



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF RECOMMENDATION

Project: Wallace Cottages Housing Design Demonstration Project Preliminary Subdivision

File No: PLN 50589 SUB

Date: July 3, 2018

To: The City of Bainbridge Island Hearing Examiner

Project Manager: Kelly Tayara, Senior Planner

Applicant: Central Highlands Inc.
PO Box 2879
Poulsbo, WA 98370

Owner: Wallace Way Cottages LLC
PO Box 2879
Poulsbo, WA 98370

Request: Preliminary plat approval of four lots totaling 2.5 acres into 19 lots, with approval as a Tier II Housing Design Demonstration Project through the underlying preliminary plat approval.

Location: Wallace Way between Madison Avenue and Nakata Avenue

Summary of Recommendation: Approval subject to conditions

Part 1 - Background

1. Prior Hearing

The Hearing Examiner held an open-record hearing on the application on April 20, 2018. During the hearing, Stephen Crampton entered into the record a claim of ownership over a portion of the site. Mr. Crampton and the applicant entered into a settlement agreement to resolve the adverse possession claim, and this includes a boundary agreement to quitclaim a portion of the subject property (Exhibit 27).

Subsequent to the hearing, the City discovered that some properties were inadvertently omitted from the original public notice and republished Notice of Application / SEPA comment period / Notice of Hearing (see details under Part IV.1 of this report).

The facts and findings presented by the City during the April 20th hearing are substantially the same, with the exception of adjustments to reflect the Crampton settlement agreement (e.g. lot area, lot coverage and open space area calculations), and the addition of public comment which is discussed in Part IV.3 of this report.

2. Developer Agreements (Exhibits 12 - 15)

This project is part of a group of developments which are the subject of four agreements between the City and two developers. Aside from Wallace Cottages, the agreements involve Madison Grove, Madison Place, The Reserve at Winslow, and Winslow Grove (all subdivisions), and Madison Landing (a multi-family project). A map and developer information are provided in Exhibit 16.

Duane Lane is adjacent to the north boundary of Madison Landing. The City asserted that Duane Lane was public right-of-way, and the developer disagreed. The disagreement was resolved by vacating the Duane Lane right-of-way in exchange for a trail connecting The Reserve at Winslow and Winslow Grove, in addition to right-of-way dedication along the south boundary of the Madison Landing project: The right-of-way dedication affords both Wallace Cottages and Madison Landing access from Madison Avenue.

3. The Housing Design Demonstration Project Program (Exhibit 17)

The Housing Design Demonstration Project (HDDP) program was established to increase the variety of housing choices available to residents of all economic segments and to encourage sustainable development by providing development standard incentives. HDDP approval is authorized through the underlying land use permit approval. Program specifics are discussed in Part V of this report.

Part II: General Information and Site Characteristics

1. Tax Assessor Information:

- a. Tax Lots: 272502-1-023-2005; 272502-1-153-2007; 272502-1-154-2005; 272502-1-155-2005
- b. Owner of Record: Wallace Way Cottages LLC
- c. Lot size: 2.46 acres

2. Subject Property Zoning and Comprehensive Plan Designation:

The subject properties are split zoned: The lots are within the R-4.3 district and the Urban Comprehensive Plan designation, with the exception of the flagpole portion of Lot 023 which is within the Mixed Use Town Center – Madison Overlay District (MUTC-MAD). The properties are also within the Secondary Study Area of the Winslow Master Plan Area.

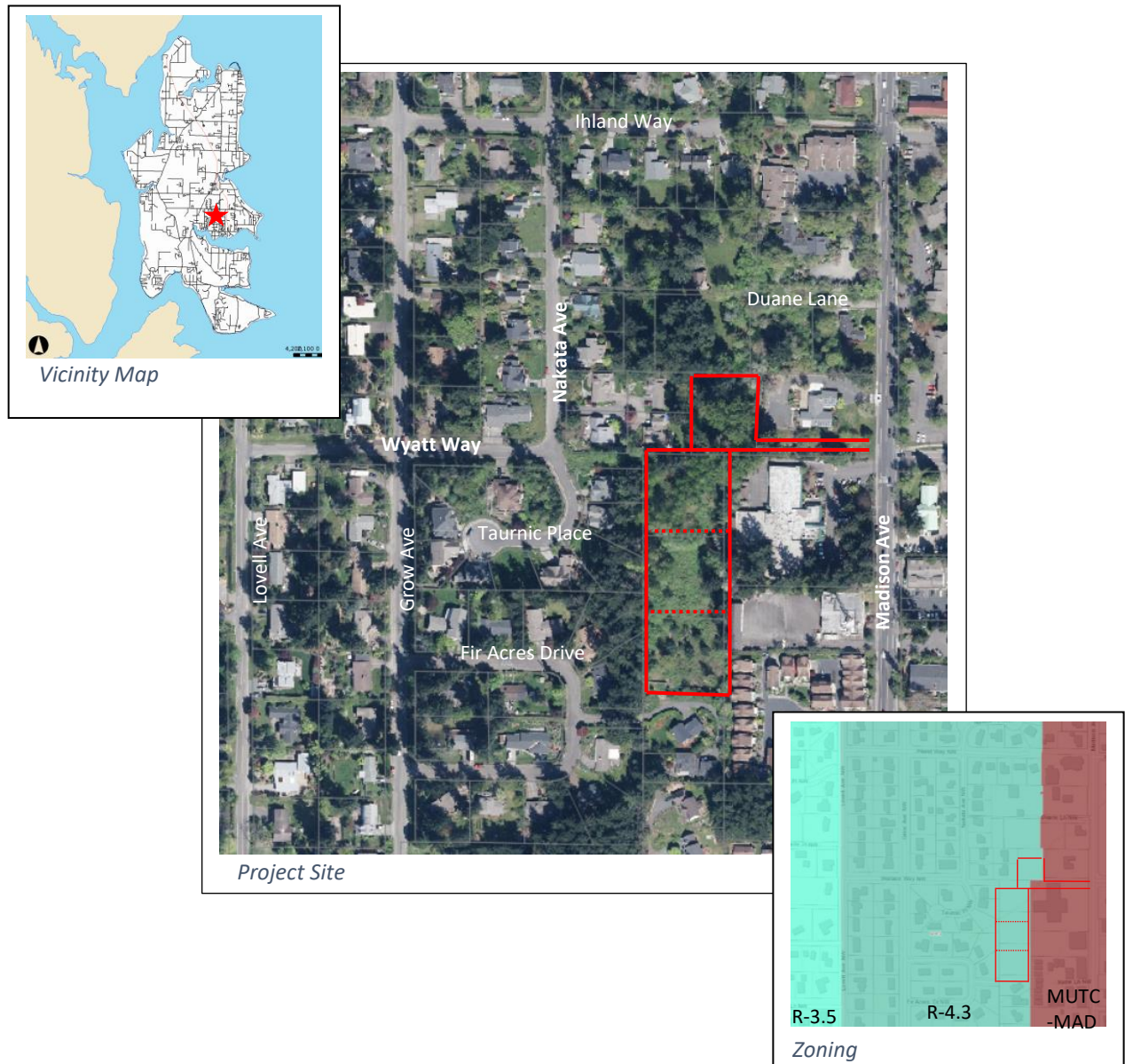
3. Surrounding Property Zoning and Comprehensive Plan Designation:

Adjacent properties to the north, east and south are zoned R-4.3 and are within the Urban Comprehensive Plan designation, and those to the east are zoned MUTC-MAD.

