
NOTICE OF ADMINISTRATIVE DECISION

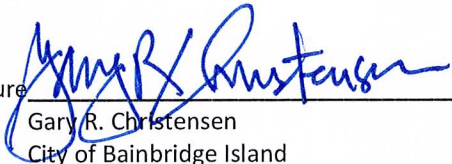
The City of Bainbridge Island has made a decision concerning the following land use application:

Date of Issuance: July 2, 2018
Project Name: Bay Hay and Feed SPR
Project Number: PLN50775 SPR
Project Type: Site Plan and Design Review
Project Site Address: (no site address) Sunrise Drive NE
Tax Parcel Number: 142502-2-093-2003
Owner: Rolling Bay Rentals LLC
P.O. Box 4697
Rolling Bay, WA 98061

Project Description: The applicant is proposing to remove an existing 1,950 square foot storage/retail building and 105 square foot shed and replace them with a new 2,044 square foot storage/retail building closer to Sunrise Drive NE. The new building will be consistent with the character and massing of the historic Bay Hay and Feed building on the corner of Sunrise Drive NE and NE Valley Road. The relocation of these operations will improve internal circulation of the site, provide better access to retail areas, provide space for parking, and shield back of house operations and the storage barn from public view.

Project Decision: The application is **conditionally approved**. This proposal is subject to administrative review under Chapter 2.16.030 of the Bainbridge Island Municipal Code. The staff report containing the findings of facts upon which the decision is based, including the conclusions of law derived from those facts and the conditions of approval, is available to the public upon request. **The decision becomes final after 14 days from the date of issuance, or after Tuesday, July 17, 2018.**

Decision Maker:

Signature  Date 7/2/18
Gary R. Christensen
City of Bainbridge Island
Director of Planning and Community Development

Appeal Procedure: This administrative decision may be appealed by filing a written appeal containing a summary of grounds for the appeal and paying a \$530.00 filing fee to the City Clerk at 280 Madison Avenue North, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 2.16.020. **An appeal must be filed no later than 4:00 p.m., Tuesday, July 17, 2018. Recommendation**

If you have any questions, contact:

Olivia Sontag, Planner
Department of Planning & Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110
(206) 780-3760 or pcd@bainbridgewa.gov

Staff is recommending approval of the site plan and design review in accordance with the with the following conditions:

1. Except for modifications reflecting compliance with the conditions of approval, the building permit shall be in substantial conformance with the site plan dated December 13, 2017.
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, and right-of-way permits.
3. Prior to the start of any clearing, grading, or other site work, the limits of clearing and grading shall be clearly marked in the field and inspected by the Department of Planning and Community Development staff.
4. All construction activities shall comply with noise limitations per BIMC 16.16.020. While the use of heavy equipment and other construction needed to complete the proposed additions is necessary, Bainbridge Island Municipal Code (BIMC) 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 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.
5. All uses allowed in the Neighborhood Center (NC) district shall conform to the performance standards of BIMC 18.06.050. It shall be the responsibility of the operator and/or the proprietor of any allowed use to provide such reasonable evidence and technical data as the director may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards. Failure of the director to require such information shall not be construed as relieving the operator and/or proprietor from compliance with all applicable environmental performance standards of this code.
6. A new landscape plan demonstrating compliance with the following conditions shall be submitted prior to building permit issuance:
 - a. One evergreen tree is required for the three spaces adjacent to the public right-of-way. The evergreen tree shall be a minimum of six feet high at the time of planting. Evergreen shrubs shall be a minimum of 18-inches in height at the time of planting spaced no more than three feet on center, to provide a continuous hedge achieving a maximum height of three feet at maturity located adjacent to the rights-of-way. Evergreen ground cover shall be planted and spaced to achieve total coverage within two years.
 - b. One deciduous or evergreen tree is required for the two spaces not abutting the public right-of-way. Deciduous trees shall be a minimum of two-inches in caliper and evergreen trees shall be a minimum of four feet in height at the time of planting. Evergreen ground cover and/or shrubs shall be planted and spaced to achieve total coverage within two years.

