

## Carla Lundgren

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**From:** PCD  
**Sent:** Wednesday, January 31, 2018 5:03 PM  
**To:** Carla Lundgren  
**Subject:** FW: Wallace Cottages project



**Jane Rasely**

Administrative Specialist

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**From:** Mack Pearl  
**Sent:** Wednesday, January 31, 2018 2:39 PM  
**To:** Hayes Gori <hayes@hayesthelawyer.com>; Kelly Tayara <ktayara@bainbridgewa.gov>; Peter Corelis <pcorelis@bainbridgewa.gov>; PCD <pcd@bainbridgewa.gov>; Joe Levan <jlevan@bainbridgewa.gov>; Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Don Doman <Don.Doman@cobicommittee.email>; Jon Quitslund <jon.quitslund@cobicommittee.email>; William Chester <william.chester@cobicommittee.email>; Lisa Macchio <lisa.macchio@cobicommittee.email>; Michael Killion <michael.killion@cobicommittee.email>; Sarah Blossom <sblossom@bainbridgewa.gov>  
**Subject:** Re: Wallace Cottages project

Hayes Gori,

I am the chair of the Planning Commission and an Architect not a Lawyer. We as planning Commission members are not equipped to determine legal access issues. I don't know if you or Mr. Crampton has the winning legal claim. We (I am mostly speaking for myself, but there seemed to be consensus on the committee) think that all legal access issues must be resolved before we can determine if an application follows the Comprehensive Plan. We would like the access for your project to come from Madison per your suggestion #3 in the capitalized section of your letter. This may take time to resolve. The second issue is that HDDP projects are supposed to be Demonstrations of innovative design. None of us on the PC felt that the project was innovative or even an example of good design. The pea patch and playground on the North edge of the project with limited solar access and requiring the cutting of a forest seem very problematic. It may turn out that this project meets the minimum requirements of the HDDP ordinance, but we are not yet convinced of this fact. We believe that the scoring of the project is incorrect. My goal is to work together with applicants and the neighborhood and to make the resultant project work for all concerned. It would be great if your project turns out to be an asset to the neighborhood and meets the goals of the Comprehensive Plan.

I hope we can work together on completing our review and getting a positive recommendation to the Hearing Examiner.

Thank You

J. Mack Pearl - Chair PC

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**From:** Hayes Gori <[hayes@hayesthelawyer.com](mailto:hayes@hayesthelawyer.com)>

**Sent:** Wednesday, January 31, 2018 7:18:51 AM

**To:** Kelly Tayara; Peter Corelis; PCD; Joe Levan; Kimberly McCormick Osmond; Mack Pearl; Don Doman; Jon Quitslund; William Chester; Lisa Macchio; Michael Killion; Sarah Blossom

**Subject:** Wallace Cottages project

City Staff, Planning Commission and City Attorney,

I represent Central Highlands, Inc. and Wallace Cottages, LLC. At the last Planning Commission meeting, my clients' Wallace Cottages project was on the agenda. As you know, a neighboring property owner, Stephen Crampton, has asserted an adverse possession claim against my clients' property. As I have previously explained (in a 1/25/18 e-mail to Kelly Tayara, attached), it is not possible for Mr. Crampton (or anyone else) to adversely possess my clients' property because it is held for a public purpose – that is, COBI has an above- and below-ground right of way easement for sanitary sewer in the property. The applicable statute is RCW 7.28.090. I also attach a Washington case, *Kiely v. Graves*, that interprets and applies this statute, as well as an article by a Seattle law firm discussing the import of *Kiely v. Graves*. Because the sewer easement is a right of way, COBI is legally obligated to protect this important public infrastructure, and accordingly should remove Mr. Crampton's encroachments.

I must point out that COBI has been slow in processing my clients' project – we are way beyond the 90-day decision deadline – and further delay is not acceptable, especially if the cause of delay is a meritless claim by a neighbor. Mr. Crampton's claim – which he reiterated at the recent Planning Commission meeting by making baseless claims of ownership and use rights, and which has resulted in a special exception in my clients' title insurance policy – is a slander against my clients' title, and any resultant delay will only add to my clients' damages. The Planning Commission has all the information it needs to make its advisory decision that will be considered by the Hearing Examiner, and I implore it to do so as soon as possible. If the Planning Commission does not wish to make a recommendation, then it should submit a "no decision" memo to the Hearing Examiner. The point is that there should be no further delay in the processing of my clients' project en route to the Hearing Examiner.

Finally, below my signature block is a memo from my clients with input on other aspects of the project. As the body charged with upholding the Comprehensive Plan, I submit that the Planning Commission should be championing my clients' project because as pointed out below, the project furthers many of the goals of the Comprehensive Plan.

Sincerely,  
Hayes Gori

COBI COMPREHENSIVE PLAN, WHICH INCORPORATES THE HDDP GOALS WAS THE SUBJECT OF EXTENSIVE PUBLIC HEARINGS AND INPUT FROM THE PLANNING COMMISSION.

1. THE HDDP PLAN HAS BEEN EXTENDED ALMOST YEARLY FOR THE PAST SEVERAL YEARS AND WILL HAVE TO BE EXTENDED AGAIN FOR 2018. THEREFORE, THE PLANNING COMMISSION HAS HAD TO HAVE HAD INPUT AND LIKELY APPROVAL OF HDDP PLAN. THEREFORE, NEITHER THE NEIGHBORS OR THE PC MEMBERS HAVE ANY LEGAL, MORAL OR VALID TRAFFIC DANGER COMPLAINTS WHEN HDDP PROJECTS ARE DEVELOPED IN THE GEOGRAPHICALLY APPROVED AREAS OF BAINBRIDGE (COBI SEWER DISTRICT BOUNDARIES). ALL OF THOSE ISSUES, INCLUDING INCREASED TRAFFIC DUE TO THE INCREASED DENSITY ALLOWED BY HDDP PROJECTS, ARE ALLOWED IN ORDER TO MEET THE GOALS OF THE COMPREHENSIVE PLAN. HOWEVER, MITIGATION EFFORTS SHOULD BE ALLOWED AND ENCOURAGED TO LESSEN THE TRAFFIC AND OTHER IMPACTS RESULTING FROM HIGHER RESIDENTIAL DENSITIES AS I HAVE NOTED BELOW.

NOTE: GROWTH MANAGEMENT GOALS ALONG WITH COMMENTS FROM THE PC MEMBERS THEMSELVES SHOW THEY SUPPORT HIGHER DENSITIES IN THE URBAN CORE BECAUSE: 1. INCREASED RESIDENTIAL DENSITY IN THE CORP ALLOWS WORKING FAMILIES TO WALK TO THE FERRY, WALK TO SHOPPING, WALK TO SCHOOLS, WALK TO CITY HALL AND SO ON, THUS DECREASING THE USE OF CARS REGARDLESS OF HOW MANY PARKING SPACES ARE AVAILABLE PER HOME. WALLACE COTTAGE IS A "POSTER CHILD" PROJECT IN MEETING THESE GOALS. ADDITIONALLY, HDDP PROJECTS HAVE ATTRACTED FAMILIES WITH CHILDREN WHO ARE DESPERATELY NEEDED TO OFFSET THE DECLINING SCHOOL POPULATION AND INCREASING GENTRIFICATION OF BAINBRIDGE.

NAKATA/TAURNIC NEIGHBORHOOD MITIGATION POSSIBILITIES TO REDUCE INCREASED DANGER FROM INCREASED TRAFFIC

1. INSTALL A 4 WAY STOP INTERSECTION AT WALLACE AND NAKATA THAT CURRENTLY HAS ONLY 1 STOP FOR TAURNIC AT WALLACE ALONG WITH INSTALLING A NO RIGHT TURN AS OUR WALLACE INTERSECTS NAKATA, THUS FORCING WALLACE COTTAGES TRAFFIC TO GO ONLY TO GROW AVE. THE NEIGHBORS WHO TESTIFIED SPOKE ONLY OF

PROTECTING NAKATA FROM INCREASED TRAFFIC. TAURNIC IS A CULDESAC THUS THERE IS NO REASON FOR OUR TRAFFIC TO ENTER TAURNIC EXCEPT TO VISIT A NEIGHBOR.

2. OR CLOSE NAKATA AVE. WITH AN EMERGENCY ONLY ACCESS "SEATTLE STYLE BERMED EMERGENCY ACCESS PASSTHRU WITHOUT BARRIERS" LEAVING THE ACCESS TO NAKATA ONLY AT THE NORTH END.

3. THE PC MEMBERS AND NEIGHBORS CAN USE OUR SUGGESTED PLAN OF WITHHOLDING A FREE "VACATION" OF DUANE LANE TO THE OHRT GROUP UNLESS THE OHRT GROUP USES OUR 15' FLAG ALONG WITH A DEDICATION OF THEIR PROPERTY TO CREATE AN "EASTERN EXTENSION OF WALLACE RIGHT OF WAY FROM THE WALLACE COTTAGES BOUNDARY TO MADISON AVE. WITH A FREE VACATION OF DUANE AVENUE THE OHRT GROUP GAINS OWNERSHIP OF DUANE LANE EASEMENT AND THE PARALLEL PSE UTILITY EASEMENT AND GAINS A \$400,000 LAND VALUE. THEN THE ACCESS TO WALLACE COTTAGES CAN BE FROM MADISON AVENUE VERSUS THROUGH THE NAKATA/TAURNIC NEIGHBORHOOD.

NOTE: SEATTLE TICKETS DRIVERS WHO USE THESE EMERGENCY PASSTHROUGHS ARE SUBJECT TO TRAFFIC TICKETS.

**LAW OFFICE OF HAYES GORI, PLLC**

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## Jane Rasely

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**From:** Stephen Crampton <SteveSings@gmail.com>  
**Sent:** Sunday, March 25, 2018 11:11 PM  
**To:** PCD; Kelly Tayara; Mack Pearl; Sarah Blossom; Ron Peltier; City Admin; Joe Levan  
**Cc:** Spence, Michael A.; hayes@hayesthelawyer.com  
**Subject:** Re: Wallace Cottages project (PLN50589 SUB)

Dear Ms. Tayara,

Would you please notify me once Wallace Cottages has submitted a new site plan or any other documents relating to the agreement with the City regarding the access road? I'm very interested in seeing what kind of setbacks and boundaries are shown on the plan.

Thanks,  
Stephen Crampton

On Mon, Mar 12, 2018 at 10:57 PM Stephen Crampton <[SteveSings@gmail.com](mailto:SteveSings@gmail.com)> wrote:

Dear Ms. Tayara,

I am writing to express my concerns about the inadequate setbacks and lack of buffering for adjacent homeowners in the Wallace Cottages site plan that was shown at the February 8, 2018 Planning Commission meeting. Indeed, the site plan proposes to build a house on my property! Unless these concerns are met, the City should deny the application.

The February 8 plan allowed only 5-foot setbacks between adjacent properties and buildable areas in the Wallace Cottages subdivision. The plan furthermore did not retain any trees along the subdivision boundary, nor did it specify any landscaping to buffer the development from existing homes. The existing homes immediately adjacent to the proposed subdivision are zoned R4.3 and have 15-foot setback requirements.

The developer's attorney has asserted that only 5-foot setbacks are required under HDDP regulations. However, those regulations also state the following: "The applicant has demonstrated how relief from specific development standards, including setback reductions, lot coverage and/or design guidelines, is needed to achieve the desired innovative design and the goals of this chapter;" BIMC 2.16.020(Q)(5)(b)

There has been no showing that the 5-foot setback is "needed to achieve the desired innovative design" of the project. Indeed, at the February 8 meeting, the developer asserted that placing buildings that close to the subdivision boundary was not in fact required. Given that a 5-foot setback is not "needed," nor does it achieve "innovative design," the City should require a 15-foot setback. Within the setback, the developer should leave existing trees and provide additional landscaping to shield the development visually and auditorily from existing homes.

My property borders the development at the fence lines on the southern and eastern boundaries of my side and back yards. As shown in the attached survey, the eastern fence extends as much as 15 feet into the subdivision. The February 8 plan shows a house within 5 feet of the subdivision's asserted boundary. That would put the house 10 feet inside my property line! Clearly this has to be changed before it can be approved.

Moreover, as you know, there is a sewer easement along both boundaries between my property and the development. Regardless of exactly where the boundaries lie, the developer cannot construct houses on top of a sewer easement. That is another defect in the application.

Given my property rights and the existence of the easement, the City should require a setback to 15 feet from my eastern and southern fence lines, or to the boundary of the easement, whichever is greater. Further, the development should be buffered from my property by leaving any existing trees and dedicating the region as open space to prevent removal of trees in the future.

On a side note, the developer's attorney has asserted that the sewer easement defeats my legal claims, but my Complaint is carefully tailored to render that defense frivolous. I am explicitly excluding the easement from my requested relief. Here is a sample request from my Complaint: "An order of the Court granting fee simple title to the portion of Parcel 155 from Plaintiff's Property up to and including the South Fence through the doctrines of adverse possession and/or mutual recognition and acquiescence, subject to the 'North Interceptor' sewer easement."

I was planning to file the Complaint last week, but the developer's attorney requested that I hold off until the developer's current negotiations with the City conclude. If the developer still plans to run the road to Nakata, fails to recognize my property rights, or fails to provide setbacks and buffering for me and my neighbors, I fully intend to proceed with the lawsuit.

To prevent that from happening, and to allow the development to move forward, the City should insist on the access road to Madison, as well as setbacks and buffering, as a condition of approval of the Wallace Cottages application.

Respectfully,  
Stephen C. Crampton

**Jane Rasely**

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**From:** City Clerk  
**Sent:** Monday, February 26, 2018 8:59 AM  
**To:** PCD  
**Subject:** FW: Thank you.

Please forward Planning Commission. Thanks.

**From:** Venera Di Bella Barles [mailto:veneradibella32@gmail.com]  
**Sent:** Saturday, February 24, 2018 10:11 PM  
**To:** City Clerk <cityclerk@bainbridgewa.gov>  
**Subject:** Thank you.

City Hall  
280 Madison Avenue North  
Bainbridge Island, WA 98110

To The Planning Commission:

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I want to thank all of you for giving so much effort and for listening to us. Believe me, I will not be stealing your

job. Satisfying folks can be a thankless one. But we, me, appreciate your work.

I am not up on all the issues of Wallace Cottages and nearby proposed changes, as are my good neighbors - but I can tell when some ideas just don't work and they shouldn't work if not planned out well. Since I've sent a couple of letters on the subject - I don't need to restate my hopes for this turnout.

One thought, if I may? What I don't understand, is how do developers get so far in their plans? Why build so many homes without leaving enough space for the necessary roads? Poor planning? There is no reason to disturb a good working neighborhood to accommodate poor planning - and we end up paying a heavy price.

Again, thank you for letting me spout like Vesuvius. I trust you will come to a good decision.

Sincerely,

Venera Di Bella Barles  
302 Wallace Way NW  
Bainbridge Island

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# Fence Location Sketch

SE 1/4 NE 1/4,  
SEC.27, T.25N., R.2E., W.M.

City of Bainbridge Island, Kitsap County, Washington

Clayton Place NW

City of Winslow Short Plot  
Auditor's File No. 8002080100

Stephen Crampton

20' Easement

Right-of-way

Wallace Way NW

Right-of-way

2'

6' Board fence

Preliminary Plot of  
Wallace Way Cottages

2.9'

14.8'

Deer fence

Note:  
The North and South ends of the deer fence were located in February of 2017 and the fence was depicted as being straight between these locations at that time. Upon further investigation we located more of the fence line and found that the Southern portion of the fence does not follow the property line as shown.

2/8/18



Scale: 1"=30'

Assumed

ADAM • GOLDSWORTHY • OAK

A G O LAND SURVEYING, LLC

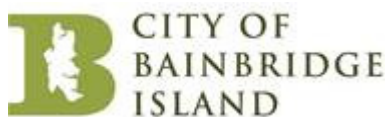
DRAWING 6173M DATE 2/8/18

## Carla Lundgren

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**From:** PCD  
**Sent:** Thursday, February 08, 2018 9:13 AM  
**To:** Carla Lundgren  
**Subject:** FW: Wallace Cottages project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Jane Rasely**

Administrative Specialist

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**From:** Kelly Tayara  
**Sent:** Thursday, February 8, 2018 8:12 AM  
**To:** PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>  
**Subject:** FW: Wallace Cottages project

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**From:** Jon Quitslund  
**Sent:** Wednesday, February 07, 2018 10:36 AM  
**To:** Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>; Gary Christensen <[gchristensen@bainbridgewa.gov](mailto:gchristensen@bainbridgewa.gov)>; Peter Corelis <[pcorelis@bainbridgewa.gov](mailto:pcorelis@bainbridgewa.gov)>  
**Cc:** Mack Pearl <[mack.pearl@cobicommittee.email](mailto:mack.pearl@cobicommittee.email)>  
**Subject:** re: Wallace Cottages project

Hello Kelly, Gary, and Peter --

I am preparing for tomorrow's Planning Commission meeting. While I assume that it won't be appropriate to have any discussion of the merits of the Wallace Cottages project, I hope that it will be possible to provide the P C with some background information.

I am especially concerned about vehicular traffic into and out from the site. In my view, if providing for traffic to and from Madison Avenue is not possible, it will be hard to justify the additional density. The file shows that in its early stages, and up to the time the Utility Plan was prepared by Seabold Engineering (dated 4/26/2017), it was assumed that two-way traffic on an extension of Wallace Way could be provided for.

Why did that plan prove not to be feasible?

As you know, there is neighborhood opposition to making Wallace Way a two-way street between Grow and Madison, and I think that is legitimate. There is also opposition to making Wallace Way the only two-way route for vehicular traffic serving the Wallace Cottages, and again I think that is legitimate.

The P C has many facts to weigh in considering this project, and I also believe that it's a matter of some urgency, so I hope that we can make some decisions about next steps toward the end of the meeting on Feb. 8.

Sincerely,

Jon Quitslund

## Carla Lundgren

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**From:** PCD  
**Sent:** Friday, February 02, 2018 1:58 PM  
**To:** Carla Lundgren  
**Subject:** FW: the Wallace Cottages proposal and other development plans

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Jane Rasely**  
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**From:** Kelly Tayara  
**Sent:** Thursday, February 1, 2018 8:04 AM  
**To:** PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>  
**Subject:** FW: the Wallace Cottages proposal and other development plans

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**From:** Jon Quitslund  
**Sent:** Wednesday, January 31, 2018 12:24 PM  
**To:** Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>; Gary Christensen <[gchristensen@bainbridgewa.gov](mailto:gchristensen@bainbridgewa.gov)>  
**Subject:** re: the Wallace Cottages proposal and other development plans

Hello Kelly and Gary,

This will be brief. The Wallace Cottages HDD project raises many hard-to-handle issues, and the other concurrent plans for development in the vicinity between Madison and Grow Avenues may introduce even more and harder-to-handle problems.

I have used the link to SmartGov and have reviewed some of the documents in the Wallace Cottages project file. I must say they raise many more questions than they answer. I am inclined to doubt that, as proposed, the project truly qualifies for HDDP status.



The fact that several projects are crowding almost simultaneously into a relatively small area calls out for coordinated planning. I believe the cumulative traffic impacts, along with the impacts of impervious surface coverage, have to be considered together.

I have duly noted the complaint that delays in the planning process have been frustrating to the Wallace Cottages applicants, but I have also seen that there have been several changes in plans, as assumptions proved to be untenable. Perhaps I'm mistaken, but it doesn't appear that the City has been responsible for delays. And the City isn't responsible for poor judgment in the design or build-out of the project, but when it's permitted, who bears the blame?

Sincerely,

Jon Quitslund

## Carla Lundgren

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**From:** PCD  
**Sent:** Thursday, February 08, 2018 9:14 AM  
**To:** Carla Lundgren  
**Subject:** FW: Wallace Cottages - Legal Issues  
**Attachments:** Fence location sketch.pdf

**Importance:** High

**Follow Up Flag:** Follow up  
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**Jane Rasely**

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**From:** Hayes Gori [mailto:hayes@hayesthelawyer.com]  
**Sent:** Thursday, February 8, 2018 8:10 AM  
**To:** Kelly Tayara <ktayara@bainbridgewa.gov>; Peter Corelis <pcorelis@bainbridgewa.gov>; PCD <pcd@bainbridgewa.gov>; Sarah Blossom <sblossom@bainbridgewa.gov>; Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Mack Pearl <mack.pearl@cobicommittee.email>; Jon Quitslund <jon.quitslund@cobicommittee.email>; Don Doman <Don.Doman@cobicommittee.email>; Lisa Macchio <lisa.macchio@cobicommittee.email>; Michael Killion <michael.killion@cobicommittee.email>; William Chester <william.chester@cobicommittee.email>  
**Cc:** Joe Levan <jlevan@bainbridgewa.gov>; Spence, Michael A. <mspence@helsell.com>  
**Subject:** FW: Wallace Cottages - Legal Issues  
**Importance:** High

City Staff & Planning Commission,

Mr. Crampton's assertion below that his metal fence encroaches onto my clients' property to the east is false. Attached is a surveyor sketch that shows the location of the fence (labeled as "6' Deer fence"). As you can see, it runs along the property line and does not encroach to the east.

As with Mr. Crampton's invalid adverse possession claim, this false claim regarding his metal fence is not an issue and is not a basis to delay my clients' project.

Sincerely,  
Hayes Gori

**From:** Steve Crampton <[stephencrampton@gmail.com](mailto:stephencrampton@gmail.com)>  
**Date:** February 7, 2018 at 2:00:56 PM PST

**To:** Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>, PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>  
**Cc:** [kimberly.mccormick.osmond@cobicommittee.email](mailto:kimberly.mccormick.osmond@cobicommittee.email), [mack.pearl@cobicommittee.email](mailto:mack.pearl@cobicommittee.email),  
[don.doman@cobicommittee.email](mailto:don.doman@cobicommittee.email), [jon.quitslund@cobicommittee.email](mailto:jon.quitslund@cobicommittee.email),  
[lisa.macchio@cobicommittee.email](mailto:lisa.macchio@cobicommittee.email), [william.chester@cobicommittee.email](mailto:william.chester@cobicommittee.email),  
[michael.killion@cobicommittee.email](mailto:michael.killion@cobicommittee.email), [sblossom@bainbridgewa.gov](mailto:sblossom@bainbridgewa.gov), "Spence, Michael A."  
<[mspence@helsell.com](mailto:mspence@helsell.com)>, smithhouse4 <[smithhouse4@comcast.net](mailto:smithhouse4@comcast.net)>, "Smith, Nick"  
<[nick.centralhighlands@gmail.com](mailto:nick.centralhighlands@gmail.com)>  
**Subject:** Wallace Cottages - Legal Issues

Dear Kelly et al.,

Has the developer submitted updated plans in response to the last Planning Commission meeting? I recall there were questions regarding his plans to build with only a 5-foot setback from property lines.

I'm attaching a map I found on the city website: <https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/558bc0af-b452-4a9e-a5d9-a762012f1193?conv=1>

According to the plan, the developer proposes a 5-foot setback for what is labelled as lot 18, immediately east of my backyard. However, my backyard is enclosed by a metal fence that extends as much as 10 feet into lot 18. I have documentation that the metal fence has existed on my property since at least 2005, and the land up to and including the fence has been continuously maintained since then.

To clarify the situation, I'm attaching a map showing the approximate positions of the fences bounding my property. The wooden fence discussed in the last Planning Commission meeting is indicated in red. The metal fence is indicated in blue.

## Jane Rasely

---

**From:** Hayes Gori <hayes@hayesthelawyer.com>  
**Sent:** Tuesday, February 6, 2018 1:59 PM  
**To:** Joe Levan  
**Cc:** Kelly Tayara; Peter Corelis; PCD; Kimberly McCormick Osmond; Mack Pearl; Don Doman; Jon Quitslund; William Chester; Lisa Macchio; Michael Killion; Sarah Blossom  
**Subject:** Wallace Cottages project - Planning Commission review  
**Importance:** High

Hello Joe,

I write regarding J. Mack Pearl's e-mail below, which is concerning in several regards. First, since Mr. Pearl sent his e-mail – in which he discusses the Wallace Cottages project – to all of the Planning Commission (PC) members, the e-mail was a private meeting in violation of the Open Public Meetings Act (OPMA). At the end of the January 25 meeting, the PC members were reminded of the requirements of the OPMA. As you know, violations of the OPMA can result in personal liability for the violators, an award of attorney fees, and nullification of any subsequent decision by the PC regarding Wallace Cottages.

Second, Mr. Pearl's e-mail betrays the PC's mistaken belief (according to Mr. Pearl) that it cannot submit its recommendation until Mr. Crampton's claim has been resolved. This is incorrect for three reasons. First, the PC does not have a quasi-judicial role in this context, and consequently resolution of legal issues is not within its purview. The PC's role here is set forth in BIMC 2.14.B.3: *Review and make recommendations on all housing design demonstration project applications pursuant to BIMC 2.16.020.Q, including those housing design demonstration project applications involving land subdivision, based on a comprehensive review of the project at a public meeting.* In carrying out their duties, per BIMC.C.1, "[e]ach commissioner shall endeavor to understand and agree to uphold the city's adopted comprehensive plan." Second, Mr. Crampton's claim is meritless. This is not only my opinion, but it is also the opinion of City Staff, which I assume consulted with you on the matter. Third, my clients have made a workaround proposal (which meets all of the legal requirements) that renders Mr. Crampton's claim irrelevant for purposes of evaluating my clients' project. For each of these reasons, Mr. Crampton's claim is not a valid basis for delaying my clients' project.

The procedure to be followed by the PC is set forth in BIMC.G: *The planning commission will consider the land use applications at a public meeting and shall recommend approval, approval with conditions, or denial of an application. . . . In making a recommendation, the planning commission shall consider the applicable decision criteria of this code, the comprehensive plan, all other applicable law, any necessary documents and approvals, and any testimony presented verbally or in writing at the public meeting. If the applicable criteria are not met, the planning commission shall recommend the proposal be subject to conditions or denied. A planning commission recommendation is not a final decision and is not subject to appeal. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director and/or the hearing examiner, as applicable. (emphasis added).*

The PC's role is limited to considering the land use application based on the information provided, applicable law, and public testimony. That's it. No further inquiry or review or process is authorized. Once the PC has completed its prescribed review, the next step is to submit a recommendation of approval, approval with conditions, or denial. That's it. No other action is authorized. As far as timing, the PC's recommendation shall be transmitted immediately to the decision-maker. No delay is authorized.

