



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

Date: July 29, 2018
To: City of Bainbridge Island Hearing Examiner
From: Ellen Fairleigh
Planner
Project: Assistance Dogs Northwest Education Center– Major Conditional Use Permit
Location: 12107 Miller Road NE, Tax Parcel # 092502-1-054-2009
File Number: PLN 50504 CUP

Summary of Proposal

The applicant is proposing to utilize existing buildings on the subject parcel to operate a non-profit to train four to seven dogs at a time to assist children and adults with disabilities and other special needs. The property is currently being used as single family residential and this application proposes a change of use to educational. Proposed site improvements include landscaping improvements along Miller Road NE and the access easement, fenced-in dog areas, additional parking spaces, barrier free access to all structures from the parking lot including paved accessible walkways between buildings, low level pathway lighting, and minor cosmetic improvements to existing structures.

Pursuant to BIMC Table 18.09.020 Use Table, a conditional use is required for educational facilities in the R-0.4 zoning district. BIMC 2.16.110.E states that applications to locate an educational facility in a residential zone shall be processed as a major conditional use permit.

A major conditional use permit shall be approved through the general procedures applicable to quasi-judicial decisions by the hearing examiner in BIMC 2.16.100. The applicant of a major conditional use permit is required to participate in a community meeting through the city's public participation program as well as review and recommendation by the Design Review Board.

Background

1. On March 27, 2016, the City answered an administrative interpretation request by the applicant determining that the proposed use meets the definition of an educational facility.
2. On May 23, 2017, a pre-application conference was held between the applicant and City staff.
3. On May 30, 2017, the applicant participated in a community meeting as part of the City's public participation program.

4. On June 19, 2017 a pre-application meeting was held between the applicant and the Design Review Board (DRB). The DRB asked that at the application stage the applicant submit drawings showing all access routes including ramps, site plans identifying building and including elevations if buildings are visible from the street, and clear photographs including aerial photographs.
5. On June 20, 2017, the pre-application summary letter was sent to the applicant.
6. On February 15, 2018, the applicant submitted an application for a major conditional use permit.
7. On March 15, 2018, the application was deemed complete and a Notice of Complete Application was sent to the applicant.
8. On March 23, 2018, the Notice of Application was published; five public comments were received during the 21-day comment period.
9. On May 7, 2018, a second meeting was held between the applicant and the DRB. The DRB recommended approval of the site plan based on the conditions that the applicant increase the landscaping around the back gate on Miller Road NE, that the appearance of the back gate on Miller Road NE be minimized either by painting it green or some alternative type of design attention, and that an overhang/canopy is added over the front door on the west side of the proposed dog training facility on the outside of the existing barn. Additionally, the DRB recommended consideration of the following items: increase width of walking path, add sign on front of building, and put irrigation around all new trees planted.
10. On June 15, 2018, the Notice of Hearing was published.
11. On June 27, 2018, the project was reviewed by the Development Review Committee (DRC).

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 major conditional use permit with conditions.

Hearing Examiner Review

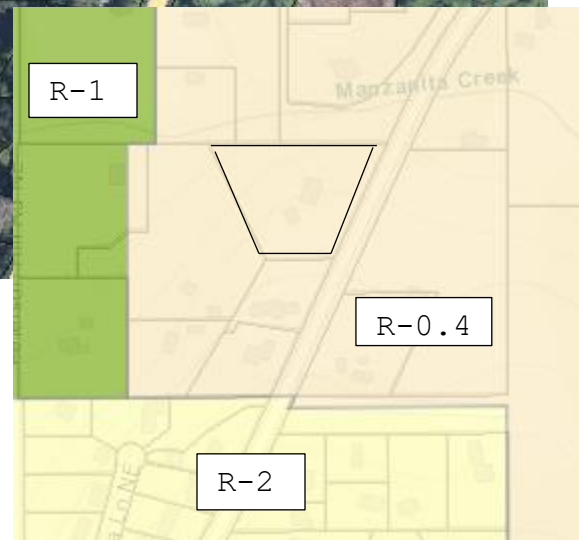
The hearing examiner shall review the major conditional use permit application and conduct a public hearing pursuant to the provisions of BIMC 2.16.100. The hearing examiner shall approve, approve with conditions, or deny the request based on the proposal's compliance with all major conditional use criteria in subsection D of this report.



