

**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF BAINBRIDGE ISLAND**

In the Matter of the Application of	)	No. PLN 51159 SPR/CUP
	)	
<b>Ilva Wilson, on behalf of Bainbridge</b>	)	
<b>Island School District 303</b>	)	
	)	
For Approval of a Site Plan and Design	)	FINDINGS, CONCLUSIONS,
<u>Review and Major Conditional Use Permit</u>	)	AND DECISION ( <i>Corrected May 10, 2018</i> )

**SUMMARY OF DECISION**

The request for a site plan/design review and a major conditional use permit to demolish an existing 41,509 square foot classroom and a 2,803 square foot music building on the Bainbridge High School campus and to construct a 35,500 square foot class room building located at 9330 NE High School Road is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposed development.

**SUMMARY OF RECORD**

Hearing:

The Hearing Examiner held an open record hearing on the request on April 25, 2019.

Testimony:

The following individuals testified under oath at the open record hearing:

David Greetham, Senior City Planner  
Joann Wilcox, Applicant Architect

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, April 18, 2019
2. Master Land Use Application, dated November 21, 2018
3. Environmental (SEPA) Checklist, with staff notes, dated November 16, 2018
4. Notice of Complete Application, dated December 19, 2018
5. Notice of Application/SEPA Comment Period/Hearing, dated January 11, 2019
6. Mailing list, dated January 11, 2019; Legal Invoice, *Bainbridge Island Review*, Legal #: BIR84056, dated January 11, 2019; Affidavit of Publication, *Bainbridge Island Review*, dated January 11, 2019; classified proof, published January 11, 2019; Certificate of Posting, dated January 17, 2019
7. Notice of Mitigated Determination of Nonsignificance (MDNS), issued March 22, 2019

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8. Planning Commission Recorded Motion, dated April 22, 2019
9. Four site plan drawings, undated
10. Applicant PowerPoint (26 slides), dated April 25, 2019
11. City PowerPoint (five slides), dated April 25, 2019
12. Memorandum from Peter Corelis, P.E., to David Greetham, dated April 24, 2019
13. Design Review Board minutes, dated December 17, 2018
14. Layout Plan (Sheet L-100), dated November 21, 2018

The Hearing Examiner enters the following findings and conclusions based upon the testimony at the open record hearing and admitted exhibits:

## **FINDINGS**

### Application and Notice

1. Ilva Wilson, on behalf of Bainbridge Island School District 303 (Applicant), requests a site plan and design review (SP&DR) and a major conditional use permit (CUP) to demolish an existing 41,509 square foot classroom and assembly building (Building 100) and a 2,803 square foot music building on the Bainbridge High School (BHS) campus and to construct a 35,500 square foot class room building with a building height of 30 feet. The school property is located at 9330 NE High School Road.<sup>1</sup> *Exhibit 1, Staff Report, page 1; Exhibit 2; Exhibit 9; Exhibit 14.*
2. The City of Bainbridge Island (City) determined the application was complete on December 19, 2018. The City issued a Notice of Application/SEPA Comment Period/Hearing on January 11, 2019, by publishing notice in the *Bainbridge Island Review*, providing notice to those on a mailing list that included the Applicant and property owners within 500 feet of the subject property, and posting two notices on-site, with a comment deadline of January 25, 2019. The City received no public comments in response to the notice. *Exhibit 1, Staff Report, pages 5 and 7; Exhibit 4; Exhibit 5.*
3. The Bainbridge Fire Department provided comments and proposed conditions (Nos. 17 through 22) as part of the pre-application process. The City Building Official and Public Works-Engineering also provided comments and proposed conditions (Nos. 11 through 16 and 23 through 26). *Exhibit 1, Staff Report, page 7.*

### State Environmental Policy Act

4. The City acted as lead agency and analyzed the environmental impact of the proposal, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C RCW. The City consolidated the application and SEPA comment periods under the Optional DNS process provided for by the Washington Administrative Code (WAC) 197-11-355, with a

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<sup>1</sup> The property is identified by tax parcel number 222502-4-003-2008. *Exhibit 1, Staff Report, page 1.* A legal description is provided in the Environmental Checklist. *Exhibit 3.*

comment deadline of January 25, 2019. Notice materials stated that the City expected to issue a Determination of Nonsignificance (DNS) for the proposal.