Third, the fact that the PC prefers (according to Mr. Pearl) that the access for my clients' project come from Madison is not a valid basis for delay. My client made every effort to have the access come from Madison (discussed in more detail

in my clients' memo below my signature block), but for various reasons it did not work out. If it is to happen now, it will take City action, which is beyond my client's control. In any event, my clients' project has a City Staff-approved access plan. If the PC wants to recommend an alternative access plan to the Hearing Examiner, it is free to do so, but, again, this is not a valid basis for delay.

Fourth, Mr. Pearl's e-mail indicates that the PC has misgivings about the design and HDDP scoring of my clients' project. First of all, City Staff scored the project and believes it meets the requirements of the HDDP ordinance. The Design Review Board concurs. What is the basis of the PC's belief (according to Mr. Pearl) that the scoring of the project is incorrect? Even though my clients have already run the gauntlet of HDDP approval, below my signature block is a memo (in all caps) from my clients explaining ways in which their project is innovative. (Note: The innovations set forth below are in addition to those that were considered by City Staff for purposes of HDDP scoring.) Second, if the PC has misgivings about the design and/or scoring, the proper course of action is not delay but rather a recommendation to the Hearing Examiner.

Fifth, Mr. Pearl states that his goal is to work together with applicants and the neighborhood to make the resultant project work for all concerned; that it would be great if my clients' project turns out to be an asset to the neighborhood; and that he hopes to work together to get a positive recommendation to the Hearing Examiner. All of these statements betray a misunderstanding of the PC's role. The PC's role is not to broker a deal between the applicant and the neighborhood. Tensions between developers and neighborhoods are inherent. The PC's role is not to resolve these tensions but rather to review projects to ensure compliance with the Comprehensive Plan and other applicable law. Likewise, the PC's role is not to ensure that projects are an "asset" to the neighborhood. This reeks of subjective evaluation. Again, the PC's role is to ensure that projects comply with applicable law, which in this case means the HDDP ordinance, which, if satisfied, means, objectively, that the project is an asset. Finally, it is not the PC's role to work with the applicant to formulate a positive recommendation. I submit, as does City Staff, that a positive recommendation is warranted in my clients' case, but if the PC respectfully disagrees then it should submit an other-than-positive recommendation. None of Mr. Pearl's goals/hopes is a valid basis for delay.

As you know, my clients' project is well past the 90-day approval deadline. My clients have been gracious and understanding with the delays to date. However, my clients are not willing to endure further delay, especially when there is no valid basis for it.

On behalf of my clients, I request your assistance in facilitating the expeditious completion of the PC's review of my clients' proposal in accordance with applicable law. The PC's next meeting is this Thursday, February 8. I plan to attend, and I request that you attend as well. I see no reason why the PC cannot complete its review of my clients' proposal at this meeting. Please let me know if you do not think this is possible and, if so, why not.

Sincerely,  
Hayes Gori

1. BUILDING DESIGN: FOLLOWING A RECOMMENDATION FROM THE COBI DESIGN REVIEW BOARD TO REDESIGN OUR HOMES ON THE LOTS WE MOVED THE 2 PARKING SPACES AWAY FROM THE FRONT OF THE HOUSE TO ALLEVIATE THE "CAR CENTRIC" FEEL OF THE PROJECT. WE RE-DESIGNED ALL OF OUR HOME MODELS TO BE NARROW ENOUGH TO ALLOW ROOM FOR PARKING ON THE SIDE AND BETWEEN THE HOMES, RECESSED FROM THE FRONT PLAIN OF THE HOME TO ELIMINATE CAR PARKING FROM VIEW. OUR HOMES ARE OF HIGH QUALITY DESIGN AS PER THE SCHEMATIC RECOMMENDED COTTAGE/HOUSE DESIGN IN COBI'S DESIGN GUIDELINES. OUR HOMES ARE QUALITY CONSTRUCTION THAT INCLUDES A 10 YEAR HOME OWNERS WARRANTY. BY INNOVATIVELY DESIGNING OUR HOMES AND LOTS TO ACCOMMODATE 2 CARS PER HOME, VERSUS A LOWER NUMBER OF PARKING SPACES PER HOME, WE ARE ALSO MEETING AN HDDP REQUIREMENT TO REDUCE THE IMPACT OF HOMEOWNERS WHO WILL HAVE 2 CARS, REGARDLESS OF WHETHER OR NOT THEIR HOME HAS 2 SPACES, TO ELIMINATE THEIR NEED TO PARK IN THE SURROUNDING NEIGHBORHOODS. THE GROW AVENUE COMMUNITY HOMEOWNERS' BIGGEST COMPLAINT IS THE REMOTE AND INADEQUATE PARKING FOR THEIR HOMES.

2. INNOVATIVE SITE DEVELOPMENT: OUR CIVIL ENGINEER, KELSEY LAUGHLIN, OWNER OF SEABOLD ENGINEERING, DEVELOPED AN INNOVATIVE STORM WATER SOLUTION THAT WILL CAPTURE THE CURRENT STORM WATER RUNOFF FROM THE NAKATA, TAURNIC AND PROPOSED WALLACE COTTAGES PROJECT BY COLLECTING THIS STORM RUNOFF AND CONVEYING THE STORM FLOW BY PIPE TO THE MADISON AVE STORM SYSTEM. COBI PUBLIC WORKS HAS AGREED THAT WITH OUR UPGRADING A SECTION OF THE EXISTING 12" STORM PIPE IN MADISON TO 24" AT OUR EXPENSE WE WILL HAVE ACHIEVED THE BEST SOLUTION TO HANDLING ALL OF OUR AND THE OFFSITE NEIGHBORHOOD STORM FLOWS AS WELL. PROJECTS, SUCH AS THE MADISON COURTYARDS, WILL BE RELIEVED OF ACCEPTING THE CURRENT STORM FLOW THAT HAS CONTINUOUSLY FLOODED THEIR CRAWL SPACES AND CAUSED OTHER RELATED STORM FLOW ISSUES. FOR THE RECORD, AS PER RCW, OUR PROJECT IS ONLY REQUIRED TO PROVIDE ENOUGH DETENTION OF STORM WATERS TO MATCH PRE-EXISTING CONDITIONS. BECAUSE OUR GEO-TECH REPORT NOTES THAT OUR SITE'S SOILS WILL NOT ALLOW APPRECIABLE PERCOLATION OF STORM WATERS, VIRTUALLY ALL OF THE CURRENT STORM WATERS NOW FLOW ACROSS ALL PROPERTIES IN ITS FLOW PATTERN TO MADISON AVE WHERE IT IS CAPTURED BY THE MADISON AVENUE'S CATCH BASINS AND INTO THE MADISON STORM SYSTEM.

3. TRAFFIC IMPACTS - INNOVATIVE POSSIBLE SOLUTIONS: THOUGH WE WERE NOT LEGALLY REQUIRED TO MITIGATE, OR OBTAIN ACCESS OTHER THAN VIA WALLACE WAY THROUGH THE INTERSECTION OF NAKATA AND TAURNIC TO GROW AVENUE FOR OUR PROJECTS ACCESS, WE DID ATTEMPT THESE FOLLOWING ALTERNATIVE INNOVATIVE SOLUTIONS TO REDUCE TRAFFIC IMPACTS: WE ATTEMPTED TO DO A JOINT VENTURE TO GAIN A 30' RW FROM EITHER THE REHAB CENTER OR THE OHRT GROUP THAT OWNS THE VET CLINIC. THOUGH WE WERE UNABLE TO COMPLETE AN AGREEMENT WITH EITHER OF THESE PARTIES, WE DID PROVIDE A STRATEGY THAT ONLY COBI COULD PURSUE TO CONVINCE THE OHRT GROUP THAT COOPERATING WITH US TO CREATE WALLACE WAY FROM MADISON AVE. WAS IN THEIR BEST INTERESTS. BECAUSE COBI DETERMINED THAT DUANE LANE WAS A COBI RW AND NOT OWNED BY THE OHRT GROUP THEY COULD OFFER THE OHRT GROUP A "FREE VACATION" OF THE DUANE LANE RW ALLOWING THE OHRT GROUP TO GAIN OWNERSHIP AND USE OF THE RW VALUED IN EXCESS OF \$300,000 IN EXCHANGE FOR THE OHRT GROUP TO CONSTRUCT WALLACE WAY FROM MADISON VERSUS DUANE LANE FOR ACCESS TO THEIR AND OUR PROJECTS. NEVERTHELESS, WALLACE COTTAGES STILL HAS THE OPTION OF USING THE EXISTING WALLACE RW AS ACCESS TO GROW AVENUE REGARDLESS OF THE SUCCESS OF OBTAINING WALLACE WAY ACCESS TO MADISON.

BY CREATING A 4 WAY STOP INTERSECTION WITH WALLACE WAY, NAKATA AND TAURNIC ALONG WITH A "NO RIGHT TURN" ONTO NAKATA FOR CARS EXITING WALLACE COTTAGES VIA WALLACE WAY, ANY NAKATA TRAFFIC IMPACTS WILL LARGELY BE ELIMINATED. ADDITIONALLY, THE COMPREHENSIVE PLAN GOALS FOR AFFORDABLE AND VARIABLE HOUSING ALLOW HDDP PROJECTS TO BE LOCATED ANYWHERE IN THE COBI SEWER DISTRICT, THUS ACKNOWLEDGING THAT TRAFFIC IMPACTS FROM THESE PROJECTS MUST BE ACCOMMODATED OR THE GOALS OF THE COMPREHENSIVE PLAN CANNOT BE ACHIEVED.

4. COMMON OPEN SPACE: OUR INNOVATIVE LOT DESIGN AND LAYOUT ALLOWED US TO CREATE OVER 20,000SF OF ACTIVE AND PASSIVE OPEN SPACE COMPARED TO THE REQUIRED 7600SF (400SF PER UNIT X 19 HOME=7600SFT).

WE LOCATED THE PLAYGROUND, "ACTIVE OPEN SPACE", AT THE NORTH END OF THE PROJECT SO THAT NOT ONLY THE WALLACE COTTAGES PROJECT COULD ENJOY THE PLAYGROUND, BUT ALSO THE NAKATA AND TAURNIC NEIGHBORHOODS. ADDITIONALLY, ALL THE PEDESTRIANS, SUCH AS FAMILIES WITH CHILDREN, USING THE PATHWAY WE ARE DEDICATING TO COBI TO MADISON, CAN ALSO ENJOY THE PLAYGROUND.

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**From:** Mack Pearl [<mailto:mack.pearl@cobicommittee.email>]

**Sent:** Wednesday, January 31, 2018 2:39 PM

**To:** Hayes Gori <[hayes@hayesthelawyer.com](mailto:hayes@hayesthelawyer.com)>; Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>; Peter Corelis <[pcorelis@bainbridgewa.gov](mailto:pcorelis@bainbridgewa.gov)>; PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>; Joe Levan <[jlevan@bainbridgewa.gov](mailto:jlevan@bainbridgewa.gov)>; Kimberly McCormick Osmond <[Kimberly.McCormick.Osmond@cobicommittee.email](mailto:Kimberly.McCormick.Osmond@cobicommittee.email)>; Don Doman <[Don.Doman@cobicommittee.email](mailto:Don.Doman@cobicommittee.email)>; Jon Quitslund <[jon.quitslund@cobicommittee.email](mailto:jon.quitslund@cobicommittee.email)>; William Chester <[william.chester@cobicommittee.email](mailto:william.chester@cobicommittee.email)>; Lisa Macchio <[lisa.macchio@cobicommittee.email](mailto:lisa.macchio@cobicommittee.email)>; Michael Killion <[michael.killion@cobicommittee.email](mailto:michael.killion@cobicommittee.email)>; Sarah Blossom <[sblossom@bainbridgewa.gov](mailto:sblossom@bainbridgewa.gov)>

**Subject:** Re: Wallace Cottages project

Hayes Gori,

I am the chair of the Planning Commission and an Architect not a Lawyer. We as planning Commission members are not equipped to determine legal access issues. I don't know if you or Mr. Crampton has the winning legal claim. We (I am mostly speaking for myself, but there seemed to be consensus on the committee) think that all legal access issues must be resolved before we can determine if an application follows the Comprehensive Plan. We would like the access for your project to come from Madison per your suggestion #3 in the capitalized section of your letter. This may take time to resolve. The second issue is that HDDP projects are supposed to be Demonstrations of innovative design. None of us on the PC felt that the project was innovative or even an example of good design. The pea patch and playground on the North edge of the project with limited solar access and requiring the cutting of a forest seem very problematic. It may turn out that this project meets the minimum requirements of the HDDP ordinance, but we are not yet convinced of this fact. We believe that the scoring of the project is incorrect. My goal is to work together with applicants and the neighborhood and to make the resultant project work for all concerned. It would be great if your project turns out to be an asset to the neighborhood and meets the goals of the Comprehensive Plan. I hope we can work together on completing our review and getting a positive recommendation to the Hearing Examiner.

Thank You

J. Mack Pearl - Chair PC

---

**From:** Hayes Gori <[hayes@hayesthelawyer.com](mailto:hayes@hayesthelawyer.com)>

**Sent:** Wednesday, January 31, 2018 7:18:51 AM

**To:** Kelly Tayara; Peter Corelis; PCD; Joe Levan; Kimberly McCormick Osmond; Mack Pearl; Don Doman; Jon Quitslund; William Chester; Lisa Macchio; Michael Killion; Sarah Blossom

**Subject:** Wallace Cottages project

City Staff, Planning Commission and City Attorney,

I represent Central Highlands, Inc. and Wallace Cottages, LLC. At the last Planning Commission meeting, my clients' Wallace Cottages project was on the agenda. As you know, a neighboring property owner, Stephen Crampton, has asserted an adverse possession claim against my clients' property. As I have previously explained (in a 1/25/18 e-mail to Kelly Tayara, attached), it is not possible for

Mr. Crampton (or anyone else) to adversely possess my clients' property because it is held for a public purpose – that is, COBI has an above- and below-ground right of way easement for sanitary sewer in the property. The applicable statute is RCW 7.28.090. I also attach a Washington case, *Kiely v. Graves*, that interprets and applies this statute, as well as an article by a Seattle law firm discussing the import of *Kiely v. Graves*. Because the sewer easement is a right of way, COBI is legally obligated to protect this important public infrastructure, and accordingly should remove Mr. Crampton's encroachments.

I must point out that COBI has been slow in processing my clients' project – we are way beyond the 90-day decision deadline – and further delay is not acceptable, especially if the cause of delay is a meritless claim by a neighbor. Mr. Crampton's claim – which he reiterated at the recent Planning Commission meeting by making baseless claims of ownership and use rights, and which has resulted in a special exception in my clients' title insurance policy – is a slander against my clients' title, and any resultant delay will only add to my clients' damages. The Planning Commission has all the information it needs to make its advisory decision that will be considered by the Hearing Examiner, and I implore it to do so as soon as possible. If the Planning Commission does not wish to make a recommendation, then it should submit a "no decision" memo to the Hearing Examiner. The point is that there should be no further delay in the processing of my clients' project en route to the Hearing Examiner.

Finally, below my signature block is a memo from my clients with input on other aspects of the project. As the body charged with upholding the Comprehensive Plan, I submit that the Planning Commission should be championing my clients' project because as pointed out below, the project furthers many of the goals of the Comprehensive Plan.

Sincerely,  
Hayes Gori

#### COBI COMPREHENSIVE PLAN, WHICH INCORPORATES THE HDDP GOALS WAS THE SUBJECT OF EXTENSIVE PUBLIC HEARINGS AND INPUT FROM THE PLANNING COMMISSION.

THE HDDP PLAN HAS BEEN EXTENDED ALMOST YEARLY FOR THE PAST SEVERAL YEARS AND WILL HAVE TO BE EXTENDED AGAIN FOR 2018. THEREFORE, THE PLANNING COMMISSION HAS HAD TO HAVE HAD INPUT AND LIKELY APPROVAL OF HDDP PLAN. THEREFORE, NEITHER THE NEIGHBORS OR THE PC MEMBERS HAVE ANY LEGAL, MORAL OR VALID TRAFFIC DANGER COMPLAINTS WHEN HDDP PROJECTS ARE DEVELOPED IN THE GEOGRAPHICALLY APPROVED AREAS OF BAINBRIDGE (COBI SEWER DISTRICT BOUNDARIES). ALL OF THOSE ISSUES, INCLUDING INCREASED TRAFFIC DUE TO THE INCREASED DENSITY ALLOWED BY HDDP PROJECTS, ARE ALLOWED IN ORDER TO MEET THE GOALS OF THE COMPREHENSIVE PLAN. HOWEVER, MITIGATION EFFORTS SHOULD BE ALLOWED AND ENCOURAGED TO LESSEN THE TRAFFIC AND OTHER IMPACTS RESULTING FROM HIGHER RESIDENTIAL DENSITIES AS I HAVE NOTED BELOW.

NOTE: GROWTH MANAGEMENT GOALS ALONG WITH COMMENTS FROM THE PC MEMBERS THEMSELVES SHOW THEY SUPPORT HIGHER DENSITIES IN THE URBAN CORE BECAUSE: 1. INCREASED RESIDENTIAL DENSITY IN THE CORP ALLOWS WORKING FAMILIES TO WALK TO THE FERRY, WALK TO SHOPPING, WALK TO SCHOOLS, WALK TO CITY HALL AND SO ON, THUS DECREASING THE USE OF CARS REGARDLESS OF HOW MANY PARKING SPACES ARE AVAILABLE PER HOME. WALLACE COTTAGE IS A "POSTER CHILD" PROJECT IN MEETING THESE GOALS. ADDITIONALLY, HDDP PROJECTS HAVE ATTRACTED FAMILIES WITH CHILDREN WHO ARE DESPERATELY NEEDED TO OFFSET THE DECLINING SCHOOL POPULATION AND INCREASING GENTRIFICATION OF BAINBRIDGE.

#### NAKATA/TAURNIC NEIGHBORHOOD MITIGATION POSSIBILITIES TO REDUCE INCREASED DANGER FROM INCREASED TRAFFIC

1. INSTALL A 4 WAY STOP INTERSECTION AT WALLACE AND NAKATA THAT CURRENTLY HAS ONLY 1 STOP FOR TAURNIC AT WALLACE ALONG WITH INSTALLING A NO RIGHT TURN AS OUR WALLACE INTERSECTS NAKATA, THUS FORCING WALLACE COTTAGES TRAFFIC TO GO ONLY TO GROW AVE. THE NEIGHBORS WHO TESTIFIED SPOKE ONLY OF PROTECTING NAKATA FROM INCREASED TRAFFIC. TAURNIC IS A CULDESAC THUS THERE IS NO REASON FOR OUR TRAFFIC TO ENTER TAURNIC EXCEPT TO VISIT A NEIGHBOR.
2. OR CLOSE NAKATA AVE. WITH AN EMERGENCY ONLY ACCESS "SEATTLE STYLE BERMED EMERGENCY ACCESS PASSTHRU WITHOUT BARRIERS" LEAVING THE ACCESS TO NAKATA ONLY AT THE NORTH END.
3. THE PC MEMBERS AND NEIGHBORS CAN USE OUR SUGGESTED PLAN OF WITHHOLDING A FREE "VACATION" OF DUANE LANE TO THE OHRT GROUP UNLESS THE OHRT GROUP USES OUR 15' FLAG ALONG WITH A DEDICATION OF THEIR PROPERTY TO CREATE AN "EASTERN EXTENSION OF WALLACE RIGHT OF WAY FROM THE WALLACE COTTAGES BOUNDARY TO MADISON AVE. WITH A FREE VACATION OF DUANE AVENUE THE OHRT GROUP GAINS OWNERSHIP OF DUANE LANE EASEMENT AND THE PARALLEL PSE UTILITY EASEMENT AND GAINS A \$400,000 LAND VALUE. THEN THE ACCESS TO WALLACE COTTAGES CAN BE FROM MADISON AVENUE VERSUS THROUGH THE NAKATA/TAURNIC NEIGHBORHOOD.



NOTE: SEATTLE TICKETS DRIVERS WHO USE THESE EMERGENCY PASSTHROUGHS ARE SUBJECT TO TRAFFIC TICKETS.

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## Carla Lundgren

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**From:** PCD  
**Sent:** Tuesday, January 30, 2018 12:09 PM  
**To:** Carla Lundgren  
**Subject:** FW: Public comment Wallace Cottages PLN50589SUB FW: Duane Lane Vacation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Jane Rasely**

Administrative Specialist

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**From:** Kelly Tayara  
**Sent:** Tuesday, January 30, 2018 11:50 AM  
**To:** PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>  
**Subject:** Public comment Wallace Cottages PLN50589SUB FW: Duane Lane Vacation

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**From:** Gary Christensen  
**Sent:** Tuesday, January 30, 2018 11:32 AM  
**To:** Doug Schulze <[dschulze@bainbridgewa.gov](mailto:dschulze@bainbridgewa.gov)>; Joe Levan <[jlevan@bainbridgewa.gov](mailto:jlevan@bainbridgewa.gov)>  
**Cc:** Heather Wright <[hwright@bainbridgewa.gov](mailto:hwright@bainbridgewa.gov)>; Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>  
**Subject:** FW: Duane Lane Vacation

FYI, I'm forwarding this email to you regarding recent public comment at the Planning Commission public meeting on the Wallace Cottage HDDP Subdivision project.

Gary R. Christensen, AICP

Director, Planning and Community Development

---

**From:** Todd McKittrick [<mailto:todd@millennialbuilders.com>]  
**Sent:** Monday, January 29, 2018 2:00 PM  
**To:** [bettywiese@comcast.net](mailto:bettywiese@comcast.net)  
**Cc:** [jalexgd@sounddsl.com](mailto:jalexgd@sounddsl.com); [amycurran66@gmail.com](mailto:amycurran66@gmail.com); [artemisvoyager@yahoo.com](mailto:artemisvoyager@yahoo.com); [jamesbeug@comcast.net](mailto:jamesbeug@comcast.net); [bmcavalluzzi@aol.com](mailto:bmcavalluzzi@aol.com); [dbreiland@gmail.com](mailto:dbreiland@gmail.com); [brencurran@gmail.com](mailto:brencurran@gmail.com); [cavaloli000@frogrock.org](mailto:cavaloli000@frogrock.org); [tomdcoe@hotmail.com](mailto:tomdcoe@hotmail.com); [stephencrampton@gmail.com](mailto:stephencrampton@gmail.com); [cslick47@gmail.com](mailto:cslick47@gmail.com); [dkhotchkiss@msn.com](mailto:dkhotchkiss@msn.com); [aceenge@yahoo.com](mailto:aceenge@yahoo.com); [fungispore@comcast.net](mailto:fungispore@comcast.net); [all2human@comcast.net](mailto:all2human@comcast.net); [jeanfleich@gmail.com](mailto:jeanfleich@gmail.com); [pkatz15@gmail.com](mailto:pkatz15@gmail.com); [sjmatthews1986@gmail.com](mailto:sjmatthews1986@gmail.com); [melissabonghi@gmail.com](mailto:melissabonghi@gmail.com); [michaelwangen@gmail.com](mailto:michaelwangen@gmail.com); [mmandala@comcast.net](mailto:mmandala@comcast.net); [bnash@q.com](mailto:bnash@q.com); [paisleyplace1@gmail.com](mailto:paisleyplace1@gmail.com); [pamasharman@gmail.com](mailto:pamasharman@gmail.com);

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**Subject:** Duane Lane Vacation

Betty,

I understand that there is still conversation regarding the Wallace Cottages, its attempt to bring the traffic though the Nakata neighborhood and plan to use the upcoming Duane Lane Vacation Council meeting to try and resolve the Wallace Cottages development problems. I explained to you (and the other attendees from the public) during the Madison Landings Public Participation meeting held in November last year our many conversations with the Wallace Cottages developer that took place over many months and a significant amount of financial resources in 2017 to try and help them solve their access problem. Though these discussions were ended by Wallace Cottages when we were told they no longer needed our help, there is many things communicated in the public that are simply not true.

I have no issues with anyone voicing their concerns and comments during any part of the development process. My only concern is that those comments and concerns are done so with the facts.

I am willing to come to meet with you and/or your group next Monday February 5 2018 at a location convenient for anyone in the group to attend. I can be available in the morning 9-11am Monday or later that evening 6-9 (need to check the ferry schedule) but I have an appointment in South Lake Union for our non-profit that I cannot change that should last from 2-4pm. This will not change the outcome of the Wallace Cottages traffic problem regardless of the council's decision on the Duane Lane Vacation, but I feel it is important that everyone has the actual facts, not ½ truths and wishful thinking that may have been communicated to you and your group. I will explain to you in person the actual truth behind those discussions and why those discussion we ended (ended by Wallace Cottages not us).

Please let me know if you would like to make this meeting happen and how I can be of help, even if I need to rent a meeting hall or restaurant private room to accommodate. Again this is the only thing I can to do communicate the truth so everyone can be informed when attending and commenting during the Duane Lane Vacation Hearing.

Sincerely,

Todd McKittrick

Madison Landings/Madison Grove

## Carla Lundgren

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**From:** PCD  
**Sent:** Friday, January 26, 2018 10:32 AM  
**To:** Carla Lundgren  
**Subject:** FW: Crampton comment FW: Staff Recommendations to Planning Commission  
**Attachments:** Public sewer easement.pdf



### Jane Rasely

Administrative Specialist

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**From:** Hayes Gori [mailto:hayes@hayesthelawyer.com]  
**Sent:** Thursday, January 25, 2018 3:29 PM  
**To:** Kelly Tayara <ktayara@bainbridgewa.gov>  
**Cc:** PCD <pcd@bainbridgewa.gov>; Peter Corelis <pcorelis@bainbridgewa.gov>; Joe Levan <jlevan@bainbridgewa.gov>  
**Subject:** FW: Crampton comment FW: Staff Recommendations to Planning Commission

Hello Kelly,

I represent Central Highlands, Inc. and Wallace Cottages, LLC. The e-mail below from Mr. Crampton was forwarded to me by my clients. Mr. Crampton attempts to make a distinction between surface and sub-surface public easements as it relates to adverse possession. He appears to contend that a sub-surface public easement does not preclude adverse possession of the subject land, and based on this assumes he has obtained ownership by adverse possession. He is wrong on all counts.

