

December 1, 2016

**CITY OF BAINBRIDGE ISLAND, WASHINGTON  
HEARING EXAMINER**

**REPORT AND DECISION**

**Project:** Bainbridge Island Fire Department Station 21  
Conditional Use Permit / Site Plan and Design Review

**File Number:** PLN11791B CUP/ SPR

**Applicant:** Mackenzie  
C/O Michael Chen  
500 Union Street, Suite 545  
Seattle, WA 98101

**Owner:** Bainbridge Island Fire Department

**Location:** 8895 Madison Avenue, being portions of Sect. 22, T. 25N. R. 02E. W.M. Tax  
parcel numbers 222502-1-023-2000 and 4169-000-050-0206

**Request:** The proposed project is the redevelopment of the existing fire station on the site,  
Station #21. The redeveloped fire station will have two stories with  
approximately 30,760 square feet with living quarters, meeting spaces, offices,  
storage areas, and apparatus bays. The existing memorial and helicopter landing  
pad and fence will remain.

**SEPA Review:** A Mitigated Determination of Non-Significance was issued on October 11, 2016.

**Zoning and Plan Designations:** R-2, Residential zone, two units per acre  
OSR-2, Open Space Residential, two units per acre

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**FINDINGS OF FACT**

**Site Characteristics**

1. **ASSESSOR'S RECORD INFORMATION:**  
222502-1-023-2000 and 4169-000-050-0206, Bainbridge Island Fire District, 3.91 Acres
2. **TERRAIN:**  
The property is relatively flat. The parcel has a few trees around its perimeter with a large  
triangular cluster at the corner of SR305 and Madison Avenue.

3. **SITE DEVELOPMENT/EXISTING USE:**  
The site contains an existing fire station and related improvements, including parking, a memorial, a helipad and living facilities.
4. **ACCESS:**  
Vehicular access to the site is from Madison Avenue
5. **PUBLIC SERVICES:**
  - a. Police - Bainbridge Island Police Department
  - b. Fire - Bainbridge Island Fire District
6. **EXISTING ZONING/ COMPREHENSIVE PLAN DESIGNATION:**  
R-2, two units per acre residential zone  
OSR-2, Open Space Residential, two units per acre
7. **SURROUNDING ZONING/COMPREHENSIVE PLAN DESIGNATION:**
  - a. North: R-2
  - b. East: R-2
  - c. South: B/I
  - d. West: B/I
8. **SURROUNDING USES:**

North:	Single-family Residential Development
East:	Highway 305/Single Family
South:	Mini Storage/Church
West:	Bainbridge Artisan Resource Network (under construction)

**Procedural History**

9. A pre-application conference was held December 1, 2015. The Design Review Board reviewed the pre-application proposal on December 21, 2015, and made several design recommendations. A public participation meeting was held at the City on January 11, 2016. Comments and responses from that meeting appear as Exhibit 13, Attachment A.
10. A formal application for Site Plan and Design Review Approval and a Conditional Use Permit were submitted on January 15, 2016. The application was returned to the Design Review Board on February 22, 2016, which discussed the revised drawings and recommended approval of the application. More revisions to the application were submitted on March 4, 2016. A notice of technically complete application was issued on March 9, 2016, with additional information to be provided prior to final processing.
11. A Notice of Application/SEPA comment period was issued March 11, 2016. Further revisions to the application were received on April 29, 2016. On June 7, 2016 a Preliminary Technical Information Report (drainage report) was submitted to the City, and on June 22, 2016 the Development Engineer indicated that the revisions remained deficient. Additional revised stormwater plans and

technical documents were submitted on September 12 and 23, 2016. The City Development Engineer provided final comments and recommended conditions on October 6, 2016. A SEPA Mitigated Determination of Non-Significance was issued by the SEPA Official on October 11, 2016; no appeals of the SEPA determination were filed.

12. On October 27, 2016 the City of Bainbridge Island Planning Commission reviewed the proposed application and recommended its approval, adding a further condition regarding development planning for a new bike lane along Madison Avenue and approving requested additional parking spaces.

