

**Title 17**

**SUBDIVISIONS**

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## Chapter 17.04

## SUBDIVISIONS\*

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\*Code reviser's note: Section 15 of Ordinance 2004-08 provides as follows:

Section 15. Notwithstanding BIMC 17.04.060 and 17.12.065, an applicant that has filed a complete application for preliminary subdivision or short subdivision approval prior to the effective date of this Ordinance [June 21, 2004], but that has not received a decision on the application prior to the effective date of this Ordinance, shall have the option to have the application processed and reviewed under (1) all City land use regulations in effect on the effective date of this Ordinance, (2) the regulations contained in this Ordinance and to the extent not inconsistent with the regulations in this Ordinance, the City's land use regulations in effect on the date that the complete application was filed, or (3) all City land use regulations in effect on the date that the complete application was filed.

**17.04.010 Compliance.**

All subdivisions, as defined in BIMC 17.04.060, shall comply with this chapter. (Ord. 96-06B § 1, 1996)

**17.04.020 Purpose.**

The purpose of this chapter is to regulate the subdivision of land to promote the public health, safety and general welfare of the citizens of the city in accordance with state law

“Block” means a group of lots, tracts or parcels within well defined and fixed boundaries.

“Buffer” means space, either landscaped or natural (consisting of existing natural vegetation), the purpose of which is to reduce the impact of undesirable sights, sounds, and odors, and to protect wetland and stream values, functions or property.

“Circle template” means a prescribed minimum area used for planning purposes to determine the optimum location within a parcel for a homesite. A circle template shall fit within every new lot created in order to define the minimum lot dimensions and potential building sites. The circle template shall not include critical areas (as defined in BIMC 16.20.020) and/or their associated buffers. Where a structure would overlap a lot line, such as would occur with attached housing units, the minimum diameter of the circle template shall be increased by 50 percent to determine the building’s ground level coverage area. Refer to the Flexible Lot Design Handbook to determine the minimum circle template for developments and for more information.

“Cluster development” means a group of adjoining homesite areas situated in a suitable area of a property, designed in such a manner that facilitates the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways, while providing for the protection of valued open space features.

“Cluster grouping” means a grouping of two or more homesite areas for short subdivisions and a grouping of four or more homesites for subdivisions regulated by Chapter 17.04 BIMC.

“Code” means the city of Bainbridge Island Municipal Code.

“Collector” means a collector as defined in the city of Bainbridge Island Comprehensive Plan.

“Composite site plan” means a site plan that contains elements of the base map and elements of the proposed subdivision such as circle templates, community water or septic location (if applicable), open space provisions, and road and accessway location.

“Comprehensive plan” means the goals and policies contained within the comprehensive plans adopted by the city, including all amendments.

“Conceptual storm water plan” means a preliminary plan prepared by a licensed civil city engineer consistent with the standards contained within Chapter 15.20 BIMC. The conceptual storm water plan shall describe the proposed methodology for storm water management on the subject property, and shall confirm that the proposed method is feasible for the site.

“Contiguous land” means land adjoining and touching other land and having the same owner regardless of whether or not portions of the parcels have separate tax numbers, or were purchased at different times, in different sections, are in different government lots or are separated from each other by private road or private rights-of-way.

“Critical areas” mean:

1. Aquifer recharge areas, fish and wildlife habitats, frequently flooded areas, geologically hazardous areas, wetlands and streams.

2. Critical areas and their protective buffers as described by Chapter 16.20 BIMC.

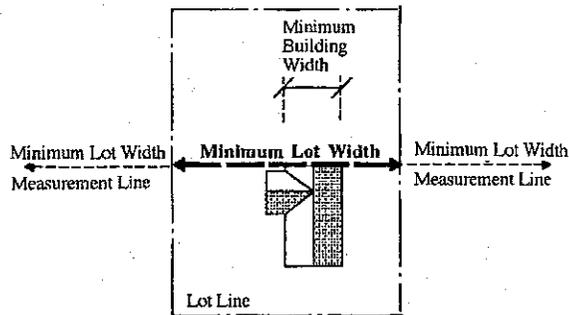
“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final subdivision showing the dedication thereon. Acceptance of the filing shall be by approval of the final subdivision by the city council.

“Department” means the city’s department of planning and community development.

“Director” means the director of the city department of planning and community development. The director may delegate duties enumerated in this chapter to department of planning and community development staff members.

“Division” means a portion of property within an approved preliminary subdivision

**Illustration I: Minimum Lot Width  
Measurement Line**



“Native forest” means established forest areas consisting of native trees and plants.

“Native vegetation” as defined in Chapter 18.85 BIMC.

“Naturally occurring clearing” means a nonforested area formed by the land’s natural features and events of nature rather than human activities.

“Off-site views” mean existing scenic views of forests, mountains, farms, meadows or marine waters into and across a parcel of land where a subdivision is proposed or such views from a public roadway.

“On-site views” means scenic views of mountains or marine waters, as exist from a property prior to clearing of vegetation, subdivision or development of the property.

“Open space” means any area of land which is predominately undeveloped and which provides physical and/or visual relief from the developed environment in perpetuity; that is generally unimproved and set aside, designated or reserved for public use or enjoyment, or used for the private use and enjoyment of property owners. Open space may consist of undeveloped areas, such as pastures and farmlands, woodlands, greenbelts, critical areas, pedestrian corridors and other natural areas which provide recreational opportunity and visual relief from developed areas.

Open space excludes tidelands, areas occupied by buildings, and any other developed areas such as driveways, all rights-of-way and any other impervious surfaces not incidental to open space purposes. For the purposes of this title, open space shall be established consistent

with the criteria and standards of BIMC 17.04.080 and 17.12.092.

“Orchard” means a group of cultivated trees, primarily fruit or nut producing.

“Pasture” means land used for grazing.

“Phasing” means the use of limits on construction, permitting or occupancy to reduce the immediacy or severity of impacts of the subdivision on the environment or to better achieve the requirements of state law for the concurrence of the facilities and services with the needs generated by development.

“Planning commission” means the planning commission of the city.

“Platted lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area and the flexible lot development standards contained within this chapter. The term includes tracts or parcels.

“Preliminary plat” means a drawing of a proposed subdivision, which shows the general layout of lots, tracts, streets, and other information required by this chapter, resolutions, ordinances or administrative rules of the department, signed by all property owners of record or their duly designated agent or agents. The preliminary subdivision shall be the basis for approval or disapproval of the general layout of a subdivision.

“Proposed site plan” means a drawing of a site plan, prepared consistent with the requirements of the flexible lot design methodology and submitted for a preapplication consultation with city staff members.

“Refined proposed site plan” means a drawing of a site plan, prepared in accordance with the requirements of the Bainbridge Island Municipal Code and consistent with the specific guidance on how to refine the proposed site plan received by the applicant from the city staff members at the preapplication consultation.

“Right-of-way” means land in which the state, county, city or other governmental entity owns the fee simple title or has an easement dedicated or required for a transportation or utility use. The right-of-way is the right to pass over the property of another. It refers to a strip

the date of filing a complete application, unless the applicant consents to an extension;

6. At any time within five years following the date of the preliminary subdivision approval by the city council, the subdivider may submit the original of a proposed final subdivision consistent with the final subdivision submittal requirements of this chapter;

7. The final subdivision application is reviewed by the city council within 30 working days from the date of filing a complete application, unless the applicant consents to an extension;

8. The final subdivision becomes effective upon recording by the city. (Ord. 2010-25 § 2, 2010: Ord. 2003-49 § 3, 2004: Ord. 96-06B § 1, 1996)

**17.04.060 Preliminary subdivision – Vesting.**

A proposed subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the

time a fully completed application for preliminary subdivision approval is submitted. (Ord. 96-06B § 1, 1996)

**17.04.070 Preliminary subdivision – Design assistance.**

A. The subdivision process shall provide opportunities for owners of land and their representatives to receive design assistance from the department’s staff members prior to formal submittal of an application.

B. Flexible Lot Design Handbook. A Flexible Lot Design Handbook shall be prepared by the director to assist applicants in the preparation of flexible subdivision designs and applications for residential subdivisions. The Flexible Lot Design Handbook shall not be part of the ordinance codified in this chapter and shall contain no requirements separate from the text of this chapter. The applicant for a residential subdivision is encouraged to prepare a proposed or “first draft” site plan following the steps described in the Flexible Lot Design Handbook.

C. Preapplication Conference. To provide information regarding the design process for a proposed subdivision, a preapplication conference shall be required prior to preliminary subdivision review for all subdivisions in accordance with the purpose and procedures of BIMC 2.16.035. The applicant is encouraged to provide copies of at least one proposed or “first draft” site plan prepared in accordance with flexible lot design methodology as described in the Flexible Lot Design Handbook for the preapplication conference. (Ord. 2003-49 § 4, 2004; Ord. 97-10 § 5, 1997; Ord. 96-06B § 1, 1996)

**17.04.075 Preliminary residential subdivision – Flexible lot design – Preparation of maps, site plans and studies.**

The following maps, site plans and studies shall be prepared for proposed residential subdivisions and shall be submitted to the city at the time of the preapplication conference:

A. Base Map. Prepared consistent with Appendix B(1) of this title.

B. Proposed Site Plan. Elements of the plan consistent with the following requirements:

1. Identification of Open Space Location(s). Open space areas shall be established as required pursuant to BIMC 17.04.082. The location of open space areas on a proposed site plan shall be consistent with the open space design guidelines contained in BIMC 17.04.082.B, open space area requirements contained in BIMC 17.04.082.D and the valued open space features contained in BIMC 17.04.082.C.

2. Identification of Residential Home-site Locations. The location of residential homesites on a proposed site plan shall be facilitated through the use of the design methodology prescribed in the Flexible Lot Design Handbook.

a. Clustering Provisions – Homesites. Properties being subdivided that cluster development pursuant to BIMC 17.04.080.A.5 shall provide a maximum homesite area on the face of the plat to indicate future development area for a residential dwelling and possible accessory dwelling units. The standards for the maximum homesite area are provided in BIMC 17.04.080.A.5.

b. Reasonable Use Exception. In the case where no homesite template can be located on a subject property, subdivision shall not be permitted. Development of the subject property shall be facilitated consistent with the requirements of BIMC 16.20.090.I, Reasonable Use Exception (RUE).

3. Location of Individual or Community Water Supply Systems. The location of any proposed individual or community well(s) and/or water system(s) for the subject property and associated wellhead protection areas as required by the health district shall be graphically indicated on a copy of the base map, or as an overlay attachment to the base map (providing that the overlay is prepared on a transparent material). Maintenance access to the proposed wellhead or water system and all areas to be cleared for a wellhead shall also be identified.

4. Location of Individual or Community Septic Systems. The location of any

minimum lot width shall be as required by the shoreline master program).

b. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. The size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated. Corner lots may be required to be platted with additional width to allow for the additional side yard requirements. When consistent with neighborhood character, lots situated along public streets should be configured to allow future houses to face the street.

c. Setbacks.

i. Building to building (on-site): minimum 10 feet separation;

ii. Building to exterior property line:

(A) Minimum 15 feet;

(B) Minimum 25 feet in R-0.4

only;

iii. Building to right-of-way:

(A) Arterial (SR 305): minimum 75-foot setback;

(B) Arterial (other):

(1) Minimum 50-foot setback;

(2) Minimum 40-foot setback in R-4.3 and R-3.5 only;

(C) Collector:

(1) Minimum 50-foot setback;

(2) Minimum 40-foot in R-4.3 and R-3.5 only;

(D) All others: minimum 15-foot setback;

iv. Building to trail, open space or access easement (except for open space areas that are also roadside or landscape buffers): minimum 10-foot setback.

d. Maximum Lot Coverage. The maximum lot coverage shall be as specified in BIMC Title 18 for the entire property that is the subject of the subdivision application, a portion of which shall be assigned to each lot at the time of preliminary plat approval.