Not only is the surface/sub-surface distinction not found in the applicable statute, RCW 7.28.090 (“[adverse possession] shall not extend to . . . lands held for any public purpose”), but also in this case the distinction is irrelevant because the public easement in question (attached, created in 1976) grants surface easement rights as well as sub-surface easement rights.

As you can see in the attached document, the easement grants to COBI “. . . a right-of-way easement for Sanitary Sewers with the necessary appurtenances, over, through, across and upon the following described property . . .” (emphasis added). The purpose of the easement is “construction, reconstruction, alteration, operation, maintenance and repair of said Sanitary Sewers and appurtenances.” All of these activities necessarily involve surface activity, which is why the easement grants easements rights “over, through, across and upon” the subject land.

By virtue of the attached easement, the subject land is indisputably held for a public purpose, both above- and below-ground, and consequently the subject land is not susceptible to adverse possession by Mr. Crampton, or anyone else. Mr. Crampton’s submission below should not cause the City to change its position and should not cause any delay in the processing of my client’s application.

Thank you,

Hayes Gori

Begin forwarded message:

**From:** Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>  
**Date:** January 25, 2018 at 10:35:26 AM PST  
**To:** Nicholas Smith <[nick.centralhighlands@gmail.com](mailto:nick.centralhighlands@gmail.com)>  
**Subject:** Crampton comment FW: Staff Recommendations to Planning Commission

From: Stephen Crampton [<mailto:SteveSings@gmail.com>]  
Sent: Tuesday, January 23, 2018 6:00 PM  
To: Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>; PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>  
Subject: Staff Recommendations to Planning Commission

Kelly,

I was surprised to see the attached recommendations document.

In response to my comments regarding ownership of the land where my fence is, your document states, "The south 15 feet of the commenter's property, along with the north 15 feet of Lot D, are areas over which there is a public easement dedicated to the City."

Please see the attached easement, which states:

"only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation, maintenance and repair of said Sanitary Sewers and appurtenances."

"The Grantor shall retain the right to use the surface of said easement, so long as said use does not interfere with the installation and maintenance of the sewer main and so long as no permanent buildings or structures are erected on said easement."

By its plain language, the easement says it refers only to an underground sewer and it specifically does not apply to the "surface."

By what authority do you think it allows the City (or a developer) to build a road over my property?

I would request you reschedule the planning meeting, get an opinion from the City lawyer, and update your recommendations accordingly.

Best regards,  
Stephen Crampton

North Interceptor  
Parcel No. 71

E A S E M E N T

1144033 THIS INDENTURE made this 29 day of July, 1976,  
1976, by and between ANDREW OBRASSTOFF and Gladys C. Obrastoff;  
\_\_\_\_\_ and \_\_\_\_\_;  
\_\_\_\_\_ and \_\_\_\_\_;  
\_\_\_\_\_ and \_\_\_\_\_;

herein called the "Grantor," and the CITY OF WINSLOW, a municipal corporation of the State of Washington, herein called the "Grantee."

WITNESSETH:

That the said Grantor for and in consideration of the sum of  
\$ 100.00 to Andrew Obrastoff - Gladys C. Obrastoff  
in hand paid by said Grantee, and other valuable consideration, receipt of which is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said Grantee a right-of-way easement for Sanitary Sewers with the necessary appurtenances, over, through, across and upon the following described property situate in Kitsap County, Washington, more particularly described as follows:

A fifteen foot sewer easement over and across the South 15 feet of the South one half of the following portion of the Northeast quarter, Northeast quarter, Section 27, Township 25 North, Range 2 East, W.M., Beginning 24 rods West of the Southeast corner of the Northeast quarter, Northeast quarter; thence West 16 rods; thence North 10 rods; thence East 16 rods; thence South 10 rods to the Point of Beginning.

EXCISE TAX EXEMPT

AUG 12 1976

BILLIE EDER  
KITSAP COUNTY TREASURER

and that only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation, maintenance and repair of said Sanitary Sewers and appurtenances. That the Grantee shall have the right without prior institution of any suit or proceeding at law, at such times as may be necessary, to enter upon said property for the purposes herein described, without incurring any legal obligation or liability therefor, provided that such construction, reconstruction, alteration, operation, maintenance and repair shall be accomplished in such a manner that the private improvements existing in this right-of-way shall not be disturbed or destroyed; or in the event they are disturbed or destroyed, they will be replaced in as good a condition as they were immediately before the property was entered upon by the Grantee.

NEL 95F1200

The Grantor shall retain the right to use the surface of said easement, so long as said use does not interfere with the installation and maintenance of the sewer main and so long as no permanent buildings or structures are erected on said easement.

Together with a temporary construction easement described as follows:

No additional construction easement needed.

Said temporary construction easement shall remain in force during the construction of the utility and appurtenances and until such time as the utility and appurtenances have been accepted for maintenance and operation by the City of Winslow.

This agreement shall be a covenant running with the land and shall be binding on the Grantor, its successors and assigns forever.

\_\_\_\_\_  
ANDREW OBRASSTOFF and \_\_\_\_\_  
Gladys C. Obrastoff  
\_\_\_\_\_  
and \_\_\_\_\_

STATE OF WASHINGTON )  
COUNTY OF \_\_\_\_\_ ) ss.

I, the undersigned, a Notary Public in and for the State of Washington, hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ 1976, personally appeared before me \_\_\_\_\_ Andrew Obrastoff \_\_\_\_\_ and \_\_\_\_\_ Gladys C. Obrastoff \_\_\_\_\_ and \_\_\_\_\_ to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that THEY signed and sealed the same as THEIR free and voluntary act and deed for the uses and purposes therein mentioned.



\_\_\_\_\_  
Ellen Shiley  
NOTARY PUBLIC in and for the State  
of Washington, residing at Winslow.

Filed for Record Aug 12 1976 at 10:50 AM  
Request of Bertford Booth Lehn  
TED WRIGHT, Kitsap County Auditor  
2931 Sea View Bldg.  
Seattle 98157

REC 95FR1201

1141033 ✓

Exempt  
95

EASEMENT

EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the Grantor(s),  
Bowen Development Company, a Washington Corporation

hereby grants and conveys to the Grantee(s), the City of Winslow

it its successors and assigns, the right, privilege and authority to construct, improve, repair  
and maintain a sanitary sewer line

across, over and upon fifteen feet of the following land, located in  
the City of Winslow, Kitsap County, State of Washington, to-wit:

That portion of the northeast-quarter of the northeast-quarter of Section 27, Town-  
ship 25 North, Range 2 East, W.M. described as follows:

A strip of land fifteen-feet in width, having seven and one-half feet of said width  
on each side of the following described centerline: Beginning at a point on the south-  
erly limits of said subdivision 526.00 feet West of the southeast corner of said sub-  
division, said point being the true point of beginning; thence North 35.00 feet to the  
terminus of this easement.

The Grantor(s) shall make no use of the land occupied by said sanitary sewer line

except for ingress & egress and installation, care and maintenance of landscaping.

In exercising the rights herein granted, the Grantee(s), it its successors and assigns, may  
pass and repass over said sanitary sewer line and  
may cut and remove brush, trees and other obstructions which in the opinion of the Grantee(s)  
interfere(s) with ingress, egress and maintenance of landscaping.

The covenants herein contained shall run with the land and are binding upon all subsequent  
owners thereof.

In Witness Whereof, the said Grantor(s) has executed this instrument this 25<sup>TH</sup> day of  
JANUARY, 1983

FILED FOR RECORD  
REQ. OF LAND TITLE COMPANY

Richard G. Bowen  
Richard G. Bowen, President  
Bowen Development Company

FEB 4 1983 AM 8:00

STATE OF WASHINGTON, SHERRIL HUFF  
County of Kitsap DEPUTY (Individual Acknowledgment)

I, Richard G. Bowen, Notary Public in and for the State of Washington,  
residing at Bainbridge Island, do hereby certify that on this 25<sup>th</sup> day of  
January, 1983, personally appeared before me  
Richard G. Bowen

to me known to be the individual described in and who executed the within instrument and  
acknowledged that he signed the same as Richard G. Bowen free and voluntary act  
and deed for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 25<sup>th</sup> day of January,  
1983.

Notary Public in and for the State of Washington, residing at Bainbridge Island in said County.

EXCISE TAX EXEMPT

FEB 4 1984

BILLIE EDER  
KITSAP COUNTY TREASURER

Easement  
Washington Legal Blank Co., Bellevue, WA Form No. 1 8-78  
MATERIAL MAY NOT BE REPRODUCED IN WHOLE OR IN PART IN ANY FORM WHATSOEVER.

8302040005

8302040005



## Carla Lundgren

---

**From:** PCD  
**Sent:** Thursday, February 08, 2018 9:13 AM  
**To:** Carla Lundgren  
**Subject:** FW: Wallace Cottages - Legal Issues

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Jane Rasely**

Administrative Specialist

[www.bainbridgewa.gov](http://www.bainbridgewa.gov)

[facebook.com/citybainbridgeisland/](https://facebook.com/citybainbridgeisland/)

206.780.3758 (office) 206.780.5104

---

**From:** Kelly Tayara  
**Sent:** Thursday, February 8, 2018 8:11 AM  
**To:** Steve Crampton <[stephencrampton@gmail.com](mailto:stephencrampton@gmail.com)>  
**Cc:** PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>  
**Subject:** RE: Wallace Cottages - Legal Issues

Hello Mr. Crampton,  
Updated plans have not been received.

Thank you,



**Kelly Tayara**

Associate Planner

[www.bainbridgewa.gov](http://www.bainbridgewa.gov)

[facebook.com/citybainbridgeisland/](https://facebook.com/citybainbridgeisland/)

206.780.3787 (office) 206.780.3750 (Planning Department)

**From:** Steve Crampton [<mailto:stephencrampton@gmail.com>]  
**Sent:** Wednesday, February 07, 2018 2:01 PM  
**To:** Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>; PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>  
**Cc:** Kimberly McCormick Osmond <[Kimberly.McCormick.Osmond@cobicommittee.email](mailto:Kimberly.McCormick.Osmond@cobicommittee.email)>; Mack Pearl <[mack.pearl@cobicommittee.email](mailto:mack.pearl@cobicommittee.email)>; Don Doman <[Don.Doman@cobicommittee.email](mailto:Don.Doman@cobicommittee.email)>; Jon Quitslund <[jon.quitslund@cobicommittee.email](mailto:jon.quitslund@cobicommittee.email)>; Lisa Macchio <[lisa.macchio@cobicommittee.email](mailto:lisa.macchio@cobicommittee.email)>; William Chester <[william.chester@cobicommittee.email](mailto:william.chester@cobicommittee.email)>; Michael Killion <[michael.killion@cobicommittee.email](mailto:michael.killion@cobicommittee.email)>; Sarah Blossom

<[sblossom@bainbridgewa.gov](mailto:sblossom@bainbridgewa.gov)>; Spence, Michael A. <[mspence@helsell.com](mailto:mspence@helsell.com)>; smithhouse4  
<[smithhouse4@comcast.net](mailto:smithhouse4@comcast.net)>; Smith, Nick <[nick.centralhighlands@gmail.com](mailto:nick.centralhighlands@gmail.com)>

**Subject:** Wallace Cottages - Legal Issues

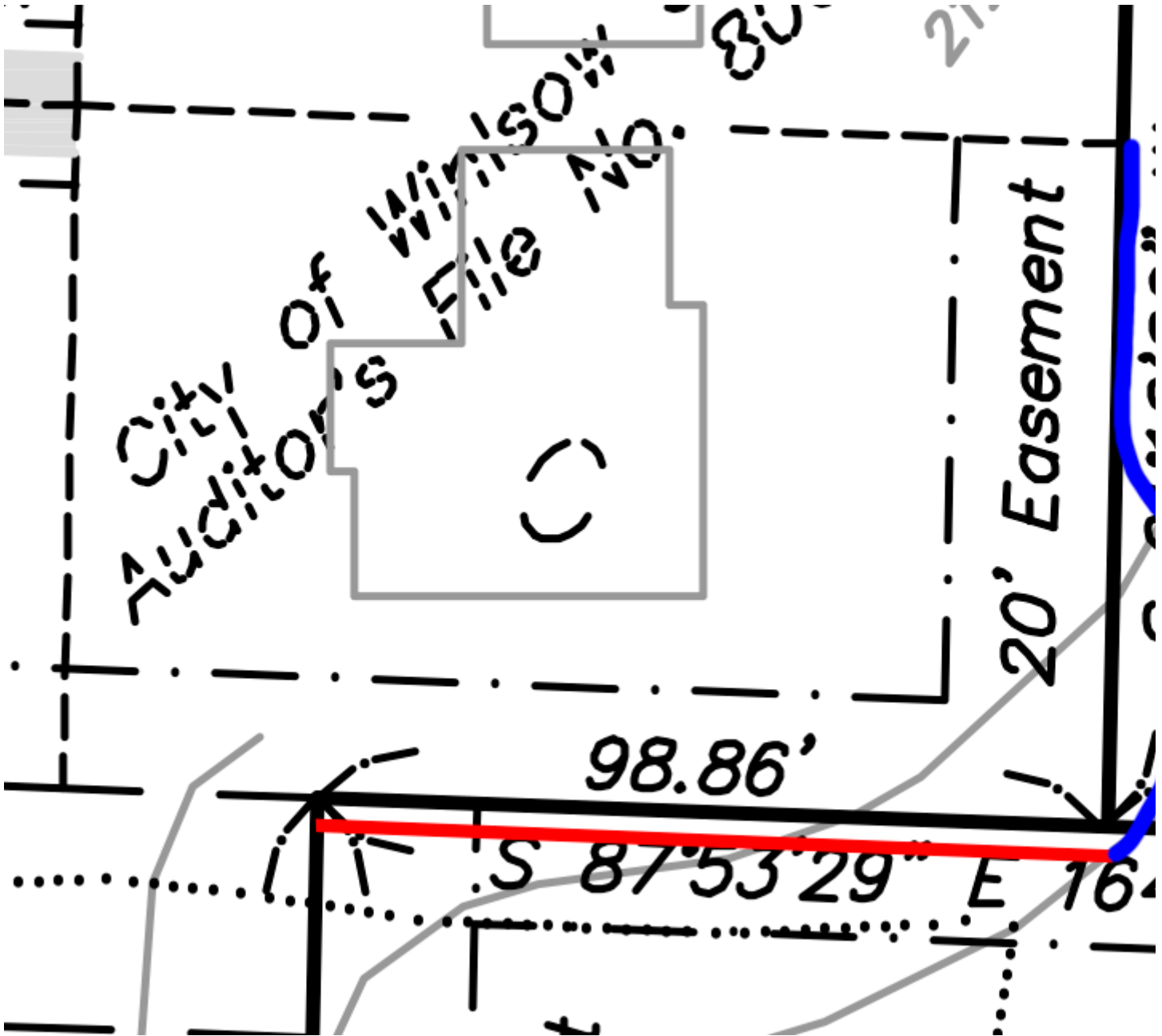
Dear Kelly et al.,

Has the developer submitted updated plans in response to the last Planning Commission meeting? I recall there were questions regarding his plans to build with only a 5-foot setback from property lines.

I'm attaching a map I found on the city website: [https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/558bc0af-b452-4a9e-a5d9-a762012f1193?\\_conv=1](https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/558bc0af-b452-4a9e-a5d9-a762012f1193?_conv=1)

According to the plan, the developer proposes a 5-foot setback for what is labelled as lot 18, immediately east of my backyard. However, my backyard is enclosed by a metal fence that extends as much as 10 feet into lot 18. I have documentation that the metal fence has existed on my property since at least 2005, and the land up to and including the fence has been continuously maintained since then.

To clarify the situation, I'm attaching a map showing the approximate positions of the fences bounding my property. The wooden fence discussed in the last Planning Commission meeting is indicated in red. The metal fence is indicated in blue.



I want to reiterate that I do not give anyone permission to use my land, including the land up to and including the fences, for this project or any other purpose. To the extent the developer's plans propose to do just that, I respectfully request that you withdraw your approval until the issues are addressed.

My attorney and I proposed three dates to meet with the developer, but he has been unavailable. I also understand he is threatening a member of the Planning Commission with litigation.

We will continue to try to meet with the developer and resolve our issues in good faith. However, if the application continues to move forward, I will have no choice but to file a Complaint for adverse possession and Lis Pendens on the two affected parcels of land: Parcel Nos. 272502-1-023-2005 and 272502-1-155-2005. I need to protect my rights as a landowner and my children's rights to play in their backyard.

Best regards,  
Stephen Crampton

## Carla Lundgren

---

**From:** PCD  
**Sent:** Thursday, February 08, 2018 9:09 AM  
**To:** Carla Lundgren  
**Subject:** FW: Wallace Cottages - Legal Issues  
**Attachments:** 6173PP Sheet 5.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Jane Rasely**

Administrative Specialist

[www.bainbridgewa.gov](http://www.bainbridgewa.gov)

[facebook.com/citybainbridgeisland/](https://facebook.com/citybainbridgeisland/)

206.780.3758 (office) 206.780.5104

**From:** Steve Crampton [mailto:stephencrampton@gmail.com]  
**Sent:** Wednesday, February 7, 2018 2:01 PM  
**To:** Kelly Tayara <ktayara@bainbridgewa.gov>; PCD <pcd@bainbridgewa.gov>  
**Cc:** Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Mack Pearl <mack.pearl@cobicommittee.email>; Don Doman <Don.Doman@cobicommittee.email>; Jon Quitslund <jon.quitslund@cobicommittee.email>; Lisa Macchio <lisa.macchio@cobicommittee.email>; William Chester <william.chester@cobicommittee.email>; Michael Killion <michael.killion@cobicommittee.email>; Sarah Blossom <sblossom@bainbridgewa.gov>; Spence, Michael A. <mspence@helsell.com>; smithhouse4 <smithhouse4@comcast.net>; Smith, Nick <nick.centralhighlands@gmail.com>  
**Subject:** Wallace Cottages - Legal Issues

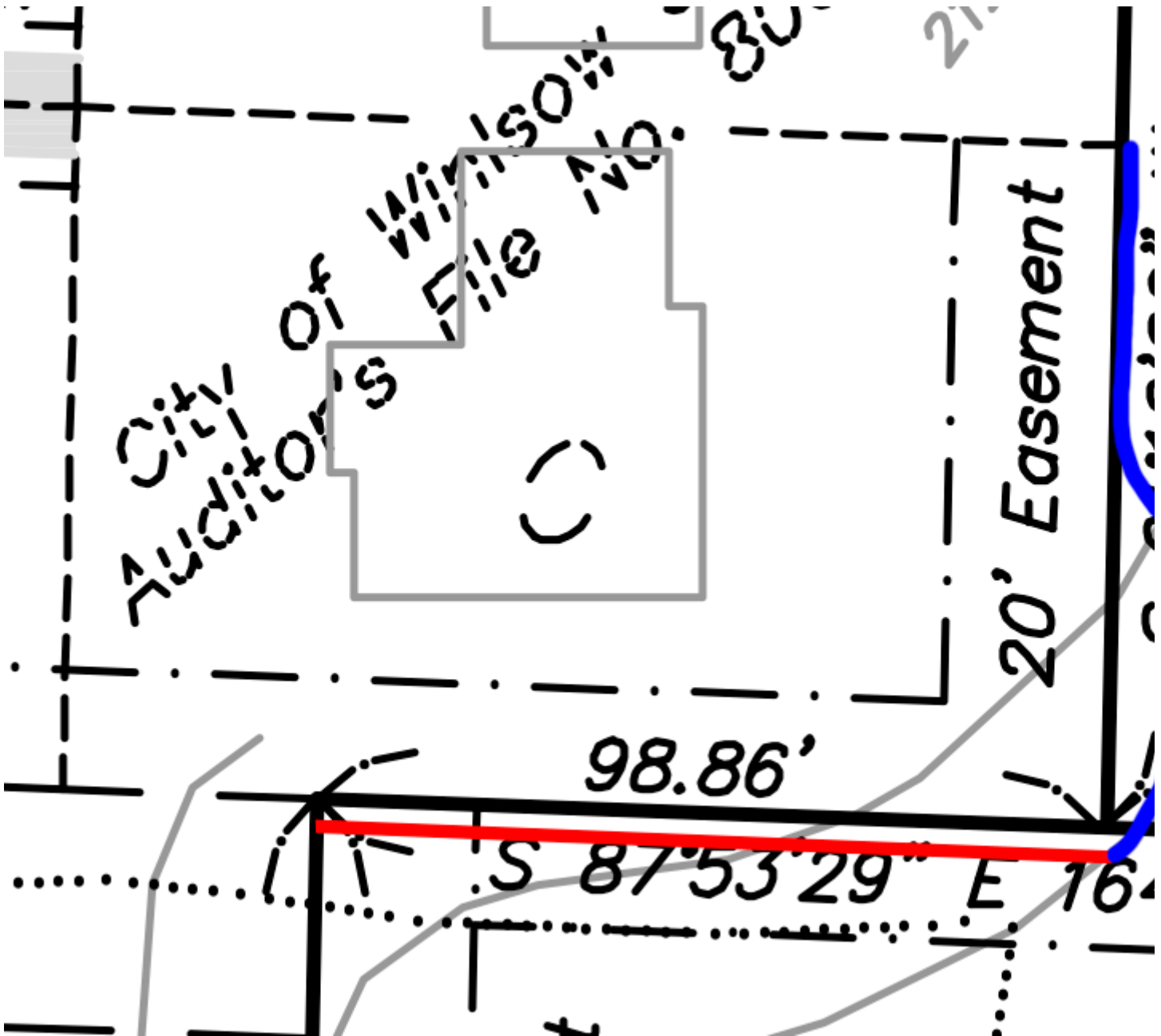
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Best regards,  
Stephen Crampton

## Carla Lundgren

---

**From:** PCD  
**Sent:** Wednesday, January 24, 2018 8:58 AM  
**To:** Carla Lundgren  
**Subject:** FW: Staff Recommendations to Planning Commission  
**Attachments:** Staff recommendation to Planning Commission.pdf; SewerEasement.pdf

Please attach to 50589 SUB.

Thank you,



**Jane Rasely**

Administrative Specialist

[www.bainbridgewa.gov](http://www.bainbridgewa.gov)

[facebook.com/citybainbridgeisland/](https://facebook.com/citybainbridgeisland/)

206.780.3758 (office) 206.780.5104

**From:** Stephen Crampton [mailto:SteveSings@gmail.com]  
**Sent:** Tuesday, January 23, 2018 6:00 PM  
**To:** Kelly Tayara <ktayara@bainbridgewa.gov>; PCD <pcd@bainbridgewa.gov>  
**Subject:** Staff Recommendations to Planning Commission

Kelly,

I was surprised to see the attached recommendations document.

In response to my comments regarding ownership of the land where my fence is, your document states, "The south 15 feet of the commenter's property, along with the north 15 feet of Lot D, are areas over which there is a public easement dedicated to the City."

Please see the attached easement, which states:

"only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation, maintenance and repair of said Sanitary Sewers and appurtenances."

"The Grantor shall retain the right to use the surface of said easement, so long as said use does not interfere with the installation and maintenance of the sewer main and so long as no permanent buildings or structures are erected on said easement."

By its plain language, the easement says it refers only to an underground sewer and it specifically does not apply to the "surface."

By what authority do you think it allows the City (or a developer) to build a road over my property?

I would request you reschedule the planning meeting, get an opinion from the City lawyer, and update your recommendations accordingly.

Best regards,  
Stephen Crampton

Heather Wright

**From:** Marilyn Mandala <mmandala@comcast.net>  
**Sent:** Tuesday, June 13, 2017 2:48 PM  
**To:** Barbara Winther  
**Cc:** Kelly Tayara; Barbara; BRANDY; CHRIS; Jenny Conaty; COLLEEN HORDER; john@kerthunk.net; VENERADIBELLA32; WALKERSAW; Grant Winther; corakelli; cvandyk5; jeanne2vandyk; r komatsu; philandterryw; Melissa Bonghi; zzinQ@earthlink.net; Brendan Curran; cavaloli000@frogrock.org; rainfordyce@yahoo.com; Michael Wangen; Tony Bonghi; Olaf Ribero; amycurran66@gmail.com; Paula Nolta; dkhotchkiss@msn.com; Pam Sharman; cslick47@gmail.com; russeldds@yahoo.com; artemisvoyager@yahoo.com; Fleisch & Jeanne Fleischfresser; sharonmc04@yahoo.com; bmcavalluzzi@aol.com; Finnrrar Chaos; James Beug; Steve Crampton; Cynthia Enge; Rob Hart; Phyllis Katz; David Starkman; jeanette alexander; tom coe; billie nash  
**Subject:** Re: Wallac Cotages Sepa public comment period project PLN50589

this is what I sent---and you are all of you doing a great job of "Keeping It Great" here!!---💎 Marilyn

**From:** Marilyn Mandala <[mmandala@comcast.net](mailto:mmandala@comcast.net)>  
**Date:** June 12, 2017 12:15:08 PM PDT  
**To:** [ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)  
**Cc:** Marilyn Mandala <[mmandala@comcast.net](mailto:mmandala@comcast.net)>  
**Subject:** Wallace Cottages Comment

Hi, I am very much in favor of option #2, with vehicle access to the new Wallace Cottages development only from Madison. Would like to see walking/bike/accessible access from Nakata side, no vehicles from that side.  
Also would like to see accessible non-vehicle connection to the Wallace Cottages from Fir Acres Drive N.W., so people in the small nursing home on Fir Acres and their caregivers will have good access to the library that way, and also so that if the city will ever give us a sidewalk on Grow, people in wheelchairs and accessibility scooters in the Madison nursing home and in the many accessible apartments in the Madison area can have access to Gideon Park.  
Thank you, Marilyn Mandala Dooley, 321 Fir Acres Dr. N.W. [mmandala@comcast.net](mailto:mmandala@comcast.net)


On Jun 13, 2017, at 11:37 AM, Barbara Winther wrote:

This note is to oppose Alternative 1 and support Alternative 2. Help us keep our neighborhood safe.

I am 90 years old and on a walker. The thought of losing a safe walking area for me is frightening. My husband is 86 and helps me with my walks.

We have lived on Taurnic for 11 years and have always appreciated our wonderfully safe neighborhood. Please don't take it away from us.

