



August 6, 2019

Tom White
3945 Lytle Road NE
Bainbridge Island, WA 98110

Dear Applicant:

Thank you for meeting with City staff on July 16, 2019 to discuss your proposal to construct a single family residence on a property encumbered by a wetland, stream, and their respective buffers. A summary of the land use review process, fees, submittal requirements, applicable Bainbridge Island Municipal Code (BIMC) regulations, comments from reviewers, and next steps is provided below.

| General Information |
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| Pre-Application Conference Date: July 16, 2019 |
| Project Name and Number: White House PRE - PLN51498 |
| Project Description: Construct SFR on lot encumbered by a wetland, stream and respective buffers. |
| Project Address: 3945 Lytle Road NE |
| Tax Parcel Number(s): 41640060010208 |
| Tax Parcel Size: 0.2 acres |
| Zoning/Comp Plan Designation: R-2 |
| Planning Contact: Olivia Sontag |
| Development Engineer: Paul Nylund |

| Land Use Review Process |
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| Land Use Applications Required |
| Reasonable Use Exception: BIMC 16.20.080 – A reasonable use exception (RUE) is intended to ensure reasonable use of a property when reasonable use of that property cannot be achieved through any other means. Given the extent of the wetland and wetland buffer, stream and stream buffer, and the inability to achieve reasonable use of the property through other means, a RUE appears to be the only way to develop the property as proposed. Criteria for review and approval under BIMC 16.20.080.F must be addressed in the application materials, which includes a maximum total lot coverage of 1,200 square feet, and a <u>mitigation plan</u> developed in accordance with <u>BIMC 16.20.180.G</u> . <ul style="list-style-type: none">• Include in RUE application: A complete and detailed written statement of the reason(s) for requesting the RUE and how the proposal will meet the decision criteria for review and approval under BIMC 16.20.080.F. |
| Variance (Minor): BIMC 2.16.060 – The minor Variance (VAR) process may be used for minor deviations from zoning standards in BIMC Title 18 as determined by the director. A VAR is authorized |

mitigation plan



only for lot coverage, size of structure, or size of setbacks. Although not depicted on pre-application materials, a VAR from the front yard setback is recommended for this proposal in order to minimize hard surfaces in the wetland buffer area.

- **Include in VAR application:** A complete and detailed **written statement** of the reason(s) for requesting the; a detailed description of how the proposal will meet the decision criteria under BIMC 2.16.060.D.; and visual impacts of proposed structures, including screening.

See the Administrative Manual for additional submittal requirements for each permit.

Fees

- Reasonable Use Exception (RUE): \$3,816.00
- (Minor) Variance (VAR): \$3,434.00 \$1,144.67*
- TOTAL: \$4,960.67**
- Health District Review - \$130.00 (submitted as a separate check)

* Reduced fee for consolidated permit review. The charge is the highest permit applied for plus 1/3 of all other applications.

** Proposed structure will require a building permit. Fees to be determined at time of submittal.

Approval Body

Quasi-judicial decision by Hearing Examiner (BIMC Table 2.16.010-1).

Review and Recommendation

Review: Kitsap Public Health District

Review: Bainbridge Island Fire Department

Review: Public Works - Development Engineer

Review: Planning and Community Development - Planning Division

Recommendation: Planning Director

Public Hearing: Report presented to the hearing examiner.

Decision: Hearing Examiner

Bainbridge Island Municipal Code Requirements – Planning Checklist

BIMC 2.16 – Land Use Review Procedures

Review procedures for a Reasonable Use Exception are outlined in BIMC 2.16.100 and BIMC 16.20.080. Review procedures for a minor Variance are outlined in BIMC 2.16.060.

BIMC 16.04 – Environmental Policy

The project is not subject to the State Environmental Policy Act, as provided in WAC 197-11-800.

BIMC 16.12 – Shoreline Master Program

The subject property is outside of shoreline jurisdiction.

BIMC 16.20 – Critical Areas

BIMC 16.20.140 Wetlands

The wetland delineation and categorization provided with the preapplication materials identifies a Category III wetland onsite with a 60-foot buffer and 15-foot structure or hard surface setback. The majority of the subject parcel appears to be encumbered by the wetland and buffer. Please note that upon preliminary review, the response to R 4.1 on the rating form appears to be incorrect. The report



describes the stream channel to be approximately 1-foot wide and the wetland is shown to be approximately 20 feet wide making the ratio 20:1. This increases this item to 6 points, totaling 14 points for R 4, elevating it to H. The Hydrologic score then becomes a 7, increasing the total to 20, making it a Category II wetland. Regardless, the proposal is still within the buffer but you may need to include areas of the septic which were otherwise excluded. The wetland boundary shall be marked in the field and surveyed by a licensed surveyor, unless waived by the Director. The surveyed wetlands shall be sized and mapped on a scaled site plan. The Director may require the wetland delineation to be verified in the field by the Army Corps of Engineers or the Washington State Department of Ecology when there is uncertainty in the wetland boundary or there was unauthorized wetland disturbance. The requirement for a licensed surveyor to survey the wetland boundaries may be waived in limited circumstances, such as when there is no access to the wetland property or there is no proposed impact to the wetland and wetland buffer, with authorization from the director.