Vicinity Map



Project Site



Zoning

Staff Analyses

I. Findings of Fact

A. Site Characteristics

1. Tax Assessor Information:

- a. Owner of record: Assistance Dogs NW LLC
- b. Tax Lot Number: 092502-1-054-2009
- c. Township/Section/Range: Section 9, Township 25 North, Range 2 East
- d. Lot size: 2.30 acres (100,188 sq.ft.)

2. Terrain:

The property is comprised of slopes between 15-39% and slopes greater than 40%. The slopes greater than 40% are situated primarily near the northern property line. A Type F stream is located to the north of the property which includes a buffer that extends onto the subject parcel. The Type F stream is mapped as a wildlife riparian corridor. The site improvements do not include any further encroachments into these critical areas, buffers, or setbacks.

3. Soils:

The soil conditions on site are characterized predominantly by glacial till soils termed Kapowsin gravelly sandy loam. There is an area in the southern portion of the property with soil types characterized as pits.

4. Access:

The property is accessed via two existing entry points. There is an access directly off of Miller Road NE that is gated and is proposed to be used for maintenance vehicles only. All other vehicles will enter the property via an existing 30' gravel access easement along the southern perimeter of the property.

5. Utilities:

- a. Water: North Bainbridge KPUD
- b. Sewage: On-Site Septic System
- c. Stormwater: Existing system; to be reviewed at time of building permit submittal

6. Public Services:

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

7. Existing Use:

The subject parcel is currently used as residential.

8. Zoning and Comprehensive Plan Designation:

The subject property and surrounding properties are in residential districts. The subject property is zoned Residential – one unit per 2.5 acres (R-0.4), and the Comprehensive Plan Designation is Residential-0.4. The properties immediately adjacent to the subject parcel are developed with residential uses. A soil and composting business and a public utility site are located directly across from the subject parcel on the west side of Miller Road NE.

B. Public/Agency Comment

1. Public Comment

- a. Five public comments were received during the 21-day comment period. The public comments were all in support of the project and did not voice any concerns regarding the proposed use of the property. Four of the public comments noted the importance of the service that the organization provides and the positive impact that the dogs have on people with special needs. One public comment was from a property owner on the west side of Miller Road NE who asked that the proposal be approved and noted that the subject parcel is being well-maintained by the applicant.

2. Agency Comment

- a. Kitsap Public Health District: On March 16, 2018 the Kitsap Public Health District commented that a commercial building clearance for on-site sewage disposal is required because a change of use is proposed.

**The commercial building clearance is required prior to building permit issuance.
(Condition 4)**

- b. Fire Department: On March 1, 2018 the City received comments from the Fire Marshal as follows:

1. The requested CUP constitutes a change of occupancy class.
2. Fire flow is met through existing hydrants.
3. Tenant improvements to existing structures must meet the requirements for E occupancies.

The project has been conditioned to meet Fire Code requirements. (Condition 6)

- c. Development Engineer: Transportation impact fees and stormwater review will occur at building permit submittal. This application is not subject to site assessment review (SAR) because a pre-application conference was held for this proposal prior to October 1, 2017.

The project has been conditioned to meet these requirements. (Condition 13 & 15)

C. Comprehensive Plan Analysis

1. Economic Element: Civic Life

- a. Goal EC-4 Encourage a broad range of civic activities and organizations.

Non-profit organizations are a source of employment and other economic benefits for Islanders and utilize many local commercial and service providers. Volunteers also provide significant contributions to the local economy and provide valuable human resources to the community.

The application material states that Assistance Dogs Northwest is a 501(c)(3) organization that provides children and adults with disabilities specially trained dogs that increase their independence and enhance the quality of their lives.

- b. Policy EC 4.3: Encourage local business groups, educational institutions, and other entities to provide continuing education and skills development.

Assistance Dogs Northwest operates two main programs: an assistance dog program and a community outreach program. Submitted application materials indicate that the community outreach program will benefit the people of Bainbridge Island and the greater Seattle area. Examples of outreach activities include weekly therapy dog visits to residents and patients at local nursing homes and hospitals, workplace readiness opportunities for high school students with special needs, a veterans program, and educational presentations to community schools, businesses, and civic organizations.

2. Land Use Element

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

The proposed facility utilizes existing buildings on a currently developed site.

D. Land Use Code Analysis

1. Land Use Review Procedures (BIMC 2.16)

This project was properly submitted as a major conditional use permit application. The final decision on a major conditional use permit is made by the hearing examiner based on (i) decision criteria in BIMC 2.16.110.D. and 2.16.110.E, (ii) the DRB recommendation, (iii) participation in a meeting through the City's public participation process, and (iv) consideration of any public comments received.

