

**CITY OF BAINBRIDGE ISLAND  
OFFICE OF THE HEARING EXAMINER**

2003 MAR -6 AM 11: 17

APPLICATION FOR	)	<u>CUP10643</u>
CONDITIONAL USE PERMIT	)	AMENDED FINDINGS OF FACT
APPLICANT: FORECOURT INC.,	)	CONCLUSIONS OF LAW
dba: BAINBRIDGE ISLAND RACQUET	)	AND DECISION
CLUB.	)	
APPLICANT REPRESENTATIVE:	)	
TED EISENHARDT	)	
_____	)	

**FINDINGS OF FACT**

1. Ted Eisenhardt is the majority owner of Forecourt, Inc., which owns and operates the Bainbridge Island Racquet Club (BIRC). The club is located at 8520 Renny Lane NE in the City of Bainbridge Island. The property is identified by Tax Parcel No. 1025-0230-112-004. A legal description for the parcel is included in the hearing record as Attachment J to Exhibit 3.
2. This conditional use application is for expansion and remodeling of the BIRC. The recreational facility is housed in a metal building which has three tennis courts and two racquetball courts and an attached two-story wood frame building for the company offices, a waiting area and the locker and shower rooms. Also on the site is a fabric, air-supported cover over two outdoor tennis courts. These buildings will be remodeled but the building footprints will not be expanded. All remodeling to current facilities will be interior. A pool and exercise building will be built east of the metal building. This pool building will be connected to the main building by a passageway. Parking lot improvements and septic and storm water drainage system improvements are included as a part of the project.
3. The BIRC is located on approximately 5.94 acres on the north side of Koura Road near Meadowmeer Golf Course. The recreational facility has access to Koura Road via a private easement road. The zoning map for the City of Bainbridge Island indicates that this parcel has been included in two separate zoning areas. The western portion of the parcel, on which the existing buildings are located, has been designated R-2. The portion of the lot immediately east of the current racquet club building has been zoned R-0.4. A similar split designation has occurred in the Comprehensive Plan. The western portion of the lot has a Comprehensive Plan designation of OSR-2 and the eastern portion of the lot has a designation of OSR-0.4.
4. The property has been developed as a recreational facility since the late 1970's. The racquet club is a "cultural facility" as defined under Bainbridge Island Municipal Code (BIMC)

18.06. Cultural facilities are allowed as conditional uses in the R-2 and R-0.4 zones [BIMC 18.30.030(E) and BIMC18.36.030(D)].

5. The properties surrounding the racquet club on the south, east and west have been developed for single-family residential use. The Meadowmeer Golf Course has been developed on property to the north. Zoning for surrounding properties is consistent with the zoning designations of the racquet club property with a split in zoning of R-2 to the west and R-0.4 to the east.

6. The racquet club property is divided by a private easement road. The property owned by the racquet club to the east of the easement road contains a Category II wetland. This portion of the property is undeveloped. The Category II forested wetland requires a 100-foot buffer. No development is planned east of the easement road, that portion of the property will remain forested and undisturbed.

7. The applicants have filed a Preliminary Stormwater Conveyance and Detention Plan which addresses the roof water run-off and drainage from the new parking areas. Stormwater detention tanks will be installed under the new parking areas built on the west side of the easement road. Septic tanks will also be installed under the parking areas. The drainfield for the septic system will be installed in the 9<sup>th</sup> fairway of Meadowmeer Golf Course. A tightline piping system will connect the septic tanks and drainfield. A septic design for the project was done by Indigo Design and was approved with conditions by the Bremerton-Kitsap County Health District on June 28, 2002. [EXHIBIT 30, 31 & 35.] The racquet club has entered into an agreement with the Meadowmeer Golf and Country Club which allows the racquet club to construct a drainfield for their septic system on the ninth fairway of the golf course [EXHIBIT 3H]. Concerns have been voiced by adjoining Meadowmeer lot owners about the possibility of increased water run-off from alterations made to the ninth fairway. The septic system designer has determined that the installation of a drainfield system in the ninth fairway will not compromise the existing drainage systems [Staff Report, p.8]. Bremerton-Kitsap County Health District approval will be required for the drainfield design prior to building permit issuance [SEPA Condition 3].