13. Pursuant to BIMC Chapter 2.16.170 an applicant needing two or more land use applications for a single project may request that the applications be processed under a single consolidated project review to be conducted according to the procedures mandated for the highest rated application. The proposed project needs both Site Plan and Design Review and a Conditional Use Permit, with the CUP requiring a public hearing before the Hearing Examiner. The two applications were thus subject to review by the Hearing Examiner under the consolidated project review provisions, with a consolidated public hearing held on November 17, 2016.

#### **Comprehensive Plan Consistency**

14. A fire station is an essential public facility that is accorded preferential treatment as a proposed use. The Land Use Element of the Comprehensive Plan offers the following guidance regarding the Siting of Essential Public Facilities:

##### *GOAL 1*

*The needs of the community shall be met by providing public facilities and services that are equitably distributed throughout the community; that are located and designed to be safe and convenient to the people they serve; that provide flexibility of use and maximum efficiency; and that are compatible with adjacent uses, the environment, and preservation of public health and safety.*

Since Station 21 is an existing facility that the Fire Department proposes to demolish and replace on the same parcel, the basic siting decision was made long ago and does not require revisiting. The larger new facility does not propose major staffing increases nor the addition of further uses.

15. The only public hearing testimony offered concerning this application was provided by two members of the Bainbridge Artisan Resource Network (BARN), which is in the process of building a facility with artist studio spaces on the property adjacent to the fire station to its west. The testimony was to the effect that some early participants in the BARN enterprise had discovered a shortcut through the fire station property that would save its bus-riding clients a few steps in their walks to and from the transit stop on SR 305. Without access to the shortcut these clients would be required to walk south to NE New Brooklyn Road, then east on New Brooklyn to Madison Avenue N and back north on Madison to a newly planned crosswalk. There are currently no sidewalks on either the north side of New Brooklyn nor the west side of Madison, but the Fire Department has agreed to their installation along its portion of these road frontages.

16. A trail adjacent to the west side of the fire station property apparently allows individuals walking from the BARN site to cut through to the emergency services helipad located near the parcel's south end and then through the parking lot to Madison Avenue. The BARN representatives urged that

the Department be required to recognize and maintain the helipad route as a public access. When the Department pointed out that the helipad is a dangerous facility when in use and is in fact cordoned off at such times, the folks from the BARN suggested instead that perhaps a trail could be established north of the fire station through a less used buffer area.

17. If the Fire Department can voluntarily agree to establish a walking path across the station property at some location that it would deem acceptably safe, nothing within this permit review would preclude such from happening. But an obligation to establish a facility totally unrelated to its critical public function cannot be a requirement of this permit approval. While the City has adopted rather ambitious trail policies in its Non-Motorized Transportation Plan, not even they can be reasonably interpreted to require such an outcome. One of the cardinal principles of the permit review process is that an applicant can only be legally compelled to provide amenities that mitigate the impacts of its proposal. Providing a minor convenience to a neighboring property owner does not qualify as a circumstance warranting mandatory mitigation.

### Regulatory Compliance

18. The proposal is subject to noise regulations under BIMC Chapter 16.16 as such relate to construction hours and the maximum environmental noise levels generated by the proposed uses on the property. Since the construction for this proposal will occur within 100 feet of residentially zoned properties, such activities are limited to certain hours and days of the week in accordance with BIMC 16.16.025. The maximum allowed environmental noise levels are set by state law and include specific exemptions for emergencies.

19. The purpose of the R-2 zone as stated in BIMC Chapter 18.06.020C is to provide for residential neighborhoods having a special island character complementary to other low intensity land uses such as agriculture and forestry, consistent with the preservation of natural systems and open space. The proposed replacement fire station is harmonious with the purpose of this district as it will offer an essential public facility directly serving nearby residential neighborhoods. The subject property is well suited for a fire station as it only encounters residential uses on one side and these are separated from the station by both a large open space area within the subdivision and a 25-foot buffer on the subject property. The use table at BIMC 18.09.020 lists governmental facilities among the uses conditionally permitted within the R-2 zone.