4. Landscape Buffers.\*

a. Purpose. The purpose and intent of landscape buffers are to enhance and retain the character of the Island by maintaining native vegetation along roadways and preserving on- and off-site views; providing visual

relief along public roads and between subdivisions and other existing development; reducing the impact of undesirable sights, sounds or odors.

b. Roadside Buffers. For all flexible lot design subdivisions located in the R-0.4, R-1, R-2 and R-2.9 districts where established vegetation of a forested nature is located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 50-foot-wide vegetative buffer shall be maintained. In the R-4.3 and R-3.5 districts a roadside buffer is not required unless it is determined that a landscape buffer is necessary to maintain the character of the neighborhood or to reflect neighboring development patterns. The provisions for buffer averaging provided in subsection A.4.f of this section shall apply. The roadside buffer may contain multipurpose trails or bikeways if those trails could be accommodated without compromising significant vegetation or hazardous slopes.

i. For property with a gross area of one acre or more and that is located in districts R-0.4, R-1, R-2 and R-2.9, where there is no established vegetation that contributes to the existing forested character of these roads, a 25-foot full screen landscape buffer shall be planted consistent with the requirements of BIMC 18.85.070.B.1, except as noted below in this subsection.

ii. Existing Houses Incorporated into a Subdivision and Contained Within a Newly Formed Lot. To accommodate an existing house that is located within 50 feet of the property line adjacent to a collector or arterial road (or within 25 feet of such a property line if subsection A.4.b.i of this section applies), and to maintain the character of the neighborhood and reflect neighboring development patterns, the existing landscaping may serve as the roadside buffer.

iii. For subdivisions designating open space that is intended for agricultural use and would be adversely impacted by the addition of screening landscaping, a 25-foot roadside buffer as prescribed in subsection A.4.b.i of this section shall not be required.

<b>Table II Landscape Buffer Requirements</b>			
<b>Zoning District</b>	<b>Landscape Perimeter Buffer** *** (Cluster Option Subdivision Only)</b>	<b>Roadside Buffer (Arterial and Collector Required for Both Options ***, ***)</b>	<b>Park and Conservation Land Buffer (Required for Both Options)</b>
R-0.4	25'-Filtered Screen	50'-Established Vegetation or 25'-Full Screen (OS)	25'-Filtered Screen (OS)
R-1	25'-Filtered Screen	50'-Established Vegetation or 25'-Full Screen (OS)	25'-Filtered Screen (OS)
R-2	25'-Filtered Screen	50'-Established Vegetation or 25'-Full Screen (OS)	25'-Filtered Screen (OS)
R-2.9	25'-Filtered Screen	50'-Established Vegetation or 25'-Full Screen (OS)	25'-Filtered Screen (OS)
R-3.5	No requirement	No requirement, unless necessary to reflect neighboring development patterns (OS)	25'-Filtered Screen (OS)
R-4.3	No requirement	No requirement, unless necessary to reflect neighboring development patterns (OS)	25'-Filtered Screen (OS)
(OS) indicates that the buffer may be calculated in the required open space area.			
* Perimeter buffers are required when a subdivision utilizes the cluster development option specified in BIMC 17.04.080.A.5.			
** Roadside Buffers – A 25-foot full screen buffer must be planted along applicable roadways when no established vegetation exists along the property boundary in zones R-0.4, R-1, R-2 and R-2.9.			
*** Properties being subdivided with less than one acre are not subject to landscape buffer requirements.			

5. Cluster Development Option. Clustering of development may be selected as an optional standard. If an applicant chooses to cluster development, the open space provisions of BIMC 17.04.082 shall not apply. Clustering shall be accomplished through the design process specified in the Flexible Lot Design Handbook, and should meet the intentions of the open space objectives, open space design guidelines and valued open space features as provided in BIMC 17.04.082.A through C. The following requirements shall apply to cluster development:

a. Homesite Area.

i. In the R-0.4, R-1, R-2, and R-2.9 zoning districts, a homesite area with a maximum area of 10,000 square feet shall be

provided for each lot and shall be depicted on the face of the plat.

ii. In the R-3.5 and R-4.3 zoning districts, a homesite area with a maximum homesite area of 7,600 square feet shall be provided for each lot and shall be depicted on the face of the plat.

iii. The purpose of the homesite area is to define the maximum disturbance area for development of the primary residential dwelling, garages and accessory dwelling unit for each lot within the subdivision.

iv. Other allowed uses and structures may be located within the lot and outside the homesite area; provided, that all other applicable requirements of the Bainbridge Island Municipal Code are satisfied.

6. Preservation of farmland and historic sites;

7. Preservation of unique natural land or rock features; or

8. Preservation of visual qualities along highway, road and street corridors or scenic vistas.

B. Open Space Design Guidelines. The area designated for open space preservation shall be configured in a manner that enhances and promotes the natural character of the Island and open space characteristics of the property. Open space configuration shall satisfy the following guidelines:

1. Open space should be concentrated in large, consolidated, usable areas;

2. Open space should connect to adjacent off-site open space areas, designated greenways and/or critical areas;

3. Open space should be designed to preserve views from off-site of the subject property;

4. Open space should be designed to preserve established vegetation on ridgelines; and

5. Open space should enhance or retain the Island character through the minimization of disturbance of roadside vegetation.

C. Valued Open Space Features. The different types of open space valued by the community are listed in Table III below, and shall be used as the basis for determining the optimum location for and required amount of open space areas within a proposed subdivision.

**Table III Valued Open Space Features**

Open Space Feature	Notes
Critical Areas (as defined in Chapter 16.20 BIMC), Areas Contiguous with Critical Areas and their Buffers and Wildlife Corridors	All critical areas and their associated buffers shall be preserved and designated wildlife corridors as adopted by Resolution 2001-12 should be preserved.
Native Forests and Significant Trees	Significant trees identified consistent with the standards of the landscaping ordinance (Chapter 18.85 BIMC) should be preserved.
Mature Vegetation on Ridgelines	Mature vegetation found on ridgelines of community significance (as viewed from off-site) should be preserved.
Pastures, Meadows and Orchards	Pastures, meadows and orchards should be preserved.
Trails and Greenways	Trails and greenways should be preserved.
Shoreline View Areas	Shoreline areas identified consistent with the provisions of the Shoreline Management Plan (Chapter 16.12 BIMC) that are suitable for public access and habitat area should be considered.

D. Open Space Area Requirements.

1. Required Area. The area provided for open space shall be based on and consistent with the existing valued open space features (Table III above) of the subject property, up to a maximum of 25 percent of the area of the property being subdivided, unless additional open space area is otherwise provided pursuant to subsection D.3 of this section.

2. In determining the open space area requirement stated in subsection D.1 of this

section, the city has relied on the "Analysis of Open Space Report" dated April 30, 2004, and the other reports, statutes and documents referenced in the recitals to the ordinance codified in this section ("open space documentation"). The open space documentation shall be incorporated into the record of every subdivision application. In reviewing a subdivision application, the city shall consider the open space documentation as presumptively valid and applicable to the subdivision application.

iv. Fencing will be minimized, utilizing low impact fencing (e.g., split rail) and chain-link fences are prohibited.

6. Active Recreational Uses. The following uses may be allowed within a designated open space area, provided the proposed use will not adversely affect the function or characteristics of the specific open space: playgrounds and tot lots; picnic shelters and benches; community gardens; or fountains.

H. Open Space Management Plan. Open space areas shall be permanently maintained. An applicant shall submit a draft open space management plan (OSMP) for review as part of the preliminary plat application. Final approval of the OSMP will occur at the time of final plat approval.

1. The OSMP shall include a list of all approved uses for the open space areas. Where a variety of uses are permitted, the specific location of each use shall be depicted graphically.

2. The OSMP shall include a maintenance plan for open space areas that clearly describes the frequency and scope of maintenance activities for open space areas. Such a plan shall include, but not be limited to, the following:

a. A forest management plan, if the open space is to be managed as forested open space pursuant to Chapter 84.34 RCW or as timberland under RCW 76.09.050.

b. For open space areas that are forested and are not part of a forest management plan as described in subsection H.2.a of this section, provisions shall be included for replacing significant trees that may later become diseased or die or are determined to be a hazard to life or property.

c. An identification of the management entity responsible for the maintenance of the open space areas. Open space areas shall be maintained permanently by the individual property owners, property owner's association, a conservancy organization, special public district or the city for properties owned by the city.

d. A plan for protecting open space features and existing vegetation within all open space areas, both during and after the

construction phases including provisions for replacing significant trees and other vegetation that are damaged as a result of construction actions. Such a plan shall include temporary fencing to be installed around the open space during construction phases to prevent accidental damage to the open space.

e. A plan for irrigating and otherwise ensuring the survival of any newly established vegetation.

f. Provisions for the removal of invasive species and for the general enhancement of fish and wildlife habitat, consistent with guidelines developed by the city.

g. A requirement for either a low impact fence (e.g., split rail) or signs delineating the boundary of the open space area. Low impact fences are preferred. Signage and fencing will not be required for the landscape buffers.

3. In the event that the open space area is not maintained consistent with the OSMP, the city shall have the right to provide the maintenance thereof, and bill the owner for the cost of the maintenance. (Ord. 2004-08 § 5, 2004; Ord. 2003-49 § 7, 2004)

#### **17.04.083 Fee in-lieu of open space program.**

*Repealed by Ord. 2004-08. (Ord. 2003-49 § 8, 2004)*

#### **17.04.085 Commercial and multifamily subdivision standards.**

Subdivisions established for commercial and multifamily residential uses pursuant to this chapter shall be subject to the following development standards:

A. Lot areas shall comply with the minimum lot area of the zoning district, if any.

B. A minimum 25-foot vegetative buffer shall be established adjacent to all scenic roads as defined in the comprehensive plan. The buffer shall be consistent with the requirements for a full screen buffer, pursuant to BIMC 18.85.070.B.1.

C. Road, bicycle and pedestrian access performance standards pursuant to BIMC 17.04.080.C shall be satisfied, as applicable.

the subdivision application is filed, the director shall provide notice to the State Secretary of Transportation. (Ord. 96-06B § 1, 1996)

**17.04.093 Preliminary subdivision – Review process.**

A. The city's review of the preliminary subdivision application is established by Chapter 2.16 BIMC as a quasi-judicial process.

B. Subdivisions shall be reviewed in accordance with the city council decision procedures described in Chapter 2.16 BIMC except as provided in BIMC 17.04.095. (Ord. 2003-49 § 10, 2004; Ord. 96-06B § 1, 1996)

**17.04.094 Preliminary subdivision – Decision criteria.**

The hearing examiner's recommendation and the city council decision shall include findings of fact that the application meets all the requirements of the following subsections:

A. The subdivision may be approved or approved with modification if:

1. The applicable subdivision development standards of BIMC 17.04.080, 17.04.082 and/or 17.04.085 are satisfied;

2. The preliminary subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW 58.17.110;

3. The preliminary residential subdivision has been prepared consistent with the requirements of the flexible lot design process unless a flexible lot standard has been modified as part of a housing design demonstration project pursuant to Chapter 18.38 BIMC;

4. Any portion of a subdivision that contains a critical area, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;

5. The city engineer determines that the preliminary subdivision meets the following:

a. The subdivision conforms to regulations concerning drainage (Chapter 15.20 BIMC).

b. The subdivision 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.