8. The BIRC is built on fairly flat terrain. The site for the new pool building is presently being used as a parking area. A new parking lot will be built to the east of the new pool building. The topography of the lot begins to slope just east of the present parking lot. The property slopes down to the private easement road and then begins another slope as you travel east across the parcel toward the wetland. There is a natural drainage course that runs east from the roadside ditch near the north property line down into the low section of property on the east. All of the terrain in the buffer areas along Koura Road, in the area between the new parking lot and the private easement road and in the portion of the lot lying east of the easement road are heavily vegetated with a three-canopy forest. The soils around the existing buildings and on the new building site are Kapowsin gravelly loam, with a 0-6% slope. The sloping areas to the east of the

new parking lot and the terrain east of the private easement road are Harstine gravelly sandy loam with 15-30 % slopes.

9. This recreational facility will be provided potable water by the Meadowmeer Water Association which has provided a water availability letter [EXHIBIT 6].

10. The parking areas and site will be landscaped in accordance with the landscape requirements of BIMC 18.85. A Preliminary Landscape Plan was provided by the applicant at the time of application. [EXHIBIT 3G] The original landscape site plan will be amended to include specifications for required revegetation of disturbed areas on the site and to comply with the requirements of BIMC 18.85 for planting, monitoring and maintenance assurance provisions.

11. Access to the site is from Koura Road, a secondary arterial, which is connected to Highway 305 on the east and Miller Bay Road on the west. The site plan designates 100 parking spaces around the facility. A traffic analysis done by Heffron Transportation, Inc., determined that 100 parking spaces will be adequate to serve the parking needs of the expanded facility. [EXHIBIT 3C] Sidewalks and pedestrian walkways are designed to accommodate pedestrian traffic flow from the parking areas to the facility. All formal sidewalks and pedestrian walkways will be at least 5-feet of unobstructed width, will meet disability accessibility standards and will be constructed of non-skid hard surfaces. The landscaping and sidewalks will be separated from the parking stalls and access aisles within the parking lots by raised curbs, except where the walkways cross driveway access aisles. Where pedestrian walkways cross driveway access aisles, walkways will be constructed in contrasting materials such as stamped concrete, brick pavers, or with maintained painted markings to comply with BIMC 18.81.080.

12. Heffron Transportation, Inc., analyzed possible traffic impacts to Koura Road. Ms. Van Dyke concluded that Koura Road will continue to operate at the present Level of Service (LOS-A) after completion of the expansion. Traffic from the new facilities are expected to add approximately 330 vehicles per day along this roadway segment, for a daily trip increase of approximately 22%. During the a.m. peak hours a 24% increase in traffic volume is expected both east and west from the private road access on Koura Road. A 15% increase in p.m. peak hour traffic volumes is expected. The vehicular, pedestrian and bicycle access and site circulation patterns have been drawn on the site plan. The recreational facilities will front on the easement road which will be improved to Bainbridge Island Residential-Suburban road standards. The applicant has agreed to improve the portion of the easement road which intersects his property to the Residential-Suburban standards prior to dedication to the City. The City has agreed to accept the dedication of this road segment. The City will maintain the road after dedication once the road is improved to comply with design and construction standards and specifications for Residential-Suburban as adopted by the City of Bainbridge Island. [EXHIBIT 53 and 54].

13. Koura Road has been identified on the Bainbridge Island Bicycle Access Plan as needing

bicycle lanes along the north and south shoulders of the road [EXHIBIT 48]. The expansion of this recreational facility is likely to generate additional bicycle traffic both from within the Meadowmeer neighborhood and along Koura Road. Additional bicycle racks are being required in the parking areas to encourage alternative transportation access. Koura Road is a secondary arterial with gravel shoulders. Bicycle users accessing this new recreational facility from Koura Road would benefit from the increased safety of a bike lane along the north shoulder where it adjoins this property. Users of this recreational and fitness facility are likely to use bicycle transportation to access the facility. SEPA Condition 12 requires the applicant to widen the north shoulder of Koura Road to accommodate a 5-foot bicycle lane along the portion of the right-of-way adjoining the applicant's property. This bicycle lane will improve roadway safety for bicycle users visiting the facility.

14. Private residences have been built on lots to the east of the easement road. View of the racquet club facilities from these lots has been screened by native vegetation growing between the parking lot and the easement road. Construction of the new pool building and the expansion of the parking lot on the east side of the pool building will diminish this vegetation screen. The applicant will be required to enhance this vegetative screen with additional plantings after construction is complete. SEPA Condition 6 requires a planting restoration plan for the area east of the parking lot and west of the easement road. The planting restoration plan must be included in the formal landscape plan submitted by the applicant. A full screen buffer is required between the private access road and the new parking areas constructed on the site.

