~~Standards for disposable food service ware.

8.24.015 Exemptions.

8.24.020 Reserved.

8.24.025 ~~Single use food service products upon~~Disposable food service ware requiring customer’s affirmation.

8.24.030 ~~Reserved~~Requiring reusable food service ware for on-premises dining.

8.24.035 ~~Reserved~~Restricting certain types of single use personal care products in lodging establishments.

- 8.24.040 Rules and regulations.
- 8.24.050 Penalties.
- 8.24.060 Education and outreach.

Section 3. Section 8.24.005 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

8.24.005 Definitions.

A. “ASTM Standard Specification” means an explicit set of requirements to be satisfied by a material, product, system, or service established by meeting the standards of the American Society for Testing and Materials (“ASTM”). ~~“Biodegradable materials” means those materials made of cellulose-based or other substances that are capable of being readily attacked, decomposed, assimilated, and otherwise completely oxidized or broken down by bacteria or other natural biological organisms into carbonaceous soil material or water and carbon dioxide within a reasonable period of time.~~

B. “Biodegradable Products Institute,” or “BPI,” refers to a certification program that ensures that compostable products and packaging displaying the BPI logo have been independently tested and verified to meet certain standards. ~~“Food-service product” means a product intended for one-time use and used for food or drink offered for sale or use. Food service products include, but are not limited to, containers, plates, bowls, cups, lids, beverage containers, meat trays, deli rounds, utensils, sachets, straws, condiment packaging, clamshells and other hinged or lidded containers, wrap, and portion cups.~~

C. “Compost Manufacturing Alliance,” or “CMA,” refers to a certification program that ensures that compostable products displaying the CMA logo have been independently tested and verified to meet certain standards. ~~“Nonbiodegradable materials” means those made in whole or in part of polystyrene plastic.~~

D. “Disposable” means designed to be discarded after a single or limited number of uses, not manufactured for long-term multiple reuse, and/or is not reusable as defined herein. ~~“Packaging” means all food-related wrappings, boxes, containers, and disposable or non-reusable plates, cups, or drinking utensils.~~

E. “Fluorinated chemicals” means perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals) or chemicals which are a class of fluorinated organic chemicals containing at least one fluorinated carbon atom.

F. “Food service ware” means a product intended to be used for serving, distributing, holding, packaging, and/or transporting prepared food including, but not limited to, plates, bowls, cups, trays, deli rounds, clamshells and other hinged or lidded containers, food contact paper (e.g., wraps, bags, tray liners), and portion cups. The term food service ware also includes food service accessories including, but not limited to, lids, straws, stirrers, cup spill plugs, cup sleeves, condiment packets, utensils, cocktail sticks/picks, toothpicks, napkins, and the packaging that any of these individual items are wrapped in.

G. “Home compostable” means comprised of natural fiber as defined below, and/or able to break down or otherwise become part of usable compost in a safe and a timely manner in a non-industrial composting environment. Any food service ware item that is “OK Compost HOME” certified by TÜV Austria will be presumed to satisfy this definition. In the event that an ASTM standard for home compostable products that meets or exceeds the OK Compost HOME certification is established, any food service ware item certified as satisfying that standard will satisfy this definition.

H. “Industrial composting facility” means a large-scale professional composting facility which processes significant amounts of organic waste, including food service ware certified as industrial compostable, through a controlled biotechnological process, regulating factors such as particle size, moisture content, aeration, temperature, pH, and carbon/nitrogen ratio.

I. “Lodging establishment” means an establishment that contains one or more sleeping room accommodation(s) that is rented or otherwise provided to the public, including, but not limited to, a hotel, motel, resort, bed and breakfast inn, or vacation rental (including lodging provided through hosting services such as Airbnb and VRBO).

J. “Natural fiber” means a plant-based, non-synthetic fiber, including, but not limited to, products made from paper, wood and wood-pulp, sugar cane, bamboo, wheat stems/stalk, and hay.

K. “Expanded Polystyrene” means blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).

~~L.E.~~ “Prepackaged food” means food service ~~products~~ ware that ~~have~~ has been filled with food and sealed by a separate food service business or food manufacturer prior to receipt by the point-of-sale retail establishment. “Prepackaged food” includes a utensil, straw, or other item physically attached for purposes of retail sale to a food service ~~product~~ ware prior to receipt by the point-of-sale retail establishment.

M. “Prepared Food” means food or beverages that undergo a cooking or food preparation technique on or off the retail food establishment’s premises for consumption by the public. Cooking and food preparation techniques include, but are not limited to, the following:

1. Cooking methods utilizing the application of heat, such as steaming, microwaving, simmering, boiling, broiling, grilling, frying, or roasting;

2. Beverage preparation, such as blending, brewing, steeping, juicing, diluting, or pouring;

3. Food preparation techniques, such as defrosting, rinsing, washing, diluting, cutting, portioning, mixing, blending, assembling, coating, dipping, garnishing, decorating, or icing.

Prepared Food does not include raw eggs or raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.

NF. “Retail establishment” means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer, including to a “retail food establishment.” “Retail establishment” includes, but is not limited to, retail food establishments, grocery stores, department stores, hardware stores, home or business delivery services, pharmacies, liquor stores, restaurants, catering trucks, convenience stores, or other retail stores or vendors, including temporary stores or vendors at farmers markets, street fairs, and festivals.
~~“Retail establishment” means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer, including to a “retail food establishment.” Retail establishment includes, but is not limited to, retail food establishments, grocery stores, department stores, hardware stores, home or business delivery services, pharmacies, liquor stores, restaurants, catering trucks, convenience stores, or other retail stores or vendors, including temporary stores or vendors at farmers markets, street fairs, and festivals.~~

For the purposes of this definition, “retail food establishment” means all sales outlets, stores, shops, or other places of business located within the city, which sell or convey foods directly to the ultimate consumer. Retail food establishment shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured, and sold or offered for sale, including, but not limited to, any fixed or mobile restaurant; drive-in; coffee shop; cafeteria; short-order cafe; delicatessen; luncheonette; grill; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; take-out prepared food establishment; industrial feeding establishment; catering kitchen; commissary; grocery store; public food market; food stand; or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation, including homes, where food is processed, prepared, stored, served, or provided for the public for charge.

O. “Retail food establishment” means all sales outlets, stores, shops, or other places of business located within the city, which sell or convey foods directly to the ultimate consumer. “Retail food establishment” shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured, and sold or offered for sale, including, but not limited to, any fixed or mobile restaurant; drive-in; coffee shop; cafeteria; short-order cafe; delicatessen; luncheonette; grill; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; take out prepared food establishment; industrial feeding establishment; catering kitchen; commissary; grocery store; public food market; food stand; or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation, including homes, where food is processed, prepared, stored, served, or provided for the public for charge.

PG. “Reusable” means an item subject to this chapter designed and manufactured to maintain its shape and structure, and to be materially durable for repeated (at least 1,000 times each) sanitizing in water at 171 degrees Fahrenheit for at least 30 continuous seconds, washing via commercial dishwashing machine, and reuse.

QH. “Single-use” means a product that is designed to be used once and discarded, and/or is not reusable as defined herein.

R. “TÜV Austria” means the corporation that certifies categories of compostable products including the certification of “OK Compost HOME” which classifies products as being able to be composted at ambient temperatures and with a natural microbial community (e.g., in a home compost environment).

SI. “Utensil” means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers. “Utensil” does not include plates, bowls, cups, bottles, and other products used to contain food or beverages.

Section 4. Section 8.24.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

8.24.010 Standards for disposable food service ware~~Restrictions on Food and Beverage Containers.~~

A. No retail food establishment licensed to do business or required to be licensed within the city shall use expanded polystyrene-based food service ware at any time when providing prepared food. ~~sell or convey food directly to ultimate consumers within the city unless such food is placed, wrapped, or packed in biodegradable packaging at the conclusion of a sales transaction for the purchase of such food.~~

B. Retail food establishments licensed to do business or required to be licensed within the city shall only use home compostable disposable food service ware when providing prepared food, except as otherwise provided in BIMC 8.24.015. ~~No retail food establishment licensed to do business or required to be licensed within the city shall sell, give, or provide food containers to any persons within the city if such food container is composed of nonbiodegradable materials.~~

C. All home compostable disposable food service ware items shall be certified to be free of all intentionally added fluorinated chemicals.

D. Except as otherwise provided in BIMC 8.24.015, all disposable food service ware items, including those that that qualify for an exemption pursuant to BIMC 8.24.015, shall be:

1. Certified to be compostable in an industrial composting facility in a timely manner; and/or

2. Eligible to be accepted for recycling by the retail food establishment's recycling collection service.

E. To verify compliance with sections C. and D.1. above, items shall be certified by the Biodegradable Products Institute ("BPI"), the Compost Manufacturer's Alliance ("CMA"), or another independent third party approved by the city manager or designee, in collaboration with the city's climate adaptation officer, and must be accepted by the industrial composting facility, if any, providing compost collection services to Bainbridge Island residents.

F. In order to encourage the use of reusable cups, retail establishments shall charge \$0.25 for every disposable cup provided.

1. Income from the disposable cup charge shall be retained by the retail establishment.

2. Charges for disposable cups shall be identified separately on any post-sale receipt provided and, pre-sale, shall be clearly identified for the customer on media such as menus, ordering platforms, and/or menu boards. Customers placing orders by telephone shall be informed verbally of the single-use cup charge at the time of the placement of the order.

3. This provision shall not prohibit a retail establishment from providing free drinking water upon request to customers in a small, unlined paper cup.

4. This provision shall not apply to nonprofit entities or entities providing services on behalf of a nonprofit that operate as a retail food establishment for less than 10 days per calendar year.

5. Customers may provide their own reusable cups for beverage service in accordance with the Retail Food Code, Chapter 246-215-03348 of the Washington Administrative Code. These reusable cups must be clean, sturdy, and appropriately insulated if ordering hot beverages such that they can be held in the customer's bare hand if intended to be used for hot liquids. Retail food establishments may refuse to use, at their sole discretion, any customer-provided cup that is cracked, chipped, or corroded, appears inappropriate in size, material, or condition for the intended beverage, or that appears to be soiled or unsanitary, and instead require use of a reusable cup provided by the establishment for any beverage consumed on the premises, or an establishment-provided disposable cup that conforms to the standards of this chapter.

Section 5. Section 8.24.015 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

8.24.015 Exemptions.

A. Prepackaged food is exempt from the provisions of this chapter.~~BIMC 8.24.010 shall not apply to the following items:~~

- ~~1. Any flexible transparent covering;~~
- ~~2. Any food packaging used at hospitals or nursing homes;~~
- ~~3. Any paper or other cellulose-based packaging that is coated with polyethylene plastic on only one side, or wax coated;~~
- ~~4. Any plastic covers, covering material, food containers, or lids that are biodegradable;~~
- ~~5. Any glass container or glass packaging which is recyclable;~~
- ~~6. Any plastic bags dispensed at the request of a customer at the check-out counter of a grocery store for the purpose of carrying groceries, provided that paper bags are customarily dispensed for that purpose;~~
- ~~7. Plastic eating utensils, such as forks, knives or spoons, straws, or beverage container covers; and~~
- ~~8. Any foods sold by a retail food establishment packaged by a wholesale distributor, manufacturer, processor, bakery, or similar wholesaler whose premises is located outside the city; provided that not more than 10 percent of the total volume of food sold at the retail food establishment is packaged in nonbiodegradable packaging. [Reserved.]~~

B. If the city manager, with the input of the climate adaptation officer, determines that a reasonably feasible disposable food service ware item that complies with BIMC 8.24.010.B. does not exist, that item will be exempt from that provision for a period not to exceed one year. A current list of exempted items will be posted on the city's website.

Exemptions will only be granted where there are not at least two vendors that make suitable and readily commercially available home compostable alternatives to the disposable food service item for which the exemption is being sought.

C. Exempted items shall comply with BIMC 8.24.010.D., unless the city manager or their designee specifically determines that there is no reasonably feasible alternative that meets that standard.

D. If the city manager extends any exemption granted herein, public notice of extension shall be posted on the city’s website. Extensions under this section may be granted for periods of time not to exceed one year per authorization.

E. Nothing in this chapter shall be construed to conflict with the Americans with Disabilities Act or any other applicable law concerning the rights of individuals with disabilities. In particular, nothing in this chapter shall restrict, or be construed to restrict the provision by retail food establishments or health care facilities of disposable non-compostable straws to individuals who may request the use of disposable non-compostable straws to accommodate medical needs or disabilities. In the case of health care facilities, straws may be distributed without patient request on a case by case basis at the discretion of the healthcare facility staff based on the physical or medical needs of the patient.

Section 6. Section 8.24.025 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

8.24.025 Disposable ~~Single-use~~ food service products ware ~~upon~~ requiring customer’s affirmation.

A. A retail food establishment may provide the following single-use food service products ware only upon customer’s affirmation for the below item or items:

1. Utensils;
2. Straws;
3. Condiment in packaging;
4. Beverage cups; and/or
5. Beverage cup lids.

B. A retail food establishment may provide beverage cup lids without customer’s affirmation for:

1. Hot beverages; or
2. Beverages provided through delivery service, drive-through, or curbside pickup.

C. The products listed in subsection A of this section may not be available to customers in cylinders, bins, dispensers, containers, or other means on a self-service basis for any reason.

D. This section shall take effect as of January 1, 2022.

Section 7. Section 8.24.030 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

8.24.030 Requiring reusable food service ware for on-premises dining. ~~[Reserved.]~~

- A. Reusable food service ware, including utensils, are required at all on-premises dining establishments for any meal to be eaten on the premises. Home compostable straws shall be allowed upon request for dining on the premises. Condiments, such as sauces, ketchup, or mustard, provided for onsite consumption, shall not be served in disposable, individual-serving packaging.
- B. Consumption is considered on-premises if it takes place at tables and/or seating provided by the food service business, either on its own or in relation to another food service business. This requirement does not prohibit a food service business from providing, upon a customer's request, food service ware compliant with BIMC 8.24.010.A. or B. above for the customer to take away leftover prepared food after dining on the premises.
- C. Customers must be asked whether they will consume the food or beverage they have ordered at the premises, or whether the order will be taken away as a takeout order. In the case of self-service facilities (e.g., food or salad bar), this requirement shall be satisfied by the provision of reusable and disposable options for customer self-selection, with reusable options clearly marked, to encourage use for on-premises dining.
- D. Waivers. On-premises dining establishments that do not have onsite or off-site dishwashing capacity may petition the city manager or their designee for a full or partial one-year waiver. To obtain a waiver, the food service business shall demonstrate inability to comply due to insurmountable space constraints, undue financial hardship, and/or other extraordinary circumstances. Food service ware used for on-premises dining pursuant to a waiver obtained under this section shall comply with all requirements set forth elsewhere in this chapter. Granting of a waiver is at the sole discretion of the city manager or their designee, and is not subject to appeal. Waivers may be renewed by submitting a new petition to the city manager or their designee.

Section 8. Section 8.24.035 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

8.24.035 Restricting certain types of single use personal products in lodging establishments. ~~[Reserved.]~~

No single-use personal care products shall be distributed in lodging establishments unless they are packaged in home compostable packaging. Lodging establishments are encouraged to use refillable personal care product dispensers.

Section 9. The title to Section 8.24.060 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

8.24.060 Education and outreach.

Section 10. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 11. This ordinance shall take effect on January 1, 2023. The ordinance will be published as required by law.

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

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

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	November 5, 2021
PASSED BY THE CITY COUNCIL:	_____, 2021
PUBLISHED:	_____, 2021
EFFECTIVE DATE:	January 1, 2023
ORDINANCE NO.	2021-34

Chapter 8.24
SINGLE-USE FOODWARE AND WASTE REDUCTION

Sections:

[8.24.005 Definitions.](#)

[8.24.010 Restrictions on food and beverage containers.](#)

[8.24.015 Exemptions.](#)

[8.24.020 Reserved.](#)

[8.24.025 Single-use food service products upon customer's affirmation.*](#)

[8.24.030 Reserved.](#)

[8.24.035 Reserved.](#)

[8.24.040 Rules and regulations.](#)

[8.24.050 Penalties.](#)

[8.24.060 Education.](#)

*Code reviser's note: BIMC 2.24.025, per subsection (D), is not effective until January 1, 2022.

8.24.005 Definitions.

A. "Biodegradable materials" means those materials made of cellulose-based or other substances that are capable of being readily attacked, decomposed, assimilated, and otherwise completely oxidized or broken down by bacteria or other natural biological organisms into carbonaceous soil material or water and carbon dioxide within a reasonable period of time.

B. "Food service product" means a product intended for one-time use and used for food or drink offered for sale or use. Food service products include, but are not limited to, containers, plates, bowls, cups, lids, beverage containers, meat trays, deli rounds, utensils, sachets, straws, condiment packaging, clamshells and other hinged or lidded containers, wrap, and portion cups.

C. "Nonbiodegradable materials" means those made in whole or in part of polystyrene plastic.

D. "Packaging" means all food-related wrappings, boxes, containers, and disposable or nonreusable plates, cups, or drinking utensils.

E. "Prepackaged food" means food service products that have been filled with food and sealed by a separate food service business or food manufacturer prior to receipt by the point-of-sale retail

establishment. “Prepackaged food” includes a utensil, straw, or other item physically attached for purposes of retail sale to a food service product prior to receipt by the point-of-sale retail establishment.

F. “Retail establishment” means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer, including to a “retail food establishment.” Retail establishment includes, but is not limited to, retail food establishments, grocery stores, department stores, hardware stores, home or business delivery services, pharmacies, liquor stores, restaurants, catering trucks, convenience stores, or other retail stores or vendors, including temporary stores or vendors at farmers markets, street fairs, and festivals.

For the purposes of this definition, “retail food establishment” means all sales outlets, stores, shops, or other places of business located within the city, which sell or convey foods directly to the ultimate consumer. Retail food establishment shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured, and sold or offered for sale, including, but not limited to, any fixed or mobile restaurant; drive-in; coffee shop; cafeteria; short-order cafe; delicatessen; luncheonette; grill; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; take out prepared food establishment; industrial feeding establishment; catering kitchen; commissary; grocery store; public food market; food stand; or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation, including homes, where food is processed, prepared, stored, served, or provided for the public for charge.

G. “Reusable” means designed and manufactured to maintain its shape and structure, and to be materially durable for repeated (at least 1,000 times each) sanitizing in water at 171 degrees Fahrenheit for at least 30 continuous seconds, washing via commercial dishwashing machine, and reuse.

H. “Single-use” means a product that is designed to be used once and discarded, and/or is not reusable as defined herein.

I. “Utensil” means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers. “Utensil” does not include plates, bowls, cups, bottles, and other products used to contain food or beverages. (Ord. 2021-18 § 2, 2021)

8.24.010 Restrictions on food and beverage containers.

A. No retail food establishment licensed to do business or required to be licensed within the city shall sell or convey food directly to ultimate consumers within the city unless such food is placed, wrapped, or packed in biodegradable packaging at the conclusion of a sales transaction for the

purchase of such food.

B. No retail food establishment licensed to do business or required to be licensed within the city shall sell, give, or provide food containers to any persons within the city if such food container is composed of nonbiodegradable materials. (Ord. 2021-18 § 3, 2021)

8.24.015 Exemptions.

A. BIMC [8.24.010](#) shall not apply to the following items:

1. Any flexible transparent covering;
2. Any food packaging used at hospitals or nursing homes;
3. Any paper or other cellulose-based packaging that is coated with polyethylene plastic on only one side, or wax coated;
4. Any plastic covers, covering material, food containers, or lids that are biodegradable;
5. Any glass container or glass packaging which is recyclable;
6. Any plastic bags dispensed at the request of a customer at the check-out counter of a grocery store for the purpose of carrying groceries; provided, that paper bags are customarily dispensed for that purpose;
7. Plastic eating utensils, such as forks, knives or spoons, straws, or beverage container covers; and
8. Any foods sold by a retail food establishment packaged by a wholesale distributor, manufacturer, processor, bakery, or similar wholesaler whose premises is located outside the city; provided, that not more than 10 percent of the total volume of food sold at the retail food establishment is packaged in nonbiodegradable packaging.

B. *Reserved.* (Ord. 2021-18 § 4, 2021; Ord. 89-03 § 1, 1989)

8.24.020 Reserved.

(Ord. 2021-18 § 5, 2021; Ord. 89-03 § 2, 1989)

8.24.025 Single-use food service products upon customer's affirmation.

A. A retail food establishment may provide the following single-use food service products only upon customer's affirmation for the below item or items:

1. Utensils;
2. Straws;

3. Condiment in packaging;

4. Beverage cups; and/or

5. Beverage cup lids.

B. A retail food establishment may provide beverage cup lids without customer's affirmation for:

1. Hot beverages; or

2. Beverages provided through delivery service, drive-through, or curbside pickup.

C. The products listed in subsection A of this section may not be available to customers in cylinders, bins, dispensers, containers, or other means on a self-service basis for any reason.

D. This section shall take effect as of January 1, 2022. (Ord. 2021-18 § 6, 2021)

8.24.030 Reserved.

(Ord. 2021-18 § 7, 2021; Ord. 89-03 § 3, 1989)

8.24.035 Reserved.

(Ord. 2021-18 § 8, 2021)

8.24.040 Rules and regulations.

The city manager charged with the enforcement of this chapter shall be authorized from time to time to adopt reasonable rules and regulations for its implementation, which shall be consistent with these provisions. (Ord. 2009-21 § 30, 2009; Ord. 89-03 § 4, 1989)

8.24.050 Penalties.

A. Prior to imposing penalties or taking other enforcement action as set forth in subsection B of this section, the city shall attempt to provide written notice to any establishment in violation of this chapter. The notice shall include a description of the item sold or provided by the retail establishment in violation of the requirements of this chapter, the text of the specific code provision(s) that apply, and information on how to comply with the provision(s). The notice shall be provided to the retail establishment by personal service or certified mail, return receipt requested. Such notice is not a formal enforcement action, is not subject to appeal, and is a public record.

B. Any person violating any of the provisions of this chapter shall be deemed to have committed a civil infraction and, upon such a finding, shall be punishable by a fine not to exceed \$250.00 per day for the first 20 days that the violation exists and \$500.00 per day for each day thereafter. Each such violation committed or permitted to continue by the violator shall constitute a separate offense and shall be punishable as such under this section. Each day that an establishment violates any of the provisions of this chapter shall constitute a single, separate violation. (Ord. 2021-18 § 9, 2021; Ord.

89-03 § 6, 1989)

8.24.060 Education.

As necessary, the city manager, or their designee, and pursuant to BIMC [8.24.040](#), shall provide, or contract for the provision of, education and outreach activities to inform retail establishments, consumers, and other interested individuals about the requirements of this chapter. Education and outreach will be designed to effectively convey the policies underlying this chapter, describe the actions necessary to gain compliance with its provisions, and minimize the need for formal enforcement action. The city will emphasize education and outreach rather than enforcement to achieve compliance with the requirements of this chapter. (Ord. 2021-18 § 10, 2021)



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: (8:10 PM) Adopt Ordinance No. 2021-23 Creating a Multifamily Tax Exemption Program - Planning,

SUMMARY: This agenda item is for the City Council to:

- Consider approval of Ordinance No. 2021-23, which would create a new Chapter 3.62 BIMC related to a Multifamily Property Tax Exemption ("MFTE") Program.

The version of the ordinance that is included with this agenda item is substantially the same as the version that the Council considered on October 26, 2021. The few revisions that were made to the previous draft relate to: (1) referring to "city" rather than the "governing authority" in BIMC 3.62.070.C. in reference to the "duly authorized administrative official of the city" (rather than "governing body"), consistent with Chapter 84.14 RCW; (2) changing the reference from a December date to "April 1st" in BIMC 3.62.110.C. as set forth in RCW 84.14.100; and (3) referring in BIMC 3.62.120.E. to RCW 84.14.100 rather than RCW 84.14.110(2) to clarify that provision.

Ordinance No. 2021-23 would create new Chapter 3.62 BIMC related to a Multifamily Property Tax Exemption Program. The proposed new code chapter is set forth in Exhibit A to Ordinance No. 2021-23. The new chapter describes the program and program administration as required by the applicable state law, Chapter 84.14 RCW. Exhibit A has been revised from a previous version to include the Council policy direction to date regarding the type of MFTE program (12 and 20-year programs), designation areas, and minimum eligible project size (creation of 4 multifamily units). These program elements are in draft Section 3.62.050, Project Eligibility.

- A 12-year MFTE program would require that:
 - o For rental projects: 20% of housing units be rented to low-income households or below.
 - o For home-ownership projects, such as condominiums: 100% of housing units required to be sold to low-income households or below.
- 20-Year MFTE Program: Newly adopted state law provision for nonprofits that requires 25% of units to be permanently affordable housing available to low-income households or below .

In addition to project eligibility, the second portion of the proposed new chapter describes the administration of the future MFTE program in Sections 3.62.050-.120. The program is initiated with an MFTE application being submitted during the building permit phase of a development project. The MFTE program provides for application, approval, denial, appeals, and annual compliance review.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION: I move to adopt Ordinance No. 2021-23 Relating to Creating a City Multifamily Tax Exemption Program.

STRATEGIC PRIORITY: Green, Well-Planned Community	
FISCAL IMPACT:	
Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND: This agenda item is to consider a proposed MFTE Program, as set forth in the draft of proposed Ordinance No. 2021-23.

Since the City Council discussion on October 26, 2021 agenda item, Planning and Community Development staff and the City Attorney continued to review the draft ordinance to ensure it is consistent with, and not in conflict with, Chapter 84.14 RCW, which is the state law that governs such programs. Chapter 84.14 RCW was updated effective July 25, 2021 so City staff has reviewed the proposed BIMC Chapter 3.62 related to what is required by that chapter.

Washington state law allows local governments to adopt a MFTE program as described in Chapter 84.14 RCW. The purpose of such a program is to encourage the development and redevelopment of multifamily and affordable housing by granting a property tax exemption for qualifying projects for a period of 8, 12, or 20 years. The exemption is a partial property tax exemption on the value of residential improvements for qualifying MFTE housing developments, and does not apply to the value of land or any non-residential development.

A Joint City Council/Planning Commission land use subcommittee met in the summer and fall of 2020 and presented a list of recommended priority code changes to the Council on October 13, 2020 that included adopting a 12-year MFTE Program. The Council approved the list and recommended it be forwarded to the Planning Commission for immediate legislative work.

Planning Commission Preliminary Recommendations

At their meetings on January 14 and 28, 2021, the Planning Commission discussed the following MFTE program elements:

1. Potential MFTE designation or eligibility areas - where should the program be available to properties?
2. MFTE project threshold - what is the minimum number of multifamily units that will be required to enroll in a future MFTE program? The state minimum project eligibility threshold is four multifamily residences.
3. Should a City MFTE program be available to both rental and homeownership projects, as allowed under state law?

At their January 28, 2021 meeting, the Planning Commission came to preliminary recommendations on these program elements, and in general, the consensus was to make a MFTE program as widely available as

possible. On February 11, 2021, the Planning Commission finalized their transmittal memo to the City Council and unanimously passed the motion below related to recommended MFTE program elements. The following is the motion adopted by the Commission:

Motion: I move to forward the following policy recommendations and attached supporting memo to the City Council related to adopting a Multifamily Property Tax Exemption program:

1. That the following areas be considered for the MFTE designation/eligibility areas:

All properties either within the Winslow Master Plan Study Area, or the Winslow Sewer System Service Area, or both and within the Lynwood Center area, which have zoning of Neighborhood Center (NC), NC/R-12, and R-5.

2. That the project eligibility threshold be four multifamily residences.
3. That a future City MFTE program be applicable to both rental and ownership units.

City Council Discussion to Date

At the City Council's May 4, 2021 meeting, the Council received an overview of the state MFTE program and the Planning Commission recommendations. The different MFTE programs authorized under state law vary by duration of tax exemption and affordability requirements. At their meeting on May 4, 2021, the Council directed staff to move forward with developing 12-year and 20-year programs.

The Council also directed staff to schedule a public hearing on June 8, 2021, as required by RCW 84.14.040, and to receive public comment on the following proposed MFTE designation areas, as also recommended by the Planning Commission:

- Winslow Master Plan Study Area
- Winslow Sewer Service Area
- Lynwood Center Area: NC, NC/R-12 and R-5 zones

In accordance with the procedures of RCW 84.14.040(2), on May 11, 2021, the Council discussed Resolution No. 2021-09, which included the potential residential target areas and the time and place of the designation area public hearing. The Council forwarded Resolution No. 2021-09 to the May 25, 2021 consent agenda. The resolution was approved on May 25, 2021.

On June 8, 2021, the Council held a public hearing, as required by RCW 84.14.040, and received public comment on the following proposed MFTE designation areas, as also recommended by the Planning Commission:

- Winslow Master Plan Study Area
- Winslow Sewer Service Area
- Lynwood Center Area: NC, NC/R-12 and R-5 zones

After closing the public hearing, the Council voted unanimously to include the three areas as eligible areas in a future City MFTE program. The Council considered proposed Ordinance No. 2021-23 at its meeting on October 12, 2021, and passed a motion to require that units required to be affordable through a future City 12-year MFTE program must be affordable to households at or below low-income (80% Area Median Income, AMI), not moderate income households (115% AMI). The City Council then reviewed the revised ordinance at its October 26, 2021 meeting.

ATTACHMENTS:

[MFTE presentation.pptx](#)

[MFTE Staff Memo.docx](#)

[Ordinance No. 2021-23 MFTE Program](#)

[Exhibit A to Chapter 3.62 BIMC re MFTE](#)

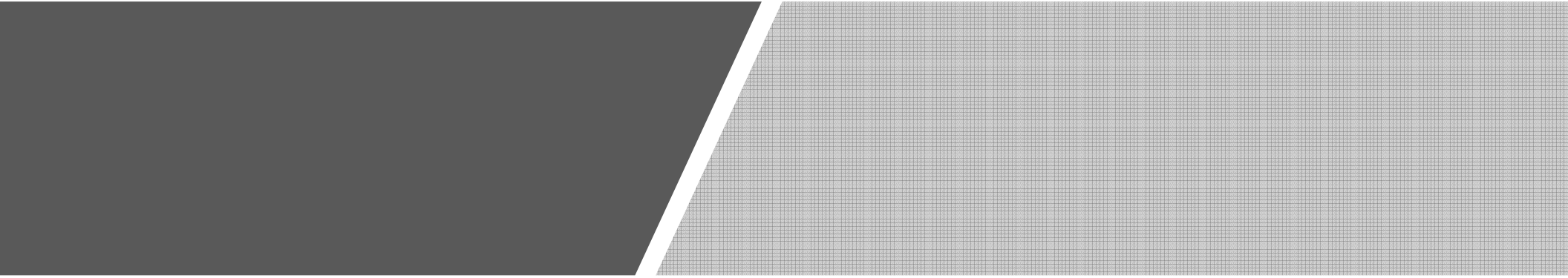
[Resolution No. 2021-09-Relating to MFTE Designation Areas-Approved 052521.pdf](#)

FISCAL DETAILS: The addition of this program may require additional staffing and other costs to administer. A potential MFTE application fee could be adopted at a later date.

While taxes are reduced to participating multifamily units on the one hand, additional costs may be shifted to other non-participating property taxpayers. As an example, if the BLIS apartments valued at \$29.8 million were considered a MFTE project, the total tax exempt amount shifted to other residents would be approximately \$289,000. A residential property assessed at \$800,000 would pay an additional \$16 per year in property taxes.

Fund Name(s):

Coding:



Ordinance 2021-23: Developing a City Multifamily Property Tax Exemption (MFTE) Program

City Council
November 9, 2021



Meeting Purpose

Review and Consider Approval of Ordinance
No. 2021-23 New BIMC Chapter 3.62
Multifamily Property Tax Exemption
("MFTE").

What is the State Multifamily Property Tax Exemption?

- MFTE is a property tax relief program authorized by Washington State ([RCW 84.14](#)).
- Temporary exemption from property taxation on the residential improvement value.
- Financial incentive to encourage development and redevelopment of multifamily and affordable housing.
- Tax exemption on residential improvements begins once a multifamily housing development is built and completed.
- Monitoring and reporting required.

City Council
Direction on
Income
Requirements
for MFTE
Affordable
Units:

20-year Program up to
80% AMI

10/12 City Council
motion to reduce
maximum income for
12-year Program up to
80% AMI

CITY OF BAINBRIDGE ISLAND
2021 MEDIAN INCOME LIMITS BY HOUSEHOLD SIZE
FOR REQUIRED AFFORDABLE HOUSING UNDER MFTE PROGRAM

Median Income Limits by Category (BIMC 18.21.020)	Household Size							
	1	2	3	4	5	6	7	8
100% of Median Household Income	\$65,870	\$75,280	\$84,690	\$94,100	\$101,628	\$109,156	\$116,684	\$124,212
≤ 30% of Median Household Income	\$19,800	\$22,600	\$25,450	\$28,250	\$30,550	\$32,800	\$35,050	\$37,300
31% - 50% of Median Household Income	\$32,950	\$37,650	\$42,350	\$47,050	\$50,850	\$54,600	\$58,350	\$62,150
51% - 80% of Median Household Income Maximum Income for 20-year MFTE program	\$52,750	\$60,250	\$67,800	\$75,300	\$81,350	\$87,350	\$93,400	\$99,400
81%-115% of Median Household Income: Maximum Income for 12-year MFTE program	\$75,750	\$86,570	\$97,390	\$108,215	\$116,870	\$125,530	\$134,185	\$142,845

NOTE: *Gross Annual Income*

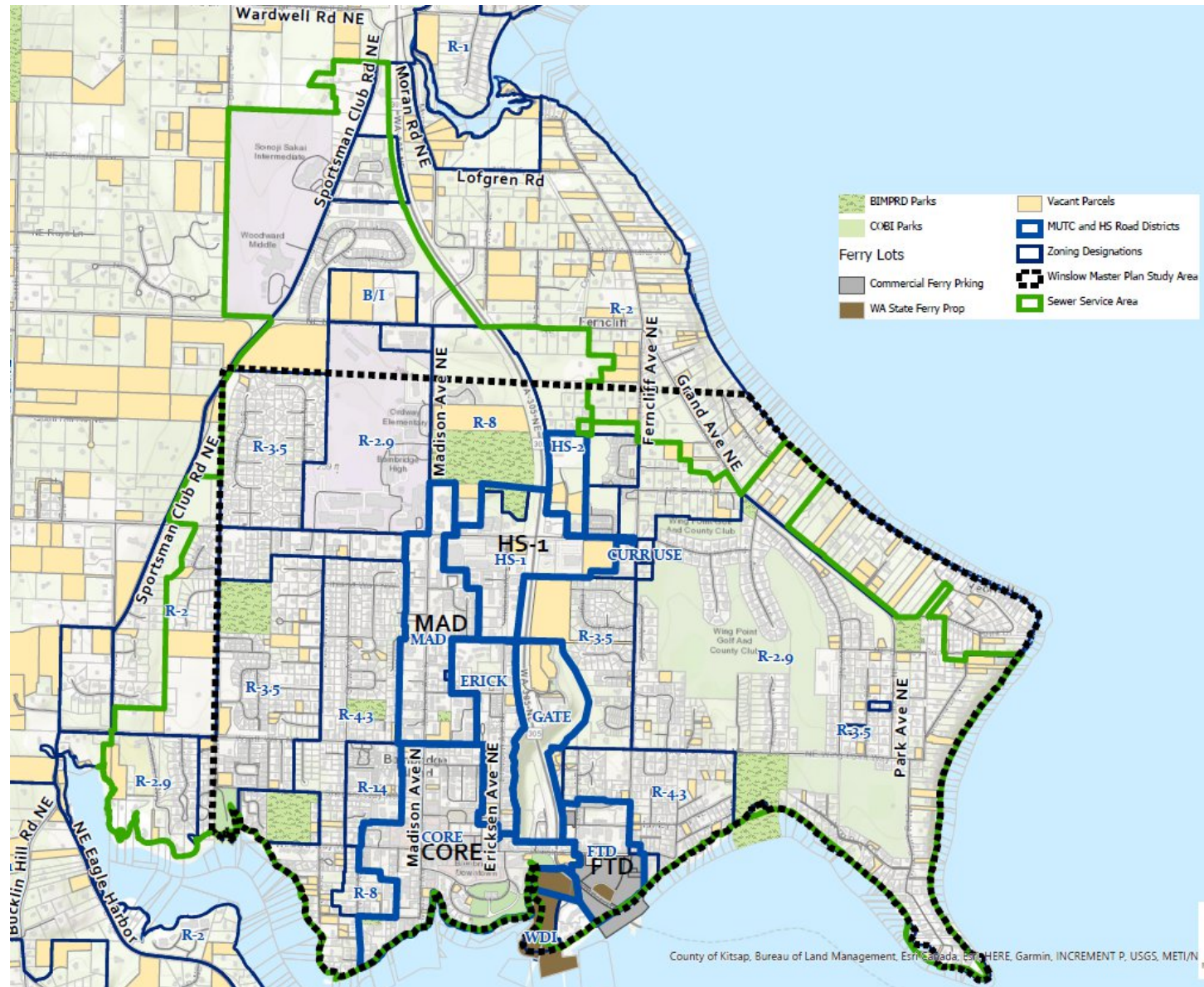
\$15/hour full-time= \$31,200

\$13.69/hour full-time= \$28,475 (2021 WA State Minimum Wage)

Council Direction after June 8 Public Hearing: MFTE Program Eligibility Areas

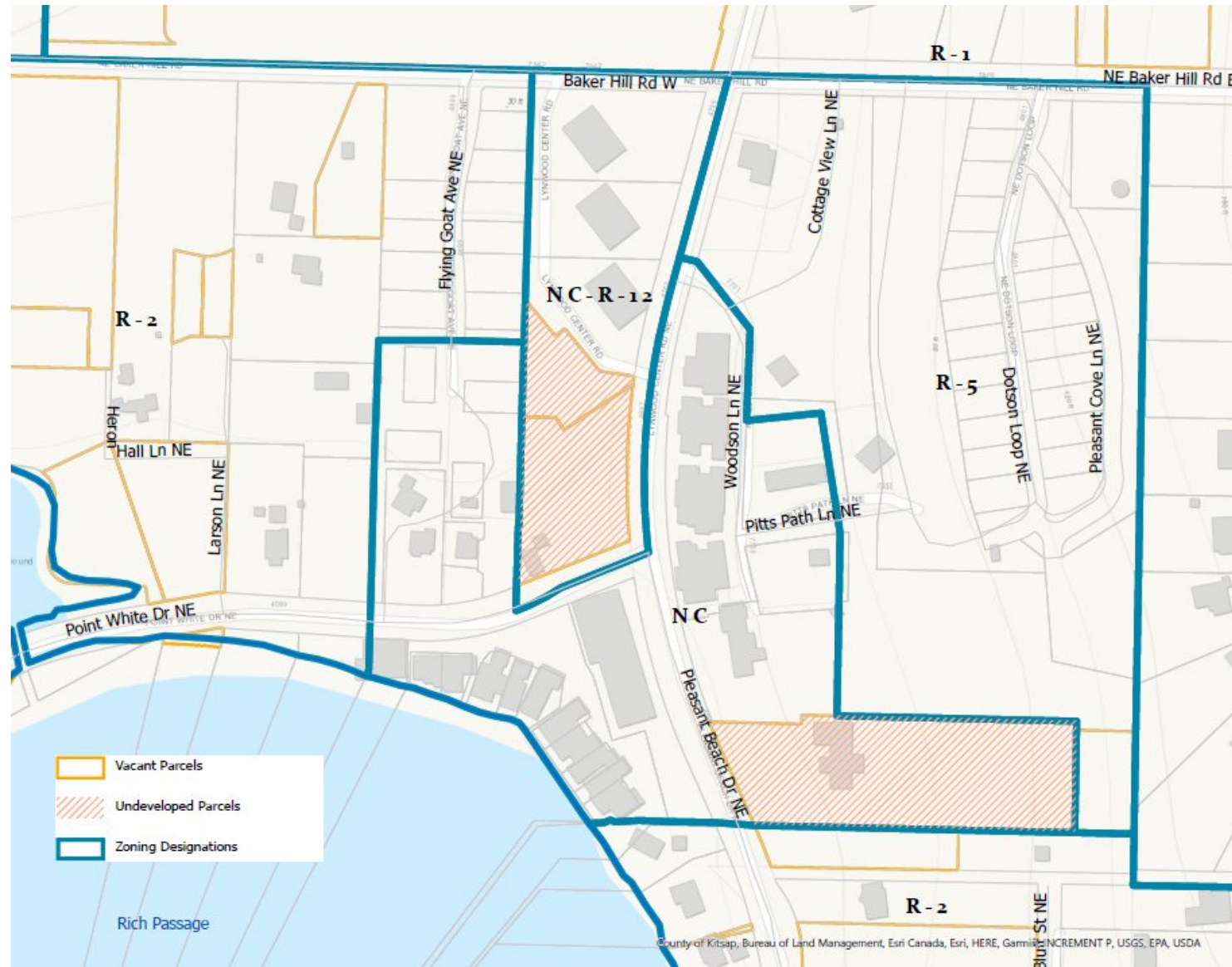
Winslow Master Plan
Study Area (WMPSA,
black dotted line)

Winslow Sewer
Service Area
(*green line*)



Council Direction after June 8 Public Hearing: MFTE Program Eligibility Areas:

Lynwood Center Area:
NC, NC/R-12 and R-5
zones



Next Steps for Developing City MFTE Program

1. After Ordinance No. 2021-23 is approved, ordinance for November 9, City staff will develop forms and administrative processes to administer the program.
2. Training of Planning and Community Development staff on the MFTE program in order to inform potential applicants about the MFTE program during early development phases, e.g. preapplication conference phase.



Department of Planning and Community Development

Memorandum

Date: November 5, 2021
To: City Council
via Blair King, City Manager
From: Jennifer Sutton, AICP Senior Planner
Subject: Ordinance No. 2021-23 New Chapter 3.62 BIMC Related to a Multifamily Property Tax Exemption ("MFTE") Program

I. MEETING PURPOSE

The purpose of tonight's City Council discussion is to:

- Review and consider approval of draft Ordinance No. 2021-23, which would create a new Chapter 3.62 BIMC related to a Multifamily Property Tax Exemption ("MFTE") Program. Washington state law provides for local governments to adopt a MFTE program as described in [Chapter 84.14 RCW](#).

II. DRAFT ORDINANCE NO. 2021-23 (WORKING DRAFT):

Proposed draft Ordinance No. 2021-23 would create a new Chapter 3.62 BIMC, *Multifamily Property Tax Exemption Program*, establishing this new program. The new code chapter is Exhibit A to draft Ordinance No. 2021-23. The new chapter sets forth the proposed program and program administration as required by the applicable state law, [Chapter 84.14 RCW](#). Exhibit A includes the Council policy direction to date regarding the type of MFTE program (12 and 20-year programs), designation areas, and minimum eligible project size (creation of 4 multifamily units). These program elements are in Section 3.62.050, *Project eligibility*. Based on Council input, the City's 12-year MFTE program would require that:

- o For rental projects: 20% of housing units rented to low (80% Area Median Income [AMI]) income households or below.
- o For home-ownership projects, such as condominiums: 100% of housing units required to be sold to low (80% or below AMI) income households or below.

Related to the proposed new 20-Year MFTE Program: A new state law provision for nonprofits that requires 25% of units to be permanently affordable housing to low (80% or below AMI) income households.

Household Incomes Prioritized for MFTE Affordability

As described in draft Ordinance No. 2021-23, the City is pursuing two different MFTE programs, the 12-year and 20-year programs. Based on state law, 12-year MFTE regulations allow for designated affordable units to be available to households at or below moderate (115%) AMI. On October 12, 2021, the City Council approved a motion to have the City's 12-year MFTE program be targeted to households with incomes lower than 80% AMI.

In addition to project eligibility, the second half of the proposed new BIMC chapter describes the administration of the future MFTE program. See, Sections 3.62.050 through 3.62.120. The program is initiated with a MFTE application being submitted during the building permit phase of a development project. The MFTE program provides for application, approval, denial, appeals, and annual compliance review. Prior to drafting proposed Chapter 3.62 BIMC, City staff surveyed the MFTE codes of other Washington communities. The organization of the other MFTE programs was relatively uniform, and that fact informed the proposed organization of proposed Chapter 3.62 BIMC.

MFTE Designation Areas

After holding a public hearing on designation areas on June 8, 2021, the City Council has identified the following areas as the targeted areas where the MFTE program is available, as described in BIMC Section 3.62.030 (see Exhibit A).

- A. Winslow Master Plan Study Area.
- B. Winslow Sewer Service Area.
- C. Within the Lynwood Center Neighborhood Center Area, the Neighborhood Center (NC), NC/R-12, and R-5 zones.

Maps of the areas have been integrated as figures into BIMC Section 3.62.030 and, therefore are no longer Exhibits B and C to the ordinance.

III. NEXT STEPS:

The Council could approve Ordinance No. 2021-23 on November 9, 2021 or schedule additional discussion or consideration of the proposed ordinance for the next Council business meeting on December 14, 2021

After Ordinance No. 2021-23 is approved, City staff will develop forms and administrative processes to administer the program. City Planning and Community Development staff will be trained on the MFTE program in order to inform potential applicants about the MFTE program during early development phases, e.g. preapplication conference phase.

ORDINANCE NO. 2021-23

AN ORDINANCE of the City of Bainbridge Island, Washington, adding a new Chapter 3.62 to the Bainbridge Island Municipal Code to create a City of Bainbridge Island Multifamily Property Tax Exemption program.

WHEREAS, Washington state law authorizes the City Council to adopt a Multifamily Property Tax Exemption (“MFTE”) program as described in Chapter 84.14 RCW, and the purpose of the program is to encourage the development and redevelopment of multifamily and affordable housing by granting a property tax exemption; and

WHEREAS, adopting a MFTE program has been planned and was recommended, for example, in the 2017 Comprehensive Plan Housing Element and the 2018 Affordable Housing Task Force Final Report Recommendation; and

WHEREAS, a Joint City Council/Planning Commission land use subcommittee met in the summer and fall of 2020 and presented a list of recommended priority code changes to the City Council on October 13, 2020 that included adopting a 12-year MFTE Program, and the City Council approved the list and recommended that it be forwarded to the Planning Commission for legislative work; and

WHEREAS, the Planning Commission considered the MFTE program at their meetings on January 14 and 28, 2021, and at their February 11, 2021 meeting the Planning Commission completed their recommendation on MFTE program elements for the City Council, including a recommendation on proposed designation areas in which a City MFTE program should apply; and

WHEREAS, at the City Council meeting on May 4, 2021, the Council received an overview of state law provisions related to the MFTE program and the Planning Commission recommendation on program elements for a MFTE program, including recommended MFTE designation areas (i.e., areas in which the program would apply);

WHEREAS, also on May 4, 2021, the City Council approved a motion to move forward with development of 12-year and 20-year MFTE programs; and

WHEREAS, also on May 4, 2021, the City Council approved a motion to move forward with setting the date of a public hearing for June 8, 2021 for the designation areas recommended by the Planning Commission for a City of Bainbridge Island MFTE program, as required by RCW 84.14.040; and

WHEREAS, on May 11, 2021, the City Council considered Resolution No. 2021-09, a resolution of intention to so designate MFTE designation areas, as authorized by RCW 84.14.040(2); and

WHEREAS, also on May 11, 2021, the City Council approved a motion to schedule a public hearing for June 8, 2021 related to the proposed MFTE designation areas, and to direct the City Manager to begin public outreach for the hearing, such that the eligible areas to be considered at the hearing were: the Winslow Master Plan Study Area; the Winslow Sewer System Service Area; and within the Lynwood Center area, the Neighborhood Center (NC), NC/R-12, and R-5 zones; and

WHEREAS, also on May 11, 2021, the City Council approved a motion to forward Resolution No. 2021-09 for consideration of approval with the Consent Agenda at the May 25, 2021 Council meeting; and

WHEREAS, on May 25, 2021, the City Council adopted Resolution No. 2021-09; and

WHEREAS, on June 8, 2021, the City Council held a public hearing on the proposed designation areas recommended by the Planning Commission and which were subsequently affirmed by the City Council for a City of Bainbridge Island MFTE program, as required by RCW 84.14.040; and

WHEREAS, after closing the public hearing on June 8, 2021, the City Council approved a motion to include all of the proposed areas in a future City MFTE program, with those areas consisting of: the Winslow Master Plan Study Area; the Winslow Sewer System Service Area; and within the Lynwood Center area, the Neighborhood Center (NC), NC/R-12, and R-5 zones; and

WHEREAS, the City Council considered this Ordinance No. 2021-23 at its meeting on October 12, 2021, and passed a motion to require that units required to be affordable through a future City 12-year MFTE program must be affordable to households at or below low-income (80% Area Median Income); and

WHEREAS, the City Council further considered this ordinance at its meetings on October 26, 2021 and November 9, 2021.

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

Section 1. A new Chapter 3.62, *Multifamily Property Tax Exemption Program*, is hereby added to the Bainbridge Island Municipal Code as set forth in Exhibit A, which is attached hereto and incorporated herein.

Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2021.

APPROVED BY THE MAYOR this _____ day of _____, 2021.

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	October 8, 2021
PASSED BY THE CITY COUNCIL:	_____, 2021
PUBLISHED:	_____, 2021
EFFECTIVE DATE:	_____, 2021
ORDINANCE NUMBER:	2021-23

Attachments:

Exhibit A: Chapter 3.62 BIMC, *Multifamily Property Tax Exemption Program*

EXHIBIT A
To Ordinance No. 2021-23

(New) Chapter 3.62
MULTIFAMILY PROPERTY TAX EXEMPTION PROGRAM

Sections:

3.62.010	Purpose
3.62.020	Definitions
3.62.030	Designation of residential targeted areas
3.62.040	Terms of the tax exemption
3.62.050	Project eligibility
3.62.060	Application procedure
3.62.070	Application review – Issuance of conditional certificate – Denial – Appeal
3.62.080	Extension of conditional certificate
3.62.090	Final certificate
3.62.100	Issuance of final certificate
3.62.110	Annual compliance review and report
3.62.120	Cancellation of tax exemption
3.62.130	Conflict of provisions

3.62.010 Purpose.

Pursuant to Chapter 84.14 RCW, the purpose of this chapter is to:

- A. Provide limited exemptions from ad valorem property taxation for qualified development or redevelopment of multifamily housing projects in designated areas; and
- B. Promote and incentivize the development or redevelopment of an appropriate and equitable mix of housing, as a catalyst for additional investment and activity in the targeted areas, in accordance with the city’s comprehensive plan; and
- C. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in designated residential targeted areas to increase and improve housing opportunities, including affordable housing; and
- D. Accomplish the planning goals required under the Growth Management Act, Chapter 36.70A RCW, as implemented by the city’s comprehensive plan.

3.62.020 Definitions.

Unless expressly provided for below, in construing the provisions of this chapter definitions of key terms shall follow the definitions as set forth in RCW 84.14.010. Definitions for additional terms in this chapter may be found in BIMC 18.36.030, as applicable.

- A. “Affordable housing” means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household’s monthly income. For the purposes of housing intended for owner occupancy under this chapter, “affordable housing” means residential housing that is within the means of low-income households, as defined by this chapter. Income eligibility threshold levels for this definition and the others in this chapter shall be set using such levels for the Bremerton-Silverdale metropolitan statistical area, as calculated by the United States department of housing and urban development and updated annually.
- B. “Household” shall have the definition as set forth in RCW 84.14.010.
- C. “Low-income household” means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median family income adjusted for family/household size.
- D. “Median family/household income” means the median household income for the Bremerton-Silverdale metropolitan statistical area, as calculated by the United States department of housing and urban development and updated annually.
- E. “Multiple-unit housing” (also “multifamily housing”) means a building or a group of buildings having four or more dwelling units not designed or used as transient accommodations and not including hotels or motels. Multifamily housing units may result from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings to multifamily housing, and may form part of a mixed-use development.
- F. “Owner” shall have the definition as set forth in RCW 84.14.010.
- G. “Permanently affordable ownership” shall have the definition as set forth in RCW 84.14.021.
- H. “Permanent residential occupancy” shall have the definition as set forth in RCW 84.14.010.
- I. “Rehabilitation improvements” shall have the definition as set forth in RCW 84.14.010.
- J. “Residential targeted area” shall have the definition as set forth in RCW 84.14.010 and the areas that have been so designated by the city council pursuant to Chapter 84.14 RCW and in accordance with this chapter.
- K. “Substantial compliance” shall have the definition as set forth in RCW 84.14.010.
- L. “Urban center” shall have the definition as set forth in RCW 84.14.010.

3.62.030 Designation of residential targeted areas.

Pursuant to RCW 84.14.040, the Bainbridge Island City Council designates the following areas as the targeted areas where the provisions of this chapter are applicable, and as shown in Figures 3.62.030-1 and 3.62.030-2 below:

- A. Winslow Master Plan Study Area.
- B. Winslow Sewer Service Area.
- C. Within the Lynwood Center Neighborhood Center Area, the Neighborhood Center (NC), NC/R-12, and R-5 zones.

