

# ***PROJECT REPORT***

*City of Bainbridge Island  
Department of Planning  
and Community Development*

**Project:** Rolling Sunrise Subdivision  
**File number:** SUB18840  
**To:** Stafford L. Smith, Hearing Examiner  
City of Bainbridge Island  
**Date:** July 18, 2014  
**Project Manager:** Sean Conrad, Associate Planner

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**Applicant:** BGH, LLC

**Location:** The project site is located at the south end of Sunrise Drive immediately south of 10781 Sunrise Drive.

**Request:** Preliminary long lot subdivision approval to create 7 single-family lots and open space areas in accordance with the City's open space and flexible lot design subdivision provisions.

**Environmental Review:** A Mitigated Determination of Non-Significance was issued on June 6, 2014 with the 14-day appeal period ending on June 20, 2014, prior to the Public Hearing scheduled for July 23, 2014. No appeals were received.

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## **Recommendation:**

Approval of the Rolling Sunrise 7 lot subdivision (SUB18840) subject to the following conditions:

## **SEPA CONDITIONS**

1. A Storm Water Pollution Prevention Plan (SWPPP) for the proposed development shall be provided for City review and approval in accordance with BIMC 15.20. The plans must be approved, the improvements constructed (or a construction bond provided if applicable), and an acceptable final inspection obtained prior to final subdivision application. The design submittal shall incorporate all proposed subdivision improvements including complete civil plans, grading and erosion control plans, roadway plan and profile, storm drainage facilities and drainage

report, and shall be prepared by a professional engineer currently licensed in the State of Washington.

2. The site is greater than one acre in size, therefore prior to construction activities, the applicant shall apply for a Construction Stormwater General Permit (NPDES) through the Washington State Department of Ecology.
3. The limits of clearing and grading shall be clearly marked in the field and inspected by the City of Bainbridge Island prior to beginning any clearing or grading on site.
4. No construction activities, storage of materials or vehicles, or soil stockpiling shall take place within any designated open space except for the following activities:
  - Installation of the water main
  - Construction of a pedestrian trail
  - Moving the off-site manufactured homes to lots 5, 6 and 7
5. On site mobile fueling from temporary tanks is prohibited unless the applicant provides and is granted approval for a Permit and Best Management Plan that addresses proposed location, duration, containment, training, vandalism and cleanup. (Reference 1. Uniform Fire Code 7904.5.4.2.7 and 2. Department of Ecology, Stormwater Management Manual, August 2001, see Volume IV "Source Control BMPs for Mobile Fueling of Vehicles and Heavy Equipment".) (Chapter 173-304 WAC)
6. The contractor is required to stop work and immediately notify the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation if any historical or archaeological artifacts are uncovered during excavation or construction.
7. To mitigate impacts on air quality during earth moving activities, contractors should conform to Puget Sound Air Pollution Control Agency Regulations which insure that reasonable precautions are taken to avoid dust emissions.
8. To mitigate potential impacts on air quality, cleared vegetation shall be removed from the site, processed by chipper or processed using other methods of disposal that does not require burning.
9. To mitigate potential off-site glare, any street lighting within the subdivision shall meet the outdoor lighting standards of BIMC 18.15.040, including general standards (D) & figures of acceptable shielding and direction of outdoor lighting fixtures (F).

10. To mitigate impacts to area residences, construction activities shall meet the requirements of BIMC 16.16.025 including a) it shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays that do not constitute legal holidays, b) it shall be prohibited before 9:00 a.m. and after 6:00 p.m. on Saturdays that do not constitute legal holidays and c) it 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. A noise variance shall be required for any deviation from these time limitations.
11. The proposed trail connection shall be located within the easement depicted on the preliminary plat and developed to a minimum width of 4 feet. A homeowners association shall be established for the maintenance and liability of the trail unless another entity assumes maintenance and liability of the trail.
12. To mitigate temporary impacts to the open space area, the developer shall provide a replanting plan to the Department of Planning and Community Development prior to any work within the open space area. The plan shall identify the trees and ground cover to be removed and include a replanting plan for the disturbed area. The replanting plan shall include a combination of native trees and ground cover.
13. Any non-exempt tree harvesting shall require the appropriate Forest Practices Permit from the Department of Natural resources.

#### **NON-SEPA CONDITIONS**

14. The following table indicating the required setbacks and lot coverage shall be recorded on the face of the final plat.

	Minimum
Building to Building	10 feet
Building to exterior subdivision boundary	15 feet
Building to internal street	15 feet
Building to Trail or Open Space	Minimum 10 feet
Maximum Lot Coverage per Lot	4,258 square feet

15. 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.
16. An approved Open Space Management Plan shall be recorded with the final plat that



indicates the maintenance and allowed uses within each of the open space tracts.

