

ORDINANCE NO. 2013-20

AN ORDINANCE of the City of Bainbridge Island, Washington, to amend the Introduction, Land Use and Economic Elements, and Land Use Map of the Comprehensive Plan, changing the name of the *Light Manufacturing* land use district to *Business/Industrial*.

WHEREAS, the multi-year Land Use Code Update was approved by the City Council with the passage of Ordinance No. 2011-02 on November 9, 2011; and

WHEREAS, through Ordinance No. 2011-02, the name of the *Light Manufacturing District* was changed to the *Business/Industrial District* in the Bainbridge Island Municipal Code; and

WHEREAS, the City submitted a Comprehensive Plan Amendment during the 2013 Comprehensive Plan Amendment cycle to update the Comprehensive Plan and Land Use Map to reflect the new *Business/Industrial District* name; and

WHEREAS, the Planning Commission conducted a study session on this amendment on May 23, 2013; and

WHEREAS, the Planning Commission conducted a public hearing on June 27, 2013, considered the decision criteria for the amendment request, and forwarded their recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing on this proposed Comprehensive Plan Amendment on November 25, 2013 and considered the decision criteria; and

WHEREAS, notice was given on June 28, 2013 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

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

Section 1. The City Council finds that this Comprehensive Plan Amendment is in conformance with the Comprehensive Plan and all applicable state laws in effect at the time of approval.

Section 2. The Land Use Map of the Comprehensive Plan shall be amended to change the name of the “Light Manufacturing” designation to “Business/Industrial”.

Section 3. The Land Use Map paragraph in the Introduction section of the City’s Comprehensive Plan is hereby amended to read as follows:

Land Use Map

The land use map is amended changing three land use designations: 1) the St. Cecilia Parish property at the corner of High School Road and Madison Avenue is changed to Madison Avenue District (MAD) from Urban Multi-family (UMF); the Webster property located on the east side of Madison Avenue near the intersection of New Brooklyn is changed to Urban Multi-family (UMF) from Semi-urban Residential (SUR); and the property located at the southwest corner of Madison Avenue and New Brooklyn, currently occupied by a mini-storage facility, is changed from Contract Zone-Light Manufacturing (CZ-2) to ~~Light Manufacturing (LM)~~ Business/Industrial (B/I).

Section 4. The Table of Contents of the Land Use Element of the City’s Comprehensive Plan below is hereby amended to read as follows:

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Section 5. The introduction to the Goals and Policies of the Land Use Element of the City’s Comprehensive Plan is hereby amended to revise the following paragraphs on page 3 to read as follows:

Business/Industrial (B/I) Light Manufacturing (LM)

The Plan recommends expansion of the existing Business/Industrial Light Manufacturing District at Day Road by an additional 35 acres. Federal, state, and local regulations govern the handling and disposal of hazardous substances and hazardous waste and will be used to guide future business/industrial light manufacturing development.

Areas Outside Winslow, NSCs, and B/I LM

The areas of the Island outside Winslow, the neighborhood centers, and the business/industrial light manufacturing areas are designated *Residential Open Space* and are characterized by forest lands, meadows, small-scale farms, and narrow, winding

heavily-vegetated roadways. These areas also contain much of the Island's sensitive areas. These include aquifer recharge areas and wetlands and streams, which serve a variety of important functions, and also serve as fish and wildlife habitat. The Plan attempts to encourage a pattern of development which will preserve and protect these areas.

The Plan recommends the creation of flexible lot design subdivision and short plat processes that will encourage a more creative approach than the traditional lot-by-lot development. This method addresses lot design, building placement, and circulation. Clustering of lots is encouraged, with varying lot sizes, to provide open space and protect the Island's natural systems.

Section 6. Policy FRW 1.2 of Framework of the Plan, Goal 1, of the Goals and Policies of the Land Use Element of the City's Comprehensive Plan is hereby amended to read as follows:

FRW 1.2

As a city, Bainbridge Island constitutes an urban growth area under the GMA. Although an urban growth area, future growth on Bainbridge will be accommodated in a manner which is consistent with the requirements of the GMA and yet retains the Island's character and the quality of life which its residents so highly value.