Figure 3.62.030-1: Winslow Master Plan Study Area & Winslow Sewer Service Area

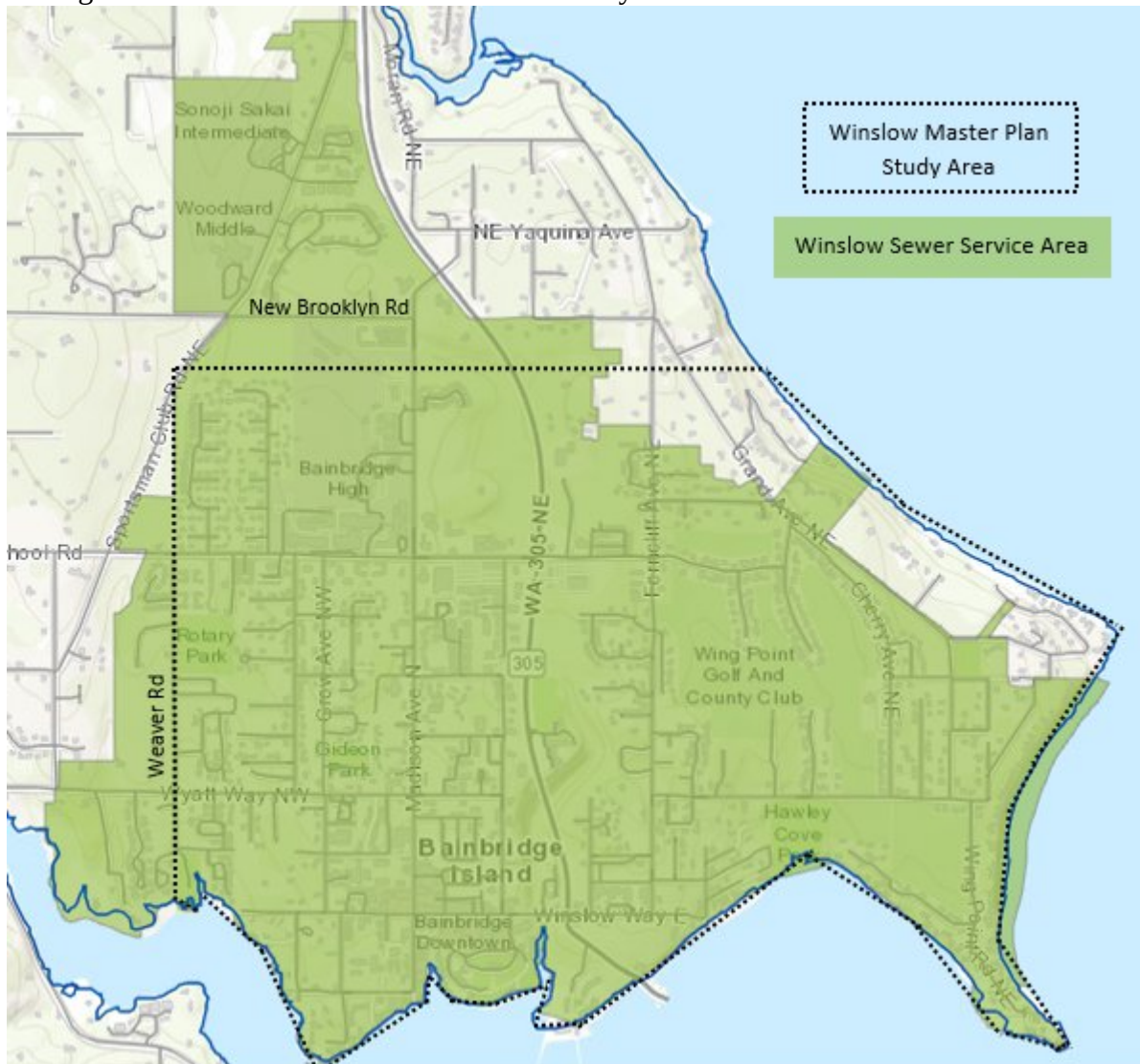
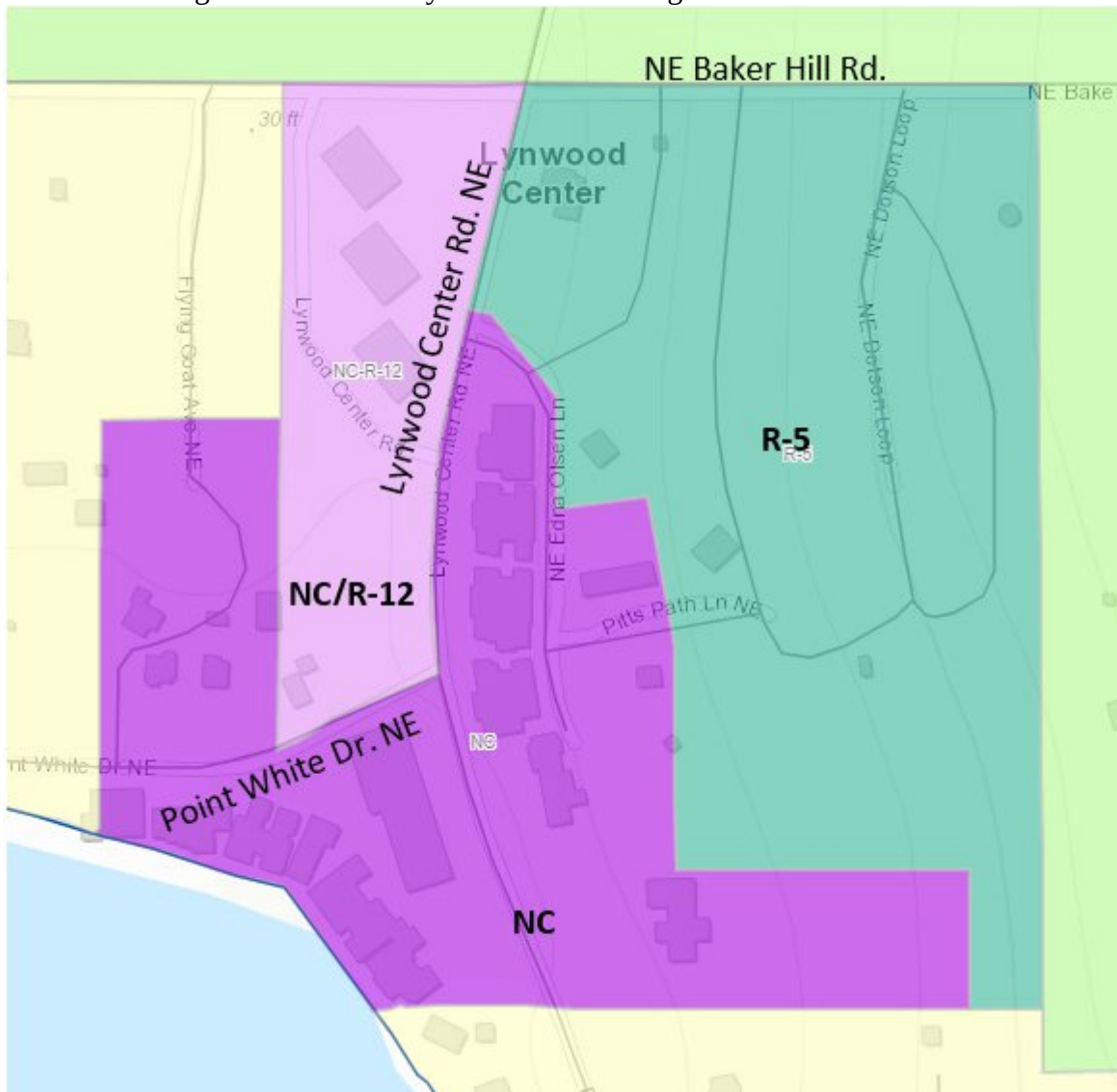


Figure 3.62.030-2: Lynwood Center Neighborhood Center Area



3.62.040 Terms of the tax exemption.

- A. **Duration of Exemption.** For projects that have applied and been certified in accordance with this chapter, the value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation. For both 12-year and 20-year exemptions, the exemption begins on January 1st of the year immediately following the calendar year of issuance of the tax exemption certificate, if the property otherwise qualifies for the exemption under this chapter and meets the conditions of this section.
- B. **Limits on Exemption.** The exemption does not apply:
 - 1. To the value of land or to the value of non-housing related improvements not qualifying under this chapter.

2. In the case of rehabilitation of existing buildings, to the value of improvements constructed prior to submission of the completed application required under this chapter.
 3. To increases in assessed valuation made by the Kitsap County assessor on nonqualifying portions of building or other improvements and value of land nor to increases made by lawful order of a county board of equalization, the Department of Revenue, or Kitsap County, to a class of property throughout the county or specific area(s) of the county to achieve the uniformity of assessment or appraisal required by law.
- C. Conclusion of Exemption. At the conclusion of the exemption period, the value of the new housing construction, conversion, or rehabilitation improvements shall be considered as new construction for the purposes of Chapters 84.55 and 36.21 RCW as though the property was not exempt under Chapter 84.14 RCW.

3.62.050 Project eligibility.

A proposed multifamily housing project must meet all of the following requirements for consideration for a property tax exemption under this chapter.

- A. Location. The project must be located within a residential targeted area as provided in BIMC 3.62.030.
- B. Size of Project. The project, whether new, converted, or rehabilitated multiple-unit housing, must include at least 4 units of multifamily housing within a residential structure or as part of a mixed-use development. In the case of existing occupied multifamily housing development, the multifamily housing project must also provide for a minimum of 4 additional multifamily units. Existing multifamily vacant housing that has been vacant for twelve months or more does not have to provide additional multifamily units. In a mixed-use development, the new, converted, or rehabilitated multiple-unit housing must provide for a minimum of at least 50% of floor area for permanent residential occupancy.
- C. Number of Affordable Housing Units.
 1. For approval under the 12-year multifamily tax exemption program pursuant to this chapter and Chapter 84.14 RCW, the minimum number of affordable housing units are:
 - a. For rental projects, at least twenty (20) percent of the total housing units shall be rented throughout the duration of the twelve-year exemption period to low-income households.
 - b. For ownership projects, one-hundred (100) percent of the housing units shall be sold as affordable housing to low-income households. If a unit is sold prior to the end of the twelve-year exemption period, then the city shall verify the income of subsequent buyers.

2. For approval under the 20-year multifamily tax exemption program pursuant to this chapter and Chapter 84.14 RCW, at least twenty-five (25) percent of the total housing units must be built by or sold to a qualified nonprofit or local government that will assure permanent affordable homeownership and shall be permanently designated as affordable housing.
- D. Compliance with Land Use Process, Standards, and Guidelines. The project must be designed to comply with the city's comprehensive plan, applicable development regulations, and applicable building codes.
 - E. Mix and Configuration of Housing Types. The mix and configuration of housing units (e.g., studio, one bedroom, two bedroom) that meet the requirement for affordable units under this chapter shall be substantially proportional to the mix and configuration of the total housing units in the project. When a project includes more than one building with multifamily housing units, all of the affordable housing units must not be located in the same building.
 - F. Tenant Displacement Prohibited. The project must not displace existing residential tenants of structures that are proposed for redevelopment. If the property proposed to be rehabilitated is not vacant, an applicant shall provide each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate.
 - G. Project Completion. The project must be scheduled for completion within three years from the date of issuance of the conditional certificate.

3.62.060 Application procedure.

A property owner who wishes to propose a project for a tax exemption shall complete the following:

- A. An exemption application provided by the city shall be completed and filed with the Department of Planning and Community Development prior to issuance of a building permit for the project. The City may adopt an application fee as authorized RCW 84.14.080.
- B. The exemption application shall contain and require such information as deemed necessary by the City Manager to review the project for eligibility, including:
 1. A brief written description of the project, including timing and the construction schedule, the grounds for the exemption, and floor plans.
 2. Information describing how the applicant will comply with applicable affordability requirements set forth in BIMC 3.62.050.C.
 3. A statement from the owner acknowledging the potential tax liability when the project ceases to be eligible under this chapter.

4. An affidavit signed by the owner stating the occupancy record of the property for a period of 12 months prior to filing the application.
5. Verification of the correctness of the information submitted by the owner's signature and affirmation made under penalty of perjury under the laws of the State of Washington.

3.62.070 Application review – Issuance of conditional certificate – Denial – Appeal

- A. City Manager's Decision. The City Manager may certify as eligible an application which is determined to comply with all applicable requirements of this chapter and Chapter 84.14 RCW. A decision to approve or deny an application shall be made within 90 calendar days of receipt of a complete application.
- B. Approval of Application – Contract Required. If an application is approved, the applicant shall enter into a contract with the city regarding the terms and conditions of implementation of the project, and in accordance with the following:
 1. The contract shall be reviewed by the city, regarding the terms and conditions of the project and eligibility for exemption under this chapter. The contract shall be a covenant running with the land and shall be binding on the assigns, heirs, and successors of the applicant.
 2. For any development project including owner-occupied units, the contract with the city shall also require that an owners' association organized under RCW 64.34.300 be formed for all owner-occupied units within the development, for at least the length of the exemption period granted, to assume the responsibility for collecting from all individual unit owners the information and documents required to complete the annual reporting requirements and for filing the required annual report with the city for each of the individual homeowners.
 3. Amendment of Contract. Within three years of the date of approval of the contract, an owner may request an amendment(s) to the contract by submitting a request in writing to the City Manager. The fee for an amendment is as set forth in the city's current fee schedule. The City Manager shall have authority to approve minor changes to the contract that are reasonably within the scope and intent of the contract approved by the city council, as solely determined by the City Manager. Amendments that are not reasonably within the scope and intent of the approved contract, as solely determined by the City Manager, shall be submitted to the city council for review and approval. The date for expiration of the conditional certificate shall not be extended by contract amendment unless all the conditions for extension set forth in BIMC 3.62.070 are met.
- C. Issuance of Conditional Certificate. If the application meets all requirements of this chapter and Chapter 84.14 RCW, the City Manager shall issue a conditional certificate of acceptance of tax exemption. The certificate must contain a statement by a duly authorized administrative official of the city that the property has complied with the required findings of

this chapter and RCW 84.14.060. The conditional certificate shall expire three years from the date of approval unless an extension is granted as provided in this chapter.

- D. Denial of Application. If an application is denied, the City Manager shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within 10 calendar days of issuance of the denial.
- E. Appeal. In accordance with RCW 84.14.070, an applicant may appeal a denial to the city council within 30 calendar days of receipt of the denial by filing a complete appeal application and fee, as set forth in the city's current fee schedule, with the City Manager. The appeal before the city council will be based on the record made before the City Manager. The City Manager's decision shall be upheld unless the applicant can show that there is no substantial evidence on the record to support the City Manager's decision. The city council's decision on appeal will be final.

3.62.080 Extension of conditional certificate.

- A. Extension. The conditional certificate and time for completion of the project may be extended by the City Manager for a period not to exceed a total of 24 consecutive months. To obtain an extension, the applicant must submit a written request with a fee, as set forth in the city's current fee schedule, stating the grounds for the extension. An extension may be granted if the City Manager determines that:
 - 1. The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the owner; provided, that financial hardship, regardless of the cause or reason, shall not be considered by the City Manager as a circumstance beyond the control of the owner in order to grant an extension; and
 - 2. The owner has been acting and could reasonably be expected to continue to act in good faith and with due diligence; and
 - 3. All the conditions of the original contract (and as amended) between the applicant and the city will be satisfied upon completion of the project.
- B. Denial of Extension. If an extension is denied, the City Manager shall state in writing the reason for denial and shall send notice to the applicant's last known address within 10 calendar days of issuance of the denial.
- C. Appeal. An applicant may appeal the denial of an extension to the hearing examiner within 14 calendar days of receipt of the denial by filing a complete appeal application and appeal fee with the City Manager. The appeal before the hearing examiner shall be processed as a closed record hearing. No appeal to the city council is provided from the hearing examiner's decision.

3.62.090 Final certificate.

Upon completion of the improvements agreed upon in the contract between the applicant and the city and upon issuance of a temporary or permanent certificate of occupancy, the applicant may request a final certificate of tax exemption by filing with the City Manager such information as the City Manager may deem necessary or useful to evaluate the eligibility for the final certificate, including the following:

- A. A statement of expenditures made with respect to each multifamily housing unit and the total expenditures made with respect to the entire property;
- B. A description of the completed work and a statement of qualification for the exemption;
- C. The total monthly rent or total sale amount of each multifamily housing unit rented or sold to date;
- D. A statement that the work was completed within the required three-year period or any authorized extension;
- E. Information on the applicant's compliance with the affordability requirements of this chapter; and
- F. Any additional information requested by the city pursuant to meeting any reporting requirements under applicable requirements of the BIMC, or Chapter 84.14 RCW.

3.62.100 Issuance of final certificate.

- A. City Manager's Decision. Within 30 calendar days after receipt of all materials required for a final certificate, the City Manager shall determine whether the specific improvements satisfy the requirements of the contract, application, and this chapter.
- B. Granting of Final Certificate. If the City Manager determines that the project has been completed in accordance with this chapter and the contract between the applicant and the city, and has been completed within the authorized time period, the city shall file a final certificate of tax exemption with the Kitsap County assessor within 10 calendar days of the expiration of the 30-day review period provided under subsection A of this section above. The City Manager is authorized to cause to be recorded, at the owner's expense, in the real property records of the Kitsap County department of records, the contract with the city, as amended if applicable, and such other document(s) as will identify such terms and conditions of eligibility for exemption under this chapter as the City Manager deems appropriate for recording, including requirements under this chapter relating to affordability of units.
- C. Denial of Final Certificate. The City Manager shall notify the applicant in writing that a final certificate will not be filed if the City Manager determines that:

1. The improvements were not completed within the authorized time period;
 2. The improvements were not completed in accordance with the contract between the applicant and the city; or
 3. The owner's property is otherwise not qualified under this chapter.
- D. Appeal. An applicant may appeal a denial of a final certificate to the hearing examiner within 14 calendar days of issuance of the denial of a final certificate by filing a complete appeal application and appeal fee with the City Manager. The appeal before the hearing examiner shall be processed as a closed record hearing. No appeal to the city council is provided from the hearing examiner's decision.

3.62.110 Annual compliance review and report.

- A. Within 30 calendar days after the first anniversary of the date of filing the final certificate of tax exemption and each year for the tax exemption period, the property owner shall be required to file a notarized declaration with the City Manager indicating the following:
1. A statement of occupancy and vacancy of the multifamily units during the previous 12 months;
 2. A certification by the owner that the property has not changed use and continues to be in compliance with the contract with the city and the applicable requirements of this chapter;
 3. A description of changes or improvements to the property made after the city's issuance of the final certificate of tax exemption;
 4. The total monthly rent of each multifamily housing unit rented or the total sale amount of each unit sold during the 12 months ending with the anniversary date;
 5. A breakdown of the number, type, and specific multifamily housing units rented or sold during the 12 months ending with the anniversary date;
 6. If granted a 12-year exemption, information demonstrating the owner's compliance with the affordability requirements of this chapter, including, but not limited to, the income of each renter household at the time of initial occupancy or the income of each purchaser of owner-occupied units at the time of purchase;
 7. The value of the tax exemption for the project; and
 8. Any additional information requested by the city pursuant to meeting any reporting requirements under Chapter 84.14 RCW.

- B. City staff may also conduct on-site verification of the declaration and reporting required under this section. Failure to submit the annual declaration and report may result in cancellation of the tax exemption pursuant to this chapter and shall result in a review of the exemption, as provided in RCW 84.14.110.
- C. If the city issues final tax exemption certificates pursuant to this chapter, the City Manager shall submit the report required by RCW 84.14.100 to the State Department of Commerce by April 1st of each year.

3.62.120 Cancellation of tax exemption.

- A. The City Manager may cancel a tax exemption on a property if the City Manager determines any of the following:
 - 1. The owner is not complying with the terms of the contract or this chapter;
 - 2. The use of the property is changed or will be changed to a use that is other than residential;
 - 3. The project violates applicable zoning requirements, land use regulations, building, or fire code requirements; or
 - 4. The owner fails to submit the annual declaration and report specified in BIMC 3.62.110.
- B. If the owner intends to convert the multifamily housing to another use, the owner shall notify the City Manager and the Kitsap County assessor in writing within 60 calendar days of the change in use.
- C. Cancellation may occur in conjunction with the annual review or at any such time noncompliance has been determined.
- D. Upon cancellation of the tax exemption, additional taxes, interest, and penalties shall be imposed on the property, and a priority lien may be placed on the land, pursuant to state law.
- E. Notice of Cancellation. Upon determining that a tax exemption is to be canceled, pursuant to RCW 84.14.110, the City Manager shall notify the owner by mail, return receipt requested.
- F. Appeal of Cancellation. The owner may appeal the determination of cancellation to the hearing examiner by filing a notice of appeal and appeal fee with the city clerk within 30 calendar days of the date of the notice of cancellation, specifying the factual and legal basis for the appeal. The appeal shall be heard by the hearing examiner as a closed record hearing. No appeal to the city council is provided from the hearing examiner's decision.

3.62.130 Conflict of provisions.

If any provision of this chapter is in legal conflict with the provisions of Chapter 84.14 RCW, as currently adopted or hereafter amended, the provisions of Chapter 84.14 RCW shall govern and apply as if set forth in this chapter. If any provision of this chapter is in conflict with Chapter 18.21 BIMC, the provisions of this chapter shall govern.

RESOLUTION NO. 2021-09

A RESOLUTION of the City of Bainbridge Island, Washington, relating to stating the City's intention to designate certain areas in which a City of Bainbridge Island Multifamily Property Tax Exemption program would apply, to include the Winslow Master Plan Study Area, Winslow Sewer Service Area, and in the Lynwood Center Area, the NC, NC/R-12, and R-5 zones.

WHEREAS, Washington State law authorizes the City Council to adopt a Multifamily Property Tax Exemption ("MFTE") program as described in Chapter 84.14 RCW, and the purpose of this program is to encourage the development and redevelopment of multifamily and affordable housing by granting a property tax exemption; and

WHEREAS, adopting a MFTE program has been planned and was recommended in the 2017 Comprehensive Plan Housing Element and the 2018 Affordable Housing Task Force Final Report Recommendation; and

WHEREAS, a Joint City Council/Planning Commission land use subcommittee met in the Summer and Fall of 2020 and presented a list of recommended priority code changes to the Council on October 13, 2020 that included adopting a 12-year MFTE Program, and the City Council approved the list and recommended that it be forwarded to the Planning Commission for legislative work; and

WHEREAS, the Planning Commission discussed the MFTE program at their meetings on January 14 and 28, 2021, and at the February 11, 2021 meeting, the Planning Commission completed their recommendation on MFTE program elements to the City Council, including a recommendation on proposed designation areas in which a City MFTE program should apply; and

WHEREAS, at the City Council meeting on May 4, 2021, the Council received an overview of state law related to the MFTE program and the Planning Commission recommendation on program elements for a future MFTE program, including recommended MFTE designation areas (i.e., areas in which the program would apply);

WHEREAS, at the May 4, 2021 meeting, the City Council approved a motion to move forward with development of 12-year and 20-year MFTE program; and

WHEREAS, at the May 4, 2021 meeting, the City Council approved a motion to move forward with setting the date of a public hearing for June 8, 2021 for the designation areas recommended by the Planning Commission for a City of Bainbridge Island MFTE program, as required by RCW 84.14.040; and

WHEREAS, at its May 11, 2021 meeting, the City Council considered and adopted this resolution of intention to so designate MFTE designation areas, as authorized by RCW 84.14.040(2).

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

Section 1. The City Council will hold a public hearing on June 8, 2021 as part of the Council's regular meeting that begins at 6:00 PM to receive public comment on the proposal to designate the following areas as designation areas in which a City of Bainbridge Island MFTE program would apply, such that development projects would be eligible to participate in such a MFTE program:

Winslow Master Plan Study Area;
Winslow Sewer Service Area; and
In the Lynwood Center Area, the NC, NC/R-12, and R-5 zones.

Section 2. Attached hereto and incorporated herein are Exhibits A and B, which are maps of the proposed designation areas.

Section 3. This resolution will take effect immediately upon passage.

PASSED by the City Council this 25th day of May 2021.

APPROVED by the Mayor this 25th day of May 2021.



Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:


Christine Brown, CMC, City Clerk

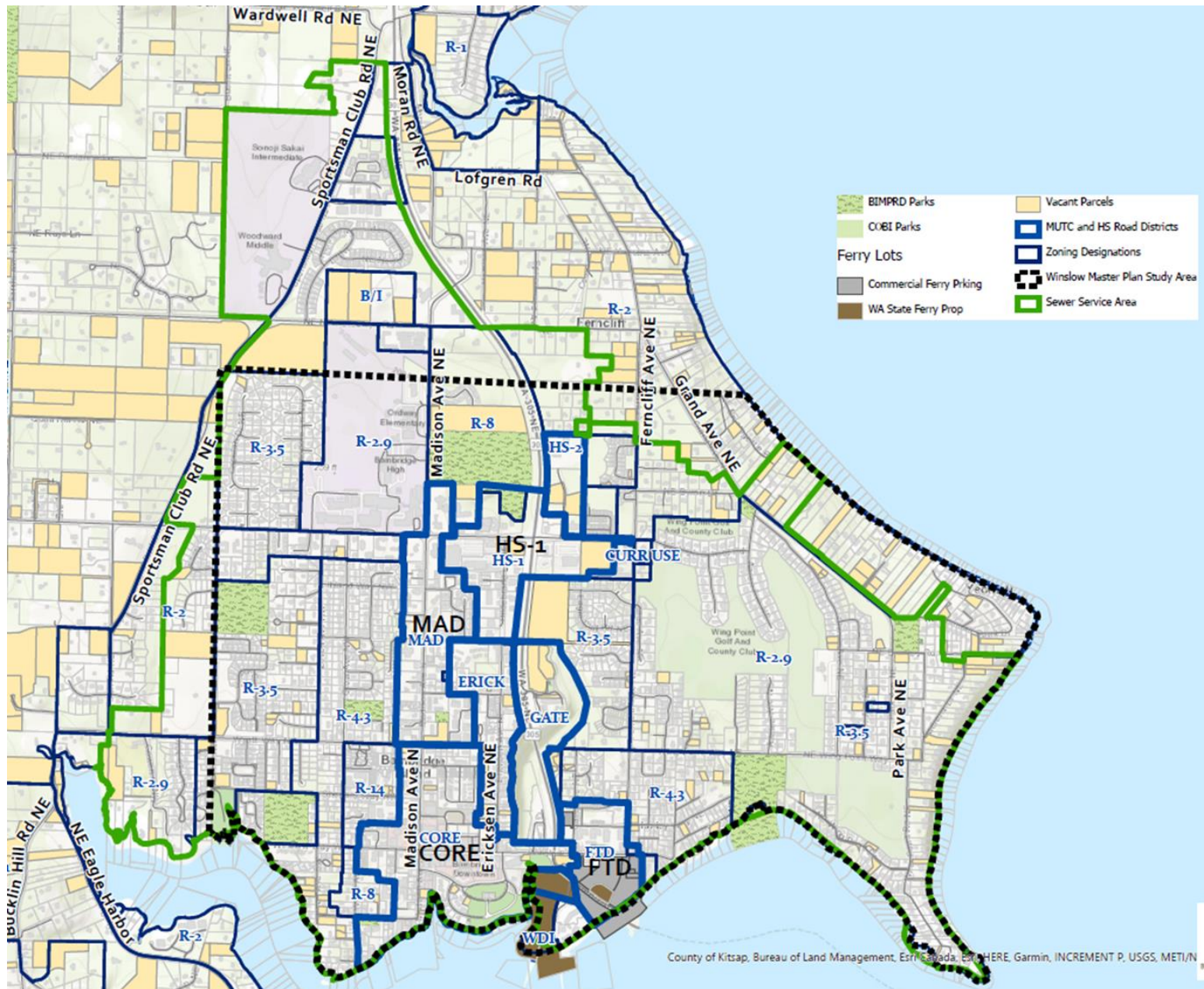
FILED WITH THE CITY CLERK:	May 7, 2021
PASSED BY THE CITY COUNCIL:	May 25, 2021
RESOLUTION NO.:	2021-09

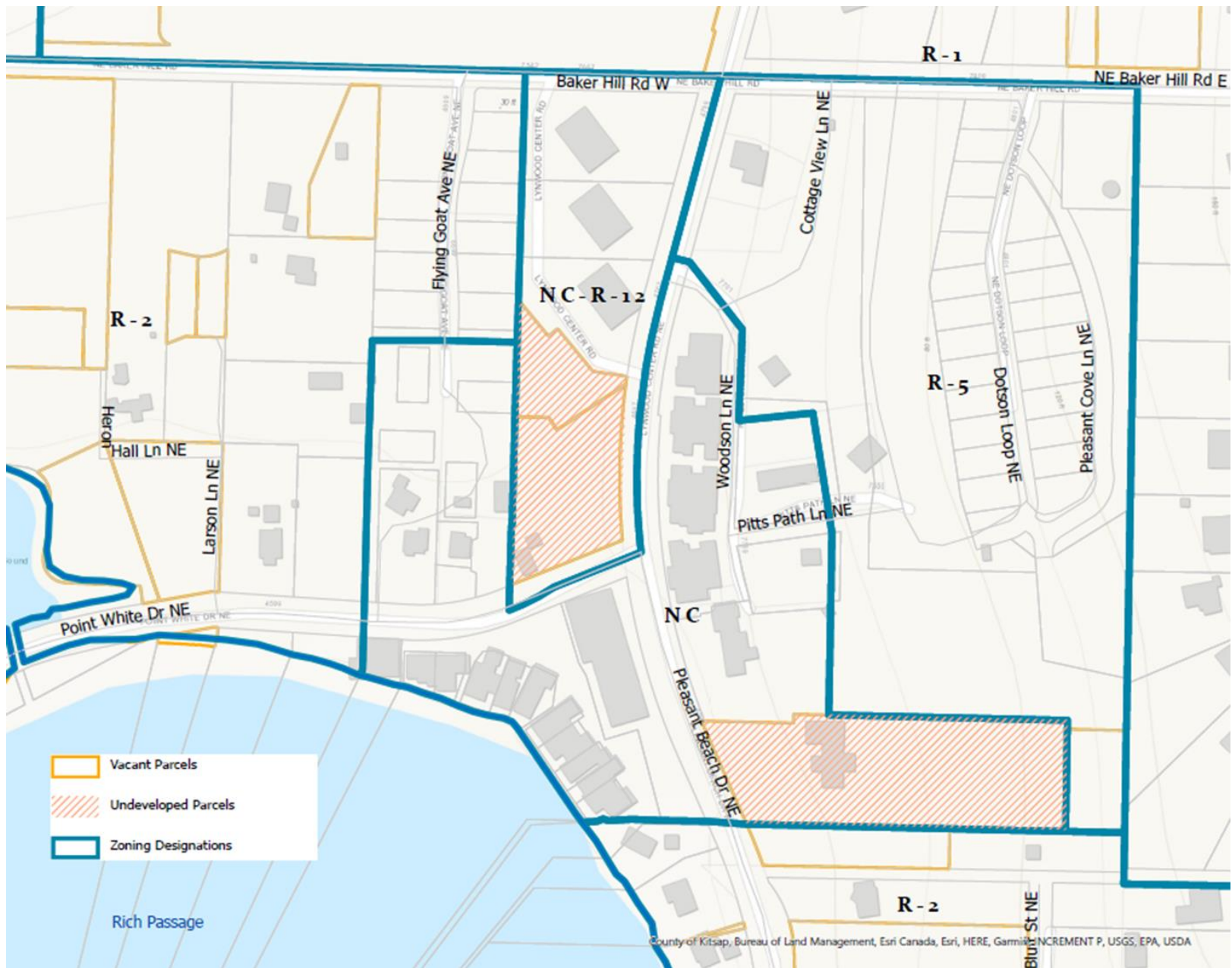
Attachments:

EXHIBIT A: Map of Winslow Master Plan Study Area and Winslow Sewer Service Area

EXHIBIT B: Map of the Lynwood Center Area, showing the NC, NC/R-12, and R-5 zones

EXHIBIT A to Resolution No. 2021-09







CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: (8:25 PM) Consider Ordinance No. 2021-33 – Revisions and Updates to Chapter 16.32 BIMC (Protection of Landmark Trees) - Planning,

AGENDA CATEGORY: Ordinance

PROPOSED BY: Nick Snyder

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): 8/13/2020, 9/10/2020, 10/29/2020, 11/12/2020, 12/10/2020, 12/17/2020
5/13/2021, 5/27/2021, 6/10/2021, 6/24/2021, 10/14/2021

PREVIOUS COUCIL REVIEW DATE(S): 2/25/2020, 4/27/2021

RECOMMENDED MOTION:

I move to forward Ordinance No. 2021-33 for approval with the Consent Agenda at the City Council Meeting on December 14, 2021.

and

I move to direct the City Manager to perform a review of the effect of this ordinance and report back to the City Council within one year of the effective date of the ordinance.

SUMMARY:

The City Council directed City staff to bring the draft language for the Landmark Tree Ordinance (Chapter 16.32 BIMC) previously reviewed on April 27, 2021 for consideration of adoption in lieu of continuing the interim official control that is currently set forth in Chapter 16.32 BIMC. Ordinance No. 2021-33 revises and updates Chapter 16.32 BIMC (Protection of Landmark Trees) to improve the administration of the code language and the protection offered to Landmark Trees. The ordinance also terminates the existing interim official control and adopts permanent regulations.

BACKGROUND: City staff and the Planning Commission have been working on the tree and vegetation work plan approved by the City Council early in 2020. This work plan includes updates to three of Bainbridge Island's tree chapters, including Chapter 16.32, Protection of Landmark Trees. Both the Planning Commission and the Council have considered this topic at multiple meetings in 2020 and 2021.

Ordinance No. 2021-33 revises and updates Chapter 16.32 BIMC (Protection of Landmark Trees) to improve the administration of the code language and the protection offered to Landmark Trees. This ordinance, makes the following changes to Chapter 16.32 BIMC:

- * Applies to all portions of the island except zoning districts R-0.4, R-1, and R-2. This change expands the area covered by the protections and will improve residents' ability to determine when it applies to them.
- * Provides definitions for "dead tree" and "removal" of trees.
- * Adds 10 additional tree species to the list of Landmark trees (Pacific Dogwood (*Cornus nautalii*), Atlas Cedar (*Cedrus atlantica*), Deodar Cedar (*Cedrus deodara*), Black Walnut (*Juglans nigra*), Red Maple (*Acer rubrum*), Giant Sequoia (*Sequoiadendron giganteum*), Weeping Willow (*Salix babylonica*), Shore Pine (*Pinus contorta*), Port Orford Cedar (*Chamaecyparis lawsoniana*), Cherry (*Prunus* spp.).
- * Adds tree age of 100 years or older as an additional criterion to qualifying for landmark tree status.
- * Clarifies one of the reasons that the Planning Director may approve the removal of a landmark tree.

This ordinance codifies protections which have been included in the interim official control which will expire on December 26, 2021.

ATTACHMENTS:

Department of Planning and Community Development Memorandum

Date: November 5, 2021
To: City Council
Blair King, City Manager
From: Nicholas Snyder, City Arborist
Subject: Ordinance No. 2021-33 – Updates to Tree Regulations in Chapter 16.32 BIMC
(Protection of Landmark Trees)

I. Current Item for Council Consideration

At the October 26, 2021 City Council meeting, a discussion was held regarding the further extension of the interim official control currently in place related to Chapter 16.32 BIMC, via Ordinance No. 2021-17. The Council directed that staff work on permanent regulations rather than further extending the interim control. In addition, the Council requested that City staff bring forward the draft updates to Chapter 16.32 BIMC that were previously approved by the Planning Commission and reviewed by the Council on April 27, 2021.

The November 9, 2021 Council agenda includes consideration of Ordinance No. 2021-33, which will revise Chapter 16.32 BIMC, make those regulations permanent, and terminate the existing interim control regulations.

II. Summary

Ordinance No. 2021-33 revises and updates Chapter 16.32 BIMC (Protection of Landmark Trees) to improve the administration of the code language and the protection offered to Landmark Trees. The ordinance makes the following changes to Chapter 16.32 BIMC:

- Applies the applicable regulations to all portions of the island except zoning districts R-0.4, R-1, and R-2. This change expands the area protected by the regulations and will improve residents' ability to determine when the regulations apply to them.
- Provides definitions for "dead tree" and "removal" of trees.
- Adds 10 additional tree species to the list of Landmark Trees, as follows: (Pacific Dogwood (*Cornus nautalii*), Atlas Cedar (*Cedrus atlantica*), Deodar Cedar (*Cedrus deodara*), Black Walnut (*Juglans nigra*), Red Maple (*Acer rubrum*), Giant Sequoia (*Sequoiadendron giganteum*), Weeping Willow (*Salix babylonica*), Shore Pine (*Pinus contorta*), Port Orford Cedar (*Chamaecyparis lawsoniana*), and Cherry (*Prunus* spp.).

- Adds trees aged 100 years or older as an additional criterion to qualifying for Landmark Tree status.
- Clarifies one of the reasons that the Planning Director may approve the removal of a Landmark Tree.

These changes would provide specific protections for applicable trees on Bainbridge Island. It is further proposed that the Council direct staff to bring back a review of these regulations in 12 months. Ordinance No. 2021-33 would also terminate the existing interim control that has been in place related to Landmark Tree protections.

III. Next Steps

The City Council may take action on this ordinance by:

- Forwarding Ordinance No. 2021-33 to a future meeting's consent agenda.
 - o Approval possible on December 14, 2021.
- Taking no action or not approving Ordinance No. 2021-33.
 - o The interim control currently in place will expire on December 26, 2021.
 - o If the interim control expires, Chapter 16.32 BIMC will no longer be in effect and the specific protections provided by that chapter will end.

IV. Background Information

The Planning Commission and City staff have been working on the tree and vegetation work plan approved by the City Council on February 20, 2020. That work plan includes updates to three of Bainbridge Island's tree and vegetation chapters, including Chapter 16.32 BIMC, Protection of Landmark Trees. The Planning Commission initially took up the work on these three chapters as a single ordinance on August 13, 2020. Four subsequent meetings were held to review and discuss the changes proposed and on December 17, 2020, the Planning Commission held a public hearing on the ordinance and voted to recommend the ordinance for City Council approval. At the City Council meeting on April 27, 2021, the Council reviewed the Planning Commission's recommendation but chose to take no action and directed the Planning Commission to continue their work with the benefit of the Council's comments. Since that time, the Planning Commission has had five meetings on 5/13/2021, 5/27/2021, 6/10/2021, 6/24/2021, and 10/14/21 to discuss and implement the City Council's input. That May-October work is not included in Ordinance No. 2021-33 because the proposed changes have not been through a Public Hearing. Ordinance No. 2021-33 in its current form is based off of Council's specific request to bring the April 27, 2021 draft of the Landmark Tree Ordinance to the November 9, 2021 Council meeting for consideration of adoption.

ORDINANCE NO. 2021-33

AN ORDINANCE of the City of Bainbridge Island, Washington, adopting a revised version of Chapter 16.32 of the Bainbridge Island Municipal Code related to the protection of Landmark Trees; terminating the related interim official control set forth most recently in Ordinance No. 2021-17; providing for interpretive authority; and providing for severability.

WHEREAS, the City Council of the City of Bainbridge Island (“City”) updated the City’s Comprehensive Plan in February of 2017; and

WHEREAS, the City Council has significant concerns about development and growth in the City under current regulations in the context of the vision and goals of the City’s Comprehensive Plan, has been discussing how to best accommodate growth and development in both general and specific ways, and finds that there are likely to be adverse impacts on the City and its residents unless the City acts immediately to preserve the character of our community forest; and

WHEREAS, land clearing and development activities have resulted in the removal and loss of Landmark Trees on Bainbridge Island and the City has received numerous public comments expressing concern regarding the loss of Landmark Trees on the island; and

WHEREAS, Landmark Trees, because of their age, size, and condition, are recognized as having exceptional value in contributing to the character of the community; and

WHEREAS, the Planning Commission, Design Review Board, and the (former) Ad Hoc Tree/LID Committee have expressed concern regarding the loss of trees on Bainbridge Island and the preservation of trees is a community value supported by the policies and goals of the City’s Comprehensive Plan; and

WHEREAS, on June 26, 2018, the City Council adopted Ordinance No. 2018-25, which imposed an interim official control in the form of Chapter 16.32 of the Bainbridge Island Municipal Code (“BIMC”), *Preservation of Landmark Trees*, which designates Landmark Trees based on size and species, requires a permit to remove any Landmark Tree, and imposes fines if a Landmark Tree is removed without a permit; and

WHEREAS, on October 16, 2018, the City Council authorized the City Manager to contract with a team of arborists to review and make recommendations on City regulations governing tree and vegetation removal, including Chapter 16.32 BIMC; and

WHEREAS, in response to comments and input that City staff and the City Council received regarding implementation and application of the Landmark Tree regulations, including comments from many property owners and Puget Sound Energy about difficulty in meeting the requirements of the regulations, City staff proposed amendments to the regulations to add exceptions for the type of Landmark Tree removal that would be approved through permit review; and

WHEREAS, the above described team of arborists provided their report and recommendations to City staff, and the City Council discussed that report and those recommendations at a Council study session on May 7, 2019; and

WHEREAS, the City Council instructed staff to proceed with action items identified in the May 7, 2019 staff report including drafting a new ordinance to revise the City's tree and vegetation regulations; and

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

WHEREAS, at scheduled open meetings, City staff met with the Planning Commission to discuss draft regulations related to Ordinance No. 2020-28 (which was renumbered in 2021 to Ordinance No. 2021-07) on August 13, September 10, October 29, November 11, and December 10, 2020; and

WHEREAS, Ordinance No. 2020-28 included revisions to Chapter 16.18 BIMC (formerly Exhibit A), Chapter 16.32 BIMC (formerly Exhibit B), BIMC 18.15.010 (formerly Exhibit C), BIMC 16.20.100 (formerly Exhibit D), and the Community Forest Best Management Practices Manual (formerly Exhibit E); and

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

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

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

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

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

WHEREAS, on May 27, 2021, the Planning Commission continued to discuss input from the City Council in relation to Chapter 16.32 BIMC and decided to separate and move Exhibit A (formerly Exhibit B) forward to the City Council and continue their work on what was referenced as Exhibits A (Chapter 16.18 BIMC), C (BIMC 18.15.010), D (BIMC 16.20.100), and E (Community Forest Best Management Practices Manual) at a subsequent meeting; and

WHEREAS, Exhibit A (formerly Exhibit B) of Ordinance No. 2021-07 related to amending Chapter 16.32 BIMC to make the interim regulations permanent, simplify and update code language, expand the applicable area of the Landmark Tree regulations, and improve the list of qualifying trees and characteristics; and

WHEREAS, Ordinance No. 2021-07 was renumbered to Ordinance No. 2021-33; and

WHEREAS, at scheduled open meetings on June 10, June 24, and October 14, 2021, the Planning Commission held additional meetings to continue work on Ordinance No. 2021-33; and

WHEREAS, on October 26, 2021, the City Council provided direction for permanent regulations to replace the interim official control set forth most recently in Ordinance No. 2021-17, and directed staff to bring back the April 27, 2021 draft of the Landmark Tree regulations set forth in Ordinance No. 2021-33 (formerly Ordinance No. 2021-07) which had been approved by the Planning Commission after a public hearing on December 17, 2020; and

WHEREAS, on November 9, 2021, the City Council considered this Ordinance No. 2021-33 and forwarded it for consideration of approval with the December 14, 2021 consent agenda; and

WHEREAS, on December 14, 2021, the City Council approved this Ordinance No. 2021-33.

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

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

Section 2. Adoption of Permanent Regulations. This ordinance hereby adopts a version of Chapter 16.32 of the Bainbridge Island Municipal Code (“BIMC”), as set forth in the attached Exhibit A, which is incorporated by reference as if fully set forth herein, that is a revised version of what has been to this point an interim official control. To the extent necessary to convert what has been an interim official control into permanent regulations, this ordinance hereby repeals the current version of Chapter 16.32 BIMC and replaces it with the version as set forth in Exhibit A.

Section 3. Termination of Interim Official Control Set Forth Most Recently in Ordinance No. 2021-17. The version of Chapter 16.32 BIMC that is adopted via this ordinance will result in regulations that meet what was identified as the remaining work in the work plan

for the current interim official control that has been in place most recently via Ordinance No. 2021-17 and the directly related ordinances that preceded Ordinance No. 2021-17, which effectuated an extension of an existing interim official control. This Ordinance No. 2021-33 hereby terminates the interim official control most recently set forth in Ordinance No. 2021-17 upon the effective date of this Ordinance No. 2021-33.

Section 4. Interpretive Authority. The City of Bainbridge Island Director of Planning and Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 5. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

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

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

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	November 5, 2021
PASSED BY THE CITY COUNCIL:	_____, 2021
PUBLISHED:	_____, 2021
EFFECTIVE DATE:	_____, 2021
ORDINANCE NUMBER:	2021-33
ATTACHED EXHIBITS:	Exhibit A

Exhibit A to Ordinance No. 2021-33

**Chapter 16.32
PROTECTION OF LANDMARK TREES**

- 16.32.005 Applicability.**
- 16.32.010 Definitions.**
- 16.32.015 Exemptions.**
- 16.32.020 Landmark tree criteria.**
- 16.32.030 Landmark tree retention.**
- 16.32.040 Emergencies.**
- 16.32.050 Appeals.**
- 16.32.060 Violations and penalties.**

16.32.005 Applicability.

This chapter applies to all zoning districts except R-0.4, R-1, and R-2.~~only to those properties located within the Winslow Master Plan Study Area as shown in Figure 2.3 of the Winslow Master Plan, updated November 8, 2006. (Ord. 2019-17 § 7, 2019)~~

16.32.010 Definitions.

A. “City attorney” means the city attorney of the city of Bainbridge Island, or their designee.

B. “Dead Tree” means a tree that has no live tissue or is determined to have less than 10% live tissue by a Tree Risk Assessment Qualified (TRAQ), International Society of Arboriculture (ISA) certified Arborist.

BC. “Diameter breast height” means the diameter of a tree measured at four and one-half feet above the ground on the uphill side of the tree.

CD. “Landmark trees” means trees, located on Bainbridge Island, that are unique because of their age, size, species, historical significance, or aesthetic quality and meet the criteria established by this chapter.

DE. “Planning director” means the director of the planning and community development department of the city of Bainbridge Island, or their designee.

F. “Removal” means cutting of a tree with the intent to kill it, including the creation of a wildlife snag where all live material is removed from the tree.

EG. “Replacement tree” means a tree that is of a species native and indigenous to the site where a landmark tree was removed and is a minimum size of six feet in height measured from top of the root flare, with a minimum trunk diameter of one inch measured at four inches above the top of the root flare for both evergreen and deciduous trees.

FH. “Size” means the diameter breast height of a tree.

16.32.015 Exemptions.

In the following circumstances, a removal of landmark tree permit shall not be required pursuant to this section:

A. The tree(s) at issue is/are dead;

B. For routine maintenance activities required to control vegetation on road, access, or utility rights-of-way or easements, including tree removal, pruning, and thinning; or

C. For Class II and Class III forest practices regulated by the Washington State Department of Natural Resources under Chapter 76.09 RCW.

16.32.020 Landmark tree criteria.

Landmark trees are trees that meet the following criteria for their species or are known to be 100 years old or older:

Species	Size (Greater than or equal to)
Birch (Betula papyrifera spp.)	30"
Beech (Fagus grandifolia spp.)	36"
Catalpa (Catalpa speciosa)	36"
American Elm (Ulmus americana)	30"
Douglas Fir (Pseudotsuga menziesii)	40"
Grand Fir (Abies grandis)	40"

Species	Size (Greater than or equal to)
Horsechestnut (<i>Aesculus hippocastanum</i>)	40"
Western Hemlock (<i>Tsuga heterophylla</i>)	30"
Black Locust (<i>Robinia pseudoacacia</i>)	30"
Lombardy Poplar (<i>Populus nigra</i>)	38"
Pacific Madrone (<i>Arbutus menziesii</i>)	24"
Bigleaf Maple (<i>Acer macrophyllum</i>)	36"
Silver Maple (<i>Acer saccharinum</i>)	36"
Monkey Puzzle Tree (<i>Araucaria araucana</i>)	36"
Monterey Pine (<i>Pinus radiata</i>)	30"
Oregon White Oak (<i>Quercus garryana</i>)	30"
Pacific Yew (<i>Taxus brevifolia</i>)	20"
Pin Oak (<i>Quercus palustris</i>)	30"
Red Oak (<i>Quercus rubra</i>)	38"
Ponderosa Pine (<i>Pinus ponderosa</i>)	30"
Western White Pine (<i>Pinus monticola</i>)	30"

Species	Size (Greater than or equal to)
Sitka Spruce (<i>Picea sitchensis</i>)	36"
Sycamore (<i>Platanus occidentalis</i>)	36"
English Walnut (<i>Juglans regia</i>)	30"
Western Red Cedar (<i>Thuja plicata</i>)	30"
Coast Redwood (<i>Sequoia sempervirens</i>)	30"
Japanese Laceleaf-Maple	12"
<u>Pacific Dogwood (<i>Cornus nautalii</i>)</u>	<u>20"</u>
<u>Atlas Cedar (<i>Cedrus atlantica</i>)</u>	<u>36"</u>
<u>Deodar Cedar (<i>Cedrus deodara</i>)</u>	<u>36"</u>
<u>Black Walnut (<i>Juglans nigra</i>)</u>	<u>24"</u>
<u>Red Maple (<i>Acer rubrum</i>)</u>	<u>36"</u>
<u>Giant Sequoia (<i>Sequoiadendron giganteum</i>)</u>	<u>40"</u>
<u>Weeping Willow (<i>Salix babylonica</i>)</u>	<u>30"</u>
<u>Shore Pine (<i>Pinus contorta</i>)</u>	<u>24"</u>
<u>Port Orford Cedar (<i>Chamaecyparis lawsoniana</i>)</u>	<u>30"</u>

Species	Size (Greater than or equal to)
<u>Cherry (Prunus spp.)</u>	<u>24"</u>

16.32.030 Landmark tree retention.

A. Except as otherwise allowed under this chapter, no person, corporation, or other legal entity shall remove a landmark tree without having obtained approval from the planning director.

B. Prior to the removal of a landmark tree, any person, corporation, or other legal entity seeking to remove a landmark tree must submit an application for removal of a landmark tree, along with a fee to be established by resolution of the city council, to the department of planning and community development.

C. Upon receipt of an application for removal of a landmark tree, the planning director will review the application materials and consider the request based upon the criteria outlined in this chapter and any other city regulations that apply to the tree requested for removal, such as, but not limited to, Chapter 16.12 BIMC, Shoreline Master Program, Chapter 16.20 BIMC, Critical Areas, and BIMC 18.15.010, Landscaping, screening, and tree retention, protection and replacement.

D. The planning director shall approve the removal, deny the removal, or request additional information. The planning director shall only approve the removal of a landmark tree if all other applicable city regulations are met and upon a finding that at least one of the following criteria is met:

1. The removal is necessary to enable construction on or reasonable use of the property, and no other alternative is feasible; or
2. The removal is necessary to fulfill the terms of an easement or covenant recorded prior to the adoption of the ordinance codified in this chapter; or
3. The tree is ~~diseased, or otherwise determined to be a hazardous tree as determined by a qualified professional pursuant to BIMC 18.15.010.C.1.c.~~ determined to have a high or extreme Tree Risk Rating by an ISA certified TRAQ Arborist who:

- a. Identifies the tree part(s) and defect(s) that increase the likelihood of failure;
- b. Identifies the target(s) and site factors contributing to increased likelihood of impact;
- c. Utilizes a timeframe of five years or less; and
- d. Utilizes the matrixes in tables BIMC 16.32.030-1 and BIMC 16.32.030-2 below to determine the Tree Risk Rating.

16.32.030-1: Likelihood Matrix

<u>Likelihood of Failure</u>	<u>Likelihood of Impact</u>			
	<u>Very Low</u>	<u>Low</u>	<u>Medium</u>	<u>High</u>
<u>Imminent</u>	<u>Unlikely</u>	<u>Somewhat Likely</u>	<u>Likely</u>	<u>Very Likely</u>
<u>Probable</u>	<u>Unlikely</u>	<u>Unlikely</u>	<u>Somewhat Likely</u>	<u>Likely</u>
<u>Possible</u>	<u>Unlikely</u>	<u>Unlikely</u>	<u>Unlikely</u>	<u>Somewhat Likely</u>
<u>Improbable</u>	<u>Unlikely</u>	<u>Unlikely</u>	<u>Unlikely</u>	<u>Unlikely</u>

16.32.030-2: Tree Risk Rating Matrix

<u>Likelihood of Failure and Impact</u>	<u>Consequences of Failure</u>			
	<u>Negligible</u>	<u>Minor</u>	<u>Significant</u>	<u>Severe</u>
<u>Very Likely</u>	<u>Low</u>	<u>Moderate</u>	<u>High</u>	<u>Extreme</u>
<u>Likely</u>	<u>Low</u>	<u>Moderate</u>	<u>High</u>	<u>High</u>
<u>Somewhat Likely</u>	<u>Low</u>	<u>Low</u>	<u>Moderate</u>	<u>Moderate</u>
<u>Unlikely</u>	<u>Low</u>	<u>Low</u>	<u>Low</u>	<u>Low</u>

In deciding whether the removal of a landmark tree is necessary under subsection D.1., ~~or 2 D.2.,~~ or D.3. of this section, the planning director shall consider all land use regulations applied to the subject property, such as: Chapter 15.19 BIMC, Site Assessment Review, Chapter 16.12 BIMC, Shoreline Master Program, Chapter 16.20 BIMC, Critical Areas, or any other tree retention regulations applied through a land use permit.