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

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

e. The subdivision conforms to the requirements of this chapter and the standards in the "City of Bainbridge Island Design and Construction Standards and Specifications," except as otherwise authorized in BIMC 17.04.080.C.3;

6. The proposal complies with all applicable provisions of this code, unless the provisions have been modified as part of a housing design demonstration project pursuant to Chapter 18.38 BIMC; Chapters 58.17 and 36.70A RCW; and all other applicable provisions of state and federal laws and regulations; and

7. The proposal is in accord with the city's comprehensive plan.

B. A proposed subdivision shall not be approved unless written findings are made that the public use and interest will be served by the platting of such subdivision. (Ord. 2009-06 § 3, 2009; Ord. 2003-49 § 11, 2004; Ord. 98-20 § 13, 1998; Ord. 96-06B § 1, 1996)

**17.04.095 Preliminary subdivision – City council acceptance or rejection.**

A. The city council shall, at its first regular meeting following receipt of the hearing examiner's recommendation, set a date for a public meeting to consider the recommendation. This procedure shall be followed instead of the procedure set out in BIMC 2.16.110.D.

B. The city council shall review the preliminary subdivision application consistent with city council action set forth in BIMC 2.16.110.E.

C. The city council shall not take additional testimony, exhibits, or other evidence into the record, but may view the property and surrounding area to better understand the evidence and argument.

**17.04.100 Preliminary subdivision –  
Modification of plat.**

A. Modification to an approved preliminary subdivision which does not change the general plat layout, increase off-site impacts of the subdivision, or modify a provision or condition which was a matter of dispute by any party during the preliminary approval process may be made by the director after reasonable notice and opportunity to comment is provided to the applicant and all parties of record. The

director shall review and approve or disapprove the request for modification following the process set forth in BIMC 2.16.095 (administrative procedures).

B. Other modifications to an approved subdivision must be reviewed in accordance with the process for a new subdivision application and shall be approved consistent with the procedures and requirements of this chapter.

C. The following exemptions shall not constitute changes in the preliminary subdivision approval and thus do not require further review as provided for under subsection A of this section:

1. Engineering detail, unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary subdivision approval;
2. Minor changes in lot lines or lot dimensions; or
3. Minor alterations regarding homesite location and/or open space usage. (Ord. 96-06B § 1, 1996)

#### **17.04.110 Dedications.**

In order to meet the health, safety and welfare needs of the public and mitigate the impacts of the proposal, the director or city engineer may condition approval of the subdivision upon dedications for parks, drainage ways, other public ways, water supplies, sanitary waste facilities, parks, playgrounds, site protection of critical areas, and other needs of the public as long as such dedication does not constitute an unconstitutional taking of private property. (See also Chapter 12.30 BIMC.) (Ord. 2003-49 § 12, 2004: Ord. 98-20 § 13, 1998; Ord. 96-06B § 1, 1996)

#### **17.04.111 Final subdivision – Submittal requirements.**

The final subdivision application shall satisfy the requirements of Appendix B(1) of this title. (Ord. 96-06B § 1, 1996)

#### **17.04.112 Final subdivision – Application fee.**

Upon submittal of the final subdivision application, the applicant shall pay the appropriate fee as established by the city by resolution. (Ord. 96-06B § 1, 1996)

#### **17.04.113 Final subdivision – Review and recommendation.**

A. The city engineer shall review the final subdivision to determine the compliance with the requirements of RCW 58.17.160 and forward recommendations for approval or disapproval to the department.

B. The health district, when appropriate, shall review the final subdivision and forward recommendations for approval or disapproval to the department.

C. The department shall forward its recommendation for approval or disapproval to the city council, evaluating compliance with any conditions imposed on the preliminary subdivision and other applicable ordinances. (Ord. 96-06B § 1, 1996)

#### **17.04.115 Final subdivision – City council review and approval.**

A. In accordance with RCW 58.17.140, final subdivisions shall be approved, disapproved or returned to the applicant within 30 days from the date of filing of a complete application, unless the applicant consents to an extension of the time period.

B. The city council shall approve the final subdivision if it is determined:

1. That the conditions imposed when the preliminary subdivision was approved have been met;

2. Bonds or other assurance devices, if any, by their essential terms assure completion of all plat improvements; and

3. The requirements of state law, this chapter, the zoning ordinance, comprehensive plan and any other applicable ordinances in effect at the time of preliminary plat approval have been satisfied by the subdivider.

C. The city council can approve the final subdivision with minor modifications recommended by the department and the applicant.

**17.04.150 Penalty.**

Any person, firm or corporation violating any provision of this chapter shall be guilty of a gross misdemeanor and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this chapter is committed, continued or permitted. Upon conviction of any violation of this chapter, such person, firm or corporation shall be punished by a fine of not more than \$5,000 or imprisonment for not more than one year, or by both such fine and imprisonment. (Ord. 96-06B § 1, 1996)

**17.04.160 Enforcement.**

A. Whenever any parcel of land is divided into lots, tracts, or parcels of land contrary to the provisions of this chapter and any person, firm or corporation or any agent of them sells or transfers, or offers or advertises for sale or transfer any such lot, tract, or parcel without having a final plat of such subdivision filed for record, the city attorney may commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property.

B. Whenever land within a subdivision granted final approval is used in a manner or for a purpose which violates any provision of this chapter or any term or condition of subdivision approval prescribed for the subdivision by the city, the city attorney may commence action to restrain and enjoin such use and compel compliance with the provisions of this chapter or with such terms and conditions. The costs of such action may be taxed against the violator. (Ord. 96-06B § 1, 1996)

**17.04.170 Construction.**

This chapter shall be liberally interpreted and construed to secure the public health, safety, morals, welfare and the rule of strict construction shall have no application. (Ord. 96-06B § 1, 1996)

## Chapter 17.08

**DEDICATION OF LAND FOR PARK AND RECREATIONAL FACILITIES****Sections:**

- 17.08.010 Dedication of land within a development.**
  - 17.08.020 Applicability.**
  - 17.08.030 Fee agreement in lieu of dedication of land.**
  - 17.08.040 Criteria for requiring dedication of land, payment of fee or both.**
  - 17.08.050 Open space covenants – Approval.**
  - 17.08.060 Open space covenants – Credit for dedication requirement.**
  - 17.08.070 Open space covenants – Recordation.**
  - 17.08.080 Procedure for dedication – Subdivisions, residential planned unit developments and rezones.**
  - 17.08.090 Procedure for dedication – Multifamily residential development and mobile home parks.**
  - 17.08.100 Procedure for dedication – Short plats.**
- 17.08.010 Dedication of land within a development.**
- It is the policy of the city to require the dedication of land within a proposed development, where it is deemed necessary, for park and recreational purposes, as a condition of final approval of a residential subdivision or short subdivision, approval of any residential PUD, approval of any permit issued under the Uniform Building Code for the development of a multifamily residential development or mobile home park or approval of any application for rezone to multifamily uses; provided, that such dedication must be reasonably necessary as a direct result of the proposed development. (Ord. 84-09 § 1, 1984)

**17.08.020 Applicability.**

A. The provisions of this chapter shall apply to all subdivisions which have not received preliminary plat approval by the city council, all short plats which have not yet been approved, residential planned unit developments, and rezones to multifamily residential use which have not received final approval by the city council, and multifamily developments and mobile home parks for which a permit has not yet been applied pursuant to the Uniform Building Code prior to the effective date of the ordinance codified in this chapter.

B. Dwelling units existing on November 24, 1979, shall not be included in any city determination of need for dedication of land or fees in lieu of dedication. (Ord. 84-09 § 6, 1984)

**17.08.030 Fee agreement in lieu of dedication of land.**

If, in the opinion of the responsible city agency or official, the city's needs for parks and recreational facilities would be best served by collection of a fee in lieu of dedication of land, the city may, in addition to or in alternative to requiring dedication of land, accept a voluntary agreement by the owner of a proposed development for payment of a fee in lieu of dedication, which payment would mitigate in whole, or in part, a direct impact of the proposed development on the park and recreational facilities of the city; provided, that unless specifically agreed otherwise, any such voluntary agreement shall be subject to the following provisions:

A. The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified direct impact;

B. The payment shall be expended in all cases within five years of collection; and

C. Any payment not so expended shall be refunded with interest at the rate applied to judgements to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest. (Ord. 84-09 § 2, 1984)

facilities within the city. (Ord. 84-09 § 4(B), 1984)

**17.08.070 Open space covenants –  
Recordation.**

In those instances where proposed open space covenants for private parks or recreational facilities are approved under the provisions of this chapter, they must be recorded with the Kitsap County auditor as follows:

A. All such open space covenants relating to subdivision shall be recorded at the time of the recording of the final subdivision map or short plat.

B. All other such open space covenants shall be recorded with the Kitsap County auditor within 10 days of the date of approval by the appropriate agency of such open space covenants for private parks or recreational activities.

C. All recording costs shall be borne by the applicant. (Ord. 84-09 § 4(C), 1984)

**17.08.080 Procedure for dedication –  
Subdivisions, residential planned  
unit developments and rezones.**

A. An applicant for approval of a proposed subdivision, approval of a proposed residential planned unit development or approval of a proposed rezone to multifamily residential use is required to submit the following with his application:

1. Proposal for dedication of land, payment of a fee in lieu of dedication or both; and

2. Any proposed open space covenants for private parks or recreational facilities for which he seeks approval.

B. Such proposals shall be incorporated in the underlying application and shall be received with the application according to the procedures set forth in the hearings procedure ordinance. (Winslow Ordinance 76-19, codified at Chapter 2.16 BIMC.)

C. Thereafter, the city council shall determine whether to require the dedication of land, accept payment of a fee in lieu thereof, or both, and whether to approve any proposed open space covenants for private parks or recreational activities.

D. In the instances where the city council determines to require dedication of land, accept payment of a fee in lieu thereof, or both, the dedication of land to the city or the payment of a fee in lieu thereof or both shall occur prior to the granting of preliminary plat approval of the subdivision and prior to the enactment of any ordinance granting a rezone to multifamily residential use or granting approval of any residential planned unit development. (Ord. 84-09 § 5(A), 1984)

**17.08.090 Procedure for dedication –  
Multifamily residential  
development and mobile home  
parks.**

A. A developer of a multifamily residential development or a mobile home park is required to submit the following with his application for a building permit:

1. A proposal for dedication of land, payment of a fee in lieu of dedication, or both; and

2. Any proposed open space covenants for private parks or recreational facilities for which he seeks approval.

B. The planning agency shall thereafter review the proposal in the course of its site plan review of the proposed project and shall determine whether to require the dedication of land, accept payment of a fee in lieu thereof, or both, and whether to approve any proposed open space covenants for private parks or recreational activities.

