



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

Date: August 3, 2018
To: Gary R. Christensen, AICP
Planning Director
From: Ellen Fairleigh
Planner
Project: Wuensch – Short Plat
Location: 14455 Sunrise Drive NE, TA# 352602-3-025-2008
File Number: PLN 50977 SPT

Summary of Proposal

The applicant is proposing to subdivide a 108,849 square-foot lot into two lots for single family residences in R-1 zoning. The applicant has applied open space flexible lot design standard and is providing 25% open space.

Background

1. On July 13, 2016 a vegetation management permit (PLN50518) was issued to allow for the clearing needed to build a single-family residence on Lot A (BLD21190).
2. On October 17, 2017 a pre-application conference was held with the applicant.
3. On October 30, 2017 the pre-application summary letter and checklist was sent to the applicant.
4. On November 30, 2017 the applicant submitted a preliminary short subdivision application.
5. On January 31, 2018 the application was deemed complete and a Notice of Complete Application was sent to the applicant.
6. On February 9, 2018 the Notice of Application was published; no public comments were received during the 21-day comment period.

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 November 30, 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, dust control, 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. A road maintenance agreement between proposed Lots A and B shall be recorded prior to the final short plat. Maintenance of the private road shall be the responsibility of the owners and not the City.
 - C. A Stormwater Pollution Prevention Plan (SWPPP) is required prior to construction activities including clearing, grading, dust control, or civil improvements. Stormwater quality treatment, erosion and sedimentation control shall be designed in accordance with BIMC 15.20. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington.
 - D. Compliance with BIMC 15.20 has been demonstrated in the preliminary drainage report. Any application for a building permit shall be reviewed for conformance with the preliminary drainage report and design.
 - E. 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.
 - F. 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 building permit final. The approved language for the Declaration of Covenant is found in BIMC Chapter 15.21, Exhibit A.
 - G. A maintenance and operation manual (O+M) for the private stormwater facilities on-site shall be provided at project completion as an attachment to the maintenance

covenant informing private owners of the maintenance means and methods.

