



PLANNING COMMISSION  
REGULARLY SCHEDULED MEETING  
THURSDAY, MAY 12, 2016  
6:00 – 8:00 PM  
COUNCIL CHAMBER  
280 MADISON AVE N  
BAINBRIDGE ISLAND, WA 98110

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## AGENDA

- 6:00 PM CALL TO ORDER**  
Call to Order, Agenda Review, Conflict Disclosure
- REVIEW AND APPROVAL OF MINUTES**  
March 10 and 17, 2016 Meetings
- 6:05 PM PUBLIC COMMENT**  
Accept public comment on off agenda items
- 6:10 PM BAINBRIDGE HIGH SCHOOL MAYOR'S YOUTH ADVISORY COUNCIL**  
Presentations on the 2016 Comprehensive Plan Update
- 6:40 PM WYATT COTTAGES SITE PLAN & DESIGN REVIEW PERMIT PLN50165SPR**  
Public Meeting and Recommendation
- 7:20 PM AQUACULTURE LTD. SHORELINE MASTER PROGRAM AMENDMENT**  
Study Session and Recommendation
- 7:55 PM NEW/OLD BUSINESS**
- 8:00 PM ADJOURN**

**\*\* TIMES ARE ESTIMATES\***

Public comment time at meeting may be limited to allow time for Commissioners to deliberate. To provide additional comment to the City outside of this meeting, e-mail us at [pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov) or write us at Planning and Community Development, 280 Madison Avenue, Bainbridge Island, WA 98110

**For special accommodations, please contact Jane Rasely, Planning & Community  
Development 206-780-3758 or at [jrasely@bainbridgewa.gov](mailto:jrasely@bainbridgewa.gov)**

CALL TO ORDER - Call to Order, Agenda Review, Conflict Disclosure  
PUBLIC COMMENT - Accept public comment on off agenda items  
2016 LOW IMPACT DEVELOPMENT WORK  
PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE  
2016 COMPREHENSIVE PLAN UPDATE  
PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE  
NEW/OLD BUSINESS  
ADJOURN

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**CALL TO ORDER - Call to Order, Agenda Review, Conflict Disclosure**

Chair Mack Pearl called the meeting to order at 6:04 PM. Planning Commissioners also in attendance were William Chester, Lisa Macchio and Michael Killion. Commissioners Jon Quitslund, Maradel Gale and Michael Lewars were absent and excused. City Staff present were Public Works Director Barry Loveless, Interim Planning Director Joe Tovar, Senior Planner Jennifer Sutton, Water Resources Specialist Cami Apfelbeck and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. There were not any conflicts reported.

**PUBLIC COMMENT - Accept public comment on off agenda items**

**Melanie Keenan, Citizen** – Wanted to present her concerns about the reporting on water levels and the data relating to the early warning levels. She was concerned about the draw down. She felt the data was misleading, the scale was crowded and there was a lack of legend. She stated she understood there was a scope of work and a limitation on the amount of money that could be spent, but wanted the Planning Commission to understand what was going on. Ms. Keenan showed reporting from 2006 separating the Fletcher Bay Aquifer into three separate sheets due to the number of wells. She showed how the well levels were displayed more clearly and that there was a slight downward trend. Ms. Keenan then presented reporting from 2009. She mentioned the early warning levels were at about half a foot per year for 10 years and that previously the Island Utilities wells had been in an early warning level at .49 feet. Ms. Keenan referenced a 2013 summary that spoke about the early warning levels but there was not any reporting for Fletcher Bay Aquifer even though the City was heavily reliant on it. She then moved to Aspect Consulting's 2016 report showing the Fletcher Bay Aquifer. She felt the graph was very difficult to see and pointed out there was not a legend. She felt there was a better way to provide the information that would be clear for non-technical Council and Commissioners to see what was actually going on with the aquifers. (Ms. Keenan used a KPUD graphic on an Island well as an example of how the data display could be improved.)

**2016 LOW IMPACT DEVELOPMENT WORK**

Interim Director Joe Tovar gave an overview of where the City was in the update of the Comprehensive Plan before Public Works Director Barry Loveless walked the Commissioners through the Low Impact Development Program (LID), what it is and why the City needed to have it.

Commissioner Pearl asked what the loop hole in the LID was. Mr. Loveless replied that it would take a lot more studies up front before development happened. Commissioner Killion asked what the significant barriers to implementing LID would be. Mr. Loveless stated that in addition to more up front work and study, there was the possibility of giving up some of the development potential of a property. Commissioner Chester mentioned an online form the City of Seattle had that helped a developer figure out what their LID score would be for a building project.

#### **PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**

**Melanie Keenan, Citizen** – Began by speaking about aquifer conservation zones and regulations. Ms. Keenan stated there was no shortage of regulations that covered drinking water and water resources. She told the Planning Commission the references she had cited earlier in both Power Point presentations and e-mail were relevant to working towards a responsible Water Resources Element. She continued by saying that as the only sole source aquifer, all island urban growth area city surrounded by salt water in the entire state of Washington, the Commissioners had a lot to consider. (See attached presentation.)

**Robert Dashiell, Citizen** – Stated he had 45 individual comments he would submit by e-mail. He did speak about sidewalk illumination, reminding the Commissioners that he had spoken about it at the previous Planning Commission meeting. In his opinion the illumination issue had spun kind of out of control thinking a wide area of illumination did not want to be created in downtown and then it moved to carry a flashlight if you cannot see where you were going if you wanted to walk the sidewalks of Winslow and then moved to wearing reflective clothing, lighting intersections and flashing lights across intersections. Mr. Dashiell stated the point he wanted to make was that sometimes when a comment was made, it grows out of control because you couldn't just have a conversation about something. He wanted to express his frustration that he would love to stand up and say, "Wait a minute, there are three street lights that need to be put in downtown," but that would go out of control. He felt a lot of comments could be taken out of context and realized how difficult it was to get across an idea but sometimes, what someone wanted to say was really pretty simple and then everybody has a different experience of life and it gets blown out of proportion. Mr. Dashiell complimented Barry Loveless on his presentation regarding LID. He mentioned he had participated in 16 hours of training on LID stating there was a WSU Ecology campus in Puyallup that was an absolutely fantastic place to take LID courses. He offered up two key things to keep in mind: 1) The whole idea of LID was to retain 91% of the Stormwater on the parcel; and 2) Every soil sample in western Washington can be LID amended. The maximum needed even on hardpan was 12 inches to take the rainfall of western Washington. He went on to say that most of what they were doing was not so much what the soils were at the present time, though that was part of it, but actually putting an amendment on the soil with the average amount of amendment in Washington expected to be 8 inches. He stated that almost all the water coming down on a parcel could be infiltrated in 8 inches of amended soil. Mr. Dashiell stated he felt the argument that everything in Winslow would not go into the soil would be put to rest very quickly because the scientists were saying it could be done, even on the south end of the Island which had bedrock. He went on to say Mr. Tovar made an important point that the entire Island was an aquifer recharge area and that he did not know how much more that needed to be parsed down from that. Mr.

Dashiell also encouraged attendance at public workshops given by the Department of Ecology in Poulsbo. He also said he was happy to hear the City talk about LID and was glad there was a team working on it. He then mentioned trees and their sensitivity to soil amendment saying that would be quite a challenge for regulators.

**Olaf Ribeiro, Citizen** – Was a little disturbed that nowhere in the Water Resources Element did it mention the word trees even though they were an integral part of the recharge system. He knew of at least 20 cities that were spending a large number of dollars to plant trees and preserve their forests because they were an important part of their recharge aquifers. He stated the Island had an amazing resource with more green-scape than most had and if they protected it, they had a good chance of improving the aquifer recharge area. Mr. Ribeiro noticed in the Water Resources Element there was not a good distinction between green infrastructure and natural systems and grey infrastructure. He stated he spent a lot of time developing biological methods that would improve infiltration in landscaping and that trees were also an important part of the overall picture in the environment.

#### **2016 COMPREHENSIVE PLAN UPDATE**

Senior Planner Jennifer Sutton briefly summarized her memorandum to the Planning Commission and reviewed the Planning Commission's work from their last meeting. She introduced Water Resources Specialist Cami Apfelbeck stating she was here to answer any questions they may have. She reminded everyone that the third and last Conversation on Bainbridge Island's Water Supply would occur the following Thursday, March 17, 2016 followed by a short Planning Commission meeting.

Commissioner Macchio started the discussion by saying she did not typically think about stormwater as a water resource. She felt it was more something more to be managed than protected. Ms. Apfelbeck stated that Kitsap County adopted a policy that saw stormwater as a resource instead of a waste product. Commissioner Pearl stated when the LID program was adopted, it would sort of eliminate Stormwater by making it ground water. Ms. Apfelbeck stated there was a shift in the concept of Stormwater to see it as a resource.

Commissioner Pearl brought up redundancies in the policies saying they needed to be removed. Commissioner Chester stated the document needed to be positive and there should be language included that stated there were current technologies available and research was continuing to help remove some of the pollutants. Extensive discussion regarding aquifer recharge areas and their "ranking" in importance occurred with Ms. Apfelbeck clarifying how to read them and what the information was presented on the maps.

### **PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**

**Ron Peltier, City Council** – Wanted to know why they were not talking about a groundwater management plan because he felt a lot of these were components of that. He thought some of the Commissioners were aware that Vashon Island had a groundwater management plan and that it was an island about the same size that also depended only upon aquifers for its fresh water. He felt all the issues related to this would be part of such a plan. Mr. Peltier wanted to see some reference to that and that the City at least started thinking about it and working toward that. He stated it was a big project because the City could not do it by itself but the City could show leadership by bringing all the stakeholders together. He liked the reference in the Vision for the Water Resources Element to the limited carrying capacity of the Island. He felt it was important to keep that in mind because regardless of what they thought that limit was, there WAS a limit to how much groundwater, how many resources and how much physical area the Island had. He hoped that would stay in the version ultimately recommended to the Council.

**Melanie Keenan, Citizen** – Wanted to make a few comments based on the questions the Commissioners had during discussion. She stated that shallow aquifers fed deeper aquifers and that they all worked in concert. She also said she heard the LID was a good thing, but reminded the Commissioners they had to think of it in terms of that being a building code versus a conservation code for aquifers. She felt it was a minor tool in the toolbox compared to other required regulations. She stated that some areas on the Island were geologically worth preserving more and that the Island had been mapped geologically and that some soils were more conducive to recharge. She felt the inventory of critical aquifer recharge areas needed to be reviewed, updated and prioritized touting San Juan County as having a very comprehensive Water Resources Element and the City should look at it. Ms. Keenan also stated she felt the City was behind on a comprehensive inventory of well heads. She also wanted to make sure each watershed basin was taken care of as well, to keep the freshwater/saltwater interface as far off shore as possible.

**Robert Dashiell, Citizen** – Stated he was a “financial” guy and watched the City’s spending and wanted to comment on something Commissioner Macchio had said about having a program for anything they needed to promote. Mr. Dashiell said every program the City established, every “shall” placed in one of the documents costs money, increased City staffing, staffing time and he thought that while that was a City Council problem, he wanted them to be aware that when they wrote that in there, it would become an issue when it went up before City Council. He felt the extent of that would be pretty breathtaking. Commissioner Macchio expressed appreciation for his comment about the cost of things but stated it was important to have programs that help the community and if the City was going to say things like, “We need you to monitor, we’d like you to do this, we’d like you to do that,” that though programs cost money, they facilitate community engagement and citizen involvement. She thought they had to look at the long term gains on the initial capital investment of the program and if they said these things in the Plan but didn’t do anything about them, they were meaningless.

### **NEW/OLD BUSINESS**

None.



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**ADJOURN**

Meeting was adjourned at 8:17 PM.

Approved by:

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J. Mack Pearl, Chair

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Jane Rasely, Administrative Specialist

DRAFT

CALL TO ORDER - Call to Order, Agenda Review, Conflict Disclosure  
PUBLIC COMMENT - Accept public comment on off agenda items  
PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE  
2016 COMPREHENSIVE PLAN UPDATE – Water Resources Element  
PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE  
NEW/OLD BUSINESS  
ADJOURN

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**CALL TO ORDER - Call to Order, Agenda Review, Conflict Disclosure**

The special meeting of the Planning Commission was called to order at 7:48 PM by Chair J. Mack Pearl. Other Planning Commissioners in attendance were Maradel Gale, Jon Quitslund, William Chester, Michael Killion and Lisa Macchio. Michael Lewars was absent and excused. City Staff in attendance were Interim Planning Director Joseph Tovar, Senior Planner Jennifer Sutton and Administrative Specialist Jane Rasely who monitored recording and prepared minutes. The agenda was reviewed. No conflicts were disclosed.

**PUBLIC COMMENT - Accept public comment on off agenda items**

None.

**PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**

None.

Chair Pearl continued asking questions from the Community Conversation on Bainbridge Island's Water by asking about the 20% reduction in aquifer recharge anticipated due from global warming and whether that was the only factor they were considering. Mr. Peter Bannister from Aspect Consultant responded they relied mainly on the University of Washington Climate Impacts Group report. He mentioned impervious surfaces without some sort of infiltration of that water would lead to less recharge but his understanding was that was not in the cards in terms of planning and that LID elements would address much of the impervious surfaces where feasible. Chair Pearl continued asking about recharge areas and their relative importance.

**Melanie Keenan, Citizen** – Reminded the Commission of some of the existing tools they had and that by layering them the City could do a more extensive project on this subject. She gave an example using some of the maps she had and explained how the City could overlay multiple maps to find the areas that needed more protection. She also stated there were some subjective inputs based on programs and requirements to date that could be overlapped to point to the areas that consistently show the need for more critical aquifer conservation zones. Commissioner Macchio agreed Ms. Keenan may be on the right track. She went on to say the City needed a groundwater management plan developed in order to move forward in a way that made sense. She also stated they needed a watershed management plan. Commissioner Killion agreed but stated that the Comprehensive Plan could point to having that work done, the Commission did not have to do this themselves.

**John Keyes, Kitsap Public Health** – Answered the question of whether the Department of Ecology allowed rainwater to be captured. He stated it was possible as long as the water was used on the same property and not transported to another area. He also offered up the Kitsap County Critical Areas Report as a document the Commissioners should read as it might be helpful to them as they wrestle with their questions. He also spoke about exempt wells stating there were no rules to require meters, monitoring or reporting stating there was no legal authority to require them.

#### **2016 COMPREHENSIVE PLAN UPDATE – Water Resources Element**

Commissioner Macchio began the discussion by suggesting some of Island County's groundwater policies be added to this element. It was determined that the Commission would need to see a new draft with the changes suggested at the last meeting before they could move ahead.

#### **PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**

**Melanie Keenan, Citizen** – Said it was great to hear Aspect present and explain on the 100 year prediction versus sea water intrusion analysis versus groundwater withdrawals versus population growth. She wondered if Aspect could include an explanation in their memo when they update some of the other charts and graphs.

**Ron Peltier, City Council** – Was looking forward to working with the Planning Commission on the Water Resources Element as a partner. He really appreciated the energetic discussion that evening. Mr. Peltier stated he had thought a lot about the Water Resources Element and felt it was a combination of philosophy, science and what was legally possible. He wanted to see the philosophy piece strengthened. He thought it came down to what the community wanted to aspire to over the long term and he wanted to see that the policy they would commit to sustainable use of their groundwater resources in perpetuity. He wanted to see it stated more strongly than it currently was and that it needed to find its way into the other Elements. Mr. Peltier mentioned the substantive SEPA policy discussed at the Tree Ad Hoc Committee meeting that week which would allow the SEPA Official to refer to policy documents as a way to require mitigation of proposed land uses. He stated that was another reason to think about the policies put in the Comprehensive Plan seeing as how they could inform the way environmental reviews were done.

**Robert Dashiell, Citizen** – Heard the references to Island County's water programs with some concern because the topography of Whidbey Island was completely different than Bainbridge Island's and he had personally experienced salt water intrusion on his property there. He felt that sometimes when comparisons were made with other areas, it was more of an apples to oranges comparison and he had not heard anything in Aspect Consulting's reports that there was the possibility of salt water intrusion on Bainbridge Island so he wanted to caution the Commissioners to be careful with Island County's report as it was a completely different environment up there. Mr. Dashiell informed the Commissioners that the Utility Advisory Committee was finishing up the utilities section of the Comprehensive Plan that includes Stormwater and would be presented to them during the Utilities Element review. He told the Commission there were about 120-125 water studies in the City and that it wasn't that the City was lacking a lot of information but the Aspect



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report should put to bed the idea that there was not enough water on the Island and he thanked Aspect Consulting for their work.

**NEW/OLD BUSINESS**

None.

**ADJOURN**

Chair Pearl adjourned the meeting at 9:14 PM.

Approved by:

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J. Mack Pearl, Chair

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Jane Rasely, Administrative Specialist



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

Date: May 3, 2016  
To: City of Bainbridge Island Planning Commission  
From: Gary R. Christensen, AICP  
Director  
Project: Wyatt Cottages  
Site Plan and Design Review  
File Number: PLN50165 SPR  
Staff Planner: Joshua Machen, AICP  
Planning Manager

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**I. INTRODUCTION**

**Applicant:** Jim Laughlin  
P.O Box 10607  
Bainbridge Island, WA 98110

**Owner:** Madison Avenue Development  
P.O Box 10607  
Bainbridge Island, WA 98110

**Request:** Construction of 28 detached dwellings with associated parking, pedestrian circulation and landscaping along with the relocation of a commercial building closer to Madison Avenue (Attachments A & B).

**Location:** The project site is at the northeast corner of Madison Avenue and Wyatt Way being portions of Sect. 26, T. 25N. R. 02E. W.M. Tax parcel numbers 262502-2-104-2006 and 262502-2-129-2007.

**Zoning Designation:** Mixed-Use Town Center, Madison Avenue District (MUTC/MAD)

**Comprehensive Plan Designation:** Mixed-Use Town Center, Madison Avenue District (MUTC/MAD)

**Environmental**

**Review:** A SEPA Threshold Determination will be issued together with a decision on the underlying permit.

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**Recommendation:**

Approve the application with the following conditions:

**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 (Attachment O & P). 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 COBI 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. Trenching and excavation work performed within the drip line or critical root zone of significant trees to be retained shall be monitored by a certified arborist.
- j. The 12-inch diameter corrugated metal pipe (CMP) storm drain running east to west in Wyatt Way NE is reported by COBI 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 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 subgrade preparation and will potentially further damage the tree's root system causing even greater hazard to the public and the City's infrastructure. As part of the frontage improvements removal of the willow tree shall be performed. Replacement with a more appropriate street tree will minimize pedestrian and traffic hazards and improve the durability and serviceability of the new street improvements.
- 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.<sup>33</sup> 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-care 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 or follow specific standards of a consulting arborist to ensure the health and safety of the trees.

## Staff Analysis

### II. FINDINGS OF FACT

#### A. Site Characteristics

1. ASSESSOR'S RECORD INFORMATION:

262502-2-104-2006	Madison Avenue Development	.41 acres
262502-2-129-2007	Madison Avenue Development	1.38 acres,
	Total:	1.79 acres



2. TERRAIN:

The subject properties are relatively flat with a few significant trees along the perimeter of the properties. There is a neighborhood park parcel that separates the two subject parcels in the northeast corner.

3. **SITE DEVELOPMENT/EXISTING USE:**

The south property is vacant, but the north property that fronts Madison Avenue is developed with a historic house that was previously converted to office space and a small house behind, which is proposed to be removed as part of this development proposal.

4. **ACCESS:**

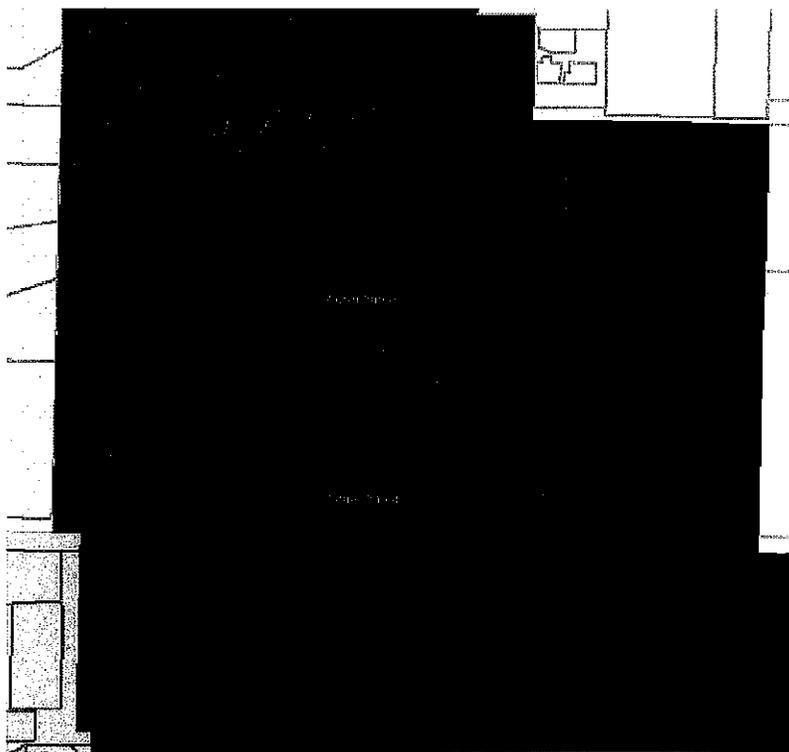
Vehicular access to the site is from Madison Avenue, with the primary exit for the site being on Wyatt Way. Non-motorized access will be from improved sidewalks along Madison Avenue and Wyatt Way.

5. **PUBLIC SERVICES:**

- a. Police - Bainbridge Island Police Department
- b. Fire - Bainbridge Island Fire District

6. **EXISTING ZONING/ COMPREHENSIVE PLAN DESIGNATION:**

Mixed Use Town Center, Madison Avenue Overlay District Zoning and Comprehensive Plan Designation (MUTC/MAD)



7. **SURROUNDING ZONING/COMPRHENSIVE PLAN DESIGNATION:**

- a. North: MUTC/MAD
- b. East: MUTC/MAD
- c. South: MUTC/CORE
- d. West: MUTC/MAD

8. SURROUNDING USES:
- e. North: Multi-family Townhomes
  - f. East: Multi-family apartment complex
  - g. South: Commercial/residential mixed use development
  - h. West: Multi-family apartment complex

B. History

1. A pre-application conference was held January 27, 2015 and a response letter was sent to the applicant (Attachment C)
2. A public participation meeting was held at the City on February 23, 2015. Most of the comments and concerns were regarding the relocation of the park to the Corner of Wyatt and Madison. The project was redesigned to leave the park in its current location.
3. On February 23, 2015 the Design Review Board reviewed the project at the pre-application stage (Attachment D).
4. A formal application for the Site Plan and Design Review was submitted on April 14, 2015 (Attachment A).
5. The application was technically deemed complete on May, 12, 2015, however on June 2, 2015 a notice was sent out requesting additional information.
6. A Notice of Application/SEPA comment period was published and mailed out on June 5, 2015. Multiple public comments were received.
7. On December 9, 2015, the applicant submitted a package fulfilling the submittal requirements of the June 5, 2015 letter.
8. The applicant presented the proposal to the Design Review Board on February 22, 2016 (Attachment E).
9. Final revisions to the site plan correcting lot coverage and existing tree units was submitted on May 2, 2016.

C. Public Comment

The public process for this project has provided multiple opportunities for public participation and public comment. During the pre-application conference phase, the applicants met with the Design Review Board and held a public participation meeting. The initial concern of the public was the original included the relocation of the neighborhood park that is just north and east of the proposed development. After hearing the concern and opposition to the park relocation, the applicants redesigned the project so it would not affect the location of the park. Other public comments received during the official public comment period included concern regarding the preservation of trees on the site and non-motorized connection to the park from the south.

D. Comprehensive Plan Analysis

**LU 1.2**

Winslow is the heart of Bainbridge Island. Higher intensity residential and commercial development and human activity is encouraged within Winslow's central core to create a vibrant city center, place growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing, and absorb growth that would otherwise be scattered in the outlying areas. **The subject development is proposed within the Mixed Use**

**Town Center/Madison Overlay District, which is part of the “Winslow” zoning districts and were part of the Winslow Master Plan. The properties are zoned for commercial or higher density housing and have access to existing infrastructure to support high density housing. This high density housing supports this policy of Winslow absorbing growth and encouraging a vibrant city center.**

### **LU 3.2**

Encourage parking in the rear or side yards of multi-family, commercial, and mixed use developments. Parking lots should be pedestrian-oriented and should provide pedestrian and bicycle routes between the street, the parking area, and the main entrance, and consideration should be given to the use of trees that allow solar access. **The proposed development has located parking spaces and the access driveway behind or to the side of the proposed residences, except for on street parking, which is within the public right-of-way on the other side of the sidewalk.**

**SD 1.3** The City shall require new development to provide both on-site improvements and off-site improvements necessary to avoid adverse downstream water quality and quantity impacts. **The applicant has submitted an engineered comprehensive stormwater drainage plan that addresses downstream water quality and quantity impacts. The submitted plans were reviewed by and found to meet local and state regulations (Attachments F).**

**SD 1.4** Where appropriate and feasible, infiltration of stormwater is preferred over surface discharge to downstream systems. The return of uncontaminated precipitation to the soil at natural rates near where it falls should be encouraged through the use of detention ponds, grassy swales and infiltration facilities. **The stormwater drainage plan submitted with the application includes several of these features, including but not limited to pervious pavement and use of landscaping.**

### **TR 1.3 Street design guidelines**

Reflect the more urban nature of roadways within the Winslow Planning Area and within neighborhood centers by encouraging, where appropriate:

- Crosswalks and sidewalks
- Street trees and landscaping
- Traffic-calming strategies and devices
- On-street public parking
- Accommodations for transit stops and facilities
- Bike facilities
- Street lighting

**The proposed development has incorporated these features where appropriate for the proposed development. The interior pervious driving lane and parking area is intended to create a pedestrian friendly environment, where both vehicles and pedestrians share in the space by the use of differing pavement material and integrated landscaping. On street parking is proposed along Wyatt Way along with street trees and landscaping.**

E. Land Use Code Analysis

1. **BIMC Chapter 2.16.040 Site Plans and Design Review**

The Wyatt Cottages Plan was properly submitted as a major site plan and design review application. Since this is a major site plan and design review application, the applicant first applied for a pre-application conference and had the preliminary plans reviewed by the Design Review Board. The applicants met with the Design Review Board during the pre-application phase of the project, on February 23, 2015 and then during the formal Site Plan and Design Review application phase on February 22, 2016 (Attachments D & E). The application was also required to have a Public Participation Meeting, which was held on February 23, 2015. As a Major Site Plan Review, the application is properly before the Planning Commission for review in a public meeting. The Planning Commission is to provide a recommendation to the Director, who will issue a decision on the project. Staff recommends the Planning Commission recommend approval of the application with the conditions listed in this staff report.

*Decision Criteria*

The director and planning commission shall base their respective recommendations or decision on site plan and design review applications on the following criteria:

- a. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district; **As summarized in this staff report and in the materials prepared by the applicant, the application, with conditions, is in conformance with the Bainbridge Island Municipal Code.**
- b. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the non-motorized transportation plan; **The proposed site plan provides a building layout, parking and circulation system that are an efficient use of the available land while providing the required setbacks from the adjacent properties and the neighborhood park.**
- c. The Kitsap County Health District has determined that the site plan and design meets the following decision criteria:
  - i. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system. **The Health District has reviewed the Site Plan application and has no comments since the properties are served by City sewer and water systems. A non-binding commitment for water and sewer availability has been obtained by the applicant (Attachment G). A binding commitment unlimited reservation for sewer and water shall be obtained prior to building permit issuance (Condition 12m).**

- ii. If the Health District recommends approval the application with respect to those items in subsection i., the health district shall so advise the director. **The subject properties are on City Sewer and Water, therefore Health District review was not required.**
  - iii. If the health district recommends disapproval of the application, it shall provide a written explanation to the director. **The Health District has not denied the application.**
- d. The city engineer has determined that the site plan and design meets the following decision criteria:
- i. The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and
  - ii. The site plan and design 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; and
  - iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
  - iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
  - v. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the applicable service(s) can be made available at the site; and
  - vi. The site plan and design 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 18.

**The Development Engineer has reviewed the submitted civil plans and has found them to be consistent with these requirements. A detailed response and analysis is contained in the development engineer memo (Attachment F).**

- e. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18, unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q; **The proposed development was reviewed by the Design Review Board on two different occasions during the pre-application stage of the development and during the Site Plan and Design Review process (Attachments D & E). The applicant has incorporated the Design Review**

**Board's recommendations into the final design of the buildings and layout of the site. As now proposed, the design of the building form, wall articulation, roof form, landscaping and overall layout is consistent with the intent of the applicable design guidelines.**

- f. No harmful or unhealthful conditions are likely to result from the proposed site plan; **The proposed development is for multi-family use, which is allowed by the Municipal Code within the Madison Avenue Overlay Zoning District. No harmful or unhealthful conditions are likely to result from the proposed site plan or use.**
- g. The site plan and design is in conformance with the Comprehensive Plan and other applicable adopted community plans; **The proposed plan provides for additional high density residential development within the center of the city, which is consistent with the Winslow Master Plan Study Area and the Comprehensive Plan. See section II (D.) of this staff report for a detailed analysis of the Comprehensive Plan policies.**
- h. Any property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter; **No critical areas are identified on the subject property.**
- i. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter; **The subject property is not within the shoreline jurisdiction.**
- j. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met; **While the proposal is for additional housing, no new lots are being created. The adjacent neighborhood park provides for adequate recreational facilities.**
- k. The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals; **The proposed site plan was prepared consistent with the overall purpose and goals of the Site Plan and Design Review process. The process has provided a means for guiding the development in a logical, safe, attractive and expedient manner.**
- l. For applications in the B/I zoning district, the site plan and development proposal include means to integrate and re-use on-site storm water as site amenities. **The subject property is not located within the B/I zoning district.**

2. **BIMC Chapter 18.06.030 Mixed-Use Town Center/Madison Avenue Overlay District**

- a. The purpose of the Madison Avenue Overlay district is to provide for a mix of residential and small-scale nonresidential development. **The proposed Wyatt Cottage development is consistent with the purpose of the Madison Avenue Overlay district as it provides for a variety of residential housing within the city center.**
- b. Performance Standards. The performance standards applicable to the MUTC district as listed in BIMC 18.06.030.B apply to this development:
  - i. Noise. No use shall exceed the maximum environmental noise level, established by Chapter 173-60 WAC, as adopted in Chapter 16.16 BIMC. **As conditioned, noise produced by this development must comply with the maximum environmental noise levels established by the Washington Administrative Code 173-60 or its successor (Condition 5).**
  - ii. Air Quality Emissions. No use in this district 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. **As conditioned, all air emissions produced within this development will comply with this regulation (Condition 6).**
  - iii. Lighting. Lighting standards set forth in BIMC 18.15.040 shall apply to the mixed use districts. **(See section II D.5.(d) of this staff report for compliance with lighting standards)**

3. **BIMC Chapter 18.09.020 Permitted Use Table**

The permitted use table lists the multiple uses that are that are permitted and conditionally permitted within the Madison Avenue Overlay District. Included in those are multi-family residential use/structures and commercial office/use.

4. **BIMC Chapter 18.12 Dimensional Standards**

The proposed development is within the Madison Avenue Overlay District, therefore the maximum floor area ratio (FAR) allowed for residential is 0.4 (7,200 square feet for north parcel and 22,498 square feet for the south parcel), or in other words, 40 percent of the area of combined lots (74,245 square feet) may be used to calculate the total amount of floor area for proposed residences. **The north property has a proposed residential FAR of .36 (6,476 square feet) and a commercial FAR of .09 (1,619 square feet). The south property has a proposed residential FAR of .386 (21,707 square feet). The proposed development meets both the base residential FAR requirement in addition to the mixed-use commercial FAR.**

The front setback to Madison Avenue and Wyatt Way is a minimum of 10 feet maximum of 20 feet from the sidewalk. **The existing commercial building along Madison Avenue is being relocated and will be setback 10 feet from the sidewalk. The new structures along Wyatt are also propose to be constructed with a 10 foot setback from the sidewalk (Condition #24).**

5. **BIMC Chapter 18.15 Development Standards and Guidelines**

a. **18.15.010 Landscaping and Screening**

Since the proposal is located within the Madison Avenue Overlay District and does not abut single-family residential zoning or the Core Overlay District, no perimeter landscaping or screening is required. However, parking lot landscaping and significant tree retention is required. The subject property has to have at least 40 tree units per acre or maintain the same number of tree units after the proposed development as it had before the development. **There are no significant trees on the north parcel, and just a few on the south parcel (an equivalent of 10 tree units). However, there are multiple significant trees with the Wyatt Way and Madison Avenue rights-of-way. A few of these trees will remain, however, several need to be removed for safety reasons as described in the arborist report (Attachment H). With the planting of 45 new trees on the site, this development exceeds the tree unit requirement of maintaining the same number of tree units after the proposed development as it had before the development.**

The parking lot landscaping requirement for the proposed development requires one tree for every four parking stalls as most of the parking areas are located to the side or behind the buildings. The project has 32 parking stalls proposed; therefore 8 parking lot related trees will need to be planted. The applicant has proposed planting trees in excess of the minimum required. Also as required the landscaping plan properly designates landscape areas at the end of the parking stalls and aisles (Attachment I).

As conditioned, all landscaping need to be maintained throughout the life of the project and the proposed landscaping must be installed or an assurance device provided prior to any occupancy of the buildings (Conditions 20).

b. **18.15.020 Parking and Loading**

The proposed structures are intended for commercial and residential uses. The commercial parking requirement is four parking spaces per 1,000 square feet of floor area and the base residential standard is one space for studio or one bedroom units and two parking spaces for all other residential units. As proposed, there is 1,619 square feet of commercial floor area within the development, which require a minimum of seven parking spaces. There are 17 one bedroom units proposed and 11 two bedroom units, which would require 39 parking stalls for a total requirement of 46 parking stalls total. However, the municipal code allows for a 50% reduction in parking reduction for developments within ½ mile of the ferry terminal, therefore 30 parking stalls are required. The applicant has proposed 32 on-site parking stalls and six on-street parking stalls for a total of 38 parking stalls. Of those there are 26 regular stalls, 11 compact stalls and one handicap accessible stall. One stall will also be required to be designated for shared-car use or as an electric charging station (Condition 14).

c. **18.15.030 Mobility and access**

The code requires that the parking design and layout provides for orderly and defined parking and pedestrian circulation. **In order to define the parking spaces wheel stops shall be installed at the end of each stall. Due to the “woonerf” design, the pedestrian and vehicular circulation will co-exist under a canopy of trees with pervious paving. However, where the pedestrian sidewalks cross the driving aisles, the concrete sidewalk shall be maintained as a contrasting construction material, (Condition 13).**

Bicycle spaces are required throughout the development. **A minimum of 7 bicycle spaces are required for this development (Condition 17).**

d. **18.15.040 Outdoor Lighting**

In order to preserve and enhance the view of the dark sky and promote health, safety and security, outdoor lighting is to be shielded and maintained so there is no light trespass. All lighting shall be downcast and shielded such that it masks the horizontal surface of the light source. 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 (Condition 3)

6. **BIMC Chapter 18.18 Design Guidelines**

The proposed project is subject to three sets of design guidelines; the commercial and mixed-use design guidelines for all zoning districts, the general design guidelines for the Mixed-Use Town Center and High School Road zoning, and the Madison Avenue district design guidelines. The application was first reviewed by the Design Review Board on February 23, 2015 during the pre-application conference stage. While the development met all the design criteria, the Design Review Board (DRB) was concerned about the relocation of the park to the corner and about traffic (Attachment D). A year later on February 22, 2016 the application was brought before the DRB as part of the Site Plan and Design Review phase (Attachment E). At this phase the site plan had been redesigned so the existing park was not moved to the corner. The Design Review Board reviewed the proposal with few additional comments, making a motion that the proposed site plan and building designs were consistent with the Design Guidelines.