BIMC 16.20.110 Fish and Wildlife Habitat Conservation Areas

The site also contains a Type Ns (non-fish perennial) stream requiring a 50-foot buffer and 15-foot structure or hard surface setback.

In order to minimize impacts to the wetland and stream buffers, please consider the following:

- Fencing and signage between the SFR and wetland buffer, and other efforts to prevent future encroachment;
- Plants between SFR and wetland should be chosen based on ability to provide light and noise screening, i.e. densely planted trees/high stature shrubs;
- Using permeable, elevated walkways around the SFR, rather than at-grade;
- Direct lights away from wetland;
- Low-impact foundation designs.

Items to consider in your mitigation plan:

- Address cumulative impacts and demonstrate how the proposal results in no net loss of critical areas and functions. A mitigation proposal that includes only buffer enhancement should provide an in-depth analysis or quantification of impacts vs. mitigation, in order to demonstrate that no net loss is achieved.
- The proposal must make it clear that the proposed impact to the critical area is the minimum necessary to allow reasonable use of the property. The siting of the SFR must be included in the discussion of mitigation sequencing.

BIMC 16.20.100 Aquifer Recharge Protection Areas

Properties are allowed to achieve a development area of at least 12,500 square feet on a parcel. The subject property is approximately 8,500 square feet and does not require designation of an Aquifer Recharge Protection Area (ARPA).



CITY OF BAINBRIDGE ISLAND

BIMC 18.09 – Use Regulations

Development of single family residences is a permitted use under BIMC 18.09.020.

BIMC 18.12 – Dimensional Standards

Lot Coverage: 20%*

Front Yard Setback: 25 ft.**

Side Setback: 5 ft. min, 15 ft. total***

Rear Yard Setback: 25 ft.

Max Building Height: 30 ft.

*Lot coverage is limited to 1,200 square feet for RUE's. Lot coverage is defined as, "that portion of the total lot area covered by buildings, excluding up to 24 inches of eaves on each side of the building, any building or portion of building located below predevelopment and finished grade. Any portion of a slatted or solid deck located more than five feet above grade shall be counted towards lot coverage.

**The City would likely support a reduction in the 25 ft. front setback if impacts would be further minimized.

***The applicant is strongly encouraged to establish the minimum side setback (5 ft.) from the south lot line.

BIMC 18.15 – Development Standards and Guidelines

Development shall comply with the parking standards as set forth in BIMC 18.15.020, which requires two spaces for each primary dwelling unit.

BIMC 20.04 – City Fire Code

The project shall comply with all applicable provisions of the adopted Fire Code (International Fire Code, 2015 Edition).

Department/Agency Comments

Development Engineer Comments

Comments from Paul Nylund are forthcoming and will be sent in a separate email.

Bainbridge Island Fire District Comment

Please see the attached comments from Eric Dieffenbach, Deputy Fire Marshal.

Please contact the Kitsap Public Health District about their minimum lot size and setback requirements for on-site septic. You may need a waiver for your septic system.

Please review the City's Administrative Manual (<http://www.ci.bainbridge-isl.wa.us/DocumentCenter/View/100>) for submittal requirements. Once you are ready to submit an application, please visit <http://www.ci.bainbridge-isl.wa.us/1110/Planning-and-Building-Submittal-Appointm> to schedule a submittal appointment. You will receive an email confirming the appointment and information on how to change this date/time, if necessary. All fees are due at the time of submittal.

If you have any questions, please contact me at (206) 780-3760 or osontag@bainbridgewa.gov.



Sincerely,

Olivia Sontag
Associate Planner

Please note that information provided at the pre-application conference and in this letter reflects existing codes and standards, currently available information about the site and environs, and the level of detail provided in the pre-application conference submittal. Comments provided pursuant to pre-application review shall not be construed to relieve the applicant of conformance with all applicable fees, codes, policies, and standards in effect at the time of complete land use permit application. The comments on this proposal do not represent or guarantee approval of any project or permit. While we have attempted to cover as many of the Planning, Engineering, Building and Fire related aspects of your proposal as possible during this preliminary review, subsequent review of your land use permit application may reveal issues not identified during the initial review.