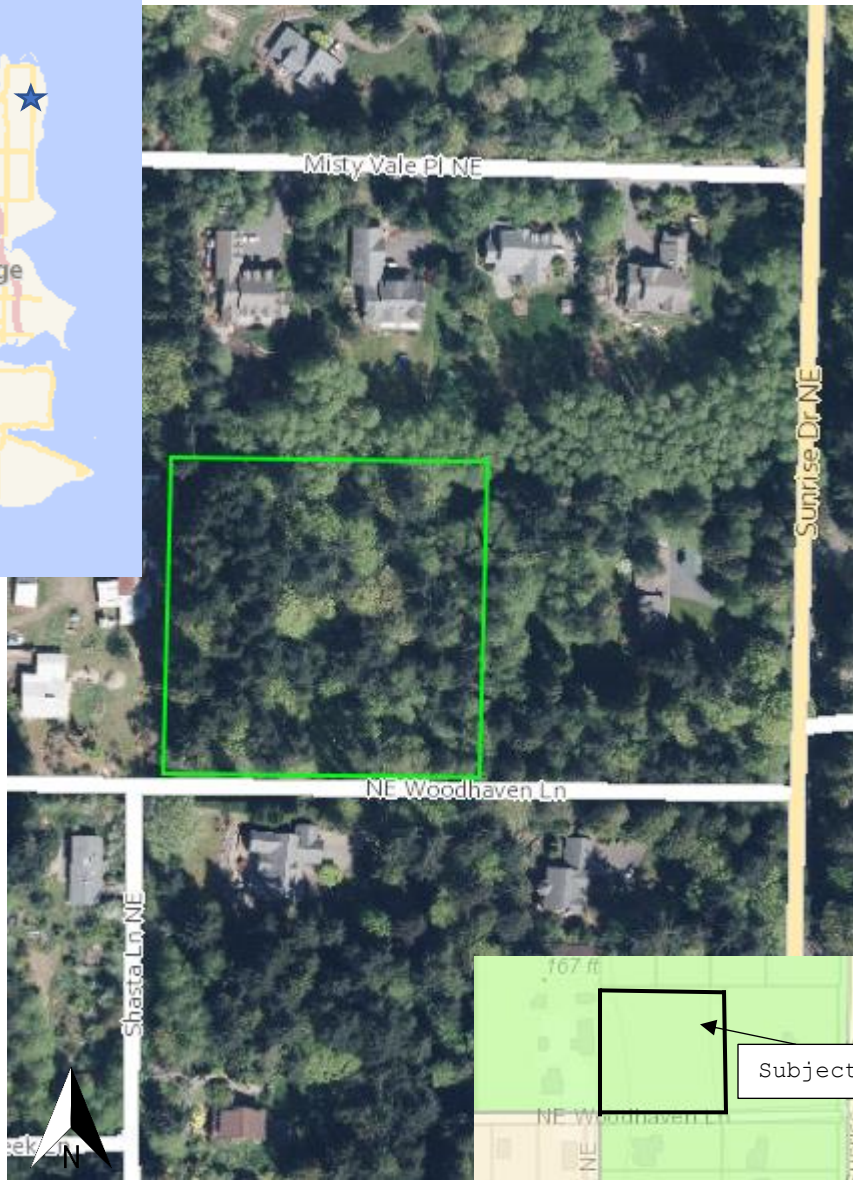
4. The project and all future development shall comply with the outdoor lighting standards in accordance with BIMC 18.15.040.
5. Future development shall follow the guidelines in Bainbridge Island Municipal Code (BIMC) Section 16.16.025 which limits the hours of construction activities in residential zones.
6. Lot coverage of 15% shall be allocated between the lots and noted on the face of the final short plat.
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. No construction staging is permitted in designated open space areas.
9. 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, ownership, and maintenance.
10. 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.
11. A fire hydrant is required to be installed on Sunrise Drive NE. The location is to be coordinated with the water purveyor and the Fire Marshal. The hydrant must be inspected and flow tested prior to Temporary Certificate of Occupancy (TCO) for any development on the newly created lot.
12. 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.
13. 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.
14. A plat certificate shall be provided with the final short plat application.
15. 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 one additional single- family unit. The remaining half of the fees shall be paid at the time of building permit issuance for the single-family unit. 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 permit shall pay the full impact fee prior to building permit issuance.

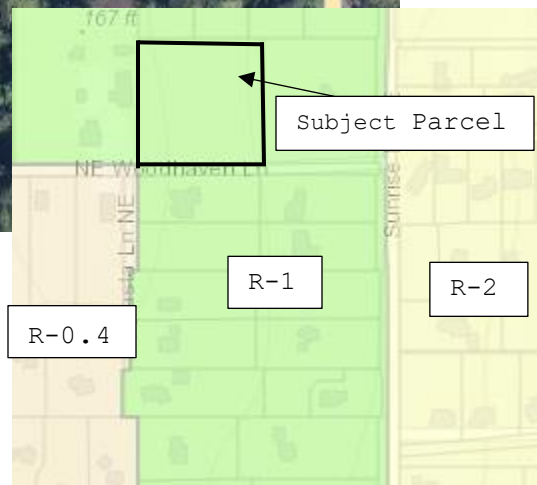
16. Pursuant to RCW 58.17.140(3), a final plat shall be submitted to the city for approval within five years of the date of preliminary plat approval.
17. The following conditions shall be listed on the final plat: Conditions 2, applicable portions of 3,6, 7, reference to the Open Space Management Plan in 9, 11, 15.



Vicinity Map



Project Site



Zoning

Staff Analyses

I. Findings of Fact

A. Site Characteristics

1. Tax Assessor Information

- a. Owner of record: Herbert and Barbara Wuensch
- b. Tax Lot Number: 352602-3-025-2008
- c. Township/Section/Range: Township 26 North, Section, 35, Range 2 East
- d. Lot size: 108,849 square feet (2.5 acres)

2. Terrain

The site is gently sloping from west to east with 5-15% slopes.

