

Clarion Associates
621 Broadway, Suite 2250
Denver, Colorado 80293
Phone 303.830.2890
Fax 303.860.1809

Planning and Zoning
Growth Management
Real Estate Consulting
Market Analysis
Appraisal

C L A R I O N

TECHNICAL MEMORANDUM 3

TO: Kathy Cook, Bainbridge Island Planning Director

FROM: Clarion/Wolfe/ReadWagoner Team

DATE: May 13, 2009

RE: Proposed Revisions to Modules 1, 2, and 3

As discussed during our prior meetings, the Clarion/Wolfe/ReadWagoner team has prepared the following technical memorandum listing changes to the public draft of modules 1, 2, and 3. Please note that we had originally planned to draft a separate Technical Memorandum for each module, but we have now decided to incorporate them in a single document. This change was made because (a) some of the proposed changes to the public draft of Module 2 require related changes to Module 1, and (b) additional changes to Module 1 have been suggested by the public and working groups since the time Module 1 was posted. Where these proposed changes revise the materials in Technical Memorandum 2, we have indicated that fact in the table below.

The changes outlined in this memorandum will be incorporated into the Final Draft of the Land Use Code for further discussion by the public. These proposed changes are based on discussions with the public during our August 13, 2008, presentation of Module 1, our October 27 presentation of Module 2, and our April 14, 2009, presentation of Module 3, as well as discussions with staff, the Ad Hoc Committee, the Code Users Group, and written comments received from the public and interested stakeholder. 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 3 – Revisions to Modules 1, 2, and 3

5/13//09

Section	Recommended Change
MODULE 1	
Chapter 18.03 General	Because of the large number of inter-relationships and cross-references between Titles 2, 15, 16, 17, 18, we will start Title 18 with a section on “How to Use this Code” identifying how the five chapters work together.
2	The Purpose and Intent Statement in 18.03.040 will be revised to include a reference to implementing the Comprehensive Plan
3	The requirement to transmit all map amendments to Kitsap County will be deleted as not required by law
4	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.
5	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
6	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.
8	The current LM zone district will be renamed the B/I (Business/Industrial) district (instead of BP (Business Park)) to better reflect its character. Purpose statement will clarify that this zone is intended to implement Comprehensive Plan provisions related to light manufacturing uses and the B/I (former LM) zone.
9	Performance standards for NSC, B/I (formerly LM), and WDI districts will be revised to require that they comply with the standard lighting provisions in 18.15.050. In addition, NSC district performance standard on lighting will be revised so that light protections apply to all residential properties (not just residential zoned properties).
10	Those performance standards for the NSC, BI, or WDI districts that cross-reference or approximate state law requirements will be applied to the Mixed Use Town Center and HSR I and II districts, because state law would require the same result.
11	An additional overlay district will be listed for R-8SF, since it is mentioned in the Comprehensive Plan and treated by staff as an overlay district.
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.

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13/09

Section	Recommended Change
Permitted Use Table	The introductory language to the Permitted Use Table in 18.09.020 (as well as the table header) will include a cross reference to the Shoreline Master Program use matrices in 16.12.150 and will indicate that the proposed use is only allowed if it is permitted under both tables if the land is located in the shoreline jurisdiction. It will also include a cross reference to the Critical Areas regulations use table in 16.20.160.E Table 8 and will indicate that the proposed use is only allowed if it is permitted under both tables if the land is located in a regulated wetland, wetland buffer, or stream buffer.
14	The Permitted Use Table will be revised to include cross-references to 12 different subsections of the shoreline master program provisions in 16.12 (boating facilities 16.12.180 boat launches 16.12.190, commercial development 16.12.200, forest practices 16.12.220, industry 16.12.230, mining 16.12.240, recreation development 16.12.250, residential development 16.12.260, transportation facilities 16.12.270, utilities 16.12.280, and piers-docks-recreational floats-mooring buoys 16.12.340. These will be inserted as additional use specific standards, or as cross-references in the headings to different sections of the table, as appropriate)
15	“Accessory Uses to Agriculture” – should “C” be added to R3.5, R4.3, and R5, since agriculture is a conditional use in those districts.
16	“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. REVISED: Both types of agriculture would be allowed as permitted or conditional uses in the same districts where they are currently allowed. The separation of use names will not restrict the ability of property owners to engage in both Crop- and Livestock-Related Agriculture as primary uses of their property at the same time.
17	“Agricultural Processing, Agricultural Retail” (including both “Minor Agricultural Retail” and “Major Agricultural Retail”), and “Agricultural Tourism” will be clarified to be accessory uses to both Crop Agriculture and Livestock Agriculture, rather than primary land uses.
18	“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 B/I (formerly LM) districts (based on new definition below). Assisted Living Facilities will also be a permitted use in the NSC district.
19	“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.
20	“Community Gardens” will be added as a permitted primary use of land in all Residential and Mixed Use Districts
21	“Composting bins” will be listed as permitted accessory structures in