4. Public Services and Utilities:

- a. Police: City of Bainbridge Island Police Department
- b. Fire: Bainbridge Island Fire District
- c. Schools: Bainbridge Island School District
- d. Water: City of Bainbridge Island
- e. Sewer: City of Bainbridge Island
- f. Storm drainage: Bio-retention and detention or public facility with upsized capacity

5. Existing Development: The subject properties are undeveloped.
6. Access: Access from Madison Avenue via new right-of-way dedication (extension of Wallace Way) is proposed.
7. Soils and Terrain: Site topography is relatively flat and soils are composed of Vashon till.



Part III: Comprehensive Plan Goals and Policies

*Comprehensive Plan text is presented in normal font, and **staff discussion in bold font.***

1. Land Use Element

The properties are within the Secondary Study Area of the Winslow Master Plan Area; the Comprehensive Plan focuses growth within Winslow, the urban core of the Island, and other designated centers.

- a. Goal LU-5: Focus urban development in designated centers. Encourage development in areas where public facilities and services can be provided and provide choice of housing location and lifestyle. Encourage residential uses in a variety of forms and densities as part of the use mix in Winslow. Residential density within designated centers may be increased through the use of affordable housing.

The project is served by public water and sewer and is proximate to public services, including bus lines and the ferry terminal. The project provides affordable housing and qualifies for increased density through the Housing Design Demonstration Project (HDDP) program.

- b. Goal LU-6: Ensure a development pattern that reduces the conversion of undeveloped land into sprawling development. Promote dense residential development and encourage human activity within Winslow in order to create a vibrant City center, direct growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing and absorb growth that would otherwise be scattered in outlying areas. Plan for adequate parking in Winslow to accommodate residents and visitors.

The density bonus provided by the HDDP program provides for increased growth where infrastructure exists and enables reduced reliance on automobiles because of the proximity to the Winslow commercial districts. The project provides two vehicle parking spaces per lot.

2. Housing Element

- a. Goal HO-6: Facilitate the provision of a diverse affordable housing stock in all geographic areas of the community. Pursue effective strategies to reduce the land cost component of affordable housing, which may include alternative land use zoning, density bonuses and other incentives.

The project provides two affordable housing units and utilizes development standard incentives, including reduced setbacks and increased lot coverage, through the HDDP program.

3. Transportation Element

- a. Goal TR-8: Consider the special needs of neighborhood safety, pedestrian and bicycle facilities, transit use and facilities and traffic flow in the development of transportation improvements that affect neighborhoods. Protect residential neighborhoods from the impacts of cut-through motor vehicle traffic by providing appropriate connecting routes and applying appropriate traffic-calming measures to control vehicle volumes while maintaining emergency vehicle response times. Consider closing or restricting streets to motorized traffic and devote those streets to non-motorized and other neighborhood uses.

Through development agreements between the applicant, a neighboring property owner and the City, the project avoids vehicular access from the west, through the Nakata neighborhood, and accesses from Madison Avenue. A new sidewalk provides non-motorized connection between the Nakata neighborhood and Madison Avenue.

4. Cultural Element

- a. Goal CUL-3: Preserve places where the Island's history can be experienced, interpreted and shared with the general public in order to deepen an understanding of our heritage and the relationship of the past to our present and future. Recognize the probability of discovering new Native American cultural resources throughout the Island.

Recommended conditions include a requirement stop work and notify the City and Washington State Office of Archeology and Historic Preservation should any cultural resources be discovered.

Part IV: Agency Review and Public Comment

1. Environmental Review / Public Notice

Conceptual review of the Housing Design Demonstration Project (HDDP) was held on October 11, 2016. A public participation meeting was held on November 1, 2016 and the Design Review Board reviewed the HDDP aspects of the proposal on November 21, 2016. A pre-application conference was held on January 3, 2017. The applicant received preliminary notification that the project qualified for the HDDP Program on April 6, 2017.

Preliminary subdivision application was submitted on April 27, 2017 and deemed complete on May 30, 2017. A public meeting before the Planning Commission was held on February 22, 2018 and the Commission's recommendation for Housing Design Demonstration Project approval is discussed in Part V.5 of this report.

The project is subject to State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11-800). The City issued a combined Notice of Application/SEPA comment period on June 2, 2017, and SEPA determination on March 22, 2018. The City published Notice of Hearing on March 30, 2018 and a public hearing was held on April 20, 2018.

Because some properties were inadvertently omitted from the original comment period, the City issued a combined Notice of Application / Hearing / SEPA comment period on June 1, 2018; the 14-day comment period ended on June 15, 2018. On June 26, 2018, the City issued a combined notice withdrawing the March 22 SEPA determination and issuing a mitigated SEPA determination; the appeal period ends on July 10. Public and agency comment is discussed below.

2. Agency Comment

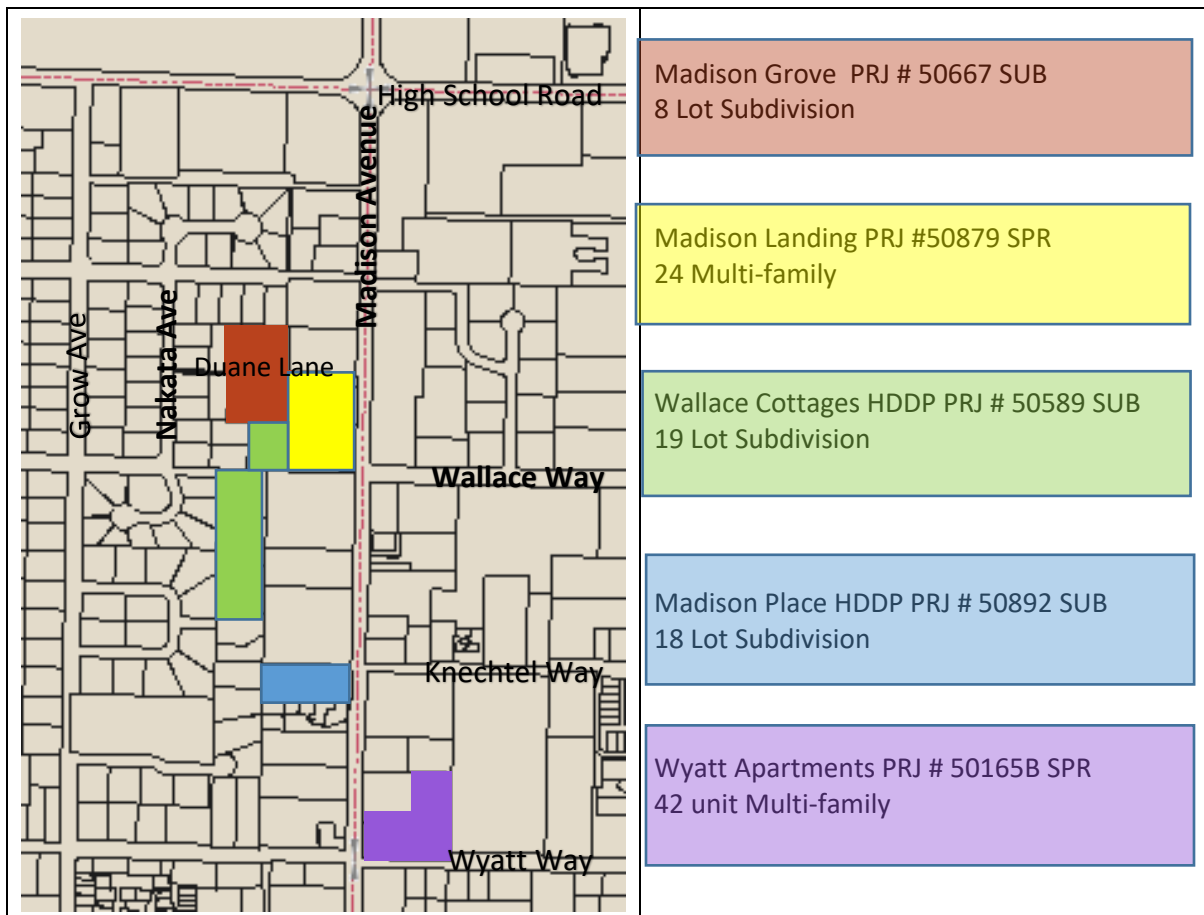
The Kitsap Public Health District approved the preliminary plat. The Bainbridge Island Fire District approved the project subject to several conditions which are incorporated into the recommended conditions. Final subdivision is subject to the approval of both agencies.