Major conditional use permit (BIMC 2.16.110.D)

A conditional use may be approved or approved with conditions if:

- a. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC [2.16.020.Q](#) shall not result in denial of a conditional use permit for the project;

The design, character, and appearance of the proposed site improvements are harmonious and compatible with surrounding properties. Only minor alterations are proposed to the existing buildings on site and no new construction is proposed.

- b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities;

The developed site is currently served by adequate facilities including roads and water. The project is conditioned to meet any fire protection, Kitsap Public Health District (septic), and storm drainage improvements/requirements at building permit review.

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

The proposed use of the property will not be materially detrimental to surrounding properties. The education center is screened by a vegetated buffer on the east and south sides of the subject parcel. The center will not be open to the general public at any time and visitors are welcome by appointment only. Submitted application materials state that the maximum number of people that will be on site will typically be no more than four. The dogs will not be maintained in outdoor kennels, rather the dogs will reside indoors with caretakers and staff.

- d. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan;

The conditional use is consistent with goals and policies in the comprehensive plan. As a non-profit educational facility, the proposed use of the property contributes to the economic and civic goals and policies of the plan. Additionally, the proposal supports land use goals of the plan in that the proposal utilizes existing buildings on a developed parcel.

The City is in the process of creating an Island Center Subarea Plan with a community kick-off event on June 18, 2018. The subject parcel is within the identified Island Center area, but there are currently no required plan or policies that are applicable to this proposal.

The subject parcel is within Phase 2 of the Core 40 Miller Road NE shoulder widening project, which is an identified Non-Motorized Transportation Advisory Committee recommended Capital Improvement Project in the Island-Wide Transportation Plan. The shoulder widening is identified as a bike facility on both sides of Miller Road NE. This application will not impede future identified improvements along Miller Road NE and is therefore consistent with the Island-Wide Transportation Plan.

- e. The conditional use complies with all other provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC [2.16.020.Q](#);

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. This application is not part of a housing design and demonstration project.

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

As proposed, this project reduces impacts to neighboring properties to the greatest extent practicable. The property is fully fenced.

In accordance with BIMC Chapter 18.15, a 25' full screen landscape buffer is required along the access easement on the south side of the subject parcel and a 25' partial screen landscape buffer is required along Miller Road NE. Per BIMC 2.16.110.E.6 (discussed in the next section) the director may waive these requirements.

Both of these areas are already currently well vegetated (Image 1 & 2 below). The Code states that existing vegetation may be used in lieu of new plant material. The project is for a change of use and does not propose any new development abutting the landscape buffers. Staff finds that the existing vegetation is providing the functions of a landscape buffer along both the access easement and Miller Road NE and does not recommend any further landscaping improvements.



Image 1: Existing landscape buffer along access easement



Image 2: Existing landscape buffer along Miller Road NE

- g. Noise levels shall be in compliance with BIMC [16.16.020](#) and [16.16.040](#).A;

The construction time limitations will be included in the conditions of the building permit. (Condition 11)

- h. The vehicular, pedestrian, and bicycle circulation meets all applicable city standards, unless the city engineer has modified the requirements of BIMC [18.15.020](#).B.4 and B.5, allows alternate driveway and parking area surfaces, and confirmed that those surfaces meet city requirements for handling surface water and pollutants in accordance with Chapters [15.20](#) and [15.21](#) BIMC;

The City Engineer reviewed the application and found that the project meets the requirement for vehicular circulation through the existing gravel turnaround. If not already existing, the project has been conditioned to require that the access road be a minimum of 12 feet wide. (Condition 12)

As conditioned, the proposed parking surfaces and accessible walkways conform to city requirements for handling surface water and pollutants in accordance with Chapters 15.20 and 15.21 in that stormwater review will be conducted at the building permit stage. (Condition 13)

- i. The city engineer has determined that the conditional use meets the following decision criteria:
- a. The conditional use conforms to regulations concerning drainage in Chapters [15.20](#) and [15.21](#) BIMC; and
 - b. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
 - c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
 - d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
 - e. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; and
 - f. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Development Standards Manual,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title [17](#).