C. In those instances where the planning agency ultimately determines to require dedication of land, accept payment of a fee in lieu thereof, or both, the dedication of land to the city or the payment of a fee in lieu thereof or both shall occur prior to the issuance of any permits to the applicant pursuant to the Uniform Building Code. (Ord. 84-09 § 4(B), 1984)

**17.08.100 Procedure for dedication – Short  
plats.**

A. An applicant for approval of a short plat is required to submit the following with his application:

- 17.12.109 Preliminary short subdivision approval – Authorization.**
- 17.12.110 Preliminary short subdivision approval – Expiration.**
- 17.12.111 Final short subdivision – Submittal requirements.**
- 17.12.112 Final short subdivision – Duties of surveyor.**
- 17.12.113 Final short subdivision – Application fee.**
- 17.12.116 Final short subdivision – Review and recommendation.**
- 17.12.118 Final short subdivision – Standards.**
- 17.12.120 Dedications.**
- 17.12.130 Final short subdivision approval – Time limit.**
- 17.12.140 Appeal.**
- 17.12.150 Amendment of proposal.**
- 17.12.160 Amendment to approved short subdivision.**
- 17.12.170 Certification by treasurer.**
- 17.12.180 Filing of short subdivision.**
- 17.12.190 Declaration regarding further subdivision.**
- 17.12.200 Disclaimer as to streets.**
- 17.12.210 Development of illegally divided land.**
- 17.12.220 Special requirements for critical areas.**
- 17.12.230 Final subdivision – Assurance device.**
- 17.12.240 Penalty.**
- 17.12.250 Enforcement by civil action.**
- 17.12.260 Construction.**

\*Code reviser's note: Section 15 of Ordinance 2004-08 provides as follows:

Section 15. Notwithstanding BIMC 17.04.060 and 17.12.065, an applicant that has filed a complete application for preliminary subdivision or short subdivision approval prior to the effective date of this Ordinance [June 21, 2004], but that has not received a decision on the application prior to the effective date of this Ordinance, shall have the option to have the application processed and reviewed under (1) all

City land use regulations in effect on the effective date of this Ordinance, (2) the regulations contained in this Ordinance and to the extent not inconsistent with the regulations in this Ordinance, the City's land use regulations in effect on the date that the complete application was filed, or (3) all City land use regulations in effect on the date that the complete application was filed.

#### **17.12.010 Compliance.**

All short subdivisions, as defined in BIMC 17.12.040, shall comply with this chapter. (Ord. 96-06B § 2, 1996)

#### **17.12.020 Purpose.**

The purpose of this chapter is to regulate the subdivision of land, to promote the public health, safety and general welfare of the citizens of the city in accordance with state law and the city's comprehensive plan. To carry out this purpose and further the comprehensive plan policies addressing residential subdivision of land (specifically the land use element of the comprehensive plan – residential open space goal and policies), this chapter establishes a flexible lot design process that requires the preservation of open space, promotes the consolidation of open space, and promotes clustering of development within residential subdivisions. This process facilitates the fair and predictable division of land, maintains the current character of the city, encourages efficient and cost-effective provisions for infrastructure, limits the development impact area, minimizes impervious surface area and provides for greater flexibility in the division and establishment of residential lots. A further purpose of this chapter is to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewage, storm water drainage, parks and recreation areas, sites for schools and school grounds and other public requirements; to provide for proper ingress and egress; to provide a variety of housing opportunities; and to maintain the quality of life of the city. Through this chapter, the city will also allow for the subdivision of land for commercial,

Appendix B(2) of this title for the project are submitted for a preapplication conference in accordance with the purpose and procedures of BIMC 2.16.035.

2. A refined proposed site plan consistent with the submittal requirements of this chapter and additional materials as required by the director are submitted for the preliminary short subdivision application review process.

3. An application for preliminary short subdivision is considered complete and is filed by the city if it satisfies the submittal requirements set forth in BIMC 17.12.102.

4. The preliminary short subdivision application is reviewed consistent with BIMC 17.12.104 through 17.12.108.

5. The application for a preliminary short subdivision is reviewed by the director.

6. Following the determination by the director that the application is complete, a copy of the preliminary short subdivision application is forwarded to the city engineer. The city engineer will approve or disapprove the application and will provide a written explanation to the director of the decision made.

7. The director will approve, disapprove the preliminary short subdivision, or return the application for the preliminary short subdivision to the applicant for modifications within 90 calendar days from the date of filing a complete application.

8. At any time within five years following the date of the preliminary short subdivision approval by the director, the subdivider may submit the original of a proposed final short subdivision consistent with the final short subdivision submittal requirements of this chapter.

9. The final short subdivision application will be reviewed by the director, the health district and by the city engineer within 30 working days from the date of filing a complete application.

10. The final short subdivision will not be officially approved until recorded by the city.

11. The approved final short subdivision shall conform to the applicable standards of BIMC 17.12.090, 17.12.092 or 17.12.095.

(Ord. 2003-02 § 4, 2003: Ord. 96-06B § 2, 1996)

#### **17.12.065 Preliminary short subdivision – Vesting.**

A proposed short subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the time a fully completed application for preliminary short subdivision approval is submitted. (Ord. 96-06B § 2, 1996)

#### **17.12.070 Preliminary short subdivision – Design assistance.**

A. The subdivision process shall provide opportunities for owners of land and their representatives to receive design assistance from the department's staff members prior to formal submittal of an application.

B. Flexible Lot Design Handbook. A Flexible Lot Design Handbook shall be prepared by the director to assist applicants in the preparation of flexible subdivision designs and applications for residential subdivisions. The Flexible Lot Design Handbook shall not be part of the ordinance codified in this chapter and shall contain no requirements separate from the text of this chapter. The applicant for a residential subdivision is encouraged to prepare a proposed or "first draft" site plan following the steps described in the Flexible Lot Design Handbook.

C. Preapplication Conference. To provide information regarding the design process for a proposed subdivision, a preapplication conference shall be required prior to preliminary subdivision review for all subdivisions in accordance with the purpose and procedures of BIMC 2.16.035. The applicant is encouraged to provide copies of at least one proposed or "first draft" composite site plan prepared in accordance with flexible lot design methodology as described in the Flexible Lot Design Handbook for the preapplication conference. (Ord. 2003-49 § 13, 2004: Ord. 2003-02 § 5, 2003: Ord. 97-10 § 6, 1997; Ord. 96-06B § 2, 1996)

proposed site plan, in this section, and the following:

a. The composite site plan shall be graphically indicated on a copy of the base map, or as an overlay attachment to the base map (providing that the overlay is prepared on a transparent material).

b. Establishment of Lot Lines. Preliminary lot lines shall be established on the composite site plan to illustrate potential division of the subject property. Circle templates or homesites shall be clearly indicated within each lot. Lot lines shall not cross any homesite. Preliminary lot lines are intended for review and discussion at the preapplication conference. (Ord. 2004-08 § 8, 2004: Ord. 2003-02 § 6, 2003: Ord. 96-06B § 2, 1996)

**17.12.090 Flexible lot – Standards.**

A. Development Standards. Subdivisions established pursuant to the flexible lot design process shall be subject to the following development standards:

1. Density.

a. The number of residential lots created in a subdivision shall not exceed the density provisions of BIMC Title 18.

b. Properties containing wetlands and/or wetland buffer areas are subject to reduction of the maximum density, pursuant to the standards of BIMC 16.20.090.C or its successor.

c. Subdivisions containing irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density.

2. Minimum Lot Size Requirements.

a. Five thousand square feet if served by public sewer system or if the septic drainfield is located outside of the lot (subject to Note i below);

b. Twelve thousand five hundred square feet or as otherwise specified by the health district if septic drainfield is located within the lot (subject to Notes i and ii below).

Notes:

i. All lots must include at least 5,000 square feet outside of critical areas and their required buffers.

ii. Larger minimum lot size may be required by the health district in order to accommodate on-site septic systems.

3. Lot Setback and Dimensional Requirements.

a. All lots shall be 50 feet wide as measured at the minimum lot width measurement line (for properties subject to review pursuant to the shoreline master program, the minimum lot width shall be as required by the shoreline master program).

b. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. The size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated. Corner lots may be required to be platted with additional width to allow for the additional side yard requirements.

c. Setbacks.

i. Building to building (on-site): minimum 10 feet separation.

ii. Building to subdivision boundary: minimum 15 feet; minimum 25 feet in R-0.4 only.

iii. Building to right-of-way:

Arterial (SR 305): minimum 75-foot setback.

Arterial (other): minimum 50-foot setback; minimum 40-foot setback in R-4.3 and R-3.5 only.

Collector: minimum 50-foot setback; minimum 40-foot setback in R-4.3 and R-3.5 only.

All others: minimum 15-foot setback.

iv. Building to trail, open space or access easement (except for open space areas that are also roadside or landscape buffers): minimum 10-foot setback.

v. Setbacks from rights-of-way may be reduced to maintain neighborhood character by establishing building setbacks equal to or greater than the existing building setbacks on the adjacent properties. Where there are no developed properties adjacent to the property being subdivided, the setbacks shall be subject to subsection A.3.c.iii of this section.

off-site views, filtered screen landscaping, pursuant to BIMC 18.85.070.B.3 and 18.85.070.C, shall be required within park buffers, buffers for dedicated conservation lands and landscape perimeter buffers where established vegetation cannot provide such screening.

ii. All native shrubs and significant trees shall be retained within all landscape buffers, except that limited removal may be allowed for permitted activities located within the buffer area.

iii. Required landscape buffer width may be reduced through buffer averaging in accordance with the criteria in BIMC 18.85.070, Perimeter landscape requirements.

For example, buffers may be adjusted when such adjustments contribute to the neighborhood character by incorporating significant trees and native vegetation, incorporate a unique landscape feature, or accommodate a unique situation that allows continuation of an existing use, such as a utility or other easement providing continued use.

g. Landscape buffers may be included in the required open space calculations for a subdivision as noted in Table II. Table II depicts the landscape buffer requirements for subdivisions by zoning district and denotes when the buffer may be included in the open space calculations.

<b>Zoning District</b>	<b>Landscape Perimeter Buffer (Cluster Option Subdivision Only)****</b>	<b>Roadside Buffer (Arterial and Collector) (Required for Both Options)**</b>	<b>Park and Conservation Land Buffer</b>
R-0.4	25'-Filtered Screen	50'-Established Vegetation (OS)	25'-Filtered Screen (OS)
R-1	25'-Filtered Screen	50'-Established Vegetation (OS)	25'-Filtered Screen (OS)
R-2	25'-Filtered Screen	50'-Established Vegetation (OS)	25'-Filtered Screen (OS)
R-2.9	25'-Filtered Screen	50'-Established Vegetation (OS)	25'-Filtered Screen (OS)
R-3.5	No requirement	No requirement, unless necessary to reflect neighboring development patterns (OS)	25'-Filtered Screen (OS)
R-4.3	No requirement	No requirement, unless necessary to reflect neighboring development patterns (OS)	25'-Filtered Screen (OS)

(OS) indicates that the buffer may be calculated in the required open space area.

\*Perimeter buffers are only required when a subdivision utilizes the cluster development option specified in subsection A.5 of this section.

\*\*Properties being subdivided with a gross area less than one acre are not subject to landscape buffer requirements.

\*Excepting those buffers established pursuant to critical area review, the requirements of the Shoreline Management Act, conditioned by SEPA review, or required for public health or safety reasons.