Discussion: Consistent with the Growth Management Act, all land within the City of Bainbridge Island is included in the City's urban growth area. While Bainbridge is an Island-wide City, it is not characterized by urban development with a full range of urban facilities and services, but contains a variety of development patterns that range from urban to less intense development. Winslow is the urban center of the Island. The existing Neighborhood Service Centers supplement Winslow's commercial activity, with the Business/Industrial Light Manufacturing District providing a location for environmentally sound manufacturing businesses.

Outside of Winslow and the Neighborhood Service Centers, the Island has a rural appearance with forested areas, meadows, farms, and winding, narrow, and heavily vegetated roadways. These characteristics represent the Island character that is so highly valued by its residents. As important as preserving Island character is to its residents, of equal importance is the protection of the Island's environmentally sensitive areas. These outlying areas contain much of the Island's sensitive areas – the major recharge areas for the Island's aquifers, wetlands, and streams which serve a variety of important functions. Much of the area serves as fish and wildlife habitat. There is strong public support to encourage a pattern of development which preserves and protects this portion of the Island.

Section 7. Policies LU 1.1 and LU 1.5 of General Land Use, Goal 1, of the Goals and Policies of the Land Use Element of the City's Comprehensive Plan are hereby amended to read as follows:

LU 1.1 Land use designations should reflect the priority of Bainbridge Island to remain primarily residential, with nonresidential development outside of the Winslow area concentrated in the service centers and at the designated business/industrial light manufacturing areas.

LU 1.5 The areas at Day Road and Sportsman Club Road designated as Business/Industrial Light Manufacturing are intended to augment the Winslow Core and the Neighborhood Service Centers and serve an important function that allows a diverse economy with business retention, growth and innovation on the island.

Discussion: The comprehensive land use plan for Bainbridge Island strives to provide for the full range of community needs. The Business/Industrial Light Manufacturing District can provide economic activity that includes a variety of low-impact, nonpolluting uses that reflect and respond to changing market conditions and are compatible with the community.

Section 8. The Light Manufacturing section of the Goals and Policies of the Land Use Element of the City's Comprehensive Plan is hereby amended to read as follows:

Business/Industrial Light Manufacturing

GOAL 1

The Business/Industrial (B/I) Light Manufacturing District (LM) is intended to provide opportunities for expansion of existing Island businesses, for diversity of jobs and for low-impact industrial activity that contributes to well paying jobs, where traffic congestion, visual, and other impacts on the surrounding neighborhood can be minimized.

B/I LM 1.1 The Business/Industrial Light Manufacturing District is for non-polluting, light manufacturing development as well as other uses that add to the diversity of economic activity on the island and are compatible with other uses in the Business/Industrial Light Manufacturing District and neighboring zones.

B/I LM-1.2 New manufacturing businesses that plan to utilize toxic/hazardous substances must list these substances and quantities projected for annual usage; demonstrate compliance with all Federal, State and Bremerton-Kitsap County Health District requirements for their handling; and receive a City business license. (Definitions and quantity limits of toxic/hazardous substances are set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended [42 U.S.C. Section 9601] et seq. ["CERCLA"], the Superfund Amendments and Reauthorization Act of 1986, Pub. L No. 99-499 ["SARA"], the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801 et seq., the Resource Conservation and Recovery Act, 49 U.S.C. Section 6901 et seq. or other applicable State or Federal laws, rules or regulations adopted in accordance with those statutes). Uses of certain toxic/hazardous substances can disqualify the application from approval because of potential environmental impact. However, proposals that use toxic/hazardous substances

defined in the above references may be approved upon review of factors such as quantity used, adequacy of storage, containment, spill management, and waste disposal plans.

B/I LM-1.3 The Fire Marshall shall receive copies of publicly available reports concerning hazardous substances and shall prepare a summary of those reports that can be published in order to avoid revealing confidential or sensitive information about other aspects of those businesses.