17. Open space easements or covenants shall be recorded together with the land division and represented on the final plat and title.
18. Prior to final plat approval, the applicant shall install one sign on lot 1 and fencing on lots 2-7 along the appropriate open space boundaries. In accordance with BIMC 17.28.020.37, the signs shall be a minimum of 64 square inches and made of metal, hard plastic or engraved wood. In accordance with BIMC 17.28.020.030, low impact fencing includes two-or-three tier split rail not exceeding five feet in height, four inch by four inch wooden posts with two or three strands of cable in between, or other fencing with similar visual, barrier, and access characteristics as determined by the Director.
19. Prior to final plat submittal, all lot corners shall be staked with three-quarter inch galvanized iron pipe and locator stakes, or other approved method. All property corners and right-of-way centerlines shall be monumented, including the center of the cul-se-sac. A survey of the property must be completed and submitted with the final plat application.
20. A plat certificate shall be provided with the final plat application.
21. School impact fees may be required. If school impact fees are in effect at the time of submittal for the final plat, the applicant shall pay one half of the impact fees for the 7 single family units. The remaining half of the fees shall be paid at the time of building permit issuance for the single-family units.

If the fees are in effect at the time of building permit submittal rather than subdivision submittal, then each applicant applying for a single family residential building permit shall pay the full impact fee prior to building permit issuance. The pertinent condition shall be provided on the face of the plat.

22. All on-site storm water facilities shall remain privately owned and maintained. The owner 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 storm water system operation and maintenance will be required to be recorded before final plat submittal. The approved language for the Declaration of Covenant is found in BIMC Chapter 15.21.
23. Prior to final subdivision submittal, the applicant shall provide for review and approval by the City a plan and profile for water connections.
24. Prior to final subdivision submittal water lines, including meters to each property, shall be installed or an assurance device shall be provided.
25. Public and private improvements, facilities, and infrastructure on and off the site that are required for the subdivision shall be completed, have final inspection and approval prior to final subdivision submittal. Approval of public facilities will be shown by a formal

letter of acceptance from the City Engineer. A surety device acceptable to the City may be used (in lieu of physical completion) to secure and provide for the completion of necessary facilities which are not considered by the City to be life, health, or safety related items. Any such surety device shall be in place prior to final plat submittal, shall enumerate in detail the items being assured and shall require that all such items be completed and approved by the City within one year of the date of final plat approval. While lots created by the recording of the final plat may be sold, no occupancy of any structure will be allowed until the required improvements are formally accepted by the City. Additionally, a prominent note on the face of the Final plat drawing shall state: **"The lots created by this plat are subject to conditions of an assurance device for the completion of certain necessary facilities. Building permits may not be issued or occupancy granted until such necessary facilities are completed and approved by the City of Bainbridge Island. All purchasers shall satisfy themselves as to the status of completion of the necessary facilities."** This note shall be listed on the face of the final plat.

26. Prior to any construction activities on individual lots, the applicant shall obtain the appropriate permits from the City, including but not limited to building, clearing, and/or grading permit. This note shall be listed on the face of the final plat.
27. As-built civil construction plans will be provided by the applicant prior to final subdivision approval.
28. At the time of Building permit Application for the individual lots, demonstration of compliance with applicable stormwater management requirements shall be required in accordance with BIMC 15.20. This note shall be listed on the face of the final plat.
29. The developer's engineer shall certify that there is adequate entering sight distance at the site entrances and within the access driveways. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the COBI Design and Construction Standards.
30. Transportation facilities shall be reviewed and approved by fire officials during the civil construction design.
31. It shall be the responsibility of the applicant to verify the adequacy of the proposed water main to meet fire flow requirements pursuant to the City of Bainbridge Island Municipal Code 13.10.065. Fire flow requirements to neighboring property must be maintained. Plans and calculations showing how this level of pressure will be maintained will be provided to the city.
32. The applicant and the water service provider, Kitsap PUD, shall verify that the proposed water main extension provides for future extension to other properties within the service



area.

33. 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.
34. A binding Water Availability Commitment is required prior to building permit issuance.