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13/09

Section	Recommended Change
	Residential zone districts. The definition will require odor control mechanisms.
22	Confined Feeding Facilities will not be allowed as a primary use of land in any zone district. A heavy use feeding area will be an accessory use to other Livestock Agriculture operations in the R-0.4, R-1, R-2, R-2.9, R-3.5, R-4.3, and R-5 districts.
23	“Farm Implement Store” and “Farm Machinery Repair” will be removed from the use table.
24	“Foster Home” will become a permitted use in the NSC district, because single and multi-family uses are also permitted in that district.
25	“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.
26	“Health Care Facilities” will be changed from conditional to permitted uses in the Mixed Use Erickson Avenue and Gateway Overlay districts.
27	“Junkyard” will be deleted from the use table – and related use-specific standards and definitions will also be deleted.
28	“Landfill” will be deleted from the use table – and related use-specific standards and definitions will also be deleted.
29	“Animal Slaughtering” will be added to the use table as a separate agricultural use, in order to distinguish it from “agricultural processing”. We will consult with the Ad Hoc Committee regarding the districts where this would be a Permitted or Conditional Use. REVISED: “Livestock and Poultry Slaughtering” will be added as an accessory use to Livestock Agriculture in the districts where that primary use is permitted. If livestock or poultry are brought onto the property for slaughtering (as opposed to being raised on the property), then an agricultural retail plan would be required.”
30	“Major Home Occupations” (an accessory use) will change from permitted to conditional uses in the Winslow Mixed Use districts because similar free-standing uses are conditional uses.
31	“Mining and Quarrying” will be added as a conditional use in the BP district to reflect current conditions.
32	“Raingarden/Swale” will be listed as a permitted accessory use in all zone districts provided the detention of water complies with applicable law.
33	“Rainwater Harvesting Barrels” will be added as a permitted accessory structure in all zone districts, provided that the use of those barrels does not violate the water rights of downstream property owners.
34	“Small Group Living Facility” (which is limited to six persons, excluding caretaker) will be added as a Permitted use in the Residential and Mixed Use districts.
35	“Small Wind Energy Generator” will be a permitted accessory structure

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13/09

Section	Recommended Change
	subject to the height and setback requirements of each district
36	“Small Wind Energy Generator” as a primary use of land (i.e. on a lot without another primary use of land) will be added under the category of “utility and telecommunications” and will be (1) a Permitted use in the NSC, BI, and WDI zone districts if it complies with the height and setback requirements of the zone district, (2) a Conditional use in the NSC, BI, and WDI zone districts if it does not comply with height and setback requirements, and (3) a Conditional use of land in all other zone districts.
37	“Solar Panel” (both photovoltaic and hot water) will be defined as a permitted accessory structure in all zone districts.
38	“Solar Panel” as a primary use of land (i.e. on a lot without another primary use of land) will be added under the category of “utility and telecommunications”, and will be a Conditional use in all zone districts.
39	A new land use titled “Transportation-Related Services” will be added to the table and will include taxi services, Meals-on-Wheels-type food delivery services, cleaning services, visiting health care service, and similar uses. This category will be a permitted use in the HSR, NSC, and B/I (formerly LM), zone districts subject to a limitation of 50 average daily trips. Facilities requiring higher levels of trips will require conditional use approval. REVISED: The use would also be a conditional use in the NSC zone districts.
40	“Veterinarian Clinics” will be added as permitted uses in the Madison Avenue and Ericksen Avenue Overlay Districts.
41	“Waste Facilities” will be renamed “Waste Transfer Facilities” which more closely matches the current use of the term.
Use Specific Standards	Introductory language will clarify that all uses are subject to the city’s noise standards (Chapter 16.16) and nuisance standards (and will cross-reference those standards) unless specifically exempted in the Land Use Code
42	Introductory language will clarify that additional use-specific regulations are contained in 16.12 (Shoreline Master Program) and 16.20 (Critical Areas) and with specific reference to 16.20.160 (Wetlands) E (Regulated Uses and Activities), F (Additional Development Standards for Regulated Uses), F8 (Utilities in Regulated Wetlands and Buffers), F9 (Parks) and F10 (Educational and Scientific Activities). These cross-references will also be included in use-specific standards if appropriate.
43	“Agriculture” standards in 18.09.030 The Agricultural Work Group recommends not using the USDA and instead using best management practices specific to local conditions. Clarion will suggest revised BMPs to the Work Group for its consideration, and will ensure that the BMPs are consistent with eligibility criteria for the USDA’s Conservation Reserve Program (CRP) and Conservation Reserve Enhancement Program (CREP). After review, these standards will be included as use-specific standards for “Crop-Related Agriculture” and “Livestock Agriculture” and will include a

