



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

Date: September 18, 2018
To: Gary R. Christensen, AICP
Planning Director
From: Ellen Fairleigh
Planner
Project: Stahl/St. Louis– Short Plat
Location: 10509 Falk Rd. NE
File Number: PLN 51027 SPT

Summary of Proposal

The applicant is proposing to subdivide a 75,440 square-foot lot into three lots for single family residences in R-2 zoning. The applicant has applied open space flexible lot design standards and is providing 25% open space.

Background

1. On November 28, 2017, a pre-application conference was held with the applicant.
2. On December 14, 2017, the pre-application summary letter and checklist was sent to the applicant.
3. On January 4, 2018, the applicant submitted a preliminary short subdivision application.
4. On February 1, 2018, the application was deemed complete and a Notice of Complete Application was sent to the applicant.
5. On February 9, 2018, the Notice of Application was published; 4 public comments were received during the 21-day comment period. One of these public comments is a consolidated letter signed by a total of eight neighbors.

Environmental Review

The project is exempt from the State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11-800).

Recommendation

Staff is recommending approval of the preliminary short subdivision in accordance with the following conditions:

1. Except for modifications reflecting compliance with the conditions of approval, the final plat shall be submitted in substantial conformance with the preliminary plat drawings date-stamped received January 4, 2018.
2. 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/or building permits.
3. The applicant shall comply with the following conditions to the satisfaction of the City Engineer:
 - A. Survey monumentation shall be provided consistent with the Standards, Section 8-03.
 - B. Civil improvement plans ready for construction shall be submitted with an application for a plat utility permit and a grade and fill permit to the City for review and approval to construct all necessary infrastructure serving the divided lots.
 - C. Road and stormwater civil improvements are necessary to serve the plat, adjacent existing and proposed lots. The responsibility to construct the necessary public infrastructure rests with the applicant. The same responsibility rests with the adjacent development known as the Milligan Short Plat. Final plat will not be approved for this development nor any other with the same requirements prior to construction of the necessary improvements or financial assurance for successful completion of the facilities is provided to the City. Cost-sharing may be pursued by and between the private parties.
 - D. 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.
 - E. As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final plat.
 - F. ROW dedication along the full northern frontage shall be consistent with the City's survey program manager requirements of half the standard ROW for a suburban local access roadway (15 feet) from the described centerline and may include areas previously dedicated.
 - G. The road serving the three lots shall meet the Standards for a local access suburban optional roadway per standard drawings DWG. 7-065, DWG. 7-066, and DWG. 7-067 along the northern property line for the full length.
 - H. Approval of this short plat shall be conditioned on the owner granting permission to the Milligan Short Plat development to perform any earth disturbances or clearing

outside the existing easement boundaries necessary to construct the road and storm improvements but limited to activities within the future 15-foot ROW dedication strip.

- I. Public ownership and maintenance of the road and storm facilities will only occur upon final execution of a Developer Extension Agreement (DEA) and granting of the full 30-foot ROW to the City.
 - J. The new culvert crossing under the plat road shall be designed so as to prevent the 100-year flow from overtopping the roadway, but allow ponding and impoundment of stormwater upstream to mimic the existing conditions. Additionally, a flow control structure with a notched weir or similar flow control measure shall be installed to allow ponding of at least the 25-year storm up to the elevation of the road base.
 - K. Mailbox locations, relocations, and clustering shall be approved by the local postmaster and shall conform to the Standards for mailbox placement per standard drawings DWG. 8-220, DWG. 8-230, DWG. 8-240, and DWG. 8-250. It shall be the financial responsibility of the developer for mailbox relocations.
 - L. The recommended conditions of approval from Public Works and the stormwater plan as documented in the vegetation management permit under City file no. PLN50127 VEG are hereby incorporated by reference. Changes to the proposed clearing or hard surfaces not accounted for in the vegetation management permit shall be updated in the drainage report by a civil engineer to maintain compliance with BIMC 15.20.
 - M. The project shall be added to the list of projects exempt from a Site Assessment Review (SAR). Application for building permits shall require a SAR application signed and dated by the owner to claim the exemption.
 - N. A right-of-way (ROW) construction permit or road approach application (RAA) will be required prior to construction activities within the Falk Road NE ROW. The ROW/RAA permit will be subject to separate conditions and bonding requirements.
 - O. The proposed action(s), phased or concurrent, in their totality may 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.
- 4. The project and all future development shall comply with the outdoor lighting standards in accordance with BIMC 18.15.040.
 - 5. Future development shall follow the guidelines in Bainbridge Island Municipal Code (BIMC) Section 16.16.025 which limits the hours of construction activities in residential zones.