5. Cluster Development Option. Clustering of development may be selected as an optional standard. If an applicant chooses to cluster development, the open space provisions of BIMC 17.12.092 shall not apply. Clustering shall be accomplished through the design process specified in the Flexible Lot Design Handbook; and should meet the inten-

tions of the open space objectives, open space design guidelines and valued open space features as provided in BIMC 17.12.092.A through C; and the following requirements shall apply:

a. Homesite Area.

i. In the R-0.4, R-1, R-2, and R-2.9 zoning districts, a homesite area with a maximum area of 10,000 square feet shall be provided for each lot and shall be depicted on the face of the plat.

1. Conservation and enhancement of natural or scenic resources, including wildlife habitat;
2. Protection of streams and/or the water supply;
3. Conservation of soils, wetlands, beaches or tidal marshes;
4. Enhancement of the value to abutting or neighboring parks, forests, wild preserves, nature reservations or sanctuaries;
5. Enhancement of recreational and community agricultural opportunities;
6. Preservation of farmland and historic sites;
7. Preservation of unique natural land or rock features; or
8. Preservation of visual qualities along highway, road and street corridors or scenic vistas.

B. Open Space Design Guidelines. The area designated for open space preservation shall be configured in a manner that enhances and promotes the natural character of the

Island and open space characteristics of the property. Open space configuration shall satisfy the following guidelines:

1. Open space should be concentrated in large, consolidated, usable areas;
2. Open space should connect to adjacent off-site open space areas, designated greenways and/or critical areas;
3. Open space should be designed to preserve views from off-site of the subject property;
4. Open space should be designed to preserve established vegetation on ridgelines; and
5. Open space should enhance or retain the Island character through the minimization of disturbance of roadside vegetation.

C. Valued Open Space Features. The different types of open space valued by the community are listed in Table III below, and shall be used as the basis for determining the optimum location for and required amount of open space areas within a proposed subdivision.

**Table III Valued Open Space Features**

Open Space Feature	Notes
Critical Areas (as defined in Chapter 16.20 BIMC), Areas Contiguous with Critical Areas and their Buffers and Wildlife Corridors	All critical areas and their associated buffers shall be preserved and designated wildlife corridors as adopted by Resolution 2001-12 should be preserved.
Native Forests and Significant Trees	Significant trees identified consistent with the standards of the landscaping ordinance (Chapter 18.85 BIMC) should be preserved.
Mature Vegetation on Ridgelines	Mature vegetation found on ridgelines of community significance (as viewed from off-site) should be preserved.
Pastures, Meadows and Orchards	Pastures, meadows and orchards should be preserved.
Trails and Greenways	Trails and greenways should be preserved.
Shoreline View Areas	Shoreline areas identified consistent with the provisions of the shoreline management plan (Chapter 16.12 BIMC) that are suitable for public access and habitat area should be considered.

D. Open Space Area Requirements.

1. Required Area. The area provided for open space shall be based on and consistent with the existing valued open space features (Table III above) of the subject property, up to

a maximum of 25 percent of the area of the property being subdivided, unless additional open space area is otherwise provided pursuant to subsection D.3 of this section.

Chapters 15.20 and 15.21 BIMC and the system design must contribute to the function and characteristics of the open space feature by providing the following:

i. The design will include natural contours with slopes no greater than 1:2 for any above ground storm detention facilities; and

ii. Riparian vegetation will be provided in conjunction with the storm drainage facility; and

iii. Pedestrian trails should be considered as part of the design; and

iv. Fencing will be minimized, utilizing low impact fencing (e.g., split rail) and chain-link fences are prohibited.

6. Active Recreational Uses. The following uses may be allowed within a designated open space area, provided the proposed use will not adversely affect the function or characteristics of the specific open space: playgrounds and tot lots; picnic shelters and benches; community gardens; or fountains.

H. Open Space Management Plan. Open space areas shall be permanently maintained. An applicant shall submit a draft open space management plan (OSMP) for review as part of the preliminary plat application. Final approval of the OSMP will occur at the time of final plat approval.

1. The OSMP shall include a list of all approved uses for the open space areas. Where a variety of uses are permitted, the specific location of each use shall be depicted graphically.

2. The OSMP shall include a maintenance plan for open space areas that clearly describes the frequency and scope of maintenance activities for open space areas. Such a plan shall include, but not be limited to, the following:

a. A forest management plan, if the open space is to be managed as forested open space pursuant to Chapter 84.34 RCW or as timberland under RCW 76.09.050.

b. For open space areas that are forested and are not part of a forest management plan as described in subsection H.2.a of this section, provisions shall be included for replacing significant trees that may later

become diseased or die or are determined to be a hazard to life or property.

c. An identification of the management entity responsible for the maintenance of the open space areas. Open space areas shall be maintained permanently by the individual property owners, property owner's association, a conservancy organization, special public district or the city for properties owned by the city.

d. A plan for protecting open space features and existing vegetation within all open space areas, both during and after the construction phases, including provisions for replacing significant trees and other vegetation that are damaged as a result of construction actions. Such a plan shall include temporary fencing to be installed around the open space during construction phases to prevent accidental damage to the open space.

e. A plan for irrigating and otherwise ensuring the survival of any newly established vegetation.

f. Provisions for the removal of invasive species and for the general enhancement of fish and wildlife habitat, consistent with guidelines developed by the city.

g. A requirement for either a low impact fence (e.g., split rail) or signs delineating the boundary of the open space area. Low impact fences are preferred. Signage and fencing will not be required for the landscape buffers.

3. In the event that the open space area is not maintained consistent with the OSMP, the city shall have the right to provide the maintenance thereof, and bill the owner for the cost of maintenance. (Ord. 2004-08 § 12, 2004; Ord. 2003-49 § 18, 2004; Ord. 2003-02 § 8, 2003)

#### **17.12.093 Fee in-lieu of open space program.**

*Repealed by Ord. 2004-08. (Ord. 2003-49 § 19, 2004)*

#### **17.12.095 Commercial and multifamily subdivision standards.**

Subdivisions established for commercial and multifamily residential uses pursuant to

**17.12.105 Preliminary short subdivision –  
Review process – Review by the  
Bremerton-Kitsap County  
health district.**

A. Upon receipt of the application for preliminary short subdivision and determination of completeness, the director shall transmit a copy of the application to the health district.

B. The health district shall review the application to ascertain whether:

1. The proposal conforms to current standards regarding domestic water supply and sewage disposal; and

2. If the proposal is not to be served by public sewers, if each lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

C. The health district shall recommend approval or disapproval an application in a timely manner sufficient to allow the city to comply with the requirements of Chapter 2.16 BIMC. If at any time during the application process it appears that the review time cannot be met, it shall be the responsibility of the health district to advise the director of the reasons for the delay.

D. If the health district recommends approval of the application with respect to those items in subsection B of this section, the health district shall so advise the director.

E. If the health district recommends disapproval the application, it shall provide written explanation thereof to the director. (Ord. 96-06B § 2, 1996)

**17.12.106 Preliminary short subdivision – Review process – Review by the director.**

A. The director may approve, approve with modification or disapprove an application for preliminary short subdivisions based on criteria in BIMC 17.12.107.

B. The director has 90 calendar days from the filing of a complete application in which to approve, disapprove or return the application to the applicant for modification. This time period may be extended only with the approval of the applicant. If no action can be taken to approve or disapprove the application within the 90 calendar days, the director must notify the applicant and surveyor of the reasons for the delay and steps necessary to complete the application for preliminary short subdivision.

C. If the director disapproves the application he or she shall provide a written explanation thereof to the applicant and surveyor.

D. If an application for short subdivision is located adjacent to the right-of-way of a state highway, the director shall give written notice of the application, including a legal description of the short subdivision and a location map, to the Department of Transportation. The Department of Transportation shall, within 15 days after receiving the notice, submit a statement to the director who furnished the notice, including any information that the Department of Transportation deems to be relevant about the effect of the proposed short subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway.

E. A preliminary short subdivision application is exempt from planning commission review as set out in BIMC 2.16.095.D.2. (Ord. 96-06B § 2, 1996)

**17.12.107 Preliminary short subdivision – Review process – Review by the director – Decision criteria.**

A. The director shall prepare written findings of fact and conclusions of law.

B. The director may approve or approve with modification an application for a preliminary short subdivision if:

1. The applicable subdivision development standards of BIMC 17.12.090, 17.12.092 or 17.12.095 are satisfied;

2. The preliminary short subdivision makes appropriate provisions for the public health, safety and general welfare, and public use and interest, including those items listed in RCW 58.17.110;

3. The preliminary residential short subdivision has been prepared consistent with the requirements of the flexible lot design process and applicable flexible lot design standards;

4. Any portion of a short subdivision which contains a critical area, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;

5. The city engineer determines that the preliminary subdivision meets the following decision criteria:

a. The short subdivision conforms to regulations concerning drainage (Chapter 15.20 BIMC).

b. The short subdivision 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.

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

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

e. The short subdivision conforms to the requirements of this chapter and the standards in the “City of Bainbridge Island Engineering Design and Development Standards Manual,” except as otherwise authorized by in BIMC 17.12.090.D.3;

6. The proposal complies with all applicable provisions of this code, Chapters 36.70A and 58.17 RCW, and all other applicable provisions of state and federal laws and regulations;

7. The proposal is in accord with the city’s comprehensive plan.

**17.12.116 Final short subdivision – Review and recommendation.**

A. The city engineer shall review the final short subdivision to determine the compliance with the requirements of RCW 58.17.160 and forward recommendations for approval or disapproval to the department. If the city engineer recommends disapproval of the application, a written explanation shall be provided to the director. The city engineer shall recommend approval of the final short subdivision if:

1. The final short subdivision meets all standards established by state law and this chapter.

2. The final short subdivision is in conformance with all terms and conditions of the preliminary short subdivision.

3. The final short subdivision bears the certificates and statements of approval required by this chapter.

B. The health district when appropriate shall review the final short subdivision and forward recommendations for approval or disapproval to the department.

C. The director shall approve or disapprove an application for final short subdivision. Each and every preliminary short subdivision submitted for final approval to the department shall be accompanied by recommendations for approval or disapproval from the city engineer in accordance with subsection A of this section.

1. If the application does conform, the director shall signify his or her approval by subscribing the approval line on the face of the short subdivision.

2. If the director disapproves the application, a written explanation shall be provided to the applicant and surveyor. (Ord. 96-06B § 2, 1996)

**17.12.118 Final short subdivision – Standards.**

A. A short subdivision shall conform to the applicable zoning standards of the city of Bainbridge Island zoning ordinance, codified in BIMC Title 18.