### **Staff Analysis:**

#### **I. FINDINGS OF FACT**

1. **Site Characteristics:**  
Tax Assessor Information:
  - A. **Tax Lot Numbers:** 142502-2-051-2003
  - B. **Owners of Record:** BGH, LLC
  - C. **Lot Size:** 3.42 acres or 149,039 square feet
  - D. **Land Use:** Open Space Residential
2. **Terrain:** The site is located along a north-south trending hillside. The northern half of the site is level with slopes of less than 5%. The south half of the site has slopes ranging from less than 5% to upwards of 15%. The site includes a variety of evergreen and deciduous trees with an understory of ferns and grasses.
3. **Soils:** Soil mapping indicates that the site is made up of Harstine gravelly sandy loam, with slopes of 6% - 15%. (Soil Survey of Kitsap County Area, Washington; U.S. Department of Agriculture, Soil Conservation Service, 1977).
4. **Existing Site Development:** The site is undeveloped at this time.
5. **Proposed Access:** The site will be accessed from Sunrise Drive on the north half of the site and Hyla Avenue on the south half.
6. **Public Services and Utilities:** The property is serviced by KPUD water.
7. **Zoning/Comprehensive Plan Designation:** The subject property is zoned as R-2, 20,000 square feet per dwelling unit. The Comprehensive Plan Designation is Open Space Residential, 2 dwelling units per acre (OSR-2).
8. **Surrounding Zoning/Comprehensive Plan Designation:**
  - A. North: R-2, OSR-2
  - B. South: R-2, OSR-2
  - C. East: R-2, OSR-2
  - D. West: R-2, OSR-2
9. **Surrounding Uses:**
  - A. North: Single-family residences
  - B. South: Single-family residences
  - C. West: Single-family residences

D. East: Single-family residences

## II. HISTORY

1. A pre-application conference was conducted on July 30, 2013
2. A public participation meeting was held on October 8, 2013.
3. The subdivision application was submitted on December 3, 2013.
4. The application was deemed complete on January 8, 2014.
5. The project was noticed on January 10, 2014.
6. The comment period ended on January 24, 2014.
7. Additional engineering information was requested on January 30, 2014
8. Requested engineering information was submitted on March 24, 2014
9. The MDNS was noticed on June 6, 2014
10. The property was posted for the public hearing on July 9, 2014.

## III. PUBLIC/AGENCY COMMENT

### 1. Public Participation/Comment.

During the public comment period, multiple letters were received that expressed various concerns. In addition to the public comment period on the application, a public participation meeting on the project was held. The public participation meeting notes from that meeting are attached (Exhibit 10). A summary of the comments received during the comment period (Exhibit 6) along with a response from staff is provided below. The comment or question is in bold type followed by the staff response.

**When will Hyla/Beachcrest/Sunrise be repaved?**

None of the three roads are on the City's capital improvement project list and therefore are not scheduled to be paved in the next 5 years. Paving on one or all three roads could occur sometime in the future, but no exact date has been set.

**Developer should be required to reconstruct Sunrise Drive after homes are built due to the heavy equipment destroying the road.**

Sunrise Drive is a City-owned and maintained road. Heavy equipment has the right to use the road. Impacts caused by heavy equipment can only be addressed through a right-of-way permit; however this permit may not be needed. If a right-of way permit is issued and heavy equipment use is expected, the roadway condition will be documented before and after work and associated fees will be assessed. (Condition # 33)

**Increased traffic from the subdivision will impact Hyla and Sunrise which are already in poor condition.**

- **Hyla Ave.  
Road in poor condition/narrow road/little to no storm water system in place to retain or divert the storm water**



- **Sunrise Drive**

- Road in poor condition/narrow one-lane road/ storm water issues**

The proposed subdivision will increase traffic on both Hyla and Sunrise. Given the number of lots proposed in the development and the roadway access plan, the development does not meet the thresholds to require a traffic impact assessment. These roads are in poor condition based on current City design standards. However, there is not a mechanism in place to require the developer or future homeowners to address the impacts, however minor, to the existing City owned and maintained roads. This includes addressing existing storm water issues related to poor or inadequate ditches and culverts to adequately convey storm water to the Sound. Stormwater from the site must be addressed on the site or a downstream analysis will be required. The downstream analysis would identify deficiencies in stormwater conveyance.

- Removal of trees; How will the City mitigate for the loss of wildlife habitat?**

The subdivision regulations require a certain amount of the land to be set aside in open space to mitigate for the loss of wildlife habitat. The regulations prioritize wetland, streams, steep slopes, agricultural lands and meadows and stands of mature trees. The proposed subdivision is setting aside an open space swath of approximately 29,000 square feet located centrally in the subdivision site. Trees will be removed to construct the future access roads, houses and drain fields. However, the amount of land set aside meets the requirement of the City's subdivision standards.

- Increased noise from subdivision**

There will be temporary increased noise due to construction of the homes and lot infrastructure (roads, water lines, tree removal, etc.). A condition will be included with the subdivision that all construction adheres to the City's noise ordinance which limits the hours of construction activities as follows:

- 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.
- 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.
- 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.

After construction activities are completed, the subdivision will produce normal noises associated with single family homes.