6. Lot coverage of 20% shall be allocated between the lots and noted on the face of the final short plat. Lot coverage shall be calculated using the total lot area prior to required right-of-way dedication.
7. Building setbacks shall be noted and reflected on the face of the final plat:

| | |
|---|--|
| Building to Building (on-site) | 0 feet, or minimum required by Fire Code |
| Building to Subdivision Boundary | Minimum 15 feet |
| Building to Other Streets | Minimum 15 feet |
| Building to trail, Open Space, or access easement | Minimum 10 feet |
8. The final plat submittal shall include a minimum of 18,860 square feet of open space.
9. No construction staging is permitted in designated open space areas.
10. No significant trees or native vegetation shall be disturbed within the designated open space during the installation of the primary and reserve drainfields.
11. A final Open Space Management Plan (OSMP) shall be recorded with final plat. The OSMP shall include limitations on activities within the open space area, which is also a roadside landscape buffer, ownership, and maintenance.
12. Prior to any construction activities or final plat approval, the applicant shall install signs at approximately 50-foot intervals along the interior open space boundary to designate the open space areas in accordance with BIMC 17.12.030.8.a.ii(B). Low impact fencing may be substituted for any portion of the signage, as approved by the Department. Signage and any fencing must be maintained in perpetuity and shall be subject to the approval of the Department.
13. To the satisfaction of the Bainbridge Island Fire Department, future development shall comply with all applicable provisions of the adopted Fire Code, and residential fire sprinklers may be required.
14. During construction, the parking or staging of vehicles and/or equipment is prohibited within the access easement.
15. 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.
16. The final plat submittal shall include street names, the location of any traffic regulatory signs and approved mailbox locations from the United States Postal Service. The applicant is responsible for street names signs in accordance with the Manual on Uniform Traffic Control Devices and City requirements.
17. A plat certificate shall be provided with the final short plat application.
18. School impact fees may be required. If school impact fees are in effect at the time of submittal for the final short plat, the applicant shall pay one half of the impact fees for two additional single-family units. The remaining half of the fees shall be paid at the time of building permit issuance for the single-family units. If the fees are in effect at the time of building permit submittal rather than final short plat submittal, then the applicant applying for the single-family residential building permits shall pay the full impact fee prior to building permit issuance.

19. Pursuant to RCW 58.17.140(3), a final plat shall be submitted to the city for approval within five years of the date of preliminary plat approval.
20. The following conditions shall be listed on the final plat: Conditions 2, applicable portions of 3,6, 7, 10, references to open space in 11, 18.



Vicinity Map



Project Site



Zoning

Staff Analyses

I. Findings of Fact

A. Site Characteristics

1. Tax Assessor Information

- a. Owner of record: John Stahl and Darsi St. Louis
- b. Tax Lot Number: 142502-1-056-2000
- c. Township/Section/Range: Govt Lot 3, Section 14, Township 25 North, Range 2 East
- d. Lot size: 75,440 square feet (1.73 acres) before right-of-way dedication, 70,687 square feet (1.62 acres) after right-of-way dedication

2. Terrain

The site slopes gently toward the west third of the site and to the south.

3. Soils

The soils on the property are Harstine gravelly ashy sandy loam.

4. Access

The property is accessed via Falk Road to the east of the property. There is an existing 12-foot wide easement along the northern perimeter of the property. This easement is directly adjacent to another 12-foot wide easement along the southern perimeter of the property to the north. This combined 24-foot wide easement provides access to properties to the west.

5. Utilities

- a. Water/Sewer: KPUD water system/onsite septic systems
- b. Stormwater: On-site Stormwater Management Facilities

6. Public Services

- a. Police: Bainbridge Island Police Department
- b. Fire: Bainbridge Island Fire Department
- c. Schools: Bainbridge Island School District

7. Existing Use

The site is currently developed with a single-family residence on the east side of the parcel.

8. Zoning and Comprehensive Plan Designation

The subject property and surrounding properties are in residential districts. The subject property is zoned Residential – 2 units per acre (R-2), and the Comprehensive Plan Designation is Residential-2.