B. A residential short subdivision shall conform to the applicable flexible lot standards.

C. Each lot in a residential short subdivision shall be provided with satisfactory access established consistent with the requirements of the flexible lot design process and standards of the flexible lot. (Ord. 96-06B § 2, 1996)

**17.12.120 Dedications.**

In order to meet the public interest, the director or the city engineer may condition approval of the short subdivision upon dedications to the city of drainage ways, other public ways, water supplies, sanitary waste facilities, parks, playgrounds, sites for schools, school grounds, and other needs of the public. (See Chapter 12.30 BIMC.) (Ord. 96-06B § 2, 1996)

**17.12.130 Final short subdivision approval – Time limit.**

Final short subdivision shall be approved, disapproved or returned to the applicant within 30 working days from the date of filing a complete application, unless the applicant consents to an extension of such time period. (Ord. 96-06B § 2, 1996)

**17.12.140 Appeal.**

Any person wishing to appeal the granting or denial of an application for short subdivision shall follow the appeal procedure as set forth in Chapter 2.16 BIMC. (Ord. 96-06B § 2, 1996)

**17.12.150 Amendment of proposal.**

When an application is disapproved, an applicant shall have 180 working days following transmittal by the director to the applicant of the reasons for disapproval in which to file an amended application to remedy the matters which led to the disapproval. Upon receipt of such an amended application, the application shall be reviewed as set forth in BIMC 17.12.104, 17.12.105, 17.12.106, 17.12.107 and 17.12.108. If an applicant files no such amended application within the period allowed, the application shall be considered denied. (Ord. 96-06B § 2, 1996)

**17.12.160 Amendment to approved short subdivision.**

A short subdivision which has been approved and recorded may be amended upon application of the owners of all lots which are being amended. The contents and procedure for an amended application shall be that for an application in the first instance, excepting that minor alterations regarding homesite location and/or open space usage shall be approved administratively consistent with the procedures and requirement of Chapter 2.16 BIMC. (Ord. 96-06B § 2, 1996)

**17.12.170 Certification by treasurer.**

Upon request of the city or the applicant for a short subdivision, the county treasurer, if no property taxes are owing upon the real property, shall so certify by subscribing the certification line upon the face of the short subdivision. (Ord. 96-06B § 2, 1996)

**17.12.180 Filing of short subdivision.**

No short subdivision shall be presented to or accepted for filing with county auditor unless the face of the short subdivision contains the approval of the director, pursuant to

BIMC 17.12.107 and the certification of the treasurer pursuant to BIMC 17.12.170. (Ord. 96-06B § 2, 1996)

**17.12.190 Declaration regarding further subdivision.**

A. Land in a short subdivision may not be further divided in any manner within a period of five years after the recording of the final short subdivision without the filing of a final short subdivision, except that when the short subdivision contains fewer than four parcels, nothing in this section shall prevent the owner from filing an alteration within the five-year period to create up to a total of four lots within the original short subdivision boundaries.

B. Short subdivisions shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, as a means to circumvent compliance with the more stringent subdivision requirements which control the subdivision of land into five or more lots. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous land parcel, a presumption of an attempt to circumvent short subdivision requirements may be invoked by the director as a basis for further investigation to assure compliance with the intent of this provision. (Ord. 96-06B § 2, 1996)

**17.12.200 Disclaimer as to streets.**

Streets within a short subdivision shall not be maintained by the city unless such streets have been improved to current city standards and have been accepted as part of the approved short subdivision. Therefore, unless accepted, the responsibility for maintenance shall lie with the owners of the lots. In such case, the face of each short subdivision shall contain the following disclaimer:

Responsibility and expense for maintenance of streets serving lots within this short subdivision (unless such roads have been accepted by the city) shall rest with the lot owners.

(Ord. 96-06B § 2, 1996)

**17.12.260 Construction.**

This chapter shall be liberally interpreted and construed to secure the public health, safety, morals and welfare and the rule of strict construction shall have no application. (Ord. 96-06B § 2, 1996)

**Chapter 17.16****LARGE LOT SUBDIVISIONS****Sections:**

- 17.16.010 Compliance.**
- 17.16.020 Purpose.**
- 17.16.030 Exclusions.**
- 17.16.040 Definitions.**
- 17.16.050 Subdivisions – Process overview.**
- 17.16.063 Preliminary subdivision – Design assistance.**
- 17.16.065 Preliminary residential subdivision – Design preparation of maps, site plans and studies.**
- 17.16.070 Large lot standards.**
- 17.16.080 Preliminary subdivision – Application fee.**
- 17.16.090 Preliminary subdivision – Application submittal.**
- 17.16.095 Preliminary large lot subdivision – Review process.**
- 17.16.100 Preliminary large lot subdivision – Review process – Review by the Bremerton-Kitsap County health district.**
- 17.16.110 Preliminary large lot subdivision – Review process – Review by the city engineer.**
- 17.16.120 Preliminary large lot subdivision – Review process – Review by the director.**
- 17.16.130 Preliminary large lot subdivision – Review process – Large lot subdivision standards.**
- 17.16.140 Preliminary large lot subdivision – Approval – Authorization.**
- 17.16.150 Preliminary large lot subdivision – Approval – Expiration.**
- 17.16.160 Final large lot subdivision – Application fee.**
- 17.16.170 Final large lot subdivision – Submittal requirements.**

may be amended. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units herein or their owners' associations have a membership or other legal or beneficial interest"; and

G. A division (1) caused by condemnation or by acquisition by a government entity in lieu of condemnation, or (2) otherwise resulting from a transfer of land to a government entity for open space, park, public vehicular access, public pedestrian access, utility, or right-of-way purposes, or to a private utility regulated by the State Utilities and Transportation Commission for utility improvement purposes. (Ord. 2001-08 § 3, 2001: Ord. 96-06B § 3, 1996)

#### **17.16.040 Definitions.**

A "large lot subdivision" is the division or redivision of land into two or more lots for the purpose of sale, lease or transfer of ownership where each lot is not smaller than five acres or 1/128 of a section (whichever is smaller); provided, that this shall not include division or redivision of land where all parcels are greater than 20 acres or 1/32 of a section. The definitions in Chapter 17.04 BIMC shall apply to this chapter. (Ord. 96-06B § 3, 1996)

#### **17.16.050 Subdivisions – Process overview.**

A. All large lot subdivisions shall be designed consistent with large lot subdivision standards described herein.

B. All large lot subdivision applications shall follow the following steps:

1. Proposed site plan(s) and additional information as required by this chapter and Appendix B(3) of this title for the project are submitted for a preapplication conference with the department staff members.

2. A refined proposed site plan consistent with the submittal requirements of this chapter and additional materials as required by the director are submitted for the preliminary large lot subdivision application review process.

3. An application for preliminary large lot subdivision is considered complete and is

filed by the city if it satisfies the submittal requirements set forth in BIMC 17.16.090.

4. The preliminary large lot subdivision application is reviewed consistent with BIMC 17.16.095 through 17.16.130 as described in Chapter 2.16 BIMC. The preliminary large lot residential subdivision application shall also be consistent with BIMC 17.16.070.

5. The application for a preliminary large lot subdivision is reviewed by the director.

6. Following the determination by the director that the application is complete, a copy of the preliminary large lot subdivision application is forwarded to the city engineer. The city engineer will approve or disapprove the application within 30 calendar days and will provide a written explanation to the director of the decision made.

7. The director will approve, approve with modifications or disapprove the preliminary large lot subdivision within 90 calendar days from the date of filing a complete application.

8. At any time within five years following the date of the preliminary large lot subdivision approval by the director, the subdivider may submit the original of a proposed final large lot subdivision consistent with the final large lot subdivision submittal requirements of this chapter.

9. The final large lot subdivision application will be reviewed by the director, the health district and by the city engineer within 30 working days from the date of the filing of a complete application.

10. The final large lot subdivision will not be officially approved until recorded by the city.

11. The approved final large lot subdivision shall conform to BIMC 17.16.190 and to applicable zoning standards of the city, codified in BIMC Title 18. (Ord. 2003-02 § 13, 2003: Ord. 96-06B § 3, 1996)

#### **17.16.063 Preliminary subdivision – Design assistance.**

A. The large lot subdivision process shall provide opportunities for owners of land and

multiple overlay layers on the base map. The purpose of preparing a composite site plan is to help the applicant and the city determine which portions of a subject property are best suited to accommodate development, infrastructure, and open space areas.

1. Composite site plan(s) shall be prepared consistent with the requirements for the proposed site plan, in subsection E of this section.

a. The composite site plan shall be graphically indicated on a copy of the base map, or as an overlay attachment to the base map (providing that the overlay is prepared on a transparent material).

b. Establishment of Lot Lines. Preliminary lot lines shall be established on the composite site plan to illustrate potential division of the subject property. Homesites shall be clearly indicated within each lot. Lot lines shall not cross any homesite. Preliminary lot lines are intended for review and discussion at the preapplication conference. (Ord. 2003-02 § 15, 2003; Ord. 96-06B § 3, 1996)

### 17.16.070 Large lot standards.

A. Development Standards. Subdivisions shall be subject to the following development standards:

#### 1. Density.

a. The number of residential lots created in a subdivision shall not exceed the density provisions of BIMC Title 18.

b. Properties containing wetlands and/or wetland buffer areas are subject to reduction of the maximum density, pursuant to the standards of BIMC 16.20.090.C or its successor.

c. Irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density.

#### 2. Lot Setback and Dimensional Requirements.

a. All lots shall be 50 feet as measured at the minimum lot width measurement line (for properties subject to review pursuant to the shoreline master plan the minimum lot width shall be as required by the shoreline master program).

b. Each lot shall not be smaller than five acres or 1/128th of a section (whichever is smaller).

c. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. The sine, shape, and orientation of lots shall be appropriate for the type of development and use contemplated. Corner lots may be required to be platted with additional width to allow for the additional side yard requirements.

d. Building to building (on-site): minimum 10 feet separation.

e. Building to subdivision boundary:

i. Minimum 15 feet.

ii. Minimum 25 feet (R-0.4 only).

f. Building to right-of-way:

i. Arterial (other): minimum 50 foot setback.

ii. Collector: minimum 50-foot setback.

iii. All others: minimum 15-foot setback.

g. Building to trail or access easement: minimum 10-foot setback.

h. Maximum Lot Coverage. The maximum lot coverage as specified in BIMC Title 18.

B. Landscape Standards. Landscaping shall be established consistent with the requirements of Chapter 18.85 BIMC and any other significant tree retention requirement.

C. Roads and Pedestrian Access Performance Standards. The following standards apply to all subdivisions.

1. Existing roadway character shall be maintained where practical. This may be accomplished through the reduction of roadway width consistent with subsection C.3 of this section, the minimization curb cuts, and the preservation of roadside vegetation.

2. Roads and access shall be consistent with the standards set forth in "City of Bainbridge Island Design and Construction Standards and Specifications." To minimize impervious surfaces, public rights-of-way, access easements and roadways shall not be

**17.16.110 Preliminary large lot subdivision  
– Review process – Review by the  
city engineer.**

A. The city engineer shall review the application and ascertain whether:

1. The proposal conforms to regulations concerning drainage (Chapter 15.20 BIMC);

2. The proposal will alter off-site surface or groundwater hydrology or water quality or will unreasonably interfere with the use and enjoyment of properties downstream;

3. The streets in the location as proposed align with and are otherwise coordinated with streets serving adjacent properties;

4. The streets as proposed are adequate to accommodate anticipated traffic;

5. The application conforms to the requirements of this chapter and the standards in the “City of Bainbridge Island Design and Construction Standards and Specifications.”

B. If the city engineer recommends approval of the preliminary application with respect to those items in subsections A.1 through A.5 of this section, the city engineer shall signify his or her recommendations of approval by providing a letter to the director which will include any conditions of approval.

C. In making the analyses required by subsections A.1 through A.5 of this section, the city engineer shall assume that each lot within the proposed large lot subdivision will be divided at some time in the future and, therefore, the engineer may take such contingency into account in approving or disapproving an application.