F. **Environmental Review:**

A SEPA Mitigated Determination of Nonsignificance will be issued by the SEPA Official concurrently with the decision on this Site Plan and Design Review Application.

III. **CONCLUSIONS**

As conditioned, the proposed project is consistent with the Comprehensive Plan, the applicable sections of the Bainbridge Island Municipal Code including: BIMC 2.16.040 Site Plans and Design Review; BIMC 18.06.030 Mixed Use Town Center Zone; BIMC 18.09.020 Permitted Use Table; 18.12 Dimensional Standards; BIMC 18.15.010 Landscaping and Screening; BIMC 18.15.020 Parking and loading; BIMC 18.15.030 Mobility and access; BIMC 18.15.040 Outdoor Lighting; and

BIMC 18.18 Design Guidelines. Appropriate notice of application was made and comments were considered. The application is properly before the Planning Commission in a public meeting. A SEPA Threshold Determination will be issued by the SEPA Official after the Planning Commission's recommendation.

**IV. Attachments:**

- A. Site Plan and Design Review Application, Submitted April 14, 2015
- B. Site Plan Date Stamped May 2, 2016
- C. Pre-Application Response Letter
- D. Minutes from Design Review Board, February 23, 2015 meeting (at pre-app stage)
- E. Minutes from Design Review Board (at site plan and design review stage)
- F. Design Review Board Design Guideline Checklists
- G. Non-binding Water and Sewer letter
- H. Arborist Report
- I. Landscaping Plans, Date Stamped July 7, 2015
- J. Building Elevations, Date Stamped April 15, 2015
- K. Tree Protection Strategies
- L. Wyatt Cottages Vision Statement
- M. Bainbridge Island Fire Department Comments
- N. Traffic Impact Analysis by TSI dated June 2015
- O. Development Engineer's Approval
- P. Concurrency Certificate



**CITY OF BAINBRIDGE ISLAND**  
 Department of Planning & Community Development  
 280 Madison Avenue North, Bainbridge Island, WA 98110  
 Phone: 206-842-2552 Email: [pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)  
 Website: [www.bainbridgewa.gov](http://www.bainbridgewa.gov)  
 Portal: <https://ci-bainbridgeisland-wa.smartgovcommunity.com/portal>

## APPLICATION - PAGE 1

DATE STAMP  Bainbridge Island  <b>APR 14 2015</b>  Dept. of Planning & Community Development	DATE SUBMITTED 04/14/2015		PROJECT NUMBER <b>PLN50165SPR</b>	SUFFIX <b>SPR</b>
	PROJECT NAME <b>WYATT COTTAGES</b>			
	PROJECT TYPE <b>Site Plan Review</b>			
	PROJECT ADDRESS OR ACCESS STREET Access: Wyatt and Madison			
	TAX PARCEL NUMBER 26250221042006		TAX PARCEL NUMBER 26250221292007	
	TAX PARCEL NUMBER		TAX PARCEL NUMBER	
	REVISIONS RECEIVED:			
	FEE HISTORY		AMOUNT	PAID
	Site Plan Review		\$8,586.00	

### PROJECT DESCRIPTION

Construction of approximately 28 detached dwellings with associated parking, pedestrian circulation and landscape.  
**Design Review Board: date and time to be determined.**

### PEOPLE ASSOCIATED WITH CASE

COBI PROJECT MANAGER <b>JOSH MACHEN</b> -- PHONE: 206-780-3765 E-MAIL: <a href="mailto:jmachen@bainbridgewa.gov">jmachen@bainbridgewa.gov</a>
OWNER <b>MADISON AVENUE DEVELOPMENT CO.</b> Phone: E-MAIL:
CONTACT <b>BRUCE ANDERSON</b> , Cutler Anderson Architects, 135 Parfitt Way SW, Bainbridge Island, WA 98110 Phone: 206-842-4420 E-MAIL: <a href="mailto:brucea@cutler-anderson.com">brucea@cutler-anderson.com</a>
CONTACT <b>JAMES LAUGHLIN</b> , , Post Office Box 10607, Bainbridge Island, WA 98110 Phone: 206-660-0374 E-MAIL: <a href="mailto:jimlaughlin32@gmail.com">jimlaughlin32@gmail.com</a>

CITY OF BAINBRIDGE ISLAND

**SITE PLAN AND DESIGN REVIEW APPLICATION**

FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.

PENCIL WILL NOT BE ACCEPTED.



<p style="text-align: center;"><u>DATE STAMP FOR CITY USE ONLY</u></p>  <p style="text-align: center;">Bainbridge Island</p>  <p style="text-align: center;">APR 14 2015</p>  <p style="text-align: center;">Dept. of Planning &amp; Community Development</p>	<p style="text-align: center;"><u>TO BE FILLED OUT BY APPLICANT</u></p> <p>PROJECT NAME: <u>WYATT COTTAGE</u></p> <p>TAX ASSESSOR'S NUMBER: <u>262502-2-104-2005</u> <u>262502-2-129-2007</u></p> <hr/> <p>PROJECT STREET ADDRESS OR ACCESS STREET: <u>WYATT OIL MARINA</u></p> <p>ENVIRONMENTAL CHECKLIST SUBMITTED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <hr/> <p style="text-align: center;"><u>FOR CITY USE ONLY</u></p> <p>FILE NUMBER: <u>PLN50165 SPR</u></p> <p>PROJECT NUMBER: <u>50165</u></p> <p>DATE RECEIVED: <u>4.14.2014</u></p> <p>APPLICATION FEE: <u>\$ 8586.00</u></p> <p>TREASURER'S RECEIPT NUMBER: <u>15-00234</u></p>
<p><b>SUBMITTAL REQUIREMENTS</b></p>	
<b>APPLICATION</b>	<i>One original (which must contain an original signature) and six copies must be provided. Whenever possible, originals must be signed in blue. Please identify the original document.</i>
<b>SUPPORTING DOCUMENTS</b>	<i>One original (which must contain an original signature), where applicable, and six copies (if an original is not applicable, seven copies must be provided).</i>
<b>FULL-SIZE DRAWINGS</b>	<i>Seven copies of the required drawings must be provided. Drawings must be folded and 18" x 24" in size. No construction drawings or other sized drawings will be accepted unless specifically requested.</i>
<b>REDUCED DRAWINGS</b>	<i>Five copies of the drawings reduced to 11" x 17" must be provided.</i>
<b>SUBMITTING APPLICATIONS</b>	<i>Applications must be submitted in person by either the owner or the owner's designated agent. Should an agent submit the application, a notarized Owner/Agent Agreement must accompany the application. Please call (206) 780-3762 to make an appointment to submit your application.</i>
<b>FEES</b>	<i>Please call the Department of Planning &amp; Community Development for submittal fee information.</i>
<b>ATTACHED SUBMITTAL CHECKLIST</b>	<i>Please refer to attached Submittal Checklist for further information. NOTE: when submitting this application, please do not copy or include the Submittal Checklist sheets attached to the back of this application.</i>
<p><b>APPLICATIONS WILL NOT BE ACCEPTED</b> unless these basic requirements are met and the submittal packet is deemed counter complete.</p>	

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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CITY OF BAINBRIDGE ISLAND

SITE PLAN AND DESIGN REVIEW APPLICATION

FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.

PENCIL WILL NOT BE ACCEPTED.



A. GENERAL INFORMATION

1. Name of property owner: MIKE BURNS
Address: 10575 VARNEN LAKE, BAINBRIDGE ISLAND, WA 98110
Phone: (206) 352-9252 Fax:
E-mail:

Name of property owner:
Address:
Phone: Fax:
E-mail:

Name of property owner:
Address:
Phone: Fax:
E-mail:

If the owner(s) of record as shown by the county assessor's office is (are) not the agent, the owner's (owners') signed and notarized authorization(s) must accompany this application.

2. Applicant/agent: JIM LAUGHLIN
Address: PO BOX 10607, BAINBRIDGE ISLAND, WA 98110
Phone: 206.660.0474 Fax:
E-mail: JIMLAUGHLIN52@GMAIL.COM

3. Name of land surveyor: AVAM & GOLDSWORTHY
Address: 1015 NE HOUTMARK, VOUSSKO, WA 98370
Phone: 360.779.4299 Fax:
E-mail: GAVIN@AGOLS.COM

4. Planning department personnel familiar with site: JOSH MACHIN

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CITY OF BAINBRIDGE ISLAND

**SITE PLAN AND DESIGN REVIEW APPLICATION**

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5. Description of proposal: Approximately 28 detached dwellings with associated parking, pedestrian circulation and landscape.

6. Driving directions to site: At corner of Wyatt & Madison

7. Please give the following existing parcel information:

Assessor's Parcel Number	Parcel Owner	*Lot Area
<u>262502-2-104-2006</u>	<u>MIKE BOWLS</u>	<u>17,860 SF</u>
<u>262502-2-129-2007</u>	<u>"</u>	<u>56,245 SF</u>
Use additional sheet if necessary	Total of all parcels:	<u>74,105 SF</u>

\* As defined in Bainbridge Island Municipal Code 18.12.050

8. Legal description (or attach): SEE ATTACHED

9. Current comprehensive plan, zoning and shoreline designations and use of subject parcel(s):

Lot Number	Comp Plan Designation	Zoning Designation	Shoreline Designation	Current Use
Lot <u>006</u>	<u>MAU</u>	<u>MAU</u>	<u>NA</u>	<u>COMMERCIAL</u>
Lot <u>007</u>	<u>"</u>	<u>"</u>	<u>NA</u>	<u>UNDEVELOPED</u>
Lot				
Lot				

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10. Current comprehensive plan, zoning and shoreline designations and use of adjacent properties:

Property	Comp Plan Designation	Zoning Designation	Shoreline Designation	Current Use
North	MAID	MAID	NA	RESIDENTIAL
South	CORIE	CORIE	NA	MIXED USE
East	MAID	MAID	NA	RESIDENTIAL
West	MAID	MAID	NA	MIXED USE

11. Common name of adjacent water area or wetlands area: NA

12. Does the site contain an environmentally sensitive area as defined in Critical Areas Ordinance (*Bainbridge Island Municipal Code Chapter 16.20*)?  yes  no  unknown

If yes, check as appropriate:

<input type="checkbox"/> wetland*	<input type="checkbox"/> geologically hazardous area**
<input type="checkbox"/> wetland buffer*	<input type="checkbox"/> zone of influence**
<input type="checkbox"/> stream*	<input type="checkbox"/> slope buffer**
<input type="checkbox"/> stream buffer*	<input type="checkbox"/> fish and wildlife habitat area

\* If your site includes a wetland or wetland buffer, a wetland report is required with your application.

\*\*If your site includes a geologically hazardous area or is within the zone of influence as defined in *Bainbridge Island Municipal Code 16.20*, a geotechnical report may be required with your application.

13. Are there underlying/overlying agreements on the property?  yes  no  unknown  
If yes, check as appropriate and provide a copy of the decision document:

<input type="checkbox"/> CUP Conditional Use Permit	<input type="checkbox"/> SPR Site Plan Review
<input type="checkbox"/> MPD Master Planned Development	<input type="checkbox"/> SPT Short Plat
<input type="checkbox"/> PUD Planned Unit Development	<input type="checkbox"/> SSDP Shoreline Permit
<input type="checkbox"/> REZ Contract Rezone	<input type="checkbox"/> SUB Prior Subdivision
<input type="checkbox"/> RUE Reasonable Use Exception	<input type="checkbox"/> VAR Zoning Variance
	<input type="checkbox"/> Other:

Under which jurisdiction was the approval given?  
 City of Bainbridge Island  Kitsap County

Approval date: \_\_\_\_\_

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CITY OF BAINBRIDGE ISLAND

SITE PLAN AND DESIGN REVIEW APPLICATION

FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.

PENCIL WILL NOT BE ACCEPTED.



14. Is there any other information which is pertinent to this project?  yes  no

If yes, please explain: NO

Multiple horizontal lines for providing additional information.

B. TECHNICAL INFORMATION

1. Name of water purveyor: City of Bainbridge Island  
If a private well, what class? \_\_\_\_\_

2. Type of sewage disposal:  on-site septic  off-site septic  sewer  
Sewer district:  City of Bainbridge Island  Sewer District 7

3. General description of the existing terrain: Flat

4. Soil survey classification: UNK

5. Flood plain designation:  X  AE NA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
280 MADISON AVENUE NORTH • BAINBRIDGE ISLAND, WA • 98110-1812  
PHONE: (206) 842-2552 • FAX: (206) 780-0955 • EMAIL: pod@bainbridgewa.gov  
www.ci.bainbridge-isl.wa.us

CITY OF BAINBRIDGE ISLAND

SITE PLAN AND DESIGN REVIEW APPLICATION

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6. Access (street functional road classifications):

Street Type	Required ROW Width	Street Name	Existing ROW Width
primary arterial	150 feet	Highway 305	
secondary arterial	60 feet	MAVISQW AVE	50'
collector	50 feet	WYATT	40'
residential urban	40 feet		
residential suburban	30 feet		
private	20 - 30 feet		

7. Sidewalks are adjacent to the parcel:

yes  no

If yes, existing sidewalks are 5' feet wide.

Sidewalk installation is proposed as part of the development project:

yes  no

Proposed sidewalks:

adjacent to the parcel and are to be 5' feet wide.  
 internal to the proposal and are to be SEE UCM feet wide.

8. Intended use of the land, as well as the sequence and timing of the proposed development:

RESIDENTIAL, CONSTRUCTION UNDER LICENSE OF PERMITS

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9. Floor area ratio:

.42

10. Dimensions of proposed structures:

SEE DRAWINGS

11. Height of proposed buildings or structures:

16-28'

12. Square footage of all spaces:

retail: \_\_\_\_\_ storage: \_\_\_\_\_  
office: \_\_\_\_\_ residential: 31,204 SF  
other: \_\_\_\_\_

13. Number of stories proposed:

2

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
280 MADISON AVENUE NORTH • BAINBRIDGE ISLAND, WA • 98110-1812  
PHONE: (206) 842-2552 • FAX: (206) 780-0955 • EMAIL: pcd@bainbridgewa.gov  
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CITY OF BAINBRIDGE ISLAND

SITE PLAN AND DESIGN REVIEW APPLICATION

FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.

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14. Square feet per story: (1) 20,688 SF (2) 10,516 SF (3)

15. Setback requirements: north: 3' south: 5' east: 3' west: 5'

16. Number of parking stalls required: 30

17. Number of parking stalls proposed: 31 + 5 ON STREET SPACES

18. Amount of square footage of proposed paved areas: 19,222 (PREVIOUS)

19. Square footage of building area: 20,688

20. Percent of site to be covered by impervious surfaces: 46.6 % (If the proposal results in more than 1,000 square feet of additional impervious surface, a drainage plan shall be required.)

21. Percentage of site to be covered by landscaping: 50% %

22. Percentage of parking area to be covered by landscaping: SEE DRAWINGS %

23. Percentage of site to remain undeveloped: 0 %

24. Is the applicant proposing any terms, conditions, covenants and agreements or other documents regarding the intended development: (If yes, attach copies) [ ] yes [X] no [ ] unknown

25. List any other permits for this project from state, federal or local governmental agencies for which you have applied or will apply, including the name of the issuing agency, whether the permit has been applied for, and if so, the date the application was approved or denied, and the application or permit number:

BUILDING PERMITS

CITY OF BAINBRIDGE ISLAND

SITE PLAN AND DESIGN REVIEW APPLICATION

FORM MUST BE COMPLETED IN INK, PREFERABLY BLUE.  
PENCIL WILL NOT BE ACCEPTED.



26. Will the completed project result in 800 or more square feet of impervious surface  
(building footprint + driveways + parking)?  yes  no  unknown

27. Will the project result in clearing more than six significant trees or 2,500 square feet of ground?  
 yes  no  unknown

28. Do storm water systems exist on the site?  yes  no  unknown

If yes, were they constructed after 1982?  yes  no  unknown

If yes, what type of storm water system exists on the site?  
 infiltration  open ditching  closed conveyance  detention

29. Will the completed project result in excavating of or filling in:  
 less than 50 cubic yards.  more than 50 cubic yards but less than 100 cubic yards.  more than 100 cubic yards.

I hereby certify that I have read this application and know the same to be true and correct.

*James C. Laughlin*  
\*Signature of owner or authorized agent

4/13/2015  
Date

JAMES C. LAUGHLIN  
Please Print

\*If signatory is not the owner of record, the attached "Owner/Agent Agreement" must be signed and notarized.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
280 MADISON AVENUE NORTH • BAINBRIDGE ISLAND, WA • 98110-1812  
PHONE: (206) 842-2552 • FAX: (206) 780-0955 • EMAIL: pcd@bainbridgewa.gov  
www.ci.bainbridge-isl.wa.us

# Tax Description

Print

Tax Account No.

Process No.

Situs Address

262502-2-105-2005

2316966

598 MADISON AVE N

---

26252E

**LOT B CITY OF BAINBRIDGE ISLAND SHORT PLAT NO. BI-66 (SPT 06-28-96-1)  
RECORDED UNDER AUDITOR'S FILE NOS. 3009294/9295. BEING A PORTION OF THE  
SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 26, TOWNSHIP 25  
NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WASHINGTON. TOGETHER WITH  
EASEMENTS AS DEPICTED ON THE SHORT PLAT.**

close this window

Bainbridge Island

APR 15 2015

Dept. of Planning &  
Community Development

# Tax Description

Print

Tax Account No.

Process No.

Situs Address

262502-2-129-2007

2510220

Multiple addresses on file

26252E

**RESULTANT SINGLE PARCEL A OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NO. 200805060345, AND AS DEPICTED ON SURVEY RECORDED UNDER AUDITOR'S FILE NO. 200805060344, IN VOLUME 70 OF SURVEYS, PAGE 186, RECORDS OF KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 2 EAST, IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION, SAID CORNER BEING THE TRUE POINT OF BEGINNING; THENCE NORTH ALONG THE WESTERLY LIMITS OF SAID SUBDIVISION 120 FEET; THENCE EAST, PARALLEL WITH THE SOUTHERLY LIMITS OF SAID SUBDIVISION 200.6 FEET; THENCE NORTH, PARALLEL WITH SAID WESTERLY LIMITS 180 FEET; THENCE EAST, PARALLEL WITH SAID SOUTHERLY LIMITS 129.7 FEET; THENCE SOUTH, PARALLEL WITH SAID WESTERLY LIMITS 300 FEET TO A POINT ON SAID SOUTHERLY LIMITS; THENCE WEST ALONG SAID SOUTHERLY LIMITS 330 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT ANY PORTION LYING WITHIN MADISON AVENUE; AND EXCEPT ANY PORTION LYING WITHIN WYATT WAY.**

close this window

Bainbridge Island

APR 15 2015

Dept. of Planning &  
Community Development

## Wyatt Cottages Vision Statement

Provide for a low scale, walkable neighborhood of single-family homes. Each home will include private garden space, good solar orientation and loft interiors.

Pedestrian and vehicular circulation will co-exist under a canopy of trees with pervious paving, often called a “woonerf” having first been implemented with regulations in the Netherlands.

Building roofs are oriented to maximize solar panel exposure. Buildings will be designed to exceed required energy performance standards.

Existing trees in the northeast corner of the parcel are preserved, with new native trees, shrubs and groundcovers planted in semi-public spaces. Owners will define their own private gardens.

Access to the “Tot Lot” Park will be enhanced with new easements and access from both Wyatt Way and from Madison Avenue.

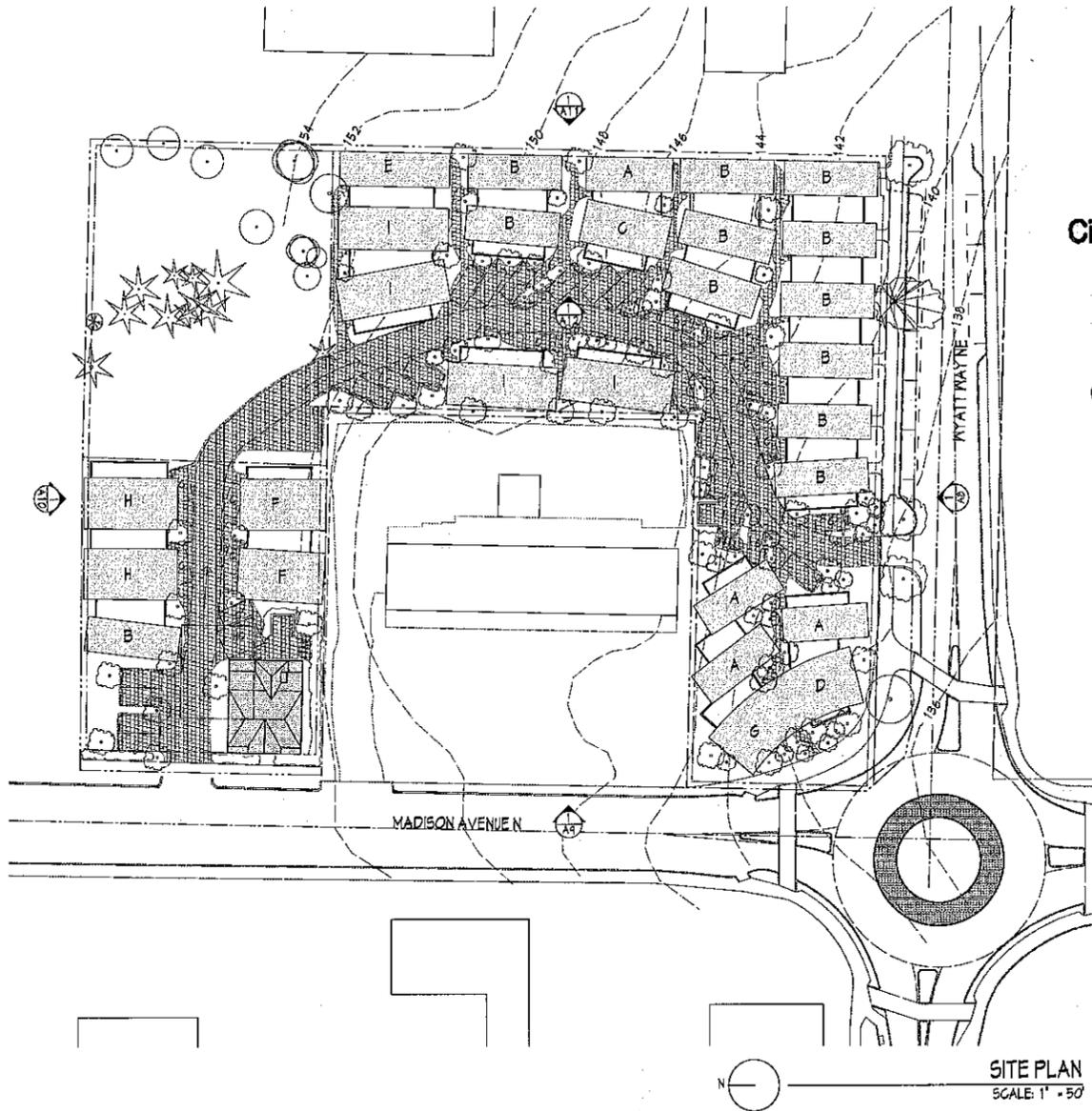
Water quality will be maintained using pervious pavement and under drains to treat storm water and mitigate flows to the storm system.

Bainbridge Island

APR 15 2015

Dept. of Planning &  
Community Development

N:\volumes\macserver\projects\Wyatt & Madison\2014\01 CADD\01\_Arch\CAD\150901 Wyatt & Madison.plt, 5/2/16, 1:43 PM



City of Bainbridge Island

MAY 02 2016

Planning and  
Community Development

APPLICANT: JM LAUGHLIN  
 P.O. BOX 10607, BAINBRIDGE ISLAND, WA 98110  
 ZONING: MADISON AVENUE DISTRICT  
 NORTH LOT: 18,000 SQFT  
 BUILDING AREA: 6,476 SQFT  
 FAR: .36  
 OLIVER HOUSE: 1,619 SQFT W/ FAR: .09  
 COMBINED NORTH LOT FAR: .45  
 NORTH LOT TREES: NO NEW T.U.  
 NORTH LOT PARKING: (6) COMPACT, (16) REGULAR  
 NORTH LOT BIKE PARKING: 6 SPACES  
 SOUTH LOT: 56,245 SQFT  
 BUILDING AREA: 21,707 SQFT  
 SOUTH LOT FAR: .386  
 SOUTH LOT TREES: 10 NEW T.U. (EXISTING TREES IN DEDICATED RIGHT OF WAY NOT INCLUDED)  
 SOUTH LOT PARKING: (5) COMPACT, (4) REGULAR, (1) HANDICAP  
 SOUTH LOT BIKE PARKING: 4 SPACES  
 BUILDING HEIGHT: VARIES 16' - 28'

UNIT TYPE SUMMARY

BUILDING	SF	1BR	2BR
A	576 (FL1) 229 (FL2) 805 TOTAL	4	
B	640 (FL1) 229 (FL2) 869 TOTAL	12	
C	720 (FL1) 593 (FL2) 1,313 TOTAL		1
D	816 (FL1) 816 TOTAL	1	
E	768 (FL1) 489 (FL2) 1,257 TOTAL		1
F	864 (FL1) 633 (FL2) 1,497 TOTAL		2
G	912 (FL1) 384 (FL2) 1,296 TOTAL		1
H	960 (FL1) 730 (FL2) 1,690 TOTAL		2
I	960 (FL1) 665 (FL2) 1,625 TOTAL		4
<b>TOTAL</b>	<b>31,204 SQFT</b>	<b>17</b>	<b>11</b>

SHEET INDEX

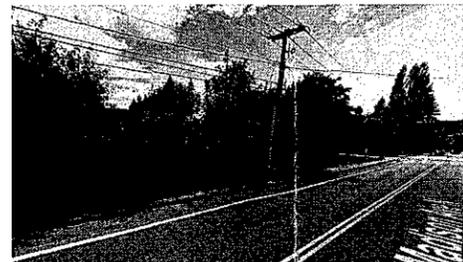
- A1 SITE PLAN, VICINITY PLAN, & GENERAL NOTES
- A2 SITE PLAN
- A3 LANDSCAPE PLAN
- A4 LANDSCAPE KEY
- A5 EXTERIOR LIGHTING PLAN
- A6 OVERALL FIRST FLOOR PLAN
- A7 OVERALL SECOND FLOOR PLAN
- A8 SITE ELEVATION - WYATT STREET ELEVATION
- A9 SITE ELEVATION - MADISON AVE N ELEVATION
- A10 SITE ELEVATION - NORTH PROPERTY ELEVATION
- A11 SITE ELEVATION - EAST PROPERTY ELEVATION
- A12 SITE SECTION - SITE SECTION THROUGH INTERNAL STREET
- A13 SITE SURVEY
- C1 UTILITY PLAN



VICINITY MAP



LOOKING SOUTH DOWN MADISON



LOOKING EAST DOWN WYATT

4/14/2015

3008 REGISTERED ARCHITECT  
 JAMES L. CUTLER  
 State of Washington

Cutler Anderson Architects  
 135 Parrott Way SW, Bainbridge Island, WA 98110  
 P: 206.842.4770 F: 206.842.4420  
 Email: contact@cutler-anderson.com

REVISED  
 WYATT MADISON  
 BAINBRIDGE ISLAND, WASHINGTON

SITE PLAN, VICINITY  
 PLAN, GENERAL  
 NOTES

A.1

NOTE: Do not scale drawings

ATTACHMENT B



**CITY OF BAINBRIDGE ISLAND**  
**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

March 5, 2015

**JIM LAUGHLIN**  
Madison Avenue Development  
P.O. Box 10749  
Bainbridge Island, WA 98110

Re: File No. PLN50165 PRE  
Wyatt corner Pre-application Conference

Dear Applicants:

Thank you meeting with our technical staff on January 27, 2015, to discuss the Wyatt Cottages proposal. The planning checklist used for the pre-application conference is attached to this letter. I have also attached comments from other departments including fire, health district, and the building division.

The Wyatt Corner proposal includes the development of approximately 32 detached and attached dwelling units and one existing commercial building. Our understanding is that it also includes the relocation of a public park from the northeast corner to the south west corner of the site adjacent to Wyatt and Madison Avenue.

As discussed in the pre-application conference this permit will require processing through the Site Plan and Design review process, which includes public meetings with the Design Review Board and the Planning Commission. It should be noted that a new boundary line adjustment will be needed to move the park.

In order to ensure the Kitsap Public Health District can adequately review the proposal, water and sewer availability letters need to be submitted with the application.

The proposal appears to meet the regulations of the Mixed Use Town Center Zone and the Madison Avenue Overlay, except that the pedestrian facilities need to be raised/separated from the driving aisle. As proposed, the parking appears to be adequate and in conformance with the regulations. However, a new traffic study as part of this proposal will be required to assess existing and proposed infrastructure to serve the new resort. It is my understanding that Janelle Hitch, the City's Development Engineer is scoping the study now and she will be in further contact with you.

Preliminary landscaping plans will be needed to identify how trees will be protected and provide for parking lot landscaping in accordance with BIMC 18.15.

During the Design Review Board and the Public Participation meeting there were significant comment and concern raised regarding the current design as it relates to the relocation of the tot-lot park. The City would encourage you to consider a redesign that preserves the park in the current location and work cooperatively with the neighborhood

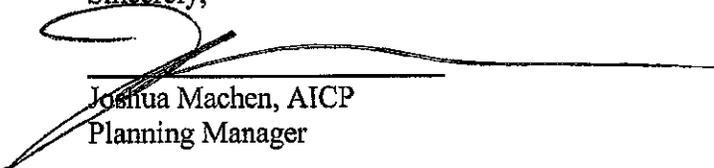
State Environmental Policy Act (SEPA):

Environmental review is required for this project. Therefore you will need to fill out a SEPA Checklist. Upon examination of your application, the Director will issue a threshold determination.

Please note that information provided at the pre-application conference and in this letter reflects existing codes and standards, currently available information about the site and environs, and the level of detail provided in the pre-application conference submittal. Comments provided pursuant to pre-application review shall not be construed to relieve the applicant of conformance with all applicable fees, codes, policies, and standards in effect at the time of complete land use permit application. The comments on this proposal do not represent or guarantee approval of any project or permit. While we have attempted to cover as many of the Planning, Engineering, Building and Fire related aspects of your proposal as possible during this preliminary review, subsequent review of your land use permit application may reveal issues not identified during the initial review. If the city's pre-application review indicates that the City intends to recommend or impose one or more conditions of permit approval, and if the applicant objects to any of said conditions, the applicant is hereby requested and advised to provide written notice to the City of which conditions the applicant objects to and the reasons for the applicant's objections.

Once you have completed the applications and gathered together the submittal requirements please contact me to set up an intake appointment. If you have any questions, please call me at 780-3765.

Sincerely,



Joshua Machen, AICP  
Planning Manager

cc. File



**CITY OF BAINBRIDGE ISLAND  
DESIGN REVIEW BOARD  
Regularly Scheduled Meeting Minutes  
Monday, February 23, 2015 at 2:00 p.m.  
City Council Conference Room  
280 Madison Ave N  
Bainbridge Island, Washington 98110**

Call to Order (Attendance, Agenda, Ethics)  
Wyatt Cottages PLN60165 PRE Preapplication  
Old and New Business  
Adjournment

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1. Meeting was called to order at 2:04 PM by Chair Mark Levine. Also in attendance were Design Review Board Members Jim McNett, Alan Grainger, Chuck Depew and Peter Perry. Planning Manager Joshua Machen was present and Administrative Specialist Jane Rasely monitored recording of meeting and prepared minutes. Citizens Vanessa Cass, Marci Burkel, Elise Wright and Robert Dashiell were present.
2. There were not any minutes for approval. Jane stated the February 2<sup>nd</sup> minutes would be included in the March 2, 2015 agenda packet.
3. Planning Manager Joshua Machen briefed the Board on the Wyatt Cottages proposal. Two parcels were involved (one currently owned by BI Parks and Recreation District). Alan asked about a map of the parcel sites which was not provided to the DRB. There is a presumption that the Parks District has made a deal that moves the park from the property to the NE corner of the development. He discussed that the exchange of property not owned by the City is not within the purview of the DRB or the City.
4. All trees on site are proposed to remain on the property other than a couple trees that seem to be failing.
5. Discussion was started on the boundary lines of properties changing when the roundabout slated to occur in 2017 happens. Josh stated he had to assume the Parks District is fully aware of how the boundary lines will change.
6. Chuck asked about whether there has been communication from the Parks District that it is okay to approve an application for land that has not yet changed hands. Josh stated that if the park is re-developed, it will also have to go through site plan review.
7. Chuck moved to table discussion of the application until a park site plan had been produced. Josh replied that was not possible because the two developments are separate and will be permitted separately. He reminded the DRB that this meeting was required for the application and that the status of the park should have no effect on this meeting.
8. The question of density was raised and whether or not the developer has used the entire amount of land in the combined parcels to calculate the deepest density for development. Josh replied the applicant has the right to use all three parcels to calculate the density of their development regardless of whether part of the parcels will be used to create a park in the future.