B. History

The subject parcel is currently developed with a single-family residence in the northeast corner of the parcel. There is an approved vegetation management permit on this parcel (PLN51027 VEG).

This application (PLN51027 SPT) was submitted on January 4, 2018 and deemed complete on February 1, 2018. The vegetation management permit (PLN51027 VEG) was submitted on December 28, 2017, deemed complete on January 25, 2018, a combined Notice of Administrative

Decision and Mitigated Determination of Nonsignificance was issued on July 13, 2018, and an appeal was filed to the Hearing Examiner on July 27, 2018. The appeal was subsequently withdrawn on September 11, 2018.

Under BIMC 2.16.070.D, a proposed short subdivision shall be reviewed under all applicable city ordinances in effect at the time of complete application. This application is considered vested. Therefore, the application is not subject to the moratorium, which was effective on January 9, 2018 under Ordinance 2018-02, the repeal of vegetation management under Ordinance 2018-11 effective May 2, 2018, or the Landmark Tree Preservation Ordinance 2018-25 effective June 26, 2018.

C. Public/Agency Comment

1. **Fire:** On January 16, 2018, the City received comments from the Fire Marshal as follows:

- a. The project shall comply with all applicable provisions of the adopted Fire Code.
- b. Fire apparatus access is required and shall be not less than 12 feet wide with 13.5 foot overhead clearance. The access shall be sufficient to support the weight of fire apparatus.
- c. Fire apparatus roads greater than 150 feet in length require an approved turn around.
- d. Fire flow is met through existing hydrants.

2. **Survey:** The City surveyor recommended preliminary approval of this proposal on July 6, 2018 with the following comments regarding the access easements:

The City of Bainbridge Island has researched available records related to easements for access and utilities extending from Falk Road NE over parcels 142502-1-057-2009 & 142502-1-056-2000 and our findings include but are not limited to the following:

- a. The underlying fee ownership is held by the 2 parcels listed above.
- b. The terms and conditions of the easements have changed since the 1957 easement.
- c. The 1976 easement recorded under Auditor's File No. 1142440 included "the Public" as a beneficiary of the easement.
- d. The dedication of right-of-way will overlap the easement description and therefore not alter the location.
- e. The right-of-way dedication will not alter or impede the grantees' access rights.
- f. The dedication, improvements and acceptance by the City into our road system will reduce road maintenance costs associated with the terms of the Easement Road Maintenance Agreement recorded under Auditor's File No. 9111150075.

3. **Health Department:** This application was approved by the Health Department on February 12, 2018.

4. **Development Engineer:** The Development Engineer approved the project with conditions on July 26, 2018. **(Condition 3)**

5. **Public Comments:** Four public comments were received. One of the public comments is a joint submittal signed by eight neighbors. The comments focus on the following issues: requesting consolidated review of the vegetation management permit on this property (PLN51027 VEG), the proposed short plat directly to the north (PLN50803 SPT), and this application, issues surrounding use, development, and ownership interest of the easement, impacts to the easement running north to south that connects to the easement from Falk Road, drainage, permitted zoning densities, the

potential costs associated with new addresses and mailboxes for the property owners to the west, the need for a circular turnaround or hammerhead at the end of the western end of the access easement, a request for the removal of all non-indigenous plants, and the adequacy of utilities. A summary of the comments received and how the proposal addresses them is provided below.

a. Consolidated review of planning permits on adjacent properties

All four public comments suggest that this short plat proposal, the proposed vegetation management permit (PLN51027 VEG), and the proposed short plat on the adjacent parcel to the north (PLN50803 SPT) should be reviewed and considered together.

These three projects are being evaluated by the same review bodies within the City. Portions of the two proposed short plats are being considered together but the projects are individual proposals which will be separately evaluated based on applicable regulations. These projects must be considered separately in the instance that one of the property owners elects not to proceed with one of the proposed developments. Additionally, consolidated review as specified in BIMC 2.16.170 is an optional process. The applicant for this project and PLN51027 VEG did not request consolidated review.

b. Use and development of the easement from Falk Road

The joint comment submittal contains several concerns regarding the use and development of the side-by-side easements that run through the subject parcel and the parcel directly to the south which provide access to approximately seven existing lots.