3. Soils

The soils on the site are classified as Harstine gravely sandy loam and Kapowsin gravelly sandy loam.

4. Access

Access to the site is through an access and utilities easement that runs across the neighboring parcel to the east. The easement is immediately north of Woodhaven Lane.

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 western portion of the parcel (proposed Lot A). Surrounding properties are also developed with single-family residences.

8. Zoning and Comprehensive Plan Designation

The subject property and surrounding properties are in residential districts. The subject property is zoned Residential – 1 unit per acre (R-1), and the Comprehensive Plan Designation is OSR 1.

B. History

This application was submitted on November 30, 2017 and deemed complete on January 31, 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, this application is not subject to the moratorium, which was effective on January 9, 2018 under Ordinance 2018-02, the Critical Areas Ordinance 2018-01 effective April 23, 2018, 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 December 11, 2017, the City received comments from the Fire Marshal as follows:

a. A fire hydrant is required to be installed on Sunrise Drive. The location is to be coordinated with the water purveyor and the Fire Marshal. The hydrant must be inspected and flow tested prior to final approval of the short plat.

In an e-mail dated July 27, 2018 the Fire Marshal determined that the installation of the fire hydrant could be deferred until development occurs on the newly created lot.

The project has been conditioned to meet this requirement. **(Condition 11)**

2. **Survey:** The City surveyor recommended preliminary approval of this proposal on May 2, 2018 with no comments.

3. **Health Department:** The Health Department approved this application with no comments on March 29, 2018.

4. **Development Engineer:** The Development Engineer approved the project with conditions on July 27, 2018. **(Condition 3)**

5. **Non-Motorized Transportation Commission:** The Non-Motorized Transportation Commission reviewed the project with the following comment: The Non-Motorized System Plan (Map C) does not show any facilities planned for Woodhaven Ln, however, MTAC recommends ensuring that development does not impact the ROW.

6. **Public Comments:** No public comments were received during the 21-day comment period.

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 one additional single-family home.

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. They have designated 27,367 square feet, or 25 percent of the total area of the site, as open space. 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 on the north and west sides of the subject parcel. The design of the open space incorporates the existing significant trees on the property.

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.

Approximately 27,367 square feet, or 25 percent of the total area of the site, has been designated as open space area by the applicant. The valued open space features identified are significant trees.

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. No construction staging is permitted in designated open space areas. (Conditions 8,9)

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 10)

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 9)

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 1-17)

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. A road maintenance agreement between proposed Lots A and B shall be recorded prior to the final short plat. Maintenance of the private road shall be the responsibility of the owners and not the City. (Condition 3)

3. Dimensional Standards (BIMC 18.12)

Flexible Lot Dimensional Standards (BIMC 18.12.020-1)

a. *Minimum Lot Size Requirements*

In the R-1 district, the minimum lot area is 40,000 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 65,289 square feet, proposed Lot B is 43,560 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 108,849 square feet and the minimum lot area for a standard lot in the R-1 zone is 40,000 square feet. A maximum of 2 lots are permitted. The applicant is proposing to subdivide the lot into 2 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-1 zoning district is 15 percent. The short plat is allowed a total of 16,327 square feet of lot coverage. Lot coverage shall be allocated between the lots and noted on the face of the final plat.

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. (Conditions 2,6)

e. *Minimum Setbacks*

The following setbacks apply:

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

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 aggregate area of the existing lot is over one acre but the lot is not directly adjacent to a collector or arterial road. No roadside buffer is required.

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 along the northern and western perimeter of the property. It encompasses significant trees on the property. The proposed open space area is 25 percent of the lot area. 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 was conditionally approved by the Health District pending final plat submittal. The proposed short plat creates two 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 along the northern and western perimeter 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 12)

- 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 no public 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 50977 SPT.