

## Ellen Fairleigh

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**From:** Ellen Fairleigh  
**Sent:** Tuesday, October 5, 2021 11:55 AM  
**To:** Jonathan Davis  
**Subject:** Grow Phase 3- request for additional information

Hello Jonathan,

Thank you for your patience. Based on our conversations with legal staff, the following information is requested:

An issue regarding your application that the City has been looking into relates to who is required to sign the application regarding the proposed alteration. The Department of Planning and Community Development consulted with the City Attorney on that issue. As stated in RCW 58.17.215, in part:

... The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof. ...

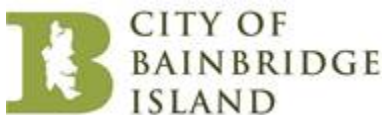
The City appreciates that you have provided a letter dated July 8, 2021 from Tacy Hass of Foster Garvey. Although that letter addresses who “controls” the subject property and who is paying taxes on the property, the letter does not explicitly describe or verify the information required by RCW 58.17.215, including related to “signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered.”

Additionally, although the letter indicates that the property is subject to the “Amended and Restated Covenants, Conditions, Restrictions, Reservations and Easements for Grow Communities II (CCRs),” the letter does not explicitly describe or verify whether “the application for alteration would result in the violation of a covenant” as stated in RCW 58.17.215.

Please provide, in writing, verification to address these two points in the manner described in RCW 58.17.215. The first point relates to the signatures of the majority of those persons having an ownership interest, and the second relates to whether the application for alteration would result in the violation of a covenant.

Best,

Ellen



ELLEN FAIRLEIGH

City Planner

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The Planning and Community Development Department (PCD) counter is now open for general questions Monday – Friday, 8 am to Noon. All permits require an [appointment](#) for submittal. If you have questions you want answered virtually, schedule an afternoon [appointment](#).

Happy with your service? Let my supervisor know at [dgreetham@bainbridgewa.gov](mailto:dgreetham@bainbridgewa.gov)