3. Public Comment Summary

A total of 42 public comments were received, 16 of those subsequent to the April 11 hearing. In the 26 comments received prior to the hearing, commenters primarily objected to vehicular access via Grow Avenue and Nakata Avenue.

Many of the comments submitted after the hearing referenced this application in conjunction with four other developments, a total of 111 units within a one-third mile area. One of the developments accesses Madison Avenue via Duane Lane, one accesses from Wyatt Way with additional emergency services access from Madison Avenue via access easement, and Madison Landing and this project share access to Madison Avenue via a new dedication of right-of-way which extends Wallace Way.

The comments received after the hearing often refer to the group of developments rather than a specific project, and commenters are generally opposed to the projects. Commenters primarily are concerned about adverse impacts due to traffic and tree / vegetation removal, adverse impacts to wildlife, adverse impacts to existing utilities, including water, sewer, stormwater and power, and adverse quality-of-life impacts due to loss of green spaces and increased density and noise. Commenters were also concerned that, due to an error in the original Notice of Application and SEPA comment period publication, commenters did not have the opportunity to participate in shaping the project. A summary of public comment along with staff discussion follows:



Transportation:

- Commenters object to vehicular access via Grow Avenue and Nakata Avenue, especially if the vehicular access connects Nakata Avenue to Madison Avenue (i.e. extending Wallace Way from Madison Avenue to Nakata Avenue); commenters expressed a strong preference that vehicular access to the subdivision be limited to extending Wallace Way from Madison Avenue only to the extent that it serves the subdivision (i.e. is not a through-way).

One commenter stated that the Nakata Avenue neighborhood is "...reminiscent of the 1950s with children playing in the street, be it catch, hopscotch, Frisbee, 4-square and other games, moving out of the way when cars need to go by, often waving to friends' parents as they drive by. The neighborhood design functions perfectly. There are no speed bumps or other traffic-slowing retrofits, or signs asking drivers to slow down because they are not needed. The design of the neighborhood lends itself to driving slowly." This comment captures the sentiment of the many comments received from the neighborhood.

Many commenters also expressed concern about increase traffic on Grow Avenue, noting that it does not currently provide for the traffic it has, especially with regard to children walking or riding bikes to school: It does not have sidewalks or fog lanes / bike lanes, and is currently not designed or developed in a manner which is conducive to accepting increased traffic.

Staff response: Multiple access options were originally proposed with variations on two basic access themes: 1) From the west: Grow Avenue through the Nakata neighborhood or 2) From the east: Madison Avenue via new right-of-way. The subject property has a 15-foot width panhandle strip leading to Madison Avenue, and until recently, the applicant was unable to secure sufficient additional width which would allow the City Engineer to determine that the development provided adequate right-of-way width from Madison Avenue. The applicant entered into a group of agreements, including an agreement entitled, "Madison Avenue Access Agreement", which provides for adequate vehicular access width from Madison Avenue.

- This project, along with four others in the vicinity, will add 180 cars to the area and over 700 daily trips. Traffic on Madison Avenue backs up on school-day afternoons currently. The roundabout at High School Road and the planned roundabout at Wyatt Way will result in greater difficulty making left turns onto Madison Avenue. Emergency services (police and fire) may not be able to respond as quickly. Wyatt Way is the most common route for those heading south and there is currently heavy rush-hour traffic. The transportation routes in Winslow are limited, there are few cross streets between Ericksen, Madison and Grow Avenues and few alternatives are available during construction or repair times. More traffic poses increased hazards to pedestrians trying to cross Madison Avenue and its intersections. Madison Avenue residents may peel out of their drives trying to find a break in the significantly-increased peak hour traffic, putting pedestrians at risk, especially parents and toddlers using the Tot Lot adjacent to the project. Despite the roundabout at High School Road, pedestrians and bicyclists are being hit by cars. We need to ensure that Winslow is a people-friendly place by providing safe spaces for pedestrians and bicyclists and the cars and trucks that need to get through.

Staff response: The City is constructing a roundabout at the intersection of Madison Avenue and Wyatt Way, and construction is planned for summer of 2019. Increased traffic will result in near-indiscernible delays at some intersections (e.g. 1/10 of a second to turn left off Knechtel

after Wallace Cottages, Madison Grove and Madison Place are constructed). The traffic analysis evaluates the planned roundabout at Wyatt Way. The City's minimum acceptable Level of Service (LOS) standard for Madison Avenue is LOS-D, where operating conditions result in lower travel speeds and higher delays at intersections.

- It is unclear if the traffic study has sufficiently addressed the cumulative impacts associated with the five area developments. There will be additional air pollution and noise pollution and the five developments result in significant vehicle exhaust emissions.

Staff response: The City Engineer finds that the traffic analyses for the five developments adequately assess cumulative impacts.

- Parking reductions should be required, and developers should install bus shelters to incentivize public transit use. There is no public transportation onto many on-or-off island areas except during commute hours.

Staff response: The parking standard is two spaces per primary dwelling unit. Each lot provides parking for two vehicles. Kitsap Transit reviewed all of the projects and evaluates service routes and times: An improved bus stop on Madison Avenue is required in association with Wyatt Apartments.

Infrastructure and Aquifer Resources

- The cumulative impacts of the five developments results in significant reduction in rainwater infiltration. The storm sewer at Wallace Way and Madison Avenue needs immediate repair. There is an increase in the number of stormwater ponds with stagnant water that provide a breeding ground for mosquitos. Stormwater runoff will send more pollution to the Sound. There is a high proportion of impervious surface compared to the existing development. Climate change science projects that heavy rainfall events will become more severe and stormwater runoff will increase as climate change continues, and the unpredictability of such events will increase. Is there a requirement for projects to maintain pervious pavement?

Staff response: In general, the rate of infiltration is poor due to soils in this area and, for most of the developments, a high water table. Where feasible, projects must infiltrate stormwater. Required stormwater pollution prevention plans must be submitted to the City for review and approval to ensure that the development results in no adverse impact to water quality. If stormwater facility upgrades are required for adequate stormwater facilities, the developer is responsible for the cost. Maintenance of pervious pavement is required: The stormwater facilities remain privately owned and maintained; annual inspection and maintenance reports are provided to the City, and the project must record a Declaration of Covenant for stormwater system operation and maintenance.

