



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

### STAFF RECOMMENDATION

Project: Wallace Cottages Housing Design Demonstration Project Preliminary Subdivision

File No: PLN 50589 SUB

Date: January 19, 2018

To: Planning Commission

Project Manager: Kelly Tayara, Associate Planner

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

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

**Request:** Tier II Housing Design Demonstration Project through the underlying subdivision of four lots totaling 2.5 acres into 19 lots.

**Location:** Wallace Way between Madison Avenue and Nakata Avenue

#### **Background / Environmental Review / Public Notice:**

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 through the use of development standard incentives.

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 Housing Design Demonstration Project Program on April 6, 2017. Preliminary subdivision application was submitted on April 27, 2017. The application was deemed complete on May 30, 2017.

The project is subject to State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11-800). Utilizing the **optional DNS process** provided in WAC 197-11-355, the City issued a combined Notice of Application/SEPA comment period on June 2, 2017; the 14-day comment period ended on June 16, 2017. Public and agency comment is discussed in Section I.C of this report. The City, acting as lead agency, will issue a SEPA threshold determination for this proposal prior to decision by the Hearing Examiner.

#### **Recommendation:**

Approval of the Housing Design Demonstration Project preliminary plat subject to the following conditions:

#### **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 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. Except for modifications reflecting compliance with these conditions of approval, the final subdivision shall substantially conform to the following plan sets: Preliminary plat received on January 18, 2018 and civil plans received on December 12, 2017.
4. 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.
5. The final plat 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.
6. The applicant shall comply with the conditions identified in Attachments A and B of this report, along 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."
7. 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.
8. 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.
9. In addition to the open space fencing required in Condition 1 above, the open space boundaries common to lots 7 and 8 shall be fenced.
10. 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.
11. 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).
12. 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



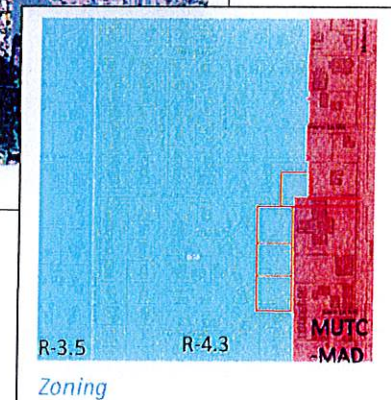
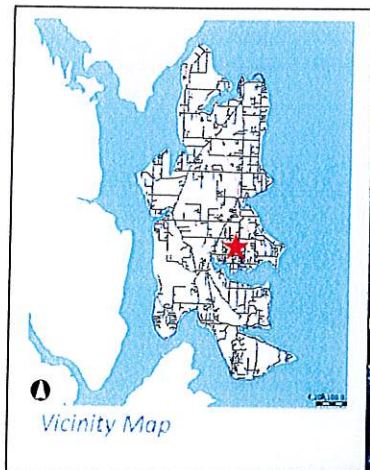
## Staff Analyses

### I. Findings of Fact

#### A. Site Characteristics

##### 1. Tax Assessor Information:

- a. Tax Lot Numbers: 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. Existing Development: The subject properties are undeveloped.

5. Access: Shared access from Wallace Way via Nakata Avenue and a new public right-of-way is proposed.

6. Soils and Terrain: Site topography is relatively flat and soils are composed of Vashon Till.

7. 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

B. Comprehensive Plan Goals and Policies:

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 affordable housing and utilizes development standard incentives, including reduced setbacks and increased lot coverage, through the HDDP program.**

## 3. 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.

**The project is conditioned to stop work and notify the City and Washington State Office of Archeology and Historic Preservation should any historical or archaeological artifacts be uncovered during excavation or construction.**

## C. Public Comment

- In general, the commenters objected 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 the subdivision be limited to Madison Avenue (i.e. extending Wallace Way from Madison Avenue to the internal subdivision road).

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: The applicant presented several options, including a proposal for vehicular access from Madison Avenue, but is unable to provide access width to the satisfaction of the City Engineer.*

- Comments included requests to convert the lots into a public natural area / greenspace, rather than permitting the 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: There is no proposal before the City to convert the area to public space.*

- One commenter stated that his ownership extends into the southerly area beyond his property line because he has installed a fence which extends into the northerly portion of the subject property (Lot D City of Bainbridge Island SPT 06-07-91-1). The commenter states that he does 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."

*Staff Response: 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.*

- 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.

*Staff Response: The project conditions acknowledge that existing easements and restrictions of record must be amended or extinguished to allow for improvements.*

#### D. Agency Comment

The Kitsap Public Health District approved the preliminary subdivision; the final subdivision is subject to Health District approval.

The Bainbridge Island Fire District conditioned approval on compliance with the fire code.

#### E. Land Use Code Analysis

##### 1. BIMC 17.12 Subdivision Design Standards

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 22,452 square feet, 1,181 square feet per lot. The northerly open space abuts Wallace Way and is 18,076 square feet in size; it incorporates a neighborhood garden. The southerly open space is fragmented by easements which render use of half of the area largely impracticable; one easement provide for utilities, and another for a use by an adjacent property owner. While these 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 20,000 square feet of open space, 18 percent or 1,050 square feet per lot. The open space provided meets the open space requirements, as modified by HDDP.**

- 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.