D. If the city engineer recommends disapproval of the application, a written explanation shall be provided to the director. (Ord. 2003-02 § 17, 2003; Ord. 96-06B § 3, 1996)

**17.16.120 Preliminary large lot subdivision  
– Review process – Review by the  
director.**

A. The director shall review the application to ascertain if the proposed plat conforms to the following:

1. Zoning ordinance;
2. Comprehensive plan;

3. Shoreline management regulations;

4. Critical areas ordinance;

5. The applicable standards and requirements of this chapter;

6. All other applicable provisions of the Bainbridge Island Municipal Code.

B. If the director disapproves the application or approves it subject to conditions, a written statement of findings and conclusions shall be prepared which supports the disapproval or need for the conditions.

C. The director may approve, approve with modification or disapprove an application for preliminary short subdivisions based on criteria in BIMC 17.16.100, 17.16.110, and 17.16.130 and subsection A of this section.

D. The director has 90 calendar days from the filing of a complete application in which to approve, disapprove or return the application to the applicant for modification. This time period may be extended only with the approval of the applicant. If no action can be taken to approve or disapprove the application within the 90 calendar days from the filing of a complete application, the director must notify the applicant and surveyor of the reasons for the delay and steps necessary to complete the application for preliminary large lot subdivision.

E. If the director disapproves the application, he or she shall provide a written explanation thereof to the applicant and surveyor.

F. If an application for large subdivision is located adjacent to the right-of-way of a state highway, the director shall give written notice of the application, including a legal description of the short subdivision and a location map, to the Department of Transportation. The Department of Transportation shall, within 15 days after receiving the notice, submit a statement to the director who furnished the notice, including any information that the Department of Transportation deems to be relevant about the effect of the proposed large lot subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway.

The material used to mark the corners shall be described upon the large lot subdivision. (Ord. 96-06B § 3, 1996)

**17.16.190 Final large lot subdivision – Review process – Review by the director and the city engineer.**

A. The city engineer shall review an application for compliance with any conditions imposed pursuant to the requirements of BIMC 17.16.070.

B. The director shall approve the final large lot subdivision if:

1. The final large lot plat meets all standards established by state law and this chapter;

2. The proposed final large lot plat bears the certificates and statements of approval required by this chapter;

3. The facilities and improvements required to be provided by the subdivider have been completed.

C. If the director disapproves the application, he or she shall provide a written explanation thereof to the applicant. The director has 30 working days in which to approve or disapprove an application following receipt of the report of the engineer and health district. (Ord. 96-06B § 3, 1996)

**17.16.200 Final large lot subdivision – Approval – Time limit.**

Final large lot subdivisions shall be approved, disapproved or returned to the applicant by the director within 30 working days from the date of filing of a complete application, unless the applicant consents to an extension of such time period. (Ord. 96-06B § 3, 1996)

**17.16.210 Appeal.**

Any person wishing to appeal the granting, denial, or conditions of a large lot subdivision shall follow the procedure for appeals of administrative land decisions to the city hearing examiner set forth in BIMC 2.16.095. (Ord. 96-06B § 3, 1996)

**17.16.220 Amendment of proposal.**

When an application is disapproved, an applicant shall have 180 calendar days following transmittal of the reasons for disapproval in which to file an amended application to remedy the matters which led to the disapproval.

Upon receipt of such an amended application the application shall be reviewed as set forth in BIMC 17.16.095, 17.16.100 and 17.16.110, 17.16.120 and 17.16.130. If an applicant files no such amended application within the period allowed, the application shall be considered denied. (Ord. 96-06B § 3, 1996)

#### **17.16.230 Improvements.**

A. On any approved large lot no further lot divisions shall be approved until the required improvements are installed and approved by the city; and provided, that streets within the large lot subdivision shall be maintained by the owners of the property in the large lot subdivision.

B. All large lot subdivisions shall have the following improvements developed and/or installed prior to recording:

1. Streets shall be cleared and grubbed;

2. Streets shall be rocked or graveled to provide adequate year-round passage;

3. Appropriate drainage, including erosion control, facilities shall be provided consistent with a plan approved by the city engineer prior to clearing and construction of any plat improvements. (Ord. 96-06B § 3, 1996)

#### **17.16.240 Special requirements for critical areas.**

A. Any portion of a large lot subdivision which contains a critical area as defined in Chapter 16.20 BIMC must conform to all requirements of that chapter.

B. When appropriate, in accordance with RCW 36.70A.060, the final large lot subdivision must contain a notice that the subject property is on or within 300 feet of lands designated agricultural lands, forest lands or mineral resource lands. (Ord. 98-20 § 13, 1998; Ord. 96-06B § 3, 1996)

#### **17.16.250 Final subdivision – Assurance device.**

In lieu of completion of improvements with conditions of a preliminary large lot plat approval, the city council may accept an assurance device, other than a bond, in an amount

and in a form determined by the city council, which secures and provides for the actual construction and installation of the improvements or the performance of the conditions within one year, or such additional time as the city council determines is appropriate after final plat approval. In addition, the city council shall require an assurance device, including a bond, securing the successful operation of improvements for one year after city's acceptance of the improvements; provided, that the city council may, upon recommendation of the city engineer or the director, extend the term of the assurance device for up to two years for improvements that will not demonstrate compliance with construction or installation requirements within one year. (Ord. 96-06B § 3, 1996)

#### **17.16.260 Dedications.**

In order to meet the health, safety and welfare needs of the public, and mitigate the impacts of the proposal, the director or city engineer may condition approval of the large lot subdivision upon dedications for open spaces, drainage ways, other public ways, water supplies, sanitary waste system, parks, playgrounds, sites protection of critical areas, and other needs of the public. (Ord. 98-20 § 13, 1998; Ord. 96-06B § 3, 1996)

#### **17.16.270 Filing of large lot subdivision.**

No large lot subdivision shall be presented to or be accepted for final filing with the city unless the face of the plat contains the approvals of the director, health district, and the certification of the county treasurer that no tax, penalties, or delinquent assessments are owing on the subject property. (Ord. 96-06B § 3, 1996)

#### **17.16.280 Disclaimer as to streets.**

Streets within a large lot subdivision shall not be constructed or maintained by the city unless such streets have been improved to current standards and have been accepted into the city street system. Therefore, unless so improved and accepted, the responsibility for maintenance shall lie with the owners of the

**17.16.340 Construction.**

This chapter shall be liberally interpreted and construed to secure the public health, safety, morals, welfare and the rule of strict construction shall have no application. (Ord. 96-06B § 3, 1996)

**Chapter 17.20****BOUNDARY LINE ADJUSTMENTS****Sections:****17.20.010 Purpose.****17.20.020 Lot defined.****17.20.030 Application.****17.20.040 Decision criteria.****17.20.010 Purpose.**

The purpose of this chapter is to provide a method for summary administrative approval of boundary line adjustments that satisfy public concerns of health, safety and welfare, where a controversy exists regarding the placement of a boundary line or where arranging or rectifying boundary lines is otherwise required. (Ord. 94-09 § 1, 1994)

**17.20.020 Lot defined.**

"Lot" means a lot, tract, parcel, site or division of land. (Ord. 94-09 § 1, 1994)

**17.20.030 Application.**

A. A boundary line adjustment application on the form prescribed by the department of planning and community development shall be signed by the owners of all lots involved and submitted to the department together with all documentation, materials and a fee as established by the city council by resolution.

B. At the time the applicant submits the boundary line adjustment application, the applicant shall submit to the department:

1. The legal description of each lot involved prior to the lot line adjustment;

2. The legal description of each lot involved after the lot line adjustment;

3. A scale drawing containing all the information required to be provided on the final boundary line adjustments plan pursuant to subsection C of this section;

4. Copies of draft deeds conveying title to the property being transferred pursuant to the boundary line adjustment if more than one property owner is involved; and

5. Copies of any existing or proposed covenants or restrictions affecting the property involved.

**Appendix A**

**CITY OF BAINBRIDGE ISLAND  
SUBDIVISION STANDARDS**

(Repealed by Ord. 2003-02)

<i>Process Step and Type of Subdivision</i>	<i>Required Items and Materials</i>	<i>Purpose</i>	<i>Form</i>	<i>Contents</i>
	<p>B. Site Inventory Maps.</p>	<p>The purpose of the site inventory is to gather and evaluate information about the subject property and the surrounding area, and provide a graphic portrayal of areas in which development may not occur ("no-build zones") or may occur with restrictions ("restricted building zones").</p>	<p>Information identified during the site inventory shall be graphically indicated as an overlay attachment to the base map (providing that the overlay is prepared on a transparent material).</p>	<p>The following information should be provided on the inventory map if known:</p> <ol style="list-style-type: none"> <li>1. "No-build zones":                             <ol style="list-style-type: none"> <li>a. All critical areas and their associated buffers (as defined in BIMC Title 16) located on the subject property, and, if possible, those located within 100 feet of the subject property (aerial photographs or studies prepared for adjacent properties may be used to preliminary assess off-site critical areas);</li> <li>b. Wellhead protection areas on or affecting the subject property and all other easements, setbacks, or buffer areas which limit development;</li> <li>c. Dedicated open space or greenway areas located on the subject property.</li> </ol> </li> <li>2. "Restricted building zones" (depicted in such a manner as to be graphically distinct from "no-build zones"):                             <ol style="list-style-type: none"> <li>a. Areas of significant trees and vegetation located on the subject property, or on any adjacent properties located within 100 feet of the subject property.</li> </ol> </li> </ol>
	<p>C. Proposed Design Elements established as required pursuant to BIMC 17.04.080, Flexible Lot – Standards (Composite Site Plan).</p>	<p>To illustrate the design proposals during the preapplication consultation with the department staff members.</p>	<p>Alternative configurations shall be graphically indicated on a copy of the base map, or as an overlay attachment to the base map (providing that the overlay is prepared on a transparent material).</p>	<p>The following information should be provided on the proposed design map if known:</p> <ol style="list-style-type: none"> <li>1. Open space location(s) (prepared consistent with the process contained in BIMC 17.04.075).</li> <li>2. Residential homesite location(s) and lot lines (prepared consistent with the process contained in BIMC 17.04.075).</li> <li>3. Location of individual or community water supply and septic systems (prepared consistent with the process contained in BIMC 17.04.075).</li> <li>4. Provision of roads and access (prepared consistent with the process contained in BIMC 17.04.075).</li> </ol>
<p><b>Preapplication review.</b> Commercial and industrial subdivisions.</p>	<p>Proposed Site Plan.</p>	<p>To illustrate the design proposals and serve as the basis during the preapplication consultation with the department staff members. To assist the applicant and the city in determining which portions of a subject property are best suited to accommodate building locations, infrastructure, and open space areas.</p>	<p>Drawn or printed on durable material (mechanically reproducible).</p>	<p>The following information should be provided on the base map if known:</p> <ol style="list-style-type: none"> <li>1. North arrow and scale;</li> <li>2. Name, address and phone number of the owner of the subject property, or the authorized representative;</li> <li>3. Subject property boundaries;</li> <li>4. Total acreage;</li> <li>5. Topography with a contour interval of no less than five feet (slopes which exceed 15 percent shall be identified);</li> </ol>