The City Engineer reviewed the application and found that as conditioned the project conforms to regulations concerning drainage in Chapters 15.20 and 15.21 and that the project will not cause an undue burden on drainage basins or water quality. The project has been conditioned that stormwater review will be conducted at the building permit stage. (Condition 13)

In reviewing anticipated traffic, the City Engineer determined the proposed use will produce additional traffic trips well below the threshold requiring analysis. The

business will lodge up to 4 (four) customers on site at any one time. The net difference between the PM peak hour trips of a comparable, but slightly more intensive use, such as a hotel and the current use was found to be approximately 2 which is below the threshold triggering a traffic study. Therefore, the streets are adequate to accommodate anticipated traffic from the proposed use. Traffic impact fees for the change in use shall be required at building permit stage. (Condition 15)

The project is outside of city water and sewer service areas.

The City Engineer has determined that a paved apron is required at Miller Road NE and the access easement in compliance with the City of Bainbridge Island Engineering Design and Development standards per standard drawing DWG. 8-170. The apron must be in place prior to final of the building permit. (Condition 14)

- j. If a major conditional use is processed as a housing design demonstration project pursuant to BIMC [2.16.020.Q](#), the above criteria will be considered in conjunction with the purpose, goals, policies, and decision criteria of BIMC [2.16.020.Q](#).

This application is not part of a housing design and demonstration project.

If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.

With conditions, this application meets the decision criteria of BIMC 2.16.110.

Additional Decision Criteria for institutions in Residential Zones (BIMC 2.16.110.E)

Applications to locate any of those uses categorized as educational facilities, governmental facilities, religious facilities, health care facilities, cultural facilities, or clubs in Table 18.09.020 in residential zones shall be processed as major conditional use permits and shall be required to meet the following criteria:

- a. All sites must front on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map;

The subject property fronts Miller Road NE which is classified as a secondary arterial road on the road classification map.

- b. If the traffic study shows an impact on the level of service, those impacts have been mitigated as required by the city engineer;

There is no predicted impact to level of service and mitigation is not required.

- c. If the application is located outside of Winslow study area, the project shall provide vegetated perimeter buffers in compliance with BIMC [18.15.010](#);

The project is located outside of the Winslow study area. In accordance with BIMC Table 18.15.010-3, a 25-foot full screen perimeter buffer is required along the access easement on the south side of the property. In accordance with item (f) below, staff finds that the existing vegetation is providing the functions of a full screen buffer and does not recommend any additional plantings in this area.

In accordance with BIMC Table 18.15.010-4, a 25-foot partial screen buffer is required along Miller Road NE. Also in accordance with item (f) below, staff finds that the existing vegetation is providing the functions of a partial screen buffer and does not

recommend any additional plantings in this area.

- d. The proposal meets the requirements of the commercial/mixed use design guidelines in BIMC [18.18.030.C](#);

In accordance with BIMC 18.18.030.D, nonresidential uses in residential zones, including educational uses, shall comply with the general guidelines for “Commercial and Mixed-Use Design Guidelines for All Zoning Districts”. The applicant submitted the required checklist which was reviewed by the Design Review Board on June 19, 2017 as part of the preapplication phase. On May 7, 2018, the applicant returned to the Design Review Board and received approval based on conditions and recommendations.

- e. The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area;

The existing residential buildings are compatible with the existing surrounding residential uses. Only minor alterations to the existing buildings are proposed. No height increases to existing buildings are proposed.

- f. If the facility will have attendees and employees numbering fewer than 50 or an assembly seating area of less than 50, the director may waive any or all the above requirements in this subsection E, but may not waive those required elsewhere in the BIMC;

The facility will have attendees and employees numbering fewer than 50 and the assembly seating area will be less than 50. Therefore, the above requirements can be waived by the director.

At the Development Review Committee meeting on June 27, 2018, the director reviewed the project and determined that the existing landscaping along Miller Road NE and the access easement are providing the function and purpose of a landscaping buffer along both property lines. The director elected to waive requirement (c) above and determined that no further planting will be required. The existing landscaping along Miller Road NE and the access easement must be maintained. No existing vegetation in these areas can be disturbed without approval of the Department of Planning and Community Development through an approved clearing permit.

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

- g. Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located, except that public schools and governmental facilities, as defined in BIMC Title [18](#), that are located in the R-0.4 zoning district shall be allowed 150 percent of the lot coverage established in the R-0.4 zoning district, and such public schools and governmental facilities located in other zoning districts shall be allowed 100 percent of the lot coverage established in the underlying zoning district in which the facility is located, unless, regardless of which zoning district such a facility is located, conditions are required to limit the lot coverage to mitigate impacts of the use;

The lot is 2.3 acres according to the tax assessor’s office. Standard Lot Coverage in the R-0.4 district is 10% of the size of the lot, or 10,018 square feet. Educational uses are limited to 50% of the allowable lot coverage which is 5%. The existing, and any proposed future buildings, are limited to a footprint of 5,009 square feet. The site

plan indicates that the lot coverage of the existing buildings is 3,912 square feet, thus in compliance with this criteria.