The City reviewed the Applicant's Environmental Checklist and other information on file and determined that, with mitigation, the proposal would not have a probable significant adverse impact on the environment. The City's Responsible SEPA Official issued a Mitigated Determination of Nonsignificance (MDNS) on March 22, 2019, with an appeal deadline of April 5, 2019. The MDNS contains three conditions to address the limits of clearing and grading in the field, dust management, and managing and disposing of dangerous wastes from demolition. The MDNS was not appealed. No critical areas were identified within the proposed site work area. *Exhibit 1, Staff Report, pages 1, 3, and 7; Exhibit 5; Exhibit 7.*

#### Comprehensive Plan and Zoning

5. The City's Comprehensive Plan designates the property as Semi-Urban-2.9. The City identified Comprehensive Plan goals and policies that are relevant to the proposal: Capitol Facilities Element policy prioritizes projects, including replacing worn-out or obsolete facilities. The Comprehensive Plan adopted the Bainbridge Island School District 2014-2020 Capital Facilities Plan (October 2014) by reference. The District Plan identifies the "BHS 100 Building" as not complying with current building codes. Environmental Element policy employs conservation design methods, such as low-impact development techniques. Utilities Element includes a goal to manage stormwater runoff and policies to avoid both on-site and off-site improvements to avoid adverse water quality and quantity impacts, minimize disruption or degradation of natural drainage systems, and encourage new development to integrate environmentally responsible and innovate energy system.<sup>2</sup> *Exhibit 1, Staff Report, pages 5 and 6.*
6. The property is located in the City's Residential zone (R-2.9). The purpose of the R-2.9 zone is to provide for vital residential neighborhoods in a suburban residential area. *Bainbridge Island Municipal Code (BIMC) 18.06.020.D.* A CUP is a mechanism by which the City may require specific conditions on development, or on the use of land, to ensure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the property. If imposition of conditions will not make a specific proposal compatible, the proposal must be denied. *BIMC 2.16.110.A.* Educational facilities are allowed in the R-2.9 zone with CUP approval. *BIMC Table 18.09.020 Use Table. Exhibit 1, Staff Report pages 3 and 5.*
7. The allowable lot coverage in the R-2.9 zone is 25 percent. Existing lot coverage is estimated at approximately 12 percent. Following demolition of the 44,300 square foot

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<sup>2</sup> City staff identified Comprehensive Plan Capitol Facilities Element Policy CF-1.5; Environmental Element Policy EN-4.1; and Utilities Element Goal U-13 and Policies U.12.3, 13.2, 13.5, and 14.8. *Exhibit 1, Staff Report, pages 5 and 6.*

existing building, the redeveloped building would cover approximately 35,500 square feet. The proposed building would exceed the required 25-foot minimum front and rear yard and 15-foot minimum rear and side yard setbacks. The 25-foot maximum building height can be increased by five feet if CUP conditions are met. *BIMC Table 18.12.020-2*. City staff recommended approval of this height bonus. *Exhibit 1, Staff Report, page 8*.

#### Existing Site

8. BHS is located on a single, 73.75-acre, multi-purpose parcel. Building 100 (to be demolished) and the music building are located in the interior portion of the school campus, within a cluster of four large buildings, with parking areas to the west. The BHS campus fronts on NE High School Road, a secondary arterial. The Environmental Checklist describes the parcel as hilly and generally sloping 30 percent from north to southwest, with the highest elevation at approximately 260 feet, in the north and northeastern portion of the 2.5-acre project work site, and the lowest elevation point at approximately 220 feet, in the southwestern corner of the parcel. The proposed project would not increase student capacity or increase average daily traffic trips, nor would noise standards be exceeded. The project is part of a phased plan to replace deficient school district buildings. *Exhibit 1, Staff Report, page 1, 8, 14, and 15; Exhibit 3*.

