



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

---

### DIRECTOR'S REPORT & RECOMMENDATION

#### CITY POLICE AND COURT FACILITY FILE #: PLN51524 SPRA/CUPA

Prepared by: Ellen Fairleigh, Associate Planner

Date: August 6, 2020

**Request:** Site Plan and Design Review Major Adjustment (SPRA) - PLN51524 SPRA  
Conditional Use Permit Major Adjustment (CUPA) - PLN51524 CUPA

**Applicant:** City of Bainbridge Island (COBI)

**From:** Heather Wright, Director of Planning and Community Development

**Location:** 8804 Madison Avenue North

**Tax Parcel:** 232502-3-083-2002

---

**Project Description:** Convert an existing health care facility to a governmental facility to house the City Police and Court departments. The project includes exterior changes to the façade of the existing building, a new roof overhang on the south side of the building for covered impound storage, and a 484 square foot 2-story addition on the west side of the building. The City is the applicant for this project.

**Director's Recommendation:** Approval of the SPRA and CUPA subject to the conditions recommended in this report. The Director finds that the project is compliant with the Bainbridge Island Municipal Code (BIMC) and in accord with the Comprehensive Plan.

#### Part I: Process

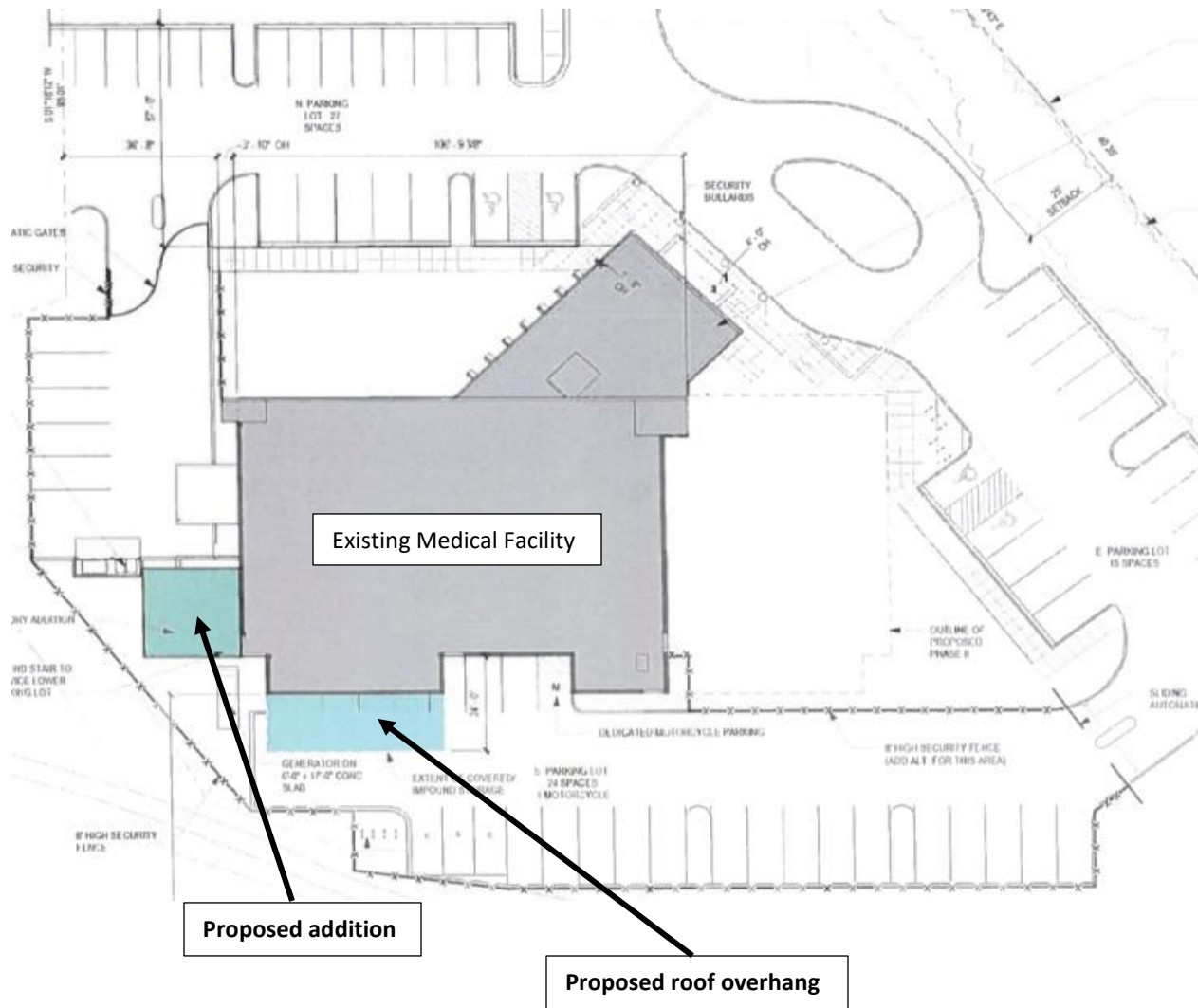
- 1. Land Use Review:** There are existing Site Plan Review (SPR) and Conditional Use Permit (CUP) approvals for the subject property. Pursuant to BIMC 2.16.040.H and BIMC 2.16.110.J, the proposal to convert a health care facility to a governmental facility changes the character of the use and requires a major adjustment to both the SPR and CUP.
- 2. Moratorium:** On January 9, 2018 the City Council passed Ordinance No. 2018-02, declaring a temporary moratorium on the acceptance of certain development applications, with specified exclusions. "Government facilities" are specifically excluded from the moratorium.

3. **Environmental Review:** The project is subject to State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11-800) due to the scope of work and the change in use. On February 5, 2020, the City, acting as lead agency, issued a Mitigated Determination of Nonsignificance and Adoption of Existing Document having found that the mitigation measures previously approved as part of the 2013 Harrison Medical Center minor adjustment (City file no. SPRA/CUPA 14430C) adequately address potential impacts from this proposal.
4. **Design Review Board (DRB) Process:** The land use process includes a Conceptual Proposal Review meeting and design guidance meeting before the DRB. Conceptual review is intended to provide the applicant with an understanding of the objectives of the design review process, design guidelines, and Comprehensive Plan goals and policies. As provided in BIMC 2.16.040.D, the Planning Director granted a waiver from the conceptual proposal review meeting based on the applicant's knowledge and understanding of the City's permit processing procedures and that the building existed. The Design Guidance 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 final Review and Recommendation meeting is to review the project for compliance with applicable design guidelines and to ensure that the project reflects any revisions recommended by the DRB at the Design Guidance meeting. Please see Part III Background and Application History below for details on the DRB's review and recommendation.
6. **Planning Commission Process:** As provided in BIMC 2.16.040 and 2.16.110, the Planning Commission shall review the application prior to recommendation by the Department of Planning and Community Development Director. The Planning Commission shall review the project for consistency with applicable design guidelines and the Comprehensive Plan. The Planning Commission shall review the application based on the Design Review Board recommendation and the decision criteria, consider the application at a public meeting where public comments will be taken, and forward its recommendation to the Director. Please see Part III Background and Application History below for details on the PC's review and recommendation to the Director.
7. **Consolidated Review Process:** Through the Master Land Use Application, the applicant requested consolidated permit review of the Site Plan and Design Review Major Adjustment (SPRA) and Major Conditional Use Permit Major Adjustment (CUPA) in accordance with BIMC 2.16.170. A consolidated project permit application shall follow the application and notice procedure that results in the most extensive review and decision process.