The City of Bainbridge Island has researched available records related to easements for access and utilities extending from Falk Road NE over parcels 142502-1-057-2009 & 142502-1-056-2000 and findings include but are not limited to the following:

- **The underlying fee ownership is held by the 2 parcels listed above.**
- **The terms and conditions of the easements have changed since the 1957 easement.**
- **The 1976 easement recorded under Auditor's File No. 1142440 included "the Public" as a beneficiary of the easement.**
- **The dedication of right-of-way will overlap the easement description and therefore not alter the location.**
- **The right-of-way dedication will not alter or impede the grantees' access rights.**
- **The dedication, improvements and acceptance by the City into our road system will reduce road maintenance costs associated with the terms of the Easement Road Maintenance Agreement recorded under Auditor's File No. 9111150075.**

c. Impacts to the easement running north to south

One commenter notes that the septic drainfield for proposed Lot A appears to be within the easement that runs north to south to the west of the subject parcel. The commenter suggests that this easement should be paved and considered in drainage mitigation plans.

The Basic Site Plan submitted by Browne Wheeler Engineers, Inc., page C2, dated January 13, 2018, indicates that the proposed drainfields are entirely within the subject parcel. The site plan and the survey indicate that the access easement running north to south is not within the boundaries of the subject parcel and will not be impacted by this project.

Therefore, the easement referred to in the public comment is outside of the scope of this project.

d. Drainage

All of the public comments express concern regarding drainage impacts to surrounding properties. The commenters note that there are existing issues with ponding and flowing water during storm events and the increased development will exacerbate the problem.

The proposed drainage mitigation plan designed by Browne Wheeler Engineers, Inc., dated January 3, 2018, is based on planting trees to reduce the impervious area, soil improvement, utilizing pervious paving for the driveway, and infiltrating the runoff from the proposed lots to three rain gardens.

The City's Development Engineer has reviewed the stormwater plans and determined that the preliminary plat subdivision conforms to regulations concerning drainage in BIMC 15.20 and 15.21. The preliminary short subdivision will not cause an undue burden to the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream. The project has been conditioned to meet these requirements. (Condition 3)

e. Addressing and mailboxes

One of the commenters is concerned about the costs of needing to obtain new house numbers and street names for the properties owners to the west.

Under City regulations, both access easements will need to be given unique names at the time of final plat approval. Address signs are available through the Bainbridge Island Fire Department at no cost to homeowners.

Mailbox locations, relocations, and clustering shall be approved by the local postmaster and shall conform to the Standards for mailbox placement per standard drawing DWG. 8-220, DWG. 8-230, DWG. 8-240, and DWG. 8-250. It shall be the financial responsibility of the developer for mailbox relocations.

The project has been conditioned to meet this requirement. (Condition 3)

f. Zoning Densities

The joint comment submittal suggests that this application contributes to overcrowding of the land.

The subject parcel is zoned R-2, which requires a minimum lot area of 20,000 sq. ft. per dwelling unit. The subject parcel has a total lot area of 1.73 acres, which is adequate area to support a total of three lots. The densities proposed under this short plat are consistent with what is allowed within the R-2 zoning district.

g. Circular turnaround or hammerhead requirement

One public comment expresses concern regarding the need and cost for a circular or hammerhead turnaround at the western end of the access easement.

In a memo dated July 10, 2018, the Fire Marshal determined that additional improvements for fire apparatus turnaround are not required. There are no adverse fire

apparatus access conditions to the area created by the development. No circular or hammerhead turnaround is required.

h. Removal of non-indigenous species

One commenter suggests that proposed short plats should include a requirement to remove all non-indigenous species on site and that this proposal does not include this requirement.

There is no applicable code provision to substantiate this request. There is currently no requirement in the Bainbridge Island Municipal Code (BIMC) for short plat proposals to include the removal of non-indigenous species.

i. Adequacy of utilities (i.e. power and water)

The joint comment submittal letter states that additional homes in the area will lead to increased power outages and water pressure issues.

Puget Sound Energy (PSE) is the service provider for power on Bainbridge Island. There are no available thresholds for service limitations regarding power availability in relation to short plats or development. Concerns regarding adequacy of service and the potential for increased power outages should be sent directly to PSE.

Kitsap Public Utility District (KPUD) is the water service provider for the subject parcel. The applicant submitted a non-binding water availability letter with this application dated January 4, 2018 which states that KPUD can provide service to the two proposed lots. A binding water availability letter is required to be submitted when the applicant applies for final plat approval.