20. Within the R-2 zone, pursuant to BIMC Chapter 18.12 the maximum lot coverage is set at 20 percent. The proposed lot coverage for this development is 13.1 percent overall (approximately 22,300 square feet of building footprint). A minimum setback from the SR 305 right-of-way exists at 50 feet in order to accommodate the required landscape buffer. Front yard setbacks along Madison Avenue and New Brooklyn Road are 25 feet; the proposed building is 46 feet from the street at its closest point. All other setback and buffer requirements will be met. The standard building height limitation is 30 feet, but non-residential structures meeting conditional use decisional criteria may go up to 35 feet. The proposed building will have a height of 34 feet.

21. BIMC Chapter 18.15 deals with Development Standards and Guidelines. BIMC 18.15.005 requires, among other things, compliance with the critical areas standards of BIMC Chapter 16.20 and the drainage standards of BIMC Chapters 15.20 and 15.21. No regulated critical areas have been identified on the parcel. But as noted below, much of the property originally consisted of wetlands that were filled years ago to create a dry building site.

22. The hearing record documentation regarding stormwater management compliance is sketchy. The staff report recites that the project will provide “rain gardens, and infiltration/dispersal systems that will allow water to return to the soil,” but this assertion is not supported by the technical documents. The Aspect Consulting Geotechnical Engineering Report dated December 30, 2015, contained at page 12 the following statement:

Our field testing and analyses indicate the Site conditions do not readily accept infiltrating stormwater and we recorded unfactored infiltration rates of 0 inches per hour. Based on the results of the field infiltration testing, the completed soil borings, and the historic presence of wetlands and ponds on the Site, stormwater infiltration is not recommended.

23. Many of the application revisions documented in the staff report in fact appear to have centered on deficiencies in the project stormwater analysis. As late as September 14, 2016, the City's Development Engineer, Janelle Hitch, was still asking the applicant for very basic information as to the project stormwater plan: uncertainty still remained as to whether 1.14 acres of proposed disturbed area needed to be included in the project stormwater runoff calculations; a downstream analysis had yet to be submitted; permission to outfall stormwater to the WSDOT right-of-way had yet to be secured; and a water quality treatment strategy had yet to be defined (Exhibit 9).

24. Three weeks later Ms. Hitch issued a short memo indicating generically that all stormwater concerns had been resolved (Exhibit 13, Attachment T). No specific new technical documents were referenced, and no drainage reports were submitted to the hearing record. The project drainage issues certainly appear manageable, but no conclusive findings as to actual feasibility can be made on an empty technical record. A condition will thus be added to the decision requiring documentation of stormwater compliance. If the project will add 5000 square feet of impervious surfaces to the existing total, compliance with all ten of the Minimum Requirements stated in the 2005 Ecology Stormwater Manual is mandated.

25. BMC 18.15.010 requires the project to provide a 25-foot average full-screen perimeter landscape buffer next to the single-family use to the north and a similar 20-foot landscape buffer next to the business industrial zoned properties to the west. The western 20-foot landscape buffer will also accommodate a fire apparatus access driveway (minimum proposed width of 13-feet). A 50-foot partial screen buffer will be required adjacent to the SR 305 right-of-way and a 25-foot partial screen along the Madison Avenue and New Brooklyn Road frontages. Much of the existing landscape buffering along these frontages will also be retained, subject to cuts for access driveways and an existing fire apparatus exit driveway.

26. The parking lot landscaping requirement entails providing one tree for every four parking stalls. With 43 parking stalls proposed, 11 parking lot related trees will need to be planted. The applicant has generously proposed planting almost 129 new trees. The total site tree requirements for non-residential development within the R-2 zone is 40 tree units per acre. The property contains 2.88 acres outside the required buffers; therefore, a total of 115.2 tree units would typically be required in addition to the significant trees being preserved within required perimeter and roadside buffers. The proposal is retaining 96.8 tree units and proposing to plant 129 trees. While some of the replanted trees are required for buffer and the parking lot tree planting requirements, the proposed retained and planted trees combined substantially exceed the minimum tree unit requirements.