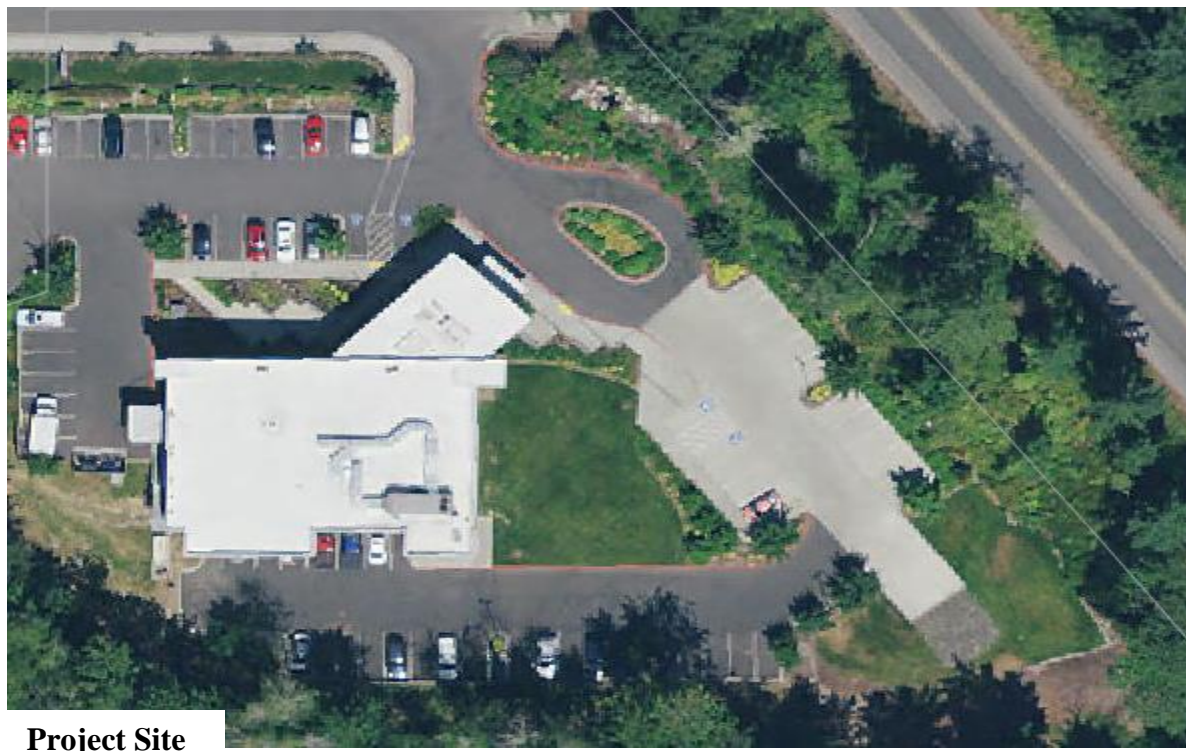
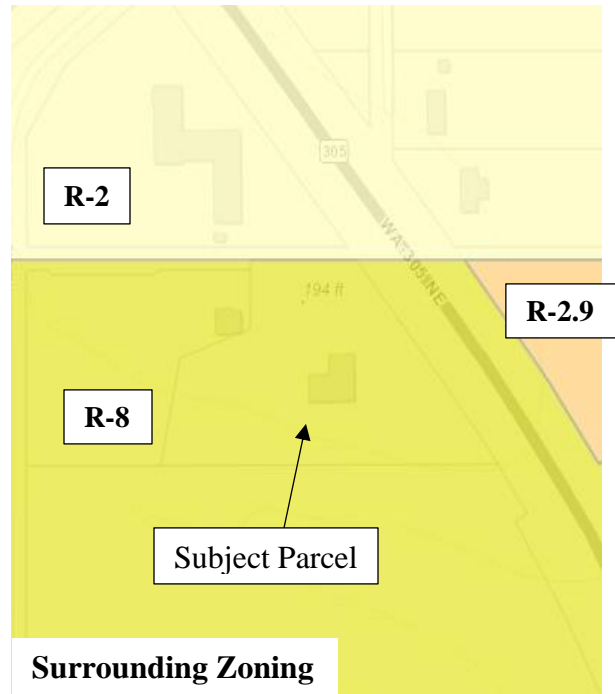
8. **Decision Process:** Pursuant to BIMC 2.16.110.E, the Director shall review the application materials, staff report, and the recommendation of the Planning Commission and shall prepare a report to the Hearing Examiner recommending approval, approval with conditions, or disapproval of the application. 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. The Hearing Examiner shall consider the application materials and the Director's recommendation at a public hearing. The Hearing Examiner shall make compliance with the recommendation of the Planning Commission a condition of approval, unless the Hearing Examiner concludes that the recommendation reflects inconsistent application of design guidelines or any applicable provisions of this code, exceeds the authority of the Design Review Board or Planning Commission, conflicts with SEPA conditions or other regulatory requirements applicable to the project or conflicts with requirements of local, state, or federal law.
9. **Appeal Process:** Pursuant to BIMC 2.16.020.R.2, the decision of the Hearing Examiner shall be 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.

**Figure 1 – Proposed Site Plan**

*The proposed addition and suspended roof overhang are indicated in blue.*



**Figure 2 – Vicinity Map, Surrounding Zoning, and Project Site**



## Part II: General Information and Site Characteristics

Basic Information	
Zoning District	R-8 (8 units per acre)
Lot Area	3.02 acres
Soils and Terrain	Soils consist primarily of Kapowsin gravelly ashy loam and Kitsap silt loam and slopes between 15 to 40%
Critical Areas	A portion of a wetland and its associated buffer encumber the southern portion of the property. Additionally, a fish-bearing stream is located on the adjacent property to the south and the prescriptive buffer extends onto the subject property. There is an erosion hazard area on the south side of the subject parcel. The property also contains 15-39% slopes and a small area of 40% or greater slopes near the southern edge of the developed parking lot. The entire island is currently designated as a Critical Aquifer Recharge Area, however the subject proposal is not on the list of prohibited activities and uses in BIMC 16.20.100.C.
Existing Development	The subject parcel is currently developed with a health care facility and associated parking.
Access	The subject parcel is currently accessed from Madison Avenue N. No change to the access is proposed.
Public Services and Utilities	
Police	City of Bainbridge Island
Fire	Bainbridge Island Fire District
Schools	Bainbridge Island School District
Water	City of Bainbridge Island
Sewer	City of Bainbridge Island
Storm Drainage	Raingardens and outfall fed by an onsite detention vault

## Part III: Background and Application History

**Background:** The subject property contains a medical office building which was constructed in conjunction with an assisted living facility on the parcel to the west. The two properties together received Hearing Examiner approval as a health care facility through Site Plan and Design Review and Conditional Use permits in 2008 (City File No. SPR/CUP 14430B). Minor adjustment approval in 2012 allowed the facility to continue as a phased plan (City File No. SPRA/CUPA 14430B). In 2013, a second minor adjustment was approved to reduce the size of the health care facility and change the building and parking configuration (City File No. SPRA/CUPA 14430C). A special use review (SUR) was approved in 2014 to create an outfall pipe across the wetland buffer which encumbers the southern portion of the subject property.