- The developments may strain the sewer system and the aquifer and result in water shortages. How does the City determine whether a proposal has a significant aquifer impact?

Staff response: Projects demonstrate adequate water service by obtaining a binding water availability letter from the City. The City relies on resources including the Conceptual Model and Numerical Simulation of the Groundwater-Flow System of Bainbridge Island, Washington 2011 –

5021 prepared by the U.S. Geological Survey and the Bainbridge Island Groundwater Model: Aquifer System Carrying Capacity Assessment prepared by Aspect Consulting in 2016, to determine capacity: Both documents are available on the City website at <https://www.bainbridgewa.gov/177/Water-Resources-Libraries>

The Environmental Technical Advisory Committee is also working on water resource sustainability recommendations for City Council.

- The Island's power grids are overtaxed and building permits continue to be issued while City Council voted against additional power stations. Developments and other uses (e.g. charging hybrid ferries) will drain the Island's power supply. The Island has historically experienced frequent black-outs.

Staff response: The existing power infrastructure is adequate to serve the projects. Puget Sound Energy (PSE) is charged with maintaining capacity and infrastructure by the Washington State Utility and Transportation Commission. An applicant for development provides information and, generally with the exception of large industrial developments, PSE makes any necessary upgrades.

Miscellany:

- One commenter stated that his ownership extends onto the site.

Staff response: The applicant has entered into a settlement agreement to resolve the ownership claim. (Ex 27).

- One individual wrote to advise the City that the project relies upon private easements over his property for proposed public facilities. The commenter stated that he is working with the applicant to negotiate the appropriate easements. Subsequent to the April 20 hearing, the commenter expressed concern that a fencing condition recommended to the Hearing Examiner may conflict with an easement.

Staff response: Recommended project conditions provide that existing easements and restrictions of record must be amended or extinguished to allow for improvements. Fencing the south common boundaries of Lots 7 and 8 is recommended to preclude private use of the open space area by the residents of Lots 7 and 8, not to restrict the easement rights.

- The City has enacted a development moratorium.

Staff response: A proposed subdivision is considered under the land use regulations in effect at the time of complete land use application (RCW 58.17.020). The project is not subject to the moratorium (Ord. 2018-02), nor the recent Landmark Tree ordinance (Ord. 2018-25).

- The five developments, when considered together, constitute a significant environmental impact in the subject area.

Staff response: State Environmental Policy Act (SEPA) rules define "significant" as "a reasonable likelihood of more than a moderate adverse impact on environmental quality." For example, using a broadcast pesticide to control an invasive species in Eagle Harbor would be a significant environmental impact. Environmental impacts of project proposals are reviewed and, where City regulations are insufficient, SEPA conditions ensure impacts are reduced to a nonsignificant level.

- The cumulative impacts of the developments should be considered.

Staff response: Cumulative impacts are considered in the evaluation of a proposed development, including those related to traffic, stormwater facilities, water and sewer service, and utilities. As a rule, cumulative impacts of development are considered in establishing the Comprehensive Plan and the Island Wide Transportation Plan and in the standards and guidelines which reflect those policies, principles and goals such as the Municipal Code and Design and Construction Standards. Additionally, the State Environmental Policy Act (SEPA) is a tool for evaluating cumulative impacts.

- The five developments will reduce the open space in this area that currently benefits Bainbridge Island and the birds using the Pacific Flyway and reduces the number of mature trees. Existing vegetation provides shelter and food for birds and other animals. We need parks and trees for our sanity and health, and at least some of this area needs to be a City park with access from Madison and Grow Avenues. The lots should be converted into public natural area / greenspace rather than a residential subdivision to help preserve the natural environment in downtown Winslow, and to provide area residents with similar access to park facilities that Islanders in the less dense residential districts are afforded.

Staff response: The site is within the Pacific Flyway, which is a major north-south flyway for migratory birds and extends from Alaska to Patagonia. No endangered or protected bird species have been identified, and no significant adverse environmental impacts from this proposal have been identified. There is no proposal before the City to convert the area to public space. The properties are privately owned and are not currently held as public open space or green space. This development provides a large private open space area and community garden. Additionally, Gideon Park on Grow Avenue is in the immediate vicinity.

- The additional density is not balanced with a benefit to current residents of Madison Avenue. A community discussion should be held to discuss whether infill development near Winslow Center should occur, whether additional development benefits the community, and what should be done to mitigate impacts.

Staff response: The Comprehensive Plan promotes dense development within Winslow in part to absorb growth that would otherwise be scattered in outlying areas.

- The proposed Housing Design Demonstration Project (HDDP) is not “green” nor “sustainable” (e.g. because of the number of parking spaces, the removal of mature trees, hard surfaces).

Staff response: The HDDP program uses a quantitative evaluation method to score projects, and an HDDP project must achieve LEED, BuiltGreen 4 or Evergreen Sustainable certification.

- The public notice error resulted in insufficient public process.

Staff response: The City issued a second combined Notice of Application/SEPA comment period because some properties were inadvertently omitted from the original comment period. While the Planning Commission reviewed the proposed development prior to the second notice, the facts presented to the Commission remain consistent and no change to the recommended conditions result.

Part V: Land Use Code Analysis

1. BIMC 17.12 Subdivision Design Standards

- a. All single family residential subdivisions shall be designed in accordance with the City's adopted Flexible Lot design requirements, outlined in BIMC Titles 17 and 18.

This application is subject to Open Space Standards (BIMC 17.12.030), General Residential Subdivision Standards (BIMC 17.12.040) and Flexible Lot Dimensional Standards (BIMC Table 18.12.020-1). As provided in BIMC 2.16.020.Q, development standards in BIMC Titles 17 and 18 may be modified as part of a Housing Design Demonstration Project (HDDP).

2. BIMC 17.12.030 Open Space Standards

- a. The open space requirements contained in BIMC 17.12.030.A are modified by HDDP incentives which require that the project integrate at least 400 square feet of open space per unit. The open space shall be located along a public or private street or driveway, or public walkway.

As proposed, the plat depicts 20,508 square feet of open space. The settlement agreement to resolve the Crampton adverse possession claim includes a boundary agreement to quitclaim a strip of land located along the west side of the north open space area. This results in a reduction of total open space area from 20,508 square feet to 19,058 square feet.

The northerly open space abuts Wallace Way and incorporates a neighborhood garden. The southerly open space is fragmented by easements which render use of the southerly-most section of the south open space largely impracticable; for example, one easement provides for utilities, and another for use by an adjacent property owner. While these encumbered areas may be included in the open space for the purpose of, for example, the convenience of the future homeowners' association maintenance, the easement encumbrances conflict with the goals of the HDDP program to provide well-designed, integrated open space. Therefore, the project effectively provides approximately 15,000 square feet of open space or 790 square feet per lot. The open space provided meets open space requirements, as modified by the provisions of the HDDP program.

- b. Common open space may be held by a homeowners' association or similar organization.

Common ownership by a homeowners' association is proposed.

- c. Fences and/or signs delineating open space areas are required; the Director shall determine which is required based on the likelihood of encroachment into designated open space areas.