<i>Process Step and Type of Subdivision</i>	<i>Required Items and Materials</i>	<i>Purpose</i>	<i>Form</i>	<i>Contents</i>
				<p>6. Number of lots, average lot size;</p> <p>7. Lots labeled alphabetically, each lot shall designate the proposed homesite; plats designed pursuant to the BIMC 17.04.080.A.5, cluster development option shall designate homesites with a maximum area of 10,000 square feet or 7,600 square feet for R-3.5 and R-4.3);</p> <p>8. A description, by map or text, of the route or routes of vehicular and pedestrian access to the property; the existing right-of-way and conditions of the access routes, and applicant's proposed improvements shall be mapped or described in sufficient detail to enable the city to determine their adequacy and safety;</p> <p>9. A layout of proposed streets and alleys, including preliminary profiles, and any tracts proposed to be dedicated or reserved for public or common use;</p> <p>10. Proposed method of water supply, with a certificate of water availability from the proposed water purveyor, if any, and a statement from the health officer that the proposed domestic water supply meets applicable health standards;</p> <p>11. Proposed method of sewage disposal with a certificate from the agency providing sewage disposal, if any, of system adequacy to accept, treat and discharge effluent from the proposed development, or a preliminary statement from the health officer that the proposed disposal method is likely to meet applicable health standards;</p> <p>12. Any reports, studies or assessments that are required by Ordinance 92-07, critical areas, codified in Chapter 16.20 BIMC;</p> <p>13. In subdivisions proposed to be served on-site sewage disposal, the location of soil log holes together with data regarding percolation rate as required by the health officer;</p> <p>14. A building site application (BSA) shall be submitted, and include as a minimum the proposed building footprint and positioning of sewage disposal facilities;</p> <p>15. The location of all property to be dedicated when applicable;</p> <p>16. A preliminary copy of restrictive covenants, dedications and/or easements, if any are proposed;</p> <p>17. Soil logs, if appropriate;</p> <p>18. A conceptual storm water plan illustrating the proposed means of storm water runoff disposal;</p>

Appendix B(2)

**SUBMITTAL REQUIREMENTS FOR SHORT SUBDIVISIONS**

<i>Process Step and Type of Subdivision</i>	<i>Required Items and Materials</i>	<i>Purpose</i>	<i>Form</i>	<i>Contents</i>
<p><b>Preapplication Review.</b> Short Plats</p>	<p>Proposed Site Plan consisting of:  A. Base Map.</p>	<p>The purpose of the base map is to consolidate existing characteristics of the site and existing on-site conditions.</p>	<p>Drawn or printed on durable material (mechanically reproducible).</p>	<p>The following information should be provided on the base map if known:</p> <ol style="list-style-type: none"> <li>1. North arrow and scale;</li> <li>2. Name, address and phone number of the owner of the subject property, or the authorized representative;</li> <li>3. Subject property boundaries;</li> <li>4. Total acreage;</li> <li>5. Topography with a contour interval of no less than five feet (slopes which exceed 15 percent shall be identified);</li> <li>6. The location of all easements (such as access, utility and/or conservation easements) located on the subject property;</li> <li>7. The location and names of roads and rights-of-way, easements, bicycleways, greenways, and trails located on-site, or in close proximity to the subject property;</li> <li>8. The location of all utilities (water lines or wells, sewer lines or septic systems, power and/or telephone lines) located on the subject property;</li> <li>9. The location of all bodies of water (including streams, drainage course, and/or wetlands) located on the subject property, or within 150 feet of the subject property;</li> <li>10. The approximate location and size of existing structures located within 100 feet of the subject property;</li> <li>11. City of Bainbridge Island zoning and comprehensive plan designation for the subject property (shoreline designations shall be included if applicable);</li> <li>12. Existing land uses on both the subject property (if applicable) and all adjacent properties;</li> <li>13. All areas of identified historical importance located on the subject property or adjacent properties, such as structures listed on the National Register for Historic Places and the 1987 Bainbridge Island Historic Survey, as prepared by the Washington State Office of Archaeology and Historic Preservation;</li> <li>14. Wellhead protection areas on or affecting the subject property.</li> </ol>

<i>Process Step and Type of Subdivision</i>	<i>Required Items and Materials</i>	<i>Purpose</i>	<i>Form</i>	<i>Contents</i>
<p><b>Final Short Subdivision.</b></p>	<p>B. Preliminary Open Space Management Plan.</p>	<p>Required for plats not using cluster development option of BIMC 17.12.090.A.5.</p>		<p>5. A conceptual storm water plan illustrating the proposed means of storm water runoff disposal.</p>
	<p>C. Significant Tree/Tree Stand Retention Plan.</p>	<p>Identify significant trees and/or significant tree stands to be preserved within the short plat.</p>	<p>Prepared consistent with the requirements of BIMC 18.85.060 and submittal requirements of BIMC 18.85.040.B.5.</p>	<p>Consistent with the requirements of BIMC 17.12.092.H.</p> <p>Identification of all significant trees or tree stands to be preserved within the short plat.</p>
	<p>A. Final Short Plat.</p>	<p>To obtain the short subdivision permit from the city.</p>	<p>a. The first sheet shall be drawn on a mylar sheet which may be purchased at cost from the engineer. Subsequent sheets shall be drawn on stable-base mylar, polyester film or similar durable material 18 inches by 24 inches; a line shall border each sheet having a 3-inch margin on the left side (which shall be an 18-inch side) and a 0.5-inch margin on the remaining three sides: the lower right-hand corner of the sheet obtained from the engineer.</p> <p>b. Drawn to scale no less than one inch to 200 feet which scale shall be shown on the drawing.</p> <p>Three copies of the final short plat are required.</p>	<p>All the elements required for preliminary short subdivision and the following:</p> <ol style="list-style-type: none"> <li>1. The perimeter (which shall be shown by heavier lines) of the proposal, together with all internal lots and blocks;</li> <li>2. The dimensions of the perimeter and all lots;</li> <li>3. Ties to permanent monuments;</li> <li>4. Controlling reference points or monuments;</li> <li>5. The bearing and length of lines;</li> <li>6. Origin of meridian or basis of bearings;</li> <li>7. All parcels created by the division of land to be so designated as to the maximum number of primary dwelling units allowed on that parcel. This number shall be designated on each individual title;</li> <li>8. All parcels designated if applicable;</li> <li>9. The names and locations of adjacent subdivisions;</li> <li>10. The location of all property to be dedicated;</li> <li>11. Signature and date lines for certification by the registered land surveyor described in BIMC 17.12.112;</li> <li>12. Signature and date lines for certification by county treasurer that real property taxes are current;</li> <li>13. Signature and date lines for approval by the director;</li> <li>14. All conditions of approval, if applicable.</li> </ol>
<p>B. Additional Documents.</p>	<p>To obtain the short subdivision permit from the city.</p>	<p>Various.</p>	<ol style="list-style-type: none"> <li>1. Textual declaration of the dedication when applicable;</li> <li>2. The declaration described in BIMC 17.12.190;</li> <li>3. A plat certificate for the real property;</li> </ol>	

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	B. Aerial Photograph.	The purpose of the aerial photograph is to assist in the preparation of the base map and site inventory, and to provide guidance on existing natural and manmade conditions found on the subject and surrounding properties.	An aerial photograph which is approximately the same scale as the base map is obtained by the applicant from the Department of Natural Resources.	An aerial photo showing the site in a present condition.
	C. Significant Tree Plan.	To locate significant trees on property.	Prepared as an overlay to the site inventory map or as a part of the site inventory map.	Locate all significant trees as defined in BIMC 18.85.010. Trees may be identified individually or as tree stands.
	D. Site Inventory Maps.	The purpose of the site inventory is to gather and evaluate information about the subject property and the surrounding area, and provide a graphic portrayal of areas in which development may not occur ("no-build zones") or may occur with restriction ("restricted building zones").	Information identified during the site inventory shall be graphically indicated as an overlay attachment to the base map (providing that the overlay is prepared on a transparent material).	<ol style="list-style-type: none"> <li>1. "No-build zones":                             <ol style="list-style-type: none"> <li>a. All critical areas and their associated buffers (as defined in BIMC Title 16) located on the subject property, and, if possible, those located within 100 feet of the subject property (aerial photographs or studies prepared for adjacent properties may be used to preliminary assess off-site critical areas);</li> <li>b. Wellhead protection areas on or affecting the subject property and all other easements, setbacks, or buffer areas which limit development;</li> <li>c. Dedicated open space or greenway areas located on the subject property.</li> </ol> </li> <li>2. "Restricted building zones" (depicted in such a manner as to be graphically distinct from "no-build zones"):                             <ol style="list-style-type: none"> <li>a. Areas of significant trees and vegetation located on the subject property, or on any adjacent properties located within 100 feet of the subject property.</li> </ol> </li> </ol>
	E. Proposed Design Elements established as required pursuant to BIMC 17.16.070, Large lot standards.	To illustrate the design proposals during the preapplication conference with the department staff members.	Alternative configurations shall be graphically indicated on a copy of the base map, or as an overlay attachment to the base map (providing that the overlay is prepared on a transparent material).	<ol style="list-style-type: none"> <li>1. Open space location(s) (prepared consistent with the process contained in BIMC 17.16.065).</li> <li>2. Homesite location(s) and lot lines (prepared consistent with the process contained in BIMC 17.16.065).</li> <li>3. Location of individual or community water supply and septic systems (prepared consistent with the process contained in BIMC 17.16.065).</li> <li>4. Provision of roads and access (prepared consistent with the process contained in BIMC 17.16.065).</li> </ol>
	F. Composite Site Plan.	To help the applicant and the city determine which portions of a subject property are best suited to accommodate homesites, infrastructure, and open space areas, and to serve as the basis for preapplication consultation consistent with the requirements of BIMC 17.16.065.	Composite site plans are comprised of the assembly or printing of multiple overlay layers on the base map. The composite site plan shall be graphically indicated on a copy of the base map, or as an overlay attachment to the base map (providing that the overlay is prepared on a transparent material).	Consistent with the BIMC 17.16.065 consolidated information of the above.

<i>Process Step and Type of Subdivision</i>	<i>Required Items and Materials</i>	<i>Purpose</i>	<i>Form</i>	<i>Contents</i>
	B. Additional Documents.	To obtain the large lot subdivision permit from the city.	Various.	<ol style="list-style-type: none"> <li>12. Signature and date lines for approval by the director;</li> <li>13. All conditions of approval, if applicable.</li> <li>1. Textual declaration of the dedication when applicable;</li> <li>2. The declaration described in BIMC 17.16.120;</li> <li>3. The declaration described in BIMC 17.16.130;</li> <li>4. The declaration described in BIMC 17.16.160;</li> <li>5. A plat certificate for the real property;</li> <li>6. The signatures of all owners of the real property within the boundaries of the large lot subdivision;</li> <li>7. A road maintenance agreement in proper form unless such agreement is waived by the engineer;</li> <li>8. Perimeter lot closures for final review;</li> <li>9. A building site application;</li> <li>10. A final open space management plan;</li> <li>11. Proposed restrictions or covenants running with the land when applicable;</li> <li>12. Signature and date lines for certification by the registered land surveyor as described in BIMC 17.16.095;</li> <li>13. Signature and date lines for approval by the director;</li> <li>14. A legal description of the real property to be divided;</li> <li>15. A completed city of Bainbridge Island large lot subdivision application form;</li> <li>16. A vicinity map showing the location of the proposed subdivision;</li> <li>17. Proposed restrictions or covenants running with the land.</li> </ol>

(Ord. 2003-02 § 22, 2003; Ord. 98-20 § 13, 1998; Ord. 96-06B § 4, 1996; Ord. 92-09 § 3, 1992)