E. If the planning director grants an application for removal of a landmark tree upon a finding that the removal is necessary to enable construction on or reasonable use of the property, and no other alternative is feasible, then the property owner that submitted the application shall be required to provide mitigation through the planting of replacement trees on the property from which the landmark tree was removed in accordance with the following:

1. The quantity of replacement trees is calculated by multiplying the diameter breast height of the subject landmark tree by 50 percent to establish the number of replacement inches; and
2. The total number of replacement trees is determined by the total caliper inches of Replacement Trees equaling or exceeding the required tree replacement inches established in subsection E.1 of this section.

F. In lieu of planting the replacement trees prescribed in subsection E of this section, an applicant may satisfy the tree replacement requirements by:

1. Planting at least three replacement trees on the property from which the landmark tree was removed; and
2. Contributing to the Bainbridge Island tree fund at a rate of \$500.00 per each replacement inch not accounted for in the planting of replacement trees; and
3. The sum of the tree replacement inches accounted for by contributing to the Bainbridge Island tree fund and the total caliper inches of the replacement trees planted shall not be less than the total replacement inches calculated in subsection E of this section.

16.32.040 Emergencies.

A. In emergency situations involving immediate danger to life or real property, removal of a landmark tree is permitted without first obtaining approval from the planning director; provided, that the following conditions are satisfied:

1. The person, corporation, or other legal entity that removed the landmark tree submits an application for removal of a landmark tree under this chapter within 14 days after the emergency situation is stabilized; and
2. The person, corporation, or other legal entity that removed the landmark tree provides, within 14 days after the emergency situation is stabilized, the city with documentation establishing the existence of the emergency situation, with such documentation including at least four high resolution photographs evidencing the existence of the emergency situation; and
3. The planning director subsequently approves the removal pursuant to this chapter.

B. If the conditions of subsection A of this section are not satisfied, the person, corporation, or other legal entity that removed the landmark tree without first obtaining approval from the planning director will be in violation of this chapter.

16.32.050 Appeals.

A. The planning director's decision on an application for removal of a landmark tree may be appealed to the hearing examiner as described in BIMC 2.16.020.R.1.

B. All appeals must be filed within 14 days following the issuance of the planning director's decision on the application.

16.32.060 Violations and penalties.

A. This chapter shall be enforced, and penalties for violations of this chapter will be imposed, pursuant to Chapter 1.26 BIMC, except that no notice of infraction may be issued under Chapter 1.26 BIMC for a violation of this chapter. In addition to notices of violation issued under BIMC 1.26.050 or 1.26.060, BIMC 1.26.070 will also govern the review and appeal of any notice of violation issued under Chapter 1.26 BIMC for a violation of this chapter.

B. In addition to the civil penalties imposed under BIMC 1.26.090, an additional civil penalty will be imposed on any person, corporation, or other legal entity that removes a landmark tree without prior approval of the planning director. This additional civil penalty will be in the amount of \$25,000 for each landmark tree removed. The city attorney will take appropriate action to collect this additional civil penalty.

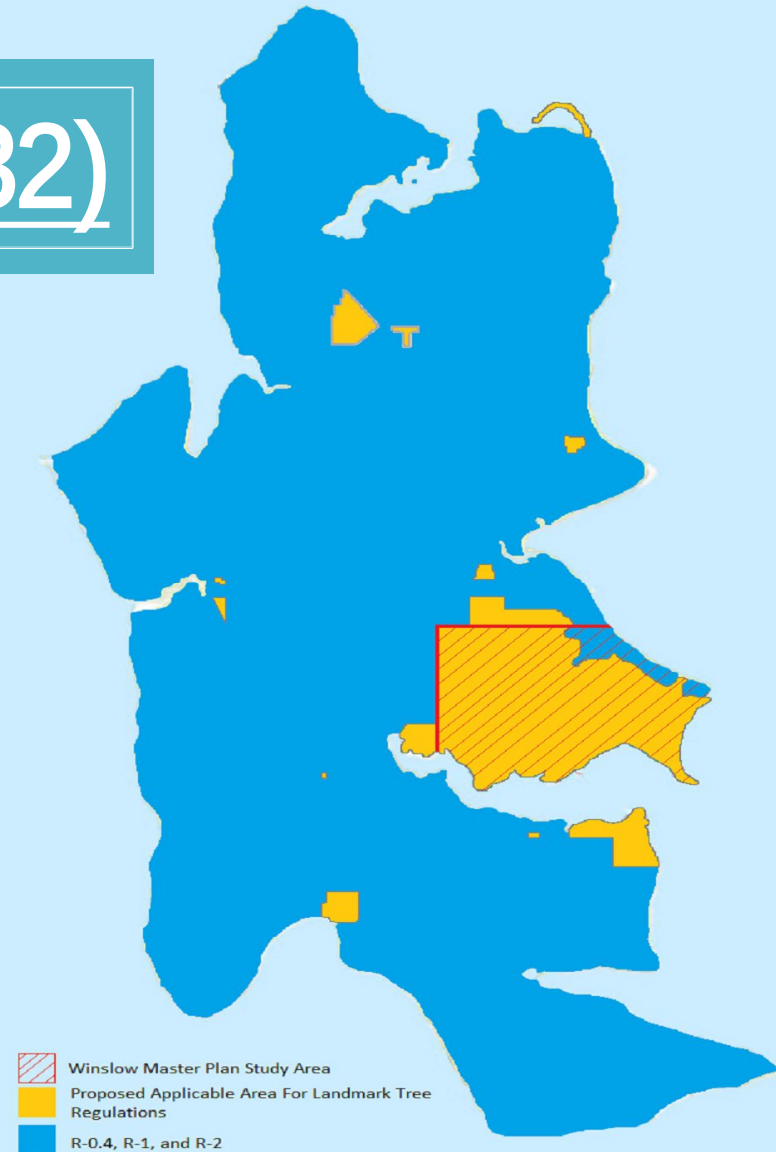
C. In the event of a conflict between the requirements of this chapter and any other requirement of the Bainbridge Island Municipal Code, this chapter will govern and control.

Ordinance NO. 2021-33

Amending Chapter 16.32 (Protection of landmark Trees) of the
Municipal Code per the Landmark Tree Ordinance Work Plan

List of Changes (BIMC 16.32)

- Expanding the Landmark Tree Ordinance to apply in all zoning districts except R-0.4, R-1, and R-2.
- Solidifying the Landmark Tree Ordinance as a permanent fixture of our tree regulations.
- Expanding and refining the qualifying characteristics and species of Landmark trees.
- Updating and clarifying tree risk assessment requirements for TRAQ arborists





CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (8:40 PM) Adopt Resolution No. 2021-21 Related to the Process and Schedule for Municipal Court Judge Appointments - Executive,

SUMMARY: The Bainbridge Island Municipal Code and Washington state law require that the municipal court judge be appointed by the City Manager with confirmation by the City Council. Other than the timeline and minimum qualifications contained in state law, the City of Bainbridge Island has no other locally adopted position qualifications or timeline to guide the appointment process. The subject resolution establishes a job description, which is consistent with the City's personnel practices, and establishes the policy to solicit applications as part of the appointment process.

AGENDA CATEGORY: Resolution

PROPOSED BY: Executive

RECOMMENDED MOTION: I move to adopt Resolution No. 2021-21 related to the process and schedule for Municipal Court Judge appointments.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND: As part of the recent process of appointing and confirming the municipal court judge, the City Manager determined that the City would benefit from a more formalized schedule and process for making such appointments and confirmations in the future.

Chapter 2.20 of the Bainbridge Island Municipal Code ("BIMC"), specifically BIMC 2.20.030, and state law, specifically RCW 3.50.040, require that the City's municipal court judge be appointed by the City Manager to a four-year term. BIMC 2.20.030 provides that the City Manager's appointment of the municipal court judge is subject to confirmation by the City Council, and that appointments shall be made on or before December 1st of the year preceding the year in which the term commences. BIMC 2.20.030 further provides, and as also set forth in RCW 3.50.040, that a person appointed as municipal judge shall be a citizen of the United States of America and of the state of Washington, and be an attorney admitted to practice law before the courts of record of the state of Washington, but there are no other formal job requirements set forth in Chapter 2.20 BIMC or

Chapter 3.50 RCW. The City has not formally adopted a position description for the municipal court judge position, and the City Manager desires to do so for this position going forward.

The attached resolution states that the City Council desires to ensure that the City Manager is provided the opportunity to evaluate the qualifications of interested persons for consideration of appointment to the position of municipal court judge and, to this end, it is desirable to establish a pattern and practice of requesting qualifications sufficiently prior to the end of the term of the municipal court judge and to invite qualified candidates, including the incumbent, to submit qualifications.

The resolution would establish a formal job description for the position of municipal court judge and a clearer process and schedule for the City Manager to invite interested persons to apply for the position, evaluate the qualifications of candidates, and appoint the municipal court judge, subject to the Council's confirmation.

It is recommended that the Council adopt the attached resolution to effectuate such a process and schedule. The resolution also includes the job description for the position.

ATTACHMENTS:

[Resolution No. 2021-21 - Procedure and Schedule to Appoint Municipal Judge.docx](#)

[Municipal Court Judge Job Description.docx](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

RESOLUTION NO. 2021-21

A RESOLUTION of the City Council of Bainbridge Island, Washington, relating to establishing the procedure and schedule to evaluate candidates for appointment by the City Manager to the position of municipal court judge.

WHEREAS, Chapter 2.20 of the Bainbridge Island Municipal Code (“BIMC”), specifically BIMC 2.20.030, and state law, specifically RCW 3.50.040, require that the City’s municipal court judge be appointed by the City Manager to a four-year term; and

WHEREAS, BIMC 2.20.030 provides that the City Manager’s appointment of the municipal court judge is subject to confirmation by the City Council, and that appointments shall be made on or before December 1st of the year preceding the year in which the term commences; and

WHEREAS, BIMC 2.20.030 further provides, and as also set forth in RCW 3.50.040, that a person appointed as municipal judge shall be a citizen of the United States of America and of the state of Washington, and be an attorney admitted to practice law before the courts of record of the state of Washington, but there are no other formal job requirements set forth in Chapter 2.20 BIMC or Chapter 3.50 RCW; and

WHEREAS, the City has not formally adopted a position description for the municipal court judge position, and the City desires to do so for this position going forward; and

WHEREAS, the City Council desires to ensure that the City Manager is provided the opportunity to evaluate the qualifications of interested persons for consideration of appointment to the position of municipal court judge; and

WHEREAS, to this end, it is desirable to establish a pattern and practice of requesting qualifications sufficiently prior to the end of the term of the municipal court judge and to invite qualified candidates, including the incumbent, to submit qualifications.

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

Section 1. The Job Description for the position of Municipal Court Judge for the City of Bainbridge Island shall substantially conform to the attached Job Description, which is attached as Exhibit A and incorporated herein as part of this Resolution.

Section 2. No later than six months preceding December 1st of the year next preceding the year in which the term of the Municipal Court Judge commences, an invitation to submit applications for the position of Municipal Court Judge shall be made

by placing a notice in at least one outlet available to interested persons who meet the minimum qualifications as contained in the Job Description.

Section 3. If not removed for the reasons specified in BIMC 2.20.150, a former Municipal Court Judge shall be allowed to submit an application.

Section 4. The above procedures and schedule shall only be applicable to the appointment of a full term of the Municipal Court Judge.

Section 5. In situations in which a vacancy in the Municipal Court Judge position is created as set forth in BIMC 2.20.070 and RCW 3.50.093, the City Manager shall fill the vacancy in conformance with Chapter 2.20 BIMC and Chapter 3.50 RCW, including confirmation by the City Council.

Section 6. The City Manager upon their sole discretion shall determine the means and method to review and evaluate the qualifications of the applicant pool for the Municipal Court Judge position.

Section 7. Severability. If any one or more sections, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

Section 8. This Resolution shall take effect and be in force immediately upon its passage.

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

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

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

By: _____

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.
ATTACHED:

November 4, 2021
_____, 2021
2021-21
Exhibit A (Job Description)



JOB DESCRIPTION

TITLE: Municipal Court Judge	JD: 133
DEPARTMENT: Municipal Court	EFFECTIVE DATE:
REPORTS TO: City Manager	FLSA STATUS: Exempt
SUPERVISES: Court Administrator	UNION STATUS: Unrepresented

JOB PURPOSE/SUMMARY

Presides over and adjudicates a variety of hearings and trials related to criminal and civil cases in accordance with established legal procedures as prescribed in Washington State law; imposes appropriate sentences and penalties as prescribed by law.

ABOUT THE CITY OF BAINBRIDGE ISLAND

The City of Bainbridge Island is a vibrant community with small-town feel, 52 miles of scenic shoreline and densely forested areas. Our employees are the most important asset in preserving and enhancing the special character of the Island, and in responding to the community's needs. The City provides competitive salaries, outstanding benefits and professional growth opportunities.

CITY VISION

A healthy Bainbridge Island, now and for future generations.

CITY MISSION

Serve and respond with skill, trust, and care.

CITY VALUES

- Stewardship: We manage our resources with intention.
- Professionalism: We bring knowledge to our work and energy to new challenges.
- Connection: Respect and communication are central to our success.
- Balance: Personal well-being improves our work and makes our organization strong.

ESSENTIAL FUNCTIONS

- Directs and controls the proceedings involved in court hearings and trials; presides over a variety of municipal court hearings and trials in criminal and civil cases in accordance with Washington State law.
- Presides over and adjudicates court and jury trials, pretrials, arraignments, post-conviction reviews, and other hearings.
- Reviews and signs warrants and other documents; researches legal issues and maintains current knowledge of legislative changes impacting municipal court procedures.
- Hears, tries, and adjudicates a variety of cases related to misdemeanor crimes, traffic and parking violations, including mitigation and contested hearings.
- Hears and makes appropriate determinations in response to civil petitions for protection in domestic violence cases.
- Hears and weighs testimony and evidence presented to determine appropriate verdict of guilty or not guilty; imposes just sentences and penalties as prescribed by law; utilizes remedial and community

Exhibit A to Resolution No. 2021-21

service programs as appropriate.

- Ensures compliance with any post sentencing requirements.
- Directs the preparation and maintenance of court dockets and support documents; assures proper collection, disbursement, and accounting for fines and other monies paid to the City.
- Works with the Court Administrator to ensure court is in compliance with all state and local regulations, and rules as promulgated by the Administrative Office of the Courts.
- Speaks to community groups and presides at ceremonial functions as requested; administers oaths of office and other duties prescribed by law.
- Provides supervision to subordinate(s) in planning and implementing programs; selects, trains, motivates, coaches and evaluates staff; establishes and monitors employee performance objectives; reviews employee performance evaluations completed by the Court Administrator; provides or coordinates staff training; implements discipline.
- Meets regularly with staff to discuss and resolve priorities, workload and technical issues.
- Facilitates problem solving and encourages a high degree of communication and feedback between employees and supervisors; leads by example by maintaining high standards of behavior and performance.
- Maintains timely and regular attendance.
- Other duties as assigned.

KNOWLEDGE OF:

- United States and Washington State Constitutions and judicial systems.
- Municipal Court rules, procedures, conduct and Rules of Evidence and laws of arrest.
- State laws and City ordinances pertaining to civil, traffic, and criminal cases.
- Trial of court cases and/or administrative proceedings.
- Management practices in a union environment.
- City organization, operations, policies and procedures.

ABILITY TO:

- Hear and weigh testimony and evidence, and impose appropriate sentences and penalties in accordance with the laws of the State of Washington and the City of Bainbridge Island.
- Read, interpret, apply, and explain codes, rules, regulations, policies, and procedures.
- Analyze situations accurately and adopt an ethical and effective course of action.
- Manage a large case load and work independently.
- Make difficult decisions under stress, and to be fair, open minded, and committed to equal justice under the law.
- Work in a team environment with the court staff and other branches of government.
- Comport with the Code of Judicial Conduct.
- Supervise, lead, coach and use best management practices to improve staff performance.
- Support and model the identified vision, values and behaviors of the organization.
- Establish and maintain effective working relationships.
- Use initiative and independent judgment within established procedural guidelines.
- Operate a personal computer utilizing a variety of standard and specialist software.
- Communicate effectively both orally and in writing.

QUALIFICATIONS

Graduation from a law school accredited by the American Bar Association is required. Five years of experience as a practicing attorney, and at least two years of criminal law experience, including participation as a trial counsel or judge, and/or prior experience as a judge or judge pro tem, are preferred.

LICENSE AND CERTIFICATION REQUIREMENTS

- An attorney admitted to practice law before the courts of record of the State of Washington.
- Member in good standing, on active or judicial status, of the Washington State Bar Association at time of appointment.
- Valid Washington State Driver's License.

Exhibit A to Resolution No. 2021-21

- A citizen of the United States and of the state of Washington, and resident of Kitsap County.
- Must submit to a criminal background investigation and review any disciplinary filings with the Washington State Bar Association or other bar associations.
- Must be bondable and take an oath of office.

WORKING CONDITIONS

The regular work schedule varies, totaling 20 hours per week, Monday through Friday. Typical work hours will be between 7:30 am and 4 pm. Work is primarily performed in a courthouse environment which is busy, oriented to public service, and subject to occasional work interruptions. Noise level is moderate. The employee may interact with disgruntled and hostile individuals, requiring the ability to work under pressure, ability to quickly adjust to changing priorities and demands, and the use of conflict management skills.

PHYSICAL REQUIREMENTS

Continuous repetitive arm/hand movement is essential to performance. The incumbent in this position must be able to discern voice conversation, have the physical ability to perform essential job functions, and have hand-eye coordination sufficient to operate computers, do keyboarding and operate other office equipment. The incumbent must have the ability to produce legible handwritten documents and may need to push, pull, lift and carry up to 20 pounds.

The City of Bainbridge Island is an equal opportunity employer. All employees and candidates for employment will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex/gender, race, national origin, religion, creed, color, marital status, veteran status, age, national origin, pregnancy, sexual orientation, gender identity, disability, genetic information or any other basis prohibited by law.

While requirements may be representative of minimum levels of knowledge, skills and abilities to perform this job successfully, the incumbent will possess the abilities or aptitudes to perform each duty proficiently. This job description does not constitute an employment agreement between the Employer and Employee and is subject to change as the needs of the Employer and requirements of the job change.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (8:50 PM) Confirm Reappointment of Judge Sara McCulloch as Municipal Court Judge and Authorize the City Manager to Execute an Associated Employment Agreement (\$90,307 per year) - Executive,

SUMMARY: Judge Sara McCulloch's current term as Bainbridge Island Municipal Court Judge will expire on December 31, 2021. This item is for the City Council to confirm the reappointment of Judge McCulloch as Municipal Court Judge for another 4-year term, and to authorize the City Manager to execute an associated employment agreement for years 2022-2025. Pursuant to BIMC 2.20.030, the municipal judge shall be appointed by the City Manager, subject to confirmation by the City Council.

The Council considered this topic at its October 26, 2021 meeting, and is continuing its consideration of the topic as part of this agenda item.

AGENDA CATEGORY: Appointment

PROPOSED BY: Executive

RECOMMENDED MOTION: I move to confirm the reappointment of Sara McCulloch as Municipal Court Judge and authorize the City Manager to execute an associated employment agreement for years 2022-2025 in substantially the form as included with this agenda item.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND: The term of a Municipal Court Judge as set forth in RCW 3.50.040 is four years. In response to a Request for Qualifications, Sara McCulloch was initially appointed to a four-year term beginning January 1, 2014. She was reappointed to a second four-year term on January 1, 2018, and her current term will expire on December 31, 2021.

Pursuant to BIMC 2.20.030, the municipal judge shall be appointed by the City Manager, subject to confirmation by the City Council, for a term of four years. Appointments shall be made on or before December 1st of the year preceding the year in which the term commences. The City Manager has interviewed Judge McCulloch and is

reappointing her for another four-year term. This agenda item is for the Council to confirm the reappointment and to authorize the City Manager to execute the associated employment agreement with Judge McCulloch.

No firm pattern and practice has been established for consideration of the appointment of the municipal judge at the City of Bainbridge Island. Other than the qualifications of being a citizen of the United States of America and of the state of Washington, and being an attorney admitted to practice law before the courts of record of the state of Washington, there are no other formal job requirements. The City of Bainbridge Island has not formally adopted a job description for the Municipal Court Judge. If the City Council approves a resolution before it on November 9, 2021, then it will have adopted the first job description for the Municipal Court Judge.

Because the Municipal Court Judge position is a term-limited position and compensation is established by the Administrative Office of Courts, an employment agreement has been used to establish terms of employment. The attached employment agreement is recommended and is consistent with the compensation and benefits offered to other unrepresented managerial positions within the City of Bainbridge Island. The terms of employment in the contract attached with the agenda item are substantially similar to the current employment agreement.

Based upon the interview of Sara McCulloch and her knowledge, legal and judicial experience, and understanding of the community, the City Manager is appointing Ms. McCulloch to a four-year term in accordance with BIMC 2.20.030.A. & B.

With regard to the appointment process, the expiration of the incumbent's term was brought to the City Manager's attention in the past several weeks. In fact, based upon verbal information, the new City Manager believed that the term expired December 31, 2022, a year into the future. In the context of the totality of the City's workload, and due to the lateness of this matter, for all practical purposes there is insufficient time to conduct a request for qualifications without compromising other higher priority tasks. As a general principle, it is desirable to establish a pattern and practice of requesting qualifications prior to the end of the term and to invite qualified candidates, including the incumbent, to submit qualifications. This was not possible this appointment cycle. The possibility of a provisional confirmation to allow for a solicitation was reviewed with the City Attorney. However, Chapter 2.20 BIMC and Chapter 3.50 RCW state that the appointment is for four years. Chapter 2.20 BIMC and Chapter 3.50 RCW also provide that a municipal judge can only be removed upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of office.

ATTACHMENTS:

[Municipal Court Judge Employment Agreement - 2022-2025.docx](#)

FISCAL DETAILS: This contract change was considered in the 2022 budget modification Ordinance No. 2021-27 which was adopted on October 26, 2021.

Fund Name(s):

Coding:

**MUNICIPAL COURT JUDGE EMPLOYMENT AGREEMENT
FOR YEARS 2022-2025**

THIS MUNICIPAL COURT JUDGE EMPLOYMENT AGREEMENT (“Agreement”) is made and entered into by and between the City of Bainbridge Island, Washington, a municipal corporation of the State of Washington (“City”), and Sara McCulloch (“Municipal Court Judge”).

WHEREAS, the City is a municipality organized under the laws of the State of Washington; and

WHEREAS, the City Manager, as the chief administrative official of the City, appoints the Municipal Court Judge, and the City Council confirms the Municipal Court Judge; and

WHEREAS, the City Manager has reappointed Sara McCulloch as the Municipal Court Judge for a term of four years in accordance with and under Bainbridge Island Municipal Code (“BIMC”) Chapter 2.20, subject to confirmation by the City Council; and

WHEREAS, the City recognizes the Bainbridge Island Municipal Court as an independent branch of government. Nothing in this contract is intended to be inconsistent with the Washington Constitution, state law, or municipal law governing the judicial branch of government; and

WHEREAS, the City desires to provide certain benefits, establish certain conditions of employment, and set the general working conditions for the Municipal Court Judge; and

WHEREAS, Sara McCulloch desires to continue her employment as Municipal Court Judge for the City in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained the parties agree as follows:

1. DUTIES

A. The City agrees to continue to employ the services of the Municipal Court Judge to preside over the Municipal Court in accordance with Chapter 2.20 BIMC and Chapter 3.50 RCW.

B. The Municipal Court Judge agrees to continue her employment and act as the Municipal Court Judge for the City and to perform her duties to the best of her ability in accordance with the highest professional and ethical standards of the profession and to comply with all general rules and regulations established by the State of Washington and the City.

C. The Municipal Court Judge declares that she is qualified to serve as a Municipal Court Judge in that she is a citizen of the United States and of the State of Washington, and an attorney admitted to practice law before the courts of record of the State of Washington.

- D. The Municipal Court Judge shall abide by the Code of Judicial Conduct and Washington State Court Rules.

2. STATUS AND TERM

- A. The Municipal Court Judge shall be reappointed for a four-year term, commencing January 1, 2022, and terminating December 31, 2025, unless otherwise amended by the parties.
- B. The position of Municipal Court Judge is fifty percent of a full-time equivalent (part-time) appointed position.

3. JUDGE'S RIGHT TO RESIGN OR TERMINATE AGREEMENT

Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Municipal Court Judge to resign and terminate this Agreement at any time, subject only to the provisions set forth in Section 8 of this Agreement.

4. SALARY

Reflecting the fact that the position of Municipal Court Judge is part-time, the City agrees to pay the Municipal Court Judge a salary of fifty percent (50%) of 95% of a Washington State District Court Judge's salary, as adjusted on July 1 of each year by the Washington Citizen's Commission on Salaries for Elected Officials, payable in equal installments at the same time as other employees of the City. As of the Effective Date of this Agreement on January 1, 2022, the Municipal Court Judge will be receiving a monthly salary of Seven Thousand Five Hundred Twenty-Five Dollars and Fifty-Eight Cents (\$7,525.58).

5. BENEFITS

- A. The Municipal Court Judge shall not have a car allowance; however, a City vehicle will be available for trips over fifty (50) miles in total distance. If the Municipal Court Judge uses her own vehicle for trips related to City business, the City shall reimburse the Municipal Court Judge for such use in accordance with the then-current IRS approved mileage rate.
- B. The City shall provide the Municipal Court Judge with a cell phone. The Municipal Court Judge shall use said cell phone in accordance with City policies regarding such use.
- C. The City shall pay fifty percent (50%) of the medical insurance premiums for the Municipal Court Judge. The City shall pay fifty percent (50%) of the medical insurance premiums for the Municipal Court Judge's spouse and dependents.
- D. The City shall make available to the Municipal Court Judge, her spouse, and her dependents the same dental insurance and vision plan that is provided to non-represented employees of the City. The City shall pay fifty percent (50%) of the premiums for said dental

insurance plan and one hundred percent (100%) of the premiums for said vision plan for the Municipal Court Judge, her spouse, and her dependents.

E. The City shall make available to the Municipal Court Judge, her spouse, and her dependents the same Employee Assistance Plan that is made available to non-represented employees of the City, provided the Municipal Court Judge is covered by a City-sponsored medical insurance program. The City shall pay one hundred percent (100%) of the premiums for said Employee Assistance Plan for the Municipal Court Judge, her spouse, and her dependents.

F. The City shall pay one hundred percent (100%) of the premium for term life insurance in the amount of Forty Thousand Dollars (\$40,000.00). The Municipal Court Judge shall name the beneficiary(ies) of said term life insurance. The Municipal Court Judge shall have the option to purchase additional life insurance if desired.

G. The City shall pay one hundred percent (100%) of the premiums for long-term disability insurance for the Municipal Court Judge with no more than a 90-day elimination period.

6. RETIREMENT

The Municipal Court Judge is enrolled in the Public Employee Retirement System of Washington ("PERS") and the City shall make all legally required City contributions for the Municipal Court Judge's participation in said system. The Municipal Court Judge shall be responsible for paying all legally required employee contributions for the Municipal Court Judge's participation in said retirement system.

In addition to base salary paid by the City to the Municipal Court Judge, the City agrees to pay a match of up to one hundred dollars (\$100) per month into an Internal Revenue Service Code Section 457 plan program in accordance with the City's usual payroll schedule.

7. VACATION, SICK, AND MANAGEMENT LEAVE

The Municipal Court Judge shall accrue prorated vacation leave based on years of service as provided in the City's Employee Manual. The Municipal Court Judge is entitled to accrue all unused vacation leave, up to a maximum of three-hundred twenty (320) hours. Upon termination of employment, accrued but unused vacation leave shall be paid to the Municipal Court Judge.

The Municipal Court Judge shall accrue prorated sick leave at a rate of four (4) hours per month. The Municipal Court Judge is entitled to accrue all unused sick leave, up to a maximum of one-thousand forty (1,040) hours. Upon termination of employment for any reason, any accrued unused sick leave shall be forfeited and shall not be paid in cash.

On January 1 of each year, the Municipal Court Judge shall be credited with twenty-four (24) hours of management leave, which may not be carried over annually.

8. RESIGNATION AND TERMINATION

- A. The Municipal Court Judge may resign at any time, with or without cause, and shall give the City at least thirty (30) days' advance written notice of the effective date of her resignation.
- B. The Municipal Court Judge shall be removed only by action of the Commission of Judicial Conduct and the Supreme Court as provided in Article IV, Section 31 of the Washington Constitution and in accordance with BIMC 2.20.150 and RCW 3.50.095.
- C. It is understood that after notice of termination or resignation in any form, the Municipal Court Judge and the City will cooperate to provide for an orderly transition.

9. HOURS OF WORK

The Municipal Court Judge shall be available as needed to provide the Municipal Court services in accordance with Chapter 2.20 BIMC and Chapter 3.50 RCW. The parties recognize that the Municipal Court Judge will be exempt from the provisions relating to overtime payment and compensatory time under the Fair Labor Standards Act.

10. PROFESSIONAL DEVELOPMENT

The City shall budget and pay for the professional dues and subscriptions of the Municipal Court Judge and associated costs (including travel, lodging, and meal expenses) reasonably necessary for her continuation and full participation in regional, state, and local associations and organizations that are necessary and desirable for her continued professional participation, growth, and advancement and in order to better serve the interests of the City.

11. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

The City Manager may fix in writing any such other terms and conditions of employment, as the City Manager may determine from time to time, relating to the performance of the Municipal Court Judge, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement or applicable federal, state, or local law. All provisions of the Bainbridge Island Municipal Code, City ordinances, City regulations, City rules, and the Employee Manual, as they now exist or hereafter may be amended, shall also apply to the Municipal Court Judge as they would to other employees of the City, except as may be specifically agreed upon herein.

12. INDEMNIFICATION

Beyond that required under federal, state, or local law, the City shall defend, hold harmless, and indemnify the Municipal Court Judge against any tort, professional liability claim, demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Municipal Court Judge's duties or resulting from the exercise of judgment or discretion in connection with the performance of program duties or

responsibilities, unless the act or omission involved willful or wanton conduct. The Municipal Court Judge may request, and the City shall not unreasonably refuse to provide, independent legal representation at the City's expense. Legal representation, provided by the City for the Municipal Court Judge, shall extend until a final determination of the legal action, including any appeals brought by either party. The City shall indemnify the Municipal Court Judge against any and all losses, damages, judgments, interest, settlements, fines, court costs, and other reasonable costs and expenses of legal proceedings, including reasonable attorneys' fees and any other liabilities incurred by, imposed on, or suffered by the Municipal Court Judge in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of her duties. Any settlement of any claim must be made with prior approval of the City in order for indemnification, as provided in this section, to be available. The Municipal Court Judge recognizes that the City shall have the right to compromise and settle any claim or suit arising out of, or in connection with, the performance of the Municipal Court Judge's duties.

13. MISCELLANEOUS PROVISIONS

A. Paragraph Headings. The headings in this Agreement are inserted for convenience and identification only and are in no way intended to describe, interpret, define, or limit the scope, extent, or intent of this Agreement or any of the provisions of the Agreement.

B. Provisions Severable. Every provision of this Agreement is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the Agreement.

C. Rights and Remedies. The rights and remedies provided in this Agreement are cumulative, and the use of any one right or remedy by any party shall not preclude nor waive its rights to use any or all other remedies. Any rights provided to the parties under this Agreement are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

D. Entire Agreement. This Agreement contains the entire agreement between the parties respecting the matters herein set forth and supersedes all prior agreements between the parties hereto respecting such matters.

E. Governing Law and Venue. This Agreement shall be construed in accordance with the laws of the State of Washington. The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

F. Preparation of Agreement. No presumption shall exist in favor of or against any party to this Agreement as a result of the drafting and preparation of this document.

G. No Waiver. No waiver of any breach by either party of the terms of this Agreement shall be deemed a waiver of any subsequent breach of the Agreement.

H. Counterparts. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

I. Amendment. No amendment of this Agreement shall be effective unless the amendment is in writing, signed by each of the parties.

J. Notices. All notices and demands of any kind which either party hereto may be required or desires to serve upon the other party under the terms of this Agreement shall be in writing and shall be served upon such other party by personal service, by leaving a copy of such notice or demand at the address hereinafter set forth, whereupon service shall be deemed complete, or by mailing a copy thereof by certified or registered mail, airmail if the address is outside the state in which the same is mailed, postage prepaid, with return receipt requested, addressed as follows:

To the City:

City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
Attention: City Manager

To the Municipal Court Judge:

Honorable Sara McCulloch
PO Box 151
Rolling Bay, WA 98061

In case of service by mail, it shall be deemed complete on the day of actual delivery as shown on the addressee's registry of certification receipt or at the expiration of the third day after the date of mailing, whichever first occurs. The addresses to which notices and demands shall be delivered or sent may be changed from time to time by notice served as hereinabove provided by either party upon the other party.

K. Appropriations. No commitment of public funds will be made prior to the approval of this Agreement. The terms of this Agreement are contingent upon sufficient appropriations being made by the City Council for the performance of this Agreement. If the City Council determines that there will be insufficient funds available for the performance of this agreement, the City Council shall provide 90 days' notice to the Municipal Court Judge and engage in good faith efforts to renegotiate this contract. If sufficient appropriations are not made after the required notice and efforts to renegotiate, this Agreement shall terminate. Termination of this Agreement does not result in the removal of the Municipal Court Judge. Termination pursuant to the terms of this Agreement shall not result in any claim for payment or damages by the Municipal Court Judge or the City. The City's decision as to whether sufficient appropriations are available shall be accepted by the Municipal Court Judge and shall be final.

L. Effective Date. The effective date of this Agreement (“Effective Date”) shall be January 1, 2022.

IN WITNESS WHEREOF, the City has caused this Agreement to be signed and executed on its behalf by the City Manager and the Municipal Court Judge has signed and executed this Agreement, both in duplicate, as of the later of the signature dates included below.

MUNICIPAL COURT JUDGE

CITY OF BAINBRIDGE ISLAND

Date: _____

Date: _____

By: _____

By: _____

Sara McCulloch, Municipal Court Judge

Blair King, City Manager



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: (9:00 PM) Consider Ordinance No. 2021-12, Code Changes Related to Improving the Land Use Preapplication Phase - Planning,

AGENDA CATEGORY: Ordinance

PROPOSED BY: David Greetham

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): - October 29, 2020

- February 11, 2021
- March 11, 2021
- April 22, 2021
- May 13, 2021
- May 27, 2021
- June 10, 2021
- July 8, 2021

PREVIOUS COUCIL REVIEW DATE(S): July 20, 2021: Update to City Council regarding Planning Commission recommendation to approve Ordinance No. 2021-12, including associated revisions to Design for Bainbridge.

RECOMMENDED MOTION:

I move to forward Ordinance No. 2021-12 to the December 14, 2021 Consent Agenda.

SUMMARY:

Ordinance No. 2021-12 (Phase 2 Triage Code Changes) amends the order of the pre-application review process as summarized in the attached Process Flow Chart.

Key changes include:

1. Preapplication meeting is moved to beginning of process, ahead of DRB meetings.
2. Public Participation Meeting is moved up to occur between first two DRB meetings.
3. DRB Final Review and Recommendation is moved up to preapplication review phase, allowing for completion of design review prior to formal land use application.

Moving the preapplication meeting to the first step in the process ensures that the DRB, PC, and applicant are aware of relevant code standards before the application is reviewed by the DRB, and that the Public Participation Meeting and final DRB review occur earlier in the process.

The code revisions also necessitated changes to the Design for Bainbridge manual to ensure consistency with the updated review process and meeting descriptions (Exhibit A). A stand-alone summary of the Design for Bainbridge revisions is also attached.

In addition, Ordinance No. 2021-12 and related Resolution No. 2021-07 put an emphasis on the PC's role in the preapplication process by formalizing that Public Participation Meetings occur at the PC, and that the PC may attend the pre-application meeting. Updates to the Public Participation Meeting process are proposed in a related but separate resolution.

BACKGROUND: Mid-2020: Design Review Board (DRB) determined that revisions to the preapplication process were necessary and appointed a subcommittee to work on proposed revisions to the BIMC, including Chapter 2.16 BIMC and Design for Bainbridge, which is incorporated by reference at Chapter 18.18 BIMC.

October 2020: Planning Commission (PC) considered the land use subcommittee's proposed "triage" land use code changes and separated the changes into two phases, with the second phase including improvements to the preapplication process and the role of the Design Review Board and Planning Commission.

December 2020: A subcommittee of the PC joined the DRB subcommittee for two meetings to discuss the proposed process revisions. The key recommendation was to re-order the preapplication process such that the preapplication conference with staff occurs as the first step in the review process.

February 2021: PC discussed Resolution No. 2010-32 that established the mandatory Public Participation Program currently in effect. As the 2010 resolution did not specify that the meetings would occur at the PC it was agreed that updates to the resolution were necessary to reflect the current process. These revisions are reflected in draft Resolution No. 2021-07, which is a related but separate action before the Council for consideration.

March 11, 2021: PC conducted first touch review of Ordinance No. 2021-12 and Resolution No. 2021-07. The PC reviewed draft code changes relating to the preapplication process, including moving the preapplication conference to the first step in the preapplication phase, and clarifying the role of the PC and DRB in the meeting. In order to accommodate final recommendations of the DRB subcommittee, the PC agreed to continue the discussion upon completion of the final subcommittee recommendations. The subcommittee met three additional times in March, resulting in recommended revisions to Design for Bainbridge to improve the pre-application and DRB review process.

April 22, 2021: Staff incorporated changes from the March 11, 2021 meeting into draft Ordinance No. 2021-12, including clarification of PC and DRB roles in the preapplication conference, added references to Resolution No. 2021-07 with regard to the updated public participation meeting process, and deletion of the process flow chart from Chapter 2.16 BIMC. An updated process flow chart is proposed to be added to Design for Bainbridge, and additional guidance for applicants is planned for the Design for Bainbridge web page currently under construction.

At the conclusion of the study session, the PC directed staff to reconvene the DRB/PC subcommittee to explore scaling back the proposed Design for Bainbridge revisions, including applicant submittal requirements for each DRB meeting.

May 13, 2021: Staff briefed the PC on subcommittee progress in response to the April 22 PC directives.

May 27, 2021: The PC conducted a final study session and directed staff to schedule a public hearing for June.

June 10, 2021: Additional PC Discussion, public hearing rescheduled for July 8.

July 8, 2021: Public Hearing and PC Recommendation of approval to the City Council (recommendation attached).

ATTACHMENTS:

Planning Commission Recorded Motion

Planning Commission Meeting Date:	July 8, 2021
Project Proposal Name and Number:	Triage Phase 2 Changes related to Improving the Pre-application Phase - Ordinance No. 2021-12 & Resolution No. 2021-07
Decision Maker:	City Council

Purpose: The purpose of the Planning Commission's review and recommendation is to determine if a proposed ordinance is consistent with the comprehensive plan.

Consideration: The Planning Commission shall consider the ordinance at a public meeting where public comment will be taken. The Planning Commission shall recommend approval, or approval as amended, of the ordinance.

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

Findings of Fact and Reasons for Action

The ordinance, as amended, is:

- 1) Consistent with the municipal code and comprehensive plan by providing project applicants with comprehensive plan information and including the Planning Commission and the Design Review Board early in the review process.

Recommendation:

The Planning Commission recommends the City Council:

- ☒ Approve the ordinance as recommended.
- ☐ Approve the ordinance with the following changes:
- a.
 - b.
 - c.



Planning Commission Recorded Motion

Recorded motion on July 8, 2021:

Planning Commission Record of Vote:

Commissioner	Support	Oppose	Absent	Abstain
Chester	x			
McCormick Osmond	x			
Subramanian	x			
Macchio	x			
Paar			x	
Blossom	x			
Matthews	x			
Total	6		1	

CITY OF BAINBRIDGE ISLAND PLANNING COMMISSION

Kimberly Melonick Osmond
Chair

Date: 7-8-2021

Administrative Specialist, Planning and Community Development

Date: _____

ORDINANCE NO. 2021-12

AN ORDINANCE of the City of Bainbridge Island, Washington, amending BIMC 2.16.020, 2.16.040, 2.16.070, 2.16.110, 2.16.125, and Chapter 18.18 BIMC relating to improving the early phases of the land use permitting process.

WHEREAS, in mid-2020, Design Review Board members identified the need for more detailed background information prior to holding a Conceptual Review Meeting on early development proposals; and

WHEREAS, on August 17, 2020, the Design Review Board began formal discussion of the Design Review Board's role and changing the pre-application process; and

WHEREAS, the Design Review Board appointed a subcommittee to continue more detailed work on proposed process revisions; and

WHEREAS, on June 22, 2020, the City Council formed a City Council and Planning Commission joint land use subcommittee (subcommittee) directed by the Council to, among other things, develop a process and list for undertaking work on priorities for land use code revisions; and

WHEREAS, the subcommittee's first phase of work included identifying urgent land use code changes; and

WHEREAS, on October 13, 2020, the City Council endorsed beginning work on this first phase of work; and

WHEREAS, on October 19, 2020, the Design Review Board reviewed the subcommittee draft proposed process revisions and made recommendations to reorder required meetings for projects that require review by the Design Review Board and a pre-application conference such that the preapplication conference is the first step, prior to Design Review Board Conceptual Review and Design Guidance meetings; and

WHEREAS, the Planning Commission considered the proposed changes on October 29, 2020 and separated the land use code changes into two phases, with the second phase including improvements to the preapplication process and the role of the Design Review Board and Planning Commission; and

WHEREAS, two Planning Commissioners joined the existing three member Design Review Board subcommittee to continue development of specific code improvements related to the preapplication phase of the land use permitting process; and

WHEREAS, on December 9 and 16, 2020, the newly formed Planning Commission/Design Review Board subcommittee reviewed and finalized proposed recommended revisions to the preapplication process revision recommendations; and

WHEREAS, the Design Review Board completed their review and recommended final code changes on April 19, 2021; and

WHEREAS, the Planning Commission discussed this Ordinance No. 2021-12 on March 11, April 22, May 13, and May 27, 2021; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance No. 2021-12 on July 8, 2021, and after closing the public hearing, made a recommendation of approval of Ordinance No. 2021-12 to the City Council; and

WHEREAS, notice of a SEPA determination of nonsignificance was issued on July 9, 2021; and

WHEREAS, notice was given on July 28, 2021 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the City Council considered this ordinance at its meeting on November 9, 2021; and

WHEREAS, the City Council considered Ordinance No. 2021-12 further on December 14, 2021.

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

Section 1. Section 2.16.020.F of the Bainbridge Island Municipal Code is hereby amended to read as follows:

F. Design Review Board Review.

1. The design review board shall review and make recommendations on all land use applications as set forth in this section. This design process reflects a collaborative effort between an applicant, the design review board, and the community to better incorporate the vision of the city as outlined in the adopted design standards and guidelines.
2. Subsequent to submittal of preapplication materials, the board shall review a proposal for conformance with applicable design standards and guidelines. The board's written recommendations shall be included in the staff report transmitted to the planning commission.
3. A board recommendation is not a decision and there is no city appeal of the recommendation.

Section 2. Section 2.16.020.I of the Bainbridge Island Municipal Code is hereby amended to read as follows:

I. Preapplication Procedure.

1. Subject to certain exemptions, all projects are subject to and must complete the site assessment review process set forth and in accordance with Chapter 15.19 BIMC, and projects requiring a preapplication conference have the option of proceeding with the two processes concurrently. Chapter 15.19 BIMC is designed to ensure that future development integrates low impact development practices to the maximum extent practicable, as required by Chapters 15.19 and 15.20 BIMC.

2. The preapplication conference is an informal discussion between a potential applicant, ~~interested citizens, and city staff, and the design review board (if applicable) regarding a proposed project.~~ A preapplication conference shall not include extensive field inspection or correspondence. The purpose of the preapplication conference is to assist the applicant by identifying the following:

- a. Requirements for submittal, including types of permits necessary to complete the proposal and whether SEPA review is required, pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21 RCW.
- b. Compliance with applicable city plans, goals, policies, codes or guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.
- c. Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.
- d. Whether or not the project will likely qualify as a housing design demonstration project, and/or feedback about how to qualify, if applicable.

3. A preapplication conference may be recommended by the department director for any type of land use application that the director believes may be complex or controversial, but is required prior to submitting an application for the following land use applications unless a waiver is obtained pursuant to this subsection I.3:

- a. Minor or major conditional use;

- b. Minor or major variance;
- c. Minor or major site plan and design review approval;
- d. Preliminary long subdivision and short subdivision;
- e. Shoreline substantial development permit, shoreline variance, and shoreline conditional use permit;
- f. Shoreline substantial development exemption for new shoreline armoring (including bulkheads, revetments, and soft shore designs);
- g. Comprehensive plan amendment;
- h. Reasonable use exception;
- i. Consolidated project review; and
- j. Major critical area permit.

4. Except in the case of (a) preliminary short subdivisions and long subdivisions, or (b) shoreline substantial development exemptions or permits for new shoreline armoring (including bulkheads, revetments, and soft shore designs), or (c) where the HDDP process is being used, or (d) where DRB review is required, a preapplication conference may be waived in writing by the director if the director determines the following:

- a. The application is consistent with applicable codes and ordinances;
- b. The proposed use is clearly listed as a permitted use or a conditional use in the zoning district in which it is located; and
- c. The applicant demonstrates knowledge and understanding of the city's permit processing procedures.

As an additional basis for such a waiver, a preapplication conference may be waived in writing by the director if the director determines that the applicant has attended a consultation meeting within one year of their preapplication meeting, and the director determines that the applicant is in compliance with subsections I.4.a through c of this section.

~~5. In the case of applications where design review board review and a preliminary application conference are required, the land use application shall be reviewed using a two-step preapplication process. As the schedule allows, the applicant shall first meet with the design review board to discuss the design concept, and shall then meet with department staff as described in this section.~~

5. Applications requiring Design Review Board review shall be first reviewed at a department facilitated preapplication conference and followed up by a summary letter that provides application submittal requirements, as described in this section. The applicant shall then meet with the Design Review Board to discuss the design concept and proceed through the design review process.

The preapplication conference application shall be provided to the Design Review Board and the Planning Commission. Up to two members of the Design Review Board and the Planning Commission may attend the preapplication conference with the intent of listening and reporting the proposal to the full Design Review Board and Planning Commission at a subsequent meeting.

6. The review process for long subdivisions, major site plan and design review permits, and major conditional use permits shall include a public participation meeting following the procedures outlined in Resolution No. ~~2010-32-2021-07~~. The meeting will be held after the ~~design review board meeting, if one is required, the preapplication conference phase of the project~~ Design Review Board Concept Review, during the project proposal phase.

7. An applicant shall arrange for a preapplication conference by submitting forms and plans as required in the administrative manual, and the Design for Bainbridge appendices where design review is required.

Section 3. Section 2.16.020.S.3 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3. Review and Approval Process. Housing design demonstration project applications shall be reviewed as specified in the same manner as other applications for the same type of underlying land use permit (see BIMC 2.16.030 through 2.16.210), with additional review steps done in the order ~~below as outlined in this subsection, outlined in BIMC 2.16.040~~ (site plans and design review), 2.16.070 (short subdivisions), 2.16.110 (major conditional use permits), 2.16.125 (preliminary long subdivisions), and as outlined in this subsection.

a. Conceptual Proposal Review. Applicants proposing a demonstration project shall meet with city staff during the conceptual phase to discuss the goals and evaluation parameters of the proposed project. The conceptual proposal review is an informal discussion between the applicant and city staff regarding a proposed project. There are no required application materials for this stage. Applicants shall contact the planning department staff to request a meeting, and the meeting shall be scheduled by staff for no more than three weeks after the request date. The purpose of the conceptual proposal review is to determine if the proposal is eligible to be considered as an application for a housing design demonstration project and to assist the applicant by identifying (i) requirements for submittal, including types of supplemental materials for application; (ii) compliance with applicable city plans, goals, policies, codes, or guidelines and possible revisions to the project that will enhance the proposal with respect to these requirements; (iii) areas of BIMC Title 17, Subdivisions, and BIMC Title 18, Zoning, where the applicant seeks flexibility; and (iv) required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff and the design review board, and to review the project under the criteria outlined in subsection S.4 of this section.

~~b. Public Participation Program. The applicant is required to participate in one or more community meetings, either through (i) the city's public participation program following the procedures outlined in Resolution Nos. 2010-32 and 2001-11, or (ii) an equivalent public meeting that includes participation by city staff, as approved by the director.~~

~~c.~~ Preapplication Conference. The applicant shall apply for a preapplication conference pursuant to subsection I of this section. Housing design demonstration projects shall be reviewed by both staff and the design review board, pursuant to subsection F of this section. The applicant shall submit an HDDP proposal consistent with the requirements in the administrative manual. The applicant shall consider input received during the public meetings and conceptual review with city staff in crafting the proposal. The proposal will be evaluated pursuant to subsection S.4 of this section by city staff with the design review board serving in an advisory role, in addition to their review of applicable design guidelines. The director shall prepare written findings of facts, and applicants will receive preliminary notification from the director whether the proposal will qualify as a housing design demonstration project, or feedback about how to improve the proposal to qualify. If the applicant changes the

proposal in any significant manner other than a response to feedback from the public meeting, conceptual review, or the preapplication review, an additional preapplication conference may be required.

dc. Application Submittal. An applicant may submit a land use permit application (subdivision, site plan and design review, or conditional use permit) for a housing design demonstration project after completion of a required conceptual and preapplication review and notification by the city that the proposal qualifies as a housing design demonstration project. Upon receipt of an application, the director shall provide notice to the applicant and public in accordance with subsection M of this section and commence the application review process. Housing design demonstration projects that require more than one land use permit must utilize the consolidated project review process outlined in BIMC 2.16.170. All housing design demonstration project applications, including subdivisions, shall be reviewed by the design review board and the planning commission at public meetings. The design review board and the planning commission shall make recommendations on all housing design demonstration projects.

ed. Permit Decision. The decision to approve or deny a housing design demonstration project shall be made as part of underlying land use permit approval. The decision shall be based upon the decision criteria of the underlying planning permit, and the decision criteria outlined in subsection S.5 of this section. Housing design demonstration project approval conditions shall be included in the final permit approval and shall address any ongoing compliance requirements, including compliance with approved design plans. The city may require that the applicant record covenants to ensure ongoing compliance or maintenance for required project components.

fe. Building Permit. The applicant shall submit a building permit that is consistent with all conditions of the land use permit approval. The applicant shall also submit documentation that the project has applied for required certification by a green building rating system, such as Evergreen Sustainable Development, LEED, or BuiltGreen. Proof of ongoing certification shall be required during construction and project certification must be completed prior to final occupancy.

gf. Living Building Challenge. For projects pursuing the Living Building Challenge standard of the International Living Building Institute, the applicant must show proof

of pursuing ongoing certification during construction for all required elements. After construction, and prior to issuance of the certificate of occupancy, the applicant must show proof of initial project compliance as to the site, materials, indoor quality and beauty/inspiration components of the Living Building Challenge and that the project is likely to achieve the elements of energy and water following 12 months of occupancy as required under Living Building Challenge certification. For those elements of energy and water that require occupancy of the building for 12 months for Living Building Challenge certification, the applicant must submit a report to the city following 12 months of occupancy, demonstrating its progress towards meeting these remaining elements of the Living Building Challenge standard. If certification of those elements has not been achieved, the applicant must provide quarterly reports of progress towards certification of these elements, including additional steps and timeline that will be taken to achieve certification.

Section 4. Sections 2.16.040.D and E of the Bainbridge Island Municipal Code are hereby amended to read as follows:

D. Review Procedures – Proposal Stage. Review of site plan and design review proposals shall include all of the following in the order listed:

~~1. Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the design review board. Submittal requirements are described in the administrative manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.~~

~~2. Design Guidance Review Meeting. The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies, including recommendations for how the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the city of Bainbridge Island design and construction standards and specifications. The design guidance review meeting will be held at a meeting of the design review board. Requirements are described in the administrative manual and include a schematic design and completed design guidelines checklist.~~

~~3. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I. As part of the preapplication phase, applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32, except that the community meeting shall be held at a planning commission meeting. The preapplication conference application shall be provided to the design review board.~~

1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I.

