
PUBLIC PARTICIPATION MEETING – Bainbridge Periodontics (PLN51425 SPR)

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure

REVIEW AND APPROVE MINUTES

PUBLIC COMMENT – Accept public comment on off agenda items

SMP PERIODIC REVIEW – Study Session

HOUSEKEEPING CLEANUP ORDINANCE – Study Session

CITY COUNCIL UPDATE

NEW/OLD BUSINESS

ADJOURN

PUBLIC PARTICIPATION MEETING – Bainbridge Periodontics (PLN51425 SPR)

Chair William Chester opened the public participation meeting at 5:59 PM introducing Planner Ellen Fairleigh.

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure

Chair William Chester called the meeting to order at 7:03 PM. Planning Commissioners in attendance were J. Mack Pearl, Jon Quitslund, Lisa Macchio and Joe Paar. Kimberly McCormick Osmond was absent and excused. Don Doman was absent. City Staff present were Interim Planning Director Heather Wright, Long Range Senior Planners Jennifer Sutton and Christy Carr, Planner Ellen Fairleigh and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

REVIEW AND APPROVE MINUTES

Motion: I'd like to recommend approval of the minutes from the May 23 meeting as distributed.

Quitslund/Paar: Passed Unanimously

I'll recommend approval of the June 13 minutes as distributed.

Quitslund/Pearl: Passed Unanimously

Motion: I'll move that we approve the Thursday, June 20 Planning Commission minutes.

The minutes were amended to include the date of July 11 chosen for the study session on the Winslow Hotel project.

Pearl/Quitslund: Passed Unanimously as amended.

PUBLIC COMMENT – Accept public comment on off agenda items

None.

SMP PERIODIC REVIEW – Study Session

Long Range Senior Planner Christy Carr provided an overview of the SMP Periodic Review timeline and process before beginning review of vegetation management.

Public Comment

Dick Haugan, Citizen – See attached comments which were read at meeting.

Steve Bonkowski, Citizen – Spoke in favor of the process put together for the periodic review.

John Greenway, Citizen – Wanted to know how long each Commissioner had lived on the island.

John Sweeney, Citizen – Wanted to know if he sent an e-mail to pcd@bainbridgewa.gov, would it be received by the Planning Commissioners. (Yes, it would.)

Peter McCormick, Citizen – Felt it was a daunting task they were facing and asked that they focus on the small changes they could make and that a subcommittee that had science, legal and planning backgrounds would help provide a better chance of something getting through.

M.C. Halvorsen, Citizen – Wondered why they were having meetings on the SMP in the summer when people were on vacation and had outdoor activities available. She also spoke about “common law” and the change of the word “grandfathered in” to “non-conforming.”

Lisa Reinheimer, Citizen – Spoke about the complex process to replace a marine rail that washed away and hoped they would make the process more equitable.

Michael Zigich, Citizen – Spoke about the need to have documents being discussed at Planning Commission made available to the public in a timely manner.

Planning Commission took a break at 8:15 PM.

HOUSEKEEPING CLEANUP ORDINANCE – Study Session

Long Range Senior Planner Jennifer Sutton facilitated the study session.

CITY COUNCIL UPDATE

Interim Planning Director Heather Wright gave the Commissioners an update on City Council actions.

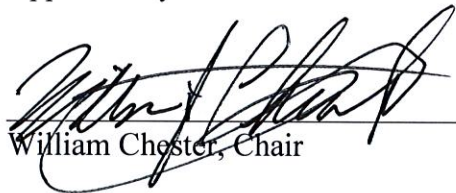
NEW/OLD BUSINESS

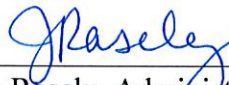
Ms. Wright let the Commissioners know that Planning Commission agendas would be moving toward the Granicus agenda management program City Council used. The format for the study session on the Winslow Hotel slated for July 11 was discussed.

ADJOURN

The meeting was adjourned at 9:26 PM.

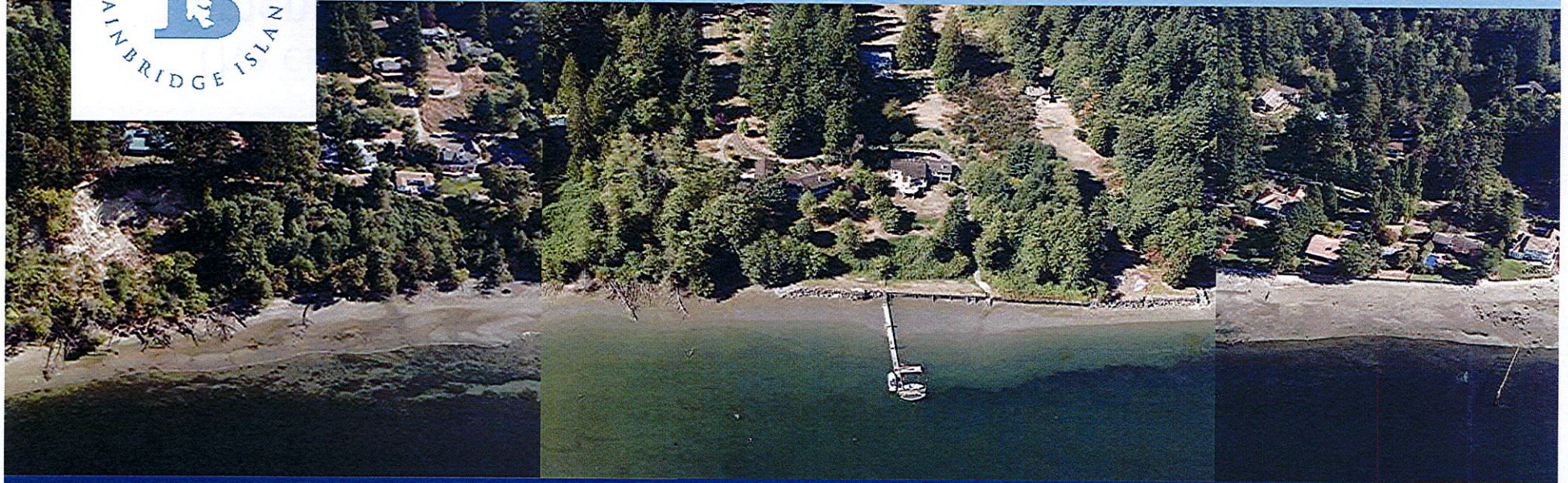
Approved by:


William Chester, Chair


Jane Rasely, Administrative Specialist

PLEASE PRINT

Name	Address	Phone/ E-Mail	Join ListServ Yes/No	
Kathy Hendrickson	1049 Madison Ave N	kchgwh@msn.com		
Kathy Carr	1059 Madison Ave	425-273-4354	N	
Carol Schwartz Fisher	1055 Madison Ave N			
Shelby Flowers	1053 Madison Ave N	twoxvols@yahoo.com	N	
Jason Flowers	1053 Madison Ave N	" "	N	
Lisa Rheaume	3204 Point White			
Betty Wiese	1093 NAKATA AVE	bettywiese@comcast.net		
Peter McCormick	15665 Rt. Munroe Dr	206 948 5738	N	
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Lisa Tabor	1121 MADISON	LILIES@LIVE.COM	V	✓
Monty M. Yankley	4359 Pleasant	206 842 0339		
JOHN GREENWAL	Springridge Rd	" 842 2440		



SMP Periodic Review

**Planning Commission Meeting
June 27, 2019**

What is the periodic review?

