



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

Date: September 5, 2018

To: Gary R. Christensen, AICP
Director

From: Ellen Fairleigh
Planner

Project: NET Systems – Site Plan and Design Review

Location: 8040 NE Day Road W., Tax Parcel # 032502-3-011-2003

File Number: PLN 50808 SPR

Summary of Proposal

The applicant is proposing to construct an approximately 6,080 square foot addition to an existing 28,260 square foot net manufacturing facility. The addition will house net making loom machinery.

Pursuant to BIMC 2.16.040.B.2.b, a site plan and design review is required for the expansion, remodel, or alteration of any building or other structure by more than five percent of its existing floor area, or overall size in cases where floor area is not applicable; or expansion that creates a new dwelling unit.

This proposal is considered a minor site plan and design review per BIMC 2.16.040.C. The final decision for a minor site plan and design review is made by the director based on (i) decision criteria in BIMC 2.16.040 (E) (ii) the DRB recommendation, and (iii) consideration of any public comments received. Approval of this site plan and design review is required prior to the issuance of the building permit (BLD23346).

Background

1. On May 2, 2017, a pre-application conference was held between the applicant and City staff.
2. On May 15, 2017, a pre-application meeting with the applicant and the Design Review Board (DRB) was held.
3. On June 20, 2017, the pre-application summary letter was sent to the applicant.
4. On December 20, 2017, the applicant submitted an application for the Site Plan and Design Review (SPR).
5. On January 17, 2018, the application was deemed complete and a Notice of Complete Application was sent to the applicant.
6. On February 9, 2018, the Notice of Application was published; no public comments were received during the 21-day comment period.

Environmental Review

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

Recommendation

Staff is recommending approval of the site plan and design review in accordance with the with the following conditions:

1. Except for modifications reflecting compliance with these conditions of approval, the project shall be constructed in substantial conformance with the site plans with an issued date of July 9, 2018.
2. While the use of heavy equipment and other construction needed to complete the proposed addition is necessary, Bainbridge Island Municipal Code (BIMC) Section 16.16.025 limits the hours of construction activities in residential zones as follows:
 - i. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays that do not constitute legal holidays.
 - ii. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited before 9:00 a.m. and after 6:00 p.m. on Saturdays that do not constitute legal holidays.
 - iii. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited on Sundays and all legal holidays except that work on the inside of an enclosed structure may occur between the hours of 10:00 a.m. and 4:00 p.m.
3. Prior to construction activity, the applicant shall obtain the appropriate permits from the City of Bainbridge Island, including but not limited to clearing, grading, dust control, right-of-way and building permits.
4. As depicted on the site plan, there shall be no further expansion of paved area toward the Type-F stream.
5. Existing vegetation within the landscape buffer along NE Day Road W. shall be maintained. No vegetation within the buffer shall be disturbed without approval of the Department of Planning and Community Development through an approved clearing permit.
6. The removal of any Landmark Tree as defined by Ordinance 2018-25 requires a permit and must meet the approval and replacement requirements of Ordinance 2018-32.
7. To mitigate potential off-site glare, any outdoor lighting shall be hooded and shielded to prevent lighting spillover beyond the property line.
8. To the satisfaction of the Bainbridge Island Fire Department, the project shall comply with all applicable provisions of the adopted Fire Code.
9. The project shall be required to pay Transportation Impact Fees (TIFs) pursuant to BIMC 15.30 for a gross floor area increase at the site of approximately 6,080 square-feet of manufacturing facility at the time of building permit issuance. An independent fee calculation may be submitted per BIMC 15.30.060.

10. The project shall comply with BIMC 15.20, Surface and Stormwater Management. Any pollutant sources or activities exposed to precipitation or draining to the surface stormwater system shall be controlled pursuant to Minimum Requirement #3 of the stormwater manual. A source control plan shall be submitted with the building permit.
11. The applicant is strongly encouraged to coordinate with WSDOT's proposed roundabout improvements at the intersection of Day Road and Highway 305.