2. Conceptual Review. The Conceptual Review will be held at a meeting of the Design Review Board. The applicant will present a short project description, zoning summary, and a thorough narrative of design context in accordance with the *Design for Bainbridge* manual and appendices. This meeting is a means of providing feedback on projects in their earliest stages before applicants are committed to a particular design. The Conceptual Review is an opportunity to ensure that the applicant understands the design review process, and the design standards and guidelines. This early touch allows the Design Review Board and applicant to consider optional concepts for a project that may be better suited to the Island community, to dialogue in an informal manner with the applicant, and review the design standards and guidelines applicable to the project. Project design submittal requirements are described in the *Design for Bainbridge* appendices.

3. Public Participation Meeting. As part of the project proposal phase, applicants are required to participate in a community meeting through the city's public participation program at a Planning Commission meeting and as outlined in Resolution No. 2021-07. The Public Participation Meeting is a meeting of public engagement, and the applicant's opportunity to respond to questions, comments, and assessments of the proposed project. A second Public Participation Meeting may be required if significant project changes occur after completion of the Design Guidance Review.

4. Design Guidance Review. The Design Guidance Review will be held at a meeting of

the Design Review Board. The Design Guidance Review meeting is intended to provide input and guidance to an applicant that the proposed project is responding adequately to the *Design for Bainbridge* standards and guidelines, including recommendations for how the project could be revised to achieve greater consistency. The applicant shall also make known the potential need and rationale for any departure from the design standards and guidelines. The design submittal requirements are described in the *Design for Bainbridge* appendices. Additional design guidance review may be required if significant project changes occur after the initial Design Guidance Review.

5. Final Design Review and Recommendation. The Design Review Board reviews and makes a final determination of project consistency with *Design for Bainbridge* standards and guidelines. The Design Review Board will forward written findings, their determination of the project's consistency with the standards and guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific standards or guidelines. The Design Review Board's written findings will be included in the staff report transmitted to the director or Planning Commission. The Design Review Board shall recommend approval, approval with conditions or departures, or denial. A Design Review Board recommendation is not a final decision and therefore there is no appeal of the recommendation. The Planning Commission may determine that additional design review is required if significant project changes occur following the Final Design Review and Recommendation.

E. Review Procedures – Application Stage. Review of site plan and design review applications shall include all of the following:

1. Application. An applicant may submit an application for site plan and design review at any time after completion of the required steps in subsection D of this section or approval of a waiver in accordance with BIMC 2.16.020.I.3 or I.4 or subsection D.1 of this section. The applicant shall submit a complete application with all required submittal requirements listed in the administrative manual.

2. Review by Kitsap Public Health District.

- a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the health district.

- b. The health district shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application pursuant to the decision criteria in subsection F of this section.

3. Review by City Engineer.

- a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.
- b. The city engineer shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application pursuant to the decision criteria in subsection F of this section.

~~4. Review and Recommendation by Design Review Board.~~

- ~~a. The purpose of the design review board review and recommendation meeting is to review a proposed project for compliance with applicable design guidelines and to ensure that the project reflects any revisions recommended by the design review board at the design guidance review meeting. The design review board will also consider any requested departures from the design guidelines.~~
- ~~b. The design review board will forward written findings, their determination of the project's consistency with the design guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific design guidelines. The design review board's written findings will be included in the staff report transmitted to the director or planning commission.~~
- ~~c. A design review board recommendation is not a final decision and therefore there is no appeal of the recommendation.~~

54. Review and Recommendation by Planning Commission.

- a. In the case of a major site plan and design review application, the planning commission shall review the application prior to the review and final decision by the director.
- b. The purpose of the planning commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Title 17, and the comprehensive plan.
- c. The planning commission shall consider the application at a public meeting where public comments will be taken. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria, all other

applicable law, and the recommendation of the design review board. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied.

d. The design review board's recommendation shall hold substantial weight in the consideration of the application by the planning commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

e. The planning commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the planning commission and design review board, to the staff planner. The planning commission's written findings will be included in the staff report transmitted to the director. The planning commission's recommendation shall be given substantial weight by the director in making a decision.

f. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

65. Review and Approval by Director.

a. The director shall review the application materials, information provided by the health district and city engineer, staff report, any public comments received, the recommendations of the design review board and, in the case of major site plan and design review applications, the recommendations of the planning commission, and shall make a final decision based on:

i. In the case of a minor site plan and design review application, the final decision on an application is made by the director based on (A) decision criteria in subsection F of this section, (B) the DRB recommendation, and (C) consideration of any public comments received.

ii. In the case of a major site plan and design review application, the director will make the final decision based on (A) the decision criteria in subsection F of this section, (B) the recommendation of the planning commission, (C) the recommendation of the design review board, and (D) consideration of any public comments received. The design review board and planning commission's

recommendation shall hold substantial weight in the consideration of the application by the director. Any deviation from that recommendation shall be documented in the director's report.

b. The director shall make compliance with the recommendations of the design review board and/or planning commission a condition of approval, unless the director concludes that the recommendations:

- i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
- ii. Exceed the authority of the design review board or planning commission;
- iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
- iv. Conflict with requirements of local, state, or federal law.

c. The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation:

- i. Reflects inconsistent application of design guidelines, the comprehensive plan, or any applicable provisions of this code;
- ii. Exceeds the authority of the design review board or planning commission;
- iii. Conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
- iv. Conflicts with requirements of local, state, or federal law.

76. Relationship to Other Land Development Applications – Consolidated Project Review.

a. If requested by the applicant, a site plan and design review application that is part of a proposal requiring multiple land use permits may be combined in a consolidated project review. Related applications requiring a public hearing shall be considered at one public hearing in accordance with BIMC 2.16.170.

b. If a site plan and design review application is part of a consolidated project, the director will review the site plan and design review application as prescribed under

subsection E.6.a or E.6.b of this section, as appropriate, and forward the findings and decision to the appropriate hearing body for any required public hearing.

Section 5. Sections 2.16.070.D and E of the Bainbridge Island Municipal Code are hereby amended to read as follows:

D. Review Procedures – Proposal Stage. Review of short subdivision proposals shall include all of the following in the order listed except that the division or redivision of land into two lots shall not be required to comply with subsections D.42, and D.23, and D.5 of this section:

~~1. Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening short subdivision proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the design review board. Submittal requirements are described in the administrative manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.~~

~~2. Design Guidance Review Meeting. The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies, including recommendations for how the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the city of Bainbridge Island design and construction standards and specifications. The design guidance review meeting will be held at a meeting of the design review board. Submittal requirements are described in the administrative manual and include documentation of the four-step design process, schematic design, and completed subdivision design guidelines checklist. The four-step design process includes:~~

a. ~~Delineate Natural Space. The applicant shall prioritize natural resources on the site in terms of their highest to least appropriateness for inclusion in the proposed natural area. On the basis of those priorities and practical considerations given to the site's configuration, its context in relation to natural areas on adjoining and neighboring properties, and the applicant's subdivision objectives, natural space shall be delineated in a manner clearly indicating boundaries as well as the types of resources. The amount of natural space required is provided in Chapter 17.12 BIMC.~~

b. ~~Locate Homesites and Community Space. After delineating natural space, homesite areas and community space shall be identified (a "sketch" diagram is acceptable), using the site analysis and context maps produced for the conceptual proposal review meeting as a base map. The amount of community space required is provided in Chapter 17.12 BIMC.~~

c. ~~Define Access. After locating the natural space, homesites, and community space, the access network shall be defined. The access network shall provide a safe, convenient, and efficient system for vehicular, pedestrian and bicycle circulation and minimize impacts on proposed natural space.~~

d. ~~Draw Lot Lines. Upon completion of the preceding three steps, draw lot lines to delineate the boundaries of individual lots.~~

3. ~~Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I.~~

1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I.

2. Conceptual Review. The Conceptual Review will be held at a meeting of the Design Review Board. The applicant will present a short project description, zoning summary, and a thorough narrative of design context in accordance with the *Design for Bainbridge* manual and appendices. This meeting is a means of providing feedback on projects in their earliest stages before applicants are committed to a particular design. The Conceptual Review is an opportunity to ensure that the applicant understands the design review process, and the design standards and guidelines. This early touch allows the Design Review Board and applicant to consider optional concepts for a project that may be better suited to the Island community, to dialogue in an informal manner with the applicant, and review the design standards and guidelines applicable to the project. Project design submittal requirements are described in the *Design for Bainbridge* appendices.

3. Public Participation Meeting. As part of the project proposal phase, applicants are required to participate in a community meeting through the city's public participation program at a Planning Commission meeting and as outlined in Resolution No. 2021-07. The Public Participation Meeting is a meeting of public engagement, and the applicant's opportunity to respond to questions, comments, and assessments of the proposed project. A second Public Participation Meeting may be required if significant project changes occur after completion of the Design Guidance Review.

4. Design Guidance Review. The Design Guidance Review will be held at a meeting of the Design Review Board. The Design Guidance Review meeting is intended to provide input and guidance to an applicant that the proposed project is responding adequately to the *Design for Bainbridge* standards and guidelines, including recommendations for how the project could be revised to achieve greater consistency. The applicant shall also make known the potential need and rationale for any departure from the design standards and guidelines. The design submittal requirements are described in the *Design for Bainbridge* appendices and the administrative manual and include documentation of the four-step design process, schematic design, and completed subdivision design guidelines checklist. The four-step design process includes:

a. Delineate Natural Space. The applicant shall prioritize natural resources on the site in terms of their highest to least appropriateness for inclusion in the proposed natural area. On the basis of those priorities and practical considerations given to the site's configuration, its context in relation to natural areas on adjoining and neighboring properties, and the applicant's subdivision objectives, natural space shall be delineated in a manner clearly indicating boundaries as well as the types of resources. The amount of natural space required is provided in Chapter 17.12 BIMC.

b. Locate Homesites and Community Space. After delineating natural space, homesite areas and community space shall be identified (a "sketch" diagram is acceptable), using the site analysis and context maps produced for the conceptual proposal review meeting as a base map. The amount of community space required is provided in Chapter 17.12 BIMC.

c. Define Access. After locating the natural space, homesites, and community space, the access network shall be defined. The access network shall provide a safe, convenient, and efficient system for vehicular, pedestrian, and bicycle circulation and minimize impacts on proposed natural space.

d. Draw Lot Lines. Upon completion of the preceding three steps, draw lot lines to delineate the boundaries of individual lots.

Additional design guidance review may be required if significant project changes occur after the initial Design Guidance Review.

5. Final Design Review and Recommendation. The Design Review Board reviews and

makes a final determination of project consistency with *Design for Bainbridge* standards and guidelines. The Design Review Board will forward written findings, their determination of the project's consistency with the standards and guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific standards or guidelines. The Design Review Board's written findings will be included in the staff report transmitted to the director or Planning Commission. The Design Review Board shall recommend approval, approval with conditions or departures, or denial. A Design Review Board recommendation is not a final decision and therefore there is no appeal of the recommendation. The Planning Commission may determine that additional design review is required if significant project changes occur following the Final Design Review and Recommendation.

E. Review Procedures – Application Stage. Review of short subdivision applications shall include all of the following:

1. Application. An applicant may submit an application for a short subdivision at any time after completion of the required steps in subsection D of this section or approval of a waiver in accordance with BIMC 2.16.020.I.3 or I.4 or subsection D.1 of this section. The applicant shall submit a complete application with all required submittal requirements listed in the administrative manual.
2. Review by Kitsap Public Health District.
 - a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the health district.
 - b. The health district shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary short subdivision application pursuant to the decision criteria in subsection F of this section.
3. Review by City Engineer.
 - a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.
 - b. The city engineer shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary short subdivision application pursuant to the decision criteria in subsection F of this section.

4. Review and Recommendation by Design Review Board.

- a. ~~Review and recommendation by the design review board is optional. The director shall determine whether review is necessary based on the major issues and specific aspects of the project and any written public comments received during the public comment period.~~
- b. ~~The purpose of the design review board review and recommendation meeting is to review a proposed project for compliance with applicable design guidelines and to ensure that the project reflects any revisions recommended by the design review board at the design guidance review meeting. The design review board will also consider any requested departures from the design guidelines.~~
- c. ~~The design review board will forward written findings, their determination of the project's consistency with the design guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific design guidelines. The design review board's written findings, conclusions, and recommendation will be included in the staff report transmitted to the director or planning commission.~~
- d. ~~A design review board recommendation is not a final decision and therefore there is no appeal of the recommendation.~~

54. Review and Recommendation by Planning Commission.

- a. Review and recommendation by the planning commission is optional. The director shall determine whether review is necessary based on the major issues and specific aspects of the project, the design review board recommendation, and any written public comments received during the public comment period.
- b. The purpose of the planning commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Titles 17 and 18, and the comprehensive plan.
- c. The planning commission shall consider the application at a public meeting where public comments will be taken. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the

planning commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the design review board. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied.

d. The design review board's recommendation shall hold substantial weight in the consideration of the application by the planning commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

e. The planning commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the planning commission and design review board, to the staff planner. The planning commission's written findings, conclusions and recommendation will be included in the staff report transmitted to the director.

f. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

65. Review and Approval by Director.

a. The director shall review the application materials, information provided by the health district and city engineer, staff report, any public comments received, the recommendations of the design review board and the recommendations of the planning commission.

b. The director will make the final decision based on (i) the decision criteria in subsection F of this section, (ii) the recommendation of the planning commission, (iii) the recommendation of the design review board, and (iv) consideration of any public comments received. The design review board and planning commission's recommendation shall hold substantial weight in the consideration of the application by the director. Any deviation from that recommendation shall be documented in the director's report.

c. The director shall make compliance with the recommendations of the design review board and/or planning commission a condition of approval, unless the director concludes that the recommendations:

- i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
 - ii. Exceed the authority of the design review board or planning commission;
 - iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
 - iv. Conflict with requirements of local, state, or federal law
- d. The director shall prepare written findings of facts and conclusions in support of the decision made. If the director disapproves the application he or she shall provide a written explanation of the reasons for the disapproval to the applicant.

Section 6. Sections 2.16.110.D and E of the Bainbridge Island Municipal Code are hereby amended to read as follows:

D. Review Procedures – Proposal Stage. Review of major conditional use permit proposals shall include all of the following in the order listed:

~~1. Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the design review board. Submittal requirements are described in the administrative manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.~~

~~2. Design Guidance Review Meeting. The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies, including recommendations for how~~

the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the city of Bainbridge Island design and construction standards and specifications. The design guidance review meeting will be held at a meeting of the design review board. Requirements are described in the administrative manual and include a schematic design and completed design guidelines checklist.

~~3. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I. As part of the preapplication phase, applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32, except that the community meeting shall be held at a planning commission meeting. The preapplication conference application shall be provided to the design review board.~~

1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I.

2. Conceptual Review. The Conceptual Review will be held at a meeting of the Design Review Board. The applicant will present a short project description, zoning summary, and a thorough narrative of design context in accordance with the *Design for Bainbridge* manual and appendices. This meeting is a means of providing feedback on projects in their earliest stages before applicants are committed to a particular design. The Conceptual Review Meeting is an opportunity to ensure that the applicant understands the design review process, and the design standards and guidelines. This early touch allows the Design Review Board and applicant to consider optional concepts for a project that may be better suited to the Island community, to dialogue in an informal manner with the applicant, and review the design standards and guidelines applicable to the project. Project design submittal requirements are described in the administrative manual and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.

3. Public Participation Meeting. As part of the project proposal phase, applicants are required to participate in a community meeting through the city's public participation program at a Planning Commission meeting and as outlined in Resolution No. 2021-07. The Public Participation Meeting is a meeting of public engagement, and the applicant's opportunity to respond to questions, comments, and assessments of the proposed project. A second Public Participation Meeting may be required if significant project changes occur after completion of the Design Guidance Review.

4. Design Guidance Review. The Design Guidance Review will be held at a meeting of the Design Review Board. The Design Guidance Review meeting is intended to provide

input and guidance to an applicant that the proposed project is responding adequately to the *Design for Bainbridge* standards and guidelines, including recommendations for how the project could be revised to achieve greater consistency. The applicant shall also make known the potential need and rationale for any departure from the design standards and guidelines and construction standards and specifications. Submittal requirements are described in the administrative manual and include a schematic design and completed design guidelines checklist. Additional design guidance review may be required if significant project changes occur after the initial Design Guidance Review.

5. Final Design Review and Recommendation. The Design Review Board reviews and makes a final determination of project consistency with *Design for Bainbridge* standards and guidelines. The Design Review Board will forward written findings, their determination of the project's consistency with the standards and guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific standards or guidelines. The Design Review Board's written findings will be included in the staff report transmitted to the director or Planning Commission. The Design Review Board shall recommend approval, approval with conditions or departures, or denial. A Design Review Board recommendation is not a final decision and therefore there is no appeal of the recommendation. The Planning Commission may determine that additional design review is required if significant project changes occur following the Final Design Review and Recommendation.

E. Review Procedures – Application Stage. Review major conditional use permit applications shall include all of the following:

1. Application. An applicant may submit an application for a major conditional use permit at any time after completion of the required steps in subsection D of this section or approval of a waiver in accordance with BIMC 2.16.020.I.3 or I.4 or subsection D.1 of this section. The applicant shall submit a complete application with all required submittal requirements listed in the administrative manual.

~~2. Review and Recommendation by Design Review Board.~~

~~a. The purpose of the design review board review and recommendation meeting is to review a proposed project for compliance with applicable design guidelines and to ensure that the project reflects any revisions recommended by the design review board at the design guidance review meeting. The design review board will also consider any requested departures from the design guidelines.~~

~~b. The design review board will forward written findings, their determination of the project's consistency with the design guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific design guidelines. The design review board's written findings will be included in the staff report transmitted to the director or planning commission.~~

~~c. A design review board recommendation is not a final decision and therefore there is no appeal of the recommendation.~~

32. Review and Recommendation by Planning Commission.

a. In the case of a major conditional use permit application, the planning commission shall review the application prior to the review and final decision by the director.

b. The purpose of the planning commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Title 17, and the comprehensive plan.

c. The planning commission shall consider the application at a public meeting where public comments will be taken. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the design review board. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied.

d. The design review board's recommendation shall hold substantial weight in the consideration of the application by the planning commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

e. The planning commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the planning commission and design review board, to the staff planner. The planning commission's written findings will be included in the staff report transmitted to the director.

f. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

43. Review by Director.

a. The director shall review the application materials, staff report, and the recommendations of the planning commission and shall prepare a report to the hearing examiner recommending approval, approval with conditions, or disapproval of the application.

b. The planning commission's recommendation shall hold substantial weight in the consideration of the application by the director. Any deviation from that recommendation shall be documented in the director's report.

c. The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation:

- i. Reflects inconsistent application of design guidelines, the comprehensive plan, or any applicable provisions of this code;
- ii. Exceeds the authority of the design review board or planning commission;
- iii. Conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
- iv. Conflicts with requirements of local, state, or federal law.

54. Review and Public Hearing with Hearing Examiner.

a. The hearing examiner shall consider the application materials and the director's recommendation at a public hearing following the procedures of BIMC 2.16.100.C and applicable provisions of BIMC 2.16.020.

b. The hearing examiner shall make compliance with the recommendations of the planning commission a condition of approval, unless the hearing examiner concludes that the recommendations:

- i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;

- ii. Exceed the authority of the design review board or planning commission;
 - iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
 - iv. Conflict with requirements of local, state, or federal law.
- c. The hearing examiner shall adopt a planning commission recommendation of denial of an application unless the hearing examiner concludes that the recommendation:
- i. Reflects inconsistent application of design guidelines, the comprehensive plan, or any applicable provisions of this code;
 - ii. Exceeds the authority of the design review board or planning commission;
 - iii. Conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
 - iv. Conflicts with requirements of local, state, or federal law.
- d. The hearing examiner may approve, approve with conditions, deny, or remand an application.

Section 7. Section 2.16.125.D and E of the Bainbridge Island Municipal Code are hereby amended to read as follows:

D. Review Procedures – Proposal Stage. Review of long subdivision proposals shall include all of the following in the order listed:

~~1. Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening long subdivision proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the design review board. Submittal requirements are~~

described in the administrative manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.

2. Design Guidance Review Meeting. The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies, including recommendations for how the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the city of Bainbridge Island design and construction standards and specifications. The design guidance review meeting will be held at a meeting of the design review board. Submittal requirements are described in the administrative manual and include documentation of the four-step design process, schematic design, and completed subdivision design guidelines checklist. The four-step design process includes:

- a. Delineate Natural Space. The applicant shall prioritize natural resources on the site in terms of their highest to least appropriateness for inclusion in the proposed natural area. On the basis of those priorities and practical considerations given to the site's configuration, its context in relation to natural areas on adjoining and neighboring properties, and the applicant's subdivision objectives, natural space shall be delineated in a manner clearly indicating boundaries as well as the types of resources. The amount of natural space required is provided in Chapter 17 BIMC.
- b. Locate Homesites and Community Space. After delineating natural space, homesite areas and community space shall be identified (a "sketch" diagram is acceptable), using the site analysis and context maps produced for the conceptual proposal review meeting as a base map. The amount of community space required is provided in Chapter 17.12 BIMC.
- c. Define Access. After locating the natural space, homesites, and community space, the access network shall be defined. The access network shall provide a safe, convenient, and efficient system for vehicular, pedestrian and bicycle circulation and minimize impacts on proposed natural space.
- d. Draw Lot Lines. Upon completion of the preceding three steps, draw lot lines to delineate the boundaries of individual lots.

~~3. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I. As part of the preapplication phase, applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32, except that the community meeting shall be held at a planning commission meeting. The preapplication conference application shall be provided to the design review board and planning commission.~~

1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I.

2. Conceptual Review. The Conceptual Review will be held at a meeting of the Design Review Board. The applicant will present a short project description, zoning summary, and a thorough narrative of design context in accordance with the *Design for Bainbridge* manual and appendices. This meeting is a means of providing feedback on projects in their earliest stages before applicants are committed to a particular design. The Conceptual Review is an opportunity to ensure that the applicant understands the design review process, and the design standards and guidelines. This early touch allows the Design Review Board and applicant to consider optional concepts for a project that may be better suited to the Island community, to dialogue in an informal manner with the applicant, and review the design standards and guidelines applicable to the project. Project design submittal requirements are described in the *Design for Bainbridge* appendices and administrative manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.

3. Public Participation Meeting. As part of the project proposal phase, applicants are required to participate in a community meeting through the city's public participation program at a Planning Commission meeting and as outlined in Resolution No. 2021-07. The Public Participation Meeting is a meeting of public engagement, and the applicant's opportunity to respond to questions, comments, and assessments of the proposed project. A second Public Participation Meeting may be required if significant project changes occur after completion of the Design Guidance Review.

4. Design Guidance Review. The Design Guidance Review will be held at a meeting of the Design Review Board. The Design Guidance Review meeting is intended to provide input and guidance to an applicant that the proposed project is responding adequately to the *Design for Bainbridge* standards and guidelines, including recommendations for how the project could be revised to achieve greater consistency. The applicant shall also make known the potential need and rationale for any departure from the design standards and guidelines. The design submittal requirements are described in the *Design for Bainbridge* appendices and the administrative manual and include documentation of the four-step design process, schematic design, and completed subdivision design guidelines checklist. The four-step design process includes:

a. Delineate Natural Space. The applicant shall prioritize natural resources on the site in terms of their highest to least appropriateness for inclusion in the proposed natural area. On the basis of those priorities and practical considerations given to the site's configuration, its context in relation to natural areas on adjoining and neighboring properties, and the applicant's subdivision objectives, natural space shall be delineated in a manner clearly indicating boundaries as well as the types of resources. The amount of natural space required is provided in Chapter 17.12 BIMC.

b. Locate Homesites and Community Space. After delineating natural space, homesite areas and community space shall be identified (a "sketch" diagram is acceptable), using the site analysis and context maps produced for the conceptual proposal review meeting as a base map. The amount of community space required is provided in Chapter 17.12 BIMC.

c. Define Access. After locating the natural space, homesites, and community space, the access network shall be defined. The access network shall provide a safe, convenient, and efficient system for vehicular, pedestrian, and bicycle circulation and minimize impacts on proposed natural space.

d. Draw Lot Lines. Upon completion of the preceding three steps, draw lot lines to delineate the boundaries of individual lots.

Additional design guidance review may be required if significant project changes occur after the initial Design Guidance Review.

5. Final Design Review and Recommendation. The Design Review Board reviews and makes a final determination of project consistency with *Design for Bainbridge* standards and guidelines. The Design Review Board will forward written findings, their determination of the project's consistency with the standards and guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific standards or guidelines. The Design Review Board's written findings will be included in the staff report transmitted to the director or Planning Commission. The Design Review Board shall recommend approval, approval with conditions or departures, or denial. A Design Review Board recommendation is not a final decision and therefore there is no appeal of the recommendation. The Planning Commission may determine that additional design review is required if significant project changes occur following the Final Design Review and Recommendation.

E. Review Procedures – Application Stage. Review of long subdivision applications shall include all of the following:

1. Application. An applicant may submit an application for a long subdivision at any time after completion of the required steps in subsection D of this section or approval of a

waiver in accordance with BIMC 2.16.020.I.3 or I.4 or subsection D.1 of this section. The applicant shall submit a complete application with all required submittal requirements listed in the administrative manual.

2. Review by Kitsap Public Health District.

- a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the health district.
- b. The health district shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application pursuant to the decision criteria in subsection F of this section.

3. Review by City Engineer.

- a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.
- b. The city engineer shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application pursuant to the decision criteria in subsection F of this section.

~~4. Review and Recommendation by Design Review Board.~~

- ~~a. The purpose of the design review board review and recommendation meeting is to review a proposed project for compliance with applicable design guidelines and to ensure that the project reflects any revisions recommended by the design review board at the design guidance review meeting. The design review board will also consider any requested departures from the design guidelines.~~
- ~~b. The design review board will forward written findings, their determination of the project's consistency with the design guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific design guidelines. The design review board's written findings, conclusions, and recommendation will be included in the staff report transmitted to the director or planning commission.~~

~~c. A design review board recommendation is not a final decision and therefore there is no appeal of the recommendation.~~

54. Review and Recommendation by Planning Commission.

a. The purpose of the planning commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Titles 17 and 18, and the comprehensive plan.

b. The planning commission shall consider the application at a public meeting where public comments will be taken. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the design review board. If the applicable criteria are not met, the planning commission shall recommend that the proposal be modified or denied.

c. The design review board's recommendation shall hold substantial weight in the consideration of the application by the planning commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

d. The planning commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the planning commission and design review board, to the staff planner. The planning commission's written findings, conclusions, and recommendation will be included in the staff report transmitted to the director.

e. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

65. Review by Director.

a. The director shall review the application materials, information provided by the health district and city engineer, staff report, and the recommendations of the planning commission and shall prepare a report to the hearing examiner recommending approval, approval with conditions, or disapproval of the application.

b. The planning commission's recommendation shall hold substantial weight in the consideration of the application by the director. Any deviation from that recommendation shall be documented in the director's report.

76. Review and Public Hearing with Hearing Examiner.

a. The hearing examiner shall consider the application materials and the director's recommendation at a public hearing following the procedures of BIMC 2.16.100.C and applicable provisions of BIMC 2.16.020.

b. The hearing examiner shall make compliance with the recommendations of the planning commission a condition of approval, unless the hearing examiner concludes that the recommendations:

- i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
- ii Exceed the authority of the design review board or planning commission;
- iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
- iv. Conflict with requirements of local, state, or federal law.

c. The hearing examiner shall adopt a planning commission recommendation of denial of an application unless the hearing examiner concludes that the recommendation:

- i. Reflects inconsistent application of design guidelines, the comprehensive plan, or any applicable provisions of this code;
- ii. Exceeds the authority of the design review board or planning commission;
- iii. Conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
- iv. Conflicts with requirements of local, state, or federal law.

Section 8. Sections 18.18.010 and 18.18.030 of the Bainbridge Island Municipal Code are hereby amended as shown in Exhibit A, "Design for Bainbridge," and as follows:

Sections:

- 18.18.010 Applicability.
- 18.18.020 Promoting sustainable development.
- 18.18.030 Specific design regulations, standards, and guidelines.

18.18.010 Applicability. All development, exterior renovation and redevelopment shall comply with the following regulations, standards, and guidelines, as applicable. In some cases, design standards in this chapter may be waived or modified through the housing design demonstration program in BIMC 2.16.020.S.

18.18.020 Promoting sustainable development. The site designs of all new development and redevelopment should accommodate energy-conserving and water-conserving technology and design principles providing for solar and other renewable energy production where possible. Low impact development principles require such measures as minimizing the extent of land disturbing activities and hard surfaces; preserving native vegetation, topography, and natural drainage patterns; and using LID BMPs such as cisterns, bioretention/rain gardens, and permeable pavement where feasible.

18.18.030 Specific design ~~regulations~~ standards and guidelines. All development subject to design review shall comply with the requirements of the Bainbridge Island design review ~~regulations~~ 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 ~~regulations~~ standards and guidelines, "Design for Bainbridge," shall apply.

Section 9. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 10. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

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

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

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	November 5, 2021
PASSED BY THE CITY COUNCIL:	_____, 2021
PUBLISHED:	_____, 2021
EFFECTIVE DATE:	_____, 2021
ORDINANCE NUMBER:	2021-12

STRIKE DRAFT GUIDE

- added text
- **bold text**
- ~~struck-out text~~



DESIGN REVIEW MANUAL

DESIGN FOR BAINBRIDGE 2019

ACKNOWLEDGMENTS

DESIGN REVIEW BOARD

Joe Dunstan
Alan Grainger
Jim McNett
Peter Perry
Jane Rein
Jason Wilkinson
Carl Yurdin

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Kol Medina, Mayor
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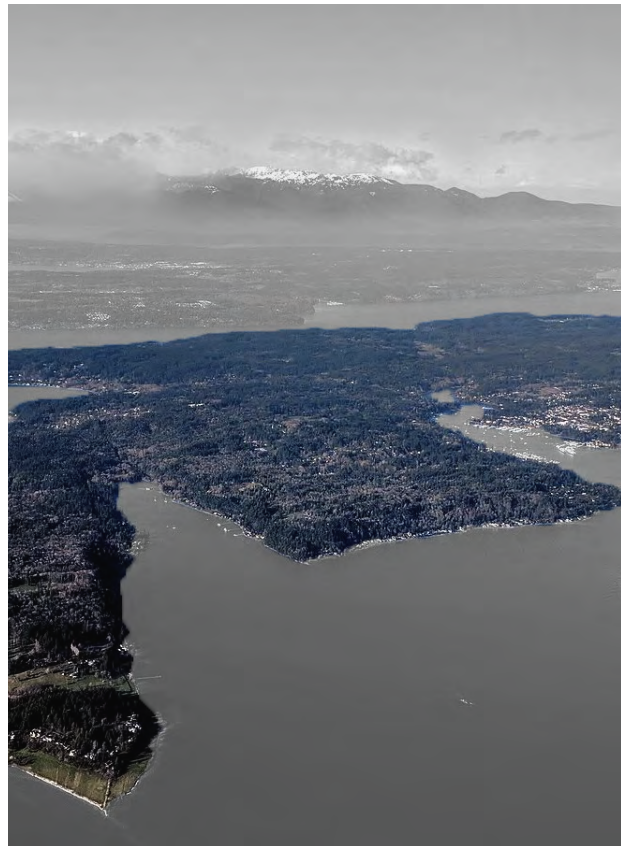
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DESIGN ON BAINBRIDGE

The Island

Bainbridge Island is a close knit community with several neighborhood centers and a lively, walkable downtown in Winslow with a mix of shops, services and activities. The Island attracts residents and visitors with its magnificent natural setting and mix of rural and small-town charm, all a short ferry commute from Downtown Seattle. The City's residents are committed to preserving the Island's sense of community and green spaces, and deeply value the Island's natural lands, shorelines and enduring connection to local agriculture.

The City's Design [Guidelines Standards](#) are based on the existing policies, principles and values established in Bainbridge Island's Comprehensive Plan and through community engagement. Each of these values and principles as they relate to the design of new development is articulated in the following section, and the [guidelines standards](#) draw on these principles and offer specific guidance to inform design at various scales and stages, including site design, building design and composition, and architectural detailing. The [Guidelines Standards](#) were carefully crafted to ensure that new development reflects Bainbridge Island's common values and culture, and that it contributes to and enhances the City's built environment.





Goals + Principles

The Bainbridge Island community values authenticity and design that is specific to Bainbridge. Generic approaches to design for sites, streets, buildings, and other elements are inconsistent with the island character and values.



DESIGN FOR BAINBRIDGE

Bainbridge Island's architecture is diverse, spanning a range of eras and architectural styles, but its urban fabric maintains a defining character and continuity within its varied buildings, streets and neighborhoods. Good design is the thoughtful composition of buildings, landscape and public spaces that creates a meaningful relationship to a building's surroundings and contributes to the public realm and neighborhood fabric. These guidelines standards define the responsibility of new development as respecting neighborhood context, responding sensitively to the surrounding built and natural environment, and contributing to the community.

DESIGN FOR SUSTAINABILITY & CLIMATE RESILIENCE

Bainbridge residents cherish the Island's natural environment and are committed to protecting and restoring the ecological and hydrological functions of its natural lands and water bodies. Sustainable design and green building practices help reduce the burden of development on natural systems, and help ensure Bainbridge Island is climate resilient. Concentrating growth in the Island's urban center through the zoning code and around shared infrastructure conserves natural habitat, ecological functions, open space and areas designed for recreational use. Specific elements of site design, building design, construction, and operation, such as efficient use of energy and water, integration of renewable energy, and use of sustainable and ethical materials can mitigate the environmental toll of new development and address local climate vulnerabilities.

DESIGN FOR A WALKABLE, BIKEABLE AND CONNECTED COMMUNITY

Part of a safe, healthy and sustainable community is a walkable, bikeable and transit-friendly built environment that encourages active transportation. Walkable, bike- and transit-friendly development that reduces reliance on cars can help improve air quality and help residents live healthier more active lives. New development should support alternative travel modes and contribute to the individual's connection to place. Thoughtful design can further both these goals enhancing the public realm that ties together the city's buildings, which in turn improves the experience of walking and biking.

DESIGN FOR HEALTH, EQUITY, AND INCLUSION

Healthy housing development and expansion of educational and civic institutions support diverse and inclusive growth, and help build thriving neighborhood centers. Design can have an effect not only on the community's look and feel, but also on housing affordability for people of different means, and the comfort of people from different backgrounds. Building an accessible community that supports transit and that creates and creates a quality pedestrian experience can help grow employment locally, improve quality of life, and lay the foundation for a more diverse community.

DESIGN TO FOSTER CULTURE AND SOCIAL WELL-BEING

The contributions of Bainbridge Island's residents through the arts, agriculture, and active organizations are a piece of what defines the City. Bainbridge Island's rich history, and dynamic cultural life are supported by the City's buildings, parks, and public spaces. They represent the community's experiences and foster a robust public life in Bainbridge Island's downtown, in distinct neighborhoods, and in the Island's rural areas. New development should contribute to and create spaces that are accessible and reflect local culture and identity.

DESIGN FOR CONNECTIONS TO THE NATURAL ENVIRONMENT

Bainbridge Island's natural environment is not simply a scenic backdrop for its built environment — the two are intimately connected. New development should draw inspiration from and preserve natural areas, responding to natural features like slopes, streams, heritage trees, and wetlands in ways that minimize disturbance and leave ecological functions intact.

How to Use this Document

Design for Bainbridge provides guidance for applicants to successfully navigate the design review process. This section highlights key elements of the design review process to improve clarity and predictability for the City, applicants, and the public.

When is Design Review Required?

The Bainbridge Island Municipal Code (BIMC) specifies when design review is required in [Table 2.16.010-1: Summary Table of Land Use Procedures](#). The requirement for design review is based on the type of land use review required for the type of development or other activities proposed.

Design review is required for the following project types:

- a. Major site plan and design review (includes any site plan and design review in the business/industrial zoning district)
- b. Major conditional use permits
- c. Preliminary long subdivisions
- d. Preliminary large lot subdivisions
- e. Major shoreline conditional use permits
- f. Short preliminary subdivisions of 3 lots or more

Design review is optional for the following project types:

- a. Minor site plan and design review
- b. Minor conditional use permits
- c. Preliminary short subdivisions

The development of single-family homes and minor activities or improvements like routine maintenance, interior work, or projects that don't require a building permit or a change of use are exempt.

Design Standards vs Guidelines

Design for Bainbridge includes both Design Standards and Design Guidelines. Design Standards are clearly defined, mandatory and applied based on the site's context (surrounding neighborhood, and natural environment), and the site itself. Guidelines are more flexible and provide different approaches to meeting the Design Standards. **For a project to be approved, it must comply with all applicable Design Standards and demonstrate how the project team has applied Design Guidelines to meet those standards.** For example, an applicant must comply with Site Design Standard S1: Protect and Repair Natural Systems by meeting one or more of guidelines a - e listed on Page 23 or an acceptable alternative to the satisfaction of the Design Review Board. Design Standards and Design Guidelines, and the development to which they apply, are defined below.

Design Standards: Standards in Chapters 4 and 7 mandate planning and design actions that the applicant must incorporate in their project application. Compliance with standards is mandatory and failure to meet a mandatory standard may be used as a basis for the city's denial of a project application.

Design Guidelines: Guidelines in Chapters 4, 5, 6, and 7 are voluntary and not mandatory; however, compliance with guidelines may be necessary to comply with the Design Standards. Guidelines provide a variety of ways to satisfy the Design Standards based on the specific context and site. Failure to meet a voluntary guideline cannot be used by the city as a basis for a project denial.

Development: Development means all structures and other modifications to the natural landscape above and below ground, on a particular site.

Relationship to Other Regulations, and Permit Review

Design review is part of an integrated land use and development review process. Regulations that come into play during this process include zoning, subdivision standards, building permits, and other regulations for shoreline development, critical areas, and State Environmental Policy Act (SEPA). The Design Review Board (DRB), in coordination with City staff, is responsible for design review which focuses solely on compliance with Design Standards and Design Guidelines contained in this document. Regulations for zoning, subdivisions, and buildings are reviewed and approved by other parties within the City. Design review starts early in the City's land use review process and concludes with final review and recommendations from the DRB directly to the Planning Commission, City Council, Planning Director, and Hearing Examiner. The final permit decision varies by the permit type but is typically made by the Planning Director or the City's Hearing Examiner. For more information on the permit review processes please refer to the City's [Administrative Manual](#) and Municipal Code ([BIMC 2.16](#))

Departures

Design for Bainbridge is intended to provide flexibility in meeting the Design Standards and applying the Design Guidelines to projects. However, there may be circumstances where the applicant proposes a design solution that meets the guiding principles and intent of the standards and guidelines but is not in strict compliance. Departures may be approved by the final decision-maker with a recommendation on approval or denial by the DRB for projects under their review.

Any request for one or more departures shall be made at the Design Guidance Review Meeting as part of the pre-application phase of the project. ~~Departures shall be reviewed concurrently with an application.~~ The Design Review Board may include an **administrative** departure in its recommendation to the Planning Commission, if one of the following criteria are met. Departures from the design standards may be approved based on the following criteria:

- a. The departure is related to a variance from a standard in the BIMC that also impacts the ability to meet one or more of the design standards;
- b. The departure meets the intent of the design standards and the proposed departure is equal or greater to complying with the design standard;
- c. The granting of the departure results in a project with greater natural resource conservation value, less adverse impact to adjoining properties, or more practical design because of topography, critical area, or other extenuating circumstance.

Definitions

The definitions contained in this section are applicable only to this document and its contents. [For complete list of definitions, visit BIMC 18.36.](#)

Active means fostering human activity and interaction, often to describe streets and public spaces with pedestrian traffic, events and programming, or uses that draw, facilitate, or serve as a backdrop for human interactions such as shops and restaurants.

Built Environment means the parts of our physical surroundings that are created by and for humans and serve as the setting for human activity.

Character is the distinctive qualities of a place, building or street.

Civic Uses are public buildings or institutions owned and operated by governmental or other public agencies. This includes government offices, courthouses, police and fire stations, and schools.

Context is the physical (including natural and human-made) and cultural environment around a specific site and how the site relates to those surroundings.

Development means all structures and other modifications of the natural landscape (both above and below ground) on a particular site.

Design Standards mandate planning and design actions that the applicant must incorporate in their project application. Compliance with standards is mandatory and failure to meet a mandatory standard may be used as a basis for the city's denial of a project application.

Design Guidelines are voluntary and not mandatory; however, compliance with guidelines may be necessary to comply with the Design Standards. Guidelines provide a variety of ways to satisfy the Design Standards based on the specific context and site. Failure to meet a voluntary guideline cannot be used by the city as a basis for a project denial.

Fenestration is the arrangement, proportioning, and design of windows and doors in a building.

Frontage means street-facing façade of a building and its relationship to the street.

Heat Island Effect is the tendency for built areas to be hotter than their surroundings because of absorbed solar radiation and lack of vegetation, in particular, trees.

Human Scale is the scale at which humans can comfortably interact with their environment based on the physical and cognitive characteristics and capabilities of the human body.

Impervious Surface means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Massing: the shape, form and size of buildings.

Natural Systems such as ecosystems or water and nutrient cycles, are systems that exist in nature independent of human involvement and are composed of physical and biological materials and processes.

Permeable materials allow stormwater to infiltrate into the ground.

Public Realm means the spaces around, between and within buildings that are publicly accessible, and support public life and social interaction.

Resilience or climate resilience is the ability to anticipate, prepare for, and respond to hazardous events, trends, or disturbances related to climate.

Stormwater Runoff is the rainfall that flows over land, paved surfaces, and building rooftops.

Right-of-Way means all public streets and property granted or reserved for, or dedicated to, public use for streets, walkways, sidewalks, bikeways, parking, and horse trails, whether improved or unimproved, including the air rights, subsurface rights, and related easements.

Scale means a proportionate size, extent, degree, or level of detail typically in relation to a standard point of reference.

Stormwater Infiltration is the process by which rainfall and stormwater runoff flows into and through the subsurface soil.

Sense of Place is the relationship with the place and its identity as felt by residents and visitors and shaped through experiences of a place's natural, human-made, cultural, and historical features.

Street Types are the classifications for each street on the Island according to common functions and existing or desired characteristics. The permitted building frontages for each Street Type specify setback requirements and treatments between the building and the right-of-way.

Transpiration is the process by which water moves through a plant and evaporates into the atmosphere from its leaves and exterior surfaces.

SUSTAINABILITY DEFINED

The term "sustainability" has become a frequently-used buzz word. Sometimes it is even used in an attempt to "green wash" a project or a proposal. Because sustainability is such a fundamental value in Bainbridge Island's design guidelines standards, a clear definition is needed. In common parlance, sustainability is defined as follows:

The ability to be maintained at a certain rate or level. Common examples are: "the sustainability of economic growth"; "the long-term sustainability of the project."

In the realm of ecology and the survival of the planet and all its inhabitants, sustainability is best defined in the context of living systems. Thus, "sustainability" means, simply, "to align with natural forces, or at least not to defy them," and is about everything we do as humans. To use the phrase "environmental sustainability," for example, or "sustainable agriculture" or a "sustainable economy," while grammatically correct, does not exemplify the true definition of, nor foster application of the real meaning of, sustainability. Sustainability, properly used, is about the entire planet as a living system, including all life forms.

Viewing a community as a living system recognizes that the "rules of the house" are non-negotiable biophysical principles and the elements of sustainability rest upon those principles.

To further understand this approach to community, it helps to know that "ecology" and "economics" have the same root: eco from the Greek oikos, or home. Ecology is the knowledge or understanding of the house, and economics is the management of the house—and it is the same house. Therefore, understanding our community as a living system—an ecosystem—will give us not only a new understanding of "economy" and "economics," but also will foster a vision of the future, along with strategies for its realization, that focus on resiliency, adaptability, and attunement with nature.

If we perceive ourselves and all we create as part of an ecosystem, it is easy to understand that our community is a living system within which there are nodes of wealth: social, natural and financial. All interact as a system and are linked together through nutrient cycles and energy flows, and the maintenance and health of these networks is essential to the overall health and prosperity of our community.

- Jane Rein, Design Review Board

2

DESIGN REVIEW

Design Review Process

The design review process, standards, and guidelines are structured to support good design and a deliberate design process from context and site down to design detailing. Design review is an iterative process intended to help applicants comply relevant standards and guidelines and develop designs for the project that fit Bainbridge Island and the unique context of the site. At each design review meeting, the applicant is required to present the design and submittals required in Appendix A to the Design Review Board. For more information on the permit review processes please refer to the City's [Administrative Manual](#) and Municipal Code ([BIMC 2.16](#)).

1 Preapplication Conference

The Preapplication Conference with City staff is intended to provide information to the applicant in response to the submittal of a preliminary site plan and a conceptual design for the project, showing how it responds to site characteristics and the context of neighboring uses. City staff shall identify potential issues/concerns related to applicable City development regulations and standards including, but not limited to, zoning, environmental, utilities, transportation and stormwater regulations, relevant Comprehensive Plan goals and policies, and relevant goals and principles from Design for Bainbridge.

City staff shall ensure that the applicant is aware of the standards and criteria involved in review and approval of the project, both in the Bainbridge Island Municipal Code and the Design for Bainbridge manual. Planning staff shall prepare a summary letter detailing the pre-application guidance, to be provided to the applicant and the Design Review Board. See Appendix A below for a complete list of design related submittal requirements, in addition to other requirements in the Administrative Manual.

2 Conceptual Review

The Conceptual Review meeting is an applicant-led narrative to present site-specific conditions and contextual considerations for the design of development on site. This discussion is intended to inform strategies for site planning and massing that respond sensitively to the neighborhood context and the public realm as described in Design for Bainbridge. The six Goals and Principles listed in Chapter 1 serve as a useful narrative outline. (See Appendix A for a complete list of submittal requirements).

3 Public Participation Meeting

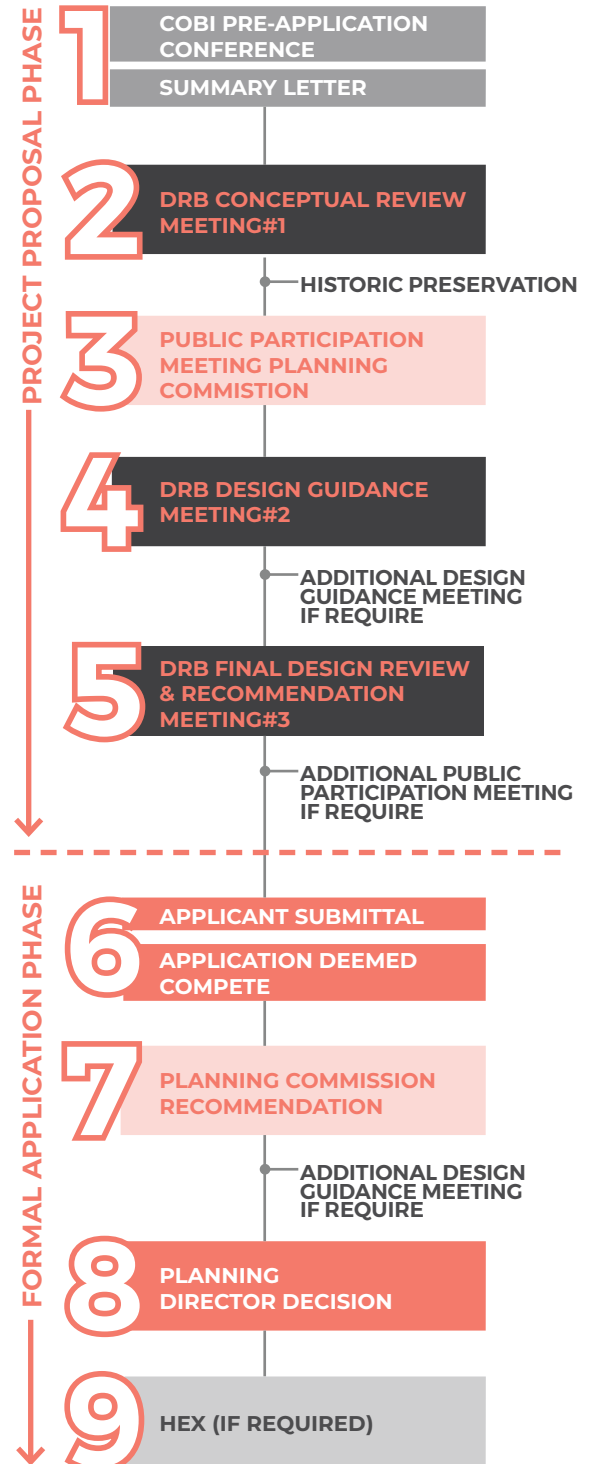
Following the Conceptual Review meeting, the applicant will make a formal and complete presentation of their concept(s) to the public at a Planning Commission meeting, providing the applicant an opportunity to respond to questions and comments from the public and Planning Commissioners before the Design Review Board conducts its design guidance review. A second Public Participation Meeting may be required if significant project changes occur after completion of the Design Guidance Review Meeting.

4 Design Guidance Review

Design guidance review meetings include applicant-led presentations at which the Design Review Board will offer guidance to applicants. The purpose of these meetings is to determine, with reference to the Design for Bainbridge manual, how the proposed alternatives fit the surrounding context, with a focus on the development's program, uses, site plan, and massing. The Board will also consider any requested departures, the rationale for those departures and their consistency with the intent and principles of the standards and guidelines. See Appendix A for a complete list of submittal requirements. Additional design guidance review may be required if significant project changes occur after the initial Design Guidance Review Meeting.

5 Final Design Review and Recommendation

At this meeting, the Board will complete the review of final drawings and the DRB worksheet for compliance with Design Standards and Design Guidelines and ensure that the project reflects any required changes recommended by the Board, as listed in the project worksheet. The Board will document its findings and transmit issue a signed written recommendation. The Board's recommendation may include conditions to ensure compliance with all standards. If a majority of the Board members find that standards essential to the project's success have not been met, the Board shall recommend denial of the project. See Appendix A for a complete list of submittal requirements. The Planning Commission may determine that additional design review is required if significant project changes occur following the Final Design Review and Recommendation Meeting.



3 CONTEXT ANALYSIS

Introduction

Your site is part of our community.

Context analysis is a prerequisite for application of Design Standards and Design Guidelines.

This chapter outlines requirements for applicants to present their understanding of the site's context. The components of the analysis included here are intended to be part of the review process and will be the focus of the Conceptual Proposal Review, the first meeting of the design review process.

A thorough understanding of all aspects of the site and its context is fundamental to design that fits and contributes to Bainbridge Island's unique built and natural environments. Development affects its setting through each facet of design in ways that can be striking or largely invisible to the public. It is not enough to simply describe the context, but to analyze its qualities and to understand and its implications for design.

An effective context analysis will carefully examine the relationship between the site, potential development, and the surrounding environment. This creates a foundation for design that takes cues from patterns in the surroundings and contributes to the Island's unique character, while preserving, supporting, and repairing the natural environment. Sustainability is an overarching goal for design on Bainbridge, and will be a key component in all respects of this analysis.



CONTEXT ANALYSIS

Design for new development should go beyond consideration of individual buildings and fit successfully into Bainbridge Island's urban context. These requirements present an analytical framework to guide approaches to design that respect and enrich the facets of the built and natural environment that make Bainbridge "Bainbridge."

C1

Analyze natural systems

C2

Identify the extent and value of wildlife habitat and corridors

C3

Assess unique and prominent features

C4

Consider the defining attributes of the built environment

C5

Analyze systems of movement and access

C6

Study how the site relates to and can contribute to the public realm

C1

NATURAL SYSTEMS

Natural systems include water and hydrology; vegetation, forests and soils; solar access and wind conditions. The natural systems analysis is the basis of designing a project that minimizes impacts and maximizes sustainable solutions for each project.

Analyze

Water:

stormwater, streams, wetlands, aquifers, and shorelines

Soil:

stormwater infiltration, geological hazards, and soil stability

Vegetation:

major trees, forested areas, and plant communities

Solar Access:

sun and shadow conditions on and near site

Wind:

prevailing wind direction

Resiliency:

current and future flood risk and tidal inundation, heat vulnerability and heat wave risk

C2

WILDLIFE HABITAT & CORRIDORS

Bainbridge Island's exceptional ecosystem and wildlife habitat is highly valued by the community, and development must be balanced with the diversity and abundance of native plants and animals. Habitat includes the terrestrial and marine environment, not only along the shoreline, but for upland sites as well.

Analyze

Habitat:

known species and identified key habitat

Connectivity:

existing or desired connections between key habitat areas

Shoreline:

existing conditions of waterfront sites



UNIQUE & PROMINENT FEATURES

Some sites merit special attention because of how they relate to features that make Bainbridge Island distinct and memorable. These include a variety of natural and human-made features including views and vistas, bluffs, shorelines, bodies of water, historic buildings and working farms. The design review process will focus on minimizing impact on the visibility or character of these valued features as experienced from the public realm.

Analyze

Natural Features:

views and view corridors, significant trees, forested areas, outcroppings, waterfront, and beaches

Human-made Features:

civic or publicly significant buildings or structures, working farms, harbors, and marinas

Historic Sites:

past human activity, historic sites, and buildings



BUILT ENVIRONMENT

The patterns of human-made buildings and spaces around the site inform project design. Appropriate design responses are not encouraged to mimic the built context of the site, but to find ways to be compatible and contribute to the surroundings.