**The project is conditioned to maintain open space fencing along the perimeter of the northern open space area (the pea patch and playground) and along the open space boundary adjacent to lots 7 and 8.**

- 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 project is conditioned to modify the OSMP to meet the provision of BIMC 17.12 and to record the plan.**

**The final OSMP shall reflect the following modifications:**

- **The citation for active recreation use shall be corrected to BIMC 17.12.030.7.**
- **The limitation on buildings within the open space areas, allowing only bicycle storage facilities and temporary buildings which are associated with agriculture, shall be modified to provide consistency with BIMC 17.12.030.7 and the intent of the HDDP program (e.g. picnic shelter, playground equipment, garden shed, buildings, composting bins). The qualifier for construction of storm drainage systems should be struck, or the provisions of BIMC 17.12 listed in their entirety.**



- The limitation requiring existing vegetation to be maintained, except for utility corridors, trails and hazard trees, conflicts with the allowed uses (e.g. removal of invasive species, playground installation, neighborhood garden).
- The reference to Critical Areas shall be struck as there are no critical areas.
- The citation for hazard trees should be replaced with "the municipal code".
- The plan should be modified to reflect the conditions of approval. For example, fencing is required; signs may not be substituted for fencing for this project.

### 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, is conditioned to note setback and lot coverage standards on the face of the plat, and is conditioned to comply with fencing requirements of BIMC 17.12.030. As conditioned, 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 asserts 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 connecting 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 2.16.070.1.4.**

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.

**The site contains 107,263 square feet and is zoned R-4.3. Base density of 10,200 square feet per lot provides 10.51 lots; 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 allowable density.**

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.

**Maximum lot coverage may be increased by 10 percent through the HDDP program, to 35 percent of the lot area for total aggregate lot coverage of 36,290. The conditions of approval require modification to the proposed allocation of 1,910 square feet per lot in order to provide for buildings 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 plat is conditioned to reflect setbacks.**

## 5. BIMC 2.16.020.Q. Housing Design Demonstration Projects

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 25 points in the Innovative Site Development category and 12 points in the Housing Diversity category. Tier II limits home sizes to 1,600 square feet.

As determined by City staff, the preliminary scoring follows:

Category		Points
Green Building and Innovative Site Development		
✓	BuiltGreen 4	N/A
✓	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 or 8 <sup>+</sup>
	✓ 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		29 - 31
Total		
Housing Diversity		
✓	Maximum Home Size 1,600 sf	N/A
✓	Percent of Affordable Housing (10% of units)	10 or 12 <sup>++</sup>
✓	Unit Type	2 - 5
Housing Diversity Total		12 - 17

+ Value 6 points if common open space, 8 points if public; the submitted materials do not provide sufficient information to determine the intent of the applicant in this regard.

++ Ownership value 10 points, rental value 12 points

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.

**As conditioned, the project demonstrates the evaluation factors and exceeds the minimum required scoring for a Tier II project.**

- 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 requirements allow the project to achieve a larger common open space area, which includes a neighborhood garden, and reduced road surface. Additionally, the project provides two affordable housing units.**

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

**As conditioned, agencies including the City, Fire District, and Health District find that the project does not adversely impact public service levels.**

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

**As conditioned, the project complies with all local, state and federal regulations.**

- 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

- a. 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:

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

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

- ii. 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.**

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

**The plat is consistent with the flexible lot design process and standards as modified by the Housing Design Demonstration Project standard incentives.**

- iv. 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.**

- v. 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.**

- vi. 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.**

- vii. 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.

**As conditioned, the plat complies with all local, state and federal regulations.**

- viii. 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 project is conditioned to notify the Department of Planning and the Washington State Office of Archeology and Historic Preservation if any historical or archaeological artifacts are uncovered during excavation or construction.**

- ix. 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.

**Written findings are provided by the Hearing Examiner.**

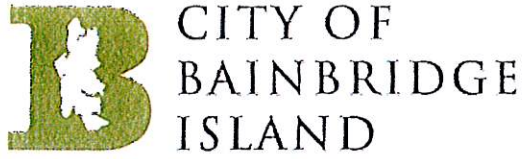
## **II. Conclusions**

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 Planning Commission for recommendation.





DEPARTMENT OF PUBLIC WORKS - ENGINEERING

MEMORANDUM

Date: December 28<sup>th</sup>, 2017  
To: Kelly Tayara, Associate Planner, Planning and Comm. Development  
From: Peter Corelis, P.E., Development Engineer  
Subject: PLN50589B SUB – Wallace Cottages HDDP Subdivision

**Project Description:**

The proposal is to subdivide four (4) original parcels into nineteen (19) resultant parcels utilizing the Housing Design Demonstration Project (HDDP) density bonus process.