9. Mr. McNett asked about the setback requirements. Mr. Machen responded that there is a five or zero foot setback for a side yard on Madison Avenue.
10. The developer (Jim Laughlin and Bruce Anderson) and Parks District representatives Dan Hamlin and Perry Barrett were invited in at 2:30 PM. Everyone introduced themselves.
11. An overview was given on the project beginning with a short history of the corner property and proposed property trade with the Parks District. It was mentioned that the Parks District is an applicant as well on this project. Mark asked if the proposed development was going to be condominiums. The answer was yes, though they will be detached.
12. Bruce continued the project overview presenting refined/updated site plans on the video screen. He spoke about moving the existing historical house forward on the lot as well as removing the garage and that most of the proposed roofs would have good solar exposure and would be able to produce enough energy to supply all of their electrical needs. Jim noticed they had reduced the dwelling number from the original site plan on the Wyatt side going from 4 to 3 condominiums.
13. The proposed roundabout was displayed with the site plan (new drawings not included in packet). He spoke about a common space for cars, bicycles and pedestrians as opposed to separating the thoroughfares. Bruce mentioned the thoroughfare did meet fire access codes as well as the City's parking code. Alan asked about the parking ratio and Bruce stated there would be one parking spot per dwelling.
14. A park diagram was displayed and spoken about by Dan Hamlin from the Parks District, however, the park had not been completely designed yet. They just wanted to present a generic design at this point.
15. Alan asked the Parks District if they would speak about the land deal/transaction. Dan stated the benefit of having the park move to the corner increasing exposure for citizens to know the park is there as well as eliminating a few problems incurred (one being commuters parking their cars there all day).
16. Chuck asked about the size difference in the proposed park area compared to the current tot lot. The Parks District stated the current **usable** foot print is 90 feet in length and they will receive a like amount of usable/functional space. The current lot is 18,000 square feet and the proposed park would be 9,000 square feet which would be equivalent to the current usable space.
17. Jim asked about the status of the historic house. Bruce stated they really want the frontage on Madison to be that house. Landscaping is planned to reflect the more formal nature of the house as opposed to the natural landscaping proposed around the new development. It was also stated that the outside of the house would not be altered, only repaired.
18. Emergency vehicle access will have a 14 foot width throughout the development though it is a 12 foot wide private access drive.
19. Alan brought up the concern of where all the garbage, recycling and future composting containers would stand on service day. Bruce stated they had not yet met with Bainbridge Disposal to discuss that issue.
20. **Public comment from Elise Wright:** Ms. Wright handed out a map given to her by one of the parcels' neighbors. She asked the Parks District representatives whether the Parks Board has voted on the issue of the land transfer. Dan Hamlin replied they are behind this and approve the move of the park. Ms. Wright felt it was not in the public's best interest to move the tot lot. She asked the developer if they could not move some of the buildings to the busier corner and save the tot lot. She asked about parking and the height of the units (25 feet at tallest point) in comparison to Madison Cottages.
21. Alan commented that on a day like today (clear and cold), a park with more solar access may actually prove conducive to using the park more than where it is now (shaded by trees).

22. **Public comment from Robert Dashiell:** Mr. Dashiell commented that visually, when you drive into the project there are no garages and you see the ends of cars instead and that small projects with small houses equal no storage. He encouraged strong covenants to prevent lawn mower/equipment storage in parking spaces and pointed out that the Wyatt sidewalk has issues that need to be ironed out. He mentioned the gardens are actually shade gardens and expressed concern that the willow next to the proposed tot lot may be a Lombardi willow. Mr. Dashiell went on to explain that Lombardi willows drops limbs and it would be dangerous to have one near the park.

23. **Public comment from Vanessa Cass:** Ms. Cass asked why they closed off the gardens resulting in more of a suburban gated community. Bruce stated it was actually more of an urban design with built in changes in texture and wall height to increase interest.

**24. Mixed Use Town Center Guidelines:**

1. Parking Lot – Yes
2. Outdoor Open Spaces – Yes
3. Pedestrian Connections – Yes
4. Shielded Lighting – Yes
5. Screened Service Areas – Yes (would expect to see where the service pickup areas will be).
6. Common Open Spaces – Yes
  - i. Concealed Garage Doors – Yes
7. Overall Form – Yes
8. Entrances – Yes
9. Concealed Mechanical Equipment – Yes (final site plan will have clear marking)
10. Structured Parking – N/A
11. Encouraging Varied Details – Yes
12. Signage – N/A
13. Creativity – N/A
14. Awnings – N/A

**25. Madison Avenue Overlay Guidelines:**

1. Landscape Front Setbacks – Yes
2. Intersections – No (request sculptural element that announces the park)
3. Residential Roof Form – Yes

26. Mark asked for an overall approval of guidelines today. Alan asked Josh what they needed today and it was stated the developer needed feedback.

27. Mark reminded everyone there is a regularly scheduled meeting next Monday, March 2<sup>nd</sup>.

28. Josh mentioned two projects on the next agenda: The Rowing Club Structure and the Pleasant Beach Inn (back as a site plan review).

29. Mark also reminded everyone that the Design Review Board is short a member and to please look around for a new board member.

30. Chuck asked if the agenda for the March 2<sup>nd</sup> meeting had been published yet. It was stated the agenda would go out tonight or tomorrow morning.

31. Mr. Perry asked about the people who purchased the Madison Cottages and who advocates for them losing their green view when they will have to look at the new development (Wyatt Cottages)? Discussion ensued about this problem occurring while developing in an urban environment with high density.

32. Meeting was adjourned at 4:19 PM.

Approved by:

---

Mark Levine

---

Jane Rasely, Administrative Specialist



**Call to Order (Attendance, Agenda, Ethics)**

Bainbridge Island Fire Department Station 21 (PLN11791SPR/CUP)

Bainbridge Island Fire Department Station 22 (PLN14200SPR/CUP)

Wyatt Cottages (PLN50165SPR)

New/Old Business

Adjourn

---

**Call to Order (Attendance, Agenda, Ethics)**

Chair Grainger called the meeting to order at 2:06 PM. Other Design Review Board members in attendance were Jim McNett, Chuck Depew and Chris Gutsche. Peter Perry, Susan Bergen and Jeff Boon were absent and excused. City Staff present were Planning Manager Josh Machen and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed and Mr. Grainger asked that the fire departments be reviewed in the opposite order with review of BIFD Station 22 coming first. There were not any conflicts of interest disclosed.

**Bainbridge Island Fire Department Station 22 (PLN14200SPR/CUP)**

Planning Manager Josh Machen gave an overview of the changes to the project citing the unexpected change in City personnel that occurred on both BIFD projects.

Brett Hansen and Chauncey Drinon from Mackenzie Architects presented the proposed site plans for both fire stations. Mr. Drinon walked the DRB through the changes made to Station 22 stating the biggest change was the removal of the public meeting space. Landscaping elements, types of shrubbery, etc., were highlighted. He stated with the removal of the public meeting room, less impervious surface would be created and more trees would be saved as the entire project would be moved further south on the site. Mr. Grainger asked if there was a site plan available that showed the reduction in parking. Mr. Hanson replied there was not one available at that time. Mr. Gutsche asked how much closer to the street the building would be. Mr. Hanson replied it would be 20-25 feet closer. Mr. Depew asked what the reduction in the building size would be. Mr. Drinon replied the building would go from 15,000 square feet to 14,000 square feet. Color and design materials were presented and described as applicable to both Fire Station 22 and 21.

Mr. McNett asked if there would be any mechanical equipment on the roof. It was stated there would not be any mechanical equipment on either of the proposed fire station roofs. Discussion of the trash enclosure ensued with Mr. Machen reminding the designers that the enclosure must be designed and built in the same style as the building.

**The Design Checklist was reviewed with the following answers given by the DRB:**

1. Variation in facade provided visual interest - Yes
2. Modulate scale of building - Yes
3. Limit visual impact of blank walls and facades - Yes
4. Establish visually prominent ground floor facades - Yes



- 
5. Maintain pedestrian scale along facades - Yes
  6. Maintain pedestrian activities - Yes
  7. Reduce overall scale of building - Yes
  8. Encourage creation of public outdoor spaces – No; Gap in application. Mr. Hanson stated they would submit the landscape plan.
  9. Soften impact of built environment - Yes
  10. Compatible with community and neighborhood characteristics - Yes
  11. Minimize intrusiveness of signage - Yes
  12. Improve pedestrian environment - Yes
  13. Provide pedestrian access - Yes
  14. Provide weather protection for pedestrians - Yes
  15. Maintain smaller scale commercial buildings - Yes
  16. Reduce visual impact of parking areas - Yes

**Motion: I move conditional approval of application subject to submission of a final site plan that conforms to the new design as well as the landscaping plan that relates to that site plan based on their presentation on March 7, 2016.**

**Depew/Grutsche: Unanimous approval.**

#### **Bainbridge Island Fire Department Station 21 (PLN11791SPR/CUP)**

Mr. Hansen provided a review of the key element questions the DRB had during the pre-application presentation. He stated there was a reduction in the size of the building by one equipment bay. Some of the administration function was moved back to the first floor with the bulk staying on the second floor. Mr. Hansen also reiterated they would be using the same materials and design concepts as Fire Station 22 to maintain continuity between fire stations as well as provide recognition from the public. The private areas of the fire station were explored and locations of the gates were shown. Discussion ensued of the roofline over the southern part of the bays/service area. Arguments were presented for moving the “fire tower” with the identifying 21 to the other end of the bays from its current situation with numerous other locations for the “21” explored. Mr. Grainger asked Mr. Machen whether the site plan typically included the landscape plans. Mr. Machen stated it could be part of it, but was not necessarily part of the Design Guidelines. He also pointed out that the landscaping plans were part of the packet and that a presentation by the actual landscape architect had not been expected in the past. The DRB asked for them to come back with landscape information as they were going to do for Station 22.

#### **The Design Checklist was reviewed with the following answers given by the DRB:**

1. Variation in façade provided visual interest - Yes
2. Modulate scale of building - Yes
3. Limit visual impact of blank walls and facades - Left Open to see south elevation again
4. Establish visually prominent ground floor facades - Yes
5. Maintain pedestrian scale along facades - Left Open to see landscape plan
6. Maintain pedestrian activities - Yes
7. Reduce overall scale of building - Yes
8. Encourage creation of public outdoor spaces - Left Open to see landscape plan
9. Soften impact of built environment - Left Open to see landscape plan
10. Compatible with community and neighborhood characteristics - Yes
11. Minimize intrusiveness of signage - Yes
12. Improve pedestrian environment - N/A



- 
- 
13. Provide pedestrian access - Yes
  14. Provide weather protection for pedestrians - Yes
  15. Maintain smaller scale commercial buildings - Yes
  16. Reduce visual impact of parking areas - Yes

**Motion: I move we approve the design as shown with the contingency based on the presentation of the landscape plan by the landscape architect. Approval also contingent upon material requirements brought forth at next meeting (March 7, 2016).**

**McNett/Depew: Passed unanimously**

#### **Wyatt Cottages PLN50165 SPR**

Josh Machen provided an overview of the changes to the design that was seen at the pre-application review.

When the applicant entered, introductions were made around the table. There were two citizens/neighbors present as well as developer James Laughlin and architect Bruce Anderson. Mr. Anderson provided a review of the previous action during the pre-application phase as well as an overview of the current project mentioning that the "tot lot" park was no longer being moved. Mr. Laughlin mentioned that he held an open house at the Oliver house and invited all members of the public who left their e-mails during the pre-application phase to view the new plans which were well received. Mention was made of the two parking spaces the park district asked for the applicant to provide for the park. (BIMPRD actively discourages parking at the "tot lot.") Mr. Grainger asked about the large scale trees in the small scale landscaping. Mr. Anderson stated those would be going closer to the park. Lighting of entry ways as well as the driveway was discussed as "moon" light as opposed to "up" lighting. Mr. McNett asked whether covers for vehicle parking would be allowed. Mr. Laughlin stated if the owners all voted for that (the development would be a condominium) they could do that but it would be written into the CCRs. There was discussion with citizens (see attached sign-in sheet) regarding the acceptability of changes made to the site plan from the previous site plan submitted.

**Motion: I move acceptance of the revised site plan for the project.**

#### **Answers to Design Guidelines were:**

1. **Parking lot visually unobtrusive – Yes**
2. **Open space and amenities – Yes**
3. **Pedestrian connection – Yes**
4. **Shielded lighting – Yes**
5. **Service areas screened – Yes**
6. **Common open space – Yes**
7. **Overall form – Very positive**
8. **Entrances from street clear – Yes**
9. **Mechanical equipment concealed – Yes**
10. **Structured parking – N/A**
11. **Varied details – Yes**
12. **Integrated signage – N/A**



- 
- 
- 13. Creativity – Yes
  - 14. Awning signs – N/A
  - 15. Landscape front setbacks – Yes
  - 16. Strong reference point to key intersections – Yes
  - 17. Residential roof forms – Not following normal, but great solution

**Motion: I move acceptance of the revised site plan for the project.**

**Depew/McNett: Passed unanimously 4-0**

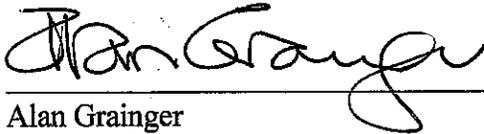
**New/Old Business**

Mr. Grainger informed the other DRB members he would be their representative at the all-day interview process for the new Planning Director on February 23, 2016.

**Adjourn**

The meeting was adjourned at 6:00 PM.

Approved by:

  
\_\_\_\_\_  
Alan Grainger

  
\_\_\_\_\_  
Jane Rasely

**Design Review Board Design Guideline Checklist**  
 Mixed Use Town Center and High School Road Districts / General Design Guidelines– BIMC 18.18.030

APR 15 2015

Dept. of Planning & Community Development

"Pre-App" Meeting Checklist

"Post-App" Meeting Checklist

Project Name/Case #: Wyatt Cottages PLN50165

Land Use Application (Pre-app, Site Plan Review etc.): Pre-Application Conference

Project Description: Project is 32 new single family detached and attached dwellings, and retention of existing small former residential structure used as offices.

Applicable Design Guidelines				
Design Guideline	Intent	Description	Applicant Response	DRB Action (Y/N)
1. Parking Lot Location	To have parking lots be as visually unobtrusive as possible.	Parking lots should not front upon intersections. Parking lots should be located behind or to the side of buildings.	Parking is located to the side of the existing building on Madison (single loaded to reduce width) and behind the proposed structures on Wyatt.	✓
2. Outdoor Open Spaces and Amenities	To establish, over time, a variety of open spaces within the town center	New development and redevelopment should provide facilities near or visible from the sidewalk for outdoor public use. Examples of such facilities include seating areas, courtyards, and small plaza spaces. Generally, the larger the development, the greater the number and size of such spaces. Furthermore, it is desirable to locate these spaces where they can receive sun and where they can easily be connected to adjacent concentrations of land use.	Proposal relocates the existing public park from its internal location to the street corner of the parcel for more visibility and to create a strong presence. The internal circulation for pedestrians, bikes and cars is designed to mix these means of transportation into a small scale, slow paced space under a tree canopy.	✓
3. Pedestrian Connections	To create a network of safe, comfortable and attractive linkages for people on foot	New development and redevelopment should include pedestrian walkways, raised and/or separated from traffic lanes, that offer access from the public sidewalk to the main entrance to the building. (Locating a building entrance directly on the sidewalk satisfies this guideline.) In addition, connections to adjoining properties should be provided. Furthermore, within parking lots, there should be pedestrian walkways that allow people to traverse the lot without being forced to use vehicular aisles.	Dwellings along public streets have their front doors facing the sidewalks. A new sidewalk on Wyatt will add to the pedestrian network by completing this missing link. Note that the design provides for mixing modes of circulation to NOT create a dedicated zone for just vehicles.	✓
4. Shielded Lighting	To ensure that the source of lighting for parking, service and loading areas is not visible from neighboring development.	Freestanding light fixtures should not exceed 14' in height. All exterior lighting fixtures should incorporate cutoff shields to prevent spillover.	Lighting is proposed to be placed on trees with fixtures pointed downwards in the core circulation areas, pathways receive ground based path lighting and building entries will be have lighting associated with doors.	✓

ATTACHMENT F

**Design Review Board Design Guideline Checklist**  
Mixed Use Town Center and High School Road Districts / General Design Guidelines– BIMC 18.18.030

Applicable Design Guidelines				
Design Guideline	Intent	Description	Applicant Response	DRB Action (Y/N)
5. Screen Service Areas	To conceal loading, trash, and storage areas from view.	Trash containers should be enclosed on all sides with solid walls and gates. Loading docks, outdoor storage and staging areas should be screened with fencing and vegetation, such as evergreen hedges. Chain link fencing is not acceptable.	Trash locations will be placed in two locations internally and screened.	✓
6. Common Open Space	To ensure that open spaces within a development containing dwelling units are truly usable by all residents.	While some portions of common open space may be dedicated to specific amenities such as pools and tennis courts, most of it should be designed in such a manner as to allow walking throughout the development, to any adjacent commercial or recreational areas, and to surrounding streets. Except for designated senior housing, some place for children to play should also be provided.	Active open space activities will be served by the adjoining public park that includes play structures for children.	✓
6a. Conceal Garage Doors	To ensure that street frontages are not dominated by vehicular storage facilities.	Entrances to parking garages and structures should be from alleys, access lanes, or minor side streets, rather than from principal through streets. If access from a principal street is unavoidable, such access should be restricted to a single, two-way curb cut for each development.	Project contains no parking garages. Vehicular circulation is a one-way path with the entrance on Wyatt (the minor street) and exit on Madison. Currently this parcel has two driveways on Madison (one way in and one way out), the entrance being eliminated.	✓
7. Overall Form	To create visual continuity among buildings having potentially different styles.	Buildings should utilize elements such as massing, materials, windows, canopies, and pitched or terraced roof forms to create both a visually distinct "base" as well as a "cap".	Buildings are designed as courtyard buildings with the lower floor expressing mass as a base, and the upper floor light framing and glass.	✓
8. Entrances	To make it apparent from the street where major entrances to buildings are located.	Principal entrances to buildings should be visually prominent and located within close proximity to the public sidewalk. Entrances should incorporate elements such as setbacks, recesses, balconies, porches, arches, trellises, or other architectural devices.	Entrances located along street frontage for buildings located along the street edge. Entrances are typically gates leading into private walled gardens.	✓
9. Conceal Mechanical Equipment	To ensure that larger pieces of mechanical equipment are visually unobtrusive.	Rooftop mechanical equipment should be concealed by and integrated within the roof form of a building. Simply surrounding it with a parapet wall is not sufficient.	No rooftop mechanical equipment is proposed. Instead, roofs will have PV panels except where shaded by existing retained trees.	✓
10. Structured Parking	To diminish the visual impact of parking as viewed from streets.	Any level of parking contained within or under a structure that is visible from a public street shall fully screen the parking with either another use, a facade that incorporates artwork, or trees and other vegetation.	Parking is surface parking, located to the side or behind buildings. Where located to the side the parking is screened by landscaping.	✓
11. Encouraging Varied Details	To ensure that denser types of housing include details that create a sense of human scale and that break down the bulk of larger buildings.	Buildings containing residential dwellings should incorporate most, if not all, of the following elements: <ul style="list-style-type: none"> <li>• Front porches or stoops</li> <li>• Bay windows or dormers</li> <li>• Visible trim around windows and building corners</li> <li>• Base articulation, such as a plinth or first floor raised above grade</li> </ul>	See drawings, buildings have trimmed out windows, front walled garden spaces, a strong base with the building articulated differently above this base. Entries are not typically raised above grade to allow for accessibility.	✓

**Design Review Board Design Guideline Checklist**  
Mixed Use Town Center/ Madison Avenue Overlay District– BIMC 18.18.030

"Pre-App" Meeting Checklist

"Post-App" Meeting Checklist

Project Name/Case #: Wyatt Cottages PLN50165

Land Use Application  
(Pre-app, Site Plan  
Review etc.): Pre-application Conference

Project Description: Project is 32 new single family detached and attached dwellings, and retention of existing small former residential structure used as offices.

Applicable Design Guidelines				
Design Guideline	Intent	Description	Applicant Response	DRB Action (Y/N)
<b>1. Landscaped Front Setbacks</b>	To reinforce the predominant visual image of abundant vegetation along this portion of Madison	For the portion of Madison Avenue situated within this overlay district, landscaped front setbacks are encouraged	Existing structure will be retained and located closer to the street, surrounded by a formal landscape hedge in character with the historic nature of the structure. Parking and access will be placed on the north side of the building, with the parking screened from the street by landscaping.	✓
<b>2. Marking Intersections</b>	To establish strong reference points at key intersections.	Visually prominent buildings should be encouraged at the intersections with east/west streets. This can be achieved by such elements as bold roof forms, color, decorative structures and details, porches and trellises	Intersection of Wyatt and Madison will not have buildings, instead the existing public park located deep within the parcel will be relocated to the corner to provide for public open space and activity.	✓
<b>3. Residential Roof Forms</b>	To create a predominant visual image that is residential in character	Buildings have pitched roof forms, with the pitch being at least 4:12 and no more than 12:12.	Roof pitches vary from less than 4:12 to 4:12. At street frontage on Madison existing residential (used now for offices) will be retained and maintain the character of the street frontage. New construction will be located behind this building. On Wyatt the street frontage is a combination of townhouses and single family structures with walled private gardens, using the modulation of the buildings to create a visual character that is residential in scale.	✓

Guidelines Requiring  
Action per DRB:

DRB Summary Motion  
on Actions:



City of Bainbridge Island

## CITY OF BAINBRIDGE ISLAND

DEC 9 2015

Department of Public Works – Operations & Maintenance  
Planning and Community Development

September 4, 2015

James Laughlin (Agent)  
Wyatt Way Cottages  
Madison Avenue Development  
2930 Westlake Avenue N  
Seattle, WA 98109

RE: **Non-binding Commitment** for Water and Sewer System Capacity  
Parcel Tax Account Number 262502-2-104-2005 & 262502-2-129-2007 located at 138  
Wyatt Way

James Laughlin:

The City of Bainbridge Island ("City") Department of Public Works completed a review of your Water Availability and Sewer Availability Applications submitted April 14, 2015 for a property with Parcel Tax Account Number 262502-2-104-2005 & 262502-2-129-2007 located at 138 Wyatt Way. Our review determined that this parcel is within current City water and sewer service areas, and that water and sewer mains are adjacent to the subject property on Wyatt Way and Madison Avenue. This parcel is eligible for connection to the City's water and sewer systems.

A binding commitment limited reservation is required prior to issuance of a building permit and a binding commitment unlimited reservation with approval to connect is required prior to connection.

This letter is a **Non-binding Commitment** to Wyatt Way Cottages for water and sewer system capacity for the property with Parcel Tax Account Number 262502-2-104-2005 & 262502-2-129-2007 located at 138 Wyatt Way based upon information provided in the Water/Sewer Availability Application submitted April 14 2015 and contingent upon all conditions being met within the plat utility permit process and the City having available water and sewer capacity at the time of application of binding commitment. A Non-binding Commitment for water or sewer system capacity means that the City currently has available water or sewer system capacity but does not guarantee the future availability of water or sewer system capacity.

### ATTACHMENT G

Page-2 of 2

September 4, 2015

RE: **Non-binding Commitment** for Water and Sewer System Capacity  
Parcel Tax Account Number 262502-2-104-2005 & 262502-2-129-2007 located at 138  
Wyatt Way

Prior to the City issuing a Building Permit a determination of water supply adequacy by Kitsap Public Health District (KPHD) is required. This requirement is met by obtaining a binding commitment from the City. A **Binding Commitment** for Water and Sewer System Capacity may be obtained by submitting a Water/Sewer Availability Request with the most current project information. Binding commitments for water or sewer system capacity mean that upon payment of system participation the City shall reserve water or sewer system capacity, and shall allow connection to the City's water and sewer system.

A **Binding Commitment** may be given as a **Limited Reservation** for a period not to exceed 4 years, or as an unlimited reservation in perpetuity. The type of reservation is dependent upon what choice you make in paying system participation fees. A payment of a 10%, non-refundable deposit on water and sewer system participation fees will provide for a limited reservation.

Full payment of water and sewer system participation fees will provide for a **Binding Commitment Unlimited Reservation** and approval to connect and will be required prior to connection.

Additional and modified requirements may be established at the time of the request for binding commitment based upon information submitted at that time.

Sincerely,



Aaron Claiborne  
Operations Project Manager

cc: File



*Ribeiro Consultants*

10744 NE Manitou Beach Drive, Bainbridge Island, WA 98110  
 Phone & Fax: 206-842-1157. e-mail: [fungispore@comcast.net](mailto:fungispore@comcast.net). website: [www.ribeirotreeconsultants.com](http://www.ribeirotreeconsultants.com)  
*Consultants to the Arboricultural & Horticultural Industries – Specializing in Plant Disease Diagnosis*

City of Bainbridge Island

Report #: 15068  
 Date: July 6, 2015  
 Client: Cutler Anderson Architects. Attn: **Bruce Anderson**  
 135 Parfitt Way SW, Bainbridge Island, WA 98110  
 Your ref: **Blue North Development Wyatt Way/Madison.**

DEC 9 2015  
~~JUL 7 2015~~  
 Planning and  
 Community Development

The proposed development at Wyatt & Madison was visited with Bruce Anderson (Cutler Architects) & Jim McLaughlin (Blue North Development), to evaluate the health of various trees that could potentially be impacted by the proposed development. Trees evaluated are as follows:

Tree species	Location	Present Condition	Recommendations
Big Leaf Maple ( <i>Acer macrophyllum</i> )	Corner Wyatt/Madison	In good condition. No signs of insects, decay fungi or sap flow in tree trunk. Largest Big Leaf maple in the downtown area. Designated historic tree May 2009.	1. Remove ivy around tree trunk. 2. Clear vegetation around base. 3. Before development, boost vigor with a soil treatment of humic acids + sea kelp + mycorrhizae.
Apple ( <i>Malus sp.</i> )	Madison Ave. NE	Foliage appears vigorous. Fruit presently bearing fruit. No signs of insects, decay fungi or sap flow in tree trunk.	Historic signature apple tree. Would be very attractive if possible to incorporate into design. Clear out ivy presently engulfing tree to better ascertain its condition.
Black Locusts ( <i>Robinia pseudoacacia</i> )	Wyatt Way NE	Six locust trees in varying levels of decline. One has previously failed – (see Figs.3&4 below). Over-all condition of trees poor	Best to consider removal for safety. Due to poor vigor, these trees will not survive any disturbance to their root zones.
Willow	Wyatt Way NE	Overall vigor good (see Fig. 7 below). No signs of insects, decay fungi or sap flow in tree trunk. One large branch overhanging Wyatt Way NE. No signs of stress fractures	1. Prune out dead branches. 2. Cobra cable stems for safety. 3. Before development, boost vigor with a soil treatment of humic acids + sea kelp + mycorrhizae.
Scouler Willow	Corner Wyatt Way NE & Island Homestead Apts.	Poor condition. Weak structure	Remove for safety since any disturbance in the root zone will probably cause tree to fail.
Willows	East boundary by Island Homestead Apts.	Two willow trees –both in good condition. No signs of insects or decay fungi in tree trunks (see Fig. 6 below)	Prune both back to boundary fence to avoid damaging branches during construction
Poplar trees	Four poplar trees along east boundary	All trees exhibit varying levels of stress. Canopy thinning out (see Fig. 5 below).	Since trees are mature, chances of failure are high if roots are disturbed and if drainage pattern changes in the dripline of these trees. Best to consider removal for safety.
Apple	North end of development	Old variety apple tree. Presently bearing fruit. No signs of insects sap flow or decay fungi present.	Save if at all possible by moving to a different location –or leaving in place.

ATTACHMENT H

Tree species	Location	Present Condition	Recommendations
Douglas fir	North end of development	In good condition. No signs of insects, fungus infections or sap flow. Needle growth normal this year.	To be preserved by locating road away from tree trunk.
Cherry	Adjacent to Tot Lot	Gummosis in trunk and branches due to infections by cherry bark tortrix insect (see Figs.1 &2 below). Cankers in some branches and in trunk. Overall vigor poor. One large surface root will need to be cut to re-locate tree. . Due to present condition of tree And removal of large anchor root, re-locating tree may reduce chance of survival.	Avoid unnecessary pruning cuts or injuries to the tree. Like most wood-boring insects, CBT is attracted to stressed trees. Keep trees as healthy as possible with appropriate watering, fertilizer applications, and pruning. Remove heavily infested branches frequently sterilizing pruning shears in 70% alcohol. Control is best when insecticides are applied the first part of October when insect flights are finished, temperatures are moderate, and conditions are dry. Only spot-treat areas of the tree trunk, graft union, and large scaffold branches. Do not treat the tree canopy. Apply treatment to areas of frass tubes with low pressure until run-off. Insecticide applications may not be feasible due to presence of children in Tot Lot. Consider leaving tree in present location if feasible.

#Nick Penovich (Soil Science, LLC 360-876-3734, e-mail: [nick@soilscienceproducts.com](mailto:nick@soilscienceproducts.com)), is one person who is familiar with the treatments recommended above.

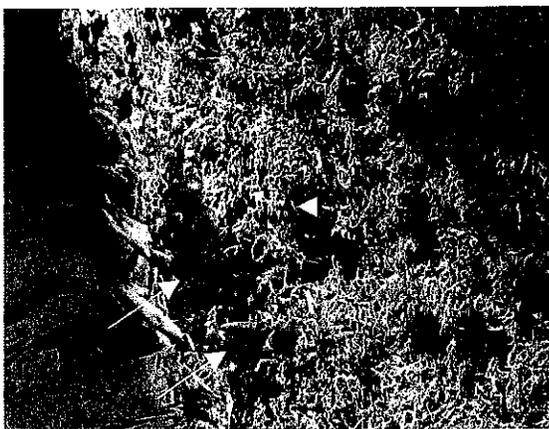


Fig.1: Cherry tree with gummosis (arrows)

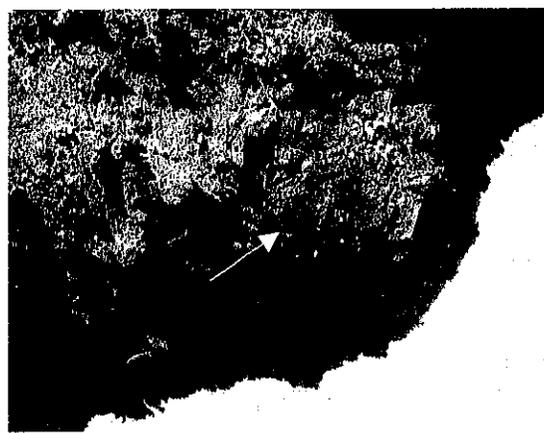


Fig. 2: Cherry tree with infections by cherry bark tortrix (arrow)



Fig.3: Black locust failed due to weak structure



Fig.4: Structurally weak black locusts-Remove for safety



Fig.5: Poplar trees exhibiting varying levels of stress. Remove.



Fig.6: Willow (arrows)-prune back to boundary



Fig.7: Willow -Wyatt Way W. Cobra cable for safety

Please call or e-mail should you have any further questions.

Olaf K. Ribeiro, Ph.D. CPAg  
ARCPACS Certified Plant Pathologist/ Certified Arborist PN#6390A

*Member: American Phytopathological Society ~ International Society of Plant Pathologists ~ International Society of Arboriculture ~ American Registry of Certified Professionals in Agronomy, Crops & Soils*



## Ribeiro Consultants

10744 NE Manitou Beach Drive, Bainbridge Island, WA 98110  
Phone & Fax: 206-842-1157. e-mail: [fungispore@comcast.net](mailto:fungispore@comcast.net).  
Consultants to the Arboricultural & Horticultural Industries – Specializing in Plant Disease Diagnosis

Report #: 16025  
Date: March 16, 2016  
Client: Blue North Development. Attn: Jim Laughlin  
P.O. Box 10607, Bainbridge Island, W 98110  
Your ref: *Willow on Wyatt Way E.*

City of Bainbridge Island

MAR 29 2016

Planning and  
Community Development

The signature weeping willow tree (*Salix babylonica*) as well as the black locust trees on Wyatt Way E was inspected with Jim Laughlin of Blue North Development.

**Weeping Willow:** This tree had a branch break off from a large overhanging limb as a result of strong winds on March 13, 2016. The large limb overhangs Wyatt Way (Fig. 1), giving this tree a unique appearance that is much admired by those who drive or walk along this road. This large limb overhanging the road presently has extensive stress fractures (Fig. 2). Several of the branches are also weakly attached and will need to be removed. The attachment of the limb to the main trunk presently appears firm. The tree itself is in a healthy condition with no signs of insect infestations, fungus infections or sap flow in the tree trunk.



Fig. 1: Willow overhanging Wyatt Way. Failure will impact Funeral Home across the street.



Fig. 2. Overhanging limb showing stress fractures (arrows).

Litigation to save this tree, as well as a Scouler's willow, several locust trees and a historic maple tree. However, the Hearing Examiner Margaret Klockars rejected an appeal of a city-issued determination of non-significance for the Wyatt Place development that was planned at that time. The trees however, were retained since the development was postponed. More information on the Hearing Examiner's decision can be found at <http://www.bainbridgereview.com/news/36943744.html>.

### Recommendations:

1. Unfortunately, there is no way to render the over-hanging limb safe since there is no point to anchor a support cable to the main trunk. It is best to prune back this limb to a safe height away from the road and the pedestrian walk.
2. Cable remaining portion of cut limb to main trunk using a dynamic (cobra) cable.
3. Hand-dig this area for the proposed utility trench to avoid destroying any roots of the remaining portion of the willow tree.
4. After construction is complete, apply a soil application of mycorrhizae + humic acids + sea kelp to improve the health and vigor of the tree.

Locust trees (***Robinia pseudoacacia***): There are four locust trees west of the above willow tree that is presently leaning toward Wyatt Way. These locust trees are in poor health with weak branch structures. Failure of any one of these trees may cause potential damage to passing car, or injury to pedestrians walking along Wyatt Way.



Fig.3: Locust trees leaning toward Wyatt Way.