#### Site Plan and Design Review

9. The City Design Review Board (DRB) reviewed the site plan and design at meetings on June 18, August 20, November 5, and December 4, 2018. The DRB determined that the proposal would comply with the requirements of the City's commercial/mixed use design guidelines. *BIMC 18.18.030.C*. The DRB recommended approval, with concerns about the design and location of the final memorial and a need for further articulation of the eastern wall, in addition to landscaping. The City Planning Commission recommended approval of the project by unanimous vote on April 11, 2019. City staff also reviewed the application and determined that, as conditioned, the proposal would comply with the City's site plan and design review criteria. *Exhibit 1, Staff Report, pages 7, 10, 11, and 14; Exhibit 8; Exhibit 13*.

#### Institutions in Residential Zones and Design Review

10. The proposed use is an education facility in a residential zone, such that decision criteria in *BIMC 2.16.110.G* apply. City staff determined that a traffic study is not required since there would be no increase in traffic, that the current perimeter buffer located west of the work site meets minimum standards, that the replacement building would be compatible with the bulk and height of other surrounding campus buildings, and that lot coverage would not exceed 50 percent of the allowable lot coverage. *Exhibit 1, Staff Report, pages 13 through 14; Exhibit 14*.

#### Parking and Traffic

11. The City Engineer determined that the current bicycle, vehicular and pedestrian circulation systems for the BHS campus would remain unchanged, with the exception of

new walkways around the replacement building. No new traffic trips are planned, and no new impacts to existing streets and pedestrian ways are anticipated. The proposed use is in accord with the Island-Wide Transportation Plan. *Exhibit 1, Staff Report, pages 10, 11, and 13.*

#### Stormwater

12. The Applicant would address storm water by tying into an existing drainage system with planned upgrades for water-quality treatment. The City will conduct detailed stormwater review at the building permit stage. The City Engineer reviewed the application and determined that the proposed use conforms to the drainage regulations in Chapters 15.20 and 15.21 BIMC and would not cause an undue burden on the drainage basin or unreasonably interfere with the use and enjoyment of properties downstream. In addition, the City Engineer determined that the site plan and design would meet specific design requirements by tying into an existing drainage system and by complying with the 2014 Ecology Stormwater Manual minimum requirements for new and replaced hard surfaces and for land disturbance areas. Two stormwater biofiltration facilities are proposed. Prior to construction, the Applicant would submit a temporary erosion and sedimentation control plan to the City for approval. *Exhibit 1, Staff Report, pages 3, 8, 10, and 16; Exhibit 14.*

#### Utilities

13. The proposed use would be served by adequate public facilities. The school campus is served by City sewer and water. The Bainbridge Island Police Department and Bainbridge Island Fire District provides police and fire service. *Exhibit 1, Staff Report, pages 3, 10, 11, and 12; Testimony of Mr. Greetham.*

#### Landscaping

14. City code requires 40 tree units per acre, or at least the same number of tree units after proposed development. The Applicant would remove six non-landmark trees and add 12 new trees. The Applicant would provide a tree unit survey prior to final building inspection. New landscape planting-beds would be provided around the building, and native vegetation would be installed in the two planned stormwater biofiltration facilities. Existing perimeter landscaping would remain in place. The existing perimeter buffer located west of the work site meets minimum standards, with a forested strip ranging from approximately 25 to 100 feet in width. Outdoor lighting would meet the City's code requirements. *BIMC 18.15.040. Exhibit 1, Staff Report, page 8, 9, 10, 14, and 17; Exhibit 14.*

#### Testimony

15. Senior City Planner David Greetham testified generally about the application review process, explaining that the City reviewed the application for consistency with the major conditional use permit criteria and site plan/design review criteria. He testified that no

traffic study was required, that a five-foot height bonus was appropriate because the height would be below the existing building, that the City received no comments from the public, and that the Planning Commission recommended approval of the proposal.

*Testimony of Mr. Greetham.*

16. Joann Wilcox, architect for the Applicant, with 26 years of experience, testified generally in support of the application and answered questions of the Hearing Examiner. She testified that the proposed building would meet sustainability standards provided by the Superintendent of Public Instruction, which is equivalent to LEED certification. She requested that proposed Condition 4 be amended to reference the Applicant's PowerPoint (Exhibit 10, page 12), as well as Exhibit 14, the Layout Plan, dated November 21, 2018.

