



February 1, 2021

To: City of Bainbridge Island Hearing Examiner

From: City of Bainbridge Island project planner, Annie Hillier

File No.: PLN51687 RUE & VAR

RE: City Response to Applicant's "Suggested Modifications to Conditions of Approval for Manitou Beach Drive RUE Decision"

- The applicant has proposed modifications to condition 4, regarding tree protection measures. In taking into consideration the applicant's suggestions and the additional information presented at the hearing, **staff recommends that condition 4 be amended as follows** (footnotes are provided for explanation only; not intended to be a part of the conditions):
 - 4. "The following tree protection measures must be taken to minimize the removal of significant trees within the wetland buffer:
 - a. The building permit application shall indicate that the 44" cedar along the west lot line is not proposed for removal. The root zone of this tree shall be protected with fencing installed in a 10' radius from the base of the tree.¹
 - b. The building permit application shall indicate that the 42" fir and 10" cherry located in the vicinity of the drainfield are not proposed for removal. The root zones shall be protected during construction, as appropriate, to allow installation of the drainfield.²
 - c. All significant trees proposed for removal within the permanent buffer impact area, including the 40" fir and the 28" alder along the south lot line, shall be clearly marked on the site plan and construction plans submitted with the

¹ The City Arborist recommends a 10' protection radius as a best management practice, as opposed to a 2-meter radius.

² The applicant and septic designer testified that the retention of these two trees is feasible, given the type of system proposed and the change to the location of the primary and reserve. Staff supports this change in septic system layout, based on the information provided at the hearing by the applicant's team. The building permit will include a tree protection inspection by the City Arborist to ensure adequate tree protection measures are in place prior to installation of the drainfield.

building permit application. Any significant trees that do not require removal to allow construction of the proposal shall be protected and retained.³

Tree root protection measures are required for significant trees that will be retained including those identified above. The protection measures must be indicated on the site plan and construction plans submitted with the building permit application and in place prior to the start of construction.”

- The applicant has proposed modifications to condition 16(d), in order to allow for a gravel driving surface. In taking into consideration the applicant’s suggestion, **staff recommends that condition 16(d) be amended as follows** (footnote is provided for explanation only; not intended to be a part of the condition):
 - “Hardscaping shall be constructed of permeable materials, such as gravel driving surfaces, or contain wide permeable jointing where feasible to allow infiltration or shallow subsurface filtration of surface stormwater⁴. Building permit documentation shall include location and materials for proposed hard surface/hardscape and plans shall include construction details for permeable surfaces and subgrades.”
- The applicant proposed a new condition, condition 17. **Staff defers to the Hearing Examiner as to whether this condition is necessary, given the proposed change to the primary and reserve drainfields is in the record and is supported by the City.**

Staff sent the applicant a copy of the City’s suggested modifications to the conditions, above. The applicant is supportive of the wording proposed in this memorandum; please see the attached email.

Sincerely,

Annie Hillier, Associate Planner

³ The applicant testified that retention of the two trees along the south lot line is not possible, and that efforts have been made to minimize impacts within the wetland buffer to the extent possible. Staff, including the City Arborist, acknowledge that removal of these two trees should be authorized if alternative site layouts would increase impacts to the wetland buffer. It is Staff’s understanding, based on the testimony provided, that this would be the case. Staff also acknowledges that the applicant has undertaken efforts to keep impacts to a minimum, especially considering the small footprint of the proposed building. Further adjustments to the site plan are not required. The proposed wording of the condition leaves open the possibility to retain additional significant trees should it become clear this is possible during development of the final planset, consistent with the RUE criteria for review and approval.

⁴ The proposed wording makes clear that the applicant’s preference for a gravel driving surface is acceptable, but does not limit the applicant to that option. Staff notes that even without this wording addition, a self-infiltrating gravel driveway would be acceptable as the original wording accounts for a range of permeable options.

Annie Hillier

From: Bill Broughton <bill@kitsaplawgroup.com>
Sent: Monday, February 1, 2021 12:46 PM
To: Annie Hillier
Subject: RE: City Response to Applicant's Modifications to Conditions, Manitou RUE

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hi Annie
Thank you This will work for me if the examiner adopts.
Bill

Best regards,

William H. Broughton



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From: Annie Hillier <ahillier@bainbridgewa.gov>
Sent: Monday, February 1, 2021 12:15 PM
To: Bill Broughton <bill@kitsaplawgroup.com>
Subject: City Response to Applicant's Modifications to Conditions, Manitou RUE
Importance: High

Hi Bill,
Attached is the City's response to your suggested modifications to the proposed conditions. Please note that the City's response no longer requires that the applicant attempt to retain the 2 significant trees along the south lot line through adjustments to the site plan, and it allows the use of a gravel driveway and parking area. I will send this to the Hearing Examiner by the end of the day, but I wanted to first give you the opportunity to ask questions or make further suggestions.
I look forward to hearing from you.
Sincerely,



Annie Hillier
City Planner
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Due to the City's COVID-19 response, the Planning and Community Development Department (PCD) has modified its operations. Please see the PCD webpage (<https://www.bainbridgewa.gov/154/Planning-Community-Development>) for current information.