**Barbara & Grant Winther.**  
**867 Taurnic Place NW**

 Virus-free. [www.avast.com](http://www.avast.com)

Heather Wright

**From:** Chris Van Dyk <CVANDYK5@msn.com>  
**Sent:** Friday, June 16, 2017 5:22 PM  
**To:** bettywiese@comcast.net; Kelly Tayara  
**Cc:** melissabonghi@gmail.com; zzinQ@earthlink.net; mmandala@comcast.net; brencurran@gmail.com; cavaloli000@frogrock.org; rainfordyce@yahoo.com; michaelwangen@gmail.com; tonybonghi@gmail.com; fungispore@comcast.net; amycurran66@gmail.com; paisleyplace1@gmail.com; dkhotchkiss@msn.com; pamasharman@gmail.com; cslick47@gmail.com; russellds@yahoo.com; artemisvoyager@yahoo.com; jeanfleisch@gmail.com; sharonmc04@yahoo.com; bmcavalluzzi@aol.com; terraww@gmail.com; Beug, James; Crampton, Steve; Enge, Cynthia; Hart, Rob; Katz, Phyllis; Starkman, Theresa; alexander, jeanette; coe, tom; matthews; nash, billie; AMOSSTAFFLER; BARBARA; BRANDY; CHRIS; Conaty, Jenny; HORDER, COLLEEN; Morris, John; VENERADIBELLA32; WALKERSAW; Winther, Barbara; Winther, Grant; corakelli; jeanne2vandyk; komatsu, r; philandterryw  
**Subject:** Re: Public comment SEPA Wallace Cottages PLN 50589

Great letter, Betty. Thanks for taking the lead on this. I sent one that everyone ought to have been cc'd on, talking about the history of the issue in the neighborhood, particularly as regards Ihland Way.

Chris Van Dyk

---

**From:** bettywiese@comcast.net <bettywiese@comcast.net>  
**Sent:** Friday, June 16, 2017 2:58 PM  
**To:** Tayara, Kelly  
**Cc:** melissabonghi@gmail.com; zzinQ@earthlink.net; mmandala@comcast.net; brencurran@gmail.com; cavaloli000@frogrock.org; rainfordyce@yahoo.com; michaelwangen@gmail.com; tonybonghi@gmail.com; fungispore@comcast.net; amycurran66@gmail.com; paisleyplace1@gmail.com; dkhotchkiss@msn.com; pamasharman@gmail.com; cslick47@gmail.com; russellds@yahoo.com; artemisvoyager@yahoo.com; jeanfleisch@gmail.com; sharonmc04@yahoo.com; bmcavalluzzi@aol.com; terraww@gmail.com; Beug, James; Crampton, Steve; Enge, Cynthia; Hart, Rob; Katz, Phyllis; Starkman, Theresa; Wiese, Betty; alexander, jeanette; coe, tom; matthews; nash, billie; AMOSSTAFFLER; BARBARA; BRANDY; CHRIS; Conaty, Jenny; HORDER, COLLEEN; Morris, John; VENERADIBELLA32; WALKERSAW; Winther, Barbara; Winther, Grant; corakelli; cvandyk5; jeanne2vandyk; komatsu, r; philandterryw  
**Subject:** Public comment SEPA Wallace Cottages PLN 50589

attached are my comments

thank you

betty wiese



Heather Wright

---

**From:** Hayes Gori <hayes@hayesthelawyer.com>  
**Sent:** Thursday, February 08, 2018 8:10 AM  
**To:** Kelly Tayara; Peter Corelis; PCD; Sarah Blossom; Kimberly McCormick Osmond; Mack Pearl; Jon Quitslund; Don Doman; Lisa Macchio; Michael Killion; William Chester  
**Cc:** Joe Levan; Spence, Michael A.  
**Subject:** FW: Wallace Cottages - Legal Issues  
**Attachments:** Fence location sketch.pdf  
  
**Importance:** High

City Staff & Planning Commission,

Mr. Crampton’s assertion below that his metal fence encroaches onto my clients’ property to the east is false. Attached is a surveyor sketch that shows the location of the fence (labeled as “6’ Deer fence”). As you can see, it runs along the property line and does not encroach to the east.

As with Mr. Crampton’s invalid adverse possession claim, this false claim regarding his metal fence is not an issue and is not a basis to delay my clients’ project.

Sincerely,  
Hayes Gori

**From:** Steve Crampton <[stephencrampton@gmail.com](mailto:stephencrampton@gmail.com)>  
**Date:** February 7, 2018 at 2:00:56 PM PST  
**To:** Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>, PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>  
**Cc:** [kimberly.mccormick.osmond@cobicommittee.email](mailto:kimberly.mccormick.osmond@cobicommittee.email), [mack.pearl@cobicommittee.email](mailto:mack.pearl@cobicommittee.email), [don.doman@cobicommittee.email](mailto:don.doman@cobicommittee.email), [jon.quitslund@cobicommittee.email](mailto:jon.quitslund@cobicommittee.email), [lisa.macchio@cobicommittee.email](mailto:lisa.macchio@cobicommittee.email), [william.chester@cobicommittee.email](mailto:william.chester@cobicommittee.email), [michael.killion@cobicommittee.email](mailto:michael.killion@cobicommittee.email), [sblossom@bainbridgewa.gov](mailto:sblossom@bainbridgewa.gov), "Spence, Michael A." <[mspence@helsell.com](mailto:mspence@helsell.com)>, smithhouse4 <[smithhouse4@comcast.net](mailto:smithhouse4@comcast.net)>, "Smith, Nick" <[nick.centralhighlands@gmail.com](mailto:nick.centralhighlands@gmail.com)>  
**Subject:** Wallace Cottages - Legal Issues

Dear Kelly et al.,

Has the developer submitted updated plans in response to the last Planning Commission meeting? I recall there were questions regarding his plans to build with only a 5-foot setback from property lines.

I'm attaching a map I found on the city website: [https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/558bc0af-b452-4a9e-a5d9-a762012f1193?\\_conv=1](https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/558bc0af-b452-4a9e-a5d9-a762012f1193?_conv=1)

According to the plan, the developer proposes a 5-foot setback for what is labelled as lot 18, immediately east of my backyard. However, my backyard is enclosed by a metal fence that extends as much as 10 feet into lot 18. I have documentation that the metal fence has existed on my property since at least 2005, and the land up to and including the fence has been continuously maintained since then.

To clarify the situation, I'm attaching a map showing the approximate positions of the fences bounding my property. The wooden fence discussed in the last Planning Commission meeting is indicated in red. The metal fence is indicated in blue.

Heather Wright

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**From:** Barbara Winther <bjwtravel@sounddsl.com>  
**Sent:** Tuesday, June 13, 2017 11:38 AM  
**To:** Kelly Tayara  
**Cc:** Barbara; BRANDY; CHRIS; Jenny Conaty; COLLEEN HORDER; john@kerthunk.net; VENERADIBELLA32; WALKERSAW; Barbara Winther; Grant Winther; corakelli; cvandyk5; jeanne2vandyk; r komatsu; philandterryw; Melissa Bonghi; zzinQ@earthlink.net; mmandala@comcast.net; Brendan Curran; cavaloli000@frogrock.org; rainfordyce@yahoo.com; Michael Wangen; Tony Bonghi; Olaf Ribero; amycurran66@gmail.com; Paula Nolta; dkhotchkiss@msn.com; Pam Sharman; cslick47@gmail.com; russeldds@yahoo.com; artemisvoyager@yahoo.com; Fleisch & Jeanne Fleischfresser; sharonmc04@yahoo.com; bmcavalluzzi@aol.com; Finnrar Chaos; James Beug; Steve Crampton; Cynthia Enge; Rob Hart; Phyllis Katz; David Starkman; jeanette alexander; tom coe; billie nash  
**Subject:** Wallac Cotages Sepa public comment period project PLN50589

This note is to oppose Alternative 1 and support Alternative 2. Help us keep our neighborhood safe.

I am 90 years old and on a walker. The thought of losing a safe walking area for me is frightening. My husband is 86 and helps me with my walks.

We have lived on Taurnic for 11 years and have always appreciated our wonderfully safe neighborhood. Please don't take it away from us.

**Barbara & Grant Winther.**  
**867 Taurnic Place NW**



## Heather Wright

**From:** Steve Crampton <stephencrcrampton@gmail.com>  
**Sent:** Wednesday, February 07, 2018 2:01 PM  
**To:** Kelly Tayara; PCD  
**Cc:** Kimberly McCormick Osmond; Mack Pearl; Don Doman; Jon Quitslund; Lisa Macchio; William Chester; Michael Killion; Sarah Blossom; Spence, Michael A.; smithhouse4; Smith, Nick  
**Subject:** Wallace Cottages - Legal Issues  
**Attachments:** 6173PP Sheet 5.pdf

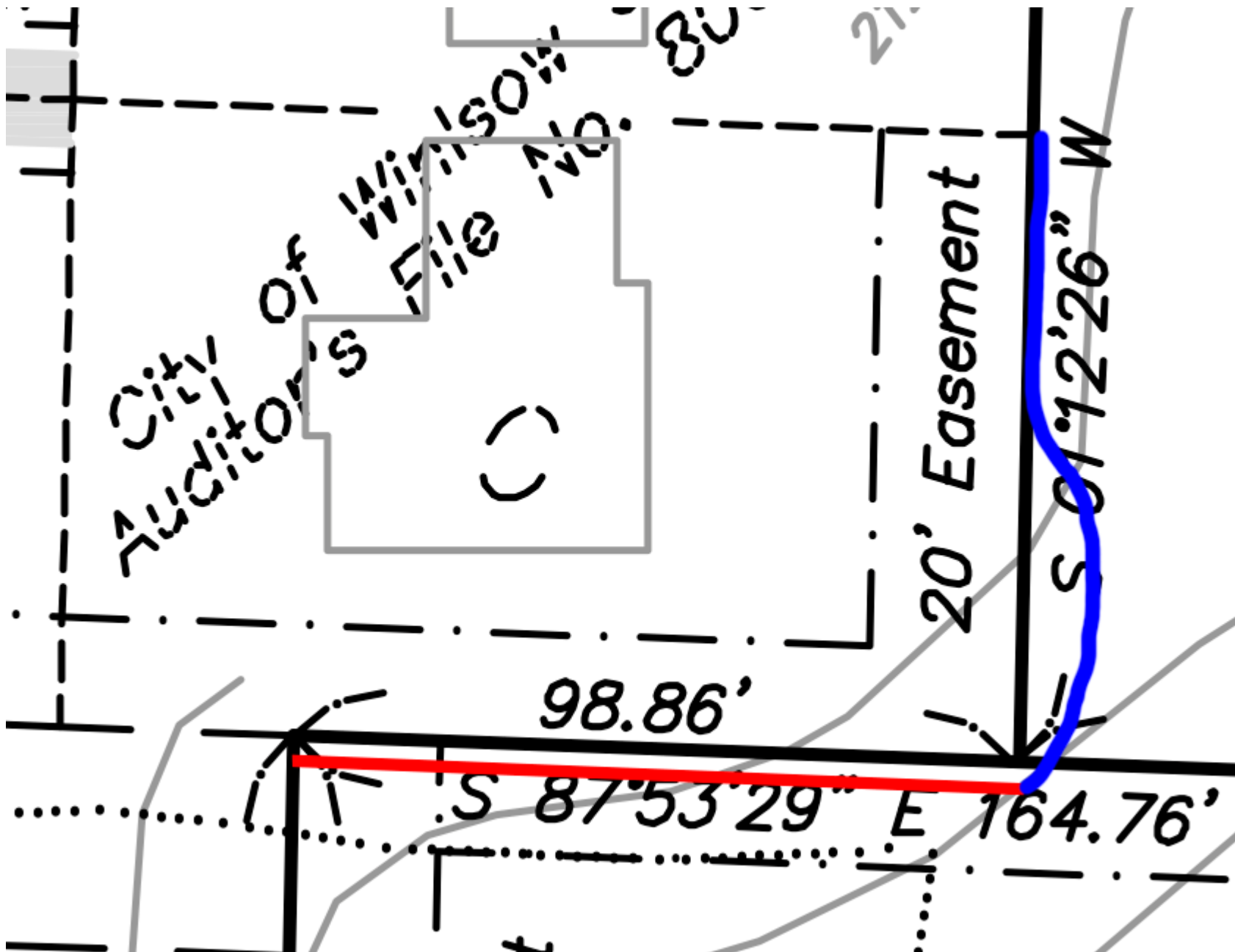
Dear Kelly et al.,

Has the developer submitted updated plans in response to the last Planning Commission meeting? I recall there were questions regarding his plans to build with only a 5-foot setback from property lines.

I'm attaching a map I found on the city website: <https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/558bc0af-b452-4a9e-a5d9-a762012f1193? conv=1>

According to the plan, the developer proposes a 5-foot setback for what is labelled as lot 18, immediately east of my backyard. However, my backyard is enclosed by a metal fence that extends as much as 10 feet into lot 18. I have documentation that the metal fence has existed on my property since at least 2005, and the land up to and including the fence has been continuously maintained since then.

To clarify the situation, I'm attaching a map showing the approximate positions of the fences bounding my property. The wooden fence discussed in the last Planning Commission meeting is indicated in red. The metal fence is indicated in blue.



I want to reiterate that I do not give anyone permission to use my land, including the land up to and including the fences, for this project or any other purpose. To the extent the developer's plans propose to do just that, I respectfully request that you withdraw your approval until the issues are addressed.

My attorney and I proposed three dates to meet with the developer, but he has been unavailable. I also understand he is threatening a member of the Planning Commission with litigation.

We will continue to try to meet with the developer and resolve our issues in good faith. However, if the application continues to move forward, I will have no choice but to file a Complaint for adverse possession and Lis Pendens on the two affected parcels of land: Parcel Nos. 272502-1-023-2005 and 272502-1-155-2005. I need to protect my rights as a landowner and my children's rights to play in their backyard.

Best regards,  
Stephen Crampton

Heather Wright

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**From:** Phyllis Katz <pkatz15@gmail.com>  
**Sent:** Tuesday, June 13, 2017 5:13 PM  
**To:** Kelly Tayara  
**Subject:** Wallace Cottages Access--PLN50589

June 13, 2017

Re: PLN50589 “Wallace Cottages”

I’m writing in support of the Wallace Cottage developer’s proposed Alternative 2 version having a two-lane road ingress/egress East to Madison Avenue.

I am firmly against Alternative 1 that proposes ingress/egress west into the corner of Nakata Avenue and Taurnic Place. This will have a substantial negative impact in general for Clayton Place, Taurnic Place, Nakata and Grow Avenue neighborhood streets—none of which are intended for higher density cut- through traffic.

My husband and I bought our home on Grow Ave two years ago and moved into it last September. We walk in the neighborhood almost daily. Our grandchildren bicycle to school and to our house on Grow. It is an artery between the high school and Winslow Way for sure, but additional traffic will likely pose a danger to a street that has no sidewalks on the section where Alternative 1 would cut through.

Madison Avenue — an artery meant for heavier traffic loads, with sidewalks, can handle the addition suggested by Alternative 2.

We want to protect our neighborhood from any cut-through traffic. We appreciate the City of Bainbridge Island and it’s engineering staff taking our neighborhood’s concerns into account.

I vote for Alternative 2.

Thank you,

Phyllis and Victor Katz, 977 Grow Ave NW

--  
**Phyllis Katz**  
Ph.D. Science Education

Founding Director (retired) MCCPTA-EPI Hands On Science Program (HOS) and Hands On Science Outreach (HOSO), an NSF award winning program

Research Associate  
University of Maryland

Editor: DRAWING FOR SCIENCE EDUCATION: An international perspective. Available at SENSE publishers <http://tinyurl.com/h8x2m9d> or on Amazon.com

For information and samples of the use of drawings as data, please see:  
<http://DrawnToScience.org>

Heather Wright

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**From:** steven mendelsohn <reddingcardiology@yahoo.com>  
**Sent:** Wednesday, August 23, 2017 3:02 PM  
**To:** Kelly Tayara  
**Subject:** Wallace Cottages

Ms. Tayara,

As you may be aware David Smith and myself are working towards a mutual agreeable easement that would hopefully replace the current easement that pertains to the southern boundary to the Wallace Cottages project.  
I was in Brainbridge several weeks ago in person to meet with Mr. Smith and his associates and we reviewed at that time the most recent plans submitted to the city.

Mr. Smith and I are working towards an agreement that will hopefully will work for him, the city and myself.

I appreciate you're office bringing me up to date on the submissions to planning earlier this summer.

In particularly I am requesting that you would let me know when the most recent plans / recent addition to plans for the Wallace Cottages have been submitted so that I can be up to date with my understanding of the project.  
I know that I may go on line to look for plans - but this can take me several hours - and given the potential significant impact to my property and impact to the existing easement immediately and adjacent to the south end of the project - I would greatly appreciate your assistance.

Sincerely,  
Steven Mendelsohn M.D.

Heather Wright

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**From:** bmcavalluzzi@aol.com  
**Sent:** Tuesday, June 13, 2017 1:41 PM  
**To:** Kelly Tayara  
**Subject:** Wallace cottages, PLN50589

This letter is support of alternative 2, we strongly support that Wallace not go through in order to protect our quiet neighborhood. We have lived at 962 Grow Ave for 16 years and greatly enjoy the peaceful, friendly neighborhood. The area is used all the time by children and adults strolling, playing, walking dogs. Changing Wallace to create access to the Wallace cottages and to Madison Ave would greatly impact our neighborhood and quality of life. We would like the only access to Wallace Cottages to be from Madison Ave , other than in emergencies.

Sincerely,  
Bernice, Olivia, David Cavalluzzi  
962 Grow Ave NW  
Bmcavalluzzi@aol.com

Sent from AOL Mobile Mail

Heather Wright

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**From:** Stephen Crampton <SteveSings@gmail.com>  
**Sent:** Monday, March 12, 2018 10:58 PM  
**To:** PCD; Kelly Tayara; Mack Pearl; Sarah Blossom; Ron Peltier; City Admin; Joe Levan  
**Cc:** Spence, Michael A.; hayes@hayesthelawyer.com  
**Subject:** Wallace Cottages project (PLN50589 SUB)  
**Attachments:** 50589 SUB Revised Fence Survey\_Crampton 020918.pdf

Dear Ms. Tayara,

I am writing to express my concerns about the inadequate setbacks and lack of buffering for adjacent homeowners in the Wallace Cottages site plan that was shown at the February 8, 2018 Planning Commission meeting. Indeed, the site plan proposes to build a house on my property! Unless these concerns are met, the City should deny the application.

The February 8 plan allowed only 5-foot setbacks between adjacent properties and buildable areas in the Wallace Cottages subdivision. The plan furthermore did not retain any trees along the subdivision boundary, nor did it specify any landscaping to buffer the development from existing homes. The existing homes immediately adjacent to the proposed subdivision are zoned R4.3 and have 15-foot setback requirements.

The developer’s attorney has asserted that only 5-foot setbacks are required under HDDP regulations. However, those regulations also state the following: "The applicant has demonstrated how relief from specific development standards, including setback reductions, lot coverage and/or design guidelines, is needed to achieve the desired innovative design and the goals of this chapter;" BIMC 2.16.020(Q)(5)(b)

There has been no showing that the 5-foot setback is "needed to achieve the desired innovative design" of the project. Indeed, at the February 8 meeting, the developer asserted that placing buildings that close to the subdivision boundary was not in fact required. Given that a 5-foot setback is not “needed,” nor does it achieve “innovative design,” the City should require a 15-foot setback. Within the setback, the developer should leave existing trees and provide additional landscaping to shield the development visually and auditorily from existing homes.

My property borders the development at the fence lines on the southern and eastern boundaries of my side and back yards. As shown in the attached survey, the eastern fence extends as much as 15 feet into the subdivision. The February 8 plan shows a house within 5 feet of the subdivision’s asserted boundary. That would put the house 10 feet inside my property line! Clearly this has to be changed before it can be approved.

Moreover, as you know, there is a sewer easement along both boundaries between my property and the development. Regardless of exactly where the boundaries lie, the developer cannot construct houses on top of a sewer easement. That is another defect in the application.

Given my property rights and the existence of the easement, the City should require a setback to 15 feet from my eastern and southern fence lines, or to the boundary of the easement, whichever is greater. Further, the development should be buffered from my property by leaving any existing trees and dedicating the region as open space to prevent removal of trees in the future.

On a side note, the developer’s attorney has asserted that the sewer easement defeats my legal claims, but my Complaint is carefully tailored to render that defense frivolous. I am explicitly excluding the easement from my requested relief. Here is a sample request from my Complaint: "An order of the Court granting fee simple title to the portion of Parcel 155 from Plaintiff's Property up to and including the South Fence through the doctrines of adverse possession and/or mutual recognition and acquiescence, subject to the 'North Interceptor' sewer easement."

I was planning to file the Complaint last week, but the developer's attorney requested that I hold off until the developer’s current negotiations with the City conclude. If the developer still plans to run the road to Nakata, fails to recognize my property rights, or fails to provide setbacks and buffering for me and my neighbors, I fully intend to proceed with the lawsuit.

To prevent that from happening, and to allow the development to move forward, the City should insist on the access road to Madison, as well as setbacks and buffering, as a condition of approval of the Wallace Cottages application.

Respectfully,  
Stephen C. Crampton

## Jane Rasely

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**From:** Stephen Crampton <SteveSings@gmail.com>  
**Sent:** Tuesday, June 20, 2017 11:45 AM  
**To:** Kelly Tayara; PCD; Peter Corelis; Ron Peltier; Wayne Roth; Michael Scott; Val Tollefson  
**Cc:** Michael Michael; Nick; Andre Olanie; Barry; Kelsey Laughlin; "anar@windermere.com"; "bettywiese@comcast.net"; smithhouse4  
**Subject:** Re: Wallace Cottages PLN50589  
**Attachments:** Nakata-FamilyBiking.jpg; Nakata-KidBiking.mp4

As an addendum to my comments, I'm attaching a photo and a short video clip showing how Nakata is a safe place for kids to bike.

On Sun, Jun 11, 2017 at 7:54 PM Stephen Crampton <[SteveSings@gmail.com](mailto:SteveSings@gmail.com)> wrote:

I'm writing in support of the developer's proposal (Alternative 2) to the extent it proposes a two-lane road going East to Madison Avenue. I'm against any proposal to have a road going West to Nakata Avenue, or to the dedication of a right of way for a future road going in that direction. As has been pointed out in other comments, a road going West to Nakata would have a substantial negative impact on the neighborhood in general, including Nakata and Grow Avenues.

More significant would be the negative impact on houses immediately adjacent to such a road. The houses were built decades ago and are not spaced in such a way to permit a road running between them, especially a two-lane road. The impact in terms of loss of privacy, noise, and security would be substantial.

Also, I have a 15-year-old daughter who lives with me and has cerebral palsy. She sometimes uses a wheelchair. I would object to any road adjacent to my house that does not comply fully with ADA standards for sidewalks and other facilities. Specifically, I would object to reducing the right-of-way requirement for any road leading West from the proposed property to Nakata Ave.

In addition, there is an existing fence line that was omitted from the developer's plan that may preclude construction of a two-lane road running to Nakata Ave, even with a reduced right-of-way. The property at 205 Clayton Place NW includes a fence that is approximately three feet south of the North side of the proposed road to Nakata as shown on the developer's plan. The six-foot cedar fence has been there since 2005 and has been continuously maintained since then. There is also another "deer" fence running on the Eastern boundary of 205 Clayton Place NW. That fence has also been continuously maintained since 2005.

As the owner of 205 Clayton Place NW, Bainbridge Island, WA, I want to put on the record that the Southern and Eastern borders of my property extend to the respective fence lines. I do not give anyone permission to alter my fence lines or otherwise use my property in any way with respect to this proposed development or any other.



Heather Wright

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**From:** Stephen Crampton <SteveSings@gmail.com>  
**Sent:** Monday, March 12, 2018 10:58 PM  
**To:** PCD; Kelly Tayara; Mack Pearl; Sarah Blossom; Ron Peltier; City Admin; Joe Levan  
**Cc:** Spence, Michael A.; hayes@hayesthelawyer.com  
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My property borders the development at the fence lines on the southern and eastern boundaries of my side and back yards. As shown in the attached survey, the eastern fence extends as much as 15 feet into the subdivision. The February 8 plan shows a house within 5 feet of the subdivision’s asserted boundary. That would put the house 10 feet inside my property line! Clearly this has to be changed before it can be approved.

Moreover, as you know, there is a sewer easement along both boundaries between my property and the development. Regardless of exactly where the boundaries lie, the developer cannot construct houses on top of a sewer easement. That is another defect in the application.

Given my property rights and the existence of the easement, the City should require a setback to 15 feet from my eastern and southern fence lines, or to the boundary of the easement, whichever is greater. Further, the development should be buffered from my property by leaving any existing trees and dedicating the region as open space to prevent removal of trees in the future.

On a side note, the developer’s attorney has asserted that the sewer easement defeats my legal claims, but my Complaint is carefully tailored to render that defense frivolous. I am explicitly excluding the easement from my requested relief. Here is a sample request from my Complaint: "An order of the Court granting fee simple title to the portion of Parcel 155 from Plaintiff's Property up to and including the South Fence through the doctrines of adverse possession and/or mutual recognition and acquiescence, subject to the 'North Interceptor' sewer easement."

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To prevent that from happening, and to allow the development to move forward, the City should insist on the access road to Madison, as well as setbacks and buffering, as a condition of approval of the Wallace Cottages application.

Respectfully,  
Stephen C. Crampton

Heather Wright

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**From:** Carl Sussman <carls@windermere.com>  
**Sent:** Tuesday, June 13, 2017 8:10 AM  
**To:** Kelly Tayara  
**Subject:** wallace cottages comment

Hi Kelly,

I want to comment that I hope Wallace is not opened for vehicular traffic to access to this project.