Effect of Approval (BIMC 2.16.110.G)

Once a conditional use permit is approved, no building, use or development shall occur contrary to that specified in the conditional use permit.

The owner shall record a declaration with the Kitsap County auditor showing the land to be bound by a conditional use permit. No building permit shall be issued for structures other than those specified in the conditional use approval.

- a. The declaration shall reference the official files of the city through which the permit was granted; and
- b. The declaration shall be a covenant running with the land; and
- c. No building permit shall be issued unless such declaration is recorded.

The project has been conditioned to meet this requirement. (Condition 9)

Amendments to Approved Major Conditional Use Permit (BIMC 2.16.110.H)

Minor adjustments to an approved major conditional use permit may be made after review and approval by the director. Minor adjustments are those that entail small changes in dimensions or siting of structures or the location of public amenities, but do not entail changes to the intensity or character of the use.

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

2. Critical Areas (BIMC 16.20)

A Type F stream is located to the north of the property which includes a buffer that extends onto the subject parcel. Additionally, there are steep slopes located in the northwest, north, and northeast portions of the subject parcel.

The site improvements do not include any further encroachments into these critical areas or buffers. There is an existing fence in the Type F 200-foot stream buffer that is depicted on the site plan on the northern portion of the subject parcel.

The main house is located in the stream buffer. In accordance with BIMC 16.20.050.A existing structures may be altered or remodeled if the alteration complies with the provisions of the critical areas ordinance. The site plan identifies the addition of a new handicapped unisex bathroom within the existing footprint of the main house. This alteration complies with the standards of this section and there is no planned expansion of the footprint of the main house.

The proposed ADA accessible walkways on the southern portion of the site are located outside of the critical area buffers.

Additionally, the entirety of Bainbridge Island is classified as an aquifer recharge area. Any proposal that requires a Site Assessment Review (SAR) requires the designation of an Aquifer Recharge Protection Area (ARPA). In accordance with BIMC 16.20.100.C, this

proposal is exempt from ARPA designation requirements because the proposal is SAR exempt.

3. Use Regulations (BIMC 18.09)

Permitted Use Table (BIMC 18.09.020)

Educational facilities are conditional uses allowed in the R-0.4 zone under BIMC 18.09.020.

This application is a request for a major conditional use permit, as required by BIMC 18.09.020.

4. Dimensional Standards (BIMC 18.12)

Tables of Dimensional Standards (BIMC 18.12.020)

The allowable lot coverage in the R-0.4 zone is 10% and educational uses permitted under a Conditional Use Permit are limited to 50% of that maximum lot coverage resulting in an allowable 5% maximum lot coverage for the site.

Under the above criteria, the existing, and any proposed future buildings, are limited to a footprint of 5,009 square feet. The site plan indicates that the lot coverage of the existing buildings is 3,912 square feet.

The zoning code requires a 25-foot minimum setback for the front and rear yard and a 15-foot minimum setback for the side yard.

Existing structures on site are in compliance with these setbacks. No additional structures are proposed under this application. The site plan does not accurately reflect the required setbacks, but the property is in compliance. To note, Miller Road NE is a front setback, the western property line is a rear setback, and the north and south property lines are side yard setbacks.

Building height in this zone is limited to 30 feet except where a Conditional Use Permit allows a bonus for nonresidential buildings up to 35 feet.

No height increases are proposed to the existing buildings.

5. 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.

There is no clearing proposed with this application and all trees currently on site will be retained.

A 25-foot full screen perimeter buffer is required along the access easement on the south side of the subject parcel. Staff finds that the existing vegetation within this area is sufficient to meet this requirement. A 25-foot partial screen roadside buffer is required along Miller Road NE. Staff finds that the existing vegetation within this area is also sufficient to meet this requirement. No new plantings are recommended. Existing landscaping along the access easement and Miller Road NE must be maintained. The project has been conditioned to meet this requirement. (Condition 7)

The education center is providing three additional parking spots in addition to four standard parking stalls for staff and visitors to park in an adjacent gravel parking area. In accordance with BIMC 18.15.010.F, the landscaping requirement for parking lots not abutting public rights-of-way is one tree for every eight parking stalls. Therefore, the parking lot landscaping requirement is met through existing vegetation.