Date & Action	Summary
June 3, 2019 Design Guidance Review Meeting	The Design Review Board (DRB) provided input and guidance to the applicant regarding Comprehensive Plan goals and policies, focusing on

	sustainability goals, and goals and policies within the Environmental Element of the Comprehensive Plan.
<i>September 5, 2019</i> Public Participation Meeting	Comments and concerns were primarily related to traffic and associated impacts.
<i>August 20, 2019</i> Pre-Application Conference	City staff and the applicant discussed the permitting process and permitting requirements.
<i>October 9, 2019</i> Application Submitted	Major Adjustment to Site Plan Review and Major Adjustment to Conditional Use Application
<i>November 6, 2019</i> Notice of Complete Application	Application was deemed complete.
<i>November 15, 2019</i> Notice of Application/SEPA Comment Period/Hearing Published	14-day comment period
<i>November 29, 2019</i> End of SEPA Comment Period	No public comment was received. Two agency comments were received: The Fire Marshal recommends approval provided that the project meets the International Fire Code and that a fire sprinkler and fire alarm system is installed throughout the building; the Health District submitted comment that the agency has no comment and that that statement means that no further action is required at this time. Additionally, WSDOT comments from the original project approval have been carried forward.
<i>December 2, 2019</i> Final DRB Review and Recommendation	The DRB reviewed <i>Design for Bainbridge</i> standards and guidelines, including site design, public realm, building design, and landscape standards (Chapter 4), the state route street type and vegetated buffer frontage type guidelines (Chapter 5), and larger sites and civic uses standards (Chapter 7). There are no proposed departures from the design standards. The DRB determined that the project is consistent with <i>Design for Bainbridge</i> standards and guidelines and recommends approval.
<i>February 13, 2020</i> Planning Commission Review	<p>The Planning Commission reviewed the proposal and staff report, which contained suggested conditions of approval, and requested the following prior to providing their recommendation to the Planning Director:</p> <ol style="list-style-type: none"> <li>1. An analysis of the Conditional Use Permit decision criteria and how the proposed project satisfies those criteria</li> <li>2. An analysis from the Design Review Board (DRB) describing all applicable design guidelines and how the project satisfies those</li> <li>3. That the statement, "The Design Review Board discussed the project's consistency with the Comprehensive Plan" be removed from the staff report presented to the Commission or that the Commission be provided an analysis of the DRB discussion</li> <li>4. Any analyses or reports that were created by a biologist that</li> </ol>

	<p>demonstrate that “existing permanent substantial development” functionally isolates the development from critical areas and eliminates or greatly reduces the impacts to critical areas</p> <p>Subsequent to the meeting, staff addressed the Commission’s comments by incorporating additional analysis of the Conditional Use Permit decision criteria, as reflected in this report, and the DRB documented their analysis and findings and confirmed their recommendation for project approval. Additionally, the applicant provided a critical area report from a biologist that identifies existing permanent substantial development which functionally isolates the development from critical areas and found no impacts to critical areas.</p>
<i>March 2 &amp; May 18, 2020</i> DRB Review and Recommendation worksheet exercise	The DRB completed the Final Design Review worksheet to document their analysis and findings and confirmed the approval recommendation.
<i>June 11, 2020</i> Planning Commission Recommendation	<p>The Planning Commission reviewed the revised staff report and supporting documentation and recommended approval, subject to the conditions in the staff report, to the Planning Director.</p> <p>The Planning Commission finds the project, as conditioned, consistent with the Comprehensive Plan, applicable design standards and guidelines, and BIMC Title 18, and recommends approval.</p>

#### Part IV: Comprehensive Plan Goals and Policies

The Comprehensive Plan designation for the site is Urban Multi-Family R-8. The guiding principles, goals and policies of the Comprehensive Plan, along with implementing regulations in the Municipal Code, are used to evaluate the proposal and weigh the project benefits and impacts. The following goals and policies apply to the development proposal:

Elements	Goals and Policies
Economic Element	<p><b>Diversified Economy – Goal EC-1:</b> By providing enterprises that both serve and employ local residents, Bainbridge Island will be better able to withstand fluctuations in the larger regional economy. In addition, people who live and work in their community are available to invest time and money in their families, organizations, and community life. A key to a healthy, stable and vital economy is to create and undertake business opportunities that anticipate and respond to conditions that affect our community. This would include identifying emerging needs and markets so that Bainbridge Island businesses benefit from being on the leading edge of change.</p>
	<p><b>Diversified Economy – Policy EC-1.5:</b> In order to provide opportunities for business enterprise, adequate space must be provided for efficient use of existing developed areas near public transportation (e.g. ferry, bus service) and for growth that recognizes and protects the Island’s valued natural amenities, its limits of land and water and the quality of its residential neighborhoods.</p>

	<b>Sustainability – Policy EC-3.1:</b> Encourage the use of green building materials and techniques in all types of construction, as well as design approaches that are responsive to changing conditions.
	<b>Sustainability – Policy EC-3.4:</b> Encourage public sector solid waste reduction, reuse and recycling.
Environmental Element	<b>Environment – Goal EN-1:</b> Preserve and enhance Bainbridge Island’s natural systems, natural beauty and environmental quality.
	<b>Environment – Goal EN-2:</b> Encourage sustainability in City Government operations.
	<b>Environment – Policy EN-2.1:</b> In managing City government operations, take reasonable steps to reduce impacts to the environment and ecosystems upon which we depend. This includes recognizing and preparing for the impacts of climate change.
	<b>Fish and Wildlife – Policy EN-5.6:</b> Protect wetlands and riparian areas.
	<b>Air Quality – Policy EN-10.5:</b> Ensure beneficial indoor air quality in all renovations and new construction of City-owned facilities and promote design choices that enhance beneficial indoor air quality in private construction.
Transportation Element	<b>Operation and Mobility – Policy TR 6.1:</b> Set street design guidelines which establish street widths, reflecting the desired vehicle speeds, accommodating bicycle, pedestrian, wheelchair, equestrian, and transit uses, and providing for emergency vehicle access and also considering community character.
	<b>State Route (SR) 305 – Policy TR 7.6:</b> Support the construction of the STO and its branch trails.
Capital Facilities Element	<b>Goal CF-1:</b> The Capital Facilities Element and Capital Improvement Plan (CIP) provides the public facilities needed to support orderly compact urban growth, protect and support public and private investments, maximize use of existing facilities, promote economic development and redevelopment, increase public well-being and safety, and implement the Comprehensive Plan.
	<b>Policy CF 2.1:</b> When planning for public facilities, consider expected future land use activity.
Utilities Element	<b>Electrical – Policy 14.7:</b> New taxpayer-funded buildings shall use carbon-neutral energy for heating, cooling, and operational use to the maximum extent practical within site specific and existing technology limitations.
<b>Staff Consistency Analysis</b>	
<p>The project both serves and employs local residents. The facility is located in proximity to public transportation and supports non-motorized transportation policies. The project avoids impacts to critical areas in the vicinity. The project observes sustainability practices by utilizing an existing building that complies with 2015 Washington State Energy Code and includes green stormwater infrastructure such as a rain garden, permeable pavement, and stormfilter system. The project proposes additional sustainability practices such as indoor water use efficiency by reducing the fixture count and installing low-flow fixtures, and efficient HVAC controls through the use of programmable DDC controls, occupancy and equipment runtime schedules, temperature setpoint controls, and minimum outside air requirements. In June 2020, the City Council chose not to pursue Leadership in Energy and Environmental Design (LEED) certification because of the determination that there are more efficient ways to achieve the same carbon footprint reduction. Instead, the project was</p>	

referred to the Climate Change Advisory Committee to identify the best climate change actions to attain the desired carbon footprint reduction.