B/I LM 1.4 Applications for development approval within the Business/Industrial Light Manufacturing District must show that adequate water, wastewater, transportation, fire, and storm drainage services are available to serve the development.

B/I LM 1.5 The City should ensure the adequate monitoring and enforcement of hazardous material regulations.

B/I LM 1.6 Performance standards for the Business/Industrial Light Manufacturing District(s) shall address odor, lighting, noise, vibration, signage, traffic volumes, ingress and egress, parking, delivery and loading areas, and pedestrian and vehicle site circulation, to create safe, efficient, compatible conditions among a variety of on-site uses and to protect adjacent residential neighborhoods.

B/I LM-1.7 Business/Industrial Light manufacturing uses shall visually screen the development year-round from adjacent, non-industrial properties and from adjacent roadways.

Discussion: This policy establishes a performance standard – Business/Industrial light manufacturing uses must be visually screened from the roadway and from adjacent non-Business/Industrial light manufacturing development. The visual screening could be achieved through a combination of vegetation and building setback which would add depth to the buffer. A minimum 50-foot native, vegetated buffer should be considered in drafting the development regulations.

B/I LM 1.8 Any Business/Industrial Light Manufacturing District with more than one business should be encouraged to form and participate in a business park management association and neighborhood association in order to institute a self-enforcement program.

B/I LM 1.9 If an existing project redevelops or expands its gross floor area (GFA), compliance with current development standards shall be based on the size of the redevelopment or expansion. A range of compliance requirements shall be established to correspond with the range in levels of redevelopment or expansion.

Discussion: If an expansion comprises no more than 15%, only limited compliance with current standards would be required (i.e., landscaping, parking). An expansion of 50% or more would require that the entire project be brought into full compliance.

GOAL 2

Provide appropriate land for Business/Industrial light manufacturing in order to provide opportunities for small manufacturing businesses on the Island to expand, and to provide additional employment opportunities.

B/I LM 2.1 The 35 acres adjacent to the Business/Industrial light manufacturing area north of Day Road and west of SR 305 are designated as Business/Industrial light manufacturing on the Land Use Map, and development within this 35-acre light manufacturing area must utilize the Site Plan Review process for project review to address open space, trail connections and environmental impacts associated with proposed development.

B/I LM 2.2 Any additional Business/Industrial light manufacturing should not be designated until the City completes an Economic Development Element.

Discussion: The City will monitor achievement of this goal. Details of the monitoring program will be enumerated in an Economic Development Element.

GOAL 3

Discourage the inappropriate designation of isolated Business/Industrial Light Manufacturing Districts.

Discussion: While seeking to limit isolated Business/Industrial light manufacturing uses, this Plan also recognizes the concerns of property owners to continue existing businesses at those locations. Discussion included designation of certain businesses and nonconforming uses. However, owners were concerned about the ability to obtain financing in the future. This Plan seeks to reach a compromise.

B/I LM 3.1 Isolated Business/Industrial light manufacturing zones are designated to reflect historical use and the designation should not be expanded.

Discussion: The overall framework of the Plan is to concentrate Business/Industrial light manufacturing activity at Day Road and to acknowledge the existing, isolated Business/Industrial light manufacturing activity.

Section 9. The Light Manufacturing section in the Existing Conditions section of the Land Use Element of the City's Comprehensive Plan is hereby amended to read as follows:

Business/Industrial Light Manufacturing

Business/Industrial Light manufacturing-zoned areas are intended for low-impact, low-intensity manufacturing activities, including research, testing, warehousing of goods, and fabrication, assembly, and processing of products. Business/Industrial (B/I) Light manufacturing (LM) uses are mainly confined to the Day Road Industrial Park area near the intersection of Day Road and SR 305. The 40-acre Day Road area contains approximately 277,000 square feet of Business/Industrial light manufacturing space (approximately 7,000 square feet per acre) and houses roughly 30 businesses with a total

of over 450 employees. Businesses range from a newspaper publisher, soil analysis company, manufacturers of pottery, fishing equipment, and office furniture to a smoked salmon business. Only 5 acres currently zoned for B/I LM are undeveloped.