Tree units would be required if the project was a proposal for development. There are no plans to construct any new buildings as this application is for a change in use. Therefore, the project is not subject to tree unit requirements.

The applicant is required to maintain existing perimeter and roadside buffers through maintenance and irrigation as specified in BIMC 18.15.010.I and BIMC 18.15.010.J. In approving this project's site plan, the DRB also recommended that irrigation be placed around new tree plantings.

Parking and Loading (BIMC 18.15.020)

Educational uses require a number of spaces to accommodate the peak shift as determined by the director based on information provided by the applicant. The applicant has indicated that the peak shift for the proposed use is four people.

There is a total of seven parking spaces identified on the site plan. The proposed site improvements include the addition of three new parking spaces, two of which will be ADA accessible. These parking spaces will be located in front of the existing barn at the entrance to the site. Four additional parking spaces for staff are available in a gravel lot adjacent to the garage/existing guest house. The project is conditioned to install a sign on site identifying the location of the additional parking spaces in the gravel lot. (Condition 8)

The project is in compliance with parking standards.

Mobility and Access (BIMC 18.15.030)

Walkways between buildings must comply with the standards in BIMC 18.15.030.A.4. Specifically, internal walkways shall be surfaced with non-skid hard surfaces, such as permeable pavement, meet accessibility requirements and be designed to provide a minimum of five feet of unobstructed width.

The project has been conditioned to meet this requirement. (Condition 10)

Outdoor Lighting (BIMC 18.15.040)

Outdoor lighting must comply with the standards in BIMC 18.15.040.D. (Condition 5)

6. Design Standards and Guidelines (BIMC 18.18)

Specific Design Regulations and Guidelines (BIMC 18.18.030)

As a nonresidential use in a residential zone, the project shall comply with the "Commercial and Mixed-Use Design Guidelines for All Zoning Districts".

The design guideline checklist was presented to the Design Review Board on June 19, 2017. Members of the DRB unanimously voted to approve the plan with conditions and recommendations on May 7, 2018.

II. Conclusions

As conditioned, the proposed project is consistent with the Comprehensive Plan, the applicable sections of the Bainbridge Island Municipal Code including: BIMC 2.16.110 Major conditional use permit; 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 five comments were received. The application is properly before the Hearing Examiner for decision. As set forth in BIMC 2.16, any decision by the Hearing Examiner is final unless, within 21 days after issuance of a decision, a person with standing appeals the decision in accordance with Chapter 36.70 RCW or its successor.

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 50504 CUP.)*

Recommended Conditions of Approval:

1. Except for modifications reflecting compliance with these conditions of approval, the project shall be constructed in substantial conformance with the site plans dated April 30, 2018.
2. Prior to construction activity, the applicant shall obtain the appropriate permits from the City of Bainbridge Island, including but not limited to clearing, grading, right-of-way, sign, and building permits as applicable.
3. The applicant must obtain a business license from the City of Bainbridge Island prior to occupancy.
4. A Commercial Building Clearance from the Kitsap Public Health District is required prior to building permit issuance.
5. To mitigate potential off-site glare, any outdoor lighting shall be hooded and shielded to prevent lighting spillover beyond the property line.
6. To the satisfaction of the Bainbridge Island Fire Department, the project shall comply with all applicable provisions of the adopted Fire Code, including meeting the requirements for E occupancies.
7. Existing vegetation within the landscape buffers along the access easement and Miller Road NE shall be maintained. No vegetation within the buffers shall be disturbed without approval of the Department of Planning and Community Development through an approved clearing permit.
8. A sign will be installed on the property clearly identifying the location of additional parking spaces in the gravel parking lot.
9. The owner shall record a declaration with the Kitsap County auditor showing the land to be bound by a conditional use permit. The declaration shall reference the official files of the city through which the permit was granted and shall be a covenant running with the land. No building permit for the project will be issued until such declaration is recorded.
10. At the time of building permit, internal walkways shall be surfaced with non-skid hard surfaces, such as permeable pavement, meet accessibility requirements and be designed to provide a minimum of five feet of unobstructed width.
11. Construction time limitations will be included as a condition of the building permit.
12. The access road must be a minimum of 12 feet wide.
13. Stormwater review of the proposed site improvements will occur at the building permit stage.
14. A paved apron is required at Miller Road NE and the access easement in compliance with the City of Bainbridge Island Engineering Design and Development standards per standard drawing DWG. 8-170. The apron must be in place prior to final of the building permit.
15. Traffic impact fees for the change in use shall be required at building permit stage.