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13//09

Section	Recommended Change
	cross-reference to Critical Area regulations applicable to agricultural activities in 16.20.130.C.9. Use-specific standards for “Crop-Related Agriculture” will include a cross-reference to Critical Area regulations applicable to forest practices in 16.20.130.C.14. REVISED. References to the CRP and CREP programs will not be inserted. Other agricultural use standards under consideration by the Agricultural Working Group will be integrated following those discussions.
44	Both “Crop-Related Agriculture” and “Livestock Agriculture” will have a use specific standard containing a cross-reference to the ban on agriculture in the shoreline jurisdiction contained in 16.12.160.
45	“Agriculture”, “Agricultural Processing”, “Major Agricultural Retail”, “Minor Agricultural Retail”, “Agricultural Tourism”, “Live-Work Units”, “Equestrian Facilities”, “Open-Air Sales of Garden Supplies”, and “Temporary Container Storage” standards will be revised to delete references to Agricultural Potential Parcels. In lieu of using the Agricultural Potential Parcel approach, the Agriculture Working Group recommends that these uses be conditional uses available through an expedited/inexpensive permit.
46	“Agriculture” use standards will require that where the primary use of the property is not a “confined feeding facility” any portion of the property used as a confined feeding area must meet the minimum area per animal requirements established for “confined feeding facility.” REVISED: The Agriculture Working Group is currently discussing animal density regulations related to agricultural land and heavy use areas, and standards will be included following those discussions
47	Standards for “Egg-Laying Facility” are under discussion by the Agricultural Working Group and will be included following those discussions.
48	Use standards will be added to address animal slaughtering. REVISED. Standards for Livestock or Poultry Slaughtering are under discussion by the Agricultural Working Group and will be included following those discussions.
49	“Auto Repair Services”, “Boat Repair Facilities”, and “Farm Machinery Repair”, will have use-specific standards cross-referencing restrictions in 16.20.120.
50	“Barge Moorage and Off-load Slips”, “Boat Building”, and “Ferry Slips and Repair Facilities” use standards will be revised so that references to “south of Eagle Harbor” read “on the south shore of Eagle Harbor” and references to “north of Eagle Harbor” read “on the north shore of Eagle Harbor”.
51	“Confined Feeding Facility” use standards will a minimum of 600 sq. ft. per animal to cows and lamas, _____ per animal for horses, 300 sq. ft. per animal for pigs, ____ per animal for goats, _____ per animal for lambs, and 8 sq. ft. per animal for properties containing more than five chickens. The Agriculture Working Group will review this provision and may suggest revisions. REVISED: Animal density standards are currently under discussion by the

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13/09

Section	Recommended Change
	Agricultural Working Group and will be included following those discussions.
52	“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-0.4 district, but conditional uses if those minimum site requirements are not met.
53	“Entertainment Facility” standards will be revised to delete the requirement that they be included in a mixed use development.
54	“Healthcare Facilities” standards will be revised to delete ban on veterinary clinics in NSC.
55	“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.
56	<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 full screen landscaped buffer meeting the standards of section 18.15.010.D.2.a 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 B/I (formerly LM) district buffers. 3. All mining and quarrying operations shall comply with all applicable performance standards in BIMC 18.06.070.B (performance standards for the WDI zone district) 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>REVISED add the following:</p> <ol style="list-style-type: none"> 5. All mining and quarrying operations shall comply with all applicable performance standards in BIMC 16.28.030.
57	“Minor Home Occupations” (an accessory use) use standards will be revised to provide that only 1 person not resident in the home may be employed on-site (to provide for situations like landscapers with more than 1 employee, but not creating impacts on-site). In addition, these standards shall incorporate the current staff interpretation that the addition of a home occupation is not a change of use and does not require site plan review.
58	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.

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13/09

Section	Recommended Change
	Stables housing horses other than those of the property owner will be required to prepare an agricultural retail plan under the same criteria applicable to a major or minor agricultural retail use (depending on the size).
59	“Utilities, Accessory” – a use specific standard will be added cross-referencing utility standards under the Critical Areas regulations (16.20.130.C.11).
60	“Utilities, Primary” – a use specific standard will be added cross-referencing utility standards under the Shoreline Master Program (16.12.120) REVISED and under the Critical Areas regulations (16.20.130.C.11).
61	<p>“Waste Facility” standards will read:</p> <ol style="list-style-type: none"> 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. 2. All waste facility operations shall maintain a full screen landscaped buffer meeting the standards of section 18.15.010.D.2.a 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 B/I (formerly LM) district buffers. 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) 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.
62	“Accessory Uses and Structures” will be revised to allow 5 or fewer chickens (instead of less than 5). The Agriculture Working Group will discuss whether this should be limited to hens only, or whether roosters should be permitted as an accessory use to a residential primary use if the lot is above some minimum size.
63	“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.
MODULE 2	
Chapter 18.12 Dimensional Standards	In 18.12.020 introductory language, references to PUDs will be removed, since the PUD zone district has been eliminated.
65	Current Table 18.12.02-1 – Residential District Dimensional Standards – will be split into three tables: one addressing “Standard” lots (i.e., lots created before or otherwise outside the flex-lot process); one addressing “Open Space