D. Comprehensive Plan Analysis

1. Land Use Element

Goal LU-6 – Ensure a development pattern that is true to the Vision for Bainbridge Island by reducing the conversion of undeveloped land into sprawling development. Encourage improvement of aging or underutilized developments over development of previously undeveloped property.

The site is currently developed with a single-family residence. The applicant is proposing to continue to develop the underutilized property with plans to potentially build two additional single-family homes with associated accessory structures.

2. Environmental Element

Policy EN 1.4 – Maintain and enhance natural systems and protect wildlife, fish resources and open spaces through land use plans and development patterns including tree retention and planting.

The applicant is using the open space option in their flexible lot design. The valued open space features identified are significant trees.

E. Land Use Code Analysis

1. Noise Regulation (BIMC 16.16)

Limitation on Construction Activities (BIMC 16.16.025)

While the use of heavy equipment and other construction needed to complete the proposed additions is necessary, Section 16.16.025 limits the hours of construction activities in residential zones as follows:

- i. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays that do not constitute legal holidays.
- ii. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited before 9:00 a.m. and after 6:00 p.m. on Saturdays that do not constitute legal holidays.
- iii. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited on Sundays and all legal holidays except that work on the inside of an enclosed structure may occur between the hours of 10:00 a.m. and 4:00 p.m.

The construction time limitations are included in the conditions of approval for the project. (Condition 5)

2. Subdivision Design Standards (BIMC 17.12)

Flexible Lot Design Requirement for Single Family Subdivisions (BIMC 17.12.020)

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. Applicants for a short subdivision shall comply with the Title 17 standards applicable to Open Space design.

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).

Open Space Standards (BIMC 17.12.030)

a. *Open Space Design Guidelines*

The area designated for open space preservation shall be configured in a manner that enhances and promotes the natural character of the Island and open space characteristics of the property. Open space should be concentrated in large, consolidated, usable areas, minimize roadside disturbance of roadside vegetation, and be designed to preserve views from off-site of the subject property.

The designated open space area is located in the southwest section of the property as one consolidated area.

b. *Prioritization of Valued Open Space and Amount of Open Space Required*

The relative desirability of different types of open space is ranked in Table 17.12.030-2; proposed open space subdivisions shall design open spaces to include areas with higher priority rankings if possible.

The area provided for open space shall be based on and consistent with the existing valued open space features listed in Table 17.12.030-2. The City shall require a maximum of 25 percent of the lot area of the property being subdivided designated as open space area.

They have designated 17,698 square feet as open space. Open space shall be calculated using the total lot area prior to required right-of-way dedication. The required amount of open space for this proposal is a minimum of 18,860 square feet. The final plat drawing must reflect this minimum requirement. The valued open space features identified are significant trees. (Condition 8)

c. *Open Space Ownership*

Ownership of open space area may be held in private ownership if established by easements, restrictive covenants, open space management plan, or other similar legal means.

The draft open space management plan states that the Open Space shall be held in private ownership and maintained by the individual lot owners.

d. *Uses Allowed in Open Space*

Allowed uses within the designated open space area are limited to those listed in BIMC 17.12.030.

The draft open space management plan identifies allowed uses within open space areas in compliance with those listed in BIMC 17.12.030. Identified uses will be reviewed upon submittal of the final short plat application.

e. *Open Space Fencing, Signage and Management Standards*

Fences and/or signs delineating open space areas are required. The Director shall determine which option (fence or sign) is required, based on the likelihood of encroachment into designated open space areas.

The project is conditioned to maintain open space signage to avoid encroachment into designated open space areas. The applicant may choose to substitute low-impact fencing for all or a portion of the signage, subject to approval of the Department. (Condition 12)

f. *Open Space Management Plan Required*

An applicant shall submit a draft open space management plan (OSMP) for review as part of the preliminary plat application. Final approval of the OSMP will occur at the time of final plat approval. The open space management plan shall include a list of all approved uses and a maintenance plan for open space areas. The approved OSMP must be filed with the Kitsap County Auditor.