- c. Street trees shall be provided in an amount equivalent to at least one (1) every 30 feet in planting pots or beds covered by a tree grate, pavers or planted area. Structural grid systems with a minimum soil volume ratio of one (1) cubic foot of soil per one (1) square foot of tree canopy area are encouraged. Trees may be grouped and are encouraged to have a varied meandering effect. Tree size, location and species shall be approved by the City.
 - d. Per BIMC 18.15.010.H.3, performance assurance is required to assure the City that the landscaping is properly installed and will become established and be adequately maintained. The required landscaping shall be installed prior to certificate of occupancy. The Washington landscape architect shall submit a landscaping declaration to the director to verify installation in accordance with the approved plans. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season as approved if the director determines that a performance assurance device, for a period of not more than one (1) year, will adequately protect the interests of the City. The performance assurance device shall be for 150 percent of the cost of the work or improvements covered by the assurance device. In no case may the property owner delay performance for more than one (1) year. Once the planting is completed, and a maintenance and monitoring assurance is accepted, the performance assurance shall be released.
 - e. Per BIMC 18.15.010.H.4, the property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan. A maintenance assurance device shall be required for a period of five (5) years after acceptance by the City of the new planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance. The maintenance assurance device amount shall not be less than 20 percent of the cost of replacing materials covered by the assurance device. The maintenance bond/surety shall be refunded to the applicant upon completion of the five (5) year monitoring period minus any funds needed for the City to perform corrective actions or perform monitoring.
 - f. Protection of existing vegetation, trees, and tree stands during construction and development shall comply with the requirements of BIMC 18.15.010.C.4. If trees required to be retained are not retained or if protection measures are not fully implemented, requirements for unauthorized removal provided in BIMC 18.15.010.C. shall apply. Failure to retain, replace or transplant trees will be enforced per the requirements of BIMC 18.15.010.C.3.
 - g. Per BIMC 18.15.010.I, except for areas of undisturbed existing vegetation, all landscape areas that do not have high soil moisture conditions shall have temporary or permanent irrigation systems. Temporary systems may be removed after 24 months or two growing seasons, whichever occurs first; provided, that the plantings are established.
 - h. Proposed landscape plan shows plantings within the three-foot clear area surrounding the fire hydrants. This area shall be kept clear.
7. The City's Public Works Development Engineer has recommended approval subject to the following conditions:
- a. Civil improvement plans, reports, and computations, prepared by a civil engineer registered in the State of Washington shall be submitted with the application(s) for a construction permit (building, grading, ROW, etc.) to the City for review and approval to construct all necessary infrastructure and utilities serving the site. Certificate of occupancy will not be issued for any building until all civil improvements are completed and finalized.

- b. As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final.
 - c. Sidewalk, parking and half-street improvements along the west side of Sunrise Drive NE fronting the subject parcel shall be constructed per the Standards and consistent with the Neighborhood Center (NC) designation. The sidewalk and curb line shall continue from the existing facilities to the north approximately 167 feet to the southern limit of the property and terminate in an ADA compliant ramp at the transition to the non-NC zone and roadside shoulder.
 - d. On-street parallel parking stall width shall comply with the minimums stated in BIMC 18.15.020 and provide 3 feet of clear space between the stall and the driving lane. Reconstruction of the southbound travel lane to the centerline along Sunrise Drive NE may be required so as not to have a construction joint in the travel lane or vehicle wheel path. All other new parking within the lot shall also comply with the parking space and aisle dimensions in BIMC 18.15.020.
 - e. Access drives shall be installed consistent with the Commercial/Industrial Concrete Driveway Approach per the Standards drawing DWG. 8-160.
 - f. 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 project phases that complies with BIMC 15.20.
 - g. A final stormwater report shall be submitted with the building permit detailing compliance with all applicable minimum requirements as required by BIMC 15.20.
 - h. Prior to building permit final, the applicant shall submit an operation and maintenance plan for the on-going maintenance of the storm drainage system.
 - i. New and replaced hard surfaces associated with frontage improvements, including on-street parallel parking stall construction shall be subject to water quality stormwater requirements per BIMC 15.20. Treatment shall be provided for these surfaces where the contribute to exceeding regulatory triggering thresholds.
 - j. 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 shall be recorded before building permit issuance. The approved language for the Declaration of Covenant is found in BIMC Chapter 15.21, Exhibit A.
 - k. A right-of-way (ROW) construction permit will be required prior to any construction activities within the right-of-way. The ROW permit will be subject to separate conditions and bonding requirements.
8. To mitigate potential off-site glare and light trespass, any outdoor lighting shall comply with the outdoor lighting regulations in BIMC 18.15.040.
9. All development shall comply with the sign regulations contained in BIMC 15.08.
10. Building plans and review shall be subject to the 2015 International Codes, or subsequent edition as adopted by Bainbridge City Council at time of building permit application.
11. A demolition permit is required for any demolition work occurring. If demolition is proposed for any structure which is older than 50 years, the project is required to be reviewed by the Bainbridge Island Historic Preservation Commission (HPC) prior to the issuance of a demolition permit and prior to any demolition work occurring.

12. Building and Facilities shall be designed and constructed in accordance with the 2015 International Building Code (ICC) Section 11 – Accessibility and ICC Section A117.1, including but not limited to accessible parking and accessible routes.
13. To the satisfaction of the Bainbridge Island Fire Department, the project shall comply with all applicable provisions of the adopted Fire Code.
14. Prior to certificate of occupancy, the applicant shall construct the eight parking spaces and the four bicycle parking spaces.
15. Prior to building permit issuance, the applicant shall provide approval from the Kitsap Public Health District (KPHD) for relocation of the septic tanks.
16. Per the Design Review Board's (DRB) recommendation, the applicant shall use wood siding instead of brick on the front and sides of the building.
17. 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.
18. Pursuant to BIMC 2.16.020.M, a land use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the permit unless the applicant has received an extension for the permit. The director may grant one extension to the permit, in writing, for a period not to exceed one year if (a) unforeseen circumstances or conditions necessitate the extension of the permit; and (b) termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and (c) the extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and (d) the extension request is received by the department no later than 30 days prior to the expiration of the permit.
19. Pursuant to BIMC 2.16.040.G, minor adjustments to an approved site plan and design review may be made after review and approval by the director. Minor adjustments are those that include minor changes in dimensions or siting of structures or the location of public amenities, but do not include changes to the intensity or character of the use. Minor adjustments are processed through a written request from the applicant and a written response from department staff. Adjustments other than minor adjustments to an approved site plan and design review require a new or amended application as determined by the director. Major adjustments are those that change the basic design, intensity, density, or character of the use.