

ORDINANCE NO. 2017-03
(Formerly Ordinance No. 2016-34)

AN ORDINANCE of the City of Bainbridge Island, Washington, amending Bainbridge Island Municipal Code chapters 2.16 and 15.20 and adding a new chapter 15.19, *Site Assessment Review*, to facilitate application of state-required Low Impact Development regulations that will require all development to meet the updated Department of Ecology (DOE) Stormwater Management Manual.

WHEREAS, the City of Bainbridge Island (“City”), by approving Ordinance No. 2016-28 on December 13, 2016, adopted state-required Low Impact Development (LID) regulations that will require all development to meet updated DOE Stormwater Management Manual requirements; and

WHEREAS, in order to fully implement LID regulations, applicants must complete a site assessment review process before development permits are submitted so that the site can be assessed early in the process to inform the development process, resulting in a more context sensitive design; and

WHEREAS, in order to fully implement LID regulations, revisions to Chapter 15.20 BIMC are required to allow for consistent application of LID regulations to appropriate projects; and

WHEREAS, new municipal code Chapter 15.19 BIMC, *Site Assessment Review*, facilitates application of updated LID regulations by providing a process for the consideration of site assessment for certain building, clearing, and grading permits that do not go through the planning land use preapplication review process;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN, AS FOLLOWS:

Section 1. Section 2.16.020.G of the Bainbridge Island Municipal Code is hereby amended to read as follows:

G. Preapplication Procedure.

1. Subject to certain exemptions, all projects are subject to and must complete the site assessment review process set forth and in accordance with Chapter 15.19 BIMC, and projects requiring a preapplication conference have the option of proceeding with the two processes concurrently. Chapter 15.19 BIMC is designed to ensure that future development integrates low impact development practices to the maximum extent practicable, as required by Chapters 15.19 and 15.20 BIMC.

2. The preapplication conference is an informal discussion between a potential applicant, interested citizens, city staff, and the design review board (if applicable) regarding a proposed project. A preapplication conference shall not include extensive

field inspection or correspondence. The purpose of the preapplication conference is to assist the applicant by identifying the following:

- a. Requirements for submittal, including types of permits necessary to complete the proposal and whether SEPA review is required, pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW.
- b. Compliance with applicable city plans, goals, policies, codes or guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.
- c. Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.
- d. Whether or not the project will likely qualify as a housing design demonstration project, and/or feedback about how to qualify, if applicable.

23. A preapplication conference may be recommended by the department director for any type of land use application that the director believes may be complex or controversial, but is required prior to submitting an application for the following land use applications unless a waiver is obtained pursuant to subsection G.3 of this section:

- a. Minor or major conditional use;
- b. Minor or major variance;
- c. Minor or major site plan and design review approval;
- d. Preliminary long subdivision and short subdivision;
- e. Shoreline substantial development permit, shoreline variance, and shoreline conditional use permit;
- f. Shoreline substantial development exemption for new shoreline armoring (including bulkheads, revetments, and soft shore designs);
- g. Buffer reduction in geologically hazardous areas;
- h. Comprehensive plan amendment;
- i. Reasonable use exception;
- j. Habitat management plans;
- k. Habitat buffer averaging;
- l. Special use review; and
- m. Consolidated project review.

~~34.~~ Except in the case of (a) preliminary short subdivisions and long subdivisions, (b) shoreline substantial development exemptions or permits for new shoreline armoring (including bulkheads, revetments, and soft shore designs), (c) buffer reductions in geologically hazardous areas, (d) where the HDDP process is being used, and (e) where DRB review is required, a preapplication conference may be waived in writing by the director if the director determines the following:

- a. The application is consistent with applicable codes and ordinances;
- b. The proposed use is clearly listed as a permitted use or a conditional use in the zoning district in which it is located; and
- c. The applicant demonstrates knowledge and understanding of the city's permit processing procedures.

~~45.~~ In the case of applications where design review board review and a preliminary application conference are required, the land use application shall be reviewed using a two-step preapplication process. As the schedule allows, the applicant shall first meet with the design review board to discuss the design concept, and shall then meet with department staff as described in this section.

~~56.~~ The review process for long subdivisions, major site plan and design review permits, and major conditional use permits shall include a public participation meeting following the procedures outlined in Resolution No. 2010-32. The meeting will be held after the design review board meeting, if one is required, during the preapplication conference phase of the project.

~~67.~~ An applicant shall arrange for a preapplication conference by submitting forms and plans as required in the administrative manual.

~~78.~~ The discussion at the preapplication conference shall not bind or prohibit the city's future application or enforcement of applicable codes and ordinances.

Section 2. The definition of redevelopment contained in BIMC 15.20.020 is hereby amended to read as follows:

38. "Redevelopment" means, on a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage) or which legally existed prior to February 10, 1999, the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

Section 3. Table 1 contained in BIMC 15.20.060.B is hereby amended to read as follows:

1. Overall project thresholds include the following:

Applicable Requirements	New Development	Redevelopment
Minimum Requirement No. 2 (Construction Stormwater Pollution Prevention)	All projects	All projects
Minimum Requirements No. 1 – 5	$\geq 1,300$ 800 sf new plus replaced hard surface area ¹ , or $\geq 7,000$ sf land disturbing activity, <u>or</u> <u>Land disturbing activity covering $\geq 35\%$ of the site</u>	≥ 800 sf new plus replaced hard surface area ¹ , or $\geq 7,000$ sf land disturbing activity, <u>or</u> <u>Land disturbing activity covering $\geq 35\%$ of the site</u>
Minimum Requirements No. 1 – 9	$\geq 5,000$ sf new plus replaced hard surface area, or $\geq 3/4$ acre of vegetation converted to lawn or landscaped areas, or ≥ 2.5 acres of native vegetation converted to pasture	$\geq 5,000$ sf new hard surface area, or $\geq 3/4$ acre of vegetation converted to lawn or landscaped areas, or ≥ 2.5 acres of native vegetation converted to pasture, <u>or</u> <u>$\geq 5,000$ sf of new plus replaced hard surface</u> AND New hard surface is $\geq 50\%$ of the existing hard surface within the project limits (road-related projects), or Proposed improvements are $> 50\%$ of the assessed value of the existing site improvements
Optional Guidance No. 2: Off Site Analysis and Mitigation	$\geq 5,000$ sf of hard surface area ²	$\geq 5,000$ sf of hard surface area ²

1 – City-specific threshold for new development and redevelopment.

2 – City-specific threshold for off-site analysis and mitigation.

Section 4. Title 15 of the Bainbridge Island Municipal Code is hereby amended to add a new Chapter 15.19, *Site Assessment Review*, as shown in Exhibit A.

Section 5. This ordinance shall take effect and be in force five days after its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2017.

APPROVED BY THE MAYOR ____ day of _____, 2017.

Val Tollefson, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	November 17, 2016
PASSED BY THE CITY COUNCIL:	_____, 2017
PUBLISHED:	_____, 2017
EFFECTIVE DATE:	_____, 2017
ORDINANCE NUMBER:	2017-03

Exhibit A – Chapter 15.19, *Site Assessment Review*