27. The proposed building use is as a fire station facility. The parking regulations stated at BMC 18.15.020 require enough spaces to meet the peak demand. 43 parking spaces are proposed, which

exceeds the 28 space peak parking demand forecasted by the Bainbridge Island Fire Department. The Planning Commission reviewed this proposal and approved the additional spaces at their meeting on October 27, 2016. Design requirements for mobility and access and for management of outdoor lighting will also be imposed.

28. Under BIMC Chapter 18.18 the project is subject to the commercial and mixed-use design guidelines applicable to all zoning districts. The application was first reviewed by the Design Review Board (DRB) on December 21, 2015, during the pre-application phase. The Design Review Board offered suggestions during that meeting and the applicant responded by making several modifications to the design, mainly addressing the proposed entrance to the building, the visual approach from the south and the roofline.

29. The Design Review Board again reviewed the proposal after receipt of the formal Site Plan and Design Review Application on February 22, 2016. The Board reviewed the design line checklist and found the design compliant with the guidelines but also wanted to see the landscaping plans. At the March 7, 2016 DRB meeting the landscape architect for the project presented the landscape plan and the Board finalized its recommendation for approval of the station as presently designed.

## CONCLUSIONS

1. BIMC 2.16.040E states the following criteria to be applicable to a site plan and design review approval:

- 1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q;*
- 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 nonmotorized transportation plan;*
- 3. The Kitsap County health district has determined that the site plan and design meets the following decision criteria:*
  - 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.*
  - 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.*
  - c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director.*
- 4. The city engineer has determined that the site plan and design meets the following decision criteria:*

- a. *The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and*
  - 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*
  - c. *The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and*
  - d. *The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and*
  - 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*
  - f. *The site plan and design 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 18.*
5. *The site plan and design is consistent with all applicable design guidelines in BIMC Title 18, unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q;*
  6. *No harmful or unhealthful conditions are likely to result from the proposed site plan;*
  7. *The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans;*
  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;*
  9. *Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter;*
  10. *If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met;*
  11. *The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals;*
  12. *For applications in the B/I zoning district, the site plan and development proposal include means to integrate and re-use on-site storm water as site amenities.*

2. As summarized in the findings above and documented in both the staff report and the materials prepared by the applicant, the proposal, as conditioned, is in conformance with the Bainbridge Island Comprehensive Plan and Municipal Code. The proposed development provides for the replacement of an essential public facility and is for a use conditionally allowed by the Municipal Code within the R-2 zoning district. The requirements of BIMC 17.20.020 are not relevant to this application because the proposal contains no new dwelling units and is not located within the B/I zoning district.

3. The Health District reviewed the project and had no comment. The City's Development Engineer reviewed the submitted civil plans and has found them to be consistent with applicable requirements. The proposed development was reviewed by the Design Review Board at the pre-application stage and during the Site Plan and Design Review process. The applicant has incorporated relevant Design Review Board recommendations into the final design of the buildings and layout of the site. As now proposed, the design of the building form, wall articulation, roof form, landscaping and overall layout is consistent with the intent of the applicable design guidelines.

4. The proposed site plan provides building layout, parking and circulation systems that are an efficient use of the available land while providing required setbacks and screening from the adjacent properties as well as open space. No critical areas have been identified on the subject property. The proposed site plan was prepared consistent with the overall purpose and goals of the Site Plan and Design Review process. This process provided a means for guiding the development in a logical, safe, attractive and expedient manner. The requirements of BIMC 2.16.040E for a site plan and design review approval have been met by the proposal.

5. BIMC 2.16.110D and E provide the decisional criteria governing approval of a major conditional use permit application in a residential zone:

*D. Decision Criteria.*

*1. A conditional use may be approved or approved with conditions if:*

*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 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*

*c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and*

*d. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the nonmotorized transportation plan; and*

*e. The conditional use complies with all other provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q; and*

*f. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property; and*

*g. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A; and*

*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

i. The city engineer has determined that the conditional use meets the following decision criteria:

i. The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and

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

iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and

iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

v. 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

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.

j. If a major conditional use is processed as a housing design demonstration project pursuant to BIMC 2.16.020.Q, the above criteria will be considered in conjunction with the purpose, goals, policies, and decision criteria of BIMC 2.16.020.Q.

2. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.

*E. 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 in Table 18.09.020 in residential zones shall be processed as major conditional use permits and shall be required to meet the following criteria, in addition to those in subsection D of this section:

1. All sites must front on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map.

2. If the traffic study shows an impact on the level of service, those impacts have been mitigated as required by the city engineer.

3. If the application is located outside of Winslow study area, the project shall provide vegetated perimeter buffers in compliance with BIMC 18.15.010.

4. The proposal meets the requirements of the commercial/mixed use design guidelines in BIMC 18.18.030.C.

*5. The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area.*

*6. 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.*

*7. Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located, except that existing public schools and governmental facilities, as defined in BIMC Title 18, shall be allowed 100 percent of the lot coverage established in the underlying zoning district in which it is located unless conditions are required to limit the lot coverage to mitigate impacts of the use.*

6. The proposed development is for the replacement of an existing fire station, an essential public facility, with a similar but larger station. With few surrounding single-family residential uses, the fire station, which has been in existence and operation for many years, fits well into the neighborhood pattern. No concerns were raised during the public comment period. Other adjacent developments include a mini-storage facility and the new Bainbridge Artisans Resource Network (BARN) complex. The proposed conditional use is consistent with the goals and policies of the Comprehensive Plan.

7. As conditioned, the proposed use will be adequately served by public roads, water, sewer, fire protection and storm drainage facilities. Allowing the reconstruction and expansion of the fire station will not be materially detrimental to existing uses in the vicinity because the site's function will continue much as it has for many years. Proper access, parking, circulation, landscaping are being provided. The conditional use complies, as does the building analyzed within the Site Plan Review, with all provisions of the BIMC, except that during emergencies noise standards may be exceeded by ambulances, fire trucks and medivac helicopters traveling to and from the facility.

8. The Site Plan Review and Conditional Use Permit applications have been reviewed by the City's development engineer and, as conditioned, the vehicular, pedestrian, and bicycle circulation plans will meet all applicable City standards and pollution controls. Pedestrian improvements are being required along the site's New Brooklyn Road frontage and will provide a mid-block crossing on Madison Avenue. The subject property fronts onto Madison Avenue, a collector arterial. The project trip generation data did not demonstrate an increased level of service impact requiring mitigation.

9. The DRB reviewed the project and provided a recommendation of approval. As a fire station, the construction design must meet unique architectural requirements but they will be compatible with the immediate surrounding properties, which include a church, a mini storage facility and the new Bainbridge Artisans Resource Network (BARN) complex. As the replacement of an existing governmental facility, the fire station would be permitted to achieve 100 percent lot coverage, but the proposal is only for 13% lot coverage, well below the 20 % normally allowed by the zoning.

10. Based on the record as a whole, the fire station application meets the requirements of BIMC 2.16.110D and E for the issuance of a major conditional use permit.

## **DECISION**

The Bainbridge Island Fire Department Station 21 Conditional Use Permit and Site Plan and Design Review applications (file no. PLN11791B CUP/ SP) are APPROVED, subject to the following conditions:

### **SEPA Conditions**

1. All graded materials removed from the subject property shall be hauled to and deposited at City approved locations (Note: local regulations require that a grade/fill permit is obtained for any grading or filling of 50 cubic yards of material or more if the grading or filling occurs on sites that have not been previously approved for such activities. A SEPA Threshold Determination is required for any fill over 100 cubic yards on sites that have not been previously received a SEPA determination).
2. Contractor is 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.
3. To mitigate the possible impact on adjacent properties from light and glare, all exterior lighting shall be hooded and shielded so that the bulb is not visible from adjacent properties. All landscape lighting shall be downcast and lighting within surface parking lots shall be no higher than 14 feet above grade. All exterior lighting shall comply with BIMC Chapter 15.34.
4. Prior to any clearing or grading on the site, chain-link construction fencing shall be installed and inspected by the City at the edge of the tree's dripline for trees being preserved as part of the development.
5. All construction activities shall comply with the construction operating hours limitations contained in BIMC Chapter 16.16. Noise produced by this development must comply with the maximum environmental noise levels established by the Washington Administrative Code 173-60 or its successor.
6. Frontage improvements along New Brooklyn Road must be completed prior to Certificate of Occupancy and/or Final Inspection. Frontage improvements include pedestrian sidewalk and bike lane.
7. A mid-block crosswalk on Madison Avenue must be designed, approved, and constructed prior to Certificate of Occupancy and/or Final Inspection.
8. All on-site stormwater facilities shall remain privately owned and maintained. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Annual inspection and maintenance reports shall be provided to the City. A declaration of Covenant for stormwater system operation and maintenance will be required to be recorded before issuance of occupancy permits. The approved language for the Declaration of Covenant is found in BIMC 15.21.

**Project Conditions:**

9. The site shall be developed in substantial conformance with the revised site plans date stamped September 29, 2016 and building elevations date stamped received October 17, 2016.
10. The 50-foot averaged full landscape screen along Highway SR305, as shown on the submitted plans, shall be maintained between the proposed development and Highway SR 305 to the west. All existing trees within the required buffers shall be retained and protected during and after construction.
11. The applicant shall obtain an approved building and/or grading permit from the Department of Planning and Community Development, prior to any construction activities on the site.
12. Sign permits shall be obtained as required by BIMC Section 15.08.
13. Parking shall be improved in substantial conformance with the approved site plan. The parking area shall be paved, all stalls shall be striped to their full dimensions and appropriate signage shall be placed at each handicap stall(s). Each parking stall shall meet the dimensional standards of BIMC Table 18.15.020-3 outside of required driving aisles or minimum sidewalk width of five feet.
14. The primary walkways throughout the development shall meet accessibility requirements including being surfaced with nonskid hard surfaces and providing a minimum of five feet of unobstructed width.
15. A minimum of 10 bicycle spaces shall be installed prior to final inspection. The racks shall allow for the wheel and frame of the bicycle to be locked. The bicycle stalls shall provide for both visitors and employees of the station.
16. All landscaping shall be installed as provided in the approved landscaping plans or a performance assurance device shall be submitted and approved, prior to final inspection of the station. The installation of landscaping shall be verified by a Landscape Professional and a landscaping declaration shall be signed by either the certified landscape professional or owner.
17. Prior to occupancy of the station or the release of a landscaping performance assurance, a landscaping maintenance assurance device for the required landscaping shall be provided to COBI for a period of three years. All landscaping and buffers shall be maintained for the life of the project.
18. An International Society of Arboriculture (ISA) valuation for all trees, where the critical root zone of a tree required to be retained may be impacted by clearing, grading construction, development, or maintenance, shall be submitted to issuance of the building permit for the station.
19. In order to define the circulation system and pedestrian separation, raised curbs shall be used to separate landscaping and raised walkways from parking stalls and drive aisles.
20. Exterior trash receptacles/recycling facilities shall be fully screened with solid walls and gates (no chain-link fencing). The screening enclosures shall be architecturally consistent with the adjacent

station. All enclosures shall be constructed and inspected prior to final inspection.

21. At the time of building permit submittal, detailed lighting plans demonstrating compliance with the lighting standards shall be submitted for review and approval by the COBI.
22. All mechanical equipment shall either be located underground, incorporated into landscaping or integrated within the building or roof form of the building.
23. Proposed fire station must be equipped with fire sprinklers and fire alarms as per the adopted code.
24. Project improvements made along the Madison Avenue shall be constructed in a manner that does not preclude the expansion of the road surface to accommodate a full bicycle lane.
25. Prior to building permit issuance, the applicant shall demonstrate compliance with requirements of the state Department of Ecology's 2005 Stormwater Management Manual for Western Washington ("the DOE Manual"), which has been adopted as a regulatory control by the City pursuant to BIMC 15.20.050.A. Under both Section 2.4.1 of the Manual and BIMC 15.20.060.C, compliance with the full menu of ten Minimum Requirements is mandated whenever a project creates or adds 5,000 square feet, or more, of new impervious surface area.
26. Nothing in this permit approval precludes the applicant from agreeing to the creation of a pathway through the site for use of pedestrians going to and from the BARN facility adjacent to the west, if such pathway can be established at a location that does not interfere with fire station operations.