### **Increased lights from subdivision**

There will be an increase in light associated with the subdivision since the property is currently undeveloped. However, new development will have to adhere to the outdoor lighting standards contained in the Bainbridge Island Municipal Code Section 18.15.040, the purposes of which are as follows: (Condition # 9)

*The purpose of this chapter is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this chapter are intended to control glare and light trespass. It is the intent of this chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment.*

### **Storm water runoff; Removal of trees and increase in impervious surface on property will cause additional storm water runoff impacting neighboring properties.**

The subdivision will create additional impervious surfaces and remove existing trees to accommodate future homes, roads and drain fields. City standards require the developer to install storm water facilities to capture and contain excess storm water on the subdivision site so that neighboring properties are not impacted. Computer modeling is used in the design of the stormwater system. The modeling assumes a forested predevelopment condition. The developed condition must contain water stormwater on-site such that the predevelopment conditions are mimicked off-site after development. (Condition # 1)

### **Increased traffic using Duncan Lane; Private lane/narrow road/cut through traffic creates maintenance issues for homeowners along Duncan Lane.**

The developer has agreed to instruct his crews to use only Sunrise Drive or Hyla Avenue when driving to the site. After completion of the homes it is difficult to determine if any of the new homeowners in lots 1-4 will use Duncan Lane.

### **Has the City ensured that there are adequate facilities to serve this development? If so, please provide findings of fact.**

There are adequate water and road facilities to serve the proposed 7 lot subdivision. New private roads will be required to meet current City design and construction standards. All on-site septic systems will be constructed to meet current Kitsap County Health Department standards and all new storm water facilities will meet City design standards to collect and contain the storm water on the subdivision site.

**If system improvements are required, provide what improvements are planned.**

No system wide improvements (roads, road side storm water ditches) are planned with this subdivision.

**Identify deficiencies in the public facilities that will serve this development. How will these be eliminated?**

The deficiencies in public facilities serving the proposed subdivision are the two main access roads to the site, Sunrise Drive and Hyla Avenue. Both roads do not meet current Public Works road design standards. However, both roads are City-owned and maintained public roads that will provide adequate physical access to the proposed lots. The road deficiencies can be eliminated through repair and redesign of the roads, although this is currently not budgeted for.

**Will the level of service be increased to better maintain Hyla Ave.?**

No, at this time the level of service for the overall maintenance of Hyla Ave. will not increase.

**I am concerned that once this development is approved, a possible future fee to all homeowners along Hyla will be imposed for improvements. Does the City of Bainbridge expect to assess an LID fee for any future improvements?**

No, at this time the City Public Works department does not anticipate proposing a local improvement district (LID) to assess property owners for improvements to Hyla Avenue.

## **2. Agency Comment.**

### **A. Fire Marshal:**

**Comment:** The Fire Marshal (Exhibit 3) provided the following comments on the subdivision:

- Access to the project shall conform to the following  
The roadway shall be constructed in accordance with Public Works Department standards but in no case shall be less than 12 feet in drivable width and 13.5 feet overhead clearance.  
The roadway surface is required to be an approved, all weather surface.
- Fire flow shall be provided. The installation of two hydrants is noted. Fire flow data shall be provided to the Fire Marshal's office by KPUD.



- The Fire Department highly recommends that all new residences be equipped with residential fire sprinkler systems.

**Staff Response:** The project is conditioned to demonstrate that these requirements are met prior to final plat approval (Conditions # 25, 30 and 31).

**B. Kitsap County Health District:**

**Comment:** The Health District (Exhibit 4) commented that a residential building site application for on-site sewage disposal is required.

**Staff Response:** The applicant is required to provide the requested documentation upon submitting a building permit application to the City.

**C. Development Engineer**

**Comment:** The City's Development Engineer provided a list of Conditions for Preliminary Approval to address roadway construction, storm water management, water, sewerage disposal and permitting.

**Staff Response:** The City's Development Engineer is responsible for reviewing the subdivision for compliance with traffic, non-motorized improvements, utility installation and storm water regulations. The project has been conditioned based on the approval memorandum by the Development Engineer to ensure compliance with City regulations pertaining to the development of a residential subdivision.

#### IV. COMPREHENSIVE PLAN GOALS AND POLICIES

The project is located in the Residential Open Space designated area of the City's comprehensive land use map. The project was reviewed against the City's Comprehensive Plan goals and policies.

##### 1. Land Use Element

- A. **Residential Open Space- Goal 4:** *The Residential-1 (R-1) and Residential-2 (R-2) Districts are intended to recognize an existing development pattern in the Open Space areas of the Island.*

**Staff Response:** The proposed subdivision will provide residential development at a moderate density of one unit per 20,000 square feet. The project density is found to meet this land use policy by providing a density close to its maximum while providing protected open space.

i. *OS 4.2*

*The R-2 District is intended to recognize an existing development pattern of two units per acre.*

**Staff Response:** The proposed density of the residential subdivision is consistent with the R-2 zoning and the existing residential development pattern in the immediate neighborhood.

2. **Housing Element**

- A. **Goal 1:** *Promote and maintain a variety of housing choices to meet the needs of present and future Bainbridge Island resident's at all economic segments, and in all geographic areas in a way that is compatible with the character of the Island, and encourages more socioeconomic diversity.*

**Staff Response:** The size of the lots range from just under 20,000 square feet to approximately 23,600 square feet. This moderate lot size will provide an opportunity for new housing construction in the established neighborhood of Rolling Bay.