Recommended project conditions include requirements to maintain open space fencing along the perimeter of the northern open space area (the pea patch and playground) in order to provide for safety and to delineate boundaries, and along the open space boundary common to Lots 7 and 8 in order to preclude encroachment.

- d. A draft open space management plan (OSMP) is reviewed as part of the preliminary plat application. Final approval of the OSMP occurs with final plat approval. The OSMP shall include a list of all approved uses and a maintenance plan for open space areas. Allowed uses within designated open space areas are limited to those listed in BIMC 17.12.030. The approved OSMP must be filed with the Kitsap County Auditor.

The draft open space plan provides for appropriate open space uses. The recommended project conditions include a requirement to provide a final open space plan and to record the plan with the Kitsap County Auditor.

3. BIMC 17.12.040 General Residential Subdivision Standards

- a. Compliance with BIMC Title 16, BIMC Title 18 and RCW Title 58

Lot areas, dimensions and other characteristics shall comply with the requirements of Title 18 and all applicable provisions of RCW Title 58 or its successors.

As conditioned, the project complies with Title 18 as modified by the Housing Design Demonstration Project development standards incentives of BIMC 2.16.020: The plat meets density and lot area requirements, and recommended conditions include requirements to note setback and lot coverage standards on the face of the plat and to comply with fencing requirements of BIMC 17.12.030. Subject to conditions, the subdivision provides adequately for the public health, safety and welfare, and for the public use and interest.

- b. Roads and Pedestrian Access

- i. Roads and access complying with the “City of Bainbridge Island Design and Construction Standards and Specifications” and all applicable requirements of the municipal code, shall be provided to all proposed lots consistent with the standards contained within this subsection.

The City Engineer recommends approval of the project as conditioned, and finds that the project, as conditioned, provides roads and access in compliance with City standards.

- ii. Existing roadway character shall be maintained where practical. To minimize impervious surfaces, public right-of-ways, access easements and roadways shall not be greater than the minimum required to meet standards unless the City Engineer agrees that the additional size is justified.

The City Engineer recommends approval as conditioned. Standard right-of-way width is modified to reduce impervious surface and to provide flexibility with regard the Housing Design Demonstration Project goals.

- iii. Pedestrian and bicycle circulation and access within a subdivision and onto the site shall be provided through walkways, paths, sidewalks, or trails and shall be consistent with the Non-motorized Transportation Plan (NMTP).

The project provides non-motorized facilities within the subdivision that connect Madison Avenue, Nakata Avenue and Fir Acres Drive. The plat is consistent with the NMTP.

4. BIMC Table 18.12.020-1 Flexible Lot Dimensional Standards

The applicant may request that the following development standards from BIMC Title 18 be modified as part of an HDDP project: Minimum lot dimensions and size, density, lot coverage, setbacks and parking.

a. Minimum Lot Size and Dimension Requirements

The minimum lot size is 5,000 square feet for lots served by public sewer and the minimum lot width is 50 feet.

The lots are served by public sewer. The lots range in size from 2,650 – 4,120 square feet and the minimum lot width is 40 feet. The Health District approved the preliminary subdivision; final plat approval is subject to the Health District's final approval in accordance with BIMC 2.16.070.I.4.

b. Density

The base density in the R-4.3 district is one lot per 10,200 square feet. The number of lots permitted shall be calculated by dividing the total lot area of the property (without deducting areas to be dedicated as public right-of-ways or areas to be encumbered by private road easements) by the minimum lot area for standard lots in the district.

As proposed, the total lot area is 103,685 square feet. The settlement agreement to resolve the Crampton adverse possession claim includes a boundary agreement to quitclaim a strip of land located along the west side of the north open space area. This results in a reduction of total lot area from 103,685 square feet to 102,172 square feet.

Base density in the R-4.3 district is 10,200 square feet per lot, or 10.02 lots based on a total lot area of 102,172 square feet. Bonus density through the HDDP program provides a maximum of two times the base density, not to exceed R-8 maximum density which is 5,400 square feet per lot or 19 lots. The proposed plat creates 19 lots, and therefore does not exceed bonus density allowable through the HDDP program.

c. Maximum Lot Coverage

Lot coverage is the portion of the lot area that may be covered by buildings (BIMC 18.12.050.K). Maximum lot coverage in the R-4.3 district is 25 percent of the lot area.

As proposed, the total lot area is 103,685 square feet. The settlement agreement to resolve the Crampton adverse possession claim includes a boundary agreement to quitclaim a strip of land located along the west side of the north open space area. This results in a reduction of total lot area from 103,685 square feet to 102,172 square feet.

Maximum lot coverage may be increased by 10 percent through the HDDP program, to 35 percent. Based on a total lot area of 102,172 square feet, the maximum aggregate lot coverage is 35,760. The recommended conditions of approval include modification to a per-lot equal allocation of lot coverage in order to provide for buildings, such as picnic shelters and garden sheds, within the open space.

d. Minimum Setbacks

Subdivision setbacks required by BIMC Title 18 may be modified through the HDDP program as follows: Building-to-exterior plat boundary may be reduced from 15 feet and building to right-of-way or other streets from 15 feet). The following setbacks apply:

Building to building (on-site)	Minimum 10 feet
Building to exterior subdivision boundary line	Minimum 5 feet
Building to right-of-way or vehicular access easement	Minimum 10 feet
Building to Open Space	Minimum 10 feet

The recommended conditions include a requirement to depict setbacks on the final plat.

5. BIMC 2.16.020.Q. Housing Design Demonstration Projects (HDDP)

a. Review and Approval Process

The HDDP review and approval process requires that the preapplication proposal be evaluated by City staff with the Design Review Board serving in an advisory role, and that the project receive preliminary notification whether the proposal will qualify as an HDDP project. The Planning Commission must make recommendation on all HDDP projects.

The Design Review Board suggested that the project provide well-designed open space, appropriate community amenities, enhanced sensitivity to pedestrians and pedestrian connection to Madison Avenue. The applicant received preliminary notification that the project qualified for the Housing Design Demonstration Project Program as part of the preapplication summary letter (Exhibit 18).

The Planning Commission met twice to discuss the project. There was dissension between the applicant and the Commission, and ultimately the Commission recommended that the project be denied as an HDDP project, stating that the proposal “is not consistent with the Comprehensive Plan and does not meet the goals and purposes of the HDDP, including traffic impacts, public safety impacts on surrounding neighborhoods resulting from the proposed traffic access via Wallace Way to Grow Avenue, tree retention issues and feasibility of open space.”

City staff encouraged the Commission to consider Municipal Code regulations. For example: Open space regulations which normally govern subdivisions do not apply to HDDP projects; tree retention in open space is not required, and projects earn incentive points for elements such as neighborhood gardens within open space.

The Commission’s overriding objection was vehicular access through the Nakata neighborhood rather than from Madison Avenue. Commission concerns were identified in correspondence and read into the record at the February 22 meeting (Exhibit 25). Commissioner Quitslund commented that the Commission was especially concerned that the project avoid adverse impact to public service levels, and included in recommendations that

either the project be denied based on inconsistency with the Comprehensive Plan and that the project does not meet the goals and purposes of the HDDP program due to traffic and public safety impacts resulting from access through the Nakata neighborhood, or that the project be approved provided vehicular access avoids the Nakata neighborhood.

The Commission's concerns with regard to traffic and public safety impacts as a result of access through the Nakata neighborhood were addressed once the applicant entered into the agreement which provide for access from Madison Avenue rather than from Grow Avenue (Exhibit 15).