There are three other single-use, Business/Industrial Light Manufacturing sites and one four-parcel B/I LM site (two are developed, two are undeveloped) scattered about the Island. These sites account for another 100,000 square feet of space. However, 90,000 square feet of this is in storage space at New Brooklyn Road and Madison Avenue, a use that is also permitted in the neighborhood centers.

<u>Business/Industrial Light Manufacturing Areas</u>			
<u>Business/Industrial Light Manufacturing Areas</u>	Total Acres Zoned <u>B/I LM</u>	Existing Square Feet <u>Business/Industrial Light Manufacturing</u>	Total Acres Vacant
Day Road	40.00	277,012	5
New Brooklyn	4.35	90,440	
Sportsman Club	4.08	7,200	1.14
Fletcher Bay Road	1.14	3,894	
Eagledale Marina	2.36		
TOTAL	51.93	378,546	6.14

2004 Update – The Built Environment

Business/Industrial Light Manufacturing

Since the Comprehensive Plan was adopted, four additional areas have been designated Business/Industrial Light Manufacturing. A 35-acre area located to the north of the existing Day Road Business/Industrial Light Manufacturing area was designated Business/Industrial Light Manufacturing in 1997. This new area has not yet been developed and is awaiting approval of master plan development permit. Another 4.77-acre parcel located east of SR 305 on the south side of Day Road was designated and zoned Business/Industrial Light Manufacturing in 1999. This property has also not been developed.

Two other properties were designated and zoned Business/Industrial Light Manufacturing in 1999. These are located north of New Brooklyn Road, on or near Sportsman Club Road. One of these properties contains two parcels with 16 acres and is located on the north side of New Brooklyn Road and east of Sportsman Club Road. This property has not yet been developed and is currently operated as a Christmas tree farm. The other area is located on the east side of Sportsman Club Road northeast of Sakai Intermediate School. This 7.28-acre property contains two parcels and remains undeveloped.

Section 10. Policy E 1.3 of Goal 1 of the Goals and Policies of the Economic Element of the City’s Comprehensive Plan is hereby amended to read as follows:

E 1.3

Protect and promote agricultural uses by:

- Implementing a proactive Transfer of Development Rights (TDR) program.

- Providing a permanent funding mechanism for the Purchase of Development Rights (PDR).
- Strongly encouraging agricultural conservation easements as part of the Flexible Lot Design process.
- Promoting and supporting existing farming activity as an appropriate use in the open space of clustered residential development or Business/Industrial light manufacturing development.
- Forming a farming advisory group to advise the City on strategies for preserving farmland.

Section 11. The Light Manufacturing section of Goal 1 of the Goals and Policies of the Economic Element of the City’s Comprehensive Plan is hereby amended to read as follows:

Business/ Industrial Light Manufacturing

Island based businesses provide the possibility of living and working in the community. It is the purpose of the Business/ Industrial (B/I) Light Manufacturing (LM) land use designations to provide opportunities for light industrial and other non-retail activities that augment and extend Winslow and the Neighborhood Service Centers (NSC). Accommodating a variety of uses expands the ability of the City to respond and contribute to changing market demands by providing locations and facilities with development standards that minimize adverse impacts to the natural environment or undesirable effects upon the nearby residential, public or commercial property, including traffic, vibration, light, noise, and odor. Expanded uses in the Business/ Industrial Light Manufacturing District contribute family wage jobs to the local economy in new fields such as technology or other low impact businesses.

Section 12. Goal 2 of the Goals and Policies of the Economic Element of the City’s Comprehensive Plan below is hereby amended to read as follows:

GOAL 2

Support entrepreneurship by providing adequate land use designations in keeping with the character of the Island.