3. **Non-motorized Transportation Element**

- A. **Goal 1:** *Develop a non-motorized transportation system that effectively serves the needs of pedestrian, bicycle, and equestrian users and encourages non-motorized travel and provides a continuous network of attractive sidewalks, footpaths, multi-purpose trails, and bikeways throughout the Island that are also connected to regional systems.*

i. Non-motorized Policy 1.8: *Encourage non-motorized travel by recognizing existing informal and private pathways as part of the overall pedestrian and bicycle network. Efforts shall be made to formalize and make these connections public. Realignment of existing trails may be necessary to accommodate both trail access and private development.*

**Staff Response:** Although the property is undeveloped at this time, an informal pathway has been established by residents in the area. The pathway runs north to south through the site and provides a connection between Hyla Avenue and Sunrise Drive. This path connection provides a more direct route for pedestrians along Hyla Avenue to the commercial area of Rolling Bay, at the intersection of Sunrise Drive and Valley Road. The Non-Motorized Transportation Plan does not identify the need for a pedestrian trail through this property. However, based on public input on their subdivision the owners have agreed to maintain a trail through the property to continue this pedestrian connection. Based on the owner's willingness to provide a public pedestrian trail through the subdivision site, the trail meets the above cited goal and policy of the Non-motorized element of the City's Comprehensive Plan.

V. **LAND USE CODE ANALYSIS**

1. **BIMC Title 18 Zoning**

A. **BIMC 18.09.020, Use Regulations:**

a. **BIMC 18.09.020: R-2 Permitted Use Table:**

**Staff Response:** The proposed lots will accommodate single-family dwelling units, a permitted use in the R-2 zone.



**B. BIMC 18.15 Development Standards and Guidelines**

**a. BIMC 18.15.010: Landscaping, Screening, and Tree Protection Retention, Protection and Replacement**

**i. Landscape Requirements by Zone District –**

Single-family residential development outside of the Winslow Mixed Use Overlay require compliance with Significant Tree & Tree Stand Retention, Perimeter Landscape, Roadside Buffer, Planting Requirements, Irrigation & Maintenance

**ii. Table 18.15.010-3 Perimeter Landscape Requirements by District.**

**Code Summary:** Perimeter landscaping requirements are required for multi-family development in the R-1 District, for R-8 and R-14 Multi-family districts, non-residential uses, the Winslow Town Center Mixed Use District and the High School Road I & II Districts.

**Staff Response:** Perimeter landscape requirements do not apply to this open space, flex lot subdivision in the R-2 zoning district.

**iii. Table 18.15.010-4 Perimeter Landscape Requirements for Flexlot Subdivisions.**

**Code Summary:** Perimeter landscape requirements are required for cluster option subdivisions and open space and cluster open space subdivisions that abut a park and conservation land buffer.

**Staff Response:** There are no perimeter landscape requirements for this proposed open space subdivision as it does not abut a park and/or a conservation land buffer.

**iv. BIMC 18.15.010.G. Total Site Tree Units Requirements:**

**Code Summary:** Non-residential development in the R-2 zone district is required to leave the development parcel with at least a specified minimum amount of tree coverage, measured in tree units per acre.

**Staff Response:** Tree unit requirements do not apply to this project proposal because this is a residential subdivision.

**C. BIMC 18.15.030 Mobility and Access**

Circulation and Walkways & Bicycle Facilities apply to multi-family and nonresidential developments. As this is a single-family subdivision, they do not apply.

**D. BIMC 18.15.040 Lighting.**

**a. General Standards**

All outdoor lighting fixtures installed on private property shall comply with this chapter. The Code provides for general standards for outdoor lighting to prevent light trespass and pollution.

**Staff Response:** Lighting will be reviewed through the individual single-family building permits for compliance with these standards (Condition # 9).

**2. BIMC 17.04 Subdivisions**

All single-family short and long lot subdivisions shall be designed consistent with the flexible lot design process and the flexible lot standards (BIMC 18.12.020, 17.12.030 and BIMC 17.12.040).

**A. Section 18.12.020-1 Flex Lot Dimensional Standards for Residential Zones**

- a. Minimum Lot Area.** If a parcel is served by a public sewer system, 5,000 square feet is the minimum lot area.

**Staff Response:** The proposed lots will not be served by a public sewer system and therefore exceed this minimum requirement with no lot proposed for less than 5,000 square feet.

- b. Maximum 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 standards lots in the zone district. Base density is one unit per 20,000 square feet.

**Staff Response:** The gross area of the proposed subdivision is 149,039 square feet. The base density is 7 units. The applicant is proposing 7 single-family lots, the maximum amount allowed by the zoning district.