Carl Sussman

Carl Sussman-Managing Broker, Certified Negotiating Expert  
Windermere Real Estate/Bainbridge Island  
BI WA 98110

Visit my web page to access all listings, updated daily, on Bainbridge Island and in the greater Puget Sound Area: <http://BeautifulBainbridge.com>

Mobile 206 714-6233  
Fax 206 842-5860  
Office 206 842-5626 X 227

Heather Wright

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**From:** Lara Lant  
**Sent:** Tuesday, May 02, 2017 3:44 PM  
**To:** Kelly Tayara  
**Subject:** FW: PLN50589 SUB - Wallace Cottages Subdivision

Hi Kelly,  
FYI,  
Lara



**Lara Lant**  
Administrative Specialist  
[www.bainbridgewa.gov](http://www.bainbridgewa.gov)  
[facebook.com/citybainbridgeisland/](https://facebook.com/citybainbridgeisland/)  
206.780.3762 (office)

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**From:** steven mendelsohn [mailto:stevenmendel2001@yahoo.com]  
**Sent:** Tuesday, May 02, 2017 1:51 PM  
**To:** Lara Lant <llant@bainbridgewa.gov>  
**Subject:** Re: PLN50589 SUB - Wallace Cottages Subdivision

Lara Actually I am having difficulty opening PDF's of some the key documents - particularly as refers to easements - utility access etc. some of which will be on my property.  
I also note that the public walkways on the East and West side of my property do not have recording numbers  
Dr Mendelsohn

On Tuesday, May 2, 2017 12:08 PM, Lara Lant <[llant@bainbridgewa.gov](mailto:llant@bainbridgewa.gov)> wrote:

Dr Mendelsohn,

I've finished confirming the hard copy of the Wallace Cottages Subdivision file matches the digital record. Here's a quick link to that record:  
[https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/558bc0af-b452-4a9e-a5d9-a762012f1193?\\_conv=1](https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/558bc0af-b452-4a9e-a5d9-a762012f1193?_conv=1)

Most of the maps and plan sets include easements and proposed easements so you want to be sure to pull up those records. Also, look at the Geotechnical Report which describes some drainage findings and suggestions.

Should you need further info, click on this link to submit a request for records: <https://bainbridgewa.nextrequest.com/>.

Regards,

Lara Lant



**Lara Lant**  
Administrative Specialist  
[www.bainbridgewa.gov](http://www.bainbridgewa.gov)  
[facebook.com/citybainbridgeisland/](https://facebook.com/citybainbridgeisland/)  
206.780.3762 (office)

## Jane Rasely

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**From:** Stephen Crampton <SteveSings@gmail.com>  
**Sent:** Sunday, June 11, 2017 7:55 PM  
**To:** Kelly Tayara; PCD; Peter Corelis; Ron Peltier; Wayne Roth; Michael Scott; Val Tollefson  
**Cc:** Michael Michael; Nick; Andre Olanie; Barry; Kelsey Laughlin; "anar@windermere.com"; "bettywiese@comcast.net"; smithhouse4  
**Subject:** Wallace Cottages PLN50589

I'm writing in support of the developer's proposal (Alternative 2) to the extent it proposes a two-lane road going East to Madison Avenue. I'm against any proposal to have a road going West to Nakata Avenue, or to the dedication of a right of way for a future road going in that direction. As has been pointed out in other comments, a road going West to Nakata would have a substantial negative impact on the neighborhood in general, including Nakata and Grow Avenues.

More significant would be the negative impact on houses immediately adjacent to such a road. The houses were built decades ago and are not spaced in such a way to permit a road running between them, especially a two-lane road. The impact in terms of loss of privacy, noise, and security would be substantial.

Also, I have a 15-year-old daughter who lives with me and has cerebral palsy. She sometimes uses a wheelchair. I would object to any road adjacent to my house that does not comply fully with ADA standards for sidewalks and other facilities. Specifically, I would object to reducing the right-of-way requirement for any road leading West from the proposed property to Nakata Ave.

In addition, there is an existing fence line that was omitted from the developer's plan that may preclude construction of a two-lane road running to Nakata Ave, even with a reduced right-of-way. The property at 205 Clayton Place NW includes a fence that is approximately three feet south of the North side of the proposed road to Nakata as shown on the developer's plan. The six-foot cedar fence has been there since 2005 and has been continuously maintained since then. There is also another "deer" fence running on the Eastern boundary of 205 Clayton Place NW. That fence has also been continuously maintained since 2005.

As the owner of 205 Clayton Place NW, Bainbridge Island, WA, I want to put on the record that the Southern and Eastern borders of my property extend to the respective fence lines. I do not give anyone permission to alter my fence lines or otherwise use my property in any way with respect to this proposed development or any other.

Heather Wright

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**From:** Jan Rose <Jan@thwpllc.com>  
**Sent:** Thursday, May 18, 2017 3:18 PM  
**To:** Kelly Tayara  
**Subject:** 345 Fir Acres Dr. NW, Bainbridge Island Tax Parcel No. 272502-1-212-2006  
**Attachments:** 20170518150927932.pdf

Good afternoon,

Attached please find a copy of a letter from David Horton. A hard copy will follow via mail.

Sincerely,

**Jan Rose**  
Legal Assistant

Templeton Horton Weibel PLLC  
3212 NW Byron Street #104  
Silverdale, WA 98383  
360-692-6415



TEMPLETON  
HORTON  
WEIBEL PLLC

3212 NW BYRON STREET # 104 ♦ SILVERDALE, WA 98383

TELEPHONE (360) 692-6415 ♦ FAX (360) 692-1257

[www.thwpllc.com](http://www.thwpllc.com)

Ronald C. Templeton  
David P. Horton  
David A. Weibel\*  
\*Also admitted in Oregon

May 18, 2017

BY EMAIL [ktayara@Bainbridge.Wa.gov](mailto:ktayara@Bainbridge.Wa.gov) AND US MAIL

Kelly Tayara  
Department of Planning and Development  
City of Bainbridge Island  
280 Madison Ave. N  
Bainbridge Island, WA 98110

Re: ***345 Fir Acres Dr. NW, Bainbridge Island***  
Tax Parcel No. 272502-1-212-2006

Dear Ms. Tayara:

I represent Steven Mendelsohn regarding the above-referenced property and write regarding the adjacent proposed development. The plans we have been provided for the proposed adjacent development show pedestrian walkways, and utility easements on the Mendelsohn property. But a careful review of the chain of title shows there are no recorded documents granting most of these easements on the Mendelsohn property.

The proposed development will also be impacted by the limitations on tax parcel No. 272502-1-153-2007 (immediately to the North of the Mendelsohn property) established in the Agreement Regarding Grant of Easement and Development Limitations recorded under Kitsap County Auditor's File No. 200103260191 on March 26, 2001.

Ronald C. Templeton  
[ron@thwpllc.com](mailto:ron@thwpllc.com)

David P. Horton  
[dhorton@thwpllc.com](mailto:dhorton@thwpllc.com)

David A. Weibel  
[dweibel@thwpllc.com](mailto:dweibel@thwpllc.com)

Kelly Tayara  
May 18, 2017  
Page 3

My client has no objection to the proposed development to his North, so long as that development does not encroach on his property more than is allowed by the current easements of record.

Please feel free to contact me if you have any questions or concerns.

Very truly yours,

TEMPLETON HORTON WEIBEL PLLC



DAVID P. HORTON

cc: client (by email).

---

Heather Wright

**From:** Hayes Gori <hayes@hayesthelawyer.com>  
**Sent:** Friday, February 09, 2018 2:49 PM  
**To:** Kelly Tayara; Peter Corelis; PCD; Sarah Blossom; Kimberly McCormick Osmond; Mack Pearl; Jon Quitslund; Don Doman; Lisa Macchio; Michael Killion; William Chester  
**Cc:** Joe Levan; Spence, Michael A.  
**Subject:** RE: Wallace Cottages - correction  
**Attachments:** Survey of Crampton fences.pdf

City Staff & Planning Commission,

The surveyor has revised his sketch regarding the location of Mr. Crampton’s fences. The revised sketch is attached. I am submitting this so that the public record contains accurate information.

Thank you,  
Hayes Gori

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**From:** Hayes Gori  
**Sent:** Thursday, February 08, 2018 8:10 AM  
**To:** ktayara@bainbridgewa.gov; Peter Corelis <pcorelis@bainbridgewa.gov>; pcd@bainbridgewa.gov; sblossom@bainbridgewa.gov; kimberly.mccormick.osmond@cobicommittee.email; mack.pearl@cobicommittee.email; jon.quitslund@cobicommittee.email; don.doman@cobicommittee.email; lisa.macchio@cobicommittee.email; michael.killion@cobicommittee.email; william.chester@cobicommittee.email  
**Cc:** Joe Levan <jlevan@bainbridgewa.gov>; Spence, Michael A. <mspence@helsell.com>  
**Subject:** FW: Wallace Cottages - Legal Issues  
**Importance:** High

City Staff & Planning Commission,

Mr. Crampton’s assertion below that his metal fence encroaches onto my clients’ property to the east is false. Attached is a surveyor sketch that shows the location of the fence (labeled as “6’ Deer fence”). As you can see, it runs along the property line and does not encroach to the east.

As with Mr. Crampton’s invalid adverse possession claim, this false claim regarding his metal fence is not an issue and is not a basis to delay my clients’ project.

Sincerely,  
Hayes Gori

**From:** Steve Crampton <[stephenccrampton@gmail.com](mailto:stephenccrampton@gmail.com)>  
**Date:** February 7, 2018 at 2:00:56 PM PST  
**To:** Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>, PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>  
**Cc:** [kimberly.mccormick.osmond@cobicommittee.email](mailto:kimberly.mccormick.osmond@cobicommittee.email), [mack.pearl@cobicommittee.email](mailto:mack.pearl@cobicommittee.email), [don.doman@cobicommittee.email](mailto:don.doman@cobicommittee.email), [jon.quitslund@cobicommittee.email](mailto:jon.quitslund@cobicommittee.email), [lisa.macchio@cobicommittee.email](mailto:lisa.macchio@cobicommittee.email), [william.chester@cobicommittee.email](mailto:william.chester@cobicommittee.email), [michael.killion@cobicommittee.email](mailto:michael.killion@cobicommittee.email), [sblossom@bainbridgewa.gov](mailto:sblossom@bainbridgewa.gov), "Spence, Michael A." <[mspence@helsell.com](mailto:mspence@helsell.com)>, smithhouse4 <[smithhouse4@comcast.net](mailto:smithhouse4@comcast.net)>, "Smith, Nick" <[nick.centralhighlands@gmail.com](mailto:nick.centralhighlands@gmail.com)>  
**Subject:** Wallace Cottages - Legal Issues

Dear Kelly et al.,

Has the developer submitted updated plans in response to the last Planning Commission meeting? I recall there were questions regarding his plans to build with only a 5-foot setback from property lines.

I'm attaching a map I found on the city website: [https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/558bc0af-b452-4a9e-a5d9-a762012f1193?\\_conv=1](https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/558bc0af-b452-4a9e-a5d9-a762012f1193?_conv=1)

According to the plan, the developer proposes a 5-foot setback for what is labelled as lot 18, immediately east of my backyard. However, my backyard is enclosed by a metal fence that extends as much as 10 feet into lot 18. I have documentation that the metal fence has existed on my property since at least 2005, and the land up to and including the fence has been continuously maintained since then.

To clarify the situation, I'm attaching a map showing the approximate positions of the fences bounding my property. The wooden fence discussed in the last Planning Commission meeting is indicated in red. The metal fence is indicated in blue.



Heather Wright

**From:** Hayes Gori <hayes@hayesthelawyer.com>  
**Sent:** Friday, February 09, 2018 2:49 PM  
**To:** Kelly Tayara; Peter Corelis; PCD; Sarah Blossom; Kimberly McCormick Osmond; Mack Pearl; Jon Quitslund; Don Doman; Lisa Macchio; Michael Killion; William Chester  
**Cc:** Joe Levan; Spence, Michael A.  
**Subject:** RE: Wallace Cottages - correction  
**Attachments:** Survey of Crampton fences.pdf

City Staff & Planning Commission,

The surveyor has revised his sketch regarding the location of Mr. Crampton’s fences. The revised sketch is attached. I am submitting this so that the public record contains accurate information.

Thank you,  
Hayes Gori

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**From:** Hayes Gori  
**Sent:** Thursday, February 08, 2018 8:10 AM  
**To:** ktayara@bainbridgewa.gov; Peter Corelis <pcorelis@bainbridgewa.gov>; pcd@bainbridgewa.gov; sblossom@bainbridgewa.gov; kimberly.mccormick.osmond@cobicommittee.email; mack.pearl@cobicommittee.email; jon.quitslund@cobicommittee.email; don.doman@cobicommittee.email; lisa.macchio@cobicommittee.email; michael.killion@cobicommittee.email; william.chester@cobicommittee.email  
**Cc:** Joe Levan <jlevan@bainbridgewa.gov>; Spence, Michael A. <mspence@helsell.com>  
**Subject:** FW: Wallace Cottages - Legal Issues  
**Importance:** High

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Hayes Gori

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**Date:** February 7, 2018 at 2:00:56 PM PST  
**To:** Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>, PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>  
**Cc:** [kimberly.mccormick.osmond@cobicommittee.email](mailto:kimberly.mccormick.osmond@cobicommittee.email), [mack.pearl@cobicommittee.email](mailto:mack.pearl@cobicommittee.email), [don.doman@cobicommittee.email](mailto:don.doman@cobicommittee.email), [jon.quitslund@cobicommittee.email](mailto:jon.quitslund@cobicommittee.email), [lisa.macchio@cobicommittee.email](mailto:lisa.macchio@cobicommittee.email), [william.chester@cobicommittee.email](mailto:william.chester@cobicommittee.email), [michael.killion@cobicommittee.email](mailto:michael.killion@cobicommittee.email), [sblossom@bainbridgewa.gov](mailto:sblossom@bainbridgewa.gov), "Spence, Michael A." <[mspence@helsell.com](mailto:mspence@helsell.com)>, smithhouse4 <[smithhouse4@comcast.net](mailto:smithhouse4@comcast.net)>, "Smith, Nick" <[nick.centralhighlands@gmail.com](mailto:nick.centralhighlands@gmail.com)>  
**Subject:** Wallace Cottages - Legal Issues

Dear Kelly et al.,

Has the developer submitted updated plans in response to the last Planning Commission meeting? I recall there were questions regarding his plans to build with only a 5-foot setback from property lines.

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Heather Wright

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**From:** Venera Di Bella Barles <veneradibella32@gmail.com>  
**Sent:** Monday, June 12, 2017 8:01 PM  
**To:** Kelly Tayara  
**Subject:** PLN 50589 WALLACE COTTAGES

Planning and Community Development

280 Madison Avenue N

Bainbridge Island, WA 98110

Dear Planning and Community Development Department

re: PLN 50589 Wallace Cottages (and nearby proposed projects)

Attn: Kelly Tayara, Associate Planner

June 12, 2017

Dear Heads of City, Friends and Neighbors,

I realize and appreciate the toughness of your jobs, and I know you would not want to destroy this part of our lives. Sometimes people matter more than cars and houses. I suggest that the way to answer our concerns is to see yourselves as homeowners experiencing the same issues in your homes and neighborhood.

And with all due respect, as this decision is brought to us, the question I had this morning was; why must we accommodate and damage our neighborhood's way of life for the new folks coming? I will welcome them gladly, but not at the expense that we take a significant loss.

I am in support of the Wallace Cottages proposed Alternative 2 version not Alternative 1.

Using Wallace Way as an entry or exit for these new developments is simply not acceptable. I request that all traffic associated with these developments be channeled to and from Madison. Madison was designed for this traffic load; whereas Wallace Way, Nakata Avenue and Grow Avenue are not.

Ideally, any access between Wallace Cottages and the Nakata/Taurnic intersection should remain limited to non-motorized traffic.

Besides, my caring neighbors, I will be affected greatly by this upheaval - since I am on the corner of Wallace and Nakata. We all have been good tenants and stewards of this small patch of land. Carefully, attending to this, our main retreat, from the fast pace we are forced to endure daily.

Our streets have given Bainbridge High School students a safe alternative to not use busy Grow Ave., but rather to walk and talk to their friends on our roads, as they make their way home. We have too few places where young people can do these things.

Families have children who gather for play and friendship on these back roads. You must admit there are not many streets in our fair downtown community, where skateboard, basketball, bike riding, walking, roller skating, folks that walk their dogs - and regularly we get groups of walkers passing through.

There is a magical walking path that is lovingly used. They come to these back roads because they too, need quiet and safe lanes.

And in case I did not make my letter understood, once again, I am in favor of version Alternative 2.

We need your assurance that you will work hard to secure our needs and safety.

Thank you for your service.

Venera Di Bella-Barles

302 Wallace Way NW

*Ciao e Pace, Venera*

City Hall  
280 Madison Avenue North  
Bainbridge Island, WA 98110  
**Email:** [cityclerk@bainbridgewa.gov](mailto:cityclerk@bainbridgewa.gov)

RE: Public Comment: City Council Resolution 2017-23, AB 17-201 Re: Vacate Duane Lane

I oppose the terms of the action to vacate Duane Lane in trade for a trail between Weaver Road and Sportsman Club Road. I ask the City Council not to approve the resolution or agreement to vacate Duane Lane as proposed.

While I do agree that this vacation should take place, I believe the City must use this as a negotiation point for discussions between Ohrts and the Wallace cottage developers, such that a joint access point for BOTH developments be created onto Madison Avenue.

While we live on Nakata, the issue, I believe, is NOT how this impacts Nakata, but how it impacts traffic on Grow avenue.

Grow is a secondary street, WITHOUT SIDEWALKS, yet this road is a main, if not the main pedestrian and bike access to the High School. As the students feed in from the side neighborhoods the bikes and pedestrian traffic is particularly heavy at the northern part of Grow, right where the Wallace cottage residents would enter and exit (Via Wallace) their homes. Not only does Grow NOT have sidewalks, the shoulder is very narrow, so both bikes and pedestrians are forced to walk very close to the cars. It is a somewhat unsafe situation now, which would only be worsened by this additional traffic.

The other solution, of course, is for the City to build sidewalks and bike lanes on Grow, to meet the demands.

All of us hope for safe travels, for all pedestrians and cyclists, but especially for the students attending our schools. Adding additional traffic from the Wallace Cottages, increases those risks. The City now has the opportunity to attempt to improve safety for our students, by encouraging agreements between these two developers to move the traffic to Madison, the main traffic corridor.

Thank you for considering our thoughts,

Ken and Deborah Breiland  
1002 Nakata Ave NW  
Bainbridge Island, WA

Heather Wright

---

**From:** Marilyn Mandala <mmandala@comcast.net>  
**Sent:** Monday, June 12, 2017 12:15 PM  
**To:** Kelly Tayara  
**Cc:** Marilyn Mandala  
**Subject:** Wallace Cottages Comment

Hi, I am very much in favor of option #2, with vehicle access to the new Wallace Cottages development only from Madison. Would like to see walking/bike/accessible access from Nakata side, no vehicles from that side.

Also would like to see accessible non-vehicle connection to the Wallace Cottages from Fir Acres Drive N.W., so people in the small nursing home on Fir Acres and their caregivers will have good access to the library that way, and also so that if the city will ever give us a sidewalk on Grow, people in wheelchairs and accessibility scooters in the Madison nursing home and in the many accessible apartments in the Madison area can have access to Gideon Park.  
Thank you, Marilyn Mandala Dooley, 321 Fir Acres Dr. N.W. mmandala@comcast.net

Heather Wright

**From:** Hayes Gori <hayes@hayesthelawyer.com>  
**Sent:** Tuesday, February 06, 2018 1:59 PM  
**To:** Joe Levan  
**Cc:** Kelly Tayara; Peter Corelis; PCD; Kimberly McCormick Osmond; Mack Pearl; Don Doman; Jon Quitslund; William Chester; Lisa Macchio; Michael Killion; Sarah Blossom  
**Subject:** Wallace Cottages project - Planning Commission review  
  
**Importance:** High

Hello Joe,

I write regarding J. Mack Pearl’s e-mail below, which is concerning in several regards. First, since Mr. Pearl sent his e-mail – in which he discusses the Wallace Cottages project – to all of the Planning Commission (PC) members, the e-mail was a private meeting in violation of the Open Public Meetings Act (OPMA). At the end of the January 25 meeting, the PC members were reminded of the requirements of the OPMA. As you know, violations of the OPMA can result in personal liability for the violators, an award of attorney fees, and nullification of any subsequent decision by the PC regarding Wallace Cottages.

Second, Mr. Pearl’s e-mail betrays the PC’s mistaken belief (according to Mr. Pearl) that it cannot submit its recommendation until Mr. Crampton’s claim has been resolved. This is incorrect for three reasons. First, the PC does not have a quasi-judicial role in this context, and consequently resolution of legal issues is not within its purview. The PC’s role here is set forth in BIMC 2.14.B.3: *Review and make recommendations on all housing design demonstration project applications pursuant to BIMC 2.16.020.Q, including those housing design demonstration project applications involving land subdivision, based on a comprehensive review of the project at a public meeting.* In carrying out their duties, per BIMC.C.1, “[e]ach commissioner shall endeavor to understand and agree to uphold the city’s adopted comprehensive plan.” Second, Mr. Crampton’s claim is meritless. This is not only my opinion, but it is also the opinion of City Staff, which I assume consulted with you on the matter. Third, my clients have made a workaround proposal (which meets all of the legal requirements) that renders Mr. Crampton’s claim irrelevant for purposes of evaluating my clients’ project. For each of these reasons, Mr. Crampton’s claim is not a valid basis for delaying my clients’ project.

The procedure to be followed by the PC is set forth in BIMC.G: *The planning commission will consider the land use applications at a public meeting and shall recommend approval, approval with conditions, or denial of an application. . . . In making a recommendation, the planning commission shall consider the applicable decision criteria of this code, the comprehensive plan, all other applicable law, any necessary documents and approvals, and any testimony presented verbally or in writing at the public meeting. If the applicable criteria are not met, the planning commission shall recommend the proposal be subject to conditions or denied. A planning commission recommendation is not a final decision and is not subject to appeal. The planning commission’s written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director and/or the hearing examiner, as applicable. (emphasis added).*

The PC’s role is limited to considering the land use application based on the information provided, applicable law, and public testimony. That’s it. No further inquiry or review or process is authorized. Once the PC has completed its prescribed review, the next step is to submit a recommendation of approval, approval with conditions, or denial. That’s it. No other action is authorized. As far as timing, the PC’s recommendation shall be transmitted immediately to the decision-maker. No delay is authorized.

Third, the fact that the PC prefers (according to Mr. Pearl) that the access for my clients’ project come from Madison is not a valid basis for delay. My client made every effort to have the access come from Madison (discussed in more detail in my clients’ memo below my signature block), but for various reasons it did not work out. If it is to happen now, it will take City action, which is beyond my client’s control. In any event, my clients’ project has a City Staff-approved access plan. If the PC wants to recommend an alternative access plan to the Hearing Examiner, it is free to do so, but, again, this is not a valid basis for delay.

Fourth, Mr. Pearl’s e-mail indicates that the PC has misgivings about the design and HDDP scoring of my clients’ project. First of all, City Staff scored the project and believes it meets the requirements of the HDDP ordinance. The Design Review Board concurs. What is the basis of the PC’s belief (according to Mr. Pearl) that the scoring of the project is incorrect? Even though my clients have already run the gauntlet of HDDP approval, below my signature block is a memo (in all caps) from my clients explaining ways in which their project is innovative. (Note: The innovations set forth below are in addition to those that were considered by City Staff for purposes of HDDP scoring.) Second, if the PC has misgivings about the design and/or scoring, the proper course of action is not delay but rather a recommendation to the Hearing Examiner.

Fifth, Mr. Pearl states that his goal is to work together with applicants and the neighborhood to make the resultant project work for all concerned; that it would be great if my clients’ project turns out to be an asset to the neighborhood; and that he hopes to work together to get a positive recommendation to the Hearing Examiner. All of these statements betray a misunderstanding of the PC’s role. The PC’s role is not to broker a deal between the applicant and the neighborhood. Tensions between developers and neighborhoods are inherent. The PC’s role is not to resolve these tensions but rather to review projects to ensure compliance with the Comprehensive Plan and other applicable law. Likewise, the PC’s role is not to ensure that projects are an “asset” to the neighborhood. This reeks of subjective evaluation. Again, the PC’s role is to ensure that projects comply with applicable law, which in this case means the HDDP ordinance, which, if satisfied, means, objectively, that the project is an asset. Finally, it is not the PC’s role to work with the applicant to formulate a positive recommendation. I submit, as does City Staff, that a positive recommendation is warranted in my clients’ case, but if the PC respectfully disagrees then it should submit an other-than-positive recommendation. None of Mr. Pearl’s goals/hopes is a valid basis for delay.

As you know, my clients’ project is well past the 90-day approval deadline. My clients have been gracious and understanding with the delays to date. However, my clients are not willing to endure further delay, especially when there is no valid basis for it.

On behalf of my clients, I request your assistance in facilitating the expeditious completion of the PC’s review of my clients’ proposal in accordance with applicable law. The PC’s next meeting is this Thursday, February 8. I plan to attend, and I request that you attend as well. I see no reason why the PC cannot complete its review of my clients’ proposal at this meeting. Please let me know if you do not think this is possible and, if so, why not.