Though the intent of the applicant is to retain trees in the designated open space area, there are no Municipal Code requirements to do so. The open space is separated into two areas and, as discussed under the Open Space Standards in V.2 above, the required open space is provided. Prescriptive open space requirements in BIMC Title 17 Subdivisions do not apply to HDDP projects; instead, the HDDP program relies on a point system to evaluate the open space, as discussed in the following paragraph. Ideally, the applicant would return to the Commission, but the development agreement (Exhibit 14) specifically provides that the project does not have to return to Planning Commission. Because the project meets the Municipal Code requirements, the Planning Department recommends approval.

b. Evaluation Method

The Housing Design Demonstration Project program (HDDP) utilizes a tiered quantitative evaluation method to link sustainable building goals.

A Tier II project in the R-4.3 district is eligible for a density bonus up to two times the base density: The project must provide ten percent of the units as Affordable Housing, as defined in BIMC 18.36.030, and density may not exceed base density for the R-8 district.

A Tier II HDDP project must achieve LEED Silver, BuiltGreen 4 or Evergreen Sustainable Development certification, and must achieve at least 25 points in the Innovative Site Development category and at least 12 points in the Housing Diversity category. Tier II limits home sizes to 1,600 square feet.

The project exceeds the required minimum points in the Innovative Site Development category, as scored by City staff (Exhibit 20). The application materials include a BuiltGreen 4 checklist (Exhibit 19). Garages are provided for covered parking. The open space for which points are awarded is well-designed and usable and the area provided well-exceeds program requirements, as discussed above. A neighborhood garden is proposed, and new sidewalks provide non-motorized facilities and garages and bike racks provide for bicycles.

The project meets Housing Diversity requirements with homes no more than 1,600 square feet in size, two affordable housing units, and a variety of unit types including duplexes, age-in-place homes and two-story homes (Exhibit 19). Conditions to ensure compliance are recommended, and compliance is reviewed during the building permit process. As determined by City staff, project scoring follows:

Category		Points Awarded	Points Required
Green Building and Innovative Site Development			
✓	BuiltGreen 4	-	-
✓	Water Quality & Conservation	-	-
	✓ Covered parking (21% - 40% of total parking spaces)	2	-
✓	Landscaping & Open Space		-
	✓ Open space minimum 5% and 400 sf/unit (16% – 20%)	6	-
	✓ Neighborhood garden (60 sf per dwelling)	2	-
	✓ Private yard turf (20% or less)	4	-
	✓ Plants (60% native or drought-tolerant)	4	-
✓	Transportation		
	✓ Preserves, creates or integrates internal and external non-motorized connections	2	-
	✓ Provides public walkways, paths, or bike lanes	3	-
	✓ Vehicle charging station (3% of vehicle parking capacity)	3	-
	✓ Covered consolidated bike parking	3	-
Innovative Site Development Total		29	25
Housing Diversity			
✓	Maximum Home Size 1,600 sf	-	-
✓	Percent of Affordable Housing (10% of units = 2)	10 or 12 ⁺	10
✓	Unit Type	2 - 5	2
Housing Diversity Total		12 - 17	12

+ Ownership value 10 points, rental value 12 points: The submitted materials do not provide sufficient information to determine the intent of the applicant in this regard.

6. BIMC 2.16.020.Q Housing Design Demonstration Projects – Decision criteria

In addition to decision criteria required by the underlying planning permit or approval, an application for a Housing Design Demonstration Project may be approved if the following criteria are met:

- a. The applicant clearly demonstrates evaluation factors listed in subsection Q.4 of this section as shown in the Housing Design Demonstration Project scoring system as evaluated by the planning department.

The project demonstrates the evaluation factors and exceeds the minimum required scoring for a Tier II project. The project is BuiltGreen 4, achieves greater than 25 points in the Innovative Site Development category, greater than 12 points in the Housing Diversity category, and limits home sizes to 1,600 square feet. Compliance with recommended project conditions is ensured at the building permit stage.

- b. 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.

Relief from setback, lot size and lot coverage standards allows the project to achieve a larger common open space area with a neighborhood garden and reduces road surface; these are both innovative design goals.

Additionally, the project provides two affordable housing units: The goal of the HDDP program is to increase the variety of housing choices available to residents across underserved portions of the socio-economic spectrum. This HDDP goal is based on a larger jurisdictional goal to address Department of Housing and Urban Development statistical area deficiencies by increasing the stock of middle- and moderate-income households on Bainbridge Island.

- c. The project does not adversely impact existing public service levels for surrounding properties.

As conditioned, agencies including the City, Bainbridge Island Fire District, and Kitsap Public Health District find that the project does not adversely impact public service levels. Recommended project conditions are provided to ensure adequate access, including emergency services access, water, septic and stormwater facilities.

- d. The project complies with all other portions of the BIMC, except as modified through this housing design demonstration project process.

The project relies on relief from zoning and subdivision standards, including density, setback, lot size, lot coverage and road standard requirements, as provided in the HDDP program.

- e. The applicant is meeting required housing diversity standards.

The project meets housing diversity standards, providing diverse unit types, limiting unit size and incorporating affordable housing.

7. BIMC 2.16.125.H Preliminary Long Subdivision – Decision criteria

The Hearing Examiner’s decision shall include findings of fact that the application meets all the following requirements. The preliminary long subdivision may be approved or approved with modification if:

- a. The applicable subdivision development standards of BIMC Titles 17 and 18 are satisfied.

As conditioned, the subdivision complies with applicable subdivision and zoning standards, as modified by the Housing Design Demonstration Project standard incentives of 2.16.020.Q.

- b. The preliminary plat makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW 58.17.110.

Adequate provision is made for the public health, safety and welfare, and public use and interest, including required items in 58.17.110 RCW such as streets and public ways. The project is conditioned to ensure adequate access, including emergency services access, water, septic and stormwater facilities prior to final plat approval.

- c. The preliminary plat has been prepared consistent with the requirements of the flexible lot design process.

The proposed plat reflects required setbacks and meets open space requirements consistent with the flexible lot design process and standards, as modified by the Housing Design Demonstration Project standard incentives.

- d. Any portion of a plat which contains a critical area, as defined in BIMC 16.20, conforms to all requirements of that chapter.

The property contains no critical areas.

- e. Any portion of a plat within shoreline jurisdiction, as defined in BIMC 16.12, conforms to all requirements of that chapter.

The property is not within shoreline jurisdiction.

- f. The City Engineer's recommendation contains determinations that all of the following decision criteria for long subdivision are met and such determinations are supported by substantial evidence within the record: The plat conforms to drainage regulations in BIMC 15.20 and 15.21; the plat will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; the streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; the streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; there is capacity in the public water system to serve the plat, and the applicable service can be made available at the site; the plat conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the City Engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17. The subdivision conforms to the requirements of this chapter and the standards in the "City of Bainbridge Island Design and Construction Standards and Specifications," unless the City Engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.

As conditioned, the City Engineer recommends approval of the preliminary plat. The City Engineer finds that, as conditioned, the preliminary subdivision: Conforms to surface and stormwater requirements; will not cause undue burden on the drainage basin, and will not unreasonably interfere with the use and enjoyment of properties downstream; the streets and pedestrian ways are coordinated with streets serving adjacent properties and are adequate to accommodate anticipated traffic; the water system has sufficient capacity to serve the plat and water service can be made available at the site; the preliminary plat conforms to the road standards contained in the "City of Bainbridge Island Design and Construction Standards and Specifications" manual.