- The Washington State Shoreline Management Act requires communities to review their SMP every eight years. This review includes evaluation of the City's current SMP, and development of recommended amendments.
- Amendments are based on changes to state law and local conditions. Clean up or housekeeping amendments are anticipated.
- Amendments must be approved by the local elected officials and submitted to Ecology for approval.
- The current regulations remain in effect until the amendment is approved by Ecology.

What is the periodic review process?

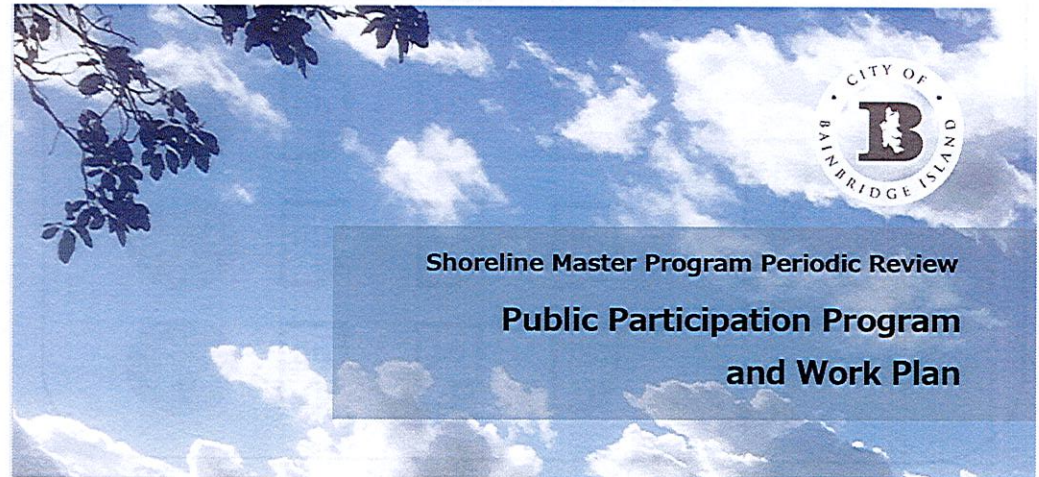
- Amendments must be developed consistent with the requirements of WAC 173-26-110.
- City is participating in the **optional joint local/state review process** – only one public hearing and one 30-day public comment period required. This review process will be with the Planning Commission.
- Review process anticipated in Fall 2019. Draft amendments sent to Ecology for initial determination of consistency with SMA and SMP Guidelines.
- Draft amendments and Ecology input then considered by City and locally adopted by City Council.
- State-mandated periodic review “due date” is June 30, 2020.

How does this relate to other amendments?

- Periodic review is a separate process from locally initiated amendments relating to aquaculture and critical areas/non-conforming structures.
- These two amendments are on different timelines. The City anticipates hearing Ecology's input in late July.

Work Plan

- **City Council approved** the periodic review work plan in February.
- Includes summary of topics to consider and guiding themes.



SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
		• Clarify that new impervious surface area requires mitigation (only mentioned in Single-Family Mitigation Manual); better tie to manual • Consider new language that requires prioritizing where mitigation planting is located – has to go where it will have most ecological benefit	
4.1.3	Vegetation Management	• Relocate and revise, if needed, vegetation management-related regulations from SMP 4.1.2.5 ◦ SMP 4.1.2.5.1 – Revegetation Standards – improve clarity ◦ SMP 4.1.2.5.3 – Clarify what “altered or reduced” means; when applicable? ◦ SMP 4.1.2.5.4 – Revise for clarity; remove requirement for offsite mitigation to be in Zone 1 • Clarify applicability section, non-retroactive nature of regulations • Clarify which requirements apply to new development vs. existing development • SMP 4.1.3.4 – Exceptions – clarify what is allowed without City review or approval, replace this section with tree and vegetation regulations (including exemption for yard and garden activities) from critical areas ordinance, remove requirement to leave downed hazard tree on site (if left, considered sufficient mitigation)	1,2,3,5,6,7,8

Work Plan – Phased Approach

Phased approach in terms of **review documents** and review topics.

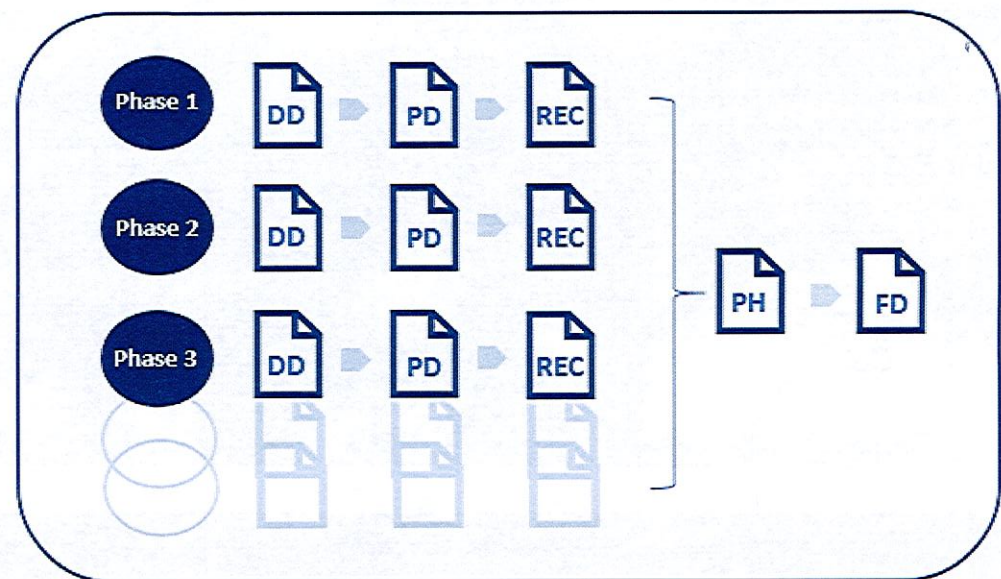
Discussion draft (**DD**)

Proposed draft (**PD**)

Recommended draft (**REC**)

- The recommended drafts from each phase will be consolidated into a public hearing draft (**PH**).
- The public hearing draft will be updated based on public comment, then forwarded to the Department of Ecology for its initial review as a final draft (**FD**).

Phased Approach – Review Documents



Work Plan – Phased Approach

Discussion draft (DD): This draft is intended to highlight in general the topics or sections of the SMP that need to be addressed in the periodic review. This is a general, high-level draft. Staff will initially identify these topics. The Planning Commission and public will add to the topics or sections that should be addressed. Specific revisions to language will not be considered in the discussion draft.