Vicinity Map



Project Site



Zoning

Staff Analyses

I. Findings of Fact

A. Site Characteristics

1. Tax Assessor Information:

- a. Owner of record: NET Systems Inc.
- b. Tax Lot Number: 032502-3-011-2003
- c. Township/Section/Range: Section 3, Township 25 North, Range 2 East
- d. Lot size: 2.96 acres

2. Terrain:

The property is developed as part of the Day Road Industrial Park. There is a Type-F stream that encroaches into the southeast portion of the property before diverting south and the associated 150-foot stream buffer extends onto the subject parcel. There are some mapped steep slopes, primarily 15-39%, along the western perimeter of the property and also in the southeast corner.

3. Soils:

The soil conditions in areas of proposed construction are characterized predominantly by glacial till soils termed Kapowsin gravelly sandy loam.

4. Access:

The property is accessed via NE Day Road W.

5. Utilities:

- a. Water: North Bainbridge KUPD
- b. Sewer: On-site septic systems
- c. Stormwater: The project has been conditioned to comply with BIMC 15.20, Surface and Stormwater Management (Condition 10)

6. Public Services and Utilities:

- a. Police: Bainbridge Island Police Department
- b. Fire: Bainbridge Island Fire District
- c. Schools: Bainbridge Island School District

7. Zoning and Comprehensive Plan Designation:

The subject property is zoned Business Industrial (B/I) and the Comprehensive Plan Designation is Business Industrial. Adjacent parcels are similarly zoned as B/I as part of the Day Road Industrial Park except for the properties to the southeast of the subject parcel, which are zoned as Residential R-0.4.

8. Existing Use:

The site is developed as part of the Day Road Industrial Park. The current building is owned by Nor'Eastern Trawl Systems (a.k.a. NET Systems) and is used to develop a variety of trawl fishing nets. Surrounding properties are similarly developed with comparable light

manufacturing uses. The parcel zoned as R-0.4 that is to the southeast of the subject parcel is owned by Puget Sound Energy and is developed with utility equipment.

B. History

This application was submitted on December 20, 2017 and deemed complete on January 17, 2018. This application is not subject to the moratorium, which was effective on January 9, 2018 under Ordinance 2018-02. The application is subject to the Landmark Tree Preservation Ordinance 2018-25 effective June 26, 2018 and amended by Ordinance 2018-32 effective August 21, 2018. The application is also subject to the new Critical Areas Ordinance which was effective on April 23, 2018.

C. Public/Agency Comment

1. **Fire:** On January 10, 2018, the City received comments from the Fire Marshal as follows:
 - a. The proposed project shall comply with all provisions of the adopted Fire Code.
 - b. The proposed building addition will require fire sprinklers and fire alarms as per the adopted Code.
 - c. Landscaping shall not interfere with fire department access to fire sprinkler connections or other appliances.
 - d. Additional requirements are contingent upon review of submitted building plans.
2. **Health Department:** The Health Department reviewed this application with no comments on January 8, 2018.
3. **Development Engineer:** The Development Engineer approved the project with conditions on August 28, 2018.
4. **Design Review Board:** The Design Review Board reviewed the project on May 15, 2017. The DRB voted to approve the project as noted and determined that the project did not need to return for a formal site plan review by the DRB. One of the DRB members recommended that the applicant plant some additional trees along NE Day Road W. Upon review, staff found that the number of trees already existing in the landscape buffer exceeds the minimum requirements specified in the Bainbridge Island Municipal Code.
5. **Non-Motorized Transportation Commission:** The Non-Motorized Transportation Commission reviewed the project with the following comments: (1) The Non-Motorized System Plan (Map C) shows different facilities east and west of the intersection at Miller Rd; it's unclear whether this property is designated as a bike or shoulder facility; (2) Applicant should coordinate with WSDOT's proposed roundabout improvements at Day Road and Hwy 305 intersection.

D. Comprehensive Plan Analysis

1. Land Use Element

- a. Business/Industrial – Policy LU 10.1: The Business/Industrial (B/I) District is for light manufacturing development as well as other uses that add to the diversity of economic activity on the island.

