
REVISED NOTICE OF ADMINISTRATIVE DECISION and MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

The City of Bainbridge Island issued a decision of approval with conditions on May 10, 2018. The decision was appealed on May 29, 2018. This Revised Notice of Administrative Decision and MDNS is for revisions to the design and placement of the dock, and reflect the preliminary agreement between the applicant and appellant that may resolve the issues in the appeal.

Date of Issuance: September 6, 2018
Project Name & Number: Hanson Replacement SSDP PLN50901 SSDP
Project Type: Shoreline Substantial Development Permit
Owner: DARREN J & SONJA HANSON
Project Site & Tax Parcel: 8807 Woodbank Dr NE, TA# 41360020190004

Project Description: The proposal is for a new dock (pier, ramp, landing float, moorage float) and access stairway, located along the southern shoreline of Fletcher Bay. The total length of the structure will be 86 feet, as measured from the ordinary high water mark. The ramp and float structures will be angled 20 degrees to the east of the stairway and pier. A total of 7 galvanized steel pilings will be used to support the structure, creating approximately 5.5 square feet of fill material below the OHWM. The existing 88-foot overwater structure, located southwest of the proposed location for the new dock, will be removed.

Permit Decision: The application is **conditionally approved**. The staff report, containing the statement of facts upon which the decision, including conditions, is based and the conclusions of law derived from those facts, is available to the public upon request. The decision becomes effective after 21 days from the date of issuance, or after **Thursday, September 27, 2018**

SEPA Determination: The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment if mitigation measures are properly implemented. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

Responsible Official: Gary R. Christensen, Director
City of Bainbridge Island
Address: Department of Planning and Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110 (206) 842 - 2552

Signature:  _____

Date: 9/6/18

Appeal Procedure: This administrative decision and/or SEPA determination may be appealed by filing a written 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 2.16.020P and/or 16.04.170. A **SEPA appeal** must be filed no later than **4:00 p.m., Thursday, September 20, 2018** and a **permit appeal** must be filed no later than **Thursday, September 27, 2018**. You should be prepared to make specific factual objections.

**Mitigation Measures for Hanson
Replacement SSDP SEPA
Determination:**

This threshold determination is for file number PLN50901 SSDP. A threshold determination under the State Environmental Policy Act in no way allows construction work to commence without appropriate construction permits, such as a building or grading permit. Mitigation measures become conditions of approval for the permit.

Mitigation measures to ensure no probable adverse environmental impact will occur during project construction:

SEPA Conditions:

1. A title report is required for verification of the tidelands/oysterlands ownership, boundary line agreements, surveys, easements, restrictions and reservation of record. The title report shall be submitted with the building permit application and reviewed by the City Surveyor. A record of survey may be required dependent on the information provided in the title report. An easement agreement with the owners of the tidelands at 5588 NE Fletchers Landing may be required prior to building permit issuance, dependent on the information provided in the title report.
2. The project must include documentation of compliance with the Biological Opinion for National Flood Insurance Program in Puget Sound. Documentation of an Endangered Species Act Section 7 consultation concurrence with NOAA Fisheries, or documentation of a biological assessment from the U.S. Army Corps of Engineers must accompany any submittal for a Bainbridge Island building permit.
3. All existing vegetation on the bank and elsewhere on the site must be maintained. Any bare areas created from construction activities must be revegetated to achieve the same conditions prior to construction within seven (7) days of completion of installation of the upland portion of the stairway.
4. To minimize temporary construction impacts to aquatic vegetation, staging of the barge shall be located outside of areas where vegetation is present, and avoid typical migration corridors for juvenile salmonids, as described in Attachment P (Site Specific Impact Analysis) and Attachment Q (Eelgrass/Macroalgae Habitat Survey). The barge shall not ground out during construction. Construction material shall be towed to the site with a towboat and a barge at high tide. Access to the construction site shall be via a small skiff or a temporary bridge between the barge and the shoreline. Pile drivers shall use constructed work platforms (e.g. the barge). If deemed infeasible, documentation proving the infeasibility and alternative method shall be submitted and approved by the City prior to using alternative pile installation methods.
5. A wood block shall be used between piling and drop hammer for sound attenuation during pile driving. If deemed infeasible, documentation proving the infeasibility and alternative method shall be submitted and approved by the City prior to using alternative sound attenuation methods.
6. Equipment shall operate in a manner that minimizes the suspension of particulates. All equipment used in or around waters shall be clean and inspected daily before use to ensure that the equipment has no fluid leaks. Should a leak develop during use, the leaking equipment will be removed from the site immediately and not used again until it has been adequately repaired. Equipment should be stored and/or fueled at least 100 feet from any surface water where possible.
7. Extreme care shall be taken to prevent petroleum products, chemicals, or other toxic or deleterious materials from entering the water and degrading water quality. If a spill does occur, or if oil sheen or any distressed or dying fish are observed in the project vicinity, work shall cease immediately and Washington Department of Ecology shall be notified of such conditions. Contact: Northwest Regional Spill Response Section at (206) 649-7000.
8. Any treated wood lumber to be used for the project shall meet or exceed the standards established in "Best Management Practices for the Use of Treated Wood in Aquatic Environments" developed by the Western Wood Preservers Institute, revised July 1996. All ACZA (e.g. Chemonite) treated wood pilings and lumber shall be treated by the manufacturer per the Post Treatment Procedures outlined in "BMP Amendment #1 – Amendment to the Best Management Practices for the Use of Treated Wood in Aquatic Environments: USA Version- Revised July 1996", by the Western Wood Preservers Institute or current revision.
9. Prior to construction, the applicant shall provide the City with evidence that all the treated wood lumber to be

