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

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

Date of Issuance: May 17, 2016
Project Name & Number: WYATT COTTAGES PLN50165 SPR
Project Type: Site Plan Review
Owner: MADISON AVENUE DEVELOPMENT CO.
Project Site & Tax Parcel: Wyatt and Madison, TA# 26250221292007, 26250221042006

Project Description: Construction of approximately 28 detached dwellings with associated parking, pedestrian circulation and landscape.

Permit Decision: The application is **approved**. The staff report, containing the statement of facts upon which the decision, including conditions, is based on the conclusions of law derived from those facts, and is available to the public upon request. The decision becomes effective after 14 days from the date of issuance, or after **May 31, 2016**

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, AICP, 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: 5/17/16

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. An appeal must be filed **no later than 4:00 p.m., Friday, May 27, 2016**. You should be prepared to make specific factual objections.

Mitigation Measures for WYATT COTTAGES SEPA Determination:

This threshold determination is for file number PLN50165 SPR. 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. All graded materials removed from the subject property shall be hauled to and deposited at City approved locations (Note: local regulations require that a grade/fill permit is obtained for any grading or filling of 50 cubic yards of material or more if the grading or filling occurs on sites that have not been previously approved for such activities. A SEPA Threshold Determination is required for any fill over 100 cubic yards on sites that have not been previously received a SEPA determination).
2. 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.
3. To mitigate the possible impact on adjacent properties from light and glare, all exterior lighting shall be hooded and shielded so that the bulb is not visible from adjacent properties. All landscape lighting shall be downcast and lighting within surface parking lots shall be no higher than 14 feet above grade. All exterior lighting shall comply with BIMC Chapter 15.34 (Note: BIMC 15.34 was repealed now BIMC 18.15.040).
4. Prior to any clearing or grading on the site, construction fencing shall be installed and inspected by the City at the edge of the tree's dripline for trees being preserved as part of the development and at the dripline/critical root zone for trees located on adjacent properties where trees could be impacted by the development.
5. All construction activities shall comply with the construction operating hours limitations contained in BIMC Chapter 16.16. Noise produced by this development must comply with the maximum environmental noise levels established by the Washington Administrative Code 173-60 or its successor.
6. No use in this development shall produce emissions of smoke, dust and/or odors beyond the property boundary that may unreasonably interfere with any other property owners' use and enjoyment of his/her property. In addition, all sources and emission units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Puget Sound Air Pollution Control Authority (PSAPCA), and shall apply to all air contaminants listed in that regulation.

Project Conditions:

7. The site shall be developed in substantial conformance with the site plans date stamped received May 2, 2016 and building elevations shown on plans date stamped April 15, 2015.
8. The applicant shall obtain an approved building and/or grading permit from the Department of Planning and Community Development, prior to any construction activities on the site.
9. The demolition of structures that require a permit to construct, require a demolition permit from the City. All debris shall be properly disposed of at approved locations.

10. An approved Boundary Line Adjustment shall be recorded with the Kitsap County Auditor, prior to the issuance of any building permits where buildings are proposed over property lines or do not otherwise meet lot coverage, FAR or other zoning regulations.
11. Prior to building permit issuance, the applicant shall satisfy the concerns listed in Bainbridge Island Fire Department Memo of December 31, 2015 and April 2, 2016. Specifically the following comments shall be addressed to the Fire Marshall's satisfaction:
 - a. Project shall comply with the applicable provisions of the adopted Fire Code and any applicable NFPA Standards or requirements as stipulated by the Fire Marshal.
 - b. Areas not designed for parking shall be labeled FIRE LANE – NO PARKING.
 - c. The 14.0 foot fire access is acceptable and should not be encroached upon by parking, landscaping or structures
 - d. The project shall provide a fire hydrant in a mid-project location.
12. All the conditions and recommendations of Engineering Development Review shall be satisfied prior to the issuance of any construction permits. Specifically the following conditions shall apply:

General

- a. Civil improvement plans, reports, and computations, prepared by a civil engineer registered in the State of Washington shall be submitted with the application(s) for a construction permit (building, grading, ROW, etc.) to City for review and approval to construct all necessary infrastructure and utilities serving the site. Certificate of occupancy will not be issued for any building until all civil improvements are completed and finalized.
- b. As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final along with electronic copies.

Roads

- c. The condition Wyatt Way NE and Madison Avenue North fronting the project shall be photo documented to the satisfaction of the development engineer prior to issuance of the construction permits. Upon completion of the project damage to the road caused by heavy construction equipment and traffic shall be fixed by the owner.
- d. Park improvements to the Tot-Lot listed in the agreement between the Bainbridge Island Metropolitan Parks and Recreation District (BIMPRD) and the owner for construction of split rail fencing along the northeast side of the road and the two (2) single-vehicle parking stalls, one ADA compliant, inside the curve of the new road shall be completed with the civil improvements.
- e. Project egress on Wyatt Way NE shall be limited to right-turns out only per the traffic impact analysis report as needed to accommodate future roundabout improvements and pedestrian safety islands and median/double-yellow line striping.

Stormwater and Utilities

- f. A Stormwater Pollution Prevention Plan (SWPPP) is required prior to building and civil construction activities. Stormwater quality treatment, erosion and sedimentation control shall be designed in accordance with BIMC 15.20.
- g. A maintenance and operation manual shall be submitted for on-site stormwater facilities along with a Declaration of Covenant for maintenance consistent with BIMC 15.21 upon completion of the civil improvements prior to issuing a certificate of occupancy.