ORDERED December 1, 2016.



Stafford L. Smith, Hearing Examiner  
City of Bainbridge Island

The Hearing Examiner is authorized to make the City of Bainbridge Island's final decision on conjoined Conditional Use Permit and Site Plan and Design Review applications. A party with standing may seek judicial review of this decision by filing a timely suit in Kitsap County Superior Court under the Land Use Petition Act.

The exhibit list prepared by the Clerk of the Hearing Examiner's Office is attached.

## EXHIBIT LIST

### Bainbridge Island Fire Department Station 21 Site Plan and Design Review/Conditional Use Permit PLN11791B CUP/SPR

Staff Contact:  
Josh Machen, Planning Manager

Public Hearing:  
November 17, 2016

Hearing Examiner: Stafford L. Smith

NO.	DOCUMENT DESCRIPTION	DATE
1	Application – Site Plan Review	01/15/2016 Received
2	Site Plan and Design Review Narrative	01/15/2016 Received
3	Kitsap Health District Review	01/21/2016 Received
4	Environmental (SEPA) Checklist with Staff Comments	01/13/2016 Submitted
5	Notice of Complete Application	03/09/2016 Dated
6	Notice of Application and SEPA Comment Period and Affidavit of Publication	03/11/2016 Published
7	Development Engineer Project Review	03/07/2016 Dated
8	Certificate of Posting – Land Use Action Signs	03/17/2016 Dated
9	Development Engineer Project Review SPR/CUP Revision	09/14/2016 Dated
10	Certificate of Concurrence and Trip Generation Analysis	08/24/2016 Dated
11	Notice of Mitigated Determination of Nonsignificance (MDNS)	10/11/2016 Dated
12	Notice of Public Hearing and Certificate of Distribution and Posting	10/28/16 Published
13	Staff Project Report A. Public Participation Meeting Summary and comment matrix B. Site Plan and Design Review Application, Submitted January 15, 2016 C. Conditional Use Permit Application, Submitted January 15, 2016 D. Vicinity Map/Aerial Photo of Site E. Project Summary/Introduction/Description of Proposal by Architect F. Existing Site Conditions Map G. Site Plan Map H. First Floor Plan I. Second Floor Plan J. Elevation Drawings K. Building Section L. Street Perspective Drawing M. High Angle Perspective Drawing N. Tree Retention Plan O. Plant Schedule	10/28/16 Dated

## EXHIBIT LIST

**Bainbridge Island Fire Department Station 21  
Site Plan and Design Review/Conditional Use Permit  
PLN11791B CUP/SPR**

Staff Contact:  
Josh Machen, Planning Manager

Public Hearing:  
November 17, 2016

Hearing Examiner: Stafford L. Smith

NO.	DOCUMENT DESCRIPTION	DATE
13	P. Planting Plan (South) Q. Planting Plan (North) R. Planting Plan (East) S. Landscape Buffer Diagram T. Development Engineer Project Review Memo U. Design Review Board Minutes, December 21, 2015 V. Design Review Board Minutes, February 22, 2016 W. Design Review Board Minutes, March 7, 2016 X. Bainbridge Island Fire Department Memo/Recommendation Y. Landscape Plan Supplemental Information Z. Arborist Analysis of trees potential impacts by development AA. Letter from Mackenzie regarding parking demand	
14	Certificate of Posting Signs	11/01/2016 Dated
15	Planning Commission Staff Report dated 10/18/2016	11/17/16 Admitted