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C L A R I O N

TECHNICAL MEMORANDUM 1

TO: Kathy Cook, Bainbridge Island Planning Director

FROM: Clarion/Wolfe/ReadWagoner Team

DATE: September 10, 2008

RE: Proposed Revisions to Module 1

As discussed during our prior meetings, the Clarion/Wolfe/ReadWagoner team has prepared the following technical memorandum listing changes to the public draft of module 1 that will be incorporated into the Final Draft of the Land Use Code and further discussion by the public. These proposed changes are based on discussions with the public during our August 13 presentation of Module 1, as well as discussions with staff, the Ad Hoc Committee, the Code Users Group, and written comments received from the public and interested stakeholders. Although Bainbridge Island staff are maintaining a “listening log” tracking all comments received, this Technical Memo is narrower in scope – it focuses on those areas where specific changes to the draft language are recommended by the Clarion/Wolfe/ReadWagoner team.

Technical Memo – Revisions to Module 1

9/10/08

Section of Module 1	Recommended Change
Chapter 18.03 General	The Purpose and Intent Statement in 18.03.040 will be revised to include a reference to implementing the Comprehensive Plan
	The requirement to transmit all map amendments to Kitsap County will be deleted as not required by law
	18.03.020 Adoption and Repeal – this section will be deleted, as the City Attorney prefers to put the language in the standard covering ordinance to which the new Land Use Code will be attached.
	18.03.090. Add a statement that the Planning Director has authority to provide interpretations as which procedures are applicable. Add statement that Planning Director will make zoning interpretations available to the public
	18.03.090e. The list of factors the Planning Director will use to determine whether a proposed use is included in a listed use will be expanded to include light and glare impacts.
Chapter 18.06 Zoning Districts	The general purpose statement for the Mixed Use Town Center will be revised to remove references to High School Road portions of the comprehensive plan.
	BP (Business Park) district will be renamed the B/I (Business/Industrial) district to better reflect its character
	NSC district performance standard on lighting (18.06.050.B.6) will be revised so that light protections apply to all residential properties (not just residential zoned properties)
Chapter 18.09 Use Regulations	The table legend explaining what “P”, “C” and blank cells mean will be added to each page of the table. The column header for use specific standards will be revised to clarify that these materials supplement individual zone district entries.
Permitted Use Table	“Accessory Uses to Agriculture” – should “C” be added to R3.5, R4.3, and R5, since agriculture is a conditional use in those districts.
	“Agriculture” will be divided into “Crop-Related Agriculture and Livestock Agriculture because of their differing impacts. Agricultural Work Group recommendations on mitigating impacts will be incorporated into use-specific standards.
	“Assisted Living Facilities” will be a permitted use in the Mixed Use CC, MA, HSR1 and HSR2 districts, and a conditional use in the R-0.4, R-1, R-2, Mixed Use EA, Gate, Ferry, and BP districts (based on new definition below)
	“Auto Sales” will be changed to “Motor Vehicle Sales” and defined to include boats– in order to clarify that sales of none of those items are included in general “retail” sales.
	“Community Gardens” will be added as a permitted primary use of land in all Residential and Mixed Use Districts

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	“Group Living Facility” will become a permitted use in the Residential Districts (based on new definition below). This use replaces the previous “Assisted Living Facility” and is allowed in the same districts as that former use.
	“Health Care Facilities” will be changed from conditional to permitted uses in the Mixed Use Erickson Avenue and Gateway Overlay districts.
	“Junkyard” will be deleted from the use table – and related use-specific standards and definitions will also be deleted.
	“Landfill” will be deleted from the use table – and related use-specific standards and definitions will also be deleted.
	“Major Home Occupations” will change from permitted to conditional uses in the Winslow Mixed Use districts because similar free-standing uses are conditional uses.
	“Mining and Quarrying” will be added as a conditional use in the BP district to reflect current conditions.
	“Taxi Service Facilities” will be added within the category of “Private Motor Vehicle-Related” as a permitted use in the HSR and BP districts and a C use in the NSC district subject to the same screening and landscaping requirements n now applicable to parking and auto storage areas.
	“Veterinarian Clinics” will be added as permitted uses in the Madison Avenue and Ericksen Avenue Overlay Districts.
Use Specific Standards	Introductory language will clarify that all uses are subject to the city’s noise and nuisance standards (and will cross-reference those standards) unless specifically exempted in the Land Use Code.
	“Agriculture” standards in 18.09.030 will be revised to include a more specific reference to the document containing the USDA’s best management practices, unless the Agricultural Work Group recommends specific alternative standards.
	“Day Care Center” standards will be revised to remove an inconsistency in the text. The revised provisions will provide that they are permitted uses on a site of 1 acre or more in the R-1 district and permitted uses on a site of 2.5 acres or more in the R.04 district, but conditional uses if those minimum site requirements are not met.
	“Live-Work Unit” standards will be revised to clarify that (a) conversion of non-residential space to residential use shall not be permitted if it would result in the Unit failing to meet the definition of a Live-Work Unit, and (b) the 1,000 sq. ft. per employee standard applies to non-residential floor area in the Unit.
	<p>“Mining and Quarrying” standards will read:</p> <ol style="list-style-type: none"> 1. No mining or quarrying activities shall be conducted within 500 feet of a property located in any zone district other than the R-0.4, R-1, or R-2 zone districts.” 2. All mining and quarrying operations shall maintain a landscaped buffer