Discussion: In order to provide opportunities for business enterprise along a continuum, adequate space must be provided for growth that recognizes and protects the Island’s valued natural amenities, its limits of land and water and the quality of its residential neighborhoods. Providing for a wide variety of non-retail activity in the Business/ Industrial Light Manufacturing District can help prevent the conversion of residential land and add to the vitality of the local economy.

Home-based Businesses

E 2.1

Expand the opportunities for home-based businesses.

Discussion: Nearly half of all licensed businesses on Bainbridge Island are reported as home-based. Opportunities to expand these businesses are limited.

E 2.2

Consider performance standards to minimize impacts of home-based businesses in residential neighborhoods.

Small Business Uses

E 2.3

Encourage Small Business uses in the Mixed Use Town Center (MUTC), the High School Road District and Neighborhood Service Centers (NSC) and Business/Industrial (B/I) Light Manufacturing (LM) District. Create affordable commercial space for small business uses by expanding the uses in Business/Industrial Light Manufacturing Districts and exploring other potential opportunities. Encourage live-work opportunities as a component of small business uses. Create development and performance standards for these uses within each zone.

Discussion: Because the nature of light manufacturing use is changing and declining, allowing for expanded use of the Business/Industrial Light Manufacturing District can provide affordable space for a variety of small businesses.

Small Business Land Use Designation

E 2.4

A new Small Business (SB) land use designation may be created to allow for non-retail business uses that have minimal impacts on the environment and surrounding uses. Permitted uses would include, but are not limited to, artists' studios, research and development, computer software development and manufacture, commercial kitchen for value-added farm product processing, duplicating services, and small-scale assembly. The purpose is to provide space for small-scale low-impact enterprises that have outgrown the home in a park-like development that is pleasingly designed and attractively landscaped. Creative ways of creating some affordable commercial space should be considered, and livework opportunities should be a component of the Small Business zone. Appropriate development and performance standards shall be developed that shall include restrictions on traffic, hours of operation and use of hazardous materials and requirements for the provision of open space.

Business/Industrial Light Manufacturing

E 2.5

New Business/Industrial (B/I) light manufacturing (LM) land use designations shall be considered based on the following:

- Proximity to existing B/I LM.
- The total amount of B/I LM-zoned land.
- Compliance with all existing policies in the Land Use Element.
- Reasonable proximity to SR 305.
- Availability of public sewer and water, *or*
- Whether permitted uses might safely use wells and septic systems or other alternative systems that are approved by the Bremerton-Kitsap County Health District.

- Consideration of nonpoint pollution concerns identified in the Bainbridge Island Watersheds, 1995 report.
- Adjacency to non-residential land uses.
- Minimal impact to residential land uses, neighborhoods, and open space/conservancy areas.
- The potential for quality open space of agricultural use.

E 2.6

Amend the Site Plan and Design Review process to include Business/Industrial Light Manufacturing development applications, which shall include requirements for the following:

- Substantial quality open space.
- Perimeter buffers for maximum visual screening.
- Protection of critical areas.
- Creative site design that minimizes land alteration and provides maximum possible usable open space.
- Limited impervious surface.
- On-site re-use of stormwater runoff.

E 2.7

Business/ Industrial Light manufacturing development and performance standards shall include traffic impacts, noise and the use and handling of hazardous substances.

E 2.8

Business/ Industrial Light manufacturing development shall conform to all Business/Industrial Light manufacturing performance standards, the requirements of Site Plan and Design Review, and applicable design guidelines.

Section 13. Policy E 4.5 of Goal 4 of the Goals and Policies of the Economic Element of the City's Comprehensive Plan below is hereby amended to read as follows:

E 4.5

Encourage existing and new commercial and agricultural enterprises to become part of a linked cooperative whereby the by-products and waste of one enterprise become the raw materials of another.

Discussion: This "industrial ecology" model would be an appropriate application of Business/Industrial Policy 2.6, Light manufacturing Master Plan Process.

Section 14. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this 25th day of November, 2013.

APPROVED BY THE MAYOR this 25th day of November, 2013.


Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:


Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	September 24, 2013
PASSED BY THE CITY COUNCIL:	November 25, 2013
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