**Recommendations:**

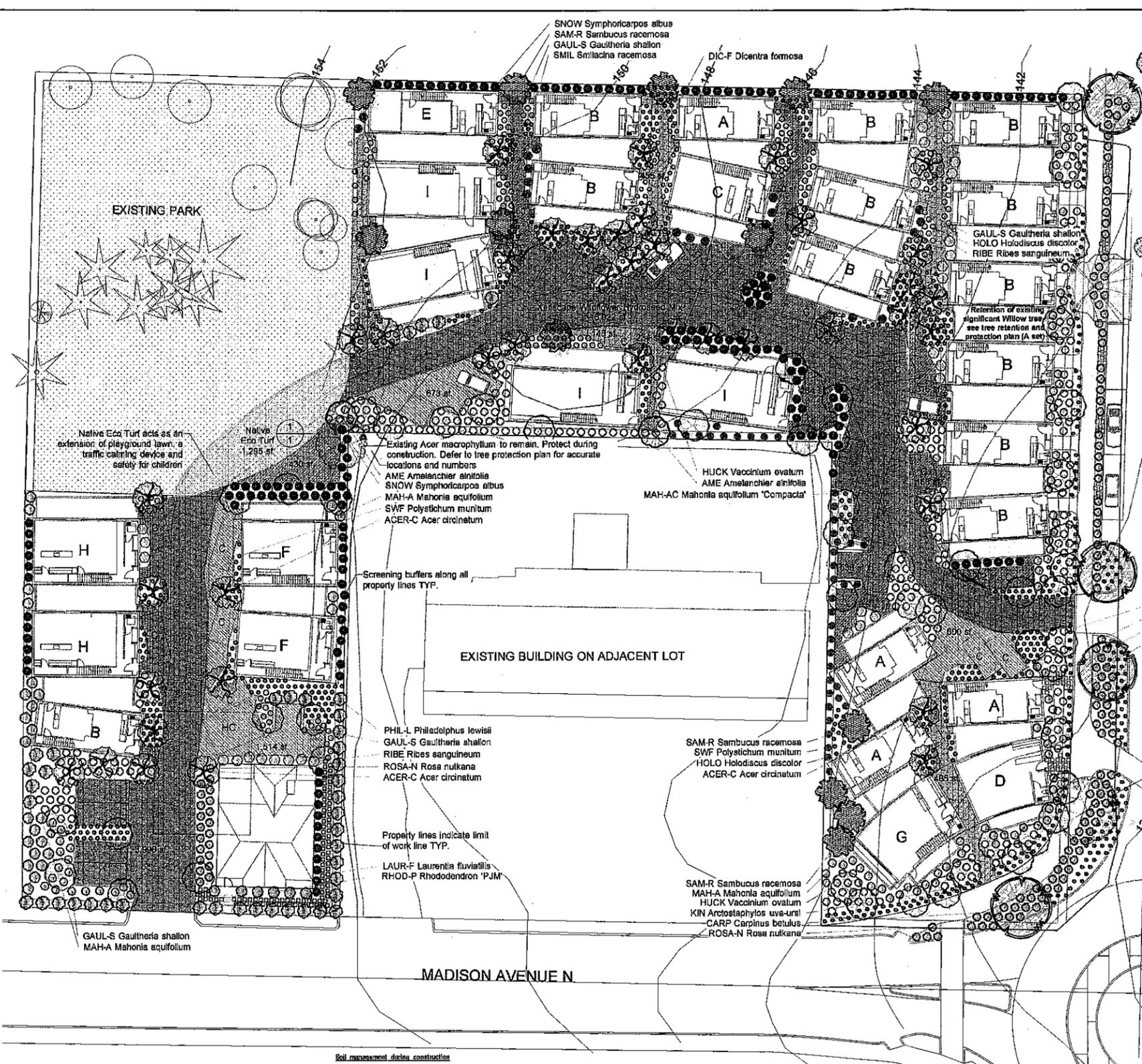
Since construction will be occurring in the root zone of these trees, it is best to consider removal of these trees for safety.

Please call or e-mail should you have any further questions.

Olaf K. Ribeiro, Ph.D. CPAg  
ARCPACS Certified Plant Pathologist/ Certified Arborist PN#6390A

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*Member: American Phytopathological Society ~ International Society of Plant Pathologists ~ International Society of Arboriculture ~ American Registry of Certified Professionals in Agronomy, Crops & Soils*



**Legend: D: Decid, E: Evrgm, SE: Semi-evrgm, PER: Peren, GC: Grnd cvr, DT: Drght tol, N: Ntr, DR: Deer resist**

ID	Qty	Botanical Name	Common Name	Size	Remarks
ACER-C	43	<i>Acer circinatum</i>	Vine Maple	2" C.	D, DT, N, Small tree, fall color
ACER-M	2	<i>Acer macrophyllum</i>	Big Leaf Maple	1" C.	D, DT, N, Shade tree
AME	86	<i>Amelanchier alnifolia</i>	Serviceberry	2" C.	D, DT, DR, N, Small tree (limb up), edible berries
CARP	5	<i>Carpinus betulus</i>	European Hornbeam	2.5"	D, DT, N, Small street tree
DIC-F	1	<i>Dicentra formosa</i>	Bleeding Heart	1 G.	PER, N, DT, shade, rows of hanging blossoms in summer
GAL	2	<i>Galium odoratum</i>	Sweet Woodruff	4"	SE, DT, Whorled aromatic foliage with tiny white flowers.
GAUL-S	253	<i>Gaultheria shallon</i>	Galal	1 G.	E, DT, N, low shrub, berries
HOLO	61	<i>Holodiscus discolor</i>	Oceanspray	2 G.	D, DT, N, large shrub, sprays of white fragrant flowers
HUCK	278	<i>Vaccinium ovatum</i>	Evergreen Huckleberry	1 G.	E, DT, DR, native with glossy leaves, berries
KIN	221	<i>Arctostaphylos uva-ursi</i>	Bearberry, Kinnikinnick	1 G.	E, DT, N, GC, Low, year round interest
LAUR-F	162	<i>Laurentia fluvialis</i>	Blue Star Creeper	4"	SE, DT, GC, Tiny purple flowers
MAH-A	106	<i>Mahonia aquifolium</i>	Oregon Grape Holly	2 G.	E, DR, DT, N, upright, yellow fragrant flower
MAH-AC	1	<i>Mahonia aquifolium 'Compacta'</i>	Compact Oregon Grape	1 G.	E, DR, DT, N, low shrub, yellow fragrant flower
OX	1	<i>Oxalis oregana</i>	Wood Sorrel	4"	SE, DT, N, low ground cover, shade
PHIL-L	43	<i>Philadelphus lewisii</i>	Mock Orange	5 G.	D, N, DT, Large shrub, fragrant spring flowers
RHOD-P	7	<i>Rhododendron 'PJM'</i>	PJM Rhododendron	5 G.	E, DT, Low shrub, dark leaves, pink flowers in spring
RIBE	34	<i>Ribes sanguineum</i>	Red Flowering Currant	5 G.	D, N, DR, DT, red flowers attract birds
ROSA-N	136	<i>Rosa nutkana</i>	Nootka Rose	1 G.	D, DT, DR, N, Med shrub, flowers in summer
SAM-R	14	<i>Sambucus racemosa</i>	Red Elderberry	5 G.	D, DT, N, Large shrub, edible red berries
SMIL	47	<i>Smilacina racemosa</i>	False Solomon's Seal	1 G.	PER, N, Shade plant blooms in spring, berries in fall
SNOW	180	<i>Symphoricarpos albus</i>	Snowberry	1 G.	D, DT, N, upright shrub, white berries
SWF	468	<i>Polystichum munitum</i>	Sword Fern	1 G.	SE, DT, N, dark green fern

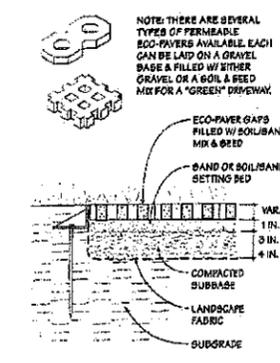
**Plants and seed mixes to be planted through Grass Crete or similar permeable and plant-able pavers**

- Galium odoratum Sweet Woodruff
- Oxalis oregana
- Native EcoTurf Hydroseed Mix from Sunmark Seeds
- Xeriscape Hydroseed Mix from Sunmark Seeds
- Native Pacific Northwest Hydroseed Mix from Sunmark Seeds

Native hydroseed source: <http://sunmarkseeds.co/>

- General Notes**
- Plant in fall or spring for best results. Plant list is based on inventory commonly available in the Pacific Northwest. Not all plants are available year round. Availability changes both seasonally and annually according to what growers can provide. If an alternative plant is needed due to lack of availability, please see the landscape architect for a substitution.
  - It is assumed that the owner will dig and store native plants available on-site prior to excavation. Dig a rootball twice the size of the plant. For larger containers use a backhoe with tree spade attachment. Store the plants in containers in their native soil. Water regularly prior to planting.
  - Dimensions, Orientation and layout of existing and proposed site layout are based on provided Civil site plan. The landscape plan was added to the site plan.
  - All Planting Beds: 100% healthy weed-free stockpiled native soil from the site, if unavailable at time of planting, then: 50% 3-way mix, 50% native soil. Top dress all beds with organic compost 5". Amend soil annually with 2-3" of organic compost to be used as mulch in lieu of bark. Mandatory with little to no irrigation to retain moisture around plants and amend poor soil. \*\*\* If possible store and cover any nutrient rich native soil accrued from the site and re-use in planting beds and madow areas. See below for soil storage guidelines.
  - Amend soil in all beds annually with 3" organic compost.
  - Irrigation: Xeriscaping methods have been used which do not require irrigation. Hand water planted beds or use temporary drip irrigation during warm months until established. Plants are drought tolerant once established and watering can be reduced after 3 years.
  - Lighting: See A-5
  - Requests to substitute any product, technique, or material shall be submitted in writing to Architect for approval. Samples, product information, and drawings shall be required prior to substitution approval. Proposed substitution shall be of equal quality and performance specification to that originally specified.
  - Contractor is responsible for the safety, actions and conduct of her or his employees and his subcontractors' employees while in the project area, adjacent areas and in the building and its vicinity.
  - Contractor shall review these plans thoroughly, make a detailed site visit, and shall immediately bring any inconsistency, site layout problem, or any other request for clarification to the landscape designer for resolution prior to the delivery of any bid.
  - Contractor is responsible for ensuring that all sitework and structures meet both International and County building codes.
  - Call before you dig: 1-800-424-5555 to avoid disrupting utilities.

City of Bainbridge Island  
 DEC 9 2015  
 Planning and Community Development



**EMILY RUSSELL**  
 Landscape Architect

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 363-599-1720  
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[emily@russelldesignsource.com](mailto:emily@russelldesignsource.com)  
 245 4th Street #501  
 Bremerton WA 98337

Client:	Wyatt Madison Bainbridge Island WA
Project Name:	The Native Xeriscape Planting Plan for Jim Laughlin and Cutler Anderson Architects
Drawn by:	Emily Russell
Scale:	1"=20'
Date:	7.1.15
Sheet No.:	L-1
Total Sheets:	1

**Planting and Maintenance:**  
 All plants have been chosen for their natural habit and eventual size.  
 \*\*\*When possible plant in Fall or Spring for best results due to lack of irrigation.  
 Prune plants as minimally as possible keeping their natural shape. Shrubs are grouped to form an eventual mass. Do not prune in a way that separates like plants.  
 \*\*\*Never prune shrubs into tight hedges or cubes. Leave as loose as possible (natural growth habit for each)  
 \*\*\*Never prune trees around the outer edge creating an even outer shape (popsicle-like). Only selectively remove branches to allow circulation and to keep branches out of pedestrian paths. Overall shape to be the natural habit of the tree  
 Contact the Landscape Architect for further pruning information

**Soil management during construction**

Do  
 ✓ Remove vegetation and waste materials from storage areas before forming stockpiles.  
 ✓ Manage the site so that soil storage patches are kept as short as possible.  
 ✓ Stockpile soils in the driest condition possible.  
 ✓ Use tracked equipment whenever possible to reduce compaction.  
 ✓ Protect stockpiles from erosion by seeding or covering them.  
 ✓ Use clear signage to identify the extent of stockpiles

Don't  
 X Stockpile soils when wet or plastic.  
 X Stockpile soils of different quality and composition together, especially loessal and subsoil.  
 X Stockpile subsoil or waste materials on top of loessal.  
 X Locate stockpiles close to retained trees, drains, watercourses or excavations.  
 X Steepen stockpile sides beyond a slope of 1 in 1.75 (30%) in order to reduce the risk of erosion.  
 X Allow vehicles to run over stockpiles except during their construction.

**Planting Beds:**  
 Plant quantities to be determined by required spacing. Plant spacing to achieve total coverage within two years.  
 Plant varieties chosen are native and drought tolerant  
 Trees within the site are native, drought tolerant, and chosen for their small size at maturity - a mature height to remain below rooflines and not impede solar

**ATTACHMENT I**



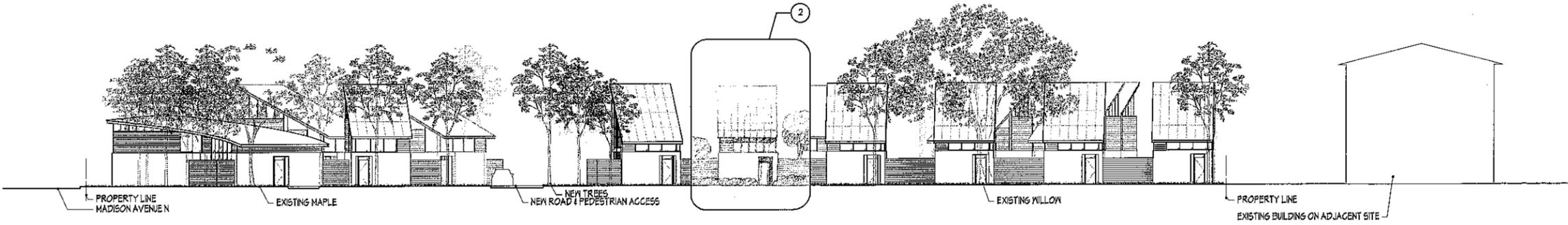
1 Grass pave or similar pervious paving product  
 1 NTS

JUL - 7 2015

4/12/15

2009 REGISTERED ARCHITECT  
JAMES L. CUTLER  
State of Washington

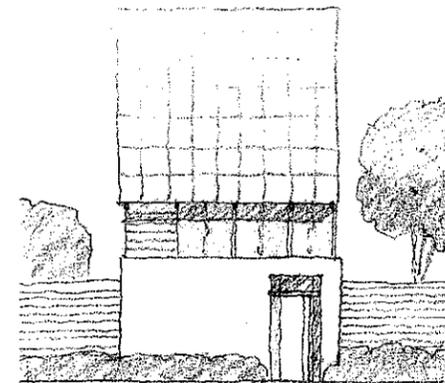
REVISION  
DATE  
DESCRIPTION



WYATT STREET ELEVATION 1  
SCALE: 1" = 20'



BUILDING COURTYARD PERSPECTIVE 3



SOUTH ELEVATION 2  
SCALE: 1/8" = 1'-0"

Cutler Anderson Architects  
135 Parfitt Way SW, Bainbridge Island, WA 98110  
P: 206.842.4710 F: 206.842.4420  
Email: contact@cutler-anderson.com

WYATT MADISON  
BAINBRIDGE ISLAND, WASHINGTON

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Bainbridge Island

SITE ELEVATIONS

APR 1, 2015

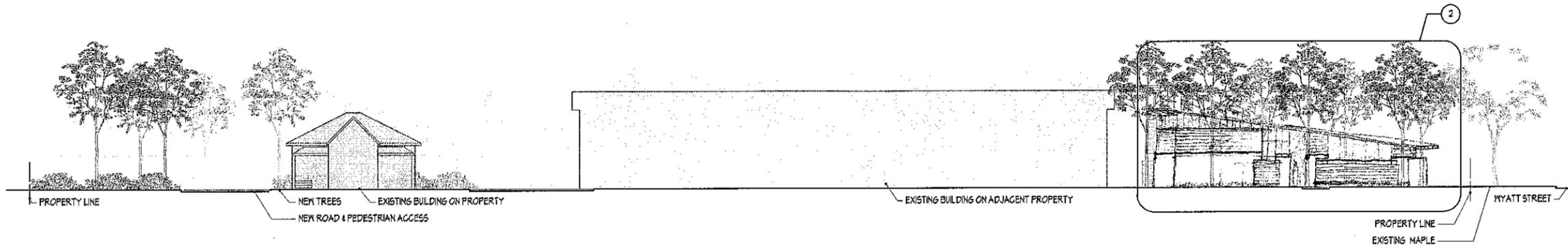
Dept. of Planning & Community Development

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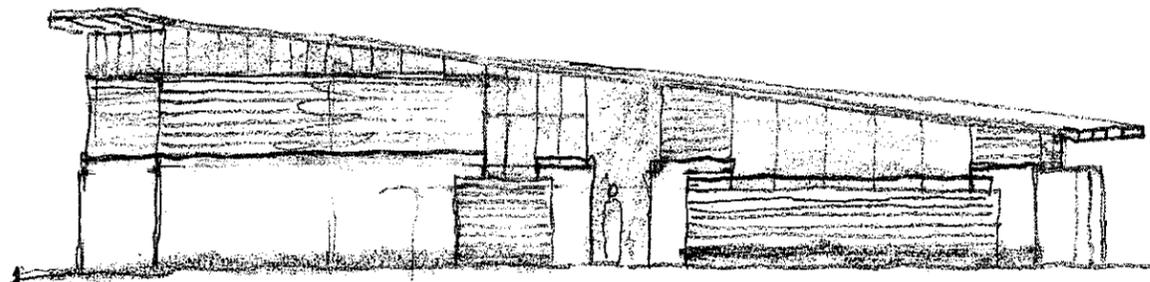
NOTE: Do not scale drawings

ATTACHMENT J

J:\Volumes\MacServerProd\Projects\Wyatt & Madison 2014\01 CADD\01 Arch\CAD\150409 Wyatt & Madison.pln, 4/12/15, 1:51 PM



MADISON AVENUE N 1  
SCALE: 1" = 20'



CORNER BUILDING 2  
SCALE: 1/8" = 1'-0"

4/12/15

3009 REGISTERED ARCHITECT  
JAMES L. CUTLER  
State of Washington

REVISION	DATE	DESCRIPTION

Cutler Anderson Architects  
135 Parfitt Way, SW, Bainbridge Island, WA 98110  
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SITE ELEVATION

APR 1 2015

Dept. of Planning & Community Development

A.9

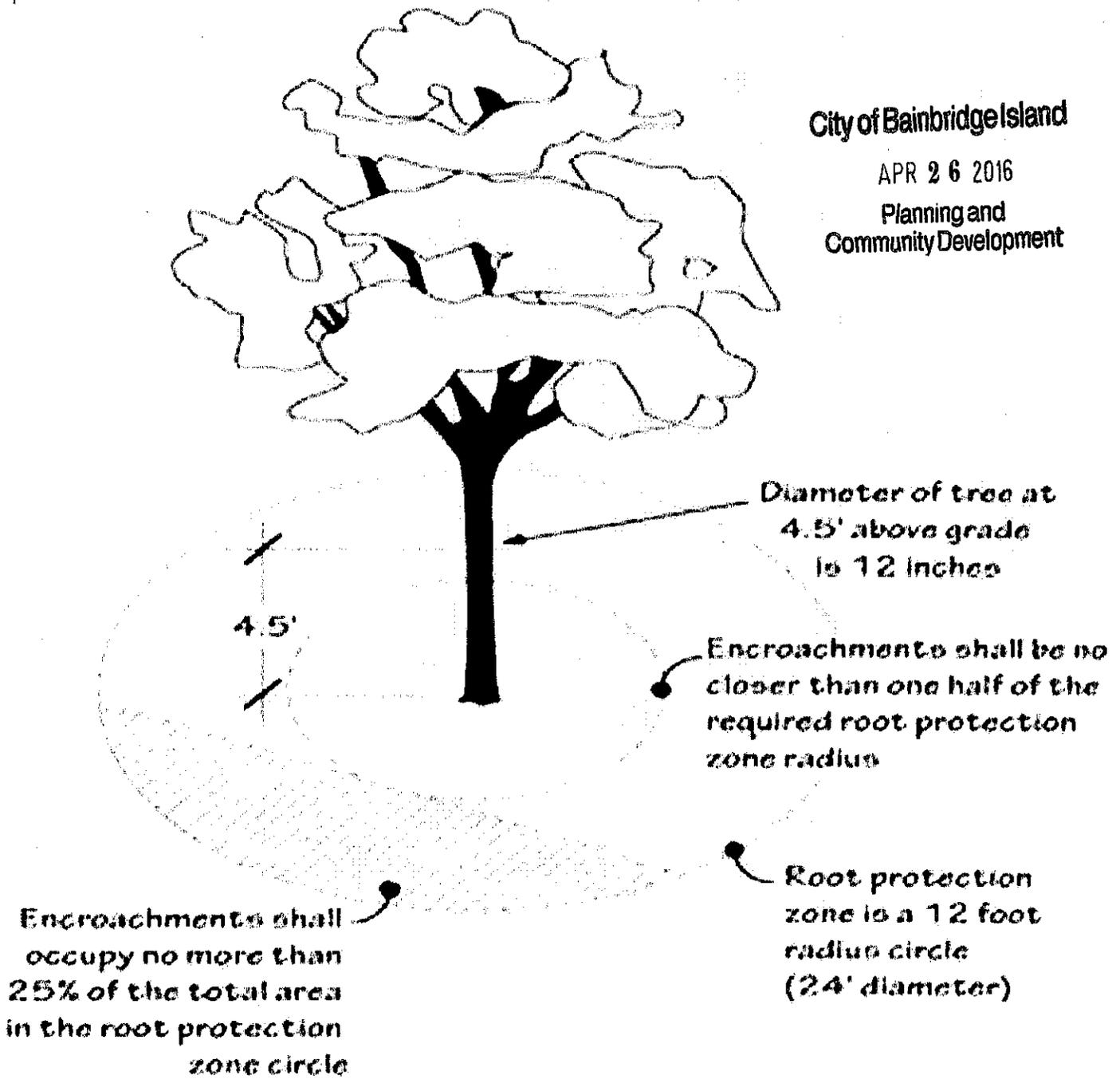
NOTE: Do not scale drawings



**City of Bainbridge Island**

APR 26 2016

**Planning and  
Community Development**



## **4.0 Protection of Trees During Construction**

### **Introduction**

The objective of this section is to reduce the negative affects of construction on trees to a less than significant level.

Land development is a complex process and is even more challenging when trees are involved. Construction is one of the greatest causes of tree decline and death in urban areas.

The long-term goal of the Forestry Division is urban forest sustainability. This describes the maintenance of social, recreational, ecological and economic functions of trees and their benefits over time. Stewardship of naturally occurring and planted trees is a central element in forest sustainability. Concerns about tree health and structure, preservation during development and redevelopment, species and site selection, quality of planting stock, standards of performance, maintenance practices in our parks, and recycling are integral to a sustainable urban forest.

Tree protection should not begin subsequent to construction. If preservation measures are delayed or ignored until construction begins, the trees may be destined to fail. Because in most cases construction affects to trees cannot be completely eliminated, the goal for our parks planners and designers is to keep injury to trees to a minimum and allow building projects to proceed at the same time.

Successful tree preservation occurs when designers, construction personnel, and project managers are committed to tree preservation. All members of the project team must be familiar with the rudimentary aspects of tree growth and development in order to understand the relationship between tree survival and construction practices. Myths abound how trees grow.

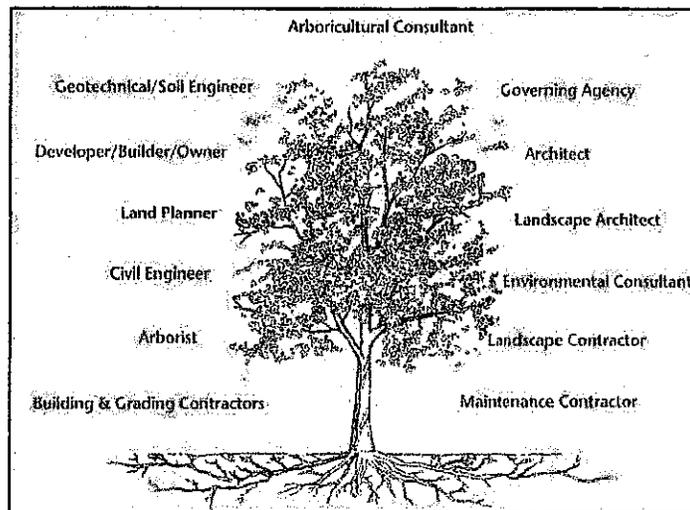
For example, above ground parts of trees is not a "mirror" of what lies below ground. In actuality, typically four to eleven large roots radiate from the base of a tree's trunk. These "buttress" roots extend from the root crown and sometimes are visible when the trunk flares away from the root crown or collar. These large roots decrease in taper rapidly and branch repeatedly so that at distances of ten feet or more from the trunk they are about ½ inch in diameter or smaller.

These roots grow horizontally through the soil and depending on the tree can extend 40 feet or more beyond the branch tips. These smaller roots are primarily responsible for water and mineral absorption. There can be hundreds of roots in a cubic inch of soil—thus any removal of soil or root severance forces a tree to compromise its physiological processes to sustain the loss.

All trees cannot and should not be preserved. Trees that are structurally unstable, in poor health, or unable to survive effects of construction become a liability to the project and should be removed. A realistic tree preservation program acknowledges that conflicts between trees and development may sometimes result in the removal of some

trees and recognizes the detrimental effect to the project and community when trees die after construction is completed.

Successful tree preservation occurs when construction impacts to trees are minimized or avoided altogether. The challenge is to determine when impacts will be too severe for the tree to survive, not only in the short term, but also in the long term. There are no quantitative methods to calculate this critical level. Determining the optimum tree protection zone provides a guideline, although trees often survive and flourish with smaller protection areas.



Matheny, N.P. and Clark, J.R. 1998. *Trees and Development*

***Tree Preservation during development requires the commitment of everyone involved in the project's planning, design, construction, and management.***

The following are the three guiding principles for tree preservation:

- The acknowledgement that not all trees are in excellent health or have good structural stability.
- Tree preservation cannot be the responsibility of the Forestry staff alone. Each development participant must understand that his or her activities and decisions influence the success of tree preservation efforts.
- The ability of an arborist to cure construction injury is very limited, so the focus of preservation efforts is the *prevention* of damage.

Following the above principles will increase the chance for success and reduce the possibility that trees will die.

Efforts at preservation must include acknowledgement of the tree and its ecological support system.

#### **4.10 Planning for All Projects**

Capital improvement projects, in-house construction projects, sport field renovations, and even the addition of a few sprinkler lines affect trees. Our department considers trees as important assets and requires plotting tree locations on plans for all projects.

##### **4.10.1 Planning and Designing for Capital Improvement Projects**

Projects are designed by in-house design staff and by outside design firms. Either design team should be given set of guidelines defining the Department's *Tree Preservation Policy* (Appendix A) and *Tree Protection Guidelines* (Appendix G and Appendix I), to assure that trees are accounted for from project initiation forward.

###### **A) Survey before Planning**

The survey must accurately plot the trunk locations within the project site. Include construction staging areas and delivery routes.

###### **B) Plan and Design with Knowledge of Trees**

The health and structural confirmation of the surveyed trees must be evaluated in order to anticipate how well they will respond to development. The evaluation must describe the character of trees and their suitability for preservation at a level of detail appropriate for the project and phase of planning. An arboricultural or forestry consultant must be obtained for this evaluation.

###### **C) Plan with a Vision**

Disruption of any tree by construction activities may negatively affect its physiological processes, and cause depletion of energy reserves and decline in vigor, often resulting in tree death. Typically this does not manifest until many years after the tree is disrupted. Preservation of mature trees during construction has limitless benefits to the success of a project.

When new trees are planted, consideration should be given to species diversity and appropriateness of location. To prevent destructive clearance pruning in future years, keep in mind the ultimate canopy and root spread.

###### **D) Plan for all Aspects and Entire Duration of Project**

Construction projects are multi-level and often require participation of various construction trades and subcontractors. It is important to plan for tree protection with an understanding of construction dynamics. Trees must be protected in the staging area, construction employee parking area, adjacent properties, as well as on the actual construction site.

##### **4.10.2 Managing In-House Construction Projects**

The in-house Construction team should be given set of guidelines that define the Department's *Tree Preservation Policy* (Appendix A) and *Tree Protection Guidelines* (Appendix G and Appendix I), and to assure to assure that trees are accounted for from project initiation forward.

A) Survey before Planning

For all in-house projects, contact the Forestry Division for an accurate survey of trees on the job site.

B) Plan and Design with Knowledge of Trees

In order to better understand the condition of the affected trees, the Forestry Division will make available the results of the tree evaluation. This evaluation will provide you with knowledge of the resources and the anticipated construction tolerance of the affected trees.

C) Plan with a Vision

Obtain information about trees and minimize negative impacts on the urban forest. Conduct all projects with tree preservation in mind.

D) Plan for all Aspects and for the Entire Duration of the Project

Trees must be protected in the staging area, construction employee parking area, and during demolition and grading. Arrange with the Sr. Park Maintenance Supervisor for trees to be watered and for the soil to be protected from compaction.

#### **4.20 Pre-Construction Requirements - Tree protection and Preservation Plan**

Prior to the commencement of a development project, the R&P Project Manager, and/or City-Wide Construction Supervisor, and/or Regional Head must be assured that if any activity of the project is within the dripline of *Protected Trees*, a site specific tree protection plan is prepared. The following six steps shall be incorporated as part of the Tree Protection and Preservation Plan:

##### **4.20.1 Site Plan**

For all projects, site plans must indicate accurately plotted trunk locations and *the dripline* areas of all trees or group of trees to be preserved within the development area. Additionally, for all *Protected Trees* the plans shall accurately show the trunk diameter, dripline and clearly identified *tree protection zones*. The type of protective fencing shall be specified and indicated with a bold dashed line.

##### **4.20.2 Protective tree fencing for all categories of *Protected Trees***

Fenced enclosures shall be erected around trees to be protected. This will achieve three primary goals, (1) to keep crowns and branching structure clear from contact by equipment, materials, and activities; (2) to preserve roots and soil condition in an intact and non-compacted state and; (3) to identify the *Tree Protection Zone* in which no soil disturbance is permitted and activities are restricted, unless otherwise approved by the DRP Arborist.

All trees to be preserved shall be protected with five to six (5 to 6) foot high chain link fences. Fences are to be mounted on two-inch galvanized iron posts, driven into the ground to a depth of at least two feet and at no more than ten-foot centers. Install a two-foot wide access gate for tree maintenance. Tree fences shall be erected before demolition, grading, or construction begins and remain until final inspection of the

project. The "Warning" sign shall be prominently displayed on each protective fence. The sign shall be a minimum of 8.5 inches x 11 inches and clearly state the following:

***TREE PROTECTION ZONE***  
**This Fence Shall Not be Removed**

All work within the *Tree Protection Zone* requires approval of the DRP Arborist.

A) Type I Tree Protection Fence is for trees to be preserved throughout the duration of the project. The fences shall enclose the entire area under the canopy dripline or *Tree Protection Zone*, if specified by the DRP Arborist. If fencing must be located on paving or concrete that will not be demolished, an appropriate grade level concrete base may support the posts.

B) Type II Tree Protection Fence is for trees situated in small planting areas, where only the planting area is enclosed with the required chain link protective fencing. The walkways and traffic areas are left open to the public.

C) Type III Tree Protection Fence is for trees in small tree wells, building site planters or sidewalk planters. Trees shall be wrapped with 2 inches of orange plastic fencing from the ground to the first branch and overlaid with 2-inch thick wooden slats that are bound securely (slats shall not be allowed to dig into the bark). During installation of the plastic fencing, caution shall be used to avoid damaging branches. Major scaffold limbs may also require plastic fencing as directed by the DRP Arborist.

No storage of material, topsoil, vehicles, or equipment shall be permitted within the fenced area throughout the entire duration of the construction project.

#### 4.20.3 Verification of tree protection

The project contractor or construction supervisor shall verify in writing that all pre-construction tree preservation conditions have been met as follows:

- A) Tree fencing installed
- B) Erosion control secured
- C) Tree pruning completed
- D) Soil compaction preventive measures installed
- E) Tree maintenance schedule established

The Planning and Construction Project Manager, City-wide Construction Supervisor, or Region Head Superintendent and Head of Recreation and Parks Urban Forest must sign this verification.

#### 4.20.4 Pre-construction meeting

The DRP Arborist shall attend all pre-construction meetings to assure that everyone fully understands previously reviewed procedures and tree protective measures concerning the project site, staging areas, hauling routes, watering, contacts, etc.

#### 4.20.5 Tree Protection Zone

Each tree to be retained shall have a designated *Tree Protection Zone* identifying the area sufficiently large enough to protect it and its roots from disturbance. The *Tree Protection Zone* shall be shown on all site plans: Demolition, Grading, Irrigation, Electrical, Landscape, etc. Improvements or activities such as paving, utility and irrigation trenching including other ancillary activities shall occur outside the *Tree Protection Zone*, unless otherwise specified. The protection fence shall serve as the *Tree Protection Zone*.

##### **A) Activities prohibited within the *Tree Protection Zone* include:**

- Parking vehicles or equipment, storage of building materials, refuse, or excavated soils, or dumping poisonous material on or around trees and roots. Poisonous materials include, but are not limited to paint, petroleum products, concrete, stucco mix, dirty water or any material that may be harmful to tree health
- The use of tree trunks as a backstop, winch support, anchorage, as a temporary power pole, signpost or other similar function
- Cutting of tree roots by utility trenching, foundation digging, placement of curbs and trenches, or other miscellaneous excavations without prior approval of the DRP Arborist
- Soil disturbance or grade change
- Drainage changes

##### **B) Activities permitted or required within the *Tree Protective Zone* include:**

- **Mulch:** During construction, wood chips may be spread within the *Tree Protection Zone* to a four to six inch depth, leaving the trunk clear of mulch. This will aid in inadvertent soil compaction and moisture loss. Mulch shall be 2-inch unpainted, untreated shredded wood or approved material.
- **Root Buffer:** When areas under the tree canopy cannot be fenced, a temporary buffer is required and shall cover the root zone and remain in place at the specified thickness until the final grading stage. The protective buffer shall consist of shredded wood chips spread over the roots at a minimum of 6-inches in depth (keeping the trunk clear of chips), and layered by ¾-inch quarry gravel to stabilize the ¾-inch plywood sheets laid on top. Steel plates can also be used.
- **Irrigation, Aeration, fertilization, Mycorrhizae** treatments or other beneficial practices that have been specifically approved for use within the *Tree Protection Zone*.

**C) Erosion Control:**

If a tree is adjacent to or in the immediate proximity to a grade slope of 8% (23 degrees) or more, approved erosion control or silt barriers shall be installed outside the Tree Protection Zone to prevent siltation and/or erosion within the zone.

**4.20.6 Tree Pruning and Removal**

Prior to construction, various trees may need to be pruned away from structures or proposed construction activity. **Construction or contractor personnel shall not attempt pruning.** Only personnel approved by the DRP Arborist can perform pruning operations.

Removal of trees adjacent to trees that are to remain requires a great amount of finesse. Only personnel approved by the DRP Arborist shall engage in tree removal. Removal of trees that extend into branches or roots of protected trees **shall not be attempted** by the demolition or construction crew, or by grading or other heavy equipment. Before removing tree stumps, the project manager shall determine if roots are entangled with trees that are to remain. If so, these stumps shall have their roots severed before extracting them.

**4.30 Activities During Construction and Demolition Near Trees**

Soil disturbance or other damaging activities within the Tree Protection Zone is prohibited unless approved by the DRP Arborist and mitigation for specific injuries is implemented. **No encroachment within 10 feet of a trunk will be permitted under any circumstances.**

**4.30.1 Soil Compaction**

Soil compaction is the largest single factor responsible for the decline of trees on construction sites. The degree of compaction depends on several factors: amount and type of pressure applied, presence and depth of surface organic litter, soil texture and structure, and soil moisture level.