## Part V: Land Use Code Analysis

### 1. BIMC Title 16 Environment

#### a. BIMC 16.20 Critical Areas

##### i. BIMC 16.20.040.B Exemptions

Exemption	Staff Analysis
Activities within a portion of a wetland buffer or fish and wildlife habitat conservation area buffer separated from the critical area by an existing permanent substantial development, use or activity which serves to eliminate or greatly reduce the impact of the proposed activity on the critical area are exempt from establishing the full required buffer width; provided, that impacts to the critical area do not increase.	<p>A wetland and wetland buffer encumber the southern portion of the subject property. The property to the south contains a fish-bearing stream and the associated prescriptive buffer extends onto the subject property.</p> <p>When the health care facility was approved in 2008, critical area regulations required a 100-foot wetland buffer and an additional 15-foot building setback, and the stream was classified as a non-fish bearing stream with a 50-foot buffer which was encapsulated within the 100-foot wetland buffer. Subsequent to site development a stream classification review on Bainbridge Island resulted in the stream being re-classified as a fish-bearing stream, which requires a 200-foot buffer in accordance with the 2018 critical area code update. The 200-foot buffer extends into the southerly area of the developed project.</p> <p>The proposal includes a 484 square foot two story addition on the west side of the building that includes enclosure of an existing exterior stairway on the southwest corner of the building. The addition extends into the prescriptive 200-foot stream buffer.</p> <p>The project approved in 2008 included the installation of a split rail fence to delineate and protect critical areas which were established at that time. Mitigation measures to further protect wetland and stream critical areas included the installation of a trail, protection of significant trees and wildlife habitat, and motion sensor lighting installed in the rear of the site to ensure that sensitive areas are not constantly illuminated through the night.</p> <p>Staff conducted a site visit on September 12, 2019 and observed that the area between the building and the wetland and stream critical areas contains permanent substantial development, use and activity, including the protective fence, a rock wall, maintained lawn, and several stormwater catch basins. Additionally, a distinct topographic break occurs between the building and the split rail fence. In conjunction with information provided by the applicant that depicts sub-surface</p>

	<p>stormwater facilities, the Planning Department determined that the area is functionally separated from wetland and stream critical areas by existing permanent substantial development, use and activity which serves to eliminate or greatly reduce the impact of the proposed activity on the critical area.</p> <p>As provide in this Code section, the Planning Department determined that there are no impacts to critical areas, and that the proposal is exempt from establishing the full required buffer width.</p> <p>At the request of the Planning Commission, the applicant obtained a critical area report from a qualified wetland consultant (Wetland Resources Environmental Consulting, report dated April 8, 2020). The report assessed if the proposed 484-square foot addition would have any impact on the critical areas. The report found that the area located landward of the split-rail fence and within the 200-foot prescriptive fish bearing stream buffer provides no ecological support functions to the wetland and stream. The report concluded that this area is disturbed with permanent substantial development that establishes functional isolation from the critical areas. As stated in the report, these findings are based on the absence of hydrologic and habitat support, and the permanence of the physical separation between the critical areas and the proposed addition.</p> <p>Both the Planning Department and the third-party consultant conclude that the project is exempt from establishing the full required buffer width from the wetland and stream because there is no impact to the critical areas. The development area is separated from the critical area by an existing permanent substantial development, use or activity which serves to eliminate or greatly reduce the impact of the proposed activity on the critical area.</p> <p>Based on these findings, the project is exempt from critical area permit requirements for streams and wetlands in accordance with BIMC 16.20.040.B(1). Additionally, recommended conditions provide that if any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be considered a violation of this chapter and subject to enforcement and restoration under BIMC <u>16.20.170</u>.</p>
--	---

ii. BIMC 16.20.130 Geologically hazardous areas

Geologically Hazardous Areas	Staff Analysis
------------------------------	----------------

Geologically hazardous areas include erosion hazard areas and steep slopes	The property contains an area with erosion hazard and a small area of steep slopes which are approximately ten feet in height and appear to be a result of the parking lot construction. The City Engineer determined that no geotechnical analysis is required because there are no potential adverse impacts from the proposal.
--	---

## 2. BIMC Title 18 Zoning

### a. BIMC 18.09 Use Regulations

Proposed Use	Definition
Governmental Facility (Conditional Use)	“Governmental Facility” means an institution operated by a federal, state, county, or city government, or special purpose district and is a conditional use in the R-8 district.

### b. BIMC 18.12 Dimensional Standards

Dimensional Standards	Required/Allowed	Existing/Proposed
Lot Coverage	25 percent	Proposed lot coverage is less than 13 percent and meets this standard.
Front Lot Line Setback	25 feet	The subject parcel has two front lot lines, fronting both State Route 305 and New Brooklyn Road. The existing/proposed building meets this requirement.
Rear Lot Line Setback	15 feet	N/A, in accordance with BIMC 18.12.050.N., if a property has more than one front lot line, all other lot lines are sides.
Side Lot Line Setback	5 feet minimum, 15 feet total	The existing/proposed building meets this requirement.
Building Height	40 feet maximum for nonresidential uses if Conditional Use permit conditions are met.	The proposed building addition is approximately 32 feet from average existing grade. Building height is confirmed during building permit review.

### c. BIMC 18.15 Development Standards and Guidelines

#### i. BIMC 18.15.010 – Landscaping, Screening, Tree Retention, Protection and Replacement

Landscaping Requirement	Staff Analysis
<b>Perimeter Landscape Buffer:</b> 25-foot wide buffer to the residential zone (R-8) to the south  25-foot wide full screen buffer to the	The project site is separated from the residential development to the south by heavily vegetated critical areas and associated buffers. The heavily vegetated critical areas and associated buffers also encompass the majority of the perimeter to the assisted living facility to the west,

<p>assisted living facility to the west</p> <p><b>Roadside Buffer:</b> 25-foot wide partial screen/15-foot minimum buffer along NE New Brooklyn Road and a 50-foot full screen/35-foot minimum landscape buffer along SR305</p> <p><b>Parking Lot Landscaping:</b> Based on the location of parking lot and the number of parking spaces</p> <p><b>Tree Units:</b> The development parcel will contain at least the same number of tree units after the proposed development as it had before the development or redevelopment</p>	<p>with the exception of the existing north parking lot. Therefore, the northern parking area is considered a nonconforming structure in accordance with BIMC 18.30.030. If the northern parking lot is removed, a 25-foot wide full screen landscape buffer will be required to be installed along the property's entire western perimeter.</p> <p>In 2013, Harrison Medical Center was required to plant a 25-foot wide full screen landscape buffer along SR305 to provide mitigation for visual and lighting concerns. This was a more intense buffer than was prescribed by the BIMC at the time, which prescribed a 20-foot wide partial landscape screen along rights-of-ways and roads. There is an existing parking lot within the area that would encompass the current standard 50-foot wide/35-foot minimum SR305 roadside buffer. Therefore, the eastern parking area is considered a nonconforming structure in accordance with BIMC 18.30.030. If the eastern parking lot is removed, a 50-foot full screen/35-foot minimum landscape buffer will be required to be installed along the property's SR305 frontage.</p> <p>In 2013, Harrison Medical Center was required to plant a 25-foot partial screen buffer along NE New Brooklyn Road. This buffer is consistent with current standards.</p> <p>The redevelopment does not impact or alter existing landscape perimeter and roadside buffers. The landscape perimeter and roadside buffers will stay in their present form.</p> <p>No new parking spaces are required or proposed and therefore no new parking lot landscaping is required. No tree removal is proposed, and the same number of tree units will exist on site after the redevelopment as before.</p> <p>Some vegetation will be removed from the north side of the building to allow access during construction. Recommended conditions include replanting that is in substantial conformance with the submitted Planting Plan dated stamped received November 20, 2019.</p>
--	---

ii. BIMC 18.15.020 – Parking and Loading

Parking Requirements	Required/Allowed	Proposed
Off-Street Parking Spaces	For special cases not covered by the	The submitted parking space