The current and continued proposed use of the parcel is light manufacturing in the B/I district. The existing business contributes to the diversity of the economy of Bainbridge Island.

Business/Industrial – Policy LU 10.7: B/I uses must be visually screened year-round from adjacent non-industrial properties and roadways, especially scenic highway SR 305. The visual screening could be achieved through a combination of vegetation and building setback that would add depth to the buffer.

The project is in compliance with full screen landscape buffer and setback requirements along NE Day Road W. The existing and proposed setbacks of the building and addition are in compliance with the dimensional standards of BIMC Title 18. There will be minimal impact to surrounding properties since the proposed expansion of the building will support a use that is indoors and does not require any additional employees.

Designated Center – Goal LU-6: Ensure a development pattern that is true to the Vision for Bainbridge Island by reducing the conversion of undeveloped land into sprawling development. Encourage improvement of aging or underutilized development over development of previously undeveloped properties.

This proposal is for an expansion of an existing business on a developed parcel. The addition is proposed over an area of existing asphalt.

E. Land Use Code Analysis

1. Land Use Review Procedures (BIMC 2.16)

Site Plans and Design Review (BIMC 2.16.040)

The director shall base their decision on site plan and design review applications on the following criteria:

- a. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district;

As summarized in this staff report and in the materials prepared by the applicant, the application, with conditions, is in conformance with the Bainbridge Island Municipal Code.

- b. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the non-motorized transportation plan;

The addition is for a minor improvement to an existing building. Traffic increase is minimal and does not require a traffic impact analysis or trigger any frontage improvements. No new streets or pedestrian ways are proposed.

- c. The Kitsap County Health District has determined that the site plan and design meets the following decision criteria:
 - i. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.
 - ii. If the Health District recommends approval the application with respect to those items in subsection i., the health district shall so advise the director.

- iii. If the health district recommends disapproval of the application, it shall provide a written explanation to the director.

The subject parcel is outside of City water and sewer service areas. The Kitsap County Health District approved the Site Plan Review with no comments on January 8, 2018. No new plumbing will be added and a Commercial Building Clearance has been approved for the project.

- d. The city engineer has determined that the site plan and design meets the following decision criteria:
 - i. The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and
 - ii. The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
 - iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
 - iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
 - v. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the applicable service(s) can be made available at the site; and
 - vi. The site plan and design conforms to the “City of Bainbridge Island Engineering Design and Development Standards Manual,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 18.

The Development Engineer has reviewed the submitted site plan and design and has recommended approval subject to the following conditions:

The project shall be required to pay Transportation Impact Fees (TIFs) pursuant to BIMC 15.30 for a gross floor area increase at the site of approximately 6,080 square-feet of manufacturing facility at the time of building permit issuance. An independent fee calculation may be submitted per BIMC 15.30.060. (Condition 9)

The project shall comply with BIMC 15.20, Surface and Stormwater Management. Any pollutant sources or activities exposed to precipitation or draining to the surface stormwater system shall be controlled pursuant to Minimum Requirement #3 of the stormwater manual. A source control plan shall be submitted with the building permit. (Condition 10)

There are no new streets or pedestrian ways proposed. The project does not require a traffic impact analysis or trigger any frontage improvements.

- e. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18, unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q;

The site plan and design is consistent with all applicable design guidelines in BIMC Title 18. The site plan and design was presented to the Design Review Board (DRB) on May 15, 2017. Members of the DRB unanimously voted to approve the plans as noted.

- f. No harmful or unhealthful conditions are likely to result from the proposed site plan;

The use of the property will not change. No harmful or unhealthful conditions are likely to result from the addition to the existing building.

- g. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans;

The site plan and design is consistent with the Comprehensive Plan goals and policies. The proposed addition is a light manufacturing use within the B/I district, meets appropriate screening and setback regulations, and proposes to further develop an underutilized property.