Analyze

Massing:

height, bulk, and form of nearby buildings

Siting:

setbacks from property lines, access points, and relationship between buildings and open spaces

Scale:

how features, design elements and proportions relate to the human experience

Uses:

surrounding services, schools, and other institutional uses

C5

PUBLIC REALM

Public realm includes streets, sidewalks, parks, civic buildings and other places that are accessible to the public. These spaces are often enlivened by adjacent retail or other privately-owned entities. The public realm is at the heart of civic life, and the relationship of projects to the public realm is a fundamental design issue.

Analyze

Building Frontages:

relationship of nearby buildings to the sidewalk and streets

Activities:

nearby retail or other activities

Open Space:

location and type of nearby public and private open spaces

Landscape:

patterns of trees or other significant vegetation

Utilities:

utility poles, junction boxes, utility meters, and stormwater

C6

SYSTEMS OF MOVEMENT & ACCESS

The site context includes its connection to streets, sidewalks, open spaces, and trails. Appropriate approaches to site design will prioritize pedestrians, transit and principles of universal design, and will strive to create new connections wherever possible.

Analyze

Streets:

street classification, width, traffic levels, and parking

Sidewalks:

pedestrian network, materials

Transit:

nearby transit facilities

Bicycles:

nearby bike facilities

Access:

patterns of non-motorized and motorized access

4 DESIGN STANDARDS & GUIDELINES

Introduction

In combination with the Context Analysis in Chapter 3, the Design Standards in Chapters 4 and 7 establish the minimum requirements in *Design for Bainbridge* necessary to take advantage of the opportunities of the surrounding context and site while contributing to the neighborhood. To provide some flexibility, creativity in design, and address the specifics of each site, the Design Guidelines in Chapters 4, 5, 6, and 7 provide a variety of ways to meet the standards. Design Standards and Guidelines are defined in Chapter 1 as a part of *How to Use this Document* - and are repeated below.

Design Standards: Standards mandate planning and design actions that the applicant must incorporate in their project application. Compliance with standards is mandatory and failure to meet a mandatory standard may be used as a basis for the city's denial of a project application.

Design Guidelines: Guidelines are voluntary and not mandatory; however, compliance with guidelines may be necessary to meet Design Standards. Guidelines provide a variety of ways to satisfy the Design Standards based on the specific context and site. Failure to meet a voluntary guideline cannot be used by the city as a basis for a project denial.

SITE DESIGN STANDARDS

- S1** Natural Systems
- S2** Wildlife Habitat
- S3** Unique Features
- S4** Built Environment
- S5** Systems of Movement
- S6** Public Realm

PUBLIC REALM STANDARDS

- P1** Walking & Cycling
- P2** Vehicles in the Public Realm
- P3** Hierarchy of Public Spaces
- P4** Connections to Public Spaces
- P5** Block & Frontage Patterns
- P6** Activity on Commercial Streets

BUILDING DESIGN STANDARDS

- B1** Clear Organizing Concept
- B2** Appropriate Architectural Language
- B3** Façade Composition & Scale
- B4** Sustainable Design
- B5** Materials & Detailing

LANDSCAPE STANDARDS

- L1** Landscape & Architecture
- L2** Public Realm
- L3** Sustainable Features
- L4** Green Infrastructure
- L5** Wildlife Habitat
- L6** Views & View Corridors



SITE DESIGN STANDARDS

Building on an understanding of the site and its context, site design defines how a building relates to its context. The placement, orientation and massing of buildings should support broader patterns in Bainbridge Island's built and natural environment as well as livable neighborhoods and communities.

S1

Protect and repair natural systems

S2

Preserve and enrich wildlife habitat

S3

Respect and magnify unique aspects of site and context

S4

Complement and contribute to the built environment and local identity

S5

Fit the project into the systems of access and movement, prioritizing pedestrians and bicycles

S6

Support and contribute to a vibrant public realm

S1 PROTECT AND REPAIR NATURAL SYSTEMS

Intent

Design for new development should protect existing natural systems and mitigate disturbance to the maximum extent possible. In addition, designers should look for ways to heal and repair the Island's natural systems that have been impacted by previous development. Site design should embrace relationships to larger natural systems, and use these systems to inform sustainable design at the site and building level.

GUIDELINES

- a. Use natural topography to inform project design, stepping up or down hillsides.
- b. Minimize soil disturbance and excavation, and preserve natural topsoil.
- c. Preserve the hydrological functions of the site and create opportunities for natural stormwater infiltration.
- d. Incorporate natural water features, habitat, and native plant communities on-site into project design so that they are ecologically functional.
- e. Minimize and disconnect impervious cover to reduce runoff.

IslandWood worked with a 255-acre site on Bainbridge to minimize disturbance to natural systems and restore natural areas on site



The Bullitt Center in Seattle integrates native vegetation in the street and public spaces with gray- and rainwater harvesting and filtration



S2

PRESERVE, RESTORE AND ENRICH WILDLIFE HABITAT

Intent

Urban growth often comes at the expense of natural habitat, degrading and fragmenting sensitive plant communities, wetlands, and riparian corridors that provide habitat for local fish, wildlife and pollinators. New development in Bainbridge Island should protect and restore habitat on site and connect to local habitat corridors.

GUIDELINES

- a. Incorporate existing natural habitat and landscape into site design.
- b. Connect new landscaped areas and fragmented habitat to networks of open space and larger habitat corridors wherever possible.
- c. Consider porous fencing, hedging and shrubs to define property edges, or gaps in fencing and reduce barriers to wildlife.
- d. Promote continuous habitat through private or communal landscaped areas and repair gaps in identified wildlife corridors wherever possible.

Cedar Creek Watershed Education Center in North Bend, maintains a continuous wildlife habitat along the shore of Rattlesnake lake with green roofs and native plantings.



Dockside Green in Victoria, BC is built around system of stormwater treatment ponds that run into the upper harbor and create a network of wetland habitat.



S3

RESPECT AND MAGNIFY UNIQUE ASPECTS OF THE SITE AND CONTEXT

Intent

The character of Bainbridge Island is comprised by many kinds of natural and man-made features: historic buildings, views of water and mountains, rolling landscapes, forests, and farms. Development should recognize these features, avoid detracting from their prominence, and highlight them whenever possible.

GUIDELINES

- a. Work with the particular features of the site—shape, ecological value and characteristics, views, vegetation, hydrology and topography—to create a unique solution for the project.
- b. Preserve and highlight public views of unique features that contribute to Bainbridge Island's character.
- c. Support visual connections to nearby landmarks.

Madison Square in Bainbridge Island preserved older trees on the site and integrated them into landscape, while framing views of nearby buildings.



The site plan for the BelRoy in Seattle integrated an existing historic apartment into the new project with interior courtyards and pedestrian circulation.



S4

COMPLEMENT AND CONTRIBUTE TO THE BUILT ENVIRONMENT AND LOCAL IDENTITY

Intent

Buildings and open spaces should be designed to create a sense of place and contribute to neighborhood identity. Projects should be built to feel like they "belong" to their site and context, becoming part of the fabric of beloved places on Bainbridge Island.

GUIDELINES

- a. Site access and new structures to complement patterns in the built environment with attention to setbacks, spaces between buildings, scale, and entries along the street.
- b. Create or reinforce a well-defined rhythm of intervals of built and open spaces, designed for the human scale.
- c. Develop frontages with quality, interest, and variety, using multiple smaller scale buildings if needed for to fit with neighborhood character.
- d. Avoid visually impermeable fencing, high fencing or other monolithic features along publicly visible edges of the site.

Bainbridge Island City Hall is distinct but not out of place, with a frontage that fits well with the proportions of nearby buildings and a clear public entrance.



The San Juan Building on Ferncliff Avenue in Bainbridge Island keeps the rhythm and scale of its surroundings with a primary façade broken into smaller sections.



S5

FIT THE PROJECT INTO THE SYSTEMS OF ACCESS AND MOVEMENT, PRIORITIZING PEDESTRIANS AND BICYCLES

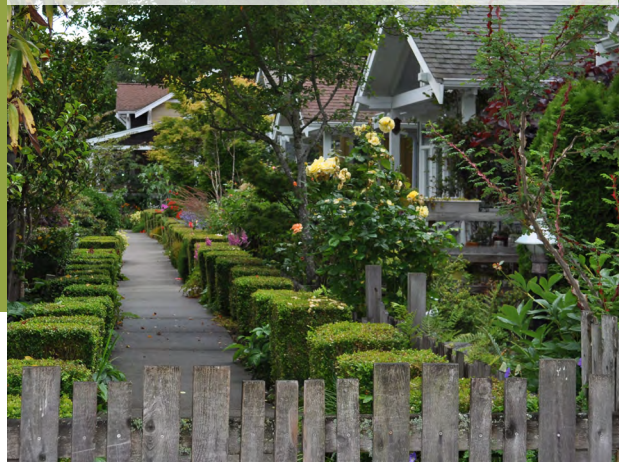
Intent

Livable and sustainable communities are walkable and bikeable. Good design in Bainbridge Island will favor pedestrian and bicycle scale, and carefully consider the project's place in the network of streets, sidewalks and trails in decisions about entries, ADA access, and location of vehicular access. Projects should prioritize the pedestrian environment and encourage sustainable transportation choices.

GUIDELINES

- a. Locate and orient primary pedestrian access to the site toward major pedestrian and bicycle travel routes and transit facilities.
- b. Incorporate dedicated pedestrian access that connects and aligns with existing public and private pedestrian infrastructure.
- c. Integrate access for people of all abilities into the project design so that all visitors are welcome through primary entries and access points.
- d. Locate at-grade parking and vehicular access away from active pedestrian areas wherever possible and screen at-grade parking from public view.
- e. Provide bicycle parking near access points to and active areas to maximize visibility and convenience.
- f. Consider including pedestrian-oriented public spaces and spaces for informal community gathering in non-residential projects.

The Ericksen Cottages in Bainbridge Island connect to Ericksen Avenue with a network of pedestrian paths and shared parking areas that minimize impacts on pedestrian areas.



The Winslow has integrated pedestrian access into the building's front plaza along Winslow Way and interior courtyard off on Ericksen Avenue.



S6

SUPPORT AND CONTRIBUTE TO A VIBRANT PUBLIC REALM

Intent

The public realm should be considered at the site planning level. Some projects will be fully private, but experienced from people passing by. Residential development will have a relationship to passers-by and visitors as well as the residents. Retail buildings and civic buildings have important relationships to the public realm, where dedicated space may be warranted. For all of these project types, the visual and physical relationship to the public realm begins at the site planning level for the most appropriate and beneficial interaction with the community.

GUIDELINES

- a. Arrange site elements to define a clear 'public front' facing toward the primary street.
- b. Minimize vehicular presence in the public realm, with driveways and garages de-emphasized in terms of location, width and design.
- c. Consider the hierarchy of uses in site design, with important uses or features emphasized.
- d. Incorporate natural systems into public spaces in the site where possible and appropriate.
- e. Give prominence to pedestrian entrances over vehicle access.
- f. Reinforce defined and active street edges and design public facing frontages to interact directly with the public realm as appropriate.

The BelRoy in Seattle has a strong relationship with the street, with a visible and welcoming pedestrian entrances and storefronts and seating that interact with the street.



Chophouse Row in Seattle integrates an active pedestrian route through a series of indoor and outdoor spaces that support the ground level commercial uses on the site.





PUBLIC REALM STANDARDS

Bainbridge Island's network of streets, trails and public spaces are the setting for public life in the city. They support community events and local activities, build the experience of the Island and express local identity. New development should contribute to streetscapes, public and open spaces, and street frontages, and foster activity at street level where appropriate.

P1

Create a safe and comfortable environment for walking and cycling.

P2

Minimize impact of vehicles on the public realm

P3

Design to support a legible hierarchy of public spaces

P4

Strengthen public space connections

P5

Draw from and enhance existing block patterns

P6

Foster interest and activity along commercial streets

P1

CREATE A SAFE AND COMFORTABLE ENVIRONMENT FOR WALKING AND CYCLING

Intent

Whether a project is located in the Island's downtown, neighborhood centers, or rural areas, new development should consider the site's relationship to the pedestrian environment, and how the project can contribute to safety, comfort and continuity in the pedestrian realm.

GUIDELINES

- a. Connect on-site pedestrian walkways with existing public or private routes where projects can improve the network for people walking.
- b. Integrate universal design in pedestrian routes, access points and entries, with multi-sensory cues where appropriate in public spaces and access points using visual, auditory and tactile signals.
- c. Integrate lighting for pedestrian pathways and entrances to provide safety, mark entry locations and highlight design features.
- d. Orient primary entrances toward the site's most active public street frontage.
- e. Contribute to the network of safe bicycle routes where possible.
- f. Provide bicycle parking at access points to open spaces and buildings, and coordinate bike racks and fixtures with other outdoor furniture on site, along adjacent streets, or nearby public spaces.

The Camelia Apartments in Bainbridge Island integrate public walkways through the site with landscaping to provide access to Island Village and Hildebrand Lane.



This outdoor dining area connects directly to the street, using planters and hardscape materials to define the space associated with the beer garden.



P2 MINIMIZE THE IMPACT OF VEHICLES ON THE PUBLIC REALM

Intent

Public realm design should focus on people rather than cars and vehicular access. Projects should strive to keep conflicts between motorists and people walking and biking to a minimum, and support active and inviting streets by reducing the visual impact of service areas, parking, and vehicular access.

GUIDELINES

- a. Encourage non-polluting transportation options, such as shared vehicle access and parking in multiple ownership circumstances.
- b. Minimize the size and number of curb cuts and locate curb cuts away from active pedestrian areas wherever possible.
- c. Screen service uses and parking when near public space using ground floor uses and/or landscaping.
- d. Reduce conflicts between pedestrians and motorists through design elements such as planters, paving patterns, or lighting.
- e. Create clearly defined pedestrian paths through parking areas with sidewalks or other dedicated facilities.

This street treatment in Langley, WA makes good use of material and textural cues, and uses on-street parking and loading instead of curb cut access to reduce conflicts.



Pedestrian access for Whidbey Telecom uses variation in materials, landscaping, screening and physical barriers to create a safe pedestrian environment within a parking lot.



P3

DESIGN TO SUPPORT A LEGIBLE HIERARCHY OF PUBLIC SPACES

Intent

Projects should understand their location in the hierarchy of public space and respond accordingly. For example, a site that terminates a vista would be designed as a focal point, while a project that is part of the urban fabric would be designed to fit well with adjacent properties. Design to support a hierarchy of public spaces will help wayfinding and character.

GUIDELINES

- a. Use buildings to help shape and define public spaces where appropriate.
- b. Consider vistas, views and irregularities in the street network and block pattern to retain views or to create focal points.
- c. Highlight important crossings, intersections, and transitions where appropriate.
- d. Incorporate wayfinding that complements project design and surrounding wayfinding systems, with common indicators, destinations, and signed decision points.

The Marketfront in Seattle creates defined public spaces that highlight views of Elliott Bay, and defines a hierarchy of public and private spaces along the market.



An alley in California uses the space between buildings as both a pedestrian connection and as outdoor dining, with framed views of nearby buildings.



P4 STRENGTHEN PUBLIC SPACE CONNECTIONS

Intent

Design for new development on Bainbridge Island should pay careful attention to how the building will interact with the public realm—street, sidewalk, open spaces and landscape. Projects should look for opportunities to make stronger connections in the Island's network of public spaces wherever possible.

GUIDELINES

- a. Locate primary entrances along the main street, and contribute to the character of the street.
- b. Align public spaces, passages and access with existing pedestrian paths or desire lines where no formal paths exist. Public through-routes in Winslow are excellent examples of pedestrian-scale connections.
- c. Where appropriate, provide open spaces adjacent to the sidewalk and design public frontages to support direct engagement with the street and pedestrian activity.
- d. Use public art to enhance entrances to buildings and public spaces and to create or highlight unique transitions.

Clyde alley in Langley supports pedestrian connections through the center of the block and to other public spaces along 2nd Street.



A pedestrian alley in Spokane's Kendall Yards creates a direct connection to the Spokane Falls and includes outdoor seating and dining areas that support nearby uses.



P5

DRAW FROM AND ENHANCE EXISTING BLOCK AND FRONTAGE PATTERNS

Intent

Regardless of how people get around, everyone is a pedestrian at some point. Pedestrian-oriented design creates safe, accessible and welcoming for spaces for all in ways that are contextually appropriate for Bainbridge Island's varied environments. Whether it is in the Island's downtown, neighborhood centers, or rural areas, new development should contemplate the site's relationship to the pedestrian environment, and how the project can contribute to safety, comfort and continuity in the pedestrian realm.

GUIDELINES

- a. Seize on the prominent location of corner sites to create focal points with careful detailing and integrated public spaces.
- b. Create a porous site with public pedestrian routes through larger developments.
- c. Break down the massing of buildings and the scale of long façades to fit the rhythm of the surrounding block.
- d. Create a human scale environment at street level with detailing that adds variety and rhythm to the façade.

The Braeburn in Langley WA is integrated into the nearby mid-block crossing and plaza, and uses it's corner location to help create a welcoming entrance to Clyde Alley.



The Braeburn draws on established building patterns, scale and rhythm along 2nd Street for a successful fit with historic building downtown.



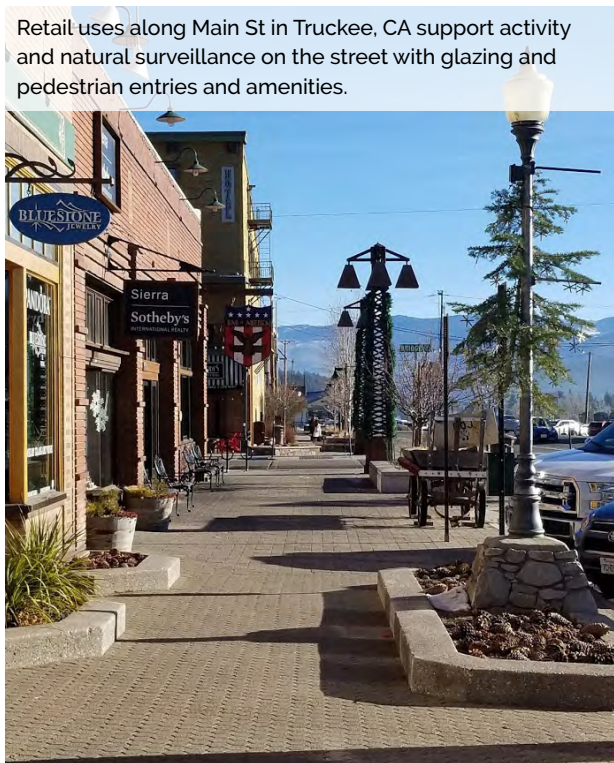
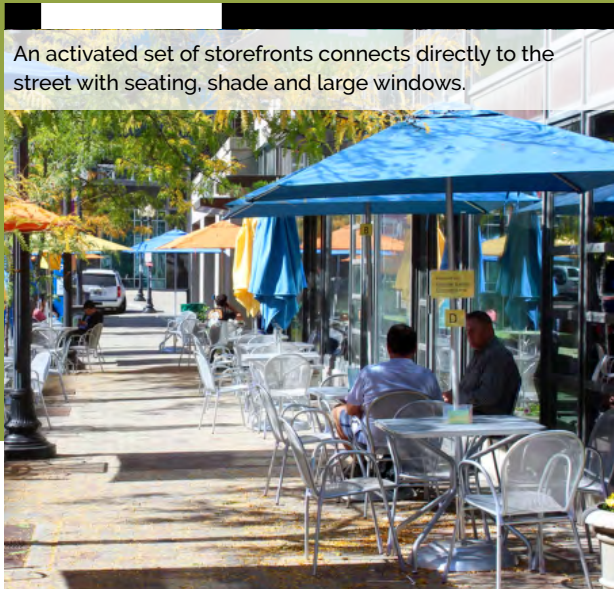
P6 FOSTER INTEREST AND ACTIVITY ALONG COMMERCIAL STREETS

Intent

Bainbridge Island is fortunate to have strong and active retail "main streets" in Winslow, Lynwood and Rolling Bay. New development should reinforce the scale and positive attributes of these commercial streets with pedestrian-scale interest and activities.

GUIDELINES

- a. Support adjacent sidewalks and public spaces with active ground floor uses and amenities such as displays and seating, and public art,
- b. Place doors, windows, balconies and street-level uses to provide lines of sight for natural surveillance of the street, private and public realm.
- c. Build in multiple entries to allow for smaller storefronts, and design to allow retail façades to be adapted to the particular users to give spaces interest and character.
- d. Locate utility areas away from active spaces on commercial streets.



B

BUILDING DESIGN STANDARDS

Bainbridge Island's diverse buildings types and architectural styles work together with the Island's unique natural setting to create a beloved character. New development should reinforce the character of Bainbridge with thoughtful, well-designed, high quality buildings.

B1

Express a clear organizing architectural concept

B2

Use an architectural language appropriate to Bainbridge Island

B3

Create well composed façades at all scales

B4

Celebrate and prominently feature sustainable design

B5

Use high quality, sustainable materials and well-crafted details

B1

EXPRESS A CLEAR ORGANIZING ARCHITECTURAL CONCEPT

Intent

Buildings are expected to have a clear architectural concept that is internally consistent, appropriate to the building's site and functions, and elegantly expressed.

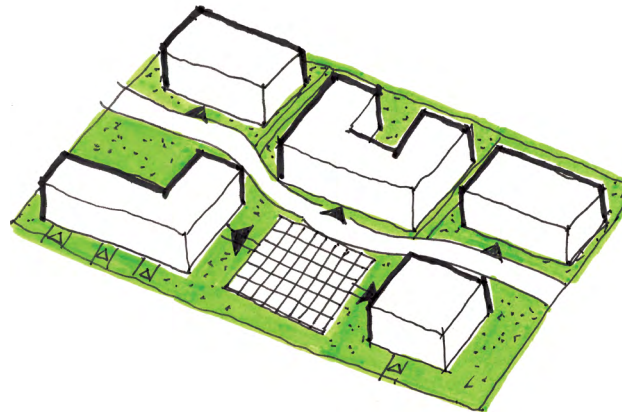
The Bainbridge Island Museum of Art presents a clear architectural concept developed around public spaces and nearby streets with a clear rhythm and organization of uses.



GUIDELINES

- Base the design on a thoughtful organization of uses in the plan, taking into account the arrangement of the development program and its relationship to the context of the site.
- The architectural concept should be rooted in and express sustainable design principles.
- The architectural concept should be appropriate to the Pacific Northwest's climate and materials, as well as to the specific conditions of the site.
- In the building concept and floor plan, consider the relationship of building uses and public space; for example, locating an entry lobby along the street, or designing residential windows to have a degree of privacy from passers-by.
- Express the rhythm of the building's structural organization in the façades.
- The architectural concept should make the building's uses and hierarchy legible.

This diagram represents a concept that takes considers the relationship between buildings, access and public and open space, and arrangement of uses.



B2 USE AN ARCHITECTURAL LANGUAGE APPROPRIATE TO BAINBRIDGE ISLAND

Intent

The Design Guidelines do not prescribe architectural styles, but projects are expected to have an attractive and coherent style that fits well with the climate and context of Bainbridge Island.

The Winslow in Bainbridge Island draws on the historic context along Winslow Way and Ericksen Avenue for a consistent and coherent architectural style that fits well.



GUIDELINES

- a. Consider the context and history of Bainbridge Island in the building's massing, roof forms, and siting.
- b. Use materials that are locally sourced and regenerative wherever possible.
- c. Include weather-protection and other climate appropriate design as an integral part of the architectural language and detailing.
- d. Use surrounding building forms (found in context analysis) to inform building shape and form.

Grace Episcopal Church in Bainbridge Island uses locally appropriate style and materials that help integrate the building into the site and surrounding natural setting.



B3

CREATE WELL COMPOSED FAÇADES AT ALL SCALES

Intent

Façades are not only the visible faces of a building. Façades are the interface between the interior uses and the public realm, bringing in daylight and keeping out the weather. They play a major role in energy efficiency and define the architectural style. Façade design is critical to the success of a building from urbanistic and sustainability standpoints, and thoughtful design is expected for all façades.

GUIDELINES

- a. Design all façades visible to the public to be attractive and well-proportioned, with a graceful composition of fenestration and opaque areas and a sense of texture and depth along building surfaces.
- b. Create an architectural concept appropriate to Bainbridge Island and the character of the building's surroundings.
- c. Design the building to be attractive from vantage points near and far, with all visible façades receiving full attention to design.
- d. Design the building to be pleasing and coherent at multiple scales—from massing and roof form to secondary features such as fenestration and balconies, to details, textures and finishes.
- e. Give attention to the level of human scale experienced from the public realm, including detailing at doors, windows and other architectural features such as porches, canopies, balconies.
- f. Incorporate design detail, articulation and quality materials and a sense of human scale in all building façades.
- g. Integrate utilities and service functions into the architectural concept, screening mechanical equipment and trash facilities from view.

An office building on Hildebrand Lane in Bainbridge Island uses detailing and alternation of two primary materials to create a sense of texture and human scale.



The Klotski Building in Seattle, WA has an inset ground level storefront with floor-to-ceiling windows, and a simple pattern of vertical elements on its upper stories that create a coherent composition with depth and appropriate detail.



B4

CELEBRATE AND PROMINENTLY FEATURE SUSTAINABLE DESIGN

Intent

Projects in Bainbridge Island are expected to be environmentally responsible and resource efficient throughout their life cycle. Buildings will need to meet the requirements of the City and County that require sustainable design; the Design Guidelines are intended to express the values of a healthy environment in the design expression of each project.

GUIDELINES

- a. Reuse existing structures whenever possible, recognizing that the most sustainable buildings are those that already exist.
- b. Use building materials that reflect a sense of place, favoring recycled or renewable resources and/or local sources.
- c. Highlight regenerative materials and renewable energy generation such as solar panel or turbines as visible expressions of the community's aesthetic and values.
- d. Offer access to natural light and ventilation in living and working spaces for comfort and reduced energy consumption.
- e. Manage direct sunlight with solar control and shading devices, and integrate these features into the overall design, with each façade responding to solar orientation.
- f. Consider green or living walls and/or roofs with plants adapted to Bainbridge Island's microclimate; make them visible where possible.
- g. Design for flexibility so that the building can be adapted in the future, including reuse of structured parking for non-vehicular future uses.

The Vineyard Lane apartments in Bainbridge Island use sustainable materials, building practices and design to help reduce energy use.



The Grow Community in Bainbridge Island incorporates reusable energy, efficient heating and cooling systems, and building materials that support thermal efficiency.



B5 USE HIGH DURABLE QUALITY MATERIALS AND WELL-CRAFTED DETAILS

Intent

Building materials should be selected for their appropriateness to place, a minimal ecological footprint, and long-term aesthetic value. Thoughtful composition and detailing will express a level of quality and a sense of scale inherent in excellent architectural design.

GUIDELINES

- a. Choose durable, low-impact materials that are appropriate for the climate and seasonal shifts in weather conditions.
- b. Select materials that are locally sourced and supportive of Bainbridge Island's economy where possible.
- c. Express the architectural concept of the building and provide a sense of human scale through thoughtful detailing.

The Bellevue Botanic Gardens Visitor Center uses low impact materials and careful detailing to create a series of indoor and outdoor space unified by a sheltering roof.



Bryant Heights in Seattle uses alternating high-quality materials create visual interest along building façades and fit in with a dense single family neighborhood.





LANDSCAPE STANDARDS

Landscape design is expected to fit the building into its setting, contribute to a comfortable and welcoming pedestrian environment, and support natural systems with habitat-friendly and sustainable features.

L1

Integrate the landscape concept to complement the architectural concepts

L2

Support the public realm with the landscape design

L3

Integrate sustainable features into the landscape and make them visible wherever possible

L4

Integrate and highlight green infrastructure practices

L5

Support healthy habitat in the landscape

L6

Preserve and enhance important views and view corridors

L1

INTEGRATE THE LANDSCAPE CONCEPT TO COMPLEMENT THE ARCHITECTURAL CONCEPT

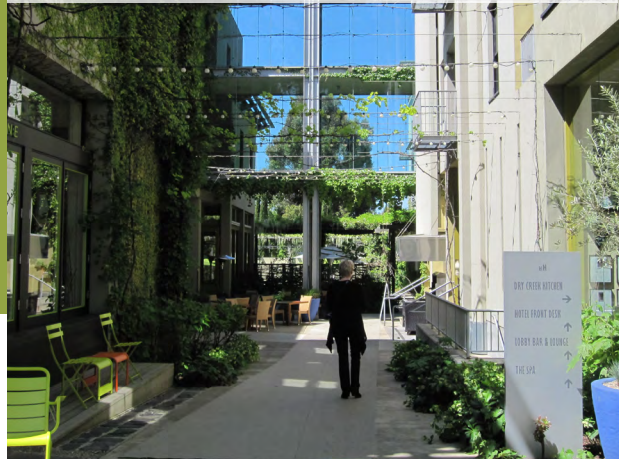
Intent

Landscape architecture and building architecture are expected to be mutually complementary, working together toward an overall design that is functional, sustainable and pleasing. To this end, the landscape should be designed in tandem with the architecture, rather than as an afterthought.

GUIDELINES

- a. Design the landscape to enhance elements of the site and architectural concept by strategies such as defining pathways, zones and edges; creating focal points; softening building massing; highlighting entries, and adding scale, texture and interest to the site.
- b. Locate deciduous trees to compliment passive solar strategies, providing shade in summer and allowing sun in the winter.
- c. Use plantings where privacy is needed for more intimate and private spaces, or for screening traffic and/or service uses.
- d. Choose plantings that complement the proportions and scale of the building, and offer color and interest throughout the year.
- e. Ensure that landscape design relates to considers building features such as porches, balconies and roof areas.

A passageway in Healdsburg, CA uses small-scale plantings and vines to soften edges and massing, highlight entries and work with passive solar strategies.



The Pacific Cannery in Oakland, CA incorporates materials from a 1919 cannery to create a common court that helps unify public and private outdoor spaces in the development, and provides privacy for ground level residences.



L2

SUPPORT THE PUBLIC REALM WITH THE LANDSCAPE DESIGN

Intent

Landscape design is expected to be an integral part of public spaces, enhancing the functions, activities and character of the public realm.

GUIDELINES

- a. Use landscape design to connect a network of open spaces, appropriate to the project context. This open space network could include the streetscape and building frontages, spaces between buildings, or a series of planted areas and hardscape intended for outdoor use.
- b. Encourage interaction between the building's interior uses and exterior public space, including plazas, seating areas and other hardscape areas to support positive public activities appropriate to the context and building use.
- c. Select plantings that reflect a sense of care, providing scale and seasonal color and interest.
- d. Consider elements of continuity along streets to provide a level of character along a corridor, and unique elements of distinction that can serve as landmarks or wayfinding.
- e. Complement building and landscape design with integrated public art that is developed with the community and overall project concept in mind.

Uptown Circle in Normal, IL provides seating, shade, and open space that captures 1.4 million gallons of stormwater, reusing it for water features and irrigation.



A landscaped plaza in Harbor Square in Bainbridge Island provides pedestrian access that weaves together open spaces and connects residents with open space.



L3

INTEGRATE SUSTAINABLE FEATURES INTO THE LANDSCAPE AND MAKE THEM VISIBLE WHEREVER POSSIBLE

Intent

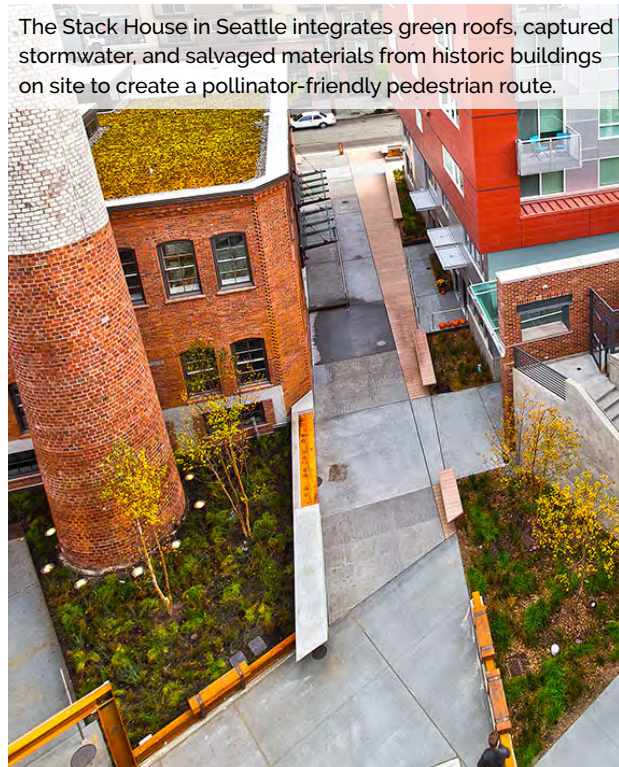
Sustainable landscape design helps build a network of productive ecosystems that promote local biodiversity, water and energy conservation, and provide a natural experience for the public in the built environment. Human-made landscapes in Bainbridge Island should strive to conserve water and material resources, support healthy and porous soils, and reduce the need for fertilizers and pesticides that damage natural ecosystems.

GUIDELINES

- a. Promote water conservation with landscape design that prioritizes native and/or drought tolerant species.
- b. Use plantings to provide shade and buffer from wind exposure.
- c. Locate trees to provide shading of paved surfaces and reduce heat island effect
- d. Accommodate planting space for trees where there is not enough space for trees in the right-of-way.
- e. Use local, low-impact, recycled, or sustainably sourced materials and/or repurpose non-hazardous waste materials in the landscape.
- f. Utilize vegetative roofs to mitigate stormwater, grow food, provide habitat, reduce heat island effect, improve views and air quality.
- g. Design landscape to absorb and reduce particulate matter.



Thornton Creek Water Quality Channel in Seattle is a water treatment facility and public open space that connects the surrounding community while restoring the environment.



The Stack House in Seattle integrates green roofs, captured stormwater, and salvaged materials from historic buildings on site to create a pollinator-friendly pedestrian route.

L4

INTEGRATE AND HIGHLIGHT GREEN INFRASTRUCTURE PRACTICES

Intent

Landscape design is expected to embrace hydrological functions and reduce the impact of development with green infrastructure. Green spaces offer opportunities for water treatment, infiltration and storage on developed sites in order protect water quality, relieve the burden on stormwater infrastructure, and reduce water use and heating and cooling costs.

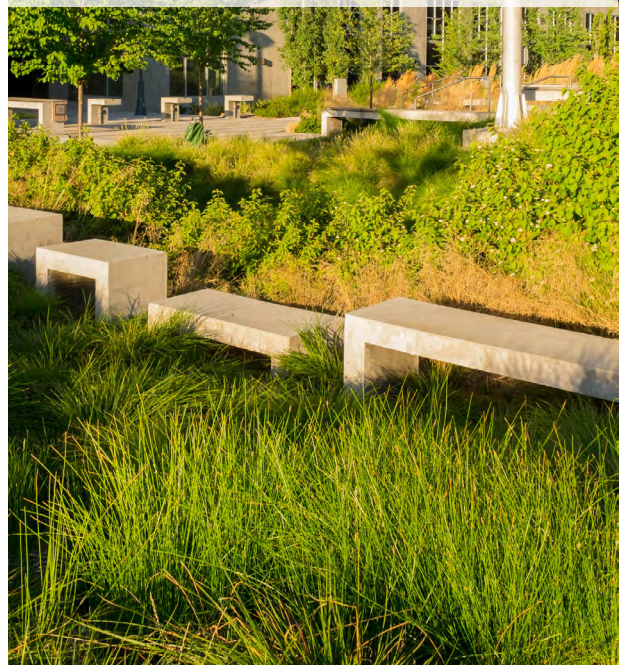
GUIDELINES

- a. Preserve or restore hydrological functions of the natural landscape, improving stormwater quality through sustainable landscape and civil design practices including stormwater retention and infiltration where appropriate.
- b. Use green stormwater infrastructure (GSI) strategies to reduce flooding by slowing and reducing stormwater discharges.
- c. Include vegetative roofs and permeable paving for on-site stormwater management.
- d. Capture rainwater for reuse and irrigation.

Residential entries at the Expo in Seattle are lined with rain gardens that reduce development impacts while creating a balance of private, semi-private and public spaces.



Redmond's Central Connector captures and treats runoff from a 250-acre area downtown with sustainable landscaping that helps create a distinct public space.



L5

SUPPORT HEALTHY HABITAT IN THE LANDSCAPE

Intent

Supporting and creating habitat strengthens a network of ecologically productive landscapes. Designing landscapes that are well adapted to unique microclimates of a project can help provide natural food sources and refuge from predators and inclement weather and mitigate the effects of human disturbance on wildlife populations.

GUIDELINES

- a. Preserve large trees and other significant existing vegetation that contributes to larger biological and ecological systems.
- b. Design plantings to support stormwater retention, infiltration and aquifer recharge.
- c. Promote biodiversity through plantings that attractive to birds, pollinators and other wildlife.
- d. Prioritize low maintenance, drought resistant native plantings.

Hawley Cove Park in Bainbridge Island protects native forest and wetland that provide rich wildlife habitat and connect to other natural shoreline areas.



This house on Whidbey Island uses a sustainable approach to site impact and visual character through rainwater reuse, native vegetated roof, and contextual ecological habitat.



L6

PRESERVE AND ENHANCE IMPORTANT VIEWS AND VIEW CORRIDORS

Intent

For some sites in Bainbridge Island, views of the water, mountains and forested areas are defining features. Landscape design should be sensitive to existing view corridors, take advantage of views, and reinforce visual connections with the public realm.

GUIDELINES

- a. Preserve existing views and view corridors, locating new trees to frame, focus and/or complement views and view corridors.
- b. Take care to prevent view blockage from the public realm, using lower scale plantings where appropriate and pruning existing trees with best practices of limbing-up rather than topping.
- c. Design landscaped areas to complement territorial views, using vegetated roofs where appropriate to mitigate views of roofs.
- d. Locate streets to capture distinctive views and create new viewpoints.

Eagle Harbor Waterfront Park provides waterfront access and views from trails and gathering spaces while retaining existing trees and using low-lying native plantings.



DATA 1 in Seattle complements and highlights views under the Aurora Bridge with lower scale plantings and careful placement of trees and light fixtures.



5

STREET TYPES & FRONTAGES

Introduction

Each public street in Bainbridge Island has a distinct character that is defined by the configuration of the right-of-way and the building frontages, public and open spaces and landscape that form the edges of each street. This chapter focuses on improvements related to new development or redevelopment that shape the pedestrian realm and the buildings that contribute to a distinct streetscape, and together reflect a desired future state for the street.

The guidelines in this chapter are intended to inform design decisions on-site and in the public right-of-way that contribute to the character and experience of the streetscape. The street types, frontages and guidelines described in this chapter do not replace or supersede the requirements of the "City of Bainbridge Island Engineering Design and Construction Standards and Specifications".

Key streets on the island are categorized into street types that are not defined by the same conditions, but share a similar vision and raise similar design considerations ([see Street Types map on p46](#)). Each street type defines common characteristics and guidelines that offer design direction and align with the vision for these streets. The street types regulate building orientation and façade design through specific building frontage typologies that are permitted only on certain street types. These building frontages outline how buildings should relate to each street and contribute to the public realm through greenery, public spaces, and entries consistent with the character of each street type.

STREET TYPES

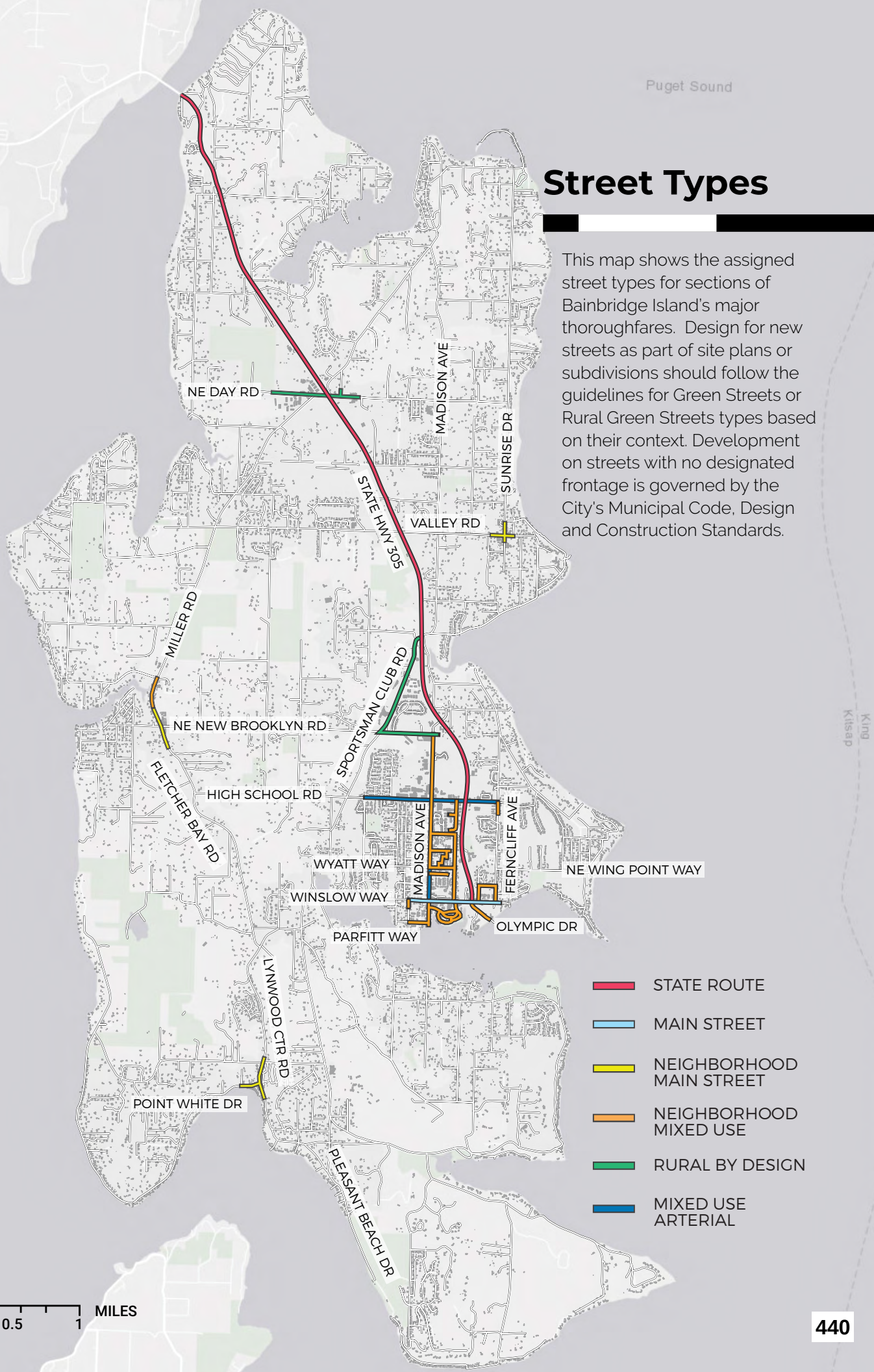
- 1 State Route
- 2 Main Street
- 3 Neighborhood Main Street
- 4 Neighborhood Mixed Use
- 5 Mixed Use Arterial
- 6 Rural by Design
- 7 Green Street
- 8 Rural Green Street

FRONTAGE TYPES

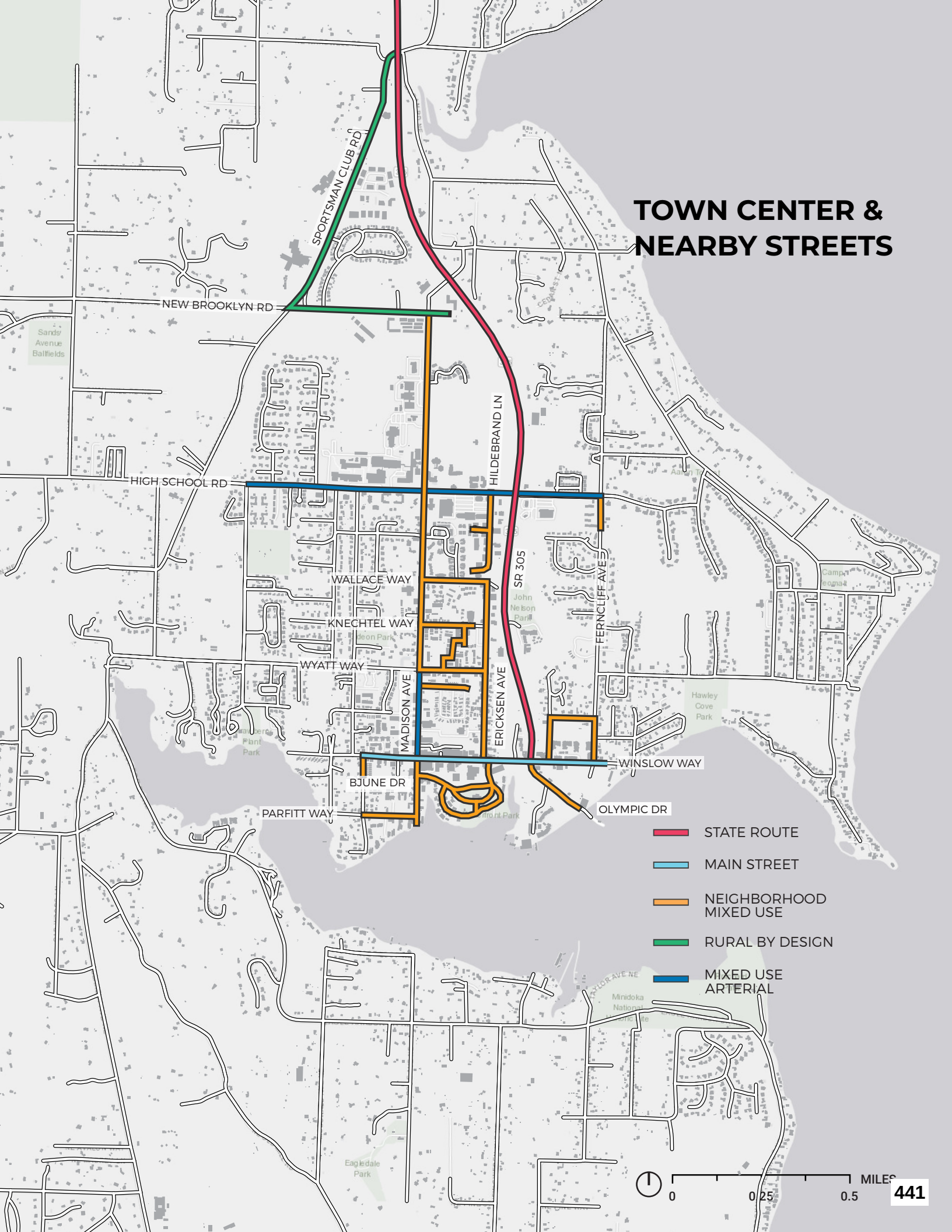
- 1 Linear / Storefront
- 2 Landscape
- 3 Plaza
- 4 Forecourt
- 5 Stoop / Terrace
- 6 Vegetated Buffer
- 7 Parking

[REDACTED]
[REDACTED]

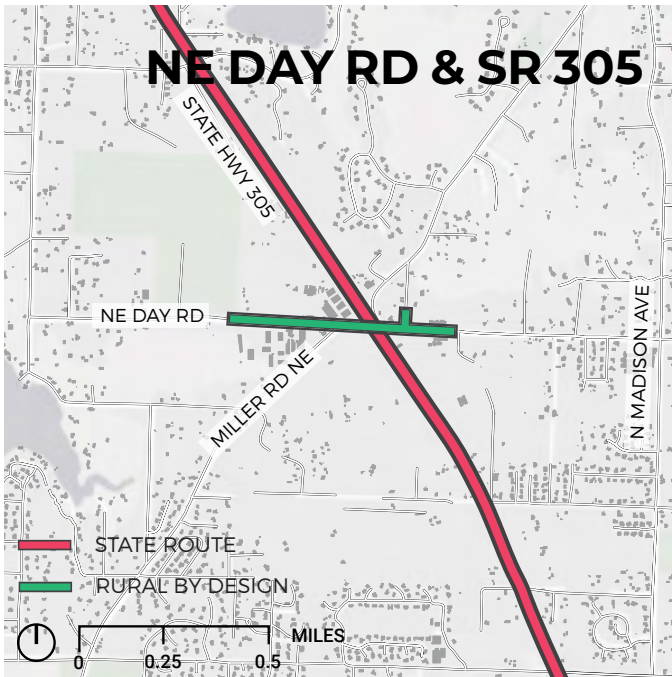
This map shows the assigned street types for sections of Bainbridge Island's major thoroughfares. Design for new streets as part of site plans or subdivisions should follow the guidelines for Green Streets or Rural Green Streets types based on their context. Development on streets with no designated frontage is governed by the City's Municipal Code, Design and Construction Standards.



TOWN CENTER & NEARBY STREETS



- STATE ROUTE
- MAIN STREET
- NEIGHBORHOOD MIXED USE
- RURAL BY DESIGN
- MIXED USE ARTERIAL



1**STATE ROUTE****CHARACTERISTICS**

- a. Lane configuration per WSDOT
- b. No pedestrians or activation at edge
- c. Limited access

GUIDELINES

- a. Minimize direct access from private property
- b. Support off-road trail system
- c. Restore native vegetation
- d. Preserve and enhance Pacific Northwest forested character
- e. Conform with state signage laws
- f. Minimize site disturbance

2**MAIN STREET****CHARACTERISTICS**

- a. On-street parking
- b. Wide sidewalks
- c. Building to property line
- d. Many glazed storefronts
- e. Varied architectural style
- f. Pedestrian through-routes
- g. Fine-grained scale

GUIDELINES

- a. Encourage activation of street frontage
- b. Encourage through-routes
- c. Integrate landscape and public art

3

NEIGHBORHOOD MAIN STREET



CHARACTERISTICS

- a. Walkable neighborhood node
- b. Sidewalk or other dedicated pedestrian facilities

GUIDELINES

- a. Develop on-street parking
- b. Activate the street with pedestrian oriented street level uses such as storefronts, restaurants, galleries etc.
- c. Activate area between buildings and right-of-way with seating, art, gardens
- d. Encourage sidewalks or other high quality pedestrian facilities

4

NEIGHBORHOOD MIXED USE



CHARACTERISTICS

- a. Lower traffic volume
- b. Typically walkable/bikeable route to access the downtown and ferry
- c. Varied building frontage types
- d. Generally landscaped edges

GUIDELINES

- a. Infill or add to pedestrian and bike connections
- b. Provide a landscaped setback to buffer residential uses
- c. Enhance the varied character

5

MIXED USE ARTERIAL

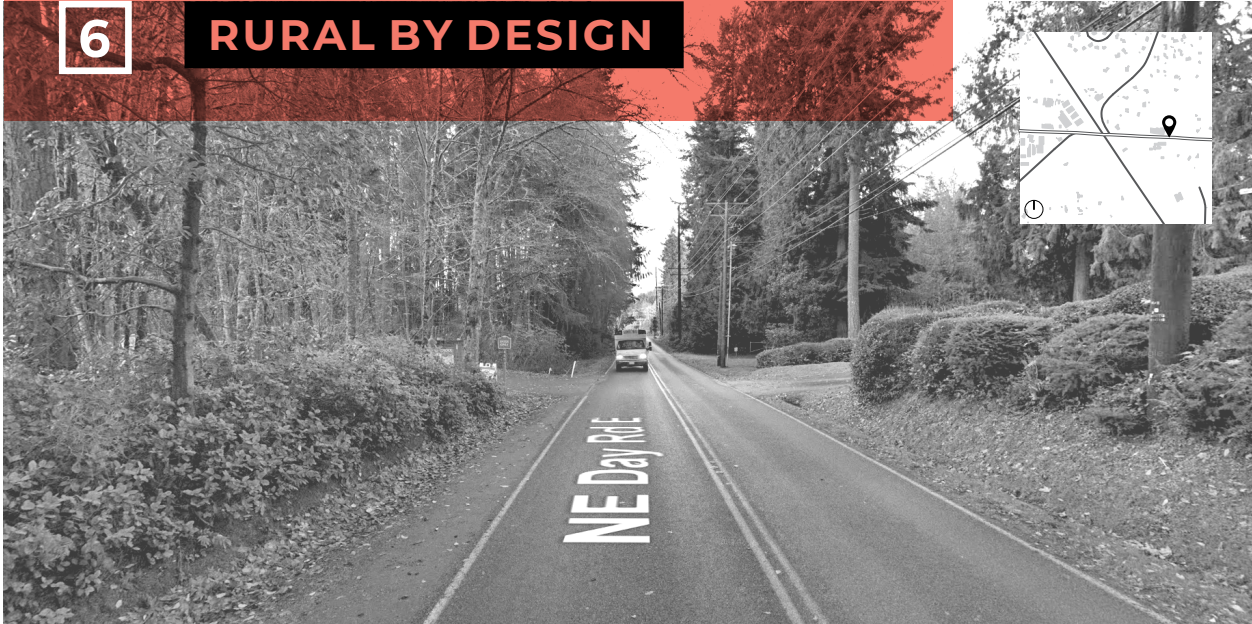


CHARACTERISTICS

- a. Arterial level street capacity
- b. Varied land uses
- c. Varied edge conditions

GUIDELINES

- a. Provide landscaped setback to buffer residential uses
- b. Provide, curb, gutter, sidewalk bike lane
- c. Minimize curb cuts
- d. Create on-street parking where appropriate



CHARACTERISTICS

- a. Pedestrian shoulder or trail wherever possible
- b. Green edge conditions
- c. Narrow travel lanes

GUIDELINES

- a. Retain green edge conditions and character
- b. Protect or create swale drainage
- c. Retain pedestrian shoulder or trail wherever possible
- d. Maintain native vegetation

7

GREEN STREET



DESCRIPTION

The green street is intended to serve as a model for interior streets as part of subdivisions and larger commercial developments in commercial, industrial, mixed use and urban residential districts. It is not a designation for existing public streets, but included to guide street design as part of new development.