Proposed draft (PD): This draft will have proposed revised language for Planning Commission and public review and comment. The proposed revisions will be shown in strikethrough/underline text.

Recommended draft (REC): This draft will provide the Planning Commission and public the opportunity to ensure that all of the changes from the proposed draft were incorporated by staff.

Public hearing draft (PH): Recommended drafts from each phase will be consolidated into one public hearing draft.

Work Plan – Phased Approach

Example of discussion draft:

- b. If the required depth of a Shoreline Buffer for a single-family residential property is reduced in accordance with the Shoreline Structure Setback provisions of Section 4.1.3.11 or other reductions allowed through this Program, Zone 1 must be restored in accordance with provisions of Section 4.1.2.5.
- 3. Stairways to the shoreline shall not exceed 300 square feet for private use, the minimum necessary for public use and are not included in the total square footage allocations prescribed in subsections 4.1.3.8(3) of this Program.
 - a. Larger stairways serving a single-family residence may only be allowed through approval of a Shoreline Variance.
 - i. As an alternative to a stairway larger than 300 square feet and to reduce environmental impacts, a tram may be allowed without a variance.
 - b. Stairway design shall meet the following minimum criteria:
 - i. International Codes for:

Planning Commission and public add to list of topics/sections to be addressed.



Christy Carr

Clarify when the Zone 1 replanting is required.



Christy Carr

What is included in public use?



Christy Carr

What about zoning side yard setbacks?



Christy Carr

Consider deleting – requires building permit. Check.

Work Plan – Phased Approach

Example of discussion draft:

The discussion draft for each phase will use color coding to highlight what text is a candidate for deletion, updating, addition, or relocating:

NEED PC DIRECTION identifies an issue area where the Planning Commission (PC) needs to provide policy direction to guide drafting of potential new text.

UPDATE identifies text that requires updated information to be accurate and current.

DELETE identifies text proposed to be removed.

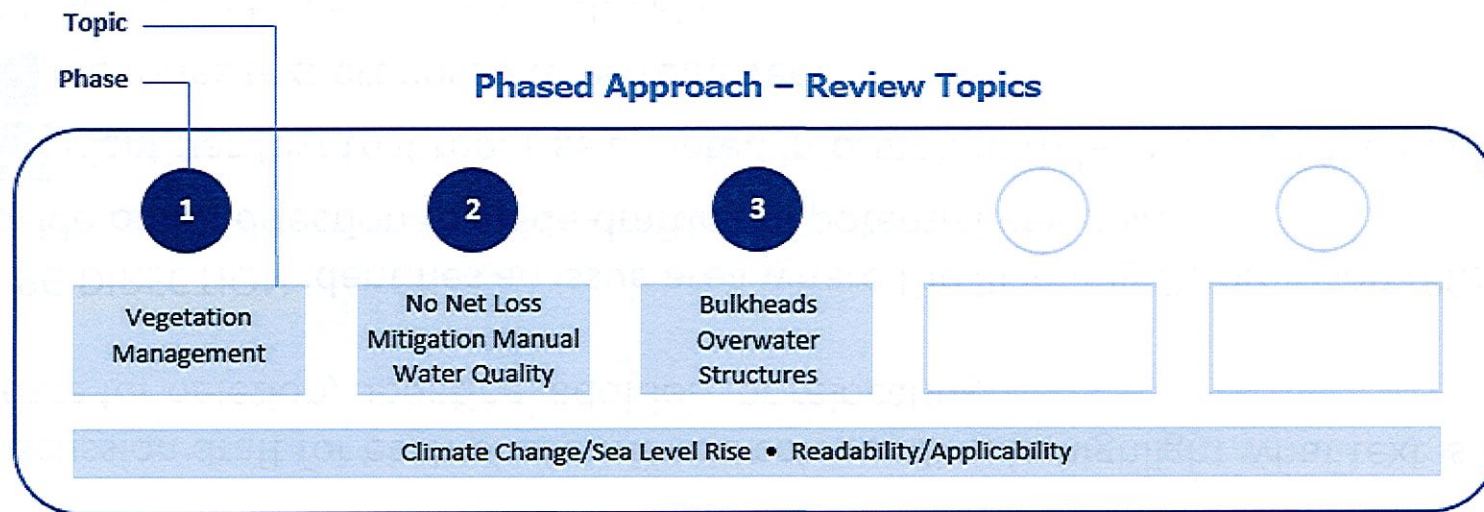
ADD identifies text to be added to the plan.

MOVED identifies information that will be relocated within the SMP.

The traditional strikethrough/underline protocol will not be used for the discussion draft because with this much potential change it would be very difficult to read.

Work Plan – Phased Approach

Phased approach in terms of review documents and **review topics**.



Each phase of the periodic review will include one topic, or a group of related topics. In addition, issues that span all topics will be addressed in every phase. The anticipated sequence of review topics is shown above. Topics for future phases will be decided once the review is underway, based on the work plan.

Planning Commission Review

The Planning Commission review of the SMP will be structured to achieve two goals:

- Predictable public comment opportunity; and
- Adequate time for Commissioners to consider what they have read and heard and then discuss and deliberate as a Commission to reach conclusions and provide direction about any recommended changes to the SMP.

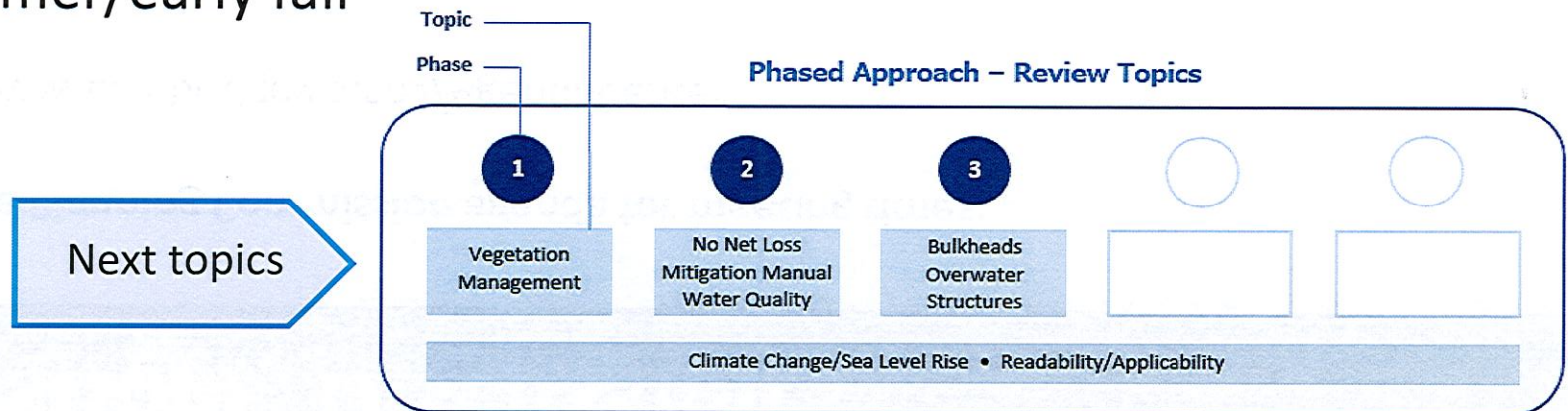
Planning Commission Review

SMP discussion time at a Planning Commission meeting is proposed to be structured as follows:

- The first 10 minutes reserved for public comment. The Commission Chair may limit commenters to a certain amount of time (i.e., 3 minutes).
- After 10 minutes of public comment, the Planning Commission will deliberate on the SMP material uninterrupted, meaning the Commission will not take public comment during this time.
- The Commission will reserve 15 minutes at the end of their deliberations for additional public comment. The public may use this time to comment on the Commission's deliberations, conclusions or recommendations from the evening.
- Members of the public are encouraged to submit written comments on specific topics either prior to or during Planning Commission meetings.