The greatest increase in soil density occurs during the first few equipment passes over the soil, which underscores the importance of implementing protective measures before the project begins and equipment arrives at the site. To dispense traffic weight mulch and temporarily root buffers can be used.

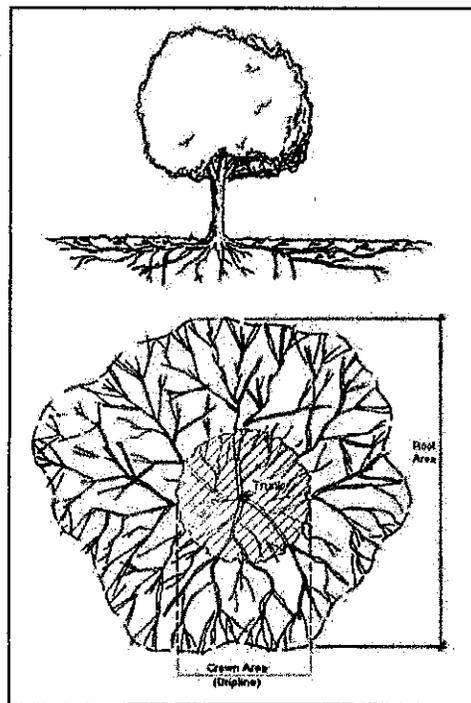
The following techniques can lessen compaction: vertical mulching, soil fracturing, core venting, and radial trenching. Do not compact soil to higher density than needed: to 95% Proctor density (moisture – density) in improved areas for asphalt or concrete pavements, and not to exceed 85% in unimproved open landscape areas that use water jet compaction.

**4.30.2 Grading Limitations within the Tree Protection Zone**

Lowering the grade around trees can have an immediate and long-term effect on trees. Typically, most roots are within the top 3 feet of soil, and most of the fine roots active in water and nutrient absorption are in the top 12 inches.

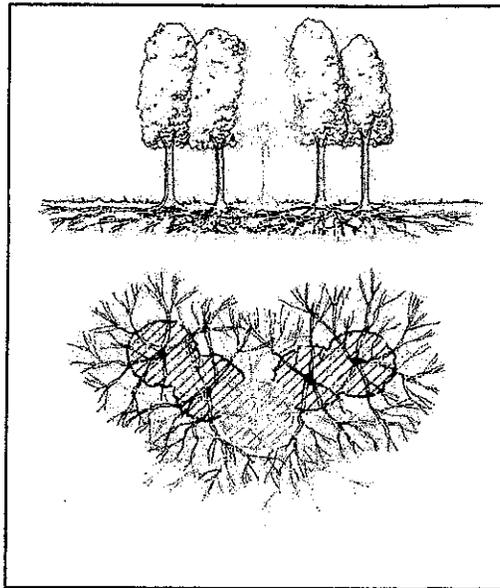
- A) Grade changes within the *Tree Protection Zone* are not permitted.
- B) Grade changes outside the *Tree Protection Zone* shall not significantly alter drainage.
- C) Grade changes under specifically approved circumstances shall not allow more than 6 inches of fill soil or allow more than 4 inches of existing soil to be removed from natural grade, unless mitigated.
- D) Grade fills over 6 inches or impervious overlay shall incorporate an approved permanent aeration system, permeable material, or other approved mitigation.
- E) Grade cuts exceeding 4 inches shall incorporate retaining walls or an appropriate transition equivalent.

The pictures on the next pages illustrate the pattern of tree root development and areas where encroachments may have an adverse effect on tree health. See Training Leaflets (Appendix P) for a list of information offered by the Forestry Division. The video, *Guide for Excavating Near Trees, Tunneling and Trenching* (International Society of Arboriculture) can be borrowed from the Forestry Office.



Matheny, N.P. and Clark, J.R. 1998. *Trees and Development*

***Tree root system of a tree can be described as shallow and widespread, extending far beyond the edge of the canopy.***



Matheny, N.P. and Clark, J.R. 1998. *Trees and Development*

***In many parks where trees grow closely together, root systems of individual trees overlap and intertwine, forming a dense mat of roots.***

**4.30.3 Trenching, Excavation and Equipment Use**

Trenching, excavation or boring within the *Tree Protection Zone* shall be limited to activities approved by the DRP Arborist. Explore alternatives for trenching outside the root zone. Avoid exposing roots during hot, dry weather. Backfill trenches as soon as possible with soil and soak with water the same day. Small roots can die in 10 to 15 minutes and large roots may not survive an hour of exposure. If the trench must be left open all roots must be kept moist by wrapping them in peat moss and burlap.

If trenching is unavoidable, the following distances should be maintained:

TRUNK DIAMETER (measured at 4.5 feet above natural grade)	DISTANCE FROM BOTH SIDES OF THE TRUNK
Up to 6 inches	Past dripline
6-9 inches	5 feet
10-14 inches	10 feet
15-19 inches	12 feet
over 19 inches	15 feet

A) **Root Severance.** No roots greater than 2 inches in diameter shall be cut without approval of the DRP Arborist. Tunneling under roots is the approved alternative. Prior to excavation for foundation/footing/walls, or grading or trenching within the *Tree Protection Zone*, roots shall be severed cleanly one-foot outside the *Tree Protection Zone* to the depth of the planned excavation. When roots must be cut, they shall be cut cleanly with a sharp saw to sound wood and flush with the trench site.

B) Excavation. Any approved excavation, demolition, or extraction of material shall be performed with equipment that is placed outside the *Tree Protection Zone*. Hand digging, hydraulic, or pneumatic excavation are permitted methods for excavation within the *Tree Protection Zone*.

C) Heavy Equipment. Use of backhoes, Ditch-Witches, steel tread tractors or other heavy vehicles within the *Tree Protection Zone* is prohibited unless approved by the DRP Arborist. If allowed, a protective root buffer is required.

#### 4.30.4 Tunneling and Directional Drilling

Approved trenching or pipe installation within the *Tree Protection Zone* shall be either cut by hand, air-spade, or by mechanically boring a tunnel under the roots with a horizontal directional drill using hydraulic or pneumatic air excavation technology. In all cases, install the utility pipe immediately, backfill with soil and soak with water within the same day. Tunneling under the root system can greatly reduce both damage to the tree and the cost to repair landscape and other features destroyed in the trenching process. There are times, such as when working in rocky soils and slopes, when tunneling is not a reasonable alternative.

The following recommendations for tunneling depths should be observed:

TRUNK DIAMETER (DBH)	MINIMUM TUNNEL DEPTH
Less than 12 inches	24 inches
12 inches or more	36 inches

#### 4.30.5 Alternative Methods for Hardscape to Prevent Root Cutting

The following remedies should be considered as an alternative to severing tree roots:

- A) Grinding a raised walkway or concrete pad
- B) Ramping the walkway surface over the roots or lifted slab with pliable paving.
- C) Routing the walkway around tree roots
- D) Permeable paving materials (e.g., decomposed granite), interlocking pavers, or flagstone walkways on sand foundations

#### 4.30.6 Using Alternative Base Course Materials

Engineered structural soil mix is an alternative material for hardscape areas near trees. More information can be found at [www.amereq.com](http://www.amereq.com).

#### **4.40 Tree Maintenance During Construction**

Providing adequate maintenance can mitigate stressful changes that occur to a tree's environment during construction. To remain vigorous the tree needs to maintain stored carbohydrates and preserve the effectiveness of its growth regulators. It is recommended that large projects provide:

##### **4.40.1 Irrigation**

Providing supplemental irrigation for trees under water stress may be the single most important treatment. Irrigation should be designed to wet the soil within the *Tree Protection Zone* to the depth of the root zone and to replace that water once it is depleted. Light, frequent irrigation should be avoided. Create a six-inch berm around trees at the edge of the *Tree Protection Zone* and fill with no more than six inches of mulch. Fill the basin with water. Irrigation should wet the top two to three feet of soil to replicate similar volumes and normal seasonal distribution.

##### **4.40.2 Soil Compaction Mitigation**

To prevent negligent encroachment into the *Tree Protection Zone*, trees to be preserved during construction must have the specified type of protection fences in place at all times. Removal of fences, even temporarily, to allow deliveries or equipment access is not allowed unless approved by the DRP Arborist and a root buffer is installed. The root buffer components: mulch, gravel and plywood, must be maintained continually to assure its effectiveness against soil compaction.

##### **4.40.3 Dust Control**

During periods of extended drought, wind or grading, trunks, limbs and foliage should be sprayed with water to remove accumulated construction dust.

#### **4.50 Damage to Trees**

##### **4.50.1 Reporting Injury to Trees**

Any damage or injury to trees shall be reported as soon as possible to the Project Manager or Construction Supervisor, and always to the Park Maintenance Supervisor. The Park Maintenance Supervisor needs to be aware of an injured tree in order to monitor its recovery or progress. Injuries to roots and branches must be repaired immediately.

##### **4.50.2 Contractor Subject to Penalties.**

If a tree designated to remain is removed or irreversibly damaged as determined by the Recreation and Parks Arborist, a contractor may be required to install a replacement tree matching in size, quality and variety, using a contractor designated by the Recreation and Parks Arborist. If an acceptable replacement tree is not available, the contractor may be required to pay damages to the City for the value of the damaged tree in accordance with the guidelines set forth in the Guide for Plant Appraisal, 9th Edition, using the Trunk Formula Method.

#### **4.50.3 Employees Subject to Discipline**

In the event of damage to above- or below-ground parts of park trees, the Construction Supervisor or Park Maintenance Supervisor shall conduct an investigation to determine the cause of the damage. If it is found that damage was caused due to the error, negligence, or willfulness of a Department employee, then that employee may be subject to appropriate disciplinary action.

#### **4.60 Documents to be Included in all Projects**

##### **4.60.1 Model Tree Protection Specifications for Designers and Project Managers (Appendix G)**

This document should be distributed to the Planning and Construction Designers, Project Managers, City Inspectors, bidding contractors, and contracted designing firms.

##### **4.60.2 Tree Protection Summary and Instructions on How to Prevent Damage to Trees During Construction (Appendix I)**

This document should be distributed to the Construction and Maintenance staff for implementation during all in-house projects.

#### **4.70 Right Of Entry Permits and Documents to be included with every permit**

Carnivals and festivals that are celebrated in our parks provide exceptional and enriching opportunities that bring our communities together. These activities can potentially affect the park environment. Filming crews, food concessions, permitted vendors, and special events activities affect the physical properties of our parks and trees.

In order to sustain a healthy urban forest, it is imperative that all Department staff understands the need to protect park trees. Every individual, organization or agency given a Right of Entry, permit or agreement to enter Department property, should be in compliance with Department policies protecting park trees and be given documentation that will help to ensure tree protection during the permitted activity. The document titled Instructions on How to Prevent Damage to Trees During Construction (Appendix I) shall be distributed to every permittee and the permittee shall comply with these instructions.

Wyatt Cottages		28			21-Mar-16
Land Total	\$ 2,100,000.00				
Land payoff		\$ 2,000,000.00			
Subordinated debt	\$ 100,000.00				
Utilities		\$ 250,000.00			
Sitework		\$ 350,000.00			
Parking		\$ 90,000.00			
Soft costs		\$ 350,000.00			
Sitework and soft costs with interest	\$ 2,034,560.00				
Cottage construction		\$ 5,248,000.00	SF 32800	\$/SF 160.00	
Sub total		\$ 8,288,000.00			
Interest 12 mo period	1.2	\$ 994,560.00	10.0%		
Total project		\$ 9,282,560.00			
Unit type breakdown		2 story	1 1/2 story	Two story 20'	2 story
	28	8	6	6	8
SQUARE FEET		1100	900	1500	1200
Total square feet by unit type	32800	8800	5400	9000	9600
Construction cost per unit		\$ 176,000.00	\$ 144,000.00	\$ 240,000.00	\$ 192,000.00
Land cost per unit		\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
Site and soft costs per unit		\$ 72,662.86	\$ 72,662.86	\$ 72,662.86	\$ 72,662.86
Total per unit		\$ 323,662.86	\$ 291,662.86	\$ 387,662.86	\$ 339,662.86
Total sf	32800				
Total Res units	28				
Sales	SF sales price	\$ 390.00	\$ 425.00	\$ 360.00	\$ 380.00
Each unit	Sales price	\$ 429,000.00	\$ 382,500.00	\$ 540,000.00	\$ 456,000.00
Gross sales	\$ 12,615,000.00	\$ 3,432,000.00	\$ 2,295,000.00	\$ 3,240,000.00	\$ 3,648,000.00
Profit each unit		\$ 105,337.14	\$ 90,837.14	\$ 152,337.14	\$ 116,337.14
Sales cost	\$ 630,750.00				5%
Net of sales	\$ 11,984,250.00				
LTV	0.77	0.75			
Total cost with land	\$ 9,282,560.00				
Net before paying subordinated debt	\$ 2,701,690.00				
Actual	\$ 2,601,690.00				

## Wyatt Cottages Vision Statement

Provide for a low scale, walkable neighborhood of single-family homes. Each home will include private garden space, good solar orientation and loft interiors.

Pedestrian and vehicular circulation will co-exist under a canopy of trees with pervious paving, often called a “woonerf” having first been implemented with regulations in the Netherlands.

Building roofs are oriented to maximize solar panel exposure. Buildings will be designed to exceed required energy performance standards.

Existing trees in the northeast corner of the parcel are preserved, with new native trees, shrubs and groundcovers planted in semi-public spaces. Owners will define their own private gardens.

Access to the “Tot Lot” Park will be enhanced with new easements and access from both Wyatt Way and from Madison Avenue.

Water quality will be maintained using pervious pavement and under drains to treat storm water and mitigate flows to the storm system.

**Bainbridge Island**

APR 15 2015

Dept. of Planning &  
Community Development



# Bainbridge Island Fire Department

## Memo

December 31, 2015

TO: Josh Machen, Planning Department

FR: Assistant Chief Luke Carpenter, Fire Marshal

RE: Wyatt Cottages

PLN50165SPR

The submittal has been reviewed resulting in the following comments:

1. Future development shall comply with the requirements of the adopted Fire Code and any applicable NFPA standards or other requirements as stipulated by the Fire Marshal.
2. The comments of PLN50165PRE remain in force.
3. Areas not designed for parking shall be labeled FIRE LANE – NO PARKING.
4. The access from Madison Ave. appears acceptable; however the egress onto Wyatt Way appears problematic. Review of the Traffic Impact Analysis (p22) indicates a desire for right turn only egress from the project onto Wyatt Way which will restrict fire apparatus travel. Additionally, the location of the splitter island on Wyatt Way, to the east of the roundabout may impact the ability of fire apparatus to egress the project and should be designed in a manner that it can be driven over or it should be shortened by five feet.
5. The 14.0 foot fire access is acceptable and should not be encroached upon by parking, landscaping or structures.



# Bainbridge Island Fire Department

## Memo

April 2, 2016

TO: Josh Machen, Planning Department

FR: Assistant Chief Luke Carpenter, Fire Marshal

RE: Hogger

PLN50485

The submittal has been reviewed resulting in the following comments:

1. The requirement for a hydrant mid-project as noted in PLN50165 remains.
2. All comments from the memo dated 31 December, 2015 remain in force.
3. There are no additional requirements at this time.



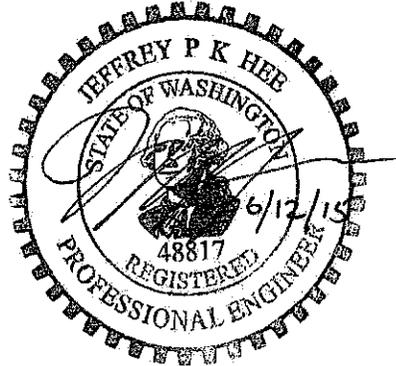
8250 · 165th Avenue NE  
Suite 100  
Redmond, WA 98052-6628  
T 425-883-4134  
F 425-867-0898  
www.tsinw.com

**Wyatt Cottages**

**PLN50165 SPR**

**Traffic Impact Analysis**

**Bainbridge Island, WA**



**June 2015**

**Prepared for:  
City of Bainbridge Island**

**Prepared by:  
Transportation Solutions, Inc.**

**ATTACHMENT N**

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## Introduction

This study documents the near-term and long-range traffic conditions associated with development of Wyatt Cottages, a residential mixed-use development-project, in Bainbridge Island, Washington. The purpose of this report is to identify potentially significant traffic-related impacts generated by the proposal and, where appropriate, outline programmatic and/or physical improvements to reduce or eliminate potential adverse impacts. The report, which generally follows a scope of work provided by Bainbridge Island staff, is organized as follows:

1. Project description
2. Trip generation, trip distribution and assignment
3. Existing conditions
4. Future near-term conditions (2017)
5. Future long-range conditions (2030)
6. Site access circulation
7. Mitigation
8. Findings and conclusions

## Project Description

Wyatt Cottages, known herein as the Project, is located at the northeast corner of Wyatt Way NE and Madison Ave N. The Project includes relocating an existing office building (9,469 sq. ft.) onsite, developing 28 new residential condominiums, providing 32 onsite parking stalls and adding 6 public and parallel parking stalls along the site frontage on Wyatt Way NE.

Site accesses are proposed off of Madison Ave N and Wyatt Way NE. The Madison Ave N access is currently proposed for resident ingress only and commercial-office and visitor ingress and egress, and the Wyatt Way NE access is currently proposed as resident egress only. Full development is anticipated to be complete by 2017.

One existing signal family home will be removed with the Project.

The City requests the following analyses:

- Trip generation;
- Traffic volumes and intersection operations at key intersection and at the site accesses;
- Onsite circulation patterns; and
- Non-motorized (pedestrian and bicycle) impacts.

**Figure 1** includes a vicinity map highlighting the project's location. **Figure 2** includes a site plan.

This study includes analysis of near-term, year 2017, conditions to document Project-related traffic impacts at full build out and occupancy. The study also includes analysis of long-range, year 2030, conditions to project long-range impacts the proposal will have on the City's comprehensive planning.

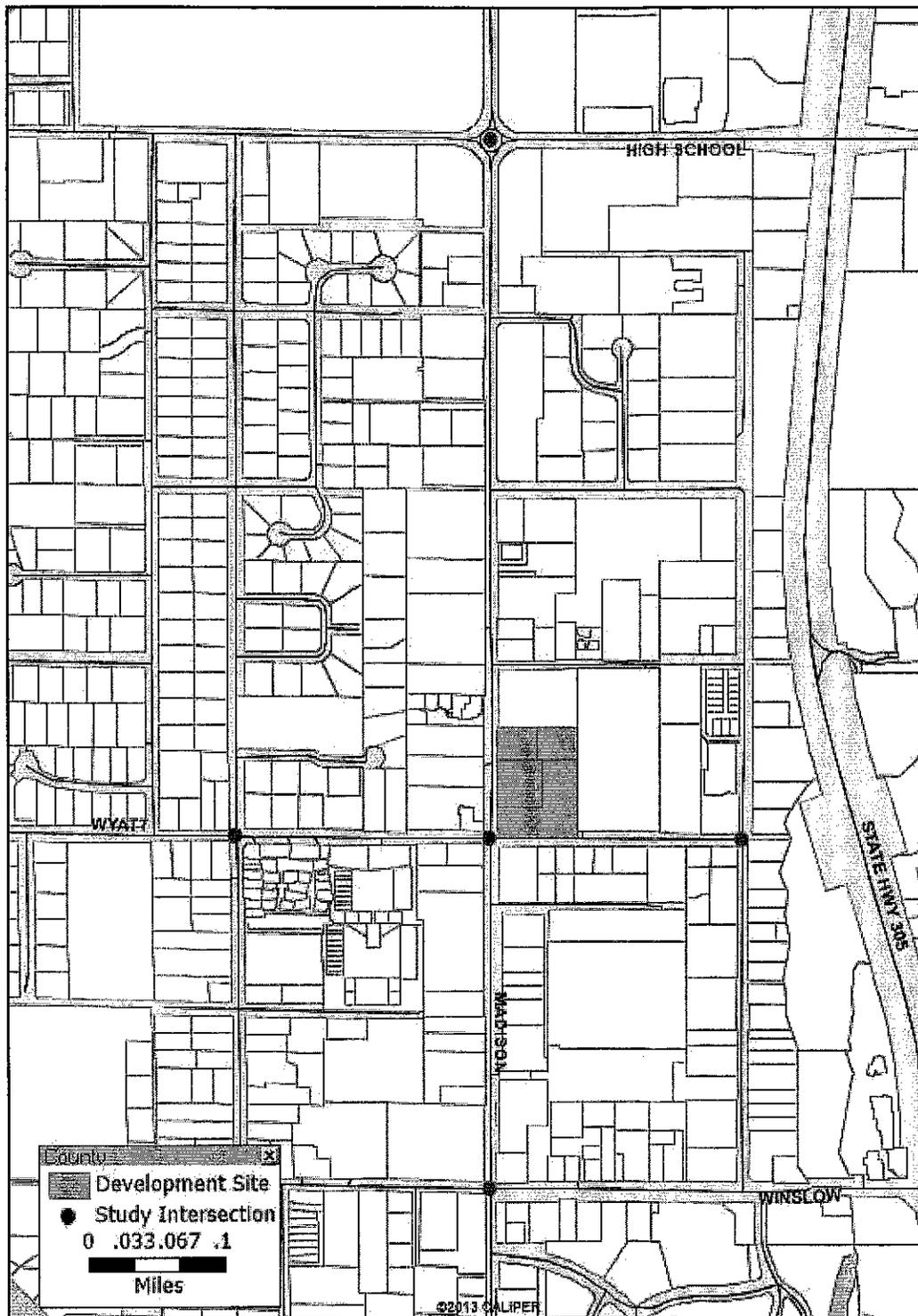


Figure 1: Vicinity Map

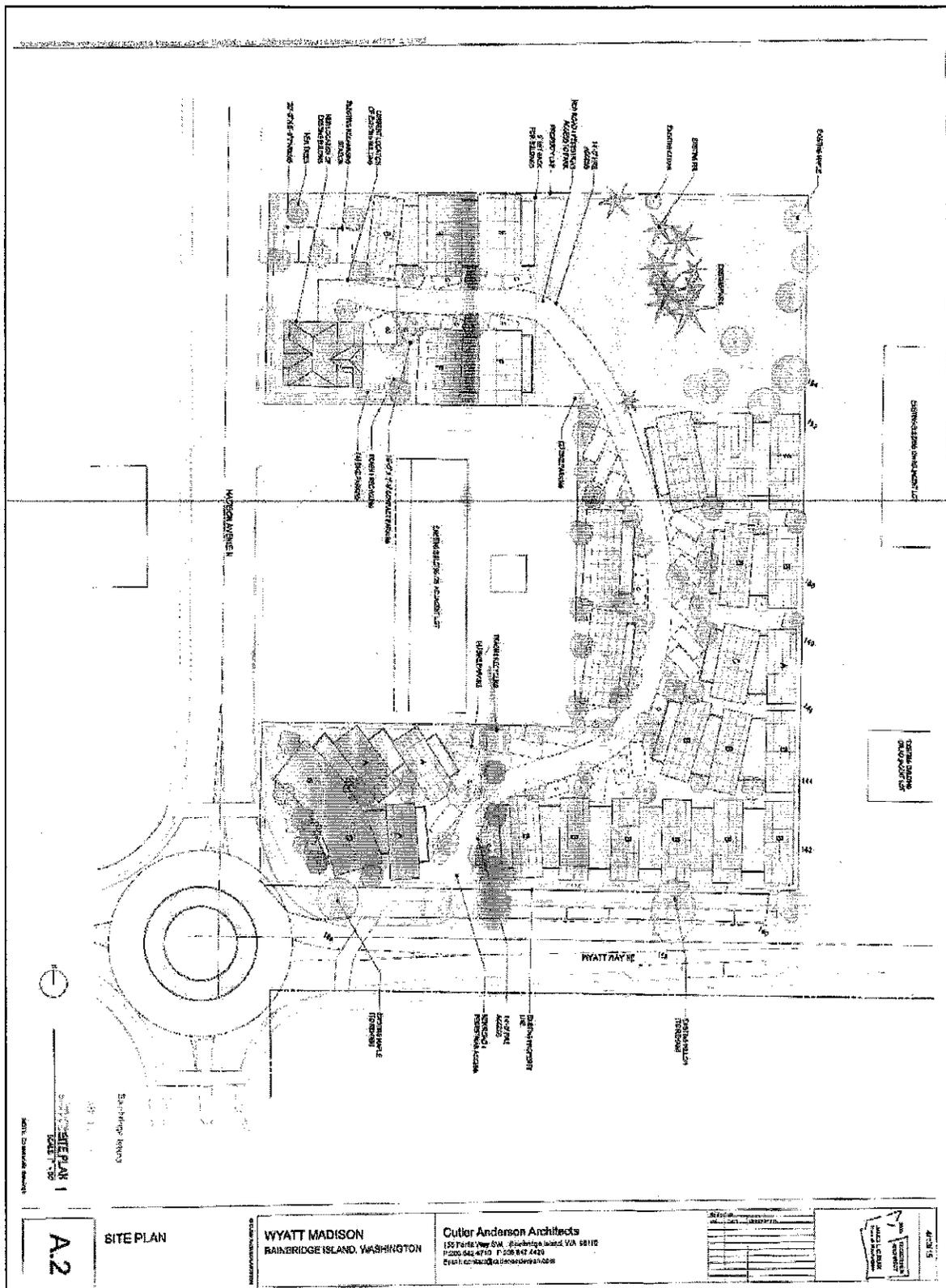


Figure 2: Site Plan

## Trip Generation, Trip Distribution and Assignment, and Study Area

The section documents the number of new trips generated by the project and includes forecasts of trip distribution and travel assignment and introduces the study area.

### Trip Generation

The ITE *Trip Generation Manual, 9th Edition* (2012) was used to forecast trip generation for the Project. **Table 1** summarizes the trip generation forecast. Existing trips generated by the one existing single-family home, to be removed, are credited against the total trips generated by the Project.

**Table 1: Trip Generation – Proposed Condominiums**

Time Period	Units	Trip Rate	Inbound	Outbound	Total Trips
Proposed Multifamily <sup>1</sup>	28	5.81	82	81	163
Existing Single-Family <sup>2</sup>	(1)	(9.52)	(5)	(5)	(10)
Daily Trips			76	76	153
Proposed Multifamily	28	0.44	2	10	12
Existing Single-Family	(1)	(0.75)	(0)	(1)	(1)
AM Peak Hour Trips			2	9	11
Proposed Multifamily <sup>1</sup>	28	0.52	10	5	15
Existing Single-Family <sup>2</sup>	(1)	(1.00)	(1)	(0)	(1)
PM Peak Hour Trips			9	5	14

1. Trip rates from ITE Land Use 230, "Residential Condominium/Townhouse"
2. Trip rates from ITE Land Use 210, "Single-Family Detached Housing"

The project generates 153 new daily trips, 11 new AM peak hour trips, and 14 new PM peak hour trips.

The existing office is being relocated onsite. The office will share access with the new residential units via Madison Ave N. **Table 2** summarizes the trips generated by retained office use.

**Table 2: Trip Generation – Existing Office (to be Retained)**

Time Period	1,000 sq. ft.	Trip Rate*	Inbound	Outbound	Total Trips
Daily Trips	9.469	11.03	52	52	104
AM Peak Hour	9.469	1.56	13	2	15
PM Peak Hour	9.469	1.49	2	12	14

(\* ) Trip rates from ITE Land Use 710, "General Office Building"

**Table 3** summarizes total trips generated by full site development.

**Table 3: Trip Generation – Full Development Access Impact**

Time Period	New Project Trips	Retained Office Trips	Total Trips Inbound	Total Trips Outbound	Total Trips
Daily Trips	133	104	129	128	257
AM Peak Hour	11	15	15	11	26
PM Peak Hour	14	14	11	17	28

Impacts of the full development will be seen at the site accesses.

### *Trip Distribution and Study Area*

The technical analysis focuses on PM peak hour Project-generated traffic impacts. The PM peak hour is defined as the highest one hour traffic volume between 4 PM and 6 PM.

The City's travel demand model was used to distribute and assign Project-generated trips to the local road network.

**Figure 3** includes the model output for PM peak hour development generated trips.

The preferred vehicular circulation pattern includes resident access inbound from Madison Ave N to outbound at Wyatt Way NE, and commercial-office and visitor inbound and outbound access off of Madison Ave N. This configuration is represented in **Figure 3**.

The City of Bainbridge Island has requested analysis of the five study intersections and both site accesses described in **Table 4**. The table provides information on the existing and future study intersection traffic controls.

**Table 4: Study Intersection Existing and Future Traffic Controls**

Intersection	Existing Control	Future Control
Madison Ave N / Wyatt Way NE	AWSC <sup>1</sup>	RAB <sup>2</sup>
Madison Ave N / Winslow Way	AWSC <sup>1</sup>	AWSC <sup>1</sup>
Wyatt Way NE / Grow Ave	AWSC <sup>1</sup>	AWSC <sup>1</sup>
Madison Ave N / High School Road	RAB <sup>2</sup>	RAB <sup>2</sup>
Wyatt Way NE / Ericksen Ave NE	AWSC <sup>1</sup>	AWSC <sup>1</sup>
Madison Ave N / Site Access	na	TWSC <sup>3</sup>
Wyatt Way NE / Site Access	na	TWSC <sup>3</sup>

1. AWSC = All-Way Stop Control
2. RAB = Roundabout
3. TWSC = Two-Way Stop Control (i.e. stop on minor approach)



## Existing Conditions

This section describes the existing traffic conditions which will serve as a baseline to compare against future near-term and long-range traffic conditions with the Project.

### *Road Network and Study Intersections*

Major roadways within the study area are described below:

- *Madison Ave N* is a two lane secondary arterial with a posted speed limit of 25 mph in the site vicinity. The roadway include curb, gutter and sidewalk and bicycle lane striping.
- *Wyatt Way NE* is a two lane secondary arterial west of Madison Ave N and a collector east of Madison Ave N. The posted speed limit in the vicinity of the site is 25 mph. Wyatt Way NE west of Madison Ave N includes curb, gutter and sidewalk on the north side and a narrow shoulder on the south side. To the east of Madison Ave N the roadway includes curb, gutter and sidewalk with the exception of the area along the site frontage.

### *Public Transportation and Non-Motorized Facilities*

Kitsap Transit provides services at and in the vicinity of Madison Ave N and Wyatt Way NE. Primarily public transit service is to and from the Bainbridge Island Ferry Terminal, which is less than a mile to the southeast of the site. **Figure 4** shows a map of the transit routes near the site.

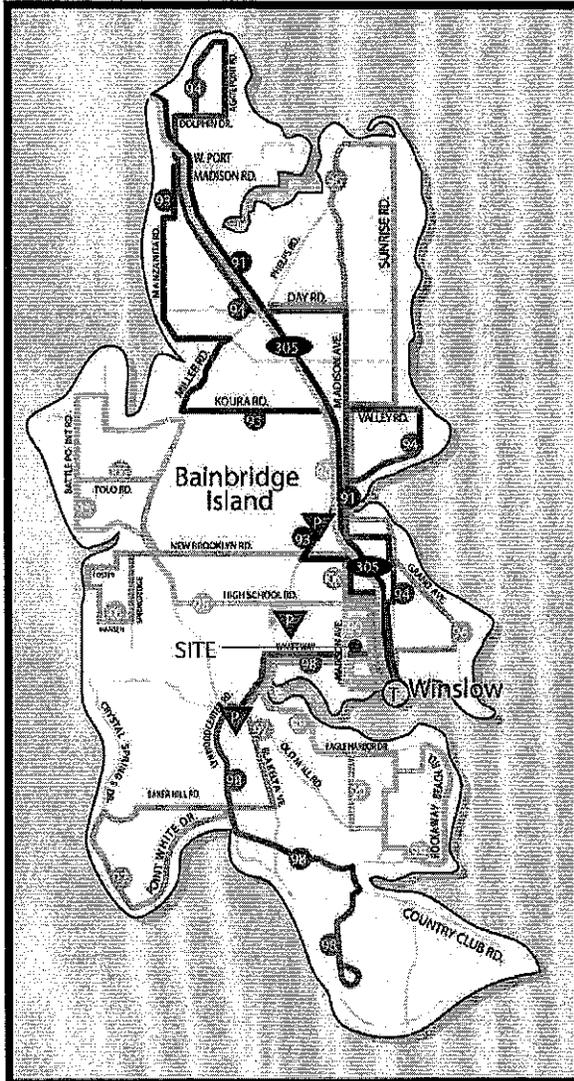
Madison Ave N include striped bicycle lanes and sidewalk facilities. There are no striped bicycle lanes on Wyatt Way NE. Wyatt Way NE does not include sidewalk fronting the site.

### *Traffic Volumes*

At the study intersections, existing traffic volumes were collected on June 10, 2014 by IDAX for use in updating the Bainbridge Island Citywide Travel Demand Model. The existing peak hour traffic volumes are illustrated in **Figure 5**. Copies of the traffic volume reports are in the Appendix.

The traffic volume reports include information on pedestrian and bicycle volumes which are incorporated into the technical analyses that follow.