Sincerely,  
Hayes Gori

1. BUILDING DESIGN: FOLLOWING A RECOMMENDATION FROM THE COBI DESIGN REVIEW BOARD TO REDESIGN OUR HOMES ON THE LOTS WE MOVED THE 2 PARKING SPACES AWAY FROM THE FRONT OF THE HOUSE TO ALLEVIATE THE "CAR CENTRIC" FEEL OF THE PROJECT. WE RE-DESIGNED ALL OF OUR HOME MODELS TO BE NARROW ENOUGH TO ALLOW ROOM FOR PARKING ON THE SIDE AND BETWEEN THE HOMES, RECESSED FROM THE FRONT PLAIN OF THE HOME TO ELIMINATE CAR PARKING FROM VIEW. OUR HOMES ARE OF HIGH QUALITY DESIGN AS PER THE SCHEMATIC RECOMMENDED COTTAGE/HOUSE DESIGN IN COBI'S DESIGN GUIDELINES. OUR HOMES ARE QUALITY CONSTRUCTION THAT INCLUDES A 10 YEAR HOME OWNERS WARRANTY. BY INNOVATIVELY DESIGNING OUR HOMES AND LOTS TO ACCOMMODATE 2 CARS PER HOME, VERSUS A LOWER NUMBER OF PARKING SPACES PER HOME, WE ARE ALSO MEETING AN HDDP REQUIREMENT TO REDUCE THE IMPACT OF HOMEOWNERS WHO WILL HAVE 2 CARS, REGARDLESS OF WHETHER OR NOT THEIR HOME HAS 2 SPACES, TO ELIMINATE THEIR NEED TO PARK IN THE SURROUNDING NEIGHBORHOODS. THE GROW AVENUE COMMUNITY HOMEOWNERS' BIGGEST COMPLAINT IS THE REMOTE AND INADEQUATE PARKING FOR THEIR HOMES.
2. INNOVATIVE SITE DEVELOPMENT: OUR CIVIL ENGINEER, KELSEY LAUGHLIN, OWNER OF SEABOLD ENGINEERING, DEVELOPED AN INNOVATIVE STORM WATER SOLUTION THAT WILL CAPTURE THE CURRENT STORM WATER RUNOFF FROM THE NAKATA, TAURNIC AND PROPOSED WALLACE

COTTAGES PROJECT BY COLLECTING THIS STORM RUNOFF AND CONVEYING THE STORM FLOW BY PIPE TO THE MADISON AVE STORM SYSTEM. COBI PUBLIC WORKS HAS AGREED THAT WITH OUR UPGRADING A SECTION OF THE EXISTING 12" STORM PIPE IN MADISON TO 24" AT OUR EXPENSE WE WILL HAVE ACHIEVED THE BEST SOLUTION TO HANDLING ALL OF OUR AND THE OFFSITE NEIGHBORHOOD STORM FLOWS AS WELL. PROJECTS, SUCH AS THE MADISON COURTYARDS, WILL BE RELIEVED OF ACCEPTING THE CURRENT STORM FLOW THAT HAS CONTINUOUSLY FLOODED THEIR CRAWL SPACES AND CAUSED OTHER RELATED STORM FLOW ISSUES. FOR THE RECORD, AS PER RCW, OUR PROJECT IS ONLY REQUIRED TO PROVIDE ENOUGH DETENTION OF STORM WATERS TO MATCH PRE-EXISTING CONDITIONS. BECAUSE OUR GEO-TECH REPORT NOTES THAT OUR SITE'S SOILS WILL NOT ALLOW APPRECIABLE PERCOLATION OF STORM WATERS, VIRTUALLY ALL OF THE CURRENT STORM WATERS NOW FLOW ACROSS ALL PROPERTIES IN ITS FLOW PATTERN TO MADISON AVE WHERE IT IS CAPTURED BY THE MADISON AVENUE'S CATCH BASINS AND INTO THE MADISON STORM SYSTEM.

3. TRAFFIC IMPACTS - INNOVATIVE POSSIBLE SOLUTIONS: THOUGH WE WERE NOT LEGALLY REQUIRED TO MITIGATE, OR OBTAIN ACCESS OTHER THAN VIA WALLACE WAY THROUGH THE INTERSECTION OF NAKATA AND TAURNIC TO GROW AVENUE FOR OUR PROJECTS ACCESS, WE DID ATTEMPT THESE FOLLOWING ALTERNATIVE INNOVATIVE SOLUTIONS TO REDUCE TRAFFIC IMPACTS: WE ATTEMPTED TO DO A JOINT VENTURE TO GAIN A 30' RW FROM EITHER THE REHAB CENTER OR THE OHRT GROUP THAT OWNS THE VET CLINIC. THOUGH WE WERE UNABLE TO COMPLETE AN AGREEMENT WITH EITHER OF THESE PARTIES, WE DID PROVIDE A STRATEGY THAT ONLY COBI COULD PURSUE TO CONVINCE THE OHRT GROUP THAT COOPERATING WITH US TO CREATE WALLACE WAY FROM MADISON AVE. WAS IN THEIR BEST INTERESTS. BECAUSE COBI DETERMINED THAT DUANE LANE WAS A COBI RW AND NOT OWNED BY THE OHRT GROUP THEY COULD OFFER THE OHRT GROUP A "FREE VACATION" OF THE DUANE LANE RW ALLOWING THE OHRT GROUP TO GAIN OWNERSHIP AND USE OF THE RW VALUED IN EXCESS OF \$300,000 IN EXCHANGE FOR THE OHRT GROUP TO CONSTRUCT WALLACE WAY FROM MADISON VERSUS DUANE LANE FOR ACCESS TO THEIR AND OUR PROJECTS. NEVERTHELESS, WALLACE COTTAGES STILL HAS THE OPTION OF USING THE EXISTING WALLACE RW AS ACCESS TO GROW AVENUE REGARDLESS OF THE SUCCESS OF OBTAINING WALLACE WAY ACCESS TO MADISON.

BY CREATING A 4 WAY STOP INTERSECTION WITH WALLACE WAY, NAKATA AND TAURNIC ALONG WITH A "NO RIGHT TURN" ONTO NAKATA FOR CARS EXITING WALLACE COTTAGES VIA WALLACE WAY, ANY NAKATA TRAFFIC IMPACTS WILL LARGELY BE ELIMINATED. ADDITIONALLY, THE COMPREHENSIVE PLAN GOALS FOR AFFORDABLE AND VARIABLE HOUSING ALLOW HDDP PROJECTS TO BE LOCATED ANYWHERE IN THE COBI SEWER DISTRICT, THUS ACKNOWLEDGING THAT TRAFFIC IMPACTS FROM THESE PROJECTS MUST BE ACCOMMODATED OR THE GOALS OF THE COMPREHENSIVE PLAN CANNOT BE ACHIEVED.

4. COMMON OPEN SPACE: OUR INNOVATIVE LOT DESIGN AND LAYOUT ALLOWED US TO CREATE OVER 20,000SF OF ACTIVE AND PASSIVE OPEN SPACE COMPARED TO THE REQUIRED 7600SF (400SF PER UNIT X 19 HOME=7600SFT). WE LOCATED THE PLAYGROUND, "ACTIVE OPEN SPACE", AT THE NORTH END OF THE PROJECT SO THAT NOT ONLY THE WALLACE COTTAGES PROJECT COULD ENJOY THE PLAYGROUND, BUT ALSO THE NAKATA AND TAURNIC NEIGHBORHOODS. ADDITIONALLY, ALL THE PEDESTRIANS, SUCH AS FAMILIES WITH CHILDREN, USING THE PATHWAY WE ARE DEDICATING TO COBI TO MADISON, CAN ALSO ENJOY THE PLAYGROUND.

**LAW OFFICE OF HAYES GORI, PLLC**  
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Bainbridge Island, WA 98110  
(206) 842-6462  
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*High quality service in a timely and courteous manner*

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**From:** Mack Pearl [<mailto:mack.pearl@cobicommittee.email>]  
**Sent:** Wednesday, January 31, 2018 2:39 PM  
**To:** Hayes Gori <[hayes@hayesthelawyer.com](mailto:hayes@hayesthelawyer.com)>; Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>; Peter Corelis <[pcorelis@bainbridgewa.gov](mailto:pcorelis@bainbridgewa.gov)>; PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>; Joe Levan <[jlevan@bainbridgewa.gov](mailto:jlevan@bainbridgewa.gov)>; Kimberly McCormick Osmond <[Kimberly.McCormick.Osmond@cobicommittee.email](mailto:Kimberly.McCormick.Osmond@cobicommittee.email)>; Don Doman <[Don.Doman@cobicommittee.email](mailto:Don.Doman@cobicommittee.email)>; Jon Quitslund <[jon.quitslund@cobicommittee.email](mailto:jon.quitslund@cobicommittee.email)>; William Chester <[william.chester@cobicommittee.email](mailto:william.chester@cobicommittee.email)>; Lisa Macchio <[lisa.macchio@cobicommittee.email](mailto:lisa.macchio@cobicommittee.email)>; Michael Killion <[michael.killion@cobicommittee.email](mailto:michael.killion@cobicommittee.email)>; Sarah Blossom <[sblossom@bainbridgewa.gov](mailto:sblossom@bainbridgewa.gov)>  
**Subject:** Re: Wallace Cottages project

Hayes Gori,  
I am the chair of the Planning Commission and an Architect not a Lawyer. We as planning Commission members are not equipped to determine legal access issues. I don't know if you or Mr. Crampton has the winning legal claim. We (I am mostly speaking for myself, but there seemed to be consensus on the committee) think that all legal access issues must be resolved before we can determine if an application follows the Comprehensive Plan. We would like the access for your project to come from Madison per your suggestion #3 in the capitalized section of your letter. This may take time to resolve. The second issue is that HDDP projects are supposed to be Demonstrations of innovative design. None of us on the PC felt that the project was innovative or even an example of good design. The pea patch and playground on the North edge of the project with limited solar access and requiring the cutting of a forest seem very problematic. It may turn out that this project meets the minimum requirements of the HDDP ordinance, but we are not yet convinced of this fact. We believe that the scoring of the project is incorrect. My goal is to work together with applicants and the neighborhood and to make the resultant project work for all concerned. It would be great if your project turns out to be an asset to the neighborhood and meets the goals of the Comprehensive Plan.  
I hope we can work together on completing our review and getting a positive recommendation to the Hearing Examiner.  
Thank You  
J. Mack Pearl - Chair PC

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**From:** Hayes Gori <[hayes@hayesthelawyer.com](mailto:hayes@hayesthelawyer.com)>  
**Sent:** Wednesday, January 31, 2018 7:18:51 AM  
**To:** Kelly Tayara; Peter Corelis; PCD; Joe Levan; Kimberly McCormick Osmond; Mack Pearl; Don Doman; Jon Quitslund; William Chester; Lisa Macchio; Michael Killion; Sarah Blossom  
**Subject:** Wallace Cottages project

City Staff, Planning Commission and City Attorney,

I represent Central Highlands, Inc. and Wallace Cottages, LLC. At the last Planning Commission meeting, my clients’ Wallace Cottages project was on the agenda. As you know, a neighboring property owner, Stephen Crampton, has asserted an adverse possession claim against my clients’ property. As I have previously explained (in a 1/25/18 e-mail to



Kelly Tayara, attached), it is not possible for Mr. Crampton (or anyone else) to adversely possess my clients’ property because it is held for a public purpose – that is, COBI has an above- and below-ground right of way easement for sanitary sewer in the property. The applicable statute is RCW 7.28.090. I also attach a Washington case, *Kiely v. Graves*, that interprets and applies this statute, as well as an article by a Seattle law firm discussing the import of *Kiely v. Graves*. Because the sewer easement is a right of way, COBI is legally obligated to protect this important public infrastructure, and accordingly should remove Mr. Crampton’s encroachments.

I must point out that COBI has been slow in processing my clients’ project – we are way beyond the 90-day decision deadline – and further delay is not acceptable, especially if the cause of delay is a meritless claim by a neighbor. Mr. Crampton’s claim – which he reiterated at the recent Planning Commission meeting by making baseless claims of ownership and use rights, and which has resulted in a special exception in my clients’ title insurance policy – is a slander against my clients’ title, and any resultant delay will only add to my clients’ damages. The Planning Commission has all the information it needs to make its advisory decision that will be considered by the Hearing Examiner, and I implore it to do so as soon as possible. If the Planning Commission does not wish to make a recommendation, then it should submit a “no decision” memo to the Hearing Examiner. The point is that there should be no further delay in the processing of my clients’ project en route to the Hearing Examiner.

Finally, below my signature block is a memo from my clients with input on other aspects of the project. As the body charged with upholding the Comprehensive Plan, I submit that the Planning Commission should be championing my clients’ project because as pointed out below, the project furthers many of the goals of the Comprehensive Plan.

Sincerely,  
Hayes Gori

COBI COMPREHENSIVE PLAN, WHICH INCORPORATES THE HDDP GOALS WAS THE SUBJECT OF EXTENSIVE PUBLIC HEARINGS AND INPUT FROM THE PLANNING COMMISSION.

THE HDDP PLAN HAS BEEN EXTENDED ALMOST YEARLY FOR THE PAST SEVERAL YEARS AND WILL HAVE TO BE EXTENDED AGAIN FOR 2018. THEREFORE, THE PLANNING COMMISSION HAS HAD TO HAVE HAD INPUT AND LIKELY APPROVAL OF HDDP PLAN. THEREFORE, NEITHER THE NEIGHBORS OR THE PC MEMBERS HAVE ANY LEGAL, MORAL OR VALID TRAFFIC DANGER COMPLAINTS WHEN HDDP PROJECTS ARE DEVELOPED IN THE GEOGRAPHICALLY APPROVED AREAS OF BAINBRIDGE (COBI SEWER DISTRICT BOUNDARIES). ALL OF THOSE ISSUES, INCLUDING INCREASED TRAFFIC DUE TO THE INCREASED DENSITY ALLOWED BY HDDP PROJECTS, ARE ALLOWED IN ORDER TO MEET THE GOALS OF THE COMPREHENSIVE PLAN. HOWEVER, MITIGATION EFFORTS SHOULD BE ALLOWED AND ENCOURAGED TO LESSEN THE TRAFFIC AND OTHER IMPACTS RESULTING FROM HIGHER RESIDENTIAL DENSITIES AS I HAVE NOTED BELOW.

NOTE: GROWTH MANAGEMENT GOALS ALONG WITH COMMENTS FROM THE PC MEMBERS THEMSELVES SHOW THEY SUPPORT HIGHER DENSITIES IN THE URBAN CORE BECAUSE: 1. INCREASED RESIDENTIAL DENSITY IN THE CORP ALLOWS WORKING FAMILIES TO WALK TO THE FERRY, WALK TO SHOPPING, WALK TO SCHOOLS, WALK TO CITY HALL AND SO ON, THUS DECREASING THE USE OF CARS REGARDLESS OF HOW MANY PARKING SPACES ARE AVAILABLE PER HOME. WALLACE COTTAGE IS A "POSTER CHILD" PROJECT IN MEETING THESE GOALS. ADDITIONALLY, HDDP PROJECTS HAVE ATTRACTED FAMILIES WITH CHILDREN WHO ARE DESPARATELY NEEDED TO OFFSET THE DECLINING SCHOOL POPULATION AND INCREASING GENTRIFICATION OF BAINBRIDGE.

NAKATA/TAURNIC NEIGHBORHOOD MITIGATION POSSIBILITIES TO REDUCE INCREASED DANGER FROM INCREASED TRAFFIC

1. INSTALL A 4 WAY STOP INTERSECTION AT WALLACE AND NAKATA THAT CURRENTLY HAS ONLY 1 STOP FOR TAURNIC AT WALLACE ALONG WITH INSTALLING A NO RIGHT TURN AS OUR WALLACE INTERSECTS NAKATA, THUS FORCING WALLACE COTTAGES TRAFFIC TO GO ONLY TO GROW AVE. THE NEIGHBORS WHO TESTIFIED SPOKE ONLY OF PROTECTING NAKATA FROM INCREASED TRAFFIC. TAURNIC IS A CULDESAC THUS THERE IS NO REASON FOR OUR TRAFFIC TO ENTER TAURNIC EXCEPT TO VISIT A NEIGHBOR.
2. OR CLOSE NAKATA AVE. WITH AN EMERGENCY ONLY ACCESS "SEATTLE STYLE BERMED EMERGENCY ACCESS PASSTHRU WITHOUT BARRIERS" LEAVING THE ACCESS TO NAKATA ONLY AT THE NORTH END.
3. THE PC MEMBERS AND NEIGHBORS CAN USE OUR SUGGESTED PLAN OF WITHHOLDING A FREE "VACATION" OF DUANE LANE TO THE OHRT GROUP UNLESS THE OHRT GROUP USES OUR 15'FLAG ALONG WITH A DEDICATION OF THEIR PROPERTY TO CREATE AN "EASTERN EXTENSION OF WALLACE RIGHT OF WAY FROM THE WALLACE COTTAGES BOUNDARY TO MADISON AVE. WITH A FREE VACATION OF DUANE AVENUE THE OHRT GROUP GAINS OWNERSHIP OF DUANE LANE EASEMENT AND THE PARALLEL PSE UTILITY EASEMENT AND GAINS A \$400,000 LAND VALUE. THEN THE ACCESS TO WALLACE COTTAGES CAN BE FROM MADISON AVENUE VERSUS THROUGH THE NAKATA/TAURNIC NEIGHBORHOOD.

NOTE: SEATTLE TICKETS DRIVERS WHO USE THESE EMERGENCY PASSTHROUGHS ARE SUBJECT TO TRAFFIC TICKETS.

**LAW OFFICE OF HAYES GORI, PLLC**  
271 Wyatt Way NE, Suite 112  
Bainbridge Island, WA 98110  
(206) 842-6462  
Fax: (206) 842-8238  
<http://www.hayesthelawyer.com/>

*High quality service in a timely and courteous manner*

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Heather Wright

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**From:** zzinq <zzinq@earthlink.net>  
**Sent:** Friday, June 16, 2017 9:29 AM  
**To:** Kelly Tayara  
**Cc:** 'Steve & Julie Matthews'; 'Betty Wiese'; 'AMOSSTAFFLER'; 'BARBARA'; 'BRANDY'; 'CHRIS'; 'Conaty, Jenny'; 'HORDER, COLLEEN'; 'Morris, John'; 'VENERADIBELLA32'; 'WALKERSAW'; 'Winther, Barbara'; 'Winther, Grant'; 'corakelli'; 'cvandyk5'; 'jeanne2vandyk'; 'komatsu, r'; 'philandterryw'; 'Melissa Bonghi'; mmandala@comcast.net; 'Brendan Curran'; cavaloli000@frogrock.org; rainfordyce@yahoo.com; 'Michael Wangen'; 'Tony Bonghi'; fungispore@comcast.net; amycurran66@gmail.com; 'Paula Nolta'; dkhotchkiss@msn.com; 'Pam Sharman'; 'Carol Susan'; russeldds@yahoo.com; artemisvoyager@yahoo.com; 'Fleisch & Jeanne Fleischfresser'; sharonmc04@yahoo.com; bmcavalluzzi@aol.com; 'Finnrar Chaos'; 'Beug, James'; 'Crampton, Steve'; 'Enge, Cynthia'; 'Hart, Rob'; 'Katz, Phyllis'; 'Starkman, Theresa'; 'alexander, jeanette'; 'coe, tom'; 'nash, billie'  
**Subject:** Wallace Cottages, project # PLN50589.

RE: Wallace Cottages project #PLN50589 access routes.

Hello,

This email is to express my very strong support for access route Alternative 2 (no through traffic from Grow to Madison on Wallace Way), and my firm stand against access route Alternative 1.

I am a home owner on Nakata Ave. (995) for over 33 years. I have observed most of the neighborhood being built from forested lots and have been acquainted with most of the residents, past and current. Without any doubt, one of the prime considerations for all in deciding to live or raise a family in this neighborhood has consistently been the safe, gentle low-volume traffic flow, allowing kids to play, dog walking, bicycle riding, neighborhood street games and summer street parties. Every school day High School students walk through the neighborhood because it is safer than the higher traffic routes nearby. Seniors feel safe to take daily exercise walks here. Allowing access through to Madison Avenue will destroy all of that. Why? Because when someone currently drives into our neighborhood their destination is local, it is usually a resident or someone visiting a resident, and they immediately adapt a sense of slowing down, aware that kids are at play or people are chatting in the street, whereas if drivers were passing through, they tend to see the neighborhood as a place to get through quickly and disregard the local residential/pedestrian aspect.

The Wallace Way walking path from Nakata Ave. to the Wallace Cottages development should remain just that, possibly with emergency access only, if needed, allowing it to continue as a favorite pedestrian route. This route is used not only by our neighborhood, but also for many who live to the west and north, and need a safe route to get to town, to and from school or a ferry.

Many communities have been destroyed by the ill-perceived idea that traffic flow takes precedent over livable neighborhoods. Bainbridge Island, thankfully, has a history of properly putting people first. Please continue this thoughtful practice to respect and preserve quality living in our neighborhoods.

Thank you for considering this very important matter.

Michael Zimmers

Dear Planning and Community Development Department,

As the longest term resident of the Nakata Ave./Taurnic neighborhood, I have seen great change in our neighborhood over 32 years. But what evolved is a precious resource that would be terribly damaged by the extension of Wallace east of Nakata. Nakata is a narrow, clearly residential street that has come to be used by pedestrians and bike riders from all around the neighborhood. Generations of kids have played out there, shooting hoops, playing street hockey, drawing with chalk, and, of course riding bikes. I ran a home day care for 16 years that made much use of this street; at various times there were three others within one block. Linking this road to an extended Wallace would more than double the traffic on Nakata, and if the road goes all the way through to Madison, it would become a major arterial. There would also be negative impacts for Grow and the short stretch of Wallace between Nakata and Grow. Madison was designated by the city as a primary corridor, not Grow and certainly not Nakata. The City's own transportation plan is supposed to reduce cut-through traffic by focusing on primary travel corridors. It should encourage non-motorized connectivity by improving a sense of safety for pedestrians and bike riders. Connecting the proposed development to Nakata by way of Wallace would mean we cease to welcome my Grow neighbor who is frequently on Nakata with his little grandson on a coaster bike, the middle schooler who I see at all hours practicing on his skateboard, and Maria from down on Lovell who walks to the store most every day. The families who ride to Ordway each weekday would use their cars instead. I understand that development is inevitable here in "Old Winslow", but it should not be at the expense of the people who live here in our neighborhood, all of whom moved here expecting it to maintain its longtime character.

Thank you for your consideration.

Billie Nash  
1001 Nakata Ave NW PO Box 10929

City of Bainbridge Island

JUN 08 2017

Planning and  
Community Development

Heather Wright

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**From:** Jeanette M Alexander <jalexgd@sounddsl.com>  
**Sent:** Sunday, June 11, 2017 4:18 PM  
**To:** Kelly Tayara  
**Subject:** Comments - Re: PLN50589 “Wallace Cottages”

June 11, 2017

Re: PLN50589 “Wallace Cottages”

I’m writing in support of the Wallace Cottage developer’s proposed Alternative 2 version having a two-lane road ingress/egress East to Madison Avenue.

I am firmly against Alternative 1 that proposes ingress/egress west into the corner of Nakata Avenue and Taurnic Place. This will have a substantial negative impact in general for Clayton Place, Taurnic Place, Nakata and Grow Avenue neighborhood streets—none of which are intended for higher density cut- through traffic.

As a homeowner and resident on Nakata Avenue, I am working to protect and keep our quieter, more pedestrian, bicycle, and very light neighborhood traffic as it is now.

Many neighbors are working together in support of Alternative 2. Many of us have attended most meetings related to this development since last November 2016. Additionally, we have been communicating with the Central Highlands developer to help prevent a road cutting through our neighborhood. We commend Central Highlands in helping relieve our concerns by working with Bainbridge Rehabilitation Facility to secure ingress/egress east to Madison, our favored Alternate 2 with access via Madison Avenue — an arterial meant for heavier traffic loads.

We want to protect our neighborhood from any cut-through traffic. We appreciate the City of Bainbridge Island and it’s engineering staff taking our neighborhood’s concerns into account.

I vote for Alternative 2.

Thank you,

Jeanette Alexander  
24 year homeowner and resident at 1055 Nakata Ave NW

Jeanette

---

JEANETTE ALEXANDER GRAPHIC DESIGN  
PO Box 10894 | Bainbridge Island WA 98110 | 206-842-6368 | [jalexgd@sounddsl.com](mailto:jalexgd@sounddsl.com)  
University of Washington BFA | Professional design since 1983

Heather Wright

---

**From:** Carol Susan Lick <cslick47@gmail.com>  
**Sent:** Friday, June 16, 2017 12:35 PM  
**To:** zzing  
**Cc:** Kelly Tayara; Steve & Julie Matthews; Betty Wiese; BARBARA; BRANDY; CHRIS; Conaty, Jenny; HORDER, COLLEEN; John Morris; VENERADIBELLA32; WALKERSAW; Barbara Winther; Grant Winther; corakelli; cvandyk5; jeanne2vandyk; komatsu, r; philandterryw; Melissa Bonghi; mmandala@comcast.net; Brendan Curran; cavaloli000@frogrock.org; Rain Fordyce; Michael Wangen; Tony Bonghi; fungispore@comcast.net; Amy Curran; Paula Nolta; dkhotchkiss@msn.com; Pam Sharman; russellds@yahoo.com; artemisvoyager@yahoo.com; Fleisch & Jeanne Fleischfresser; sharonmc04@yahoo.com; bmcavalluzzi@aol.com; Finnrrar Chaos; James Beug; Crampton, Steve; Enge, Cynthia; Hart, Rob; Katz, Phyllis; Terri&David Starkman; alexander, jeanette; coe, tom; nash, billie  
**Subject:** Re: Wallace Cottages, project # PLN50589.

I have just sent my letter to Kelly in support of our concerns. An automatic response said that she is currently out of the office until Monday, when I presume she will be reading our last letters being sent today, so I encourage those who haven’t already written to do so. Thanks to all you great neighbors.

Susan Lick

On Jun 16, 2017, at 9:28 AM, zzing <[zzing@earthlink.net](mailto:zzing@earthlink.net)> wrote:

RE: Wallace Cottages project #PLN50589 access routes.

Hello,

This email is to express my very strong support for access route Alternative 2 (no through traffic from Grow to Madison on Wallace Way), and my firm stand against access route Alternative 1.

I am a home owner on Nakata Ave. (995) for over 33 years. I have observed most of the neighborhood being built from forested lots and have been acquainted with most of the residents, past and current. Without any doubt, one of the prime considerations for all in deciding to live or raise a family in this neighborhood has consistently been the safe, gentle low-volume traffic flow, allowing kids to play, dog walking, bicycle riding, neighborhood street games and summer street parties. Every school day High School students walk through the neighborhood because it is safer that the higher traffic routes nearby. Seniors feel safe to take daily exercise walks here. Allowing access through to Madison Avenue will destroy all of that. Why? Because when someone currently drives into our neighborhood their destination is local, it is usually a resident or someone visiting a resident, and they immediately adapt a sense of slowing down, aware that kids are at play or people are chatting in the street, whereas if drivers were passing through, they tend see the neighborhood as a place to get through quickly and disregard the local residential/pedestrian aspect.

The Wallace Way walking path from Nakata Ave. to the Wallace Cottages development should remain just that, possibly with emergency access only, if needed, allowing it to continue as a favorite pedestrian route. This route is used not only by our neighborhood, but also for many who live to the west and north, and need a safe route to get to town, to and from school or a ferry.