*Testimony of Ms. Wilcox.*

17. City Development Engineer Peter Corelis, P.E., prepared a Memorandum, dated April 24, 2019, with proposed changes to the staff report, including deleting Conditions No. 7 and 25, and adding a Public Works Condition that would read: "Any increase of water supply fixture units or placement of fixtures shall require analysis at the building permit stage to ensure adequate domestic water service pressure is met." *Exhibit 12.*

#### Staff Recommendation

18. City staff determined that the proposal would be consistent with the City's Comprehensive Plan, municipal code, and development standards. City staff recommended approval of the major CUP and site plan/design review, with conditions as modified during the hearing. *Exhibit 1, Staff Report, pages 15 through 18; Exhibit 12.*

### **CONCLUSIONS**

#### Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and approve, approve with conditions, or deny applications for conditional use permits under BMIC 2.14.030 and BMIC 2.16.110.D.

If requested by the Applicant, a site plan and design review application that is part of a proposal requiring multiple land use permits may be combined in a consolidated project review. Related applications requiring a public hearing must be considered at one public hearing in accordance with BIMC 2.16.170. The applications have been consolidated for review before the Hearing Examiner. *BIMC 2.16.170.* Decisions are needed for the applications for site plan and design review and the CUP. The City Council has established criteria for review of each of these applications, which the Hearing Examiner must follow when deciding whether to approve a specific application.

#### Site Plan and Design Review

The following criteria apply to recommendations or decisions on site plan and design review applications:

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## F. Design Criteria

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.S;
2. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan;
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 Design and Construction Standards,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 18;

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.S;
  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.
- G. Action of Director. The director may approve, approve with conditions, or disapprove the application for site plan and design review. Conditions may be imposed to enable the proposal to meet the standards of the decision criteria.

*BIMC 2.16.040.*

#### Conditional Use Permit

A major conditional use permit is a mechanism by which the city may require specific conditions on development or the use of land to ensure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the subject property. If imposition of conditions will not make a specific proposal compatible the proposal shall be denied.

*BIMC 2.16.110.A.*

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

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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 Island-Wide 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.

*BIMC 2.16.110.F.1.*

“If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.” *BIMC 2.16.110.F.2.*

The City has determined that the proposal is categorized as an educational facility under BIMC Table 18.09.020, and must also meet the decision criteria for institutions in residential zones:

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 public schools and governmental facilities, as defined in BIMC Title 18, that are located in the R-0.4 zoning district shall be allowed 150 percent of the lot coverage established in the R-0.4 zoning district, and such public schools and governmental facilities located in other zoning districts shall be allowed 100 percent of the lot coverage established in the underlying zoning district in which the facility is located, unless, regardless of which zoning district such a facility is located, conditions are required to limit the lot coverage to mitigate impacts of the use.

*BIMC 2.16.110.G.*

The criteria for review adopted by the City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

### Conclusions Based on Findings

#### *Site Plan and Design Review*

1. **With conditions, the site plan and design review application meets the criteria for approval.** The City provided reasonable notice for public comment and testimony. The site plan and design is in conformance with applicable code provisions and development standards of the R-2.9 zoning district. The proposed building would replace two existing buildings and would continue to be in conformance with the Island-Wide Transportation Plan. The City would continue to provide water and sewer service to the site. In addition, the City Engineer determined that the site plan and design would meet specific requirements by tying into an existing drainage system and not cause an undue burden on the drainage basin or water quality or unreasonably interfere with the use and enjoyment of properties downstream. The project would conform to the City's Design and Construction standards.

The City's Design Review Board reviewed the design guidelines in Title 18 BIMC and recommended approval with conditions and additional review prior to issuance of a

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building permit. No harmful or unhealthful conditions are likely to result from the proposed site plan. The City reviewed the project, the Applicant's Environmental Checklist, and other information on file. No critical areas were identified. The City issued an MDNS, with conditions. The MDNS was not appealed. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans. Conditions are necessary, including those to ensure that the Applicant complies with the landscape plan and submits a tree unit survey prior to final building inspection. *Findings 1-10, 18.*

