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## NOTICE OF ADMINISTRATIVE DECISION and MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

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The City of Bainbridge Island has made a decision concerning the following land use application:

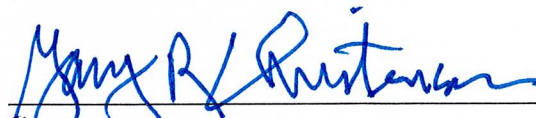
**Date of Issuance:** March 26, 2019  
**Project Name:** Ericksen Townhomes  
**Project Number:** PLN50804B SPR  
**Project Type:** Site Plan and Design Review  
**Owner:** Wing Point Properties LLC  
**Project Site:** 568 Ericksen Avenue NE  
**Tax Parcel Number:** 262502-2-051-2009

**Project Description:** Condominium development of five (5) freestanding townhomes and preservation of an existing residence listed on the Local Historic Register.

**Project Decision:** The application is **conditionally approved**. This proposal is subject to administrative review under Chapter 2.16.030 of the Bainbridge Island Municipal Code. The staff report containing the findings of facts upon which the decision is based, including the conclusions of law derived from those facts and the conditions of approval, is available to the public upon request. **The decision becomes final after 14 days from the date of issuance, or after Tuesday, April 9, 2019.**

**SEPA Determination:** The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment if mitigation measures are properly implemented. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

**Responsible Official:** Gary R. Christensen, AICP, Director  
**Address:** City of Bainbridge Island  
Department of Planning and Community Development  
280 Madison Avenue North  
Bainbridge Island, WA 98110  
(206) 842-2552

  
Signature

3/26/19  
Date

**Appeal Procedure:** This administrative decision and/or SEPA determination may be appealed by filing a written appeal and paying a \$530.00 filing fee to the City Clerk at 280 Madison Avenue North, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 2.16.020.R and/or 16.04.170. **An appeal must be filed no later than 4:00 p.m., Tuesday, April 9, 2019. You should be prepared to make specific factual objections.**

**If you have any questions, contact:**

**Olivia Sontag, Planner**

Department of Planning & Community Development

280 Madison Avenue North

Bainbridge Island, WA 98110

206-780-3760 or [osontag@bainbridgewa.gov](mailto:osontag@bainbridgewa.gov)

The City is recommending approval of the Site Plan and Design Review in accordance with the with the following conditions:

**SEPA Conditions:**

1. The limits of clearing and grading shall be clearly marked in the field and inspected by the Department of Planning and Community Development staff prior to the start of any clearing, grading, or other site work.
2. Dust shall be managed in compliance with WAC 173-400 and Puget Sound Clean Air Agency – Regulation I, 9.15 (PSCCA Reg). “It shall be unlawful for any person to cause or allow visible emission of fugitive dust...” – PSCCA Reg, 9.15(a). The project proponent or contractor shall prepare and implement a “Dust Control Plan” in conformance with Department of Ecology Publication 96-433. Prior to any site activity, the “Dust Control Plan” shall be submitted to the City and it shall be actively managed for the duration of the project. Unlawful emissions (see below) shall be corrected immediately and/or dust generating operations ceased until additional or alternate BMPs can be implemented to maintain emissions below allowable levels.

"Fugitive dust" means a particulate (especially soil/dirt) emission made airborne by forces of nature, man's activity, or both, that leaves the subject site. Unlawful emissions shall generally be defined as emissions leaving the subject property that are visible to an untrained observer. Where continuous monitoring equipment is used particulate matter concentrations shall be monitored for 10µm particle (PM10) size. The 24-hr average PM10 emissions shall not exceed a concentration equivalent to the EPA Air Quality Index (AQI) of 50 (54µg/m<sup>3</sup>) and any instantaneous PM10 emissions shall not exceed a concentration equivalent to an AQI of 100 (154µg/m<sup>3</sup>).

**Project Conditions:**

*General*

3. Except for modifications reflecting compliance with these conditions of approval, the project shall be in substantial conformance with the site plans dated March 4, 2019.
4. Prior to construction activity, the applicant shall obtain the appropriate permits from the City of Bainbridge Island, including but not limited to clearing, grading, right-of-way, and building permits.
5. All work shall adhere to the City's seasonal work limitations between October 1 and April 30 of any year. During this period, no soils shall remain exposed and unworked for more than two days. From May 1 to September 30, no soils shall remain exposed and unworked for more than seven days.



6. Prior to any construction, a temporary erosion and sedimentation control plan (TESCP) shall be submitted and approved by the City. Construction shall be restricted to the dates occurring between May 1 and September 30 unless a wet weather erosion control plan is submitted and approved by the City prior to construction.
7. All construction activities shall comply with noise limitations per BIMC 16.16.
8. 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 Department of Archaeology and Historic Preservation shall be immediately notified. Construction shall only continue thereafter in compliance with the applicable provisions of law.
9. The Henry Groos House is listed on the Local Historic Register and shall be preserved for the life of the project. No person shall alter, reconstruct, relocate, remodel or restore the exterior of a property listed on the Local Historic Register without a review or a waiver. Local Historic Register properties require a certificate of appropriateness or a waiver from the Historic Preservation Commission per BIMC 18.24.
10. The applicant is requesting a Floor Area Ratio (FAR) bonus. Prior to building permit issuance of a building exceeding the 0.3 FAR for the site, the applicant shall acquire the FAR bonus pursuant to BIMC 18.12.030.E. Up to 100 percent of the maximum residential FAR bonus may come from the purchase of development rights.