The examples on the following page show the application of Green Street guidelines for different types of roads, and accessways.

GUIDELINES

- a. Minimize impervious cover and consider permeable paving
- b. Integrate stormwater infiltration and retention into landscaped areas
- c. Use curb alternatives to channel runoff into landscaping
- d. Keep traffic speeds low with narrower travel lanes.
- e. Emphasize pedestrians and open space as part of a shared space
- f. Minimize paved area with shared driveways, access and parking areas.
- g. Use trees to transpire water and mitigate heat island effects

EXAMPLE: SHARED STREET



Heavily landscaped shared pedestrian, bike, and vehicle street with large rain gardens and infiltration areas, and curb alternatives that channel stormwater into drainage and landscape areas

EXAMPLE: SHARED ALLEY ACCESS



Internal garage access via a shared alleyway with distinct paving and substantial rain gardens without curbs or with gaps in curbs and grading to direct runoff into landscape areas.

8

RURAL GREEN STREET



DESCRIPTION

The rural green street is intended to serve as a model for interior streets as part of subdivisions in non-urban residential districts. It is not a designation for existing public streets, but included to guide street design as part of new development.

GUIDELINES

- a. Minimize impervious cover and consider permeable paving
- b. Create a soft edge along the street and direct runoff into landscaped areas
- c. Mitigate erosion along slopes and banks with vegetation and permeable stone fill
- d. Integrate stormwater infiltration and retention into landscaping
- e. Create a comfortable walking environment with lower traffic speeds
- f. Use trees to transpire water and mitigate heat island effects

Building Frontages

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

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

TABLE 1:

PERMITTED FRONTAGES BY STREET TYPE & SETBACKS

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

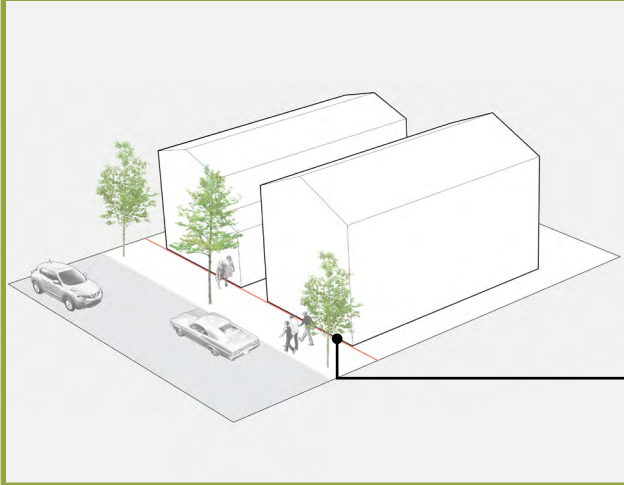
COURTYARD WIDTH: 10 FT - 30 FT

COURTYARD DEPTH: 10 FT - 30 FT

BUFFER

1

LINEAR / STOREFRONT

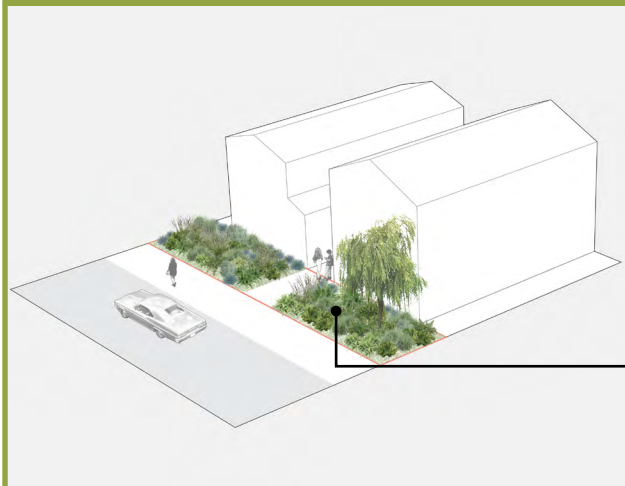


The linear or storefront building frontage has no setback from the right-of-way. It is the primary building frontage for pedestrian-oriented retail streets and is appropriate for active ground floor uses as part of non-residential or mixed-used development.

SETBACK: 0 Feet

2

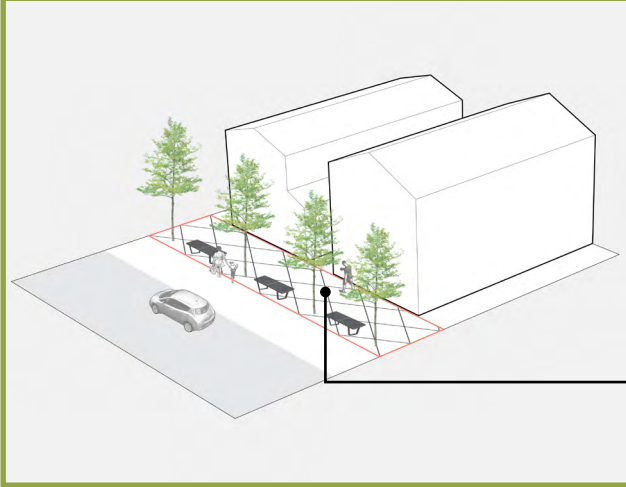
LANDSCAPE



The landscape building frontage includes a landscaped setback between the building and the right-of-way. This frontage type is permitted on mixed-use and residential streets and is appropriate for office and residential uses particularly when on the ground floor.

SETBACK: 10 - 20 Feet

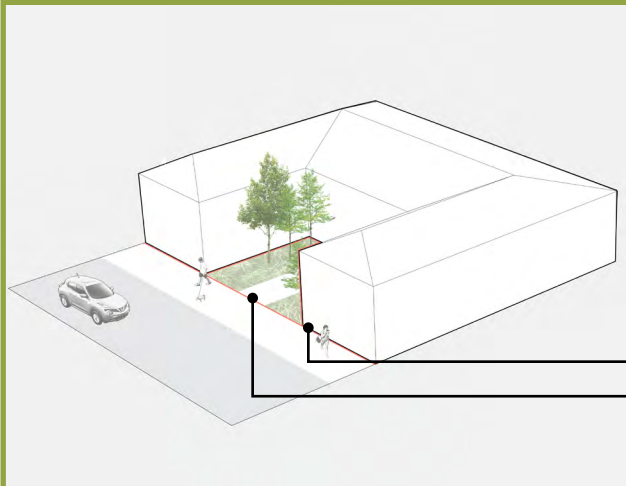
3 PLAZA



The plaza building frontage includes a pedestrian-oriented public space in the setback between the building and the right-of-way. This frontage type is permitted on retail and mixed-use streets and is appropriate for active uses such as retail, dining or civic and cultural uses. The plaza must contribute to and welcoming streetscape, and should support human activity, with amenities such as seating, outdoor dining and activation.

SETBACK: 10 - 20 Feet

4 FORECOURT



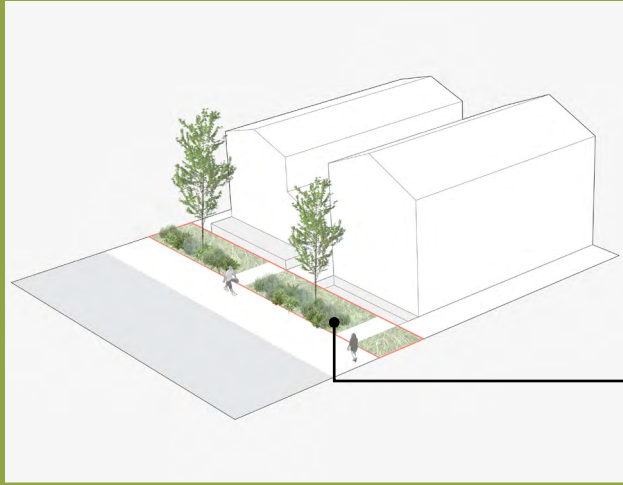
The forecourt building frontage has a defined open or public space at the entrance along the right-of-way. This frontage type is permitted along retail and mixed-use streets and is appropriate for a wide range of land uses and mixed-use development.

SETBACK: 0 Feet

COURTYARD: 10 - 30 Feet Depth
10 - 30 Feet Width
Must contain primary building entrances and open onto the primary public street

5

STOOP / TERRACE

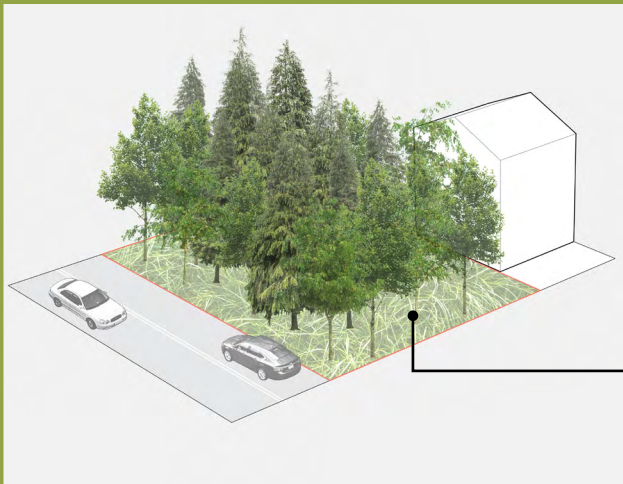


The stoop / terrace building frontage includes a landscaped setback from the right-of-way that accommodates a porch, stoop or terrace at the building's primary entrance. This frontage type is permitted on mixed-use and residential streets and is appropriate for residential and non-retail commercial uses.

SETBACK: 5 - 15 Feet

6

VEGETATED BUFFER



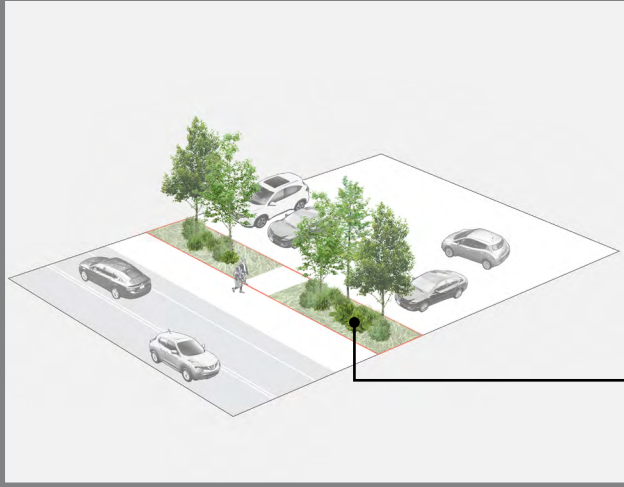
The vegetated buffer building frontage uses a deep setback to screen development from the right-of-way. This is the only frontage type permitted on SR 305, where access is limited, and it also appropriate for light industrial and inactive non-residential uses on Rural by Design streets. Vegetated buffers can be either natural, where vegetation has arisen naturally or deliberately landscaped to provide an effective screen where there is little natural context.

BUFFER: 25-50 Feet

NATURAL: Preserve or restore native vegetation consistent with conditions and species nearby.

LANDSCAPE: Create a landscaped screen with trees and understory plantings that are native or drought tolerant and compatible with the local microclimate.

PARKING



The parking frontage is the only frontage type with parking along the right-of-way. This frontage type is permitted only as an interim condition, where other frontages may be infeasible with parking requirements where a departure may be necessary. A landscaped area with trees and understory plantings is required between the right-of-way and the parking area.

SETBACK: 10 Feet Minimum

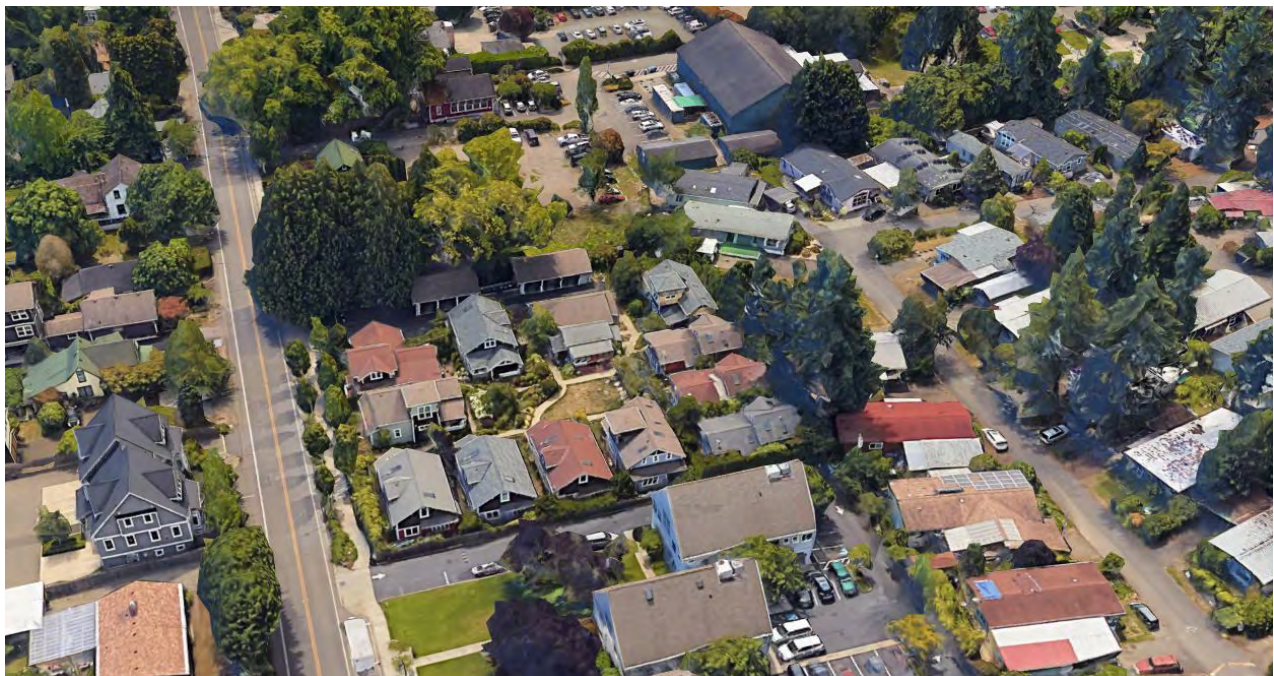
6

SUBDIVISION GUIDELINES

Introduction

The subdivision guidelines in this chapter and green street guidelines in the previous chapter support implementation of the City's subdivision standards contained in [BIMC 17.12](#).

Only the guidelines in this chapter and those relating to green streets in the previous chapter apply to subdivisions. The subdivision guidelines provide additional guidance and flexibility in meeting the subdivision standards based on the site and surrounding context.



TOPIC	GUIDELINE
ISLAND CHARACTER	Intent: Preserve and maintain Island character. Guideline: Subdivisions should advance <i>Design for Bainbridge's</i> values and guiding principles and reflect the special character of the island which includes downtown Winslow's small town atmosphere and function, neighborhood centers, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.
NEIGHBORHOOD CONTEXT	Intent: To reflect and/or enhance the context provided by existing roadway character and neighboring properties. Guideline: Site design should be informed by the context analysis and support the purpose of the zoning district in which the development is located, complement the existing character of specific neighborhoods, provide continuity with adjoining properties and, where necessary, provide transition between land uses and protect privacy of residents on adjacent properties.
NATURAL AREA	Intent: To incorporate forested and/or other natural areas into site design in such a way that ecological and aesthetic integrity, qualities, and values are preserved or restored. Guideline: The required natural area shall be treated as a feature intrinsic to the subdivision design in order to maintain existing on- and off-site ecological processes and provide an asset of value to subdivision residents.
NATURAL SITE CONDITIONS	Intent: To preserve and integrate existing natural site patterns and features throughout the site. Guideline: Site development should be designed to preserve and integrate the natural conditions of the site, including existing topography, native trees and vegetation, drainage patterns, and ecological features based on an inventory and analysis of existing conditions. Homesite and infrastructure placement should complement natural topography and retain native vegetation to the maximum extent feasible.

TOPIC	GUIDELINE
HISTORIC AND CULTURAL RESOURCES	Intent: To preserve important historic and cultural resources. Guideline: Site design should maximize opportunities for preserving historic and cultural structures, and retain historic landscape features and connections.
STORMWATER	Intent: Integrate stormwater facilities in site design with emphasis on infiltration and dispersion practices. Guideline: Stormwater facilities should utilize existing drainage patterns and be designed as a site amenity, where feasible. Low impact development practices should be used throughout the site to minimize the size of ponds or vaults. Open stormwater facilities (ponds and bioswales) should provide a natural appearance through layout, design and landscape treatment, including shallow side slopes, curvilinear configuration, and use of native vegetation.
SEPTIC SYSTEMS	Intent: To minimize impact of septic facilities. Guideline: Design and locate sewage facilities to minimize site disturbance and native vegetation removal and utilize shared systems where feasible.
WATER CONSERVATION	Intent: To protect the Island's finite groundwater resources and adapt to the impacts of a changing climate. Guideline: Water conservation measures shall be considered in site design including use of native and drought tolerant vegetation, rainwater capture, and water reuse.
COMMUNITY SPACE	Intent: To promote a shared sense of community. Guideline: Community spaces should function as an integral part of the development.
CLUSTER HOMESITES	Intent: To promote interaction within the community and facilitate the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways. Guideline: Homesites in long subdivisions should be grouped together unless the lay of the land and designation of the natural area suggest a dispersed homesite design.

TOPIC	GUIDELINE
SOLAR ACCESS	Intent: To provide solar access for wellbeing and energy production. Guideline: Site design, including street, lot, and homesite layout and orientation, should allow for passive and active solar access. Massing of buildings, tree retention, and introduced vegetation should take into account the effects of shade.
ACCESS AND CIRCULATION	Intent: To provide a practical and pleasant network of multi-modal circulation. Guideline: Pedestrian and bicycle connections to various parts of the development, the surrounding road or trail network, and adjacent parcels should be included in site design. Where possible these connections should take advantage of significant views.
MOTOR VEHICLES	Intent: To minimize the prominence of motor vehicle use and storage. Guideline: Site design and features related to motor vehicle use and storage should be minimized. Site design should consider shared driveways, minimum road widths, traffic calming measures such as Woonerfs and chicanes, and shared or clustered parking areas or structures.
HOMESITE DESIGN	Intent: To efficiently configure building footprint(s) and allowed uses within a homesites. Guideline: Homesite configuration should consider compact and energy-efficient home and site design with massive houses on small lots strongly discouraged.
DIVERSITY IN HOUSE DESIGN	Intent: To provide a range of home sizes and designs to achieve diversity in visual appearance and affordability. Guideline: House designs should be varied in size, massing, and frontage character using methods such as varied floor plans, staggered front yard setbacks, building modulation, and changes in exterior materials. Houses should display shared architectural features to establish continuity and harmony.
FACING PUBLIC STREETS	Intent: To reinforce neighborliness of homes along a public street. Guideline: Houses along interior public streets should orient the entry toward the street and avoid the use of solid walls and fences. Garages along the front façade should be de-emphasized by recessing vehicular entrances or locating the garage behind or on the side of the house.

7 SUPPLEMENTAL STANDARDS + GUIDELINES

Introduction

The supplemental standards and guidelines in this chapter are intended to address specific conditions of the site and surrounding context that require additional design guidance to ensure compatibility of new development. These conditions include larger sites (over 1 acre in size), historic places, and civic uses that each present unique design challenges and opportunities. New development and redevelopment that include these specific conditions are required to conform to the design Design Standards and Design Guidelines in this chapter in addition to those outlined earlier in this document.



Larger Sites

Intent: To develop larger sites (over 1 acre) to fit within the surrounding context and reinforce desired patterns of development including street typologies, frontage types, and minimizing the visual and physical impact of parking on the public realm.

STANDARD

1

Design sites to minimize the visual impact of parking on the public realm

GUIDELINES

- a. Parking is not visible from the public realm.
- b. Use landscaping to buffer and minimize the visual impact of parking.
- c. Locate parking under the building.
- d. Provide on-street parking on public streets.
- e. Provide a series of smaller groupings of parking to minimize the visual and functional impacts.

Shopping center retail in University Village in Seattle is oriented toward public spaces and streets with human scale design and pedestrian amenities



STANDARD

2

Design the site by clustering buildings and arranging them with frontages on public streets, public spaces, or open space.

GUIDELINES

- a. Design the site so buildings front on a public street.
- b. Design the site with buildings fronting on a public space with a variety of activities and functions.
- c. Design the site with buildings fronting on public or semi-public open space with human-scaled design elements.

Parking in University Village is located in screened parking structures with active uses at the base



Historic Places

Intent: To ensure that new and infill development are compatible with historic areas, sites, and buildings on the Island. Historic properties are those with structures that are 50 years or older and would be eligible for the national, state or local register of historic places, or sites that are listed on those registers.

STANDARD

1

Design the site, building(s), and landscape to be compatible with historic buildings without directly mimicking historic architectural styles.

GUIDELINES

- a. Use site design, massing, height, rooflines, pedestrian entrances, materials, and colors to complement historic places.
- b. Design sites and buildings in historic areas to meet the Secretary of the Interior's standards for modifications to existing historic buildings and infill development.
- c. Design buildings to be consistent with the scale of nearby historic buildings or districts based on the context analysis.
- d. Consider historic landscaping that contributes to the context of historic buildings.



A new building in Rolling Bay complements the scale and architecture of the historic Bay Hay & Feed.

STANDARD

2

Maintain the historic integrity of buildings over 50 years old listed or eligible for the national or local register of historic places.

GUIDELINES

- a. Minimize alterations to historic buildings and properties that are inconsistent with the original design of the building.
- b. Restore buildings to their original historic design elements when previously altered.

Reference the City of Bainbridge Island's website for historic listings on the local and state registers: [HERE](#)



A conversion of a historic guardhouse in Fort Ward retains the historic façade and detailing of the original building.

Civic Uses

Intent: The design of civic uses and public spaces should be prominent, highlight their unique role in the community and reflect local values and civic identity. Civic projects should maximize opportunities for public benefits through integrated design.

STANDARD

1

Design civic uses and sites to reflect and contribute to their function and role in the community while being clearly identifiable as a civic use.

GUIDELINES

- a. Locate civic uses in prominent locations (such as in Downtown Winslow), and design them to serve as landmarks unless their use and function warrants another location.

City Hall, located in Downtown Winslow, is a clearly identifiable public building with glazing and a clear public entrance along Madison Ave.



STANDARD

2

Design civic sites and buildings to serve multiple functions such as public space, community gatherings, public art, and other compatible uses.

GUIDELINES

- a. Civic uses may use unique frontage types to highlight uses, and public amenities with larger open spaces, gardens, art and other elements between the street and the building.
- b. Integrate public open space in the design of civic sites including plazas, parks, seating areas, natural areas, and other amenities.

The Historical Museum offers a gathering space and a place to interact with parts of the Island's history.



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PAGE: Section	POSITION: Source	POSITION: Source
COVER	Coates Design Architects	
Design on Bainbridge		
PG 1: Design on Bainbridge	WikiMedia Commons	
PG 2: Design on Bainbridge	Framework	
PG 3: Values and Principles	Framework	
Context Analysis		
PG 13: Context Analysis	The Island Gateway	
Site Design		
PG 18: Site Design	APsystems Solar / A+R Solar	
PG 19: Site Design - S1	TOP: Berger Partnership	BOTTOM: Berger Partnership
PG 20: Site Design - S2	TOP: Seattle Public Utilities	BOTTOM: PWL Partnership
PG 21: Site Design - S3	TOP: Wenzlau Architects	BOTTOM: Framework
PG 22: Site Design - S4	TOP: Framework	BOTTOM: Framework
PG 23: Site Design - S5	TOP: Framework	BOTTOM: Framework
PG 24: Site Design - S6	TOP: Framework	BOTTOM: Framework
Public Realm		
PG 25: Public Realm	Framework	
PG 26: Public Realm - P1	TOP: Camelia Apartments	BOTTOM: Southern Living
PG 27: Public Realm - P2	TOP: Framework	BOTTOM: Flatrock Productions
PG 28: Public Realm - P3	TOP: Berger Partnership	BOTTOM: Curbed Los Angeles
PG 29: Public Realm - P4	TOP: Framework	BOTTOM: Framework
PG 30: Public Realm - P5	TOP: Framework	BOTTOM: Framework
PG 31: Public Realm - P6	TOP: Building Salt Lake	BOTTOM: Framework

PAGE: Section	POSITION: Source	POSITION: Source
Building Design		
PG 32: Building Design	CTA Design Builders Inc.	
PG 33: Building Design - B1	TOP: Coates Design Architects	BOTTOM: Framework
PG 34: Building Design - B2	TOP: Wenzlau Architects	BOTTOM: Culter Anderson Architects
PG 35: Building Design - B3	TOP: Framework	BOTTOM: Framework
PG 36: Building Design - B4	TOP: Kriegh Architects	BOTTOM: Framework
PG 37: Building Design - B5	TOP: Framework	BOTTOM: Johnston Architects
Landscape		
PG 38: Landscape	Berger Partnership	
PG 39: Landscape - L1	TOP: Berger Partnership	BOTTOM: Miller Company Landscape Architects
PG 40: Landscape - L2	TOP: Uptown Normal	BOTTOM: Framework
PG 41: Landscape - L3	TOP: SvR Design Company	BOTTOM: Berger Partnership
PG 42: Landscape - L4	TOP: Berger Partnership	BOTTOM: Berger Partnership
PG 43: Landscape - L5	TOP: Bainbridge Island Parks & Recreation	BOTTOM: Berger Partnership
PG 44: Landscape - L6	TOP: Walker Macy	BOTTOM: Framework

PAGE: Section	POSITION: Source	POSITION: Source
Street & Frontage Types		
PG 46: Street Types	Framework	
PG 47: Street Types	Framework	
PG 48: Street Types	TOP LEFT: Framework	TOP RIGHT: Framework
PG 48: Street Types	BOTTOM LEFT: Framework	BOTTOM RIGHT: Framework
PG 49: Street Types - 1	Google, 2019	
PG 50: Street Types - 2	Google, 2019	
PG 51: Street Types - 3	Google, 2019	
PG 52: Street Types - 4	Google, 2019	
PG 53: Street Types - 5	Google, 2019	
PG 54: Street Types - 6	Google, 2019	
PG 55: Street Types - 7	Kevin Robert Perry, Urban Rain Design	
PG 56: Street Types - 7	TOP: Google, 2019	BOTTOM: City of Auckland, NZ
PG 57: Street Types - 8	Framework	
PG 59: Building Frontages	TOP: Framework	BOTTOM: Framework
PG 60: Building Frontages	TOP: Framework	BOTTOM: Framework
PG 61: Building Frontages	TOP: Framework	BOTTOM: Framework
PG 62: Building Frontages	Framework	
Subdivision Guidelines		
PG 63: Subdivision Guidelines	Google, 2019	
Supplemental Guidelines		
PG 67: Supplemental Guidelines	Google, 2019	
PG 68: Supplemental Guidelines	TOP: Hewitt Architects	BOTTOM: Hewitt Architects
PG 69: Supplemental Guidelines	TOP: Framework	BOTTOM: Jennifer Pells
PG 70: Supplemental Guidelines	TOP: Framework	BOTTOM: Framework

DESIGN FOR BALNBRIDGE

DESIGN REVIEW
MANUAL

A **APPENDIX** **DOCUMENTS REQUIRED FOR DESIGN REVIEW**

Minimum Document Format: All submittal drawings and revisions shall be submitted at each meeting as a complete package, whether only one or multiple sheet changes.

The first page of every submittal package must show the Project Name, Permit Number, and Applicant Name. Each sheet must include Page# of #, submittal date, and a legible description of sheet contents.

A **Preapplication Conference**

1. Project Zoning Summary
2. Context Analysis Map – Existing property including surrounding uses
3. Site Photos – up to 500' from property (optional)
4. Conceptual Site Analysis (topography, physical and natural features on site, trees >6" dbh)
5. Conceptual Site Plan (including pedestrian, vehicular access, architectural massing concept)

B **Meeting #1: Conceptual Review**

1. Project description and design narrative
2. Project zoning summary
3. Basic site analysis describing appropriateness of proposed use for the subject property
4. Context map showing property and surrounding uses (google maps minimum)
5. Photos of the site and surrounding area up to 500 ft from property
6. Conceptual site plan(s)
7. Development program (e.g. residential, live/work, retail, office, number of parking stalls)



Meeting #2 Design Guidance Review

1. Context Analysis including:
 - a. aerial photo (Google Earth Image is sufficient) and streetscape photos with streets and site boundaries indicated.
 - b. vicinity map showing existing conditions including adjacent structures, uses and zoning up to 500 feet from property lines.
 - c. documents, photos, maps etc., that respond to Chapter 3: Context Analysis Pgs. 17-20 of the Design For Bainbridge 2019
 - d. applicant shall refer to Context Analysis (C-1 through C-6) in the Design for Bainbridge book.
2. [Design Standards Worksheet \(DRAFT\)](#) previously recommended during meeting #1. Review Design for Bainbridge Standards:
 - a. Site Design Standards (S-1 through S-5)
 - b. Public Realm Standards (P-1 through P-6)
 - c. Building Design Standards (B-1 through B-5)
 - d. Landscape Standards (L-1 through L-6)
3. Preliminary Drawings:
 - A. **Site plan:**
 1. roadways, traffic patterns, parking areas, vehicular, pedestrian, and bicycle circulation on the site, trails, facilities, proposed infrastructure, including vehicle and bicycle batter charging provisions.
 2. estimates of square footage provided/allowed for commercial space and/or residential units.
 3. estimates of landscape area provided/required.
 4. estimates of parking spaces provided/required.
 - B. **Landscape plan:**
 1. streetscape and landscape elements
 2. bike racks, benches, fire pits, pea patches, outdoor playground areas.
 3. list of plant materials used.
 - C. **Floor Plan(s):**
 1. ground floor/ entrance plan(s), showing the ground floor uses.
 2. roof plan of new structures – including pre-wire for solar panels if none provided.
 3. locations of entrances, outdoor areas, and vehicular access to the structure.
 4. building locations, secured bicycle storage, courtyards, setbacks.
5. location and description of mechanical, accessory or trash/ recycle structures on site.
6. location of adjacent buildings and features located on the site perimeter within 100 feet.
7. relationship of proposed development to significant site features and trees
8. all known easements on-site and within 100 feet of property lines shall be identified.
9. all known utilities above and below ground shall be identified.
10. separate drawing showing color code uses proposed including but not limited to buildings, landscaping, community spaces, natural areas, and other uses.

D. Site Sections:

1. site sections extending to adjacent buildings within 100 feet of the property line.
2. section through the most critical area of the structure(s) with property lines, preliminary floor to floor heights, overall height, and spot elevations noted.

E. Building Elevations:

1. eye level perspective from major street location.
2. elevations of each structure (all four sides) and of adjacent structures in relative scale.

3. identification and discussion of material and color selections
identification and discussion of mechanical screens and venting locations.

F. Preliminary Axiomatic drawings:

1. aerial perspective depicting entire project and adjacent buildings in context.
4. Residential Subdivisions: Documentation of the four-step design process (BIMC 2.16.070.D, Short Subdivisions or BIMC 2.16.125.D, Preliminary Long Subdivisions)

D Meeting#3 Design Review & Recommendation

1. Context Analysis (from Design Guidance meeting#2)
2. Completed Design Standards Worksheet with comments from both the applicant and DRB.
3. Full Summary and rationale for all requested departures from Design Standards identified in Design for Bainbridge 2019.
4. Final Drawings and Plans Required:

A. Site Plan

1. all streets and property lines with dimensions.
2. final roadways, parking areas, vehicular and pedestrian circulation on the site.
3. final location and description of mechanical, accessory or trash structures on site.

4. location of adjacent buildings and features located on the site perimeter.
5. significant existing trees that are to be saved on the site and basic landscape features.
6. adjacent buildings and features within 500 feet of the site or across the street.
7. final square footage provided/ allowed for commercial space and/or residential units.
8. final landscape area provided/ required.
9. final parking spaces provided/ required.

B. Landscape Plan:

1. streetscape and landscape elements
2. bike racks, benches, fire pits, outdoor playground areas.
3. final selection of existing trees and plants incorporated into the landscape design.

C. Floor Plan(s):

1. final Plans showing uses for all floors.
2. final design for all entrances, outdoor areas, and vehicular access to the structure.
3. final design for building modulation indicating setbacks with dimensions and changes in material.
4. adjacent building locations, courtyards, setbacks, ground floor uses and section references.

D. Sections:

1. final transverse and longitudinal sections through the entire site extending 100 feet past the property line to adjacent buildings or buildings across a roadway. (These sections can include the "b" sections that follow.)
2. final transverse and longitudinal sections through each structure with property lines, floor to floor heights, overall height, and spot elevations noted.

E. Elevations:

1. final elevations of each structure including exterior mechanical screens, venting locations and adjacent structures in context.
2. final material and color notes as needed for clarification.
3. scale figures and transparent street trees or planned landscaping.
4. final roof plan of new structures and their proposed entrances.

F. Renderings:

1. eye level perspective renderings from two opposite street locations.
2. at least one depicting entire project with adjacent buildings in context.
3. optional: video fly-through project

G. Preliminary Exterior Lighting Plan:

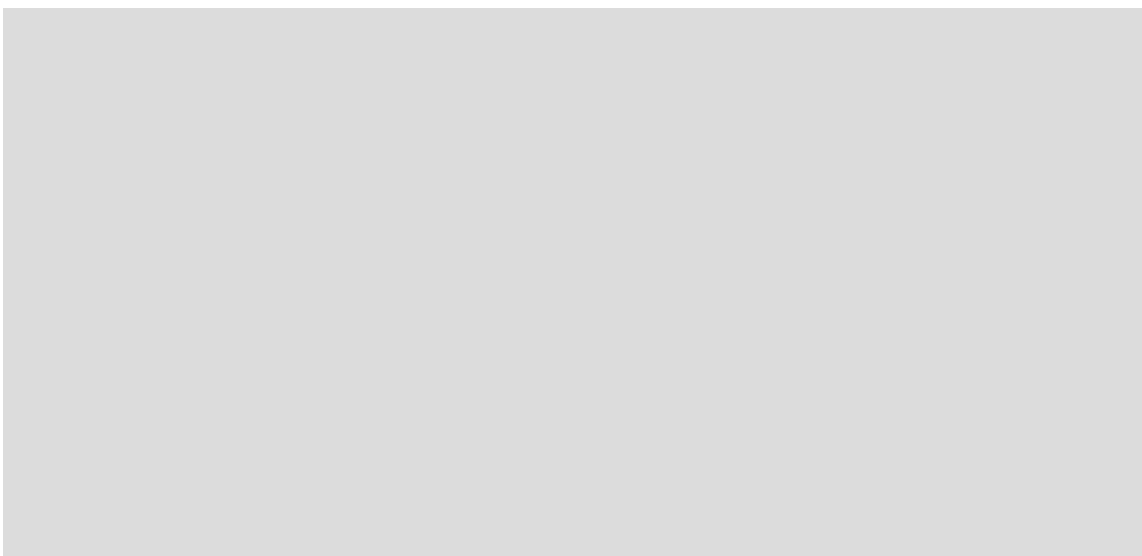
1. final location of exterior lights and indication of light spillage at night.
2. description, images, color and finish of selected fixtures.

H. Materials and Colors:

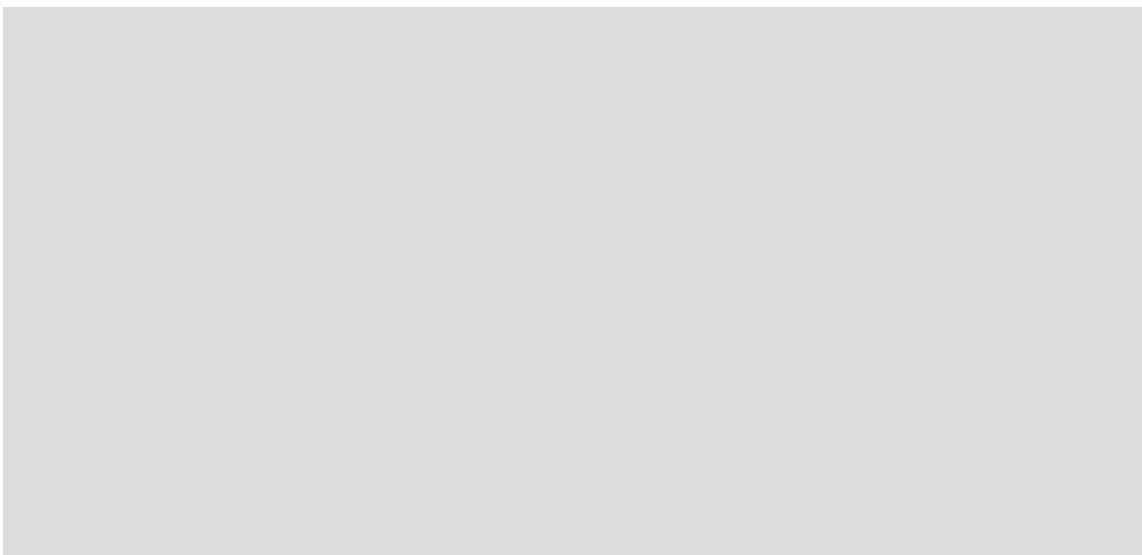
1. Final color and material board(s) with accurate reference to drawings.
2. Final landscape color and material board(s) with accurate reference to drawings.
3. Critical materials should have samples provided for the review meeting.

B APPENDIX SAMPLE SITE PLANS & BUILDING ELEVATIONS

Project description and design narrative



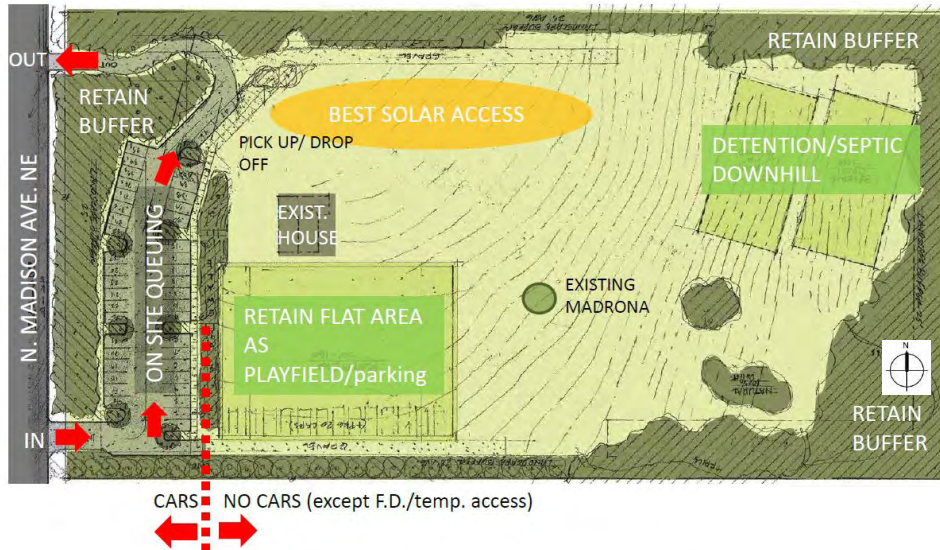
Project zoning summary sample



Context analysis map



Conceptual site analysis



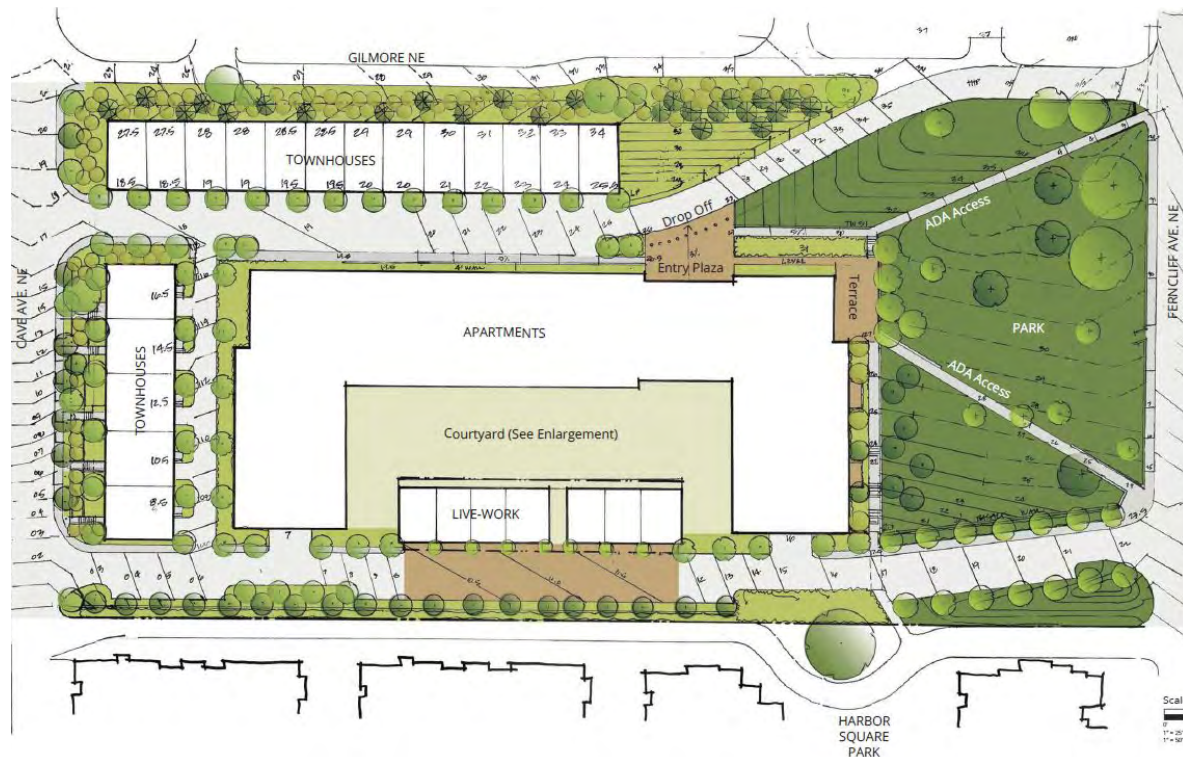
Conceptual site design



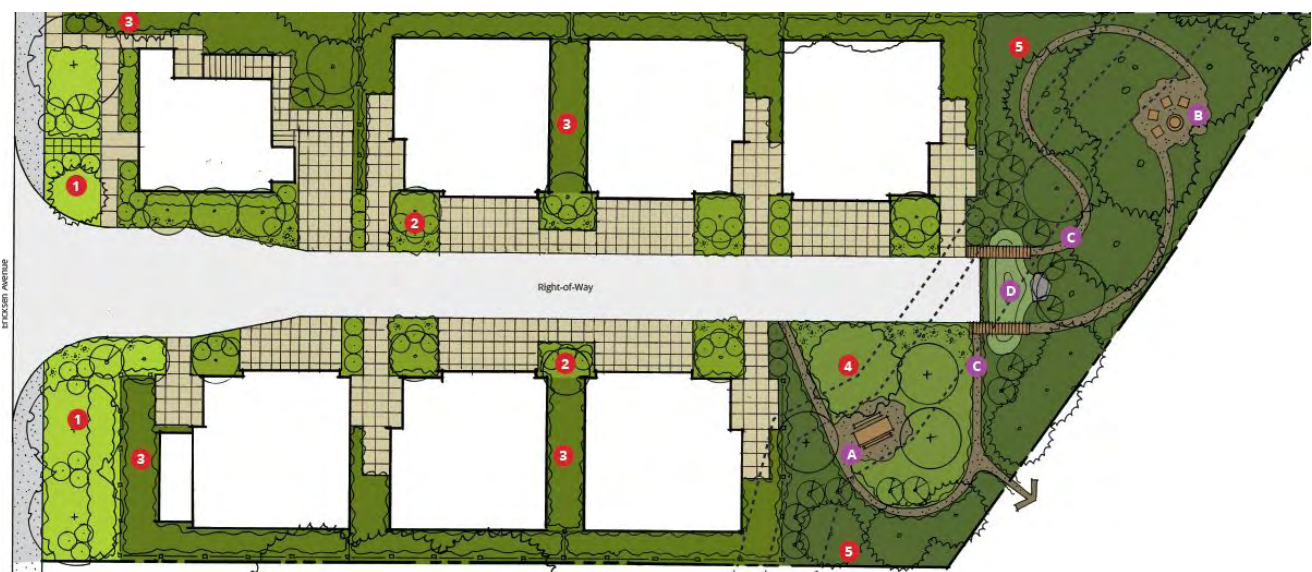
Development program & conceptual site plan



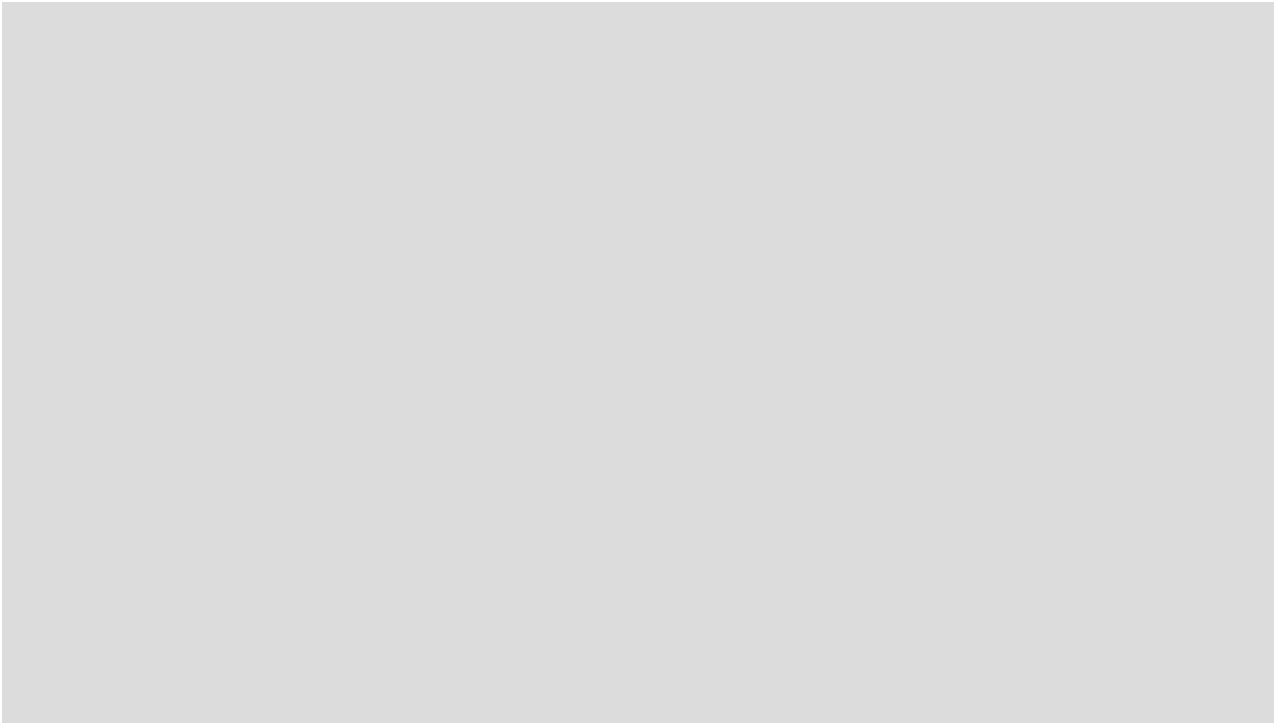
Illustrative Site Plan



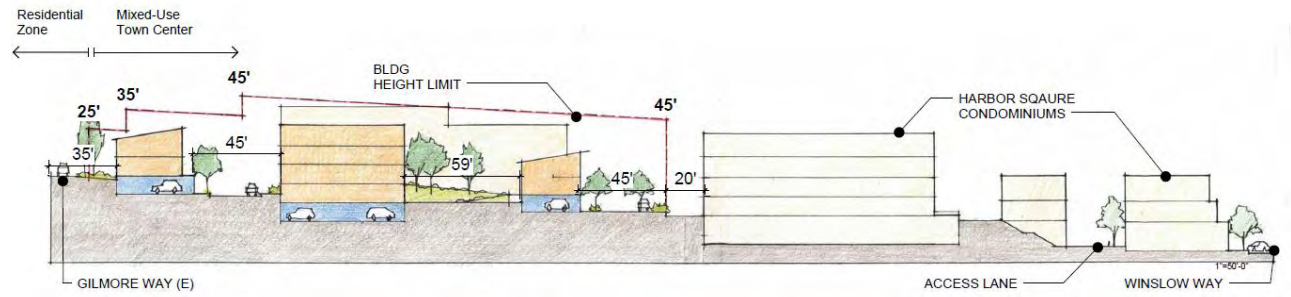
Conceptual landscape plan



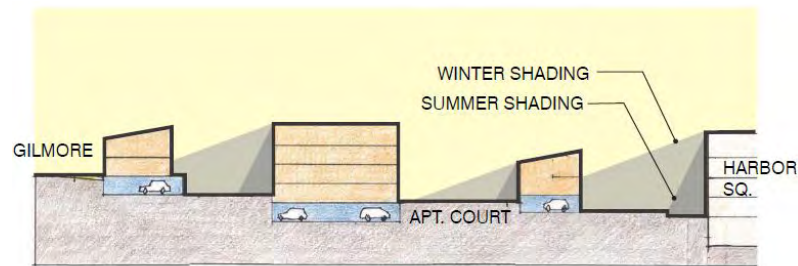
Floor plan



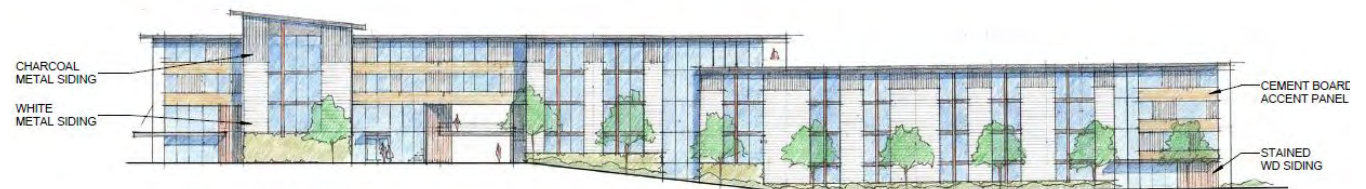
Section & massing



Section & sun/shadow analysis



Color elevations with materials



APARTMENT - NORTH ELEVATION



APARTMENT - EAST ELEVATION



APARTMENT - WEST ELEVATION

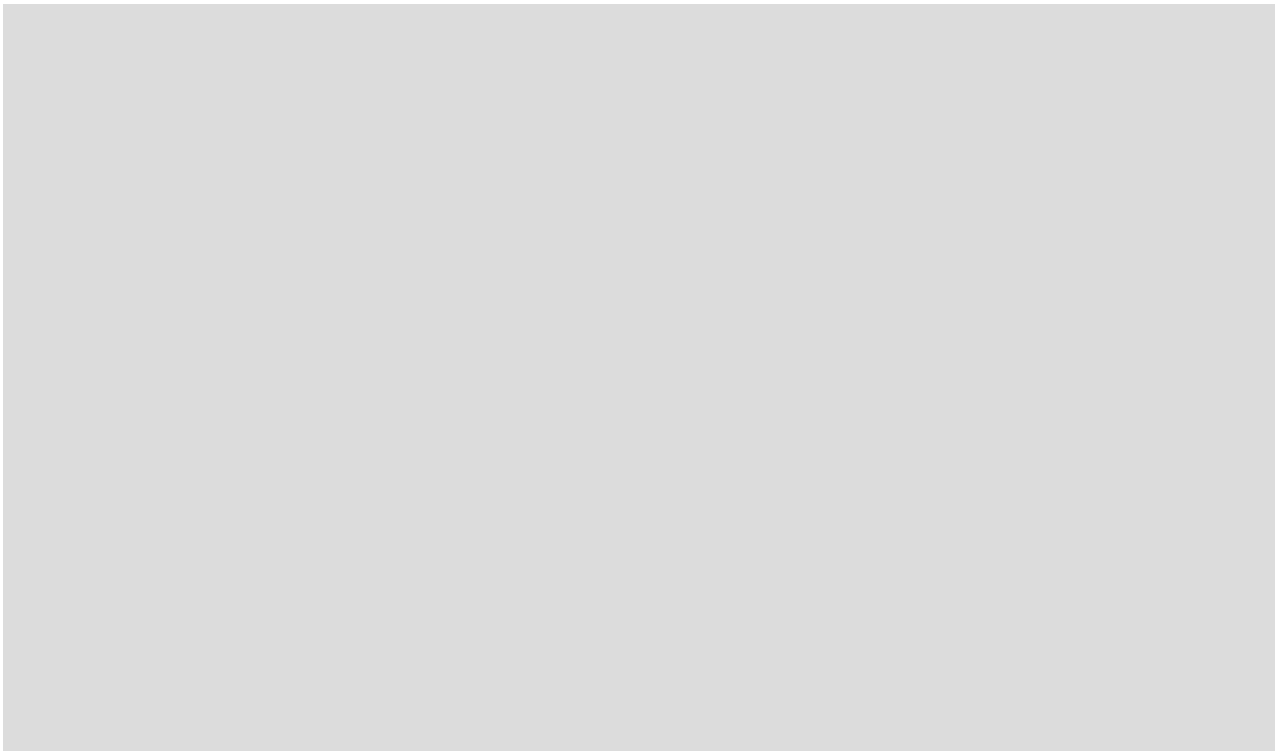


APARTMENT & LOFT HOMES - SOUTH ELEVATION

Perspective rendering



Material & Color



Summary of Revisions to *Design for Bainbridge*

Pp. 10-11, Design Review Process

Revisions: Updated and re-ordered meeting descriptions

NOTE: See Appendix A for submittal requirements for each individual meeting below.