Required	BIMC, parking requirements shall be established by the director. For determination by the director, the applicant shall supply (a) documentation regarding actual parking demand for the proposed use; or (b) technical studies prepared by a qualified professional relating to the parking need for the proposed use; or (c) required parking for the proposed use as determined by other comparable jurisdictions.	breakdown is based on staffing, shift changes, workspaces, and public spaces for the proposed Police and Court facility, along with an analysis based on a trip generation analysis which was conducted in May 2017. Both analyses demonstrate that the existing 73 parking spaces on-site are adequate to serve the proposed use. The project meets this requirement.
On-Street Parking	On-street parking created or designated in conjunction with and adjacent to a project may be included in the parking space calculation upon approval of the director.	Six of the 73 parking spaces existing on the subject parcel are on-street parking spaces along NE New Brooklyn Rd. The project meets this requirement.
Compact Vehicle Parking	Compact car spaces may total no more than 30 percent of the required number of spaces.	The project is allowed a maximum of 22 compact parking spaces. Currently, 16 of the 73 parking spaces are compact parking spaces. No changes are proposed. The project meets this requirement.
Electric Vehicle Charging Stations	At least one parking space near the entrance must be reserved and signed for use by a shared-car program or electric vehicle charging station.	One shared-car program or electric vehicle charging (EVC) station is required. The project currently does not provide a EVC station and this requirement is reiterated in the recommended conditions of approval.

iii. BIMC 18.15.030 – Mobility and Access

Mobility Requirements	Required/Allowed	Proposed
Circulation and Walkways	Parking lots and driveways shall provide well-defined, safe and efficient circulation for motor vehicles, bicycles and pedestrians. Entrances from the right-of-way and the circulation pattern shall be defined by landscaped areas with raised curbs. Pedestrian walkways should be provided around	No change to the existing circulation system for motor vehicles, bicycles or pedestrians is proposed.  The subject parcel currently provides well-defined circulation for motor vehicles, bicycles, and pedestrians including landscaped

	<p>buildings to assure safe access. Internal walkways shall be surfaced with nonskid hard surfaces, meet accessibility requirements and provide at least five feet of unobstructed width. Walkways that cross driving lanes shall be constructed of contrasting materials or maintained painted markings. Walkways must be curbed and raised six inches above adjacent vehicular surface grade, except where the walkway crosses vehicular driving lanes or to meet accessibility standards.</p>	<p>areas with raised curbs and pedestrian walkways from parking lots to building access areas and between parking areas and sidewalks. A walkway that crosses the parking lot is maintained with painted markings.</p> <p>The project meets this requirement.</p>
Bicycle Spaces	One bicycle space per five parking spaces with a minimum of four bicycle spaces.	There are currently 73 parking spaces and 15 bicycle spaces are required. Bicycle spaces are existing on site, and compliance will be verified prior to building permit approval. This requirement is reiterated in the recommended conditions of approval.

iv. BIMC 18.15.040 – Outdoor Lighting

Lighting Requirements	Required/Allowed	Proposed
Outdoor Lighting	Outdoor lighting shall comply with BIMC 18.15.04. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that there is no light trespass. Outdoor fixtures and accent lighting must be shielded and aimed downward.	The requirement to comply with outdoor lighting regulations is reiterated in the recommended conditions of approval. Additionally, recommended conditions include a SEPA condition which is carried forward from the health care facility approval that allows only motion sensor lighting at the rear of the site to ensure that the critical area buffers are not constantly illuminated through the night.

**Part VI: Decision Criteria**

**1. BIMC 2.16.040 Site Plan and Design Review**

The Director and Planning Commission shall base their recommendations on the following criteria:

Decision Criteria	Staff Analysis
1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district;	This recommendation includes conditions to ensure conformance with applicable Code provisions and development standards in the R-8 district.
2. 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 Island-Wide Transportation Plan;	This project provides an outdoor entry courtyard, landscape buffers, bicycle facilities, sidewalks, and a trail. Due to uncertainty in the final Sound to Olympic (STO) trail alignment/connection in the State Route 305 right of way along the eastern edge of the subject property, construction of this segment of the STO is not a required frontage improvement. However, to ensure compliance with the Island-Wide Transportation Plan, the City Development Engineer's recommendation includes a condition designed to avoid preclusion of public non-motorized improvements along State Route 305 in the future.
<p>3. The Kitsap County Health District has determined that the site plan and design meets the following decision criteria:</p> <ul style="list-style-type: none"> <li>a. 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.</li> <li>b. If the Health District recommends approval of the application with respect to those items in subsection E.3.a of this section, the health district shall so advise the director.</li> <li>c. If the Health District recommends disapproval of the application, it shall provide a written explanation to the director;</li> </ul>	The Kitsap Public Health District responded, "no comment" on the application. Approval of the building permit by KPHD is required.
<p>4. The City Engineer has determined that the site plan and design meets the following decision criteria:</p> <ul style="list-style-type: none"> <li>a. The site plan and design conforms to regulations concerning drainage in</li> </ul>	The City Development Engineer determined that the site plan and design meet the applicable decision criteria and recommends approval subject to conditions to ensure conformance with drainage, water quality, and streets and

<p>Chapters 15.20 and 15.21 BIMC; and</p> <ul style="list-style-type: none"> <li>b. 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</li> <li>c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and</li> <li>d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and</li> <li>e. 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</li> <li>f. The site plan and design conforms to the “City of Bainbridge Island Design and Construction Standards,” 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.</li> </ul>	<p>pedestrian ways.</p> <p>The Development Engineer recommends a 15-foot right of way dedication along the NE New Brooklyn Rd. frontage to align with the right of way of the adjacent property (Madrona Assisted Living).</p> <p>The City Development Engineer finds that the provided trip generation analysis demonstrates that the proposed use results in a net decrease in trip generation from the previously approved use and does not adversely impact the City’s adopted level of service standards for transportation facilities, and that therefore a Certificate of Concurrency is not required</p> <p>The subject parcel is currently served by City water and sewer. A water and sewer availability application is required at the time of building permit application if any plumbing is added or changed.</p>
<p>5. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18;</p>	<p>The Design Review Board determined that the project is consistent with <i>Design for Bainbridge</i> standards and guidelines and recommends approval.</p>
<p>6. No harmful or unhealthful conditions are likely to result from the proposed site plan;</p>	<p>This staff report identifies the regulations and provides reviewer comments regarding public health, safety and welfare, and public use and interest. Recommended conditions ensure that no harmful or unhealthful conditions are likely to result from the development.</p>
<p>7. The site plan and design is in conformance with the Bainbridge Island Comprehensive Plan and other applicable adopted community plans;</p>	<p>The project both serves and employs local residents. The facility is located in proximity to public transportation. The project avoids impacts to critical areas in the vicinity and observes sustainability practices by utilizing an existing building. The project provides adequate transportation facilities through right-of-way dedication, an electric car charging station and bicycle parking.</p>

	The Planning Commission determined that the project is in conformance with the Comprehensive Plan and recommends approval.
8. 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;	The proposal conforms to all critical area regulations. There are no potential adverse impacts to geologic hazard areas. Both the Planning Department and a third party consultant concluded that the project addition is exempt from establishing the full required buffer width from the wetland and stream. As stated in the critical area report, the proposed addition will not increase impacts to the critical area relative to the existing development condition. The development area is separated from the critical area by an existing permanent substantial development, use or activity which serves to eliminate or greatly reduce the impact of the proposed activity on the critical area.
9. The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals.	The site plan and design has been prepared consistent with the purpose of the site design review process pursuant to BIMC 2.16.040. The site plan and design ensures compliance with the adopted plans, policies, and ordinances of the City. The project was reviewed with respect to overall site design. The proposed change of use of the existing building including the proposed addition is compatible with the existing site. The site was initially designed in a logical, safe, and attractive manner. The proposal does not require dedication of open space.