Next Steps

- **Phase 1** covers SMP Section 4.3 – **Vegetation Management**
- Next Planning Commission meeting **July 11**
- Continued Planning Commission review throughout summer/early fall



Topics for future phases will be decided once the review is underway, based on the work plan.

Questions/Discussion

Check the Planning Commission agenda for meeting times:

<https://www.bainbridgewa.gov/AgendaCenter>

Learn more and get project updates:

<https://www.bainbridgewa.gov/184/Shoreline-Master-Program>

Send written comments to:

pcd@bainbridgewa.gov

Questions:

ccarr@bainbridgewa.gov

206.780.3719



**Shoreline Master Program Periodic Review
Public Participation Program
and Work Plan**

February 12, 2019



Shoreline Master Program Periodic Review Public Participation Program and Work Plan

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Contact Information for SMP Periodic Review

- To submit **written comments**:

pcd@bainbridgewa.gov or
280 Madison Avenue N
Bainbridge Island, Washington 98110

- To submit questions or comments over the **phone**:

Christy Carr, Senior Planner, 206.780.3719

- To sign-up for **Notify Me**:

<http://www.bainbridgewa.gov/list.aspx>

- To sign-up for the **City Manager's Report**:

<http://www.bainbridgewa.gov/500/City-Managers-Report>

- To discuss **alternative outreach ideas**:

Kristen Drew, Communications Coordinator
kdrew@bainbridgewa.gov or 206.780.3741

Introduction

The City of Bainbridge Island (City) is conducting the periodic review of its Shoreline Master Program (SMP). The Shoreline Management Act (SMA) requires each city and county to review, and, if necessary, revise their SMP at least once every eight years. The City's periodic review is due to be complete on or before June 30, 2020.

The City is using the optional joint state/local review process in partnership with the Department of Ecology (see, e.g., WAC 173-26-104). This joint review process means that the state and city public comment period, which includes at least one public hearing, will run concurrently. The review process also includes initial review and final approval by the Department of Ecology. The SMA requires that local governments provide a full opportunity for involvement in both the development and implementation of their SMPs (see, e.g., WAC 173-26-201(3)(b)). In other words, the periodic review requires a public participation program that provides for early and continuous involvement of interested parties throughout the review process. This Public Participation Program outlines the scope and timing of the amendment process and describes opportunities for public participation throughout.

Goals

Overall goals of this Public Participation Program are to:

- Provide objective information to assist the public in understanding issues and solutions related to the SMP itself and the periodic review process.
- Provide opportunities to the public to contribute ideas and provide feedback through all phases of the periodic review process.
- Make the periodic review process accessible and engaging to interested participants by using a variety of media, plain language, and easy-to-understand materials.

Scope of Periodic Review

The required minimum scope of review as established by the SMA is:

- (A) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and
- (B) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

The periodic review process provides the method for bringing shoreline master programs into compliance with the requirements of the SMA that have been added or changed since the last review and for responding to changes in guidelines adopted by the state, together with a review for consistency with amended comprehensive plans and regulations. The periodic review also provides an opportunity to incorporate amendments to reflect changed circumstances, new information, or improved data.

The City's periodic review will meet minimum requirements with a focus on amendments to (a) improve implementation effectiveness and (b) better reflect new information and improved data related to specific topics such as climate change adaptation and aquaculture. The scope of the periodic review is outlined in the proposed work plan included in this document.

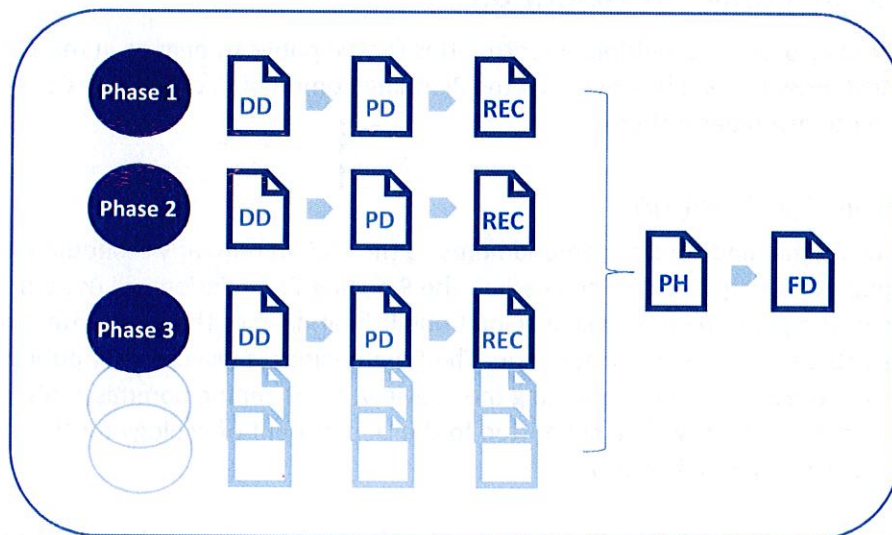
Phased Approach

The City recognizes that some parts of the SMP are important and interesting to some people, while other parts are important and interesting to others. The City also understands that people may be interested in participating in a particular phase (e.g., early discussions vs. final draft), rather than the entire process. In order for the work plan and review process to be more accessible – that is, broken down into identifiable, manageable pieces – the City is proposing the Planning Commission use a phased approach, both in terms of review documents and review topics.