used in the dock construction was properly treated in accordance with Condition #8, above.

10. The applicant shall notify City staff within 48 hours of project completion in order to allow for field inspection and verification of compliance with the conditions of approval.
11. All of the recommendations of the geotechnical report shall followed or otherwise be waived by the geotechnical engineer of record.
12. A Step 2 form shall be submitted with the building permit application.
13. A Step 3 form is required to be submitted to PCD prior to calling for final building permit inspection.
14. Work shall immediately stop and the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation shall be immediately notified if any historical or archaeological artifacts are uncovered during excavation or construction. Construction shall only continue thereafter in compliance with the applicable provisions of law.
15. The staircase and all attendant features shall not be colored or painted other than with neutral flat greens, browns or tans, so as to blend into the native bluff soils and vegetation and be non-reflective. The intent is to obscure the installment from surrounding view.

Project Conditions:

16. The stairway shall be designed according to the provisions for non-habitable structures appurtenant to a single-family use under SMP Section 4.1.3.8.3.
17. Use of arsenate compounds or creosote-treated members is prohibited. Piles, floats, or other components in direct contact with water shall not be treated or coated with biocides such as paint or pentachlorophenol.
18. Over-water field applications of paint, preservative treatment, or other chemical compounds, except in accordance with best management practices set forth in the Boating Facility section of the Master Program or when allowed by a current National Pollution Discharge Elimination System (NPDES) permit from the Department of Ecology.
19. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.
20. New piling shall be steel, concrete, plastic or untreated or approved treated wood, if approved by USACE. Any piling subject to abrasion (and subsequent deposition of material into the water) must incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations.
21. Flotation for the float shall be fully enclosed and contained in a shell (e.g. polystyrene tubs not shrink wrapped or sprayed coatings) that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation and/or abrasion caused by rubbing against piling and/or waterborne debris.
22. All material removed from the site, including the existing dock's materials and components, shall be permanently disposed of in an upland location so as not to be re-introduced in waters of the state.
23. The float stop collars shall be installed to keep the floats a minimum of one foot above the tidelands, unless documentation is provided to the City verifying that float stop collars are unnecessary due to tidal conditions in Fletcher Bay.
24. An indemnification agreement for the construction of the stairway in a geologically hazardous area shall be recorded with the Kitsap County Auditor, prior to building permit issuance (SMP Appendix B, B-9).
25. Construction pursuant to this permit shall not begin and is not authorized until 21 days from the date of filing with the Department of Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21 days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).
26. The authorization granted by this SSDP to construct the proposed dock shall expire within two years unless substantial progress towards completion is undertaken. Authorization for the proposed structures shall terminate five years after the date the permit is approved by the city, unless an extension is granted in

accordance with BIMC 2.16.165.F.5.b.iv.

27. Any use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property in a manner that violates the terms or conditions of this permit shall be considered a violation of the Bainbridge Island Shoreline Master Program and be subject to the applicable violations, enforcement and penalties provisions of the Program.
28. Activities to be undertaken as part of this permit require approvals or permits from the Washington Department of Fish and Wildlife and US Army Corps of Engineers. Evidence of required approvals shall be submitted to the City prior to the commencement of any construction activities. All Hydraulic Project Approval conditions and any Army Corp of Engineers permit conditions shall become conditions of approval.
29. A copy of all public agency approvals and approved drawings shall be given to all contractors performing work at the site prior to beginning any construction work.
30. All construction activities shall comply with noise limitations in residential zones per BIMC 16.16.020.
31. Staff shall conduct a site visit prior to the start of construction, to verify the locations of critical saltwater habitat onsite relative to the proposed dock location.
32. A building permit shall be obtained from the Department of Planning and Community Development prior to commencing construction. A demolition permit shall be obtained from the Department of Planning and Community Development prior to commencing removal of the existing pier/float structure.

If you have any questions, contact:

Annie Hillier

City of Bainbridge Island

Department of Planning & Community Development

280 Madison Avenue North

Bainbridge Island, WA 98110

(206) 780-3770 or PCD@bainbridgewa.gov