- h. Any property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;

There is a Type-F stream that runs parallel along the north side of NE Day Road W and encroaches slightly onto the southeast corner of the subject parcel before diverting directly south. The associated 200-foot stream buffer extends onto the subject parcel. In accordance with BIMC 16.20.040.B.1, activities within a portion of a fish and wildlife habitat area buffer located landward of an existing, substantially developed area, such as a paved area or a permanent structure, are exempt from the provisions of Chapter 16.20. There is existing pavement between the proposed addition and the Type-F stream and the addition is being proposed over an area of existing asphalt. There are no further encroachments of paved area toward the Type-F stream planned under this proposal. This proposal is exempt from Chapter 16.20.

- i. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter;

The subject property is not within shoreline jurisdiction.

- j. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met;

The requirements of BIMC 17.20.020 are not applicable to this application because the proposed updates do not include a subdivision or new dwelling units that would require park dedication under the above cited code sections.

- k. The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals;

The proposed site plan and design have been prepared consistent with the overall purpose and goals of the site plan process and open space goals.

2. Noise Regulation (BIMC 16.16)

Limitation on Construction Activities (BIMC 16.16.025)

While the use of heavy equipment and other construction needed to complete the proposed addition is necessary, Section 16.16.025 limits the hours of construction activities in residential zones as follows:

- i. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays that do not constitute legal holidays.
- ii. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited before 9:00 a.m. and after 6:00 p.m. on Saturdays that do not constitute legal holidays.
- iii. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited on Sundays and all legal holidays except that work on the inside of an enclosed structure may occur between the hours of 10:00 a.m. and 4:00 p.m.

The construction time limitations are included in the conditions of approval for the project. (Condition 2)

3. Critical Areas (BIMC 16.20)

Applicability, exemptions, and prior development activity (BIMC 16.20.040)

There is a Type-F stream that runs parallel along the north side of NE Day Road W and encroaches slightly onto the southeast corner of the subject parcel before diverting directly south. The associated 200-foot stream buffer extends onto the subject parcel.

In accordance with BIMC 16.20.040.B.1, activities within a portion of a fish and wildlife habitat area buffer located landward of an existing, substantially developed area, such as a paved area or a permanent structure, are exempt from the provisions of Chapter 16.20. There is existing pavement between the proposed addition and the Type-F stream and the addition is being proposed over an area of existing asphalt. There are no further encroachments of paved area planned under this proposal. This proposal is exempt from Chapter 16.20.

4. Use Regulations (BIMC 18.09)

Permitted Use Table (BIMC 18.09.020)

Manufacturing, Light is a permitted use in the B/I zoning district under BIMC 18.09.020 Use Table

The current and proposed use of the properties is considered light manufacturing. Under BIMC 18.36.030(155), “Manufacturing, light” means businesses located within a building and involving assembling, distributing, fabricating, manufacturing, packaging, printing, processing, publishing, recycling, repairing, servicing, storing, or wholesaling of goods or products.

5. Dimensional Standards (BIMC 18.12)

Tables of Dimensional Standards (BIMC 18.12.020)

The allowable lot coverage in the B/I zoning district is 35%.

The current building is approximately 28,260 square feet and the proposed addition is 6,080 square feet. There is also a detached maintenance building on site which is 2,250

square feet. The total lot area is 2.96 acres or approximately 128,938 square feet, which is a total of 36,590 square feet of lot coverage. The total permitted lot coverage is 45,128 square feet. The request is in compliance with allowable lot coverage.

The zoning code requires a 50-foot minimum setback along any public right-of-way for the front and side yard setback of 10-feet, which is increased to 50-feet when abutting a residentially zoned property.

The addition is proposed within the southwest corner of the site. The property that is abutting the subject parcel in the area of the proposed addition is similarly zoned as B/I. The submitted site plan depicts both a front yard setback of at least 50-feet and a side yard setback of at least 10-feet.

Building height in this zone is limited to 35 feet except where a Conditional Use Permit allows a bonus for nonresidential buildings of up to 45 feet.

The building height of the proposed addition is 23 feet which is below the maximum permitted allowable height for the zoning district.