Many communities have been destroyed by the ill-perceived idea that traffic flow takes precedent over livable neighborhoods. Bainbridge Island, thankfully, has a history of properly putting people first. Please continue this thoughtful practice to respect and preserve quality living in our neighborhoods.

Thank you for considering this very important matter.

Michael Zimmers

1  
2  
3  
4  
5  
6  
7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
8 IN AND FOR THE COUNTY OF KITSAP

9 STEPHEN COMSTOCK CRAMPTON, an  
10 unmarried individual,

11 Plaintiff,

12 vs.

13 WALLACE COTTAGES, LLC, a Washington  
14 Limited Liability Company,

15 Defendants.  
16

NO.

COMPLAINT TO QUIET TITLE

17 COMES NOW Plaintiff STEPHEN COMSTOCK CRAMPTON, an unmarried  
18 individual, and in his Complaint against the above-named Defendants states and alleges as  
19 follows:

20  
21 **I. PARTIES**

22 1. Plaintiff STEPHEN COMSTOCK CRAMPTON is an unmarried individual  
23 who owns real property commonly known as 205 Clayton Place NW, Bainbridge Island,  
24 Washington 98110, and legally described in Exhibit "A", attached hereto and incorporated  
25 herein by reference (Kitsap County Assessor's Parcel No. 272502-1-115-2004) ("Plaintiff's

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Property”).

2. Defendant WALLACE COTTAGES, LLC (“Defendant”) is upon information and belief a limited liability company in good standing in the State of Washington.

3. Defendant owns adjacent property located in Bainbridge Island, Washington 98110, and legally described in Exhibit “B”, attached hereto and incorporated herein. (Kitsap County Parcel No. 272502-1-023-2005) (“Parcel 23”).

4. Defendant also owns adjacent property located in Bainbridge Island, Washington 98110, and legally described in Exhibit “C”, attached hereto and incorporated herein. (Kitsap County Parcel No. 272502-1-155-2005) (“Parcel 155”).

5. This action involves the title to portions of Defendant’s property and other matters related thereto.

## II. JURISDICTION AND VENUE

6. This Court has original jurisdiction over the subject matter of this action pursuant to RCW 2.08.010 because the subject properties are located in Kitsap County, Washington.

7. Venue is proper in Kitsap County, Washington pursuant to RCW 4.12.010(1) because this action concerns the determination of questions affecting the title to real property situated in Kitsap County, Washington.

## III. FACTS

8. From July 1, 2005 through October 14, 2013, Plaintiff’s Property was owned by Elaine Marie White of Bainbridge Island, Washington.

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1           9.       From October 14, 2013 through the present, Plaintiff's Property has been  
2 owned by the Plaintiff.

3           10.      For more than 10 years, there has existed a metal boundary fence enclosing  
4 Plaintiff's Property to the East (the "East Fence").

5           11.      The East Fence encroaches on Defendant's Parcel 23 by as much as  
6 approximately 10 feet.

7           12.      For more than 10 years, there has also existed a wooden fence enclosing  
8 Plaintiff's Property to the South (the "South Fence").

9           13.      The South Fence encroaches on Defendant's Parcel 155 by as much as  
10 approximately 3 feet.

11           14.      Exhibit "D" shows the approximate positions of the properties and fences.  
12 On Exhibit "D", Plaintiff's property is labeled "C", Parcel 23 is labeled "A", and Parcel 155  
13 is labeled "D". The East Fence is indicated by a blue line to the right of Plaintiff's Property  
14 and the South Fence is indicated by a red line below Plaintiff's Property.

15           15.      The East and South Fences, and the property up to and including them (the  
16 "disputed areas"), have been possessed and maintained by the Plaintiff and Plaintiff's  
17 predecessors in a manner that is; 1) hostile against the rights of the true owner; 2) actual; 3)  
18 exclusive; 4) open and notorious; and 5) continuous for at least 10 years.

19           16.      The line denoted by the East and South Fences has been certain, well defined  
20 and physically designated upon the ground for a period of time exceeding 10 years, there is  
21 no express agreement establishing the designated line as the boundary line and the Parties  
22 and their respective predecessor have in good faith manifested, by their acts, occupancy and  
23  
24  
25

1 improvements with respect to their respective properties, a mutual recognition and  
2 acceptance of the designated line as the true boundary line.

3 17. A portion of the Defendant's property is encumbered by the "North  
4 Interceptor" sewer easement dated August 25, 1976 and recorded under Kitsap  
5 County Auditor's File No. 1142864. The stated purpose of this easement is "for  
6 Sanitary Sewers with the necessary appurtenances, over, through across and  
7 upon" that portion of the Defendant's property. A true and correct copy of this  
8 easement is attached as Exhibit "E".  
9

### 10 **III. CAUSES OF ACTION**

#### 11 **FIRST CAUSE OF ACTION** 12 **ADVERSE POSSESSION**

13  
14 18. Plaintiff incorporates and restates each of the above paragraphs as if fully set  
15 forth herein.

16 19. The actions and inactions of the parties as described herein constitute adverse  
17 possession of the disputed areas by the Plaintiff and the Plaintiff's predecessors.  
18

#### 19 **SECOND CAUSE OF ACTION** 20 **MUTUAL RECOGNITION AND ACQUIESCENCE**

21 20. Plaintiff incorporates and restates each of the above paragraphs as if fully set  
22 forth herein.

23 21. The actions and inactions of the Parties and their predecessors as described  
24 herein constitute mutual recognition and acquiescence of the fence lines as described herein  
25

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as the actual and permanent boundary between the Parties' properties.

THIRD CAUSE OF ACTION  
QUIET TITLE

22. Plaintiff incorporates and restates each of the above paragraphs as if fully set forth herein.

23. The Plaintiff seeks to quiet title against any claim of the Defendant regarding ownership or the right to otherwise use the disputed areas.

**IV. RELIEF REQUESTED**

WHEREFORE, Plaintiff prays for the following relief:

1. An order of the Court granting fee simple title to the portion of Parcel 23 from Plaintiff's Property up to and including the East Fence through the doctrines of adverse possession and/or mutual recognition and acquiescence.
2. An order of the Court granting fee simple title to the portion of Parcel 155 from Plaintiff's Property up to and including the South Fence through the doctrines of adverse possession and/or mutual recognition and acquiescence, subject to the "North Interceptor" sewer easement.
3. An Order of the Court awarding Plaintiff its attorneys' fees and costs as provided for in RCW 7.28.083(3) et. seq.
4. Any and all other relief the Court deems just and equitable in this matter.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ day of March, 2018.

HELSELL FETTERMAN LLP

Michael Spence, WSBA No. 15885  
Emma Kazaryan, WSBA No. 49885  
Attorneys for Plaintiff

**EXHIBIT A**

Parcel #: 272502-1-115-2004

205 CLAYTON PL NW  
BAINBRIDGE ISLAND, WA 98110

(LOT C OF CITY OF WINSLOW SHORT PLAT RECORDED UNDER AUDITOR'S  
FILE NO. 8002080100 W-25 ) THAT PORTION OF THE NORTHEAST QUARTER OF  
THE NORTHEAST QUARTER, SECTION 27, TOWNSHIP 25 NORTH, RANGE 2  
EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:  
BEGINNING 396 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHEAST  
QUARTER OF THE NORTHEAST QUARTER; THENCE WEST 130 FEET; THENCE  
NORTH 85 FEET; THENCE EAST 130 FEET; THENCE SOUTH 85 FEET TO THE  
POINT OF BEGINNING; TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS  
AND UTILITIES OVER, ACROSS AND UNDER THE SOUTH 10 FEET OF LOT A  
AND THE NORTH 10 FEET OF LOT D AS SAID LOTS ARE DESCRIBED IN CITY OF  
WINSLOW SHORT PLAT NO. 7791, RECORDED UNDER AUDITORS' FILE NO.  
8002080100.

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**EXHIBIT B**

Parcel #: 272502-1-023-2005

**\*\*NO SITUS ADDRESS \*\***

RESULTANT PARCEL A OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NO. 3013969, DESCRIBED AS FOLLOWS: THAT PORTION OF THE NORTHEAST QUARTER, SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 264 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE WEST 132 FEET; THENCE NORTH 165 FEET; THENCE EAST 132 FEET; THENCE SOUTH 165 FEET TO THE POINT OF BEGINNING; AND ALSO THE SOUTH 15 FEET OF THE FOLLOWING DESCRIBED PROPERTY: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE WEST 264 FEET (16 RODS); THENCE NORTH 165 FEET (10 RODS); THENCE EAST 264 FEET (16 RODS); THENCE SOUTH 165 FEET (10 RODS) TO THE POINT OF BEGINNING; EXCEPT THAT PORTION ON THE EAST FOR MADISON AVENUE; AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF WINSLOW IN QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NO. 8003270082.

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1 **EXHIBIT C**

2 Parcel #: 272502-1-155-2005

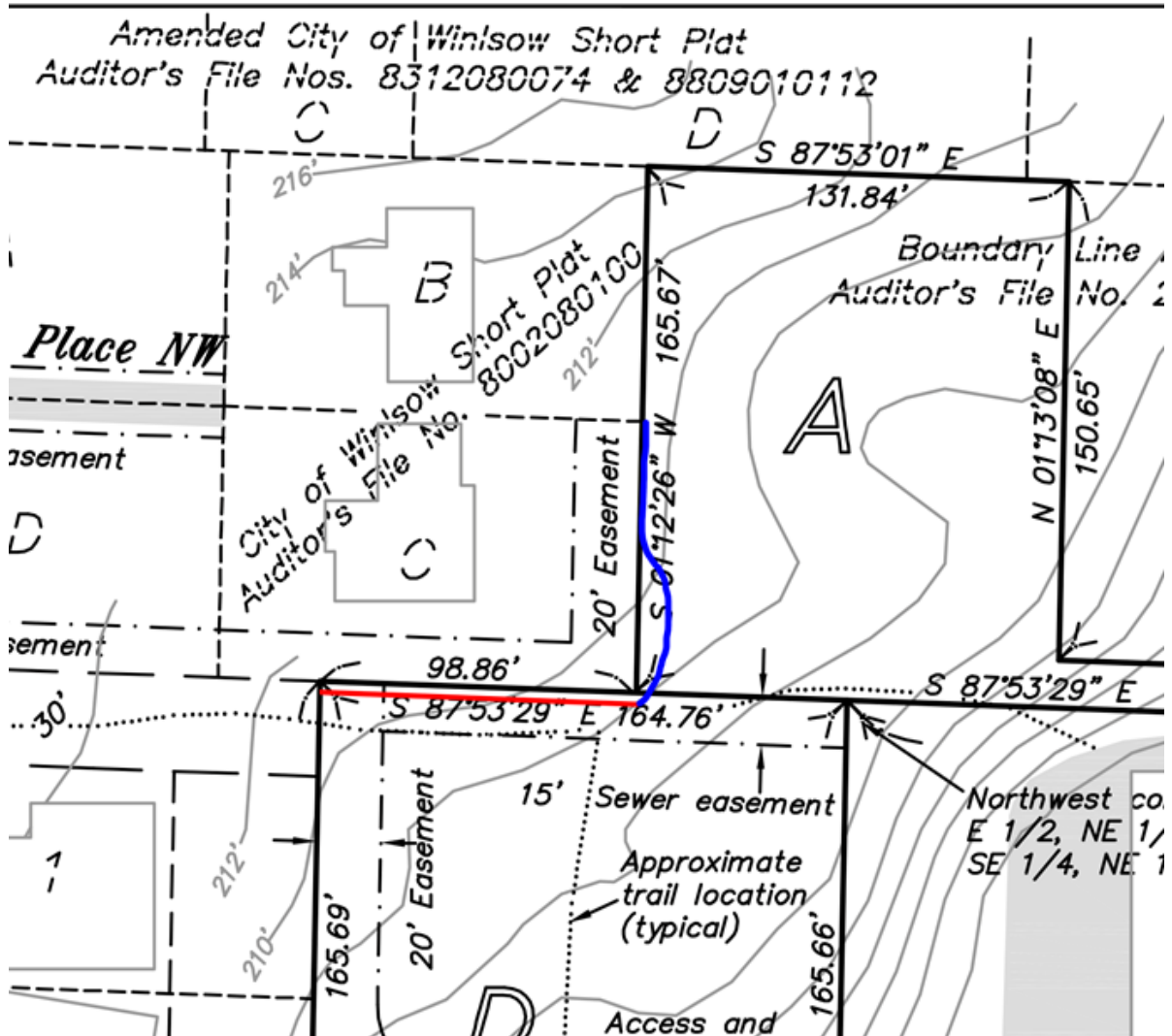
3 351 WALLACE WAY NW  
4 BAINBRIDGE ISLAND, WA 98110

5  
6 LOT D CITY OF BAINBRIDGE ISLAND SHORT PLAT W-78 RECORDED UNDER  
7 AUDITOR'S FILE NO. 9204280006; BEING THE NORTH ONE-QUARTER OF THE  
8 EAST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF  
9 THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27,  
10 TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WASHINGTON.  
11 CONTAINING 27,288 SQUARE FEET (0.63 ACRES). SUBJECT TO AND TOGETHER  
12 WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER  
13 AND ACROSS THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE  
14 SOUTHWEST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE ALONG  
15 THE WEST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE  
16 NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST  
17 QUARTER OF SAID SECTION 27, S1\*11'50 W 165.68 FEET TO THE NORTH LINE OF  
18 THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION  
19 27; THENCE ALONG SAID NORTH LINE, S87\*53'43 E 20.00 FEET; THENCE  
20 S1\*11'50 W 101.19 FEET; THENCE ON A 25.00 FOOT RADIUS CURVE TO THE  
21 LEFT THROUGH A CENTRAL ANGLE OF 85\*35'02 AN ARC DISTANCE OF 37.34  
22 FEET; THENCE ON A 40.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT  
23 THROUGH A CENTRAL ANGLE OF 266\*29'00 AN ARC DISTANCE OF 186.04 FEET  
24 TO THE POINT OF BEGINNING. SUBJECT TO AN EASEMENT FOR INGRESS,  
25 EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE WEST 20 FEET  
THEREOF. SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS  
AND RESERVATIONS OF RECORD.

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EXHIBIT D

Map showing approximate locations of a metal fence (in blue) and a wooden fence (in red) that encroach onto Parcel 23 and Parcel 155 as described in this Complaint:



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FETTERMAN

## Jane Rasely

---

**From:** Stephen Crampton <SteveSings@gmail.com>  
**Sent:** Thursday, May 11, 2017 11:40 AM  
**To:** Kelly Tayara; Peter Corelis; Ron Peltier; Wayne Roth; Michael Scott; Val Tollefson  
**Cc:** PCD; Michael Michael; Smith, Nick; Andre Olanie; Keenan, Barry; Kelsey Laughlin; anar@windermere.com; bettywiese@comcast.net; smithhouse4  
**Subject:** PLN50589 "Wallace Cottages" - Proposed Streets from Madison to Nakata Avenues

Re: PLN50589 "Wallace Cottages"

I'm writing in support of the developer's proposal to have a two-lane road going East to Madison Avenue and against any proposal to have a road going West to Nakata Avenue. As has been pointed out in other comments, a road going West to Nakata would have a substantial negative impact on the neighborhood in general, including Nakata and Grow Avenues.

More significant would be the negative impact on houses immediately adjacent to such a road. The houses were built decades ago and are not spaced in such a way to permit a road running between them, especially a two-lane road. The impact in terms of loss of privacy, noise, and security would be substantial.

Also, I have a 14-year-old daughter who lives with me and has cerebral palsy. She sometimes uses a wheelchair. I would object to any road adjacent to my house that does not comply fully with ADA standards for sidewalks and other facilities. Specifically, I would object to reducing the right-of-way requirement for any road leading West from the proposed property to Nakata Ave.

In addition, there is an existing fence line that was omitted from the developer's plan that may preclude construction of a two-lane road running to Nakata Ave, even with a reduced right-of-way. The property at 205 Clayton Place NW includes a fence that is approximately three feet south of the North side of the proposed road to Nakata as shown on the developer's plan. The six-foot cedar fence has been there since 2005 and has been continuously maintained since then. There is also another "deer" fence running on the Eastern boundary of 205 Clayton Place NW. That fence has also been continuously maintained since 2005.

As the owner of 205 Clayton Place NW, Bainbridge Island, WA, I want to put on the record that the Southern and Eastern borders of my property extend to the respective fence lines. I do not give anyone permission to alter my fence lines or otherwise use my property in any way with respect to this proposed development or any other.

Stephen Crampton  
cell: 206-387-6341







## Jane Rasely

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**From:** Stephen Crampton <SteveSings@gmail.com>  
**Sent:** Thursday, May 11, 2017 11:40 AM  
**To:** Kelly Tayara; Peter Corelis; Ron Peltier; Wayne Roth; Michael Scott; Val Tollefson  
**Cc:** PCD; Michael Michael; Smith, Nick; Andre Olanie; Keenan, Barry; Kelsey Laughlin; anar@windermere.com; bettywiese@comcast.net; smithhouse4  
**Subject:** PLN50589 "Wallace Cottages" - Proposed Streets from Madison to Nakata Avenues

Re: PLN50589 "Wallace Cottages"

I'm writing in support of the developer's proposal to have a two-lane road going East to Madison Avenue and against any proposal to have a road going West to Nakata Avenue. As has been pointed out in other comments, a road going West to Nakata would have a substantial negative impact on the neighborhood in general, including Nakata and Grow Avenues.

More significant would be the negative impact on houses immediately adjacent to such a road. The houses were built decades ago and are not spaced in such a way to permit a road running between them, especially a two-lane road. The impact in terms of loss of privacy, noise, and security would be substantial.

Also, I have a 14-year-old daughter who lives with me and has cerebral palsy. She sometimes uses a wheelchair. I would object to any road adjacent to my house that does not comply fully with ADA standards for sidewalks and other facilities. Specifically, I would object to reducing the right-of-way requirement for any road leading West from the proposed property to Nakata Ave.

In addition, there is an existing fence line that was omitted from the developer's plan that may preclude construction of a two-lane road running to Nakata Ave, even with a reduced right-of-way. The property at 205 Clayton Place NW includes a fence that is approximately three feet south of the North side of the proposed road to Nakata as shown on the developer's plan. The six-foot cedar fence has been there since 2005 and has been continuously maintained since then. There is also another "deer" fence running on the Eastern boundary of 205 Clayton Place NW. That fence has also been continuously maintained since 2005.

As the owner of 205 Clayton Place NW, Bainbridge Island, WA, I want to put on the record that the Southern and Eastern borders of my property extend to the respective fence lines. I do not give anyone permission to alter my fence lines or otherwise use my property in any way with respect to this proposed development or any other.

Stephen Crampton  
cell: 206-387-6341



Heather Wright

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**From:** Terri Starkman <starkmanclan@gmail.com>  
**Sent:** Thursday, June 15, 2017 11:06 PM  
**To:** Kelly Tayara  
**Subject:** Wallace Cottages - PLN50589

Dear Planning and Community Development,

Regarding the recently submitted plans for Wallace Cottages, I would like to reiterate our neighborhoods concerns for allowing motorized access from Wallace Cottages to the intersection of Nakata, Wallace and Taurnic. As two-way access to Madison has now been created, this access route is no longer needed. I understand that emergency access has been proposed, but I would limit this access to non-motorized traffic/access to support design elements related to reducing traffic and maintaining existing paths.

As a resident of the Nakata, Taurnic, Grow neighborhood, I am greatly concerned that Wallace Cottages continues to be proposed

to potentially include opening Wallace Way to vehicle traffic between Madison and Nakata Avenue/Taurnic Place (with resulting traffic flow going to and from Grow and Lovell).

Nakata Avenue/Taurnic Place are quiet and safe streets that many of us use to walk our dogs, stroll to school, play in the street, and ride our bikes without the worry of high traffic volumes. Grow Avenue is not a designated traffic corridor, does not have sidewalks, and is not intended to support high-density housing vehicle needs. Grow is already too busy.

Using Wallace Way as an entry or exit for this new development is simply not acceptable, especially since a more acceptable 2-Lane access route has been proposed to/from Madison. Again, we emphasize our

request that all traffic associated with the Wallace Cottages be channeled to and from Madison. Madison was designed for this traffic load; whereas Wallace Way, Nakata Avenue and Grow Avenue are not.

Thank you

Terri and David Starkman  
855 Taurnic Place NW  
[209-799-5394](tel:209-799-5394)

Heather Wright

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**From:** steven mendelsohn <stevenmendel2001@yahoo.com>  
**Sent:** Monday, November 06, 2017 9:07 AM  
**To:** Kelly Tayara; David Horton  
**Subject:** Wallace Cottages

Myself and the homeowner to the immediate south of my property have been working closely with David Smith in terms of granting a 15' easement on the eastern portion of our properties to allow for sewer and storm drainage for the development. In addition we are working closely in terms of renegotiating a 25 ' easement along the north end of end of my property. These two easements are likely to be essential for the development of Wallace Cottages.

As you may be aware there is an existing 6' "walking" easement along the eastern edge of my property. There is currently no foot traffic on this easement. In addition, there is no functional way for there to be any foot traffic on this easement due to the nature of the building that has taken place since this easement was created.

Since we are allowing the above noted 15' easement on the western side of our property which facilitates development of Wallace Cottages I feel it is reasonable to request that the city and the two home owners (myself and Krysta Barton) work out an agreement that will relieve us of the burden of the eastern easement. Being surrounded by and bordered by all three easements will inevitably hurt the potential value of my home and I would very much like to reduce the burden of being surrounded by these three easements.

In addition, the builder, myself and Krysta Barton are unlikely to grant formal walking easements through our properties given the limited room to non-existent room for foot traffic and the fact that upon development of Wallace Cottages there will be easy access from Grow Avenue over to Madison along the north end of the Wallace Cottages development.

Sincerely,  
Steven Mendelsohn, M.D.

Heather Wright

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**From:** Stephen Crampton <SteveSings@gmail.com>  
**Sent:** Tuesday, January 23, 2018 6:00 PM  
**To:** Kelly Tayara; PCD  
**Subject:** Staff Recommendations to Planning Commission  
**Attachments:** Staff recommendation to Planning Commission.pdf; SewerEasement.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kelly,

I was surprised to see the attached recommendations document.

In response to my comments regarding ownership of the land where my fence is, your document states, "The south 15 feet of the commenter's property, along with the north 15 feet of Lot D, are areas over which there is a public easement dedicated to the City."

Please see the attached easement, which states:

"only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation, maintenance and repair of said Sanitary Sewers and appurtenances."

"The Grantor shall retain the right to use the surface of said easement, so long as said use does not interfere with the installation and maintenance of the sewer main and so long as no permanent buildings or structures are erected on said easement."

By its plain language, the easement says it refers only to an underground sewer and it specifically does not apply to the "surface."

By what authority do you think it allows the City (or a developer) to build a road over my property?

I would request you reschedule the planning meeting, get an opinion from the City lawyer, and update your recommendations accordingly.

Best regards,  
Stephen Crampton

Heather Wright

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**From:** Hayes Gori <hayes@hayesthelawyer.com>  
**Sent:** Thursday, January 25, 2018 3:29 PM  
**To:** Kelly Tayara  
**Cc:** PCD; Peter Corelis; Joe Levan  
**Subject:** FW: Crampton comment FW: Staff Recommendations to Planning Commission  
**Attachments:** Public sewer easement.pdf

Hello Kelly,

I represent Central Highlands, Inc. and Wallace Cottages, LLC. The e-mail below from Mr. Crampton was forwarded to me by my clients. Mr. Crampton attempts to make a distinction between surface and sub-surface public easements as it relates to adverse possession. He appears to contend that a sub-surface public easement does not preclude adverse possession of the subject land, and based on this assumes he has obtained ownership by adverse possession. He is wrong on all counts.

Not only is the surface/sub-surface distinction not found in the applicable statute, RCW 7.28.090 (“[adverse possession] shall not extend to . . . lands held for any public purpose”), but also in this case the distinction is irrelevant because the public easement in question (attached, created in 1976) grants surface easement rights as well as sub-surface easement rights.

As you can see in the attached document, the easement grants to COBI “. . . a right-of-way easement for Sanitary Sewers with the necessary appurtenances, over, through, across and upon the following described property . . .” (emphasis added). The purpose of the easement is “construction, reconstruction, alteration, operation, maintenance and repair of said Sanitary Sewers and appurtenances.” All of these activities necessarily involve surface activity, which is why the easement grants easements rights “over, through, across and upon” the subject land.

By virtue of the attached easement, the subject land is indisputably held for a public purpose, both above- and below-ground, and consequently the subject land is not susceptible to adverse possession by Mr. Crampton, or anyone else. Mr. Crampton’s submission below should not cause the City to change its position and should not cause any delay in the processing of my client’s application.

Thank you,

Hayes Gori

Begin forwarded message:

**From:** Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>  
**Date:** January 25, 2018 at 10:35:26 AM PST  
**To:** Nicholas Smith <[nick.centralhighlands@gmail.com](mailto:nick.centralhighlands@gmail.com)>  
**Subject:** Crampton comment FW: Staff Recommendations to Planning Commission

From: Stephen Crampton [<mailto:SteveSings@gmail.com>]  
Sent: Tuesday, January 23, 2018 6:00 PM  
To: Kelly Tayara <[ktayara@bainbridgewa.gov](mailto:ktayara@bainbridgewa.gov)>; PCD <[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)>  
Subject: Staff Recommendations to Planning Commission

Kelly,

I was surprised to see the attached recommendations document.

In response to my comments regarding ownership of the land where my fence is, your document states, "The south 15 feet of the commenter's property, along with the north 15 feet of Lot D, are areas over which there is a public easement dedicated to the City."

Please see the attached easement, which states:

"only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation, maintenance and repair of said Sanitary Sewers and appurtenances."

"The Grantor shall retain the right to use the surface of said easement, so long as said use does not interfere with the installation and maintenance of the sewer main and so long as no permanent buildings or structures are erected on said easement."

By its plain language, the easement says it refers only to an underground sewer and it specifically does not apply to the "surface."

By what authority do you think it allows the City (or a developer) to build a road over my property?

I would request you reschedule the planning meeting, get an opinion from the City lawyer, and update your recommendations accordingly.

Best regards,  
Stephen Crampton

# Fence Location Sketch

SE 1/4 NE 1/4,  
SEC.27, T.25N., R.2E., W.M.