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13//09

Section	Recommended Change
	Flex-Lots”; and one addressing “Clustered Flex-Lots”. The text will clarify that Standard lot dimensions are for existing lots, and that land can no longer be divided except through one of the flex-lot options and dimension standards. The Clustered Flex-Lot content will be moved over from Chapter 17. Where columns carry over across page breaks, column headers will be repeated to make the tables more readable. A decision tree will be included to clarify how a user determines whether his or her lot is a Standard, Open Space Flex, or Clustered Flex lot. We will clarify that pre-existing PUDs may have their own standards that do not match those in the table.
66	The minimum lot size in the R-8 and R-14 zone districts will be adjusted to allow subdivision of those lands without reducing the permitted density on those lands. Standards may be added to minimize impacts to neighboring properties when this occurs.
67	In Table 18.12.02-1 the provisions on building-to-building separation requirements in flex lots will clarify that the minimum distance is 10 feet unless the fire code requires a larger distance.
68	In Table 18.12.02-1, the note on flex-lot density reading “except that subdivisions containing irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density” will be removed.
69	In table 18.12.02-1 the cell addressing shoreline jurisdiction setbacks will add the following language “For properties abutting the shoreline, the native vegetation zone (BIMC 16.12.090) replaces the zoning setback(s) along the water,”
70	Footnotes 3 and 4 to Table 18.12.02-1 may be moved to the “rules of measurement” section to consolidate similar information.
71	In the flex lot density standards in current Table 18.12.020-1, the text “without deducting areas to be dedicated as roads or encumbered by private road easements” will be changed to read “without deducting areas to be dedicated as public rights-of-way or areas to be encumbered by private access easements”.
72	Current Table 18.12.020-2 will be titled “Dimensional Standards for Mixed Use and “Other” Zone Districts. Commercial subdivision standards will be inserted from Chapter 17. The cross-reference to note [10] for NSC side setbacks is an error and will be removed.
73	Current Table 18.12.020-2 will be revised to provide that NSC setbacks are: Front = min 0’ to max 20’; Side and rear setbacks abutting another NSC zone = 0’; Side and rear setbacks abutting a residential zone = 15’. This is a change from the current language, which failed to specify residential setbacks, and will be reviewed by the Ad Hoc Committee.
74	In both Table 18.12.020-1 and -2, the dimension will be labeled in the table cells themselves (i.e. 20 ft.) rather than having the “ft” appear in the row or column header.

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13/09

Section	Recommended Change
75	In Table 18.12.02-1, special setbacks for confined feeding areas will be moved up to Chapter 18.09 to become a use-specific standard for livestock agriculture.
76	In 18.12.030.F (Shoreline setbacks) the rules for measurement will be clarified and graphics improved to make this section more user-friendly.
77	In 18.12.030.F (Shoreline setbacks) the introductory language will include the following additions: “The intent of this section is to protect shoreline view of principle buildings on adjacent properties. This section applies only to principle buildings abutting the water within the shoreline jurisdiction <u>where there is no road or right-of-way intervening between the water and the building.</u> Shoreline setbacks are measured as the shortest distance measured on a horizontal plan between the ordinary high water mark and the principle building at the point of the building nearest the water, <u>excluding attached structures less than 30 inches in height.</u> ” REVISE: to include the word attached in the previous sentence, which was the original intent
78	In 18.12.030.F.1.a (No Adjacent Principal Buildings) the text will be revised to read “Where no <u>existing principal buildings are located on properties abutting a proposed structure, the shoreline structure setback does not apply.</u> ” Since the current language provides that the shoreline setback is the same as the underlying zoning districts, this does not change the current practice. The graphic will be deleted as unnecessary,
79	In 18.12.030.F.1.b (Adjacent Principal Structures <u>Buildings</u> on one Side) through 18.12.030.F.1.d, the text will be clarified to say that these shoreline setbacks only apply if there is an existing <u>structure principal building</u> on the adjacent property. —i.e. the future construction of a principal structure on an adjacent lot does not trigger these setbacks where they were not already applicable). REVISED: More recent construction cannot make adjacent earlier construction non-conforming. References to “structure” were replaced with “building”.
80	The text of 18.12.030.F.2 will be revised to read “Accessory structures, such as fences, <u>boathouses, stairways, and sheds,</u> may be situated within the shoreline setback area; provided that they do not substantially obstruct the view of adjacent principal buildings.” The effect of this change is to include boathouses, stairways, and sheds as structures that are allowed in the shoreline setback area.
81	In Table 18.12.040 Permitted Height/Setback Modifications, Small Wind Energy Generators, Solar Panels, will be permitted to extend up to 18 inches above the maximum building height in the district. 18 inches is generally adequate to accommodate solar panels on building roofs without requiring the owner to build a shorter structure just to accommodate the panels.
82	Table 18.12.040 Permitted Height/Setback Modifications will be revised to allow odor-controlled Composting Bins to encroach into rear setback areas,

