

July 25, 2014

**CITY OF BAINBRIDGE ISLAND, WASHINGTON
HEARING EXAMINER**

NOTICE OF CONTINUANCE

Project: Rolling Sunrise Subdivision

File number: SUB18840

Applicant: BGH Development, LLC
2442 Market Street, #378
Seattle, WA 98107

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

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

1. The public hearing on the above referenced preliminary subdivision application was opened at 1 PM on July 23, 2014, at which time exhibits were entered and testimony received from City staff, the applicant and neighborhood residents. The focus of the discussion was the inadequacy of the City's road system serving the applicant's parcel. After about an hour of testimony the Hearing Examiner announced that he would not be able to approve an application based on obtaining road access from an egregiously deficient road system such as that which currently characterizes this part of the Rolling Bay/Manitou Beach neighborhood.

2. The project site lies about midway between Valley Road to the north and Manitou Beach Drive to the south and presently proposes to access each via Sunrise Drive and Hyla Avenue respectively. The inadequacy of these road connections was freely acknowledged at the public hearing by City staff planner Sean Conrad and development engineer Janelle Hitch. The connections both north and south of the site are under-built and poorly maintained gravel or marginally paved one-lane public roads. The driving lanes average about 11 feet in width where unconstrained, but narrow down to as little as 9 feet where large trees or topographical limitations are encountered. No roadside ditches exist, and chronic neighborhood drainage issues are well documented. Sight distance problems occur in certain locations due to hills and curves. The applicant proposes to construct modular housing units on the seven lots, which units will need to be trucked into the site in 15.5 foot-wide sections; no one has as yet ascertained whether this would be feasible on the existing road network.

3. In a general way, the staff report at page 7 also acknowledged the existence of these problems:

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

Hyla Ave.

Road in poor condition/narrow road/little to no storm water system in place to retain or divert the storm water

Sunrise Drive

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

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

4. The foregoing italicized portion of the staff report overstates the regulatory obstacles. A more accurate rendition would be that there is presently *no straightforward cookbook solution* to the various issues outlined in the staff report and above in paragraph 2. The City in fact possesses adequate general authority to address these issues – under SEPA, RCW 58.17.110 and BIMC 2.16.125.G. But there is indeed no ready-made menu of solutions, and taking effective action would have taxed City staff to do some non-routine thinking, perhaps exploring novel approaches.

5. The purpose of this continuance is to foster a process of creative analysis about whether and how an at least minimally adequate road access can be provided to the Rolling Sunrise site in a way that does not unduly add to the burden of neighborhood residents who already have to live with the existing infrastructure deficiencies. This probably means looking for the least-constrained route that can be upgraded for a reasonable investment in time and effort and with the fewest adverse impacts, then redesigning the plat to access all lots from this road. The Examiner's preliminary sense is that Sunrise Drive likely offers the most promising prospect, but all options remain on the table for consideration.

6. The good news is that the City appears to own ample right-of-way widths along all potential routes, and the City's road design standards supply a workable framework for evaluating the adequacy of facility options. The ultimate objective would appear to be to provide either a minimum-width two-way street or a one-way route with an adequate number of turnouts. Any analysis of alternatives for a particular route should include a review of the feasibility and costs for both single-lane and two-way options. The feasibility evaluation for any single-lane option will need to consider whether the limited traffic volumes that such a facility can comfortably accommodate would be sufficient to meet the total

neighborhood traffic demand at that location. Sight distance, drainage and construction access issues also would need to be addressed. The primary burden of analysis will fall on the applicant and City staff, but neighborhood residents and other members of the public are invited to offer their suggestions and insights as well.

7. The following timeline will be instituted for this procedure:

- **August 15, 2014.** Deadline for the applicant and City staff to submit to the Hearing Examiner's Office (with copies to one another) their evaluations of the relative feasibility of alternative routes and strategies for providing adequate public road access to the Rolling Sunrise site. Members of the public may submit written comments or other documentation on these questions by the same deadline.
- **9 AM, August 21, 2014.** The continued public hearing will be reconvened at City Hall to discuss the new information on alternative routes and strategies and determine the next steps in the process.

ORDERED July 25, 2014.



Stafford L. Smith, Hearing Examiner
City of Bainbridge Island