## 2. BIMC 2.16.110.F Major Conditional Use Permit

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

Decision Criteria	Staff Analysis
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	Recommended conditions ensure that the 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. Other uses in the vicinity include a fire station, church and assisted living facility. The south side of the subject property is heavily vegetated to provide an ample buffer to residential uses.

criteria of BIMC 2.16.020.Q shall not result in denial of a conditional use permit for the project; and	
b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and	The project is served by adequate public facilities including roads, water, fire, sewer, and storm drainage. The streets and pedestrian ways coordinate with existing streets and conform to the Island Wide Transportation Plan and the “City of Bainbridge Island Design and Construction Standards.” The property is currently served by City sewer and water. Recommended Fire District and Public Works conditions are incorporated in this report.
c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and	Recommended conditions are provided to ensure that the use will not be materially detrimental to uses or property in the vicinity of the subject property.
d. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and	<p>The project both serves and employs local residents. The facility is located in proximity to public transportation. The project avoids impacts to critical areas in the vicinity and observes sustainability practices by utilizing an existing building. The project provides adequate transportation facilities through right-of-way dedication, an electric car charging station and bicycle parking. The proposed development is in conformance with the Island-Wide Transportation Plan. The project is conditioned to require a 15-foot right of way dedication along the NE New Brooklyn Rd. frontage. The existing pedestrian trail through the wetlands/wetland and stream buffer will continue to allow for public access and shall be maintained by the applicant.</p> <p>The Planning Commission determined that the project is in accord with the Comprehensive Plan and recommends approval.</p>
e. The conditional use complies with all other provisions of the BIMC; and	Recommended conditions ensure that the conditional use complies with all other provisions of the BIMC.
f. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use	All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the use may have on

may have on the immediate vicinity of the subject property; and	the immediate vicinity. SEPA conditions imposed for the 2013 health care facility approval, along with recommended project conditions specific to this proposal, adequately address potential impacts of this proposal. No comments on this proposal were received from SEPA agencies. Occasional siren noise may occur on site from emergency vehicles. Expected traffic fits within the City's adopted level of service standards. As part of the 2013 approval for the previous use on the subject parcel (City file no. SPRA/CUPA14430C), traffic impacts from Harrison Medical Center were mitigated by a \$40,000 to the State Department of Transportation for intersection improvements along the SR305 corridor.
g. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A; and	The project is required to comply with noise regulations in BIMC 16.16.020 and 16.16.040.A.
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; and	The recommended conditions include those that address pedestrian and bicycle circulation and are provided to ensure that the project meets all applicable City standards and the "City of Bainbridge Island Design and Construction Standards.
i. The city engineer has determined that the conditional use meets the following decision criteria: <ul style="list-style-type: none"> <li>i. The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and</li> <li>ii. 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</li> <li>iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and</li> <li>iv. The streets and pedestrian ways as proposed are adequate to accommodate</li> </ul>	<p>The City Development Engineer determined that the site plan and design meet the applicable decision criteria and recommends approval subject to conditions to ensure conformance with drainage, water quality, and streets and pedestrian ways.</p> <p>The Development Engineer recommends a 15-foot right of way dedication along the NE New Brooklyn Rd. frontage to align with the right of way of the adjacent property (Madrona Assisted Living).</p> <p>The City Development Engineer finds that the provided trip generation analysis demonstrates that the proposed use results in a net decrease in trip generation from the previously approved use</p>

<p>v. anticipated traffic; and</p> <p>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</p> <p>vi. 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.</p>	<p>and does not adversely impact the City’s adopted level of service standards for transportation facilities, and that a Certificate of Concurrency is therefore not required.</p> <p>The subject parcel is currently served by City water and sewer. A water and sewer availability application is required at the time of building permit application if any plumbing is added or changed.</p>
<p>If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.</p>	<p>This report contains recommended conditions to ensure the project meets the decision criteria of this chapter.</p>

### 3. BIMC 2.16.110.G Additional Decision Criteria for Institutions in Residential Zones

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

Decision Criteria	Staff Analysis
<p>a. All sites must front on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map.; and</p>	<p>The site fronts on State Route 305, which is classified as a primary arterial in the Island Wide Transportation Plan.</p>
<p>b. If the traffic study shows an impact on the level of service, those impacts have been mitigated as required by the city engineer.; and</p>	<p>The City Development Engineer finds that the provided trip generation analysis demonstrates that the proposed use results in a net decrease in trip generation from the previously approved use and does not adversely impact the City’s adopted level of service standards for transportation facilities.</p>
<p>c. If the application is located outside of Winslow study area, the project shall provide vegetated perimeter buffers in compliance with BIMC <a href="#">18.15.010</a>.; and</p>	<p>The proposal does not impact or alter existing previously approved landscape perimeter and roadside buffers.</p>
<p>d. The proposal meets the requirements in BIMC <a href="#">18.18.030</a>; and</p>	<p>The Design Review Board determined that the project is consistent with <i>Design for Bainbridge</i> standards and guidelines and recommends approval.</p>

e. The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area; and	The building is existing and compatible with the immediately surrounding area. The bulk, height, and architectural design features of the proposed addition is compatible with the existing building and the immediately surrounding area.
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; and	The facility includes an assembly seating area (courtroom) that has a maximum seating capacity of 48 occupants. The project is in compliance with the requirements of this Code section.
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 <a href="#">18</a> , 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 maximum lot coverage in the R-8 zoning district is 25%. Under this provision, the maximum lot coverage for a governmental facility is 25%. The proposed lot coverage is below this maximum.

## Part VII: Exhibits

See Exhibit List

## Part VIII: Recommended Conditions of Approval

This report includes the standards of review, relevant Municipal Code and Comprehensive Plan provisions and provisions of other permitting agencies. The staff report includes findings based on evidence in the record. The project file contains the official record and basis for findings, including technical information and documentation.

Appropriate notice of application and SEPA comment period was provided, and no comments were received.

For continuity, all of the conditions from previously approved SPRs and CUPs have been carried forward, with any new conditions/modifications underlined and any revised or no longer applicable language struck through.

The Director recommends approval with the following conditions:

**SEPA Conditions:**

1. No clearing, grading or other construction activities shall occur until a building permit or site development permit has been submitted by the applicant and approved by the city.
2. All graded materials removed from the development shall be hauled to and deposited at city approved locations.
3. To mitigate impacts on air quality during earth moving activities, contractors shall conform to Puget Sound Clean Air Agency Regulations, which ensure that reasonable precautions are taken to avoid dust emissions.
4. A Storm Water Pollution Prevention (SWPPP) for the proposed development shall be provided for city review and approval in accordance with BIMC Chapter 15.20. The plans must be approved, the improvements constructed (or a construction bond provided if applicable), and an acceptable final inspection obtained prior to issuance of Certificate of Occupancy. The design submittal shall incorporate all proposed project improvements including complete civil plans, grading and erosion control plans, roadway plans and profiles, and storm drainage facilities and drainage report. These reports shall be prepared by a professional engineer currently licensed in the State of Washington. A construction Stormwater Permit (NPDES) will be required prior to construction approval in accordance with BIMC Section 15.20.030.B (4). More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wg/stormwwater/constrution/> or by contacting Charles Gilman at (360) 407-7451, email [chgi461@ecy.wa.gov](mailto:chgi461@ecy.wa.gov). This permit is required prior to any construction activities.
- ~~5. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection report to verify that the facilities are installed in accordance with the design documents and the actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Public Works Engineering.~~
- ~~6. An easement to COBI for access and maintenance of the proposed public stormwater facilities will be required prior to issuance of the Certificate of Occupancy.~~
7. The applicant's engineer shall provide specific erosion and sedimentation control design measures as part of the SWPP to protect the public stormwater infiltration facilities during construction of the development.
- ~~8. To the satisfaction of the Public Works Department, the applicant shall improve the roadway section for New Brooklyn Road to provide a minimum 18-foot wide paved driving surface, with appropriate storm drainage facilities per COBI Design Standards. The roadway shall be built to COBI Design standards, including curb, gutter, and sidewalk~~

along the property's north frontage.