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13//09

Section	Recommended Change
	and for Rainwater Harvesting Barrels and Raingarden/Swales to encroach into side or rear setback areas. Wall mounted on-demand hot water heaters will be permitted to encroach up to 18 inches into side or rear setbacks if buffered or enclosed to prevent noise impacts to neighboring properties. The table will incorporate staff’s current interpretation that below-ground geothermal energy equipment is permitted in side or rear setback areas provided that any excavated areas are promptly re-landscaped after installation is complete.
83	Table 18.12.040 Permitted Height/Setback Modifications will be revised to incorporate additional modifications consistent with current staff interpretations.
84	In 18.12.050 Rules of Measurement, the definition of Lot Coverage will clarify that ground mounted Small Wind Energy Generators, Solar Panels, Composting Bins, Rainwater Harvesting Barrels, and covers designed to shade ground mounted heat pumps and air conditioners to increase their efficiency will not be counted towards lot coverage.
85	The Rules of Measurement for Lot Width will be revised to be the diameter of the biggest circle that can fit entirely inside the lot boundary lines.
86	The Rules of Measurement for Fences will clarify that where fences are built on top of berms the maximum height of the fence shall apply to the combined fence and berm – i.e. the combined height of a fence and berm can be no taller than the fence could be without the berm, as measured from the natural grade.
87	The substance of the rule of measurement for Shoreline <u>Structure Setback</u> will be deleted, but the title will be retained and a cross reference to 18.12.030.F (Shoreline Setbacks) will be inserted
Chapter 18.15 Development Standards	All of the current content of Chapter 18.15.020 apply only to the NSC, B/I (formerly LM), and WDI zone districts, so the content will be moved up to become additional performance standards for those three districts in Chapter 18.06. This chapter will be eliminated, and later chapters renumbered.
89	The introductory language will include a cross-reference to the new stormwater requirements in BIMC 15.20, 15.21, and 15.22.
90	Perimeter buffer standards applicable to flex lot subdivisions and short plats will be integrated into the landscaping standards in 18.15.010.
91	Landscaping standards will clarify that Small Wind Energy Generators do not need to be screened from view.
92	The “tree ordinance” currently being drafted will replace the current standards in 18.15.010 and will clarify the relationship between building setbacks and vegetative buffers.
93	Parking standards in 18.15.030 will require that when a new commercial or mixed use development is required to provide parking for more than 25 cars, at least one parking space near the entrance must be reserved and signed for use by a shared-car (such as Zip car).
94	Parking standards for “Places of assembly, including auditoriums, theaters,

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13/09

Section	Recommended Change
	banquet rooms and religious institutions” will be revised to retain the current standard of 1 parking space per 4 seats for movie theaters.
95	Parking standards will be revised to incorporate the provisions of ordinance 2006-17 (revisions to Winslow Mixed Use district parking requirements), which recently came into effect.
96	Parking standards will incorporate current staff interpretation that permeable paving materials are permitted in both accessory and primary parking lots, will encourage their use, and will list or define pavers that perform well in Washington’s climate.
97	Parking standards will be revised to incorporate the provisions of ordinance 1009-01, which regulate temporary contractor parking.
98	Parking standards will be revised to require that where a live-work unit is constructed in the B-I zone district one parking space be provided for the residential portion of the premises.
99	Access standards in 18.15.040 will be revised to require consideration of RCW 58.17.110(1) “all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school”, to reflect the standard in RCW 58.17.110(1).
100	Accessory structure standards will clarify that demolition of a primary structure does not require demolition of accessory structures on the same lot.
Chapter 18.18 Design Standards	In 18.18.030.I.3 the requirement that telecommunications facilities be approved through a site plan review process will be moved up to section 18.09 as a use specific standard for telecommunications facilities.
102	Language will be added encouraging site designs to accommodate solar panels, small wind energy generators, and raingarden/swales where practical.
103	Add language to the design standards for clustered flex lots encouraging the creation of open spaces large enough to accommodate “Crop-Related Agriculture” provided that covenants make it clear to lot buyers that those activities might take place on the open space areas.
104	<p>Cross-references to the appropriate design standard documents will be inserted as follows. Each cross-reference will be to the latest version of the document currently on file at the Planning Department.</p> <ol style="list-style-type: none"> 1. The cross-reference in 18.18.020.A Single Family Detached Residential is to a document titled “Design Guidelines for R-8SF Urban Single-Family Overlay District” These design standards to properties in the R-2.9, R-3.5, and R-4.3 that are also within the R-8SF overlay zone and want to develop at the overlay zone densities. 2. The cross-reference in 18.18.020.B Multi-Family Residential is to a document titled “Design Guidelines for Multi-Family” 3. The cross-reference in 18.18.020.C Commercial and Mixed Use – General is to those portions of a document titled “Guidelines for Commercial and Mixed Use Projects – Including Guidelines for Lynwood Center, Island