The applicant submitted a draft Open Space Management Plan (OSMP) for review. Final review and approval of the OSMP will occur at the time of final plat approval. The OSMP shall include the designation of ownership, maintenance agreement, and approved uses within open space areas. A final OSMP shall be recorded with final plat. (Condition 11)

General Residential Subdivision Standards (BIMC 17.12.040)

a. *Compliance with BIMC Title 17, BIMC Title 18 and RCW Title 58*

Lot areas, dimensions and other characteristics shall comply with the requirements of Title 18, including landscaping and/or vegetated buffers. In addition, each subdivision plat shall comply with all applicable provisions of RCW Title 58 or its successors.

As conditioned, the project complies with BIMC Titles 17 and 18 and provides adequately for the public health, safety and welfare, and the public use and interest. (Conditions 1-19)

b. *Roads and Pedestrian Access*

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.

Existing roadway character shall be maintained where practical. To minimize impervious surfaces, public rights-of-way, 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.

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.

As conditioned, the project complies with roads and pedestrian access standards within the “City of Bainbridge Island Design and Construction Standards and Specifications”, other applicable code, and the Non-Motorized Transportation Plan. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic. The road serving the three lots shall meet the Standards for a local access suburban optional roadway per standard drawings DWG. 7-065, DWG. 7-066, and DWG. 7-067 along the northern property line for the full length.

3. **Dimensional Standards (BIMC 18.12)**

Flexible Lot Dimensional Standards (BIMC 18.12.020-1)

a. *Minimum Lot Size Requirements*

In the R-2 district, the minimum lot area is 20,000 square feet. If the septic drainfield is located within the lot, then the minimum lot area is 12,500 square feet, unless the health district requires a larger lot size.

Proposed Lot A is 20,014 square feet, proposed Lot B is 18,828 square feet, and proposed Lot C is 31,844 square feet, thus in compliance with BIMC 18.12.020.

b. *Density*

The maximum number of lots permitted shall be calculated by dividing the total lot area of the property by the minimum lot area for standard lots in the zoning district.

The total lot area is 75,440 square feet and the minimum lot area for a standard lot in the R-2 zone is 20,000 square feet. A maximum of 3 lots are permitted. The applicant is proposing to subdivide the lot into 3 lots and is in compliance with BIMC 18.12.020.

- c. *Minimum Lot Dimensions*
Minimum lot width shall be 50 feet. Insofar as practical, side lot lines shall be at right angles to street lines. The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated.

All proposed lots have a lot width of 50 feet or greater and are in compliance with BIMC 18.12.020.

- d. *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 for lots in the R-2 zoning district is 20 percent. Lot coverage shall be calculated using the total lot area prior to required right-of-way dedications. The short plat is allowed a total of 15,088 square feet of lot coverage. The lot coverage will be distributed between the lots as part of the final plat submittal.

Lot coverage is required to be listed on the face of the final plat. Prior to construction activity, the applicant shall obtain the appropriate permits from the city and comply with the lot coverage standards listed on the final plat. (Condition 6)

- e. *Minimum Setbacks*
The following setbacks apply:

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|--|---|
| Building to Building | 0 ft., or minimum required by fire code, whichever is greater |
| Building to Exterior Plat Boundary Line | Minimum 15 feet |
| Building to Other Streets | Minimum 15 feet |
| Building to trail, open space or access easement | Minimum 10 feet |

The project is conditioned to meet required setbacks. (Condition 7)

4. Development Standards and Guidelines (BIMC 18.15)
Landscaping, Screening, and Tree Retention, Protection and Replacement (BIMC 18.15.010)

All residential subdivisions and short subdivisions subject to landscape buffering requirements shall comply with the standards in this subsection, including those in Table 18.15.010-4. On a property located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 25-foot-wide vegetative buffer must be planted or maintained.

The property is not adjacent to a collector or arterial road and therefore does not require a 25-foot-wide vegetative buffer.

Outdoor Lighting (BIMC 18.15.040)

All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that there is no light trespass.

Outdoor lighting fixtures and accent lighting must be shielded and aimed downward. The shield must mask the direct horizontal surface of the light source. The light must be aimed

to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.

Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties. Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.

Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent (2,220 lumens output) and comply with other standards in this chapter.

The project has been conditioned to meet the outdoor lighting standards. (Condition 4)

5. Land Use Review Procedures (BIMC 2.16)

Preliminary Short Subdivision – Decision Criteria (BIMC 2.16.070.G.5.)