- c. Minimum Lot Dimensions.** All lots shall be a minimum of 50 feet wide as measured at the minimum lot width measurement line. The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated.

**Staff Response:** The proposed lots meet this minimum requirement.

- d. Maximum Lot Coverage.** The maximum lot coverage by buildings is 25%.

**Staff Response:** "Lot coverage" means 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 (BIMC 18.12.050). The maximum lot coverage shall not exceed the lot coverage provisions of BIMC Title 18; the maximum lot coverage for the zone is 20 percent.

Through the flexible lot process, lot coverage is assigned to each lot at the time of preliminary plat. With a lot area is 149,039 square feet, lot coverage may not exceed 29,807 square feet (20% of 149,039 square feet). The proposed lot area combined for each lot is 12,361 square feet. The allocation of lot coverage is depicted on the composite site plan, with the total below the maximum allowed.



- e. **Minimum Setbacks.** Subdivisions established pursuant to the flexible lot design process. The following setbacks apply to subdivisions:

	Title 17 Minimum
Building to building (on-site)	10 feet
Building to exterior property line	15 feet
Building to other streets or right of way (proposed street)	15 feet

**Staff Response:** The site plan reflects these minimum setbacks. The final plat shall include this table, with the setbacks clearly labeled on the plan for clarity (Condition # 14).

**B. Section 17.12.030 Open Space and Homesite Locations for Single Family Residential Subdivisions**

**1. Open Space Short or Long Subdivisions**

**a. Open Space Objectives**

**Code Analysis:** Open space shall accomplish one or more of eight objectives.

**Staff Response:** Of the eight objectives, the proposed open space is found to provide two of the objectives. The proposed open space provides:

- Conservation and enhancement of natural or scenic resources including wildlife habitat through the protection of a swath of trees and underbrush located centrally in the subdivision. This swath of open space includes a variety of tree species and tree sizes; and
- Enhancement of recreational activities by providing a pedestrian trail through the open space area.

**b. Open Space Design Guidelines**

**Code Analysis:** The areas designated for open space preservation will meet several of the guidelines required for the establishment of open space areas.

**Staff Analysis:** The proposed open space is found to meet the following guidelines;

- Concentration of large, consolidated, usable areas;
- Preservation of views from off-site of the adjacent property;
- Low perimeter-to-area ratio

**c. Prioritization of Open Space**

**Code Analysis:** The valued open space features are provided and ranked in BIMC Table 17.12.030-2. The table identifies native forests and significant tree stands and trails and greenways as valued open space areas.

**Staff Analysis:** The applicant is providing protection of the valued open space features which includes significant trees and areas of the property with the steepest slopes. An existing pedestrian trail is located on the property and currently passes through the area proposed for open space on the subdivision plat. The applicants will be realigning this trail, however, it will still be located within the open space of the subdivision.

**d. Amount of Open Space Required**

**Code Analysis:** The City relies on an Analysis of Open Space Report dated July 15, 2003 amended April 30, 2004 and other reports, statutes and documents referenced in the recitals to the ordinance.

The area for open space shall be based on and consistent with the prioritization of open space table (BIMC Table 17.12.030-2), up to a maximum of 25% of the area being subdivided, unless additional open space is otherwise required.

**Staff Analysis:** The Analysis of Open Space Report does not identify any priority open space features on the subject property. The applicant is proposing an area of approximately 29,013 square feet or 19% of the total subdivision site within open space. The proposed open space features are consistent with Table 17.12.030-2 and the open space guidelines. The maximum amount of open space is not needed in this case because there is a lack of critical areas on the subject property and the proposed amount meets the requirements of the code.

**e. Open Space Ownership:**

**Code Analysis:** Open space may be held in private, common or public ownership.

**Staff Analysis:** The applicant is proposing that the individual lot owners be responsible for the maintenance and restrictions of development within the open space areas. This is reasonable given the fact that there are no critical areas the open space is protecting and the size of the open space is relatively small, not requiring an independent entity like a homeowners association to keep up the maintenance of the open space.

**f. Uses Allowed in the Open Space**

**Code Analysis:** The Code provides a list of uses allowed in the open space, provided that they are not restricted by BIMC Title 18 and BIMC Chapters 16.12 (Shoreline Master Plan) and 16.20 (Critical Areas).

**Staff Analysis:** The applicant submitted an Open Space Management Plan that has been reviewed against the permitted uses in BIMC Titles 17 and 18. The plan proposed plan meets the limitations for uses and structures in the open space areas.



The developers of the subdivision are proposing to utilize KPUD water lines to serve the residential lots. To accommodate this, a water line will need to be installed through the open space area to provide service line connections to lots 5, 6 and 7. In addition to this temporary impact to the open space area, the developers have the houses for the lots built off-site at a factory and trucked in. To install the houses on lots 5, 6 and 7 the houses will be trucked in from the north on Sunrise Drive and removed from the truck trailer in the area of lots 2 and 3. The unit is then placed on a trailer and a tractor is used to move the unit down the slope to the appropriate lot.