Phased Approach – Review Documents

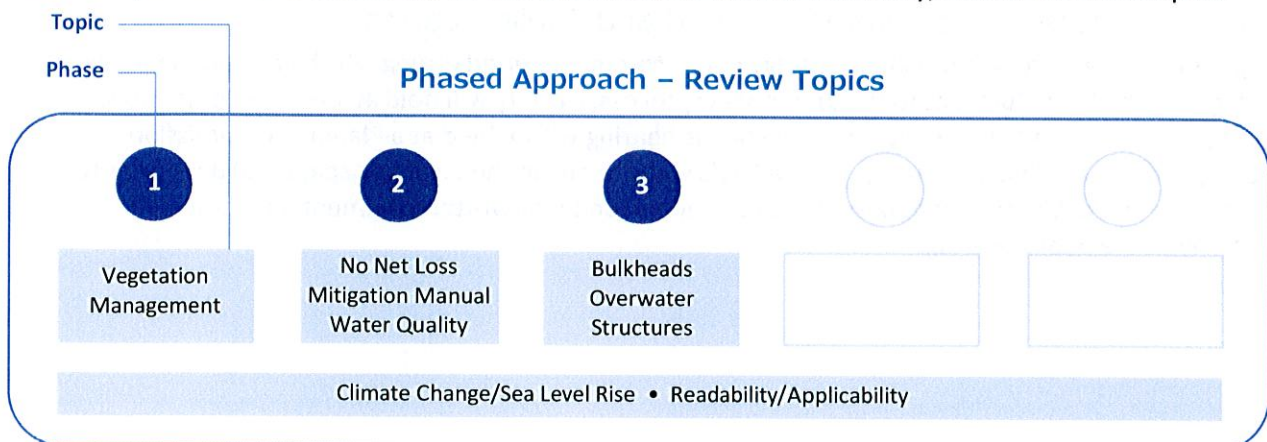
Each phase will include one topic, or a group of related topics, and will be reviewed in a series of draft documents: discussion draft (DD), proposed draft (PD), and recommended draft (REC). The recommended drafts from each phase will be consolidated into a public hearing draft (PH). The public hearing draft will be updated based on public comment, then forwarded to the Department of Ecology for its initial review as a final draft (FD).

Phased Approach – Review Documents



Phased Approach – Review Topics

Each phase of the periodic review will include one topic, or a group of related topics. In addition, issues that span all topics will be addressed in every phase. The anticipated sequence of review topics is shown below. Topics for future phases will be decided once the review is underway, based on the work plan.



Anticipated Timeline

The City anticipates the periodic review will follow the general timeline below. Each phase, as discussed above, will have a distinct review period. Specific meeting and public hearing dates will be made available in accordance with state and local requirements and best practices.

MAR – AUG 2019	SEPT 2019	OCT – DEC 2019	JAN – MAR 2020	APR – MAY 2019	JUNE 2020
Planning Commission Review		Ecology submittal and review		Ecology review and approval	
	30-day public comment period with public hearing		City Council Review		Periodic Review complete

Opportunities for Public Participation

The City is committed to providing multiple opportunities for the public to engage in the SMP periodic review process. Most meetings will be hosted by the Planning Commission or the City Council. In-person public participation opportunities include:

Planning Commission Meetings

The Commission will discuss and consider amendments to the SMP at regularly scheduled meetings and hold at least one public hearing. As described earlier, the Planning Commission will use a phased approach for review. The public hearing will be a joint public hearing with the Department of Ecology during the required 30-day public comment period. The Commissioners will consider public input to craft draft revisions to the SMP. After completing their review, the Planning Commission's recommended draft amendments will be submitted to the Department of Ecology for the state's initial determination of consistency with the SMA.

Planning Commission meetings are held on the second and fourth Thursday of the month from 7:00 to 9:00 pm at City Hall in the Council Chamber. Special meetings may be held at an earlier time or on a different day, as needed. Public comment is accepted at all Planning Commission meetings. Meeting materials are provided in the agenda packet, which is usually published on the City's website on the Friday prior to the meeting: <https://www.bainbridgewa.gov/AgendaCenter>.

Joint Local/State Public Comment Period and Public Hearing

The periodic review process requires a 30-day public comment period during which at least one public hearing must be held. Pursuant to the joint review process, the City will hold at least one joint public hearing with the Department of Ecology. The public hearing will be held at a Planning Commission meeting and be advertised, including via the City's website and in the local newspaper 10 days prior to the hearing. The public comment period provides opportunity for written comment and in-person testimony at the public hearing.

City Council Meetings

Staff will present the Department of Ecology's initial determination to the Department of Ecology. The City Council will discuss and consider amendments to the SMP at regularly scheduled City Council meetings and may choose to hold a public hearing. [Note: Only one public hearing is required. The required public hearing will be held by the Planning Commission.] At the end of its review process, the City Council must take legislative action declaring the review process complete. It is anticipated that the City Council will adopt an ordinance approving the amendments proposed during the periodic review and authorizing staff to forward the periodic review to the Department of Ecology for state approval.

City Council meetings are held the first through fourth Tuesdays of each month, beginning at 6:00 pm at City Hall in the Council Chamber. Special meetings may be held at an earlier time or on a different day. Public comment is accepted at all City Council Business Meetings, which are held on the second and fourth Tuesdays of each month. Meeting materials are published in the agenda packet, which is published on the City's website on the Friday prior to the meeting:

<https://www.bainbridgewa.gov/1101/City-Council-Agendas> .

How to Get and Stay Involved

The City will use several modes of communication to inform the public and encourage participation, including:

- **Sign up on [Notify Me](#):** Members of the public can sign up to receive email or text notifications about public meetings and other aspects of the SMP amendment.
- **Comment:** Members of the public can comment in-person to the Planning Commission, City Council or Staff, or by written comment submitted to the City by letter or email. All comments will be documented, retained, and available for public review.
- **Website:** The City maintains a [project page](#) on its website with updates, important dates, background materials, and draft documents.
- **Invite:** Members of the public can request City staff to give a presentation and take Q&A on the SMP periodic review to community groups or any public forum.

Outreach Methods and Tools

The overall objective of this Public Participation Program is to describe how the City will engage the public during the course of the periodic review process. Public participation methods and tools may vary by phase of the periodic review process. This Public Participation Program may continue to be reviewed and refined throughout the review process, if needed. The City will utilize a variety of modes of communication to engage the public. Public outreach will consist of in-person outreach efforts, traditional media and advertising, and outreach efforts utilizing technology and social media. Public meetings will be noticed as far in advance as possible.

In-Person Outreach Methods

- In-person presentations at group meetings, e.g., Bainbridge Island Watershed Council, realtor groups

Traditional Media and Advertising

- Press releases to local papers, blogs and newsletters

- Utilize community organization email lists, newsletters, and social media
- U.S. postal mail flyer to shoreline property owners
- Announcements in the *Bainbridge Island Review*
- Emails to current City email listservs, volunteer lists, and citizen advisory groups

Technology and Social media

- City website – Background information, existing SMP, useful weblinks to planning resources, and materials prepared for public meetings will be available to the public on the City's SMP [project page](#) and as hard copies at City Hall
- [Notify Me](#) – There is a listserv for the public to sign up for Shoreline Master Program updates
- Updates related to the SMP periodic review process will be posted on Facebook
- Posting SMP periodic review meetings to the calendar on the City website
- City Manager's Report – updates and announcements of meeting dates included as needed in the weekly report

Potential Groups for Outreach

City staff will initiate contact and communicate about the SMP periodic review process with the following potential groups for outreach. Staff anticipates developing an email listserv to maintain communication with these groups.