- ~~9. To the satisfaction of the Public Works Department, the applicant shall improve the property's Madison Avenue frontage with curb, gutter, and sidewalk per COBI Design Standards.~~
- ~~10. To mitigate anticipated traffic impacts, to the satisfaction of the Public Works Department, the applicant shall construct a right turn lane on the south leg of Madison Avenue in accordance with the technical appendix diagram submitted in the Island Medical Traffic Impact Analysis date stamped received April 1, 2008 by the Department of Planning and Community Development unless an alternative plan is recommended for approval by the Washington State Department of Transportation and approved by the City's Development Engineer.~~
11. In order to provide recreation and access to the adjacent open space to the south, a trail network, consisting of four to six foot wide trails, shall be developed and maintained by the applicant within wetlands/wetland buffer in the southern portion of the site. The network shall extend from the Madison Avenue to the east, towards State Route 305, and terminate at the southern property line. A public access easement shall be granted over the trail network.
- ~~12. Within the wetlands/wetland buffer unless approved under a subsequent permit, removal of vegetation shall be limited to development of a trail network. No soil disturbance shall occur outside of the six foot wide trail construction corridor. The trails shall be "field-fit" between or around existing trees, so that significant tree removal shall be avoided. Limbs and branches up to nine feet over the trail and within one foot of the trail edges shall be removed. The four to six foot wide trail shall be constructed with a four inch layer of crushed 3/4 inch gravel over a geotextile mat barrier. All pedestrian improvements shall be installed prior to the issuance of the Certificate of Occupancy.~~
- ~~13. Prior to final plat submittal, an Operations and Maintenance Plan and Declaration of Covenant for all constructed stormwater facilities shall be provided for city review and approval in accordance with BIMC Chapter 15.21.~~
- ~~14. A minimum two-year maintenance bond period for the stormwater facilities is required prior to issuance of the Certificate of Occupancy. The maintenance period will begin after final construction acceptance of the improvements and shall run for a minimum period of two years. Regular maintenance of the stormwater system is required during this period. Documentation of maintenance shall be provided to the city on an annual basis.~~
15. In accordance with BIMC Chapter ~~18.85.060 (C)~~ 18.15.010 and to discourage the removal of wildlife habitat, significant trees that are removed from designated protection areas without

prior City approval will be replaced with new trees as follows: New trees measuring 1.5 inches in caliper if deciduous and four to six feet high if evergreen, at a replacement rate of 1.5 inches diameter for every one-inch diameter of the removed significant tree or trees within a tree stand. The replacement rate determines the number of replacement trees. The tree removed shall be replaced with trees of the same type, evergreen or deciduous. The replacement trees shall also be replaced in the same general location as the trees removed.

16. Any non-exempt tree harvesting shall require the appropriate Forest Practices Permit from the Department of Natural Resources. The conditions of the Island Medical Conditional Use Permit, Case No. CUP 14430B, shall become conditions of the Forest Practices Permit.
17. On-site mobile fueling from temporary tanks is prohibited unless the applicant provides and is granted approval for a Permit and Best Management Plan that addresses proposed location, duration, containment, training, vandalism and cleanup. (Reference 1. Uniform Fire Code 7904.5.4.2.7 and 2. Department of Ecology, Stormwater Management Manual, August 201, see Volume IV "Source Control BIMPs for Mobile Fueling of Vehicles and Heavy Equipment".) (Chapter 173-304 WAC).
18. In order to mitigate any noise impacts, all construction activities must comply with BIMC Section ~~15.15.025~~ 16.16.025 Limitation of Construction Activities.
19. All lighting within the development shall comply with the City's Lighting Ordinance, BIMC Chapter ~~15.34~~ 18.15. Compliance will require exterior lighting to be shielded and directed downward.
20. Contractors are required to stop work and immediately notify the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation if any historical or archaeological artifacts are uncovered during excavation or construction.
21. To protect the wetland buffer, the applicant shall only install motion sensor lighting in the rear of the site to ensure that the buffer is not constantly illuminated through the night.

### **Project Conditions**

22. Except as modified by conditions of approval, the project shall be constructed in substantial conformance with the site plans date stamped June 26, 2008 for the assisted living facility and ~~July 9, 2013 for the medical building~~ October 9, 2019 for the Police and Court facility.
23. Prior to submittal of any building permit applications, the applicant shall contact planning staff to schedule a pre-submittal meeting to review the necessary components for a complete building permit application. In addition, with the building permit application submittal, the applicant shall attach a narrative detailing how each condition of approval is

addressed by the building plans.

24. To verify that the buildings comply with the ~~35-foot~~ 40-foot height limit, the site plans submitted as part of the building permit shall contain existing contours overlain with the building footprints. The submitted material shall include surveyed benchmark information to verify the actual height during construction.
- ~~25. Prior to any clearing and/or construction activities, fencing delineating the northern boundary of the wetland buffer shall be installed by the applicant and inspected by planning staff. Upon completion of construction and prior to issuance of the Certificate of Occupancy, the construction fencing shall be replaced with split-rail fencing and signage. The signs shall inform readers of the boundary and its significance. Any disturbed buffer setback area shall be re-planted with native vegetation upon completion of construction and prior to issuance of the building's Certificate of Occupancy.~~
26. Any required landscaping shall be installed prior to the issuance of a temporary certificate of occupancy for the project. ~~The project's state licensed landscape architect, certified nursery professional, or certified landscaper shall submit a landscaping declaration to the department to verify installation in accordance with approved plans.~~ The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season if the director determines that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the city. The performance assurance device shall be for 150 percent of the cost of the work or improvements covered by the assurance device.
- ~~27. The landscape plans submitted with the building permit shall depict the items listed in BIMC Chapter 18.85 including partial landscape screens along the site's Madison Avenue and New Brooklyn frontage with the following exceptions: a) within the 25-foot zoning setback along the parking lot adjoining New Brooklyn, a more intense screen, as stipulated in BIMC 18.85.070(E)(1)(b) shall be installed and b) within the 29 foot front setbacks along the assisted living facility, landscaping shall substantially conform to the plans date stamped September 8, 2008. Along the sites' highway frontage, a full landscaping screen, as defined in BIMC 18.85.070(B) 1) shall be installed in the 25-foot zoning setback. All significant trees, as defined in BIMC 18.85.010 and located within the required perimeter landscape buffer areas, shall be retained and incorporated into the required landscape screen. All required landscaping shall be maintained and retained for the life of the project.~~
- ~~28. As the code required New Brooklyn landscaping screens are located within areas shown as being developed with rain gardens, the applicant must demonstrate that the dual purposes, perimeter landscape screening and stormwater treatment faculty, are compatible. If not, the rain gardens would need to be relocated. Proof of compatibility or relocation of the raingardens shall be submitted as part of the building permit application.~~
29. Prior to the issuance of the Certificate of Occupancy final inspection, the applicant shall

~~secure the landscape maintenance assurance required by BIMC Section 18.85.090(D).~~