6. Development Standards and Guidelines (BIMC 18.15)

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

All new development, except single-family residential building permits, are subject to the requirements of this section including: significant tree and tree stand retention, perimeter landscape buffers, roadside buffers, parking lot landscaping, total site tree unit requirements, planting requirements, irrigation, and maintenance. Except, in accordance with BIMC Table 18.15.010-1: Landscape Requirements by Zone District, properties in the B/I zone district are not subject to total site tree unit requirements.

Significant tree and tree stand retention mandates that trees and tree stands located in the perimeter areas required to be landscaped are retained and protected. The applicant is proposing to remove seven fir trees along the western property line. Additional asphalt is proposed in this area to allow adequate space for circulation around the proposed addition. The abutting parcels in this area are similarly zoned as B/I developed with light manufacturing uses, therefore no perimeter buffer is required in this area. The seven fir trees may be removed without further review or replacement requirements, provided that none of the trees qualify as a Landmark Tree as defined by Ordinance 2018-25. The removal of any Landmark Tree requires a permit and must meet the requirements of Ordinance 2018-32. The project has been conditioned to meet this requirement. (Condition 6)

In accordance with BIMC Table 18.15.010-3: Perimeter Landscaping Requirements by Land Use and Zoning District, a full screen buffer is required when a B/I zone district property abuts a non-B/I zoned property. Additionally, BIMC Table 18.15.010-4: Roadside Buffer Requirements by District and Land Use requires a 50-foot full screen buffer along NE Day Road W. Existing landscaping abutting the residentially zoned parcel to the southeast and along NE Day Road W. exceeds the landscaping requirements required in the BIMC.

This proposal does not require any additional parking lot landscaping because, as discussed in the next section, no additional parking spaces are required.

Planting requirements in the BIMC encourage property owners to maintain areas in existing native vegetation that are not devoted to landscaping requirements. There is

existing mature vegetation on the northern portion of the subject parcel that will remain undisturbed.

Irrigation and maintenance requirements mandate that landscape areas must be maintained. The project has been conditioned to meet this requirement. (Condition 5)

Parking and Loading (BIMC 18.15.020)

Parking requirements in the B/I zoning district are based on the number of employees and the square footage of office space. The addition in this proposal is for machinery only and will not impact or increase the number of employees or the square footage of office space. No additional parking spaces are required.

Mobility and Access (BIMC 18.15.030)

The proposed addition does not affect previously approved mobility and access plans or requirements.

Outdoor Lighting (BIMC 18.15.040)

Submitted application materials indicate that exterior lighting will be minimal, mounted on the building walls, and in compliance with City requirements.

The project has been conditioned to meet this requirement. (Condition 7)

7. Design Standards and Guidelines (BIMC 18.18)

Specific Design Regulations and Guidelines (BIMC 18.18.030)

The proposed addition to the net manufacturing facility is subject to the "Light Manufacturing Design Guidelines" and the "Commercial and Mixed-Use Design Guidelines for all Zoning Districts".

The site plan was presented to the Design Review Board on May 15, 2017. Members of the DRB unanimously voted to approve the plans as shown.

II. Conclusions

As conditioned, the proposed project is consistent with the Comprehensive Plan, the applicable sections of the Bainbridge Island Municipal Code including: BIMC 2.16.040 Site Plans and Design Review; BIMC Chapter 16.16 Noise Regulations; BIMC 16.20 Critical Areas; BIMC 18.09 Use Regulations; BIMC 18.12 Dimensional Standards; BIMC 18.15 Development Standards and Guidelines; and BIMC 18.18 Design Standards and Guidelines. Appropriate notice of application was made and no comments were received. The application is properly before the Director for decision. Any decision by the Director may be appealed to the Hearing Examiner in accordance with the procedures set forth in BIMC 2.16.

III. References *(Note, all reference material may be accessed via the City's Website Online Permit Portal – SmartGov. The following materials can be found under the "submittals", "approval steps", and "notes" sections under this file number: PLN 50808 SPR.)*