City of Bainbridge Island, Kitsap County, Washington

Clayton Place NW

City of Winslow Short Plot  
Auditor's File No. 8002080100

Stephen Crampton

20' Easement

Right-of-way

Wallace Way NW

Right-of-way

2'

6' Board fence

Preliminary Plot of  
Wallace Way Cottages

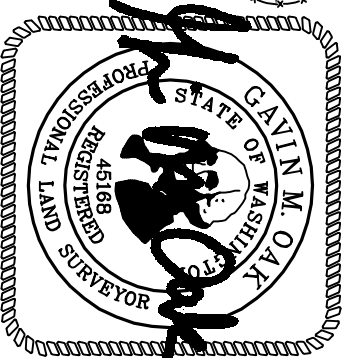
2.9'

14.8'

Deer fence

Note:  
The North and South ends of the deer fence were located in February of 2017 and the fence was depicted as being straight between these locations at that time. Upon further investigation we located more of the fence line and found that the Southern portion of the fence does not follow the property line as shown.

2/8/18



Scale: 1"=30'  
Assumed

ADAM • GOLDSWORTHY • OAK

A G O LAND SURVEYING, LLC

DRAWING 6173M DATE 2/8/18

Heather Wright

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**From:** Melissa Bonghi <melissabonghi@gmail.com>  
**Sent:** Monday, June 12, 2017 5:08 PM  
**To:** Kelly Tayara  
**Subject:** Wallace Cottages Project

Hi Kelly,

Please help preserve safe streets in our neighborhood, and reject development of a through way on Wallace Way. Alternative 2 seems an obvious choice, win win:)

Thank you,

Melissa Bonghi

Heather Wright

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**From:** Bonita Yocus <artemisvoyager@yahoo.com>  
**Sent:** Monday, June 12, 2017 8:03 AM  
**To:** Kelly Tayara  
**Subject:** PLN50589 Wallace Cottages

June 11, 2017

Re: PLN50589 “Wallace Cottages”

I’m writing in support of the Wallace Cottage developer’s proposed Alternative 2 version having a two-lane road ingress/egress East to Madison Avenue.

I am firmly against Alternative 1 that proposes ingress/egress west into the corner of Nakata Avenue and Taurnic Place. This will have a substantial negative impact in general for Clayton Place, Taurnic Place, Nakata and Grow Avenue neighborhood streets—none of which are intended for higher density cut- through traffic.

As a homeowner and resident on Clayton PI, I am working to protect and keep our quieter, more pedestrian, bicycle, and very light neighborhood traffic as it is now.

Many neighbors are working together in support of Alternative 2. Many of us have attended most meetings related to this development since last November 2016. Additionally, we have been communicating with the Central Highlands developer to help prevent a road cutting through our neighborhood. We commend Central Highlands in helping relieve our concerns by working with Bainbridge Rehabilitation Facility to secure ingress/egress east to Madison, our favored Alternate 2 with access via Madison Avenue — an arterial meant for heavier traffic loads.

We want to protect our neighborhood from any cut-through traffic. We appreciate the City of Bainbridge Island and it’s engineering staff taking our neighborhood’s concerns into account.

I vote for Alternative 2.

Thank you,

Bonita Yocus  
Homeowner 220 Clayton PI NW

Heather Wright

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**From:** Barbara Tedford <mykisssgal@aol.com>  
**Sent:** Monday, June 12, 2017 7:05 PM  
**To:** Kelly Tayara  
**Subject:** Wallace Cottages project PLN50589

Please consider route alternative 2 and not route alternative 1.  
I live at 697 Grow avenue  
Barbara L Tedford 206842-8300

Sent from my iPhone



Heather Wright

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**From:** Tony Bonghi <tonybonghi@gmail.com>  
**Sent:** Monday, June 12, 2017 5:18 PM  
**To:** Kelly Tayara  
**Subject:** Re: PLN50589 “Wallace Cottages”

Hi Kelly,

I’m writing in support of the Wallace Cottage developer’s proposed **Alternative 2** that has a two-lane road ingress/egress East to Madison Avenue.

I am firmly against **Alternative 1** that proposes ingress/egress west into the corner of Nakata Avenue and Taurnic Place. This will have a substantial negative impact in general for Clayton Place, Taurnic Place, Nakata and Grow Avenue neighborhood streets—none of which are intended for higher density cut- through traffic.

As a homeowner and resident on Nakata Avenue, I am working to protect and keep our quieter, more pedestrian, bicycle, and very light neighborhood traffic as it is now.

**Many neighbors are working together in support of Alternative 2.** Many of us have attended most meetings related to this development since last November 2016. Additionally, we have been communicating with the Central Highlands developer to help prevent a road cutting through our neighborhood. We commend Central Highlands in helping relieve our concerns by working with Bainbridge Rehabilitation Facility to secure ingress/egress east to Madison, our favored Alternate 2 with access via Madison Avenue — an arterial meant for heavier traffic loads.

We want to protect our neighborhood from any cut-through traffic. We appreciate the City of Bainbridge Island and it’s engineering staff taking our neighborhood’s concerns into account.

Thank you,  
Tony Bonghi

Matthew S. Malouf  
970 Blue Heron Ave. NE.  
Bainbridge Island, WA 98110

June 8, 2017

Kelly Tayara, Associate Planner  
City of Bainbridge Island  
280 Madison Ave. N.  
Bainbridge Island, WA 98110

Dear Ms. Tayara:

Please accept this correspondence as my comment on the **Wallace Cottage HDDP PLN50589 SUB** project that has been proposed by Central Highlands Inc. My household is of the position that the designated property would be more appropriately used for the development of a recreational natural space.

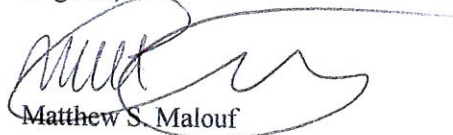
The Winslow-area is the primary location of multifamily housing on Bainbridge Island at the expense of single-family homes and parks, which are concentrated on the north and south ends of the Island. This imbalance means that Winslow-area residents experience a disproportionate amount of community transience. In addition to this community transience, Winslow-area residents would also experience increased crowding, parking difficulties, automobile traffic, and reduced proximity to open natural environments if this greenspace were to be developed.

Rejecting development of this greenspace in favor of a recreational park would be a more equitable use of this land. A birds-eye view of the proposed area shows that this large greenspace is one of the few remaining in the area. A park would better preserve the natural environment in downtown Winslow while ensuring that Winslow-area residents have access to the sort of park facilities that North and South Island residents have.

I appreciate all the work that City of Bainbridge Island employees do and believe you all do an excellent job managing and maintaining the Bainbridge Island. I hope that you can use your position at an Associate Planner to propose an alternative plan for this area that better preserves the limited natural space for Winslow-area residents.

Thank you for your attention to this matter. If you have any questions regarding my position, please feel free to contact me at your convenience.

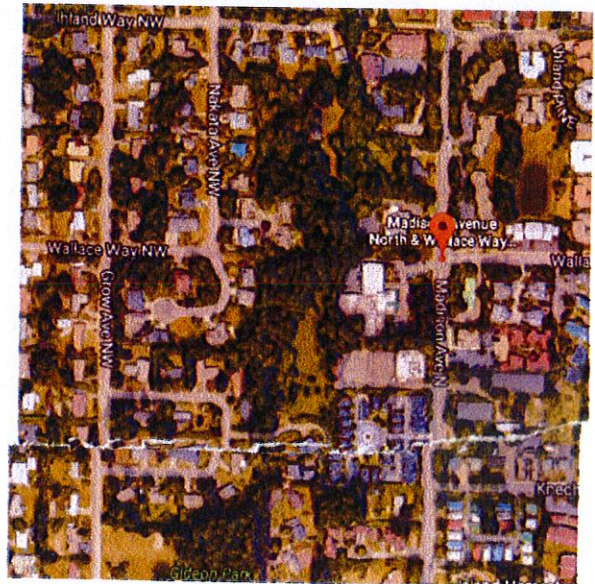
Regards,

  
Matthew S. Malouf

City of Bainbridge Island

JUN 14 2017

Planning and  
Community Development



Heather Wright

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**From:** DOUG KRISTEN HOTCHKISS <DKHOTCHKISS@msn.com>  
**Sent:** Friday, June 16, 2017 10:56 AM  
**To:** Kelly Tayara  
**Subject:** Wallace Cottages (Project # PLN 50589), SEPA comments  
**Attachments:** SEPA comments Wallace Cottages PLN #50589.docx

Dear Ms. Tayara,

We are very opposed to Option 1 access plan for this proposed project. We support Option 2 with all vehicle access on and off Madison. We would like the Grow right of way corridor between Nakata and the proposed project be designated and restricted to non-motorized vehicles only, including during construction.

Attached is our detailed SEPA comment letter.

Thank you for working with the locally impacted community and considering these comments.

Sincerely,  
Doug and Kris Hotchkiss

Heather Wright

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**From:** steven mendelsohn <stevenmendel2001@yahoo.com>  
**Sent:** Monday, May 01, 2017 10:04 AM  
**To:** Kelly Tayara  
**Subject:** Re: EMail to you 10/29/2016 was sent in error-

Ms. Tayara,  
As per our discussion by phone-  
I understand that application process has been started as of April 28, and that there will be a short period to be sure the application is complete and then a period for public comment. As per my discussion with you the subject of a public walkway/easement on my property is between myself and the developer. We also had a brief discussion about a separate "Hanavan Extendicare" easement and fence dating back several years and addressing an agreement between the developer's property and my property.

Steven Mendelsohn, M.D.

On Monday, October 31, 2016 6:15 PM, Kelly Tayara <ktayara@bainbridgewa.gov> wrote:

Hello Mr. Mendelsohn,  
Everything submitted to the City is public information, and I am unable to discard it.

Thank you,  
Kelly



**Kelly Tayara**  
**Planner**  
[www.bainbridgewa.gov](http://www.bainbridgewa.gov)  
[facebook.com/citybainbridgeisland/](https://www.facebook.com/citybainbridgeisland/)  
206.780.3787 (office) 206.780.3750 (Planning Department)

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**From:** steven mendelsohn [mailto:stevenmendel2001@yahoo.com]  
**Sent:** Saturday, October 29, 2016 1:56 PM  
**To:** Kelly Tayara <ktayara@bainbridgewa.gov>  
**Subject:** EMail to you 10/29/2016 was sent in error-

Kelly, I think I sent you ( 10-29-2016) by mistake a preliminary email meant for my Atty. -  
There's nothing confidential on it but I would appreciate it if you discard it.  
There was with the group of four emails - a follow up letter titled SM Letter..Addendum to Bainbridge - that I might be sending to you next week. (It just states that the currently as drawn housing development does not confirm to the prior 2001 agreement)

Thanks, Steven Mendelsohn

Heather Wright

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**From:** Brendan Curran <brencurran@gmail.com>  
**Sent:** Sunday, June 11, 2017 7:04 PM  
**To:** Kelly Tayara  
**Cc:** Amycurran66@aol.com Curran  
**Subject:** Wallace Cottage PLN50589

Hi Kelly,

We are writing in support of the Wallace Cottage developer’s proposed Alternative 2 version having a two-lane road ingress/egress East to Madison Avenue.

We are firmly against Alternative 1 that proposes ingress/egress west into the corner of Nakata Avenue and Taurnic Place. This will have a substantial negative impact in general for Clayton Place, Taurnic Place, Nakata and Grow Avenue neighborhood streets—none of which are intended for higher density cut- through traffic. There are no sidewalks on Nakata, Wallace or Grow and pedestrians will be in the cross hairs of dramatically more vehicle traffic if the cut-through is permitted.

As homeowners and residents on Nakata Avenue, We are working to protect and keep our quieter, more pedestrian, bicycle, and very light neighborhood traffic as it is now.

Many neighbors are working together in support of Alternative 2. Many of us have attended most meetings related to this development since last November 2016. Additionally, we have been communicating with the Central Highlands developer to help prevent a road cutting through our neighborhood. We commend Central Highlands in helping relieve our concerns by working with Bainbridge Rehabilitation Facility to secure ingress/egress east to Madison, our favored Alternate 2 with access via Madison Avenue — an arterial meant for heavier traffic loads.

We want to protect our neighborhood from any cut-through traffic. We appreciate the City of Bainbridge Island and it’s engineering staff taking our neighborhood’s concerns into account.

We vote for Alternative 2.

Thank you,

Brendan and Amy Curran,  
Homeowners at 928 Nakata Ave NW.

Heather Wright

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**From:** barbara <barbara@thetraveler.com>  
**Sent:** Friday, June 16, 2017 8:56 PM  
**To:** Kelly Tayara  
**Subject:** Comment on PLN50589

To: COBI Planning and Community Development Department  
Attn: Kelly Tayara, Associate Planner

Re: PLN 50589

Date: June 16, 2017

We are writing to register our strong support for Alternative 2 that does not allow vehicular connectivity from Wallace/Grow.

We have lived in the Nakata Avenue/Place neighborhood for over 30 years. It has been, and remains, a vibrant neighborhood where we know and interact with one another. There are summer street potlucks and winter get-togethers. Our children and grandchildren learn how to ride their bikes, play roller hockey, and shoot hoops along the street because it is safe. We walk here every day as part of our exercise routine, as do many others. We know at least three of our neighbors who have impaired mobility, and it is hard to imagine they would feel the security they now do to use their walkers along the street if Wallace was opened to through traffic.

Among the most worthy goals of COBI planning and visioning efforts have been to encourage and preserve livable neighborhoods, insure safety and foster community involvement. Some of the folks who live here have met with planners to be involved in the process while many others have submitted written comments. We are not aware of any who support opening Wallace to vehicular traffic. We are adding our voices to urge adoption of Alternative 2. We have a gem of a neighborhood. Please help us preserve it.

Thank you.

Susan Taylor and Barbara Tolliver  
1195 Nakata Place NW

Heather Wright

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**From:** Carol Susan Lick <cslick47@gmail.com>  
**Sent:** Friday, June 16, 2017 12:30 PM  
**To:** Kelly Tayara  
**Cc:** Carol Susan Lick  
**Subject:** Wallace Cottages project

Dear Kelly,

Thank you for this opportunity to comment on the project. As you know, we residents in the Grow/Nakata/Taurnic neighborhoods have concerns about the impact of this development, especially as concerns traffic and what that means for children, walkers, and bikers on our streets.

My husband and I, as retirees, have lived at 891 Taurnic Place NW for 12+ years, and we love the mix of children, adults, and oldsters and the safe walkability of our neighborhood. I would think that residents of the new developments between Nakata/Taurnic and Madison would welcome that also and will welcome the opportunity to form a true neighborhood. That is why we very strongly support Alternative 2 (NO through traffic from Grow to Madison on Wallace Way) and stand firmly against access route Alternative 1, which seems primarily designed to accommodate drivers.

It's hard to conceive of Alternative 1 NOT increasing traffic in our neighborhood that is simply seeking a pass-through to avoid busy streets that are more clearly designed to be arteries in our city. Even Grow will be adversely affected: it is school vacation time now, but during 9 months of the year Grow has children and teens walking it as well as children getting on and off buses and crossing Grow and Wallace. With its many driveways and cars backing up, Grow is not a street where more traffic should be encouraged. It is already a challenge for walkers and bikers.

The path between the intersection of Wallace and Nakata/Taurnic is a valuable walking path for our neighborhood and surrounding neighborhoods. I think we need to encourage walking and biking rather than open up more streets to vehicle traffic. Somehow, also, we need to encourage walking and biking to Winslow's schools where possible rather than the high level of student and parent driving at school start and stop times.

I think also that ingress/egress via Madison to the new developments would satisfy the needs of emergency vehicle access.

Thank you for considering residents' concerns,  
Susan Lick  
206.780.8092

Planning and Community Development  
Attn: Kelly Tayara, Associate Planner  
280 Madison Avenue N  
Bainbridge Island, WA 98110

June 16, 2017

Dear Ms. Tayara

Re: SEPA Comments on: PLN 50589 Wallace Cottages

Our family has lived at 941 Grow Ave, just across Grow from the Nakata-Taurnic-Ihland loop, for over 30 years. In that time, we have enjoyed a quiet neighborhood, with many long-time residents who have now become friends as well as neighbors. We are very concerned that proposed higher-density developments, especially the Wallace Cottages, could result in opening Wallace Way to vehicle traffic between Madison Avenue, through the Nakata neighborhood to Grow Avenue and Lovell, thus turning the Nakata neighborhood into a pass-through for East-West traffic, as well as the primary access for many additional residents.

We are very opposed the Option 1 street access plan in this proposed project. We support Option 2 with all vehicle access on and off Madison. Madison is listed as a primary corridor and Grow is not. We would like the Grow right of way corridor between Nakata and the proposed project be designated and restricted to non-motorized vehicles only. We would also like the City to insure that the Grow right of way corridor between Nakata and the proposed project is not used as a construction access point for this project.

Nakata Avenue/Taurnic Place are quiet and safe streets where neighbors both young and old meet to walk our dogs, stroll to school, play in the street, and ride our bikes without the worry of high traffic volumes, and walk to the Library and shopping beyond. The benefits of this quiet neighborhood extend to a large community, well beyond just those living on Nakata and Taurnic. Grow Avenue is already too busy, especially as it seems to be a preferred route for ferry traffic from the South end and construction vehicles.

Grow Avenue is not a designated traffic corridor and is not intended to support high-density housing vehicle needs. It is not our intention to try to block this development (though fewer units and a design that preserved mature trees and maintained a wildlife corridor would be appreciated!) but to limit the negative impact on our neighborhood. The development of new neighborhoods should be respectful of existing neighborhoods. Reducing neighborhood cut-through traffic is listed as focus of the new Island Wide Transportation Plan, as is safety for all roadway users. Madison is listed as a primary corridor and Grow is not. The new IWTP does not list Wallace as a priority for connectivity, while five other streets are listed.

Using Wallace as an entry or exit is simply not acceptable. I request that all traffic associated with this development be channeled to and from Madison. Madison was designed for this traffic load; whereas Wallace, Nakata and Grow are not. Any access between Wallace Cottages and the Nakata/Taurnic intersection should remain limited to non-motorized traffic.

Thank you,  
Douglas A and Kristen Gard Hotchkiss  
941 Grow Ave.





## Carla Lundgren

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**From:** PCD  
**Sent:** Wednesday, January 31, 2018 10:14 AM  
**To:** Carla Lundgren  
**Subject:** FW: Wallace Cottages project  
**Attachments:** FW Crampton comment FW Staff Recommendations to Planning Commission; Kiely v Graves, 173 Wn.2d 926.pdf; Davis Wright Tremaine article - Kiely v Graves.pdf

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Jane Rasely**

Administrative Specialist

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**From:** Hayes Gori [mailto:hayes@hayesthelawyer.com]  
**Sent:** Wednesday, January 31, 2018 7:19 AM  
**To:** Kelly Tayara <ktayara@bainbridgewa.gov>; Peter Corelis <pcorelis@bainbridgewa.gov>; PCD <pcd@bainbridgewa.gov>; Joe Levan <jlevan@bainbridgewa.gov>; Kimberly McCormick Osmond <Kimberly.McCormick.Osmond@cobicommittee.email>; Mack Pearl <mack.pearl@cobicommittee.email>; Don Doman <Don.Doman@cobicommittee.email>; Jon Quitslund <jon.quitslund@cobicommittee.email>; William Chester <william.chester@cobicommittee.email>; Lisa Macchio <lisa.macchio@cobicommittee.email>; Michael Killion <michael.killion@cobicommittee.email>; Sarah Blossom <sblossom@bainbridgewa.gov>  
**Subject:** Wallace Cottages project  
**Importance:** High

City Staff, Planning Commission and City Attorney,

I represent Central Highlands, Inc. and Wallace Cottages, LLC. At the last Planning Commission meeting, my clients' Wallace Cottages project was on the agenda. As you know, a neighboring property owner, Stephen Crampton, has asserted an adverse possession claim against my clients' property. As I have previously explained (in a 1/25/18 e-mail to Kelly Tayara, attached), it is not possible for Mr. Crampton (or anyone else) to adversely possess my clients' property because it is held for a public purpose – that is, COBI has an above- and below-ground right of way easement for sanitary sewer in the property. The applicable statute is RCW 7.28.090. I also attach a Washington case, *Kiely v. Graves*, that interprets and applies this statute, as well as an article by a Seattle law firm discussing the import of *Kiely v. Graves*. Because the sewer easement is a right of way, COBI is legally obligated to protect this important public infrastructure, and accordingly should remove Mr. Crampton's encroachments.

I must point out that COBI has been slow in processing my clients' project – we are way beyond the 90-day decision deadline – and further delay is not acceptable, especially if the cause of delay is a meritless claim by a neighbor. Mr. Crampton's claim – which he reiterated at the recent Planning Commission meeting by making baseless claims of ownership and use rights, and which has resulted in a special exception in my clients' title insurance policy – is a slander against my clients' title, and any resultant delay will only add to my clients' damages. The Planning Commission has all the information it needs to make its advisory decision that will be

considered by the Hearing Examiner, and I implore it to do so as soon as possible. If the Planning Commission does not wish to make a recommendation, then it should submit a "no decision" memo to the Hearing Examiner. The point is that there should be no further delay in the processing of my clients' project en route to the Hearing Examiner.

Finally, below my signature block is a memo from my clients with input on other aspects of the project. As the body charged with upholding the Comprehensive Plan, I submit that the Planning Commission should be championing my clients' project because as pointed out below, the project furthers many of the goals of the Comprehensive Plan.

Sincerely,  
Hayes Gori

COBI COMPREHENSIVE PLAN, WHICH INCORPORATES THE HDDP GOALS WAS THE SUBJECT OF EXTENSIVE PUBLIC HEARINGS AND INPUT FROM THE PLANNING COMMISSION.

1. THE HDDP PLAN HAS BEEN EXTENDED ALMOST YEARLY FOR THE PAST SEVERAL YEARS AND WILL HAVE TO BE EXTENDED AGAIN FOR 2018. THEREFORE, THE PLANNING COMMISSION HAS HAD TO HAVE HAD INPUT AND LIKELY APPROVAL OF HDDP PLAN. THEREFORE, NEITHER THE NEIGHBORS OR THE PC MEMBERS HAVE ANY LEGAL, MORAL OR VALID TRAFFIC DANGER COMPLAINTS WHEN HDDP PROJECTS ARE DEVELOPED IN THE GEOGRAPHICALLY APPROVED AREAS OF BAINBRIDGE (COBI SEWER DISTRICT BOUNDARIES). ALL OF THOSE ISSUES, INCLUDING INCREASED TRAFFIC DUE TO THE INCREASED DENSITY ALLOWED BY HDDP PROJECTS, ARE ALLOWED IN ORDER TO MEET THE GOALS OF THE COMPREHENSIVE PLAN. HOWEVER, MITIGATION EFFORTS SHOULD BE ALLOWED AND ENCOURAGED TO LESSEN THE TRAFFIC AND OTHER IMPACTS RESULTING FROM HIGHER RESIDENTIAL DENSITIES AS I HAVE NOTED BELOW.

NOTE: GROWTH MANAGEMENT GOALS ALONG WITH COMMENTS FROM THE PC MEMBERS THEMSELVES SHOW THEY SUPPORT HIGHER DENSITIES IN THE URBAN CORE BECAUSE: 1. INCREASED RESIDENTIAL DENSITY IN THE CORP ALLOWS WORKING FAMILIES TO WALK TO THE FERRY, WALK TO SHOPPING, WALK TO SCHOOLS, WALK TO CITY HALL AND SO ON, THUS DECREASING THE USE OF CARS REGARDLESS OF HOW MANY PARKING SPACES ARE AVAILABLE PER HOME. WALLACE COTTAGE IS A "POSTER CHILD" PROJECT IN MEETING THESE GOALS. ADDITIONALLY, HDDP PROJECTS HAVE ATTRACTED FAMILIES WITH CHILDREN WHO ARE DESPERATELY NEEDED TO OFFSET THE DECLINING SCHOOL POPULATION AND INCREASING GENTRIFICATION OF BAINBRIDGE.

NAKATA/TAURNIC NEIGHBORHOOD MITIGATION POSSIBILITIES TO REDUCE INCREASED DANGER FROM INCREASED TRAFFIC

1. INSTALL A 4 WAY STOP INTERSECTION AT WALLACE AND NAKATA THAT CURRENTLY HAS ONLY 1 STOP FOR TAURNIC AT WALLACE ALONG WITH INSTALLING A NO RIGHT TURN AS OUR WALLACE INTERSECTS NAKATA, THUS FORCING WALLACE COTTAGES TRAFFIC TO GO ONLY TO GROW AVE. THE NEIGHBORS WHO TESTIFIED SPOKE ONLY OF PROTECTING NAKATA FROM INCREASED TRAFFIC. TAURNIC IS A CULDESAC THUS THERE IS NO REASON FOR OUR TRAFFIC TO ENTER TAURNIC EXCEPT TO VISIT A NEIGHBOR.

2. OR CLOSE NAKATA AVE. WITH AN EMERGENCY ONLY ACCESS "SEATTLE STYLE BERMED EMERGENCY ACCESS PASSTHRU WITHOUT BARRIERS" LEAVING THE ACCESS TO NAKATA ONLY AT THE NORTH END.

3. THE PC MEMBERS AND NEIGHBORS CAN USE OUR SUGGESTED PLAN OF WITHHOLDING A FREE "VACATION" OF DUANE LANE TO THE OHRT GROUP UNLESS THE OHRT GROUP USES OUR 15' FLAG ALONG WITH A DEDICATION OF THEIR PROPERTY TO CREATE AN "EASTERN EXTENSION OF WALLACE RIGHT OF WAY FROM THE WALLACE COTTAGES BOUNDARY TO MADISON AVE. WITH A FREE VACATION OF DUANE AVENUE THE OHRT GROUP GAINS OWNERSHIP OF DUANE LANE EASEMENT AND THE PARALLEL PSE UTILITY EASEMENT AND GAINS A \$400,000 LAND VALUE. THEN THE ACCESS TO WALLACE COTTAGES CAN BE FROM MADISON AVENUE VERSUS THROUGH THE NAKATA/TAURNIC NEIGHBORHOOD.

NOTE: SEATTLE TICKETS DRIVERS WHO USE THESE EMERGENCY PASSTHROUGHS ARE SUBJECT TO TRAFFIC TICKETS.

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