A proposed short subdivision shall not be approved unless written findings are made that the public use and interest will be served by the platting of such short subdivision. This staff report shall be considered the written findings of fact and conclusions of law for preliminary short subdivision. As conditioned, the preliminary short plat meets the decision criteria for Planning Director approval:

- a. The Open Space (BIMC 17.12.030), Flexible Lot (BIMC 17.12.040) and Zoning (BIMC Title 18) development standards have been satisfied.

As conditioned, the plat complies with applicable standards.

The plat meets open space and flexible lot standards as follows: The open space is located in the southwestern corner of the existing lot. It is consolidated and encompasses significant trees. The proposed open space area is 25 percent of the lot area. Open space ownership of the open space area by the underlying land owner will be recorded with final plat. The draft open space management plan lists allowed uses within open space areas consistent with BIMC 17.12.030 and provides for protection of open space areas in perpetuity.

The plat meets zoning standards as follows: The proposal has been approved by the Health District. The proposed short plat creates three lots, and therefore meets density requirements. The size, shape, and orientation of the lots are appropriate for residential development use. The plat observes required lot coverage and setbacks.

- b. The preliminary residential short subdivision has been prepared consistent with the requirements of the flexible lot design process and applicable flexible lot design standards in BIMC Title 17.

The plat has been prepared consistent with the requirements of the flexible lot design process and flexible lot design standards.

- c. Any portion of a short subdivision containing a critical area or buffer, as defined in BIMC 16.20, conforms to all requirements of that chapter.

The property does not contain critical areas.

- d. Any portion of a short subdivision within the shoreline jurisdiction, as defined in BIMC 16.12, conforms to all requirements of that chapter.

The property is not within shoreline jurisdiction.

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

The proposal and conditions make appropriate provisions for the public health, safety and general welfare, and public use and interest including open spaces, water, septic, stormwater facilities, and streets.

- f. The proposal complies with all applicable provisions of the BIMC, Chapters 36.70A and 58.17 RCW, and all other applicable provisions of state and federal laws and regulations;

The proposal, as conditioned, complies with all applicable provisions of the BIMC, Chapters 36.70A and 58.17 RCW, and all other applicable provisions of state and federal laws and regulations.

- g. The proposal is in accord with the city's Comprehensive Plan.

The proposal provides for a residential subdivision and the designation of open space on an underutilized lot within a residential zone. The open space protects significant trees on the southwestern portion of the lot. 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. The proposal is in accord with the city's Comprehensive Plan. (Condition 15)

- h. The city engineer has determined that the preliminary subdivision meets the following decision criteria:
 - i. The short subdivision conforms to regulations concerning drainage in BIMC 15.20 and 15.21.
 - ii. The short 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.
 - iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties.
 - iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic.
 - v. If the short subdivision will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the short subdivision, and the applicable service(s) can be made available at the site.
 - vi. The short subdivision 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.

As conditioned, the City Engineer recommends approval of the preliminary plat. The City Engineer found that, as conditioned, the preliminary plat conforms to regulations

concerning drainage in BIMC 15.20 and BIMC 15.21, will not cause undue burden on the drainage basin or water quality and will not unreasonably interfere with properties downstream. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic. There is water service to serve the short subdivision that can be made available through Kitsap Public Utility District (KPUD) at the site and sewerage will be treated through on-site septic (OSS) drainfields. As conditioned, the short plat conforms to the City of Bainbridge Island Design and Construction Standards and Specifications, “the Standards”.

II. Conclusions

As conditioned, the proposed preliminary short subdivision is consistent with the Comprehensive Plan, the applicable sections of the Bainbridge Island Municipal Code including: BIMC 2.16.070 Preliminary Short Subdivision Decision Criteria; BIMC Chapter 16.16 Noise Regulations; BIMC 17.12 Subdivision Design Standards; BIMC 18.12 Dimensional Standards; and BIMC 18.15 Development Standards and Guidelines.

Appropriate notice of application was made and four comments were received. The application is properly before the Director for decision. Any decision by the Director may be appealed to the Hearing Examiner in accordance with the procedures set forth in BIMC 2.16.

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 any conditions imposed. 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.

III. References: All referenced submittal documents and other material may be accessed via the City’s Website Online Permit Portal – SmartGov. All submittal documents, Development Engineer memorandum, and agency comments can be found in the “Notes” section under this file number: PLN 51027 SPT.