**Preliminary Approval:**

I have completed a review of the above-referenced project materials received by COBI on April 27<sup>th</sup>, 2017. The preliminary long subdivision is recommended for **APPROVAL** based on the following findings and subject to the conditions.

1. The preliminary long subdivision conforms to regulations concerning drainage in BIMC 15.20 and 15.21;
2. The preliminary long subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream based on concurrent system upgrades;
3. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic;
4. The site will rely on public water and sewer services. There is adequate capacity in the water and sewer system and those services can be made available at the site;
5. The preliminary long subdivision conforms to the City of Bainbridge Island Design and Construction Standards and Specifications, "the Standards", except as noted.

## **Recommended Conditions of Approval**

### *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.

### *Facilities Extension*

7. The Developer Extension Agreement 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.

### *Utilities*

8. 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.
9. 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.
10. A 15-foot ROW shall be dedicated to the City of Bainbridge Island to include the existing sewer facilities and the proposed trail/path, water, and surface and stormwater facilities from Madison Avenue to the extension of the Wallace Way NW right-of-way.
11. 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.

12. Any and all permanent or temporary construction easements required to install the water line or pedestrian facilities or remove vegetation and disturb ground outside the perpetual pedestrian and utility easements shall be secured prior to the execution of the Developer Extension Agreement.
13. 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 Extendicare 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.
14. 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.
15. 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.
16. 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.
17. 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.

#### *Stormwater*

18. 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.
19. 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.
20. 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.

21. Prior to final plat submittal, the applicant shall submit an operation and maintenance plan for the ongoing maintenance of the storm drainage system.
22. 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.
23. 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.

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.

24. Clearing and grading of the site may not begin until the storm drain extension to Madison Avenue is completed with the necessary capacity upgrades.

#### *Permitting*

25. 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.
26. Application for a final plat shall require binding water and sewer availability letters from the City.
27. Installation of improvements and creation of as-built engineered plans must be completed prior to approval of final plat. In lieu of completion of those improvements and as-builts consistent with the conditions of a preliminary plat approval, the City engineer may accept an assurance device, in an amount and in a form determined by the City, but not to exceed 125 percent of the established cost of completing the infrastructure that secures and provides for the actual construction and installation of the improvements or the performance of the conditions within one year, or such additional time as the city engineer determines is appropriate after final plat approval.
28. 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.

*City of Bainbridge Island*  
**PUBLIC WORKS ENGINEERING - SURVEY**

**PROJECT REVIEW COMMENTS**

The comments recorded on or attached to this document represent the review comments of the Engineering / Survey Division of the Public Works Department for the project listed below.

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DATE: January 19, 2018

PROJECT MANAGER: K. Tayara

PROJECT NAME: Wallace Cottages

PARCELS: 272502-1-153-2007,  
272502-1-154-2006, 272502-1-155-2005,  
272502-1-023-2005

PROJECT NUMBER: PLN50589

SURVEY REVIEWER: R. Grant

Engineering - Survey will require the following items to be incorporated into the submittals for this project:

- Survey Drawings
  - Show all easements within or abutting the proposed project with recording numbers (see attached)
  - Show any encroachments, particularly that area between Parcels 272502-1-155-2005 and 272502-1-115-2004. The neighbor on the north side has indicated a potential property interest (see Short Plat Vol.8, pg. 47). Provide detailed sketches of any encroachments.
  - Show dimensions of building on parcel 272502-1-058-2003 relative to property line.
  - Change "Declaration" to "Dedication" (see Example), dedication must list all parties with any ownership interest and beneficiaries of deeds of trust in the text of the dedication and provide line(s) for signature(s).
- Existing easements and restrictions of record will have to be amended or extinguished to allow the proposed improvements to be constructed as shown on the submitted plans.
- City facilities located outside the dedicated right-of-way will need separately recorded easements with the recording information shown on the final plat.
- All easements shall meet the minimum required width per City Design and Construction Standards.

**ATTACHMENT B**

## DEDICATION (Example)

"KNOW ALL PERSONS BY THESE PRESENTS that the undersigned owner, in fee simple of the land hereby platted, hereby declares this plat and dedicates to the use of the public forever all streets, avenues, places and utility or pedestrian easements or whatever public property there is shown on the plat and the use for any and all public purposes not inconsistent with the use thereof for public purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc. shown on this plat in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also, the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said roads.

These are the recognized issues related to the review package in possession of Engineering - Survey as of the date of this memo. This list of requirements was generated from a general review, and is not necessarily an exhaustive list of all Survey issues related to the application. The applicant is still required to adhere to all Planning/Building Department and Public Works Department findings, City of Bainbridge Island Municipal Code and Design & Construction Standards, State and Federal Law and good engineering and survey practices where applicable. Any recognized deviation from these requirements will require correction by the Applicant, regardless if the approval status of plans or construction status. Any revisions of these plans, specifications or calculations require the affixed Surveyor's seal of a surveyor licensed in the State of Washington, and subsequent review of the plans and revisions by the City of Bainbridge Island Engineering - Survey Division conducted through the application's assigned Planning/Building Contact.



Per your demands....

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