### Kitsap Transit System Map



### Bainbridge Island Route Map Weekday 5:10am & 8:35am Commute Trips Only

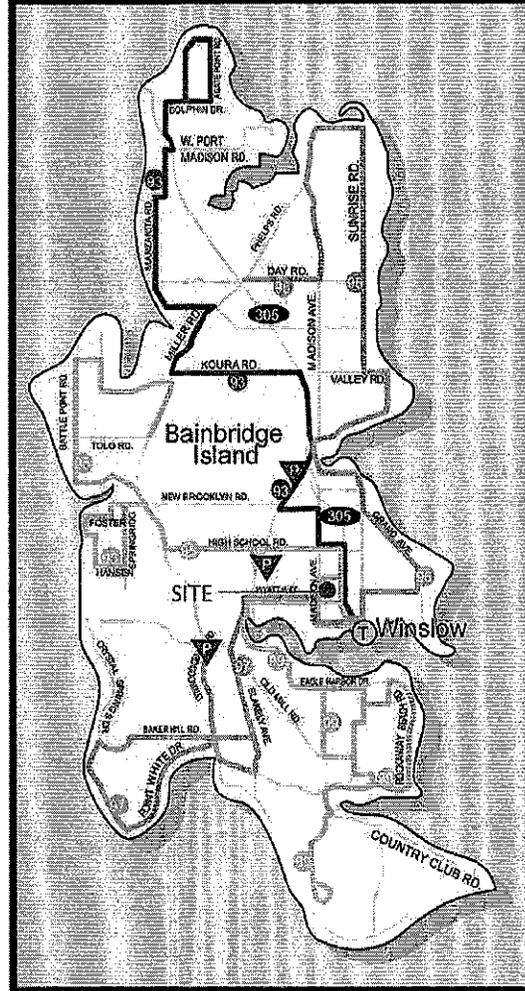


Figure 4: Kitsap Transit Routes

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Traffic Volume - Base Volume

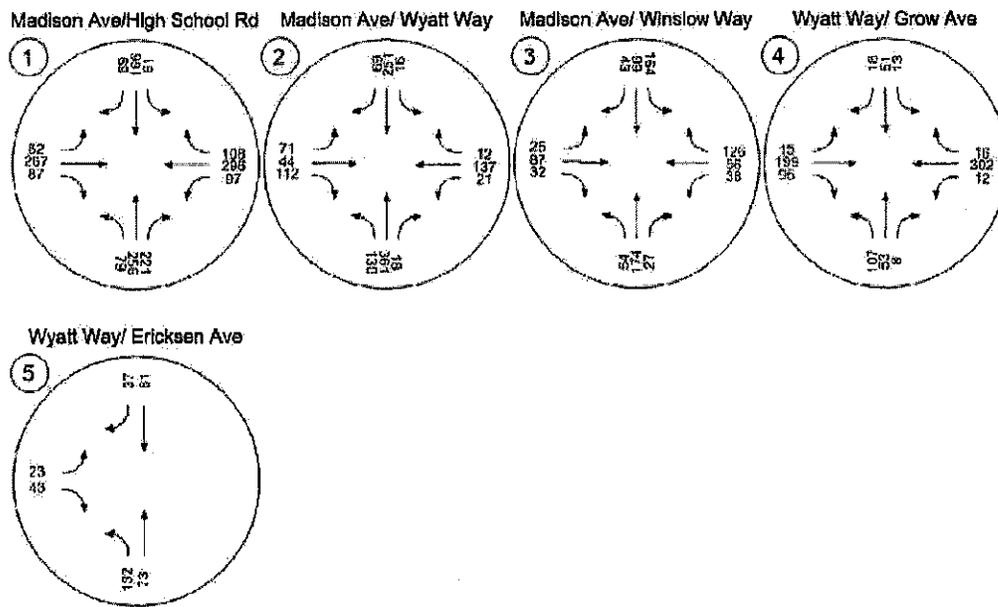
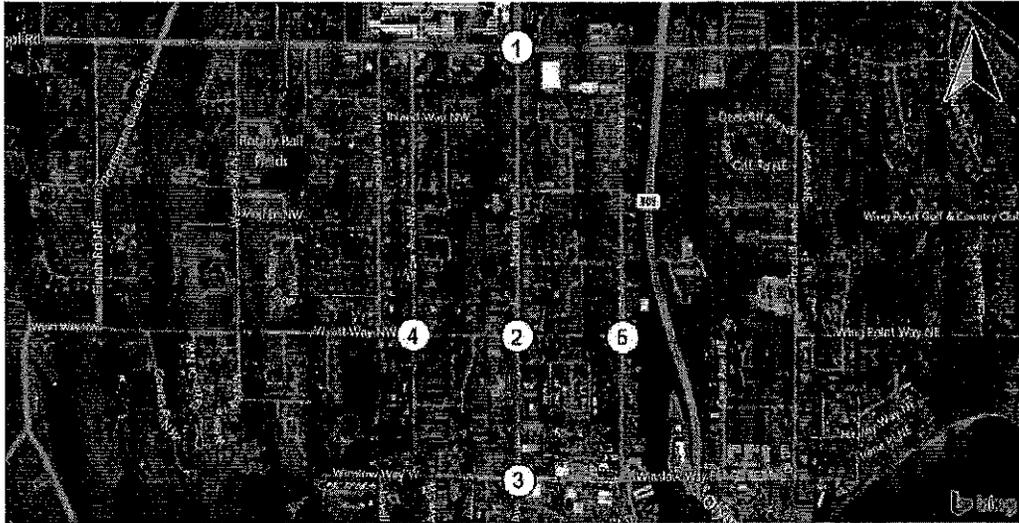


Figure 5: Existing PM Peak Hour Volume

### *Level of Service*

This study focuses on intersection level of service (LOS). Level of service is a measure of an intersection's ability to serve the entering traffic flow. Intersection level of service grades are based on seconds of control delay and are represented using a lettered system from LOS A, indicating free flow with little to no congestion, to LOS F, indicating over capacity with excessive delays and grid lock.

For this study, Synchro, version 8, software was used to evaluate stop controlled intersection based on Highway Capacity Manual (HCM) 2010 methodology. Roundabouts were evaluated with Sidra, version 6, software using the HCM 2000 methodology, as adopted by WSDOT.

**Table 5** summarizes the existing level of service and delay conditions at the study intersections. The City's intersection level of service standard is LOS D.

**Table 5: Existing PM Peak Hour Level of Service**

Intersection	Control	LOS	Delay
Madison Ave/Wyatt Way	AWSC	E	38.5
Madison Ave/Winslow Way	AWSC	B	13.4
Wyatt Way/Grow Ave	AWSC	C	15.8
Madison Ave/High School Rd	RAB	B	13.3
Wyatt Way/Ericksen Ave	AWSC	A	9.0

The intersection of Madison Ave N and Wyatt Way NE currently operates at LOS E and is beyond the City's LOS D threshold. The City's adopted 2015-2020 Capital Improvement Plan (CIP), which is discussed more in the following section, identifies a reconstruction project on Wyatt Way NE which will include a single-lane roundabout improvement at this intersection. For this analysis a roundabout is assumed in place by the year of opening (2017) of the proposed development.

## Future Near-Term Conditions (2017)

This section documents future traffic conditions with and without the Project occupied by 2017.

### *Traffic Volumes*

Future without-Project conditions include traffic pattern changes resulting from transportation facility improvements, and non-Project traffic growth within the study area between now and 2017, including trips from other development-projects.

The City's CIP project list identified the following programmed transportation facility improvements with in the study area:

- Wyatt Way reconstruction from Madison Ave N to Lovell Ave NW, including the conversion of the intersection at Madison Ave N and Wyatt Way NE from all-way stop sign controlled to a single-lane roundabout. The improvement also includes the completion of bicycle lanes and sidewalks on both sides of Madison Ave N
- Winslow Way reconstruction from Madison Ave N to Grow Ave NW.

A 0.5-percent annual growth rate was applied to the existing volumes to represent non-Project traffic growth within the study area. The annual growth rate is consistent with past traffic impact analyses in the Winslow area. **Figure 6** illustrates the year 2017 without-Project PM peak hour traffic volumes.

With-Project conditions include without-Project traffic growth and Project generated trips. Future year 2017 with-Project traffic volumes are illustrated in **Figure 7**.

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Version 3.00-05

Traffic Volume - Base Volume

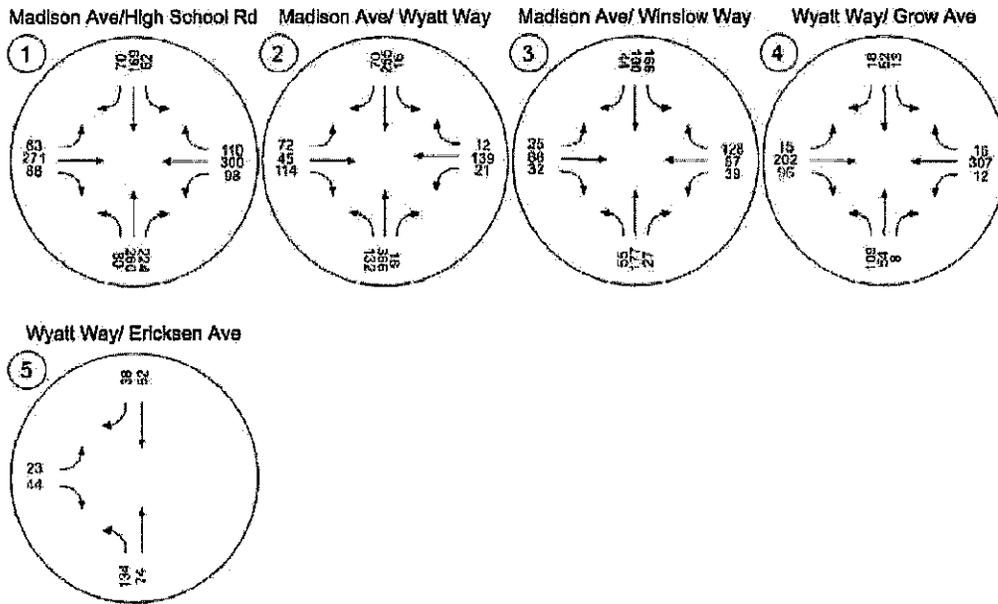
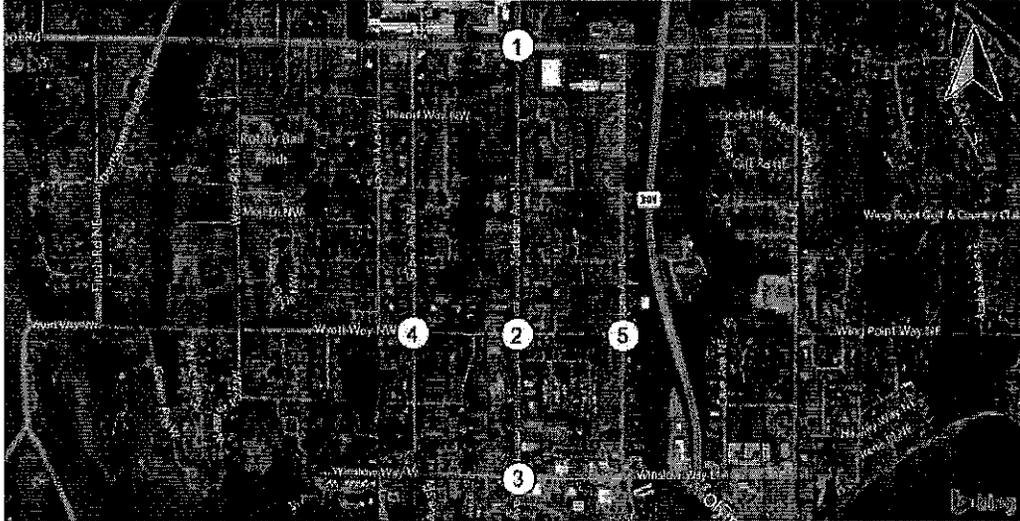


Figure 6: 2017 Without-Project PM Peak Hour Volume

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Version 3.00-05

Traffic Volume - Future Total Volume

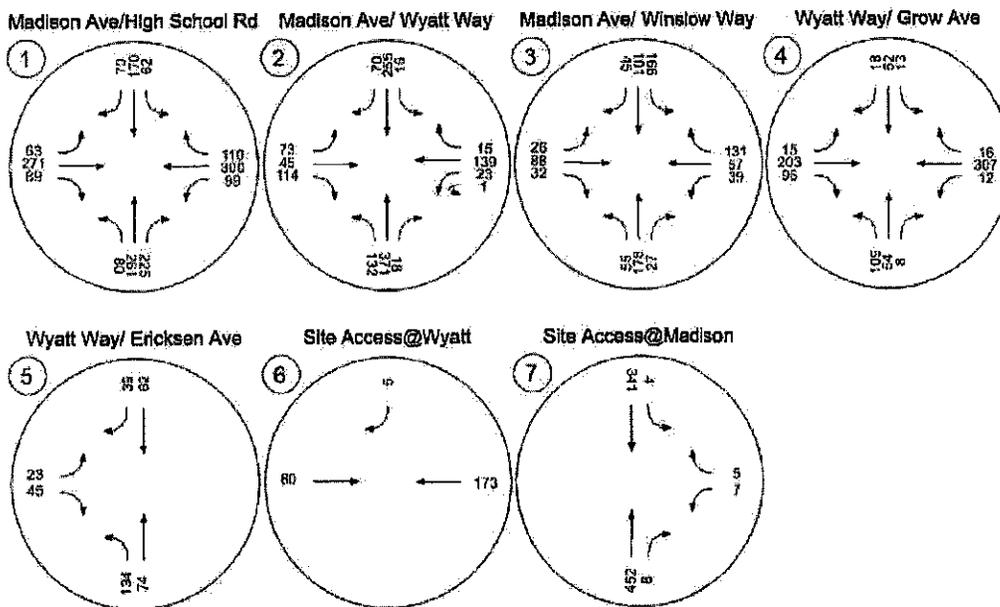
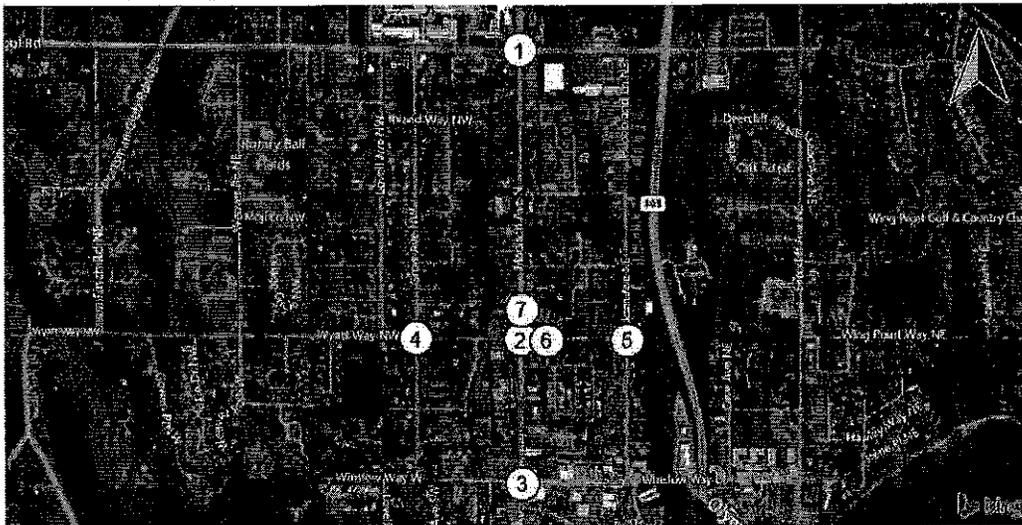


Figure 7: 2017 With-Project PM Peak Hour Volume

*Level of Service*

**Table 6** compares the year 2017 near-term without- and with-Project study intersection levels of service and delay. The City's intersection level of service standard is LOS D.

**Table 6: 2017 PM Peak Hour Level of Service**

Intersection	Control	2017 Without-Project		2017 With-Project	
		LOS	Delay	LOS	Delay
Madison Ave N / Wyatt Way NE	RAB	A	8.2	A	8.3
Madison Ave N / Winslow Way	AWSC	B	13.6	B	13.8
Wyatt Way NE / Grow Ave	AWSC	C	16.2	C	16.3
Madison Ave N / High School Road	RAB	B	13.8	B	13.9
Wyatt Way NE / Ericksen Ave NE	AWSC	A	9.0	A	9.1
Madison Ave N / Site Access	TWSC	-	-	B	14.5
Wyatt Way NE / Site Access	TWSC	-	-	A	9.2

With the Project all of the study intersections operate adequately with LOS C or better and satisfy the City's level of service standard. Project trips have little impact on delay at the study intersections and levels of service remain unchanged from without- to with-Project conditions.

The roundabout improvement at Madison Ave N and Wyatt Way NE improves the intersection's operations from LOS E (existing, all-way stop control) to LOS B (with-Project). With the Project 95<sup>th</sup>-percentile vehicle roundabout queues extend to 66 feet (2.6 cars) westbound on Wyatt Way NE and 68 feet (2.7 cars) southbound on Madison Ave N.

Both Project accesses operate well, at LOS B or better. The Madison Ave N site access is approximately 305 feet north of the roundabout and the Wyatt Way NE site access is 90 feet east of the roundabout. With the Project the roundabout queues are not anticipated to extend to the site accesses.

### Future Long-Range Conditions (2030)

This section documents long-range traffic conditions in year 2030 with and without Wyatt Cottages. This analysis is intended to assist with the City's comprehensive planning process.

#### Traffic Volumes

Year 2030 conditions include the following transportation facility improvements, per the 20-year project list from the City's CIP:

- Wyatt Way NE reconstruction from Ericksen Ave NE to Madison Ave N
- Intersection improvements at Madison Ave N and Wyatt Way NE

**Figure 8** illustrates the year 2030 without-Project PM peak hour traffic volumes, which incorporate the additional CIP facility improvements and a 0.5-percent annual growth rate to represent non-Project traffic growth. **Figure 9** illustrates the 2030 with-Project traffic volumes, which superimposes the Project traffic onto the without-Project traffic conditions.

#### Level of Service

**Table 7** compares the year 2030 long-range without- and with-Project study intersection levels of service and delay. The City's intersection level of service standard is LOS D.

**Table 7: 2030 PM Peak Hour Level of Service**

Intersection	Control	2030 Without-Project		2030 With-Project	
		LOS	Delay	LOS	Delay
Madison Ave N / Wyatt Way NE	RAB	A	9.0	A	9.2
Madison Ave N / Winslow Way	AWSC	B	14.9	B	15.0
Wyatt Way NE / Grow Ave	AWSC	C	19.5	B	19.6
Madison Ave N / High School Road	RAB	B	16.8	C	17.0
Wyatt Way NE / Ericksen Ave NE	AWSC	A	9.3	A	9.3
Madison Ave N / Site Access	TWSC	-	-	C	15.2
Wyatt Way NE / Site Access	TWSC	-	-	A	9.3

With the Project the study intersections operate adequately with LOS C or better and satisfy the City's level of service standard. Project trips have little impact on delay at the study intersections and levels of service remain unchanged from without- to with-Project conditions.

With the Project 95<sup>th</sup>-percentile vehicle roundabout queues extend to 82 feet (3.3 cars) westbound on Wyatt Way NE and 77 feet (3.1 cars) southbound on Madison Ave N.

Both Project accesses operate adequately, at LOS C or better. The Madison Ave N site access is approximately 305 feet north of the roundabout and the Wyatt Way NE site access is 90 feet east of the roundabout. With the Project the roundabout queues are not anticipated to extend to the site accesses.

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Version 5.00-05

Traffic Volume - Base Volume

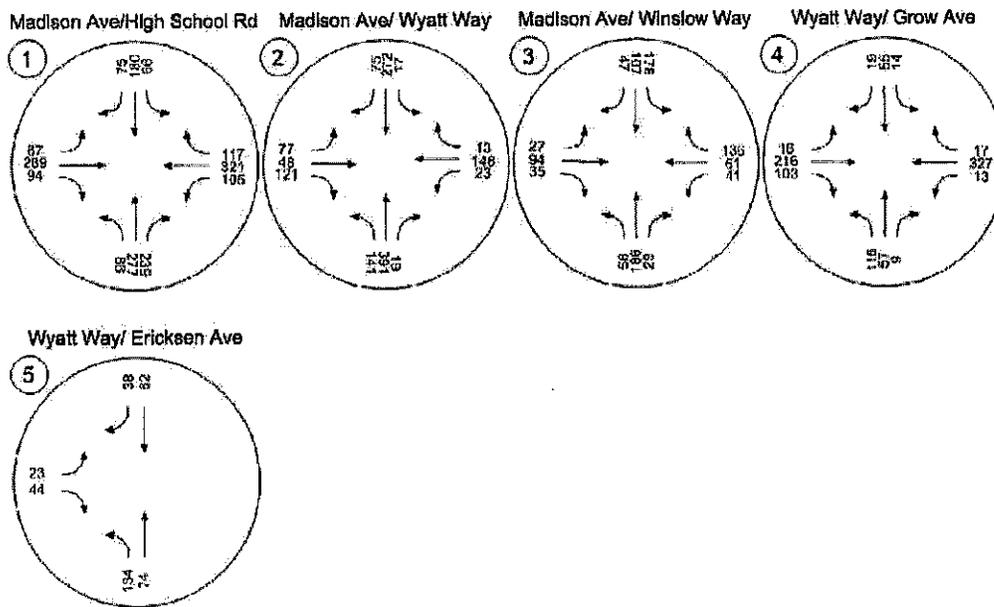
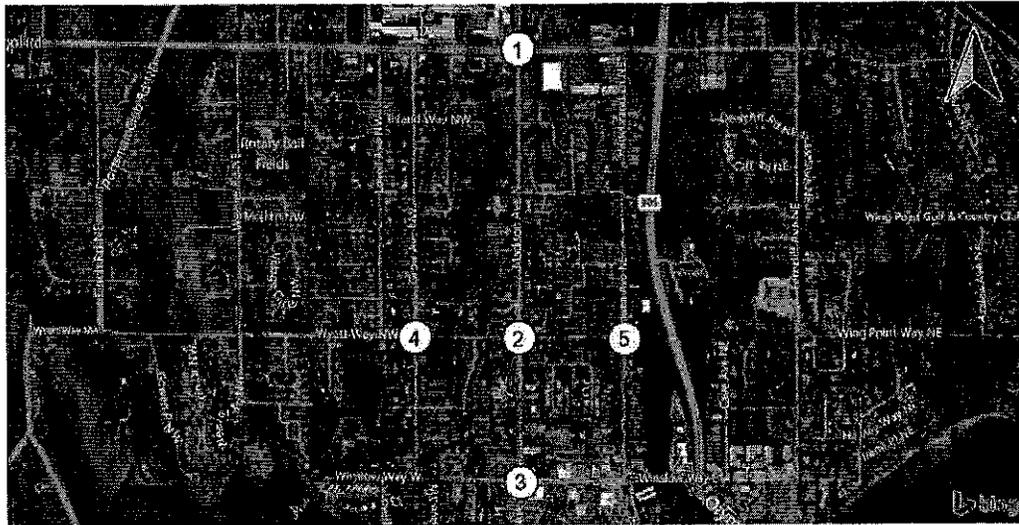


Figure 8: 2030 Without-Project PM Peak Hour Volume

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Version 3.00-05

Traffic Volume - Future Total Volume

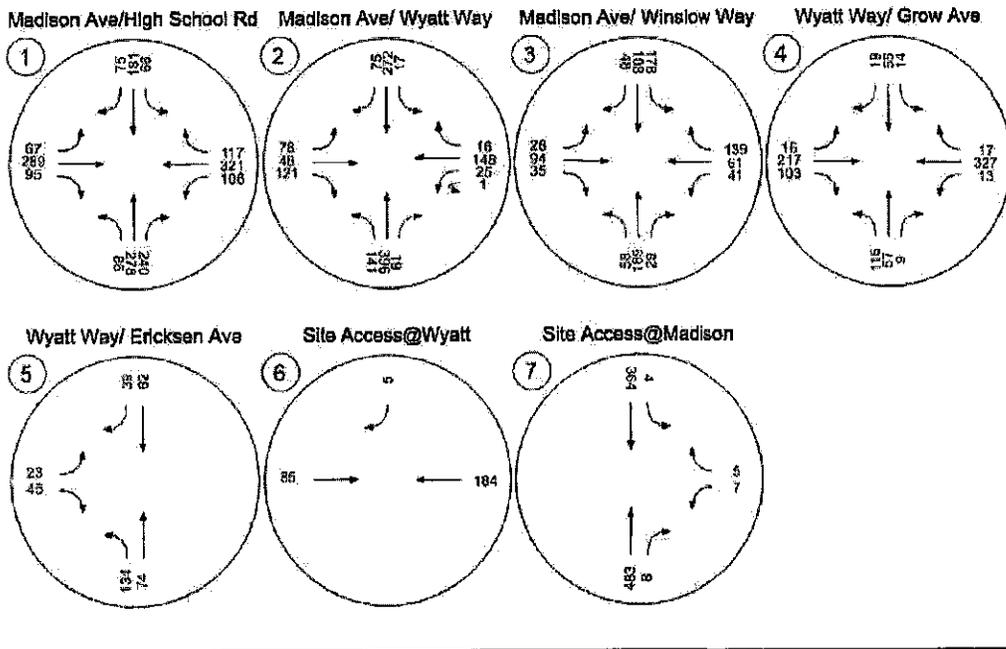
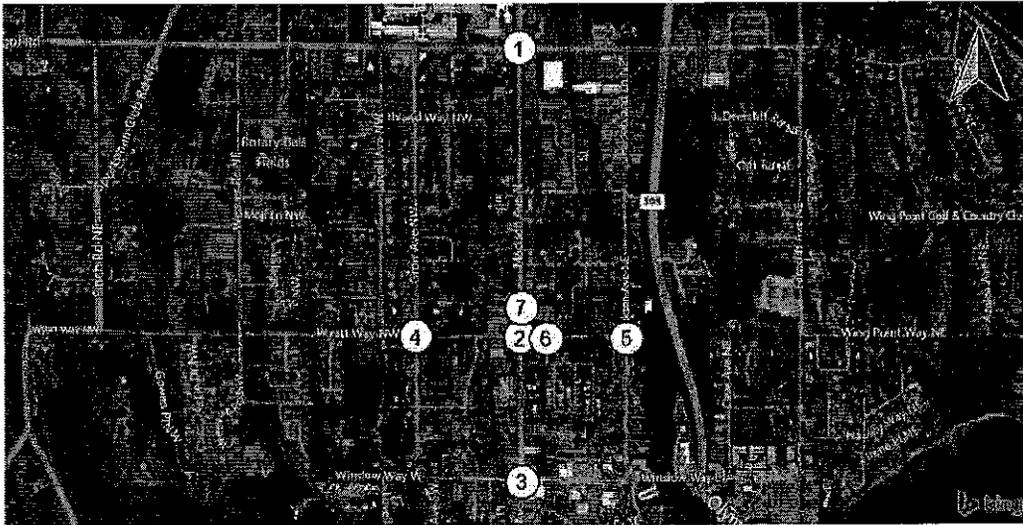


Figure 9: 2030 With-Project PM Peak Hour Volume

## Site Access Circulation

### *Access Spacing and Corner Clearance*

The posted speed limit on both Madison Ave N (a minor arterial) and Wyatt Way NE (a collector arterial) is 25 mph. The Bainbridge Island Design and Construction Standards are vague on spacing requirements related to residential functions and does not have a specific spacing standard from a roundabout.

Bainbridge Island Design and Construction Standards Standard Drawing 6-010 notes a 105 foot separation requirement between two adjacent accesses located off a 25 mph arterial. The requirement applies to commercial/industrial accesses.

Bainbridge Island Design and Construction Standards Standard Drawing 6-010 notes corner clearance distances between site access and an intersections are 115 feet (stop control) and 230 feet (signal control) when the access is located on a 30 mph arterial. Interpolating to project the 25 mph requirements results in corner clearances of 90 feet (stop control) and 185 feet (signal control).

As stated previously, the Madison Ave N access is located 305 feet to the north of the Madison Ave N and Wyatt Way NE roundabout. The Wyatt Way NE access is located 90 feet to the east of the roundabout. These distances are measured from the yield point at the roundabout to the nearside of the each proposed access.

The Madison Ave N site access meets corner clearance distance requirements described above for both stop control (90 feet) and signal control (185 feet) intersections on 25 mph arterial roadways.

The Wyatt Way NE site access meets the minimum corner clearance standard of 90 feet to stop controlled intersections on 25 mph arterial roadways, but does not meet the minimum clearance standard of 185 feet to signalized intersections on 25 mph arterials.

Field measurements show that sightlines are sufficient at the sight accesses.

### *Level of Service with Alternative Onsite Circulation Patterns*

The Project's preferred vehicular circulation pattern includes one-way resident ingress and two-way commercial-office and visitor ingress and egress off of Madison Ave N, and one-way resident egress off of Wyatt Way NE.

The City has requested, in addition to the preferred vehicular circulation pattern, analyses of the following two alternative circulation patterns:

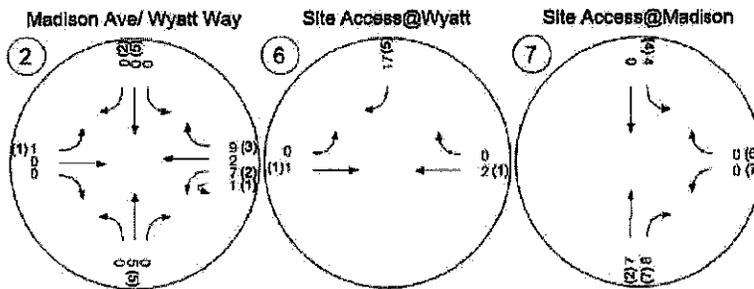
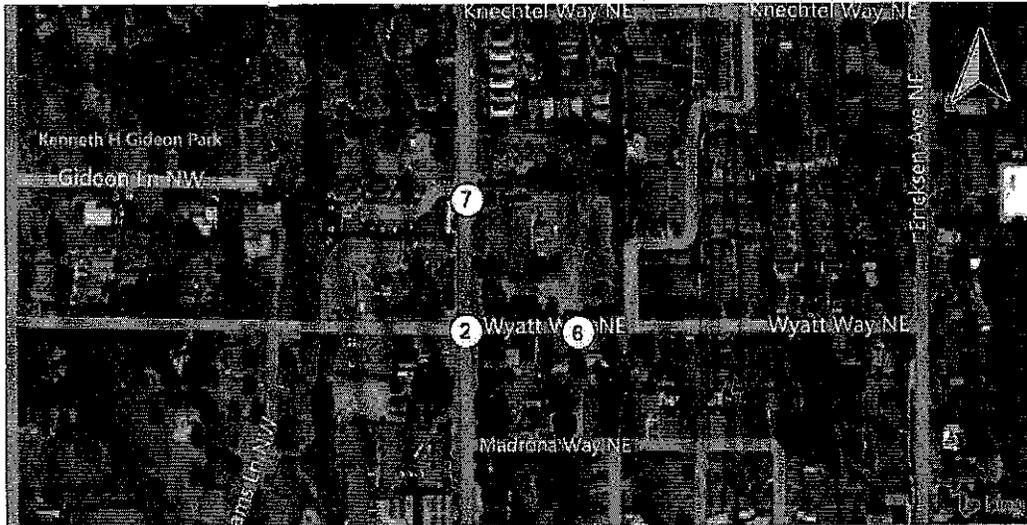
1. Clockwise – ingress off of Madison Ave N and egress off of Wyatt Way NE
2. Counterclockwise – ingress off of Wyatt Way NE and egress off of Madison Ave N

Onsite circulation changes affect traffic flow to the Madison Ave N and Wyatt Way NE roundabout. **Figures 10 and 11** illustrate the volume patterns at the site accesses and the roundabout under the two alternative on-site circulation scenarios. Both figures compare the preferred circulation pattern volumes with the alternatives.

Generated with **PTV VISTRO**

Version 9.00-05

Traffic Volume - Development-Generated Trips



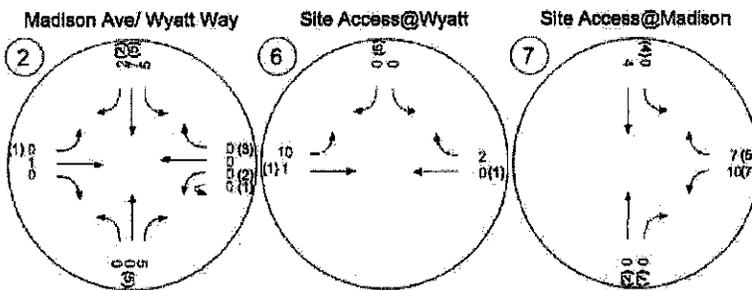
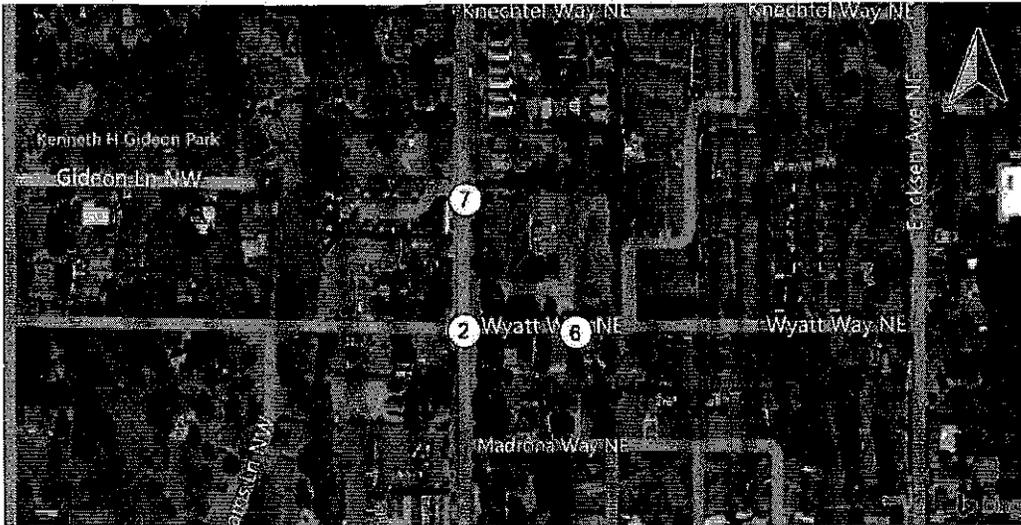
Note: Preferred Alternative development-generated trips are shown in parentheses for comparison.

Figure 10: PM Peak Hour Development Access Trips, Clockwise Circulation

Generated with **PTV VISTRO**

Version 3.00-05

Traffic Volume - Development-Generated Trips



Note: Preferred Alternative development-generated trips are shown in parentheses for comparison.

Figure 11: PM Peak Hour Development Access Trips, Counterclockwise Circulation



**CITY OF  
BAINBRIDGE  
ISLAND**

**Development Engineer  
Recommendation For Approval**

To: Josh Machen, Planning Manager  
From: Peter Corelis, P.E., Development Engineer  
Date: May 3<sup>rd</sup>, 2016  
Re: Wyatt Cottages

**PLN50165 SPR**

**Related Application Number:**

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**Project Description:**

The applicant proposes to develop 28 detached dwellings with associated parking, pedestrian circulation and landscape. An existing commercial structure is proposed to be relocated closer to the street. Frontage improvements along Wyatt Way NE will be completed to provide sidewalk and on-street parallel parking stalls.

**Recommendation For Approval:**

I have completed a review of the above referenced project application initially received by the City of Bainbridge Island (COBI) on April 14<sup>th</sup>, 2015, with subsequent revisions received on December 9<sup>th</sup>, 2015, and March 22<sup>nd</sup>, 2016. The site plan is recommended for **APPROVAL** based on the following findings:

1. The site plan conforms to regulations concerning drainage in BIMC 15.20 and 15.21;
2. The site plan 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;
3. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties;
4. The site will rely on public water and sewer services, and there is capacity in the water and sewer systems to serve the site, and those services can be made available to the site;
5. The site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications, "the Standards", and has an approved variation from those Standards where it does not conform;
6. The site plan and design is in conformance with the applicable portions of the comprehensive plan pertaining to streets, roads, and utilities.

280 Madison Avenue North  
Bainbridge Island, Washington 98110-1817  
[www.bainbridgewa.gov](http://www.bainbridgewa.gov)  
206.842.7633

**ATTACHMENT O**

## **Recommended Conditions of Approval:**

### *General*

1. 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 COBI 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.
2. As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final along with electronic copies.