15. The new facility will extend the recreation center's operating hours by opening at 5:30 a.m. and closing at 10:00 p.m. each evening. This increase in activity at the site will increase traffic impacts on the neighborhood. Outdoor lighting will be installed for the safety of visitors to the facility. All exterior lighting will comply with the City's new lighting ordinance (Ordinance 2002-15). Construction or use activities at the site must comply with the City's noise ordinances in BIMC 16.16.

16. This recreational facility may wish to install an informational sign identifying the location and purpose of the facility. This facility is located in a residential area and is being operated as a conditional use in a residential zone. Signage should be limited to the minimum necessary to identify the facility for visitors. The Planning Department has recommended that the project erect no more than two exterior signs on the property. A single facade sign not exceeding 20 sq.ft. will be allowed as well as a single-sided, free standing sign not exceeding 10 sq.ft. and not exceeding 5-feet in height. No plastic panels or internally illuminated signs will be allowed on the property.

17. The Hearing Examiner made a site visit to the BIRC property on December 5, 2002, prior to the public hearing. An additional site visit was made December 6, 2002.

18. A SEPA Mitigated Determination of Nonsignificance (MDNS) was published on October

30, 2002. No appeals were filed.

19. On December 6, 2002, a Public Hearing was held before the Hearing Examiner to consider the application. Prior to the hearing, notice was published in the Bainbridge Review on November 16, 2002; notice of the public hearing was mailed to the owners of property within 300 feet of the proposed project on November 11, 2002, and notices were posted at the City Hall, the Chamber of Commerce, and the Ferry Terminal on November 11, 2002; notice was posted at the subject property on November 21, 2002. [EXHIBIT 40].

### CONCLUSIONS OF LAW

1. This application for a Conditional Use Permit is properly before the Hearing Examiner under jurisdiction provided by BIMC 18.108.020(D). This application has been processed in accordance with the procedures set forth in BIMC 2.16.100. Adequate legal notice was given prior to the public hearing on this matter on December 6, 2002.

2. BIRC is a recreation facility which qualifies as a cultural facility under the Bainbridge Island Zoning Code. BIMC 18.06.240 defines a cultural facility as "a place, such as a club, where people gather to further intellectual and recreational interests and values with others who share common opinions or interests." This recreation facility is located on property zoned R-2 and R-0.4. BIMC 18.36.030(D) allows cultural facilities as a conditional use in the R-0.4 zone. BIMC 18.30.030 also allows cultural facilities as conditional uses in R-2 residential zones. The present buildings occupied by the BIRC are located in the portion of the lot zoned R-2. These buildings exceed the maximum lot coverage allowed in that zone. The buildings are non-conforming structures. The building footprint for existing buildings will not be expanded as a result of this remodel project. All remodeling on existing buildings will be interior remodeling. The addition of new buildings on the BIRC property will be sited in the portion of the property zoned R-0.4. The maximum lot coverage allowed in the R-0.4 zone is 10%. (BIMC 18.36.050) Conditional uses are limited in lot coverage to 50% of the allowable lot coverage in the zone in which they are located. [BIMC 18.108.040(D)(1)(g)] The addition of the new pool building on the BIRC property will not exceed the maximum lot coverage allowed for cultural facilities in the R-0.4 zone.

3. A SEPA environmental review was required for this project. The environmental review was conducted by the City of Bainbridge Island. A SEPA Mitigated Determination of Nonsignificance (MDNS) was issued on October 30, 2002. No appeals were filed contesting that MDNS and it is now final.

3. This application must satisfy the decision criteria set forth in BIMC 18.108.040 to qualify

for a Conditional Use Permit.

4. BIMC 18.108.040(A): *A conditional use may be approved or approved with modifications if: 1. The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of the development in the immediate vicinity of the subject property and with the physical characteristics of the subject property;*