City Citizen Advisory Groups Climate Change Advisory Committee Environmental Technical Advisory Committee Marine Access Committee Planning Commission Utility Advisory Committee	Other Public Agencies Bainbridge Island Fire District Bainbridge Island Metro Park and Recreation District Bainbridge Island School District Kitsap Public Utility District Kitsap Public Health District Puget Sound Regional Council Washington State Ferries
Community Groups Association of Bainbridge Communities Bainbridge Island Japanese American Exclusion Memorial Organization Bainbridge Island Land Trust Bainbridge Island Watershed Council Chamber of Commerce Housing Resources Board Rotary Club of Bainbridge Island Sustainable Bainbridge	Other Organizations Bloedel Reserve Cooke Aquaculture Kitsap Building Association Kitsap County Association of Realtors SEPA review agencies Yacht clubs and marinas Tribal governments

Work Plan

The work plan includes items that have been identified by staff, project applicants, and others as the most in need of review and revision. The work plan is presented in two formats: (a) a list of guiding themes under which most, if not all, of the anticipated revisions can fit, and (b) a detailed list of specific language or sections of the SMP that need to be revised. The detailed work plan assigns each proposed topic to consider to one or more of these guiding themes.

1. Vegetation management – Existing landscaping (“established yard”): Staff, shoreline property owners, and vegetation maintenance providers continue to struggle with what can or cannot be done in terms of existing landscaping. There are endless variations on what shoreline property owners may consider their “yard” and what constitutes “normal or routine maintenance” or “ongoing maintenance.” Clarity is needed as to if/when/which vegetation management provisions apply to existing landscaping.

2. Vegetation management – other: A number of vegetation management regulations need to be simplified and clarified, and with that, some policy direction is needed. Examples include: removal of significant trees, “1/3-2/3” provision where a structure is allowed to encroach into up to 1/3 of Zone 2 of the shoreline buffer with the remaining 2/3 of Zone 2 (and all of Zone 1) planted with native vegetation.

3. Consistency with no net loss standard: The current conditions of the shorelines, including existing development, are the starting point or baseline for determining no net loss. Regulations and provisions need to be reviewed for consistency with the no net loss standard. For example, do any vegetation management regulations result in “restoration” vs. “mitigation” for identified impacts? Examples of means to achieve the no net loss standard would also be helpful for project applicants and qualified professionals completing site specific impact analysis reports to clarify the concept of no net loss.

4. Integration of other codes/policies (stormwater, climate change): The City’s stormwater regulations have been updated since the SMP update (Chapter 15.20 BIMC). These should be integrated. A direct discharge criteria should be considered and consistency with the Single-Family Mitigation Manual can be improved. The Planning Commission may consider incorporating sea level rise and climate change adaptation.

5. Specific regulations or performance standards: While staff does not recommend any changes to current thresholds or performance standards, the Planning Commission may review and consider revisions to specific regulations. Any revisions would likely trigger the need to review and update background documents (e.g., Cumulative Impacts Analysis). Examples include:

- a. Limits/requirements on bulkhead repair/replacement (SMP Section 6.2)
- b. Prohibition of docks (SMP Section 6.3)
- c. Buffer widths (SMP Section 4.1.3; Table 4-3)
- d. Limit on liveaboards (SMP Section 5.3)
- e. New construction limit lines for Manzanita and Fletcher Bays (Special Area Maps)

6. Mitigation manual: The mitigation manual needs to be updated to reflect current standards of other agencies (e.g., U.S. Army Corps of Engineers), provide alternatives for impervious surface impacts, and improve consistency/integration with the text of the SMP.

7. Applicability: The applicability of the SMP in general needs to be clarified. The use of terms such as “development, use or activity,” “human activity,” “whether it requires a permit or not,” among others, is confusing. Complexity and redundancy could be reduced by eliminating the applicability subsection in every section of the SMP.

8. Readability: Shorten document, improve clarity, simplify and reduce complexity; correct errors and omissions

SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
4.1.5	Critical Areas	Consistency audit with SMP amendment	4,8
4.2.1	Existing Development (Nonconforming)	Consistency audit with SMP amendment	3,7,8
4.0	Table 4-1 Table 4-2 Table 4-3	Table 4-1 (Use and Modification Table) - Clarify footnotes (revisit #22 re: mixed use physical separation) - Correct inconsistencies between table and text (e.g., subdivisions) - Revisit requirement for shoreline conditional use permit for all retaining walls - Clarify primary vs. accessory utilities - Clarify allowance of overwater structures when used as public trails Table 4-2 (Dimensional Standards) - Address missing footnotes (#5 and 7) - Clarify utilities setbacks Table 4-3 (Buffers) - Revise for improved readability and ease of administration - Clarify when “expands to include existing native vegetation applies” - Clarify that all shallow lots (<200 feet deep) are assigned narrower buffer - Clarify how buffer is measured for high bluff properties (i.e., what is between Zone 1 at OHWM and top of bluff) - Clarify criteria for Category A and B lots - Add figure reference and reference to Section 4.1.3 - Clarify what geomorphic classes are or where information about them is located No change in required buffer widths is anticipated	8
4.1.2	Environmental Impacts	- Clarify that mitigation follows a sequence/“when mitigation is required” language – if an impact cannot be avoided, mitigation is required - Simplify and clarify applicability section, clarify “development, use, activity” - Move vegetation management regulations to Section 4.1.3 (e.g., 4.1.2.5, Revegetation Standards) - Clarify and emphasize that either use of the Single-Family Mitigation Manual or submittal of a site-specific impact analysis is required; clarify when manual can be used - Delete references that don’t exist - Revisit “in perpetuity” requirement when mitigation is required (SMP 4.1.2.7) - Clarify mitigation and monitoring requirements (SMP 4.1.2.8), consider threshold (e.g., not required for > \$1000) for performance, mitigation/monitoring	3,6,7,8