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	<p>meeting the standards of section XXXX and at least 50 feet wide around each area of mining or quarrying activity. The width of the buffer may be increased up to 100 feet by the Planning Director through the same standards that apply to LM district buffers.</p> <p>3. All mining and quarrying operations shall comply with all applicable performance standards in section 18.06.070.B (performance standards for the WDI zone district)</p> <p>4. All mining and quarrying operations shall comply with all applicable requirements of RCW Chapter 78.44 and WAC Chapter 332-18 (Surface Mining Act) and RCW Chapter 78.56 (Metal Mining and Milling Act).</p>
	<p>All “Park and Ride Lots” and “Shared Use Park and Ride Lots” will be limited to locations adjoining arterial and collector streets and shall provide auto access only from arterial and collector (not local) streets.</p>
	<p>“Waste Facility” standards will read:</p> <p>1. No waste facility operations shall be conducted within 500 feet of a property located in any zone district other than the R-0.4 zone district.</p> <p>2. All waste facility operations shall maintain a landscaped buffer meeting the standards of section XXXX and at least 50 feet wide around each area of mining or quarrying activity. The width of the buffer may be increased up to 100 feet by the Planning Director through the same standards that apply to LM district buffers.</p> <p>3. All waste facility operations shall comply with all applicable performance standards in section 18.06.070.B (performance standards for the WDI zone district)</p> <p>4. All waste facility operations and operators shall comply with all applicable requirements of RCW Chapter 70.95 (Solid Waste Management), WAC Chapter 173.350 (Solid Waste Handling Standards), and WAC Chapter 173.351 (Criteria for Municipal Solid Waste Landfills), including the requirement to obtain and maintain a current Solid Waste Permit and to comply with all conditions attached to that permit.</p>
	<p>48. “Temporary Construction Buildings” will be subject to a time limit starting when a building permit for the building is issued and ending 30 days after a certificate of occupancy for the building is issued. Drawings currently appearing in section 18.78.070 will be added to the standards for this use.</p>
Chapter 18.36 Definitions	<p>Agricultural Working Group will revise definition of “Agricultural Potential Parcels” to better match parcels in actual agricultural uses and with future agricultural potential. We will use their definition.</p>
	<p>“Accessory Structures” definition will be expanded to barns and sheds to the list of examples.</p>
	<p>“Assisted Living Facilities” definition will be revised to refer to nursing home/long term care facilities where medical care is available (tracking the</p>

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	current use of the term), after consultation with the City Attorney
	A definition of “Bed and Breakfast, 1-2 bedrooms” will be added to clarify that it is an accessory use and is required to be owner-occupied.
	“Confined Feeding Area” definition will be revised clarify that the thresholds apply to outside areas for animals raised for sale as food; the 600 sq. ft. per animal threshold applies to cows and lamas, a threshold of 300 sq. ft. per animal will apply to pigs, and a threshold of 8 sq. ft. per animal shall apply to properties containing more than five chickens. The Agriculture Working Group will review this provision and may suggest revisions.
	“Family” definition may be revised to better match federal law definitions of the term, after consultation with the City Attorney
	“Group Care Facilities” definition will be revised to clarify and distinguish it from “Assisted Living Facilities” and “Health Care Facilities” based on consultation with the City Attorney
	“Group Living Facility” will be defined to cover homes with six or fewer residents in categories protected by the Fair Housing Act, which need to be treated as residential uses and allowed in at least some residential districts, after consultations with the City Attorney
	“Health Care Facilities” definition will be revised to distinguish it from “Group Care Facilities” and “Assisted Living Facilities”
	“Major Agricultural Retail” definition will be revised to move the 36 round trip limit into the Use-Specific Standards section – which will make the difference with “Minor Agricultural Retail” (limited to 24 round trips) clearer
	“Manual Car Wash Facility” definition will be revised to cover both manual and automatic car washes.
	“Mining and Quarrying” definition will be revised to be consistent with a second definition in state law at RCW 78.44.031(17).
	“Recycling Center” definition will be revised to clarify that is not limited to a pickup point for a single building or complex, but can also include a neighborhood or city-wide facility.
	“Stables” definition will be revised to clarify that it involves the keeping of horses for periods of longer than one continuous month for persons who are not residents of the property where the horses are kept. Keeping of horses for property residents is an ‘Accessory Use to Agriculture’ that should not be listed in the primary use list.
	“Veterinarian Clinic” definition will be revised to include pets.
	“Waste/Salvage” definition will be renamed “Waste Facility” to match the permitted use table.
	Definitions for uses in the Water Dependent Industrial zone will be cross-referenced in chapter 18.36 if definitions exist; if definitions do not exist then the terms will be deleted from 18.36.