This recreation facility has been built on this site since 1978. Forested buffers have been maintained along the perimeters of the property. These buffers screen the recreation buildings from view from adjoining properties. A dense vegetation buffer has been maintained between the buildings and Koura Road. The BIRC buildings are not visible from Koura Road. In addition, a tree line and vegetation screens the buildings from view from adjoining properties to the west. A buffer has been maintained along the easement road which helps screen the main BIRC building from properties located to the east. These buffers will reduce visual impacts keep the recreation facility use compatible with the existing residential uses made of surrounding properties. The expansion project has been designed to limit development to the portion of the BIRC property located west of the easement road. The portion of the property east of the easement road will be not be disturbed so that the Category II wetland located on a portion of that site is protected. The site chosen for construction of the new pool building is a relatively flat terrain appropriate for large building construction. A geotechnical engineer's report made recommendations for construction which will ensure site stability. The design, character and appearance of the newly remodeled buildings and the new pool building are appropriate in scale and design for a recreation facility located in a residential area. The availability of additional use activities at the BIRC will benefit surrounding property owners who chose to utilize the facility. The project has been designed with adequate parking to accommodate the additional visitors attracted to the new facility. Bicycle transportation access has been encouraged by the provision of bicycle racks on site and the development of additional bicycle lanes along Koura Road. The new buildings added to the facility will be harmonious in design, style and character with the recreation buildings now on the site.

5. BIMC 18.108.040(A): *A conditional use may be approved or approved with modifications if:...2. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm water drainage facilities;*

The BIRC is connected to the Meadowmeer water system. The Meadowmeer water system has provided a water availability letter indicating that they have adequate water service available to provide potable water for this expanded recreational facility. Fire protection will be provided by the Bainbridge Island Fire Department. The application includes a sewer system designed by Indigo Design which has been approved by the Bremerton-Kitsap County Health District [EXHIBITS 30, 31 and 35.] A Stormwater drainage system has been designed for the project. Stormwater detention tanks will be installed under the new parking areas located to the

east of the recreation facility buildings. The stormwater roof runoff and parking lot runoff will be directed into these detention tanks, then treated and released into the wetland on the eastern portion of the property [EXHIBIT 38.(C.3).] This recreation facility is located adjacent to Koura Road which has been designed as a Secondary Arterial by COBI. A traffic analysis performed by Heffron Transportation, Inc., determined that the Level of Service for Koura Road would not change as a result of this expansion project. A private access road connects the BIRC facilities to Koura Road. This private access road will be improved by the applicants to meet the design and construction standards and specifications for a Residential Suburban road. The private easement road will then be dedicated to the COBI. The COBI has agreed to maintain this segment of roadway after dedication and after it has been improved to meet the City's Residential Suburban design and construction standards. [EXHIBIT 57.] The applicant's preliminary storm drainage plan has been approved by the City Engineer [EXHIBIT 41.] A final stormwater drainage plan including temporary erosion and sedimentation controls must be approved by the City Engineer prior to grading and building permit issuance. This recreation facility will be served by adequate public facilities including roads, water and fire protection, sewage disposal facility and stormwater drainage facilities.

6. BIMC 18.108.040(A): *A conditional use may be approved or approved with modifications if:...*3. *The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property;*

The continued use of this property for a recreation facility will not be detrimental to the uses or the property in the immediate vicinity of the site. The BIRC has operated a racquetball and tennis facility on this location for almost twenty-five years. The addition of exercise and pool facilities will enhance the facility available for use by members who live in the vicinity, as well as elsewhere on Bainbridge Island. Adequate provisions have been made to protect the critical areas located on the eastern portion of the property. Traffic impacts to the neighborhood should be minimal since access to this facility is off Koura Road via a private easement road which crosses BIRC property. This private easement road will be upgraded as a result of this project and this upgrade will benefit users of surrounding properties. A stormwater detention system will be installed on the property. The project has been designed with the consultation of a geotechnical engineer to help ensure site stability. Exterior lighting will conform to the COBI lighting ordinance and will be minimally visible from off-site. The vegetation screening along road frontages will be maintained. The expansion of this recreation facility will not be materially detrimental to the uses being made of other residential properties in this zone.

7. BIMC 18.108.040(A): *A conditional use may be approved or approved with modifications if:...*4. *The conditional use is in accord with the comprehensive plan;*

This facility is located on property which has been included in both the OSR-2 and OSR-0.4 plan designations. Under the Comprehensive Plan goals, new development should strive to be responsive to the natural landscape and should be sited so as to have the least visual and