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13//09

Section	Recommended Change
	<p>Center, and Rolling Bay” that are applicable outside of those three named NSC areas.</p> <p>4. The cross-reference in 18.18.020.D Non-Residential Uses in Residential Areas is to a document titled “Design Guidelines for Light Manufacturing.”</p> <p>5. The cross-reference in 18.18.020.E Mixed Use Town Center and High School Road Districts is to a document titled Design Guidelines for Mixed Use Town Center and High School Road Zoning Districts.</p> <p>6. The cross-references in 18.18.020. F (Lynwood Center), G (Island Center) and H (Rolling Bay) is to the area-specific portions of the document titled “Guidelines for Commercial and Mixed Use Projects – Including Guidelines for Lynwood Center, Island Center, and Rolling Bay”.</p> <p>7. The cross-reference in 18.18.020.I Business/Industrial District Design Standards shall be to a document titled “Design Guidelines for Light Manufacturing.”</p>
Chapter 18.21 Affordable Housing	
Chapter 18.24 Historic Preservation	In 18.24.070.B.4, reference to “commission” will be changed to “committee”, since the reference is to the Fort Ward Historic Review Committee.
107	In 18.24.040.B.3, the review period for changes or alterations to properties located on a local register will be changed from 30 to 45 days, which in essence incorporates the extension period for review into the initial review period allowance.
108	In 18.24.040.B, we will add a requirement that if properties are added to the Historic Register a notice of that status be added on the property title records; and in 18.24.040.C a similar requirement that if a property is removed from the register a notice of that change in status be added to the title records.
Chapter 18.30 Non-conformities	18.30.02.C. Language allowing non-conforming affordable housing to be rebuilt following damage will be revised to clarify that it applies to housing units that are income-restricted through federal, state, or local programs.
110	18.30.03.A Language prohibiting changes that would “alter or increase” the nonconformity will be revised to reflect the current staff interpretation that extending a non-conforming wall vertically (i.e., adding another story) or horizontally (i.e., a room extension or addition) is not permitted. The vertical or horizontal extension must meet the applicable setbacks. The Ad Hoc Committee is considering this issue, and these provisions may be further modified before the final draft of Title 18 is prepared
Chapter 18.36 Definitions	The Agricultural Working Group has suggested not using the “Agricultural Potential Parcel” definition or approach, so the definition will be deleted.
112	“Accessory Structures” definition will be expanded to barns and sheds to the list of examples.

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13/09

Section	Recommended Change
113	“Accessory Uses to Agriculture” definition will be revised to match new agriculture terms and standards following discussions by the Agricultural Working Group.
114	“Affordable Housing” definition will be revised to clarify that income level eligibility thresholds are set using HUD levels for the Seattle Metropolitan Statistical Area.
115	“Agriculture” definition will clarify that it applies to commercial activities. Gardening for home consumption and maintenance of household pets are accessory uses to residential primary uses. REVISED. This definition will be split into a definition of Crop Agriculture and a definition of Livestock Agriculture.
116	A revised definition of “Agricultural Processing” will be added following discussion by the Agricultural Working Group.
117	“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 REVISED: Existing definitions of “Agricultural Retail”, “Minor Agricultural Retail,” and “Major Agricultural Retail” will be revised for clarity and consistency following discussions by the Agricultural Working Group.
118	
119	“Artist Studio” will be revised to remove the word “photographic” from before “portraits” (i.e., portraits of all kinds are covered).
120	“Assisted Care Facility” definition will be deleted, since it is no longer used.
121	“Assisted Living Facilities” definition will be revised to refer to nursing home/long term care facilities where medical care is available (tracking the current use of the term)/
122	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.
123	A definition of “Circle Template” will be added to clarify the new lot width measurement standard.
124	“Composting Bins” will be defined to require odor control mechanisms and to comply with applicable odor control laws.
125	“Confined Feeding Facility” will be defined as a primary use of land – a commercial activity that feeds animals for purposes of commercial sale or processing and is not accessory (i.e. secondary and subordinate) to some other “Crop-related Agriculture” or “Livestock Agriculture”.
126	“Confined Feeding Area” definition will be revised to clarify that the thresholds apply to outside areas for animals raised for sale as food. The text will clarify that this definition applies to portions of any property used for confined feeding of animals, regardless of the primary use of the land. REVISED: This definition will be replaced by a definition of “Feedlot” and a definition of “Egg-Laying Facility”.

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13/09

Section	Recommended Change
127	Definitions for “Disabled” and “Handicapped” will be added, reading “A disabled or handicapped person is one who meets the definition of a handicapped person in the federal Fair Housing Act Amendments of 1988, as amended.”
128	A definition of “Egg-Laying Facility” will be added following discussions by the Agricultural Working Group.
129	“Family”. In order to more closely comply with the federal Fair Housing Act Amendments, the definition of “Family” will be revised to read: “Family means one or more persons (but not more than five unrelated persons) living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this code, persons with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) and RCW 35A.63.240 will not be counted as unrelated persons. “Adult family homes,” as defined by RCW 70.128.175, shall be included within this definition of “family.” Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition of “family.”
130	A definition of “greenway” will be added, based on the description in the Comprehensive Plan
131	A definition of “Feedlot” will be added following discussions by the Agricultural Working Group.
132	“Group Care Facilities” definition will be revised to clarify and distinguish it from “Assisted Living Facilities” and “Health Care Facilities”.
133	“Health Care Facilities” definition will be revised to distinguish it from “Group Care Facilities” and “Assisted Living Facilities”
134	The existing definition of “Livestock” will be replaced with definitions of “Livestock, Large” and “Livestock, Small” following discussions by the Agricultural Working Group.
135	A definition of “ <u>Livestock or Poultry Animal Slaughtering</u> ” will be added (and will be subject to use-specific standards) following discussion by the Agricultural Working Group. REVISED: To change title of use
136	“Manual Car Wash Facility” definition will be revised to cover both manual and automatic car washes.
137	“Mining and Quarrying” definition will be revised to be consistent with a second definition in state law at RCW 78.44.031(17).
138	“Multi-family Dwelling” definition will clarify that it includes co-housing developments – i.e. multiple living units on a single parcel sharing kitchen facilities.
139	“Planned Unit Development” definition will be removed.
140	“Raingarden/Swale” will be defined to include ground level site design features designed to detain rainwater for infiltration and reuse consistent with