- h. The bioretention facility located in the future City ROW shall be inspected during construction and accepted by the City after the maintenance period of one (1) year has expired. A maintenance assurance device to the City shall be secured upon completion of the work.
- i. A certified arborist shall be on site to monitor and to ensure the health of all significant trees during any trenching or excavation work performed within the drip line/critical root zone. This condition applies to all significant trees whether they are located on the subject parcels or on adjacent parcels. If the health trees cannot be adequately protected, then the building designs or construction practices shall be altered to provide the needed protection.
- j. The 12-inch diameter corrugated metal pipe (CMP) storm drain running east to west in Wyatt Way NE is reported by the City operations and maintenance staff to be clogged with tree roots from the adjacent willow tree and is deteriorating (rusting). Cleaning and/or replacement of the pipe as necessary shall be required as part of the frontage improvements.
- k. The willow tree impacting the City's storm drain on Wyatt Way NE has been assessed as a potential hazard. The tree will be included in the ROW dedication to the City and become the City's responsibility upon completion of the project. In addition to maintenance to or replacement of the storm drain line directly adjacent to the tree the proposed construction of on-street parallel parking stalls, curb, gutter, and sidewalk are directly in front of and around the base of the willow tree. The work will require substantial care in the subgrade preparation in order to no further damage the tree's root system. Therefore, a certified arborist shall be on-site during any excavation/subgrade preparation within the critical root zone/dripline of this tree. Only if the arborist determines that the tree cannot be saved/preserved through proper pruning and root protection, may the tree be removed and replaced by a new street tree.
- l. All sanitary sewer cleanouts shall be located at the edge of the utility easement.
- m. A binding water and sewer availability letter shall be obtained prior to the submittal of any utility or building permit.

Permitting

- n. A clearing permit will not be issued until the project has demonstrated full compliance with the stormwater requirements of BIMC 15.20.
- o. The proposed action(s), phased or concurrent, in their totality will result in more than one (1) acre of earth disturbance on the site as a common plan of development and drain to waters of the State. The project requires a Construction Stormwater General Permit from the Washington State Department of Ecology. Under the permit the site shall be monitored for discharge of pollutants and sediment at all outfall/sampling locations. No land clearing or construction permits shall be issued prior to obtaining the State permit.
- p. Transportation impact fees for the development at the time of this memo are approximately \$1,273.33 per dwelling unit and shall be paid prior to issuance of each building permit [BIMC 15.30]. Fees are subject to change. Transportation impact fees for the commercial building depend on new tenant uses that intensify traffic over existing use and will be assessed with a tenant improvement building permit application.
- q. 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.

- r. ROW dedication to the City of 5 feet Madison Avenue North and 15 feet along Wyatt Way NE shall be accepted and recorded prior to issuance of a certificate of occupancy.
13. Parking shall be improved in substantial conformance with the approved site plan. Parking area shall be durable surface approved by the City's Development engineer, all stalls shall be identified by striped or wheel stops and appropriate signage shall be placed at each handicap stall(s). Each parking stall is to meet the dimensional standards of BIMC Table 18.15.020-3 outside of required driving aisles.
14. At least one space within the parking lot shall be designated as a shared-car program or electric vehicle charging station space.
15. No more than 30 percent of the required parking spaces may be designated as compact spaces. All compact spaces shall be property identified as "compact".
16. Concrete sidewalk shall continue as a contrasting material across driving aisles.
17. A minimum of 7 bicycle spaces are required for this development; a proportional number of spaces are to be installed for both the north parcel and south parcel. The racks or wall hangers need to provide the ability to lock wheel and frame of bicycle.
18. All landscaping shall be installed in substantial conformance with the approved landscaping plan (Sheet L1) date stamped received July 7, 2015.
19. All landscaping shall be installed per the approved landscaping plans or a performance assurance device shall be submitted and approved, prior to final inspection of any building. The installation of landscaping shall be verified by the Landscape Professional and the landscaping declaration shall be signed.
20. Prior to temporary occupancy of any building, a landscaping maintenance assurance device for the required landscaping shall be provided to the City for a period of three years. All landscaping shall be maintained for the life of the project.
21. Exterior trash receptacles/recycling facilities shall be fully screened with solid walls and gates. The screening enclosures shall be architecturally consistent with the adjacent structures. All enclosures serving associated buildings shall be constructed and inspected prior to final inspection of the associated building.
22. At the time of building permit submittal, detailed lighting plans demonstrating compliance with the lighting standards shall be submitted for review and approval by the City
23. All mechanical equipment shall either be located underground, incorporated into landscaping or integrated within the building or roof form of the building, with the exception of solar panels that may be placed on roofs.
24. All new or relocated structures along Wyatt Way or Madison Avenue are to maintain a minimum setback of 10 feet from the back of the sidewalk.
25. All work occurring within the critical root zone of trees located on adjacent properties shall follow the tree protection strategies contained in Attachment K of the Staff Report or follow specific standards of a consulting arborist to ensure the health and safety of the trees.

If you have any questions, contact:

Joshua Machen, AICP

Planning Manager

City of Bainbridge Island

206-780-3765 or [jmachen@bainbridgewa.gov](mailto:jmachен@bainbridgewa.gov)