Temporary impacts will occur to the open space area based on both the installation of the water main and moving housing units to lots 5, 6 and 7. The developer will work on moving the housing units within the same water main corridor thus limiting the amount of impacts to the open space to one linear area. To mitigate these temporary impacts to the open space area, the developer shall provide a replanting plan to the Department of Planning and Community Development prior to any work within the open space area. The plan shall identify the trees and ground cover to be removed and include a replanting plan for the disturbed area. (Condition #12 )

**g. Open Space/Critical Area Fencing, Signing and Management Standards**

**Code Analysis:** Either fencing or signage is required along the buffer of required open space. Due to the proximity of home sites to the open space and the public trail going through the open space, fencing is recommended along lots 2, 3, 4, 5, 6 and 7. Signage shall be installed along the perimeter of the open space for lot 1 due to its small size and lack of pedestrian trail through it.

**Staff Analysis:** The project is conditioned to provide and maintain the open space fencing & signage requirements of this section. Fencing and signage shall be installed prior to final plat approval (Condition # 18), and shall meet the following standards:

- Low impact fences must be constructed in accordance with the definition in BIMC 17.28.030; and
- Signage shall be constructed in accordance with the definition in BIMC 17.28.020.37; and
- Signs shall be generally spaced at intervals of 50 feet, unless otherwise approved by the director due to reasons such as topography, configuration of open space, distance from other features, etc.
- Required fencing and signs must be maintained in good repair, with repair or replacement to occur within 60 days of notification from the city that repair or replacement is required.

**C. Section 17.12.040 General Residential Subdivision Standards**

All residential short, long, and large lot subdivisions shall comply with the following standards.

**a. Compliance with BIMC Titles 16 and 18 and RCW Title 58.** *Lot areas, dimensions, and other characteristics shall comply with the requirements of BIMC Title 18 applicable to the zone district where the land is located, including landscaping and/or vegetated buffers. In addition, each subdivision plat shall comply with all applicable provisions of RCW Title 58 (Boundaries and Plats) or its successors. Subdivisions including sensitive areas or their required buffers shall also comply with the provisions of BIMC 17.12.060.*

**Staff Response:** As conditioned, the subdivision is found to comply with BIMC Titles 17 and 18.

**b. Homesites.** *Residential homesites shall be located consistent with the design methodology prescribed in the flexible lot design handbook.*

**Staff Response:** The homesites were designed to be sensitive to the desired open space features. The layout of the site is to accommodate a moderate density residential development in an area designated by the City to absorb growth, while protecting valued open space features.

**c. Water Supply Systems.** *Locations of individual or community water supply systems and associated wellhead protection areas required by the health district shall comply with all applicable standards established by the health district.*

**Staff Response:** The project is in the Kitsap PUD water district boundaries. The applicant submitted a water availability letter with their subdivision application. (Exhibit 1). The developers will be extending the existing water main located within the Sunrise Drive right-of-way through the project site. Individual service lines will be connected to this new water main. The main will also provide fire flow to hydrants located within the subdivision. (Condition # 24 and 31).

**d. Septic Systems.** *Locations of individual or community drainfields and associated reserve drainfields shall comply with all applicable standards established by the health district.*

**Staff Response:** The Kitsap County Health District has approved the preliminary plat for compliance with on-site septic systems. Prior to issuing a building permit each lot will be required to have an approved septic system design. (Exhibit 4).



**e. Roads and Pedestrian Access.**

- i. Roads and access complying with the "City of Bainbridge Island Design and Construction Standards and Specifications," and all applicable requirements of the BIMC, shall be provided to all proposed lots consistent with the standards contained within this subsection.*

**Staff Response:** The access easements and roadways widths proposed to serve the lots within the subdivision meet the minimum width and design standards.

- ii. A variation from the road requirements and standards contained within the "City of Bainbridge Island Design and Construction Standards and Specifications" may be approved by the city engineer through the minor variance process described in BIMC Title 2.*

**Staff Response:** The access roads are conditioned to meet all City road requirements (Condition# 25).

- iv. Connections to existing off-site roads that abut the subject property shall be required where practicable, except through critical areas and/or their buffers.*

**Staff Response:** The proposed subdivision has access to both Sunrise Drive on the north end and Hyla Avenue on the south end. The subdivision itself is not adjacent to either road however access is provided via existing easements. The new internal roads will be connected to both Sunrise Drive and Hyla Avenue.

- v. Street names and traffic regulatory signs shall be provided, and their locations shall be indicated on the plat/plan. The location of mailboxes and traffic regulatory signs is only required to be indicated on the plat/plan when other public improvements are required.*

**Staff Response:** The final plat shall meet these conditions, including street name, traffic regulatory sign locations, the location of mailboxes and pedestrian signage (Condition # 15).