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SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
		• Clarify that new impervious surface area requires mitigation (only mentioned in Single-Family Mitigation Manual); better tie to manual • Consider new language that requires prioritizing where mitigation planting is located – has to go where it will have most ecological benefit	
4.1.3	Vegetation Management	• Relocate and revise, if needed, vegetation management-related regulations from SMP 4.1.2.5 ○ SMP 4.1.2.5.1 – Revegetation Standards – improve clarity ○ SMP 4.1.2.5.3 – Clarify what “altered or reduced” means; when applicable? ○ SMP 4.1.2.5.4 – Revise for clarity; remove requirement for offsite mitigation to be in Zone 1 • Clarify applicability section, non-retroactive nature of regulations • Clarify which requirements apply to new development vs. existing development • SMP 4.1.3.4 – Exceptions – clarify what is allowed without City review or approval, replace this section with tree and vegetation regulations (including exemption for yard and garden activities) from critical areas ordinance, remove requirement to leave downed hazard tree on site (if left, considered sufficient mitigation) • SMP 4.1.3.5 – Create new section that just explains establishment of shoreline buffers (2 options); revisit HMP requirement and review process; remove references to documents that don’t exist or consider programmatic approach to vegetation maintenance by City or other land managers (SOP manual, also referenced in SMP 4.1.3.7) • Provide mechanism for some level of significant tree removal (e.g., develop significant tree removal criteria) • Revisit requirements for vegetation removal/replacement outside shoreline buffer (native and non-native, significant trees) • SMP 4.1.3.6 – Clarify “1/3 2/3” provision; applicable to new development only? • SMP 4.1.3.7 – Clarify applicability, provide consistency with other vegetation maintenance provisions, define “modified area,” delete minor pruning section, refer to critical areas tree and vegetation regulations, revisit requirement for clearing permit, clarify connection to SMP 4.1.4, Land Modification, as referenced, clarify utilities • SMP 4.1.3.7.2 – Consolidate with new section relating to just shoreline buffers, clarify what “dimensions altered” means, clarify requirement for when Zone 1 must be restored • SMP 4.1.3.7.3 – Clarify what “minimum necessary for public use” means, improve connection to Single-Family Mitigation Manual, clarify whether stairs need to be grated and type of mitigation required if not grated • SMP 4.1.3.8.1 and 3 – Revise entire sections for clarity; no changes to size thresholds anticipated • SMP 4.1.3.8.4 – View maintenance – clarify and simplify; reference critical areas tree and vegetation requirements?, delete requirement for Bluff Management Plan	1,2,3,5,6,7,8

SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
		SMP 4.1.3.11 – Shoreline Structure Setback View Requirements – Clarify applicability, relocate option to build in Zone 2 language, correct figure references, simplify language, clarify what constitutes “most waterward point”	
4.1.4	Land Modification	- Eliminate requirement for clearing permit for “all clearing” to allow for nominal landscaping activities (e.g., 25 cubic yards/200 square foot thresholds) - Clarify language, better integrate with other sections	7,8
4.1.6	Water Quality and Stormwater Management	- Integrate new (2016) stormwater regulations (BIMC 15.20) - Add direct discharge criteria (i.e., when is one allowed? Considered necessary?) - Update wood treatment regulations per agency guidelines - Improve consistency with Single-Family Mitigation Manual	4,8
Appendix D	Single-Family Mitigation Manual	- Better integrate into code language – when it can be used and how it relates to vegetation management requirements - Provide alternatives to rain garden for new impervious surface area; clarify where rain garden must be located when required (inside or outside shoreline buffer) - Update per current agency guidance/requirements (e.g. Corps of Engineers, WDFW)	2,3,4, 6,7,8
5.3	Boating Facilities	- Revisit liveaboard threshold (currently 10 percent) - Revisit management and operations (implementation)	6,8
6.3	Overwater Structures	- Improve consistency with Single-Family Mitigation Manual and other agency mitigation requirements - Clarify grammar in prohibitions section - Clarify length thresholds (how to determine) - Clarify buoy density	5,6,7,8
8.0	Definitions	- Add missing definitions (e.g., significant tree, alteration, redevelopment) - Clarify definitions	8
Appendix A	Shoreline Designation Map	- Correct inconsistencies between paper and GIS maps (one identified) - Correct error (one identified) No changes to shoreline designations anticipated other than corrections	8
Appendix E	Special Area Maps	- Include corrected maps - Consider construction limit lines for Manzanita Bay and Fletcher Bay	5,8
All	Global edits	Clerical and implementation efficiency edits anticipated in every section	8
--	Climate Change/Sea Level Rise	Incorporate climate adaptation/sea level rise into goals, policies and regulations.	4
5.2	Aquaculture	Pending outcome of current limited amendment.	5,8

Bainbridge Planning Commission Public Comments

June 27, 2019 Meeting

Ad Lib Objection to no agenda being posted.

My name is Dick Haugan. I am an active member of Preserve Reasonable Shoreline Management, a Washington State Non Profit corporation under IRS Code 501c3. We are a pro-environment organization. We seek out pragmatic solutions to the environmental problems facing Bainbridge Island, our State and our Nation.

We are especially focused on ways, pragmatic and sustainable ways, to protect the Salish Sea which we all enjoy.

In fact, we would like to find, if possible, common environmental solutions not only for Bainbridge Island, but environmental solutions that can serve as a model for the rest of the State and perhaps the rest of the nation.

There are two active broad-based pieces of legislation affecting Bainbridge that are center plate. One is the Shoreline Master Program, or SMP as it is better known, and the Critical Areas Ordinance or CAO.

We note that there are 262 SMP's in Washington State. All different. Perhaps the Bainbridge SMP, with refinement, could serve as a model and be adopted by the other 261.

We are encouraged that the City is undertaking review of its SMP. Part of that review is clarification and part is to ascertain after several years of implementation, an evaluation of how well our SMP is working. We want to simplify the 414 page SMP and to allow it to provide tangible environmental benefit.

To that end I call your attention to Michael Bloomberg and Carl Pope's book "Climate of Hope". It should become a blueprint of how to attack environmental issues. I introduced it to City Council a few weeks ago and for sure at least one Council Member, Matt Tirman, bought the book and we discussed it. You too might check it out. If you do not know, Bloomberg was major of New York and is a self-made billionaire and is now dedicated to philanthropy and specific global environmental issues. Mr. Pope is an environmentalist and was CEO of the Sierra Club.

I have been in contact with Mr. Bloomberg and, in fact, invited him to Bainbridge Island. I personally became interested in Mr. Bloomberg when he was considering a run for President of the United States.

"Climate of Hope" makes many, many points about pragmatic ways to attack environmental issues. I'll mention two:

- 1. To be successful you must "bring people along – not force policy down their throat."*
- 2. "If you cannot measure it you cannot manage it" meaning an ideal needs more than a concept to be accepted.*

(Brief adlib recap about dirty coal plants)

The Planning Commission is now responsible for the SMP review. One of the most critical elements of that review is the measurement – or definition – of **No Net Loss**. Although I doubt anyone in this room argues with the concept that we do not want to make our environment worse - and better if we can - it is unclear how we get there in a pragmatic way all stakeholders can support.

Let me give you one hypothetical example. I recently spoke at length with Hererra, the consulting group in Seattle which performed a study for Bainbridge Island on the best available science to determine buffers and

related topics. "Best available Science" is central to the pragmatic implementation of our SMP. I broached the subject of No Net Loss and ways to measure it. It is too long for a discussion right now but I discovered there are ways to measure and therefore make these pragmatic decisions about the health of the Salish Sea including Puget Sound. The marker species is salmon, their spawning habits, feeding habits and migratory habits. Although it actually varies by species there is hard science on salmon we all can believe.

Back to the hypothetical. If we could determine, for example, that a certain tree and/or plant species would help salmon thrive, shoreline homeowners could and would embrace the effort by planting a particular tree or plant species on their property. The City is missing the opportunity to bringing shoreline people along rather than micromanaging a theoretical model of shoreline lifestyle. As it stands now, the shoreline homeowners are called out as the group that needs to be watched and controlled to protect Puget Sound.