#### *Conditional Use Permit*

2. **With conditions, the proposal would meet the major CUP criteria of BIMC 2.16.110.F.1 and .G.** The City provided reasonable notice for public comment and testimony. The City reviewed the project, the Applicant's Environmental Checklist, and other information on file. No critical areas were identified. The City issued an MDNS, with conditions. The MDNS was not appealed. The proposed use would not result in significant changes to the design, character, or appearance of the area because the BHS is already located on the property. The BHS campus would continue to be harmonious and compatible with development in the vicinity. The proposed building replacement would take place within the interior of the BHS campus. Lot coverage would continue to be less than 25 percent with the project. The existing perimeter buffer located west of the work site meets minimum standards, with a forested strip ranging from approximately 25 to 100 feet in width. The City Engineer determined that the proposed use would be adequately served by public facilities, including roads and water, and that fire protection, sewage disposal facilities and storm drainage facilities. Storm water treatment requirements would be addressed at building permit review. The proposed use would be consistent with the Comprehensive Plan, which allows educational facilities within residential zones with a CUP. The Applicant would comply with the noise levels established by the City. The City Engineer determined that the proposed use would meet the requirement for vehicular circulation on-site. The proposed use complies with all other provisions of the BIMC. With conditions, 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 property. Because the proposal meets the CUP criteria, a building height bonus of five feet is also approved.

Conditions are necessary, including those to ensure that the project complies with the SEPA conditions and that the Applicant obtains all appropriate City permits; complies with the Fire Code and International Building Code; constructs the project in substantial conformance with the landscape plan; and demonstrates compliance with storm water requirements with the submittal of a building permit. *Findings 1-8, 11-18.*

3. **With conditions, the proposal would be meet the additional major CUP criteria of BIMC 2.16.110.G for institutions in residential zones.** The property fronts NE High School Road, a secondary arterial road. No impacts to traffic were identified that would

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reduce the level of service. The Design Review Board reviewed the proposal and recommended approval with conditions, including compliance with the City's commercial/mixed use design guidelines. The existing buildings are compatible with the surrounding residential uses. Lot coverage would meet the City code. The existing perimeter buffer located west of the work site meets minimum standards, with a forested strip ranging from approximately 25 to 100 feet in width. Conditions are necessary to ensure the proposed development is consistent with City code requirements and does not have adverse impacts on surrounding properties. *Findings 1-10, 18.*

### **DECISION**

Based on the preceding findings and conclusions, the request for approval of a site plan/design review permit and a major conditional use permit to demolish an existing 41,509 square foot classroom and a 2,803 square foot music building on the Bainbridge High School campus and to construct a 35,500 square foot class room building with a building height of 30 feet, located at 9330 NE High School Road, is **APPROVED**, with the following conditions:<sup>3</sup>

#### **SEPA Conditions:**

1. The limits of clearing and grading shall be clearly marked in the field and inspected by the Department of Planning and Community Development staff prior to start of any clearing, grading, or other site work.
2. Dust shall be managed in compliance with WAC 173-400 and Puget Sound Clean Air Agency –Regulation I, 9.15 (PSCCA Reg). The project proponent or contractor shall prepare and implement a “Dust Control Plan” in conformance with Department of Ecology Publication 96-433. Prior to any site activity, the “Dust Control Plan” shall be submitted to the City and it shall be actively managed for the duration of the project. Unlawful emissions (see below) shall be corrected immediately and/or dust generating operations ceased until additional or alternate BMPs can be implemented to maintain emissions below allowable levels.

"Fugitive dust" means a particulate (especially soil/dirt) emission made airborne by forces of nature, man's activity, or both, that leaves the subject site. Unlawful emissions shall generally be defined as emissions leaving the subject property that are visible to an untrained observer. Where continuous monitoring equipment is used particulate matter concentrations shall be monitored for 10µm particle (PM10) size. The 24-hr average PM10 emissions shall not exceed a concentration equivalent to the EPA Air Quality Index (AQI) of 50 (54µg/m<sup>3</sup>) and any instantaneous PM10 emissions shall not exceed a concentration equivalent to an AQI of 100 (154µg/m<sup>3</sup>).

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<sup>3</sup> Conditions include both legal requirements applicable to all developments and requirements to mitigate the specific impacts of this development.

3. Dangerous wastes from demolition activities shall be properly managed and disposed of in accordance with state and federal requirements. These include but are not limited to: a) the “Mercury-Containing Lights – Proper Disposal” law, Chapter 70.275 RCW; b) evaluation for asbestos, and if identified, removal and disposal in accordance with Puget Sound Clean Air Agency Regulations; and c) evaluation for lead concentrations to determine if they exceed dangerous thresholds. If lead-bearing components designate as hazardous waste, all related debris must be managed appropriately and cannot be disposed of as municipal trash.