1. Preapplication Conference. The Preapplication conference with City staff is intended to provide information to the applicant in response to the submittal of a preliminary site plan and a conceptual design for the project, showing how it responds to site characteristics and the context of neighboring uses. City staff shall identify potential issues/concerns related to applicable City development regulations and standards including, but not limited to, zoning, environmental, utilities, transportation and stormwater regulations, and relevant Comprehensive Plan goals and policies.

City staff shall ensure that the applicant is aware of the standards and criteria involved in review and approval of the project, both in the Bainbridge Island Municipal Code and the *Design for Bainbridge* manual. Planning staff shall prepare a summary letter detailing the pre-application guidance, to be provided to the applicant and the Design Review Board. See Appendix A below for a complete list of design related submittal requirements, in addition to other requirements in the Administrative Manual.

2. Conceptual Review Meeting. The Conceptual Review meeting is an applicant-led presentation to review site-specific conditions and contextual considerations for the design of development on site. This discussion is intended to inform strategies for site planning and massing that respond sensitively to the neighborhood context and the public realm as described in *Design for Bainbridge*. See Appendix A for a complete list of submittal requirements.

3. Public Participation Meeting. Following the Conceptual Review meeting, the applicant will make a formal and complete presentation of their concept(s) to the public at a Planning Commission meeting, providing the applicant an opportunity to respond to questions and comments from the public and Planning Commissioners before the Design Review Board conducts its design guidance review. A second Public Participation Meeting may be required if significant project changes occur after completion of the Design Guidance Review Meeting.

4. Design Guidance Review Meeting. Design guidance review meetings include applicant-led presentations at which the Design Review Board will offer guidance to applicants. The purpose of these meetings is to determine, with reference to the *Design for Bainbridge* manual, how the proposed alternatives fit the surrounding context, with a focus on the development's program, uses, site plan, and massing. The Board will also consider any requested departures, the rationale for those departures and their consistency with the intent and principles of the standards and guidelines. See Appendix A for a complete list of submittal requirements. Additional design guidance review may be required if significant project changes occur after the initial Design Guidance Review Meeting.

5. Final Design Review and Recommendation Meeting. At this meeting, the Board will complete the review of final drawings and the DRB worksheet for compliance with Design Standards and Design Guidelines and ensure that the project reflects any required changes recommended by the Board, as listed in the project worksheet. The Board will document its findings and ~~transmit~~ issue a signed written recommendation. The Board's recommendation may include conditions to ensure compliance with all standards. If a majority of the Board members find that standards essential to the project's success have not been met, the Board shall recommend denial of the project. See Appendix A for a complete list of submittal requirements. The Planning Commission may determine that additional design review is required if significant project changes occur following the Final Design Review and Recommendation Meeting.

P. 11 Discussion Topics & Materials.

Revision: Replace existing 4-step chart below with revised project review flow chart (Exhibit B)



Pp. 12-14, Submittal Requirements (Note: moving from current pp.12-14 to appendices)

Revision: Replace existing submittal requirements (summary snip below) with expanded meeting submittal requirements (new Appendix A, below) and additional graphic illustrations of site plans and building elevations (new Appendix B, below).

Submittal Requirements

1 Conceptual Proposal Review

Preliminary Development Program (Optional)

2 Design Guidance Review

a. Vision statement & design intent;

Conceptual site plan & massing cross section



3 Pre-Application Conference

a. Illustrative site plan, including:

d. Sun/shadow graphic analysis;

Misc. additional Design for Bainbridge text revisions and clarifications

General: Conduct word search for “design guidelines” and change to “design standards”, except when referring to actual guidelines.

P.3 Change “Values and Principles” to “Goals and Principles

P.5 “Design Standards vs. Guidelines” paragraph: Bold **“For a project to be approved, it must comply with all applicable design standards...”** (line 8)

P.6 “Relationship to Other Regulations, and Permit Review” paragraph: Insert additional references to BIMC where applicable (e.g. Critical Areas, Shoreline Master Program references).

P.6 “Departures” paragraph: Delete “Departures shall be reviewed concurrently with an application...” (paragraph 2, second sentence), and delete “administrative departures” (paragraph 2, third sentence)

P.7 “Definitions”: Add reference to complete list of BIMC definitions in introductory sentence.

Pp.12-14 (Submittal requirements): Add language to each introductory section emphasizing necessity for applicant to *present* project to Design Review Board.

P.16 Ch. 3 Context Analysis introductory sentence: Bold **“Context analysis is a prerequisite for application of Design Standards and Design Guidelines.”**

P. 21 Ch. 4 Design Standards and Guidelines, introductory sentence: “In combination with the Contest Analysis in Chapter 3, the Design Standards in Chapters 4 and 7 establish the minimum requirements in Design for Bainbridge necessary to take advantage of the opportunities of the surrounding context and site while contributing to the neighborhood.”

P.41 B5 Heading: “Use ~~high-~~ durable, quality materials and well-crafted details.”

P.49 Ch. 5, Street Types and Frontages: Break introductory paragraph into two paragraphs and insert reference to “Street Types” map on p.50.

P.65 Vegetated Buffer illustration: Revise “~~Setback~~ 25-50 feet” to “Buffer 25-50 feet” to clarify intent of illustration.

P.67 Subdivision Guidelines: Bold introductory sentence “**The subdivision guidelines in this chapter and the green street guidelines in the previous chapter support implementation of the City’s subdivision standards in BIMC 17.12.**”

P.70 Homesite Design guideline, “Intent” sentence: “To efficiently configure building footprint(s) and allowed uses within a homesites.”

Revision: Insert new appendix A

Appendix A: Design Review Board – Documents Required for Review

Preapplication Conference

1. Project Zoning Summary (See Sample)
2. Context Analysis Map – Existing property including surrounding uses (See Sample)
3. Site Photos – up to 500’ from property (optional)
4. Conceptual Site Analysis (topography, physical and natural features on site, trees >6” dbh) (See Sample)
5. Conceptual Site Plan (including pedestrian, vehicular access, architectural massing concept) (See Sample)

Meeting #1: Conceptual Review Meeting

1. Project description and design narrative (see sample)
2. Project zoning summary (see sample)
3. Basic site analysis describing appropriateness of proposed use for the subject property
4. Context map showing property and surrounding uses (google maps minimum) (see sample)
5. Photos of the site and surrounding area up to 500 ft from property

6. Conceptual site plan(s) (see sample)
7. Development program (e.g. residential, live/work, retail, office, number of parking stalls) (see sample)

Meeting #2: Design Guidance Review Meeting

A. Context Analysis including:

1. aerial photo (Google Earth Image is sufficient) and streetscape photos with streets and site boundaries indicated.
2. vicinity map showing existing conditions including adjacent structures, uses and zoning up to 500 feet from property lines.
3. documents, photos, maps etc., that respond to Chapter 3: Context Analysis Pgs. 17-20 of the Design For Bainbridge 2019
4. applicant shall refer to Context Analysis (C-1 through C-6) in the Design for Bainbridge book.

B Design Standards Worksheet (DRAFT) previously recommended during meeting #1.

Review Design for Bainbridge Standards:

1. Site Design Standards (S-1 through S-5)
2. Public Realm Standards (P-1 through P-6)
3. Building Design Standards (B-1 through B-5)
4. Landscape Standards (L-1 through L-6)

C. Preliminary Drawings:

A. Site plan:

1. roadways, traffic patterns, parking areas, vehicular and pedestrian circulation on the site, trails, facilities, proposed infrastructure
2. estimates of square footage provided/allowed for commercial space and/or residential units.
3. estimates of landscape area provided/required.
4. estimates of parking spaces provided/required.
5. location and description of mechanical, accessory or trash structures on site.
6. location of adjacent buildings and features located on the site perimeter within 100 feet
7. relationship of proposed development to significant site features and trees
8. all known easements on-site and within 100 feet of property lines shall be identified
9. all known utilities above and below ground shall be identified.
10. separate drawing showing color code uses proposed including but not limited to buildings, landscaping, community spaces, natural areas, and other uses.

B. Landscape plan including:

1. streetscape and landscape elements
2. bike racks, benches, fire pits, outdoor playground areas.
3. list of plant materials used.

- C. Building elevations (all four sides of proposed building) showing relative scale to neighboring properties
- D. Floor Plan(s) includes:
 - 1. ground floor/ entrance plan(s), showing the ground floor uses.
 - 2. roof plan of new structures
 - 3. locations of entrances, outdoor areas, and vehicular access to the structure.
 - 4. building locations, courtyards, setbacks.
- E. Site Sections include:
 - 1. site sections extending to adjacent buildings within 100 feet of the property line.
 - 2. section through the most critical area of the structure(s) with property lines, preliminary floor to floor heights, overall height, and spot elevations noted.
- F. Building Elevations include:
 - 1. eye level perspective from major street location.
 - 2. elevations of each structure and of adjacent structures in context.
 - 3. identification and discussion of material and color selections. identification and discussion of mechanical screens and venting locations.
- G. Preliminary Axiometric drawings include:
 - 1. aerial perspective depicting entire project and adjacent buildings in context.
- D. Residential Subdivisions: Documentation of the four-step design process (BIMC 2.16.070.D, Short Subdivisions or BIMC 2.16.125.D, Preliminary Long Subdivisions)

Meeting #3: Final Design Review and Recommendation Meeting

- 1. Completed Design Standards Worksheet with comments from both the applicant and DRB.
- 2. Context Analysis (from Design Guidance meeting) :
- 3. Full Summary and rationale for all requested departures from Design Standards identified in Design for Bainbridge 2019.
- 4. Final Drawings and Plans Required:
Move items below to the right
- A. Site Plan
 - 1. all streets and property lines with dimensions.
 - 2. final roadways, parking areas, vehicular and pedestrian circulation on the site.
 - 3. final location and description of mechanical, accessory or trash structures on site.
 - 4. location of adjacent buildings and features located on the site perimeter.
 - 5. significant existing trees that are to be saved on the site and basic landscape features.
 - 6. adjacent buildings and features within 500 feet of the site or across the street.

7. final square footage provided/allowed for commercial space and/or residential units.
8. final landscape area provided/required.
9. final parking spaces provided/required.

B. Landscape Plan Includes:

1. streetscape and landscape elements
2. bike racks, benches, fire pits, outdoor playground areas.
3. final selection of existing trees and plants incorporated into the landscape design.

C. Floor Plan (s) includes:

1. final Plans showing uses for all floors.
2. final design for all entrances, outdoor areas, and vehicular access to the structure.
3. final design for building modulation indicating setbacks with dimensions and changes in material.
4. adjacent building locations, courtyards, setbacks, ground floor uses and section references.

D. Sections includes:

1. final transverse and longitudinal sections through the entire site extending 100 feet past the property line to adjacent buildings or buildings across a roadway. (These sections can include the “b” sections that follow.)
2. final transverse and longitudinal sections through each structure with property lines, floor to floor heights, overall height, and spot elevations noted.

E. Elevations include:

1. final elevations of each structure including exterior mechanical screens, venting locations and adjacent structures in context.
2. final material and color notes as needed for clarification.
3. scale figures and transparent street trees or planned landscaping.
4. final roof plan of new structures and their proposed entrances.

F. Renderings: Change below to 1, 2, 3 and move left

- A. eye level perspective renderings from two opposite street locations.
- B. at least one depicting entire project with adjacent buildings in context.
- C. optional: video fly-through project

G. Preliminary Exterior Lighting Plan:

1. final location of exterior lights and indication of light spillage at night.
2. description, images, color and finish of selected fixtures.

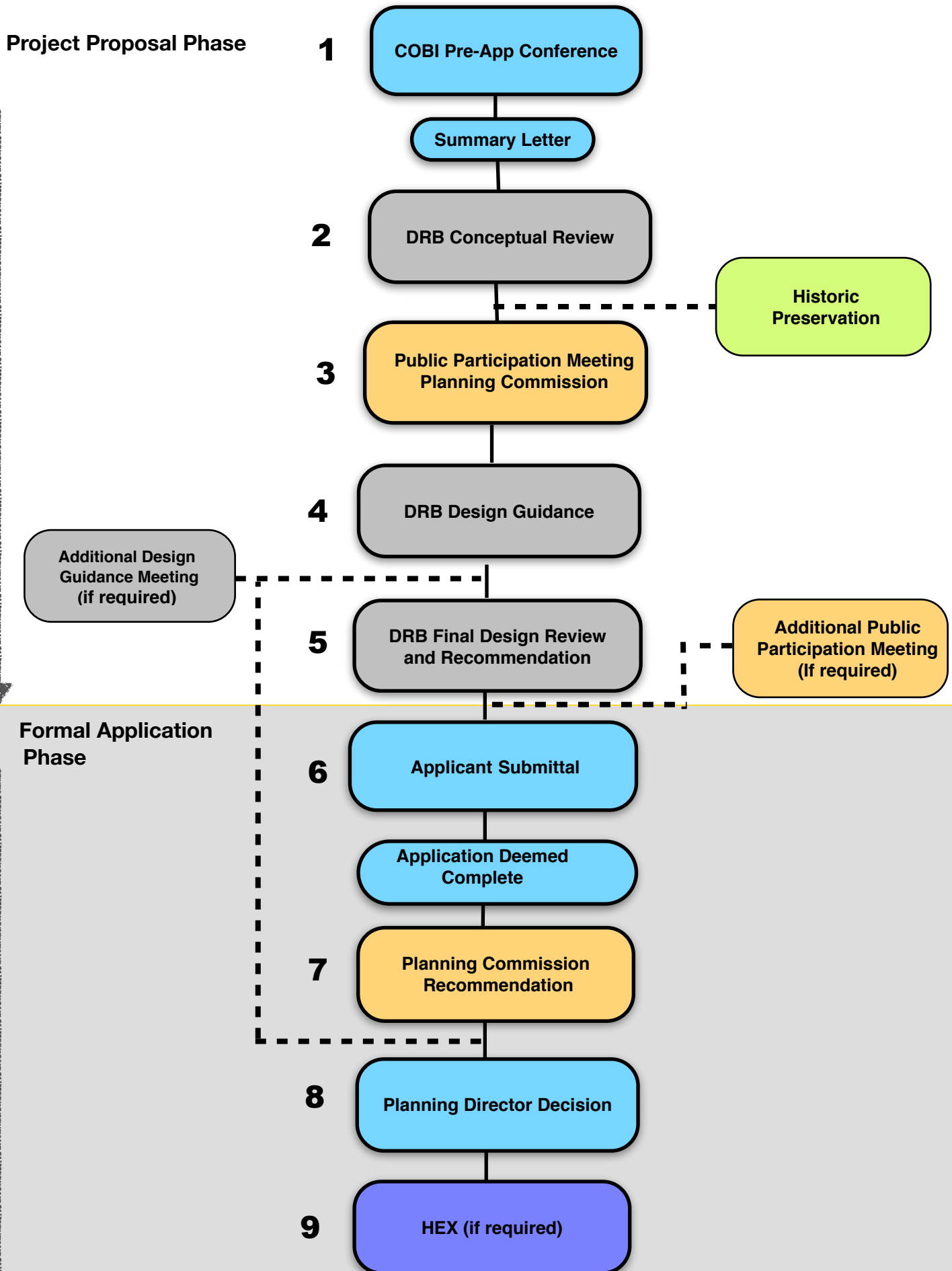
H. Materials and Colors: Change below to 1, 2, 3

3. Final color and material board(s) with accurate reference to drawings.
4. Final landscape color and material board(s) with accurate reference to drawings.
5. Critical materials should have samples provided for the review meeting.

Revision: Insert new Appendix B [Placeholder for graphic illustrations]

Appendix B: Sample Site Plans and Building Elevations

COBI PROJECT REVIEW CHART. DRAFT 7.1.21





CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:15 PM) Consider Resolution 2021-07, Update to Public Participation Meeting Process Related to improving the Land Use Preapplication Phase - Planning,

AGENDA CATEGORY: Resolution

PROPOSED BY: David Greetham

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): (Considered as a subset of the Triage Phase Two code changes)

- October 29, 2020
- February 11, 2021
- March 11, 2021
- April 22, 2021
- May 13, 2021
- May 27, 2021
- June 10, 2021
- July 8, 2021

PREVIOUS COUCIL REVIEW DATE(S): July 20, 2021: Update to City Council regarding July 8, 2021 Planning Commission recommendation of approval.

RECOMMENDED MOTION:

I move to forward Resolution 2021-07 to the December 14, 2021 Consent Agenda.

SUMMARY:

Resolution No. 2021-07 puts an emphasis on the PC role in the preapplication process by formalizing that Public Participation Meetings occur at Planning Commission meetings. Similar to the 2010 resolution that established the current Public Participation Program, the resolution includes as Exhibit A the purpose, format, and notice requirements, and provides that additional meetings may be requested if project revisions occur.

BACKGROUND: October 2020: Planning Commission (PC) considered the land use subcommittee's proposed "triage" land use code changes and separated the changes into two phases, with the second phase including improvements to the preapplication process and the role of the Design Review Board (DRB) and PC. One of the proposed improvements

included clarification of the PC and public role in the Public Participation meeting, which is required for major land use applications during the preapplication review phase.

February 2021: PC discussed Resolution No. 2010-32 that adopted the mandatory public participation program currently in effect. As the resolution didn't specify that the meetings would occur at the Planning Commission it was agreed that updates to the 2010 resolution were necessary to reflect the current. These revisions are reflected in draft Resolution No. 2021-07.

March - June 2021: PC conducted review of the Triage Phase Two code changes, with Resolution No. 2021-07 included as an associated document.

July 8, 2021: Public Hearing and PC Recommendation of approval to the City Council.

ATTACHMENTS:

RESOLUTION NO. 2021-07

A RESOLUTION of the City of Bainbridge Island, Washington, relating to the public participation program, as required during the pre-application phase for long subdivisions, major site plan and design review permits, and major conditional use permits.

WHEREAS, in 2001, the City Council adopted Resolution No. 2001-11 establishing a voluntary public participation program in order to inform the public of proposed projects in their neighborhood, and to provide the development community with an awareness of public concerns; and

WHEREAS, in 2010, the City Council approved Resolution No. 2010-32 to adopt a mandatory public participation program; and

WHEREAS, in 2018, the City Council approved Ordinance No. 2018-08, which moved public participation meetings from special city meetings, sometimes within neighborhoods, to the Planning Commission; and

WHEREAS, in 2020, the City Council directed staff to work with the Planning Commission to modify the pre-application process; and

WHEREAS, after holding public participation meetings in recent years, the Planning Commission identified the need to amend the public participation program to include a broader audience, to solidify their role in the process, and to ensure that the community is receiving accurate and timely information.

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

Section 1. The City Council hereby approves the modified and replaced public participation program as set forth in Exhibit A attached hereto and made a part hereof by this reference. The program will be administered by the Department of Planning and Community Development in coordination with the Planning Commission.

Section 2. This resolution shall take effect five days following its passage.

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

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

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.
EFFECTIVE DATE:

November 5, 2021

2021-07

_____, 2021

Exhibit A: City of Bainbridge Island Public Participation Program (Revised)

Exhibit A to Resolution No. 2021-07

CITY OF BAINBRIDGE ISLAND PUBLIC PARTICIPATION PROGRAM

Purpose: The program is intended to bring developers, community members, City staff, and the Planning Commission together in the pre-application process for major site plan and design review permits (BIMC 2.16.040), major conditional use permits (BIMC 2.16.110), and preliminary long subdivisions (BIMC 2.16.125) so that residents and Planning Commission members can learn about any proposed developments in their community and the applicant can be aware of their concerns, if any.

Format: The meetings are to be held as part of meetings of the Planning Commission. The Planning Commission is to provide opening remarks, followed by the staff planning lead describing the project and where it is in the review process. Following the Planning Commission and staff introductions, the applicant is to provide an overview with visuals of the project. The meeting is then followed by questions and comments from the public and responses from the applicant and/or staff. Following the question and comment session, the Planning Commission is to provide comments and suggestions based on the Municipal Code and the Comprehensive Plan.

Notice: The City shall provide a notice with a brief description of the proposal and make site plans and the pre-application letter available to the public. The City shall use various available methods to provide notice to reach and engage the broader community to include at a minimum: (1) a mailing to all properties within 500' of the project site; (2) advertisement in the local newspaper; and (3) other usual and customary means employed by the City including but not limited to the City Manager's Report (or its successor) and the City's primary calendar. The City shall also notify the Design Review Board members of the meeting date.

Post Meeting: The meeting video and/or minutes shall be made available after the meeting to the public.

Need for Additional Public Participation Meeting: If there are substantial changes made to the project after a public participation meeting, the applicant may be required to attend an additional public participation meeting. The decision shall be made by the Director of Planning and Community Development in coordination with the Planning Commission Chair.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:20 PM) Consider Resolution 2021-14, Amendment to the Administrative Manual to Support Code Changes Related to Improving the Land Use Preapplication Phase - Planning,

AGENDA CATEGORY: Resolution

PROPOSED BY: David Greetham

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): July 8, 2021: Planning Commission recommended approval of Ord. 2021-12 relating to improving the preapplication process.

PREVIOUS COUCIL REVIEW DATE(S): July 20, 2021 update to the City Council regarding July 8, 2021 Planning Commission recommendation of approval of associated Ord. 2021-12.

RECOMMENDED MOTION:

I move to forward Resolution No. 2021-14 to the December 14, 2021 Consent Agenda.

SUMMARY:

Resolution No. 2021-14 implements revisions to the PCD Administrative Manual as it relates to submittal requirements for land use applications that are subject to design review. Applicable revisions are shown in strikethrough underline and highlighted in yellow. The revisions help to implement associated Ordinance No. 2021-12 related to improving the preapplication process (aka the Phase 2 Triage Code Changes). Specifically, the revisions direct applicants to the "Design for Bainbridge" manual for submittal requirements for each of the three DRB design review meetings (Conceptual Review, Design Guidance, and Final Review). Changes in the Administrative Manual are highlighted and in strike through and underline.

BACKGROUND: Mid-2020: The Design Review Board (DRB) determined that revisions to the preapplication process were necessary and appointed a subcommittee to work on proposed revisions to the BIMC, including Chapter 2.16 BIMC and Design for Bainbridge, which is incorporated by reference at Chapter 18.18 BIMC.

October 2020: The Planning Commission (PC) considered the land use subcommittee's proposed "triage" land use code changes and separated the changes into two phases, with the second phase including improvements to the preapplication process and the role of the Design Review Board and Planning Commission.

February - June 2021: The PC considered the Phase 2 triage code changes related to improving the preapplication process.

July 8, 2021: Public Hearing and PC Recommendation of approval of associated Ordinance No. 2021-12 to the City Council.

ATTACHMENTS:

RESOLUTION NO. 2021-14

A RESOLUTION of the City of Bainbridge Island, Washington, amending the Administrative Manual of the Department of Planning and Community Development to reflect changes to design review submittal requirements to implement code revisions adopted via Ordinance No. 2021-12, including revisions to “Design for Bainbridge.”

WHEREAS, the Administrative Manual of the Department of Planning and Community Development, adopted in November 2011 (“Administrative Manual”), is designed to be a user-friendly manual that contains submittal requirements and supporting documents for land use permits all in one place; and

WHEREAS, on September 24, 2019, the City Council enacted Ordinance No. 2019-25 amending Chapter 18.18 of the Bainbridge Island Municipal Code (“BIMC”), related to Design Standards and Guidelines; and

WHEREAS, on December 14, 2021, the City Council enacted Ordinance No. 2021-12 revising BIMC 2.160.020, 2.16.040, 2.16.070, 2.16.110, 2.16.125 and Chapter 18.18 BIMC related to improving the preapplication process; and

WHEREAS, the City’s Administrative Manual is hereby being updated via this Resolution No. 2021-14 to implement the changes approved by Ordinance No. 2021-12.

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

Section 1. The Administrative Manual is amended and revised as shown in Exhibit A attached hereto and made a part hereof to this resolution.

Section 2. This resolution shall take effect as of the effective date provided below.

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

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

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	November 5, 2021
PASSED BY THE CITY COUNCIL:	
RESOLUTION NO.	2021-14
EFFECTIVE DATE:	_____, 2021

Exhibit A: Administrative Manual (Revised)



CITY OF
BAINBRIDGE ISLAND

ADMINISTRATIVE MANUAL

PLANNING PERMIT SUBMITTAL REQUIREMENTS

Exhibit A to Ordinance No. 2021-14

Department of Planning and Community Development
January 1, 2012; Last Updated ~~December 2019~~ October 2021

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Introduction

This Administrative Manual is designed to supplement the permit processes described in the land use, zoning, and environmental sections of the City of Bainbridge Island Municipal Code (BIMC). This manual identifies documents that applicants must submit in order to have a complete application for development review and decision. Consistent submissions to the City of Bainbridge Island help the efficiency of the review process as well as clarifying requirements for applicants. The procedures required for review and approval of most applications are detailed in BIMC Title 2: Administration, Personnel and Land Use Procedures of the BIMC.

The [Master Land Use Application](#) is required to be submitted with each of the land use permits discussed herein. Please see the application for the number of copies for specific permits. A land use permit shall not be considered complete until the required application, [fee](#), and all supporting materials are submitted to the Department. The applicant shall submit an electronic copy of all required documents at the time of application submittal. The Director may waive specific submittal requirements determined to be unnecessary for review of an application. Most applications also require a separate fee to the Kitsap Public Health District.

The City's [Fee Schedule](#) can be viewed on the City's website.

Additional links referenced in this document

Link	Website address
City of Bainbridge Island Design and Construction Standards Manual	http://www.ci.bainbridge-isl.wa.us/169
Design for Bainbridge Design Review Manual	https://www.bainbridgewa.gov/DocumentCenter/View/12502
Design for Bainbridge checklist / worksheet	
Island-wide Transportation Plan (IWTP)	https://www.bainbridgewa.gov/708
Landscape Materials Matrix	https://www.bainbridgewa.gov/DocumentCenter/View/12756
Shoreline - Joint Aquatic Resources Permit Application (JARPA)	https://www.epermitting.wa.gov
Shoreline Site Specific Analysis Submittal Requirements	http://www.bainbridgewa.gov/DocumentCenter/View/7306
Shoreline Single-family Residence Mitigation Manual	http://www.bainbridgewa.gov/DocumentCenter/View/5663
Sign Permit Worksheet	http://www.bainbridgewa.gov/DocumentCenter/View/7408
Site Assessment Review (SAR)	http://www.ci.bainbridge-isl.wa.us/882

Basic Site Plan

The site plan must be legible and easily understood by professionals as well as the public. Clearly differentiate between existing and proposed development. The information to help prepare a site plan is readily available to the public through these links:

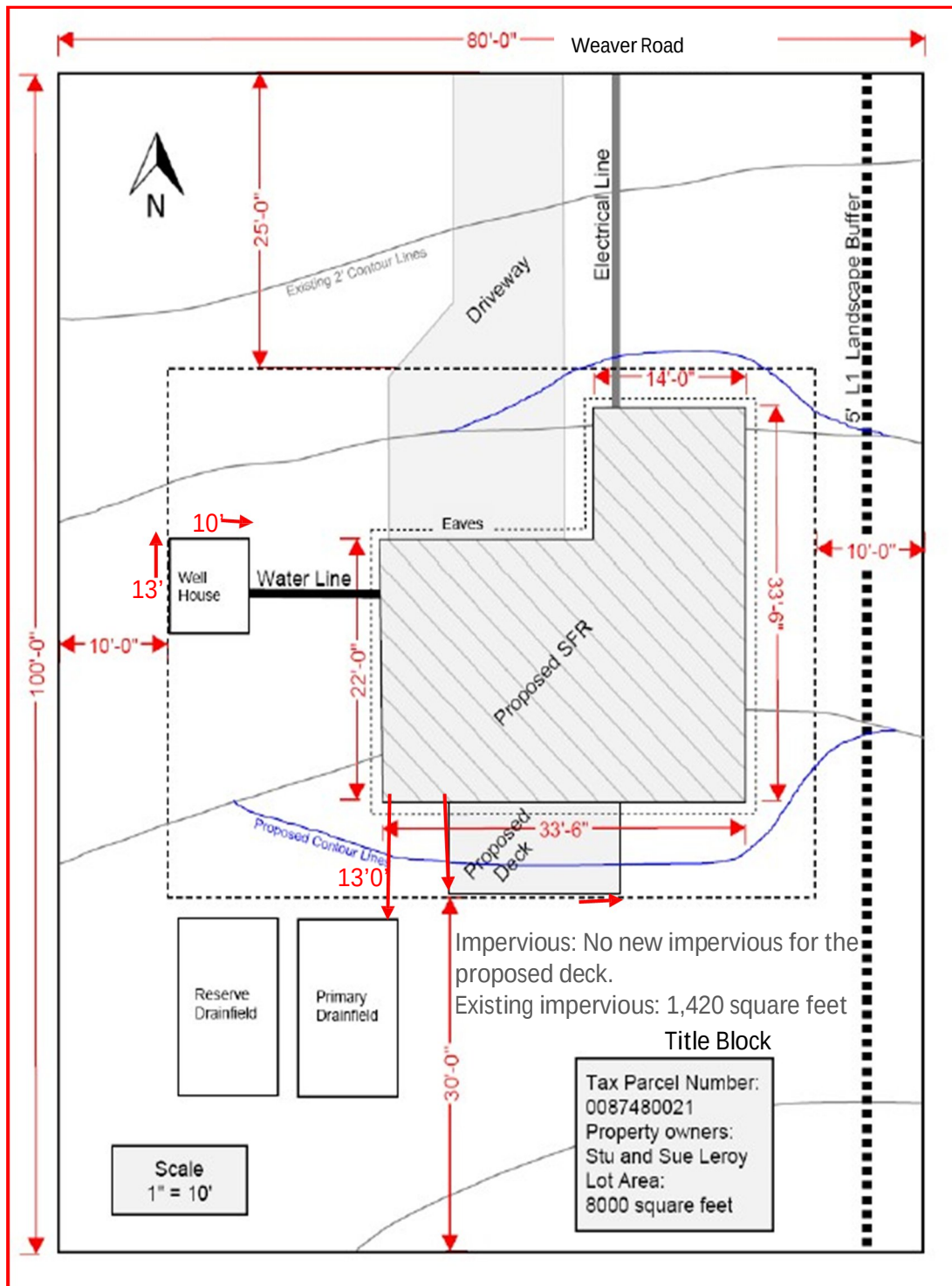
[City Resources](#)

[County Resources](#)

[Public Health District](#)

- ☐ Plan sheet 18" * 24" or 24" * 36" in size
- ☐ Engineer's scale, for example: 1 inch = 20 feet
- ☐ Title block: Project name; owner name; site address, tax parcel number; subdivision name
- ☐ North arrow
- ☐ Vicinity map
- ☐ Quarter section, township and range
- ☐ Depict the entire property and the area within a 150-foot radius of the property
- ☐ Zoning / Comprehensive Plan designation
- ☐ Property boundaries (bold line)
- ☐ Lot size and lot area (BIMC 18.12.050)
- ☐ Easements: Include access, utility, other (e.g. use easements, conservation easements)
- ☐ Zoning setbacks or subdivision setbacks / buffers (as applicable)
- ☐ Contour lines at five foot intervals (existing and proposed)
- ☐ Shoreline jurisdiction: Include OHWM, shoreline structure and side yard setback, shoreline buffer Zones 1 & 2, areas of native vegetation, location and size of significant trees
- ☐ Critical areas and their buffers / setbacks: Dimension required buffers / setbacks and any proposed modifications. Label top/toe of slopes greater than 15 percent and top/toe of slopes 40 percent or greater, floodplain, wetlands, streams
- ☐ Delineate and dimension existing areas of native vegetation
- ☐ Aquifer Recharge Protection Area (ARPA): Delineate the and show the area calculations. Document the ARPA development standards in BIMC 16.20.100.D.
- ☐ Depict vegetation protection areas (e.g. "no-build zones", perimeter and roadside landscape buffers, designated wildlife corridors)
- ☐ Depict and dimension the exterior of all existing and proposed structures: Clearly differentiate between existing and proposed. Label each structure by its use (e.g. garage, landscape / retaining wall, eave, fence, mechanical equipment)
- ☐ Impervious surface areas (existing and proposed): Label and dimension each area (e.g. building, driveway, parking area, patio)
- ☐ Area of disturbance: Separately delineate and dimension earth disturbance areas
- ☐ Stormwater facility: Location / management method (e.g. dispersion, infiltration, detention)
- ☐ Sewer / septic system facility: Include lines, primary and reserve drainfields and setbacks
- ☐ Water / well facility: Include lines, water meters, well house, well protection area
- ☐ Other facilities: Include power lines, generators, propane tanks, heat pumps, solar panels
- ☐ Historically significant structures on or adjacent to the property (i.e. constructed over 50 years ago or listed on the local or national historic register)

Sample Site Plan



Utilities Plan

- ☐ Minor (abbreviated) drainage plan for proposals that do not require engineered plans

OR

- ☐ Engineered preliminary drainage plans
- ☐ Engineered preliminary drainage report

AND

- ☐ Plan sheet 18" * 24" or 24" * 36" in size
 - ☐ Engineer's scale, for example: 1 inch = 20 feet
 - ☐ Location of stormwater facilities
 - ☐ Management method (e.g. dispersion, infiltration, detention)
 - ☐ Existing and proposed structures and improvements on the subject property including:
 - ☐ Driveways
 - ☐ Parking areas
 - ☐ Parking space (dimensioned)
 - ☐ Solid waste facility (dimensioned)
 - ☐ Landscape / retaining walls
 - ☐ Fences
 - ☐ Mechanical equipment
 - ☐ Existing and proposed utilities on the subject property including:
 - ☐ Wells / well head protection areas
 - ☐ Water / Sewer lines
 - ☐ Drainfields (primary and reserve)
 - ☐ Septic system setbacks (Health District)
 - ☐ Power lines, utility poles, telecommunication facilities
 - ☐ Existing and proposed structures / utilities within 150 feet of the property including:
 - ☐ Wells / well head protection areas
 - ☐ Water / Sewer lines
 - ☐ Fire hydrants
 - ☐ Adjacent streets
 - ☐ Adjacent right-of-way with road classification
 - ☐ Existing and proposed right-of-way width
 - ☐ Existing driving surface width and type (e.g. gravel, asphalt, pervious concrete)
 - ☐ Roadside facilities (e.g. shoulder, ditch)
 - ☐ Non-motorized facilities width and type (e.g. sidewalks, trails)

Landscape Plan

A Landscape Plan shall be prepared by a landscape architect licensed in the State of Washington, a Washington certified nursery professional or a Washington certified landscaper and a certified arborist (when required) and include the following information, at a minimum.

A helpful [Landscape Materials Matrix](#) is available on the City website.

- ☐ Plan sheet 18" * 24" or 24" * 36" in size
 - ☐ Engineer's scale, for example: 1 inch = 20 feet
 - ☐ North arrow
 - ☐ Title block: Project name; site address, tax parcel number;
 - ☐ Property boundaries (bold line)
- A. Tree and Vegetation Retention Plan. The applicant shall submit a tree and vegetation retention plan concurrent with applicable permit application in to demonstrate compliance with BIMC Section 18.15.010. If multiple permits are required, the applicant must submit the tree retention plan with the first and all subsequent applications. The tree retention plan may be combined with the planting plan (see section 3 below) and shall consist of:
1. A tree survey or aerial photograph that represents current site conditions and identifies the location of all significant trees, tree stands and their associated canopies. The survey needs to include enough information about existing trees on a property to demonstrate compliance with section BIMC Section 18.15.010.G *Total Site Tree Unit Requirements* (if applicable). New planting may be required to meet these requirements (see section 3 below).
 2. For detailed site plans and grading applications, the tree survey may be conducted by a method that locates individual trees and tree stands, their size(s) and species. These trees shall be marked in the field at the time of permit or approval application and maintained through the construction period; and
 3. A development site plan identifying size and species of the trees and tree stands, as defined in BIMC 18.15.010.C, heritage trees, or other existing vegetation that are proposed to be retained.
 4. The International Society of Arboriculture (ISA) valuation for trees:
 - a. Required to be retained for development projects in the R-2.9, R-3.5, R-4.3, R-8, R-14, Mixed Use Town Center (MUTC), High School Road, and Neighborhood Service Center Districts; and
 - b. In all zones where the critical root zone of a tree required to be retained may be impacted by clearing, grading construction, development, or maintenance; and
 5. An analysis prepared by a certified arborist about long-term health and/or viability for trees that will be on the edge of the developed area and "post development" tree health for trees requested for removal in roadside or perimeter buffers. This analysis should also address protection during construction (see below).
 6. Protection during construction strategies for trees and vegetation to be retained.

- B. Description of how the tree retention plan and planting plan meet the *Total Site Tree Unit Requirements*, pursuant to BIMC 18.15.010.G, if applicable.
- C. Planting Plan. All plans must be prepared or approved, by a landscape architect licensed by the state of Washington, a Washington certified nursery professional or a Washington certified landscaper. The proposed landscape planting plan shall be clearly legible and show the following:
 - 1. A title that includes the project name, owner's name, designer's name, date and scale of no less than one inch equals 30 feet. All items shall be labeled, and north shall be oriented towards the top or left of the plan
 - 2. Property boundaries, easements, and ownership as set forth in the legal description;
 - 3. Existing and proposed grades of at least five-foot intervals
 - 4. Rights-of-way, setbacks, streets and utilities within the subject property
 - 5. All proposed construction and planting and any future construction and planting that is not included in the application
 - 6. Location of all existing and proposed buildings, structures, utilities and improvements within the property
 - 7. A plant list for all proposed new planting delineating quantities, scientific and common names and sizes. Names of plants are to follow current edition of the Hortus Third, A Concise Dictionary of Plants Cultivated in the U.S. and Canada; and sizes of plants are to follow the current edition of the American Standard for Nursery Stock, American Association of Nurseryman (AAN).
 - 8. Vegetation clearing strategies
 - 9. Topsoil protection and reuse strategies, including limiting compaction during construction
 - 10. Native soil amendment strategies
 - 11. Planting times and physical limits of construction
 - 12. Areas that require temporary or permanent irrigation

Buffer Enhancement Plan

- A. Basic Site Plan
- B. Terms, conditions, covenants, and agreements under which the subject property is bound
- C. Buffer Enhancement Plan. A buffer enhancement plan prepared in accordance with applicable state and federal agency standards and the requirements in BIMC 16.20.180
- D. Critical area reports by qualified professionals in the area of concern as provided in BIMC 16.20.190 – Definitions;
- E. Any other relevant information and reports that are necessary, in the opinion of the Director, to process and prepare the decision on the application, such as permit applications to other agencies and special studies;
- F. State Environmental Policy Act (SEPA) checklist (if applicable)

Adjustment to an Approved Land Use Permit (Minor & Major)

NOTE: This section does not apply to subdivisions- see Subdivision Alterations below)

A minor adjustment entails small changes in dimensions or siting of structures or the location of public amenities and does not change the intensity or the character of the use. A major adjustment includes modification to the basic design, intensity, density and / or use.

- A. Basic Site Plan
- B. Utilities Plan (as applicable)
- C. Landscape Plan (as applicable) with proposed landscaping as required by BIMC 18.15.010, including any required retention.
- D. Copy of the approved plan
- E. Written description of the proposed change, including a detailed analysis of how the change complies with decision criteria of the application used in the first instance
- F. Authorization of all owners of all lots involved in the change

Administrative Code Interpretation Request

The Director has the authority to provide interpretations of provisions, uses, or definitions in BIMC Titles 16, 17 and 18 and related provisions in BIMC Title 2, and will make these interpretations available to the public. Any person may apply to the director for an interpretation of any provision in these titles. The Director shall provide the interpretation taking into account consistency with the Comprehensive Plan, the nature of the definition or use, and its relationship to the code and its potential impacts, such as:

- A. Whether it involves dwelling units; sales; processing; type of product, storage and amount;
- B. Enclosed or open storage;
- C. Anticipated employment;
- D. Transportation requirements;
- E. Excessive noise, odor, fumes, dust, toxic material, light, glare, and vibration likely to be generated; and
- F. The general requirements for public utilities such as water and sanitary sewer.

The authority to provide an interpretation does not include the authority to add a new permitted ("P") or conditional ("C") use to the use table in BIMC 18.09.020. The Director's interpretation is subject to appeal pursuant to BIMC 2.16.020.P.1.

Agricultural Retail Plan

- A. Basic Site Plan including a delineation of specific use areas (pasture, heavy use area, etc.).
- B. Farm Management Plan, if required pursuant to BIMC 18.09.030.A.1.
- C. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

Boundary Line Adjustment

- A. Basic Site Plan
- B. Survey drawing
 1. Conventional scale and prepared by a surveyor licensed in the State of Washington
 2. Separate sheets depicting existing conditions and resultant conditions
 3. Zoning and Comprehensive Plan designation
 4. Shoreline upland and water environment designations
 5. Proposed method to meet fire flow requirements
 6. Names and locations of adjacent subdivisions
 7. Gross lot size (in square feet) of each existing and resultant lot
 8. Lot area of each existing and resultant lot/tract (As calculated in BIMC 18.12.050.J)
 9. Zoning or subdivision setbacks, as applicable
 10. Ordinary High Water Mark
 11. Required critical areas, their buffers and setbacks
 12. Required vegetation buffers
- C. Existing and proposed terms, conditions, covenants, and agreements on the subject property
- D. Perimeter lot closures for each existing and resultant lot
- E. Title report dated not more than six months prior to application
- F. Property legal description
- G. Draft agreements (e.g. use easement, road maintenance agreement)
- H. Water and sewer availability letters (public water/sewer) for each resultant lot
- I. Other technical reports (as applicable): Wetland delineation and report or wetland determination; Geotechnical report/assessment

Comprehensive Plan Amendment

A comprehensive plan amendment application and fee as established by city council resolution must include the following:

- A. A complete and detailed written statement including the nature of and reason for the amendment request, any specific suggested changes to the plan or appendices;
- B. A description of how the amendment request is consistent with all of the decision criteria specified in BIMC 2.16.190.H;
- C. A completed SEPA checklist including supplemental sheet for nonproject actions; and
- D. Any other reports or studies identified during the preapplication conference (Ord. 2006-13 § 4, 2006).

Conceptual Proposal Review Meeting

- A. See Design for Bainbridge Design Review Manual, Appendix A, Documents Required for Design Review, Meeting # 1: Conceptual Review
- ~~A. Statement of Intent — A written narrative about the property, the neighborhood, and proposed use. Identify the objectives of the land use process, the objectives of the Comprehensive Plan goals and policies, and the objectives of the Design for Bainbridge design review manual, as they apply to the proposal.~~
- ~~B. Context Map — Provide sufficient information to evaluate the neighborhood or community characteristics, including: aerial photo, adjacent recreation, conservation, or other protected land, streetscape photos to illustrate road frontage character/conditions, adjacent and nearby houses or structures, nearby historic or cultural features that contribute to the character of the area, nearby transit routes and stops, and existing or planned transportation facilities as shown in the Island-wide Transportation Plan (IWTP).~~
- ~~C. Site Analysis — The site analysis shall be a map used to determine the conservation areas, conservation areas of greatest importance, and development areas. The site analysis shall show: general topography, critical areas and their buffers/setbacks, viewsheds on and off-site, individual significant trees, extent and location of priority natural area (e.g., forested land, agricultural land, wildlife corridors, etc.), existing infrastructure or other built features, existing easements, existing trails, unique site characteristics, historic resources.~~

Conditional Use Permit (Minor & Major)

- A. Basic Site Plan (Minor). For Major Conditional Use Permits, submit final site plan reviewed by the Design Review Board along with any additional items below not already included. (Reference: Design for Bainbridge, Appendix A, Documents Required for Design Review)
- B. Utilities Plan
- C. Site Assessment Review (SAR) or SAR Exemption
- D. Landscape Plan
- E. State Environmental Policy Act (SEPA) checklist (if applicable)
- F. A complete and detailed written statement of the intended use of the land and the sequence and timing of the proposed development
- G. The terms, conditions, covenants, and agreements under which the subject property is bound, if any
- H. Affidavit of ownership or agreement to work on the owner's behalf
- I. Land dedicated for park and recreational facilities, if applicable
- J. For installation of outdoor lighting fixtures, evidence of compliance with the requirements of chapter 18.15.040, Outdoor Lighting
- K. Written statement describing how the application meets all applicable decision criteria
- L. Institutional development in residential zones shall submit the following items:
 - 1. A traffic report, showing the effects on level of service (LOS) on affected roads
 - 2. A fencing plan or alternative methods to protect the public health, safety and welfare

3. Vehicular, pedestrian, and bicycle access and site circulation
- M. Design for Bainbridge checklist / worksheet

Consultation

- A. Property location – 14-digit parcel number or site address.
- B. Basic project information.
- C. List of specific questions.
- D. Conceptual site plan (optional).

Critical Area Permit (Minor and Major)

- A. Basic Site Plan
- B. Terms, conditions, covenants, and agreements under which the subject property is bound
- C. A written narrative describing how the proposal meets the critical area permit review criteria as defined in BIMC 16.20.070.B;
- D. Additional submittal requirements vary depending on the type of critical area. Specific submittal requirements are described in each of the following sections of BIMC 16.20:
 - Trees and vegetation – BIMC 16.20.090.G (minor)
 - Critical aquifer recharge areas – BIMC 16.20.090.B.3 (minor)
 - Fish and wildlife habitat conservation areas – BIMC 16.20.110.D and F (minor or major)
 - Geologically hazardous areas – BIMC 16.20.130.C (minor)
 - Wetlands – BIMC 16.20.140.F (minor or major)
 - Winslow Ravine – BIMC 16.20.150.C (major)
- E. Any other relevant information and reports that are necessary, in the opinion of the director, to process and prepare the decision on the application, such as permit applications to other agencies and special studies;
- F. State Environmental Policy Act (SEPA) checklist (if applicable)

Other plans and drawings deemed necessary by the Director for evaluation of the merits of the proposal.

Design Guidance and Final Design Review and Recommendation Review Meetings

- A. Design Guidance Meeting: See Design for Bainbridge Design Review Manual, Appendix A, Documents Required for Design Review, Meeting # 2 Design Guidance Review
- B. Final Design Review and Recommendation Meeting: See Design for Bainbridge, Appendix A,

Documents Required for Design Review, Meeting # 3 Design Review and Recommendation

- ~~C. Schematic Design— This plan is based on the site analysis and context map and shows location, as applicable, of natural area, community space, significant trees to be retained, homesites, vehicle and non-motorized access, location and size of stormwater and septic systems, and lot lines. The proponent is required to bring one or more development concepts or alternatives to indicate possible design options for the site.~~
- ~~D. Project vision summary~~
- ~~E. Design for Bainbridge checklist / worksheet~~
- ~~F. Conceptual floor plan with estimated commercial and residential square footage~~
- ~~G. Aerial and streetscape photographs with streets and site boundaries labeled~~
- ~~H. Basic Site Plan with the following additional requirements~~
 - ~~1. Proposed structure footprints and structure entrances~~
 - ~~2. Proposed location and description of mechanical equipment~~
 - ~~3. Proposed location of trash / recycling structures and accessory structures~~
- ~~I. Preliminary sections: Transverse and longitudinal site sections extending to adjacent buildings within 100 feet of property; section through the most critical area of the structure(s) with property lines, floor to floor heights, overall height, and spot elevations~~
- ~~J. Preliminary Elevations: Main elevations of each structure and of adjacent structures; material and color selections; mechanical screens and venting locations~~
- ~~K. Optional but strongly recommended~~
 - ~~1. Renderings: Eye level perspective from major street location; aerial perspective—depicting entire project and adjacent buildings in context~~
 - ~~2. Exterior Lighting Plan: Location and indication of light spillage at night.~~
- ~~L. Additional requirements for subdivisions~~
 - ~~1. Document the four-step design process identified in BIMC 17.12.030~~
 - ~~2. Document requested departures from subdivision standards contained in BIMC 17.12.060 and 17.12.070: Address consistency with general purpose of intent of the subdivision chapter, the intent of the four-step design process, and the specific standard from which the departure is requested.~~
 - ~~3. Identify [Island-Wide Transportation Plan](#) and [City of Bainbridge Island Design and Construction Standards](#). Document requested deviations.~~
 - ~~4. Depict views of proposed houses from exterior roads and abutting properties vis-à-vis natural topography and existing vegetation~~
 - ~~5. Additional site plan requirements~~
 - ~~a. Delineate primary and secondary Natural Areas, provide area calculations for each and proposed form of ownership. Identity the functional characteristics of each Natural Area type in BIMC 17.12.050.A.2.a. i-iii and b. i. — vii.~~
 - ~~b. Show location of Natural Area fencing and/or signage~~
 - ~~c. Delineate Community Space, provide area calculation and proposed form of ownership~~
 - ~~d. Delineate and document Homesite Standards in BIMC 17.12.060 and Table~~

Farm Management Plan

In order to exceed maximum animal density allowances provided for in BIMC 18.09.030, a farm management plan approved by the City, its designee, or a qualified third party must be implemented and maintained. The farm management plan shall contain the following:

- A. Basic site plan, with the following additional information
 - 1. Adjacent residences
 - 2. location and area of all pasture area(s), shelter structure(s), compost and manure storage,
- B. Description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
- C. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;
- D. Emergency response plan and emergency response contacts
- E. Description of the potential impacts of animal agriculture and use of applicable National Resource Conservation Service (NRCS) conservation practice standards or equivalent measures to mitigate impacts, including:
 - 1. Water Quality and Soils. Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
 - 2. Noise and Odor. Impacts related to the location on the lot of the animal pasture and shelter, any trash or compost storage areas, any farm stand or additional accessory structure, and any other noise-generating or odor-generating equipment and practices.
 - 3. Agricultural Chemicals. Impacts related to the use of chemicals, including any manure, fertilizer and pesticide.
 - 4. Mechanical Equipment. Impacts related to the operation of equipment, including noise, odors, and vibration.
 - 5. Traffic and Parking. Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site.
 - 6. Visual Impacts and Screening. Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, including the location of pasture, composting activities and manure storage, and any existing or proposed screening.

Housing Design Demonstration Project

In addition to any submittal requirements from the underlying land use permitting process, the

following additional information is required for a Housing Design Demonstration Project:

- A. Survey prepared by a licensed surveyor, including information showing existing conditions and site information including, but not limited to, topography (contour interval not to exceed 5 feet), an elevation benchmark (located on or within 100 feet of the proposed site), adjacent development, vegetation, utilities, critical areas, property lines, and easements. Whenever possible, survey information should be submitted on City of Bainbridge Island vertical and horizontal datums. All plans must be submitted at an easily reproducible engineering or architectural scale. The survey data should be integrated into all site plans and elevation drawings related to the project and the source of the survey information shall be noted.
- B. Plans descriptive of drawings of the proposed innovative housing types including building footprints and building elevations, floor plans, and roof plans.
- C. A description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit.
- D. A description of the required development standards, compared with the standards that relief is being requested. This includes, but is not limited to, setbacks, density, or parking requirements. The applicant should explain how relief from specific development standards is needed to achieve the desired innovative design and the goals of this chapter.
- E. Photographs of the subject and adjacent properties key to the basic site plan.
- F. Landscape Plan.
- G. A detailed description of any project phasing.
- H. A description of how the proposed development is consistent with the surrounding neighborhood character.
- I. A description of how the proposed development complies with the goals of BIMC 2.16.020.Q, project evaluation criteria as described in BIMC 2.16.020.Q, and all relevant decision criteria.