environmental impact on the island landscape. This proposed new pool building and expanded parking area are being constructed in the least sensitive portion of the site. The septic and drainage tanks are being installed underneath the parking areas to minimize environmental impacts on critical areas located on the eastern portion of the property. The design of the expansion project preserves a tree covered hillside and vegetation buffers adjacent to the public roadway and the private roadway. The project meets the Comprehensive Plan's environmental goal of preserving and enhancing Bainbridge Island's natural systems, natural beauty and environmental quality by setting aside the entire eastern portion of the property for the protection of the forested wetland. Stormwater runoff and parking lot drainage will be treated prior to release into the natural wetland system located on the east portion of the property. Native vegetation buffers will be retained on the property. The wetland buffer will remain undisturbed. Another goal of the Comprehensive Plan is to provide safe bicycle travel along roadways identified in the Bicycle Access Plan. Koura Road is identified in the Bicycle Access Plan as needing bike lanes along the shoulders. This project will include the widening of the north shoulder of Koura Road where it adjoins the applicant's property to provide for safe bicycle travel along that portion of Koura Road. Another goal of the Comprehensive Plan is to protect geologically hazardous areas from the impacts of use and development. This project is specifically designed to locate all facilities on that portion of the site that has a fairly flat terrain and soils appropriate for this type of development. A geotechnical engineer's report was submitted with the application which makes specific recommendation regarding the construction of the project. Compliance with the recommendations of the geotechnical report are required as conditions of the Conditional Use Permit. The goals and policies of the Comprehensive Plan are supported by this project.

8. BIMC 18.108.040(A): *A conditional use may be approved or approved with modifications if:...*5. *The conditional use complies with all other provisions of this code;*

This project has been reviewed by the Department of Public Works, Bainbridge Island Fire Department, Bremerton-Kitsap County Health District and by the Bainbridge Island Planning Department for compliance. This Conditional Use application complies with the requirements of the two chapters of the Zoning Code which regulate this property. The project is a non-conforming structure in the R-2 zone and does not propose any new lot coverage within that zone. The project will add new buildings in the R-0.4 zone and will meet the lot coverage maximum for that zone. The yard requirements for both the R-2 and R-0.4 zones for front yards, rear yards and side yards are met by this application. The final building height will comply with the height limitations in each zone. The final building height will be verified for compliance at the time of building permit submittal. This proposal meets the parking and access requirements contained in BIMC 18.81. The City Engineer has reviewed the project from a traffic impact standpoint and has given his approval [EXHIBIT 47]. A landscaping plan has been submitted by the applicant. The landscape requirements of BIMC 18.85 will be met by this proposal. The applicant has proposed to preserve much of the property in native vegetation. The proposal will preserve approximately 50% of the existing tree canopy and an additional 11% of the parcel will



be covered by existing and new landscaping. The vegetation screens along Koura Road and the easement road will be maintained. An existing vegetation screen along the west property line will also remain unchanged. Vegetation will be restored and enhanced after construction. Stormwater and septic system designs have been engineered for the project. The septic system has been approved by the Bremerton-Kitsap County Health District and the stormwater drainage system has received preliminary approval from the Public Works Department. A final drainage plan and stormwater system design plan will comply with BIMC 15.20 and 15.21. The record submitted by the Planning Department demonstrates that this conditional use application will comply with the provisions of the Bainbridge Island Municipal Code.

9. BIMC 18.108.040(A): *A conditional use may be approved or approved with modifications if:...*6. *The conditional use will not adversely affect the area or alter the area's predominantly residential nature;*

BIRC has been built on this site since 1978. Vegetation buffers have been maintained on the perimeters of the property to screen the buildings from adjoining residential uses. These vegetation buffers will be maintained after expansion of the project. The new pool building will be built on the east side of the BIRC building. The BIRC building will screen that pool building from view from properties located to the west. Properties located across the easement road to the east will be screened by vegetation screening planted in the triangular area between the new parking area and the easement road. Access to the property will be by public road which provides access off Koura Road only through the applicant's property. Adequate parking will be provided at the facility to accommodate the increased number of guest expected at the facility after the expansion is complete. Stormwater and septic system improvements will minimize environmental impacts on surrounding property and will protect natural drainage systems in the area. Additions and improvements to this recreation facility will not adversely affect the area or alter the area's predominantly residential character.

10. BIMC 18.108.040(A): *A conditional use may be approved or approved with modifications if:...*7. *All necessary measures have been taken to eliminate the impacts that the proposed use may have on the surrounding area;*

This project has been conditioned to mitigate environmental and use impacts that a larger facility may have on the surrounding area. A traffic analysis has determined that the Level of Service on Koura Road will not change as a result of additional traffic generated by this new recreation facility. Increased bicycle traffic is anticipated from members of this club and the applicant will install additional bicycle racks. Expansion of the shoulder along Koura Road to accommodate a bicycle lane will increase the safety of bicycle users who access the property via Koura Road. Project development has been limited to the western portion of the site. The forested wetland located on the eastern portion of the site will remain undisturbed, its buffer will also remain undisturbed. An agreement has been reached with an adjoining property owner, Meadowmeer Golf Course, to allow the installation of the BIRC drainfield on the golf course.