**Project Conditions:**

4. Except for modifications reflecting compliance with these conditions of approval, the project shall be in substantial conformance with the site and landscape plans dated November 21, 2018 (Exhibit 14 and Exhibit 10, page 12).
5. Prior to construction activity, the Applicant shall obtain the appropriate permits from the City of Bainbridge Island, including but not limited to grading, demolition, and building permits.
6. All work shall adhere to the City’s seasonal work limitations between October 1 and April 30 of any year. During this period, no soils shall remain exposed and unworked for more than two days. From May 1 to September 30, no soils shall remain exposed and unworked for more than seven days.
7. [deleted]
8. Construction activities shall comply with the noise limitations at BIMC 16.16.020 (maximum environmental noise levels) and BIMC 16.16.025 (limitations in residential zones).
9. Outdoor lighting shall be installed in accordance with the outdoor lighting standards at BIMC 18.15.040.
10. A tree unit survey shall be provided prior to final building inspection to ensure that the designated project area includes at least the same number of tree units after the proposed redevelopment as it had before the redevelopment. Calculation of tree units shall be based on BIMC Table 18.15.010-5 for preserved trees, and BIMC 18.15.010.G.5.c for newly planted trees.
11. The project shall comply with the City of Bainbridge Island (COBI) construction codes as adopted by Chapter 15.04 BIMC. The Applicant shall consult with the Building Official to coordinate with design professionals as necessary for this project to ensure compliance with applicable standards.

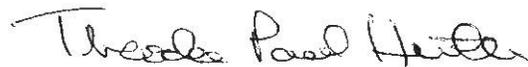
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12. The project shall comply with the requirements of the Department of Labor and Industries (L&I) for Electrical permits. COBI does not issue electrical permits but does monitor and coordinate electrical approvals with L&I.
13. The project shall comply with the provisions of the International Building Code for fire separation, fire protection, access, and the application of fire suppression systems as required by State Building Codes and the City of Bainbridge Island Fire District. The Applicant shall consult with the Fire District and coordinate with design professionals as necessary for this project to ensure compliance with applicable standards.
14. The project shall comply with the provisions of the International Building Code, Chapter 11 and ANSI 117.1 2009 for the application of accessibility and accessible features, including but not limited to parking, path of travel, entry and egress components and interior features and restrooms.
15. Application for all demolition is required to be submitted to the Puget Sound Clean Air Agency prior to issuance of a COBI building demolition permit.
16. All demolition shall be documented with a minimum 8.5 x 11 drawing showing the location of structures to be demolished including footprint and setbacks from all property lines and utilities as currently installed.
17. The proposed project shall comply with all applicable provisions of the adopted Fire Code.
18. The proposed Fire Lane shall be a minimum 20' width. Bollard placement along the lane shall be verified with the Fire Department prior to installation.
19. Shop classroom uses such as spray painting, woodworking operations (dust collection), hazardous materials handling, etc., shall be subject to applicable Fire Code standards.
20. The fire alarm system shall be networked to the 200 building and annunciate there.
21. The sprinkler design PSI available shall be verified with the Fire Department prior to installation.
22. The raku kiln shall be setback a minimum of 25' from any structure.
23. With the submittal of the building permit, the Applicant shall demonstrate how storm water will be handled in conformance with current Chapter 15.20 BIMC regulations.

24. Low-impact development methods for stormwater management shall be incorporated into the site to the maximum extent feasible.
25. [deleted]
26. Prior to building permit issuance, a binding commitment letter for water and sewer availability is required.
27. The land use permits shall automatically expire and become void if the Applicant fails to apply for a building permit or other necessary development permit within three years of the effective date of the permit unless the Applicant has received an extension for the permit.
28. Any increase of water supply fixture units or placement of fixtures in the building resulting in an increase in water pressure demand or flow shall require analysis at the building permit stage to ensure adequate domestic water service pressure is met.

Originally issued May 7, 2019.

Re-issued with corrections, this 10<sup>th</sup> day of May 2019.



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THEODORE PAUL HUNTER  
Hearing Examiner  
Sound Law Center