- vii. 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 nonmotorized transportation plan. Pursuant to RCW 58.17.110(1) sidewalks shall be provided, where necessary, to assure safe walking conditions for students who walk to and from school. Special emphasis shall be placed on providing pedestrian access to proposed recreational and/or open space areas.*

**Staff Response:** The applicant has proposed to construct a pedestrian path through the subdivision site. This will maintain the historic path currently on the site. (Condition # 11).

**E. Section 2.16.126 Decision Criteria for Preliminary Long Subdivision**

In accordance with the provisions of BIMC 2.16.125, the Hearing Examiner's decision shall include findings of fact that the application meets all the requirements of the following subsections:

a. The preliminary long subdivision may be approved or approved with modification if:

- i. The applicable subdivision development standards of BIMC Titles 17 and 18 are satisfied. **As conditioned, the preliminary plat complies with all applicable provisions of the flexible lot standards.**
- ii. The preliminary long subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW 58.17.110. **As conditioned, the project provides for the public health, safety, welfare, use and interest. The completed development will provide 7 single-family residential units in close proximity to the Rolling Bay commercial area on the Island. The existing and proposed infrastructure is adequate for the transportation, fire protection, water and sewage disposal needs and storm drainage needs of the project as discussed under the land use code analysis in this report. The conditions of approval from the Kitsap County Health District, Bainbridge Island Fire District, and City's Development Engineer are incorporated into this preliminary approval.**
- iii. The preliminary long subdivision has been prepared consistent with the requirements of the flexible lot design process, unless a flexible lot standard has been modified as part of a housing design demonstration project pursuant to BIMC 2.16.020.Q. **As conditioned, the preliminary plat complies with all applicable provisions of the flexible lot provisions.**
- iv. Any portion of a long subdivision that contains a critical area, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter. **The site contains no critical areas.**
- v. Any portion of a long subdivision within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter. **The site is not within the shoreline jurisdiction.**
- vi. As conditioned, the proposed preliminary subdivision application meets the decision criteria for City Engineer approval. The subdivision conforms to Surface and Stormwater Management requirements (BIMC 15.20). Adequate provisions have been made for the required conditions for approval in Chapter 58.17.110 RCW including streets and public ways. The



subdivision conforms to subdivision requirements (BIMC Title 17) and the standards contained in the "City of Bainbridge Island Design and Construction Standards and Specifications" manual. **The proposed subdivision meets the decision criteria for City Engineer approval. The City's Development Engineer provided a summary of conditions to ensure consistency with code requirements. These conditions have been adopted as conditions of approval. The stormwater plans were reviewed for compliance with Surface and Stormwater Management requirements. The subdivision is found to meet Chapter 58.17.110 of the RCW, BIMC Title 17 and BIMC 15.20.**

- vii. The subdivision conforms to the requirements of this chapter and the standards in the "City of Bainbridge Island Design and Construction Standards and Specifications," 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. **The proposal complies with the "City of Bainbridge Island Design and Construction Standards and Specifications." The applicant is not proposing a variation to the road standards.**
- viii. The proposal complies with all applicable provisions of this code, unless the provisions have been modified as part of a housing design demonstration project pursuant to BIMC 2.16.020.Q; Chapters 36.70A and 58.17 RCW; and all other applicable provisions of state and federal laws and regulations. **The proposal complies with all applicable provisions of the Municipal Code, and all other applicable provisions of state and federal regulations. The proposal is not a housing design demonstration project.**
- ix. The proposal is in accord with the City's Comprehensive Plan. **As conditioned, this proposal is in compliance with the goals and policies of the Comprehensive Plan as discussed in this report.**

b. A proposed subdivision shall not be approved unless written findings are made that the public use and interest will be served by the platting of such subdivision. **The subdivision will provide a variety of mid-size lots to accommodate a variety of unit types and sizes, while protecting open space and providing a pedestrian trail linking Sunrise Drive to Hyla Avenue. The findings in this report ensure that public use and interest are being served by the platting of this subdivision.**

## **VI. CONCLUSIONS**

As conditioned, the proposed development is consistent with the Comprehensive Plan and the applicable standards of BIMC Titles 2, 13, 15, 16, 17 and 18.

Approval of the preliminary subdivision shall constitute authorization for the applicant to develop the facilities and improvements in strict accordance with the standards established by

BIMC 2.16.125. As provided in RCW 58.17, a final subdivision application meeting all of the requirements of BIMC 17.04 shall be filed within seven years of the date of the preliminary subdivision approval. If the application is not filed within the seven-year period, the approval shall expire and shall be void.

Appropriate notice of application was made and comments were considered. The application is properly before the Hearing Examiner.

**Exhibits:**

See attached Exhibit List.