The drainfield will not be located in the eastern portion of the BIRC property so that the natural wetland system can be protected. The scale of the new building is consistent with existing buildings. This will minimize the visual impact of the new facility. Exterior lighting will comply with the requirements of the COBI lighting ordinance to avoid impacts to surrounding properties. Vegetation buffers will be maintained on the west, south and east property lines to minimize the visual impacts to surrounding property users. All necessary measures have been taken in the design of this project to eliminate the impacts that the proposed expansion may have on the surrounding residential area.

11. BIMC 18.108.040(C)(1): *Educational, cultural, governmental, religious or health care facilities in residential zones must be processed as regular conditional use permits and meet the following criteria in addition to those listed above:*

(a) *Applicants are required to submit a traffic report showing the effects on the level of service on affected roads. Proposed mitigations for degradation of the LOS must be submitted as a part of the application.*

This is an application for a cultural facility in a residential zone and has been processed as a regular conditional use permit. The applicant has submitted a traffic report prepared by Heffron Transportation, Inc. which discusses the effects this project may have on the LOS of Koura Road. Heffron Transportation, Inc. has determined that the LOS on Koura Road is LOS-A. That LOS will not change as a result of the additional traffic generated by the expansion of this recreation facility.

12. BIMC 18.108.040(C)(1): *Educational, cultural, governmental, religious or health care facilities in residential zones must be processed as regular conditional use permits and meet the following criteria in addition to those listed above:*

(b) *All sites must front on roads classified as Residential Suburban or above on the Bainbridge Island Functional Road Classification Map;*

The applicant will make improvements to the portion of the easement road crossing their property to meet the design and construction standards for Residential Suburban roads as adopted by COBI. Once improved that portion of the easement road will be dedicated to COBI as a public right-of-way. This project also fronts on Koura Road which is a Secondary Arterial. A Secondary Arterial is a road classification above Residential Suburban on the COBI Functional Road Classification Map.

13. BIMC 18.108.040(C)(1): *Educational, cultural, governmental, religious or health care facilities in residential zones must be processed as regular conditional use permits and meet the following criteria in addition to those listed above:*

(c) *Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040 (A);*

A condition has been added to the SEPA MDNS which requires that the applicant comply

with the COBI noise ordinance, specifically BIMC 16.16.020 regarding maximum environmental noise levels, and BIMC 16.16.025 regarding the limitations on construction hours and activities. This project will also comply with BIMC 16.16.040 which sets the environmental designation for noise abatement in residential zones as Class A-EDNA.

14. BIMC 18.108.040(C)(1): *Educational, cultural, governmental, religious or health care facilities in residential zones must be processed as regular conditional use permits and meet the following criteria in addition to those listed above:*

*(d) The appropriate approvals of sewer and water supply must be submitted at the time of application.*

The applicant has provided copies of the Bremerton-Kitsap County Health District approval of their septic system design [EXHIBITS 30, 31 and 35.] The applicant has also provided a water availability letter from the Meadowmeer Water Service Association. This water availability letter indicates that Meadowmeer Water Service Association is capable of supplying water to BIRC [EXHIBIT 6.]

15. BIMC 18.108.040(C)(1): *Educational, cultural, governmental, religious or health care facilities in residential zones must be processed as regular conditional use permits and meet the following criteria in addition to those listed above:*

*(e) A fencing plan or alternative methods to protect the public health, safety and welfare must be submitted at the time of application;*

This facility is an expansion of a currently existing recreation facility. A fencing plan has not been submitted. This facility is designed for indoor use. The pool being constructed is fully enclosed in the pool building. No fencing plan is required to protect public health, safety and welfare.

16. BIMC 18.108.040(C)(1): *Educational, cultural, governmental, religious or health care facilities in residential zones must be processed as regular conditional use permits and meet the following criteria in addition to those listed above:*

*(f) The applicant shall provide perimeter buffers of vegetation, either retaining existing or planting a new one in compliance with BIMC 18.85.070 (D)(4) (this only applies to residential districts outside of Winslow);*

The applicant will maintain currently existing vegetation buffers on the west side of the property and along Koura Road. The vegetation buffer between the recreation buildings and the easement road will be enhanced and revegetated after completion of the project. Additional landscaping will be added in the parking areas. A landscape plan, in compliance with BIMC 18.85, was submitted and this plan is consistent with the regulations contained in BIMC 18.85.070(D)(4) [EXHIBIT 14.] A final landscape plan will be submitted and reviewed prior to building permit issuance.