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

The Comprehensive Plan and Municipal Code reflect the Growth Management Act mandates (Chapter 36.70A RCW) and State subdivision regulations (Chapter 58.17 RCW). Recommended conditions ensure that the plat complies with all local, state and federal regulations.

- h. The proposal is in accord with the Comprehensive Plan.

The proposal is in accord with the Comprehensive Plan. The proposal provides for a residential subdivision within a residential zone. The project provides affordable housing and provides for growth proximate to public facilities and services. The access from Madison Avenue protects a residential neighborhood from the vehicular traffic impacts while providing non-motorized connection. Recommended project conditions require appropriate notification in the event cultural resources are uncovered.

- i. A proposed subdivision shall not be approved unless written findings are made that the public use and interest will be served by the platting of such subdivision.

The project is consistent with the goals Comprehensive Plan as codified in City regulations and as such, demonstrates that the public interest is served.

Part VI: Conclusions

As conditioned, the proposed development is consistent with the Comprehensive Plan and applicable subdivision standards, as modified by the Housing Demonstration Project Program.

Approval of the preliminary subdivision shall constitute authorization for the applicant to develop the facilities and improvements in strict accordance with standards established within the municipal code and recommended conditions. As provided in RCW 58.17.140, complete application for final subdivision shall be filed within five years of the date of preliminary subdivision approval. If the application is not filed within the five year period, the approval shall expire and shall be void.

Appropriate notice of application was made and comments were considered. The application is properly before the Hearing Examiner for decision. Recommended conditions of approval follow:

Recommended Conditions of Approval

SEPA CONDITION

1. To mitigate recreation and transportation impacts, the perimeter of the northern open space shall be fenced and provide a gate which is located proximate to Wallace Way. To avoid adverse aesthetic impact, appropriate materials which afford visual access to the open space (e.g. picket fence rather than chain link) shall be used, and the fence shall be four feet in height.

PROJECT CONDITIONS

2. The project must conform to the Housing Design Demonstration Project (HDDP) program Tier II requirements (BIMC 2.16.020.Q).
 - A. The project must provide at least two affordable housing units, as defined in the Municipal Code (BIMC 18.36).
 - B. The project must achieve LEED, BuiltGreen 4 or Evergreen Sustainable certification.
 - C. The project must provide homes no greater than 1,600 square feet in size.
 - D. The project shall substantially conform to the Innovative Site Development category scoring, as determined by staff, and shall provide and maintain the following:
 - 1) At least 16 percent of the lot area as open space which is well designed and integrated part of the project
 - 2) A neighborhood garden which is 1,140 square feet in size, at a minimum
 - 3) 20 percent or less turf in private yard areas
 - 4) At least 60 percent native or drought-tolerant plants
 - 5) A number of vehicle charging stations serving a minimum of three percent of the vehicle parking capacity of the subdivision: The stations shall be accessible to all homeowners in the subdivision and shall be shown on the civil plan.
 - 6) Covered bicycle parking for 10 bicycles, at a minimum. The bicycle parking shall be held in common and shall be shown on the civil plan. Additionally, a bike rack serving four bicycles, at a minimum, must be located in the northern open space.
3. Prior to any construction activities, the applicant shall obtain the appropriate permits from the City of Bainbridge Island, including but not limited to clearing, grading, and/or building permits.
4. If any historical or archaeological artifacts are uncovered during excavation or construction, work shall immediately stop and the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation shall be immediately notified. Construction shall only continue thereafter in compliance with the applicable provisions of law.
5. A final Open Space Management Plan (OSMP) shall be recorded with final plat and the OSMP shall be referenced on the face of the plat. The final OSMP shall meet the requirements of BIMC 17.12.
6. In addition to the open space fencing required in Condition 1 above, the common property line between Lot 7 and the open space and Lot 8 and the open space shall be fenced.

7. Open Space fencing shall be installed on or installation financially assured prior to final plat approval. The fencing must be maintained in perpetuity and required locations of fencing shall be noted on the face of the plat.
8. Lot coverage of 35 percent shall be allocated equally between the lots and noted on the face of the plat, except: The final plat shall reflect a modest reduction in the per-lot allocation to provide lot coverage for open space buildings (e.g. garden shed, picnic shelter, covered climbing structure).
9. The following setbacks shall be noted and depicted on the final plat:

Building to building (on-site)	Minimum 10 feet
Building to exterior subdivision boundary line	Minimum 5 feet
Building to right-of-way or vehicular access easement	Minimum 10 feet
Building to Open Space	Minimum 10 feet
10. The final plat shall comply with the following conditions of the Fire Marshal:
 - A. The proposed project shall comply with all provisions of the adopted Fire Code.
 - B. A fire flow test is required prior to occupancy.
11. The final plat shall comply with the following conditions of the City Survey Manager:
 - A. A boundary line adjustment between Parcel 272502-1-023-2005 and Parcel 272502-1-022-2006 will be completed before final plat.
 - B. Right-of-way and roadway plans connecting to Madison Avenue are dependent on approval of the boundary line adjustment and subsequent right-of-way dedication by others.
 - C. City utilities and related facilities located outside of dedicated right-of-way will require a separately recorded easement agreement with the recording information noted on the face of the final plat.
 - D. Easement agreements with the City will be prepared using the City's template with the legal description and map prepared by a licensed land surveyor.
12. The applicant shall comply with the following conditions, to the satisfaction of the City Engineer:
 - A. Unless specifically exempted in these conditions or otherwise by the City Engineer, the project shall conform to the City of Bainbridge Island Design and Construction Standards, Surface and Stormwater Management regulations (BIMC 15.20 and 15.21), and the Stormwater Facilities Maintenance Program in accordance with the provisions of BIMC 2.16.070.G(5).
 - B. Public and private improvements, facilities, and infrastructure, on and off the site, that are required for the subdivision, shall be completed and have final inspection and approval prior to final plat approval unless the City Engineer accepts an assurance device in lieu of completion.
 - C. In accordance with the provisions of BIMC 2.16.070.N, the City Engineer may accept financial assurity in lieu of completion of improvements, in an amount and in a form determined by the City Engineer, but not exceeding 125 percent of the cost of completing the improvements.
 - 1) Any such assurance device shall be in place prior to final plat approval, shall enumerate in detail the items being assured, and shall require that all such items will be completed and approved by the City within one year of the date of final plat approval. The assurity shall include preparation of all final plans and documents.

- 2) Upon completion and the City's acceptance of facilities, the applicant shall provide an assurance device securing the successful performance of improvements.
- 3) While lots created by the subdivision may be sold, occupancy may not be allowed until the required improvements are formally accepted by the City. A prominent note on the face of the final plat shall state: "The lots created by this plat are subject to conditions of an assurance device held by the City for the completion of certain necessary facilities. Building permits may not be issued and/or occupancy may not be allowed until such necessary facilities are completed and approved by the City of Bainbridge Island. All purchasers shall satisfy themselves as to the status of completion of the necessary facilities."