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13/09

Section	Recommended Change
	water rights law.
141	“Rainwater Harvesting Barrels” will be defined
142	“Recycling Center” definition will be revised to clarify that it is limited to a neighborhood or city-wide facility.
143	“Shared Car” will be defined to be a car provided through a formal shared car membership program (such as Zip Car) for use by members of the program in return for a fee.
144	“Small Group Living Facility” will be defined to mean a facility providing personal care services, occasional nursing services, and medication administration services to a resident housed in a private apartment-like or dwelling-like unit containing not more than six residents (not including caregivers). Residents in a Small Group Living Facility may include persons from any group protected by the federal Fair Housing Act Amendments, and the Small Group Living Facility use is intended to serve as one form of reasonable accommodation under those Amendments. A Small Group Living Facility does not include a facility for treatment of any person actively using drugs or alcohol, but does include facilities for those in a recovery program who are no longer actively using those substances. A Small Group Living Facility does not include a facility or half-way house for convicted felons or for those persons under the jurisdiction of the criminal justice system.”
145	“Small Wind Energy Generator” will be defined as one designed to generate no more than 10Kw (i.e. for residential use, not commercial power production)
146	“Solar panels” will be defined to include both photovoltaic and hot water panels.
147	“Special Event” definition will be changed to “Agricultural Special Event” to maintain the intent of the current provision. Non-agricultural special events are included in “Temporary event or gathering”
148	“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. REVISED: This definition will clarify that horses belonging to the property owner may also be kept (in addition to the horses of others).
149	“Standard Lot” will be defined as a conforming or nonconforming lot created through some means other than the flex-lot or PUD process.
150	“Utilities, Accessory” definition will clarify that it does not include wind energy generators (turbines) or solar panels.
151	“Veterinarian Clinic” definition will be revised to include pets.
152	“Waste/Salvage” definition will be renamed “Waste Facility” to match the permitted use table.

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13//09

Section	Recommended Change
153	“Winery, commercial” definition will be revised to say that sales can be on-site “and/or” (instead of “or”) through wholesale or retail outlets
154	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.
155	“Geological hazard” will be defined through a cross-reference to BIMC 16.20.
MODULE 3	
Chapters 17.04 and 17.08 Purpose and Applicability	The name of Title 17 will be changed to “Subdivisions and Boundary Line Adjustments” to more nearly match the title of RCW Title 58.
157	Sections 17.04.020.E and 17.12.010.E contain duplicate text regarding application materials. Subsection 17.12.010.E will be deleted.
158	17.04.020.C – Compliance with RCW – will be revised to be shorter and clearer, and to emphasize the city’s intent to comply with applicable state statutes without repeating the language of those statutes.
159	The list of exclusions from title 17 in 17.08.020 will be revised to delete item e – boundary line adjustments – since that topic is now covered in 17.16.
160	Section 17.12.090 of the current Title 17 contains language prohibiting the resubdivision of short plats or the use of the short plat process to circumvent the need for a formal subdivision. That language was inadvertently left out of module 3 and will be added back in to section 17.08 of the final draft.
Chapter 17.12 Subdivision Design Standards	Cluster option standards will be revised to clarify that cluster lots do not need to be located near any existing home on the property.
162	Summary Table 17.12-1 will be revised to include a cross-reference to the definition of short plats, which clarifies that in some cases they can be used to create more than four lots. In addition, the right-hand column of the table addressing Title 18 standards will be deleted to reduce possible confusion.
163	Language in 17.12.010.A regarding the Reasonable Use Exception will be deleted, since the RUE process is not applicable to the subdivision process. In addition, the last sentence stating that the Flexible Lot Handbook is not part of the Title and does not contain additional requirements will be deleted, since it already has some additional recommendations. The text will clarify that the handbook will be made available to the public by the planning department. References from current Title 17 indicating that staff will provide subdivision design assistance has been deleted.
164	17.12.010.D will be revised to clarify that Large Lot subdivisions are not a form of flex lot and are not subject to flex lot design requirements.
165	In the 17.12.020 introductory paragraph, the list of zone districts will be