### *Roads*

3. 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.
4. 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.
5. 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*

6. 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.
7. 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.
8. 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.
9. Trenching and excavation work performed within the drip line or critical root zone of significant trees to be retained shall be monitored by a certified arborist.
10. The 12-inch diameter corrugated metal pipe (CMP) storm drain running east to west in Wyatt Way NE is reported by COBI 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.

11. The willow tree impacting the City's storm drain on Wyatt Way NE has been assessed as a 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 subgrade preparation and will potentially further damage the tree's root system causing even greater hazard to the public and the City's infrastructure. As part of the frontage improvements removal of the willow tree shall be performed. Replacement with a more appropriate street tree will minimize pedestrian and traffic hazards and improve the durability and serviceability of the new street improvements.
12. All sanitary sewer cleanouts shall be located at the edge of the utility easement.

*Permitting*

13. A clearing permit will not be issued until the project has demonstrated full compliance with the stormwater requirements of BIMC 15.20.
14. 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.
15. Transportation impact fees for the development at the time of this memo are approximately \$1,273.<sup>33</sup> 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.
16. 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.
17. 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.

These are the recognized issues related to the review package in possession of the City as of the date of this memo. The applicant is required to adhere to all Planning/Building Department findings, City of Bainbridge Island Municipal Code and Design & Construction Standards, State and Federal Law and good engineering and survey practices where applicable. Any recognized deviation from these requirements will require correction by the Applicant, regardless of the approval status of plans or construction status. Any revisions of these plans, specifications or calculations require the affixed Surveyor's or Professional Engineer's seal of a surveyor or engineer (as applicable) licensed in the State of Washington, and subsequent review of the plans and revisions by the City of Bainbridge Island.

City of Bainbridge Island



**DEPARTMENT OF PLANNING AND COMMUNITY  
DEVELOPMENT  
CERTIFICATE OF CONCURRENCY**

Pursuant to The City of Bainbridge Island Municipal Code 15.32.040.B; the City Engineer has determined that the capacity of transportation facilities affected by the proposed development is equal to or greater than the capacity required to maintain the level of service standard for the impact of the development.

Property Location or Description: **Wyatt Cottages  
Madison Avenue North & Wyatt Way NE  
Bainbridge Island, WA  
Tax Parcels: 26250221042006 & 26250221292007  
Permit Number: PLN 50165 SPR**

Development Type: **Residential/Multi-family**

Approved Uses: **Multi-family Condominium/Townhouses and General Office Space**

Approved Density: **28 multi-family condominium/townhouse units totaling 31,204 square feet of floor space and 9,469 square feet of general office building space**

Approved Intensity: **257 ADT (Weekday)**

Transportation Facilities Reserved in this Certificate: **Volumes shown in attached traffic study dated June 12, 2015**

Date Issued: **This certificate is effective on the issuance date of the above referenced permit number.**

Expiration Date: **This certificate expires on the earlier of: 1) The date of expiration of the above referenced permit number, or 2) Three years after the above effective (issuance) date of this certificate.**

  
BY: Peter S. Corelis, P.E.

Attachments:  1: Concurrency Test; or  
 2: Traffic Analysis



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

### MEMORANDUM

**Date:** May 6, 2016  
**To:** Planning Commission  
**From:** Christy Carr, AICP  
Senior Planner  
**Subject:** SMP Aquaculture Limited Amendment  
Ordinance 2016-06

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#### I. INTRODUCTION

Staff presented a draft of Ordinance 2016-06 at the April 14, 2016 Planning Commission meeting, during which a public hearing was held on the topic. Due to extensive written public comment received immediately prior (within several hours) of the meeting, the Planning Commission did not deliberate or discuss the ordinance.

In the interim, staff incorporated comments received from the Department of Ecology. Ecology's draft analysis of the City's proposed revisions focus on:

- Consistency with applicable RCW and WAC provisions;
- Need to provide justification and rationale for the changes; and
- Need to demonstrate compliance with approval criteria for SMP limited amendments

Staff is focused on completing a limited amendment that is approvable by the Department of Ecology. While a number of public comments were received regarding the overall limited amendment as well as specific provisions, proposed revisions presented tonight emphasize changes to address Ecology's draft analysis.

#### II. OVERVIEW OF PROPOSED REVISIONS

Three documents are attached for your review:

- Annotated proposed revisions from April 14, 2016 Planning Commission meeting – this is the same document that was included in the April 14, 2016 agenda packet but it has been annotated to include numerical references to changes made in response to public comment.
- Revisions matrix – this document provides a summary of changes (“Proposed revision language and rationale to address public comment”) to the proposed revisions presented at the April 14, 2016 Planning Commission meeting.

- Proposed submittal requirements.

**Planning Commission Action:** The Commission should ask questions of staff about the information presented. The Commission should provide input to staff on the proposed revisions as follows:

- Provide input on specific public comments for staff to consider if not included in the proposed revisions;
- Provide direction to staff for specific changes to proposed revisions; and
- Recommend forwarding the limited amendment to City Council.

### **III. NEXT STEPS**

Staff is continuing to work with the Department of Ecology to develop a limited amendment that is consistent with applicable RCW and WAC provisions and meets the approval criteria for SMP limited amendments. Pending a recommendation from the Planning Commission, staff will present the limited amendment to City Council on May 24, 2016.

**PROPOSED USE TABLE:**

Table 4-1 Shoreline Use and Modification Table									
"P" = Permitted Use "C" = Conditional Use			"X" = Prohibited Use "#" = Same as Upland Property			"A" = Accessory Use "CA" – Conditional Accessory Use			
SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
<b>Natural Resource Management</b>									
Aquaculture, Commercial	C[1]	C[1]	C	C	C	#	X	X	
Aquaculture, Commercial Geoduck	X	X	C	C	C	#	X	X	
Aquaculture, Non-Commercial	P[1]	P[1]	P[1,2]	P[1,2]	P[1,2]	#	P[1]	P[1]	

[1] Allowed if less than 500 square feet and using non-reproducing or native species or as part of an approved shoreline restoration or native species recovery project.

[2] A conditional use permit is required for non-commercial aquaculture with a cultivation area over 500 square feet.

Commented [CC1]: #1

Commented [CC2]: #1

**EXISTING USE TABLE:**

Aquaculture	C[1]	X	C	C	C	C	C[1]	C[1]
Aquaculture, Shellfish Garden	X	P	P	P	P	P	P[1]	P[1]

[1] Allowed if using native species and part of an approved shoreline restoration project.

Table 4-2 Dimensional Standards Table									
Greyed out setback boxes or letter X indicate prohibited uses									
SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION		Use Specific Standards	
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A		B
<b>Natural Resource Management</b>									
<b>Aquaculture</b>									
Setbacks									
Water-dependent	X	0'	0'	0'	0'	DOES NOT APPLY TO DEVELOPMENT BELOW OHWM			
Water-related	X	3025'	3025'	3025'	3025'				
Nonwater-oriented	X	150'	115'	100'	100'				
Height Limit									
Overwater Structures	DOES NOT APPLY TO DEVELOPMENT ABOVE THE OHWM					3'	3'	3'	
Accessory use on overwater structures						3'	3'	3'	
Overwater Structure Predator Control						6'	6'	6'	
Upland	X	30'	30'	30'	30'	DOES NOT APPLY TO DEVELOPMENT BELOW OHWM			

Table 4-2 Dimensional Standards Table									
Greyed out setback boxes or letter X indicate prohibited uses									
SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION		Use Specific Standards	
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A		B
<del>Aquaculture, Non-commercial for Recovery of Native Population</del>									
Setbacks									
<del>Water dependent</del>	X	0'	0'	0'	0'	DOES NOT APPLY TO DEVELOPMENT BELOW OHWM			
<del>Water related</del>	X	25'	25'	25'	25'				
<del>Nonwater oriented</del>	X	150'	115'	100'	100'				
Height Limit									
<del>Overwater</del>	DOES NOT APPLY TO DEVELOPMENT ABOVE THE OHWM					3'	X	3'	
<del>Upland</del>	X	30'	30'	30'	30'	DOES NOT APPLY TO DEVELOPMENT BELOW OHWM			

## 5.2 Aquaculture

### 5.2.1 Applicability

These provisions apply to the commercial cultivation and harvesting of fish, shellfish or other aquatic animals or plants, and also to non-commercial harvesting, ~~and to the incidental preparation~~ of fish and shellfish for human consumption, or cultivation for restoration purposes. Aquaculture is dependent on the use of the water, and when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. ~~When properly managed, aquaculture can result in long term over short term benefit and can protect the resources and ecology of the shoreline.~~ Aquaculture activities may be subject to the regulations found in Section 6.4, Dredging and Dredge Material Disposal, depending on site-specific circumstances. Aquaculture activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; and Appendix B, when applicable. Other portions of this Program may also apply.

### 5.2.2 Policies

1. Identify and encourage aquaculture activities which may provide opportunities for creating ecosystem improvements and result in no net loss of ecological functions.
2. ~~Allow experimental forms of aquaculture involving the use of new species, new growing methods, or new harvesting techniques, when they are consistent with applicable state and federal regulations and this Program. Experimental aquaculture projects should~~shall be limited in scale and ~~should~~shall be approved only for a limited period of time. When feasible, limit or restrict new development and uses in areas that affect existing experimental aquaculture.
3. ~~Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, structure and processes; adversely impact eelgrass or macroalgae; forage fish or salmonid species; or significantly conflict with navigation and other water dependent uses.~~
4. New commercial aquaculture shall be located to avoid or minimize conflicts with public use and access of the shoreline.
5. Aquaculture facilities should be designed and located to not spread disease to native aquatic life, establish new non-native species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.
6. Impacts to ecological functions ~~should~~shall be mitigated according to WAC 173-26-201(2)(e) and Section 4.1.2, Environmental Impacts.
7. Give preference to those forms of aquaculture that have less environmental and/or visual impacts. Preference is given to those projects that require fewer submerged or intertidal structures, fewer land-based facilities, limited substrate modification, and that don't rely on artificial feeding.
8. Ensure aquaculture does not cause cumulative impacts.

Commented [CC3]: #2

Commented [CC4]: #3

9. In reserving shoreline areas for aquaculture, the City should first give preference to reserving appropriate areas for protecting and restoring ecological functions and next give preference to water-dependent uses (RCW 90.58.020, WAC 173-26-201(2)(d), WAC 173-26-251(2)).
10. The City shall consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions (WAC 173-26-241(3)(b)).
11. The City shall identify where commercial aquaculture may occur and where it should be excluded based on potential use conflicts, consistency with environmental designation management policies, ecological considerations, local conditions, input from interested parties and reasonable and foreseeable aquaculture use.
12. Until the City's scheduled periodic review of this Program under RCW 90.58.080, the City shall limit where commercial aquaculture may occur based on estimated future demand for shoreline space, potential use conflicts, current shoreline use patterns and projected trends. During the period review, the City shall make amendments deemed necessary to reflect changing local circumstances, new information or improved data, relevant environmental and ecological conditions and any applicable guidelines issued by the Department of Ecology.
13. Until the City's scheduled periodic review of this Program under RCW 90.58.080, the City shall prohibit new commercial marine finfish net pen aquaculture operations to provide time for updated guidance addressing the protection of ecological functions and use conflicts. The City will revisit policies and regulations regarding marine finfish net pens to address new guidance during scheduled periodic reviews of this Program under RCW 90.58.080.

Commented [CC5]: #4

Commented [CC6]: #5

Commented [CC7]: #6

Commented [CC8]: #7

Commented [CC9]: #8

### 5.2.3 Regulations - Prohibited

1. Aquaculture is prohibited in the Natural, Island Conservancy, and Priority Aquatic designations, except as provided in Section 5.2.4 (1), below.
2. Aquaculture uses and/or operations on City-owned public tidelands.
3. New commercial net pen aquaculture.
4. Aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, parasites, pharmaceuticals, or genetically modified organisms, feed or other materials known to be potentially harmful into surrounding waters is prohibited, unless:
  - a. When conducted for native population recovery in accordance with government/Tribal approved plan and all state and federal regulations; or
  - b. If approved by all appropriate state and federal agencies and proof thereof is submitted to the City; and
  - c. If all regulations of SMP 4.16, Water Quality and Stormwater Management, are met.

Commented [CC10]: #9

Commented [CC11]: #10

Commented [CC12]: #11

54. Mechanical and/or hydraulic harvesting or other activities that involve substantial substrate modification shall be prohibited in existing kelp beds, or in beds of native eel grass (*Zostera marina*), mixed beds of native and non-native eelgrass (*Zostera japonica*) and areas adjacent to existing eelgrass beds that are suitable for reintroduction or natural colonization of native eelgrass beds as identified in the City's shoreline restoration plan. These restoration areas include: Milwaukee Dock Eelgrass Project, Port Madison Shoreline Restoration Project, Rolling Bay Walk Acquisition and Demolition and West Bainbridge Shoreline Protection Project.

Commented [CC13]: #12

6. Aquaculture that involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic and pelagic organisms and/or wildlife and wild fish populations through habitat modification, or other disturbances and alteration.

Commented [CC14]: #13

7. Aquaculture that uses any non-biodegradable materials.

Commented [CC15]: #14; New language

#### 5.2.4 Regulations — General

1. Aquaculture may be allowed as follows:

- a. ~~Aquaculture as a conditional use in Shoreline Residential, Urban, and adjacent Aquatic designations.~~ Commercial aquaculture, including geoduck, as a conditional use in the Shoreline Residential Conservancy, Shoreline Residential, Urban and adjacent Aquatic designations.
- b. Commercial aquaculture, excluding geoduck, as a conditional use in the Natural, Island Conservancy and adjacent Aquatic designations if using native species or as part of an approved shoreline restoration project or native species recovery project.
- c. Individual Shellfish Gardens are allowed in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential and Urban shoreline designations and in adjacent Aquatic designation Priority B. They also are allowed in Aquatic Priority A when for the recovery of native populations, restoration, or personal use. Non-commercial aquaculture is a permitted use in the Shoreline Residential Conservancy, Shoreline Residential, Urban and adjacent Aquatic designations. It is a permitted use in the Natural, Island Conservancy, Priority Aquatic A and Priority Aquatic B designations if using native species or as part of an approved shoreline restoration project or native species recovery project.
- d. Non-commercial aquaculture with a cultivation area of greater than 500 square feet requires a shoreline conditional use permit.

2. ~~Shellfish Gardens~~ Non-commercial aquaculture that does not constitute substantial development is not subject to the regulations of Section 5.2. and is allowed pursuant to Section 5.2.4.c provided the following can be met:

Commented [CC16]: #15

- a. They comply It complies with all state and federal regulations, including transfer and harvest permits required by WDFW;

b. The cultivation and harvesting is limited to native species of shellfish acquired from a licensed source consistent with state law;

c. The operation may utilize bottom culture or off-bottom culture bags if in accordance with best management practices and it does not significantly alter the tidal bed;

d. All materials shall be marked with owners' contact information to provide identification after storm disturbance;

e. Any use or activity meets the no net loss standard of Section 4.1.2.4; and

e. The cultivation is limited to an area of 500 square feet

2. ~~When a shoreline conditional use permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm, and shall be valid for the period specified in the permit.~~

3. Aquaculture shall avoid:

a. A net loss of ecological functions or processes;

b. Adverse impacts to eelgrass and macro algae; critical saltwater habitat as defined in WAC 173-26-221(2)(c)(iii), including all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association;

c. Significant conflicts with navigation, public access, and other water-dependent uses;

d. The spread of disease to native aquatic life;

e. Establishing new non-native species that cause significant ecological impacts;

f. Significant impacts to shoreline aesthetic qualities; and/or

g. Significant modifications of the substrate; and/or

f. A detectable level of reduction of presence of existing animals such as sea stars, moon snails, sand dollars, etc.

4. ~~When a shoreline permit is issued for a new commercial aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility, and shall be valid for a period of five (5) years. For commercial geoduck aquaculture, this five (5) year term does not include the time during which a use or development was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the use or development that authorize the use or development to proceed, including all reasonably related administrative legal actions on any such permits or approvals. Permits must take into account that operators have a right to harvest product once planted. After the aquaculture use or development is established under the shoreline permit, all subsequent cycles of planting, maintenance, and harvest shall not require a new, renewed or revised permit unless otherwise provided as follows:~~

Commented [CC17]: #16

Commented [CC18]: #17

a. Permit revisions shall proceed in accordance with WAC 173-27-100. A new permit is required when any of the following occurs:

i. The physical extent of the use or development or associated overwater coverage is expanded by more than ten percent compared to the permitted use or development. If the amount of expansion or change in overwater coverage exceeds ten percent, the revision or sum of the revision and any previously approved revisions shall require the applicant apply for a new permit:

ii. The applicant proposes to cultivate a species not previously cultivated within the City's jurisdictional waters; or

iii. New chemicals not previously approved as part of the existing permit are proposed for use.

5. The City may adopt different time limits from those set forth in subsections (2) and (3) of RCW 90.58.143 as part of action on a substantial development permit.

Commented [CC20]: #18

6. As a condition of permit approval, the Administrator may apply the following conditions:

Commented [CC21]: #19

a. All permitted aquaculture operations shall be reviewed by the City after the first 12-month period of operation to confirm compliance with the terms and conditions of the permit. The City may revoke the permit if it determined by the Administrator that aquaculture operations are not consistent with the terms and conditions of the permit and/or the aquaculture operations are not within the original scope and intent of the original permit.

b. Permit applications for aquaculture operations including floating aquaculture structures shall include sufficient detail on construction materials to determine that the floating structures and/or equipment – including any items stored upon such structures – will avoid or minimize adverse impacts that can be caused by overwater structures.

c. At least once every three months beaches in the project vicinity shall be patrolled by crews who will retrieve aquaculture debris (e.g.: predator nets, tubes, tube caps, stakes) that escape from the project area. Crews are not required to patrol privately owned tidelands where it can be demonstrated that owners have refused to authorize such activity. Within the project vicinity, locations shall be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be patrolled by crews who will remove and dispose appropriately of aquaculture debris. Operators shall maintain a record with the following information and the record shall be made available upon request: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, and other pertinent information.

d. Where any proposed structure has the potential to constitute a hazard to the public, the City may require the posting of a bond commensurate with the cost of removal or repair. Following notice to the owner, the City may abate an existing abandoned or unsafe aquaculture structure if the owner fails to respond within 30 days. The City may also impose a lien on the related shoreline property or other

- assets in an amount equal to the cost of the abatement. Bonding requirements shall not duplicate requirements of other agencies.
- e. Aquaculture facilities are required to identify and use best management practices to minimize impacts from the construction and operation of the facilities.
  - f. Materials that are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the ordinary high water mark.
  - g. All tubes, mesh bags, and area nets used on the tidelands below the line of mean higher high water shall be clearly, indelibly and permanently marked to identify the permittee name and contact information. On the nets, identification markers will be placed with a minimum of one identification marker for each 50 feet of net.
  - h. All floating and submerged aquaculture structures and facilities in navigable waters shall comply with all applicable state and federal requirements.
  - i. Use of motorized vehicles, such as trucks, tractors and forklifts is prohibited below the ordinary high water mark.
  - j. Aquaculture operators shall periodically monitor and report on noise, odor, water quality, aquatic and benthic organism types and densities, current pattern and flows, flushing rates, prevailing storm wind conditions, impacts to wetlands, fish and wildlife and shoreline habitats and other relevant environmental and ecological conditions to the City on a schedule specified in the permit relating to the aquaculture activity. The permit may be rescinded by the City for failure to monitor and fully report, or if monitoring reveals unanticipated impacts that cannot be mitigated.
  - k. The operators of aquaculture developments shall control odor through the proper storage and disposal of feed and other organic materials and by maintaining a clean operation.
  - l. Aquaculture operations must comply with noise regulations in BIMC 16.16 and avoid or minimize noise impacts to the extent possible.
  - m. Overhead wiring or plumbing is not permitted on overwater structures.
  - n. Bulk storage for gasoline, oil and other petroleum products for any use or purpose on piers and docks is prohibited. Bulk storage means non-portable storage in fixed tanks.
7. In addition to the minimum application requirements in BIMC 2.16.165, applications for commercial aquaculture operations shall include the submittal requirements provided in the Administrative Manual. Some of these submittal requirements may be waived by the Administrator based on site-specific environmental and ecological conditions.

Commented [CC22]: #20; See attached submittal requirements

#### 5.2.5 Regulations –Location and Design Standards

1. ~~Floating and submerged aquaculture structures shall be located to avoid or minimize interference with navigation and the normal public use of the surface waters. Floating structures shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities to protect navigational access may be necessary based on the size and shape of the affected water body. Revised and moved to 5.2.5.2.e~~

~~1. Shellfish Gardens Non-commercial aquaculture is allowed provided the following can be met:~~

- ~~a. They comply It complies with all state and federal regulations, including transfer and harvest permits required by WDFW;~~
- ~~b. The cultivation and harvesting is limited to native species of shellfish acquired from a licensed source consistent with state law;~~
- ~~c. The cultivation and harvesting does not result in the destruction of other species such as eelgrass, sea stars, etc.;~~
- ~~e. The operation may utilize bottom culture or off bottom culture bags if in accordance with best management practices and it does not significantly alter the tidal bed;~~
- ~~e. All materials shall be marked with owners' contact information to provide identification after storm disturbance; and~~
- ~~f. The cultivation is limited to an area of 500 square feet.~~

~~Revised and moved to 5.2.4~~

~~2. Aquacultural structures and activities that are not water dependent (e.g., warehouses for storage of products, parking lots) shall be located landward of the OHWM, upland of water dependent portions of the project, and shall avoid or minimize detrimental impacts to the shoreline. Revised and moved to 5.2.7.3~~

~~1. Location standards for commercial aquaculture operations include:~~

- ~~a. The total area of all permitted commercial aquaculture operations shall not exceed 5 acres or 5 percent of the linear footage of the shoreline (13,992 linear feet) measured parallel to OHWM, whichever is achieved first. Acreage shall include the area of cultivation and harvest on the tidelands. Linear footage shall include the total length of shoreline of the parcel(s) on which aquaculture operations are taking place.~~
- ~~b. Aquaculture operations may be prohibited and/or limited in areas of critical saltwater habitat as defined in WAC 173-26-221(2)(c)(iii), shellfish closure areas and areas of known water quality contamination. These areas are shown in Appendix F, which is advisory in nature and does not represent area where aquaculture operations are prohibited or limited. Location and extent of these features must be documented at time of permit review.~~
- ~~c. Aquaculture operations located on parcels abutting or nearby City-owned tidelands shall be located so as to not unduly restrict pedestrian access or circulation along public beaches.~~
- ~~d. Aquaculture use and development shall not significantly interfere with navigation, or access to adjacent waterfront properties, or public recreation areas. Mitigation shall be provided to offset such impacts where there is a high probability that adverse impact would occur. This provision shall not be interpreted to mean that an operator is required to provide access across owned or leased tidelands at low tide for adjacent upland property owners.~~
- ~~e. Aquaculture use and development shall be located in areas where biophysical conditions, such as tidal currents, water temperature and depth are suitable for the form~~

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of aquaculture proposed. Individual aquaculture uses and developments shall be separated by sufficient distance to ensure that significant adverse cumulative effects do not occur.

- f. Floating and submerged aquaculture structures shall be located to avoid or minimize interference with navigation and the normal public use of the surface waters. Floating structures shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities to protect navigational access may be necessary based on the size and shape of the affected water body. Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed six (6) feet in height, as measured from water surface.
- g. For aquaculture projects within Pacific herring spawning locations documented and/or verified by WDFW, in-water activities that would affect herring spawn that take place outside May 1 through January 14 require that a Pacific herring spawn survey be conducted prior to commencing such activities. If Pacific herring spawn is present, these activities are prohibited in the areas where spawning has occurred until such time as the eggs have hatched and Pacific herring spawn is no longer present. The City may consider alternative methods that are contained in federal and/or state aquaculture permits for reducing impacts to herring spawning habitat and other forage fish spawning habitat.
- h. For aquaculture projects within sand lance and surf smelt spawning locations documented and/or verified by WDFW, no harvesting or any activity which disturbs the substrate may occur during the surf smelt or sand lance spawning seasons until a spawning survey is conducted. If surf smelt or sand lance spawn are present in the growing area to be harvested, then no aquaculture activities may occur until the eggs are hatched. Extreme caution should be taken to avoid impact and minimize disturbance of sand lance and surf smelt larvae that are present.
- i. Property Line Setbacks. The perimeter of an aquaculture operation shall be set back a minimum of ten feet (10') from side property lines. Aquaculture operations that include multiple parcels require side yard setbacks only at the outer edge of the operation and not from internal property lines.
- j. Aquaculture operations require a minimum buffer of 25 feet from the outside edge of an activity or structure to native aquatic vegetation attached to or rooted in substrate, including native and mixed beds of eelgrass. The City may require a larger buffer based on consultation during permit review with Ecology, Department of Natural Resources and the U.S. Army Corps of Engineers to determine appropriate buffers based on the most current and applicable science and proximity of bed to the project, current and tidal flow direction, anticipated turbidity and anticipated frequency and intensity of operation. Buffers will be determined based on site-specific conditions and survey data submitted with the permit application.
- k. Mixed beds of native and non-native eelgrass shall be protected as critical saltwater habitat in order to protect native eelgrass and the species that depend upon both types of eelgrass. This regulation does not preclude hand removal of non-native eelgrass pursuant to WAC 16-750-015.

- 3. ~~Hatchery and other aquaculture operations shall be required to maintain a vegetated buffer zone along the affected stream as prescribed in Appendix B, provided that clearing~~

~~of vegetation shall be permitted for essential water access points. Revised and moved to 5.2.7.4~~

- ~~4. Onshore support structures shall meet the height and setback standards established in Table 4-2, Site Development Dimensional Standards Table, except that reduced setbacks may be permitted through a shoreline variance where necessary for the operation of hatcheries and rearing ponds. Revised and moved to 5.2.7.3~~
- ~~5. The following shall be limited to the minimum size or number necessary for approved aquaculture development, uses, and activities:
  - a. Submerged or intertidal structures.
  - b. Land-based facilities.
  - c. Structures which modify substrate.~~
- ~~6. Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts. All materials, including those used for incidental aquaculture for personal consumption, shall be marked with owners' contact information to provide identification after storm disturbance. All floating and submerged aquaculture facilities in navigable waters shall comply with all applicable state and federal requirements. Floating/hanging aquaculture facilities require a visual impact analysis consisting of information comparable to that found in the Department of Ecology's Aquaculture Siting Study (1986), as updated. Such analysis may be prepared by the applicant without professional assistance, provided that it includes an adequate assessment of impacts, as determined by the Administrator.~~
- ~~7. Floating aquaculture facilities may require a visual impact analysis consisting of information comparable to that found in the Department of Ecology's Aquacultural Siting Study (1986), as updated. Such analysis may be prepared by the applicant without professional assistance, provided that it includes an adequate assessment of impacts, as determined by the Administrator.~~
- ~~8. For aquacultural projects using over water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than three (3) feet in height, as measured from the surface of the raft or dock, provided that, in locations where the visual impact of the proposed aquaculture structures will be minimal, the City, based upon written findings and without requiring a variance, may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the ordinary high water mark. A temporary sanitation station may be allowed on fixed overwater pier structures when utilities are not available within a reasonable distance. Overwater structures and/or equipment, and any items stored upon such structures such as materials, garbage, tools, or apparatus, shall be sited and maintained to minimize visual impacts. Over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than three (3) feet in height, as measured from the surface of the raft or dock unless shoreline conditions serve to minimize visual impacts as demonstrated through a visual impacts study. Materials which are not necessary for the immediate and regular~~

operation of the facility shall not be stored waterward of the OHWM. Impacts of overwater structures (e.g.: shading) shall be evaluated based on the maximum surface coverage including any items stored upon such structures.

9. ~~Shellfish Gardens for personal consumption are allowed on private lands provided the following can be met:~~
- a. ~~They comply with all state and federal regulations, including transfer and harvest permits required by WDFW.~~
  - b. ~~The cultivation and harvesting is limited to native species of shellfish acquired from a licensed source consistent with state law; and~~
  - e. ~~The operation may utilize bottom culture or off bottom culture bags if in accordance with best management practices and it does not significantly alter the tidal bed.~~

Revised and moved to 5.2.5.1

## 5.2.6 Regulations – Operational Standards

All commercial aquaculture operations shall comply with the following standards:

1. Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. ~~Aquaculture operations that do not conform with this master program are considered discontinued if the use has ceased for a period of more than five (5) years.~~
2. Operational monitoring may be required if and to the extent that is necessary to determine, ensure, or confirm compliance with predicted or required performance, including periodic benthic analysis or noise pollution monitoring in accordance with BIMC Chapter 16.16. Such monitoring requirements shall be established as a condition of the permit and shall be conducted at the applicant's (operator's) expense.
3. Aquaculture operations that do not conform with this master program Program are considered discontinued if the use has ceased for a period of more than five (5) years.
4. ~~No processing of any aquaculture product, except for the sorting and culling of the cultured organism and the washing or removal of surface materials or organisms after harvest, shall occur in or over the water unless specifically approved by permit. All other processing and processing facilities shall be located on land and shall be governed by these provisions and the policies and regulations of other applicable sections of the Master Program, in particular, provisions addressing commercial and industrial uses.~~
5. Aquaculture wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation, except for in proper receptacles. [BIMC Chapter 8.16].

~~65.~~ Predator control shall not involve the killing or abusive harassment of birds or mammals. Approved controls include, but are not limited to, double netting for seals, overhead netting for birds, fencing or netting for otters. The use of other nonlethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required. Aquaculture use and development shall employ non-lethal, non-harmful measures to control birds and mammals.

76. All nets shall be maintained in accordance with all applicable state and federal requirements. If a state or federal permit is not required, cleaning of nets and other apparatus shall be accomplished by air drying, spray washing or hand washing, rather than chemical treatment and applications.

8. Predator exclusion devices shall:

- a. Be firmly attached or secured so as to not become dislodged or trap animals underneath.
- b. Blend with the natural environment
- c. Be routinely inspected and maintained
- d. Be removed as soon as they are no longer needed to perform protective functions

9. When determined necessary to minimize aesthetic and habitat impacts of large-scale projects, the City may require a phased approach to operation. This includes planting and harvesting on a rotational basis within the same tideland parcel.

10. Aquaculture operations shall avoid adverse proximity impacts from light and glare and glare and satisfy the provisions of BIMC 18.15.040.

11. Property corner markers that are visible at low tide during planting and harvesting must be installed.

12. The City shall determine appropriate identification/marketing of floating and submerged aquaculture structures and facilities in navigable waters to provide identification after storm disturbance.

13. On-site work is allowed during low tides, which may occur at night or on weekends. Measures to reduce impacts to adjacent existing uses, from such sources as noise from equipment and glare from lighting, shall be identified in an operational plan submitted with the permit application.

#### 5.2.7 Regulations – Upland Structures

1. When upland structures are allowed they must be the minimum necessary to meet the needs of the water-dependent use.

2. Upland water-related aquaculture development, uses and activities shall be set back from the OHWM a sufficient distance to avoid disturbance of the Shoreline Buffer or Shoreline Vegetation Management Area. (See and Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3 Vegetation Management; and Tables 4-1 through 4-3, for dimensions.)

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3. Upland aquaculture development which does not require a location at or near the water's edge shall be located upland of the water-dependent portions of the operation, and outside of the Shoreline Buffer or Vegetation Management Area as established in Section 4.0, General (Island-wide) Policies and Regulations and Table 4.3.

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4. Upland structures shall be designed, constructed and maintained to include vegetative screening for parking, and upland storage areas and facilities consistent with landscaping standards for parking lots as prescribed in BIMC Section 18.15.010, Development Standards and Guidelines; Landscaping, Screening, and Tree Retention, Protection, and Replacement.

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5. A temporary sanitation station may be allowed on fixed overwater pier structures when utilities are not available on the same parcel(s) as the aquaculture operation.

#### 5.2.87 Regulations – Specific – Commercial Geoduck Requirements Aquaculture

1. In addition to other provisions in Section 5.2, commercial geoduck aquaculture will be administered consistent with WAC 173-26-241(3)(b)(ii), (iii), and (iv). Where there is inconsistency between the provisions in 5.2.1, 5.2.2., 5.2.3, 5.2.4, 5.2.5, 5.2.6 or 5.2.7 and the geoduck provisions, the specific commercial geoduck provisions apply.
2. A conditional use permit (CUP) is required for all new commercial geoduck aquaculture and conversions from existing non-geoduck aquaculture to geoduck aquaculture. CUPs for new commercial geoduck and conversions will be administered consistent with WAC 173-26-241(3)(b)(ii), (iii), and (iv).

#### Definitions:

**Aquaculture** – The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state-managed wildstock geoduck fishery. ~~Upland finfish rearing facilities are included in the definition of agriculture and are not considered aquaculture for the purpose of this SMP. Aquaculture activities include, but are not limited to, the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals, and the maintenance and construction of necessary equipment and buildings. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the planting and harvesting of clams and oysters.~~

**Aquaculture, Shellfish Garden** – The cultivation, harvesting, and incidental preparation of shellfish for personal human use and consumption on public and private tidelands

**Aquaculture, Commercial:** Commercial Aquaculture is the cultivation of fish, shellfish or other aquatic plants and animals for sale.

**Aquaculture, Non-commercial:** The cultivation of fish, shellfish or other aquatic plants and animals for personal consumption, research, or restoration or enhancement of native species.

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1	[1] Allowed if less than 500 square feet and using native species or as part of an approved shoreline restoration or native species recovery project.	[1] Allowed if less than 500 square feet and using <u>non-reproducing or</u> native species or as part of an approved shoreline restoration or native species recovery project.  Rationale: Added “non-producing” to accommodate triploid Pacific oysters that are supplied by PSRF for shellfish gardeners.
2	Allow experimental forms of aquaculture involving the use of new species, new growing methods, or new harvesting techniques, when they are consistent with applicable state and federal regulations and this Program. Experimental aquaculture projects <del>should</del> shall be limited in scale and <del>should</del> shall be approved <u>only</u> for a limited period of time. When feasible, limit or restrict new development and uses in areas that affect existing experimental aquaculture.	Allow experimental forms of aquaculture involving the use of new species, new growing methods, or new harvesting techniques, when they are consistent with applicable state and federal regulations and this Program. Experimental aquaculture projects should be limited in scale and should be approved <u>only</u> for a limited period of time. When feasible, limit or restrict new development and uses in areas that affect existing experimental aquaculture.  Rationale:  Retain “should” -- policies are not regulations.
3	Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, <u>structure and processes</u> ; adversely impact eelgrass or macroalgae; <u>forage fish or salmonid species</u> ; or significantly conflict with navigation and other water dependent uses.	Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass or macroalgae; or significantly conflict with navigation and other water dependent uses.  Rationale:  WAC 173-26-020(13) definition of ecological functions include “structure and process”: "Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.  Ecology does not support metrics other than no net loss of ecological functions. Overall SMP requirement to achieve no net loss will be requirement through CUP process and will include no adverse effect finding on structure and processes and forage fish and salmonid species.
4	<u>In reserving shoreline areas for aquaculture, the City should first give preference to reserving appropriate areas for protecting and restoring ecological functions and next give preference to water-dependent uses (RCW 90.58.020, WAC 173-26-201(2)(d), WAC 173-26-251(2)).</u>	Need to demonstrate that aquaculture as a water-dependent, preferred use of state-wide interest is reasonably accommodated.
5	<u>The City shall consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of</u>	New policy language needs justification/rationale and context prior to Ecology approval.

