

Re: Winslow Hotel
Project # PLN50880
Conditional Use Permit Application
Revised Notice and Comment Period 11/01-15/2019
Bainbridge Island Planning Department

Dear Ms.Sontag:

The latest revision (87 rooms and 11 studio apartments) of the proposed Winslow Hotel is rather like phoenix rising from the ashes of provisions in both the B.I. Comprehensive Plan and the B.I. Zoning Ordinance which apply to the Central Core Overlay District, as well as the written 16 page analysis of the Planning Commission; all of which clearly do not support issuance of the requested conditional use building permit.

It bears repeating that the applicant is not automatically entitled to a hotel building permit subject to whatever conditions, if any, the Planning Department decrees; but is only entitled to a building permit if conditions can be imposed that bring the proposed hotel within the parameters of both the Comprehensive Plan policies and guidelines and the applicable zoning ordinance. E.g., the Washington State Court of Appeals has stated that... "The fact that the city council [planning department] has the power to specify conditions for conditional use permits...does not require it to do so. ...it is unquestioned that the city council [planning department] found that there were no conditions it could impose which would be successful in controlling the increased traffic and the increased noise which would be generated by the requested conditional use." Phillips v. Brier, Wn. App. 615, last paragraph (1979).

As you know, Guiding Principle # 1 of the Comprehensive Plan is to preserve downtown Winslow's small town atmosphere and special character. To that

effect, B.I.M.C. sec. 18.06.030, Mixed Use Town Center Zone, states that “The purpose of the Mixed Use Town Center zone is to implement the Mixed Use Town Center sections of the Comprehensive Plan.”

For emphasis of this point, we note that the Washington State Court of Appeals has stated “Where the zoning code itself expressly requires that a proposed use must comply with both the zoning code and the comprehensive plan, the proposed use must comply with both the zoning code and the comprehensive plan.” Deer Creek Developers LLC v. Spokane County, 157 Wn. App. 1, par. 43 (2010).

Accordingly, the burden of proof to secure a conditional use permit falls upon the applicant to show compliance with both the Comprehensive Plan and the Central Core Overlay District Zone. Otherwise, “if imposition of conditions will not make a specific proposal compatible the proposal shall be denied.” B.I.M.C. 2.16.110

In short, the proposed massive convention hotel with an outdoor entertainment venue which, with every revision, grows larger with attendant increased noise and traffic is not similar to a 15 room (or less) inn which is a permitted use in the Central Core Overlay District Zone; does not comply with the mandate of the Comprehensive Plan to preserve Winslow’s small town atmosphere, and; for good measure, is not compatible in scale or character with the adjacent residential neighborhood. B.I.M.C. 2.16.030 subsection D.1.b

Thank you,
Dick & Lynn Breen
156 Hall Brothers Loop #101
Bainbridge Island