30. The service area, including trash and recycling enclosures, for the ~~medical office~~ Police and Court facility must be located as far away as possible from the assisted living facility and shall be properly screened with fencing.
31. Prior to issuance of the Certificate of Occupancy, the applicant shall install bicycle racks or hangers supplying parking for at least 20 bicycles. Of those spaces, a portion shall be located near the front entrance of the ~~medical building~~ Police and Court facility.
32. ~~Civil construction plans for all roads, storm drainage facilities, sanitary sewer and water facilities, and appurtenances shall be prepared by a professional engineer and approved by the Public Works Department prior to issuance of a building permit. All civil improvement plans, reports, and computations shall be prepared by a civil engineer registered in the State of Washington and submitted with the application(s) for a construction permit (building, grading, right of way use, etc.) to the City for review and approval to construct of all necessary infrastructure and utilities serving the site. Certificate of occupancy will not be issued for new building until all civil improvements are completed.~~
33. All on-site stormwater facilities shall remain privately owned and maintained that are specific to the Madrona House Assisted Living property. All on-site stormwater facilities that are specific to the Police and Court facility property shall be owned and maintained by the City. Annual inspection and maintenance reports shall be provided to the City. ~~The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of the Certificate of Occupancy for this development, the person or persons holding title to the subject property for which the storm drainage facilities are required shall record a Declaration of Covenant that guarantees to the City that the system will be properly maintained. Wording must be included in the covenant that will allow the City to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This will be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should City crews be required to do the work, the owner will be billed the maximum amount allowed by law.~~
34. ~~The property owner shall dedicate, as right of way, 25 feet of property fronting along New Brooklyn as shown on the preliminary civil drawings date stamped June 2, 2009. In addition, a pedestrian easement shall be dedicated for the sidewalk along the proposed on street parking along New Brooklyn to make them public thoroughways.~~
35. A right-of-way (ROW) construction permit will be required prior to any construction activities within the ROW. The ROW permit will be subject to conditions and ~~coding~~ bonding requirements.
36. ~~The water and sanitary sewer facilities shall be designed in conformance with BIMC Title 13 and the City's adopted Design Standard and Specifications. The utilities plans submitted~~

~~with building permit's civil drawings shall include profile and detail and shall demonstrate compatibility of the facilities with future street improvements currently proposed by the City. Specifications for water and sewer facilities include the following:~~

- ~~a. An eight-inch diameter ductile iron class 52 water main shall be installed along the site's New Brooklyn frontage.~~
- ~~b. A 15-foot wide easement for the on-site water main extension shall be provided from the right-of-way to the proposed buildings.~~
- ~~c. An isolation valve shall be provided at the connection to the force main located in Madison Avenue.~~

~~37. Binding water and sewer service letters from the City's Public Works Department shall be submitted with the building permit application.~~

38. To the satisfaction of the Bainbridge Island Fire Department, the project shall meet all applicable requirements of the ~~2006~~ 2015 International Fire Code.

39. To the satisfaction of the Bainbridge Island Fire Department, fire sprinkler and fire alarm systems shall be installed throughout the buildings.

~~40. To the satisfaction of the Bainbridge Island Fire Department, the proposed hydrant in front of the assisted living facility shall be relocated to the west parking lot entrance, a fire hydrant must be installed at the east parking lot entrance, and the proposed hydrant in front of the medical office building shall be relocated to the entrance of the parking garage.~~

41. Building overhangs covering the main entrances shall provide at least 13' 6" of clearance.

42. The driving lanes within the project are considered fire lanes and shall be labeled as such to the satisfaction of the Bainbridge Island Fire Department.

~~43. To the satisfaction of the Kitsap County Health District, the applicant shall:~~

- ~~a. Abandon the site's existing septic tank per that agency's code~~
- ~~b. Have the site's existing well decommissioned by a certified well driller.~~
- ~~c. Apply for a sewer building clearance accompanied by a water and sewer availability letter from the water purveyor.~~

44. To the satisfaction of planning staff, all exterior building surfaces shall be sided with non-reflective materials.

45. To the satisfaction of the Washington Department of Transportation (WSDOT), the following provisions must be followed:

- a. WSDOT will only accept stormwater runoff from the project site that currently enters SR 305 right-of-way. Any proposal by the applicant to discharge stormwater runoff to the right-of-way either during construction or upon completion will require appropriate stormwater treatment in accordance with the WSDOT Highway Runoff

Manual. If such discharge is proposed, a drainage plan must be reviewed and approved by WSDOT prior to any earth disturbance.

- b. No excavation, grading, filling, landscaping or any other activity associated with the proposal may occur within state right-of-way without prior approval by WSDOT.
- c. No lighting from the site may be directed towards the state highway and no glare from the completed project shall impact the state highway.
- d. No signs shall be placed in the highway right-of-way (unless otherwise approved).

~~46. The applicant shall coordinate with the Washington Department of transportation (WSDOT) to determine if signage can be added to the highway that indicates the location of the urgent care facility. The applicant shall coordinate with staff to ensure that said signage meets the sign code requirements of BIMC 15.18.~~

~~47. As most of the dining terrace is located within the building setback associated with the wetland buffer, it must be constructed with a pervious surface (wood decking, pavers, permeable concrete, etc) to the satisfaction of planning staff.~~

~~48. The mechanical units shall be screened from SR 305 and New Brooklyn. as indicated on the site plans submitted by the applicant on November 26, 2013. The mechanical units shall be inspected during the permit review and found to be screened prior to the issuance of occupancy.~~

~~49. Prior to directly discharging any stormwater into the wetland and/or its buffer, the applicant shall secure a Special Use Review permit from the City of Bainbridge Island.~~

50. At the time of building permit application, the applicant must indicate on the site plan which vegetation will be disturbed to gain access to the building during construction of the Police and Court facility. Any vegetation disturbance shall be re-planted prior to final on the building permit. A landscape plan must be submitted to and approved by the City prior to replanting and if any trees are removed, the project shall continue meet the applicable tree unit requirements.

51. At least one parking space near the entrance of the Police and Court facility must be reserved and signed for use by a shared-car program or electric vehicle charging station. This condition will be verified prior to final on the building permit.

52. Any portion of the security fence that is within a setback shall be a maximum of eight feet high. Within a setback, a fence may be screened up to six feet high with an additional two feet of nonscreening material for a total of eight feet. This condition will be verified at the time of building permit review.

53. 15' of Public Right of Way (ROW) shall be dedicated on the north frontage with NE New Brooklyn Road from the northwest property corner east until it meets the SR305 ROW, to align with the existing ROW of the adjacent property to the west (Madrone Assisted Living). This

ROW dedication along the NE New Brooklyn Frontage shall be completed and recorded prior to the issuance of any construction permit (to include Building, ROW, and Grade and Fill) or no later than 12 months from the date of SPRA/CUPA approval, whichever occurs first.

54. This project shall not result in any action that would preclude the future construction of the STO trail along the eastern frontage with SR305.
55. Prior to building permit final inspections for certificate of occupancy, an updated Operation and Maintenance plan reflecting any changes in the storm drainage system shall be provided to City of Bainbridge Public Works Department (Operations and Maintenance) for use of the personnel responsible for the on-going maintenance of the storm drainage system.
56. Applicant shall provide updated Drainage Fixture Unit count and comparative analysis between existing and proposed conditions to ensure water service meter is appropriately sized for the new use.
57. Sanitary sewer connections shall be protected during construction. Prior to returning the sanitary sewer lateral connection to service, applicant shall demonstrate via video inspection or equivalent methods that the lateral is free of obstruction/debris and is in good working order.
58. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be considered a violation of this chapter and subject to enforcement and restoration under BIMC 16.20.170.
59. A land use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the permit unless (a) the applicant has received an extension for the permit; or (b) the permit provides for an extended time period. The director may grant one extension to the permit, in writing, for a period not to exceed one year if the applicant can demonstrate, (a) unforeseen circumstances or conditions necessitate the extension of the permit; and (b) termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and (c) the extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and (d) the extension request is received by the department no later than 30 days prior to the expiration of the permit.
60. Minor adjustments to an approved site plan and design review may be made after review and approval by the Director. Minor adjustments are those that include minor changes in dimensions or siting of structures or the location of public amenities, but do not include changes to the intensity or character of the use. Minor adjustments are processed through a written request from the applicant and a written response from department staff. The City response is placed in the project file and is effective to modify the approval as described in the response. Adjustments other than minor adjustments to an approved site plan and design review require a

new or amended application as determined by the Director. Major adjustments are those that change the basic design, intensity, density, or character of the use.