D. General

- 1) Survey monumentation shall be provided consistent with the Standards, Section 8-03.
- 2) Civil improvement plans ready for construction shall be submitted with an application for a plat utility permit to COBI for review and approval to construct all necessary infrastructure serving the divided lots and the offsite improvements proposed in the Developer Extension Agreement (DEA) application.
- 3) Separate clearing and grading permits shall be required concurrently with the plat utility permit issuance to clear and grade the site.
- 4) No building permits for the newly created lots will be issued until the completion of the civil improvements or performance bonding is established to cover unfinished work to apply for final plat.
- 5) Performance bonding for plat civil improvements shall be released and re-bonded only as determined by a pre-approved work completion phasing plan to be developed with the plat utility permit application.
- 6) As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final plat.

E. Facilities Extension

- 1) The Developer Extension Agreement (DEA) shall be executed at the plat utilities permitting application phase for the construction of roads and utilities to be inspected and accepted by the City. All property to be deeded to the City for the extension shall be provided with a Right of Way Warranty Deed, or, the DEA shall include all underlying property owners as applicants and the ROW may be dedicated on the face of the plat.

F. Utilities

- 1) The proposed 8-inch water main extension from Madison Avenue to the Wallace Way NW right-of-way extension shall be located to allow both a minimum 10 feet of separation of the water main from the existing sewer main and provide adequate setback from the northern property line to allow for construction, maintenance, and servicing of the new main. If additional ROW or easement is required it shall be provided. Alternatively, a looped water main system may be accomplished by routing the water line in from Wallace Way NW from Nakata Avenue NW.

- 2) The water main extension from the Fir Acres Drive ROW at the south end of the project shall be located within existing or proposed easements and provide a minimum 10 feet clearance to the edge of the easement.
- 3) A 30-foot ROW shall be dedicated to the City of Bainbridge Island to include the existing sewer facilities, water, and surface and stormwater facilities from Madison Avenue to the extension of the Wallace Way NW right-of-way.
- 4) Easement areas flanking the plat roads will require separate easement documents to be recorded as they are not within the ROW to be dedicated on the face of the plat.
- 5) Any and all permanent or temporary construction easements required to install the road and utility extension, or remove vegetation and disturb ground outside the future ROW areas shall be secured prior to the execution of the Developer Extension Agreement.
- 6) Sewer and storm drain improvements along with easements to be dedicated to the City through and over portions of existing Lot B of short plat SPT 06-07-91-1, also known as the Extencicare Parcel, are subject to restrictions of an easement with Lot A, also known as the Hanavan Parcel, of the same plat. The underlying easement agreement shall be amended to allow for the installation and maintenance of City facilities.
- 7) The routing of sewer and storm drain improvements through Lots A and B of the Hanavan Short Plat and the Courtyards at Madison Condominium sites requires a dedicated easement to the City totaling 20 feet in width to accommodate both the storm and sewer utilities. Additionally, the easement shall be extended to provide vehicular access for City maintenance vehicles and equipment from Fir Acres Drive NW through Lot A.
- 8) Extending the sewer beyond the Hanavan Short Plat lots at the southeast corner to tie into an existing 8-inch sewer line requires amendment of the existing sewer easement with the Courtyards on Madison Condominium Association to allow more than 2 residential lots to connect.
- 9) The north/south plat access road identified as Loganberry Road NE on the preliminary civil plans, shall meet the standards of an urban local access street per standard drawing DWG. 7-050 of the Standards, except as noted: The plat access road shall provide two (2) 9-foot travel lanes for two-way traffic circulation, with 1-foot gutter pans and vertical curbs to provide a clear curb-curb distance of 20 feet. Sidewalks shall be provided on one side with a minimum 3-foot wide planter strip. A minimum of 20 feet of right-of-way for the road section and 10-foot easements on either side shall be dedicated to the City to provide a combined 40-feet of ROW and easement dedication for access and utilities.
- 10) The east/west plat access road extension of Wallace Way NW shall meet the standards of an urban local access street per standard drawing DWG. 7-050 of the Standards, except as noted. The plat access road shall provide two (2) 9-foot travel lanes for two-way traffic circulation, with 1-foot gutter pans and vertical curbs to provide a clear curb-curb distance of 20 feet. Sidewalks shall be provided on one side. A minimum of 30 feet of right-of-way for the road section and sidewalk shall be dedicated to the City.

G. Stormwater

- 1) A Stormwater Pollution Prevention Plan (SWPPP) prepared by a civil engineer licensed in the State of Washington is required prior to construction activities including clearing or grading or civil improvements for all phases of the project that complies with BIMC 15.20.
- 2) A final stormwater report shall be submitted detailing compliance with all applicable minimum requirements as required by BIMC 15.20, prepared by a civil engineer licensed in the State of Washington.
- 3) On-site Best Management Practices for soil management and Low Impact Development shall be employed consistent with the Stormwater Management Manual for Western Washington (SWMMWW) BMP T5.13 for surfaces not converted to hard surfaces after construction.
- 4) Prior to final plat submittal, the applicant shall submit an operation and maintenance plan for the on-going maintenance of the storm drainage system.
- 5) All on-site stormwater facilities shall remain privately owned and maintained. The owner(s) shall be responsible for maintenance of the storm drainage facilities for this development following construction. Annual inspection and maintenance reports shall be provided to the City. A Declaration of Covenant for stormwater system operation and maintenance will be required to be recorded before final plat submittal. The approved language for the Declaration of Covenant is found in BIMC Chapter 15.21, Exhibit A.
- 6) A hydrologic and hydraulic analysis must be performed to demonstrate that the future build-out conditions from the site combined with the existing offsite drainage tributary to the storm drain system will not exceed the capacity of the existing or proposed storm drain system in Madison Avenue North. Where the existing capacity of the system is insufficient, the project shall mitigate on-site to match the existing 100-year storm flows leaving the project site, or, upgrade the storm system to provide the needed capacity as defined below.
- 7) The capacity analysis shall include an assessment of all backwater effects on the existing system up Madison Avenue North. The design storm for capacity analysis is a 25-year storm event. The 25-year hydraulic grade line (HGL) shall be below the rim elevations of all drainage structures. The 100-year storm event shall be shown to not overtop the crest of any roadways.
- 8) Clearing and grading of the site may not begin until the storm drain extension to Madison Avenue is completed. A sediment pond shall be provided sized handle the peak 10-year flow until the time the storm drain capacity upgrades in Madison Avenue are performed. Once upgrades are performed the on-site sediment pond storage requirement may be reduced to the standard 2-year peak flow per the Department of Ecology SWMMWW BMP C241: Temporary Sediment Pond.

H. Permitting

- 1) In addition to a clearing and/or grade and fill permit, a right-of-way (ROW) construction permit will be required prior to any construction activities within the existing right-of-way. The ROW permit will be subject to separate conditions and bonding requirements.A.
- 2) Application for a final plat shall require binding water and sewer availability letters from the City.

- 3) The proposed action(s), phased or concurrent, in their totality would result in more than one (1) acre of earth disturbance on the site and drain to waters of the State. A Construction Stormwater General Permit shall be obtained from the Washington State Department of Ecology and the site shall be monitored for discharge of pollutants and sediment to the wetlands and stream for the duration of the project. No land clearing or construction permits shall be issued prior to obtaining the State permit.
13. The following conditions shall be noted on the face of the final plat: Conditions 2;3; 4; reference to open space plan and requirements in conditions 1,5, 6 and 7; 8; 9; applicable portions of 13.