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13//09

Section	Recommended Change
	removed, because the flex lot requirement already applies to all zone districts. The last sentence will also be deleted to reduce possible confusion. In addition, throughout 17.12 the terminology will be changed so that “homesite” refers to a designated area on a cluster lot where a home can be built and “building envelope” will refer to all portions of an open space subdivision lot that are not restricted by setback lines or buffer requirements.
166	17.12.020.A.1 – open space objectives -- will be revised to provide that designated open space shall (not should) satisfy at least one of the listed objectives, which matches current staff interpretation and the intent of the flex lot process as adopted.
167	17.12.020.A.3 – priority open space -- will be revised to delete the last sentence – which provided that if an applicant’s property contained no priority open space the director could require that the cluster option be pursued instead. After discussion, it was determined that this situation would arise very rarely and that the provision would be difficult to enforce.
168	Table 17.12.020-2 will be revised to reorder open space priorities to better reflect the intent of the Comprehensive Plan as follows. Old order: (1) Critical Areas, their buffers, and wildlife corridors, (2) native forests and significant trees, (3) mature vegetation on ridgelines, (4) pastures, meadows, orchards, and farmlands, (5) trails and greenways, and (6) shoreline view areas. New order: (1) Critical Areas and their buffers, (2) native forests and significant trees, (3) trails, greenways, and wildlife corridors, (4) farmlands, pastures, meadows, and orchards, (5) shoreline view areas, and (6) mature vegetation on ridgelines.
169	17.12.020.A.4 – amount of open space required – will be revised to clarify that all lands designated as Critical Areas are subject to Title 16.20 even if they are located outside of designated open space. In addition when Title 2 is drafted it will clarify that if an applicant voluntarily sets aside more than 25% of the site as designated open space that fact will be noted on the plat. Footnote 25 will be revised to clarify that the most recent version of current Title 17 did not impose a maximum 30% open space set aside in any situation.
170	17.12.020.A.5 – open space incentives – will be revised to clarify that the optional minimum lot sizes of 4,000 and 3,100 square feet are carried over from an earlier version of current Title 17. They were apparently deleted, but staff believes they are consistent with the intent of the flex lot program and the Comprehensive Plan and should be re-inserted.
171	17.12.020.A.7.f – use of open space – will be revised to provide that when open space is used for storm drainage enhanced vegetation will be provided so that the facility appears as a natural feature. Subsection h will be revised to provide that the listed sustainability features can be installed in open space areas as long as no significant trees are removed.
172	17.12.020.A.8 – open space management – will be revised to provide that if

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13//09

Section	Recommended Change
	signs are needed to identify open space they shall generally spaced at intervals of 50 ft., unless otherwise approved by Director. Open space management plans will be required to be filed with the Kitsap County Auditor.
173	Provisions requiring the use of low-impact fencing will provide that the Director has authority to raise the maximum heights to ensure that the fence is adequate to exclude livestock while allowing passage for intended wildlife species.
174	17.12.020.B.1 – cluster standards – footnote 40 will be revised to clarify that in addition to deleting exceptions to the 25 foot minimum cluster homesite spacing requirement based on fire safety. The text also removes a current exception based on the presence of Critical Areas.
175	17.12.020.B.2 – cluster standards – since the cluster lot option is available in all zone districts, this section will be revised to add maximum homesite areas for the R-5, R-8, and R-14 districts, which are missing from current Title 17.
176	17.12.030.B. – general standards -- will be revised to delete language requiring east-west orientation of homesites where possible, and that language will be moved to the Flex Lot Handbook.
177	17.12.030.F – general standards – will be revised to clarify that mailbox locations are only required to be shown on a plat when other public improvements are required.
178	17.12.030 will be revised to require that where buildout of a subdivision is divided into phases, land dedications and infrastructure development will be required on a pro-rata basis as each phase is developed unless the applicant negotiates an alternative phasing schedule with the city. This will be required to be documented on a plat note.
179	References to Commercial and Multi-Family Subdivisions will be revised to read “Multi-Family and Non-Residential Subdivisions to clarify that they also apply to industrial lands.
180	Section 17.16.230 of the current Title 17 – concerning infrastructure improvements on large lot subdivisions – was inadvertently left out of Module 3 and will be added to the final draft.
Chapter 17.16 Boundary Line Adjustments	Introductory language will be revised to confirm that the BLA process can be used when there are already substandard legal lots so long as the change does not make any existing lot substandard or not a legal lot (e.g., a lot can become more nonconforming in terms of lot size, but must remain a buildable lot in terms of setbacks, etc.). In addition, introductory language will confirm that the BLA process cannot be used – either individually or in sequence – to produce a result that would otherwise require a short plat or subdivision approval. The text will also clarify (per state law) that a BLA may be used in cases of boundary line disputes, and a BLA is the process that must be used for lot consolidation. Finally, the BLA standards will clarify that the process can be used even if it results in a lot with only an accessory structure on it.

Technical Memo 3 – Revisions to Modules 1, 2, and 3

5/13/09

Section	Recommended Change
Chapter 17.20 Dedications of Land	17.20.020.A will be revised to replace the reference to the Uniform Building Code with a reference to the International Building Code.
Chapter 17.24 Enforcement and Penalties	This section is being reviewed by the City Attorney and city enforcement staff and may be revised before inclusion in the final draft of the Code.
Chapter 17.28 Definitions	A definition of a “Legal Lot” will be added, based on RCW provisions, in order to reduce confusion about how the boundary line adjustment process can be used.
185	A definition of a “Heavy use area” will be added for use with agricultural standards – where animals are confined in a heavy use area, animal density standards will be applied to the smaller area.
186	The current definition of “Mature vegetation on ridgelines” from Title 17 will be inserted here, rather than in Title 18.
187	A definition of “Public way” will be added – including both dedicated streets, easements allowing public access, and other forms of access open to the public.

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