17. BIMC 18.108.040(C)(1): *Educational, cultural, governmental, religious or health care facilities in residential zones must be processed as regular conditional use permits and meet the following criteria in addition to those listed above:*

*(g) These conditional uses are limited in lot coverage to only 50% of the allowable lot coverage in the zone in which they are located;*

This application for CUP is for remodeling of existing buildings in the R-2 zone. Those buildings exceed maximum lot coverage in the zone and are non-conforming in that zone. They will not be expanded as a part of this project. All new building will be done in the R-0.4 zone. Maximum lot coverage in the R-0.4 zone is 10%. This facility is limited to 5% maximum lot coverage. The additional of the new pool building in the R-0.4 zone will comply with that maximum lot coverage requirement.

18. BIMC 18.108.040(C)(1): *Educational, cultural, governmental, religious or health care facilities in residential zones must be processed as regular conditional use permits and meet the following criteria in addition to those listed above:*

*(h) Vehicular, pedestrian and bicycle access and site circulation must be submitted at the time of application and approved by the City. The City Engineer may modify the requirements of BIMC 18.81.020 (B) and allow alternate driveway and parking area surfaces, provided that the allowed surfaces meet city requirements for handling surface water and pollutants;*

The City Engineer has reviewed the vehicular, pedestrian and bicycle access and site circulation plan submitted by the applicant [EXHIBIT 38.] This approval [EXHIBIT 47] does not modify the requirements of BIMC 18.81.020(B). Roof run-off and parking lot surface water run-off and pollutants are controlled through the stormwater drainage system designed by the applicant's engineer. This system will be approved by the City Engineer prior to building permit issuance.

19. The decision criteria of BIMC 18.108.040 have been met by this application. Once a Conditional Use Permit is approved for this project, no building or development shall occur contrary to that specified in the CUP. This project requires certain conditions to ensure compliance with the BIMC regulations and the Comprehensive Plan. Those conditions of approval are as follows:

***SEPA Conditions:***

**1. A final stormwater drainage plan including temporary erosion and sedimentation controls shall be approved by the City Engineer prior to grading/building permit issuance.**

**2. A special erosion control plan shall be submitted and approved by the City Engineer prior to any clearing and grading proposed outside of the dry**

season, April 1 to October 1. The plan shall specifically identify methods of erosion control for wet weather conditions.

3. The installation of the drainfield shall be approved by the Bremerton Kitsap Health District and shall not alter the existing contour or drainage of the 9th fairway.

4. All of the recommendations contained in the Geotechnical Report prepared by Associated Earth Sciences, Inc. September 27, 2001 shall become conditions of approval.

5. An Indemnification agreement for construction in geologically hazardous areas shall be signed and submitted to the City prior to building permit issuance in conformance with BIMC 16.20.080.

6. A planting restoration plan shall be submitted and approved prior to building permit issuance for the area east of the parking lot and west of the easement road. The plan shall provide native trees, shrubs and ground cover to restore all of the disturbed area. Trees should be planted on 10-foot centers with shrubs and ground cover to fill in within 3 years of planting. Replanting shall occur after final grading in this area, but prior to occupancy of the building, unless it is an inappropriate season to plant, then a performance assurance device shall be submitted and accepted by the City prior to occupancy. This area shall be included in the required landscape maintenance assurance device provided for the project.

7. The property area east of the easement road, as shown on the September 16, 2002 site plan, shall remain as an undisturbed native vegetation, wetland and wetland buffer area.

8. The proposed development shall comply with the City's noise ordinance, specifically, Bainbridge Island Municipal Code Section 16.16.020 regarding maximum environmental noise levels and Section 16.16.025 regarding the limitations on construction hours and activities.