#### *Building*

11. The project shall comply with the provisions of the 2015 International Codes as currently adopted by the City of Bainbridge Island per the Bainbridge Island Municipal Code (BIMC) Chapter 15.04 and shall include any State of Washington Amendments.
12. A soils report is required for this project which shall address soils conditions and all foundation and building design criteria per the International Building Code and State of WA Code Amendments. The Soils and Structural Engineer shall coordinate design criteria for all structures for submittal and submit a complete design analysis and recommendations at time of plans examination.

#### *Fire District*

13. To the satisfaction of the Bainbridge Island Fire Department, the proposed project shall comply with all applicable provisions of the adopted Fire Code. The installation of residential fire sprinklers is highly recommended.
14. New access road will require a new road name and requires the existing home to be addressed off of new road name.

#### *Public Works*

15. Civil improvement plans, reports, and computations, prepared by a civil engineer registered in the State of Washington shall be submitted with the application(s) for a construction permit (building, grading, ROW, etc.) to the City for review and approval to construct all necessary infrastructure and utilities serving the site.
16. A separate grading permit for all site utilities, grading, access features, and landscaping, etc. shall be required in addition to the individual building permits for each building. Occupancy shall be granted upon successful completion off all work under the grading permit and all other requirements of the individual building permits.
17. As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final.
18. Fireline extensions, domestic water services, and irrigation water lines to the site shall be equipped with the required backflow devices per City standards and comply with the most current American Water Works Association, Pacific Northwest, Cross-Connection Control Manual publication.
19. Application for construction permits at the site shall require a signed Step 2 Form: Construction in a Geologically Hazardous Area for work at the top of the ravine within the zone of influence of the landslide hazard.
20. The applicant shall provide a Step 3 Form: As-Built Certification signed by the project geotechnical engineer prior to occupancy of the structures.



21. All grinder pumps and sewer force laterals shall be owned and operated by the City. An accessible 15-foot wide easement shall be granted to the City for maintenance of the units and laterals lines.
22. Storm drainage from the site is prohibited from entering the ravine via a new outfall. Discharging stormwater into the Ericksen Avenue storm drain system must include a capacity analysis of the system from the point of connection to the downstream receiving waters. Where capacity is not adequate to handle all or some portion of the project's stormwater runoff it shall be the responsibility of the applicant/owner to create additional storage to mitigate peak flows to mimic existing conditions up to the 100-year storm, or, upgrade the deficient reaches of storm drain to meet the combined demand on the system resulting from the development and the existing basin.
23. Prior to certificate of occupancy of the first building, the applicant shall submit an operation and maintenance plan for the on-going maintenance of the private storm drainage systems.
24. 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 occupancy of the first building. The approved language for the Declaration of Covenant is found in BIMC Chapter 15.21, Exhibit A.
25. An indemnification or hold harmless agreement is required for all projects in geologically hazardous areas and buffers. The form of the agreement shall be approved by the City, executed prior to the commencement of construction or site alteration, and recorded with the County Auditor through a notice on title, or other similar document subject to the approval of the Administrator.
26. Low impact development methods for stormwater management shall be incorporated into the site to the maximum extent feasible.
27. Prior to building permit issuance, a binding commitment letter for water and sewer availability is required.
28. A traffic impact analysis was completed for the site per BIMC 15.32 and 15.40 to evaluate for concurrency. Based on the results of the traffic impact analysis completed by Heath & Associates in October 2018, a certificate of concurrency was issued per BIMC 15.32.060. Any proposed intensity of use at the site may require analysis and a new evaluation for concurrency.

#### *Critical Areas and Landscaping*

29. No construction activities or staging is permitted within the Winslow Ravine buffer or geologically hazardous area and setback.
30. Construction fencing is required along the Winslow Ravine buffer and around trees to be retained to delineate the area of prohibited disturbance. Protection of existing vegetation, trees, and tree stands during construction and development shall comply with the requirements of BIMC 18.15.010.C.4.
31. If trees required to be retained are not retained or if protection measures are not fully implemented, requirements for unauthorized removal per BIMC 18.15.010.C. shall apply.
32. As proposed, 17.6 trees are required to meet the tree unit requirements. Existing trees within critical areas and their buffers and do not count towards the tree unit requirements. Trees planted to meet tree retention requirements shall be planted in accordance with the planting requirements of BIMC 18.15.010.H and the landscape plan dated March 5, 2019. A performance surety and maintenance surety may be required for the landscaping in accordance with BIMC 18.15.010.H-J.
33. Prior to the certificate of occupancy, the owner shall provide assurance to the satisfaction of the Administrator that the Buffer Enhancement Plan mitigation area will be maintained in perpetuity. The assurance can be in the form of notice on title, conservation easement, or similar mechanism as approved by the City Attorney.
34. Prior to the certificate of occupancy, the Buffer Enhancement Plan mitigation shall be planted, or a performance assurance shall be accepted by the City in accordance with BIMC 16.20.160.

35. The monitoring, maintenance, and contingency plan for the Buffer Enhancement Plan mitigation area shall be implemented in accordance with BIMC 16.20.180.G.3.e. Prior to certificate of occupancy, a maintenance surety may be required for the Buffer Enhancement Plan mitigation in accordance with BIMC 16.20.160.
36. A land use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the permit unless (a) the applicant has received an extension for the permit; or (b) the permit provides for an extended time period. The director may grant one extension to the permit, in writing, for a period not to exceed one year if the applicant can demonstrate, (a) unforeseen circumstances or conditions necessitate the extension of the permit; and (b) termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and (c) the extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and (d) the extension request is received by the department no later than 30 days prior to the expiration of the permit.