A completed green building checklist from Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, LEED or BuiltGreen programs that require third party verification review with the requisite four and five star levels.

Legislative Review of Development Regulations and Rezoning

Legislative Review of Development Regulations

An application and fee as established by city council resolution shall be made on forms prescribed by the department. The application shall contain the following:

- A. A complete and detailed written statement explaining the existing regulations and proposed changes (including specific language, if possible);
- B. A detailed description of how the proposal meets the goals and policies set forth in the Comprehensive Plan; and
- C. A completed SEPA checklist including supplemental sheet for nonproject actions (if

applicable); and

- D. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

Rezoning (Site-specific and Area-wide)

A rezone application and fee as established by city council resolution shall be made on forms prescribed by the department. The application shall contain the following:

- A. A complete and detailed written statement explaining how the subject property is suitable for the proposed rezone and why the rezone would not be detrimental to surrounding land uses.
- B. A map that shows address topography, streets, adjacent land uses, utilities and other pertinent factors that would justify the proposed rezone;
- C. A detailed description of the proposed use for which the rezone is sought and how such action meets the decision criteria in BIMC 2.16.140;
- D. A legal description of the property(ies) and tax lot number(s);
- E. The names and addresses of all property owners; and
- F. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.
- G. A completed SEPA checklist including supplemental sheet for nonproject actions.

Preapplication Conference

- A. Basic Site Plan All project must include the items listed below. For projects that require review by the Design Review Board (major site plan and design review permits, short subdivisions of more than two lots, preliminary long subdivisions, and major conditional use permits), see Design for Bainbridge Design Review Manual, Appendix A, Documents Required for Design Review, Preapplication Conference for additional submittal requirements.
- B. Basic Site Plan
- C. Conceptual Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- D. Conceptual Utilities Plan
- E. Site Assessment Review (SAR) or SAR Exemption
- F. Design for Bainbridge checklist / worksheet
- F. Additional requirements for preapplication review of Subdivisions
 1. Lot area of each existing and resultant lot (BIMC 18.12.050.J)
 2. Proposed covenants or restrictions
 3. Site plan – additional requirements

- a. Separate sheets depicting existing and resultant conditions
 - b. Zoning and Comprehensive Plan designation for subject and adjacent properties
 - c. Shoreline upland / water environment for subject and adjacent properties
 - d. Proposed method to meet fire flow requirements
 - e. Names and locations of adjacent subdivisions;
 - f. Delineate primary and secondary Natural Areas, provide area calculations for each and proposed form of ownership. Identify the functional characteristics of each Natural Area type in BIMC 17.12.050.A.2.a. i-iii and b. i. – vii.
 - g. Show location of Natural Area fencing and/or signage
 - h. Delineate Community Space, provide area calculation and proposed form of ownership
 - i. Delineate and document Homesite Standards in BIMC 17.12.060 and Table 17.12.060-1
 - j. Delineate and document Subdivision Standards in BIMC 17.12.070 and Table 17.12.070-1
4. Document the four-step design process identified in BIMC 17.12.030
 5. Document requested departures from subdivision standards contained in BIMC 17.12.060 and 17.12.070, including BIMC Tables 17.12.060-1 and 17.12.070-1: Address consistency with general purpose of intent of the subdivision chapter, the intent of the four-step design process, and the specific standard from which the departure is requested.
 6. Identify Island-Wide Transportation Plan and City of Bainbridge Island Design and Construction Standards. Document requested deviations.
 7. Depict views of proposed houses from exterior roads and abutting properties vis-à-vis natural topography and existing vegetation

Reasonable Use Exception

- A. Basic Site Plan
- B. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;
- C. Critical Area Report. A critical areas-report including mitigation plan, if necessary, prepared in accordance with applicable state and federal agency standards. Such studies shall be prepared in accordance with the requirements in BIMC 16.20.180 – Critical area reports by qualified professionals in the area of concern as provided in BIMC 16.20.190 – Definitions;
- D. Any other relevant information and reports that are necessary, in the opinion of the director, to process and prepare the recommendation on the application, such as permit applications to other agencies and special studies;

- E. State Environmental Policy Act (SEPA) checklist (if applicable)
- F. Other plans and drawings deemed necessary by the director for evaluation of the merits of the proposal; and
- G. A complete and detailed written statement of the reason(s) for requesting the reasonable use exception including a detailed description of how the proposal will meet the reasonable use exception criteria as defined in BIMC 16.20.080:
 - 1. The application of Chapter 16.20 would deny all reasonable use of the property;
 - 2. There is no reasonable alternative to the proposal with less impact to the critical area or its required buffer;
 - 3. The proposal minimizes the impact on critical areas in accordance with mitigation sequencing (BIMC 16.20.030);
 - 4. The proposed impact to the critical area is the minimum necessary to allow reasonable use of the property;
 - 5. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant, or of the applicant's predecessor, that occurred after February 20, 1992;
 - 6. The proposed total lot coverage does not exceed 1,200 square feet for residential development;
 - 7. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the property;
 - 8. Any alterations permitted to the critical area are mitigated in accordance with mitigation requirements applicable to the critical area altered;
 - 9. The proposal protects the critical area functions and values consistent with the best available science and results in no net loss of critical area functions and values;
 - 10. The proposal addresses cumulative impacts of the action; and
 - 11. The proposal is consistent with other applicable regulations and standards.
- H. A copy of the pre-application conference summary letter.

Revision to a Land Use Permit

A revision is required when there are proposed changes to a project after the application has been submitted but has not been approved. This may arise due to differences between the original proposal and application submittals to actual field conditions, or the customer has changed their mind about an aspect of the project. In all cases, a revision to the existing permit must be submitted, reviewed and approved. Please check with your planner prior to submitting revisions: An intake appointment may be required. All submittal requirements applicable to the original application, including number of copies, are required for revisions. Revisions may be subject to additional fees.

- A. Basic Site Plan

- B. Utilities Plan (as applicable)
- C. Landscape Plan (as applicable) with proposed landscaping as required by BIMC 18.15.010, including any required retention.
- D. Revision documents that clearly identify the proposed change, including a description of the proposed change
- E. Written description of the proposed change, including a detailed analysis of how the change complies with decision criteria of the application used in the first instance
- F. Authorization of all owners of all lots involved in the change

Shoreline - Clearing Permit

- A. Basic Site Plan, including:
 - 1. Species and location of trees or other vegetation proposed to be removed
 - 2. Size (dbh) of trees to be removed
 - 3. Area (square feet) of canopy coverage to be removed. Canopy coverage includes trees and shrubs.
 - 4. Erosion control methods, drainage information or plan, pursuant to BIMC 15.20
- B. Supplemental materials, as applicable:
 - 1. Arborist report, for removal of hazard trees, or any vegetation removal within geologically hazardous areas or buffers/setbacks
 - 2. Geotechnical report, for any vegetation removal within geologically hazardous areas or buffers/setbacks
- C. Replanting plan, including:
 - 1. Species, size, quantity, and location of trees or other vegetation proposed to be planted

Shoreline - Substantial Development Permit/Exemption, Variance, Conditional Use

- A. Basic Site Plan, with the following additional information:
 - 1. Location of Ordinary High Water Mark (OHWM);
 - 2. Location of Shoreline Buffer;
 - 3. Location of Shoreline Structure View Setback;
 - 4. Shoreline dimensional setbacks;
 - 5. Location of native vegetation and significant trees;
 - 6. If structures have any attachments (e.g. deck, balcony, etc.), include elevation drawings and calculations of grade
 - 7. For overwater structures or development: littoral boundaries and elevation drawings with tidal elevations development

8. For mooring buoys the following additional information:
 - a. Location of proposed buoy with latitude and longitude coordinates and swing circle;
 - b. Location of surrounding buoys, floats, or docks;
 - c. Distance measurement of proposed buoy to surrounding buoys, floats, or docks.

B. No Net Loss Documentation

All shoreline development, use and activities, regardless of whether a permit is required, must result in no net loss of ecological functions and processes necessary to sustain shoreline resources. To demonstrate that the no net loss standard is met, and applicant must either submit with application:

1. The [Single-Family Residence Mitigation Manual](#) checklist and supporting documents or
2. A [Site-specific Analysis](#) that is completed by a qualified professional.

C. Narrative explaining how the project meets the decision criteria in BIMC 2.16.165

D. Additional Documents

Depending on existing site conditions and proposed development activities, your application may require additional reports and/or studies to identify and assess potential project impacts. These include:

1. Wetland delineation and categorization (See BIMC 16.12.060.L)
2. Geotechnical Report (See BIMC 16.12.060.K)
3. Bluff Management Plan (See BIMC 16.12.060.K)
4. Utilities Plan
5. Site Assessment Review (SAR) or SAR Exemption
6. State Environmental Policy Act (SEPA) Checklist
7. Shoreline Stabilization Projects have additional submittal requirements listed in the City's Shoreline Master Program Section 6.2.10

8. For Mooring Buoys, the following additional information:

- a. Cross-Sectional View Worksheet
- b. Proof of submittal of site plan with latitude and longitude coordinates, vicinity map, and cross-sectional view worksheet to the Suquamish Tribe. A copy of notification e-mail sent to Alison O'Sullivan, Biologist, Suquamish Tribe is acceptable (aosullivan@suquamish.nsn.us).
- c. Name and contact information of the diver/biologist qualified to install an embedment style anchor
 - i. An aquatic vegetation dive survey is required if a surface style anchor is proposed (Concrete block, Danforth, etc.)
- d. Signed copy of Attachment E: Aquatic Use Authorization on Department of Natural Resources (DNR)- managed aquatic lands. This form must be submitted to and signed by DNR prior to making application to the City. Please note that Attachment

E is not required for buoys that are proposed to be installed on privately held tidelands.

- e. Attachment E must include DNR signature at time of submittal to the City to verify that DNR has been notified of the proposed buoy location. Attachment E is submitted to DNR along with a Joint Aquatic Resources Permit Application (JARPA). Attachment E and the JARPA form can be found here:
https://www.epermitting.wa.gov/site/alias_resourcecenter/9978/default.aspx
Depending on the location of the buoy, your application may require additional submittal documents, including State Environmental Policy Act (SEPA) Checklist (required only if placement location is not on DNR leased land)

Sign Permit

- A. Basic Site Plan
 - 1. Position of buildings
 - 2. Landscaped areas
 - 3. Sign configuration
 - 4. Sign size
 - 5. Sign elevation
- B. [Sign Permit Worksheet](#)
- C. Drawing or photo of proposed sign(s) including dimensions and height above ground.
- D. Engineering specifications (if applicable).

Site Plan and Design Review (Major & Minor)

- A. **Basic Site Plan. For Major Site Plan and Design Review permits, submit final site plan reviewed by the Design Review Board along with any items below not already included. (Reference: Design for Bainbridge, Appendix A, Documents Required for Design Review)**
- B. Utilities Plan
- C. Site Assessment Review (SAR) or SAR Exemption
- D. Landscape Plan
- E. Preapplication conference summary (if applicable)
- F. Public participation meeting summary (if applicable)
- G. State Environmental Policy Act (SEPA) checklist (if applicable)
- H. Terms, conditions, covenants, and agreements under which the subject property is bound

- I. Traffic analysis (if applicable)
- J. Design for Bainbridge checklist / worksheet
- K. Narrative: A complete and detailed written statement describing the proposal, including:
 - 1. Intended use of the land
 - 2. Phasing, including the phasing of on- and off-site improvements
 - 3. Sequence and timing of the proposed development
 - 4. Proposed land ownership
 - 5. Commercial and residential components of the project
 - 6. Addressing the decision criteria per BIMC 2.16.040 E
- L. Documentation of Kitsap Public Health District Concurrent Review, if not on public sewer and water;
- M. Non-binding Water and Sewer availability letters (availability and phasing of system extensions)
- N. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;
- O. Architectural drawings, including floor plans, uses, building elevations, building sections, and roof plans;
- P. Description of proposed stormwater management system and maintenance and operation. See also Utilities Plan.
- Q. Description of any facilities planned for public dedication, e.g. sewage disposal system, roads, non-motorized facilities, utility lines and facilities, parks.
- ~~R. Any other graphic materials required to adequately describe how the proposal meets specific regulations and guidelines, such as color palettes, material boards, and computerized models;~~
- S. For installation of outdoor lighting fixtures, evidence of compliance with the requirements of chapter 18.15.040, Outdoor Lighting, on the architectural elevations or on a form provided by the department of planning and community development.
- T. A survey may be required depending on project complexity

Subdivision – Preliminary (Short/ Long /Large Lot)

- A. Basic Site Plan (two-lot short subdivisions only). For all other preliminary subdivisions, submit final site plan reviewed by the Design Review Board along with any additional items below not already included (Reference: Design for Bainbridge, Appendix A, Documents Required for Design Review)
- B. Utilities Plan
- C. Site Assessment Review (SAR) or SAR Exemption
- D. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- E. Preliminary Plat

1. Conventional scale and prepared by a surveyor licensed in the State of Washington
 2. Separate sheets depicting existing conditions and resultant conditions
 3. Zoning and Comprehensive Plan designation
 4. Shoreline upland and water environment designations
 5. Proposed method to meet fire flow requirements
 6. Names and locations of adjacent subdivisions
 7. Gross lot size (in square feet) of each existing and resultant lot
 8. Lot area of each existing and resultant lot / tract (BIMC 18.12.050.J)
 9. Delineate required critical areas, their buffers and setbacks along with any proposed modifications
 10. Aquifer Recharge Protection Area: Clearly show the extent of native vegetation areas. Delineate the ARPA, 12,500 square foot development areas, and show the area calculations. Document the ARPA development standards in BIMC 16.20.100.D.
 11. Delineate primary and secondary Natural Areas, provide area calculations for each and proposed form of ownership. Identify the functional characteristics of each Natural Area type in BIMC 17.12.050.A.2.a. i-iii and b. i. – vii.
 12. Show location of Natural Area fencing and/or signage
 13. Delineate Community Space, provide area calculation and proposed form of ownership
 14. Delineate and document Homesite Standards in BIMC 17.12.060 and Table 17.12.060-1
 15. Delineate and document Subdivision Standards in BIMC 17.12.070 and Table 17.12.070-1
- F. Design for Bainbridge checklist/worksheet
- G. Document the four-step design process identified in BIMC 17.12.030
- H. Document requested departures from subdivision standards contained in BIMC 17.12.060 and 17.12.070, including BIMC Tables 17.12.060-1 and 17.12.070-1: Address consistency with general purpose of intent of the subdivision chapter, the intent of the four-step design process, and the specific standard from which the departure is requested.
- I. [Identify Island-Wide Transportation Plan](#) and [City of Bainbridge Island Design and Construction Standards](#). Document requested deviations.
- J. Depict views of proposed houses from exterior roads and abutting properties vis-à-vis natural topography and existing vegetation
- K. State Environmental Policy Act (SEPA) checklist (if applicable)
- L. Preapplication conference summary letter
- M. Perimeter lot closures for each existing and resultant lot
- N. Title report dated not more than six months prior to application
- O. Property legal description
- P. Draft Natural Area and/or Community Space Management Plan, including maintenance plan and allowed uses for each area type

- Q. Existing and proposed terms, conditions, covenants, and agreements on the subject property (e.g. road maintenance agreement)
- R. Non-binding water and sewer availability letters (for public water / sewer) for each lot
- S. Traffic impact analysis/application for traffic concurrency or concurrency statement
- T. Other technical reports (as applicable):
 - a. Wetland delineation and report or wetland determination
 - b. Geotechnical report/assessment
 - c. Shoreline Site Specific Analysis
 - d. DNR Forestry permit
 - e. Habitat Management Plan
- U. Other special submittal requirements identified in the pre-application conference summary

Subdivision -Alteration (Short/ Long /Large Lot)

- A. Proposed plat alteration
- B. Narrative including a description of the proposed change and a detailed analysis of how the change complies with decision criteria of the application used in the first instance
- C. A copy of the existing final plat
- D. A copy of the natural area / community space / open space management plan, as applicable

Subdivision - Plat Utility Approval (Short/ Long /Large Lot)

Plat utility standards for civil improvements are found in the [City of Bainbridge Island Design and Construction Standards Manual](#). Please review the specific requirements with the assigned City project engineer for large/complex projects.

A. Construction Plans

Plans must be full-scale drawings on 24-inch by 36-inch paper with margins which are set to provide half-scale drawings on 11-inch x 17- inch paper. Two copies of the construction plan set are required. A digital set in PDF or TIFF format must also be submitted with application.

On-site plans for private property improvements must have a vertical scale of one inch equals five feet and a horizontal scale of one inch equals 50 feet. Profiles may be drawn on plan sheets.

Off-site plans for public improvements (i.e. water, sewer, storm drainage, and streets) shall have a vertical scale of one inch equals five feet and a horizontal scale of one inch equals 40 feet. All off-site plans shall have the corresponding plan/profiles on the same sheet.

See also land use standards for plan requirements (e.g. Aquifer Recharge Protection Areas).

General Plan Requirements:

- ☐ North must be up or to the left on plans, and north must not be shown in a different orientation on the same or connecting sheets.
- ☐ Vicinity map of approximately one square mile with the project site centered scaled one inch = 1000 feet. A scale at least one inch long must be on the map. A north arrow must be on the map and the site address must be below the map.
- ☐ City datum with City-established benchmark (BM) number and elevation. BM information is available from the city's right-of-way specialist.
- ☐ A detailed description of the site, including lot number, quarter section, township and range, unless otherwise noted by the City Engineer.
- ☐ Current zoning of site and of adjacent properties
- ☐ Lot size(s) with perimeter distances and bearings of the site shown on the plan
- ☐ Project name in the title block
- ☐ Owner/developer name, address, and phone number in the title block
- ☐ Design engineer's name, address, and phone number in the title block
- ☐ Boundary and topographic survey of existing conditions with a contour interval of no less than five feet (no less than 10 feet for Large Lot Subdivisions)
- ☐ Clearly identify and dimension existing and proposed rights-of-way and easements. Show Kitsap County recording numbers for all existing easements.
- ☐ All pertinent existing and finish elevations
- ☐ Existing natural drainage ways (e.g. swales, ditches) and flow path with arrows and elevations
- ☐ Lakes, rivers, streams, flood plains, wetlands, sensitive slopes, and other sensitive areas
- ☐ Limits and elevations of 100-Year floodplain with floodway and flood fringe delineated
- ☐ General plan notes consistent with the Standards shall be shown on the plan

Individual Plan Sheet Requirements:

Plans may be incorporated on the same sheet where clarity is not affected.

- ☐ Preliminary conditions of approval
- ☐ Grading, Drainage, and Erosion and Sediment Control (GDESC) Plan
- ☐ Street plan or plat road plan
- ☐ Parking plan
- ☐ Utility plan (water, sewer, and dry/franchise utility location and coordination)
- ☐ Significant tree/tree retention plan
- ☐ Open space management plan, where applicable
- ☐ Landscaping plan

B. Reports and Supporting Documentation/Calculations

- ☐ Stormwater management report consistent with BIMC 15.20 and the current adopted Stormwater and Low Impact Development manuals.
- ☐ Drainage design calculations.
- ☐ Soil logs and infiltration rate determination, where applicable.

- ☐ Geotechnical report, where applicable.
- ☐ Domestic (multi-family), commercial and fire flow calculations.
- ☐ Sewer conveyance calculations.

C. Facilities (Water, Sewer, Storm Water and Streets) Extension Agreement Application

The extension agreement application shall be completed by the owner and submitted with the applicable processing fee consistent with BIMC 13.32.

- ☐ Application shall indicate whether a latecomer reimbursement will be requested.
- ☐ Drawings shall be submitted showing generally the proposed location, type, and size of the utility or street improvements.

Subdivision - Final (Short/ Long /Large Lot)

- A. Plat Utilities Plan (engineered drainage plan / report or minor plan as applicable)
- B. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- C. Final terms, conditions, covenants, and agreements (e.g. Natural / Community Space Management Plan, road maintenance agreement)
- D. Statement of compliance listing the plat conditions and how each condition is met
- B. Perimeter lot closures for each existing and resultant lot
- C. Title report dated not more than six months prior to application
- D. Binding water and sewer availability letters (for public water/sewer) for each lot
- E. Final Plat, as modified by conditions of approval
 - 1. Applicable plat conditions of approval
 - 2. Ties to permanent monuments
 - 3. Controlling reference points or monuments
 - 4. Bearing and length of lines
 - 5. Origin of meridian or basis of bearings
 - 6. Surveyor's certificate signed by the surveyor who prepared the final plat:
"I, _____ registered as a professional land surveyor by the State of Washington, certify that this Subdivision is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of ____, 20__, through ____, 20__ , that the distances, courses, and angles shown hereon correctly; and the lot corners have been staked on the ground as depicted hereon."
 - 7. Disclaimer regarding road maintenance: *"Responsibility and expense for maintenance of streets serving lots within this short plat/subdivision shall rest with the lot owners unless such roads have been accepted by the City."*
 - 8. If plat improvements are assured, a prominent note on the face of the final plat: *"The*

lots created by this plat are subject to conditions of an assurance device held by the City for the completion of certain necessary facilities. Building permits may not be issued and/or occupancy may not be allowed until such necessary facilities are completed and approved by the City. All purchasers shall satisfy themselves as to the status of completion of the necessary facilities."

9. Signature and date lines for the City Planning Director
10. Signature and date lines for the Health District (N/A for short plats)
11. County Treasurer and Auditor signature blocks
12. Declaration regarding further subdivision: *"Land in a short subdivision may not be further divided through a short plat within a period of five years recording the final short without meeting the standards of and being reviewed as a long subdivision."*
13. Estimate approved by the City for financial assurance of plat improvements (if applicable)

Tree Removal/Vegetation Maintenance Permit

- A. Basic Site Plan
- B. Trees and vegetation proposed to be removed (also show on Basic Site Plan)
- C. Size (diameter breast height [dbh]) of trees to be removed (Required only for commercial, institutional, multifamily, and mixed-use development and any properties in Mixed Use Town Center, High School Road, R-2.9, R-3.5 and R-4.3 zones. Also show on Basic Site Plan)
- D. Site Assessment Review (SAR) or Exemption (if applicable)
- E. Erosion control methods, drainage information or plan, pursuant to BIMC 15.20 (if applicable).
- F. Planting plan (see Landscape Plan section above) if tree removal brings a property below applicable tree unit requirements (see BIMC Section 18.15.010.G) or is proposed within required vegetation areas (e.g. landscape buffers, no-cut buffers), or any other trees required to be retained through an approved land use permit. Planting plan should ensure that property continues to meet any applicable tree requirements.

Variance – Zoning (Major & Minor)

- A. Basic Site Plan
- B. State Environmental Policy Act (SEPA) checklist (if applicable)
- C. Terms, conditions, covenants, and agreements under which the subject property is bound
- D. Narrative – A complete and detailed written statement describing the proposal, including:
 - 1. Reason for the variance request
 - 2. Detailed description of how the proposal will meet the decision criteria
 - 3. Visual impacts of proposed structures, including proposed screening

Wireless Communication Facility Permit (WCF)

Permit procedures for wireless communication facility permits are detailed in BIMC 18.10.

A. Basic Site Plan

1. Additional requirements
 - a. Location, elevation and dimensions of existing facility components
 - b. Location, elevation and dimensions of proposed facility components
 - c. Existing and proposed site grade
 - d. Area of ground disturbance for construction activities
 - e. Primary viewshed of the proposed WCF
 - f. Proposed height
 - g. Coverage area at proposed height (may be inset map or on separate sheet)
 - h. Inventory of WCF sites in or within a one mile radius of the City that are operated by the applicant

B. Landscape Plan

1. Additional landscape plan information required:
 - a. Type and location of vegetation screen of WCF components in viewshed context
 - b. Height of vegetation screen at maturity (e.g. monopole/tower 2/3 height screening)
 - c. Type and location of topographic or structural screening (e.g. wall, fencing)
 - d. WCF paint/camouflage color scheme in viewshed context
 - e. Security fencing height, vegetation screening and paint/camouflage screening

C. Detail Drawing

1. Antenna
2. Support structure and any protrusion from the support structure
3. Transmission device
4. Equipment shelter

D. Photo/visual simulations of the proposal from affected properties and public rights-of-way at varying distances

E. Narrative

1. An explanation of the need for the proposed WCF
2. Location priority analysis (e.g. co-location vs. commercial building)
3. Height and design of WCF sites in or within one mile of the City
4. Impact of proposal on existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)
5. Feasibility of underground location for equipment facilities
6. Equipment noise evaluation (e.g. dB at nearest property line)

F. Documentation verifying that the proposed WCF complies with Federal Communications Commission and Federal Aviation Administration regulations

- G. Copy of documentation regarding existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)
- H. Additional information required for:
 - 1. Tower modification
 - a. Structural engineering report demonstrating the modification complies with applicable construction/electrical/safety codes including:
 - i. number and types of antennas the tower can support
 - ii. basis for capacity calculation
 - iii. statement that the proposal complies with applicable FCC guidelines and standards
 - 2. Base station modification
 - a. Structural engineering report demonstrating the modification complies with applicable construction/electrical/safety codes
 - 3. Applications for facilities other than Facility I or II
 - a. Documentation of efforts to co-locate on existing facilities
- I. If all or a portion of the WCF will be located upon a city-owned structure, or upon non-right-of-way property which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the city for the use of the city property.
- J. A Master Permit, consistent with Chapter 19.02 and 19.04 BIMC, if all or a portion of the WCF will be located in the right-of-way.

Wireless Eligible Facilities Request Permit (EFR)

Permit procedures for wireless eligible facilities request permits are detailed in BIMC 18.11.

- 1. An assertion that the proposed facilities modification is subject to review under Section 6409 of the Spectrum Act.
- 2. An evaluation of the substantial change criteria as found in BIMC 18.11.010.K.
- 3. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by 47 C.F.R. Part 1 (Part 1 – Practice and Procedure), Section 1.1307, as amended, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.
- 4. If the applicant is not the owner or person in control of the eligible support structure and/or site: An attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facilities modification. If the eligible support structure is located in a public right-of-way, the applicant must also attest that applicant has authorization to install, maintain and operate transmission equipment in, under, and above the public right-of-way.
- 5. A request involving co-location of transmission equipment or the replacement of transmission equipment: Complete copies of the underlying land use approvals for siting of the tower or base station proposed to be modified, establishing that, at the time of submittal of the application, such tower or base station constituted an eligible support structure.

6. A request that will result in an increase in height of the eligible support structure: Record drawings, as-built plans, or the equivalent, showing the height of the eligible support structure (a) as originally constructed and granted approval by the city or other applicable local zoning or similar regulatory authority; or (b) as of the most recent modification received by the city, or other local zoning or regulatory approval, prior to the passage of the Spectrum Act, whichever height is greater.
7. A request to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting restrictions or requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the city code, or an ordinance or a municipal code of another local government authority: A copy of the document (e.g., CUP or SUP) setting forth such preexisting restrictions or requirements together with a certification that the proposed facilities modification conforms to such restrictions or requirements; provided, that such certification shall have no application to the extent the proposed facilities modification relates solely to an increase in height, increase in width, addition of cabinets, or new excavation, that does not result in a substantial change in the physical dimensions of the eligible support structure.
8. A request to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting concealment restrictions or requirements, or was constructed with concealment elements: Applicant shall set forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing concealment elements of the eligible support structure. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, applicant shall include a detailed visual simulation depicting how the eligible support structure will appear after the proposed modification is complete. The visual simulation shall depict to scale the eligible support structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.
9. A request that will protrude from the edge of a nontower eligible support structure: Record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification.
10. A request to an eligible support structure that will (a) include any excavation; (b) would result in a protrusion from the edge of a tower that exceeds an existing protrusion of any transmission equipment attached to a tower; or (c) would protrude from the edge of a nontower eligible support structure: A description of the boundaries of the site together with a scale drawing based on an accurate traverse, with angular and lineal dimensions, depicting the boundaries of the site in relation to the tower or base station proposed to be modified and depicting the proposed location, elevation and dimensions of the new or replacement transmission equipment. The city may require a survey by a land surveyor licensed in the state of Washington when, in the judgment of the approval authority, a survey is reasonably necessary to verify the boundaries of the site to determine if the proposed facilities modification would result in a substantial change in the physical dimensions of the eligible support structure.

11. A request to the eligible support structure that includes hardening through structural enhancement: A technical report by a qualified engineer accredited by the state of Washington, demonstrating that the structural enhancement is performed in connection with and is necessary to support the proposed co-location, removal, or replacement of transmission equipment and conforms to applicable code requirements. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of necessity.
12. A request that proposes a modification to a tower: A stamped report by a Washington State-registered professional engineer demonstrating that the tower with the proposed modifications will comply with applicable structural, electrical, and safety codes, including by way of example, and not limitation, EIA/TIA-222-Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the tower is located, and describing the general structural capacity of the tower with the proposed modifications, including:
 - a. The number and type of antennas that can be accommodated;
 - b. The basis for the calculation of capacity; and
 - c. A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of compliance.
13. A request to a base station: A stamped report by a Washington State-registered professional engineer demonstrating that the base station, with the proposed modifications, will comply with applicable structural, electrical, and safety codes.
14. A request requiring alteration to the eligible support structure, excavation, installation of new equipment cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site: A detailed site plan and drawings, showing the true north point, a graphic scale and, drawn to an appropriate decimal scale, indicating and depicting:
 - a. The location, elevation and dimensions of the existing eligible support structure;
 - b. The location, elevation and dimensions of the existing transmission equipment;
 - c. The location, elevation and dimensions of the transmission equipment, if any, proposed to be co-located or that will replace existing transmission equipment;
 - d. The location, elevation and dimensions of any proposed new equipment cabinets and the intended use of each;
 - e. Any proposed modification to the eligible support structure;
 - f. The location of existing structures on the site, including fencing, screening, trees, and other significant site features; and
 - g. The location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

Small Wireless Facility Permit (SWF)

Permit procedures for small wireless facility permits are detailed in BIMC 19.10.

1. A Master Permit, consistent with Chapter 19.02 and 19.04 BIMC, if the proposed facilities are located in the right-of-way.
2. Associated Permit(s). Applications or check lists required under the Critical Areas, Shoreline, or SEPA ordinances. Applications for deployment of small wireless facilities in Design Zones or for new poles shall comply with the requirements in BIMC 18.10A.060.
3. Specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement, or new poles or towers, existing buildings, or other structures. Ground mounted equipment (if authorized pursuant to Chapter 18.10A BIMC), conduit, junction boxes, and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:
 - (a) The location of overhead and underground public utility, telecommunication, cable, water, adjacent lighting sewer drainage and other lines and equipment within 50 feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 50 feet from the proposed project area.
 - (b) The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.
 - (c) The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the small wireless facility, to the extent to which the applicant is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings will include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain fiber and electric service to the small wireless facility.
 - (d) Compliance with the aesthetic requirements of BIMC 18.10A.050.

4. Written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. To extent that the pole or structure is not owned by the applicant, the applicant shall demonstrate in writing that they have authority from the pole owner to install the small wireless facility on the pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards, as well as assurances that the specific pole can withstand wind and seismic loads, from the pole owner, unless the pole owner is the City. Submission of the lease agreement between the pole owner and the applicant is not required. If the proposed small wireless facility is not within the rights-of-way, the applicant must provide written approval from the property owner. For city-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole.
5. Sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless permit shall be conditioned on an RF Certification showing the cumulative impact of the RF emissions on the entire installation. The applicant may provide one emissions report for the entire small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.
6. Proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
7. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that the construction plans of the small wireless facilities and the antenna support structure or pole and foundation are designed to reasonably withstand typical loading requirements as well as wind and seismic loads.
8. Proof of a valid Bainbridge Island business license.
9. Such other information as the Director, in his/her discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering, and aesthetic considerations.

Zoning Verification Letter

- A. Property location – 14-digit parcel number or site address
- B. Any known previously approved land use applications or permits.
- C. List of specific questions.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:25 PM) Approve Recommended Appointment to the Design Review Board - Council,

SUMMARY: A call for participation was issued for volunteers to serve on the Design Review Board. The selection team consisted of Councilmember Schneider, Deputy Mayor Pollock, and Design Review Board Chair Dunstan. One applicant was interviewed and the selection team recommends the appointment as shown in the suggested motion. Pursuant to BIMC 2.01.015, City Council confirmation of the recommended appointments requires a majority plus one vote of the entire membership of the Council (i.e., five "yes" votes).

AGENDA CATEGORY: Appointment

PROPOSED BY: Executive

RECOMMENDED MOTION: I move to approve the confirmation of the appointment of Anna Kelly to the Design Review Board Position 2 through June 2023.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[Kelly - Design Review Board \(Redacted\).pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

From: noreply@civicplus.com
Sent: Thursday, September 16, 2021 12:19 PM
To: CityAdmin
Subject: Online Form Submittal: Design Review Board Volunteer Application (Open Until Filled - First Review Monday, August 23 @ 4pm)

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

Design Review Board Volunteer Application (Open Until Filled - First Review Monday, August 23 @ 4pm)

Step 1

Design Review Board Volunteer Application

Members should have expertise in the following disciplines and/or groups: landscape architecture, urban design, public art committee or local artist, developers, at-large community member and at least two architects. The board serves as an advisory body to the Planning and Community Development director, Hearing Examiner and Planning Commission, as applicable, regarding site plan and design reviews and conditional use permits.

The City of Bainbridge Island welcomes the participation of volunteers in serving our Island community through advisory groups. Please complete the form below if you are interested in serving. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared. We thank all applicants for their interest, however only those candidates selected for interviews will be contacted.

Open until filled. First review Monday, August 23 at 4 pm.

Applicant Information

Name Anna Snyder Kelly

Email

Daytime Phone

Address

City	Bainbridge Island
State	Washington
Zip	
Current Employer	Seeking Work
Current Position	Seeking Work
Experience & Qualifications	
Have you served on any city committees, commissions, boards or task forces in the past?	No
If yes, please indicate which group(s).	<i>Field not completed.</i>
Please share your qualifications for this appointment (skills, activities, training, education) if any?	I'm an organized creative-type, a distiller of ideas, and a consensus builder. Throughout my graduate work in Georgia Tech's School of City and Regional Planning, I intentionally struck a balance between urban design and community engagement, putting me in the perfect position to act as a translator between these two interdependent worlds. My career has taken me from creative placemaking in South Louisiana to equitable transit oriented development in Atlanta. Since moving to Bainbridge in 2018, I've created events in Seattle's Freeway Park to create a welcoming space for all people and used my design skills to create graphic storytelling planning documents for large public infrastructure projects throughout the region.
Please share your community interests (groups, committees, organizations) if any:	- Regular bicycle commuter - Dayaluu and Devoted Yogi - BARN
Do you have potential conflicts of interest? If so, please explain:	none foreseeable
Feel free to attach a cover letter, resume', or other materials, if you wish (optional):	
Type the Year	2021

ANNA SNYDER KELLY

CREATIVE | CURIOUS | COMPASSIONATE

EDUCATION

GEORGIA INSTITUTE OF
TECHNOLOGY
Master's in City and Regional
Planning (MCRP)

- > Urban Design Specialization
- > ULI Hines Urban Design Competition Participant
- > Key Courses:
 - Conflict Negotiation
 - Community Engagement
 - Playground Design
- > Interests:
 - Street art & democratization of public space
 - Playable urban spaces
 - Community engagement through public art

EMORY UNIVERSITY
B.A. IN ANTHROPOLOGY

- > Ethnomusicology concentration
- > 100 Senior Honorary

ADDITIONAL TRAINING

- > Management of Aggressive Behavior | Summer 2021
- > Devoted Yogi 200 hour Yoga Teacher Training | Fall 2019
- > Pomegranate Center Facilitation Training | Summer 2019

COMPUTER SKILLS

- > Adobe Creative Suite (Photoshop, Illustrator, InDesign)
- > ArcGIS
- > Google SketchUp
- > Mail Chimp
- > Microsoft Office (Access, Word, Excel, PowerPoint)
- > Instagram, Facebook, Twitter

FREEWAY PARK ASSOCIATION – SEATTLE

PROGRAM MANAGER | JUL 2020 - AUG 2021

- > Pivoted a year-round calendar of park activations to be COVID-appropriate, while maintaining progress towards community engagement goals
- > Initiated *Love, Freeway Park*, a park-wide scavenger hunt for tiny sculptures of hands signing 'I Love You', highlighting newly blooming plants and more than doubling social media engagement
- > Updated park use data collection techniques to mirror best practices, coordinated with all downtown Seattle parks so data collected in one park could be compared to data across the area
- > Acted as an ambassador for FPA both in the park and at a variety of partner meetings including the Downtown Seattle Association Public Space Committee
- > Spearheaded annual report using expert level InDesign skills

3 SQUARE BLOCKS – SEATTLE

ASSOCIATE PLANNER | APR 2017 – MAR 2020

- > Designed dynamic graphics to tell the story of data-driven planning projects in a way that is clear and accessible to a variety of people
- > Dreamed-up and implemented creative community outreach and participatory design activities, including eye-catching public events and online outreach tools
- > Planned equitable outreach, nimbly responded to changes in project needs and direct feedback from stakeholders
- > Recruited stakeholders for planning processes so that the right people were in the room to make valuable and actionable decisions
- > Projects included:
 - > Sound Transit Downtown Redmond Link Extension Charrette Design and Facilitation
 - > King County Pacific Right Bank Flood Protection Project Equity and Social Justice Plan and Outreach
 - > Lake Forest Park Town Center Visioning Controversy-soothing Outreach and Strategic Meeting Design
 - > Sound Transit I-405 Bus Rapid Transit TOD Feasibility Study and Interagency Coordination
 - > SDOT Pedestrian Wayfinding Program Stakeholder Group Facilitation and Meeting Summaries
 - > WSDOT Active Transportation Plan Project Branding and Identity, Outreach Materials Graphic Design
 - > Pierce Transit Long Range Plan Update Document Design including Infographics

VOLUNTEER EXPERIENCE

YOUNG PLANNERS GROUP
Board Member | 2017-2018

- Led visual identity redesign
- Facilitated board retreat to identify organizational goals and mission

GIRLS ON THE RUN OF SOUTH
LOUISIANA Coach | 2013

- Lead team of 20 3rd-5th grade girls in young woman's empowerment and 5k training
- Required to think on my toes in response to tough questions
- Encouraged and supported each individual team member based on her needs and abilities

ATLANTA REGIONAL COMMISSION – ATLANTA

COMMUNITY DEVELOPMENT INTERN | SEP 2014 – SEP 2016

- Managed communications for TransFormation Alliance, Atlanta's equitable transit-oriented development (TOD) collaborative; transformed developer data into a publicly accessible and visually appealing format; developed policy guidelines; created station area asset maps
- Designed language & infographics for biennial Livable Centers Initiative report, synthesized large amounts of qualitative and quantitative data into easily digestible form
- Researched arts-related programs (public art policies, affordable housing for artists, etc.) for community development toolkits
- Visualized affordable housing and transit data using ArcGIS

MID CITY REDEVELOPMENT ALLIANCE BATON ROUGE

COMMUNITY INVESTMENT COORDINATOR / AMERICORPS MEMBER
SEP 2012 – AUG 2013

- Managed community relationships for Better Block BR: 2-day tactical urbanism project that led to increased public and private investment in the project area
- Liason between Mid City Merchants Association, Mid City Redevelopment Alliance, and local businesses by maintaining strong face-to-face connection with business leaders
- Administered \$75k façade improvement program for local businesses; coordinated design consultant process
- Directed grant for Louisiana's Creative Communities Initiative; selected as 1 of 10 communities to participate in creative placemaking training
- Coordinated Mid City Merchant's Association; increased membership by 20% over 10 months; managed business database

CENTER FOR PLANNING EXCELLENCE BATON ROUGE

OUTREACH COORDINATOR | OCT 2013 – NOV 2013

- Facilitated communication, coordinated logistics, managed volunteers for annual Smart Growth Summit

SMART GROWTH SUMMIT INTERN | APR 2012 – AUG 2012

- Planned and coordinated logistics for Smart Growth Summit, including program planning, donor coordination, speaker logistics, publicity



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:30 PM) Receive Planning Commission's Recommendation to the City Council regarding whether "Hotel" as a Use is Consistent with the Goals and Policies of City's Comprehensive Plan and Winslow Master Plan,

SUMMARY: The purpose of this item is to transmit to the City Council the Planning Commission's recommendation pursuant to BIMC 2.16.180.3. This is to immediately transmit the recommendation. Follow-up and a recommended response will be provided at a future Council Meeting(s).

As directed by the City Council on July 20, 2021, on October 14, the Planning Commission:

- Reviewed Comprehensive Plan and Winslow Master Plan goals and policies relevant to "hotels" as a use; and
- Made an initial advisory recommendation that hotels as a use, located in the Mixed Use Town Center zone, can be consistent with the goals and policies of the comprehensive plan, provided that "hotel" is defined in a way that is consistent with comprehensive plan goals and policies, and that it includes specific use standards that are consistent with comprehensive plan goals and policies.

The specific motions passed by the Planning Commission in this regard are included in the attached meeting minutes.

AGENDA CATEGORY: Report

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION: Receive recommendation.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND: BIMC 2.16.180, in part, requires the immediate transmittal of Planning Commission recommendations to the City Council. This memorandum is intended to fulfill the requirement.

As directed by the City Council on July 20, 2021, on October 14, the Planning Commission reviewed Comprehensive Plan and Winslow Master Plan goals and policies relevant to "hotels" as a use. The Planning Commission approved the following motion at the end of their discussion on October 14:

Motion: I am going to move to make a recommendation to the City Council that hotels located in the MUTC, Ferry Terminal or Gateway Districts or High School Road Districts can be consistent with the comprehensive plan provided they are defined in a way that is consistent with comprehensive plan goals and policies and they include specific use standards that are consistent with comprehensive goals and policies.

On October 28, the Planning Commission reviewed the draft minutes from the October 14 meeting, and while reviewing the October 14 meeting minutes, unanimously approved the following motion related to the "Hotel" discussion:

Motion: I would like to move to clarify the motion regarding hotels in the Winslow area by stating that this motion was intended to apply only to hotels located in the MUTC and any additional words that are in the original language used in the motion that suggest otherwise should not be read that way.

See attached Planning Commission Minutes from October 14 and October 28, 2021 (draft).

ATTACHMENTS:

[10142021 Planning Commission Minutes.pdf](#)

[Planning Commission Minutes DRAFT 102821.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



Planning Commission Special Meeting October 14, 2021

Meeting Minutes

1) [CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW/CONFLICT DISCLOSURE](#)

Chair Kimberly McCormick Osmond called the meeting to order at 6:02 PM. Commissioners in attendance were Vice-chair Joe Paar, William Chester, Lisa Macchio, Sarah Blossom, Ashley Mathews and Yesh Subramanian. City Staff present were Planning & Community Development Director Heather Wright, Senior Planner Jennifer Sutton, City Arborist Nick Snyder and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

[PUBLIC PARTICIPATION MEETING](#)

Public Participation Meeting for Samson KBA Subdivision

[Cover Page](#)

[Samson KBA Pre App Drawings.pdf](#)

[Samson KBA Subdivision_Zoning Summary.pdf](#)

[Design for Bainbridge Worksheet_with DRB comment.pdf](#)

Senior Planner Kelly Tayara presented an overview of the project and introduced project applicants Charlie Wenzlau and Kelly Samson.

2) [PLANNING COMMISSION MEETING MINUTES](#)

2.a Review and Approve Meeting Minutes from September 23, 2021

[Cover Page](#)

[Planning Commission Minutes DRAFT 092321.pdf](#)

Motion: I move to approve the minutes as distributed.

Mathews/Blossom: Passed Unanimously

3) [PUBLIC COMMENT](#)

None.

4) UNFINISHED BUSINESS

- 4.a Discussion on Draft Ordinance No. 2021-07 – Updates to Chapter 16.32 BIMC (Protection of Landmark Trees)

[Cover Page](#)

[Staff Memo PC](#)

[Exhibit A to Ordinance No. 2021-07 Updates to BIMC 16.32 \(Protection of Landmark Trees\)--10072021.docx](#)

[Ordinance No. 2021-07 Updates to BIMC 16.32 \(Protection of Landmark Trees\)--10072021.docx](#)

City Arborist Nick Snyder presented changes to draft Ordinance No. 2021-07 the Planning Commission asked for at their last meeting on this ordinance.

5) NEW BUSINESS

- 5.a Review Comprehensive Plan and Winslow Master Plan goals and policies relevant to hotels as a use

[Cover Page](#)

[Staff Memo to PC with background and next steps](#)

[Ordinance No. 2021-03 Relating to Triage Code Updates_Aproved 04132021.pdf](#)

[Planning Commission Recorded Motion on Winslow Hotel 072519.pdf](#)

[HEX Decision Bainbridge - Winslow Hotel CUP-SPR 022820.pdf](#)

Senior Planner Jennifer Sutton provided a recap of the last time the Planning Commission had reviewed the topic of hotels in the Winslow core area.

Motion: I am going to move to make a recommendation to the City Council that hotels located in the MUTC, Ferry Terminal or Gateway Districts or High School Road Districts can be consistent with the comprehensive plan provided they are defined in a way that is consistent with comprehensive plan goals and policies and they include specific use standards that are consistent with comprehensive goals and policies.

McCormick Osmond/Chester: Passed Unanimously

6) PLANNING DIRECTOR'S REPORT

- 6.a Presentation on Wintergreen Floor Area and Parking

[Cover Page](#)

[Wintergreen Outstanding Questions Presentation](#)

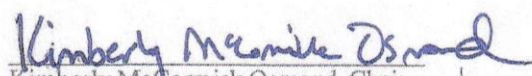
Director Heather Wright provided updated information about the Wintergreen project application already reviewed by the Commissioners. She also provided an update on items of interest to the Planning Commission.

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

8) **ADJOURNMENT**

Meeting was adjourned at 8:56 PM.


Jane Rasely, Administrative Specialist


Kimberly McCormick Osmond, Chair



Planning Commission Special Meeting October 28, 2021

Meeting Minutes

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

Chair Kimberly McCormick Osmond opened the meeting at 6:02 PM. Commissioners in attendance were Vice-chair Joe Paar, Sarah Blossom, Ashley Mathews and Yesh Subramanian. City Staff present were Planning & Community Development Director Heather Wright, Engineering Manager Paul Nylund, Senior Planner Kelly Tayara, Associate Planner Ellen Fairleigh and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

2) PUBLIC PARTICIPATION MEETING

2.a Public Participation Meeting for Bainbridge Disposal Building

[Cover Page](#)

[Site Plan.pdf](#)

[Civil Engineering Plans.pdf](#)

[Exterior Elevations.pdf](#)

[Floor Plans.pdf](#)

[Design Review Board Meeting Minutes 17MAY2021.pdf](#)

Senior Planner Kelly Tayara introduced the project and architects Miles Yanick and Nicole McKinney-Ray who presented the project. There was not any public comment received.

3) PLANNING COMMISSION MEETING MINUTES

3.a Review and approve minutes from October 14, 2021

[Cover Page](#)

[Planning Commission Minutes DRAFT 101421.pdf](#)

Motion: I would like to move to clarify the motion regarding hotels in the Winslow area by stating that this motion was intended to apply only to hotels located in the MUTC and any additional words that are in the original language used in the motion that suggest otherwise should not be read that way.

McCormick Osmond/Blossom: Passed Unanimously

Motion: I move to approve the minutes as distributed.

Subramanian/Blossom: Passed Unanimously

4) PUBLIC COMMENT

None.

5) NEW BUSINESS

5.a Fort Ward Stables Renovation- Bldg 15 Site Plan Review and Conditional Use Permit (PLN51760 SPR/CUP)

Cover Page

PLN51760 SPR CUP Fort Ward Stable Staff Report.pdf

1. PLN51760 SPR CUP Site Plan and Illustrated Site Plan Phase One.pdf

2. PLN51760 SPR CUP Civil and Landscape Plan.pdf

3. PLN51760 SPR CUP Master Plan Phase One & Phase Two.pdf

4. PLN51760 SPR CUP Floor Plan.pdf

5. PLN51760 SPR CUP Renderings.pdf

6. PLN51760 SPR CUP Planner memo to Historic Preservation Commission dtd Sept. 2, 2021.pdf

7. PLN51760 SPR CUP Historic Preservation Commission Minutes dtd Sept. 2, 2021.pdf

8. PLN51760 SPR CUP Design Review Board Minutes dtd Sept. 20, 2021.pdf

9. PLN51760 SPR CUP Design Review Board Final Design Review Worksheet.pdf

10. PLN51760 SPR CUP Public Comment.pdf

11. PLN51760 SPR CUP Link to Electronic Permit File on Public Portal.pdf

Associate Planner Ellen Fairleigh introduced the project and applicant Jason McLennan who presented the project.

Public Comment

Mr. Hansen - Spoke in support of the project and a need to slow traffic in the neighborhood and asked whether a speed table or speed bump could be installed as a traffic calming measure.

Motion: I'll make a motion that we grant the relief as requested but subject to if Phase II does not proceed then the frontage issue gets addressed whatever the right language is for that so I'm coming to give the intent and regarding item 2, that a timer is chosen and it is at 8:00 PM regardless of which time of the year so it overs winter and summer and the work hours that was detailed on average.

Subramanian/Paar: Passed Unanimously

5.b Consideration and Recommendation on Possible Extension of the Housing Design Demonstration Projects (HDDP) program, BIMC 2.16.020.S, Ordinance No. 2021-35.

Cover Page

HDDP Program Summary

Ordinance No. 2021-35 Extending HDDP Program.docx

BIMC 2.16.020.S Housing Design Demonstration Projects.pdf

Comprehensive Plan Goals and Policies that support HDDP.pdf

Approved Ord 2019-32 HDDP .pdf

Senior Planner Jennifer Sutton facilitated discussion of the proposed extension of the Housing Design Demonstration Project (HDDP) Program.

Motion: I make a motion to recommend a public hearing at our next meeting.

Subramanian/Paar: Passed Unanimously

6) PLANNING DIRECTOR'S REPORT

Planning & Community Development Director Heather Wright provided an update on items of interest to the Planning Commission.

7) FOR THE GOOD OF THE ORDER

Chair McCormick Osmond corrected the record regarding the Planning Commission DRB Joint Land Use Subcommittee. Commissioner Lisa Macchio served on this committee and not former Planning Commissioner Jon Quitslund as she previously stated on October 14, 2021. She also proposed a pause on that work until mid to late December 2021.

8) ADJOURNMENT - 8:30 PM

Meeting adjourned at 7:56 PM.

Kimberly McCormick Osmond, Chair

Jane Rasely, Administrative Specialist



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 9, 2021

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:35 PM) Consider Request from Deputy Mayor Pollock to Discuss Opposing the SR305 Roundabouts on a Future Council Agenda,

SUMMARY: Council will discuss the attached request from Deputy Mayor Pollock to add a discussion on opposing the SR305 roundabouts to a future Council agenda.

AGENDA CATEGORY: Discussion

PROPOSED BY: City Council

RECOMMENDED MOTION: Discussion and potential placement on a future Council agenda.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[Agenda Request from Deputy Mayor Pollock.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

From: Michael Pollock <mpollock@bainbridgewa.gov>

Sent: Tuesday, November 2, 2021 11:43 AM

To: Blair King <bking@bainbridgewa.gov>

Subject: discuss opposing the roundabouts

Reasons to consider opposing the roundabouts

1. The roundabouts require remove of mature forest, thus reducing the capacity of our forests to remove greenhouse gases, which is inconsistent with our climate action plan
2. The roundabouts an extensive amount of concrete, which will contain extensive amounts of embodied greenhouse gases, both in the materials themselves and in the machinery that will be used during construction. This is also inconsistent with our climate action plan.
3. The roundabouts do nothing to reduce traffic on 305, which is also inconsistent with our climate change goals. We can best improve traffic flow on 305 by reducing traffic volumes, not by pouring more concrete.
4. Are part of a larger plan for 305 that will include a large roundabout at Day Road. The plan should be looked at in its entirety and we should get buy-in (or buy-out) from our community for the entire plan, rather than take a piecemeal approach.
5. The roundabouts will increase the amount of impervious surface on the island, and we should anticipate yet more impervious surfaces when the Day Road roundabout is built.
6. There are other communities in Kitsap County with traffic problems, such as Kingston and Poulsbo, and the funds for the roundabouts (about \$35 million) could be used in these communities. It would be a neighborly gesture to recommend the funds be given to them.
7. We want to avoid turning the community of Bainbridge Island into the primary regional transportation corridor from the greater Seattle metropolitan area to the Olympic Peninsula. There should be greater emphasis on other transportation routes (e.g. Kingston-Edmonds), and reducing traffic volumes to and from the Kitsap and Olympic Peninsulas by changing behaviors (e.g. focus on increased telecommuting, improve internet and cell service, focus growth near existing services, carpooling, regional mass transit, etc.).
8. In general these roundabout projects and 305 corridor improvements are not being viewed through a climate change lens nor through the view of emerging technologies that will fundamentally change the nature of transportation needs, such as autonomous vehicles, electric vehicles and 5G networks.