9. All exterior lighting shall comply with the City's lighting ordinance #2002-15.

10. 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.
11. Prior to final inspection, the property owner shall make any needed repairs to the easement road as a result of the construction and shall dedicate the portion of the easement road that crosses the subject property to the City of Bainbridge Island as public right-of-way.
12. Prior to final inspection, the north side of Koura Road shall be widened to accommodate a 5-foot bicycle lane along the portion right-of-way adjoining the subject property.
13. All conditions of the Bainbridge Island Fire Department shall become conditions of approval, specifically:
  - a. Emergency vehicle access shall be provided at the south portion of the building. The access shall be at least 20 feet in width.
  - b. An automatic sprinkler system shall be installed throughout the new addition and the existing building as required by the City Municipal Code. The sprinkler system shall be designed and installed in accordance with the most current edition NFPA Standard No. 13. Plans shall be submitted with the building permit for Fire Department approval.
  - c. A licensed sprinkler contractor or utility contractor holding a Level "U" certification shall be utilized to install the underground supply for the sprinkler system. Plans for the underground installation shall be submitted to the Fire Department for approval prior to beginning construction.
  - d. A monitored fire alarm system shall be installed throughout the new addition and existing building consisting of the following:
    - i. Manual Pull stations shall be located at each exit.
    - ii. Audible and visual alarm devices shall be installed in accordance with Uniform Fire Code Section 1007.3.3.3 and

**Washington State Amended Section 1007.3.3.4  
(WAC 51-34).**

**iii. The alarm system shall be connected to a U.  
L. listed central station.**

**e. The existing fire hydrant on site shall be equipped with  
a 4 inch "STORZ" adapter coupling on the engine port (the  
larger discharge outlet).**

***Project Conditions:***

**14. Prior to building permit issuance a final landscaping plan matching the  
approved site plan and in accordance with BIMC Chapter 18.85. shall be submitted  
and approved by the City.**

**15. A 25-foot area along Koura Road shall be maintained in native vegetation  
and/or landscaped as a full screen perimeter buffer as required in BIMC Chapter  
18.85. The tree line and vegetation screening along the west property line will be  
maintained as a perimeter buffer to provide visual screening for residences located  
west of the BIRC facilities.**

**16. All required landscaping shall be installed and inspected prior to any  
temporary occupancy of the structures or a performance device shall be provided to  
the City in accordance with BIMC Chapter 18.85.**

**17. A landscaping maintenance assurance device shall be provided to the City for  
a period of three years, as required under BIMC 18.85.090.D, prior to occupancy.**

**18. Landscaping and sidewalks shall be separated from parking stalls and access  
aisles by a raised curb, except where pedestrian walkways cross driveway access  
aisles, then the walkways shall be constructed of contrasting materials, such as  
stamped concrete, brick, pavers, or with maintained painted markings in  
accordance with BIMC 18.81.080.**

**19. All formal sidewalks and pedestrian walkways shall be at least five feet of  
unobstructed width, meet accessibility standards, and be constructed of nonskid**

hard surfaces.

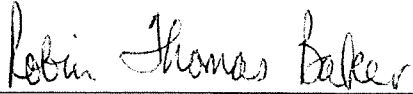
20. The project shall be developed in substantial conformance with the Site Plan Date Stamped September 16, 2002. *[EXHIBIT 38]*
21. All parking stalls shall be properly dimensioned and striped, compact stalls shall be so designated and shall not constitute more than 30 percent. All accessible stalls shall be properly dimensioned striped and have proper signage prior to final inspection.
22. No parking shall be allowed outside of the permanent marked stalls as depicted on the approved site plan.
23. An appropriate number of bicycle spaces shall be installed on the site, which allow secure locking of both the frame and wheels of a bicycle. The number of bicycle spaces required on the site will be determined by the Department of Planning and Community Development. The bicycle racks must be installed prior to final inspection.
24. Prior to building permit issuance, the applicants shall provide the City with a copy of the recorded and health department approved drainfield easement.
25. The project may have a single façade sign not exceeding 20 square feet, and a single sided freestanding sign not exceeding 10 square feet and not exceeding 5 feet in height. Signs shall not be plastic panel signs nor internally illuminated.
26. The applicant shall make road improvements to the portion of the private easement road which crosses their property. These road improvements must comply with the design and construction standards for Residential Suburban roadways as adopted by the COBI. These improvements shall be completed prior to its dedication to the COBI for public right-of-way.
27. All roadway and bicycle lane improvements must be completed prior to final inspection of the project.



## DECISION

This application for Conditional Use Permit is approved subject to conditions listed in Conclusion of Law 19 above.

Dated this 6th day of March, 2003



Robin Thomas Baker  
Robin Thomas Baker  
Hearing Examiner Pro Tem

## APPEAL

The decision of the Hearing Examiner is final unless appealed to the City Council in accordance with the provisions of BIMC 2.16.140. Any appeals must be filed with the City Clerk within 21 days of the date of this Decision.