You, the Planning Commission, have the opportunity to find the good parts of our SMP and get rid of the bad parts in this review process. We were encouraged when the Planning Department announced in the recent SMP Study session that a goal was to reduce the 414 page SMP by 50%. That is a good goal all by itself because it sets the tone of finding concepts that work and reducing the micromanagement of concepts that do not do anything for the environment.

Consider our group, Preserve Reasonable Shoreline Management your ally and include us in finding a solution. Your recently formed subcommittee is a logical way to accomplish that.

Thank you.

M.C. Halvorsen 6/27/19

The Law Dictionary

Featuring Black's Law Dictionary Free Online Legal Dictionary 2nd Ed.

Navigation 



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What is COMMON LAW?

As distinguished from the Roman law, the modern civil law, the canon law, and other systems, the common law is that body of law and juristic theory which was originated, developed, and formulated and is administered in England, and has obtained among most of the states and peoples of Anglo-Saxon stock. *Lux v. Haggin*, 69 Cal. 255, 10 Pac. 674. 2. As distinguished from law created by the enactment of legislatures, the common COMMON LAW 227 COMMON PLEAS law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs; and, in this sense, particularly the ancient unwritten law of England. *Western Union Tel. Co. v. Call Pub. Co.*, 181 U. S. 92, 21 Sup. Ct. 561, 45 L. Ed. 765; *State v. Buchanan*, 5 Har. & J. (Md.) 365, 9 Am. Dec. 534; *Lux v. Haggin*, 69 Cal. 255, 10 Pac. 674; *Barry v. Port Jervis*, 64 App. Div. 268, 72 N. Y. Supp. 104. 3. As distinguished from equity law, it is a body of rules and principles, written or unwritten, which are of fixed and immutable authority, and which must be applied to controversies rigorously and in their entirety, and cannot be modified to suit the peculiarities of a specific case, or colored by

any judicial discretion, and which rests confessedly upon custom or statute, as distinguished from any claim to ethical superiority. *Klever v. Seawall*, 65 Fed. 395, 12 C. C. A. 661. 4. As distinguished from ecclesiastical law, it is the system of jurisprudence administered by the purely secular tribunals. 5. As concerns its force and authority in the United States, the phrase designates that portion of the common law of England (including such acts of parliament as were applicable) which had been adopted and was in force here at the time of the Revolution. This, so far as it has not since been expressly abrogated, is recognized as an organic part of the jurisprudence of most of the United States. *Browning v. Browning*, 3 N. M. 371, 9 Pac. 677; *Guardians of Poor v. Greene*, 5 Bin. (Pa.) 557; *U. S. v. New Bedford Bridge*, 27 Fed. Cas. 107. 6. In a wider sense than any of the foregoing, the "common law" may designate all that part of the positive law, juristic theory, and ancient custom of any state or nation which is of general and universal application, thus marking off special or local rules or customs. As a compound adjective "common-law" is understood as contrasted with or opposed to "statutory," and sometimes also to "equitable" or to "criminal." See examples below

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application is submitted for any and all required construction permits within 180 days of the damage or removal.

18.36.030 Definitions.

For the purposes of this chapter and Chapters 2.14 and 2.16 BIMC, the following definitions shall apply unless the context clearly requires otherwise. **ADDITIONAL LANGUAGE FROM LEGAL**

1. "Abutting" means bordering or touching, such as sharing a common lot line. Lots that are separated by a street or right-of-way are not abutting, they are adjoining.

5. "Accessory agricultural retail" includes community kitchens and stables, and also means the sale of (a) crops grown or livestock raised by a farmer, or (b) value-added products made from crops grown or livestock raised by the farmer, and (c) incidental associated agricultural products sold on site where agricultural crops or livestock are grown or raised that is subordinate to the actual agriculture on-site. Products sold shall be (a) primarily Island-grown crops, (b) value-added products if the defining ingredient was Island-grown, and (c) associated products that are incidental to the agricultural activity on the site.

a. "Accessory agricultural retail, minor" means agricultural retail that (1) generates less than 36 round trips per day on average, and (2) does not conduct more than four non-agricultural special events each year. This category includes farm stands and joint use of farm stands by multiple producers and the use of retail sites for pick-up of community-supported agricultural deliveries. See "Farm stand."

b. "Accessory agricultural retail, major" means agricultural retail that is more intensive than minor agricultural retail.

6. "Accessory agricultural tourism" means agriculturally related accessory uses that are subordinate to the growing of crops or the raising of livestock, designed to bring the public to the farm on a temporary or continuous basis, such as U-pick farm sales, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, farmland and facility tours, horticulture nurseries and associated display gardens, cider pressing, classes or workshops, wine or cheese tasting, etc. Accessory agricultural tourism does not include overnight stays for guests such as a bed and breakfast or farm-stay type use.

XX. "Adjacent" means that which is near or close; for example, a property located across the road or highway shall be considered as adjacent. NOTE: same definition in SMP BIMC 16.12.080

14. "Adjoining" means immediately abutting or separated only by a street or right-of-way.

XX. "Commercial/Residential Mixed Use" means having commercial and residential uses on the same property.

69. "Day care center" means a building or structure in which an agency, person, or persons regularly provide care for 13 or more people in any 24-hour period and could include a public or private school. Businesses that offer care only before and after school are considered educational facilities. SEE BELOW

82. "Educational facilities" means a public or private school or educational or training institution that offers a program of college, professional, environmental, preparatory, high school, middle school, junior high school, elementary school, kindergarten instruction, or preschool, or any combination of those facilities, together with associated staff housing and/or conference facilities and other typical educational accessory uses.

168. "Motor vehicle sales lot" means any land or buildings used primarily for the sale of new or used motor vehicles fit for transportation.

191. "Parfitt-Waterfront area" is defined as that area south of the boundary created by the following parcels and streets; starting at the northern property line of 272502-4-1130-2000; proceeding eastward along Blue Bjune Drive to its western intersection with Brien Drive; proceeding eastward along Brien Drive to its intersection with Bjune and Shannon Drives; and proceeding southward along Shannon Drive to the south property line of 4114-005-001-0003; and proceeding eastward to Winslow Ravine.

192. Park, Active Recreation. "Active recreation park" means a park where the primary uses are athletic fields, playgrounds, swimming facilities, sports courts, or other activities that require specialized fields or equipment.

193. Park, Passive Recreation. "Passive recreation park" means a park where the primary uses are hiking, bird watching, picnicking, camping and other low impact activities.

Proposed alternative language for 18.36.030.XX:

In the last full line of the definition, in place of "is necessary," consider "may be permitted."

Subsection "b."

For construction that requires a development permit, such as a grading or building permit, the temporary construction staging permit cannot be issued until any related development permits **[are]** issued. The application shall be processed as an administrative approval **[of a conditional use]** under BIMC Title 2.16.020 **[and 2.16.050]**.

Subsection "c."

The staging area and the access . . . must comply with . . . in order to **[minimize inconvenience to neighboring properties and]** protect public health, safety and the environment.