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	<u>aquaculture for the local conditions as necessary to assure no net loss of ecological functions (WAC 173-26-241(3)(b).</u>	
6	<u>The City shall identify where commercial aquaculture may occur and where it should be excluded based on potential use conflicts, consistency with environmental designation management policies, ecological considerations, local conditions, input from interested parties and reasonable and foreseeable aquaculture use.</u>	New policy language needs justification/rationale and context prior to Ecology approval.
7	<u>Until the City’s scheduled periodic review of this Program under RCW 90.58.080, the City shall limit where commercial aquaculture may occur based on estimated future demand for shoreline space, potential use conflicts, current shoreline use patterns and projected trends. During the period review, the City shall make amendments deemed necessary to reflect changing local circumstances, new information or improved data, relevant environmental and ecological conditions and any applicable guidelines issued by the Department of Ecology.</u>	New policy language needs justification/rationale and context prior to Ecology approval.
8	<u>Until the City’s scheduled periodic review of this Program under RCW 90.58.080, the City shall prohibit new commercial marine finfish net pen aquaculture operations to provide time for updated guidance addressing the protection of ecological functions and use conflicts. The City will revisit policies and regulations regarding marine finfish net pens to address new guidance during scheduled periodic reviews of this Program under RCW 90.58.080.</u>	New policy language needs justification/rationale and context prior to Ecology approval.
9	<u>Aquaculture uses and/or operations on City-owned public tidelands.</u>	<p><u>Aquaculture uses and/or operations on City-owned public tidelands other than those less than 500 square feet and using non-reproducing or native species or as part of an approved shoreline restoration or native species recovery project.</u></p> <p>New policy language needs justification/rationale and context prior to Ecology approval.</p> <p>Language added to provide consistency with Island Conservancy designation permitted uses.</p>
10	<u>New commercial net pen aquaculture.</u>	<p>Justification needed to demonstrate consistency with SMA re: water-dependent preferred uses and “planning for and fostering all reasonable and appropriate uses” prior to Ecology approval.</p> <p>Staff is consulting with net pen stakeholders to explore alternatives to outright ban, including allowing where site conditions are conducive to operations (deep water, good current, limited view impacts) and/or allowing in shoreline designation where existing operation is located in to avoid creating a non-</p>

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		conforming use. It is not the intent of the City to develop regulations that are overly burdensome to the ongoing operation and maintenance of the existing net pen facility.
11	<p>Aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, parasites, pharmaceuticals, <u>or</u> genetically modified organisms, <del>feed or other materials known to be potentially harmful</del> into surrounding waters is prohibited, unless:</p> <p>a. When conducted for native population recovery in accordance with government/Tribal approved plan and all state and federal regulations; or</p> <p>b. If approved by all appropriate state and federal agencies and proof thereof is submitted to the City; <u>and</u></p> <p>c. <u>If all regulations of SMP 4.16, Water Quality and Stormwater Management, are met.</u></p>	<p>Aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, parasites, pharmaceuticals, <u>or</u> genetically modified organisms, known to be potentially harmful into surrounding waters is prohibited, unless:</p> <p>a. When conducted for native population recovery in accordance with government/Tribal approved plan and all state and federal regulations; or</p> <p>b. If approved by all appropriate state and federal agencies and proof thereof is submitted to the City <u>and if all regulations of SMP 4.16, Water Quality and Stormwater Management, are met.</u></p> <p>Rationale: Combined b&amp;c for ease of read and implementation. Retained “known to be potentially harmful” so as to not create de facto ban conventional operations and include only things that are known to cause adverse impacts.</p>
12	<p>Mechanical and/or hydraulic harvesting or other activities that involve substantial substrate modification <del>shall be prohibited</del> in existing kelp beds, <del>or in</del> beds of native eel grass (<i>Zostera marina</i>), <u>mixed beds of native and non-native eelgrass (<i>Zostera japonica</i>) and areas adjacent to existing eelgrass beds that are suitable for reintroduction or natural colonization of native eelgrass beds as identified in the City’s shoreline restoration plan. These restoration areas include: Milwaukee Dock Eelgrass Project, Port Madison Shoreline Restoration Project, Rolling Bay Walk Acquisition and Demolition and West Bainbridge Shoreline Protection Project.</u></p>	<p>Will move to Section 5.2.5 Regulations – Location and Design Standards to clarify that it applies only to siting of new operations and does not apply to existing and ongoing operations.</p> <p>Need to provide more support from SMP Restoration Plan.</p>
13	<p><u>Aquaculture that involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic and pelagic organisms and/or wildlife and wild fish populations through habitat modification, or other disturbances and alteration.</u></p>	<p>Delete.</p> <p>Rationale: Cumulative impacts analysis is required as component of CUP process; cannot create standard in addition to no net loss just for aquaculture; already covered in SMP Section 3.3.1.3 – Management Policies for Aquatic Designations:</p> <p><i>Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the restoration objectives, and then only when the impacts are mitigated to assure no</i></p>

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		<i>net loss of ecological functions and ecosystem-wide processes. Compatibility between upland and aquatic uses should be confirmed.</i>
14	<u>Aquaculture that uses any non-biodegradable materials.</u>	<u>Aquaculture that uses any non-biodegradable materials.</u>  Rationale: New language added per Councilperson request.
15	<p><del>Shellfish Gardens</del> <u>Non-commercial aquaculture that does not constitute substantial development is not subject to the regulations of Section 5.2. and is allowed pursuant to Section 5.2.4.c provided the following can be met:</u></p> <p>a. <del>They comply</del> <u>It complies</u> with all state and federal regulations, including transfer and harvest permits required by WDFW;</p> <p>b. The cultivation and harvesting is limited to <del>native</del> species of shellfish acquired from a licensed source consistent with state law;</p> <p>c. The operation may utilize bottom culture or off-bottom culture bags if in accordance with best management practices and it does not significantly alter the tidal bed;</p> <p><u>d. All materials shall be marked with owners' contact information to provide identification after storm disturbance;</u></p> <p><u>e. Any use or activity meets the no net loss standard of Section 4.1.2.4; and</u></p> <p><u>e. The cultivation is limited to an area of 500 square feet.</u></p>	<p><del>Shellfish Gardens</del> <u>Non-commercial aquaculture that does not constitute substantial development is allowed pursuant to Section 5.2.4.c provided it meets the substantive requirements of this Program and the SMA and the following can be met:</u></p> <p>a. <del>They comply</del> <u>It complies</u> with all state and federal regulations, including transfer and harvest permits required by WDFW;</p> <p>b. The cultivation and harvesting is limited to <del>native</del> species of shellfish acquired from a licensed source consistent with state law;</p> <p>c. The operation may utilize bottom culture or off-bottom culture bags if in accordance with best management practices and it does not significantly alter the tidal bed;</p> <p><u>d. All materials shall be marked with owners' contact information to provide identification after storm disturbance;</u></p> <p><u>e. Any use or activity meets the no net loss standard of Section 4.1.2.4; and</u></p> <p>Rationale: If an activity does not constitute substantial development, the City cannot limit the area in which it can occur; however, the City can dictate what requires a CUP (which is included as a regulation in SMP Section 5.2.4.1.d (Non-commercial aquaculture with a cultivation area of greater than 500 square feet requires a shoreline conditional use permit).</p>
16	<p><del>3-</del> Aquaculture shall avoid:</p> <p>a. A net loss of ecological functions or processes;</p> <p>b. Adverse impacts to <del>eelgrass and macro algae;</del> <u>critical saltwater habitat as defined in WAC 173-26-221(2)(c)(iii), including all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds;</u></p>	<p><del>3-</del> Aquaculture shall first avoid:</p> <p>a. A net loss of ecological functions or processes;</p> <p>b. Adverse impacts to <del>eelgrass and macro algae;</del> <u>critical saltwater habitat as defined in WAC 173-26-221(2)(c)(iii), including all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with</u></p>

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	<p><u>mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association;</u></p> <p>c. Significant conflicts with navigation, <u>public access</u>, and <u>other</u> water-dependent uses;</p> <p>d. The spread of disease to native aquatic life;</p> <p>e. Establishing new non-native species that cause significant ecological impacts;</p> <p>f. Significant impacts to shoreline aesthetic qualities; <del>and/or</del></p> <p>g. Significant modifications of the substrate; <del>and/or</del></p> <p>f. <u>A detectable level of reduction of presence of existing animals such as sea stars, moon snails, sand dollars, etc.</u></p>	<p><u>vascular plants, and areas with which priority species have a primary association;</u></p> <p>c. Significant conflicts with navigation, <u>public access</u>, and <u>other</u> water-dependent uses;</p> <p>d. The spread of disease to native aquatic life;</p> <p>e. Establishing new non-native species that cause significant ecological impacts;</p> <p>f. Significant impacts to shoreline aesthetic qualities; and/or</p> <p>g. Significant modifications of the substrate.</p> <p>Rationale: The SMA does not purport to protect every organism, but rather requires that in the aggregate preferred uses such as aquaculture that are allowed to occur within the shoreline and incur adverse impacts must mitigate the impacts to result in no net loss. Staff was unable to develop language acceptable to either Ecology or the intervener for a more protective measure – beyond that of the SMA and SMP Guidelines – for “existing animals” since such a standard would need to apply to all uses and development, not just aquaculture.</p>
17	<p><u>When a shoreline permit is issued for a new commercial aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility, and shall be valid for a period of five (5) years. For commercial geoduck aquaculture, this five (5) year term does not include the time during which a use or development was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the use or development that authorize the use or development to proceed, including all reasonably related administrative legal actions on any such permits or approvals. Permits must take into account that operators have a right to harvest product once planted. After the aquaculture use or development is established under the shoreline permit, all subsequent cycles of planting, maintenance, and harvest shall not require a new, renewed or revised permit unless otherwise provided as follows:</u></p>	<p>When a shoreline conditional use permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm, and shall be valid for the period specified in the permit. Permit revisions shall follow the procedure set forth in WAC 173-27-100.</p> <p>Rationale: Delete proposed text and replace with language from existing SMP (5.2.4.2).</p> <p>WAC 173-27-100 provides that a permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter <b>90.58</b> RCW. Changes which are not substantive in effect do not require approval of a revision. An applicant may request a permit revision if the proposed changes are within the scope and intent of the original permit,” the definition of which includes “No adverse environmental impact will be caused by the project revision” and “The use authorized pursuant to the original permit is not changed.” When an applicant seeks to revise a permit, the City shall request from the applicant detailed plans and text describing the proposed</p>

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Item	Existing revision language	Proposed revision language and rationale to address public comment
	<p><u>a. Permit revisions shall proceed in accordance with WAC 173-27-100. A new permit is required when any of the following occurs:</u></p> <p><u>i. The physical extent of the use or development or associated overwater coverage is expanded by more than ten percent compared to the permitted use or development. If the amount of expansion or change in overwater coverage exceeds ten percent, the revision or sum of the revision and any previously approved revisions shall require the applicant apply for a new permit;</u></p> <p><u>ii. The applicant proposes to cultivate a species not previously cultivated within the City's jurisdictional waters; or</u></p> <p><u>iii. New chemicals not previously approved as part of the existing permit are proposed for use.</u></p>	<p>changes. Staff feels the existing WAC – applicable to all shoreline uses and development – is adequate to ensure that permit revisions will be required when necessary.</p> <p>The SMA does not allow for a timeline to be established for an approved use. “Uses are ongoing functional results of development” (Ecology SMP Handbook, Chapter 3).</p>
18	<p><u>The City may adopt different time limits from those set forth in subsections (2) and (3) of RCW 90.58.143 as part of action on a substantial development permit.</u></p>	<p>Delete.</p> <p>RCW 90.58.143 applies to all uses and developments authorized under the SMA. Adoption of different time limits needs to be based on the requirements and circumstances of a proposed project and cannot be applied broadly to a use.</p>
19	<p><u>As a condition of permit approval, the Administrator may apply the following conditions:</u></p> <p>a. <u>All permitted aquaculture operations shall be reviewed by the City after the first 12-month period of operation to confirm compliance with the terms and conditions of the permit. The City may revoke the permit if it determined by the Administrator that aquaculture operations are not consistent with the terms and conditions of the permit and/or the aquaculture operations are not within the original scope and intent of the original permit.</u></p> <p>b. <u>Permit applications for aquaculture operations including floating aquaculture structures shall</u></p>	<p>When determined necessary for compliance with this Program and the SMA, the Administrator may apply the following conditions of approval:</p> <p>a. <u>All permitted aquaculture operations shall be reviewed by the City after the first 12-month period of operation to confirm compliance with the terms and conditions of the permit. The City may rescind the permit if it determined by the Administrator that aquaculture operations are not consistent with the terms and conditions of the permit and/or the aquaculture operations are not within the original scope and intent of the original permit.</u></p> <p>b. <u>At least once every three months beaches in the project vicinity shall be patrolled by crews who will retrieve aquaculture debris (e.g.: predator nets, tubes, tube caps, stakes) that escape from the project area. Crews are not</u></p>

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	<p><u>include sufficient detail on construction materials to determine that the floating structures and/or equipment – including any items stored upon such structures – will avoid or minimize adverse impacts that can be caused by overwater structures.</u></p> <p>c. <u>At least once every three months beaches in the project vicinity shall be patrolled by crews who will retrieve aquaculture debris (e.g.: predator nets, tubes, tube caps, stakes) that escape from the project area. Crews are not required to patrol privately owned tidelands where it can be demonstrated that owners have refused to authorize such activity. Within the project vicinity, locations shall be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be patrolled by crews who will remove and dispose appropriately of aquaculture debris. Operators shall maintain a record with the following information and the record shall be made available upon request: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, and other pertinent information.</u></p> <p>d. <u>Where any proposed structure has the potential to constitute a hazard to the public, the City may require the posting of a bond commensurate with the cost of removal or repair. Following notice to the owner, the City may abate an existing abandoned or unsafe aquaculture structure if the owner fails to respond within 30 days. The City may also impose a lien on the related shoreline property or other assets in an amount equal to the cost of the abatement. Bonding requirements shall not duplicate requirements of other agencies.</u></p> <p>e. <u>Aquaculture facilities are required to identify and use best management practices to minimize</u></p>	<p><u>required to patrol privately owned tidelands where it can be demonstrated that owners have refused to authorize such activity. Within the project vicinity, locations shall be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be patrolled by crews who will remove and dispose appropriately of aquaculture debris. Operators shall maintain a record with the following information and the record shall be made available upon request: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, and other pertinent information.</u></p> <p>c. <u>Where any proposed structure has the potential to constitute a hazard to the public, the City may require the posting of a bond commensurate with the cost of removal or repair. Following notice to the owner, the City may abate an existing abandoned or unsafe aquaculture structure if the owner fails to respond within 30 days. The City may also impose a lien on the related shoreline property or other assets in an amount equal to the cost of the abatement. Bonding requirements shall not duplicate requirements of other agencies.</u></p> <p>d. <u>Aquaculture facilities are required to identify and use best management practices to minimize impacts from the construction and operation of the facilities.</u></p> <p>e. <u>Materials that are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the ordinary high water mark.</u></p> <p>f. <u>All tubes, mesh bags, and area nets used on the tidelands below the OHWM shall be clearly, indelibly and permanently marked to identify the permittee name and contact information. On the nets, identification markers will be placed with a minimum of one identification marker for each 50 feet of net.</u></p> <p>g. <u>All floating and submerged aquaculture structures and facilities in navigable waters shall comply with all applicable state and federal requirements.</u></p> <p>h. <u>Aquaculture operators shall periodically monitor and report on noise, odor, water quality, aquatic and benthic organism types and densities, current pattern and flows, flushing rates, prevailing storm wind conditions, impacts to wetlands, fish and wildlife and shoreline habitats and other relevant environmental and ecological conditions to the City on a</u></p>

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	<p><u>impacts from the construction and operation of the facilities.</u></p> <p>f. <u>Materials that are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the ordinary high water mark.</u></p> <p>g. <u>All tubes, mesh bags, and area nets used on the tidelands below the line of mean higher high water shall be clearly, indelibly and permanently marked to identify the permittee name and contact information. On the nets, identification markers will be placed with a minimum of one identification marker for each 50 feet of net.</u></p> <p>h. <u>All floating and submerged aquaculture structures and facilities in navigable waters shall comply with all applicable state and federal requirements.</u></p> <p>i. <u>Use of motorized vehicles, such as trucks, tractors and forklifts is prohibited below the ordinary high water mark.</u></p> <p>j. <u>Aquaculture operators shall periodically monitor and report on noise, odor, water quality, aquatic and benthic organism types and densities, current pattern and flows, flushing rates, prevailing storm wind conditions, impacts to wetlands, fish and wildlife and shoreline habitats and other relevant environmental and ecological conditions to the City on a schedule specified in the permit relating to the aquaculture activity. The permit may be rescinded by the City for failure to monitor and fully report, or if monitoring reveals unanticipated impacts that cannot be mitigated.</u></p> <p>k. <u>The operators of aquaculture developments shall control odor through the proper storage and disposal of feed and other organic materials and by maintaining a clean operation.</u></p> <p>l. <u>Aquaculture operations must comply with noise regulations in BIMC 16.16 and avoid or minimize noise impacts to the extent possible.</u></p>	<p><u>schedule specified in the permit relating to the aquaculture activity.</u></p> <p>i. <u>The operators of aquaculture developments shall control odor through the proper storage and disposal of feed and other organic materials and by maintaining a clean operation.</u></p> <p>j. <u>Aquaculture operations must comply with noise regulations in BIMC 16.16 and avoid or minimize noise impacts to the extent possible.</u></p> <p>k. <u>Overhead wiring or plumbing is not permitted on overwater structures.</u></p> <p>l. <u>Bulk storage for gasoline, oil and other petroleum products for any use or purpose on piers and docks is prohibited. Bulk storage means non-portable storage in fixed tanks.</u></p> <p>Rationale (using original letters from left column):</p> <p>a. RCW 90.58 does not provide for revoking a permit, but does have a process to rescind a permit.</p> <p>b. This is a permit application requirement, not condition of approval.</p> <p>g. Changed to OHWM.</p> <p>i. Prohibition not justified. Needs to be moved to Regulations – Prohibited and supported with justification/rationale.</p> <p>j. Deleted language not consistent with RCW 90.58.</p>

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	<ul style="list-style-type: none"> <li>m. <u>Overhead wiring or plumbing is not permitted on overwater structures.</u></li> <li>n. <u>Bulk storage for gasoline, oil and other petroleum products for any use or purpose on piers and docks is prohibited. Bulk storage means non-portable storage in fixed tanks.</u></li> </ul>	
20	<p><u>In addition to the minimum application requirements in BIMC 2.16.165, applications for commercial aquaculture operations shall include the submittal requirements provided in the Administrative Manual. Some of these submittal requirements may be waived by the Administrator based on site-specific environmental and ecological conditions.</u></p>	<p>Need to provide submittal requirements to Ecology for review.</p>
21	<p><u>1. Location standards for commercial aquaculture operations include:</u></p> <ul style="list-style-type: none"> <li>a. <u>The total area of all permitted commercial aquaculture operations shall not exceed 5 acres or 5 percent of the linear footage of the shoreline (13,992 linear feet) measured parallel to OHWM, whichever is achieved first. Acreage shall include the area of cultivation and harvest on the tidelands. Linear footage shall include the total length of shoreline of the parcel(s) on which aquaculture operations are taking place.</u></li> <li>b. <u>Aquaculture operations may be prohibited and/or limited in areas of critical saltwater habitat as defined in WAC 173-26-221(2)(c)(iii), shellfish closure areas and areas of known water quality contamination. These areas are shown in Appendix F, which is advisory in nature and does not represent area where aquaculture operations are prohibited or limited. Location and extent of these features must be documented at time of permit review.</u></li> <li>c. <u>Aquaculture operations located on parcels abutting or nearby City-owned tidelands shall be located so as to not unduly restrict pedestrian access or circulation along public beaches.</u></li> <li>d. <u>Aquaculture use and development shall not significantly interfere with navigation, or access to adjacent waterfront properties, or public recreation areas. Mitigation shall be provided to offset such</u></li> </ul>	<p><u>1. Location standards for commercial aquaculture operations include:</u></p> <ul style="list-style-type: none"> <li>a. <u>The total area of all permitted commercial aquaculture operations shall not exceed 5 acres or 5 percent of the linear footage of the shoreline (13,992 linear feet) measured parallel to OHWM, whichever is achieved first. Acreage shall include the area of cultivation and harvest on the tidelands. Linear footage shall include the total length of shoreline of the parcel(s) on which aquaculture operations are taking place.</u></li> <li>b. <u>Aquaculture operations located on parcels abutting or nearby City-owned tidelands shall be located so as to not unduly restrict pedestrian access or circulation along public beaches.</u></li> <li>c. <u>Aquaculture use and development shall not significantly interfere with navigation, or access to adjacent waterfront properties, or public recreation areas. Mitigation shall be provided to offset such impacts where there is a high probability that adverse impact would occur. This provision shall not be interpreted to mean that an operator is required to provide access across owned or leased tidelands at low tide for adjacent upland property owners.</u></li> <li>d. <u>Aquaculture use and development shall be located in areas where biophysical conditions, such as tidal currents, water temperature and depth are suitable for the form of aquaculture proposed. Individual aquaculture uses and developments shall be separated by sufficient distance to ensure that significant adverse cumulative effects do not occur.</u></li> <li>e. <u>Floating and submerged aquaculture structures shall be located to avoid or minimize interference with navigation and the normal public use of the surface waters. Floating structures shall remain shoreward of principal navigation channels. Other restrictions on</u></li> </ul>

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	<p><u>impacts where there is a high probability that adverse impact would occur. This provision shall not be interpreted to mean that an operator is required to provide access across owned or leased tidelands at low tide for adjacent upland property owners.</u></p> <p>e. <u>Aquaculture use and development shall be located in areas where biophysical conditions, such as tidal currents, water temperature and depth are suitable for the form of aquaculture proposed. Individual aquaculture uses and developments shall be separated by sufficient distance to ensure that significant adverse cumulative effects do not occur.</u></p> <p>f. <u>Floating and submerged aquaculture structures shall be located to avoid or minimize interference with navigation and the normal public use of the surface waters. Floating structures shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities to protect navigational access may be necessary based on the size and shape of the affected water body. Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed six (6) feet in height, as measured from water surface.</u></p> <p>g. <u>For aquaculture projects within Pacific herring spawning locations documented and/or verified by WDFW, in-water activities that would affect herring spawn that take place outside May 1 through January 14 require that a Pacific herring spawn survey be conducted prior to commencing such activities. If Pacific herring spawn is present, these activities are prohibited in the areas where spawning has occurred until such time as the eggs have hatched and Pacific herring spawn is no longer present. The City may consider alternative methods that are contained in federal and/or state aquaculture permits for reducing impacts to herring spawning habitat and other forage fish spawning habitat.</u></p> <p>h. <u>For aquaculture projects within sand lance and surf smelt spawning locations documented and/or verified by WDFW, no harvesting or any activity which disturbs the substrate may occur during the</u></p>	<p>the scale of aquaculture activities to protect navigational access may be necessary based on the size and shape of the affected water body.</p> <p>f. <u>Property Line Setbacks. The perimeter of an aquaculture operation shall be set back a minimum of ten feet (10') from side property lines. Aquaculture operations that include multiple parcels require property line setbacks only at the outer edge of the operation and not from internal property lines.</u></p> <p>g. <u>Native aquatic vegetation attached to or rooted in substrate, including native and mixed beds of eelgrass, require a minimum buffer of 25 feet. This buffer must be maintained between the aquatic vegetation and outside edge of an aquaculture activity or structure.</u></p> <p>h. <u>The City may require a larger buffer based on consultation during permit review with Ecology, Department of Natural Resources and the U.S. Army Corps of Engineers to determine appropriate buffers based on the most current and applicable science and proximity of bed to the project, current and tidal flow direction, anticipated turbidity and anticipated frequency and intensity of operation. Buffers will be determined based on site-specific conditions and survey data submitted with the permit application.</u></p> <p>i. <u>Mixed beds of native and non-native eelgrass shall be protected as critical saltwater habitat in order to protect native eelgrass and the species that depend upon both types of eelgrass. This regulation does not preclude hand removal of non-native eelgrass pursuant to WAC 16-750-015.</u></p> <p>Rationale (refer to letters in left column):</p> <p>a. Need to provide justification/rationale for consistency with RCW 90.58.020 – planning for and fostering all reasonable and appropriate uses. Staff developing justification/rationale through a use analysis based on existing and foreseeable aquaculture use on the island, typical size of new shellfish operations and tideland characteristics.</p> <p>b. Deleted. Advisory illustration not needed – all information from other agencies (Kitsap Health District, WDFW) available online.</p> <p>f. Not a location standard. Move to potential conditions of approval section so it can be applied as needed and justified on a case-by-case basis.</p>

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	<p><u>surf smelt or sand lance spawning seasons until a spawning survey is conducted. If surf smelt or sand lance spawn are present in the growing area to be harvested, then no aquaculture activities may occur until the eggs are hatched. Extreme caution should be taken to avoid impact and minimize disturbance of sand lance and surf smelt larvae that are present.</u></p> <p>i. <u>Property Line Setbacks. The perimeter of an aquaculture operation shall be set back a minimum of ten feet (10') from side property lines. Aquaculture operations that include multiple parcels require side yard setbacks only at the outer edge of the operation and not from internal property lines.</u></p> <p>j. <u>Aquaculture operations require a minimum buffer of 25 feet from the outside edge of an activity or structure to native aquatic vegetation attached to or rooted in substrate, including native and mixed beds of eelgrass. The City may require a larger buffer based on consultation during permit review with Ecology, Department of Natural Resources and the U.S. Army Corps of Engineers to determine appropriate buffers based on the most current and applicable science and proximity of bed to the project, current and tidal flow direction, anticipated turbidity and anticipated frequency and intensity of operation. Buffers will be determined based on site-specific conditions and survey data submitted with the permit application.</u></p> <p>k. <u>Mixed beds of native and non-native eelgrass shall be protected as critical saltwater habitat in order to protect native eelgrass and the species that depend upon both types of eelgrass. This regulation does not preclude hand removal of non-native eelgrass pursuant to WAC 16-750-015.</u></p>	<p>g and h. Delete. Revisions will be done in SMP Section 4.1.5.5 – Critical Areas. This regulation applies to all uses and activities, not just aquaculture.</p> <p>i. Changed “side” to “property line” setback.</p> <p>j. Re-written to clarify that it is the eelgrass bed that requires a buffer, not the aquaculture operation. Need to provide basis for 25-foot buffer and clarify that this regulation applies to all uses and activities, not just aquaculture (perhaps elsewhere in the code).</p>
22	<p><u>When determined necessary to minimize aesthetic and habitat impacts of large-scale projects, the City may require a phased approach to operation. This includes planting and harvesting on a rotational basis within the same tideland parcel.</u></p>	<p>Need to either move to potential condition of approval or provide more specific language for when it is required.</p>

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23	<u>Aquaculture operations shall avoid adverse proximity impacts from light and glare and glare and satisfy the provisions of BIMC 18.15.040.</u>	Need to ensure consistency with BIMC 18.15.040.
24	<u>Property corner markers that are visible at low tide during planting and harvesting must be installed.</u>	Delete. Moved to potential permit condition because regulation is not applicable to all types of aquaculture. Also already included in existing SMA geoduck regulations.
25	<u>The City shall determine appropriate identification/marking of floating and submerged aquaculture structures and facilities in navigable waters to provide identification after storm disturbance.</u>	Need to provide more specific language for applicability.
26	<u>Upland water-related aquaculture development, uses and activities shall be set back from the OHWM a sufficient distance to avoid disturbance of the Shoreline Buffer or Shoreline Vegetation Management Area. (See and Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3 Vegetation Management; and Tables 4-1 through 4-3, for dimensions.)</u>	<u>Upland water-related aquaculture development, uses and activities that do not require a location at or near the water's edge shall be located outside of the Shoreline Buffer or Vegetation Management Area as established in Section 4.0, General (Island-wide) Policies and Regulations and Table 4-3. (See and Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3 Vegetation Management; and Tables 4-1 through 4-3, for dimensions.)</u>  Rationale: Combined for clarity.
27	<u>Upland aquaculture development which does not require a location at or near the water's edge shall be located upland of the water-dependent portions of the operation, and outside of the Shoreline Buffer or Vegetation Management Area as established in Section 4.0, General (Island-wide) Policies and Regulations and Table 4-3.</u>	Delete.  Rationale: Combined for clarity.
28	<u>Upland structures shall be designed, constructed and maintained to include vegetative screening for parking, and upland storage areas and facilities consistent with landscaping standards for parking lots as prescribed in BIMC Section 18.15.010, Development Standards and Guidelines; Landscaping, Screening, and Tree Retention, Protection, and Replacement.</u>	Need to provide more specific language for when applicable.

## SUBMITTAL REQUIREMENTS

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### Submittal Requirements – Will be added to administrative manual

In addition to the minimum application requirements in BIMC 2.16.165, aquaculture applications shall include the following information. Applicants shall include in their shoreline permit applications all information required by State and Federal permit applications for new and expanded aquaculture uses and development. Where requested information is not applicable to a specific proposal, the application shall not be required to include all items listed under this section as long as it is demonstrated why the information does not apply, with concurrence from the Administrator.

- a. A site plan, including:
  - i. The perimeter of the proposed aquaculture operation
  - ii. Existing bathymetry depths based on mean lower low water (MLLW datum);
  - iii. Upland land use, topography, vegetation, presence of structures, docks, bulkheads and other shoreline modifications within 200 feet of the subject property lot lines;
  - iv. Public access points within 1500 feet;
  - v. Areas where specific substrate modification will take place or structures will be constructed or installed;
  - vi. Access provisions for marine or vehicle traffic
  - vii. Areas where barges may be grounded;
  - viii. Areas where growing materials will be placed, e.g. net bags, tubes
  - ix. Location of lighting fixtures;
  - x. Location of storage structures or facilities; and
  - xi. Location of waste disposal receptacles or facilities.
- b. A baseline description of existing and seasonal conditions.
  - i. Water quality;
  - ii. Tidal variations;
  - iii. Prevailing storm wind conditions;
  - iv. Current flows at each tidal cycle;
  - v. Flushing rates;
  - vi. Littoral drift;
  - vii. Sediment dispersal, including areas of differing substrate composition;
  - viii. Areas of aquatic, intertidal and upland vegetation complexes; a vegetation habitat survey must be conducted according to the most current WDFW eelgrass and macroalgae survey guidelines;
  - ix. Survey and inventory of detailed species composition, including benthic, epibenthic, and water column species, in addition to utilization by wildlife, such as marine mammals and birds of, or adjacent to, the site;
  - x. Assessment and inventory of organisms is to be conducted at monthly intervals over a period of a year;
  - xi. Inventory of amount of plastics to be introduced into the marine environment;
  - xii. Probable direct, indirect and cumulative impacts to items b.i through b.x above; and

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- xiii. Visual assessment, including photo analysis/simulation of the proposed activity demonstrating visual impacts within 1,500 feet of the proposed project site. Where predator exclusion devices are proposed, the assessment shall include an analysis of visual impacts of proposed predator exclusion devices at mean high and mean low tides. Generally, the methods for identifying and analyzing potential visual impacts will follow the principals in the Aquaculture Siting Study (Ecology Publication 86-10-000).
- c. An operational plan, which includes the following, when applicable:
- i. Species and quantity to be reared;
  - ii. Source of aquatic product;
  - iii. Methods of site preparation, including species removal, substrate alteration, beach amendment;
  - iv. Anticipated sediment disruption during site preparation, site maintenance and harvesting;
  - v. Implementation methods, including density, schedule, phasing options, time of day, and anticipated lighting and noise levels;
  - vi. Number of employees/workers necessary for the project, including peak and average employment; number of personnel on site during harvest;
  - vii. Methods and location of waste disposal and sanitation facilities;
  - viii. Noise level assessments, including mitigation measures to ensure compliance with BIMC 16.16;
  - ix. A specific plan for identifying and controlling odors
    - x. Anticipated harvest cycles, potential for nighttime activities, and potential plans for future expansion or change in species grown or harvest practices;
    - xi. Methods for predation control, including types of exclusion devices;
    - xii. Number, types and dimensions of structures, apparatus or equipment;
    - xiii. Food and equipment storage;
    - xiv. Anticipated use of any feed, herbicides, antibiotics, vaccines, growth stimulants, antifouling agents, or other chemicals and an assessment of predicted impacts;
    - xv. Methods to address pollutant loading, including biological oxygen demand (BOD);
    - xvi. A schedule for any monitoring required by the permit, including but not limited to water quality, environmental and ecological conditions, odor and debris, equipment loss and drift;
    - xvii. Description of best management practices (BMPs) proposed to minimize project impacts;
    - xviii. A proposal for the information to be provided by the applicant to the city as part of the annual review required by XXX.
    - xix. Other measures to achieve no net loss of ecological functions consistent with the mitigation sequencing described in Section 4.1.2.
- d. Other applications and reports, when applicable or requested, to ensure compliance with permit conditions, which may include:

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- i. An accepted Washington Department of Natural Resources lease application, including a waiver of preference rights to access for navigation from the upland property owner, if applicable;
- ii. A lease approved by all private property owners whose tidelands or uplands will be used for any part of the operation; the shoreline permit application shall be signed by each lessor.
- iii. An accepted Washington Department of Ecology National Pollutant Discharge Elimination System (NPDES) permit, if applicable;
- iv. An accepted Washington Department of Health beach certification number;
- v. An accepted WDFW aquatic farm permit, and/or fish transport permit;
- vi. Proof of application for any state and federal permits/approvals including any required consultation under Section 7 of the Endangered Species Act;
- vii. Water quality studies;
- viii. Reports on solids accumulation on the bottom resulting from the permitted activity along with its biological effects;
- ix. Report on growth, productivity, and chemical contamination of shoreline and intertidal plants and animals within or adjacent to the proposed site;
- x. Noise level assessments, including mitigation measures to ensure compliance with BIMC 16.16;
- xi. Monitoring and adaptive management plan for introduction of aquatic species not previously cultivated in Washington State.