

# Law Office of Kim McCormick, PLLC

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April 29, 2016

Heather Beckmann  
City of Bainbridge Island  
Department of Planning and Community Development  
280 Madison Avenue North  
Bainbridge Island, WA 98110

Dear Ms. Beckmann:

I represent the Bainbridge Island Saddle Club ("BISC") and Far Echo Farms LLC ("Far Echo"), and am providing this letter to the City of Bainbridge Island to address concerns regarding the Creative Spaces development project, PLN50177 SPR ("Creative Spaces" or "Project"), proposed by Tseng Properties, LLC ("Tseng" or "Project Applicant").

As you know, BISC and Far Echo own property located to the north of the Project and accessed from Saddle Club/Manzanita Park Road ("Road"), a private gravel road owned by BISC, Far Echo, Tseng and the Metropolitan Parks District ("Parks"). BISC members regularly use the Road to access the BISC riding arenas located at the end of the Road, and Far Echo tenants use the Road to access their home. Manzanita Park users also use the Road regularly to access Manzanita Park. The Road is used by vehicles, pedestrians and equestrians, including adults and children. A reciprocal road easement agreement currently governs maintenance of the Road, with maintenance obligations shared by Tseng, Far Echo and Parks.

My clients have significant concerns about the proposed increase in Road use that is estimated to result from the Project. The Creative Spaces Project Traffic Impact Analysis, prepared by Heath & Associates, Inc. and dated January 2016 ("TIA"), acknowledges that access to the Project site is from the Road and that existing Road uses include both pedestrian and equestrian traffic. TIA at 3. It also reports that a "moderate amount of pedestrian and equestrian activity was noted during field observations," but concludes without any analysis that "posting proper signage and an appropriate speed limit will provide safe measures for pedestrian and equestrian traffic." TIA at 9.

This conclusion is unsupported by any analysis and is contradicted by the estimated trip generation resulting from the Project. The TIA estimates that the Project will generate 213 vehicle trips per day, TIA at 10, Table 3, which is many times in excess of the very minimal vehicle use currently occurring on the Road. This number of daily trips will not only create significant adverse impacts to the condition of the Road, it also presents serious public health and safety concerns to equestrians using the Saddle Club and to pedestrians using both Manzanita Park and the Saddle Club. While the Project

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Applicant has proposed construction of a pedestrian/equestrian non-motorized trail, it is located on the east side of the Road, which means it crosses both the driveway accessing the Project site and the driveway exiting the Project site, creating a safety hazard. BISC and Far Echo commend the Project Applicant for proposing the non-motorized trail, but request that safety issues associated with the driveways be addressed, or that the trail be located on the west side of the Road to prevent creation of a significant public safety hazard.

The TIA also fails to address the impacts to the Road resulting from its use by commercial trucks making deliveries to the Project, and trucks delivering services such as waste disposal. The Road is a narrow, unimproved gravel road that currently suffers from significant degradation due to potholes notwithstanding the very light vehicle use that it receives. There is nothing in the TIA or in any of the other public documents for the Project that includes an analysis of the Road to demonstrate that it is even minimally adequate for the Project's intended use.

At the January 4, 2016 Design Review Board meeting, the Project Applicant agreed to pave the Road from Day Road to the last driveway accessing the Project site, and we believe this is the best way to resolve Road concerns associated with the Project. *See Minutes from January 4, 2016 Design Review Board Meeting.* This solution also ensures that the cost of construction and future maintenance of the Road are born by the Project Applicant, which is appropriate given the amount of impact to the Road that will result from the Project. BISC and Far Echo also request that the City require execution of a Road Maintenance Agreement between the Project Applicant and all owners of the Road before a grading permit is issued for the Project, to ensure that an agreement can be reached that is acceptable to all parties.

Both the Bainbridge Island Municipal Code ("BMC") and the State Environmental Policy Act ("SEPA") require the City to fully analyze the impacts to the Road and to public health and safety resulting from the Project. BMC Section 16.08.130 states in pertinent part: "City policy on transportation shall be as follows: . . . D. To approve street designs which are beneficial to the public in consideration of vehicular and pedestrian safety, efficiency of service, influence on the amenities and livability of the community, and economy of both construction and the use of land." We believe this provision requires the City to analyze the impacts to the Road resulting from the Project and to ensure that the proposed use is safe and appropriate in light of the current uses by pedestrians and equestrians using Manzanita Park and the Saddle Club.

We believe this provision requires the City to address the impacts to the Road from the Project, and to ensure that (1) the Road is adequate to handle the proposed uses resulting from the Project, both from a traffic volume and type of traffic perspective; (2)

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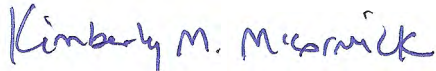
the Road is properly maintained by the Project Applicant; and (3) the Road is used in a manner that protects public health and safety.

SEPA similarly requires the City to evaluate and address transportation impacts. WAC 197-11-960, Item 14 requires the following information: “d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). . . . h. Proposed measures to reduce or control transportation impacts, if any.”

The City has indicated that it intends to issue a Mitigated Determination of Non-Significance (MDNS) for the project. *See* Notice of Application/SEPA Comment Period, December 11, 2015, Creative Space PLN50177SPR (“SEPA Notice”). To issue a MDNS, the City must have answers to the Environmental Checklist items listed above. We therefore respectfully request that the City fully evaluate the impacts to the Road, require that the Project Applicant fully mitigate those impacts, and ensure that the Project design will not create a threat to public health and safety.

Thank you for your attention to these matters, please do not hesitate to contact me if you have any questions or seek additional information.

Sincerely,



Kimberly M. McCormick  
Attorney for Bainbridge Island Saddle Club and Far Echo Farms LLC

Cc: Jackie Chipman, President, Bainbridge Island Saddle Club  
Juliet LeDorze, Far Echo Farms LLC